

December 20th, 2024



Where Dignity Meets Justice

## DECEMBER ADVOCACY TIPS

### 1 Payment Options For Past-due Medicare Premiums

If you or a client owe past-due medicare premiums, there are a few options to help get back on track. (1) Apply for a installment payment plan (as low as \$15/month) with the Social Security Administration; (2) Request a waiver from the Social Security Administration where there is an extreme hardship; (3) File an appeal with Medicaid if there was an incorrect Medicaid decision affecting their Medicare Savings Program; or (4) Request a Social Security Administration non-medical reconsideration. To learn more, [please visit the National Center on Law and Elder Rights practice tip.](#)

*Legal Services of Long Island's Senior Citizen Law Project provides legal representation, advice, and referrals to Nassau County seniors in matters involving housing, health care, and social security. The Project also assists with wills, power of attorney and health care proxy forms, pooled trusts, Medicaid planning, consumer debt, and utility shut-offs.*

*With specific funding from the Nassau County Office for the Aging, the Project assists Nassau County seniors age 60 and older who have a legal issue that meets our priority guidelines.*

*Telephone consultations assist clients with problem analysis, information, and referral. Individual cases are accepted for representation after case evaluation. Special visits can be arranged for those who are homebound, in-hospital, or nursing home residents.*

*In addition to the "Helpline" and legal representation, the Project collaborates with Senior Citizen social agencies, provides training, and participates in community information events that target seniors. Nassau residents can call 516-292-8100.*

### Medicare To Be Accessible for Older Individuals Leaving Incarceration

# 2

In November, the Centers for Medicare and Medicaid Services (CMS) finalized a rule that narrows Medicare's description of "custody" to physical

confinement. As a result of this change, effective January 1, 2025, Medicare-eligible older adults and people with disabilities who are released to the community pending trial, on parole, probation, home detention, or required to reside in halfway houses, will be able to access Medicare coverage.

Additional rule changes will make it easier for people to enroll in Medicare at re-entry by linking eligibility for the [Special Enrollment Period \(SEP\) for formerly incarcerated individuals](#) to the Social Security Administration's determination that they are no longer incarcerated.

*The Human Rights Project ReEntry helps people who need help with reintegrating into the community after facing criminal charges. We cover such topics and issues as: Employment discrimination, Section 8 issues, Certificates of relief from civil disability/certificates of good conduct, Denial of a professional license, Denial of employment due to prior neglect/abuse findings, Housing, Public benefits, and Consumer Debt. To be screened for services, Nassau residents can call 516-292-8100 and Suffolk residents can call 631-232-2400.*

## 3

### Deferred Payment Agreements with PSEG

PSEG offers Deferred Payment Agreements (DPA) to customers behind on their electric bills to prevent a shut-off. If a customer is behind on their bill and at risk of a shut-off, the customer should call and request to complete a Determination of Customer Resources form to be considered for a \$0 downpayment and \$10 per month DPA. **\*Important\*** The customer must continue to pay their monthly bill plus the amount for the DPA. A DPA can be amended anytime due to a change in circumstances BUT if a customer defaults on a DPA, a shut-off can proceed and a new DPA will not be allowed.

If a customer is having problems with their utilities (e.g. landlord not paying the utility bills or PSEG denying a medical emergency request), they can contact Legal Services of Long Island to be screened for services.

### Emergency HEAP Will Open on January 2, 2025

## 4

The Home Energy Assistance Program (HEAP) helps low-income people pay the cost of heating their homes. If you are eligible, you may be eligible for an emergency HEAP benefit if you are in impending danger of running out of fuel or having your utility service shut off. The 2024-2025 First and Second Emergency is scheduled to open on January 2, 2025. If you are eligible, the Emergency HEAP Benefit can help you heat your home if you are in a heat or heat-related emergency. Emergency HEAP benefits and eligibility are based on income, available resources, and the type of emergency.

To learn more or to apply, please visit the [Office of Temporary and Disability Assistance website](#) or go to your local Department of Social Services office in [Suffolk](#) or [Nassau](#).

*The Public Benefits Unit provides legal assistance to persons who experience problems with public benefits programs that are administered by the local Departments of Social Services, including:*

- *Welfare (TANF and Safety Net)*
- *Medicaid*
- *Food Stamps (SNAP)*
- *Child Care Assistance*
- *HEAP*
- *Emergency shelter for the homeless*
- *Unemployment insurance appeals and overpayments*
- *Other emergency assistance programs*

*We also assist low-income households in establishing Supplemental Needs Trusts to*

eliminate the Medicaid spend-down and assist homeless families in obtaining rent supplements from DSS to enable families to leave the shelters or retain permanent housing. Nassau residents can call 516-292-8100 and Suffolk residents can call 631-232-2400.

# 5

## Housing Insecurity Prevention Assistance Programs Open

Town of Babylon's Tenant-Based Rental Assistance Program opened on December 18th, 2023. This program is for extremely low-income households who are in rental arrears to help residents regain housing stability and prevent homelessness. For more information and to apply, [please visit Long Island Housing Partnership's website](#).

Town of Babylon's Mortgage Arrears Program opened on February 27th, 2024. The Town of Brookhaven (Town) is making CDBG-CV funds available for low to moderate-income Town of Babylon residents with mortgage arrears incurred due to a COVID-19-related loss of income. Funds will cover a maximum of 6 consecutive months of arrears, subject to a cap of \$50,000, and are paid directly to the lender. For more information and to apply, [please visit the Long Island Housing Partnership's website](#).

*Legal Services of Long Island, in partnership with Empire Justice Center, can now assist Nassau and Suffolk residential tenants with housing-related legal problems (like eviction) and a household income of up to 80% of the Area Median Income. Services are available through this partnership regardless of immigration status. Please call the office closest to you to see if you are eligible for legal services. Interpreters are available. Suffolk residents west of 112 can call 631-232-2400 and east of 112 can call 631-369-1112. Nassau residents can call 516-292-8100. [Feel free to share our flyer in both English, Spanish, and Haitian-Creole](#)*

## Check out our latest Know Your Rights Tenant fact sheets in English, Spanish, and Creole.

**Know your rights: Tenants**

**LEGAL SERVICES OF LONG ISLAND**

Legal Services of Long Island (LSLI) is committed to helping people in need assert and secure their rights under the law. Established in 1966, LSLI was one of the first Legal Services Corporation programs in New York State. We provide free legal services in thousands of civil (non-criminal) cases each year, as well as legal support to community advocates to ensure that people with low incomes and disabilities have equal access to the civil justice system on Long Island.

**Types of Landlord/Tenant Cases**

- Non Payment** - This type of case is initiated by a landlord to collect unpaid rent.
- Holdover** - This case is seen when the tenant remains in the property after the expiration of the lease.
- Post Foreclosure Holdover** - This refers to a situation in which a tenant remains in a property after it has been foreclosed upon and transferred to a new owner.

**Notices you may Receive Before a Case is Scheduled for Court**

In a non-payment eviction case, the landlord must send 2 late rent notices before taking the tenant to court. The first notice is a **5-day late rent notice**, if the tenant doesn't pay rent after the first notice, they will receive a **30-day rent demand**, after which the court case begins, and the **notice of petition** is served. The holdover eviction process is different as it depends on how long a tenant has lived in the home or the length of the lease. If a tenant has lived in the home less than a year OR leased for less than 1 year, the **30 days written notice** is given. If a tenant has lived in the home between 1 and 2 years OR leased for 1 year, the **60 days' written notice** is given. If a tenant has lived in the home 2 or more years OR leased for 2 years, the **90 days' written notice** is given. In this case, after the tenant remains in the property after the end of the notice period, the **notice of petition** is served.

**Documents to Bring to Court**

- Notice of Petition / Petition
- Receipts of Rent Paid
- Pictures of Habitability Issues
- Lease

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**Conozca sus derechos: Arrendatario**

**LEGAL SERVICES OF LONG ISLAND**

**Tipo de Arrendador / Caso de Alquiler**

- Falta de pago**: este tipo puede ser iniciado por un propietario para cobrar el alquiler impagado.
- Remanente**: este caso se ve cuando el inquilino se queda en la propiedad después de la expiración del contrato de arrendamiento.
- Post Surprise Holdover** - Esto se refiere a una situación en la que un inquilino vive en una propiedad después de que ha sido vendida y transferida a un nuevo propietario.

**Avisos que puede recibir antes de un caso programado para la corte**

En un caso de desalojo por falta de pago, el propietario debe enviar 2 avisos tarde antes de que el inquilino sea llevado a la corte. El primer aviso es un aviso de alquiler con 5 días de retraso, si el inquilino no paga el alquiler después del primer aviso, se recibirá una solicitud de alquiler. Los días después de que comience el caso judicial, se entregará el aviso de solicitud de la petición. El proceso de desalojo por remanente es diferente, ya que depende de cuánto tiempo haya vivido el inquilino en la casa o de la duración del contrato de arrendamiento. Si un inquilino vive en la casa menos de un año o menos de 1 año, se notifica por escrito con 30 días de anticipación. Si un inquilino vive en la casa entre 1 y 2 años o menos durante 1 año, se notifica por escrito con 60 días de anticipación. Si un inquilino vive en la casa con 2 o más años de antigüedad, el aviso de 90 días se emite por escrito. En este caso, después de que el inquilino permanezca en la propiedad después del final del período de notificación, se notifica la petición.

**Documentos para llevar a la corte**

- Avisos de Petición / Peticiones
- Recibos de alquiler pagados
- Problemas de imagen Hábitos
- Arrendamiento

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**Konnen dwa ou yo: lokatè (moun ki lwe kay)**

**LEGAL SERVICES OF LONG ISLAND**

**Kalite Mèt kay / Ka Lokasyon**

- Peman Pa-Peye** - Kalite ka sa inisye pa yon mèt kay pou lokatè kiò. Inisye ki sa peye.
- Holdover** - Ka sa sèlè lokatè a rete nan pwopriyete a apre ekspirasyon nan kontray la.
- Aprè Sezè Holdover** - Sa a refere a yon sityasyon kote yon lokatè rete nan yon pwopriyete apre yo sezè li sou li epi ki transfere ak yon nouvo pwopriyete.

**Avi ou ka resevwa anvan yon ka pwogram pou Tribinal la**

Nan yon ka mete lokatè deyò ki pa preye-perman (eviksyon), mèt kay la dwe voye 2 avi peman an reta anvan yo mennen lokatè a nan tribinal. Premye avi a se yon avi lweye peman. Si ou an reta, si lokatè a pa paye lweye a apre premye avi sa a, yo ap resevwa yon avi la you demann lòd lweye apre de ka tribinal la. Anvan ekspirasyon nan kontray la, ou pral voye lokatè te viv nan kay la. Ou pral pran 2 dispann de kontray la an yon lokatè te viv nan kay la. Ou pral pran 2 dispann de kontray la an yon lokatè ap viv nan kay la menmjan pou ane dweyen mwen gen yon kontra lweye pou 1 ane, yo bay avi 30 jou alekri si yon lokatè ap viv nan kay la an 1 an 2 ane oubyen pi plis pandan lweye, yo bay avi 60 jou alekri si yon lokatè ap viv nan kay la 2 oubyen pi plis pase 2 ane, yo bay avi 90 jou alekri a. Nan ka sa a, apre lokatè a rete nan pwopriyete apre lweye geryòd av, yo sevè li avi petyisyon an.

**Dokiman pou pote nan Tribinal**

- Avi Petyisyon / Petyisyon
- Resi peman lweye
- Foto ki montre pwoblèm
- Kontra lweye

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## Fact Sheets on Illegal Evictions in Suffolk County in English, Spanish, and Creole





presented "Knowledge is Power: Legal Steps After a Domestic Violence Incident." Supervising Attorney Larry Tuthill discussed orders of protection, child custody orders, and how to be evaluated for services by the Suffolk County Domestic Violence Project. [Slides are available on our website.](#) [View the recording on our YouTube Channel.](#)

Legal Services of Long Island's Legal Support Center for Advocates presented, "Understanding the 17A Guardianship Option for Parents" on October 29th, 2024. We discussed resources, services, and procedures that can assist your clients considering a 17A guardianship for their intellectually or developmentally disabled child. Also, learn how your clients may be eligible for our upcoming FREE legal clinic which will provide free advice and counsel to individuals considering the 17A Guardianship process. \*Please note that this presentation is appropriate for advocates and professional staff only. This is not a presentation geared towards parents\* [Slides can be accessed on our website.](#) [View the training on our YouTube Channel.](#)

On October 17th, 2024, Legal Services of Long Island presented "Know Your Rights About Medical Debt." Supervising Attorney Sharon Campo provided medical debt updates and reviewed ways to prevent and combat medical debt. [Slides can be accessed on our website.](#) [View the recording on our YouTube Channel.](#)

On September 13th, 2024, The Legal Support Center for Advocates presented "Understanding the Importance of Advanced Care Directives". We discussed basic advanced care directives you or your clients may need while planning for their future. Also, learn how you or your clients may be eligible to attend our upcoming Advance Care Planning Clinic. [Slides can be accessed on our website.](#) [View the recording on our YouTube Channel.](#)

On August 28th, 2024, the Legal Support Center for Advocates presented "Empowering Your Future: Managing Student Loan Debt." Nassau Suffolk Law Services' Legal Support Center for Advocates welcomed Nancy Nierman of the Education Debt Consumer Assistance Program (EDCAP). Ms. Nierman provided updates on the current student loan landscape including repayment options and other ways to discharge your student loans. EDCAP is a program of the Community Service Society of New York. [Slides can be accessed on our website..](#) [View the recording on our YouTube Channel.](#)

[Links to all of our prior trainings can be found on our website.](#)

Did you miss any of our *Programs of Legal Services of Long Island* Presentations? Feel free to watch them on [our YouTube Channel!](#)

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## UPCOMING EVENTS

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Upcoming Community Legal Help Project locations, dates, and times for Nassau and Suffolk County [can be found on our website.](#)

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## PRO BONO ATTORNEYS NEEDED

A little more about our volunteer needs:

## Nassau County

### Volunteer Lawyers Project

The Volunteer Lawyers Project is an innovative pro bono program to expand the availability of legal services to Nassau County residents in need. The Project provides an opportunity for attorneys to represent clients and volunteer their time and expertise by providing free legal services. The Volunteer Lawyers Project needs pro bono assistance in the areas of Chapter 7 Bankruptcy, Divorce, Article 17A Guardianships, Health Care Proxies, Name Changes, Power of Attorney, and Wills.

Contact: Reisa Brafman, Esq., [516-292-8100](tel:516-292-8100) ext. 3380, [rbrafman@legalservicesli.org](mailto:rbrafman@legalservicesli.org)

### Bankruptcy Clinics through the Volunteer Lawyers Project

Currently, clinic appointments are one-on-one with attorneys consulting with clients in person, by phone, or virtually. Volunteer attorneys guide those considering bankruptcy, screening for referral to pro bono attorneys for filing of Chapter 7 petitions. This is a limited engagement, though participating attorneys may also be referred cases.

Contact: Reisa Brafman, Esq., [516-292-8100](tel:516-292-8100) ext. 3380, [rbrafman@legalservicesli.org](mailto:rbrafman@legalservicesli.org)

### Community Legal Help Project

The Community Legal Help Project recently expanded into Nassau County. We are looking for attorneys to provide pro bono half-hour consultations with Nassau County Residents. The areas of law most in need are immigration, family, matrimonial, elder, and bankruptcy.

Contact: Roberta Scoll, Esq., [516-292-8100](tel:516-292-8100) ext. 3115, [rscoll@legalservicesli.org](mailto:rscoll@legalservicesli.org)

## Suffolk County

### Pro Bono Project

The Pro Bono Project is an innovative pro bono program to expand the availability of legal services to Suffolk County residents in need. The Project provides an opportunity for attorneys to represent clients and volunteer their time and expertise by providing free legal services. The Pro Bono Project needs pro bono assistance in the areas of Chapter 7 Bankruptcy, Divorce, Article 17A Guardianships, Health Care Proxies, Name Changes, Power of Attorneys, and Wills.

Contact: Kiersten Bartolotta, Esq., [631-232-2400](tel:631-232-2400) ext. 3311, [kbartolotta@legalservicesli.org](mailto:kbartolotta@legalservicesli.org)

**[The Suffolk County Pro Bono Project is now on Paladin! Please take a look at our current volunteer attorney opportunities and connect with us!](#)**

### Community Legal Help Project

The Community Legal Help Project (CLHP) is a partnership of legal providers created by the NYS Permanent Commission on Access to Justice and the Suffolk County Access to Justice Committee. The CLHP's network of non-profit partners and pro bono volunteers currently provides legal information and referrals, and limited-scope representation through a phone line and brief in-person consultations at public libraries. Attorneys with a background in immigration, family, elder and/or matrimonial law are needed to assist the community. Volunteer attorneys can dedicate their time monthly, bi-monthly, quarterly, or at their leisure.

Contact: Rashika Hettiarachchi, Esq., [631-232-2400](tel:631-232-2400) ext. 3391, [rhettiarachchi@legalservicesli.org](mailto:rhettiarachchi@legalservicesli.org)

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Did you hear our exciting news? **Nassau Suffolk Law Services is now Legal Services of Long Island**, highlighting our role as the region's largest non-profit provider of free civil legal assistance, fighting for our most vulnerable neighbors in our local justice systems, and advocating where you need us most. While our name has evolved, our mission remains the same: to provide unwavering legal support.



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## WHERE DIGNITY MEETS JUSTICE



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Join Nassau Suffolk Law Services as we continue to illuminate pathways to justice under our new name, **Legal Services of Long Island (LSLI)**. Help us guide our communities and neighbors in need towards accessible free legal services for all.

[Watch Us Evolve](#)



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Legal Services of Long Island is a 501(c)(3) and your donation is 100% tax-deductible. Join us in our mission to provide free, quality civil legal representation to Long Island's neediest residents.

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