

COMMUNITY HEALTH LAW PROJECT



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ANNUAL REPORT

July 1, 2019 - June 30, 2020



HIGHLIGHTS OF FORTY-FOUR YEARS OF SERVICE IN NEW JERSEY

- 1976** Community Health Law Project established by the New Jersey State Bar Association and designated by the New Jersey Supreme Court as a legal aid society
- 1978** Successful CHLP suit ensures that community residences for people with disabilities may operate in residential districts
- 1978** CHLP advocacy leads to amending the NJ Law Against Discrimination to apply to people with mental health disabilities
- 1985** Federal lawsuit in Mercer County opens federally subsidized housing to people with mental health disabilities
- 1988** Successful CHLP lawsuit prohibits state from terminating adult dependents with mental health disabilities from health insurance coverage under their parents' State Health Benefits Plan
- 1994** CHLP receives U.S. Housing and Urban Development grant for work in removing architectural barriers in public accommodations
- 1995** Favorable Appellate Division ruling on CHLP - initiated suit forces NJ casinos to implement affirmative action programs of employment for people with disabilities
- 1996** CHLP statewide survey shows that only 4% of residential multifamily units comply with state and federal architectural barrier laws
- 1996** CHLP federal court suit results in invalidation of NJ municipal zoning laws that exclude group homes for people with disabilities from residential neighborhoods
- 2002** CHLP class action results in agreement by developer to fund \$300,000 worth of accessibility renovations in 266 residential units
- 2004** Successful CHLP precedent – setting Appellate Division decision excluding SSI benefits from being used for child support obligations of parents with disabilities in *Burns v. Edwards*
- 2005** CHLP successfully advocated for eliminating state and county institutional and hospital liens, and limiting cost of care for patients of public psychiatric hospitals
- 2005** CHLP successfully advocated for statewide ADA standards and compulsory training of local welfare agencies to identify and accommodate the special needs of people with disabilities
- 2005** CHLP advocacy leads to NJ Fair Housing Act amendment requiring all new multifamily Mt. Laurel housing to be adaptable for use by people with physical disabilities
- 2008** NJ Superior Court judge orders \$1.5 million worth of retrofits to make condos accessible in *ADA v. Renaissance*
- 2009** CHLP successfully advocated for a law requiring public official and commercial data companies to remove lien records of former psychiatric patients from public view
- 2013** CHLP received grants from Robin Hood Foundation, Kessler Foundation, Hurricane Sandy NJ Relief Fund, and Sandy Legal Assistance Fund to assist victims of Hurricane Sandy
- 2014** CHLP settles 2007 federal court complaint against Port Authority of New York and New Jersey alleging that Jersey City PATH Station is inaccessible with the agreement to construct an elevator and lift to give access to the Grove Street Station
- 2016** CHLP expands services to clients living with HIV/AIDS to seven counties
- 2017** CHLP helped draft the language and advocate for the successful passage of a new law which provides “due process” rights to residents of free-standing Residential Healthcare Facilities prior to eviction
- 2018** CHLP launches Medical-Legal Partnership with addiction agency to provide legal services to those afflicted by the opioid crisis
- 2018** CHLP enters into a contract with the City of Elizabeth to assist residents in expunging their criminal records
- 2019** CHLP establishes Medical-Legal Partnerships with behavioral health providers in Monmouth and Essex Counties

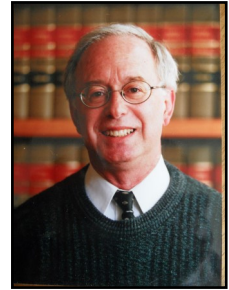
MESSAGE FROM THE EXECUTIVE DIRECTOR

During these difficult times, the Board of Trustees and staff of the CHLP hope that you are safe and well. We know that our colleagues in the many agencies around the state and governmental entities are struggling to continue their efforts to serve and assist New Jersey residents.

We too at the CHLP have adjusted to the new normal of remote work and assistance. I am encouraged and thankful that our staff across the State have successfully continued to provide assistance and advice to our many clients in a very different legal, social service and health care system climate than what existed before the Pandemic. However, through technology and diligence we are continuing to protect the rights and entitlements of our clients as well as staying connected to our service and governmental partners.

Although our offices are officially closed, staff are working effectively from home and many have volunteered to go to the office on a periodic basis. This has enabled us to be as efficient as possible. We hope to return to our offices on a part-time—then full time—basis in the coming year.

I wish to thank all of the CHLP staff for their dedication and hard work in continuing the organization's forty-four-year tradition of providing excellent service to New Jersey residents living with disabilities and chronic health problems.



Harold B. Garwin

HAROLD B. GARWIN, ESQ.

THE YEAR IN REVIEW: JULY 2019 - JUNE 2020

CHLP Elizabeth Office:

In March 2020, the Elizabeth Office staff transitioned to working remotely. Our office has continued to reach out to local agencies to make our services available to the community. We utilize google voice so phone calls are answered live and we use zoom software for staff meetings and presentations. Our office also uses an electronic facsimile service. Our office has continued to represent clients in all court and administrative proceedings and has continued to conduct outdoor home visits to obtain signatures and to complete notarization. Listed below are examples of the exemplary work our office has continued to accomplish throughout the course of the pandemic.

Our office twice obtained denials of landlords' applications to schedule an eviction trial date based on "interests of justice" exceptions to the eviction moratorium.

We obtained a reversal of a decision to terminate welfare benefits based on insufficient evidence presented against our client.

Our office obtained an extension of time for a client to utilize a Section 8 housing assistance voucher. We also obtained a modification of the voucher so that it met our client's needs of being in a wheelchair-accessible rental with a room for the client's live-in aide and a room for the client's abundance of medical equipment.

We negotiated a \$20,000.00 settlement in a post-judgment divorce dispute involving unpaid alimony and pension benefits to our client.

Our office obtained an emergent Order returning a client to a residential healthcare facility after the landlord illegally removed the client in violation of the eviction moratorium.

Our office obtained approval of an At-Risk Extension under a HUD program which prevented the foreclosure of a senior couple's home.

THE YEAR IN REVIEW: JULY 2019 - JUNE 2020

After consultation with the client's medical doctor and the property manager, our office convinced a landlord to rescind a notice to cease as an accommodation to the client's disability.

We obtained a total and permanent loan discharge of a loan which our client co-signed for their child. This discharge lifted garnishment of our client's Social Security benefits.

During a move from New York to New Jersey, our office worked to ensure a client with severe psychiatric impairments did not encounter a gap in Medicaid services and assisted the client in applying for General Assistance and welfare benefits pending his Social Security case.

CHLP Bloomfield Office:

When New Jersey shut down in March due to COVID-19, all tribunals including the New Jersey Judiciary, Social Security Administration's Office of Hearings and Appeals ("OHO"), and the New Jersey Office of Administrative Law (Medicaid and welfare hearings) suspended hearings and trials. Since then, the courts have gradually resumed hearings/trials on a limited basis, using telephone and video conferences.

In Bloomfield, throughout the pandemic, attorneys and advocates have represented clients in a variety of hearings. The following are some examples. We represented numerous clients in SSD/SSI hearings, conducted by phone, before administrative law judges. Most of these cases resulted in fully favorable decisions. We also represented a client in an Unemployment Insurance hearing, appealing the Department of Labor's decision to charge him with a \$4,000 overpayment. Following a phone hearing, the hearing officer reversed the agency's decision that there was an overpayment and determined that the client was at all times eligible for the benefits that he received. We also represented two clients in matters involving termination of Section 8 benefits. These hearings, using Zoom video conferencing, were conducted by designated hearing officers of the respective municipal housing authority agencies. One resulted in a fully favorable settlement whereby the municipality reversed its decision and reinstated the client's Section 8 benefits. The other matter resulted in an unfavorable decision - it is presently pending appeal before a judge of the Superior Court of New Jersey.

CHLP Trenton Office:

After the Covid-19 Public Health Emergency shut down in-person landlord/tenant court in mid-March 2020, the Mercer and Burlington courts were the first in the State to conduct online settlement conferences for filed eviction complaints. Attorneys from the CHLP Trenton office worked closely with the Judiciary at the inception of the settlement conference program and advocated for a fair process for tenants. As a result of our advocacy, tenants are now informed of their rights and provided with referral information (including how to reach CHLP) prior to participating in these conferences. CHLP attorneys have successfully represented a number of clients in these conferences and continue to monitor the program to ensure tenants are treated fairly.

Beyond landlord/tenant court, staff continued to advocate for clients and represent them successfully in other remote matters. Examples include:

Successfully appealing the termination of 56 hours per week of Private Duty Nursing (PDN) care for a 3-year-old after multiple organ transplants.

Completing a guardianship hearing telephonically with the court.

Successfully advocating for the restoration of a HOPWA (Housing Opportunities for People with AIDS) voucher after it expired. CHLP argued the client was entitled to a reasonable accommodation due to difficulty finding appropriate housing during the pandemic.

THE YEAR IN REVIEW: JULY 2019 - JUNE 2020

Successfully advocating for the restoration of a Section 8 voucher for a homeless client living at the Trenton Rescue Mission. Staff argued client was entitled to a reasonable accommodation. DCA restored the voucher upon the condition that the client obtain a representative payee for his Social Security funds. CHLP then advocated for a change in payment standard so client could afford to move into a safe building. With CHLP advocacy, client was able to move out of the Rescue Mission and into his own apartment.

Successfully represented a client in a telephonic Social Security hearing. The ALJ required CHLP to draft a post-hearing brief. Client was approved for benefits.

CHLP Collingswood Office:

The Collingswood office has been running successfully during the pandemic. The staff work on a rotating in-person schedule in the office and the rest of the time, work remotely. We have revised our intake process so that service to our clients is not interrupted. The staff has demonstrated flexibility and determination so that our vulnerable clients continue to receive quality legal services.

Below are summaries of some successful cases that the Collingswood Office has handled during the Covid-19 pandemic:

We successfully represented a Spanish speaking, HIV positive client in a Social Security case by a telephone hearing.

Our staff successfully helped a client renegotiate the terms of her lease and prevented an eviction and the loss of a subsidized housing voucher.

We helped a Department of Children and Families client obtain a ramp from his landlord so that he could safely access his home with his motorized wheelchair.

We helped a client fight a Social Security Benefits termination and obtained expedited reinstatement.

Our office negotiated a settlement for a critically ill client facing a loss in private duty nursing hours by Medicaid, which allowed the family to keep the medical care necessary to meet the client's substantial medical care needs.

We had a prior Social Security application re-opened for a client and then succeeded in obtaining Social Security benefits and a large retroactive reward for the client. The Social Security administration also was wrongly holding legal fees from the client and the CHLP advocate was able to get the fees released to the client.

We successfully represented numerous victims of domestic violence in obtaining restraining orders, financial support and custody/parenting time.

CHLP Eatontown Office:

Both the Eatontown office and the Toms River office are closed to the public yet remain fully operational. The Eatontown office has been manned daily since the pandemic began by one or more staff members per day going in on a volunteer basis. The Toms River satellite office has been manned two to three days per week. Despite the pandemic, we have had an active presence in both offices. We continue to meet with clients via phone and virtual appointments, as well as the occasional brief outside meeting when necessary to obtain signatures or documents. Clients also have the option to drop off documents in our mail slot at both offices.

Internally, we hold weekly Zoom staff meetings and maintain in constant contact with each other. All staff are very supportive and respectful of COVID guidelines and social distancing. We have divided the staff between both offices and have created an in-person schedule that avoids close contact. PPE is in place to protect staff both internally and once our doors re-open to the public.

THE YEAR IN REVIEW: JULY 2019 - JUNE 2020

During the pandemic we have assisted our clients in a wide variety of services, including:

We successfully resolved/reversed two Social Security overpayment cases.

We obtained a guardianship for a mostly non-verbal client to ensure he gets the care he needs and has a stable environment to live.

Our office assisted a long-time mental health client in a domestic violence hearing arising from a hostile roommate situation. CHLP represented the client at the virtual domestic violence hearing. The Judge found no act of domestic violence took place and dismissed the complaint and Temporary Restraining Order. CHLP was also able to obtain new housing for the client.

Our senior attorney preserved a client's section 8 benefits by defending an Order to Show Cause filed by the landlord. CHLP and the attorney for the landlord worked out a settlement which assisted the client with the removal of an unauthorized occupant in exchange for the landlord's dismissal of the complaint. Some months later, the client wrote to CHLP to express her thanks because it was the first time in many years she felt at peace in her apartment.

We restored private duty nursing hours for two young children with multiple serious health conditions, having two successful appeals at the review organization (IURO) level.

We successfully suspended the child support arrears payments for an HIV+ client whose income was only \$800 per month and could not afford their basic living expenses with the arrears payments.

We preserved a client's motel housing through advocacy, preventing a lockout by the motel owner during the pandemic.

Save the Date
MAY 5, 2021
9:30 AM – 1:00 PM

**VIRTUAL
EVENT**

Law & Disability Conference

TOPICS TO BE COVERED:

- Supportive Housing
- Special Needs Trusts
- Medicaid Eligibility
- Transitioning from Children's to Adult System of Care

Presented
by
COMMUNITY
HEALTH LAW
PROJECT



Sponsored and hosted by the
New Jersey State Bar Foundation



NJSBF.ORG

CHLP's PROGRAMS AND SERVICES

The essential mission of the Community Health Law Project is to provide legal and advocacy services to New Jersey residents with disabilities. We serve consumers of mental health services, people with physical disabilities, chronic health illnesses, HIV/AIDS, developmental disabilities, and visual impairments. Our attorneys and advocates represent clients in matters involving Social Security benefits, welfare, food stamps, and other entitlements; housing habitability and landlord/tenant disputes; foreclosure defense; consumer protection and debt collection; child support and domestic violence; Medicaid, Medicare, and other health insurance issues; civil rights; and barrier-free accessibility. In FY2020 (July 1, 2019 to June 30, 2020), CHLP represented 4,056 clients.

In addition to the examples of services described above, CHLP operates several unique programs:

To Your Health This program concentrates on important issues facing our clients who receive home health care services, including children. For example, we have assisted and represented clients who have had their home health care services denied, terminated or reduced by the health care insurance carrier.

Student Internship Program Since 1988, CHLP has been holding its annual Ann Klein Advocate Awards, the proceeds of which support its student internship program. Using these funds, as well as funding from Legal Services of New Jersey, CHLP has been able to hire several law students and graduate students every year. In so doing, CHLP helps to train and inspire the next generation of disability advocates and attorneys.

Civil Rights and ADA Litigation For many years CHLP has been a leading voice and advocate for clients in Fair Housing and Americans with Disabilities litigation. Staff continues to assist clients in asserting their rights and seeking accommodations.

Trainings and Workshops CHLP offers a wide range of workshops for consumers and professionals. With the support of the New Jersey State Bar Foundation, CHLP presents an annual Law & Disability Conference, free and open to the public, at the New Jersey Law Center in New Brunswick every spring. Subjects range from civil rights cases to health care issues to new laws affecting people in institutional settings. CHLP staff is always ready to speak on the entire range of legal topics that affect the organization's clients. The staff also offers interactive workshops on the civil rights of persons with disabilities and on health care issues.

Public Policy Advocacy CHLP staff have continued to address system-wide issues that affect our clients in a number of ways. For example, CHLP participated in statewide coalitions such as the New Jersey Anti-Poverty Network and the Affordable Housing Network, various county professional advisory committees, and local mental health planning boards. We take active roles in the government affairs committees and activities of statewide organizations such as Disability Rights New Jersey, the Mental Health Association in New Jersey, The Arc of New Jersey, and New Jersey Association of Mental Health and Addiction Agencies. Our direct service staff attorneys and advocates participate on numerous local advisory boards and task forces around the state addressing issues such as homelessness, mental illness, developmental disabilities, Social Security, HIV/AIDS services, prisoner reentry and human services. An example of this effort is our South Jersey office attending monthly meetings with the public policy sub-committee of the Mental Health Association of Southwestern New Jersey's Board working on getting the Camden County Board of Social Services to be more responsive and sensitive to the needs of mental health consumers and improving access to their services; and providing training to boarding home/residential health care facility operators and residential services providers on Social Security issues.

Fee-for-Service Program CHLP has initiated a Fee-for-Service (FFS) representation program for individuals with disabilities whose income exceeds CHLP's income guidelines to obtain free legal representation or for those individuals with disabilities for whom CHLP has no funding to provide free legal representation. Under the FFS program, CHLP bills its legal services on a sliding scale, from \$125 to \$175 per hour, depending on the client's income. Legal services are provided in such areas as special education, social security, special needs trusts, health insurer's denial of coverage or services, guardianships, expungements, name changes, wills, living wills, powers of attorney, fair housing and ADA issues, and certain other civil law matters.

Medical-Legal Partnerships In the last few years, CHLP has embarked on a new innovative model of providing legal assistance through medical-legal partnerships to address the social determinants of health. In a medical-legal partnership, attorneys are embedded into a health care setting as part of the treatment team to provide holistic care to patients and improve health outcomes by addressing patients' life issues - such as housing preservation, entitlements, family issues, etc.- which, research shows, affect overall health outcomes significantly more than medical interventions. CHLP has developed medical-legal partnerships with behavioral health and addiction agencies and is in the process of launching medical-legal partnerships with other health care providers.



Ann Klein

*Advocate Awards
Reception*

We look forward to coming together on
the new date of
Wednesday, September 22, 2021
to celebrate and honor the strength and generosity
of our nominees with the
33rd Annual Ann Klein Advocate Awards reception
at The Wilshire Grand Hotel in West Orange.

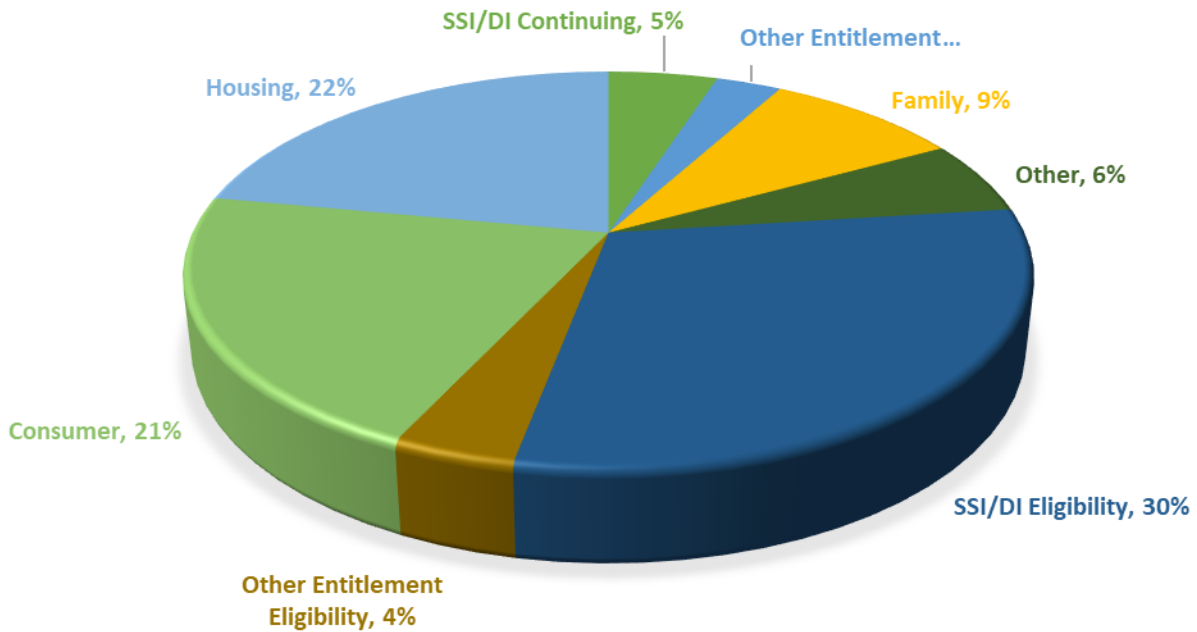
More details to come.

Find us on [Facebook](#), [Twitter](#) & [LinkedIn](#)

NEW CASES & CLIENTS SERVED

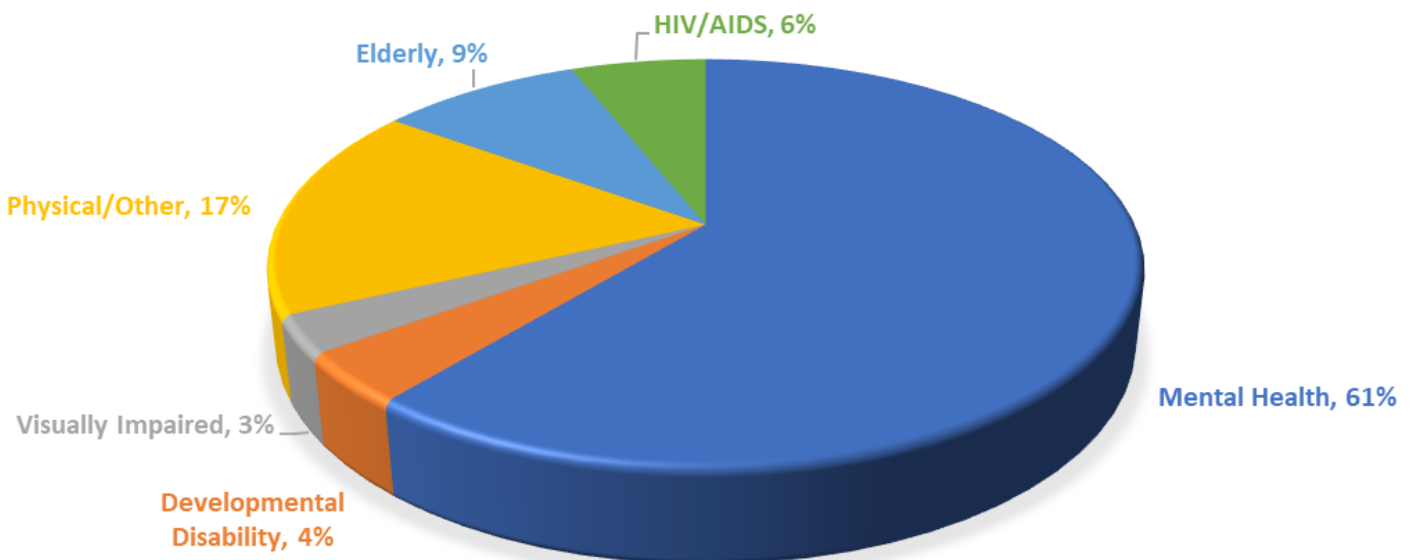
Each year CHLP attorneys and advocates help nearly 4,000 New Jersey residents with disabilities through legal representation and counseling. CHLP’s services are provided free of charge to residents of New Jersey on a full range of civil law matters, including Social Security Disability and Supplemental Security Income benefits, welfare, housing, family law, consumer matters, and architectural barriers. CHLP serves all disability groups in nearly all of New Jersey’s 21 counties. It receives funding from numerous state agencies, as well as from private sources. It has offices in South Orange, Bloomfield, Elizabeth, Trenton, Eatontown and Collingswood, and satellite offices in Jersey City, Toms River, Mt. Holly, and Galloway.

NEW CASES FY2020



CLIENTS SERVED BY DISABILITY

FY2020 TOTAL= 3991



FUNDING SOURCES

City of Newark, Department of
Child and Family Well-Being

Division of Health Planning,
Ryan White Program

Elizabeth Expungement

Hyde Watson

The IOLTA Fund of the Bar of
New Jersey

Legal Services of New Jersey, Inc.

Mental Health Association in
New Jersey

Monmouth County Mental
Health Board

Ocean County Office of Senior Services

State of New Jersey:
Department of Children and
Families

Department of Health and
Senior Services, Division of
HIV, STD and TB Services

Department of Human
Services, Commission for the
Blind and Visually Impaired

Department of Human
Services, Division of
Developmental Disabilities

Department of Human
Services, Division of Mental
Health and Addiction
Services

Union County Division on Aging

Marjorie Wyman Trust

United States Dept. of Justice-
Office of Violence Against Women-
Legal Assistance for Victims

Healthcare Foundation of NJ

STATEMENT OF FINANCIAL POSITION

	2020	June 30, 2019
ASSETS		
Cash	\$673,202	\$624,088
Cash Escrow	5,634	879
Investments	451,373	646,134
Grants and Contracts Receivable	558,523	559,163
Other Receivables	55,626	10,658
Prepaid Expenses & Other Current Assets	<u>28,436</u>	<u>19,742</u>
Total Current Assets	1,772,794	1,860,664
Property and Equipment	213,810	205,196
Security Deposits	<u>29,428</u>	<u>29,428</u>
TOTAL ASSETS	\$2,016,032	\$2,095,288
LIABILITIES & NET ASSETS		
Accounts Payable	\$ 48,697	\$ 89,078
Accrued Expenses	222,597	217,279
Client's Escrow Deposits	5,634	879
Deferred Rent	16,721	10,983
Due to Grantor	66,786	72,792
Current Portions of Lease Obligation	12,877	11,947
Long Term Portions of Lease Obligation	<u>30,139</u>	<u>43,016</u>
TOTAL LIABILITIES	\$403,451	\$445,974
Net Assets		
Unrestricted Net Assets	\$975,738	\$1,010,982
Temporarily Restricted Assets	<u>636,843</u>	<u>638,332</u>
TOTAL NET ASSETS	\$1,612,581	\$1,649,314
TOTAL LIABILITIES & NET ASSETS	\$2,016,032	\$2,095,288
Income and Expenses		
<i>For the Year Ending June 30, 2020</i>		
INCOME		
Grants & Contracts	\$5,977,256	\$5,771,692
Contributions	128,225	221,635
Attorney Fees	340,075	411,650
Fundraising	89,734	77,835
Interest & Other Income	<u>33,311</u>	<u>32,243</u>
	\$6,568,601	\$6,515,055
EXPENSES		
Legal & Advocacy Services	\$5,728,804	\$5,413,694
Policy, Planning, Training, Administration & Fundraising	<u>876,530</u>	<u>904,978</u>
	\$6,605,334	\$6,318,672

ADVISORY BOARDS & TASK FORCES ON WHICH CHLP STAFF PARTICIPATE

Anti – Poverty Network	Monmouth County Mental Health Board Professional Advisory Committee
Atlantic County HIV Collaborative	Monmouth County Re-entry Task Force
Atlantic County Mental Health Board Professional Advisory Committee	Newark EMA Early Intervention & Retention Collaborative (EIRC)
Commissioner of Human Services Executive Advisory Committee	Newark EMA Health Services HIV Planning Council Comprehensive Planning Committee
Community Planning & Advocacy Council	New Jersey Association of Mental Health & Addiction Service Agencies
Department of Community Affairs Barrier-Free Subcode Committee	New Jersey Division of Developmental Disabilities: Dialogue with the Division
Disability Rights New Jersey, PAIMI Advisory Council	New Jersey Mental Health Coalition
Essex County Mental Health Board Professional Advisory Committee	New Jersey Partners: Aging, Mental Health and Substance Abuse, Inc.
Essex Vicinage Advisory Committee on Minority Concerns	New Jersey SHARES
HIV Partnership Collaboration Monmouth County	New Jersey Voluntary Organizations Active in Disaster
Hudson County Food and Shelter Coalition	Ocean County Justice Involved Task Force
Hudson County Mental Health Board	Ocean County Homeless Prevention & Assistance Coalition (HPAC)
Hudson County Professional Advisory Committee	Ocean County Mental Health Board Professional Advisory Committee
Leadership New Jersey Board of Directors	Ocean County Professional Advisory Committee on Alcohol and Drug Abuse
Medical Assistance Advisory Council	Passaic Bergen HIV Health Services Planning Council
Mental Health Association in New Jersey Board of Trustees	Passaic County Mental Health Board Professional Advisory Committee
Mental Health Association in New Jersey Public Policy Committee	Rutgers Law Public Interest Alumni Fundraising Board
Mental Health Association in Passaic County	Senior Legislative Issues Coalition of Union County
Mental Health Association in Southwest New Jersey Board of Trustees	Seton Hall Law School Diversity Council
Mental Health Association in Southwest New Jersey Boarding Home & Public Policy Committee	Statewide Legal Disaster Team
Mental Health Association in Southwest New Jersey & Camden Mental Health Board Ad Hoc Committee	Statewide Recovery Partners
Mercer County HIV Collaborative	The Arc of New Jersey Government Affairs Committee
Mercer County Mental Health Board Professional Advisory Committee	Union County Department of Human Services Code Blue Committee
Mercer County Social Impact Group	Union County Foreclosure Task Force
Mercer County SSI SOAR Committee	Union County Human Services Advisory Council
Monday Morning Project	Union County Mental Health Board Professional Advisory Committee
Monmouth County Homeless System Collaborative (HSC)	
Monmouth County Division on Aging, Disabilities, & Veterans Services	



BOARD OF TRUSTEES

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Harold B. Garwin, Esq.

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Beth L. Barnhard, Esq.

Ryan Carison, Esq.

Lorraine D'Sylva-Lee, M.P.A.

Louis R. Franzese, Esq.

Paula A. Franzese, Esq.

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