

Community Health Law Project

Annual Report - *July 1, 2008 to June 30, 2009*



COMMUNITY
HEALTH LAW
PROJECT



COMMUNITY HEALTH LAW PROJECT



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Highlights of Thirty-Three 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 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 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
- 1998 CHLP receives U.S. HUD grant for work in removing architectural barriers in multifamily dwellings such as apartments and condominiums
- 2001 CHLP establishes statewide health insurance consumer assistance program
- 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
- 2006 CHLP expands mental health legal and advocacy services into Hudson, Ocean, and Burlington counties
- 2007 CHLP files federal court complaint against Port Authority of New York and New Jersey alleging that Jersey City PATH station is inaccessible
- 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

Message from the Executive Director

As Fiscal Year 2009 drew to a close, people throughout New Jersey and the nation continued to struggle through the slowing economy precipitated by the foreclosure crisis. The Community Health Law Project was fortunate to be able to maintain its full staff and continue to represent over 5,000 of the most vulnerable of the state's citizens: low-income people with disabilities. However, we knew that we would have to address the growing number of foreclosures in the state. With the generous support of the Grotta Fund for Senior Care, we had already begun training and counseling seniors in Essex and Union counties on predatory lending practices. We are pleased that Grotta chose to extend their support for another year, funding our representation of seniors in Union and Essex counties who are facing foreclosure on their homes. In addition, we received a continuation of our grant-in-aid from the New Jersey Treasury Department to provide legal services to homeowners and tenants in civil matters related to financial distress, including but not limited to mortgage foreclosure, bankruptcy, debt collection and eviction.



Harold B. Garwin

We are proud of the work we have done over the past 33 years on behalf of people with disabilities in New Jersey. We are equally proud of the resources we have saved the state through our successful representation of applicants for Social Security, and especially Supplemental Security Income, a federal support program for people who cannot work due to disabilities. Our recent analysis of 670 CHLP case files opened between 2000 and 2008 revealed that during those 8 years, by representing clients who had been denied SSI and getting reversals of those denials in 9 out of 10 cases, we enabled the state to recoup from the federal government \$4.7 million. This figure does not factor in the savings realized when those clients automatically became eligible for Medicaid. In 2005, the state's average expenditure per disabled enrollee was \$19,029. Since the federal government pays 50% of the state's Medicaid costs, that represents a savings of \$9,515 for each client we successfully represented. We also calculated that we saved the state approximately \$2.4 million per year in General Assistance payments, which the state would have spent if our clients had not been approved for SSI. By continuing to bring in millions of dollars of federal funding to New Jersey we not only save the state money, but we ensure that more state money is available to fund the vital and generous human service programs that New Jersey provides.

We face the future confident and hope that in this atmosphere of reduced budget, we can continue our mission at the same high level as in past years. As always, I am grateful to our staff, Board of Trustees, and funding sources for their dedication to protecting the rights of people with disabilities.

Sincerely,

Harold B. Garwin, President/Executive Director

To provide legal and advocacy services, training, education, and related activities to persons with disabilities and to organizations representing their interests, with an emphasis on those most vulnerable and needy.

The Year in Review: July 2008 – June 2009

The Community Health Law Project's thirty-third year was marked by two new grants. In late 2008, the NJ Department of the Treasury awarded CHLP a Treasury Grant-in-Aid to fund legal services for homeowners and tenants in civil matters related to financial distress, including but not limited to mortgage foreclosure, bankruptcy, debt collection and eviction. CHLP assisted over 300 low income NJ residents in the first half of 2009.

In January 2008, the Grotta Fund for Senior Care began funding a project designed to educate citizens of Union and Essex counties about predatory lending practices and to provide legal counseling to those citizens already affected by such practices. Over 350 seniors and their caregivers participated in workshops throughout the two counties, and CHLP provided individual counseling to 30 seniors. With the approval of a second Grotta grant in 2009, CHLP launched a foreclosure defense effort providing representation and counseling of seniors facing foreclosure in Essex and Union counties. During the first six months of 2009, CHLP represented 21 senior homeowners, and to date, none have lost their homes.

In 2009, CHLP continued its civil rights work with such high-impact cases as its federal court action against the Port Authority of New York and New Jersey, alleging that the newly renovated Grove Street PATH Station in Jersey City is inaccessible to people with mobility impairments, a violation of federal and state law. The action was filed on behalf of **hip, inc.**, (Heightened Independence and Progress), a center for independent living with offices in Jersey City and Hackensack, and United Spinal Association, a nonprofit organization headquartered in New York City that advocates for people with disabilities. Also, after ten years of litigation, including two appeals and one review by the New Jersey Supreme Court, CHLP finally tried and secured a judgment in the ADA v. Renaissance case, which alleged violations of federal and state architectural barrier laws in a North Brunswick condominium development. In 2008, the judge ordered the defendant, a developer, to spend \$1.5 million on retrofitting the condominiums and common areas in order to bring them into compliance with New Jersey's Barrier-free Subcode.

The 21st annual Ann Klein Advocate Awards on October 23, 2008, honored five exceptional people: Jim Dieterle, AARP NJ Senior State Director, AARP New Jersey; Joseph N. Di Vincenzo, Jr., Essex County Executive; Linda Walder Fiddle, Esq., Founder & Executive Director, The Daniel Jordan Fiddle Foundation; William R. Testa, Executive Director, The Arc/Morris Chapter; and Dominic M. Ursino, President, NJ Institute for Disabilities/Cerebral Palsy Association of Middlesex County. Michael D. Lione, Chairperson of CHLP's Board of Trustees, served as the Master of Ceremonies.

CHLP's annual Law & Disability Issues Conference, sponsored by the New Jersey State Bar Foundation and the New Jersey Institute for Continuing Legal Education, occurred on April 7, 2009. Thomas Garrity, Jr., Chief of Collingswood Police Department and Board Member of the Mental Health Association of Southwestern New Jersey, delivered the keynote presentation. The Plenary Session was: "Jail Diversion Programs for People with Mental Illness," with a panel consisting of Robert Davison and Mary Lynne Reynolds, Executive Directors of, respectively, the Mental Health Association of Essex County and Southwestern NJ; Thomas Garrity, Jr.; Linda Reynolds, Program Director, Adult Outpatient Unit, Trinitas Regional Medical Center; and Maureen O'Brien, Esq., Assistant Prosecutor, Union County Prosecutor's Office. The two workshops were: "The ADA

Amendments Act of 2008: Reversing the Supreme Court’s Assault on the ADA,” with a panel consisting of James Weisman, Esq., General Counsel, United Spinal Association and David J. Popiel, Esq., Senior Managing Attorney, CHLP; and “The Future of Health Care Reform in New Jersey,” with a panel consisting of Dennis Lafer, Mental Health Association of New Jersey, Joshua Spielberg, Esq., Legal Services of New Jersey, and Eve Weissman, Health Care Campaign Coordinator, New Jersey Citizen Action.

In addition to its direct services to and representation of individuals in legal matters, CHLP continued to advocate on public policy issues of concern to people with disabilities. Among its activities during this year, CHLP:

- lead an advocacy effort for new legislation to remove psychiatric hospital lien records from public access in order to preserve the privacy of former patients;
- filed comments opposing emergency regulations adopted by the NJ Department of Education that would create obstacles to out-of-district placements for primary and secondary school children in need of intensive special education services not available in their home districts;
- chaired a subcommittee of the Mercer Alliance to End Homelessness that designed a voluntary Payee Program to provide money management services to individuals and heads of household who have experienced chronic homelessness or eviction proceedings;
- opposed prescription drug and other copays for Medicaid recipients in New Jersey and cuts in funding to Centers for Independent Living in the state FY2010 budget; and
- participated in NJ Division of Mental Health Services Workgroup on revising regulations governing licensed Supportive Housing and Community Residences for People with Mental Illnesses.

CHLP’s “To Your Health” program had another busy year helping New Jersey residents who were trying to navigate the Medicare Part D prescription drug benefit and the Low-Income Subsidy. To Your Health, a statewide health care consumer assistance program of training, education, advice, counsel, and representation, assists over 300 consumers a year with health care access problems. It operates a toll-free hotline (888-838-3180), distributes a free handbook, and represents eligible individuals in administrative appeals and debt collection matters. In 2008, it published a revised edition of To Your Health: Your Consumer Rights in Managed Health Care, now in its sixth edition.

In 2009 CHLP continued promoting the fee-for-service representation program. Under this program, individuals with disabilities who are over CHLP’s income limits and have an income up to 325% of the federal poverty level, with assets no greater than \$100,000, are eligible for representation from a CHLP attorney at below-market rates ranging from \$125 to \$175, depending on their income. CHLP offers fee-for-service representation in the areas of special education, Social Security Disability Insurance, special needs trusts, and private health insurers’ denial of coverage.

As always, the true highlight of the year is the number of clients served: in FY2009, the Community Health Law Project represented 5,218 disabled New Jersey residents. Since its founding in 1976, CHLP has represented over 75,000 individuals.

Funding Sources Fiscal Year 2009

City of Newark - Ryan White Title I

Family Connections Inc. - United Way Strategic Initiative

Grotta Fund for Senior Care

IOLTA Fund of the Bar of New Jersey

Legal Services of New Jersey, Inc.

Mercer County Department of Human Services, Office for the Disabled

Mercer County HIV Consortium (Ryan White)

Monmouth County Department of Human Services, Division of Mental Health

Salem County Mental Health Board

State of New Jersey

Department of Health and Senior Services, Division of Senior Affairs

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 Services

Department of the Treasury

Union County Division on Aging

Marjorie Wyman Trust

Statement of Financial Position

As of June 30, 2009

ASSETS

Cash and Equivalents	\$690,707
Cash Escrow	40,700
Investments	368,000
Grants and Contracts Receivable	198,049
Prepaid Expenses	25,322
Property and Equipment	313,084
Security Deposits	<u>29,100</u>

TOTAL ASSETS

\$1,664,962

LIABILITIES & NET ASSETS

Accounts Payable and Accrued Expenses	\$138,076
Accrued Vacation Payable	124,279
Clients' Escrow Deposits	40,700
Deferred Revenue	20,725
Refundable Advances	55,393
Due to Funding Sources	---
Current Maturities of Mortgage Payable	<u>14,000</u>
Total Current Liabilities	<u>\$393,173</u>

Mortgage Payable, Less Current Maturities \$90,000

TOTAL LIABILITIES

\$483,173

Net Assets

Unrestricted Net Assets	\$627,829
Temporarily Restricted Assets	<u>\$553,960</u>

TOTAL NET ASSETS

\$1,181,789

TOTAL LIABILITIES & NET ASSETS

\$1,664,962

Income and Expenses

For the Year Ending June 30, 2009

INCOME

Grants & Contracts	\$5,678,418
Attorney Fees	333,873
Contributions	14,336
Fundraising	87,525
Interest & Other Income	<u>24,210</u>
	<u>\$6,138,362</u>

EXPENSES

Legal & Advocacy Services	\$5,065,709
Policy, Planning, Training, Administration & Fundraising	<u>1,037,402</u>
	<u>\$6,103,111</u>

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, 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 FY2009 (July 1, 2008 to June 30, 2009), CHLP represented 5,218 clients.

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

Treasury Grant-in-Aid to Fund Legal Services for Homeowners and Tenants. In late 2008, the Legislature appropriated funding to Legal Services of New Jersey and the Community Health Law Project to provide legal services for homeowners and tenants in financial distress. The program provides representation in civil matters including, but not limited to, mortgage foreclosure, bankruptcy, debt collection, and eviction. CHLP provides free legal representation in these matters to people with disabilities and seniors who have income no greater than 200% of the Federal Poverty Level (\$21,000 for an individual, \$28,000 for two people). This is a statewide grant and administered through CHLP's regional offices.

Grotta Fund Project on Predatory Lending and Foreclosure Defense. In January 2008, the Grotta Fund for Senior Care began funding a project designed to educate citizens of Union and Essex counties about predatory lending practices and to provide legal counseling to those citizens already affected by such practices. Over 350 seniors and their caregivers participated in workshops throughout the two counties, and CHLP provided individual counseling to 30 seniors. With the approval of a second Grotta grant in 2009, CHLP launched a foreclosure defense effort providing representation and counseling of seniors facing foreclosure in Essex and Union counties. During the first six months of 2009, CHLP represented 21 senior homeowners, and to date, none have lost their homes.

Boarding Home Outreach. In December 2004, the Community Health Law Project was awarded a discretionary grant through the NJ Department of the Treasury to do outreach at boarding homes and residential health care facilities and to provide direct services to those facilities' low-income residents with mental disabilities. In 2006 the grant was folded into CHLP's mental health contract with the New Jersey Department of Human Services. During Fiscal Year 2009, staff from CHLP's regional offices continued to focus their efforts on facilities in Atlantic, Burlington, Camden, Essex, Mercer, Monmouth, and Union counties.

Civil Rights and Fair Housing Litigation. CHLP is a leader in the effort to enforce state and federal fair housing laws that govern barrier-free accessibility. Litigation initiated by CHLP has resulted in the construction of over 3,000 accessible apartments and condominium units in New Jersey and the repeal of numerous discriminatory municipal zoning ordinances. In 1996, one such federal lawsuit, *Arc v. Voorhees*, resulted in the repeal of exclusionary zoning ordinances that prevented community residences from operating in areas zoned for single-family dwellings. CHLP's latest civil rights litigation was filed in May 2007 against the Port Authority of New York and New Jersey and alleges that the newly renovated Grove Street PATH Station in Jersey City is inaccessible to people with mobility impairments. *ADA v. Renaissance*, which was filed in 1998 and alleged violations of state architectural barrier laws in a North

Brunswick condominium development, had been to the Appellate Division twice and the New Jersey Supreme Court once. It was finally tried in 2007, and in 2008 the judge ordered the developer to spend 1.5 million dollars for retrofits to the condos and common areas, which would bring them into compliance with the New Jersey Barrier-free Subcode.

Public Policy Advocacy. CHLP's staff continued to address systems-wide issues that affect our clients in a number of ways. For example, we participated in statewide coalitions such as the New Jersey Anti-Poverty Network; New Jersey Medicaid and Medicare Advocates Group; and various county Professional Advisory Committees to local Mental Health Planning Boards. We took active roles in the government affairs committees and other activities of statewide organizations such as Disability Rights New Jersey; the New Jersey Association of Mental Health Agencies and the Mental Health Association in New Jersey. CHLP's direct services staff attorneys and advocates participated in dozens of 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. In addition, CHLP provided community education and training on a variety of topics, including Social Security Disability, landlord-tenant law and the provisions of the Americans with Disabilities Amendments Act of 2008. We also continued to train consumers and mental health professionals and advocates regarding the extinguishment of psychiatric hospital liens and debts.

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 to work in its branch offices on direct legal services and its South Orange office on civil rights cases. In so doing, it helps to train and inspire the next generation of disabilities advocates and attorneys.

To Your Health. Since 1998, this program has provided education, assistance, and representation to New Jersey health insurance consumers, particularly Medicare and Medicaid beneficiaries. It operates a toll-free hotline (888-838-3180), through which residents can call CHLP staff and ask for assistance with their health insurance problems. In FY2009, it assisted over 300 consumers on such matters as Medicare coverage of ambulance claims, Medicaid eligibility, and health care access for the uninsured. In addition to helping consumers file grievances and appeals and representing them in debt collection actions, the program distributes a free consumer guide, To Your Health: Your Consumer Rights in Managed Health Care, and a Medicaid Managed Care supplement. CHLP also trains consumers and professionals at workshops throughout the state.

Training and Workshops. CHLP offers a wide range of workshops for consumers and professionals. With the support of the New Jersey State Bar Foundation, it presents an annual Law and Disability Issues conference at the New Jersey Law Center in New Brunswick every April. Subjects range from civil rights cases to health care issues to new laws affecting people in institutional settings. A grant from IOLTA supports training for consumers on the Americans with Disabilities Act. In 2008, a grant from the Grotta Fund for Senior Care supported a series of trainings for seniors in Union and Essex counties on predatory lending practices and foreclosure.

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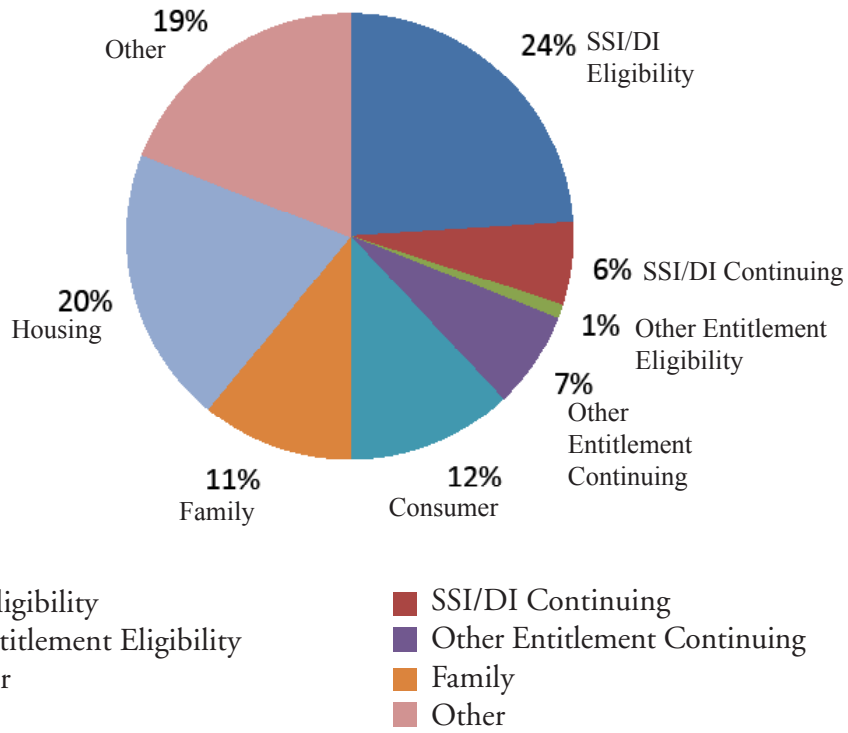
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Advisory Boards and Task Forces on which CHLP Staff Participate:

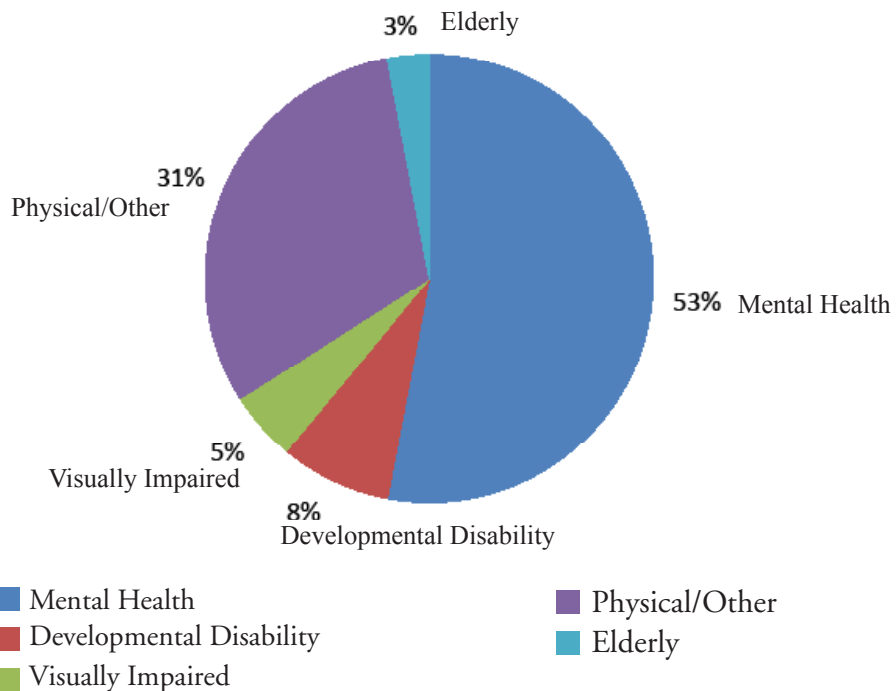
Anti-Poverty Network
 Atlantic County Mental Health Board Professional
 Advisory Committee
 ARC of New Jersey Government Affairs Committee
 Burlington County Mental Health Systems Review Committee
 Commissioner of Human Services Executive Advisory
 Committee
 Community Planning & Advocacy Council
 Department of Community Affairs Barrier Free
 Subcode Committee
 Elizabeth Coalition to House the Homeless
 Essex County Bar Association Committee on the Rights of
 Persons with Disabilities
 Essex County Coalition for the Protection of Vulnerable Adults
 Essex County Co-Occuring Task Force
 Essex County Mental Health Board Professional
 Advisory Committee
 Essex County Mental Health Coalition
 Essex Vicinage Advisory Committee on Minority Concerns
 Hudson County Food and Shelter Coalition
 Hudson County Mental Health Board
 Hudson County Professional Advisory Committee
 Leadership New Jersey Board of Directors
 LSNJ Housing Task Force
 LSNJ Social Security Task Force
 Mental Health Association of Monmouth County
 Mental Health Association in New Jersey Board of Trustees

Mental Health Association in New Jersey Public Policy
 Committee
 Mental Health Association in Passaic County
 Mental Health Association in Southwest New Jersey
 Public Policy Committee
 Monday Morning Project
 Monmouth County CEAS (Comprehensive Emergency Assistance System)
 Monmouth County Mental Health Board Professional
 Advisory Committee
 Newark EMA Health Services Planning Council
 New Jersey Association of Mental Health Agencies Board of Trustees
 New Jersey Division of Developmental Disabilities: Dialog
 with the Division
 New Jersey Mental Health Coalition
 New Jersey SHARES
 New Jersey Women & AIDS Network Board of Trustees
 Ocean County Professional Advisory Council
 Passaic County Mental Health Board Professional Advisory Committee
 Senior Legislative Issues Coalition of Union County
 State Rehabilitation Council, Commission for the
 Blind and Visually Impaired
 Union County Comprehensive Emergency Assistance Committee
 Union County Department of Human Services Code Blue Committee
 Union County Human Services Advisory Council
 Union County Mental Health Board Professional Advisory Committee
 Union County Minority Concerns Committee
 Union County Professional Advisory Committee

New Cases FY2009



Clients Served by Disability FY2009 Total = 5,218



COMMUNITY HEALTH LAW PROJECT



www.chlp.org

North Jersey

650 Bloomfield Avenue, Suite 210
Bloomfield, NJ 07003
973.680.5599
FAX: 973.680.1488
TTY: 973.680.1116
E-mail: Bloomfield@chlp.org

East Jersey

65 Jefferson Avenue, Suite 402
Elizabeth, NJ 07201
908.355.8282
FAX: 908.355.3724
TTY: 908.355.3369
E-mail: Elizabeth@chlp.org

26 Journal Square, Suite 600
Jersey City, NJ 07306
201.963.6295
Fax: 201.239.6365

1 Main Street, Suite 413

Eatontown, NJ 07724
732.380.1012
FAX: 732.380.1015
E-mail: Eatontown@chlp.org

44 Washington Street
Toms River, NJ 08753
732.349.6714
Fax: 732.349.6935

Central Jersey

225 East State Street, Suite 5
Trenton, NJ 08608
609.392.5553
FAX/TTY: 609.392.5369
E-mail: Trenton@chlp.org

4 Commerce Place
Mt. Holly, NJ 08060
609.261.3453
Fax: 609.261.8596

South Jersey

Station House Office Building
900 Haddon Avenue, Suite 400
Collingswood, NJ 08108
Phone/TTY: 856.858.9500
FAX: 856.858.9545
E-mail: Collingswood@chlp.org

Carneys Point • Salem County
856.858.9500

Absecon • Atlantic County
856.858.9500

Administrative Office

185 Valley Street
South Orange, NJ 07079
973.275.1175
FAX: 973.275.5210
TTY: 973.275.1721
E-mail: chlpinfo@chlp.org