

Community Health Law Project

Annual Report — *July 1, 2013 to June 30, 2014*



COMMUNITY
HEALTH LAW
PROJECT



COMMUNITY HEALTH LAW PROJECT



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Highlights of Thirty-Seven 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
- 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
- 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
- 2013 CHLP received grants from Robin Hood Foundation, Kessler Foundation and Hurricane Sandy NJ Relief Fund
- 2014 PATH case settled with the agreement to construct an elevator and lift to give access to the Grove Street Station
- 2014 CHLP awarded Sandy Legal Assistance contract

Message from the Executive Director

During the past fiscal year, the nation has continued its recovery from the Great Recession. However, in New Jersey we continue to struggle. Our lower income and middle income families have suffered the most during these hard times, especially those persons living with disabilities. Additionally, many of our New Jersey citizens who were affected by Superstorm Sandy two years ago, particularly those who were living in the state's nine storm designated disaster areas, are now facing more long-term issues beyond the past emergency crisis at storm time.



Harold B. Garwin

The CHLP is an important partner in the state's effort to assist New Jersey individuals and families still recovering from the storm. Our staff has provided counsel and assisted in helping these individuals and families to obtain the benefits available to them from federal and state programs. CHLP has also worked to enforce their rights in a variety of matters concerning their homes and housing, health coverage issues, and consumer conflicts with vendors and building contractors.

During this last fiscal year, the Law Project has helped many individuals and families with health care issues. Our To Your Health program assisted almost two hundred individuals who sought enrollment in health coverage under the Federal Affordable Care Act, while providing information and awareness of the law to hundreds more. Under the program we also provided advice and counsel, as well as representation to 66 individuals facing reductions, denials, and termination of home health services. These individuals are among the most vulnerable of our citizens who, despite severe disabilities and illness, are seeking to remain in their homes and communities. Our staff has been extremely successful in advocating for these clients, and the vast majority has had their possible loss of service reversed.

Therefore, even with great obstacles facing our staff and clients, over 4,900 individuals have been provided services resulting in significant successes this fiscal year. The CHLP remains an integral facet in New Jersey's safety net for its citizens in need, and has provided important legal and advocacy, counsel and representation to them in various kinds of civil legal matters.

Once again, I wish to give my heartfelt gratitude to our wonderful and supportive Board of Trustees and to our extremely capable and dedicated staff.

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 2013 - June 2014

The Community Health Law Project staff have represented our clients in a myriad of civil matters. Some examples of the types of cases that we have been involved in this fiscal year include:

- Superstorm Sandy Representation Update - FEMA has been actively pursuing recoupment of disaster relief funding that it claims recipients were not eligible to receive. About 1,200 debt repayment notices were mailed by FEMA starting in October 2014. Staff has filed appeals of FEMA repayment notices on behalf of several clients, most of whom are elderly or disabled. In one case a client received FEMA transportation disaster assistance to repair his car that was substantially damaged by a falling tree. FEMA appears to have targeted the client for disaster relief because he is an SSI recipient who participated in a government sponsored discount car insurance program that is available to SSI recipients. With FEMA's approval he had his car repaired. FEMA's share of the \$8,200 bill was about \$6,900. FEMA has since determined that it exceeded its payment limit and that \$2,500 must be returned. The appeal addresses the client's reasonable expectation based on FEMA's approvals, and FEMA's vagueness about the cause of the debt. Because of the client's financial circumstances, a request has been made for compromise or waiver of the debt. Other cases being appealed to FEMA involve recoupment of rental housing assistance, storage facility costs and claims for back rent for staying in FEMA temporary housing after the storm. The amounts being contested range from \$2,500 to \$24,000.

Staff has also filed complaints in Superior Court on behalf of clients who were victimized by storm repair contractors, an engineering firm, a power company and new home contractors. Several of these complaints have already resulted in favorable settlements. Staff has also won an arbitration award with the New Jersey Division of Consumer Affairs directing that our client's full deposit be returned with interest from the date of the award. Staff continues to counsel and represent clients with regard to the State's Superstorm Sandy Disaster Relief programs, especially the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) program. Additionally, staff has developed expertise in appealing tax assessments for owners of Sandy damaged properties and has successfully appealed assessments in Monmouth and Bergen Counties.

- A.N. is a 21-year-old client who had been diagnosed with Down Syndrome, Autism, PTSD, sleep apnea, and Patent Ductus Arteriosus. He resides with his parents who are in their 60s and are his guardians. A.N. had been receiving personal care attendant (pca) services from a home health agency through his Medicaid insurer for 20 hours per week, plus some additional care provided through the state. The health care insurer, through a new assessment, sought to reduce the amount of care from 20 hours per week to 16 hours per week. Petitioner appealed for a hearing with an Administrative Law Judge.

Many records have been gathered and submitted to the Administrative Law Judge including a certification by the treating physician supporting the medical necessity of the pca services. While the standard assessment tool appeared to support only 16 to 17 hours per week of care, CHLP argued that the petitioner, because of his developmental and other disabilities, could be seen to fall within exceptions to the application of the standard assessment tool and that there could well be justification for providing even more hours than the 20 originally provided. Efforts to settle/resolve the matter were not initially successful. But after a long period of time, the health care insurer reversed its decision to reduce hours of pca services, concluding the case and enabling the client and family to receive the necessary care.

- A CHLP Senior Attorney represented a client with mental illness who lives with her teenage son. The client has a Section 8 housing choice voucher to subsidize her rent payments. Without that voucher, she could not afford her housing. Two years ago, she entered into an overpayment-repayment agreement with the Department of Community Affairs. Unfortunately, she fell behind and was notified that her housing subsidy was being terminated.

CHLP subsequently negotiated with the agency for the client, who was granted an opportunity to develop an alternate repayment plan. Because of the severity of the client's impairments, CHLP agreed to collect her payments and send them to the State of New Jersey on her behalf. With this assistance, the remaining balance was paid in full and the housing was preserved for the client and her child.

Ann Klein Advocate Awards

The 26th annual Ann Klein Advocate Awards, held on October 17, 2013, at The Wilshire Grand Hotel, honored exceptional people:

Dr. Cyrus J. Amato, *Medical Coordinator, NJ Institute for Craniofacial Surgery, St. Barnabas Medical Center*

Canine Companions for Independence

Neeta Das, MSW, LCSW, ACSW, *President/ CEO, Progressive Comprehensive Services, LLC*

Gibbons, P.C.

Elaine K. Meyerson, LSW, ACSW, DVS & Lawrence N. Meyerson, Ed.D., J.D.

Executive Director, Shelter Our Sisters

Rubenstein, Meyerson, Fox, Mancinelli, Conte & Bern, P.A.

Stuart P. Milsten, *Vice Chair, Board of Trustees, Cheshire Home*

Michael D. Liono, *The Mike Liono Accessibility Award*

The event was attended by 226 individuals with major support from Verizon; Columbia Bank; Employers Association of New Jersey; Johnson & Johnson Law Department; Trenk, DiPasquale, Della Fera & Sodono, PC; Bederson, LLP; McCarter & English, LLP; Mutual of America; and Starr, Gern, Davison & Rubin, PC.

Cyrus Amato has been a plastic and maxillofacial surgeon for many years. He has employed his skills and expertise to correct a wide range of facial deformities caused by birth and trauma. Dr. Amato has solved new problems with creative solutions that have provided successful care for children with cleft lip and palate and craniofacial deformities, and has done so regardless of ability to pay.

Canine Companions is a non-profit organization that trains and provides highly trained assistance dogs for supportive partnership for people living with disabilities. The agency has been a champion for individuals via the utilization of assistance dogs for over 37 years. They have placed over 3,000 dogs to assist individuals living with disabilities living in our community. The service dogs help reduce individuals' reliance on other people to do simple tasks, thus making their lives easier and more self-sufficient.

Neeta Das has dedicated her life to serving the needs of the most vulnerable in our community. She has worked with many organizations to expand the residential and day program services for individuals with behavioral, developmental and health care needs. She is a pioneer in the shift in serving delivery from a provider-managed system to a person-centered system.

The Gibbons law firm, through its two pro bono programs—Gibbons Cares and the John J. Gibbons Fellowship in Public Interest & Constitutional Law—has tackled issues of national and statewide importance devoted to asserting the rights of the most vulnerable in the community including persons living with disabilities.

Elaine Meyerson has been a leader in the provision of emergency shelter, transitional housing and supportive services for individuals affected by domestic violence. She has created a multi-service approach to assisting individuals who are in crisis and danger because of domestic violence. She is also a highly regarded leader on the state level in helping to create innovative efforts for this special population.

Larry Meyerson, Esq., is a well known and well regarded attorney who has specialized in issues involving elder abuse, neglect and exploitation. He often serves as a court-appointed attorney and guardian ad litem in incapacity proceedings and is a permanent appointed guardian. Although a founding partner in his law firm, Larry has been dedicated to serving people with special needs and has assisted non-profits in these endeavors.

Stuart Milsten, as Vice Chair, has embraced the mission to enable young people with severe paralysis to obtain self-sufficiency and independence through higher education and employment. He has provided volunteer time that has been dedicated to enhancing the financial management of the organization in order to enable it to provide exceptional service and opportunities even with an exceptionally challenging economic environment.

As part of the Ann Klein Advocate Awards, the Board of Trustees of the Community Health Law Project announced the creation of the Mike Liono Accessibility Award. This award is in memory of the former Chair and long-time Board member, Mike Liono. The initial award was given to the Liono Family in recognition of Mike's significant efforts on behalf of people living with disabilities.



Funding Sources Fiscal Year 2014

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

Division of Health Planning, Ryan White Program

City of Paterson, Ryan White

Grotta Foundation for Senior Care

Hurricane Sandy New Jersey Relief Fund

IOLTA Fund of the Bar of New Jersey

Kessler Foundation

Legal Services of New Jersey, Inc.

Monmouth County Department of Human Services, Division of Mental Health

Robin Hood Foundation

Salem County Mental Health Board

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

The Stephen Colbert Americone Dream Fund of Coastal Community Foundation

Union County Division on Aging

Marjorie Wyman Trust

As always, the true highlight of the year is the number of clients served: in FY2014, the Community Health Law Project provided legal services to 4,983 persons with disabilities in New Jersey. Since its founding in 1976, CHLP has provided services to tens of thousands of residents living with disabilities and their families.

Statement of Financial Position

As of June 30, 2014

ASSETS

Cash	\$346,397
Cash Escrow	23,710
Investments	523,211
Grants and Contracts Receivable	414,894
Other Receivables	39,134
Prepaid Expenses	14,055
Property and Equipment	178,488
Security Deposits	<u>29,178</u>

TOTAL ASSETS

\$1,569,067

LIABILITIES & NET ASSETS

Accounts Payable	\$53,638
Accrued Expenses	228,139
Client's Escrow Deposits	23,710
Refundable Advances	100,936
Due to Grantor	54,865
Current Maturities of Mortgage Payable	<u>13,000</u>
Total Current Liabilities	<u>\$474,288</u>

Mortgage Payable, Less Current Maturities

\$26,000

TOTAL LIABILITIES

\$500,288

Net Assets

Unrestricted Net Assets	\$481,372
Temporarily Restricted Assets	<u>587,407</u>

TOTAL NET ASSETS

\$1,068,779

TOTAL LIABILITIES & NET ASSETS

\$1,569,067

Income and Expenses

For the Year Ending June 30, 2014

INCOME

Grants & Contracts	\$5,626,493
Attorney Fees	416,845
Contributions	169,294
Fundraising	88,290
Interest & Other Income	<u>3,705</u>
	<u>\$6,304,627</u>

EXPENSES

Legal & Advocacy Services	\$5,216,628
Policy, Planning, Training, Administration & Fundraising	<u>1,010,462</u>
	<u>\$6,227,090</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 FY2014 (July 1, 2013 to June 30, 2014), CHLP represented 4,983 clients. An example of how the Law Project's direct services adjusts to the needs of our clients is the effect of Superstorm Sandy on people living with disabilities.

In Monmouth, Ocean and Atlantic Counties, our regional offices needed to address new problems that many of our clients faced from the storm's devastation. With funding from two foundations, federal and state contracts, the Law Project staff assisted clients who had lost their medication, their apartments, their homes, and in some cases, all of their possessions. Staff needed to argue for clients that emergency supplies and medication were necessary even though their renewal dates were not due. Staff assisted in helping clients relocate to emergency housing and represented them in seeking a return of their security deposits. Staff initiated actions to have rental assistance vouchers transferred to new housing and after their former housing was rehabilitated, to have the landlords continue to rent to our clients, and resolved issues with building contractors and architects.

Beyond these simple but important issues, many more complicated events unfolded. As the federal and state governments entered the arena to provide assistance, many of our clients were caught in the web of FEMA and DCA applications and appeals. This event further heightened the difficulties of persons living with disabilities to live in our communities, but with a yeoman's effort, the Law Project staff has been extremely successful in advocating on behalf of our clients during this special circumstance.

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

To Your Health. The program concentrates on two important issues facing our clients: providing assistance to individuals with mental health and co-occurring addictions to enroll under the Affordable Care Act in the new Medicaid Expansion Program and the Healthcare Marketplace. For other clients, we have assisted and represented individuals receiving home health care who have had their 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 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.

Civil Rights and ADA Litigation. In the *hip v. PATH* litigation, the Federal District Court found against PATH in favor of the plaintiffs who asserted that the PATH station is inaccessible. The case was appealed to the US Court of Appeals for the Third Circuit and remanded for further fact-finding by the trial court. Settlement negotiations have resulted in the parties agreeing that an elevator and lift will be constructed to give access to the Grove Street Station for persons living with disabilities.

Public Policy Advocacy. CHLP staff has continued to address system-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 and the Affordable Housing Network and various county professional advisory committees to local mental health planning boards. We took 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, ARC of New Jersey, and New Jersey Association of Mental Health and Addiction Agencies. Our direct services staff attorneys and advocates participated in 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. In addition, our attorneys and advocates provided community education and training around the state on a variety of topics of concern to people with disabilities.

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 & Disability Issues Conference 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. Staff also offer interactive workshops on the civil rights of persons with disabilities and on health care issues.

LAW & DISABILITY ISSUES CONFERENCE

CHLP's annual Law & Disability Issues Conference, sponsored by the New Jersey State Bar Foundation and the New Jersey Institute for Continuing Legal Education, was held on May 1, 2014.

PLENARY SESSION: The Jersey Shore after Superstorm Sandy: An Effort to Assure Barrier-Free Access and to Rebuild for Accessible Design

What are the requirements, and is the reconstruction accessible? How can you help assure that entry to the beach, amusements, and commercial establishments at the shore are properly designed and constructed?

Moderated by David Lazarus, Esq., Director of Litigation, Community Health Law Project, this session was in three parts:

Training on Accessibility Requirements Ed Hoff, Ed Hoff Consulting, provided consultation on the accessibility of facilities and associated services regarding compliance with the New Jersey Barrier-Free Subcode, the Fair Housing Amendments Act of 1988, and the Americans with Disabilities Act.

Evaluating Accessible Construction and Reconstruction Thomas G. Dallessio, AICP/PP, Director, Center for Resilient Design, College of Architecture and Design, New Jersey Institute of Technology (NJIT), along with students and staff of NJIT inspected and evaluated sites and architectural plans to assess municipalities that are centers of entertainment, beach access and recreation for accessibility for persons with disabilities.

Legal Aspects of Barrier-Free Accessibility and Construction Code Requirements Edward A. Kopelson, Esq., Law Office of Edward A. Kopelson, specializes in barrier-free access issues, and he is intimately familiar with design requirements, construction codes and state and federal agencies charged with assuring compliance.



L-R: Thomas Dallessio, Edward Kopelson, Ed Hoff and David Lazarus, at the 2014 Law & Disability Issues Conference

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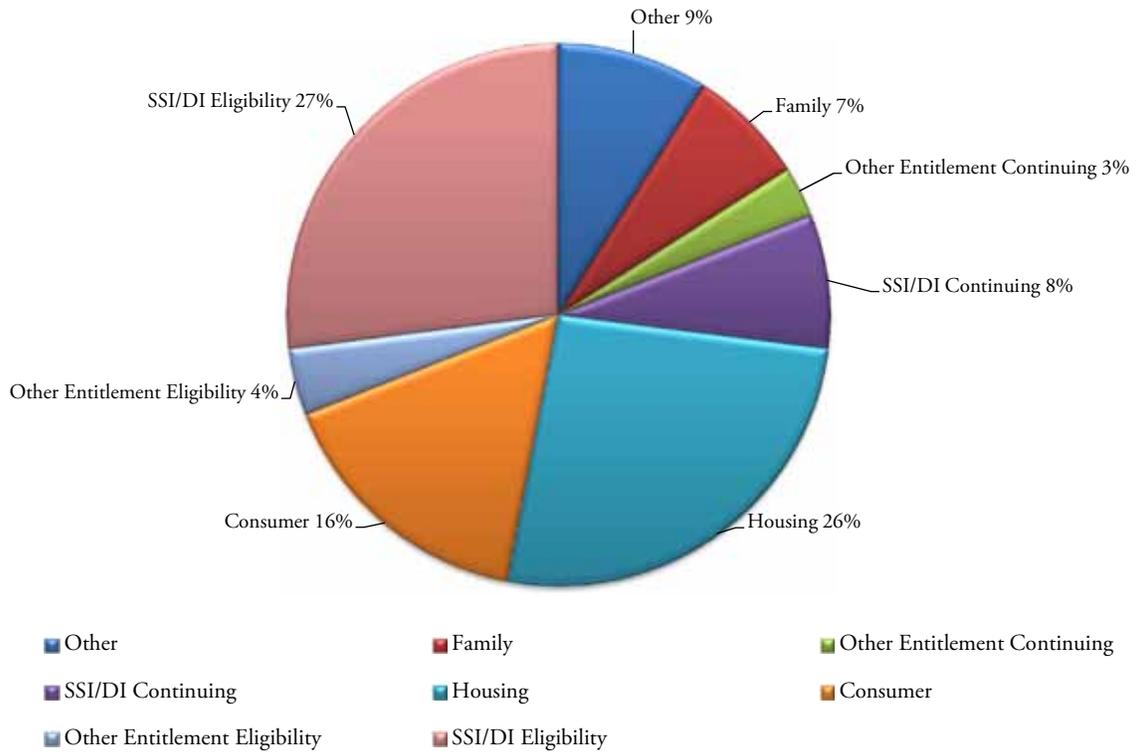


Advisory Boards and Task Forces on which CHLP Staff Participate:

Anti – Poverty Network
Atlantic City Long Term Recovery Group
Atlantic County Long Term Recovery Group
Atlantic County Mental Health Board Professional
Advisory Committee
Burlington County Mental Health Systems Review Committee
Cape May Long Term Recovery Group
Commissioner of Human Services Executive Advisory
Committee
Community Planning & Advocacy Council
Department of Community Affairs Barrier-Free Subcode
Committee
Disability Rights New Jersey, PAIMI Advisory Council
Essex County Mental Health Board Professional Advisory
Committee
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
Medical Assistance Advisory Council
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 Board of Trustees
Mental Health Association in Southwest New Jersey Boarding
Home and Public Policy Committees
Mercer County HIV Collaborative
Mercer County Mental Health Board Professional Advisory
Committee

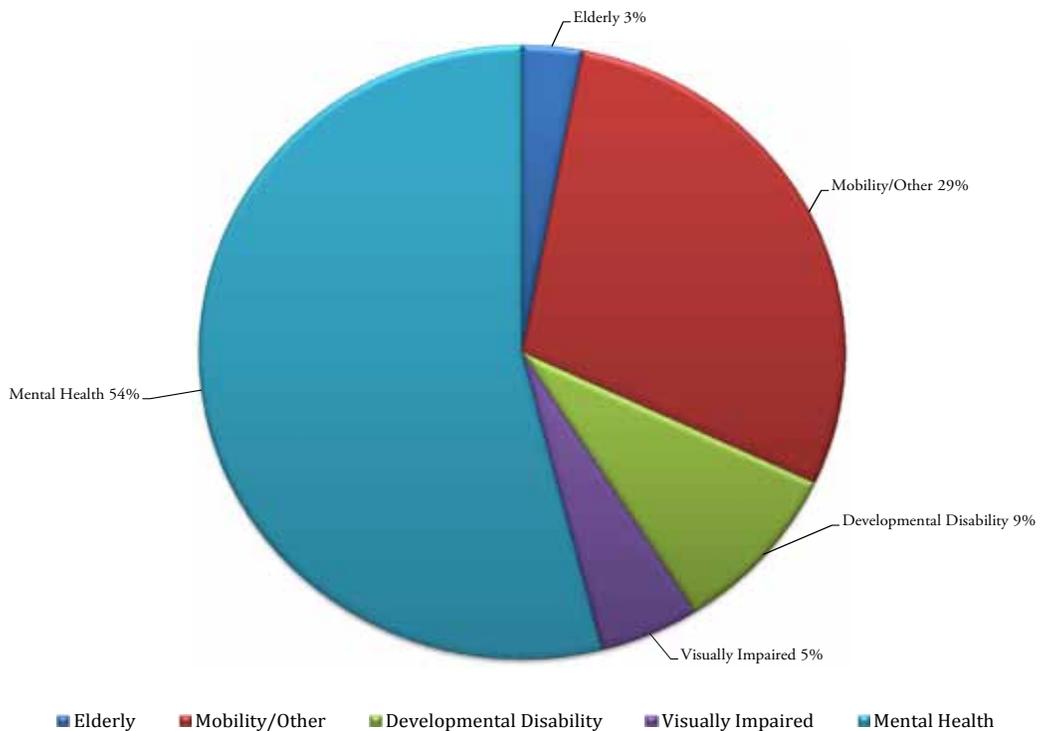
Mercer County SSI SOAR Committee
Monday Morning Project
Monmouth County CEAS (Comprehensive Emergency Assistance
System)
Monmouth County Division on Aging, Disabilities, & Veterans
Services
Monmouth County Mental Health Board Professional Advisory
Committee
Newark EMA Early Intervention & Retention Collaborative (EIRC)
Newark EMA Health Services HIV Planning Council
New Jersey Association of Mental Health & Addiction Agencies
New Jersey Division of Developmental Disabilities:
Dialog with the Division
New Jersey Mental Health Coalition
New Jersey Partners: Aging, Mental Health and Substance Abuse, Inc.
New Jersey SHARES
Ocean County Professional Advisory Council
Passaic County Mental Health Board Professional Advisory
Committee
Senior Legislative Issues Coalition of Union County
Seton Hall Law School Diversity Council
The ARC of New Jersey Government Affairs Committee
The ARC, Partners in Justice
Union County Department of Human Services Code Blue
Committee
Union County Foreclosure Task Force
Union County Mental Health Board Professional Advisory
Committee
Union County Mental Health Justice Involved Services Steering
Committee

New Cases FY 2014

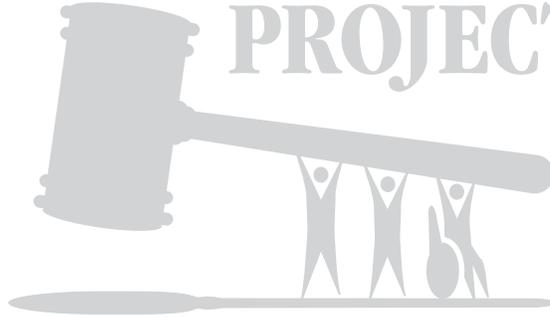


Clients Served by Disability

FY 2014 Total = 4,983



COMMUNITY HEALTH LAW PROJECT



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