

# Serving Vulnerable Populations

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# Vulnerable Populations Served

The Legal Aid Society fights poverty and seeks racial, social and economic justice for low-income New Yorkers. Some parts of our client community are especially vulnerable to inequity and injustice.

- Immigrants
- The Elderly
- Victims and Survivors of Domestic Violence
- Homeless Individuals and Families
- People Living with Disabilities

# Immigrants

## The Immigration Law Practice, Immigrant Worker Rights, and DV/Immigration Initiatives

- The Legal Aid Society was established in 1876 to assist German immigrants
- In 1996 LAS gave up federal Legal Services Corporation funding to be able to continue to assist documented and undocumented immigrants
- Despite expansion in legal services, LAS remains steadfastly committed to New York City's immigrant population on all issues including worker rights, labor and human trafficking, and racial justice issues
- Recognized by New York City for our ability to address complex and emergent immigration issues

# The Immigration Law

- The complexity of immigration law and the zero tolerance for innocuous mistakes means that many more immigrants need competent legal assistance to proceed with an immigration matter
- Immigrants facing deportation have no right to appointed counsel, despite the harsh consequences of deportation
- There is no exception for children or those with diminished mental capacity due to mental illness
- 60% of non detained immigrants and 84% of detained immigrants facing removal do not have counsel
- Actively working on a right to counsel project for immigrants in immigration proceedings
- Play a leadership role on the Katzmann Study Group on Immigration Representation
- Co-Chair NYSBA Special Committee on Immigration Representation

# The Elderly Elder Law Practice

Preserving and protecting the dignity, well-being, and independence of New York City's elderly clients through:

- Direct Representation
  - Comprehensive Services - Collaboration between Attorneys and Social Workers
  - Collaborations with Government
  - Systemic Policy Advocacy on behalf of Clients
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- Founded in 1974, the Society's Brooklyn Office for the Aging (BOFTA) was among the first legal services programs in the United States established exclusively to help elderly low-income persons. Widely recognized as a groundbreaking, national model replicated across the nation.

# The Elderly

## The Challenge for New York City Seniors

- The poverty rate for the City's elderly residents is troubling —approximately 20 percent of senior citizens living in the five boroughs are living in poverty, compared to the national average of 10 percent.
- While Brooklyn is the borough where the largest number of low-income elderly persons in New York City reside, LAS Elder Law Practice serves a rapidly aging population in northern Manhattan and the Bronx and LAS staff in other borough offices assists significant numbers of seniors.
- Often our clients lack family or community support
- Staff arranges assistance for homebound or institutionalized clients (living in hospitals, adult homes or nursing facilities).
- Throughout the City, as in the rest of the country, it is the oldest category of seniors that is increasing at the fastest rate. Between the 1990 and 2000 census, the percentage of elderly persons over 75 years old increased by 46 percent, and the percentage of those over 85 increased by 60 percent, and between the 2000 and 2010 census the percentage of seniors over 85 increased by an additional 16 percent.
- A new trend is clients at the younger end of the office's age minimum of 60, who were recently in the work force but lost their jobs due to the down-turn in the economy

# Survivors and Victims of Domestic Violence

Achieving Safety and Self-Sufficiency through:

## Direct Representation

Our reputation is to take the cases no one else does

We are the last resort for most of our clients who are experiencing intimate partner violence

Complex, comprehensive litigation is our specialty

Citywide in NYC we have the most expertise in complex divorces which enable clients to escape abusive marriages

We take cases for which there is no appointed counsel

## Working with Partner Organizations

These partners assist us in reaching the underserved populations

These populations might not otherwise access our services

Our partners' familiarity with our clients' languages and cultures enable them to establish a level of trust that helps us to better connect with our clients.

## Policy Advocacy On Behalf of Clients

We regularly advocate for policy changes that affect our clients.

We participate and take leadership roles in committees sponsored by OCA, Bar Associations and advocacy groups.

We frequently train judges, practitioners and other advocates.

We are leaders in the Lawyer's Committee Against Domestic Violence.



# Survivors and Victims of Domestic Violence Divorce Reform

- We played a pivotal role in the development and enactment of divorce reform in New York State
- Divorce reform included no fault divorce, maintenance guidelines and stronger statutes granting attorney's fees to lesser income litigants
- We continue to play a role in monitoring its enactment

# Homeless Individuals and Families

## Record Homelessness in NYC

- New York City remains in the midst of the worst homelessness crisis since the Great Depression. Each night, more than 62,000 New Yorkers sleep in City shelters, including over 22,000 children and nearly 17,000 single adults
- Homeless families and children make up two of every three homeless New Yorkers in shelters each night
- During the last City fiscal year, more than 130,000 different homeless people utilized the municipal shelter system, including more than 45,000 different children
- In 2015, families entering shelter came from a few clustered zip codes in the poorest neighborhoods in New York City. However, homeless families and single adults come from every zip code in NYC prior to entering shelters
- Research shows that the primary cause of homelessness, particularly among families, is lack of affordable housing. Surveys of homeless families have identified the following major immediate, triggering causes of homelessness: eviction; doubled-up or severely overcrowded housing; domestic violence; job loss; and hazardous housing conditions
- Research shows that, compared to homeless families, homeless single adults have much higher rates of serious mental illness, addiction disorders, and other severe health problems

# Homeless Individuals and Families Record Homelessness in NYC

- Each night thousands of unsheltered homeless people sleep on New York City streets, in the subway system, and in other public spaces. There is no accurate measurement of New York City's unsheltered homeless population, and recent City surveys significantly underestimate the number of unsheltered homeless New Yorkers
- In addition to the record-high 52,000+ people sleeping each night in the municipal shelter system, another 5,000 people sleep each night in other shelters (including the domestic violence shelter system; shelters for homeless and runaway youth; shelters for people living with HIV/AIDS; and faith-based shelters)
- Thousands more sleep unsheltered on the streets, in the subway system, and in other public spaces. The majority of unsheltered homeless people are living with serious mental illness and other health problems. Many are teens and young adults who cannot access adequate shelter for this underserved population

# Homeless Individuals and Families Law Reform

- New York City has a right to shelter, established by litigation brought by the Legal Aid Society. This law compels New York City to provide shelter to New Yorkers who are homeless by “reason of physical, mental or social dysfunction.”
- Created a housing rental subsidy through litigation and advocacy. Through class action litigation, the Society’s Law Reform Unit created a new housing subsidy – the Family Homelessness and Eviction Prevention Supplement (FHEPS) – that will assist as many as 20,000 families with minor children who are facing homelessness as a result of an eviction proceeding or domestic violence. The new FHEPS rent supplement, when combined with the existing public assistance shelter allowance, will provide as much as \$1,534 for a family of three to maintain or secure an apartment. It will also open up the joint State and City-funded program to families who are facing homelessness as a result of domestic violence for the first time. And the FHEPS program benefits are indexed to track any increases in rents approved for the City’s rent-stabilized apartments over the next five years.
- Protecting and providing for Runaway Homeless Youth
- Ensured reasonable accommodation for homeless people living with disabilities

# People Living with Disabilities

## Supplemental Security Income (SSI)

- Means based program
- For the aged, blind or disabled
- Income/resources count
- No derivative benefits
- Application date is the earliest pay date
- Benefit amount is statutorily set

## Social Security Disability Benefits (SSD)

- Requires an earnings history
- Disability onset: “date last insured”
- No resource limit
- Derivative benefits to dependents
- One year prior to application is the earliest pay date
- Benefit amount depends on work history

# People Living with Disabilities

## Eligibility for Government Assistance

### Adult Definition Defined

“Inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.”

42 U.S.C § 423 (d); 20 C.F.R §§ 404.1505, 416.905.

### Child Definition Defined

“A medically determinable physical or mental impairment (or combination of impairments) that causes marked and severe functional limitations and that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.”

Child cannot be engaged in substantial gainful activity. 42 U.S.C. §1382c(a)(3); 20 C.F.R. §416.906.

# 2018 Health & Human Services Poverty Guidelines

## Federal Poverty Levels

Persons in Household	Yearly	Monthly
1	\$12,140	\$1,012
2	\$16,640	\$1,372
3	\$20,780	\$1,732
4	\$25,100	\$2,092
5	\$29,420	\$2,452
6	\$33,740	\$2,812
7	\$38,060	\$3,172
8	\$42,380	\$3,532

# People Living with Disabilities

- An SSI recipient in New York State receives a maximum of \$761 per month.
- Almost one-third of disabled adults in NYC live below the federal poverty level.
- As such they face the issues that other poor people do, as well as issues of disability.
- One out of five NYC residents turning to soup kitchens and food pantries receive SSI, and 6 % receive SSDI.