

News from

**Mobilization for Justice**

100 William Street, New York, NY 10038

© 515

**SPRING 2018**

## *MFJ's Mental Health Law Project Marks 35 Years of Service*

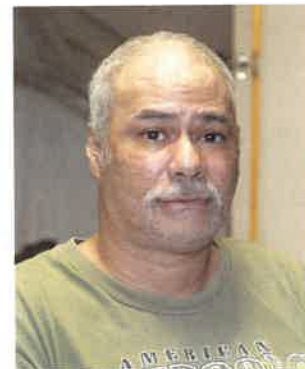
# Helping People with Disabilities Live Independently

Recognizing that people with mental illness are able to live in the community with independence and dignity if they have the proper supports, in 1983 the New York City Department of Health & Mental Hygiene provided funding to Mobilization for Justice (then MFY Legal Services) to provide comprehensive civil legal assistance to New Yorkers with mental illness. Now in its 35th year, MFJ's Mental Health Law Project (MHLP) handles more than 2,000 cases each year for people with mental illness, resolving a wide range of civil legal problems—from preventing evictions and securing public benefits to addressing consumer law problems and setting up special needs trusts.

### Stable Housing Is Critical

"If clients have stable housing and a source of income, they can recover and live like everyone else in the community," said Staff Attorney Evelyn Compton, who handles MHLP intake. Clients can reach the intake line three days a week, walk in, email, or meet with an MFJ attorney at community-based settings, including Fountain House, Venture House, and Bellevue Hospital.

Almost two-thirds of MHLP's cases involve saving affordable housing for clients, and problems often arise with the government programs that are supposed to help low-income people. MFJ Staff Attorney Elizabeth Filatova recently represented Nancy, a 48-year-old Manhattan



resident whose Section 8 housing voucher was withdrawn for failing to repay an overpayment in a timely manner. Nancy attempted to appeal this decision but she missed the deadline because she was recovering from surgery and her landlord refused to accept reinstatement of the Section 8 voucher unless all arrears were paid. The Department of Housing Preservation and Development (HPD), which issues the vouchers, refused to reinstate the voucher unless the

landlord agreed to forgo the arrears. Nancy was stuck in the middle, facing imminent eviction. MFJ brought an Article 78 proceeding, arguing that HPD had improperly denied Nancy a reasonable accommodation. Negotiations went on for months, but in the end HPD reinstated the voucher and paid a portion of the arrears. The landlord agreed not to seek the remaining arrears from Nancy.

Many MHLP clients live in supported housing

*(continued on page 2)*

## Mental Health Law Project

(continued from page 1)

operated by non-profit agencies. Much of this housing is “scatter-site,” with apartments generally located in low-income communities with poor housing stock. Complaints of poor conditions are commonplace and clients often have problems with roommates who are arbitrarily assigned to live with them. In one case, a Bronx resident reached out to MFJ when her roommate engaged in inappropriate behavior, including setting fires in the kitchen, and the supportive housing agency failed to intervene. Persistent and patient advocacy by MFJ staff convinced the housing provider to move the client to a studio apartment.

### Working with Community Partners

Carlos walked into MFJ’s legal clinic at Fountain House, an organization that provides support services to people with mental illness, two days before a fair hearing to challenge loss of his Medicaid benefits. MHLP Staff Attorney Orier Okumakpeyi immediately met with Fountain House social work staff to review the case, discovering that HRA had improperly coded his benefits and that he received bad advice when submitting his application. Armed with extensive advice from MFJ, Carlos’ social worker accompanied him to the hearing and successfully argued his case.

MHLP also works closely with discharge planners at the eleven hospitals operated by the New York City Health & Hospitals Corporation. Each hospital has a dedicated telephone line to reach MFJ in cases where loss of housing or public benefits might prevent a patient’s discharge. A hospital discharge planner called MFJ about Maria, who had a warrant of eviction placed under her door while hospitalized for depression. She owed \$3,500 in rent arrears and received minimal public assistance payments. MFJ appeared in Housing Court for Maria, moved for the appointment of a guardian *ad litem*, and obtained a stay of the eviction. Together with the hospital social worker, MFJ found a relative who would guarantee rent payment in excess of the client’s welfare grant, and obtained arrears from the city for back rent. Attorneys then helped Maria secure SSI benefits to enable her to pay her future rent. With this assistance, Maria was able to be discharged to her apartment, with income to pay her rent. In

addition to helping Maria keep her home, this assistance saved tens of thousands of dollars in hospital costs, since Maria would likely have remained hospitalized for 60-90 days while awaiting supportive housing.

MHLP attorneys work closely with all of MFJ’s practice areas to provide holistic services to clients. When Pedro, who had dropped out of college due to severe depression, came to MFJ’s clinic for Bellevue’s outpatients, he had thousands of dollars in student loan debt. With guidance from MFJ’s Consumer Rights Project, the MHLP attorney was able to consolidate Pedro’s loans and secure an affordable payment plan based on his income.

### Policy Initiatives

MHLP initiates class action lawsuits to protect and expand the rights of thousands of New Yorkers with mental disabilities. Transportation has always been a challenge for people with mental illness. A 2003 settlement in *Fountain House et al v. MTA et al*, extended eligibility for half-fare MetroCards to mental health consumers who receive Supplemental Security Income.




Staff Attorney Orier Okumakpeyi, right, meets with a client at Fountain House.

In 2016, when it became clear that the MTA was denying people with “invisible disabilities” paratransit services through Access-A-Ride, MFJ filed a class action lawsuit with pro bono assistance from Pillsbury Winthrop Shaw Pittman LLP. Clients had complained that the MTA summarily denied their requests for services and had erected onerous bureaucratic barriers for appealing a denial. The case settled when the MTA agreed to new procedures and explicitly stated that it will not discriminate against people with invisible disabilities.

MHLP attorneys also provide testimony at public hearings on issues affecting mental health consumers, and the project works with advocates citywide to promote policies that improve the lives of people with mental illness.

As one MHLP client commented in a survey about his experience at MFJ: “When you’re poor and have no power, you really need a place to go for justice.”

**JOSHUA HENRY****JESSE MUELLER****RENÉE FLEMING**



**RODGERS & HAMMERSTEIN'S**  
**CAROUSEL**

**Mobilization for Justice's**  
**Annual**  
**Dinner-Theatre Benefit**

*Honoring*  
**Warren Sinsheimer &**  
**The Partnership for Children's Rights**

**Wednesday, June 20, 2018**  
*Cocktails and Dinner at*  
*The Edison Ballroom followed by*  
*Carousel on Broadway*

Details at [www.mobilizationforjustice.org](http://www.mobilizationforjustice.org)  
or email [event@mfjlegal.org](mailto:event@mfjlegal.org)

# in brief

## pro bono news

### MFJ Staff Honored for Outstanding Work



Leah Goodridge

MFJ Supervising Attorney **Leah Goodridge** has been named a Rising Star by New York Nonprofit Media, which each year recognizes 40 non-profit professionals under age 40 for contributions to their fields. The Feerick Center for Social Justice at Fordham School of Law honored **MFJ** for trailblazing work in creating the Consumer Rights Project, whose work, led by **Carolyn Coffey**, Director of Litigation for Economic Justice, has been recognized nationally. Staff Attorneys **Evan Denerstein** and **Anamaria Segura** were also honored for help-

ing to create the Brooklyn Civil Legal Advice & Resource Office (CLARO), a citywide program that counsels New Yorkers being sued by debt collectors in the city's courthouses.

### Three-Quarter House Operator Found Guilty of Medicaid Fraud

For the past eight years, MFJ has worked to expose Medicaid fraud in the three-quarter house industry. On February 14, 2018, two notorious operators, Yury and Rimma Baumblit, pleaded guilty to two counts of grand larceny, admitting that they ran a kickback scheme with several Medicaid-funded treatment providers, thanks to MFJ's work in uncovering the fraud. In December 2010, MFJ and Patterson Belknap Webb & Tyler LLP sued the Baumblits and other providers for deceptive practices, pressuring tenants into signing away their rights, violating the rent stabilization code and laws, and unlawfully evicting tenants onto the street.



Tenants protest illegal evictions by Baumblit outside a house in Brooklyn.

### MFJ Helps Residents of Oak Hall Win Eight-Month Battle to Restore Cooking Gas

A month after National Grid shut off gas at Oak Hall on March 1, 2017 due to a leak caused by the landlord's illegal construction, the 70 tenants of this Brooklyn single-room occupancy (SRO) residence reached out to MFJ for help. Without the ability to cook food in the communal kitchens on each floor, the residents, many of whom have mental illness, were left to fend for themselves. Buying prepared food at local stores and restaurants in a rapidly gentrifying neighborhood presented a severe hardship for people living on disability benefits or public assistance, and the hot plates provided by the landlord are illegal in SRO rooms and a serious fire hazard. MFJ attorneys held multiple meetings with tenants at Oak Hall, sending a signal to the landlord that they were organized, had legal help, and were prepared to fight. After MFJ filed a suit in Housing Court to force the landlord to restore the gas, tenants came out in force to two court dates, and the case was settled on October 11, with the landlord agreeing to restore gas in all kitchens by November 22. Realizing that the tenants were not going to back down, the landlord made the repairs by the deadline, and the tenants were once again able to cook their own meals.

### Litigator Becomes Advocate for People with Disabilities



Cynthia Brill

After a long career as a commercial litigator at large firms and general counsel for media start-ups, Cynthia Brill found her way to Mobilization for Justice and became a volunteer attorney with the Mental Health Law Project in February 2016. Since then, she has spent her Wednesdays helping New Yorkers with mental illness resolve a wide range of legal problems.

Over the past two years, Cynthia has proven to be a tenacious advocate and problem solver. José, who suffered from paranoia, was convinced Western Union stole money he had wired to his sister in Texas. After tracking down the state agency that regulates Western Union, Cynthia discovered that the company stopped the transfer because José's sister was a Cuban national and the transaction violated a federal embargo. She eventually got Western Union to return the money to José, who was relieved that the money had not been stolen.

Cynthia also conducts intake at Bellevue Hospital's outpatient clinic. "Over the past several months we've seen a big uptick in immigration and student loan problems," she said. "Immigrants are afraid and we're able to counsel them about their rights and how to respond if they are approached by ICE."

"I've always been interested in public service—before law school I worked in city government—and wanted to get involved again," she said. "Working in the Mental Health Law Project has been a great experience."

## Child by Child, Making New York City a Better Place

### MFJ and Partnership for Children's Rights Announce Merger

Thousands of low-income families struggle each year to secure appropriate educational services for children with disabilities from the New York City Department of Education. Many children never receive the support services they need, or the placements offered do not appropriately meet their child's needs. Parents are frequently stymied by the difficulties in navigating the educational bureaucracy, and children risk falling into the school to prison pipeline.

To more broadly serve the legal needs of low-income children with disabilities, primarily children of color, Mobilization for Justice (MFJ) and the Partnership for Children's Rights (PFCR) are joining forces. MFJ has been a leader in providing free civil legal services to low-income New Yorkers for over five decades. PFCR, founded in 1999, provides comprehensive legal assistance to children with disabilities in the areas of special education and disability benefits. The merger, recently approved by the New York State Attorney General, will enable more children and families to get the help they need. By joining forces, MFJ will expand its growing Children's Rights practice

area and the families served by PFCR will benefit from MFJ's holistic approach to serving clients.

With this merger, many families with special needs children will have access to legal assistance to address the full array of "essentials of life" issues such as housing, government benefits, consumer, employment, immi-

gration, and kinship care from one place.

"We're thrilled to be able to serve more families and children facing the problems associated with poverty. We hope to be able to address systemic issues as we assess ways to improve this system that has failed so many," said Jeanette Zelhof, Mobilization for Justice's Executive Director.



policy advocacy

### MFJ and Consumer Advocates Work to Strengthen New York State Laws on Deceptive Business Practices

According to a new report by the National Consumer Law Center, New York consumers who have been victims of deceptive practices have an uphill battle to win justice due to the state's relatively weak laws and procedural hurdles imposed by courts.

"New York is one of only five states that does not include a broad prohibition of unfairness or unconscionability in its general business law," said Carolyn Coffey, MFJ's Director of Litigation for Economic Justice. "To win a remedy for a deceptive practice in New York, a consumer must show that the practice has a broader impact on consumers at large, which has led the courts to dismiss hundreds of

Unfair and Deceptive Acts and Practices (UDAP) cases," she said.

A bill recently introduced in the New York State Assembly by Assemblymember Yuh-Line Niou would restore New York to its leadership role in the area of consumer protection. The proposed law would prohibit unlawful and unfair conduct, eliminate the judicial requirement of demonstrating that the business engages in consumer-oriented conduct, increase the amount of available damages, make attorney's fees mandatory, and broaden standing to bring a claim.

"At least 39 other states have equal or stronger protections for their consumers," said Assemblymember Niou, "but New

York has been left behind. "We should strive to be a model of proper consumer protection, particularly as the federal government's Consumer Financial Protection Bureau steps away from representing consumers' interests."

MFJ and consumer advocates throughout the city will be urging lawmakers to adopt A. 09824 during the current session.

"Every day consumers who have been victims of all sorts of devious practices seek our help. For too long, New Yorkers have been defenseless against despicable business conduct simply because it was not deemed 'deceptive,'" said MFJ Staff Attorney Ariana Linder Mayer.