

## Judge Orders New York to Move Mentally Ill Out of Large, Institutional Housing

By [A. G. SULZBERGER](#)

New York State must begin moving thousands of people with mental illness into their own apartments or small homes and out of large, institutional adult homes that keep them segregated from society, a federal judge ordered on Monday.

The decision, by Judge Nicholas G. Garaufis of Federal District Court in Brooklyn, followed [his ruling](#) in September that the conditions at more than two dozen privately run adult homes in New York City [violated the Americans With Disabilities Act](#) by leaving approximately 4,300 mentally ill residents isolated in warehouselike conditions.

The remedial plan offered by Judge Garaufis, drawn from a proposal presented by advocates for the mentally ill that was backed by the Justice Department, calls on New York to develop at least 1,500 units of so-called supported housing a year for the next three years in New York City. That would give nearly all residents the opportunity to move out of adult homes.

Gloria Thomas, who lives in a shared room at the Queens Adult Care Center in Elmhurst, reacted to the ruling with joy. "Thank you Jesus, this is what I've been waiting for for the longest time," said Ms. Thomas, 54, who has been at the home for two years. "I need to get out of here."

In supported housing, a resident lives alone or in a small group and receives specialized services from counselors who visit as needed.

"This will give adult home residents the opportunity to live the way the rest of us do," said Jennifer Mathis, deputy legal director of the [Bazelon Center for Mental Health Law](#), which provided legal support for the lawsuit. "In the future people should not be steered to adult homes if they don't want it and they don't need it."

The state is considering an appeal, according to a one-sentence statement from Gov. [David A. Paterson](#)'s office.

During a five-week trial last summer, the state argued that advocates had overestimated the demand for supported housing and underestimated the cost, making a quick transition for the bulk of the adult home population unfeasible. It is unclear whether any changes resulting from the lawsuit, which was limited to New York City, will be applied to adult homes elsewhere in the state.

Jeffrey J. Edelman, president of the [New York Coalition for Quality Assisted Living](#), which represents 14 of the 28 large adult homes in the case, called the order irresponsible and deeply disturbing, and he urged the state to appeal. "The judge's decision, entirely following the advocates' agenda, could force thousands of the mentally ill from their stable lives in adult homes into independent living situations for which the majority are neither psychiatrically suited nor prepared," Mr. Edelman said in a statement.

If it stands, the order will transform a system that took shape in the 1960s, when the government embraced adult homes as a way to care for people with mental illness after the rapid closing of large state-run hospitals. But as with the earlier institutions, the adult homes struggled under continued lax state regulation and poor private management.

The lawsuit was filed in 2003 by [Disability Advocates](#), a nonprofit legal services group, after a [series of articles](#) in The New York Times that described a system in which residents were poorly monitored and barely cared for, left to swelter in the summer and sometimes subjected to needless medical treatment and operations for [Medicaid](#) reimbursement.

The state argued that conditions had markedly improved at adult homes in recent years, but the judge ruled last year that their operation discriminated by keeping residents separated from the outside world and providing them little encouragement

to find work, make friends or learn skills like cooking, shopping and budgeting.

"This decision is really important for those of us who want to live in the community," said Erica von Nardroff, 49, who has lived at [Elm York Home for Adults](#) in East Elmhurst for the past three and a half years.

"I need to move on with life," she added, "and being isolated here is not the way to do it."

Judge Garaufis's order rejected the remedy proposed by the state, which continued to dispute many of the findings of his previous rulings and which sought to cap the number of new supported housing units at 1,000, to be made available over five years. "The court is disappointed and, frankly, incredulous that defendants sincerely believed this proposal would suffice," the judge wrote.

In the order on Monday, the judge said that only people with the most severe mental illness, including those deemed a danger to themselves or others, should be housed in large adult homes. He also said that people who were eligible for supported housing could choose adult homes as long as they had been apprised of their options.

The judge ordered the appointment of a federal monitor to ensure the state followed his plan, and he said both sides must suggest candidates this week.

This article has been revised to reflect the following correction:

### Correction: March 5, 2010

A headline on Tuesday about a federal judge's order that mentally ill people be moved out of large, institutional housing and into their own homes misidentified the government to which the order was directed. It is New York State, not New York City.

