



FOR IMMEDIATE RELEASE

Additional information:  
Lycette Nelson, MFY Legal Services, Inc., 212-417-3717  
Joshua Spivak, Pillsbury Winthrop, LLP, 212-721-7421

## **Lawsuit Alleges Discrimination Against Residents by Adult Home Operator on Coney Island**

**Suit charges that Oceanview Manor Home in Brooklyn coerced, humiliated residents,  
while misusing their monthly allowance incomes from NY State**

New York, New York (September 21, 2004) -- MFY Legal Services, Inc. and law firm Pillsbury Winthrop LLP, have filed a class-action lawsuit in Federal District Court in Brooklyn against a Coney Island adult home for violations of residents' rights. The suit, brought on behalf of three named plaintiffs individually and as representatives of a class, alleges that Oceanview Manor Home for Adults and its operator, Joseph Rosenfeld, use residents' statutorily mandated personal needs allowance to coerce and punish them.

Oceanview Manor houses approximately 176 residents. The majority are people with mental disabilities who receive Supplemental Security Income. Under New York State law, an SSI recipient living in an adult home must receive a monthly allowance of \$127 per month, while the home receives \$872 per month for rent, board, and services the home is required to provide.

According to the complaint, Oceanview Manor staff illegally uses residents' monthly allowance as a form of behavior control, withholding money if residents do not attend certain voluntary programs, or shower and bathe when the home wants them to, or even accept medical services.

"Adult home residents have almost no control over their lives. Their small monthly allowance gives them a minimal degree of independence. The way Oceanview distributes residents' money and uses it to control their behavior is humiliating, abusive, and illegal" said Lycette Nelson, a staff attorney at MFY Legal Services.

The suit, filed in the United States District Court for the Eastern District of New York, claims that the home and its operator violated residents rights under the Americans with Disabilities Act, the federal Rehabilitation Act, and state and local anti-discrimination laws. The suit also claims the defendants breached their contracts with plaintiffs by violating state law and regulations and breached their fiduciary duty to plaintiffs.

"Oceanview and its operator have an obligation to help residents with money management and personal care, not to punish them by denying them access to what is legally theirs," said Susan Kohlmann, managing partner at Pillsbury Winthrop.

The suit names three residents as plaintiffs and seeks certification of a class that would include all current and future SSI recipients currently residing or who will reside at Oceanview. The home and its operator are able to control residents' allowances because the home serves as the representative payee designated by the Social Security Administration to receive some residents' monthly checks. Others receive their own checks, but maintain accounts with the home.

“Oceanview’s use of the purse-string power to control residents’ behavior creates a culture of unnecessary dependence upon the adult home operator,” said Jeanette Zelhof, MFY’s Managing Attorney. “This practice contributes to the infantilization of adult home residents that residents find demeaning and demoralizing. We hope this litigation will result in a change in the home’s policies.

MFY Legal Services, Inc., one of the first nonprofit legal agencies in the country, has been representing poor and disabled New Yorkers since 1963. MFY litigates both affirmatively and defensively to ensure equal access to the legal system for those unable to afford representation. MFY has represented residents of adult homes for more than 15 years. Its Adult Home Advocacy Project provides advocacy and representation for adult home residents throughout New York City and works in coalition with other organizations on policy and legislative issues affecting adult home residents.

Pillsbury Winthrop LLP is an international law firm with core practice areas in capital markets, financial services, litigation, intellectual property, global energy, real estate and technology. The firm has 16 offices worldwide. For further information please visit <http://www.pillsburywinthrop.com>

Please let us know if you would like a copy of the complaint, filed September 21 in U.S. District Court for the Eastern District of New York, or would like to speak with one of the attorneys representing Oceanview Manor residents.

#####