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For Immediate Release

Lawsuit Filed to Save the Homes of 120 Brooklyn Seniors

Suit Seeks Injunction against Closure of Prospect Park Residence

New York, NY--May 2, 2014. A lawsuit was filed today in State Supreme Court in Kings County to prevent the closing of the Prospect Park Residence, an assisted-living facility in Brooklyn which is home to 120 seniors. MFY Legal Services, Inc., The Legal Aid Society, and the law firm of Fitzpatrick, Cella, Harper & Scinto are representing seven of the residents. Plaintiffs are seeking a preliminary injunction and temporary restraining order.

Council Member Brad Lander, who has been leading the fight for the seniors at Prospect Park Residence, said: "Today's lawsuit is a vital step in protecting 120 of our elderly neighbors from cruel and heartless evictions, announced with just 90 days notice from the NYS Department of Health. We stand with these residents and their families against this immoral act. An enormous human toll has already been taken as a result of the pending closure. I am proud to be part of the legal action to reverse the closure decision, and to ensure that the owner and NYS Department of Health live up to their obligations to the full measure of the law. Thanks to Legal Aid and the rest of the legal team for bringing this pro-bono lawsuit in support of our neighbors."

Defendants in the lawsuit are Haysha Deitsch, the landlord, and the State Health Department, which accepted the landlord's proposal to close the facility after he submitted a closing plan relinquishing a conditional assisted-living facility license.

United States Senator Charles Schumer has sent a letter to the State Health Department requesting that the decision to close PPR be reconsidered and that levels of service be monitored. The letter says in part: "The Prospect Park Residence announced closure on March 5, 2014, giving 122 elderly residents just 90 days-notice to find a new home. Residents and their families and loved ones are very concerned about maintaining an adequate level of services within the building, starting now, but especially after the 90-day period ends. A thorough examination of the impacts and soundness of this proposal strongly argues that the DOH reconsider the closure decision and strongly monitor levels of service are maintained far beyond the 90-day period. DOH must also enforce requirements of the plan for Prospect Park Residence to assist residents individually in the relocation process and provide packing and inventory services."

"By failing to provide the required oversight, the Department of Health is leaving these residents with little choice other than to move to unnecessarily restrictive nursing homes," said Kevin M. Cremin of MFY Legal Services, Inc.

"The plan is completely pro forma, and what the Department of Health did was basically rubber-stamp it," Judith Goldiner, the Attorney -in-Charge of the Civil Reform Unit, told the New York Times. Affidavits from the relatives and families of residents point out that Prospect Park Residence is considered "home" to the elderly residents. The daughter of an 89-year-old resident said that "any move will be extremely traumatic for my mother and will sever her ties to important services and support groups." The daughter of a 96-year-old Holocaust survivor wrote that "my father loves living at Prospect Park Residence because of the activities and the neighborhood."

Aurore DeCarlo, Attorney in Charge, Brooklyn Office for the Aging, said that "The Department of Health is aware that there are almost no available places for the elderly and disabled residents of the Prospect Park Residence. Yet in violation of its own rules and state law, DOH summarily approved an improper closure plan and has failed provide any meaningful oversight to ensure compliance with minimal requirements of the closure process. Meanwhile, the landlord is forcing the elderly and disabled residents to move to alternative residences which don't meet their needs, and is causing the departure of essential health aides and the reduction of necessary services. All in pursuit of an opportunity to convert the building into luxury housing. Our lawsuit seeks to remedy the landlord and DOH's illegal actions and to preserve the health, well-being, safety, and dignity of these vulnerable residents."