

Community Health Law Project

Annual Report — *July 1, 2012 to June 30, 2013*



COMMUNITY
HEALTH LAW
PROJECT



COMMUNITY HEALTH LAW PROJECT



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Highlights of Thirty-Seven Years of Service in New Jersey

- 1976 Community Health Law Project established by the New Jersey State Bar Association and designated by the New Jersey Supreme Court as a legal aid society
- 1978 Successful CHLP suit ensures that community residences for people with disabilities may operate in residential districts
- 1978 CHLP advocacy leads to amending the NJ Law Against Discrimination to apply to people with mental disabilities
- 1985 Federal lawsuit in Mercer County opens federally subsidized housing to people with mental health disabilities
- 1988 Successful CHLP lawsuit prohibits state from terminating adult dependents with mental disabilities from health insurance coverage under their parents’ State Health Benefits Plan
- 1994 CHLP receives U.S. Housing and Urban Development grant for work in removing architectural barriers in public accommodations
- 1995 Favorable Appellate Division ruling on CHLP - initiated suit forces NJ casinos to implement affirmative action programs of employment for people with disabilities
- 1996 CHLP statewide survey shows that only 4% of residential multifamily units comply with state and federal architectural barrier laws
- 1996 CHLP federal court suit results in invalidation of NJ municipal zoning laws that exclude group homes for people with disabilities from residential neighborhoods
- 1998 CHLP receives U.S. HUD grant for work in removing architectural barriers in multifamily dwellings such as apartments and condominiums
- 2001 CHLP establishes statewide health insurance consumer assistance program
- 2002 CHLP class action results in agreement by developer to fund \$300,000 worth of accessibility renovations in 266 residential units
- 2004 Successful CHLP precedent – setting Appellate Division decision excluding SSI benefits from being used for child support obligations of parents with disabilities in Burns v. Edwards
- 2005 CHLP successfully advocated for eliminating state and county institutional and hospital liens, and limiting cost of care for patients of public psychiatric hospitals
- 2005 CHLP successfully advocated for statewide ADA standards and compulsory training of local welfare agencies to identify and accommodate the special needs of people with disabilities
- 2005 CHLP advocacy leads to NJ Fair Housing Act amendment requiring all new multifamily Mt. Laurel housing to be adaptable for use by people with physical disabilities
- 2006 CHLP expands mental health legal and advocacy services into Hudson, Ocean, and Burlington Counties
- 2007 CHLP files federal court complaint against Port Authority of New York and New Jersey alleging that Jersey City PATH Station is inaccessible
- 2008 NJ Superior Court judge orders \$1.5 million worth of retrofits to make condos accessible in ADA v. Renaissance
- 2009 CHLP successfully advocated for a law requiring public official and commercial data companies to remove lien records of former psychiatric patients from public view

Message from the Executive Director

As fiscal year 2013 drew to a close, people throughout New Jersey and the nation continued to struggle in the slow recovery from the great recession. Many citizens of New Jersey are still unemployed and the number of persons without health insurance continues to remain high in our state. However, with the implementation of the Healthcare Reform, we look forward to assisting our clients to enroll in the Medicaid expansion or the Healthcare Marketplace.



Harold B. Garwin

We have also begun to provide services to the many residents of our shore communities who were devastated by Superstorm Sandy. The needs of this group of citizens are certainly great, due to the crisis and the potential long-term devastating effect on the individuals and families affected by the loss of homes, apartments and possessions. Our staff has begun to be involved in various volunteer outreach efforts, giving advice as to possible assistance programs, and where appropriate, providing representation to clients who need emergency housing, emergency medication, and relocation assistance.

The above difficulties have been made more excruciating for our clients as the State of New Jersey has not recovered as well from the recession as some of our neighbors, and this has further threatened the last vestiges of the safety net.

Even so, the Community Health Law Project has continued its services to over 4,700 clients who are among our state's most vulnerable citizens, and to hundreds more through training and education programs.

The Community Health Law Project continues to be recognized in the legal, social service, and health communities as an integral part of the safety net for New Jersey citizens living with disabilities.

Sincerely,

A handwritten signature in dark ink that reads "Harold B. Garwin". The signature is written in a cursive style.

HAROLD B. GARWIN

President/Executive Director

To provide legal and advocacy services, training, education, and related activities to persons with disabilities and to organizations representing their interests, with an emphasis on those most vulnerable and needy.

The Year in Review: July 2012 - June 2013

The Community Health Law Project staff have represented our clients in a myriad of civil matters. Some examples of the types of cases that we have been involved in this fiscal year include:

- CHLP staff represented a client who is visually disabled, filing an action with the New Jersey Division on Civil Rights arguing that several public accommodations including stores and restaurants have illegally ordered our client out of their establishments because of the presence of his service dog. This is very much a typical difficulty facing a variety of our clients who use service animals to assist them in the community. These cases involve protections under the Americans with Disabilities Act and the New Jersey Law Against Discrimination.
- Our staff was involved in violations of the Americans with Disabilities Act and New Jersey's Law Against Discrimination, working with a client who is a college student, was denied adequate accommodations to attend to her personal needs resulting from her disabilities while on campus. A lawsuit was filed in the Superior Court of New Jersey and settlement negotiations were completed to provide the student with the appropriate accommodations.
- Staff has also become involved in issues related to home health care for our clients living with disabilities who are homebound. Several clients have had their personal care assistance hours reduced by the health care carrier and we are representing them in fair hearings in order to maintain or increase their hours of care in order to meet their needs.
- The staff have continued to be involved in a large volume of cases related to obtaining or retaining necessary income benefits and health care for our clients. These cases involve representing clients in appeals from Social Security disability applications being denied, benefits being reduced because of overpayments, and terminations of benefits from assertions that the client's income or disability no longer qualifies them for benefits. An example is a case where staff represented a client whose benefits were terminated and he was charged a \$174,000 overpayment. Staff filed a waiver request and after addressing the matter, Social Security determined not to collect the overpayment; the client began to receive benefits again. In another matter, a client who was an immigrant from the Caribbean who had entered the US legally, eventually received citizenship and with the staff's assistance, was successful in receiving Social Security for her disabilities.

LAW & DISABILITY ISSUES CONFERENCE

CHLP's annual Law & Disability Issues Conference, sponsored by the New Jersey State Bar Foundation and the New Jersey Institute for Continuing Legal Education, was held on March 14, 2013. It began with Keynote Speaker Kenneth E. Kobylowski, Commissioner, NJ Department of Banking & Insurance. Next was the **Plenary Session - Health Reform-Implementation and Exchanges** - moderated by John Sarno, Esq., Employers Association of New Jersey, with a panel consisting of Professor John V. Jacobi, Dorothea Dix Professor of Health Law & Policy; Faculty Director, Center for Health & Pharmaceutical Law and Policy, Seton Hall University School of Law; and Joshua Spielberg, Esq., Senior Attorney, Legal Services of New Jersey, Health Care Access Project; and Christine A. Stearns, Esq., New Jersey Business & Industry Association, Vice President Health & Legal Affairs.

Workshop 1: Emerging Issues in Civil Rights Law for People with Disabilities. This workshop examined such issues as including people with disabilities in emergency planning, the accessibility of point-of-sale machines, and issues of dealing with movies and web accessibility. Moderated by Stuart H. Weiner, Esq., Community Health Law Project, with a panel consisting of Erika Kerber, Esq., Brian Smith, Esq., and Alma Yee, Esq., all of whom are from the Community Health Law Project.

Workshop 2: Accessing Entitlements. This workshop discussed common roadblocks to accessing and obtaining services and/or entitlements for people throughout New Jersey. They provided an overview of what strategies seem to be most effective while emphasizing that access to these services and entitlements is essential to people in need. Moderated by Robert Kley, Vice President and Chief Operating Officer, New Jersey Mental Health Association, with a panel consisting of peer specialists.

Training Session: Systems Navigation-Know Your Rights. Peer specialists are increasingly taking on the role of case/care managers of consumers who experience significant barriers to living independently in the community. As the role of peer case management grows, it is important to provide these professionals with the tools that are needed to be effective. This workshop provided an introduction to Work First New Jersey, Social Security Disability and landlord/tenant rules and regulations. Moderated by Ramona DeFonza, Community Health Law Project, with a panel consisting of Laurie Egeth and Alma Yee, Esq., both from the CHLP.

Ann Klein Advocate Awards

The 25th annual Ann Klein Advocate Awards, held on October 18, 2012, at The Wilshire Grand Hotel, honored exceptional people:

Thomas Baffuto, Executive Director, The Arc of New Jersey
Borough of Closter, NJ
Robert L. Parker, CEO, NewBridge Services, Inc.
Tenants of Orchard Commons and the Roberts House

The event was attended by almost 200 individuals with major support from Verizon; Columbia Bank; Johnson & Johnson Law Department; Trenk, DiPasquale, Della Fera & Sodono, PC; Edward A. Kopelson, Esq.; McCarter & English, LLP; Mutual of America; and Starr, Gern, Davison & Rubin, PC.

Our first Ann Klein Advocate Award honoree was Thomas Baffuto, the Executive Director of the Arc of New Jersey. Mr. Baffuto has been the leader of the Arc of NJ since 1998. He has helped to develop one of the state's first supported employment programs and has been a staunch advocate of individuals with intellectual and developmental disabilities, having the capacity to fully participate in their communities. Tom has made it his mission to actively develop and support high quality, long term programming to address a host of key issues including housing opportunities that impact citizens with developmental disabilities and their families.

The Borough of Closter, in Bergen County, received the Ann Klein Advocate Award for its progressive approach to persons living with disabilities residing in their communities. The Borough has welcomed the creation and development of different forms of housing available to persons with mental, developmental and physical disabilities. Under the leadership of the Borough's elected officials, the acronym "NIMBY" has not been in existence.

Robert Parker, the CEO of NewBridge Services for over 20 years, is recognized as an Ann Klein Advocate Award recipient because of his success in transforming his agency into a multi-service community organization that serves more than 10,000 in Northern New Jersey each year.

NewBridge, besides its traditional mental health services, has made affordable housing a priority. It has created almost 200 affordable housing units primarily for individuals and families with special needs. Mr. Parker has led the effort to show that people with various disabilities can live successfully in the community if provided with safe, affordable and accessible housing with access to supportive services.

Residents of Orchard Commons and the Roberts House, in Allendale, NJ, are living examples of the legacy of Ann Klein. They are truly the living proof that with carefully tailored and individualized supports and services, persons living with disabilities can grow and develop in independent housing within our communities, no matter how significant their disabilities are.

As always, the true highlight of the year is the number of clients served: in FY2013, the Community Health Law Project provided legal services to 4,754 persons with disabilities in New Jersey. Since its founding in 1976, CHLP has provided services to tens of thousands of residents living with disabilities and their families.

Funding Sources Fiscal Year 2013

City of Newark - Title 1, HIV - Ryan White

IOLTA Fund of the Bar of New Jersey

Kessler Foundation

Legal Services of New Jersey, Inc.

Monmouth County Department of Human Services, Division of Mental Health

Robin Hood Foundation

Salem County Mental Health Board

State of New Jersey:

Department of Children and Families

Department of Health and Senior Services, Division of HIV, STD and TB Services

Department of Human Services, Commission for the Blind and Visually Impaired

Department of Human Services, Division of Developmental Disabilities

Department of Human Services, Division of Mental Health and Addiction Services

Union County Division on Aging

Marjorie Wyman Trust

Statement of Financial Position

As of June 30, 2013

ASSETS

Cash and Equivalents	\$252,766
Cash Escrow	27,922
Investments	524,780
Grants and Contracts Receivable	249,024
Other Receivables	57,571
Prepaid Expenses	17,103
Property and Equipment	200,291
Security Deposits	<u>28,178</u>

TOTAL ASSETS **\$1,357,635**

LIABILITIES & NET ASSETS

Accounts Payable and Accrued Expenses	\$47,863
Accrued Vacation Payable	150,444
Client's Escrow Deposits	27,922
Deferred Revenue	—
Refundable Advances	88,164
Due to Funding Sources	—
Current Maturities of Mortgage Payable	13,000
Total Current Liabilities	<u>\$327,393</u>

Mortgage Payable, Less Current Maturities **\$39,000**

TOTAL LIABILITIES **\$366,393**

Net Assets

Unrestricted Net Assets	\$432,982
Temporarily Restricted Assets	<u>558,260</u>

TOTAL NET ASSETS **\$ 991,242**

TOTAL LIABILITIES & NET ASSETS **\$1,357,635**

Income and Expenses

For the Year Ending June 30, 2013

INCOME

Grants & Contracts	\$5,241,064
Attorney Fees	484,234
Contributions	20,348
Fundraising	67,420
Interest & Other Income	<u>24,664</u>
	\$5,837,730

EXPENSES

Legal & Advocacy Services	\$4,949,662
Policy, Planning, Training, Administration & Fundraising	<u>1,074,266</u>
	\$6,023,928



CHLP's Programs and Services

The essential mission of the Community Health Law Project is to provide legal and advocacy services to New Jersey residents with disabilities. We serve consumers of mental health services, people with physical disabilities, HIV/AIDS, developmental disabilities, and visual impairments. Our attorneys and advocates represent clients in matters involving Social Security benefits, welfare, food stamps, and other entitlements; housing habitability and landlord/tenant disputes; foreclosure defense; consumer protection and debt collection; child support, and domestic violence; Medicaid, Medicare, and other health insurance issues; civil rights; and barrier-free accessibility. In FY2013 (July 1, 2012 to June 30, 2013), CHLP represented 4,754 clients. An example of how the Law Project's direct services adjusts to the needs of our clients is the effect of Superstorm Sandy on people living with disabilities.

In the Monmouth, Ocean and Atlantic Counties, our regional offices needed to address new problems that many of our clients faced from the storm's devastation. With funding from two foundations, the Law Project staff assisted clients who had lost their medication, their apartments, their homes, and in some cases, all of their possessions. Staff needed to argue for clients that emergency supplies and medication were necessary even though their renewal dates were not due. Staff assisted in helping clients relocate to emergency housing and represented them in seeking a return of their security deposits. Staff initiated actions to have rental assistance vouchers transferred to new housing and after their former housing was rehabilitated, to have the landlords continue to rent to our clients.

Beyond these simple but important issues, many more complicated events unfolded. As the federal and state governments entered the arena to provide assistance, many of our clients were caught in the web of FEMA and DCA applications and appeals. This event further heightens the difficulties of persons living with disabilities to live in our communities, but with a yeoman's effort, the Law Project staff has been extremely successful in advocating on behalf of our clients during this special circumstance.

In addition to the example of service described above, CHLP operates several unique programs:

Boarding Home Outreach. In December 2004, the Community Health Law Project was awarded a discretionary grant through the NJ Department of the Treasury to do outreach at boarding homes and residential health care facilities, and to provide direct services to those facilities' low-income residents with mental disabilities. In 2006, the grant was folded into CHLP's mental health contract with the New Jersey Department of Human Services. During FY2013, staff from CHLP's regional offices continued to focus their efforts on facilities in Atlantic, Burlington, Camden, Essex, Mercer, Monmouth, Ocean, and Union Counties.

Student Internship Program. Since 1988, CHLP has been holding its annual Ann Klein Advocate Awards, the proceeds of which support its student internship program. Using these funds, as well as funding from Legal Services of New Jersey, CHLP has been able to hire several law students and graduate students every year to work in its branch offices on direct legal services, and its South Orange office on civil rights cases. In so doing, it helps to train and inspire the next generation of disabilities advocates and attorneys.

Civil Rights and Fair Housing Litigation. Litigation initiated by CHLP has resulted in the construction of thousands of accessible apartments and condominium units in New Jersey and the repeal of numerous discriminatory municipal zoning ordinances. In 1996, one such federal lawsuit, ARC v. Voorhees, resulted in the elimination of exclusionary zoning ordinances that prevented community residences from operating in areas zoned for single-family dwellings. ADA v. Renaissance, which was filed in 1998 and alleged violations of state architectural barrier laws in a North Brunswick condominium development, had been to the Appellate Division and the New Jersey Supreme Court. It was finally tried in 2007 and, following a second trip to the Appellate Division, resulted in a judgment requiring the developer to spend over a million dollars for retrofits to the condominium units and common areas which will bring them into compliance with New Jersey's Barrier-Free Subcode. In addition, when unit owners reject retrofitting, the judgment requires the developer to pay what would have been the cost of the retrofit into a fund that will be used to promote accessible housing for people with disabilities throughout New Jersey. In the hip v. PATH litigation, the Federal District Court found against PATH in favor of the plaintiffs who asserted that the PATH station is inaccessible. The case was appealed to the US Court of Appeals for the Third Circuit and remanded for further fact-finding by the trial court. Currently settlement negotiations have been instituted and there is optimism that the matter will be settled in the near future.

Public Policy Advocacy. CHLP staff has continued to address system-wide issues that affect our clients in a number of ways. For example, we participated in statewide coalitions such as the New Jersey Anti-Poverty Network and the Affordable Housing Network and various county professional advisory committees to local mental health planning boards. We took active roles in the government affairs committees and activities of statewide organizations, such as Disability Rights New Jersey; the Mental Health Association in New Jersey; ARC of New Jersey; and New Jersey Association of Mental Health and Addiction Agencies. Our direct services staff attorneys and advocates participated in numerous local advisory boards and task forces around the state addressing issues such as homelessness, mental illness, developmental disabilities, Social Security, HIV/AIDS services, prisoner reentry and human services. In addition, our attorneys and advocates provided community education and training around the state on a variety of topics of concern to people with disabilities.

Training and Workshops. CHLP offers a wide range of workshops for consumers and professionals. With the support of the New Jersey State Bar Foundation, it presents an annual Law & Disability Issues Conference at the New Jersey Law Center in New Brunswick every spring. Subjects range from civil rights cases to health care issues to new laws affecting people in institutional settings. CHLP staff is always ready to speak on the entire range of legal topics that affect the organization's clients. Staff also offer interactive workshops on the civil rights of persons with disabilities and on health care issues.



L-R: Brian Smith, Alma Yee, Erika Kerber and Stuart Weiner, all CHLP Managing Attorneys, acting as the panel and moderator of Workshop 1: Emerging Issues in Civil Rights Law for People with Disabilities, at the 2013 Law & Disability Issues Conference

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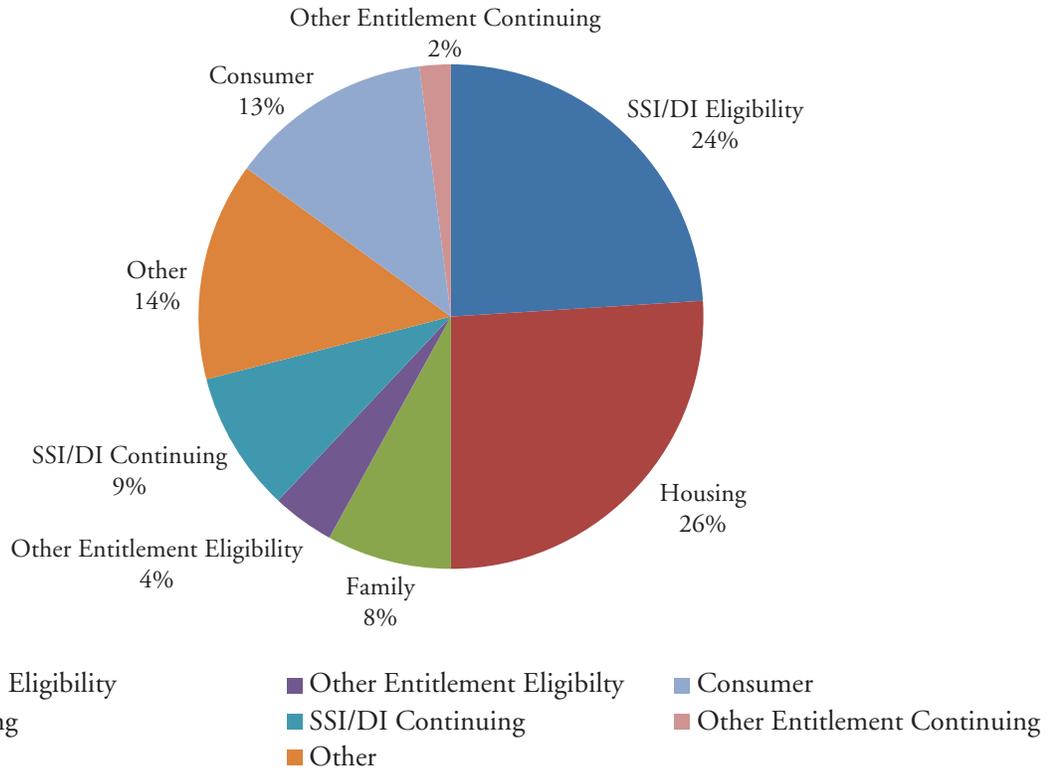


Advisory Boards and Task Forces on which CHLP Staff Participate:

Anti – Poverty Network
Atlantic County Mental Health Board Professional
Advisory Committee
Burlington County Mental Health Systems Review Committee
Commissioner of Human Services Executive Advisory
Committee
Community Planning & Advocacy Council
Department of Community Affairs Barrier-Free Subcode
Committee
Disability Rights New Jersey, PAIMI Advisory Council
Essex County Mental Health Board Professional Advisory
Committee
Essex Vicinage Advisory Committee on Minority Concerns
Hudson County Food and Shelter Coalition
Hudson County Mental Health Board
Hudson County Professional Advisory Committee
Leadership New Jersey Board of Directors
LSNJ Housing Task Force
Mental Health Association in New Jersey Board of Trustees
Mental Health Association in New Jersey Public Policy
Committee
Mental Health Association in Passaic County
Mental Health Association in Southwest New Jersey Board of
Trustees
Mental Health Association in Southwest New Jersey Public
Policy Committee
Mercer County HIV Collaborative
Mercer County Mental Health Board Professional Advisory
Committee
Mercer County SSI SOAR Committee
Monday Morning Project

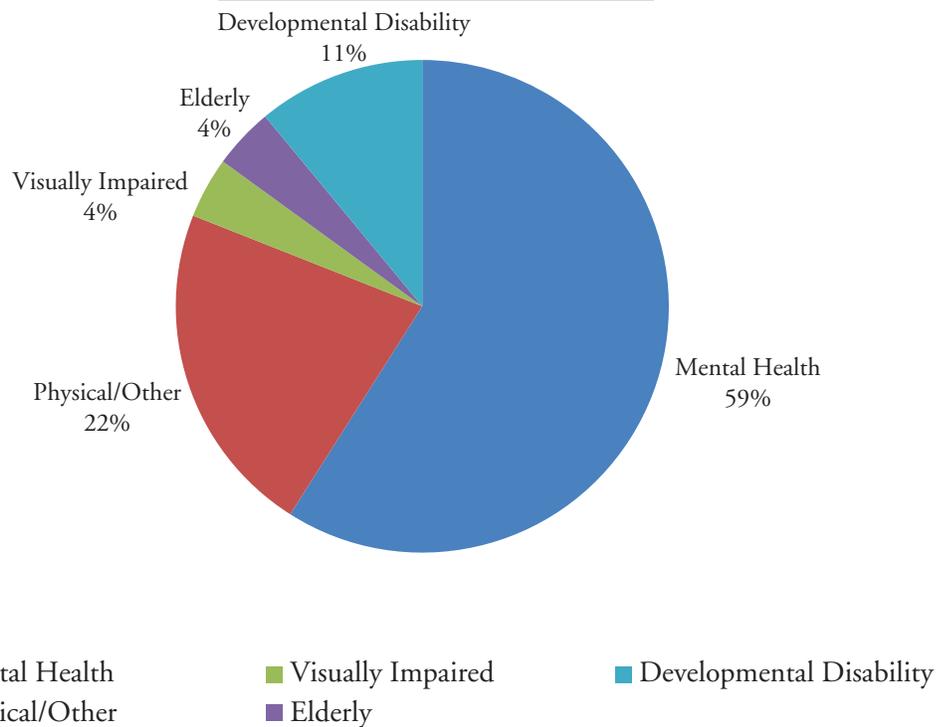
Monmouth County CEAS (Comprehensive Emergency
Assistance Program)
Monmouth County Division on Aging, Disabilities, & Veterans
Services
Monmouth County Mental Health Board Professional Advisory
Committee
Newark EMA Early Intervention & Retention Collaborative (EIRC)
Newark EMA Health Services HIV Planning Council
New Jersey Association of Mental Health & Addiction Service
Agencies
New Jersey Division of Developmental Disabilities:
Dialog with the Division
New Jersey Mental Health Coalition
New Jersey Partners: Aging, Mental Health and
Substance Abuse, Inc.
New Jersey SHARES
Ocean County Professional Advisory Council
Passaic County Mental Health Board Professional Advisory
Committee
Senior Legislative Issues Coalition of Union County
Seton Hall Law School Diversity Council
The ARC of New Jersey Government Affairs Committee
The ARC, Partners in Justice
Union County Department of Human Services Code Blue
Committee
Union County Foreclosure Task Force
Union County Mental Health Board Professional Advisory
Committee
Union County Mental Health Justice Involved Services Steering
Committee

New Cases FY 2013



Clients Served by Disability

FY 2013 Total = 4,754



COMMUNITY HEALTH LAW PROJECT



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