



LEGAL SERVICES FOR NEW YORK CITY

THE LSNY SEPTEMBER 11TH PROJECT

SIX MONTHS AFTER THE ATTACK: A CUMULATIVE REPORT

APRIL 2002

Since the September 11th attack, the LSNY offices have been working with our colleagues in the social services, legal assistance and advocacy communities to address evolving legal needs as a result of the attack. Our offices have helped over 5000 people since the crisis began by advising people on their rights; making calls and writing letters on their behalf; assisting with applications for benefits; representing people before courts and administrative tribunals in negotiations, trials and hearings; filing appeals on behalf of people affected by the attack; mentoring; training; and disseminating materials through community education projects and outreach. Following is a summary of (i) the impact of the attack on low-income and poor people in New York City and an assessment of their needs; (ii) our current activities surrounding the attack; and (iii) examples of cases we have handled in connection with the attack.

I. IMPACT OF THE SEPTEMBER 11TH ATTACK ON THE LEGAL NEEDS OF NYC'S LOW-INCOME POPULATION

The September 11, 2001 attack on the World Trade Center has had devastating and far-reaching ramifications on the economy of New York City. In addition to the almost 3000 lives lost in the attack, the City lost 132,400 jobs last year due to the combination of the attack with a national recession that had already decimated New York's services sector.¹ The economic downturn for the City continues into 2002, with significant job loss in the private sector,² a correlating increase in the unemployment rate – from 7.1% to 7.2%³ – and a 17% increase in the number of people filing initial claims for unemployment insurance.⁴ The attacks have also taken a toll on the mental health of the City – it is estimated that 90,000 people in Manhattan alone reported having symptoms consistent with a diagnosis of post-traumatic stress disorder or clinical depression 5 to 8 weeks after the attacks; another estimated 34,000 people met the criteria for both diagnoses.⁵

Of the 132,400 jobs lost last year, at least 36% – an estimated 47,664 jobs – were from the lowest paid industries and sectors: small businesses near to and/or dependent upon the World Trade Center; retail trade; restaurants; hotels; and business services.⁶ A significant portion of this total involves single parent, one-wage earner and immigrant labor households, which traditionally form the economic underbelly of our

¹ Leslie Eaton, *Worst Job Loss for New York in a Decade*, N.Y. Times, March 6, 2002, at B1.

² Leslie Eaton, *City is Losing Jobs Despite Signs of a Rebound on the National Level*, N.Y. Times, March 22, 2002, at B1.

³ *Id.*

⁴ *Id.* at B8.

⁵ Erica Goode, *Thousands in Manhattan Needed Therapy After Attack, Study Finds*, N.Y. Times, March 28, 2002, at A15.

⁶ Leslie Eaton, *City is Losing Jobs Despite Signs of a Rebound on the National Level*, N.Y. Times, March 22, 2002, at B8; *Economic Impact of the September 11 World Trade Center Attack, Preliminary Report*, Fiscal Policy Institute, September 28, 2001.

society. Additionally, the plight of other, already needy people, all over New York City, was made more desperate by government and agency dislocations caused by the closure of lower Manhattan and power and telephone interruptions during the weeks following September 11th.

As a result of these disruptions to their lives and livelihoods, low-income people are experiencing legal problems they would not have but for the attack. These problems fall across a range of legal needs, including family law matters, eviction and other housing-related matters, and problems with unemployment insurance, social security, Public Assistance, and other government benefits. Populations with legal needs related to the attack have included:

- individuals in Brooklyn who are not receiving Public Assistance because Center 64 has experienced computer disruptions since September 11th;
- disabled family members of those killed at the World Trade Center who need help assessing how receipt of social security survivor benefits or other funds made available to families of World Trade Center victims will impact their eligibility to receive Medicaid or SSI;
- people who lost their jobs at or in the near vicinity of the World Trade Center who need help in navigating the various charities assisting victims in paying their rent; and
- people who lost jobs at the World Trade Center and have not been able to locate jobs who are facing eviction, foreclosure, and bankruptcy due to their loss of income.

II. LEGAL ASSISTANCE ACTIVITIES OF LSNY OFFICES IN RESPONSE TO THE SEPTEMBER 11TH ATTACK

LSNY is the largest provider of civil legal services to the poor in the continental United States. Our offices and outreach centers in low-income neighborhoods and transportation hubs throughout New York City are a significant and integral part of the legal services delivery system in New York. The LSNY network of nonprofit legal services programs, including 17 offices in poor communities and transportation hubs, provides free legal help in civil matters to poor people throughout New York City. For over thirty years our staff of attorneys, paralegals, social workers and clerical workers has been providing access to the legal system for people who have no where else to turn. We provide high quality legal assistance in our core practice areas of family, housing, benefits, consumer, and education law, and we respond to legal needs that may be particular to a group of people, a neighborhood, or a period of time. We have special projects for the elderly, the physically and mentally disabled, victims of domestic violence, immigrants, students, and people with HIV. We represent our clients in courts and administrative tribunals, provide advice or referral when we can't provide representation, assist clients with community-based economic development, provide legal education through community workshops, hotlines and written materials, and provide professional training in poverty law for attorneys, advocates and others.

To help New York's low-income population meet the legal needs they are experiencing because of the loss of income and trauma of the attack, LSNY developed the September 11th Project, a holistic approach to addressing the civil legal services needs of poor people due to the attack, including family, housing, unemployment and government benefits matters. In addition to establishing a single central phone number for organizations to make referrals to LSNY – (212) 431-7200, Ext. 152 – staff members in each of our offices were designated to coordinate assistance to September 11th clients, coordinate efforts to reach out to other organizations and legal services providers, and to track our September 11th cases. LSNY's September 11th activities include:

- A. Providing advice and representation to individuals affected by the tragedy: LSNY's offices have assisted approximately 770 households affected by the attack. We have been and will continue to assist with a large range of legal problems related to this crisis, including:
- family members of victims in need of social security survivor benefits;
 - families of survivors needing access to government benefits and charitable benefits;
 - family members of victims facing landlord-tenant issues (e.g.: eviction proceedings brought against surviving household members; illegal lock-outs of survivors; succession rights in Mitchell-Lama housing);
 - child custody issues for survivors, especially where parents of children were not married to each other;
 - family members in need of obtaining guardianships, or representation in connection with wills or estates of victims of the attack;
 - people facing problems with government benefits because agencies were closed, files lost, and/or computers down;
 - representation in Housing Court to prevent eviction of the people who are now jobless due to the attack;
 - assistance with emergency public assistance; and
 - food stamps, social security and unemployment insurance applications.
- B. Trainings and Community Outreach: LSNY's offices have to date conducted or participated in 55 trainings on issues related to the attack – an estimated 2000 persons attended these meetings. Trainings or conferences conducted since September 11th include:
- “Rebuilding for Whom? Spotlight on the Poor: A Working Conference,” hosted by MFY Legal Services;
 - an owner and tenant forum organized by the New York City Civil Court;
 - a clinic on unemployment insurance benefits for low-wage and immigrant workers;
 - bankruptcy and consumer debt collection trainings for advocates, organized by the LSNY Legal Support Unit; and
 - a series of trainings regarding disaster relief benefits presented at Queens Public Library branches by Queens Legal Services.
- C. Lending expertise to the coordinated effort for victims: The Association of the Bar of the City of New York has been coordinating a collaborative effort to provide legal assistance to the families of victims through the use of volunteer private attorneys. LSNY staff members have been closely involved with the Association, FEMA, the American Red Cross, and the many other organizations involved in the effort to assist the victims of the attack by providing mentoring and training to private attorneys in areas of our expertise, including guardianships, wills, social security death benefits, and landlord-tenant matters, as well as by accepting referrals and providing direct representation to victims.
- D. Posting law-related emergency information for advocates, social services providers and the public on the web through www.LawHelp.org: Lawhelp is a collaborative website that is designed to assist low-income New Yorkers by connecting them to legal help, information and legal education materials in a number of different areas of civil law. In order to respond to the September 11th crisis, we have devoted a section of the website to emergency legal and resource information that is designed to be especially helpful to the communities that we serve. LSNY staff members have been gathering and posting and regularly updating information in such areas as housing and eviction

prevention, emergency food stamps and Medicaid, special unemployment and disaster relief eligibility, custody and guardianship of children who have lost family members, and access to benefits. In the immediate aftermath of the attack, we continued to update and post emergency contact information for legal services organizations, and for government and public service agencies who were displaced or were experiencing communication problems. We also worked with law students from Cardozo Law School, Columbia University Law School, and other institutions to develop community legal education materials specifically targeted to and addressing issues of concern to those affected by the tragedy.

- E. Coordinating exchange of information and strategies among advocates: LSNY organizes and hosts a number of task forces in substantive areas of poverty law, including HIV Advocacy, Disability, Family Law, Public Benefits, SSI/SSD and Housing. We have been devoting time at task force meetings to discuss the legal issues that are arising for poor and low-income New Yorkers affected by the events of September 11th and coordinating strategies and approaches to address those issues. In addition, the September 11th Project point people meet regularly to discuss case strategies, plan outreach and coordinate efforts.

III. FUTURE IMPACT OF THE ATTACK ON THE LEGAL NEEDS OF NYC'S LOW-INCOME POPULATION

Although the September 11th cases we have handled do not always fit into clearly defined categories, they have involved many areas of poverty law: family (including orders of protection, custody, visitation, and child support); unemployment benefits; government benefits (SSI/SSD, Public Assistance and Medicaid); housing (disaster-related job loss or non-receipt of benefits due to computer disruptions that could result in eviction); and miscellaneous cases (Bankruptcy, Collections, Utilities, Foreclosure, Wills). The cases we have handled so far have been distributed as follows:

<i>Category</i>	<i>Mid-March 2002</i>
Family Law	11%
Unemployment Benefits	10%
Government Benefits	41%
Housing	27%
Miscellaneous	11%

Based on the cases we are seeing now, it is clear that this event has had a devastating impact on our clients. Most of the cases we are seeing now involve people who have lost income as a result of the World Trade Center disaster. Many of those people need assistance accessing various benefits that they may be entitled to, including unemployment insurance, public assistance, Social Security Disability and SSI and disaster-related relief funds. In addition, many of those people have housing problems and need assistance in housing court proceedings. We also have a number of clients who were self-employed and lost their small businesses. Those clients are having trouble accessing help as they are not entitled to unemployment and are having trouble qualifying for small business loans. They, too, have eviction proceedings pending. Thus, we anticipate that our clients will continue to need assistance with employment related issues, accessing benefits and housing cases. Finally, we anticipate that as their resources dwindle our clients will look to all potential sources of income for survival. Thus, for example, single mothers are likely to more aggressively seek child support for additional support, thus causing an increase in such cases.

The number of low- and moderate-income families in New York who are seriously behind on their mortgage payments is soaring due to “a combination of rising unemployment, economic losses resulting from the events of September 11th and fraudulent lending practices that lured first-time home buyers into untenable situations.”⁷ Thus, we are beginning to see a growing number of foreclosure cases, consumer debt and bankruptcy matters.

As a result of the trauma of the September 11th attack, we have seen a number of clients suffering stress-related issues such as clients who have experienced domestic violence they trace to September 11th and clients whose preexisting mental disabilities were exacerbated by witnessing the attack. We anticipate an increase in the number of Social Security and SSI disability cases based on mental impairment (anxiety, depression, posttraumatic syndrome) within the next year or two as individuals begin seeking treatment and come to realize that they are not able to work or have failed in their attempts to return to work as a result of the attack.

Finally, we also anticipate an increase in the number of Social Security & SSI cases related to respiratory impairments among individuals who were caught in the black cloud of debris as the towers collapsed, among those working downtown while the fires were still smoldering, and day laborers who were not given proper equipment to clean the dust and debris in downtown offices and apartment buildings. We further anticipate an increase in the incidences of drug and alcohol abuse.

IV. CASE NARRATIVES

Following are just a few cases illustrative of how people have been affected by the September 11th tragedy, and how LSNY has been able to help them:

Mr. J lost his job as a maintenance worker at the World Trade Center on September 11th. He lives with his two young children in a two-family house and receives unemployment insurance. His landlord sued him in Housing Court in a holdover proceeding to recover the house for his own personal use. Mr. J was unable to find affordable housing due to the decrease in his income. Bronx Legal Services attorneys are representing him in Housing Court to forestall his eviction, are assisting him with finding alternative housing through special subsidies for 9/11 victims, and are helping him obtain rent and moving costs through charities.

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When the welfare centers went down on September 11th and their computers were disrupted, Ms. A's case went into limbo with a rent underpayment and possible eviction looming. With South Brooklyn Legal Services' assistance, she had signed a rent stipulation with her landlord in early September, which was to be paid with Public Assistance funds. Her case fell into disarray after the computers went down on September 11th, and Ms. A and her children were threatened with eviction. South Brooklyn Legal Services helped her resolve the underpayment and revise the stipulation with her landlord.

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Ms. D's life was also disrupted due to the welfare computer disruptions after September 11th. She had found a job after being unemployed for 11 months, but due to computer and telecommunications disruptions related to the attack the New York City Human Resource Administration was unable to provide her with guaranteed

⁷ Sarah Kershaw, *Failing Mortgages Soar in New York*, N.Y. Times, March 27, 2002, at A1, B6.

child care assistance to enable her to work. Without childcare in place for her 10-month-old son and her 2-year-old daughter, Ms. D was unable to start her new job and return to private employment. South Brooklyn Legal Services is working with Ms. D to increase her temporary assistance to the proper amount for her family size, add a shelter allowance to her budget, and is representing her in a nonpayment proceeding in Housing Court and applying for additional rental assistance to help her pay her rent while she searches for a new job.

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LSNY attorneys in the Legal Support Unit have advised dozens of tenants of lower Manhattan over the telephone through Disaster Legal Services (set up by the American Bar Association) regarding landlord obligations on clean-up, the possibility of breaking leases, and rent obligation for period with no or limited services.

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Mr. H's Social Security disability file was located at 22 Courtlandt Street – the case had been pending since May 2001. After the attack, the building was abandoned; later, it was determined that the building could be re-entered to remove documents, but the documents removed had to be decontaminated before they could be dealt with. Because of Mr. H's disability he could not work, and because he could not work he was in rent arrears, and received an eviction notice. A LSNY staff attorney with the Legal Support Unit drafted a letter to the Regional Commissioner of Social Security on his behalf asking that his claims be given priority because of the possibility of eviction and homelessness, and followed-up with telephone calls to SSA's Associate Regional attorney. Fortunately, the decision in this case was issued soon thereafter and Mr. H could correct his rent arrears.

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H and W made their living as street musicians near the WTC. On September 11th, they lost all of their musical equipment. The loss of income led to eviction. They applied for Red Cross funds to pay rent and replace equipment. In the interim, attorneys with LSNY's Legal Support Unit are helping them prepare court papers seeking to be returned to their apartment.

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Mr. F. is 61- years old and had been supporting himself by working as a consultant in the music industry. Mr. F. was in the immediate neighborhood of the World Trade Center at the time of the attacks. Following September 11th, he was unable to find any work at all. Additionally, he began to experience symptoms of depression and anxiety triggered by the events of September 11th, which made it difficult for him to concentrate and have interfered with his ability to work. In December, Mr. F. sought medical treatment and has been diagnosed with post-traumatic stress syndrome. He is currently receiving psychotherapy and medication and hopes to begin working again. In the meantime, he is being sued for nonpayment of rent and his landlord is not cooperating with FEMA. MFY Legal Services attorneys and paralegals are representing him in his nonpayment of rent proceeding.

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The elderly parents of a victim were left without the support their deceased adult child had provided to them. A LSNY Legal Support Unit staff attorney mentored and advised their advocate regarding the elements necessary to support a claim for dependent parents' benefits.

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Mr. Y, a young father, was left with a two-month-old child when his wife died in the attack. Because of his bad credit history, their house was in his wife's name and in the name of his sister-in-law. Attorneys in LSNY's Legal Support Unit advised him regarding his options in terms of transferring title to his name, and what his creditors could do when title is transferred.

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Ms. K owned a nail salon on John Street near the WTC. After the attack she had no business and made a verbal agreement with her landlord to pay less rent than provided for in her lease. Her business is still down by 60%. Her Landlord served her with rent demand notices and an eviction petition, which she ignored because the landlord was accepting partial payments. The Landlord obtained a default judgment in court and Ms. K is now facing eviction. LSNY staff attorneys in the Legal Support Unit are mentoring and assisting Ms. K's advocate with the preparation of court papers to stay her eviction and negotiate new lease terms.

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In an ongoing mentoring project, LSNY Legal Support Unit attorneys have been advising a private attorney in connection with a tenant in a small building in the Bronx who lost his job working at a restaurant in the WTC. The Landlord refused to accept rent checks or emergency vouchers from WTC-related charities. LSNY staff attorneys are mentoring and advising the tenant's advocate on how to assist in an anticipated holdover proceeding.

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Ms. B, who has a history of mental illness, was so despondent after 9/11 that she was hospitalized after attempting suicide on the following day by slitting her wrists. She has been denied assistance for continuing homemaking services to help her and to care for her daughter at home. Bronx Legal Services attorneys and advocates are representing her at an administrative fair hearing to ensure that these homemaking services continue to be provided.

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LSNY Brooklyn attorneys are helping Ms. H avoid eviction from her home in Brooklyn after her new business floundered following September 11th. Ms. H had put her life savings into a hair salon she opened on September 5, 2001 in the NoLita area (the area located north of Little Italy) of downtown Manhattan. Her week of business had been promising, but all business disappeared on September 11th. Since then, Ms. H has been devastated by a massive loss of cash flow resulting from the attack, unable to pay her rent because she has been using all of her funds to try to keep her business afloat.

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Mr. C lives with and supports a wife and four children. He was employed as a security guard and an elevator operator in the World Trade Center. After September 11th, he had no place to report to work and applied for Unemployment Benefits. His employer contested the unemployment application, claiming that it had offered

Mr. C. (and all other former employees) work at a different location. MFY Legal Services attorneys represented Mr. C at his unemployment hearing and Mr. C won and was awarded unemployment benefits.

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Ms. S. suffered the loss of her husband, who was employed at the WTC, on September 11th. Not long after the tragedy a finance company started eviction proceedings against her and her extended family to remove them from the house they had rented from the previous owner. Ms. S. had been unaware of a foreclosure proceeding that had caused her landlord to lose the house, and had just paid him two months rent. Queens Legal Services attorneys had her eviction case removed from the court calendar and successfully negotiated a settlement for her. Ms. S. has recently found another home and is preparing to move.

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Ms. V. was a master seamstress at a sample studio south of Houston Street. She lost her job after September 11th and then suffered a brain aneurysm on the street approximately one month later. She now has a nonpayment of rent case caused by the loss of her job and inability to work, and needs assistance obtaining a steady source of income and medical coverage. MFY Legal Services attorneys and paralegals are assisting Ms. V to obtain income, ensure that she has medical coverage, and are defending her nonpayment of rent case.

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Century 21 at their midtown office employed Ms. N, who has sole custody of her two children. On September 14th, Ms. N. was told that because of the destruction of the downtown store, she was being reassigned to Bay Ridge, Brooklyn, at least a two hour commute from her home, and that she would have to work weekends. Ms. N. was forced to leave her job as she could not find babysitters to care for her children in the early mornings and evenings and on weekends. Ms. N. was disqualified from receiving unemployment because she “voluntarily” quit her job without good cause. After representation by MFY Legal Services attorneys, Ms. N. was found eligible for unemployment.

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LSNY Legal Support Unit attorneys are assisting families of employees of Windows on the World on a variety of Social Security benefit issues such as: who can apply for benefits? What will happen if an undocumented parent asks to be the payee for her children, citizen or noncitizen? What will happen when the noncitizen children have to leave because their visas expire?

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LSNY Legal Support Unit attorneys have also been assisting families of those killed in the attack such as the elderly mother of a WTC victim. She receives SSI, and is awaiting a settlement from the federal fund for pain and suffering, and needs to know the impact the settlement will have on her continuing eligibility to receive SSI.

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Mr. W, a wholesale distributor who delivered almost exclusively to the World Trade Center, was laid-off as a result of loss of business due to the disaster. His home is being foreclosed due to his loss of income. Bronx Legal Services attorneys are representing him in negotiating an agreement whereby his sister would redeem the property.

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Ms. P, who lost her job at the Millennium Hotel as a result of the September 11th attack, has been unable to find new employment to pay her monthly rent of \$550 per month. Bronx Legal Services attorneys are representing her in housing court in eviction proceedings, and helping her apply for Public Assistance and special Disaster Benefits to help her pay her expenses until she can find another job.

*For more information, contact Edwina Frances Martin, LSNY's Director of Communications,
at 212-431-7200, Ext. 132.*

LEGAL SERVICES FOR NEW YORK CITY

BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES — SERVING THE BEDFORD-STUYVESANT AND CROWN HEIGHTS COMMUNITIES FROM ITS NEIGHBORHOOD OFFICE IN RESTORATION PLAZA * **BRONX LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE THROUGHOUT THE BRONX FROM ITS NORTH OFFICE ON THE GRAND CONCOURSE, ITS SOUTH OFFICE ON COURTLANDT AVENUE, AND AN OUTREACH CENTER LOCATED IN THE BRONX HOUSING COURT * **BROOKLYN LEGAL SERVICES CORPORATION A** — SERVING LOW-INCOME PEOPLE IN NORTH AND EAST BROOKLYN FROM OFFICES IN WILLIAMSBURG, EAST NEW YORK, AND BUSHWICK * **BROOKLYN LEGAL SERVICES CORPORATION B** — SERVING LOW-INCOME PEOPLE IN SOUTHERN AND WESTERN BROOKLYN FROM A CENTRAL LOCATION IN DOWNTOWN BROOKLYN * **HARLEM LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE LIVING IN MANHATTAN NORTH OF 110TH STREET TO THE BRONX BORDER AND WEST OF FIFTH AVENUE TO THE HUDSON RIVER * **LSNY BROOKLYN BRANCH** — SERVING THE POOR OF BROOKLYN FROM ITS MAIN OFFICE ON JORALEMON STREET IN DOWNTOWN BROOKLYN AND OUTREACH OFFICES IN BRIGHTON BEACH AND WILLIAMSBURG * **LEGAL SERVICES FOR THE ELDERLY** — PROVIDING LEGAL ASSISTANCE TO SENIOR CITIZENS THROUGHOUT NEW YORK CITY THROUGH TRAINING AND CONSULTATION TO ATTORNEYS AND OTHER PROFESSIONALS IN THE AREAS OF ELDER LAW, AGE DISCRIMINATION, PENSIONS, AND DISABILITY AND MEDICAL BENEFITS ISSUES * **THE LEGAL SUPPORT UNIT** — AN ACCREDITED CONTINUING LEGAL EDUCATION PROVIDER WHOSE ACTIVITIES INCLUDE TRAINING ATTORNEYS, DEVELOPING AND DISTRIBUTING EDUCATIONAL MATERIALS, PROVIDING CONSULTATIONS TO ADVOCATES, AND COORDINATING TASK FORCES IN POVERTY LAW * **MFY LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE ON THE EAST SIDE OF MANHATTAN INCLUDING EAST HARLEM, THE LOWER EAST SIDE, AND CHINATOWN, AND THE WEST SIDE OF MANHATTAN BELOW 110TH STREET, FROM ITS OFFICE ON LOWER BROADWAY AND OUTREACH CENTERS THROUGHOUT THE BOROUGH * **QUEENS LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE THROUGHOUT QUEENS FROM OFFICES IN LONG ISLAND CITY, SUTPHIN BOULEVARD IN JAMAICA, AND OUTREACH CENTERS THROUGHOUT THE BOROUGH.

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