

The Legal Aid Society, Civil Program

World Trade Center Disaster Relief Initiative

A Proposal To Continue to Provide Civil Legal Assistance For Low Income Families And Individuals Who Have Lived Or Worked In Lower Manhattan

Submitted To The September 11th Fund

For Continued Funding For The Period From June 1, 2002 to May 31, 2003

Summary

Following the World Trade Center Disaster, the September 11th Fund has provided the Legal Aid Society with approximately \$350,000 in quarterly funding to provide civil legal assistance for low income families and individuals who lived or worked in Lower Manhattan. This funding has permitted the Legal Aid Society to provide civil legal assistance that has benefitted literally thousands of affected New Yorkers by means of: 1) direct individual legal assistance through outreach at government disaster centers and community-based organizations, Legal Aid's city-wide, toll-free disaster hotline, and Legal Aid neighborhood offices located in all five boroughs of New York City; 2) case consultation and back-up assistance for staff members of community agencies and organizations; 3) systemic advocacy to ensure the availability of essential government benefits and services, particularly health care coverage; and 4) training and technical assistance for community agency staff regarding eligibility criteria and procedures for obtaining disaster aid.

At the invitation of the September 11th Fund, the Legal Aid Society is requesting an annualized grant of \$1.4 million to continue to provide these critical civil legal services for the period June 1, 2002 to May 31, 2003. As has been the case for the Fund's quarterly funding to date, this is a collaborative funding request with Legal Services for New York City, which is also requesting a \$1.4 million annualized grant. With the requested funding, the Society will continue to provide comprehensive civil legal assistance to the Fund's target group consisting of families or individuals who either suffered the loss of a family member, live South of Canal Street (or a small area North of Canal Street defined by Broadway to the West, Delancey Street to the North, and Essex Street to the East), or worked in this same geographical area prior to September 11th and either lost their jobs or experienced substantial reduction in income as a direct result of September 11th. Based on our work thus far, we project that a minimum of 5,000 New Yorkers in the target group will directly benefit from the continuation of our civil legal assistance for this additional 12-month period.

Below we highlight both ongoing services that we will be able to continue with the requested funding, and new initiatives that we will be able to implement to enhance civil legal assistance during the

12-month grant period. Although other funders have provided the Legal Aid Society with grants to provide services to address the increased need for legal assistance as a result of September 11th, the requested funding is the only funding that is specifically targeted to families and individuals who have lived and worked in the Lower Manhattan target area. Likewise, collaboration among the Legal Aid Society, LSNY, and other legal providers supported by the Fund will continue to ensure that comprehensive, coordinated services are provided to the families and individuals who the Fund has prioritized for legal help.

Background

It has been the worst of times for the City, but this unprecedented crisis has brought out the best in the Legal Aid Society. The Society has been an integral part of the social fabric of New York City for more than 125 years. In the tragic aftermath of the World Trade Center attack, the Society and its staff have been in the forefront of providing help to affected New Yorkers. The September 11th Fund's support has been essential to enable the Society to play this leadership role.

On September 11th itself, the Society's main offices at 90 Church Street were literally at Ground Zero just across the street from the World Trade Center. The 90 Church building houses: the Society's main administrative offices; the entire staff of the Civil Division's central administration, Civil Appeals and Law Reform Unit, Homeless Rights Project, Health Law Unit, Immigration Unit, Consumer and Bankruptcy Unit, and Lower Manhattan Neighborhood Office; the Society's Criminal Appeals Bureau and Capital Defense Unit; and the Juvenile Rights Division's and the Criminal Defense Division's central administration and special litigation and appeals units. The Society's central library and central computer system that supports the Legal Aid city-wide network are also at 90 Church Street.

Altogether, nearly 500 Society staff members worked about 50 yards from the World Trade Center. Although plane parts landed on the roof, debris crashed through windows, and many staff witnessed the horrific events of that day, thankfully no staff members were lost or injured.

Within 48 hours of the September 11th attack, senior staff members had put in place a plan to relocate all Society operations and client services that had been at 90 Church Street to other locations. Emergency arrangements had to be made to rent phones, laptops, and furniture and restore the Society's city-wide computer network to maintain client services for New Yorkers in this time of crisis. Eventually, extraordinary work by the Society's General Services, Facilities, and Management Information staff made it possible for the Legal Aid Society to continue to provide legal assistance and actually expand services for New Yorkers affected by the World Trade Center disaster.

As a result of contamination at the 90 Church Street building, Society staff who were housed at 90 Church Street continue to work in temporary, make-shift space. Nevertheless, the Society's Civil Program has been able to create and operate an innovative disaster relief program to respond to the

unprecedented crisis in New York City resulting from the World Trade Center attack.

Disaster Relief Civil Legal Services For New Yorkers

In the weeks and months following the World Trade Center disaster, 132,000 jobs have been lost in the City according to the New York State Department of Labor. Thousands of New Yorkers who were not eligible for the Society's civil legal services on September 10th are both eligible for and in desperate need of the Society's civil legal help now. Starting in the very first days after September 11th, the Society and its civil program staff have been providing disaster recovery legal assistance to these "economic victims" of the World Trade Center disaster. Sadly, New Yorkers who lost family members are also among those to whom the Society is providing emergency legal help.

In this extraordinary crisis, the Legal Aid Society has been a leader in responding to the unprecedented problems which the World Trade Center disaster has posed for the most vulnerable New Yorkers. For example, when it became apparent that the disaster had knocked out computer lines running under the World Trade Center and New Yorkers who depend on food stamps could not purchase food because local merchants could not access the State's computer system, the Society was there to correct the problem. After Society staff intervened directly with the Commissioner of the State Office of Temporary and Disability Assistance, the State guaranteed reimbursement to merchants who honored food stamps when the computers were down. When others were staying out of Lower Manhattan in the days after September 11th, Society staff members were volunteering to provide legal help at a "Legal Services" table at the Federal Emergency Management Agency Disaster Assistance Center at 141 Worth Street on nights and weekends to assist victims of the disaster get the housing, public benefits, and charitable aid to which they were entitled.

Overall, the Society's civil legal services program to help New Yorkers affected by the World Trade Center disaster has included these interrelated components and services, each of which has been made possible through the generous support of the September 11th Fund:

Direct Legal Assistance: Society staff members have provided critical direct civil legal assistance to persons affected by the World Trade Center Disaster at "Legal Services" and "Immigrant Affairs" tables at the Federal Emergency Management Agency (FEMA) Disaster Assistance Center at 141 Worth Street, the City's Family Assistance Center at Pier 94, and the City's Disaster Assistance Center at 51 Chambers Street, and through the Society's neighborhood offices in all five boroughs and specialized city-wide units;

Hotline Assistance: The Society has established a city-wide hotline number, **1-888-218-6974**, for affected low-income New Yorkers, as well as others assisting them, including community organizations, social services agencies, members of the private bar, labor unions, and the constituent services staff of elected officials. Hotline paralegal staff members handle daily calls, attempt to resolve client problems by telephone, and, if necessary, link callers to

designated staff in our neighborhood offices and city-wide units for ongoing representation;

Technical Assistance to Community Groups: Civil staff conducts community education and training and provides “hotline” case consultation and other forms of technical assistance to community-based organizations, unions, immigrant services organizations and other agencies and organizations serving persons affected by the World Trade Center disaster. Society staff members are collaborating with labor unions representing newly unemployed hotel and restaurant workers, building maintenance workers, and garment workers as well as family members of union members who lost their lives on September 11. Society staff has also provided training, case consultation and back-up support for staff operating a special hotline for unemployed workers that was established by the “Immigrant Workers Assistance Alliance,” a new coalition consisting of Local 32B-32J, HERE Locals 100 and 758, and Working for America (AFL-CIO).

With support from the United Hospital Fund between October 1, 2001 and June 30, 2002, Society Health Law Unit staff has also provided education and training on a temporary Medicaid program called Disaster Relief Medicaid to over 1,289 community-based organization staff persons and consumers. Finally, Legal Aid Society staff are working closely with community partners to provide legal help to unemployed low wage workers at settlement house and labor union sites;

Educational Materials: In the immediate aftermath of the World Trade Center disaster, Society staff developed definitive educational materials on disaster related benefits, including the *WTC Disaster-Related Assistance for Immigrants* guide which is posted on the Legal Aid Society’s Web site (www.legal-aid.org) and a series of *Disaster Relief Medicaid* guides and fact sheets developed by the Society’s Health Law Unit. These materials were widely used by staff from the Red Cross, the Salvation Army, and Safe Horizons at the FEMA Center and the Disaster Assistance Centers, and on a continuing basis by legal and community advocates providing assistance to World Trade Center victims;

Cooperative Work With Government: Society staff members have also continued to work cooperatively with government officials and government agency staff to ensure the effective provision of government aid to New Yorkers affected by the World Trade Center disaster. For example, the Society’s Health Law Unit was instrumental in helping to promote and develop the “Disaster Relief Medicaid” program, a temporary Medicaid program with a simplified application process through which needy New Yorkers were able to obtain Medicaid benefits for a four-month period with a minimum of bureaucratic red tape. The Society assisted large numbers of eligible New Yorkers to apply for Disaster Medicaid during the life of the program, reported on a weekly basis to the New York City Human Resources Administration on Disaster Medicaid-related problems, and is now monitoring the transition of Disaster Relief Medicaid enrollees into Medicaid, Family Health Plus, and Child Health Plus; and

Fostering Pro Bono Involvement: In addition, Society staff conducted a comprehensive 21-session training series for volunteer lawyers covering many of the legal areas and issues presented by New Yorkers affected by the World Trade Center disaster. Legal Aid Society staff has also conducted separate comprehensive trainings on disaster-related benefits for the Bar Association of the City of New York and other lawyers.

To ensure that the Society's Civil Program is able to swiftly respond to emergency legal needs resulting from the World Trade Center disaster, a working group of designated "disaster relief" staff in each of the Society's civil neighborhood offices and city-wide units has been established. This group meets on a monthly basis and also shares information about emerging legal problems and issues through email and conference calls.

Critical Services For The Next 12 Months

With the support requested in this proposal, the following critical components of the Society's disaster relief program can continue and expand:

Individual Direct Legal Assistance

The Society will continue to provide direct legal assistance through individual legal assistance, case-specific consultation and back-up assistance, "Know Your Rights" assistance, and systemic advocacy. Through this combination of services, we project that the requested funding will permit us to provide assistance that will directly benefit approximately 5,000 affected New Yorkers.

The requested funding will enable us to continue to operate our daily toll-free hotline, provide services through our neighborhood offices, and conduct outreach in community-based locations to maximize the availability of services for affected New Yorkers. Six new initiatives are representative of the expanded services that the requested funding will permit:

***UNITE Collaboration:** As a result of the September 11th attack, substantial numbers of garment workers lost their jobs in Chinatown. For example, the lack of deliveries in Chinatown because of traffic restrictions decimated the industry. Recently, the Legal Aid Society and UNITE, the labor union that represents the affected workers, have formed a partnership to expand legal services for these unemployed workers who lived or worked in Chinatown. On a weekly basis, Legal Aid disaster relief staff will be seeing clients at the UNITE main health clinic and at UNITE's community offices at 193 Centre Street. Specially trained UNITE staff at the clinic and at the community office in Chinatown will identify displaced workers in need of disaster relief legal assistance. Legal Aid staff on-site will also provide case consultation and technical assistance for UNITE staff who are working with these displaced workers and their families.

***United Service Group Partnership:** The United Service Group was formed to coordinate assistance for direct victims of the World Trade Center attack. USG has identified legal services as a critical component of the package of relief services. USG has asked us to designate staff to accept specific referrals of affected families and individuals and then manage their cases. The requested funding in this proposal will enable us to do so.

***Salvation Army Outreach Program:** As a front-line provider of disaster relief services, the Salvation Army has a substantial caseload of New Yorkers in the group that the Fund has identified as in need of legal assistance. Salvation Army staff developed a close working relationship with Society staff at the FEMA Center and the City Disaster Assistance Centers. As an outgrowth of the relationship, the Salvation Army asked the Society to outstation staff at the Salvation Army's main offices to handle referrals of families and individuals who have lived or worked in Lower Manhattan. The Society has been able to do so with support from the September 11th Fund. In addition to individual client assistance, Society staff members have provided on-site training, case consultations, and technical assistance to directly benefit clients. The requested funding for the next twelve months will permit this partnership to continue.

***The World Trade Center Small Business Relief Project:** Thousands of small businesses in Lower Manhattan have been physically damaged or lost access to their stores following the WTC attack. These owners and others in the area, particularly in Chinatown, lost significant business. Many have fallen behind on rent, leading landlords to commence commercial non-payment of rent or holdover eviction proceedings in the Housing Part of the Civil Court of the City of New York, which has jurisdiction over these matters. In order to address this extraordinary small business crisis, the Civil Court in conjunction with the Legal Aid Society, the Association of the Bar of the City of New York, and professional mediation groups have established the Special Mediation and Advocacy Project for Small Business Owners to avert business dislocation. A Legal Aid attorney plays a coordinating role in the commercial part when the calendar is called. The Legal Aid attorney counsels and advises small businesses as well as provides representation. In conjunction with the City Bar, the Society has a pro bono panel to increase available representation for affected small businesses. Legal Aid Society staff then mentors and trains pro bono counsel who agree to undertake representation. In these cases, legal assistance includes help to obtain grants and loans to get back these businesses back on their feet. This new program will be able to continue with support from the Fund.

***The Public Housing Outreach Project:** There is a large concentration of public housing tenants located just North of the Brooklyn Bridge. Their needs have been largely overlooked as government agencies have focused on residents in Battery Park City and in the low-rise buildings South of Chambers Street. At the request of the Residents' Alliance of Public Housing Tenants, Society disaster relief staff members are developing a special outreach program for the public housing tenants in the Lower Manhattan priority area. The funds requested in this proposal will make this initiative possible.

***Legal Services Coordination Initiative:** To augment the Society’s own internal disaster relief working group, LSNY and Legal Aid have agreed to convene a bi-monthly “task force” of legal services disaster relief providers, including the City Bar and the Trial Lawyers disaster relief programs. Already-existing partnerships among the legal providers supported by the September 11th Fund have enhanced the provision of legal assistance to affected families and individuals. However, over the next twelve months, this collaboration will be even more effective with the convening of this “task force.”

Over the course of these next twelve months, we also anticipate that support from the Fund will enable us to develop additional new collaborative programs as we have thus far with the Fund’s quarterly support.

Based on the experience of Society staff in providing services with the past quarterly grants, we anticipate that we will provide civil legal assistance in the following range of areas through our existing disaster relief program and our representative new initiatives: housing (including eviction prevention and rental assistance), employment (including unemployment and disaster unemployment benefits), health care (including Medicaid and Disaster Medicaid benefits, Family Health Plus, and Child Health Plus), food stamp benefits, public assistance, Social Security and Supplemental Security Income benefits, assistance for immigrants, family law matters (including custody and support), consumer credit, and small-business recovery assistance. As we have for past grant period, we will continue to report to the Fund regarding the distribution of our services in these substantive areas and the numbers of clients who are assisted. The Society maintains a comprehensive case management system that permits the generation of these kinds of reports.

Providing Additional Assistance By Training, Technical Help, And Educational Materials

In addition to direct individual assistance through one-on-one case help, case-specific consultation and back-up assistance, and “Know Your Rights” assistance, the Society’s disaster relief staff will continue to provide other services to further leverage our resources and maximize the availability of our legal assistance.

For example, training, case consultation, and technical assistance for organizations and advocates assisting affected New Yorkers will continue to be available. These types of civil legal services enable the Society to provide additional help to the overall population of affected New Yorkers prioritized by the Fund. By continuing to conduct training programs for other community and legal advocates, the Society can enable these advocates to provide services to additional affected New Yorkers who we cannot help individually. Likewise, the Society will continue to offer ongoing technical assistance to these community agencies and advocates to provide them with support to help additional New Yorkers.

The requested funding will also permit Society staff to keep the Society’s existing “how to” guides updated and develop new educational materials as new legal problems emerge. These services

also enable us to help additional affected New Yorkers beyond those for whom we can intervene individually.

Addressing Systemic Problems To Benefit Similarly Situated Affected New Yorkers

Similarly, the Society's World Trade Center Disaster Initiative not only benefits clients served on a one-on-one basis, but also provides tangible benefits for substantial numbers of similarly situated New Yorkers.

For example, as reported previously, the Society's Health Law Unit was instrumental in helping to promote and develop the Disaster Relief Medicaid (DRM) program, a temporary Medicaid program through which needy New Yorkers were able to obtain Medicaid benefits with a minimum of bureaucratic red tape. As a result of the Society's efforts and those of a small circle of other health advocates, the New York State Department of Health implemented a simplified one-page application form to be used by persons applying for Disaster Medicaid. This is notable because while other States had already done away with complicated Medicaid application forms and onerous documentation requirements, New York State required Medicaid applicants to fill out an application form ten pages long, submit extensive documentation of eligibility, and submit to periodic "recertification" interviews. Under the Disaster Medicaid system clients were presumptively eligible and needed only complete the one-page application form to obtain Medicaid benefits.

Applications for the DRM program were accepted until January 31, 2002. Because the Medicaid application process was simplified, the City of New York accepted at least 378,000 New Yorkers into the Disaster Medicaid Program. This figure is remarkable because City Medicaid offices have traditionally only processed 5,000 standard Medicaid applications per month. During the DRM application process, the City reported reviewing more than 12,000 DRM applications per week.

Originally, the government had scheduled to terminate health care coverage for DRM recipients after only four months of coverage. Due to the advocacy efforts of the Legal Aid Society and others, the government revised its position and established a transition process for DRM recipients to move to Medicaid or Family Health Plus. Society Health Law Unit staff continued to monitor the transition of DRM enrollees into Medicaid or Family Health Plus to ensure uninterrupted health care coverage as persons switch to permanent health care coverage. Society staff members are also providing direct legal assistance to clients making the transition.

Likewise, the Society's expertise in the immigration area enabled Society staff to provide information to the Special Master for the Victims' Compensation Fund regarding the special needs of immigrants in seeking awards. Society staff has a long-standing relationship with the Special Master from other areas of work, and he gave particular consideration to the Society's perspective. In the Special Master's final rule some additional protections for immigrants were incorporated based on the Society's comments.

Moreover, the Society's disaster relief staff members have contacted all past disaster relief clients to offer additional assistance in light of FEMA's reconsideration of its restrictive rent allowance criteria. Recently, Society disaster relief staff met with FEMA representatives concerning FEMA's eligibility review, including the need for more flexible eligibility criteria in accordance with legal requirements. Our disaster relief working group is continuing to monitor FEMA's implementation of remedial steps.

Over the next twelve months, September 11th Fund support will permit the Society to continue this kind of cooperative work with government to address systemic problems as they arise.

Evaluation Of The Society's Services

The Society maintains an extensive case management system that permits detailed reporting on the range of client services that we propose to continue to provide.

As we have done during the quarterly grant periods to date, we are prepared to provide the Fund with ongoing reports of the progress and impact of our work during the next twelve months.

The measures that we will continue to use to evaluate the effectiveness of our work will include: the numbers of New Yorkers directly benefitted; the quality and quantity of training, technical assistance, and educational materials; and the impact of systemic work with government on behalf of similarly situated affected New Yorkers in the priority categories.

Ongoing Increased Need For Legal Help

Before September 11, an independent review of the Society's civil legal services found that we were forced to turn away at least six potential clients for every one client we could serve because of our lack of resources. Even this review substantially undercounts the number of New Yorkers who need legal assistance because it only reflects the number of potential clients who actually contacted our offices during a single period of time. In the early 1990s, the State Bar found that no more than 14 percent of the legal needs of low income New Yorkers were met because of the lack of available services. Since September 11th, the situation has become even more acute with the loss of 132,000 jobs and record numbers of New Yorkers forced to resort to the municipal shelter system because of lack of housing.

The Society's civil neighborhood offices in all five boroughs of the City and city-wide units are bracing for the large numbers of newly unemployed New Yorkers who have lived and worked in Lower Manhattan who will need civil legal help in the coming months. Predictably, substantial numbers of these New Yorkers will experience a dramatic decline in income from wages to unemployment benefits and then to public assistance after their unemployment insurance benefits end. Charitable aid has been available to cushion the immediate transition from wages to lower household income resulting

from receipt of unemployment benefits. However, charitable assistance will not be available indefinitely to bridge the gap between income and rent or provide food and clothing for children whose parents have no prospect of re-employment in the current economic downturn.

With the support of the September 11th Fund and other funders, the Legal Aid Society can continue to provide critical legal assistance to New Yorkers affected by the World Trade Center disaster.