Major Achievements: NCLEJ's program of impact advocacy secured a wide array of benefits for low-income New Yorkers throughout the State during this grant year. Our work benefitted more than 857,466 people in 19 impact cases or projects, including direct financial benefits of $16,440 in back awards and settlements, $5,625 in monthly benefits, and $49.9 million in vacated consumer judgments. It also helped bring additional federal dollars to the State and created systemic reforms to endure for years to come.

NCLEJ and the Empire Justice Center obtained class certification and a comprehensive settlement in *Newkirk v. Pierre*, a lawsuit against Suffolk County alleging disability discrimination in the provision of public benefits. The named plaintiffs could not apply for or maintain benefits because of the County's failure to make reasonable accommodations as required by the Americans with Disabilities Act. For example, the County refused to provide the application in a format accessible to people with visual impairments, to allow physically disabled people to sit while waiting in line to be seen, and to help a cognitively disabled man to complete forms he could not read and understand on his own. The settlement—which the court still needs to approve—transforms every aspect of public benefits administration—from training to forms to computer systems—so that disabled people have an equal opportunity to access life-sustaining assistance. The settlement provides for extensive monitoring over years to ensure that the County properly implements the settlement terms and that disabled people actually receive the relief the County has committed to provide.

We continued our unrelenting efforts to enforce the landmark federal court class action settlement in *Baez v. NYCHA*, which obligates the New York City Housing Authority (NYCHA) to remediate mold and excessive moisture of its apartments. Over the last year, NYCHA privatized thousands of units under the RAD/PACT program and then argued that tenants in these units no longer qualified for mold remediation and relief under *Baez*.

### Population Served
- **Individuals, Families, and Communities Affected by Disabilities**

### Area Served
- **Statewide**

### Total IOLA Grant
- **$70,000**

### Staffing Full Time Equivalents
- **Total Staff: 14.89**
- **Lawyers: 10.33**
- **Other: 4.56**
Overview of Achievements

We returned to court, and after extensive motion practice and months of painstaking negotiation, the court approved a modified consent decree that extends the Baez consent decree to privatized apartments. 54,000 people will benefit. In addition, in the last year the Ombudsperson Call Center obtained repairs to 10,205 unique units, benefiting approximately 30,615 residents.

Critical to our mission is preserving and promoting access to public assistance. This year, we continued to enforce longstanding consent decrees that enhance the fair hearing process and preserve entitlement to public assistance. In McCoy v. Restaino, we continued to enforce a Niagara County court order mandating the timely provision of benefits. In Stewart v. Roberts, we represented a class of people who lost access to public assistance because their vehicle's fair market value supposedly exceeded the statutory asset limit—even though in most cases the class members owed more on their vehicles than the vehicles were actually worth. The trial court directed the state to value vehicles by their equity value, rather than their fair market value, benefiting 6,372 class members. And in Andersen v. Roberts, we are ensuring that public assistance recipients who performed work in exchange for benefits receive the full value of their work under the Fair Labor Standards Act.

Direct Legal Services: Cases

Income Maintenance:
Because of our work in enforcing class-wide settlements concerning the fair hearing process, advocates from legal services programs routinely request our assistance on behalf of their clients. In one such case, an advocate from Sanctuaries for Families asked us to intercede on behalf of a domestic violence survivor for whom HRA had wrongly cut off benefits. The client had a fair hearing and won, but HRA did not comply with the fair hearing decision. The client and her children, who were living in a shelter and had already gone four months without any benefits, were stuck in a vulnerable and untenable situation.

We interceded and wrote directly to the lawyer for HRA and, invoking our class action settlement, demanded immediate action. HRA complied and processed the client’s case correctly. As a result of our intervention, HRA immediately restored the client’s monthly benefits and issued $563.40 in retroactive benefits.
Direct Legal Services: Cases

Other (Access to Drivers' Licenses):
In Queens County, NCLEJ assisted a struggling construction worker to reinstate his suspended driver's license, which in turn allowed him to secure new, better employment. Our client had challenges as a young person which resulted in his incarceration. While in prison, he turned his life around. When he was released on parole, he was offered a job providing reentry services, but the job required a driver's license. Our client's license had been suspended because of unpaid traffic tickets. At the time he contacted us, his income from construction work did not provide enough to support himself, his son and his elderly mother, so he could not pay the tickets in one lump sum, which was a prerequisite to reinstating his driver's license—but without a driver's license he could not get a better job. He was stuck in a catch-22. After securing passage of the Drivers License Suspension Reform Act—which created a right to affordable payment plans for traffic tickets—we assisted our client to obtain a payment plan and reinstate his license. He then got a much better job as an investigator in the DA’s office.
NCLEJ presents at various community events to provide information to community members regarding their rights. NCLEJ often partners with community-based organizations to give presentations to their members. The presentation's content is driven by what is most beneficial to the organizations and their members. Training often covers (a) disability rights, (b) immigrant workers' rights, and (c) access to Medicaid and other health care programs. We also speak to the general public on racial justice and the use of the courts to preserve and enhance civil rights. During the pandemic, these presentations have taken place over Zoom, in both live and pre-recorded formats. During the grant year, we reached 496 individuals through community education presentations.

NCLEJ normally provides pro se assistance to individuals through clinics and community events on consumer rights and access to benefits. Unfortunately, during this reporting period, the COVID-19 pandemic prevented us from providing this service, though we did provide some pro se services to individuals who contacted us independently.

### Number of People who Benefitted from Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>People Benefitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Legal Education</td>
<td>2,001</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>10</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>26</td>
</tr>
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</table>

**2,037 People Benefitted by Services Other Than Direct Legal Representation**
Other Services: Trainings

All NCLEJ employees are encouraged to identify training programs (including conference-type training in New York City or elsewhere, web-based training programs, and audio-tape and video-tape programs) to improve skills and/or knowledge essential to their functions at NCLEJ.

All employees with continuing education requirements for maintaining a license related to their employment at NCLEJ are responsible for adhering to those requirements and avoiding last-minute crises meeting those requirements. While lawyers are encouraged to take advantage of free programs, such as PLI, LSNY, Legal Aid, and others, they are not restricted to those programs. Lawyers are also reminded that they may claim credits for time spent as a trainer at continued legal education (CLE) approved training events or as an author of legal writing such as Clearinghouse Review articles.

NCLEJ pays bar association dues of up to $150 per attorney for one association per staff attorney if the staff attorney asserts that there is a relationship between membership in that association and NCLEJ's work or mission. In addition, NCLEJ pays for (1) individual memberships to NLADA and (2) membership in the Federal Bar Council if the attorney intends to take advantage of such CLE courses.

NCLEJ also provides training in a range of legal skills (e.g., legal analysis and writing, substantive law, development, and conduct of advocacy, professional ethics) to legal staff through in-house activities and access to external programs.

Impact Cases

**Newkirk v. Pierre**

Milestone – NCLEJ and Empire Justice Center achieved class certification and a comprehensive settlement in *Newkirk v. Pierre*, an ADA lawsuit against Suffolk County alleging that the County fails to provide reasonable accommodations in the administration of public benefits programs, including Public Assistance, Medicaid, and emergency shelter. The named plaintiffs could not apply for or maintain benefits because of the County's failure to make reasonable accommodations as required by the Americans with Disabilities Act. For example, the County refused to provide the application in a format accessible to people with visual impairments, to allow physically disabled people to sit while waiting in line to be seen, and to help a cognitively disabled man to complete forms he could not read and understand on his own.
Impact Cases

Impact – More than 22,000 low-income people with disabilities reside in Suffolk County. All are financially eligible for benefits, yet many cannot apply for or retain benefits because of the County's failure and refusal to provide reasonable accommodations for people's disabilities. The settlement—which the court still needs to approve—transforms every aspect of public benefits administration—from training to forms to computer systems—so that disabled people have an equal opportunity to access life-sustaining assistance. The settlement provides for extensive monitoring over years to ensure that the County properly implements the settlement terms and that disabled people actually receive the relief the County has committed to provide.

Baez v. NYCHA

Milestone – We obtained a major victory in Baez v. NYCHA, our ongoing class action lawsuit obligating the New York City Housing Authority (NYCHA) to remediate mold and excessive moisture in its apartments. Over the last year, NYCHA privatized thousands of units under the RAD/PACT program and then argued that tenants in these units no longer qualified for mold remediation and relief under Baez. We returned to court to defend the rights of these tenants to receive relief under the consent decree. After extensive motion practice, an inconclusive judicial decision, and months of painstaking negotiation, the court approved a modified consent decree that extends Baez protections to all tenants in privatized apartments.

Impact – 54,000 people living in RAD/PACT apartments will benefit from the revised consent decree. For example, we have found that the Ombudsperson Call Center—created as part of the original consent decree—is a critical resource for ensuring that NYCHA actually makes needed repairs. Tenants often call for repairs, but the repairs do not take place or are not performed adequately or do not address the source of the problem. In those circumstances, the tenants can call the Ombudsperson Call Center, which has been effective in ensuring that durable and effective repairs actually take place. NYCHA had taken the position that tenants in RAD/PACT units could not use the Ombudsperson Call Center, but under the revised consent decree, these tenants have full access to this critical resource.

Milestone – NCLEJ and the Civil Rights and Disability Justice Clinic at New York Law School filed a Title VI administrative complaint with the federal EPA and DOT on behalf of four grassroots organizations in Brooklyn fighting a new fracked gas pipeline running entirely through Black and Brown neighborhoods in Brooklyn. These neighborhoods already have some of the lowest incomes, highest asthma rates, lowest life expectancy, and highest energy burden (the percentage of household income devoted to energy costs) in New York City. These communities already have polluted environments; they should not be burdened with yet another public health hazard—especially one that conflicts with New York's Climate Leadership and Community Protection Act (CLCPA), as this one does.
Impact Cases

New York State agencies allowed National Grid to build this pipeline—and raise rates to pay for it—without any environmental impact evaluation, in violation of federal and state law. The EPA and DOT have accepted jurisdiction of our complaint, and an investigation is underway. Our clients demand that the New York State agencies with administrative oversight over the pipeline stop the gas flow until an environmental impact analysis can be conducted.

Impact – 159,000 people live along the pipeline route. Each of these people would benefit from an environmental impact analysis that would assess the public health and environmental risks caused by this pipeline. We believe that if the state agencies performed such an analysis, they would have no choice but to shut down the pipeline, as they have done with similar projects in white communities. Given new laws requiring conversion to electric heat in New York City, and state law demanding a shift to renewable energy sources, there is no need for increased natural gas delivery in New York City. The pipeline provides profits to National Grid at the expense of the health and financial well-being of New Yorkers along the pipeline route, the vast majority of whom are low-income people of color.

Significant Collaborations

NCLEJ often partners with other organizations to extend the reach of our impact litigation program. As our list of impact cases shows, Empire Justice Center has been a critical statewide partner, from our ADA case against Suffolk County to statewide impact cases securing public benefits and SNAP benefits for low-income New Yorkers.

NCLEJ has deep connections to worker centers in New York City, such as Chinese Staff and Workers and the National Mobilization Against Sweatshops. We partner with these groups, and others such as Adhikaar and Make the Road New York, on several initiatives to ensure that low-wage, immigrant workers receive full pay for all their hours worked and have access to critical health care benefits.

In Buffalo, the Western New York Law Center is a critical partner, both when it comes to securing access to benefits and accommodations for disabilities throughout Western New York and fighting against unfair fines and fees imposed by the City of Buffalo on low-income people of color. We also provide guidance and support to the Fair Fines + Fees Coalition, a new coalition of community organizations in Buffalo, NY, seeking to raise awareness and change City policy around fines, fees, and ticketing practices.
Significant Collaborations

We continued our work with the statewide Driven by Justice coalition, which secured passage of legislation ending the suspension of driver's licenses of low-income people who cannot afford to pay traffic tickets, providing for reinstatement of previously suspended licenses, and creating affordable payment plans for traffic tickets, which previously could be paid only in a single lump sum, an unreachable barrier for many low-income motorists. Driver's licenses are a critical tool for economic mobility; without them, low-income people lose access to jobs and stable incomes that could lift them out of poverty. Thanks to the legislation, 1.3 million New Yorkers had suspensions lifted, and 15,000 New York City residents have already requested payment plans. In addition, criminal prosecutions for driving on a suspended license have sharply reduced, though numbers on that are harder to come by. A detailed account of the problem and the new law is available at www.drivenbyjustice.org. We co-lead this statewide effort with the Fines and Fees Justice Center and The Bronx Defenders.

On the consumer side, we partner with organizations such as Mobilization for Justice, the Feerick Center for Social Justice at Fordham Law School, and New Economy Project.

Sources of Funding

<table>
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<tr>
<th>Source</th>
<th>Amount</th>
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<tr>
<td>IOLA Grant</td>
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<tr>
<td>Foundations</td>
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<td>Federal Funding</td>
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<td>Fundraising</td>
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<td>Other</td>
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<td><strong>Total</strong></td>
<td><strong>$1,895,881.08</strong></td>
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The pie chart shows the distribution of funding sources with Fundraising at 72%, Federal Funding at 14%, and Foundations at 7%.
Pro Bono Volunteer Involvement

NCLEJ often partners with pro-bono counsel on class action litigation. Obtaining this support magnifies our reach because NCLEJ attorneys can staff many more cases knowing that law firms can provide additional litigation support for intensive litigation tasks such as electronic discovery. Pro bono firms also shoulder much of the financial risk of litigation, allowing NCLEJ to maintain a higher caseload than we could on our own.

During the reporting period, we co-counseled with Proskauer Rose in the *Baez v. NYCHA* litigation on behalf of NYCHA public housing tenants with asthma who have suffered from mold and excess moisture conditions in their apartments. We also co-counseled with Dentons on our Suffolk County ADA litigation; with Faegre Drinker Biddle & Reath LLP on ongoing litigation against the New York City Transit Authority for its unconstitutional debt collection practices that disproportionately target low-income New Yorkers; and with Covington & Burling on a class-action lawsuit against the City of Buffalo for discriminatory policing practices.

We are also fortunate to have senior retired lawyers providing us with their services. Ed Krugman, a retired Partner from Cahill Gordon, works with us on the Buffalo litigation. And as discussed further below, retired lawyers contribute to the Federal Practice Manual under the auspices of the Attorney Emeritus Program.

We have a long-established law student intern program and typically host multiple students during the summer and throughout the school year. Law students provide invaluable research support, and we endeavor in return to provide them with meaningful tasks and help to develop their lawyering skills.

Finally, NCLEJ contributes to the legal education and training of other public interest attorneys. Senior Attorney Saima Akhtar conducts an annual day long CLE on public benefits law through PLI. During the grant year, we also conducted CLE presentations to educate attorneys on the new Driver’s License Suspension Reform Act.

9 Attorneys volunteered 1,906 hours

12 Law Students volunteered 2,151 hours

5 Other Volunteers volunteered 386 hours