

*ERCJC*  
*Eastern Regional*  
*Community Justice Consortium*

*“Community Access Solutions” For*  
*The Residents Of The Eastern Region*  
*March 15, 2001*

Westchester Putnam Legal Services  
Legal Aid Society of Rockland County  
Legal Aid Society of Northeastern New York

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## **INTRODUCTION**

This is a plan to provide comprehensive and integrated services to the low-income population of the Eastern Region of New York by creating a consortium of partners willing and able to ensure that the population served can have effective futures. The plan contemplates that legal services provided by the three LSC funded legal services programs in the region (The Legal Aid Society of Northeastern New York, The Legal Aid Society of Rockland County, and Westchester/Putnam Legal Services) will be but one of the many services provided to low-income persons in the region. Only a holistic approach to service delivery will create the solutions necessary to reverse the downward cycle many low-income persons face. Therefore, the three LSC funded legal services programs propose to be part of a larger consortium of providers while maintaining their current program structures. Only in this way, can the three legal services programs continue to work to increase the uniform availability and quality of legal services to low-income persons in the region.

In October 2000, the three legal services programs submitted a report to the Legal Services Corporation outlining our regional accomplishments. The legal services programs refer the Corporation to that document. Since that date, the three LSC funded programs have received IOLA funding to create a regional consumer hotline, and New York State Bar Foundation funding to provide regional training to all advocates for the poor in the areas of disabilities and Fair Housing. These recent successes further evidence the ability of the three programs to carry out their commitment to provide solutions on a regional basis.

## Eastern Regional Community Justice Consortium

The three LSC-funded providers in the Eastern Region of New York -- Westchester Putnam Legal Services, Legal Aid Society of Rockland County, and Legal Aid Society of Northeastern New York -- have organized the **Eastern Regional Community Justice Consortium (ERCJC)** to pursue full access to civil justice for their communities.

### Mission and Role

ERCJC is a regional institution whose mission is full access to comprehensive legal services throughout the region's 15 counties.

The role of the Consortium is regional planning with partner organizations to create the unique "community access solutions" that enable our low income residents to have effective futures. "Community access solutions" are holistic service delivery approaches in which legal service programs, social service providers, and community organizations deliver the tailored, integrated, comprehensive services needed by the region's low income residents. Consortium planning builds the necessary coalitions and funder support for well defined "community access solutions" where legal services is a strategic, core element. In each emerging coalition, the Consortium is a formal partner with community organizations and social service providers throughout the region -- all committed to community success on a well defined priority issue.

Each year ERCJC will develop regional service delivery strategies in priority areas (e.g. domestic violence, homelessness prevention and welfare) selected by consortium members and partners. Through collaborative planning, powerful regional coalitions will emerge. The legal service programs, as partners in the regional coalition, will commit to making available the full range of legal services needed by the situation. The community access solutions will be aggressively marketed to funding sources with a stake in the outcome. This approach will effectively move the region to full access to justice.

### Structure and Function and Budget

ERCJC is a 501(c)(3) organization. ERCJC will be legally governed by a formal Board of Directors. Initially it will consist of nine members: (a) the Directors of the three legal services programs, (b) a board member from each of the three legal service programs, and (c) the director of a partner community organization or social service agency from each of the three program geographical areas.

In addition to the formal Board, a "virtual Board of Directors" will be the members of local coalitions with whom we work in each priority arena. The governance structure is expected to evolve. Different Board compositions and membership affiliations will be explored in the first two years.

ERCJC is a planning, marketing and coordinating institution. It will not deliver services. The ERCJC will have a small staff, an employee of one of the programs. Initially one FTE employee will be funded by the three legal services programs as the ERCJC Regional Coordinator. At some time

this position may be funded by special planning and research grants from foundations and donations.

The ERCJC will adopt an approach to regional planning and service delivery organization based on the successful experiences of Westchester/ Putnam Legal Services, Legal Aid Society of Rockland County and Legal Aid Society of Northeastern New York. The lesson from 65 years of joint experience has been that effective legal service delivery must be:

- ! grounded in broad coalitions
- ! holistic in service
- ! effectively targeted
- ! systematically grown to the appropriate scale

The three legal services programs will also commit staff (.5 FTE staff person per program, a total of 1.5 FTEs in the region) to lead the task forces in substantive priority areas.

#### Impact on Legal Services Programs: Growth and Equity

Our regional approach is expected to have a dramatic impact on the three legal services providers. The legal services capacity will grow and more uniformly match the need in each part of the region.

Currently the regional partners' programs are funded at \$7.75 million and staffed by 76 case handlers who close about 8,000 cases per year (70% advice and 30% extended). The poor population is on the order of 220,000. It is possible that each year some 50,000 people do not have access to the civil justice they need. Also there are differences in service capacity among the three program service areas for any given priority issue.

We expect legal services in the region to increase by 50% over the next three years. This growth will be achieved by a dramatic increase in the number, size and effectiveness of local coalitions that will generate:

- ! more community awareness and commitment to resolving conditions that stand in the way of people having effective living situations
- ! more awareness of value added by the legal services providers;
- ! more opportunities for legal services to assume roles in the "solution"
- ! more access to, and openness of, funders
- ! more public support for legal services.
- ! more effective use of regional technology

We also believe each local success will lead to more state and federal government and national foundation support.

The regional approach to planning will also enable all three program service areas to have comparable services available and dedicated to priority issues. The strengths of one service area will be used to stimulate activity and growth in the other service areas.

ERCJC will work with State Planning partners to fund and plan regional management of legal

services so that the full array of legal services is available on an equal basis to the poor and needy throughout the Region. ERCJC will enter into campaigns with State Planning partners to increase state funding for legal services and to secure grants from national foundations.

### Impact on Regional Service Delivery: A Comprehensive, Integrated System As Part of a State Wide System

ERCJC as regional planner will produce the specifications of a full access legal services delivery system. The three legal service programs, as partners, are committing to building and operating that system for the region. The result will be a regional delivery system that is providing comprehensive, integrated, high quality legal services and doing it as part of a larger state wide system.

The three programs have a record of successful collaboration and an agenda that provides the base for a regional system. We are committed to the regional system having 12 defining attributes and components.

1. Region-wide strategic advocacy. ERCJC will set regional priorities. The three programs will establish regional legal service task forces for each priority area. The programs will commit a 0.5 FTE attorney to be team captain for each task force. The task force will be responsible for creating the blue print for the full access delivery system, training and mentoring, and development of legal service strategies. These task forces will be the driving force for the “community access solutions” developed by ERCJC coalitions.

2. Extended legal services at critical mass. The cornerstone of each “community access solution” will always be extended legal services to a significant part of the population in need or at risk. The three programs are committed to organizing and putting in place this service throughout the region at a level needed to move to full access. The task force will define the “critical mass” of service needed and work with ERCJC to market the service.

3. Diversity and cultural competency. The client population in the region is always changing in needs and diversity. Quality legal services rests on respect for and understanding of the clients situation and culture. The three programs are committed to workforce diversity so that clients see themselves in our staff, and to cultural competency in the way we form relationships with clients. The programs will (a) promote hiring for diverse staff, (b) provide training of staff in cultural competency, and (c) promote diversity and cultural training to our partners. The programs agree to receive training from The New York State Diversity Coalition within the next year.

4. Regional access systems of sufficient scale. ERCJC planning, by coalition partners and the legal service task forces, will specify the type and scale of outreach, intake and referral systems needed for each priority area. The three programs have expertise in hot lines (consumer) and are committed to consistent regional intake system. A regional access committee will be established to combine program interest and expertise, and to design the regional outreach, intake and referral called for.

5. Technology for greater access and coordination. The three programs currently have a grant to deliver Community Legal Education with an Edge (CLEWE) . We will obtain a regional website and will have information by county and region that clients and advocates and partners can

use. This web approach is a long term strategy of the three programs. We see it as a tool for the task forces to make information and expertise available to all providers. We see this as a service to partners and therefore facilitating the formation of partnerships and the practice of collaboration and coordination. We see it as a tool for clients to get information and access services. The programs are committed to its long term development. The “technology project” implementing the web site is the focal point for leadership in technology.

6. Technology for practice productivity. The legal service programs are committed to staff having the computer and communication technology that you would find in any leading edge law firm practice. The WNYLC will produce a regional technology plan for us this year. The programs will create the budgets needed to fulfill the plan in each program. They will meet state wide standards for technology and be evaluated on those standards through the state’s peer review system (see below). The “technology project” will certify the degree to which the three programs have made the appropriate technology available to providers and recommend steps to fill any gaps.

7. Professional development for providers to the poor. The three programs have a mission of legal service to the poor. They have a leadership role in setting the standard for legal services in the region. The three programs are committed to providing training and mentoring to all advocates serving the poor regardless of the organization or practice they are affiliated with. Its task forces will develop the training programs and a “professional development committee” will plan and organize the training throughout the region.

8. Pro bono as an intrinsic part of community access solutions. Pro bono will be made a strategic element of each regional priority “community access solution.” Non-traditional ways to involve the bar will be explored and developed. We will jointly implement the new OCA rule providing for CLE credit for pro bono work. The regional approach is expected to result in a dramatic increase in pro bono participation. An “Eastern Regional Pro Bono Coordinators Network” will be developed. It will target growth in selected pro bono panels such as bankruptcies. Mentoring and training programs will be developed.

9. Joint resources development/ marketing. As part of ERCJC planning the three directors will form a “resource development committee” to pursue coordinated and collaborative marketing among the three programs. We intend to grow the legal services portion of the region wide program by slightly more than one- third over the next five years (from \$8M to \$11M).

10. Court partnership on client volume management and pro se. The three programs are committed to partnering with the courts to effectively manage the flow of cases through the courts. The objective is to make the experience user friendly for the clients and efficient for the courts. Our existing assigned counsel and pro se divorce clinics will be the starting point. Disciplined, cost effective, and quality pro se approaches will be developed with and for the courts in regional priority areas.

11. Accountability for regional full access goals. ERCJC, as part of its on going planning process, will carry out evaluations of the “community access solutions” developed by the coalitions. The evaluations will address three questions: (a) are the solutions large enough and comprehensive enough to deal with the issue area, (b) what marketing has worked and how can it be made better, (c) what results have been achieved. The evaluations will be carried out by members of the coalition and by client and community focus groups. As part of ERCJC the three



programs are committed to achieving the regional goals.

12. Accountability for legal service quality and effective administration. The three programs are committed to being part of the new New York state wide peer review system. That system will have outside evaluation team assess a program on-site. The fundamental purpose of the evaluation process will be to ascertain the extent to which each program is utilizing and pursuing available resources of personnel and funding so as to:

- ! effectively and efficiently discharge its mission to provide legal services
- ! contribute, through cooperation with other legal services providers and community agencies, to the provision of such services to the poor throughout the service area.

The evaluation will apply existing national standards and grant requirements. It will also focus on:

- ! A program's effective accessibility and capacity, taking account of its resources, to serve and be available to all eligible populations in its service area;
- ! Its criteria and methods for developing and up-dating, and its success in carrying out, program priorities;
- ! The quality and character of the program's "intake" processes, including their accessibility to clients and potential clients and the program's methods and standards for accepting particular clients for representation.
- ! The significance for clients and client populations of the results obtained and other services provided, including, where appropriate, (i) the referral of clients or potential clients to other legal services providers or sources of assistance, and (ii) the use of educational and other non-adversarial or non-litigative techniques to achieve outcomes helpful to clients and client populations;
- ! The program's success through private-attorney involvement and other means in obtaining additional resources to help meet otherwise unserved legal needs of clients and client populations; and
- ! The program's methods of case management to insure that its representations are effectively pursued and its procedures for the training and enhancement of the professional development and skills of its attorneys.

The ERCJC will be evaluated as a partnership rather than three separate programs.

#### Public Announcement Of New Regional Asset

The formation of ERCJC creates a new regional community asset. ERCJC will hold a regional conference in the fall of 2001: "*Eastern Region Conference on Creating Full Access to Opportunity.*" The purpose of the conference is to announce the Consortium and the first coalitions formed by the Consortium. It will publicize the Consortium's successful role in creating "community access solutions" in priority issue arenas. Prominent roles will be played by staff, Board, local bar

associations, members of local courts and representatives from our many community coalitions. Media coverage throughout the region will bring this new asset to the public's attention. The conference will be part of a major effort to develop relationships with foundation's and local government funders.

## II. Community Access Solutions

ERCJC regional planning will have a disciplined method that causes action and produces results. The results can be seen in the lives of individual clients immediately and in the community over time.

### Helping People/Avoiding Costs: It's Win/Win

The social costs tied up with poverty and the lack of access to justice are extraordinary. All legal service occurs in the context of a life situation. A child lives in substandard, unhealthy housing, as defined by existing statutes, and as a result ends up in the emergency room with chronic asthma. The emergency room is the most expensive way to get health care. The child is released and goes back into substandard housing because the illegal housing situation cannot be pursued by the parents who do not have access to a lawyer. The child gets sick again, returns to the emergency room and spends time in the hospital. The child has to miss school. Now summer school and falling behind are likely. The costs are everywhere but never accounted for. It's less expensive by far for the community to place a legal service provider in the emergency room to make sure the child goes back to a healthy environment! The return on investment is extraordinary. We know it, now we have to show it!

ERCJC will assure that the problems of the poor in the region will be addressed in a holistic fashion. Legal needs will be addressed in tandem with social services problems. The three legal services providers will use the expertise they have gained in this method of assisting poor persons by being the entry point for low income people in the region with civil legal problems. Through our intake and referral systems, clients will receive legal assistance and/or be referred to other agencies for assistance with the life problems preventing them from effective futures. The legal services providers and other agencies will collaborate to bring the necessary assistance to the person seeking help, maintaining contact in order to ensure that the service cycle is complete.

Working in this manner helps prevent community destabilization and deterioration. It avoids large costs associated with long term dependence on community resources by the poor. ERCJC will create the relationships and resources needed to deliver services in this manner through the regional planning of "community access solutions," delivery systems that give the poor access to what they need to be effective in the community.

### Seeking A "Critical Mass" of Work and Influence: Three Stages Of Progress

The work in the region will be anchored in the experience of the three legal services programs forming the Consortium. They have seen the long-term effects that a sustained effort can have on the conditions causing legal issues and needs for the poor.

Our experience has been that there is a four part reinforcing cycle that leads to community improvement and better civil justice situations.

***It begins with:*** providing quality, individual legal services to the poor  
***That builds to:*** a "critical mass" of results and influence being in place in the

- Which leads to:** community around an issue  
social, economic and administrative conditions of poor people's lives improve in the issue area
- That results in:** public satisfaction, approval and support increase because people are helped
- Which returns to:** affirming the need for quality, individual legal services to the poor

The cycle begins and ends with *quality, individual legal services to the poor*. Attention grows and at some point there is a "critical mass" of effort going on in a issue area, large enough to assure the social, economic and administrative condition will improve for the poor. Over time our presence leads to change: changes in the institutions involved, changes in the organization of the poor, the formation of new community groups, new public awareness, better knowledge about the situation and conditions. The nature of the problem changes for the better. The legal needs are less severe, less prevalent and easier to meet. More support is in place. Prevention is stressed and works better. We have seen this happen in housing, welfare and domestic violence in certain communities, in special cases. We know now how to bring a community to this necessary "critical mass of work and influence" that will trigger systemic change.

The Consortium sees regional coalitions taking community priority issues through three stages:

- Stage I.** *Regional priority and "effective future" goals declared by a large, committed regional coalition.* Comprehensive, holistic strategy developed. Initial stage of delivery system in place. Aggressive marketing of the vision to potential funders is pursued.
- Stage II.** *Critical mass of legal services in place and integrated with other organizations.* Full range of legal service available to poor regardless of location in the region. Adverse conditions affecting the poor begin to moderate. Media recognizes success.
- Stage III.** *Effective futures for the poor emerge with full access to justice.* For a given priority issue the community sees the legal need under control and the poor effectively with full access to justice.

Moving through these stages in very local situations has taken many years in the past. As a regional consortium we intend to do this on a larger scale in a shorter amount of time.

Regional Action Planning: The ERCJC Method.

The Consortium proposes to take an arena of priority need within the region and create "community access solutions" by using the following seven step method:

1. Regional Planning. Convene the major providers and local stakeholders who will (a) work together to put delivery systems in place, (b) describe the needs of the poor, and (c) certify that the needs of the poor in an identified priority need arena are being effectively addressed;
2. Partnership Formation. Create the partnerships that secure funding for, and provide,

holistic services to indigent persons and communities throughout the region;

3. Marketing. Organize critical funders who have a stake in the priority need arena and work with them over time to ensure adequate funding and resources;

4. Ease of Access. Design, with local and regional coalitions, the outreach and referral mechanisms necessary to (a) give the poor throughout the region access to service and (b) provide the Consortium and its partners with a true sense of the real issues and needs affecting the community. The three legal services programs will regionalize intake in new and expanded areas (e.g., consumer, education). The intake specialists from each program will meet to share best practices and create new intake options;

5. Full Array of Legal Services. For each geographical service area in the region, the three legal services providers will work to have the full array of civil legal services available to the indigent. In this effort, the three legal services providers will collaborate in using common intake systems, the latest technology, dedicated staff, pro bono attorneys, and outreach to other legal services providers. The three legal services programs will market themselves to reach the critical mass of legal services needed;

6. Professional Development Outreach. Mentor and train attorneys working for other legal and social service providers in order to create a community standard for high quality legal services. Each legal services program will consciously create opportunities for cross cultural mentoring to develop diverse staff and partners;

7. Public Accountability. Use public accountability events (PACE events) to move the regional plan and priority forward. These events create media coverage and provide the opportunity to form partnerships and market to funders. They both announce ambitious goals that generate interest and celebrate success that generates support.

ERCJC will provide the planning process and discipline to move community stakeholders through these 7 steps.

#### Regional Planning Fosters Cross Community Learning

Through ERCJC, the eastern region will work as a learning collaborative. Communities in the three service areas will learn from, and replicate the success of, each other.

The Consortium will deploy community assets – heroes and heroines who have had success -- in peer to peer conversations across the region. These dialogues will recreate successes on a larger scale. Members of local coalitions and communities will be enrolled to teach and inspire their counterparts throughout the region. For example, a farsighted local agency funder will talk with other local officials about how, in her locality, the funding of legal services in a holistic approach has had a major positive impact and is well worth the cost.

This new regional approach recognizes and takes advantage of community assets spread throughout the region. These assets are the successes created by committed local people and organizations. The approach will result in all or most communities in the region emulating the best approaches to bring effective futures to the poor.

### Regional Approach With Local Diversity

The eastern region will have regional priorities using this same coalition model across communities, while always tailoring solutions to local conditions facing the poor. For example, in housing the housing conditions and legal infrastructure are different from county to county. One of the program areas has a very strong set of community organizations already committed to change. Those partners will have to be organized in the other areas to create equal access.

By taking into consideration local needs, conditions, and structures, the region will use the model of community coalitions to build region-wide support for the proposition that civil legal services, coupled with social services, are essential to enable poor persons to have effective futures.

### III. Public Accountability Events

ERCJC will hold a series of Public Accountability Events (PACE events) to build and further its regional coalitions. Progress in the region is caused, measured and celebrated by PACE events.

ERCJC's first PACE event will be its "Eastern Region Conference on Creating Full Access to Opportunity." This will be a pre-conference to the upcoming "Access to Justice Conference" sponsored by the New York State Office of Court Administration. The Conference will announce the launch of three Stage I Community Access Solutions in the arenas of Homelessness Prevention, Domestic Violence, and Welfare and Welfare to Work. Much of the Stage I work in each arena will be planned at the Conference, with all stakeholders participating. We expect Conference participants to include members of our staff and Board, funders, representatives from Courts, local and specialty bar associations, other legal services providers and our important non-legal community collaborators.

In each of our priority arenas, PACE events will be used throughout 2002 to keep our regional coalitions moving forward.

Housing and Homelessness Prevention The Consortium will plan a conference on "Eviction Prevention and Stabilizing Communities." Conference sessions engage funders, tenant organizations, other human services providers, legislators, housing authorities and landlords. It will allow successful local models to be shared and discussed throughout the region. The Conference will focus on the important cost savings to local communities and families (both financial and psych/social) from preventing involuntary homelessness.

Domestic Violence. "Community Collaborations to End Domestic Violence" will build on our U.S. Department of Justice Legal Assistance to Victims grants. The conference will be for legal services staff and managers, domestic violence service providers, other coalition partners and survivors of domestic violence. We will review successful models for ending domestic violence, focusing on several locales within New York State. We will follow with substantive training sessions for each group of participants (legal, domestic violence service providers, survivors). A plenary session on successful Federal, State and local funding partnerships would follow. We hope for participation by leaders from the U.S. Department of Justice, the NYS Division of Criminal Justice Services, county funding, and pro bono volunteers. We will conclude by giving awards to survivors of domestic violence so that conference participants can leave with an inspirational story about the importance of the work we do.

Welfare and welfare to work. The PACE event will be "The Five Years Are Up Conference." Welfare advocates (both legal services and lay advocates from community organizations and groups) and potential funders and community resources will meet to share and plan strategies for getting the basic necessities low income clients need. The focus will be both on governmental benefits programs and supportive services as an entitlement for clients transitioning from welfare to work.

The schedule for regional PACE events is:

**Fall, 2001** "Eastern Region Conference on Creating Full Access to Opportunity,"  
**Spring 2002** "The Five Years Are Up Conference".  
**Fall, 2002** "Community Collaborations to End Domestic Violence"  
**Spring, 2003** "Eviction Prevention and Community Stabilization Conference,"



#### IV. Charters For First Regional Priority Areas.

ERCJC will launch its regional planning efforts in June, 2001 to create three Stage I regional priorities: *welfare and welfare to work*, *homelessness prevention*, and *domestic violence*. These are areas where one or more of the three programs have experience and capacity. These are areas where one or more of the three programs already have coalition like relationships with existing social service and community groups. We plan to announce Stage I coalitions and plans by the end of the year.

## **A. HOUSING**

### **1. Population With Future At Risk**

We estimate that of the 220,000 poor persons in the region some 75,000 are at risk of homelessness due to avoidable eviction! We have 25,000 to 30,000 families with children under the age of 16 at risk each year.

Housing is a major issue touching most of the poor in this region. According to a 1990 Legal Needs Study sponsored by the New York State Bar Association's Committee on Legal Aid, "housing problems presented the most common and most serious unmet legal need among poor people in New York State, and, that "80-90% of all tenants, most of whom were facing eviction, went without representation, . . . while 80-90% of all landlords retained attorneys to represent them."

"At risk" means eviction and finding housing are real day to day issues in peoples' lives. We estimate that each year 5,000-7,000 families need advice; 10,000 to 15,000 need legal representation in court. The risk of eviction is compounded by the supply of low income housing. There is a critical shortage of affordable, safe and decent housing for poor people within our region. We have a large poor population cycling through an insufficient housing stock where much of the available housing is poor quality.

Homelessness is about family destruction, destabilization and deterioration. The situation in the region is a catastrophe for the poor and a crisis for the court and legal profession.

### **2. ERCJC Mission**

ERCJC mission in housing is to: create the community conditions that end avoidable evictions and make affordable, quality housing the standard for the poor in the eastern region.

### **3. Regional situation**

With 25,000 families at risk the incidence of homelessness is high. It is estimated that, at any point in time, 3,000 families are homeless and that condition lasts from 9 to 12 months. Each year some 7,000 families experience periods of homelessness. The effects ripple through our community affecting government shelter costs, school attendance and performance, health status, work readiness.

The incidence of homelessness in the region has been increasing significantly. It may have doubled over the last five years. The three major contributing factors are:

- ! unavailability and unaffordability of low-income housing,
- ! the inadequacy of public assistance shelter allowances and wages of low-income workers,
- ! the unavailability of attorneys to represent poor and low-income tenants in court.

When faced with the threat of legal proceedings from their landlords (based on meritorious claims or not), most low-income tenants will lose tenancies when they are unrepresented in court. Immediate intervention by legal services attorneys can prevent and forestall evictions. Prevention reduces the number of homeless families seeking emergency shelter and saves county, state and

federal governments hundreds of thousands of dollars each year in homeless shelter costs.

The current legal service delivery strategy in the region has three components:

- a. Services to regional residents at risk of eviction: Legal service programs close about 900 court cases annually, give advice and counsel to another 1,800 families, and prepare 100 families for pro se activity.

There are currently 14 attorney advocates in our region who do housing work. Each advocate handles 40 active court cases at a time and closes 175 or more cases each year. Each case affects an average of three persons in the family. The region also has six paralegals working with the attorneys, who with supervision, handle administrative hearings, and give advice and counsel. Each paralegal can handle over 150 cases per year, affecting more than 2,700 poor persons. Both attorneys and paralegals reach provide community legal education and information to allow tenants to proceed on a pro se basis to over 200 poor persons each year.

Five years ago there were only nine attorneys and three paralegals in the region doing housing work. The increase in the number of advocates in and of itself has been an exciting development in housing work. An increase in that number has meant greater impact on the practices of the courts, resulting in fewer evictions for both represented and unrepresented tenants.

- b. State advocacy: Advocates in the region are involved in litigation against the New York State Department of Social Services challenging the public assistance shelter allowances and the Department's practices of routinely denying families adequate funds to pay retroactive and on-going shelter costs. A particularly onerous requirement that poor, working class families use part of their meager earnings to pay part of their rent costs, rather than food, health and other costs, is embodied in this refusal to pay ongoing shelter costs. Most recently, advocates were able to obtain 14 temporary restraining orders against the State for these practices. It is our aspiration to bring enough court cases to shortly force the State to agree to practices which will allow tenants to retain safe, affordable housing without resorting to individual lawsuit to obtain the relief necessary. Westchester/Putnam Legal Services will take primary responsibility for ensuring that all poor tenants in the eastern region have access to this solution.
- c. Safe housing conditions: A very exciting endeavor in the region is the agreement to pursue the problem of lead paint poisoning in low income housing. Advocates in the region have met with attorneys from the firm of O'Connell and Aronowitz in Albany, where attorneys have successfully litigated lead paint cases. That firm is providing training to legal services attorneys in the eastern region regarding lead poisoning prevention and advocacy. The aspiration is to work together to ensure that tenants can successfully establish that their landlords have notice of conditions which lead to lead paint poisoning in order to successfully pursue litigation. The Legal Aid Society of Rockland County will take main responsibility for coordinating this effort in the region.

These three elements provide a base for future “community access solutions.”

4. Regional Goals

ERCJC goals are:

- ! provide legal representation and other forms of safety net assistance to all eligible clients in eviction proceedings in our region, there by preventing avoidable evictions
- ! form the coalitions that will make affordable, quality housing the standard for the poor in the eastern region.
- ! prevent the loss of shelter and the resultant homelessness and see homelessness trends fall dramatically.

During the next three years, our Consortium’s work in the housing area will touch the lives of 50,000 people. This includes not only the individuals/families represented by legal services programs, but individuals/families assisted by the Consortium’s collaborative partners.

In January, 2001, the three legal services programs jointly received a \$5,000 grant from the New York Bar Foundation to train attorneys in the region to handle cases with Fair Housing issues. This training will increase the number of attorneys available to help poor tenants.

We will need at least seven (7) additional attorneys to reach our goals over the next three years. They will represent tenants in court and administrative forums to prevent evictions, and work with tenant associations and community groups to inform them and their clients of their rights.

The Consortium will work to build eviction and homelessness prevention coalitions in each county in the region. The coalitions will consist of legal services providers, social service agencies and other non-profit organizations working with poor people. The coalitions will:

- ! combine resources to bring all necessary services to individuals facing evictions/homelessness;
- ! refer clients to each other;
- ! coordinate and publicize a message about the importance of eviction prevention;
- ! unite to obtain funding for each service provided to clients.

Over the next 3-5 years the homelessness levels and rates in the eastern region will be substantially diminished. Significantly more poor people will have the housing they need to have better lives.

5. Nature of community access solution

The region is effectively at “Stage I” in housing: *regional priority and “effective future” goals declared by a large, committed regional coalition.* Regional planning throughout 2001 will move the region to “Stage II, ” *critical mass of legal services in place and integrated with other organizations.*

Stage II will see the number of families at risk fall, the number of court cases fall, the incidence of homelessness fall. Cost avoidance by the community will rise. To achieve these effects two things have to happen: (1) a critical mass of legal services will have to be funded and put in place and (2) coalitions will bring to bear more resources for each family, and more influence to affect community conditions.

Critical mass of legal services. Representation in court and administrative hearings for families facing eviction is the center piece of a community strategy. Handling a critical mass of eviction cases can lead to:

- ! Better court outcomes. Through continued representation in court we will reach the critical mass of represented poor tenants that moves local judges and appellate courts to enforce the law fairly and equitably – for those we represent and those we cannot represent.
- ! Holistic service solutions for families. The eviction process is an opportunity to bring to bear all the social services a family needs to prevent eviction and move forward with their lives. Needs can be assessed and referrals and linkages made to resources in the community.
- ! Better housing conditions. Eviction cases surface the conditions of the housing stock and open parallel opportunities to improve supply and quality.

Regional planning will determine the “best” regional comprehensive legal services system. It is expected to consist of the following components:

- ! Regional housing legal services task force: The three legal services providers in the region will create a task force of all legal service providers committed to the regional ERCJC goals. This task force will develop legal strategy, organize regional training and plan and refine the comprehensive delivery system for housing. This task force will work closely with the Greater Upstate Law Project (GULP) which focuses primarily on substantive matters. The three programs will commit a 0.5 FTE staff time of one employee from Westchester/Putnam Legal Services’ Housing Unit to lead the task force.
- ! Regional hot lines and referral systems: Every poor family at risk can contact a person who will guide them to a resource. There will be the capacity to provide advice and brief service that matches demand. (The housing advocates of the legal services programs in the Consortium will meet in April, 2001 to discuss whether regional housing hotlines can be useful for the community solutions sought. Westchester/Putnam Legal Services will take responsibility for sponsoring this meeting.)
- ! Extended legal representation: Establish the capacity to handle 2 to 3 times the number of cases currently seen.
- ! Pro se strategic initiative: Partnerships with the courts will make pro se manageable and effective; and a major way to handle volume.

- ! Pro Bono strategy: The three programs will bring the private bar in to a range of roles that contribute to achieving the goals.
- ! Regional and state advocacy: Target legal work that over time will enable government support programs to be user friendly and effective in helping clients. (For example, in addition to legal representation in court, legal services programs and other providers will help secure back and ongoing rent from local Department of Social Services and other financial benefits to which a family is entitled such as supplemental security income, food stamps, and Medicaid.)
- ! Economic development: The three programs will champion coalition work to improve the regional housing stock in both scale and quality.
- ! Client access through internet technology: The three programs will create a regional web access system that will give clients and partners and advocates access to information and resources.

The “best” size and scope of each piece, and its strategic significance, will be determined through the regional planning process. Guided by the regional planning, the three legal service programs will commit to putting the “best” comprehensive, legal services system in place.

Effective coalitions: ERCJC will enable legal services programs to leverage other resources through coalition building. We will use our unique expertise as tenants’ lawyers to dramatically expand the partnerships and collaborations of local community groups dedicated to achieving affordable and safe housing for all low-income persons. These collaborations will result in:

- ! more educated tenants able to assure their own housing future
- ! a larger number of advocates who will be able to assist families and individuals seeking to retain or obtain housing
- ! more resources available to families at risk that open up new solutions, new opportunities

Regional planning will also bring coalitions into action generating more access, more support and more holistic services.

The poor facing eviction will now have access to legal advice and representation, clients facing eviction will now have access to holistic services. This access will be accomplished by collaboration with in the coalitions. The three legal services programs will be providing on-going training and being available to answer questions for the staff of community based organizations. By “deputizing” the employees of these organizations we will coordinate a large group of willing and able workers to ensure that tenants are receiving accurate information and assistance to enable them to enforce their rights.

Our Stage II goals will require increased funding for housing advocacy in the region. We will market the comprehensive legal services delivery system by declaring the positive results it will deliver to the community and state and local government. Coalition support, publicity about what we are doing, and aggressive marketing will create the necessary investment.

Partnerships with community based organizations will ensure that all of the critical needs of a family helped by the legal services programs will be met. Our commitment to the provision of holistic services means that clients will also be helped with employment, education, drug/alcohol, family and mental health problems.

6. Regional partners and funders

The three legal services programs are currently partnered with a community organizations in each of the counties they serve. The agencies involved with the legal services providers in eviction prevention coalitions include:

Regional

- The Bridge Fund
- Catholic Charities
- United Way
- The Coalition for the Hungry and the Homeless
- Multi- County Development Corporation

Westchester/Putnam/Dutchess

- Mt. Vernon United Tenants
- Westchester Hispanic Coalition
- Westchester Residential Opportunities
- Putnam County Community Action Program
- Dutchess Outreach
- Real Opportunities of Dutchess County

RocklandOrange/Sullivan/Ulster

- Rockland County Catholic Community Services
- Rockland County Affordable Housing Coalition
- Family of Woodstock (Ulster)
- Regional Economic Community Action Program (Orange)
- Community Action Commission to Help the Economy (Sullivan)
- Housing Opportunities for Growth and Revitalization (Rockland)

Northeastern

- United Tenants of Albany
- Homeless and Travelers Aid Society of Albany.
- Bethesda House
- Unity House, Inc.
- Schenectady Community Action Program
- Hamilton Hill Forum's Eviction Task Force

Current funders for the region include:

New York State homelessness prevention funding .....	\$300,000
Individual county funding .....	\$295,000
Department of Housing and Urban Development .....	\$135,000
Legal Services Corporation, IOLA , &	

NYS Civil Legal Services .....	\$800,000
Individual donor and foundation contributions .....	\$60,000
<b>Total</b>	<b><u>\$1,520,00</u></b>

The region intends to pursue increased individual donor and foundation support as well as HUD, State and County funding for all parts of the region.

7. ERCJC Charter For Housing

ERCJC will be responsible for achieving the following milestones in homelessness prevention.

**May, 2001:** Consortium’s Housing Legal Services Task Force will produce its plan for a Stage I comprehensive delivery system indicating the strategic components (for example, will hot lines be necessary and, if so, at what scale and functionality). This blue print will focus on the legal services providers role. Issues such as hotlines and referrals will be addressed.

**September 2001:** The ERCJC Regional Housing Coalition will have met and adopted the first draft of the “community access solution” in housing for the region. This plan will show a coordinated, holistic approach involving all coalition partners.

**Fall, 2001:** ERCJC will hold the “Eastern Region Conference on Creating Full Access To Opportunity” where the Stage I accomplishments and the Stage II vision for housing will be announced and celebrated. (All the priority areas will be showcased). This will be a media event and a major milestone for the region.

**Spring 2003:** ERCJC Regional Housing Coalition will hold the “Eviction Prevention and Community Stabilization Conference” to assess and celebrate progress in Stage II.



## **B. DOMESTIC VIOLENCE**

### **1. Population with future at risk**

Each year domestic violence is an issue for about 10,000 of the 70,000 poor families in our region. Some 30,000 lives are affected. Victims can be children, spouses, the elderly.

A recent study (Tjaden & Thoennes, Full Report of the Prevalence, Incidence and Consequences of Violence Against Women, U.S. Department of Justice, November 2000.) bears out what our clients experience on an every day basis. Physical assault is widespread among adults in the United States: 51.9% of surveyed women and 66.4% of surveyed men said they were physically assaulted as a child or an adult. Rape and stalking are more prevalent than previously thought. Violence against women is primarily intimate partner violence, experienced by three times more women than men. The National Violence Against Women Survey makes it clear that intimate partner violence is a major public health and criminal justice concern in the U.S. In Washington County, a rural county on the northern extreme of our region, for a period of six years, four of the five homicides in the county were of women by family members.

The consequences for a family are obvious. Children witness violence, and may themselves become the victim of a batterer. Families are dislocated, at times mothers must leave their children. Others become homeless, relocating to domestic violence shelters away from their home communities, extended families and social supports. Victims of domestic violence lose time at work, putting their employment at risk. Health services are required as a result of a rape or injury during a battering incident. Some must change their identity and names – the core of what one has in the world – to once again be safe. (Many of our clients are from other communities, sent to shelters in our service areas because they are safer.) One cannot confront the complexities of domestic violence piecemeal or casually.

Violence creates a turmoil of legal issues. Addressing those legal issues is a critical event that can be used to generate permanent solutions. Victims become survivors, with the hope of an effective future. Astronomical down stream costs to the family and the community are avoided. Our experience with providing holistic services over the past 5 years positions us to generate cost effective “community access solutions” for domestic violence victims and survivors.

### **2. ERCJC Mission**

ERCJC’s mission in Domestic Violence is to lead local community coalitions that provide holistic civil legal services to all survivors of domestic violence.

All survivors of domestic violence are to be provided holistic legal services - that all of their legal needs must be met from the first moment of safety and shelter to obtaining and maintaining child support, employment or a home independent from the batterer. ERCJC will create the coalitions needed to meet this goal.

### **3. Regional Situation**

Domestic violence calls for holistic legal services. Services are tailored for those not ready to seek civil solutions and to those ready to become a survivor. The resources and expertise of

many community organizations and programs must be brought to bear. While public sympathy and increased funding is available for some services for victims and survivors of domestic violence, our communities lack a coherent and coordinated strategy for ending domestic violence and serving survivors. The Eastern region needs more civil legal service capacity, and more integration of the legal services distributed among organizations throughout the region.

Scale and scope. For the eastern region, it is estimated that there were 15,000 incidents of domestic violence in 1998, poor and non-poor. One year later, in 1999, about 4,600 new family offense petitions and 700 violations of family offense petitions were filed in the Family Courts. Civil remedies cannot keep pace with domestic violence in any part of our region.

The system of legal providers involves a number of organizations. Most have small capacities. The three Legal Service Programs remain the primary providers for the region.

There are a number of legal services providers funded to provide services to victims/survivors, clustered primarily in Albany and Westchester. They serve the poor and non-poor.

- ! Two are law school clinics, designed to provide high quality services while training law students. Of necessity, their caseloads are limited.
- ! Pro bono organizations train and recruit volunteers to provide sensitive volunteer services for victims. Their volume is limited by the goodwill and economic realities of their volunteer attorneys.
- ! Each county has a domestic violence service provider which provides the psychological and emotional supportive services victims need to become survivors. Three shelters have their own small attorney staff (Rensselaer, Westchester and Rockland Counties).
- ! An array of free appointed counsel is available, but at the unconscionably low rates of pay offered in NY, few participating lawyers have the experience, training or time to provide sensitive and skilled services.

The three Legal Services Programs currently have 15 advocates. We represent about 1,150 victims/year. Many victims had multiple legal problems, so the number of cases handled is much greater, on the order of 2,300 per year.

The emerging coalition of providers described above needs to be at least twice as big as it currently is.

Integration. The three legal services providers remain the primary providers of civil legal services to survivors of domestic violence. Our charge is to collaborate with the other providers, and to use our coalition building skills and experience to provide the focus for real community collaborations to end domestic violence.

Today, empathetic and talented lawyers, lay advocates, counselors, prosecutors, law enforcement officials and judges labor in isolation from each other, at times alongside less

empathetic or insensitive colleagues. At times, justice personnel interact in a victim's life in contradictory (or at least not complementary) ways. For example: A woman was the victim of severe violence by her husband, including being raped by him with a paint roller. He was prosecuted by a district attorney funded to prosecute crimes against victims of domestic violence. The district attorney wanted him to accept a plea bargain. Legal services represented the victim in related civil proceedings. At the sentencing, the legal services lawyer stood ready to help the victim advocate for a stronger penalty. The victim was not ready to leave the batterer or accept domestic violence services. The DA was not willing to prosecute on forensic evidence alone, as the advocate suggested. The husband received the plea ... not the coordinated community response we hoped for. The woman is left in a vulnerable, at risk situation. A better result was not achieved because we lack the means to truly coordinate and integrate.

For the first time in many years, we have been able to accord domestic violence the high priority service it has long deserved. We are building new relationships with domestic violence service providers, family courts, and others working to end domestic violence. The potential for collaboration can be seen in two current efforts: building a regional internet based information system, and targeted, community wide outreach.

- ! CLEWE: A central information system for clients. We are collaborating to bring county-specific legal educational materials to victims of domestic violence over the Internet. A domestic violence victim and/or local service provider will be able to search for and print out a community legal education piece on obtaining an order of protection, including county specific tips for getting an immediate or permanent order, from a computer at home, in a public library, or at a domestic violence shelter. We will also train all human services staff throughout the region to use this new resource.
  
- ! Outreach. We must also use our resources to reach out to under served victims of domestic violence: rural victims, linguistic minorities, communities of color and the elderly. LASNNY's May 2001 elder abuse conference is a first step to melding our expertise in elder law and domestic violence to reach new groups of victims and providers. Staff from throughout the region will be invited to participate as well. To aid in this outreach, we will work to always enhance the diversity of our own staff.

Just as important as keeping and increasing public funding for our domestic violence civil legal services is ensuring that our efforts are coordinated with other civil legal services providers so that we avoid duplication of effort. We also need to communicate with and plan services with the prosecutors and law enforcement officials in our community so that we truly are "coordinated" in our approach to ending domestic violence.

#### 4. Regional Goals

The ERCJC goal for the region is: *the provision of holistic legal services to all survivors of domestic violence.* Our region should provide a lawyer trained in representing domestic violence victims to every person who is ready to become a survivor!

In order to achieve this goal ERCJC will develop the following targets.

- ! Increased funding for legal services. The unmet need in this area, as with all others, is for greater staffing to truly meet the need. In the next three years we will move closer to fulfilling our vision by increasing the number of advocates dedicated to domestic violence work from 15 to 30. We will do so by increasing local funding.
- ! Stabilize funding. More stable funding is necessary to keep the volume of work at its “critical mass” level.
- ! Stronger, broader coalitions. We will increase formal partnerships with domestic violence service providers in each county. Integration and referral arrangements will be set up. We will forge new partnerships with local hospitals, police, libraries and other places to reach out to victims. With increased staff, each legal services program can be a more active participant and leader in county coalitions and task forces to develop a coordinated community response to domestic violence.
- ! Holistic legal services delivery. Our region will have services in place for those who are not yet ready to avail themselves of civil remedies. Our region will have the holistic services in place for every person and family ready to become a survivor.
- ! Partnership resource development. We will reserve our institutional energy for the work, rather than competitive funding interactions. We will develop joint, coalition strategies and proposals to secure stable and increased funding. Only then will domestic violence survivors have “full access to justice.”

## 5. Nature of Community Access Solution

The region is effectively beginning “Stage I” in domestic violence: *regional priority and “effective future” goals declared by a large, committed regional coalition.* Regional planning throughout 2001 will move the region to a fully implemented Stage I status. Stage I will see: (a) stronger coalitions formed, (b) an integrated delivery system providing holistic services throughout the region, (c) aggressive resource development to increase and stabilize funding.

Stronger coalitions. In light of the current multiplicity of providers of services to the survivors in the Eastern Region, we believe that the goal of holistic representation can only be achieved through collaborations and partnerships with other providers of legal services. Within these partnerships, we will offer training, mentoring and coordinate services with other providers so as to maximize the availability of legal representation. We will also strongly support the provision of services to survivors not yet ready to take legal action and will refer these survivors to local shelters which provide such services.

Regional planning workshops will be the vehicle we use to build coalitions and commitments. ERCJC will host and facilitate at least one regional planning process each year.

An integrated, holistic delivery system. The regional delivery system will be defined and shaped through the regional planning process. It is expected to consist of the following core components.

- ! Regional domestic violence legal services task force: The three legal services

providers in the region will create a task force of legal service providers committed to the regional ERCJC goals. This task force will develop legal strategy, organize regional training and plan and refine the comprehensive delivery system for housing. The DOMESTIC VIOLENCE task force will work closely and coordinate with the Greater Upstate Law Project's (GULP) statewide DOMESTIC VIOLENCE task force, which primarily focuses on substantive matters. The three programs will commit a 0.5 FTE staff time of one employee from LASRC to lead the task force.

- ! Regional hot lines. All victims will have a way to access help.
- ! Outreach strategy. Conferences and workshops will be held to enroll organizations as partners in reaching out to possible victims.
- ! Inter-organizational referral systems: There will be a referral system that enables holistic services to be organized and delivered to each client. Organizations in the coalition will have the communication systems and relationships that enable them to put together "holistic solutions" for each client. There may be regional standards for intake and service.
- ! Extended legal representation: Establish the capacity to handle 2 to 3 times the number of cases currently seen. The core capacity will be in the three Legal Service Programs. Significant capacity will be distributed among other providers.
- ! Formal mentoring and training for all providers. The task force will institute relationships with providers in other organizations. Training will be provided to create a common vision and an integrated system providing high quality, holistic service through out the region.
- ! Central internet-based information/education system: The three programs will create a regional web access system that will give clients and partners and advocates access to information and resources.

This delivery system will draw on the "best practices" from through out the region and state. It will present itself as a model to be supported and evaluated by foundations and academic institutions.

## 6. Regional partners and funders

Our current partners are the domestic violence service providers in each county. The other legal services providers are:

- ! Albany Law School Family Violence Clinic
- ! The Legal Project of the CDWBA
- ! Pace Law School
- ! Shelter based attorneys at Unity House, Rockland Family Shelter, Northern Westchester Shelter, Putnam Women's Resource Center, the YWCA of Dutchess County and My Sister's Place.

Legal Service Program funders include Westchester County, NYS Division of Criminal Justice Services, U.S. Department of Justice, and our core funding to provide basic legal services. The current annual finding targeted solely to the legal needs of domestic violence victims is:

Albany	\$300,000
Rockland	\$160,000
Westchester/Putnam	<u>\$525,000</u>
Total	\$985,000

ERCJC intends to increase funding for legal services in the three programs and in other provider organizations.

7. ERCJC Charter For Domestic Violence

ERCJC will be responsible for achieving the following milestones in domestic violence.

**August, 2001:** Consortium’s Domestic Violence Legal Services Task Force will produce a blueprint for a Stage I integrated, holistic delivery system for the region. The blue print will focus on the legal services providers’ role. Issues such as hotlines and referral systems will be addressed.

**September, 2001:** The ERCJC Regional Domestic Violence Coalition will have organized, met and adopted the first draft of the “community access solution” in domestic violence for the region. This plan will show a coordinated, holistic approach involving all coalition partners.

**Fall, 2001:** ERCJC will hold the “Eastern Region Conference on Creating Full Access To Opportunity” where the Stage I vision and accomplishments for domestic violence will be announced and celebrated. This will be a media event and a major milestone for the region. (All the priority areas will be showcased.)

**Fall, 2002:** ERCJC Regional Domestic Violence Coalition will hold the a conference “Community Collaborations to End Domestic Violence” to announce the region moving to Stage II, *critical mass of legal services in place and integrated with other organizations.*

## **C. WELFARE AND WELFARE TO WORK**

### **1. Population with future at risk**

In the region there are 54,000 poor on welfare and in transition from welfare to work. This represents 25% of the 220,000 poor people in the region.

Although major changes have occurred in the welfare system since the enactment of welfare reform in 1996, the availability of public assistance benefits as the last resort remains a crucial safety net component which protects the most vulnerable of the poor people in the region. Public assistance, cash benefits as well as Food Stamps and Medicaid, is the only barrier between those most in need and the most dire consequences of poverty: homelessness, hunger and lack of medical care. The consequences of the loss of welfare benefits are so obvious that legal services providers have always focused upon preservation of these benefits as a way of ensuring that our clients' basic needs are met at least minimally.

At the same time, the major effort to reduce the welfare rolls by placing welfare recipients in jobs is fraught with difficulties. The overwhelming majority of the workfare employment is in low wage jobs with frequent job losses and extremely limited upward mobility. In many cases, job placements lead to loss of medical insurance and the resultant loss of medical care. Placement in dead end jobs is, in a more subtle way, just as devastating for poor people as reliance upon the welfare system. Our advocates have represented countless clients who bounce from one minimum wage job to another, either receiving or being denied welfare benefits in between jobs, with no hope of advancement or meaningful support for their families through employment.

Both the denial of welfare benefits and the lack of real opportunities within the welfare to work system have catastrophic consequences upon the poor. The more tangible results (hunger, homelessness, absence of medical care) combine with lack of hope, despair and humiliation. As individual lives are destroyed, the impact upon the community (destabilization and destruction) is equally devastating.

### **2. ERCJC Mission**

ERCJC's mission is twofold. First, we will ensure that no person in the region goes without the basic necessities of life: food, shelter and medical care. We will influence the lives of those currently on welfare and in transition from welfare to work as well as the lives of new applicants trying to access the welfare system by ensuring that their basic needs are met. In doing so, we will reaffirm and renew our historic commitment to preserving poor people's rights to basic necessities. We believe that preventing hunger, homelessness and illness saves lives and avoids community deterioration. We denominate this part of our mission as securing "necessities of life" for all in the region.

Second, we will ensure that the best possible outcomes are available for participants in welfare to work programs in the eastern region. In collaboration with local community groups, we will force counties within the region to comply with the requirements of the local welfare to work plans by educating client groups and community agencies and by representing clients to obtain the best outcomes in individual cases. This part of our mission will secure "meaningful job opportunities" for those in transition from welfare to work.

### 3. Regional situation

Families and individuals in New York are eligible for public assistance under a variety of programs. The Family Assistance Program (FA), funded by the federal Temporary Assistance to Needy Families block grant, provides help for households with minor children. Families receiving FA are subject to a five-year durational requirement. In addition, since New York, unlike most other states, is required by its state constitution to provide assistance to the needy, single individuals and childless couples receive Safety Net Assistance (SNA) in the form of cash for a maximum period of two years followed by an indefinite period of non-cash assistance where rent and utilities are paid by voucher and the remainder of the assistance, if any, is given to the recipients as a personal needs allowance. All eligible recipients are also entitled to Food Stamps, Medicaid and child care.

TANF has resulted in the drastic reduction in welfare rolls throughout New York. In the Eastern Region, the number of recipients decreased from nearly 106,000 in August 1996 to 54,000 in November 2000 (a 48% reduction). For the most part, the individuals who are off public assistance are working, having either been placed in jobs by the local Departments of Social Services or having found jobs on their own. Yet for many, these minimum wage jobs keep them living in poverty, with no real opportunity for changing their lives. The inadequacies of the welfare to work approach have not been adequately addressed.

The difficulties of addressing the problems in the welfare system are exacerbated by a complete lack of public support for welfare recipients. Welfare recipients are a group with no appreciable political power or base of support. Unlike other priority areas for ERCJC (housing and domestic violence) where there are many groups and other advocates ready to address the problems, welfare recipients are not currently organized, no significant community advocacy for their needs currently takes place. Members of ERCJC are confident, however, that there are community groups willing to devote their energy and expertise to securing the rights of welfare recipients. The building of the ERCJC Regional Welfare Coalition will require coordination with existing organizations such as the Albany-based Statewide Emergency Network for Social and Economic Security (SENSES) and Hunger Action Network of New York, together with bringing new members into the coalition.

The lack of organized effort for the work in the area of welfare law reflects the larger political reality. There is a great deal of hostility to any form of public assistance for the poor at every governmental level. The abolition of AFDC in 1996 and its replacement by TANF signaled the end of the federal commitment to assist the needy children and their families. The durational requirements imposed by TANF, combined with significant financial incentives for the states to reduce the welfare rolls, have resulted in the enactment of state regulations hostile to poor people's continued rights to receive welfare benefits. The state's emphasis has been effectively communicated to the counties. In the last four years, our clients have had to deal with local officials who act as if no right to welfare benefits exists at all and as if any due process protections for poor people in the welfare context have been effectively abolished. Poor people's applications are being routinely denied or not taken at all; their benefits are being discontinued without notice. In some parts of our region, the decrease in the number of welfare recipients far exceeds the state decrease (e.g. Saratoga County, with a reduction of 77% in four years.)

Yet local officials' open contempt for our clients' rights has enabled the legal services providers to do some of our most exciting work in the past two years. Fair hearings challenging



work-related and other sanctions imposed upon hundreds of our clients present many litigation opportunities. Some invite due process challenges when procedural safeguards are violated; others allow skilled advocates opportunities to marshal and present facts for a client unable to do so on his or her own. Similarly, we have been able to avoid having disabled clients subjected to work requirements because of the local department's failure to follow the state regulations in making findings of employability.

There are currently seven advocates within the consortium who provide services to individuals seeking welfare benefits. Even more are served through specialty programs for domestic violence victims or those with HIV.

Yet our advocates represent but a small portion of those who need assistance. In November 2000 the State's Bureau of Fair Hearings heard more than 3,000 cases in which more than 7500 issues were raised. The agency was reversed in more than 50% of the issues decided. Our advocates, however, appeared in no more than 5% of those hearings. Furthermore, it is safe to assume that as welfare rolls are further reduced, many of the affected poor individuals could benefit from advice and possibly extended representation when their benefits are being discontinued. Finally, those who are moving from welfare to work are entitled to many supportive services which are currently not being provided by the localities. A recent study by the Fiscal Policy Institute has found that New York State has failed to spend 1.3 billion in federal money to get people from welfare to work. In line with those findings, an audit of the TANF Assessment Process by the New York State's Comptroller office found that employability assessments were not completed for many recipients. Those assessments which were completed frequently did not include the critical component of the recipient's literacy skills. Employment plans did not include elements required by state law and a recipient's skills and prior experience were not adequately considered during job placements. These studies confirm the suspicion held by welfare advocates that the counties are not in compliance with either state or local rules in welfare to work programs. Yet the legal services providers in the region have not aggressively pursued the welfare to work inadequacies in our daily representation of clients, partly because such work has not been our traditional focus.

We have begun to address the welfare to work problems by making county specific information on welfare to work plan in the region available over the Internet. Under an LSC-funded technology initiative CLEWE (Community Legal Education With an Edge) this client education piece on welfare to work will be available soon. This information will be accessible from a home computer, in our offices as well as in public libraries. It will enable poor people to more fully understand their rights under this system. As part of our collaboration with local community agencies, we will also train staff throughout the region to use this new resource.

Our increased focus upon welfare to work, together with the continued "traditional" legal representation of poor people who seek to obtain or retain welfare benefits, provide the basis for future "community access solutions".

#### 4. Regional goals

ERCJC goals are to:

- provide legal representation to all individuals whose welfare benefits are being unjustly discontinued or denied.

- participate in coalitions with community groups to ensure that benefits are not arbitrarily cut off or denied. The work of the coalitions is crucial because individual representation will not end the arbitrary practices of the local departments.
- expand the scope of representation as permitted by the Velazquez decision while referring such cases as are appropriate to unrestricted legal services providers.
- represent individual clients in welfare to work cases to ensure that the local departments: (1) adopt a mixed strategy which emphasizes job search, education and job training instead of focusing solely upon job placement, (2) emphasize the importance of initial job placement with higher pay and benefits, thereby increasing the recipient's chance of success, (3) offer job placements which include a wider variety of better jobs rather than the traditional minimum wage/no benefits placements, (4) provide the full range of support services (e.g. uniforms, transportation costs, etc.) so a successful transition can be made.
- participating in coalitions to monitor the welfare to work programs and to advocate changes within those programs
- explore other legal supports we can give to those participating in welfare to work plans.

#### 5. Nature of community access solution

The Eastern Region is at the very beginning of Stage 1 in welfare: we have declared our regional priority and "effective future" goals. Regional planning throughout 2001 will move the region to a fully implemented Stage I status: a coalition committed to reaching the goals will be formed and an integrated delivery system will be in place.

Educating and participating in coalitions is the most important part of achieving meaningful community access solutions for the poor in the area of welfare. LSP partners have declared that all poor people in the region are entitled to the basic necessities of life (food, shelter and medical care) and our commitment to have those necessities made available through the receipt of welfare benefits. We have also declared our commitment to ensure that those transitioning from welfare to work be afforded meaningful job opportunities within the context of the locally controlled welfare to work plans. As coalitions are built, ERCJC will reach the goal of "necessities of life and meaningful job opportunities" by playing four roles:

- combining the traditional legal services we have always provided (direct client representation) with services of other organizations working with this population - to make sure welfare participants can effectively access the system
- leveraging our unique expertise and experience by working with coalition partners to make systemic changes in the welfare system - to assure that public institutions function well
- providing knowledge and tools to those whom we cannot directly assist - to make

sure not one falls behind

- working with partners to create the alternative sources of support to make up for gaps in the welfare system that show up - to link the need with the community resources.

As part of the emerging coalition the three legal services providers partners will:

1. Represent individual clients (ranging from advice to court challenges) in cases of discontinuance or reduction of governmental benefits.
2. Ensure that all individuals and families get the full range and amount of benefits they are entitled to, be it the right Food Stamp amount or cash assistance.
3. Represent clients in welfare to work cases to ensure that they get all the services to which they are entitled.
4. Work with other providers to maximize non-governmental community resources.
5. Provide conventional and internet based community legal education.
6. Train advocates in other community organizations to help with welfare problems
7. Refer cases we are prohibited from taking to unrestricted providers.

In addition to the individual representation and participation in coalitions implicit in the above-described functions, regional approaches will also be implemented to address the needs of the poor in the Eastern Region. The regional approaches will most likely consist of:

- Regional Welfare Legal Services Task Force. The three legal services providers in the region will create a task force of all legal services providers and human services agencies committed to the regional ERCJC goals. This task force will develop legal strategy, organize regional training and refine the comprehensive delivery system for welfare. It will work in conjunction with the Greater Upstate Law Project (GULP)'s Welfare Task Force, which primarily addresses substantive issues. The three programs will commit a 0.5 FTE staff time of one employee of Legal Aid Society of Northeastern New York to lead the task force.
- Regional Hotline and referral systems. The efficacy of addressing welfare problems through a hotline will be discussed at a first meeting of the ERCJC's Legal Services Welfare Task Force. This meeting will be sponsored by the Legal Aid Society of Northeastern New York.
- Client Access through Internet Technology. As we have already begun with the CLEWE posting of materials in welfare law, a regional web access system will give clients and partners access to more information and resources.

Successful implementation of the community access solution will require a dramatic expansion of the resources devoted to the welfare area. We estimate that 14 advocates, double

the current number, will be needed if we are to accomplish our regional goals and effect the lives of more than 50,000 people currently receiving welfare.

6. Regional Partners and Funders

The lack of community organizations currently fully committed to securing necessities of life and meaningful job opportunities for the poor presents a unique challenge for ERCJC. As our regional planning and presentations continue throughout 2001, the following group will join us in achieving our goals.

Regional

Catholic Charities

The Coalition for the Hungry and Homeless  
SENSES

Hunger Action Network of New York State

Westchester/Putnam/Dutchess

Westchester Hispanic Coalition

Putnam County Community Action Program

Dutchess Outreach

Real Opportunities of Dutchess

Rockland, Orange, Sullivan, Ulster

Rockland County Catholic Community Services

Rockland County Community Action Program

Nyack NAACP

Rockland County Community Development Council

Family of Woodstock (Ulster)

Regional Economic Community Action Program (Orange)

Community Action Commission to Help the Economy (Sullivan)

Northeastern

Hamilton Hill Forum (Welfare to Work Committee)

Albany City Homelessness Coalition

Other Homelessness Service Providers

Current funders for the region include:

Legal Services Corporation, IOLA,  
New York State Civil Legal Services

\$450,000

7. ERCJC Charter for Welfare

ERCJC will be responsible for achieving the following milestones in welfare:

**July 2001:** Consortium's Welfare Legal Services Task Force will produce a blueprint for implementing the goals of achieving the "Necessities of life and meaningful job opportunities". The blue print will focus on the legal services providers' role. Issues such

as hotlines and referral systems will be addressed.

**September 2001:** The ERCJC's Welfare Coalition will have organized, met and adopted the first draft of the "community access solutions" in welfare for the Eastern Region. This plan will show a coordinated holistic approach involving all Coalition partners.

**Fall, 2001:** ERCJC will hold the "Eastern Region Conference on Creating Full Access to Opportunity" where the Stage 1 accomplishments will be announced and celebrated (All the priority areas will be showcased). This will be a media event and a major milestone for the region.

**Spring 2002:** ERCJC's Regional Welfare Coalition will hold a conference "Five Years are Up" to announce the Region moving to Stage II, with a critical mass of legal services in place and integrated with other organizations.