

LEGAL SERVICES OF CENTRAL NEW YORK

**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

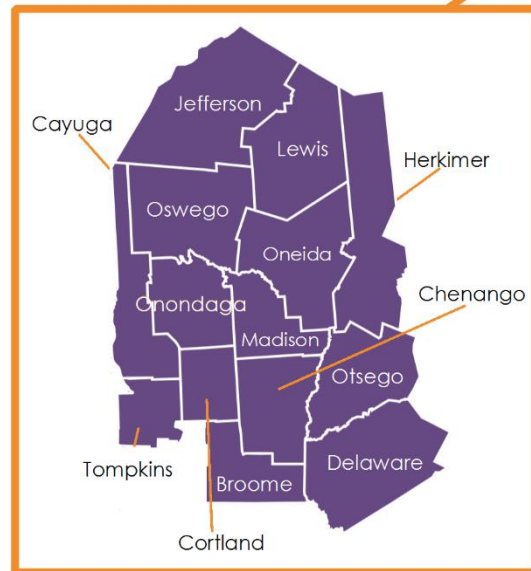
Three staffed civil legal services organizations and a pro bono program serve all or part of our region, each adopting a different and defined mission and delivery strategies. LSCNY’s role in the system tracks our roots as an antipoverty law firm with the capacity -- and mandate -- to engage in legal strategies prohibited to or outside the mission and capabilities of our partners.

Our primary target population: Families and individuals with incomes at or below 200% of the federal poverty level in our thirteen county service area: Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, and Otsego counties. For the reporting period, we have benefited 9,140 people. We have worked with 16 groups, mostly on housing related matters

A significant subgrant from our long-time partner, the Legal Aid Society of Mid New York has increased our ability to serve people with housing stability and eviction defense issues. LSCNY has long focused on housing work. Over the years housing cases have increased from one-third to more than one-half of our work. The funds have allowed us to better meet the demand in the 320+ City, Town, and Village Courts in our service area where our clients can face eviction.

We do not confine our work to eviction defense. We work on affirmative housing related matters and represent tenant groups. We have seen an increase in representation of manufactured home park tenants in traditionally underserved rural areas.

With our grantor LASMNY, we have worked with the Syracuse College of Law to create an eviction defense clinic that will begin in the Fall semester 2024. The clinic will create a pipeline of law graduates to engage in housing work.



Service Area: Central Region of New York

Population Served: General Low-Income Population

Staffing Full Time Equivalents:

Total Staff: 67	Lawyers: 44
Paralegals: 10	Others: 13

DIRECT LEGAL SERVICES

Case Example #1, Income Maintenance: Martha, an elderly Black two-time cancer survivor, was notified by the District Attorney that she would be charged with criminal SNAP fraud unless she agreed to a one-year disqualification and pay back more than \$8200. The DA alleged she had intentionally failed to report her pension to obtain benefits to which she was not entitled. The pension and her SS retirement benefits made her income too high to receive SNAP. Martha was distraught over the threat of prosecution because she believed she had told DSS about her pension from the beginning. We discovered that while the county Department of Social Services (DSS) had not included her pension in her budget, Martha revealed it during a recertification interview.

We argued to DSS there was no intent to defraud because Martha alerted DSS to the pension. Their own records showed she informed DSS about her income during phone interviews even though she did not list it on her application. At the request of DSS, the DA agreed not to prosecute. DSS classified this case as a mistake rather than intentional. Martha no longer faced a one-year disqualification from SNAP and, most importantly, her overpayment was reduced from \$8200 to \$2800.

9,140

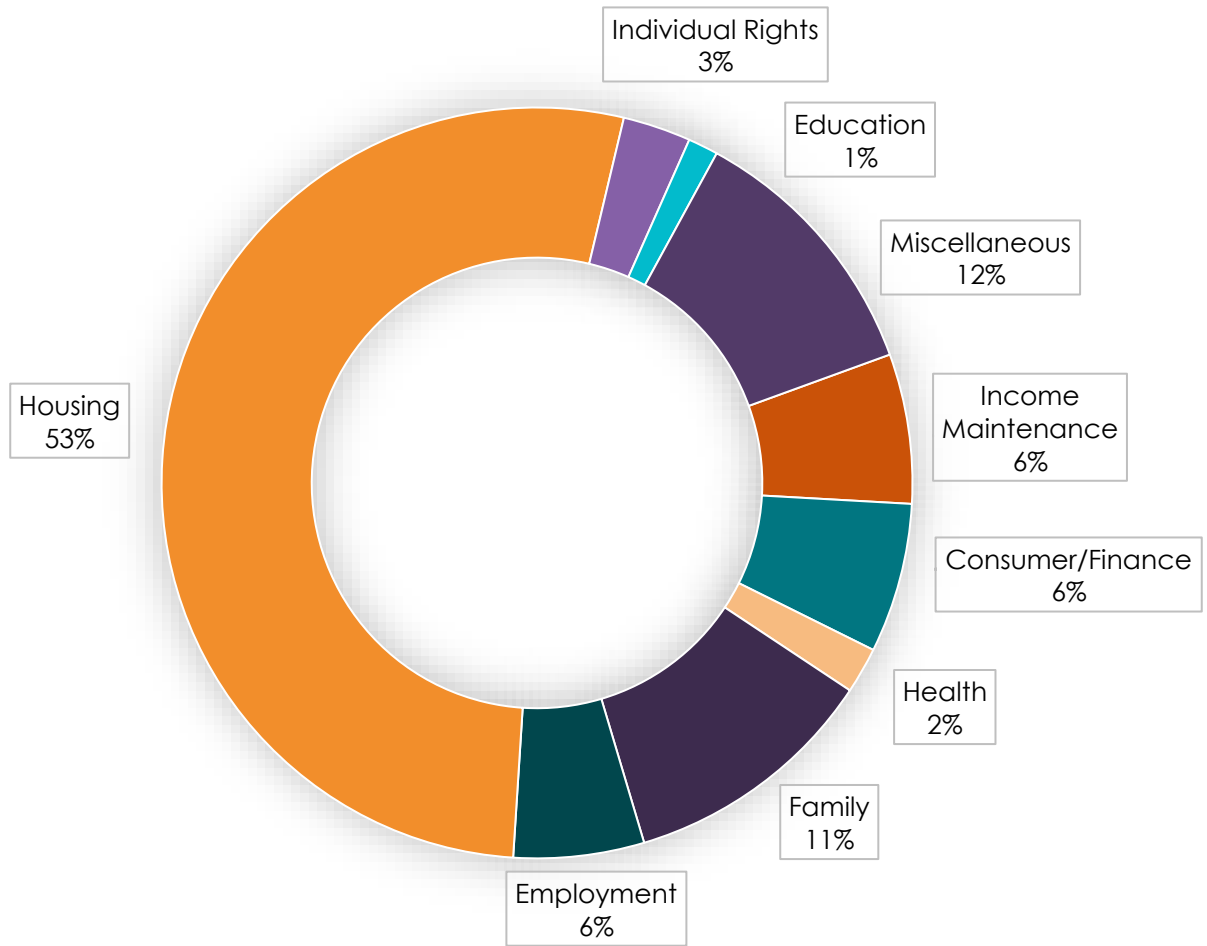
people
benefited
from

4,250

legal cases
closed

Case Example #2, Housing/ Domestic Violence/ Language Access: Luz, a Spanish-speaking domestic violence victim with an autistic child became entangled in a housing crisis. She faced eviction because her former partner, who was removed from the home because he abused Luz, failed to pay rent for eight months scattered throughout 2020, 2022, and 2023. Luz was unaware of the financial situation as her abusive partner controlled household finances. Luz could not read the landlord's notices written in English. She was sued for non-payment in September 2023.

CASES BY LEGAL PROBLEM AREA



We filed an answer on her behalf claiming she was not responsible for the long-overdue rent. DSS paid all rent after her former partner was removed in 2021. At the hearing, we advocated vigorously, asserting the language barrier and the defense of laches against the landlord's rent claims. The judge granted a non-possessory judgment for three months that DSS paid, allowing Luz to remain in her home with her child.

OTHER LEGAL-RELATED SERVICES

The TakeTheLeadLSCNY project is the outgrowth of a 2016 LSCNY IOLA Bank Settlement grant. Its mission is to address issues of systemic inequities by uplifting and partnering with our communities to create new organizations, new local power dynamics, racial and other forms of equity, and concrete improvement in the lives of many individuals. The project is staffed by an attorney and two community organizers.

The project uses the community lawyering model in a collaborative effort through which lawyers partner with community members. The model relies upon building and maintaining relationships between lawyers and client communities. Unlike the traditional one-client, one-case lawyering style in the civil legal aid model, community lawyering seeks to represent communities as well as individual clients. Community lawyering projects work from the premise that lawyers should empower clients and groups to develop their own voice, advocate for themselves, and engage in solving their own problems.

Example: The tenants in the Mary D. Buck Memorial Apartments in a Utica suburb contacted us about a number of issues in the 120-unit HUD subsidized building for seniors and people with disabilities. The building is managed by the Millennia Housing Management Company. Millennia, unbeknownst to the tenants, had failed to pay the water bill.

We assisted the tenants to initiate an advocacy campaign. The campaign included a NYS Assembly Member and Senator who engaged in a press campaign with the tenants. At the eleventh hour, Millennia paid the \$170,000 bill and the shut off was avoided.

While working with the tenants, we learned that Millennia holds property occupied by more than 30,000 tenants in 26 states. The Mary Buck tenants have now joined the Millennia Resistance Campaign led by the American Friends Service Committee and the National Housing Law Project.

2,051

people
benefited from
**Community
Legal
Education**

IMPACT CASES

Dennis Anthony, et al. v. Ballantyne Gardens Syracuse, LLC and Orazio Crisafulli, County Court Onondaga County, Index No. CO-2024-003468. A LSCNY staff attorney who regularly appeared in Syracuse City Court began noticing a dramatic increase in evictions filed against tenants in Ballantyne Gardens, an apartment complex with about 140 units. Tenants connected with our lawyers to discuss their evictions cases, but each told a similar story of miserable, unsafe, and unhealthy conditions.

On behalf of 15 tenants, we initiated a hybrid petition under the Tenant Dignity and Safe Housing Act (Article 7-D of the RPAPL) and action for a declarative judgment alleging gross violations of the warranty of habitability.

A partial list of the problems in the units, many which have been the subject of code violations, include a complete lack of maintenance services, an abandoned property management office, common areas in complete disrepair containing dangerous contaminants and biohazards, accumulated trash and debris in common areas, infestations of mice and cockroaches, and unrestricted external building access because of failure to maintain the key fob security system resulting in outsiders entering and engaging in drug use and criminal activity.

To date, the respondents have agreed not to continue proceedings against the tenants pending a hearing before the Court. Additional tenants have contacted us. Eventually, we plan to move for class certification as additional tenants contacted us after filing.

All Impact Cases

- Carter, et al. v. Green Skyline Apartments, LLC. 5036-21 (Onondaga Co. Sup. Ct.)
- Justice and Unity for the Southern Tier v. Harder, 2022-0942, Supreme Court, Broome County.
- Dennis Anthony, et al. v. Ballantyne Gardens Syracuse, LLC and Orazio Crisafulli, County Court Onondaga County.
- D'Angelo, et al. v. Webb Hills Development, LLC., Sup. Ct. Onondaga County
- National Labor Relations Board complaint on behalf of Lucy Hamilton, et al.
- Residents of Candlewood Suites.
- Resident Association of Mary Buck D. Memorial Apartments, a property of Millenia Housing Management Company.

Article 7-D of the RPAPL created a new special proceeding, modeled after HP proceedings in New York City. The proceeding allows tenants pro se to seek court orders to enforce the warranty of habitability. Beginning in 2021, LSCNY works with Assembly Member Willaim Magnarelli to draft and enact Article 7-D which became effect in 2024.

D'Angelo, et al. v. Webb Hills Development, LLC., Sup. Ct. Onondaga County, Index No. 014119/2023. Hidden Hills is a manufactured home park located in a rural town in Onondaga County. More than 50 homes are sited in the park, almost all owned or rented by seniors, people with disabilities, and people with limited income. We were contacted by nine park residents about increases in lot rents. The increases ranged from 5.7% to 8.9%. For many of the residents the increases significantly impacted their income. Non-payment would mean eviction from the park. Residents who owned their homes would be forced to move them. Relocating older well-established homes is difficult. In some instances it is impossible to move an older home without causing substantial damage.

On behalf of seven named plaintiffs, our staff attorney filed an action claiming that the increases exceeded those permitted under the NYS Real property Law, Section 233-b. That statute prohibited increases in excess of 3%. Soon after the action was begun, the park owners reduced their monthly rent increases to \$15.00, well within the statutory limit.

NLRB Investigation: Lucy Hamilton and Six Additional Individuals. Lucy and her colleagues were dancers working for poverty-level wages in the Syracuse City Ballet. For many months, they all experienced dangerous working conditions during dance rehearsals. When they refused to continue working until conditions were improved, they were terminated. Many of the dancers had moved a great distance to be in the ballet. The Ballet-employer not only terminated the dancers but began a public relations campaign insinuating the dancers had refused to work because of reasons other than dangerous working conditions. LSCNY is representing the dancers on a complaint filed with the National Labor Relations Board. The NLRB investigation found for the dancers.



TECHNOLOGY

We are in transition during the reporting year. As reported last year, our longtime director of technology left LSCNY. Before he left, we had hired a lower-level tech as his assistant. With the new tech on staff we then contracted with Growth Mode Technologies. That has proven to work to keep us stable, but not significantly growing. Since much of our technology is intertwined with LASMNY, their tech person has accepted the responsibility for much of the work needed.

We have taken initial steps to address cybersecurity. Through Growth Mode we have introduced a training program. Starting out, all staff are required to watch a video on cybersecurity and pass a test on its contents. Each Thursday the cybersecurity groups emails training materials, including a video and written materials, on an aspect of cybersecurity.

Following a staff survey, we will be conducting training on applications available through Microsoft 365.

IOLA TECHNOLOGY GRANT

With our technology grant we spent \$12,769.93 updating the Community Room technology in the Syracuse main office. We purchased extra-large display screens as well as conference microphone, webcam and cinema setup, and supporting hardware. The Community Room is a first-floor space included in the LSCNY lease. It is used for a variety of reasons, including staff meetings, educational programming for our staff, and social and fundraising functions. We have allowed other tenants in the building, including Hiscock Legal Aid Society and VLPCNY, to use the space for similar functions. The room was initially furnished and equipped through a fundraising effort when we moved into the building eight years ago and was in need of technology modernization.

Additional purchases include Bloomberg Fixed Asset Software for Accounting and IT to track assets as well as depreciation. This software cost \$6,323.40 but we applied the remaining \$2,230.07 to this tech grant and the remaining portion of \$4,093.33 is going through our regular IOLA grant.

PRO BONO VOLUNTEERS

LSCNY has not worked with pro bono attorneys and volunteers during the reporting period. We have worked with several law student volunteers engaging in their 50 hour pro bono requirement.

2

law students volunteered **100** hours

SIGNIFICANT COLLABORATIONS

Legal Services Access Alliance, Inc. The Alliance is an organization of civil legal services providers outside of NYC that currently focuses on advocating for increased and on-going funding for housing stabilization and eviction defense representation. It also focuses on working with law schools to establish eviction defense clinics, developing practice standards for eviction defense, and training lawyers. The LSCNY executive director is on its Board of Directors.

Syracuse University College of Law (SUCOL). LSCNY worked with the Legal Aid Society of Mid New York and SUCOL to establish a Housing Clinic which will start in the Fall 2024 semester.

NYS Attorney General. We have worked with the Syracuse regional office on lead-based paint and consumer issues.

Earth Justice. We are partnering with Earth Justice to obtain public records from Onondaga County and the City of Syracuse regarding lead testing and remediation of residential properties in the city and county.

Families Environmental Justice Coalition. The Coalition is a collection of Syracuse based non-profits involved in primarily lead based paint issues. Advocacy resulted in reinstating a regular schedule for the county mobile lead testing van.

5th Judicial District Access to Justice Committee. We have been an active partner in the Committee from its inception. New York Civil Liberties Union. We have worked with the NYCLU on several cases, most recently as co-counsel in *Letray v. Jefferson Country, et al.* 20-cv-1194 (NDNY).

Justice and Unity for the Southern Tier (JUST). We have worked with JUST on a number of issues dealing with the Broome County Jail.

Onondaga County Assigned Counsel Program. LSCNY assists county residents with re-entry issues. We train and advise assigned counsel on collateral consequences of conviction prior to pleas and sentencing.

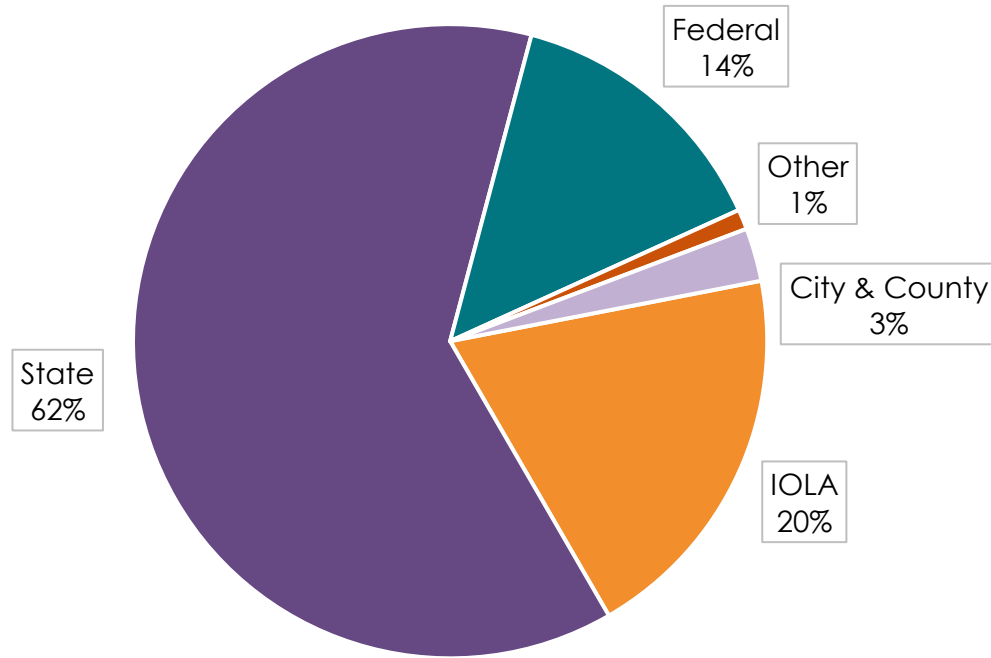
Workers Center of Central New York. We continue to collaborate with the Workers Center. The Workers' Center facilitates worker empowerment and leadership development through training related to workers' rights and occupational health and safety, orchestrates campaigns to combat wage theft and to promote employer compliance with the law, and engages in organizing and coalition-building to push for policies that will increase wages and workplace standards and promote human rights.

National Cancer Legal Services Network. We continue participating in NCLSN activities. Center for Community Alternatives. One of our staff attorneys collaborates with and advises CCA staff on a disciplinary project focused on improving the system in the Syracuse City School District. Historically, the District has "over-disciplined" minority students and students with disabilities.

CARES Advocates for Families. CARES helps students and families of color in the Binghamton school district disrupt racialized and class based social injustices. Our staff attorney trains parent advocate and consults on disciplinary and other school matters.

CIVIL LEGAL SERVICES FUNDING

\$ 7,756,364.89



IOLA Funding	\$ 1,516,168.56
City & County Funding	\$ 208,752.71
State Funding	\$ 4,807,071.06
Federal Funding	\$ 1,082,814.75
Foundations	\$ 24,784.04
Fundraising	\$ 38,149.04
Other Funding	\$ 78,624.73