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Center for Independence of the Disabled, NY

Why do a Snapshot on the Unmet Legal Needs of People with Disabilities?ⁱ

People with disabilities in New York State and New York City and the cross-disability workforce at independent living centers consistently indicate that people with disabilities experience significant unmet legal needs. These relate to the continuing presence of discrimination and federal, state and local civil rights violations. The unmet needs are also tied to the overwhelming burden of poverty disproportionately experienced by people with disabilities—one-third of people with disabilities are living in poverty in New York.

How did we learn about people's experiences?ⁱⁱ

To attempt to capture a snapshot of these unmet needs, CIDNY turned to independent living centers that conduct advocacy on behalf of individuals and systemic advocacy for people across all disabilities on a daily basis. In 2013, independent living centers served more than 90,000 people with disabilities of all ages and with every kind of disability.

We conducted 2 key informant surveys on two days in October 2014. We reached out to 100 key informants in total. The first survey was facilitated by the state-wide New York Association on Independent Living and received responses from 71 participants with the same characteristics across New York State. The second survey had 25 responses from individuals who are responsible for community leadership, benefits advisement, peer counseling, independent living and individual and systemic advocacy on behalf of people with disabilities and are people with disabilities themselves. Surveys were completed on SurveyMonkey which tabulated the results.

What kinds of things did we ask about?

The survey looked at legal assistance needed in categories and subcategories based upon those used by www.LawHelp.org. The eight categories included: disaster relief and recovery; family and juvenile justice; housing; health and life planning; immigration; public benefits; consumer rights; and worker rights. Individuals were asked to identify unmet legal needs in each category and were permitted to chose all unmet legal need subcategory in each subcategory.

What about all the kinds of discrimination people with disabilities face?

We asked people to respond to questions about discrimination—in housing, employment, immigration, and health care. We did not delve into more discrimination topics because a community opinion-gathering process has recently taken place on these topics for the purposes of prioritizing areas to focus on for impact litigation. Disability Rights New York has an Advisory Board and its own priority setting process. We did not attempt to duplicate that work through our snapshot.

We also find that class action lawsuits that have been filed recently –addressing sidewalk access, emergency preparedness planning, health care accessibility, polling site accessibility, education, housing, etc. give a good indication of the kinds of civil rights violations people are experiencing.



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Of course, not all issues of discrimination will result in impact litigation and people do need individualized assistance. That's why we asked about some discrimination topics. We find that the top disability-based discrimination issues are:

- ✓ Job discrimination;
- ✓ Housing discrimination;
- ✓ Health access in clinics, practitioner offices, hospitals.

We also found that two out of five people responding said that they can't find an attorney who can provide reasonable accommodations.

What did we find out about the adequacy of legal assistance for people with disabilities Statewide?

Statewide, key informants ranked the eight unmet legal needs broad topics as follows:

- ✓ 97% Housing
- ✓ 87% Consumer debt issues
- ✓ 87% Public Benefits
- ✓ 87% Health Care
- ✓ 85% Worker rights
- ✓ 82% Family/Juvenile Justice
- ✓ 73% Disaster
- ✓ 61% Immigration

When we drilled down deeper, we found that the majority of respondents in the New York State Snapshot identified the following unmet legal needs sub-topics:

- ✓ Health Care: Mental Health (70.97%);
- ✓ Public Benefits: SSDI (69.33%); Fair Hearings (62.90%); SSI (61.29%);
- ✓ Disaster Recovery/Relief: General Information (69.23%);
- ✓ Housing: Repairs and Poor Housing Conditions (68.12%); Homelessness (62.32%); Eviction (57.97%); Rent Subsidies (57.97%); Public Housing (57.97%);
- ✓ Consumer: Credit and Credit Repair (67.74%); Utility Assistance (64.52%);
- ✓ Worker Rights: Job Discrimination (58.33%).

Statewide, the top ten unmet legal needs sub-topics are (in order):

- ✓ Mental Health;
- ✓ SSDI;
- ✓ Disaster Relief General Information;
- ✓ Repairs and Poor Housing Conditions;
- ✓ Credit and Credit Repair;

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- ✓ Utility Assistance;
- ✓ Fair Hearings;
- ✓ Homelessness;
- ✓ SSI;
- ✓ Job Discrimination.

What did we find out about the adequacy of legal assistance for people with disabilities in New York City?

In New York City, key informants ranked the eight unmet legal needs broad topics as follows:

- ✓ 96% Housing
- ✓ 80% Consumer debt issues
- ✓ 72% Public Benefits
- ✓ 72% Health Care
- ✓ 72% Family/Juvenile Justice
- ✓ 68% Worker rights
- ✓ 48% Disaster
- ✓ 60% Immigration

The majority of respondents in the New York City Snapshot identified the following unmet legal needs in terms of sub-issues:

- ✓ Public Benefits: SSDI (83.33%); Fair Hearings (72.22%); Public Assistance (61.11%);
- ✓ Consumer: Credit and Credit Repair (70%); Utility Assistance (65%); Identity Theft (65%);
- ✓ Health Care: Medicaid (66.67%); Home Care (61.11%);
- ✓ Worker Rights: Job Discrimination (64.71%);
- ✓ Housing: Eviction (62.5%); Repairs and Poor Housing Conditions (58.33%); Homelessness (58.33%).

The top ten unmet legal needs in terms of sub-issues are (in order):

- ✓ SSDI;
- ✓ Public Benefits Fair Hearings;
- ✓ Credit and Credit Repair;
- ✓ Medicaid;
- ✓ Utility Assistance;
- ✓ Identity Theft;
- ✓ Job Discrimination;
- ✓ Eviction;
- ✓ Public Assistance;

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- ✓ Home Care.

The top unmet legal needs with respect to disability-based discrimination are:

- ✓ Job discrimination;
- ✓ Housing discrimination;
- ✓ Discrimination related to immigrant rights;
- ✓ Health access in clinics, practitioner offices, hospitals.

What kinds of barriers to getting legal help did people report?

We asked about barriers to getting legal help, the issues we found were:

- ✓ 72% No money for legal help;
- ✓ 42% Can't find a lawyer to provide reasonable accommodations;
- ✓ 42% Can't find a lawyer who will speak my language.

What can we do to address these unmet legal needs?

We would like to propose three strategies:

Clearly, there is a need for more resources to be committed to legal services initiatives for people with disabilities of all ages. We believe that there is room for improvement in how legal services are specifically promoted to people with disabilities. Perhaps more “know your rights” and “how to get legal help” workshops, newsletter articles, social media postings would help.

We could also benefit from a model that has worked well in preventing health care consumers from falling between the cracks—co-location of services. Co-locating attorneys or paralegals at independent living centers would allow individuals to have legal assistance readily integrated into the services they already receive—benefits advisement, navigational assistance, peer counseling, individual advocacy—in a way that would be more seamless. This could occur through offering office space; providing legal clinics, or “law help days.”

Finally, funding for legal and paralegal and lay advocacy assistance at independent living centers could be increased to ensure that counseling is seamless and that legal issues are addressed.

ⁱ The complete survey results are available upon request, contact sdooha@cidny.org.

ⁱⁱ The author thanks the independent living centers and people with disabilities across New York State who contributed to this snapshot. We thank NYAIL for helping facilitate the survey.