

Judge David L.

BAZELON CENTER

for Mental Health Law

NEWS

Judge Grants Enormous Victory for New York Adult Home Residents; Orders State to Provide Supported Housing for All Qualified Residents Who Want It

New York, NY -March 1, 2010 - In an enormous victory for New York adult home residents, Judge Nicholas G. Garaufis of the Eastern District Court of New York ordered today in *DAI v. Paterson* that the State must afford all qualified adult home residents an opportunity to move into supported housing where they can receive mental health and social services in their own apartments and homes.

The court's order imposing a remedy implements Judge Garaufis' prior finding that virtually all of the more than 4,000 adult home residents are qualified to live in supported housing, a far more integrated setting than adult homes, and that the State must develop sufficient supported housing units to ensure that all adult home residents can live in the most integrated setting appropriate to their needs, as required by the Americans with Disabilities Act and the Supreme Court's decision in *Olmstead v. L.C.*

In a memorandum and order, the judge rejected as "egregiously deficient" the remedy proposed by the State, saying that it "scarcely begins to address the violations identified" earlier. "A proposal that affords a remedy to only 23% of those individuals whose civil rights are currently being violated," he wrote, "is grossly inadequate."

The judge ruled "in order to rectify the violations found by the court, [state officials] must change the way they manage their mental health system so that [adult home residents] have a choice – a real and meaningful choice – to receive the services to which they are entitled in supported housing instead of an adult home."

In doing so, the State must:

- Provide all qualified adult home residents the chance to move to supported housing within four years and ensure that appropriate services are in place that will "support [residents'] success as tenants and their integration into the community."
- Create at least 1,500 supported housing units per year for three years, and create additional units as necessary after, to accommodate all current adult home residents and future individuals with mental illnesses being considered for adult home placement who would prefer to live in supported housing.
- Contract with supported housing providers to engage and educate adult home residents about their opportunities to live in their own housing with support services rather than in large, institutional adult homes. This education is necessary to overcome the fear and self-doubt that have been instilled in many residents during years of living in adult homes with no other options.
- Employ "Peer Bridgers" (individuals in recovery from mental illnesses who are trained to assist others making the transition) to assist current and future adult home residents wishing to move.
- Undergo the oversight of a court monitor to ensure the obligations are met.

"The court's order will stop the unnecessary warehousing of people with mental illnesses in institutional adult homes. For decades, people who can live in the community and receive services there have been stuck in these dismal institutions, when living in their own apartments and receiving services there would both enrich their lives and save the state money," said Cliff Zucker, executive director of **Disability Advocates, Inc.**, plaintiff in the case.

"This order will give current adult home residents and anyone at risk of becoming a resident in the future the opportunity to live with the freedoms that the rest of us take for granted every day," said Jennifer Mathis, deputy legal director at the Bazelon Center for Mental Health Law.

"We are very pleased with Judge Garaufis's order. His ruling confirms that systemic violations of people's rights occur within the mental health system in New York and affords a justice that is long overdue for people living in adult homes," said Roger Bearden, legal director New York Lawyers for the Public Interest.

"This remedy order is one step closer to a model mental health system, where supported housing is available in the community and where appropriate services are ready and available for those who need and want them," said Jeanette Zelhof, deputy director of MFY Legal Services.

The plaintiff in the case is [Disability Advocates, Inc.](#), an organization that protects the rights of people with disabilities. The defendants include the Governor of New York and cabinet-level officials. DAI is represented by the [Bazelon Center for Mental Health Law](#), DAI's own legal staff, [New York Lawyers for the Public Interest](#), MFY Legal Services, the [Urban Justice Center](#) and the law firm of [Paul, Weiss, Rifkind, Wharton & Garrison LLP](#).

###