

Landmark Settlement for New York City Adult Home Residents

Scattered-Site Housing, Community Services Enable Independence, Integration

NEW YORK—July 23, 2013—Lawyers for adult home residents, together with the U.S. Department of Justice, reached a landmark settlement with New York State. The settlement ensures that thousands of residents of 23 large “adult homes”—board and care homes serving primarily people with mental illnesses—will have the opportunity to live in their own homes with the services they need to succeed and be participants in their communities.

“With this agreement, Governor Cuomo and his administration have shown a real commitment to the civil rights and dignity of adult home residents. Thousands of people with mental illness who are now stuck in institutions will have the opportunity to live full lives in the community, with the services and supports they want and need to succeed,” stated Cliff Zucker, general counsel of Disability Rights New York (formerly Disability Advocates Inc.).

“With the right services, virtually all adult home residents with mental illnesses can live in their own homes and be full members of their community,” stated Ira Burnim, legal director of the Judge David L. Bazelon Center for Mental Health Law. “These residents will finally have the opportunity to leave institutions and lead lives like the rest of society.”

When asked how he felt about the settlement, which would provide adult home residents with mental illnesses the opportunity to live more independently, Plaintiff Raymond O’Toole answered, “Freedom is here—almost. Freedom and the ability to grow.”

Said Plaintiff Ilona Spiegel, “I’m thrilled about this settlement. At my adult home, they don’t do anything to inspire you or encourage you to move forward. I know how to take care of myself. I want to work my way back to independence.”

“I’m happy that a settlement has been reached by the parties,” said Plaintiff Steven Farrell. “This case puts a face on people with mental illness and our struggle to be integrated back into the community at large.”

“After decades of advocating for the rights of adult home residents, we are thrilled to arrive at this point,” said Jota Borgmann, senior staff attorney at MFY Legal Services, Inc. “Now when residents ask us ‘How do I get out of here?’ we will have an answer for them.”

“We are extremely pleased that this settlement at last recognizes the civil rights of adult home residents,” said Mara Kuns, staff attorney at the Urban Justice Center.

“This proposed agreement marks a big win for NYC’s adult home residents,” stated Veronica Jung, senior staff attorney at New York Lawyers for the Public Interest. “Our goal all along was to ensure that these residents have access to independent housing and services in the community, and now the state has promised full funding to make this a reality. The real test of our victory will be in the implementation of the agreement, and we remain steadfast in our commitment to ensuring fulfilling, independent lives for adult home residents.”

“Thanks to today’s settlement, the plaintiffs, and other class members, can look forward to the life they deserve in their own community—which is what federal law requires,” said Andrew Gordon, a litigation partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP, which represented the adult home residents in this matter.

Led by Paul, Weiss, Rifkind, Wharton, and Garrison LLP, plaintiffs’ legal team sought to resolve claims that New York State is violating the Americans with Disabilities Act (ADA) and the Supreme Court’s Olmstead decision by failing to afford adult home residents an opportunity to live in the “most integrated setting” appropriate to their needs. The U.S. Department of Justice sought to resolve similar claims. After extensive negotiations, the residents, the U.S.

Department of Justice and the state reached this landmark agreement which will end the unnecessary segregation of thousands of people with mental illnesses.

Under the agreement, the state will provide as many scattered-site, supported housing units as necessary to afford all adult home residents with serious mental illnesses the opportunity to live in the most integrated setting appropriate to their needs, and will provide and maintain community services and supports including but not limited to:

- Care coordination
- Psychiatric rehabilitation services
- Employment services
- Assistance with taking medication
- Home health care
- Personal assistance services
- Assertive community treatment
- Crisis services

The parties chose Clarence J. Sundram to serve as the independent reviewer to assess the state's compliance with the settlement. Sundram has a long history of working on behalf of people with disabilities. He founded and chaired for over 20 years the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities. More recently, he has served as the Governor's Special Advisor on vulnerable persons.

The U.S. District Court must approve the settlement. The parties have asked the Court to schedule a hearing on the fairness of the settlement.

The Plaintiffs are represented by Disability Rights New York, the Bazelon Center for Mental Health Law, MFY Legal Services, Inc., New York Lawyers for the Public Interest, Urban Justice Center and Paul, Weiss, Rifkind, Wharton & Garrison, LLP.

###

Disability Rights New York is the state's designated Protection and Advocacy System for people with disabilities. Its mission is to protect and advance the rights of adults and children with disabilities so that they can freely exercise their own life choices, enforce their rights, and fully participate in their community life.

The Judge David L. Bazelon Center for Mental Health Law is a national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that enable people with psychiatric or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

MFY Legal Services envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, MFY provides free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy.

The Urban Justice Center serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing.

New York Lawyers in the Public Interest works to promote and protect the civil rights of people with disabilities, advocating for better programs and policies in public schools, less restrictive residential opportunities, and access to public services and all venues across New York City.

Paul, Weiss, Rifkind, Wharton & Garrison LLP is a firm of more than 700 lawyers with diverse backgrounds, personalities, ideas and interests who collaboratively provide innovative solutions to its clients' most critical and

complex legal and business challenges. The firm maintains an unwavering dedication to representing those in need, and its pro bono efforts benefit individuals and society in profound ways.