

Court-Approved Settlement Gives NY Adult Home Residents Their Lives Back

NEW YORK – March 18, 2014 – Yesterday, U.S. District Judge Nicholas Garaufis approved a comprehensive settlement agreement that will provide approximately 4,000 residents of 23 large "adult homes" in New York City the opportunity to live in their own homes. "Adult homes" are large board and care homes serving primarily people with serious mental illnesses.

Attorneys for the residents and the U.S. Department of Justice reached the landmark agreement with New York State, ensuring that residents with serious mental illnesses will receive the financial assistance and services they need to live in their own homes and to integrate into their communities.

The settlement will allow these residents "to blaze their own trails, pursue their hopes and dreams," as one resident told Judge Garaufis at the January 9, 2014, hearing on the settlement agreement.

"I miss cooking," another adult home resident told Judge Garaufis at the January hearing. "I miss hot chocolate in my microwave. [...] I miss cut flowers that I could afford to buy every now and then. [...] And I feel stuck. And with support, I think I could go back to being where I was. And I'd like the opportunity to do that."

Another resident testified that the adult homes have denied "basic rights that other people so freely enjoy."

"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.

"We applaud Judge Garaufis for approving this model settlement agreement today, and the Cuomo administration for its leadership in ending the needless isolation and segregation of thousands of New Yorkers with mental illnesses in adult homes," stated Cliff Zucker, general counsel of Disability Rights New York (formerly Disability Advocates Inc.). "As Judge Garaufis noted, relief for adult home residents is long overdue."

"Virtually all adult home residents with mental illnesses can live in their own homes and thrive as full members of their communities," stated Ira Burnim, legal director of the Judge David L. Bazelon Center for Mental Health Law. "Many of these residents have waited years, some decades, to leave these institutions and lead lives like the rest of society."

"This is a great day for the civil rights and human dignity of people warehoused in adult homes," said Jota Borgmann, senior staff attorney at MFY Legal Services, Inc. "At the fairness hearing, one resident compared living in an adult home to being a 'farm animal,' and told the court that in an adult home you 'lose an edge of your humanity.'"

"Judge Garaufis' approval of this settlement agreement means New York City's adult home residents can finally take their lives back," stated Veronica S. Jung, senior staff attorney at New York Lawyers for the Public Interest. "This victory has been a decade in the making. The real test of our victory is in the state's implementation of the agreement, to quickly assess and move adult home residents into housing in the community. These residents are ordinary people who look forward to returning to jobs, families, and living independently in the community."

"We are pleased to see that this settlement has the approval of the court," said Mara Kuns, staff attorney at the Urban Justice Center. "The agreement seeks to realize the civil rights of adult home residents."

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 court appointed 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 plaintiffs are represented by Disability Rights New York, the Judge David L. 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.