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Contact: Bob McHugh, HRA, 212-331-6200
Kate Ahlers, Law Dept., 212-788-0400

COURT MONITORING ENDS FOR HUMAN RESOURCES ADMINISTRATION'S HIV/AIDS SERVICES

NEW YORK – Administrator/Commissioner Verna Eggleston of the New York City Human Resources Administration /Department of Social Services (HRA) and New York City Corporation Counsel Michael Cardozo today announced the expiration of a three-year-old federal court monitoring period governing HRA's HIV/AIDS Services Administration (HASA.)

The 2001 monitoring order stemmed from the United States District Court decision in the case of Henrietta D. vs. Giuliani, handed down in 2000, which found that the City was failing to provide benefits and services to individuals with HIV and AIDS in compliance with federal and local law.

"This marks an important turning point for HRA, and the culmination of our efforts over the past three years to ensure that we serve all our clients, and their families, with the respect they deserve, and issue benefits accurately and with integrity," said Commissioner Eggleston. "I believe the court recognized the enormous strides we have made in improving HASA's customer service, in the timely provision of benefits, and in ensuring staffing levels adequate to meet client needs. In short, HASA is a very different program today from the one that prompted this litigation, and I am gratified that the court sees that HRA takes seriously our responsibility for this vital effort."

"I am pleased that the court's monitoring of HRA's HASA program has come to an end. Our lawyers have worked closely with HRA to achieve this result. It represents yet another example of this Administration's successful efforts to eliminate wherever possible judicial oversight of governmental programs," added Cardozo.

HASA, an HRA program that dates back to the mid-1980s, provides a wide range of benefits and services (including financial support, health insurance, case management, housing, and home care) to 31,000 clients with HIV and AIDS and 14,000 affected family members.

Henrietta D. vs. Guiliani was commenced as a class action in 1995, alleging that the City was violating the Americans with Disabilities Act (ADA) by discriminating against public assistance applicants and recipients with HIV and AIDS. The lawsuit argued that

HRA HIV/AIDS services program was failing to provide equal access to benefits and services to its clients, in relation to other, non-disabled public assistance clients.

A judgment was entered against the City in 2000, requiring HRA to comply with local legislation, known as Local Law 49 of 1997, which detailed specific service requirements applicable to HASA. The judgment appointed federal Magistrate Cheryl Pollak to monitor, for three years, the City's efforts to comply with its provisions.

The monitoring order, which took effect in December 2001, involved regular, extensive statistical reporting to the court on HASA's activities; unannounced inspections of HASA offices by the plaintiffs; and a client complaint procedure overseen by the plaintiffs that was parallel to HASA's regular complaint process. Both the plaintiffs and the City appeared regularly before the magistrate to discuss the City's progress, and at the final conference on December 10, 2004, the magistrate implicitly acknowledged HASA's compliance with the court order by concluding the monitoring period.

"I am enormously proud of the hard work that our HASA staff performed on behalf of our clients, day in and day out," Commissioner Eggleston added. "The opening of our state-of-the-art HASA Model Office this past August, the improved timeliness of our benefits issuance, HASA's new collaboration with COBRA case managers at City hospitals — all of these improvements and more attest to our commitment to serving HASA's clients well. Although the monitoring period has expired, our commitment to provide quality services for clients with HIV/AIDS will not change."

HRA staff attorneys Bob Bailey and Jacqueline Dudley participated in the judicial monitoring process. New York City Law Department attorneys Janice Birnbaum, Georgia Pestana, and Ed Hart handled the Henrietta D. vs. Giuliani litigation.