Human Resources Administration
Department of Social Services

Contact: Laura Hart 212-331-6200, hartl@hra.nyc.gov

FOR IMMEDIATE RELEASE
March 12, 2015

CITY SETTLES CLASS ACTION SUIT, WILL IMPLEMENT POLICIES TO PROVIDE GREATER ACCESSIBILITY FOR PEOPLE WITH DISABILITIES RECEIVING PUBLIC ASSISTANCE

The New York City Human Resources Administration (HRA) will implement significant reforms to provide greater accessibility to clients with disabilities as part of a proposed Settlement that would end nine years of litigation. The class action lawsuit, Lovely H v. Eggleston, filed in 2005 in the Southern District of New York, alleged that HRA's then-existing programs for clients with disabilities denied them meaningful access to those programs and related services in violation of the Americans with Disabilities Act ("ADA"). In December 2013, shortly before the scheduled trial, the prior Administration agreed to adjourn the case to permit the parties to proceed with a settlement process. Yesterday, March 11, 2015, the parties submitted the proposed Settlement for the Court's review and approval.

"People with disabilities should not face unnecessary barriers when trying to access job training or benefits for which they meet the requirements. The programmatic changes that this settlement sets out will allow us to systematize accommodations that will meet each individual's needs. These changes are consistent with HRA's ongoing reforms to promote access for all of our clients, in this case people with disabilities," said HRA Commissioner Steven Banks.

"We look forward to working with HRA and its new Executive Director of Disability Affairs to ensure that programs and services are delivered successfully to people with disabilities," said Victor Calise, Commissioner of Mayor's Office for People with Disabilities. "The steps that HRA has put together move the City closer to equality."

The Settlement requires that HRA develop and implement certain policies and procedures and modify programs to provide clients with disabilities meaningful access to its programs and services. HRA recently hired an Executive Director of Disability Affairs who will play an active role in developing and implementing the provisions of the Settlement. Examples of actions HRA will take as part of this settlement include:

- HRA, in conjunction with an expert consultant, will develop tools to assess whether clients need reasonable accommodations as the result of physical and/or mental health conditions or other impairments and then provide the appropriate accommodations, including referrals to HRA's Wellness, Comprehensive

Assessment, Rehabilitation and Employment ("WeCARE") program or other services designed to assess and meet the needs of clients with disabilities.

- When clients request reasonable accommodations, HRA will assess their need and ensure that accommodations are provided, when appropriate.
- HRA will assess and provide appropriate case management services in an effort to assist clients with disabilities to maintain their benefits.
- Before taking a negative action for failure to comply with required activities, HRA will review the case to ensure that the client's disability was not a factor in the non-compliance and that reasonable accommodations, if needed, were provided to enable the client to comply with required activities.
- HRA will assist eligible clients to apply for federal disability benefits.
- HRA will develop mechanisms for those clients with disabilities to conduct business with HRA without having to come in person to a Job Center.
- Relevant notices and written materials will be readable and available in other formats to the extent feasible.
- HRA will develop new training for its staff, including training on disability awareness and effective communication with people with disabilities.
- A community advisory panel will be formed to advise HRA on its policies and practices that affect clients with disabilities.

Background

Lovely H. v. Eggleston, 06 Civ. 5920 (SDNY), a federal class action suit, was originally filed in 2005 challenging HRA's mandatory transfer of public assistance cases of clients with, or claiming, disabilities from their local Job Centers to one of three specialized hub centers in connection with the implementation of the then newly established WeCARE program. The class members alleged that the mandatory use of hub centers constituted illegal segregation, and resulted in unwarranted and unlawful closure of public assistance cases when clients with disabilities were unable to travel to remote hub centers or to meet work requirements unlawfully imposed on them.

In 2006, in response to a judge's preliminary ruling questioning the lawfulness of the program, HRA closed the hub centers and transferred all clients who had been assigned to them back to their local job centers.

Plaintiffs were subsequently granted permission to file an Amended Complaint which alleged broad claims of discrimination in the provision of public benefits to clients with disabilities served by the WeCARE program, as well as clients who either were denied, or lost, their designation as "homebound" (a term meaning their cases can be managed without the need for clients to leave their homes).

The case was scheduled for a trial on liability before District Judge Katherine B. Forrest in December of 2013. On the eve of trial, the prior Administration agreed to proceed with a settlement process resulting in the proposed settlement, submitted today for Judge Forrest's review and approval.

# # #