



NEIGHBORHOOD LEGAL SERVICES, INC.

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February 4, 2013

Janet LaBella
Director, Office of Program Performance
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007

Re: P QV Report Factual Corrections

Dear Ms. LaBella:

We appreciate the PQV Team's thorough analysis and recommendations for improving the services of Neighborhood Legal Services contained in the December 13, 2012 report. We have discussed the report with the NLS Board of Directors and the management team and have shared it with the full staff. We plan to inform our 2013 strategic planning process with the content of the report. The insights and recommendations contained in the PQV report will be most valuable in shaping that process.

The comments below are made in response to the request in your letter dated December 13, 2012, to provide any factual corrections.

1. On pages 4 and 5 there is a comment ***“that the area of consumer law would benefit from additional resources as the need in this area is primarily covered by the private attorney component.”*** We feel it's important to have the report reflect that NLS also has a grant funded consumer project which assists people facing utility shutoffs with assistance in obtaining arrears repayment agreements and applications for emergency assistance to restore utilities. In addition, we have a student loan clinic wherein clients victimized by proprietary schools, or when they are entitled to discharge based on disability, are assisted in reducing or eliminating their student loan debt. Also, in 2012, one of our local partnering legal services providers, the Western New York Law Center, opened up a consumer law project named Civil Legal Advice and Resource Office (CLARO) in collaboration with the SUNY Buffalo Law School. The aim of CLARO is to

educate unrepresented debtors regarding their rights as consumers and to help them through the legal process. CLARO aims to maximize legal resources to those in need by providing limited scope legal advice to unrepresented litigants, as part of the larger pro se movement. NLS is now able to refer clients to CLARO to take advantage of their specialized expertise in consumer law for low income consumers.

2. On page 5 there is a comment that ***“Managers and other staff reported this grant driven dynamic had diverted the program’s focus and resources away from its core mission of addressing the most pressing legal needs of the client population.”*** The management group upon review of this comment disagreed that the grants we have successfully obtained have diverted our focus from the most pressing legal needs of the client population. We rather feel that the grants have allowed us to continue to meet the greatest level of these needs in face of declining state and federal core funding sources, particularly as other, non-LSC grant funding now represents more than 70% of the NLS budget. The management group identified all of our successful grant applications such as federal Violence Against Women Act (DV); HUD Homelessness Prevention and Rapid Re-Housing (homelessness prevention); Community Development Block Grant (fair housing); Emergency Shelter Grants (ESG anti-homelessness); HUD Continuum of Care for the Homeless; Protection and Advocacy grants (five separate grants to protect the disabled), Work Incentives and Benefits Advisement for the Disabled; and numerous other federal, state and local grants as evidence that our pursuit of such funding is consistent with addressing the greatest legal needs in the client community and also with our program priorities. However, the management group does agree that the continuously expanding and time consuming compliance, data collection and reporting requirements of funders increasingly consumes staff time that would otherwise be better spent meeting more of the needs of the client community.

3. On page 5 there is a comment which states, ***“In addition, the priorities and cases handled by the Batavia office are not directly relating to the analysis of legal needs of the clients in the area it serves. The case closings from the Batavia office show the heaviest focus on housing and family law, with the majority of housing matters served with counsel and advice.”*** We believe this comment is incorrect. Our case statistics over the last twelve months show that in the Batavia office 34% of our cases were family law, 26.8% were housing, and 20.6% were disability benefits, and 6.0% were welfare benefits. Many of our housing law requests are pro-active. The clients contact us before they are even served with a petition for eviction. Therefore, many are resolved with brief service or advice and without any need of a court appearance. In response to the PQV draft report, we also began tabulating all contacts seeking service. This tabulation includes both cases we accept as well as requests that we turn away due to lack of capacity or because they are either outside of our priorities or not permitted under LSC rules. Of all requests seeking service in the last month, we found 36.4% were for Housing Law, 21.1% were Family Law, 20.6% were for disability benefits, and 7.2% were for

welfare benefits.

Also, our client needs assessment surveys showed 38.5% thought family law should be a priority, 23% wanted housing, 23% wanted welfare-like benefits, and 15.4% wanted disability benefits as a priority. Our Batavia office staff will continue to monitor and tabulate the requests for all service to be sure that our services reflect the interests and legal requests of the clients seeking assistance. This will include looking at the total number of clients, potential consequences to having legal assistance as well as not having legal assistance, as well as amount of time available to handle any particular case.

4. On Page 8, Finding 6 Limited English Proficiency (LEP), the report states that, ***“In addition, the program does not appear to have staff focused on outreach to these populations (LEP), nor does it have partnerships with immigrant and refugee service providers to improve access to its services to these communities.”*** We would like the report to reflect that we have a paralegal in our Public Benefits Unit who, since January 2012, performs legal outreach each Tuesday at the HOPE Center which serves immigrants and refugees and twice per week at two Jericho Road Family Medicine Practice’s offices, whose mission is specifically targeted at serving the medical needs of these populations. In addition, in 2012 we had a mandatory staff cultural sensitivity training provided by the Program Director from the HOPE Center regarding the various immigrant and resettlement populations in the region and the cultural implications of providing services to these new groups. We later had a mandatory staff training provided by an immigration attorney from Journey’s End regarding the various immigration statuses and procedures faced by these new citizens. These training activities represent both a substantial commitment on the part of NLS to sensitize the staff about cultural diversity and the implications of serving the LEP community, but are also demonstrative of our substantial outreach efforts to reach out to the immigrant and refugee populations and the agencies that serve them directly.

In addition, our Public Benefits Unit Supervising Attorneys and our Housing Unit Supervisor and a Family Law attorney have provided training to the leaders of these ethnic community groups and begun working with BIREC (Buffalo Immigrant and Refugee Empowerment Coalition) in order to improve access to benefits and services from ECDSS to this population and to inform them about housing and family law rights. In addition, we have worked collaboratively with Journey’s End on refugee issues and the International Institute of Buffalo on language translation and related legal services for LEP immigrants and refugees.

Further in that same section the report states that, ***“It was not clear whether NLS advocates were aware of and made use of this LEP policy”***. We note that the LEP policy has been the subject of staff training and has been posted on our computer network “Knowledge Tree” for all staff to access when assisting clients with Limited English Proficiency. Since the PQV draft was issued we have organized a staff LEP committee to review our procedures.

5. On page 9, Finding 7 the report states that, ***“The NLS intake policy and procedure does not reflect a concern for the client’s need consistent with the core values of the program.”*** It goes on to state that ***“Ultimately, screening procedures are not achieving the broadest possible access and utilization by clients. Client access at NLS is in effect a lottery system of getting through before limited slots are taken.”*** We believe the correction required in this section is to more accurately reflect the volume and variety of non-telephone intake and screening approaches employed by the program which are specifically designed to reach under-served and hard to reach populations. In the second paragraph on page #10 the report states, ***“For example, Buffalo’s housing intake begins at 9:00 a.m. and closes when the unit fills the pre-designated number of intake slots each day; it has 10 slots available four days per week, in addition to emergencies.”*** What this section of the report overlooks is that, in addition to the 40 scheduled housing appointment slots per week it identified, the Housing Unit attorneys and paralegals also participate in the Lawyer of the Morning Program where additional housing intake is conducted on-site at Buffalo City Court as cases are being announced on the housing calendar. With our in court screening and intake which is routinely conducted 2-3 days per week, it is common that on a single busy day in Buffalo City Court, NLS staff may represent an additional 40-45 clients in eviction matters above and beyond the forty reserved appointment slots and the emergency walk-in cases that the Housing Unit handles every week.

More to the point is that in addition to the telephone screening and intake conducted in our three office locations, NLS staff conduct off-site screening and intake at six centers serving the homeless, at five oncology centers in the region, at the Mental Health Association in Niagara County, at the Family Justice Center of Erie County, at the Department of Social Services, at numerous community outreach events held by community groups, at two separate Jericho Road Family Medical practice centers and the HOPE Center each serving the immigrant and refugee populations, at the annual Project Homeless Connect event serving homeless veterans and other locations. In fact, in the last week we have also entered into an agreement to conduct intake at Hospice Buffalo one day per week to assist those facing long term disabling conditions and terminal diagnoses. We have also been able to set up separate phone access lines with grant funded services targeted to people with HIV, people facing illegal housing conditions in violation of the state’s warranty of habitability, and to serve the needs of the Mobile Safety Net Team, (MSNT), which established more than fifty community based group intake days in working class communities where there was substantially higher economic dislocations as a result of the *great recession* which began in 2008-09. In our view, contrary to the report, these off-site intake activities demonstrate that our intake policy and practices very much ***“reflect a concern for the clients’ needs consistent with the core values of the program.”***

Also, on page 10 of the report. In Finding 7, the reports states that, ***“It is a likely result of the inability to reach NLS screening that a high amount of the intakes handled are emergency matters.”*** This statement is incorrect in the context of emergency housing cases. Clients with housing emergencies generally fall within two categories. The most

common emergency involves tenants who fail to appear in court due to sickness, forgetfulness, a family emergency, job insecurity concerns, or the failure to receive proper service of process. In seventeen years of tenure, the Housing Unit Supervisor could not ever remember speaking with a client who indicated that his or her failure to appear in court was in any way due to an inability to speak with an advocate before the scheduled court appearance. The second most common emergency situation confronted by Housing Unit clients involves tenants who appeared in an eviction action, usually with NLS as attorney of record, and then defaulted on their repayment agreement. Because a tenant may be put out of their rental unit 72 hours after the service of the warrant of eviction in New York State, time is of the essence in these emergency situations. The Housing Unit's intake policy on emergency intakes, contrary to Finding 7 ("The NLS intake policy and procedure does not reflect a concern for the client's needs consistent with the core values of the program") is specifically formulated to respond to client need. Generally, the Housing Unit accepts 10 calls per day Monday through Thursday. However, emergency cases are not included within those 10 calls, and emergency intakes are accepted Monday through Friday. Within the Housing Unit, all of our grant dollars support program priorities, and our goal to promote self-sufficiency is supported through homelessness prevention work. The threat of homelessness is one of the most pressing concerns our client community confronts. The high volume eviction prevention work provided by the Housing Unit, grant funded as it has become, is core mission legal advocacy.

6. In Finding 9 on page 12 the report states, "*Aside from the recent initiative to address the DSS practices, there is less evidence of staff engagement with the client community in the areas served by the Niagara and Batavia offices.*" We think that the report overlooks a substantial amount of other community engagement work which should be reflected to provide a more complete picture of our activities. For example, in Niagara County we would like the final report to also include reference to the following:

Niagara Falls Office Community Engagement: Beginning with the Niagara DSS initiative in 2008, NLS significantly increased its involvement with community work, particularly in the area of homelessness. Attorneys from NLS assumed leadership roles and were instrumental in creating or furthering several community initiatives which broke new ground in bringing services to the homeless in Niagara Falls, as follows:

- A. **Niagara County Coalition for Services to the Homeless (NCCSH):** Every year, 1.7 million HUD dollars are available to Niagara County for homeless housing/services through the "Continuum of Care" (COC) funding process. In order to receive these monies, it is a HUD requirement that a community group form and meet regularly, be widely representative of the providers in county, and inform the application process for the HUD dollars each year. The NCCSH group was created in the 1994 to fulfill this requirement.

The HUD application process is a nationwide, competitive process done by the

scoring of each application. Certain activities automatically score points, such as (1) the establishment of a “Homeless Information Management System” (HMIS) database to link homeless services providers and gather homeless data (2) the creation of a “10-year Plan to End Homelessness” and (3) a strong, representative community group.

In 2008, when NLS became more actively involved in the NCCSH, none of these point-scoring activities were in place. In fact, for over 20 years, very little HUD money has been awarded through this process because the Niagara County Continuum application does not meet the threshold points required for an award. This is 1.7 million dollars that homeless persons have not had the benefit of, for many, many years.

In response, NLS attorneys became very active in the NCCSH meetings. They wrote and were awarded a grant under the Homelessness and Rapid Rehousing Program, which brought HUD dollars into Niagara County to be distributed to persons homeless or facing eviction. This grant also required and provided HUD monies for the establishment of an HMIS database throughout the county. The HMIS system is now up and running, and will earn Niagara County automatic points in this year’s COC funding process.

NLS attorneys also actively participated in the process of the creation of a 10-year Plan to End Homelessness. The attorneys attended focus group meetings and provided input into the drafting process. The Plan was issued in 2012 and will earn automatic points in this year’s COC funding process.

- B. The Depaul USA Task Force:** Approximately two years ago, Chuck Leveque, Executive Director of Depaul USA (Chicago, Il.) visited Niagara Falls and addressed a community gathering. Depaul USA is a non-profit organization that works with select communities to start projects aimed at servicing the homeless population in the area. Mr. Leveque offered to review any proposals that the Niagara community might submit, involving housing or services to the homeless. If the proposal was accepted, Depaul USA would agree to assist in working with the community to make the project a reality.

In response, an NLS attorney and a community worker formed a task force (as a committee of the larger NCCSH) to determine the gaps in services to area homeless, to determine the top need for service and to draft a proposal setting forth a project to meet this need. The NLS attorney and the community worker organized a group of 15 people from across the community, with representatives from the city of Niagara Falls, the medical community, shelter providers, the social work community, the Housing Authority, the religious community, the disabled community, a major foundation and Niagara University.

This group has been meeting regularly every other week for over a year and a half. During this time, after many meetings and much input from task force members, a

proposal has been submitted requesting Depaul USA assistance with the creation of a transitional housing facility for women and children. This emerged as the population in the greatest need of decent housing and services. This proposal is currently pending before the Depaul USA Board.

- C. **Niagara University Internship Study:** As part of the Depaul USA Task Force process, it came to light that there was a dearth of information on the homelessness problems in Niagara County. In response, the Task Force members obtained a grant from Niagara University and paid for an intern to collect data on homelessness. The intern has recently completed her data collecting and has issued a report. This report will significantly help the community's efforts to apply for funding for homelessness, as well as supporting the proposal pending before Depaul USA.

- D. **Poverty Conference 2013:** As another direct outgrowth of the synergy and work of the Depaul USA Task Force, the community is now organizing a poverty conference to bring the issues facing households in poverty to the attention of the community at large. The all-day conference is scheduled for March 2013, involves a key note speaker, panel presentations and break out workshops. At the conference, the 10-Year Plan to End Homelessness and the Niagara University intern's report will both be presented. Some of the main goals of the conference, in addition to raising awareness, are to recruit more people for the NCCSH. Strengthening this group will earn more points on the HUD application, thereby increasing the chance that 1.7 million dollars may become available to the homeless of Niagara County. Another goal is to recruit more agencies to utilize the HMIS database, which will increase the quality and amount of data on homelessness, something that is sorely needed. An NLS attorney is an active member of the Poverty Conference Committee.

- E. **COC Niagara/Erie Merger:** As a result of pressure to get their HUD application funded, the NCCSH has finally looked outside of Niagara County for help with its COC application. Two NLS attorneys are members of the Merger Committee of the NCCSH. Negotiations are currently on going with the Erie County COC group to merge with the Niagara County COC. It appears that the merger will be finalized by June 2013. Once this happens, the chances of the Niagara County COC application getting funded significantly increase.

- F. **After Hours Program:** Under New York State law, a local Department of Social Services must maintain an "after hours" program for persons who become

homeless after business hours. In order to do this, the Department may contract with an outside agency to receive after hours callers or walk-ins. The agency must then place the person in shelter or motel for the night, with instructions to the person to go to the Department in the morning to formally apply for shelter. This ensures that people finding themselves without shelter at night or on weekends are cared for until the Department opens on the next business day.

In 2009, an NLS attorney communicated with the Niagara County Department of Social Services (NCDSS) that they had no after hours program in place. The NLS attorney spoke with a local shelter provider and provided a sample after hours contract to the provider and NCDSS. The contract was signed and implemented and the shelter provider now provides after hours services to the homeless.

In sum, the assertive leadership and direction provided by the NLS attorneys has played a pivotal role in all of the aforementioned projects. The attorneys were in fact responsible, in part, for the creation of the Depaul USA Task Force, from which so much other good work is now flowing.

Batavia Office Community Engagement: As it relates to the level of engagement in the three rural counties served by our Batavia office, we'd like the report to reflect that the number of coalitions and partnerships available in the Batavia office service area are significantly less than throughout the more urban and suburban areas served by the Buffalo and Niagara Falls offices. We also have resources to support only two attorneys and two paralegals in a three county rural service area. However, it should be noted that:

- A. Our Batavia office Managing Attorney is involved with the **Interagency Council**, which includes a monthly meetings of social agencies throughout Orleans and Genesee Counties.
 - B. Our Batavia office Managing Attorney is involved with **Community Action Board**, which includes members from the Department of Social Services, Community Leaders, Head Start, and other agencies.
 - C. Our Batavia office Managing Attorney is involved with the **Advisory Board** of the paralegal program at the local Genesee Community College, which is a semiannual meeting of professors, attorneys, Judges, and educators.
 - D. Our Batavia office Managing Attorney is involved with the **Inns of Court**, which is a monthly meeting of family law attorneys and social agencies chaired by the Genesee County Family Court.
7. On page 13 the report states that, *“Several factors impeded the client community’s access to and use of the program’s services. The team observed the lobby in the Buffalo office was small and not as inviting or comfortable as typically expected of for a legal services program. Due to the volume of walk-ins at intake and clients seen by appointment, staff reported that the lobby is frequently at capacity with clients waiting*

for extended periods.” We first would like the report to note that the office is located on the fourth floor of an architecturally significant former bank building. The building is directly in front of a light rail train station which provides convenient access to clients who rely on public transportation to access our services. We’d also like the report to reflect that the brightly painted, carpeted waiting room in the Buffalo office has fabric covered cushioned chairs; numerous pieces of framed artwork on the walls; a magazine table with thirty or more magazines at any one time (which clients are encouraged to take with them); a brochure rack with dozens of informational brochures; a separate walled off children’s play area with numerous toys (toy stove, trucks, blocks, etc.) and children’s books; a language line translation card posted in a confidential, sound dampened reception window for LEP clients to identify their language; and access to a single use, modern, ADA compliant bathroom in the adjacent elevator lobby which has a fold-down baby changing table. In the six years since this empty floor was completely renovated to our office specifications, we have never had a client complaint about any discomfort relating to the size or the accommodations of the waiting room. We have also never had a client state that they felt the waiting room impeded their access to our services. As to whether the lobby is often at capacity due to walk-ins, we note that the only unscheduled walk-in clients seen are people facing immediate evictions and homeless people who may need to wait in our lobby/reception/waiting room for longer periods while staff work through negotiating their emergency shelter arrangements. In fact, due to our numerous off-site intake efforts, throughout the course of a typical work day in the Buffalo office, it’s actually rather rare that more than half of all of the seats in the waiting room would be occupied at any given time.

In addition, on page 13, the report also states that ***“Staff reported that the location of the of the Niagara Office in the courthouse leads some clients to think the program is part of county government, the same entity that denies or compromises clients’ legal rights. Similarly, the name Niagara County Legal Aid Society leads some clients to think the office is part of the county government.”*** We’d like the final report to reflect that since the PQV site visit in August 2012 the program has decided to move the office and has obtained freshly renovated space in Niagara Falls in an ADA compliant private office building and will be moving into that space on February 7, 2013. (This week.) We are also immediately dropping the pre-merger identity *Niagara County Legal Aid Society* and re-branding the office as Neighborhood Legal Services, Inc.

We recognize that, notwithstanding our prodigious case outputs, which the PQV report acknowledges at Finding 15 exceeds the national averages by a factor of almost 2X, and our substantial annual community legal education accomplishments, we still need to focus on improving our intake system, doing more impact litigation, improving our employee orientation and staff training, and building better communication throughout the program. We are completely committed to improving the program and informing the planning process with the findings and recommendations of the PQV report. We are grateful for the PQV team’s work and look forward to consulting with Cheryl Nolan and the other members of the team as we begin our

strategic planning process in 2013.

Thank you for the opportunity to provide information which we believe will result in a final report which more accurately reflects the activities of the program.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Haykes". The signature is stylized and overlaps with the printed name below it.

William J. Haykes

Executive Director