

Testimony by the New York Legal Assistance Group (NYLAG)

Before the New York City Council Committee on Veterans and Committee on Aging regarding:

Oversight - Supporting NYC's Aging Veteran Population

April 20, 2021

1. Testimony of Ryan Foley, Supervising Attorney, Veterans Practice, Public Benefits Unit

Chair Deutsch, Chair Chin, Council Members, and staff, good afternoon and thank you for this opportunity to speak about supporting NYC's aging Veteran population. My name is Ryan Foley, and I am the Supervising Attorney of the Veterans Practice in our Public Benefits Unit, and I lead NYLAG's Council-funded community-based Legal Services for Veterans Initiative work at the New York Legal Assistance Group (NYLAG). I am joined by my colleague Ruth Stein, who is a Senior Staff Attorney in our LegalHealth Unit's Veterans Initiative, where she staffs our Older Veterans legal clinic. I would like to briefly discuss NYLAG's work on behalf of veterans, including the impact of COVID-19, before handing it over to Ruth to speak about her clinic and the importance of increased data reporting by the Department of Veterans Services (DVS). The New York Legal Assistance Group uses the power of the law to help New Yorkers in need combat economic, racial, and social injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves military veterans, immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, Holocaust survivors, and others in need of free civil legal services.

Given the level of need in New York City's diverse veteran population, NYLAG operates two veteran-specific legal programs. We have a medical-legal partnership with the Bronx and Manhattan VA Medical Centers and a community-based program that provides comprehensive services to veterans and their families, regardless of their discharge status and eligibility to use the VA Healthcare System.

In 2020 NYLAG assisted more than 800 veterans, 53% of whom were aged sixty or older. The issues presented by the older veteran population are wide-ranging, but often concern essential human needs such as housing, income, and healthcare, including advance planning and long-term care. COVID-19 has been devastating for the older veteran population, and we have experienced significant shifts in terms of intake flow and reported legal issues from our older veterans. Early on, it was a struggle to reach and connect to older veterans. Our clients, who were used to us being in the community - at different veteran sites as well as the VA – suddenly lost that connection, and the technological innovations we used to connect with younger veterans were simply not as effective with the older population. It took the creation of new hotlines and campaigns with our partners to make sure older veterans knew we were still at their side. Once we connected, the first wave of calls came from veterans fearful of losing their homes, a problem that has been postponed thanks to the eviction moratorium, but continues to leave our older veterans in precarious positions. Requests then shifted to older veterans who realized they could not return to work and needed information about benefits entitlement. And sadly, throughout the pandemic, we received calls from devastated veterans and their families who needed help with urgent advance planning documents, with home and nursing home care, and with survivors' benefits.

NYLAG is grateful to the City of New York for its investment in legal services for veterans, which is critical to the work we do on behalf of the older veteran community. And we are delighted to receive funding from the NYC Department of Veterans' Services to assist veterans, including older veterans, who require discharge upgrades because they cannot access benefits due to their less than honorable discharges—benefits that could stabilize income and services for older veterans facing hardship due to the pandemic. Still, services for veterans have not been spared from budget cuts and continued and expanded funding for veterans legal services must remain a priority.

2. Testimony of Ruth Stein, Senior Staff Attorney, LegalHealth Unit

My name is Ruth Stein - I work in LegalHealth, NYLAG's medical-legal partnership, which staffs legal clinics at the Manhattan and Bronx VA Medical Centers. Due to the instability of private funding

resources, we were forced to close our Older Veterans legal clinic in July 2019, and have only recently been able to reopen. This clinic is dedicated specifically to elderly, low-income VA patients whose physical and/or mental health issues – which often stem from their military service – are compounded by the impacts of aging. These veterans deal with complex, intersecting legal issues that affect their health. A veteran recently diagnosed with dementia may require advance planning, but also a pooled trust in anticipation of home care needs and to ensure the rent is paid on time. We may need to fight predatory debt collection to help a veteran to afford essential expenses. A veteran may require help with unexpected interactions between varying government benefits, such as when the onset of Social Security creates a VA Pension overpayment. Our Older Veterans clinic works at these intersections—in VA benefits, Social Security, housing, family law, consumer issues, and advance planning — utilizing the expertise of NYLAG’s 300+ attorneys, paralegals, and financial counselors to comprehensively address veterans’ civil legal needs. Over the past year, which has been especially devastating for the vulnerable veteran community we serve, this ability to maximize resources on behalf of New York City veterans has never been more important.

To give just one case example, a 91-year-old Korean War Era veteran was recently referred to the Older Veterans clinic after hospitalization for congestive heart failure. He was in need of regular assistance with daily activities and wanted to receive his care at home, but complex VA and New York State laws meant he did not know if he qualified for assistance; meanwhile, paying for private care would ravage his savings and income at this uncertain time. With NYLAG’s help, the veteran learned how Medicaid planning and the VA benefits to which he was entitled could help him afford care safely at home. For this aging veteran, like so many others, the need for affordable home care, income support and housing were intertwined. Allowing veterans to remain safely at home is more important than ever due to the increased risks in congregate settings.

Tracking inquiries by aging Veterans for the essential services provided by New York City—from housing, to Medicaid, to income support—is crucial in examining the full scope of these problems and determining where needs are still not being met. NYLAG fully supports Council Member Vallone’s bill to amend Local Law 44 of 2019 requiring data on senior veterans to be included in DVS’s annual report, and

encourages further collaboration between DVS and other NYC agencies serving the veteran population. It is more important than ever to ensure we are meeting the needs of our aging Veterans, whose military-related disabilities and trauma often place them in a more vulnerable position than the general New York City aging population. And we thank these Committees for highlighting this issue and for the continued support of the work NYLAG does to help our older veterans.

Thank you for the opportunity to testify today. We look forward to engaging in further discussions about serving our veteran communities and improving their access to critical legal services and other resources.

Respectfully submitted,

New York Legal Assistance Group