

**Testimony by the New York Legal Assistance Group (NYLAG)**  
**Before the Senate Standing Committee on Veterans, Homeland Security &**  
**Military Affairs, Assembly Standing Committee on Veterans' Affairs, and**  
**Assembly Subcommittee on Women Veterans regarding: The Impacts of COVID-**  
**19 on New York's Veterans**

**August 14, 2020**

Chair Brooks, Chair Barrett, Chair Hunter, Committee Members and staff, good morning and thank you for this opportunity to speak about the impact of COVID-19 on the New York veteran community. My name is Meghan Brooks, and I am an attorney with the Veterans Practice at the New York Legal Assistance Group (NYLAG), a nonprofit law office dedicated to providing free legal services in civil matters to low-income New Yorkers. NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves 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's diverse veteran population, NYLAG operates two veteran-specific legal programs. Our LegalHealth Veterans Initiative operates legal clinics within the Bronx, Manhattan, and Northport Veterans Affairs (VA) Medical Centers, including the nation's first legal clinic focused entirely on women veterans. Our Veterans Practice is a community-based program with a large referral network that provides comprehensive services to veterans and their families, regardless of their discharge status and eligibility to use the VA Healthcare System.

COVID-19 has certainly brought new challenges, but more so, it has compounded the already serious economic and mental health challenges that New York's 800,000 veterans faced prior to the pandemic. The suicide rate for New York veterans is estimated at more than 17 per day.<sup>1</sup> New York veterans have lower educational attainment than veterans in other states, and a lower income than the national average. Only 17% of New York veterans receive VA disability benefits, a significantly lower percentage than the national average of 23-24%.<sup>2</sup> This gap

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<sup>1</sup> U.S. Department of Veterans Affairs. *New York Veteran Suicide Data Sheet, 2017*. [https://www.mentalhealth.va.gov/docs/data-sheets/2017/New\\_York\\_Veteran\\_Suicide\\_Data\\_Sheet\\_2017.pdf](https://www.mentalhealth.va.gov/docs/data-sheets/2017/New_York_Veteran_Suicide_Data_Sheet_2017.pdf)

<sup>2</sup> New York City Bar, *Report by the Military and Veterans Affairs Committee, the Disability Law Committee, and the Social Welfare Committee Concerning Inadequate Financial Support from the City*

suggests that more than 50,000 additional New York veterans should be entitled to VA disability benefits, amounting to tens of millions of dollars of income lost for veterans and their families, income – and accompanying healthcare benefits – needed now more than ever.

NYLAG provides legal assistance to low-income veterans and their families because we know that, as a poverty-fighting tool, it works. Benefits and claims assistance is the top cited need for veteran and military households,<sup>3</sup> with 71% experiencing a civil or legal problem in the last year.<sup>4</sup> The most common civil legal issues veterans face are eviction and foreclosure, benefits access, child support, and license restoration. Despite the significant need, 88% of low-income veterans and military personnel reported receiving inadequate or no professional legal help for their civil legal problems.<sup>5</sup>

NYLAG and our legal service colleagues throughout the state attempt to fill this gap, though limited funding keeps us from fully closing it. Despite resource

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*and State of New York for Legal Services to Obtain Benefits from U.S. Department of Veterans Services*, at 2 (2019), <https://s3.amazonaws.com/documents.nycbar.org/files/2019531-PublicInterestVeteransLawPractitioners.pdf>.

<sup>3</sup> New York State Health Foundation, *A Strategic Roadmap to Enhance the Role and Impact of the New York State Division of Veterans' Services*, at 18 (July 2019), <https://nyshealthfoundation.org/wp-content/uploads/2019/07/IVMF-strategic-roadmap-to-enhance-the-role-and-impact-of-ny-state-dvs.pdf>.

<sup>4</sup> Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, at 7 (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>5</sup> *Id.*

constrictions, we have made every effort to meet the additional challenges caused by the pandemic. At NYLAG, we established a COVID-19 Legal Resource Hotline to provide answers to pandemic-related legal questions. Through the hotline, we have assisted more than 1,500 individuals and their families, including veterans, with advanced planning, unemployment and public benefits issues, and housing concerns, among many others. On the national stage, in mid-March we led nationwide advocacy efforts to demand that VA take quick and decisive action to preserve veterans' health and benefits rights during the pandemic. Although VA met many of our initial demands by largely suspending debt collection and waiving claim and appeal deadlines missed due to the pandemic,<sup>6</sup> veterans continue to fall through the cracks.

Housing remains the foremost critical issue for veterans. Although progress has been made towards ending veteran homelessness overall, shelters have experienced a surge of veterans during this national emergency. With estimates that nearly 25% of New York City renters are not current on rent,<sup>7</sup> much of the burden of addressing eviction prevention and preventing veteran homelessness will fall on

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<sup>6</sup> Letter from New York Legal Assistance Group and Co-Signatories to Robert Wilkie, Secretary of the U.S. Department of Veterans Affairs (March 22, 2020), <https://www.nylag.org/wp-content/uploads/2020/03/Wilkie-Proposal-to-VA-in-Response-to-COVID-19-Sign-On-Letter.pdf>.

<sup>7</sup> New York Times, *A Moratorium on Evictions Ends, Leaving Thousands of Tenants Fearful* (June 22, 2020). <https://www.nytimes.com/2020/06/22/nyregion/nyc-evictions-moratorium-coronavirus.html>

legal service providers. While there are several bills circulating the legislature addressing rent and the eviction moratorium, there is currently a lack of protection for veterans and other New Yorkers facing homelessness due to the economic impact of the pandemic.

Employment issues are another high area of concern. Some 36% of the callers to NYLAG's COVID-19 hotline come to us because they have lost their jobs or cannot safely return to their jobs due to the pandemic, and are navigating unemployment benefits and paying rent and bills. Based on analysis of industries hit hardest by COVID-19, it is estimated that 14% of all veterans employed before the pandemic have lost work.<sup>8</sup> Since veterans begin their careers later and have an educational and career background that does not always translate to civilian employment, on average, it often takes longer for them to find new work.<sup>9</sup> These veterans will need legal advocates to help them navigate the unemployment system, and to access VA educational or job training or monetary benefits until they can get back to work.

Assistance with VA benefits and healthcare access issues are the third prominent unmet need, and these issues tend to be at the root of the majority of other legal issues we encounter. Our veterans needed more legal services resources

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<sup>8</sup> Bob Woodruff Foundation, *Veterans and COVID-19: Projecting the Economic, Social, and Mental Health Needs of America's Veterans*, at 3 (March 2020), [https://bobwoodrufffoundation.org/wp-content/uploads/2020/04/BWF\\_WhitePaper-COVID19-5.0-Final.pdf](https://bobwoodrufffoundation.org/wp-content/uploads/2020/04/BWF_WhitePaper-COVID19-5.0-Final.pdf).

<sup>9</sup> *Id.*

with these two areas before the pandemic; that need has only grown as incomes drop and health outcomes worsen. Veterans who have been improperly denied these key benefits need attorneys who are versed in the complexities of the appeals process to help them put together well-documented claims that will result in them receiving their rightful benefits.

To address these critical needs, there are two main programs that this legislature can support to assist New York's veterans during and in the aftermath of the pandemic.

First, New York should expand its transformational Disability Advocacy Program, or "DAP" -- through which the state Office of Temporary and Disability Assistance funds legal case handlers to fight Social Security denials --- to veterans' benefits. Just as DAP actually *generates* revenue for New York by bringing in federal Social Security dollars, a Veterans-DAP would help raise New York veterans' VA benefits access to meet the national average, similarly bringing federal dollars to New York, and more importantly, deliver benefits and healthcare to New York veterans and their families when they need it most.<sup>10</sup>

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<sup>10</sup> See Letter from the New York City Veterans Law Working Group Member Organizations to the New York State Permanent Commission on Access to Justice (Sept. 13, 2019) (on file with NYLAG); see also Peter Kempner, *Shortchanging military heroes: Millions don't access the benefits they have earned and need*, N.Y. DAILY NEWS (Nov. 11, 2019), <https://www.nydailynews.com/opinion/ny-oped-our-veterans-are-getting-shortchanged-20191111-baahjdhiwbcvlm6gxu5qrsftgi-story.html>.

Second, this body should pass Bill A10093,<sup>11</sup> which would provide a civil right to counsel for veterans at or below 400% of the federal poverty line who are facing common state law issues that, if unresolved, push veteran families further into poverty. Broadly speaking, these issues are foreclosure and eviction proceedings, public benefits hearings, wage theft cases, and child support proceedings. If passed and funded, this bill would have a life-changing impact on New York's veterans, so many of whom are facing these challenging legal obstacles.

As New York works to recover from the impact COVID-19, civil legal services will be a crucial component to helping veterans get back on their feet. State support for civil legal services organizations will make the difference for veterans who need an advocate at their side. Thank you for the opportunity to testify today. I would be happy to answer any questions.

Respectfully submitted,

New York Legal Assistance Group

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<sup>11</sup> Assembly Bill A10093 (2019-2020 Legislative Session), <https://www.nysenate.gov/legislation/bills/2019/a10093>.