

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: May 6, 2024

CV-23-0334

In the Matter of DANNY ANDERSEN
et al., on Behalf of Themselves
and All Others Similarly Situated,
Respondents,

DECISION AND ORDER ON
MOTION

v

MICHAEL P. HEIN, as Commissioner
of Temporary and Disability
Assistance,
Appellant,
et al.,
Respondents.

Motion by Autistic Women & Nonbinary Network, Cardozo Bet Tzedek Legal Services, Cornell Law School's Veterans Law Practicum, Center for Independence of the Disabled New York, the Disability Rights Bar Association, Disability Rights Education and Defense Fund, Disability Rights New York, the Legal Aid Society, the Legal Aid Society of Mid-New York Inc., Legal Assistance of Western New York, Legal Services of Central New York, National Homelessness Law Center, National Partnership for Women & Families, New York Legal Assistance Group and Transgender Legal Defense Fund, for permission to file a brief amici curiae upon the appeal.

Upon the papers filed in support of the motion and the papers filed in response thereto, it is

ORDERED that the motion is granted, without costs, and the Clerk of the Court is directed to accept for filing the brief amici curiae received on April 8, 2024. A brief in response to the brief amici curiae, if any, shall be filed and served on or before May 21, 2024.

Egan Jr., J.P., Reynolds Fitzgerald, Ceresia, Fisher and Mackey, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court

No. CV-23-0334

Supreme Court of the State of New York
Appellate Division: Third Department

In the Matter of the Application of

DANNY ANDERSEN, LYNDA J. OHLSSON, and TARRENCE K. ASH, on behalf of themselves and all individuals similarly situated,
Petitioners-Plaintiffs-Respondents,

– against –

SAMUEL D. ROBERTS, as Commissioner of the New York State Office of Temporary and Disability Assistance,
Respondent-Defendant-Appellant,

FRANCES PIERRE, as Commissioner of the Suffolk County Department of Social Services, and THALIA WRIGHT, as Commissioner of the Monroe County Department of Human Services.
Respondents-Defendants.

**BRIEF OF AMICUS CURIAE SUPPORTING PETITIONERS-
PLAINTIFFS-RESPONDENTS AND URGING THE COURT TO AFFIRM**

Dated: April 8, 2024

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PRELIMINARY STATEMENT

Twenty-five percent of New York adults, or nearly 3.9 million people, are individuals with disabilities¹ and thus merit protection under constitutional, federal, and state law. Yet, New York’s Office of Temporary and Disability Assistance (“OTDA” or “the State”) continues to flout the rights of disabled² New Yorkers by refusing to equally value their labor as compared to their nondisabled peers. Lynda J. Ohlsson and Tarrence K. Ash are two of countless individuals harmed by the OTDA’s failure to equally credit disabled people’s labor against their public assistance debts in accordance with the Court of Appeals’ holding in *Matter of Carver v. State of New York*, 26 N.Y.3d 272 (2015). The OTDA maintains that Supplemental Security Income (“SSI”) recipients, unlike nondisabled public assistance recipients, are not entitled to a minimum wage credit for their labor in violation of constitutional, federal, and state law. Disabled people are entitled to equal protection under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131, *et seq.*; the Rehabilitation Act (“RA”) of 1973, 29 U.S.C. § 794; the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290, *et seq.*; and the Fourteenth Amendment Due Process Clause, U.S. Const. amend. XIV, § 1—

¹ Disability & Health U.S. State Profile Data for New York (Adults 18+ years of age), Centers for Disease Control and Prevention, <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/new-york.html> (accessed Mar. 6, 2024).

² This brief uses identity-first (“disabled people”) and person-first (“people with disabilities”) language interchangeably to represent the spectrum of identities and preferences within the disability community.

protections with which the OTDA refuses to comply. For these reasons and others, Legal Services of Central New York, Inc. (LCSNY) and *amici curiae* urge the Court to deny the State's appeal and affirm the decision and order of the Supreme Court (R. 173).

CASE OVERVIEW

In New York, the OTDA supervises the local social services districts ("Local Districts") that administer public assistance. Social Services Law ("SSL") § 20. One such type of public assistance is Safety Net Assistance ("SNA"), which poor, single adults without dependent children may receive provided they meet certain eligibility criteria, as well as families who have exhausted the five-year federal restriction on Temporary Assistance to Needy Families ("TANF") payments. SSL § 158. SNA recipients generally must participate in work activities, such as the Work Experience Program ("WEP"), as a condition of their eligibility. SSL §§ 331, 332.

People who are required to participate in WEP are assigned to public or non-profit agencies to work off their public assistance grants. The number of hours Local Districts may require individuals to work is equal to the amount of their public assistance grant divided by the applicable minimum wage. SSL § 336-c(2)(b).

Poor persons who are aged, blind, or disabled may receive cash assistance through the SSI program administered by the Social Security Administration ("SSA"). 42 U.S.C. §§ 1381(a), 1382(a). Approval of SSI applications can take

years, during which time SNA funds help cover applicants' expenses. If the individual's SSI application is granted, they receive a lump sum retroactive payment backdated to the date of the application. From this retroactive payment, the State can be reimbursed for the SNA provided during the application's pendency, referred to as "interim assistance." 42 U.S.C. § 1383(g); Respondents' Br. 4.

The Court of Appeals found in *Matter of Carver v. State of New York*, 26 N.Y.3d 272 (2015), that individuals required to participate in WEP as a condition of receiving public assistance are "employees" under the Fair Labor Standards Act ("FLSA"), 29 USC §§ 201, 203(o)(1) *et seq.* Thus, the value of their hours worked as required by WEP must be credited against the State's recovery of any public assistance debt from the individual. *Carver*, 26 N.Y.3d at 275.

In the instant case, however, the State refuses to apply *Carver* to the recovery of interim assistance from disabled New Yorkers receiving retroactive SSI benefits – despite applying this holding to the recovery of public assistance debt from "inheritances, insurance payments, personal injury awards, and lottery winnings." Respondents' Br. 6. Effectively, the State refuses to credit the hours worked by disabled New Yorkers against the recovery of public assistance debt while agreeing to credit the labor of New Yorkers not receiving SSI.

Through this hybrid class action/special proceeding, Respondents seek declaratory and injunctive relief against Respondent-Defendant-Appellant

(hereinafter “Appellant”) Samuel D. Roberts, in his official capacity as Commissioner of OTDA for violating *Carver*. Respondents are all individuals who were required by their Local Districts to work as a condition of receiving SNA during the pendency of their SSI applications. Later, the State forced Respondents to repay the entirety of their SNA because it denied them all credit for the value of this labor when calculating their public assistance debt.

REASONS THE COURT SHOULD AFFIRM

I. The OTDA’s interim assistance policy denies equal opportunity to people with disabilities.

Failing to apply *Carver* to the public assistance debt calculations of SSI recipients while applying it to other categories of recipients violates federal and state prohibitions on differential treatment on the basis of disability. The ADA, our nation’s most sweeping legislation protecting the rights of disabled people, prohibits discrimination against people with disabilities in many areas of public life—including the provision of government services and programs. According to federal regulations, which authoritatively construe Title II of the ADA,³ “[n]o qualified

³ As the Supreme Court instructed, “[s]uch regulations, if valid and reasonable, authoritatively construe the statute itself, and it is therefore meaningless to talk about a separate cause of action to enforce the regulations apart from the statute. A Congress that intends the statute to be enforced through a private cause of action intends the authoritative interpretation of the statute to be so enforced as well.” *Alexander v. Sandoval*, 532 U.S. 275, 284 (2001) (internal citations omitted). In other words, “the law generally treats [statutes and regulations] as one.” *Strubel v. Comenity Bank*, 842 F.3d 181, 196 (2d Cir. 2016) (refusing “to segregate a statute from its implementing regulations”).

individual with a disability shall, on the basis of disability, be excluded from, denied participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” 28 C.F.R. § 35.130(a). Specifically, public entities may not afford disabled people “an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others,” *id.* § 35.130(b)(1)(ii), or provide aid, benefits, or services that are less effective “in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others,” *id.* § 35.130(b)(1)(iii).

Similarly, the regulations promulgating the Rehabilitation Act of 1973 prohibit discrimination in the administration of federal programs. The RA guarantees that individuals with disabilities may not “be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794(a).

The NYSHRL, N.Y. Exec. Law § 290, *et seq.*, also prohibits discrimination on the basis of disability. It proclaims that “the state has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life” and ensures “that every individual shall have an equal opportunity to participate fully in the economic, cultural, and intellectual life of the state.” *Id.* § 290(3). The NYSHRL incorporates the federal regulations above. *Id.* §

300 (“The provisions of [the NYSHRL] shall be construed liberally for the accomplishment of the remedial purposes thereof, regardless of whether federal civil rights laws, including those laws with provisions worded comparably to the provisions of this article, have been so construed.”).

As a government entity and recipient of federal financial assistance, the OTDA’s actions are subject to the ADA and RA; as a New York entity, the ODTA is subject to the NYSHRL. The “interim assistance” reimbursement process occurs pursuant to federal legislation, 42 U.S.C. § 497(a), and concerns the distribution of federal and state funds by a State entity. Thus, the OTDA has an obligation to provide people with disabilities equal opportunity to participate in and benefit from its programs and services. By refusing to credit disabled workers for the value of their WEP labor while agreeing to credit the labor of nondisabled workers, the OTDA critically fails to uphold this mandate. It also fails to ensure full and equal participation in the State’s economic life, as required by the NYSHRL. N.Y. Exec Law § 290(3).

The Court of Appeals in *Carver*, 26 N.Y.3d at 275, clearly and definitively found that FLSA minimum wage provisions, 29 U.S.C. § 201, *et seq.*, apply to labor performed by WEP participants. Following the commencement of the present action, the State agreed to follow *Carver* and apply minimum wage credits for WEP in several areas: inheritances (SSL § 104), personal injury awards (SSL § 104-b),

lottery winnings (SSL § 131-r), and insurance proceeds (SSL § 105). However, to date, the State continues to exclude the labor of disabled workers from FLSA protections. The State fails to address in its briefing this clear discrepancy in treatment between WEP participants applying for SSI and nondisabled WEP participants, maintaining only a false and convoluted differentiation between “full interim assistance” and, as they deem the class members, “interim assistance recipients.” Appellant’s Br. 26, 29-30. Ultimately, disabled and nondisabled WEP participants accrue the same type of public assistance debt, are subject to the same SNA rules, and perform the same type of unpaid labor. No substantive difference exists between disabled and nondisabled public assistance applicants. The State constructs a false distinction to obscure its discriminatory treatment of disabled New Yorkers in violation of federal and state disability laws.

II. The OTDA fails to establish a rational basis for its policy, thus denying due process to people with disabilities.

By nature of their eligibility for public assistance, recipients possess a valid property interest protected by the Due Process Clause. *See, e.g., Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1, 9-12 (1978); *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972). The Constitution confers procedural protections against unlawful and unfair takings, prohibiting states from “depriv[ing] any person of life, liberty, or property without due process of law.” U.S. Const. amend. XIV, § 1. “To raise a due

process question, the claimant must demonstrate a property interest entitled to such protections.” *Cushman v. Shinseki*, 576 F.3d 1290, 1296 (Fed. Cir. 2009). As made clear by the Supreme Court, benefits “are a matter of statutory entitlement for persons qualified to receive them.” *Goldberg v. Kelly*, 397 U.S. 254, 261-62 (1970); *see also Mathews v. Eldridge*, 424 U.S. 319 (1976) (finding individuals receiving Social Security benefits have a statutorily granted property right in those benefits). State law shapes the contours of this entitlement, using “existing rules or understanding that secure certain benefits and that support claims of entitlement to those benefits” to determine the dimensions of the property interest. *Bd. of Regents*, 408 U.S. at 577.

By selectively applying the *Carver* holding only to certain groups, the OTDA’s “interim assistance” policy denies SSI recipients due process and fails rational basis review. Due process seeks to protect “the individual against arbitrary action of government” by requiring a rational basis for the deprivation of protected rights. *Leebaert v. Harrington*, 332 F.3d 134, 139 (2d Cir. 2003) (quoting *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998)). To survive rational basis review, “the governmental regulation need only be reasonably related to a legitimate state objective.” *Immediato v. Rye Neck Sch. Dist.*, 73 F.3d 454, 460 (2d Cir. 1996).

The State’s briefing fails to demonstrate how the denial of credit for WEP labor relates to a legitimate state interest—or any state interest at all. In fact, the

State relies on no legal or statutory authority for its assertions that withholding WEP wages does not violate the rights of disabled people under the FLSA or *Carver*. The State claims that, unlike the individuals to whom the OTDA does apply *Carver*, people with disabilities “are participating in a federal-state scheme that provides for reimbursement of state and locally funded assistance from federal benefits meant to cover the same basic needs.” Appellant’s Reply Br. 16. However, disabled New Yorkers meet the same eligibility criteria as other groups when applying for SNA and are subject to the same determination that their SNA is a personal debt requiring repayment to the government if their application for public assistance is approved. Respondents’ Br. 13.

Further, retroactive SSI benefits are just as “personal” as the lottery winnings at issue in *Carver*; only with the SNA applicant’s approval can retroactive SSI benefits be reimbursed to the Local District and OTDA through Congress’s interim assistance reimbursement provision in 42 U.S.C. § 1383(g). Respondents’ Br. 13-14. In fact, SSI payments are *more* personal: lottery winners receive their funds by holding the corresponding ticket, while SSI payments are attached specifically to the individual. Anyone holding the winning lottery ticket is entitled to the corresponding funding, while SSI is granted specifically to the individual themselves. The State offers no explanation for why recovering retroactive SSI payments to disabled people serves a legitimate state interest when all other people have the value of their

work credited against any recoveries. Rather, the OTDA policy categorically treats public assistance recipients with disabilities differently from nondisabled recipients, failing the rational basis test and constituting discrimination on the basis of disability.

III. Failing to affirm would promote the further economic disenfranchisement of disabled New Yorkers.

Failing to apply *Carver* to the calculation of Interim Assistance Reimbursement would open the floodgates to compounding negative effects on New Yorkers with disabilities, perpetuating a history of disabled individuals' economic disenfranchisement. According to the U.S. Census Bureau's 2023 Supplemental Poverty Measure, disabled Americans experience poverty at over twice the rate of nondisabled people; 24% of disabled people fall below the poverty line, compared to 9.5% of nondisabled people.⁴ Withholding rightfully earned wages from individuals with disabilities worsens the cascading effects of this existing economic exclusion.

With more disabled people living below the poverty line, the State's expenditures only increase due to the inextricable links between disability, poverty, hunger, and houselessness. People with disabilities already face high rates of food

⁴ Emily Shrider & John Creamer, Poverty in the United States: 2022, Current Population Reports, United States Census Bureau, at 21 <https://www.census.gov/content/dam/Census/library/publications/2023/demo/p60-280.pdf> (last accessed Mar. 6, 2024).

insecurity, with disabled adults reporting food insufficiency at a rate three times higher than that of nondisabled adults.⁵ Over half of disabled adults report difficulty paying their monthly bills.⁶ Further, people with disabilities pay what is known within the disability community as the “crip tax”⁷—the additional expenses inherent to living with a disability in America, such as accessible transportation costs, frequent medical expenses, assistive technology, mobility devices, accessible housing, and more. Households with disabled adults require an average of 28% more income—roughly an additional \$17,690 per year—to achieve the same standard of living as similar households without disabled individuals.⁸ In New York City, 77% of adult families, 68% of single adults, and 53% of families with children who are sleeping in shelters are estimated to have at least one disability.⁹ The connection between disability and other oppressive social factors is undeniable—thus it is the State’s duty to ensure disabled people receive the benefits to which they are entitled, included earned wages for hours worked.

⁵ Rebecca Vallas et. al, *Economic Justice Is Disability Justice*, The Century Foundation (Apr. 21, 2022), <https://tcf.org/content/report/economic-justice-disability-justice/> (last accessed Mar. 6, 2024).

⁶ *Id.*

⁷ Ryan Boren, *Crip Tax*, Stimpunks Foundation (Aug. 30, 2022), <https://stimpunks.org/glossary/crip-tax/> (last accessed Mar. 6, 2024).

⁸ Nanette Goodman et. al, *The Extra Costs of Living with a Disability in the U.S. – Resetting the Policy Table*, National Disability Institute, at 1 (Oct. 2022), <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-living-with-disability-brief.pdf> (last accessed Mar. 6, 2024).

⁹ *New York City Homelessness: The Basic Facts*, Coalition for the Homeless, at 1 (Jan. 2024), https://www.coalitionforthehomeless.org/wp-content/uploads/2024/01/NYC-Homelessness-Fact-Sheet-11-2023_citations.pdf (last accessed Mar. 6, 2024).

Appellant ODTA’s current policy regarding “interim assistance” is another in a long line of discriminatory policies that relegate people with disabilities to a less desirable place in our society, adding yet another layer to disabled people’s lack of financial opportunity. Failing to affirm the Supreme Court’s decision regarding this policy not only causes suffering to an already marginalized population but also places a financial drain on the State in the form of emergency medical services for the uninsured, housing for the unhoused, and more to compensate for the continued poverty of disabled communities. Government at all levels spends upwards of \$1.8 trillion annually to counteract poverty¹⁰; without poverty to combat in the first place, these vast funds could be used elsewhere. It is the onus of the State to break this cycle of discriminatory policies against people with disabilities by ensuring they receive the same payment for their hours worked as other individuals receiving public assistance.

CONCLUSION

For the foregoing reasons, the Court should affirm the decision of the Supreme Court. The OTDA’s policy discriminates against disabled New Yorkers in violation of federal and state law by failing to credit their WEP labor as it does other classes of interim assistance recipients. Through this unsubstantiated distinction, the State

¹⁰ Michael D. Tanner, CATO Handbook for Policymakers: Poverty and Welfare, CATO Institute (2022), <https://www.cato.org/cato-handbook-policymakers/cato-handbook-policymakers-9th-edition-2022/poverty-welfare> (last accessed Mar. 6, 2024).

categorically treats public assistance recipients with disabilities differently from nondisabled recipients in violation of the Due Process Clause. Further, this policy perpetuates the long-standing financial disenfranchisement of disabled people and contributes to their continued marginalization. It is the Court's directive to break these cycles and enforce the just, equitable treatment of people with disabilities by the OTDA and in all areas of society.

Dated: April 8, 2024
New York, New York

Respectfully submitted,

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PRINTING SPECIFICATIONS STATEMENT

Pursuant to the Uniform Practice Rules of the Appellate Division [22 NYCRR 1250.8(j)], the foregoing brief was prepared on a computer on a word processor. The proportionally spaced serif typeface was used as follows:

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APPENDIX A

Statements of Amici Curiae

The following organizations respectfully submit this brief as amici curiae in support of Respondents.

The **Autistic Women & Nonbinary Network (AWN)** provides community support and resources for Autistic women, girls, transfeminine and transmasculine nonbinary people, trans people of all genders, Two Spirit people, and all people of marginalized genders or of no gender. AWN is committed to recognizing and celebrating diversity and the many intersectional experiences in our community. AWN's work includes solidarity aid, community events, publications, fiscal support, and advocacy to empower disabled and autistic people in their fight for disability, gender, and racial justice. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: The Autistic Women & Nonbinary Network is a not-for-profit corporation organized under the laws of the State of Nebraska. As such, there is no stock or ownership thereof, and there is no parent corporation.

Leslie Salzman and Rebekah Diller are Clinical Professors of Law and Co-Directors of **Cardozo Bet Tzedek Legal Services (CBTLS)**, a civil litigation clinic at the Benjamin N. Cardozo School of Law. CBTLS represents older adults and individuals with disabilities in a wide range of civil matters. CBTLS represents clients seeking health, disability, and housing benefits that they could not get without CBTLS assistance. Leslie Salzman and Rebekah Diller sign onto this brief in their personal capacities to address an important issue central to CBTLS's mission of protecting and enforcing clients' civil rights as well as their rights to services and supports to live fully and independently in the community. Leslie Salzman and Rebekah Diller's signatures do not represent the views of the Benjamin N. Cardozo School of Law.

Center for Independence of the Disabled, New York (CIDNY) signs onto this brief to address an issue closely related to its mission. CIDNY is a

nonprofit organization founded in 1978. We are part of the Independent Living Centers movement: a national network of grassroots and community-based organizations that enhance opportunities for all people with disabilities to direct their own lives. The constituencies for whom we advocate include low-wage workers and persons with disabilities in New York State. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: Center for Independence of the Disabled, New York is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

Cornell Law School's Veterans Law Practicum signs onto this brief to address an issue closely related to its mission to serve veterans experiencing and at risk of homelessness and the constituencies for whom we advocate, including low-wage workers and persons with disabilities in New York State. The Veterans Law Practicum advocates for the rights of disabled veterans by assisting with federal disability benefits claims and appeals. Importantly, many of the veterans we serve are deemed ineligible for service-connected disability compensation and rely on Social Security disability benefits. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: Cornell University is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

The **Disability Rights Bar Association (DRBA)** is a group of disability rights lawyers from nonprofit advocacy groups, private law firms, and law professors who share a commitment to effective legal representation of individuals with disabilities. Members of DRBA are committed to supporting the fundamental civil rights of people with disabilities, which are often inadequately represented in our society, through litigation and other legal advocacy strategies that are highly effective and necessary to enforce and advance the rights of people with disabilities. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: DRBA has no stock or ownership thereof, and there is no parent corporation.

The **Disability Rights Education and Defense Fund (DREDF)** is a national non-profit law and policy organization dedicated to protecting and advancing the civil rights of people with disabilities. Based in Berkeley, California, DREDF has remained board- and staff-led by people with disabilities since its founding in 1979. DREDF pursues its mission through education, advocacy, and law reform efforts, and is nationally recognized for its expertise in the interpretation of federal and state disability rights laws. As part of its mission, DREDF works to ensure that people with disabilities have the legal protections, including effective legal remedies, necessary to vindicate their right to be free from discrimination. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: DREDF is a not-for-profit corporation organized under the laws of the State of California. As such, there is no stock or ownership thereof, and there is no parent corporation.

Disability Rights New York (DRNY) is the federally authorized Protection & Advocacy System for people with disabilities in New York. DRNY has an interest in pursuing legal remedies for individuals with disabilities who face discrimination. DRNY provides free legal services to advance and protect the rights of people with disabilities throughout New York State, including impact litigation to achieve systemic reform. DRNY provides these services under federally-funded mandates established by Congress to protect and advocate for the rights, safety, and autonomy of people with disabilities. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: DRNY is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

The Legal Aid Society is the oldest and largest provider of legal assistance to low-income families and individuals in the United States. The Society operates trial offices in all five boroughs of New York City and provides comprehensive, holistic legal assistance in areas of law of primary concern to low-income clients. The Society's Government Benefits and Disability Advocacy Project represents low-income New Yorkers in advocacy for New York State benefits and in appeals of disability determinations from the

Social Security Administration. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: The Legal Aid Society is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

The Legal Aid Society of Mid-New York Inc. signs onto this brief to address an issue closely related to its mission to provide free civil legal services to low-income people in the Central Region of Upstate New York, and the constituencies for whom we advocate, including low-wage workers and persons with disabilities in our thirteen-county service area. The Legal Aid Society of Mid-New York Inc. advocates for the rights of low-wage workers and persons with disabilities by providing advice and counsel, as well as extended legal representation, on legal matters impacting the basic necessities of life, including consumer, education, employment, family, juvenile, health, housing, public benefits, immigration, civil rights, elder law and other legal matters. In particular, we have a Disability Advocacy Program (DAP) grant, under which we represent clients with disabilities who have been denied SSD and/or SSI benefits. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: The Legal Aid Society of Mid-New York Inc. is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

Legal Assistance of Western New York, Inc. (LawNY) has for more than 50 years been providing free legal services to low-income New Yorkers across 14 counties in the Finger Lakes and the Southern Tier. LawNY assists clients in accessing public assistance benefits, as well as provides services to people with disabilities by assisting them in appealing determinations of non-eligibility for SSI and SSD benefits. LawNY signs onto this brief to address an issue closely related to its mission to increase access to justice, address systemic inequalities, and advance racial, social, and economic justice. A decision in this case will have a significant impact on low-income New Yorkers with disabilities, to whom LawNY provides legal assistance. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following

disclosures: Legal Assistance of Western New York, Inc. is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation, subsidiaries, or affiliates.

Legal Services of Central New York, Inc., (LSCNY) is a Section 501(c)(3) non-profit law firm serving the needs of low-income families and individuals, with and without disabilities, in thirteen counties in central New York. Founded in 1966, LSCNY helps people and communities change law, policy and systems to promote equity and create pathways out of poverty. LSCNY's work includes disability rights and employment law practices. Our attorneys represent people with and without disabilities to obtain and retain public benefits, including public assistance, SNAP, Medicaid, Medicare, childcare, and Social Security benefits, and also work to enforce employee rights, including wage and hour, equal pay, non-discrimination, and family and medical leave laws. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: LSCNY is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

The **National Homelessness Law Center (NHLC)** signs onto this brief to address the inextricably linked issues of homelessness, poverty, and housing insecurity as they relate to persons with disabilities, low-wage workers, and persons receiving welfare assistance. Founded in 1989, NHLC, formerly known as the National Law Center on Homelessness & Poverty, is a national nonprofit legal organization based in Washington, D.C., with the mission to use the power of the law to end and prevent homelessness. In connection with this objective, NHLC gathers information about state and local laws that impact homeless people nationwide, identifies best practices to address the root causes of homelessness, and litigates to safeguard the civil and human rights of homeless persons. In the course of this work, NHLC has published numerous reports analyzing issues related to homelessness in the United States. The extension of its work in New York State is building capacity across the law and policy efforts of other public interest entities advocating on behalf of these constituencies, while also supporting the advocacy objectives of

persons with lived expertise who are affected by these systemic issues. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: NHLC is a not-for-profit corporation organized under the laws of the District of Columbia. As such, there is no stock or ownership thereof, and there is no parent corporation.

The **National Partnership for Women & Families** is a nonprofit, nonpartisan advocacy group that has over 50 years of experience in combating barriers to equity and opportunity for women. The National Partnership works for a just and equitable society in which all women and families can live with dignity, respect, and security; every person has the opportunity to achieve their potential; and no person is held back by discrimination or bias. This brief addresses critical priority issues for the National Partnership, such as the value of work and equal pay, how disabled people experience poverty, how public benefits keep disabled women in poverty, and how public benefits fail to economically support disabled women. By addressing the inequities that disproportionately impact disabled women, particularly disabled women of color, laws can uplift everyone. Guaranteeing equal opportunity for all strengthens the U.S. economy. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: National Partnership is a not-for-profit corporation organized under the laws of the District of Columbia. As such, there is no stock or ownership thereof, and there is no parent corporation.

The **New York Legal Assistance Group (NYLAG)** signs onto this brief to address an issue closely related to its mission, using the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustice, and the constituencies for whom we advocate, including low-wage workers and persons with disabilities in New York State.

NYLAG's Public Benefits Unit advocates for the rights of clients who are experiencing barriers to accessing and maintaining public benefits and to accessing homeless shelters by representing clients at Administrative Fair Hearings, conducting advocacy with the Department of Social Services, Benefits Access and SNAP centers, and bringing impact litigation to ensure that our clients are obtaining and maintaining an adequate level of benefits. NYLAG's Disability Advocacy Project (DAP) works to ensure that eligible

disabled individuals receive benefits under the Social Security Disability Insurance (SSDI) program and the Supplemental Security Income (SSI) program. DAP provides free legal advice and representation to eligible individuals when SSDI or SSI disability benefits are wrongfully denied or terminated. NYLAG regularly challenges the recovery of interim assistance (IAR) a client may have received while their disability appeal was pending. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: NYLAG is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.

The Transgender Legal Defense and Education Fund (TLDEF) is a non-profit organization that advocates on behalf of transgender individuals across the United States. TLDEF is committed to ensuring that transgender individuals receive the same rights and protections under the law as cisgender individuals. TLDEF works with other civil rights organizations to address key issues affecting transgender individuals in the areas of identity recognition, safety, access to health care, and freedom from discrimination. It also provides public education on transgender rights. Pursuant to 22 NYCRR 500.1(f), the amicus curiae makes the following disclosures: TLDEF is a not-for-profit corporation organized under the laws of the State of New York. As such, there is no stock or ownership thereof, and there is no parent corporation.