



NEW YORK CITY COUNCIL COMMITTEE ON AGING

Friday, March 8, 2024, 1:00 p.m.
SUBJECT: Preliminary Budget Hearing

Good afternoon. My name is Elisa Mercedes Tustian. I am the Supervising Attorney of the Senior Law Project at Volunteers of Legal Service (VOLS). VOLS was established in 1984 and our purpose is to work together with private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap.

At VOLS, the Senior Law Project is the largest project we have. It serves low-income New Yorkers age 60+ primarily by providing Last Wills and Testaments, Powers of Attorney, Health Care Proxies, and other essential advance directives. These life planning documents allow our clients to maintain income, avoid homelessness and ensure that their dying wishes are fulfilled. During our current fiscal year, the VOLS Senior Law Project, together with pro bono power, drafted over 700 life planning documents and served over 2,000 older adult New Yorkers.

We strongly believe that all older adults should have the right legal documents in place as they plan for the future. We provide training and ongoing support to social workers, older adult center staff, and pro bono attorneys to address our clients' legal issues. We regularly visit older adult centers throughout the city to educate New Yorkers about the value of planning for the future and how to access our free services. In addition, we have several initiatives that focus on vulnerable sub-sets of the older adult population. These include veteran, Spanish speaking, women identifying, and LGBTQIA+ older adults. We have created these initiatives because we know that it is important to deliver culturally competent services that are tailored to the communities we seek to serve.

Sadly, too few older adults have properly planned for the future, and we receive many calls from distressed loved ones. Many low-income older adults think that because they do not have great resources or wealth to pass on to the next generation, they do not need to have advance directives in place. Or they incorrectly believe that their children will be able to automatically access their finances when a time of need comes. Meanwhile, an older adult who has executed a Power of Attorney authorizes their agent to seek government benefits to pay for housing costs, to sign leases, to do their annual recertification for their NYCHA tenancy, to apply for and recertify for SCRIE benefits, and to deal with any issue that may arise with their apartment. Unfortunately, a caregiver without Power of Attorney may find themselves powerless and forced to file for guardianship through the courts. Guardianship can be an expensive and lengthy legal proceeding. Most low-income families cannot afford to retain counsel for a guardianship filing and it is an administrative burden on already time taxed families to represent themselves in these matters. Even if a caregiver petitions successfully for guardianship, at that point the older adult may have already lost their home or much needed public benefits. Documents like Power of Attorney

mitigate the risk of an older adult losing their benefits, their housing, and their ability to age in place.

The Power of Attorney is just one tool we equip our clients and their caregivers with. A Health Care Proxy and Living Will can prevent unnecessary and unwanted medical interventions at the end of life. A Last Will and Testament can ensure that a family home is passed to the next generation and serve to preserve and build intergenerational wealth in communities of color. And a Control of Remain form can ensure that an older adult is laid to rest according to their beliefs and wishes.

Free legal services, like our VOLS Senior Law Project, help ensure that the needs of older New Yorkers are met. VOLS helps clients in all five boroughs, and we want our clients and their caregivers to have all the legal information and life planning legal documents that they may need. This is why the New York City Council's financial support for our program is so crucial and we thank the Council for the funding you have given to our work for older adult New Yorkers. Volunteers of Legal Service looks forward to working with the members of the City Council and the administration to ensure that New York City can best support older New Yorkers in need.

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