



Manhattan Community Board 9

Serving Hamilton Heights, Manhattanville and Morningside Heights

Senior Issues Committee Minutes

Tuesday, December 3, 2013

Committee Members:

Ernestine Welch, Chair; Present; Anthony Fletcher, Present; Barbara Marshall, Present; Carole Singleton, Present

Public Members:

Wanda Capan, Excused; Laenoria Conyers, Present, Bessie Davis, Present; Cora Gilmore, Present; Ruth Miller, Excused; Inez Woodhouse, Present; Lillian Doctor, Excused; Nazareen Robinson, Excused

Other Attendees:

Javier Chuck, Legal Aid Community Center, Iretha Fletcher, Quentin Fletcher, Lucinda Blackwell, Annie Payne, Zonia Bucknor, Ameenah Muhammad, Victoria Maison-Ailey, Patricia Cunningham, Anne Burley, Shirley Saxton, Social Security Administration, Margaret Collins

The Senior Issues Committee meeting was called to order at 11:15 a.m. The agenda was adopted as it is. Ms. Welch made announcements about all community activities that are taking place in Harlem such as Hazel O'Reily senior party on December 14, 2013 at the 30th Precinct located at 152nd Street.

Reports:

Harlem Community Law Office/Housing Development Unit:

Javier Chuck, paralegal stated that the Harlem Community Law Office is part of the Legal Aid Society a private, not-for-profit legal services organization, the oldest and largest in the nation, dedicated to providing quality legal representation to low-income New Yorkers. It is dedicated to one simple but powerful belief: that no New Yorker should be denied access to justice because of poverty. The Harlem Community Law Office is located at 230 East 106 Street [between 2nd and 3rd Avenues.]

Tenants Harassment:

- It is a forceful act from the landlord such as intent to make you move or surrender your apartment, forceful or repeatedly not providing services, changing the lock, and repeatedly taking the tenant to housing court claims.
- The New York City 2008 bill against harassment is one tool tenants have. A tenant can file a harassment case through the Department of Housing and Community Renewal [DHCR], or through the New York City Housing Court.
- In order for a tenant to file a harassment case with NYC Housing Court one has to have one violation in place.
- Tenant should call 311 to file a complaint, a complaint number is assigned and Housing Preservation Department will send an inspector to check the violation.
- A case can be filed as a group or an individual.
- Never take any legal matters or court papers for granted, even if you paid your rent.
- Go and appear in court on the date you are requested to attend by the court.
- Bring all proof of payment.
- You can file an HP in housing court in order to make the landlord provide you with services.
- There is a cost to file a case with housing court, but can always be waived based on financial need.

Yasmin McFarlane Vaughn, P.C.

Estate Planning and Probate:

Yasmin McFarlane Vaughn, Esq. stated that Estate Planning means much more than preparing a Last Will and Testament or tax planning for disposition of your assets upon your death. Estate planning is the process of accumulating and disposing of an estate to maximize the goals of the estate owner. The goals of estate planning typically include making sure the greatest amount of the estate passes to intended beneficiaries, often including paying the least amount of taxes. Estate planning must also provide for administration and protection of assets during life time and for decision making in the event of a disabling illness.

Any complete estate plan should contain:

- A last Will and testament
- A durable health care power of attorney naming an agent (an alternate agent) responsible for medical decision making
- A living Will or other advance directive giving instructions concerning the type of care one wishes to receive (or avoid) in the event of a terminal illness, and
- A durable financial power of attorney naming an agent (and an alternate) responsible for asset and financial management if one is unable to do such things for oneself

Estate Planning may also include the creation of trusts:

Estate planning is an opportunity to make wishes known and to determine what person(s) will be responsible for carrying out those directives. You are able to state your preferences concerning the type of care you receive, what types of medical care you do not want to receive and can authorize someone to act as your agent to carry out those wishes. Should you fail to do such planning, then there may be confusion as of what your wishes might have been and who you would have preferred to act as our decision maker. In fact, without such information, your wishes may never be known. If you do not leave a Last Will and Testament your assets will be distributed according to the laws of intestate succession in your state. There are laws in each state governing the rights of surviving spouses, heirs and next of kin in the absence of last Will and Testament.

Probate:

Probate laws, practice and costs vary from state to state.

What you need to know?

- In preparing an estate plan, it is essential that all of your assets are considered.
- You should do a complete inventory of all that you own before contacting your estate planner.
- Your estate consists not only of your home, your car and your bank accounts.
- Your estate also include the value of life insurance policies, investments that you may own (including those held in joint tenancy with other persons), your IRA's and other retirement accounts, and any other assets which you can exercise control.
- It is extremely helpful for to have a centralized and secured record of all your financial accounts, insurance policies, credit/debit cards, or loan accounts, safe deposit box and account IDs and passwords.

- One will need to make decision about what to include in your estate plan.
- First, one should determine who will inherit your property upon your death.
- Must also be certain that your spouse or heirs are capable of managing your financial affairs after you.

- If capacity or vulnerability is an issue, you may want to name a trustee to handle financial affairs for him or her.
- Designate an Executor or Personal Representative to administer your estate. An alternate Executor or Personal Representative should also be appointed.
- Special arrangements may be needed if there are particular family issues, such as a second marriage by either spouse.
- List any specific gifts you want to make to family or non-family members and/or to charities.
- You should consider your preferences concerning health care options and decide who will be your decision makers and do the same with regard to your finances in the event of a disability.
- Finally you should give thought to the difficult questions of what type of care you would want or not want in the event of terminal illness.
- If you have special desires concerning disposition of your remains, such as burial in a certain place or possible cremation these should be brought up during your planning conference.

Durable Powers of Attorney:

A person may not perform legal tasks for an incapacitated adult without legal authority. The authority may be granted by a court such as when an elder is incapacitated and a guardian is appointed or the power may be granted privately through execution of a document called a power of attorney.

This document must have been executed prior to the incapacity. A properly drafted power of attorney may preclude the need for court action saving substantial legal expense and invasion of privacy in event of incapacity.

A power of attorney is a grant of authority to act for another person. The person giving the power is called the “**principal**” and the person receiving the power is called “**the agent**”. The power granted may be durable which means it survives incapacity of the principal. If the grant is not durable, the power is suspended until the principal regains capacity and during which time the agent may take no action. A power of attorney imposes a duty of ethical representation of the principal by the agent.

The authority of the agent is limited to those items listed in the power of attorney; acting under a power of attorney, the agent will ordinarily sign documents by referring to the power. Other than receiving a fee, the agent is not permitted to benefit personally from the power of attorney, unless the power is specifically included in the document.

The agent under the power of attorney is accountable to the principal and may be called upon to fully account for all actions taken for the principal. If the principal is incapacitated the agent may be required to account to a court, either in a guardianship proceeding or a criminal court. If the agent abused the powers granted he or she may be subject to criminal prosecution under the elder abuse statutes. A power of attorney is usually given to handle health care, financial and/or legal matters.

The health care proxy or health care power of attorney includes advance directives or living will that expresses the principal’s wishes concerning end of life treatment. The Power of Attorney that address end of life care decision is regulated by law.

Columbia University Shuttle Bus:

Victoria Mason-Ailey stated that the Columbia University shuttle bus schedule were distributed to community based organizations, city and state agencies, and senior centers. She reported that a one page schedule was created to make things easier for seniors, and disabled to be able to see the route, bus stops, time, where and when they can catch the bus. Apparently seniors are still experiencing problems in catching the bus because the bus driver(s) do not stop for pick-up. Victoria Mason-Ailey suggested that seniors should note the day; time and location of the incident. This way it will make things easier for the Columbia University Transportation Department to track the driver(s) and be able to remedy the problem.

Suggestions:

- Columbia University Transportation Department should make more effort to reach out to the community regarding the **free** Shuttle Bus Program.
- Access- A- Ride should be invited due to poor service for the elderly and disabled.

The meeting was adjourned at 1:30 p.m.

Prepared by: Hleziphi Kunene Zita, Community Associate