

New Jersey's Public Advocate

A Strong Voice on Behalf of all NJ Residents

The Department of the Public Advocate fights vigorously for the rights of New Jersey residents on a wide variety of issues ranging from voting and property rights to children's health and access to services for people with disabilities.

Investigating Childhood Lead Poisoning

A year-long investigation by the New Jersey Department of the Public Advocate uncovered significant gaps in the systems designed to protect New Jersey children from lead poisoning.



The Department's field investigation late last year found lead dust levels exceeding the legal standard in 85 of 104, or 82 percent of, homes tested in five of the New Jersey cities with high concentrations of lead-poisoned children: Trenton, Camden, Newark, East Orange and Irvington. Together, these five cities accounted for 31 percent of all reported lead poisonings in New Jersey in FY 2005.

Most of the homes tested had already been subject to lead inspections and/or abatements and had been cleared for occupancy. Yet Public Advocate staff found shoddy abatement and clean-up work and interviewed families of children whose blood lead levels were *higher* after the lead problem in their home had supposedly been cleaned up.

Childhood lead poisoning remains one of the state's most stubborn.... public health concerns.

Thirty years after lead was removed from all household paint and two decades after the introduction of lead-free gasoline, childhood lead poisoning remains one of the state's most stubborn and enduring public health concerns. Despite the efforts of half a dozen state agencies to eradicate lead contamination and to address the irreversible and sometimes deadly effects of lead poisoning, the systems designed to eliminate the source of the problem require improvement.

As the results of the field study tests began to come in, the Department immediately notified the families living in residences with significantly elevated lead dust levels and recommended that they have their children's blood lead levels checked. So far, 31 children have been tested. The families of 16 of these children did not share the results with us. Of the 15 remaining children, all had some level of lead in their blood, and 8 had levels at or above 10 micrograms per deciliter, the federal level of concern. Five families have permanently relocated and several homes have been remediated to reduce lead exposure. We helped one family extend its relocation assistance while their home was being abated. The families were also assigned a social worker to help them navigate the lead bureaucracy and access abatement and relocation assistance and were referred to a Legal Services attorney should they need help in protecting their rights as tenants.

The Public Advocate also immediately began working with other state agencies that



play a role in our lead poisoning response and prevention system. Together, we recently announced a series of concrete steps that will begin to address the problem, including lowering the threshold at which a child is considered lead poisoned, expanding lead screening and increasing oversight of lead abatement contractors. Likewise, the cities where the investigation was conducted have joined with us to protect at-risk children and to identify and remediate contaminated residences. Looking forward, the Department will work with the Legislature and other state Departments on comprehensive statutory and regulatory reform.

Fighting Eminent Domain Abuse

The Public Advocate has helped alter the legal landscape governing the taking of private property for redevelopment, ensuring that redevelopment efforts proceed in a manner consistent with the New Jersey Constitution and do not violate the rights of homeowners, businesses and tenants.

The Department of the Public Advocate has scored major court victories in its ongoing effort to prevent abuses of eminent domain laws to ensure that the constitutional rights of private property owners are protected.



In June 2007, the New Jersey Supreme Court issued a landmark decision that helped rein in the overly broad definition of blight contained in the Local Redevelopment and Housing Law. The Supreme Court agreed with the Public Advocate's argument, as *amicus curiae*, that the definition of blight in the statute was too broad. Early this year, the Public Advocate scored yet another major legal victory when the Appellate Division ruled that property owners are entitled to clear notice and a fair hearing before a municipality can take their property for redevelopment.

In addition, the Department is working with property owners facing condemnation proceedings in communities throughout the state, including residents in Mount Holly and Long Branch, to ensure that their legal rights are protected.

Protecting Consumers

The Public Advocate's Rate Counsel saved consumers an estimated \$237 million in 2007 by protecting consumers from unfair or unjustified increases in their electric, gas, cable TV, telecommunications and water bills.

The Public Advocate continues to work to shape the state's energy policy with an emphasis on fostering competitive energy markets and encouraging greater use of renewable energy. Rate Counsel is leading the charge to protect ratepayers, especially low-income and senior citizens, in the face of recent efforts to deregulate basic telephone and cable TV service.

Advocating for People with Disabilities

The Public Advocate has protected the rights of children to receive appropriate special education services by lobbying successfully for the "burden of proof" in special education hearings to shift from parents back to school districts, where it was for 17 years prior to recent federal court rulings.

The Public Advocate also forced the state to broaden eligibility requirements for services provided by the state Division of Developmental Disabilities after winning a court battle to strike down the state's overly-restrictive definition of disability. This change will benefit thousands of adults with developmental disabilities who live with aging caregivers and may not have sought assistance from the state when they were younger.

The long-standing waiting list for people with developmental disabilities in need of residential placement or other support services is the subject of an ongoing investigation by the Public Advocate. The Advocate also continues to monitor closely the state's ongoing effort to reduce the number of people living in state institutions.

Protecting Voters' Rights

New Jersey will finally begin to comply fully with the federal "motor voter" law as a result of an agreement the Public Advocate reached with the state Motor Vehicle Commission and the Division of Elections in March 2008. A 2007 Public Advocate investigation showed that the NJ MVC has not consistently provided voter registration opportunities despite a federal law that requires it to do so. Beginning in spring 2008, MVC will step up its efforts to offer to register voters.

The Department also conducted spot inspections of polling places throughout the state and identified dozens of locations that are inaccessible to people with disabilities. As a

result of this investigation, election officials in several counties conducted reinspections of problem sites and took steps to either relocate or make appropriate

accommodations to at least some of the noncompliant polling places.

On election days, Public Advocate attorneys represent voters in courthouses throughout New Jersey to secure their right to vote when they have been wrongly turned away at the polls. We have consistently won more than 85% of such cases.

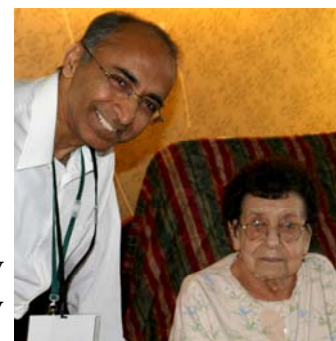
Safeguarding the Elderly

The Public Advocate is working toward legislative and regulatory reforms that will better protect residents of assisted living facilities.

Working collaboratively with the DHSS the Department developed proposed regulations to require assisted living facilities to give prospective residents a uniform disclosure form. The disclosure would give consumers details about services, staffing, rates, discharge policies, Medicaid eligibility policies, and other conditions in the facility.



The Public Advocate is also working closely with DHSS and members of the Legislature on statutory reforms that would prohibit assisted living facilities from involuntarily discharging residents solely because they are moving from private pay to Medicaid status. Reform proposals that would require all assisted living facilities to reserve a minimum percentage of their licensed beds for Medicaid recipients and would provide due process protections for people who are involuntarily discharged or evicted from assisted living facilities are also being formulated.



Ending Elder Abuse

Elderly people living in nursing homes are especially vulnerable to abuse and neglect. The Office of the Ombudsman for the Institutionalized Elderly, its investigators and a cadre of trained volunteers safeguarded thousands of our aging citizens, many with no family to watch over them.

From 2006 to 2007, the elder ombudsman staff responded to about 6,400 complaints or incidents involving people over 60 living in nursing homes or other long-term care facilities. Many of these involved allegations of abuse or neglect and resulted in the successful prosecution of individuals guilty of abusing or financially exploiting vulnerable elderly people.

The office's 200 volunteer advocates served as another set of eyes in nursing homes across the state, logging about 15,000 hours addressing residents concerns.

In addition, the Ombudsman has stepped up efforts to combat the financial exploitation of nursing facility residents by conducting Power of Attorney trainings for nursing facility staff throughout the state.

Helping People With Mental Illness

With the cost of keeping one person in a state hospital running about \$218,000 per year, the Public Advocate is the leading voice recommending that the state begin the process of shifting funds from the state psychiatric hospital system into the community-based mental health system.

A study conducted by Public Advocate staff showed that Residential Health Care Facilities, community homes that provide an affordable housing resource for people



with mental illness and people who are elderly, are a viable alternative to hospitalization for some of the 1,000 people currently being held in psychiatric hospitals past their discharge date.

Releasing these stabilized patients and downsizing state psychiatric hospitals would save millions of dollars which could be redirected to provide community-based mental health services and supportive housing for hundreds of mental health consumers.

Through our Mental Health & Guardianship Advocacy staff, the department represents individuals facing civil commitment in state, county, private and general hospitals. In 2007, the unit opened 19,029 cases and closed 16,111. With an overall success rate of 87 percent, department attorneys were able to prove in the vast majority of cases that clients should be treated in less restrictive settings and should not be involuntarily committed.

Creating More Affordable Housing

The Department of the Public Advocate is helping to frame the debate on affordable housing in New Jersey. Last year, the state's Council on Affordable Housing (COAH) doubled its affordable housing need estimates and placed greater emphasis on the need to create housing for the state's poorest

residents after the Public Advocate issued a report critical of the agency's rules.

The Public Advocate is also strongly supportive of proposed legislative reforms that would mandate a set-aside to ensure housing opportunities for the lowest income households; create new funding sources for affordable housing; abolish Regional Contribution Agreements which allow towns to buy their way out of providing their fair share of affordable housing; ensure that affordable housing is not lost to redevelopment; and promote affordable housing options for people with disabilities and senior citizens.

Helping Citizens Navigate State Government

Help was just a phone call or an email away for the more than 2,000 New Jerseyans who tapped the assistance of the Public Advocate's Office of Citizens Relations during 2007. OCR case managers were able to help private citizens in their disputes with government entities on a wide variety of issues from flooded properties, to lack of transportation to obtaining a tax rebate.

The division's staff responded to complaints about municipal matters, eminent domain, the Motor Vehicle Commission, the Department of Environmental Protection, housing, the state's handling of developmental disability and mental health cases and various consumer complaints.

Resolving Conflicts Without Litigation

In state fiscal year 2007, the Public Advocate's Office of Dispute Settlement handled 819 cases and trained 210 people in mediation techniques. These services saved millions of dollars in litigation costs, hundreds of hours of judicial time and helped the courts relieve their civil case backlog.

Guarding Inmates Rights

In 2007, the Public Advocate's Corrections Ombudsman fielded about 9,000 complaints and calls from inmates in New Jersey's state prison. The Ombudsman has a long tradition of protecting against abuse, bias and other improper treatment or unfairness within the state prison system.

By responding to inmates' concerns, the Corrections Ombudsman helped to reduce the number of lawsuits filed against the New Jersey Department of Corrections and aided in relieving tensions that can result in serious disturbances at the prisons.

Protecting Public Access to Our Beaches and Waterways

The public advocate is committed to strengthening efforts to ensure that all New Jersey residents have access to coastal waterways and beaches. Last year, the Department helped shape changes in Department of Environmental Protection regulations designed to ensure public access to New Jersey beaches and waterways.



In commenting on these proposed regulations, the Public Advocate emphasized the ancient doctrine of the public trust, which guarantees the people of New Jersey access to waterways and their shores.

To help educate the public about beach access, the Department published its second guide to New Jersey's beaches in the summer of 2007, providing information on public and private beaches and their fees, restrooms, parking, access for persons with disabilities, and more.

Chairing the Governor's Blue Ribbon Panel on Immigrant Policy

Governor Jon S. Corzine tapped the Public Advocate to head a Blue Ribbon Advisory Panel on Immigrant Policy designed to create a comprehensive statewide strategy for weaving immigrants into the economic, social and civic fabric of our communities.

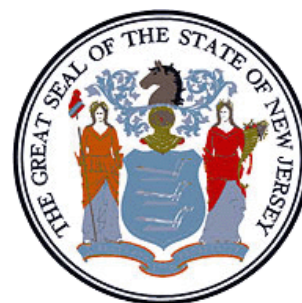
The panel's work focuses broadly on the immigrant workforce and labor; the role of the State in the delivery of social services and public benefits to the immigrant population; early, primary, secondary and higher education; and local government services.

The Panel has hosted public hearings throughout the state to give New Jersey residents an opportunity to weigh in on the issue of immigrant integration. Topics covered include: in-state tuition for undocumented students, fair/equal education for all, health access, driving privileges, concerns about state and local cooperation with federal Immigration and Customs Enforcement, guidance for municipalities, and economic and workforce issues.

Making A Difference

Since it reopened its doors in March 2006, the Public Advocate took action to protect...

- Children from lead poisoning
- Property owners from unlawful government seizure of their homes for private redevelopment
- Elderly people from abuse or neglect
- Children with special education needs
- People with developmental disabilities and mental illness from being denied appropriate services and supports
- Citizens from unresponsive government agencies
- Ratepayers from unfair rate increases
- Voters from barriers that prevent them from exercising their right to vote



The Public Advocate A Voice for the People

The Public Advocate's mission is to act as a voice for the people on a range of critical issues. This is accomplished through many avenues: legal advocacy, policy research and reform, investigation of abuse and neglect, community partnerships, legislative and regulatory action, education and outreach.

The Department of the Public Advocate is charged with making government more accountable and responsive to the needs of New Jersey residents, especially our most vulnerable citizens.

In 2008, we will broaden our outreach to New Jersey citizens and will continue to act as a voice for the people and a guardian of the public trust in these and other areas.



Contact Us

In addition to advocating for broad public policy change, the Department of Public Advocate helps individuals with specific concerns related to the care of the institutionalized elderly, interaction with local and state governmental agencies and inmates confined to state prisons.

Email: PublicAdvocate@advocate.state.nj.us

Office of the Ombudsman for the Institutionalized Elderly

Ph: (877) 582-6995

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Division of Citizen Relations

Phone: (609) 826-5070

Fax: (609) 984-4770

Office of Dispute Settlement

Phone: (609) 292-1773

Fax: (609) 292-6292

Office of the Corrections Ombudsman

Phone: (609) 292-8020 or (609) 633-2596

Fax: (609) 633-8644