

Putting the heat on a cold-hearted landlord

Living with AIDS and caring for his 91-year-old mother had been stressful enough for Orlando Caquias. Now, just hours after his mother's death, Orlando was threatened with eviction from the North Philadelphia home they had shared.

"I can't believe they are doing this," said Orlando, 53, when he called the AIDS Law Project of Pennsylvania in desperation Sept. 30 and spoke to **Intake Paralegal La Keya Chambers**. "I haven't even had a chance to bury my mom yet."

To understand the depth of Orlando's frustration, it helps to know the story leading up to the death of Rosa Maria Ortega three days earlier.

In recent years, Rosa had become a little confused and frail and needed help with activities like going to the doctor and grocery shopping. She had spent time with one married son in Puerto Rico and with another in the Philadelphia area. But Rosa's ideal living situation emerged in May 2004, when Orlando gave up his Center City apartment and moved in with her.

Rosa was eligible for a rent-subsidized apartment, and because Orlando was going to live with her she got a two-bedroom apartment. The landlord did not put Orlando's name on the lease, saying that because he is employed his income would have disqualified Rosa for a subsidy. So Orlando paid his own way and put all the utilities in his name.

Rosa's death was not as much of a shock as the call Orlando says he received Sept. 29, when the property manager told him, "We heard that your mother passed away.



Housing Attorney Iraisia Orihuela-Reilly helped Orlando Caquias avoid unfair eviction. (Photo by Derrick Russell, AIDS Law Project of Pennsylvania)

How come you didn't tell us?" She then said that Orlando had to be out of the apartment by 11 a.m. the following day.

Stunned, with an apartment full of furniture and clothes, Orlando began looking for help. A call to his case manager at ActionAIDS led to a referral to the AIDS Law Project, and relief came within hours.

La Keya immediately took the file to **Housing Attorney Iraisia Orihuela-Reilly**, who called the property manager to explain that because the landlord knew that Orlando was living with his mother he was enough of a legal tenant to be entitled to due process.

Under Pennsylvania law, an eviction complaint would have to be filed and a hearing scheduled in municipal court, after which a judgment would give the tenant 21 more days to vacate. In all, Orlando would have about six weeks, instead of a day.

Management, however, refused to listen.

But Iraisia knew the management company's attorney, and he was her next call. When Iraisia explained Orlando's situation, even that aggressive landlord's lawyer uttered a sarcastic, "Nice!" followed by, "Fax me a letter."

The clock was ticking as Iraisia drafted and faxed a response outlining the AIDS Law Project's position on the matter. Meanwhile, Orlando was calling to say that a maintenance man was at his door to change the locks. "Call the police," Iraisia advised.

When officers arrived, Orlando showed his driver's license, which gave the apartment as his address, and copies of utility bills as further proof. With those documents in hand, the officers accompanied Orlando to the management office and advised that he was entitled to due process in

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NEWSLETTER OF THE
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MESSAGE FROM THE EXECUTIVE DIRECTOR



Founded in 1988, the AIDS Law Project of Pennsylvania is the nation's oldest independent, free-standing law firm devoted exclusively to helping people with HIV/AIDS.

And we're proud of that.

But down in New Orleans, the only similar law firm has been chugging along on a much smaller scale for nearly the same length of time. Now, in the aftermath of Hurricane Katrina on Aug. 29 and Rita on Sept. 24, AIDSLaw of Louisiana Inc. may not be able to continue.

"I'm not sure what the future holds," executive director Linton Carney, Esq., told me in an e-mail Oct. 4. "As you might imagine, half of AIDSLaw's clients have been displaced, and I don't know if the agency will reopen in New Orleans if there are no health care services for the clients."

How vulnerable we are to the vicissitudes of nature. One never knows what dangers might be lurking around the next corner. Linton himself was displaced, living in Shreveport and in California in recent weeks before finally returning home.

"A shock, and very sad," he wrote me Oct. 18 from an Internet café in the French Quarter. "So much gone."

As we continue to serve the residents of Pennsylvania, our hearts go out to our colleagues and their clients in Louisiana.

Good Counsel is published seasonally by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and AIDS. The AIDS Law Project provides free legal services to nearly 1,800 people with HIV/AIDS each year, many of whom have nowhere else to turn for help. We help people navigate the legal system, the welfare system, the housing system and the worlds of public and private insurance. We provide education and training to thousands of professionals who work with people with AIDS.

This newsletter is lovingly dedicated to the memory of AIDS Law Project Board Members Michael Greenberg and Jonathan Lax, Intake Advocate Arnold Jackson and VISTA Volunteers Gary Bailey and David Bertugli.

If you know someone who would like to receive a copy or need to let us know of an address change, please call 215.587.9377.

Phila. begins reporting names of people with HIV

On Oct. 6, ending a system of HIV case reporting that had been in effect for 18 months, the City of Philadelphia began reporting to the state the names of city residents with HIV. The AIDS Law Project of Pennsylvania, which had opposed the change, expects to help the city implement a secure procedure.

Since April 2004, Pennsylvania's health department had allowed Philadelphia to use a code-based system to report cases of HIV infection. The city had requested the exemption from a 2002 statewide requirement that HIV cases be reported by name, because of advocates' concerns that the system would deter HIV testing, compromise privacy and present a confidentiality risk.

In August, the Philadelphia Board of Health announced that it would no longer use a code system and instead would report HIV infection by name. The city cited a July letter from the federal Centers for Disease Control and Prevention (CDC) that

recommended name-based reporting. The CDC letter implied that jurisdictions that don't report HIV by name could jeopardize federal funding to all Philadelphia AIDS service organizations, including the AIDS Law Project of Pennsylvania.

At a public hearing Aug. 30, AIDS Law Project Executive Director Ronda B. Goldfein, Esq., called name-based reporting "a bad idea whose time has come." Goldfein, a longtime opponent of name reporting, conceded that the city should not risk federal AIDS funding by ignoring the CDC's recommendation.

The AIDS Law Project will help clients adjust to the new system, addressing details that include: how the data will be collected, who will have access to the data, how the data will be transmitted, where the data will be stored, whether a name can be removed if a mistake is made, what will happen to anonymous testing, how the city will respond if state or federal authorities seek names for the purpose of partner notification.

Medicare adds prescription benefits

Medicare, which has never before offered prescription-drug coverage, will begin doing so in January.

The benefit, known as "Part D," will be available through private health plans that will be identified in November. The plans will cover all antiretroviral medications but will differ in cost, covered drugs and participating pharmacy networks. All Medicare recipients will be asked to select a plan.

Currently, "dual eligibles"—low-income Medicare recipients who also qualify for Medicaid, the government health insurance for the poor—receive prescriptions for free. Beginning in January, they will have co-pays of \$1 to \$3 per

prescription. Low-income Medicare recipients who are not eligible for Medicaid will have co-pays of \$2 to \$5 per prescription.

The people who will get the most from the new plan are those who currently have no prescription coverage, because they either have too much income to qualify for a governmental plan or don't have private insurance. These people will get more coverage than before, but will have to pay premiums, deductibles and co-pays.

Medicare recipients who need assistance in selecting a drug-plan provider should contact the AIDS Law Project of Pennsylvania or their case manager.

Cold-hearted landlord

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the form of an eviction notice. The property manager then admitted she knew that, having received a call from the company's lawyer.

With the immediate threat defused, Orlando has been able to go back to more normal activities. His mother has been memorialized at her Jehovah's Witnesses Kingdom Hall. Orlando is disposing of her things. He has returned to his job as a window dresser for Strawbridge's. ActionAIDS is helping him look for an affordable apartment.

Of course, Orlando still carries his utility bill at all times—just in case.

Fish came out

Thanks to the Medical Broadcasting Co. (MBC) on Rittenhouse Square for hosting the AIDS Law Project of Pennsylvania's 6th annual summer movie party June 24. The Secret Cinema presentation of Michael Cacoyannis' 1967 psychedelic satire *The Day the Fish Came Out* starring Candice Bergen was followed by a discussion and book-signing with Philadelphia Magazine columnist Irv Slifkin, author of *VideoHound's Groovy Movies: Far-out Films of the Psychedelic Era*. It was the AIDS Law Project's most successful movie party yet. And what movie will be selected for next summer's party? At the moment it's still a Secret Cinema secret.

James McBride concert raises \$

James McBride, author of the international bests Philadelphia Clef Club on Saturday, Sept. 10, for a Project of Pennsylvania, the most successful fund-ra from the heartwarming evening.



James chats with Harris and Bonnie Sklar before show.



James extends a hand to board member Frank McClellan, Esq.



James and his mother, Ruth McBride Jordan, share a light moment with Elliot L. Shelkrot, President and Director of the Free Library of Philadelphia.



James and his wife, Stephanie McBride (left), are joined by the event's emcee, CBS 3 weekend news anchor Calvin Hughes and his wife, Bacardi L. Jackson, Esq.



James blows out the candles on a surprise birthday cake presented to him on stage during the show.



James meets before the concert with AIDS Law Project supporters Joseph and Marie Field and their grandsons Andrew and William.

\$35,000 for the AIDS Law Project

The Color of Water, brought his jazz band to the event that cleared \$35,000 for the AIDS Law Project in the firm's history. Here are some photos



Greg Miller, Esq., and Gwen Miller with James.



Jane Shull, executive director of Philadelphia FIGHT, with husband Ed Schwartz, president of the Institute for the Study of Civic Values. Ed, a former Philadelphia city councilman, is also an accomplished jazz pianist.



A silent auction of 30 exciting items and services was part of the evening's festivities. In foreground: Nurit Shein (left), executive director of the Mazzoni Center, chats with Joanne Godley, Philadelphia health commissioner.



James hugs AIDS Law Project supporter Lee Traband of Woodbury, N.J., while executive director Ronda B. Goldfein, Esq., and Stephanie McBride mug for camera.

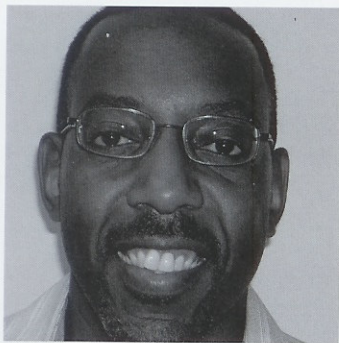


James is flanked by bassist John Calvin "X" Jones (left) and guitarist Keith Robinson. Also performing were pianist Sarah Jane Cion and drummer Damon Due White.



Ruth McBride Jordan gets a hug from the evening's emcee, CBS 3 weekend news anchor Calvin Hughes.

Welcome four new board members . . .



Gregory Davis is the founder and managing partner of the Davis Financial Group in Philadelphia. He is a Certified Financial Planner, a Chartered Life Underwriter, a Chartered Financial Consultant and a licensed insurance agent. Gregory has a BS in commerce and engineering and an MBA in finance, both from Drexel University. He is the founder and executive director of Project Reachback, which has provided positive role models for about 5,000 at-risk youths in Philadelphia. He lives with his children Alisha and Gregory in Philadelphia's Mount Airy section, where he serves on the board of East Mount Airy Neighbors and co-chairs the Mount Airy Schools Committee.



Darlene E. Harris is a public-relations consultant for Denise Goring Artwear, a New York clothing designer. A Pittsburgh native, Darlene has a BA in communications and a graduate degree in public administration from the University of Pittsburgh. Darlene is active with the U.S. Conference on AIDS, the HIV/AIDS Housing Advisory Committee of the Philadelphia Office of Housing and Community Development, Germantown Settlement Health Initiatives, and Positive Effect Outreach Ministry. She also has worked with the Circle of Care pediatric AIDS project of the Family Planning Council of Southeastern Pennsylvania. She lives in Philadelphia's East Mount Airy section.



Joann Leszczynsky is Associate Creative Director at Medical Broadcasting Company, where she has hosted the AIDS Law Project of Pennsylvania's annual movie party for the last two years. A native of New Castle, Del., Joann has a BA in political science and journalism from the University of Delaware and has worked for several newspapers. Since 1983, she has helped coordinate marketing for numerous health institutions including the Albert Einstein Healthcare Foundation and Crozer-Keystone Health System. Joann also helps market WOMENS WAY, captains a team for AIDS Walk Philly, and tutors in a literacy program.

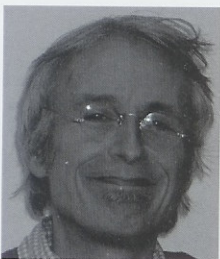


Nancy C. Molock is retired from the Philadelphia School District after teaching home economics and related subjects for almost 30 years. Nancy also has been a bail interviewer for the Philadelphia Court of Common Pleas and a women's health support group facilitator. A graduate of Cheyney University with a BA in science and education, Nancy has been involved with Each One Teach One, Philly Fitness for Life, and Philadelphia Fight's Project TEACH.

. . . and bid farewell

The AIDS Law Project of Pennsylvania extends its warmest thanks to departing board members **Gregory Fliszar, Esq.**; **Bill Freshwater**; and **Gregory Liacouras, Esq.** Farewell also to **Brenda Canales, Esq.**, the AIDS Law Project's bilingual staff attorney for more than two years. Brenda has accepted a position with MAXIMUS in King of Prussia as an adjudicator handling Medicare expedited reconsideration appeals.

Welcome new staffer . . .



Philip Lefebvre, the AIDS Law Project of Pennsylvania's new Housing Paralegal, has specialized in housing since 1988 when he began working for the Tenants' Action Group of Philadelphia. He also has worked for the Philadelphia AIDS Consortium, and has managed the ActionAIDS housing program. A graduate of Temple University with a BA in social work, Phil enjoys travel and shares his house with a rescued greyhound named Frog.

Internal gratitude

A very special thanks to four interns who worked at the AIDS Law Project of Pennsylvania during the spring and summer: **Christine Barris** of Rutgers School of Law – Camden; **Katie Garson**, a Binghamton University freshman; **Jessica Kensington**, a Columbia University senior; and **Kristin Reese** of Temple University's James E. Beasley School of Law. Best of luck to each of them as they complete their studies.

Green card blues

The reunion was joyful when the man greeted his wife and their two children at Philadelphia International Airport in 1987. He had left their war-torn West African country three years earlier, was granted political asylum and ultimately got a green card. His wife looked forward to taking the same steps.

The family settled into a safe life in Philadelphia, and in 1996 she, too, obtained asylum status. A year later, she applied for a green card, which would allow her to remain with the family and not be forced back to Africa if the political climate stabilized.

But then an unforeseen roadblock intervened.

A mandatory physical revealed she was HIV-positive, a bar to becoming a permanent resident. Her husband accused her of infidelity in his absence, and it took her several months to convince him that she had acquired the virus as a result of unsanitary medical practices in their native country.

In 1998, she decided to seek the help of a lawyer with experience in HIV matters. Her doctor directed her to the AIDS Law Project of Pennsylvania.

Yolanda French Lollis, Esq. took on the challenge of negotiating an HIV waiver from the Immigration and Naturalization Service, which would allow the woman to obtain a green card despite her HIV. The U.S. government can keep an infected person out, but if the person can show sufficient resources to pay for health care, then that exclusion can be waived.

The woman's doctor supported her application. Several letters testified to her participation in education and counseling about HIV/AIDS, and others extolled her participation in her own health care. Immigration officials became convinced that she was unlikely to pass the infection along and that, since she was in her 50s and still not on HIV medication, she had an unimpaired life expectancy.

This summer, after a bureaucratic process that took five years, the woman got her coveted green card.

"I've seen a number of cases in which people were trying to get HIV waivers, and this one went about as well as they can go," said Yolanda, adding that the woman had no HIV symptoms, which made it easier for her to get and keep a job that came with health insurance. "Without medical insurance you don't stand much of a chance of winning."

A marriage made in health-care

The wedding of Thurman Simmons and Waheedah Shabazz Simmons-El of Philadelphia's Overbrook section took place sooner than they had intended, on the advice of the AIDS Law Project of Pennsylvania.

Thurman, 57, was diagnosed with HIV in 1994; Waheedah, 53, was diagnosed in 2003. They met at an HIV support group in September 2004. "We found out we had many things in common," recalls Waheedah, who is on disability retirement from the U.S. Postal Service.



NAVIGATING THE SYSTEM

The following month, Thurman was diagnosed with lung cancer. He needed chemotherapy. On top of that, he was having mortgage and debt problems. Waheedah put him in touch with the AIDS Law Project, where **Housing Attorney Iraisia Orihuela-Reilly** worked out a payment plan so that Thurman wouldn't lose his house.

Thurman's left lung was removed in January. The surgery was paid by union health insurance from his job at Nabisco, where he had worked as a laborer from 1986 until May 2004 – but then the policy hit its lifetime maximum for coverage. He began chemotherapy in March, after recuperating from his operation.

Meanwhile, the couple, both AIDS activists, had set an August wedding date. Thurman was at his wits' end: At this critical stage, to whom would he be able to turn for medical coverage?

Once again, he turned to the AIDS Law Project. **Paralegal Carlos Muñoz** determined that Thurman was eligible for an Independence Blue Cross policy. Carlos got Thurman a refund from his union – which had continued to charge him for insurance he couldn't use – and the refund helped pay for the Blue Cross policy.

But Thurman would not be able to continue paying for the expensive policy. Carlos determined that if Thurman and Waheedah could move up their wedding date, he would be eligible for insurance under Waheedah's less expensive government-employees' disability retirement insurance plan.

The couple married May 28, and Thurman was covered as of June 1 – a happy ending to a frustrating dilemma.

"The way I feel," says Thurman, "after you work enough time to get a pension, you should be insured. I worked from when I was 13 to 55, and that's over 40 years of almost continuous working. In 1964 I paid my first Social Security. I wasn't a bum, you know?"

"Navigating the System" is a regular feature spotlighting cases in which the AIDS Law Project of Pennsylvania helped clients traverse the legal, welfare and housing systems and the bureaucratic worlds of public and private insurance.

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