



**Testimony of James Hendon
Commissioner for the New York City
Department of Veterans' Services (DVS)
New York City Council Committee on Veterans'
Topic: Cold War Veterans
April 2nd, 2024, 10:00 AM**

Introduction

Good morning, Chair Holden, Committee Members, Veteran and Armed Forces Members in attendance, their loved ones, and advocates. My name is James Hendon. I serve as Commissioner of the New York City Department of Veterans' Services (DVS). I am joined today by my colleague Cassandra Alvarez, DVS Chief of Staff.

Thank you for providing us with the opportunity to discuss Peacetime Era Veterans and the work that we have done and are doing in support of New York City's Peacetime Era Veteran Community – almost all of whom living today served during the Cold War. Following my testimony, we welcome any questions that Committee Members may have.

The Cold War, spanning from the end of World War II in 1945 until the dissolution of the Soviet Union in 1991, was a time of heightened global tension amid an arms race that put Service Men and Women in unique positions of risk. While punctuated by direct periods of conflict from the Korean War to the Vietnam War to Operations Desert Shield & Desert Storm – roughly 26 out of the Cold War's 46 years consisted of traditional, force-on-force confrontation – there were extended periods of time – cumulatively, twenty years – that did not include the conventional, kinetic actions typically associated with times of war. Veterans serving during these occasions operated under the constant threat of nuclear war, engaged in espionage, and participated in proxy operations that have left lasting impacts on their physical and mental health.

Despite their sacrifices, Peacetime Era Veterans face several challenges recognizing and receiving benefits. Unlike their counterparts from other combat eras, many Peacetime Era Veterans do not qualify for certain benefits due to the non-combat nature of their service.

That being said, for our Peacetime Era Veterans, DVS has gone beyond traditional support to create initiatives that honor their unique position in our nation's military history. We acknowledge their service in guarding our nation during times of global uncertainty and have taken steps to ensure that they receive the respect and opportunities they deserve; this includes facilitating their integration into the city's rich array of resources. DVS has demonstrated this

commitment through offering comprehensive services, establishing strategic partnerships, and conducting targeted outreach and engagement.

Some notable programs, partnerships, and outreach that serve Peacetime Era Veterans within the agency include, but are not limited to:

- **Civil Service Veteran Expansions.** Working, in partnership with the NYC Department of Citywide Administrative Services (DCAS), DVS helped to expand New York City's Veteran and Disabled Veteran credit to include Veterans who served during both peacetime and conflict.

Get Covered NYC Vet. Get Covered NYC Vet helps Veteran and Military Families of all eras access VA Healthcare and / or the New York State of Health where applicable.

- **HUD-VASH Collaborative Case Management.** Working with our partners at the VA, NYCHA, and HPD, DVS executes the Veterans Affairs Supportive Housing Collaborative Case Management Program (or VASH CCM). Collaborative Case Management (formerly known as VASH Continuum) is a form of VASH – a Section 8-style Voucher for Veterans – specific to Veterans who are not eligible for VA Healthcare. DVS provides case management to these Veterans, notably including any Peacetime Era Veterans who – due to the nature of their service, may not be eligible for the traditional HUD-VASH program.
- **Veteran Resource Centers.** DVS positions Veteran Benefits Advisors in each of the five boroughs to ensure that Veterans of all eras, including Peacetime Era Veterans, have access to our agencies' support and services.

Indigent Burials. Through our working relationship with the Office of the Chief Medical Examiner, DVS ensures that no eligible Veteran is without an honorary burial in a VA National Cemetery, regardless of the Veteran's personal financial disposition or era of service.

- **Claims Support.** Accredited DVS staff members process VA claims for New York City Veterans and their families, focusing on areas such as: disability compensation, dependent indemnity compensation, non-service connected pension, survivors pension, and education benefits. We provide this offering to all Veterans, including those who served during a Peacetime Era.

Enhanced Recognition through Homeownership Support

Turning to the tangible metrics of our commitment to Veterans in New York, the property tax exemptions that currently exist for Veterans highlight our city's substantial investment in the well-being of those who have served. Per the NYC Department of Finance's Annual Report on

Tax Expenditures for FY 24: 31,264 Veteran Property Owners utilized a Veteran Property Tax Exemption – 2,918 in Manhattan, 2,481 in the Bronx, 6,330 in Brooklyn, 12,396 in Queens, and 7,139 in Staten Island. The total value of the exemption was \$36.1 million, suggesting an average annual benefit of \$1,155 per Veteran.

We acknowledge that homeownership is not just about having a roof over one's head; it's about stability, equity, and the promise of the American Dream. Thus, the State of New York and City of New York dedicated resources and enacted exemptions that ease the financial burden on our Veterans, enabling them to secure and maintain a place they can call home.

During the Mayoralty of Michael Bloomberg and Council Speakership of Christine Quinn—more than ten years ago—the Speaker and City Council pledged to honor two out of the three State authorized exemptions for those who have served. The first exemption, the Alternative Veterans' Exemption, is available to eligible Veterans of foreign wars, those who have earned expeditionary medals, Veterans with honorable discharges, spouses, widows, & widowers of Veterans, and Gold Star Parents. The second is the Eligible Funds Exemption. The Eligible Funds Exemption is available for Veterans who purchased homes using "eligible funds" such as: pensions, bonuses, insurance, and mustering out pay. The third exemption, which was not adopted by the City of New York at the time, is the Cold War Veterans Exemption. The Cold War Veterans Exemption explicitly affords a Property Tax Exemption to Veterans who served during the Cold War, from September 2nd, 1945 through December 26th, 1991. The state authorizes New York's tax jurisdictions to offer all three exemptions – if the jurisdiction so chooses (New York City has currently chosen two out of the three). That said, a Veteran cannot simultaneously utilize the Alternative Veterans Exemption and the Cold War Veterans Exemption once a tax jurisdiction offers it; it is either one or the other.

To address a concern raised by the City Council (in the present) regarding the question: “what would it cost for the City to employ the Cold War Veterans Property Tax Exemption in 2024?”, this question does not have a direct answer for reasons that we will describe. At its heart are two challenges: 1) a majority of Veterans in New York City do not self-identify (75.8% according to the VA as of FY 22), and 2) the federal government excludes a large number of Veterans in the population numbers that it tracks – this is true for both the VA and Census Bureau.

Regarding the US Department of Veterans Affairs: The VA excludes Veterans who are not eligible for VA Healthcare in its population counts. Among other things, a person who enlisted after September 7th, 1980 needs at least two years of Active Service in the military to be eligible for VA Healthcare. Also, a person is not automatically eligible for VA Healthcare if they have a discharge that is lower than a General Discharge Under Honorable Conditions. These people are not accounted for in the VA's data.

Meanwhile, the Census Bureau only conveys the number of Veterans who served on Active Duty Status at some point and no longer serve. Many Guardsmen and Reservists are not included within that group. Speaking for myself: I am a US Army Reservist who has served in the

military for more than twenty years; I am not counted as a Veteran per the Census Bureau's metrics. This is because I am still serving. I will be counted as a Veteran once I retire from the Army because I have active duty service time. If I did not have active service time – if I had spent my entire career as a Guardsmen or Reservist who was never placed on federal active duty orders – then I would never be counted by the Census Bureau.

Many Veterans who are excluded from what the Census Bureau and VA track – when it comes to Active versus non-Active Service — are National Guardsmen and Reservists. To put things in perspective: nationwide, approximately 1.3 million people serve on Active Duty Status in the US Armed Forces right now (in 2024). Another 770,000 are National Guardsmen and Reservists. These numbers were significantly higher during the Cold War. In 1985, there were 2.2 million Service Members on Active Duty and 1.1 million in the Reserve and National Guard.

The number of Veterans in New York City according to the Census Bureau (the 2022 ACS 5-year estimate) is 135,138, of whom 106,952 served during periods of conflict – World War Two, Korea, Vietnam, and Gulf War onwards (into what is now known as the Global War on Terror). The remaining 28,186 prior Service Members are Peacetime Era Veterans. It is important to remember: the Census Bureau does break out Veterans by era; however, it only includes those who served on Active Duty Status at some point in their careers and no longer serve. Many Veterans of the Guard and Reserve who never served on Active Duty are not included in the Census Bureau's data.

The NYC Department of Veterans' Services estimates that at least 203,357 Veterans live in New York City. Our number is derived from VA data (the VA's FY 22 Gross Domestic Expenditure Report), through which we know the number of Past Service Members eligible for VA Healthcare in New York City is 159,132. Beyond this, we estimate that 31,104 Veterans are not eligible for VA Healthcare (this is informed by multiplying national discharge averages by known VA information). Separately, from the Defense Department, we know that 13,121 Active Duty personnel, Guardsmen, and Reservists currently reside in the five boroughs. Our three numbers combined – 159,132 plus 31,104 plus 13,121 – give us a known Veteran population of 203,357. Even our numbers, because they are informed by federal entities, exclude a significant number of former Guardsmen and Reservists who, because they never served on federal active duty orders, are not eligible for VA Healthcare. DVS estimates that at least thirty thousand New York City Veterans – many of whom are former Guardsmen and Reservists who served during periods of peace – are amongst this excluded, but equally important group.

Another piece of information that we believe may be valuable to this conversation: according to the 2022 ACS 5-year estimate, approximately 33% of all housing units in New York City are owner-occupied (1,081,125 owner-occupied units out of 3,282,804 total units). A 2020 Urban Institute Study holds that, nationwide, the Veteran home ownership rate is 14 percentage points higher than the rate for the total population. This suggests a home ownership rate of 47 percent for Veterans throughout the City of New York (33% + 14%). Using ACS data – which holds that there are 28,186 Peacetime Era Veterans in New York City (while simultaneously excluding

many of our City's National Guard and Reserve Veterans) – one can assume, just looking at the ACS Veteran data, that at least 13,247 Veterans, or 47% of the Census Bureau's Peacetime Era Veterans in New York City, are home owners.

Staying with American Community Survey data: Given that there are 106,952 Combat Veterans in New York City (based on the ACS 2022 5-year estimate, which we do not believe is fully inclusive) and an assumed home ownership rate of 47%, one can conclude that at least 50,267 Combat Era New York City Veterans are home owners.

Given that 31,264 New York City Veterans used a Veterans Property Tax Exemption in FY 24 and there are at least 50,267 Combat Era Veterans who own homes in New York City, the utilization rate of the Veteran Property Tax Exemption amongst those eligible for the exemption – Combat Era Veterans – is 62%.

Should we apply this same utilization rate, 62%, to the minimum number of Peacetime Era Veterans in New York City, 13,247, then one can estimate that at least 8,213 Peacetime Era Veterans in New York City would avail themselves of a Cold War Veterans Property Tax Exemption if allowed.

In total, 8,213 Veterans multiplied by the average annual benefit of the existing Veterans Property Tax Exemptions in FY 24 – or \$1,155 – equals \$9.5 million.

Given all of the assumptions made using publicly available data to reach an estimated number – and recognizing gaps in our core facts regarding the number of New York City's Peacetime Era National Guardsmen and Reservists – we urge further review of the budgetary impact of enacting New York State's Cold War Veterans Property Tax Exemption in the City of New York.

Conclusion

We pray that this testimony has provided you with a firm understanding of our agency's efforts to support Peacetime Era Veterans and their families. Additionally, we hope that our analysis may undergird future deliberations on the costs to employ New York State's Cold War Veteran Property Tax Exemption. We recognize how important this is to our Peacetime Era Veterans.

Beyond just speaking of Veteran Property Tax Exemptions, a key factor to this and all of our actions and conversations is taking steps to remove walls from within New York City's Military and Veteran community. In the City with the most permissive definition of "Veteran" in the nation (and perhaps the world), we do not want our brothers and sisters to feel as though we are treating them differently based on their length of service, their character of service, their type of service, along with when and where they served.

Lastly, we welcome continued collaboration as we work together to connect, mobilize, and empower New York City's Veteran Community. I urge you all to please contact me, our Chief

of Staff, Cassandra Alvarez, or our Senior Advisor of Intergovernmental Affairs, Jason Loughran, with follow-up questions or thoughts.

Thank you.



NEW YORK CITY COUNCIL COMMITTEE ON VETERANS

Tuesday, April 2, 2024, 10:00 a.m.
Oversight - Cold War Veterans

My name is Peter Kempner. I am the Legal Director of Volunteers of Legal Service (VOLS). Our mission is to leverage private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap.

The Veterans Initiative of the VOLS Senior Law Project strives to empower older New Yorkers who served in the military to age in place with dignity, access their legal rights, and live without fear of homelessness. Our free legal services assist low-income older veterans in making key decisions about incapacity and end-of-life care by providing Last Wills and Testaments, Powers of Attorney, Health Care Proxies, Livings Wills, and other advance directives. These documents enable our clients to ensure that their dying wishes are fulfilled and that they can maintain income and services during their lifetime. We also enable our clients' caregivers to make medical decisions in line with their beliefs. Our guides, fact sheets, workshops, and training are aimed at overcoming confusion about planning for the future. Through this work, we empower older veterans to take charge of their finances, property, medical care, and help them continue to live in their communities. We provide home and hospital visits for limited mobility clients to ensure that all eligible veterans can access our services.

VOLS also supports the New York City veteran community through our Microenterprise Project. For over 20 years our Microenterprise Project has helped existing and aspiring small business owners and microentrepreneurs access high-quality free legal services. For many veterans, owning a small business is an effective path to financial stability and independence upon their return from service. The VOLS Veterans Initiative also provides legal advice on a range of other civil legal issues including landlord tenant matters, access to benefits, consumer matters, and other civil legal needs.

In addition to my work at VOLS, I am also a clinical adjunct professor at New York Law School where I created and have taught their Veterans Justice Clinic since 2015. I have been a legal services attorney for over 20 years and my work has focused on serving veterans for over 12 years. That experience has taught me that the legal issues faced by veterans are often an interconnected web. For instance, knowing that your client has served in the military and when they served can often be the key to unlocking benefits and services that can contribute to protecting their rights. Sadly, that is not always the case for veterans who served during what is considered a "peacetime" period.

New York City's veteran population is an aging population. Many of our veterans served during the Cold War Period, generally considered to be 1947-1991. Some of these veterans served during the Korean War era (June 27, 1950, to January 31, 1955) or the Vietnam War era (November 1, 1955, to May 7, 1975) which are officially recognized as wartime periods under federal law. But there are a fair number of veterans who served during the Cold War period who are not covered by these wartime designations and may face unique challenges in accessing care and benefits from the United States Department of Veterans Affairs (VA) or through New York State programs intended to benefit veterans. In fact, for some programs these veterans are categorically ineligible because they did not serve during an official wartime period as defined by federal law.

One of the most critical benefits that veterans who did not serve during an official wartime period are ineligible for is the Veterans Pension program. This program provides monthly payments to wartime veteran who are at least 65 years old, have a permanent and total disability, are a patient in a nursing home for long-term care because of a disability, or are receiving Social Security Disability or Supplemental Security Income (SSI) benefits. Because the Veterans Pension is only paid to very low-income wartime veterans who have limited resources, it is often a lifeline for veterans who would otherwise be at risk of homelessness and hunger.

For a single wartime veteran, the Veterans Pension can range from \$16,551 per year up to \$27,609 per year for a veteran who needs the aid and attendance of another person to help the veteran perform daily activities, like bathing, feeding, and dressing. For Cold War veterans with limited resources who face the same disabilities and/or advanced age may find themselves living off SSI benefits alone, which only amount to \$12,360 per year in New York State. This differential of \$4,000 to \$15,000 per year could mean the difference between that veteran having a roof over their head or food on their plate.

The lack of access to the Veterans Pension is just one example of how Cold War Veterans, and other "peacetime" veterans, receive disparate treatment when it comes to access to benefits and services. These veterans raised their hand to serve our country and served honorably, but simply because they did not enlist during a designated wartime period they can be left out.

We would like to thank the City Council for holding this hearing and inviting us to testify. We hope that the city will continue to invest in services and programs that make New York City a place where veterans feel supported, welcomed, and at home.

Peter Kempner, Esq.
Legal Director

TESTIMONY OF MJHS HOSPICE AND PALLIATIVE CARE

ON OVERSIGHT – COLD WAR VETERANS

SUBMITTED TO THE NEW YORK CITY COUNCIL COMMITTEE ON VETERANS

CHAIR ROBERT HOLDEN PRESIDING

APRIL 2, 2024

Chair Holden and members of the New York City Council Committee on Veterans. Thank you for holding this public hearing to allow stakeholders the opportunity to share our observations and experiences working with Veterans and their families to address resolution No. 10, 157, and 279, that will publicly recognize the bravery and sacrifices made by Korean War and World War II Veterans.

My name is Ashton Stewart, and I am the Veteran Liaison and Cultural Sensitivity Outreach Coordinator for the Hospice and Palliative Care program at MJHS. MJHS is a not-for-profit health system in existence since 1907. The hospice and palliative care agency has been providing end-of-life care to New Yorkers with serious illnesses since 1979, and was part of the original nationwide pilot program for hospice. I am also a Navy Veteran, who served in the first Gulf War. My work revolves around supporting fellow Veterans under our care.

Since joining MJHS, the number of Veteran patients we care for continues to grow, as does the complexity of their needs. Our aging Veteran population, in particular WWII and Korean War Veterans, face unique challenges. On a daily basis we see how additional support and planning are vitally necessary for patients and caregivers.

Since 2010, MJHS has been a member of the We Honor Veterans (WHV) program, a collaboration between the U.S. Department for Veteran Affairs (VA) and the National Hospice and Palliative Care Organization. MJHS is a Level 5 partner, the highest credential possible and was among the first nine hospices nationally to earn this status and the first in New York State. As such we have been mentors to other hospices across the country. Our robust program earned us the 2023 WHV Outstanding Program Award. The goal of WHV has always been to cultivate a Veteran-centric culture to ensure that end of life care is delivered in alignment with the lived experiences of our Veterans. We provide person-centered trauma-informed care to ensure caregivers and our staff are equipped with tools to address PTS and PTSD. Our hospice care team also uses active listening during visits, honors the military service of patients who've served, and encourages families to explore healing together—as needed. This can be especially challenging for Veterans who have repressed their PTSD, sometimes for decades, only to resurface when the body and mind are weakened due to failing health.



We encounter far too many Veterans who have not enrolled in the VA and are not receiving compensation for their injuries. It frustrates me to meet a Veteran at the end of life who is dying from service-connected injuries, yet never applied for benefits or sought support from the VA. To better help Veterans admitted to our program, I recently earned recognition as a credentialed Veteran Service Officer.

When our team encounters Veterans who have not applied for service-connected benefits, we expedite benefit applications to ensure benefits are put in place as quickly as possible to ensure the patient as well as their surviving spouses and children are receiving all available support. Our time is notably short to get this work done and we want to draw your attention to this issue. We have had success with many cases since I joined the MJHS team in May 2022, including securing Dependency and Indemnity Compensation benefits, the New York State Indigent Burial Benefit, transfer of care from one VAMC to another, burial benefits, and honoring Veterans for their service. We have also secured additional Home Health Aide support from the VA and helped Veterans enroll in the VA health system for the first time in their lives. While we continue to do our best in support, given the aging Veteran population, additional resources are critically time sensitive.

In March of 2023, the VA updated their mission statement to read, “To fulfill President Lincoln's promise to care for those who have served in our nation’s military and for their families, caregivers, and survivors.”

I would like to share with you how our program supports this mission.

We serve a lot of WWII and Korean War Veterans. In 2023 we saw a 59% increase in the number of WWII Veterans and a 58% increase in the number of Korean War Veterans admitted compared to the previous year. The national estimated number of WWII Veterans is roughly 65,000 vs. over one million Korean War Era Veterans remaining. We must do everything possible to not only acknowledge their service, but also help them access Veteran benefits and services they are eligible for.

All served receive accolades and support through our WHV program. Whenever we have the opportunity to offer an in-person, or hybrid pinning ceremony, we meet with Veterans and their families to honor them for their service, listen to heroic stories of sacrifice and patriotism, and provide a sense of comfort. One such ceremony took place last summer when we honored a 90-year-old Korean War Veteran.

July 27, 2023, was the 70th Anniversary of the end of the Korean War, but living in New York City, you wouldn't have known it. We acknowledged this anniversary through an incredibly powerful and moving pinning ceremony in the presence of the Veteran, his wife, and family for not one, but three milestones. We acknowledged his valor as a U.S. Marine fighting in a war on foreign soil, while trailblazing his way in US military history. He was one of 300,000 black soldiers who were the first to fight in a newly desegregated military. This ceremony marked the 75th anniversary of Executive Order 9981 which abolished segregation in the military, signed on July 26, 1948. It was a powerful ceremony



for all present. But nothing compared to the jubilation felt when celebrating this couple's 68th wedding anniversary. Among other accolades, this Marine was presented with a special citation from New York City Department of Veterans' Services Commissioner James Hendon acknowledging his exemplary service and leadership.

There is so much richness in a Veteran's life that often goes by unnoticed. There are also many missed opportunities for Veterans to access benefits. The VA has recognized that less than a quarter of Veterans are accessing memorial benefits even though almost all Veterans and their spouses are eligible. This number lags far behind the interest shown by MJHS Veteran families indicating that awareness is crucial. Matthew Quinn, the VA's undersecretary for memorial affairs recently stated at a Senate Committee on Veterans' Affairs hearing that, increasing awareness is a top priority, "to inform them of the under-used memorial benefits."¹ By supporting resolutions No. 10, 157, and 279, there is opportunity to connect with Veterans and their families to empower them with the knowledge on how to access these benefits. Veterans often have unique circumstances that can affect eligibility outcomes and they need help in understanding how to navigate the application process. One such case we saw last year was for a former POW.

MJHS cared for a Jewish WWII Veteran who had been held as a prisoner by the Nazis for 90 days. He was discharged at 20% service-connected disabled. It wasn't until 2020 when he was diagnosed with PTSD that increased his rating to 100%. Fortunately, this rating of 100% allowed us to submit a DIC claim for his surviving spouse. It is not just the Veterans who are unaware of their benefits, it is also the surviving family members. Public declarations that celebrate the bravery and sacrifice of our Veterans such as these three resolutions can help address this gap and engage with those who are still with us who served during WWII and the Korean War.

In closing, MJHS is grateful for the opportunity to share our experiences and observations with the Committee on Veterans today. We are also grateful for the collaborative support we have shared with the New York City Department of Veterans' Services, the New York State Department of Veterans' Services, and the many VSOs we collaborate with. MJHS saw a 46% increase of Veteran hospice patients last year. A fact we can attribute to the increasing number of Veterans in New York City over the age of 65 that reached 71% in 2020.² We seek to collaborate with you, your colleagues, and other Veteran community stakeholders to advance our shared work in supporting this vulnerable population to ensure they receive the best possible care throughout their entire life journey.

Thank you.

¹ Hersey, Linda F. "VA Aims to Emphasize Free Burial Benefits for Veterans at National Cemeteries." *Stars and Stripes*, 20, March 2024, https://www.stripes.com/Veterans/2024-03-20/burial-benefits-Veterans-cemeteries-13373719.html?utm_source=Stars+and+Stripes+Emails&utm_campaign=80071ff4d4-Newsletter+-+Veterans+news&utm_medium=email&utm_term=0_0ab8697a7f-80071ff4d4-296940099

Source - Stars and Stripes

² Murphy, Jarrett. "A Statistical Snapshot of NYC's Veterans." *City Limits*, 11, Nov. 2020, <https://citylimits.org/2020/11/11/a-statistical-snapshot-of-nycs-Veterans/>.

**Testimony by the New York Legal Assistance Group (NYLAG)
Before the New York City Council Committee on Veterans**

regarding: Preliminary Budget Hearing – Veterans

March 25, 2024

Chair Holden, Council Members, and staff, good morning and thank you for this opportunity to speak to the Veterans Committee about the Fiscal Year 2025 budget. My name is Ryan Foley, and I am the supervising attorney of the Veterans Practice at the New York Legal Assistance Group (NYLAG). The New York Legal Assistance Group uses the power of the law to help New Yorkers in need combat economic, racial, and social injustice. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality. NYLAG serves military veterans, immigrants, seniors, the homebound, families, facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ+ community, Holocaust survivors, and others in need of free civil legal services.

NYLAG's Veterans Practice is a community-based veterans program, largely funded by the City Council's Legal Services for Veterans Initiative and Discharge Upgrade Legal Assistance Services grant. The Veterans Practice provides comprehensive services to veterans and their families, regardless of discharge status, with the aim of increasing eligibility and access to the numerous federal and state benefits available to the veteran community. Veterans face all the same legal concerns as any other population, but also experience issues unique to their veteran status and military experiences. Our Veterans Practice focuses on those specialized issues, while simultaneously utilizing the expertise of

NYLAG's 300+ attorneys, paralegals, and financial counselors to address any other civil legal needs presented.

a. Investment in Pro-Bono Legal Services Specific to Disability Claims

While NYLAG fully supports efforts for the creation and expansion of Veteran Resource Centers and additional claims processors to help veterans with VA claims, attorneys are better equipped to handle the more complex cases and appeals. In the Board of Veteran Appeals Annual Report Fiscal Year 2022, veterans with attorney representation had a better rate of success than veterans who were not represented by attorneys.¹ Attorneys with legal training and veteran law expertise can better understand and navigate the complexities and nuances of the VA. This sentiment is shared among the Federal Circuit where the Court stated a VSO representation "is not equivalent to representation by a licensed attorney."²

Furthermore, the veterans that are most in need of VA benefits are veterans that have an Other Than Honorable or Bad Conduct Discharge. These veterans are generally barred from VA benefits but are the group of veterans most likely to face mental health problems, substance abuse problems and homelessness. An experienced attorney is needed for these groups of veterans to gain access to VA benefits as they face extra procedures and hurdles on top of the already complex VA system. These complications are rooted in legal statutes and having an attorney gives these groups of veterans the best chance of success.

In situations where initial attempts to apply for VA benefits are unsuccessful, attorneys are uniquely qualified to help veterans through appeal avenues It should always be our goal to make this

¹ Department of Veteran Affairs, Board of Veterans' Appeals, Annual Report Fiscal Year 2022, page 59-60.

² *Comer v. Peake*, 552 F3d 1362, 1368-1369 (Fed. Cir. 2009)

complicated process as clear and simple for the veteran. As such, funding that allows attorneys to provide greater assistance and prevent the need for veterans to work with multiple organizations to accomplish a single goal should be strived for. This is particularly true when attorneys can increase the success rate in both claims. Legacy deposition statistics represented by attorney 42.1% chance of success vs 29.2 with no representation. Other representations by VSO like American Legion hover between 30% to 35% success rate.³

b. Maintaining Funding for Veterans Legal Assistance

The importance of funding legal services focused on veterans and their issues cannot be overstated. Even if the way funding is allocated is modified, it is critical that the City provide adequate funding to these specialized legal services, such as NYLAG's Veterans Practice. Veteran focused legal services can effectively navigate the complex bureaucracy required for veterans to achieve success in compensation appeals and discharge upgrades. Veterans who receive a less than honorable discharge are permitted to apply for a discharge upgrade, a slow and complex process that is nearly impossible without a legal advocate. Successful applications require extensive record collection and analysis, detailed legal arguments explaining the errors and injustices that may have occurred during the veteran's service, and submission of numerous medical and military records. Veterans, especially those who suffer from mental health conditions, benefit from the expertise of an attorney and the resources available to submit applications. A change in discharge status can entitle the veteran to vital VA services and financial benefits, removing barriers to employment, housing, and immigration.

Not only do veteran-focused legal service organizations like NYLAG bring expertise and resources, they also conduct outreach and provide services to the broader veteran community and

³ Department of Veteran Affairs, Board of Veterans' Appeals, Annual Report Fiscal Year 2022

able to meet with our most vulnerable veterans at sites such as homeless shelters and substance abuse centers. Community-based advocacy is vital in helping our most vulnerable populations. Veterans suffering from housing insecurity and addiction, often with a less than honorable discharge, need on-site services as they often don't have the capacity to find the needed assistance elsewhere. This could be due to mental health issues, other legal issues, and stigma surrounding their discharge. The most vulnerable of the veteran population, therefore, benefits more so when legal services dedicated to veteran issues are adequately funded.

Further, veterans receiving less than honorable discharges often have adjacent legal issues (housing, family, immigration) and benefit from a legal services organization that can advocate on their behalf in different legal areas. For example, a low-income veteran seeking a discharge upgrade may also be facing eviction from their apartment. A legal services organization will have the resources and staff to be able to address these auxiliary legal issues presented.

c. Serving Veterans with Mental Health Concerns and Intersecting Issues

A less than honorable discharge means that a former service member will not be entitled to the full range of benefits that their military service would otherwise grant them. Specifically, veterans who receive an Other Than Honorable or Bad Conduct discharge are often completely barred from VA benefits, including critical resources such as VA healthcare and VA disability benefits. Studies have found a direct correlation between mental health issues and less than honorable discharges, making the lack of access to disability benefits and healthcare for this segment of the veteran population even more dire. This combination of lack of access and traumatic experiences leaves veterans with a less than honorable discharge in a situation where they are seven times more likely to experience housing insecurity, fifty percent more likely to face incarceration, and the double the risk of suicide. This is especially visible in New York City where veterans without benefits or access to

healthcare are dealing with the high cost of living and severe lack of affordable housing. This vulnerable population experiencing housing insecurity has very few resources available and open to them. Mental health issues, often from service-related trauma makes finding and obtaining housing and employment even more difficult. NYLAG's Veterans Practice works within the community to address veterans' legal needs and assist in obtaining access to federal benefits and healthcare. NYLAG conducts on-site legal intake at three different sites focused on meeting the needs of the most vulnerable veterans; Borden Avenue Veteran Residence, a short-term housing facility for male and female veterans experiencing homelessness, Samaritan Village 43rd Street Veterans Program in Manhattan and Samaritan Village Ed Thompson Veterans Program in Queens, programs for veterans experiencing addiction and substance abuse issues. Used also as a judicial diversion program through a Veterans Treatment Court, many veterans at Samaritan Village are affected by both substance abuse and criminal issues, which makes it even more difficult to secure employment, housing, and federal benefits.. NYLAG attorneys provide an opportunity for these struggling veterans to seek legal advice and information about VA benefits, discharge upgrades, and other legal needs supported by NYLAG or other legal service organizations.

Thank you for the opportunity to testify today. We look forward to engaging in further discussions about serving our veteran communities and improving their access to critical legal services and other resources. I would be happy to answer any questions.

Respectfully submitted,

New York Legal Assistance Group



The American Legion

The Bronx County

Good morning Chair Holden, New York City Councilmembers of the Veterans Committee and members in attendance. My name is Gene DeFrancis, and I am the Commander of the American Legion, the Bronx County. Thank you for providing the opportunity to speak on behalf of our members and Bronx Veterans.

Since its inception by Congress in 1919 The American Legion has drafted the GI Bill, ushered in the modern VA, and most recently promoted the passage of the PACT Act. The American Legion is the nation's largest and most powerful organization of US veterans and their families. Today, it has nearly 2 million legionnaire members.

I will not go into the nuances and different cultures and roles of each branch of service. However, I will say the common thread of every American Veteran is the desire for peace, freedom, and both security of self and family.

The American Veteran is part of an all-volunteer force and they do not join to harm others but to protect and serve. As veterans, we have no say in which conflicts we engage in or where we are stationed globally.

We are property of the US government. We do what we are told or risk non-judicial punishment or court martial. Every veteran from Cook to Special Forces knows the taste of the Gas Chamber we experience in boot camp. We know the bitterness of missing important dates, birthdays, weddings, and even funerals. We know what's it's like to be told what to eat. When to eat. How to eat. We know what it feels like to be marginalized and surrender our freedoms. We are broken down to be built back up as part of a cohesive team in our respective branch of service. This creates strong pillars of our community and city, that strive for success.

It's why we value our fellow veterans so much. Each of us is also trained in security and serve as sentinels to watch over our own and keep them safe. Yes, some have struggles that we are dedicated to acknowledging and improving but at large the American Veterans are leaders and a valuable asset to our communities.

I'm here today with my colleagues to remind the New York City Council of our value. The sacrifice and commitment we have made and continue to make to our community, state and nation. And to ask that this city and nation honor their commitment and past agreements with our veterans.

So, when we ask for preference for housing and employment some challengers ask if we think we are special. I'm here to say clearly and without hesitation, Yes we are! We made sacrifices that most of those who criticize veterans will never understand.

As Commander of the Bronx County American Legion, many members have expressed their concerns over two particular issues that have gained our attention.

1. The new rules, that NYC Veteran Vendors renegotiated, in GBL 35A were modified in bad faith, and not in their best interest. With no clear organization to step up and advocate for them, these veterans were steam rolled with the new regulations.

We are here today to ask this committee to review this and reinstate the agreement made with these veteran vendors in GBL 35.

A veteran vendor in your community, in your heavily trafficked parks, and landmarks is an asset. And we must enhance this asset.

2. It is no secret that all our communities are struggling with safety. Whether it is perception or reality I will not debate this issue. Our neighbors do not feel safe. In the Allerton section of the Bronx we engage in what is called the Safe Haven program. Small businesses register with the local precinct, and build a relationship. They are provided a sign in their store window that signals to the community that if they believe they are in danger they can find safety at this location.

For instance, if a child is walking home from school and feels they are being followed by a van, they can enter one of these businesses knowing it is a safe location until guardians, or an authority, can be contacted.

We have spoken to our members and we offer this same proposal for our parks and throughout our 5 boroughs. A safe haven for our community and all we request in exchange is for our experienced and registered veterans to vend this includes parks and high trafficked areas they were previously allowed to vend prior to GBL 35A. But with open and cooperative communication.

This protects our veterans and guarantees their location. So that our Veterans no longer will have to sleep in their vehicles to secure their location in front of the Metropolitan Museum. And protect our Veteran vendors especially our Service-Disabled Veterans from conflict and oversaturation. We ask our Veterans will be protected and location secured in the event of too many vendors moving to a location creating an unsafe condition. Our veterans will stay in their locations because they are registered with the city and local precinct as a Safe Haven.

Our veterans will provide fingerprints and background checks so that they can assist anyone in danger. Even added training to identify risks and threats to the community.

We are not police officers, and we are not suggesting we serve as vigilantes. We are there to make a living wage and support our city while doing so. We can serve as eyes and ears to keep our city's most vulnerable safe. During the day and at night, in our parks and in our plazas. Where we are not obstructing traffic, and providing a service to all New Yorkers, and tourists alike.

The American Veterans are heroes, and we are ready to continue to serve and collaborate with the city we love.

- I add that no Veteran honorably discharged should be denied a vendor's license and they should be processed and distributed promptly.

-Locations should be secured and approved by proper channels. Including the local Precinct and serve as a Safe Haven partner.

-Veteran Safe Haven Vendors should be desired in all locations. Including Plazas and Business Improvement Districts.

-Veterans especially older or disabled veterans should be able to secure their location and continue to register and apply a helper.

-Taxes and fees for this service is something we can discuss in future communications.

And lastly, I want to discuss the HHC approval of Fortune Societies' "Just Home" project in the Bronx. The American Legion will not sit by and allow unvetted, unrehabilitated felons to receive resources and services before the Veterans of the United States of America.

We acknowledge and know full well that people make mistakes. They can be rehabilitated and can learn from these mistakes. Many veterans have also found themselves on the wrong side of the criminal justice system.

The concern is that by "Just Homes" admission and own words they do not "discriminate" the service based on the crime committed. That includes murderers, rapists and violent offenders, with no promise or guarantee that they have or will receive treatment and rehabilitation.

With resources readily available with Federal Funding dedicated to servicing Veterans there is zero logical or ethical reason that Veterans do not receive priority for this location.

Our elected officials have approved this plan. The community at large has overwhelmingly supported this proposal and has stated so in various public hearings. Yet HHC board has ignored this option and voted to approve the "Just Homes" program without considering other more effective options.

Our leadership has spoken with VA leadership, who are in desperate need of more space. They have gained community and elected officials' support, which I'll add "Just Homes does not have.

We asked "Just Homes" to look for another location, which will allow us the resources we earned, and HHC-Jacobi Medical Center loses nothing. And the community and veterans receive the option they deserve and desperately need.

I thank you for your time today and look forward to continued partnership and communication.



Gene DeFrancis
The American Legion
The Bronx County Commander

Testimony Before the NYC Council on Veterans Affairs

Good Morning Ladies and gentlemen, and esteemed members of the NYC Council on Veterans Affairs. Today, I extend my heartfelt gratitude to the Committee for this opportunity.

To all veterans advocates and service organizations present - Your unwavering commitment to our cause is evident here today. Year after year you stand as beacons of hope, ensuring the voices of NYC veterans will resonate throughout these chambers. Your dedication ensures that our city never forgets its duty to those who served.

My name is Armando Crescenzi, a life member of the DAV, The Military Officers Association of America, and The American Legion - where I currently serve as a Post Commander. While my academic credentials speak to political science and law - I most profound badge of honor is my DD-214.

In 2010, I embarked on a mission, close to my heart, by founding the nonprofit organization "Put Veterans First." As service-disabled veterans, our mission is clear: to empower our fellow veterans to forge their own paths through small business street vending in the bustling heart of New York City.

My journey into street vending in 2003 acquainted me intimately with the hurdles and injustices that disabled veterans face daily. It's a reality stained with disgrace.

New York State's legislature boasts laws designed to favor veterans, such as the freedom for disabled veterans to vend across the state, unshackled by local placement restrictions. Yet, despite the promise enshrined in General Business Law 35 - upheld by the Appellate Division in *Kaswan v. Aponte* - the reality falls far short.

The competitive landscape of street vending presents formidable challenges, even for the most resilient. While GBL 35 theoretically grants veterans access to prime locations, the City of New York's refusal to acknowledge our state-granted rights renders them null and void.

Imagine, if you will, the irony of our state-given advantages fading into obscurity, much like legitimate dispensaries overshadowed by illegal cannabis stores.

Mayor Adams' recent visit to Corona, Queens, painted a stark picture of sidewalks overrun by illegal vendors. While I empathize with their plight, it's disheartening to witness a de facto moratorium on enforcing vending laws against illegal immigrants.

Today, I implore the City of New York to extend the same courtesy and respect to its disabled veterans as it shows to illegal immigrants. Declare a moratorium or a grace period, and liberate us from the shackles of the city placement regulations. Let a veteran pursue the American Dream with the same fervor as any other resident.

Armando Crescenzi, Put Veterans First, Ltd.

Testimony of CDR Sergio Villaverde, USCGR (ret), Bronx, NY

To the NYC Council Committee on Veterans 02 April 2024

"The reservist is twice the citizen" Quote by Sir Winston Churchill

By the end of World War II that number climbed to 3 million, or 84 percent of all Sailors serving at the time.

From 1943 to 1944, Organized Reserve officers constituted 52 percent of all officers killed in action, 28 percent of those missing in action and 27 percent of those captured by the enemy. All told, approximately one quarter of all Army officers — 200,000 — serving in World War II were from the Organized Reserve.

Of the 589,852 Marines to serve during World War II, approximately **70 percent** were Reserves.

Introduction	Total Military Force	Active-Duty Members	Reserve and Guard Members	Total Force Families	Active-Duty Families	Reserve and Guard Families	Reference Tables and Data
FAMILY STATUS Marital Status Spouses Parental Status Dependents							
6.02 Number, Percentage, and Ratio of Selected Reserve Members and Family Members by Reserve Component							
The Coast Guard Reserve has the highest proportion of selected reserve members to family members (1 to 1.8). The Marine Corps Reserve has the lowest proportion of selected reserve members to family members (1 to 0.7).							
Reserve Component	Selected Reserve Members*		Family Members**		Total		Ratio of Selected Reserve Members to Family Members
	N	%	N	%	N	%	
Army National Guard	329,705	47.5	364,496	52.5	694,201	100.0	1 to 1.1
Army Reserve	176,171	43.7	226,796	56.3	402,967	100.0	1 to 1.3
Navy Reserve	55,224	39.1	85,858	60.9	141,082	100.0	1 to 1.6
Marine Corps Reserve	32,599	59.8	21,887	40.2	54,486	100.0	1 to 0.7
Air National Guard	104,984	38.6	167,140	61.4	272,124	100.0	1 to 1.6
Air Force Reserve	68,048	38.6	108,335	61.4	176,383	100.0	1 to 1.6
Total DOD	766,731	44.0	974,512	56.0	1,741,243	100.0	1 to 1.3
Coast Guard Reserve	6,179	35.8	11,069	64.2	17,248	100.0	1 to 1.8
Total Sel Res	772,910	44.0	985,581	56.0	1,758,491	100.0	1 to 1.3

*Selected reserve members refers to all selected reserve members, not only those with dependents registered in DEERS.
** Family members include spouses, children, adult dependents, and other dependents (under age 21 who are not spouses or children) who are registered in DEERS.
Note: Displayed percentages may not total 100% due to rounding.
Source: DMDC Reserve Components Family File (September 2022)

Source: for chart DOD 2022 Demographics

<https://www.documentcloud.org/documents/24177791-2022-demographics-report?responsive=1&title=1>

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 2, 2024

(PLEASE PRINT)

Name: Armando A. Crescenzi

Address: 2335 Yates Avenue

I represent: Port Veterans Forst Ltd

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cassandra Alvarez

Address: _____

I represent: DVS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Timothy Pena

Address: 257 W. 29th St #13C

I represent: The Forgotten Veteran

Address: S.A.A.

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/2/2024

(PLEASE PRINT)

Name: Peter Kempner

Address: 40 Worth St, NY NY 10013

I represent: Volunteers of Legal Service

Address: 40 Worth St, NY, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 10,157,279

in favor in opposition

Date: 4/2/24

(PLEASE PRINT)

Name: Ashton Stewart

Address: _____ NY, NY 10039

I represent: MJHS

Address: 55 Water Street, 46th Floor NY NY
10041

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 10157-2020

in favor in opposition

Date: 4.2.24

(PLEASE PRINT)

Name: JOSHUA SOOKLAL

Address: _____

I represent: HOPE FOR THE WARRIORS

Address: 55 WATER ST NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GUS STAVROULAKIS

Address: [REDACTED] BRONX NY

I represent: my self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: Apr 2 2024

(PLEASE PRINT)

Name: ARMANDO BERRIO ALONSO

Address: [REDACTED] ALBANY

I represent: THE CITY OF NEW YORK

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: Apr 2 2024

(PLEASE PRINT)

Name: ARMANDO FRANCIS [REDACTED]

Address: [REDACTED]

I represent: PER AMERICA TOWNS THE BORO'S COUNCIL

Address: _____