



LEGAL ADVOCACY PROJECT

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Legal Advocacy Project Report 2015 Spring Plenary

The following is a summary of the activities of the Legal Advocacy Project of the Unitarian Universalist Legislative Ministry of New Jersey as of April 13, 2015.

Guaman v. Velez (Supreme Court of NJ (432 N.J.Super. 230))

This case concerned the state of New Jersey terminating Medicaid benefits for adult legal aliens who do not meet the federal five year residency requirement (U.S.C.A. § 1601 to 1646). The UULMNJ was a party to the amicus brief.

The Superior Court of NJ, Appellate Division, held that the State's reinstatement of the five-year residency requirement for adult legal permanent resident aliens to obtain state-funded Medicaid benefits did not violate the equal protection rights of the aliens. On March 30, 2015, that holding was affirmed by the Supreme Court of New Jersey

Hassan v. City of NY (Third Circuit Court of Appeals (Case No. 10-CV-06125))

This case concerns the New York City Police Department's surveillance of the Muslim community in New Jersey following the attacks of September 11, 2001. The UULMNJ was added as a party to the amicus brief.

Oral Argument was held before the Third Circuit Court of Appeals on January 13, 2015, and we are awaiting the Court's decision.

DNA Database and Databank Rules (NJAC 13:81 et seq.)

The Legal Advocacy Project submitted comments to the proposed revision of regulations regarding DNA expungement and consent from minor arrestees. NJAC 13:81 et seq. The Legal Advocacy Project's comments were sent out on or about March 4, 2015 and included the following points:

- A minor arrestee cannot legally be compelled to provide consent for obtaining a DNA sample.
- There should be a suitable remedy afforded to an arrestee or convicted offender if the government does not comply with the requirement to delete the DNA profiles, records and identifiable information and undertake all other actions set forth in the regulations upon expungement.
- No DNA profiles, records and identifiable information should be shared by the government with another law enforcement agency unless that agency expressly agrees to delete all such information upon entry of an order of expungement and confirm such deletion in writing to the government representative who shall forward the same to the arrestee.
- The regulations should clarify that the government representative shall not provide any law enforcement agency with the sample itself.
- The expungement motion should be automatically brought by the government representative in the event a minor arrestee or convicted offender is exonerated.

Piscataway Twp. Bd. of Educ. v. David C. Hespe (Docket No. A-005890-13T4)

This case raises the question of whether the Commissioner of Education has existing legal authority to lower charter school tuition payments under certain circumstances. Specifically, this concerns a situation in which a charter school spends less than budgeted and accumulates surplus in excess of what an "under adequacy" public school district itself is allowed to maintain.

We are joining the Education Law Center's amicus brief. It has yet to be filed.

Fair Share Housing

The Legal Advocacy Project has been working with the Economic Justice Task Force ("EJTF") to help Fair Share Housing implement the extensive revisions to the enforcement landscape of affordable housing in New Jersey. In *In Re: The Adoption of NJAC 5:96 and 5:97 by the New Jersey Council on Affordable Housing, _N.J. __ (2015)*, the Supreme Court essentially took over the implementation of the Fair Housing protections from the Council on Affordable Housing and placed the responsibility for implementation upon the court system itself.

The Legal Advocacy Project will be giving a presentation during the plenary at the EJTF breakout session. Fair Share Housing is seeking volunteers from the UULMNJ to assist in advocacy and other vital activities as to which Fair Share Housing has been given responsibility under the Supreme Court's opinion.