

KEJC Impact Advocacy Report
April 2016

Health and Public Benefits Advocacy

CHFS/ DCBS Issues

Benefind – Roll-out of new online public benefits system causing mass terminations

- Sent demand letter to DCBS Commissioner
- Sent request for information to legislator (to ask of DCBS)
- Sent letters to FNS and CMS
- Sent Open Records Request to CHFS
- Calls to potential plaintiffs
- Drafted complaint
- List-serve messages to advocates
- Consulting with NCLEJ and private attorneys

ABAWDS – SNAP rule limits benefits to 3 months for able-bodied adults

- Attended CBPP meeting on SNAP and ABAWDs in Albuquerque, NM
- Prepared and circulated screening tool for community groups and advocates to identify ABAWD exemptions
- Responded to inquiry from Family Scholars House re effect on college students
- Sent follow-up to DCBS requesting response to changes/problems

Martin v. Colvin (Sixth Circuit) With Ned Pillersdorf and John Rosenberg

- Class action lawsuit against SSA on behalf of 1470 disabled individuals who are having their SSD/SSI benefits redetermined due to SSA's "reasonable belief" of alleged fraud by their attorney and doctors
- Court dismissed case due to lack of jurisdiction; pending motions for injunctive relief and class certification dismissed as moot
- Motion to Alter or Amend Judgment denied – appeal filed to 6th Circuit
- Similar case filed in West Virginia with Mountain State Justice and John Goss

Consumer Advocacy

National College of Kentucky v. Moffitt, et al.

(Kentucky Court of Appeals) - SLAPP suit alleging defamation -

Coordinating defense with AG's office and Wave TV 3 attorney

- Court granted (ours and Wave's) motions for summary judgment and denied National College's Motion to Alter, Amend, Vacate or for Factual Findings
- Case now on appeal - prepared prehearing statement

KCRL (Kentucky Coalition for Responsible Lending)

- Participated in regular conference calls with coalition members and monthly calls with national advocates
- Lobbied for SB 101 – bill to cap interest on payday loans at 36%
- Subgroup prepared payday reform legislative options, presented to Sen. Kerr -
- Lobbied against HB 520 – flex loan bill – would create high cost installment loans up to 276% APR - **defeated**
- Submitted Open Records Request to DFI for database info for 2015
- Prepared summary chart of KY Consumer Laws and analysis of CFPB jurisdiction

Consumer Financial Protection Bureau (CFPB)

- Co-hosted meeting of consumer/housing advocates with CFPB Director Richard Cordray in Louisville
- Participated in Louisville CFPB Public Hearing on Access to Bank Accounts

Non-Judicial Foreclosure

- In interim, bankers worked out new Master Commissioner rules to speed up judicial foreclosures – **did not file non-judicial foreclosure bill!**
- Smaller bills to “fix” judicial foreclosure:
 - SB 122 – require deed to be filed within 5 days of receipt of deed – passed
 - SB 124 – prohibit homeowner from bidding at foreclosure sale for less than full amount owed (much more than other bidders) – **did not get a hearing!**

Legislature 2016

- HB 165 - Increase damage threshold for car dealer to disclose damage - did not pass
- HB 380 – Apply URLTA statewide – passed House
- HB 408 – Make Unclaimed Life Insurance Benefits Act retroactive – passed House
- HB 585 – Require VOIP, prepaid and free phone users to pay 911 fees - passed
- SB 97 – Eliminate registration requirement for mortgage loan processors - passed
- SB 230 – Tax delinquency diversion program for blighted properties – passed

Other Advocacy

- Participating in Legal Advocacy Network (LIN) - Predatory Lending and Public Benefits subgroups
- Welfare and Health Task Force – presented on ABAWDs, organized training by John Goss on representation of Conn SSD/SSI claimants at Appeals Council
- Participate in monthly Children’s Health Task Force calls
- Monthly review of new and revised regulations

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