

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2017 APR 25 PM 4:40

S.D. OF N.Y.

Manah Lopez

Write the full name of each plaintiff.

No. \_\_\_\_\_  
(To be filled out by Clerk's Office)

-against-

NYC Dep Homeless Services,  
Project Renewal inc

**COMPLAINT**

~~(Prisoner)~~

Do you want a jury trial?

Yes  No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**


State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: Service Animal denied entry to Homeless Shelter

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Mariuh</u> <u>Lopez</u> 		<u>Lopez</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention

Institutional Address

County, City	State	Zip Code
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**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced prisoner
- Other: \_\_\_\_\_

**IV. DEFENDANT INFORMATION**

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: New York City Dep Homeless Services  
First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

Defendant 2: Project Renewal  
County, City State Zip Code  
First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 3:  
First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 4:  
First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

## V. STATEMENT OF CLAIM

Place(s) of occurrence: \_\_\_\_\_

Date(s) of occurrence: \_\_\_\_\_

### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

I am legally disabled, diagnosed with "impulse control disorder," "PTSD" and anxiety. I am also at risk of being literally forced into the street (homeless) because NYC Dep of Homeless Services is requiring me to "Prove" my dog is a "Service Animal".

After almost three weeks of back and forth between NYC HRA advocates (in favor of my entry to my shelter of record with said Service Animal) as well as multiple attempts by myself to either find alternative housing besides NYC DHS Shelters, or get DHS officials to provide an expedited process for my entry to "Manisha's House" Shelter, I have no choice but to exit the Shelter System tomorrow; or abandon my Service Dog.

Tomorrow the last available alternative option for housing myself and animal together, outside of DHS Shelter System will expire. A friend who has been allowing me and the dog

to Sleep on the Floor, is moving tomorrow.

I am also engaging in Survival Sex in order to have the money needed to pay dog walkers or other fees incurred as a result of my still being obligated to care for my Service Animal, despite her being housed apart from me.

I have spent my entire April SSI payment already and fear being accused of neglecting my dog if I'm made home less tomorrow.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I'm having severe symptoms of PTSD and anxiety. I'm also being "forced" by the actions of the defendant, to do the only thing possible to keep my animal with me: Engage in Sex work in order to pay for actual housing outside of Shelter (Hotels friends Houses). I have made NYC Dep of Homeless Service officials and Project Renewal Shelter admin. aware as well.

#### VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I would like an order which directs NYC Dep of Homeless Services and Project Renewal ("Morshay's House") to allow <sup>my</sup> access to entry ~~with~~ <sup>ML</sup> with my Service Animal, under Titles II and III of the ADA, given the animal has acceptable proof of health, safety and vaccination, as well as ~~and~~ <sup>ML</sup> proof of registry and license under NYS and NYC Law.

**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

4/25/17  
Dated \_\_\_\_\_ Plaintiff's Signature \_\_\_\_\_  
Moriah \_\_\_\_\_ Lopez \_\_\_\_\_  
First Name Middle Initial Last Name

~~Prison Address~~ Homeless  
County, City State Zip Code

IM HOMELESS & DHS DOES  
Date on which I am delivering this complaint to prison authorities for mailing: \_\_\_\_\_

Not Allow Dog/Service  
phone is Best Animal  
212 470 9687 - cell

Manah Lopez

✓  
NYC Dep of Homeless Services  
Project Renewal

I make this affidavit on  
this day April 25<sup>th</sup> 2017 under  
Penalty of Perjury, I attach the  
following

A-NYC DHS Reasonable Accommodation Form  
(photo copy)


B-letter from case manager

C-print out of emails to NYC Public Advocate

D-letter from mental health professional regarding

E → my disability

~~A~~ → letter from Lisa Parish, NYC  
ACS

  
manah Lopez



57 Willoughby St., Brooklyn, NY 11201  
347-473-7417 • [www.housingworks.org/health](http://www.housingworks.org/health)

April 25, 2017

To Whom It May Concern:

Mariah Lopez DOB April 27, 1985, is an HIV Negative client enrolled in Housing Works Health Home Program. Ms. Lopez signed consent with us on December 22, 2016 and is currently receiving care management services. Her care team is listed below with contact telephone numbers.

Ms. Lopez is currently homeless and has been working with her care team to obtain housing. Currently, Ms. Lopez reports her fear of being homeless and her need to engage in sex work to pay for hotels/housing. She also reports to us that she was accepted to Marsha's Place and cannot stay there because her dog is not allowed. Her care team is actively aware of her homeless status and has been assisting her with housing through her current care plans. Ms. Lopez is consistently engaged with the team. If you have any questions, please feel to reach out to us for assistance.

Care Manager – Dana Bannerman 347-473-1420  
Care Navigator – Luvenia Suber 929-251-2052  
Unit Supervisor – Andrea Kiliaris 347-473-7479

Sincerely,

A handwritten signature in black ink that reads "Andrea Kiliaris MSW". The signature is written in a cursive, flowing style.

Andrea Kiliaris, MSW  
Health Home Unit Supervisor  
Housing Works

## REASONABLE ACCOMMODATION REQUEST FORM

**INSTRUCTIONS:** Clients must complete Section I and submit this form along with supporting documentation to the Program/Facility Director, or functional equivalent ("Director"). Any Director receiving a completed form with appropriate medical documentation must complete Section II, return a copy to the client, and immediately transmit by facsimile the request and supporting documents to the appropriate Program Administrator, and the Office of Diversity & Equal Opportunity Affairs.

not  
leg

**Section I:** (This section must be completed by the client.)

Name: Mariah Lopez  
Address/Facility/Program: 1122 Franklyn Ave, Bronx  
Social Security #: 065704753 Phone: 2124709687

**Describe the Accommodation Requested (attach additional sheets and supporting documentation as appropriate).**

I need my medical Alert Service Animal with me at ALL TIMES

**Section II:** (To be completed by the Director or his/her designee.)

Name/Title: \_\_\_\_\_  
Facility/Program: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Signature: \_\_\_\_\_



# Re: I don't want to do SEX WORK: NYC's BIG mistake

mariah lopez <mariah4change@gmail.com>

Sat 4/22/2017 3:11 PM

To: Julissa Gonzalez <jgonzalez@pubadvocate.nyc.gov>;

Cc: Amanda Masters <amasters@pubadvocate.nyc.gov>; mviverito@council.nyc.gov <mviverito@council.nyc.gov>; newsroom@dnainfo.com <newsroom@dnainfo.com>; rparasandola@nydailynews.com <rparasandola@nydailynews.com>; susanmrussell@gmail.com <susanmrussell@gmail.com>; Brettschneider, Eric (ACS) <eric.brettschneider@acs.nyc.gov>; Parrish, Lisa (ACS) <Lisa.Parrish@acs.nyc.gov>; Bannerman, Dana <D.Bannerman@housingworks.org>; gary english <one.english@gmail.com>; mrivera@lettire.com <mrivera@lettire.com>; Redfield, Elana <redfielde@hra.nyc.gov>; Melissa <melis0213@aol.com>; Molly Thomas-Jensen <Mthomas-jensen@pubadvocate.nyc.gov>; Mlopez@helpusa.org <Mlopez@helpusa.org>; rose\_weber@juno.com <rose\_weber@juno.com>; Carmen Jack Giordano <carmen@csgjordano.com>; Cdonald@publicadvocate.nyc.gov <Cdonald@publicadvocate.nyc.gov>; Alexia Lewnes <alexia.lewnes@gmail.com>; Blakney, Jennie <Jennie.Blakney@doh.nj.gov>; Ashley Sharpton <ashleygsharp@nytimes.com>; Dominique Sharpton <dominiques@nationalactionnetwork.net>; Nathanael Holley <nate.holley@gmail.com>; MURRAYW@dany.nyc.gov <MURRAYW@dany.nyc.gov>; Doran, Katie <DORANK@dany.nyc.gov>; Paul Schindler <editor@gaycitynews.com>; Paul Lucas <pklucas@mac.com>; Stephen Marshall <smarshall@nationalactionnetwork.net>; STRADFORD, WENDELL <wendell.stradford@nypd.org>; news@news10.com <news@news10.com>; Doug ODell <dodell@sco.org>; NYC NLG Street Law Team <streetlawteam@gmail.com>; Palmer, Steven <sp500@mail.cumc.columbia.edu>; noah.remnick@nytimes.com <noah.remnick@nytimes.com>; gideon@gideonlaw.com <gideon@gideonlaw.com>; Kaedon Grinnell <Kaedon.Grinnell@projectrenewal.org>; Jim Fouratt <Jim.fouratt@gmail.com>; Erykah Ramdass <cunty10011@yahoo.com>; btorres@aliforneycenter.org <btorres@aliforneycenter.org>; Chadwick Mills <Chadwick.mills@gmail.com>; Chanel Lopez <Clopez@avp.org>;

 2 attachments (1 MB)

IMG\_1067.PNG; IMG\_1068.PNG;

"A public entity may **ask** if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require **documentation**, such as proof that the animal has been certified, trained, or licensed as a **service** animal."

Julissa (see above and attached),

The failure of the Public Advocate to act in the affirmative to assure that I, as a vulnerable person with a disability am housed and safe, when the law is clear on this matter is disturbing and represents a failure to fulfill the duties of the office. The inaction of Miss James office, via expedited court proceedings or extra judicial remedies, to act (outside of sending emails) is shameful and contributes to the disenfranchisement of disabled New Yorkers, many of whom are ex-foster kids, or have PTSD or other conditions which do not render them obviously disabled.

Virtually EVERY public accommodation I have tried to acces with my service animal makes the illegal and prohibited request that I "prove" my animal is a service animal. As someone with PTSD related to abuses by NYC Police and Corrections officers, I find it unacceptable (and sadly ironic) that the office of the Public Advocate is allowing both myself and thousands of other New Yorkers to be abused and denied access to safe housing or other public accommodations because Service Animal cases don't seem urgent enough.

If Kalif Browder was alive, and still suffering from PTSD from undue trips to Rikers or misconduct by police (like myself...ask Mrs Masters), he would have to right under federal law to bring his service animal with him EVERYWHERE; stores, restaurants, hospitals, NYC shelters (direct or contracted) and anywhere else he'd be traveling. He'd like daily encounter discrimination and confrontation by employees of some kind or another, making erroneous request for "proof" or "certification" of his animals training and legality. He'd be alone, without the aid of public officials he swear to uphold and protect the law.

NYC's abysmal record of educating the public around the ADA, NYS and NYC human rights laws, WOULD PUT HIM IN DIRECT CONTACT WITH NYPD (the direct catalyst for his PTSD) OVER and OVER again. The first thing that ignorant people do in response to someone defending their rights under Title's II and III of the ADA is to call the police and allege criminal trespass.

Store clerks, MTA workers, NYC Hospital and even NYS Court officers who operate or Courts (ironically) would turn him away, threaten to arrest him, and create conflict where NONE MUST/SHOULD exist under Federal State and Local law. Kalif too, would probably be thrust deeper into his emotions and also feel isolated, victimized and without a public advocate in HIS HOME CITY. As someone who has sued "NYC" and won or settled with the result being tax payers footing the bill for the ignorance bureaucrats multiple times, I urge the public advocate to stop standing idol and move swiftly and urgently to correct this embarrassing and harmful disregard for well established law and precedent. The Public Advocates roles of protector and defender are three fold in this matter; She must advocate for the rights of the disabled person, the uniformed general public, as well as City agencies with illegal or archaic policies which result in unnecessary litigation and the squandering of tax payers dollars. This issue should be a no brainer to resolve in a forward thinking town like the big apple. Yet I have been chronically homeless for years because apathy and ignorance, having to have sex to survive or not leave my birthplace.

PTSD is a serious life threatening condition and Public Advocate James should be ashamed of herself for not taking up the plight of those who use Service Animals to aid their heal. She seems either unaware of the general issue of NYs ignorance around Service Animals (specifically the prohibition of public accommodations asking for documented proof or certification of an animal's authenticity as a service animal), or is too busy trying to find big ticket campaign platform issues to champion as she mulls a run for her next public job, to utilize her unique powers under the law to bring relief to potentially tens of thousands of New Yorkers or visitors to this City. Either way, the issue of ADA Service Animal noncompliance is SERIOUS AND URGENT. City Officials MUST act without further delay to ensure that New York isn't lying to the world when it claims to be safe and welcoming to all, even the disabled.

IF Kalif were alive and tried to use an animal to treat and aid his condition, he might very well have been pushed deeper into depression, his anxiety and increased startle response to increasingly limit his fair and reasonable access to literally tens of thousands of places of public accommodations across the five boroughs. I know this from first hand experience. Every mom and pop store, City run place, or wealthy chain business would confront him upon entry and demand imaginary "papers" for his animal. His youth, race, and appearance of not generally presenting as a "disabled" person wouldn't help the matter either.

I hope Miss James reflects on Mr Browder every time his name crosses her path of vision, when she hears his name, or when she uses her dreadful plans to rename his hell on earth in his dishonor. I hope Mr Browder's PTSD and his connection to this City's history, as well as the use of Service Animals as legitimate tools for treating many conditions, is something that forces the Public Advocate to act holistically.

Not addressing this issue pits New Yorkers against each other unnecessarily, costs the City money, and also leaves out huge potential for thousands of NYC Animal Care & Control dogs to be destroyed and not saved for their potential functional value and place in society.

It is my hope that Miss James, despite her apparent sluggish or nonexistent response to the issues described above, act immediately to educate the public and City agencies of the law concerning Service Animals. I also insist that she use the unique powers of her office to defend every single New York resident or visitor who is denied their rights under the law, instead of making what are most like administrative decisions to only bring "good cases" with outcomes expected to boost her public profile. People are suffering and in danger because of the Public Advocates inaction.

As the activist granddaughter of one of Miss James most cherished mentors (Edward Carter), I plan on taking her on personally until she fulfills her duties. I've had the City Law department on its toes and reeling from the mistakes of those in public office before. I always win in the end.

Hopefully, the Public Advocate will step in and stop the City from having to pay a hefty price for the ignorance and apathy of those sworn to uphold the law and protect the public coffers. If not, I will seek the absolute maximum monetary penalty under the law for my years of suffering. My grandfather, as well as activist Trans mother, would be outraged at my situation, but would also have it NO zither way: I'm standing up for what's right, and I will win again! Whether the current local law needs to be changed or the existing legislation needs enforcing. Either way I'm pissed, and the City is failing to do the act in the interest of justice.

This will be my last attempt at convincing the City of New York (officials or its law departments) that what's happening to me is not legal, ethical, or moral. Next stop.....a "courtroom", where the law, for the most part, is adhered to, honored and defended. I will use part of any money I receive to honor Mr Browder and many other New Yorkers with PTSD from either the NYPD or Rikers, the right way. That's a promise.

Yours in earnest

**Mariah Lopez**

Lifelong New Yorker and Activist

P.S.

Please tell the Public Advocate "Carter here!"

On Friday, April 21, 2017, Julissa Gonzalez <[jgonzalez@pubadvocate.nyc.gov](mailto:jgonzalez@pubadvocate.nyc.gov)> wrote:

Mariah,

I have been following up with DHS regarding their policies and ADA compliance. DHS' response to our request was as follows:

"DHS is working with the provider and the client to address her concern. We are working with the client to determine what specific task the animal is trained to perform, if the animal is a service animal. Or, if the animal is an emotional support animal, staff will guide the client to obtain the proper documentation from a medical provider to substantiate the reasonable accommodation request. The DHS Legal team has been made aware of the situation and will review documents on this case as soon as they are received.

I will provide you with an update once all the documents have been reviewed and a decision has been made."

Our General Counsel has reviewed their written policies and their response to our office. After reviewing all correspondence as well as the letter you provided us from Housing Works mental health provider, we have determined that they are able to require you to make a formal request for a reasonable accommodation if you wish to have an emotional support animal. They are also able to request documentation from your medical provider if you're making a request for reasonable accommodation . According to our General Counsel the letter you provided us from Housing Works should fulfill their request for documentation from a medical provider. We cannot submit the letter you provided our office to DHS without your written consent. If you respond to this email granting me permission to share the letter with DHS, I will do so and continue following up on this matter. You may also choose to submit it directly to the provider on your own if you prefer.

I will await your response before proceeding.

Sincerely,

Julissa Gonzalez Santiago

Director of Constituent Services

NYC Public Advocate Letitia James

**Julissa Gonzalez**

Director of Constituent Services

Office of the Public Advocate Letitia James  
1 Centre Street, 15th Floor, New York, NY 10007  
Direct Line: (212) 669-4892  
Fax: (212) 669-4701  
jgonzalez@pubadvocate.nyc.gov

On Fri, Apr 21, 2017 at 8:11 PM, mariah lopez <mariah4change@gmail.com> wrote:

The City not following the ADA Service Animal Provisions is WHY IM FORCED TO DO SEX WORK. I will not abandon my dog.

Simple.



**HOUSING WORKS**

Downtown Brooklyn Health Center  
57 Willoughby Street  
Brooklyn, NY 11201  
TEL 347-473-7400 FAX 212-229-2178

April 6, 2017

TO WHOM IT MAY CONCERN:

Ms. Mariah Lopez (DOB: 4/27/1985) is currently under our professional care for treatment for a mental illness defined by the DSM-V. Her mental impairment substantially limits one or more major life activities. I have prescribed an emotional support animal as part of the treatment program developed for Mariah. The presence of this emotional support animal, particularly her dog, is necessary for Mariah's mental health.

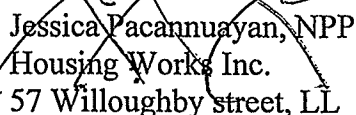
I am familiar with the voluminous professional literature concerning the therapeutic benefits of assistance animals for people with disabilities such as that experienced by Mariah. Upon request, I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that Ms. Lopez have an emotional support animal. Should you have additional question, please do not hesitate to contact me.

I am licensed by the state of New York to practice in Psychiatry. My license number is 401561.

Please allow Ms. Mariah Lopez to keep and maintain her emotional support animal in her place of residence and to be accompanied by her emotional support animal elsewhere as allowed.

Sincerely,

**JESSICA PACANNUAYAN, NP**  
LICENSE # 401561

  
Jessica Pacannuayan, NPP  
Housing Works Inc.  
57 Willoughby street, LL  
Brooklyn, NY  
(347) 473- 7400



David A. Hansell  
Commissioner

Andrew White  
Deputy Commissioner

Lisa Parrish  
Senior Advisor  
Office of LGBTQ Policy  
& Practice  
Division of Policy,  
Planning and  
Measurement  
150 William Street  
19<sup>th</sup> Floor  
New York, NY 10038  
212-341-3103 (o)

April 6, 2017

To: PACT Reviewer, NYC Human Resources Administration (HRA)

From: Lisa Parrish, Senior Advisor

Re: Mariah Lopez, Client ID # 116101, 2010e Supportive Housing Application

---

Mariah Lopez (DOB April 27, 1985) was in the custody of ACS when she turned 21 years old and aged out of care. Since that time she has periodically contacted ACS for assistance and consistently reported that she has been chronically homeless.

When I met with her on Friday, December 23, 2016, she reported that she was temporarily staying with an aunt in Brooklyn. She told me that for many years she had been "hotel hopping and couch surfing." She also said that she periodically reaches out to former foster parents for help. She reported that she had applied for SEPS through HRA. She told us by phone on January 7, 2016 that the Aunt's house where she was staying had no heat and needed a new boiler. She called me in March and reported that she had to leave the Aunt's house at the end of January when her Aunt's son came home, and that her Aunt had passed away in February. When I met with her today, she says that she has been staying with a friend who is moving out next week and that she needs supportive housing immediately.

I am copying Ms. Lopez' case manager, Dana Bannerman, at Housing Works in the hope that this information will help with the 2010e application, and Elana Redfield, the Director of LGBTQ Affairs within the Office of Advocacy and Outreach at HRA in the NYC Department of Social Services (DSS), who is also in contact with Ms. Lopez.

Please feel free to reach out to me at 212-341-3103 if I can be of any further assistance.

C: Dana Bannerman, Housing Works  
Elana Redfield, Esq., HRA, DSS  
Mariah Lopez