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June 25, 1997

Hon. Karla Moskowitz
New York State Supreme Court
80 Center Street
New York, N.Y.

Re: Jiggetts v. Wing

Dear Justice Moskowitz,

Enclosed for your consideration is a counterproposal submitted on behalf of defendants. I have submitted only the decretal paragraphs for which defendants have suggested modifications since we have no objections to the recitation set forth by plaintiffs in the first ten pages of their proposed judgment. Please note that for your convenience, I have bolded the language which is new or different from the language contained in the proposed judgment submitted by plaintiffs.

Defendants propose that the final paragraphs state as follows:

ORDERED AND DECLARED that the current shelter allowance schedule for recipients of public assistance under the Aid to Dependent Children program does not bear a reasonable relation to the cost of housing in New York City and is contrary to law; and it is further

ORDERED that the Commissioner, pursuant to the Court's April 16, 1997 decision, shall diligently develop a schedule of shelter allowances for recipients of public assistance under the Aid to Dependant Children program that bears a reasonable relation to the cost of housing in New York City and is designed to enable families to be kept together in a home type setting. The Commissioner shall submit a request to the Legislature for a sufficient appropriation therefor and subject thereto shall promulgate a regulation in compliance with the NYSAPA incorporating such schedule; and it is further

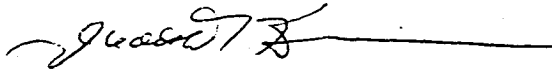
ORDERED that plaintiffs are entitled to interim relief until the Legislature enacts and the Commissioner develops and/or promulgates, and implements a lawful shelter allowance schedule.

The preliminary injunctions, including the interim relief system, are continued pending such conditions; and it is further...

The reason for the proposed changes is that language limiting the judgment to recipients of public assistance under the Aid to Dependent Children ("ADC") program is critical. Since the State has prevailed on the adequacy of the shelter allowance for persons in the Home Relief program, ADC is the only program to which this judgment applies. Moreover, under plaintiffs' proposal, NYDSS would be required to develop, promulgate and implement a new schedule within 180 days. This is inappropriate for two reasons. First, even if NYDSS already had a new schedule prepared as of this date and there was no other obstacles or potential delays, if all of the procedures under NYSAPA are followed, 180 days is an unrealistic time frame in which to promulgate a final regulation. Additionally, even if the regulation could be promulgated within 180 days, pursuant to the NYS Constitution, no money can be paid out except subject to an appropriation and no appropriation can be obtained without Legislative approval of the new schedule since current appropriations are inadequate to cover any increase to the shelter allowance. Accordingly, defendants urge this Court to sign the State's proposal in order to avoid a State Constitutional violation.

Thank you for your consideration.

Respectfully submitted,



Judith T. Kramer
Assistant Attorney General

cc. Susan Bahn,
Legal Aid Society