

Supreme Court, Appellate Division, First
Department, New York.
Barbara JIGGETTS, et al., Plaintiffs-Respondents,
v.
Michael J. DOWLING, etc., Defendant-Appellant.
Feb. 22, 1996.

DSS to consider applications prepared by HRA under
the delineated, narrow circumstances.

N.Y.A.D. 1 Dept., 1996.
Jiggetts v. Dowling
224 A.D.2d 327, 637 N.Y.S.2d 729

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The Supreme Court, New York County, [Moskowitz](#),
J., directed state Department of Social Services
(DSS) to process applications prepared by city human
resources administration (HRA) seeking interim
relief for plaintiffs. Defendants appealed. The
Supreme Court, Appellate Division, held that trial
court's order was a proper exercise of its equitable
power.

Affirmed.

Before MILONAS, J.P., [WALLACH](#), [ROSS](#) and
[MAZZARELLI](#), JJ.

***327 MEMORANDUM DECISION.**

Order, Supreme Court, New York County (Karla
Moskowitz, J.), entered October 31, 1994, which,
inter alia, directed the New York State Department
of Social Services ("DSS") to process applications
prepared by the New York City Human Resources
Administration ("HRA") seeking interim relief for
plaintiffs in the above-captioned matter, unanimously
affirmed, without costs.

The order of the IAS Court does not place HRA in a
position adverse to its principal, DSS. DSS already
processes applications submitted by legal services
organizations and community-based organizations,
and even took part in drafting the application form
for interim relief in this matter. In addition, DSS does
not object to HRA's referral of families to those
organizations, and DSS routinely grants most such
applications. Under the IAS Court's order, HRA may
prepare and submit applications only for families
requesting such relief; the decision on whether or not
to grant the application rests ***328** solely with DSS,
and HRA is expressly prohibited from challenging a
denial or advocating on behalf of the family.
Furthermore, HRA may prepare applications only
where a family would otherwise be evicted due to the
unavailability of an outside organization authorized
to submit such applications. Therefore, the IAS Court
properly exercised its equitable power in requiring