

Supreme Court, Appellate Division, First
Department, New York.
Barbara JIGGETTS, et al., Plaintiffs-Respondents,
and
Milagros Alicea, et al., Plaintiffs-Intervenors,
v.
Michael DOWLING, etc., Defendant-Appellant,
and
Ocean Park Company, et al., Defendants,
1711 Davidson Avenue HDFC, et al., Defendants-
Intervenors.
The Community Service Society of New York, et al.,
Amici Curiae.
May 6, 1999.

In action brought against State Commissioner, the
Supreme Court, New York County, [Karla
Moskowitz](#), J., declared that the shelter allowance for
city recipients of Aid to Families with Dependent
Children (AFDC) was contrary to law. On review,
the Supreme Court, Appellate Division, held that
evidence supported determination that Commissioner
failed to discharge his statutory duty to provide for
“adequate” shelter allowances so as to prevent large
numbers of AFDC families from becoming homeless.

Affirmed.

****483** [Susan C. Bahn](#), for Plaintiffs-Respondents.
[Michael S. Belohlavek](#), for Defendant-Appellant.
[James D. Liss](#), for Amici Curiae.

[SULLIVAN](#), J.P., [ROSENBERGER](#), [TOM](#) and
[WALLACH](#), JJ.

MEMORANDUM DECISION.

***144** Judgment, Supreme ***145** Court, New York
County (Karla Moskowitz, J.), entered September 5,
1997, which, *inter alia*, declared that the shelter
allowance for New York City recipients of Aid to
Families with Dependent Children (“AFDC”) is
contrary to law because not reasonably related to the
cost of housing in New York City, unanimously
affirmed, without costs.

According the trial court's findings of fact appropriate
deference (*see*, [Thoreson v. Penthouse Intl.](#), 80
N.Y.2d 490, 495, 591 N.Y.S.2d 978, 606 N.E.2d
1369), a fair interpretation of the evidence supports

its findings that the shelter allowance schedule for
AFDC recipients living in New York City bears no
reasonable relation to the cost of housing in the City,
and that there is a direct correlation between the
inadequate shelter allowances and homelessness. As
such, defendant State Commissioner failed to
discharge his statutory duty under [Social Services
Law § 350\(1\)\(a\)](#) to provide for “adequate” shelter
allowances so as to prevent large numbers of AFDC
families from becoming homeless (*see*, [Jiggetts v.
Grinker](#), 75 N.Y.2d 411, 417, 554 N.Y.S.2d 92, 553
N.E.2d 570). We have considered appellant's
remaining claims and find them to be unpersuasive.

N.Y.A.D. 1 Dept., 1999.

Jiggetts v. Dowling

261 A.D.2d 144, 689 N.Y.S.2d 482, 1999 N.Y. Slip
Op. 04003

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