July 9, 2026

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FOR IMMEDIATE RELEASE

Legal Aid, Empire Justice Center, Bond, Hughes Hubbard File Lawsuit Against New York State for Failure to Provide Adequate Public Assistance Shelter Allowances for Housing, Driving Thousands into Homelessness

(NEW YORK, NY) - The Legal Aid Society, Empire Justice Center, **Bond, Schoeneck & King PLLC (Bond),** and **Hughes Hubbard** have filed a class-action lawsuit against the New York State Office of Temporary and Disability Assistance (OTDA). The lawsuit, filed on behalf of individuals and families from both New York City and upstate New York, challenges the State's public assistance shelter allowance schedule, which is set in regulation by OTDA and which has remained unchanged for decades despite skyrocketing housing costs, driving tens of thousands of New Yorkers into homelessness.

Plaintiffs allege OTDA's failure to set shelter allowances at levels that permit needy individuals and families to rent housing is a violation of the State's obligation to provide aid, care, and support for the needy under the New York State Constitution.

The lawsuit highlights that New York's shelter allowances are inadequate and so profoundly out of step with actual housing costs that they are effectively a denial of assistance. In New York City, a single adult on public assistance is allocated just $215 per month for rent, while a family of three receives only $400 per month — a fraction of the $2,406 and $2,780 fair market rent levels set by the U.S. Department of Housing and Urban Development (HUD).

The situation is equally dire across New York State, where shelter allowances range from $152 to $309 for a single adult and $264 to $447 for a family of three, far below actual rental costs.

- In Erie County, the 2025 HUD Fair Market Rent (FMR) was $968 for a studio apartment and $1,176 for a two-bedroom apartment, while Defendants' shelter allowance was only $169 for a single adult and $301 for a family of three.
- In Monroe County, the State-set shelter allowance for a family of three with children is $343, but the HUD FMR for a two-bedroom apartment is $1,427.

As a result, many recipients are left in shelters, on the streets, or at imminent risk of eviction.

"The State's public assistance shelter allowances are so outdated and insufficient that they have effectively become a denial of aid," said **Pavita Krishnaswamy, Supervising Attorney in the Civil Law Reform Unit at The Legal Aid Society**. "New Yorkers who qualify for public assistance are legally entitled to support that

actually meets their basic housing needs. Instead, they are being forced into homelessness due to the State's inaction."

"The public assistance shelter allowance today is the same as it was in 1988 for single individuals, and the same as it was in 2003 for families with children," said **Susan Antos, Managing Attorney for the Benefits Practice Group at Empire Justice Center**. "The failure of the State to adjust the shelter allowance for decades to keep up with actual rental costs is the primary reason that low-income individuals and families are homeless."

"Housing allowances set decades ago cannot meet 2026 housing costs. Our State Constitution and justice require redress," said **Hermes Fernandez, of counsel at Bond**.

"Public assistance shelter allowances must reflect the reality facing New Yorkers struggling to keep a roof over their heads," said **Fara Tabatabai, partner at Hughes Hubbard.** "Aligning shelter allowances with the actual cost of rent is essential to ensure that vulnerable individuals and families can avoid eviction and homelessness. Together with The Legal Aid Society, Bond, Schoeneck and King, and Empire Justice Center, we're proud to file this suit to protect New Yorkers' basic housing rights."

The lawsuit asserts that the State's failure to provide sufficient shelter assistance violates Article XVII of the New York State Constitution, which requires the government to provide "aid, care, and support" to those in need. The complaint seeks a court order requiring the State to provide public assistance shelter allowances and supplements aligned with federal fair market rent standards. The case represents all individuals and families who are entitled to public assistance but are either experiencing homelessness or at immediate risk of losing their housing due to inadequate shelter support.

Plaintiff Background:

Kimberly Maldonado
Ms. Maldonado is a 55-year-old longtime Brooklyn resident who has lived in her rent-stabilized apartment for over 30 years. After being forced to stop working due to severe health conditions, she exhausted her savings and now survives on minimal public assistance that falls far short of her rent. Ms. Maldonado is at imminent risk of eviction and homelessness despite decades of housing stability.

Minerva Pacumio
Ms. Pacumio and her two daughters, like the other plaintiffs, depend on public assistance that fails to cover even a fraction of actual rent costs. Despite doing everything required to access benefits, Ms. Pacumio has been left unable to keep up with housing payments and is now at serious risk of eviction. Their experience underscores the systemic gap between public assistance levels and the reality of housing costs in New York.

Casey Hanten
Ms. Hanten, who is currently pregnant, is at risk of homelessness because she cannot continue to afford the two-bedroom apartment in Broome County, where she lives with her two young children. Ms. Hanten qualifies for public assistance, including a shelter allowance in the amount of $290, and a total grant of $700. After paying rent, Ms. Hanten only has $50 per month to pay for utilities, diapers, cleaning supplies, toilet paper, toothpaste, and everything else she needs to take care of her children, making her current housing unsustainable.

Willie Ivy
Mr. Ivy currently resides in a motel in Erie County and has done so for over five months while he looks for employment after losing his job. Mr. Ivy qualifies for a shelter allowance of $169. There is no private market housing that Mr. Ivy can rent for that amount.

Elisa DeCastro

Ms. DeCastro is a Monroe County resident currently facing eviction from her apartment. Due to her health and the loss of her job in March, public assistance is her only income. Ms. DeCastro qualifies for a shelter allowance of $247. There is no private market housing that Ms. DeCastro can rent for that amount.

Ashaley Carter
Ms. Carter is currently pregnant and staying in a shelter after leaving her abuser. The State has set her monthly shelter allowance for rent at $209, and $214 after her child is born. Once she gives birth, she will not be able to work for several months. There is no private market housing that Ms. Carter can rent for that amount and she will have no choice but to continue to stay in a shelter.

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The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of the people we serve and helps improve our communities.
www.legalaidnyc.org

Empire Justice Center is a statewide nonprofit law firm whose mission is to make the law work for all New Yorkers, particularly for those who need its protection most. We take a full-circle, 360-degree approach to changing systems by engaging in three major and interconnected areas of service. We teach the law by providing training, support and technical assistance to legal services and other community-based organizations; we practice the law by providing direct, civil legal assistance to low-income people with a particular focus on those from marginalized communities; and we change the law by engaging in policy analysis, research and advocacy and undertaking impact litigation to get at the root of systemic issues. Since 1973, Empire Justice has helped protect and strengthen the rights of millions of New Yorkers.