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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GENERAL WELFARE

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April 9, 2014  
Start: 11:14 a.m.  
Recess: 11:49 a.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
STEPHEN LEVIN  
Chairperson

COUNCIL MEMBERS:  
Carlos Menchaca  
Vanessa L. Gibson  
Annabel Palma  
Corey Johnson

CHAIRPERSON LEVIN: [gavel] Good morning, everybody. The hearing will come to order. I am Council Member Steve Levin, chair of the New York City Council's General Welfare Committee. I am joined today by members of the committee, Vanessa Gibson of the Bronx, Corey Johnson of Manhattan, Carlos Menchaca of Brooklyn, Annabel Palma of the Bronx.

Today we are going to be hearing a pre-considered resolution sponsored by Speaker Mark-Viverito and voting today on this resolution out of this committee. The pre-considered resolution and consideration today authorizes the Speaker to intervene and file an [muffled audio] or join an amicus brief on behalf of the City of New York, Council to the City of New York and any appeals in litigation captioned In Re: Bloomberg v. Lou and Neighborhood in the Ninety's Inc. v. The City of New York for the purpose of defending provisions of the New York City Administrative Code that limits the size of single adult shelters in New York City to 200 beds. Pursuant to Local Law 57 of 1998 the Council and active legislation prohibiting the Department of Homeless Services from operating a

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2 shelter for single adults with a census of more  
3 than 200 individuals. The council originally  
4 passed this legislation to insure the health and  
5 safety of shelter residents by prohibiting the  
6 warehousing of individuals.

7           Recent litigation involving the former  
8 Mayor and Controller, DHS and a neighborhood group  
9 on the Upper West Side involving the Controller's  
10 refusal to register contracts for two shelters,  
11 raised the issue of the legality of Administrative  
12 Code Section 21-312(2)(b), the 200 bed limit for  
13 single adult shelters.

14           In the Order and Decision the Judge  
15 held that this law is preempted by the State  
16 Regulation of Adult Care Facilities and therefore,  
17 illegal. The council does not agree with the  
18 Judge's holding that this law is invalid. Due to  
19 the Council's strong interest in defending the  
20 legality of the Administrative Code's cap on the  
21 single adult shelter census and the Council's  
22 ability to enact laws related to the regulation of  
23 single adult shelters. This resolution authorizes  
24 the Speaker to intervene, file an Amicus Brief or  
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join an Amicus Brief on behalf of the Council and any appeals in litigation.

Overturning this law and opening up shelters in excess of 200 beds will directly affect the health and safety of vulnerable individuals. This resolution will allow the Council to take the necessary steps to defend the legislative action this body enacted over 15 years ago in order to protect New Yorkers and I urge my fellow council members to vote in support. Thank you very much.

Do any of my colleagues have anything that they want to add on this Resolution?

[Pause] Okay, hearing none, I will ask William Martin to call the roll.

COMMITTEE CLERK: William Martin, Committee Clerk. Roll call vote for the Committee on General Welfare. Pre-considered Resolution. Council Member Levin.

CHAIRPERSON LEVIN: Aye.

COMMITTEE CLERK: Palma.

COUNCIL MEMBER PALMA: Aye.

COMMITTEE CLERK: Gibson.

COUNCIL MEMBER GIBSON: Aye.

COMMITTEE CLERK: Johnson.

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COUNCIL MEMBER JOHNSON: Aye.

COMMITTEE CLERK: MENCHACA.

COUNCIL MEMBER MENCHACA: Aye.

COMMITTEE CLERK: By a vote of five in the affirmative, zero in the negative and no abstentions, the item has been adopted.

CHAIRPERSON LEVIN: If members could sign the Committee Report if you haven't already. Okay. Hearing is adjourned.

[gavel]

[Pause]

CHAIRPERSON LEVIN: The time is now 11:20. We are going to leave the roll open for any other members of the Committee to come and cast their vote.

[Pause]

COMMITTEE CLERK: Final vote in the Committee on General Welfare is five in the affirmative, zero in the negative and no abstentions

CHAIRPERSON LEVIN: Hearing is adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 04/30/2014