



Legislation Text

File #: Res 0158-2014, Version: *

Preconsidered Res. No. 158

Resolution authorizing the Speaker to intervene, file an amicus brief, or join an amicus brief on behalf of the Council of the City of New York in any appeals in the litigations captioned *In re Bloomberg v. Liu* and *Neighborhood in the Nineties, Inc. v. City of New York* for the purpose of defending provisions of the New York City Administrative Code that limit the size of single-adult shelters to two hundred beds.

By The Speaker (Council Member Mark-Viverito) and Council Members Chin, Dickens, Levine, Mealy, Mendez, Rose and Koo

Whereas, In 1998, the Council of the City of New York (“Council”) passed Local Law 57, which, among other things, added what is now section 21-312(b) of the New York City Administrative Code; and

Whereas, Administrative Code §21-312(2)(b) limits the number of persons receiving shelter at a shelter for adults at no more than two hundred persons; and

Whereas, In an proceeding pursuant to Article 78 of the Civil Practice Law and Rules, Mayor Michael R. Bloomberg and the New York City Department of Homeless Services (“DHS”) moved to compel Comptroller John C. Liu to register two contracts between DHS and Aguila, Inc., an operator of shelters for homeless families; and

Whereas, In a related case *Neighborhood in the Nineties, Inc.*, a not-for-profit community organization, moved to enjoin the Comptroller from registering the contract of one of the shelters operated by Aguila, Inc.; and

Whereas, The Supreme Court, New York County consolidated the cases solely for the purposes of the decisions on the respective motions due to the substantial similarity of facts in the two proceedings; and

Whereas, As part of its decision and order, the Court struck down Administrative Code §21-312(2)(b) and held that “the regulation of adult-care facilities has been preempted by the State” and therefore “local laws

such as Administrative Code section 21-312(2)(b) placing control on the operation of an adult shelter [are] illegal”; and

Whereas, The Council does not agree that Administrative Code §21-312(2)(b) is invalid; and

Whereas, The Council has an interest in defending the legality of Administrative Code §21-312(b) and the Council’s ability to enact laws related to the regulation of single adult shelters; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to intervene, file an amicus brief, or join an amicus brief on behalf of the Council of the City of New York in any appeals in the litigations captioned *In re Bloomberg v Liu* and *Neighborhood in the Nineties, Inc. v City of New York* for the purpose of defending provisions of the New York City Administrative Code that limit the size of single-adult shelters to two hundred beds.

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