



THE COUNCIL OF
THE CITY OF NEW YORK

CITY HALL
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ADRIENNE E. ADAMS
SPEAKER

January 9, 2024

Commissioner Molly Wasow Park
New York City Department of Social Services
150 Greenwich Street
New York, New York 10007

Re: CityFHEPS Local Laws 99, 100, 101 and 102 of 2023

Dear Commissioner Park:

On November 22, 2023, Deputy Speaker Diana Ayala wrote you asking what preparatory steps the Department of Social Services (DSS) was undertaking to implement Local Laws 99, 100, 101 and 102 of 2023 related to the CityFHEPS program. As you know, these local laws were passed by the Council on May 5, 2023, enacted into law on July 13, 2023, and go into effect today.

In your December 15, 2023 response, you asserted that the “local laws cannot be implemented at this time” due to “substantial financial, operational and legal issues.” We have not heard an updated response from your office. DSS’s refusal to enforce duly enacted laws passed by the Council is unlawful and unacceptable.

Under the New York City Charter, DSS and the Administration are obligated to enforce and implement all laws duly passed by the Council regardless of policy disagreements.

Moreover, the legal concerns you raise with the local laws do not justify your delay in implementation. Specifically, your assertion that the local laws are preempted by the Social Services Law is a misinterpretation of that statute, relevant case law, and the State Constitution that vests policy-making authority in the Council, not an administrative agency. Your position is also inconsistent with the prior practice of this Administration and preceding ones that have repeatedly recognized the Council’s authority to pass local laws modifying the CityFHEPS program and complied with implementing such enacted laws. Equally unfounded is your contention that the projected costs of the local laws are a violation of the budgeting powers of the Mayor and the Council.

If DSS does not show it has taken concrete, verifiable steps to implement these local laws by **February 7, 2024**, the Council will have no other option but to take legal action.

These local laws provide critical solutions to our unprecedented homelessness crisis, and time is of the essence. Every day DSS delays in implementing the laws is a day that more New Yorkers needlessly end up or remain in homeless shelters, and the City faces unnecessary legal liability. We look forward to your prompt action.

Sincerely,

A handwritten signature in black ink that reads "Adrienne Adams". The signature is written in a cursive, flowing style.

ADRIENNE E. ADAMS

Speaker

cc: Mayor Eric Adams
Deputy Speaker Diana Ayala
Council Member Tiffany Cabán
Council Member Pierina Ana Sanchez
Jason Otaño, New York City Council General Counsel
Marricka Scott-McFadden, Deputy Commissioner of Intergovernmental Affairs,
Department of Social Services
Connor Martinez, Director, Mayor's Office of City Legislative Affairs