

New York County Clerk's Index No. 156196/2018

**New York Supreme Court
Appellate Division: First Department**

In the Matter of

Case No.
2019-3801

WEST 58TH STREET COALITION, INC.; 152 W. 58 ST.
OWNERS CORP.; SUZANNE SILVERSTEIN; CARROLL
THOMPSON; XIANGHONG DI (STELLA) LEE; DORU ILIESIU;
and ELIZABETH EVANS-ILIESIU,

Petitioners-Appellants,

For Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules,

against

THE CITY OF NEW YORK; BILL DE BLASIO, Mayor of the
City of New York; SCOTT M. STRINGER, Comptroller of
the City of New York; THE NEW YORK CITY

(caption continued on reverse)

Respondents-Respondents.

**AFFIRMATION OF MUNICIPAL RESPONDENTS IN RESPONSE
TO PETITIONERS' APPLICATION FOR LEAVE TO APPEAL**

BARBARA GRAVES-POLLER
of Counsel

JAMES E. JOHNSON
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September 23, 2020

DEPARTMENT OF HOMELESS SERVICES (“DHS”); THE NEW YORK CITY HUMAN RESOURCES ADMINISTRATION (“HRA”); THE NEW YORK CITY DEPARTMENT OF BUILDINGS (“DOB”); STEVEN BANKS, Commissioner of DHS and Commissioner of HRA; JACQUELINE BRAY, Deputy Commissioner of HRA; WESTHAB, INC.; NEW HAMPTON, LLC; JOHN PAPPAS; PAUL PAPPAS; B GENCO CONTRACTING CORP.; TMS PLUMBING & HEATING CORPORATION; and BASS ELECTRICAL CORPORATION.

BARBARA GRAVES-POLLER, an attorney admitted to practice in the courts of this state, affirms under the penalties of perjury:

1. I am an Assistant Corporation Counsel in the office of the Corporation Counsel of the City of New York, counsel for the municipal respondents¹ in this case. I submit this affirmation in response to petitioners' motion (Mot. No. 2993) for leave to appeal this Court's August 13, 2020 decision to the Court of Appeals.

2. On September 14, 2020, the municipal respondents also filed a motion (Mot. No. 2962), seeking reargument or, in the alternative, leave to appeal the same decision.

3. The parties thus agree, albeit for different reasons, that this appeal presents leave-worthy issues of public importance and questions regarding the scope of judicial deference to administrative decision-making called for under Court of Appeals precedent. In the event this Court grants the municipal

¹ The municipal respondents are: the New York City Department of Homeless Services (DHS); the New York City Human Resources Administration (HRA), the New York City Department of Buildings; Steven Banks, Commissioner of DHS and Commissioner of HRA; and Jacqueline Bray, Deputy Commissioner of HRA.

respondents leave to appeal, we have no objection to the Court granting leave on the entirety of the case.

Dated: New York, New York
September 23, 2020



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