

not require judicial approval. And even where Section 6(j) of the U.S. Housing Act contemplates the involvement of the courts, it does not bestow a roving commission to reform public housing agencies as they see fit. Instead, if the HUD Secretary petitions for appointment of a receiver, the statute requires a court to appoint one upon a determination that a substantial default has occurred. Thus, the statutory scheme does not require this Court (or the United States Attorney's Office) to approve whatever remedial plan HUD and NYCHA may devise.

At bottom, the United States of America filed a civil action in federal court alleging serious violations of federal law against NYCHA. Federal courts are courts of limited jurisdiction, whose powers are “circumscribed at their most basic level by the terms of Article III[’s]” case or controversy requirement. Russman v. Bd. of Educ. of Enlarged City Sch. Dist. of Watervliet, 260 F.3d 114, 118 (2d Cir. 2001) (citing U.S. Const. art. III, § 2, cl. 1). Though the public interests at stake are of paramount importance, a federal court that is neither democratically accountable nor an advocate for either side may only “adjudicate specific controversies between adverse litigants over which and over whom they have jurisdiction.” Cty. of Court of Ulster Cty. v. Allen, 442 U.S. 140, 154 (1979). Accordingly, the parties should be prepared to advise this Court how they intend to litigate this case.

Dated: January 18, 2019
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.