

COUNTY OF OSWEGO
STATE OF EMERGENCY PROCLAMATION
2023-A1

STATE OF NEW YORK)
COUNTY OF OSWEGO) ss.:

Pursuant to New York State Executive Law, Article 2-B, and the Home Rule authority of the County of Oswego, a local State of Emergency is hereby proclaimed within a portion of the territorial limits of the County of Oswego, effective October 2, 2023.

As Chairman of the County Legislature, I hereby **FIND AND DETERMINE** consistent with the Emergency Proclamation issued herewith that the orderly and humane treatment of homeless persons is necessary for the public safety, welfare and health of the residents of the County of Oswego and homeless persons alike and that the plan of the City of New York announced this week to place over 110,000 persistent homeless individuals in upstate counties under a New York City voucher and/or assistance programs without regard to available Oswego County local financial resources, local community impacts, strains on Oswego County and local government funding, local education, medical and shelter capacity and local capacity and resources to humanely care and provide for education, welfare, medical, mental health, temporary assistance and other needs of the homeless populations necessitates the issuance of this State of Emergency Proclamation.

WHEREAS, there is a national immigration crisis at the border between the United States and Mexico, creating a dramatic increase in the number of persons seeking asylum or who have illegally entered and remained in the United States, and the federal government has failed to anticipate or react to the exigent and emergent circumstances, resulting in thousands of persons crossing the United States border; and

WHEREAS, the national immigration crisis has caused strains on affordable housing in New York City and elsewhere, contributing in part to a homelessness crisis in New York City which, by the City of New York's own account, has over 110,000 homeless individuals at present; and

WHEREAS, in 1984, the City of New York agreed to a consent decree guaranteeing shelter in the City of New York to all persons who apply and qualify for shelter, and in 1989 the City of New York issued an executive order establishing the City of New York as a "sanctuary city" for federal immigration purposes, which such status the New York City Council reaffirmed by resolution adopted in 2016; and

WHEREAS, in the last year, the State of Texas transported tens of thousands of persons from Texas to the City of New York on the basis of its status as a “sanctuary city”; and

WHEREAS, also in the last year, tens of thousands of persons who have entered the country have, of their own volition, migrated to settle in New York City; and

WHEREAS, in May 2023, the Mayor of the City of New York, on the basis of overwhelmed City agencies and stress on City resources, announced plans to bus persons from the City of New York to hotels and motels in counties outside of the City of New York, in violation of the United States and New York State constitutions and statutes and without regard to those counties’ capabilities to house, feed, and serve such populations amidst those counties’ own homeless and mental health services crises; and

WHEREAS, in response to the Mayor of the City of New York’s proposed busing program, the County of Oswego issued an Emergency Proclamation and related emergency orders which remain in effect barring local hotels, motels and others from contracting with the City of New York to transport or house New York City migrants, asylum seekers, or other persons without first applying for a permit from the Oswego County Health Department to ensure that such contract will not jeopardize the health, safety, or welfare of the County or its residents and that any proposed relocation will also promote and protect the health and welfare of those being housed by the City of New York which has failed to adequately do so within its own borders; and

WHEREAS, the Oswego County is struggling with its present homeless population and struggles to house and shelter its own vulnerable residents, particularly during the winter months when all shelter housing, available motel housing, and all collaborative rental housing is at or near capacity; and

WHEREAS, the County of Oswego, like New York City and other counties throughout New York State, is contending with its own housing shortage, homelessness crisis and finite social services resources and funding; and

WHEREAS, the City of New York challenged the separate Oswego County’s Emergency Orders and Proclamation by commencing a lawsuit in Manhattan New York State Supreme Court, New York County, but the Court determined that the City failed to select a proper venue for the lawsuit and ordered that the action be severed as to Oswego County and transferred to the Supreme Court, Oswego County; after which decision, the City of New York voluntarily discontinued the lawsuit; and

WHEREAS, by press release dated September 26, 2023, the Mayor of the City of New York, upon information and belief, in an effort to evade and subvert current Oswego County Emergency Orders through extrajudicial means – announced plans to expand the New York City Fighting Homelessness and Eviction Prevention Supplement (“City FHEPS”) program by providing five (5) years (or more) of rental vouchers to New York City residents who agree to relocate from New York City to counties in upstate New York and Long Island (hereinafter the “City of New York Homeless Relocation Program”); and

WHEREAS, the City of New York also recently mentioned the expansion of its Special One Time Assistance (STOA) voucher program to the whole state; and

WHEREAS, the City of New York has stated that migrants and asylum seekers are not eligible for vouchers under the city's STOA program; and

WHEREAS, the City of New York attempted to undertake similar actions in Broome County in 2018 where Broome County, *inter alia*, raised the prohibitions of New York State Social Services Law §148 in response to the city's attempt to relocate homeless individuals to Broome County; and

WHEREAS, the County of Oswego HUD Section 8/Housing Choice Voucher program presently has a waiting list of 587 individuals or families seeking housing within Oswego County with a typical wait list time of nine to eighteen months; and

WHEREAS, the County of Oswego presently has 490 HUD Section 8/Housing Choice Vouchers issued in total; and

WHEREAS, as of today the Oswego County Department of Social Services reports that 142 individuals or families are currently presenting to DSS as homeless with a total, to date of 824 persons; and

WHEREAS, by a statewide video conference on September 26, 2023, the City of New York confirmed that, although it will be providing five (5) years of rental payments to homeless who agree to relocate to upstate New York and Long Island, the City will divest itself of the obligation to pay for the attendant social services, educational services, medical needs and all other local support for the homeless persons it relocates; and

WHEREAS, the City of New York Homeless Relocation Program violates the City's own 1984 consent decree and is unlawful under the United States and New York State statutes and constitutions, including Article IX of the New York Constitution, which secures to the County of Oswego the right of home rule, local self-government and which further requires local governments to secure intergovernmental cooperation by formal agreement as authorized by the New York State Legislature, not by unilateral fiat; and

WHEREAS, New York State Social Services Law §148, entitled "Penalty for unlawfully bringing a needy person into a public welfare district" has been in force since 1940 and provides as follows: *No person shall, without legal authority, send or bring, or cause to be sent or brought, any needy person into a public welfare district with the purpose of making him a charge on such public welfare district, or for the purpose of avoiding the responsibility of assistance or care in the public welfare district from which he is brought or sent. Any person found guilty of such an act shall be guilty of a misdemeanor and liable to a fine of fifty dollars, recoverable in the name of the public welfare district;* and

WHEREAS, the County of Oswego has been and continues to be a welcoming community; however, the unlawful City of New York Homeless Relocation Program and or

SOTA program, poses a grave risk to the social, public health and welfare, and emergency services resources of the County, particularly because the County's number of homeless is at all-time highs, causing the County's inventory of affordable housing is low and emergency/temporary housing is at or near capacity; and

WHEREAS, the County of Oswego is further concerned that the market rents offered by the City of New York (which may also constitute a savings for the city compared to NYC rents), will be higher than those typically paid within Oswego County and will thereby cause landlords to displace families and/or individuals paying rents presently and compounding the housing scarcity and homelessness problem within the County; and

WHEREAS, the County of Oswego is responsible for securing the health and safety of its residents, and should the City of New York transport or send large numbers of persons to Oswego County for housing, the arrival of these persons will create a social, public health, and emergency services crisis, causing an increase in homelessness, threatening the health and public safety of Oswego County residents and any relocated persons;

WHEREAS, the Oswego County has inadequate temporary housing infrastructure to meet a large influx of homeless individuals, including, but not limited to, work opportunities, education, language, transportation to work, food, medical care, and pharmaceutical opportunities; and

WHEREAS, Oswego County is presently unaware of any lasting reimbursement from the City of New York for expenses which may be incurred as a result of New York City's program to move individuals from its social services district to other counties as it appears to be limited despite state regulations; and

WHEREAS, due to the above circumstances, I find a reasonable apprehension of immediate danger thereof that public safety and health is imperiled thereby, for not only individuals which may be relocated to this county from the City of New York but also for the residents of Oswego County; and


NOW, THEREFORE, I hereby declare, in order to protect life and property, a State of Emergency within the territorial limits of the County of Oswego and will issue subsequent Emergency Orders when, and as may be, necessary and proper; and

FURTHER, declare this State of Emergency Declaration shall take effect immediately, be filed and published as required by law, and individually expire as required by law; and

FURTHER, any Emergency Order which may have lapse but for the renewal of this State of Emergency shall continue per its own terms; and

FURTHER, Nothing in this Emergency Order shall pertain, restrict, impair or apply to individuals or families with a HUD/Section 8 or Housing Choice Voucher and their ability to port or relocate from one jurisdiction to another jurisdiction as allowed by law under those programs.

This State of Emergency shall continue for thirty (30) days unless otherwise rescinded or amended by subsequent declaration or order.



Hon. James Weatherup, Chairman
Oswego County Legislature

L.S. Dated: October 2, 2023