

**COUNTY OF OSWEGO
EMERGENCY ORDER 2024-A-10**

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

I, **James Weatherup**, as Chairman of the Legislature and Chief Executive of the County of Oswego, in accordance with a declaration of a State of Emergency issued by me February 2, 2024, concerning New York City's proposal to issue housing vouchers outside of the geographical jurisdiction of the City of New York in upstate counties and pursuant to the authority vested in me under New York State Executive Law § 24 and the County of Oswego's Home Rule authority, **DO HEREBY ISSUE** this Emergency Order as follows:

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, education capacity, medical capacity and capacity to humanely care and provide for education, medical, mental health, temporary assistance and other needs of the homeless populations necessitates the issuance of this Emergency Order.

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 to a homelessness crisis in New York City which, by their own account, has over 110,000 homeless individuals; 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 has 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 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, all available motel housing, and all collaborative rental housing is at 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 Oswego County's Emergency Order 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 the city has a track record under that program of placing pressure on city residents to relocate elsewhere; 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 issued approximately 490 HUD Section 8/Housing Choice Vouchers at present and there is still a shortage of available housing; 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 or families to date; 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/STOA as amended to include the whole state 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/STOA, poses a grave risk to the social, public health, 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 housing is at or near capacity; and

WHEREAS, the County of Oswego is also 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 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;

NOW THEREFORE, by the power vested in me by New York State Executive Law Section 24, and under the Emergency Proclamation upon which this Emergency Order is based, it is hereby **ORDERED** as follows:

Section 1. Prohibition of Acceptance within the County of New York City FHEPS and/or STOA housing vouchers absent the prior written authorization from the County of Oswego.

A. No person, business, current county vendor or other entity within the County of Oswego shall accept or agree to accept, by lease agreement or otherwise, a New York City FHEPS or SOTA rental voucher or other voucher from this city directly or through a broker or intermediary without first applying for, and obtaining, the prior authorization of the Chair of the County Legislature or his designee, such authorization to be given only after a determination that such agreement would not otherwise jeopardize the health, safety and/or welfare of Oswego County and its residents.

B. Such application for authorization shall be in a form approved by the Chair of the County Legislature or his designee and shall, at a minimum, identify the address of the property, the term of the lease or other agreement, the monthly rent amount, the amount of the proposed New York City FHEPS/SOTA voucher, the name of the broker or landlord, the name of any agent for NYC, the legal names, former residence, birthdates, current addresses (if any) of all persons to be housed at the property and any and all records pertaining to services requested by such persons or administered to such persons by the City of New York.

C. As a term and condition to granting the authorization described in paragraph A of section 1 of this Order, the Chair of the County Legislature or his designee shall require each person, vendor business or entity seeking to accept New York City FHEPS/SOTA rental vouchers or other vouchers within the County of Oswego to:

- i. First provide the County of Oswego with notice and opportunity to elect to furnish an equivalent rental voucher to a client of Oswego County Department of Social Services ("DSS") or its HUD Section 8/Housing Choice Voucher program

who seeks housing or shelter. Such person, business, or entity shall satisfy this subparagraph by furnishing to the County of Oswego a written declination of DSS and the county Housing Program to so match the New York City FHEPS rental voucher, in such form as promulgated by the county in its reasonable and considered discretion; and

ii. Require the City of New York to be a non-tenant party to the lease or other agreement, and require the City of New York to agree to, in addition to paying rental assistance to the voucher recipient, pay to the County of Oswego all social services, educational, public assistance, temporary assistance and other governmental costs of the person(s) relocated from the City of New York to the County of Oswego, in such amount as reasonably determined by the County of Oswego upon review of the application materials identified in Section I(B) hereof. The County of Oswego shall allocate such payments received from the City of New York to all applicable taxing jurisdictions and districts on a *pro rata* basis; and

iii. Require the City of New York to meet with Oswego County DSS and housing officials if more than seven families or individuals are proposed to be relocated in any given quarter of a calendar year.

D. The Chair of the County Legislature or his designee, in granting the authorization described herein, may impose such additional conditions as may be reasonable and necessary in his discretion, to protect the public health, safety, and/or welfare of Oswego County and its residents.

Section 2. Penalties and Remedies.

A. Pursuant to New York State Executive Law § 24(5), any person who, or entity which, knowingly violates the provisions of this Emergency Order shall be guilty of a class B misdemeanor. The Sheriff of the County of Oswego is hereby authorized to issue appearance tickets for any such knowing or willful violation of this Emergency Order.

B. In addition to the foregoing penalty, any person who, or entity which, knowingly violates any provision of this Emergency Order or any term or condition of the authorization provided hereby shall be liable for a civil penalty of Two Thousand Dollars and 00/100 (\$2,000.00) per day. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the County of Oswego and initiated by the County of Oswego.

C. Regardless of any other penalty, remedy or relief sought by the County for any violation of this Emergency Order, the County Attorney may commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violations of this Emergency Order as directed by the Chair of the Legislature.

D. The penalties or remedies of this Emergency Order are not exclusive of any other

remedy or penalty available at law, but are in addition to all such other remedies and penalties and may be pursued at any time whether prior to, simultaneously with, or following any other remedy or penalty.

Section 3. County Comprehensive Emergency Management Plan.

To the extent that may be necessary and prudent, and pursuant to the County Comprehensive Emergency Management Plan, the Chair of the County Legislature and the Director of the Oswego County Office of Emergency Management shall activate and initiate all processes as may be necessary, from time to time, to effectuate the provisions of this Emergency Order.

Section 4. Severability.

If any clause, sentence, paragraph or part of this Local Emergency Order shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Emergency Order so adjudged to be invalid.

Section 5. Duration of Local Emergency Order.

This Emergency Order shall remain in effect for five (5) days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five (5) days during the pendency of the local state of emergency. Failure to obey this Order is a criminal offense, punishable by law under New York State Executive Law § 24(5).

Section 6. HUD/Section 8 Portability Requirements not affected by this Order.

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.

SIGNED AND ISSUED this 16th day of February 2024, in the County of Oswego, New York.

COUNTY OF OSWEGO

IT IS SO ORDERED.

By:



JAMES S. WEATHERUP
CHAIRMAN OF THE LEGISLATURE