

Warren County Board of Supervisors

COUNTY OF WARREN FIFTH EXTENSION OF LOCAL EMERGENCY ORDER 1 OF 2023

WHEREAS, by proclamation dated May 23, 2023, and by the authority vested in the Chairman of the Warren County Board of Supervisors, Kevin B. Geraghty, (hereafter, "Chairman") under the laws of the State of New York, pursuant to section 24 of Article 2-B of the New York State Executive Law, declared that public health and public safety were sufficiently imperiled such that a state of emergency within the territorial limits of Warren County was required to protect the public health and public safety of Warren County residents; and

WHEREAS, it is anticipated and expected that the City of New York shall unilaterally relocate people found within its territorial boundaries who are in need of public assistance and care by bus and other forms of transportation from the City of New York to Warren County, in violation of New York State law, for an unknown period of time, without any prior communication, coordination, planning or management with the officers and employees of the County of Warren, thereby causing an immediate shock, strain and crisis upon the County's public health services, programs and resources, the County's social services programs and resources, and the County's emergency services; and

WHEREAS, the unilateral relocation of people in need of public assistance and care out of the territorial boundaries of the City of New York by their officers, employees, agents and contractors, by bus or other means of transportation, will drastically increase homelessness in Warren County, threaten the health and public safety of Warren County residents and negatively impact the health and safety of persons currently in need of public assistance and care, public health services and social services who reside in Warren County, as well as negatively impact the health, safety and welfare of Migrants unilaterally relocated by the City of New York to Warren County in violation of Social Services Law.

NOW, THEREFORE, by the authority vested in me by section 24 of the New York State Executive Law to ensure for adequate care with Warren County and to avoid the depletion of limited County resources, it is hereby

ORDERED, that no person, business, or entity shall agree or contract for consideration with any government, municipality, or person, to transport into the territorial jurisdiction of Warren County any person currently receiving public assistance and care from the City of New York due to homelessness without prior approval from the Warren County Board of Supervisors by resolution; and it is further

ORDERED, that no owner or operator of any hotel, motel, short-term rental, campground, or multiple unit dwelling located in Warren County (hereafter, “overnight accommodation”) shall agree or contract to sell, lease, rent or otherwise provide for value or monetary compensation any room or habitable space inside an overnight accommodation to any Federal, State, or municipal government, or their officers, employees, agents, representatives, or contractors (hereafter, “external municipality”) for the purpose of housing a person currently receiving public assistance and care from the City of New York due to homelessness overnight in an overnight accommodation without prior approval from the Warren County Board of Supervisors by resolution; and it is further

ORDERED, that an application for prior approval to transport and/or provide overnight accommodation to any person currently receiving public assistance and care from the City of New York due to homelessness (hereafter, “homeless persons”) to the Warren County Board of Supervisors will only be considered when the application provides:

1. That the external municipality state when and how the homeless persons shall be returned to the external municipality from which they will arrive, or to another agreed-to location outside Warren County; and
2. That the external municipality shall relocate all homeless persons brought to Warren County within thirty (30) days of their arrival, subject to further time extensions as authorized by the Chairman; and
3. That the external municipality demonstrates the presence of funding required to pay the public assistance and daily needs for each homeless person which the external municipality intends to bring to Warren County for the entire time of their intended stay in Warren County and that the external municipality provide a surety, performance bond, or other acceptable form of collateral required by the Chairman to ensure for the continuing care of such homeless persons during their intended stay in Warren County as well as for an additional period of time which homeless persons may remain in Warren County, as deemed sufficient by the Chairman; and
3. The external municipality assumes any costs expended by the County of Warren and by any municipality located in Warren County, with the term “municipality” being defined by section 800(4) of the New York State General Municipal Law (hereafter, “local municipalities”) for the health, safety, general welfare, or other expenses related to the interactions of the County of Warren and local municipalities with such homeless persons, within seven (7) days of written demand; and
4. The external municipality enters into a written agreement with the County of Warren, which is approved by the Warren County Board of Supervisors and executed by the Chairman, to indemnify and reimburse the County of Warren for all costs incurred for all public assistance, healthcare and welfare, or other expenses related to the interactions of the County of Warren and local municipalities with such homeless persons; and it is further

ORDERED, that any person, corporation, limited liability company, partnership, or any other form of business entity authorized to conduct business in the State of New York, which violates the provisions of this Order shall be guilty of a class B misdemeanor for each such homeless person either:

1. Bused, or otherwise transported into the territorial jurisdiction of Warren County when such homeless person was receiving public assistance or care from an external municipality within thirty (30) days prior to the homeless persons' relocation from the external municipality to Warren County; or
2. Housed overnight in an overnight accommodation located within the territorial jurisdiction of Warren County, with each overnight stay by a homeless person being a separate violation of this Local Emergency Order; and it is further

ORDERED, that criminal penalties and punishment for persons that violate this Local Emergency Order shall be up to six (6) months in jail, and a criminal fine up to Five Hundred and 00/100 Dollars (\$500.00) per violation; and the criminal penalties and punishment for corporations that violate this Local Emergency Order shall be a criminal fine up to Two Thousand and 00/100 Dollars (\$2,000.00) per violation; and it is further

ORDERED, that any person, corporation, limited liability company, partnership, or any other form of business entity authorized to conduct business in the State of New York, which violates the provisions of this Local Emergency Order shall be civilly liable for a civil penalty up to TWO THOUSAND and 00/100 DOLLARS (\$2,000.00) per violation, with each homeless person bused into the territorial jurisdiction of Warren County, and each homeless person housed overnight in an overnight accommodation located in the territorial jurisdiction of Warren County, constituting a separate and independent violation of this Local Emergency Order, and subject to the civil penalty set forth herein and under the laws of the State of New York; and it is further

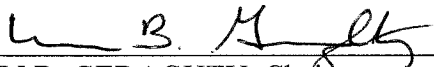
ORDERED, that any local law enforcement agency, to include the Warren County Sheriff or his designee; the Chairman of the Warren County Board of Supervisors or a designee; the Commissioner of the Warren County Department of Social Services, or the Director of Warren County Health Services, or her designee, are authorized to issue an appearance ticket for any violation of this Local Emergency Order for the penalties prescribed herein and as provided by section 24(5) of the New York State Executive Law ; and it is further

ORDERED, that without regard for any other remedy or relief brought by the County of Warren, its officers and employees for any violation of the Local Emergency Order, the Warren County Attorney, or his designee, is authorized to commence actions or proceedings in the name of the County of Warren in a court of competent jurisdiction to cease and desist any violation of this Local Emergency Order, or to enforce any provision of this Local Emergency Order.

ORDERED, that no remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedies available to address any violation described in this Local Emergency Order and each remedy or penalty set forth by this Local Emergency Order shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties set forth by this Local Emergency Order.

This Local Emergency Order shall take effect immediately and remain in effect for five (5) days unless sooner modified, extended or rescinded, and may be extended for additional periods to not exceed five (5) days during the pendency of the local state of emergency.

Dated: June 14, 2023
Lake George, New York



KEVIN B. GERAGHTY, Chairman
Warren County Board of Supervisors

cc: Clerk of the Warren County Board of Supervisors
Warren County Clerk
Office of the Secretary of State
New York State Office of Emergency Management