

STATE OF EMERGENCY DECLARATION

Pursuant to New York State Executive Law, Article 2-B, and the Home Rule authority of the County of Tioga, a local State of Emergency is hereby declared in Tioga County, New York effective 6:30 AM on November 8, 2023.

This State of Emergency is declared in response to the efforts put forth by the City of New York to encourage and cause homeless, unhoused, needy, migratory, and/or transient members within their City to relocate upstate including to the County of Tioga. The County of Tioga is struggling with its own homeless population and with efforts to find space to house its own vulnerable residents with finite services, limited social services funding, a low inventory of affordable housing and a lack of emergency and temporary housing or shelters. While Tioga County continues to be a welcoming community, the act of moving such needy populations to Tioga County poses a grave risk to the social, public health, public welfare and emergency services of the County such that public safety and health is imperiled thereby.

This State of Emergency will remain in effect for thirty (30) days or until rescinded by a subsequent order. As the Chief Executive of Tioga County, New York, I, Martha Sauerbrey, exercise the authority given me under Section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being, and health of the citizens of this Municipality.

I hereby direct all departments and agencies of Tioga County, New York to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.


Martha Sauerbrey, Legislative Chair of Tioga County

11-8-23
Date

EMERGENCY ORDER

Executive Order # 2023-02.1

Local Emergency Order for Tioga County

I, Martha C. Sauerbrey, Chairwoman of the Tioga County Legislature, in accordance with a declaration of a State of Emergency issued November 8, 2023, and pursuant to Section 24 of New York State Executive Law, do hereby order:

Section 1. Prohibition on accepting New York City FHEPS and/or SOTA housing vouchers within Tioga County without prior written approval.

- A. No person, business, current county vendor or other entity within the County of Tioga shall accept or agree to accept, by lease agreement or otherwise, a New York City Fighting Homelessness and Eviction Prevention Supplement (FHEPS) voucher or Special One Time Assistance (SOTA) rental voucher or other voucher from the City of New York directly or through a broker or intermediary without first applying for and obtaining the authorization of the County Legislature through its Legislative Chair or the Chair's designee. Such authorization shall only be given after the determination that such agreement would not otherwise jeopardize the health, safety and/or welfare of Tioga County and its residents.
- B. The application for authorization shall be in a form approved by the Chair of the County Legislature or their 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 New York City, the legal names, former residences, 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 their designee shall require each person, vendor, business or entity seeking to accept New York City FHEPS/SOTA rental vouchers or other voucher within the County of Tioga to 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 Tioga all social services, educations, and other governmental costs or the persons relocated from the City of New York to the County of Tioga, in such amounts as reasonably determined by the County of Tioga upon review of the application materials identified in Section 1, paragraph B hereof. The County of Tioga shall allocate such

payments to all applicable taxing jurisdictions and districts on a pro rata basis.

- D. The County Legislature through its Legislative Chair or the Chair's designee, in granting the authorization described herein, may impose such additional conditions as they, in their reasonable discretion, deem necessary to protect the health, safety, or welfare of the 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 provision of this Local Emergency Order shall be guilty of a class B Misdemeanor. The Tioga County Sheriff is authorized to issue appearance tickets for such knowing violation of this Emergency Order.
- B. In addition to those penalties prescribed by NYS Executive Law § 24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Local Emergency Order, shall be liable to a civil penalty, of not more than \$2,000 per day. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County and initiated by the County Attorney.
- C. Regardless of any other remedy or relief brought by the County for any violation, the County Attorney to commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Local Emergency Order.
- D. The penalties or remedies of this Local Emergency Order are not exclusive of any other remedy or penalty 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. Effective Date

This Executive Order shall take effect immediately.

Section 4. Duration of Local Emergency Order

The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

GIVEN, under my hand and the Seal of the County of Tioga this Eighth Day of November, in the year Two Thousand Twenty-Three.



COUNTY OF TIOGA

A handwritten signature in blue ink that reads "Martha C. Sauerbrey".

Martha C. Sauerbrey
Tioga County Legislative Chair