State of New York

Executive Chamber

No. 151

EXECUTIVE ORDER

**EMERGENCY DECLARATION REGARDING HOMELESSNESS DURING INCLEMENT WINTER WEATHER**

**WHEREAS,** New York State is currently in the winter season and is subject to inclement winter weather that poses an imminent danger to public health and safety; and

**WHEREAS,** such inclement winter weather means air temperatures at or below 32 degrees Fahrenheit, including National Weather Service calculations for windchill; and

**WHEREAS,** when such inclement winter weather occurs, it presents a threat to the life, health, and safety of the State's citizens, particularly to persons who are homeless, including the risk of hypothermia and potentially death; and

**WHEREAS,** pursuant to the New York State Constitution, the State of New York has an obligation to provide for the aid, care and support of persons in need and to protect and promote the health of its citizens; and

**WHEREAS,** it is imperative that the State act to ensure that such aid, care and support is provided to address the needs of the State's homeless population, which need is further heightened during the winter months; and

**WHEREAS,** homelessness is an issue that impacts citizens in all regions of the State, from large cities to small towns and rural communities; and

**WHEREAS,** certain parts of the State are facing a crisis of homelessness unprecedented in recent history; and

**WHEREAS,** the State has a comprehensive system of more than 77,000 emergency shelter beds for homeless single adults, families, and unaccompanied youth, designed to meet the housing and supportive services needs of these homeless residents; and

**WHEREAS,** localities customarily work in coordination with police agency resources and local social service providers to conduct outreach to the homeless and to facilitate their transfer to sheltered locations; and

**WHEREAS,** the State will assist local social services districts if they are lacking facilities, resources or expertise; and

**WHEREAS,** the State will be imminently commencing and mandating that local social service districts establish comprehensive regional housing and supportive service networks designed to meet the diverse needs of each subgroup within the homeless population; and

**WHEREAS,** New York State law is clear and well-established that the State can take appropriate steps, including involuntary placement, to protect individuals from harming themselves or others;

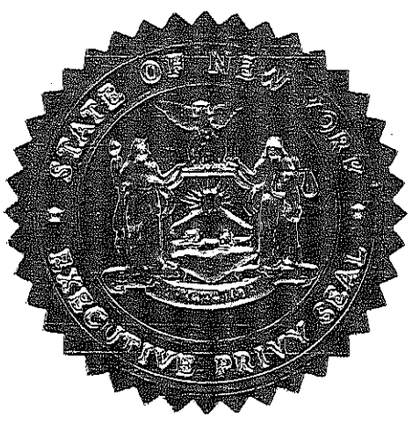
**NOW, THEREFORE, I, ANDREW M. CUOMO,** Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, Sections 28 and 29 of Article 2-B of the Executive Law, and consistent with the Laws of the State of New York, including the Mental Hygiene Law, and the judicial interpretations of those laws, do hereby issue this Executive Order to mitigate the effects of such inclement winter weather and the resulting impacts of such weather on individuals experiencing homelessness;

**FURTHER,** I direct all local social service districts, police agencies including the New York State Police, and state agencies to take all necessary steps to identify individuals reasonably believed to be homeless and unwilling or unable to find the shelter necessary for safety and health in inclement winter weather, and move such individuals to the appropriate sheltered facilities;

**FURTHER,** I direct all local social service districts to take all necessary steps to extend shelter hours, to allow individuals who are homeless to remain indoors, to instruct homeless service outreach workers to work with other relevant personnel and to work with local police in relation to the involuntarily transport of at-risk individuals who refuse to go inside and who appear to be at-risk for cold related injuries to appropriate facilities for assessment consistent with the provisions of section 9.41 of the Mental Hygiene Law, and to work in coordination with the State Police and all police agencies to ensure that homeless individuals receive assistance as needed to protect the public health and safety and at all times consistent with the State's Constitution and existing statutes;

**FURTHER,** I direct all local social services districts to comply with their obligation to ensure that all facilities used for temporary housing assistance placements are safe, clean, well maintained and supervised and fully compliant with existing state and local laws, regulations, administrative directives, and guidelines; and

**FURTHER,** this order shall take effect on January 5, 2016 and supersede all local laws, as well as any local directives, guidance, or policies to the contrary.




GIVEN under my hand and the Privy Seal of the State in the City of Albany this third day of January in the year two thousand sixteen.

BY THE GOVERNOR

Secretary to the Governor