

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
In the Matter of the Application of The County of Rockland,
Edwin J. Day in his capacity as County Executive of the
County of Rockland, Rockland County Social Services
District, and Joan M. Silvestri in her capacity as
Commissioner of the Rockland County Social Services
District,

Petitioners-Plaintiffs,

-against-

The City of New York, Eric Adams in his capacity as Mayor
of the City of New York, and Molly Wasow Park in her
capacity as the Commissioner of the New York City
Department of Social Services, Palisades Estates EOM
LLC, Armoni Inn & Suites LLC d/b/a Armoni Inn &
Suites, and Johnson Kirchner Holdings, LLC,

Respondents-Defendants,

and

New York State Office of Temporary Disability and Assistance,

Nominal Respondent-Defendant,

For a Judgment pursuant to Article 78 and for a Declaratory
Judgment under Article 30 of the Civil Practice Law and
Rules.

-----X
STATE OF NEW YORK)
)
COUNTY OF ROCKLAND)

ss.s:

JOAN M. SILVESTRI, being duly sworn, deposes and states:

1. I am the duly appointed Commissioner of the Rockland County Social Services District.

Index No.

**AFFIDAVIT IN
SUPPORT**

2. In that capacity, I am familiar with the facts and circumstances as they relate to my Social Services District and, accordingly, I submit this affidavit in support of the within application for a temporary restraining order and ancillary relief.

3. The County Executive and I bring this combined Article 78 special proceeding/complaint to enjoin Respondents-Defendants from moving – without any legal authority whatsoever – 340 adult men experiencing homelessness, who currently reside in New York City to a proposed temporary shelter for adults at the Armoni Inn & Suites at 329 Route 303, Orangeburg, in the County of Rockland, State of New York (the “Proposed Transfer”).

4. Any claim that Respondents-Defendants will be operating an emergency use hotel is merely a subterfuge. The Respondents-Defendants may call it an emergency use hotel, although any attempt to set aside their obligations to comply with all regulations for the certification and operation of a homeless shelter.

5. By the Respondents-Defendants’ own admission, they are mirroring the operation of a homeless shelter by hiring a shelter operator and staff. Further, the Respondents-Defendants are providing security, establishing rules for guest conduct and curfews, and regulating other behavior.

6. Moreover, Respondents-Defendants will be providing case management, laundry services, and three meals a day, all of which is not consistent with a hotel stay of a guest at no cost. However, it is consistent with the operation of a homeless shelter.

7. In addition, Respondents-Defendants have secured all hotel rooms at the exclusion of all others and are limiting occupancy to only single-adult men evincing the operation of a homeless shelter under the definitions and regulations without legal authority and

without the required approval from the New York State Office of Temporary Disability and Assistance.

8. The Proposed Transfer constitutes the operation of a temporary shelter for adults in Rockland County without legal authority.

9. Without question, the Proposed Transfer will create its own public health impacts. In addition, it would uproot a now stable homeless population of 340 single-adult men and move them to Rockland County without a viable plan going forward, which will, in effect, quadruple the homeless population in the County of Rockland thereby straining already limited resources.

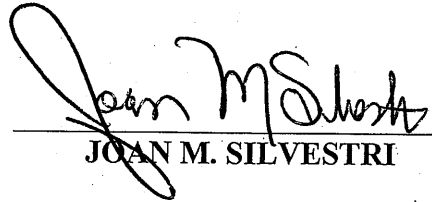
10. Accordingly, Respondents-Defendants' determinations to implement the Proposed Transfer were made in excess of lawful authority and "in violation of lawful procedure, [were] affected by an error of law [and were] arbitrary and capricious or an abuse of discretion." CPLR § 7803(3).

11. Upon review, the Court should annul these decisions, and preliminarily and permanently enjoin the Proposed Transfer.

12. On May 6, 2023, Petitioner-Plaintiff, County Executive Day, declared a State of Emergency and issued Emergency Order No. 1 in response to the Proposed Transfer by the Respondents-Defendants arising from their program to rapidly increase the number of migrants in the geographical boundaries of the County of Rockland to unsustainable levels pursuant to his authority under New York State Executive Law §24.

13. More specifically, Petitioners-Plaintiffs and the members of the public which they represent will be harmed by the considerable risk to health and safety resulting from the unnecessary, unregulated, rushed, and premature Proposed Transfer.

WHEREFORE, Petitioners respectfully request that this Court grant the temporary restraining order granting the relief sought in the proposed Order in its entirety.



JOAN M. SILVESTRI

Sworn to before me this 9th
day of May 2023



NOTARY PUBLIC

THOMAS SIMETI
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02S14986383
QUALIFIED IN ROCKLAND COUNTY
MY COMMISSION EXPIRES SEP _____