



STATE OF NEW YORK  
**EXECUTIVE CHAMBER**  
ALBANY 12224

**KATHY HOCHUL**  
GOVERNOR

May 12, 2023

The Honorable Joseph R. Biden  
President of the United States  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden:

In anticipation of several thousand asylum seekers arriving in New York City every week, I am submitting this request for the Federal Emergency Management Agency (FEMA) to direct the Department of Defense (DOD) and the National Park Service (NPS) to provide New York State assistance through the immediate construction and operation of temporary shelters on federal lands and property to house individuals seeking political asylum. The use of a portion of Floyd Bennett Field within the Gateway National Recreation Area and other spaces on military installations, including naval resources, in and across the Northeast is necessary to utilize all available space to maintain critical and essential public services, specifically sheltering and housing.

As you are aware, in August 2021, the Director of the United States Center for Disease Control (CDC) issued a *Public Health Reassessment and Order Suspending the Right to Introduce Certain Person from Countries Where a Quarantinable Communicable Disease Exists*, also known as Title 42. This order prohibited migration into the United States by “covered noncitizens” traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a port of entry or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders.

New York City (NYC) has exceeded capacity in its shelter system which includes providing temporary housing and support for over 36,700 migrants at 120 locations. NYC has opened dozens of Humanitarian Emergency Response and Relief Centers and short-term respite centers, which have occupied more than 40 percent of mid-level hotel stock in NYC.

Given the size of the of the humanitarian crisis, the State lacks the infrastructure, facilities, and resources necessary to meet the immediate demand to house and meet other basic needs of the large numbers of migrant arrivals. Federal support through FEMA, DOD and NPS

assistance in constructing and operating temporary housing on military installations and at Floyd Bennett Field is necessary to maintain critical and essential public services, specifically sheltering and housing.

In furtherance of this request, I certify the following: I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government and that supplementary federal assistance is necessary; in response to this incident, I have taken appropriate action under State law and have directed the execution of the State Emergency Plan in accordance with the Stafford Act; and the State and local governments will reimburse FEMA for the non-Federal share of the cost of such work.

In accordance with 44 C.F.R. § 206.34, the State agrees that it will, with respect to this assistance: provide without cost to the United States all lands, easements, and rights-of-ways necessary to accomplish the approved work; hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; and assist the performing Federal agency in all support and local jurisdictional matters.

With Title 42 officially rescinded, and the anticipated weeks-long construction process it would take to construct temporary shelters, I ask for this request to be granted immediately.

Thank you for your consideration.

Sincerely,

  
Kathy Hochul  
Governor

CC: New York State Congressional Delegation

Secretary of Defense Llyod Austin III

Secretary of the Interior Deb Haaland