

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

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COUNTY OF ORANGE,
Plaintiff,

Index No.:

COMPLAINT

-against-

THE CROSSROADS HOTEL, NEWBURGH EOM, LLC,
RAMADA BY WINDHAM, and RATAN NEWBURG, LLC,

Defendants.

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Plaintiff THE COUNTY OF ORANGE, by and through its attorney RICHARD B. GOLDEN, Orange County Attorney, as and for its Complaint for a judgment pursuant to Articles 30 of the Civil Practice Law and Rules (“CPLR”), respectfully alleges, upon information and belief as follows:

1. At all times herein mentioned, Plaintiff/Petitioner THE COUNTY OF ORANGE (hereinafter the “County” or “Plaintiff/Petitioner”) is a municipal corporation duly organized and existing by virtue of the laws of the State of New York.

2. At all times herein, Plaintiff/Petitioner County maintains a principal place of business located at 255-275 Main Street, Village of Goshen, County of Orange, New York.

3. At all times herein, Defendant The Crossroads Hotel is a hotel located at 5 Lakeside Road, in the Town of Newburgh, State of New York.

4. At all times herein, Defendant Newburgh EOM, LLC is a domestic limited liability company duly organized and existing under the laws of the State of New York, having an address at 2571 East 17th Street, Floor 3, Brooklyn, New York 11235.

5. At all times herein, Defendant Ramada By Windham, is a hotel located at 1289 Route 300, in the Town of Newburgh, State of New York.

6. At all times herein, Defendant Ratan Newburg, LLC is a domestic limited liability company duly organized and existing under the laws of the State of New York, having a principal place of business at 1289 Route 300, Newburgh New York 12550.

7. At all relevant times herein, Defendant Newburgh EOM, LLC is the owner of certain real property located in the Town of Newburgh and specifically 5 Lakeside Road, Town of Newburgh, County of Orange, State of New York.

8. At all relevant times herein, Defendant Ratan Newburg, LLC is the owner of certain real property located in the Town of Newburgh and specifically 1289 Route 300, Town of Newburgh, County of Orange, State of New York (“Ramada By Windham”).

9. Defendant Newburgh EOM, LLC owns and operates The Crossroads Hotel-Newburgh, Ascend Hotel Collection which lies on property identified on the County Tax Map No. Section 86-1-39.21.

10. Defendant Ratan Newburg, LLC owns and operates Ramada By Windham which lies on property identified on the County Tax Map No. Section 95-1-14.21.

FACTS

11. In a press release dated May 5, 2023, New York City Mayor Eric Adams announced a “program to provide shelter option for asylum seekers already in care in nearby New York Counties.”

12. In the press release, Adams highlighted that the program will provide up to “four months of temporary sheltering in nearby New York counties” to “single-adult men seeking asylum who are already in the city’s care.” The release continued that staff at “participating hotels will also connect asylum seekers with community-based organizations and faith groups to support their transition to a new city.” The release described the program as providing “asylum seekers with

temporary housing, access to services, and connections to local communities as they build a stable life in New York state.”

13. In short, the City of New York was clearly describing its plan to create a dedicated homeless shelter system for asylum seekers in counties outside its jurisdiction.

14. Though not identified in that press release, on May 5, 2023, County officials became aware that the City of New York planned to create such a temporary homeless shelter at the respondent The Crossroads, with the proposed bussing of 60 single adult homeless men, which is within the geographical boundaries of the County of Orange. The City Respondents purpose in doing so was to expressly increase New York City homeless shelter capacity.

15. After learning of this announcement, the neighboring County of Rockland issued an executive order barring the City of New York from carrying out its Proposed Transfer, which the City Respondents have thus far appeared to honor. The County of Rockland also obtained a temporary restraining order from the Supreme Court, Rockland County.

16. On May 8, 2023, the Orange County Executive issued Executive Order No. 1 of 2023 (the “Executive Order”), under his authority pursuant to Orange County Charter and New York Executive Law, which stated *inter alia*, “all hotels, motels and/or any facilities allowing short term rentals do not accept said migrants and/or asylum seekers for housing within Orange County.”

17. The Executive Order noted that the County had learned the City of New York, contrary to its published statements, intended to send hundreds of migrants to its illegal temporary homeless shelters in Orange County, that the care of these individuals would only be temporarily funded by the City, that, at the conclusion of that funding period, the migrants/asylum seekers would be unlikely to leave Orange County and become a County responsibility, and that potentially

thousands of homeless individuals being transported to Orange County would imperil public health and safety not only for the migrants and/or asylum seekers, but also the general public.

18. On or about May 10, 2023, County officials were expressly assured by City of New York officials it would be holding off on bussing any homeless to Orange County for an indeterminate period of time.

19. Despite these assurances, on May 11, 2023, busses showed up at The Crossroads, with no notice to the County or its social services infrastructure, and dropped off numerous homeless men to be housed in the City-created, and illegal, temporary homeless shelter. Defendants did so in violation of Executive Order No. 1 of 2023.

20. Upon information and belief, the City has contractual arrangements to fill the entirety of The Crossroads Hotel with hundreds of homeless and, in furtherance of this objective, The Crossroads evicted all non-homeless persons staying at the hotel and cancelled all bookings, present and future, for non-homeless.

21. In doing so, Defendants The Crossroads Hotel and EOM NEWBURGH LLC have converted The Crossroads Hotel completely from a hotel to a homeless shelter, in derogation of Orange County Executive Order No. 1 of 2023.

22. Upon further information and belief, the City has contractual arrangements with the Ramada as well, to house additional hundreds of homeless.

23. Upon information and belief, the City has contractual arrangements to fill the entirety of Ramada with hundreds of homeless and, in furtherance of this objective, Ramada evicted all non-homeless persons staying at the hotel and cancelled all bookings, present and future, for non-homeless.

24. In doing so, Defendants Ramada By Windham and Ratan Newburg, LLC have converted the Ramada completely from a hotel to a homeless shelter, in derogation of Orange County Executive Order No. 1 of 2023.

25. Upon information and belief, the County expects the City to house at least 600 plus homeless between these two hotels, now homeless shelters, with likely additional locations of which the County is presently unaware.

25. In conducting themselves as aforementioned, Defendants and the City of New York are seeking to establish, and have established, a shelter outside the scope of Article 2-A of the Social Services Law and NYS OTDA licensure requirements, which includes plan submission, notice requirements, and certifications under 18 NYCRR Parts 352, 491, and 900.

26. The Defendants and the City of New York have established a temporary homeless shelter without the approval or licensure of the New York State Office of Temporary Disability and Assistance.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS
FOR DECLARATORY JUDGMENT IN VIOLATION OF ORANGE COUNTY
EXECUTIVE ORDER NO. 1 OF 2023**

27. Plaintiff repeats and realleges each and every allegation set forth above in paragraphs "1" through "26" with the same force and effect as if more fully set forth at length in this paragraph "27".

28. That the Defendants' actions in making unlawful changes, alterations, and modifications, to the hotels in order to convert the same to a shelter for migrants/asylum seekers is in violation of Orange County Executive Order No. 1 of 2023.

29. Therefore, by reason of the foregoing, the County seeks an Order from this Court enjoining Defendants from making continued unlawful changes and alterations to the hotels to

facilitate such a proposed new use, and deeming this unlawful new use and occupancy to be an express violation of Orange County Executive Order No. 1 of 2023.

**AS AND FOR A SECOND CAUSE OF ACTION FOR TEMPORARY,
PRELIMINARY AND PERMANENT INJUNCTION**

30. Plaintiff repeats and realleges each and every allegation set forth above in paragraphs “1” through “29” with the same force and effect as if more fully set forth at length in this paragraph “30”.

31. As set forth above, the Defendants’ actions in making unlawful changes, alterations, and modifications, to the hotels in order to convert the same to a shelter for migrants/asylum seekers is in violation of Orange County Executive Order No. 1 of 2023.

32. Here, injunctive relief should be issued because (a) the County has a likelihood of success on the merits of this action; (b) the equities are balanced in favor of the County in enforcing its Executive Order; and (c) irreparable harm will occur to local residents and the migrants housed and intended to be housed at said hotels in violation of Orange County Executive Order No. 1 of 2023.

Likelihood of Success on the Merits

33. The County is likely to succeed on the merits because it is without dispute that acceptance of migrant/asylum seekers and the conversion of the hotels into a non-permitted use is prohibited by Orange County Executive Order No. 1 of 2023.

34. It is further evident that Defendants continue to contract with the City of New York and accept additional migrants/asylum seekers despite knowing the same is prohibited by Orange County Executive Order No. 1 of 2023.

35. Accordingly, the County will succeed on the merits of enforcing its own code.

Balancing of the Equities

36. The balancing of the equities favors the County as there are no lawful adverse impacts that will result if the Defendants are enjoined from evicting persons currently in the hotels and accepting and modifying the hotels into what would otherwise be a non-permitted use, i.e. Homeless shelter.

37. However, if Defendants are not enjoined, continued evictions, alterations, modifications and additional migrants/asylum seekers will continue to occupy the hotels in violation of Orange County Executive Order No. 1 of 2023.

38. Moreover, if the Defendants are not enjoined, Defendants will have exhibited a complete disregard for Orange County Executive Order No. 1 of 2023, resulting in irreparable harm.

39. The only reasonable method to stop the current influx is to enjoin such activity to preserve the health, safety and well being of those in the community and those being shipped into the community without further protection, services and support.

40. In this case, unless the Defendant is restrained, immediate and irreparable harm will result.

Irreparable Harm

41. Defendants' violation of Executive Order No. 1 of 2023 has already harmed those individuals that have been evicted and/or will be evicted from the hotels in order to accept and convert the hotels into shelters for migrants/asylum seekers.

42. Defendants' violation of Executive Order No. 1 of 2023, will result in irreparable harm to those migrants/asylum seekers who may not be able to receive necessary services.

43. To otherwise allow contractual agreements to circumvent Executive Order No. 1 of 2023 would result in the proverbial slippery slope of disregard for local laws.

44. The County has no other adequate remedy at law, and the Defendants have no right to violate Executive Order No. 1 of 2023.

45. No other application has been made for the relief requested herein.

46. Accordingly, this Court should issue an order temporarily, preliminarily, and permanently restraining and enjoining the Defendants from violating Executive Order No. 1 of 2023.


WHEREFORE, Plaintiff County of Orange respectfully requests the entry of an Order and Judgment against Defendants as follows:

(a) On Plaintiff's First Cause of Action declaring that Defendants are in violation of Executive Order No. 1 of 2023;

(b) On Plaintiff's Second Cause of Action temporarily, preliminarily and permanently restraining and enjoining the Defendants from altering, converting the hotels and accepting migrant/asylum seekers in violation of Executive Order No. 1 of 2023.

(c) Granting Plaintiff any such further relief as this Court deems just and proper.

Dated: Goshen, New York
May 12, 2023



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