



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW

Washington, DC 20240

Memorandum

To: (Memo to File)

From: Director, National Park Service

Subject: Approval to Amend Lease Between the National Park Service and the City of New York

This memorandum serves as my determination that the City of New York's (City) proposed amendment to extend National Park Service (NPS) Lease# L-GATE912-2023 (Lease) meets the requirements to extend the lease for one year, consistent with NPS's obligations under 36 CFR Part 18, Director's Order 38, and Reference Manual 38.

1. Background

On September 15, 2023, the NPS and the City entered into the Lease, under which the City would use portions of Floyd Bennett Field to provide temporary facilities necessary to provide food, shelter, clothing, medical, security, and other needs associated with operation of a site for sheltering migrant persons; and would construct certain improvements as described more fully below and in the Lease. Under the terms of the Lease, it would expire on September 14, 2024.

On September 5, 2024, the City wrote to the NPS formally requesting a one-year extension of the Lease. As justification for the request, the City stated:

The City is still facing a humanitarian crisis caused by the rapid influx of more than 206,000 migrants in two years requesting shelter and services by the City. The City declared an emergency on October 7, 2022, and the State of New York declared an emergency on October 2023, and both emergency executive orders remain in effect. The number of migrants under the care of the City was 61,400 in September 2023, of which 46,830 were families with children, and has increased to 64,300 in July 2024, of which 50,060 are families with children. The City began to operate portions of Floyd Bennett Field to provide temporary shelter to migrants on November 12, 2023, and the shelter has been operating at maximum capacity since. The vacancy rate in emergency shelters for families with children under the care of the City does not exceed 1% currently. The City has worked hard to reduce the census of migrants in care by investing in case management, implementing time limits for shelter, setting up an Asylum Application Help Center which has filed more than 60,000 federal applications, and connecting migrants to workforce centers. However, the City continues to receive 800 to 4,000 asylum seekers per week requesting emergency shelter and the city continues to need to shelter them.

2. Proposed Lease Amendment

The proposed extension would be carried out through an amendment to the Lease, which would extend the Lease for one year and establish a new expiration date of September 14, 2025. There would be no changes to the substantive terms of the Lease.

3. Compliance with 36 C.F.R. 18.10

The NPS part 18 lease regulations provide that:

Leases entered under the authority of the part may not be extended, except that, leases with an initial term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if the Director determines that an extension is necessary because of circumstances beyond the Director's control.

36 C.F.R. 18.10. Thus, the Lease may be extended if I determine that the extension is necessary because of circumstances beyond my control.

The City has explained in detail that the humanitarian crisis facing the City continues and that the City is continuing to receive a minimum of several hundred asylum seekers per week. The City has also emphasized that it has little or no available space to house asylum seekers, and despite efforts to place asylum seekers in the workforce, it is not yet able to move migrants out of their existing shelters, including Floyd Bennett Field. These are all circumstances beyond the Director's control.

Accordingly, I have determined that a one-year extension of the Lease is necessary. The Lease may be amended as proposed by the City, so that it will remain in effect for one additional year.

Signed:

 Date: 2024.09.12 15:32:51 -04'00'

Charles F. Sams III
Director, National Park Service

Date