



State of New York

Executive Chamber

No. 28

EXECUTIVE ORDER

DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK

WHEREAS, pursuant to sections 362 and 365 the Public Health Services Act (42 U.S.C §§ 362 and 365, and the implementing regulation at 42 C.F.R. § 71.40, on August 2, 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* (the “Title 42 Order”);

WHEREAS, the Title 42 Order prohibits 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;

WHEREAS, even with the Title 42 Order in place, large numbers of migrants with immediate housing and service needs have arrived in the City and State of New York over the last several months: the City of New York, alone, is currently providing temporary housing for 36,738 migrants from the southern border, a number that has increased by 12,279 individuals since January, 2023; and by an additional 1,578 individuals in the just the last week.

WHEREAS, the Title 42 Order is expiring on May 11, 2023, and, upon the expiration of the Title 42 Order, it is anticipated there will be a surge of migration into the United States resulting in the imminent arrival of individuals to the City and State of New York at an increased rate of what is expected to be several thousand additional people seeking shelter each week;

WHEREAS, federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals; and

WHEREAS, the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emergency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency effective May 9, 2023, for the entire State of New York. This Executive Order shall be in effect through June 8, 2023; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective May 9, 2023, State agencies as necessary, and the American Red Cross, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law I hereby temporarily suspend or modify, for the period from the date of this Executive Order through June 8, 2023, the following laws to the extent necessary to respond immediately and adequately to protect public health and safety due to the aforementioned emergency:

- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;

- Section 112 of the State Finance Law to the extent necessary to add additional work, sites, funding, and time to State contracts or to award contracts, including but not limited to contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law; or contracts under Sections 8 and 9 of the Public Buildings Law; or contracts for professional services under Section 136-a of the State Finance Law; or contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes;
- Section 103 of the General Municipal Law to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes; and
- Sections 768 and 711 of the Real Property and Proceedings Law, Sections 226-c and 232-a of the Real Property Law, and subdivisions 7, 8, 9, 10 and 13 of section 4 of the Multiple Dwelling Law, to the extent necessary to temporarily prevent the creation of a landlord tenant relationship between any individual assisting with the response to the state of emergency or any individual in need of shelter or housing because of the circumstances that led to the state of emergency, and any individual or entity, including but not limited to any hotel owner, hospital, not-for-profit housing provider or any other person or entity who provides temporary housing for a period of thirty days or more solely for purposes of assisting in the response to the state of emergency.



G I V E N under my hand and the Privy Seal of the State in the City of Albany this 9th day of May in the year two thousand twenty-three.

Ruth Hochul

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "W. P. L.", written over a horizontal line.

Secretary to the Governor