



# State of New York

## Executive Chamber

No. 28.5

### 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 first few months of the year: as of May, the City of New York, alone, was providing temporary housing for 36,738 migrants from the southern border, a number that had increased by 12,279 individuals since January 2023; including by an additional 1,578 individuals in just a week.

WHEREAS, since the expiration of the Title 42 Order on May 11, 2023, thousands of additional people have sought shelter in New York, with New York City alone currently being responsible for sheltering more than 59,000 migrants;

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 extend the State Disaster Emergency as declared in Executive Order 28 and its successors, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28 and its successors, until October 23, 2023.



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

*Kathy Hochul*

BY THE GOVERNOR

*[Signature]*

Secretary to the Governor