



# State of New York

## Executive Chamber

No. 28.6

### 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 64,000 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 November 21, 2023.

**IN ADDITION**, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order until November 21, 2023, the following:

- The State Uniform Fire Prevention and Building Code; the State Energy Conservation Construction Code; the New York City Construction Codes; the New York City Fire Code; the State Sanitary Code and any and all local sanitary codes; and all state and local laws, ordinances, rules, regulations, and codes relating to administration and enforcement of the foregoing, to the extent necessary to allow, upon approval by an approved state construction-permitting agency, and subject to such terms and conditions as the state construction-permitting agency may prescribe, the use and occupancy of the Creedmore Psychiatric Center in Queens County to serve as temporary living quarters.

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

*Ruth Hochal*



BY THE GOVERNOR

*[Handwritten signature]*

Secretary to the Governor