

**COUNTY OF ROCKLAND**

**Edwin J. Day,  
County Executive**

**LOCAL STATE OF EMERGENCY  
EMERGENCY ORDER NO. 1.1  
(Sustainable Migration)**

On May 6, 2023, a State of Emergency was declared for the County of Rockland arising from New York City's program to rapidly increase the number of migrants in this County to unsustainable levels.

Pursuant to NYS Executive Law § 24, when a State of Emergency is in effect, the County Executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. By law upon reconsideration of all the relevant facts and circumstances, such an order may be extended for additional periods not to exceed five days each during the pendency of the state of emergency.

If it were allowed for the City of New York or other municipalities to simply flood the County with persons in need of services, as described in the related Declaration, this crisis would only worsen.

I recognize that people in need of services may be comprised of any class of persons, citizen or non-citizen, of any immigration status, of any race, religion, national origin, or other group. However, because the City of New York has singled out asylum seekers and migrants to deport them from New York City to other municipalities, as described in its "The Road Forward: A blueprint to address the City of New York's response to the asylum seeker crisis" the response to the emergency created by the City of New York, speaks in the same terms as the City of New York's program.

As such, I particularly address the exercise of New York City's "decompression" strategies with respect to the migrants and asylum seekers that New York City has identified and intends to deport to Rockland County. These strategies are viewed being a problem of New York City's own invitation and manufacture, and are necessitated by

New York City's ill-considered declaration being a sanctuary city, and New York City's poor planning for the consequences of that declaration.

This order barring other municipalities from unilaterally deciding to house and shelter individuals in their care by deporting them to Rockland County shall not be read to have the purpose of barring any person, including migrants or asylum seekers, from traveling to or residing in the County. Its sole purpose is to prevent other municipalities from foisting their own policies, including sanctuary city policies, costs, and responsibilities on Rockland County.

I hereby amend and supplement Emergency Order No. 1.

Therefore, by the power vested in me as Chief Executive of Rockland County, it is hereby ordered:

*Section 1. Prohibition of municipal programs that burden the County.*

- A. No municipality may make contracts with persons, businesses, or entities doing business within the County to transport persons, including but not limited to migrants or asylum seekers to locations in the County, or to house or shelter such persons at locations in the County for any length of time without the municipality obtaining the express, written permission of the County Executive. In addition, no person or entity may act on behalf of any municipality or in performance of a municipal program, or other act funded by a municipality, to perform an act in violation of this subsection.
  
- B. No hotel, motel, or owner of a dwelling or non-dwelling structure converted to a dwelling or shelter in Rockland County is permitted to contract or otherwise engage in business with any other municipality other than the County of Rockland (an "external municipality") for the purpose of providing housing or accommodations for any persons, including but not limited to migrants or asylum seekers or otherwise without a license granted by the County. This prohibition extends to any person or entity participating in an external municipality's government program, or a contract or service funded by an external municipality or acting on behalf of any external municipality.

1. Licenses will be granted only by the Rockland County Office of the County Executive's Director of Public Policy and Intergovernmental

Relations (the Director). The Director may enlist the services of any other agency within the executive branch of the County government to perform the duties necessary to effect this provision.

2. Licenses will only be granted where, to the satisfaction of the Director, both the applicant and the external municipality demonstrate that:
  - a. The contract provides that the persons being housed by the external municipality will be returned to the external municipality from which they arrived or another location outside the County, within fifteen days;
  - b. The external municipality demonstrates to the County that it has sufficient funding to sustain the needs of the migrants or asylum seekers during the time of their stay; and
  - c. The external municipality agrees to assume any costs expended by any municipality in the County (“domestic municipalities”) including the County itself, for the care, welfare, law enforcement interactions, or other expenses related to municipal interaction with the homeless persons, including but not limited to migrants or asylum seekers or otherwise, upon demand,
  - d. The applicant and the external municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per person being housed or sheltered at the applicant’s facility.
3. The conditions described in this section will not apply to any contract directly between the external municipality and the County.
4. License renewal will be at the sole discretion of the Director, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

### C. Remedies.

1. Appearance tickets. The Sheriff, the Director and the Director’s designees are authorized to issue appearance tickets for any violation of this Emergency Order for the penalty prescribed by NYS Executive Law § 24(5).

2. Civil penalties. In addition to those penalties prescribed by NYS Executive Law § 24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Emergency Order, shall be liable to a civil penalty, to be determined by a process set by the Director, of not more than \$2,000 per homeless person, including but not limited to migrant/asylum seekers or otherwise housed by the external municipality or other violator, for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County and initiated by the Director.
3. Abatement. Regardless of any other remedy or relief brought by the County for any violation, the Director is authorized to direct the County Attorney to commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Emergency Order.

D. Remedies not exclusive.

1. No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order.
2. Each remedy or penalty specified in this Emergency Order shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Emergency Order or in any other applicable law.
3. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Emergency Order or in any other applicable law.
4. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in NYS Executive Law § 24, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in NYS Executive Law § 24.

- E. Notifications. In addition to such other powers or duties the Sheriff of Rockland County may consider in the exercise of the Sheriff's duties with respect to this Emergency Order, the Sheriff is authorized and directed by this order to make limited stops to notify persons suspected of transporting migrants or asylum seekers into the County in violation of the restrictions and regulations of this Emergency Order, and to similarly, notify the owners and operators of facilities suspected of housing any migrants or asylum seekers, or seeking or entering agreements with external municipalities, without the license required by this Emergency Order.
- F. Identified external municipal programs. In addition to the general prohibitions of this Emergency Order, the County recognizes the following programs of external municipalities as programs that must comport with the requirements of the Emergency Order:
1. The City of New York's "The Road Forward: A blueprint to address New York City's response to the asylum seeker crisis" and any other program implemented by the City of New York, or its officers or agencies described as "decompression" strategies for persons without housing whether they migrants, asylum seekers or any other class of persons.

*Section 3. Severability.*

If any clause, sentence, paragraph, subdivision, section or part of this Emergency Order, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered, for any reason, which remaining portions shall continue in full force and effect.

*Section 4. Effective Date.*

This Local Emergency Order shall take effect immediately. As of its effective date and onward, this order supersedes Local Emergency Order (Migration Sustainability Protocol) 1 in its entirety.

*Section 5. Duration of Local Emergency Order*

The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

*Section 6. Common Name*

This Order may be referred to as the “Rockland County Sustainable Migration Protocol 1.1.”

Dated: May \_\_\_, 2023

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Edwin J. Day  
County Executive  
County of Rockland