

**OFFICE OF THE COUNTY EXECUTIVE**

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**Edwin J. Day**  
*Rockland County Executive*

**COUNTY OF ROCKLAND**

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**County Executive**

**LOCAL STATE OF EMERGENCY  
EMERGENCY ORDER NO. 2**

WHEREAS, 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.

On May 6, 2023, a State of Emergency was declared for the County of Rockland arising from New York City's discriminatory program to unlawfully establish temporary housing or homeless shelters in Rockland County. The City's program is the very definition of bad government policies and at least in the case of Rockland County, attempted to operate in violation of the rule of law.

New York City has seen a recent surge of people to its shelter system. Now, the City seeks to rid itself of problems associated with the people in its shelter system by moving them to other communities in the State. As proposed, the City's stated goal is to support the people relocated to Rockland County for only four months, then cutting them off with no long-term plans. Such a program would quadruple the County's homeless population at the conclusion of the four-month program. This is not a small number for Rockland County, a place with only a small fraction of New York City's population and budget.

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. The County of Rockland supports thousands of impoverished persons without regard to their origin as citizen and non-citizen, documented, undocumented, or seekers of asylum. However, the County's resources are strained already. We cannot take on the additional burden of those persons who are presently the City of New York's responsibility.

As I stated at the press event of March 2, 2023, long before the City's program was public, "Lifeboats are a great tool to rescue people, but a lifeboat can only rescue so many. If you put too many people into one eventually it's going to capsize and that's what is happening here." Local impacts in Rockland County Fall 2022 include:

- Local food pantries in Rockland have run out of food;
- More than 1,000 additional children enrolled in a local district previously serving only 9,500 children in 2020; and
- A 35% increase in children under foster care.

In addition, this County presently lacks sufficient low-income housing to absorb people that the City wants to send here, then abandon after four months. The New York State Comptroller has reported that Rockland County has had the largest share of rental households paying housing costs over the affordability threshold.

Rockland takes responsibility for the people who live here and who come here, as required by section 62 of the NYS Social Services Law. By the same law, New York City has a legal responsibility to provide for the welfare of the indigent that arrive within its borders. By the current program, New York City is illegally trying to export its issues to Rockland County.

Section 62 states that, as a matter of law, "each public welfare district shall be responsible for the assistance and care of any person who resides or is found in its territory and who is in need of public assistance and care which he is unable to provide for himself." New York City is one such social service district and is consequently responsible for the assistance and care of any person who resides or is found in its territory and who is in need of public assistance and care which they are unable to provide for themselves.

Proper planning and a recognition that the County does not have the resources to take on the City's burden will only come through cooperation from and communication with the City. Cooperation between New York City and the County, rather than the City's unilateral deportation of its impoverished charges, is critical.

In addition, the County is quite sensitive to issues of discrimination. As such, to deter any such discrimination with respect to the issues presented to the County and addressed by this Order, it is prohibited for any municipality to engage in discriminatory acts within the County regarding the operation of any government program.

This Order barring other municipalities from unilaterally deciding to establish shelters for persons in their care by removing them to Rockland County is for the sole purpose of mandating good government, responsible government, government that conserves the tax money of its residents; government that operates within existing laws; and that makes policies that reflect the best interests of the electorate and supports those who are new to the County as well as those which have been here for some time.

This Emergency Order shall not be read to have the purpose of barring any person from traveling to or residing in the County. Its sole purpose is to prevent other municipalities from foisting their own policies, costs, and responsibilities on this County.

Only by engaging in *responsible government, operating under the rule of law*, may we protect the life, liberty, and property interests of both ourselves, and those who come to us for succor. That is my aim.

NOW, upon these facts and circumstances, I hereby rescind Emergency Order No. 1-1 and enact this Emergency Order No. 2; and by the power vested in me as Chief Executive of Rockland County, it is hereby:

ORDERED that,

*Section 1. Prohibition of municipal programs that violate New York State law.*

A. Prohibition on illegal shelters and temporary housing.

1. No municipality outside Rockland County may establish a shelter or temporary housing in Rockland County without adhering to the requirements of all applicable statutes, laws, regulations, and rules of the United States of America, New York State, the County of Rockland and any affected municipality, for the establishment of such shelter or temporary housing and all related Administrative Directives of the NYS Office of Temporary and Disability Assistance, including but not limited to NYS Social Services Law Art. 2-A and Art. 3 Titles 1 and 2, 18 NYCRR Parts 352, 491 and 9000, NYS Office of Temporary and Disability Assistance Administrative Directive 6-ADM-07, and all state and local zoning and building laws, rules, and regulations.
2. No such municipality may operate such a facility described in subsection (1) without the written permission of the County Executive who shall ensure compliance with the requirements of subsection (1) and ensure that the life, liberty and property of the people of this County, by securing the public welfare for all people residing in the County whether for the short or long term, including those intended to reside in any facility described in subsection (1) are preserved and that the municipality establishing the facility engages in a plan acceptable to the County for the long term welfare and security of persons residing in and coming to this County.
3. No owner or operator of any location within the County may permit a use prohibited by this subsection where permission has not been granted by the County Executive.

- B. No New York State municipality may operate any program, including but not limited to one establishing shelters or temporary housing in Rockland County, which program is discriminatory on the basis of: age, alienage or citizenship status, color, creed/religion, disability, family status, gender/gender identity/expression, lawful

occupation, lawful source of income, marital status, national origin, partnership status, race, or sexual orientation.

C. Remedies.

1. Any person violating the provisions of this Emergency Order or causing any other person to violate this Emergency Order, is punishable by 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 municipality and/or person who violates any provision of this Emergency Order is liable to a civil penalty, to be determined by a process set by the County of Rockland's Director of Public Policy and Intergovernmental Relations, of not more than \$2,000 per violation 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 County Executive may cause actions or proceedings to be commenced 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.

*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.

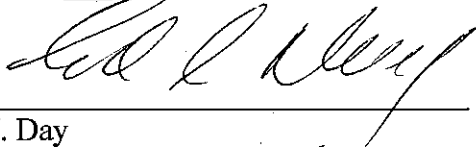
*Section 4. Effective Date.*

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.

Dated: June 17, 2023



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Edwin J. Day  
County Executive  
County of Rockland