



External Procedures for the Review and Approval of Local Emergency Orders in Response to COVID-19

March 20, 2020

Purpose: The State's response to the COVID-19 outbreak requires a uniform and coordinated statewide approach to assure public health and safety of New York State's residents and visitors. Consistency in approach to this response will avoid confusion and inefficiencies and will maximize benefits to precautionary actions that are being taken.

In response to this public health emergency, on March 7, 2020, the Governor issued an Executive Order declaring a State Disaster Emergency. Pursuant to this Declaration, the State has exercised its authority to direct and coordinate all emergency response operations and activities to respond to COVID-19 and requires every local government (e.g. county, city, town, and village) to obtain the approval of the New York State Department of Health prior to issuing any emergency order pursuant to Executive Law §24. (See EO 202.5).

In accordance with Executive Orders 202.3 and 202.5, approval shall not be granted for any order or portion thereof that is different, inconsistent with, conflicts with, or supersedes any state orders or directives.

No local emergency order shall be effective, valid, or with legal effect without compliance with the procedures set forth herein. The procedures provided below set forth the mandatory process that every local government must comply with to submit a request to the Department of Health. This process is for the submission and review of any orders that a local government issues under the authority of section 24 of the Executive Law.

This process does not apply to and does not create a new state approval process for: the issuance of quarantine or isolation orders to specified individuals; local State of Emergency Declarations; renewal of existing emergency orders; or orders that do not affect the public.

Procedure

1. Prior to the public announcement, publication to any news organization, or other public posting or release to the public, every local government must receive approval from the Department of Health after submitting a written request to the localordersreview@health.ny.gov for review and approval.
2. The written request must contain the following information:
 - Name and full contact information of the local chief executive;
 - Draft written copy of the proposed executive order;
 - Method of enforcement; and

- Date/time the local government seeks to commence any actions contained in the emergency order.
3. The Department of Health will review the written request and order and determine whether the emergency order:
 - Is inconsistent with, conflicts with, or supersedes directives or Executive Orders issued by the Governor related to COVID-19; or
 - Otherwise could interfere with the State's response efforts to COVID-19.
 4. The Department of Health shall provide a written response to the local chief executive of its final determination of whether the local government's proposed emergency order is approved or rejected within 24 hours.

For additional information on the COVID-19 response, please visit:

New York State Department of Health's COVID-19 Webpage
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

Centers for Disease Control and Prevention Webpage:
<https://www.cdc.gov/coronavirus/2019-ncov/>

The New York State Novel Coronavirus Hotline can be reached 24/7 at 1-888-364-3065.