EMERGENCY ORDER – Emergency Order #1

WHEREAS, I, Daniel P. McCoy, Albany County Executive, in accordance with a declaration of a State of Emergency issued on ________ May ________, 2023;

WHEREAS, on August 2, 2021, the Federal Government issued an Order pursuant to 42 USC Sect. 362 and 365 (Title 42 Order) prohibiting migration into the United States by “covered noncitizens” traveling from Canada or Mexico; and,

WHEREAS, the Title 42 Order expired on May 11, 2023 and upon its expiration, an anticipated surge of migration into the United States commenced resulting with the imminent arrival of individuals into New York State at an increased rate; and,

WHEREAS, the County of Albany, NY is facing a severe housing crisis due to the anticipated migration of other migrants and/or asylum seekers, limiting the number of temporary and limited housing available in the County, and this crisis is expected to continue;

WHEREAS, the State of New York has been in communication with Albany County regarding the relocation of designated migrant families that are documented, paroled into the United States and are on the path to become eligible to enter the New York State workforce; and,

WHEREAS, New York State has communicated that financial resources shall be provided to Counties that accept said designated families and that the resources provided by the State of New York shall cover all expenses relating to all services and administration costs associated in the relocation and housing of said designated families; and,

NOW, THEREFORE, I, Daniel P. McCoy, Albany County Executive by the power vested in me by the Albany County Charter and the Laws of the State of New York and pursuant to Section 24 of Article 2-b of the New York State Executive Law, do hereby temporarily suspend or modify any statute, local law, ordinance, order, rule or regulation or parts thereof, if compliance with such statute, local law, ordinance, order, rule or regulation would prevent, hinder or delay action necessary to assist, aid or cope with the aforementioned State of Emergency, I hereby temporarily suspend or modify , from the period of the date of this Emergency Order the following:

Agreements for designated migrant families

A. All County Departments are authorized to continue to communicate and work with The State of New York on creating a plan and agreement(s) to assist in the relocation of previously designated migrant families that are documented, paroled into the United States and are on the path to become eligible to enter the workforce; provided that:

  a. A “Lead Agency” has been designated; and

  b. The Lead Agency has expressed specific and quantifiable resources available to assist in administration of the relocation and continued hosting of designated migrant families; and

  c. The number of the migrant families shall be a maximum of those 200 families previously identified by New York State, provided that no such relocation shall occur
until the Lead Agency has provided assurances of their ability to administer and oversee the relocation and hosting; and

d. The State of New York authorizes and releases the necessary financial resources to Albany County, its partners, and the Lead Agency for all costs associated with relocation and hosting of designated migrant families; and

e. The school districts have been contacted by the Lead Agency and the State of New York, and New York State has authorized the financial resources necessary to reimburse the school district for any and all costs associated with educating designated migrant families.

B. All agreements between the State of New York, Albany County, municipalities within Albany County, service providers providing lead or other agency services to the designated families, housing providers, transportation, medical services, legal services and education services are exempt from the licensing provisions of this emergency order, to the extent they have capacity to assist, and to the extent that they may freely contract with the State of New York, the New York State Office of Homeland Security, the New York State Office of Temporary Disability Services and/or any other New York State agency for the housing of the relocated designated migrant families.

Prohibition of foreign municipal programs that burden the County.

C. No municipality may make contracts with persons, businesses or entities doing business within the County to transport migrants or asylum seekers to locations in the County, or to house persons at locations in the County for any length of time without the express written permission of the County Executive or his designee. 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.

D. No hotel, motel, owner of a multiple dwelling, or shelter in Albany County is permitted to contract or otherwise engage in business with any other municipality other than the County of Albany (an “external municipality”) for the purpose of providing housing or accommodations for migrants or asylum seekers 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 Albany County Commissioner of Social Services. (The Commissioner) The Commissioner may enlist the services of any other agency within the executive branch of County government to perform the duties necessary to affect this provision.

2. Licenses will only be granted where, to the satisfaction of the Commissioner, both the applicant and the foreign municipality demonstrate that:
i. The contract provides that the migrants or asylum seekers will be returned to the foreign municipality from which they arrived; and,

ii. The foreign 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,

iii. The foreign municipality agrees to assume any costs expended by any municipality or school district in the County ("domestic municipalities" including the County itself, for the care, welfare, law enforcement interactions, medical or other expenses related to municipal interaction with the migrants or asylum seekers, upon demand; and,

3. The conditions described in this section will not apply to any contract directly between the foreign municipality and the County.

4. License renewal will be at the sole discretion of the Commissioner, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

E. Suspension of Procurement Policies and related provisions.

1. In order to effectuate Albany County's role in this emergency, all procurement policies for the purchase of equipment, supplies or contracts, relating to the purchase of food, supplies, procurement of housing and any other commodities or services related to the housing of migrants and/or asylum seekers, specifically, N.Y. General Municipal Law, Article 5-a-Public Contracts, Section 104-b Procurement policies and procedures; Albany County Department of General Services, Purchasing Division, Policies and Procedures; Albany County Charter, Article 13, Board of Contract Administration, Sections 1301 and 1302 and Article 2, Legislature, Section 208(l), Approving contracts for the purchase and sale of real property, contracts for intergovernmental services and collective bargaining agreements, and those contracts subject to and in accordance with Article 13 of this Charter, are hereby temporarily suspended or modified from the period of the date of this Emergency Order.

F. Remedies.

1. Abatement. Regardless of any other remedy or relief brought by the County for any violation, the Commissioner 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.

G. 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 Executive 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 Section 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 Section 24.

H. **Effective Date.**

1. This Executive Order shall take effect immediately.

I. **Duration of Local Emergency Order.**

1. 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.

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**This order shall take effect**

(“IMMEDIATELY” or specify date and time)

and shall remain in effect until removed by order of the Chief Executive. This order may also be renewed in (5) five-day increments. Failure to obey this order is a criminal offense, punishable by law under New York State Executive Law § 24(5).

Signed this the 23rd day of May, 2023, at 9:30 o’clock, in Albany, New York.

[Signature]

Daniel P. McCoy
Albany County Executive

(Witness Name) (Witness Signature)

(Date)

5/23/23