

STATE OF EMERGENCY DECLARATION

A State of Emergency is hereby declared in Broome County
effective at: (area within municipality, or entire municipality)

12:00PM on May 11, 2023
(time) (date)

This State of Emergency has been declared due to

The County of Broome is experiencing a housing crisis due to the limited number of temporary and permanent housing, furthermore

Broome County is not capable of receiving and sustaining any number of migrants and / or asylum seekers.

(description of situation)

This situation threatens the public safety.

This State of Emergency will remain in effect for thirty (30) days or until rescinded by a subsequent order.

As the Chief Executive of Broome County
(name of municipality)

I, Jason T. Garnar, exercise the authority given me under
(name of Chief Executive)

Section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being, and health of the citizens of this Municipality.

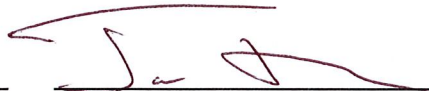
I hereby direct all departments and agencies of

Broome County to take whatever steps necessary to
(name of municipality)

protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

Jason T. Garnar

(Name)


(Signature)

County Executive

(Title)

May 11, 2023

(Date)

EMERGENCY ORDER

Local Emergency Order for Broome County:

I, Jason T. Garnar, the Chief Executive of Broome County, in accordance with a declaration of a State of Emergency issued on May 11, 2023, and pursuant to Section 24 of New York State Executive Law, do hereby order:

Prohibition of foreign municipal programs that burden the County.

- A. 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.

- B. No hotel, motel, owner of a multiple dwelling, or shelter in Broome County is permitted to contract or otherwise engage in business with any other municipality other than the County of Broome (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 Broome County's Health Department Director (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 affect this provision.
 2. Licenses will only be granted where, to the satisfaction of the Director, 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 or another location outside the County, within fifteen days; 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 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 migrants or asylum seekers upon demand;
 - iv. The applicant and the foreign municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per migrant or asylum seeker being housed or boarded at the applicant's facility.
 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 Director, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

C. Remedies.

1. Appearance tickets. The Broome County Sheriff's Office is 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 migrant/asylum seeker housed by the foreign 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.

Section 3. Punishment

In accordance with Executive Law Section § 24, any person who knowingly violates the provisions of this order shall be guilty of a Class B Misdemeanor.

Section 4. Effective Date

This Executive Order shall take effect immediately.

Section 4. 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.

Failure to obey this order is a criminal offense, punishable by law under New York State Executive Law §24(5).

Signed this the 11th day of May 2023, at 12:00 o'clock P.M. in, Broome County, New York.

Jason T. Garnar

County Executive

Patrick Dewing

(Witness)

Director, Office of Emergency Services

