



Rensselaer County
Office of County Executive Steven F. McLaughlin
99 Troy Road East Greenbush, NY 12061
(518) 270-2900

LOCAL STATE OF EMERGENCY PROCLAMATION

WHEREAS, illegal aliens are crossing over the borders of the United States in increasing numbers; and

WHEREAS, over the past several months, tens thousands of illegal aliens have arrived in New York City; and

WHEREAS, the Mayor of the City of New York has declared the increase in illegal aliens in the City of New York to be a humanitarian crisis; and

WHEREAS, the U.S. Department of Health and Human Services is planning for the federal Public Health Emergency for COVID-19 to expire on May 11, 2023;

WHEREAS, upon the expiration of the federal Health Emergency for COVID-19, the Centers for Disease Control and Prevention order under Title 42, which suspended the allowance of certain persons travelling from Canada or Mexico, will also expire on May 11, 2023; and

WHEREAS, with the imminent lifting of the Title 42 order, the Mayor of the City of New York expects an even larger influx of illegal aliens and has put in place plans to send illegal aliens from the City of New York to other areas throughout the State of New York; and


WHEREAS, the County of Rensselaer does not have the capacity or resources to receive and sustain an extraordinary increase in the number of illegal aliens; and

WHEREAS, based on the foregoing and other relevant considerations, the immediate danger of an extraordinary increase in the number illegal aliens

entering the County of Rensselaer imperils the public safety within the County of Rensselaer; and

NOW THEREFORE, pursuant to New York State Executive Law Section 24 and Article 3 of the Rensselaer County Charter, I, Steven F. McLaughlin, County Executive for the County of Rensselaer, hereby proclaim a state of emergency within the territorial limits of the County of Rensselaer, effective immediately, and continuing until the earlier of the date that is thirty days from the date of this Proclamation or the date on which I rescind this Proclamation.

May 9, 2023


Steven F. McLaughlin
County Executive



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LOCAL STATE OF EMERGENCY ORDER

On May 9, 2023, the Rensselaer County Executive proclaimed a local statement of emergency for the County of Rensselaer because public safety within the County of Rensselaer is imperiled due to the immediate danger of an extraordinary increase in the number of illegal aliens entering the County of Rensselaer.

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.

Accordingly, by the power vested in me as County Executive of Rensselaer County, it is hereby ordered:

Section 1. 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. 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 multiple dwelling in Rensselaer County is permitted to contract or otherwise engage in business with any other municipality other than the County of Rensselaer (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 Public Health Director of the Rensselaer County Department of health. The Director may enlist the services of any other agency within 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 foreign municipality demonstrate that:
 - a. 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
 - b. 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
 - c. 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; and
 - d. 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 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 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 request 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 Rensselaer 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.

Section 3. Effective Date.

This Local Emergency 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.

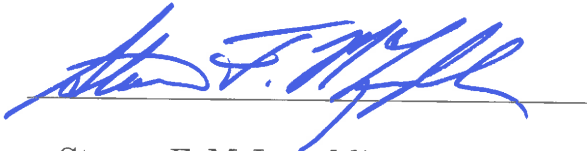
Section 5. County Subdivisions

To the extent allowed by applicable governing law, all departments and subdivisions of the County of Rensselaer are hereby directed to develop and implement policies and procedures consistent with this Order.

Section 6. Common Name

This Order may be referred to as the "Rensselaer County Sustainable Migration Protocol."

Dated: May 9, 2023



Steven F. McLaughlin
County Executive
County of Rensselaer