



PUTNAM COUNTY EXECUTIVE | KEVIN M. BYRNE

**PUTNAM COUNTY STATE OF EMERGENCY DECLARATION
&
CORRESPONDING EXECUTIVE ORDERS INCLUDING
DECLARATION OF PUTNAM COUNTY AS A RULE OF LAW
COUNTY**

WHEREAS, there is currently a national immigration crisis at the border between the United States and Mexico in that unprecedented and overwhelming numbers of migrants and/or asylum seekers are now or will be crossing over the open border of the United States; and

WHEREAS, the federal government has failed, refused or neglected to anticipate and satisfactorily react to the exigent and emergent circumstances, resulting in thousands of undocumented migrants and/or asylum seekers crossing the border of the United States; and

WHEREAS, due to the failure of the federal government to provide the resources required to enforce our nation's laws, the Governor of Texas, Greg Abbott, has relocated thousands of migrants and/or asylum seekers crossing the Texas border to New York City.

WHEREAS, the Mayor of New York City, Eric Adams has in similar fashion appeared to have now sent the same migrants and/or asylum seekers to counties throughout the greater Hudson Valley area as well as upstate New York; and

WHEREAS, the City of New York has long declared itself a 'sanctuary city', and has thereby condoned the shielding of certain criminal undocumented or illegal migrants from Immigration Customs Enforcement (ICE) in order to delay or prevent deportation proceedings, but in doing so has also failed and refused to adequately address the

needs of such lawful migrants and/or asylum seekers transferred to New York City, even though New York City was appropriated \$1 billion in the recently passed New York State budget, and has instead transferred, in part, said duties and responsibilities to neighboring counties, including Rockland and Orange Counties, which upon information and belief may expand to additional counties, including Putnam County; and

WHEREAS, the City of New York is advertising and printing brochures for migrants and/or asylum seekers promoting long-term housing solutions in the Hudson Valley for at least four months, and which is believed will be longer, if not permanent; and

WHEREAS, according to the promotional brochures provided by New York City, that migrants and/or asylum seekers shall in addition to shelter also receive medical care, food, laundry and other necessities, only initially and possibly partially to be funded by the City of New York with no explanation of where such funding will come from thereafter; and

WHEREAS, Mayor Adams has already represented to officials of neighboring counties, specifically Orange and Rockland Counties, that a limited number of adult male migrant and/or asylum seekers will be transported to their counties. However, they have since learned that the Adams' administration has also sought to house additional hundreds of migrants and/or asylum seekers at additional locations without notifying or conferring with county officials and as a result they can no longer rely on the representations of New York City officials; and

WHEREAS, there is no reason to believe these migrants and/or asylum seekers will leave the County of placement after New York City ceases to pay for the housing and any other necessary services they are presently receiving in and from New York City, or that many thousands more migrants and/or asylum seekers that follow will not be similarly transported to Putnam County as they have been to neighboring jurisdictions; and

WHEREAS, Putnam County is already a diverse County that serves people of many backgrounds, cultures and identities; and

WHEREAS, there is a justifiable and reasonable apprehension of immediate danger of public emergency of potentially thousands of persons being transported to Putnam County and that Putnam County will then be responsible for the public safety and sustenance of these persons and all others effected in Putnam County;

WHEREAS, there are significant concerns regarding migrant and /or asylum seekers not being properly screened or vaccinated against communicable diseases, including but not limited to tuberculosis, in New York City prior to transport to Putnam County and neighboring jurisdictions which presents additional Public Health concern; and

WHEREAS, Putnam County, unlike the City of New York, is unable to rely on a full-time career municipal emergency services system, nor does it have the financial resources to support such a system, and continues to rely predominantly on volunteer fire and ambulance agencies which an influx of unaccounted migrants would almost certainly stress beyond existing capabilities; and

WHEREAS, the County of Putnam has received no information or assurances of proper vetting through background checks or commitments by the federal government that these individuals will be regularly observed; and

WHEREAS, it is also reasonably anticipated that New York City hereafter will transport additional migrants to Putnam County, whose presence likely will exponentially spike the number of people in need of government services at all levels of government in the County; and

WHEREAS, there is no legal basis to provide adequate services to these migrants or asylum seekers by the County's Department of Social Services due to their age, immigration status and other factors; and

WHEREAS, the County of Putnam anticipates potential demonstrations on this issue both for and against the transportation of migrants/asylum seekers to Putnam which may result in overburdening the taxing of law enforcement resources; and

WHEREAS, local zoning codes do not allow use of temporary residence hotels or other temporary residence facilities for use as long-term residential housing or homeless shelters and therefore New York City's transportation of migrants and/or asylum seekers to Putnam County for that purpose is illegal and in violation of local laws; and

WHEREAS, through enforcement of local zoning codes, said migrants and/or asylum seekers will face refusal, or eviction from these unlawful residences and short-term residential facilities, resulting in large scale homelessness for these migrants and/or asylum seekers which will only serve to exacerbate the existing problems brought on by this failure to anticipate their future needs and tax County resources; and

WHEREAS, with limited temporary housing shelter beds in Putnam County to begin with, all temporary housing shelter beds in Putnam County are currently at or close to maximum capacity and cannot accommodate additional homeless individuals much less in the volume that is anticipated as a result of the City of New York's transferring its duties in this regard to Putnam County; and

WHEREAS, providing temporary housing shelter beds by utilizing the limited number of hotels currently located in Putnam County, in addition to creating the potential for building and fire-safety violations, is in contravention of New York Public Health Law and the Putnam County Sanitary Code; and

WHEREAS, the US Centers for Disease Control and Prevention previously issued a public health order aimed to stop the spread of COVID-19 known as Title 42 which allowed authorities to swiftly expel migrants at United States land borders and have them returned to their respective home countries; and

WHEREAS, Title 42, which federal officials have relied on in order to manage a spiraling and exacerbating situation at the border, expired on May 11, 2023; and

WHEREAS, lifting Title 42 is anticipated to spur a significant increase in the number of migrants attempting to cross into the United States; and

WHEREAS, without Title 42 in place, federal immigration authorities will return to outdated protocols at a time wherein there is expected to be unprecedented mass migration that impacts the United States borders; and

WHEREAS, that due to the above circumstances, I find reasonable apprehension of immediate danger thereof in that public safety is jeopardized thereby, for not only the migrants and/or asylum seekers, but also to the many affected residents of Putnam County and their families; and

WHEREAS, the County of Putnam and its various municipalities impacted by the decision of Mayor Adams must be reimbursed by New York City for any expenses incurred as a result of New York City's program to move migrants and/or asylum seekers to Putnam County; and

WHEREAS, New York City has no shared service agreement with Putnam County to provide additional housing for the migrants and/or asylum seekers being transported at Mayor Adams' direction; and

WHEREAS, there have already been declared state of emergencies in nearby and overlapping jurisdictions including the state of New York by Governor Hochul (effective May 9, 2023), Rockland County by County Executive Ed Day (effective May 6, 2023), and Orange County by County Executive Steve Neuhaus (effective May 9, 2023), Dutchess County by County Executive William F.X. O'Neil (effective May 19, 2023) as well as new emergency local legislation enacted within the Town of Fishkill as authorized by Supervisor Ozzy Albra (effective May 12, 2023); and

WHEREAS, many of the aforementioned concerns enumerated in this declaration were already shared directly with Mayor Adams in written correspondence from the Putnam County Executive dated May 11, 2023.

THEREFORE, I, Kevin M. Byrne, as Chief Executive Officer of the County of Putnam, New York hereby exercise the authority granted to me under New York State Executive Law, Chapter 18, Article 2-B, §24 to preserve the public safety, and to make available and provide for all required assistance which is vital to the security, well-being, and health of the citizens of this county by declaring a State of Emergency.

RESOLVED, I declare, in order to protect life and property, or to bring the emergency situation under control, and to ensure compliance with New York Public Health Law and Putnam County Sanitary Code, a State of Emergency in the County of Putnam and make the following **ORDERS**:

EXECUTIVE ORDER 1

THEREFORE, I, Kevin M. Byrne, as Chief Executive Officer of the County of Putnam, New York hereby exercise the authority granted to me under New York State Executive Law, Chapter 18, Article 2-B, §24 to preserve the public safety, and I direct that all hotels, motels and/or any facilities allowing short-term rentals do not accept said migrants and/or asylum seekers for housing in what would effectively be homeless shelters within Putnam County absent a proper shared services agreement between New York City and Putnam County to provide said services.

I FURTHER FIND that this State of Emergency and Executive Order does not in any way impact travel or County employees or County operations, is not weather related, and does not suspend County operations. This Executive Order and all portions thereof shall take effect immediately, be filed and published as required by law, and individually expire as required by law. This local state of Emergency shall be effective as of May 22, 2023 and shall remain in effect for thirty (30) days and may be extended at that time.

EXECUTIVE ORDER 2

THEREFORE, I, Kevin M. Byrne, as Chief Executive Officer of the County of Putnam, New York, may use any and all facilities, equipment, supplies, personnel and other resources – including but not limited to town, and village law enforcement, building code enforcement officers, fire departments, public health inspectors and zoning code enforcement personnel – in order to effectuate the County Executive's Executive Order declaring a State of Emergency and any Emergency Order attendant thereto, and to take whatever steps are necessary in order to protect life, property and public infrastructure, to enforce State and County and local codes, laws and regulations, and to provide such emergency assistance as deemed necessary.

I FURTHER FIND that this State of Emergency and Executive Order does not in any way impact travel or County employees or County operations, is not weather related, and does not suspend County operations. This Executive Order and all portions thereof shall take effect immediately, be filed and published as required by law, and individually expire as required by law. This local state of Emergency shall be effective as of May 22, 2023 and shall remain in effect for thirty (30) days and may be extended at that time.

EXECUTIVE ORDER 3

WHEREAS, the federal government under the provisions of the Immigration and Nationality Act as codified in the United States Code (U.S.C.) is responsible for the establishment and enforcement of the laws of the United States of America as they pertain to legal immigration; and

WHEREAS, the authority for enforcement of the Immigration and Nationality Act and the U.S.C. is vested with the federal government, and it is the responsibility of all levels of government to fully support the federal government in the exercise of its obligations under the law pertaining to immigration; and

WHEREAS, the level of immigration enforcement by the federal government has been inadequate in preventing millions of persons from illegally entering the United States without complying with the laws of our nation; and

WHEREAS, Putnam County will continue to work with the County Sheriff's Department and Immigration Customs Enforcement (ICE) to properly identify arrested felons and gang-associated members who are suspected violators of federal immigration laws; and,

WHEREAS, Putnam County continues to support our nation's governing document, the United States Constitution, in its current form including, but not limited to, the 4th, 5th, and 14th Amendments as they pertain to an individual's right to privacy and due process, and thereby continues to support fair, equal, and just application of the law free of discrimination; and

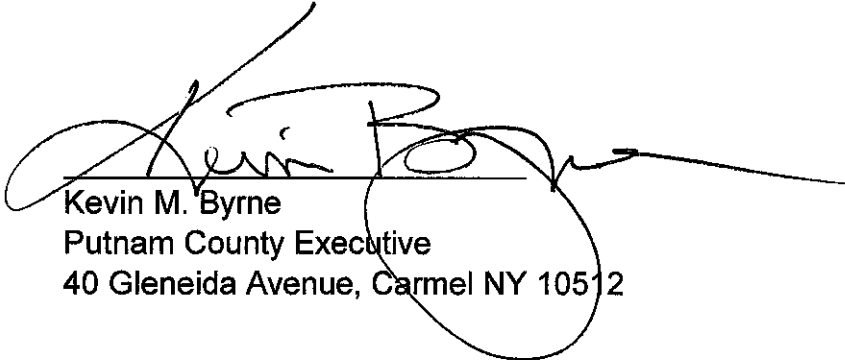
THEREFORE, County Executive Kevin M. Byrne, on behalf of the County of Putnam, does:

1. hereby pledge support of federal immigration enforcement efforts within the scope of local authority in accordance with the county charter, state, and US Constitutions.
2. hereby declare that Putnam County is not a sanctuary county and is in fact a county committed to upholding the rule of law, including our nation's immigration laws, as a Rule of Law County.
3. hereby declare that Putnam County will remain dedicated with its personnel, policies, and resources to support adherence of the rule of law as applied to immigration enforcement for the greater good of all citizens and residents of Putnam County.

I FURTHER FIND that this State of Emergency and Executive Order does not in any way impact travel or County employees or County operations, is not weather related, and does not suspend County operations. This Executive Order and all portions

thereof shall take effect immediately, be filed and published as required by law, and individually expire as required by law. This local state of Emergency shall be effective as of May 22, 2023 and shall remain in effect for thirty (30) days and may be extended at that time.

DATED: 5/22/23



Kevin M. Byrne
Putnam County Executive
40 Gleneida Avenue, Carmel NY 10512