



COUNTY OF CHEMUNG
LAW DEPARTMENT

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INVESTIGATOR

May 10, 2023

Cynthia G. Kalweit, Clerk
Chemung County Legislature
203 Lake Street
Elmira, NY 14901-0588

RE: Declaration of Local State of Emergency

Dear Cindy:

Please find our Declaration of a Local State of Emergency that was issued on May 10, 2023.

If you have any questions, please feel free to contact our office.

Sincerely,

M. Hyder Hussain
Chemung County Attorney

MHH/amd

Enc.

RECEIVED

MAY 10 2023

CHEMUNG COUNTY LEGISLATURE

County of Chemung

EXECUTIVE CHAMBERS

Executive Order # 2023-01

DECLARATION OF A LOCAL STATE OF EMERGENCY

Chemung County Sustainable Migration Plan

I, **Christopher J. Moss**, County Executive of the County of Chemung, State of New York, do hereby declare as an **EXECUTIVE ORDER** the following:

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

WHEREAS, the Federal government has failed or refused to anticipate and react to the exigent and emergent circumstances, resulting in thousands of migrants and asylum seekers crossing the U.S. border; and

WHEREAS, the Governor of Texas has seen fit to relocate thousands of migrants and asylum seekers crossing the Texas border to New York State, rather than address issues presented to its state and/or the Federal government; and

WHEREAS, I have reason to believe that migrant and/or asylum seekers could be transported to Chemung County; and there is no reason to believe that these migrants or asylum seekers will leave Chemung County; and

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

WHEREAS, The County of Chemung is not capable of receiving and sustaining such volume of migrants and asylum seekers, whose presence will 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 because of their age and immigration status; and

WHEREAS, The County of Chemung anticipates potential civil disobedience and protesting on this issue both for and against the transportation of migrants/asylum seekers to Chemung County; 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; and

WHEREAS, that due to the above circumstances, I find reasonable apprehension of the immediate danger thereof that public safety is imperiled thereby, for not only the migrant and asylum seekers, but also to the other affected residents of Chemung County; and

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 reconsidering all the relevant facts and circumstances, such an order may be extended for additional periods not exceeding five days each during the pendency of the state of emergency.

If it were allowed for the City of New York or other municipalities to flood the County with persons needing services, as described in the related Declaration, this crisis would only worsen.

NOW, THEREFORE, I, CHRISTOPHER J. MOSS, Chemung County Executive, by virtue of the authority vested in me as Chief Executive of Chemung County, it is hereby ordered:

Section 1. The local State of Emergency

A Local State of Emergency is hereby declared to exist within the County of Chemung and shall remain in effect unless it is terminated, rescinded, or modified at an earlier date.

Section 2. 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 Chemung County is permitted to contract or otherwise engage in business with any other municipality other than the County of Chemung (an "external municipality") for the purpose of providing housing or accommodations for migrants or asylum seekers without a license granted by the County.

C. Remedies.

1. Appearance tickets. The Sheriff 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, 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 County Attorney.
3. Abatement. Regardless of any other remedy or relief brought by the County for any violation, 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 Chemung 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. 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.

GIVEN, under my hand and the Seal of the County of Chemung in the City of Elmira this Tenth Day of May, in the year Two Thousand Twenty-Three.



COUNTY OF CHEMUNG



Hon. Christopher J. Moss
Chemung County Executive