



Board of Supervisors

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INFORMATION RELEASE
19 MAY 2023

**FULTON COUNTY DECLARES STATE OF EMERGENCY RELATED TO
MIGRANT CRISIS**

Chairman of the Fulton County Board of Supervisors, Scott Horton, has issued a State of Emergency Declaration, effective May 19, 2023, to protect the public safety and public health during the migrant relocation crisis in New York State. The failure of the U.S. government and New York State government to address illegal migration, primarily along the U.S.-Mexico border, has exposed communities across the country to serious harm and this Emergency Declaration and associated Emergency Orders are being issued to protect citizens and visitors in Fulton County. The City of New York has declared itself a “sanctuary city” without the resources or know-how to handle illegal migration. Fulton County and most other communities have not declared themselves “sanctuary” and do not have the resources to humanely house or provide social support services to illegal migrants or asylum seekers.

The Fulton County region has strived to be a welcoming community and County government recognizes and appreciates the contributions of lawful migrants for centuries; however, unlawful migration poses a grave risk to the social, health, and public safety welfare of residents, businesses and visitors. The State of Emergency and associated Emergency Order No. 1 of 2023 restrict public and/or private entities from transporting migrants or asylum seekers to locations within the county, or to house such persons within the county without express written permit issued by the Chairman of the Board of Supervisors. This restriction includes hotels, motels, campgrounds, rental businesses or owners of any other dwelling.

The Emergency Order No. 1 will remain in effect for five (5) days unless modified, extended or revoked. The Order may be extended for additional periods not to exceed five (5) days during the State of Emergency in accordance with NYS Executive Law, Section 24.

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EMERGENCY ORDER NO. 1 OF 2023

Intent.

WHEREAS, on May 19, 2023, the Chairman of the Board of Supervisors of the County of Fulton declared a local State of Emergency within the County to address the expiration of an order of the United States Centers for Disease Control and Prevention that prohibited the introduction into congregate settings of noncitizens arriving from or through Mexico and Canada (the "COVID-19 Migration Order"), thereby dramatically increasing unlawful entry into the United States; and

WHEREAS, there is a national immigration crisis at the border between the United States and Mexico, creating a dramatic increase in the number of persons seeking asylum or who have illegally entered and remained in the United States (hereafter, "Migrants"), and the federal government has failed to anticipate or react to the exigent and emergent circumstances, resulting in thousands of Migrants crossing the United States border; and

WHEREAS, the City of New York has previously declared itself to be a "sanctuary city"; however, most other governments, including the County of Fulton, have not declared such; and

WHEREAS, on May 5, 2023, as a result of the strain placed on the City of New York by Migrants already in the City, the Mayor of the City of New York announced plans to bus migrants to counties outside the City, without assessing the capabilities of counties outside of the City of New York to house and feed vulnerable Migrant populations and lacking all authority or jurisdiction to require the same; and

WHEREAS, unrestricted, unlawful migration poses a grave risk to the social, health and emergency services resources of Fulton County, particularly during this period of economic growth when the County's inventory of housing and emergency housing is at historic lows; and

WHEREAS, the County of Fulton is responsible for securing health and safety of its residents, and should the City of New York or other municipalities abruptly transport large numbers of Migrants to the County, the mass arrival of these Migrants will create a social, health and emergency services crisis, causing an increase in homelessness, threatening the health and public safety of County residents and any relocated Migrants;

NOW THEREFORE, by the power vested in me by New York Executive Law Section 24, it 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 Chairman of the Fulton County Board of Supervisors. 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, campground, rental business or owner of any dwelling in Fulton County is permitted to contract or otherwise engage in business with any other municipality other than the County of Fulton 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 \$2,000.00 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 same 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 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 Fulton 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 in 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 2. 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 3. 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 Fulton this 19th Day of May 2023.

COUNTY OF Fulton County



Scott Horton
Chairman, Fulton County Board of Supervisors