



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

EMERGENCY EXECUTIVE ORDER NO. 406

May 15, 2023

WHEREAS, over the past several months, thousands of asylum seekers have been arriving in New York City, from the Southern border, without having any immediate plans for shelter; and

WHEREAS, the City now faces an unprecedented humanitarian crisis that requires it to take extraordinary measures to meet the immediate needs of the asylum seekers while continuing to serve the tens of thousands of people who are currently using the DHS Shelter System; and

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 224, dated October 7, 2022; and

WHEREAS, the state of emergency based on the arrival of thousands of individuals and families seeking asylum, first declared in Emergency Executive Order No. 224, dated October 7, 2022, and extended most recently by Emergency Executive Order No. 398, dated May 5, 2023, remains in effect;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby order that sections 1 and 2 of Emergency Executive Order No. 402, dated May 10, 2023, are extended for five (5) days.

§ 2. I hereby direct that section 4(a) of Emergency Executive Order No. 224, dated October 7, 2022, is amended to read as follows:

I hereby direct that the following laws and rules related to the Uniform Land Use Review Procedure, and other procedures applicable to the City planning and land use review processes, to the extent they would apply to the siting, leasing, construction and operations of facilities, including homeless shelters, created and/or expanded for use in response to the asylum emergency, require the holding of public hearings, the certification of applications, the submission of recommendations, any required or necessary voting, the taking of final actions, and the issuance of determinations, are suspended for the duration of the State of Emergency: sections 195, 197-d,

203, and 3020, subdivisions (b) through (h) of section 197-c, and subdivision (a) of section 824 of the Charter, sections 21-309, 21-312, 25-303, 25-306, 25-308, 25-309, 25-310 and 25-313 of the Administrative Code, and sections 1-05.5 and 1-07.5 of Title 2 and sections 2-02 through 2-07 of Title 62 of the Rules of the City of New York.

§ 3. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date whichever occurs first.

§ 4. The provisions of this Order are subject to applicable State laws and rules, and emergency orders issued by the Governor.

Handwritten signature of Eric Adams in black ink.

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Eric Adams  
Mayor