



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

EMERGENCY EXECUTIVE ORDER NO. 402

May 10, 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 section 2 of Emergency Executive Order No. 398, dated May 5, 2023, is extended for five (5) days.

§ 2. I hereby suspend the following sections of the Administrative Code:

(a) 21-124;

(b) 21-313, to the extent it sets a deadline for the City's temporary shelter placements; and

(c) 26-521, to the extent such provision gives rights to individuals in need of shelter or housing because of the circumstances that led to the state of emergency and who have been occupants of dwelling units for 30 or more days, or creates a landlord-tenant relationship between any individual assisting with the response to the state of emergency or any individual in need of shelter or housing because of the circumstances that led to the state of emergency, and any individual or entity, including but not limited to any hotel owner, hospital, not-for-profit housing provider or any other person or entity who provides temporary housing for a period of thirty days or more solely for purposes of assisting in the response to the state of emergency.

§ 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.

Handwritten signature of Eric Adams in black ink.

Eric Adams
Mayor