



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

EMERGENCY EXECUTIVE ORDER NO. 904

December 31, 2025

WHEREAS, since October 2022, over two hundred thousand asylum seekers have arrived in New York City from the Southern border without having any immediate plans for shelter; and

WHEREAS, the City continues to face an unprecedented humanitarian crisis that requires it to take extraordinary measures to meet the needs of the asylum seekers while continuing to serve the tens of thousands of people who currently use the Department of Homeless Services Shelter System; and

WHEREAS, the state of emergency based on the arrival of hundreds of thousands of individuals and families seeking asylum, first declared in Emergency Executive Order No. 224, dated October 7, 2022,¹ and extended by subsequent orders, remains in effect; and

WHEREAS, additional measures continued in this order were originally set forth in Emergency Executive Order No. 230 of 2022, Emergency Executive Order No. 241 of 2022, Emergency Executive Order No. 302 of 2023, Emergency Executive Order No. 350 of 2023, Emergency Executive Order No. 386 of 2023, Emergency Executive Order No. 402 of 2023, and Emergency Executive Order No. 406 of 2023; and

WHEREAS, section 3 of Emergency Executive Order No. 886 of 2025 listed provisions of laws and rules that had been suspended by such prior orders to allow for the continued operation of facilities needed to address the asylum emergency, and such list is attached as an appendix to this order; and

WHEREAS, section 4 of Emergency Executive Order No. 886 of 2025 provided for such suspensions to remain in effect for 5 days, and such suspensions have been extended by subsequent emergency orders, and continue to be necessary;

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, the New York City Administrative Code, and the common law authority to protect the public in the event of an emergency:

¹ <https://www.nyc.gov/mayors-office/news/2022/10/emergency-executive-order-224>

Section 1. I hereby direct that the State of Emergency declared in Emergency Executive Order No. 224, dated October 7, 2022, and extended by subsequent orders, is extended for thirty (30) days.

§ 2. I hereby order that section 1 of Emergency Executive Order No. 902, dated December 29, 2025, is extended for five (5) days.

§ 3. This Emergency Executive Order shall take effect immediately. The State of Emergency shall remain in effect for a period not to exceed thirty (30) days or until rescinded, whichever occurs first. Additional declarations to extend the State of Emergency for additional periods not to exceed thirty (30) days shall be issued if needed.

A handwritten signature in cursive script that reads "Eric Adams". The signature is written in black ink and is positioned above a horizontal line.

Eric Adams

Mayor

APPENDIX

LAWS AND RULES SUSPENDED, AS DESCRIBED IN SECTION 3 OF EMERGENCY EXECUTIVE ORDER NO. 886 OF 2025

a. The following laws and rules, first suspended on October 7, 2022 by Emergency Executive Order No. 224, 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 continued operation of the HERRCs, impose limitations on the amount of time permitted for 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, remain suspended, and any such time limitations are tolled for the duration of the State of Emergency: sections 195, 197-d, and 203 and subdivisions (b) through (h) of section 197-c of the Charter, 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.

b. Section 14-140 of the Administrative Code and section 12-10 of Title 38 of the Rules of the City of New York, first suspended on October 7, 2022 by Emergency Executive Order No. 224, remain suspended, to the extent they impact the disposition of personal property at the HERRCs.

c. The following laws and rules, first suspended on October 12, 2022 by Emergency Executive Order No. 224, remain suspended:

- i. Sections 28-111.1.1 and 28-111.1.2 of the Administrative Code, but only to the extent such provisions limit temporary structures or uses to no more than 90 days;
- ii. Sections 28-118.3.1 and 28-118.3.2 of the Administrative Code, Chapter 2 of Article 2, Chapter 2 of Article 3, Chapter 2 of Article 4 and any other applicable district use regulations, including in Special Purpose Districts, of the Zoning Resolution of the City of New York and any other provisions of such code, resolution or rules, to the extent that they would prevent the alteration and/or use of buildings as HERRCs that provide assistance for arriving asylum seekers, provided that such structures or buildings, regardless of length of stay, shall be occupied in a manner that will not endanger public safety, health, or welfare as certified by a registered design professional.

d. Section 21-312 of the Administrative Code, first suspended on October 22, 2022 by Emergency Executive Order No. 241, remains suspended to the extent it limits the number of persons who may be served in a Department of Homeless Services shelter for adults.

e. As first authorized on January 5, 2023 by Executive Order No. 302, the Fire Department (“FDNY”) continues to be authorized to waive any provision of 3 RCNY § 901-04 relating to central station monitoring of fire alarm systems, preparation and filing of a fire safety and evacuation plan, decorations, portable fire extinguishers, and commercial cooking systems, where FDNY determines such provision would prevent or delay the alteration or use of a building as a HERRC. Where FDNY waives such a provision, such provision shall be deemed suspended with respect to the alteration or use of such building as a HERRC. FDNY shall require that adequate mitigating fire safety measures to ensure public safety, health and welfare be implemented at any such building. Any waivers and

mitigating measures pursuant to this order shall be adopted by written FDNY guidance or documented in a written determination issued by FDNY. Such documentation shall be maintained at the premises of the HERRC and at the FDNY.

f. As first ordered on March 6, 2023 by Emergency Executive Order No. 350, where the provisions of the 1968 Building Code apply to the alteration of a prior code building in accordance with section 28-101.4.3 of the Administrative Code, section 27-359 and the corresponding capacity requirements in table 6-1 of article 2 of subchapter 6 of chapter 1 of title 27 of the Administrative Code remain suspended to the extent that they would prevent the alteration and/or use of buildings as HERRCs that will provide assistance for arriving asylum seekers, provided that for such buildings:

- i. Section 1005 of the New York City Building Code shall apply to such alteration;
- ii. The relevant space shall comply with section 901-04 of title 3 of the Rules of the City of New York, including with protection throughout such space by a functional sprinkler system designed and installed in accordance with the applicable provisions of such Building Code or prior code, as such section may otherwise be modified by the Fire Department pursuant to Emergency Executive Order No. 302;
- iii. Every occupied floor shall be staffed with fire guards for fire watch coverage; and
- iv. Such structures or buildings, regardless of length of stay, shall be occupied in a manner that will not endanger public safety, health, or welfare as certified by a registered design professional.

g. Sections 21-309 and 21-312 of the Administrative Code, first suspended on April 20, 2023 by Emergency Executive Order No. 386, to the extent they would apply to the continued operation of facilities, including homeless shelters, created and/or expanded in response to the asylum emergency, impose limitations on the amount of time permitted for 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, remain suspended, and any such time limitations are tolled for the duration of the State of Emergency.

h. The following laws, first suspended on May 10, 2023 by Emergency Executive Order No. 402, remain suspended:

- i. Section 21-124 of the Administrative Code;
- ii. Section 21-313 of the Administrative Code, to the extent it sets a deadline for the City's temporary shelter placements; and
- iii. Section 26-521 of the Administrative Code, 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.

i. Subdivision (a) of section 824 of the Charter, first suspended on May 15, 2023 by Emergency Executive Order No. 406, to the extent it applies to the continued operation 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, remains suspended.

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