



## CHAUTAUQUA COUNTY OFFICE OF THE COUNTY EXECUTIVE

---

Gerace Office Building • 3 N. Erie St. • Mayville, NY 14757-1007  
(716) 753-4211 • FAX (716) 753-4756 • [wendelp@chqgov.com](mailto:wendelp@chqgov.com)  
<https://chqgov.com/>

PAUL M. WENDEL, JR.  
County Executive

### LOCAL STATE OF EMERGENCY EMERGENCY ORDER NO. 1 (Sustainable Migration)

On May 18, 2023, a State of Emergency was declared for the County of Chautauqua arising from New York City's program to rapidly increase the number of migrants in this County to unsustainable levels.

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 reconsideration of all the relevant facts and circumstances, such an order may be extended for additional periods not to exceed 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 simply flood the County with persons in need of services, as described in the related Declaration, this crisis would only worsen.

**THEREFORE**, by the power vested in me as County Executive of Chautauqua County, it is 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 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 Chautauqua County is permitted to contract or otherwise engage in business with any other municipality other than the County of Chautauqua (an "external municipality") for the purpose of providing housing or accommodations for migrants or asylum seekers without a license granted by the County. This prohibition extends to any person or entity participating in an external municipality's government program, or a contract or service funded by an external municipality, or acting on behalf of any external municipality. This provision is applicable to

migrants or asylum seekers arriving on or after the declaration of the State of Emergency by Chautauqua County, and does not affect those individuals already located within Chautauqua County prior to the declaration of the State of Emergency.

1. Licenses will be granted only by the Chautauqua County Executive's Office. The County Executive may enlist the services of any other agency within the executive branch of the County government to perform the duties necessary to effect this provision.
2. Licenses will only be granted where, to the satisfaction of the County Executive, both the applicant and the foreign municipality demonstrate that:
  - a. The contract provides that the migrants or asylum seekers will be returned to the foreign municipality from which they arrived or another location outside the County, within fifteen days;
  - b. The foreign municipality demonstrates to the County that it has sufficient funding to sustain the needs of the migrants or asylum seekers during the time of their stay; and
  - c. The foreign municipality agrees to assume any costs expended by any municipality in the County ("domestic municipalities") including the County itself, for the care, welfare, law enforcement interactions, or other expenses related to municipal interaction with the migrants or asylum seekers upon demand,
  - d. The applicant and the foreign municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per migrant or asylum seeker being housed or boarded at the applicant's facility.
3. The conditions described in this section will not apply to any contract directly between the foreign municipality and the County.
4. License renewal will be at the sole discretion of the County Executive, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

#### C. Remedies.

1. Appearance tickets. The Sheriff, the County Executive and the County Executive's designees are 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, to be determined by a process set by the County Executive, 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 Executive.

3. Abatement. Regardless of any other remedy or relief brought by the County for any violation, the County Executive is authorized to direct 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 penalty 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 Chautauqua 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 2. Effective Date.**

This Local Emergency Order shall take effect immediately.

**Section 3. 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.

**Section 4. Common Name**

This Order may be referred to as the "Chautauqua County Sustainable Migration Protocol."

Dated: May 18, 2023

A handwritten signature in blue ink, reading "Paul M. Wendel, Jr.", written over a horizontal line.

Paul M. Wendel, Jr.  
County Executive  
County of Chautauqua