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COUNTY OF GENESEE

L. Matthew Landers,
County Manager

LOCAL STATE OF EMERGENCY
EMERGENCY ORDER NO. 40

I, L. Matthew Landers, County Manager of the County of Genesee, in accordance with a declaration of a State of Emergency issued on May 17, 2023, reissued on June 16, 2023, reissued on July 16, 2023, reissued on August 15, 2023, reissued on September 14, 2023, reissued on October 14, 2023 and reissued on November 13, 2023 pursuant to New York State Executive Law, Section 24, do hereby ORDER:

- 1) No hotel, motel, shelter, or other multiple-dwelling unit in Genesee County, or any person or corporation acting on behalf of such hotel, motel, shelter, or other multiple-dwelling unit, may enter into a contract with any municipality, corporation, partnership, individual, or any other entity for the purpose of providing emergency housing for homeless individuals in Genesee County unless and until such person or corporation has submitted a plan detailing how it will provide adequate care and services for those individuals receiving emergency housing to the Genesee County Department of Social Services (an "Emergency Housing Plan") and such Emergency Housing Plan has been approved by the Genesee County Department of Social Services. The Emergency Order applies to any situation where the placement of individuals, beyond what is considered the regular practice in collaboration with

neighboring counties, could potentially strain our resources and services.

- 2) The Emergency Housing Plan shall demonstrate:
 - a) That adequate space has been reserved to house the individuals in need of housing throughout the duration of their stay;
 - b) That the housing conforms with all applicable local, state, and federal laws, rules, and regulations, including, but not limited to the New York State Uniform Fire Prevention and Building Code;
 - c) There is documented proof in legal form that assures adequate funding to support the fundamental needs of the individuals being housed throughout the duration of their stay;
 - d) That there are arrangements in place to provide adequate services that will be needed to support the welfare of the individuals being housed throughout the duration of their stay, including medical needs and any other supportive services the individuals require.
 - e) The approval of any Emergency Housing Plan submitted in Genesee County is contingent on the proper procedures being duly carried out by district pursuant to New York Code of Rules and Regulations, and as directed by the New York State Office of Temporary and Disability Assistance policies cited in 06-ADM-07 including, but not limited to, site inspection, proper notification of intent to place, transportation, and demonstration of fiscal responsibility.
- 3) The Genesee County Department of Social Services shall review any properly submitted and proposed Emergency Housing Plan and shall only approve such Emergency Housing Plan if the criteria set forth in Paragraph 2 of this Order are satisfied.
- 4) The Genesee County Department of Social Services shall refer its recommendation to the County Manager for consideration, at which time the County Manager will take appropriate action based on this recommendation.
- 5) Any Emergency Housing Plan approved by the Genesee County Department of Social Services is subject to review every five (5) days. In conducting such review, the Genesee County Department of Social Services shall consider the same factors

set forth in paragraph 2 of this Order. If those factors are no longer satisfied, the Genesee County Department of Social Services shall revoke its recommendation of the Emergency Housing Plan.

- 6) The County Attorney is authorized to commence actions or proceedings in the name of the County in a court of competent jurisdiction to enforce the provisions of this Emergency Order. Such actions or proceedings shall be in addition to, and not in substitution or limitation of, any other remedies or penalties available to enforce this Emergency Order.
- 7) The Sheriff, the County Manager and the County Manager's designees are authorized to issue appearance tickets for any violation of this Emergency Order for the penalty prescribed by New York State Executive Law § 24(5).
 - a) Civil penalties. In addition to those penalties prescribed by New York State 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 Manager, of not more than \$2,000 per individual housed by the external 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 Manager.
 - b) Abatement. Regardless of any other remedy or relief brought by the County for any violation, the County Manager 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.
 - c) Remedies not exclusive.
 - i) No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order.
 - ii) 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.

iii) 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.

(1) 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 New York State 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 New York State Executive Law § 24.

(2) Notifications. In addition to such other powers or duties the Sheriff of Genesee 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 individuals 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 homeless individuals, or seeking or entering agreements with external municipalities, without approval as required by this Emergency Order.

This Order shall take effect immediately and shall remain in effect for five days unless rescinded earlier by my order.

EXECUTED ON THIS 28TH DAY OF NOVEMBER, 2023, AT 12:00 PM IN
BATAVIA, NEW YORK.



L. MATTHEW LANDERS
COUNTY MANGER