STATE OF NEW YORK

2010

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Local Governments

AN ACT to amend the executive law and the public health law, in relation to making the extension of certain local emergency orders subject to the approval of the local governing body

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision 1 of section 24 of the executive law, as amended by section 5 of part G of chapter 55 of the laws of 2012, is amended to read as follows:

Notwithstanding any inconsistent provision of law, general or special, in the event of a disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any county, city, town or village, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive thereof that the public safety is imperiled thereby, such chief executive may proclaim a local state of emergency within any part or all of the territorial limits of such local government; provided, however, that in the event of a radiological accident as defined in section twenty-nine-c of this article, such chief executive may request of the governor a declaration of disaster emergency. Such proclamation shall remain in effect for a period not to exceed thirty days or until rescinded by the chief executive, whichever occurs first. The chief executive may issue additional proclamations to extend the state of emergency for additional periods not to exceed thirty days**, provided that each such proclamation to extend the state of emergency shall be subject to the approval of the board of supervisors or elected county legislative body of the county, or the local governing body of the city, town or village to which such proclamation applies**. Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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bring the emergency situation under control. As illustration, such orders may, within any part or all of the territorial limits of such local government, provide for:

§ 2. The opening paragraph of section 308 of the public health law is amended and a new subdivision 2 is added to read as follows:

1. Subject to the provisions of this chapter and of the sanitary code, every local board of health shall:

2. Notwithstanding any contrary provision of law, any and all orders issued by a local board of health pursuant to this chapter shall be effective for a period of five days. Such local board of health may extend such orders for additional periods not to exceed five days each, provided that each such extension shall be subject to the approval of the board of supervisors or elected county legislative body of the county, or the local governing body of the city, town or village over which such local board of health has jurisdiction.

§ 3. This act shall take effect immediately.