

**ORDER OF THE COMMISSIONER OF HEALTH AND
MENTAL HYGIENE OF THE CITY OF NEW YORK
FOR THE PROVISION OF NON-CONGREGATE SHELTERS**

WHEREAS, on January 30, 2020 the World Health Organization designated the novel coronavirus disease 2019 (“COVID-19”) outbreak as a Public Health Emergency of International Concern and on March 11, 2020 characterized the outbreak as a pandemic; and

WHEREAS, on January 31, 2020 the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

WHEREAS, on March 7, 2020 New York State Governor Andrew Cuomo issued Executive Order No. 202, declaring a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents; and such Emergency Executive Order directed all agency heads, including the Department of Health and Mental Hygiene (the “Department”), to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City; and

WHEREAS, I find the continuing widespread transmission of COVID-19 internationally and locally to be a threat to public health in the City of New York; and

WHEREAS, pursuant to Section 556 of the New York City Charter (the “Charter”) and Section 3.01 of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

WHEREAS, Section 17-104 of the Administrative Code of the City of New York directs the Department to adopt prompt and effective measures to prevent the communication between parts of the City infected with an infectious disease such as COVID-19; and

WHEREAS, pursuant to Section 3.01 of the Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

WHEREAS, non-congregate sheltering is necessary to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe; and

WHEREAS, there is an urgent health need for non-congregate shelters for individuals who may need to be isolated or quarantined for seven days after the onset of symptoms and up to 14 days, in order to protect the health and safety of all City residents; and

WHEREAS, sheltering such individuals in congregate settings will further the spread of this disease, endangering populations that are particularly susceptible to COVID-19 infection, including people over 60 years of age and people with certain underlying health conditions, and a

system of non-congregate shelters will save lives, protect public health, and promote public safety;

NOW, THEREFORE,

1. I Oxiris Barbot, M.D., Commissioner of the New York City Department of Health and Mental Hygiene, hereby declare the existence of a public health emergency within the City of New York, for which certain orders and actions are necessary to protect the health and safety of the City of New York and its residents, and for which exercising the power of the Board of Health to prevent, mitigate, control and abate the current emergency presented by COVID-19 is necessary. I find there to be sufficient proof to authorize a declaration of great and imminent peril to the public health.
2. I hereby order the Administration for Children's Services, the Department of Corrections, the Department of Social Service, the Department of Youth and Community Development, and any other agency that may be responsible for providing shelter to any person in the City to locate, secure, operate, and make available non-congregate sheltering to any person needing to be isolated or quarantined in order to prevent the spread of COVID-19. The provision of non-congregate shelters required by this Order shall be limited to that which is reasonable and necessary to adequately protect the public from the threat presented by the COVID-19 pandemic, as determined by the Commissioner of Emergency Management.

Such shelters may be located in hotels, convention centers and other non-traditional shelter facilities as deemed appropriate by the Commissioner of Emergency Management in consultation with myself and the Commissioners of Fire, Police, Social Services and Buildings.

3. This Order shall be effective immediately and remain in effect until the end of the public health emergency or such earlier time as I may indicate, subject to the authority of the Board of Health to continue or rescind, alter, or modify this Order pursuant to section 3.01(d) of the New York City Health Code.



Dated: 4/3/20

Oxiris Barbot, M.D.
Commissioner of Health