

STATE OF NEW YORK

7585

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to enacting the "fair share for homeless shelters act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "fair share for homeless shelters act".

3 § 2. Article 2-A of the social services law is amended by adding a new
4 title 3 to read as follows:

TITLE 3

FAIR SHARE FOR HOMELESS SHELTERS

Section 46. Definitions.

8 46-a. Fair share mandate for homeless shelters.

9 46-b. Office of fair share enforcement established.

10 46-c. Enforcement and compliance measures.

11 46-d. Emergency homeless shelter siting and fair share compli-
12 ance.

13 46-e. Public transparency and data access.

14 § 46. Definitions. For the purposes of this title, the following terms
15 shall have the following meanings:

16 1. "Homeless shelter" means any facility providing temporary housing,
17 emergency shelter, or transitional housing to individuals or families
18 experiencing homelessness, operated by or under contract with a munici-
19 pal entity or nonprofit organization.

20 2. "Office of fair share enforcement" or "office" means the office of
21 fair share enforcement established pursuant to section forty-six-b of
22 this title.

23 3. "Shelter-to-population ratio" means the number of shelter beds per
24 one thousand residents in a municipality, community district, or portion
25 thereof.

26 4. "Overburdened district" means any municipality or community
27 district where the shelter-to-population ratio is among the highest

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

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1 twenty percent statewide and exceeds the state average by fifty percent
2 or more.

3 5. "Under-contributing municipality or community district" means any
4 municipality or community district where the shelter-to-population ratio
5 is in the lowest twenty percent statewide and below fifty percent of the
6 state average.

7 6. "Municipality" means any village, town, city or county; provided,
8 however, that the term "municipality" shall not include the city of New
9 York or any portion thereof.

10 7. "Community district" means a community district in the city of New
11 York.

12 8. "Emergency homeless shelter" means a temporary homeless shelter
13 established in response to a crisis, including but not limited to asylum
14 seeker arrivals, extreme weather conditions, or public health emergen-
15 cies.

16 § 46-a. Fair share mandate for homeless shelters. 1. Every munici-
17 pality or community district with a population exceeding fifty thousand
18 shall provide shelter capacity proportional to its population of home-
19 less persons as determined by the office of fair share enforcement. No
20 municipality or community district shall prohibit the siting of homeless
21 shelters within such municipality or community district if such munici-
22 pality or community district is designated as an under-contributing
23 municipality or community district by the office.

24 2. (a) No new homeless shelter shall be sited in an overburdened
25 district unless:

26 (i) such overburdened district provides data demonstrating a unique
27 local need for the additional homeless shelter beds; and

28 (ii) the office determines that alternative locations within such
29 overburdened district are not viable.

30 (b) Homeless shelters shall be distributed widely across munici-
31 palities and multiple community districts in a manner to prevent exces-
32 sive concentration in one area.

33 3. No homeless shelter shall be established, expanded, or relocated
34 without review and approval by the office. Municipalities and community
35 districts shall submit a homeless shelter siting plan to the office
36 prior to siting of any new homeless shelter. The office shall conduct a
37 geographic and demographic impact analysis before approving any homeless
38 shelter siting.

39 § 46-b. Office of fair share enforcement established. 1. There is
40 hereby established within the department an office of fair share
41 enforcement for the purpose of overseeing compliance with the provisions
42 of this title.

43 2. The office shall:

44 (a) monitor the distribution of homeless shelters across the state;

45 (b) enforce compliance with fair share mandates under this title by
46 all municipalities and community districts;

47 (c) review and approve all homeless shelter siting decisions in
48 accordance with section forty-six-a of this title;

49 (d) ensure public transparency by maintaining an interactive public
50 database of homeless shelter locations and capacities; and

51 (e) investigate complaints regarding non-compliance, unfair siting
52 practices, or obstruction of homeless shelter services.

53 3. The office shall publish on the department's website an annual
54 report that includes:

55 (a) a shelter-to-population ratio index for each municipality and
56 community district;

1 (b) identification of overburdened districts and under-contributing
2 municipalities and community districts; and

3 (c) a review of homeless shelter siting decisions and compliance
4 trends.

5 § 46-c. Enforcement and compliance measures. 1. If a municipality or
6 community district fails to meet the fair share requirements under this
7 title, the office shall issue a corrective action order mandating such
8 municipality's or community district's compliance within six months. If
9 non-compliance continues after such six-month deadline, the state shall
10 be authorized to override local zoning regulations to directly site
11 homeless shelters.

12 2. Municipalities or community districts that fail to comply with the
13 fair share requirements under this title shall be subject to:

14 (a) reductions in state housing and social services funding; and

15 (b) reallocation of funds to nonprofit providers to establish homeless
16 shelters in non-compliant jurisdictions.

17 3. The attorney general may initiate legal action against any munici-
18 pality or community district that:

19 (a) obstructs the siting of a homeless shelter required under this
20 title; or

21 (b) discriminates in homeless shelter siting to avoid hosting homeless
22 shelters in certain neighborhoods.

23 § 46-d. Emergency homeless shelter siting and fair share compliance.

24 1. Any emergency homeless shelter established through local or state
25 action shall be reported to the office within ten days of opening.

26 2. Emergency homeless shelters operating for longer than twelve months
27 shall undergo fair share review under this title and be integrated into
28 permanent homeless shelter planning.

29 3. Emergency homeless shelters shall be evenly distributed across a
30 municipality or community district. The office shall monitor the impact
31 of emergency homeless shelter siting on existing community resources and
32 services.

33 § 46-e. Public transparency and data access. 1. The office shall
34 create and maintain a public online database with the following informa-
35 tion:

36 (a) locations and capacities of all homeless shelters in the state;

37 (b) the annual shelter-to-population ratio index for all munici-
38 palities and community districts; and

39 (c) the status of pending homeless shelter siting applications.

40 2. Every municipality and community district shall submit an annual
41 fair share compliance report to the office detailing:

42 (a) the number and location of all shelters within its jurisdiction;

43 (b) any plans for new homeless shelters, closures, or expansions; and

44 (c) a fair share compliance assessment, identifying whether the muni-
45 cipality or community district is meeting, exceeding, or failing its
46 obligations under this title.

47 § 3. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law. Effective immediately, the addition, amend-
49 ment and/or repeal of any rule or regulation necessary for the implemen-
50 tation of this act on its effective date are authorized to be made,
51 including by emergency, and completed on or before such effective date.