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:

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

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

TITLE 3
FAIR SHARE FOR HOMELESS SHELTERS

Section 46. Definitions.
46-a. Fair share mandate for homeless shelters.
46-b. Office of fair share enforcement established.
46-c. Enforcement and compliance measures.
46-d. Emergency homeless shelter siting and fair share compliance.
46-e. Public transparency and data access.

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

1. "Homeless shelter" means any facility providing temporary housing, emergency shelter, or transitional housing to individuals or families experiencing homelessness, operated by or under contract with a municipal entity or nonprofit organization.

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

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

4. "Overburdened district" means any municipality or community 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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twenty percent statewide and exceeds the state average by fifty percent or more.

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

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

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

8. "Emergency homeless shelter" means a temporary homeless shelter established in response to a crisis, including but not limited to asylum seeker arrivals, extreme weather conditions, or public health emergencies.

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

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

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

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

(b) Homeless shelters shall be distributed widely across municipalities and multiple community districts in a manner to prevent excessive concentration in one area.

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

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

2. The office shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The attorney general may initiate legal action against any municipality or community district that:

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

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

§ 46-d. Emergency homeless shelter siting and fair share compliance. 1. Any emergency homeless shelter established through local or state action shall be reported to the office within ten days of opening.

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

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

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

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

(b) the annual shelter-to-population ratio index for all municipalities and community districts; and

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

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

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

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

(c) a fair share compliance assessment, identifying whether the municipality or community district is meeting, exceeding, or failing its obligations under this title.

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