



# New York City's Compliance with Fair Share Rules

## What questions did the audit look at?

- ▶ Does New York City effectively comply with Fair Share when planning City facilities?

## Why does it matter for New Yorkers?

In 1990, New York City adopted "Fair Share" rules, which require the City government to ensure that public services and facilities are evenly distributed across all neighborhoods and communities, regardless of demographic or socioeconomic status. These include both services and facilities that residents might want in their neighborhoods and those that residents might find burdensome.

The audit found that the City does not generally comply with Fair Share Criteria. There is no oversight framework in place to ensure that City facilities, such as homeless shelters, are distributed evenly. Agencies routinely ignore certain required steps in the Fair Share process, such as analyses of project sites and neighborhood impact. As a result, approximately 40% of facilities like residential facilities or waste transfer stations built or expanded between 2018 and 2022 were located in areas that already had high concentrations of them.

Agencies often failed to notify community boards and other stakeholders of plans to build facilities. As a result, the public does not have sufficient opportunity to raise concerns before plans are finalized. Additionally, the City relies on outdated data to site facilities, and the Fair Share Criteria itself has not been evaluated or updated in almost 30 years.

Fair Share is intended to foster neighborhood stability by ensuring the equal distribution of City services. In its current form, Fair Share is applied ambiguously and unevenly, or ignored altogether. The City should develop a robust oversight and compliance framework led by a central party to ensure that Fair Share achieves its stated mission.

## What changes did the agency commit to make following the audit?

- ▶ The Department of City Planning (DCP) has committed to update the Fair Share Guide, evaluate Fair Share for the first time since 1995, and update the data it uses to site facilities.
- ▶ The Mayor's Office has developed a centralized tracking system for certain Fair Share statements.

## AUDIT FINDINGS



New York City does not adequately oversee Fair Share.



40% of new residential facilities were located in overburdened communities.



The Citywide Statement of Needs document does not contain information about all new facilities and sitings.



The City relies on outdated data to site facilities and has not reviewed Fair Share since 1995.



| Audit Recommendations  | Agency Response  |
|--|------------------|
| 1 Identify a central body with responsibility for enforcing compliance with Fair Share Criteria.   | PARTIALLY AGREED |
| 2 Establish a monitoring program to ensure all Article 4, 5, 6, and 9 requirements are met.  | PARTIALLY AGREED |
| 3 Publish an updated Fair Share Criteria and Guide to address areas of ambiguity identified in this report.  | AGREED           |
| 4 Ensure that the Citywide Statement of Needs document includes all new sitings and identifies all required information.   | DISAGREED        |
| 5 DCP should immediately and regularly update the beds-to-population ratio and publish the data on its website so that it is readily available to agencies and to all stakeholders, including members of the public. | AGREED           |
| 6 DCP should expeditiously conduct a new evaluation of the Fair Share Criteria to identify additional areas for improvement.   | AGREED           |



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