NEW YORK CITY COMPTROLLER
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Fair Share? Siting New York City's Municipal Facilities

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The Fair Share System is not working as intended, failing to provide even the basic level of transparency required by the City Charter

Executive Summary

The wellbeing of a city of more than eight million people rests upon an extensive array of municipal infrastructure and services. Fire stations, police precincts, and EMS bases to respond to emergencies. Sanitation garages and waste transfer stations to dispose of our trash. Libraries to provide access to knowledge and strengthen community connections. Parks, pools, plazas, and green spaces for essential recreation. Nursing homes and childcare centers to support families. Homeless shelters, substance abuse treatment centers, and mental health clinics to provide people in crisis with shelter and care.

In some cases, New Yorkers are grateful for new infrastructure in their communities – neighbors and local elected officials work together to fight for investments in new plazas, parks, and libraries. In other cases, people would rather not have City services and infrastructure sited right on their block. Some City facilities – like waste transfer stations – are claimed by some to be toxic and harmful to health. Others – like homeless shelters and substance use disorder treatment centers – are seen by many as a drag on quality of life, the local economy and property values.

So the City is presented with the messy and complicated challenge of deciding where and how to site municipal infrastructure and services in the face of practical constraints (e.g. limited agency budgets, zoning regulations, and finite space) and, in many cases, community opposition. Too often, those constraints reinforce inequality in our City – whiter, wealthier neighborhoods are less likely to see heavy

concentrations of "unwelcomed" facilities like shelters and waste transfer stations, and more likely to be well-served by "welcomed" amenities like parks and green spaces.

Recognizing the City's disproportionate siting of "undesirable" facilities in low-income communities of color, the 1989 New York City Charter Revision Commission proposed a process to confront this challenge. "Fair Share" created a structured framework for siting City facilities in pursuit of distributional fairness. The City's Fair Share process is grounded in principles of both fairness and solidarity – it suggests that every community has both a right to a fair share of services ("getting its fair share") and a social and moral obligation to help meet our City's collective needs ("doing its fair share").

Adopted in the 1989 Charter Revision, Fair Share required the City to make a concerted effort to ensure that communities are both getting their fair share of amenities like parks and libraries and doing their fair share to confront and help solve citywide problems like homelessness. To address the real-life challenges that agencies face in siting critical infrastructure, the Charter Revision Commission designed Fair Share to focus on public process and transparency. There are no rigid standards for what "fairness" means exactly, but rather a series of analyses and disclosures that agencies are required to produce when they site or expand a long list of municipal facilities and services. The Charter Revision Commission hoped that by bringing sunlight to where and how those facilities are sited, communities and decision makers would be armed with the data and information they need to distribute them more fairly over time.

Unfortunately, more than thirty years later, Fair Share has failed even at the first step of bringing the public transparency envisioned by the Charter Revision Commission to the City's facility siting process.

Key Findings

Fair Share Process

An audit by the Comptroller's Office reveals that:

- Critical data on the capacity and concentration of existing City facilities are unavailable to the public and agency decision makers.
- When siting new facilities, the City often fails to produce its mandated analyses of neighborhood impact altogether.
- The Bed to Population (BTP) ratio has not been updated in nearly a decade, and requirements to refrain from siting residential facilities in areas with a high BTP have been wholly ignored.

In the absence of even the basic level of transparency and disclosure required by the Charter's Fair Share rules, it is not possible to fully assess the broader goal of distributional fairness that the 1989 Charter Revision Commission hoped the new rules would help achieve. To better understand how the City's failure to implement Fair Share is impacting the City's neighborhoods, the Comptroller's Office used the best available data to perform a geographic analysis of certain City facilities. The analysis covered childcare and early childhood education centers, fire stations, parks, police stations,

homeless shelters (including sanctuary sites and Humanitarian Emergency Response and Relief Centers, or HERRCs), social services (including mental health services and substance use disorder treatment centers), and waste transfer sites. [1]

Analysis of City Facility Concentration

The Comptroller's Office geospatial analysis finds that:

- Three facility types – childcare and early childhood education facilities, fire stations, and police precincts – are generally distributed fairly.
- Four facility types – parks, waste transfer sites, homeless shelters (including sanctuary sites and HERRCs), and social services (including mental health centers and substance use disorder treatment programs) – are distributed unfairly.

When facilities are sited unfairly, the burdens and the benefits of those City facilities are unevenly distributed, exacerbating racial and economic disparities:

- Homeless shelters are heavily concentrated, with some communities taking on 100 times more shelter beds than others, and four community districts having no shelters at all. Overall, the demographic of neighborhoods with no shelter beds are predominately white.
- Waste transfer sites, which bring along with them truck traffic, noise, greenhouse gas emissions, and particulate matter are more

likely to be sited in communities with a higher percentage of people living below the poverty line.

- Neighborhoods with significant populations of people with Asian heritage are underserved by parks, which are essential infrastructure for New Yorkers' physical, mental, and social health, and protect vulnerable New Yorkers from the impacts of extreme heat.
- Social services, including mental health service centers and substance use disorder treatment programs, which provide critical care to some of the city's most vulnerable populations, are much more likely to be sited in neighborhoods with a higher percentage of people living below the poverty line. [2]

These findings are especially relevant at this moment, as New York City welcomes upwards of 100,000 asylum seekers and the housing affordability crisis continues to worsen, putting the Adams Administration under enormous pressure to site a record number of new homeless shelters and sanctuary sites. Siting these new City facilities is critical to meeting the City's Right to Shelter obligation, which will keep new arrivals and New Yorkers from being forced to sleep on the streets and prevent further strain on neighborhoods and City services. However, in the absence of Fair Share, there are no guardrails in place to ensure that all neighborhoods are doing their part to step up and respond to this crisis or that neighborhoods with high concentrations of newcomers have the necessary support services (e.g. job training centers) and infrastructure (e.g. school seats) they need to serve those populations. Facilities sited through

emergency procurement today may create and deepen disparities across our neighborhoods for years to come.

Recommendations

The Comptroller's audit found that Fair Share is badly broken: the City is failing to meet its Charter obligations which were designed to bring more data and transparency to how the City sites facilities in pursuit of more equitable outcomes. The additional geographic analysis provided here offers a sense of how the City is measuring up against goals of fairness. It is little surprise that, in the absence of a functioning Fair Share system, "welcomed" and "unwelcomed" facilities alike are often distributed unfairly, exacerbating racial and economic disparities in our city.

To produce more equitable outcomes, the City should reform its Fair Share policies and procedures to:

- Establish Clear, Centralized City Oversight over Fair Share Compliance
- Improve and Regularly Update the Fair Share Criteria
- Improve Public Access to Information on Sitings, Facility Capacity and Concentration
- Reform the Citywide Statement of Needs
- Prohibit Unfair Sitings in Over-Saturated Districts
- Clarify that Fair Share should be applied to City Facilities Sited through Emergency Procurement
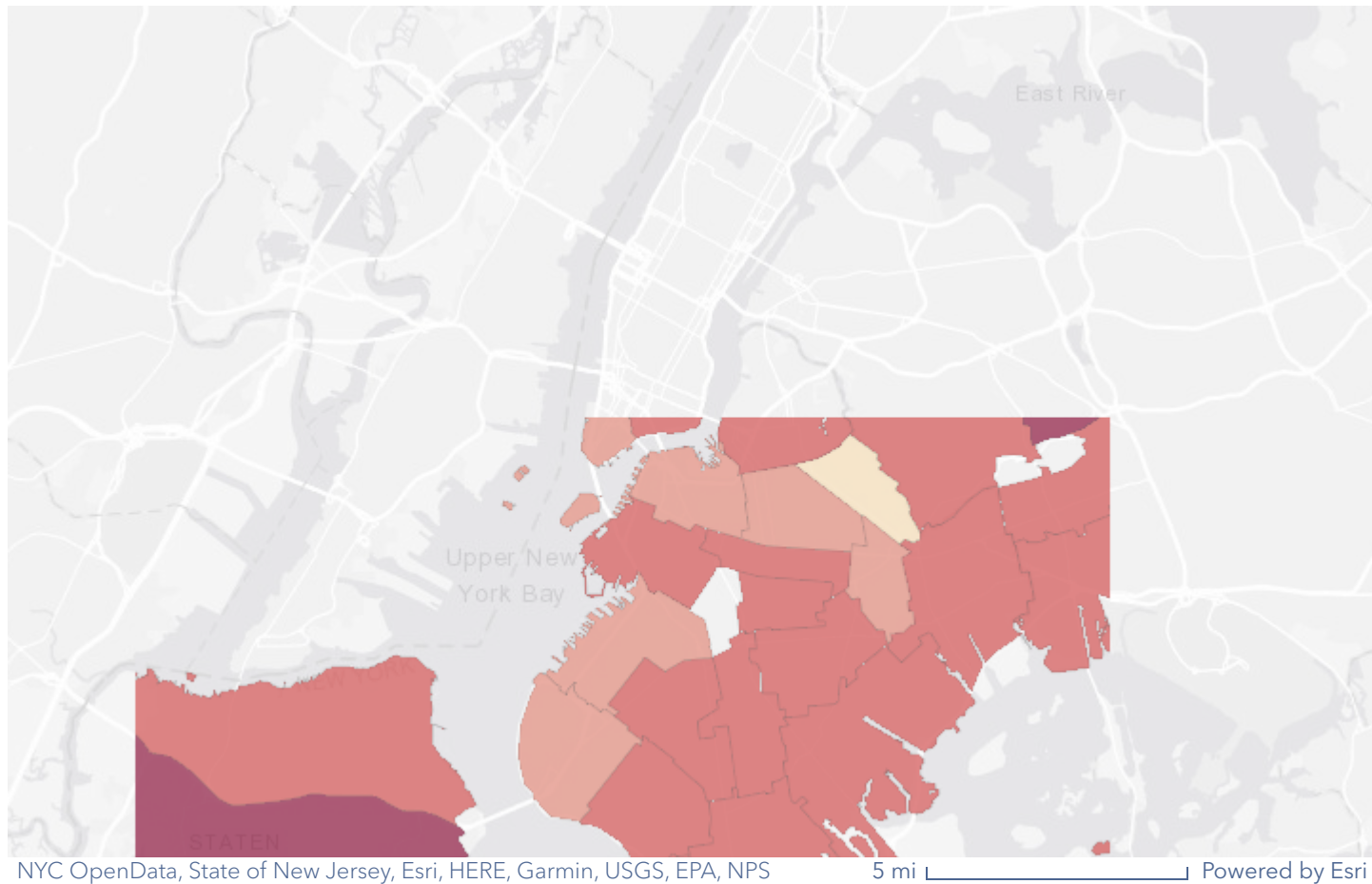
Fair Sitings

Three types of City facilities demonstrate the City's ability to distribute facilities fairly: fire stations, police stations, and childcare and early childhood education.

Fire Stations

Fire stations provide essential, rapid response emergency services to all New Yorkers across the five boroughs. Their proximity to potential emergencies, and their ability to respond in time to save lives is critical and therefore highly scrutinized. The result is that fire stations are distributed evenly across the City and fire services and response time are consistent across all 59 community districts. The community district with the highest average response time, Bronx 9 (Parkchester/Soundview), is only 1 minute and 39 seconds slower than Brooklyn 4 (Bushwick), the district with the fastest response time. All districts are below the National Fire Protection Association's standard of 5 minutes and 20 seconds for fire response.

Fire Station Locations

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FDNY Dispatch Response Time (Minutes)

Faster
Response
Time

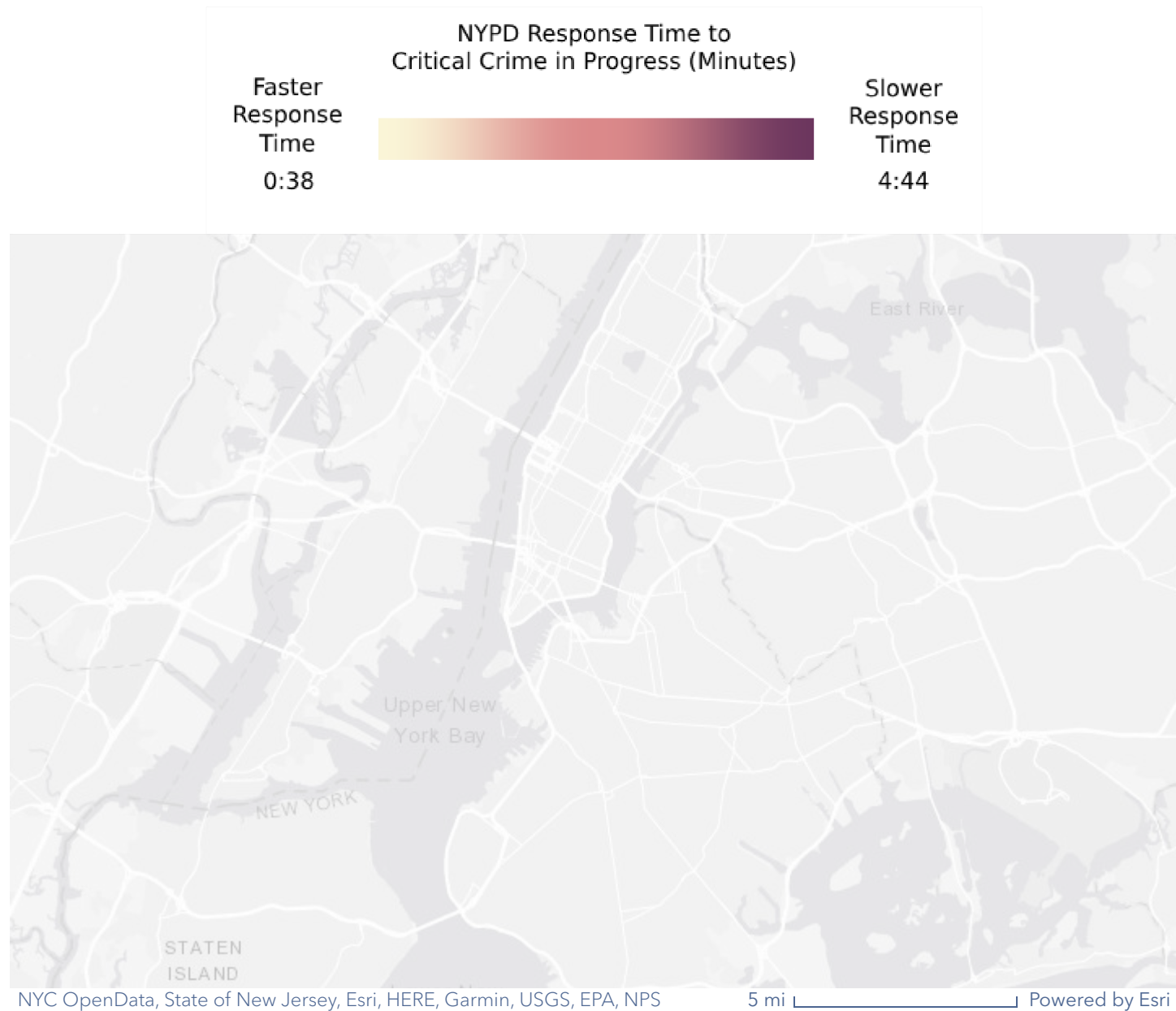Slower
Response
Time

3:30

5:10

Police Stations (Relatively Fair)

Like the City's fire protection services, police stations are evenly distributed, and average response times are roughly equivalent. When examining the average response time to critical crime in progress calls by community district, the Comptroller's Office found that the average response time for a Community District is 2 minutes 18 seconds, and 44 community districts have response times within 45 seconds of this mark. While response times overall are fairly distributed, it is valuable to note that almost all of the slowest response time districts are located in the Bronx.

Police Precinct Locations

[click again to turn on and off]

NYPD Response Time to Critical Crime in Progress (Minutes)

Faster Response Time 0:38 — Slower Response Time 4:44

NYC OpenData, State of New Jersey, Esri, HERE, Garmin, USGS, EPA, NPS   5 mi   Powered by Esri

Childcare and Early Childhood Education (Relatively Fair)

Childcare and early childhood education as a whole, from ages 0 – 4, are fairly sited, in no small part due to the City's prioritization of universal Pre-K and efforts to expand the 3K program citywide in recent years. Again, while seats are mostly fairly distributed, higher income districts in Manhattan and Brownstone Brooklyn have comparatively fewer seats than other parts of the city.

Childcare and Early Childhood Locations (ages 0-4)

[click again to turn on and off]

Childcare Seats (Ages 0-4) per 1,000
Population Under Age Five

Fewer
Seats
56

More
Seats
342

Unfair Sitings

Four facility types – parks, waste transfer sites, homeless shelters (including sanctuary sites and HERRCs), and social services (including mental health services and substance use disorder treatment centers) – are sited unfairly, exacerbating racial and economic disparities across the city's neighborhoods.

Parks

As measured by the population per 1,000 people outside of a 15-minute walk to a park, the City's parks are inequitably distributed. The communities with the best access to parks include thirteen districts across Manhattan, Brooklyn, and the Bronx with no population outside of a fifteen-minute walk. The five community districts with the least access to a park are in eastern Queens and southern Brooklyn. They include:

- Queens Community District 10 (South Ozone Park, Howard Beach), with 402 out of 1,000 residents outside of a 15-minute

walk from a park (52,457 residents);

- Queens Community District 13 (Queens Village, Bellerose) with 389 out of 1,000 residents living outside of a 15-minute walk from a park (77,665 residents);
- Brooklyn Community District 14 (Flatbush, Midwood) with 328 out of 1,000 residents living outside of a 15-minute walk from a park (53,314 residents);
- Brooklyn Community District 12 (Borough Park, Kensington) with 314 out of 1,000 residents living outside of a 15-minute walk from a park (66,171 residents); and
- Brooklyn Community District 11 (Bensonhurst, Bath Beach) with 298 out of 1,000 residents living outside of a 15-minute walk from a park (59,145 residents).

While these districts are relatively diverse, the Comptroller's office found that citywide, community districts with significant populations of residents with Asian heritage are more likely to be underserved by parks.

Many of these communities contain higher proportions of low-density housing, and thus a one-size-fits-all standard could be inappropriate. In order to make such a determination, however, the City must publish updated standards.

Of course, there is more to the story than mere proximity to a park. Some of the "fully served" communities, like the Southern Bronx, have many parks in a state of disrepair, with inaccessible designs or points of entrance, or are dedicated to a single use like playgrounds or

gyms. A review of the criteria for parks should include an assessment of accessibility and the state of repair for the parks in the city's portfolio.

Parks Properties

Census Blocks Outside of a 15 Minute Walk to a Park

[click again to turn on and off]

Residents per 1,000 Population Outside of a 15 Minute Walk to a Park

| Fewer Residents 0 | | More Residents 402 |

Waste Management

One egregious example of environmental inequality is the distribution of City facilities is the siting of waste transfer sites. Though meaningful strides have been made in recent decades to help correct for these historic, unfair sitings, inequity remains. As measured by capacity for tons of waste processed (at both Marine Transfer Stations and contracted private waste haulers) per day per 1,000 people, 73% of the total citywide permitted capacity for waste disposal is allocated to stations in just five community districts in Brooklyn, Staten Island, and the south Bronx:

- Brooklyn Community District 1 (Williamsburg/Greenpoint) with 63 tons of waste capacity per 1,000 population (12,861 tons per day);
- Bronx Community District 1 (Melrose/Mott Haven) with 61 tons of waste capacity 1,000 population (6,101 tons per day);
- Bronx Community District 2 (Longwood/Hunts Point) with 60 tons of waste capacity per 1,000 population (3,328 tons per day);
- Staten Island Community District 1 (North Shore) with 16 tons of waste processed per 1,000 population (3,100 tons per day); and
- Brooklyn Community District 7 (Sunset Park/Windsor Terrace) with 16 tons of waste capacity per 1,000 population (2,175 tons per

day).

There are nine community districts that process considerably less waste and 45 community districts that do not process any waste. Districts with high amounts of waste processed tend to be lower income communities, compared to the average community district.

To address the historic disparity in waste management across the city, the Department of Sanitation implemented Solid Waste Management Plans in 1992, 2006, and will release another in 2026, which aims to treat each borough fairly in waste management responsibility. The New York City Council's passage of the Waste Equity Law (Local Law 152 of 2018), which requires DSNY to reduce permitted capacity of putrescible and non-putrescible transfer stations in four designated community districts (Bronx 1, Bronx 2, Brooklyn 1, and Queens 12) was another critical step toward more fair and equitable outcomes in how the City manages trash and its disparate impacts on economic justice communities. The City's implementation of that law will be critical for correcting the historic injustices of the City's unfair siting decisions.

Waste Transfer Site Locations

Community Districts with Zero Waste Transfer Sites

[click again to turn on and off]

Tons of Daily Waste Capacity
per 1,000 Population

Less
Waste
Capacity
0

More
Waste
Capacity
63

Shelters

To house the City's shelter population, which has grown to 107,300 as of July 23rd, the Department of Homeless Services (DHS) is currently

operating 552 shelters across the City. These shelters are crucial for fulfilling the City's longstanding Right to Shelter obligation which dramatically reduces street homelessness and makes New York City stand apart from other cities as a safer and more humane place for people experiencing homelessness.

The City's homeless shelters are heavily concentrated, with some communities taking on 100 times more shelter beds per capita than others, and four community districts having no shelters at all.

To assess the concentration of homeless shelters across the City, this analysis used data from DHS on the locations and number of beds at the agency's shelters (DHS shelter beds). As measured by the number of DHS shelter beds per 1,000 people, the five community districts with the highest rates of shelter beds per capita are:

- Manhattan Community District 5 (Midtown, Flatiron, Union Square) with 91 shelter beds per 1,000 population (4,300 total beds);
- Brooklyn Community District 16 (Brownsville, Ocean Hill) with 47 shelter beds per 1,000 population (3,914 total beds);
- Bronx Community District 6 (Tremont, Belmont) with 41 shelter beds per 1,000 population (3,434 total beds);
- Queens Community District 1 (Astoria) with 40 shelter beds per 1,000 population (6,942 total beds).
- Bronx Community District 2 (Longwood, Hunts Point) with 31 shelter beds per 1,000 population (1,653 total beds).

These districts are relatively diverse, with some of the wealthiest communities in the city, as well as communities with high concentrations of residents living rent burdened and below the federal poverty level. Three of the districts have a majority of Black and/or Hispanic residents, the other two have a majority or plurality of White residents.

Four community districts have ___zero shelter beds: [click again to turn on and off]

- Staten Island Community District 3 (South Shore);
- Brooklyn Community District 10 (Bay Ridge, Dyker Heights);
- Brooklyn Community District 11 (Bensonhurst, Bath Beach); and
- Bronx Community District 11 (Pelham Parkway, Morris Park).

The Brooklyn and Staten Island community districts are majority or plurality white communities with below average percentage of their residents living below the federal poverty level. Bronx Community District 11 (Pelham Parkway, Morris Park) is a more diverse community; just under half of its residents are nonwhite Hispanic, with equal numbers of white and Black residents, and approximately the same percentage of residents below the federal poverty level as the city on average. On the whole, the neighborhoods without any shelter beds at all are predominately white.

To understand how the City's siting of shelters has impacted neighborhoods over time, our office used a combination of data from New York City Open Data and data from DHS to compare the

number of DHS homeless shelter residents in   July 2018 (the earliest available date),   April 2022 (the month the current asylum seeker emergency began), and   August 2023 (the most recent month for which data was available at the time of the analysis). It is important to note that these analyses do not include permanent affordable housing or supportive housing, which are not subject to Fair Share, nor should they be.

In 2018 and 2022, a higher number of community districts had zero shelters (8 community districts as compared to just 4 community districts in 2023). While the number of community districts with zero shelter beds has shrunk since 2022, the concentration of shelter beds in a handful of community districts has become more dramatic. For instance, in 2018, the community district with the highest concentration of shelter beds was Manhattan Community District 5, with 50 beds per 1,000 people. Today, MN05 has the highest concentration of shelter beds with 91 beds per 1,000 people. The analysis also shows that shelters have been consistently overconcentrated in certain communities of color such as the South Bronx and East Brooklyn.

Active Shelter Beds per 1,000 Population

Less
Active Beds
0

More
Active Beds
91

Asylum Shelters

Humanitarian Emergency Response and Relief Centers, or HERRCs, as well as "sanctuary sites" were established to provide services to over 100,000 asylum seekers who arrived to New York City since the Spring of 2022. HERRCs and sanctuary sites are authorized by the City through emergency procurement, which allows the administration to site facilities quickly and without traditional oversight. Between April of 2022 and August 2023, the vast majority of new DHS-run shelters brought online were the 129 sanctuary sites providing a total capacity of 34,195 beds, almost all of which are

provided by hotels. The 20 HERRCs for which there is data are located in five community districts providing a total capacity of 26,626 beds. Two thirds of the known capacity is located in Manhattan Community District 5, also home to more DHS shelter units than any other community district.

While these sites have contributed significantly to deeper concentrations of shelter facilities among a handful of districts, Fair Share and emergency procurement rules are silent on whether or how Fair Share procedures should be applied to facilities sited through emergency procurement. To date, the City has not produced Fair Share analyses for any of the City's 20 HERRCs or 129 sanctuary sites.

Community Districts with zero Asylum Shelter beds

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Asylum Beds per 1,000 Population

Less Beds 0

More Beds 312
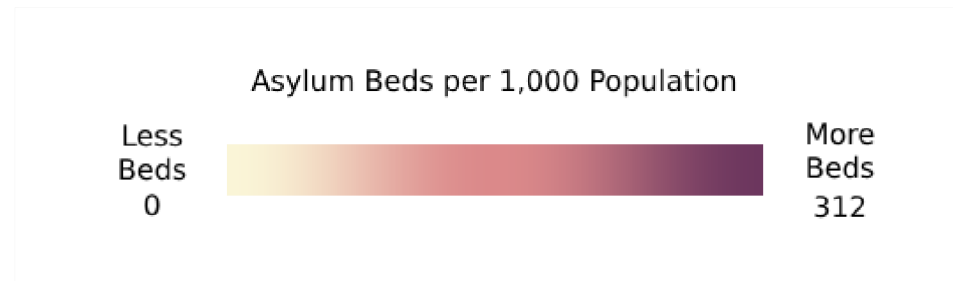
Social Services

Social Services Facilities includes mental health services, residential health care (e.g. nursing homes and hospice care), substance use disorder treatment programs, other health care (e.g. rehab, respite services, vaccination services, AIDS counseling, and home health centers), non-residential housing and homeless services, and soup kitchens and food pantries. These facilities provide essential, often lifesaving services for some of the city's most vulnerable people. Capacity and utilization data for these facilities is extremely limited, but the distribution of these facilities on a per-square-mile basis is heavily concentrated.

Three neighborhoods - Harlem, East Harlem, and Midtown (Manhattan Community Districts 10, 11 and 5, respectively) - have far higher concentrations than communities outside of this core region of Manhattan. Two of the districts – Harlem and East Harlem – have far higher concentrations of people living below the poverty line than citywide averages. These two districts are doing far more than their fair share as compared to many other neighborhoods with higher incomes, such as Long Island City, Park Slope, and the South Shore of Staten Island.

In the absence of published standards for siting such facilities, it is difficult to know if these communities bear a larger share of social services facilities due to an increased need from the community. The city can shed light on their decision-making by reviewing and updating the Fair Share Criteria.

Social Services per Square Mile

Less Concentration 0

More Concentration 80
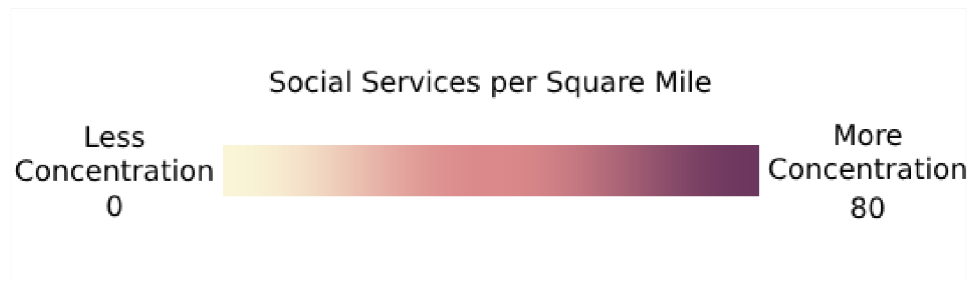
Cumulative Impacts

Examining the concentration of one type of facility on its own does not effectively convey the potential cumulative impact of similar services. To capture that potential cumulative impact, the Fair Share criteria asks agencies to consider the proximity of existing similar facilities when making decisions about where to site services with a similar purpose, even when existing services are not under the City's jurisdiction. This is why the Fair Share criteria created the "Bed-to-Population" (BTP) Ratio, which includes capacity data for all City, State and Federally run residential facilities, much of which are not available to the public. That ratio blends several types of similar facilities – including residential health care services like nursing homes, shelter beds, and jail populations – into a single ratio. When siting residential facilities of any type in a community district with BTP Ratios among the 20 highest in the City ("High BTP Ratio"), the siting is

subject to additional scrutiny and requires the agency to seriously consider alternative sites.

The Comptroller's Fair Share Audit found that the City has not updated its ranking of community districts per the BTP Ratio since 2015, making it very difficult to assess the cumulative impact the City's siting decisions have had in a given neighborhood. Forty percent of the 169 residential facility sitings that took place between FY 2018 and FY 2022 were sited in districts with "High BTP Ratios," according to 2015 data. Looking at the best available data for 2023, however, the share of shelters sited in the 20 community districts with the highest rates of DHS shelter beds per capita increased to 50%. Twenty-one residential facilities were sited in the top 5 community districts (out of 59) with the highest ratio of DHS shelter beds per 1,000 people. None of these sitings were subject to the additional scrutiny required by the Fair Share Criteria, and while alternative sites were identified for over half of the sites, the proposing agencies rejected them all with no reasons provided to elected officials. In a district like Manhattan Community District 5, which has some of the highest concentrations of shelters, asylum shelters, and social services, the City is failing to assess or consider these facilities' cumulative impacts on the neighborhood in making siting decisions.

The Fair Share framework intends to provide agencies and the public with information that would help them identify where similar facilities are excessively concentrated – but perhaps more crucially, it sought to make public objective metrics for identifying the districts that are not doing their fair share when the need arises to find alternative sites.

Without an updated ranking of districts under an updated BTP ratio, which aggregates sensitive non-public data from all levels of government, communities, and decision-makers alike are operating without the information they need to site these facilities more fairly or in compliance with the law.

Recommendations

To achieve a more equitable siting process and distribution of city facilities, the City should implement the following recommendations:

- **Establish Clear, Centralized City Oversight over Fair Share Compliance:** The Comptroller's audit found that the City does not currently have an oversight framework in place for Fair Share – no City agency or office is tasked with responsibility for ensuring compliance with the Fair Share Criteria, especially for "Article 9" statements which cover contracted facilities such as shelters. The impact of inadequate oversight is that the Fair Share Criteria have been consistently misapplied by City agencies. The audit recommends that the City identify a central body with responsibility for enforcing compliance with Fair Share Criteria – including the submission of all required Article 9 Statements and timely notifications of CBs of those submissions – by all City agencies for all facility types. This simple step would help ensure that the Fair Share procedures as currently mandated by the Charter are properly implemented.

- **Improve and Regularly Update the Fair Share Criteria:** The Fair Share Criteria, which are intended to provide agencies with clear guidance for how to apply the Fair Share framework to specific facility types, have not been updated in nearly 30 years and are unclear on a number of critical issues – from how to apply the Criteria to new programs such as 3K and PreK, to what supporting documentation should be submitted alongside Fair Share Statements to appropriately assess neighborhood impact.

  As recommended by the Comptroller's audit, the City should publish updated Fair Share Criteria to address these areas of ambiguity and to specify what analyses and documentation should be included with submissions, and to establish clear and consistent procedures to bring the public transparency that was envisioned when Fair Share was created nearly 30 years ago. The Department of City Planning (DCP), the agency responsible for developing those Criteria, should conduct an evaluation and updates to the Fair Share Criteria implementing improvements every five years to ensure agencies are provided with appropriate and clear guidance. DCP should also immediately and regularly update the BTP 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. Finally, the Fair Share Criteria should be subject to the City's Administrative Procedure Act (CAPA), which provide for additional public notice, commentary, and recommendations that may help improve and strengthen the rules over time.

- **Improve Public Access to Information on Sitings, Facility Capacity and Concentration:** While this analysis assesses the geographic distribution of certain City facilities covered by Fair Share, it is significantly limited by a lack of accurate and up-to-date data on facility capacity. As recommended by the audit, DCP should:
    - Develop and publish community district rankings of facility concentrations for all facility types, relative to the district's population. Those community rankings should inform future facility sitings, helping to debunk false Fair Share claims and provide communities with the accurate data and information they need to advocate for their needs.
    - Improve its existing City Facilities map to include all facilities covered by Fair Share under updated Fair Share Criteria and illustrate the relative concentrations of each facility type by community district. That data should be available for public download and processing.
    - Finally, City agencies and DCP should post Fair Share Statements, including assessments of neighborhood impact, on a centralized website.

- **Reform the Citywide Statement of Needs:** The audit found that the Citywide Statement of Needs – a document intended to inform communities of the City's facility siting needs and to provide an opportunity for community input – did not contain information concerning many facility sitings covered by Fair Share requirements. The audit recommends reforming the SON to include all new sitings, including contracts that result in the

opening of new facilities and to identify all required information including communities on all planned City facilities when provided. To achieve that goal, the City should provide agencies with clear guidance that any facilities in the planning pipeline – including when an agency is conducting feasibility or other studies for a location, or when an agency has begun negotiations for a site – should be added to the SON. All facility siting proposals in the SON should be accompanied by the facility concentration ranking for that community district and facility type. Where an agency failed to include a facility in the SON, the Fair Share guidelines should be amended to require additional community outreach, incentivizing agencies to include proposed and planned sitings in the SON.

- **Prohibit Unfair Sitings in Over-Saturated Districts:** Moving beyond process requirements to address actual distributional fairness, the Fair Share Criteria should prohibit unfair sitings in over-concentrated districts, unless the agency can demonstrate that the facility in question serves a particular need of that community district's residents or workers. The City Planning Commission should be required to publicly review and vote on facility sitings in those over-concentrated districts, to help prevent path-of-least resistance planning and the deepening of inequality across our neighborhoods.

- **Clarify that Fair Share should be applied to City Facilities Sited through Emergency Procurement:** Neither Fair Share nor Emergency Procurement rules address how or whether Fair Share should be applied to siting facilities through emergency

procurement mechanisms, which account for the vast majority of recent facility sitings. In many cases, even where contracts are renewed through traditional procurement processes, Fair Share statements are never produced. Siting facilities such as the HERRCs and sanctuary sites necessitate swift action to respond with the urgency the asylum seeker crisis demands. However, the City's failure to produce any kind of analysis of how those 34,195 beds impact the neighborhood's concentration of facilities will inevitably exacerbate the uneven distribution of facilities. The City's Fair Share Guidelines should clarify that Fair Share Statements must be produced for all City facilities that are sited or expanded via emergency procurement within thirty days of that facility's first placement. If the emergency facility is sited in a district with excessive overconcentration, that facility should be subject to the additional process barrier proposed above (i.e. a vote by the City Planning Commission) if and when that contract is renewed through traditional procurement mechanisms. These requirements would still leave agencies with significant flexibility for emergency procurement, but would provide some fairness guard-rails to ensure that emergency procurement does not become a back door to overconcentration.

Conclusion

Fairness is a first-order principle for building a city, but it is complex and challenging to achieve. It requires a persistent commitment to public transparency – to lay bare the inequities in our neighborhoods

– and at times, it requires choosing a more challenging path in pursuit of more equitable outcomes. When grappling with multiple and overlapping public policy crises – from mental health and opioid addiction to homelessness and a global humanitarian migrant crisis – prioritizing fairness in where we site facilities may seem like a herculean task to the public sector workers and nonprofit partners working day and night to make sure new arrivals have a roof over their heads; however, failing to attend to fairness will ultimately erode public trust, making it far more difficult to site facilities in the longer term.

These crises require urgency, but they also require solidarity and collective action. In the absence of a principled framework for how bureaucratic decisions should be made, the City's siting decisions will be driven by not-in-my-back-yard politics and path-of-least-resistance planning, deepening and solidifying racial and economic disparities across our neighborhoods. The recommendations proposed in this report will not stall or slow the pace of providing critical services to New Yorkers or new arrivals – they will instead help ensure that all neighborhoods, regardless of race, class, or political will, step up to help meet our City's collective needs.

Facility Charts

Fire

ArcGIS Dashboards

Police

ArcGIS Dashboards

Childcare and Early Childhood Education

ArcGIS Dashboards

Parks

ArcGIS Dashboards

Waste

ArcGIS Dashboards

Shelters

ArcGIS Dashboards

Asylum

ArcGIS Dashboards

Social Services

ArcGIS Dashboards

Methodology

Data Sources and Measure of Fairness

The Fair Share Criteria, which provides agencies with guidance for the implementation of fair share, do not set parameters for the acceptable number of facilities in a community district, or define either capacity or target population for any given facility; the designations in this report were devised by the Comptroller's office in developing this report. Determining a proper capacity metric is key to applying a framework for fairness across each facility. Geographic distribution alone, though an important factor, may not be complete

enough measure to demonstrate a facility's impact on the surrounding neighborhood. Where appropriate, the Comptroller's Office has selected a core metric of service delivery as a proxy for how well facilities are sited in a district. This is one of many decision points that the Department of City Planning should consider when revising Fair Share Criteria. This analysis looked at eight facility types in each Community District normalized per capita:

- Fire Stations: Location, Response Time
- Locations were derived from Department of City Planning City Owned and Leased Property (COLP) dataset.
  - Response times were gathered from the Fire Incident Dispatch Dataset, filtered to calendar year 2022.

- Police: Location, Response Time to Critical Crimes in Progress
  - Locations were derived from the Department of City Planning City Owned and Leased Property (COLP) dataset.
  - Response times sourced from the NYPD Calls for Service (Historic), filtered to calendar year 2022.

- Parks: Access within a fifteen-minute walk
  - Parks properties are derived from the New York City Department of Parks and Recreation Shapefile and analyzed in ESRI mapping software to determine population counts, using the 2020 Tiger/Line Census Block Shapefiles, outside of a 15-minute (¼ mile buffer) walk to a park.

- Childcare Facilities: Seats for children ages 0 to 4 years in facilities with qualifying city contracts.
  - Childcare seats and locations were collected through the DOE SY21-22 Local Law 59 School Diversity Accountability Act Report (Pre-K and 3K) and 2021 contractual renewals of 0-2 EarlyLearn and Headstart facilities obtained by the Comptroller's Office. These facilities were cross referenced against public Panel for Education Policy agendas.

- Waste Transfer Sites: Tons of waste processed per day
  - Average daily tons of waste capacity were collected through the DSNY Solid Waste Management Plan 2021 Biennial Update Report and the Local law 152 of 2018 private contractors list.

- DSS Shelters: Active beds
  - The locations of shelters, number of residents, and number of available beds are derived from a data sharing agreement between the Department of Social Services and the New York City Comptroller's Office as of August 17, 2023. In keeping with the methodology of the Fair Share criteria, the number of available units in shelters reported as providing "multi-person units" is multiplied by three to arrive at an estimate of available beds. Archival information on the individual census of homeless New Yorkers under the jurisdiction of DHS for July 2018 and April 2022 come from Open Data: Individual Census by Borough, Community District, and Facility Type | NYC Open Data (cityofnewyork.us).

- HERRCs: Locations and Capacity
  - Information about the location and capacity of HERRCs was compiled by the Comptroller's Bureau of Budget.

- Social Services: Locations
  - Social Services facilities were derived from the New York Department of City Planning Facilities Database (FacDB), and are defined as Health and Human Services, including mental health services, residential health care, substance use disorder treatment programs, other health care (rehab, respite services, vaccination services, AIDS counseling, and home health centers), non-residential housing and homeless services, and soup kitchens and food pantries.

Population counts, race and ethnicity demographics, and poverty status for each community district were collected from the Department of City Planning's New York City 2020 Census Population Fact Finder.

Distribution curves were then plotted for each facility, analyzing the data's mean and standard deviation. To account for the disparity of each facility's capacity metric and create a uniform measure across all categories, the coefficient of variation, the ratio of the standard deviation to the mean, was calculated for each facility.

Facilities were assessed as either "fair" or "unfair" based on this ratio. The lower a facility's ratio, the less variability there was in the data, and the fairer a facility was determined to be. For example, a ratio of 0.5

meant that a Community District had a standard deviation half that of the mean, a ratio of 1 meant the standard deviation was equal to the mean, and a ratio of 1.5 meant the standard deviation was one-and-a-half times larger than the mean. Facilities with ratios below 1 had the least variability in their data and were categorized as fair, whereas facilities with ratios over 1 had more variability and were categorized as unfair.

Our office evaluated each facility type's distribution against the Community District's racial/ethnic composition and percent of residents living in poverty with simple linear regressions to identify patterns of inequality, limiting our findings to results with a 5% or greater statistical significance. Results categorized as highly significant were significant to 1% certainty.

End Notes

[1] Certain city facility types were excluded from analysis due to lack of adequate data. They include community libraries, senior centers, cultural programs, community-based social programs, employment centers, parking lots/garages, administrative offices, courts, data processing facilities, income maintenance centers, maintenance/storage facilities, museums, zoos, performance centers, galleries, gardens, transportation and waste management facilities, airports, heliports, ferry terminals, sewage treatment plants, sludge management and transfer facilities, solid waste landfills, solid waste incinerators, resource

recovery plants, group homes/halfway houses, and prisons/jails/detention/remand facilities.

[2] The 2023 Federal Poverty Level (FPL) for an individual is $14,580 and a family of three is $24,860.

Acknowledgements