

New York State Assembly

Carl E. Heastie

Speaker



Committee on Cities

Michael R. Benedetto

Chair

2016

ANNUAL REPORT



MICHAEL R. BENEDETTO
Assemblyman 82nd District
Bronx, New York

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Cities

COMMITTEES
Agriculture
Education
Governmental Operations
Labor
Ways and Means

December 15, 2016

The Honorable Carl E. Heastie
Speaker, New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

It is my pleasure to present you with the 2016 Annual Report of the Assembly Standing Committee on Cities. This report highlights legislation and issues considered by the Committee this year.

Cities in New York State are vital economic engines and attending to their needs is important to me as the Committee Chair. The sixty-two cities of our State face serious challenges to maintain their economic and social vitality. From our state's smallest city to our largest, their diversity challenges the Committee with a wide range of issues. The Committee is dedicated to formulating legislative solutions to improve the quality of life for residents of all the State's cities.

I look forward to working with you and the members of the Assembly that represent cities in furthering the goals of this committee.

Sincerely,

Michael R. Benedetto
Chair
Assembly Standing Committee on Cities

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2016 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

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I. INTRODUCTION

The New York State Assembly Standing Committee on Cities is primarily responsible for the initiation and review of legislation affecting the State's sixty-two cities. The Committee's role in initiating and reporting legislation is influenced and, at times, restrained by the Municipal Home Rule powers provided to cities under the provisions of Article IX of the New York State Constitution. Article IX outlines the powers, duties and limitations of local governments and the State Legislature in the enactment of laws affecting specific local governments. These Home Rule powers generally limit the Legislature's ability to pass legislation that affects the property, affairs or government of local governments except by way of (a) general laws, which apply uniformly to all local governments; or (b) special laws, on request of a local government by either two-thirds of the membership of the local legislative body or its chief executive officer and concurred by a majority of the membership of the local legislature.

Bills referred to the Committee on Cities are those that would amend city charters, the Administrative Code of the City of New York, the General City Law, the Second Class Cities Law or the General Municipal Law. Bills that relate to cities and would amend general bodies of law such as Public Health, Housing, Energy, Transportation, Education, or Economic Development may also be referred to the Cities Committee if they have specific or local applicability.

The Committee is concerned with the enactment of laws that will further improve the ability of cities to address their unique problems, as well as prohibiting the enactment of laws that would impede city governments in their delivery of local services. Under the leadership of Assemblymember Michael R. Benedetto, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

II. MAJOR ISSUES OF 2016

A. LOCAL GOVERNMENT AID – ENACTED BUDGET

Aid and Incentives to Municipalities

Aid and Incentives to Municipalities (AIM) funding is direct general purpose aid provided to municipalities. The AIM program was created in the 2005-2006 State Budget as a result of consolidating five separate funding categories. This year, New York State's cities, excluding New York City, received \$647 million in AIM funding.

Local Government Performance and Efficiency Program

The 2011-2012 State Budget added three new competitive grant programs to be administered by the Department of State to provide assistance and incentive for local governments to consolidate, dissolve and share services. One of those programs, the Local Government Performance and Efficiency Program (LGPEP) provides grants to local governments, including cities, which have improved the overall efficiency of their operations leading to reduced property taxes through shared services and other cost saving measures. The 2016-2017 State Budget contained a re-appropriation of \$80 million for this program.

Tribal State Compact Aid

Section 99-h of the State Finance Law requires the State to provide local host governments with twenty-five percent of the State's share of compact revenues in instances where the State receives Native American casino revenues pursuant to a compact with the respective tribe. Additionally, the State is required to provide ten percent of the State's share of compact revenues to the non-host counties within the exclusivity region.

The authorization for the cities of Buffalo and Niagara Falls to receive such local host aid was set to expire on December 31, 2016. Final Article VII language extends such authorization until December 31, 2023 and makes certain changes to the distribution formula for such revenues received by Niagara Falls.

B. SIGNIFICANT LEGISLATION

City of New York

A.9161 Cusick; Chapter 177 of the Laws of 2016

This legislation clarifies certain language relating to the requirement of the New York City Department of Building to issue certificates of occupancy for certain residential dwellings in New York City on unmapped streets under certain circumstances without a review of the Board of Standards and Appeals of such City.

A.9825 Ortiz; Chapter 273 of the Laws of 2016

This legislation extends, until September 1, 2018, a long-standing full or partial reduction in water charges offered to hospitals and other charitable organizations in New York City.

A.4040 Robinson; Passed Assembly

This legislation would require the New York City Department of Buildings (NYC DOB) to provide written notification to adjoining property owners when an application for approval of construction documents and/or an application for a permit is submitted to the such Department. Additionally, this legislation would require NYC DOB to provide proof of insurance and a copy of the permit to owners of adjoining property thirty days before construction, excavation or demolition work begins except in the event that emergency work is authorized as defined in section 28-105.4.1 of the New York City Administrative Code. If such emergency work is necessary, the permit and proof of insurance would be required to be provided to owners of adjoining property within a reasonable timeframe.

City of Rye

A.10100 Otis; Chapter 308 of the Laws of 2016

This legislation authorizes the city of Rye to lease on an annual basis, any and all sports field fences at the Disbrow, Gagliardo and Recreation Parks. Such lease would be at a nominal fee to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting such not-for-profit to sell advertising on such fences. The revenues would be required to be used solely for the care of said parks within the City.

City of Olean

A.9926 Giglio; Chapter 274 of the Laws of 2016

This bill adds the city of Olean to the list of cities exempt from Article 4 of the General City Law which relates to the requirement that a city have an examining board of plumbers.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

A.9361 Schimminger; Chapter 86 of the Laws of 2016

This legislation extends, until June 30, 2017, the authority for the underwriting or sale of bonds or notes for the City of Buffalo at private sale. This legislation provides Buffalo with additional fiscal flexibility by permitting the city to determine the timing of bond sales.

City of Yonkers

A.8659 Pretlow; Chapter 45 of the Laws of 2016

This legislation extends, until June 30, 2017, the authority for the underwriting or sale of bonds or notes for the City of Yonkers at private sale. This legislation provides Yonkers with additional fiscal flexibility by permitting the city to determine the timing of bond sales.

City of Middletown

A.9208 Gunther; Chapter 38 of the Laws of 2016

This legislation would provide a December 31, 2017 sunset for the authorization for the city of Middletown to enter into a contract to sell or pledge as collateral a loan for some or all of the delinquent tax liens held by the City to a private party or engage a private party to collect some or all of such liens.

City of New York

A.9929 Farrell; Chapter 78 of the Laws of 2016

The legislation extends for one year certain authorizations for the City of New York related to bonds and notes. The authorizations contained in this legislation have allowed the City to continue to sell its obligations in the public credit markets and utilize modern financing procedures.

III. PARKLAND ALIENATION LEGISLATION

The issue of parkland alienation, or the conversion of parkland for other purposes, has been a great concern for the Committee. As a matter of public trust, it is a requirement that any use of public parkland for non-parkland purposes must be authorized by the New York State Legislature.

As part of the Committee's ongoing effort to protect the public trust as it relates to parkland and in keeping with the Assembly's policy of preserving open space, the Committee strives to ensure that each proposed alienation of parkland complies with alienation guidelines prior to it being reported out of Committee.

Committee guidelines for authorizing parkland alienation include specifying the number of acres proposed for alienation and requiring that the fair market value of such lands be dedicated for the purchase of replacement parkland of equal or greater fair market value or for capital improvement of existing parkland. The legislation must also include a legal description of the parkland proposed to be alienated, as well as language detailing any land proposed to be dedicated (if replacement land is proposed for parkland). Finally, a home rule message from the municipality requesting alienation is required prior to the Committee acting on any parkland legislation.

City of New York

A.8120B Joyner; Chapter 168 of the Laws of 2016

This legislation authorizes New York City to enter into an agreement with the Kids' Powerhouse Discovery Center Limited Liability Corporation for the maintenance and operation of a children's program known as the Bronx Children's Museum on the second floor of Building J located in Mill Pond Park.

A.9454 Glick; Chapter 33 of the Laws of 2016

This legislation authorizes New York City to discontinue the use of Christopher Park and convey its interest in such real property to the United States provided that such parklands are used for park, monument, historic, or recreational purposes. This legislation is required to allow for Christopher Park to be designated the Stonewall National Monument by President Barack Obama.

City of Fulton

A.7813A Barclay; Chapter 187 of the Laws of 2016

This legislation authorizes the city of Fulton, to discontinue the use of certain waterfront parkland along with a permanent easement and right-of-way and transfer such parkland to the town of Granby. The town of Granby is required to continue to use the

property as parkland and provide access to such parkland to the general public provided that the city of Fulton agrees that the Town may enact fees that are higher for residents of the City notwithstanding the general prohibition of the enactment of fees which are higher for residents of the municipality conveying the parkland than those fees charges to residents of the municipality receiving the parkland.

IV. PUBLIC HEARINGS

Infrastructure Hearings

Many municipalities across the State are struggling with outdated and deteriorating infrastructure, especially in urban areas. The Committee conducted three hearings, one in Albany, Rochester and New York City, to examine the infrastructure needs that cities face and potential ideas on how to alleviate the burden that antiquated infrastructure has on cities.

Testimony was presented by the Mayor, City Manager or a representative of the cities Auburn, Lockport, Corning, Rochester, Dunkirk, Albany, Schenectady, Troy, Amsterdam, Glens Falls, Gloversville, Mount Vernon, New Rochelle, Newburgh, and New York City. Other witnesses that provided testimony included a representative from the New York Water Environment Association and the New York Building Congress.

V. OUTLOOK FOR 2017

In 2017, the Cities Committee will again endeavor to work with all sixty-two cities of the State to implement effective policy measures intended to help revitalize urban areas, restoring them to strong and thriving cities. A primary goal of the Committee will be to achieve comprehensive solutions which will assist our cities. The Committee's other areas of oversight will again range from the protection of public parklands, sales of bonds, other issues relating to municipal finances. Lastly, the Committee will continue to assist Cities with vital infrastructure improvement and updates.

APPENDIX A

**2016 SUMMARY OF ACTION ON ALL BILLS REFERRED TO
THE COMMITTEE ON CITIES**

<u>Final Disposition</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
Bills Reported	27	0	27
To Floor	1	0	
To Ways and Means	20	0	
To Codes	5	0	
To Rules	1	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 5	 0	 5
 Bills Having Committee Referenced Changed	 1	 0	 1
 Senate Bills Substituted Or Recalled	 0	 7	 7
 Bills Never Reported, Held In Committee	 100	 7	 107
 Total in Committee	 133	 14	 147
 TOTAL NUMBER OF MEETINGS HELD			 6

APPENDIX B

Chapter Laws of 2016

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.7813	Barclay	Authorizes the city of Fulton to discontinue its use of certain waterfront parklands.	187
A8120B	Joyner	Authorizes New York City to enter into an agreement for the maintenance and operation of a children's program within a building located on parkland.	168
A.8659	Pretlow	Extends the authorization for the city of Yonkers to continue to issue serial bonds or notes at private sale to June 30, 2016.	45
A.9161	Cusick	Clarifies certain language relating to the requirement of the New York City Department of Buildings to issue certificates of occupancy for certain residential dwellings in New York City on unmapped streets under certain circumstances without a review of the Board of Standards and Appeals of such City.	177
A.9208	Gunther	Requires the authorization for the city of Middletown to sell its delinquent tax liens to expire on December 31, 2017	38
A.9361	Schimminger	Extends the authorization for the city of Buffalo to continue to issue serial bonds and notes at private sale to June 30, 2017.	86
A.9454	Glick	Authorizes New York City to discontinue the use of Christopher Park and convey its interest in the real property to the United States.	33
A.9825	Ortiz	Extends, until September 2, 2018, the provisions of Chapter 890 of the Laws of 1982 relating to the establishment of certain water and sewer charges for hospitals and charities in New York City.	273
A.9926	Giglio	Exempts the city of Olean from Article Four of the General City Law.	274
A.9929	Farrell	Extends, for an additional year, provisions of law relating to the sale of bonds and notes in the city of New York.	78
A.10100	Otis	Authorizes the city of Rye to lease any and all sports field fences at Disbrow Park, Gagliardo or Recreation Park to a not-for-profit corporation.	308