



NEW YORK STATE ASSEMBLY

A N N U A L

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R E P O R T



**Committee on
Cities**

Carl E. Heastie, Chair

SHELDON SILVER, SPEAKER



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ALBANY

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Education
Housing
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The Honorable Sheldon Silver
Speaker, New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Silver:

It is my pleasure to present you with the 2012 Annual Report of the Assembly Standing Committee on Cities. This report highlights legislation and issues considered by the Committee this year.

The Assembly Standing Committee on Cities considers legislation affecting cities within New York State. These cities face serious challenges to the maintenance of their economic and human 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 of all the State's sixty-two cities.

Sincerely,

Carl Heastie
Chair
Assembly Standing Committee on Cities

2012 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

Carl Heastie, Chair

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TABLE OF CONTENTS

I. INTRODUCTION1

II. MAJOR ISSUES OF 20122

 A. LOCAL GOVERNMENT AID – ENACTED BUDGET.....2

 B. SIGNIFICANT LEGISLATION3

 C. DEBT INSTRUMENTS4

III. PARKLAND ALIENATION LEGISLATION5

IV. PUBLIC HEARINGS.....7

 A. BUDGET OVERSIGHT7

V. OUTLOOK FOR 2013.....8

APPENDIX A9

APPENDIX B10

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 62 cities. The Committee's role in initiating and reporting legislation is primarily influenced by the Municipal Home Rule powers provided to cities under the provisions of Article IX of the New York State Constitution. Article IX describes and defines the powers, duties and limitations of local governments and the State Legislature in the enactment of laws affecting local governments. These Home Rule powers generally limit the Legislature's actions to pass (a) general laws, which apply uniformly to all local governments of equal size; (b) special laws, on request by two-thirds of the membership of the local legislative body, or on the request of its chief executive officer and concurred by a majority of the membership of the local government, i.e., a "Home Rule Message"; and (c) laws needed for emergencies provided that two-thirds of both houses concur, and there is a certificate of necessity from the Governor, which states that an emergency situation requires enactment of such law.

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 Carl Heastie, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

II. MAJOR ISSUES OF 2012

A. LOCAL GOVERNMENT AID – ENACTED BUDGET

Aid and Incentives to Municipalities (AIM) funding is direct general purpose aid provided to municipalities. Those municipalities use AIM funding for a variety of operating costs. The AIM program was created in the 2005-06 State Budget as a result of consolidating several local aid programs. Along with the aid provided by this program, new fiscal accountability requirements were put in place, such as multi-year financial planning. 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, which applies to cities, will provide grants of \$25 per resident, up to \$5 million, to local governments that have improved the overall efficiency of their operations leading to reduced property taxes through shared services and other efficiencies. The 2012-2013 State Budget contained an appropriation of \$40 million for this program.

B. SIGNIFICANT LEGISLATION

Water Charges Exemption

(A. 9813 Silver; Chapter 153 of the Laws of 2012)

This legislation extends, for two years, the authorization for full or partial exemptions of water charges for hospitals and charities in New York City.

Sale of Additional Taxi Licenses and Livery Permits

(A.8691-A Heastie; Chapter 9 of the Laws of 2012)

This legislation is an amendment to Chapter 602 of the Laws of 2011. This legislation authorizes New York City to sell an additional 2,000 accessible taxi licenses and 18,000 Hail Accessible Inter-borough licenses (HAIL licenses).

New Requirements for the issuing of NYC Sanitation Violations

(A.8968-B Hikind; Passed Assembly)

This legislation would require the New York City Sanitation Department to provide a photograph of the materials, condition or situation alleged to constitute a violation when issuing such violation.

C. DEBT INSTRUMENTS

City of Yonkers

(A.9292 Pretlow; Chapter 72 of the Laws of 2012)

This legislation extends, until June 30, 2013, 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 Buffalo

(A.9354 Schimminger; Chapter 78 of the Laws of 2012)

This legislation extends, until June 30, 2013, 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.

III. PARKLAND ALIENATION LEGISLATION

The issue of parkland alienation, or the conversion of parkland for other purposes, has been a great concern to 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.10586 Millman; Chapter 262 of the Laws of 2012)

This legislation authorizes and validates the transfer of Empire Fulton Ferry State Park to the Urban Development Corporation and the subsequent lease to the Brooklyn Bridge Corporation. This legislation authorizes the City of New York to discontinue the use of certain parkland and provides replacement land to the Brooklyn Bridge Park.

(A.10622 Nolan; Chapter 339 of the Laws of 2012)

This legislation authorizes the transfer of parkland from the jurisdiction of New York City Parks Department to the New York City Housing Authority.

City of Jamestown

(A.9493-A Goodell; Chapter 315 of the Laws of 2012)

This legislation authorizes and validates the discontinuance of certain parkland in the City of Jamestown and provides replacement lands.

City of Poughkeepsie
(A.10098-B Skartados; Chapter 348 of the Laws of 2012)

This legislation authorizes the City of Poughkeepsie to discontinue the use of certain waterfront land and to transfer such land to a not-for-profit for recreational purposes. The City of Poughkeepsie would be required to acquire additional waterfront land and/or make improvements to existing waterfront land.

IV. PUBLIC HEARINGS

The Committee held one public hearing in 2012. A summary of that hearing follows.

A. BUDGET OVERSIGHT

On December 5, 2012, the Committee, in conjunction with the Assembly Standing Committees on Local Governments and Real Property Taxation, held a hearing in Syracuse to examine the competitive grant programs of the Aid and Incentives for Municipalities program included in the State Fiscal Year 2012-2013 Budget.

This hearing examined the Citizen Empowerment Tax Credits, the Local Government Citizens Re-Organization Empowerment Grant Program, the Local Government Efficiency Grant Program, and the Local Government Performance and Efficiency Program, funding for which was included in the State Fiscal Year 2012-2013 Budget. The Committees heard testimony related to the implementation and effectiveness of these programs, proposed changes that may improve these programs, and how successful consolidations, dissolutions, shared services and other efficiencies associated with these programs have been in reducing property taxes.

V. OUTLOOK FOR 2013

In 2013, the Cities Committee will again endeavor to work with all 62 cities of the State to implement effective policy measures intended to help revitalize urban areas, returning them to strong and thriving cities. A primary goal of the Committee will be to achieve comprehensive solutions for assisting our cities. The Committee's other areas of oversight will again range from the protection of public parklands, sales of bonds, and issues dealing with the rebuilding of parts of New York City after Hurricane Sandy.

APPENDIX A

**2012 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	20	0	20
To Floor	0	0	
To Ways and Means	14	0	
To Codes	6	0	
To Rules	0	0	
To Judiciary	0	0	
Bills Having Enacting Clauses Stricken	0	0	0
Bills Having Committee Referenced Changed	3	0	3
Senate Bills Substituted Or Recalled	0	2	2
Bills Never Reported, Held In Committee	89	0	89
Total in Committee	113	2	115
TOTAL NUMBER OF MEETINGS HELD			6

APPENDIX B

Chapter Laws of 2012

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A8691-A	Heastie	Authorizes New York City to issue new taxicab licenses to vehicles accessible to individuals with disabilities.	9
A.9292	Pretlow	Extends the authorization for the City of Yonkers to continue to issue serial bonds or notes at private sale to June 30, 2013.	72
A.9354	Schimminger	Extends the authorization for the City of Buffalo to continue to issue serial bonds or notes at private sale to June 30, 2013.	78
A.9493-A	Goodell	Authorizes the City of Jamestown, County of Chautauqua, to discontinue the use of certain lands as parklands.	315
A.9813	Silver	Extends the provisions of Chapter 890 of the Laws of 1982 relating to the establishment of certain water charges for hospital and charities in New York City.	153
A.10098-B	Skartados	Authorizes the City of Poughkeepsie to sell and convey certain waterfront property to a not-for-profit.	348
A.10243	Farrell	Extends until July 1, 2013 the authorization of certain bonds of the City of New York.	89
A.10586	Rules (Millman)	Authorizes and validates the alienation of certain parkland known as Empire Fulton Ferry State Park.	262
A.10622	Rules (Nolan)	Authorizes New York City to alienate a parcel of land in Queens and convey such parcel to the New York City Housing Authority on the condition that the parcel remains used for open space and recreational purposes.	339