

New York State Assembly
Carl E. Heastie
Speaker

Committee on
Cities

Michael R. Benedetto
Chair



MICHAEL R. BENEDETTO
Assemblyman 82nd District
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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Cities

COMMITTEES
Agriculture
Education
Governmental Operations
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December 15, 2017

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 2017 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

2017 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

Michael R. Benedetto, Chair

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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 2017

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 2017-2018 State Budget contained a re-appropriation of \$80 million for this program.

B. SIGNIFICANT LEGISLATION

Superstorm Sandy Relief

A.4068 Pheffer Amato; Chapter 86 of the Laws of 2017

This legislation extends, until July 11, 2019, Chapter 100 of the Laws of 2013 to continue to assist in the rebuilding of Breezy Point in New York City. The law authorizes the waiver of certain requirements of General City Law and the reinstatement of building permits that expired due to Superstorm Sandy for owners of home in Breezy Point.

City of New York

A.4883 Cusick; Chapter 7 of the Laws of 2017

This legislation establishes a moratorium on the adoption or implementation of any local law, ordinance rule or regulation related to charging a fee for carryout bags in New York City. Such moratorium remains in effect until two hundred and seventy days after the adoption of a local law which re-authorizes, modifies or repeals a New York City Local Law for the charging of a fee on customers for carryout bags.

A.7984 Hyndman; Chapter 306 of the Laws of 2017

This legislation requires the New York City Department of Transportation (NYC DOT) to conduct a study relating to distracted pedestrians in New York City. More specifically the NYC DOT is required to study the dangers inherent in acting as a pedestrian while distracted by texting, or other uses of a mobile device and the necessity of operators of motor vehicles to exercise care in watching for pedestrians who are distracted by texting, or other uses of a mobile device, regardless of whether a pedestrian is utilizing a defined street crossing.

A.4864 Malliotakis; Chapter 79 of the Laws of 2017

This legislation extends, until May 1, 2019, the time in which certain lands in the city of New York can be transferred to the United States for the establishment of the Gateway National Recreational Area.

A.8508A Hyndman; Chapter 504 of the Laws of 2017

This legislation authorizes the New York City Policy Procurement Board (NYC PPB) to provide by rule that NYC agencies may contract for goods and services not exceeding \$150,000, without a formal competitive bidding process, for goods and services to NYC certified minority- or women-owned business enterprises (MWBES).

Also, this legislation authorizes the NYC PPB to provide by rule that NYC agencies may award contracts for goods and services on the basis of best value to the bidder or offerer which optimizes quality, cost, and efficiency. Lastly, an annual report is required to be submitted to the Governor and State Legislature relating to the implementation of such authorization.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

A.4711A Peoples-Stokes; Chapter 112 of the Laws of 2017

This legislation makes certain corrections to a bond issued by the city of Buffalo. Such corrections include authorizing the object and purpose of the bond issued to be deemed to be for the construction of an archway located in the vicinity of the intersection of Michigan Avenue and Broadway rather than at the intersection of Michigan Avenue and Jefferson Avenue. Additionally, this legislation authorizes such bond proceeds to be used for infrastructure improvements at the intersection of Michigan Avenue and Broadway consisting of a study, design, required sidewalk and curb replacement, landscaping, tree trimming, and other required right of way enhancements.

A.4887 Schimminger; Chapter 62 of the Laws of 2017

This legislation extends, until June 30, 2018, 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.6389 Pretlow; Chapter 44 of the Laws of 2017

This legislation extends, until June 30, 2018, 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 New York

A.6662 Farrell; Chapter 64 of the Laws of 2017

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.

Temporary Investments

A.6663 Farrell; Chapter 65 of the Laws of 2017

This legislation extends, until July 1, 2020, the provisions of Chapter 130 of the Laws of 1998, authorizing increased flexibility in temporary, short-term and low-risk investments for the city of New York. These provisions have been working to facilitate higher yield investments without greatly increasing financial risk.

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 Schenectady

A.8339 Santabarbara; Chapter 324 of the Laws of 2017

This legislation authorizes the city of Schenectady to discontinue the use of certain parkland and to convey those lands to the Boys & Girls Club for the purpose of constructing a new Boys & Girls Club facility at Quackenbush Park. Additionally, this legislation requires Schenectady to acquire and dedicate lands of equal to or greater than the fair market value of the property being alienated toward the acquisition of additional parklands and/or capital improvements to existing parklands and recreational facilities.

A.8347 Steck; Chapter 327 of the Laws of 2017

This legislation authorizes the city of Schenectady to discontinue the use of certain waterfront parkland for the purpose of constructing and maintaining a pump station. Additionally, it requires the City to acquire and dedicate an amount equal to or greater than the fair market value of the property being alienated toward the acquisition of new waterfront parkland and/or capital improvements to existing waterfront parkland and recreational facilities.

City of New York

A.8422 Joyner; Chapter 331 of the Laws of 2017

This legislation authorizes New York City to discontinue the use of certain parkland, and to convey those lands to facilitate the construction of a housing project in which one hundred percent of the dwelling units will be occupied by persons of low income. Additionally, this legislation would require New York City to dedicate Corporal Irwin Fischer Place as parkland and perform capital improvements to the newly configured parkland so that the value of such dedicated lands and capital improvements are equal to or greater than the fair market value of the parklands being alienated.

A.8419 Benedetto; Chapter 402 of the Laws of 2017

This legislation authorizes New York City to discontinue the use of certain parkland, known as the Marx Brother's Playground, and to transfer those lands to the city's educational construction fund to permit the construction of a combined occupancy structure. This legislation also requires New York City to dedicate an amount equal to or greater than the fair market value of the property being alienated toward the acquisition of additional parkland and/or capital improvements to existing parklands and recreational facilities within the borough of Manhattan.

A.8305 Aubry; Chapter 450 of the Laws of 2017

This bill authorizes New York City to discontinue the use of certain parkland, and to provide for the use of those lands by the city's Department of Education for the construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics. This legislation also requires New York City to dedicate an amount equal to or greater than the fair market value of the property being alienated towards the acquisition of additional parkland and/or capital improvements to existing parkland and recreational facilities within the borough of Queens.

City of Rome

A.7845B Brindisi; Chapter 323 of the Laws of 2017

This legislation would validate, legalize, ratify, and confirm the city of Rome not seeking and receiving State authorization to alienate the parkland identified in this legislation and authorize Rome, acting by and through its Council, to discontinue the use of waterfront parklands. Also, this legislation requires the authorization provided pursuant to this act take effect only upon the condition that the city of Rome dedicate an amount equal to or greater than the fair market value of the waterfront parkland being alienated in this act toward the acquisition of additional waterfront parklands and/or toward capital improvements to existing parklands and recreational purposes.

City of Poughkeepsie

A.8137A Skartados; Chapter 158 of the Laws of 2017

This legislation authorizes the city of Poughkeepsie to discontinue the use of municipally owned parklands and to use such property for the purpose of constructing and maintaining a new drinking water reservoir. Additionally, this legislation requires the authorization provided by this act to be effective only upon the condition that the city of Poughkeepsie dedicates an amount equal to or greater than the fair market value of the parklands being discontinued toward the acquisition of additional parklands and/or toward capital improvements to existing parkland and recreational facilities.

IV. PUBLIC HEARINGS

Budget Implementation Hearing

The 2015-2016 State Fiscal Year Budget included a \$150 million appropriation to create the Municipal Restructuring Fund. The Fund is to be used for payments to local governments for capital and other expenses relating to the implementation of local government shared services, cooperation agreements, mergers and other related actions that reduce operational costs and related property tax burdens on a permanent basis. The 2016-2017 State Fiscal Year Budget re-appropriated \$150 million for the Fund.

Also, the 2016-2017 State Fiscal Year Budget included a \$20 million appropriation to create the Municipal Consolidation and Efficiency Competition, to be used for payments for capital and other expenses related to the implementation of consolidations, dissolutions, mergers, or other permanent changes in governing structures, cooperation agreements or efficiencies, or other actions that reduce operational costs or property tax burdens on a permanent basis to be selected by a competitive application process.

The Committee, in conjunction with the Standing Committee on Local Governments, conducted a hearing to examine how the Municipal Restructuring Fund has affected municipalities that have received assistance. The hearing also examined how the process for the Municipal Consolidation and Efficiency Competition has proceeded and whether interest has been expressed by localities to participate in the competition. Testimony was presented by the Supervisor for the Town of Chemung and the Executive Director for the New York State Association of Counties.

V. OUTLOOK FOR 2018

In 2018, 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, and other issues relating to municipal finances. Lastly, the Committee will continue to assist Cities with vital infrastructure improvements and updates.

APPENDIX A

**2017 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	26	0	26
To Floor	1	0	
To Ways and Means	20	0	
To Codes	3	0	
To Rules	2	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 10	 0	 10
 Bills Having Committee Referenced Changed	 3	 0	 3
 Senate Bills Substituted Or Recalled	 0	 7	 7
 Bills Never Reported, Held In Committee	 98	 13	 111
 Total in Committee	 137	 20	 157
 TOTAL NUMBER OF MEETINGS HELD			 6

APPENDIX B

Chapter Laws of 2017

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.4068	Pheffer Amato	Extends, for an additional two years, the authorization to reinstate prior approved work permits and waives certain requirements of General City Law for homes devastated by Superstorm Sandy.	86
A.4711A	Peoples-Stokes	Authorizes the city of Buffalo to use bond proceeds for a purpose other than the purpose originally identified.	112
A.4864	Malliotakis	Relates to the conveyance of lands for the establishment of Gateway National Recreation Area.	79
A.4883	Cusick	Establishes a moratorium in New York City on the adoption or implementation of any local law, ordinance, rule or regulation related to charging a fee for carryout bags.	7
A.4887	Schimminger	Extends the authorization for the city of Buffalo to continue to issue serial bonds and notes at private sale to June 30, 2018.	62
A.6389	Pretlow	Extends the authorization for the city of Yonkers to continue to issue serial bonds and notes at private sale to June 30, 2018.	44
A.6662	Farrell	Extends, for an additional year, provisions of law relating to the sale of bonds and notes in the city of New York.	64
A.6663	Farrell	Extends, until July 1, 2020, the provisions of Chapter 130 of the Laws of 1998 which related to temporary investments by local governments and New York City.	65
A.7845B	Brindisi	Authorizes the city of Rome to alienate certain waterfront parklands.	323
A.7963A	DenDekker	Requires the New York City Taxi and Limousine Commission to approve all hybrid electric and electric vehicle models for use as a medallion taxicab that are also in use as for-hire vehicles.	503

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.7984	Hyndman	Requires the New York City Department of Transportation to study and produce a report regarding its current and planned efforts to educate people on the dangers of pedestrians using a mobile device.	306
A.8137A	Skartados	Authorizes the city of Poughkeepsie to discontinue the use of certain parkland for the purpose of constructing a new drinking water reservoir.	158
A.8166A	Niou	Requires the New York City Human Resource Administration to certify a rent payment at the request of a tenant or landlord.	308
A.8305A	Aubry	Authorizes the city of New York to discontinue the use of certain parkland in Flushing Meadow Park for the purpose of construction and operation of a pre-kindergarten center with a focus on science, technology, engineering, and mathematics by the New York City Department of Education.	450
A.8339	Santabarbara	Authorizes the city of Schenectady to alienate certain parkland for the purpose of constructing a Boys and Girls Club facility.	324
A.8347	Steck	Authorizes the city of Schenectady to alienate certain parkland for the purpose of constructing and maintaining a pump station.	327
A.8419	Benedetto	Authorizes the city of New York to discontinue the use of certain parkland known as the Marx Brother's Playground.	402
A.8422	Joyner	Authorizes the city of New York to discontinue certain portions of parkland in Corporal Fischer Park to facilitate the construction of affordable housing.	331
A.8508A	Hyndman	Authorizes the New York City Procurement Policy Board to implement rules relating to awarding certain contracts to minority and women-owned business enterprises and on the basis of best value.	504