

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Cities
James Brennan, Chair



Annual Report 2010

December 15, 2010

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

Dear Speaker Silver:

I am pleased to present to you the 2010 Annual Report of the Assembly Standing Committee on Cities. This report describes the legislative action and major issues considered by the Committee and sets forth our goals for continued legislative support to assist cities throughout the State that are facing increasing fiscal difficulties.

The problems facing our State's urban areas are as varied and complex as New York's 62 cities themselves. The Committee has considered measures during this past legislative session that address some common urban problems as well as specific needs of individual cities.

Sincerely,

James Brennan
Chair
Assembly Standing Committee on Cities

2010 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

James Brennan, 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 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 limit the Legislature's action to (a) general law, which applies uniformly to all local governments of equal size; (b) special law, 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) with two-thirds of both houses concurring, action on 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 James Brennan, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

II. MAJOR ISSUES OF 2010

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 when several local aid programs were combined to create this new one. 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 \$660 million in AIM funding.

Local Government Efficiency Grant Program

The State Budget contained \$6 million in funding for the Local Government Efficiency (LGE) grant program. The LGE program replaced the Shared Municipal Services Incentive (SMSI) program, which was created in 2005 to encourage municipal consolidation and cooperation.

The program is administered by the Department of State and provides grants to counties, cities, towns, villages, special improvement districts, fire districts, library districts, water authorities, sewer authorities, regional planning and development boards, school districts, and, in certain instances, Boards of Cooperative Educational Services (BOCES) that merge or share services. Grants are intended to cover costs associated with mergers, consolidations, cooperative agreements, dissolutions and shared services including legal and consultant services, feasibility studies and capital investments. For some grant categories, recipients are required to provide a match for up to 10 percent of the project cost.

B. STATEWIDE SIGNIFICANCE

City Charter Revision Commission Proposals **(A.10172 Brennan; Passed Assembly)**

This bill would prohibit the placement of a charter revision commission proposal on the ballot if the charter revision commission was appointed by a mayor after February 15 of the same year. This bill would also require any charter revision commission to hold public hearings before presenting any proposals and after the presenting of their proposals.

City Charter Ballot Questions **(A.6019 Gottfried; Passed Assembly)**

This bill would repeal certain provisions of the Municipal Home Rule Law that allow for the “bumping” of ballot questions, i.e., barring all other local referendum proposals from the ballot if a charter revision commission created by a mayor places any question on the ballot.

Electronic Key Cards **(A.514 Kavanagh; Passed Assembly)**

This bill would prohibit the use of electronic key cards that provide tenants access to apartment buildings if such cards contain personal identifying information. The bill would provide an exemption for buildings in which every tenant has given written consent for the use of such key cards.

C. NEW YORK CITY LEGISLATION

Energy Programs Extender

(A. 11041 Silver; Chapter 406 of the Laws of 2010)

This legislation extends, until July 1, 2013, the authorizations for the Energy Cost Savings Program and the Lower Manhattan Energy Program.

Certain Properties Not Independently Able To Be Developed

(A.6138-B Brennan; Chapter 548 of the Laws of 2010)

This legislation allows the City to sell certain types of real property it owns directly to abutting property owners without an auction or competitive bidding. The Mayor is required to find, based on a certification by the Commissioner of Citywide Administrative Services, that independent development is economically impracticable or infeasible and that the sale of this property is in the best interest of the City. Direct sales are authorized in only those limited circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of such factors. Sales of such real property would remain subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter.

Tenant Harassment

(A.473-B Kavanagh; Passed Assembly)

This legislation would allow rent controlled or rent stabilized tenants to recover attorneys' fees and damages in cases where landlords acting in bad faith bring eviction proceeding against tenants on the basis of non-primary residence of the tenant.

Appearance Enhancement Businesses

(A.1500 Wright; Passed Assembly)

This bill would authorize the New York City Department of Health to regulate appearance enhancement businesses such as nail specialty shops and hair braiding businesses.

D. DEBT INSTRUMENTS

City of Yonkers

(A.10060 Pretlow; Chapter 125 of the Laws of 2010)

This legislation extends, until June 30, 2011, 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.9951 Schimminger; Chapter 128 of the Laws of 2010)

This legislation extends, until June 30, 2011, 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 Newburgh

(A.11558 Rules[Skartados]; Chapter 223 of the Laws of 2010)

This legislation enacts the “City of Newburgh Fiscal Recovery Act.” This legislation enables the City of Newburgh to issue bonds to liquidate certain deficits and requires the city to comply with certain budgetary requirements.

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. Case and statutory law require 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, every attempt is made to ensure that each proposed alienation of parkland complies with alienation guidelines prior to passage 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.9478-A Brook-Krasny; Passed Assembly)

This legislation would allow for the redevelopment of the Coney Island amusement area by authorizing the City of New York to discontinue the use of certain parkland, so long as the city acquires replacement parkland. It also would authorize the lease of parkland for use as an amusement park.

IV. PUBLIC HEARINGS

The Committee held three public hearings in 2010. A summary of those hearings follows.

A. CITY CHARTER REVISIONS

On March 5, 2010, the Committee held a hearing in New York City to examine the processes by which city charters may be amended.

Each of New York State's 62 cities has a city charter, granted by the State Legislature, which forms the basis for the operation of city government. Amendments to these charters may be made by citizen initiated petitions, state or local laws and charter revision commissions, some of which would be subject to mandatory referenda.

The Committee has examined the methods for amending city charters for almost a decade, including considering legislation that would change the composition of charter revision commissions and legislation that would repeal the provision of law that prevents citizen initiated ballot questions if a charter revision commission has been convened. This hearing examined these and other issues related to city charter revisions.

B. ACCESSIBILITY OF THE TAXICAB AND FOR-HIRE-VEHICLE FLEET IN NEW YORK CITY FOR PERSONS WITH DISABILITIES

On July 14, 2010, the Committee, in conjunction with the Assembly Standing Committees on Corporations, Authorities and Commissions, Transportation and the Assembly Task Force on People with Disabilities, held a hearing in New York City to consider the need to require more accessible vehicles for persons with disabilities in the taxicab and for-hire-vehicle fleets in New York City.

New York City's taxicab and for-hire-vehicle fleet are an integral part of the City's transportation system used by the general public. The Taxi and Limousine Commission has sold taxicab medallions specifically for wheelchair accessible vehicles, instituted a pilot program for the dispatching of wheelchair accessible taxis, and adopted regulations requiring that the for-hire-vehicle fleet have accessible vehicles available when requested from customers. This hearing provided the committees with an opportunity to examine whether these measures are sufficient to address the needs of the public, especially in the wake of service cuts to the Access-A-Ride program.

C. BUDGET OVERSIGHT

On December 1, 2010, the Committee, in conjunction with the Assembly Standing Committees on Governmental Operations, Local Governments and Real Property Taxation, held a hearing in Albany to consider the impact of the 2010-2011 State

Budget's consolidation of several offices that led to the creation of the Division of Homeland Security and Emergency Services and the Office of Real Property Tax Services.

The Office of Homeland Security, the State Emergency Management Office, the State 911 Board, the Office of Cyber Security and Critical Infrastructure Coordination, and the Office of Fire Prevention and Control were merged to create the Division of Homeland Security and Emergency Services (HSES). As part of this merger, the Office of Homeland Security became the Office of Counterterrorism and a new Office of Interoperability and Emergency Communications was created, in part to assist localities with emergency communication coordination efforts, within the Division. In addition, an intrastate mutual aid program was established to provide a framework for municipal efforts to share resources and personnel in the case of a natural or man-made disaster, and several fire safety boards were consolidated into the Advisory Council for Fire Prevention and Control. It has been estimated that this merger will result in an annual savings of \$1.5 million.

The 2010-2011 Budget also merged the Office of Real Property Services into the Department of Taxation and Finance creating a new unit within the Department known as the Office of Real Property Tax Services. The new Office of Real Property Tax Services will work directly with municipal officials to ensure fair property tax assessments. This merger expanded upon a preexisting hosting arrangement in which the Department of Taxation and Finance provided operational support to the Office of Real Property Services. By further combining the two agencies through an agency merger, it was projected that a cost savings of up to \$1.9 million could be achieved.

This hearing provided the committees with the opportunity to review the implementation and outcome of the two aforementioned consolidations, whether the estimated cost savings have been achieved and what effect the mergers have had on services to localities and taxpayers.

V. OUTLOOK FOR 2011

In 2011, 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 – solutions forged from ideas rather than dollars. The Committee's other areas of oversight will again range from the protection of public parklands, sales of bonds, and issues dealing specifically with New York City including oversight of construction safety.

APPENDIX A

**2009 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	32	0	32
To Floor	3	0	3
To Ways and Means	18	0	18
To Codes	9	0	9
To Rules	2	0	2
To Judiciary	0	0	0
Bills Having Enacting Clauses Stricken	3	0	3
Bills Having Committee Referenced Changed	0	0	0
Senate Bills Substituted Or Recalled	0	2	2
Bills Never Reported, Held In Committee	69	0	69
Total in Committee	107	6	113
TOTAL NUMBER OF MEETINGS HELD			6
Bills Never Reported, Never Received Home Rule Message	43	0	43

APPENDIX B

Chapter Laws of 2010

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.6138-B	Brennan	Authorizes the City of New York to sell certain property that cannot be independently developed.	548
A.8407-B	Gottfried	Relates to the applicability of local building codes to State and State agency owned buildings; creates the New York City-New York State task force on building and fire safety; provides for the powers and duties of such task force.	283
A.9951	Schimminger	Extends authorization for private sale of bonds and notes of the City of Buffalo to include serial bonds or notes issued on or before June 30, 2011.	128
A.10060	Pretlow	Related to the issuance of serial bonds or notes by the City of Yonkers.	125
A.10916-A	Peoples-Stokes	Authorized bond proceeds to be used for site improvements next to All High Stadium in Buffalo.	474
A.10978-A	Amedore	Authorizes the City of Schenectady to enter into a contact to sell some or all of the delinquent tax liens held by such city to a private party.	301
A.11041	Silver	Extends New York City's Energy Cost Savings Program and Lower Manhattan Energy Program from 2010 until 2013.	406
A.11099-A	Millman	Relates to imposing civil penalties for violations of the rules of the Brooklyn Bridge Park Development Corporation; provides for the adjudication of such violations by the Environmental Control Board, and clarifies the authority of the New York City Department of Parks and Recreation.	167
A.11558	Rules (Skartados)	Enacts the "City of Newburgh Fiscal Recovery Act" to authorize such city to issue bonds to liquidate certain deficits, and imposes certain budgetary requirements upon the city to restore fiscal integrity.	223

APPENDIX C

Vetoos of 2010

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Veto</u>
A.1439-A	Wright	Provides that whenever rent is paid by New York City Human Resources Administration on behalf of a tenant on public assistance, the department shall send a certification of payment to such tenant upon request.	6823
A.9885	Abbate	Relates to the training of fire officers in cities of one million or more.	6824