



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

Committee on

Cities

Michael R. Benedetto

Chair





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, 2018

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 2018 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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2018 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 2018

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, with no change from previous year.

Local Government Performance and Efficiency Program

The Local Government Efficiency Grant Program (LGE) provides grants to local governments, including cities that have improved the overall efficiency of their operations leading to reduced property taxes through shared services and other cost saving measures. The 2018-2019 State Budget contained an appropriation of \$4 million for this Program.

The Citizen Empowerment Tax Credit provides financial assistance to municipalities following a consolidation or dissolution to incentive real property tax relief. The 2018-2019 State Budget contained an appropriation of \$35 million for this Program.

Financial Restructuring Board

The Financial Restructuring Board provides a comprehensive review of eligible municipalities' finances and operations. The Board makes recommendations on improving a municipality's fiscal stability and provides financial assistance for undertaking certain recommendations. The 2018-2019 Budget contained an appropriation of \$2.5 million for this purpose.

County-Wide Shared Services Property Tax Savings Plan and Funding

The 2018-2019 Budget contained provisions for the continuation, through December 31, 2021, of County-Wide Shared Services Panels originally created in the 2017-2018 Budget. Each panel is required to create or update a property tax savings plan for shared, coordinated, and efficient services among the county, cities, towns, and villages.

The Budget also contained an appropriation of \$225 million for State grants to match savings resulting from the implementation of each new action and proposal with actual and demonstrable savings.

B. SIGNIFICANT LEGISLATION

City of New York

A.5823-B Wright; Chapter 217 of the Laws of 2018

This law requires the New York City Department of Buildings (NYCDOB) 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 NYCDOB. Additionally, this law requires NYCDOB 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. 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.

A.8936 DenDekker; Chapter 339 of the Laws of 2018

This law requires the New York City Taxi and Limousine Commission (NYCTLC) to approve one or more hybrid electric vehicle models for use as a taxicab. Additionally, this law requires NYCTLC to permit 1,350 medallion owners to use any hybrid electric vehicle that also meets all of the requirements for use as a for-hire vehicle.

A.8995 Hyndman; Chapter 19 of the Laws of 2018

This law authorizes the New York City Policy Procurement Board (NYCPPB) to provide by rule that agencies awarding contracts may also identify a quantitative factor in the evaluation of bids or offers for awarding of contracts for bidders or offerers that are minority- or women-owned businesses certified pursuant to article 15-A of the Executive Law as well as those certified pursuant to section thirteen hundred four of the New York City Charter. This law also clarifies that such businesses are not required to be concurrently certified as minority- or women-owned business enterprises by the State and New York City.

A.10236 Ortiz; Chapter 155 of the Laws of 2018

This law extends, until September 1, 2020, a long-standing full or partial reduction in water charges offered to hospitals and other charitable organizations in New York City.

A.11158 Aubry; Chapter 78 of the Laws of 2018

This law authorizes the New York State Department of Transportation (DOT) to acquire certain property interests necessary for the construction of an AirTrain to LaGuardia Airport by eminent domain. Additionally, this law provides the description of the corridor within which the AirTrain will be built and requires the Port Authority to provide monitoring of vibrations, noise and air quality during construction and compensate any property owner for physical damage caused as a result of the construction.

As a condition of this law, New York City is required to dedicate the fair market value received as a result of the DOT's parkland acquisition towards the acquisition of new parkland and/or capital improvements to existing parkland and recreational facilities; provided, however, if the parkland is waterfront parkland the fair market value may only be used for the acquisition of new waterfront parklands and/or capital improvements to existing waterfront parkland and recreational facilities.

Lastly, this law sets forth a sunset period of ten years and provides that if, within fifteen years, any of the parkland taken is used for a purpose other than that authorized by this law, such parklands shall revert back to New York City for park and recreational purposes.

A.11231-A Gottfried; Chapter 515 of the Laws of 2018

This law amends the Hudson River Park Act to allow the construction of the Hudson River rail tunnel and grants permanent subsurface easements between West 27th and West 30th Streets in the Hudson River Park, subject to the approval of the Hudson River Park Trust. It also authorizes the Hudson River Park Trust to issue a lease to the rail tunnel operator for a lease term coterminous with the Trust's lease from the State. Additionally, this law requires the project sponsor to restore the surface of the lands for public use upon the completion of the tunnel construction.

City of Middletown

A.10447 Gunther; Veto 343

This law exempts the City of Middletown from Article 4 of the General City Law, which requires that a city have an examining board of plumbers.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

A.9895 Schimminger; Chapter 105 of the Laws of 2018

This law extends, until June 30, 2019, the authority for the underwriting or sale of bonds or notes for the City of Buffalo at private sale. This law provides Buffalo with additional fiscal flexibility by permitting the City to determine the timing of bond sales.

City of Yonkers

A.9537 Pretlow; Chapter 81 of the Laws of 2018

This law extends, until June 30, 2019, the authority for the underwriting or sale of bonds or notes for the City of Yonkers at private sale. This law provides Yonkers with additional fiscal flexibility by permitting the City to determine the timing of bond sales.

City of New York

A.10479 Weinstein; Chapter 91 of the Laws of 2018

This law extends for one year certain authorizations for the City of New York related to bonds and notes. The authorizations contained in this law 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 non-park 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 Poughkeepsie

A.11095 Barrett; Chapter 390 of the Laws of 2018

This law provides a description of the metes and bounds for certain parcels authorized to be alienated by the City of Poughkeepsie pursuant to Chapter 348 of this Laws of 2012. The prior parkland alienation was authorized on the condition that a chapter amendment would provide the metes and bounds of certain parcels.

City of Albany

A.10790-A McDonald; Chapter 450 of the Laws of 2018

This law authorizes the City of Albany to alienate parkland for the purpose of building a new disinfection and floatables control project and associated infrastructure known as the Beaver Creek Clean River Project. Additionally, this law requires the City of Albany to dedicate an amount equal to or greater than the fair market value of the parklands being discontinued towards the acquisition of additional parklands and/or capital improvements to existing parkland and recreational facilities.

IV. PUBLIC HEARINGS

Budget Implementation Hearing

The 2017-2018 Fiscal Year State Budget included a requirement for the chief executive officer of each county outside of New York City to create a property tax savings plan for shared, coordinated and efficient services among the county, and the cities, towns and villages within such county. The chief executive officer of each county, as well as the chief executive officer of every city, town and village in that county was to form a shared services panel to create a County-Wide Shared Services Property Tax Savings Plan. Thirty-four counties have completed the process in this past year.

The Committee, in conjunction with the Standing Committee on Local Governments, conducted a hearing to examine the implementation of the County-Wide Shared Services Property Tax Savings Plan. Testimony was presented by the County Executives of Onondaga County, Montgomery County, Sullivan County, Suffolk County and Dutchess County. Other witnesses included representatives of the New York State Association of Counties, the Association of Towns of New York and the New York State Conference of Mayors.

V. OUTLOOK FOR 2019

In 2019, 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 that 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 improvement and updates.

APPENDIX A

**2018 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	16	0	16
To Floor	1	0	
To Ways and Means	13	0	
To Codes	2	0	
To Rules	0	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 3	 0	 3
 Bills Having Committee Referenced Change	 0	 0	 0
 Bills Never Reported, Held In Committee	 109	 6	 115
 Total in Committee	 125	 6	 131
 TOTAL NUMBER OF MEETINGS HELD			 7

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A.5823-B	Wright	Requires the New York City Department of Buildings to provide written notification and proof of construction permit and insurance to owners of adjoining property.	Chapter 217
A.8936	DenDekker	Requires the New York City Taxi and Limousine Commission to approve one or more hybrid electric vehicle models for use as a taxicab.	Chapter 339
A.8995	Hyndman	Authorizes the New York Policy Procurement Board (NYCPPB) to require that agencies awarding contracts may identify a quantitative factor in evaluation of bids or offers for awarding of contracts to minority- or women-owned businesses certified either by the City or the State.	Chapter 19
A.9537	Pretlow	Extends, until June 30, 2019, the authorization for the City of Yonkers to continue to issue serial bonds and notes at private sale.	Chapter 81
A.9895	Schimminger	Extends, until June 30, 2019, the authorization for the City of Buffalo to continue to issue serial bonds and notes at private sale.	Chapter 105
A.10236	Ortiz	Extends, until September 1, 2020, 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.	Chapter 155
A.10447	Gunther	Exempts the City of Middletown from the requirement that a city have an examining board of plumbers.	Veto 343
A.10479	Weinstein	Extends, for an additional year, provisions of law relating to the sale of bonds and notes in New York City.	Chapter 91
A.10790-A	McDonald	Authorizes the City of Albany to discontinue the use of certain parkland for the construction of a screening and disinfection satellite treatment facility.	Chapter 450
A.11095	Barrett	Establishes the metes and bounds for a prior parkland alienation authorized for the City of Poughkeepsie.	Chapter 390

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A.11158	Aubry	Authorizes the New York State Department of Transportation (DOT) to acquire certain property interests necessary for the construction of an AirTrain to LaGuardia Airport.	Chapter 78
A.11231-A	Gottfried	Authorizes the construction of rail tunnels under the Hudson River Park.	Chapter 515