

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Cities

Félix W. Ortiz, Chair

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



FELIX W. ORTIZ
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December 15, 2014

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 2014 Annual Report of the Assembly Standing Committee on Cities. This report highlights legislation and issues considered by the Committee this year.

Attending to the needs of New York State's sixty-two cities is important to me as the Committee Chair. These cities face serious challenges to the maintenance of 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 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,

A handwritten signature in cursive script that reads "Felix W. Ortiz".

Felix W. Ortiz
Chair
Assembly Standing Committee on Cities

2014 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

Felix W. Ortiz, 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 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 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; (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, 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 Felix W. Ortiz, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

II. MAJOR ISSUES OF 2014

A. LOCAL GOVERNMENT AID – ENACTED BUDGET

Aid and Incentives to Municipalities (AIM) funding is direct general purpose aid provided to municipalities. The AIM program was created in the 2005-06 State Budget as a result of consolidating several local aid programs. 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), which applies to cities, provides grants to local governments that have improved the overall efficiency of their operations leading to reduced property taxes through shared services and other cost saving measures. The 2014-2015 State Budget contained an appropriation of \$40 million for this program.

According to the New York State Department of State, Division of Local Government Services website, LGPEP grants have been awarded to Cities from all regions of the State. Some grants have been awarded to study the impact of sharing services between cities, towns, villages and counties while others have helped with the implementation of an intermunicipal watershed management program and consolidating a town and a City.

B. SIGNIFICANT LEGISLATION

Hurricane Sandy Relief

A. 8896 Goldfeder; Chapter 77 of the Laws of 2014

This legislation extends Chapter 100 of the Laws of 2013 which is assisting in the rebuilding of Breezy Point in New York City for an additional year. The law authorizes the waiver of certain requirements of General City Law and the reinstatement of building permits that expired due to Hurricane Sandy for owners of homes in Breezy Point.

A.8120 Weisenberg; Chapter 3 of the Laws of 2014

This legislation authorizes the City of Long Beach to finance extraordinary expenses resulting from Hurricane Sandy and deficits in its general fund, sewer fund, water fund and risk management fund. Such objects and purposes have a period of probable usefulness of ten years.

Water Charges Exemptions

A.9523 Silver; Chapter 246 of the Laws of 2014

This legislation extends, until September 1, 2016, a long-standing full or partial reduction in water charges offered to hospitals and other charitable organizations in New York City.

A.10096 Rules (Silver); Chapter 247 of the Laws of 2014

This bill adds the National September 11 Memorial & Museum to the list of eligible entities that receive an exemption from water and sewer charges in New York City.

City of New York

A.9613 Silver; Chapter 339 of the Laws of 2014

The aftermath of September 11, 2001 left infrastructure and buildings in Lower Manhattan in great despair. As part of the rebuilding efforts the Legislature approved a measure referred to as the Coordinated Construction Act for Lower Manhattan which assists both the State and New York City in streamlining reconstruction. The Act was set to expire on December 31, 2014 but this legislation extends the much needed measure for an additional ten years.

A.10021B Rules (Silver); Chapter 322 of the Laws of 2014

This legislation authorizes New York City (NYC) to award public contracts that also include private utility interference work in the contract. Often when NYC undertakes a public works project private utility work must be done to complete the project. This legislation authorizes NYC to issue one bid for both public and private work and in turn offers a more coordinated and timely construction process.

A.2046 Kavanagh; Chapter 485 of the Laws of 2014

This legislation relates to animal control and licensing of dogs in New York City. Additionally, it would establish an animal population control fund that collects the fees associated with dog ownership in such City.

A.5188 Brennan; Passed Assembly

This legislation would require the New York City Police Department to report annually on criminal activity on subways and buses. Such report would list the criminal activity by bus or subway line.

A.2868A Clark; Passed Assembly

This legislation requires any agency or entity to post one or more signs at the site of street or sidewalk construction that contains certain project information, including the length of such project, contact information of the company overseeing or conducting the construction, and any permit numbers for the construction.

C. DEBT INSTRUMENTS/MUNCIPAL FINANCES

City of Buffalo

A.8613 Schimminger; Chapter 72 of the Laws of 2014

This legislation extends, until June 30, 2015, 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.8450 Pretlow; Chapter 70 of the Laws of 2014

This legislation extends, until June 30, 2015, 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 Elmira

A.9898 Friend; Passed Assembly; Chapter 422 of the Laws of 2014

This legislation authorizes the city of Elmira to establish a period of probable usefulness of ten years in order to issue bonds for past service costs due to the New York State and Local Police and Fire Retirement system to provide additional pension benefits to firefighters within such city.

Temporary Investments

A.8853 Farrell; Chapter 48 of the Laws of 2014

This legislation extends until July 1, 2017 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. This has 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 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 Yonkers

A.10078A; Chapter 138 of the Laws of 2014

This legislation authorizes the City of Yonkers to discontinue the use of certain municipally owned parkland. Replacement land is identified in the legislation and if such land is not found to be equal or greater than the fair market value of the lands discontinued, Yonkers is required to dedicate the difference in the fair market value for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

IV. PUBLIC HEARINGS/ROUNDTABLES

Mayoral Roundtable

In February the Cities Committee held a mayoral roundtable discussion which included conversation about issues facing Cities across the State. Among some of the attendees were the Mayors of Hornell, Albany, White Plains and Newburgh. Also in attendance was the President of the New York Conference of Mayors.

Topics which were discussed included authorizing all cities to utilize traffic cameras, speed cameras or red light cameras, as means of making cities safer and a source of revenue; the lack of an increase in unrestricted State aid funding; and obstacles to natural disaster emergency response. A major issue mentioned by several Mayors was the aging infrastructure issues each of their respective cities is facing. Water main breaks, deteriorating roads and aging sewer systems were just some infrastructure problems discussed.

In conclusion, the mayoral roundtable discussion was informative and meaningful for the Committee. The issues shared by the attendees may shape policy initiatives in the future.

Budget Hearing

The committee conducted a public hearing on December 17, 2014 which examined the impact of the 2014-2015 State Budget on counties, cities, towns and villages. The hearing was held in coordination with the Assembly standing committees on Local Governments and Real Property Taxation. Witnesses were asked to provide testimony on the effects of the State Budget on municipalities as well as the effects of the Property Tax Freeze Credit and changes to the School Tax Relief (STAR) exemption program.

Testimony was heard from the New York Conference of Mayors and Municipal Officials (NYCOM), Association of Towns of the State of New York, New York State Association of Counties (NYSAC), New York State Department of Taxation and Finance, New York State Association of County Directors of Real Property Tax Services, and New York State Assessors' Association.

A common theme of the testimony heard addressed the Real Property Tax Freeze Credit and its look back time frame for the second year of the program. As part of the Tax Freeze Credit participating municipalities are required, in the second year, to produce a state approved government efficiency plan that demonstrates a three year savings and efficiencies from shared services. The efficiencies and consolidations that are authorized to be considered are ones that occurred after January 2012 which, according to some witnesses, could greatly reduce municipalities' ability to participate in the second year of the Tax Freeze Credit.

Infrastructure funding was also a topic witnesses discussed during the hearing. NYCOM, NYSAC and the Association of Towns all voiced the need for the funding of infrastructure improvements as a major issue that their members are faced with every day. All three associations testified that by using part of the money the State received from the bank settlements as local infrastructure funding, localities would be afforded a great starting point in starting to improve their roads, bridges and sewers.

The information shared at the State Budget hearing was informative and important as the Legislature heads into a new session year. The issues discussed will only help in making more informed policy decisions for the upcoming State Budget.

V. OUTLOOK FOR 2015

In 2015, 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 issues dealing with the rebuilding of parts of New York City after Hurricane Sandy. Lastly, the Committee intends on assisting Cities with vital infrastructure improvement and updates.

APPENDIX A

**2014 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	0	0	
To Ways and Means	17	0	
To Codes	7	0	
To Rules	2	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 5	 0	 5
 Bills Having Committee Referenced Changed	 3	 0	 3
 Senate Bills Substituted Or Recalled	 0	 6	 6
 Bills Never Reported, Held In Committee	 93	 2	 95
 Total in Committee	 127	 8	 135
 TOTAL NUMBER OF MEETINGS HELD			 4

APPENDIX B

Chapter Laws of 2014

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.2046	Kavanagh	Relates to animal control and licensing of dogs in New York City.	485
A.8120	Weisenberg	Authorizes the city of Long Beach to issue serial bonds for the purpose of recovering from the destruction caused by Hurricane Sandy.	3
A.8450	Pretlow	Extends the authorization for the city of Yonkers to continue to issue serial bonds or notes at private sale to June 30, 2015.	70
A.8613	Schimminger	Extends the authorization for the City of Buffalo to continue to issue serial bonds or notes at private sale to June 30, 2015.	72
A.8853	Farrell	Extends, until July 1, 2017, the provisions of Chapter 130 of the Laws of 1998 which relates to temporary investments by local governments and New York City.	48
A.8896	Goldfeder	Extends, for an additional year, the authorization to reinstate prior approved work permits and waives certain requirements of General City Law for homes devastated by Hurricane Sandy.	77
A.9523	Silver	Extends, until September 1, 2016, the provisions of Chapter 890 of the Laws of 1982 relating to the establishment of certain water charges for hospitals and charities in New York City.	246
A.9613	Silver	Extends, until December 31, 2024, the provisions of the Coordinated Construction Act for Lower Manhattan.	339
A.9898	Friend	Establishes a period of probable usefulness for certain payments made by the City of Elmira.	422
A.10021B	Silver	Authorizes New York City to award public work contracts which include private utility interference work in such contract.	322
A.10078A	Rules (Pretlow)	Authorizes the city of Yonkers to discontinue the use of certain lands as parklands.	138
A.10096	Rules (Silver)	Adds the National September 11 Memorial & Museum to the list of eligible entities that receive an exemption from water and sewer charges in New York City.	247

APPENDIX C

Vetoed of 2014

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Veto</u>
A.364	Dinowitz	Authorizes the New York city commissioner of finance to approve suitable rewards for information that leads to the detection of violations of the tax on cigarettes.	526
A.7424A	Mosley	Requires New York City public buses to be retrofitted with certain safety equipment.	583