



**New York State Assembly**

**Sheldon Silver**  
Speaker



# 2013

## ANNUAL REPORT

Committee on  
**Cities**

**Felix W. Ortiz**  
Chair





FELIX W. ORTIZ  
Assemblyman 51<sup>st</sup> District  
Kings County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Cities  
CHAIR  
Puerto Rican/Hispanic Task Force  
COMMITTEES  
Correction  
Labor  
Rules  
Ways and Means

December 15, 2013

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 2013 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 new Committee Chair. 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 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,

Felix W. Ortiz  
Chair  
Assembly Standing Committee on Cities

**2013 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 2013**

### **A. LOCAL GOVERNMENT AID – ENACTED BUDGET**

Aid and Incentives to Municipalities (AIM) funding is direct general purpose aid provided to municipalities. 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. 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 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 2013-2014 State Budget contained an appropriation of \$40 million for this program.

## **B. SIGNIFICANT LEGISLATION**

### **Hurricane Sandy Relief**

#### **A. 4835-B Goldfeder; Chapter 100 of the Laws of 2013**

This legislation authorizes an exemption from General City Law requirements for homes devastated by Hurricane Sandy in a certain area of New York City.

### **Statewide**

#### **A.5347 Gottfried; Passed Assembly**

This legislation would amend the Municipal Home Rule Law to repeal the "bumping provision" that allows for ballot questions to be bumped if a city charter revision commission puts any proposal on the ballot.

### **City of New York**

#### **A.364 Dinowitz; Passed Assembly**

This legislation would authorize 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.

#### **A.2046 Kavanagh; Passed Assembly**

This legislation relates to animal control and licensing of dogs in New York City, and would establish an animal population control fund.

#### **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.8031 Gottfried; Chapter 517 of the Laws of 2013**

This legislation relates to the powers, duties and jurisdiction of the Hudson River Park Trust and amends the boundaries and uses of the Hudson River Park.

**City of Yonkers**

**A.7328-A Mayer; Chapter 232 of the Laws of 2013**

This legislation authorizes the City of Yonkers to merge the functions of its Parking Violations Bureau and Administrative Adjudication Bureau.

## **C. DEBT INSTRUMENTS**

### **City of Buffalo**

#### **A.5897 Schimminger; Chapter 86 of the Laws of 2013**

This legislation extends, until June 30, 2014, 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.3157 Pretlow; Chapter 69 of the Laws of 2013**

This legislation extends, until June 30, 2014, 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.

### **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 Albany**

##### **A.4717-A Fahy; Chapter 109 of the Laws of 2013**

This legislation authorizes the City of Albany to discontinue the use of certain parkland and to transfer such parkland at fair market value. The City of Albany is required to dedicate new land as parkland.

#### **City of New York**

##### **A.7826 Aubry; Chapter 338 of the Laws of 2013**

This legislation authorizes a change in the boundaries of the Billie Jean King National Tennis Center to enable the redevelopment of the center.

##### **A.2297 Malliotakis, Chapter 493 of the Laws of 2013**

This legislation extends the authorization to transfer lands to Gateway National Park for an additional two years.

**City of Rochester**

**A.6219-A Morelle; Chapter 149 of the Laws of 2013**

This legislation authorizes the City of Rochester to alienate certain parkland and specifies the land that will be used to replace the alienated parkland.

**City of Yonkers**

**A.7362-D Pretlow; Chapter 125 of the Laws of 2013**

This legislation authorizes the City of Yonkers to alienate certain parkland for development of a parking facility. The City of Yonkers is required to replace the alienated parkland with an equivalent size park.

#### **IV. PUBLIC HEARINGS**

The Committee held one public hearing in 2013. A summary of that hearing follows.

##### **New York State Comptroller's Fiscal Stress Monitoring System**

On June 10, 2013 the Committee held a hearing in Albany to examine the New York State Comptroller's new Fiscal Stress Monitoring System.

This hearing examined the monitoring system and explored options to prevent incidents of cities declaring bankruptcy from happening in New York State. The mayors of Gloversville and Rochester testified about the process involved with the new system and the positive results that came from having a fiscal profile done.

## **V. OUTLOOK FOR 2014**

In 2014, 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, 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**

**2013 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE COMMITTEE ON CITIES**

<b><u>Final Disposition</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total</u></b>
Bills Reported	22	0	22
To Floor	1	0	
To Ways and Means	16	0	
To Codes	4	0	
To Rules	1	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 5	 0	 5
 Bills Having Committee Referenced Changed	 1	 0	 1
 Senate Bills Substituted Or Recalled	 0	 1	 1
 Bills Never Reported, Held In Committee	 85	 0	 85
 <b>Total in Committee</b>	 <b>113</b>	 <b>1</b>	 <b>114</b>
 <b>TOTAL NUMBER OF MEETINGS HELD</b>			 <b>5</b>

## APPENDIX B

### Chapter Laws of 2013

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.2297	Malliotakis	Relates to the conveyance of lands for the establishment of Gateway National Recreation Area.	493
A.3157	Pretlow	Extends the authorization for the City of Yonkers to continue to issue serial bonds or notes at private sale to June 30, 2014.	69
A4717-A	Fahy	Authorizes the City of Albany to discontinue use of lands as parklands and to dedicate new parklands.	109
A.4835-B	Goldfeder	Authorizes the reinstatement of prior approved work permits and waives certain requirements of General City Law for homes devastated by Hurricane Sandy.	100
A.5897	Schimminger	Extends the authorization for the City of Buffalo to continue to issue serial bonds or notes at private sale to June 30, 2014.	86
A.6219-A	Morelle	Authorizes the City of Rochester to discontinue certain lands as parklands.	149
A.7175	Farrell	Relates to the sale of bonds and notes in New York City, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements in New York City.	79
A.7328-A	Mayer	Authorizes the City of Yonkers to merge the functions of its parking violations bureau and administrative adjudication bureau.	232
A.7362-D	Pretlow	Related to the alienation of parkland in the City of Yonkers.	125
A.7826	Aubry	Related to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens.	338
A.8031	Gottfried	Relates to the powers, duties and jurisdiction of the Hudson River Park Trust and boundaries and uses of the Hudson River Park.	517