

# ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER  
EDWARD C. BRAUNSTEIN, CHAIR

**NEW YORK STATE ASSEMBLY**  
**COMMITTEE ON CITIES**



EDWARD C. BRAUNSTEIN  
Assemblyman 26<sup>TH</sup> District  
Queens County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Cities

COMMITTEES  
Health  
Rules  
Judiciary  
Ways and Means

December 15, 2021

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 2021 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. 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 continuing to help the sixty-two cities of our State recover from obstacles incurred as a result of the ongoing COVID-19 pandemic and to formulating legislative solutions to improve the quality of life for residents of all the State's cities as we rebuild and move forward.

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 black ink, appearing to read "E. Braunstein".

Edward C. Braunstein  
Chair  
Assembly Standing Committee on Cities

**2021 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON CITIES**

**Edward C. Braunstein, Chair**

**Committee Members**

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Al Taylor  
Nathalia Fernandez  
Jonathan G. Jacobson  
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Kayli McTague, Legislative Analyst  
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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 Edward C. Braunstein, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

## **II. MAJOR ISSUES OF 2021**

### **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 \$656 million in base level AIM funding, representing a \$9 million increase to prior year funding.

#### **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 2021-2022 State Budget contained an appropriation of \$3.8 million for this Program, representing a decrease of 5% from prior year funding.

The Citizen Empowerment Tax Credit provides financial assistance to municipalities following a consolidation or dissolution to incentivize real property tax relief. The 2021-2022 State Budget contained an appropriation of \$33.25 million for this Program, representing a decrease of 5% from prior year funding.

#### **Financial Restructuring Board**

The Financial Restructuring Board provides a comprehensive review of eligible municipalities' finances and operations. The Board makes recommendations on improving an eligible municipality's fiscal stability and provides financial assistance for undertaking certain recommendations. The 2021-2022 Budget contained an appropriation of \$2.5 million for this purpose, representing no change from the previous year.

#### **Financial Control Board**

The 2021-2022 Budget allocated \$3.5 million to support staff and operations of the New York State Financial Control Board which manages and approves the financial plan, contracts, and borrowing of New York City, representing no change from the previous year.

## **B. SIGNIFICANT LEGISLATION**

### **Homeless Shelter Siting Process**

#### **A.3022 Fall; Chapter 68 of the Laws of 2021**

This law, which is a chapter amendment for Chapter 383 of the Laws of 2020 that amended the New York City Administrative Code to require a public hearing to be held in the community where a proposed homeless shelter is to be located, authorizes the New York City Department of Homeless Services to establish a process for the notification of new non-emergency homeless shelters that includes at least one public hearing.

### **Gateway National Recreation Area**

#### **A.7259 Tannousis; Chapter 136 of the Laws of 2021**

This law extends, until June 30, 2023, the time in which certain lands in New York City can be transferred to the United States for the establishment of the Gateway National Recreation Area.

### **Hurricane Sandy Relief in Breezy Point**

#### **A.7274 Pheffer Amato; Chapter 364 of the Laws of 2021**

This law extends, for three years, the authorization to allow for the reinstatement of prior approved work permits to waive the requirement of obtaining a permit from the Board of Standards and Appeals to rebuild in the bed of a mapped street for the rebuilding of homes affected by Hurricane Sandy in Breezy Point.

### **City of Beacon**

#### **A.5399 Jacobson; Chapter 323 of the Laws of 2021**

This law adds the City of Beacon to the list of cities exempt from the requirement that a city have an examining board of plumbers.

## **C. DEBT INSTRUMENTS/MUNICIPAL FINANCES**

### **City of Buffalo**

#### **A.5463 Peoples-Stokes; Chapter 170 of the Laws of 2021**

This law extends, until June 30, 2022, 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.1724 Pretlow; Chapter 168 of the Laws of 2021**

This law extends, until June 30, 2022, 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**

#### **Interest Rate Exchange Agreements of the City of New York**

#### **A.7398 Jackson; Chapter 189 of the Laws of 2021**

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 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 parkland alienation 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 improvements to 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.7084-A Anderson; Chapter 472 of the Laws of 2021**

This law authorizes the City of New York to discontinue the use of certain portions of parkland in Idlewild Park in the borough of Queens to facilitate the construction of a storm sewer by the Department of Environmental Protection (DEP). This law also requires the City to dedicate an amount equal to or greater than the fair market value of the parkland being discontinued towards the acquisition of new parkland and/or for capital improvements to existing parkland and recreational facilities within Community Board 13. Additionally, it requires the DEP to restore the surface of such parkland and enable its continued use as a park, in consultation with the City and Community Board 13.

#### **City of New Rochelle**

##### **A.8014 Otis; Chapter 799 of the Laws of 2021**

This legislation authorizes the City of New Rochelle to alienate and convey certain City-owned waterfront and parkland as part of an economic development project. This law requires the authorization to take effect only if any deed transferring the parcel provides for the preservation of the Armory Building and a dedicated space for veterans' organizations' use at no or de minimus charge as approved by the City Council. Additionally, this law authorizes the State to release a 20-foot easement, and requires such easement revert to the State in the event of a breach of required conditions.

## **IV. PUBLIC HEARINGS AND WORKING GROUPS**

### **The Role of Local Governments in Accessory Dwelling Unit Siting**

Accessory Dwelling Units (ADUs), commonly known as basement apartments, secondary suites, or mother-in-law apartments, are structures that are located, often attached, on the property of a primary residence and provide complete independent living facilities. Local governments have the authority to enact zoning laws governing siting and establish the permit parameters for ADUs. Advocacy groups such as AARP and the Regional Plan Association suggest that ADUs will help provide affordable housing options and argue the current local siting and permit process can be overly burdensome, time-consuming and expensive. Local governments have expressed concern about the need to ensure the safety of ADUs and preserve municipal zoning powers.

The Cities Committee, in conjunction with the Committees on Local Governments, Judiciary, and Housing, conducted a public hearing on October 13<sup>th</sup> to examine the role and amount of discretion local governments should have in determining the siting of accessory dwelling units. Testimony was presented by a variety of advocacy groups, local government representatives, and Queens Community Board 11, among others.

### **The COVID-19 Pandemic's Impact on the Open Meetings Law**

New York State's Open Meetings Law serves an essential role in ensuring transparency from public bodies performing the business of the people. The COVID-19 pandemic highlighted the difficulty of conducting business in a safe manner while complying with the law's in-person meeting requirements. In 2020, Executive Order 202.1 was issued by the Governor authorizing public meetings that served a governmental function to be conducted remotely. For over a year, public bodies that were required to comply with the Open Meetings Law were able to meet through the use of video or conference call technology, provided that the meetings were recorded and later transcribed for the public. The Executive Order expired on June 24, 2021. The Legislature subsequently passed a law temporarily authorizing public bodies to continue to meet virtually until January 15, 2022.

The Cities Committee, in conjunction with the Committees on Governmental Operations and Local Governments, conducted a joint public hearing on October 25<sup>th</sup> to evaluate the current process and any future changes to the Open Meetings Law. Testimony was presented by a variety of advocacy groups, community members, and local government representatives.

## **Working Groups on New York State's COVID-19 Recovery**

### **Transitioning New York's Economy Toward COVID-19 Recovery Working Group**

Speaker Carl Heastie appointed a working group to identify the immediate and long-term needs of New Yorkers in light of the COVID-19 pandemic, and to provide a venue to develop a long-term strategy reflective of the needs of the workforce and businesses across the state. The COVID-19 pandemic created many new challenges and underscored existing challenges for New York's Cities. As Chair of the Cities Committee, Assemblyman Braunstein, alongside the Chairs of the Committees on Economic Development, Job Creation, Commerce & Industry, Small Business, Labor, Agriculture, Science & Technology, Banks, Local Governments, and Oversight, Analysis & Investigation, was appointed to an internal working group focusing on Transitioning New York's Economy Toward COVID-19 Recovery. The working group furthered the Assembly Majority's efforts to assist workers and the business community in responding to and recovering from the COVID-19 pandemic at both the local and the state level.

## **V. OUTLOOK FOR 2022**

Despite the uncertainty and extraordinary hardship Cities have experienced over the last few years due to the COVID-19 pandemic, 2021 saw New York's sixty-two cities maximize their financial resources and identify creative solutions in the effort to revitalize. As we continue to rebuild, the Committee is committed to assisting cities statewide with difficulties brought on by the COVID-19 pandemic. In 2022, the Committee will continue to help cities achieve their full potential by working with them to reduce costs and increase flexibility. 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

**2021 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	12	0	12
To Floor	2	0	2
To Ways and Means	7	0	7
To Codes	2	0	2
To Rules	1	0	1
To Judiciary	0	0	0
 Bills Having Enacting Clauses Stricken	 2	 0	 2
 Bills Having Committee Referenced Change	 3	 0	 3
 Bills Never Reported, Held In Committee	 76	 1	 77
 <b>Total in Committee</b>	 <b>101</b>	 <b>1</b>	 <b>101</b>
 <b>TOTAL NUMBER OF MEETINGS HELD</b>			 <b>4</b>

## APPENDIX B

### Bills that Passed Both Houses

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
A.1724	Pretlow	Extends, until June 30, 2022, the authorization for the City of Yonkers to issue serial bonds and notes at private sale.	Chapter 168
A.3022	Fall	Details certain notice and hearing requirements for the New York City Department of Homeless Services prior to the siting of homeless shelters.	Chapter 68
A.5399	Jacobson	Exempts the City of Beacon from the requirement that a city have an examining board of plumbers.	Chapter 323
A.5463	Peoples-Stokes	Extends, until June 30, 2022, the authorization for the City of Buffalo to continue to issue serial bonds and notes at private sale.	Chapter 170
A.7084-A	Anderson	Authorizes New York City to discontinue the use of certain parkland for the construction of a storm sewer.	Chapter 472
A.7259	Tannousis	Extends, for an additional two years, the authorization for the conveyance of lands for the establishment of Gateway National Recreation Area.	Chapter 136
A.7274	Pheffer Amato	Extends, for an additional three years, certain waivers for homes in Breezy Point damaged by Hurricane Sandy.	Chapter 364
A.7398	Jackson	Extends certain provisions of law relating to the sale of bonds and notes in New York City.	Chapter 189
A.8014	Otis	Authorizes the City of New Rochelle to alienate and discontinue use of certain waterfront and parkland for the furtherance of an economic development interest.	Chapter 799