

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Edward C. Braunstein, Chair



2023 ANNUAL REPORT

COMMITTEE ON CITIES



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Cities

COMMITTEES
Health
Rules
Judiciary
Ways and Means

EDWARD C. BRAUNSTEIN
Assemblyman 26TH District
Queens County

December 15, 2023

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 2023 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, including formulating legislative solutions to improve the quality of life for residents of all the State's cities as we move forward.

I look forward to working with you and the members of the Assembly who represent cities in furthering the goals of this Committee.

Sincerely,

Edward C. Braunstein
Chair
Assembly Standing Committee on Cities

2023 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

Edward C. Braunstein, Chair

Committee Members

Robert C. Carroll
Al Taylor
Jonathan G. Jacobson
Nader J. Sayegh
Simcha Eichenstein
Charles D. Fall
Jessica González-Rojas
Zohran K. Mamdani
Chantel Jackson
Demond Meeks

Michael W. Reilly Jr.
Michael Tannousis
Anil R. Beephan Jr.
Alec Brook-Krasny
Michael Novakhov

Staff

Aidan Hennessey, Legislative Analyst
Michael Canavan, Associate Counsel
Michelle Milot, Assistant Secretary for Program and Policy
Maya Wilson, Program and Counsel Secretary

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	MAJOR ISSUES OF 2023.....	2
	A. LOCAL GOVERNMENT AID – ENACTED BUDGET.....	2
	B. SIGNIFICANT LEGISLATION.....	3
	C. DEBT INSTRUMENTS/MUNICIPAL FINANCES.....	5
III.	PARKLAND ALIENATION LEGISLATION.....	6
IV.	PUBLIC HEARINGS.....	8
V.	OUTLOOK FOR 2024.....	9
	APPENDIX A.....	10
	APPENDIX B.....	11

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 2023

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 towns, villages, and cities (other than New York City). The AIM program was created in the 2005-2006 State Budget as a result of consolidating five separate funding categories. The 2023-2024 State Budget contained an appropriation of \$647 million for cities, representing no change from the 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 2023-2024 State Budget contained an appropriation of \$4 million for this Program, representing no change from the previous year.

Citizen Empowerment Tax Credit and Citizens Re-organization Empowerment Grants

The Citizen Empowerment Tax Credit provides financial assistance to municipalities following a consolidation or dissolution to incentivize real property tax relief. The Citizen Re-organization Empowerment Grants provide local governments with up to \$100,000 to cover the costs of planning and implementing reorganization and consolidation efforts. The 2023-2024 State Budget contained an appropriation of \$35 million for these programs, representing no change from the previous year.

Financial Control Board

The New York State Financial Control Board manages and approves the financial plan, contracts, and borrowing of New York City. The 2023-2024 State Budget contained an appropriation of \$3.5 million for this program, representing no change from the previous year.

B. SIGNIFICANT LEGISLATION

City of New York

Notice of Major Projects

A.603 Braunstein; Chapter 98 of the Laws of 2023

Chapter 790 of the Laws of 2022 required public utility companies that were granted a work permit valid for more than seven days to notify affected members of the State Legislature and local officials of such projects. However, there were concerns about the number of notices required. This law limits the scope of circumstances in which public utilities are required to notify affected members of the State Legislature and local officials to significant projects which include street or lane closures, re-routing of traffic, and parking disruption lasting more than 24 hours.

Community Garden Water Fee Exemption

A.1909 Zinerman; Chapter 634 of the Laws of 2023

This law exempts non-profit community gardens that are registered with, and licensed by, New York City's Department of Parks and Recreation from water usage and supply permits. Hospitals, orphanages, and nursing homes already qualify for the same exemption.

Gateway National Recreation Area

A.5695 Tannousis; Chapter 173 of the Laws of 2023

This law extends, until June 30, 2025, the authority for certain lands in New York City to be transferred to the United States for the establishment of the Gateway National Recreation Area that has been in place since 1973.

Small Business Mentoring Program

A.7673-A Bichotte Hermelyn; Chapter 604 of the Laws of 2023

This law allows any New York City agency to establish a small business mentoring program to help small businesses and Minority and Women-owned Business Enterprises build experience in order to better access future contracts. Any resulting program would designate certain contracts as exclusively available for bid by participating small and MWBE businesses. The businesses awarded contracts would then receive guidance from a competitively selected mentor firm. Similar programs are already in place at the Metropolitan Transit Authority and the New York City Department of Design and Construction.

**Office of Community Hiring and Workforce Development
A.7677 Zinerman; Chapter 669 of the Laws of 2023**

This law requires the New York City Mayor to establish the Office of Community Hiring and Workforce Development. The Office would be authorized to establish regulations implementing community hiring programs that set goals for contractors to hire economically disadvantaged candidates and candidates from economically disadvantaged regions.

**Electronic Bidding
A.7685 Burgos; Chapter 668 of the Laws of 2023**

This law allows New York City to require bids for procurement to be submitted electronically and authorizes the public live stream of bid openings. This authorization expires June 1, 2028. Before passage of this law electronic submissions could only be required in limited circumstances.

**Analysis of Stormwater and Groundwater Issues in Southeast Queens
A.2608 Hyndman; Veto Memo 69**

This legislation would require New York City to conduct an analysis of stormwater and groundwater issues in southeast Queens that have resulted in increased flooding. The analysis would include a feasibility study on the usage of reverse seepage basins, the status of stormwater sewer upgrades, and the rehabilitation of former water supply wells for the purpose of combatting severe flooding.

City of White Plains

**Alienation of the Former Galleria Parking Garage
A.7674 Paulin; Chapter 471 of the Laws of 2023**

This law authorizes the City of White Plains to sell, lease, or dispose of the former public parking garage for the Galleria of White Plains for the purpose of facilitating transit-oriented housing.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

Buffalo Bond Issuance

A.1246 Peoples-Stokes; Chapter 176 of the Laws of 2023

This law extends, until June 30, 2024, 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

Yonkers Bond Issuance

A.3598 Pretlow; Chapter 168 of the Laws of 2023

This law extends, until June 30, 2024, 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

A.6592 Braunstein; Chapter 152 of the Laws of 2023

This law extends, until June 30, 2024, certain authorizations for the City of New York to issue bonds and notes at private sale with variable interest rates. 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.

Temporary Investments

A.7400 Pheffer Amato; Chapter 162 of the Laws of 2023

This law extends, until July 1, 2026, authorizations for the City of New York to make temporary, short term, and low-risk investments. These investments include notes and bonds from states other than New York, corporate obligations, and bankers' acceptances maturing within ninety days.

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.6659 De Los Santos; Chapter 227 of the Laws of 2023

This law amends Chapter 470 of the Laws of 2022, to revise the metes and bounds of parkland authorized to be alienated of Mitchel Square and Broadway Mall in Washington Heights for the purpose of making Americans with Disabilities Act, circulation, and emergency egress upgrades to the 168th Street Station.

A.6667 Walker; Chapter 228 of the Laws of 2023

This law makes technical corrections to metes and bounds of parkland authorized to be alienated by Chapter 548 of the Laws of 2022 to enable the New York City Transit Authority (NYCTA) to make critical Americans with Disabilities Act upgrades and other circulation improvements at the Broadway Junction Station Complex in Brooklyn.

A.7061-A Burgos; Chapter 231 of the Laws of 2023

This law revises the metes and bounds of parkland authorized to be alienated by the City of New York by Chapter 544 of the Laws of 2022, for the purpose of furthering the Penn Station Access Project.

City of Rochester

A.6724 Bronson; Chapter 404 of the Laws of 2023

This law authorizes the City of Rochester to discontinue and permanently grant easements over parts of the Genesee Valley Park to the Rochester Pure Water District for the purpose of installation and maintenance of sanitary sewer facilities. This law also requires the City of Rochester 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. Additionally, it requires the Rochester Pure Waters District to restore the surface of such parkland and enable its continued use as parkland once work is completed.

IV. PUBLIC HEARINGS

Procurement

Each year, New York's local governments spend billions to procure goods. Local government procurement is generally governed by section 103 of the General Municipal Law. Currently local governments may award procurement contracts to the "lowest responsible bidder" or on the basis of "best value." In recent years, there have been several requests to modify local procurement authority. For example, New York City has requested authorization to adopt a "progressive design" policy, which would involve the initial selection of a qualified bidder with work then "progressing" toward a design and contract price. There has also been advocacy to allow local government food procurement contracts to include values-based procurement, with higher prices authorized for "values" like environmental sustainability.

The Cities Committee, in conjunction with the Committee on Local Governments, conducted a public hearing on December 14th to solicit input on these and other potential local government procurement proposals, including, whether they provide adequate transparency, fairness, and accountability measures to protect taxpayers. Testimony was presented by a variety of advocacy groups, local government representatives, and others.

Housing

New York State is facing a persistent and critical shortage of affordable housing and responding to these housing needs will require diverse approaches. Potential options may include new development and preservation of multifamily housing, single-family housing, condominiums or cooperatives, or manufactured homes. The type of housing needed may require different approaches such as transit oriented development, accessory dwelling units, or office conversions. Similarly, assistance to the renter, potential homeowner or existing homeowner will vary depending on economic circumstances or other needs, and programs similar to the Mitchell-Lama program or other homeowner assistance programs could keep existing housing stock affordable.

The Cities Committee, in conjunction with the Committee on Housing, will conduct a public hearing on December 18th to solicit input on what steps are currently being taken to address these needs, and further actions the State can take to increase access to affordable housing in every region.

V. OUTLOOK FOR 2024

Despite the uncertainty and extraordinary hardship cities have experienced over the last few years, 2023 saw New York's sixty-two cities maximize their financial resources and identify creative solutions in the effort to revitalize. The Committee is committed to assisting cities statewide and 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, sale of bonds, and other issues relating to municipal finances.

APPENDIX A

**2023 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	13	0	13
To Floor	0	0	0
To Ways and Means	8	0	8
To Codes	0	0	0
To Rules	5	0	5
To Judiciary	0	0	0
 Bills Having Enacting Clauses Stricken	 4	 0	 4
 Bills Having Committee Referenced Change	 5	 0	 5
 Bills Never Reported, Held In Committee	 83	 4	 87
 Total in Committee	 102	 4	 106
 TOTAL NUMBER OF MEETINGS HELD			 5

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 603	Braunstein	Clarifies the circumstances in which public utilities are required to notify affected members of the State Legislature and local officials of significant work.	Chapter 98
A. 1246	Peoples-Stokes	Extends, until June 30, 2024, the authorization for the City of Buffalo to continue to issue serial bonds and notes at private sale.	Chapter 176
A. 1909	Zinerman	Exempts certain non-profit community gardens from payment for water usage and supply.	Chapter 634
A. 2608	Hyndman	Requires New York City to conduct an analysis of stormwater and groundwater issues in southeast Queens.	Veto Memo 69
A. 3598	Pretlow	Extends, until June 30, 2024, the authority for the underwriting or sale of bonds or notes for the City of Yonkers at private sale.	Chapter 168
A. 5695	Tannousis	Relates to the conveyance of lands for the establishment of Gateway National Recreation Area.	Chapter 173
A. 6592	Braunstein	Extends certain provisions relating to the sale of bonds and notes of New York City.	Chapter 152
A. 6659	De Los Santos	Corrects the metes and bounds for the 2022 parkland alienation related to ADA, circulation, and emergency egress upgrades to the 168 th Street Station.	Chapter 227
A. 6667	Walker	Corrects the metes and bounds for the 2022 parkland alienation for upgrades to the Broadway Junction Station Complex.	Chapter 228
A. 6724	Bronson	Authorizes the City of Rochester to discontinue and grant easement over certain parkland parts of the Genesee Valley Park.	Chapter 404
A. 7061-A	Burgos	Corrects the metes and bounds for the 2022 parkland alienation for the Penn Station Access Project by the Metropolitan Transit Authority (MTA).	Chapter 231
A. 7400	Pheffer Amato	Extends, until July 1, 2023, certain investment authorizations for New York City.	Chapter 162
A. 7673-A	Bichotte Hermelyn	Allows any New York City agency to establish a small business and MWBE mentoring program.	Chapter 604

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 7674	Paulin	Authorizes the City of White Plains to sell, lease, or dispose of the public parking garage for the Galleria of White Plains.	Chapter 471
A. 7677	Zinerman	Requires the New York City Mayor to establish the Office of Community Hiring and Workforce Development.	Chapter 669
A. 7685	Burgos	Allows New York City to require bids for procurement to be submitted electronically, until June 1, 2028.	Chapter 668