



**New York State Assembly**

Carl E. Heastie, Speaker

# ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on

**Cities**

Michael R. Benedetto, Chair



MICHAEL R. BENEDETTO  
Assemblyman 82<sup>nd</sup> District  
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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Cities

COMMITTEES  
Agriculture  
Education  
Governmental Operations  
Labor  
Ways and Means

December 15, 2015

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 2015 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

**2015 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON CITIES**

**Michael R. Benedetto, 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 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 2015**

### **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.

#### **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) provides grants to local governments, including cities, which have improved the overall efficiency of their operations leading to reduced property taxes through shared services and other cost saving measures. The 2015-2016 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 in 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**

### **Superstorm Sandy Relief**

#### **A.6326 Goldfeder; Chapter 81 of the Laws of 2015**

This legislation extends, until July 11, 2017, Chapter 100 of the Laws of 2013 to continue to assist in the rebuilding of Breezy Point in New York City. The law authorizes the waiver of certain requirements of General City Law and the reinstatement of building permits that expired due to Superstorm Sandy for owners of homes in Breezy Point.

### **City of New York**

#### **A.7872 Miller; Chapter 505 of the Laws of 2015**

This legislation extends the authority, until December 31, 2020, for the City of New York (NYC) to sell certain municipally owned parcels of real property without public auction or a competitive bidding process through the SAIL (slivers, accessways, interior lots) Away Program. NYC Department of Citywide Administrative Services has utilized the SAIL Away Program to dispose of city-owned property that is difficult to develop due to size, shape, zoning, configuration and topography by selling it to abutting property owners. Such property is required to be sold at fair market value and remains subject to approval pursuant to the Uniform Land Use Review Procedure.

#### **A.4310 Brennan; Chapter 565 of the Laws of 2015**

This legislation requires 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. Current reporting practices list crimes committed in the subways or on buses listed as a crime in the precinct in which they happened.

#### **A.7487 Cusick; Chapter 532 of the Laws of 2015**

This legislation requires New York City Department of Buildings to issue certificates of occupancy for one or two family residential dwellings in New York City on unmapped streets under certain circumstances without a review of the Board of Standards and Appeals of such City. This legislation is intended to eliminate back log of proceedings required to be heard by the Board of Standards and Appeals.

**A.5614 Malliotakis; Chapter 40 of the Laws of 2015**

This legislation extends until May 1, 2017, the time in which certain lands in the city of New York can be transferred to the United States for the establishment of Gateway National Recreational Area.

**City of Troy**

**A.7390 McDonald; Chapter 496 of the Laws of 2015**

This legislation authorizes the City of Troy to sell or lease a parcel of waterfront property known as the Scolite Site. Troy is required to dedicate an amount greater than or equal to the fair market value of the land being sold or leased as a result of this legislation towards the acquisition of additional waterfront property and/or capital improvements to existing waterfront property.

**City of Middletown**

**A.5619 Gunther; Chapter 434 of the Laws of 2015**

This legislation changes the residency requirement for appointees to the examining board of plumbers for the city of Middletown in Orange County by allowing for appointees to such board to either be a citizen of Orange County who resides outside of such City or a citizen who resides within a twenty-five mile radius of such City but within New York State.



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

### **City of Buffalo**

#### **A.5975 Schimminger; Chapter 44 of the Laws of 2015**

This legislation extends, until June 30, 2016, 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.1309 Pretlow; Chapter 21 of the Laws of 2015**

This legislation extends, until June 30, 2016, 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 New York**

#### **A.7632 Farrell; Chapter 34 of the Laws of 2015**

The legislation extends for one year certain authorizations for the City of New York related to bonds and notes. The authorizations contained in this legislation 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 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 New York**

##### **A.5246A Simotas; Chapter 399 of the Laws of 2015**

This legislation authorizes the City of New York to discontinue the use of certain parkland and to convey those lands to Saint Michael's Protestant Episcopal Church for the purpose of properly memorializing the deceased.

#### **City of Yonkers**

##### **A.8094 Mayer; Chapter 514 of the Laws of 2015**

This legislation authorizes the City of Yonkers to discontinue the use of certain parkland and to convey those lands to Carriage House Co-Op for the purpose of providing a parking facility for such Co-Op.

#### **City of Poughkeepsie**

##### **A.7980A Skartados; Chapter 408 of the Laws of 2015**

This legislation authorizes the City of Poughkeepsie to discontinue the use of certain parkland, including the historic residence known as the "Pelton Mansion" which is no longer needed for park purposes, and to sell and convey such lands.

## **IV. PUBLIC HEARINGS/ROUNDTABLES**

### **Budget Hearing**

Chapter 67 of the Laws of 2013 created the Financial Restructuring Board for Local Governments (FRB) to offer assistance to eligible municipalities. Counties, cities (except NYC), towns and villages who are deemed a Fiscally Eligible Municipality by the Board are eligible to request a comprehensive review of the FRB. After a municipality requests a comprehensive review, the FRB makes recommendations to help improve its fiscal stability, management, and delivery of public services. In addition to offering recommendations to a municipality the FRB can offer grants/loans of up to \$5 million to municipalities through the Local Government Performance and Efficiency Program for undertaking certain recommendations. The financial aid provided to municipalities through this Board is only available to the municipality if such municipality undertakes the Board's recommendations. The 2015-2016 State Fiscal Year Budget appropriated \$40 million to the FRB.

The Cities committee along with the Committee on Local Governments examined the allocation of funds in the 2015-2016 State Fiscal Year Budget to determine how the FRB had affected municipalities that have received assistance to date. The two committees also examined the issue of why certain municipalities had not submitted requests, or had withdrawn such requests.

Testimony was presented by the Chair of the FRB, the Mayor of the City of Albany, the Budget Director for the City of Rochester, and the City Manager for the City of Elmira. These municipalities requested a comprehensive review of the FRB.

### **Ride/car-sharing Roundtables**

Ride and car-sharing services, which provide access to transportation via smartphone applications, are emerging industries in New York State. However, these services have been unevenly regulated *vis-à-vis* other existing transportation services that are operating under government regulations. Questions have been raised concerning these new business models regarding liability issues and consumer protections as well as the extent to which such services should be regulated at the state and local level.

The New York State Assembly Standing Committees on Insurance, Transportation, Cities and Local Governments convened roundtables, one held in New York City and the other in Albany, to examine pertinent issues including liability and public safety concerns, as well as potential legislative and regulatory options.

Participants of the roundtables included representatives from the ride/car-sharing industry, insurance industry, taxi and livery industry, disabled community, transportation industry, and from municipal governments.

## **V. OUTLOOK FOR 2016**

In 2016, 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 continued efforts to rebuild parts of New York City after Superstorm Sandy. Lastly, the Committee intends on assisting Cities with vital infrastructure improvement and updates.

APPENDIX A

**2015 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	24	0	24
To Floor	4	0	
To Ways and Means	14	0	
To Codes	3	0	
To Rules	3	0	
To Judiciary	0	0	
 Bills Having Enacting Clauses Stricken	 4	 0	 4
 Bills Having Committee Referenced Changed	 3	 0	 3
 Senate Bills Substituted Or Recalled	 0	 4	 4
 Bills Never Reported, Held In Committee	 91	 6	 97
 <b>Total in Committee</b>	 <b>122</b>	 <b>10</b>	 <b>132</b>
 <b>TOTAL NUMBER OF MEETINGS HELD</b>			 <b>4</b>

## APPENDIX B

### Chapter Laws of 2015

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.1309	Pretlow	Extends the authorization for the city of Yonkers to continue to issue serial bonds or notes at private sale to June 30, 2016.	21
A.4310A	Brennan	Requires the New York City Police Department to submit an annual report detailing the total number of certain criminal complaints and arrests that took place within the subways and bus routes	565
A.5246A	Simotas	Authorizes the city of New York to discontinue the use of certain parkland and convey it to St. Michael's Protestant Episcopal Church.	399
A.5614	Malliotakis	Relates to the conveyance of lands for the establishment of Gateway National Recreation Area.	40
A.5619	Gunther	Relates to residential qualifications for service on the examining board of plumbers in the city of Middletown.	434
A.5975	Schimminger	Extends the authorization for the city of Buffalo to continue to issue serial bonds and notes at private sale to June 30, 2016.	44
A.6326	Goldfeder	Extends, for an additional two years, the authorization to reinstate prior approved work permits and waives certain requirements of General City Law for homes devastated by Superstorm Sandy.	81
A.7390	McDonald	Authorizes the city of Troy to sell or lease waterfront real property referred to as the Scolite Site.	496
A.7487	Cusick	Requires New York City Department of Buildings to issue certificates of occupancy for certain residential dwellings in New York City on unmapped streets under certain circumstances without a review of the Board of Standards and Appeals of such City.	532
A.7632	Farrell	Extends, for an additional year, provisions of law relating to the sale of bonds and notes in the city of New York.	34
A.7872	Miller	Extends the authority for the city of New York to sell tax lots to abutting property owners that cannot be independently developed.	505

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.7980A	Skartados	Authorizes the city of Poughkeepsie to sell certain parklands to a private entity for a public benefit and economic development.	408
A.8094	Mayer	Authorizes the city of Yonkers to alienate certain municipally owned parkland.	514