

NEW YORK STATE ASSEMBLY

2

0

2

2

Committee On Cities

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



ANNUAL REPORT



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, 2022

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 2022 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 encountered as a result of the COVID-19 pandemic and to 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,

A handwritten signature in black ink that reads "E. Braunstein".

Edward C. Braunstein
Chair
Assembly Standing Committee on Cities

2022 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.
Andrew Goodell
Mark C. Walczyk
Michael Tannousis

Staff

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MAJOR ISSUES OF 2022	2
	A. LOCAL GOVERNMENT AID – ENACTED BUDGET.....	2
	B. SIGNIFICANT LEGISLATION.....	3
	C. DEBT INSTRUMENTS/MUNICIPAL FINANCES.....	4
III.	PARKLAND ALIENATION LEGISLATION	6
IV.	PUBLIC HEARINGS	9
V.	OUTLOOK FOR 2023	10
	APPENDIX A	11
	APPENDIX B	12
	APPENDIX C	14

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 2022

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 base level AIM funding, representing a \$34.6 million increase to prior year funding. AIM-Related payments and the withholdings from county sales tax collections previously used to fund them have been eliminated.

Sale of Private Bonds by the City of Long Beach

In January 2021, a Supreme Court Justice in Nassau County found the City of Long Beach liable for \$131 million in damages to a developer after the City's Zoning Board of Appeals revoked a building permit for a luxury condo project. This budget provision gives the City of Long Beach the authority to issue bonds at private sale for the purpose of paying the final judgment of *Haberman v. Zoning Board of Appeals of City of Long Beach*.

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 2022-2023 State Budget contained an appropriation of \$4 million for this Program, representing an increase of 5% from prior year funding.

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 2021-2022 State Budget contained an appropriation of \$35 million for these programs, representing an increase 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 2022-2023 Budget contained an appropriation of \$2.5 million for this purpose, representing no change from the previous year.

Financial Control Board

The 2022-2023 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

City of New York

NYC Water Charges

A.10150 Rules (Lucas); Chapter 430 of the Laws of 2022

This law extends for two years a long-standing reduction in water charges offered to hospitals and other charitable organizations in New York City. The continuation of this discount eases the financial burden on these important institutions.

Facilities Development Corporation Act

A.10520 Rules (Cunningham); Chapter 551 of the Laws of 2022

This law authorizes the State Medical Care Facilities Finance Agency to sell, exchange, transfer, lease and convey property located in Brooklyn, New York at 681 Clarkson Avenue, provided that the Office of Mental Health and Division of Housing and Community Renewal agree on a price and the property is used to provide affordable housing, support for individuals with mental disabilities, and other public benefits.

Minority or Women-Owned Business Enterprise Contract Threshold Increase

A.10459 Rules (Bichotte-Hermelyn); Chapter 569 of the Laws of 2022

This law increases the maximum value of a procurement contract New York City may award to a business certified as Minority or Women-Owned without triggering a formal competitive bidding process from \$500,000 to \$1,000,000 and adjusts the reporting requirement accordingly.

**Notice Local Officials of Major Transportation Projects
A.355-A Braunstein; Chapter 790 of the Laws of 2022**

This law expands notice requirements previously only provided to City Council members for projects like major transportation projects, filming permits, and road closures to include City Assembly members, and State senators.

**New York City Department of Buildings Community Accountability Act
A.499-A Carroll; Passed Assembly**

This legislation requires the Department of Buildings keep an online database of complaints, suggested remedies, and serious injury or death caused by building code violation. The law also requires the Department of Buildings to file a biannual report to Community Boards and Borough Presidents, this report will include major violations, the number of violations corrected, and enforcement actions started.

**Analysis of Stormwater and Groundwater Issues in Southeast Queens
A.6270-A Hyndman; Passed Assembly**

This legislation requires New York City to conduct an analysis of stormwater and groundwater issues in southeast Queens. The analysis will include a feasibility study on the usage of reverse seepage basins, the status of stormwater sour upgrades, and the rehabilitation of former water supply wells.

City of Newburgh

**Newburgh Administrative Adjudication Hearing Procedure
A.9650-A Jacobson; Chapter 270 of the Laws of 2022**

This law allows the City of Newburgh to adopt a local law establishing an administrative adjudication hearing procedure for code and ordinance violations. This hearing procedure would be applicable to violations relating to conditions which constitute a threat or danger to public health, safety, or welfare violations. City building code violations would not be subject to this hearing procedure.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

**Buffalo Bond Issuance
A.9367 Peoples-Stokes; Chapter 330 of the Laws of 2022**

This law extends, until June 30, 2023, 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.9490 Pretlow; Chapter 332 of the Laws of 2022

This law extends, until June 30, 2023, 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.10215 Rules (Braunstein); Chapter 362 of the Laws of 2022

This law extends, until June 30, 2023, 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.

Amending the Revenue Stabilization Fund of New York City

A.10158 Rules (Braunstein); Passed Assembly

This legislation amends the authorization for New York City to establish the “Rainy-Day Fund” passed in 2020. This law requires New York City to set a target for fiscal reserves to be kept in the Rainy-Day Fund and imposes certain procedures for depositing, withdrawing, and adding money to the fund. It also requires fund policy to be posted online publicly.

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.10285-B Rules (De Los Santos); Chapter 470 of the Laws of 2022

This law authorizes the City of New York to discontinue the use of certain portions of parkland in Mitchel Square and Broadway Mall in Washington Heights and to grant easements to the New York City Transit Authority (NYCTA) for the purpose of making Americans with Disabilities Act (ADA), circulation, and emergency egress upgrades to the 168th Street Station. This law also requires New York 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 Manhattan. Additionally, it requires the NYCTA to restore the surface of such parkland upon completion of construction and enable its continued use as parkland.

A.10443 Rules (Benedetto); Chapter 544 of the Laws of 2022

This law authorizes the City of New York to discontinue the use of certain portions of Starlight Park in the Bronx and to grant easements to the MTA for the purpose of furthering the Penn Station Access Project. This law also requires New York 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 the Bronx. The law also authorizes the MTA to transfer some of or all easements, after project completion, to the National Railroad Passenger Corporation. Additionally, it requires the MTA to, in consultation with the local community board, restore the surface of such parkland and enable its continued use as parkland.

A.10449 Rules (Walker); Chapter 548 of the Laws of 2022

This law authorizes the City of New York to alienate certain parcels of parkland to enable the New York City Transit Authority (NYCTA) to make critical ADA upgrades and other circulation improvements at the Broadway Junction Station Complex in Brooklyn. This law also requires New York City to dedicate a certain parcel as replacement parkland and in the event that such parcel is not equal to or greater than the fair market value of the parkland being discontinued, the City shall dedicate the difference between the fair market value of the land to be discontinued and the land to be dedicated towards the acquisition of new parkland and/or for capital improvements to existing parkland and recreational facilities within Brooklyn. Additionally, it requires the NYCTA to restore the surface of certain parts of such parkland and enable its continued use as parkland.

City of Yonkers

A.10168 Rules (Pretlow); Chapter 581 of the Laws of 2022

This law amends the authorization for the City of Yonkers to alienate and lease certain City-owned parkland for the purpose of redeveloping an abandoned power plant. This law amends the metes and bounds and increases the maximum term for which the city may lease from 30 to 40 years.

City of New Rochelle

A.10145 Rules (Otis); Chapter 467 of the Laws of 2022

This law is a chapter amendment which amends the authorization for the City of New Rochelle to alienate and convey certain City-owned waterfront and parkland. This law adjusts the metes and bounds of the parkland being alienated and releases a 20-foot easement held by the state. Additionally, the law requires new lands transferred to the City of New Rochelle to revert to the State in the event that the development fails to (1): preserve the Armory Building or provide (2): dedicated space for veteran's organizations' use at no or de minimis charge as approved by the City Council.

City of Elmira

A.9863-B Friend; Chapter 537 of the Laws of 2022

This law authorizes the City of Elmira to alienate and convey certain parkland for the purpose of constructing low-income and special needs housing. This law also requires Elmira 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.

City of Troy

A.9993-A McDonald; Chapter 547 of the Laws of 2022

This law authorizes the City of Troy to alienate and lease certain parkland for the purpose of constructing geothermal wells. This law also requires Troy 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. Additionally, it requires the surface of such parkland alienated in the process be restored for use as parkland.

IV. PUBLIC HEARINGS

Building Code Enforcement Practices

The New York State Department of State oversees the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) by local governments. Under current law, the Department of State also approves code enforcement training programs and minimum qualifications for code enforcement personnel in order to ensure effective code enforcement practices.

The Cities Committee, in conjunction with the Committees on Local Governments, and Governmental Operations, conducted a public hearing on November 1st to examine the administration and enforcement practices for the Uniform Code, including the role of the Department of State in the oversight of local government code enforcement activities and requirements for code enforcement officer certification. Testimony was presented by a variety of advocacy groups and code enforcement professionals.

V. OUTLOOK FOR 2023

Despite the uncertainty and extraordinary hardship Cities have experienced over the last few years due to the COVID-19 pandemic, 2022 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 2023, 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

**2022 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	8	0	8
To Floor	0	0	0
To Ways and Means	7	0	7
To Codes	1	0	1
To Rules	0	0	0
To Judiciary	0	0	0
 Bills Having Enacting Clauses Stricken	 9	 0	 9
 Bills Having Committee Referenced Change	 7	 0	 7
 Bills Never Reported, Held In Committee	 85	 2	 87
 Total in Committee	 109	 2	 114
 TOTAL NUMBER OF MEETINGS HELD			 2

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 355A	Braunstein	Requires notice to members of the Legislature and certain local officials relating to certain construction.	Chapter 790
A. 9367	Peoples-Stokes	Extends, until June 30, 2023, the authorization for the City of Buffalo to continue to issue serial bonds and notes at private sale.	Chapter 330
A. 9490	Pretlow	Extends, until June 30, 2023, the authorization for the City of Yonkers to continue to issue serial bonds and notes at private sale.	Chapter 332
A. 9650A	Jacobson	Establishes an administrative adjudication hearing procedure for code and ordinance violations for the City of Newburgh.	Chapter 270
A. 9863B	Friend	Authorizes the City of Elmira to alienate and discontinue the use of certain parklands for the purpose of constructing affordable housing.	Chapter 537
A. 9993A	McDonald	Authorizes the City of Troy to temporarily alienate and lease certain parklands for the purpose of constructing subsurface geothermal wells.	Chapter 547
A. 10145	Otis	Amends the authorization of the City of New Rochelle to alienate and discontinue the use of certain parklands.	Chapter 467
A.10150	Lucas	Extends, until September 1, 2024, the provisions of Chapter 890 of the Laws of 1982 relating to the establishment of certain water and sewer charges for hospitals and charities in New York City.	Chapter 430
A. 10168	Pretlow	Authorizes the City of Yonkers to alienate and discontinue the use of certain parklands for the purpose of meeting the city's redevelopment goals.	Chapter 581
A. 10215	Braunstein	Extends certain provisions relating to the sale of bonds and notes of New York City	Chapter 362
A. 10285B	De Los Santos	Authorizes New York City to alienate certain parklands for the purpose of making ADA, circulation, and emergency egress upgrades to the 168 th Street Station.	Chapter 470

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 10443	Benedetto	Authorizes New York City to discontinue portions of parkland and grant easements for the purpose of furthering the Penn Station Access Project by the Metropolitan Transit Authority (MTA).	Chapter 544
A. 10449	Walker	Authorizes New York City to alienate portions of parkland to enable the New York City Transit Authority (NYCTA) to make critical upgrades to the Broadway Junction Station Complex in Brooklyn.	Chapter 548
A. 10459	Bichotte Hermelyn	Increases the maximum value of a contract for businesses certified as Minority or Women-Owned without triggering a formal competitive bidding process in New York City.	Chapter 569
A. 10520	Cunningham	Authorizes the transfer and conveyance of certain property to a housing development fund corporation.	Chapter 551

APPENDIX C

Bills that only passed the Assembly

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
A. 499A	Carroll	Requires the Department of Buildings keep an online database of complaints, serious injury, or death caused by building code violation and file a biannual report including major violations, the number of violations corrected, and enforcement actions started.
A.6170A	Hyndman	Requires the City of New York to conduct a study of storm and ground water issues in Southeast Queens.
A. 10158	Braunstein	Requires New York City to establish procedures related to contributing to and withdrawing from the Rainy-Day Fund. The law would also require the City post its fund policy online.