

New York State Assembly

Annual 2024 Report

Committee on
Cities



Speaker Carl E. Heastie
Edward C. Braunstein, Chair



EDWARD C. BRAUNSTEIN
Assemblyman 26TH District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Cities

COMMITTEES
Health
Rules
Judiciary
Ways and Means

December 15, 2024

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 2024 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.

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, appearing to read "E. Braunstein".

Edward C. Braunstein
Chair
Assembly Standing Committee on Cities

2024 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
Simcha Eichenstein
Charles D. Fall
Jessica González-Rojas
Zohran K. Mamdani
Chantel Jackson
Demond Meeks
Landon C. Dais

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
Faridah Odukale, Committee Clerk

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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 2024

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 2024-2025 State Budget contained an appropriation of \$647 million for cities, representing no change from the previous year. The Budget also granted \$45.3 million to cities in additional general-purpose aid. Municipalities will receive the same share of funding, up to a maximum of \$5 million, they receive from the AIM program.

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 Local Government Performance and Efficiency Program received \$8 million for the costs associated with local government efficiency projects, municipal consolidation, and/or shared services, representing an increase of \$4 million over SFY 2023-2024.

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 2024-2025 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 2024-2025 State Budget contained an appropriation of \$3.5 million for this program, representing no change from the previous year.

Increased Bonding Authority for the New York City Transitional Finance Authority

The Transitional Finance Authority (TFA) is responsible for financing parts of the New York City Capital Improvement Plan. The Budget increases the bonding authority for the TFA from \$13.5 billion to \$21.5 billion until July 1, 2025, when it will increase to \$27.5 billion.

Legalization of Pre-Existing New York City Basement Apartments

The Budget authorized the New York City Council to establish a pilot program, in certain community board districts, to legalize illegal basement and cellar apartments. Owners of illegal basement or cellar dwelling units who convert such units in accordance with health and safety standards established by local law may be granted amnesty from civil liability for violations of State or local laws that rendered the apartment illegal. Converted dwellings in flood hazard areas would be subject to additional health and safety standards. The length of the pilot program will be determined by the City Council provided that conversion continues no later than five years after the enactment of the budget.

Buffalo Bond Validation

Several bond resolutions passed by the City of Buffalo Common Council for the construction of a police facilities contained a technical defect. The Budget authorized and validated the expenditure of the bond proceeds for this purpose, notwithstanding these defects. The authorization is in effect upon adoption of a new Common Council resolution subject to a public permissive referendum.

City of Dunkirk Fiscal Recovery Act

The fiscal health of the City of Dunkirk has worsened since the closure of the NRG electric generation plant. The Budget enables the City of Dunkirk to issue bonds to liquidate certain deficits and requires the City to comply with certain budgetary requirements, preserving critical city services while the City moves toward long-term financial stability.

B. SIGNIFICANT LEGISLATION

Sanitary Grades for Online Food Delivery Services

A.28-C Rosenthal; Chapter 540 of the Laws of 2024

This law requires any food service establishment that accepts food orders for delivery from customers via the internet, in municipalities that require the posting of sanitary food grades, to post a link to the municipal or State health department sanitary grade lookup tool that lists the most recent sanitary inspection for such establishment on their website or mobile application.

City of New York

Public Notice and Comment Periods for Certain Procurements

A.8864 Rajkumar; Chapter 483 of the Laws of 2024

This law amends the New York City Charter to revise, until October 1, 2030, the existing public hearing process for contracts, awarded through any process other than competitive sealed bids worth greater than \$100,000, to require public notice in the City Record and a comment period lasting at least one week. The law also requires the Mayor's Office of Contract Services to file a report to include the number of contracts for which non-competitive contracts has provided, the dollar value of the contracts, and whether the dollar value threshold requiring non-competitive for said contracts had changed.

Hurricane Sandy Work Permit Renewal

A.9549 Pheffer-Amato; Chapter 135 of the Laws of 2024

This law extends for five years the authorization to reinstate previously approved work permits and waives the requirement of obtaining a permit from the New York City Board of Standards and Appeals to rebuild homes damaged by Hurricane Sandy in Breezy Point.

NYC Water Charges

A.9670 Dais; Chapter 247 of the Laws of 2024

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.

Community Garden Water Fee Exemption
A.9919 Zinerman; Chapter 493 of the Laws of 2024

This law expands the types of community gardens exempt from water usage and supply fees to all other than for-profit community gardens, that are registered with or licensed by New York City's Department of Parks and Recreation. Hospitals, orphanages, and nursing homes already qualify for the same exemption.

Uses for Pier 76 as part of the Hudson River Park
A.10224-C Simone; Chapter 211 of the Laws of 2024

This law amends the Hudson River Park Act to expand the permissible uses for Pier 76 to include tourist amenities including amusement rides, and floating restaurants, among other tourist attractions. The law also allows Pier 76 to be expanded beyond its historic footprint to accommodate the additional uses, provided the size of the overall footprint remains the same and more than 50% of the footprint is dedicated to park use. This Law also requires that if the Hudson River Park Trust initiates a request for proposals for a heliport at West 30th Street, a task force of State, local officials, business leaders, and community members be established to review the RFP.

Coordinated Construction Act for Lower Manhattan
A.10400 Braunstein; Chapter 413 of the Laws of 2024

This law extends the Coordinated Construction Act for Lower Manhattan until December 31, 2025. The aftermath of September 11, 2001, left infrastructure and buildings in Lower Manhattan in disrepair. As part of the rebuilding efforts the Legislature approved the Coordinated Construction Act for Lower Manhattan that assists both the State and City in streamlining reconstruction. This Act allows the MTA, in addition to State and City agencies, within a contract for a lower Manhattan redevelopment project, to include work to be done on non-publicly owned energy, telecommunications, or other privately owned facilities necessary for the completion of the project.

Joint Bidding
A.10401 Braunstein; Chapter 591 of the Laws of 2024

This law extends the authorization for New York City to award public contracts that also include private utility interference work in the same contract, a practice known as "joint bidding," until December 31, 2025. Utility interference work involves privately owned structures that must be moved or altered for the completion of a public work project. Often, when New York City undertakes a public works project, private utility interference work must be done to complete the project. "Joint bidding" offers a more coordinated, cost effective, and timely construction process.

Alternative Delivery Methods

A.10543 Braunstein; Chapter 534 of the Laws of 2024

This law amends the New York City Public Works Investment Act (Chapter 749 of 2019) to expand the types of alternative project delivery methods available to the Department of Design and Construction (DDC) to include “Construction Manager build” or CM build. CM build is a project delivery method in which a construction manager serves as part of a team in conjunction with the owner and acts as the single source of responsibility to bid, select, and hold construction contracts on behalf of the owner during construction. The DDC is authorized to use CM build for public works contracts valued at \$5 million dollars or more, in connection with the renovation or construction of cultural institutions or libraries, on public property. This law also allows the DDC to enter negotiation with qualified proposers who respond to a request for proposals for design-build contracts of at least \$10 million related to water and sewer infrastructure or coastal resiliency without first generating a list of entities that have demonstrated the capacity to perform the contract. The Department of Design and Construction will also be required to report on the projects utilizing these alternative delivery methods.

City of White Plains

Alienation of the Former Galleria Parking Garage Amendment

A.10208 Paulin; Chapter 409 of the Laws of 2024

Chapter 471 of the Laws of 2023 authorized the City of White Plains to sell, lease, or dispose of the public parking garage for the former Galleria of White Plains to facilitate transit-oriented residential and commercial development. This law makes technical changes to the prior law by amending the metes and bounds of the parking garage.

C. DEBT INSTRUMENTS/MUNICIPAL FINANCES

City of Buffalo

Buffalo Bond Issuance

A.9499 Peoples-Stokes; Chapter 165 of the Laws of 2024

This law extends, until June 30, 2025, 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 New York

Interest Rate Exchange Agreements

A.9671 Braunstein; Chapter 139 of the Laws of 2024

This law extends, until June 30, 2025, 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.

City of Yonkers

Yonkers Bond Issuance

A.9466 Pretlow; Chapter 131 of the Laws of 2024

This law extends, until June 30, 2025, 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.

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 as replacement parkland (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.10060 Burgos; Chapter 255 of the Laws of 2024

This law amends Chapter 544 of the Laws of 2022, to authorize the City of New York to grant additional easements over parkland to the MTA for the purpose of furthering the Penn Station Access Project.

City of Niagara Falls

A.8898-B Morinello; Chapter 398 of the Laws of 2024

This law authorizes the City of Niagara Falls to discontinue and convey parkland to The Papermill, LLC for the purpose of joining two commercial properties. This law also requires the City of Niagara Falls 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.

IV. PUBLIC HEARINGS

Joint Bidding

In 2014, New York City received a ten-year authorization in state law to conduct “joint bidding.” Joint bidding allows for the combination of utility interference work (e.g., moving cables to allow for excavation) with a municipal public works project within a single contract. The New York City Department of Design and Construction’s 2024 “Utility Coordination Report on Joint Bidding” indicates joint bidding leads to shorter projects timeframes and lower cost projects. However, there have also been concerns regarding implementation of the authorization. The Cities Committee conducted a public hearing on December 19th to solicit input on Joint Bidding. Testimony was presented by representatives from the City of New York, utilities, and contractors.

V. OUTLOOK FOR 2025

Despite the uncertainty and extraordinary hardship cities have experienced over the last few years in recovery from the Covid pandemic, 2024 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 financial 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

2024 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	10	0	10
To Floor	0	0	0
To Ways and Means	9	0	9
To Codes	1	0	1
To Rules	0	0	0
To Judiciary	0	0	0
 Bills Having Enacting Clauses Stricken	 1	 0	 1
 Bills Having Committee Referenced Change	 5	 0	 5
 Bills Never Reported, Held In Committee	 98	 3	 101
 Total in Committee	 109	 3	 112
 TOTAL NUMBER OF MEETINGS HELD			 3

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 28-C	Rosenthal	Requires internet-based food delivery services in certain municipalities to post a hyperlink to the relevant health department's sanitary grade lookup tool.	Chapter 540
A. 8864-A	Rajkumar	Requires a public notice and comment period for contracts worth greater than \$100,000 awarded through any process other than competitive sealed bids.	Chapter 483
A. 8898-B	Morinello	Authorizes the City of Niagara Falls to discontinue and convey parkland to The Papermill, LLC.	Chapter 398
A. 9466	Pretlow	Extends, until June 30, 2025, the authority for the underwriting or sale of bonds or notes for the City of Yonkers at private sale.	Chapter 131
A. 9499	Peoples-Stokes	Extends, until June 30, 2025, the authorization for the City of Buffalo to continue to issue serial bonds and notes at private sale.	Chapter 165
A. 9549	Pheffer Amato	Extends, for an additional five years, certain waivers for homes in Breezy Point damaged by Hurricane Sandy.	Chapter 135
A. 9670	Dais	Extends, until September 1, 2026, the provisions of Chapter 890 of the Laws of 1982 relating to the waiver of certain water and sewer charges for hospitals and charities in New York City.	Chapter 247
A. 9671	Braunstein	Extends certain provisions relating to the sale of New York City bonds and notes.	Chapter 139
A. 9919	Zinerman	Expands the number of community gardens exempt from payment for water usage and supply charges to all other than for profit community gardens licensed by or registered with the New York City Parks Department.	Chapter 493
A. 10060	Burgos	Amends the metes and bounds for the 2022 parkland alienation authorization for the Penn Station Access Project.	Chapter 255
A. 10208	Paulin	Amends the metes and bounds for the 2023 authorization for the City of White Plains to sell, lease, or dispose of the public parking garage.	Chapter 409

APPENDIX B

Bills that Passed Both Houses

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 10224-C	Simone	Amends the powers, duties, and jurisdiction of the Hudson River Park Trust to expand the allowable uses of Pier 76.	Chapter 211
A. 10400	Braunstein	Extends, until December 31, 2025, the provisions of the Coordinated Construction Act for Lower Manhattan.	Chapter 413
A. 10401	Braunstein	Extends the authorization for the New York City to award public contracts that also include private utility interference work, until December 31, 2025.	Chapter 591
A. 10543	Braunstein	Authorizes the New York City Department of Design and Construction to utilize alternative delivery methods and requires reporting about contracts utilizing such methods.	Chapter 534

APPENDIX C

Bills that Passed Just the Assembly

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
A. 2653-B	Anderson	This bill would allow commuter vans to accept street hails in certain New York City community districts until June 30, 2027 and require the New York City Taxi and Limousine Commission to establish a pilot program evaluating the impact of such program.	Passed Assembly