

NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CITIES

2004 ANNUAL REPORT

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I. INTRODUCTION

The Standing Committee on Cities is primarily responsible for the initiation and review of legislation affecting the State's 62 cities. The Committee's role in initiating and reporting legislation is primarily influenced by the Municipal Home Rule powers provided to cities under the provisions of Article IX of the New York State Constitution. Article IX describes and defines the powers, duties and limitations of local governments and the State Legislature in the enactment of laws affecting local governments. These "Home Rule" powers limit the Legislature's action to (a) general law, which applies uniformly to all local governments of equal size; (b) special law, on request by two-thirds of the membership of the local legislative body, or on request of its chief executive officer and concurred by a majority of the membership of the local government, i.e., a "Home Rule Message"; and (c) with two thirds of both houses concurring, action on a certificate of necessity from the Governor, which states that an emergency situation requires enactment of such law.

Bills referred to the Committee on Cities are those which would amend City Charters, including the New York City Charter, the Administrative Code of the City of New York, General City Law, Second Class City Law or the General Municipal Law. Bills that relate to cities and would amend general bodies of law such as the Public Health, Housing, Energy, Transportation, Education, Parkland, or Economic Development Laws may also be referred to the Cities Committee if they have specific or local applicability.

Bills referred to this Committee represent the interests and needs of many city departments and agencies, constituent, municipal unions and city-related interest groups such as the Conference of Mayors. Under the leadership of Assemblyman Scott Stringer, the Committee monitors the problems of cities and works closely with state and local representatives to develop solutions.

II. MAJOR ISSUES OF 2004

A. STATEWIDE SIGNIFICANCE

1. Homeland Security Funding for Urban Areas (A.8337- B Stringer; Reported to Committee on Ways and Means)

The USA Patriot Act authorized two federal grant programs for use by localities in preventing terrorism. The first grant program, providing population-based aid, is intended for general prevention needs, and the second source of grant funding, or Urban Area Security Initiative (UASI) grants, is directed to high-threat, high-density urban areas. The Governor is authorized to redirect as much as 20 percent of this UASI funding.

In 2003, Pataki took \$25 million out of the \$125 Million allocated to New York City to spend at his discretion. In 2004, the Governor could potentially reroute \$13 million out of the \$64 million allocated for Albany, Buffalo and New York City to other areas across the state. This year, New York City alone may lose as much as \$9.3 million from the Governor's redirection of funds. Additionally, the Governor has lobbied Congress to increase the cap on his discretionary use of the UASI high-risk funding.

This proposal would effectively deliver more dollars dedicated to high-risk urban areas in desperate need of financial assistance following September 11, 2001 by ensuring that UASI grant allocations are delivered specifically to the cities determined by the Department for Homeland Security to be at high risk for terrorism: Albany, Buffalo and New York City. It would do so by directing all federal grant monies awarded to the state of New York via UASI grants to be allocated to NYC, Buffalo and Albany in the following proportions respectively: seventy-five percent, fifteen percent and ten percent.

2. Light Emitting Diode Screens (A.9216- A Stringer; Reported to Committee on Rules)

In the fall of 2003, the Metropolitan Transportation Authority initiated a contract with Clear Channel Communications to install 100 light emitting diode (LED) screens at subway entrances throughout New York City. The screens utilize a technology that produces a high quality electronic image with luminance and color ranges brighter and more expansive than Liquid Crystal Displays (the technology currently found in lap tops, personal digital assistants and cell phones). Absent community notification or public comment, the signs have appeared in historic districts and, during the summer of 2004, at the site of the

World Trade Center. The signs flash around-the-clock advertisements and the unusually bright light produced by the signs are a dangerous distraction for drivers and often detracts from the character of otherwise charming, historic neighborhoods.

This bill would require a majority affirmative vote of the common council or the corresponding legislative body of a city before a city or public benefit corporation could post a light emitting diode (LED) screen on public property for the purpose of commercial advertising. "Public property" would be defined for the purposes of this bill as property owned by the city or public benefit corporation to which the public has access including, but not limited to, any highway, street, road, sidewalk, parking area or elevated train structure.

3. Bond Sales

Each year the Assembly & the Committee address financing issues for a host of municipalities, traditionally Buffalo, Yonkers and New York City. This year, the Cities Committee acted upon legislation regarding the City of Buffalo.

City of Buffalo

(A.9407- A Schimminger; Chapter 122 of the Laws of 2004)

This bill extends from June 30, 2004 through June 30, 2005 the authorization for the City of Buffalo to continue to issue serial bonds or notes at private sale, subject to the approval of the State Comptroller. The present law has given the City of Buffalo a valuable tool to provide expeditious funds for projects which require immediate attention. This extension will provide the City with additional flexibility to encounter any further financial needs within the next year.

City of Yonkers

(A.11065 Rules (Pretlow); Chapter 148 of the Laws of 2004)

This bill extends until June 30, 2005 the authorization for the city of Yonkers to issue serial bonds or notes at private sale, subject to the approval of the State Comptroller.

4. Emergency Financial Aid to Certain Cities

(A.9282 Hoyt; Chapter 30 of the Laws of 2004)

Constitutional taxing limits on the amount of revenue that can be raised by localities through the Real Property Tax (Article 8, Section 10 NY State Constitution) have caused a difficult financial hardship for the State's larger cities. As a result of rising pension and health care costs coupled with increased demand for services, several cities are dangerously close to reaching their

constitutional taxing limits.

Also known as "Overburden Aid" and originally passed in 1975, the additional assistance has become an important source of revenue for those cities that are close to reaching their constitutional taxing limits. The bill provides payment assistance to the cities of Buffalo, Rochester, Yonkers, Syracuse and Albany. State aid under this category was provided at the same levels as State Fiscal Year (SFY) 2003-04.¹

5. Heliports (A.910 Glick; Reported to Committee on Rules)

This bill responds to the development of rooftop helicopter landing decks, heliports, in Manhattan and to the concerns raised by community-based groups regarding the public safety threat posed by the landing decks. Previous helicopter crashes in such a densely-populated city have further provoked residents' disapproval of the landing decks.

The purpose of the bill is to limit the use and construction of new heliports in certain areas of a city. If enacted, the legislation would prohibit a heliport from being constructed or operated without first obtaining a valid city permit. It also would prohibit a heliport from being constructed or operated in a "densely populated or congested area", except for emergency medical purposes. If other uses were permitted, then the city would be required to keep public records of heliport use. A "densely populated or congested area" would be defined by the bill as a city block in which seventy-five hundred persons reside, or where seventy-five hundred persons were employed.

6. Easing the Impact of Zoning Variances on a Community (A.9271 Lopez; Reported to Committee on Codes)

This bill responds to the rezoning of industrial sites by the NYC Board of Standards and Appeals (BSA) for housing development. Such development has continued without consideration of the impact on the overall community or the ability of the existing community to accommodate or provide services for additional residents. This bill would provide Mayoral and city council oversight of variances granted by the BSA to ensure that necessary planning is completed.

This bill would provide a role for the New York City Planning Commission in the determination of a variance that would permit residential construction in an area zoned for manufacturing. Currently, a developer can appeal to the BSA

¹ Emergency Financial Aid Payments for SFY 2004-05 total \$26,474,000 and is distributed among the five cities in the following amounts: Albany - \$ 1,461,975; Buffalo - \$13,712,805; Rochester - \$5,642,685; Syracuse - \$2,430,533; and Yonkers - \$3,225,915.

for such a variance. The bill would allow the Planning Commission to file with the City Council an objection to a variance application on the grounds that the variance would alter the essential character of the locality. The Council would then have fifty days to review and to act on the variance during which time the Council would be required to hold a public hearing concerning the issue. If the Council could not produce an affirmative vote of a majority within the specified time frame, the variance would be considered denied. However, if within ten days of denial of the variance by the Council, the variance received Mayoral approval, such approval could be overridden by the Council in a 2/3 vote.

**7. Gateway National Recreational Area
(A.9767 Straniere; Chapter 124 of the Laws of 2004)**

This bill provides the United States Department of the Interior with an additional two years to expand the boundaries of Gateway National Recreational Area. The Gateway National Recreational Area plan focuses on the creation of urban park space. Gateway combines recreational facilities with educational programs in an organized effort to attract the population of the entire region the project intends to serve.

The process of assembling the scattered properties (situated in three of the City's counties and in New Jersey) that will ultimately comprise Gateway is not yet completed. In order to permit the Gateway project to take shape at a rate which permits the participation of the parties interested in the Area's ultimate success, this will extend the deadline for transfer of the properties still held by the State and City of New York which are to be included in the Gateway plan.

**8. Assisting the City of Peekskill
(A.10457- A Galef; Reported to Committee on Codes)**

This bill would authorize the city of Peekskill to establish, via local law, an administrative adjudication bureau for the purposes of handling all code and ordinance violations threatening public health, safety or welfare. The intention of the bill is to relieve the Peekskill city court system of processing code and ordinance violations.

B. IN REM LEGISLATION

Section 384 of the New York City Charter currently provides that real property of the city may only be sold at public auction. The in rem process is an exception to this law, intended to maintain single or dual family housing stock by allowing property owners who have lost their property through in rem foreclosure to redeem their property for the cost of the monies owed the city in unpaid property taxes.

According to Section 11-424 and 11-424.1 of the Administrative Code of the City of New York, the city may release its interest in property acquired through non-payment of taxes, if an application for such release is filed with the City's Department of General Services within two years of the date on which the city's deed is recorded, and if such application is approved by the city's In Rem Foreclosure Release Board.

Once the two year period has elapsed, State legislation is necessary for the process to become effective. The in rem process allows the former property owner to reclaim said property without a competitive bid process or by auction. Each year the Cities Committee considers the in rem bills proposed in the Assembly.

Brooklyn

(A.8433- A Rules (Gordon); Chapter 465 of the Laws of 2004)

Chapter 341 of the Laws of 2002 authorized the In Rem Foreclosure Release Board to reconvey a parcel of property to Richard Brothwell, the former owner of such property. This amendment authorizes the In Rem Foreclosure Release Board to reconvey, instead, lots 20 and 22 in tax block 3868 to Carol Ajoku, the sole surviving heir of Richard Brothwell.

(A.9723 Robinson; Chapter 443 of the Laws of 2004)

This measure authorizes the In Rem Foreclosure Release Board of the City of New York to reconvey the real property designated as Lot No. 49 in tax block 1251 to Henrietta Wood, the former owner of such property, provided all back taxes, interest, penalties and related costs are paid.

(A.10879 Rules (Brennan); Chapter 179 of the Laws of 2004)

This measure authorizes the In Rem Foreclosure Release Board of the City of New York, borough of Brooklyn, to reconvey the real property designated as

Block No. 6046, Lot No. 9, to Martin and Annette Lee, the former owners of such property, provided all back taxes, interest, penalties and related costs are paid.

Manhattan

(A.8701- A Rules (Farrell); Chapter 531 of the Laws of 2004)

This bill authorizes the In Rem Foreclosure Release Board of the City of New York, borough of Manhattan, to reconvey the real property designated as Lot No. 43 in tax block 2068 to Gus Jenkins, the former owner of such property, provided all back taxes, interest, penalties and related costs are paid.

Queens

(A.9413- A Norman; Chapter 441 of the Laws of 2004)

This bill authorizes the In Rem Foreclosure Release Board of the City of New York, borough of Queens, to reconvey the real property designated as Lot No. 36 in tax block 4802 to Doreen Harris, the former owner of such property, provided all back taxes, interest, penalties and related costs are paid.

(A.9678 Titus; Chapter 267 of the Laws of 2004)

This measure authorizes the In Rem Foreclosure Release Board of the City of New York to reconvey the real property designated as Lot No. 38 in tax block 11820 to Bernadette C. Ernst, the former owner of such property, provided all back taxes, interest, penalties and related costs are paid.

(A.10485 Clark; Chapter 329 of the Laws of 2004)

This measure authorizes the In Rem Foreclosure Release Board of the City of New York, borough of Queens, to reconvey the real property designated as Block No. 10950, Lot No. 161, to the Tiberian Baptist Church, the former owner of such property, provided all back taxes, interest, penalties and related costs are paid.

C. NEW YORK CITY LEGISLATION

The Committee addresses a host of issues ranging from economic development programs to consumer protection.

1. New York City Disabled Veteran Street Vendor Legislation

2004 Extender

(A.9889 Sanders; Chapter 11 of the Laws of 2004)

Since 1894, New York State Statute has granted disabled American veterans a blanket exemption from any municipal law limiting hawking or peddling. The objective was to assist wounded war veterans.

Since 1990, the Legislature has made several attempts to uphold the original provisions of the legislation while recognizing the increasing problems of congestion and illegal sidewalk vending in New York City. In 1991, the Legislature began to allow for regulation of disabled veteran vendors in New York City exclusively. The Legislature established a system in 1995 to regulate vending in a particularly crowded portion of midtown Manhattan. The system also designated certain streets within the four other boroughs of the city where veterans would have the exclusive right to vend. The legislature succeeded in striking a balance between restricting vending on crowded streets and recognizing disabled veterans for the sacrifices they made for their country by giving veterans the advantage of vending in areas otherwise restricted to other vendors.

This year, the Legislature amended and made permanent the provisions regulating disabled veteran vendors in New York City. The legislation authorizes an additional forty-five disabled veterans to vend within the Midtown Manhattan core and increases from one to two the number of disabled veterans authorized to vend on a block face in streets where disabled veterans are authorized to vend but where the City otherwise prohibits general vending. The legislation also includes several clarifying measures to better protect the interests and rights of the veterans, including language regarding the placement of vending carts, while acknowledging the safety concerns posed by overly crowded sidewalks and streets. The legislation authorizes a one-time legacy transfer of a disabled veteran vending license to a spouse, adult child or to the guardian of a dependent child. It also includes special provisions to ensure that if the City lifts current restrictions on general vending in certain parts of the City, disabled veteran vendors will no longer be restricted from vending in those areas.

Out of respect for the lives lost on September 11, 2001, the legislation prohibits all sidewalk-vending on the streets surrounding and adjacent to the former World Trade Center site.

**Identification of Disabled Veteran Vendors
(A.11539 Rules (Tocci); Passed Assembly)**

Due to the street vending privileges reserved for disabled veterans, there has been growing concern that other street vendors would attempt to pose as disabled veterans. Currently, disabled veteran vendors do not have an established method by which to identify themselves beyond their license. This bill would provide a means for identifying disabled veteran vendors on the streets of New York City.

This measure would require the disabled veteran vendor advisory committee, in consultation with the New York City Department of Consumer Affairs, to design, create and distribute a universal flag to identify disabled veterans who were vending with a specialized vending license. The flag could not exceed thirty inches by forty inches and flagpoles would be restricted to eight feet in height. The flag could be displayed by a disabled veteran street vendor authorized to hold a specialized vending license, as issued pursuant to Section 35-a of the General Business Law. The flag would alert the general public that they were purchasing merchandise from a licensed disabled veteran.

**2. The Relocation Employment Assistance Program (REAP)
(A.11459 Silver; Chapter 143 of the Laws of 2004)**

This bill would extend until 2008 and expand the Relocation Employment Assistance Program (REAP). The program was established to encourage businesses to relocate from outside of New York City (NYC) by providing a business with income tax credits based on the number of jobs connected its relocation. The credits are available for up to twelve years. Eligible areas in the existing program include the four outer boroughs and Manhattan north of 96th Street. Program eligibility requirements include conditions related to a firm's operations prior to relocation and improvements made to the premises to which the firm is relocating.

The REAP expansion measures contained in this bill would consider eligible those companies who rely predominantly on internet sales. The bill would create a third alternative under which businesses could meet the improvement/investment requirements. The eligibility alternative would be conditioned upon an investment of at least \$25 per square foot to the premises to which a business relocated and a minimum 3-year lease agreement. A cap on benefits would be calculated as the greater of twice the number of employees

maintained before moving into the REAP eligible area or 100. The bill would expand the time period from 4 to 6 years in which the number of eligible qualified jobs could be determined for the purposes of calculating the REAP benefit. The bill would allow portability to a REAP-eligible business moving from one REAP-eligible area to another without altering its eligibility status.

To assist in post-September 11 revitalization efforts of the Lower Manhattan area, the bill would create a new, comparable program for the area in Manhattan south of Houston Street, the boundaries for which combine both the Liberty and Resurgence Zones, to be known as the Lower Manhattan Relocation Employment Assistance Program (LMREAP). Under LMREAP, any business that had been in operation outside of New York City for at least 2 years and had not had a presence within the city since January 1, 2002, would be considered eligible for the benefit provided by the program. Similar to existing REAP, LMREAP would provide an enhanced \$3000 credit per employee. In an effort to discourage businesses from moving out of Lower Manhattan, the Mayor of New York would be provided discretion as to whether a Lower Manhattan-based business that relocated more than 100 employees out of Lower Manhattan to another part of the city would be eligible to receive the REAP benefit. The Mayor could exercise such discretion if he or she determined that it were in the best interest of the city.

3. Rebuilding Lower Manhattan

The Coordinated Construction Act of Lower Manhattan (A.11700 Rules (Silver); Chapter 259 of the Laws of 2004)

In recognition of the damage suffered by Lower Manhattan after the 2001 attack on the World Trade Center and the concerted effort of the State and the City to see the redevelopment of Lower Manhattan completed, the Committee reported legislation that will assist both parties in the reconstruction effort. The legislation allows City agencies to compile a list of a minimum of five pre-qualified bidders; previously, this authority was held only by State agencies. The list must be updated annually and bidders must meet certain qualifying criteria outlined in the bill which includes the requirement that the bidder have a positive history of protecting the health and safety of workers. Qualified bidders also must demonstrate a commitment to working with minority- and women-owned businesses. In addition, contracts over \$1 million may be awarded only to bidders who offer a skilled apprenticeship program.

In order to facilitate timely and cost effective redevelopment construction in Lower Manhattan, this act will allow city agencies to jointly bid with utility and telecommunication companies on infrastructure repair projects. In an effort to cause the least environmental harm in the redevelopment process, all non-road

vehicles used on redevelopment projects will be required to use ultra-low sulfur diesel fuel. Also, City public agencies will be allowed to purchase supplies cooperatively.

**The Coordinated Construction Act; Technical Amendments
(A.11716- A Rules (Silver); Chapter 231 of the Laws of 2004)**

This bill amends A.11700 in relation to the fuel used by construction vehicles for Lower Manhattan redevelopment projects. The bill more particularly defines “ultra-low sulfur diesel fuel,” a “nonroad engine,” and a “nonroad vehicle,” so that the construction vehicle standards are at least as stringent as those already in place for the City of New York. It also includes the Metropolitan Transportation Authority and the Port Authority of New York and New Jersey within the definition of a “public agency” to ensure that environmental standards are upheld by all parties involved in the redevelopment of Lower Manhattan.

**4. Hospital and Charities Exemption from Water Charges
(A.10914 Rules (Silver); Chapter 404 of the Laws of 2004)**

This bill amends Chapter 510 of the laws of 2002, which would have expired September 1, 2004, and extends its provisions through September 1, 2006. Since 1887, the City of New York has assisted in reducing the financial obligations incurred for water usage by charitable institutions and hospitals. This act will continue the reduction in water rates charged to charities, hospitals, and certain educational institutions operating in the City of New York. Hospitals and/or charitable organizations whose water usage costs less than \$5,000 will continue to pay no water charges. Those institutions using more than \$5,000 in water, but less than \$10,000, will continue to pay only 50 percent of their water charges. Any institution whose water usage is over \$10,000 will continue to be financially responsible for the total amount due of their water charges. These amounts adjust upwards concurrent with water rate increases.

**5. Consumer Protection
(A.5141 Perry; Reported to Committee on Ways and Means)**

In an effort to allow New York City residents additional time to challenge billing errors in their favor, this bill would prohibit the New York City Water Board from reducing the time frame for consumers to challenge water bills or receive refunds when previous billing errors are discovered in favor of the consumer. It would require the water board to provide refunds for up to six years; the current limit is four years.

6. Debt Financing

In 1978, the Legislature enacted various provisions of the State Financial Emergency Act to respond to the financial crisis existing in New York City and to improve marketability of City obligations by authorizing their sale on terms consistent with current market practices. Certain of these provisions contained sunset provisions, and in 1982, the Legislature extended certain sunset provisions and introduced other changes necessary for the continued successful marketing of City obligations. Some of these changes were applicable to not only the City, but to other municipal issues as well. Since 1986, the Legislature has extended these provisions annually. This network of legislation has been instrumental in the City's fiscal recovery and in enabling the City to continue to sell its obligations competitively and efficiently in the public credit markets.

(A.11370- A Rules (Farrell); Chapter 142 of the Laws of 2004)

This bill extends for one year (until 2005) New York City's authority to issue bonds and notes with variable interest rates. For purposes of calculating present value savings in a refunding transaction, this legislation authorizes that the interest payments on variable rate bonds may be the fixed rate payable by the City in a related interest rate exchange agreement, if any, or as found by the Finance Board of the City of New York. In the case of the refunding of variable rate bonds with variable rate bonds, present value savings would not need to be demonstrated if so determined by the Finance Board.

(A.11371 Rules (Farrell); Chapter 126 of the Laws of 2004)

This bill extends, for an additional year (from June 30, 2004 to June 30, 2005), NYC's authority to issue bonds and notes at private sale, subject to the approval of the State Comptroller.

**7. Protecting Outdoor Produce Displays from Pesticides
(A.4568- A Stringer; Reported to Committee on Rules)**

This bill would aim to reduce the exposure of New York City residents to pesticides by prohibiting outdoor sidewalk display of fruits and vegetables at produce markets during pesticide application to repel West Nile Virus. A shop owner would be required to cover or remove any produce from an outdoor sidewalk display during all pesticide applications. The removal or covering of produce would be required within a one-mile radius of any area in which pesticide application were scheduled to occur.

**8. Emergency lighting in residential dwellings
(A.11536 Rules (Sanders); Reported to Committee on Ways and Means)**

The blackout of August 2003 brought to light the need for emergency lighting in NYC apartment buildings and dormitories. In order to ensure the safety of tenants in multiple dwellings and dormitories during a blackout, the bill would require emergency lighting be installed in apartment buildings and dormitories within New York City. The legislation would bring these buildings into conformity with all other residential facilities throughout the city.

9. Community Boards

(A.3828 Millman; Reported to Committee on Ways and Means)

This bill would permit any City of New York Community Board to require a search be made, free of charge, for records or documents of the Attorney General, Commissioner of Taxation & Finance, the Public Service Commission, the Chairman of the State Labor Relations Board, the Chairman of the State Liquor Authority, the Commissioner of Housing and Community Renewal, etc., or a county clerk or the clerk of a court of record.

10. Tenant Protections

(A.5810 Wright; Reported to Calendar)

This bill would require the Human Resources Administration (HRA) to send a receipt of each rent payment made on behalf of tenants receiving public assistance. This bill also requires that such receipt be mailed within fifteen days. The measure responds to the many cases whereby tenants, whose rent is paid by HRA, are summoned to landlord/tenant court for non-payment of rent. Currently, a tenant is not informed of when HRA makes payments to the landlord.

(A.981 (Lopez); Reported to Committee on Rules)

This measure seeks to promote compliance with current city requirements while ensuring the safety of young children. Specifically, the bill would require the New York City Department of Health to develop a program to educate the community of the risks to children residing in multiple dwellings that do not have window guards installed. Additionally, the proposal would increase the civil and criminal penalties for failing to install window guards.

11. Building Code Enforcement

(A.8117 Rules (Stringer); Reported to Committee Ways and Means)

This measure would strengthen building code enforcement for multiple dwellings in New York City. The bill would require inspectors of the building department to record all building violations and to notify the appropriate agencies regarding any hazardous conditions not within the inspector's jurisdiction. Tenants could petition the Department for an inspection and the inspector would

be required to provide all tenants with a copy of the report of violations. The Department of Buildings also would be required to devise a system of random checks to determine if violations had been remedied. These responsibilities would be shared by the Department of Buildings and the Department of Housing Preservation and Development.

In addition, this bill would create the temporary New York City Housing Oversight Commission to oversee building code enforcement efforts. The Commission would report its activities and goals to the City Council and to the Mayor both monthly and annually. The Commission also could make recommendations to the appropriate agencies.

**12. Ensuring sanitary conditions in New York City beauty parlors
(A.5809- A Wright; Reported to Committee on Codes)**

Over the past ten years the number of beauty salons, barber shops and nail salons has risen notably. This growth has been accompanied by a growing concern that appropriate sanitary conditions are maintained within these parlors so as to reduce the incidence of health hazards posed to the public. This bill would require all appearance enhancement businesses to adhere to New York City Department of Health rules and regulations in addition to the rules and regulations promulgated by the Department of State. An “appearance enhancement business” is defined by the General Business Law (GBS) as any business that provides any of the services licensed pursuant to Article 27 of the GBS which include nail specialty, natural hair styling, esthetics, and cosmetology.

**13. Tolls and Charges on the East River Bridges
(A.7396 Nolan; Reported to Committee on Ways and Means)**

Previously, the mayor of the City of New York (NYC) proposed to place tolls on the East River Bridges after transferring them to the Triborough Bridge and Tunnel Authority (TBTA). This bill would ensure that any revenues generated from the imposition of tolls on the East River bridges were dedicated exclusively to transportation uses within NYC. TBTA authority extends throughout the greater metropolitan area. Specifically, this bill would direct toward NYC transportation purposes any and all revenue generated from the imposition of tolls on the following four East River Bridges: Brooklyn, Williamsburg, Manhattan and Queensboro. In the event any or all of the bridges were conveyed, it would be required that the deed of conveyance contain language ensuring that the revenues from such tolls would be used exclusively for NYC transportation purposes.

14. Death benefits for NYC police cadet corps killed on September 11, 2001

(A.7933- A Rules (Carrozza); Reported to Committee on Ways and Means)

This measure would require the Mayor of New York City (NYC) to make awards to the spouses or domestic partners of members of the New York City police department cadet corps killed while responding to the terrorist attack on the World Trade Center on September 11, 2001. If there were no spouse or domestic partner, such award would be made to the cadet's surviving minor child or children or dependent mother father or any other dependents. Currently, the NYC Administrative Code is silent on the provision of awards to cadets and/or their families. Such award would be determined by the mayor, but would in no case be greater than the annual compensation of such cadet.

D. CHARTER REVISION

1. Charter Revision Commission (A.8828 Stringer; Passed Assembly)

This bill would require the Mayor of NYC, in making selections to the charter revision commission, to include the nominations offered by the following individuals/groups: the comptroller, the public advocate, the borough presidents acting together, and one nomination from each of the borough delegations to the city council. The individuals who would be prohibited from serving on such commission would include: officers of a political party, registered lobbyists, or any employee of a lobbyist.

The commission, if created after the 15th of February of any year, would be prohibited from placing proposals on the ballot until the next calendar year unless the proposals were first approved by the local legislative body no less than 90 days before the general election. Proposals recommended by the commission that would make specific changes to the City's charter would be identified separately on the ballot, to the extent possible.

2. Questions submitted to qualified electors (A.6116 (Kaufman); Reported to Committee on Ways and Means)

In 1961, the Legislature made several amendments to the Municipal Home Rule Law, among which was the determination that a mayor-created Charter Commission ballot proposal preempts voter consideration of any other referendum. This provision provided mayors with the exclusive "right of way" for a mayor-created charter commission, over all other methods of charter revision.

This bill would prevent a mayoral charter revision commission from "bumping" ballot proposals offered by a charter revision commission created by a city's local legislative body thereby ensuring consideration of proposals offered by elected officials other than the mayor.

3. Confidentiality of information obtained by city employees (A.7449 (McLaughlin); Passed Assembly)

This bill would aim to prevent the unnecessary disclosure of personal and confidential employee information. The bill defines confidential information as any information pertaining to an employee's health or disability status, income tax records, sexual orientation, status as a crime victim or witness, public

assistance status, immigration status, or any other information protected by federal, state or local law.

If enacted, a city agency would be prohibited from disclosing such confidential employee information except under certain circumstances. A city officer or employee would be prohibited from making inquiries regarding confidential information to any individual applying or receiving any service or benefit unless the disclosure of such information were specifically required by federal or state law as a condition of providing the service or benefit. Further, a city officer or employee would be prohibited from requesting information regarding the immigration status of an individual applying for any service or benefit, unless such information were required by Federal or State law. Each city agency would be required to designate an officer with the authority to release employee confidential information, which could not be released without prior written approval of the agency's designated officer.

E. PARKLAND ALIENATION

The issue of parkland alienation, or the conversion of parkland for other purposes is of great concern to the Committee. Case law has determined that any use of public parkland for non-parkland purposes be authorized by the New York State Legislature. As a result, the Cities Committee examines and analyzes all public parkland alienations for the State's 62 cities.

Prior to consideration, all proposed parkland alienation legislation is examined carefully to ensure that it upholds the Committee's ongoing efforts to protect the public trust and to adhere to the Assembly's longstanding policy of preserving open spaces. The proposals discussed here met the Committee's criteria for parkland alienation and were reported.

City of Corning

(A.10202- B (Bacalles); Chapter 601 of the Laws of 2004)

This bill authorizes the city of Corning to sell and to convey to Corning Incorporated certain city park lands described in section three of the act. The authorization provided by this act is subject to the requirement that the city of Corning dedicate an amount equal to or greater than the fair market value of the park lands being conveyed by this act toward the acquisition of additional park lands and/or capital improvements to existing park and recreational facilities. The conveyance of the park lands is subject to three conditions: 1) Corning Incorporated is required to operate the lands described in section three as public park lands in perpetuity; 2) if Corning Incorporated ceased to permit public access to such park lands, title would revert immediately to the city of Corning; and 3) Corning Incorporated may not transfer ownership of the park lands to any other party without prior written approval of the city. The authorization provided by this act also requires the city to comply with any federal requirements pertaining to the alienation or conversion of park lands.

New York City

(A.9417- A Weprin; Chapter 682 of the Laws of 2004)

This bill authorizes the city of New York to discontinue the use of certain lands as park lands which are no longer needed for park purposes and to convey such lands to Yeshiva Har Torah for purposes of providing access for school buses, sewer connections, and a playground in connection with the

development of a school. The authorization provided by this bill is effective only upon the condition that the City acquire additional park lands of equal or greater fair market value and/or perform capital improvements to existing park and recreational facilities which are equal to or greater than the fair market value of those lands conveyed by this act. In addition, the City is required to comply with any federal requirements pertaining to the alienation or conversion of park lands and the approval of the Secretary of the Interior.

(A.11375 Rules (Cohen); Chapter 621 of the Laws of 2004)

This bill authorizes the city of New York to discontinue the use of certain lands as park lands and to use such lands for other public purposes of the City. The authorization provided by this bill is effective only upon the condition that the City dedicate as park land the lands described in section four of this act. In the event the lands described in section four are not of equal or greater fair market value than the lands to be discontinued, the City shall dedicate the difference toward the acquisition of additional park land and/or toward capital improvements to existing park and recreational facilities.

(A.11662 Rules (Silver); Chapter 312 of the Laws of 2004)

This bill would authorize the City of New York to discontinue park use and to grant easements to New York City Transit Authority (NYCTA) over certain park property in Peter Minuit Plaza and Battery Park for the South Ferry Terminal Project. The authorization provided by this act would be effective only upon the condition that the City acquire park lands of equal or greater fair market value and/or perform capital improvements to existing park and recreational facilities that are equal or greater than the fair market value of the park lands to be discontinued and the easement interests granted to NYCTA.

(A.11679 Rules (Powell); Chapter 543 of the Laws of 2004)

This bill authorizes the city of New York to discontinue temporarily the park lands described in section three of this act for the purposes related to construction of the Second Avenue Subway of the New York City Transit Authority. Upon the completion of the construction, the Metropolitan Transportation Authority is required to restore the surface of the park lands described in section three and to plant new trees in the park land. This bill ensures that the authorization provided by this act may not occur without the acquisition of additional park land or the performance of capital improvements of equal or greater fair market value to existing park lands by the NYC.

City of Poughkeepsie

(A.11615 Rules (Kirwan); Chapter 335 of the Laws of 2004)

This bill authorizes the city of Poughkeepsie to discontinue and to convey the waterfront park lands described in section three of the act. The authorization provided by this bill is effective only upon the condition that the City dedicate an amount equal to or greater than the park land being conveyed toward the acquisition of additional waterfront park land and/or capital improvements to existing waterfront park land.

(A.11781- A Rules (Winner); Chapter 457 of the Laws of 2004)

This bill authorizes the city of Elmira to discontinue certain park lands and to convey those lands to the John W. Jones Museum. The authorization provided by this act is subject to the requirement that the City dedicate an amount equal to or greater than the fair market value of the park lands to be discontinued by this act toward the acquisition of new park lands and/or capital improvements to existing park and recreational facilities. The City is required to comply with any federal requirements pertaining to the alienation of conversion of park lands.

III. THE COMMITTEE AND THE COMMUNITY

In continuation of its efforts to uphold a public process that responds to community involvement and input, the Committee participated in several hearings this year of local importance.

New York City Firehouse Closures

In May 2003, New York City (NYC) closed six firehouses as a result of budget constraints: Greenpoint, Bedford-Stuyvesant, Astoria, Harlem, Sunset Park and Cobble Hill. The closures generated tremendous unrest among the community residents directly affected and across the City. After an overwhelming response from the community, the Committee, in conjunction with the Committee on Oversight, Analysis and Investigation and the Committee on Codes, initiated an investigation into the reasoning behind the firehouse closings. During the hearings, the Committees heard from community members, fire department officials and advocates. One of the more pressing concerns repeatedly voiced by city residents was the inevitable increase in emergency response times and the threat it posed to public safety. The question of why the firehouses were closed was raised repeatedly, but an answer failed to materialize. Although absent at the first hearing, NYC Fire Commissioner Nicholas Scoppetta did testify at a second Assembly hearing, but offered no promises of reopening the closed firehouses. The Committees will continue to petition both the Mayor of NYC and the Commissioner to reopen the firehouses.

Economic Contributions of New York City's Cultural Institutions

During the city summits held last year, the Cities Committee was presented with several accounts regarding the strong and active partnerships being developed between cities and arts organizations. It is without question that NYC is home to some of the best and most significant cultural organizations in the world and it came to the Committee's attention that there exists a mutually beneficial relationship between these organizations and the cities that house them. The Committee decided to join forces with the Committee on Tourism, Arts and Sports Development, in order to further explore this concept at a formal hearing. The hearing received a tremendous response from representatives of theaters, museums, performance halls and arts organizations. Witnesses testified to the economic benefits reaped from the tourism generated by their presence in the city. Certain institutions also highlighted their investments made in the community through educational

programs. The Committee also heard suggestions on possible legislation and on strengthening the partnerships between government and arts organizations.

West Side Development Proposal: Javits Center Expansion and Jets Stadium

Since the Governor first submitted his proposal to the Legislature, questions surrounding the redevelopment of Manhattan's west side redevelopment have sparked heated debate and an ever-increasing interest among city residents. In an effort to find answers to some of their concerns, the Committee joined with the Committee on Corporations, Authorities and Commissions, and the Committee on Tourism, Arts and Sports Development in New York City to address the issue formally. The Committee chairs sought better explanation regarding the proposal's impact on the community, city planning measures to be considered, the financing mechanism supporting the project and the oversight and approval processes for the project. Richard Gottfried, Chair, Committee on Health, also was present. Attendance at the hearing was overwhelming, representing both proponents and opponents of the redevelopment proposal. New York City officials, various city organizations and union representatives were present to voice their support or opposition to the plan.

IV. OUTLOOK FOR 2005

During the next Legislative session, the Committee hopes to promote the reform proposals of the City Summits report. It will continue to work with cities statewide to implement effective policy measures and to seek comprehensive solutions intended to help urban areas revitalize from within and to return to the strong and thriving cities of before. The Committee will continue to oversee measures related to city uses of park land and New York City In Rem property proceedings. It will continue to assist other Assembly committees to ensure that city residents are protected, their concerns addressed in public forum and that their needs are met to the best of the State's ability.

APPENDIX A

2004 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	42	0	42
To Floor	2	0	2
To Ways and Means	32	0	32
To Codes	5	0	5
To Rules	3	0	3
To Judiciary	0	0	0
Bills Having Enacting Clauses Stricken	2	0	2
Bills Having Committee Referenced Changed	2	1	3
Senate Bills Substituted Or Recalled		10	10
Bills Never Reported, Died In Committee	100	7	107
Total in Committee	146	18	164
TOTAL NUMBER OF MEETINGS HELD			8

APPENDIX B

CHAPTER LAWS OF 2004

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.8433- A	Rules (Gordon)	AN ACT to amend chapter 341 of the laws of 2002, relating to authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn and in relation to identifying the correct former owner of such real property as Carol Ajoku	465
A.8701- A	Rules (Farrell)	AN ACT authorizing the city of New York to reconvey title of certain property to Gus Jenkins	531
A.9282	Hoyt	AN ACT to amend the state finance law, in relation to payment of emergency financial aid; and to amend chapter 396 of the laws of 1975 amending the state finance law relating to providing emergency financial aid to certain cities, in relation to the duration of such aid	30
A.9407- A	Schimminger	AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of Buffalo	122
A.9413- A	Norman	AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn to former owner Doreen Harris	441
A.9417- A	Weprin	AN ACT authorizing the city of New York to sell and convey certain property to Yeshiva Har Torah	682
A.9678	Titus	AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owner Bernadette C. Ernst	267
A.9723	Robinson	AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn to Henrietta Wood	443

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.9767	Straniere	AN ACT to amend chapter 759 of the laws of 1973 relating to the transfer of lands to the United States for the establishment of the Gateway National Recreational Area, in relation to the time period in which lands may be conveyed	124
A.9889	Sanders	AN ACT to amend the general business law, in relation to veteran vendors in cities having a population of one million or more	11
A.10202-B	Bacalles	AN ACT authorizing the city of Corning to convey certain parklands	601
A.10485	Clark	AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owner Tiberian Baptist Church	329
A.10879	Rules (Brennan)	AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn to former owners Martin Lee and Annette Lee	179
A.10914	Rules (Silver)	AN ACT to amend the chapter 890 of the laws of 1982, relating to the establishment of certain water charges for hospitals and charities in New York City, in relation to extending the effectiveness of such chapter for an additional two years	404
A.11065	Rules (Pretlow)	AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of Yonkers	148
A.11370-A	Rules (Farrell)	AN ACT to amend the local finance law, in relation to interest rate exchange agreements of the city of New York and refunding bonds of such city and providing for the repeal of certain provisions thereof	142

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.11371	Rules (Farrell)	AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds and down payment for projects financed by bonds; and to amend the New York State financial emergency act for the city of New York, in relation to a pledge and agreement of the state	126
A.11459	Rules (Silver)	AN ACT to amend the general city law, chapter 772 of the laws of 1966, relating to enabling any city having a population of one million or more to raise tax revenue, and the administrative code of the city of New York, in relation to tax credits authorized under the relocation and employment assistance program and credits available in Lower Manhattan	143
A.11615- B	Rules (Kirwan)	AN ACT authorizing the city of Poughkeepsie to discontinue and convey certain lands for waterfront parkland and commercial development	335
A.11662	Rules (Silver)	AN ACT to authorize the city of New York to discontinue the use as parkland of a portion of real property in the borough of Manhattan and to use such property and adjacent property under the jurisdiction of the New York City department of transportation for the construction of a new subway tunnel approach and a reconstructed South Ferry subway station on the Seventh Avenue subway line	312
A.11679	Rules (Powell)	AN ACT to authorize the city of New York to temporarily discontinue certain park land in the county of New York	259
A.11700	Rules (Silver)	AN ACT in relation to enacting the Coordinated Construction Act for Lower Manhattan	259
A.11716- A	Rules (Silver)	AN ACT to amend chapter 259 of the laws of 2004, in relation to fuel used to power vehicles used on Lower Manhattan redevelopment projects, making technical changes thereto and relating to the effectiveness of the provisions of such chapter	231
A.11781- A	Rules (Winner)	AN ACT to authorize the city of Elmira to discontinue the use of certain lands as parklands	457

