



Legislative Update

November 16, 2016

The 2016 State Legislative Session came to a close on June 18 with a total of 618 bills approved by both the Senate and Assembly. The following summary will provide you with the status of those bills that passed both houses and are of importance to cities and villages. Please keep in mind that there is still time to weigh-in on bills which have not yet been acted upon by the Governor. Once a bill is delivered to the Governor, he has 10 days (excluding Sunday) to sign or veto the bill. Letters of support or opposition on a particular bill should be sent to the Governor's Counsel Alphonso David via fax (518-486-9652) or email (legislative.secretary@exec.ny.gov).

ENACTED

Zombie Properties – NYCOM Supported

Imposes a responsibility on banks, lenders, and mortgagees to maintain properties that are mortgage delinquent and which have been abandoned by the owners. In addition, establishes a statewide registry to which lenders, assignees and mortgage service providers are required to submit information regarding any vacant and abandoned mortgage delinquent property. The New York State Department of Financial Services will maintain the registry, and local governments officials will be able to contact the Department of Financial Services to obtain information about vacant and abandoned properties within their jurisdictions. Also establishes an expedited foreclosure process that allows lenders, assignees and mortgage service providers to access a truncated foreclosure process for vacant and abandoned properties. Although the legislation preempts local governments from imposing property maintenance obligations on pre-foreclosure mortgagees that are subject to this legislation and from requiring such mortgagees to register with the local government, it does not preempt local governments from imposing and enforcing property maintenance laws against property owners, including banks that own properties. Moreover, this legislation does not preempt local governments from establishing vacant property registries that require property owners, including banks that own properties, to register those properties with the municipality when the property becomes vacant. (A comprehensive outline and summary of this law is available on the NYCOM website.)
(Chapter 73, effective December 20, 2016)

Military Service Credit Law Expansion – NYCOM Opposed

Allows all military personnel, irrespective of whether or not they served during active wartime, the option to buy up to three years of service credit in the state's public retirement systems for the time they served in the military. ERS costs will be entirely paid for by the State. PFRS will be shared by the employer. The law includes an appropriation of \$24.8 million which is intended to cover the first year's costs, although we believe the State share will exceed that amount.

(Chapter 41, effective May 31, 2016)

Private Activity Bond Cap – NYCOM Supported

Ensures the continuation of an orderly and efficient tax-exempt, private activity bond allocation process for State and local issuers by extending such process for an additional two years to July 1, 2017. In addition, the legislation requires more transparency about how much volume cap is recaptured or carried forward.

(Chapter 82, effective June 30, 2016)

PPU for Intangible Assets – NYCOM Supported

Provides a period of probable usefulness (PPU) of five years for intangible assets classified as capital assets under generally accepted accounting principles and determined to have a useful life of at least five years by an appropriate engineering or other professional. This will cover items such as computer software, software licenses and patents.

(Chapter 309, effective September 9, 2016)

Paid Leave for Prostate Cancer Screening (NYC) – No Position

Amends the Civil Service Law to include NYC public employees under the provisions of Civil Service Law Section 159-c which grants up to 4 hours of paid excused leave for prostate cancer screenings. These provisions already apply to all other public employees.

(Chapter 96, effective July 21, 2016)

Paid Leave for Breast Cancer Screening (NYC) – No Position

Amends the Civil Service Law to include NYC public employees under the provisions of Civil Service Law Section 159-b which grants up to 4 hours of paid excused leave for breast cancer screenings. These provisions already apply to all other public employees. This bill also eliminates cost-sharing for screening and diagnostic imaging procedures used to detect breast cancer.

(Chapter 74, effective September 25, 2016. The cost sharing provision is effective January 1, 2017.)

Establishing Police and Fire Retirement Options – No Position

Amends the Retirement and Social Security Law to allow certain members the ability to establish Tier 5 benefits. Specifically, newly hired police officers and firefighters who initially enrolled in the NYS Retirement System between July 1, 2009 and January 1, 2010, would have the ability to opt into Tier 5.

(Chapter 263, effective August 19, 2016)

Renaming the Position of Acting Justice to Associate Justice – No Position

Renames the position of acting justice to associate justice. This legislation would not change the powers, duties or responsibilities of the justice or the acting justice.

(Chapter 259, effective August 19, 2016)

Authorization for Land Banks to Form Subsidiaries – NYCOM Supported

Amends Not-For-Profit Corporation Law § 1607 to allow land banks to form subsidiaries to hold title to real property in order to protect the land bank from potential liability. Land bank subsidiaries would have to make all reports required of local public authorities, but would not be able to issue bonds, notes or other debt, except to their parent land bank.

(Chapter 338, effective September 29, 2016)

Prohibition of Advertising of Illegal Short-Term Rentals – No Position

Amends the Multiple Dwelling Law to prohibit the advertising of short-term rentals (fewer than 30 days) of residences in multiple dwellings (three or more family units). The Multiple Dwelling Law applies to cities with 325,000 residents or more. In addition, any city, village or town will have the ability to adopt a local law applying the provisions of the Multiple Dwelling Law to their jurisdiction.

(Chapter 396, effective October 21, 2016)

VFBL and VAWBL Benefit Increase – NYCOM Opposed

Increases the benefits afforded to volunteer firefighters who sustain a total permanent disability. Although the sponsor’s memorandum fails to mention this, NYCOM believes that the insurance premiums would increase as a result of this legislation.

(Chapter 401, effective January 1, 2016)

Exemption for Land Banks from Special Ad Valorem Levies and Special Assessments – NYCOM Supported

Exempts properties held by a land bank from ad valorem levies and special assessments. Currently, land bank properties are exempt from real property taxes, but they are not exempt from special ad valorem levies and special assessments. These special assessments can cost land banks with large inventories of properties hundreds of thousands of dollars per year. Exempting land banks from these levies and assessments would allow them to devote more resources to their core mission of rehabilitating properties and neighborhoods.

(Chapter 441, effective November 14, 2016)

VETOED

Referral of Annexations to the County for Review – NYCOM Opposed

Would subject annexation petitions to the county planning department review process set forth in General Municipal Law § 239-m.

(Veto No. 214, September 30, 2016)

AWAITING DELIVERY TO THE GOVERNOR

MTA Local Zoning Exemption Repealer – A. 10421 (Brennan) / S. 8037 (Martins) – NYCOM Supports

Would repeal language included in the adopted State Budget that would permit the MTA to undertake or facilitate a wider range of development on MTA-owned property without regard to local zoning laws.

STATUS: Awaiting Delivery to the Governor

Optional Twenty-Year Retirement Plan – A. 9702 (Abbate) / S. 7023 (Young) – NYCOM Opposes

Would amend the Retirement and Social Security Law by adding a new Article 26 to grant police officers and professional firefighters the opportunity to participate in a non-contributory twenty-year retirement if their employer elects to do so.

STATUS: Awaiting Delivery to the Governor

Filing Deadline for Accidental Disability Benefits – A. 7146-A (Abbate) / S. 5012-A (Golden) – *NYCOM Opposes*

Would extend the deadline, from 2 years to 5 years, for firefighters in the NYS and Local Police and Fire Retirement System to file an application for disability benefits due to certain cancers.

STATUS: Awaiting Delivery to the Governor

Health Insurance Contract Change Notice – A. 639-A (Abinanti) / S. 2448-A (Farley) – *NYCOM Opposes*

Would mandate the time and manner in which a municipality must notify their retired officers, employees and their families of health benefit contract changes. Specifically, this legislation would require municipalities to give retirees and their families a minimum of 90 days notice of any proposed health insurance plan changes prior to the governing board or public corporation authorizing or approving a health insurance contract or contract change. For unionized retired officers or employees, notice would be required at the time such change is binding.

STATUS: Awaiting Delivery to the Governor

Mandatory Police Retirement Age – A. 9851 (Abbate) / S. 7387 (Hannon) – *NYCOM Opposes*

Would raise the mandatory retirement age, from 62 to 65, for certain members of the New York State and Police and Fire Retirement System who are covered under provisions of Section 384 of the Retirement and Social Security Law.

STATUS: Awaiting Delivery to the Governor

Out-of-State Volunteer Firefighters – A. 1020-B (Gunther) / S. 6609-A (Ritchie) – *No Position*

Would permit volunteer firefighters from other states to provide assistance to fire departments, companies, and districts in this state. The department, company or district would have to be authorized by its governing body to accept such services.

STATUS: Awaiting Delivery to the Governor

NYSHIP Health Insurance Buyout Amendment – A. 9715 (Abbate) / S. 7120 (Golden) – *NYCOM Supports*

Would facilitate the administration of collectively bargained health insurance buyout programs sponsored by participating agencies or participating employers in NYSHIP. Specifically, this bill would overturn the Department of Civil Service's policy that prohibits employers from being able to collectively bargain health insurance buyout programs under certain circumstances.

STATUS: Awaiting Delivery to the Governor

Public Works Contract Notice Time Period – A. 10136 (Cusick) / S. 6906 (Ranzenhofer) – *NYCOM Opposes*

Would implement an arbitrary, overly-long, one-size-fits-all time period for providing notice in construction contracts. Such a policy would be untenable, potentially adding confusion and controversy to contract disputes.

STATUS: Awaiting Delivery to the Governor

Processing Of Sexual Offense Evidence Kits – A. 10067-A (Simotas) / S. 8117 (Hannon) – NYCOM Opposes

Would amend the Executive Law to require that all sexual offense evidence kits collected and surrendered to police agencies be submitted to a forensic laboratory within 10 days of receipt. Evidence kits collected before the effective date of the bill must be submitted to the forensic laboratory within 180 days. In addition, law enforcement agencies involved would be required to submit quarterly reports to DCJS regarding certain information pertaining to the processing of sexual offense evidence kits.

STATUS: Awaiting Delivery to the Governor

Off-Hour Arraignment Parts in Local Criminal Courts – A. 10360 (Lentol) / S. 7209-A (Bonacic) – NYCOM Opposes

Would address the need to provide counsel to defendants in criminal proceedings as a result of the decision in Hurrell-Harring v. New York. Specifically, this legislation would authorize stakeholders in local criminal proceedings, including local government officials, to adopt plans for off-hour arraignment parts. In counties that adopt an off-hours arraignment part, the local criminal courts' jurisdiction would be expanded to allow them to adjudicate any case arising within the county that is brought before the court when it is acting as an off-hour arraignment part.

STATUS: Awaiting Delivery to the Governor

Window Tinting and State Vehicle Inspections – A. 4106 (DenDekker) / S. 6034-A (DeFrancisco) – NYCOM Supports

Would amend the Vehicle and Traffic Law to include light transmittance (window tinting) of the vehicle's windows as part of the yearly motor vehicle safety inspection.

STATUS: Awaiting Delivery to the Governor

Inspections for Parking Structures – A. 9614-A (Lupardo) / S. 7669 (O'Mara) – No Position

Would require that owners of public or private parking structures, at least once every five years, provide for a structural stability inspection of such structures by a licensed engineer. While we recognize this legislation would impose additional requirements on certain villages and cities, the amended version of the bill is less onerous than the original.

STATUS: Awaiting Delivery to the Governor

FOIL Appeals – A. 9711-A (Buchwald) / S. 6865-A (Ranzenhofer) – No Position

Would require a FOIL appeal to be filed within 30 days after a court judgment on a FOIL lawsuit, and would abandon the request to appeal when an agency fails to serve and file a brief within 60 days after the date of the notice of appeal.

STATUS: Awaiting Delivery to the Governor

Restriction on Use of Records Management Funds – A. 10527 (Fahy) / S. 6708-A (Ritchie) – NYCOM Supports

Would prohibit the use of unused funds in the New York State Local Government Records Management Improvement Fund for any purpose other than records management.

STATUS: Awaiting Delivery to the Governor