

## **NEW ISSUE**

*In the opinion of Norton Rose Fulbright US LLP and Bryant Rabbino LLP, Co-Bond Counsel, interest on the Bonds will be exempt from personal income taxes imposed by the State of New York or any political subdivision thereof, including the City, and assuming continuing compliance with the provisions of the Internal Revenue Code of 1986, as amended, with respect to the Bonds, as described herein, interest on the Bonds will be excludable from the gross income of the owners thereof for federal income tax purposes. See “SECTION X: OTHER INFORMATION—Tax Matters” herein for further information.*

**\$1,280,105,000**  
**THE CITY OF NEW YORK**  
**General Obligation Bonds**  
**Fiscal 2024 Series D, Series E and Series F**  
**\$1,100,000,000 General Obligation Bonds, Fiscal 2024 Series D**  
**\$164,890,000 General Obligation Bonds, Fiscal 2024 Series E**  
**\$15,215,000 General Obligation Bonds, Fiscal 2024 Series F**

**Dated:** Date of Delivery

**Due:** As shown on the inside cover pages

The Bonds will be issued as registered bonds. The Bonds will be registered in the nominee name of The Depository Trust Company, New York, New York, which will act as securities depository for the Bonds.

Interest on the Series D Bonds will be payable on each April 1 and October 1, commencing October 1, 2024. Interest on the Series E Bonds and Series F Bonds will be payable on each February 1 and August 1, commencing August 1, 2024. The Bonds can be purchased in principal amounts of \$5,000 or any integral multiple thereof. Other terms of the Bonds including redemption provisions are described herein. *A detailed schedule of the Bonds is set forth on the inside cover pages.*

The Bonds are offered subject to prior sale, when, as and if issued by the City and accepted by the Underwriters.

The issuance of the Bonds is subject to the approval of the legality of the Bonds by Norton Rose Fulbright US LLP, New York, New York, and Bryant Rabbino LLP, New York, New York, Co-Bond Counsel, and to certain other conditions. Certain legal matters will be passed upon for the City by its Corporation Counsel. Certain legal matters in connection with the preparation of this Official Statement will be passed upon for the City by Orrick, Herrington & Sutcliffe LLP, New York, New York, and Law Offices of Joseph C. Reid, P.A., New York, New York, Co-Special Disclosure Counsel to the City. Certain legal matters will be passed upon for the Underwriters by Nixon Peabody LLP, New York, New York, and D. Seaton and Associates, P.A., P.C., New York, New York, Co-Counsel to the Underwriters. It is expected that the Bonds will be available for delivery in New York, New York, on or about April 11, 2024.

<b>Jefferies</b>		
<b>BofA Securities</b>	<b>J.P. Morgan</b>	<b>Loop Capital Markets</b>
<b>Ramirez &amp; Co., Inc.</b>	<b>RBC Capital Markets</b>	<b>Siebert Williams Shank &amp; Co., LLC</b>
	<b>Wells Fargo Securities</b>	
<b>Academy Securities Inc.</b>	<b>Barclays</b>	<b>Blaylock Van, LLC</b>
<b>BNY Mellon Capital Markets, LLC</b>	<b>Cabrera Capital Markets LLC</b>	<b>Drexel Hamilton, LLC</b>
<b>Fidelity Capital Markets</b>	<b>Goldman Sachs &amp; Co. LLC</b>	<b>Great Pacific Securities</b>
<b>Janney Montgomery Scott</b>	<b>Morgan Stanley</b>	<b>Oppenheimer &amp; Co.</b>
<b>Raymond James</b>	<b>Rice Financial Products Company</b>	<b>Roosevelt &amp; Cross Incorporated</b>
<b>Stern Brothers &amp; Co.</b>	<b>Stifel, Nicolaus &amp; Company, Incorporated</b>	<b>TD Securities</b>

March 27, 2024

**\$1,280,105,000 General Obligation Bonds  
Fiscal 2024, Series D, Series E and Series F<sup>(1)</sup>**

**Base CUSIP<sup>(2)</sup>: 64966S**

**\$1,100,000,000 General Obligation Bonds, Fiscal 2024 Series D**

<b>April 1,</b>	<b>Principal Amount</b>	<b>Interest Rate</b>	<b>Yield</b>	<b>CUSIP<sup>(2)</sup> Suffix</b>
2026	\$15,015,000	5 %	3.04%	BQ8
2027	15,765,000	5	2.88	BR6
2028	16,555,000	5	2.78	BS4
2029	20,815,000	5	2.79	BT2
2030	21,860,000	5	2.81	BU9
2031	22,950,000	5	2.84	BV7
2032	24,100,000	5	2.86	BW5
2033	25,305,000	5	2.87	BX3
2034	26,570,000	5	2.87	BY1
2035	27,895,000	5	2.96 <sup>(3)</sup>	BZ8
2036	29,290,000	5	3.02 <sup>(3)</sup>	CA2
2037	30,755,000	5	3.09 <sup>(3)</sup>	CB0
2038	32,295,000	5	3.20 <sup>(3)</sup>	CC8
2039	33,910,000	5	3.27 <sup>(3)</sup>	CD6
2040	35,605,000	5	3.39 <sup>(3)</sup>	CE4
2041	37,390,000	4	3.89 <sup>(3)</sup>	CF1
2042	38,880,000	4	3.97 <sup>(3)</sup>	CG9
2043	40,435,000	5	3.72 <sup>(3)</sup>	CH7
2044	42,455,000	5	3.80 <sup>(3)</sup>	CJ3
2045	44,580,000	4	4.15	CK0
2046	46,365,000	5½	3.81 <sup>(3)</sup>	CL8
2047	48,915,000	5¼	3.92 <sup>(3)</sup>	CM6
2048	51,480,000	5½	3.91 <sup>(3)</sup>	CN4
2049	54,315,000	5½	3.95 <sup>(3)</sup>	CP9
2050	25,000,000	4	4.25	CQ7
2050	32,300,000	5	4.12 <sup>(3)</sup>	CR5

**\$259,200,000 5¼% Series D Term Bonds due April 1, 2054, Yield 4.13%<sup>(3)</sup>, CUSIP No.<sup>(2)</sup> 64966SCS3**

<sup>(1)</sup> In addition to the Bonds offered hereby, the City expects to reoffer \$174,765,000 aggregate principal amount of, and convert from variable rates to fixed rates, its General Obligation Bonds, Fiscal 2006 Series I, Subseries I-4 and General Obligation Bonds Fiscal 2006 Series I, Subseries I-5. Such bonds will be reoffered by a separate reoffering circular and are not offered hereby.

<sup>(2)</sup> CUSIP® is a registered trademark of the American Bankers Association. CUSIP® data herein are provided by CUSIP Global Services ("CGS"), managed on behalf of the American Bankers Association by FactSet Research Systems Inc. These data are not intended to create a database and do not serve in any way as a substitute for the CGS database. CUSIP® numbers listed above have been assigned by an independent company not affiliated with the City and are being provided solely for the convenience of Bondholders only at the time of issuance of the Bonds, and neither the City nor the Underwriters make any representation with respect to such numbers or undertakes any responsibility for their accuracy now or at any time in the future. The CUSIP® number for a specific maturity is subject to being changed after the issuance of the Bonds as a result of various subsequent actions including, but not limited to, a refunding in whole or in part of such maturity or as a result of the procurement of secondary market portfolio insurance or other similar enhancement by investors that is applicable to all or a portion of certain maturities of the Bonds.

<sup>(3)</sup> Priced to the first optional call date of April 1, 2034 at par.

**\$1,280,105,000 General Obligation Bonds  
Fiscal 2024, Series D, Series E and Series F <sup>(1)</sup>**

**Base CUSIP<sup>(2)</sup>: 64966S**

**\$164,890,000 General Obligation Bonds, Fiscal 2024 Series E**

<b>August 1,</b>	<b>Principal Amount</b>	<b>Interest Rate</b>	<b>Yield</b>	<b>CUSIP<sup>(2)</sup> Suffix</b>
2025	\$12,340,000	5%	3.14%	CT1
2026	12,340,000	5	3.02	CU8
2027	12,335,000	5	2.86	CV6
2028	12,340,000	5	2.78	CW4
2029	12,340,000	5	2.79	CX2
2030	18,480,000	5	2.81	CY0
2031	18,485,000	5	2.84	CZ7
2032	18,485,000	5	2.86	DA1
2033	18,480,000	5	2.87	DB9
2034	18,485,000	5	2.89	DC7
2035	10,780,000	5	2.99 <sup>(3)</sup>	DD5

**\$15,215,000 General Obligation Bonds, Fiscal 2024 Series F**

<b>August 1,</b>	<b>Principal Amount</b>	<b>Interest Rate</b>	<b>Yield</b>	<b>CUSIP<sup>(2)</sup> Suffix</b>
2024	\$1,050,000	5%	3.30%	DE3
2025	1,050,000	5	3.14	DF0
2026	1,050,000	5	3.02	DG8
2027	1,050,000	5	2.86	DH6
2028	1,050,000	5	2.78	DJ2
2029	1,050,000	5	2.79	DK9
2030	1,575,000	5	2.81	DL7
2031	1,570,000	5	2.84	DM5
2032	1,575,000	5	2.86	DN3
2033	1,570,000	5	2.87	DP8
2034	1,575,000	5	2.89	DQ6
2035	1,050,000	5	2.99 <sup>(3)</sup>	DR4

<sup>(1)</sup> In addition to the Bonds offered hereby, the City expects to reoffer \$174,765,000 aggregate principal amount of, and convert from variable rates to fixed rates, its General Obligation Bonds, Fiscal 2006 Series I, Subseries I-4 and General Obligation Bonds Fiscal 2006 Series I, Subseries I-5. Such bonds will be reoffered by a separate reoffering circular and are not offered hereby.

<sup>(2)</sup> CUSIP<sup>®</sup> is a registered trademark of the American Bankers Association. CUSIP<sup>®</sup> data herein are provided by CUSIP Global Services ("CGS"), managed on behalf of the American Bankers Association by FactSet Research Systems Inc. These data are not intended to create a database and do not serve in any way as a substitute for the CGS database. CUSIP<sup>®</sup> numbers listed above have been assigned by an independent company not affiliated with the City and are being provided solely for the convenience of Bondholders only at the time of issuance of the Bonds, and neither the City nor the Underwriters make any representation with respect to such numbers or undertakes any responsibility for their accuracy now or at any time in the future. The CUSIP<sup>®</sup> number for a specific maturity is subject to being changed after the issuance of the Bonds as a result of various subsequent actions including, but not limited to, a refunding in whole or in part of such maturity or as a result of the procurement of secondary market portfolio insurance or other similar enhancement by investors that is applicable to all or a portion of certain maturities of the Bonds.

<sup>(3)</sup> Priced to the first optional call date of August 1, 2034 at par.

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No dealer, broker, salesperson or other person has been authorized by the City or the Underwriters to give any information or to make any representations in connection with the Bonds or the matters described herein, other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by the City or the Underwriters. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of this Official Statement, nor any sale made hereunder, shall, under any circumstances, create any implication that there has been no change in the matters described herein since the date hereof. This Official Statement is submitted in connection with the sale of the Bonds referred to herein and may not be reproduced or used, in whole or in part, for any other purpose. The Underwriters may offer and sell Bonds to certain dealers and others at prices lower than the offering prices stated on the inside cover pages hereof. The offering prices may be changed from time to time by the Underwriters. No representations are made or implied by the City or the Underwriters as to any offering of any derivative instruments.

The factors affecting the City's financial condition are complex. This Official Statement should be considered in its entirety, and no one factor considered less important than any other by reason of its location herein. Where agreements, reports or other documents are referred to herein, reference should be made to such agreements, reports or other documents for more complete information regarding the rights and obligations of parties thereto, facts and opinions contained therein and the subject matter thereof.

This Official Statement contains forecasts, projections and estimates that are based on expectations and assumptions which existed at the time such forecasts, projections and estimates were prepared. In light of the important factors that may materially affect economic conditions in the City, the inclusion in this Official Statement of such forecasts, projections and estimates should not be regarded as a representation by the City, its independent auditors or the Underwriters that such forecasts, projections and estimates will occur. Such forecasts, projections and estimates are not intended as representations of fact or guarantees of results. If and when included in this Official Statement, the words "expects," "forecasts," "projects," "intends," "anticipates," "estimates" and analogous expressions are intended to identify forward-looking statements and any such statements inherently are subject to a variety of risks and uncertainties that could cause actual results to differ materially from those projected. Such risks and uncertainties include, among others, general economic and business conditions, changes in political, social and economic conditions, regulatory initiatives and compliance with governmental regulations, litigation and various other events, conditions and circumstances, many of which are beyond the control of the City. These forward-looking statements speak only as of the date they were prepared. The City disclaims any obligation or undertaking to release publicly any updates or revisions to any forward-looking statement contained herein to reflect any change in the City's expectations with regard thereto or any change in events, conditions or circumstances on which any such statement is based between modifications to the City's financial plan required by law.

Grant Thornton LLP, the City's independent auditor, has not reviewed, commented on or approved, and is not associated with, this Official Statement. The report of Grant Thornton LLP relating to the City's financial statements for the fiscal years ended June 30, 2023 and 2022, which is a matter of public record, is included in the Annual Report for the fiscal year ended June 30, 2023, which is included by specific reference in this Official Statement. However, Grant Thornton LLP has not performed any procedures on any financial statements or other financial information of the City, including without limitation any of the information contained, or included by specific reference, in this Official Statement, since the date of such report and has not been asked to consent to the inclusion of its report in this Official Statement.

References to website addresses presented herein are for informational purposes only and may be in the form of a hyperlink solely for the reader's convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement for purposes of Rule 15c2-12 adopted by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule").

**IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN MARKET PRICES OF THE BONDS AT LEVELS**

**ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.**

**THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THIS OFFICIAL STATEMENT AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED.**

## **OFFICIAL STATEMENT OF THE CITY OF NEW YORK**

This Official Statement provides certain information concerning The City of New York (the “City”) in connection with the sale of \$1,100,000,000 aggregate principal amount of the City’s General Obligation Bonds, Fiscal 2024 Series D (the “Series D Bonds”), \$164,890,000 aggregate principal amount of the City’s General Obligation Bonds, Fiscal 2024 Series E (the “Series E Bonds”), and \$15,215,000 aggregate principal amount of the City’s General Obligation Bonds, Fiscal 2024 Series F (the “Series F Bonds” and together with the Series D Bonds and the Series E Bonds, the “Bonds”). Concurrently with the delivery of the Bonds, the City expects to reoffer \$174,765,000 aggregate principal amount of, and convert from variable rates to fixed rates, its General Obligation Bonds, Fiscal 2006 Series I, Subseries I-4 and General Obligation Bonds, Fiscal 2006 Series I, Subseries I-5. Such bonds will be reoffered by a separate reoffering circular and are not offered hereby.

The factors affecting the City’s financial condition described throughout this Official Statement are complex and are not intended to be summarized in the Introductory Statement below. The economic and financial condition of the City may be affected by various changes in laws, including tax law, financial, social, economic, political, geo-political and environmental factors, cybersecurity threats, terrorist events, hostilities or war, outbreak of infectious diseases, and other factors which could have a material effect on the City’s economic and financial condition. For a discussion of additional factors affecting the City’s financial condition, see below under “INTRODUCTORY STATEMENT,” “SECTION VII: FINANCIAL PLAN—Assumptions” and “APPENDIX A—ECONOMIC AND DEMOGRAPHIC INFORMATION—New York City Economy.” This Official Statement should be read in its entirety.

Because the City is a large and complex entity, information about it changes on an ongoing basis. This Official Statement has been updated to include certain information reflecting changes since the Preliminary Official Statement dated March 18, 2024. “SECTION XI: OTHER INFORMATION—Litigation—*Taxes*” and “—*Miscellaneous*,” and “SECTION XI: OTHER INFORMATION—Environmental Matters—*Superfund Designations*” have been updated to describe recent developments.

## INTRODUCTORY STATEMENT

The Bonds are general obligations of the City for the payment of which the City has pledged its faith and credit. All real property subject to taxation by the City is subject to the levy of *ad valorem* taxes, without limitation as to rate or amount, to pay the principal of, applicable redemption premium, if any, and interest on the Bonds.

The City, with an estimated population of approximately 8.3 million as of July 2023, is an international center of business and culture. Its non-manufacturing economy is broadly based, with the banking, securities, insurance, technology, information, publishing, fashion, design, retailing, education and health care industries accounting for a significant portion of the City's total employment earnings. Additionally, the City is a leading tourist destination. Manufacturing activity in the City is conducted primarily in apparel and printing.

For each of the 1981 through 2023 fiscal years, the City's General Fund had an operating surplus, before discretionary and other transfers, and achieved balanced operating results as reported in accordance with generally accepted accounting principles ("GAAP"), after discretionary and other transfers and except for the application of Governmental Accounting Standards Board ("GASB") Statement No. 49 ("GASB 49") and without regard to certain fund balances, which may be carried forward as described below. City fiscal years end on June 30 and are referred to by the calendar year in which they end. The City has been required to close substantial gaps between forecast revenues and forecast expenditures in order to maintain balanced operating results. There can be no assurance that the City will continue to maintain balanced operating results as required by New York State (the "State") law without proposed tax or other revenue increases or reductions in City services or entitlement programs, which could adversely affect the City's economic base.

As required by the New York State Financial Emergency Act For The City of New York (the "Financial Emergency Act" or the "Act") and the New York City Charter (the "City Charter"), the City prepares a four-year annual financial plan, which is reviewed and revised on a quarterly basis and which includes the City's capital, revenue and expense projections and outlines proposed gap-closing programs for years with projected budget gaps. The City's current financial plan projects budget balance in the 2024 and 2025 fiscal years in accordance with GAAP except for the application of GASB 49 and without regard to certain fund balances, which may be carried forward as described below. In 2010, the Financial Emergency Act was amended to waive the budgetary impact of GASB 49 by enabling the City to continue to finance with bond proceeds certain pollution remediation costs. In addition, the City may, without violating its budget balance requirements, carry forward to a subsequent fiscal year or fiscal years unspent balances from certain funds restricted as to their use, as well as balances in the Health Insurance Stabilization Fund, School Crossing Guards Health Insurance Fund, Management Benefits Fund and Revenue Stabilization Fund. For information regarding the Revenue Stabilization Fund, see "SECTION VII: FINANCIAL PLAN—Revenue Stabilization Fund." The City's current financial plan projects budget gaps for the 2026 through 2028 fiscal years. A pattern of current year balance and projected future year budget gaps has been consistent through the entire period since 1982, during which the City has achieved an excess of revenues over expenditures, before discretionary and other transfers, for each fiscal year. For information regarding the City budget process, see "SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*The City Budget Process*." For information regarding the current financial plan, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS" and "SECTION VII: FINANCIAL PLAN." For information regarding the 2010 amendment of the Financial Emergency Act with respect to the application of GASB 49 to the City budget, see "SECTION III: GOVERNMENT AND FINANCIAL CONTROLS." The City is required to submit its financial plans to the New York State Financial Control Board (the "Control Board"). For further information regarding the Control Board, see "SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*Financial Review and Oversight*."

For its normal operations, the City depends on aid from the State both to enable the City to balance its budget and to meet its cash requirements. There can be no assurance that there will not be delays or reductions in State aid to the City from amounts currently projected; that State budgets for future State fiscal years will be adopted by the April 1 statutory deadline, or interim appropriations will be enacted; or that any such reductions or delays will not have adverse effects on the City's cash flow or expenditures. In addition, the City and the State have made various assumptions with respect to federal aid. Future federal actions or inactions could have adverse effects on the City, both directly and indirectly through State aid to localities reductions that will need to be taken in the absence of additional federal aid to the State. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS—2024-2028 Financial Plan."



The Mayor is responsible for preparing the City's financial plan which relates to the City and certain entities that receive funds from the City. The financial plan is modified quarterly. The City's projections set forth in the financial plan are based on various assumptions and contingencies which are uncertain and which may not materialize. Such assumptions and contingencies include the condition of the international, national, regional and local economies, the provision of State and federal aid and other State and federal actions and inactions, such as the potential consequences of not resolving the federal debt ceiling negotiations, the impact on City revenues and expenditures of any future federal or State legislation and policies affecting the City and the cost of pension structures and healthcare. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS."

Implementation of the financial plan is dependent on the City's ability to successfully market its bonds and notes. Implementation of the financial plan is also dependent upon the ability to market the securities of other financing entities including the New York City Municipal Water Finance Authority (the "Water Authority") and the New York City Transitional Finance Authority ("TFA"). See "SECTION VII: FINANCIAL PLAN—Financing Program." The success of projected public sales of City, Water Authority, TFA and other bonds and notes will be subject to prevailing market conditions. Future developments in the financial markets generally, as well as future developments concerning the City, and public discussion of such developments, may affect the market for outstanding City general obligation bonds and notes.

The City Comptroller and other agencies and public officials, from time to time, issue reports and make public statements which, among other things, state that projected revenues and expenditures may be different from those forecast in the City's financial plans. See "SECTION VII: FINANCIAL PLAN—Certain Reports."

## SECTION I: RECENT FINANCIAL DEVELOPMENTS

For the 2023 fiscal year, the City's General Fund had a total surplus of \$5.48 billion, before discretionary and other transfers, and achieved balanced operating results in accordance with GAAP, except for the application of GASB 49 and without regard to certain fund balances permitted to be carried forward as described in "Introductory Statement," after discretionary and other transfers. The 2023 fiscal year was the forty-third consecutive year that the City achieved balanced operating results when reported in accordance with GAAP, except for the application of GASB 49 and without regard to certain fund balances permitted to be carried forward as described in "INTRODUCTORY STATEMENT."

### 2024-2028 Financial Plan

On June 30, 2023, the City submitted to the Control Board the financial plan for the 2023 through 2027 fiscal years (the "June Financial Plan"), which was consistent with the City's capital and expense budgets as adopted for the 2024 fiscal year. On November 16, 2023, the City submitted to the Control Board a modification to the June Financial Plan (as so modified, the "November Financial Plan"). On January 16, 2024, the Mayor released the preliminary budget for the 2025 fiscal year and the City submitted to the Control Board a modification to the November Financial Plan for the 2024 through 2028 fiscal years (as so modified, the "Financial Plan").

The Financial Plan projects revenues and expenses for the 2024 and 2025 fiscal years balanced in accordance with GAAP, except as described above, and projects gaps of approximately \$5.15 billion, \$5.12 billion and \$6.04 billion in fiscal years 2026, 2027 and 2028, respectively. The June Financial Plan had projected revenues and expenses for the 2024 fiscal year balanced in accordance with GAAP, except as described above, and had projected gaps of approximately \$5.08 billion, \$6.84 billion and \$7.9 billion in fiscal years 2025 through 2027, respectively.

The Financial Plan reflects, since the June Financial Plan, increases in projected net revenues of \$2.44 billion, \$2.58 billion, \$2.53 billion and \$2.82 billion in fiscal years 2024 through 2027, respectively. Changes in projected revenues include: (i) increases in real property tax revenues of \$114 million, \$962 million, \$1.35 billion and \$1.7 billion in fiscal years 2024 through 2027, respectively; (ii) increases in personal income tax and pass-through entity tax revenues of \$1.06 billion, \$903 million, \$677 million and \$645 million in fiscal years 2024 through 2027, respectively; (iii) increases in business tax revenues of \$ 1.14 billion, \$663 million, \$688 million and \$694 million in fiscal years 2024 through 2027, respectively; (iv) increases in sales tax revenues of \$154 million, \$88 million, \$67 million and \$36 million in fiscal years 2024 through 2027, respectively; (v) decreases in real estate transaction tax revenues of \$628 million, \$567 million, \$457 million and \$435 million in fiscal years 2024 through 2027, respectively; (vi) decreases in State School Tax Relief Program ("STAR Program") revenues of \$8 million in each of fiscal years 2024 through 2027; (vii) increases in hotel tax revenues of \$31 million, \$18 million, \$21 million and \$10 million in fiscal years 2024 through 2027, respectively; and (viii) decreases in other tax revenues of \$2 million, \$8 million and \$4 million in fiscal years 2024, 2025 and 2027, respectively, and an increase in other tax revenues of \$3 million in fiscal year 2026.

Changes in projected revenues also include (i) net increases in non-tax revenues of \$264 million, \$99 million, \$63 million and \$51 million in fiscal years 2024 through 2027, respectively; (ii) increases in rental payments from the Water Board (defined below) of \$145 million and \$295 million in each of fiscal years 2024 and 2025, respectively; and (iii) increases in revenues included in the Program to Eliminate the Gap (the "PEG") of \$175 million, \$131 million, \$129 million and \$124 million in fiscal years 2024 through 2027, respectively.

The Financial Plan also reflects, since the June Financial Plan, a net decrease in projected net expenditures of \$1.34 billion in fiscal year 2024 and net increases in projected net expenditures of \$1.28 billion, \$842 million and \$32 million in fiscal years 2025 through 2027, respectively. Changes in projected expenditures include: (i) increases in agency expenses of \$3.08 billion, \$539 million, \$714 million and \$1.04 billion in fiscal years 2024 through 2027, respectively; (ii) decreases in certain expenses included in the PEG of \$2.22 billion, \$2.37 billion, \$2.28 billion and \$2.3 billion in fiscal years 2024 through 2027, respectively; (iii) increases in certain restorations included in the PEG of \$66 million, \$129 million, \$133 million and \$135 million in fiscal years 2024 through 2027, respectively; (iv) decreases in certain costs of providing services to asylum seekers included in the PEG of \$515 million and \$1.23 billion in fiscal years 2024 and 2025, respectively; (v) increases in certain costs of providing services to asylum seekers not included in the PEG of \$604 million, \$4.08 billion, \$2.5 billion and \$1.5 billion in fiscal years 2024

through 2027, respectively; (vi) a decrease reflecting reimbursements of City expenditures with federal aid of \$240 million in fiscal year 2024 and an increase in in fiscal year 2025 City expenditures of \$228 million to cover costs previously expected to be funded with federal aid; (vii) increases in labor expenses of \$33 million, \$6 million, \$7 million and \$7 million in fiscal years 2024 through 2027, respectively; (viii) decreases in pension contributions of \$273 million, \$43 million, \$84 million and \$141 million in fiscal years 2024 through 2027, respectively; (ix) decreases in debt service of \$72 million, \$63 million, \$146 million and \$210 million in fiscal years 2024 through 2027, respectively; (x) a decrease in the general reserve of \$1.15 billion in fiscal year 2024; (xi) a decrease in the capital stabilization reserve of \$250 million in fiscal year 2024; and (xii) a decrease of \$400 million in fiscal year 2024 reflecting a re-estimate of prior years' expenses and receivables. For more information on pensions, see "SECTION IX: PENSION SYSTEMS AND OPEB."

The PEG savings described above are based on five categories of initiatives designed to close the gap between expenses and revenues: (i) efficiency initiatives designed to improve the City's finances without reducing services; (ii) expense re-estimates due to a delay in spending or lower than expected costs; (iii) grant revenue re-estimates and increases in City revenues; (iv) service reductions; and (v) reductions in debt service costs, primarily as a result of debt refinancing.

The Financial Plan reflects, since the June Financial Plan, provision of \$3.78 billion for the prepayment in fiscal year 2024 of fiscal year 2025 expenses, resulting in an equivalent expenditure reduction in fiscal year 2025.

The Financial Plan assumes total federal categorical grants of \$12.49 billion, \$7.74 billion, \$7.22 billion, \$7.17 billion and \$7.25 billion in fiscal years 2024 through 2028, respectively.

On October 7, 2022, the Mayor declared a State of Emergency as a result of the increase in arrival of asylum seekers, primarily from Central and South America. The arrival of asylum seekers is placing a strain on the City's resources. The full costs to the City of providing services to asylum seekers during the Financial Plan period are not known at this time. The Financial Plan reflects costs for asylum seeker services of \$4.22 billion, \$4.87 billion, \$2.50 billion and \$1.50 billion in fiscal years 2024 through 2027, respectively. Using data available as of January 2024, the City projects the cost of providing asylum seeker services are estimated to be \$4.15 billion in fiscal year 2024 and \$4.75 billion in fiscal year 2025, the last year for which the City has projections. The Financial Plan reflects higher costs for asylum seeker services in fiscal years 2024 and 2025 than the City's current projections to account for the possibility of higher costs and lower savings than the asylum seeker PEG savings described above. The costs for asylum seeker services reflected in the Financial Plan include funding from a combination of State, City, and federal sources. The Financial Plan reflects State funding for asylum seeker services of \$1.76 billion and \$1.31 billion in fiscal years 2024 and 2025, respectively, which, in total, is approximately \$400 million more than would be available under the Governor's Executive Budget for the State, released January 16, 2024 (the "Governor's Executive Budget"). The Financial Plan reflects \$156 million in federal funds for costs related to asylum seekers in fiscal year 2024, with no federal funding reflected in fiscal years 2025 and beyond. The City continues to seek additional funding and other support from the State and the federal government for costs incurred by the City related to the provision of services to asylum seekers. On March 15, 2024, the City entered into a State Supreme Court approved stipulation with the Legal Aid Society (the "Stipulation"), revising the City's existing obligations to provide housing to asylum seekers while the State of Emergency remains in effect, unless otherwise ordered by the court. The Stipulation gives the City more flexibility in its provision of shelter services to single adult asylum seekers including allowing the City to limit the provision of shelter to single adults aged twenty-three years or older to 30 days, while allowing the City to limit the provision of shelter to single adults under the age of twenty-three to 60 days, each with certain exceptions on a case-by-case basis. Pending certain necessary changes to City operations and processes, the City expects to implement this thirty-day shelter limitation for the eligible population. While the City is still analyzing the potential impact of implementing the changes permitted pursuant to the Stipulation, the City expects such changes to reduce the projected asylum seeker costs described above.

On September 9, 2023, in response, in part, to the fiscal strain caused by the influx of asylum seekers, the City announced a series of PEG initiatives to achieve savings, including a freeze on hiring, other than critical positions required to support health, public safety and revenue generation, to be permitted only on the basis of one new hire for every one departure. The City outlined a series of three PEG initiatives to be achieved in the City's November Financial Plan, the Financial Plan and the City's financial plan to be released in April 2024 (the "April Financial Plan"). The PEG savings described above reflect the results of the City's November Financial Plan and the Financial

Plan. In addition, the Mayor issued two directives on September 14, 2023, implementing overtime-reduction plans for the City's four uniformed agencies (the Police, Fire, Sanitation and Corrections Departments) and instituting a freeze on certain designated Other than Personal Services spending, including out of town travel (except to Washington D.C. or Albany), temporary service contracts, consultant contracts, and contracts for equipment and furnishings, with certain exemptions as approved by OMB and the Office of the First Deputy Mayor.

On February 21, 2024, in a letter to City agencies, the City's Budget Director announced that the City will no longer be implementing the third of the three PEG initiatives outlined above, due to the success of cost-savings achieved in the City's November Financial Plan and the Financial Plan and stronger than projected tax revenues. However, due to ongoing concerns about asylum-seeker related spending, particularly in the fiscal years beyond 2025, the last year for which the City has projections, the City is taking steps to further reduce such costs in the April Financial Plan. The City intends to reduce City-funded asylum seeker costs by an additional ten percent (10%) across fiscal years 2024 and 2025, beyond those reflected in the Financial Plan. Further, in March 2024, the City replaced the hiring freeze outlined in September 2023 with a hiring plan which allows for the hiring of one employee for every two departures, so long as the agencies remain within their budgeted headcount. Critical positions required to support health, public safety and revenue generation will continue to be permitted on the basis of one new hire for every one departure. Finally, the City has eased the restrictions on Other than Personal Services spending described above, with agencies permitted to spend within their Other than Personal Services budgets. However, the restrictions on travel, consultants, and certain other expenditures will remain in place, with certain exemptions as approved by OMB and the Office of the First Deputy Mayor.

The local law authorizing the City to sell real property tax liens expired on March 1, 2022. However, the City continues to seek reauthorization of such authority. The Financial Plan assumes the re-authorization of such authority in fiscal year 2024 and assumes direct revenues to the City from such lien sales of \$80 million in each of fiscal years 2024 through 2028. The Financial Plan further assumes that real property tax delinquencies as a percentage of the total property tax levy will average approximately 2.5% in fiscal years 2024 through 2028. There can be no assurance that the authorization to sell real property tax liens will be reinstated or that, as a result, amounts projected in the Financial Plan to be received from such sales will be realized. In the event that the lien sale program is not re-authorized, real property tax delinquencies are expected to increase over time beyond the rates assumed in the Financial Plan. Each 1% increase in delinquencies would reduce property tax revenues by approximately \$353 million, \$360 million, \$367 million, \$378 million, and \$384 million in fiscal years 2024 through 2028, respectively. For further information, see "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax—*Collection of the Real Estate Tax.*"

The City has reached tentative or ratified contract agreements with District Council 37 of AFSCME ("DC 37") the Police Benevolent Association ("PBA"), and others, which, together represent approximately 95% of the City's unionized workforce, the full cost of which is reflected in the Financial Plan. The Financial Plan also reflects the costs of labor settlements for the rest of the City workforce based on the pattern set by the DC 37 or the PBA framework. For further information, see "SECTION V: CITY SERVICES AND EXPENDITURES—Employees and Labor Relations—*Labor Relations*" and "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—1. PERSONAL SERVICES COSTS."

On March 14, 2024, the City announced a 3% annual cost-of-living adjustment in each of fiscal years 2025, 2026 and 2027 for human services workers employed by non-profit organizations with contracts with the City. The cost of such increases, which is expected to be \$741 million through Fiscal Year 2028, is reflected in the Financial Plan.

On May 25, 2023, the City Council passed four bills that substantially expand eligibility for the City's housing rental assistance voucher program for individuals and families who are experiencing or are at risk of homelessness. The bills lift existing eligibility requirements that applicants for vouchers reside or have resided in a City administered shelter, expand income eligibility from 200% of the federal poverty level to 50% of area median income, eliminate all work requirements for some households, and expand eligibility to households that have received written demands for payment of past rent. The Mayor vetoed the bills on June 23, 2023, noting fiscal, operational, policy and legal issues presented by the legislation. The City Council voted to override the vetoes on July 13, 2023. The resulting laws, comprised of Local Law Numbers 99, 100, 101 and 102 of 2023, each took effect on January 9, 2024. The City Commissioner of Social Services advised the City Council, by letter dated December 15, 2023, that in light of the issues identified in the Mayor's veto messages, the City would not be implementing the local laws at that time. The Legal Aid Society filed a lawsuit on February 14, 2024 against the City on behalf of four individuals, seeking

enforcement of the local laws and asking the Court to order the City to offer vouchers to the individual petitioners and all eligible applicants. On February 21, 2024, the City Council moved to intervene in the Legal Aid Society's lawsuit, seeking to compel implementation of the local laws. The Mayor disputes the merits of these claims. However, if these laws are construed to require that each eligible individual and family be provided with a rental assistance voucher, the Mayor estimates that they would cost the City approximately \$17.0 billion over the years of the Financial Plan. The full fiscal impact of implementing these laws in this manner is not reflected in the Financial Plan.

The State fiscal year 2024 budget ("State 2024 Budget") included a requirement that adoption, foster care, and related service providers be compensated at 100% of maximum State aid rates, which is expected to cost the City up to \$118 million per fiscal year. Such costs are reflected in the Financial Plan for fiscal year 2024, but not reflected in the Financial Plan for fiscal years 2025 through 2028.

Based on current forecasts of both real property values and anticipated City capital needs, including additional anticipated costs not reflected in the Financial Plan, OMB projects that additional debt-incurring capacity will be needed in the years beyond the Financial Plan. Such projected additional costs not reflected in the Financial Plan include additional funding for the City's five-year educational facilities capital plan, the construction of new borough-based jail facilities and reconstruction work on the Brooklyn Queens Expressway. The Governor's Executive Budget includes a proposal which if enacted would increase the total amount of New York City Transitional Finance Authority ("TFA") Future Tax Secured Bonds authorized to be outstanding and not subject to the City's debt limit by a total of \$12 billion, from \$13.5 billion to \$25.5 billion, with \$6 billion of such increased capacity available beginning on July 1, 2024 and the remaining \$6 billion available beginning on July 1, 2025. As an alternative to the Governor's proposal, the Mayor is seeking legislation that would increase the total amount of Future Tax Secured Bonds authorized to be outstanding and not subject to the City's debt limit by a total of \$18.5 billion, from \$13.5 billion to \$32 billion, with additional annual percentage increases equal to annual percentage increases, if any, in personal income tax revenues. The resulting impact of increasing the TFA's debt incurring capacity not subject to the City's debt limit would be to increase the combined TFA and City debt-incurring capacity by such corresponding amount. For further information, see "SECTION VII: FINANCIAL PLAN —Assumptions—*Expenditure Assumptions*—3. GENERAL OBLIGATION, LEASE AND TFA DEBT SERVICE."

The Governor's Executive Budget, includes proposals which, if enacted, are projected to have a total cost to the City of approximately \$77.5 million in fiscal year 2025, \$191.3 million in each of fiscal years 2026 and 2027 and \$153.8 million in fiscal year 2028, respectively. Such proposed costs, which are not reflected in the Financial Plan, include: (i) the extension through March 31, 2028 of the intercept by the State of sales tax revenues otherwise payable to the City to provide assistance to distressed hospitals and nursing homes beyond its current expiration of March 31, 2025, which is estimated to reduce sales tax revenues to the City in the amount of \$37.5 million in fiscal year 2025, \$150 million in each of fiscal years 2026 and 2027 and \$112.5 million in fiscal year 2028; (ii) a requirement for employers to provide 20 minute paid leave for breast milk expression, which would result in increased costs to the City of approximately \$35 million in each of fiscal years 2025 through 2028; (iii) the redirection of federal funding to the State to help pay for services for children and families, which is estimated to cost the City \$5.10 million in each of fiscal years 2025 through 2028; and (iv) the elimination of copays for insulin which is estimated to cost the City \$1.2 million in each of fiscal years 2025 through 2028.

The State budget for State fiscal year 2024-2025 is expected to be adopted on or about April 1, 2024. The Governor's Executive Budget is a proposal and there can be no assurance that any legislation described in the preceding paragraphs will be enacted as currently proposed, or that the State Legislature will not make changes that have an adverse impact on the Financial Plan projections contained herein.

The State 2021 Budget included a requirement that the City increase its funding of the Metropolitan Transportation Authority's ("MTA") net paratransit operating deficit from 33% to 50%. The State 2024 Budget further required the City to increase its funding in fiscal years 2024 and 2025 from 50% to the lower of 80% of the deficit or 50% of the deficit plus \$165 million. The City's Financial Plan reflects \$440 million in fiscal year 2024, \$340 million in fiscal year 2025, and \$175 million in each of fiscal years 2026 through 2028 to cover the City's contributions for paratransit services, compared to the MTA's November 2023 financial plan estimates of \$434 million, \$437 million, \$453 million, \$469 million, and \$480 million in fiscal years 2024 through 2028, respectively. Although the State 2024 Budget only mandated the above described increases for fiscal years 2024 and 2025, the MTA's financial plan assumes City funding for paratransit in fiscal year 2026 and beyond will remain at such increased levels. The City will continue

to monitor the anticipated paratransit costs for future years. For further information on New York City Transit, see “SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. OTHER THAN PERSONAL SERVICES COSTS—*New York City Transit*.”

The Financial Plan does not fully reflect likely future costs for legally mandated tuition for special education students unilaterally placed by their families in private school settings or for other privately provided services for special education students in private school settings. The City is closely monitoring these costs and while the amounts are not currently known, they are likely to be significant.

The Financial Plan does not reflect the impact of a State law enacted in 2022 which mandates certain maximum class sizes in public school kindergarten through twelfth grades, to be phased in over five years. It is estimated that the City will be able to meet this obligation without additional funding in fiscal years 2024 and 2025, but compliance may cost up to \$1.9 billion per fiscal year when the requirement is fully phased in.

On January 31, 2019, the New York City Housing Authority (“NYCHA”), the City and the U.S. Department of Housing and Urban Development (“HUD”) entered into an agreement (the “HUD Agreement”) relating to lead-based paint and other health and safety concerns in NYCHA’s properties. The HUD Agreement established a framework by which NYCHA will continue to evaluate and progress towards compliance with federal requirements. Pursuant to the HUD Agreement, a federal monitor, with access to NYCHA information and personnel, has been appointed to oversee NYCHA’s compliance with the terms of the agreement and federal regulations. The federal monitor has issued and will continue to issue quarterly reports on NYCHA’s compliance with the HUD Agreement. Also pursuant to the HUD Agreement, the City allocated \$1.8 billion in capital funding in the Capital Commitment Plan for fiscal years 2024-2028, with an additional \$1.5 billion in City capital funds reflected in the remaining years of the Ten-Year Capital Strategy for fiscal years 2029 through 2033. In addition to the capital available pursuant to the HUD Agreement, the Ten-Year Capital Strategy reflects \$1.3 billion in additional City capital to NYCHA in fiscal years 2024 through 2033. NYCHA subsequently announced that it may be out of compliance with a number of federal regulations beyond the regulations concerning lead-based paint and other health and safety concerns that were the subject of the HUD Agreement and is working to assess the extent of any such noncompliance. A NYCHA Physical Needs Assessment released in July 2023 estimated its projected capital costs at approximately \$60 billion over the next five years and \$78 billion over the next twenty years. As part of NYCHA’s strategy to fund these repairs, NYCHA plans to recapitalize 62,000 units through the Permanent Affordability Commitment Together (“PACT”) program and 25,000 units through the New York City Housing Preservation Trust (the “Housing Preservation Trust”). The Capital Commitment Plan reflects a total of \$1.4 billion of City capital funding towards the PACT program, with an additional \$100 million of City capital spent in fiscal year 2023. The Housing Preservation Trust is not funded by the City and is not reflected in the Financial Plan.

NYCHA’s rent collection rate, which has historically been approximately 90%, is currently approximately 60%. As a result, NYCHA is projecting a substantial reduction in rent revenues in calendar year 2024. This reduction in NYCHA’s revenues has required that NYCHA rely on its reserves to cover expenses, eliminate budgeted vacancies, reduce staff through attrition, and reduce nonessential contracting. While this projected shortfall does not directly impact the City’s budget, if NYCHA’s revenues do not recover, the City could be asked to increase its funding to NYCHA. To address the significant arrears, NYCHA has received approximately \$100 million in funding for the Emergency Rental Assistance Program (“ERAP”) from the State, which provides funds for eligible households to pay rental and utility arrears accumulated during the COVID-19 pandemic. In total, NYCHA expects to receive \$164 million from ERAP. Additionally, on January 5, 2024, HUD approved the City’s HOME American Rescue Plan Allocation where \$150 million was allocated towards NYCHA tenant arrears.

State legislation provides for congestion tolling for vehicles entering a designated congestion zone in Manhattan below 60th Street, the revenues from which will be directed to the MTA for transit improvements. In June 2023, the federal government provided final approval to move forward with congestion pricing and in December 2023 the Traffic Mobility Review Board provided a recommended toll structure. The MTA concluded a final round of public hearings in March 2024. In July 2023, the state of New Jersey filed a lawsuit challenging the federal government’s approval of the congestion pricing plan. Other parties, including the Staten Island Borough President and the United Federation of Teachers, have also sued to block congestion pricing, delaying program implementation. These lawsuits are ongoing. For further information, see “SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. OTHER THAN PERSONAL SERVICES COSTS —*New York City Transit*.”

The New York City Advisory Commission on Property Tax Reform was established in 2018 to consider changes to the City's property taxation system, without reducing property tax revenues to the City. The commission released its report in December 2021 with recommendations which, among other things, would align the taxable value of certain properties more closely with market value. The commission's recommendations, which have not yet been acted upon, would require State legislation if they were to be implemented.

From time to time, the City Comptroller, the Control Board staff, the Office of the State Deputy Comptroller for the City of New York ("OSDC"), the Independent Budget Office ("IBO") and others issue reports and make public statements regarding the City's financial condition, commenting on, among other matters, the City's financial plans, projected revenues and expenditures and actions by the City to eliminate projected operating deficits. It is reasonable to expect that reports and statements will continue to be issued and may contain different perspectives on the City's budget and economy and may engender public comment. For information on reports issued on the Financial Plan by the City Comptroller and others reviewing, commenting on and identifying various risks therein, see "SECTION VII: FINANCIAL PLAN—Certain Reports."

## **The State**

The State ended its 2023 fiscal year with an operating surplus in its general fund (the "General Fund") of \$15.4 billion (compared to a surplus of \$11.3 billion the previous fiscal year), increasing the General Fund balance to \$42.9 billion. The State Legislature completed action on the approximately \$229 billion State 2024 Budget for its 2024 fiscal year on May 2, 2023. The State 2024 Budget provides for balanced operations on a cash basis in the State's General Fund, as required by law. The State Annual Information Statement, dated June 9, 2023, as updated February 15, 2024 (the "Annual Information Statement"), reflects the State's Fiscal Year 2025 Executive Budget Financial Plan updated for the Governor's amendments and forecast revisions. The State budget for State fiscal year 2024-2025 is expected to be adopted on or about April 1, 2024.

In the Annual Information Statement, the State projects a General Fund surplus of \$2.2 billion in fiscal year 2024, a balanced budget, on a cash basis, in fiscal year 2025, and General Fund gaps of \$4.97 billion, \$5.23 billion and \$9.94 billion in fiscal years 2026 through 2028, respectively. The State's projections reflect an assumption that the Governor will continue to propose, and the State Legislature will continue to enact, balanced budgets in future years that limit annual growth in State operating funds to no greater than 2%.

The State financial plan and the Annual Information Statement identify a number of additional risks inherent in the implementation of the State financial plan. Such risks include, but are not limited to, the costs of provision of care for asylum seekers, the impact of COVID-19 on State revenue sources and the State's financial condition; the condition of the national and State economies, and the collection of economically sensitive tax receipts in the amounts projected; national and international events; inflation; consumer confidence; commodity prices; supply chain disruptions; major terrorist events; hostilities or war; climate change and extreme weather events; severe epidemic or pandemic events; cybersecurity threats; federal funding laws and regulations; financial sector compensation; monetary policy affecting interest rates and the financial markets; credit rating agency actions; the impact of financial and real estate market developments on bonus income and capital gains realizations; technology industry developments and employment; the effect of household debt on consumer spending and State tax collections; the outcome of litigation and other claims affecting the State; wage and benefit increases for State employees that exceed projected annual costs; changes in the size of the State's workforce; the realization of the projected rate of return for pension fund assets and current assumptions with respect to wages for State employees affecting the State's required pension fund contributions; the willingness and ability of the federal government to provide the aid projected in the State financial plan; the ability of the State to implement cost reduction initiatives, including reduction in State agency operations, and the success with which the State controls expenditures; unanticipated growth in Medicaid program costs; and the ability of the State and public authorities to issue securities successfully in the public credit markets.

## SECTION II: THE BONDS

### General

The Bonds will be general obligations of the City issued pursuant to the Constitution and laws of the State, including the Local Finance Law (the “LFL”), and the City Charter and in accordance with bond resolutions of the Mayor and a certificate of the Deputy Comptroller for Public Finance (with related proceedings, the “Certificate”). The Bonds will mature and bear interest as described on the cover and inside cover pages of this Official Statement. Interest on the Bonds, calculated on the basis of a 360-day year of 30-day months, will be payable to the registered owners thereof as shown on the registration books of the City on the Record Date, the fifteenth day of the calendar month immediately preceding the applicable interest payment date.

The State Constitution requires that the City pledge its faith and credit to the payment of its bonds and notes. All real property subject to taxation by the City will be subject to the levy of *ad valorem* taxes, without limitation as to rate or amount, to pay the principal of and interest on the Bonds. The City is not permitted by the State Constitution to issue revenue bonds.

### Payment Mechanism

Pursuant to the Financial Emergency Act, a general debt service fund (the “General Debt Service Fund” or the “Fund”) has been established for City bonds and certain City notes. Pursuant to the Act, payments of the City real estate tax must be deposited upon receipt in the Fund, and retained under a statutory formula, for the payment of debt service (with exceptions for debt service, such as principal of seasonal borrowings, that is set aside under other procedures). The statutory formula has in recent years resulted in retention of sufficient real estate taxes to comply with the City Covenants (as defined in “—Certain Covenants and Agreements”). If the statutory formula does not result in retention of sufficient real estate taxes to comply with the City Covenants, the City will comply with the City Covenants either by providing for early retention of real estate taxes or by making cash payments into the Fund. The principal of and interest on the Bonds will be paid from the Fund until the Act terminates, and thereafter from a separate fund maintained in accordance with the City Covenants. Since its inception in 1978, the Fund has been fully funded at the beginning of each payment period.

If the Control Board determines that retentions in the Fund are likely to be insufficient to provide for the debt service payable therefrom, it must require that additional real estate tax revenues be retained or other cash resources of the City be paid into the Fund. In addition, the Control Board is required to take such action as it determines to be necessary so that the money in the Fund is adequate to meet debt service requirements. For information regarding the termination date of the Act, see “SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*The Financial Plan, the Financial Emergency Act and the City Charter.*”

### Enforceability of City Obligations

As required by the State Constitution and applicable law, the City pledges its faith and credit for the payment of the principal of and interest on all City indebtedness. Holders of City debt obligations have a contractual right to full payment of principal and interest when due. If the City fails to pay principal or interest, the holder has the right to sue and is entitled to the full amount due, including interest to maturity at the stated rate and at the rate authorized by law thereafter until payment. Under the New York General Municipal Law, if the City fails to pay any money judgment, it is the duty of the City to assess, levy and cause to be collected amounts sufficient to pay the judgment. Decisions indicate that judicial enforcement of statutes such as this provision in the New York General Municipal Law is within the discretion of a court. Other judicial decisions also indicate that a money judgment against a municipality may not be enforceable against municipal property devoted to public use.

The rights of the owners of Bonds to receive interest, principal and applicable redemption premium, if any, from the City could be adversely affected by a restructuring of the City’s debt under Chapter 9 of the Federal Bankruptcy Code. No assurance can be given that any priority of holders of City securities (including the Bonds) to payment from money retained in the Fund or from other sources would be recognized if a petition were filed by or on behalf of the City under the Federal Bankruptcy Code or pursuant to other subsequently enacted laws relating to creditors’ rights;



such money might then be available for the payment of all City creditors generally. Judicial enforcement of the City's obligation to make payments into the Fund, of the obligation to retain money in the Fund, of the rights of holders of bonds and notes of the City to money in the Fund, of the obligations of the City under the City Covenants and of the State under the State Pledge and Agreement (in each case, as defined in "—Certain Covenants and Agreements") may be within the discretion of a court. For further information concerning rights of owners of Bonds against the City, see "SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities."

### **Certain Covenants and Agreements**

The City will covenant that: (i) a separate fund or funds for the purpose of paying principal of and interest on bonds and interest on notes of the City (including required payments into, but not from, City sinking funds) shall be maintained by an officer or agency of the State or by a bank or trust company; and (ii) not later than the last day of each month, there shall be on deposit in a separate fund or funds an amount sufficient to pay principal of and interest on bonds and interest on notes of the City due and payable in the next succeeding month. The City currently uses the debt service payment mechanism described above to perform these covenants. The City will further covenant in the Bonds to provide a general reserve for each fiscal year to cover potential reductions in its projected revenues or increases in its projected expenditures during each such fiscal year, to comply with the financial reporting requirements of the Act, as in effect from time to time, and to limit its issuance of bond anticipation notes and tax anticipation notes as required by the Act, as in effect from time to time, and to include as terms of the Bonds the applicable multi-modal provisions and to comply with such provisions and with the statutory restrictions on multi-modal rate bonds in effect from time to time.

The State pledges and agrees in the Financial Emergency Act that the State will not take any action that will impair the power of the City to comply with the covenants described in the preceding paragraph (the "City Covenants") or any right or remedy of any owner of the Bonds to enforce the City Covenants (the "State Pledge and Agreement"). The City will covenant to make continuing disclosure with respect to the Bonds (the "Undertaking") to the extent summarized in "SECTION X: OTHER INFORMATION—Continuing Disclosure Undertaking." In the opinion of Co-Bond Counsel, the enforceability of the City Covenants, the Undertaking and the State Pledge and Agreement may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of the State's police powers and of judicial discretion in appropriate cases. The City Covenants, the Undertaking and the State Pledge and Agreement shall be of no force and effect with respect to any Bond if there is a deposit in trust with a bank or trust company of sufficient cash or equivalents to pay when due all principal of, applicable redemption premium, if any, and interest on such Bond.

### **Use of Proceeds**

The proceeds of the Series D Bonds will be used for capital purposes and the proceeds of the Series E and Series F Bonds will be used to redeem, at or prior to maturity, the bonds identified in Appendix E hereto by providing, with other City funds, for the payment of the principal of and interest and applicable redemption premium, if any, on such bonds to the extent and to the payment dates shown in Appendix E. The proceeds of the Bonds will also be used for the payment of certain costs of issuance.

## Mandatory Sinking Fund Redemption

The Series D Bonds maturing on April 1, 2054 are subject to mandatory redemption at a redemption price of 100% of the principal amount thereof, plus accrued interest to the redemption date, on April 1 in the years and in the respective principal amounts, as follows:

<b>Series D Bonds Maturing April 1, 2054</b>	
<b><u>Year</u></b>	<b><u>Amount</u></b>
2051	\$59,915,000
2052	63,060,000
2053	66,370,000
2054 <sup>(1)</sup>	69,855,000

<sup>(1)</sup> Stated maturity.

Such Series D Bonds will be selected for mandatory redemption in the manner described below under “—Notice of Redemption or Tender; Selection of Bonds to be Redeemed or Tendered.”

The City may credit against any annual amount subject to mandatory redemption, the principal amount of any such term bonds of the same series, maturity and interest rate that have been defeased, purchased for cancellation or redeemed and not previously so credited. To the extent that the City’s obligation to make sinking fund installments in a particular year is fulfilled through such purchases, the likelihood of redemption through mandatory sinking fund installments of Series D Bonds will be reduced accordingly.

## Par Optional Redemption, Make-Whole Optional Redemption or Mandatory Tender

*Par Optional Redemption or Mandatory Tender of Series D Bonds.* The Series D Bonds maturing after April 1, 2034 are subject to redemption or mandatory tender, at the option of the City, in whole or in part, on any date on or after April 1, 2034 upon 30 days’ notice, at a price of 100% of their principal amount plus accrued interest to such redemption or tender date.

*Par Optional Redemption or Mandatory Tender of Series E Bonds and Series F Bonds.* The Series E Bonds and the Series F Bonds maturing after August 1, 2034 are subject to redemption or mandatory tender, at the option of the City, in whole or in part, on any date on or after August 1, 2034 upon 30 days’ notice, at a price of 100% of their principal amount plus accrued interest to such redemption or tender date.

*Make-Whole Optional Redemption or Mandatory Tender of the Bonds.* The Bonds maturing on or prior to August 1, 2034 are subject to optional redemption or mandatory tender prior to their stated maturity dates at the option of the City, in whole or in part on any date (the “Make-Whole Call Date”), at a make-whole price (the “Make-Whole Redemption Price”) equal to the greater of:

(1) one hundred percent (100%) of the Amortized Value (as defined below) of the Bonds to be redeemed or tendered; or

(2) the sum of the present value of the remaining scheduled payments of principal and interest on the Bonds to be redeemed or tendered from and including the Make-Whole Call Date to the maturity date of such Bonds, not including any portion of those payments of interest accrued and unpaid as of the Make-Whole Call Date, discounted to the Make-Whole Call Date on a semiannual basis, assuming a 360-day year consisting of twelve 30-day months, at a discount rate equal to the greater of (a) the Applicable Tax-Exempt Bond Rate (as defined below) minus 20 basis points; or (b) zero basis points;

plus, in each case, accrued interest on such Bonds to the Make-Whole Call Date.

“Amortized Value” means the product of the principal amount of the Bonds to be redeemed or tendered and the price of such Bonds expressed as a percentage, calculated based on the industry standard method of calculating bond

prices, with a delivery date equal to the Make-Whole Call Date, a maturity date equal to the maturity date of such Bonds and a yield equal to the yield of such Bonds as shown on the inside cover page of this Official Statement.

“Applicable Tax-Exempt Bond Rate” means the “Interpolated AAA Yields” rate for the maturity date of the Bonds to be redeemed or tendered, as published by the Municipal Market Data (“MMD”) at least five calendar days, but not more than 60 calendar days, prior to the Make-Whole Call Date of the Bonds to be redeemed or tendered, or if no such rate is established for the applicable maturity date, the “Interpolated AAA Yields” rate for the published maturities closest to the applicable maturity date.

Should the MMD no longer publish the “Interpolated AAA Yields” rate, then the Applicable Tax-Exempt Bond Rate will equal the “BVAL Muni AAA Monthly Callable Yields” rate for the maturity date (made available by Bloomberg at the close of each business day). In the further event that Bloomberg no longer publishes the “BVAL Muni AAA Monthly Callable Yields” rate, the Applicable Tax-Exempt Bond Rate will be determined by a verification agent appointed by the City, based upon the rate per annum equal to the semiannual equivalent yield to maturity for those tax-exempt general obligation bonds rated in the highest rating category by Moody’s and S&P, with a maturity date equal to the maturity date of such Bonds having characteristics (other than the ratings) most comparable to those of such Bonds in the judgment of the verification agent. The verification agent’s determination of the Applicable Tax-Exempt Bond Rate shall be final and binding in the absence of manifest error.

The Make-Whole Redemption Price will be determined by a verification agent, investment banking firm or financial advisor (which verification agent, investment banking firm or financial advisor shall be retained by the City at the expense of the City) in order to calculate such Make-Whole Redemption Price. The City may conclusively rely on such verification agent’s, investment banking firm’s or financial advisor’s determination of such Make-Whole Redemption Price and will bear no liability for such reliance.

Any Bonds that are escrowed to maturity will remain subject to optional redemption or mandatory tender by the City.

#### **Tender of Multi-Modal Bonds in the Fixed Rate Mode**

The Bonds are being issued as multi-modal bonds in the Fixed Rate Mode. The City may cause a mandatory tender of the Bonds at the applicable optional redemption price on any date such Bonds are subject to optional redemption by giving 30 days’ written notice to the Holders, subject to the City’s providing a source of payment therefor in accordance with law. If notice of mandatory tender has been given and funds prove insufficient, the Bonds not purchased shall continue in the Fixed Rate Mode, without change in interest rate, maturity date or other terms. Other modes to which the Bonds may be converted following a mandatory tender are not described in this Official Statement.

#### **Notice of Redemption or Tender; Selection of Bonds to be Redeemed or Tendered**

On or after any redemption date or successful tender date, interest will cease to accrue on the Bonds called for redemption or successfully tendered.

The particular maturities, amounts and interest rates of the Bonds to be redeemed or called for mandatory tender at the option of the City will be determined by the City in its sole discretion.

Notice of redemption or tender will be given by mail to the Holders of the Bonds to be redeemed or tendered not less than 30 days prior to the date set for redemption or tender. Failure by a particular Holder to receive notice, or any defect in the notice to such Holder, will not affect the redemption or purchase of any other Bond.

If less than all of the Bonds with the same maturity and interest rate are called for prior redemption or tender, such Bonds will be selected for redemption or tender, in accordance with DTC procedures, by lot.

## **Book-Entry Only System**

The Depository Trust Company (“DTC”), New York, New York, will act as securities depository for the Bonds. Reference to the Bonds under this caption “Book-Entry Only System” shall mean all Bonds held through DTC. The Bonds will be issued as fully-registered bonds registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Bond certificate will be issued for each maturity of the Bonds of a series or subseries, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). The DTC rules applicable to its Participants are on file with the Securities and Exchange Commission.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (under this caption, “Book-Entry Only System,” a “Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC’s procedures. Under its usual procedures, DTC mails an omnibus proxy (the “Omnibus Proxy”) to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption notices will be sent to DTC. If less than all of the Bonds within a series, subseries, maturity or interest rate are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such series, subseries, maturity or interest rate to be redeemed.

Payment of redemption proceeds and principal and interest on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or its Fiscal Agent, The Bank of New York Mellon, on the payment date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Fiscal Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds and principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or the Fiscal Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

The services of DTC as securities depository with respect to the Bonds of a series or subseries may be discontinued at any time by giving reasonable notice to the City or the Fiscal Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Bond certificates of such series or subseries will be printed and delivered.

No assurance can be given by the City that DTC will make prompt transfer of payments to the Participants or that Participants will make prompt transfer of payments to Beneficial Owners. The City is not responsible or liable for payment by DTC or Participants or for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or Participants.

For every transfer and exchange of the Bonds, the Beneficial Owners may be charged a sum sufficient to cover any tax, fee or other charge that may be imposed in relation thereto.

Unless otherwise noted, certain of the information contained under this caption "Book-Entry Only System" has been extracted from information furnished by DTC. Neither the City nor the Underwriters make any representation as to the completeness or the accuracy of such information or as to the absence of material adverse changes in such information subsequent to the date hereof.

## SECTION III: GOVERNMENT AND FINANCIAL CONTROLS

### Structure of City Government

The City of New York is divided into five counties, which correspond to its five boroughs. The City, however, is the only unit of local government within its territorial jurisdiction with authority to levy and collect taxes, and is the unit of local government primarily responsible for service delivery. Responsibility for governing the City is currently vested by the City Charter in the Mayor, the City Comptroller, the City Council, the Public Advocate and the Borough Presidents.

- *The Mayor.* Eric Adams, the Mayor of the City, took office on January 1, 2022. The Mayor is elected in a general election for a four-year term and is the chief executive officer of the City. The Mayor has the power to appoint the commissioners of the City's various departments. The Mayor is responsible for preparing and administering the City's annual Expense and Capital Budgets (as defined below) and financial plan. The Mayor has the power to veto local laws enacted by the City Council, but such a veto may be overridden by a two-thirds vote of the City Council. The Mayor has powers and responsibilities relating to land use and City contracts and all residual powers of the City government not otherwise delegated by law to some other public official or body. The Mayor is also a member of the Control Board.
- *The City Comptroller.* Brad Lander, the Comptroller of the City, took office on January 1, 2022. The City Comptroller is elected in a general election for a four-year term and is the chief fiscal officer of the City. The City Comptroller has extensive investigative and audit powers and responsibilities which include keeping the financial books and records of the City. The City Comptroller's audit responsibilities include a program of performance audits of City agencies in connection with the City's management, planning and control of operations. In addition, the City Comptroller is required to evaluate the Mayor's budget, including the assumptions and methodology used in the budget. The Office of the City Comptroller is responsible under the City Charter and pursuant to State law and City investment guidelines for managing and investing City funds for operating and capital purposes. The City Comptroller is also a member of the Control Board and is a trustee, the custodian and the delegated investment advisor of the City's five pension systems.
- *The City Council.* The City Council is the legislative body of the City and consists of the Public Advocate and 51 members elected for four-year terms who represent various geographic districts of the City. Under the City Charter, the City Council must annually adopt a resolution fixing the amount of the real estate tax and adopt the City's annual Expense Budget and Capital Budget. The City Council does not, however, have the power to enact local laws imposing other taxes, unless such taxes have been authorized by State legislation. The City Council has powers and responsibilities relating to franchises and land use and as provided by State law.
- *The Public Advocate.* Jumaane Williams was elected as Public Advocate in a special election and took office in March 2019 to hold office until December 31, 2019. Through a second special election held in November 2019, Mr. Williams was elected to complete the remainder of a four year term which began on January 1, 2018. Mr. Williams was elected to a second term commencing on January 1, 2022. The Public Advocate is elected in a general election for a four-year term. The Public Advocate is first in the line of succession to the Mayor in the event of the disability of the Mayor or a vacancy in the office, pending an election to fill the vacancy. The Public Advocate appoints a member of the City Planning Commission and has various responsibilities relating to, among other things, monitoring the activities of City agencies, the investigation and resolution of certain complaints made by members of the public concerning City agencies and ensuring appropriate public access to government information and meetings.
- *The Borough Presidents.* Each of the City's five boroughs elects a Borough President who serves for a four-year term concurrent with other City elected officials. The Borough Presidents consult with the Mayor in the preparation of the City's annual Expense Budget and Capital Budget. Five percent of discretionary increases proposed by the Mayor in the Expense Budget and, with certain exceptions, five percent of the appropriations supported by funds over which the City has substantial discretion proposed by the Mayor in the Capital Budget, must be based on appropriations proposed by the Borough Presidents. Each Borough President also appoints one member to the Panel for Educational Policy (as described below) and has various responsibilities

relating to, among other things, reviewing and making recommendations regarding applications for the use, development or improvement of land located within the borough, monitoring and making recommendations regarding the performance of contracts providing for the delivery of services in the borough and overseeing the coordination of a borough-wide public service complaint program.

On November 2, 2010, the City Charter was amended to provide that no person shall be eligible to be elected to or serve in the office of Mayor, Public Advocate, City Comptroller, Borough President or Council member if that person has previously held such office for two or more consecutive full terms, unless one full term or more has elapsed since that person last held such office. Such term limit applies only to officials first elected to office on or after November 2, 2010.

## **City Financial Management, Budgeting and Controls**

### *The City Budget Process*

The City's annual expense budget (the "Expense Budget") covers the City's operating expenditures for municipal services, while the City's capital budget (the "Capital Budget" and, together with the Expense Budget, the "Budgets") covers expenditures for capital projects, as defined in the City Charter, in each case for the fiscal year commencing July 1. Operations under the Expense Budget must reflect the aggregate expenditure limitations contained in the financial plan, as described below.

Pursuant to the City Charter, in January, the Mayor submits to the City Council the Preliminary Budget for the ensuing fiscal year, followed in April by the Mayor's submission of the Executive Budget for such fiscal year. The City Council is responsible for reviewing and adopting the Budgets. Pursuant to the City Charter, the City Council may increase, decrease, add or omit specific units of appropriation in the Budgets submitted by the Mayor and add, omit or change any terms or conditions related to such appropriations. However, the Mayor has the power to veto any increase or addition to the Budgets or any change in any term or condition of the Budgets approved by the City Council, which veto is subject to an override by a two-thirds vote of the City Council, and the Mayor has the power to implement expenditure reductions subsequent to adoption of the Expense Budget in order to maintain a balanced budget. In addition, the Mayor has the power to determine the non-property tax revenue forecast on which the City Council must rely in setting the property tax rates for adopting a balanced City Expense Budget.

Following adoption of the Budgets, the Mayor typically proposes modifications to the Expense Budget on a quarterly basis and may also propose modifications to the Capital Budget. The City Council is responsible, pursuant to the City Charter, for approving such modifications beyond certain latitudes allowed to the Mayor under the City Charter.

State law and the City Charter require that the City's Expense Budget, as proposed in the Preliminary Budget and Executive Budget submitted by the Mayor and as adopted by the City Council, be in balance when reported in accordance with GAAP with the exception of GASB 49 and without regard to certain fund balances, which may be carried forward as described in "INTRODUCTORY STATEMENT." In addition, the Expense Budget must remain in balance (as described above) with each modification. The City is required to be in balance (as described above) at the end of the each fiscal year. All Covered Organizations (as defined below) are also required to maintain budgets that are balanced when reported in accordance with GAAP. From time to time certain Covered Organizations have had budgets providing for operations on a cash basis but not balanced under GAAP.

The Mayor also prepares the City's four-year financial plan, as further described below. The Budgets and operations of the City and the Covered Organizations must be in conformance with the financial plan then in effect.

### *Office of Management and Budget*

The City's Office of Management and Budget ("OMB"), with a staff of approximately 400, is the Mayor's primary advisory group on fiscal issues and is also responsible for the preparation, monitoring and control of the City's Budgets and four-year financial plans which encompass the City's revenue, expenditure, cash flow and capital projections. In addition, OMB is responsible for the preparation of a Ten-Year Capital Strategy.

To assist in achieving the goals of the financial plan and budget, the City reviews its financial plan periodically and, if necessary, prepares modifications to incorporate actual results and revisions to projections and assumptions to reflect current information. The City's revenue projections are continually reviewed and periodically updated with the benefit of discussions with a panel of private economists analyzing the effects of changes in economic indicators on City revenues and information from various economic forecasting services.

#### *Office of the Comptroller*

The City Comptroller is the City's chief fiscal officer and is responsible under the City Charter for reviewing and commenting on the City's Budgets and financial plans, including the assumptions and methodologies used in their preparation. The City Comptroller, as an independently elected public official, is required to report annually to the City Council on the state of the City's economy and finances and periodically to the Mayor and the City Council on the financial condition of the City and to make recommendations, comments and criticisms on the operations, fiscal policies and financial transactions of the City. Such reports, among other things, have differed with certain of the economic, revenue and expenditure assumptions and projections in the City's financial plans and Budgets. See "SECTION VII: FINANCIAL PLAN—Certain Reports."

The Office of the City Comptroller establishes the City's accounting and financial reporting practices and internal control procedures. The City Comptroller is also responsible for the preparation of the City's annual financial statements, which, since 1978, have been required to be reported in accordance with GAAP.

The Annual Comprehensive Financial Report of the Comptroller (the "Annual Report") for the 2023 fiscal year, which includes, among other things, the City's financial statements for the 2023 and 2022 fiscal years, was issued on October 26, 2023. The Annual Report for the 2022 fiscal year received the Government Finance Officers Association award of the Certificate of Achievement for Excellence in Financial Reporting, the forty-third consecutive year the Annual Report has won such award.

All contracts for goods and services requiring the expenditure of City monies must be registered with the City Comptroller. No contract can be registered unless funds for its payment have been appropriated by the City Council or otherwise authorized. The City Comptroller also prepares vouchers for payments for such goods and services and cannot prepare a voucher unless funds are available in the Budgets for its payment.

The City Comptroller is also required by the City Charter to audit all City agencies and has the power to audit all City contracts. The Office of the Comptroller conducts both financial and management audits and has the power to investigate corruption in connection with City contracts or contractors.

The Mayor and City Comptroller are responsible for the issuance of City indebtedness. The City Comptroller oversees the payment of such indebtedness and is responsible for the custody of certain currently inactive sinking funds.

#### *Financial Reporting and Control Systems*

Since 1978, the City's financial statements have been required to be audited by independent certified public accountants and to be presented in accordance with GAAP. The City has completed forty-two consecutive fiscal years with a General Fund surplus when reported in accordance with then applicable GAAP, except with regard to the application of GASB 49 and without regard to certain fund balances permitted to be carried forward as described in "INTRODUCTORY STATEMENT."

Both OMB and the Office of the Comptroller utilize a financial management system which provides comprehensive current and historical information regarding the City's financial condition. This information, which is independently evaluated by each office, provides a basis for City action required to maintain a balanced budget and continued financial stability.

The City's operating results and forecasts are analyzed, reviewed and reported on by each of OMB and the Office of the Comptroller as part of the City's overall system of internal control. Internal control systems are reviewed



regularly, and the City Comptroller requires an annual report on internal control and accountability from each agency. Comprehensive service level and productivity targets are formulated and monitored for each agency by the Mayor's Office of Operations and reported publicly in a semiannual management report.

The City has developed and utilizes a cash forecasting system which forecasts its daily cash balances. This enables the City to predict its short-term borrowing needs and maximize its return on the investment of available cash balances. Monthly statements of operating revenues and expenditures, capital revenues and expenditures and cash flow are reported after each month's end, and major variances from the financial plan are identified and explained.

City funds held for operating and capital purposes are managed by the Office of the City Comptroller, with specific guidelines as to investment vehicles. The City invests primarily in obligations of the United States Government, its agencies and instrumentalities, high grade commercial paper and repurchase agreements with primary dealers. The repurchase agreements are collateralized by United States Government treasuries, agencies and instrumentalities, held by the City's custodian bank and marked to market daily.

More than 97% of the aggregate assets of the City's five defined benefit pension systems are managed by outside managers, supervised by the Office of the City Comptroller, and the remainder is held in cash or managed by the City Comptroller. Allocations of investment assets are determined by each fund's board of trustees. As of December 31, 2023, aggregate pension assets were allocated approximately as follows: 30% fixed income; 27% U.S. equity; 17% international equity; 10% private equity; 6% private real estate; 4% opportunistic fixed income; 3% infrastructure investments; 2% hedge funds and 1% cash (percentages may not add to 100% due to rounding).

#### *The Financial Plan, the Financial Emergency Act and the City Charter*

The Financial Emergency Act requires that the City submit to the Control Board, at least 50 days prior to the beginning of each fiscal year (or on such other date as the Control Board may approve), a financial plan for the City and certain State governmental agencies, public authorities or public benefit corporations which receive or may receive monies from the City directly, indirectly or contingently (the "Covered Organizations") covering the four-year period beginning with such fiscal year. The New York City Transit Authority and the Manhattan and Bronx Surface Transit Operating Authority (collectively, "New York City Transit" or "NYCT" or "Transit Authority"), NYCHH and NYCHA are examples of Covered Organizations. The Act requires that the City's four-year financial plans conform to a number of standards. Subject to certain conditions, the Financial Emergency Act and the City Charter require the City to prepare and balance its Expense Budget covering all expenditures other than capital items so that the results of such budget will not show a deficit when reported in accordance with GAAP, with the exception of GASB 49 and without regard to certain fund balances, which may be carried forward as described in "INTRODUCTORY STATEMENT." Provision must be made, among other things, for the payment in full of the debt service on all City securities. The Budgets and operations of the City and the Covered Organizations must be in conformance with the financial plan then in effect.

From 1975 to June 30, 1986, the City was subject to a Control Period, as defined in the Act, which was terminated upon the satisfaction of the statutory conditions for termination, including the termination of all federal guarantees of obligations of the City, a determination by the Control Board that the City had maintained a balanced budget in accordance with GAAP for each of the three immediately preceding fiscal years and a certification by the State and City Comptrollers that sales of securities by or for the benefit of the City satisfied its capital and seasonal financing requirements in the public credit markets and were expected to satisfy such requirements in the 1987 fiscal year. With the termination of the Control Period, certain Control Board powers were suspended including, among others, its power to approve or disapprove certain contracts (including collective bargaining agreements), long-term and short-term borrowings, and the four-year financial plan and modifications thereto of the City and the Covered Organizations. Pursuant to the Act and the City Charter, the City is required to develop a four-year financial plan each year and to modify the plan as changing circumstances require. Under current law, prior to July 1, 2008, the Control Board was required to reimpose a Control Period upon the occurrence or substantial likelihood and imminence of the occurrence of any one of certain events specified in the Act. These events were (i) failure by the City to pay principal of or interest on any of its notes or bonds when due or payable, (ii) the existence of a City operating deficit of more than \$100 million, (iii) issuance by the City of notes in violation of certain restrictions on short-term borrowing imposed by the Act, (iv) any violation by the City of any provision of the Act which substantially impaired the ability of the City to pay principal of or interest on its bonds or notes when due and payable or its ability to adopt or adhere to an

operating budget balanced in accordance with the Act, or (v) joint certification by the State and City Comptrollers that they could not at that time make a joint certification that sales of securities in the public credit market by or for the benefit of the City during the immediately preceding fiscal year and the current fiscal year satisfied its capital and seasonal financing requirements during such period and that there was a substantial likelihood that such securities could be sold in the general public market from the date of the joint certification through the end of the next succeeding fiscal year in amounts that would satisfy substantially all of the capital and seasonal financing requirements of the City during such period in accordance with the financial plan then in effect.

In 2003, the State Legislature amended the Act to change its termination date from the *earlier* of July 1, 2008 or the date on which certain bonds are discharged to the *later* of July 1, 2008 or the date on which such bonds are discharged. The bonds referred to in the amended section of the Act are all bonds containing the State pledge and agreement authorized under section 5415 of the Act (the “State Covenant”).

The State Covenant is authorized to be included in bonds of the City. Since the 2003 enactment of this amendment to the Act, the City has not issued bonds containing the State Covenant. However, many City bonds issued prior to the amendment do contain the State Covenant. Because the City has issued such bonds with maturities as long as 40 years, the effect of the amendment was to postpone termination of the Act from July 1, 2008 to 2037 (or earlier if all City bonds containing the State Covenant are discharged). In the City’s view, the State Legislature could, without violation of the State Covenant contained in the City’s outstanding bonds, enact legislation that would terminate the Control Board and the Act because, at the time of issuance of those bonds, the latest termination date of the Act was July 1, 2008.

While the State Legislature amended the Act to extend the termination date of the Control Board, the power to impose or continue a Control Period terminated July 1, 2008. The power to impose or continue a Control Period is covered by a section of the Act that provides that no Control Period shall continue beyond July 1, 2008. The State Legislature did not amend this provision. Therefore, under current law, although the Act continues in effect, no Control Period may be imposed.

In 2005, the City Charter was amended to incorporate many of the provisions of the Act.

#### *Financial Review and Oversight*

The Control Board, with the OSDC, reviews and monitors revenues and expenditures of the City and the Covered Organizations. In addition, the IBO has been established pursuant to the City Charter to provide analysis to elected officials and the public on relevant fiscal and budgetary issues affecting the City.

The Control Board is required to: (i) review the four-year financial plan of the City and of the Covered Organizations and modifications thereto; (ii) review the operations of the City and the Covered Organizations, including their compliance with the financial plan; and (iii) review certain contracts, including collective bargaining agreements, of the City and the Covered Organizations. The requirement to submit four-year financial plans and budgets for review was in response to the severe financial difficulties and loss of access to the credit markets encountered by the City in 1975. The Control Board must reexamine the financial plan on at least a quarterly basis to determine its conformance to statutory standards.

The *ex officio* members of the Control Board are the Governor of the State of New York (Chairperson); the Comptroller of the State of New York; the Mayor of The City of New York; and the Comptroller of The City of New York. In addition, there are three private members appointed by the Governor. The Executive Director of the Control Board is appointed jointly by the Governor and the Mayor. The Control Board is assisted in the exercise of its responsibilities and powers under the Financial Emergency Act by the State Deputy Comptroller for The City of New York.

## SECTION IV: SOURCES OF CITY REVENUES

The City derives its revenues from a variety of local taxes, user charges and miscellaneous revenues, as well as from federal and State unrestricted and categorical grants. State aid as a percentage of the City's revenues has remained relatively constant over the period from 1980 to 2023, while federal aid has been sharply reduced. The City projects that local revenues will provide approximately 71.4% of total revenues in the 2024 fiscal year, while federal aid, including categorical grants, will provide 10.9%, and State aid, including unrestricted aid and categorical grants, will provide 17.7%. Adjusting the data for comparability, local revenues provided approximately 60% of total revenues in 1980, while federal and State aid each provided approximately 20%. A discussion of the City's principal revenue sources follows. For additional information regarding assumptions on which the City's revenue projections are based, see "SECTION VII: FINANCIAL PLAN—Assumptions." For information regarding the City's tax base, see "APPENDIX A—ECONOMIC AND DEMOGRAPHIC INFORMATION."

### Real Estate Tax

The real estate tax, the single largest source of the City's revenues, is the primary source of funds for the City's General Debt Service Fund. The City expects to derive approximately 44.8% of its total tax revenues and 28.7% of its total revenues for the 2024 fiscal year from the real estate tax. For information concerning tax revenues and total revenues of the City for prior fiscal years, see "SECTION VI: FINANCIAL OPERATIONS—2019-2023 Summary of Operations."

The State Constitution authorizes the City to levy a real estate tax without limit as to rate or amount (the "debt service levy") to cover scheduled payments of the principal of and interest on indebtedness of the City. However, the State Constitution limits the amount of revenue which the City can raise from the real estate tax for operating purposes (the "operating limit") to 2.5% of the average full value of taxable real estate in the City for the current and the last four fiscal years, which amount may be further limited by the State Constitution or laws. On June 24, 2011, the Governor signed into law the State's tax levy limitation law which restricts, among other things, the amount of real property taxes that may be levied by or on behalf of a municipality in a particular year. Such law does not apply to the City. Since the enactment of the tax levy limitation law, legislation applying such law to the City has been proposed from time to time but has never passed. Were it to be enacted into law, it would have a material adverse impact on projected City revenues. The table below sets forth the percentage the debt service levy represents of the total levy. The City Council has adopted a distinct tax rate for each of the four categories of real property established by State legislation.

On April 24, 2017, a lawsuit was filed challenging the City's real property tax system and valuation methodology. See "SECTION X: OTHER INFORMATION—Litigation—*Taxes*."

On May 31, 2018, former Mayor de Blasio and former Speaker of the City Council Johnson established the New York City Advisory Commission on Property Tax Reform to consider changes to the City's property taxation system, without reducing property tax revenues to the City. The commission released its report in December 2021 with recommendations which, among other things, would align the taxable value of certain properties more closely with market value. The commission's recommendations, which have not yet been acted upon, would require State legislation if they were to be implemented.

## COMPARISON OF REAL ESTATE TAX LEVIES, TAX LIMITS AND TAX RATES

<b>Fiscal Year</b>	<b>Total Levy<sup>(1)</sup></b>	<b>Levy Within Operating Limit</b>	<b>Debt Service Levy<sup>(2)</sup></b>	<b>Debt Service Levy as a Percentage of Total Levy</b>	<b>Operating Limit</b>	<b>Levy Within Operating Limit as a Percentage of Operating Limit</b>	<b>Rate Per \$100 of Full Valuation<sup>(3)</sup></b>	<b>Average Tax Rate Per \$100 of Assessed Valuation</b>
(Dollars in Millions, except for Tax Rates)								
2019 .....	\$ 29,574.7	\$ 26,274.6	\$ 2,095.6	7.1%	\$ 26,437.7	99.4%	\$ 2.36	\$ 12.28
2020 .....	31,629.8	27,803.8	2,448.5	7.7	28,936.2	96.1	2.30	12.28
2021 .....	33,371.4	28,960.9	2,872.0	8.6	30,614.3	94.6	2.34	12.28
2022 .....	31,636.0	29,341.6	852.1	2.7	31,695.2	92.6	2.36	12.28
2023 .....	33,853.7	31,383.4	905.4	2.7	31,714.4	99.0	2.39	12.28
2024 .....	35,340.5	32,066.3	1,584.4	4.5	32,757.9	97.9	2.38	12.28

<sup>(1)</sup> Based on tax rates approved by the City Council.

<sup>(2)</sup> The debt service levy includes a portion of the total reserve for uncollected real estate taxes.

<sup>(3)</sup> Full valuation is based on the special equalization ratios (discussed below) and the billable assessed valuation. Special equalization ratios and full valuations are revised periodically as a result of surveys by the State Office of Real Property Tax Services.

### Assessment

The City has traditionally assessed real property at less than market value. The State Office of Real Property Tax Services (the “State Office”) is required by law to determine annually the relationship between taxable assessed value and market value which is expressed as the “special equalization ratio.” The special equalization ratio is used to compute full value for the purpose of measuring the City’s compliance with the operating limit and general debt limit. For a discussion of the City’s debt limit, see “SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities—*Limitations on the City’s Authority to Contract Indebtedness.*” The ratios are calculated by using the most recent market value surveys available and a projection of market value based on recent survey trends, in accordance with methodologies established by the State Office from time to time. Ratios, and therefore full values, may be revised when new surveys are completed. The ratios and full values shown in the table below, which were used to compute the 2024 fiscal year operating limit and general debt limit, have been established by the State Office and include the results of the fiscal year 2022 market value survey.

### BILLABLE ASSESSED AND FULL VALUE OF TAXABLE REAL ESTATE<sup>(1)</sup>

<b>Fiscal Year</b>	<b>Billable Assessed Valuation of Taxable Real Estate<sup>(2)</sup></b>	<b>÷</b>	<b>Special Equalization Ratio</b>	<b>=</b>	<b>Full Valuation<sup>(3)</sup></b>
2020 .....	\$ 257,509,634,870		0.2004		\$ 1,284,978,217,914
2021 .....	271,688,749,747		0.2308		1,177,160,960,776
2022 .....	257,560,316,555		0.2026		1,271,275,007,675
2023 .....	275,614,595,502		0.2025		1,361,059,730,874
2024 .....	287,719,502,079		0.1934		1,487,691,324,090
Average:					\$ 1,316,433,048,266

<sup>(1)</sup> Also assessed by the City, but excluded from the computation of taxable real estate, are various categories of property exempt from taxation under State law.

<sup>(2)</sup> Billable assessed valuation represents valuation before reflecting the reduced property tax revenues resulting from the State’s STAR Program.

<sup>(3)</sup> Figures are based on estimates of the special equalization ratio which are revised annually. These figures are derived from official City Council Tax Resolutions adopted with respect to the 2024 fiscal year. These figures differ from the assessed and full valuation of taxable real estate reported in the Annual Report, which excludes veterans’ property subject to tax for school purposes and is based on estimates of the special equalization ratio which are not revised annually.

State law provides for the classification of all real property in the City into one of four statutory classes. Class one primarily includes one-, two- and three-family homes; class two includes certain other residential property not included in class one; class three includes most utility real property; and class four includes all other real property. The total tax levy consists of four tax levies, one for each class. Once the tax levy is set for each class, the tax rate for each class is then fixed annually by the City Council by dividing the levy for such class by the billable assessed value for such class.

Assessment procedures differ for each class of property. For fiscal year 2024, class one was assessed at approximately 6% of market value and classes two, three and four were each assessed at 45% of market value. In addition, individual assessments on class one parcels cannot increase by more than 6% per year or 20% over a five-year period. Market value increases and decreases for most of class two and all of class four are phased in over a period of five years. Increases in class one market value in excess of applicable limitations are not phased in over subsequent years. There is also no phase-in for class three property.

Class two and class four real property have three assessed values: actual, transitional and billable. Actual assessed value is established for all tax classes without regard to the five-year phase-in requirement applicable to most class two and all class four properties. The transitional assessed value reflects this phase-in. Billable assessed value is the basis for tax liability and is the lower of the actual or transitional assessment.

The share of the total levy that can be borne by each class is regulated by the provisions of the State Real Property Tax Law. Each class share of the total tax levy is updated annually to reflect new construction, demolition, alterations or changes in taxable status and is subject to limited adjustment to reflect market value changes among the four classes. Class share adjustments are limited to a 5% maximum increase per year. Maximum class increases below 5% must be, and typically are, approved by the State Legislature. For fiscal year 2024, tax rates were set on June 30, 2023 and reflected a 5% limitation on class share adjustment. The average tax rate for fiscal year 2024 was maintained at \$12.28 per \$100 of assessed value. Property tax bills were sent out during the second week of June 2023 with fiscal year 2023 tax rates, which were revised with new tax rates reflecting a 0% limitation on class share adjustment for fiscal year 2024 and sent out to taxpayers in November 2023.

City real estate tax revenues may be reduced in future fiscal years as a result of tax refund claims asserting overvaluation, inequality of assessment and illegality. The State Office annually certifies various class ratios and class equalization rates relating to the four classes of real property in the City. “Class ratios” are determined for each class by the State Office by calculating the ratio of assessed value to market value. Various proceedings challenging assessments of real property for real estate tax purposes, and one action challenging the constitutionality of the real property tax system, are pending. For further information regarding the City’s potential exposure in certain of these proceedings, see “SECTION X: OTHER INFORMATION—Litigation—*Taxes*” and “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note D.5.”

#### *Trend in Taxable Assessed Value*

State law provides for increases in assessed values of most properties to be phased into property tax bills over five-year periods. The billable assessed valuation, as determined by the City Department of Finance, and after reflecting the reduction of billable assessed value resulting from the State’s STAR Program, rose to \$239.7 billion, \$256.6 billion and \$270.8 billion for fiscal years 2019 through 2021, respectively, and declined to \$256.7 billion for fiscal year 2022. The billable assessed value rebounded in fiscal year 2023 to \$274.8 billion and grew to \$287.0 billion in fiscal year 2024. The billable assessed valuations are forecast in the Financial Plan to grow by 1.8% in fiscal year 2025, then grow by 2.1%, 2.9%, and 1.8% in fiscal years 2026, 2027, and 2028, respectively.

On January 16, 2024, subsequent to the release of the Financial Plan, the Department of Finance released the tentative assessment roll for fiscal year 2025, reflecting a billable assessed value of \$298.9 billion. After accounting for the reduction in billable assessed value resulting from the State’s STAR Program, the fiscal year 2025 tentative billable assessed value reflects an increase of \$11.9 billion over the fiscal year 2024 final assessment roll of \$287.0 billion, reflecting a growth of 4.2%.

Taxable billable assessed value is the basis for determining the tax levy. It is based on the lower of the actual (45% of the current year market value) or transitional assessed value (which is the cumulative value of the phase-ins

from the 5-year market value changes). In fiscal year 2022, the significant decline in market values caused an increased number of properties to be assessed at their actual assessed value (instead of transitional assessed value). The declines for such properties were recognized in one year, which resulted in a steeper decline in billable assessed value in fiscal year 2022 than would have happened if such properties were valued at their transitional assessed values, whereby the declines would have been phased in over five years. In fiscal years 2023 and 2024, with the increase in market value, many properties went back to the transitional assessed value. If the market values were to decline in the upcoming years for those properties, they could revert to being assessed at their actual assessed value.

### *Collection of the Real Estate Tax*

Real estate tax payments are due each July 1 and January 1. Owners of all properties assessed at \$250,000 or less are eligible to make tax payments in quarterly installments on July 1, October 1, January 1 and April 1. An annual interest rate as approved by the City Council is imposed upon late payments on properties with an assessed value of \$250,000 or less and between \$250,000 to \$450,000 except in the case of (i) any parcel with respect to which the real estate taxes are held in escrow and paid by a mortgage escrow agent and (ii) parcels consisting of vacant or unimproved land. In addition, a separate annual interest rate as approved by the City Council is imposed upon late payments on all other properties.

In fiscal year 2020, the annual interest rates on late payments were 7% on properties with an assessed value of \$250,000 or less, except in the cases set forth in clauses (i) and (ii) of the preceding paragraph, and 18% on all other properties. For the first quarter of 2021, in order to provide relief to property owners due to the impact of COVID-19, the City lowered the above-referenced late payment rates for certain eligible property owners to rates between 0% and 7.5%, in each case depending on the assessed value of the property and whether a COVID-19 related payment deferral was requested by the owner and granted by the City. For the second through fourth quarters of fiscal year 2021, such late payment rates were 5% on properties with an assessed value of \$250,000 or less, and 18% on all other properties. In June 2021, the City released the following rates for fiscal year 2022: (i) for owners of property with an assessed value of less than \$250,000, the late payment interest rate has been decreased from 5% to 3%; (ii) for owners of property with an assessed value between \$250,000 to \$450,000, the late payment interest rate has been decreased from 18% to 6%; and (iii) for all other owners, the late payment interest rate has been decreased from 18% to 13%. In June 2022, the City released the following rates for fiscal year 2023: (i) for owners of property with an assessed value of less than \$250,000, the late payment interest rate has been increased from 3% to 4%; (ii) for owners of property with an assessed value between \$250,000 to \$450,000, the late payment interest rate has been increased from 6% to 7%; and (iii) for all other owners, the late payment interest rate has been increased from 13% to 14%. In June 2023, the City released the following rates for fiscal year 2024: (i) for owners of property with an assessed value of less than \$250,000, the late payment interest rate has been increased from 4% to 5%; (ii) for owners of property with an assessed value between \$250,000 to \$450,000, the late payment interest rate has been increased from 7% to 8%; and (iii) for all other owners, the late payment interest rate has been increased from 14% to 15%.

Historically, the City has primarily used two methods to enforce the collection of real property taxes, foreclosure by in rem proceedings and the sale of real property tax liens. The City is entitled to foreclose delinquent tax liens by in rem proceedings after one year of delinquency with respect to properties other than one- and two-family dwellings and condominium apartments, as to which a three-year delinquency rule is in effect. The City's authority, pursuant to local law, to sell real property tax liens expired on March 1, 2022. The City is seeking the re-authorization of such authority. The Financial Plan assumes such authorization is renewed in fiscal year 2024 and continues thereafter. The most recent tax lien sale occurred in December 2021. Prior to its recent expiration, the City was authorized to sell real property tax liens on class one properties which are delinquent for at least three years and class two, three and four properties which are delinquent for at least one year. There can be no assurance that the authorization to sell real property tax liens will be reinstated or that, as a result, amounts projected in the Financial Plan to be received from such sales will be realized or that delinquency rates will not increase.

The real estate tax is accounted for on a modified accrual basis in the General Fund. Revenue accrued is limited to prior year payments received, offset by refunds made, within the first two months of the following fiscal year. In deriving the real estate tax revenue forecast, a reserve is provided for cancellations or abatements of taxes and for nonpayment of current year taxes owed and outstanding as of the end of the fiscal year.

The following table sets forth the amount of delinquent real estate taxes (owed and outstanding as of the end of the fiscal year of levy) for each of the fiscal years indicated. Delinquent real estate taxes do not include real estate taxes subject to cancellation or abatement under various exemption or abatement programs. Delinquent real estate

taxes generally increase during a recession and when the real estate market deteriorates. Delinquent real estate taxes generally decrease as the City's economy and real estate market recover. For additional information on real property tax delinquencies, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS."

From time to time, the City has sold real property tax liens to separate statutory trusts. In fiscal years 2018 through 2022, the City's real property tax lien program resulted in net proceeds of approximately \$60.8 million, \$96.7 million, \$11.7 million, \$86.6 million and \$3.7 million, respectively. Fiscal year 2020 includes the sale proceeds of the fiscal year 2019 tax lien sale, which closed in fiscal year 2020, and the receipt of approximately \$50 million from trusts established in connection with prior lien sales. Due to the outbreak of COVID-19, the real property tax lien sale for fiscal years 2020 and 2021 did not occur. However, a real property tax lien sale occurred in fiscal year 2022. Authorization to sell real property tax liens expired on March 1, 2022. The City continues to seek re-authorization of such authority. There can be no assurance that the authorization to sell real property tax liens will be reinstated or that, as a result, amounts projected in the Financial Plan to be received from such sales will be realized. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS."

## REAL ESTATE TAX COLLECTIONS AND DELINQUENCIES

Fiscal Year	Tax Levy <sup>(1)</sup>	Tax Collections on Current Year Levy	Tax Collections as Percentage of Tax Levy	Prior Year (Delinquent Tax) Collections	Refunds	Cancellations, Net Credits, Abatements, Exempt Property Restored and Shelter Rent	Delinquent as of End of Fiscal Year	Delinquency as a Percentage of Tax Levy	Lien Sale Program
(Dollars In Millions)									
2019.....	\$29,574.7	\$27,681.2	93.6%	\$338.8	\$(377.4)	\$(1,529.0)	\$(364.4)	1.23%	\$60.8
2020.....	31,629.8	29,532.2	93.4	370.6	(349.1)	(1,513.6)	(584.0)	1.85	96.7
2021.....	33,371.4	31,239.8	93.6	470.7	(411.3)	(1,459.0)	(672.6)	2.02	11.7
2022.....	31,636.0	29,336.1	92.7	522.8	(509.6)	(1,739.8)	(560.1)	1.77	86.6
2023.....	33,853.7	31,572.7	93.1	449.1	(518.7)	(1,575.2)	(705.9)	2.09	3.7 <sup>(2)</sup>
2024 <sup>(3)</sup> .....	35,340.5	32,657.0	92.4	454.0	(500.0)	(1,846.0)	(883.5)	2.50	80.0

<sup>(1)</sup> As approved by the City Council.

<sup>(2)</sup> Reflects unused reserves related to previous lien sales.

<sup>(3)</sup> Forecast.

## Other Taxes

The City expects to derive 55.2% of its total tax revenues for the 2024 fiscal year from a variety of taxes other than the real estate tax, such as: (i) the 4.5% sales and compensating use tax, which commenced August 1, 2009, in addition to the 4% sales and use tax imposed by the State upon receipts from retail sales of tangible personal property and certain services in the City; (ii) the personal income tax on City residents; (iii) a general corporation tax levied on the income of corporations doing business in the City; and (iv) a banking corporation tax imposed on the income of banking corporations doing business in the City.

State legislation was enacted in 2022 creating a pass-through entity tax on certain partnerships and S-corporations that elect to pay such tax. Starting with fiscal year 2023, all references to personal income taxes also include such pass-through entity tax. Partners or shareholders of such partnerships or S corporations that elect to pay the new tax will receive an equivalent credit against their personal income tax. The pass-through entity tax will be collected and paid first to the TFA in the same manner as the personal income tax. The aggregate personal income tax credits will be equivalent to the pass-through entity tax liability of the entities that elect to pay the pass-through entity tax. Therefore, the change is expected to be revenue neutral to the City on a multi-year basis.

For local taxes other than the real estate tax, the City may adopt and amend local laws for the levy of local taxes to the extent authorized by the State. This authority can be withdrawn, amended or expanded by State legislation.

Revenues from taxes other than the real estate tax in the 2023 fiscal year increased by \$1.8 billion from the 2022 fiscal year. The following table sets forth, by category, revenues from taxes, other than the real estate tax, for each of the City's 2019 through 2023 fiscal years.

	2019	2020	2021	2022	2023
			(In Millions)		
Personal Income <sup>(1)</sup> .....	\$ 13,344	\$ 13,551	\$ 15,101	\$ 16,698	\$ 17,183
General Corporation .....	4,269	4,547	5,129	5,681	6,010
Banking Corporation <sup>(2)</sup> .....	(70)	(38)	(110)	1	(36)
Unincorporated Business Income .....	2,029	1,939	2,077	2,547	2,545
Sales <sup>(3)</sup> .....	7,810	7,372	6,553	8,544	9,540
Commercial Rent.....	907	864	869	876	910
Real Property Transfer .....	1,547	1,135	1,045	1,903	1,277
Mortgage Recording .....	1,097	975	897	1,336	898
Utility .....	369	356	356	396	420
Cigarette .....	30	25	22	20	16
Hotel .....	625	468	85	345	645
All Other <sup>(4)</sup> .....	833	1,054	907	820	1,047
Audits .....	818	1,026	1,139	849	1,337
Total.....	<u>\$ 33,609</u>	<u>\$ 33,274</u>	<u>\$ 34,070</u>	<u>\$ 40,015</u>	<u>\$ 41,792</u>

Note: Totals may not add due to rounding.

- (1) Personal Income includes the personal income tax revenues of \$444 million, \$512 million, \$276 million, \$175 million and \$1.282 billion in fiscal years 2019 through 2023, respectively, retained by the TFA for funding requirements associated with TFA Future Tax Secured Bonds. Personal income taxes flow directly from the State to the TFA, and from the TFA to the City only to the extent not required by the TFA for debt service, operating expenses and contractual and other obligations incurred pursuant to the TFA indenture.
- (2) With the enactment of corporate tax reform that merged the general corporation tax with the banking corporation tax in 2015, most banking corporation tax payments are now being reported as business corporation taxes. However, refunds arising from prior year returns filed as banking corporation taxes are still paid out as refunds under the banking corporation tax. In each of fiscal years 2019 through 2023, the amount refunded exceeded the gross receipts resulting in net negative revenues for such fiscal years.
- (3) A portion of sales tax revenues payable to the City would be paid to the TFA if personal income tax revenues did not satisfy specified debt service ratios.
- (4) All Other includes, among others, beer and liquor taxes and the automobile use tax, but excludes the STAR Program aid of \$181 million, \$165 million, \$154 million, \$146 million and \$138 million in fiscal years 2019 through 2023, respectively.

## Miscellaneous Revenues

Miscellaneous revenues include revenue sources such as charges collected by the City for the issuance of licenses, permits and franchises, interest earned by the City on the investment of City cash balances, tuition and fees at the Community Colleges, reimbursement to the City from the proceeds of water and sewer rates charged by the New York City Water Board (the "Water Board") for costs of delivery of water and sewer services and paid to the City by the Water Board for its lease interest in the water and sewer system, rents collected from tenants in City-owned property and from The Port Authority of New York and New Jersey (the "Port Authority") with respect to airports and the collection of fines. The following table sets forth amounts of miscellaneous revenues for each of the City's 2019 through 2023 fiscal years.



	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
			(In Millions)		
Licenses, Permits and Franchises .....	\$ 802	\$ 699	\$ 625	\$ 651	\$ 763
Interest .....	226	137	15	16	508
Charges for Services .....	1,030	951	863	850	848
Water and Sewer .....	1,470	1,615	1,687	1,575	1,710
Rental .....	273	258	233	249	266
Fines and Forfeitures .....	1,109	1,079	1,036	1,231	1,455
Other .....	1,087	530	709	441	433
Total .....	<u>\$ 5,997</u>	<u>\$ 5,269</u>	<u>\$ 5,168</u>	<u>\$ 5,013</u>	<u>\$ 5,983</u>

Note: Totals may not add due to rounding.

Rental income in fiscal years 2019 through 2023 includes approximately \$153.6 million, \$153.6 million, \$163.6 million, \$160.5 million and \$165.8 million, respectively, in Port Authority lease payments for the City airports.

Fees and charges collected from the users of the water and sewer system of the City are revenues of the Water Board, a body corporate and politic, constituting a public benefit corporation, all of the members of which are appointed by the Mayor. The Water Board currently holds a long-term leasehold interest in the water and sewer system pursuant to a lease between the Water Board and the City.

Other miscellaneous revenues for fiscal years 2019 through 2023 include \$103.0 million, \$118.0 million, \$127.6 million, \$130.9 million and \$123.9 million, respectively, of tobacco settlement revenues (“TSRs”) from the settlement of litigation with certain cigarette manufacturers that were not retained by TSASC. Other miscellaneous revenues for fiscal years 2019 through 2023 do not include TSRs retained by TSASC for debt service and operating expenses totaling \$61 million, \$70 million, \$76 million, \$78 million and \$74 million, respectively. Pursuant to the TSASC indenture, less than 40% of the TSRs are pledged to the TSASC bondholders and the remainder flow to the City. For further information see “SECTION VII: FINANCIAL PLAN—Assumptions—*Revenue Assumptions*—4. MISCELLANEOUS REVENUES” and “SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities.”

Other miscellaneous revenues for fiscal year 2019 include \$78 million and \$142 million from a deferred prosecution agreement under the Manhattan District Attorney’s office and the US Department of Justice related to sanctions violations by Societe Generale and Standard Chartered Bank, and the sale of a building located at 101 Barclay Street for \$117 million.

Other miscellaneous revenues for fiscal year 2020 include \$45 million from the refund from a collateral reserve relating to an insurance policy issued by Chubb Insurance and \$10.8 million from a rental payment from the United Nations Development Corporation.

Other miscellaneous revenues for fiscal year 2021 include \$212.4 million in debt service reimbursements from NYCHH, a \$40 million payment from the New York City Housing Development Corporation to purchase the residual interest in certain loans owned by the City, and \$40.2 million from a settlement of litigation with the United States Postal Service relating to the delivery of untaxed cigarettes.

Other miscellaneous revenues for fiscal year 2022 include \$21 million from the sale of property in Greenpoint, Brooklyn by the City’s Department of Housing Preservation and Development and an \$8.7 million payment relating to a master service contract with a telecommunications company.

Other miscellaneous revenues for fiscal year 2023 include \$3.2 million from the sale of two properties in East Harlem by the City’s Department of Housing Preservation and Development to the MTA to facilitate the expansion of the Second Avenue Subway line, \$3 million for the return of insurance premiums to the City from the Central Insurance Program, and \$8.7 million from Comptroller’s Office reconciliation of workers’ compensation accounts.

### Unrestricted Intergovernmental Aid

Unrestricted federal and State aid are not subject to any substantial restriction as to their use and are used by the City as general support for its Expense Budget. For a further discussion of federal and State aid, see “SECTION VII: FINANCIAL PLAN—Assumptions—*Revenue Assumptions*—5. FEDERAL AND STATE CATEGORICAL GRANTS.”

The following table sets forth amounts of unrestricted federal and State aid received by the City in each of its 2019 through 2023 fiscal years.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
			(In Millions)		
Unrestricted Intergovernmental Aid.....	\$151	\$11	\$1	\$498	\$186

### Federal and State Categorical Grants

The City makes certain expenditures for services required by federal and State mandates which are then wholly or partially reimbursed through federal and State categorical grants. State categorical grants are received by the City primarily in connection with City welfare, education, higher education, health and mental health expenditures. The City also receives substantial federal categorical grants in connection with the federal Community Development Block Grant Program (“Community Development”). The federal government also provides the City with substantial public assistance, social service and education grants as well as reimbursement for all or a portion of certain costs incurred by the City in maintaining programs in a number of areas, including housing, criminal justice and health. All City claims for federal and State grants are subject to subsequent audit by federal and State authorities. Certain claims submitted to the State Medicaid program by the City are the subject of investigation by the Office of the Inspector General of the United States Department of Health and Human Services (“OIG”). The City provides a reserve for disallowances resulting from these audits which could be asserted in subsequent years. Federal grants are also subject to audit under the Single Audit Act Amendments of 1996. For a further discussion of federal and State categorical grants, see “SECTION VII: FINANCIAL PLAN—Assumptions—*Revenue Assumptions*—5. FEDERAL AND STATE CATEGORICAL GRANTS.” For information regarding certain recent developments relating to federal aid, see “SECTION I: RECENT FINANCIAL DEVELOPMENTS.”

The following table sets forth amounts of federal and State categorical grants received by the City for each of the City’s 2019 through 2023 fiscal years.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
	<b>(In Millions)</b>				
<b>Federal<sup>(1)</sup></b>					
Community Development <sup>(2)</sup> .....	\$ 506	\$ 558	\$ 693	\$ 281	\$ 349
Social Services.....	3,553	2,918	3,232	2,426	3,080
Education.....	1,876	1,672	2,498	4,899	3,970
Other <sup>(3)</sup> .....	1,784	4,433	6,197	7,595	2,740
Total.....	<u>\$ 7,719</u>	<u>\$ 9,581</u>	<u>\$ 12,620</u>	<u>\$ 15,201</u>	<u>\$ 10,139</u>
<b>State</b>					
Social Services.....	\$ 1,698	\$ 1,750	\$ 1,834	\$ 1,729	\$ 2,218
Education.....	11,185	11,493	10,633	11,943	12,353
Higher Education.....	263	246	231	238	245
Health and Mental Health.....	523	428	423	421	511
Other.....	1,301	1,417	1,476	1,516	1,743
Total.....	<u>\$ 14,970</u>	<u>\$ 15,334</u>	<u>\$ 14,597</u>	<u>\$ 15,847</u>	<u>\$ 17,070</u>

<sup>(1)</sup> Federal funding includes amounts received under the American Recovery and Reinvestment Act of \$197 million, \$186 million, \$181 million, \$155 million and \$165 million in fiscal years 2019 through 2023, respectively.

<sup>(2)</sup> Amounts represent actual funds received and may be lower or higher than the appropriation of funds actually provided by the federal government for the particular fiscal year due either to underspending or the spending of funds carried forward from prior fiscal years. Community Development includes \$432.6 million, \$215.2 million, \$204.1 million, \$21.9 million and \$29.0 million in fiscal years 2019 through 2023, respectively, in disaster recovery funding for storm damage remediation as a result of Superstorm Sandy.

<sup>(3)</sup> Other includes \$483 million of Coronavirus State and Local Fiscal Recovery Funds in fiscal year 2023 and \$2.713 billion, \$2.9 billion and \$250 million in fiscal years 2021 through 2023, respectively, of FEMA funding for the City's response to the COVID-19 pandemic.

## SECTION V: CITY SERVICES AND EXPENDITURES

### Expenditures for City Services

Three types of governmental agencies provide public services within the City's borders and receive financial support from the City. One category is the mayoral agencies established by the City Charter which include, among others, the Police, Fire and Sanitation Departments. Another is the independent agencies which are funded in whole or in part through the City Budget by the City but which have greater independence in the use of appropriated funds than the mayoral agencies. Included in this category are certain Covered Organizations such as NYCHH and the Transit Authority. A third category consists of certain public benefit corporations ("PBCs") which were created to finance the construction of housing, hospitals, dormitories and other facilities and to provide other governmental services in the City. The legislation establishing this type of agency contemplates that annual payments from the City, appropriated through its Expense Budget, may or will constitute a substantial part of the revenues of the agency. Included in this category is, among others, the City University Construction Fund ("CUCF"). For information regarding expenditures for City services, see "SECTION VI: FINANCIAL OPERATIONS—2019-2023 Summary of Operations."

Federal and State laws require the City to provide certain social services for needy individuals and families who qualify for such assistance. The City receives federal Temporary Assistance for Needy Families ("TANF") block grant funds through the State for the Family Assistance Program. The Family Assistance Program provides benefits for households with minor children subject, in most cases, to a five-year time limit. The Safety Net Assistance Program provides benefits for adults without minor children, families who have reached the Family Assistance Program time limit, and others, including certain immigrants, who are ineligible for the Family Assistance Program but are eligible for public assistance. Historically, the cost of the Safety Net Assistance Program was borne equally by the City and the State. In the 2011-2012 State Budget, the State implemented new funding formulas, increasing the City share of the Safety Net Assistance Program to 71% and eliminating the City Share of 25% for the Family Assistance Program by fully funding it with TANF block grant funds. In the 2019-2020 State Budget, the State increased the City share for the Family Assistance Program to 10%. In the 2020-2021 State Budget, the State further increased the City share for the Family Assistance Program to 15%.

The City also provides funding for many other social services, such as day care, foster care, family planning, services for the elderly and special employment services for welfare recipients, some of which are mandated, and may be wholly or partially subsidized, by either the federal or State government. See "SECTION VII: FINANCIAL PLAN—Assumptions—Revenue Assumptions—5. FEDERAL AND STATE CATEGORICAL GRANTS."

In July 2002, the Board of Education was replaced by the City's Department of Education (the "DOE") which is overseen by a Chancellor, appointed by the Mayor, and the Panel for Educational Policy, which was previously comprised of 13 members, 8 of which were appointed by the Mayor. Pursuant to the State law, the Panel for Education Policy was expanded on January 15, 2023. As expanded, the panel is now comprised of 23 members, with 13 members appointed by the Mayor, the Borough Presidents having each appointed one member, and five members elected from each borough by community education council presidents (community education councils are comprised mostly of public school parents who are elected to serve). Each elected and appointed member will serve a one-year term that can be renewed annually. The Chancellor and Comptroller serve as ex-officio non-voting members. The number of pupils in the school system is estimated to be 979,066 in fiscal year 2024 and approximately 1 million in each of the 2025 through 2028 fiscal years. Enrollment began declining before the onset of COVID-19 and this trend accelerated during the pandemic; however, it appears to be leveling out. Actual enrollment in fiscal years 2019 through 2023 has been 1,074,318, 1,071,337, 1,033,579, 988,417 and 978,490, respectively. See "SECTION VII: FINANCIAL PLAN—Assumptions—Expenditure Assumptions—2. OTHER THAN PERSONAL SERVICES COSTS—Department of Education." The City's system of higher education, consisting of its Senior Colleges and Community Colleges, is operated under the supervision of the City University of New York ("CUNY"). The City is projected to provide approximately 48.5% of the costs of the Community Colleges in the 2024 fiscal year. Community Colleges are also supported by federal, intra-city, and other categorical funding, as well as the tuition they collect. The State has full responsibility for the costs of operating the Senior Colleges, although the City is required initially to fund these costs which are then reimbursed by the State.

The City administers health services programs for the care of the physically and mentally ill and the aged. NYCHH maintains and operates the City's 10 municipal acute care hospitals, five long-term care facilities, six free standing diagnostic and treatment centers, a certified home health-care program, many hospital-based and neighborhood clinics and a health maintenance organization. NYCHH is funded primarily by third party reimbursement collections from Medicare and Medicaid and by payments from bad debt/charity care pools, with significant contributions from the City. See "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. OTHER THAN PERSONAL SERVICES COSTS—*New York City Health and Hospitals*."

Medicaid provides basic medical assistance to needy persons. The City is required by State law to furnish medical assistance through Medicaid to all City residents meeting eligibility requirements established by the State. Prior to State legislation in fiscal year 2006 capping City Medicaid payments, the State had assumed 81.2% of the non-federal share of long-term care costs, all of the costs of providing medical assistance to the mentally disabled, and 50% of the non-federal share of Medicaid costs for all other clients. As a result of State legislation in fiscal years 2006 and 2012 capping City Medicaid payments, the State percentage of the non-federal share may vary. The federal government pays 50% of Medicaid costs for federally eligible recipients and a higher share for federally eligible childless adults.

The City's Expense Budget increased during the five-year period ended June 30, 2023, due to, among other factors, the increasing costs of pensions and Medicaid, the costs of labor settlements and the impact of inflation on various other than personal services costs.

## Employees and Labor Relations

### *Employees*

The following table presents the number of full-time and full-time equivalent employees of the City, including the mayoral agencies, the DOE and CUNY, at the end of each of the City's 2019 through 2023 fiscal years.

	2019	2020	2021	2022	2023
Education.....	146,776	147,792	144,323	141,748	141,594
Police .....	53,486	53,416	50,496	49,960	48,914
Social Services, Homeless and Children's Services .....	22,145	21,698	20,781	19,113	18,860
City University Community Colleges and Hunter Campus Schools.....	9,385	8,314	7,646	7,472	7,249
Environmental Protection and Sanitation .....	16,545	16,031	15,162	15,321	15,785
Fire.....	17,405	17,480	17,140	16,960	17,070
All Other .....	60,997	59,305	57,313	53,521	53,704
Total.....	<u>326,739</u>	<u>324,036</u>	<u>312,861</u>	<u>304,095</u>	<u>303,176</u>

The following table presents the number of full-time employees of certain Covered Organizations, as reported by such Organizations, at the end of each of the City's 2019 through 2023 fiscal years.

	2019	2020	2021	2022	2023
Transit Authority .....	49,283	47,056	45,041	45,851	46,320
Housing Authority .....	10,597	11,024	11,655	11,670	11,660
NYCHH .....	36,735	38,918	39,193	37,625	38,837
Total <sup>(1)</sup> .....	<u>96,615</u>	<u>96,998</u>	<u>95,889</u>	<u>95,146</u>	<u>96,817</u>

<sup>(1)</sup> The definition of "full-time employees" varies among the Covered Organizations and the City.

The foregoing tables include persons whose salaries or wages are paid by certain public employment programs, including programs funded under the Workforce Investment Act, which support employees in non-profit and State agencies as well as in the mayoral agencies and the Covered Organizations.

## *Labor Relations*

Substantially all of the City's employees are members of labor unions. For those employees, wages, hours or working conditions may be changed only as provided for under collective bargaining agreements. Although State law prohibits strikes by municipal employees, strikes and work stoppages by employees of the City and the Covered Organizations have occurred. For information regarding recent labor contract settlements with DC 37 and the PBA, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS—2024-2028 Financial Plan" and "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—1. PERSONAL SERVICES COSTS."

Collective bargaining for City employees is under the jurisdiction of either the New York City Office of Collective Bargaining, which was created under the New York City Collective Bargaining Law, or the New York State Public Employment Relations Board ("PERB"), which was created under the State Employees Fair Employment Act. Collective bargaining matters relating to police, firefighters and pedagogical employees are under the jurisdiction of PERB. Under applicable law, the terms of future wage settlements could be determined through an impasse procedure which, except in the case of pedagogical employees, can result in the imposition of a binding decision. Pedagogical employees do not have access to binding arbitration but are covered by a fact-finding impasse procedure under which a binding decision may not be imposed. Although the impasse procedure may not impose a binding settlement, it may influence ongoing collective bargaining.

In 2021, the City and the Municipal Labor Committee ("MLC") agreed to implement a Medicare Advantage ("MA") plan for City retirees in order to generate an estimated \$600 million in annual savings in retiree health benefit costs. The City and the MLC also anticipated that the current, more expensive Senior Care plan could remain in place but that participating retirees would be required to pay a monthly premium. The City and the MLC further agreed that the savings would be earmarked for contribution to the Health Insurance Stabilization Fund ("HISF"), a trust and agency account jointly administered by the City and the MLC since 1986 for the purpose of moderating volatility in the cost to the City of pre-Medicare health coverage expenses, the balance of which has been declining in recent years. An arbitrator mandated with enforcement of City-MLC health savings agreements has since acknowledged that without the savings from the MA plan, the HISF will be fully drawn and savings will need to be obtained through alternative means, likely including the imposition of co-premiums on active City employees and pre-Medicare retirees.

The City's and MLC's plan described above, originally scheduled for implementation by January 1, 2022, was challenged in litigation. The court concluded that, although the City could proceed with the implementation of the MA plan itself, it could not charge retirees who chose to remain in Senior Care a monthly premium. The court's decision, if not overturned, would result in the elimination of the projected savings from the plan unless the City stopped offering the Senior Care plan. This decision was affirmed by the Appellate Division, but the City has appealed the ruling to the Court of Appeals. In response to that decision, the City and the MLC took steps to implement the MA plan without the option to remain in the Senior Care plan by September 1, 2023. However, the same group of retiree litigants filed a second lawsuit challenging the plan's implementation, and on August 11, 2023, the court issued a permanent injunction. The City has appealed to the Appellate Division, First Department. Implementation is delayed indefinitely pending this case. For further information, see "SECTION X: OTHER INFORMATION—Litigation—*Miscellaneous*."

The delays in implementation described above have significantly forestalled the anticipated savings associated with the MA plan, totaling approximately \$1.2 billion in savings lost through calendar year 2023. Each additional month of delay will equate to another \$50 million in savings lost—all monies that would have been applied to the HISF's outstanding financial obligations. The City and the MLC are currently negotiating further savings to offset such obligations via health plan reforms, including a new preferred provider organization plan for active employees and pre-Medicare retirees; however, it is too early to predict the outcome given the range of possibilities. If the HISF were fully drawn, there could be a significant shift in costs to active City employees and pre-Medicare retirees in the form of additional health coverage fees and reductions in benefits, or the assumption of significant costs by the City.

## *Pensions*

The City maintains a number of pension systems providing benefits for its employees and employees of various independent agencies (including certain Covered Organizations). For further information regarding the City's pension systems and the City's obligations thereto, see "SECTION IX: PENSION SYSTEMS AND OPEB."

## Capital Expenditures

The City makes substantial capital expenditures to reconstruct, rehabilitate and expand the City's infrastructure and physical assets, including City mass transit facilities, water and sewer facilities, streets, bridges and tunnels, and to make capital investments that will improve productivity in City operations. For additional information regarding the City's infrastructure, physical assets and capital program, see "SECTION VII: FINANCIAL PLAN—Long-Term Capital Program" and "—Financing Program."

The City utilizes a three-tiered capital planning process consisting of the Ten-Year Capital Strategy (previously, the Ten-Year Capital Plan), the four-year capital plan and the current-year Capital Budget. The Ten-Year Capital Strategy, which is published once every two years in conjunction with the Executive Budget as required by the City Charter, is a long-term planning tool designed to reflect fundamental allocation choices and basic policy objectives. The four-year capital plan, which is updated three times a year, as required by the City Charter, translates mid-range policy goals into specific projects. The Capital Budget defines for each fiscal year specific projects and the timing of their initiation, design, construction and completion.

On April 26, 2023 the City published the Ten-Year Capital Strategy for fiscal years 2024 through 2033. The Ten-Year Capital Strategy totals \$164.8 billion, of which approximately 97.5% would be financed with City funds.

The Ten-Year Capital Strategy includes, among other items: (i) \$19.4 billion to construct new schools and improve existing educational facilities, including CUNY; (ii) \$29.0 billion for improvements to the water and sewer system; (iii) \$23.9 billion for expanding and upgrading the City's housing stock; (iv) \$13.0 billion for reconstruction or resurfacing of City streets; (v) \$2.1 billion for continued City-funded investment in mass transit; (vi) \$16.8 billion for the continued reconstruction and rehabilitation of all four East River bridges and 108 other bridge structures; (vii) \$10.7 billion to design and construct new jail facilities as well as to upgrade equipment, vehicles, and necessary systems; and (viii) \$2.9 billion for construction and improvement of court facilities.

For a discussion of the City's debt limit, see "SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities—*Limitations on the City's Authority to Contract Indebtedness.*"

Those programs in the Ten-Year Capital Strategy financed with City funds are currently expected to be funded primarily from the issuance of bonds by the City, the Water Authority and the TFA. From time to time, during recessionary periods when operating revenues have come under increasing pressure, capital funding levels have been reduced from those previously contemplated in order to reduce debt service costs. For information concerning the City's long-term financing program for capital expenditures, see "SECTION VII: FINANCIAL PLAN—Financing Program."

The City's capital expenditures, including expenditures funded by State and federal grants, totaled \$52.7 billion during the 2019 through 2023 fiscal years. City-funded expenditures, which totaled \$47.2 billion during the 2019 through 2023 fiscal years, have been financed through the issuance of bonds by the City, the TFA and the Water Authority. The following table summarizes the major categories of capital expenditures in the City's 2019 through 2023 fiscal years.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Total</u>
	<b>(In Millions)</b>					
Education.....	\$ 2,830	\$ 2,853	\$ 2,374	\$ 3,080	\$ 3,703	\$ 14,840
Environmental Protection.....	1,992	1,846	1,816	1,765	1,593	9,011
Transportation .....	1,301	1,341	1,187	1,083	943	5,855
Transit Authority <sup>(1)</sup> .....	311	95	79	422	479	1,385
Housing .....	1,681	904	1,143	1,018	1,735	6,481
Hospitals.....	306	363	441	440	507	2,058
Sanitation.....	243	202	252	196	256	1,149
All Other <sup>(2)</sup> .....	2,185	2,169	2,140	2,526	2,934	11,954
Total Expenditures <sup>(3)</sup> .....	<u>\$ 10,848</u>	<u>\$ 9,774</u>	<u>\$ 9,431</u>	<u>\$ 10,530</u>	<u>\$ 12,150</u>	<u>\$ 52,733</u>
City-funded Expenditures <sup>(4)</sup> .....	<u>\$ 9,278</u>	<u>\$ 9,331</u>	<u>\$ 8,579</u>	<u>\$ 9,440</u>	<u>\$ 10,552</u>	<u>\$ 47,179</u>

<sup>(1)</sup> Excludes the Transit Authority's non-City portion of the MTA capital program.

<sup>(2)</sup> All Other includes, among other things, parks, correction facilities, public structures and equipment.

<sup>(3)</sup> Total Expenditures for the 2019 through 2023 fiscal years include City, State and federal funding and represent amounts which include an accrual for work-in-progress. Figures for fiscal years 2019 through 2023 are derived from the Annual Report.

<sup>(4)</sup> City-funded Expenditures do not include accruals, but represent actual cash disbursements occurring during the fiscal year.

The City annually issues a condition assessment and a proposed maintenance schedule for the major portion of its assets and asset systems which have a replacement cost of \$10 million or more and a useful life of at least ten years, as required by the City Charter. For information concerning a report which sets forth the recommended capital investment to bring certain identified assets of the City to a state of good repair, see "SECTION VII: FINANCIAL PLAN—Long-Term Capital Program."



## **SECTION VI: FINANCIAL OPERATIONS**

The City's Annual Report for the fiscal year ended June 30, 2023 is included by specific reference in this Official Statement as "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT." The Annual Report for the fiscal year ended June 30, 2023 is available for inspection at the Office of the City Comptroller and at <https://comptroller.nyc.gov/reports/comprehensive-annual-financial-reports/> and is available on EMMA (as defined herein) (<https://emma.msrb.org>). For a summary of the City's significant accounting policies, see "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note A." For a summary of the City's operating results for the previous five fiscal years, see "2019-2023 Summary of Operations" below.

Except as otherwise indicated, all of the financial data relating to the City's operations contained herein, although derived from the City's books and records, are unaudited. In addition, neither the City's independent auditors, nor any other independent accountants, have compiled, examined or performed any procedures with respect to the Financial Plan or other estimates or projections contained elsewhere herein, nor have they expressed any opinion or any other form of assurance on such prospective financial information or its achievability, and assume no responsibility for, and disclaim any association with, all such prospective financial information.

The Financial Plan is prepared in accordance with standards set forth in the Financial Emergency Act and the City Charter. The Financial Plan contains projections and estimates that are based on expectations and assumptions which existed at the time such projections and estimates were prepared. The estimates and projections contained in this Section and elsewhere herein are based on, among other factors, evaluations of historical revenue and expenditure data, analyses of economic trends and current and anticipated federal and State legislation affecting the City's finances. The City's financial projections are based upon numerous assumptions and are subject to certain contingencies and periodic revisions which may involve substantial change. This prospective information is not fact and should not be relied upon as being necessarily indicative of future results. The City makes no representation or warranty that these estimates and projections will be realized. The estimates and projections contained in this Section and elsewhere herein were not prepared with a view towards compliance with the guidelines established by the American Institute of Certified Public Accountants with respect to prospective financial information.

### **2019-2023 Summary of Operations**

The following table sets forth the City's results of operations for its 2019 through 2023 fiscal years in accordance with GAAP, after discretionary and other transfers and except for the application of GASB 49 and without regard to certain fund balances permitted to be carried forward as described in "INTRODUCTORY STATEMENT."

The information regarding the 2019 through 2023 fiscal years has been derived from the City's audited financial statements and should be read in conjunction with the notes accompanying this table and the City's 2022 and 2023 financial statements included in "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT." The 2019 through 2021 financial statements are not separately presented herein. For further information regarding the City's revenues and expenditures, see "SECTION IV: SOURCES OF CITY REVENUES" and "SECTION V: CITY SERVICES AND EXPENDITURES."

	Fiscal Year <sup>(1)</sup>				
	Actual				
	2019	2020	2021	2022	2023
	(In Millions)				
Revenues and Transfers					
Real Estate Tax <sup>(2)</sup> .....	\$ 27,885	\$ 29,816	\$ 31,464	\$ 29,582	\$ 31,645
Other Taxes <sup>(3)(4)</sup> .....	33,609	33,274	34,070	40,015	41,792
Miscellaneous Revenues <sup>(3)</sup> .....	5,997	5,269	5,168	5,013	5,983
Other Categorical Grants.....	1,340	1,105	1,177	885	1,054
Unrestricted Federal and State Aid .....	151	11	1	498	186
Federal Categorical Grants.....	7,719	9,581	12,620	15,201	10,139
State Categorical Grants.....	14,970	15,334	14,597	15,847	17,070
Disallowances Against Categorical Grants	113	(5)	(24)	(35)	(13)
Total Revenues and Transfers <sup>(5)</sup> .....	<u>\$ 91,784</u>	<u>\$ 94,385</u>	<u>\$ 99,073</u>	<u>\$107,006</u>	<u>\$107,856</u>
Expenditures and Transfers					
Social Services.....	\$ 15,833	\$ 15,631	\$ 15,475	\$ 16,574	\$ 18,105
Board of Education .....	26,905	27,903	28,288	31,306	30,976
City University.....	1,114	1,117	1,060	1,109	1,126
Public Safety and Judicial.....	10,358	10,791	10,548	11,937	12,070
Health Services .....	2,656	2,520	4,554	4,699	4,084
Pensions <sup>(6)</sup> .....	9,829	9,672	9,334	9,599	8,988
Debt Service <sup>(3)(7)</sup> .....	6,373	6,554	8,193	6,294	7,115
All Other <sup>(8)</sup> .....	18,711	20,192	21,616	24,033	25,387
Total Expenditures and Transfers <sup>(5)</sup> .....	<u>\$ 91,779</u>	<u>\$ 94,380</u>	<u>\$ 99,068</u>	<u>\$105,551</u>	<u>\$107,851</u>
Surplus <sup>(9)</sup> .....	<u>\$ 5</u>	<u>\$ 5</u>	<u>\$ 5</u>	<u>\$ 1,455</u>	<u>\$ 5</u>

- (1) The City's results of operations refer to the City's General Fund revenues and transfers reduced by expenditures and transfers. The revenues and assets of PBCs included in the City's audited financial statements do not constitute revenues and assets of the City's General Fund, and, accordingly, the revenues of such PBCs are not included in the City's results of operations. Expenditures required to be made and revenues earned by the City with respect to such PBCs are included in the City's results of operations. For further information regarding the particular PBCs included in the City's financial statements, see "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note A."
- (2) In fiscal years 2019 through 2023, Real Estate Tax includes \$181.3 million, \$165.5 million, \$153.5 million, \$146.3 million and \$137.9 million, respectively, which was provided to the City by the State as a reimbursement for the reduced property tax revenues resulting from the State's STAR Program.
- (3) Other Taxes includes as revenues to the City the personal income tax revenues retained by the TFA of \$444 million, \$512 million, \$276 million, \$175 million and \$1.282 billion in fiscal years 2019 through 2023, respectively. Debt Service includes as a debt service expense the funding requirements associated with TFA Future Tax Secured Bonds of \$444 million, \$512 million, \$276 million, \$175 million and \$1.282 billion in fiscal years 2019 through 2023, respectively. Debt Service does not include debt service on TSASC bonds. Miscellaneous Revenues includes TSRs that are not retained by TSASC for debt service and operating expenses.
- (4) Other Taxes includes tax audit revenues. For further information regarding the City's revenues from Other Taxes, see "SECTION IV: SOURCES OF CITY REVENUES—Other Taxes."
- (5) Total Revenues and Transfers and Total Expenditures and Transfers exclude Inter-Fund Revenues.
- (6) For information regarding pension expenditures, see "SECTION X: OTHER INFORMATION."
- (7) Debt Service includes discretionary transfers of \$1.702 billion, \$1.269 billion, \$3.0 billion, \$3.318 billion and \$2.812 billion into the General Debt Service Fund in fiscal years 2019 through 2023, respectively, a prepayment of \$40 million of lease debt service in fiscal year 2022, and grants from the City to the TFA of \$2.319 billion, \$2.550 billion, \$2.682 billion, \$1.965 billion and \$2.167 billion in fiscal years 2019 through 2023, respectively, which were used by the TFA to pay debt service in the following fiscal year thereby decreasing the TFA funding requirements.
- (8) All Other includes payments into the Retiree Health Benefits Trust of \$100 million, \$425 million, \$792 million and \$500 million in fiscal years 2019, 2021, 2022 and 2023, respectively, a payment from the Retiree Health Benefits Trust of approximately \$1 billion to pay for OPEB costs in fiscal year 2020, and payment of \$200 million of subsidies to NYCHH in fiscal year 2019 otherwise due in fiscal year 2020.
- (9) Surplus is the surplus after discretionary and other transfers and expenditures. The City had general fund operating revenues exceeding expenditures of \$4.226 billion, \$3.824 billion, \$6.112 billion, \$7.570 billion and \$5.483 billion in fiscal years 2019 through 2023, respectively, before discretionary and other transfers and without regard to certain fund balances permitted to be carried forward as described in "INTRODUCTORY STATEMENT." Discretionary and other transfers are included in Debt Service and All Other. All year-end budget surpluses have been deposited into the Revenue Stabilization Fund. See "SECTION VII: FINANCIAL PLAN—Revenue Stabilization Fund."

## Forecast of 2024 Results

The following table compares the forecast for the 2024 fiscal year contained in the financial plan, submitted to the Control Board in June 2023 (the “June 2023 Forecast”), with the forecast contained in the Financial Plan, which was submitted to the Control Board on January 16, 2024 (the “January 2024 Forecast”). Each forecast was prepared on a basis consistent with GAAP except for the application of GASB 49 and without regard to certain fund balances, which may be carried forward as described in “INTRODUCTORY STATEMENT.” For information regarding recent developments, see “SECTION I: RECENT FINANCIAL DEVELOPMENTS.”

	June 2023 Forecast	January 2024 Forecast	Increase/(Decrease) from June 2023 Forecast
		(In Millions)	
<b>REVENUES</b>			
Taxes			
General Property Tax.....	\$ 32,569	\$ 32,691	\$ 122 <sup>(1)</sup>
Other Taxes .....	37,849	39,590	1,741 <sup>(2)</sup>
Tax Audit Revenues .....	721	747	26
Subtotal – Taxes.....	\$ 71,139	\$ 73,028	\$ 1,889
Miscellaneous Revenues .....	7,808	8,621	813 <sup>(3)</sup>
Unrestricted Intergovernmental Aid.....	—	17	17
Less: Intra-City Revenue.....	(1,990)	(2,270)	(280)
Disallowances Against Categorical Grants .....	(15)	(15)	—
Subtotal – City Funds.....	\$ 76,942	\$ 79,381	\$ 2,439
Other Categorical Grants.....	1,082	1,271	189 <sup>(4)</sup>
Inter-Fund Revenues .....	720	728	8
Federal Categorical Grants.....	10,320	12,485	2,165 <sup>(5)</sup>
State Categorical Grants.....	18,051	20,239	2,188 <sup>(6)</sup>
Total Revenues.....	\$ 107,115	\$ 114,104	\$ 6,989
<b>EXPENDITURES</b>			
Personal Services .....			
Salaries and Wages .....	\$ 32,998	\$ 32,966	\$ (32)
Fringe Benefits .....	13,327	13,302	(25)
Pensions.....	9,642	9,355	(287) <sup>(7)</sup>
Subtotal – Personal Services.....	\$ 55,967	\$ 55,623	\$ (344)
Other Than Personal Services .....			
Medical Assistance .....	6,780	6,615	(165) <sup>(8)</sup>
Public Assistance.....	1,650	2,467	817 <sup>(9)</sup>
All Other.....	40,997	45,666	4,669 <sup>(10)</sup>
Subtotal – Other Than Personal Services.....	\$ 49,427	\$ 54,748	\$ 5,321
Debt Service.....	7,740	7,653	(87)
FY 2023 Budget Stabilization .....	(5,479)	(5,479)	— <sup>(11)</sup>
FY 2024 Budget Stabilization .....	—	3,779	3,779 <sup>(12)</sup>
Capital Stabilization Reserve .....	250	—	(250)
General Reserve .....	1,200	50	(1,150)
Less: Intra-City Revenue.....	(1,990)	(2,270)	(280)
Net Total Expenditures .....	\$ 107,115	\$ 114,104	\$ 6,989

Footnotes on next page

*Footnotes from previous page*

- (1) The increase in General Property Tax is due to an increase of \$122 million in collections from the current year levy.
- (2) The increase in Other Taxes is due to increases of \$1.063 billion in general corporation tax, \$1.058 billion in personal income tax which includes the newly enacted pass-through entity tax, \$154 million in sales tax, \$73 million in unincorporated business tax, \$31 million in hotel tax, \$25 million in commercial rent tax, and \$26 million in all other taxes, offset by decreases of \$341 million in mortgage recording tax, \$287 million in real property transfer tax, \$45 million in utility tax, \$8 million in STAR Program aid, \$5 million in cannabis tax and \$3 million in cigarette tax.
- (3) The increase in Miscellaneous Revenues is due to increases of \$280 million in intra-city revenues, \$203 million in water and sewer charges, \$197 million in interest income, \$86 million in fines and forfeitures, \$37 million in miscellaneous and other revenues, \$18 million in charges for services, \$8 million in franchises, and \$6 million license revenues, offset by a decrease of \$22 million in permit revenues.
- (4) The increase in Other Categorical Grants is due to an increases of \$64 million in health and mental hygiene funding, \$49 million in education funding, \$15 million in miscellaneous funding, \$15 million in parks and recreation funding, \$13 million in the City's Office of Technology and Innovation funding and telecommunications funding and \$33 million in other agencies funding.
- (5) The increase in Federal Categorical Grants is due to increases of \$723 million in social services funding, \$377 million in health and mental hygiene funding, \$279 million in funding primarily relating to the outbreak of COVID-19, \$271 million in children services funding, \$137 million in police department funding, \$65 million in community development funding, primarily disaster recovery funding, \$64 million in education funding, \$64 million in housing preservation and development funding, \$49 million in department of small business services funding, \$47 million in fire department funding, \$23 million in youth and community development funding, \$20 million in homeless services funding, \$20 million in department of environmental protection funding and \$41 million in other agencies funding, offset by a decrease of \$15 million in debt service funding.
- (6) The increase in State Categorical Grants is due to increases of \$1.19 billion in homeless services funding, \$378 million in social services funding, \$270 million in children services funding, \$124 million in criminal justice funding, \$56 million in district attorney funding, \$47 million in health and mental hygiene funding, \$29 million in police funding, \$29 million in transportation funding, \$15 million in department for the aging funding, and \$49 million in other agencies funding.
- (7) The decrease in Pensions is primarily due to the elimination of the budget reserve in fiscal year 2024 for potential costs that could arise from a pending audit of actuarial assumptions.
- (8) The decrease in Medical Assistance is primarily due a re-estimate of timing of Medicaid initiative expenses.
- (9) The increase in Public Assistance is primarily due to an increase in individuals receiving public assistance.
- (10) The increase in Other Than Personal Services—All Other is due to expense increases to be funded in part by \$1.401 billion of Federal Categorical Grants, \$1.809 billion of State Categorical Grants, \$1.058 billion of City funds and \$401 million of other funds.
- (11) FY 2023 Budget Stabilization reflects, in fiscal year 2023, the discretionary transfer of \$2.812 billion into the General Debt Service Fund and a grant of \$2.167 billion to the TFA, each for debt service due in fiscal year 2024, and the discretionary transfer of \$500 million into the Retiree Health Benefits Trust.
- (12) FY 2024 Budget Stabilization reflects, in fiscal year 2024, the discretionary transfer of \$1.336 billion into the General Debt Service Fund and a grant of \$2.443 billion to the TFA, each for debt service due in fiscal year 2025.

## SECTION VII: FINANCIAL PLAN

The following table sets forth the City’s projected operations on a basis consistent with GAAP, except for the application of GASB 49 and without regard to certain fund balances, which may be carried forward as described in “INTRODUCTORY STATEMENT,” for the 2024 through 2028 fiscal years as contained in the Financial Plan. This table should be read in conjunction with the accompanying notes, “Actions to Close the Remaining Gaps” and “Assumptions” below. For information regarding recent developments, see “SECTION I: RECENT FINANCIAL DEVELOPMENTS.”

	Fiscal Years <sup>(1)(2)</sup>				
	2024	2025	2026	2027	2028
	(In Millions)				
REVENUES					
Taxes					
General Property Tax <sup>(3)</sup> .....	\$ 32,691	\$ 33,202	\$ 33,854	\$ 34,818	\$ 35,452
Other Taxes <sup>(4)</sup> .....	39,590	40,970	42,241	44,030	45,478
Tax Audit Revenue.....	747	773	773	773	773
Subtotal – Taxes.....	\$ 73,028	\$ 74,945	\$ 76,868	\$ 79,621	\$ 81,703
Miscellaneous Revenues <sup>(5)</sup> .....	8,621	8,100	7,707	7,646	7,637
Unrestricted Intergovernmental Aid.....	17	—	—	—	—
Less: Intra-City Revenue.....	(2,270)	(1,997)	(2,001)	(1,998)	(1,997)
Disallowances Against Categorical Grants.....	(15)	(15)	(15)	(15)	(15)
Subtotal – City Funds.....	\$ 79,381	\$ 81,033	\$ 82,559	\$ 85,254	\$ 87,328
Other Categorical Grants.....	1,271	1,086	1,081	1,080	1,080
Inter-Fund Revenues <sup>(6)</sup> .....	728	729	737	738	738
Federal Categorical Grants.....	12,485	7,741	7,215	7,165	7,249
State Categorical Grants.....	20,239	18,852	17,596	17,658	17,809
Total Revenues.....	\$ 114,104	\$ 109,441	\$ 109,188	\$ 111,895	\$ 114,204
EXPENDITURES					
Personal Service					
Salaries and Wages.....	\$ 32,966	\$ 32,738	\$ 33,948	\$ 35,069	\$ 36,039
Pensions.....	9,355	10,379	10,801	10,926	11,867
Fringe Benefits <sup>(9)</sup> .....	13,302	13,956	14,707	15,279	15,885
Subtotal – Personal Service.....	\$ 55,623	\$ 57,073	\$ 59,456	\$ 61,274	\$ 63,791
Other Than Personal Service					
Medical Assistance.....	6,615	6,454	6,583	6,733	6,883
Public Assistance.....	2,467	1,650	1,650	2,000	2,463
All Other <sup>(7)</sup> .....	45,666	40,413	38,339	38,065	37,392
Subtotal – Other Than Personal Service.....	\$ 54,748	\$ 48,517	\$ 46,572	\$ 46,798	\$ 46,738
Debt Service <sup>(8)(9)(10)</sup> .....	7,653	8,177	8,861	9,488	10,265
FY 2023 Budget Stabilization & Discretionary					
Transfers <sup>(9)</sup> .....	(5,479)	—	—	—	—
FY 2024 Budget Stabilization <sup>(10)</sup> .....	3,779	(3,779)	—	—	—
Capital Stabilization Reserve <sup>(11)</sup> .....	—	250	250	250	250
General Reserve.....	50	1,200	1,200	1,200	1,200
Less: Intra-City Expenses.....	(2,270)	(1,997)	(2,001)	(1,998)	(1,997)
Total Expenditures.....	\$ 114,104	\$ 109,441	\$ 114,338	\$ 117,012	\$ 120,247
Gap to be Closed.....	\$ —	\$ —	\$ (5,150)	\$ (5,117)	\$ (6,043)

<sup>(1)</sup> The four year financial plan for the 2024 through 2027 fiscal years, as submitted to the Control Board on June 30, 2023, contained the following projections for the 2024-2027 fiscal years: (i) for 2024, total revenues of \$107.115 billion and total expenditures of \$107.115 billion; (ii) for 2025, total revenues of \$105.787 billion and total expenditures of \$110.866 billion, with a gap to be closed of \$5.079 billion; (iii) for 2026, total revenues of \$106.365 billion and total expenditures of \$113.201 billion, with a gap to be closed of \$6.836 billion; and (iv) for 2027, total revenues of \$108.808 billion and total expenditures of \$116.708 billion, with a gap to be closed of \$7.900 billion.

The four year financial plan for the 2023 through 2026 fiscal years, as submitted to the Control Board on June 13, 2022, contained the following projections for the 2023-2026 fiscal years: (i) for 2023, total revenues of \$101.124 billion and total expenditures of \$101.124 billion; (ii) for 2024, total revenues of \$101.002 billion and total expenditures of \$105.212 billion, with a gap to be closed of \$4.210 billion; (iii) for 2025, total revenues of \$102.229 billion and total expenditures of \$105.943 billion, with a gap to be closed of \$3.714

billion; and (iv) for 2026, total revenues of \$102.761 billion and total expenditures of \$106.741 billion, with a gap to be closed of \$3.980 billion.

The four year financial plan for the 2022 through 2025 fiscal years, as submitted to the Control Board on June 30, 2021, contained the following projections for the 2022-2025 fiscal years: (i) for 2022, total revenues of \$98.723 billion and total expenditures of \$98.723 billion; (ii) for 2023, total revenues of \$97.724 billion and total expenditures of \$101.775 billion, with a gap to be closed of \$4.051 billion; (iii) for 2024, total revenues of \$99.516 billion and total expenditures of \$103.353 billion, with a gap to be closed of \$3.837 billion; and (iv) for 2025, total revenues of \$100.960 billion and total expenditures of \$105.029 billion, with a gap to be closed of \$4.069 billion.

The four year financial plan for the 2021 through 2024 fiscal years, as submitted to the Control Board on June 30, 2020, contained the following projections for the 2021-2024 fiscal years: (i) for 2021, total revenues of \$88.192 billion and total expenditures of \$88.192 billion; (ii) for 2022, total revenues of \$93.654 billion and total expenditures of \$97.834 billion, with a gap to be closed of \$4.180 billion; (iii) for 2023, total revenues of \$96.967 billion and total expenditures of \$100.010 billion, with a gap to be closed of \$3.043 billion; and (iv) for 2024, total revenues of \$98.288 billion and total expenditures of \$101.470 billion, with a gap to be closed of \$3.182 billion.

- (2) The Financial Plan combines the operating revenues and expenditures of the City, the DOE and CUNY. The Financial Plan does not include the total operations of NYCHH but does include the City's subsidy to NYCHH and the City's share of NYCHH revenues and expenditures related to NYCHH's role as a Medicaid provider. Certain Covered Organizations and PBCs which provide governmental services to the City, such as the Transit Authority, are separately constituted and their revenues are not included in the Financial Plan; however, City subsidies and certain other payments to these organizations are included. Revenues and expenditures are presented net of intra-City items, which are revenues and expenditures arising from transactions between City agencies.
- (3) For a description of the STAR Program, and other real estate tax assumptions, see "SECTION VII: FINANCIAL PLAN—Assumptions—Revenue Assumptions—2. REAL ESTATE TAX."
- (4) Personal income taxes flow directly from the State to the TFA, and from the TFA to the City only to the extent not required by the TFA for debt service, reserves, operating expenses and contractual and other obligations incurred pursuant to the TFA indenture. Sales taxes will flow directly from the State to the TFA to the extent necessary to provide statutory coverage. Other Taxes includes amounts that are expected to be retained by the TFA for its funding requirements associated with TFA Future Tax Secured Bonds. Starting with fiscal year 2023, personal income taxes also include the newly enacted pass-through entity tax. see "SECTION IV: SOURCES OF CITY REVENUES—Other Taxes."
- (5) Miscellaneous Revenues reflects the receipt by the City of TSRs not used by TSASC for debt service and other expenses. For information on TSASC, see "SECTION IV: SOURCES OF CITY REVENUES—Miscellaneous Revenues."
- (6) Inter-Fund Revenues represents General Fund expenditures, properly includable in the Capital Budget, made on behalf of the Capital Projects Fund pursuant to inter-fund agreements.
- (7) For a discussion of the categories of expenditures in Other Than Personal Services—All Other, see "SECTION VII: FINANCIAL PLAN—Assumptions—Expenditure Assumptions—2. OTHER THAN PERSONAL SERVICES COSTS."
- (8) For a discussion of the debt service in General Obligation, Lease and TFA Debt Service, see "SECTION VII: FINANCIAL PLAN—Assumptions—Expenditure Assumptions—3. GENERAL OBLIGATION, LEASE AND TFA DEBT SERVICE."
- (9) FY 2023 Budget Stabilization reflects, in fiscal year 2023, the discretionary transfer of \$2.812 billion into the General Debt Service Fund and a grant of \$2.167 billion to the TFA, each for debt service due in fiscal year 2024, and the discretionary transfer of \$500 million into the Retiree Health Benefits Trust.
- (10) FY 2024 Budget Stabilization reflects, in fiscal year 2024, the discretionary transfer of \$1.336 billion into the General Debt Service Fund and a grant of \$2.443 billion to the TFA, each for debt service due in fiscal year 2025.
- (11) The Capital Stabilization Reserve reflects a capital reserve which will be available to make capital projects more efficient or for debt retirement in an economic downturn.

Implementation of various measures in the Financial Plan may be uncertain. If these measures cannot be implemented, the City will be required to take actions to decrease expenditures or increase revenues to maintain a balanced financial plan. See "Assumptions" and "Certain Reports" below.

## **Actions to Close the Remaining Gaps**

Although the City has maintained balanced budgets in each of its last 43 fiscal years, except for the application of GASB 49 with respect to fiscal years 2010 through 2023, and without regard to certain fund balances permitted to be carried forward as described in "INTRODUCTORY STATEMENT," in fiscal years 2020 through 2023, and is projected to achieve balanced operating results for the 2024 and 2025 fiscal years, except for the application of GASB 49 and without regard to certain fund balances, which may be carried forward as described in "INTRODUCTORY STATEMENT," there can be no assurance that the Financial Plan or future actions to close projected outyear gaps can be successfully implemented or that the City will maintain a balanced budget in future years without additional federal or State aid, revenue increases or expenditure reductions. Additional tax increases and reductions in essential City services could adversely affect the City's economic base.

## **Revenue Stabilization Fund**

The Revenue Stabilization Fund (also referred to as the Rainy Day Fund) was established in fiscal year 2021 pursuant to amendments to the City Charter and the Financial Emergency Act. All year-end budget surpluses, after

discretionary and other transfers and expenditures, including such surpluses accumulated prior to the establishment of the Revenue Stabilization Fund, have been and will continue to be deposited into such fund, along with additional amounts appropriated into such fund pursuant to the City budget process. Amounts in the Revenue Stabilization Fund may be carried forward for use in a future fiscal year or fiscal years. However, no more than fifty percent of the total amount of the Revenue Stabilization Fund may be withdrawn in any fiscal year unless the Mayor has certified that there is a compelling fiscal need. The balance in the Revenue Stabilization Fund as of June 30, 2023 was \$1.954 billion.

## Assumptions

The Financial Plan is based on numerous assumptions, including the condition of the City's and the region's economies and the concomitant receipt of economically sensitive tax revenues in the amounts projected. As shown in the Forecast of Key Economic Indicators below, the Financial Plan assumes no economic recession during the years of the Financial Plan. The Financial Plan is subject to various other uncertainties and contingencies relating to, among other factors, the extent, if any, to which wage increases for City employees exceed the annual wage costs assumed; realization of projected earnings for pension fund assets and current assumptions with respect to wages for City employees affecting the City's required pension fund contributions; the willingness and ability of the State to provide the aid contemplated by the Financial Plan and to take various other actions to assist the City; the ability of NYCHH and other such entities to maintain balanced budgets; the willingness of the federal government to provide the amount of federal aid contemplated in the Financial Plan; the impact on City revenues and expenditures of federal and State legislation affecting Medicare or other entitlement programs; adoption of the City's budgets by the City Council in substantially the forms submitted by the Mayor; the ability of the City to implement cost reduction initiatives, and the success with which the City controls expenditures; the impact of conditions in the real estate market on real estate tax revenues; the ability of the City and other financing entities to market their securities successfully in the public credit markets; the impact of the outbreak of COVID-19; and the extension of the authorization to sell real property tax liens. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS." Certain of these assumptions are reviewed in reports issued by the City Comptroller and other public officials. See "SECTION VII: FINANCIAL PLAN—Certain Reports."

The projections and assumptions contained in the Financial Plan are subject to revision, which may be substantial. No assurance can be given that these estimates and projections, which include actions the City expects will be taken but are not within the City's control, will be realized. For information regarding certain recent developments, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS."

### Revenue Assumptions

#### 1. GENERAL ECONOMIC CONDITIONS

The following table presents a forecast of the key economic indicators for the calendar years 2023 through 2028. This forecast is based upon information available in January 2024.

### FORECAST OF KEY ECONOMIC INDICATORS

	Calendar Years						
	2023	2024	2025	2026	2027	2028	1979- 2022 <sup>(1)</sup>
<b>U.S. ECONOMY</b>							
Real GDP (billions of 2017 dollars):.....	\$22,351	\$22,694	\$22,987	\$23,319	\$23,688	\$24,078	
Percent Change.....	2.4	1.5	1.3	1.4	1.6	1.6	2.6%
Non-Agricultural Employment (millions).....	156.2	157.4	157.5	157.8	158.3	159.0	
Level Change	3.6	1.2	0.1	0.3	0.5	0.7	
Percent Change.....	2.3	0.8	0.1	0.2	0.3	0.5	1.2%
CPI-All Urban (1982-84=100).....	304.7	312.7	318.9	326.8	334.1	341.3	
Percent Change.....	4.1	2.6	2.0	2.5	2.2	2.2	3.3%
Wage Rate (\$ per year).....	75,618	78,463	81,282	84,238	87,355	90,519	

	Calendar Years						1979- 2022 <sup>(1)</sup>
	2023	2024	2025	2026	2027	2028	
Percent Change.....	3.8	3.8	3.6	3.6	3.7	3.6	3.9%
Personal Income (\$ billions) .....	22,982	24,158	25,374	26,521	27,709	28,925	
Percent Change.....	5.2	5.1	5.0	4.5	4.5	4.4	5.6%
Pre-Tax Corp Profits (\$ billions).....	3,534	3,693	3,694	3,809	3,948	4,023	
Percent Change.....	0.3	4.5	0.0	3.1	3.6	1.9	5.9%
Unemployment Rate (Percent).....	3.6	4.0	4.3	4.5	4.5	4.4	6.2% avg
10-year Treasury Bond Rate (Percent) ..	4.0	3.9	3.4	3.2	3.2	3.2	5.8% avg
Federal Funds Rate (Percent).....	5.0	5.1	3.8	2.7	2.6	2.6	4.5% avg

### **NYC ECONOMY**

Real Gross City Product <sup>(2)</sup> (billions of 2017 dollars): .....	1,073	1,092	1,116	1,135	1,156	1,178	
Percent Change.....	1.8	1.7	2.2	1.7	1.8	2.0	2.9%
Non-Agricultural Employment <sup>(3)</sup> (thousands).....	4,680	4,759	4,866	4,954	5,036	5,125	
Level Change.....	142.2	79.8	106.6	88.5	81.3	89.3	
Percent Change.....	3.1	1.7	2.2	1.8	1.6	1.8	0.8%
CPI- All Urban NY-NJ Area (1982-84=100) .....	321.8	327.5	332.8	340.1	347.6	354.9	
Percent Change.....	3.8	1.8	1.6	2.2	2.2	2.1	3.4%
Wage Rate (\$ per year).....	114,017	116,474	120,070	122,837	125,635	129,298	
Percent Change.....	0.4	2.2	3.1	2.3	2.3	2.9	4.7%
Personal Income (\$ billions) .....	691.9	724.2	763.7	799.1	837.4	877.9	
Percent Change.....	4.1	4.7	5.5	4.6	4.8	4.8	5.3%

### **NYC REAL ESTATE**

#### **MARKET**

Manhattan Primary Office Market .....							
Asking Rental Rate <sup>(4)</sup> (\$ per square foot).....	79.8	80.6	81.0	81.5	82.3	83.8	
Percent Change.....	1.0	0.9	0.6	0.6	0.9	1.9	2.1%
Vacancy Rate <sup>(4)</sup> (Percent).....	21.7	21.1	20.4	20.0	20.0	19.5	11.2% avg

(1) Compound annual growth rates for 1979-2022. Compound growth rate for Real Gross City Product covers the period 1990-2022.

(2) Starting in 2021, forecasts of Gross City Product reflect estimates of local area GDP (for the City) published by the U.S. Bureau of Economic Analysis. Estimates of Gross City Product published prior to 2021 represent OMB's estimates of City economic activity.

(3) Annual averages derived from non-seasonally adjusted quarterly forecasts.

(4) Office market statistics are based on 1985-2023 data published by Cushman & Wakefield.

Source: OMB

## **2. REAL ESTATE TAX**

Projections of real estate tax revenues are based on a number of assumptions, including, among others, assumptions relating to the tax rate, the assessed valuation of the City's taxable real estate, the delinquency rate, debt service needs, a reserve for uncollectible taxes, and the operating limit. See "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax."

Projections of real estate tax revenues include net revenues from the sale of real property tax liens of \$80 million in each of fiscal years 2024 through 2028, however, the local law authorizing the City to sell real property tax liens expired on March 1, 2022. The City continues to seek the re-authorization of such authority. Projections of real estate tax revenues include the effects of the STAR Program which will reduce the real estate tax revenues by an estimated \$128 million, \$126 million, \$124 million, \$122 million and \$120 million in fiscal years 2024 through 2028, respectively. Projections of real estate tax revenues reflect the estimated cost of extending the current tax reduction



for owners of cooperative and condominium apartments amounting to \$663 million, \$663 million, \$670 million, \$687 million and \$700 million in fiscal years 2024 through 2028, respectively.

The delinquency rate was 1.2% in fiscal year 2019, 1.8% in fiscal year 2020, 2.0% in fiscal year 2021, 1.8% in fiscal year 2022 and 2.1% in fiscal year 2023. The Financial Plan projects delinquency rates averaging 2.5% from fiscal years 2024 through 2028. For information concerning the delinquency rates for prior years, see “SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax—*Collection of the Real Estate Tax*.” For a description of proceedings seeking real estate tax refunds from the City, see “SECTION X: OTHER INFORMATION—Litigation—*Taxes*.” For information on the potential impact of the lapse of lien sale authorization on real property tax delinquencies, see “SECTION I: RECENT FINANCIAL DEVELOPMENTS.”

On April 24, 2017, a lawsuit was filed challenging the City’s real property tax system and valuation methodology. See “SECTION X: OTHER INFORMATION—Litigation—*Taxes*.”

### 3. OTHER TAXES

The following table sets forth amounts of revenues (net of refunds) from taxes other than the real estate tax projected to be received by the City in the Financial Plan. The amounts set forth below exclude the Criminal Justice Fund and audit revenues.

	2024	2025	2026	2027	2028
	(In Millions)				
Personal Income <sup>(1)</sup> .....	\$ 16,001	\$ 17,028	\$ 17,399	\$ 18,401	\$ 19,137
General Corporation .....	6,252	5,797	5,730	5,747	5,799
Banking Corporation .....	—	—	—	—	—
Unincorporated Business Income .....	2,604	2,611	2,684	2,773	2,896
Sales <sup>(2)</sup> .....	9,926	10,408	10,972	11,388	11,838
Commercial Rent .....	915	939	955	969	980
Real Property Transfer .....	1,056	1,190	1,301	1,378	1,404
Mortgage Recording .....	512	618	738	854	870
Utility .....	404	420	443	453	458
Cigarette .....	14	13	12	12	12
Cannabis <sup>(3)</sup> .....	7	20	30	38	40
Hotel Tax <sup>(4)</sup> .....	697	727	755	772	801
All Other <sup>(5)</sup> .....	1,202	1,199	1,222	1,245	1,243
<b>Total .....</b>	<b>\$ 39,590</b>	<b>\$ 40,970</b>	<b>\$ 42,241</b>	<b>\$ 44,030</b>	<b>\$ 45,478</b>

Note: Totals may not add due to rounding.

- (1) Personal Income includes \$1.061 billion, \$1.115 billion, \$4.023 billion, \$4.479 billion and \$4.906 billion of personal income tax revenues projected to be retained by the TFA for debt service and other expenses in fiscal years 2024 through 2028, respectively. Personal income taxes also include the recently enacted pass-through entity tax. See “SECTION IV: SOURCES OF CITY REVENUES—Other Taxes.”
- (2) Sales Tax reflects the imposition of sales tax on certain additional internet sales and providing that sales tax revenues in the amount of \$175 million in State fiscal year 2024 and thereafter increasing by one percent per year, will be directed to the MTA for transit improvements. In addition, a State intercept of \$150 million in fiscal year 2024 and \$112.5 million in fiscal year 2025 to fund the “Distressed Provider Assistance Account” to provide assistance to hospitals and nursing homes is reflected herein. The Governor’s Executive Budget includes a proposal to extend such intercept beyond its current expiration of March 31, 2025. Such proposal is not reflected herein.
- (3) Adult use cannabis was legalized by the State on March 31, 2021, which also authorized a local excise tax on sale of cannabis products at the rate of four percent in the City. Due to the slow establishment of licensed dispensaries in the City, revenue for the first year in fiscal year 2023 was \$0.768 million. As dispensaries gradually open, revenue is forecast to increase in fiscal year 2024 to \$7.0 million.
- (4) Hotel Tax includes the impact of an additional temporary hotel occupancy tax of 0.875 percent resulting in additional revenues of \$99.2 million, \$105.6 million, \$109.3 million, \$113.5 million and \$114.5 million in fiscal years 2024 through 2028, respectively.
- (5) All Other includes, among others, beer and liquor taxes and the automobile use tax. All Other also includes \$128 million, \$126 million, \$124 million, \$122 million and \$120 million in fiscal years 2024 through 2028, respectively, to be provided to the City by the State as reimbursement for the reduced property tax resulting from the STAR Program.

The Financial Plan reflects the following assumptions regarding projected baseline revenues from Other Taxes:

- (i) with respect to the personal income tax, increases in fiscal year 2024 due to strong withholding income and flat non-wage income, and increases in fiscal years 2025 through 2028 as overall historical levels of revenue resume; (ii)

with respect to the business corporation tax, increases in revenue in fiscal year 2024 reflecting continued strength in both finance and non-finance sectors, but plateauing after several years of exceptional growth, continued increases in fiscal years 2025 through 2028, reflecting a return to historical levels of revenue growth; (iii) with respect to the unincorporated business income tax, a smaller growth in fiscal year 2024 reflecting a weaker Wall Street performance, with weaker growth in fiscal year 2025 reflecting slower economic growth and a return to moderate growth in fiscal years 2026 through 2028; (iv) with respect to the sales tax, growth is expected to be moderate in fiscal year 2024 as consumer spending and tourism growth eases, with growth improving modestly in fiscal years 2025 through 2028 reflecting a stable economy; (v) with respect to the real property transfer tax, a decline in fiscal year 2024 from the continued slow-down in residential activity reflecting the impact of rising interest rates and stalled commercial transactions, with growth in fiscal years 2025 through 2028 reflecting a recovery as interest rates decline; (vi) with respect to the mortgage recording tax, declines in fiscal year 2024 as the impact from the higher interest rates continues to reverberate through the residential and commercial markets before growth in fiscal years 2025 through 2028, reflecting a decline in mortgage rates; and (vii) with respect to the commercial rent tax, a flat fiscal year 2024 reflecting high vacancy rates for commercial office space in Manhattan and slow growth from fiscal years 2025 through 2028, as uncertainties remain about office space use.

#### 4. MISCELLANEOUS REVENUES

The following table sets forth amounts of miscellaneous revenues projected to be received by the City in the Financial Plan.

	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
			<b>(In Millions)</b>		
Licenses, Permits and Franchises .....	\$ 687	\$ 712	\$ 717	\$ 698	\$ 700
Interest Income .....	633	379	265	225	226
Charges for Services .....	1,039	1,024	1,028	1,029	1,029
Water and Sewer Payments <sup>(1)</sup> .....	2,065	2,170	1,883	1,880	1,881
Rental Income .....	258	263	261	261	261
Fines and Forfeitures .....	1,264	1,232	1,228	1,234	1,224
Other .....	405	323	324	321	319
Intra-City Revenues .....	2,270	1,997	2,001	1,998	1,997
	<u>\$ 8,621</u>	<u>\$ 8,100</u>	<u>\$ 7,707</u>	<u>\$ 7,646</u>	<u>\$ 7,637</u>

<sup>(1)</sup> Received from the Water Board. The Financial Plan includes requests by the City for rental payments from the Water Board in the amount of \$145 million in fiscal year 2024 and \$295 million in fiscal year 2025. For further information regarding the Water Board, see "SECTION VII: FINANCIAL PLAN—Financing Program."

Rental Income reflects approximately \$162.4 million in each of fiscal years 2024 through 2028 for lease payments for the City's airports.

Other reflects \$114.9 million, \$104.6 million, \$104.3 million, \$104.2 million and \$104.2 million of projected resources in fiscal years 2024 through 2028, respectively, from the receipt by the City of TSRs. For more information, see "SECTION IV: SOURCES OF CITY REVENUES—Miscellaneous Revenues." Economic and legal uncertainties relating to the tobacco industry and the settlement may significantly affect the receipt of TSRs by TSASC and the City.

## 5. FEDERAL AND STATE CATEGORICAL GRANTS

The following table sets forth amounts of federal and State categorical grants projected to be received by the City in the Financial Plan.

	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
	<b>(In Millions)</b>				
Federal					
Community Development .....	\$ 324	\$ 246	\$ 246	\$ 240	\$ 240
Social Services .....	4,462	3,506	3,500	3,498	3,613
Education.....	3,997	1,965	1,965	1,965	1,965
Other.....	3,702	2,024	1,504	1,462	1,431
Total .....	<u>\$ 12,485</u>	<u>\$ 7,741</u>	<u>\$ 7,215</u>	<u>\$ 7,165</u>	<u>\$ 7,249</u>
State					
Social Services .....	\$ 4,293	\$ 3,245	\$ 1,927	\$ 1,925	\$ 2,011
Education.....	13,111	13,039	13,039	13,039	13,039
Higher Education.....	273	273	273	273	273
Health and Mental Hygiene.....	671	672	673	673	672
Other.....	1,891	1,623	1,684	1,748	1,814
Total .....	<u>\$ 20,239</u>	<u>\$ 18,852</u>	<u>\$ 17,596</u>	<u>\$ 17,658</u>	<u>\$ 17,809</u>

The Financial Plan assumes that all existing federal and State categorical grant programs will continue, unless specific legislation provides for their termination or adjustment, and assumes increases in aid where increased costs are projected for existing grant programs. For information concerning federal and State aid and the possible impacts on the Financial Plan, see “INTRODUCTORY STATEMENT” and “SECTION I: RECENT FINANCIAL DEVELOPMENTS.”

As of December 31, 2023, approximately 17.4% of the City’s full-time and full-time equivalent employees (consisting of employees of the mayoral agencies and the DOE) were paid by Community Development funds, water and sewer funds and from other sources not funded by unrestricted revenues of the City.

A major component of federal categorical aid to the City is the Community Development program. Pursuant to federal legislation, Community Development grants are provided to cities primarily to aid low and moderate income persons by improving housing facilities, parks and other improvements, by providing certain social programs and by promoting economic development. These grants are based on a formula that takes into consideration such factors as population, age of housing and poverty.

The City’s receipt of categorical aid is contingent upon the satisfaction of certain statutory conditions and is subject to subsequent audits, possible disallowances and possible prior claims by the State or federal governments. The general practice of the State and federal governments has been to deduct the amount of any disallowances against the current year’s payment, although in some cases the City remits payment for disallowed amounts to the grantor. Substantial disallowances of aid claims may be asserted during the course of the Financial Plan. The City estimates probable amounts of disallowances of recognized grant revenues and makes the appropriate adjustments to recognized grant revenue for each fiscal year. The amounts of such downward adjustments to revenue for disallowances attributable to prior years increased from \$124 million in the 1977 fiscal year to \$542 million in the 2006 fiscal year. The amounts of such disallowances were \$103 million and \$114 million in fiscal years 2007 and 2008, respectively. There were no adjustments for estimated disallowances in fiscal years 2009 and 2010. In fiscal year 2011, the downward adjustment for disallowances was \$113 million and in fiscal year 2012 an upward adjustment of \$166 million was made, reflecting a reduced estimate of disallowances attributable to prior years as of June 30, 2012. In fiscal years 2013, 2014, 2015, 2016, 2020 and 2021, downward adjustments of \$59 million, \$19 million, \$110 million, \$1 million, \$5 million and \$24 million, respectively, were made. In fiscal years 2017, 2018 and 2019, upward adjustments of \$558 million, \$139 million and \$113 million, respectively, were made. In fiscal year 2022, a downward adjustment of \$35 million was made. In fiscal year 2023, a downward adjustment of \$13 million was made. As of June 30, 2023, the City had an accumulated reserve of \$331 million for all disallowances of categorical aid.

## Expenditure Assumptions

### 1. PERSONAL SERVICES COSTS

The following table sets forth projected expenditures for personal services costs contained in the Financial Plan.

	2024	2025	2026	2027	2028
			(In Millions)		
Wages and Salaries.....	\$ 31,731	\$ 30,890	\$ 31,819	\$ 32,459	\$ 32,744
Pensions.....	9,355	10,379	10,801	10,926	11,867
Other Fringe Benefits .....	13,302	13,956	14,707	15,279	15,885
Reserve for Collective Bargaining .....	1,235	1,848	2,129	2,610	3,295
Retiree Health Benefits Trust .....	(500)	—	—	—	—
Total.....	<u>\$ 55,123</u>	<u>\$ 57,073</u>	<u>\$ 59,456</u>	<u>\$ 61,274</u>	<u>\$ 63,791</u>

The Financial Plan projects that the authorized number of City-funded full-time and full-time equivalent employees will decrease from an estimated level of 265,955 as of June 30, 2024 to an estimated level of 265,796 by June 30, 2028.

Other Fringe Benefits includes \$3.429 billion, \$3.595 billion, \$3.755 billion, \$3.914 billion and \$4.090 billion in fiscal years 2024 through 2028, respectively, for post-employment benefits other than pensions (“OPEB”) expenditures for current retirees, which costs are currently paid by the City on a pay-as-you-go basis. For information on deposits to the Retiree Health Benefits Trust to fund a portion of the future cost of OPEB for current and future retirees, see “SECTION VI: FINANCIAL OPERATIONS—2019-2023 Summary of Operations.”

The City has reached tentative or ratified contract agreements with DC 37, the PBA and others, which, together represent approximately 95% of the City’s unionized workforce, the full cost of which is reflected in the Financial Plan. The Financial Plan also reflects the costs of labor settlements for the rest of the City workforce based on the pattern set by the DC 37 or the PBA framework. The respective pattern framework provides raises totaling 16.21% for civilian workers and 18.98% for uniformed workers over a 60-month contract term. On July 31, 2023, an arbitration decision awarded nurses employed by NYCHH and represented by the New York State Nurses Association with substantial pay increases over a five-and-a-half-year term, in excess of the DC 37 pattern. Such increased costs, which the City estimates will be approximately \$744 million through fiscal year 2028, are not reflected in the Financial Plan. Such costs are expected to be funded by NYCHH. For further information, see “SECTION VII: FINANCIAL PLAN—Assumptions—Expenditure Assumptions—2. OTHER THAN PERSONAL SERVICES COSTS—*New York City Health and Hospitals*. For a discussion of the City’s pension systems, see “SECTION IX: PENSION SYSTEMS AND OPEB” and “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note E.5.”

### 2. OTHER THAN PERSONAL SERVICES COSTS

The following table sets forth projected other than personal services (“OTPS”) expenditures contained in the Financial Plan.

	2024	2025	2026	2027	2028
			(In Millions)		
Administrative OTPS and Energy .....	\$ 35,878	\$ 32,229	\$ 32,022	\$ 31,579	\$ 30,746
Public Assistance.....	2,467	1,650	1,650	2,000	2,463
Medical Assistance .....	6,615	6,454	6,583	6,733	6,883
NYCHH Support .....	3,061	3,065	1,327	1,377	1,417
Other.....	6,727	5,119	4,990	5,109	5,229
Total.....	<u>\$ 54,748</u>	<u>\$ 48,517</u>	<u>\$ 46,572</u>	<u>\$ 46,798</u>	<u>\$ 46,738</u>

### *Administrative OTPS and Energy*

The Financial Plan contains estimates of the City's administrative OTPS expenditures for general supplies and materials, equipment and selected contractual services, and the impact of agency gap-closing actions relating to such expenditures in the 2024 fiscal year. Energy costs for each of the 2024 through 2028 fiscal years are assumed to vary annually, with total energy expenditures projected at \$1.22 billion in fiscal year 2024 and increasing to \$1.41 billion by fiscal year 2028.

### *Public Assistance*

Of total cash assistance expenditures in the City, the City-funded portion is projected to be \$974 million in fiscal year 2024, \$875 million in each of fiscal years 2025 and 2026, \$1.2 billion in fiscal year 2027 and \$1.5 billion in fiscal year 2028.

### *Medical Assistance*

Medical assistance payments projected in the Financial Plan consist of payments to voluntary hospitals, skilled nursing facilities, intermediate care facilities, home care providers, pharmacies, managed care organizations, physicians and other medical practitioners.

The City-funded portion of medical assistance payments is expected to be \$6.5 billion in fiscal year 2024, \$6.4 billion in fiscal year 2025, \$6.5 billion in fiscal year 2026, \$6.6 billion in fiscal year 2027 and \$6.8 billion in fiscal year 2028. Such payments include the City's capped share of local Medicaid expenditures as well as Supplemental Medicaid payments to NYCHH.

### *New York City Health and Hospitals*

NYCHH, which provides essential services to over 1.1 million New Yorkers annually, faces near- and long-term financial challenges resulting from, among other things, changes in hospital reimbursement under the Affordable Care Act and the statewide transition to managed care. On April 26, 2016, the City released "One New York: Health Care for Our Neighborhoods," a report outlining the City's plan to address NYCHH's financial shortfall.

In February 2024, NYCHH released a cash-based financial plan, which projected City-funded expenditures of \$3.0 billion in fiscal year 2024, \$3.1 billion in fiscal year 2025, \$1.3 billion in fiscal year 2026 and \$1.4 billion in each of fiscal years 2027 and 2028, in addition to the forgiveness of debt service for fiscal years 2024 through 2028 and the City's contribution to supplemental Medicaid payments which is consistent with the City's Financial Plan. NYCHH's financial plan projected total receipts of \$12.1 billion, \$11.7 billion, \$10.0 billion, \$10.0 billion and \$10.0 billion, and total disbursements of \$12.0 billion, \$11.8 billion, \$10.1 billion, \$10.2 billion and \$10.5 billion in fiscal years 2024 through 2028, respectively.

NYCHH relies on significant projected revenue from Medicaid, Medicare and other third-party payor programs. Future changes to such programs could have adverse impacts on NYCHH's financial condition.

### *Other*

The projections set forth in the Financial Plan for OTPS-Other include the City's contributions to NYCT, NYCHA and CUNY and subsidies to libraries and various cultural institutions. They also include projections for the cost of future judgments and claims which are discussed below under "Judgments and Claims." In the past, the City has provided additional assistance to certain Covered Organizations which had exhausted their financial resources prior to the end of the fiscal year. No assurance can be given that similar additional assistance will not be required in the future.

## *New York City Transit*

NYCT operates under its own section of the Financial Plan as a Covered Organization. An accrual-based financial plan for NYCT covering its 2024 through 2027 fiscal years was published in November 2023 (the “2024 NYCT Financial Plan”). The NYCT fiscal year coincides with the calendar year. The 2024 NYCT Financial Plan reflects the negative impacts of the COVID-19 pandemic on MTA costs, ridership, and farebox revenue. The 2024 NYCT Financial Plan reflects City assistance to the NYCT operating budget of \$650 million in 2024, increasing to \$697 million in 2027. In addition, the 2024 NYCT Financial Plan projects real estate transfer tax revenue dedicated for NYCT use of \$546.1 million in 2024, higher than 2023’s \$416 million; that amount increases each year to reach \$618 million by 2027. The 2024 NYCT Financial Plan reflects \$12.3 billion in revenues and \$15.4 billion in expenses for 2024, leaving a budget gap of \$3.1 billion. After accounting for accrual adjustments and cash carried over from 2023 there is a projected operating surplus of \$7.3 million in 2024, followed by projected operating budget gaps of \$409 million in 2025, \$812 million in 2026, and \$1.8 billion in 2027.

In 2009, a Payroll Mobility Tax (“PMT”) was enacted into State law to provide \$0.34 for every \$100 of payroll in the MTA’s twelve-county service area. This contribution was increased to \$0.60 for every \$100 of payroll in New York City in the 2024 State Budget. The PMT is currently expected to generate revenues for NYCT in the amount of \$1.7 billion in 2024, decreasing to \$1.3 billion in 2027.

The MTA has been able to correct the serious budget shortfalls reflected in recent financial plans through the receipt of one-time direct State aid, a State-mandated increase to the City’s share of Paratransit costs, and the implementation of new taxes, fare and toll increases, and operational efficiencies. The City’s payments to the MTA remain dependent on future uncertainties such as additional state or federal funding, ridership trends, and service adjustments.

The 2015-2019 Capital Program currently includes \$33.9 billion for all MTA agencies, including \$16.7 billion to be invested in the NYCT core system and \$1.7 billion for NYCT network expansion.

The State has agreed to contribute \$9.1 billion towards the 2015-2019 Capital Program. The City has agreed to contribute \$2.7 billion. Of the City’s contribution, \$2.1 billion has been reflected in the City’s Capital Commitment Plan, including \$164 million for the Subway Action Plan. The remaining \$600 million will come from joint ventures, such as development deals, which will not flow through the City budget.

On September 19, 2019, the MTA released its 2020-2024 Capital Program, which took effect by default in January 2020. After amendment, the program includes \$55.4 billion for all MTA agencies, including \$34.6 billion to be invested in the NYCT core system and \$4.6 billion in NYCT network expansion. The entire 2020-2024 Capital Program was placed on hold in 2020 but resumed upon the announcement of \$6.5 billion in federal aid in the ARPA in March of 2021. The program was amended three times from its original \$54.8 billion total, once in December 2021, once in July 2022, and most recently in July 2023.

Legislation adopted in 2019 includes the enactment of congestion tolling for vehicles entering a designated congestion zone in Manhattan below 60th Street, the revenues from which will be directed to the MTA for transit improvements. In late 2023 the Traffic Mobility Review Board (TMRB) recommended a specific tolling scheme and in March 2024 the MTA concluded a final round of public hearings. The 2024 NYCT Financial Plan anticipates that the MTA will begin receiving revenue from congestion tolling in the middle of 2024, with an expectation of \$400 million of revenue in 2024 and \$1 billion annually thereafter. In July 2023, the state of New Jersey filed a lawsuit challenging the federal government’s approval of the congestion pricing plan. Other parties, including the Staten Island Borough President and the United Federation of Teachers, have also sued to block congestion pricing, delaying program implementation.

In addition, the State 2020 Budget included legislation authorizing the imposition of sales tax on certain additional internet sales and providing that City sales tax revenues in the amount of \$128 million in State fiscal year 2020 (reflecting the portion of the year in which it is effective) and \$170 million in State fiscal year 2021 and thereafter increasing by one percent per year, will be directed to the MTA for transit improvements. Revenues from such additional sales tax are currently estimated to be approximately \$170 million per year and are in addition to existing sales taxes attributable to certain other internet transactions. Additionally, such legislation provided that State sales

tax revenues in the amount of \$113 million in State fiscal year 2020 and \$150 million in State fiscal year 2021 and thereafter increasing by one percent per year, will be directed to the MTA for transit improvements. The State 2020 Budget also included legislation increasing real estate transfer taxes on properties valued at more than \$2 million, which will also be directed to the MTA for transit improvements.

The State 2021 Budget requires the City to contribute \$3 billion towards the 2020-2024 Capital Program concurrent with the State's \$3 billion contribution. Neither the City nor the State can use operating funds dedicated to the MTA to supplant their capital commitment and must pay on a schedule determined by the State Budget Director. The City has appropriated this \$3 billion, and this is anticipated to be spent within the Ten-Year Capital Strategy.

The State 2021 Budget included a requirement that the City increase its funding of the MTA's net paratransit operating deficit from 33% to 50%. The State 2024 Budget further requires the City to increase its funding in City fiscal years 2024 and 2025 from 50% to the lower of 80% of the deficit or 50% of the deficit plus \$165 million. The City's Financial Plan reflects \$440 million in fiscal year 2024, \$340 million in fiscal year 2025, and \$175 million in each of fiscal years 2026 through 2028 to cover the City's contributions for paratransit services, compared to MTA's estimates of \$434 million, \$437 million, \$453 million, \$469 million, and \$480 million in fiscal years 2024 through 2028, respectively. The MTA's estimate assumes that the State will renew the increased contribution rate for the City after fiscal year 2025. The City will continue to monitor anticipated paratransit costs for future years.

#### *Department of Education*

State law requires the City to provide City funds for the DOE each year in an amount not less than the amount appropriated for the preceding fiscal year, excluding amounts for debt service and pensions for the DOE. Such City funding must be maintained, unless total City funds for the fiscal year are estimated to be lower than in the preceding fiscal year, in which case the mandated City funding for the DOE may be reduced by an amount up to the percentage reduction in total City funds.

#### *Judgments and Claims*

In the fiscal year ended on June 30, 2023, the City expended \$1.2 billion for judgments and claims, the same amount expended in the fiscal year ended June 30, 2022. Such expenses reflect, in part, payments made relating to a class action lawsuit against the Board of Education. For further information on this litigation, see "SECTION X: OTHER INFORMATION—Litigation." The Financial Plan includes provisions for judgments and claims of \$1.2 billion, \$877.2 million, \$823.2 million, \$840.2 million, and \$862.5 million for the 2024 through 2028 fiscal years, respectively. These projections incorporate a substantial amount of claims costs attributed to NYCHH, estimated to be \$140 million in each year of the Financial Plan, for which NYCHH reimburses the City unless otherwise forgiven by the City, which was the case in fiscal years 2013 and 2016. The City is a party to numerous lawsuits and is the subject of numerous claims and investigations. The City has estimated that its potential future liability on account of outstanding claims against it, as of June 30, 2023, amounted to approximately \$8.2 billion. This estimate was made by categorizing the various claims and applying a statistical model, based primarily on actual settlements by type of claim during the preceding ten fiscal years, and by supplementing the estimated liability with information supplied by the City's Corporation Counsel. For further information regarding certain of these claims, see "SECTION X: OTHER INFORMATION—Litigation."

In addition to the above claims, numerous real estate tax *certiorari* proceedings involving allegations of inequality of assessment, illegality and overvaluation are currently pending against the City. The City's Financial Statements for the fiscal year ended June 30, 2023 include an estimate that the City's liability in the *certiorari* proceedings, as of June 30, 2023, could amount to approximately \$1.47 billion. Provision has been made in the Financial Plan for estimated refunds of \$500 million in fiscal year 2024 and \$400 million in each of fiscal years 2025 through 2028. For further information concerning these claims, certain remedial legislation related thereto and the City's estimates of potential liability, see "SECTION X: OTHER INFORMATION—Litigation—Taxes" and "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note D.5."

### 3. GENERAL OBLIGATION, LEASE AND TFA DEBT SERVICE

Debt service estimates for fiscal years 2024 through 2028 include debt service on outstanding general obligation bonds and conduit debt, the funding requirements associated with outstanding TFA Future Tax Secured Bonds, and estimates of debt service costs of, or funding requirements associated with, future general obligation, conduit and TFA Future Tax Secured debt issuances based on projected future market conditions. Such debt service estimates also include estimated payments pursuant to interest rate exchange agreements but do not reflect receipts pursuant to such agreements.

In July 2009, the State amended the New York City Transitional Finance Authority Act to expand the borrowing capacity of the TFA by providing that it may have outstanding \$13.5 billion of Future Tax Secured Bonds and may issue additional Future Tax Secured Bonds provided that the amount of such additional bonds, together with the amount of indebtedness contracted by the City, does not exceed the debt limit of the City. The Governor's Executive Budget includes a proposal which, if enacted, would increase the total amount of TFA Future Tax Secured Bonds authorized to be outstanding and not subject to the City's debt limit by a total of \$12 billion, from \$13.5 billion to \$25.5 billion, with \$6 billion of such increased capacity available beginning on July 1, 2024, and the remaining \$6 billion available beginning on July 1, 2025. As an alternative to the Governor's proposal, the Mayor is seeking legislation that would increase the total amount of Future Tax Secured Bonds authorized to be outstanding and not subject to the City's debt limit by a total of \$18.5 billion, from \$13.5 billion to \$32 billion, with additional annual percentage increases equal to annual percentage increases, if any, in personal income tax revenues. The resulting impact of increasing the TFA's debt incurring capacity not subject to the City's debt limit would be to increase the combined TFA and City debt-incurring capacity by such corresponding amount.

The City currently expects to continue to finance approximately half of its capital program through the TFA, exclusive of Department of Environmental Protection capital budget items financed by the Water Authority.

The Financial Plan reflects general obligation debt service of \$4.31 billion, \$4.50 billion, \$4.72 billion, \$4.89 billion and \$5.25 billion in fiscal years 2024 through 2028, respectively, conduit debt service of \$121 million, \$120 million, \$119 million, \$118 million and \$112 million in fiscal years 2024 through 2028, respectively, and TFA debt service of \$3.23 billion, \$3.56 billion, \$4.02 billion, \$4.48 billion and \$4.91 billion in fiscal years 2024 through 2028, respectively, in each case prior to giving effect to prepayments. Such debt service requirements are projected to be below 15% of projected City tax revenues for each year of the Financial Plan.

#### **Certain Reports**

On March 4, 2024, the City Comptroller released "Comments on New York City's Preliminary Budget for Fiscal Year 2025 and Financial Plan for Fiscal Years 2024-2028." The report notes that the City's increased City-funded revenue projections of \$4.71 billion for fiscal year 2025 essentially closed the projected gap of \$5.08 billion anticipated at the time of adoption of the fiscal year 2024 budget. However, the report states that many predictable expenditures, such as rental assistance, special education Carter Cases and employee overtime, were underbudgeted at the time of adoption of the fiscal year 2024 budget. Additionally, the City's costs of services for asylum seekers increased by up to 177% since the fiscal year 2024 budget adoption. The report further states that while the Financial Plan utilizes PEG savings and other resources to fund portions of previously underbudgeted costs, the City Comptroller estimates that the Financial Plan does not account for \$4.01 billion in underbudgeted expenses in fiscal year 2024 and fiscal year 2025 combined. Closing these gaps will require strong fiscal management, planning and implementing efficiency and cost savings in each budget modification, and establishing a formula for deposit in the City's long-term reserves.

Based on the Financial Plan, the City Comptroller projects net offsets of \$214 million in fiscal year 2024 and net risks of \$3.30 billion, \$3.42 billion, \$3.23 billion, and \$2.57 billion in fiscal years 2024 through 2028, respectively. When added to the results projected in the Financial Plan, the City Comptroller projects a surplus of \$214 million in fiscal year 2024, and budget gaps of \$3.30 billion, \$8.58 billion, \$8.35 billion and \$8.61 billion in fiscal years 2025 through 2028, respectively, not including longer term net risks associated with asylum seeker expenses and the class size mandate. When such longer-term net risks are included, the City Comptroller projects a budget surplus of \$337 million in fiscal year 2024 and projected budget gaps of \$2.67 billion, \$10.54 billion, \$11.27 billion and \$13.5 billion in fiscal years 2025 through 2028, respectively.



The City Comptroller's net revenue projections are higher than the budget projections by \$618 million, \$482 million, \$32 million, \$79 million and \$742 million fiscal years 2024 through 2028, respectively. The report projects that: (i) property tax revenues will be lower by \$39 million in fiscal year 2024 and higher by \$465 million, \$292 million, \$645 million and \$1.03 billion in fiscal years 2025 through 2028, respectively; (ii) personal income tax revenues will be higher by \$397 million in fiscal year 2024 and lower by \$129 million, \$82 million, \$327 million and \$290 million in fiscal years 2025 through 2028, respectively; (iii) business tax revenues will be lower by \$92 million, \$95 million, \$429 million, \$501 million and \$376 million in fiscal years 2024 through 2028, respectively; (iv) sales tax revenues will be higher by \$21 million, \$94 million, \$85 million, \$155 million and \$208 million in fiscal years 2024 through 2028, respectively; (v) real estate transaction-related tax revenues will be higher by \$78 million in fiscal year 2024 and lower by \$186 million, \$201 million, \$225 million and \$127 million in fiscal years 2025 through 2028, respectively; and (vi) tax audit and all other tax revenue will be higher by \$218 million, \$223 million, \$233 million, \$224 million and \$203 million in fiscal years 2024 through 2028, respectively.

The City Comptroller's net expenditure projections are higher by \$404 million, \$3.78 billion, \$3.46 billion, \$3.31 billion and \$3.31 billion in fiscal years 2024 through 2028, respectively, not including net longer term risks associated with asylum seeker expenses and the class size mandate, as a result of: (i) additional overtime expenditures of \$512 million and \$737 million in fiscal years 2024 and 2025, respectively, and \$350 million in each of fiscal years 2026 through 2028; (ii) increased expenditures for special education (Carter Cases) of \$540 million, \$410 million, \$340 million and \$340 million in fiscal years 2025 through 2028, respectively; (iii) increased expenditures associated with rental assistance of \$950 million in each of fiscal years 2025 through 2028; (iv) increased costs of contributions to the MTA of \$143 million, \$268 million, \$450 million and \$529 million in fiscal years 2025 through 2028, respectively; (v) increased non-asylum seeker shelter costs of \$350 million in each of fiscal years 2024 through 2028; (vi) increased expenditures associated with paying prevailing wage rates for homeless shelter security guards of \$50 million in each of fiscal years 2025 through 2028; (vii) increased public assistance costs of \$375 million in each of fiscal years 2025 and 2026 and \$100 million in fiscal year 2027; (viii) increased expenditures for DOE COVID-19 aid resulting from fiscal cliffs of \$287 million in fiscal year 2025 and \$367 million in each of fiscal years 2026 through 2028; (ix) increased expenditures associated with the State's foster care reimbursement rate of \$118 million in each of fiscal years 2025 through 2028; (x) increased expenditures for temporary and professional services of \$200 million in fiscal year 2025; (xi) increased costs of collective bargaining agreements of \$70 million, \$117 million, \$166 million, \$176 million and \$193 million in fiscal years 2024 through 2028, respectively; (xii) increased expenditures for the DOE Medicaid revenue shortfall of \$60 million in each of fiscal years 2024 through 2028; (xiii) increased expenditures of \$112 million in fiscal year 2024 related to reimbursement from the Health Insurance Stabilization Fund; and (xiv) anticipated personal services accrual savings due to vacancies of \$700 million and \$150 million in fiscal years 2024 and 2025, respectively. The City Comptroller also projects longer term net expenditure risks associated with asylum seeker expenses and the class size mandate. Such projections include (i) decreased costs of providing services to asylum seekers of \$123 million and \$627 million in fiscal years 2024 and 2025, respectively, and increased costs of providing such services of \$1.49 billion, \$1.99 billion and \$3.49 billion in fiscal years 2026 through 2028, respectively; and (ii) increased expenditures resulting from the class size mandate of \$467 million, \$933 million and \$1.40 billion in fiscal years 2026 through 2028, respectively.

On February 29, 2024, the OSDC released "Review of the Financial Plan of the City of New York Report 19-2024", commenting on the Financial Plan. The report notes marked improvement in the City's economic and fiscal outlook since the City's November budget modification. The City's preliminary fiscal year 2025 budget and the Financial Plan close the projected \$7.1 billion budget gap in fiscal year 2025 through substantial upward adjustments to total revenues, historically large PEG savings, and utilization of contingency reserves. The report notes that budget gaps remain subject to substantial volatility associated with large and difficult to predict spending risks, such as asylum seeker costs, rental assistance expansion and the school class size mandate.

The report identifies net risks to the Financial Plan of \$135 million, \$2.76 billion, \$6.17 billion, \$8.27 billion and \$9.83 billion in fiscal years 2024 through 2028, respectively. When combined with the results projected in the Financial Plan, the report estimates potential budget gaps of \$135 million, \$2.76 billion, \$11.32 billion, \$13.38 billion and \$15.88 billion in fiscal years 2024 through 2028, respectively.

The specific risks to the Financial Plan noted in the OSDC report include: (i) increased costs of operating subsidies to the MTA of \$143 million, \$268 million, \$450 million and \$450 million in fiscal years 2025 through 2028, respectively; (ii) increased expenditures for various social services (including those associated with programs

providing prevailing wages for Department of Homeless Services security guards, foster care, emergency family and rental assistance and access to legal counsel in housing court) of \$254 million, \$1.52 billion, \$1.52 billion, \$1.37 billion and \$1.12 billion in fiscal years 2024 through 2028, respectively; (iii) increased uniform services overtime costs of \$323 million, \$620 million, \$586 million, \$577 million and \$582 million in fiscal years 2024 through 2028, respectively; (iv) increased expenditures for programs associated with the DOE (such as providing services to students with disabilities, increases in charter school tuition rates, universal early childhood education for three-year-olds and certain other education initiatives) of \$719 million, \$1.1 billion, \$1.47 billion and \$1.9 billion in fiscal years 2025 through 2028, respectively; (v) increased expenditures related to the early childhood intervention program of \$65 million in fiscal year 2025 and \$76 million in each of fiscal years 2026 through 2028; (vi) increased expenditures to fund school health programs of \$36 million in each of fiscal years 2025 through 2028; (vii) increased expenditures for Department of Health and Mental Hygiene school nurses of \$28 million in each of fiscal years 2025 through 2028; (viii) increased expenditures for supportive housing of \$20 million in each of fiscal years 2025 through 2028; (ix) increased expenditures to fund the Public Health Corps of \$13 million in fiscal year 2025 and \$45 million in each of fiscal years 2026 through 2028; (x) youth meal program rate increases of \$4 million in each of fiscal years 2025 through 2028; (xi) increased expenditures resulting from expansion of the Family Homelessness and Eviction Prevention Supplemental rental assistance program of \$763 million, \$2.18 billion, \$3.56 billion and \$4.92 billion in fiscal years 2025 through 2028, respectively; and (xii) decreased expenditures for residual services for asylum seekers of \$166 million and \$457 million in fiscal years 2024 and 2025, respectively, and increased expenditures for such services of \$1.43 billion, \$1.47 billion and \$2 billion in fiscal years 2026 through 2028, respectively. The report also identifies (i) variable rate debt service savings of \$75 million in fiscal year 2024 and (ii) increased tax revenues of \$201 million, \$710 million, \$1.12 billion, \$830 million and \$1.34 billion in fiscal years 2024 through 2028, respectively.

On March 6, 2024, the Control Board released its “Staff Report FY 2024 January Modification and Financial Plan.” The report notes that the City’s economy continues to improve and strengthen, with growing payroll employment, a declining unemployment rate, and a robust rebound in tourism. However, the commercial real estate sector remains a drag on the City’s economy, with the Manhattan office vacancy rate at a record high.

The Control Board report identified estimated net offsets to the Financial Plan of \$100 million in fiscal year 2024 and net risks of \$2.17 billion, \$3.72 billion, \$5.86 billion and \$7.33 billion in fiscal years 2025 through 2028, respectively, resulting in a projected budget surplus of \$100 million in fiscal year 2024 and projected budget gaps of \$2.17 billion, \$8.87 billion, \$10.98 billion and \$13.37 billion in fiscal years 2025 through 2028, respectively. Such net risks result from: (i) decreased expenditures resulting from lower reimbursements for paratransit costs of \$49 million in fiscal year 2024 and increased expenditures resulting from higher reimbursements for such paratransit costs of \$97 million, \$108 million, \$118 million and \$128 million in fiscal years 2025 through 2028, respectively; (ii) increased expenditures for MTA Bus operations of \$73 million, \$42 million, \$137 million, \$260 million and \$310 million in fiscal years 2024 through 2028, respectively; (iii) increased expenditures associated with the State’s foster care reimbursement rate of \$118 million in each of fiscal years 2025 through 2028; (iv) increased expenditures associated with the Family Homelessness and Eviction Prevention Supplement rental assistance program of \$749 million, \$2.1 billion, \$3.5 billion and \$4.8 billion in fiscal years 2025 through 2028, respectively; (v) increased expenditures associated with providing services to students with disabilities of \$540 million and \$410 million in fiscal years 2025 and 2026, respectively, and \$340 million in each of fiscal years 2027 and 2028; (vi) decreased expenditures associated with Education Aid of \$299 million in fiscal year 2025; (vii) increased expenditures associated with State-mandated class size reduction of \$633 million, \$1.27 billion and \$1.9 billion in fiscal years 2026 through 2028, respectively; (viii) an increase in uniformed services overtime expenses of \$264 million, \$618 million, \$586 million, \$578 million and \$578 million in fiscal years 2024 through 2028, respectively; (ix) increased expenditures associated with nurses’ wage increases of \$128 million, \$131 million, \$134 million, \$138 million and \$154 million in fiscal years 2024 through 2028, respectively; (x) increased expenditures for nurse contractual services of \$87 million in each of fiscal years 2025 through 2028; and (xi) increased expenditures for the costs of services for asylum seekers of \$190 million in fiscal year 2025 and decreased expenditures for such costs of \$59 million in fiscal year 2026. The report also identifies (i) increases in property tax revenues of \$425 million, \$496 million, \$271 million and \$391 million in fiscal years 2025 through 2028, respectively; and (ii) increases in non-property tax revenues of \$516 million, \$43 million, \$277 million and \$699 million in fiscal years 2024, 2026, 2027 and 2028, respectively, and decreases in non-property tax revenues of \$320 million in fiscal year 2025.

## Long-Term Capital Program

The City makes substantial capital expenditures to reconstruct, rehabilitate and expand the City's infrastructure and physical assets, including City mass transit facilities, water and sewer facilities, streets, bridges and tunnels, and to make capital investments that will improve productivity in City operations.

The City utilizes a three-tiered capital planning process consisting of the Ten-Year Capital Strategy, the four-year capital plan and the current-year Capital Budget. The Ten-Year Capital Strategy, which is published once every two years in conjunction with the Executive Budget as required by the City Charter, is a long-term planning tool designed to reflect fundamental allocation choices and basic policy objectives. The four-year capital plan, which is updated three times a year, as required by the City Charter, translates mid-range policy goals into specific projects. The Capital Budget defines for each fiscal year specific projects and the timing of their initiation, design, construction and completion. On January 16, 2024, the City released the five-year capital commitment plan for fiscal years 2024 through 2028 which covers the current fiscal year and the four-year capital plan for fiscal years 2025 through 2028 (the "2024-2028 Capital Commitment Plan").

City-funded commitments, which were \$344 million in fiscal year 1979, are projected to reach \$14.3 billion in fiscal year 2024. City-funded expenditures are forecast at \$11.9 billion in fiscal year 2024; total expenditures are forecast at \$12.9 billion in fiscal year 2024. For additional information concerning the City's capital expenditures and the Ten-Year Capital Strategy covering fiscal years 2024 through 2033, see "SECTION V: CITY SERVICES AND EXPENDITURES—Capital Expenditures."

See "INTRODUCTORY STATEMENT" and "SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities—*Limitations on the City's Authority to Contract Indebtedness.*"

The following table sets forth the major areas of capital commitment projected in the 2024-2028 Capital Commitment Plan.

	2024-2028 CAPITAL COMMITMENT PLAN											
	2024		2025		2026		2027		2028		TOTALS	
	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds
	(In Millions)											
Mass Transit <sup>(1)</sup> .....	\$ 1,748	\$ 1,792	\$ 40	\$ 40	\$ 40	\$ 40	\$ 40	\$ 40	\$ 40	\$ 40	\$ 1,908	\$ 1,952
Roadway, Bridges.....	826	1,003	1,155	1,408	1,902	1,993	2,622	2,673	3,259	3,580	9,764	10,657
Environmental Protection <sup>(2)</sup> .....	2,553	2,684	2,611	2,745	3,533	3,664	3,152	3,178	3,533	3,566	15,382	15,838
Education.....	4,651	4,760	3,157	3,188	1,176	1,176	1,279	1,200	1,200	1,200	11,462	11,602
Housing.....	2,649	2,689	2,108	2,148	1,905	1,945	1,666	1,706	1,728	1,768	10,055	10,255
Sanitation.....	291	293	639	648	259	263	377	377	245	245	1,811	1,826
City Operations/ Facilities.....	7,363	7,689	7,622	8,218	7,572	7,799	5,566	5,811	3,515	3,811	31,637	33,328
Economic Development.....	587	837	612	644	448	455	622	622	446	446	2,716	3,004
Subtotal Commitments..	20,667	21,745	17,944	19,041	16,835	17,335	15,324	15,686	13,965	14,656	84,734	88,463
Reserve for Unattained Commitments.....	(6,340)	(6,340)	(1,246)	(1,246)	(962)	(962)	192	192	543	543	(7,812)	(7,813)
Total Commitments <sup>(3)</sup> ....	\$14,327	\$15,404	\$16,698	\$17,795	\$15,873	\$16,373	\$15,516	\$15,880	\$14,508	\$15,198	\$76,922	\$80,650
Total Expenditures <sup>(4)</sup> .....	\$11,873	\$12,783	\$12,855	\$13,871	\$13,597	\$14,556	\$14,641	\$15,467	\$14,726	\$15,482	\$67,692	\$72,159

Note: Individual items may not add to totals due to rounding.

(1) Excludes NYCT's non-City portion of the MTA capital program.

(2) Includes water supply, water mains, water pollution control, sewer projects and related equipment.

(3) Commitments represent contracts registered with the City Comptroller, except for certain projects which are undertaken jointly by the City and State.

(4) Expenditures represent cash payments and appropriations planned to be expended for capital costs, excluding amounts for original issue discount.

Currently, if all City capital projects were implemented, expenditures would exceed the City's financing projections in the current fiscal year and subsequent years. The City has therefore established capital budgeting priorities to maintain capital expenditures within the available long-term financing. Due to the size and complexity of the City's capital program, it is difficult to forecast precisely the timing of capital project activity and therefore actual capital expenditures may vary from the planned annual amounts.

The Ten-Year Capital Strategy reflects approximately \$1.7 billion for reconstruction work on the Brooklyn Queens Expressway, including the Triple Cantilever. The ultimate cost and scope of such reconstruction will be determined through a community-driven design process and are uncertain at this time, but costs could be significantly higher than currently provided in the City’s capital plan.

The City’s Department of Housing Preservation and Development (“HPD”) promotes the quality and affordability of the City’s housing and the strength and diversity of its many neighborhoods. The HPD capital plan is structured to meet the goals of Housing Our Neighbors: A Blueprint for Housing and Homelessness. The plan outlines key initiatives to achieve the City’s goal of providing access to affordable, high-quality housing for all New Yorkers. The Ten-Year Capital Strategy includes \$19.5 billion to support the goals of the plan.

In October 2023, the City issued an Asset Information Management System Report (the “AIMS Report”), which is its annual assessment of the asset condition and a proposed maintenance schedule for its assets and asset systems which have a replacement cost of \$10 million or more and a useful life of at least ten years, as required by the City Charter. This report does not reflect any policy considerations which could affect the appropriate amount of investment, such as whether there is a continuing need for a particular facility or whether there have been changes in the use of a facility. The AIMS Report estimated that \$13.45 billion in capital investment would be needed for fiscal years 2025 through 2028 to bring the assets to a state of good repair. The report also estimated that \$794 million, \$272 million, \$342 million and \$321 million should be spent on maintenance in fiscal years 2025 through 2028, respectively.

The recommended capital investment for each inventoried asset is not readily comparable to the capital spending allocated by the City in the 2024-2028 Capital Commitment Plan and the Ten-Year Capital Strategy. Only a portion of the funding set forth in the 2024-2028 Capital Commitment Plan is allocated to specifically identified assets, and funding in the subsequent years of the Ten-Year Capital Strategy is even less identifiable with individual assets. Therefore, there is a substantial difference between the amount of investment recommended in the report for all inventoried City assets and amounts allocated to the specifically identified inventoried assets in the 2024-2028 Capital Commitment Plan. The City also issues an annual report (the “Reconciliation Report”) that compares the recommended capital investment with the capital spending allocated by the City in the four-year capital plan to the specifically identified inventoried assets.

The most recent Reconciliation Report, issued in July 2023, concluded that the capital investment in the four-year executive budget for fiscal years 2024 through 2028, released on April 26, 2022, for the specifically identified inventoried assets, funded 46% of the total investment recommended in the preceding AIMS Report issued in December 2022. Capital investment allocated in the Ten-Year Capital Strategy funded an additional portion of the recommended investment. In the same Reconciliation Report, OMB estimated that 46% of the expense maintenance levels recommended were included in the financial plan.

## **Financing Program**

The following table sets forth the amount of bonds issued and expected to be issued during the 2024 through 2028 fiscal years (as set forth in the Financial Plan) to implement the 2024-2028 Capital Commitment Plan. See “SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities.” From time to time, the City and its related issuers also issue bonds to refinance existing debt for economic savings. Such refunding bonds are not included in the following table.

## 2024-2028 FINANCING PROGRAM

	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>Total</u>
	(In Millions)					
City General Obligation Bonds .....	\$ 4,405	\$ 5,270	\$ 5,580	\$ 6,070	\$ 6,000	\$27,325
TFA Future Tax Secured Bonds .....	5,525	5,270	5,580	6,070	6,000	28,445
Water Authority Bonds.....	1,224	1,980	2,114	2,179	2,404	9,901
Total .....	<u>\$ 11,154</u>	<u>\$ 12,520</u>	<u>\$ 13,274</u>	<u>\$ 14,319</u>	<u>\$ 14,404</u>	<u>\$65,671</u>

Note: Totals may not add due to rounding.

The City's financing program includes the issuance of water and sewer revenue bonds by the Water Authority which is authorized to issue bonds to finance capital investment in the City's water and sewer system. Pursuant to State law, debt service on Water Authority indebtedness is secured by water and sewer fees paid by users of the water and sewer system. Such fees are revenues of the Water Board, which holds a lease interest in the City's water and sewer system. After providing for debt service on obligations of the Water Authority and certain incidental costs, the revenues of the Water Board are paid to the City to cover the City's costs of operating the water and sewer system and as rental for the system. In fiscal years 2019, 2022 and 2023, the City did not request the rental payment due to the City from the Water Board. In fiscal years 2020 and 2021, on account of the outbreak of COVID-19, the City requested rental payments of \$128 million and \$137 million, respectively. The Financial Plan reflects rental payment requests of \$145 million for fiscal year 2024 and \$295 million for fiscal year 2025. The Financial Plan does not reflect any rental payment requests for fiscal years 2026 through 2028. The City's Ten-Year Capital Strategy applicable to the City's water and sewer system covering fiscal years 2024 through 2033, projects City-funded water and sewer investment (which is expected to be financed with proceeds of Water Authority debt) at approximately \$28.3 billion. The 2024-2028 Capital Commitment Plan reflects total anticipated City-funded water and sewer commitments of \$15.4 billion which are expected to be financed with the proceeds of Water Authority debt.

The TFA is authorized to have outstanding \$13.5 billion of Future Tax Secured Bonds. The TFA may have outstanding Future Tax Secured Bonds in excess of \$13.5 billion provided that the amount of the Future Tax Secured Bonds, together with the amount of indebtedness contracted by the City, do not exceed the debt limit of the City. Future Tax Secured Bonds are issued for general City capital purposes and are secured by the City's personal income tax revenues and, to the extent such revenues do not satisfy specified debt ratios, sales tax revenues. For information on proposals to increase the TFA's debt-incurring capacity, see "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—3. GENERAL OBLIGATION, LEASE AND TFA DEBT SERVICE."

In addition, the TFA is authorized to have outstanding \$9.4 billion of Building Aid Revenue Bonds to pay for a portion of the City's five-year educational facilities capital plan. Building Aid Revenue Bonds are secured by State building aid, which the Mayor has assigned to the TFA.

Implementation of the financing program is dependent upon the ability of the City and other financing entities to market their securities successfully in the public credit markets which will be subject to prevailing market conditions at the times of sale. No assurance can be given that the credit markets will absorb the projected amounts of public bond sales. A significant portion of bond financing is used to reimburse the City's General Fund for capital expenditures already incurred. If the City and such other entities are unable to sell such amounts of bonds, it would have an adverse effect on the City's cash position. In addition, the need of the City to fund future debt service costs from current operations may also limit the City's capital program. The Ten-Year Capital Strategy for fiscal years 2024 through 2033 totals \$164.8 billion, of which approximately 97.5% is to be financed with funds borrowed by the City and such other entities. See "INTRODUCTORY STATEMENT" and "SECTION VIII: INDEBTEDNESS—Indebtedness of the City and Certain Other Entities—*Limitations on the City's Authority to Contract Indebtedness.*" Congressional developments affecting federal taxation generally could reduce the market value of tax-favored investments and increase the debt-service costs of carrying out the major portion of the City's capital plan which is currently eligible for tax-exempt financing.

## **Interest Rate Exchange Agreements**

In an effort to manage its borrowing costs over the life of its bonds, the City began entering into interest rate exchange agreements commencing in fiscal year 2003. For a description of such agreements, see “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note A.12.” As of December 31, 2023, the notional amount of the City’s interest rate exchange agreement was \$31,950,000 and the total marked-to-market value of such agreement was (\$665,294). On March 5, 2021, ICE Benchmark Administration Limited and the Financial Conduct Authority announced that the LIBOR cessation date for most USD LIBOR tenors, including one-month LIBOR, would be June 30, 2023. As of July 1, 2023, the City’s interest rate exchange agreement converted from a LIBOR-based percentage to a SOFR-based percentage.

In addition, in connection with its Courts Facilities Lease Revenue Bonds (The City of New York Issue) Series 2005A and B, the Dormitory Authority of the State of New York (“DASNY”) entered into interest rate exchange agreements with Goldman Sachs Mitsui Marine Derivative Products, L.P. and JPMorgan Chase Bank, National Association. The City is obligated, subject to appropriation, to make lease payments to DASNY reflecting DASNY’s obligations under these interest rate exchange agreements. Under such agreements, as amended to have them adhere to the provisions of the IBOR Fallbacks Protocol, with a notional amount of \$125,500,000, an effective date of June 15, 2005 and a termination date of May 15, 2039, DASNY pays a fixed rate of 3.017% and receives payments based on a SOFR-based percentage. As of December 31, 2023, the total marked-to-market value of the DASNY agreements was (\$8,969,110).

## **Seasonal Financing Requirements**

The City since 1981 has fully satisfied its seasonal financing needs, when necessary, in the public credit markets, repaying all short-term obligations within their fiscal year of issuance. The City has not issued short-term obligations to finance projected cash flow needs since fiscal year 2004. The City regularly reviews its cash position and the need for short-term borrowing. The Financial Plan does not reflect the issuance of short-term obligations.

## SECTION VIII: INDEBTEDNESS

### Indebtedness of the City and Certain Other Entities

#### *Outstanding City and PBC Indebtedness*

The following table sets forth outstanding City and PBC indebtedness as of December 31, 2023. “City indebtedness” refers to general obligation debt of the City, net of reserves. “PBC indebtedness” refers to obligations of the City, net of reserves, to the following PBCs: the New York City Educational Construction Fund (“ECF”), and DASNY (for health facilities, court facilities and CUCF as described below). PBC indebtedness is not debt of the City. However, the City has entered into agreements to make payments, subject to appropriation, to PBCs to be used for debt service on certain obligations constituting PBC indebtedness. Neither City indebtedness nor PBC indebtedness includes outstanding debt of the TFA or TSASC, which are not obligations of, and are not paid by, the City; nor does such indebtedness include obligations of the Hudson Yards Infrastructure Corporation (“HYIC”), for which the City has agreed to pay, as needed and subject to appropriation, interest on but not principal of such obligations.

	<b>(In Thousands)</b>	
Gross City Long-Term Indebtedness.....	\$ 39,726,028	
Less: Assets Held for Debt Service <sup>(1)</sup> .....	(4,400)	
Net City Long-Term Indebtedness .....		39,721,628
PBC Indebtedness.....		
Bonds Payable.....	311,748	
Capital Lease Obligations .....	576,275	
Gross PBC Indebtedness.....	888,023	
Less: Assets Held for Debt Service .....	(115,206)	
Net PBC Indebtedness .....		772,816
Combined Net City and PBC Indebtedness .....		<u>\$ 40,494,444</u>

<sup>(1)</sup> Assets Held for Debt Service consists of General Debt Service Fund assets.

#### *Trend in Outstanding Net City and PBC Indebtedness*

The following table shows the trend in the outstanding net City and PBC indebtedness as of June 30 of each of the fiscal years 2014 through 2023 and as of December 31, 2023.

	<b>City Indebtedness</b>		<b>PBC</b>	
	<b>Long-Term</b>	<b>Short-Term</b>	<b>Indebtedness<sup>(1)</sup></b>	<b>Total</b>
	<b>(In Millions)</b>			
2014.....	\$ 41,033	—	\$ 1,347	\$ 42,380
2015.....	38,497	—	1,261	39,758
2016.....	36,147	—	1,236	37,383
2017.....	36,324	—	1,182	37,506
2018.....	36,725	—	1,155	37,880
2019.....	35,817	—	997	36,813
2020.....	37,515	—	935	38,450
2021.....	35,574	—	977	36,552
2022.....	35,527	—	866	36,393
2023.....	37,281	—	866	38,147
December 31, 2023.....	39,721	—	773	40,494

<sup>(1)</sup> Includes obligations of New York State Urban Development Corporation (“UDC”) through June 30, 2016.

### *Rapidity of Principal Retirement*

The following table details, as of December 31, 2023, the cumulative percentage of total City indebtedness that is scheduled to be retired in accordance with its terms in each prospective five-year period.

<b>Period</b>	<b>Cumulative Percentage of Debt Scheduled for Retirement</b>
5 years	24.21%
10 years	47.92
15 years	67.98
20 years	83.47
25 years	94.54
30 years	100.00

### *City and PBC Debt Service Requirements*

The following table summarizes future debt service requirements, as of December 31, 2023, on City and PBC indebtedness.

Fiscal Years	City Long-Term Debt		PBC		Total
	Principal	Interest	Indebtedness	Interest	
	(In Thousands)				
2024.....	\$ 231,446	\$ 927,179	\$ 63,755	\$ 20,672	\$ 1,243,052
2025.....	2,457,116	1,781,067	63,993	38,373	4,340,548
2026.....	2,415,376	1,672,589	65,215	35,383	4,188,563
2027 through 2147.....	34,622,090	16,932,333	695,060	237,713	52,487,196
Total .....	\$39,726,028	\$21,313,168	\$ 888,023	\$ 332,141	\$ 62,259,359

### *Certain Debt Ratios*

The following table sets forth the approximate ratio of City net general obligation bonded debt to assessed taxable property value as of June 30 of each of the fiscal years 2014 through 2023.

<b>Fiscal Year</b>	<b>City General Obligation Bonded Debt<sup>(1)</sup></b>	<b>Debt Service Restricted Cash<sup>(2)</sup></b>	<b>City General Obligation Bonded Debt Net of Debt Service Restricted Cash</b>	<b>City Net General Obligation Bonded Debt as a Percentage of Assessed Taxable Value of Property<sup>(3)</sup></b>	<b>Per Capita</b>
	<b>(In Millions)</b>	<b>(In Millions)</b>	<b>(In Millions)</b>		
2014.....	\$ 41,665	\$ 639	\$ 41,026	21.57%	\$ 4,741
2015.....	40,460	1,970	38,490	18.97	4,406
2016.....	38,073	1,775	36,298	16.68	4,127
2017.....	37,891	1,583	36,308	15.48	4,118
2018.....	38,628	1,922	36,706	14.60	4,159
2019.....	37,519	1,727	35,792	13.37	4,057
2020.....	38,784	1,277	37,507	13.35	4,275
2021.....	38,574	3,005	35,569	12.21	4,201
2022.....	38,845	3,332	35,513	13.66	4,260
2023.....	40,093	2,835	37,258	13.12	4,470

Sources: Annual Report for the fiscal year ended June 30, 2023; New York City Comptroller's Office.

<sup>(1)</sup> General Obligation Bonded Debt is presented at par value and does not reflect GASB 44 reporting methodology netting premium and discount. See "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note D.5—Changes in Long-term liabilities."

<sup>(2)</sup> Primarily comprised of restricted cash and investments held in the General Debt Service Fund.

<sup>(3)</sup> Based on full valuations for each fiscal year derived from the application of the special equalization ratio reported by the State Office of Real Property Tax Services for such fiscal year.



### *Indebtedness of the City and Related Issuers*

The following table sets forth obligations of the City and other issuers as of June 30 of each of the fiscal years 2014 through 2023. General obligation bonds are debt of the City. Although IDA Stock Exchange bonds and PBC indebtedness are not debt of the City, the City has entered into agreements to make payments, subject to appropriation, to the respective issuers to be used for debt service on the indebtedness included in the following table. ECF bonds are also not debt of the City. ECF bonds are expected to be paid from revenues of ECF, provided, however, that if such revenues are insufficient, the City has agreed to make payments, subject to appropriation, to ECF for debt service on its bonds. Indebtedness of the TFA and TSASC does not constitute debt of, and is not paid by, the City.

<b>Fiscal Year</b>	<b>General Obligation Bonds</b>	<b>ECF</b>	<b>TFA</b>	<b>TSASC</b>	<b>HYIC</b>	<b>Lease Obligations<sup>(1)</sup></b>	<b>IDA Stock Exchange</b>
2014.....	\$ 41,665	\$ 266	\$ 31,038	\$ 1,228	\$ 3,000	\$ 1,701	\$ 90
2015.....	40,460	264	33,850	1,222	3,000	1,639	87
2016.....	38,073	240	37,358	1,145	3,000	1,571	84
2017.....	37,891	236	40,696	1,089	2,751	1,549	80
2018.....	38,628	231	43,355	1,071	2,724	1,659	77
2019.....	37,519	218	46,624	1,053	2,724	1,553	62
2020.....	38,784	213	48,978	1,023	2,724	1,547	60
2021.....	38,574	302	49,957	993	2,677	1,599	57
2022.....	38,845	297	51,820	966	2,557	14,611	54
2023.....	40,093	290	53,506	938	2,519	13,539	52

Source: Annual Report for the fiscal year ended June 30, 2023.

<sup>(1)</sup> Lease Obligations includes approximately \$653 million and \$576 million for fiscal years 2022 and 2023, respectively, for leases with PBCs and approximately \$14 billion and \$13 billion for fiscal years 2022 and 2023, respectively, for leases for various city agencies in accordance with GASB 87, which the City implemented in the fiscal year ended June 30, 2022. The implementation of GASB 87 resulted in the re-characterization of certain contracts that meet GASB 87's definition of a lease as long-term liabilities. The total lease obligation comprises these re-characterized contracts and any contracts previously recorded as capital leases that continue to meet the definition of a lease under GASB 87.

As of December 31, 2023, approximately \$39.73 billion of City general obligation bonds were outstanding. For information regarding the City's variable rate bonds, see APPENDIX D hereto.

As of December 31, 2023, HYIC has outstanding approximately \$2.5 billion aggregate principal amount of bonds. In addition, HYIC has entered into a term loan facility with Bank of America, N.A. pursuant to which HYIC may draw up to an aggregate amount of \$380 million, approximately \$46.7 million of which has been drawn as of December 31, 2023. The term loan facility has a scheduled maturity of June 30, 2027. HYIC expects to issue bonds to repay such term loan facility or further extend the maturity date prior to the scheduled maturity. The bonds financed the extension of the Number 7 subway line and other public improvements in the Hudson Yards area, and the term loan will be used to finance any remaining costs of completion of the original project and the expansion of the park in the Hudson Yards area. HYIC's bonds and, on a subordinate basis, draws under the term loan facility are secured by and payable from payments in lieu of taxes and other revenues generated by development in the Hudson Yards area. To the extent payments in lieu of taxes and other HYIC revenues are insufficient to pay interest on the HYIC bonds or the term loan, the City has agreed to pay the amount of any shortfall in interest, subject to appropriation. No such payments have been required since fiscal year 2015. The City has no obligation to pay the principal of such bonds or of such term loan.

### *Certain Provisions for the Payment of City Indebtedness*

The State Constitution requires the City to make an annual appropriation for: (i) payment of interest on all City indebtedness; (ii) redemption or amortization of bonds; and (iii) redemption of short-term indebtedness issued in anticipation of the collection of taxes or other revenues, such as tax anticipation notes ("TANs") and revenue anticipation notes ("RANs") which (with permitted renewals thereof) are not retired within five years of the date of original issue. If this appropriation is not made, a sum sufficient for such purposes must be set apart from the first revenues thereafter received by the City and must be applied for these purposes.

The City's debt service appropriation would provide for the interest on, but not the principal of, short-term indebtedness, if any. If such principal were not provided for from the anticipated sources, it would be, like debt service on City bonds, a general obligation of the City.

Pursuant to the Financial Emergency Act, the General Debt Service Fund has been established for the purpose of paying Monthly Debt Service, as defined in the Act. In addition, as required under the Act, accounts have been established by the State Comptroller within the Fund to pay the principal of City TANs and RANs when outstanding. For the expiration date of the Financial Emergency Act, see "SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*The Financial Plan, the Financial Emergency Act and the City Charter.*"

#### *Limitations on the City's Authority to Contract Indebtedness*

The Financial Emergency Act imposes various limitations on the issuance of City indebtedness. No TANs may be issued by the City which would cause the principal amount of such issue of TANs to exceed 90% of the "available tax levy," as defined in the Act, with respect to such issue; TANs and renewals thereof must mature not later than the last day of the fiscal year in which they were issued. No RANs may be issued by the City which would cause the principal amount of RANs outstanding to exceed 90% of the "available revenues," as defined in the Act, for that fiscal year; RANs must mature not later than the last day of the fiscal year in which they were issued; and in no event may renewals of RANs mature later than one year subsequent to the last day of the fiscal year in which such RANs were originally issued. No bond anticipation notes ("BANs") may be issued by the City in any fiscal year which would cause the principal amount of BANs outstanding, together with interest due or to become due thereon, to exceed 50% of the principal amount of bonds issued by the City in the twelve months immediately preceding the month in which such BANs are to be issued.

The State Constitution provides that, with certain exceptions, the City may not contract indebtedness, including contracts for capital projects to be paid with the proceeds of City bonds ("contracts for capital projects"), in an amount greater than 10% of the average full value of taxable real estate in the City for the most recent five years (the "general debt limit"). See "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax—*Assessment.*" Certain indebtedness ("excluded debt") is excluded in ascertaining the City's authority to contract indebtedness within the constitutional limit. TANs, RANs and BANs, and long-term indebtedness issued for specified purposes are considered excluded debt. The City's authority for variable rate bonds is currently limited, with statutory exceptions, to 25% of the general debt limit. The State Constitution also provides that, subject to legislative implementation, the City may contract indebtedness for low-rent housing, nursing homes for persons of low income and urban renewal purposes in an amount not to exceed 2% of the average assessed valuation of the taxable real estate of the City for the most recent five years (the "2% debt limit"). Excluded from the 2% debt limit, after approval by the State Comptroller, is indebtedness for certain self-supporting programs aided by City guarantees or loans.

Water Authority and TSASC indebtedness and the City's commitments with other PBCs or related issuers are not chargeable against the City's constitutional debt limit. The TFA and TSASC were created to provide financing for the City's capital program. As of December 31, 2023, TSASC has approximately \$938 million of bonds outstanding that are payable from TSRs. The TFA is permitted to have outstanding \$13.5 billion of Future Tax Secured Bonds and the TFA may have outstanding Future Tax Secured Bonds in excess of \$13.5 billion, provided that the amount of such additional Future Tax Secured Bonds, together with the amount of indebtedness contracted by the City, do not exceed the debt limit of the City. Future Tax Secured Bonds are secured by the City's personal income tax revenues and sales tax revenues, if personal income tax revenues do not satisfy specified debt ratios. The TFA, as of December 31, 2023, has outstanding approximately \$47.5 billion of Future Tax Secured Bonds, without regard to sinking fund deposits for Qualified School Construction Bonds. The TFA is authorized to have outstanding \$9.4 billion of Building Aid Revenue Bonds, which are secured by State building aid and are not chargeable against the City's constitutional debt limit. For information on proposals to increase the TFA's debt-incurring capacity, see "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—3. GENERAL OBLIGATION, LEASE AND TFA DEBT SERVICE."

The following table sets forth the calculation of debt-incurring power as of February 29, 2024.

	<b>As of February 29, 2024</b> <b>(In Thousands)</b>
Total City Debt-Incurring Power under General Debt Limit.....	\$131,643,305
Gross Debt-Funded <sup>(1)</sup> .....	\$39,639,939
Less: Excluded Debt.....	(18,462)
	<u>39,621,477</u>
Less: Appropriations for Payment of Principal .....	(225,363)
	<u>39,396,115</u>
Contracts and Other Liabilities, Net of Prior Financings Thereof.....	<u>26,330,686</u>
Less: Total City Indebtedness.....	(65,726,801)
Less: TFA Debt Outstanding above \$13.5 billion .....	(34,588,560)
Debt-Incurring Power.....	<u>\$ 31,327,944</u>

Note: Numbers may not add due to rounding.

<sup>(1)</sup> Debt issued at an original issue discount is reflected at the discounted amount rather than the par amount.

### *Federal Bankruptcy Code*

Under the Federal Bankruptcy Code, a petition may be filed in the federal bankruptcy court by a municipality which is insolvent or unable to meet its debts as they mature. The filing of such a petition would operate as a stay of any proceeding to enforce a claim against the City. Under such circumstances, the Federal Bankruptcy Code requires the municipality to file a plan for the adjustment of its debts, which may modify or alter the rights of creditors and may provide for the municipality to issue indebtedness, which could have priority over existing creditors and which could be secured. Any plan of adjustment confirmed by the court must be approved by the requisite majority of creditors. If confirmed by the bankruptcy court, the plan would be binding upon all creditors affected by it. Pursuant to authorization by the State, each of the City and the Control Board, acting on behalf of the City pursuant to the Financial Emergency Act, has the legal capacity to file a petition under the Federal Bankruptcy Code. For the expiration date of the Financial Emergency Act, see “SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*The Financial Plan, the Financial Emergency Act and the City Charter.*”

### **Public Benefit Corporation Indebtedness**

#### *City Financial Commitments to PBCs*

PBCs are corporate governmental agencies created by or under State law to finance and operate projects of a governmental nature or to provide governmental services. Generally, PBCs issue bonds and notes to finance construction of housing, hospitals, dormitories and other facilities and receive revenues from the collection of fees, charges or rentals for the use of their facilities, including subsidies and other payments from the governmental entity whose residents have benefited from the services and facilities provided by the PBC. These bonds and notes do not constitute debt of the City.

The City has undertaken various types of financial commitments with certain PBCs which, although they do not represent City indebtedness, have a similar budgetary effect. The principal forms of the City’s financial commitments with respect to PBC debt obligations are as follows:

1. *Capital Lease Obligations*—These are leases of facilities by the City or a Covered Organization, entered into with PBCs, under which the City has no liability beyond monies legally available for lease payments. State law generally provides, however, that in the event the City fails to make any required lease payment, the amount of such payment will be deducted from State aid otherwise payable to the City and will be paid to the PBC.
2. *Executed Leases*—These are leases pursuant to which the City is legally obligated to make the required rental payments.

3. *Capital Reserve Fund Arrangements*—Under these arrangements, State law requires the PBC to maintain a capital reserve fund in a specified minimum amount to be used solely for the payment of the PBC's obligations. State law further provides that in the event the capital reserve fund is depleted, State aid otherwise payable to the City may be paid to the PBC to restore such fund.

Certain PBCs are further described below.

*New York City Educational Construction Fund*

As of January 31, 2024, \$290.3 million principal amount of ECF bonds to finance costs related to the school portions of combined occupancy structures was outstanding. Under ECF's leases with the City, debt service on the ECF bonds is payable by the City to the extent third party revenues are not sufficient to pay such debt service.

*Dormitory Authority of the State of New York*

As of January 31, 2024, \$221.7 million principal amount and \$316.0 million principal amount of DASNY bonds issued to finance the design, construction and renovation of court facilities and health facilities, respectively, in the City were outstanding. The court facilities and health facilities are leased to the City by DASNY, with lease payments made by the City in amounts sufficient to pay debt service on DASNY bonds and certain fees and expenses of DASNY.

*City University Construction Fund*

As of January 31, 2024, approximately \$21.4 million principal amount of DASNY bonds, relating to Community College facilities, subject to capital lease arrangements was outstanding. The City and the State are each responsible for approximately one-half of the CUCF's annual rental payments to DASNY for Community College facilities which are applied to the payment of debt service on the DASNY's bonds issued to finance the leased projects plus related overhead and administrative expenses of DASNY.

For further information regarding the particular PBCs included in the City's financial statements, see "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note A."

## SECTION IX: PENSION SYSTEMS AND OPEB

### Pension Systems

The City maintains five actuarial pension systems, providing benefits for its employees and employees of various independent agencies (including certain Covered Organizations). Such systems consist of the New York City Employees' Retirement System ("NYCERS"), the Teachers' Retirement System of the City of New York ("TRS"), the New York City Board of Education Retirement System ("BERS"), the New York City Police Pension Fund ("PPF") and the New York City Fire Pension Fund ("FPF") (together, the New York City Retirement Systems, "NYCRS"). Members of these actuarial pension systems are categorized into tiers depending on date of membership. The systems combine features of defined benefit pension plans with those of defined contribution pension plans. Three of the five actuarial pension systems (NYCERS, TRS and BERS) are cost-sharing multiple employer systems that include public employees who are not City employees. Each public employer in these multiple employer systems has primary responsibility for funding and reporting in the employer's financial statements on its share of the systems' liabilities. Total membership in the City's five actuarial pension systems on June 30, 2022 consisted of 374,249 active employees, 402,124 retirees and beneficiaries receiving benefits and other vested members terminated but not receiving benefits, and 53,112 other inactive. Of the total membership of 829,485, City membership was 632,760. The City also contributes to three other pension systems, maintains a closed non-actuarial retirement program for certain retired individuals not covered by the five actuarial pension systems, provides other supplemental benefits to retirees and makes contributions to certain union annuity funds.

Each of the City's five actuarial pension systems is managed by a board of trustees which includes representatives of the City and the employees covered by such system. The City Comptroller is the custodian of, and has been delegated investment responsibilities for, the actuarial pension systems, subject to the policies established by the boards of trustees of the systems and State law. The City Actuary (the "Actuary"), an independent professional who is also the Chief Actuary of each of the five actuarial pension systems, determines annual employer contributions and prepares other actuarial analyses and reports that are used by the City for Financial Plan and financial reporting purposes, as further described below. The State Constitution provides that pension rights of public employees are contractual and shall not be diminished or impaired. Constitutional protection applies only to the basic pension benefits provided through each pension system's Qualified Pension Plan ("QPP") and does not extend to the Variable Supplements Funds ("VSFs") or Tax-Deferred Annuity Programs ("TDA Programs") that are also administered by some of the pension systems, as discussed below.

### City Pension Contributions

The City has consistently made its full statutorily required pension contributions based on then-current actuarial valuations. For fiscal years 2022 and 2023, the City's pension contributions for the five actuarial pension systems, plus other pension expenditures, were approximately \$9.7 billion and \$9.1 billion, respectively, and were in addition to employee contributions. For fiscal years 2022 and 2023, 51% and 48% of the City pension contributions for such years, respectively, were attributable to the amortizations of Unfunded Accrued Liability ("UAL") described herein, see "—Actuarial Assumptions and Methods" below.

For the 2023 fiscal year, the City's total annual pension contribution expenditures, including pension costs not associated with the five actuarial pension systems, plus Social Security tax payments by the City for the year, were approximately 35% of total wage and salary costs. In addition, contributions are made by certain component units of the City and other government units directly to the three cost-sharing multiple employer actuarial pension systems on behalf of their participating employees and retirees.

Annual pension contributions for each system are determined by the Actuary using actuarial methods and assumptions that provide for orderly budgeting and planning, and that differ from the assumptions and methodologies used in financial reporting. The annual statutorily required pension contribution has four major cost components: (i) the service or normal cost, which is the cost of the future liability associated with pension benefits earned that year; (ii) scheduled amortization of the initial UAL established as of June 30, 2010; (iii) amortization of positive or negative adjustments to UAL from factors such as net investment returns above or below the assumed rate of return, changes in or deviations from actuarial assumptions and methods, and changes in benefits; and (iv) administrative expenses. Investment earnings reflect the impact of transfers within each pension system between the QPP and other employee

benefit funds, including TDA Programs and VSFs, and within each QPP with regard to certain supplemental, voluntary member contribution accounts, as discussed below.

For further information on phasing in of changes in UAL, see “—*Actuarial Assumptions and Methods*” below. For further information on potential transfers within the pension systems, see “—*Fiduciary Fund Reporting*” below.

Each year, the Actuary provides each NYCERS with preliminary and final appropriation amounts equal to the statutorily required pension contribution for its respective QPP. For the NYCERS that are multi-employer plans, the Actuary also provides a schedule of allocations among the participating employers. Interest is charged on late payments, if any.

The New York City Off-Track Betting Corporation (“OTB”) was a participating employer in NYCERS. OTB, which operated off-track betting facilities in the City, functioned under the direction of a board appointed by the Governor with input from leaders of the State Legislature at the time it ceased operations in December 2010. The pension obligations of OTB have continued to accrue since it ceased operations, and the cumulative unfunded liability as of January 1, 2019 was approximately \$132 million. The City had been paying half of OTB’s required contributions, which is equal to (1) an amortization of this unfunded liability over 15 years beginning in fiscal year 2019 and (2) the regular costs for the fiscal year. Beginning in fiscal year 2021, the Actuary has begun including the other half of OTB’s required contributions as well in the City’s required contribution to NYCERS. The City will continue to seek full reimbursement from the State for any OTB contributions made by the City.

The following tables summarize the components of City pension contributions by system for fiscal years 2021, 2022 and 2023.

**New York City Retirement Systems  
Components of Employer Contribution—City Share  
Fiscal Year 2021  
(\$ in Millions)**

	<b>NYCERS<sup>(1)</sup></b>	<b>TRS<sup>(2)</sup></b>	<b>BERS<sup>(3)</sup></b>	<b>POLICE</b>	<b>FIRE</b>
Entry age Normal Cost .....	\$ 899.4	\$ 1,358.1	\$ 145.6	\$ 1,532.6	\$ 606.2
Initial UAL Contribution .....	1,089.8	1,962.3	128.6	1,295.1	695.6
Subsequent UAL Contribution .....	178.4	(314.9)	(111.2)	(423.2)	123.9
Administrative Expenses .....	50.3	55.7	19.9	33.2	11.3
Interest on Late Employer Contributions .....	—	—	—	—	—
Total .....	<u>\$ 2,217.9</u>	<u>\$ 3,061.2</u>	<u>\$ 182.9</u>	<u>\$ 2,437.7</u>	<u>\$1,437.0</u>

**Fiscal Year 2022  
(\$ in Millions)**

	<b>NYCERS<sup>(1)</sup></b>	<b>TRS<sup>(2)</sup></b>	<b>BERS<sup>(3)</sup></b>	<b>POLICE</b>	<b>FIRE</b>
Entry age Normal Cost .....	\$ 902.7	\$ 1,365.9	\$ 163.5	\$ 1,516.1	\$ 603.6
Initial UAL Contribution .....	1,130.2	2,021.4	132.5	1,333.9	716.4
Subsequent UAL Contribution .....	202.4	(216.8)	(59.1)	(390.6)	116.5
Administrative Expenses .....	47.4	56.4	25.4	30.7	10.5
Interest on Late Employer Contributions .....	—	—	—	—	—
Total .....	<u>\$ 2,282.7</u>	<u>\$ 3,226.9</u>	<u>\$ 262.3</u>	<u>\$ 2,490.1</u>	<u>\$1,447.0</u>

**Fiscal Year 2023**  
**(\$ in Millions)**

	<b>NYCERS<sup>(1)</sup></b>	<b>TRS<sup>(2)</sup></b>	<b>BERS<sup>(3)</sup></b>	<b>POLICE</b>	<b>FIRE</b>
Entry age Normal Cost .....	\$ 913.1	\$ 1,388.5	\$ 166.6	\$ 1,458.8	\$ 610.3
Initial UAL Contribution .....	1,164.1	2,082.0	136.4	1,374.0	738.0
Subsequent UAL Contribution .....	(86.2)	(515.7)	(98.3)	(527.6)	63.5
Administrative Expenses .....	53.8	54.6	28.8	28.5	11.8
Interest on Late Employer Contributions .....	—	—	—	—	—
<b>Total .....</b>	<b>\$ 2,044.8</b>	<b>\$ 3,009.4</b>	<b>\$ 233.5</b>	<b>\$ 2,333.7</b>	<b>\$1,423.6</b>

Totals may not add due to rounding.

<sup>(1)</sup> Includes New York City School Construction Authority, Transit Police, CUNY Community Colleges and OTB.

<sup>(2)</sup> Includes CUNY Community Colleges. Does not reflect the credit for the Annuity Savings Accumulation Fund contribution paid by the DOE.

<sup>(3)</sup> Includes New York City School Construction Authority and CUNY Community Colleges.

The Financial Plan reflects projected City pension contributions of \$9.355 billion, \$10.379 billion, \$10.801 billion, \$10.926 billion and \$11.867 billion for fiscal years 2024 through 2028, respectively. The projections in the Financial Plan are based on the valuation from the Actuary as of June 30, 2022. The pension contributions projected in the Financial Plan reflect changes to funding assumptions and methods implemented in 2021, known as the “Revised 2021 A&M”, as discussed below. The Financial Plan reflects the cost of legislation enacted into law in 2023, which includes a provision for the automatic enrollment of employees into the BERS retirement system. The Financial Plan also reflects legislation passed with the State 2024 Budget which have a combined cost of \$7.3 million annually and which grant pension credit to firefighters for prior service as an emergency medical technician and permit pension loans for post-Tier 2 PPF fund members.

The City Comptroller’s office reports investment returns using the time-weighted calculation methodology, which facilitates measurement of relative performance across systems. Using this methodology, aggregate returns on investment assets advised by the Comptroller’s office for fiscal years 2018 to 2023 were 8.67%, 7.24%, 4.44%, 25.85%, negative 8.65%, and 8.00%, respectively. Returns are net of all investment manager fees. These returns varied by pension system. These reported returns refer only to those investment assets of the pension systems for which the City Comptroller’s office is the investment advisor. These investment assets exclude certain QPP funds advised outside the City Comptroller’s office and include pension system assets outside the QPPs. The returns do not reflect the impact of transfers within each pension system between the QPP and other employee benefit funds, such as TDAs and VSFs, or within each QPP with regard to certain supplemental, voluntary member contribution accounts. Such transfers can be material, and, as such, the earnings used by the Actuary in determining required City contributions may differ materially from the earnings implied by the investment-only rates of return above.

#### *Actuarial Assumptions and Methods*

This section describes the actuarial assumptions and methods used for determining the City’s pension contributions. As mentioned previously, these actuarial assumptions and methods may differ from those used for financial reporting, or for other pension system administrative purposes.

An actuarial valuation requires an initial set of information and assumptions about future events. Pursuant to the City Charter, studies of the actuarial assumptions used to value liabilities of the five actuarial pension systems are conducted by an independent actuarial firm every two years. Such studies assess the reasonableness of the Actuary’s calculations of the employer contributions and make recommendations about actuarial methods and assumptions. The Actuary may recommend changes to methods and assumptions based on these studies. Bolton, Inc., an independent actuarial firm, completed their final reports in June 2019. Partially as a result of this study, the Actuary recommended changes to several of the assumptions for each of the NYCERS. This set of actuarial assumptions and methods are referred to as the “2019 A&M” and were used by the Actuary for determining employer contributions to the NYCERS, and where applicable, Net Pension Liabilities of the NYCERS, beginning in fiscal year 2019.

The complete set of actuarial assumptions used for each of the NYCERS can be found in the actuarial valuation reports on the web site of the New York City Office of the Actuary ([www.nyc.gov/actuary](http://www.nyc.gov/actuary)). Such website, and the information and links contained therein, are not incorporated into, and are not part of, this Official Statement. The actuarial methods and assumptions currently in effect include an actuarial interest (discount) rate assumption of 7% per annum which is based on expected investment earnings net of investment expenses, the Society of Actuaries MP-2020 mortality improvement scale and the use of the Entry Age Actuarial Cost Method. The initial UAL recognized as of June 30, 2010 is being amortized, with interest of 7% through City contributions over a 22-year period that commenced in fiscal year 2012 with dollar payments increasing at a rate of 3% per year.

Also under the current funding method, emerging unfunded liabilities are recognized and amortized over closed, fixed periods using level dollar payments. Future UAL attributable to actuarial gains and losses is amortized over 15 years; future UAL attributable to changes in actuarial assumptions and methods is amortized over 20 years; and future changes in UAL attributable to benefit improvements is generally amortized over periods reasonably consistent with the remaining working lifetimes of those impacted.

Regarding the asset valuation method, effective June 30, 2019 the Actuary reset the actuarial value of assets equal to the market value of assets. Subsequent to that date, investment earnings above or below expectation are reflected in City pension contributions in two stages: first, the annual earnings above or below expectation are phased into the actuarial value of assets over a five-year period, with 20% of the total recognized each year. Second, the portion recognized in each year is then amortized over a 15-year period for the purpose of calculating the City's annual pension contributions. The Actuary uses investment earnings in this calculation and does not calculate an investment rate of return.

The actuarial method also includes the continued use of the One Year Lag methodology, where census data and asset information as of the June 30 second preceding a fiscal year is used to determine the employer contribution for that fiscal year. For example, for the fiscal year 2023 pension contribution calculation, employee data and the Actuarial Value of Assets as of June 30, 2021 were used.

## **Financial Reporting**

### *City Pension Fund Financial Reporting*

The City accounts for its pensions consistent with the requirements of GASB. In fiscal year 2014, the City implemented GASB Statement No. 68, Accounting and Financial Reporting for Pensions ("GASB 68"). The GASB 68 standards apply to actuarial calculations for financial reporting but not to the actuarial calculation of annual City employer pension contributions, which continue to be determined as described above.

In broad terms, GASB 68 separates pension accounting in the City's government-wide financial statements from the phased or smoothed asset and liability figures that the Actuary uses in determining the City's annual pension contributions, as described above. For financial reporting purposes, most changes in assets and liabilities are reflected in the year in which they occur. As a result, pension fund accounting under GASB 68 has increased year-to-year volatility in reported net pension liability. Under GASB 68, net pension liabilities are reported on employers' Government-Wide Statements of Net Assets when the fair value of pension assets falls short of actuarially calculated liabilities, when both are measured as of the same date (fiscal year end). For the cost-sharing multiple employer pension systems, only the City share of net pension liabilities is reported in the Government-Wide Statement of Net Assets. As reported in the Government-Wide financial statements for fiscal years 2019 through 2023, the City membership (active, inactive and retired) and the City's share of total pension liability, Plan fiduciary net position, net pension liability, and plan fiduciary net position as a percent of total pension liability, aggregated across the five pension systems, were as follows:



**Summary of City Pension Information, Fiscal Years 2019-2023<sup>(1)</sup>**  
(Dollars in billions)

	2019	2020	2021	2022	2023
City Membership (active, inactive, retired) <sup>(2)</sup> .....	609,420	619,659	624,129	621,698	632,760
Total Pension Liability (TPL).....	\$ 203.1	\$ 210.7	\$ 221.1	\$ 227.1	\$ 234.6
Less Plan Fiduciary Net Position (PFNP).....	159.8	164.3	211.5	184.8	194.5
Net Pension Liability (NPL).....	\$ 43.3	\$ 46.4	\$ 9.6	\$ 42.3	\$ 40.1
PFNP as percent of TPL .....	78.7%	77.9%	95.7%	81.4%	82.9%

Source: NYC Annual Reports

(1) Data are aggregated across the five pension systems. Funding amounts and percentages vary between systems. Data for NYCERS, PPF, and PFP include the QPP and VSFs, and data for TRS and BRS are QPP only.

(2) Membership data are as of June 30<sup>th</sup> of the prior year.

The reported net pension liabilities do not include future payments on fixed return TDA funds, described below, where the statutory rate of interest for members is higher than the assumed 7% return on QPP assets.

For further information see “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT.”

*Fiduciary Fund Reporting*

The fiscal year 2023 Annual Report contains Fiduciary Funds financial statements for each of the five actuarial pension systems. These financial statements report on the entirety of the five systems, not just the City share. Each of the five actuarial pension systems administers programs in addition to its respective QPP, and these programs are also reported as part of each system’s financial statements in the Fiduciary Fund financial statements. The City Annual Reports for fiscal years 2019 through 2023 report a net position (assets plus deferred outflows, less liabilities and deferred inflows), for the five actuarial pension systems, in aggregate, restricted for QPPs, restricted for TDAs, and restricted for VSFs as shown in the following chart. For further information, see “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Pension and Other Employee Benefit Trust Funds Combining Statement of Fiduciary Net Position.”

**New York City Retirement Systems**  
**Aggregate Net Position,**  
**Fiscal Years 2019-2023**  
(In Millions)

	2019	2020	2021	2022	2023
<u>Net Position:</u>					
Restricted for QPPs. ....	\$185,963.2	\$190,773.8	\$241,500.2	\$211,858.4	\$223,780.5
Restricted for VSFs. ....	6,135.8	6,137.3	7,893.2	6,369.1	6,398.5
Restricted for TDAs .....	37,460.8	39,360.3	45,503.2	44,951.3	48,542.1
Total Net Position.....	\$229,559.8	\$236,271.3	\$294,896.7	\$263,178.7	\$278,721.1

Source: NYC Annual Reports

In addition to the QPPs, TRS and BERS administer TDA Programs. Benefits provided under the TDA programs are derived from members’ accumulated contributions. No direct contributions are provided by employers. However certain investment and benefit options, if selected by TDA members, may indirectly affect employer financial obligations, as described below. As of June 30, 2022 and 2023, the total fiduciary net position restricted for TDA benefits was \$45.0 billion and \$48.5 billion, respectively. Each of the TDA Programs has at least two investment options, broadly categorized as a fixed return fund and one or more variable return funds.

Deposits from members' TDA Program accounts into the fixed return funds are used by the respective QPP to purchase investments, and such TDA Program accounts are credited with a statutory rate of interest, currently 7% for United Federation of Teachers members and 8.25% for all other members. If earnings on the respective QPP are less than the amount credited to the TDA Program members' accounts, the higher cost to the QPP could require additional payments by the City to the pension funds. If the earnings are higher, then lower payments by the City to the pension funds could be required. The Actuary recognizes the difference between the guaranteed rate of 8.25% and the actuarial interest rate of 7.0% in the calculation of the employer contributions to the QPPs each year.

All investment securities purchased and invested by the QPPs with TDA Programs' fixed return funds' balances are owned and reported by the QPP. A receivable due from the respective QPP equal in amount to the aggregate original principal amounts contributed by TDA Programs' members to the respective fixed return funds, plus accrued interest at the statutory rate, is owned by each of the TDA Programs. The balances of TDA Program fixed return funds held by the TRS QPP as of June 30, 2022 and 2023 were \$31.9 billion and \$33.7 billion, respectively, and interest paid on TDA Program fixed return funds by the TRS QPP for the years then ended were \$2.1 billion and \$2.3 billion, respectively. The balances of TDA Program fixed return funds held by the BERS QPP as of June 30, 2022 and 2023 were \$2,374.1 million and \$2,552.3 million, respectively, and interest paid on TDA Program fixed return funds by the BERS QPP for the years then ended were \$191.1 million and \$201.4 million, respectively. Deposits from members' TDA Program accounts into the variable return funds are credited with actual returns on the underlying investments of the specific fund selected. Members may reallocate all or a part of their TDA Program contributions between the fixed and variable return funds on a quarterly basis. Retired TDA members may make withdrawals from their TDA accounts or elect to take the balance in the form of an annuity that is calculated based on a statutory rate of interest and mortality assumptions, which are separate and different from the mortality assumptions used in pension liability calculations. Once an annuity has been selected by a member, the payment of those benefits is guaranteed by the QPP.

In addition, certain Tier I and Tier II pension plan members have the right to make supplemental, voluntary member contributions into the QPPs. These contributions are credited with interest at rates set by statute or, for certain employees that may choose variable return investments, the actual return, and may be withdrawn or annuitized at retirement. In general, the assets and liabilities associated with these member contributions are included in the reported assets and actuarially-determined net pension obligations of the respective plans. There were approximately 130 active Tier I and Tier II members remaining in TRS and BERS as of June 30, 2022.

Ultimately, investment earnings of the fixed rate funds that are less than the amounts credited to the members could result in additional required contributions by the City to the pension funds and investment earnings that are greater than the amounts credited to the members could result in lower required contributions by the City to the pension funds.

Pursuant to State law, certain retirees of NYCERS, PPF and FPF are eligible to receive scheduled supplemental benefits from VSFs. Where assets in the VSFs are insufficient, NYCERS, PPF and FPF are required to transfer assets to their respective VSFs to fund those payments that are statutorily guaranteed. The effects of these transfers are included by the Office of the Actuary in calculating required employer contributions to the pension funds. However, under current State law, the VSFs are not pension funds or retirement systems and are subject to change by the State Legislature.

For further information regarding the City's pension systems see "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note E.5," "—Pension and Other Employee Benefit Trust Funds—Combining Statement of Fiduciary Net Position" and "—Required Supplementary Information."

### **Other Post-Employment Benefits**

Post-employment benefits other than pensions (referred to as OPEB), which include health insurance, Medicare Part B premium reimbursements and welfare fund contributions, are provided to eligible retirees of the City and their eligible beneficiaries and dependents.

### *City OPEB Contributions*

OPEB costs are currently paid in each fiscal year on a pay-as-you-go basis. The vast majority of such payments are made through the Retiree Health Benefits Trust (“RHBT”) discussed below. The City is not required by law or contractual agreement to fund the OPEB obligation other than the pay-as-you-go amounts necessary to provide current benefits to eligible recipients. OPEB costs were \$3.211 billion for fiscal year 2023 and are projected at, \$3.428 billion, \$3.595 billion, \$3.754 billion, \$3.913 billion and \$4.090 billion for fiscal years 2024 through 2028, respectively.

In 2006, the City created the RHBT which is used to receive, hold, and disburse assets accumulated to address the OPEB liabilities. Amounts contributed to the RHBT by the City are held in an irrevocable trust and may not be used for any purpose other than to fund the costs of health and welfare benefits of its eligible participants. The RHBT balance is maintained via the City’s annual pay-as-you-go funding contributions. In certain fiscal years the City has paid into the RHBT less than the corresponding fiscal year’s health and welfare benefits costs, with the balance paid out of the RHBT. This reduces the balance of the RHBT. In other years the City has paid into the trust more than the corresponding fiscal year’s health and welfare costs. This increases the balance of the RHBT. The following table shows the net position of the RHBT as of the end of each of fiscal years 2019 through 2023.

**Retiree Health Benefits Trust  
Net Position  
(Dollars in Millions)**

2019	\$4,680
2020	3,800
2021	4,221
2022	5,376
2023	5,318

Source: NYC Annual Reports

### *Actuarial Assumptions and Methods*

GASB 74 applies to financial reporting by post-employment benefit plans and GASB 75 covers reporting on post-employment benefit plans by employers. The City implemented GASB 74 and GASB 75 for its financial statements beginning in fiscal year 2017. The fiscal year 2023 Annual Report reported the City’s net OPEB liabilities as \$89.5 billion and \$95.0 billion as of June 30, 2022 and 2023, respectively.

The actuarial assumptions and methods used in the OPEB valuations are a combination of those used in the NYCERS pension valuations and those specific to the OPEB valuations, such as the discount rate described below. The assumptions used in the fiscal year 2023 OPEB valuation have not changed from the prior valuation, with the exception of the discount rate, the pre-Medicare trend assumption and the stabilization fund load as described in the City’s Annual Comprehensive Financial Report. As required under GASB 75, OPEB valuations assume a discount rate based on a long-term expected rate of return on assets and the index rate for certain highly rated municipal bonds. The fiscal year 2023 OPEB measurement assumed a discount rate of 4.13% per annum.

### *Summary OPEB Information*

As reported in the City’s financial statements, the following table summarizes City OPEB information for fiscal years 2021 through 2023.

#### **Summary of City OPEB Information, Fiscal Years 2021 - 2023 (Dollars in Billions)**

	<b>2021</b>	<b>2022</b>	<b>2023</b>
Participants (active/inactive plan members receiving or eligible to receive benefits).....	569,872	565,984	567,028
Total OPEB Liability (TOL) .....	\$ 122.2	\$ 94.9	\$ 100.3
Less Fiduciary Net Position (FNP) .....	(4.2)	(5.4)	(5.3)
Net OPEB Liability (NOL).....	118.0	89.5	95.0
FNP as percent of TOL.....	3.5%	5.7%	5.3%
Covered Employee Payroll .....	\$ 29.1	\$ 29.0	\$ 31.1
NOL as a percent of Covered Employee Payroll.....	405.3%	309.0%	305.1%

Source: NYC Annual Reports. Totals may not add due to rounding.

For further information regarding OPEB, see “APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note E.4,” “—Pension and Other Employee Benefit Trust Funds—Combining Statement of Fiduciary Net Position” and “—Required Supplementary Information.”

## SECTION X: OTHER INFORMATION

### Litigation

The following paragraphs describe certain material legal proceedings and claims involving the City and Covered Organizations other than routine litigation incidental to the performance of their governmental and other functions and certain other litigation arising out of alleged constitutional violations, torts, breaches of contract and other violations of law and condemnation proceedings. While the ultimate outcome and fiscal impact, if any, on the City of most of the proceedings and claims described below are not currently predictable, adverse determinations in certain of them might have a material adverse effect upon the City's ability to carry out the Financial Plan. The City has estimated that its potential future liability on account of outstanding claims against it as of June 30, 2023 amounted to approximately \$8.2 billion. See "SECTION VII: FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. OTHER THAN PERSONAL SERVICES COSTS—*Judgments and Claims*."

The City has received in excess of 118 notices of claim from putative plaintiffs related to COVID-19. Only six of the notices of claim remain active as the remainder have expired pursuant to the applicable statute of limitations. The City has been named as a defendant in approximately 17 legal actions and received approximately 2,353 workers' compensation claims to date relating to the COVID-19 outbreak in the City. The notices of claim and legal actions include claims that wrongful actions or omissions of the City and/or certain City restrictions related to COVID-19 have resulted in severe medical, psychological and economic damages and/or death. The workers' compensation claims are governed by a no-fault system in which the City, as the claimant's employer, provides wage replacement benefits and medical care for work-related illnesses if the City accepts the employee's claim or the claimant obtains a judgment from the New York State Workers' Compensation Board. The City may receive additional legal and workers' compensation claims related to COVID-19 in the future. The City cannot predict its potential monetary liability from such claims at this time or whether such liability will have a material effect on the finances of the City.

### Taxes

1. Numerous real estate tax certiorari proceedings alleging overvaluation, inequality and illegality are pending against the City. Based on historical settlement activity, and including an estimated premium for inequality of assessment, the City estimates its potential future liability for outstanding certiorari proceedings to be \$1.475 billion at June 30, 2023. For a discussion of the City's accounting treatment of its inequality and overvaluation exposure, see "APPENDIX B—ANNUAL COMPREHENSIVE FINANCIAL REPORT—Notes to Financial Statements—Note D.5."

2. Tax Equity Now New York LLC (composed of certain advocacy groups and owners and tenants of properties in the City) commenced an action in New York State Supreme Court on April 24, 2017 against the City and the State. The action alleges that the City's real property tax system violates the State and federal constitutions as well as the Fair Housing Act. The action further alleges the valuation methodology as mandated by certain provisions of the State Real Property Tax Law results in a disparity and inequality in the amount of taxes paid by certain minority property owners and renters. The City and State defendants moved to dismiss the case. In September 2018, the Court denied the City's motion to dismiss the complaint and partially granted the State's motion to dismiss the complaint. The City and State both appealed the lower court decision, and the City made a motion before the trial court for a declaration that a statutory stay of the lower court proceeding was in effect by virtue of its filing the Notice of Appeal, or in the alternative, for a discretionary stay of all proceedings pending the appeal. The stay was granted. All parties appealed the lower court decision on the motion to dismiss, and after briefing and argument, the First Department granted the City's and the State's motions to dismiss and dismissed all claims against both the City and the State. In September 2020, the New York Court of Appeals dismissed the plaintiff's purported appeal as of right of the First Department ruling. On August 9, 2021, the plaintiff filed, in the Appellate Division, a motion for leave to appeal and on August 20, 2021, the City filed a response in opposition thereto. The Appellate Division denied the plaintiff's motion for leave to appeal to the Court of Appeals. On December 1, 2021, the plaintiff served and filed a motion seeking leave to appeal directly from the Court of Appeals. On April 28, 2022, the Court of Appeals granted the plaintiff's motion for leave to appeal. Oral argument was held at the Court of Appeals on January 9, 2024. A decision was issued on March 19, 2024, in which the Court of Appeals reversed the decision of the Appellate Division in part. The court held that the petitioner sufficiently alleged causes of action against the City under section 305(2) of the State Real Property Tax Law and the Fair Housing Act and denied the portions of the City's motion to dismiss relating to

those claims. The court affirmed the Appellate Division decision with regard to all other claims brought against the City and the State. The open claims are now permitted to proceed in New York State Supreme Court.

### *Miscellaneous*

1. In 1996, a class action was brought against the New York City Board of Education (the “BOE”) and the State in federal district court of the Southern District of New York under Title VII of the Civil Rights Act of 1964 alleging that the use by the Board of Education of a teacher certification examination mandated by the State from 1996 to 2004, the Liberal Arts and Science Test (“LAST”), and a second version of the teacher certification examination mandated by the State from 2004 to 2014, the Liberal Arts and Science Test 2 (“LAST-2”), had a disparate impact on minority candidates. In 2006, the United States Court of Appeals for the Second Circuit dismissed the claims against the State. The District Court ruled in 2012 and 2015, respectively, that each of LAST and LAST-2 violated Title VII because it did not measure the skills necessary to do the job. Currently, approximately 5,300 LAST and LAST-2 class members have submitted claim forms and may be eligible for damages. Approximately 3,200 judgments have been entered in favor of the claimants totaling approximately \$840 million. The Second Circuit denied 347 of the City’s appeals and the parties stipulated that the remainder of judgments appealed after September 3, 2019 would remain in effect as if they had also been affirmed. With the assistance of the court appointed Special Master, the parties have reached an agreement to limit the number of the judgments that would need to be paid in any given fiscal year. The maximum dollar value of judgments to be paid by the BOE would be limited as follows: In fiscal year 2024 – a maximum of \$360 million; in fiscal year 2025 – a maximum of \$360 million; in fiscal year 2026 – a maximum of approximately \$183 million; in fiscal year 2027 – a maximum of approximately \$83 million; and in fiscal year 2028 – a maximum of approximately \$33 million. The agreement is a cap on payments of judgments entered against the BOE and is not an agreement to compromise claims. BOE will continue to contest individual claims presented to the Special Master. The Special Master will regulate the number of judgments entered against BOE to ensure that the aforementioned caps are not exceeded in any fiscal year.

2. On January 31, 2017, a putative class action was filed against the City in State Supreme Court, Queens County, alleging numerous commercial claims in connection with the November 2013 auctions of wheelchair accessible taxi medallions. In September 2017, the Court dismissed all but a breach of contract rescission and implied covenant of good faith and fair dealing claims and that decision was appealed by both parties. The Court also denied plaintiffs’ motion for class certification as premature. On December 30, 2020, the Appellate Division, Second Department ruled that the plaintiff’s causes of action should have been dismissed in their entirety. On October 12, 2021, the New York Court of Appeals granted the plaintiffs’ leave for appeal. On April 27, 2023, the Court of Appeals affirmed the decision of the Appellate Division and dismissed all claims against the City. On May 18, 2023, plaintiffs moved for reargument before the Court of Appeals. On September 21, 2023, the Court of Appeals denied the plaintiffs’ motion, thus ending the action.

On June 21, 2017, a second putative class action was filed in State Supreme Court, Queens County, also alleging numerous commercial claims in connection with the February 2014 auctions of wheelchair accessible taxi medallions. In November 2017, the Court dismissed the action, and plaintiffs moved to reargue. In March 2019, the Court granted the plaintiffs’ motion to reargue the action, and reinstated the implied covenant, rescission and New York State General Business Law claims. In November 2019, the Court granted plaintiffs’ motion for class certification. The Court defined the class as all purchasers at the 2013 and 2014 auctions, and their successors or assigns. On March 16, 2020, the Court denied the plaintiffs’ motion for partial summary judgment and on October 1, 2020, the Court granted in part, and denied in part, the City’s summary judgment motion, allowing the rescission and implied covenant of good faith and fair dealing claims to proceed to trial. The class certification and summary judgment decisions were appealed and were fully briefed before the Appellate Division, Second Department. On February 3, 2023, the Court stayed this action pending the decision of the Court of Appeals in the first-filed action. By decision entered March 1, 2024, the Court granted plaintiffs’ motion to dismiss, and the appeals before the Appellate Division have been withdrawn.

3. In a putative class action, Soybel et al. v. City of New York, on April 6, 2021 in the United States District Court for the Eastern District of New York, medallion owners who purchased taxi medallions filed claims against the City and former City officials, alleging improper conduct in connection with the sale of taxi medallions from 2004-2017. Plaintiffs allege that the City engaged in a scheme to artificially inflate the value of taxi medallions through fraudulent, collusive, and deceptive means to maximize its profit through actions to artificially inflate the “upset price” for medallions at auction, allowed collusive bidding at auction to drive up an artificial “floor” for future

medallion transactions, published deliberately false and misleading average sales prices for secondary market transactions, deliberately concealed an internal report on medallion values, and launched a false and misleading advertising campaign for medallion sales. Plaintiffs allege that the City engaged in a conspiracy in violation of the Racketeering Influenced and Corrupt Organization statute (“RICO”), violated federal antitrust laws, and that the City’s actions constituted unjust enrichment under state law. The case also names as defendants certain purchasers of the medallions. Plaintiffs seek compensatory and treble damages in the amount of \$2.6 billion, plus punitive damages against the individually-named City officials and attorneys’ fees and costs. On March 31, 2023, the Court issued a decision dismissing the amended complaint in its entirety, finding that all of plaintiffs’ claims, including their RICO, antitrust, and unjust enrichment claims, are time-barred and that there were sufficient warnings to allow plaintiffs to learn their claims had accrued. On March 15, 2024, the Court granted plaintiffs’ motion for reconsideration of this decision only to the extent that, within 30 days, three of the plaintiffs are to address why their individual RICO claims against the City for declaratory relief and disgorgement are not subject to dismissal. The City will have 30 days to respond. All of plaintiffs’ other claims, including for a class action, remain dismissed.

4. In 2010, a single claimant filed an action in New York State Supreme Court, Bronx County, alleging that the City engaged in improper jail detention resulting from the City honoring a federal ICE detainer request. By 2017, the Court certified a class of similarly situated individuals who were allegedly wrongfully detained in City jails between 2007 and 2012. Various courts around the country, over the same time period, determined that holding detainees based on an ICE detainer request was unconstitutional, except under certain limited circumstances. During discovery, plaintiffs have asserted that potentially over 14,000 individuals were held in City jails in alleged contravention of these circumstances, allegedly totaling approximately 86,000 additional days of over-detention. The City is pursuing settlement of the suit. It is too early at this stage of the litigation to provide an accurate estimate of the potential cost to the City; however, the exposure could be substantial.

5. The City is named as a defendant in a putative class action relating to the City’s Speed Camera Program authorized pursuant to Vehicle and Traffic Law (“VTL”) section 1180-b (the “Speed Camera Program”). In September 2020 in New York County Supreme Court, plaintiffs filed *Mulhadzhanov v. City*, challenging the processing of vehicular speeding tickets issued by the City under the Speed Camera Program. Plaintiffs claimed, among other things, that certificates issued by the City to verify speeding violations were not notarized as plaintiffs allege is required by VTL section 1180-b(d) and therefore said certificates and the related fines were invalid. Plaintiffs seek refunds of fines paid under the Speed Camera Program from August 2013 to August 2018 and from July 2019 to present. If a class were to be certified by the Court and the City was ordered to pay refunds for fiscal year 2014 to fiscal year 2020 for said violations, the potential monetary liability could be substantial. The City defendants filed a motion to dismiss in December 2020. The plaintiff filed an opposition to the motion, and the City’s reply was filed on October 15, 2021. Oral argument was held on April 26, 2023. On March 15, 2024, the Court issued a decision granting the City’s motion to dismiss the lawsuit. Plaintiffs have until April 17, 2024 to file a notice of appeal or motion to re-argue.

6. In 2019, New York State enacted the Child Victims Act which eliminated various procedural requirements in actions where a plaintiff alleges sexual abuse that occurred when the plaintiff was under 18 years of age. The City and DOE were initially named as a defendant in over 1,000 cases authorized by the Act, which claims primarily related to the alleged sexual abuse of children in either schools or the City’s foster care system. Currently, there are approximately 863 cases still pending. The City and DOE have settled approximately 148 cases for a combined value of approximately \$151,585,000. The cases are being co-managed by two justices in New York County Supreme Court. Discovery demands have been incorporated into a court order and more complete demands have been issued, and discovery is underway in most cases. On October 6, 2022, the court granted the City’s motion to dismiss one of the cases involving the City’s Administration for Children’s Services (“ACS”) on the grounds that the complaint failed to allege a special duty, and that a special duty could not be found under the Social Services Law provisions governing City oversight and management of foster care. This decision was upheld by the Appellate Division, First Department on December 7, 2023. Plaintiff sought leave in the Appellate Division to reargue or appeal to the Court of Appeals. On March 19, 2024, the Appellate Division denied that application. Plaintiff may still seek leave directly to the Court of Appeals. More than 600 actions involving ACS still exist, and the City is reviewing them to evaluate the City’s course going forward. While it is still too early to provide an accurate estimate of the potential cost to the City, the exposure could be substantial in each of the future years during which settlements are reached.

7. On May 31, 2023, in New York State Supreme Court, New York County, a group of City retirees filed a legal challenge to the implementation of the City’s Medicare Advantage plan which is intended to generate savings in retiree health benefit costs. The retirees sought a temporary restraining order and preliminary injunction to stop the implementation of the Medicare Advantage plan which the City scheduled to go into effect on September 1, 2023. On August 11, 2023, the Supreme Court permanently enjoined the City from requiring any City retirees, and their dependents, from being removed from their current health insurance plans, and from being required to either enroll in the Medicare Advantage plan or seek their own health coverage. On September 19, 2023, the Supreme Court issued a superseding order to the same effect. The City’s appeal to the Appellate Division, First Department was heard on March 21, 2024 and the Court’s decision is pending.

Previously, on September 26, 2021, in New York State Supreme Court, New York County, a group of City retirees filed a legal challenge to the implementation of the City’s Medicare Advantage Plus plan, which was intended to generate savings in retiree health benefit costs. The State Supreme Court concluded that, although the City could proceed with the implementation of the Medicare Advantage Plus plan, it could not charge retirees enrolled in Senior Care a co-premium to stay in that plan. The City appealed that decision on March 4, 2022, and petitioners subsequently filed a cross-appeal. On July 15, 2022, the contract awardee, Anthem Insurance, Inc. d/b/a Empire BlueCross BlueShield Retiree Solutions, which was to provide the Medicare Advantage Plus plan challenged in this litigation, advised the City that it would no longer participate in offering the plan because of delays and uncertainties regarding its effective date. On August 28, 2022, the petitioners withdrew their cross-appeal. On November 22, 2022, the Appellate Division, First Department affirmed the Supreme Court’s order. The New York Court of Appeals granted the City leave to appeal, and the appeal was fully briefed as of February 27, 2024. Oral argument is yet to be scheduled. For further information, see “SECTION V: CITY SERVICES AND EXPENDITURES—Employees and Labor Relations—*Labor Relations*.”

8. On May 11, 2023, an advocacy organization and four employee members of three City pension funds (NYCERS, BERS and TRS) filed a lawsuit alleging that the funds had breached their fiduciary duties owed to pension fund participants and beneficiaries, by divesting from fossil fuel companies. The plaintiffs do not allege that they have suffered direct damages and are unlikely to recover damages. Rather, the primary relief they seek is injunctive relief to undo the divestment decision, such as through the appointment of a monitor or the requirement that the funds buy back some or all of the fossil fuel stocks that they sold. The plaintiffs also seek an order requiring payments into the funds to compensate the funds for alleged losses caused by the divestments. Even if that relief were ordered by the court, it would be unlikely to alter the City’s pre-existing and ongoing financial obligation to ensure that the pension funds are able to pay the benefits owed to their beneficiaries. If the court were to order payments into the funds to offset alleged losses from the divestment, those are infusions that the City would likely have to pay into the funds at some point in the future, in any event, to ensure the funds are adequately funded. On August 7, 2023, the City filed a motion to dismiss the complaint, and argument on that motion was heard on February 28, 2024. The Court’s decision is pending. It is too early at this stage of the litigation to provide an accurate estimate of the potential cost to the City.

9. In 2022, the State passed the Adult Survivors Act (the “ASA”), which created a one-year window for the filing of lawsuits in which plaintiffs allege they were victims of sexual abuse which occurred when they were 18 years of age or older at the time of the alleged abuse, although the associated statute of limitations may have otherwise expired. Since the ASA claim revival window opened in November 2022, the City has been named as a defendant in approximately 744 cases authorized by the ASA. Although the filing deadline for the revival window closed on November 24, 2023, service of timely filed complaints can continue through March 25, 2024. The vast majority of the cases involve female inmates alleging rape or sexual assault by correction officers or other inmates at the Rose M. Singer Center unit of Rikers Island. The plaintiffs allege that the City and the City’s Correction Department failed to provide adequate supervision and prevent foreseeable harm. It is too early at this stage of the litigation to provide an accurate estimate of the potential cost to the City.

10. On May 25, 2023, the City Council passed four bills, Local Law Numbers 99, 100, 101 and 102 of 2023, each of which took effect on January 9, 2024 and substantially expand eligibility for the City’s housing rental assistance voucher program for individuals and families who are experiencing or are at risk of homelessness. The Mayor vetoed the bills on June 23, 2023, noting fiscal, operational, policy and legal issues presented by the laws. The City Council voted to override the vetoes on July 13, 2023. By letter dated December 15, 2023, the City advised the City Council that in light of the issues identified in the Mayor’s veto messages, the Mayor would not be implementing



the local laws at that time. The Legal Aid Society filed a lawsuit on February 14, 2024 against the City on behalf of four individuals, seeking enforcement of the local laws and asking the Court to order the City to offer vouchers to the individual petitioners and all eligible applicants. On February 21, 2024, the City Council moved to intervene in the Legal Aid Society's lawsuit, seeking to compel implementation of the local laws. The Mayor will vigorously oppose the merits of these claims in his opposition papers. The Mayor estimates that if these laws are construed to require that each eligible individual and family be provided with a rental assistance voucher, it would cost the City approximately \$17.0 billion over the years of the Financial Plan.

11. On September 9, 2021, three third-party food delivery platforms sued the City in federal court in the Southern District of New York, regarding laws passed by the City Council that imposed limits on the commissions that such platforms can charge to restaurants for pick-up and delivery services and marketing and advertising services. The plaintiffs assert federal and State constitutional challenges. In March 2022, the City moved to dismiss the action. In September 2023, the court denied the City's motion to dismiss in full. The City filed its answer to the complaint in October 2023 and the discovery phase of the case ensued. In their initial disclosures, plaintiffs allege ongoing damages related to impairment of their contracts, loss of goodwill, injury to their business, and just compensation for taking of their property, among others. Discovery is scheduled to close by September 30, 2024. It is too early at this stage of the litigation to provide an accurate estimate of the potential costs to the City but such costs could be substantial.

## **Environmental Matters**

### *Climate Change: Storms, Strategic Planning and Resiliency*

The City has 520 miles of coastline, bordering the Atlantic Ocean as well as rivers, bays, and inlets. Four of its five Boroughs, Manhattan, Staten Island, Brooklyn, and Queens, are on islands and water also forms the principal boundary of the Bronx. As a result, the City is directly affected by rising sea levels, inland flooding, and exposed to intensifying coastal storms. Two recent storms have significantly affected the City's Financial Plan and climate planning.

Superstorm Sandy. On Monday, October 29, 2012, Sandy hit the Mid-Atlantic East Coast. The storm caused widespread damage to the coastal and other low-lying areas of the City and power failures in various parts of the City, including most of downtown Manhattan, the south shore of Staten Island, and the communities surrounding Jamaica Bay in Brooklyn and Queens. On January 29, 2013, President Obama signed legislation providing for approximately \$50.5 billion in storm-related aid for the region affected by the storm. Although it is not possible for the City to quantify the full, long-term impact of the storm on the City and its economy, the current estimate of the direct costs to the City, NYCHH and NYCHA is approximately \$10.7 billion (comprised of approximately \$1.8 billion of expense costs and approximately \$8.9 billion of capital project costs). Such direct costs represent funding for emergency response, debris removal, emergency protective measures, repair of damaged infrastructure and long-term hazard mitigation investments. In addition to such direct costs, the City is delivering Sandy-related disaster recovery assistance services, benefiting impacted communities, businesses, homeowners and renters ("Community Costs"). The City anticipates that funding for Community Costs will be primarily reimbursed with federal funds. However, the City is responsible for \$134 million of such Community Costs, which are reflected in the Financial Plan. In addition, the City may be responsible for up to approximately \$150 million of additional Community Costs, which are not reflected in the Financial Plan.

The Financial Plan assumes that the direct costs described above will largely be paid from non-City sources, primarily the federal government, and that the Community Costs described above will be primarily reimbursed by federal funds. The City expects reimbursements to come from two separate federal sources of funding, FEMA and HUD. The City has secured approximately \$10.8 billion in FEMA assistance and other federal emergency response grants ("FEMA Funding"). The maximum reimbursement rate from FEMA is 90% of total costs. Other federal emergency response grants may have larger local share percentages. The City expects to use \$720 million of Community Development Block Grant Disaster Recovery funding allocated by HUD to meet the local share requirements of the FEMA funding, as well as recovery work not funded by FEMA or other federal sources. This allocation would be available to fill gaps in such FEMA funding. As of March 31, 2023, the City, NYCHH and NYCHA have received \$5.7 billion in reimbursements from FEMA for the direct costs described above. In addition to the FEMA Funding described above, HUD has made available over \$4.4 billion for Community Costs, of which approximately \$3.8 billion has been received through March 31, 2023. No assurance can be given that the City will

be reimbursed for all of its costs or that such reimbursements will be received within the time periods assumed in the Financial Plan. There is no assurance, if the City were to experience a similar storm in the future, that non-City sources, including the federal government, would pay the costs.

Post-Tropical Cyclone Ida. On September 1, 2021, Hurricane Ida hit the Mid-Atlantic East Coast as a post-tropical cyclone (“Ida”), bringing significant rainfall and resulting in severe flooding in parts of the City, including primarily inland areas. Rainfall from Ida exceeded the previous record for the most single-hour rainfall in the City and for the first time the National Weather Service declared a flash flood emergency in the City. Ida resulted in the deaths of 13 people in the City, 11 of which occurred in basement housing units. On April 20, 2023, the City released PlaNYC: Getting Sustainability Done (“PlaNYC 2023”). Building on prior recommendations released closely after Ida hit the City, PlaNYC 2023 includes measures to address flooding caused by extreme rainfall. The total costs of implementing all of PlaNYC 2023’s recommendations, including those relating to extreme rainfall, would be substantial and in some cases would require State and federal funding alongside additional City funding. The City continues to review the effects of climate change, including increased flooding and heavy rain events. The City has created a new Bureau of Coastal Resiliency led by an Assistant Commissioner at the Department of Environmental Protection to coordinate the City’s coastal resiliency work.

Strategic Planning and Resiliency. Since 2007, the City has been engaged in strategic planning for climate change, recognizing the challenges it presents for City operations and infrastructure. Among other things, the City created the New York City Panel on Climate Change (the “NPCC”), a body of more than a dozen leading independent climate and social scientists. Since 2008, NPCC has analyzed climate trends, developed projections, explored key impacts, issued reports (the “NPCC Reports”) and advised on response strategies for the City. The NPCC has determined that the City is already experiencing the impacts of climate change and projects dramatic impacts on the City in the future. Climate change is causing more extreme heat, extreme rainfall, coastal storm surge, and chronic tidal flooding. NPCC projections form the basis for the City’s climate resiliency planning, which involves coordination and cooperation among multiple public and private stakeholders, and expansion of ongoing maintenance and development of municipal infrastructure as well as specific initiatives such as those described below.

Building on NPCC’s recommendations and the City’s strategic planning, the City has developed PlaNYC 2023 which addresses some of the risks identified in the NPCC Reports. Among other things, PlaNYC 2023 includes measures to address the biggest risks to the City associated with climate change, including extreme heat and flooding from extreme rainfall, coastal storms and tidal flooding due to sea level rise. PlaNYC 2023 also describes measures to reduce economy-wide greenhouse gas emissions and initiatives to transition away from polluting fossil fuels to clean energy.

The City is in the process of implementing infrastructure projects to protect areas of the City from flooding associated with extreme rainfall, storm surge, and tidal flooding due to sea level rise. (See below for additional information on the impacts of flooding.) These projects and initiatives are in various stages of feasibility review, design, construction, and implementation. Funding for these projects is expected to come from City, State and federal sources. Some projects are expected to require additional funding to the extent that they are in the planning stages or current funding does not provide for the costs of construction.

Several major coastal resiliency projects are currently underway throughout the City, including the East Side Coastal Resiliency Project (“ESCR”). ESCR, which broke ground in 2021, is an integrated coastal flood protection system which will create resilient open spaces and improve waterfront access on Manhattan’s east side, from East 25th Street at the north to Montgomery Street at the south. The City anticipates the entire flood protection system will be in place and operational by the end of 2026. The total expected cost of ESCR is \$1.97 billion, with remaining costs fully funded through a combination of City, federal and other funding sources.

Other projects in Lower Manhattan include constructing flood walls and deployable flip-up barriers to protect the Two Bridges neighborhood, which lies south of Montgomery Street at the north to the Brooklyn Bridge at the south, developing a plan that contemplates extending the Manhattan shoreline from the Brooklyn Bridge to the Battery into the East River to protect the Seaport and Financial District area, and constructing an elevated waterfront esplanade in the Battery and flood barriers in Battery Park City. Coastal resilience projects are also underway in the Tottenville and Red Hook neighborhoods, and an energy resilience project is underway in Hunts Point, with shoreline reinforcement projects also happening in other identified areas of the City. These projects are in various stages of

feasibility review, design, construction, and implementation. Funding for these projects is coming from City and federal sources, and \$858 million is included in the Ten-Year Capital Strategy. As the projects proceed, the City continues to monitor anticipated costs and reflects updates in the capital plan as needed.

The U.S. Army Corps of Engineers (“USACE”) is pursuing the South Shore of Staten Island Coastal Storm Risk Management Project (the “Staten Island Project”) and the Rockaways Atlantic Shorefront and Bayside Projects (the “Rockaways Projects”). The Staten Island Project will create a 5.5-mile line of coastal protection on Staten Island between Fort Wadsworth and Oakwood Beach. USACE currently estimates that the project will cost \$1.7 billion. The City is responsible for 10.5% of the project costs, and the remaining project costs are to be paid for with federal and State funds. Approximately half of the City’s share of such project costs is currently reflected in the Ten-Year Capital Strategy. The Rockaways Projects consist of coastal protection elements on the Atlantic shorefront and on the Jamaica Bay side of the Rockaways. Construction has begun on the Atlantic Shorefront Project, which is fully funded by the federal government, with an expected cost of approximately \$590 million. Design has started on the Bayside Project, which is fully funded by the federal government, with a current expected cost of \$253 million.

In addition to site-specific resiliency projects, the City is taking steps to integrate climate resiliency into capital planning through the NYC Climate Resiliency Design Guidelines, which translate future-looking climate change projections into technical guidance to inform the design of roads, buildings, sewer systems, hospitals, public housing, and other pieces of critical public infrastructure. In 2021, the City began a five-year pilot program through which dozens of new projects will be designed and constructed using the standards in the NYC Climate Resiliency Design Guidelines. Starting in 2027, all City projects will be required to meet a stringent set of requirements that will certify their preparedness for extreme weather threats.

Reducing risk from extreme rainfall requires a multi-layered strategy with investments in infrastructure adaptation, building level protection, data collection, and community engagement. In July 2022, the City released the Rainfall Ready NYC action plan, a plan to prepare the City for more extreme rainfall in the future. The City continues to install grey infrastructure, such as building out a comprehensive storm sewer system in Southeast Queens, and green infrastructure, such as rain gardens and bluebelt wetlands, to manage stormwater and protect water quality. This work is being carried out by DEP and funding is included in the City’s capital budget. The City is also working to develop Cloudburst management projects that will use grey and green infrastructure to absorb, store and transfer rainwater during extreme storm events.

In 2015, FEMA issued preliminary updated flood insurance rate maps, which would have expanded the 100-year floodplain beyond the areas designated in the flood maps issued in 2007. The City appealed the 2015 preliminary flood maps challenging the modeling FEMA used to develop them. The 2015 preliminary flood maps were adopted into the building code, but the prior 2007 flood maps remain in effect for flood insurance purposes. In 2016, FEMA agreed with the City’s appeal, and the City is currently working with FEMA to update the maps. FEMA’s new maps are expected to generally expand the 100-year floodplain from the 2007 flood maps and may cover different areas than the 2015 preliminary flood maps. Such expansion could negatively impact property values in those newly designated areas. In addition, an increase in areas of the City susceptible to flooding resulting from climate change could result in greater recovery costs to the City if flooding were to occur within such larger areas.

The City is also committed to minimizing its own greenhouse gas emissions by reaching carbon neutrality by 2050. The City’s efforts to reach such goal include promoting and investing in electrification, clean energy, energy efficiency, and sustainable transportation, and reducing energy use. Since 2014, the City has invested over \$775 million in more than 12,500 energy conservation measures across almost 2,300 buildings, comprising more than 70 percent of City government’s building square footage. The investments have decreased energy use and reduced emissions by nearly 325,000 metric tons. The Ten-Year Capital Strategy includes \$3.9 billion to continue this work to reduce energy use and greenhouse gas emissions.

Despite the efforts described above, the magnitude of the impact on the City’s operations, economy, or financial condition from climate change is indeterminate and unpredictable. No assurance can be given that the City will not encounter more frequent and intense climate impacts such as hurricanes, tropical storms, cloudbursts, droughts, heatwaves or catastrophic sea level rise in the future, or that such risks will not have an adverse effect on the operations, economy or financial condition of the City.

### *Superfund Designations*

On March 2, 2010, the United States Environmental Protection Agency (“EPA”) listed the Gowanus Canal (the “Canal”), a waterway located in Brooklyn, as a federal Superfund site under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”). EPA considers the City a potentially responsible party (“PRP”) under CERCLA, based on contaminants from currently and formerly City-owned and operated properties, as well as from the City’s combined sewer overflows (“CSOs”). On September 30, 2013, EPA issued the Record of Decision (“ROD”) for the Canal, setting forth requirements for dredging contaminated sediment in the Canal and covering it with a cap as well as source control requirements. Separate from the in-Canal remedy, the ROD also requires that two CSO retention tanks be constructed as part of the source control component of the remedy. The City anticipates that the actual cleanup costs – including both the in-Canal portion and the CSO portion – will substantially exceed EPA’s original cost estimate for the ROD.

On May 28, 2014, EPA issued a unilateral administrative order (“2014 Unilateral Order”) requiring the City to design the CSO retention tanks and other storm water control measures, and remediation of the First Street Basin (a currently filled-in portion of the Canal). On June 9, 2016, EPA and the City entered into an Administrative Settlement Agreement and Order (“Administrative Order”), under which the City agreed to milestones relating to the design of one of the CSO tanks. The City estimates that the tanks will actually cost approximately \$1.6 billion. The City notified EPA of delays in the completion of the design of one of the CSO retention tanks and is monitoring its ability to meet the requirements of the EPA Orders.

On March 29, 2021, EPA issued a Unilateral Order to the City, requiring the City to complete design and construction of both CSO tanks by March 2029; to complete design and construction of a new bulkhead at the City-owned Salt Lot at 2<sup>nd</sup> Avenue in Brooklyn by August 2023; and to implement additional stormwater controls in the Canal sewershed. The City has informed USEPA that it would complete the design and construction of the CSO tanks as required in the 2021 Unilateral Order, but that it would likely be unable to meet the deadlines imposed in the Order. Based on the concerns the City raised about the 2021 Unilateral Order, EPA delayed the effective date of the 2021 Unilateral Order and modified the 2021 Unilateral Order in certain respects but declined to extend the design and construction schedules. The 2021 Unilateral Order took effect on June 30, 2021. The City may be subject to penalties stemming from alleged violations of the 2014 Unilateral Order and the Administrative Order and may also be subject to fines and/or penalties stemming from the 2021 Unilateral Order if it does not meet the design and/or construction deadlines set forth therein.

On January 28, 2020, EPA issued a new Unilateral Order to the six largest PRPs, including the City and National Grid, requiring these parties to implement the in-Canal remedy (consisting of dredging and capping of sediments) in the upper reach of the Canal. In 2013 when it issued the ROD, EPA estimated that the cost of this work, the first of the three phases, would be \$125 million. The City believes that these costs will be substantially higher. The City’s liability for the in-Canal work is unknown at this time and may ultimately be determined through litigation.

On September 27, 2010, EPA listed Newtown Creek, the waterway on the border between Brooklyn and Queens, New York, as a Superfund site. On April 6, 2010, EPA notified the City that EPA considers the City a PRP under CERCLA for hazardous substances in Newtown Creek. In its Newtown Creek PRP notice letter, EPA identified historical City activities that filled former wetlands and low-lying areas in and around Newtown Creek and releases from formerly City-owned and operated facilities, including municipal incinerators, as well as discharges from sewers and CSO outfalls, as potential sources of hazardous substances in Newtown Creek. In July 2011, the City entered into an Administrative Settlement Agreement and Order on Consent with EPA and five other PRPs to conduct an investigation of conditions in Newtown Creek and evaluate feasible remedies. The investigation and feasibility study for Newtown Creek is expected to proceed until 2027. The City’s share will be determined in a future allocation proceeding. The 2011 settlement does not cover any remedy that may ultimately be chosen by EPA to address the contamination identified as a result of the investigation and evaluation. In 2020, EPA issued a Record of Decision (“ROD”) setting forth the remedy for CSO discharges. The ROD requires no further action for CSO beyond the projects in the State-approved Newtown Creek CSO Long Term Control Plan. As part of its determination, EPA required monitoring of the City’s four major CSOs to confirm the assumptions underlying the ROD. In September 2022, the City entered into an Administrative Settlement Agreement and Order on Consent with EPA concerning the performance of the required monitoring.

On May 12, 2014, EPA listed the former Wolff-Alport Chemical Company site (“Wolff-Alport Site”) in Ridgewood, Queens, as a Superfund site. The designation is based on radioactive contamination resulting from the operations of the Wolff-Alport Chemical Company during the 1920s to 1950s, which, among other things, disposed of radioactive material on-site, on the adjacent right-of-way, and via the sewer system. In 2013, EPA, in cooperation with City and State agencies, completed a response action to implement certain interim remedial measures at the Wolff-Alport Site to address the site’s short-term public health risks. In 2015 to 2017, EPA undertook a remedial investigation and feasibility study that assessed, among other things, impacts to the sewer system and City right-of-way from operations at the Wolff-Alport Site, and evaluated a range of remedial alternatives. In September 2017, EPA issued its ROD identifying its selected remedy. The ROD requires jet washing and replacement of sewers, and excavation of contaminated portions of the right-of-way. The City estimates that this work will cost approximately \$89 million. In December 2017, EPA notified the City of its status as a PRP for the work on City property and sought to have the City perform some of the work. In February 2018, the City notified EPA that, subject to certain conditions, it was willing to undertake such work and, on September 24, 2019, EPA issued a unilateral administrative order requiring the City to conduct additional pre-design investigatory work and develop a Remedial Design consistent with the ROD. The City entered into a Consent Judgment filed in federal court, requiring implementation of the remedial design once it is approved by EPA, which was ordered in July 2023.

The National Park Service (“NPS”) is undertaking a CERCLA removal action at Great Kills Park on Staten Island to address radioactive contamination that has been detected at the site and in order to advance the South Shore Staten Island Coastal Resiliency Project. Great Kills Park was owned by the City until roughly 1972, when it was transferred to NPS for inclusion in the Gateway National Recreation Area. While owned by the City, the site was used as a sanitary landfill, and the park was also expanded using urban fill. NPS believes that the radioactive contamination is the result of City activities and that the City is therefore liable for the investigation and remediation under CERCLA. Previously, the City negotiated a settlement with NPS to address a remedial investigation and feasibility study. No other PRPs have been identified at this time.

Under CERCLA, a responsible party may be held liable for monies expended for response actions at a Superfund site, including investigative, planning, removal, remedial and EPA enforcement actions. A responsible party may also be ordered by EPA to take response actions itself. Responsible parties include, among others, past or current owners or operators of a facility from which there is a release of a hazardous substance that causes the incurrence of response costs. The nature, extent, and cost of response actions at either the Canal, Newtown Creek, or Great Kills Park, the contribution, if any, of discharges from the City’s sewer system or other municipal operations, and the extent of the City’s liability, if any, for monies expended for such response actions, will likely not be determined for several years and could be material.

## **Cybersecurity**

The City relies on a large and complex technology environment to conduct its operations. As a recipient and provider of personal, private or sensitive information, the City and its agencies and offices face multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computers and other sensitive digital networks and systems. The City’s Office of Cyber Command (“Cyber Command”), which was created in 2017, is charged with setting information security policies and standards for the City, directing the City’s citywide cyber defense and incident response, deploying defensive technical and administrative controls and providing guidance to the Mayor and City agencies on cyber defense. In January 2022, Cyber Command became part of the City’s Office of Technology and Innovation (“OTI”) (formerly the Department of Information Technology and Telecommunications).

Cyber Command has over 100 full-time employees and works with designated cybersecurity contacts at each City agency as part of the Citywide Cybersecurity Program. The Financial Plan reflects funding for Cyber Command of \$115.5 million in fiscal year 2024 and approximately \$105.5 million in each of fiscal years 2025 and 2026. Such funding does not account for cybersecurity funding at other City agencies. Cyber Command is built around two core cybersecurity functions: (1) threat management, which manages incident response and cyber threat intelligence and vulnerability management, which helps agencies prioritize remediation efforts on identified unpatched systems in the City’s networks; and (2) security sciences, which manages strategic and tactical cyber defense technologies and initiatives.

In carrying out its functions, Cyber Command works with a range of City, State, and federal law enforcement agencies, including the New York City Police Department and the Federal Bureau of Investigation's Joint Terrorism Task Force. In February 2022, the City and the State, along with the mayors of Albany, Buffalo, Rochester, Syracuse, and Yonkers, unveiled the Joint Security Operations Center. The center has enhanced coordination of cybersecurity efforts across the State, helping to foster collaboration among city, State, and federal entities. Cyber Command also regularly works with other states and municipalities throughout the country to share cybersecurity threat intelligence and best practices, as well as with non-governmental entities such as utilities, telecommunications providers and financial services companies for the purpose of enhancing collective cyber defenses. The City has developed standard cybersecurity policies and standards for third party vendors of the City to follow, and security provisions for contracts with vendors, which help ensure that the City is notified of cyber breaches and suspected cyber breaches of a vendor's network environment. The City has also developed a Citywide Incident Response Policy, which requires City agencies to develop incident response plans in accordance with Cyber Command policies and standards.

While the City conducts periodic tests and reviews of its networks, no assurances can be given that such security and operational control measures will be successful in guarding against all cyber threats and attacks. New technical cyber vulnerabilities are discovered in the United States daily. In addition, cyber attacks have become more sophisticated and are increasingly capable of impacting municipal control systems and components. The techniques used to obtain unauthorized access to, or to disable or degrade, electronic networks, computers, systems and solutions are rapidly evolving and have become increasingly complex and sophisticated. In addition, there is heightened risk due to an increase in remote access to City systems by City employees as a result of the outbreak of COVID-19. As cybersecurity threats continue to evolve, the City may be required to expend significant additional resources to continue to modify and strengthen security measures, investigate and remediate any vulnerabilities, or invest in new technology designed to mitigate security risks. The results of any successful attack on the City's computer and information technology systems could impact its operations and damage the City's digital networks and systems, and the costs of remedying any such damage could be substantial. Consistent with the City's general policy to self-insure, the City does not carry insurance against cyber attacks.

On May 31, 2023, a software vulnerability was publicly announced for the widely used file sharing software, MOVEit, which impacted both private and public sector entities worldwide. The DOE was among those entities impacted. The threat was immediately contained, and an investigation determined that approximately 19,000 unique documents were accessed without authorization, which contained a subset of sensitive data elements. The DOE has sent out individual notifications. There is no evidence of any effects on the City's operations or harm to its digital networks.

The NYC Vulnerability Disclosure Program (VDP) was expanded in October 2023. This program, developed in partnership with a security testing platform, broadens the scope of the City's efforts to identify and address vulnerabilities within its publicly accessible digital resources. By establishing guidelines, rules of engagement, and a secure channel for security researchers to send vulnerability submissions, the program complements existing Cyber Command initiatives, facilitating timely remediation of identified risks.

## **Tax Matters**

In the opinion of Norton Rose Fulbright US LLP, New York, New York, and Bryant Rabbino LLP, New York, New York, as Co-Bond Counsel to the City ("Co-Bond Counsel"), interest on the Bonds will be exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.

The City will covenant in a tax certificate to comply with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), relating to the exclusion from gross income of the interest on the Bonds for purposes of federal income taxation. In the opinion of Co-Bond Counsel, assuming compliance by the City with such covenants, interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation. Failure by the City to comply with such covenants may cause interest on the Bonds to be includable in the gross income of the owners thereof retroactive to the date of the issue of the Bonds. Further, Co-Bond Counsel will render no opinion as to the effect on the exclusion from gross income of interest on the Bonds of any action (including without limitation a change in the interest rate made with respect to any of the Bonds) taken or not taken after the date of such opinion without the approval of Co-Bond Counsel.

In the opinion of Co-Bond Counsel, interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax on individuals. The Code contains other provisions that could result in tax consequences, upon which no opinion will be rendered by Co-Bond Counsel, as a result of ownership of the Bonds or the inclusion in certain computations of interest that is excluded from gross income.

The Code imposes a minimum tax of 15 percent on the adjusted financial statement income of certain large corporations, generally consisting of corporations (other than S corporations, regulated investment companies and real estate investment trusts) with more than \$1 billion in average annual adjusted financial statement income, determined over a three-year period. For this purpose, adjusted financial statement income generally consists of the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for the taxable year, subject to various adjustments, but is not reduced for interest earned on tax-exempt obligations, such as the Bonds. Prospective purchasers that could be subject to this minimum tax should consult with their own tax advisors regarding the potential consequences of owning the Bonds.

Co-Bond Counsel's opinions are not a guarantee of a result, but represent their legal judgment based upon their review of existing statutes, regulations, published rulings and court decisions and the covenants of the City described above. No ruling has been sought from the Internal Revenue Service (the "IRS") with respect to the matters addressed in the opinions of Co-Bond Counsel, and Co-Bond Counsel's opinions are not binding on the IRS. The IRS has an ongoing program of auditing the tax-exempt status of the interest on tax-exempt obligations. If an audit of the Bonds is commenced, under current procedures the IRS is likely to treat the City as the "taxpayer," and the owners of the Bonds would have no right to participate in the audit process. In responding to or defending an audit of the tax-exempt status of the interest on the Bonds, the City may have different or conflicting interests from the owners of the Bonds. Public awareness of any future audit of the Bonds could adversely affect the value and liquidity of the Bonds during the pendency of the audit, regardless of its ultimate outcome.

Except as described above, Co-Bond Counsel will express no opinion with respect to any federal, state or local tax consequences under present law, or proposed legislation, resulting from the receipt or accrual of interest on, or the acquisition or disposition of, the Bonds. Prospective purchasers of the Bonds should be aware that the ownership of tax-exempt obligations such as the Bonds may result in collateral federal tax consequences to, among others, financial institutions, life insurance companies, property and casualty insurance companies, certain foreign corporations doing business in the United States, S corporations with subchapter C earnings and profits, individual recipients of Social Security or Railroad Retirement benefits, individuals otherwise qualifying for the earned income tax credit, owners of an interest in a financial asset securitization investment trust (FASIT), corporations subject to the alternative minimum tax on adjusted financial statement income, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry, or who have paid or incurred certain expenses allocable to, tax-exempt obligations. Prospective purchasers should consult their own tax advisors as to the applicability of these consequences to their particular circumstances.

The initial public offering price of certain Bonds (the "Discount Bonds") may be less than the amount payable on such Bonds at maturity. An amount equal to the difference between the initial public offering price of a Discount Bond (assuming that a substantial amount of the Discount Bonds of that maturity are sold to the public at such price) and the amount payable at maturity constitutes original issue discount to the initial purchaser of such Discount Bond. A portion of such original issue discount allocable to the holding period of such Discount Bond by the initial purchaser will, upon the disposition of such Discount Bond (including by reason of its payment at maturity), be treated as interest excludable from gross income, rather than as taxable gain, for federal income tax purposes, on the same terms and conditions as those for other interest on the Bonds described above. Such interest is considered to be accrued actuarially in accordance with the constant interest method over the life of a Discount Bond, taking into account the semiannual compounding of accrued interest, at the yield to maturity on such Discount Bond and generally will be allocated to an initial purchaser in a different amount from the amount of the payment denominated as interest actually received by the initial purchaser during the tax year.

However, such interest may be required to be taken into account in determining the amount of the branch profits tax applicable to certain foreign corporations doing business in the United States, even though there will not be a corresponding cash payment. In addition, the accrual of such interest may result in certain other collateral federal income tax consequences to, among others, financial institutions, life insurance companies, property and casualty insurance companies, S corporations with subchapter C earnings and profits, individual recipients of Social Security

or Railroad Retirement benefits, individuals otherwise qualifying for the earned income tax credit, owners of an interest in a FASIT, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry, or who have paid or incurred certain expenses allocable to, tax- exempt obligations. Moreover, in the event of the redemption, sale or other taxable disposition of a Discount Bond by the initial owner prior to maturity, the amount realized by such owner in excess of the basis of such Discount Bond in the hands of such owner (adjusted upward by the portion of the original issue discount allocable to the period for which such Discount Bond was held) is includable in gross income. Owners of Discount Bonds should consult with their own tax advisors with respect to the determination of accrued original issue discount on Discount Bonds for federal income tax purposes and with respect to the state and local tax consequences of owning and disposing of Discount Bonds.

The purchase price of certain Bonds (the “Premium Bonds”) paid by an owner may be greater than the amount payable on such Bonds at maturity. An amount equal to the excess of a purchaser’s tax basis in a Premium Bond over the amount payable at maturity constitutes premium to such purchaser. The basis for federal income tax purposes of a Premium Bond in the hands of such purchaser must be reduced each year by the amortizable bond premium, although no federal income tax deduction is allowed as a result of such reduction in basis for amortizable bond premium. Such reduction in basis will increase the amount of any gain (or decrease the amount of any loss) to be recognized for federal income tax purposes upon a sale or other taxable disposition of a Premium Bond. The amount of premium which is amortizable each year by a purchaser is determined by using such purchaser’s yield to maturity. Purchasers of the Premium Bonds should consult with their own tax advisors with respect to the determination of amortizable bond premium on Premium Bonds for federal income tax purposes and with respect to the state and local tax consequences of owning and disposing of Premium Bonds.

Existing law may change so as to reduce or eliminate the benefit to holders of the Bonds of the exclusion of interest thereon from gross income for federal income tax purposes. Proposed legislative or administrative action, whether or not taken, could also affect the value and marketability of the Bonds. Prospective purchasers of the Bonds should consult with their own tax advisors with respect to any proposed changes in tax law.

## **Ratings**

The Bonds have been rated “Aa2” (stable outlook) by Moody’s Investors Service, Inc. (“Moody’s”), “AA” (stable outlook) by S&P Global Ratings (“S&P”), “AA” (stable outlook) by Fitch, Inc. (“Fitch”) and “AA+” (stable outlook) by Kroll Bond Rating Agency (“Kroll”). Such ratings reflect only the views of Moody’s, S&P, Fitch and Kroll from which an explanation of the significance of such ratings may be obtained. There is no assurance that such ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely. Any such downward revision or withdrawal could have an adverse effect on the market prices of the Bonds. A securities rating is not a recommendation to buy, sell or hold securities.

## **Verification**

The accuracy of (i) the mathematical computations of the adequacy of the maturing principal of and interest earned on the government obligations to be held in escrow to pay principal, interest not otherwise paid and redemption premiums, if any, on the bonds identified in Appendix E hereto and (ii) certain mathematical computations supporting the conclusion that the bonds are not “arbitrage bonds” under the Code, will be verified by Precision Analytics Inc.

## **Legal Opinions**

The legality of the authorization and issuance of the Bonds will be affirmed by the approving legal opinions of Norton Rose Fulbright US LLP and Bryant Rabbino LLP, Co-Bond Counsel to the City. Reference should be made to the forms of such opinions as set forth in APPENDIX C hereto for the matters covered by such opinions and the scope of Co-Bond Counsel’s engagement in relation to the issuance of the Bonds.

Certain legal matters are being passed upon for the City by its Corporation Counsel.



Orrick, Herrington & Sutcliffe LLP, New York, New York, and Law Offices of Joseph C. Reid, P.A., New York, New York, Co-Special Disclosure Counsel to the City, will pass upon certain legal matters in connection with the preparation of this Official Statement.

Certain legal matters will be passed upon for the Underwriters by Nixon Peabody LLP, New York, New York, and D. Seaton and Associates, P.A., P.C., New York, New York, New York, New York, Co-Counsel for the Underwriters.

## **Underwriting**

The Bonds are being purchased for reoffering by the Underwriters for whom Jefferies LLC, BofA Securities, Inc., J.P. Morgan Securities LLC, Loop Capital Markets LLC, RBC Capital Markets, LLC, Samuel A. Ramirez & Co., Inc., Siebert Williams Shank & Co., LLC and Wells Fargo Bank, National Association are acting as lead managers. The compensation for services rendered in connection with the underwriting of the Bonds will be \$5,654,591.94, inclusive of expenses.

In addition, certain of the Underwriters have entered into distribution agreements with other broker-dealers (that have not been designated by the City as Underwriters) for the distribution of the Bonds at the original issue prices. Such agreements generally provide that the relevant Underwriter will share a portion of its underwriting compensation or selling concession with such broker-dealers.

The Underwriters and their respective affiliates are full service financial institutions engaged in various activities, which may include securities trading, commercial and investment banking, financial advisory, investment management, principal investment, hedging, financing and brokerage activities. Certain of the Underwriters and their respective affiliates have, from time to time, performed, and may in the future perform, various investment banking services for the City for which they received or will receive customary fees and expenses.

In the ordinary course of their various business activities, the Underwriters and their respective affiliates may make or hold a broad array of investments and actively trade debt and equity securities (or related derivative securities) and financial instruments (which may include bank loans and/or credit default swaps) for their own account and for the accounts of their customers and may at any time hold long and short positions in such securities and instruments. Such investment and securities activities may involve securities and instruments of the City.

## **Continuing Disclosure Undertaking**

As authorized by the Act, and to the extent that (i) Rule 15c2-12 (the “Rule”) of the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934, as amended (the “1934 Act”) requires the underwriters (as defined in the Rule) of securities offered hereby (under this caption, if subject to the Rule, the “securities”) to determine, as a condition to purchasing the securities, that the City will covenant to the effect of the Undertaking, and (ii) the Rule as so applied is authorized by a federal law that as so construed is within the powers of Congress, the City agrees with the record and beneficial owners from time to time of the outstanding securities (under this caption, if subject to the Rule, “Bondholders”) to provide:

(a) within 185 days after the end of each fiscal year, to the Electronic Municipal Market Access system (“EMMA”) ([www.emma.msrb.org](http://www.emma.msrb.org)) established by the Municipal Securities Rulemaking Board (the “MSRB”), core financial information and operating data for the prior fiscal year, including, (i) the City’s audited general purpose financial statements, prepared in accordance with generally accepted accounting principles in effect from time to time, and (ii) material historical quantitative data on the City’s revenues, expenditures, financial operations and indebtedness generally of the type found herein in Sections IV, V, VIII and IX, and under the caption “2019-2023 Summary of Operations” in Section VI, provided that if the inclusion or format of such information is changed or new information is added in such sections in any future official statement, thereafter the information provided to EMMA will contain or include by reference information of the type included in that official statement as so changed or added; and

(b) in a timely manner, not in excess of 10 Business Days after the occurrence of any event described below, notice to EMMA, of any of the following events with respect to the securities:

- (1) principal and interest payment delinquencies;
  - (2) non-payment related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
  - (7) modifications to rights of security holders, if material;
  - (8) Bond calls, if material, and tender offers;
  - (9) defeasances;
  - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
  - (11) rating changes;
  - (12) bankruptcy, insolvency, receivership or similar event of the City; which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City;
  - (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
  - (14) appointment of a successor or additional Fiscal Agent or the change of name of a Fiscal Agent, if material;
  - (15) incurrence of a Financial Obligation (as defined below) of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect Holders of the Bonds, if material;
  - (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties; and
- (c) failure of the City to comply with clause (a) above.

Event (3) is included pursuant to a letter from the SEC staff to the National Association of Bond Lawyers dated September 19, 1995. However, event (3) may not be applicable, since the terms of the securities do not provide for “debt service reserves.”

Events (4) and (5). The City does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the securities, unless the City applies for or participates in obtaining the enhancement.

Event (6) is relevant only to the extent interest on the securities is tax-exempt.

Event (8). The City does not undertake to provide the above-described event notice of a mandatory scheduled redemption, not otherwise contingent upon the occurrence of an event, if (i) the terms, dates and amounts of redemption are set forth in detail in the final official statement (as defined in the Rule), (ii) the only open issue is which securities will be redeemed in the case of a partial redemption, (iii) notice of redemption is given to the Bondholders as required under the terms of the securities and (iv) public notice of redemption is given pursuant to Exchange Act Release No. 23856 of the SEC, even if the originally scheduled amounts are reduced prior to optional redemptions or security purchases.

Events (15) and (16). “Financial Obligation” (i) means a (A) debt obligation; (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) guarantee of (A) or (B) but (ii) shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

No Bondholder may institute any suit, action or proceeding at law or in equity (“Proceeding”) for the enforcement of the Undertaking or for any remedy for breach thereof, unless such Bondholder shall have filed with the Corporation Counsel of the City evidence of ownership and a written notice of and request to cure such breach, and the City shall have refused to comply within a reasonable time. All Proceedings shall be instituted only as specified herein, in the federal or State courts located in the Borough of Manhattan, State and City of New York, and for the equal benefit of all holders of the outstanding securities benefitted by the same or a substantially similar covenant, and no remedy shall be sought or granted other than specific performance of the covenant at issue.

Any amendment to the Undertaking may only take effect if:

(a) the amendment is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted; the Undertaking, as amended, would have complied with the requirements of the Rule at the time of award of the securities after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and the amendment does not materially impair the interests of Bondholders, as determined by parties unaffiliated with the City (such as, but without limitation, the City’s financial advisor or bond counsel); and the annual financial information containing (if applicable) the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the “impact” (as that word is used in the letter from the staff of the SEC to the National Association of Bond Lawyers dated June 23, 1995) of the change in the type of operating data or financial information being provided; or

(b) all or any part of the Rule, as interpreted by the staff of the SEC at the date of the Undertaking, ceases to be in effect for any reason, and the City elects that the Undertaking shall be deemed terminated or amended (as the case may be) accordingly.

For purposes of the Undertaking, a beneficial owner of a security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise has or shares investment power which includes the power to dispose, or to direct the disposition of, such security, subject to certain exceptions, as set forth in the Undertaking. An assertion of beneficial ownership must be filed, with full documentary support, as part of the written request to the Corporation Counsel described above.

## **Financial Advisors**

The City has retained Public Resources Advisory Group and Acacia Financial Group, Inc. to act as financial advisors with respect to the City's general obligation bond financing program and the issuance of the Bonds.

## **Financial Statements**

The City's Annual Report for the fiscal year ended June 30, 2023 is included by specific reference in this Official Statement as APPENDIX B. Grant Thornton LLP, the City's independent auditor, has not reviewed, commented on or approved, and is not associated with, this Official Statement. The report of Grant Thornton LLP relating to the City's financial statements for the fiscal years ended June 30, 2023 and 2022, which is a matter of public record, is included in the Annual Report for the fiscal year ended June 30, 2023, which is included by specific reference in this Official Statement. However, Grant Thornton LLP has not performed any procedures on any financial statements or other financial information of the City, including without limitation any of the information contained, or included by specific reference, in this Official Statement, since the date of such report and has not been asked to consent to the inclusion of its report in this Official Statement.

## **Further Information**

The references herein to, and summaries of, provisions of federal, State and local laws, including but not limited to the State Constitution, the Financial Emergency Act and the City Charter, and documents, agreements and court decisions, including but not limited to the Financial Plan, are summaries of certain provisions thereof. Such summaries do not purport to be complete and are qualified in their entirety by reference to such acts, laws, documents, agreements or decisions, copies of which are available for inspection during business hours at the office of the Corporation Counsel.

Copies of the most recent financial plan submitted to the Control Board are at [www.nyc.gov/omb](http://www.nyc.gov/omb). Copies of the published Annual Comprehensive Financial Reports of the Comptroller are available at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov) or upon written request to the Office of the Comptroller, Deputy Comptroller for Public Finance, Municipal Building, One Centre Street, New York, New York 10007 and are available on EMMA (<https://emma.msrb.org>). Financial plans are prepared quarterly, and the Annual Comprehensive Financial Report of the Comptroller is published at the end of October of each year, as required by the City Charter.

Neither this Official Statement nor any statement which may have been made orally or in writing shall be construed as a contract or as a part of a contract with any purchaser or any holders of the Bonds.

THE CITY OF NEW YORK

## ECONOMIC AND DEMOGRAPHIC INFORMATION

This section presents certain economic and demographic information about the City. All information is presented on a calendar year basis unless otherwise indicated. The data set forth are the latest available. Sources of information are indicated in the text or immediately following the tables. Although the City considers the sources to be reliable, the City has made no independent verification of the information provided by non-City sources and does not warrant its accuracy.

### New York City Economy

The City has a diversified economic base, with a substantial volume of business activity in the financial, professional services, education, healthcare, hospitality, wholesale and retail trade, information services, and technology industries, and is the location of many securities, banking, law, accounting, new media, and advertising firms.

The City is a major seaport and focal point for international business. Many of the major corporations headquartered in the City are multinational in scope and have extensive foreign operations. Numerous foreign-owned companies in the United States are also headquartered in the City. These firms are found in all sectors of the City's economy, but are concentrated in trade, professional and business services, tourism and finance. The City is the location of the headquarters of the United Nations and several affiliated organizations maintain their principal offices in the City. A large diplomatic community exists in the City to staff the missions to the United Nations and the foreign consulates. No single assessed property in the City accounts for more than 0.5% of the City's real property tax revenue.

In recent years, technology, life sciences, and information companies have employed an increasing portion of the City's workforce and the City became a leading technology center over the past decade. In addition to startup companies, the largest technology firms have a significant presence in the City, both in terms of employees and office space. Biotech and life sciences firms draw talent from the City's world-class universities and health care organizations. These industries are attracted to the City due to many factors, including the concentration of advertising, media and financial businesses in the City.

Economic activity in the City has experienced periods of growth and recession and can be expected to experience periods of growth and recession in the future. The City experienced a recession in the early 1970s through the middle of that decade, followed by a period of expansion in the late 1970s through the late 1980s. The City fell into recession again in the early 1990s which was followed by an expansion that lasted until 2001. The economic slowdown that began in 2001 as a result of the September 11 attack, a national economic recession, and a downturn in the securities industry came to an end in 2003. Subsequently, Wall Street activity, tourism and the real estate market drove a broad-based economic recovery through most of 2007. The financial crisis spurred by the collapse of the housing market and subsequent Great Recession brought the expansion to a halt in 2008. By 2010, the City began to recover and enjoyed a robust 10-year economic expansion. Beginning in 2020, the City has encountered significant challenges to its economy as a result of the COVID-19 pandemic.

During periods of the COVID-19 pandemic, many businesses in the City were ordered to close, public schools moved to remote learning, limitations were imposed on large gatherings, and certain vaccination requirements and mask mandates were put in place. The reduction in business activity, travel and tourism resulting from the pandemic had a severe impact on the City's retail, cultural, hospitality and entertainment sectors. Hotel occupancy declined drastically, as did arrivals to City airports. As a result of the COVID-19 pandemic, unemployment rates throughout the City increased substantially. However, employment in the City has recovered to pre-pandemic levels. Certain real estate sectors have sustained losses as a result of the business distress caused by COVID-19 and increased numbers of employees working from home have stressed the City's office market. The pandemic has also reduced income for retail stores and hotels. Property tax revenues declined in fiscal year 2022 from the pandemic impact but rebounded in fiscal year 2023. Growth is projected to average 1.3 percent from fiscal years 2024 through 2027. The pandemic has also resulted in a decline in the City's estimated population. The United States Census Bureau estimates the City's population to be 8,258,035 as of July 2023, which shows a decline of 546,155 City residents as compared to the 2020 Census.

Uncertainties remain for commercial office markets as future demand may depend on decisions of major office tenants regarding density, remote work and relocation of operations out of the City. Personal income tax revenue projections could be negatively affected by changes in employment and earnings including, but not limited to, (i) changes in residency status resulting from remote work, (ii) permanent relocation outside the City of individuals with high incomes (the highest 1% of earners accounted for approximately 42.4% of total personal income tax revenues in calendar year 2020), or (iii) other employment-related changes. In addition, sales tax revenue projections could be negatively impacted by future reductions in economic activity.

The future course of the pandemic is uncertain. There can be no assurance that the City will not experience future surges or that rates of cases, hospitalizations and deaths will not increase significantly in the future. There can be no assurances as to what further impacts the pandemic may have on the City's population and economy or that new pandemic-related restrictions will not be imposed in the future. An outbreak of disease or public health emergency, including a resurgence of COVID-19, could have an adverse impact on the City's population and economy and may result in revenues to the City that are lower than projected herein.

The United States Department of Commerce Bureau of Economic Analysis produces measures of Gross Domestic Product ("GDP") by metropolitan area. The New York metropolitan area – defined geographically as New York City; Long Island; the Lower Hudson Valley, New York; parts of Northern and Central New Jersey; and Pike County Pennsylvania – is the largest metropolitan economy in the United States.

	TOP TEN GDP BY METROPOLITAN AREA					GDP PER CAPITA
	(millions of current dollars)					2022
	2018	2019	2020	2021	2022	
United States (metropolitan areas) .....	\$18,559,169	\$19,382,012	\$19,247,785	\$21,227,125	\$23,080,904	\$80,186
New York-Newark-Jersey City, NY-NJ-PA .....	1,812,675	1,888,822	1,856,623	2,014,725	2,163,209	110,267
Los Angeles-Long Beach-Anaheim, CA .....	1,011,441	1,064,220	1,035,126	1,136,105	1,227,469	95,357
Chicago-Naperville-Elgin, IL-IN-WI .....	707,911	728,721	700,440	769,313	832,900	88,213
San Francisco-Oakland-Berkeley, CA .....	569,522	606,633	611,744	697,498	729,105	159,207
Dallas-Fort Worth-Arlington, TX .....	516,335	545,754	545,658	610,576	688,928	86,727
Washington-Arlington-Alexandria, DC-VA-MD-WV .....	552,397	572,912	573,551	617,563	660,626	103,648
Houston-The Woodlands-Sugar Land, TX .....	507,444	504,984	492,801	557,854	633,185	86,264
Boston-Cambridge-Newton, MA-NH .....	459,493	484,719	486,304	534,829	571,667	116,654
Atlanta-Sandy Springs-Alpharetta, GA .....	420,535	447,102	437,138	481,142	525,888	84,519
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD .....	442,001	454,528	444,224	480,906	518,485	83,075

Source: U.S. Bureau of Economic Analysis

## Personal Income

From 2013 through 2022 (the most recent year for which City personal income data are available), total personal income, unadjusted for the effects of inflation, grew at a compounded annual average rate of 3.7% and 5.0% for the City and the nation, respectively. The City's total personal income per capita grew at a compounded annual average rate of 4.1% per year for the same period. In 2022, total personal income per capita in the City exceeded that of the U.S. by 22%. The following table sets forth information regarding personal income in the City and the U.S. from 2013 to 2022.

## PERSONAL INCOME<sup>(1)</sup>

Year	Total City (\$ billions)	Per Capita <sup>(2)</sup> City	Per Capita U.S.	Per Capita City as a Percent of U.S.
2013.....	\$ 477.4	\$ 55,745	\$ 44,401	126 %
2014.....	499.2	57,683	46,287	125
2015.....	522.4	59,798	48,060	124
2016.....	547.3	62,223	48,971	127
2017.....	593.2	67,281	51,004	132
2018.....	614.3	69,598	53,309	131
2019.....	627.1	71,072	55,547	128
2020.....	635.6	72,722	59,153	123
2021.....	693.9	82,036	64,430	127
2022.....	664.5	79,719	65,470	122

Sources: U.S. Department of Commerce, Bureau of Economic Analysis (“BEA”) and the Bureau of the Census.

- (1) In current dollars. Personal Income is based on the place of residence and is measured from income which includes wages and salaries, supplements to wages and salaries, proprietors’ income, personal dividend income, personal interest income, rental income of persons and transfer payments.
- (2) Personal Income per capita estimates for 2013 to 2019 reflect BEA’s population estimates, which are tied to the Census Bureau’s decennial counts for 2010 and 2020. Personal Income per capita for 2020 to 2022 reflects Census Bureau midyear population estimates available as of March 2023.

## Employment Trends

The City is a leading center for the banking and securities industry, education, healthcare, life insurance, communications, publishing, fashion design, technology, information services, hospitality and retail fields. Over time, the City has experienced numerous business cycles. For example, from 2003 to 2008, the City added 257,600 private sector jobs (growth of 9%). From 2008 to 2009, the City lost 103,200 private sector jobs (decline of 3%). From 2009 to 2019, the City added 918,400 private sector jobs (growth of 29%). From 2019 to 2020, the City lost 496,000 private sector jobs, primarily due to the COVID-19 pandemic. All such changes are based on average annual employment levels through and including the years referenced. As of January 2024, total employment in the City was 4,660,700 compared to 4,583,900 in January 2023 (growth of 1.7%) based on data provided by the New York State Department of Labor, which are not seasonally adjusted.

The table below shows the distribution of employment in New York City from 2014 to 2023.

## EMPLOYMENT DISTRIBUTION

	Average Annual Employment (In thousands)									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Goods Producing Sectors										
Construction .....	129.3	139.4	147.3	152.5	158.9	161.3	138.9	141.2	143.2	143.0
Manufacturing .....	77.1	78.5	76.9	74.1	71.3	68.1	52.9	54.6	57.8	57.7
Service-Producing Sectors										
Trade Transportation and Utilities ....	620.0	629.7	629.7	633.3	635.4	636.4	537.1	551.2	585.8	586.6
Information.....	189.7	195.0	199.8	207.4	213.1	220.6	207.9	221.0	238.4	223.2
Financial Activities.....	448.9	459.2	466.2	469.4	477.0	485.1	471.1	466.1	487.7	501.9
Professional and Business Services...	660.9	689.0	708.9	726.2	746.1	772.3	711.0	722.3	786.5	798.9
Education and Health Services .....	867.3	898.1	930.1	963.6	1008.3	1055.4	1009.8	1046.5	1110.5	1175.5
Leisure and Hospitality.....	409.9	429.4	441.9	458.8	464.4	468.1	275.7	306.0	402.2	434.2
Other Services .....	180.5	186.1	190.7	192.3	193.7	195.7	162.5	168.0	178.2	181.9
Total Private .....	3583.4	3704.3	3791.4	3877.4	3968.2	4063.0	3567.0	3676.8	3990.2	4102.8
Government .....	573.3	579.5	583.7	584.7	584.7	587.1	585.6	569.0	563.2	567.5
Total .....	4156.7	4283.8	4375.1	4462.1	4552.9	4650.1	4152.6	4245.8	4553.5	4670.3

Note: Totals may not add due to rounding or subsector disclosure limitations.

Source: New York State Department of Labor. Data are presented using the North American Industry Classification System (“NAICS”). Not seasonally adjusted.

## Sectoral Distribution of Employment and Earnings

In 2022, the City's service-producing sectors provided approximately 3.8 million jobs and accounted for approximately 83% of total employment. Employment levels in the service-producing sectors affect the total earnings as well as the average wage per employee because employee compensation in certain of those sectors, such as financial activities and professional and business services, tends to be considerably higher than in most other sectors. Moreover, average wage rates in these sectors are significantly higher in the City than in the nation. In the City in 2022, the employment share for the financial activities and professional and business services sectors was approximately 28% while the earnings share for those same sectors was approximately 46%. In the nation, those same service producing sectors accounted for approximately 21% of employment and 29% of earnings in 2022. Due to the earnings distribution in the City, sudden or large shocks in the financial markets may have a disproportionately adverse effect on the City relative to the nation.

The City's and the nation's employment and earnings by sector for 2022 are set forth in the following table.

**SECTORAL DISTRIBUTION OF EMPLOYMENT AND EARNINGS IN 2022<sup>(1)</sup>**

	<b>Employment</b>		<b>Earnings<sup>(2)</sup></b>	
	<b>NYC</b>	<b>U.S.</b>	<b>NYC</b>	<b>U.S.</b>
<b>Goods-Producing Sectors</b>				
Mining and Logging .....	0.0%	0.4%	0.3%	1.4%
Construction .....	3.1%	5.1%	2.6%	6.1%
Manufacturing .....	1.3%	8.4%	0.9%	8.9%
<b>Total Goods-Producing</b> .....	<b>4.4%</b>	<b>13.9%</b>	<b>3.8%</b>	<b>16.3%</b>
<b>Service-Producing Sectors</b>				
Trade, Transportation and Utilities .....	12.9%	18.8%	9.1%	15.5%
Information .....	5.2%	2.0%	8.6%	3.8%
Financial Activities .....	10.7%	5.9%	24.7%	9.7%
Professional and Business Services .....	17.3%	14.8%	21.4%	18.8%
Education and Health Service .....	24.4%	16.0%	12.6%	12.8%
Leisure & Hospitality .....	8.8%	10.4%	5.7%	4.9%
Other Services .....	3.9%	3.7%	2.6%	3.4%
<b>Total Service-Producing</b> .....	<b>83.2%</b>	<b>71.6%</b>	<b>84.6%</b>	<b>68.9%</b>
<b>Total Private Sector</b> .....	<b>87.6%</b>	<b>85.5%</b>	<b>88.6%</b>	<b>85.2%</b>
<b>Government</b> .....	<b>12.4%</b>	<b>14.5%</b>	<b>11.4%</b>	<b>14.8%</b>

Note: Data may not add due to rounding or subsector disclosure limitations. Data are presented using NAICS.

Sources: The primary sources are the New York State Department of Labor; the U.S. Department of Labor, Bureau of Labor Statistics; and the U.S. Department of Commerce, Bureau of Economic Analysis.

- (1) The sectoral distributions are obtained by dividing each industry's employment or earnings by total non-agricultural employment or earnings.
- (2) Includes the sum of wage and salary disbursements, other labor income, and proprietors' income. The latest information available is 2022 data.

## Unemployment

As of January 2024, the total unemployment rate in the City was 4.6%, compared to 5.5% in January 2023, based on data provided by the New York State Department of Labor, which are not seasonally adjusted.

The monthly unemployment rate of the City's resident labor force for 2022, 2023, and the first month of 2024 is shown in the following table.



### MONTHLY UNEMPLOYMENT RATE<sup>(1)</sup>

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
<b>2022</b>	7.9	7.2	6.4	5.8	5.4	5.6	5.6	5.3	4.6	5.0	5.0	4.9
<b>2023</b>	5.5	5.6	5.2	4.8	5	5.3	5.3	5.6	5.1	5.4	4.9	5.1
<b>2024</b>	4.6											

Source: New York State Department of Labor and U.S. Department of Labor, Bureau of Labor Statistics.

<sup>(1)</sup> Percentage of civilian labor force unemployed: excludes those persons unable to work and discouraged workers (i.e., persons not actively seeking work because they believe no suitable work is available).

The average annual unemployment rate of the resident labor force of the City and of the United States, from 2014 through 2023, is shown in the following table.

### ANNUAL UNEMPLOYMENT RATE<sup>(1)</sup> (Average Annual)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New York City .....	7.1	5.6	5.1	4.5	4.1	4.0	12.2	10.1	5.7	5.2
United States.....	6.2	5.3	4.9	4.4	3.9	3.7	8.1	5.3	3.6	3.6

Source: New York State Department of Labor and U.S. Department of Labor, Bureau of Labor Statistics.

<sup>(1)</sup> Percentage of civilian labor force unemployed: excludes those persons unable to work and discouraged workers (i.e., persons not actively seeking work because they believe no suitable work is available).

### Public Assistance

As of December 2023, the number of persons receiving cash public assistance in the City was 499,552, compared to 444,823 in December 2022. The following table sets forth the annual average number of persons receiving cash public assistance in the City.

### PUBLIC ASSISTANCE

#### (Annual Averages in Thousands)

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
350.5	351.7	353.9	356.0	342.3	361.9	370.5	366.3	356.1	334.7	363.7	372.3	424.9	478.9

### Taxable Sales

The City is a major retail trade market with the greatest volume of retail sales of any city in the nation. The sales tax is levied on a variety of economic activities including retail sales, utility and communication sales, services and manufacturing. Taxable sales and purchases reflects data from the State Department of Taxation and Finance publication "Taxable Sales and Purchases, County and Industry Data." The yearly data presented in this paragraph and the table below cover the period from March 1 of the year prior to the listed year through the last day of February of the listed year. Between 2014 and 2020, total taxable sales volume growth rate averaged 4.6% primarily as a result of an increase in consumption as a result of local employment gains and the local and national economic recoveries. In 2021, total taxable sales declined 23.2% due to the COVID-19 pandemic, but rebounded above pre-pandemic levels in 2022 and 2023 as the local economy continues to reopen and recover.

The following table illustrates the volume of sales and purchases subject to the sales tax from 2014 to 2023.

**TAXABLE SALES AND PURCHASES SUBJECT TO SALES TAX**  
(In Billions)

<b>Year<sup>(1)</sup></b>	<b>Retail<sup>(2)</sup></b>	<b>Utility &amp; Communication Sales<sup>(3)</sup></b>	<b>Services<sup>(4)</sup></b>	<b>Manufacturing</b>	<b>Other<sup>(5)</sup></b>	<b>All Total</b>
2014.....	\$46.1	\$22.8	\$43.9	\$5.6	\$20.7	\$139.1
2015.....	47.4	23.1	47.5	5.8	21.9	145.7
2016.....	47.8	22.1	51.1	5.7	23.2	149.9
2017.....	48.3	22.8	53.1	6.1	25.2	155.5
2018.....	49.8	23.2	55.4	6.8	27.4	162.4
2019.....	52.1	24.1	58.5	7.1	30.5	172.3
2020.....	55.4	25.5	61.1	7.6	33.0	182.6
2021.....	48.8	26.6	31.1	7.9	25.7	140.2
2022.....	62.3	29.5	50.4	8.1	33.1	183.4
2023.....	66.9	32.4	67.1	8.9	39.6	214.8

Source: State Department of Taxation and Finance publication "Taxable Sales and Purchases, County and Industry Data." Totals may not add due to rounding. Data are presented using NAICS.

- (1) The yearly data are for the period from March 1 of the year prior to the listed year through the last day of February of the listed year.  
(2) Retail sales include building materials, general merchandise, food, auto dealers/gas stations, apparel, furniture, eating and drinking and miscellaneous retail.  
(3) Utility and Communication Sales include both residential and non-residential electric, and residential and non-residential gas and communication.  
(4) Services include business services, hotel occupancy services (stays for the first 90 days), and other services (auto repair, parking and others).  
(5) Other includes construction, wholesale trade, arts, entertainment and recreation, and others. Also included in Other are local tax base components of City taxable sales and purchases which include Manhattan parking services, hotel occupancy services (stays from 91 to 180 days), and miscellaneous services (credit rating and reporting services, miscellaneous personal services, and other services).

### Population

The City has been the most populous city in the United States since 1790. The City's population is larger than the combined populations of Los Angeles and Chicago, the two next most populous cities in the nation.

### POPULATION

<b>Year</b>	<b>Total Population</b>
1970 .....	7,894,862
1980 .....	7,071,639
1990 .....	7,322,564
2000 .....	8,008,278
2010 .....	8,175,133
2020 .....	8,804,190

Note: Figures do not include an undetermined number of undocumented persons.

Source: U.S. Department of Commerce, Bureau of the Census.

The United States Census Bureau estimates the City's population to be 8,258,035 as of July 2023.

The following table sets forth the distribution of the City's population by age in 2000 and 2010.

### DISTRIBUTION OF POPULATION BY AGE

<u>Age</u>	<u>2000</u>		<u>2010</u>	
		<u>% of Total</u>		<u>% of Total</u>
Under 5 .....	540,878	6.8	517,724	6.3
5 to 14.....	1,091,931	13.6	941,313	11.5
15 to 19.....	520,641	6.5	535,833	6.6
20 to 24.....	589,831	7.4	642,585	7.9
25 to 34.....	1,368,021	17.1	1,392,445	17.0
35 to 44.....	1,263,280	15.8	1,154,687	14.1
45 to 54.....	1,012,385	12.6	1,107,376	13.5
55 to 64.....	683,454	8.5	890,012	10.9
65 and Over .....	937,857	11.7	993,158	12.1

Note: Applicable data from the 2020 United States Census are not yet available.

Source: U.S. Department of Commerce, Bureau of the Census.

### Housing

In 2023, the housing stock in the City consisted of approximately 3,705,000 housing units, excluding certain special types of units primarily in institutions such as hospitals and universities ("Housing Units") according to the 2023 Housing and Vacancy Survey Selected Initial Findings, released February 8, 2024. The 2023 housing inventory represented an increase of approximately 61,000 units, or 1.7%, since 2021. The 2023 Housing and Vacancy Survey indicates that rental housing units continue to predominate in the City. Of all occupied housing units in 2023, approximately 32.3% were conventional home-ownership units, cooperatives or condominiums and approximately 67.7% were rental units. Due to changes in the inventory basis beginning in 2002, it is not possible to accurately compare Housing and Vacancy Survey results beginning in 2002 to the results of earlier Surveys until such time as the data are reweighted. The following table presents trends in the housing inventory in the City.

### HOUSING INVENTORY (In Thousands)

<u>Ownership/Occupancy Status</u>	<u>1996</u>	<u>1999</u>	<u>2002</u>	<u>2005</u>	<u>2008</u>	<u>2011</u>	<u>2014</u>	<u>2017</u>	<u>2021</u>	<u>2023</u>
Total Housing Units.....	2,995	3,039	3,209	3,261	3,328	3,352	3,400	3,469	3,644	3,705
Owner Units.....	858	932	997	1,032	1,046	1,015	1,033	1,038	1,017	1,118
Owner-Occupied.....	834	915	982	1,010	1,019	984	1,015	1,006	986	1,109
Vacant for Sale.....	24	17	15	21	26	31	18	32	30	9
Rental Units .....	2,027	2,018	2,085	2,092	2,144	2,173	2,184	2,183	2,274	2,357
Renter-Occupied.....	1,946	1,953	2,024	2,027	2,082	2,105	2,109	2,104	2,171	2,324
Vacant for Rent .....	81	64	61	65	62	68	75	79	103	33
Vacant Not Available for Sale or Rent <sup>(1)</sup> .....	110	89	127	137	138	164	183	248	353	230

Note: Details may not add up to totals due to rounding.

Sources: U.S. Bureau of the Census, 1996, 1999, 2002, 2005, 2008, 2011, 2014, 2017, 2021 and 2023 New York City Housing and Vacancy Surveys.

(1) Vacant units.

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**ANNUAL COMPREHENSIVE FINANCIAL REPORT**

The Annual Report for the fiscal year ended June 30, 2023 is included by specific reference in this Official Statement as Appendix B. The report of Grant Thornton LLP relating to the City's financial statements for the fiscal years ended June 30, 2023 and 2022, which is a matter of public record, is included in the Annual Report for the fiscal year ended June 30, 2023, which is included by specific reference in this Official Statement. However, Grant Thornton LLP has not performed any procedures on any financial statements or other financial information of the City, including without limitation any of the information contained in this Official Statement, since the date of such report and has not been asked to consent to the inclusion of its report in this Official Statement.

The Annual Report for the fiscal year ended June 30, 2023 is available for inspection at the Office of the City Comptroller and at <https://comptroller.nyc.gov/reports/annual-comprehensive-financial-reports/> and is available on EMMA (<https://emma.msrb.org>).

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United States

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nortonrosefulbright.com

April 11, 2024

Honorable Brad Lander  
Comptroller  
The City of New York Municipal Building  
New York, New York 10007

Dear Comptroller Lander:

We have acted as Co-Bond Counsel to The City of New York (the “City”), a municipal corporation of the State of New York (the “State”), in connection with the issuance by the City on the date hereof of its General Obligation Bonds, Fiscal 2024 Series D, Series E and Series F (the “Bonds”).

The Bonds are issued pursuant to the Constitution of the State, the Local Finance Law of the State, and the Charter of the City, and in accordance with a certificate of the Deputy Comptroller for Public Finance of the City dated the date hereof and related proceedings. We have examined, and in expressing the opinions hereinafter described we rely upon, certificates of the City and such other agreements, documents and matters as we deem necessary to render our opinions. We have not undertaken an independent investigation of the matters described or contained in the foregoing certificates, agreements and documents. We have assumed, without undertaking to verify, the authenticity of all documents submitted to us as originals, the conformity to originals of all documents submitted to us as certified copies, the genuineness of all signatures, the due and legal execution and delivery thereof by, and validity against, any parties other than the City, and the accuracy of the statements contained in such documents.

Based upon the foregoing and our examination of existing law, we are of the opinion that:

1. The Bonds have been duly authorized, executed and issued in accordance with the Constitution and statutes of the State and the Charter of the City and constitute valid and legally binding obligations of the City for the payment of which the City has validly pledged its faith and credit, and all real property within the City subject to taxation by the City is subject to the levy by the City of ad valorem taxes, without limit as to rate or amount, for payment of the principal of and interest on the Bonds.

Norton Rose Fulbright US LLP is a limited liability partnership registered under the laws of Texas.

Norton Rose Fulbright US LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright Canada LLP and Norton Rose Fulbright South Africa Inc are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).

2. Interest on the Bonds is exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.

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3. The City has covenanted in a tax certificate dated the date hereof to comply with certain provisions of the Internal Revenue Code of 1986, as amended to the date hereof (the “Code”), relating to the exclusion from gross income of the interest on the Bonds for purposes of federal income taxation. Assuming compliance by the City with such covenants, interest on the Bonds will be excludable from the gross income of the owners thereof for federal income tax purposes.

4. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax on individuals. The Code contains other provisions that could result in tax consequences, upon which we render no opinion, as a result of ownership of such Bonds or the inclusion in certain computations (including, without limitation, those related to the alternative minimum tax on the adjusted financial statement income of certain corporations) of interest that is excluded from gross income.

We express no opinion with respect to any other federal, state or local tax consequences under present law or any proposed legislation resulting from the receipt or accrual of interest on, or the acquisition or disposition of, the Bonds. Furthermore, we express no opinion as to the effect on the exclusion from gross income of interest on the Bonds of any action (including without limitation a change in the interest rate mode with respect to any of the Bonds) taken or not taken after the date of this opinion without our approval. Ownership of tax-exempt obligations such as the Bonds may result in collateral federal tax consequences to, among others, financial institutions, life insurance companies, property and casualty insurance companies, certain foreign corporations doing business in the United States, “S” corporations with subchapter C earnings and profits, owners of an interest in a financial asset securitization investment trust, individual recipients of Social Security or Railroad Retirement Benefits, individuals otherwise qualifying for the earned income tax credit, corporations subject to the alternative minimum tax on adjusted financial statement income, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry, or who have paid or incurred certain expenses allocable to, tax-exempt obligations.

The rights of the owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors’ rights heretofore or hereafter enacted, to the extent constitutionally applicable, and the enforcement of related contractual and statutory covenants of the City and the State may also be subject to the exercise of the State’s police powers and of judicial discretion in appropriate cases.

Our opinions are based on existing law, which is subject to change. Such opinions are further based on our knowledge of facts as of the date hereof. We assume no duty to update or supplement our opinions to reflect any facts or circumstances that may hereafter come to our attention or to reflect any changes in any law that may hereafter occur or become effective. Moreover, our opinions are not a guarantee of result and are not binding on the Internal Revenue Service; rather, such opinions represent our legal judgment based upon our review of existing law that we deem relevant to such opinions and in reliance upon the representations and covenants referenced above.

Very truly yours,



April 11, 2024

Honorable Brad Lander  
Comptroller  
The City of New York  
Municipal Building  
New York, New York 10007

Dear Comptroller Lander:

We have acted as Co-Bond Counsel to The City of New York (the “City”), a municipal corporation of the State of New York (the “State”), in connection with the issuance by the City on the date hereof of its General Obligation Bonds, Fiscal 2024 Series D, Series E and Series F (the “Bonds”).

The Bonds are issued pursuant to the Constitution of the State, the Local Finance Law of the State, and the Charter of the City, and in accordance with a certificate of the Deputy Comptroller for Public Finance of the City dated the date hereof and related proceedings. We have examined, and in expressing the opinions hereinafter described we rely upon, certificates of the City and such other agreements, documents and matters as we deem necessary to render our opinions. We have assumed, with your permission, that capital projects of the City to be financed with proceeds of the Bonds, and reviewed by other bond counsel for the City, have been properly designated by the City in the City’s financial management system as eligible for financing with such proceeds under applicable State law, including the Local Finance Law, and under the Code (as defined herein). We have not undertaken an independent investigation of the matters described or contained in the foregoing certificates, agreements and documents. We have assumed, without undertaking to verify, the authenticity of all documents submitted to us as originals, the conformity to originals of all documents submitted to us as certified copies, the genuineness of all signatures, the due and legal execution and delivery thereof by, and validity against, any parties other than the City, and the accuracy of the statements contained in such documents.

Based upon the foregoing and our examination of existing law, we are of the opinion that:

1. The Bonds have been duly authorized, executed and issued in accordance with the Constitution and statutes of the State and the Charter of the City and constitute valid and legally binding obligations of the City for the payment of which the City has validly pledged its faith and credit, and all real property within the City subject to taxation by the City is subject to the levy by the City of ad valorem taxes, without limit as to rate or amount, for payment of the principal of and interest on the Bonds.
2. Interest on the Bonds is exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.
3. The City has covenanted in a tax certificate dated the date hereof to comply with certain provisions of the Internal Revenue Code of 1986, as amended to the date hereof (the “Code”), relating to the exclusion from gross income of the interest on the Bonds for purposes of federal income taxation. Assuming compliance by the City with such covenants, interest on the Bonds will be excludable from the gross income of the owners thereof for federal income tax purposes.
4. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax on individuals. The Code contains other provisions that could result in tax consequences, upon which we render no opinion, as a result of ownership of such Bonds or the inclusion in certain computations (including, without limitation, those related to the alternative minimum tax on the adjusted financial statement income of certain corporations) of interest that is excluded from gross income.

We express no opinion with respect to any other federal, state or local tax consequences under present law or any proposed legislation resulting from the receipt or accrual of interest on, or the acquisition or disposition of, the Bonds. Furthermore, we express no opinion as to the effect on the exclusion from gross income of interest on the Bonds of any action (including without limitation a change in the interest rate mode with respect to any of the Bonds) taken or

Honorable Brad Lander  
Comptroller  
The City of New York  
Page 2  
April 11, 2024

not taken after the date of this opinion without our approval. Ownership of tax-exempt obligations such as the Bonds may result in collateral federal tax consequences to, among others, financial institutions, life insurance companies, property and casualty insurance companies, certain foreign corporations doing business in the United States, “S” corporations with subchapter C earnings and profits, owners of an interest in a financial asset securitization investment trust, individual recipients of Social Security or Railroad Retirement Benefits, individuals otherwise qualifying for the earned income tax credit, corporations subject to the alternative minimum tax on adjusted financial statement income, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry, or who have paid or incurred certain expenses allocable to, tax-exempt obligations.

The rights of the owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors’ rights heretofore or hereafter enacted, to the extent constitutionally applicable, and the enforcement of related contractual and statutory covenants of the City and the State may also be subject to the exercise of the State’s police powers and of judicial discretion in appropriate cases.

Our opinions are based on existing law, which is subject to change. Such opinions are further based on our knowledge of facts as of the date hereof. We assume no duty to update or supplement our opinions to reflect any facts or circumstances that may hereafter come to our attention or to reflect any changes in any law that may hereafter occur or become effective. Moreover, our opinions are not a guarantee of result and are not binding on the Internal Revenue Service; rather, such opinions represent our legal judgment based upon our review of existing law that we deem relevant to such opinions and in reliance upon the representations and covenants referenced above.

Very truly yours,

## VARIABLE RATE BONDS

Variable Rate Demand Bonds

Series	Outstanding Principal Amount	Facility Provider <sup>(1)</sup>	Facility Expiration <sup>(2)</sup>
2006E-2.....	\$ 80,325,000	Bank of America, N.A.	July 31, 2025
2006E-3.....	80,325,000	Bank of America, N.A.	July 31, 2025
2006E-4.....	80,320,000	Bank of America, N.A.	July 31, 2025
2006I-4 <sup>(3)</sup> .....	125,000,000	TD Bank, N.A.	May 24, 2024
2006I-8.....	50,000,000	State Street Bank and Trust Company	May 26, 2027
2008L-3.....	80,000,000	Bank of America, N.A.	July 29, 2024
2008L-4.....	100,000,000	US Bank, N.A.	June 8, 2026
2010G-4.....	150,000,000	Barclays Bank, PLC	March 29, 2027
2012A-4.....	100,000,000	Sumitomo Mitsui Banking Corporation	March 2, 2028
2012D-3A.....	76,665,000	The Bank of New York Mellon	October 28, 2024
2012G-6.....	106,945,000	Mizuho Bank, Ltd.	March 15, 2027
2013A-2.....	100,000,000	Mizuho Bank, Ltd.	October 9, 2024
2013A-3.....	100,000,000	Mizuho Bank, Ltd.	October 9, 2024
2013A-4.....	75,000,000	Sumitomo Mitsui Banking Corporation	October 15, 2025
2013A-5.....	50,000,000	Sumitomo Mitsui Banking Corporation	October 15, 2025
2013F-3.....	180,000,000	Bank of America, N.A.	March 13, 2026
2014D-4.....	100,000,000	TD Bank, N.A.	September 30, 2027
2014D-5.....	75,000,000	PNC Bank, National Association	October 10, 2025
2014I-2.....	100,000,000	JPMorgan Chase Bank, N.A.	March 24, 2025
2014I-3.....	200,000,000	Citibank, N.A.	August 12, 2025
2015F-5.....	100,000,000	Barclays Bank, PLC	June 18, 2027
2015F-6.....	100,000,000	JPMorgan Chase Bank, N.A.	June 17, 2027
2017A-4.....	200,000,000	Citibank, N.A.	August 15, 2025
2017A-5.....	81,000,000	JPMorgan Chase Bank, N.A.	July 31, 2026
2017A-6.....	50,000,000	JPMorgan Chase Bank, N.A.	July 31, 2026
2017A-7.....	50,000,000	BMO	August 15, 2025
2018B-4.....	100,000,000	Barclays Bank, PLC	October 1, 2025
2018B-5.....	100,000,000	Barclays Bank, PLC	October 1, 2025
2018E-5.....	50,000,000	TD Bank, N.A.	September 30, 2027
2019D-4.....	150,000,000	State Street Bank and Trust Company	January 19, 2028
2022D-3.....	200,000,000	State Street Bank and Trust Company	May 26, 2027
2022D-4.....	100,000,000	State Street Bank and Trust Company	May 26, 2027
2023A-3.....	200,000,000	BMO	September 8, 2025
2023A-4.....	100,000,000	TD Bank, N.A.	September 8, 2027
	<u>\$3,590,580,000</u>		

**Index Rate Bonds<sup>(4)</sup>**

Series	Outstanding Principal Amount	Step up Date
2006I-5 <sup>(3)</sup> .....	\$ 75,000,000	May 16, 2024
2006I-6 .....	75,000,000	May 1, 2025
2012A-5 .....	50,000,000	June 28, 2026
2012D-3B .....	50,000,000	June 28, 2026
2015F-7 .....	50,000,000	June 28, 2026
2018E-4 .....	200,000,000	February 27, 2026
	<u>\$ 500,000,000</u>	

**Fixed Rate Step Coupon Bonds<sup>(5)</sup>**

Series	Outstanding Principal Amount	Step up Date
2015F-4 .....	\$ 85,730,000	December 1, 2025

**Adjustable Rate Remarketed Securities<sup>SM(6)</sup>**

Series	Outstanding Principal Amount
2020B-3 .....	\$ 100,000,000
2021-2 .....	129,675,000
2021-3 .....	129,675,000
	<u>\$ 359,350,000</u>

**Auction Rate Bonds**

Series	Outstanding Principal Amount
Various .....	\$ 173,800,000

- <sup>(1)</sup> Each series of variable rate demand bonds is supported by a facility in the form of a letter of credit or standby bond purchase agreement with the identified facility provider.
- <sup>(2)</sup> The City expects to renew or replace any expiring letter of credit or standby bond purchase agreement on or prior to its expiration date or convert the related bonds to another interest rate mode.
- <sup>(3)</sup> Expected to be converted to fixed rate or otherwise redeemed on the date of delivery of the Bonds.
- <sup>(4)</sup> The City's index rate bonds pay interest based on a specified index. Such bonds also provide for an increased rate of interest commencing on an identified step up date if such bonds are not converted or refunded.
- <sup>(5)</sup> The City's fixed rate step coupon bonds provide for an increased rate of interest commencing on the step up date if such bonds are not converted or refunded.
- <sup>(6)</sup> The City's Adjustable Rate Remarketed Securities<sup>SM</sup> provide for an increased rate of interest if tendered bonds cannot be remarketed for a specified number of days.

**BONDS TO BE REDEEMED**

The City expects to redeem City bonds listed below (the “Bonds To Be Redeemed”), at or prior to maturity, by applying the proceeds of the Series E Bonds and the Series F Bonds, to provide for the payment of the principal of and interest and redemption premium, if any, on such bonds to the extent and to the payment dates set forth below. The refunding is contingent upon the delivery of the Series E Bonds and the Series F Bonds.

The Bonds To Be Redeemed are being redeemed in whole or in part as indicated in the notes.

The Bonds To Be Redeemed that are to be paid at maturity which are redeemable by their terms, if any, may be called for redemption at the option of the City if the escrow account is hereafter restructured to provide for their redemption. Any such restructuring must preserve (a) the sufficiency of the escrow account to pay the principal, interest to maturity or redemption, and any redemption premium on all Bonds To Be Redeemed and (b) the exclusion from gross income for federal income tax purposes of interest on the Series E Bonds and the Series F Bonds.

The proceeds of the Series E Bonds and the Series F Bonds will be applied to redeem the following bonds:

Series	Dated Date	Maturity Date	Interest Rate	Payment Date	Principal Amount	
2021D	January 6, 2021	August 1, 2024	0.832%	August 1, 2024	\$6,240,000	(p)
		August 1, 2026	1.216	August 1, 2026	9,655,000	(p)
		August 1, 2028	1.623	August 1, 2028	17,125,000	(p)
		August 1, 2029	1.723	August 1, 2029	16,740,000	(p)
		August 1, 2030	1.823	August 1, 2030	22,925,000	(p)
		August 1, 2031	1.923	August 1, 2031	22,345,000	(p)
		August 1, 2032	2.023	August 1, 2032	21,780,000	(p)
		August 1, 2033	2.123	August 1, 2033	21,220,000	(p)
		August 1, 2034	2.173	August 1, 2034	20,670,000	(p)
		August 1, 2035	2.223	August 1, 2035	12,000,000	(p)
2021E	January 6, 2021	August 1, 2025	0.982	August 1, 2025	20,090,000	(p)
		August 1, 2026	1.216	August 1, 2026	9,985,000	(p)
		August 1, 2027	1.396	August 1, 2027	19,225,000	(p)

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(p) The principal amount shown is being redeemed and is a portion of the bonds of this description.

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