STATE OF NEW YORK

10336--A

IN ASSEMBLY

February 20, 2026

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the lease of certain lands at SUNY college of environmental science and forestry for the purpose of building undergraduate and graduate student housing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds that the state university of New York College of Environmental Science and Forestry ("ESF") is one of the nation's premier colleges focused on the study of the environment, developing renewable technologies, and building a sustainable future. Located in downtown Syracuse, right across from Syracuse University, ESF is on a mission to educate future environmental leaders, particularly at a time when New York state is working to meet its statewide climate goals and transition into a clean energy economy.

The legislature further finds that ESF seeks to use approximately 1.6 acres of underutilized land on its campus to build multi-purpose facilities to support housing needs and supporting amenities for the college's undergraduate and graduate students. In the past five years, ESF's enrollment has increased by 4.7%, ranking fourth in state university of New York's campuses seeing enrollment growth. Currently, ESF requires freshmen to live on campus and has one residence hall, which can accommodate 549 students. As a result, most transfer students, upper class students, and graduate students live off-campus at private facilities. ESF believes additional housing will help to attract a diverse student population and continue to meet the demands of its growing enrollment.

The legislature further finds that granting the trustees of the state university of New York the authority and power to lease and otherwise contract to make available grounds and facilities on ESF's campus will ensure land is utilized for the benefit of ESF and the surrounding community.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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bidding, to lease and otherwise contract to make available to the Abby Lane Housing Corporation, a not-for-profit corporation (the "ground lessee"), a portion of the lands of the university, generally described in this act for the purpose of building undergraduate and graduate student housing. Such lease or contract shall be for a period not exceeding 100 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state, and compliance with all the provisions of article 8 of the labor law shall be required of any lessee, sublessee, contractor or subcontractor on the project, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision 5 of section 220 of the labor law to the same extent as a contract of the state.

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the ground lessee or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements as provided under article 14 of the civil service law. All positions currently at the state university of New York in the unclassified service shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees at the time of the effective date of this act, or that is similar in scope and nature to the work being currently performed by public employees at the time of the effective date of this

act, shall be contracted out or privatized by the state university of New York. The state university of New York acknowledges its obligations as an employer under the civil service law and agrees that it will not exercise its right to contract out for goods and services under any applicable collective bargaining agreement.

§ 6. 1. The provisions of this section shall only apply to employees in the unclassified service at the state university of New York.

2. Notwithstanding any law, rule or regulation to the contrary, the state university of New York or an affiliated or associated entity of the state university of New York shall not contract out to the ground lessee or any subsidiary of the ground lessee or the research foundation for the state university of New York for any services or privatize any services currently being performed by employees in the unclassified service at the state university of New York college of environmental science and forestry. All such functions and services currently performed by employees in unclassified service shall be performed by employees in the unclassified service.

3. Nothing in this act relating to the lease of property to private entities for the development, construction, or operation of facilities shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York or provisions of article 14 of the civil service law. The state university of New York and the state of New York acknowledge their obligations as an employer and agree that they will not exercise their right to contract out for services under any applicable collective bargaining agreement.

§ 7. For the purposes of this act:

(a) "project" shall mean work at the property authorized by this act to be leased to the ground lessee as described in section thirteen of this act that involves the design, construction, reconstruction, demolition, excavating, rehabilitation, repair, renovation, alteration or improvement of such property.

(b) "project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a labor organization, establishing the labor organization as the collective bargaining representative for all persons who will perform work on the project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law, and all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

§ 9. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary, the ground lessee shall require the use of a project labor agreement, as defined in subdivision 1 of section 222 of the labor law, for all contractors and subcontractors on the project, consistent with paragraph (a) of subdivision 2 of section 222 of the labor law.

§ 10. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for

leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the ground lessee, and parties contracting with the ground lessee, and in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured, including, but not limited to, secured by leasehold mortgages and assignments of rents and leases, by the ground lessee and parties contracting with the ground lessee for the purposes of completing the project described in this act.

§ 11. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 12. Any contracts entered into pursuant to this act between the ground lessee and parties contracting with the ground lessee shall be awarded by a competitive process.

§ 13. The property authorized by this act to be leased to the ground lessee is generally described as that parcel of real property with improvements thereon consisting of a total of approximately 1.624 acres of land situated on the campus of the state university of New York college of environmental science and forestry. The description in this section of the parcel to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcel:

All that piece or parcel of land situate in the City of Syracuse, County of Onondaga, State of New York, being lots 1-10 of Block 605 (part of Farm Lot 185) bounded and described as follows:

BEGINNING at a point in the southerly street boundary of the existing East Raynor Avenue (66' ROW) at its intersection with the westerly street boundary of the existing Stadium Place (66' ROW); thence

1) Southerly along the westerly street boundary of the existing Stadium Place (66' ROW) on a bearing of South 03°44'57" East a distance of 268.00 feet to a point in the northerly street boundary of the existing Standart Street (66'ROW); thence

2) Westerly along the northerly street boundary of the existing Standart Street (66' ROW) on a bearing of South 86°21'13" West a distance of 264.00 feet to a point in the easterly street boundary of the existing Henry Street (66'ROW); thence

3) Northerly along the easterly street boundary of the existing Henry Street (66' ROW) on a bearing of North 03°45'17" West a distance of 268.00 feet to a point in the southerly street boundary of the existing East Raynor Avenue (66'ROW); thence

4) Easterly along the southerly street boundary of the existing East Raynor Avenue (66' ROW) on a bearing of North 86°21'13" East a distance of 264.03 feet to the point of beginning, being 1.624 acres, more or less. Subject to all existing easements and restrictions of record.

§ 14. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 15. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 16. This act shall take effect immediately.