

1865--A

Cal. No. 684

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. NOLAN, ESPAILLAT -- read once and referred to the Committee on Education -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public authorities law, in relation to siting requirements for the New York city school construction authority's leasing program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 1731 of the public authorities
2 law, as added by chapter 738 of the laws of 1988, is amended to read as
3 follows:
4 1. Prior to the commencing of new construction or building additions
5 of an educational facility, or the acquisition of real property or any
6 interest therein for such purpose, INCLUDING THE LEASING OF ANY BUILDING
7 OR PROPERTY, the authority shall file a copy of the site plan of such
8 facility in its offices and shall provide a copy thereof to the city
9 board, the city planning commission and the community school board and
10 community board of the district in which the facility will be located.
11 Upon request, any other person shall be furnished with such plan or a
12 summary thereof. The authority shall publish in a newspaper of general
13 circulation in the city a notice of the filing of such plan and the
14 availability of the plan and a summary thereof. Such plan shall include,
15 in the case of any project for which the acquisition of real property or
16 interest therein is proposed, the recommended site, any alternate sites
17 considered, and any rationale as to why the alternate sites were not
18 selected.
19 S 2. Section 1731 of the public authorities law is amended by adding a
20 new subdivision 6 to read as follows:
21 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SHORT-TERM LEAS-
22 ES. FOR PURPOSES OF THIS SECTION, A SHORT-TERM LEASE SHALL BE DEFINED AS

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

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1 ANY LEASE WITH A DURATION OF TWELVE MONTHS OR LESS. FOR SHORT-TERM LEAS-
2 ES WITH AN OPTION TO RENEW THAT WOULD EXTEND THE TOTAL LEASE PERIOD
3 BEYOND TWELVE MONTHS, THE REQUIREMENTS OF THIS SECTION MUST BE MET PRIOR
4 TO EXERCISING THE RENEWAL OPTION.

5 S 3. Subdivision 1 of section 1732 of the public authorities law, as
6 amended by chapter 562 of the laws of 1990, is amended to read as
7 follows:

8 1. Following the hearings held pursuant to section seventeen hundred
9 thirty-one of this title, but prior to initiating construction of new
10 educational facilities, OR PRIOR TO LEASING ANY BUILDING OR PROPERTY FOR
11 SUCH PURPOSE, the authority shall submit the site plan of such projects
12 to the mayor and the council for review, provided, however, that such
13 review shall be limited to the site selected for the project.

14 S 4. Section 1732 of the public authorities law is amended by adding a
15 new subdivision 5 to read as follows:

16 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SHORT-TERM LEAS-
17 ES. FOR PURPOSES OF THIS SECTION, A SHORT-TERM LEASE SHALL BE DEFINED AS
18 ANY LEASE WITH A DURATION OF TWELVE MONTHS OR LESS. FOR SHORT-TERM LEAS-
19 ES WITH AN OPTION TO RENEW THAT WOULD EXTEND THE TOTAL LEASE PERIOD
20 BEYOND TWELVE MONTHS, THE REQUIREMENTS OF THIS SECTION MUST BE MET PRIOR
21 TO EXERCISING THE RENEWAL OPTION.

22 S 5. This act shall take effect immediately.