S T A T E O F N E W Y O R K

8360--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 14, 2011

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

AN ACT to amend the education law, in relation to approval of leases

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

Section 1. Subdivision 6 of section 2554 of the education law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

6. A. To lease property required for the purpose of furnishing school accommodations for schools administered by the board of education and to prepare and execute leases therefor. To be eligible for aid pursuant to subdivision six of section thirty-six hundred two of this chapter, any such lease shall be approved by the commissioner prior to execution, PROVIDED THAT THE COMMISSIONER MAY APPROVE A LEASE SUBMITTED FOR APPROVAL AFTER EXECUTION UPON A SHOWING OF GOOD CAUSE FOR THE DELAY; the leased space shall meet requirements for access by individuals with disabilities to both facilities and programs, as defined in regulations of the commissioner; the requirements set forth in paragraphs a, b, c, d and f of subdivision one of section four hundred three-b of this chapter shall be met, except for the requirement of voter approval; and the leased space shall be used to house programs for pupils in grades prekindergarten through twelve, other than programs funded pursuant to section forty-four hundred ten of this chapter, with minimal associated administrative and support services space as approved by the commissioner.

B. PRIOR TO THE EXECUTION OF A NEW LEASE FOR A BUILDING TO BE USED AS AN EDUCATIONAL FACILITY IN A CITY SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY SHALL COMPLETE A (I) PHASE I ENVIRONMENTAL SITE ASSESSMENT PURSUANT TO STANDARD E1527 OF THE AMERICAN SOCIETY OF TESTING AND MATE-

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

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RIALS, OR OTHER STANDARD SELECTED BY THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY THAT IS NO LESS STRINGENT, AND SHALL INCLUDE AS NECESSARY, BUT NEED NOT BE LIMITED TO, A SITE INSPECTION AND A REVIEW OF READILY AVAILABLE HISTORICAL RECORDS AND REGULATORY DATABASES; AND (II) IF WARRANTED, A PHASE II ENVIRONMENTAL SITE ASSESSMENT PURSUANT TO STANDARD E1903 OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS, OR OTHER STANDARD SELECTED BY THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY THAT IS NO LESS STRINGENT, AND SHALL INCLUDE AS NECESSARY, BUT NEED NOT BE LIMITED TO, A SAMPLING OF ENVIRONMENTAL MEDIA, AN EVALUATION OF THE COLLECTED DATA RELATIVE TO THE SITE'S INTENDED USE AS A SCHOOL, AND IDENTIFICATION OF MITIGATION OR REMEDIAL MEASURES REQUIRED TO ADDRESS ENVIRONMENTAL CONDITIONS, IF APPROPRIATE.

C. COPIES OF THE PHASE I ENVIRONMENTAL SITE ASSESSMENT, PHASE II ENVIRONMENTAL SITE ASSESSMENT, AND ANY REMEDIAL WORK PLANS THAT HAVE BEEN PREPARED FOR THE PROPOSED LEASE PROPERTY OR BUILDING SHALL BE MADE AVAILABLE ON THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY'S OFFICIAL INTERNET WEBSITE, AND A COPY SHALL BE FURNISHED TO ANY INDIVIDUAL UPON REQUEST.

S 2. This act shall take effect April 1, 2012.