

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

10108

I N A S S E M B L Y

June 13, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver, Nolan) -- read once and referred to the Committee on Education

AN ACT to amend the public authorities law, in relation to authorizing the New York city school construction authority to obtain certain population data and utilize such data in connection with the authority's five-year educational facilities capital plan; and to amend the education law, in relation to requiring consideration of student population data in connection with approval of five-year educational facilities capital plans and to require the publication of findings and commentary on such plan

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

1 Section 1. Subdivision 13 of section 1728 of the public authorities
2 law, as added by chapter 738 of the laws of 1988, is amended and four
3 new subdivisions 13-a, 13-b, 13-c and 13-d are added to read as follows:
4 13. To enter into agreements with the city's department of city plan-
5 ning to render any services the authority may request, including but not
6 limited to professional and technical assistance by planning experts,
7 engineers, architects and any other staff as may be necessary, and the
8 use of the premises, personnel, equipment, ACCESS TO RELEVANT DATA and
9 personal property of the department of city planning[. The authority
10 shall provide for reimbursement to the department of city planning from
11 the authority for any expenses incurred by the department of city plan-
12 ning in carrying out the terms of any such agreements];
13 13-A. TO ENTER INTO AGREEMENTS WITH THE CITY'S DEPARTMENT OF HEALTH
14 AND MENTAL HYGIENE TO RENDER ANY SERVICES THE AUTHORITY MAY REQUEST,
15 INCLUDING BUT NOT LIMITED TO ACCESS TO DATA NECESSARY TO DEVELOP REASON-
16 ABLE STUDENT POPULATION PROJECTIONS CITYWIDE, FOR EACH COMMUNITY SCHOOL
17 DISTRICT AND FOR EACH COMMUNITY BOARD;
18 13-B. TO ENTER INTO AGREEMENTS WITH THE CITY'S DEPARTMENT OF BUILDINGS
19 TO RENDER ANY SERVICES THE AUTHORITY MAY REQUEST, INCLUDING BUT NOT
20 LIMITED TO ACCESS TO BUILDING PERMIT AND CONSTRUCTION DATA, INCLUDING
21 THE NUMBER AND SIZE OF UNITS WITHIN BUILDINGS;

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

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1 13-C. TO ENTER INTO AGREEMENTS WITH THE CITY'S DEPARTMENT OF HOUSING
2 PRESERVATION AND DEVELOPMENT TO RENDER ANY SERVICES THE AUTHORITY MAY
3 REQUEST, INCLUDING BUT NOT LIMITED TO ACCESS TO BUILDING PERMIT AND
4 CONSTRUCTION DATA, INCLUDING THE NUMBER AND SIZE OF UNITS WITHIN BUILD-
5 INGS;

6 13-D. TO COORDINATE WITH THE OFFICE OF CITY PLANNING, THE DEPARTMENT
7 OF BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT,
8 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND COMMUNITY BOARDS TO
9 CREATE UNIFORM, CITYWIDE STUDENT POPULATION PROJECTIONS, COMMUNITY
10 SCHOOL DISTRICT AND COMMUNITY BOARD, FOR A MINIMUM OF FIVE YEARS, BASED
11 ON DATA PRODUCED BY THE OFFICE OF CITY PLANNING, THE DEPARTMENT OF
12 BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND
13 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE. SUCH PROJECTIONS SHALL BE
14 USED IN THE CREATION AND IMPLEMENTATION OF THE AUTHORITY'S FIVE-YEAR
15 EDUCATIONAL FACILITIES CAPITAL PLAN;

16 S 2. Section 1731 of the public authorities law, as added by chapter
17 738 of the laws of 1988, is amended to read as follows:

18 S 1731. Community participation. 1. Prior to the commencing of new
19 construction or building additions of an educational facility, or the
20 acquisition of real property or any interest therein for such purpose,
21 the authority shall file a copy of the site plan of such facility in its
22 offices and shall provide a copy thereof to the city board, the city
23 planning commission and the community school [board] DISTRICT EDUCATION
24 COUNCIL and THE community board of the district in which the facility
25 will be located. SUCH PLAN SHALL INCLUDE DATA ON PROJECTED STUDENT
26 POPULATION FOR THE COMMUNITY SCHOOL DISTRICT OR DISTRICTS AND THE COMMU-
27 NITY BOARD OR BOARDS AFFECTED, THE SOURCE OF THAT DATA AND THE REASON
28 THE PROPOSED ACTION IS NECESSARY AND HOW SUCH PLAN FACTORS AND ACCOUNTS
29 FOR STUDENT POPULATION PROJECTIONS. Upon request, any other person shall
30 be furnished with such plan or a summary thereof. The authority shall
31 publish in a newspaper of general circulation in the city a notice of
32 the filing of such plan and the availability of the plan and a summary
33 thereof. Such plan shall include, in the case of any project for which
34 the acquisition of real property or interest therein is proposed, the
35 recommended site, any alternate sites considered, and any rationale as
36 to why the alternate sites were not selected.

37 2. Within thirty days after publication of the notice required under
38 subdivision one of this section, a public hearing with sufficient public
39 notice shall be held by each affected community school [board] DISTRICT
40 EDUCATION COUNCIL on any or all aspects of the site plan and by each
41 affected community board on aspects of the site plan which relate to the
42 general public use of the educational facility and to its impact on the
43 surrounding community, INCLUDING BUT NOT LIMITED TO THE RESPONSIVENESS
44 OF THE SITE PLAN TO PROJECTED CHANGES IN STUDENT POPULATION IN THE
45 AFFECTED COMMUNITY BOARD OR BOARDS AND HOW SUCH PLAN FACTORS AND
46 ACCOUNTS FOR STUDENT POPULATION PROJECTIONS. The affected board may
47 request the attendance of representatives of the authority or the city
48 board at a hearing and the authority or the city board shall comply with
49 such requests. If the proposed project affects two or more school
50 districts or community boards, then a hearing may be held jointly by the
51 affected community school [boards] DISTRICT EDUCATION COUNCIL and/or the
52 affected community boards. Any affected community school [board]
53 DISTRICT EDUCATION COUNCIL, together with any affected community board,
54 may at their mutual discretion, elect to conduct a hearing jointly.

55 3. Within forty-five days after publication of such notice, each
56 affected community school [board] DISTRICT EDUCATION COUNCIL or communi-

ty board shall prepare and submit to the authority, written comments on the site plan. Any other organization or person shall also have the opportunity to present written comments on the plan during this period. Each comment received by the authority on such plan at any time prior to action being taken by the authority on the plan shall be considered by the authority in connection with such action.

4. After due consideration of such comments, if any, the authority may affirm, modify or withdraw the plan.

5. Nothing herein shall preclude the authority from holding hearings on the site plan, provided, however, that any such hearings on the site plan shall be conducted within the period specified in subdivision three of this section.

S 3. Subdivision 1 of section 2590-p of the education law, as added by chapter 738 of the laws of 1988, is amended to read as follows:

1. In accordance with subdivision three of this section, the chancellor shall prepare proposed five-year educational facilities capital plans. Each such plan shall describe each program element proposed in the plan, and shall set forth an estimate of the cost of each program element, an estimate of the capital funding required each year and the expected sources of such funding. The plan shall also set forth an estimate of the cost of each project identified in the plan, shall assign priorities to the projects included therein and shall state the year in which each such project's design and construction is proposed to be initiated and estimated to be completed. IN PREPARING THE PLAN AND EACH PROJECT CONTAINED THEREIN, THE CHANCELLOR SHALL FACTOR AND ACCOUNT FOR THE EFFECT OF DATA PROVIDED BY THE OFFICE OF CITY PLANNING, THE DEPARTMENT OF BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PURSUANT TO SUBDIVISIONS THIRTEEN-A, THIRTEEN-B, THIRTEEN-C, AND THIRTEEN-D OF SECTION SEVENTEEN HUNDRED TWENTY-EIGHT OF THE PUBLIC AUTHORITIES LAW.

S 4. Paragraph a of subdivision 6 of section 2590-p of the education law, as added by chapter 738 of the laws of 1988, is amended to read as follows:

a. For each project included in an approved five-year educational facilities capital plan, the chancellor shall develop a detailed scope of the project, which shall include the following: (i) the purposes and public to be served, (ii) the programs to be conducted in the facility, (iii) the gross amounts of space and bulk for any building or structure, (iv) identification of the intent to use architectural, engineering or other consultant services and estimated fees for such consultant services, (v) the schedule of design and construction, (vi) the total estimated project costs, including costs for site acquisition, preparation and tenant relocation, design, construction and equipment, (vii) maximum estimated expenditures for the project for each fiscal year until its completion, (viii) costs associated with maintenance and operation of the physical plant [and], (ix) HOW THE DATA PROVIDED BY THE OFFICE OF CITY PLANNING, THE DEPARTMENT OF BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PURSUANT TO SUBDIVISIONS THIRTEEN-A, THIRTEEN-B, THIRTEEN-C, AND THIRTEEN-D OF SECTION SEVENTEEN HUNDRED TWENTY-EIGHT OF THE PUBLIC AUTHORITIES LAW IS FACTORED AND ACCOUNTED FOR, AND (X) such other information as the chancellor shall specify. In the event, a project consists of a program element without identification of the particular education facility at which such project is to be performed, the detailed scope of the project shall specify the nature of the work to be performed, applicable price and quality standards, a list of the schools

1 eligible for such work, annual performance targets and the total esti-
2 mated costs of such project during each fiscal year until its
3 completion.

4 S 5. Paragraph b of subdivision 3 of section 2590-p of the education
5 law, as amended by chapter 345 of the laws of 2009, is amended to read
6 as follows:

7 b. Commencing on November first, nineteen hundred ninety-three, and
8 every five years thereafter, the chancellor shall submit a proposed
9 five-year educational facilities capital plan to take effect on the
10 succeeding July first to each community SCHOOL district education coun-
11 cil, which shall conduct a public hearing and shall prepare and submit
12 recommendations to the chancellor on or before January first of the
13 ensuing year with respect to matters in the plan that involve that
14 school district. UPON SUBMISSION OF SUCH RECOMMENDATIONS TO THE CHAN-
15 CELLOR, THE BOARD SHALL MAKE PUBLIC, PURSUANT TO THIS PARAGRAPH:

16 (I) A SUMMARY OF THE ISSUES RAISED AT SUCH HEARING;

17 (II) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVE RECOM-
18 MENDATIONS AT SUCH HEARING WERE OR WERE NOT INCORPORATED INTO THE FINAL
19 PLAN; AND

20 (III) A DESCRIPTION OF ANY CHANGES MADE TO THE PROPOSED PLAN AS A
21 RESULT OF THE ISSUES RAISED AT SUCH HEARING.

22 The chancellor shall consider the recommendations received from the
23 community district education councils, and, on or before February first
24 of such year, shall submit a final proposed five-year educational facil-
25 ities capital plan to the city board for its approval pursuant to para-
26 graph (d) of subdivision one of section twenty-five hundred ninety-g of
27 this article.

28 S 6. Paragraph b of subdivision 3 of section 2590-p of the education
29 law, as added by chapter 738 of the laws of 1988, is amended to read as
30 follows:

31 b. Commencing on November first, nineteen hundred ninety-three, and
32 every five years thereafter, the chancellor shall submit a proposed
33 five-year educational facilities capital plan to take effect on the
34 succeeding July first to each community school [board] DISTRICT EDUCA-
35 TION COUNCIL, which shall conduct a public hearing and shall prepare and
36 submit recommendations to the chancellor on or before January first of
37 the ensuing year with respect to matters in the plan that involve that
38 school district. The chancellor shall consider the recommendations
39 received from the community [school boards] SCHOOL DISTRICT EDUCATION
40 COUNCIL, and, on or before February first of such year, shall submit a
41 final proposed five-year educational facilities capital plan to the city
42 board for its approval. On or before March first of such year, the city
43 board shall approve the five-year educational facilities capital plan
44 submitted by the chancellor or such plan as is determined by the city
45 board. UPON SUBMISSION OF SUCH RECOMMENDATIONS TO THE CHANCELLOR, THE
46 BOARD SHALL MAKE PUBLIC, PURSUANT TO THIS PARAGRAPH:

47 (I) A SUMMARY OF THE ISSUES RAISED AT SUCH HEARING;

48 (II) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVE RECOM-
49 MENDATIONS AT SUCH HEARING WERE OR WERE NOT INCORPORATED INTO THE FINAL
50 PLAN; AND

51 (III) A DESCRIPTION OF ANY CHANGES MADE TO THE PROPOSED PLAN AS A
52 RESULT OF THE ISSUES RAISED AT SUCH HEARING.

53 S 7. This act shall take effect immediately; provided that the amend-
54 ments to paragraph b of subdivision 3 of section 2590-p of the education
55 law made by section five of this act shall be subject to the expiration
56 and reversion of such subdivision pursuant to section 34 of chapter 91

1 of the laws of 2002, as amended, when upon such date the provisions of
2 section six of this act shall take effect.