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I N   A S S E M B L Y

June 16, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver) --  
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 AND FOR EACH COMMUNITY  
17    SCHOOL DISTRICT;  
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;  
22    13-C. TO ENTER INTO AGREEMENTS WITH THE CITY'S DEPARTMENT OF HOUSING  
23    PRESERVATION AND DEVELOPMENT TO RENDER ANY SERVICES THE AUTHORITY MAY  
24    REQUEST, INCLUDING BUT NOT LIMITED TO ACCESS TO BUILDING PERMIT AND

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

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1 CONSTRUCTION DATA, INCLUDING THE NUMBER AND SIZE OF UNITS WITHIN BUILD-  
2 INGS;

3 13-D. TO COORDINATE WITH THE OFFICE OF CITY PLANNING, THE DEPARTMENT  
4 OF BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND  
5 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO CREATE UNIFORM, CITYWIDE  
6 STUDENT POPULATION PROJECTIONS AND COMMUNITY SCHOOL DISTRICT STUDENT  
7 POPULATION PROJECTIONS, FOR A MINIMUM OF FIVE YEARS, BASED ON DATA  
8 PRODUCED BY THE OFFICE OF CITY PLANNING, THE DEPARTMENT OF BUILDINGS,  
9 THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND THE DEPART-  
10 MENT OF HEALTH AND MENTAL HYGIENE. SUCH PROJECTIONS SHALL BE USED IN THE  
11 CREATION AND IMPLEMENTATION OF THE AUTHORITY'S FIVE-YEAR EDUCATIONAL  
12 FACILITIES CAPITAL PLAN;

13 S 2. Section 1731 of the public authorities law, as added by chapter  
14 738 of the laws of 1988, is amended to read as follows:

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

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

52 3. Within forty-five days after publication of such notice, each  
53 affected community school [board] DISTRICT EDUCATION COUNCIL or communi-  
54 ty board shall prepare and submit to the authority, written comments on  
55 the site plan. Any other organization or person shall also have the  
56 opportunity to present written comments on the plan during this period.

1 Each comment received by the authority on such plan at any time prior to  
2 action being taken by the authority on the plan shall be considered by  
3 the authority in connection with such action.

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

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

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

12 1. In accordance with subdivision three of this section, the chancel-  
13 lor shall prepare proposed five-year educational facilities capital  
14 plans. Each such plan shall describe each program element proposed in  
15 the plan, and shall set forth an estimate of the cost of each program  
16 element, an estimate of the capital funding required each year and the  
17 expected sources of such funding. The plan shall also set forth an esti-  
18 mate of the cost of each project identified in the plan, shall assign  
19 priorities to the projects included therein and shall state the year in  
20 which each such project's design and construction is proposed to be  
21 initiated and estimated to be completed. IN PREPARING THE PLAN AND EACH  
22 PROJECT CONTAINED THEREIN, THE CHANCELLOR SHALL FACTOR AND ACCOUNT FOR  
23 THE EFFECT OF DATA PROVIDED BY THE OFFICE OF CITY PLANNING, THE DEPART-  
24 MENT OF BUILDINGS, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOP-  
25 MENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PURSUANT TO SUBDI-  
26 VISIONS THIRTEEN-A, THIRTEEN-B, THIRTEEN-C, AND THIRTEEN-D OF SECTION  
27 SEVENTEEN HUNDRED TWENTY-EIGHT OF THE PUBLIC AUTHORITIES LAW.

28 S 4. Paragraph a of subdivision 6 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 a. For each project included in an approved five-year educational  
32 facilities capital plan, the chancellor shall develop a detailed scope  
33 of the project, which shall include the following: (i) the purposes and  
34 public to be served, (ii) the programs to be conducted in the facility,  
35 (iii) the gross amounts of space and bulk for any building or structure,  
36 (iv) identification of the intent to use architectural, engineering or  
37 other consultant services and estimated fees for such consultant  
38 services, (v) the schedule of design and construction, (vi) the total  
39 estimated project costs, including costs for site acquisition, prepara-  
40 tion and tenant relocation, design, construction and equipment, (vii)  
41 maximum estimated expenditures for the project for each fiscal year  
42 until its completion, (viii) costs associated with maintenance and oper-  
43 ation of the physical plant [and], (ix) HOW THE DATA PROVIDED BY THE  
44 OFFICE OF CITY PLANNING, THE DEPARTMENT OF BUILDINGS, THE DEPARTMENT OF  
45 HOUSING PRESERVATION AND DEVELOPMENT AND THE DEPARTMENT OF HEALTH AND  
46 MENTAL HYGIENE PURSUANT TO SUBDIVISIONS THIRTEEN-A, THIRTEEN-B, THIR-  
47 TEEN-C, AND THIRTEEN-D OF SECTION SEVENTEEN HUNDRED TWENTY-EIGHT OF THE  
48 PUBLIC AUTHORITIES LAW IS FACTORED AND ACCOUNTED FOR, AND (X) such other  
49 information as the chancellor shall specify. In the event, a project  
50 consists of a program element without identification of the particular  
51 education facility at which such project is to be performed, the  
52 detailed scope of the project shall specify the nature of the work to be  
53 performed, applicable price and quality standards, a list of the schools  
54 eligible for such work, annual performance targets and the total esti-  
55 mated costs of such project during each fiscal year until its  
56 completion.

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

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

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

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

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

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

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

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

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

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

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

50 S 7. This act shall take effect immediately; provided that the amend-  
51 ments to paragraph b of subdivision 3 of section 2590-p of the education  
52 law made by section five of this act shall be subject to the expiration  
53 and reversion of such subdivision pursuant to section 34 of chapter 91  
54 of the laws of 2002, as amended, when upon such date the provisions of  
55 section six of this act shall take effect.