STATE OF NEW YORK

1106

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sens. HOYLMAN, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring compliance with the uniform land use review procedure for the disposition of school property in New York city

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

Section 1. Subdivisions 11 and 20 of section 454 of the education law, subdivision 11 as added by chapter 999 of the laws of 1966 and subdivision 20 as amended by chapter 1036 of the laws of 1971, are amended to read as follows:

11. Subject to the terms and conditions of any lease, sublease or other agreement with third parties and to the determination of the board of education that such real property is unnecessary for the present or foreseeable future school building needs of the city of New York, to surrender to the appropriate city official, for other public use or for sale, lease or other disposition in accordance with law, real property held by the fund for its corporate purposes; **provided, however, that prior to any such sale, lease or other disposition there shall be full compliance with the provisions of section one hundred ninety-seven-c of the New York city charter, relating to uniform land use review procedure, or the provisions of any other local law of the city of New York relating thereto;**

20. At the request or with the approval of the board of education, to grant, sell, license, lease or otherwise transfer without public auction or bidding any real property or any rights or interests therein or thereto, including fee interests, easements, space rights or air rights, held by it and occupied or reserved for school purposes and needed therefor, to a private individual or private or public corporation solely and exclusively for the purpose of developing and constructing therein or thereon a combined occupancy structure, or a part or portion ther-

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

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eof, or for the purpose of rehabilitating or improving an existing school to become part of a combined occupancy structure within the meaning of this article subject to a prior and enforceable agreement approved by the board of education for the reconveyance, retransfer or leaseback of the school portion thereof, upon completion, for use and occupancy by the said board of education in those instances where a grant, sale or lease has been made to such private individual or private or public corporation; provided, however, that no such sale, lease or transfer of lands or rights therein or thereto is authorized where the development of a combined occupancy structure contemplates the erection of nonschool facilities or improvements over an existing playground unless such combined occupancy structure to be constructed over such playground shall provide playground area at least equal in size to the then existing playground area; **provided further, however, that prior to any grant, sale, license, lease or other transfer there shall be full compliance with the provisions of section one hundred ninety-seven-c of the New York city charter, relating to uniform land use review procedure, or the provisions of any other local law of the city of New York relating thereto;**

§ 2. Section 471 of the education law, as added by chapter 999 of the laws of 1966, is amended to read as follows:

§ 471. Inconsistent provisions of other laws superseded. Insofar as the provisions of this article are inconsistent with the provisions of any other general, special or local law, or with the provisions of any charter or ordinance, the provisions of this article shall be controlling**; provided, however, that the provisions of section one hundred ninety-seven-c of the New York city charter shall apply as specified in subdivisions eleven and twenty of section four hundred fifty-four of this article; and further provided, however, that nothing contained in article ten of the education law shall in any way supersede the requirements regarding parental involvement and the powers and duties of the community district education council with respect to proposed significant changes in school utilization, including but not limited to phase-out, grade reconfiguration, re-siting or co-location of schools, and which shall also be deemed to include the temporary relocation of students that will result from any transfer of an existing school site to a developer for construction of a combined occupancy structure**. The provisions of this article shall not be deemed to prevent the city of New York from financing the cost of acquiring, constructing, reconstructing, rehabilitating or improving one or more school buildings by the issuance of bonds or capital notes pursuant to the local finance law.

§ 3. This act shall take effect immediately.