STATE OF NEW YORK

2687

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sen. BROOKS -- 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 authorizing leases outside the boundaries of the school district

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

Section 1. The opening paragraph of subdivision 1 of section 403-b of the education law, as amended by chapter 700 of the laws of 1992, is amended to read as follows:

The board of education of any union free or central school district is hereby authorized to enter into a lease with any other union free or central school district providing for the use and occupancy by any such school district of a school building, or a portion thereof, owned by such other school district, provided such lessee school district is within a reasonable distance, as determined by the commissioner, from the lessor school district, subject to the conditions set forth in this subdivision. The board of education of any union free or central school district is hereby authorized to enter into a lease with any person, partnership or corporation for use and occupancy of a building or facility, or a portion thereof, owned by such person, partnership, or corporation for use as a school facility provided that such building or facility is located within the school district and subject to the conditions set forth in this subdivision**; provided, however, that a board of education of any union free or central school district may be authorized to enter into a lease with any person, partnership or corporation for use and occupancy of a building or facility, or a portion thereof, owned by such person, partnership or corporation for use as a school facility when such building or facility is located outside the school district when it is demonstrated to the satisfaction of the commissioner that extenuating circumstances exist which necessitate a lease outside the boundaries of the school district**.

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

LBD03662-01-1

§ 2. Subdivision 7 of section 1709 of the education law, as added by chapter 130 of the laws of 1976, is amended to read as follows:

7. To lease, on a temporary basis, necessary space not located on school property **and/or is not located within the school district**, when the facilities of the district are overcrowded or damaged or destroyed **or when it is demonstrated to the satisfaction of the commissioner that extenuating circumstances exist which necessitate a lease outside the boundaries of the school district**, and to furnish and equip such space for school district use. The use of such space shall be subject to annual approval by the commissioner.

§ 3. This act shall take effect immediately.