STATE OF NEW YORK

9028

IN SENATE

April 10, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to repeal the Columbia University Education Mixed-Use Development Land Use Improvement and Civic Project Modified General Project Plan adopted by the empire state development corporation on December 18, 2008

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

Section 1. Legislative intent. The overwhelming breadth and scope of The Columbia University Education Mixed-Use Development Land Use Improvement and Civic Project Modified General Project Plan adopted by the Empire State Development Corporation (ESDC) on December 18, 2008 has been of longstanding concern to residents of the 30th Senatorial District and Harlem in general. The project was vehemently opposed by many who live in the community, including those whose residences and businesses were in the area to be destroyed. Many feared that the project was not just an abject land grab by a private university, which would have no public benefit, but that it was a way to displace historically settled Black residents, businesses and homeowners. Meetings and hearings were held and the community was generally opposed to and concerned about the project. Today, with soaring rents, a replete lack of affordable housing and the widespread gentrification of Black Harlem leading to historic outmigration of generational residents, the greatest fears of those who opposed this project have been realized. The project was one of the greatest abuses of the mystical standard known as "blight" accompanied by "eminent domain" that our state and nation has ever seen. The words, the process and our people were used and abused towards a predetermined end. The Appellate Division of the New York State Supreme Court agreed in 2009, finding in sum, that: The Empire State Development Corporation violated both state and federal due process clauses in an effort to prevent affected property owners from obtaining necessary information. ESDC's finding of blight was "bereft of facts" to establish true blight. The ESDC's determination that the

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

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project even has a public use, benefit or civic purpose was also called into question. Most troubling of all was the pattern of collusion between the state and Columbia, a private developer trying to utilize the state's power of eminent domain to take private property. This was clearly evidenced by the ESDC and Columbia each hiring the exact same consultant to conduct the blight study that served as the rationale for triggering condemnation proceedings. For several years, groups in the Harlem Community, such as the New York State Interfaith Commission On Housing Equality, have been calling for the full repeal of this project, which, naturally, was not approved by the City Council, State Legislature or any elected body whatsoever. Since the project is still open ended, and the authorization still allows actions to be taken that threaten the very existence of West Harlem and Washington Heights, the only sane approach is to repeal the plan.

§ 2. The Columbia University Education Mixed-Use Development Land Use Improvement and Civic Project Modified General Project Plan adopted by the empire state development corporation on December 18, 2008 is hereby REPEALED.

§ 3. This act shall take effect immediately.