

STATE OF NEW YORK

10336--A

IN ASSEMBLY

February 20, 2026

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the lease of certain lands at SUNY college of environmental science and forestry for the purpose of building undergraduate and graduate student housing

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

1 Section 1. Legislative findings. The legislature finds that the state
2 university of New York College of Environmental Science and Forestry
3 ("ESF") is one of the nation's premier colleges focused on the study of
4 the environment, developing renewable technologies, and building a
5 sustainable future. Located in downtown Syracuse, right across from
6 Syracuse University, ESF is on a mission to educate future environmental
7 leaders, particularly at a time when New York state is working to meet
8 its statewide climate goals and transition into a clean energy economy.
9 The legislature further finds that ESF seeks to use approximately 1.6
10 acres of underutilized land on its campus to build multi-purpose facili-
11 ties to support housing needs and supporting amenities for the college's
12 undergraduate and graduate students. In the past five years, ESF's
13 enrollment has increased by 4.7%, ranking fourth in state university of
14 New York's campuses seeing enrollment growth. Currently, ESF requires
15 freshmen to live on campus and has one residence hall, which can accom-
16 modate 549 students. As a result, most transfer students, upper class
17 students, and graduate students live off-campus at private facilities.
18 ESF believes additional housing will help to attract a diverse student
19 population and continue to meet the demands of its growing enrollment.
20 The legislature further finds that granting the trustees of the state
21 university of New York the authority and power to lease and otherwise
22 contract to make available grounds and facilities on ESF's campus will
23 ensure land is utilized for the benefit of ESF and the surrounding
24 community.
25 § 2. Notwithstanding any other law to the contrary, the state univer-
26 sity trustees are hereby authorized and empowered, without any public

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

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1 bidding, to lease and otherwise contract to make available to the Abby
2 Lane Housing Corporation, a not-for-profit corporation (the "ground
3 lessee"), a portion of the lands of the university, generally described
4 in this act for the purpose of building undergraduate and graduate
5 student housing. Such lease or contract shall be for a period not
6 exceeding 100 years without any fee simple conveyance and otherwise upon
7 terms and conditions determined by such trustees, subject to the
8 approval of the director of the division of the budget, the attorney
9 general and the state comptroller. In the event that the real property
10 that is the subject of such lease or contract shall cease to be used for
11 the purpose described in this act, such lease or contract shall imme-
12 diately terminate, and the real property and any improvements thereon
13 shall revert to the state university of New York. Any lease or contract
14 entered into pursuant to this act shall provide that the real property
15 that is the subject of such lease or contract and any improvements ther-
16 eon shall revert to the state university of New York on the expiration
17 of such contract or lease.

18 § 3. Any contract or lease entered into pursuant to this act shall be
19 deemed to be a state contract for purposes of article 15-A of the execu-
20 tive law, and any contractor, subcontractor, lessee or sublessee enter-
21 ing into such contract or lease for the construction, demolition, recon-
22 struction, excavation, rehabilitation, repair, renovation, alteration or
23 improvement authorized pursuant to this act shall be deemed a state
24 agency for the purposes of article 15-A of the executive law and subject
25 to the provisions of such article.

26 § 4. Notwithstanding any general, special or local law or judicial
27 decision to the contrary, all work performed on a project authorized by
28 this act where all or any portion thereof involves a lease or agreement
29 for construction, demolition, reconstruction, excavation, rehabili-
30 tation, repair, renovation, alteration or improvement shall be deemed
31 public work and shall be subject to and performed in accordance with the
32 provisions of article 8 of the labor law to the same extent and in the
33 same manner as a contract of the state, and compliance with all the
34 provisions of article 8 of the labor law shall be required of any
35 lessee, sublessee, contractor or subcontractor on the project, including
36 the enforcement of prevailing wage requirements by the fiscal officer as
37 defined in paragraph e of subdivision 5 of section 220 of the labor law
38 to the same extent as a contract of the state.

39 § 5. Notwithstanding any law, rule or regulation to the contrary, the
40 state university of New York shall not contract out to the ground lessee
41 or any subsidiary for the instruction or any pedagogical functions or
42 services, or any administrative services, and similar professional
43 services currently being performed by state employees. All such func-
44 tions and services shall be performed by state employees pursuant to the
45 civil service law. Nothing in this act shall result in the displacement
46 of any currently employed state worker or the loss of position (includ-
47 ing partial displacement such as reduction in the hours of non-overtime,
48 wages or employment benefits), or result in the impairment of existing
49 contracts for services or collective bargaining rights pursuant to
50 existing agreements as provided under article 14 of the civil service
51 law. All positions currently at the state university of New York in the
52 unclassified service shall remain in the unclassified service. No
53 services or work on the property described in this act currently
54 performed by public employees at the time of the effective date of this
55 act, or that is similar in scope and nature to the work being currently
56 performed by public employees at the time of the effective date of this

1 act, shall be contracted out or privatized by the state university of
2 New York. The state university of New York acknowledges its obligations
3 as an employer under the civil service law and agrees that it will not
4 exercise its right to contract out for goods and services under any
5 applicable collective bargaining agreement.

6 § 6. 1. The provisions of this section shall only apply to employees
7 in the unclassified service at the state university of New York.

8 2. Notwithstanding any law, rule or regulation to the contrary, the
9 state university of New York or an affiliated or associated entity of
10 the state university of New York shall not contract out to the ground
11 lessee or any subsidiary of the ground lessee or the research foundation
12 for the state university of New York for any services or privatize any
13 services currently being performed by employees in the unclassified
14 service at the state university of New York college of environmental
15 science and forestry. All such functions and services currently
16 performed by employees in unclassified service shall be performed by
17 employees in the unclassified service.

18 3. Nothing in this act relating to the lease of property to private
19 entities for the development, construction, or operation of facilities
20 shall be deemed to waive or impair any rights or benefits of employees
21 of the state university of New York that otherwise would be available to
22 them pursuant to the terms of agreements between the certified represen-
23 tatives of such employees and the state of New York or provisions of
24 article 14 of the civil service law. The state university of New York
25 and the state of New York acknowledge their obligations as an employer
26 and agree that they will not exercise their right to contract out for
27 services under any applicable collective bargaining agreement.

28 § 7. For the purposes of this act:

29 (a) "project" shall mean work at the property authorized by this act
30 to be leased to the ground lessee as described in section thirteen of
31 this act that involves the design, construction, reconstruction, demoli-
32 tion, excavating, rehabilitation, repair, renovation, alteration or
33 improvement of such property.

34 (b) "project labor agreement" shall mean a pre-hire collective
35 bargaining agreement between a contractor and a labor organization,
36 establishing the labor organization as the collective bargaining repre-
37 sentative for all persons who will perform work on the project, and
38 which provides that only contractors and subcontractors who sign a pre-
39 negotiated agreement with the labor organization can perform project
40 work.

41 § 8. Nothing in this act shall be deemed to waive or impair any rights
42 or benefits of employees of the state university of New York that other-
43 wise would be available to them pursuant to the terms of agreements
44 between the certified representatives of such employees and the state of
45 New York pursuant to article 14 of the civil service law, and all work
46 performed on such property that ordinarily would be performed by employ-
47 ees subject to article 14 of the civil service law shall continue to be
48 performed by such employees.

49 § 9. Notwithstanding the provisions of any general, special, or local
50 law or judicial decision to the contrary, the ground lessee shall
51 require the use of a project labor agreement, as defined in subdivision
52 1 of section 222 of the labor law, for all contractors and subcontrac-
53 tors on the project, consistent with paragraph (a) of subdivision 2 of
54 section 222 of the labor law.

55 § 10. Without limiting the determination of the terms and conditions
56 of such contracts or leases, such terms and conditions may provide for

1 leasing, subleasing, construction, reconstruction, rehabilitation,
2 improvement, operation and management of and provision of services and
3 assistance and the granting of licenses, easements and other arrange-
4 ments with regard to such grounds and facilities by the ground lessee,
5 and parties contracting with the ground lessee, and in connection with
6 such activities, the obtaining of funding or financing, whether public
7 or private, unsecured or secured, including, but not limited to, secured
8 by leasehold mortgages and assignments of rents and leases, by the
9 ground lessee and parties contracting with the ground lessee for the
10 purposes of completing the project described in this act.

11 § 11. Such lease shall include an indemnity provision whereby the
12 lessee or sublessee promises to indemnify, hold harmless and defend the
13 lessor against all claims, suits, actions, and liability to all persons
14 on the leased premises, including tenant, tenant's agents, contractors,
15 subcontractors, employees, customers, guests, licensees, invitees and
16 members of the public, for damage to any such person's property, whether
17 real or personal, or for personal injuries arising out of tenant's use
18 or occupation of the demised premises.

19 § 12. Any contracts entered into pursuant to this act between the
20 ground lessee and parties contracting with the ground lessee shall be
21 awarded by a competitive process.

22 § 13. The property authorized by this act to be leased to the ground
23 lessee is generally described as that parcel of real property with
24 improvements thereon consisting of a total of approximately 1.624 acres
25 of land situated on the campus of the state university of New York
26 college of environmental science and forestry. The description in this
27 section of the parcel to be made available pursuant to this act is not
28 meant to be a legal description, but is intended only to identify the
29 parcel:

30 All that piece or parcel of land situate in the City of Syracuse,
31 County of Onondaga, State of New York, being lots 1-10 of Block 605
32 (part of Farm Lot 185) bounded and described as follows:

33 BEGINNING at a point in the southerly street boundary of the existing
34 East Raynor Avenue (66' ROW) at its intersection with the westerly
35 street boundary of the existing Stadium Place (66' ROW); thence

36 1) Southerly along the westerly street boundary of the existing Stadi-
37 um Place (66' ROW) on a bearing of South 03°44'57" East a distance of
38 268.00 feet to a point in the northerly street boundary of the existing
39 Standart Street (66' ROW); thence

40 2) Westerly along the northerly street boundary of the existing Stan-
41 dart Street (66' ROW) on a bearing of South 86°21'13" West a distance of
42 264.00 feet to a point in the easterly street boundary of the existing
43 Henry Street (66' ROW); thence

44 3) Northerly along the easterly street boundary of the existing Henry
45 Street (66' ROW) on a bearing of North 03°45'17" West a distance of
46 268.00 feet to a point in the southerly street boundary of the existing
47 East Raynor Avenue (66' ROW); thence

48 4) Easterly along the southerly street boundary of the existing East
49 Raynor Avenue (66' ROW) on a bearing of North 86°21'13" East a distance
50 of 264.03 feet to the point of beginning, being 1.624 acres, more or
51 less. Subject to all existing easements and restrictions of record.

52 § 14. The state university of New York shall not lease lands described
53 in this act unless any such lease shall be executed within 5 years of
54 the effective date of this act.

1 § 15. Insofar as the provisions of this act are inconsistent with the
2 provisions of any law, general, special or local, the provisions of this
3 act shall be controlling.
4 § 16. This act shall take effect immediately.