

STATE OF NEW YORK

11287

IN ASSEMBLY

May 8, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Shimsky) --
read once and referred to the Committee on Governmental Operations

AN ACT to amend the public lands law, in relation to establishing a
right of first refusal in municipalities for state land to be sold at
public auction

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

1 Section 1. Section 33 of the public lands law, as amended by chapter
2 360 of the laws of 1983, subdivision 2 as amended by chapter 119 of the
3 laws of 2000, paragraph (b) of subdivision 2 as amended by chapter 702
4 of the laws of 2022, subdivision 3 as separately amended by chapters 360
5 and 471 of the laws of 1983 and subdivision 5 as added by chapter 95 of
6 the laws of 2000, is amended to read as follows:

7 § 33. Sale of unappropriated state lands; right of first refusal;
8 notice and place of public sales. 1. [~~The~~] (a) Prior to the public sale
9 of unappropriated state land, the office of general services must first
10 offer to sell such land to the local governments in which it is located
11 subject to the following conditions:

12 (i) if the local government intends to use such land in perpetuity for
13 park and/or municipal recreation purposes, the commissioner of general
14 services shall offer the land to the local government for the sum of one
15 dollar;

16 (ii) if the local government intends to use such land for other munic-
17 ipal purposes, the commissioner of general services shall offer the land
18 to the local government for a sum equal to the current appraised value
19 determined by such commissioner or for no more than the same consider-
20 ation for which it is proposed to be sold to a person or private entity,
21 whichever is less;

22 (iii) the deed conveying unappropriated state land to a local govern-
23 ment pursuant to subparagraph (i) or (ii) of this paragraph shall
24 include a clause specifying the purpose for which the land is being
25 conveyed and reverting the land to the state if it is not utilized for
26 the specific purpose enumerated or the specifically enumerated use ceas-
27 es;

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

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1 (iv) the governing body of such municipality shall exercise its right
2 to purchase unappropriated state land for a purpose set forth in subpar-
3 agraph (i) or (ii) of this paragraph within ninety days after receipt of
4 such written offer from the office of general services or within any
5 greater length of time that may be provided for in a written agreement
6 between the office of general services and such local government;

7 (v) the offer to purchase any such unappropriated state land made to
8 any municipality in which such real property is situated shall not
9 constitute a right to purchase and such offer may be withdrawn by the
10 commissioner of general services at any time.

11 (b) If the unappropriated state land is located within an incorporated
12 village, the commissioner of general services shall first offer such
13 land to the incorporated village. The governing body of such village
14 shall exercise its right to purchase such land for a purpose set forth
15 in subparagraph (i) or (ii) of paragraph (a) of this subdivision within
16 ninety days after receipt of such written offer from the office of
17 general services or within any greater length of time that may be
18 provided for in a written agreement between the office of general
19 services and such village. If the incorporated village does not exercise
20 its right to purchase such land within said time frame, then the commis-
21 sioner of general services shall offer the unappropriated land for sale
22 to the town in which such land is located.

23 (c) If the unappropriated state land is located within a town but
24 outside of the borders of any incorporated village or is located in a
25 village but the village does not exercise its right as set forth in
26 paragraph (b) of this subdivision, the commissioner of general services
27 shall offer such land to the town. The governing body of such town shall
28 exercise its right to purchase such land for a purpose set forth in
29 subparagraph (i) or (ii) of paragraph (a) of this subdivision within
30 ninety days after receipt of such written offer from the office of
31 general services or within any greater length of time that may be
32 provided for in a written agreement between the office of general
33 services and such town. If the town does not exercise its right to
34 purchase such land within said time frame, then the commissioner of
35 general services shall offer the unappropriated land for sale to the
36 county in which such land is located.

37 (d) If the unappropriated state land is located within a city, the
38 commissioner of general services shall first offer such land to the
39 city. The governing body of such city shall exercise its right to
40 purchase such land for a purpose set forth in subparagraph (i) or (ii)
41 of paragraph (a) of this subdivision within ninety days after receipt of
42 such written offer from the office of general services or within any
43 greater length of time that may be provided for in a written agreement
44 between the office of general services and such city. If the city does
45 not exercise its right to purchase the unappropriated state land within
46 said time frame, then the commissioner shall offer the unappropriated
47 land for sale to the county in which such land is located.

48 (e) The governing body of such county shall exercise its right to
49 purchase unappropriated state land for a purpose set forth in subpara-
50 graph (i) or (ii) of paragraph (a) of this subdivision within ninety
51 days after receipt of such written offer from the office of general
52 services or within any greater length of time that may be provided for
53 in a written agreement between the office of general services and the
54 county. If the county does not exercise its right to purchase the unap-
55 propriated state land within said time frame, then the commissioner of

1 general services may dispose of said land in accordance with all appli-
2 cable laws.

3 (f) The procedure set forth in this subdivision shall supplement any
4 other procedures in effect with regard to the sale of unappropriated
5 state land.

6 2. Subject to the provisions of subdivision one of this section, the
7 commissioner of general services may, from time to time, sell unappro-
8 priated state lands at public auction or by sealed bids in such parcels
9 as ~~he~~ the commissioner deems for the best interests of the state.
10 Previous to every sale, ~~he~~ the commissioner shall fix the lowest sum
11 at which each lot may be sold, and shall designate at least one newspa-
12 per in the county where the lands to be sold are situated, in which the
13 commissioner shall cause notice of the time, place and description of
14 sale to be published, at least once a week for four weeks, successively,
15 before the sale. Such notice need not be published in any other paper or
16 papers, and any statute requiring additional publication of notices or
17 advertisements by state officers or a department, board, bureau or
18 commission of the state shall not apply to such notice. The commissioner
19 may designate a representative of ~~his~~ the commissioner's office to
20 conduct such sale. All such sales shall be held at the county seat of
21 the county where the property is situated, unless otherwise directed by
22 the commissioner.

23 Upon such sales of unappropriated state land to a purchaser procured
24 by any licensed real estate broker and the payment of the purchase price
25 in the amount offered by such broker in behalf of the purchaser, the
26 commissioner of general services is authorized to pay, subject to such
27 terms and conditions as the commissioner may prescribe, a commission to
28 such broker out of monies available therefor. Uniform rates of commis-
29 sion shall, from time to time, be fixed by the commissioner of general
30 services but shall not exceed six ~~percentum~~ per centum of the purchase
31 price. No commission shall be paid for the procuring of any sale unless
32 (1) written authority of the broker to make such offer on a form accept-
33 able to the commissioner, signed by the person for whom ~~he~~ the broker
34 is acting, shall be filed with the commissioner before the day of the
35 sale and unless (2) the broker shall furnish to the commissioner
36 evidence in such form and extent as ~~he~~ the commissioner may require
37 establishing that the purchaser was procured as the result of the
38 broker's services. In no event shall a broker who is paid a commission
39 by the commissioner as herein provided accept any other commission or
40 fee from any person or source for brokerage services relating to the
41 sale of such unappropriated state land.

42 ~~2-~~ 3. (a) Whenever a street or highway, including any adjacent land
43 acquired or held by the state in connection with such street or highway,
44 the title to the bed of which is in the state, shall have been legally
45 abandoned or closed, in whole or in part, the commissioner of general
46 services may sell and convey at public auction or by sealed bids at not
47 less than the appraised value, in such parcels as ~~he~~ the commissioner
48 directs, all the right, title and interest of the state in such aban-
49 doned or closed street or highway, or the part so abandoned or closed,
50 and in any adjacent land acquired or held by the state in connection
51 with such street or highway; and where, in the judgment of such commis-
52 sioner, a public auction is not for the best interests of the state the
53 commissioner, in ~~his~~ the commissioner's discretion, may sell and
54 convey such parcels of said lands at private sale to the owners of adja-
55 cent lands for a price not less than the appraised value and on such
56 terms and conditions as the commissioner may impose.

1 (b) The commissioner of general services may sell and convey parcels
2 of unappropriated state land which (i) do not constitute legal building
3 lots in the municipality in which they are located and (ii) have an
4 appraised value of less than fifty thousand dollars each at private sale
5 to any owner of adjacent lands. Consideration for such sales shall be
6 for a price not less than the appraised value and such additional terms
7 and conditions as the commissioner may deem necessary.

8 [~~3-~~] 4. The commissioner of general services is authorized in [~~his~~]
9 the commissioner's discretion to sell and convey at private sale upon
10 such terms and conditions as [~~he~~] the commissioner may deem proper, and
11 to remise and quitclaim all the right, title and interest of the state
12 in and to any unappropriated state lands acquired by or through tax sale
13 where it shall appear that such lands are and have been privately occu-
14 pied under color of title continuously for ten years or where the appli-
15 cant has, in good faith, a continuous chain of title going back more
16 than ten years from the date of application. Any such sale, if made,
17 shall be to the person or persons claiming title because of such occupa-
18 tion or under such chain of title, and shall be for a consideration not
19 less than the fair market value of the state's interest as determined by
20 the commissioner.

21 [~~4-~~] 5. Where a petition is presented to a surrogate's court of this
22 state for an order directing the sale of a decedent's real property for
23 any of the purposes provided for in section one thousand nine hundred
24 two of the surrogate's court procedure act or otherwise, and there is
25 reason to believe that such real property may have escheated to the
26 people of the state of New York, and a final judgment in an action by
27 reason of such escheat, as provided for in section two hundred [~~and~~] one
28 of the abandoned property law, has not been entered, the commissioner of
29 general services may, if it is deemed to be in the best interests of the
30 state, authorize the attorney general to consent to such order for the
31 sale of such real property, either at public auction or by sealed bids
32 or private sale. A deed thereupon executed and delivered pursuant to the
33 terms and provisions of such order, upon such consent of the attorney
34 general, shall be deemed a bar to any claim of title of the people of
35 the state of New York, by virtue of such escheat, in the property so
36 sold, but shall not be deemed to affect any rights that the people of
37 the state of New York may have in or to the proceeds of such sale.
38 Consent, however, to such an order shall not be given in the event the
39 price offered on a proposed private sale of such real property is less
40 than the appraised value thereof as determined by the commissioner of
41 general services.

42 [~~5-~~] 6. (a) The commissioner of general services may sell and convey
43 improved, unappropriated state lands by competitive solicitation of
44 offers through a request for proposals or similar method where in [~~his~~
45 ~~or her~~] the commissioner's judgment, a public auction is not in the best
46 interests of the state. Such solicitation shall document the minimum
47 qualitative and quantitative factors in addition to sale price to be
48 used as criteria in the evaluation of offers and the general manner in
49 which the evaluation process and selection of the most responsive and
50 responsible offeror is to be conducted. Clarifications may be sought
51 from offerors for purposes of assuring a full understanding of respon-
52 siveness to the solicitation requirements. Where provided for in the
53 solicitation, revisions may be permitted from all offerors determined to
54 be eligible for award. Disclosure of the content of competing offers,
55 other than statistical tabulations of offers received or of any clarifi-

1 cations or revisions thereto, shall be prohibited prior to award. All
2 offers or separable parts thereof may be rejected.
3 (b) Establishment of the minimum sale price for the competitive solici-
4 tation shall be based upon a certified appraisal or certified appraisal
5 report as defined in article six-E of the executive law.
6 (c) The commissioner of general services shall designate at least one
7 newspaper in the county where the lands to be offered are situate, in
8 which [~~he or she~~] the commissioner shall cause a notice of the sollicita-
9 tion to be published at least once a week for four weeks successively
10 before the date set forth for receipt of offers.
11 § 2. This act shall take effect immediately.