STATE OF NEW YORK

7157--A

2025-2026 Regular Sessions

IN SENATE

April 3, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2 -- reported favorably from said committee and committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester

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

Section 1. Sections 4, 5 and 6 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, as amended and the third and fifth undesignated paragraphs of subdivision 6 as added by chapter 614 of the laws of 2021, are amended to read as follows:

§ 4. Project authorization. No more than: (a) 13 projects, up to a total cost of three hundred twenty-five million dollars in phase one, and (b) 26 projects, up to a total cost of four hundred thirty-five million dollars in phase two, and (c) 12 projects, up to a total cost of [~~four hundred seventy-five million dollars~~] six hundred million dollars in phase three shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

§ 5. Comprehensive school facilities modernization plan. The superintendent shall submit to the RJSCB a comprehensive draft plan recommending and outlining the projects for phase two and phase three it proposes to be undertaken pursuant to this act. The RJSCB shall consider the plan in developing a comprehensive school facilities modernization plan recommending and outlining the projects it proposes to be poten-

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

LBD10903-05-5

tially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. Payment of debt service on bonds, notes or other obligations issued to secure financing of not more than $325,000,000 in phase one, $435,000,000 in phase two, and [~~$475,000,000~~] $600,000,000 in phase three for projects undertaken pursuant to this act shall not be considered when determining the "city amount" required pursuant to subparagraph (ii) of paragraph a of subdivision 5-b of section 2576 of the education law; provided, however, that this provision shall not otherwise affect the determination of said "city amount" with respect to funding unrelated to projects undertaken pursuant to this act. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the timeframe expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager, the independent compliance officer and all contractors; provided that the RJSCB may extend the contracts of the providers of professional services for phase one or two upon the adoption of findings that doing so would be in the public interest; the contracts of the program manager and the independent compliance officer for phase two will be rebid and the contracts of the program manager and the independent compliance officer for phase three will be rebid, and provided further that the program manager and the independent compliance officer and any new or different providers of professional services shall be engaged in compliance with the provisions of section eight of this act; (e) any proposed amendments to the city school district's five-year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

Prior to the development of the comprehensive school facilities modernization plan, the RJSCB and district shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

All projects proposed in the comprehensive school facilities modernization plan shall be included by the city school district as a special section of the district's five-year capital facilities plan that is required pursuant to subdivision 6 of section 3602 of the education law and the regulations of the commissioner.

The RJSCB shall submit the components of such comprehensive plan outlined in subdivision (a) of this section to the comptroller, along with any other information requested by the comptroller, for [~~his or her~~] **such comptroller's** review and approval.

§ 6. Project selection. Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section five of this act, the RJSCB may select projects to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the RJSCB has selected a new project and plans and specifications for such project have been prepared and approved by the RJSCB, which are consistent with the approved comprehensive plan, the RJSCB shall deliver such plans and specifications to the superintendent of the city school district and the mayor of the city of Rochester for review to ensure that sufficient resources exist to pay the local share of any such project cost on an annual basis and that the plans meet program needs, and upon the approval of the superintendent, to the commissioner for [~~his or her~~] **their** approval. After approval by the superintendent and commissioner, the plans and specifications shall be returned to the RJSCB. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the RJSCB and the commissioner shall deem necessary or advisable. The district program manager shall establish reasonable guidelines or limits on incidental costs to assure that to the greatest extent possible such costs for each project do not exceed the state's maximum incidental cost allowance, in order to maximize efficient use of state building aid.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to subdivisions (b) and (c) of section four of this act on a form provided by the commissioner after the completion of schematic plans and specifications for review by the commissioner. For projects authorized pursuant to subdivision (b) of section four of this act, if the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 43 million dollars or ten percent of the approved costs authorized pursuant to subdivision (b) of section four of this act, and the city school district has not otherwise demonstrated to the satisfaction of the state education department the availability of additional local shares for such excess costs, then the RJSCB shall not proceed with the preparation of final plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits. For projects authorized pursuant to subdivision (c) of section four of this act, if the [~~total estimated building aid payable~~] **estimated aidable project costs** for projects authorized pursuant to subdivision (c) of section four of this act, based upon the sum of the estimated individual approved cost allowance of each building, is less than ninety-five percent of the total project costs, the RJSCB shall not proceed with preparation of final plans and specifications for such projects until the projects have been redesigned or value engineered to reduce estimated costs so as not to exceed this cost limit.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to subdivision (c) of section four of this act on a form provided

by the commissioner after the completion of twenty-five percent of the final plans and specifications for review by the commissioner. If the [~~total estimated building aid payable~~] **estimated aidable project costs** for projects authorized pursuant to subdivision (c) of section four of this act, based upon the sum of the estimated individual approved cost allowance of each building, is less than ninety-five percent of the total project costs, the RJSCB shall not proceed with the completion of the remaining seventy-five percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated costs so as not to exceed this cost limit.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to subdivisions (b) and (c) of section four of this act on a form provided by the commissioner after the completion of fifty percent of the final plans and specifications for review by the commissioner. For projects authorized pursuant to subdivision (b) of section four of this act, if the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 43 million dollars or ten percent of the approved costs authorized pursuant to subdivision (b) of section four of this act, and the city school district has not otherwise demonstrated to the satisfaction of the state education department the availability of additional local share for such excess costs, then the RJSCB shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits. For projects authorized pursuant to subdivision (c) of section four of this act, if the [~~total estimated building aid payable~~] **estimated aidable project costs** for projects authorized pursuant to subdivision (c) of section four of this act, based upon the sum of the estimated individual approved cost allowance of each building, is less than ninety-five percent of the total project costs, the RJSCB shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed this cost limit.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to subdivision (c) of section four of this act on a form provided by the commissioner after the completion of seventy-five percent of the final plans and specifications for review by the commissioner. If the total estimated building aid payable for projects authorized pursuant to subdivision (c) of section four of this act, based upon the sum of the estimated individual approved cost allowance of each building, is less than ninety-five percent of the total project costs, the RJSCB shall not proceed with the completion of the remaining twenty-five percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed this cost limit.

§ 2. Subdivision (c) of section 21 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, as added by chapter 614 of the laws of 2021, is amended to read as follows:

(c) On or before June 30, [~~2031~~] **2033**, or upon completion of the 12 projects authorized in phase three pursuant to this act, whichever shall

first occur, the RJSCB shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

§ 3. This act shall take effect immediately and shall apply to all contracts entered into, renewed, modified or amended on or after such effective date.