STATE OF NEW YORK

8904--A

IN SENATE

January 14, 2026

Introduced by Sens. MAYER, FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the general municipal law, in relation to certain lease terms for BOCES properties

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

Section 1. Subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law, as amended by chapter 374 of the laws of 2014, is amended to read as follows:

(a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed [~~ten~~] twenty years [~~for leases entered into with public entities and twenty years for leases entered into with non-public entities~~] and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes, provided that: (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board and provided to the commissioner; (3) The board discloses any conflict of interest pursuant to subparagraph (c) of this paragraph, or any other potential or perceived conflict of interest, to the commissioner, and in the event of a conflict of interest or a potential or perceived conflict of interest, provides detailed documentation to the commissioner demonstrating that the cost of the lease is not more than fair market value; and (4) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services

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

LBD14261-02-6

with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner. In the case of a lease longer than ten years, the commissioner's written approval must include a finding that the proposed lease complies with all requirements of this paragraph and would be more cost-effective than a lease of ten years or fewer.

§ 2. Paragraph (b) of subdivision 1, and subdivisions 3 and 5 of section 403-a of the education law, paragraph (b) of subdivision 1 as amended and subdivision 5 as added by chapter 459 of the laws of 1979 and subdivision 3 as amended by chapter 460 of the laws of 1979, are amended to read as follows:

(b) The term of the lease shall not exceed ten years**, except when such lease is established in accordance with subparagraph (a) of paragraph p of subdivision four of section nineteen hundred fifty of this chapter, such lease term shall not exceed twenty years**.

3. The board of education or trustees of a school district are hereby authorized to lease real property upon such terms and conditions as the board of education or trustees may deem appropriate to any person, partnership or corporation such board of education or trustees shall have determined who will provide the most benefit to the school district for periods not to exceed ten years**, provided however that property leased in accordance with subparagraph (a) of paragraph p of subdivision four of section nineteen hundred fifty of this chapter may exceed a period of ten years**. Such leases may also be renewed for a period of up to ten years upon the consent of the commissioner.

5. Notwithstanding the provisions of paragraph (b) of subdivision one hereof the board of education or trustees of a school district are hereby authorized to enter into a lease agreement in accordance with the provisions of this section for a period in excess of ten years subject, however, to voter approval by referendum. **Provided however, leases established in accordance with subparagraph (a) of paragraph p of subdivision four of section nineteen hundred fifty of this chapter may exceed a period of ten years without voter approval by referendum; such leases shall not exceed a period of twenty years.**

§ 3. Subdivision (a) of section 72-h of the general municipal law, as amended by chapter 562 of the laws of 1990, is amended to read as follows:

(a) Notwithstanding any provision of any general, special or local law or of any charter, the supervisors of a county, the town board of a town, the board of trustees of a village, the board of fire commissioners of a fire district, the board of estimate of a city, or if there be none the local legislative body of such city, and, in a city having a population of one million or more, the mayor, subject to disapproval by the council within thirty days following receipt of notice of the approval of the mayor, may sell, transfer or lease to or exchange with any municipal corporation or municipal corporations, school district, board of cooperative educational services, fire district, the state of New York, or the government of the United States and any agency or department thereof, either without consideration or for such consideration and upon such terms and conditions as shall be approved by such officer or body, any real property owned by such county, town, village, fire district or city; and any municipal corporation or fire district

may acquire or lease such real property as provided in this section. The term of any lease entered into pursuant to the provisions of this section shall not exceed ten years [~~but nothing~~], **, unless the lease is established in accordance with subparagraph (a) of paragraph p of subdivision four of section nineteen hundred fifty of the education law in which case, such lease term shall not exceed twenty years. Nothing** herein contained shall prevent the renewal of any such lease.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law made by section one of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith.