

# 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.