

# STATE OF NEW YORK

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3052

2025-2026 Regular Sessions

## IN SENATE

January 23, 2025

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Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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 Assembly, 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

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

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1 include a clause specifying the purpose for which the land is being  
2 conveyed and reverting the land to the state if it is not utilized for  
3 the specific purpose enumerated or the specifically enumerated use ceas-  
4 es;

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

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13 constitute a right to purchase and such offer may be withdrawn by the  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

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

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

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

52 (e) The governing body of such county shall exercise its right to  
53 purchase unappropriated state land for a purpose set forth in subpara-  
54 graph (i) or (ii) of paragraph (a) of this subdivision within ninety  
55 days after receipt of such written offer from the office of general  
56 services or within any greater length of time that may be provided for

1 in a written agreement between the office of general services and the  
2 county. If the county does not exercise its right to purchase the unap-  
3 propriated state land within said time frame, then the commissioner of  
4 general services may dispose of said land in accordance with all appli-  
5 cable laws.

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

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

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

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

1 convey such parcels of said lands at private sale to the owners of adja-  
2 cent lands for a price not less than the appraised value and on such  
3 terms and conditions as the commissioner may impose.

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

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

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

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

1 be eligible for award. Disclosure of the content of competing offers,  
2 other than statistical tabulations of offers received or of any clarifi-  
3 cations or revisions thereto, shall be prohibited prior to award. All  
4 offers or separable parts thereof may be rejected.

5 (b) Establishment of the minimum sale price for the competitive solici-  
6 tation shall be based upon a certified appraisal or certified appraisal  
7 report as defined in article six-E of the executive law.

8 (c) The commissioner of general services shall designate at least one  
9 newspaper in the county where the lands to be offered are situate, in  
10 which [~~he or she~~] the commissioner shall cause a notice of the sollicita-  
11 tion to be published at least once a week for four weeks successively  
12 before the date set forth for receipt of offers.

13 § 2. This act shall take effect immediately.