

# STATE OF NEW YORK

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7616--A

2025-2026 Regular Sessions

## IN SENATE

April 23, 2025

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Introduced by Sens. MARTINEZ, PALUMBO -- read twice and ordered printed, and when printed to be committed 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 for the purpose of building undergraduate student, graduate student, faculty and staff 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 and declares  
2 that the state university of New York at Stony Brook ("Stony Brook") is  
3 one of the State's flagship universities with hundreds of millions of  
4 dollars in federal research, is the region's largest on-site employer,  
5 and, through Stony Brook Medicine, is Suffolk County's safety-net  
6 provider. Stony Brook consists of two academic campuses, four hospitals,  
7 over two hundred clinical outpatient facilities, and the Long Island  
8 State Veterans Home. Stony Brook is poised to grow both its student  
9 enrollment and its workforce but is limited due to a lack of housing  
10 opportunities. In fact, the single greatest issue Stony Brook has across  
11 its system in recruiting and retaining students, faculty and staff is  
12 the lack of student and workforce housing.

13 The legislature finds that Stony Brook seeks to use approximately 17  
14 acres of underutilized land on its Stony Brook campus to build multi-  
15 purpose facilities to support housing needs and supporting amenities  
16 (including but not limited to food and dining options, parking and  
17 fitness centers) for the university's undergraduate and graduate  
18 students, as well as junior faculty and certain university employees.  
19 It is expected that up to 1,900 beds would be made available for Stony  
20 Brook students and employees. By providing more housing options for the  
21 Stony Brook community, it will provide greater options for students and  
22 faculty with young families to move into the area, and help us retain

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

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1 those students and employees already here but commuting long distances  
2 to school and work. The legislature further finds that granting the  
3 trustees of the state university of New York ("Trustees") the authority  
4 and power to lease and otherwise contract to make available grounds and  
5 facilities on Stony Brook's campus will ensure land is utilized for the  
6 benefit of Stony Brook, and the surrounding community.

7 § 2. Notwithstanding any other law to the contrary, the state univer-  
8 sity trustees are hereby authorized and empowered, without any public  
9 bidding, to lease and otherwise contract to make available to the Stony  
10 Brook Housing Development Corp. (the "ground lessee"), a portion of the  
11 lands of the university on its campus, generally described in this act  
12 for the purpose of building undergraduate student, graduate student,  
13 faculty and staff housing. Such lease or contract shall be for a period  
14 not exceeding 100 years without any fee simple conveyance and otherwise  
15 upon terms and conditions determined by such trustees, subject to the  
16 approval of the director of the division of the budget, the attorney  
17 general and the state comptroller. If the real property that is the  
18 subject of such lease or contract shall cease to be used for the purpose  
19 described in this act, such lease or contract shall immediately termi-  
20 nate, and the real property and any improvements thereon shall revert to  
21 the state university of New York. Any lease or contract entered into  
22 pursuant to this act shall provide that the real property that is the  
23 subject of such lease or contract and any improvements thereon shall  
24 revert to the state university of New York on the expiration of such  
25 contract or lease.

26 § 3. Any contract or lease entered into pursuant to this act shall be  
27 deemed to be a state contract for purposes of article 15-A of the execu-  
28 tive law, and any contractor, subcontractor, lessee or sublessee enter-  
29 ing into such contract or lease for the construction, demolition, recon-  
30 struction, excavation, rehabilitation, repair, renovation, alteration or  
31 improvement authorized pursuant to this act shall be deemed a state  
32 agency for the purposes of article 15-A of the executive law and subject  
33 to the provisions of such article.

34 § 4. Notwithstanding any general, special or local law or judicial  
35 decision to the contrary, all work performed on a project authorized by  
36 this act where all or any portion thereof involves a lease or agreement  
37 for construction, demolition, reconstruction, excavation, rehabili-  
38 tation, repair, renovation, alteration or improvement shall be deemed  
39 public work and shall be subject to and performed in accordance with the  
40 provisions of article 8 of the labor law to the same extent and in the  
41 same manner as a contract of the state, and compliance with all the  
42 provisions of article 8 of the labor law shall be required of any  
43 lessee, sublessee, contractor or subcontractor on the project, including  
44 the enforcement of prevailing wage requirements by the fiscal officer as  
45 defined in paragraph e of subdivision 5 of section 220 of the labor law  
46 to the same extent as a contract of the state.

47 § 5. Notwithstanding any law, rule or regulation to the contrary, the  
48 state university of New York shall not contract out to the ground lessee  
49 or any subsidiary for the instruction or any pedagogical functions or  
50 services, or any administrative services, and similar professional  
51 services currently being performed by state employees. All such func-  
52 tions and services shall be performed by state employees. Nothing in  
53 this act shall result in the displacement of any currently employed  
54 state worker or the loss of position (including partial displacement  
55 such as reduction in the hours of non-overtime, wages or employment  
56 benefits), or result in the impairment of existing contracts for

1 services or collective bargaining rights pursuant to existing agreements  
2 as provided under article 14 of the civil service law. All positions  
3 currently at the state university of New York in the unclassified  
4 service and classified service of the civil service law shall not be  
5 reclassified as a result of this Act. No pedagogical or other services  
6 or work on the property described in this act currently performed by  
7 public employees or future work that is similar in scope and nature to  
8 the work being currently performed by public employees shall be  
9 contracted out or privatized by the state university of New York or by  
10 an affiliated entity or associated entity of the state university of New  
11 York. All such future work shall be performed by public employees.

12 § 6. For the purposes of this act:

13 (a) "project" shall mean work at the property authorized by this act  
14 to be leased to the ground lessee as described in section twelve of this  
15 act that involves the design, construction, reconstruction, demolition,  
16 excavating, rehabilitation, repair, renovation, alteration or improve-  
17 ment of such property.

18 (b) "project labor agreement" shall mean a pre-hire collective  
19 bargaining agreement between a contractor and a labor organization,  
20 establishing the labor organization as the collective bargaining repre-  
21 sentative for all persons who will perform work on the project, and  
22 which provides that only contractors and subcontractors who sign a pre-  
23 negotiated agreement with the labor organization can perform project  
24 work.

25 § 7. Nothing in this act shall be deemed to waive or impair any rights  
26 or benefits of employees of the state university of New York that other-  
27 wise would be available to them pursuant to the terms of agreements  
28 between the certified representatives of such employees and the state of  
29 New York pursuant to article 14 of the civil service law; all work  
30 performed on such property that ordinarily would be performed by employ-  
31 ees subject to article 14 of the civil service law shall continue to be  
32 performed by such employees.

33 § 8. Notwithstanding the provisions of any general, special, or local  
34 law or judicial decision to the contrary, the ground lessee shall  
35 require the use of a project labor agreement, as defined in subdivision  
36 1 of section 222 of the labor law, for all contractors and subcontrac-  
37 tors on the project, consistent with paragraph (a) of subdivision 2 of  
38 section 222 of the labor law.

39 § 9. Without limiting the determination of the terms and conditions of  
40 such contracts or leases, such terms and conditions may provide for  
41 leasing, subleasing, construction, reconstruction, rehabilitation,  
42 improvement, operation and management of and provision of services and  
43 assistance and the granting of licenses, easements and other arrange-  
44 ments with regard to such grounds and facilities by the ground lessee,  
45 and parties contracting with the ground lessee, and in connection with  
46 such activities, the obtaining of funding or financing, whether public  
47 or private, unsecured or secured, including, but not limited to, secured  
48 by leasehold mortgages and assignments of rents and leases, by the  
49 ground lessee and parties contracting with the ground lessee for the  
50 purposes of completing the project described in this act.

51 § 10. Such lease shall include an indemnity provision whereby the  
52 lessee or sublessee promises to indemnify, hold harmless and defend the  
53 lessor against all claims, suits, actions, and liability to all persons  
54 on the leased premises, including tenant, tenant's agents, contractors,  
55 subcontractors, employees, customers, guests, licensees, invitees and  
56 members of the public, for damage to any such person's property, whether

1 real or personal, or for personal injuries arising out of tenant's use  
2 or occupation of the demised premises.

3 § 11. Any contracts entered into pursuant to this act between the  
4 ground lessee and parties contracting with the ground lessee shall be  
5 awarded by a competitive process.

6 § 12. The property authorized by this act to be leased to the ground  
7 lessee is generally described as that parcel of real property with  
8 improvements thereon consisting of a total of approximately 16.7217  
9 acres of land situated on the campus of the state university of New York  
10 at Stony Brook within the town of Brookhaven, county of Suffolk, state  
11 of New York more particularly described as follows:

12 Beginning at a point within lot 2 of section 199, block 1 and being on  
13 the southerly side of Circle Road, a private road of undesignated width,  
14 having New York state plane (LI Zone) 1983 coordinate values of North  
15 275669.8546 and East 1225232.3830. The said point being distant 295.88  
16 feet on a bearing of North 42 degrees 47 minutes 36 seconds East from  
17 the Northeast corner of section 198, block 7, lot 3 now or formerly  
18 belonging to the town of Brookhaven as per liber 11011 at page 576, and  
19 running from the said point of beginning; thence

20 Running the following nineteen (19) courses through said lot 2.6:

21 1) Following along the said Southerly side of said Circle Road, North  
22 30 degrees, 13 minutes, 30 seconds East, a distance of 339.00 feet to a  
23 point of curvature; thence

24 2) Following along the same, on a curve to the right having a radius  
25 of 3148.50 feet, a central angle of 05 degrees 04 minutes 00 seconds and  
26 an arc length of 278.42 feet to a point of non-tangency; thence

27 3) Leaving the said side of Circle Road, South 63 degrees 07 minutes  
28 11 seconds East, a distance of 110.00 feet, thence

29 4) south 61 degrees 36 minutes 00 seconds east, a distance of 193.00  
30 feet; thence

31 5) south 65 degrees 28 minutes 00 seconds east, a distance of 135.00  
32 feet ; thence

33 6) South 61 degrees 17 minutes 00 seconds East a distance of 371.50  
34 feet ; thence

35 7) South 28 degrees 43 minutes 00 seconds West a distance of 199.50  
36 feet ; thence

37 8) south 07 degrees 38 minutes 00 seconds west, a distance of 25.00  
38 feet to a point of non-tangent curvature; thence

39 9) on a curve to the left having a radius of 160.00 feet, a central  
40 angle of 64 degrees 09 minutes 42 seconds and an arc length of 179.17  
41 feet, the chord of which bears south 40 degrees 33 minutes 51 seconds  
42 West for a distance of 169.66 feet to a point of tangency; thence

43 10) south 08 degrees 29 minutes 00 seconds west, a distance of 384.000  
44 feet; thence

45 11) North 82 degrees 34 minutes 00 seconds west, a distance of 35.50  
46 feet to a point of curvature; thence

47 12) on a curve to the left having a radius of 75.00 feet, a central  
48 angle of 90 degrees 07 minutes 00 seconds, and an arc length of 117.96  
49 feet to a point of tangency; thence

50 13) south 07 degrees 19 minutes 00 seconds west, a distance of 113.15  
51 feet; thence

52 14) North 79 degrees 46 minutes 00 seconds West, a distance of 255.50  
53 feet ; thence

54 15) North 37 degrees 39 minutes 00 seconds west, a distance of 42.50  
55 feet; thence

1 16) North 06 degrees 38 minutes 00 seconds west, a distance of 104.50  
2 feet to a point of curvature; thence  
3 17) on a curve to the left having a radius of 230.00 feet, a central  
4 angle of 30 degrees 52 minutes 00 seconds, and an arc length of 123.91  
5 feet to a point of tangency; thence  
6 18) north 37 degrees 30 minutes 00 seconds west, a distance of 412.80  
7 feet; thence  
8 19) North 25 degrees 35 minutes 00 seconds West, a distance of 118.00  
9 feet to the point and place of Beginning.

10 The above-described lease area contains 728,396 square feet or 16.7217  
11 acres of land.

12 The above-described development area was written in accordance with a  
13 map entitled, "Boundary & Location Survey, District 200, section 199,  
14 block 1, Part of Lot 2.6, at, Stony Brook University, Hamlet of Stony-  
15 brook, town of Brookhaven, Suffolk county, state of New York" prepared  
16 by Gallas Surveying Group.

17 § 13. The state university of New York shall not lease lands described  
18 in this act unless any such lease shall be executed within 5 years of  
19 the effective date of this act.

20 § 14. Insofar as the provisions of this act are inconsistent with the  
21 provisions of any law, general, special or local, the provisions of this  
22 act shall be controlling.

23 § 15. This act shall take effect immediately.