**§ 361. START-UP NY program leases.** 1. Any lease or contract between a state university campus, city university campus or community college as defined in section four hundred thirty-one of the economic development law and a business for the use of vacant land or vacant space owned or leased by such state university campus, community college or city university campus in a tax-free NY area approved pursuant to article twenty-one of the economic development law shall provide:

(a) The term of the lease or contract.

(b) A requirement that any contract to which a campus or college is a party, and any contract entered into by a third party acting in place of, on behalf of and for the benefit of the campus or college therein pursuant to any lease, permit or other agreement between such third party and the campus or college for the use of vacant land or vacant space owned or leased by the state university campus, community college or city university campus for the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration or improvement of a project shall be subject to all of the provisions of article eight of the labor law, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision five of section two hundred twenty of the labor law to the same extent as a contract of the state, and shall be deemed a public work for purposes of such article.

(c) Whenever a party to any lease or contract for projects authorized pursuant to this section on lands leased or owned by the city university of New York, enters into a contract under which employees are employed to perform building service work, as that term is defined in section two hundred thirty of the labor law, such work shall be subject to article nine of the labor law to the same extent as building service work performed pursuant to a contract with a public agency.

(d) A requirement that for the purposes of article fifteen-A of the executive law, any individual, public corporation or authority, private corporation, limited liability company or partnership or other entity entering into a contract, subcontract, lease, grant, bond, covenant or other agreement for a project undertaken by a business authorized pursuant to article twenty-one of the economic development law shall be deemed a state agency as that term is defined in such article and such contracts shall be deemed state contracts within the meaning of that

term as set forth in such article, except that this paragraph shall not apply to any lease or contract entered into by a community college of the state university of New York or city university of New York.

(e) The metes and bounds or other applicable description that can be easily identified, shared and verified by an independent third party of the vacant land or vacant space subject to the contract or lease.

(f) A requirement that any lease, contract or other agreement shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless, and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees, and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

(g) A requirement that upon the expiration of the lease or agreement covering property owned by the campus or college the demised premises and any improvements thereon shall revert to the campus or college, unless the lease is renewed.

(h) A requirement that in the event the demised premises shall cease to be used for the purposes described in the lease or contract covering property owned by the campus or college, the lease or contract shall terminate on the thirtieth day after notice of such termination is mailed to the business, the demised premises and any improvements thereon shall revert to the campus or college.

(i) A requirement that any and all proceeds relating to the lease or contract shall be allocated by the board of trustees to the campus or college for which such contract or lease applies, deposited in the general fund of such campus or college, and used for purposes including but not limited to student financial aid for students who are eligible to receive a tuition assistance award or supplemental tuition assistance pursuant to section six hundred sixty-seven or six hundred sixty-seven-a of the education law and to support additional full-time faculty positions.

2. For the purposes of this section and for the purposes of any lease or contract authorized pursuant to this section: "project" shall mean

capital improvement work on real property under the jurisdiction of the campus or college to be subject to any lease, transfer or conveyance, other than conveyance of title. Such capital improvement work shall include the design, construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration or improvement of real property under the jurisdiction of the campus or college.

3. A party to any lease or contract authorized pursuant to this section may require a contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement pursuant to section two hundred twenty-two of the labor law during and for the work involved with such project when such requirement is part of such party's request for proposals for the project and when the party determines that the record supporting the decision to enter into such an agreement establishes that the interests underlying the competitive bidding laws are best met by requiring a project labor agreement including: obtaining the best work at the lowest possible price; preventing favoritism, fraud and corruption; the impact of delay; the possibility of cost savings; and any local history of labor unrest.