§ 1728. Powers and duties of the authority. The authority shall have the following powers and duties:

1. To sue and be sued;

2. To have a seal or alter the same at pleasure;

3. To make and alter by-laws for the organization and the management and regulation of its affairs;

4. To appoint officers and employees, fix their compensation and require background investigations, including but not limited to the criminal history of all applicants for employment to determine the suitability of such applicants for employment. Such investigation shall include but not be limited to the taking of fingerprints of such officers and employees as a prerequisite for employment; provided, however, that every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed and forwarded to the federal bureau of investigation, at a rate required by such agencies for state and national criminal history record checks;

5. To design, construct, reconstruct, improve, rehabilitate, maintain, furnish, repair, equip and otherwise provide for educational facilities, as defined in section twenty-five hundred ninety-a of the education law, for the city board pursuant to agreements with the city board;

6. To acquire real and personal property, or any interest therein, by any method, including but not limited to purchase or condemnation, for the purpose of constructing, reconstructing, improving, rehabilitating, maintaining, repairing, furnishing, equipping or otherwise providing for educational facilities for the city board; provided, however, that the authority shall use such condemnation power only if the authority is unable to purchase property by negotiation or bidding and provided further that, except to the extent permitted by subdivision two of section seventeen hundred twenty-nine of this title, the authority may not condemn property dedicated to use, used or mapped as a city street

or any other property owned by, or subject to any interest therein, of the city of New York;

7. To make and execute contracts and all other instruments necessary or convenient for the exercise of its functions, powers and duties, provided that the authority may not unless otherwise specifically authorized by law issue negotiable bonds or notes;

8. To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice;

9. To enter into agreements with the city board pursuant to which the authority will be responsible for the acquisition, design, construction, reconstruction, improvement, rehabilitation, maintaining, repairing, furnishing, equipping of and otherwise providing for educational facilities for the city board, provided, however, that (i) any agreement under which the authority shall engage in maintenance shall be limited to maintenance that is attendant to the authority's implementation of a five-year educational facilities capital plan; (ii) nothing herein shall be deemed to diminish the rights of school custodians and custodian engineers as established in the existing collective bargaining agreement with the city board or other custodian or maintenance employees as established in their respective collective bargaining agreements; and (iii) further provided that the authority is not empowered to engage in custodial operations;

10. Notwithstanding the provisions of section two thousand five hundred four of the insurance law or any other law, to procure insurance on behalf of itself and others against any loss in connection with its activities, properties and other assets, in such amounts and from such insurers as it deems desirable; provided that the authority may enter into agreements with the city, acting by the mayor alone, providing for indemnification by the city of the authority against tort and contract judgments and claims, which agreements may contain provisions requiring legal representation of the authority by the corporation counsel of the city and specifying any insurance to be carried by the authority, which provisions shall supersede any agreements with the city board on such

subject;

11. Upon completion of the design, construction, reconstruction, improvement, rehabilitation, maintaining, repairing, furnishing, equipping of or otherwise providing for educational facilities, to convey title to any such facilities to the city for use as educational facilities by the city board. In the case of educational facilities leased by the authority, the city board may occupy or sublet such facilities from the authority without compensation and without further approval and, upon transfer or assignment of the authority's interest in these facilities to the city board, the city board shall assume all rights and obligations of the authority under such lease;

12. To dispose of personal property and, with the consent of the city, acting by the mayor and the council, to dispose of real property, or any interest therein, held by the authority and not required for educational purposes of the city board, by sale, lease, sublease or otherwise, provided that such disposition is pursuant to the implementation of a five-year educational facilities capital plan;

13. To enter into agreements with the city's department of city planning to render any services the authority may request, including but not limited to professional and technical assistance by planning experts, engineers, architects and any other staff as may be necessary, and the use of the premises, personnel, equipment, access to relevant data and personal property of the department of city planning;

13-a. To enter into agreements with the city's department of health and mental hygiene to render any services the authority may request, including but not limited to access to data necessary to develop reasonable student population projections citywide, for each community school district and for each community board;

13-b. To enter into agreements with the city's department of buildings to render any services the authority may request, including but not limited to access to building permit and construction data, including the number and size of units within buildings;

13-c. To enter into agreements with the city's department of housing preservation and development to render any services the authority may request, including but not limited to access to building permit and construction data, including the number and size of units within buildings;

13-d. To coordinate with the office of city planning, the department of buildings, the department of housing preservation and development, the department of health and mental hygiene and community boards to create uniform, citywide student population projections, community school district and community board, for a minimum of five years, based on data produced by the office of city planning, the department of buildings, the department of housing preservation and development and the department of health and mental hygiene. Such projections shall be used in the creation and implementation of the authority's five-year educational facilities capital plan;

14. To enter into agreements with the city board to render services, including but not limited to the use of the premises, personnel and personal property of the city board, and to provide for reimbursement to the city board from the authority for any expenses incurred by the city board in carrying out the terms of these agreements;

15. To enter into agreements with the city board pursuant to which the city board may make available to the authority the services of employees of the city board who are contemplated to be transferred to the authority pursuant to a plan for such transfers for the purpose of rendering assistance in establishing the operations of the authority; provided, however, that such employees shall no longer be available to the authority pursuant to the terms of this subdivision beyond one year following the effective date of this title;

* 15-a. To establish employment goals in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided,

however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the president of the authority or his or her designee;

* NB Effective May 15, 2024
* NB Repealed May 15, 2029

16. To apply for or accept any gifts, grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, from the state or any agency or instrumentality thereof, from the city or any agency or instrumentality thereof or from any other source, for any or all of the purposes specified in this title, and it may comply, subject to the provisions of this title, with the terms and conditions thereof; and

17. To do any and all things necessary or convenient to carry out and exercise the powers given and granted by this section.