

**STATE OF NEW YORK**

5467--A

2015-2016 Regular Sessions

**IN SENATE**

May 14, 2015

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 2 of chapter 548 of the laws of 2010, amending the  
2 New York city charter relating to authorizing the city of New York to  
3 sell to abutting property owners real property owned by such city,  
4 consisting of tax lots that cannot be independently developed due to the  
5 size, shape, configuration and topography of such lots and the zoning  
6 regulations applicable thereto, is amended to read as follows:  
7 § 2. This act shall take effect immediately and shall expire December  
8 31, [~~2015~~] 2020, when upon such date the provisions of this act shall be  
9 deemed repealed.  
10 § 2. This act shall take effect immediately.

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

LBD11133-02-5

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5467A

SPONSOR: FELDER

TITLE OF BILL: An act to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof

SUMMARY OF PROVISIONS: This bill amends section 384(b)4-a to permanently empower the Mayor to authorize the sale of certain types of real property owned by the City which directly abut property owners' lots without an auction or competitive bidding, which are processes that would Otherwise be required by the provisions of section 384. Direct sales are authorized only in the limited circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of such factors. Authorization for sale by the Mayor would be restricted to sales of parcels that the Mayor determines are in the best interests of the City, based upon a certification by the Commissioner of Citywide Administrative Services that such parcels are economically impracticable or infeasible to develop independently. Sales of such real property would remain subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter.

REASONS FOR SUPPORT: The Department of Citywide Administrative Services (DCAS) of the City of New York has jurisdiction over various limited market properties, which are properties that are economically impracticable or infeasible to develop independently due to size, shape, zoning, configuration and topography. The authorization under City Charter section 384(b)4-a authorizes DCAS, through its SAIL Away (Slivers, Accessways and Interior Lots) Program to conduct direct sales to abutting property owners of this type of property. The current SAIL Away program is set to expire on 12/31/2015. These properties are not appropriate for sale through the public auction or competitive bidding processes that would be required under other existing laws, as they have no independent utility. Future utilization of these lots is dependent on and linked to the privately-owned adjacent lots. In some cases, portions of these lots have been used by adjacent property owners for years.

This legislation would continue to provide authority for DCAS to transfer these limited market properties directly to private ownership without the necessity of a public auction or sealed bidding process.

Eligibility to purchase such City-owned real property is determined to be in the best interests of the City, at the discretion of the Mayor, based on a certification by the Commissioner of Citywide Services that independent development is economically impracticable or infeasible.

Sales are limited to abutting property owners or an entity comprised of such owners. DCAS has identified hundreds of lots in all five boroughs that are potentially eligible for this program.

Additionally, such sale of said real property is subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter.

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**STATE OF NEW YORK**

7872

2015-2016 Regular Sessions

**IN ASSEMBLY**

May 28, 2015

Introduced by M. of A. MILLER -- read once and referred to the Committee on Cities

AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 2 of chapter 548 of the laws of 2010, amending the  
2 New York city charter relating to authorizing the city of New York to  
3 sell to abutting property owners real property owned by such city,  
4 consisting of tax lots that cannot be independently developed due to the  
5 size, shape, configuration and topography of such lots and the zoning  
6 regulations applicable thereto, is amended to read as follows:  
7 § 2. This act shall take effect immediately and shall expire December  
8 31, [~~2015~~] 2020, when upon such date the provisions of this act shall be  
9 deemed repealed.  
10 § 2. This act shall take effect immediately.

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

LBD11133-03-5

**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7872

SPONSOR: Miller

TITLE OF BILL: An act to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof

SUMMARY OF PROVISIONS: This bill amends section 384(b)4-a to extend for an additional five years, the Mayor's ability to authorize the sale of certain types of real property owned by the City which directly abut property owners' lots without an auction or competitive bidding, which are processes that would otherwise be required by the provisions of section 384. Direct sales are authorized only in the limited circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of such factors. Authorization for sale by the Mayor would be restricted to sales of parcels that the Mayor determines are in the best interests of the City, based upon a certification by the Commissioner of Citywide Administrative Services that such parcels are economically impracticable or infeasible to develop independently. Sales of such real property would remain subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter. The current authorization for sale by the Mayor is set to expire on December 31, 2015.

REASONS FOR SUPPORT: The Department of Citywide Administrative Services (DCAS) of the City of New York has jurisdiction over various limited market properties, which are properties that are economically impracticable or infeasible to develop independently due to size, shape, zoning, configuration and topography. The authorization under City Charter section 384(b)4-a authorizes DCAS, through its SAIL Away (Slivers, Accessways and Interior Lots) Program to conduct direct sales to abutting property owners of this type of property. These properties are not appropriate for sale through the public auction or competitive bidding processes that would be required under other existing laws, as they have no independent utility. Future utilization of these lots is dependent on and linked to the privately-owned adjacent lots. In some cases, portions of these lots have been used by adjacent property owners for years.

This legislation would continue to provide authority for DCAS, for an additional five years, to transfer these limited market properties directly to private ownership without the necessity of a public auction or sealed bidding process.

Eligibility to purchase such City-owned real property is determined to be in the best interests of the City, at the discretion of the Mayor,

based on a certification by the Commissioner of Citywide Services that independent development is economically impracticable or infeasible. Sales are limited to abutting property owners or an entity comprised of such owners. DCAS has identified hundreds of lots in all five boroughs, that are potentially eligible for this program.

Additionally, such sale of said real property is subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

