



## Legislation Text

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**File #:** Res 1326-2008, **Version:** \*

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### Res. No. 1326

Resolution calling upon the State Legislature to enact S.7127/A.8838, which would amend the Public Authorities Law in relation to siting requirements for the New York City School Construction Authority's Leasing Program.

By Council Members Gennaro, Jackson, Fidler, James, Liu, Palma and Gonzalez

Whereas, The New York City School Construction Authority ("SCA") is the entity responsible for building new public schools and managing the design, construction and renovation of capital projects within the New York City public school system; and

Whereas, In order to alleviate overcrowding and to replace old facilities, the Department of Education's ("DOE") five-year capital plan includes proposals to lease over 30 existing buildings across the City and use them for educational facilities; and

Whereas, Advocates have raised concerns regarding the approval and oversight process of leasing such facilities, including appropriate community participation and political and environmental review processes; and

Whereas, According to news reports, the SCA interprets the Appellate Division's decision in *Park South-Tenants Corp. v. Board of Education of the City of New York*, 208 A.D.2d 394 (1<sup>st</sup> Dep't 1994) to mean that their leasing program is exempt from the section of the State Public Authorities Law which requires public notice of site plans for planned educational facilities, submission of site plans to local community boards (including school boards) and the Council, and public hearings; and

Whereas, Community and Council oversight affords the opportunity for stakeholders and other members of the public to share important information about proposed sites, including environmental concerns; and

Whereas, For example, in 2007, two new school sites proposed by the City (Mott Haven Site in the South Bronx and Gateway Site in Queens) had raised concerns in the community regarding possible site contamination; and

Whereas, Through public comment and the Council's review, significantly stronger cleanups were required for those sites, including a long-term commitment to monitor the environment at and around the Mott Haven Site; and

Whereas, As a result of the absence of such a review for leased sites, the City has opened schools in leased space that may have been hazardous to the health of students and educators who spend their day in those buildings; and

Whereas, One example is P.S. 141 in Harlem, where after spending millions in 1997 to turn this leased dry cleaning plant into a school, the City was forced to close it down after it was found that students were being exposed to chemical fumes; and

Whereas, In addition, according to the New York Lawyers for the Public Interest, in September 2007, investigative news reports showed increased contamination concerns at a Long Island City high school which was a factory before it was turned into a school in 2003; and

Whereas, The DOE and SCA should provide new school seats and support safe new capacity projects, and a process should be in place to allow for sufficient community notice, Council scrutiny and a thorough environmental review; and

Whereas, State legislation is needed to amend sections 1731 and 1732 of the Public Authorities Law to clarify that leased facilities are subject to the same community participation and political review process applied to new school construction; and

Whereas, On June 15, 2007, the New York City Council passed Res. No. 836-A, which called upon the State legislature to take such action; and

Whereas, Subsequently, on June 20, 2007, the Assembly overwhelmingly passed A.8838 which would

amend such sections of the Public Authorities Law to allow for community and Council oversight regarding planned educational facilities in leased space; and

Whereas, The State Senate failed to act on this legislation in a timely manner and A. 8838 died in the Senate in January 2008; and

Whereas, Currently, A. 8838 has been returned to the Assembly and a companion bill has been introduced in the Senate (S.7127); now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to enact S.7127/A.8838, which would amend the Public Authorities Law in relation to siting requirements for the New York City School Construction Authority's Leasing Program.

JC  
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