

## STATE OF NEW YORK

8361

## IN SENATE

June 25, 2010

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the New York city charter, in relation 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; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision b of section 384 of the New York city charter  
 2 is amended by adding a new paragraph 4-a to read as follows:  
 3 4-a. Notwithstanding the provisions of paragraph one of this subdivi-  
 4 sion, the mayor may, without public auction or sealed bids, authorize  
 5 the sale of real property of the city, except inalienable property or  
 6 any interest therein, that cannot be independently developed, directly  
 7 to private owners of abutting property, and/or an entity or entities  
 8 comprised thereof. The consideration for a sale of real property pursu-  
 9 ant to this paragraph shall be the fair market value of such parcel as  
 10 determined by appraisal. For purposes of this paragraph, real property  
 11 that cannot be independently developed shall mean property that cannot  
 12 be developed due to its size, shape, applicable zoning, configuration or  
 13 topography, which factors, singly or in combination, render the develop-  
 14 ment of such property economically impracticable or infeasible. No such  
 15 sale directly to private property owners shall take place without a  
 16 public auction or sealed bids (i) unless a finding by the mayor, based  
 17 on a certification by the commissioner of citywide administrative  
 18 services that independent development is economically impracticable or  
 19 infeasible, has been made that such sale is in the best interests of the  
 20 city, and (ii) until a public hearing has been held with respect to such  
 21 sale after the publication of notice in the City Record at least thirty  
 22 days in advance of such hearing, and (iii) at least thirty days in  
 23 advance of such hearing, a copy of the aforesaid notice in the City  
 24 Record has been mailed to each abutting property owner accompanied by a

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

LBD08694-06-0

S. 8361

2

1 statement that the real property to be sold without auction abuts such  
2 property owner's property. Any conveyance may provide for the  
3 restriction of the use of such real property. Nothing in this paragraph  
4 exempts dispositions of real property to abutting owners (and/or an  
5 entity or entities comprised thereof) from any applicable review and  
6 approval requirements set forth in sections one hundred ninety-seven-c  
7 and one hundred ninety-seven-d of this charter.  
8 § 2. This act shall take effect immediately and shall expire December  
9 31, 2015, when upon such date the provisions of this act shall be deemed  
10 repealed.

---

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

BILL NUMBER: S8361

SPONSOR: PERALTA

TITLE OF BILL:

An act to amend the New York city charter, in relation 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; and providing for the repeal of such provisions upon expiration thereof

PURPOSE OR GENERAL IDEA OF BILL:

This bill would amend section 384 of the New York City Charter to allow the sale of certain types of real property owned by the City directly to abutting property owners without an action or competitive bidding, which are processes that would otherwise be required by the provisions of section 384. The Mayor would have to find, based on the certification by the commissioner of citywide administrative services that independent development is economically impracticable for infeasible and that the sale of this property is in the best interest of the city. Direct sales would be 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. 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.

JUSTIFICATION:

DCAS has jurisdiction over various limited market properties, which are not independently developable due to size, shape, zoning, configuration and topography. Under current law, DCAS is not authorized to conduct direct negotiated 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 existing law, as they have no independent utility. Future utilization of these lots is completely 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 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 would be determined at the discretion of the Mayor, but would be limited to abutting property owners or an entity comprised of such owners. DCAS has identified approximately 1,000 lots in all five boroughs that are potentially eligible for this program.

Additionally, the sale of the real property would be subject to approval

pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter. Once legislation is passed and ULURP approval is obtained, direct sales could be effectuated.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS TO STATE AND LOCAL GOVERNMENT:

Will reduce administrative costs to DCAS.

EFFECTIVE DATE:

Immediately. This authorization will expire on December 31, 2015, and this section shall be deemed repealed at that time.

---

# STATE OF NEW YORK

6138--B

2009-2010 Regular Sessions

## IN ASSEMBLY

February 26, 2009

Introduced by M. of A. BRENNAN, PHEFFER, SCARBOROUGH, AUBRY, MILLMAN, LANCMAN, ROSENTHAL, ESPAILLAT -- Multi-Sponsored by -- M. of A. NOLAN, ROBINSON -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation 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; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision b of section 384 of the New York city charter  
2 is amended by adding a new paragraph 4-a to read as follows:  
3 4-a. Notwithstanding the provisions of paragraph one of this subdivi-  
4 sion, the mayor may, without public auction or sealed bids, authorize  
5 the sale of real property of the city, except inalienable property or  
6 any interest therein, that cannot be independently developed, directly  
7 to private owners of abutting property, and/or an entity or entities  
8 comprised thereof. The consideration for a sale of real property pursu-  
9 ant to this paragraph shall be the fair market value of such parcel as  
10 determined by appraisal. For purposes of this paragraph, real property  
11 that cannot be independently developed shall mean property that cannot  
12 be developed due to its size, shape, applicable zoning, configuration or  
13 topography, which factors, singly or in combination, render the develop-  
14 ment of such property economically impracticable or infeasible. No such  
15 sale directly to private property owners shall take place without a

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

LBD08694-04-0

A. 6138--B

2

1 public auction or sealed bids (i) unless a finding by the mayor, based  
2 on a certification by the commissioner of citywide administrative  
3 services that independent development is economically impracticable or  
4 infeasible, has been made that such sale is in the best interests of the  
5 city, and (ii) until a public hearing has been held with respect to such  
6 sale after the publication of notice in the City Record at least thirty  
7 days in advance of such hearing, and (iii) at least thirty days in  
8 advance of such hearing, a copy of the aforesaid notice in the City  
9 Record has been mailed to each abutting property owner accompanied by a  
10 statement that the real property to be sold without auction abuts such  
11 property owner's property. Any conveyance may provide for the  
12 restriction of the use of such real property. Nothing in this paragraph  
13 exempts dispositions of real property to abutting owners (and/or an  
14 entity or entities comprised thereof) from any applicable review and  
15 approval requirements set forth in sections one hundred ninety-seven-c  
16 and one hundred ninety-seven-d of this charter.

17 § 2. This act shall take effect immediately and shall expire December  
18 31, 2015, when upon such date the provisions of this act shall be deemed  
19 repealed.

---

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

BILL NUMBER: A6138B

SPONSOR: Brennan (MS)

TITLE OF BILL: An act to amend the New York city charter, in relation 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; and providing for the repeal of such provisions upon expiration thereof

PURPOSE OR GENERAL IDEA OF BILL: This bill would amend section 384 of the New York City Charter to allow the sale of certain types of real property owned by the City directly to abutting property owners without an auction or competitive bidding, which are processes that would otherwise be required by the provisions of section 384. The Mayor would have to find, based on the certification by the commissioner of citywide administrative services that independent development is economically impracticable for infeasible and that the sale of this property is in the best interest of the City. Direct sales would be 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. 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.

JUSTIFICATION: DCAS has jurisdiction over various limited market properties, which are not independently developable due to size, shape, zoning, configuration and topography. Under current law, DCAS is not authorized to conduct direct negotiated 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 existing law, as they have no independent utility. Future utilization of these lots is completely 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 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 would be determined at the discretion of the mayor, but would be limited to abutting property owners or an entity comprised of such owners. DCAS has identified approximately 1,000 lots in all five boroughs that are potentially eligible for this program.

Additionally, the sale of the real property would be subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter. Once legislation is passed and ULURP approval is obtained, direct sales could be effectuated.

PRIOR LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: TO STATE AND LOCAL GOVERNMENT: Will reduce administrative costs to DCAS.

EFFECTIVE DATE: Immediately. This authorization will expire on December 31, 2015, and this section shall be deemed repealed at that time.

---