



The State University
of New York

Office for Capital Facilities Guidance Document

CLC-11

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Approval of Real Property Transactions

A reference guide for the approval of real
property transactions on state-operated
campuses

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Introduction

In 2012, the SUNY Board of Trustees delegated approval of certain real property transactions to the Chancellor, who in turn delegated this authority to the Vice Chancellor for Capital Facilities. In addition, the Board delegated the approval and acceptance of donated real property to the Chancellor, who in turn delegated this authority to the Chief Financial Officer or the General Counsel. The Gift Acceptance Procedure ([SUNY Procedure Item 9205](#)) contains additional information related to the acceptance of donations of real property, personal property and cash. Real Property transactions not covered by these delegations continue to require approval by the Board of Trustees.

Real property transactions cannot be effected at the campus level, with the exception of revocable permits Leases or Permits of Real Property by the University as Lessor which DO NOT include a provision for long term use (e.g., ground lease), or any construction, alteration or improvement to the property.

Prior to entering into any agreement related to real property transactions, appropriate approval is required. Under SUNY Procedure 7550, Acquisition and Disposal of Real Property Interests, the campus first completes the [Application for Approval to Advance Real Property Transactions](#).

SUNY's authority to purchase and receive real property is set forth in NYS Education Law, which allows the Board of Trustees to acquire property through purchase or lease and by acceptance of gifts, grants and bequests. The authority to lease SUNY property must be accomplished by specific legislation preceded generally by a Board resolution. The sale and transfer of SUNY property is done through the NYS Office of General Services under the authority set forth in the NYS Public Lands Law. The granting of permanent easements on SUNY property is also done through the NYS Office of General Services.

Required Approval

| Item | Type of Real Property Transaction | Required SUNY Approval | Required External Approval |
|----------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------|
| A | Purchase of real property for \$1 million or less <i>*if greater than \$1M, Board Approval is required</i> | Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities | Attorney General & Office of the State Comptroller |
| B | Gift acceptance of real property to System Administration or to the University | Chief Financial Officer | Attorney General |
| C | Gift acceptance of real property to a campus | Chief Financial Officer | Attorney General |

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|----------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| D | Abandonment of not more than the lesser of 20 acres or 10% of the total acreage of the campus | Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities <i>*if greater than 20 acres or 10%, Board Approval is required</i> | Office of General Services |
| E | Transfer of real property to a state agency - not more than the lesser of 20 acres or 10% total campus acreage | Chancellor for Capital Facilities or Executive Director of Capital Facilities <i>*if greater than 20 acres or 10%, Board Approval is required</i> | Office of General Services |
| F | Transfer of state-owned property from a state entity to the campus | Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities | Office of General Services |
| G | Demolition of surplus buildings and improvements | Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities | None |
| H | Utility, highway improvement, or telecommunication easements | Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities | Office of General Services |
| I | All other real property transactions | Board of Trustees Resolution | TBD |

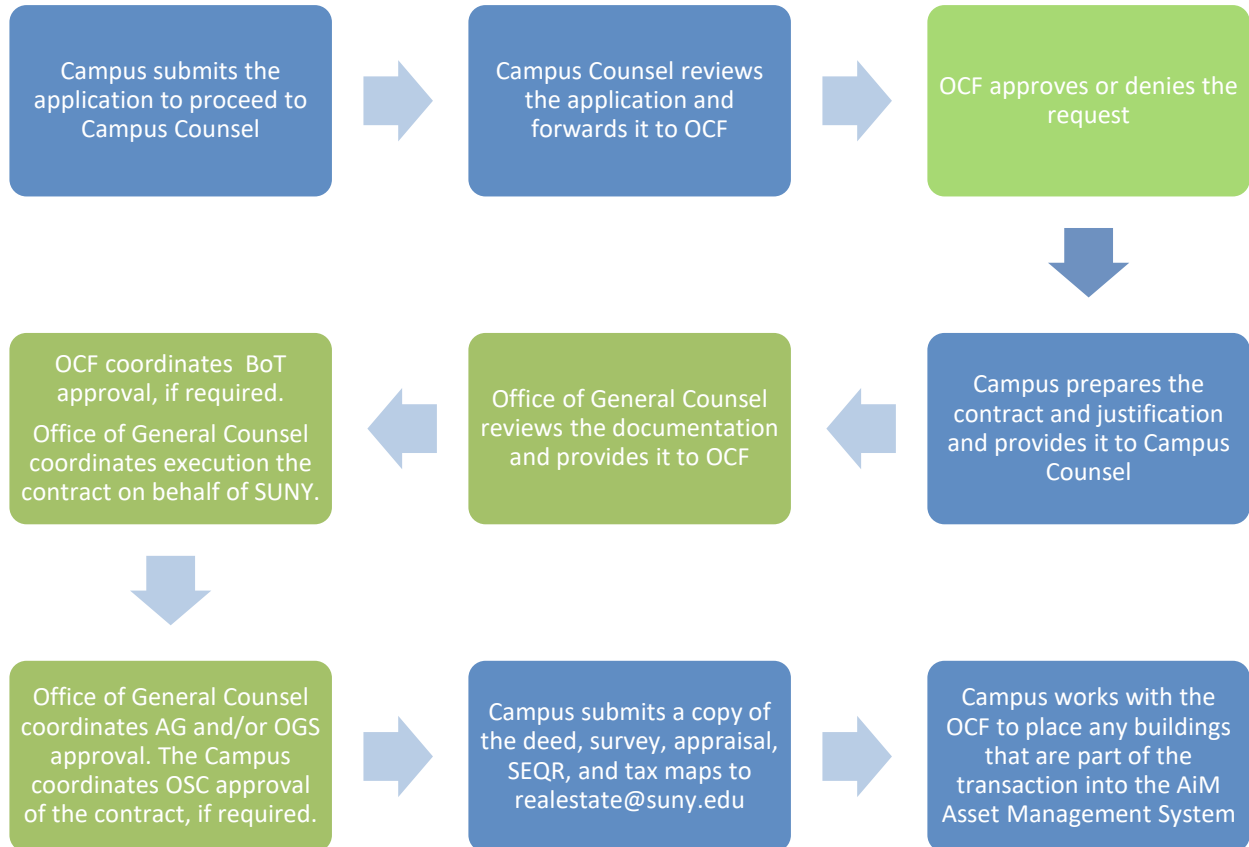
Approval Process

When initiating, and prior to entering into any agreement related to a real estate transaction, the campus submits the [Application for Approval to Advance Real Property Transactions](#) to their campus counsel, who will review and forward the application to the appropriate office for review and approval.

Once approval to proceed is received, the campus, in collaboration with campus counsel, may prepare the contract. The campus then sends the contract, application, justification and any other necessary documents to campus counsel for review. Campus counsel will in turn forward this information to the Office for Capital Facilities (OCF). OCF will coordinate Board of Trustee approval, if required. The Office of General Counsel coordinates the execution of the contract on behalf of SUNY. The Office of General Counsel coordinates Attorney General and Office of General Services approvals. The campus coordinates Office of the State Comptroller approval, if required.

To ensure the proper accounting of assets, the University Controller's Office and the Office for Capital Facilities must be notified when SUNY acquires property either by purchase or gift, property has been transferred to SUNY, and when SUNY has transferred property to another state agency. In addition, those offices must be notified when SUNY is the grantor or grantee of a permanent easement. If any buildings are included as part of the transaction, the campus must work with the Office for Capital Facilities to place the building information into AiM, the University's asset management system.

Upon completion of the transaction, the campus submits a copy of the deed, survey, appraisal, SEQR, and tax maps to realestate@suny.edu.

Approval Process Flow Chart**References**

1. SUNY Procedure 7550 - [Acquisition and Disposal of Real Property Interests](#)
 - a. [Application for Approval to Advance Real Property](#)
2. SUNY Procedure 9205 - [Gift Acceptance Procedure](#)
3. Public Buildings Law Section 10 - [Laws of New York](#), PBL, Article 2, 10