

REBNY Testimony | October 27, 2021

The Real Estate Board of New York to The Committee on Education of the New York City Council Regarding Intro. No. 2374 – Classroom Capacity

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the New York City Council Committee on Education for the opportunity to provide testimony regarding Intro. No. 2374, which proposes an increase in the minimum square footage requirement per student for space planning considerations.

Over recent years, REBNY members have worked with the School Construction Authority (SCA) and others to frequently provide school space in development projects across the city. During the height of the COVID-19 pandemic REBNY assisted both the Department of Education (DOE) and SCA to identify private space capable of being utilized for additional public school seats to allow more students to return to in-person instruction in a socially distanced environment. Through that experience, REBNY learned firsthand the challenges that exist in identifying effective school space that meets the requirements necessary for today's classrooms. REBNY was grateful for the opportunity to partner with the city for that important effort and looks forward to working with the Council on the legislation before us today.

The goals of decreasing the absolute number of students assigned to a classroom and improving teacher to student ratios and education outcomes are laudable. According to a report by [the Citizen's Committee for Children](#), 59% of schools in Queens, 51% in Staten Island, 33% in the Bronx, 30% in Brooklyn and 28% of schools in Manhattan are overcrowded. "Overcrowded" is defined as the percentage of schools in a geography where enrollment exceeds capacity.

Intro. No. 2374 will impact the development and design considerations of new and existing buildings in New York City by increasing the minimum required space per child in a classroom from 20 square feet to 35 square feet. This raises several critical issues that merit further consideration.

First, the legislation requires a square footage requirement without a complete appreciation for the factors that contribute to how school space is designed and allocated. As currently drafted, moving three classrooms into the gym would surely meet the spatial requirements outlined in the bill without making any changes in students' educational experience. For this reason, regulations about classroom space need to be done holistically in a way that identifies true indicators of what will contribute positively to a student's education, such as the ideal student to teacher ratio and accounting for staffing resources to maintain such ratio.

The legislation is also unclear as to how existing schools should comply. The intent appears to allow for the creation of equal classroom sizes throughout the city. However, the bill lacks clarity on potential next steps if a school does not have the capacity for its current assigned student body. The bill also does not provide any consideration for scenarios in which a school or district lacks the resources, including land for new facilities, to provide for the required additional space required.

Additionally, this legislation may also impact the analytical framework within the City's Environmental Quality Review (CEQR) Technical Manual. The CEQR Technical Manual states that applicants must provide the target capacity, assuming a maximum capacity of 20 children per classroom for grades K-3, 28 children for grades 4-8, and 30 children for grades 9-12, for each school within the district. Given the limitations to classroom capacity mandated by this administrative code amendment, the CEQR Technical Manual should be amended prior to the effective date of the legislation to ensure alignment with this policy and not add delays to review for in process and prospective developments seeking to add classroom capacity. Along with taking into consideration the necessary Building Code revisions and CEQR updates, it behooves the Council to conduct a feasibility study to identify which schools are compliant, which schools will need to come into compliance, and additional indicators that will be gauge where additional school seats will need to be identified and built. Once completed, that study could inform legislation or other regulatory action where needed to address such issues.

According to REBNY members who design and construct schools in New York City, the process of designing a school to breaking ground is two years. Given the proposed implementation timeline, this means in-process projects will be obsolete before they even open their doors, creating a non-compliant space on the first day of school. SCA design requirements will also likely need to be reconsidered because of this legislation. For instance, the height and floor limitations that currently exist would need to be revised to accommodate greater density and school seats. We recommend that buildings already in the design or plan review process be considered exempt from new requirements. This will ensure critical school seats become available as promised and prevent delays or excessive costs that could occur if required to comply with a new Local Law.

As previously mentioned, REBNY welcomes the opportunity to partner with the Council and the City on the critical issue of school space and believes future school infrastructure – and most importantly future students – will benefit from a more holistic planning process. Thank you for your consideration of these points.

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