

NYBG's Admission Policy Breaches New York State Law

Free Admission Written in Law	Current Admissions Policy
<p>See: Chapter 465 of the Laws of 1994 amended Chapter 285 of the Laws of 1891</p> <p>“Sec. 6. The grounds shall be open to the public daily, including Sundays, ... <u>[t]he corporation may provide for free admission to the grounds or adopt an admissions fee policy for public access to said grounds, provided, however, such policy shall conform to the requirements of any grant of public funds to the corporation and shall permit classes from primary and secondary schools to be admitted free of charge</u> at such times and under such reasonable rules and regulations as the board shall prescribe. However, the adoption of <u>an admissions fee policy shall be limited to the establishment of a suggested fee, and visitors shall be allowed to contribute what they wish, in any amount lesser or greater than the suggested fee.</u> [emphasis added]</p> <p>Chapter 285 of the Laws of 1891 provided as follows:</p> <p>“Section 6. ... said grounds shall be open and <u>free to the public daily, including Sundays,</u> subject ... only as to hours as the proper care, culture and preservation of the said garden may require; ...” [emphasis added]</p> <p>NOTE: NYBG has been active in its effort to repeal the admission provisions of New York State Chapter 285 by removing State authority. Former Governor Andrew Cuomo’s June 2, 2020 VETO MESSAGE - No. 148 quashed NYBG’s efforts as spelled out in NY State Senate Bill S4449.</p> <p>Contravening Cuomo's Veto, State Senator Alessandra Biaggi and Assemblywoman Nathalia Fernandez introduced Senate Bill S8038 and Assembly Bill A8562.</p> <p>In July 2022, Governor Hochul signed Senate Bill S8038 and Assembly Bill A8562. Read the JUSTIFICATION section in the Bill</p>	<p>See: Tickets/Visit</p> <p>NYBG has a designated category of “NYC Resident.” The fee amount does not disclose New Yorkers’ right to pay an amount that is “lesser or greater” than the suggested fee. NYBG does not offer free admission to NYC’s primary and secondary schools. Kusama Gardens is free to New Yorkers on Wednesdays only.</p>

to learn the reasoning for Hochul’s approval while recognizing that **the Bill is devoid of the facts** of the history of “free access” and instruction as being “consideration” NYBG and the other PPP/PEC institutions is to provide to New Yorkers in exchange for New Yorkers providing NYBG and the other PPP/PEC institutions **\$1 BILLION** in annual “consideration” in the form of free rent, and capital and operating costs. In 2017 and 2018, New Yorkers’ consideration to NYBG amounted to **\$73.3 MILLION** and **\$87.3 MILLION**, respectively. In addition, **because of free rent, NYBG amassed** an investment and endowment portfolio **\$640.4 MILLION** in 2017 to nd **\$678.8 MILLION** in 2018.

S8303 takes effect in 2025. It should be repealed and free admission provisions for **all** New Yorkers should revert back to [Chapter 285 of the Laws of 1891](#).

Until 2025, and in anticipation that New Yorkers will act to have [Senate Bill S8038](#) repealed, NYBG’s ADMISSION POLICY DOES NOT COMPLY with Chapter 465 of 1994 because it:
[1] **Denies** New York City’s primary and second schools open and free access to gardens and exhibits where fixed sum, mandatory fee is charged.
[2] **Denies** non-primary and secondary school New Yorkers access in an amount that is “greater or lesser” than the suggested fee.

Free access to the PEC institutions is unique to New Yorkers and is provided for in the laws and contracts applicable to the PPP structure. Stewards of PEC institutions may choose to charge an admission fee to other visitors.