S T A T E O F N E W Y O R K

5800

2013-2014 Regular Sessions

I N A S S E M B L Y

March 6, 2013

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to establishing a resident curator program for the rehabilitation of state park buildings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3.09 of the parks, recreation and historic preservation law is amended by adding a new subdivision 2-h to read as follows:

2-H. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW AUTHORIZING THE LEASING OF PROPERTY UNDER ITS JURISDICTION, TO ESTABLISH A RESIDENT CURATOR PROGRAM. THE TERM "RESIDENT CURATOR" SHALL MEAN A PRIVATE INDIVIDUAL OR INDIVIDUALS, OR NOT-FOR-PROFIT CORPORATION SELECTED BY THE COMMISSIONER, WHO OR WHICH MEETS ESTABLISHED CRITERIA OF THE OFFICE TO INVEST PRIVATE OR OTHER NON-STATE BUDGETED FUNDS TO REHABILITATE AND MAINTAIN AN AT RISK STRUCTURE UNDER THE OFFICE'S JURISDICTION. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "AT RISK STRUCTURE" SHALL MEAN A HOUSE, BUILDING OR OTHER ROOFED STRUCTURE UNDER THE JURISDICTION OF THE OFFICE THAT IS OR HAS BECOME FUNCTIONALLY ISOLATED FROM THE DIRECT PUBLIC SERVICE MISSION OF THE OFFICE SUCH THAT SUCH STRUCTURE IS VACANT AND AT RISK OF UNDERGOING PROGRESSIVE DETERIORATION AND/OR FUNCTIONAL ABANDONMENT BECAUSE OF FISCAL OR OTHER CIRCUMSTANTIAL DIFFICULTIES.

THE COMMISSIONER SHALL BE AUTHORIZED TO LEASE SUCH AT RISK STRUCTURE TO A RESIDENT CURATOR FOR THE LIFE OF THE RESIDENT CURATOR OR FOR A TERM OF UP TO FORTY YEARS IN EXCHANGE FOR THE RESIDENT CURATOR ASSUMING THE FINANCIAL RESPONSIBILITY FOR THE REHABILITATION AND MAINTENANCE OF SUCH AT RISK STRUCTURE, AND TO PROVIDE REASONABLE RIGHTS OF ACCESS, UTILITIES AND PARKING FOR THE PURPOSE OF RESIDENTIAL OCCUPANCY OR OTHER USES THAT ARE DEEMED BY THE COMMISSIONER TO BE APPROPRIATE TO TAKE PLACE AT A STATE PARK OR HISTORIC SITE. THE COMMISSIONER SHALL CONSULT WITH THE

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

LBD00525-01-3

STATE BOARD FOR HISTORIC PRESERVATION, ESTABLISHED PURSUANT TO SECTION 11.03 OF THIS TITLE, PRIOR TO ENTERING INTO A RESIDENT CURATOR LEASE FOR ANY AT RISK STRUCTURE, INCLUDING THOSE ELIGIBLE FOR LISTING ON THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES. THE COMMISSIONER SHALL ADOPT A PLAN IDENTIFYING AT RISK STRUCTURES IN THE STATE PARKS AND HISTORIC SITES, AND SHALL ADOPT RULES AND REGULATIONS TO PROMULGATE THE RESIDENT CURATOR PROGRAM, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, CRITERIA FOR IDENTIFYING AT RISK STRUCTURES APPROPRIATE FOR THE PROGRAM AND THE CRITERIA USED TO SELECT RESPONSIBLE RESIDENT CURATORS.

S 2. This act shall take effect immediately.