

4757--A

Cal. No. 479

2013-2014 Regular Sessions

I N S E N A T E

April 22, 2013

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 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:
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4 2-H. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW AUTHORIZING THE LEASING OF CERTAIN PROPERTY UNDER ITS JURISDICTION, TO ESTABLISH A RESIDENT CURATOR PROGRAM TO ENCOURAGE INVESTMENT, RESTORATION AND OCCUPANCY OF BUILDINGS WHICH SERVE NO PARK-RELATED PURPOSE AND WHICH, IF REMAIN UNOCCUPIED, ARE AT RISK OF PROGRESSIVE DETERIORATION, BY AUTHORIZING THE LEASING OF SUCH AT-RISK BUILDINGS ON A COMPETITIVE BASIS PURSUANT TO THE ISSUANCE OF A REQUEST FOR PROPOSAL ANNOUNCED PUBLICLY INCLUDING ON THE OFFICE WEBSITE, FOR RESIDENTIAL USE ONLY, AS A SINGLE FAMILY DWELLING, TO INDIVIDUALS TO BE KNOWN AS "RESIDENT CURATORS" FOR TERMS OF UP TO FORTY YEARS IN EXCHANGE FOR THE RESIDENT CURATOR ASSUMING LIABILITY AND FINANCIAL OBLIGATION ASSOCIATED WITH THE REHABILITATION, MAINTENANCE AND USE OF SUCH BUILDINGS AND ANY OTHER PROPERTY, REAL OR PERSONAL, INCLUDED IN THE LEASE. THE LENGTH OF THE TERM OF SUCH LEASES SHALL RELATE TO THE FINANCIAL INVESTMENT TO BE MADE BY THE RESIDENT CURATOR WHICH WILL BE REQUIRED TO REHABILITATE AND MAINTAIN THE BUILDING FOR RESIDENTIAL OCCUPANCY. THE AMOUNT OF RENT TO BE CHARGED, WHICH MAY

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

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1 BE NOMINAL, SHALL BE BASED ON AN ASSESSMENT OF FAIR MARKET VALUE TAKING
2 INTO ACCOUNT THE PROJECTED COST OF REHABILITATING THE BUILDING INVESTED
3 BY THE RESIDENT CURATOR. ANY LEASE EXECUTED PURSUANT TO THIS SECTION
4 SHALL: REQUIRE THE RESIDENT CURATOR TO COMPLY WITH ALL LAWS, RULES AND
5 REGULATIONS AND MAINTAIN APPROPRIATE INSURANCE COVERAGE ASSOCIATED WITH
6 THE REHABILITATION, MAINTENANCE AND USE OF THE LEASED PREMISES; PROHIBIT
7 THE RESIDENT CURATOR FROM USING THE LEASED PREMISES EXCEPT IN ACCORDANCE
8 WITH CRITERIA TO BE DETERMINED BY THE COMMISSIONER; PROHIBIT THE RESI-
9 DENT CURATOR FROM USING THE LEASED PREMISES AS SECURITY FOR ANY DEBT, OR
10 FROM ASSIGNING OR SUBLETTING THE PREMISES EXCEPT AS AUTHORIZED BY THE
11 COMMISSIONER; AND REQUIRE THE COMMISSIONER TO DETERMINE IN HIS OR HER
12 SOLE DISCRETION WHEN THE RESTORATION IS COMPLETE. UPON TERMINATION OF
13 ANY LEASE EXECUTED PURSUANT TO THIS SECTION, FULL USE AND ENJOYMENT OF
14 THE PROPERTY REVERTS AUTOMATICALLY TO THE STATE. NO LEASE ENTERED INTO
15 IN THE RESIDENT CURATOR PROGRAM SHALL RESULT IN THE DISPLACEMENT OF ANY
16 CURRENTLY EMPLOYED WORKER OR LOSS OF POSITION, INCLUDING THE PARTIAL
17 DISPLACEMENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME LABOR, WAGES
18 OR EMPLOYEE BENEFITS, THE DIMINISHMENT OF BENEFITS, OR SENIORITY RIGHTS
19 PROVIDED TO SUCH EMPLOYEE IN THE CIVIL SERVICE LAW, OR RESULT IN THE
20 IMPAIRMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENTS. THE COMMISSION-
21 ER IS AUTHORIZED TO LEASE FOR THE PURPOSE OF RESIDENTIAL OCCUPANCY IN
22 THE NINTH PARK REGION, THE BUILDING IDENTIFIED AS LI 73 LAB RESIDENCE AT
23 COLD SPRING HARBOR STATE PARK, THE HOLLINS HOUSE AT HECKSCHER STATE
24 PARK, AND THE BUILDING IDENTIFIED AS LI 40 HOUSE AT HITHER HILLS STATE
25 PARK. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS FOR THE RESI-
26 DENT CURATOR PROGRAM, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, CRITE-
27 RIA FOR SELECTING RESPONSIBLE RESIDENT CURATORS, CRITERIA FOR ESTABLISH-
28 ING LENGTH OF TERMS FOR LEASES, CRITERIA FOR DETERMINING THE AMOUNT OF
29 RENT TO BE CHARGED TO RESIDENT CURATORS WHICH MAY BE NOMINAL FACTORING
30 IN THE CAPITAL INVESTMENT REQUIRED TO REHABILITATE AND MAINTAIN THE
31 LEASED PREMISES AND DETERMINING APPROPRIATE USES AND RESTRICTIONS ON USE
32 OF LEASED PREMISES IN THE RESIDENT CURATOR PROGRAM, INCLUDING WHETHER
33 AND UNDER WHAT CIRCUMSTANCES PUBLIC ACCESS IS APPROPRIATE TO PROPERTY IN
34 THE RESIDENT CURATOR PROGRAM.

35 S 2. This act shall take effect immediately.