

# STATE OF NEW YORK

4285

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. O'DONNELL -- 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 requiring the state commissioner of parks, recreation and  
historic preservation to consult with the state board for historic  
preservation 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, and to adopt a plan identi-  
fying at risk structures within state parks and historic sites

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Subdivision 2-h of section 3.09 of the parks, recreation  
and historic preservation law, as amended by chapter 382 of the laws of  
2016, is amended to read as follows:

2-h. Be empowered, in addition to any other provision of law authoriz-  
ing 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,~~] at-risk  
structures by authorizing the leasing of such at-risk [~~buildings~~] struc-  
tures on a competitive basis pursuant to the issuance of a request for  
proposal announced publicly including on the office website, for resi-  
dential 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 build-  
ings and any other property, real or personal, included in the lease.

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

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

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1 vacant and at risk of undergoing progressive deterioration and/or func-  
2 tional abandonment because of fiscal or other circumstantial difficul-  
3 ties. The length of the term of [~~such~~] leases executed pursuant to this  
4 subdivision shall relate to the [~~financial~~] investment to be made by the  
5 resident curator which will be required to rehabilitate and maintain the  
6 [~~building~~] at-risk structure for residential occupancy. The amount of  
7 rent to be charged, which may be nominal, shall be based on an assess-  
8 ment of fair market value taking into account the projected cost of  
9 rehabilitating the [~~building~~] at-risk structure invested by the resident  
10 curator. Any lease executed pursuant to this section shall: require the  
11 resident curator to comply with all laws, rules and regulations and  
12 maintain appropriate insurance coverage associated with the rehabili-  
13 tation, maintenance and use of the leased premises; prohibit the resi-  
14 dent curator from using the leased premises except in accordance with  
15 criteria to be determined [~~by the commissioner~~] per established rule;  
16 prohibit the resident curator from using the leased premises as security  
17 for any debt, or from assigning or subletting the premises except as  
18 authorized by the commissioner[~~, and require the commissioner to deter-~~  
19 ~~mine in his or her sole discretion when the restoration is complete~~].  
20 Upon termination of any lease executed pursuant to this section, full  
21 use and enjoyment of the property reverts automatically to the state. No  
22 lease entered into in the resident curator program shall result in the  
23 displacement of any currently employed worker or loss of position,  
24 including the partial displacement such as reduction in the hours of  
25 non-overtime labor, wages or employee benefits, the diminishment of  
26 benefits, or seniority rights provided to such employee in the civil  
27 service law, or result in the impairment of existing collective bargain-  
28 ing agreements. [~~The commissioner is authorized to lease for the purpose~~  
29 ~~of residential occupancy in the ninth park region, the building identi-~~  
30 ~~fied as LI 73 Lab residence at Cold Spring Harbor state park, the~~  
31 ~~Hollins House at Heckscher State Park, the building identified as LI 40~~  
32 ~~house at Hither Hills State Park, and in the eleventh park region, the~~  
33 ~~Susan B. Anthony House.~~] The Commissioner shall consult with the state  
34 board for historic preservation, established pursuant to section 11.03  
35 of this title, prior to entering into a resident curator lease for any  
36 at risk structure, including those eligible for listing on the state and  
37 national registers of historic places. The commissioner shall adopt a  
38 plan identifying at risk structures within state parks and historic  
39 sites, and shall adopt rules and regulations for the resident curator  
40 program, which shall include, but not be limited to, criteria for  
41 selecting responsible resident curators, criteria for establishing  
42 length of terms for leases, criteria for determining the amount of rent  
43 to be charged to resident curators which may be nominal factoring in the  
44 capital investment required to rehabilitate and maintain the leased  
45 premises and determining appropriate uses and restrictions on use of  
46 leased premises in the resident curator program, including whether and  
47 under what circumstances public access is appropriate to property in the  
48 resident curator program. This plan, as well as the rules and regu-  
49 lations, shall be presented to and approved by the state board for  
50 historic preservation prior to their adoption.

51 § 2. This act shall take effect immediately.