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 identifying at risk structures within state parks and historic sites

The People of the State of New York, represented in Senate and Assembly, 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 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,~~] **at-risk structures** by authorizing the leasing of such at-risk [~~buildings~~] **structures** 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. **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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vacant and at risk of undergoing progressive deterioration and/or functional abandonment because of fiscal or other circumstantial difficulties. The length of the term of [~~such~~] leases executed pursuant to this subdivision shall relate to the [~~financial~~] investment to be made by the resident curator which will be required to rehabilitate and maintain the [~~building~~] at-risk structure for residential occupancy. The amount of rent to be charged, which may be nominal, shall be based on an assessment of fair market value taking into account the projected cost of rehabilitating the [~~building~~] at-risk structure invested by the resident curator. Any lease executed pursuant to this section shall: require the resident curator to comply with all laws, rules and regulations and maintain appropriate insurance coverage associated with the rehabilitation, maintenance and use of the leased premises; prohibit the resident curator from using the leased premises except in accordance with criteria to be determined [~~by the commissioner~~] per established rule; prohibit the resident curator from using the leased premises as security for any debt, or from assigning or subletting the premises except as authorized by the commissioner[~~; and require the commissioner to determine in his or her sole discretion when the restoration is complete~~]. Upon termination of any lease executed pursuant to this section, full use and enjoyment of the property reverts automatically to the state. No lease entered into in the resident curator program shall result in the displacement of any currently employed worker or loss of position, including the partial displacement such as reduction in the hours of non-overtime labor, wages or employee benefits, the diminishment of benefits, or seniority rights provided to such employee in the civil service law, or result in the impairment of existing collective bargaining agreements. [~~The commissioner is authorized to lease for the purpose of residential occupancy in the ninth park region, the building identified as LI 73 Lab residence at Cold Spring Harbor state park, the Hollins House at Heckscher State Park, the building identified as LI 40 house at Hither Hills State Park; and in the eleventh park region, the Susan B. Anthony House.~~] The Commissioner shall consult with the 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 within state parks and historic sites, and shall adopt rules and regulations for the resident curator program, which shall include, but not be limited to, criteria for selecting responsible resident curators, criteria for establishing length of terms for leases, criteria for determining the amount of rent to be charged to resident curators which may be nominal factoring in the capital investment required to rehabilitate and maintain the leased premises and determining appropriate uses and restrictions on use of leased premises in the resident curator program, including whether and under what circumstances public access is appropriate to property in the resident curator program. This plan, as well as the rules and regulations, shall be presented to and approved by the state board for historic preservation prior to their adoption.

§ 2. This act shall take effect immediately.