§ 54-0903. Approval and execution of projects.

1. State historic preservation projects may be undertaken pursuant to the provisions of this article and other applicable provisions of law only with the approval of the commissioner.

2. All historic preservation projects, municipal park projects and heritage area projects shall be undertaken in the state of New York. Except for state projects undertaken by the office at state historic properties, the total amount of the state assistance payments toward the cost of any such project shall in no event exceed fifty percent of the cost, provided however, that in the case of a project located in an area which, according to the most recent census data available, has a poverty rate of at least ten percent for the year to which the data relates, state assistance payments toward the cost of any such project shall in no event exceed seventy-five percent of the cost. For the purpose of determining the amount of the state assistance payments, the cost of the project shall not be more than the amount set forth in the application for state assistance payments approved by the commissioner. The state assistance payments toward the cost of a project shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

3. a. The commissioner and a municipality may enter into a contract for the undertaking by the municipality of an historic preservation project. Such historic preservation projects shall be recommended to the commissioner by the governing body of the municipality and, when approved by the commissioner, may be undertaken by the municipality pursuant to this title and any other applicable provision of law.

b. The commissioner and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of an historic preservation project. Such an historic preservation project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that it is capable of operating and maintaining such property for the benefit of the public. Upon approval by the

commissioner, such project may be undertaken pursuant to the provisions of this title and any other applicable provision of law.

4. a. The commissioner and a municipality may enter into a contract for the undertaking by the municipality of a municipal park project. Municipal park projects shall be recommended to the commissioner by the governing body of the municipality, and when approved by the commissioner, may be undertaken by the municipality pursuant to this title and any other applicable provisions of law. The office shall assess existing parks and recreational opportunities in the municipalities where the municipal park project is located and shall give preference to projects which are in or primarily serve areas where demographic and other relevant data for such areas demonstrate that the areas are densely populated and have sustained physical deterioration, decay, neglect or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities in the area.

b. The commissioner and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of a municipal park project. Such a contract shall be contingent upon the approval of the governing body of each municipality in which the project is located. Such a project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that it is capable of operating and maintaining such project for the benefit of the public. Upon approval by the commissioner, such project may be undertaken pursuant to the provisions of this title and any other applicable provision of law. The office shall assess existing parks and recreational opportunities in the municipalities where the municipal park project is located and shall give preference to projects which are in or primarily serve areas where demographic and other relevant data for such areas demonstrate that the areas are densely populated and have sustained physical deterioration, decay, neglect or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing

recreational opportunities in the area.

5. The commissioner and a municipality, public benefit corporation or not-for-profit corporation may enter into a contract, subject to the approval of the director of the budget, for the undertaking by or through the municipality, public benefit corporation or not-for-profit corporation of a local heritage area or urban cultural park project including parkwide and district projects identified in a management plan prepared pursuant to section 35.05 of the parks, recreation and historic preservation law. Such projects shall be subject to an agreement by the local heritage area or urban cultural park management entity to operate or cause to be operated any public facility resulting from such project.

6. No monies shall be expended for park, recreation and historic preservation projects except pursuant to an appropriation therefor.