

SPONSORS MEMO:

NEW YORK STATE SENATE INTRODUCER'S MEMORANDUM IN SUPPORT submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S918

SPONSOR: SERRANO

TITLE OF BILL: 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

PURPOSE OF THE BILL:

To authorize the Office of Parks, Recreation and Historic Preservation (OPRHP) to lease vacant and at risk structures in State Parks and State Historic Sites to private persons to encourage investment of private resources to rehabilitate and maintain such structures, thereby addressing the deterioration of residential buildings for which the agency has no public use and lacks state funding or staff resources to maintain.

SUMMARY OF PROVISIONS:

The bill establishes a Resident Curator Program, amending section 3.09 Of the Parks, Recreation and Historic Preservation Law by adding a new subdivision 2-h.

EXISTING LAW:

Various subdivisions of section 3.09 of the Parks, Recreation and Historic Preservation Law authorize OPRHP to enter into contracts with private, not-for-profit, and governmental entities to improve and operate State Park and Historic Site facilities under terms and conditions which protect park resources, provide public accessibility and provide for the overall public interest.

Subdivision 2 of Section 3.09 of the Parks, Recreation and Historic Preservation Law authorizes OPRHP to operate state park facilities directly or by contract, lease or license.

Subdivision 2-a of section 3.09 of the Parks, Recreation and Historic Preservation Law authorizes concession license agreements for twenty-year terms provided that any agreement for a term in excess of ten years must be approved by the Director of the Budget and must provide for a total capital investment of no less than \$1 million over the contract term.

LEGISLATIVE HISTORY:

2009/2010: Senate amended and recommitted to Finance. Assembly amended and recommitted to ways and means.

2011/2012: S.2749

STATEMENT IN SUPPORT:

The State Parks system and the infrastructure that supports the system are aging and deteriorating. OPRHP has jurisdiction over more than 5000 structures within the 325,000 acres of land under the agency's management, and the agency has identified a backlog of pressing capital rehabilitation needs exceeding \$650 million. Given the State's current fiscal challenges, the agency's capital budget will not be sufficient in the coming years to address the full backlog of facility rehabilitation needs.

OPRHP has an inventory of historic residential buildings situated within park and historic site boundaries that are not currently in use because either: a) they have deteriorated to the point that significant capital investments would be required before they could be used; and/or b) they do not serve a park purpose. Due to their location within State Parks or Historic sites, these buildings are not appropriate for disposition through the usual methods available to state agencies, such as jurisdictional transfer, realty exchange, or state surplus sale. This legislation creates an innovative mechanism for attracting private investments to rehabilitate and utilize residential structures that do not have a ready public park or historic site use, allowing OPRHP to focus its limited capital funds on higher priority needs.

The Resident Curator Program established by this bill will authorize OPRHP to enter into leases, through the state's normal competitive bidding process, with private individuals or not-for-profit organizations who will rehabilitate vacant residential buildings at their own expense using private funds. In exchange, individuals and not-for-profits will receive a long-term lease (up to 40 years or a life estate), subject to all otherwise applicable state laws, regulations or requirements applicable to the agency's leasing of real property, to reside in the building that they rehabilitated. Ownership of rehabilitated residential structures will remain with OPRHP and the agency will receive the benefit of rehabilitated structures at the end of the lease term. The State will obtain a no or low cost way to bring back into use these publicly owned assets.

Other states have instituted a Resident Curator Program which has met with success in rehabilitating similar buildings. For example, the Maryland Department of Natural Resources has administered more than fifty curatorships, representing an estimated \$8 million investment by curators, which stands as a model for other states with properties similarly situated.

BUDGET IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.