



SPONSOR: Rep. Heffernan & Sen. Hansen & Sen. McDowell
Reps. Brady, Dukes, Lynn, Wilson; Sen. Poore

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 356

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 45, Title 7 of the Delaware Code by making deletions as shown by strike through and
2 insertions shown by underline as follows.

3 §4522 Resident Curatorship Agreements

4 The Department of Natural Resources and Environmental Control, may execute and deliver an agreement that
5 creates a non-transferrable life estate for individuals, or an agreement of up to 30 years in length for corporate or
6 governmental entities, to any historic structure on the public lands of this State, for the renovation, use, and on-going
7 maintenance of said structure and may place upon the use of such structure any restriction requiring specific commitments
8 or expenditures or may require any other conditions which the Department of Natural Resources and Environmental
9 Control deems advisable for the public good.

10 (a) The agreement may include use of the curtilage or other areas around the historic structure, including any
11 accessory buildings, sheds, or garages, as may be necessary to properly use the historic structure for its intended purpose.

12 (b) The structure must be restored to the applicable National Park Service Secretary of Interior Standards where it
13 is deemed feasible by the Department of Natural Resources and Environmental Control.

14 (c) Chapter 53 of Title 25 of the Delaware Code shall not apply to agreements executed under this section.

15 (d) Any qualifying expenditures in excess of the fair market value of the rent of the structure and grounds over the
16 expected life of the agreement shall be eligible for Land and Historic Resource Tax Credits under Title 30, Chapter 18.

17 (e) Any interest in the structure created by and agreement under this section shall be insurable up to the total value
18 of the expenditures on the structure, pro-rated for the expected life of the agreement.

19 (f) The Department of Natural Resources and Environmental Control shall adopt any necessary rules and
20 regulations to implement this section.

SYNOPSIS

This Act allows the Department of Natural Resources and Environmental Control to lease historic structures on State public lands to individuals or corporate entities. The lessee would be required to renovate and maintain the structure up to the applicable National Park Service Secretary of Interior Standards, would be permitted to insure the property and

are eligible for Land and Historic Resource Tax Credits. DNREC is required adopt any necessary rules and regulations to implement the Act and may require the lessee to abide by any other lease conditions or commitments, including specific expenditure requirements, which the DNREC deems advisable for the public good.

This Act will ensure that DNREC has the authority to enter into curatorship agreements for historic properties in grave need of restoration. It clarifies that DNREC's Resident Curatorship program which has operated for over a decade is not in conflict with Delaware Landlord Tenant Code and allows for private investment that will revert to the State of Delaware at the conclusion of the agreement. Currently there are four historic Delaware State Park properties available through the program to potential curators and the program has saved three historic structures through curatorship's at Lums Pond, Cape Henlopen and Fort DuPont State Parks.