

CHAPTER 309
FORMERLY
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:

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

§4522 Resident Curatorship Agreements

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

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

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

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

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

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

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

Approved July 11, 2018