

BOARD OF COMMISSIONERS
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE 2018-02
ORDINANCE TO CREATE
A LAND BANK AUTHORITY
OF THE COUNTY OF YORK

WHEREAS, York County, Pennsylvania, is a Third Class County existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, this Ordinance is enacted in accordance with the provisions of Act 153 of 2012, enacted by the Pennsylvania General Assembly and signed into law by the Governor on October 24, 2012, 68 Pa.C.S. §2101 et seq., and

WHEREAS, the York County Land Bank Authority, hereinafter the "Land Bank", shall possess all powers and duties permitted to it under state law, except where expressly limited in this Ordinance, and

WHEREAS, the County of York finds and declares that there is a need for a land bank to function within the territorial limits of the County of York within the Commonwealth of Pennsylvania in order to protect the health, safety and general welfare of the citizens of the County of York, and

WHEREAS, the mission of the Land Bank is to deter blight and to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the tax base of the County of York and City of York; and

WHEREAS, evidence demonstrates that a persistently high rate of vacant lots and structures harms the safety and economic strength of individual blocks and neighborhoods, as well as the City of York and County as a whole; and

WHEREAS, a county land bank would ensure clear, transparent, and efficient operations by serving as a single entity to acquire, hold, and dispose of vacant property with the participation and approval of York County; and

WHEREAS, the consolidation of ownership of all publicly-owned surplus property in a county land bank is expected to increase efficiency, and allow a greater proportion of public funds to be invested directly into community revitalization; and

WHEREAS, extensive grassroots community planning over the last decade by local community development organizations, strategic partners, and advocacy groups, with the support of the private

sector, has found that creation of a county land bank is necessary for the strategic redevelopment of York County; and

WHEREAS, a county land bank should prioritize long-term community and economic development, promote the economic vitality of communities and York County as a whole, and should adopt disposition policies that encourage a range of beneficial uses by permitting nominal or reduced price disposition of property for development of: affordable or mixed-income housing that is accessible or visitable; economic development that create jobs for community residents; community facilities that provide needed services and enrichment opportunities; side- and rear-yards; urban agriculture; and community open space; and

WHEREAS, a county land bank should ensure that communities affected by vacant land have substantial and meaningful involvement in its decisions relating to those communities, with this goal strongly informing the land bank’s governance, structure, and operations; and

WHEREAS, a county land bank should seek to promote development that ensures permanent or long-term affordability and socioeconomic diversity within all neighborhoods; and

WHEREAS, the County of York recognizes housing preservation as an integral part of neighborhood stabilization and development, and seeks to balance the use of powerful new tools to acquire tax-delinquent properties with protections for low income owner-occupants of tax-delinquent property; and

WHEREAS, the Commonwealth of Pennsylvania has enacted 68 Pa. C.S. §2101, *et seq.* authorizing the creation of county land banks and granting to them certain powers.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby **ENACTED** and **ORDAINED** by the Board of Commissioners of the County of York as follows:

SECTION 1. PREAMBLE.

- A. The Board of Commissioners of the County of York finds and declares that there is a need for a land bank to function within the territorial limits of the County of York.
- B. Accordingly, pursuant to 68 Pa. C.S. § 2104, the Board of Commissioners of the County of York hereby authorizes the creation of a public body corporate and politic, to be named the “York County Land Bank Authority.”

SECTION 2. NAME OF ENTITY.

The name of the public body corporate and politic is the “York County Land Bank Authority” The York County Land Bank Authority is hereinafter in this Ordinance referred to as the “Land Bank.”

SECTION 3. SEAL.

The Seal of the Land Bank shall contain the name of the Land Bank and the year of its incorporation, and shall be in the form of the Seal impressed on the margin hereof, beside this section.

SECTION 4. OFFICE.

The office of the Land Bank shall be located at such place as designated by the Land Bank.

SECTION 4. AUTHORITY AND PURPOSE.

- A. Authority rests in state law with the provisions of Act 153 of 2012, codified at 68 Pa. C.S. § 2101, et seq.
- B. The Land Bank shall possess all powers and duties permitted to it under state law, except where expressly limited in this Ordinance.
- C. The mission of the Land Bank is to acquire and return vacant and underutilized property to productive use through a unified, predictable, and transparent process, thereby to assist in revitalizing neighborhoods, creating socially and economically diverse communities, and strengthening the tax base of the County of York.

SECTION 5. BOARD OF DIRECTORS.

- A. The oversight of the Land Bank shall be vested in its Members, subject only to those powers and functions reserved to the Members.
- B. The Board shall consist of up to eleven (11) members, as follows:
 - 1. Three (3) members of the Board shall be appointed by majority vote of the Redevelopment Authority of the County of York.
 - 2. Two (2) members shall be appointed by majority vote of the York City Redevelopment Authority.
 - 3. The current Executive Officer of the Realtors Association of York & Adams Counties, Inc. (RAYAC).

4. Up to five (5) at-large members shall be appointed by the York County Commissioners, with the selection of the members to be made after due consideration for providing membership on the Board from the all five (5) County-wide geographic growth areas.
- C. A Member shall stand in a fiduciary relation to the Land Bank and shall perform his or her duties as a Member, in good faith, in a manner he or she reasonably believes to be in the best interests of the Land Bank, and with such care, including reasonable inquiry, skill, and diligence, as a person of ordinary prudence would exercise under similar circumstances. In performing his or her duties, a Member shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data prepared or presented by any of the following:
 1. One or more Officers or employees of the Land Bank whom the Members reasonably believe to be reliable and competent in the matters presented; or
 2. Counsel, public accountants, or other persons as to matters which the Members reasonably believe to be within the professional or expert competence of such person or persons.
 - D. A Member shall not be considered to be acting in good faith if the Member has knowledge concerning the matter in question that would cause his or her reliance to be unwarranted.
 - E. The Officers of the Land Bank shall be a Chairperson, Vice Chairperson, Secretary, Treasurer and Assistant Treasurer. The Officers of the Land Bank shall be elected by and from the members of the Land Bank.
 - F. The names of the individuals to serve as initial members of the Board, as appointed by the York County Commissioners and the length of their terms which they will serve will determined and attached to this Ordinance.

SECTION 6. MEETINGS.

- A. The annual meeting of the Board of the Land Bank (“Annual Meeting”) shall be held in the month of January of each year or at such other time as may be determined by the Members at a duly convened meeting or by unanimous written consent, for the transaction of any such business as may come before the Members.
- B. The Board of the Land Bank shall hold monthly public meetings, shall make each meeting’s agenda available on the Land Bank’s website in advance of such a meeting, and shall allow for public comment on matters under deliberation at each such public meeting.
- C. Other meetings may be held pursuant to the rules and regulations promulgated by the Board.

SECTION 7. ACQUISITION.

- A. A primary purpose of the Land Bank is to acquire and consolidate surplus property of the County or York, the York City Redevelopment Authority, and the Redevelopment Authority of the County or York, which it shall endeavor to accomplish with due speed and diligence.
- B. The Land Bank is authorized to acquire real property or interests in real property through donation, gift, purchase, or any other legal means, provided that, with respect to the acquisition of tax delinquent properties, the Land Bank shall follow the procedures and limits set forth in Section 7.C.
- C. Acquisition of tax delinquent properties.
 - 1. Tax Sale Actions initiated by the Land Bank.
 - a. Assignment of liens and claims to the Land Bank. The Land Bank is authorized to enter into agreements with the County of York and the affected School District to assign and transfer a lien or pre-judgment claim to the Land Bank, and to exercise the rights, privileges, and remedies of an assignee as stated in 53 P.S. § 7101 et seq., provided that the Land Bank shall not accept assignment of any liens or pre-judgment claims against an owner-occupied property.
 - b. Certifications for tax sale actions requested by the Land Bank. The Land Bank is authorized to request the County of York certify for upset or judicial sale a property that is both vacant and delinquent as to municipal taxes or claims, provided that the Land Bank determines that the acquisition is consistent with its mission and policies. Application for such certification may be made to the Land Bank by an individual or organization, and such applicants shall be entitled to explanation in writing if denied.
 - c. Tax sale actions initiated by the County of York. The County shall provide to the Land Bank notice of potential upset and judicial sales listing properties by address. Before any upset or judicial sale of real property initiated by the County of York, the Land Bank shall elect whether to seek acquisition of the property. The Land Bank shall not seek to acquire such owner-occupied properties without first confirming that an appropriate payment plan has been

offered for any municipal taxes or claims, including evaluation for an income-based payment agreement.

- D. Subject to the prior approval of the Treasurer, the Land Bank is authorized to discharge liens and other municipal claims, charges, or fines against the properties it acquires to the extent permitted by law.
- E. For the duration of the time a property is held by the Land Bank, the Land Bank is authorized to exempt such property from all real estate taxes, water and sewer charges, and other municipal charges to the extent permitted by law.
- F. The Board shall maintain a preference, wherever feasible, for keeping former owner-occupants in any residences acquired by the Land Bank, in addition to any other policies the Board may adopt in this regard.

SECTION 8. INVENTORY.

- A. The Land Bank shall maintain and make publicly accessible on its website, and at its offices during normal business hours, the following information:
 - 1. An up-to-date inventory of property owned by the Land Bank;
 - 2. A map showing the properties in the Land Bank's inventory, as well as other relevant information about land use conditions within the County of York including vacancy and tax delinquency to the extent reasonably available;
 - 3. A record of all property conveyed by the Land Bank to other parties, including, but not limited to: the sale price for which the property was conveyed; the party to whom the property was conveyed; a summary of any terms or conditions of the conveyance, including the intended use of the property; and the approximate income of the households that will benefit from the intended use, if the sale price was less than fair market value; and
 - 4. Copies of its policies, strategic plans, and performance reports.
- B. The Land Bank shall provide a mechanism through which individuals may request and receive ongoing notifications as to changes in the status of any property owned by the Land Bank.
- C. The Land Bank shall provide to members of the interagency Blighted Property Review Committee electronic access to relevant information maintained by the Land Bank regarding all properties owned by the Land Bank.

SECTION 9. DISPOSITION OF PROPERTY.

- A. The Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, under the following terms and conditions:
1. Certification of compliance. Applicants for properties must provide the Land Bank with certification from the Department of Revenue that the applicant has no tax or water delinquencies, and from the Department of Licenses and Inspections that all other properties owned by the applicant are in compliance with the provisions of any municipal code or under agreement to come into compliance, which certifications shall not be untimely withheld.
 - a. The certification shall additionally record if the applicant has a significant history of tax or water delinquencies, or of owning property maintained in a condition that violates any municipal code.
 - b. Certification shall not be denied when a property with tax or water delinquency was acquired by the applicant from the County of York or other local public agency and the delinquency predates the transfer of title to the applicant.
 2. Consistency with planning provisions. The Land Bank shall strongly consider the York County Comprehensive Plan, the York County Economic Development Plan, and any other applicable community plans accepted by the York County Planning Commission, as well as any recommendation provided by the Commission, when the Land Bank disposes property.
 3. Public notice and opportunity to comment. The Land Bank shall provide public notice of proposed dispositions as early as practicable and at least ten (10) days before any final action will be taken, which shall include posting a notice conspicuously on the subject property. Final action for the purposes of this Section shall include approval by County Commissioners, Land Bank Board, or a decision by staff that has been delegated board disposition authority.
 - a. Any individual or organization may submit comment in writing to the Land Bank regarding a proposed disposition.

- B. Monitoring. The Land Bank shall set goals for time frames applicable to each stage of the disposition process, and shall develop processes to monitor its performance.
- C. The Board may delegate its disposition authority to the staff of the Land Bank except in the following circumstances:
 - 1. The proposed terms of the transaction conflict with the Land Bank's published policies or procedures;
 - 2. The transferee has a significant history of: tax or water delinquencies; owning property maintained in a condition that violates any municipal code; or failing to redevelop properties previously acquired from the County of York or other local public agencies;
 - 3. The value of the property is in excess of \$50,000 (fifty thousand dollars);
or
 - 4. When otherwise required by state law.
- D. The Land Bank shall make available an appeals process wherein an individual or an organization may request reconsideration of a decision made by the Land Bank and submit evidence relevant to determinations made by the Land Bank on matters including: general eligibility; eligibility for reduced or nominal pricing; the value of a property; and compliance with terms or conditions of sale.
- E. The Land Bank shall coordinate with both the Redevelopment Authority of the County of York and the York City Redevelopment Authority where a project involves properties acquired by either Redevelopment Authority through eminent domain as well as properties acquired and/or owned by the Land Bank, and shall strive to ensure a synchronized disposition process.

SECTION 10. PRICING.

- A. The Land Bank shall use the most current data reasonably available to determine different neighborhood market conditions and property market values. In determining market values for individual properties the Land Bank shall use the valuation method that it deems most appropriate given the particular conditions of the property and surrounding market, as well as the cost of redevelopment. Applicants may submit information that is relevant to the value of a property for consideration by the Land Bank.
- B. The Land Bank may offer properties at less than fair market value where the Land Bank finds that the proposed use would create beneficial community impact, such

as affordable or mixed-income housing that is accessible or visitable; economic development that creates jobs for community residents; community facilities that provide needed services to residents; side and rear-yards; innovation in design and sustainability; urban agriculture; community open space; and any goals established here under. The Land Bank shall allow applications for less than fair market value, including nominal disposition, for any property owned by the Land Bank.

1. In calculating a reduced sales price, the Land Bank shall consider the benefit provided by the proposed use and, if applicable, the amount of discount needed to make the project both initially financially feasible and continually sustainable.
 2. To encourage mixed-income housing projects, the Land Bank may count the number of very low-, low- and moderate-income households served and provide partial discounting.
- C. The Land Bank shall develop policies regarding employment of legal mechanisms to make land and buildings accessible to those applicants who cannot afford immediate payment in full.
- D. Conditions of sale between the transferee and the Land Bank shall be imposed using legally binding mechanisms, including but not limited to deed restrictions, restrictive covenants, and mortgages. The Land Bank shall monitor compliance with such provisions, including by requiring periodic reporting by transferees.

SECTION 11. POLICIES, STRATEGIC PLAN, AND PERFORMANCE REPORT.

- A. The Land Bank shall develop policies consistent with the requirements of this Ordinance. These policies shall be guided by the Land Bank's mission and purposes as set forth in this Ordinance.
- B. Ethics and Conflicts of Interest. The Members and employees of the Land Bank shall be governed by the State Adverse Interest Act of July 19, 1957 (P.L.1017, No.451) and 65 Pa.C.S.11 (relating to ethics standards and financial disclosure). The Land Bank shall also be governed by Chapter 126 of the York County Code (Code of Conduct). As part of its policies, the Land Bank shall adopt strict ethical guidelines for Land Bank board members and employees, and promulgate rules addressing and protecting against potential conflicts of interest. These guidelines and rules shall supplement any applicable state and local laws.
- C. Strategic Plan. Following the effective date of this Ordinance, and annually thereafter, the Land Bank shall develop a strategic plan to guide its acquisition,

maintenance, and disposition of property. The strategic plan shall address the following elements, and be developed in coordination with the York County Planning Commission:

1. An analysis to determine market conditions and trends in neighborhoods where the Land Bank holds or is likely to hold property, according to census tract or grouping of census tracts that are determined by the Land Bank to have similar characteristics. To the extent feasible, this analysis shall specifically evaluate the relative need and availability for affordable or mixed-income housing that is accessible or visitable; economic development that creates jobs for community residents; community facilities that provide needed services to residents; side and rear-yards; food-producing urban agriculture; community open space; and any additional core beneficial land uses that may be identified by the Land Bank.
2. An inventory and mapping of vacant properties in each census tract or grouping of census tracts, including properties that are owned by the Land Bank and properties that are privately owned and delinquent as to municipal taxes or claims.
3. Proposed goals for the five-year period following adoption or revision of this plan for acquisition, maintenance, and conveyance of properties that support the County's Comprehensive Plan, the County Economic Development Plan, and the goals of other community plans accepted by the York County Planning Commission, and which encourage equitable redevelopment. This shall include, but is not limited to, items such as defined targets for the share of future housing units to be built on public properties affordable to different income ranges of very low-, low-, and moderate-income households, as well as economic development/job creation projects, urban agriculture, open space, and additional core beneficial land use needs that were identified pursuant to (1) of this subsection. These goals shall be based on the analysis of each census tract or grouping of census tracts that were identified pursuant to (1) of this subsection, taking into account the existing inventory of the Land Bank as well as the universe of vacant and tax delinquent or liened properties, and demand for land based on requests received in the previous year. The Land Bank may also consider the anticipated availability of funding, and the feasibility of inclusionary housing requirements if applicable.
4. Recommendations for uses of properties in each census tract or grouping of census tracts that advance the Land Bank's goals.

5. Defined annual targets for the overall number of properties transferred.
 6. Defined annual goals for acquisition including identifying the geographic areas where the Land Bank would seek to acquire properties and for what purpose.
- D. Performance Reports. On an annual basis, the Land Bank shall prepare a performance report that will include at a minimum the following items:
1. A list of all properties acquired by the Land Bank;
 2. A list of all properties conveyed by the Land Bank that includes: the price; name of the buyer; proposed use; a summary of any special terms and conditions of the conveyance; and the approximate income of the households that will benefit from the intended use, if the sale price was less than fair market value;
 3. A list of all properties held or reserved for an applicant, including the term of the hold period;
 4. An aggregated analysis of all maintenance activities;
 5. An aggregated analysis of all requests received including their proposed use, duration and status, and reason for termination if applicable, with reference to the monitoring set forth in Section 9;
 6. An aggregated analysis of any efforts related to monitoring and enforcing compliance with provisions agreed upon as conditions of past sales; and
 7. An aggregated analysis demonstrating the Land Bank's yearly progress towards fulfilling the goals set forth in its strategic plan, and if achievement or reasonable progress towards such goals is not achieved, a revised plan to be executed during the following year.
- E. Public Comment, Review, and Approval. The Land Bank shall hold a public hearing prior to the adoption of its strategic plan and policies. The strategic plan and policies shall be reviewed and adopted annually by the Land Bank board, and approved by resolution of County Commissioners. A prior strategic plan and prior policies shall remain in force until a successor plan is approved. The strategic plan, policies, and annual Performance Report shall be published on the Land Bank's website.

SECTION 12. FINANCIAL PROVISIONS.

- A. To the extent allowed by law, the Land Bank shall retain proceeds from the sale of any properties to cover operating costs, maintenance of inventory, and to support additional strategic property acquisition, up to whatever amount shall be approved by the County of York.
- B. The Land Bank may also be financed through any other means authorized in 68 Pa. C.S. § 2101 et seq.

SECTION 13. DISSOLUTION; DISTRIBUTION OF ASSETS IN CASE OF DISSOLUTION.

The Land Bank may be dissolved according to the requirements of 68 Pa. C.S. § 2114.

SECTION 14. REPEALER.

This Ordinance shall supersede and repeal all ordinances, resolutions and parts thereof inconsistent or conflicting herewith.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall become effective immediately.

SECTION 16. SEVERABILITY CLAUSE.

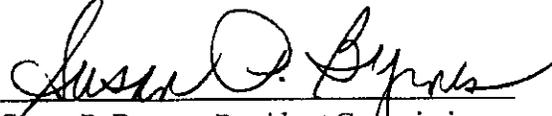
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared to be the intent of the York County Board of Commissioners that this Ordinance would have been adopted and would be enforceable had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

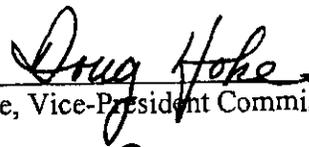
Duly enacted and ordained this 4th day of April, 2018, by the Board of Commissioners of York County, Pennsylvania in lawful session duly assembled.

ATTEST:

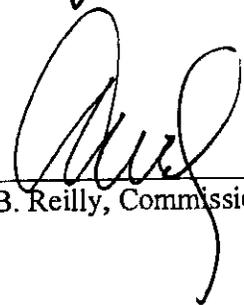
COUNTY OF YORK:


 Mark E. Derr
 Administrator/Chief Clerk


 Susan P. Byrnes, President Commissioner



Doug Hoke, Vice-President Commissioner



Christopher B. Reilly, Commissioner

The above Ordinance was ordained, enacted, and adopted on the 4th day of April, 2018, at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Commissioner Reilly, seconded by Commissioner Hoke and passed with a vote of 3 yes and 0 no.