

RETRIEVE

**SUMMARY:**

**S663-A** VALESKY Same as [S 5759](#) VALESKY, [A 373-A](#) Hoyt (MS)  
VALESKY, CARLUCCI, GRISANTI, KLEIN, PARKER, SAVINO  
Add Art 16 SS1600 - 1617, N-PC L; amd S2, Pub Auth L

Provides for the creation and administration of land banks, for the conversion of vacant, abandoned or tax-delinquent properties into productive use.

**BILL TEXT:**

**STATE OF NEW YORK**

663--A

Cal. No. 953

2011-2012 Regular Sessions

**IN SENATE**

(Prefiled)

January 5, 2011

Introduced by Sens. VALESKY, GRISANTI, KLEIN, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the not-for-profit corporation law and the public authorities law, in relation to providing for the creation and administration of land banks, for the conversion of vacant, abandoned or tax-delinquent properties into productive use

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The not-for-profit corporation law is amended by adding a  
2 new article 16 to read as follows:

ARTICLE 16

LAND BANKS

3 Section 1600. Short title.

4 1601. Legislative intent.

5 1602. Definitions.

6 1603. Creation and existence.

7 1604. Applicability of New York law.

8 1605. Board of directors.

9 1606. Staff.

10 1607. Powers.

11 1608. Acquisition of property.

12 1609. Disposition of property.

13 1610. Financing of land bank operations.

14 1611. Borrowing and issuance of bonds.

15 1612. Public records and public meetings.

16 EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
17 [-] is old law to be omitted.

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- 1           1613. Dissolution of land bank.  
2           1614. Conflicts of interest.  
3           1615. Construction, intent and scope.  
4           1616. Delinquent property tax enforcement.  
5           1617. Contracts.

6 § 1600. Short title.

7       This article shall be known and may be cited as the "land bank act".

8 § 1601. Legislative intent.

9       The legislature finds and declares that New York's communities are  
10 important to the social and economic vitality of the state. Whether  
11 urban, suburban, or rural, many communities are struggling to cope with  
12 vacant, abandoned, and tax-delinquent properties.

13       There exists a crisis in many cities and their metro areas caused by  
14 disinvestment in real property and resulting in a significant amount of  
15 vacant and abandoned property. For example, Cornell Cooperative Extension  
16 Association of Erie county estimates that the city of Buffalo has  
17 thirteen thousand vacant parcels, four thousand vacant structures and an  
18 estimated twenty-two thousand two hundred ninety vacant residential  
19 units. This condition of vacant and abandoned property represents lost  
20 revenue to local governments and large costs ranging from demolition,  
21 effects of safety hazards and spreading deterioration of neighborhoods  
22 including resulting mortgage foreclosures.

23       The need exists to strengthen and revitalize the economy of the state  
24 and its local units of government by solving the problems of vacant and  
25 abandoned property in a coordinated manner and to foster the development  
26 of such property and promote economic growth. Such problems may include  
27 multiple taxing jurisdictions lacking common policies, ineffective prop-  
28 erty inspection, code enforcement and property rehabilitation support,  
29 lengthy and/or inadequate foreclosure proceedings and lack of coordi-  
30 nation and resources to support economic revitalization.

31       There is an overriding public need to confront the problems caused by  
32 vacant, abandoned and tax-delinquent properties through the creation of  
33 new tools to be available to communities throughout New York enabling  
34 them to turn vacant spaces into vibrant places.

35       Land banks are one of the tools that can be utilized by communities to  
36 facilitate the return of vacant, abandoned, and tax-delinquent proper-  
37 ties to productive use. The primary focus of land bank operations is  
38 the acquisition of real property that is tax delinquent, tax foreclosed,  
39 vacant, abandoned, and the use of tools authorized in this article to  
40 eliminate the harms and liabilities caused by such properties.

41 § 1602. Definitions.

42       The following words and phrases when used in this article shall have  
43 the meanings given to them in this section unless the context clearly  
44 indicates otherwise:

45       (a) "board of directors" or "board" shall mean the board of directors  
46 of a land bank;

47       (b) "land bank" shall mean a land bank established as a type C not-  
48 for-profit corporation under this chapter and in accordance with the  
49 provisions of this article and pursuant to this article;

50       (c) "foreclosing governmental unit" shall mean "tax district" as  
51 defined in subdivision six of section eleven hundred two of the real  
52 property tax law;

53       (d) "municipality" shall mean a city, village, town or county other  
54 than a county located wholly within a city;

55       (e) "school district" shall mean a school district as defined under  
56 the education law; and

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1 (f) "real property" shall mean lands, lands under water, structures  
2 and any and all easements, air rights, franchises and incorporeal hereditaments  
3 and every estate and right therein, legal and equitable,  
4 including terms for years and liens by way of judgment, mortgage or  
5 otherwise, and any and all fixtures and improvements located thereon.

6 § 1603. Creation and existence.

7 (a) Any foreclosing governmental unit may create a land bank by the  
8 adoption of a local law, ordinance, or resolution as appropriate to such  
9 foreclosing governmental unit which action specifies the following:

10 (1) the name of the land bank;

11 (2) the number of members of the board of directors, which shall  
12 consist of an odd number of members, and shall be not less than five  
13 members nor more than eleven members;

14 (3) the initial individuals to serve as members of the board of direc-  
15 tors, and the length of terms for which they are to serve;

16 (4) the qualifications, manner of selection or appointment, and terms  
17 of office of members of the board; and

18 (5) the articles of incorporation for the land bank, which shall be  
19 filed with the secretary of state in accordance with the procedures set  
20 forth in this chapter.

21 (b) Two or more foreclosing governmental units may enter into an  
22 intergovernmental cooperation agreement which creates a single land bank  
23 to act on behalf of such foreclosing governmental units, which agreement  
24 shall be authorized by and be in accordance with the provisions of para-  
25 graph (a) of this section. Such intergovernmental agreement shall  
26 include provisions for dissolution of such land bank.

27 (c) Any foreclosing governmental units and any municipality may enter  
28 into an intergovernmental cooperation agreement which creates a single  
29 land bank to act on behalf of such foreclosing governmental unit or  
30 units and municipality, which agreement shall be authorized by and be in  
31 accordance with the provisions of paragraph (a) of this section. Such  
32 intergovernmental agreement shall include provisions for dissolution of  
33 such land bank.

34 (d) Except when a land bank is created pursuant to paragraph (b) or  
35 (c) of this section, in the event a county creates a land bank, such  
36 land bank shall have the power to acquire real property only in those  
37 portions of such county located outside of the geographical boundaries  
38 of any other land bank created by any other foreclosing governmental  
39 unit located partially or entirely within such county.

40 (e) A school district may participate in a land bank pursuant to an  
41 intergovernmental cooperation agreement with the foreclosing govern-  
42 mental unit or units that create the land bank, which agreement shall  
43 specify the membership, if any, of such school district on the board of  
44 directors of the land bank, or the actions of the land bank which are  
45 subject to approval by the school district.

46 (f) Each land bank created pursuant to this act shall be a type C  
47 not-for-profit corporation, and shall have permanent and perpetual dura-  
48 tion until terminated and dissolved in accordance with the provisions of  
49 section sixteen hundred thirteen of this article.

50 (g) Nothing in this article shall be construed to authorize the exist-  
51 ence of more than ten land banks located in the state at one time,  
52 provided further that each foreclosing governmental unit or units  
53 proposing to create a land bank shall submit such local law, ordinance  
54 or resolution as required by paragraph (a) of this section, to the urban  
55 development corporation, for its review and approval. The creation of a

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1 land bank shall be conditioned upon approval of the urban development  
2 corporation.

3 (h) The office of the state comptroller shall have the authority to  
4 audit any land bank pursuant to this article.

5 § 1604. Applicability of New York law.

6 This article shall apply only to land banks created pursuant to this  
7 article.

8 § 1605. Board of directors.

9 (a) (1) The initial size of the board shall be determined in accord-  
10 ance with section sixteen hundred three of this article. Unless  
11 restricted by the actions or agreements specified in section sixteen  
12 hundred three of this article, the provisions of this section shall  
13 apply.

14 (2) The size of the board may be adjusted in accordance with by-laws  
15 of the land bank.

16 (b) In the event that a land bank is created pursuant to an intergov-  
17 ernmental agreement in accordance with section sixteen hundred three of  
18 this article, such intergovernmental cooperation agreement shall specify  
19 matters identified in paragraph (a) of section sixteen hundred three of  
20 this article; provided, however, that each foreclosing governmental unit  
21 shall have at least one appointment to the board.

22 (c) Any public officer shall be eligible to serve as a board member  
23 and the acceptance of the appointment shall neither terminate nor impair  
24 such public office. For purposes of this section, "public officer" shall  
25 mean a person who is elected to a municipal office. Any municipal  
26 employee or appointed officer shall be eligible to serve as a board  
27 member.

28 (d) The members of the board of directors shall select annually from  
29 among themselves a chairman, a vice-chairman, a treasurer, and such  
30 other officers as the board may determine, and shall establish their  
31 duties as may be regulated by rules adopted by the board.

32 (e) The board shall establish rules and requirements relative to the  
33 attendance and participation of members in its meetings, regular or  
34 special. Such rules and regulations may prescribe a procedure whereby,  
35 should any member fail to comply with such rules and regulations, such  
36 member may be disqualified and removed automatically from office by no  
37 less than a majority vote of the remaining members of the board, and  
38 that member's position shall be vacant as of the first day of the next  
39 calendar month. Any person removed under the provisions of this para-  
40 graph shall be ineligible for reappointment to the board, unless such  
41 reappointment is confirmed unanimously by the board.

42 (f) A vacancy on the board shall be filled in the same manner as the  
43 original appointment.

44 (g) Board members shall serve without compensation, shall have the  
45 power to organize and reorganize the executive, administrative, cler-  
46 ical, and other departments of the land bank and to fix the duties,  
47 powers, and compensation of all employees, agents, and consultants of  
48 the land bank. The board may reimburse any member for expenses actually  
49 incurred in the performance of duties on behalf of the land bank.

50 (h) The board shall meet in regular session according to a schedule  
51 adopted by the board, and also shall meet in special session as convened  
52 by the chairman or upon written notice signed by a majority of the  
53 members.

54 (i) A majority of the members of the board, not including vacancies,  
55 shall constitute a quorum for the conduct of business. All actions of  
56 the board shall be approved by the affirmative vote of a majority of the

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1 members of that board present and voting; provided, however, no action  
2 of the board shall be authorized on the following matters unless  
3 approved by a majority of the total board membership:

4 (1) adoption of by-laws and other rules and regulations for conduct of  
5 the land bank's business;

6 (2) hiring or firing of any employee or contractor of the land bank.  
7 This function may, by majority vote of the total board membership, be  
8 delegated to a specified officer or committee of the land bank, under  
9 such terms and conditions, and to the extent, that the board may speci-  
10 fy;

11 (3) the incurring of debt;

12 (4) adoption or amendment of the annual budget; and

13 (5) sale, lease, encumbrance, or alienation of real property, improve-  
14 ments, or personal property.

15 (j) Members of a board shall not be liable personally on the bonds or  
16 other obligations of the land bank, and the rights of creditors shall be  
17 solely against such land bank.

18 (k) Vote by proxy shall not be permitted. Any member may request a  
19 recorded vote on any resolution or action of the land bank.

20 (l) Each director, officer and employee shall be a state officer or  
21 employee for the purposes of sections seventy-three and seventy-four of  
22 the public officers law.

23 § 1606. Staff.

24 A land bank may employ a secretary, an executive director, its own  
25 counsel and legal staff, and such technical experts, and such other  
26 agents and employees, permanent or temporary, as it may require, and may  
27 determine the qualifications and fix the compensation and benefits of  
28 such persons. A land bank may also enter into contracts and agreements  
29 with municipalities for staffing services to be provided to the land  
30 bank by municipalities or agencies or departments thereof, or for a land  
31 bank to provide such staffing services to municipalities or agencies or  
32 departments thereof.

33 § 1607. Powers.

34 (a) A land bank shall constitute a type C not-for-profit corporation  
35 under New York law, which powers shall include all powers necessary to  
36 carry out and effectuate the purposes and provisions of this article,  
37 including the following powers in addition to those herein otherwise  
38 granted:

39 (1) adopt, amend, and repeal bylaws for the regulation of its affairs  
40 and the conduct of its business;

41 (2) sue and be sued in its own name and plead and be impleaded in all  
42 civil actions, including, but not limited to, actions to clear title to  
43 property of the land bank;

44 (3) to adopt a seal and to alter the same at pleasure;

45 (4) to make contracts, give guarantees and incur liabilities, borrow  
46 money at such rates of interest as the land bank may determine;

47 (5) to issue negotiable revenue bonds and notes according to the  
48 provisions of this article;

49 (6) to procure insurance or guarantees from the state of New York or  
50 federal government of the payments of any debts or parts thereof  
51 incurred by the land bank, and to pay premiums in connection therewith;

52 (7) to enter into contracts and other instruments necessary to the  
53 performance of its duties and the exercise of its powers, including, but  
54 not limited to, intergovernmental agreements under section one hundred  
55 nineteen-o of the general municipal law for the joint exercise of powers  
56 under this article;

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1 (8) to enter into contracts and other instruments necessary to the  
2 performance of functions by the land bank on behalf of municipalities or  
3 agencies or departments of municipalities, or the performance by munici-  
4 palities or agencies or departments of municipalities of functions on  
5 behalf of the land bank;

6 (9) to make and execute contracts and other instruments necessary to  
7 the exercise of the powers of the land bank; and any contract or instru-  
8 ment when signed by the chairman or vice-chairman of the land bank, or  
9 by an authorized use of their facsimile signatures, and by the secretary  
10 or assistant secretary, or, treasurer or assistant treasurer of the land  
11 bank, or by an authorized use of their facsimile signatures, shall be  
12 held to have been properly executed for and on its behalf;

13 (10) to procure insurance against losses in connection with the real  
14 property, assets, or activities of the land bank;

15 (11) to invest money of the land bank, at the discretion of the board  
16 of directors, in instruments, obligations, securities, or property  
17 determined proper by the board of directors, and name and use deposito-  
18 ries for its money;

19 (12) to enter into contracts for the management of, the collection of  
20 rent from, or the sale of real property of the land bank;

21 (13) to design, develop, construct, demolish, reconstruct, rehabili-  
22 tate, renovate, relocate, and otherwise improve real property or rights  
23 or interests in real property;

24 (14) to fix, charge, and collect rents, fees and charges for the use  
25 of real property of the land bank and for services provided by the land  
26 bank;

27 (15) to grant or acquire a license, easement, lease (as lessor and as  
28 lessee), or option with respect to real property of the land bank;

29 (16) to enter into partnership, joint ventures, and other collabora-  
30 tive relationships with municipalities and other public and private  
31 entities for the ownership, management, development, and disposition of  
32 real property;

33 (17) to inventory vacant, abandoned and tax foreclosed properties;

34 (18) to develop a redevelopment plan to be approved by the foreclosing  
35 governmental unit or units;

36 (19) to be subject to municipal building codes and zoning laws;

37 (20) to enter in agreements with a foreclosing governmental unit for  
38 the distribution of revenues to the foreclosing governmental unit and  
39 school district; and

40 (21) to do all other things necessary to achieve the objectives and  
41 purposes of the land bank or other laws that relate to the purposes and  
42 responsibility of the land bank.

43 (b) A land bank shall neither possess nor exercise the power of  
44 eminent domain.

45 § 1608. Acquisition of property.

46 (a) The real property of a land bank and its income and operations are  
47 exempt from all taxation by the state of New York and by any of its  
48 political subdivisions.

49 (b) The land bank may acquire real property or interests in real prop-  
50 erty by gift, devise, transfer, exchange, foreclosure, purchase, or  
51 otherwise on terms and conditions and in a manner the land bank consid-  
52 ers proper.

53 (c) The land bank may acquire real property by purchase contracts,  
54 lease purchase agreements, installment sales contracts, land contracts,  
55 and may accept transfers from municipalities upon such terms and condi-  
56 tions as agreed to by the land bank and the municipality. Notwithstand-

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1 ing any other law to the contrary, any municipality may transfer to the  
2 land bank real property and interests in real property of the munici-  
3 pality on such terms and conditions and according to such procedures as  
4 determined by the municipality.

5 (d) The land bank shall maintain all of its real property in accord-  
6 ance with the laws and ordinances of the jurisdiction in which the real  
7 property is located.

8 (e) The land bank shall not own or hold real property located outside  
9 the jurisdictional boundaries of the foreclosing governmental unit or  
10 units which created the land bank; provided, however, that a land bank  
11 may be granted authority pursuant to an intergovernmental cooperation  
12 agreement with another municipality to manage and maintain real property  
13 located within the jurisdiction of such other municipality.

14 (f) Notwithstanding any other provision of law to the contrary, any  
15 municipality may convey to a land bank real property and interests in  
16 real property on such terms and conditions, form and substance of  
17 consideration, and procedures, all as determined by the transferring  
18 municipality in its discretion.

19 (g) The acquisition of real property by a land bank pursuant to the  
20 provisions of this article, from entities other than political subdivi-  
21 sions, shall be limited to real property that is tax delinquent, tax  
22 foreclosed, vacant or abandoned; provided, however, that a land bank  
23 shall have authority to enter into agreements to purchase other real  
24 property consistent with an approved redevelopment plan.

25 (h) The land bank shall maintain and make available for public review  
26 and inspection a complete inventory of all property received by the land  
27 bank. Such inventory shall include: the location of the parcel; the  
28 purchase price, if any, for each parcel received; the current value  
29 assigned to the property for purposes of real property taxation; the  
30 amount, if any, owed to the locality for real property taxation; the  
31 identity of the transferor; and any conditions or restrictions applica-  
32 ble to the property.

33 (i) All parcels received by the land bank shall be listed on the  
34 received inventory established pursuant to paragraph (h) of this section  
35 within one week of acquisition and shall remain in such inventory for  
36 one week prior to disposition.

37 (j) Failure to comply with the requirements in paragraphs (h) and (i)  
38 of this section with regard to any particular parcel shall cause such  
39 acquisition by the land bank to be null and void.

40 § 1609. Disposition of property.

41 (a) The land bank shall hold in its own name all real property  
42 acquired by the land bank irrespective of the identity of the transferor  
43 of such property.

44 (b) The land bank shall maintain and make available for public review  
45 and inspection a complete inventory of all real property dispositions by  
46 the land bank. Such inventory shall include a complete copy of the sales  
47 contract including all terms and conditions including, but not limited  
48 to, any form of compensation received by the land bank or any other  
49 party which is not included within the sale price.

50 (c) The land bank shall determine and set forth in policies and proce-  
51 dures of the board of directors the general terms and conditions for  
52 consideration to be received by the land bank for the transfer of real  
53 property and interests in real property, which consideration may take  
54 the form of monetary payments and secured financial obligations, coven-  
55 ants and conditions related to the present and future use of the proper-

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1 ty, contractual commitments of the transferee, and such other forms of  
2 consideration as are consistent with state and local law.

3 (d) The land bank may convey, exchange, sell, transfer, lease as  
4 lessor, grant, release and demise, pledge any and all interests in, upon  
5 or to real property of the land bank.

6 (e) A foreclosing governmental unit may, in its local law, resolution  
7 or ordinance creating a land bank, or, in the case of multiple foreclos-  
8 ing governmental units creating a single land bank in the applicable  
9 intergovernmental cooperation agreement, establish a hierarchical rank-  
10 ing of priorities for the use of real property conveyed by a land bank  
11 including but not limited to:

12 (1) use for purely public spaces and places;

13 (2) use for affordable housing;

14 (3) use for retail, commercial and industrial activities;

15 (4) use as wildlife conservation areas; and

16 (5) such other uses and in such hierarchical order as determined by  
17 the foreclosing governmental unit or units.

18 (f) A foreclosing governmental unit may, in its local law, resolution  
19 or ordinance creating a land bank, or, in the case of multiple foreclos-  
20 ing governmental units creating a single land bank in the applicable  
21 intergovernmental cooperation agreement, require that any particular  
22 form of disposition of real property, or any disposition of real proper-  
23 ty located within specified jurisdictions, be subject to specified  
24 voting and approval requirements of the board of directors. Except and  
25 unless restricted or constrained in this manner, the board of directors  
26 may delegate to officers and employees the authority to enter into and  
27 execute agreements, instruments of conveyance and all other related  
28 documents pertaining to the conveyance of real property by the land  
29 bank.

30 (g) All property dispositions shall be listed on the property disposi-  
31 tion inventory established pursuant to paragraph (b) of this section  
32 within one week of disposition. Such records shall remain available for  
33 public inspection in the property disposition inventory indefinitely.

34 (h) Failure to comply with the requirements in paragraph (g) of this  
35 section shall subject the land bank to a civil penalty of one hundred  
36 dollars per violation up to a maximum of ten thousand dollars for each  
37 parcel, recoverable in an action brought by the attorney general or  
38 district attorney. The attorney general or district attorney may also  
39 seek rescission of the real property transaction.

40 § 1610. Financing of land bank operations.

41 (a) A land bank may receive funding through grants and loans from the  
42 foreclosing governmental unit or units which created the land bank, from  
43 other municipalities, from the state of New York, from the federal  
44 government, and from other public and private sources.

45 (b) A land bank may receive and retain payments for services rendered,  
46 for rents and leasehold payments received, for consideration for dispo-  
47 sition of real and personal property, for proceeds of insurance coverage  
48 for losses incurred, for income from investments, and for any other  
49 asset and activity lawfully permitted to a land bank under this article.

50 (c) Upon the adoption of a local law, ordinance, or resolution by  
51 municipality, school district or any taxing district, fifty percent of  
52 the real property taxes collected on any specific parcel of real proper-  
53 ty identified by such municipality, school district or any taxing juris-  
54 isdiction may be remitted to the land bank, in accordance with procedures  
55 established by regulations promulgated by the department of taxation and  
56 finance. Such allocation of real property tax revenues shall commence

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1 with the first taxable year following the date of conveyance and shall  
2 continue for a period of five years.

3 § 1611. Borrowing and issuance of bonds.

4 (a) A land bank shall have power to issue bonds for any of its corpo-  
5 rate purposes, the principal and interest of which are payable from its  
6 revenues generally. Any of such bonds may be secured by a pledge of any  
7 revenues, including grants or contributions from the state of New York,  
8 the federal government, or any agency, and instrumentality thereof, or  
9 by a mortgage of any property of the land bank.

10 (b) The bonds issued by a land bank are hereby declared to have all  
11 the qualities of negotiable instruments under New York state law.

12 (c) The bonds of a land bank created under the provisions of this  
13 article and the income therefrom shall at all times be free from taxa-  
14 tion for the state of New York or local purposes under any provision of  
15 New York law.

16 (d) Bonds issued by the land bank shall be authorized by resolution of  
17 the board and shall be limited obligations of the land bank; the princi-  
18 pal and interest, costs of issuance, and other costs incidental thereto  
19 shall be payable solely from the income and revenue derived from the  
20 sale, lease, or other disposition of the assets of the land bank. In the  
21 discretion of the land bank, the bonds may be additionally secured by  
22 mortgage or other security device covering all or part of the project  
23 from which the revenues so pledged may be derived. Any refunding bonds  
24 issued shall be payable from any source described above or from the  
25 investment of any of the proceeds of the refunding bonds and shall not  
26 constitute an indebtedness or pledge of the general credit of any fore-  
27 closing governmental unit or municipality within the meaning of any  
28 constitutional or statutory limitation of indebtedness and shall contain  
29 a recital to that effect. Bonds of the land bank shall be issued in such  
30 form, shall be in such denominations, shall bear interest, shall mature  
31 in such manner, and be executed by one or more members of the board as  
32 provided in the resolution authorizing the issuance thereof. Such bonds  
33 may be subject to redemption at the option of and in the manner deter-  
34 mined by the board in the resolution authorizing the issuance thereof.

35 (e) Bonds issued by the land bank shall be issued, sold, and delivered  
36 in accordance with the terms and provisions of a resolution adopted by  
37 the board. The board may sell such bonds in such manner, either at  
38 public or at private sale, and for such price as it may determine to be  
39 in the best interests of the land bank. The resolution issuing bonds  
40 shall be published in a newspaper of general circulation within the  
41 jurisdiction of the land bank.

42 (f) Neither the members of a land bank nor any person executing the  
43 bonds shall be liable personally on any such bonds by reason of the  
44 issuance thereof. Such bonds or other obligations of a land bank shall  
45 not be a debt of any municipality or of the state of New York, and shall  
46 so state on their face, nor shall any municipality or the state of New  
47 York nor any revenues or any property of any municipality or of the  
48 state of New York be liable therefor.

49 § 1612. Public records and public meetings.

50 (a) The board shall cause minutes and a record to be kept of all its  
51 proceedings. Except as otherwise provided in this section, the land bank  
52 shall be subject to the open meetings law and the freedom of information  
53 law.

54 (b) A land bank shall hold a public hearing prior to financing or  
55 issuance of bonds. The land bank shall schedule and hold a public hear-  
56 ing and solicit public comment. After the conclusion of the public hear-

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1 ing and comments, the land bank shall consider the results of the public  
2 hearing and comments with respect to the proposed actions. Such consid-  
3 eration by the land bank shall include the accommodation of the public  
4 interest with respect to such actions; if such accommodation is deemed  
5 in the best interest of the community proposed actions shall include  
6 such accommodation.

7 (c) In addition to any other report required by this chapter, the land  
8 bank, through its chairperson, shall annually deliver, in oral and writ-  
9 ten form, a report to the municipality. Such report shall be presented  
10 by March fifteenth of each year to the governing body or board of the  
11 municipality. The report shall describe in detail the projects undertak-  
12 en by the land bank during the past year, the monies expended by the  
13 land bank during the past year, and the administrative activities of the  
14 land bank during the past year. At the conclusion of the report, the  
15 chairperson of the land bank shall be prepared to answer the questions  
16 of the municipality with respect to the projects undertaken by the  
17 authority during the past year, the monies expended by the municipality  
18 during the past year, and the administrative activities of the munici-  
19 pality during the past year.

20 § 1613. Dissolution of land bank.

21 A land bank may be dissolved as a type C not-for-profit corporation  
22 sixty calendar days after an affirmative resolution approved by two-  
23 thirds of the membership of the board of directors. Sixty calendar days  
24 advance written notice of consideration of a resolution of dissolution  
25 shall be given to the foreclosing governmental unit or units that  
26 created the land bank, shall be published in a local newspaper of gener-  
27 al circulation, and shall be sent certified mail to the trustee of any  
28 outstanding bonds of the land bank. Upon dissolution of the land bank  
29 all real property, personal property and other assets of the land bank  
30 shall become the assets of the foreclosing governmental unit or units  
31 that created the land bank. In the event that two or more foreclosing  
32 governmental units create a land bank in accordance with section sixteen  
33 hundred three of this article, the withdrawal of one or more foreclosing  
34 governmental units shall not result in the dissolution of the land bank  
35 unless the intergovernmental agreement so provides, and there is no  
36 foreclosing governmental unit that desires to continue the existence of  
37 the land bank.

38 § 1614. Conflicts of interest.

39 No member of the board or employee of a land bank shall acquire any  
40 interest, direct or indirect, in real property of the land bank, in any  
41 real property to be acquired by the land bank, or in any real property  
42 to be acquired from the land bank. No member of the board or employee of  
43 a land bank shall have any interest, direct or indirect, in any contract  
44 or proposed contract for materials or services to be furnished or used  
45 by a land bank. The board may adopt supplemental rules and regulations  
46 addressing potential conflicts of interest and ethical guidelines for  
47 members of the board and land bank employees.

48 § 1615. Construction, intent and scope.

49 The provisions of this article shall be construed liberally to effec-  
50 tuate the legislative intent and the purposes as complete and independ-  
51 ent authorization for the performance of each and every act and thing  
52 authorized by this article, and all powers granted shall be broadly  
53 interpreted to effectuate the intent and purposes and not as a limita-  
54 tion of powers. Except as otherwise expressly set forth in this article,  
55 in the exercise of its powers and duties under this article and its  
56 powers relating to property held by the land bank, the land bank shall

1 have complete control as fully and completely as if it represented a  
2 private property owner and shall not be subject to restrictions imposed  
3 by the charter, ordinances, or resolutions of a local unit of govern-  
4 ment.

5 § 1616. Delinquent property tax enforcement.

6 The municipality may enter into a contract to sell some or all of the  
7 delinquent tax liens held by it to a land bank, subject to the following  
8 conditions:

9 (a) The consideration to be paid may be more or less than the face  
10 amount of the tax liens sold.

11 (b) Property owners shall be given at least thirty days advance notice  
12 of such sale in the same form and manner as is provided by subdivision  
13 two of section eleven hundred ninety of the real property tax law. Fail-  
14 ure to provide such notice or the failure of the addressee to receive  
15 the same shall not in any way affect the validity of any sale of a tax  
16 lien or tax liens or the validity of the taxes or interest prescribed by  
17 law with respect thereto.

18 (c) The municipality shall set the terms and conditions of the  
19 contract of sale.

20 (d) The land bank must thirty days prior to the commencement of any  
21 foreclosure action provide to the municipality a list of liens to be  
22 foreclosed. The municipality may, at its sole option and discretion,  
23 repurchase a lien or liens on the foreclosure list from the land bank.  
24 The repurchase price shall be the amount of the lien or liens plus any  
25 accrued interest and collection fees incurred by the land bank. The land  
26 bank shall provide the foreclosure list to the municipality, along with  
27 the applicable repurchase price of each lien, by certified mail, and the  
28 municipality shall have thirty days from receipt to notify the land bank  
29 of its option to purchase one or more of the liens. If the municipality  
30 opts to purchase the lien, it shall provide payment within thirty days  
31 of receipt of the repurchase price of said lien or liens. If the muni-  
32 cipality shall fail to opt to repurchase the lien or liens the land bank  
33 shall have the right to commence a foreclosure action immediately.

34 (e) The sale of a tax lien pursuant to this article shall not operate  
35 to shorten the otherwise applicable redemption period or change the  
36 otherwise applicable interest rate.

37 (f) Upon the expiration of the redemption period prescribed by law,  
38 the purchaser of a delinquent tax lien, or its successors or assigns,  
39 may foreclose the lien as in an action to foreclose a mortgage as  
40 provided in section eleven hundred ninety-four of the real property tax  
41 law. The procedure in such action shall be the procedure prescribed by  
42 article thirteen of the real property actions and proceedings law for  
43 the foreclosure of mortgages. At any time following the commencement of  
44 an action to foreclose a lien, the amount required to redeem the lien,  
45 or the amount received upon sale of a property, shall include reasonable  
46 and necessary collection costs, attorneys' fees, legal costs, allow-  
47 ances, and disbursements.

48 (g) The provisions of title five of article eleven of the real proper-  
49 ty tax law shall apply so far as is practicable to a contract for the  
50 sale of tax liens pursuant to this article.

51 (h) If the court orders a public sale pursuant to section eleven  
52 hundred thirty-six of the real property tax law, and the purchaser of  
53 the property is the land bank, then the form, substance, and timing of  
54 the land bank's payment of the sales price may be according to such  
55 agreement as is mutually acceptable to the plaintiff and the land bank.  
56 The obligation of the land bank to perform in accordance with such

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1 agreement shall be deemed to be in full satisfaction of the tax claim  
2 which was the basis for the judgment.

3 (i) Notwithstanding any other provision of law to the contrary, in the  
4 event that no municipality elects to tender a bid at a judicially  
5 ordered sale pursuant to the provisions of section eleven hundred thir-  
6 ty-six of the real property tax law, the land bank may tender a bid at  
7 such sale in an amount equal to the total amount of all municipal claims  
8 and liens which were the basis for the judgment. In the event of such  
9 tender by the land bank the property shall be deemed sold to the land  
10 bank regardless of any bids by any other third parties. The bid of the  
11 land bank shall be paid as to its form, substance, and timing according  
12 to such agreement as is mutually acceptable to the plaintiff and the  
13 land bank. The obligation of the land bank to perform in accordance  
14 with such agreement shall be deemed to be in full satisfaction of the  
15 municipal claim which was the basis for the judgment. The land bank, as  
16 purchaser at such sale shall take and forever thereafter have, an abso-  
17 lute title to the property sold, free and discharged of all tax and  
18 municipal claims, liens, mortgages, charges and estates of whatsoever  
19 kind. The deed to the land bank shall be executed, acknowledged and  
20 delivered within thirty days of the sale.

21 § 1617. Contracts.

22 (a) The land bank may, in its discretion, assign contracts for super-  
23 vision and coordination to the successful bidder for any subdivision of  
24 work for which the land bank receives bids. Any construction, demoli-  
25 tion, renovation and reconstruction contract awarded by the land bank  
26 shall contain such other terms and conditions as the land bank may deem  
27 desirable. The land bank shall not award any construction, demolition,  
28 renovation and reconstruction contract greater than ten thousand dollars  
29 except to the lowest bidder who, in its opinion, is qualified to perform  
30 the work required and who is responsible and reliable. The land bank  
31 may, however, reject any or all bids or waive any informality in a bid  
32 if it believes that the public interest will be promoted thereby. The  
33 land bank may reject any bid, if, in its judgment, the business and  
34 technical organization, plant, resources, financial standing, or experi-  
35 ence of the bidder justifies such rejection in view of the work to be  
36 performed.

37 (b) For the purposes of article fifteen-A of the executive law only,  
38 the land bank shall be deemed a state agency as that term is used in  
39 such article, and all contracts for procurement, design, construction,  
40 services and materials shall be deemed state contracts within the mean-  
41 ing of that term as set forth in such article.

42 § 2. Subdivision 2 of section 2 of the public authorities law, as  
43 added by chapter 766 of the laws of 2005, is amended to read as follows:

44 2. "local authority" shall mean (a) a public authority or public bene-  
45 fit corporation created by or existing under this chapter or any other  
46 law of the state of New York whose members do not hold a civil office of  
47 the state, are not appointed by the governor or are appointed by the  
48 governor specifically upon the recommendation of the local government or  
49 governments; (b) a not-for-profit corporation affiliated with, sponsored  
50 by, or created by a county, city, town or village government; (c) a  
51 local industrial developmental agency or authority or other local public  
52 benefit corporation; ~~or~~ (d) an affiliate of such local authority; or  
53 (e) a land bank corporation created pursuant to article sixteen of the  
54 not-for-profit corporation law.

55 § 3. This act shall take effect immediately.

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**SPONSORS MEMO:**

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

BILL NUMBER: S663A

SPONSOR: VALESKY

TITLE OF BILL:

An act to amend the not-for-profit corporation law and the public authorities law, in relation to providing for the creation and administration of land banks, for the conversion of vacant, abandoned or tax-delinquent properties into productive use

PURPOSE OR GENERAL IDEA OF BILL:

To provide for the creation of land banks by municipalities in New York State.

SUMMARY OF SPECIFIC PROVISIONS:

- \* The creation of a land bank is entirely optional, never obligatory.
- \* A land bank may be created by any "foreclosing governmental unit" which is defined as "tax districts" as defined by New York Real Property Tax Law.
- \* A land bank will include an inventory of vacant, abandoned and tax foreclosed property that it acquires.
- \* A land bank will include a redevelopment plan to be approved by the foreclosing governmental unit.
- \* A land bank can enter into agreements to purchase other real property consistent with an approved redevelopment plan.
- \* A land bank will maintain and make available for public review and inspection a complete inventory of all property received.
- \* Land banks are structured as Type C not-for-profit corporations because of the inability for local governments to create municipal authorities without state legislative action.
- \* To create a land bank a FGU simply needs to pass an appropriate ordinance or resolution.
- \* Two or more FGUs may jointly agree to create a land bank.
- \* The size of the Board of Directors has minimum (5) and maximum (11) members.
- \* The method of selecting Board members is left entirely to the FGU, or to the agreement between the FGUs when a land bank is jointly created.
- \* A land bank can enter into contracts with municipalities for the full range of services, including staffing.
- \* A land bank has broad operational powers, but not the power of eminent domain.
- \* A land bank must maintain its real property in accordance with municipal laws.
- \* A land bank is limited to ownership of real property within the jurisdictional boundaries of the FGU that created it.
- \* A land bank will be approved by the Urban Development Corporation and can be audited by the Authority Budget Office and or the Office of the State Comptroller.

\* This draft does not specify particular end users, or end uses, of property conveyed by a land bank, but it does recognize that the FGUs creating land banks may specify priority uses for property disposition.

\* Upon creation of land banks, FGUs may create special voting or approval rights with respect to particular uses or property, or particular kinds of property

**JUSTIFICATION:**

A crisis exists in many Upstate New York cities and their metro areas caused by disinvestment in real property and resulting in a significant amount of vacant and abandoned property. For example, Buffalo at its height had 580,000 residents, but now has a population of only 250,000. The city of Buffalo has an estimated 20,000 vacant parcels, 5,000 vacant structures and an estimated 22,290 vacant residential units. Problems associated with abandoned property include crime, fire, disease, and diminished value of surrounding properties. Abandoned property creates a haven for illicit and dangerous activity. Local governments lose revenue because of the costs of demolition, safety hazards, and spreading deterioration of neighborhoods including resulting mortgage foreclosures.

This bill seeks to solve the problems of vacant and abandoned property in a coordinated manner and to foster the development of such property and promote economic growth. Land banks with this legislation would be type-C not for profit corporations under this chapter and in accordance with the provisions of this article and pursuant to this article that may be created by any "foreclosing governmental unit" that would be authorized by a municipality through appropriate local approval to efficiently acquire, hold, manage and develop tax-foreclosed properties with the long-term interest of the community in mind. The creation of land banks as Type C not for profit corporations at the request of municipalities can be an effective and cost efficient approach to managing and revitalizing vacant and abandoned properties.

Land banks allow local governments to overcome legal restraints on the conversion of public land and public liens on private land into performing assets. Land banks can remove redevelopment barriers that hinder the creation of functioning private markets for conversion of abandoned land into better uses.

**PRIOR LEGISLATIVE HISTORY:**

06/17/08 A.8059C Passed Assembly  
06/18/08 Passed Senate 09/25/08  
Vetoed memo 145 09/26/08 Tabled  
06/22/10 - Passed Senate  
06/03/10 - Referred to Ways & Means - Assembly

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately.