

Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article IX Boards, Commissions, by adding Chapter 174 A, entitled, The Pittsburgh Land Bank.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Pittsburgh Code, Title One, Administrative, Article IX Boards, Commissions, is hereby supplemented by adding Chapter 174 A, entitled, The Pittsburgh Land Bank.

**Preamble**

**174A.01 Preliminary Provision.**

- (a) This Chapter is in accordance with the provisions of Pennsylvania Act 153 of 2012, 68 Pa.C.S.A. §2101 et seq., relating to land banks which is hereby adopted and incorporated herein by reference Act 153 of 2012 permits a land bank jurisdiction to create a land bank by the adoption of an ordinance to create a binding legal obligation.
- (b) The Act defines a land bank jurisdiction as a county, city, a borough, a township and an incorporated town with a population of more than 10,000.
- (c) The City of Pittsburgh (hereinafter the “City”) is land bank jurisdiction as it is a city with a population of more than 10,000.
- (d) Council finds that there is a need for a land bank to function within the territorial limits of the City.

**174A.02 Definitions.**

- (a) Board. The board of directors of the Pittsburgh Land Bank.
- (b) City. The City of Pittsburgh, a Home Rule Municipality.
- (c) County. County of Allegheny, a Home Rule Municipality.
- (d) Department. The Department of Community and Economic Development of the Commonwealth of Pennsylvania.
- (e) Effective Date. The date upon which this Ordinance, after final passage by Pittsburgh City Council and signature by the Mayor of the City of Pittsburgh, is effective.
- (f) Land Bank Act. Pennsylvania Act 153-2012, 68 Pa.C.S.A. §2101 et seq. as it exists on the Effective Date, and as it may be hereafter amended or replaced.
- (g) Land Bank Jurisdiction[11] . As defined in the Land Bank Act, (1) a county, a city, a borough, a township and an incorporated town with a population of more than 10,000; or (2) two or more municipalities with populations less than 10,000 that enter into an intergovernmental cooperation agreement to establish and maintain a land bank.
- (h) Members of the Land Bank. Members of the Land Bank. The City, and after the formation of the Pittsburgh Land Bank, any land bank jurisdiction or municipality that combines with the Pittsburgh Land Bank, and any taxing jurisdiction that participates with the Pittsburgh Land Bank for the purpose of discharge of liens and claims provided in section 2117(a) of the Land Bank Act.
- (i) Ordinance, or Chapter. This Ordinance , or Chapter, creating the Pittsburgh Land Bank.
- (j) Owner-occupant. As defined in the Land Bank Act, a natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of initial delinquency.
- (k) Person. An individual, authority, limited liability company, partnership, firm, corporation, organization, association, joint venture, trust, governmental entity or other legal entity.
- (l) Pittsburgh Land Bank or Land Bank. The separate public body corporate and politic established pursuant to and in accordance with the provisions of this Ordinance.
- (m) Real Property. As defined in the Land Bank Act, land and all structures and fixtures thereon and all

estates and interests in land, including easements, covenants and leaseholders.

(n) School District. As defined in the Land Bank Act, any of the classifications of school districts specified in section 202 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. The term includes, as to any real property acquired, owned or conveyed by a land bank, the school district within whose geographical jurisdiction the real property is located.

(o) State. The Commonwealth of Pennsylvania.

(p) Taxing Jurisdiction. As anticipated in section 2117(e.1) of the Land Bank Act, a county, city, borough, incorporated town, township, school district, or a body politic and corporate created as a municipal authority pursuant to law who may have claims against property that is subject to delinquent tax enforcement procedures.

### **174A.03 Creation and Legal Status of Land Bank.**

(a) The Land Bank is established as a separate legal entity and a public body corporate and politic, to be known as the “Pittsburgh Land Bank,” for the purposes of acting as a land bank under the Land Bank Act and implementing and administering this Ordinance. The Land Bank shall have duration until terminated and dissolved under section 174A.16 of this Ordinance.

(b) The City of Pittsburgh Clerk shall file a copy of this Ordinance within ten (10) business days after its Effective Date with the Department and with the Department of State pursuant to section 2104(b) of the Land Bank Act and provide to the Land Bank the certificate of incorporation issued by the Secretary of the Commonwealth upon receipt.

(c) Bylaws, and Policies and Procedures. The Board shall adopt bylaws consistent with the provisions of this Ordinance and the Land Bank Act within sixty (60) days after the Board is appointed. The Board shall adopt policies and procedures consistent with the provisions of this Ordinance, in particular, Section 174A.15, and the Land Bank Act within one-hundred twenty (120) days after the Board is appointed.

(1) The Board shall hold public hearings prior to the adoption of its Policies and Procedures.

(d) Principal Office. The principal office of the Land Bank shall be at a location within the geographical boundaries of the City as determined by the Board.

(e) Title to Land Bank Assets. Except as otherwise provided in this Ordinance, the Land Bank shall have title to all of its Real Property and the City shall not have an ownership interest in Real Property owned by the Land Bank.

(f) Tax Exemption. In accordance with the Land Bank Act section 2109(b), the Real Property of the Land Bank and its income and operations are exempt from State and local tax, except where specifically enumerated in the Land Bank Act. This tax exemption does not apply to real property of the Land Bank after the fifth consecutive year in which the Real Property is continuously leased to a private third party.

However, real property shall continue to be exempt from State and local taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.

(g) Compliance with Law. The Land Bank shall comply with all federal and state laws, rules, regulations and orders applicable to this Ordinance.

(h) Obligations of the Land Bank. The Land Bank shall not obligate the City nor shall any obligation of the Land Bank constitute an obligation of the City.

(i) No Third-Party Beneficiaries. Except as otherwise specifically provided, this Ordinance does not create in any Person, other than the City, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably or by implication), right to be subrogated to the City’s rights under this Ordinance, or any other right or benefit.

(j) Immunity. The City and any municipality or taxing jurisdiction that combines, or participates in, the Land Bank after the Effective Date shall not be liable personally on the bonds or other obligations of the Land Bank. Rights of creditors of the Land Bank shall be solely against the Land Bank pursuant to section

2105(i) of the Land Bank Act.

(l) Participation by Taxing Jurisdictions. A Taxing Jurisdiction may participate in the Land Bank pursuant to intergovernmental cooperation agreement. The agreement must specify the membership, if any, of the Taxing Jurisdiction on the Board and the actions of the Land Bank which are subject to approval by the Taxing Jurisdiction.

**174A.04 Mission.**

The mission of the Land Bank shall be to return unproductive Real Property to beneficial re-use through an equitable, transparent, public process, thereby revitalizing neighborhoods in line with community goals and needs. The Land Bank is intended to serve as the depository for unused, inactive Real Property held in the names of public entities. The Land Bank shall strive to support socially and economically diverse communities and strengthen the City's tax base.

**174A.05 Board of Directors.**

(a) Board of Directors. The Land Bank shall be governed by a Board of Directors, comprised of seven (7) members. Four (4) members of the Board shall be appointed by the Mayor; three (3) members of the Board shall be appointed by majority vote of all the members of City Council. Members shall continue to serve until their successors have been appointed and confirmed. Any individual or organization may submit recommendations for board membership to be considered in making appointments.

(b) Board Size Adjustment. The size of the Board may be adjusted in accordance with the bylaws of the Land Bank and intergovernmental cooperation agreements with any municipality or taxing jurisdiction which provides for membership on the Board.

(c) Qualifications. Members shall include individuals with expertise in relevant areas, including but not limited to planning, real estate development, open space, and architecture. In addition, members shall live in the City of Pittsburgh.

(1) **At least one member appointed by the Mayor and one member appointed by City Council shall be a member of a nonprofit or advocacy organization working in the field of housing or community development, or of civic associations, and to the extent that section 2105 of the Land Bank Act is met. These members shall have particular knowledge of conditions and needs in neighborhoods with significant rates of vacant and/or publically owned properties.**

(2) Initial Land Bank Board of Director Members shall serve the following terms;

(i) One (1) member each from an appointee of the Mayor and an appointee of the City Council shall serve for one (1) year;

(ii) One (1) member each from an appointee of the Mayor and an appointee of the City Council shall serve for two (2) years;

(iii) One (1) appointee of the City Council and two (2) appointees from the Mayor shall serve for three (3) years.

(3) After the initial term, each member of the Land Bank shall serve for three (3) years, unless otherwise enacted by vote of the Land Bank.

(d) Officers. The members of the Board shall elect annually from among their members a chair, vice chair, secretary, treasurer and other officers as the board determines.

(e) Rules. The Board shall establish rules in accordance with section 2105(d) of the Land Bank Act.

(f) Meetings. The Board shall conduct its first meeting no later than thirty (30) calendar days after the Board is appointed. **The Board shall meet in regular session monthly. Regular session shall be public meetings, and the Board shall make each meeting's agenda available on the Land Bank's website at least ten (10) business days in advance of such a meeting, and shall allow for public comment on matters up for deliberation at each such public meeting.** The Board shall meet in special session as convened by the Chair, or upon written notice signed by a majority of the members pursuant to Section

2105(g) of the Land Bank Act. Quorum is a simple majority of the Board members then in office, excluding vacancies. Physical presence is required in accordance with section 2105(g) of the Land Bank Act.

**(g) Conflict of Interest.** The acts and decisions of members of the Board and of employees of the Land Bank shall be subject to the act of July 19, 1957 (P.L.1017, No.451), known as the **State Adverse Interest Act**. The Board may adopt supplemental rules addressing **potential conflicts of interest**.

**(h) Removal.** Board members serve at the pleasure of their appointing entity and may be removed by the appointing entity at any time with or without cause, or may be removed pursuant to any other provision of Pennsylvania law.

**(i) Ethics** Board members and land bank employees are subject to 65 Pa.C.S. Ch. 11 (relating to ethics standards and **financial disclosure**) and Pittsburgh Code, Title One: Administrative, Article XI: Personnel, Chapter 197: Code of Conduct. The Board shall adopt strict ethical guidelines for members of the Board and land bank employees.

(j) Voting. All actions of the Board shall be approved by the affirmative vote of a majority of the members of the Board present and voting; provided, however, that action of the Board shall be authorized on the following matters must be approved by a majority of the entire Board membership:

(1) Adoption of by-laws, policies, and other rules and regulations for conduct of the Land Bank's business;

(2) Hiring or firing of any employee or contractor of the Land Bank. This function may, by a majority vote of the total Board membership, be delegated to a specific officer or committee of the Land Bank, under such terms and conditions and to the extent that the Board may specify;

(3) Incurring of debt;

(4) Adoption or amendment of the annual budget;

(5) Sale, lease, encumbrance, or alienation of real property, improvements or personal property with a value of more than \$50,000.

(6) Discharge and extinguishment of liens or claims for real property taxes owed on Real Property owned by the Land Bank.

A member of the board may not vote by proxy. A member may request a recorded vote on any resolution or action of the land bank.

(k) Board Responsibilities. The Board shall have all powers necessary to carry out and effectuate the purposes and provisions of this Ordinance and the Land Bank Act, including, but not limited to, the powers set forth in Sections 2107 and 2117(a) of the Land Bank Act.

(l) Fiduciary Duty. The members of the Board are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the Land Bank, including the safekeeping and use of all Land Bank monies and assets. The members of the Board shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(m) Compensation. The members of the Board shall receive no compensation for the performance of their duties. A Board member may engage in private or public employment, or in a profession or business, except to the extent prohibited by Pennsylvania law. The Land Bank may reimburse members of the Board for actual and necessary expenses incurred in the discharge of their official duties on behalf of the Land Bank.

(n) Vacancies. A vacancy among the members of the Board appointed under this section, whether caused by the death, resignation or removal of a Board member shall be filled by the original appointing authority within sixty (60) days of the creation of the vacancy, and if not filled within that time, the Mayor is giving the authority to fill the vacancy. Upon removal under subsection (f), the position shall become vacant pursuant to section 2105(e) of the Land Bank Act.

(o) Advisory Committees. The Board is authorized to create Advisory Committee(s) as it sees fit.

(p) The Board shall be seated by March 31, 2014.

#### **174A.06 General Powers.**

(a) The Land Bank may exercise all of the powers, duties, functions and responsibilities of a land bank under the Land Bank Act as authorized by section 2107 and any other provisions of the Land Bank Act and any other Pennsylvania law.

(b) Tax Limitation. The Land Bank shall not levy any type of tax or special assessment.

(c) Limitation on Political Activities. The Land Bank shall not spend any public funds on political activities. Subject to the foregoing, this section is not intended to prohibit the Land Bank from engaging in activities authorized by applicable law.

(d) No Waiver of Governmental Immunity. No provision of the Ordinance is intended, nor shall it be construed, as a waiver by the City of any governmental immunity provided under any applicable law.

(e) Non-Discrimination. The Land Bank shall comply with all applicable law prohibiting discrimination.

(1) The Land Bank shall not provide services in a manner that discriminates against an individual because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, disability or genetic information.

(2) The Land Bank shall not fail or refuse to hire, recruit, promote, demote, discharge or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, disability or genetic information.

#### **174A.07 Staff.**

(a) The Land Bank may employ or enter into contract for its own staff based upon its needs as determined by the Board and as the budget allows, however, during its start-up phase there shall be at a minimum, two (2) employees.

(1) Executive Director. The Board may select and retain an executive director who shall administer the Land Bank in accordance with the operating budget and general policy guidelines as established by the Board, and other applicable governmental procedures and policies, and this Ordinance. The responsibilities and obligations of the Executive Director shall be established by the Board in the Land Bank policies and procedures.

(2) Employees. The Land Bank may employ or otherwise contract for the services of any staff deemed necessary to carry out the duties and responsibilities of the Land Bank. Such staff may be employed as employees of the Land Bank, or the services of such staff may be retained pursuant to contracts with public agencies or private entities.

(b) Contracts. The Land Bank may enter into a contract with the City, the Urban Redevelopment Authority or another municipality for

(1) the City, the Urban Redevelopment Authority or another municipality to provide staffing services to the Land Bank; or

(2) the land bank to provide staffing services to the municipality.

#### **174A.08 Acquisition of Real Property.**

(a) General Acquisition. Except as otherwise provided in this Ordinance or under the Land Bank Act, the Land Bank may acquire, by gift, devise, transfer, exchange, foreclosure, purchase or otherwise, Real Property or personal property, or rights or interests in Real Property or personal property, by any means on terms and conditions and in a manner the Board considers is in the best interest of the Land Bank.

(b) Purchase. The Land Bank may acquire Real Property by purchase contract, lease purchase agreements, installment sales contracts and land contracts.

(c) Transfers. The Land Bank may accept transfers from the City, the Urban Redevelopment Authority of

Pittsburgh, the School District, the County and the Housing Authority of the City of Pittsburgh, other municipalities or any other public or private entity or Person upon terms and conditions agreed to by the Land Bank and the transferring entity or Person.

(1) Pursuant to section 2109(d)(3) of the Land Bank Act, the Urban Redevelopment Authority of Pittsburgh may, with the consent of the City and without a redevelopment contract, transfer property which it acquired before the Effective Date of this Ordinance to the Land Bank. A conveyance under this subsection shall be with fee simple title, free of all liens and encumbrances.

(d) Rights or Interests. The Land Bank may acquire Real Property or rights or interests in Real Property for any purpose the Land Bank considers necessary to carry out the purposes of the Land Bank Act.

(e) Title to be held in its name. The Land Bank shall hold in its own name all real property it acquires.

(g) Owner-occupant policies. Whenever feasible, the Land Bank shall keep former owner-occupants who are occupying Real Property acquired by the Land Bank in the property. The Board shall adopt policies and procedures consistent with the provision.

(h) Eminent Domain. The Land Bank shall not have the power of eminent domain.

(i) Prohibition. The Land Bank shall not own or hold Real Property outside its jurisdictional boundaries.

#### **174A.09 Tax Delinquent Real Property.**

(a) Power to Discharge Liens and Claims.

(1) Pursuant to section 2117(a)(1) of the Land Bank Act, the Land Bank may discharge and extinguish the tax liens and municipal claims owed to the Members of the Land Bank that encumber Real Property owned by the Land Bank by resolution of the Board subject to the voting requirements of Section 174A.06 (j) of this Chapter. For the Land Bank to discharge and extinguish tax liens or municipal claims owed to a School District that encumber Real Property owned by the Land Bank, the governing body of the School District must approve the discharge pursuant to Section 2117(a)(2) of the Land Bank Act.

(2) Filing. The Land Bank must file evidence of the extinguishment and discharge of tax liens or municipal claims with the County Department of Court Records and the City Department of Finance and any other appropriate public office where such liens or other claims are filed, including copies of the resolution by the Board, any intergovernmental agreements, receipt of payment and other necessary and appropriate documentation. This requirement must be satisfied no later than the earlier of ten (10) business days prior to the conveyance of the property; or within thirty (30) business days after the discharge.

(3) Within sixty (60) days of filing, the Department of Finance shall remove its tax liens and municipal claims discharged by the Land Bank from the records of any property held by the Land Bank.

(b) Bidding. The Land Bank may bid on and acquire title to Real Property in judicial and non-judicial tax enforcement proceedings in accordance with Section 2117(d) of the Land Bank Act entitled, , procedure relating to Municipal Claims and Tax Lien Law and Section 2117(e) of the Land Bank Act, procedure relating to Second Class City Treasurer's Sale and Collection Act, of the Land Bank Act entitled procedure relating to Second Class City Treasurer's Sale and Collection Act, or other such general, special or local laws as may be applicable.

(c) Occupied Properties and Tax Payment Plans. The Land Bank shall adopt policies providing for plans and agreements by which occupied households may pay their delinquent taxes. Such plans and agreements shall take into account the household's ability to pay and shall be designed to promote the continued occupancy of that household whenever feasible. Special hardship provisions for low-income owner-occupants shall be enumerated in the policies and procedures adopted by the Board.

(d) Acquisition of Tax Claims. The Land Bank may negotiate the acquisition of tax claims and liens and municipal claims pursuant to Section 2117(d)(1) and Section 2117(e)(1) of the Land Bank Act or such

other general, special or local laws as may be applicable.

(e) Distribution of Tax Payments Received. To the extent that the Pittsburgh Land Bank receives payments attributable to a lien or claim for Real Property taxes owed to a municipality or school district on property acquired by the land bank, the land bank shall remit the full amount of the payments to the City, County or School District.

#### **174A.10 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;
- (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;
- (4) Copies of its Policies and Procedures, Strategic Plans, Annual Reports, and Bylaws.

#### **174A.11 Maintenance and Management.**

(a) The Land Bank shall maintain its Real Property in accordance with applicable statutes, laws and codes.

(b) There shall be a preference for locally-sourcing its partnerships, joint ventures, contracts, and other collaborative relationships with **private entities** for the maintenance, management and rehabilitation of Real Property of the Land Bank.

(c) The Land Bank may:

(1) Control, hold, manage, maintain, operate, lease as lessor, secure, **prevent the waste or deterioration of, demolish, or take all other actions necessary to preserve the value of the Real Property it holds or owns.**

(2) Fix, charge, and collect rents, fees, and charges for use of Land Bank Real Property or for services provided by the Land Bank.

(d) Environmental Contamination. If the Land Bank has reason to believe that Real Property held by the Land Bank may be the site of environmental contamination, the Land Bank shall provide the Pennsylvania Department of Environmental Protection (DEP) with any information in the possession of the Land Bank that suggests that the Real Property may contain such conditions. The Land Bank shall cooperate with the DEP with regard to any request made or action taken by the DEP.

(e) Civil Action to Protect Land Bank Real Property. The Land Bank may institute a civil action to prevent, restrain or enjoin the waste of or unlawful removal of any Real Property held by the Land Bank.

#### **174A.12 Disposition of Property.**

(a) Subject to the policies and procedures of the Board, provisions of this Ordinance, the Land Bank Act and other applicable laws, the Land Bank **may convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank to any public or private Person** on terms and conditions, in the form and by the method **determined to be in the best interests of the Land Bank** through any means authorized under section 2110 of the Land Bank Act, and under the following terms and conditions:

(1) Consistency with land use plans and planning provisions. All proposed uses of land or buildings on Real Property disposed of by the Land Bank shall be consistent with the provisions of the **City's Comprehensive Plan and any adopted neighborhood plans in the area in which the Real Property is located.** If no such adopted neighborhood plan exists, the Land Bank **shall determine that proposed uses are consistent with the goals of the community by consulting with any community groups** in the area

in which the Real Property is located, the Department of City Planning, and the Urban Redevelopment Authority of Pittsburgh.

(b) Board Disposition Policies. The Land Bank Real Property shall be conveyed in accordance with the Land Bank Act and according to criteria determined by the discretion of the Board and contained in the policies and procedures adopted by the Board. The Board may adopt policies and procedures that set forth priorities for a transferee's use of Real Property conveyed by the Land Bank. The priorities established may be for the entire land bank jurisdiction or may be set according to the needs of different neighborhoods or other locations within the land bank jurisdiction, or according to the nature of the Real Property.

(c) Delegation of Authority. The Board may delegate 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 value of the property is in excess of fifty-thousand dollars (\$50,000); or

(3) When otherwise required by state law.

In these cases, the Land Bank Board is required to approve/deny the disposition by formal action.

(d) Coordination. The Land Bank shall coordinate with the Urban Redevelopment Authority of Pittsburgh where a redevelopment project involves properties acquired by the Urban Redevelopment Authority as well as properties acquired and/or owned by the Land Bank, and shall strive to ensure a synchronized disposition process.

(e) Consideration. The Board shall state in the Land Bank policies and procedures the general terms and conditions for consideration to be received by the Land Bank for the transfer of Real Property and interests in Real Property. The Board shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration as determined by the board to be in the best interest of the land bank.

(f) Municipal Disposition Requirements Not Applicable. Requirements which may be applicable to the disposition of real property and interests in real property by the City shall not be applicable to the disposition of real property and interests in real property by a land bank pursuant to section 2110(d)(2) of the Land Bank Act.

(g) Any proceeds from the sale or transfer of Real Property by the Land Bank shall be retained, expended, or transferred by the Land Bank as determined by the Board in the best interests of the Land Bank and in accordance with the Land Bank Act.

#### **174A.13 Policies, Strategic Plan, and Annual Report.**

(a) The Land Bank shall develop policies consistent with the provision of the Chapter. These policies shall be guided by the Land Bank's mission and purposes as set forth in this Ordinance.

(b) 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.**

(c) Strategic Plan. Within six months following the Effective Date of this legislation, and bi-annually thereafter, the Land Bank shall develop a Strategic Plan to guide its activities.

(1) The Strategic Plan will include goals and performance standards, benchmarks, or metrics, with respect to achievement of the goals adopted by the Land Bank. The Land Bank shall ensure that its Strategic Plan and Annual Budget provides for the continued financial viability of the Land Bank and dedicates resources to ensure that the Real Property in its inventory is maintained in accordance with applicable laws;

(2) The Strategic Plan shall make recommendations to the City for the re-negotiation of any contracts

which relate to functions, activities, powers, or obligations of the Land Bank, if any, including but not limited to Intergovernmental Cooperation Agreements or third party agreements.

(3) ***The Board shall hold public hearings prior to the adoption of its Strategic Plan.***

(d) Annual Report. The Land Bank shall publish an Annual Report by December 31st of each year. The Annual Report shall detail its performance and report on its yearly progress in fulfilling each of the goals set forth in its Strategic Plan and this Chapter. This annual report may be included in any annual audit and report otherwise required by state law.

(1) The Annual Report shall include:

(i) A listing of properties acquired by the Land Bank;

(ii) A listing of properties disposed of by the Land Bank; the sale price for which the property was conveyed; the party to whom the property was conveyed; if the disposition went before the Land Bank board for approval, the reason for board review; a summary of any terms or conditions of the conveyance, including the intended use of the property; the approximate income of the households that will benefit from the intended use, if the sale price was nominal or reduced; a list of all properties that were disapproved by the Land Bank and the reason for the disapproval; and data showing the extent to which dispositions have met the goals and disposition targets contained within the Land Bank's Strategic Plan.

(iii) Aggregate data showing the number of applications received and the status or outcome of those applications, evaluating compliance with the frames and deadlines set by the Land Bank for each stage of the disposition process, and evaluating compliance with provisions agreed upon as conditions of past sales.

(2) The Annual Report must be approved by the Board and submitted to City Council.

(3) If the Land Bank is unable to deliver an Annual Report showing achievement or reasonable progress toward achievement of its goals, the Land Bank shall include with the Annual Report a remedial plan to be executed during the following year.

**174A.14 Books, Records and Finances.**

(a) Land Bank Records. The Land Bank shall keep and maintain at the principal office of the Land Bank all documents and records of the Land Bank. The records of the Land Bank shall include, but not be limited to, a copy of this Ordinance along with any amendments to the Ordinance. The records and documents shall be maintained until the termination of this Ordinance and shall be delivered to any successor entity.

(b) Financial Statements and Reports. The Land Bank shall cause to be prepared, at the Land Bank's expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows and changes in fund balance) on an annual basis. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm.

(c) Annual Budget. The executive director, or other individual designated by the Board, shall prepare annually a budget for the Land Bank. The Board shall review and approve a budget for the Land Bank immediately preceding each Fiscal Year.

(1) The Budget shall be balanced.

(2) Funds must be identified and duly approved before expenses may be incurred.

(d) Deposits and Investments. The Land Bank shall deposit and invest funds of the Land Bank, not otherwise employed in carrying out the purposes of the Land Bank, in accordance with an investment policy established by the Board consistent with laws and regulations regarding investment of public funds.

(e) Disbursements. Disbursements of funds shall be in accordance with guidelines established by the Board.

#### **174A.15 Funding and Expenditures.**

(a) Funding land bank operations. The Land Bank may receive funding through grants and loans from the Federal Government, the State, the County, the City, Members of a Land Bank, and private sources. A land bank may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments and for an asset and activity lawfully permitted to the Land Bank pursuant to the Land Bank Act .

(b) Allocated real property taxes. The Land Bank may receive funding through remittance or dedication to the Land Bank of a portion of real property taxes collected pursuant to the laws of the State on Real Property conveyed by the Land Bank pursuant to a taxing jurisdiction's authorization as provided for in section 2111(c) of the Land Bank Act and pursuant to an agreement between the Land Bank and School District pursuant to section 2111(c)(3).

(c) City allocation of real property taxes. The City authorizes the remittance or dedication to the Land Bank of 50% of the real estate taxes collected pursuant to the laws of the State on Real Property conveyed by the Land Bank. Said remittance or dedication shall commence with the first taxable year following the date of conveyance and continue for a period of five years pursuant to section 2111(c)(2) of the Land Bank Act.

(d) Budget Contributions. The Land Bank may receive funding through contributions to the annual land bank budget from the City, the County, the School District, and Members of the Land Bank.

(e) Management of Funds. The Land Bank executive director, or other individual designated by the Board, shall be designated the fiscal agent of the Land Bank's account established for the management of sales proceeds, monetary contributions made by the Parties, and other Land Bank funds. Standard accounting procedures shall be used in the management of the accounts.

(f) Authorized Expenditures. The Land Bank shall in its sole discretion and within its budget expend such funds as necessary to carry out the powers, duties, functions and responsibilities of a land bank under the Land Bank Act consistent with this Ordinance.

(g) Annual audit and report. The Land Bank shall annually, within 120 days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the Department. A duplicate of the audit and the report shall be filed with the City and Land Bank.

#### **174A.16 Dissolution.**

(a) The Land Bank may be dissolved according to the requirements of section 2114 of the Land Bank Act upon a finding approved by two-thirds of the entire board pursuant to section 2105(h)(3) of the Land Bank Act and approved by a majority vote of City Council that there is no longer any need for a land bank to function within the territorial limits of the City.

#### **174A.17 Miscellaneous Provisions.**

(a) Notices. Any and all correspondence or notices required, permitted or provided for under this Ordinance to be delivered to the City shall be sent by first-class mail. Notices to the City shall be sent to: 414 Grant Street Pittsburgh, PA 15219. All notices sent to the address listed above, unless said address is changed in writing, shall be binding as of the date such notice is deposited with sufficient postage with the United States Postal Service.

(b) Interpretation of Resolution. The City intends that this Ordinance shall be construed liberally to effectuate the intent and purposes of this Ordinance and the legislative intent and purposes of the Land Bank Act as complete and independent authorization for the performance of each and every act and thing authorized by this Ordinance and the Land Bank Act. All powers granted to the Land Bank under this Ordinance and the Land Bank Act shall be broadly interpreted to effectuate the intent and purposes and

not as a limitation of powers.

(c) Severability of Provisions. If any provision of this Ordinance, or its application to any Person or circumstance, is invalid or unenforceable, the remainder of this Ordinance and the application of that provision to other Persons or circumstances are not affected but will be enforced to the extent permitted by law.

(d) Governing Law. This Ordinance is made and entered into in the Commonwealth of Pennsylvania and shall in all respects be interpreted, enforced and governed under the laws of the Commonwealth of Pennsylvania.

#### **174A.18 Interim Board.**

(a) The Land Bank shall initially be governed by an Interim Board of Directors comprised of seven (7) members.

(b) Term limit. Interim Board Members shall serve terms of three (3) months, or until all the members of the Permanent Board have been appointed pursuant to Section 174A.05.

(c) The following individuals will be appointed to the Interim Board: A, B, C, D, E, F, and G

Personal statement from Carl Redwood - not official position of Hill District Consensus Group

Pittsburgh Land Bank: In whose interest?

Carl Redwood, Hill District

Many people are excited about the possibility of creating a Pittsburgh Land Bank. As the legislation and other details are developed and debated we must ask ourselves some fundamental questions. Who should benefit from the Land Bank? Will the land bank benefit developers and community developers or will the land bank benefit current low income residents of these gentrifying neighborhoods? Is it about land and profits or is it about people?

The land bank must be placed within the larger context of Pittsburgh land use policy. Pittsburgh land use policy over the last 60 years has resulted in the forced migration of black people to the suburbs. This process began with the destruction of the Lower Hill to build parking lots and has continued with the mismanagement, neglect and then destruction of public housing in many Pittsburgh neighborhoods.

This steady destruction of affordable housing has forced Black and low income residents to seek rental housing in the suburbs.

Many different terms are used to describe this process of forcing people from their homes and neighborhoods by raising rents. I call it gentrification, displacement and forced migration. Some people call it clearing blight, or right sizing the city, or creating "defensible space". Others have called it something like Fear of a Black East Liberty.

The policies of the City of Pittsburgh have created a clear pattern and trend of forcing black people out! Will the land bank reverse or accelerate this trend?

Because of City land use policy the Black population of Pittsburgh has declined from 100,000 in 1980 to 80,000 in 2010. Also because of City land use policy the Black population of the suburbs has increased from 80,000 in 1980 to 115,000 in 2010. The reason for this is because there is not enough affordable housing in Pittsburgh – the rents are too damn high.

This current policy must be reversed. The Land Bank must play a role in reversing this policy.

There must be two goals that guide all land bank decisions:

Providing decent, affordable housing and a suitable living environment and

Expanding economic opportunities, principally for low and moderate income residents

The main way to help reverse the damage of Pittsburgh past policy of gentrification and forced black migration is to require inclusionary affordable housing. All multi-unit housing construction using Land Bank property must provide 30% affordable housing for people with low and very low incomes.

Whose City? Our City!