

ORDINANCE NO. 2021-1

On motion of Commissioner D. Filippa, seconded by Commissioner Foschi.

AN ORDINANCE AUTHORIZING THE DESIGNATION OF THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF CUMBERLAND AS THE LAND BANK FOR THE COUNTY OF CUMBERLAND COUNTY, PENNSYLVANIA.

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.A. §2101 et seq.; and

WHEREAS, Act 33 of 2018, P.L. 221, enacted by the Pennsylvania General Assembly signed into law by the Governor on June 19, 2018, amending the Pennsylvania Land Bank Law, granted land bank jurisdictions located in certain counties the authority to designate a redevelopment authority created for the jurisdiction and operating under the Urban Redevelopment Law, as a land bank for the jurisdiction, 68 Pa.C.S.A. §§2101-2120; and

WHEREAS, vacant, abandoned, and tax delinquent properties adversely affect the economic and social vitality of the County of Cumberland; and

WHEREAS, land banks are one of the tools that may be used to facilitate the return of vacant, blighted, abandoned, and/or tax-delinquent properties to productive use; and

WHEREAS, Board of Commissioners of the County of Cumberland finds and declares that there is a need for a land bank to function within the territorial limits of the County of Cumberland, and

WHEREAS, the Board of Commissioners of the County of Cumberland wishes to designate the Redevelopment Authority of the County of Cumberland (hereinafter the "Redevelopment Authority") as the land bank for the County of Cumberland and to confer the powers and duties of a land bank on the Redevelopment Authority (the "RACC Land Bank") without the need to establish a separate entity, thereby saving administrative costs and promoting governmental efficiency; and

WHEREAS, the mission of the RACC Land Bank is to mitigate blight and to return vacant, abandoned, and/or tax-delinquent properties to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the County's tax base.

NOW THEREFORE, it is hereby **ORDAINED** by the Board of Commissioners of Cumberland County as follows:

Section 1. Creation and Purpose

- 1.1 The purpose of this Ordinance is to designate the Redevelopment Authority to act as a land bank known as the RACC Land Bank, as authorized by Act 33 of 2018 which will use available resources to mitigate blight and facilitate the return of vacant, blighted, abandoned and/or tax-delinquent properties to productive use, thereby combating community deterioration, creating economic growth and stabilizing the housing and spur investment.
- 1.2 When acting as a land bank, the Redevelopment Authority will acquire, hold and transfer interest in real property throughout the County of Cumberland as approved by the Redevelopment Authority's Board of Directors for the following purposes, including but not limited to: (a) to deter the spread of blight; (b) to promote redevelopment and reuse of vacant, abandoned, and/or tax-delinquent properties; (c) to support targeted efforts to stabilize neighborhoods; or (d) to stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

Section 2. Definitions

2.1 The following words and phrases when used in this Ordinance shall have the meanings set forth below and in 68 Pa.C.S.A. §2101 et seq.

Act 33 of 2018 – The act of June 189, 2018, P.L. 221, No. 33, codified at 68 Pa.C.S.A. §2104(h).

Authority – Redevelopment Authority of the County of Cumberland, a redevelopment authority created and operating under the act of May 24, 1945 (P.L. 991, No. 385), known as the Urban Redevelopment Law.

Authority as Land Bank – The Authority when acting pursuant to its designation as Land Bank under this Ordinance and the Land Bank Law.

Board – The Board of Directors of the Redevelopment Authority of the County of Cumberland.

Land Bank – A public body and body corporate and public established under the Act of October 24, 2012, PL 1239, No. 153 (68 Pa.C.S.A. §§ 2101, et seq.) and this Ordinance.

Land Bank Law – The act of October 24, 2012, P.L. 1239, No. 153, codified at 68 Pa.C.S.A. §§ 2101, et seq., as amended or as it may be hereafter amended or replaced.

Municipal Tax- Any real property tax imposed and billed by the Municipal, School District or County governments.

Owner-occupant- A natural person with 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.

Person – An individual, authority, limited liability company, partnership, firm, corporation, organization, association, joint venture, trust, governmental entity or other legal entity.

Policies – Policies adopted by the Authority pursuant to this Ordinance and the Land Bank Law.

Real Property- Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leaseholders.

Section 3. Designation

3.1 The Authority is hereby designated as the land bank for the County of Cumberland pursuant to Act 33 of 2018 and §2104(h) of the Land Bank Law, 68 Pa.C.S.A. §2104(h).

Section 4. Powers of Authority as a Land Bank

4.1 The Authority shall have all the powers conferred upon a land bank under the Land Bank Law, including but not limited to §2107.

Section 5. Community Representation on Board

5.1 Upon a vacancy or expiration of the term of an Authority Board member occurring after the adoption of this Ordinance, the County Commissioners shall appoint a replacement to the Authority Board to ensure that at least one of the Board members (a) is a resident of the County of Cumberland, (b) is not a public official or municipal employee, and (c) maintains membership with a recognized civic organization in the County of Cumberland. As used in this subsection, “public official” means an individual who is elected to a municipal or county office.

5.2 Any appointment to the Authority Board as provided in this subsection shall be in accordance with the Pennsylvania Urban Redevelopment Law governing appointment of members of redevelopment authority board and any other applicable laws.

Section 6. Land Bank Staff

6.1 Land Bank activities shall be managed and administered by the management and staff of the Authority.

6.2 **Contracts for Services:** The Land Bank may enter into an intergovernmental cooperation agreement with a municipality for:

- a. The municipality to provide staffing services to the Land Bank; or
- b. The Land Bank to provide staffing services to the municipality.

Section 7. Acquisition of Property

7.1 The Authority as Land Bank is authorized to acquire Real Property by any legal means, on terms and conditions and in a manner the Authority considers property including but not limited to donation, gift, purchase, tax sale or judicial sale or by transfer from the Tax Claim Bureau. The Authority as Land Bank shall hold in its own name all real property it acquires.

7.2 The Authority as Land Bank shall acquire, hold and dispose of Real Property in accordance with the Land Bank Law.

7.3 When the Authority as Land Bank acquires residential properties that are occupied at the time of acquisition, it shall be the policy of the Land Bank to show a preference for keeping the former Owner-occupants in the property; whenever feasible.

7.4 Any person may submit recommendations to the Authority concerning real property that could be acquired by the Authority as Land Bank, and the proposed uses for which such property could be developed.

Section 8. Inventory

8.1 The Authority shall maintain and make publicly accessible online, and at its offices during normal business hours, the following information:

- a. An up-to-date inventory of property owned or held by the Authority as Land Bank.
- b. A record of all properties conveyed by the Authority as Land Bank to other parties within the previous and current calendar year.

Section 9. Discharge and Abatement of Real Estate Taxes and Other Municipal Claims

9.1 The Authority is authorized to discharge of liens and other municipal claims, charges or fines of the County of Cumberland County against the property it acquires.

9.2 The Authority may seek to enter into agreements with school districts and municipalities and any other party for the discharge of liens, claims, charges and other fines against the properties it acquires.

9.3 For the duration of the time a property is held by the Authority, the Authority is authorized to abate all real estate taxes, water and sewer charges, and other municipal charges by the County of Cumberland and to the extent necessary, may seek abatement or non-taxable status from other applicable government entities.

Section 10. Disposition of Property

10.1 The Authority as Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in Real Property in the form and by the method determined to be in the best interests of the Authority through any means authorized under §2110 of the Land Bank Law, except where expressly limited in this Section.

10.2 The Authority Board may delegate this disposition authority to the staff of the Authority except in the following circumstances in which the Board itself must review and approve transfers of property at a public meeting:

- a. The proposed terms of the transaction conflict with the Land Bank's published policies or procedures; or
- b. When otherwise required by law.

Section 11. Pricing

11.1 Market value shall be determined by up-to-date data, and by using the valuation method that the Authority or its staff has determined is most appropriate given the particular condition of the property and surrounding market.

11.2 As determined by the Board and as set forth in policies and procedures, 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 determined to be in the best interest of the Authority as Land Bank. Nominal or reduced-price disposition shall be an option for any property owned by the Authority as Land Bank.

Section 12. Policies

12.1 The Authority shall develop Policies consistent with the provisions of this Ordinance and the Land Bank Law.

12.2 Policies of the Authority as Land Bank shall initially be adopted and thereafter reviewed at least every other year by the Board, with opportunity for public input and comment. Policies shall be published online.

12.3 Policies adopted by the Authority shall include ethical standards, financial disclosure standards and conflict of interest guidelines consistent with §2115 of the Land Bank Law and all other applicable state and local laws.

12.4 County Residents shall have the following means of supplying input into the Authority's land bank decision-making process:

- a. Any Person may submit recommendations for Board membership to County for consideration in making appointments.
- b. Any Person may submit recommendations to the Board or staff for Real Property that could be acquired by the Authority as Land Bank, the purpose for which such properties could be developed.

Section 13. Financial Provisions

13.1 To the extent allowed by law, the Authority as Land Bank shall retain proceeds from the sale of any properties to cover or contribute to operating costs, maintenance of inventory, and to support additional strategic property acquisition.

13.2 The Authority as Land Bank may finance its operations through any means authorized in the Land Bank Law or any other applicable law.

13.3 Finances of the Authority as Land Bank shall be retained and accounted for separately from finances held for other Authority purposes and shall be subject to the annual auditing and reporting requirements of §2119 of the Land Bank Law.

Section 14. Revocation of Designation

14.1 The designation of the Authority as Land Bank may be revoked in the same manner as the dissolution of a land bank under §2114 of the Land Bank Law.

Section 15. Filing with Commonwealth Departments

15.1 Upon adoption of this Ordinance, the Chief Clerk shall file a copy of the Ordinance with the Pennsylvania Department of Community and Economic Development and with the Pennsylvania Department of State.

Section 16. Repealer

16.1 All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they are inconsistent herewith.

Section 17. Effective Date

17.1 This Ordinance shall become effective immediately.

Motion passed unanimously.

DULY ADOPTED 29th day of November, 2021 by the Cumberland County Board of Commissioners, Cumberland County, Pennsylvania.

ATTEST:



Stacy Snyder, Chief Clerk


BOARD OF COMMISSIONERS:



Gary Eichelberger, Chairman



Jean Foschi, Vice Chairman



Vince DiFilippo, Secretary

(County Seal)