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## Best Practices in Land Bank Operation

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## **Best Practices in Land Bank Operation**



The Ohio Urban University Program

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## **EXECUTIVE SUMMARY**

The City of Cleveland is noted as among the top residential land bank operations in the country, particularly as being one of the first cities to address vacant, abandoned and underutilized properties while simultaneously planning and restoring properties for neighborhood reuse. Cleveland, along with Flint, MI, Baltimore, Philadelphia, St. Louis and Atlanta maintain land bank operations considered among the best across the United States.

The literature review as well as the survey revealed several commonalities among land banks and those redevelopment authorities that are not land banks per se, but operate to return vacant or abandoned property to productive reuse. The majority of land banks operating today were established to promote neighborhood revitalization of properties, particularly for housing reuses. Few examples are available that point to an industrial/commercial application of current land bank powers or direction. In addition, a variety of legislation exists to authorize land bank powers, but none as sweeping as the most recent changes made available in Michigan, which enable local jurisdictions to create land bank authorities with broad powers. Most land banks rely upon tax foreclosure as the primary means of acquiring property, including the use of eminent domain.

Upon synthesizing the findings of the literature review and survey, the following best practices emerged:

- Land banks should have a narrow focus in the goals and objectives for vacant land reutilization;
- City departments need to be closely coordinated and cooperative with external partners;
- An expedited judicial foreclosure process provides key maintenance for acquisition of marketable titles;
- Independently established land banks with a corporate structure allowing control and flexibility over property distribution;
- An integrated management information system containing parcel-specific information;
- City-wide strategic vision integrated with land bank planning;
- Streamlined eminent domain process;
- Ability to determine the terms and conditions for sale of properties; and
- Funding streams that are diverse, innovative and flexible.

There are few models of long-term effectiveness in land bank operation with the exception of cities such as New York, Cleveland, Atlanta/Fulton County, and a handful of others, and there are no examples of direct application of existing land banks to strictly industrial or commercial purposes. Most industrial redevelopment authorities attempt to utilize similar powers as granted to land banks, but their goals, while complimentary, are not the same as land banks.

As more communities begin to address the need to reverse blight and rebuild core neighborhoods, more models of land bank and land assembly authorities will emerge. For now, we have highlighted a number of core best practices that can apply to any land redevelopment application.



## **INTRODUCTION**

The Great Lakes Environmental Finance Center (GLEFC) was asked in early 2005 to develop a strategic plan for the implementation of an industrial/commercial land bank for the City of Cleveland. The City of Cleveland currently operates a land bank for the development of residential properties. The specific goal of this project was to develop a strategic business plan for the City of Cleveland to create an industrial/commercial land bank. The objectives of the project were to:

1. Incorporate a strategy that is understood by senior managers at the City that identifies a broad economic redevelopment vision, especially for brownfields.
2. Include in the plan strategies for financing the acquisition and/or transfer of properties into the land bank.
3. Establish elements in the plan to include both short- and long- term implementation.

The concept of a land bank is to acquire and purchase vacant and underutilized property with the future goal of productive reuse of the land. For the purposes of this project, we define “industrial land bank” as the assemblage of properties to be reserved for industrial or commercial redevelopment as either individual parcels or grouped into a geographic area, such as an industrial or business park.

As part of that undertaking, this Best Practices Scan was compiled which encompassed two phases of primary research. The first phase included a thorough review of more than 41 sources of academic and trade literature on the topics of vacant land utilization and management; land banking; land assembly; and vacant and abandoned property policy. The second phase was a survey of 34 land banks and land redevelopment authorities in the United States. This report summarizes the findings of the research and identifies those practices in land bank operation in the United States that currently define the models of operation and point to the best policies and practices in use today.



## **BEST PRACTICES SCAN**

The primary research conducted for the review of best practices in land bank operations encompassed two main phases of work: Phase I encompassed a thorough review of literature, both of academic and trade publications relevant to the topics of land banking, land assembly, and vacant and underutilized land. Phase II encompassed conducting a web-based survey of those entities found in the literature to have relevant experience in the establishment of policy or procedure deemed useful for further inquiry. This section summarizes these two phases of research.

### **A Review of the Literature**

The GLEFC conducted a thorough review of relevant literature in published trade journals and academic literature, including on-line sources. The list in Appendix A includes these sources, many of which have had relevant articles abstracted by GLEFC research staff, and are provided as an addendum in notebook form to this report. Sources are also included that were reviewed but did not contain relevant topics of primary concern, such as land banking, land assembly, vacant property utilization or abandoned and tax-foreclosed property. Those sources that produced a relevant article that was abstracted are listed with an asterisk (\*) in Appendix A.

Much of the literature focused on the work of a few but highly notable land banks or land reutilization programs around the country. Highlighted here are five of the most notable programs that encompass a range of most of the best practices in use at other, smaller land authorities nationally. Genesee County (Flint, MI), Baltimore, Philadelphia, Fulton County/Atlanta, and Cleveland all serve as notable sources for best practices. Their work and relevant policies and practices are highlighted below.

#### **Genesee County Land Bank Authority (Flint, MI)**

One of the newest and most comprehensive land banks in operation today is the Genesee County Land Bank Authority (LBA), created in 2002 as a result of an inter-local agreement between Genesee County and Flint, Michigan, actually crafted before the wider enabling legislation was passed in Michigan in January 2004. The Land Bank “Fast Track” Act further enables local governments to create land bank authorities with independent powers to acquire, hold and distribute vacant, abandoned and tax-delinquent properties. Genesee County LBA obtains properties almost exclusively through tax foreclosure, but intends to begin accepting gifted properties as well as purchased parcels in order to complete other foreclosed property redevelopment.

One interesting practice resulting from the comprehensive property tax foreclosure law reforms in 1999 is that a large number of tax-delinquent properties can be foreclosed in a single judicial proceeding. This best practice is notable for its streamlining of the tax-foreclosure process, whereby the majority of land acquired by the Genesee County LBA is as a result of this sweeping process.

It is interesting to note that currently the Genesee County LBA considers its first best use for its land banked properties for residential redevelopment, and secondly for park and open space (followed by retail, commercial and industrial, respectively) allowing for reuse of the parcels for a broader range of future options and redevelopment opportunities.

Since its inception, Genesee County LBA has acquired 4,400 properties into its land bank and has distributed 200. Properties in its land bank are classified by site characteristics, utilizing a marketing-oriented approach to land diagnosis as it relates to a wider redevelopment plan, keeping clear its focus and objectives for land reuse.

### **Best Practices**

- Sweeping tax foreclosure law reform allowing broad powers to independent authorities, approved and created by local governmental agreements and practical cooperation.
- Property classification based upon site characteristics.
- Well integrated, highly cooperative relationships between the public and private sector.

### **City of Baltimore, MD**

Similar to Michigan, although not nearly as sweeping, was the Maryland state enactment of “quick take” legislation in 1999, enabling the City of Baltimore to more extensively use eminent domain to acquire vacant and tax-delinquent properties. While Baltimore does not have a land bank per se, they operate closely with a variety of partners including local community development organizations to rehabilitate deteriorating neighborhoods. Baltimore utilizes an extensive tax sale program where a property in tax arrears can be sold (whether occupied or vacant) at a public auction as either individual parcels or bundled as a group of parcels. The successful bidder can then take action to foreclose on the site to gain control. While this process is somewhat cumbersome, it enables the local community organizations to acquire property that was unavailable before and to focus on blocks or neighborhoods rather than individual parcels.

Local community development groups can also join the city in a taking of

a property through Baltimore's "Vacant House Receivership Law" whereby the court appoints a receiver to improve the property to code, sell it and use the proceeds to pay for the improvement expenses. The only remedy to the original owner seeking to regain site control is to improve the property back to code.

The process is also focused on allowing private sector interests to more easily acquire the property on their own. Perhaps the best example of this can be found in the Baltimore's newest housing initiative, Project 5000. In the past two years, Project 5000, in coordination with the Mayors Office and the Office of Acquisition and Relocation, has identified and aggressively sought five thousand vacant, abandoned, or tax-delinquent homes. The City then holds a competitive bidding process and allows private sector developers or other interested parties to bid on the sites that the city has acquired. The city has also developed a Property Disposition Task Force (PDTF), which includes several governmental departments. The goal of the PDTF is to shorten the acquisition time, and review every property owned by the city and develop plans for potential market buyers. The city has also received an unprecedented level of pro-bono legal support from Baltimore attorneys who help to clear titles on questionable properties. This pro-bono support has saved the city an estimated \$5 million in litigation costs.

Baltimore has formed an innovative disbursement initiative with the Baltimore Economy and Efficiency Foundation and the Greater Baltimore Board of Realtors called the Selling City Owned Properties Efficiently (SCOPE) program. The SCOPE program allows realtors in the Greater Baltimore region to market city-owned properties as they would private properties. Before any properties can become part of the SCOPE program, city council approval for the property is required. Realtors receive a standard commission for the sale, and the city receives a market rate price for the home, which otherwise may never have been marketed to potential buyers.

Finally, use of Maryland's Historic Preservation Tax Credit opportunity has been popular with developers (both non-profit and for-profit) in rehabilitating historic neighborhoods. The tax credit provides for 25 percent of the capital costs to rehab a structure over a 24-month period, up to \$3 million per building.

### **Best Practices**

- Neighborhood collaborative efforts in identifying housing typologies.
- Consolidated municipal real estate records linked to GIS data as a property management tool, rather than just geographic information, as evidenced in the city's CitiStat database.
- Applicability of historic tax credits to neighborhood-wide planning and rehab.
- High degree of intergovernmental cooperation.
- Incentives to private realtors to represent city-owned properties (SCOPE).

## **Atlanta/Fulton County, GA**

The Fulton/Atlanta Land Bank Authority operates in a similar fashion to many of the land banks nationally in that it was established to acquire and hold tax-delinquent properties for eventual housing redevelopment, as opposed to industrial or commercial applications. The unique aspect of the Atlanta land bank (as opposed to Cleveland's land bank) is that it does not automatically receive title to properties that are not automatically sold at a tax foreclosure sale. The Atlanta/Fulton Land Bank Authority is composed of officials from both the City of Atlanta and Fulton County, and was created to act as a liaison between the public sector, and quasi-public organizations such as community development corporations. Because the organization was created via a state statute, the organization yields some additional powers in terms of its available resources and its ability to directly influence the property acquisition process. The Atlanta/Fulton Land Bank Authority is also committed to the input of the community, and meets monthly in informal housing forums with local housing agencies and CDC officials.

The most interesting aspect of the Atlanta land bank is that it has the power via statute to waive all delinquent property taxes on parcels of land it acquires and conveys, including the school board's portion of taxes (with their consent.) Typical barriers to successful land bank property conveyance still exist in terms of obtaining clear or marketable titles, but once acquired by the land bank, disposition is easier and marketing made more favorable through this particular available tax waiver as an incentive for potential developers, both private and non-profit. Because the Atlanta land bank has limited funds with which to acquire properties, it is often reliant on easing the market for private developers to acquire the properties. This is done through tax forgiveness or title clearance, and serves as an incentive for both private and non-profit developers.

### ***Best Practices***

- Emphasis is on redevelopment for affordable housing, with fast acquisition and disposition of properties.
- Ability to set own pricing (by board of directors as a quasi-independent authority; ability to set price at below-market rates.
- Ability to waive delinquent property taxes.

## **Cleveland**

It is worthy to note that the city of Cleveland's Land Bank has repeated citations in both academic and trade literature, with good reason – Cleveland was one of the first cities to address the problem of abandoned and underutilized properties in a long-term vision while still fostering an expedited process for actually moving properties back to productive reuse in neighborhoods.

The city's expedited foreclosure process (even though it can take up to three years) coupled with the land bank's ability to cancel delinquent taxes on acquired property, make it one of the models of aggressive vacant land reutilization. City ordinance establishing the Land Bank dictates that it distribute all of its acquisitions within 15 years, hence planning for an eventual disposition of parcels for housing and neighborhood redevelopment.

One of the more interesting aspects to Cleveland's land bank structure, as compared to other cities, however, is its use and reliance upon local community development corporations (CDCs) to purchase the properties once acquired and managed by the land bank. There is a large network of CDCs in Cleveland (30 or more) plus major CDC network support organizations (such as Neighborhood Progress Inc. [NPI]) that are capable and ready to reuse land for neighborhood revitalization in a strategically planned way. The city's willingness to work with and distribute 500 to 800 parcels per year to local CDCs (at \$100 per parcel) provides an avenue for ongoing planning and cooperation critical to the success of housing redevelopment.

### **Best Practices**

- Legal and administrative capability to sell properties at below-market value.
- Expedited judicial foreclosure process.
- Ability to waive property taxes for distressed properties proposed for redevelopment.
- Extensive network of CDCs as collaborators with various governmental (city and county) partners.

### **Philadelphia**

Perhaps one of the best examples of the combined use of technology and information to support the strategy for reclaiming abandoned or delinquent property is used in Philadelphia. The City of Philadelphia's Land Bank, serves as an integral part of the larger Citywide Neighborhood Transformation Initiative (NTI). Initially, the Philadelphia Housing Authority conducted a comprehensive survey of vacant property throughout the city, eventually identifying a total of 26,115 vacant residential buildings, 30,729 vacant lots, and 2,950 vacant commercial structures. Modeled after a similar management-based information system in Portland, Oregon, (detailed below) the city then used advanced GIS mapping to prioritize the properties, along with a new and innovative Decision Support Model that uses advanced raster-modeling (similar to bit-mapped, with parallel line images.) The Decision Support Model was able to determine causal relationships among the parcels by considering pre-determined weighted factor inputs, including structure condition, number of vacant structures, and ownership characteristics. In all, 10 factors were considered in the model. The parcels

were then listed in accordance with the priorities and goals of the Neighborhood Transition Initiative, and a strategic plan was developed designed around the parcels the city considered to be priorities. Decision Support Model used by the Philadelphia NTI, which provides demolition schedules, compiles properties, and displays potential patterns for new development. In both instances, online databases are maintained to allow potential developers access to the available properties.

While all land acquisition and property demolition conform to state laws, no specific legislation was adopted for the purposes of the land bank. The City of Philadelphia relied on a high degree of intergovernmental cooperation and departmental compliance in forwarding its goals, which seeks a high degree of cooperation between the Mayor's Office, City Council, and Departmental Directors. Prior to any acquisition or disbursement of property, Council approval is required. Outside of City Hall, the NTI seeks the input of local neighborhood development corporations, through a very grassroots campaign that allows local wards and neighborhoods an opportunity to implement strategies with specific regards to their needs and community goals.

### **Best Practices**

- High degree of intergovernmental cooperation.
- Focus on using technology as a complete management tool, not just for mapping, ie. Decision Support Model.
- Property acquisition goals that are integrated with City's long-term Consolidated Plan.

### **The Portland METRO**

The Portland (Oregon) METRO is a regionally elected government responsible for land use and transportation planning, environmental protection, recycling, garbage collection, and many other functions. METRO is composed of a regionally elected council president, and six regional councilors, representing approximately 2 million Oregonians, in 3 counties and 25 cities.

While the METRO does not govern or operate a land bank per se, they are included here because of their innovative use of technology to support local development and planning efforts through a highly integrated and efficient means of identifying and managing vacant land. The Regional Land Information System (RLIS), is maintained by METRO, and is a GIS database utilized by more than 150 agencies and organizations throughout the greater Portland region. The system was developed in 1988 as a growth management and planning tool. The RLIS uses tax lots as the foundational structure of their system, which allows a great deal of local property assessment and data analysis to take place. The tax lot mapping structure was obtained through a joint agreement with Portland



General Electric, who already owned the mapping database in CAD form. In return, METRO agreed to provide Portland Electric with the converted GIS files, as well as quarterly updates to the system.

On an annual basis, METRO purchases digital ortho-photos, or aerial photographic images, of the entire region. They then interpret the images, and identify and inventory all tax lots that exist. The inventory updating is conducted annually, and takes two full-time staff members approximately two months to complete. Land can then be filtered into one of three categories, Vacant, Partly Vacant, or Developed. Partly developed lots are lots with at least one-half of an acre available for development (if one-half acre does exist, that portion of the lot is added to the vacant inventory list.)

After updating the land inventory list for the region, the available parcels are included in a region-wide planning information database that allows potential developers, as well as individual municipal governments, easy access to land that is potentially available for new development.

METRO also integrates the functions of RLIS into an, “urban activity simulation model called MetroScope.” MetroScope is a prescriptive planning model that allows METRO to simulate future land use and development. MetroScope then allows for the testing of multiple scenarios, including long range costs and land availability, estimated demographic fluctuations, transportation needs, and environmental restrictions. All of this is viewed within the context of the region’s Urban Growth Boundary and allowable development, as well as the effect of any development on the surrounding business, residential, and non-residential development.

Having identified vacant parcels of land, and analyzed them using the MetroScope model, priorities for land development are then set based on their compatibility with the long-term planning goals of *Portland 2040*, the regional planning strategy.

### **Best Practices**

- Focus on using technology as a complete management tool, for both acquisition and dispersal of properties, on a continually updated basis, ie. Regional Land Information System.
- Integrated data management with regional collaboration and planning efforts.

## **A Survey of Land Bank Managers**

The second phase of research was conducted via a web-based survey of land banks and land redevelopment authorities identified from the literature review. Specifically, 34 land banks were identified to obtain an in-depth look at existing land bank operations and specific policy development and practices. Nine of the 34 (26 percent) survey recipients responded to the survey. The responses were thoughtful and respondents took the time needed to complete the questions and provide several open-ended comments.

The survey instrument was tested online with a volunteer land bank manager who provided comments and proposed edits for clarity. The survey took approximately 12 minutes to complete. The emailed cover letter to recipients is provided in Appendix B; the survey instrument used is provided in Appendix C; and the list of those surveyed is listed in Appendix D.

Land bank professionals were surveyed on questions relative to property acquisition, the management and analysis of properties, and the distribution of properties. The results of the survey are presented below.

### **Acquisition of Properties**

The land bank professionals responding to the survey indicated that the establishment of their land banks spans six decades. The earliest land banks among the respondents were established in 1943 and in 1970. Three of the land banks were created in the 1990s, while others were established in 2002, 2003, and 2004.

The majority of land bank entities responding established land banks for both housing and industrial/commercial redevelopment (44 percent), while 33 percent established land banks solely for housing redevelopment purposes. This is consistent with much of the literature reviewed as to policy and operations applicability, as many of the articles and documents reviewed pertain to housing applications, with flexibility to apply their land banking operations to include other redevelopment opportunities.

The respondents were asked whether or not their communities maintained a comprehensive (city-wide) land use plan. The majority of the land bank professionals (67 percent) indicated that city-wide land use plans were in effect, while 33 percent cited no presence of a comprehensive plan.

Respondents were asked to provide their top three reasons for establishing a land bank. The top three categories receiving the most responses were (1) to reverse urban blight; (2) successful reuse of land; and (3) increased stability of both property and value. Growth of the tax base came in as the next most-selected response.

The land bank professionals were asked to cite the top three characteristics they look for when accepting land bank properties. The primary characteristics of properties being acquired by land bank respondents were that the property was vacant, underutilized, and located in targeted redevelopment areas or identified as “directly benefiting a specific project,” which we interpret as being in a targeted redevelopment area.

The primary characteristics of properties being acquired by land bank respondents were that the property was vacant, underutilized, and located in targeted redevelopment areas or identified as “directly benefiting a specific project,” which we interpret as being in a targeted redevelopment area.

Generally all types of properties were equally accepted into the land banks of the respondents. The types of properties are industrial, commercial, residential and retail. Respondents were asked under what scenarios would land be acquired for use in their land banks. The top opportunities listed for acquiring the properties were tax delinquency, targeted problem areas with greatest opportunity for improvement, and foreclosure.

It is interesting to note that when asked how land bank operators prioritized the acceptance of properties into their land banks, two major answers emerged. Properties were either prioritized for acceptance as a result of the tax foreclosure process (e.g. “whatever the court gives us”), or as a result of a deliberate location in a targeted area consistent with their land use or redevelopment plans. When asked if there were any reasons for **not** accepting properties into their land banks, an equal number of respondents selected environmental contamination, cost, and political circumstance as the most prevalent reasons.

The land bank professionals indicated that they most often rely on tax records and community development corporations (CDCs) as resources for identifying properties for their land banks. Additional resources listed were community based organizations, Geographic Information Systems (GIS) software, realtors, and internal city records. The respondents also cited other methods that they used to identify land bank properties as through individuals, project area development opportunities, government sources, and developers.

Financing of land bank property acquisition is done primarily through general fund monies and Community Development Block Grant (CDBG) funds (44 percent of respondents). Several respondents (66 percent) also utilize other sources of funding, including tax foreclosure fee set-asides (Michigan) or, utilizing loans or federal HUD HOME funds, which can be used as either grants or loan funds.

The respondents were asked to rank the “best use” they would assign to a

property in their land banks according to their program goals. Choices were industrial, commercial, residential, retail, park/open space, and other. The overall “best use” respondents would assign to acquired properties was residential use (55 percent). Ranked second was commercial use (44 percent), and third was industrial use (one percent). Barriers to acquiring properties varied among respondents but included 33 percent citing a lack of demand/attracting buyers and 33 percent stating lack of funding or reliance on public funding. Other barriers noted were obtaining marketable titles and faulty titles.

All but three respondents indicated that they conducted either a Phase I or Phase II environmental site assessment on their acquired properties (66 percent.) We interpret this as indicative of the need to properly value the property for future use, as well as conduct assessments as to contamination.

Of all land banks responding, the total average annual properties acquired was 1,949, and the average annual distribution of properties was 1,157, meaning an average of 1.69 properties taken in for every property distributed. The land bank respondents averaged 216 acquisitions and 128 distributions per year, with Genesee County, Michigan having the greatest activity (1,100 acquisitions last year) and other land banks with little or no annual activity on average.

### **Management and Analysis of Properties**

Monitoring of land bank properties is done primarily through a central database for the majority of respondents (66 percent). An additional group of respondents also indicated that they relied upon geographic information systems to monitor properties in their land banks.

It is interesting to note that none of the respondents indicated that their property acquisitions required any type of rezoning. Fifty-five percent of the respondents indicated that they classified properties by some sort of system, including current zoning or by potential redevelopment use.

The respondents (56 percent) indicated that they maintained some type of classification system for land bank properties. Methods for classification noted by the respondents were site characteristics (vacant land, occupied land, etc.), current zoning ordinances (residential, commercial), whether inside/outside of target areas, and potential development uses.

### **Distribution of Properties**

A variety of marketing responses were received on how the properties were sold, which was primarily how respondents interpreted this question. Sixty-six percent indicated that they relied upon developer proposals (mostly through an RFP process) and that the pricing in most instances was “free or low cost” (44

percent). The respondents also indicated that the sites were sold below market value (66 percent), including no- or low-cost alternatives for community development corporations. Two respondents indicated that prices were reduced for buyers based upon the level of contamination in the case of brownfield properties.

Generally, all the land banks responding required some sort of redevelopment plan and qualifications from the prospective purchaser of the site. Specific development plans were required by most (77 percent) of the respondents and the timeframe required to fulfill development plans were all project specific. Two of the respondents required specific timeframes for start of construction (within one year) and eventual redevelopment (three years.)

As to environmental liability transfer, once the property is sold, environmental liability in all but one response transferred to the new owner. One land development authority (Erie County, NY) maintains environmental insurance on “large tracts.”

Finally, as to the question of applicable legislation in order to succeed as a land bank, only three participants responded, with one noting that eminent domain powers were key to their success. The other two respondents indicated that state statute provided the authority they needed to operate effectively (notable is Michigan’s recent Land Bank Act of 2004 for Genesee County).



## **ANALYSIS OF BEST PRACTICES**

Synthesizing the results of both the literature review research, as well as the results of the land bank survey, several themes emerge as to common practices in land bank operations. The following identifies the most prevalent practices, and provides a brief analysis of how these practices are used to provide optimal results in an ever-changing landscape of vacant and abandoned land utilization.

Primarily from the literature review, and highlighted by results from our survey, the following have emerged as current land bank best practices:

1. Land bank policies should have a **narrow focus in the goals and objectives** for vacant land reutilization. This will eliminate conflicting land use goals, clarify the function of the land bank across multiple departments (planning, housing, zoning) both within a city and with partnering organizations (e.g., such as other statutorily defined responsible parties to tax foreclosure proceedings.) For example, Frank Alexander notes in his recently published *Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks* (2005), “Too many goals, functions, and expectations will decrease a land bank’s ability to fulfill any of its responsibilities effectively.” In determining the specific purpose of the land bank, considering the role of the existing departments involved in current vacant property transactions is critical. The city law department and the county tax foreclosure entities (treasurer and auditor) must cooperate on a large number of potential sites since this is where many land bank properties are coordinated. Likewise, future use of the property dictates coordination with the city’s planning department and local neighborhood or community development organizations. The strongest land banks seem to be those with the clearest goals and objectives, such as Genesee Land Bank (Michigan) and the existing Cleveland housing land bank.
2. **Coordination of city departments** is critical to holding and dispersing properties in the land bank. Enforcement of code violations ordinances in inspection and enforcement actions is critical, as is the communication to land bank managers and coordinated departments both in and outside of the land bank authority. An **expedited judicial foreclosure process** is also a component in this key mix of coordinated land bank operation and requires a finding of both tax delinquency and code violations to move through a “fast-track” approach.
3. The **corporate structure of the land bank** is critical to success in long-term strategic implementation. For those land banks established as independent legal entities separate from city authority, there seems to be

- more control and flexibility in pursuing narrowly focused land bank objectives. For example, the Atlanta, Louisville, and Genesee land banks, are established as independent entities with their own corporate structure and bylaws. This allows them to move through legal and real estate issues as a nonprofit entity in collaboration with public agencies, yet independent of ordinances or other local anomalies that may slow down acquisition and/or distribution of land. They are free to qualify for both public and foundation funding, while maintaining close ties to local public officials for whom they rely upon for cooperation.
4. An **integrated management information system** is a critical component of land bank operations in order to streamline title, acquisition, and disposition issues. Clear title is a key barrier to acquiring and moving property to productive use. A database or MIS that is integrated with geographic information system (GIS) software can help to quickly identify key properties and ownership, along with other pertinent information. Both Philadelphia and Baltimore have municipal real estate records linked to GIS software that helps to alleviate political and administrative barriers to success of their land bank operations. For example, Philadelphia's Neighborhood Information System provides web access to municipal real estate records and is housed at the University of Pennsylvania, who also maintains the data. Records include property size, owner, purchase date, purchase price, tax delinquency, gas and water account status, city code violations, and other data.
  5. Development of a **citywide approach to land bank planning that is integrated with a long-term strategic vision** is a key practice. In Philadelphia, for example, where 50 years of urban depopulation has created more than 40,000 acres of blighted properties, the implementation of a city-wide planning and neighborhood redevelopment approach has helped to turn the tide since implementation in 2000. Close collaboration with CDCs has proven beneficial in communities such as New York and Cleveland.
  6. Streamlining of the **eminent domain** process is a current best practice for the City of Baltimore. With the support of Baltimore, the state of Maryland enacted "quick take" legislation in 1999, enabling Baltimore to use eminent domain powers more extensively. Their legislation enables a city's acquisition to include properties that are unoccupied, uninhabitable, and two years or more tax delinquent; properties that are unfit for human habitation, for which rehabilitation costs exceed market value; and vacant lots resulting from demolition whether or not they are in tax arrears.
  7. Land banks should have the authority to **determine the terms and conditions for sale** or other property disposition from the land bank



inventory. Both Louisville and Atlanta land banks have broad discretion in setting sale prices and other terms and conditions for disposition of properties. St Louis and Cleveland have a limitation on sales of properties to private third parties that dictate sales at fair market value, (although Cleveland can sell properties to CDCs for below-market pricing.) The broadest possible discretion permits the opportunity for more flexibility in negotiating land bank dispositions, especially important in the case of brownfield properties where remediation has been performed by the city simply to bring a property back to some market value, and disposition to a private party may include liability transfer and other nuanced negotiations.

8. **Financing** options should be flexible and assembled from a variety of unique sources. Philadelphia issued \$295 million in bonds to fund its Neighborhood Transformation Initiative, in addition to utilizing tax increment financing (TIF), HUD HOME funds, Hope VI funding and federal brownfields funding. Legislation in Michigan provides that a land bank receive 50 percent of the property tax revenues for the first five years after the transfer of the property to a private party. Reliance on any one source of funding is unrealistic, and the pursuit of funding from both public and private sources, such as foundations, is an ongoing process.

## **Conclusion**

With the paucity of examples of land bank operations, especially as it relates to industrial and commercial land bank practices, it is fair to note that the best practices are still emerging. As urban centers begin to deal with the effects of depopulation and de-industrialization over the last 40 to 50 years, it is expected that many more examples of new and innovative ways to deal with land and vacant properties will emerge. The most recent innovations, especially in Michigan with sweeping legislative reform, may lead the way nationally for more reforms in land policy and land reutilization. Legal, financial and political barriers will continue to perplex the smartest of policy makers and practitioners, but the urgency of inner-city land reform will undoubtedly push both practitioners and policy leaders toward innovation and action in the near future.



## **Appendix A: Sources**

### **Academic and Trade journals reviewed:**

*Commercial Property News*  
Brookings Institution \*  
*Economic Development Quarterly*  
*Environment & Development Economics*  
Fannie Mae Foundation \*  
Federal Reserve Bank *Economic Review* (all 12 FRB Districts)  
*Finance & Development*  
*Governing*  
*Housing Studies*  
*Housing Policy Debate* (Fannie Mae)  
*Journal of Accounting & Economics*  
*Journal of Development Economics*  
*Journal of Policy History* \*  
*Journal of Property Finance*  
*Journal of Public Administration*  
*Journal of Real Estate Portfolio Management* \*  
*Land Economics*  
The Lincoln Institute of Land Policy \*  
Local Initiatives Support Corporation (LISC) \*  
National League of Cities newspaper  
Ohio Revised Code Chap. 5722 (Land Reutilization Program) \*  
*Public Finance Review*  
*Public Administration Review*  
*Public Administration & Finance*  
National Assoc. of Industrial and Office Properties (NAIOP)  
National Association of Realtors \*  
Bizjournals (Philadelphia) \*  
Snohomish County Economic Development Corporation  
(Washington)  
The Urban Institute  
University of Michigan \*

### **Additional document and web sources reviewed:**

City of Cleveland's Residential Land Bank policies/procedures

City of Cleveland relevant policy and planning documents

City of Columbus planning documents \*

City of Philadelphia and PIDC policy documents.

City of Philadelphia Website: <http://www.phila.gov/nti/landassembly.htm>

Bolen, Richard. *GIS: Essential Technology for Urban Growth Management*. Paper Prepared for the Lincoln Institute of Land Policy, 2002

CEO's for Cities:

[http://www.ceosforcities.org/press/clippings/2002/20021110\\_BaltSun.html](http://www.ceosforcities.org/press/clippings/2002/20021110_BaltSun.html)

*Brownfields Information and Resource Guidebook*. (1998, October). Retrieved February 23, 2005, from <http://cpc.cuyahogacounty.us/docs/brownfieldsmanual.pdf>

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Government Innovators Network: Harvard's Ash Institute For Democratic Government and Innovation  
<http://www.innovations.harvard.edu/news/5729.html?p=1>

*Redevelopment Authority of the City of Milwaukee*. Retrieved March 28, 2005, from <http://www.mkedcd.org/RACM/>

*Strategic Municipal Asset Management*. (2000, April). Retrieved March 9, 2005, from [http://www.worldbank.org/html/fpd/urban//mun\\_fin/toolkit/97p.pdf](http://www.worldbank.org/html/fpd/urban//mun_fin/toolkit/97p.pdf)

Weber, Rachel. (2003). Can Tax Increment Financing (TIF) Reverse Urban Decline?  
[Electronic version]. *Lincoln Institute of Land Policy*.  
<http://www.lincolninst.edu/pubs/pub-detail.asp?id=839>  
Retrieved March 1, 2005

*Urban Redevelopment Authority of Pittsburgh - Financial Assistance/Tools: TIF FAQs*. Retrieved February 14, 2005, from <http://www.ura.org/tifFAQs.html>

*Who Pays in TIFs*. Retrieved February 15, 2005, from neighborhood Capital Budget Group, Chicago. [http://www.ncbg.org/tifs/tif\\_pays.htm](http://www.ncbg.org/tifs/tif_pays.htm)

*Brownfields Showcase Community Fact Sheet*. Retrieved February 23, 2005, from

[http://www.epa.gov/brownfields/html-doc/sc\\_chica.htm](http://www.epa.gov/brownfields/html-doc/sc_chica.htm)

*REDI Services: Providing Comprehensive Redevelopment Services.* (2004). Retrieved February 28, 2005, from <http://chicagoredi.org/services.php>

Kostelni, Natalie (2005). New land policies in place in Philadelphia [Electronic version]. *Philadelphia Business Journal*.

- <http://philadelphia.bizjournals.com/philadelphia/stories/2005/01/24/daily17.html>

Retrieved February 28, 2005

*Empowerment Zone Frequently Asked Questions.* Retrieved February 28, 2005, from <http://www.empowermentzone.org/faq/>

Portland, OR. METRO: [www.metro-region.org](http://www.metro-region.org). Retrieved July 29, 2005.

*Philadelphia Industrial Development Corporation.* Retrieved February 28, 2005, from

[http://www.gptwo.com/Guide\\_Content/phila\\_ind\\_dev\\_pidc.htm](http://www.gptwo.com/Guide_Content/phila_ind_dev_pidc.htm)

*Success Stories: Eagles and Phillies go Act 2 (Southeast Region Showcase Site, Philadelphia Sports Complex, City of Philadelphia, Philadelphia County).*

Retrieved February 28, 2005, from

[http://www.pasitefinder.state.pa.us/docs/ss\\_sero\\_022404.asp](http://www.pasitefinder.state.pa.us/docs/ss_sero_022404.asp)

*Vacant Property Rehab.* Retrieved February 28, 2005, from

<http://www.phila.gov/nti/vacantproperty.htm>



## **Appendix B: Cover Letter to Emailed Recipients of Land Bank Survey**

**Subject line:** Land Bank Survey

Dear Community Development Professional:

As part of a larger study on land banks and contaminated/vacant/underutilized property, we are conducting a Best Practices Scan of current public or non-profit land bank operators nationally. Your name or organization has come to us through our literature or research reviews, and we would greatly appreciate your input. We are asking you to respond to a short web-based survey by clicking on this link:

[http://urban.csuohio.edu/glefc/land\\_bank\\_survey/](http://urban.csuohio.edu/glefc/land_bank_survey/)

The survey does not take more than 10 minutes to complete and will help us to identify current practices in land bank property acquisition, management and distribution. Will you please complete it right away? We are gathering all responses by April 29,2005. Final reports will be made available on our website in late June 2005.

Thank you in advance for your assistance. Please call Chris Gollan at 216-687-2259 if you have any questions.

Kirstin S. Toth  
Project Director  
Great Lakes Environmental Finance Center  
Cleveland State University  
1717 Euclid Ave.  
Cleveland, OH 44115  
[www.glefc.org](http://www.glefc.org)  
216-687-2259





## Appendix C: Web-Based Survey of Land Bank Operation

### Section I: Acquiring Property

1. What year was your land bank established?
  
2. Is your land bank established primarily for housing redevelopment, or for industrial/commercial redevelopment? (Select one)
  - a) Housing
  - b) Industrial/Commercial
  - c) Both
  - d) Other (Please specify) \_\_\_\_\_
  
3. Does your community have a comprehensive (i.e. city-wide) land use plan?
  - a) Yes
  - b) No
  - c) Not sure
  
4. What are the **top three** purposes for establishing your land bank? (**Select only three**)

Rating	Purpose
	Successful reuse of land
	Growth of tax base (increased property value)
	Job creation
	Business expansion
	Increased stability of both property and value
	Improve perception of site due to environmental contamination (Brownfields)
	To reverse urban blight
	Other (Please specify)

5. What are the **top three** characteristics you are looking for in the properties you are willing to accept into the land bank? (**Select only three**)
 

<ul style="list-style-type: none"> <li><input type="checkbox"/> Vacant</li> <li><input type="checkbox"/> Underutilized</li> <li><input type="checkbox"/> Adjacent to growing commercial activity</li> <li><input type="checkbox"/> Adjacent to growing retail</li> <li><input type="checkbox"/> Tax delinquent</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Tax foreclosed</li> <li><input type="checkbox"/> Low price</li> <li><input type="checkbox"/> Free of environmental contamination</li> <li><input type="checkbox"/> Environmentally contaminated</li> <li><input type="checkbox"/> Other (Please specify)</li> </ul>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

6. What type(s) of properties do you accept into your land bank? (Select all that apply)

- Industrial
- Commercial
- Residential
- Retail
- Other (Please specify) \_\_\_\_\_

7. Under which of the following scenarios would you acquire land/sites for use in your land bank? (Select all that apply)

- Tax delinquency
- Determine a certain number of quarters of tax delinquency before a property reverts to abandonment
- Foreclosure
- Eminent domain
- Identify problem areas with the greatest opportunity for improvement
- Within a targeted industrial or commercial area
- Other (Please specify) \_\_\_\_\_

8.

A. Do any policies or procedures require you to identify potential end uses before acquiring a property?

- a) Yes
- b) No
- c) Not sure

B. If yes, who developed these policies or procedures?

- a) Land bank
- b) State government
- c) Local government
- d) Other (Please specify) \_\_\_\_\_

9. How do you prioritize the acceptance of properties into the land bank? (Please describe)

10. For what reason(s) would you **not** accept properties into the land bank?

(Select all that apply)

- Environmental contamination (Brownfields)
- Cost
- Location
- Demolition required
- Property could sell at market rate
- Political circumstance
- Other (Please specify) \_\_\_\_\_

11. What sources do you use to identify properties for the land bank?

(Select all that apply)

- |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Community Development Corporations (CDCs)</li> <li><input type="checkbox"/> Community Based Organizations (CBOs)</li> <li><input type="checkbox"/> Realtors</li> <li><input type="checkbox"/> Geographic Information</li> </ul> | <ul style="list-style-type: none"> <li>Systems (GIS)</li> <li><input type="checkbox"/> Internal city records</li> <li><input type="checkbox"/> Tax records</li> <li><input type="checkbox"/> Other (Please specify) _____</li> </ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

12. How do you finance your acquisition of land bank properties?

- a) Tax Increment Financing (TIF)
- b) Bonds
- c) General Fund
- d) General fund specific programmatic expense
- e) Community Development Block Grant (CDBG)
- f) State funds
- g) Revolving loan fund
- h) Other (Please specify) \_\_\_\_\_

13. Please rank the following uses as the highest and “best use” you would assign a property in the land bank according to your land bank’s goals, with 1 being best use, 2 being second best use, and so forth:

(Please use each number only once)

Rank	Use
	Industrial
	Commercial
	Residential
	Retail
	Park / Open space
	Other (Please specify)

14.

A. What have been the key barriers/challenges you have experienced in acquiring property for your land bank? (Select all that apply)

- Lack of funds
- Lack of political support
- Lack of demand/Attracting buyers
- Reluctance of property owner to sell
- Environmental problems
- Other (Please specify) \_\_\_\_\_

B. How did you overcome these barriers/challenges? (Please describe)

15. What type of environmental assessment do you conduct to determine the level of contamination on land bank property? (Select all that apply)

- No assessment conducted by Land Bank
- Phase I
- Phase II
- Certain real estate or legal (internally required) assessment
- Other (Please specify) \_\_\_\_\_

16.

A. On average, how many properties do you acquire each year for your land bank? (Please specify) \_\_\_\_\_

B. On average, how many properties do you distribute each year for your land bank? (Please specify) \_\_\_\_\_

## **Section II: Management & Analysis**

17. How do you monitor the properties in the land bank? (Select all that apply)

- Central database
- Geographic Information Systems (GIS)
- Realtors
- Community Development Corporation (CDCs)
- Other (Please specify) \_\_\_\_\_

18.

A. Did any of the acquisitions require you to rezone a property?

- a) Yes
- b) No
- c) Not sure

B. If yes, please explain.

- 19.
- A. Do you have a classification system(s) for properties in the land bank?
    - a) Yes
    - b) No
    - c) Not sure
  
  - B. If yes, how are the properties classified (i.e. by zoning ordinances, by site characteristics, by environmental characteristics, etc.)?

**Section III: Distribution**

20. What is your process for distributing land bank properties?
- a) Free/low cost
  - b) Financing
  - c) Developer proposals
  - d) Lottery
  - e) Other (Please specify) \_\_\_\_\_
21. Overall, how do you price land bank properties for distribution?
- a) Brownfields – price reductions are based on the level of perceived contamination or proximity to contaminated property
  - b) Fair Market Value (FMV)- City appraisal
  - c) Below market value
  - d) No cost
  - e) Other (Please specify) \_\_\_\_\_
- 22.
- A. What conditions/requirements must applicants meet to purchase land?
  
  - B. What conditions/requirements must applicants meet after purchasing land?
  
  - C. Is the property purchaser required to commit to a development plan?
    - a) Yes
    - b) No
    - c) Not sure

D. If yes, what time frame is the purchaser required to fulfill the redevelopment plan?

23. Who assumes environmental liability for the property upon distribution?

- a) New owner
- b) Land bank retains liability
- c) Other (Please describe) \_\_\_\_\_

24. What legislation is fundamental to the success of your land bank? Why? (Please describe)

**\*\* May we have a copy of any written procedures and/or policies you have relating to property acquisition, management, and distribution? \*\***

Please provide contact information so that we may call you to arrange receiving this information. Thank you for your participation.

- OR -

Please send these materials to:  
Great Lakes Environmental Finance Center  
Cleveland State University  
2121 Euclid Avenue, UR120  
Cleveland, OH 44115

- OR -

Email Kirstin Toth ([kstoth@netlink.net](mailto:kstoth@netlink.net))

## Appendix D: Recipient List for Land Bank Survey

<u>Email Address</u>	<u>Name</u>	<u>Land Bank</u>
msreichenbach@columbus.gov	Marsha Reichenbch	Columbus Landbank
chad.munitz@cincinnati-oh.gov	Chad Munitz	Cincinnati Economic Development Department
Andrea.amonick@cityofdayton.org	Andera Amonick	Dayton REAP
asouther@maconhousing.com	Alison Souther	Macon-Bibb Landbank
jnl@ci.portland.me.us	John Luftkin	Portland, Maine Landbank
crimr@stlouiscity.com	Rodney Crim	St. Louis Development Corp.
William.carroll@ci.toledo.oh.us	William Carroll	Toledo ED
jwilliams@cityofyoungstownoh.com	Jay Williams	Youngstown City
Nancey.leigh@arch.gatech.edu	Dr. Nancey Green-Leigh	Georgia Tech University
wwwhlb@muni.org	Robin Ward	Anchorage Landbank
srhoads@pidc-pa.org	Sam Rhoads	Philadelphia Industrial Development Corp.
ejeonar@franklincountyohio.gov	Ed Leonard	Franklin County (OH), Dept. of Development
landbank@bellsouth.net	Audrey Akpan	Land Bank Authority, Fulton County/City of Atlanta (LBA)
apotter@co.genesee.mi.us	Art Potter	Genesee County Land Bank
rculver@massdevelopment.com	Robert L. Culver	MassDevelopment
susan.hamilton@loukymetro.org	Susan Hamilton	Metro Development Authority, Industrial and Commercial Development (Louisville)
raffetyr@pdc.us	Robin Raffety	Portland Development Commission (OR)
jdettore@ura.org	Jerome N. Dettore	Urban Redevelopment Authority of Pittsburgh
ggiornelli@atlantada.com	Gregory J. Giornelli	Atlanta Development Authority
mhaess@mkedcd.org		City of Milwaukee, Department of City Development Brownfields Redevelopment
LSalamacha@baltimoredevelopment.com	Larisa Salamacha	Baltimore Development Corporation
bcobbins@wicokck.org	Bridget Cobbins	Wyandotte County Land Bank (Kansas City, KS)
dschrein@co.douglas.ne.us	Dave Shreiner	Land Reutilization Commission ( Omaha, NE)
jclt_kfall@sbcglobal.net	Kevin Fall	Jackson County Land Trust (Jackson County, MO)
jwright@bellsouth.net	James Wright	Valdosta - Lowndes County Land Bank Authority (Valdosta, GA)

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## ***Best Practices in Land Bank Operation***

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eryan@crcmich.org	Earl M. Ryan	Citizens Research Council of Michigan, Urban Land Assembly Program
ejkrack@coatesville.org	E Jean Krack	City of Coatesville, PA
jperot@mail.ci.dallas.tx.us	Hammond Perot	Dallas City Hall, Urban Land Bank Program
laveab@aol.com	Lavea Brachman	Delta Institute
cwebb@ecidany.com	Charles Webb	Erie County Industrial Development Association
eric.swanson@shawgrp.com	Eric D. Swanson	The Landbank Group
jae@sapp.org	Julie Eigenfeld	St Paul Port Authority
hmunneke@terry.uga.edu	Dr. Henry Munneke	University of Georgia, Terry College of Business, Real Estate Program
mcmillen@uic.edu	Daniel P. Mc Millen	University of Illinois at Chicago, Department of Economics

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