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# ZONING AND PLANNING LAW REPORT

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## You Can Take It to the Bank: The Role of Land Banking in Dealing with Distressed Properties

by Sorell E. Negro

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### I. The Housing Crisis

The mortgage crisis, followed by the Great Recession, has resulted in widespread vacant, abandoned, and foreclosed properties throughout the United States, a severe issue affecting both residential and commercial properties. Over 14.2 million year-round housing units were vacant in 2010, a 3.8 million increase from 2000.<sup>1</sup> Not only are vacant and abandoned properties eyesores, but they negatively impact their communities by decreasing the value of surrounding property, reducing tax revenue due to lower property values and delinquent taxes, and making neighborhoods less safe.<sup>2</sup> The costs to municipalities to maintain

them, including clean-up, landscaping, and policing costs, are also significant.<sup>3</sup> Furthermore, vacant and abandoned properties deter people from moving into or investing in a neighborhood.

There are a variety of ways to respond to distressed properties and the housing crisis.<sup>4</sup> Land banks have helped communities deal with serious, systemic problems of abandoned or foreclosed properties, where market demand has failed to remedy the problem. This can occur when the properties cost more to purchase and rehabilitate than they would be worth, for example. Thus, market forces of supply and demand alone would not result in putting the property back to use. This article explains what land banks are, provides ex-

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amples of prominent land banks, and discusses how they can be effective.

## II. Land Banking 101

### A. What It Is

Land banks are governmental, quasi-governmental, or nonprofit entities that acquire distressed properties and then hold and manage them for future use or resale. They typically acquire properties through tax foreclosure, mortgage foreclosure, market transfers, and donations. They maintain properties and rehabilitate them through improvements, redevelopment, or demolition. A land bank is distinguishable from a land trust, generally a nonprofit organization that holds title to property indefinitely to ensure that it is used for a community purpose, such as preservation or affordable housing. Affordable housing land trusts own the land while occupants own or rent the structures. Land banks are different in that they repurpose and transfer properties, throughout a wider geographic area, to third parties.<sup>5</sup>

Land banks first developed in St. Louis and Ohio in the 1970s, followed by Atlanta and Louisville over a decade later, to deal with abandoned properties in tax foreclosure. While these rudimentary land banks dealt with repurposing some properties, they lacked the capacity to effectively deal with the systemic problem of abandoned properties that each city faced.<sup>6</sup> Funding was lacking, and the tax foreclosure laws were not amended to allow the land banks to efficiently acquire title and to make the properties marketable.<sup>7</sup> Successful modern land banks, described below, came about after states streamlined tax foreclosure processes and gave land banks greater power. Modern land banks can be more complex and play a greater role in land assembly and redevelopment.

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## B. How It Works

There are many different organizational structures of land banks. Municipalities are creatures of the state and, thus, their authority is granted to them from state constitutions and enabling statutes, including the authority to create land banks. Some states have statutes that expressly authorize municipalities to create land banks and enable intergovernmental cooperation for regional goals such as redevelopment and affordable housing, such as Michigan's Land Bank Enabling Law.

Although enabling legislation is generally needed, in certain states municipalities may have the authority to develop a land banking scheme without express statutory authority, such as through eminent domain powers. A redevelopment authority or municipal housing development department may perform similar functions as land banks, but their authority to acquire and dispose of property is more limited and their approach is often confined to a specific district or area.<sup>8</sup>

Generally, following the state enabling statute, local governments adopt an ordinance to create a land bank authority. Land banks are often nonprofit organizations or government entities that are run by a board of directors. Sometimes the board is elected; in other cases, it is appointed by the local government. They acquire property through tax foreclosures, mortgage foreclosures, intergovernmental transfers, and market transfers. Once the property is acquired, depending on the enabling statute, land banks may have the authority to waive back taxes and clear titles. They rehabilitate the property—through improvements, redevelopment, or demolition—or maintain it for future use or resale.<sup>9</sup> Land banks also maintain the properties and may demolish properties in appropriate circumstances.<sup>10</sup> Land banks generally look at the property's characteristics—including geography, relationship to the com-

munity, reason for vacancy or abandonment, condition, and environmental contamination—to determine potential re-uses.<sup>11</sup>

States can enable and promote land banking by streamlining and shortening foreclosure processes and by authorizing funding mechanisms, such as authorizing issuance of tax-free bonds or tax-increment financing (TIF). States can also authorize mechanisms by which local governments can acquire, maintain, and transfer abandoned properties, such as allowing land banks to waive back taxes or sell properties at below market value, emphasizing community development over profit. States may also provide funding and tax incentives for land banks.

In the wake of the housing crisis, the federal government recognized land banks as a viable tool. The Housing and Economic Recovery Act of 2008 provided \$4 billion to states and local governments that could be used to establish land banks and to purchase and rehabilitate properties in mortgage foreclosure.<sup>12</sup> These funds were part of the Neighborhood Stabilization Program ("NSP"), which was further funded by \$1 billion through the American Recovery and Reinvestment Act of 2009.<sup>13</sup> The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 gave another \$1 billion to states and local governments with neighborhoods facing the highest rates of foreclosure and subprime mortgages.<sup>14</sup>

As towns and cities throughout the country have differing needs and goals, land banks vary in their powers and functions. Some have been more successful at rehabilitating properties than others.

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## III. Land Banks in Action

### A. Genesee County, MI

Michigan enables local jurisdictions to create land bank authorities with broad powers and

provides tax breaks to land banks to encourage land banking. The Genesee County Land Reutilization Council was created in 2002 through an inter-local agreement between the county and Flint, and it became the Genesee County Land Bank Authority (“GCLBA”) in 2004. This land bank became a remarkable success and a model for other communities seeking to set up land banks in response to the mortgage crisis and the Great Recession. Between 2004 and 2009, it repurposed 1,500 properties.<sup>15</sup> According to Dan Kildee, Founder of GCLBA and Co-Founder and President of the Center for Community Progress, “organizing the land bank at the county level creates the opportunity to utilize a more diverse inventory of real estate and to have regional cross-subsidy.”

Michigan’s Delinquent Property Tax Foreclosure Act of 1999 paved the way for the successful land bank.<sup>16</sup> This Act authorized counties to acquire properties in bulk through tax foreclosure and to create a fund from the sale of the properties to manage their inventory.<sup>17</sup> It stopped the practice of selling tax liens to private third parties, who had little incentive to put properties back to use,<sup>18</sup> and streamlined the foreclosure process by allowing a county to pull together all of its tax-delinquent properties into one foreclosure proceeding.<sup>19</sup> The law reduced the foreclosure timeline to less than 3 years, down from 4-7 years.<sup>20</sup>

In 2003, Michigan passed the progressive Land Bank Fast Track Act, giving land banks the authority to acquire all tax foreclosed properties and quiet title, and establishing a state land bank—the Michigan Land Bank Fast Track Authority.<sup>21</sup> A county or qualified city may create a land bank through an intergovernmental agreement with the state land bank.<sup>22</sup> In streamlining the tax foreclosure process, if taxes are not paid after a hearing on tax delinquency, the property is soon transferred to the local government, which can then transfer it to a land bank.<sup>23</sup> Michigan land banks have a variety of funding

mechanisms including borrowing, issuing tax-exempt bonds or notes, TIF for brownfields and demolition, receiving the interest and penalties on delinquent tax liens, and receiving half of the property taxes collected for the first five years after properties are transferred.<sup>24</sup> Property of land banks in Michigan and their income are exempt from all taxes and special assessments of the state and local governments.<sup>25</sup>

The GCLBA acquires most of its inventory through tax foreclosure. It may bid on foreclosed properties at public auctions, and any foreclosed property that is not sold at the auction automatically transfers to the land bank.<sup>26</sup> The GCLBA may also purchase private property, which it may do if needed for planned development or a public purpose, and may receive properties as gifts.<sup>27</sup> The GCLBA then demolishes, rehabilitates, rents, or sells the properties.<sup>28</sup> It receives half of the property taxes that are collected on the properties for the first five years after they are transferred.<sup>29</sup> It has complete authority to determine the conditions under which it transfers its property, including setting prices.<sup>30</sup> This flexibility has allowed the GCLBA to set conditions and a sales price that are appropriate to the demand of a given property.

In addition, the GCLBA has a “side lot” program where vacant properties are transferred to adjacent property owners for \$1.<sup>31</sup> It also permits neighbors to use its vacant lots for community gardens. These creative mechanisms efficiently and affordably put property back to use and maintain neighborhood property values.<sup>32</sup> It also pays neighborhood organizations to maintain its properties and works with both for-profit and non-profit organizations.<sup>33</sup> The GCLBA emphasizes working with residents as well as the private sector in revitalizing communities.

Despite its lauded track record and hefty burden of maintaining thousands of properties, GCLBA’s budget was recently cut by \$1.3 million.<sup>34</sup> Further, the city of Flint saw record fore-

closures in 2011. Making matters more difficult, the city of Flint saw record foreclosures in 2011, many of which will revert to GCLBA.<sup>35</sup> In addition, TIF bonds were issued in 2005-2007 to finance brownfields projects with the expectation that the redevelopment would increase the property values by 3% per year. As Doug Weiland, Executive Director of GCLBA, explained, the subsequent mortgage crisis dashed these projections. Consequently, GCLBA must use some of the tax revenue on properties it sells to pay down the bonds, although that money was intended to help finance GCLBA's operations and property maintenance. "Brownfield TIF is a useful tool," Weiland said, "but its use in the economic climate that came on its heels has changed the financial dynamics considerably."

According to Weiland, certain aspects of Michigan's enabling legislation must be amended to address funding. "Currently, there is a \$15 fee upon delinquency and a \$175 fee upon forfeiture," he said. "Splitting the fees and charging half at delinquency and half at forfeiture would produce a substantially higher level of funds as there are about 3 times as many properties that go delinquent." An amendment should also clarify that these payments are strictly under the county treasurer's control for use by the land bank in maintaining properties.

#### B. Cuyahoga County, OH

Cuyahoga County, in northeast Ohio, was among the earliest and hardest hit in the foreclosure crisis, facing approximately 13,000-15,000 foreclosures per year since 2005.<sup>36</sup> The Cuyahoga County Land Reutilization Corporation ("CCLRC") was established in 2009 as a nonprofit community corporation, following GCLBA as a model and upon legislation specifically authorizing a land bank in that county.<sup>37</sup> CCLRC has entered into over a dozen Memoranda of Understanding with different municipalities, setting forth means of maintaining,

developing, or demolishing properties, and prioritizing the disposition of properties.<sup>38</sup>

In just over a year, CCLRC acquired 495 properties, demolished 167 properties, and transferred 80 properties to cities or redevelopers.<sup>39</sup> After CCLRC's trial period, Ohio enacted a statewide land banking enabling statute in 2010.<sup>40</sup> CCLRC has become extraordinarily successful at acquiring and repurposing properties, now acquiring approximately 100 properties per month,<sup>41</sup> and is a model for other communities throughout the country.

Like Michigan, leading up to the creation of CCLRC, Ohio passed legislation that enabled CCLRC to be the highly effective land bank that it has become. Ohio streamlined and shortened the state's tax foreclosure proceedings, allowing foreclosure of vacant or abandoned properties (not occupied) to proceed through an administrative hearing rather than requiring a less efficient judicial proceeding.<sup>42</sup> In addition, any interest in a property is extinguished upon transfer to the land bank from tax foreclosure.<sup>43</sup>

Importantly, Ohio created a scheme whereby the land bank is a private nonprofit corporation, enjoying general corporate powers, but it also has key public powers.<sup>44</sup> Thus, CCLRC has the power to acquire, manage, lease, and transfer property; enforce codes and abate nuisances; abate taxes and clear title; issue bonds; and contract, borrow, and lend.<sup>45</sup> Gus Frangos, President and General Counsel of CCLRC, explained that these powers distinguish CCLRC from a common municipal land bank, which is typically "very passive." According to Frangos, such municipal land banks function as "a repository of last resort," and they lack the corporate-like powers to transact and borrow money, for example, that CCLRC enjoys. If the land bank had to go through administrative review and multiple governmental approvals, "we would get one property done every month," he stated.

The final ingredient to CCLRC's lauded success is its reliable and significant funding stream, which is approximately \$7 million per year.<sup>46</sup> CCLRC is primarily financed through the payment of interest and penalties on delinquent property taxes and assessments.<sup>47</sup> This reliable funding stream is unique. While other land banks may have to rely on money from governmental entities, whose budgets are consistently strapped, CCLRC can count on its funding and can therefore plan and effectively operate. Kildee (who also helped establish CCLRC) and others support a similar, clear funding mechanism in Michigan so that fees assessed on delinquent taxpayers pay for managing properties that go through tax foreclosure, and "taxpayers that pay on time are not penalized by the tax foreclosure process."

Most of CCLRC's properties come from Fannie Mae, HUD and major lenders.<sup>48</sup> It distinctively has bulk agreements whereby Fannie Mae transfers distressed properties to CCLRC at \$3,500 each, and HUD sells it properties worth \$20,000 or less for \$100.<sup>49</sup> CCLRC also has agreements with Wells Fargo and Bank of America whereby the banks sell it foreclosed properties for \$7,500 to avoid significant judicial and maintenance costs.<sup>50</sup> These groundbreaking agreements prevent the properties from being sold to speculators who have no interest in repurposing or maintaining the property in the community's interest.<sup>51</sup>

CCLRC continues to be forward-thinking as it considers how to deal with its inventory. It keeps track of, and maintains, its inventory through a detailed property profile system, which tracks the property from the time it is first inspected until the land bank disposes of it.<sup>52</sup> This allows the land bank to effectively manage its wide variety of properties. The up-to-date property profiles include pictures and maintenance information such as when the grass was cut. CCLRC is also open to nonconventional ways of repurposing properties. For example, it recently part-

nered with the International Services Center to match vacant homes with refugees who will fix them up to earn equity.<sup>53</sup>

According to Frangos, CCLRC is very well regarded in the community. "We send a demolition crew to a home that has been trashed, and the neighbors come out and start cheering," Frangos stated, "and the moment you take it down, the neighbors' property values immediately go up."

### C. Fulton County, GA

The Fulton County/Atlanta Land Bank Authority ("FCALBA") is one of the oldest land banks. It was established in 1991 following Georgia's 1990 enabling statute, which authorized one or more cities and the county containing such cities to form a land bank authority by entering into an interlocal cooperation agreement.<sup>54</sup> The state authorized land banks to acquire and maintain tax delinquent properties, clear title, and transfer the properties. Georgia's land banks are public corporate entities governed by a board consisting of two members for each city, appointed by each mayor, and two members appointed by the county commission.<sup>55</sup> Georgia's land banks are empowered to extinguish all county and city taxes on a property, including school district taxes, when the property is transferred.<sup>56</sup> Moreover, the land banks have full discretion in determining the sales price and may foreclose the right of redemption to property acquired through a tax sale.<sup>57</sup> They must maintain a publicly available inventory of their properties and classify them based on suitability for use.<sup>58</sup>

FCALBA was established in 1991 as a non-profit corporation and quasi-governmental entity,<sup>59</sup> and it prioritizes transferring properties to neighborhood nonprofit organizations or other entities to develop affordable housing.<sup>60</sup> Its funding largely comes from local governments and philanthropic entities with significant pro-

grammatic funds from the federal government's NSP program.<sup>61</sup> The NSP money is directed toward the properties, however, and not the land bank's costs of operations and maintenance.<sup>62</sup>

FCALBA does not automatically receive title to properties that are not sold at a tax foreclosure sale and primarily acquires properties through market purchases and transfers from governmental and nonprofit entities.<sup>63</sup> In 2009, FCALBA began implementing a depository agreement with such entities, primarily community development corporations ("CDCs"). The CDCs transfer tax-delinquent properties to FCALBA, which clears the title and waives the back taxes.<sup>64</sup> FCALBA can hold the property for 3-5 years and can transfer the property back to the CDC anytime. It is expected that development of the property will begin immediately upon removal from FCALBA. The depository program has been very well received by the land bank's partners. According to Christopher Norman, Executive Director of FCALBA, the land bank currently holds about 200 properties through this program. Some of those properties are vacant lots, but most are residential properties.

FCALBA's inventory primarily consists of residential properties. However, it also assists Atlanta with creating parks and green spaces by acquiring properties, clearing title, and transferring them to the Department of Parks, Recreation and Cultural Affairs. In addition, the land bank is currently re-examining its strategic plan and may choose to also acquire industrial and commercial properties beginning in the next couple of years.<sup>65</sup>

FCALBA's accomplishments are especially praiseworthy considering it has a staff of four. It works with property management companies and consultants, but, as Norman explained, it must balance the county's large number of vacant and foreclosed properties with its operational constraints. Residents call Norman

weekly asking if FCALBA can take over their properties because they cannot afford the taxes or maintenance. According to Norman, operational constraints are more acute given the severity of the foreclosure crisis, and FCALBA has continued "to try to find creative ways to expand capacity such as with partners."

Notably, FCALBA is working with Atlanta's community land trust initiative, a separate nonprofit entity promoting permanent affordable housing through shared equity ownership, as described above. This initiative is a unique and innovative collaboration between the land bank and the land trust to promote affordable housing. As explained above, land trusts promote permanent affordable housing through shared equity ownership. The land trust owns the land so can ensure that it is perpetually used for affordable housing purposes, and the occupants own the structures. The FCALBA will assist the land trust with acquiring properties and clearing title, and some of its current properties will be transferred to the land trust.<sup>66</sup> The FCALBA's partnerships may be instructive to other communities seeking to promote affordable housing and utilize land banks creatively.

Along those lines, Georgia established the Georgia Association of Land Bank Authorities ("Association") in August 2011 to allow the state's land banks to share information, common practices, and opportunities. The Association also serves as an advocate for the state's land banks and assists with launching new land banks. FCALBA is involved in the Association and recently assisted a neighboring county with launching its own land bank.<sup>67</sup>

#### D. New York

New York passed legislation in July 2011 authorizing the creation of 10 land banks to acquire tax delinquent, foreclosed, vacant, or abandoned properties.<sup>68</sup> F. Michael Tucker, President and CEO of the Center for Economic

Growth, a regional economic development organization based in Albany, explained that New York initially authorized 10 land banks as a pilot program, and if the state receives many applications, which is anticipated, the legislature may be encouraged to expand the program. New York “has recognized the value a land bank can play in a local community,” he stated.

Any foreclosing governmental unit (“FGU”), defined as any tax district, may create a land bank, which shall be a type C not-for-profit corporation, by adopting a local law, ordinance or resolution specifying: the name of the land bank; the number of members of the board of directors (which may be 5, 7, 9, or 11); the initial members and their qualifications and length of term; the manner of selection or appointment and terms of office; and the articles of incorporation of the land bank.<sup>69</sup> An FGU may join with one or more FGUs or with any municipality to create a land bank through an intergovernmental cooperation agreement.<sup>70</sup> Each land bank must be approved by the state’s urban development corporation.<sup>71</sup> The land banks must maintain an inventory and are authorized to develop, demolish, and rehabilitate acquired properties.<sup>72</sup> They may not acquire property through eminent domain.<sup>73</sup> Thus, to acquire a property through eminent domain, a municipality would first have to acquire the property through eminent domain and then transfer title to the land bank,<sup>74</sup> a process that could be more expensive and less effective. Importantly, New York’s land banks have the right to all property that has been seized for unpaid taxes, giving the land banks greater opportunity to acquire properties that will assist in their land redevelopment and assemblage, rather than just coping with the left over properties that no investor wanted.<sup>75</sup>

Since only 10 will be authorized, some counties and municipalities pooled together as regional applicants.<sup>76</sup> As of May 2012, five land banks were approved in New York: (1) the Cities of Buffalo, Lackawanna, and Tonawanda,

as well as Erie County; (2) the City of Syracuse and Onondaga County; (3) the City of Schenectady, County of Schenectady, and City of Amsterdam; (4) Chautauqua County; and (5) the City of Newburgh.<sup>77</sup> Tucker highlights the importance of flexibility in any regional scheme because communities have different approaches and concerns. According to Tucker, attendees of recent sessions in Albany, held to educate public and private sector officials on land banks, were very excited about the potential for land banking.

#### IV. Concerns?

Not all land banks have been as successful as the land banks discussed above. For example, there have been ongoing complaints that the St. Louis land bank, the Land Reutilization Authority (“LRA”), is holding onto properties for too long and has rejected many worthy offers to purchase properties.<sup>78</sup> The LRA was created in 1971 and owns thousands of parcels for future development.<sup>79</sup> It is organized for top-down development and must keep an inventory of its properties and classify them according to potential use—whether they can be used for public or private use or whether they are presently usable or not.<sup>80</sup> However, it is less powerful than the modern land banks created in recent years, which may have more robust funding mechanisms and the ability to acquire more properties according to the land banks’ plans and goals, such as the New York land banks.

In addition, the Wayne County land bank in Michigan has recently undergone significant scrutiny and reform following a scandal involving the county’s former chief development officer, Turkia Awada Mullin, who ran the land bank from 2007 until October 2009.<sup>81</sup> During that time, Mullin awarded no-bid contracts, including to associates and political contributors, totaling \$750,000.<sup>82</sup> The county paid her a \$200,000 severance when she left her posi-



tion at the land bank to become CEO of the county airport, from which she was fired a month later.<sup>83</sup>

While these cases are troublesome, these problems do not seem to be ones that are innate to land banks, but rather to organizations that suffer from insufficient authority or mismanagement and lack of transparency. Furthermore, Frank S. Alexander, professor at Emory Law School and director of the Project on Affordable Housing and Community Development, explains that “[l]and banking is not employed to formulate the large scale acquisition of properties simply in order to hold a large public inventory of land[,]” but rather to reoccupy and repurpose them as soon as possible.<sup>84</sup> As demonstrated above, land banks can be successfully established and managed.

## V. Conclusions

Although certain land banks have been criticized for holding onto properties for too long or inadequately maintaining them, land banking has enabled communities to repurpose properties and increase affordable housing despite serious funding constraints and a nationwide housing crisis. Also, a land bank does not own every distressed property in its jurisdiction, but it often receives the worst ones. Successful land banks have figured out how to prioritize properties for repurposing them in alignment with community development plans. The successful examples discussed above indicate that the first step to effective land banking must often be state legislation that streamlines the tax foreclosure process and authorizes the creation of land banks with sufficient powers and funding to be proactive and effective. While not a silver bullet, land banks can help stabilize neighborhood property values and provide municipalities with a means of handling the responsibilities and costs associated with vacant and abandoned properties.

Land banking faces numerous challenges. These include expanding successful land banking to other localities, which may require state legislation streamlining tax foreclosures and giving land banks sufficient powers and funding mechanisms. Moreover, as Frangos articulated, even where land banks exist, the problem of vacant and abandoned properties in urban centers is not letting up. “The challenge is how do we continue to address the problem with that much surplus being thrown at us?” In addition, acquiring and rehabilitating or demolishing industrial and commercial properties can be prohibitively expensive, especially because of environmental clean-up costs. However, larger land banks in Michigan are taking on commercial property successfully, and, as Kildee explains, “there is no public entity better positioned to deal with those properties.” Land banks have a public responsibility and the tools to repurpose these properties in a manner consistent with their communities’ needs.

Confronting these challenges, land bank leaders are asking, in Frangos’s words, “How do we keep the momentum going?” Not surprisingly, the answer may be as varied as the geography of distressed properties, state and local laws, and the needs and capacities of our communities.

## NOTES

1. See Table 982, Total Housing Inventory for the United States: 1990 to 2010, U.S. Census Bureau (2012), available at <http://tinyurl.com/82d7v2p>.
2. See, e.g., Econsult Corporation, *et al.*, *Vacant Land Management in Philadelphia: The Costs of the Current System and the Benefits of Reform*, 6-8 & 10-12 (Nov. 2010), available at <http://tinyurl.com/7ragxq2> (vacant properties reduce property values by 6.5% throughout Philadelphia, and up to 20% in certain neighborhoods, and owe at least \$2 million/year in uncollected property taxes).
3. See, e.g., Econsult Corporation, *et al.*, *Vacant Land Management in Philadelphia: The Costs of the Current System and the Benefits of Re-*

- form, 6-8 & 9-10 (Nov. 2010), available at <http://tinyurl.com/7ragxq2> (although the city controls a minority of Philadelphia’s vacant properties, its maintenance costs are over \$20 million each year).
4. See Frank S. Alexander & Leslie A. Powell, *Neighborhood Stabilization Strategies for Vacant and Abandoned Properties*, 34 Zoning & Planning Law Report 1 (2011); Jessica A. Bacher, *Addressing Distressed Properties: Legal Tools*, 39 R.E.L.J. 207 (2010); Dwight H. Merriam, *Helping Development in a Down Economy*, 50 Municipal Lawyer 14 (2009).
  5. Frank S. Alexander, *Land Banks and Land Banking*, 39-40 (June 2011).
  6. Frank S. Alexander, *Land Banks and Land Banking*, 18-19 (June 2011).
  7. Frank S. Alexander, *Land Banks and Land Banking*, 19-20 (June 2011).
  8. Frank S. Alexander, *Land Banks and Land Banking*, 22 (June 2011).
  9. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 4 (2009) (depiction of general creation and functions of land banks).
  10. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 3 (2009) (depiction of general creation and functions of land banks).
  11. See Frank S. Alexander, *Land Banks and Land Banking*, 28-29 (June 2011).
  12. See Julie A. Tappendorf & Brent O. Denzin, *Turning Vacant Properties into Community Assets Through Land Banking*, 43 Urban Lawyer 807-08 (2011); EPA, Land Revitalization Fact Sheet: Land Banking 1, <http://tinyurl.com/6n8w9ns> (last visited July 10, 2012).
  13. See Julie A. Tappendorf & Brent O. Denzin, *Turning Vacant Properties into Community Assets Through Land Banking*, 43 Urban Lawyer 807-09 (2011).
  14. Julie A. Tappendorf & Brent O. Denzin, *Turning Vacant Properties into Community Assets Through Land Banking*, 43 Urban Lawyer 810 (2011).
  15. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 10 (2009).
  16. See 1893 Mich. Pub. Act 206, as amended by 1999 Mich. Pub. Act 123.
  17. See 1893 Mich. Pub. Act 206, as amended by 1999 Mich. Pub. Act 123; Frank S. Alexander, *Land Banks and Land Banking*, 20 (June 2011); HUD, *Revitalizing Foreclosed Properties with Land Banks*, 9 (2009).
  18. Frank S. Alexander, *Land Banks and Land Banking*, 20 (June 2011).
  19. Frank S. Alexander, *Land Banks and Land Banking*, 20 (June 2011).
  20. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 9 (2009).
  21. See 2003 Mich. Pub. Act 258, §§ 124.754(4), 124.755(1) & 124.765; Frank S. Alexander, *Land Banks and Land Banking*, 21 (June 2011).
  22. MICH. COMP. LAWS § 124.773(4)-(5) (2011); see MICH. COMP. LAWS § 124.753(n) (defining “qualified city” as “a city that contains a first class school district and includes any department or agency of the city.”).
  23. 2003 Mich. Pub. Act 258 § 124.773; Frank S. Alexander, *Land Banks and Land Banking*, 49 (June 2011).
  24. See 2003 Mich. Pub. Act 258 §§ 124.754, 124.763 & 124.769(1); Frank S. Alexander, *Land Banks and Land Banking*, 50-52 (June 2011); EPA, Land Revitalization Fact Sheet: Land Banking 2, <http://tinyurl.com/6n8w9ns> (last visited July 10, 2012); HUD, *Revitalizing Foreclosed Properties with Land Banks*, 11 (2009).
  25. MICH. COMP. LAWS § 124.763 (2011).
  26. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 10 (2009).
  27. See HUD, *Revitalizing Foreclosed Properties with Land Banks*, 10 (2009).
  28. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 10 (2009).
  29. See HUD, *Revitalizing Foreclosed Properties with Land Banks*, 11 (2009).
  30. See MICH. COMP. LAWS § 124.757(1); Frank S. Alexander, *Land Banks and Land Banking*, 47 (June 2011).
  31. The adjacent property owner may also have to pay taxes if the property was foreclosed before 2004. See Genesee County Land Bank, *Frequently Asked Questions*, [www.thelandbank.org/faq.asp](http://www.thelandbank.org/faq.asp) (last visited July 10, 2012).
  32. HUD, *Revitalizing Foreclosed Properties with Land Banks*, 3 (2009).
  33. Frank S. Alexander, *Land Banks and Land Banking*, 53 (June 2011).

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