

KINGSTON CITY LAND BANK, INC.

REAL PROPERTY ACQUISITION GUIDELINES

Section 1. DEFINITIONS

As used herein, the following terms shall have the meaning set forth below:

- a. "Acquisition" or "Acquire" shall mean the transfer to the Land Bank of title or any other beneficial interest in Real Property in accordance with these Guidelines and the Law of the State of New York.
- b. "Board" shall mean the board of directors of the Kingston City Land Bank, Inc.
- c. "Guidelines" shall mean these Guidelines, as amended from time to time by resolution of the Board.
- d. "Holding Period" shall mean the estimated time period that the Land Bank will hold an Acquired parcel of Real Property and which shall be estimated prior to the Board considering the Acquisition.
- e. "Land Bank" shall mean the Kingston City Land Bank, Inc.
- f. "NPCL" shall mean the New York Not-for-Profit Corporation Law, as amended from time to time.
- g. "PAL" shall mean the New York Public Authorities Law, as amended from time to time.
- h. "Purchase" shall mean that process of Acquisition of Real Property by the Land Bank whereby consideration of any kind is given to a third party transferor by the Land Bank for the compensation of the third party transferor in reference to the Real Property acquired.
- i. "Real Property" shall mean lands, lands under water, structures and any and all easements, air rights, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgement, mortgage or otherwise, and any and all fixtures and improvements located thereon.

Section 2. CONTROLLING LEGISLATION

PAL §2824(e) requires the Land Bank to establish a written policy regarding the acquisition of Real Property by the Land Bank. The NPCL places statutory restrictions upon the ability of the Land Bank to Acquire Real Property. These Guidelines are intended to be consistent with and shall be construed in accordance with the PAL and NPCL. The Land Bank shall Acquire Real Property in accordance with these Guidelines, the PAL and the NPCL.

Section 3. ACQUISITION OF PROPERTY BY THE LAND BANK

- a. **Methods of Acquisitions.** The Land Bank may Acquire Real Property or any interest in Real Property by gift, devise, transfer, exchange, foreclosure, purchase or otherwise on terms and conditions that the Land Bank considers proper.
- b. **Board Approval.** The Land Bank shall not Acquire any interest in any Real Property by Purchase unless such Purchase is authorized by a vote of a majority of the Board or, if such Real Property would upon Purchase thereof constitute all or substantially all of the assets of the Land Bank, a vote of two-thirds of the Board, in each case as required pursuant to NPCL §509. Acquisition of Real Property by other than Purchase shall require a simple majority vote of the Board.
- c. **Geographical Area Limitation.** The Land Bank shall not own any Real Property outside of the jurisdictional boundaries of the City of Kingston, New York, in compliance with NPCL §1608(e).
- d. **Character of the Property.** Pursuant to NPCL §1608(g), the Acquisition of Real Property by the Land Bank from entities other than the City of Kingston shall be limited to real property that is tax delinquent, tax foreclosed, vacant or abandoned; provided however that the Land Bank may purchase other Real Property consistent with an approved redevelopment plan.
- e. **Inventory List.** Pursuant to NPCL §§1608 (h) and (i), within one week of the Acquisition of any parcel of Real Property, the Land Bank shall inventory the Acquired parcel in a publicly available

inventory list. The list shall include the following details regarding every parcel of Real Property so Acquired: (i) the location; (ii) the purchase price; (iii) the current assessed value; (iv) any amount owed to a locality for real property taxation; (v) the identity of the transferor; and, (vi) any conditions or restrictions applicable to the property. Every parcel of Real Property Acquired by the Land Bank shall remain on the inventory list at least one week prior to any disposal of any interest in said Real Property. Failure to comply with the provisions of this section 3. e. shall, with regards to any individual parcel of Real Property, cause the Acquisition of that parcel to be null and void as set forth in NPCL §1608(j).

Section 4. FACTORS TO BE CONSIDERED PRIOR TO ACQUISITION

When contemplating an Acquisition of Real Property, the Board shall take into consideration the following factors, as may be relevant:

- a. Does the property support the mission of the Land Bank?
- b. Would Acquisition be pursuant to a proposal or request by governmental, nonprofit or for-profit entity identifying specific properties for ultimate acquisition and redevelopment, which: (i) act as catalyst for further development; (ii) are part of a comprehensive development plan; (iii) support infrastructure, public and green space development; or (iv) reduce blight in the community? In particular, Acquisition will be prioritized where Land Bank participation is necessary to complete the redevelopment. In the case of municipal involvement, inter-local agreements (if required for development or maintenance) must be in place prior to Acquisition.
- c. Is the property available for immediate occupancy without need for substantial rehabilitation?
- d. Is the property located in a reinvestment area that would support strategic neighborhood stabilization and revitalization plans?
- e. Does the property meet the criteria for demolition and will such demolition support blight elimination and neighborhood revitalization plans? Acquisition should be contingent upon the funding available for the Land Bank to facilitate demolition.
- f. Would the property form part of a land assemblage development plan by either the Land Bank or partnering entities (e.g. land banking)?
- g. Is the property vacant, non-conforming or undevelopable such that it could be placed into a Side Lot Disposition Program or support a planned development?
- h. Can the property generate operating support for the functions of the Land Bank?
- i. Is the property encumbered by any existing financial liabilities?
- j. Do any known environmental conditions exist that warrant a remediation plan and additional funding?
- k. Would the property allow for the creation or expansion of green or community space and urban gardens?
- l. Is a designated end use in place for the property prior to acquisition?
- m. Does the property have significant historic value?
- n. Is the property city-owned and/or near schools, senior centers or highly visible areas that may pose safety issues to the community?

Section 5. MISCELLANEOUS

All properties, when Acquired, should be absent of any existing financial liabilities and should have a maintenance plan in place that, at a minimum, ensures that as soon as is practicable after Acquisition, the property will be secure and in compliance with all relevant laws and ordinances of the City of Kingston, as required by NPCL §1608(d). Exceptions to these Guidelines may be considered by the Board on a case-by-case basis, as appropriate.

Adopted November 26, 2018