

# DUTCHESS COUNTY-POUGHKEEPSIE LAND BANK

## REAL PROPERTY ACQUISITION POLICY AND GUIDELINES

1. **DEFINITIONS** As used herein, the following terms shall have the meaning set forth below.
  - 1.1. **“Board”** shall mean the Board of the Dutchess County-Poughkeepsie Land Bank Corporation.
  - 1.2. **“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.
  - 1.3. **“Guidelines”** shall mean these guidelines, as amended from time to time by resolution of the board.
  - 1.4. **“Holding Period”** shall mean the estimated time period that the land bank will hold an acquired parcel of real property.
  - 1.5. **“Land Bank”** shall mean the Dutchess County-Poughkeepsie Land Bank Corporation.
  - 1.6. **“Land Bank Act”** shall mean Article 16 of the New York Not-for-Profit Corporation Law.
  - 1.7. **“N-PCL”** shall mean the New York Not-For-Profit Corporation Law, as amended from time to time.
  - 1.8. **“PAL”** shall mean the New York Public Authorities Law, as amended from time to time.
  - 1.9. **“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.
  - 1.10. **“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 judgment, mortgage or otherwise, and any and all fixtures and improvements located thereon.
2. **CONTROLLING LEGISLATION**
  - 2.1. PAL §2824(1)(e) requires the land bank to establish a written policy concerning the acquisition of real property by the land bank. The Land Bank Act and N-PCL place statutory restrictions upon the ability of the land bank to acquire real property.
  - 2.2. These Guidelines are intended to be consistent with and shall be construed in accordance with the Land Bank Act, PAL and N-PCL. The Land Bank shall acquire real property in accordance with these guidelines, the Land Bank Act, PAL and the N-PCL.
3. **ACQUISITION OF PROPERTY BY THE LAND BANK**
  - 3.1. **Methods of Acquisition.** 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.
  - 3.2. **Board Approval.** The land bank shall not acquire any interest in real property unless such acquisition is authorized by a majority vote of the Board in accordance with the Land Bank Act or as may otherwise be required pursuant to N-PCL § 509.

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- 3.3. **Geographical Area Limitation.** The land bank shall not own any real property outside of the jurisdictional boundaries of Dutchess County in compliance with the Land Bank Act.
- 3.4. **Character of the Property.** The acquisition of real property by the land bank from entities other than political subdivisions 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.
- 3.5. **Inventory List.** In accordance with the Land Bank Act, 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:
  - 3.5.1. the location;
  - 3.5.2. the purchase price;
  - 3.5.3. the current assessed value;
  - 3.5.4. any amount owed to a locality for real property taxation;
  - 3.5.5. the identity of the transferor; and
  - 3.5.6. 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.
- 3.6. **Maintenance Consideration Factors.** Prior to authorizing the acquisition of a parcel of real property, the board should, when feasible, consider the following maintenance consideration factors:
  - 3.6.1. Taxes - any taxes remaining unpaid for the current tax status year that will be required to be paid, current special assessments and projected special assessments for the holding period.
  - 3.6.2. Water- any non-discharged water charges, as well as water charges owed but not yet billed, and projected water charges during the holding period.
  - 3.6.3. Routine Land Maintenance - projected costs during the holding period for mowing, tree maintenance, and snow removal.
  - 3.6.4. Trash Removal - estimated trash removal costs for properties in immediate need, as well as projected costs during the holding period.
  - 3.6.5. Property Structure maintenance- projected costs during the holding period for:
    - 3.6.5.1. repair or remediation of immediate dangers (demolitions, partial demolitions, structural repairs);
    - 3.6.5.2. repairs required to maintain the habitability of occupied structures;
    - 3.6.5.3. repairs necessary to protect the investment of the land bank (roofs, siding, painting, pointing, board ups of windows and doors);
    - 3.6.5.4. discretionary repairs to comply with codes, or to improve marketability, and
    - 3.6.5.5. removal of trash, debris and abandoned property from abandoned or vacated structures intended to be marketed for resale.

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- 3.6.6. Legal Costs - projected to be expended by the land bank for the property including potential evictions, leases, tenant or prior owner workouts, clearing of title, representation for acquisition, representation for disposition, and any other foreseeable legal costs to be incurred by the land bank during the holding period.
- 3.6.7. Marketing - any normal or special projected, estimated, or anticipated costs associated with the marketing of the property for resale during the holding period.
- 3.6.8. Appraisal - a reasonable estimate of the appraisal cost associated with the resale of the property taking into consideration the character of the property and the price normally paid for such services.
- 3.6.9. Environmental costs- estimated environmental costs associated with acquiring and holding the property during the holding period, required prior to disposing of the property, and potential future claims for environmental remediation; including but not limited to asbestos removal, lead paint remediation, removal and disposal of hazardous substances accumulated on the property and any remediation related to potential contamination of the earth and/or ground water.
- 3.6.10. The maintenance requirements imposed by N-PCL § 1608(d).

#### 4. **FACTORS TO BE CONSIDERED PRIOR TO ACQUISITION**

- 4.1. When contemplating an acquisition of a parcel of real property the board shall consider the following factors when applicable:
  - 4.1.1. Proposals and requests from individuals or entities that identify a specific parcel or parcels of real properties for acquisition and redevelopment which
    - 4.1.1.1. act as a catalyst for further development;
    - 4.1.1.2. are part of a comprehensive development plan;
    - 4.1.1.3. support infrastructure, public and green space development, community space, and urban gardens; or
    - 4.1.1.4. reduce blight in the community.
  - 4.1.2. Real properties where the participation of the land bank is necessary to complete the development because of title issues or other failures in the marketplace.
  - 4.1.3. Real properties that are occupied or are available for immediate occupancy without the need for substantial rehabilitation.
  - 4.1.4. Real properties that when acquired would support the strategic neighborhood stabilization and revitalization plans of the land bank or of the foreclosing governmental units.
  - 4.1.5. Real properties that would form part of a land assemblage plan developed or approved by the land bank.
  - 4.1.6. Vacant land including non-conforming and undevelopable parcels of real property which could be placed in a side lot disposition program or support a planned development.

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- 4.1.7. Real properties that would generate income to support the mission, purpose and operations of the land bank.
  - 4.1.8. The maintenance consideration factors for the parcel of real property and the availability of funds for maintenance of the parcel of real property.
  - 4.1.9. A list of any known liens on the real property which includes the name of the lienholder, the amount of the lien, when, how and where recorded, and any available defenses to the lien.
  - 4.1.10. Any environmental contamination that is known to be present on the real property or may be present on the real property due to prior known past uses historically associated with environmental contamination.
  - 4.1.11. Real properties that have a designated end use in place prior to acquisition.
  - 4.1.12. The estimated or appraised value of the real property.
  - 4.1.13. The financial resources available for acquisition.
  - 4.1.14. The operational and financial capacity of the land bank at the time of the proposed acquisition.
  - 4.1.15. The estimated time for which the real property will be held by the land bank.
  - 4.1.16. Any contractual obligations which would compel the acquisition or which would be effected, or impaired by the acquisition of or the failure to acquire the real property.
- 4.2. **Consideration of Factors.** In considering the factors outlined in Section 4.1 each board member may assign their own weight to any factor and may consider and weigh other factors not listed therein.