

## Land Banks Enter the Fight Against Blight

### Land Bank Basics

- **New York State’s land banks are charitable not-for-profit corporations authorized by the State’s Land Bank Act. They are also “local authorities” under the Public Authorities Law.**
- **Land banks can help local governments return vacant, abandoned or tax-delinquent properties to productive use.**
- **While their priorities vary, most land banks focus on dilapidated residential properties in distressed real estate markets.**
- **None of New York’s land banks are currently financially self-sustaining; most receive a large share of their funding from grants and other subsidies. Subsidies accounted for 64 percent of budgeted revenues for the local fiscal year ending in 2015.**
- **The New York State Office of the Attorney General has awarded \$32.7 million in bank settlement funds to ten land banks through the “Land Banks Community Revitalization Initiative.”**
- **Given that land banks are created to deal with problem properties that have failed to attract responsible buyers, it seems likely that most will continue to rely heavily on grants and other subsidies.**
- **Given land banks’ significant powers, effective monitoring and oversight will be critical in order to ensure their appropriate operation in the public interest.**

Nearly a decade after the collapse of the housing bubble and the ensuing recession, communities across New York State continue to grapple with the fallout. Recent reports from the Office of the State Comptroller (OSC) have documented some of the harmful consequences in the form of elevated foreclosure activity and a proliferation of vacant, abandoned “zombie properties.”<sup>1</sup>

Where a profit may be expected, private investment generally ensures that vacant properties are maintained and, when necessary, renovated or redeveloped quickly to maximize returns. However, for some properties, the cost of paying off tax liens, making repairs, or completing the environmental remediation needed to return them to productive use exceeds their market value. This can lead to a cycle of disinvestment undermining communities’ economic vitality and leaving local governments with shrinking tax bases and often increasing crime.

Land banks offer a means of addressing this market failure by acquiring vacant, abandoned or tax-delinquent properties and returning them to productive use. Although they have existed for decades in other states, land banks are relatively new to New York. This report, which is part of a series of reports on local authorities,<sup>2</sup> explains what land banks are, discusses how they can help local governments cope with high concentrations of vacant and abandoned properties and identifies factors that could determine their long-term success.<sup>3</sup>

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## Background

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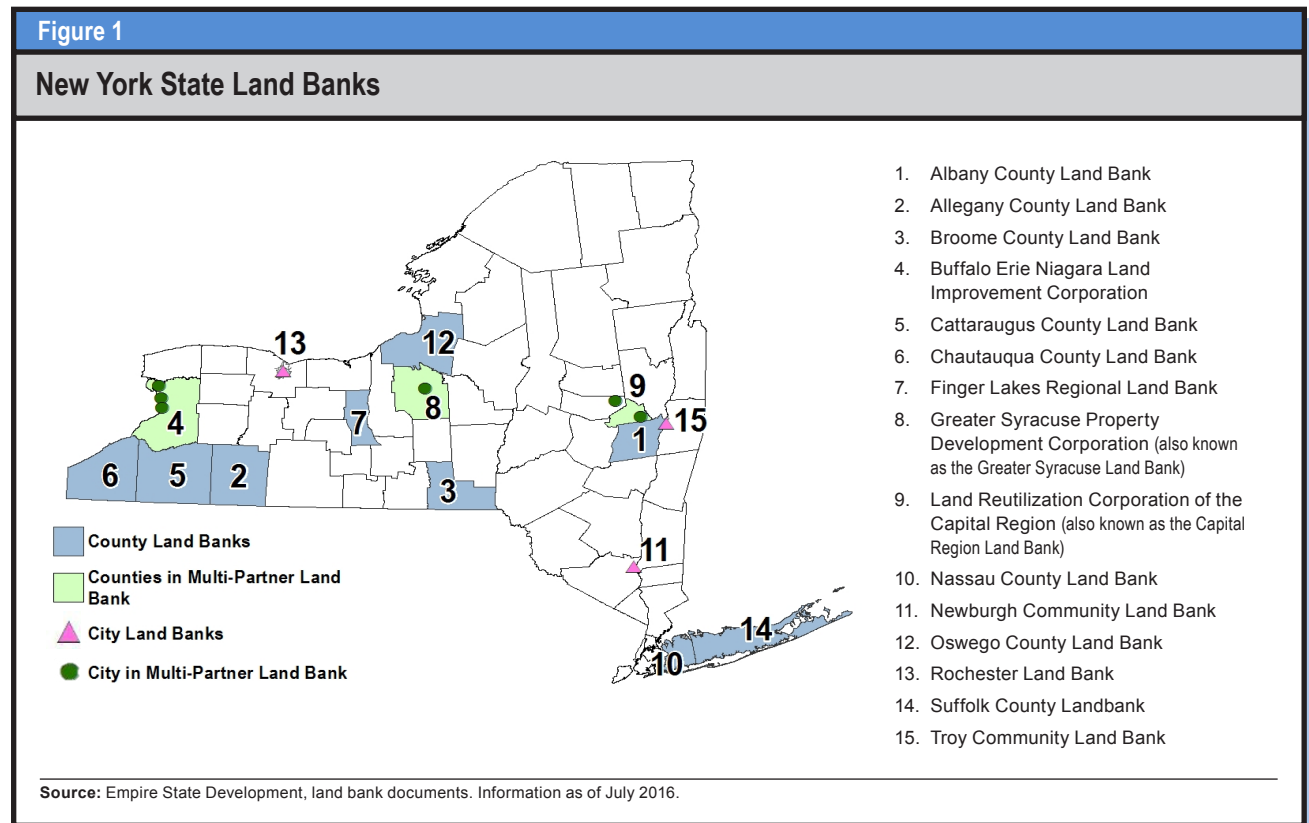
The main purpose of a land bank is to promote the improvement of properties that have failed to find a responsible owner, fallen into disrepair and been left as a blight on the surrounding community. Land banks may acquire these properties and eventually return them to productive use through redevelopment or demolition. Ideally, each decision is made based on a strategic plan that serves the community's needs for housing, recreation and other land uses.

In the United States, land banks have been in use since the 1970s. The decline of manufacturing eroded the economic base of many cities and regions, leading to depopulation and disinvestment and resulting in "rust belt" communities with large inventories of vacant and abandoned properties. Ohio, Michigan and Missouri land banks have been working for decades to mitigate the resulting blight. More recently, the mortgage crisis and the resulting surge in foreclosures and vacant, abandoned "zombie properties" have prompted other states, including New York, to adopt land banks as a blight-fighting tool.<sup>4</sup>

While all land banks have the same basic goals, their specific characteristics and powers vary from state to state and community to community, as do related funding sources, which typically include grants or other subsidies from federal, state and local governments as well as revenues from leasing or selling properties. Some may also receive a portion of property taxes on their redeveloped properties or dedicated funds from delinquent tax penalties. In some states, they may use tax-exempt bond financing or other types of borrowing.<sup>5</sup> Given their role in supporting the rehabilitation or conversion of properties that fail to attract responsible investors, it is not surprising that land banks often struggle with funding. In an informal national study of existing land banks conducted in 2013-14, the Center for Community Progress found that most identified a lack of ongoing funding as a major obstacle to carrying out their missions.<sup>6</sup>

## Land Banks in New York State

In New York, foreclosing governmental units (i.e., counties, cities, towns and villages that enforce delinquent taxes) often use tax foreclosure auctions to dispose of tax-delinquent properties. However, in areas with large numbers of distressed, low-value, tax-delinquent properties, this practice may end up enabling unhealthy speculation where investors buy multiple dilapidated low-value properties, with no intention of paying taxes or maintaining them. These investors may try to resell quickly, in some cases to unprepared out-of-state investors who do not understand the true condition of the property or their obligations for maintenance and taxes. Or the investors may hold the properties and rent them out in their existing poor condition until the local government forecloses again if property taxes remain unpaid. Such speculators may outbid more responsible owners in tax auctions, partly because they are not planning to pay the costs of taxes and maintenance.<sup>7</sup>



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Local governments can try to avoid selling to individuals or companies that have proven to be irresponsible owners, but speculators can often continue to pursue a predatory investment strategy by creating new corporate entities to mask their previous history. Some limited liability companies (LLCs) have been criticized as contributing to the deterioration of commercial and industrial properties through salvaging fixtures or pipes while failing to clean up asbestos or address other environmental concerns. Eventually, the LLCs abandon the stripped properties, thereby further reducing the market value and the property tax base. Such properties can remain vacant for extended periods because the local governments are often reluctant to assume liability for abating environmental problems.<sup>8</sup>

Responsible owners with an interest in seeing the community succeed may be discouraged by the auction process. Foreclosure auctions tend to reduce the number of potential purchasers who would buy a property in order to live in it. Generally, potential purchasers are not able to inspect a home's interior before the bid, nor can they reduce or retract their bid if a post-purchase inspection reveals big problems. This process also generally requires the full purchase price to be paid in cash at the time of purchase. This means many potential homeowners — who are typically more dependent on obtaining a mortgage, which involves a slower process — are effectively prevented from participating in these auctions.

State and local laws also limit other strategies municipalities might want to use to address blight, such as redeveloping properties they foreclose on for nonpayment of property taxes or acquiring other neighboring properties in order to create a more marketable set of parcels for resale. Although New York's urban renewal statutes and the Municipal Redevelopment Law allow municipalities to pursue redevelopment projects in limited geographic areas, these laws do not give local governments broad authority to take other ad hoc or piecemeal actions to deal with more widely dispersed vacant, abandoned properties.<sup>9</sup>

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## Land Bank Powers

The New York State Land Bank Act (Act), enacted in 2011, authorizes the creation and administration of land banks.<sup>10</sup> Its aim is to help address problems associated with vacant, abandoned and tax-delinquent properties, including “lengthy and/or inadequate foreclosure proceedings,” by providing a tool for communities “to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use . . . to eliminate the harms and liabilities caused by such properties.”<sup>11</sup> The initial legislation authorized the creation of up to ten land banks. In 2014, the law was amended to raise the number to 20. As of September 2016, the State had 15 incorporated land banks (see Appendix A).<sup>12</sup> Three more are in the process of forming.

In New York, land banks are charitable not-for-profit corporations created by certain foreclosing governmental units through passage of a local resolution followed by Empire State Development Corporation (ESDC) approval.

Two or more foreclosing governmental units may also jointly form a land bank, or, through an intergovernmental agreement, one or more municipalities (counties, cities, villages or towns) may join at least one governmental unit with foreclosure powers to create one. The local governments appoint the initial board of directors and determine how subsequent board appointments will be made.

New York’s land banks have several powers. With respect to property tax enforcement, they may, under certain circumstances, commence a foreclosure action on tax-delinquent properties and prompt an auction. If no municipality bids on a property, the land bank may bid an amount equal to the total of all municipal claims and liens, and the property is sold to the land bank regardless of any higher bids offered by other parties. This allows the land bank to break the cycle of unhealthy speculation.<sup>13</sup>

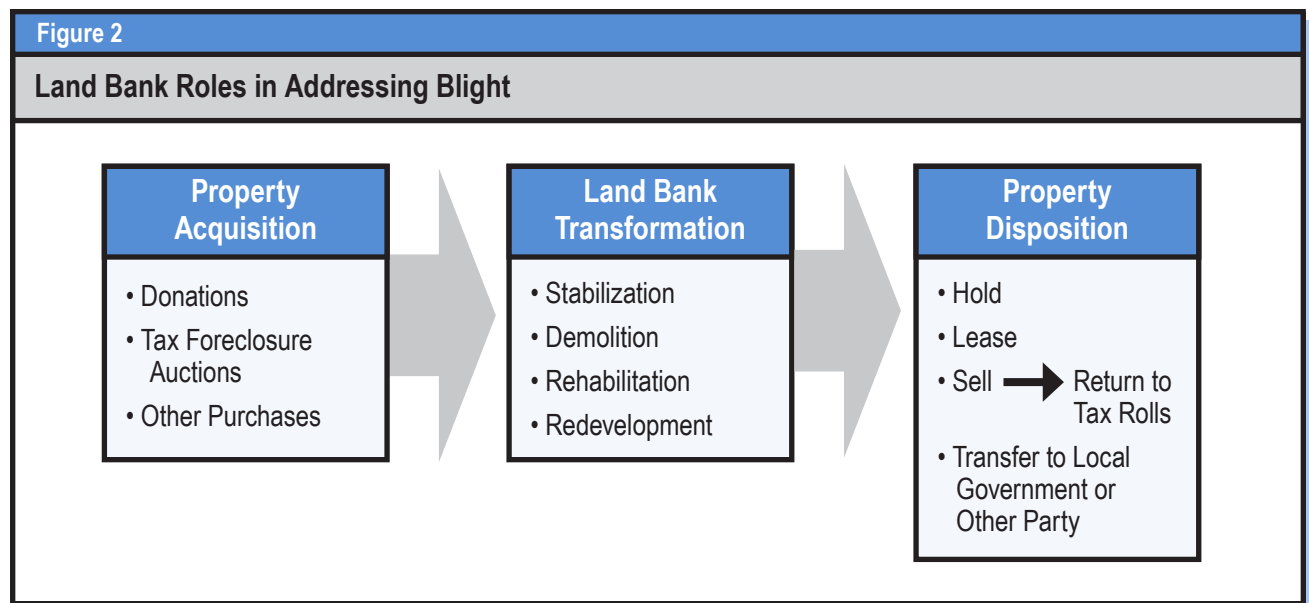
Land banks can create redevelopment plans and purchase property that is not distressed to carry out their plans. In negotiating sales, they may take into account the needs of the community. As property owners, they can renovate, demolish or redevelop real property. They can also hold onto properties and lease them. However, they are subject to local zoning laws and building codes. They must also maintain their properties in accordance with the laws and ordinances of the jurisdiction where the real property is located. Land banks do not have the power of eminent domain and may not own property located outside of the boundaries of their participating local governments.

### Land Bank Powers

- **Tender winning bids in foreclosure auctions over other third parties if certain conditions are met**
- **Hold properties indefinitely**
- **Lease or rent acquired properties**
- **Choose buyers and set terms for property sales**
- **Borrow money, procure and make guarantees, and issue revenue debt**
- **Enter into partnerships with public and private entities**

While the Act does not establish any specific recurring funding sources for land bank-related activities, it allows land banks to borrow money, issue revenue bonds and notes, and accept grants and donations from both “public and private sources.” They may invest their funds at the discretion of their boards of directors. In addition, land banks may receive 50 percent of the property taxes on properties returned to the tax rolls for up to five years, if authorized to do so by the related taxing jurisdiction.<sup>14</sup> Participating local governments are not in any way liable for land bank bonds or other debt.<sup>15</sup>

OSC has audit authority over the State’s land banks, which must file annual reports with the Authorities Budget Office (ABO) under Public Authorities Law and with the New York State Attorney General as charitable organizations under Executive Law.<sup>16</sup> They must also report annually to the local governments both orally and in writing and provide the written report to ESDC.<sup>17</sup>



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## Uncertain Funding, Uncertain Future

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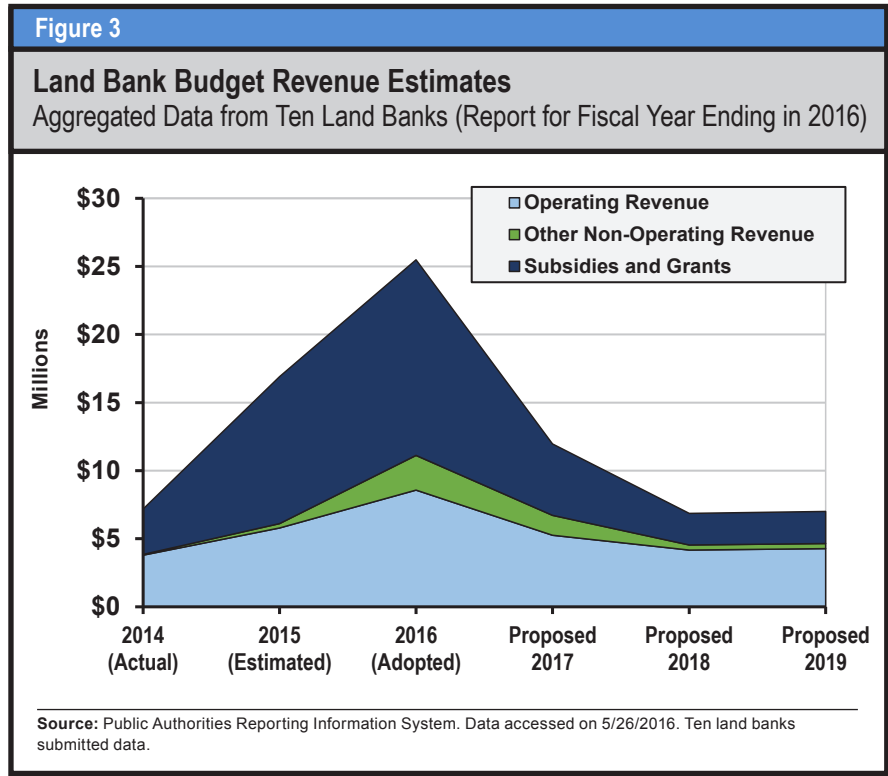
Since land banks exist to address a real estate market failure, they typically do not generate enough operating revenues to offset their expenses. Even though they often obtain properties at low or no cost, the cost to renovate or demolish typically exceeds the eventual sale price. In addition, they sometimes have to pay back property taxes or other charges. Land banks may gain some revenues from property taxes after sale to a new owner, but municipalities and school districts must agree to share those revenues and the low value of many properties means that the amount of such revenues following resale is likely to be quite modest.

Consequently, most New York land banks rely heavily on subsidies, which may include donations of property and services. Some receive budget appropriations from counties or other municipalities. However, the most significant source of subsidies to date has been awards made through the Land Banks Community Revitalization Initiative (CRI), a grant program administered by the Office of the Attorney General (AG), which distributes a portion of the funds from the National Mortgage Settlement, a financial settlement with large banks involved in the mortgage crisis.<sup>18</sup> The AG has awarded two rounds of grant funding totaling approximately \$33 million to New York's land banks.<sup>19</sup> The first round of nearly \$13 million was announced in 2013, followed by a second round of \$20 million in 2014. The land banks must report quarterly to a grant administrator, who pays the funds out gradually as planned project work is completed. This level of accountability on the part of the grantor helps land banks remain focused on getting the intended results. Appendix B lists the awards made through the first two rounds of CRI grants. In August 2016, the AG announced a new, smaller grant program funded by two recent bank settlements that will provide up to \$4 million in funding to land banks.<sup>20</sup> The funding will allow the land banks to transfer ownership of residential properties to community-based property owners at low or no cost and to provide the new owners with subsidies for renovations. In exchange, the owners must convert the properties to rentals for low- or moderate-income families for no less than 20 years. Land banks may also receive donations from banks as a result of financial settlements. In March 2016, a major bank donated \$500,000 to the Buffalo Erie Niagara Land Improvement Corporation as part of a legal settlement with the U.S. Department of Justice.<sup>21</sup> Once these settlements and grant programs wind down, however, land banks will require new, sustainable funding sources.

Recent budget reporting to the ABO confirms the degree to which land banks rely on grants and subsidies. For example, for the 2015 fiscal year, two banks planned to rely exclusively on subsidies and grants as a revenue source. For all but one of the others, subsidies and grants accounted for between 77 percent and 96 percent of revenues.<sup>22</sup> Operating revenues, such as proceeds from the lease or sale of acquired properties, generally accounted for a small share of budgeted revenues. For the 2015 fiscal year, State subsidies (including State grant funding) accounted for 59 percent of overall estimated revenues. Other subsidies boost this to close to two-thirds (64 percent) of estimated revenues.

Out-year budget projections paint a pessimistic picture of land banks' long-term financial vitality. Most estimate receiving little or no total revenue when their current grants run out, rather than projecting increased operating revenue such as tax collections or profits from sales to make up the difference. (See Figure 3.)

The Newburgh Community Land Bank is the only one to report debt: \$390,000 for the 2015 fiscal year. Borrowing may help with cash flow, but is not a long-term solution.



### Accurate Reporting Is the Foundation for Land Bank Accountability

As local authorities, land banks must report extensive data on their finances, employees, property transactions and procurement activity each year to the ABO. This provides a way for the public to monitor authority activities and evaluate their success. The review of data for this study showed that, in some cases, land bank data is incomplete or internally inconsistent.

For example, Appendix C presents information from land bank budget and financial reports. Budget reports are planning documents that contain information about an organization's expected revenues and expenditures, including projections for future years. The financial report shows actual revenues and expenditures as well as other information relating to the organization's financial position. The data suggests that some land banks classify revenues differently in their budget and financial reports. The review also found considerable differences in property transaction reporting, all of which undermine stakeholders' ability to evaluate land banks' effectiveness.

Land bank annual reports to municipalities are another source of information. However, these reports do not have standard data elements, which makes it difficult for interested parties to get a clear sense of the banks' relative effectiveness at the State level.

Improving the completeness and accuracy of land banks' reporting and establishing a set of standard performance measures for program evaluation would help municipalities and residents understand the impact land banks are having on public spending and in reducing blight.



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## Land Bank Activities

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The banks' missions and strategic plans vary according to community needs and the particular challenges of the local real estate markets. In many cases, they focus on rehabilitating residential properties, but many also demolish vacant buildings that are structurally unsound or pose other risks to public health and safety. Vacant lots resulting from demolitions are sometimes disposed of through side-lot programs, which enable owners of adjoining properties to acquire the vacant lots at a very low cost. At least one land bank seeks to acquire and remediate brownfields, while others use some acquired properties to enhance recreational opportunities for local residents.

A lack of standard performance measures for all land banks makes it difficult to assess overall impact. However, all must issue annual reports and maintain property inventories. A review of these suggests that the scope and results of their activities vary. As of June and July 2016, the State's ten land banks with websites listed a total of 1,093 properties in their inventories, one-third of which are vacant lots or land, or properties slated for demolition.<sup>23</sup> The Greater Syracuse Land Bank had by far the largest number of properties at close to 800. It has taken title to a large number of tax foreclosed properties in the City of Syracuse. The State's other land banks held between five and 122 properties. Below are brief profiles of six land banks that have been active long enough to have an impact on their respective communities. These profiles are based on annual reports, websites and other public sources, as well as interviews with land bank officials.

### Greater Syracuse Property Development Corporation (Greater Syracuse Land Bank)

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**Incorporated:** 2012.

**Area:** City of Syracuse and Onondaga County.

**Funding:** \$5.0 million in CRI grant funding, plus support from Onondaga County and the City.<sup>24</sup> Modest annual revenues (\$200,000 to \$300,000) are expected from property taxes in the future; however, they are not part of the bank's current funding stream.

**Focus:** The sale of residential properties in the City of Syracuse to responsible developers or owner occupants who agree to make necessary repairs. The buyer has 12 months to complete the renovations, contingent upon City inspection and approval. The Greater Syracuse Property Development Corporation, more commonly known as the Greater Syracuse Land Bank, may repossess the property if the renovations are incomplete or insufficient. Sales prices are discounted by 10 percent for low-income buyers and are half off the listing price of one-to-four family homes in Syracuse for employees of the City, the County or the City School District who agree to occupy the property for at least five years.<sup>25</sup>

Vacant lots may be sold as side lots, or leased or sold for community gardens, recreational use or other community purposes.

**Results:** As of August 16, 2016, the Greater Syracuse Land Bank had acquired 1,119 properties, sold 319 and demolished structures on 115 properties. As of July 2016, it listed 781 properties in its inventory.<sup>26</sup>

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## Albany County Land Bank Corporation

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**Incorporated:** 2014.

**Area:** Albany County.

**Funding:** \$2.9 million in CRI grant funding;<sup>27</sup> in addition, the County is providing \$1.5 million over three years.<sup>28</sup> The City of Albany provided \$250,000 in 2015, with a promise for an additional \$250,000 in 2016-17.<sup>29</sup>

**Focus:** Four neighborhoods in the City of Albany.

**Results:** In its first year, the bank acquired 123 properties from the County's tax foreclosure rolls—121 in the City of Albany and two in Cohoes—plus three private acquisitions.<sup>30</sup> Of those, approximately half were vacant lots that it hoped to dispose of through its side-lot program. In early 2016, the bank acquired 32 more County tax foreclosure properties, including buildings in Colonie, Watervliet and Selkirk.

The land bank works with Habitat for Humanity to rehabilitate some properties for direct sale to homeowners. Other properties are stabilized for sale to private developers. As of April 2016, the bank had disposed of 17 properties, including 15 vacant lots.<sup>31</sup>

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## Buffalo Erie Niagara Land Improvement Corporation (BENLIC)

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**Incorporated:** 2012.

**Area:** Erie County plus the cities of Buffalo, Lackawanna and Tonawanda. BENLIC covers 47 localities in all. An intermunicipal agreement allows possible expansion into Niagara County in the future.

**Funding:** \$4.6 million in CRI funding;<sup>32</sup> BENLIC also projects very modest revenues from the five-year/50 percent property tax collection mechanism.<sup>33</sup>

**Focus:** BENLIC acquires many properties through tax foreclosure auctions.

**Results:** According to its annual property report for the local fiscal year ending in 2015, BENLIC acquired 17 properties in 2014 and 15 in 2015. It disposed of 11 properties in 2015.<sup>34</sup> As of June 24, 2016, BENLIC listed 24 properties in its inventory.<sup>35</sup>

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## Chautauqua County Land Bank Corporation (CCLBC)

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**Incorporated:** 2012.

**Area:** Chautauqua County.

**Funding:** \$2.8 million in CRI grant money;<sup>36</sup> CCLBC has also received donations of properties and funding from a bank as part of the National Mortgage Settlement.<sup>37</sup> It is trying to implement a sustainable funding model, seeking to acquire a mix of properties and use profits on the rehabilitation and sale of relatively high-value properties to subsidize losses on the demolition or rehabilitation of lower-value properties.<sup>38</sup>

**Focus:** CCLBC's activities have centered on Jamestown and Dunkirk. Of the 33 properties to which it held title as of July 20, 2016, 15 were in Jamestown and 15 were in Dunkirk.

**Results:** As of October 2015, the CCLBC had sold 26 rehabbed homes, demolished 29 and put 26 side lots back on the tax rolls.<sup>39</sup>

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## Land Reutilization Corporation of the Capital Region (Capital Region Land Bank)

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**Incorporated:** 2012.

**Area:** Schenectady County and the Cities of Amsterdam and Schenectady.

**Funding:** \$3.15 million in CRI grant money.<sup>40</sup> In addition, both the City and County of Schenectady have authorized the property tax sharing provisions allowed by the Land Bank Law on properties returned to the tax rolls.

**Focus:** The Land Reutilization Corporation of the Capital Region, which is also known as the Capital Region Land Bank, focuses on tax-delinquent properties in the City of Schenectady, where it has worked to demolish buildings that are not good candidates for renovation. After demolition, the vacant lots may be sold to neighbors (as side lots) or redeveloped.

**Results:** According to its 2015 annual report, the Capital Region Land Bank acquired 19 properties that year, including several from banks. It had improved, or was in the process of improving, nine properties and demolished 12 buildings.<sup>41</sup>

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## Suffolk County Landbank Corporation (SCLBC)

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**Incorporated:** 2013.

**Area:** Suffolk County.

**Funding:** \$2.6 million in CRI grant money.<sup>42</sup>

**Focus:** The Suffolk County Landbank Corporation (SCLBC) initially intended to focus on tax-delinquent “brownfield” properties in Suffolk County, where prior industrial or other use had left the sites contaminated with toxic substances.<sup>43</sup> According to land bank officials, previously, if a property was tax-delinquent for three years, a tax deed was issued directly to Suffolk County so it could foreclose and take possession of the property. However, in the case of brownfield properties, the County did not pursue a tax deed, since it would have become responsible for remediating the environmental damage. Consequently, over 100 vacant brownfield sites in the County remained tax-delinquent with no clear path to return to productive use.

The SCLBC gave the County a way to remediate brownfield properties while avoiding liabilities related to ownership of such properties. The SCLBC, not the County, would be responsible for coordinating the remediation of these sites and for selling the properties to a third party. Believing it had a viable alternative to taking ownership of the brownfield sites, the County sent letters to tax-delinquent property owners stating that they would be foreclosed on if the County did not receive the outstanding property tax payments. Through that effort, the County received almost \$2.7 million in back property taxes.

**Results:** SCLBC’s 2015 Annual Report notes acquisition of five residential properties that year.<sup>44</sup> Recently, SCLBC issued a request for proposals to redevelop eight tax-delinquent brownfield sites. In June 2016, County officials announced approval to develop four of the properties. One of the properties, a former landfill, is slated to become a solar power generation site.<sup>45</sup>

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## Conclusion

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The magnitude of the vacant and abandoned property problem calls for concerted action. Creating a new type of not-for-profit corporation/local authority to address dysfunctional real property markets is a significant undertaking—one that speaks to both the pervasiveness and persistence of abandoned properties. Land banks hold the potential to break the cycle of “unhealthy speculation” sometimes associated with tax foreclosure auctions through direct investment in properties as well as by serving as an intermediary to foster broader community investment. The Land Bank Act gives New York’s land banks broad powers to receive donations, grants and even, in certain cases, a share of property tax collections. They can also acquire, lease, develop, demolish and dispose of real property; issue debt exempt from New York State and local taxes; invest their assets; and enter into collaborative relationships with public and private entities.

As land banks exercise these powers, oversight and accountability are key to making sure they remain mission focused. State agencies, local governments and others providing grants, subsidies or other financial support should take steps to ensure funds will be used effectively. It will take time for the public and oversight agencies to evaluate the effectiveness of land banks in reducing blight and promoting economic growth, particularly in light of the lack of consistency in reported data. The Comptroller will continue to report on land banks, providing stakeholders with more detailed analyses of their results over time.

# Appendix A

In September 2016, ESDC approved two additional land banks: one in Chemung County and one in Steuben County. An application for a Mohawk Valley land bank remains pending.<sup>46</sup>

<b>New York State's Land Banks (as of August 2016)</b>			
<b>Land Bank</b>	<b>Website</b>	<b>Year Incorporated</b>	<b>Participating Local Governments</b>
Albany County Land Bank	<a href="http://albanycountylandbank.org">albanycountylandbank.org</a>	2014	Albany County
Allegany County Land Bank	No Website Available	2016	Allegany County
Broome County Land Bank	<a href="http://www.broomelandbank.org">www.broomelandbank.org</a>	2013	Broome County
Buffalo Erie Niagara Land Improvement Corp.	<a href="http://www.benlic.org">www.benlic.org</a>	2012	Erie County; Cities of Buffalo, Lackawanna and Tonawanda
Cattaraugus County Land Bank	No Website Available	2016	Cattaraugus County
Chautauqua County Land Bank	<a href="http://www.chautauqualandbank.org">www.chautauqualandbank.org</a>	2012	Chautauqua County
Finger Lakes Regional Land Bank	No Website Available	2015	Seneca County
Greater Syracuse Property Development Corp.	<a href="http://syracuselandbank.org">syracuselandbank.org</a>	2012	Onondaga County, City of Syracuse
Land Reutilization Corp. of Capital Region	<a href="http://capitalregionlandbank.org">capitalregionlandbank.org</a>	2012	Schenectady County; Cities of Amsterdam and Schenectady
Nassau County Land Bank	No Website Available	2016	Nassau County
Newburgh Community Land Bank	<a href="http://newburghcommunitylandbank.org">newburghcommunitylandbank.org</a>	2012	City of Newburgh
Oswego County Land Bank Corporation	No Website Available	2016	Oswego County
Rochester Land Bank	<a href="http://www.cityofrochester.gov/landbank">www.cityofrochester.gov/landbank</a>	2013	City of Rochester
Suffolk County Landbank Corporation	<a href="http://suffolkcountylandbank.org">suffolkcountylandbank.org</a>	2013	Suffolk County
Troy Community Land Bank Corporation	<a href="http://www.troycommunitylandbank.org">www.troycommunitylandbank.org</a>	2014	City of Troy

# Appendix B

<b>Grant Funding Awarded to Land Banks through the New York Attorney General's Community Revitalization Initiative (CRI)</b>			
<b>Land Bank</b>	<b>Round 1 Award</b>	<b>Round 2 Award</b>	<b>Total Award</b>
Albany County Land Bank	NA	\$2,880,000	\$2,880,000
Broome County Land Bank	\$150,000	\$805,401	\$955,401
Buffalo Erie Niagara Land Improvement Corporation	\$2,087,500	\$2,500,000	\$4,587,500
Chautauqua County Land Bank Corporation	\$1,506,000	\$1,300,000	\$2,806,000
Greater Syracuse Property Development Corporation	\$3,000,000	\$1,971,534	\$4,971,534
Land Reutilization Corporation of the Capital Region	\$150,000	\$3,000,000	\$3,150,000
Newburgh Community Land Bank	\$2,430,000	\$1,978,850	\$4,408,850
Rochester Land Bank Corporation	\$2,780,942	\$1,864,820	\$4,645,762
Suffolk County Landbank Corporation	\$675,000	\$1,938,471	\$2,613,471
Troy Community Land Bank	NA	\$1,257,748	\$1,257,748
<b>Total</b>	<b>\$12,779,442</b>	<b>\$19,496,824</b>	<b>\$32,276,266</b>

**Source:** Office of the Attorney General. The grants were funded through moneys received as part of the National Mortgage Settlement. Round one awards were announced in October 2013; round 2 awards were announced in October 2014.

# Appendix C

<b>Land Bank Financial and Budget Reporting</b>											
<b>Comparison of Revenues Reported in Annual Financial and Budget Reports</b>											
		Column A (Financial Report)		Column B (Budget Report)		Column C (Budget Report)		Column D (Budget Report)		Column E (Budget Report)	
		Annual Financial Report FYE 2015		Current Year (Estimated) 2015 [Budget Report]		Next Year (Adopted) 2016		Proposed 2017		Proposed 2018	
Land Bank	Revenue Source	Revenues	Share of Total Revenues	Revenues	Share of Total Revenues	Revenues	Share of Total Revenues	Revenues	Share of Total Revenues	Revenues	Share of Total Revenues
<b>Albany County Land Bank Corporation</b>											
	Subsidies and Grants	\$0	0.0%	\$1,085,000	99.9%	\$2,255,000	94.3%	\$1,290,000	83.8%	\$0	0.0%
	Other	\$1,883,334	100.0%	\$600	0.1%	\$136,000	5.7%	\$250,000	16.2%	\$250,000	100.0%
	<b>Total</b>	<b>\$1,883,334</b>	<b>100.0%</b>	<b>\$1,085,600</b>	<b>100.0%</b>	<b>\$2,391,000</b>	<b>100.0%</b>	<b>\$1,540,000</b>	<b>100.0%</b>	<b>\$250,000</b>	<b>100.0%</b>
<b>Broome County Land Bank</b>											
	Subsidies and Grants	\$0	0.0%	\$805,401	95.8%	\$641,653	70.6%	\$500,000	73.3%	\$500,000	82.0%
	Other	\$233,890	100.0%	\$35,000	4.2%	\$267,000	29.4%	\$182,392	26.7%	\$110,000	18.0%
	<b>Total</b>	<b>\$233,890</b>	<b>100.0%</b>	<b>\$840,401</b>	<b>100.0%</b>	<b>\$908,653</b>	<b>100.0%</b>	<b>\$682,392</b>	<b>100.0%</b>	<b>\$610,000</b>	<b>100.0%</b>
<b>Buffalo Erie Niagara Land Improvement Corporation</b>											
	Subsidies and Grants	\$1,574,557	84.9%	\$1,854,362	81.4%	\$1,589,694	63.5%	\$10,000	1.0%	\$10,000	0.9%
	Other	\$279,477	15.1%	\$424,517	18.6%	\$914,916	36.5%	\$1,023,060	99.0%	\$1,128,435	99.1%
	<b>Total</b>	<b>\$1,854,034</b>	<b>100.0%</b>	<b>\$2,278,879</b>	<b>100.0%</b>	<b>\$2,504,610</b>	<b>100.0%</b>	<b>\$1,033,060</b>	<b>100.0%</b>	<b>\$1,138,435</b>	<b>100.0%</b>
<b>Chautauque County Land Bank Corporation</b>											
	Subsidies and Grants	\$593,389	74.6%	\$897,628	81.5%	\$1,762,262	88.7%	\$840,000	77.3%	\$840,000	75.6%
	Other	\$201,606	25.4%	\$204,000	18.5%	\$224,390	11.3%	\$246,819	22.7%	\$271,491	24.4%
	<b>Total</b>	<b>\$794,995</b>	<b>100.0%</b>	<b>\$1,101,628</b>	<b>100.0%</b>	<b>\$1,986,652</b>	<b>100.0%</b>	<b>\$1,086,819</b>	<b>100.0%</b>	<b>\$1,111,491</b>	<b>100.0%</b>
<b>Greater Syracuse Property Development Corporation</b>											
	Subsidies and Grants	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%
	Other	\$5,994,528	100.0%	\$4,772,142	100.0%	\$6,482,611	100.0%	\$2,891,718	100.0%	\$2,326,000	100.0%
	<b>Total</b>	<b>\$5,994,528</b>	<b>100.0%</b>	<b>\$4,772,142</b>	<b>100.0%</b>	<b>\$6,482,611</b>	<b>100.0%</b>	<b>\$2,891,718</b>	<b>100.0%</b>	<b>\$2,326,000</b>	<b>100.0%</b>
<b>Land Reutilization Corporation of the Capital Region</b>											
	Subsidies and Grants	\$766,390	83.7%	\$1,025,038	88.4%	\$1,996,762	93.4%	\$7,000	12.3%	\$14,000	21.9%
	Other	\$149,448	16.3%	\$133,852	11.6%	\$140,000	6.6%	\$50,000	87.7%	\$50,000	78.1%
	<b>Total</b>	<b>\$915,838</b>	<b>100.0%</b>	<b>\$1,158,890</b>	<b>100.0%</b>	<b>\$2,136,762</b>	<b>100.0%</b>	<b>\$57,000</b>	<b>100.0%</b>	<b>\$64,000</b>	<b>100.0%</b>
<b>Newburgh Community Land Bank</b>											
	Subsidies and Grants	\$0	0.0%	\$1,315,937	92.4%	\$2,313,047	86.4%	\$771,016	61.4%	\$0	0.0%
	Other	\$1,348,255	100.0%	\$108,110	7.6%	\$365,000	13.6%	\$485,000	38.6%	\$140,000	100.0%
	<b>Total</b>	<b>\$1,348,255</b>	<b>100.0%</b>	<b>\$1,424,047</b>	<b>100.0%</b>	<b>\$2,678,047</b>	<b>100.0%</b>	<b>\$1,256,016</b>	<b>100.0%</b>	<b>\$140,000</b>	<b>100.0%</b>
<b>Rochester Land Bank Corporation</b>											
	Subsidies and Grants	\$735,823	83.1%	\$1,395,677	90.0%	\$1,791,652	100.0%	\$835,934	100.0%	\$100,000	100.0%
	Other	\$149,392	16.9%	\$154,310	10.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%
	<b>Total</b>	<b>\$885,215</b>	<b>100.0%</b>	<b>\$1,549,987</b>	<b>100.0%</b>	<b>\$1,791,652</b>	<b>100.0%</b>	<b>\$835,934</b>	<b>100.0%</b>	<b>\$100,000</b>	<b>100.0%</b>
<b>Suffolk County Landbank Corporation</b>											
	Subsidies and Grants	\$831,618	99.8%	\$1,413,485	99.9%	\$1,645,956	42.0%	\$0	0.0%	\$0	NA
	Other	\$1,525	0.2%	\$1,177	0.1%	\$2,273,000	58.0%	\$1,363,000	100.0%	\$0	NA
	<b>Total</b>	<b>\$833,143</b>	<b>100.0%</b>	<b>\$1,414,662</b>	<b>100.0%</b>	<b>\$3,918,956</b>	<b>100.0%</b>	<b>\$1,363,000</b>	<b>100.0%</b>	<b>\$0</b>	<b>NA</b>
<b>Troy Community Land Bank Corporation</b>											
	Subsidies and Grants	\$634,872	62.5%	\$984,047	77.5%	\$373,701	54.5%	\$1,000,000	82.1%	\$850,000	75.6%
	Other	\$380,454	37.5%	\$286,500	22.5%	\$311,500	45.5%	\$218,000	17.9%	\$275,000	24.4%
	<b>Total</b>	<b>\$1,015,326</b>	<b>100.0%</b>	<b>\$1,270,547</b>	<b>100.0%</b>	<b>\$685,201</b>	<b>100.0%</b>	<b>\$1,218,000</b>	<b>100.0%</b>	<b>\$1,125,000</b>	<b>100.0%</b>

**Source:** Public Authorities Reporting Information System (PARIS). Amounts are not reviewed. Land banks report actual revenues for the fiscal year ending 2015 in their FYE 2015 annual financial report (Column A). They also report their budgeted revenues for that year as the "current year" in their budget report for FYE 2016 (Column B). Budget reports are planning documents that contain information about an organization's expected revenues and expenditures, including projections for future years. The financial report shows actual revenues and expenditures. One would not expect the figures to match, but typically they would be somewhat similar. In PARIS, however, in many cases the actual numbers (Column A) are very different from the budget report numbers (Column B) and a number of land banks appear to be reporting their revenue sources in different categories in these two reports (columns). Some newer land banks have not submitted financial or budget reports in PARIS.



# Notes

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- <sup>1</sup> OSC, *Foreclosure Update from a Local Government Perspective* (April 2016), available at: [www.osc.state.ny.us/localgov/pubs/research/foreclosure0416.pdf](http://www.osc.state.ny.us/localgov/pubs/research/foreclosure0416.pdf); and *The Foreclosure Predicament Persists* (August 2015), available at: [www.osc.state.ny.us/localgov/pubs/research/snapshot/foreclosure0815.pdf](http://www.osc.state.ny.us/localgov/pubs/research/snapshot/foreclosure0815.pdf).
- <sup>2</sup> Previous reports in the series are, *Local Authorities in New York State: An Overview* (April 2015), available at: [www.osc.state.ny.us/localgov/pubs/research/localauthorities0415.pdf](http://www.osc.state.ny.us/localgov/pubs/research/localauthorities0415.pdf); and *Are Off-Track Betting Corporations Nearing the Finish Line?* (September, 2015), available at: [www.osc.state.ny.us/localgov/pubs/research/otb0915.pdf](http://www.osc.state.ny.us/localgov/pubs/research/otb0915.pdf).
- <sup>3</sup> This report is intended to provide a general overview of land banks and their operations. It is not intended as a technical summary of the statutes relating to land banks, nor as an opinion as to the legality or propriety of any actions taken by the land banks discussed in this report.
- <sup>4</sup> U.S. Department of Housing and Urban Development, *Revitalizing Foreclosed Properties with Land Banks* (Sage Computing, August 2009). Federal funding may have contributed to some of this increased popularity. Land banks were eligible for funding authorized by the federal Housing and Economic Recovery Act of 2008 and provided through the Neighborhood Stabilization Program.
- <sup>5</sup> For a detailed discussion of the funding mechanisms used by land banks nationally, see Frank S. Alexander, *Land Banks and Land Banking* (2nd edition), “Chapter 7: Financing of Land Bank Operations” (Center for Community Progress, 2015), available at: [www.communityprogress.net/publications-pages-396.php#MajorPublications](http://www.communityprogress.net/publications-pages-396.php#MajorPublications).
- <sup>6</sup> See Payton Heins and Tarik Abdelazim, *Take It to the Bank*, (Center for Community Progress, 2014), pp. 15-18.
- <sup>7</sup> O. Emre Ergungor and Thomas J. Fitzpatrick IV, “Slowing Speculation: A Proposal to Lessen Undesirable Housing Transactions,” Center for Community Progress (March 2012), available at: [www.communityprogress.net/slowng-speculation--a-proposal-to-lessen-undesirable-housing-transactions-resources-133.php](http://www.communityprogress.net/slowng-speculation--a-proposal-to-lessen-undesirable-housing-transactions-resources-133.php). See also, Greater Ohio Policy Center, *Taking Stock of Ohio County Land Banks* (May 2015), pp. 22-24, available at: [www.greaterohio.org/files/pdf/greaterohiolandbankreport5-15-15.pdf](http://www.greaterohio.org/files/pdf/greaterohiolandbankreport5-15-15.pdf).
- <sup>8</sup> S. Alexander Gerould, “Can Utica Stop Companies from Stripping Local Buildings?” *Utica Observer-Dispatch*, August 18, 2016, available at: [www.uticaod.com/news/20160818/can-utica-stop-companies-from-stripping-local-buildings](http://www.uticaod.com/news/20160818/can-utica-stop-companies-from-stripping-local-buildings).
- <sup>9</sup> Both the Urban Renewal Law (General Municipal Law, Article 15 and Article 15-A) and the Municipal Redevelopment Law (General Municipal Law, Article 18-C) allow municipalities to create and carry out specific plans for redeveloping targeted areas of blight.
- <sup>10</sup> Not-for-Profit Corporation Law, Article 16.
- <sup>11</sup> Not-for-Profit Corporation Law, Section 1601.
- <sup>12</sup> In New York City, the Neighborhood Restore Housing Development Fund Corporation, a non-profit organization, serves similar purposes as a land bank. It helps rehabilitate tax-foreclosed properties and transfer them to qualified developers.
- <sup>13</sup> Ergungor and Fitzpatrick, op cit.
- <sup>14</sup> Not-for-Profit Corporation Law, Section 1610-c. The statute states that the taxes are “remitted to the land bank in accordance with procedures established by regulations promulgated by the department of taxation and finance.” These regulations have not yet been promulgated.
- <sup>15</sup> Not-for-Profit Corporation Law, Section 1611-f.
- <sup>16</sup> Public Authorities Law, Article 9, Section 2800 and Executive Law Article 7-A, Section 172-b.
- <sup>17</sup> The municipal reporting requirement is in statute (Not-For-Profit Corporation Law, Article 16, Section 1612, paragraph (c)), but the requirement to share reports with ESDC is in ESDC guidelines. ESDC may require land banks to submit additional documentation. The ESDC guidelines are available at: [www.esd.ny.gov/CorporateInformation/Data/112111\\_LandBankGuidelines.pdf](http://www.esd.ny.gov/CorporateInformation/Data/112111_LandBankGuidelines.pdf).

# Notes

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- <sup>18</sup> For details on the National Mortgage Settlement, see Joseph A. Smith, Jr. Monitoring's Office of Mortgage Settlement Oversight website: [www.jasmithmonitoring.com/omso/](http://www.jasmithmonitoring.com/omso/).
- <sup>19</sup> Office of the Attorney General, "A.G. Schneiderman Awards \$20M to Land Banks across New York State," press release, October 15, 2014, available at: [www.ag.ny.gov/press-release/ag-schneiderman-awards-20m-land-banks-across-new-york-state](http://www.ag.ny.gov/press-release/ag-schneiderman-awards-20m-land-banks-across-new-york-state).
- <sup>20</sup> Office of the Attorney General, "A.G. Schneiderman Announces \$4 Million Pilot Program to Help Everyday New Yorkers Transform Nearby Vacant Homes into Safe, Affordable Housing," August 19, 2016, available at: [www.ag.ny.gov/press-release/ag-schneiderman-announces-4-million-pilot-program-help-everyday-new-yorkers-transform](http://www.ag.ny.gov/press-release/ag-schneiderman-announces-4-million-pilot-program-help-everyday-new-yorkers-transform).
- <sup>21</sup> "Land Bank Receives \$500,000 Donation from Bank of America," *Buffalo News*, March 24, 2016.
- <sup>22</sup> The exception is the Greater Syracuse Property Development Corporation, which mistakenly reported grant revenues as operating revenues. Figures used for these comparisons are from budget reports for the fiscal year ending in 2016, which include estimated "current year" budgets for the fiscal year ending in 2015.
- <sup>23</sup> Each land bank maintains a property inventory, but since they do not use standard categories and definitions for reporting, it is difficult to aggregate the inventories to describe the types and statuses of land bank properties statewide.
- <sup>24</sup> Office of the Attorney General, interview with land bank officials on August 4, 2015.
- <sup>25</sup> See Greater Syracuse Property Development Corporation, "Purchase Process," available at: [www.syracuselandbank.org/properties/#purchase-process](http://www.syracuselandbank.org/properties/#purchase-process), accessed on June 13, 2016.
- <sup>26</sup> Current Greater Syracuse Property Development Corporation statistics and a list of properties in its inventory are available on its website at: [www.syracuselandbank.org/](http://www.syracuselandbank.org/).
- <sup>27</sup> Office of the Attorney General.
- <sup>28</sup> Interview with land bank officials on September 14, 2015.
- <sup>29</sup> Interview with land bank officials on September 14, 2015.
- <sup>30</sup> Albany County Land Bank, *2014-15 Annual Report*, np.
- <sup>31</sup> Building and vacant property lists are available at: [www.albanycountylandbank.com](http://www.albanycountylandbank.com).
- <sup>32</sup> Office of the Attorney General.
- <sup>33</sup> Buffalo Erie Niagara Land Improvement Corporation, *2016 Adopted Budget*, available at: [www.benlic.org/resources](http://www.benlic.org/resources).
- <sup>34</sup> Buffalo Erie Niagara Land Improvement Corporation, *Annual Report 2015*, pp. 67-9.
- <sup>35</sup> Buffalo Erie Niagara Land Improvement Corporation's property inventory is available at: [www.benlic.org/properties](http://www.benlic.org/properties).
- <sup>36</sup> Office of the Attorney General.
- <sup>37</sup> Dennis Phillips, "Chautauqua County Land Bank Receives Property Donations," *The Post-Journal* (Jamestown, New York), January 24, 2015.
- <sup>38</sup> Chautauqua County Land Bank Corporation, "Land Acquisition and Disposition Policies and Priorities" (Revised August 12, 2015), available at: [www.chautauqualandbank.org/about/acquisition-disposition-policy](http://www.chautauqualandbank.org/about/acquisition-disposition-policy).
- <sup>39</sup> Chautauqua County Land Bank Corporation, "Summary Statistics—Acquisitions and Dispositions", available at: [www.chautauqualandbank.org/uploads/1453839302\\_LandBankSummary\\_StatisticsOct2015.pdf](http://www.chautauqualandbank.org/uploads/1453839302_LandBankSummary_StatisticsOct2015.pdf).

# Notes

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<sup>40</sup> Office of the Attorney General.

<sup>41</sup> Land Reutilization Corporation of the Capital Region, Annual Report—Fiscal Year 2015, pp. 3-4, available at: [www.capitalregionlandbank.com/wp-content/uploads/2015/01/2015-Annual-Report.pdf](http://www.capitalregionlandbank.com/wp-content/uploads/2015/01/2015-Annual-Report.pdf).

<sup>42</sup> Office of the Attorney General.

<sup>43</sup> For information on brownfield restoration programs in New York, see, OSC, *Brownfield Restoration in New York State: Program Review and Options* (April 2013). Available at: [www.osc.state.ny.us/reports/environmental/brownfields\\_restoration13.pdf](http://www.osc.state.ny.us/reports/environmental/brownfields_restoration13.pdf).

<sup>44</sup> Suffolk County Landbank Corporation, *Annual Report 2015*, p.7, available at: [www.suffolkcountylandbank.org/Portals/35/Documents/Reports/Suffolk%20County%20Landbank%20FY2015%20Annual%20Report.pdf](http://www.suffolkcountylandbank.org/Portals/35/Documents/Reports/Suffolk%20County%20Landbank%20FY2015%20Annual%20Report.pdf).

<sup>45</sup> Nicholas Wieland, “Bellone Signs Transfer of First Tax Delinquent Properties to the Suffolk County Landbank into Law,” *The Huntingtonian*, June 11, 2016, available at: [www.thehuntingtonian.com/2016/06/11/bellone-signs-transfer-of-first-tax-delinquent-properties-to-the-suffolk-county-landbank-into-law](http://www.thehuntingtonian.com/2016/06/11/bellone-signs-transfer-of-first-tax-delinquent-properties-to-the-suffolk-county-landbank-into-law).

<sup>46</sup> Email from ESDC official on September 22, 2016.

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