

RESOLUTION NO. 2018-07

A RESOLUTION TO UPDATE THE HCLRC GUIDANCE DOCUMENT CONTAINING ACQUISITION AND DISPOSITION POLICIES AND PROCEDURES OF THE HAMILTON COUNTY LAND REUTILIZATION CORPORATION.

WHEREAS, the Port of Greater Cincinnati Development Authority ("Port Authority"), as management company of the Hamilton County Land Reutilization Corporation ("HCLRC"), is responsible for developing the HCLRC's programs and procedures; and

WHEREAS, during the early stages of the HCLRC's development, the Board approved a guidance document, in Resolution No. 2012-8, ("Guidance Document") that included certain policies and procedures to guide the HCLRC's acquisitions and dispositions, and this Guidance Document was subsequently amended in Resolution 2015-4; and

WHEREAS, the last few years of experience have provided the Port Authority with additional insight into how to best serve the mission and purpose of the HCLRC;

WHEREAS, the Port Authority now seeks to update the acquisition and disposition policies and procedures contained within the Guidance Document to properly reflect this additional insight;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Hamilton County Land Reutilization Corporation:

Section 1. This Board hereby adopts and approves the amended HCLRC Guidance Document, attached hereto, as accurately reflecting the mission, purpose, and general acquisition and disposition policies of the HCLRC.

Section 2. The Board hereby authorizes the Port Authority to develop additional HCLRC policies and procedures that are consistent with the amended HCLRC Guidance Document.

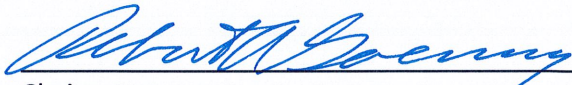
Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

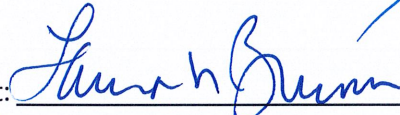
Section 4. This resolution shall be in full force and effect upon its adoption.

Adopted: October 30, 2018

Yeas: 7

Nays: 0


Chairperson

Attest: 
Secretary



HCLRC GUIDANCE DOCUMENT – ACQUISITIONS AND DISPOSITIONS

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Mission Statement:

The mission of the HCLRC is to return vacant properties to productive use through the tools statutorily provided to the HCLRC and by leveraging the resources of the HCLRC's executive arm, the Port Authority. In cooperation with our governmental and non-governmental partners and as a result of our relationships with private developers, the HCLRC will focus on providing diverse commercial and residential opportunities through catalytic investment in neighborhoods. These investments will lead to improved community quality of life, blight and nuisance abatement, stabilization, revitalization, increased property values and will return unproductive properties to contributing, tax-paying status.

Property Acquisition and Disposition Policy:

The HCLRC (also "Landbank") is committed to working with all groups ~~(i.e. non-profit, for-profit, governmental and non-governmental)~~ and eligible individuals and private businesses. ~~All groups must~~ End-users of HCLRC properties must pay an acquisition price to cover the HCLRC's fee for the costs associated with property acquisition, administration, maintenance and transfer. The ~~fee-purchase price~~ will vary based upon the length of time the HCLRC must retain title, the holding costs of the particular property and, the fair market value, and other programmatic parameters (e.g. government or community partner, NIP dispositions, etc.). A portion of the fee may be waived for a non-profit or governmental entity that demonstrates that payment of the fee will constitute a hardship.

Whether or not the HCLRC will acquire properties will be determined by available funding, carrying expense, demolition cost, environmental risk, and strategic factors developed internally and/or in cooperation with Hamilton County municipalities and community stakeholders. The HCLRC will acquire properties that are designated for purchase and/or use by private or public groups and/or individuals, or for which it is strategic for the HCLRC to acquire for an internal programmatic use. Priority will be given to those entities that have a disposition plan for the requested property that is consistent with the mission and purpose of the HCLRC and local planning goals. The HCLRC will acquire commercial and residential property with an emphasis on specific properties, the redevelopment of which will serve as a catalyst for economic development and neighborhood revitalization.

These policies are designed to provide guidance and structure to the HCLRC's acquisition and disposition of properties. Some of the policies set forth below may be waived or modified when there are mitigating factors and when other protections can be put in place to ensure that a property acquisition or disposition will further the mission of the HCLRC.

A. Existing Acquisition Programs

The HCLRC's acquisitions of properties will be prioritized based on existing acquisition programs. These programs include but are not limited to the following:

1. Community Partner Program
2. Governmental Partner Program
3. Historic Stabilization
4. Neighborhood Initiative Program
5. REACH
6. Focus Neighborhood Investment
7. Opportunistic Investment
8. Miscellaneous – e.g. forfeited properties

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B. Requests to Acquire Properties by Private Individuals / Entities

The HCLRC will consider acquisition of blighted, vacant properties on behalf of private individuals or entities that do not fall under existing acquisition programs under some circumstances. When considering such requests, one or more of the acquisition purposes set forth in section C., below, shall be met. Additionally, the HCLRC shall consider:

1. How the acquisition compete with an existing HCLRC acquisition program or other HCLRC priorities for which there are limited resources;

Whether there other reasonable means by which the property can be acquired without HCLRC intervention; and

2. _____
3. What considerations, if any, should be given to others who may be impacted by the acquisition (e.g. neighboring property owners who may also have an interest in the property but have not sought assistance).

In all cases, the requesting individual/entity must complete an application and the HCLRC must approve the application. If the HCLRC agrees to acquire a property on behalf of a private individual or entity, the acquisition may fall in prioritization behind other programmatically approved acquisitions.

Acquisition price shall, shall include and/or consider:

1. At a minimum, cover all out-of-pocket costs incurred by the HCLRC;
2. The reasonable fair market value for the property as based on comparable sales in the immediate vicinity;
3. The reasonable compensation to the HCLRC for the use of staff resources and other transactional services; and
4. The necessity of the parcel for the end-user.

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In all cases, the third-party shall pay the HCLRC's out-of-pocket costs (\$1,500 if BOR) in advance of HCLRC beginning acquisition of the property, and whenever appropriate, acquisition should result in a net revenue for the HCLRC.

C. Acquisition Mechanisms

The Landbank will acquire properties through the following mechanisms:

1. Tax foreclosure process
2. Forfeited Land
3. Deed in Lieu of foreclosure
4. Donation/Gift
5. Purchase

Prior to acquisition by the Landbank, it shall confirm vacancy at the property by checking utility records (water, gas and electric) and property conditions by checking code orders. When appropriate, all properties will be inspected prior to the HCLRC's acquisition of a property. inspected. The HCLRC will hold properties on a long term basis only for the purpose of strategic assembly, unless otherwise directed by the HCLRC Board. Such strategic assembly shall occur in consultation and/or partnership with local governments and/or nonprofit/for profit developers.

The vast majority of properties to which the HCLRC obtains title will have a clear disposition strategy. However, in some instances it may be necessary for the HCLRC to acquire a property for which there is no clear disposition strategy. This may occur when obtaining title to property will have a significant positive impact on the development potential of a neighborhood or will provide immediate blight abatement. In most instances the disposition of property will drive the HCLRC's acquisition of that property through one of the processes identified above. All property acquisition must satisfy at least one of the following purposes:

1. Economic development
2. Blight abatement/nuisance remediation
3. Neighborhood stabilization/revitalization
4. Strategic parcel assembly
5. Return underutilized or vacant property to productive use
6. Historic preservation
7. Grow financial resources of the HCLRC

D. Qualified End User

In order to be eligible to purchase/obtain properties through the Landbank, an end user must apply for and obtain the status "qualified end user." At a minimum, a qualified end user must:

1. Identify a development plan that is consistent with local planning goals and zoning requirements.
2. Identify financial ability to implement the development plan.

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3. Demonstrate past and current property ownership responsibility.
 - a. No unremediated citations/code violations of state/local codes/ordinances for condition of property and no criminal/civil prosecution for property maintenance code infractions within the last 4 years.
 - b. No history of chronic nuisance status.
 - c. No property tax delinquencies.
 - d. Not a prior owner of tax foreclosed/mortgage foreclosed property.
4. If development will not occur immediately, provide a funded maintenance plan, either with or without the assistance of the HCLRC's tools.
5. Establish that the end use will create jobs and/or otherwise have a positive impact on the surrounding neighborhood.
6. Agree to claw-back provisions if the conditions of the agreement between the purchaser and the ~~landbank~~Landbank are not met.
7. All corporate entities must be properly registered with the Secretary of State and provide a designated agent for service of process within Hamilton County.
8. Any non-Hamilton County resident must designate an agent for service of process within Hamilton County.

8. _____

E. Disposition Priorities

In order to determine which properties to acquire and with which qualified end users to engage/partner, the ~~landbank~~Landbank will consider the degree to which the proposed disposition strategy aligns with the following:

1. The potential for positive impact on the surrounding community.
2. The ~~landbank~~Landbank resources required to ensure success.
3. The financial viability of the project.
4. Neighborhood support for the project.

All The following end uses will be prioritized as follows:

1. Blight/nuisance abatement
2. Catalytic investment
3. Job creation
4. Rehabilitation of historic structures
5. Mixed-use development
6. Infill housing
7. Green space

F. Consideration for transfer of ~~Landbank~~ Properties.

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The following factors shall constitute general guidelines for determining the consideration to be received by the ~~landbank~~Landbank for the transfer of properties.

1. In each and every transfer of real property the ~~landbank~~Landbank shall require good and valuable consideration in an amount not less than the lower of the fair market value of the property or the aggregate acquisition and carrying costs associated with the property, including costs of acquisition, maintenance, repair, demolition, marketing and all other expenses allocable to the property.
2. The amount of consideration shall be determined by the ~~landbank~~Landbank and may be provided to the ~~landbank~~Landbank in the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, or any combination thereof.
3. The dominant priority in determining the amount of and method of payment of the consideration shall be to facilitate the economic development and revitalization of neighborhoods within Hamilton County.
- ~~4. To the extent that transfers of property to governmental entities are designed to be held by such governmental entities in perpetuity for governmental purposes, the aggregate consideration for the transfer shall be based upon deed restrictions upon the use of the property.~~
- 5.4. To the extent that transfers of property to governmental entities are anticipated as conduit transfers by such governmental entities to third parties, the consideration shall consist of not less than aggregate carrying costs.

The HCLRC Board must approve all acquisitions/dispositions that require any exceptions to the policies and procedures adopted by the Board and set forth herein.