

AMENDMENTS TO LB699

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 19-5205, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 19-5205 (1) If a land bank is created by a single municipality, the
6 board of such land bank shall meet the following requirements:

7 (a) The board shall consist of:

8 (i) Seven voting members appointed by the mayor of the municipality
9 that created the land bank and confirmed by a two-thirds vote of the
10 governing body of such municipality;

11 (ii) The planning director of the municipality that created the land
12 bank or his or her designee, as a nonvoting, ex officio member; ~~and~~

13 (iii) One member of the governing body of the municipality that
14 created the land bank, appointed by such governing body, as a nonvoting,
15 ex officio member; and

16 (iv ~~iii~~) Such other nonvoting members as are appointed by the mayor
17 of the municipality that created the land bank;

18 (b) The seven voting members of the board shall be residents of the
19 municipality that created the land bank;

20 (c) If the governing body of the municipality creating the land bank
21 has any of its members elected by district or ward, then at least one
22 voting member of the board shall be appointed from each such district or
23 ward. Such voting members shall represent, to the greatest extent
24 possible, the racial and ethnic diversity of the municipality creating
25 the land bank;

26 (d) The seven voting members of the board shall have, collectively,
27 verifiable skills, expertise, and knowledge in market-rate and affordable

1 residential, commercial, industrial, and mixed-use real estate
2 development, financing, law, purchasing and sales, asset management,
3 economic and community development, and the acquisition of tax sale
4 certificates;~~and~~

5 (e) The seven voting members of the board shall include:

6 (i) At least one member representing a chamber of commerce ~~realtors~~;

7 (ii) At least one member with experience in ~~representing the~~ banking
8 ~~industry~~;

9 (iii) At least one member with experience in ~~representing~~ real
10 estate development ~~developers~~;

11 (iv) At least one member with experience as a realtor ~~representing a~~
12 ~~chamber of commerce~~;

13 (v) At least one member with experience in ~~representing a~~ nonprofit
14 or corporation involved in affordable housing; and

15 (vi) At least one member with experience in large-scale ~~representing~~
16 ~~owners of multiple~~ residential or commercial property rental; and
17 ~~properties.~~

18 (f) A single voting member may satisfy more than one of the
19 requirements provided in subdivision (1)(e) of this section if he or she
20 has the required qualifications. It is not necessary that there be a
21 different member to fulfill each such requirement.

22 (2) If a land bank is created by more than one municipality pursuant
23 to an agreement under the Interlocal Cooperation Act, the board of such
24 land bank shall meet the following requirements:

25 (a) The board shall consist of:

26 (i) An odd number of voting members, totaling at least seven,
27 appointed by the mayors of the municipalities that created the land bank,
28 as mutually agreed to by such mayors, and confirmed by a two-thirds vote
29 of the governing body of each municipality that created the land bank;

30 (ii) The planning director of each municipality that created the
31 land bank or his or her designee, as nonvoting, ex officio members;~~and~~

1 (iii) One member of the governing body of each municipality that
2 created the land bank, appointed by the governing body on which such
3 member serves, as nonvoting, ex officio members; and

4 (iv iii) Such other nonvoting members as are appointed by the mayors
5 of the municipalities that created the land bank, as mutually agreed to
6 by such mayors;

7 (b) Each voting member of the board shall be a resident of one of
8 the municipalities that created the land bank, with at least one voting
9 member appointed from each such municipality;

10 (c) If the governing body of the largest municipality creating the
11 land bank has any of its members elected by district or ward, then at
12 least one voting member of the board shall be appointed from each such
13 district or ward. Such voting members shall represent, to the greatest
14 extent possible, the racial and ethnic diversity of the largest
15 municipality creating the land bank;

16 (d) The voting members of the board shall have, collectively,
17 verifiable skills, expertise, and knowledge in market-rate and affordable
18 residential, commercial, industrial, and mixed-use real estate
19 development, financing, law, purchasing and sales, asset management,
20 economic and community development, and the acquisition of tax sale
21 certificates;~~and~~

22 (e) The voting members of the board shall include:

23 (i) At least one member representing a chamber of commerce ~~realtors~~;

24 (ii) At least one member with experience in ~~representing the banking~~
25 ~~industry~~;

26 (iii) At least one member with experience in ~~representing~~ real
27 estate development ~~developers~~;

28 (iv) At least one member with experience as a realtor ~~representing a~~
29 ~~chamber of commerce~~;

30 (v) At least one member with experience in ~~representing a~~ nonprofit
31 or corporation involved in affordable housing; and

1 (vi) At least one member with experience in large-scale ~~representing~~
2 ~~owners of multiple~~ residential or commercial property rental; and
3 ~~properties.~~

4 (f) A single voting member may satisfy more than one of the
5 requirements provided in subdivision (2)(e) of this section if he or she
6 has the required qualifications. It is not necessary that there be a
7 different member to fulfill each such requirement.

8 (3) The members of the board shall select annually from among
9 themselves a chairperson, a vice-chairperson, a treasurer, and such other
10 officers as the board may determine.

11 (4) A public official or public employee shall be eligible to be a
12 member of the board.

13 (5) A vacancy on the board among the appointed board members shall
14 be filled in the same manner as the original appointment.

15 (6) Board members shall serve without compensation.

16 (7) The board shall meet in regular session according to a schedule
17 adopted by the board and shall also meet in special session as convened
18 by the chairperson or upon written notice signed by a majority of the
19 voting members. The presence of a majority of the voting members of the
20 board shall constitute a quorum.

21 (8) Except as otherwise provided in subsections (9) and (11) of this
22 section and in sections 19-5210 and 19-5214, all actions of the board
23 shall be approved by the affirmative vote of a majority of the voting
24 members present and voting.

25 (9) Any action of the board on the following matters shall be
26 approved by a majority of the voting members:

27 (a) Adoption of bylaws and other rules and regulations for conduct
28 of the land bank's business;

29 (b) Hiring or firing of any employee or contractor of the land bank.
30 This function may, by majority vote of the voting members, be delegated
31 by the board to a specified officer or committee of the land bank, under

1 such terms and conditions, and to the extent, that the board may specify;

2 (c) The incurring of debt;

3 (d) Adoption or amendment of the annual budget; and

4 (e) Sale, lease, encumbrance, or alienation of real property,
5 improvements, or personal property with a value of more than fifty
6 thousand dollars.

7 (10) Members of a board shall not be liable personally on the bonds
8 or other obligations of the land bank, and the rights of creditors shall
9 be solely against such land bank.

10 (11) The board shall adopt policies and procedures to specify the
11 conditions that must be met in order for the land bank to give an
12 automatically accepted bid as authorized in sections 19-5217 and 19-5218.
13 The adoption of such policies and procedures shall require the approval
14 of two-thirds of the voting members of the board. At a minimum, such
15 policies and procedures shall ensure that the automatically accepted bid
16 shall only be given for one of the following reasons:

17 (a) The real property substantially meets more than one of the
18 following criteria as determined by two-thirds of the voting members of
19 the board:

20 (i) The property is not occupied by the owner or any lessee or
21 licensee of the owner;

22 (ii) There are no utilities currently being provided to the
23 property;

24 (iii) Any buildings on the property have been deemed unfit for human
25 habitation, occupancy, or use by local housing officials;

26 (iv) Any buildings on the property are exposed to the elements such
27 that deterioration of the building is occurring;

28 (v) Any buildings on the property are boarded up;

29 (vi) There have been previous efforts to rehabilitate any buildings
30 on the property;

31 (vii) There is a presence of vermin, uncut vegetation, or debris

1 accumulation on the property;

2 (viii) There have been past actions by the municipality to maintain
3 the grounds or any building on the property; or

4 (ix) The property has been out of compliance with orders of local
5 housing officials;

6 (b) The real property is contiguous to a parcel that meets more than
7 one of the criteria in subdivision (11)(a) of this section or that is
8 already owned by the land bank; or

9 (c) Acquisition of the real property by the land bank would serve
10 the best interests of the community as determined by two-thirds of the
11 voting members of the board. In determining whether the acquisition would
12 serve the best interests of the community, the board shall take into
13 consideration the hierarchical ranking of priorities for the use of real
14 property conveyed by a land bank established pursuant to subsection (5)
15 of section 19-5210, if any such hierarchical ranking is established.

16 Sec. 2. Section 19-5210, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 19-5210 (1) A land bank shall hold in its own name all real property
19 acquired by the land bank irrespective of the identity of the transferor
20 of such property.

21 (2) A land bank shall maintain and make available for public review
22 and inspection an inventory of all real property held by the land bank.

23 (3) A land bank shall determine and set forth in policies and
24 procedures of the board the general terms and conditions for
25 consideration to be received by the land bank for the transfer of real
26 property and interests in real property, which consideration may take the
27 form of monetary payments and secured financial obligations, covenants
28 and conditions related to the present and future use of the property,
29 contractual commitments of the transferee, and such other forms of
30 consideration as determined by the board to be in the best interest of
31 the land bank.

1 (4) A land bank may convey, exchange, sell, transfer, grant, release
2 and demise, pledge, and hypothecate any and all interests in, upon, or to
3 real property of the land bank. A land bank may lease as lessor real
4 property of the land bank for a period not to exceed twelve months,
5 except that such twelve-month limitation shall not apply if the real
6 property of the land bank is subject to a lease with a remaining term of
7 more than twelve months at the time such real property is acquired by the
8 land bank.

9 (5) The municipality or municipalities that created the land bank
10 may establish by resolution or ordinance a hierarchical ranking of
11 priorities for the use of real property conveyed by a land bank. Such
12 ranking shall take into consideration the highest and best use that, when
13 possible, will bring the greatest benefit to the community. The
14 priorities may include, but are not limited to, (a) use for purely public
15 spaces and places, (b) use for affordable housing, (c) use for retail,
16 commercial, and industrial activities, (d) use for urban agricultural
17 activities including the establishment of community gardens as defined in
18 section 2-303, and (e ~~d~~) such other uses and in such hierarchical order
19 as determined by the municipality or municipalities.

20 (6) The municipality or municipalities that created the land bank
21 may require by resolution or ordinance that any particular form of
22 disposition of real property, or any disposition of real property located
23 within specified jurisdictions, be subject to specified voting and
24 approval requirements of the board. Except and unless restricted or
25 constrained in this manner, the board may delegate to officers and
26 employees the authority to enter into and execute agreements, instruments
27 of conveyance, and all other related documents pertaining to the
28 conveyance of real property by the land bank.

29 Sec. 3. Section 19-5213, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 19-5213 (1) The board shall cause minutes and a record to be kept of

1 all its proceedings. Meetings of the board shall be subject to the Open
2 Meetings Act.

3 (2) All of a land bank's records and documents shall be considered
4 public records for purposes of sections 84-712 to 84-712.09.

5 (3) The board shall provide monthly reports to the municipality or
6 municipalities that created the land bank on the board's activities
7 pursuant to the Nebraska Municipal Land Bank Act. The board shall also
8 provide an annual report to the municipality or municipalities that
9 created the land bank, ~~and to~~ the Revenue Committee of the Legislature,
10 ~~and the Urban Affairs Committee of the Legislature~~ by March 1 ~~December 31~~
11 of each year summarizing the board's activities for the prior calendar
12 year. The reports ~~report~~ submitted to the legislative committees Revenue
13 ~~Committee~~ shall be submitted electronically.

14 Sec. 4. Original sections 19-5205, 19-5210, and 19-5213, Revised
15 Statutes Cumulative Supplement, 2014, are repealed.