

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HOYT, FINCH, GIGLIO, MAGNARELLI, MILLMAN, SCHI-MEL, JAFFEE, BROOK-KRASNY, CAHILL, LUPARDO -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, BURLING, DESTITO, GABRYSZAK, MAISEL, McENENY, McKEVITT, MOLINARO, ROBINSON, WEISENBERG -- read once and referred to the Committee on Local Governments

AN ACT to amend the not-for-profit corporation law, in relation to providing for the creation and administration of land banks, for the conversion of vacant, abandoned or tax-delinquent properties into productive use

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The not-for-profit corporation law is amended by adding a
2 new article 16 to read as follows:

3 ARTICLE 16
4 LAND BANKS

- 5 SECTION 1600. SHORT TITLE.
6 1601. LEGISLATIVE INTENT.
7 1602. DEFINITIONS.
8 1603. CREATION AND EXISTENCE.
9 1604. APPLICABILITY OF NEW YORK LAW.
10 1605. BOARD OF DIRECTORS.
11 1606. STAFF.
12 1607. POWERS.
13 1608. ACQUISITION OF PROPERTY.
14 1609. DISPOSITION OF PROPERTY.
15 1610. FINANCING OF LAND BANK OPERATIONS.
16 1611. BORROWING AND ISSUANCE OF BONDS.
17 1612. PUBLIC RECORDS AND PUBLIC MEETINGS.
18 1613. DISSOLUTION OF LAND BANK.
19 1614. CONFLICTS OF INTEREST.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD01212-02-1

1 1615. CONSTRUCTION, INTENT AND SCOPE.
2 1616. DELINQUENT PROPERTY TAX ENFORCEMENT.
3 1617. EXPEDITED QUIET TITLE PROCEEDINGS.

4 S 1600. SHORT TITLE.

5 THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LAND BANK ACT".

6 S 1601. LEGISLATIVE INTENT.

7 THE LEGISLATURE FINDS AND DECLARES THAT NEW YORK'S COMMUNITIES ARE
8 IMPORTANT TO THE SOCIAL AND ECONOMIC VITALITY OF THE STATE. WHETHER
9 URBAN, SUBURBAN, OR RURAL, MANY COMMUNITIES ARE STRUGGLING TO COPE WITH
10 VACANT, ABANDONED, AND TAX-DELINQUENT PROPERTIES.

11 THERE EXISTS A CRISIS IN MANY CITIES AND THEIR METRO AREAS CAUSED BY
12 DISINVESTMENT IN REAL PROPERTY AND RESULTING IN A SIGNIFICANT AMOUNT OF
13 VACANT AND ABANDONED PROPERTY. FOR EXAMPLE, CORNELL COOPERATIVE EXTEN-
14 SION ASSOCIATION OF ERIE COUNTY ESTIMATES THAT THE CITY OF BUFFALO HAS
15 THIRTEEN THOUSAND VACANT PARCELS, FOUR THOUSAND VACANT STRUCTURES AND AN
16 ESTIMATED TWENTY-TWO THOUSAND TWO HUNDRED NINETY VACANT RESIDENTIAL
17 UNITS. THIS CONDITION OF VACANT AND ABANDONED PROPERTY REPRESENTS LOST
18 REVENUE TO LOCAL GOVERNMENTS AND LARGE COSTS RANGING FROM DEMOLITION,
19 EFFECTS OF SAFETY HAZARDS AND SPREADING DETERIORATION OF NEIGHBORHOODS
20 INCLUDING RESULTING MORTGAGE FORECLOSURES.

21 THE NEED EXISTS TO STRENGTHEN AND REVITALIZE THE ECONOMY OF THE STATE
22 AND ITS LOCAL UNITS OF GOVERNMENT BY SOLVING THE PROBLEMS OF VACANT AND
23 ABANDONED PROPERTY IN A COORDINATED MANNER AND TO FOSTER THE DEVELOPMENT
24 OF SUCH PROPERTY AND PROMOTE ECONOMIC GROWTH. SUCH PROBLEMS MAY INCLUDE
25 MULTIPLE TAXING JURISDICTIONS LACKING COMMON POLICIES, INEFFECTIVE PROP-
26 erty INSPECTION, CODE ENFORCEMENT AND PROPERTY REHABILITATION SUPPORT,
27 LENGTHY AND/OR INADEQUATE FORECLOSURE PROCEEDINGS AND LACK OF COORDI-
28 NATION AND RESOURCES TO SUPPORT ECONOMIC REVITALIZATION.

29 THERE IS AN OVERRIDING PUBLIC NEED TO CONFRONT THE PROBLEMS CAUSED BY
30 VACANT, ABANDONED AND TAX-DELINQUENT PROPERTIES THROUGH THE CREATION OF
31 NEW TOOLS TO BE AVAILABLE TO COMMUNITIES THROUGHOUT NEW YORK ENABLING
32 THEM TO TURN VACANT SPACES INTO VIBRANT PLACES.

33 LAND BANKS ARE ONE OF THE TOOLS THAT CAN BE UTILIZED BY COMMUNITIES TO
34 FACILITATE THE RETURN OF VACANT, ABANDONED, AND TAX-DELINQUENT PROPER-
35 TIES TO PRODUCTIVE USE.

36 S 1602. DEFINITIONS.

37 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE
38 THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY
39 INDICATES OTHERWISE:

40 (A) "BOARD OF DIRECTORS" OR "BOARD" SHALL MEAN THE BOARD OF DIRECTORS
41 OF A LAND BANK;

42 (B) "LAND BANK" SHALL MEAN A LAND BANK ESTABLISHED AS A TYPE C
43 NOT-FOR-PROFIT CORPORATION UNDER THIS CHAPTER AND IN ACCORDANCE WITH THE
44 PROVISIONS OF THIS ARTICLE AND PURSUANT TO THIS ARTICLE;

45 (C) "FORECLOSING GOVERNMENTAL UNIT" SHALL MEAN "TAX DISTRICT" AS
46 DEFINED IN SUBDIVISION SIX OF SECTION ELEVEN HUNDRED TWO OF THE REAL
47 PROPERTY TAX LAW;

48 (D) "MUNICIPALITY" SHALL MEAN A CITY, VILLAGE, TOWN OR COUNTY OTHER
49 THAN A COUNTY LOCATED WHOLLY WITHIN A CITY;

50 (E) "SCHOOL DISTRICT" SHALL MEAN A SCHOOL DISTRICT AS DEFINED UNDER
51 THE EDUCATION LAW; AND

52 (F) "REAL PROPERTY" SHALL MEAN LANDS, LANDS UNDER WATER, STRUCTURES
53 AND ANY AND ALL EASEMENTS, AIR RIGHTS, FRANCHISES AND INCORPOREAL HERED-
54 ITAMENTS AND EVERY ESTATE AND RIGHT THEREIN, LEGAL AND EQUITABLE,
55 INCLUDING TERMS FOR YEARS AND LIENS BY WAY OF JUDGMENT, MORTGAGE OR
56 OTHERWISE, AND ANY AND ALL FIXTURES AND IMPROVEMENTS LOCATED THEREON.

1 S 1603. CREATION AND EXISTENCE.

2 (A) ANY FORECLOSING GOVERNMENTAL UNIT MAY ELECT TO CREATE A LAND BANK
3 BY THE ADOPTION OF A LOCAL LAW, ORDINANCE, RULE, OR RESOLUTION AS APPRO-
4 PRIATE TO SUCH FORECLOSING GOVERNMENTAL UNIT WHICH ACTION SPECIFIES THE
5 FOLLOWING:

6 (1) THE NAME OF THE LAND BANK;

7 (2) THE NUMBER OF MEMBERS OF THE BOARD OF DIRECTORS, WHICH SHALL
8 CONSIST OF AN ODD NUMBER OF MEMBERS, AND SHALL BE NOT LESS THAN FIVE
9 MEMBERS NOR MORE THAN ELEVEN MEMBERS;

10 (3) THE INITIAL INDIVIDUALS TO SERVE AS MEMBERS OF THE BOARD OF DIREC-
11 TORS, AND THE LENGTH OF TERMS FOR WHICH THEY ARE TO SERVE;

12 (4) THE QUALIFICATIONS, MANNER OF SELECTION OR APPOINTMENT, AND TERMS
13 OF OFFICE OF MEMBERS OF THE BOARD; AND

14 (5) THE ARTICLES OF INCORPORATION FOR THE LAND BANK, WHICH SHALL BE
15 FILED WITH THE SECRETARY OF STATE IN ACCORDANCE WITH THE PROCEDURES SET
16 FORTH IN THIS CHAPTER.

17 (B) TWO OR MORE FORECLOSING GOVERNMENTAL UNITS MAY ELECT TO ENTER INTO
18 AN INTERGOVERNMENTAL COOPERATION AGREEMENT WHICH CREATES A SINGLE LAND
19 BANK TO ACT ON BEHALF OF SUCH FORECLOSING GOVERNMENTAL UNITS, WHICH
20 AGREEMENT SHALL BE AUTHORIZED BY AND BE IN ACCORDANCE WITH THE
21 PROVISIONS OF PARAGRAPH (A) OF THIS SECTION.

22 (C) ANY FORECLOSING GOVERNMENTAL UNITS AND ANY MUNICIPALITY MAY ELECT
23 TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WHICH CREATES A
24 SINGLE LAND BANK TO ACT ON BEHALF OF SUCH FORECLOSING GOVERNMENTAL UNIT
25 OR UNITS AND MUNICIPALITY, WHICH AGREEMENT SHALL BE AUTHORIZED BY AND BE
26 IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SECTION.

27 (D) EXCEPT WHEN A LAND BANK IS CREATED PURSUANT TO PARAGRAPH (B) OR
28 (C) OF THIS SECTION, IN THE EVENT A COUNTY CREATES A LAND BANK, SUCH
29 LAND BANK SHALL HAVE THE POWER TO ACQUIRE REAL PROPERTY ONLY IN THOSE
30 PORTIONS OF SUCH COUNTY LOCATED OUTSIDE OF THE GEOGRAPHICAL BOUNDARIES
31 OF ANY OTHER LAND BANK CREATED BY ANY OTHER FORECLOSING GOVERNMENTAL
32 UNIT LOCATED PARTIALLY OR ENTIRELY WITHIN SUCH COUNTY.

33 (E) A SCHOOL DISTRICT MAY PARTICIPATE IN A LAND BANK PURSUANT TO AN
34 INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE FORECLOSING GOVERN-
35 MENTAL UNIT OR UNITS THAT CREATE THE LAND BANK, WHICH AGREEMENT SHALL
36 SPECIFY THE MEMBERSHIP, IF ANY, OF SUCH SCHOOL DISTRICT ON THE BOARD OF
37 DIRECTORS OF THE LAND BANK, OR THE ACTIONS OF THE LAND BANK WHICH ARE
38 SUBJECT TO APPROVAL BY THE SCHOOL DISTRICT.

39 (F) EACH LAND BANK CREATED PURSUANT TO THIS ACT SHALL BE A TYPE C
40 NOT-FOR-PROFIT CORPORATION, AND SHALL HAVE PERMANENT AND PERPETUAL DURA-
41 TION UNTIL TERMINATED AND DISSOLVED IN ACCORDANCE WITH THE PROVISIONS OF
42 SECTION SIXTEEN HUNDRED THIRTEEN OF THIS ARTICLE.

43 S 1604. APPLICABILITY OF NEW YORK LAW.

44 THIS ARTICLE SHALL APPLY ONLY TO LAND BANKS CREATED PURSUANT TO THIS
45 ARTICLE. IF ANY PROVISIONS OF THIS ARTICLE CONFLICT WITH ANY OTHER
46 PROVISION OF THIS CHAPTER, THE PROVISIONS OF THIS ARTICLE SHALL PREVAIL.
47 S 1605. BOARD OF DIRECTORS.

48 (A) (1) THE INITIAL SIZE OF THE BOARD SHALL BE DETERMINED IN ACCORD-
49 ANCE WITH SECTION SIXTEEN HUNDRED THREE OF THIS ARTICLE. UNLESS
50 RESTRICTED BY THE ACTIONS OR AGREEMENTS SPECIFIED IN SECTION SIXTEEN
51 HUNDRED THREE OF THIS ARTICLE, THE PROVISIONS OF THIS SECTION SHALL
52 APPLY.

53 (2) THE SIZE OF THE BOARD MAY BE ADJUSTED IN ACCORDANCE WITH BY-LAWS
54 OF THE LAND BANK.

55 (B) IN THE EVENT THAT A LAND BANK IS CREATED PURSUANT TO AN INTERGOV-
56 ERNMENTAL AGREEMENT IN ACCORDANCE WITH SECTION SIXTEEN HUNDRED THREE OF

1 THIS ARTICLE, SUCH INTERGOVERNMENTAL COOPERATION AGREEMENT SHALL SPECIFY
2 MATTERS IDENTIFIED IN PARAGRAPH (A) OF SECTION SIXTEEN HUNDRED THREE OF
3 THIS ARTICLE.

4 (C) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY PUBLIC OFFICER SHALL
5 BE ELIGIBLE TO SERVE AS A BOARD MEMBER AND THE ACCEPTANCE OF THE
6 APPOINTMENT SHALL NEITHER TERMINATE NOR IMPAIR SUCH PUBLIC OFFICE. FOR
7 PURPOSES OF THIS SECTION, "PUBLIC OFFICER" SHALL MEAN A PERSON WHO IS
8 ELECTED TO A MUNICIPAL OFFICE. ANY MUNICIPAL EMPLOYEE OR APPOINTED OFFI-
9 CER SHALL BE ELIGIBLE TO SERVE AS A BOARD MEMBER.

10 (D) THE MEMBERS OF THE BOARD OF DIRECTORS SHALL SELECT ANNUALLY FROM
11 AMONG THEMSELVES A CHAIRMAN, A VICE-CHAIRMAN, A TREASURER, AND SUCH
12 OTHER OFFICERS AS THE BOARD MAY DETERMINE, AND SHALL ESTABLISH THEIR
13 DUTIES AS MAY BE REGULATED BY RULES ADOPTED BY THE BOARD.

14 (E) THE BOARD SHALL ESTABLISH RULES AND REQUIREMENTS RELATIVE TO THE
15 ATTENDANCE AND PARTICIPATION OF MEMBERS IN ITS MEETINGS, REGULAR OR
16 SPECIAL. SUCH RULES AND REGULATIONS MAY PRESCRIBE A PROCEDURE WHEREBY,
17 SHOULD ANY MEMBER FAIL TO COMPLY WITH SUCH RULES AND REGULATIONS, SUCH
18 MEMBER MAY BE DISQUALIFIED AND REMOVED AUTOMATICALLY FROM OFFICE BY NO
19 LESS THAN A MAJORITY VOTE OF THE REMAINING MEMBERS OF THE BOARD, AND
20 THAT MEMBER'S POSITION SHALL BE VACANT AS OF THE FIRST DAY OF THE NEXT
21 CALENDAR MONTH. ANY PERSON REMOVED UNDER THE PROVISIONS OF THIS PARA-
22 GRAPH SHALL BE INELIGIBLE FOR REAPPOINTMENT TO THE BOARD, UNLESS SUCH
23 REAPPOINTMENT IS CONFIRMED UNANIMOUSLY BY THE BOARD.

24 (F) A VACANCY ON THE BOARD SHALL BE FILLED IN THE SAME MANNER AS THE
25 ORIGINAL APPOINTMENT.

26 (G) BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION, SHALL HAVE THE
27 POWER TO ORGANIZE AND REORGANIZE THE EXECUTIVE, ADMINISTRATIVE, CLER-
28 ICAL, AND OTHER DEPARTMENTS OF THE LAND BANK AND TO FIX THE DUTIES,
29 POWERS, AND COMPENSATION OF ALL EMPLOYEES, AGENTS, AND CONSULTANTS OF
30 THE LAND BANK. THE BOARD MAY REIMBURSE ANY MEMBER FOR EXPENSES ACTUALLY
31 INCURRED IN THE PERFORMANCE OF DUTIES ON BEHALF OF THE LAND BANK.

32 (H) THE BOARD SHALL MEET IN REGULAR SESSION ACCORDING TO A SCHEDULE
33 ADOPTED BY THE BOARD, AND ALSO SHALL MEET IN SPECIAL SESSION AS CONVENED
34 BY THE CHAIRMAN OR UPON WRITTEN NOTICE SIGNED BY A MAJORITY OF THE
35 MEMBERS.

36 (I) A MAJORITY OF THE MEMBERS OF THE BOARD, NOT INCLUDING VACANCIES,
37 SHALL CONSTITUTE A QUORUM FOR THE CONDUCT OF BUSINESS. ALL ACTIONS OF
38 THE BOARD SHALL BE APPROVED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE
39 MEMBERS OF THAT BOARD PRESENT AND VOTING; PROVIDED, HOWEVER, NO ACTION
40 OF THE BOARD SHALL BE AUTHORIZED ON THE FOLLOWING MATTERS UNLESS
41 APPROVED BY A MAJORITY OF THE TOTAL BOARD MEMBERSHIP:

42 (1) ADOPTION OF BY-LAWS AND OTHER RULES AND REGULATIONS FOR CONDUCT OF
43 THE LAND BANK'S BUSINESS;

44 (2) HIRING OR FIRING OF ANY EMPLOYEE OR CONTRACTOR OF THE LAND BANK.
45 THIS FUNCTION MAY, BY MAJORITY VOTE OF THE TOTAL BOARD MEMBERSHIP, BE
46 DELEGATED TO A SPECIFIED OFFICER OR COMMITTEE OF THE LAND BANK, UNDER
47 SUCH TERMS AND CONDITIONS, AND TO THE EXTENT, THAT THE BOARD MAY SPECI-
48 FY;

49 (3) THE INCURRING OF DEBT;

50 (4) ADOPTION OR AMENDMENT OF THE ANNUAL BUDGET; AND

51 (5) SALE, LEASE, ENCUMBRANCE, OR ALIENATION OF REAL PROPERTY, IMPROVE-
52 MENTS, OR PERSONAL PROPERTY, WITH A VALUE OF MORE THAN FIFTY THOUSAND
53 DOLLARS.

54 (J) MEMBERS OF A BOARD SHALL NOT BE LIABLE PERSONALLY ON THE BONDS OR
55 OTHER OBLIGATIONS OF THE LAND BANK, AND THE RIGHTS OF CREDITORS SHALL BE
56 SOLELY AGAINST SUCH LAND BANK.

1 (K) VOTE BY PROXY SHALL NOT BE PERMITTED. ANY MEMBER MAY REQUEST A
2 RECORDED VOTE ON ANY RESOLUTION OR ACTION OF THE LAND BANK.
3 S 1606. STAFF.

4 A LAND BANK MAY EMPLOY A SECRETARY, AN EXECUTIVE DIRECTOR, ITS OWN
5 COUNSEL AND LEGAL STAFF, AND SUCH TECHNICAL EXPERTS, AND SUCH OTHER
6 AGENTS AND EMPLOYEES, PERMANENT OR TEMPORARY, AS IT MAY REQUIRE, AND MAY
7 DETERMINE THE QUALIFICATIONS AND FIX THE COMPENSATION AND BENEFITS OF
8 SUCH PERSONS. A LAND BANK MAY ALSO ENTER INTO CONTRACTS AND AGREEMENTS
9 WITH MUNICIPALITIES FOR STAFFING SERVICES TO BE PROVIDED TO THE LAND
10 BANK BY MUNICIPALITIES OR AGENCIES OR DEPARTMENTS THEREOF, OR FOR A LAND
11 BANK TO PROVIDE SUCH STAFFING SERVICES TO MUNICIPALITIES OR AGENCIES OR
12 DEPARTMENTS THEREOF.

13 S 1607. POWERS.

14 (A) A LAND BANK SHALL CONSTITUTE A TYPE C NOT-FOR-PROFIT CORPORATION
15 UNDER NEW YORK LAW, WHICH POWERS SHALL INCLUDE ALL POWERS NECESSARY OR
16 APPROPRIATE TO CARRY OUT AND EFFECTUATE THE PURPOSES AND PROVISIONS OF
17 THIS ARTICLE, INCLUDING THE FOLLOWING POWERS IN ADDITION TO THOSE HEREIN
18 OTHERWISE GRANTED:

19 (1) ADOPT, AMEND, AND REPEAL BYLAWS FOR THE REGULATION OF ITS AFFAIRS
20 AND THE CONDUCT OF ITS BUSINESS;

21 (2) SUE AND BE SUED IN ITS OWN NAME AND PLEAD AND BE IMPEADED IN ALL
22 CIVIL ACTIONS, INCLUDING, BUT NOT LIMITED TO, ACTIONS TO CLEAR TITLE TO
23 PROPERTY OF THE LAND BANK;

24 (3) TO ADOPT A SEAL AND TO ALTER THE SAME AT PLEASURE;

25 (4) TO MAKE CONTRACTS, GIVE GUARANTEES AND INCUR LIABILITIES, BORROW
26 MONEY AT SUCH RATES OF INTEREST AS THE LAND BANK MAY DETERMINE;

27 (5) TO ISSUE NEGOTIABLE REVENUE BONDS AND NOTES ACCORDING TO THE
28 PROVISIONS OF THIS ARTICLE;

29 (6) TO PROCURE INSURANCE OR GUARANTEES FROM THE STATE OF NEW YORK OR
30 FEDERAL GOVERNMENT OF THE PAYMENTS OF ANY DEBTS OR PARTS THEREOF
31 INCURRED BY THE LAND BANK, AND TO PAY PREMIUMS IN CONNECTION THEREWITH;

32 (7) TO ENTER INTO CONTRACTS AND OTHER INSTRUMENTS NECESSARY, INCI-
33 DENTAL, OR CONVENIENT TO THE PERFORMANCE OF ITS DUTIES AND THE EXERCISE
34 OF ITS POWERS, INCLUDING, BUT NOT LIMITED TO, INTERGOVERNMENTAL AGREE-
35 MENTS UNDER SECTION ONE HUNDRED NINETEEN-O OF THE GENERAL MUNICIPAL LAW
36 FOR THE JOINT EXERCISE OF POWERS UNDER THIS ARTICLE;

37 (8) TO ENTER INTO CONTRACTS AND OTHER INSTRUMENTS NECESSARY, INCI-
38 DENTAL, OR CONVENIENT TO THE PERFORMANCE OF FUNCTIONS BY THE LAND BANK
39 ON BEHALF OF MUNICIPALITIES OR AGENCIES OR DEPARTMENTS OF MUNICI-
40 PALITIES, OR THE PERFORMANCE BY MUNICIPALITIES OR AGENCIES OR DEPART-
41 MENTS OF MUNICIPALITIES OF FUNCTIONS ON BEHALF OF THE LAND BANK;

42 (9) TO MAKE AND EXECUTE CONTRACTS AND OTHER INSTRUMENTS NECESSARY OR
43 CONVENIENT TO THE EXERCISE OF THE POWERS OF THE LAND BANK; AND ANY
44 CONTRACT OR INSTRUMENT WHEN SIGNED BY THE CHAIRMAN OR VICE-CHAIRMAN OF
45 THE LAND BANK, OR BY AN AUTHORIZED USE OF THEIR FACSIMILE SIGNATURES,
46 AND BY THE SECRETARY OR ASSISTANT SECRETARY, OR, TREASURER OR ASSISTANT
47 TREASURER OF THE LAND BANK, OR BY AN AUTHORIZED USE OF THEIR FACSIMILE
48 SIGNATURES, SHALL BE HELD TO HAVE BEEN PROPERLY EXECUTED FOR AND ON ITS
49 BEHALF;

50 (10) TO PROCURE INSURANCE AGAINST LOSSES IN CONNECTION WITH THE REAL
51 PROPERTY, ASSETS, OR ACTIVITIES OF THE LAND BANK;

52 (11) TO INVEST MONEY OF THE LAND BANK, AT THE DISCRETION OF THE BOARD
53 OF DIRECTORS, IN INSTRUMENTS, OBLIGATIONS, SECURITIES, OR PROPERTY
54 DETERMINED PROPER BY THE BOARD OF DIRECTORS, AND NAME AND USE DEPOSITO-
55 RIES FOR ITS MONEY;

1 (12) TO ENTER INTO CONTRACTS FOR THE MANAGEMENT OF, THE COLLECTION OF
2 RENT FROM, OR THE SALE OF REAL PROPERTY OF THE LAND BANK;

3 (13) TO DESIGN, DEVELOP, CONSTRUCT, DEMOLISH, RECONSTRUCT, REHABILI-
4 TATE, RENOVATE, RELOCATE, AND OTHERWISE IMPROVE REAL PROPERTY OR RIGHTS
5 OR INTERESTS IN REAL PROPERTY;

6 (14) TO FIX, CHARGE, AND COLLECT RENTS, FEES AND CHARGES FOR THE USE
7 OF REAL PROPERTY OF THE LAND BANK AND FOR SERVICES PROVIDED BY THE LAND
8 BANK;

9 (15) TO GRANT OR ACQUIRE A LICENSE, EASEMENT, LEASE (AS LESSOR AND AS
10 LESSEE), OR OPTION WITH RESPECT TO REAL PROPERTY OF THE LAND BANK;

11 (16) TO ENTER INTO PARTNERSHIP, JOINT VENTURES, AND OTHER COLLABORA-
12 TIVE RELATIONSHIPS WITH MUNICIPALITIES AND OTHER PUBLIC AND PRIVATE
13 ENTITIES FOR THE OWNERSHIP, MANAGEMENT, DEVELOPMENT, AND DISPOSITION OF
14 REAL PROPERTY; AND

15 (17) TO DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO ACHIEVE THE
16 OBJECTIVES AND PURPOSES OF THE LAND BANK OR OTHER LAWS THAT RELATE TO
17 THE PURPOSES AND RESPONSIBILITY OF THE LAND BANK.

18 (B) A LAND BANK SHALL NEITHER POSSESS NOR EXERCISE THE POWER OF
19 EMINENT DOMAIN.

20 S 1608. ACQUISITION OF PROPERTY.

21 (A) THE REAL PROPERTY OF A LAND BANK AND ITS INCOME AND OPERATIONS ARE
22 EXEMPT FROM ALL TAXATION BY THE STATE OF NEW YORK AND BY ANY OF ITS
23 POLITICAL SUBDIVISIONS.

24 (B) THE LAND BANK MAY ACQUIRE REAL PROPERTY OR INTERESTS IN REAL PROP-
25 erty BY GIFT, DEVISE, TRANSFER, EXCHANGE, FORECLOSURE, PURCHASE, OR
26 OTHERWISE ON TERMS AND CONDITIONS AND IN A MANNER THE LAND BANK CONSID-
27 ERS PROPER.

28 (C) THE LAND BANK MAY ACQUIRE REAL PROPERTY BY PURCHASE CONTRACTS,
29 LEASE PURCHASE AGREEMENTS, INSTALLMENT SALES CONTRACTS, LAND CONTRACTS,
30 AND MAY ACCEPT TRANSFERS FROM MUNICIPALITIES UPON SUCH TERMS AND CONDI-
31 TIONS AS AGREED TO BY THE LAND BANK AND THE MUNICIPALITY. NOTWITHSTAND-
32 ING ANY OTHER LAW TO THE CONTRARY, ANY MUNICIPALITY MAY TRANSFER TO THE
33 LAND BANK REAL PROPERTY AND INTERESTS IN REAL PROPERTY OF THE MUNICI-
34 PALITY ON SUCH TERMS AND CONDITIONS AND ACCORDING TO SUCH PROCEDURES AS
35 DETERMINED BY THE MUNICIPALITY.

36 (D) THE LAND BANK SHALL MAINTAIN ALL OF ITS REAL PROPERTY IN ACCORD-
37 ANCE WITH THE LAWS AND ORDINANCES OF THE JURISDICTION IN WHICH THE REAL
38 PROPERTY IS LOCATED.

39 (E) THE LAND BANK SHALL NOT OWN OR HOLD REAL PROPERTY LOCATED OUTSIDE
40 THE JURISDICTIONAL BOUNDARIES OF THE FORECLOSING GOVERNMENTAL UNIT OR
41 UNITS WHICH CREATED THE LAND BANK; PROVIDED, HOWEVER, THAT A LAND BANK
42 MAY BE GRANTED AUTHORITY PURSUANT TO AN INTERGOVERNMENTAL COOPERATION
43 AGREEMENT WITH ANOTHER MUNICIPALITY TO MANAGE AND MAINTAIN REAL PROPERTY
44 LOCATED WITHIN THE JURISDICTION OF SUCH OTHER MUNICIPALITY.

45 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
46 MUNICIPALITY MAY CONVEY TO A LAND BANK REAL PROPERTY AND INTERESTS IN
47 REAL PROPERTY ON SUCH TERMS AND CONDITIONS, FORM AND SUBSTANCE OF
48 CONSIDERATION, AND PROCEDURES, ALL AS DETERMINED BY THE TRANSFERRING
49 MUNICIPALITY IN ITS DISCRETION.

50 S 1609. DISPOSITION OF PROPERTY.

51 (A) THE LAND BANK SHALL HOLD IN ITS OWN NAME ALL REAL PROPERTY
52 ACQUIRED BY THE LAND BANK IRRESPECTIVE OF THE IDENTITY OF THE TRANSFEROR
53 OF SUCH PROPERTY.

54 (B) THE LAND BANK SHALL MAINTAIN AND MAKE AVAILABLE FOR PUBLIC REVIEW
55 AND INSPECTION AN INVENTORY OF ALL REAL PROPERTY HELD BY THE LAND BANK.

1 (C) NOTWITHSTANDING THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED
2 NINETY-SEVEN OF THE PUBLIC AUTHORITIES LAW, THE LAND BANK SHALL DETER-
3 MINE AND SET FORTH IN POLICIES AND PROCEDURES OF THE BOARD OF DIRECTORS
4 THE GENERAL TERMS AND CONDITIONS FOR CONSIDERATION TO BE RECEIVED BY THE
5 LAND BANK FOR THE TRANSFER OF REAL PROPERTY AND INTERESTS IN REAL PROP-
6 erty, WHICH CONSIDERATION MAY TAKE THE FORM OF MONETARY PAYMENTS AND
7 SECURED FINANCIAL OBLIGATIONS, COVENANTS AND CONDITIONS RELATED TO THE
8 PRESENT AND FUTURE USE OF THE PROPERTY, CONTRACTUAL COMMITMENTS OF THE
9 TRANSFEREE, AND SUCH OTHER FORMS OF CONSIDERATION AS DETERMINED BY THE
10 BOARD OF DIRECTORS TO BE IN THE BEST INTEREST OF THE LAND BANK.

11 (D) THE LAND BANK MAY CONVEY, EXCHANGE, SELL, TRANSFER, LEASE AS
12 LESSOR, GRANT, RELEASE AND DEMISE, PLEDGE AND HYPOTHECATE ANY AND ALL
13 INTERESTS IN, UPON OR TO REAL PROPERTY OF THE LAND BANK.

14 (E) A FORECLOSING GOVERNMENTAL UNIT MAY, IN ITS RESOLUTION OR ORDI-
15 NANCE CREATING A LAND BANK, OR, IN THE CASE OF MULTIPLE FORECLOSING
16 GOVERNMENTAL UNITS CREATING A SINGLE LAND BANK IN THE APPLICABLE INTER-
17 GOVERNMENTAL COOPERATION AGREEMENT, ESTABLISH A HIERARCHICAL RANKING OF
18 PRIORITIES FOR THE USE OF REAL PROPERTY CONVEYED BY A LAND BANK INCLUD-
19 ING BUT NOT LIMITED TO:

20 (1) USE FOR PURELY PUBLIC SPACES AND PLACES;

21 (2) USE FOR AFFORDABLE HOUSING;

22 (3) USE FOR RETAIL, COMMERCIAL AND INDUSTRIAL ACTIVITIES;

23 (4) USE AS WILDLIFE CONSERVATION AREAS; AND

24 (5) SUCH OTHER USES AND IN SUCH HIERARCHICAL ORDER AS DETERMINED BY
25 THE FORECLOSING GOVERNMENTAL UNIT OR UNITS.

26 (F) A FORECLOSING GOVERNMENTAL UNIT MAY, IN ITS RESOLUTION OR ORDI-
27 NANCE CREATING A LAND BANK, OR, IN THE CASE OF MULTIPLE FORECLOSING
28 GOVERNMENTAL UNITS CREATING A SINGLE LAND BANK IN THE APPLICABLE INTER-
29 GOVERNMENTAL COOPERATION AGREEMENT, REQUIRE THAT ANY PARTICULAR FORM OF
30 DISPOSITION OF REAL PROPERTY, OR ANY DISPOSITION OF REAL PROPERTY
31 LOCATED WITHIN SPECIFIED JURISDICTIONS, BE SUBJECT TO SPECIFIED VOTING
32 AND APPROVAL REQUIREMENTS OF THE BOARD OF DIRECTORS. EXCEPT AND UNLESS
33 RESTRICTED OR CONSTRAINED IN THIS MANNER, THE BOARD OF DIRECTORS MAY
34 DELEGATE TO OFFICERS AND EMPLOYEES THE AUTHORITY TO ENTER INTO AND
35 EXECUTE AGREEMENTS, INSTRUMENTS OF CONVEYANCE AND ALL OTHER RELATED
36 DOCUMENTS PERTAINING TO THE CONVEYANCE OF REAL PROPERTY BY THE LAND
37 BANK.

38 S 1610. FINANCING OF LAND BANK OPERATIONS.

39 (A) A LAND BANK MAY RECEIVE FUNDING THROUGH GRANTS AND LOANS FROM THE
40 FORECLOSING GOVERNMENTAL UNIT OR UNITS WHICH CREATED THE LAND BANK, FROM
41 OTHER MUNICIPALITIES, FROM THE STATE OF NEW YORK, FROM THE FEDERAL
42 GOVERNMENT, AND FROM OTHER PUBLIC AND PRIVATE SOURCES.

43 (B) A LAND BANK MAY RECEIVE AND RETAIN PAYMENTS FOR SERVICES RENDERED,
44 FOR RENTS AND LEASEHOLD PAYMENTS RECEIVED, FOR CONSIDERATION FOR DISPO-
45 SITION OF REAL AND PERSONAL PROPERTY, FOR PROCEEDS OF INSURANCE COVERAGE
46 FOR LOSSES INCURRED, FOR INCOME FROM INVESTMENTS, AND FOR ANY OTHER
47 ASSET AND ACTIVITY LAWFULLY PERMITTED TO A LAND BANK UNDER THIS ARTICLE.

48 (C) FIFTY PERCENT OF THE REAL PROPERTY TAXES COLLECTED ON REAL PROPER-
49 TY CONVEYED BY A LAND BANK PURSUANT TO THE LAWS OF THE STATE OF NEW YORK
50 SHALL BE REMITTED TO THE LAND BANK, IN ACCORDANCE WITH PROCEDURES ESTAB-
51 LISHED BY REGULATIONS PROMULGATED BY THE OFFICE OF THE STATE COMP-
52 TROLLER. SUCH ALLOCATION OF PROPERTY TAX REVENUES SHALL COMMENCE WITH
53 THE FIRST TAXABLE YEAR FOLLOWING THE DATE OF CONVEYANCE AND SHALL
54 CONTINUE FOR A PERIOD OF FIVE YEARS.

55 S 1611. BORROWING AND ISSUANCE OF BONDS.

1 (A) A LAND BANK SHALL HAVE POWER TO ISSUE BONDS FOR ANY OF ITS CORPO-
2 RATE PURPOSES, THE PRINCIPAL AND INTEREST OF WHICH ARE PAYABLE FROM ITS
3 REVENUES GENERALLY. ANY OF SUCH BONDS MAY BE SECURED BY A PLEDGE OF ANY
4 REVENUES, INCLUDING GRANTS OR CONTRIBUTIONS FROM THE STATE OF NEW YORK,
5 THE FEDERAL GOVERNMENT, OR ANY AGENCY, AND INSTRUMENTALITY THEREOF, OR
6 BY A MORTGAGE OF ANY PROPERTY OF THE LAND BANK.

7 (B) THE BONDS ISSUED BY A LAND BANK ARE HEREBY DECLARED TO HAVE ALL
8 THE QUALITIES OF NEGOTIABLE INSTRUMENTS UNDER NEW YORK STATE LAW.

9 (C) THE BONDS OF A LAND BANK CREATED UNDER THE PROVISIONS OF THIS
10 ARTICLE AND THE INCOME THEREFROM SHALL AT ALL TIMES BE FREE FROM TAXA-
11 TION FOR THE STATE OF NEW YORK OR LOCAL PURPOSES UNDER ANY PROVISION OF
12 NEW YORK LAW.

13 (D) BONDS ISSUED BY THE LAND BANK SHALL BE AUTHORIZED BY RESOLUTION OF
14 THE BOARD AND SHALL BE LIMITED OBLIGATIONS OF THE LAND BANK; THE PRINCI-
15 PAL AND INTEREST, COSTS OF ISSUANCE, AND OTHER COSTS INCIDENTAL THERETO
16 SHALL BE PAYABLE SOLELY FROM THE INCOME AND REVENUE DERIVED FROM THE
17 SALE, LEASE, OR OTHER DISPOSITION OF THE ASSETS OF THE LAND BANK. IN THE
18 DISCRETION OF THE LAND BANK, THE BONDS MAY BE ADDITIONALLY SECURED BY
19 MORTGAGE OR OTHER SECURITY DEVICE COVERING ALL OR PART OF THE PROJECT
20 FROM WHICH THE REVENUES SO PLEDGED MAY BE DERIVED. ANY REFUNDING BONDS
21 ISSUED SHALL BE PAYABLE FROM ANY SOURCE DESCRIBED ABOVE OR FROM THE
22 INVESTMENT OF ANY OF THE PROCEEDS OF THE REFUNDING BONDS AND SHALL NOT
23 CONSTITUTE AN INDEBTEDNESS OR PLEDGE OF THE GENERAL CREDIT OF ANY FORE-
24 CLOSING GOVERNMENTAL UNIT OR MUNICIPALITY WITHIN THE MEANING OF ANY
25 CONSTITUTIONAL OR STATUTORY LIMITATION OF INDEBTEDNESS AND SHALL CONTAIN
26 A RECITAL TO THAT EFFECT. BONDS OF THE LAND BANK SHALL BE ISSUED IN SUCH
27 FORM, SHALL BE IN SUCH DENOMINATIONS, SHALL BEAR INTEREST, SHALL MATURE
28 IN SUCH MANNER, AND BE EXECUTED BY ONE OR MORE MEMBERS OF THE BOARD AS
29 PROVIDED IN THE RESOLUTION AUTHORIZING THE ISSUANCE THEREOF. SUCH BONDS
30 MAY BE SUBJECT TO REDEMPTION AT THE OPTION OF AND IN THE MANNER DETER-
31 MINED BY THE BOARD IN THE RESOLUTION AUTHORIZING THE ISSUANCE THEREOF.

32 (E) ANY MUNICIPALITY MAY ELECT TO GUARANTEE, INSURE, OR OTHERWISE
33 BECOME PRIMARILY OR SECONDARILY OBLIGATED ON THE INDEBTEDNESS OF THE
34 LAND BANK SUBJECT, HOWEVER, TO ALL OTHER PROVISIONS OF NEW YORK LAW
35 APPLICABLE TO MUNICIPAL INDEBTEDNESS.

36 (F) BONDS ISSUED BY THE LAND BANK SHALL BE ISSUED, SOLD, AND DELIVERED
37 IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A RESOLUTION ADOPTED BY
38 THE BOARD. THE BOARD MAY SELL SUCH BONDS IN SUCH MANNER, EITHER AT
39 PUBLIC OR AT PRIVATE SALE, AND FOR SUCH PRICE AS IT MAY DETERMINE TO BE
40 IN THE BEST INTERESTS OF THE LAND BANK. THE RESOLUTION ISSUING BONDS
41 SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE
42 JURISDICTION OF THE LAND BANK.

43 (G) NEITHER THE MEMBERS OF A LAND BANK NOR ANY PERSON EXECUTING THE
44 BONDS SHALL BE LIABLE PERSONALLY ON ANY SUCH BONDS BY REASON OF THE
45 ISSUANCE THEREOF. EXCEPT AS PERMITTED IN PARAGRAPH (E) OF THIS SECTION,
46 SUCH BONDS OR OTHER OBLIGATIONS OF A LAND BANK SHALL NOT BE A DEBT OF
47 ANY MUNICIPALITY OR OF THE STATE OF NEW YORK, AND SHALL SO STATE ON
48 THEIR FACE, NOR SHALL ANY MUNICIPALITY OR THE STATE OF NEW YORK NOR ANY
49 REVENUES OR ANY PROPERTY OF ANY MUNICIPALITY OR OF THE STATE OF NEW YORK
50 BE LIABLE THEREFOR.

51 S 1612. PUBLIC RECORDS AND PUBLIC MEETINGS.

52 THE BOARD SHALL CAUSE MINUTES AND A RECORD TO BE KEPT OF ALL ITS
53 PROCEEDINGS. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE LAND BANK
54 SHALL BE SUBJECT TO THE OPEN MEETINGS LAW AND THE FREEDOM OF INFORMATION
55 LAW.

56 S 1613. DISSOLUTION OF LAND BANK.

1 A LAND BANK MAY BE DISSOLVED AS A TYPE C NOT-FOR-PROFIT CORPORATION
2 SIXTY CALENDAR DAYS AFTER AN AFFIRMATIVE RESOLUTION APPROVED BY
3 TWO-THIRDS OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS. SIXTY CALENDAR
4 DAYS ADVANCE WRITTEN NOTICE OF CONSIDERATION OF A RESOLUTION OF DISSOL-
5 UTION SHALL BE GIVEN TO THE FORECLOSING GOVERNMENTAL UNIT OR UNITS THAT
6 CREATED THE LAND BANK, SHALL BE PUBLISHED IN A LOCAL NEWSPAPER OF GENER-
7 AL CIRCULATION, AND SHALL BE SENT CERTIFIED MAIL TO THE TRUSTEE OF ANY
8 OUTSTANDING BONDS OF THE LAND BANK. UPON DISSOLUTION OF THE LAND BANK
9 ALL REAL PROPERTY, PERSONAL PROPERTY AND OTHER ASSETS OF THE LAND BANK
10 SHALL BECOME THE ASSETS OF THE FORECLOSING GOVERNMENTAL UNIT OR UNITS
11 THAT CREATED THE LAND BANK. IN THE EVENT THAT TWO OR MORE FORECLOSING
12 GOVERNMENTAL UNITS CREATE A LAND BANK IN ACCORDANCE WITH SECTION SIXTEEN
13 HUNDRED THREE OF THIS ARTICLE, THE WITHDRAWAL OF ONE OR MORE FORECLOSING
14 GOVERNMENTAL UNITS SHALL NOT RESULT IN THE DISSOLUTION OF THE LAND BANK
15 UNLESS THE INTERGOVERNMENTAL AGREEMENT SO PROVIDES, AND THERE IS NO
16 FORECLOSING GOVERNMENTAL UNIT THAT DESIRES TO CONTINUE THE EXISTENCE OF
17 THE LAND BANK.

18 S 1614. CONFLICTS OF INTEREST.

19 NO MEMBER OF THE BOARD OR EMPLOYEE OF A LAND BANK SHALL ACQUIRE ANY
20 INTEREST, DIRECT OR INDIRECT, IN REAL PROPERTY OF THE LAND BANK, IN ANY
21 REAL PROPERTY TO BE ACQUIRED BY THE LAND BANK, OR IN ANY REAL PROPERTY
22 TO BE ACQUIRED FROM THE LAND BANK. NO MEMBER OF THE BOARD OR EMPLOYEE OF
23 A LAND BANK SHALL HAVE ANY INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT
24 OR PROPOSED CONTRACT FOR MATERIALS OR SERVICES TO BE FURNISHED OR USED
25 BY A LAND BANK. THE BOARD MAY ADOPT SUPPLEMENTAL RULES AND REGULATIONS
26 ADDRESSING POTENTIAL CONFLICTS OF INTEREST AND ETHICAL GUIDELINES FOR
27 MEMBERS OF THE BOARD AND LAND BANK EMPLOYEES.

28 S 1615. CONSTRUCTION, INTENT AND SCOPE.

29 THE PROVISIONS OF THIS ARTICLE SHALL BE CONSTRUED LIBERALLY TO EFFEC-
30 TUATE THE LEGISLATIVE INTENT AND THE PURPOSES AS COMPLETE AND INDEPEND-
31 ENT AUTHORIZATION FOR THE PERFORMANCE OF EACH AND EVERY ACT AND THING
32 AUTHORIZED BY THIS ARTICLE, AND ALL POWERS GRANTED SHALL BE BROADLY
33 INTERPRETED TO EFFECTUATE THE INTENT AND PURPOSES AND NOT AS A LIMITA-
34 TION OF POWERS. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS ARTICLE,
35 IN THE EXERCISE OF ITS POWERS AND DUTIES UNDER THIS ARTICLE AND ITS
36 POWERS RELATING TO PROPERTY HELD BY THE LAND BANK, THE LAND BANK SHALL
37 HAVE COMPLETE CONTROL AS FULLY AND COMPLETELY AS IF IT REPRESENTED A
38 PRIVATE PROPERTY OWNER AND SHALL NOT BE SUBJECT TO RESTRICTIONS IMPOSED
39 BY THE CHARTER, ORDINANCES, OR RESOLUTIONS OF A LOCAL UNIT OF GOVERN-
40 MENT.

41 S 1616. DELINQUENT PROPERTY TAX ENFORCEMENT.

42 (A) WHENEVER ANY REAL PROPERTY IS ACQUIRED BY A LAND BANK, AND SUCH
43 REAL PROPERTY IS ENCUMBERED BY A LIEN OR CLAIM FOR REAL PROPERTY TAXES
44 OWED TO THE FORECLOSING GOVERNMENTAL UNIT OR UNITS THAT CREATED THE LAND
45 BANK, THE LAND BANK SHALL HAVE THE POWER, BY RESOLUTION OF THE BOARD, TO
46 DISCHARGE AND EXTINGUISH ANY AND ALL SUCH LIENS OR CLAIMS. WHENEVER ANY
47 REAL PROPERTY IS ACQUIRED BY A LAND BANK, AND SUCH REAL PROPERTY IS
48 ENCUMBERED BY A LIEN OR CLAIM FOR REAL PROPERTY TAXES OWED TO THE SCHOOL
49 DISTRICT, OR TO A MUNICIPALITY OTHER THAN THE FORECLOSING GOVERNMENTAL
50 UNIT OR UNITS THAT CREATED THE LAND BANK, THE LAND BANK SHALL HAVE THE
51 POWER, BY RESOLUTION OF THE BOARD, TO DISCHARGE AND EXTINGUISH ANY AND
52 ALL SUCH LIENS OR CLAIMS IF AND ONLY IF THE SCHOOL DISTRICT, OR MUNICI-
53 PALITY OTHER THAN THE FORECLOSING GOVERNMENTAL UNIT OR UNITS THAT
54 CREATED THE LAND BANK, AND THE LAND BANK HAVE ENTERED INTO AN AGREEMENT
55 AUTHORIZING SUCH DISCHARGE AND EXTINGUISHMENT. TO THE EXTENT NECESSARY

1 AND APPROPRIATE THE LAND BANK SHALL FILE IN APPROPRIATE PUBLIC RECORDS
2 EVIDENCE OF THE EXTINGUISHMENT AND DISSOLUTION OF SUCH LIENS OR CLAIMS.

3 (B) TO THE EXTENT THAT THE LAND BANK RECEIVES PAYMENTS OF ANY KIND
4 ATTRIBUTABLE TO LIENS OR CLAIMS FOR REAL PROPERTY TAXES OWED TO ANY
5 MUNICIPALITY OR TO THE SCHOOL DISTRICT ON PROPERTY ACQUIRED BY THE LAND
6 BANK, THE LAND BANK SHALL REMIT THE FULL AMOUNT OF SUCH PAYMENTS TO THE
7 MUNICIPALITY OR TO THE SCHOOL DISTRICT AS APPLICABLE.

8 (C) A FORECLOSING GOVERNMENTAL UNIT MAY ASSIGN, TRANSFER, AND SELL TO
9 A LAND BANK ANY TAX CLAIM FILED OR TO BE FILED UNDER ARTICLE ELEVEN OF
10 THE REAL PROPERTY TAX LAW, UPON SUCH TERMS AND CONDITIONS AS ARE MUTUAL-
11 LY ACCEPTABLE TO THE FORECLOSING GOVERNMENTAL UNIT AND TO THE LAND BANK,
12 AND SHALL OTHERWISE CONFER UPON THE LAND BANK THE RIGHTS, PRIVILEGES AND
13 REMEDIES OF AN ASSIGNEE UNDER NEW YORK LAW.

14 (D) PURSUANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED THIRTY-SIX OF
15 THE REAL PROPERTY TAX LAW, IN ITS FINAL JUDGMENT A COURT MAY AWARD A
16 LAND BANK THE POSSESSION OF ANY PARCEL OF REAL PROPERTY DESCRIBED IN THE
17 PETITION OF FORECLOSURE NOT REDEEMED PURSUANT TO THE LAWS OF NEW YORK.

18 (E) IF THE COURT ORDERS A PUBLIC SALE PURSUANT TO SECTION ELEVEN
19 HUNDRED THIRTY-SIX OF THE REAL PROPERTY TAX LAW, AND THE PURCHASER OF
20 THE PROPERTY IS THE LAND BANK, THEN THE FORM, SUBSTANCE, AND TIMING OF
21 THE LAND BANK'S PAYMENT OF THE SALES PRICE MAY BE ACCORDING TO SUCH
22 AGREEMENT AS IS MUTUALLY ACCEPTABLE TO THE PLAINTIFF AND THE LAND BANK.
23 THE OBLIGATION OF THE LAND BANK TO PERFORM IN ACCORDANCE WITH SUCH
24 AGREEMENT SHALL BE DEEMED TO BE IN FULL SATISFACTION OF THE TAX CLAIM
25 WHICH WAS THE BASIS FOR THE JUDGMENT. THE LAND BANK, AS PURCHASER AT
26 SUCH SALE SHALL TAKE AND FOREVER THEREAFTER HAVE, AN ABSOLUTE TITLE TO
27 THE PROPERTY SOLD, FREE AND DISCHARGED OF ALL TAX AND MUNICIPAL CLAIMS,
28 LIENS, MORTGAGES, CHARGES AND ESTATES OF WHATSOEVER KIND.

29 (F) THE NOTICE AND ADVERTISEMENT AS PROVIDED IN SECTIONS ELEVEN
30 HUNDRED TWENTY-FOUR AND ELEVEN HUNDRED TWENTY-FIVE OF THE REAL PROPERTY
31 TAX LAW SHALL CONTAIN REFERENCE TO A POTENTIAL BID BY THE LAND BANK.

32 (G) THE DEED SPECIFIED BY SECTION ELEVEN HUNDRED THIRTY-SIX OF THE
33 REAL PROPERTY TAX LAW SHALL BE DELIVERED TO THE LAND BANK AND ACKNOWL-
34 EDGED AND RECORDED WITHIN THIRTY DAYS OF THE DATE OF THE FINAL JUDGMENT.

35 (H) (1) IN A PETITION OF FORECLOSURE A FORECLOSING GOVERNMENTAL UNIT,
36 OR A LAND BANK IF IT IS THE HOLDER OF MUNICIPAL TAX LIENS, IS AUTHORIZED
37 TO COMBINE IN A SINGLE PETITION MULTIPLE TRACTS OF REAL PROPERTY SO LONG
38 AS THE PETITION AND ACCOMPANYING AFFIDAVITS PROVIDE:

39 (A) IDENTIFICATION OF EACH TRACT OF REAL PROPERTY;

40 (B) THE IDENTITIES OF ALL PARTIES HAVING AN INTEREST IN EACH RESPEC-
41 TIVE TRACT OF REAL PROPERTY;

42 (C) THE AMOUNT OF THE TAX LIEN THEN DUE AND OWING; AND

43 (D) THE NATURE OF THE NOTICE OF THE PROPOSED SALE PROVIDED TO SUCH
44 INTERESTED PARTIES.

45 (2) THE COURT MAY AUTHORIZE IN A SINGLE FINAL JUDGMENT THAT ALL OR
46 PART OF THE REAL PROPERTIES IDENTIFIED IN THE PETITION BE SOLD FREE AND
47 CLEAR OF ALL TAX AND MUNICIPAL CLAIMS, MORTGAGES, LIENS, CHARGES AND
48 ESTATES.

49 (I) NOTWITHSTANDING OTHER PROVISIONS OF NEW YORK LAW, THE LAND BANK
50 MAY TENDER A BID AT ANY JUDICIALLY ORDERED SALE IN AN AMOUNT EQUAL TO
51 THE TOTAL AMOUNT OF ALL MUNICIPAL CLAIMS AND LIENS WHICH WERE THE BASIS
52 FOR THE JUDGMENT. IN THE EVENT OF SUCH TENDER BY THE LAND BANK THE PROP-
53 erty shall be deemed sold to the land bank regardless of any bids by any
54 other third parties. THE BID OF THE LAND BANK SHALL BE PAID AS TO ITS
55 FORM, SUBSTANCE, AND TIMING ACCORDING TO SUCH AGREEMENT AS IS MUTUALLY
56 ACCEPTABLE TO THE PLAINTIFF AND THE LAND BANK. THE OBLIGATION OF THE

1 LAND BANK TO PERFORM IN ACCORDANCE WITH SUCH AGREEMENT SHALL BE DEEMED
2 TO BE IN FULL SATISFACTION OF THE MUNICIPAL CLAIM WHICH WAS THE BASIS
3 FOR THE JUDGMENT. THE LAND BANK, AS PURCHASER AT SUCH SALE SHALL TAKE
4 AND FOREVER THEREAFTER HAVE, AN ABSOLUTE TITLE TO THE PROPERTY SOLD,
5 FREE AND DISCHARGED OF ALL TAX AND MUNICIPAL CLAIMS, LIENS, MORTGAGES,
6 CHARGES AND ESTATES OF WHATSOEVER KIND. THE DEED TO THE LAND BANK SHALL
7 BE EXECUTED, ACKNOWLEDGED AND DELIVERED WITHIN THIRTY DAYS OF THE SALE.
8 S 1617. EXPEDITED QUIET TITLE PROCEEDINGS.

9 (A) A LAND BANK SHALL BE AUTHORIZED TO FILE AN ACTION TO QUIET TITLE
10 AS TO ANY REAL PROPERTY IN WHICH THE LAND BANK HAS AN INTEREST. FOR
11 PURPOSES OF ANY AND ALL SUCH ACTIONS THE LAND BANK SHALL BE DEEMED TO BE
12 THE HOLDER OF SUFFICIENT LEGAL AND EQUITABLE INTERESTS, AND POSSESSORY
13 RIGHTS, SO AS TO QUALIFY THE LAND BANK AS ADEQUATE COMPLAINANT IN SUCH
14 ACTION.

15 (B) PRIOR TO THE FILING OF AN ACTION TO QUIET TITLE THE LAND BANK
16 SHALL CONDUCT AN EXAMINATION OF TITLE TO DETERMINE THE IDENTITY OF ANY
17 AND ALL PERSONS AND ENTITIES POSSESSING A CLAIM OR INTEREST IN OR TO THE
18 REAL PROPERTY. SERVICE OF THE COMPLAINT TO QUIET TITLE SHALL BE PROVIDED
19 TO ALL SUCH INTERESTED PARTIES BY THE FOLLOWING METHODS:

20 (1) REGISTERED OR CERTIFIED MAIL TO SUCH IDENTITY AND ADDRESS AS
21 REASONABLY ASCERTAINABLE BY AN INSPECTION OF PUBLIC RECORDS;

22 (2) IN THE CASE OF OCCUPIED REAL PROPERTY, BY REGISTERED OR CERTIFIED
23 MAIL, ADDRESSED TO "OCCUPANT";

24 (3) BY POSTING A COPY OF THE NOTICE ON THE REAL PROPERTY; AND

25 (4) BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNI-
26 CIPALITY IN WHICH THE PROPERTY IS LOCATED; AND/OR

27 (5) BY SUCH OTHER METHODS AS THE COURT MAY ORDER.

28 (C) AS PART OF THE COMPLAINT TO QUIET TITLE THE LAND BANK SHALL FILE
29 AN AFFIDAVIT IDENTIFYING ALL PARTIES POTENTIALLY HAVING AN INTEREST IN
30 THE REAL PROPERTY, AND THE FORM OF NOTICE PROVIDED.

31 (D) THE COURT SHALL SCHEDULE A HEARING ON THE COMPLAINT WITHIN NINETY
32 DAYS FOLLOWING FILING OF THE COMPLAINT, AND AS TO ALL MATTERS UPON WHICH
33 AN ANSWER WAS NOT FILED BY AN INTERESTED PARTY THE COURT SHALL ISSUE ITS
34 FINAL JUDGMENT WITHIN ONE HUNDRED TWENTY DAYS OF THE FILING OF THE
35 COMPLAINT.

36 (E) A LAND BANK SHALL BE AUTHORIZED TO JOIN IN A SINGLE COMPLAINT TO
37 QUIET TITLE ONE OR MORE PARCELS OF REAL PROPERTY.

38 S 2. This act shall take effect immediately.