ORDINANCE NO. 19.911

AN ORDINANCE TO CREATE A LAND BANK COMMISSION FOR THE CITY OF LITTLE ROCK, ARKANSAS; TO SET FORTH CERTAIN DUTIES AND RESPONSIBILITIES OF THIS COMMISSION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, in 2006 a task force was created which included elected officials at the local and county level, persons involved in real estate sales and development, community groups interested in working through problems with blighted, abandoned and nuisance properties, title insurance company leaders, individuals concerned about various housing problems in the City, Dan Kildee, a consultant experienced with land bank efforts in Michigan, and Frank Alexander, a law professor from Emory Law School who has consulted and written on the topic of land banks;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. There is hereby created the Land Bank Commission ("Commission").

Section 2. Liberal Construction of the Ordinance. This ordinance, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect the purposes of it.

Section 3. Purpose. The purpose of the Land Bank Commission is to reverse urban blight, increase home ownership and stability of property values, provide affordable housing, improve the health and safety of neighborhoods within the city, and maintain the architectural fabric of the community.

Section 4. Definitions.

(a) Residential Housing Facilities. For purposes of this ordinance, the term "Residential housing facilities" means facilities for single and multifamily residential housing units of any and all kinds, and such other improvements or facilities deemed incidental or essential to the community, and in accordance with a properly approved Land Bank Redevelopment Plan, provided that no such incidental development shall be in conflict with state law or City ordinance.

(b) Land Bank Redevelopment Plan. Policy guide for acquisition and conveyance of Land Bank Commission properties giving consideration to City Zoning, Parks, Land Use, and Neighborhood Action Plans.
(c) Development Site Plan. Plan prepared and submitted by applicant requesting conveyance of Land Bank Commission property.

Section 5. Authority of Land Bank Commission. The Commission shall, in the name of the City, and with approval of the City Board of Directors, have the power to control, acquire, construct, reconstruct, preserve, extend, equip, improve, operate, maintain, sell, lease, convey, contract concerning, or otherwise deal in or dispose of residential housing facilities, and other capital improvements or facilities, or any interest in such facilities including without limitation leasehold interests in and mortgages on such facilities, within the corporate limits of the City of Little Rock, Arkansas.

(a) Requirements. The Land Bank Commission shall inventory all property acquired for its use and benefit, and maintain the inventory as a public record; shall prepare and approve a Land Bank Redevelopment Plan (LBRP) in consultation with the Community Housing Advisory Board (CHAB); shall make the (LBRP) a part of the Commission by-laws, provided, that the City Board of Directors is free to amend, repeal, modify, or expand any or all of these elements; and shall require all prospective purchasers to submit a Development Site Plan (DSP) and time frame for the property of interest which meets Land Bank Redevelopment Plan (LBRP) standards and other requirements of this ordinance.

(b) Conveyance consideration. Prior to conveyance, the Land Bank Commission shall consider whether the prospective purchaser, or developer, has a history of not paying fines for violations of state laws, City ordinances, or code provisions; further, the Commission shall consider whether the prospective purchaser was a prior owner of real property transferred to the State Land Commission as a result of tax delinquency during the three year period prior to the request for approval of a Development Site Plan, or approval of an extension to complete an approved Development Site Plan; further, the Commission may adopt additional conveyance considerations.

Section 6. Approval of Development Site Plan. Before the Commission can recommend to the City Board of Directors the conveyance of real property, it must first approve the Development Site Plan submitted by applicant which includes:

(a) A time frame for development pursuant to the approved plan;
(b) Information and procedures to assure the development of the approved plan in the form it is approved;
(c) Proof that the approved plan is consistent with all zoning requirements, or has obtained any necessary amendments to the local zoning requirements;
(d) Proof that the approved plan otherwise complies with all City codes and regulations, including variances, otherwise required.
(e) Demonstration that the approved plan complies with the Land Bank Redevelopment Plan and is consistent with the spirit of any affected Neighborhood Action Plan.

Section 7. Approved Development Site Plan Not Binding on Other City Commissions: Nothing in the requirements of this ordinance shall mandate that any City board or commission approve any action requested by a proposed developer even if failure to receive such approval negates the ability to move forward with the Land Bank Redevelopment Plan.

Section 8. Time Frame for Completion of the Development Site Plan.
(a) Unless expressly authorized by the City Board of Directors, upon recommendation of the Commission, any approved Development Site Plan shall be completed within three (3) years of the date approval of the plan is granted.
(b) If the developer has made substantial progress toward completion of the Development Site Plan, the Commission may approve an extension of time for development unless it receives information, or is provided evidence, to suggest that the Plan will not be completed within a reasonable period of time, not to exceed two (2) additional years from the date the Plan expires.
(c) Notwithstanding the provisions of subsection (b) above, an additional extension of time can be granted upon good cause shown by the developer as to why completion within the original time frame, and any extension, was impractical and unfeasible.

Section 9. Land Bank Commission Subject to City Supervision.
(a) The City Manager, or a designee of this office, shall serve as the administrative staff of the Commission.
(b) The City Manager may designate the Director of Finance and Treasurer to serve as the treasurer for the Commission.
(c) The Commission shall be subject to the authority of the Mayor and City Manager as to establishing a budget, hiring employees, and fulfilling the functions of the Commission as set forth in this ordinance.
(d) The Commission, within ninety (90) days of the initial appointments, shall prepare a set of bylaws to be submitted for approval, by resolution of the City Board of Direc-
tors, before they become effective; further, any substantive changes in the bylaws shall also be approved by the City Board of Directors before they become effective.

(e) The Commission shall file an annual report with the City Clerk and Community Housing Advisory Board (CHAB) that sets forth its activities for the proceeding calendar year, including a complete operating and financial statement prepared in accordance with the relevant City ordinances as to financial reporting.

(f) The Commission shall confer and coordinate with the Community Housing Advisory Board (CHAB) to insure consistency of housing policy established by the City Board of Directors.

Section 10. City Purchasing, Bidding and Financial Reporting Procedures Will Control. All laws, ordinances, resolutions, and other documents, which set forth purchasing, bidding, or financial reporting procedures for the City shall also apply to the Commission.

Section 11. Meetings; Quorum; Public Records.

(a) The Commission shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its bylaws for regular meetings.

(b) A majority of its members shall constitute a quorum for the transaction of business.

(c) The affirmative vote of a majority of the members present at a meeting of the Commission shall be necessary for any action taken.

(d) No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(e) A record of the proceedings of the Commission shall be maintained.


(a) The Commission shall consist of nine (9) persons to be appointed by the mayor, subject to confirmation by the City Board of Directors;

(b) One (1) of the nine (9) members shall be involved in projects or work dedicated to the development of low and moderate income housing;

(c) One (1) of the nine (9) members shall be from the housing industry;

(d) One (1) of the nine (9) members shall be an officer of a financial institution;

(e) One (1) of the nine (9) members shall be a member of the board of the Little Rock Housing Authority, selected from a list of three (3) names, submitted by the board of the Little Rock Housing Authority;

(d) One (1) of the nine (9) members shall be a member of (CHAB), selected from a list of three (3) names, submitted by the (CHAB) membership;
(e) Four (4) of the nine (9) members shall be selected at-large, provided that the four (4) at-large members shall reside in different city wards;

(f) The members of the Commission shall have terms of four (4) years, except that the initial members shall have staggered terms to be decided by drawing lots. Five (5) members shall have four (4) year terms, and four (4) members shall have two (2) year terms.

(g) A member shall serve until his or her successor is selected and qualified.

(h) Members shall be limited in the number of consecutive terms that can be served as set forth in city ordinance, resolution, or policy statements.

(i) Vacancies shall be filled by the mayor, subject to confirmation by the City Board of Directors.

(j) Any Commissioner is subject to removal for cause which is defined to include misfeasance, malefeasance or nonfeasance in office; except for removal for absences, which are subject to City procedures for handling such matters. Any Commissioner subject to removal for cause shall be notified in writing of the reason for such removal, and shall be provided ten (10) days from the receipt of such notice to provide a statement as to why the Commissioner believes that removal is inappropriate, or that the basis for removal contains misstatements of fact, or that the basis for removal should not result in such a sanction.

Section 13. Additional and Supplemental Powers. In addition to the provisions of this ordinance, the Commission shall exercise all additional or supplement powers authorized by the General Assembly for local governments, provided the City Board of Directors delegates such authority to the Commission.

Section 14. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

Section 15. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

Section 16. Emergency Clause. The need to create a Land Bank Commission to work on low to moderate income housing redevelopment, and community redevelopment, and the fulfillment
of Community Redevelopment Plans created by the Land Bank Commission is essential to the
public health, safety and welfare; an emergency is, therefore, declared to exist and this ordinance
shall be in full force and effect from and after the date of its passage.


ATTEST:

Nancy Wood, City Clerk

APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney

APPROVED:

Mark Stodola, Mayor

SPONSORED:

Director Joan Adcock, Position 10