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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.

1 (c) *Development Site Plan.* Plan prepared and submitted by applicant requesting convey-
2 ance of Land Bank Commission property.

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

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

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

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

30 (a) A time frame for development pursuant to the approved plan;

31 (b) Information and procedures to assure the development of the approved plan in the
32 form it is approved;

- 1 (c) Proof that the approved plan is consistent with all zoning requirements, or has ob-
2 tained any necessary amendments to the local zoning requirements;
- 3 (d) Proof that the approved plan otherwise complies with all City codes and regulations,
4 including variances, otherwise required.
- 5 (e) Demonstration that the approved plan complies with the Land Bank Redevelopment
6 Plan and is consistent with the spirit of any affected Neighborhood Action Plan.

7 **Section 7. *Approved Development Site Plan Not Binding on Other City Commissions:*** Noth-
8 ing in the requirements of this ordinance shall mandate that any City board or commission ap-
9 prove any action requested by a proposed developer even if failure to receive such approval ne-
10 gates the ability to move forward with the Land Bank Redevelopment Plan.

11 **Section 8. *Time Frame for Completion of the Development Site Plan.***

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

23 **Section 9. *Land Bank Commission Subject to City Supervision.***

- 24 (a) The City Manager, or a designee of this office, shall serve as the administrative staff of
25 the Commission.
- 26 (b) The City Manager may designate the Director of Finance and Treasurer to serve as
27 the treasurer for the Commission.
- 28 (c) The Commission shall be subject to the authority of the Mayor and City Manager as
29 to establishing a budget, hiring employees, and fulfilling the functions of the Commis-
30 sion as set forth in this ordinance.
- 31 (d) The Commission, within ninety (90) days of the initial appointments, shall prepare a
32 set of bylaws to be submitted for approval, by resolution of the City Board of Direc-

1 tors, before they become effective; further, any substantive changes in the bylaws shall
2 also be approved by the City Board of Directors before they become effective.

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

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

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

13 **Section 11. *Meetings; Quorum; Public Records.***

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

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

17 (c) The affirmative vote of a majority of the members present at a meeting of the Com-
18 mission shall be necessary for any action taken.

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

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

22 **Section 12. *Appointment of Commission Members and Commission Procedures.***

23 (a) The Commission shall consist of nine (9) persons to be appointed by the mayor, sub-
24 ject to confirmation by the City Board of Directors;

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

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

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

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

32 (d) One (1) of the nine (9) members shall be a member of (CHAB), selected from a list of
33 three (3) names, submitted by the (CHAB) membership;

- 1 (e) Four (4) of the nine (9) members shall be selected at-large, provided that the four (4)
2 at-large members shall reside in different city wards;
- 3 (f) The members of the Commission shall have terms of four (4) years, except that the
4 initial members shall have staggered terms to be decided by drawing lots. Five (5)
5 members shall have four (4) year terms, and four (4) members shall have two (2) year
6 terms
- 7 (g) A member shall serve until his or her successor is selected and qualified.
- 8 (h) Members shall be limited in the number of consecutive terms that can be served as set
9 forth in city ordinance, resolution, or policy statements.
- 10 (i) Vacancies shall be filled by the mayor, subject to confirmation by the City Board of
11 Directors.
- 12 (j) Any Commissioner is subject to removal for cause which is defined to include misfea-
13 sance, malfeasance or nonfeasance in office; except for removal for absences, which
14 are subject to City procedures for handling such matters. Any Commissioner subject to
15 removal for cause shall be notified in writing of the reason for such removal, and shall
16 be provided ten (10) days from the receipt of such notice to provide a statement as to
17 why the Commissioner believes that removal is inappropriate, or that the basis for
18 removal contains misstatements of fact, or that the basis for removal should not result
19 in such a sanction.

20 **Section 13. *Additional and Supplemental Powers.*** In addition to the provisions of this ordi-
21 nance, the Commission shall exercise all additional or supplement powers authorized by the
22 General Assembly for local governments, provided the City Board of Directors delegates such au-
23 thority to the Commission.

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

29 **Section 15. *Repealer.*** All laws, ordinances, resolutions, or parts of the same, that are incon-
30 sistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsis-
31 tency.

32 **Section 16. *Emergency Clause.*** *The need to create a Land Bank Commission to work on low*
33 *to moderate income housing redevelopment, and community redevelopment, and the fulfillment*

1 of Community Redevelopment Plans created by the Land Bank Commission is essential to the
2 public health, safety and welfare; an emergency is, therefore, declared to exist and this ordinance
3 shall be in full force and effect from and after the date of its passage.

4 PASSED: January 15, 2008.

5 ATTEST:

APPROVED:

6
7 *Nancy Wood*
8 Nancy Wood, City Clerk

Mark Stodola
Mark Stodola, Mayor

9 APPROVED AS TO LEGAL FORM:

SPONSORED:

10
11 *Thomas M. Carpenter*
12 Thomas M. Carpenter, City Attorney

Joan Adcock
Director Joan Adcock, Position 10

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