

Senate Bill 284

By: Senator Golden of the 8th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax  
 2 sales, so as to provide for provisions governing the creation and operation of land banks on  
 3 and after July 1, 2012; to provide a short title and a statement of construction, intent, and  
 4 scope; to provide for legislative findings; to define certain terms; to provide for the creation,  
 5 existence, and board membership of land banks; to provide for land bank powers, including  
 6 those powers related to the acquisition and disposition of tax delinquent and other properties;  
 7 to provide for financing of land banks; to provide for public meetings of land banks, for the  
 8 adoption of rules and regulations to address potential conflicts of interest, and for the  
 9 dissolution of land banks; to provide an effective date; to repeal conflicting laws; and for  
 10 other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, is  
 14 amended in Code Section 48-4-61, relating to land bank authority established by interlocal  
 15 cooperation agreement, powers, purpose, and dissolution, by adding a new subsection to read  
 16 as follows:

17 "(f) No land bank authority shall be created pursuant to this article on or after July 1, 2012.  
 18 Except as otherwise provided in subsection (j) of Code Section 48-4-104, any land bank  
 19 created pursuant to this article prior to July 1, 2012, shall continue to be governed by this  
 20 article."

21 **SECTION 2.**

22 Said chapter is further amended by adding a new article to read as follows:

23

"ARTICLE 624 48-4-100.25 (a) This article shall be known and may be cited as the 'Georgia Land Bank Act.'

26 (b) Any land bank created prior to July 1, 2012, pursuant to Article 4 of this chapter shall  
 27 not be affected by this article but shall be entitled to continue in existence and exercise all  
 28 powers granted in such article. The board of any existing land bank may vote, in the  
 29 manner provided in subsection (j) of Code Section 48-4-104, to continue in existence under  
 30 the provisions of this article, thus exercising the additional authorities and powers  
 31 contained herein.

32 48-4-101.33 The General Assembly finds and declares that:

34 (1) Georgia's communities are important to the social and economic vitality of this state.  
 35 Whether urban, suburban, or rural, many communities are struggling to cope with  
 36 dilapidated, abandoned, and tax delinquent properties;

37 (2) Citizens of Georgia are affected adversely by dilapidated, abandoned, and tax  
 38 delinquent properties, including properties that have been abandoned due to mortgage  
 39 foreclosure;

40 (3) Dilapidated, abandoned, and tax delinquent properties impose significant costs on  
 41 neighborhoods and communities by lowering property values, increasing fire and police  
 42 protection costs, decreasing tax revenues, and undermining community cohesion;

43 (4) There is an overriding public need to confront the problems caused by dilapidated,  
 44 abandoned, and tax delinquent properties, and to return properties which are in  
 45 nonrevenue-generating, nontax-producing status to an effective utilization status in order  
 46 to provide affordable housing, new industry, and jobs for the citizens of this state through  
 47 the creation of new tools that enable communities to turn abandoned spaces into vibrant  
 48 places; and

49 (5) Land banks are one of the tools that can be utilized by communities to facilitate the  
 50 return of dilapidated, abandoned, and tax delinquent properties to productive use.

51 48-4-102.52 As used in this article, the term:53 (1) 'Board of directors' or 'board' means the board of directors of a land bank.

54 (2) 'Consolidated government' means a unified government created pursuant to Article  
 55 IX, Section III, Paragraph II of the Constitution of Georgia.

56 (3) 'Intergovernmental contract' means a contract as authorized pursuant to Article IX,  
 57 Section III, Paragraph I of the Constitution of Georgia and paragraph (5) of Code Section  
 58 36-34-2, and entered into by counties, consolidated governments, and municipal  
 59 corporations pursuant to this article.

60 (4) 'Land bank' means a public body corporate and politic established in accordance with  
 61 the provisions of this article.

62 (5) 'Land bank member' means the local governments that are parties to the  
 63 intergovernmental contract or resolution creating a land bank and the local governments  
 64 that join a land bank subsequent to its creation pursuant to the provisions of this article.

65 (6) 'Real property' means all lands and the buildings thereon, all things permanently  
 66 attached to land or to the buildings thereon, and any interest existing in, issuing out of,  
 67 or dependent upon land or the buildings thereon.

68 (7) 'School district' means any school district, independent school system, or other local  
 69 school system in this state.

70 48-4-103.

71 (a) Any county, municipal corporation, or consolidated government may elect to create a  
 72 land bank in accordance with subsection (b) of this Code section by the adoption of a local  
 73 law, ordinance, or resolution as appropriate to the applicable counties, consolidated  
 74 governments, or municipal corporations, which action specifies the following:

75 (1) The name of the land bank;

76 (2) The number of members of the board of directors, which shall consist of an odd  
 77 number of board members and be not less than five board members or more than 11  
 78 board members;

79 (3) The initial individuals to serve as board members and the length of terms for which  
 80 they will serve; and

81 (4) The qualifications, manner of selection or appointment, and terms of office of board  
 82 members.

83 (b) A land bank may be created pursuant to an intergovernmental contract by any of the  
 84 following and any combination of the following methods:

85 (1) A county and one or more municipal corporations located wholly or partially within  
 86 the county;

87 (2) Two or more counties and one or more municipal corporations located wholly or  
 88 partially within the geographical boundaries of each county;

89 (3) A consolidated government and one or more municipal corporations located wholly  
 90 or partially within the same county as the consolidated government; or

91 (4) Any consolidated government without a municipal corporation located wholly or  
 92 partially within the same county as the consolidated government may create a land bank  
 93 as follows:

94 (A) Through ordinance or resolution of the governing authority of the consolidated  
 95 government;

96 (B) Through an intergovernmental contract with another consolidated government  
 97 without a municipal corporation located wholly or partially within the same county as  
 98 the consolidated government; or

99 (C) Through an intergovernmental contract with other counties, municipal  
 100 corporations, or consolidated governments creating land banks pursuant to paragraph  
 101 (1), (2), or (3) of this subsection.

102 (c) Any intergovernmental contract creating a land bank shall specify the matters identified  
 103 in subsection (a) of this Code section.

104 (d) Subject to the limitations of subsection (b) of this Code section, any county or  
 105 municipal corporation or consolidated government may elect to join any preexisting land  
 106 bank by executing the intergovernmental contract or resolution that created the land bank  
 107 and such other documentation as may be necessary.

108 (e) A land bank shall have the power to acquire real property only in those portions of the  
 109 county located outside of the geographical boundaries of a nonparticipating municipal  
 110 corporation located within the county; provided, however, that a land bank may acquire  
 111 real property lying within such nonparticipating municipal corporation with the consent of  
 112 such municipal corporation.

113 (f) A school district may participate in a land bank pursuant to an intergovernmental  
 114 contract provided such contract specifies any members of the board of education serving  
 115 on the board of the land bank and any actions of the land bank which are subject to  
 116 approval by the board of education.

117 (g) A land bank shall be a public body corporate and politic and shall have permanent and  
 118 perpetual duration until terminated and dissolved in accordance with the provisions of  
 119 subsection (c) of Code Section 48-4-111.

120 48-4-104.

121 (a) The initial size of a board shall be determined in accordance with paragraph (2) of  
 122 subsection (a) of Code Section 48-4-103. Unless restricted by the actions or agreements  
 123 specified in Code Section 48-4-103, and subject to the limits stated in this Code section,  
 124 the size of the board may be adjusted in accordance with the bylaws of the land bank.

125 (b) In the event the board of a land bank created by a county and a municipal corporation  
 126 or by a consolidated government before July 1, 2012, votes to continue in existence under

127 the provisions of this article, the land bank members shall jointly nominate and approve at  
128 least one additional board member so that there is an odd number of board members. In  
129 the event the land bank members of such a preexisting land bank are unable to approve  
130 such additional board members, such preexisting land bank shall not exist under the  
131 provisions of this article unless and until a new intergovernmental contract is approved in  
132 accordance with this article.

133 (c) Notwithstanding any law to the contrary, an elected member of the municipal  
134 governing authority shall be eligible to serve as a board member, and the acceptance of the  
135 appointment shall neither terminate nor impair that public office. Any municipal employee  
136 shall be eligible to serve as a board member. Notwithstanding any law to the contrary, an  
137 elected member of the county governing authority shall be eligible to serve as a board  
138 member, and the acceptance of the appointment shall neither terminate nor impair that  
139 public office. Any county employee shall be eligible to serve as a board member.  
140 Notwithstanding any law to the contrary, an elected member of a consolidated government  
141 governing authority shall be eligible to serve as a board member, and the acceptance of the  
142 appointment shall neither terminate nor impair that public office. Any consolidated  
143 government employee shall be eligible to serve as a board member. A tax commissioner  
144 or tax collector, or both, may serve ex officio as a member of the land bank board if so  
145 authorized by the intergovernmental contract, local law, ordinance, or resolution that  
146 creates the land bank or by subsequent intergovernmental contracts with the land bank  
147 members.

148 (d) The members of the board shall select annually from among themselves a chairperson,  
149 vice chairperson, secretary, treasurer, and such other officers as the board may determine  
150 and shall establish their duties as may be regulated by the intergovernmental contract or by  
151 rules adopted by the board. When in actual conflict the intergovernmental contract shall  
152 control over the bylaws or rules adopted by the board.

153 (e)(1) The board shall establish rules and regulations relative to the attendance and  
154 participation of board members in its regular and special meetings. The rules and  
155 regulations may prescribe a procedure whereby a board member who fails to comply with  
156 the rules and regulations of the board may be removed from office by no less than a  
157 majority vote of the remaining members of the board, and that board member's position  
158 shall be vacant as of the first day of the next calendar month.

159 (2) A land bank member may remove any board member appointed by that land bank  
160 member.

161 (3) Any board member removed under the provisions of this subsection shall be  
162 ineligible for reappointment to the board, unless the reappointment is confirmed by at  
163 least a two-thirds' vote of the governing authority of the appointing land bank member.

- 164 (f) A vacancy on the board shall be filled in the same manner as the original appointment.  
 165 (g) Board members shall serve without compensation. The board may reimburse a board  
 166 member for expenses actually incurred in the performance of duties on behalf of the land  
 167 bank.  
 168 (h) The board shall meet in regular session according to a schedule adopted by the board  
 169 and also shall meet in special session as convened by the chairperson or upon written notice  
 170 signed by a majority of the board members.  
 171 (i) A quorum of board membership shall be a simple majority of the entire board  
 172 membership, and no action of the board shall be taken in the absence of a quorum. All  
 173 actions of the board must be approved by the affirmative vote of a majority of the members  
 174 of the board present and voting; provided, however, that no action of the board shall be  
 175 authorized on the following matters unless approved by a majority of the entire board  
 176 membership:  
 177 (1) Adoption of bylaws and other rules and regulations for conduct of the land bank's  
 178 business;  
 179 (2) Hiring or firing of any employee or contractor of the land bank. Such function may  
 180 by majority vote be delegated by the board to a specified officer or committee of the land  
 181 bank under such terms and conditions and to the extent that the board may specify;  
 182 (3) Incurring of debt;  
 183 (4) Adoption or amendment of the annual budget; and  
 184 (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal  
 185 property with a value of more than \$50,000.  
 186 (j) A land bank created pursuant to Article 4 of this chapter may continue in existence in  
 187 accordance with provisions of this article upon the unanimous consent of the board  
 188 members, and contingent upon the appointment of at least one additional board member  
 189 pursuant to subsection (b) of this Code section.  
 190 (k) A board member shall not be liable personally on obligations of the land bank, and the  
 191 rights of creditors of a land bank shall be solely against the land bank.  
 192 (l) A board member shall be prohibited from voting by proxy. A board member may  
 193 request a recorded vote on any resolution or action of the land bank.

194 48-4-105.

195 A land bank may employ an executive director, its own counsel and legal staff, and such  
 196 technical experts, other agents, and employees, permanent or temporary, as it may require  
 197 and may determine the qualifications and fix the compensation and benefits of those  
 198 persons. A land bank may also enter into contracts and agreements with municipal  
 199 corporations or counties or consolidated governments for staffing services to be provided

200 to the land bank by agencies or departments thereof or for a land bank to provide such  
201 staffing services to agencies or departments thereof.

202 48-4-106.

203 (a) A land bank shall constitute a public body, corporate and politic, and shall have all  
204 powers necessary or appropriate to carry out and effectuate the purposes and provisions of  
205 this article, including the following powers:

206 (1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct  
207 of its business;

208 (2) To sue and be sued in its own name and plead and be impleaded in all civil actions,  
209 including, but not limited to, actions to clear title to property of the land bank;

210 (3) To adopt a seal and to alter the same at pleasure;

211 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or  
212 personal property of every kind and character, or any interest therein, in furtherance of  
213 the public purposes of the land bank;

214 (5) To acquire, accept, or retain equitable interests, security interests, or other interests  
215 in any real property, personal property, or fixtures by loan agreement, note, mortgage,  
216 deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance,  
217 contract, lien, loan agreement, or other consensual transfer in order to secure credit  
218 extended by the land bank;

219 (6) To borrow from private lenders, from municipal corporations, counties, or  
220 consolidated governments, from the state, or from federal government funds, as may be  
221 necessary, for the operation and work of the land bank;

222 (7) To borrow money to further or carry out its public purpose and to execute notes,  
223 other obligations, leases, trust indentures, trust agreements, agreements for the sale of its  
224 notes or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds,  
225 security agreements, assignments, and such other agreements or instruments as may be  
226 necessary or desirable, in the judgment of the land bank, to evidence and to provide  
227 security for such borrowing;

228 (8) To issue notes or other obligations of the land bank and use the proceeds thereof for  
229 the purpose of paying all or any part of the cost of any land bank projects and otherwise  
230 to further or carry out the public purpose of the land bank and to pay all costs of the land  
231 bank incidental to, or necessary and appropriate to, furthering or carrying out such  
232 purpose;

233 (9) To make application directly or indirectly to any federal, state, county, or municipal  
234 government or agency or to any other source, whether public or private, for loans, grants,  
235 guarantees, or other financial assistance in furtherance of the land bank's public purpose

236 and to accept and use the same upon such terms and conditions as are prescribed by such  
237 federal, state, county, or municipal government or agency or other source;  
238 (10) To enter into agreements with the federal government or any agency thereof to use  
239 the facilities or services of the federal government or any agency thereof in order to  
240 further or carry out the public purposes of the land bank;  
241 (11) A land bank shall have no authority to lend money to a nongovernmental entity;  
242 provided, however, that a land bank may administer funds in the form of a loan to a  
243 nongovernmental entity when such funds are received from federal, state, and local  
244 government entities for the purpose of making such loans; provided, further, that only  
245 such transactions which are fully consistent with the purpose of the land bank shall be  
246 permitted. As to any real property owned by a land bank, and only to such real property,  
247 to extend credit to any person, corporation, partnership, whether limited or general, or  
248 other entity for the costs of any land bank projects which credit may be evidenced or  
249 secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security  
250 agreements, assignments, or such other instruments, or by rentals, revenues, fees, or  
251 charges, upon such terms and conditions as the land bank shall determine to be  
252 reasonable in connection with such extension of credit, including provision for the  
253 establishment and maintenance of reserve funds, and, in the exercise of powers granted  
254 by this article in connection with any land bank projects the land bank shall have the right  
255 and power to require the inclusion in any such loan agreement, note, mortgage, deed to  
256 secure debt, trust deed, security agreement, assignment, or other instrument of such  
257 provisions or requirements for guaranty of any obligations, insurance, construction, use,  
258 operation, maintenance, and financing of a project, and such other terms and conditions,  
259 as the land bank may deem necessary or desirable;  
260 (12) As security for repayment of any notes or other obligations of the land bank, to  
261 pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of  
262 the land bank, including, but not limited to, real property, fixtures, personal property, and  
263 revenues or other funds, and to execute any lease, trust indenture, trust agreement,  
264 agreement for the sale of the land bank's notes or other obligations, loan agreement,  
265 mortgage, deed to secure debt, trust deed, security agreement, assignment, or other  
266 agreement or instrument as may be necessary or desirable, in the judgment of the land  
267 bank, to secure any such notes or other obligations, which instruments or agreements may  
268 provide for foreclosure or forced sale of any property of the land bank upon default in any  
269 obligation of the land bank, either in payment of principal, premium, if any, or interest  
270 or in the performance of any term or condition contained in any such agreement or  
271 instrument. The state, on behalf of itself and each county, municipal corporation,  
272 political subdivision, or taxing district therein, waives any right it or such county,

273 municipal corporation, political subdivision, or taxing district may have to prevent the  
274 forced sale or foreclosure of any property of the land bank upon such default and agrees  
275 that any agreement or instrument encumbering such property may be foreclosed in  
276 accordance with law and the terms thereof;

277 (13) To receive and administer gifts, grants, and devises of money and property of any  
278 kind and to administer trusts;

279 (14) To use any real property, personal property, or fixtures or any interest therein or to  
280 rent or lease such property to or from others or make contracts with respect to the use  
281 thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
282 grant options for any such property in any manner as it deems to be in the best interests  
283 of the land bank and the public purpose thereof;

284 (15) To procure insurance or guarantees from the General Assembly or federal  
285 government of the payments of any debts or parts thereof incurred by the land bank and  
286 to pay premiums in connection therewith;

287 (16) To enter into contracts and other instruments necessary, incidental, or convenient  
288 to the performance of its duties and the exercise of its powers, including, but not limited  
289 to, intergovernmental contracts for the joint exercise of powers under this article.  
290 Intergovernmental contracts with municipal corporations, counties, or consolidated  
291 governments may include contracts for the performance of services by municipal  
292 corporations, counties, or consolidated governments on behalf of the land bank or by the  
293 land bank on behalf of municipal corporations, counties, or consolidated governments,  
294 whether or not such counties, consolidated governments, or municipal corporations are  
295 located inside or outside the geographical boundaries of the land bank members;

296 (17) To procure insurance against losses in connection with the real property, assets, or  
297 activities of the land bank;

298 (18) To accept and issue deeds in its name, including without limitation the acceptance  
299 of real property in accordance with the provisions of paragraph (2.1) of subsection (u) of  
300 Code Section 16-13-49;

301 (19) To finance by loan, grant, lease, or otherwise, refinance, construct, erect, assemble,  
302 purchase, acquire, own, repair, remodel, rehabilitate, modify, maintain, extend, improve,  
303 install, sell, equip, expand, add to, operate, or manage real property or rights or interests  
304 in property, and to pay the costs of any such project from the proceeds of loans by  
305 persons, corporations, partnerships, whether limited or general, or other entities, all of  
306 which the land bank is authorized to receive, accept, and use;

307 (20) To fix, charge, and collect rents, fees, and charges for the use of real property of the  
308 land bank and for services provided by the land bank;

309 (21) To grant or acquire a license, easement, lease, as lessor or lessee, or option with  
 310 respect to real property of the land bank;

311 (22) To enter into partnerships, joint ventures, and other collaborative relationships with  
 312 municipalities and other public and private entities for the ownership, management,  
 313 development, and disposition of real property;

314 (23) To hold title to real property for purposes of establishing contracts with nonprofit  
 315 community land trusts, including, but not limited to, long-term lease contracts;

316 (24) To organize and reorganize the executive, administrative, clerical, and other  
 317 departments of the land bank and to fix the duties, powers, and compensation of all  
 318 employees, agents, and consultants of the land bank; and

319 (25) To do all other things necessary or convenient to achieve the objectives and  
 320 purposes of the land bank or other laws that relate to the purposes and responsibilities of  
 321 the land bank.

322 (b) The exercise of a specific power by a land bank may be limited or withdrawn by a land  
 323 bank member when the land bank is acting with respect to real property within the  
 324 jurisdiction of such member. Procedures for the exercise of such limitation or withdrawal  
 325 of power shall be provided in the intergovernmental contract.

326 48-4-107.

327 A land bank shall neither possess nor exercise the power of eminent domain.

328 48-4-108.

329 (a) The real property of a land bank and its income and operations are exempt from all  
 330 taxation by the state and by any of its political subdivisions, including, but not limited to,  
 331 real property held by a land bank as lessor pursuant to long-term lease contracts with  
 332 community land trusts.

333 (b) A land bank may acquire real property or interests in real property by gift, devise,  
 334 transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a  
 335 manner the board considers is in the best interest of the land bank.

336 (c)(1) A land bank may acquire real property by purchase contracts, lease-purchase  
 337 agreements, and may accept transfers from municipal corporations, counties, or  
 338 consolidated governments upon such terms and conditions as agreed to by the land bank  
 339 and the municipal corporation, county, or consolidated government.

340 (2) Notwithstanding any other law to the contrary, a municipal corporation, county, or  
 341 consolidated government may transfer to a land bank real property and interests in real  
 342 property of the municipal corporation, county, or consolidated government on such terms  
 343 and conditions and according to such procedures as determined by the municipal

344 corporation, county, or consolidated government, so long as the real property is located  
 345 within the geographical boundaries of the land bank.

346 (3) The acquisition of property by the land bank shall not be governed or controlled by  
 347 any regulations or laws relating to procurement or acquisition of property of the counties,  
 348 consolidated governments, or municipal corporations that are members of the land bank  
 349 unless specifically provided in the applicable intergovernmental contract or resolution,  
 350 and transfers of property by municipal corporations, counties, or consolidated  
 351 governments to the land bank shall be treated as transfers to a body politic as  
 352 contemplated by subparagraph (a)(2)(A) of Code Section 36-9-3.

353 (d) A land bank shall maintain all of its real property in accordance with the laws and  
 354 ordinances of the jurisdiction in which the real property is located.

355 (e)(1) Except as otherwise provided in paragraph (2) of this subsection, a land bank shall  
 356 not own or hold real property located outside the geographical boundaries of the land  
 357 bank members.

358 (2) A land bank may be granted pursuant to an intergovernmental contract with a county,  
 359 consolidated government, or municipal corporation the authority to manage and maintain  
 360 real property located within the geographical boundaries of such county, consolidated  
 361 government, or municipal corporation, but outside the geographical boundaries of the  
 362 land bank members.

363 48-4-109.

364 (a) A land bank shall hold in its own name all real property acquired by the land bank  
 365 without regard to the identity of the transferor of the property.

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

368 (c) A land bank may convey, exchange, sell, transfer, lease as lessor, grant, and mortgage  
 369 as mortgagor any and all interests in, upon, or to real property of the land bank in some  
 370 form and by such method as determined by the board to be in the best interest of the land  
 371 bank.

372 (d)(1) A land bank shall determine the terms, conditions, form, and substance of  
 373 consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant, and  
 374 mortgage as mortgagor any interests in, upon, or to real property.

375 (2) Consideration may take the form of monetary payments and secured financial  
 376 obligations, covenants, and conditions related to the present and future use of the  
 377 property, contractual commitments of the transferee, and such other forms of  
 378 consideration as determined by the board to be in the best interest of the land bank.

379 (e)(1) The board shall determine and state in the land bank policies and procedures the  
 380 general terms and conditions for consideration to be received by the land bank for the  
 381 transfer of real property and interests in real property.

382 (2) The disposition of property by the land bank shall not be governed or controlled by  
 383 any regulations or laws of the participating land bank members unless specifically  
 384 provided in the applicable intergovernmental contract.

385 (f) Land bank members may, in the resolution or intergovernmental contract creating a  
 386 land bank, establish a hierarchical ranking of priorities for the use of real property  
 387 conveyed by a land bank, or, if the resolution or intergovernmental contract creating the  
 388 land bank is silent, the board of directors may establish a hierarchical ranking of priorities  
 389 for the use of real property conveyed by a land bank, including but not limited to:

390 (1) Use for purely public spaces and places;

391 (2) Use for affordable housing;

392 (3) Use for retail, commercial, and industrial activities;

393 (4) Use as conservation areas;

394 (5) Use for land trusts or for other public entities; and

395 (6) Such other uses and in such hierarchical order as determined by the board of directors  
 396 of the land bank.

397 (g)(1) Subject to the requirements of paragraph (5) of subsection (i) of Code Section  
 398 48-4-104, a county, municipal corporation, or consolidated government may, in the  
 399 applicable intergovernmental contract or in the resolution creating a land bank, require  
 400 that any particular form of disposition of real property, or any disposition of real property  
 401 located within specified jurisdictions, be subject to specified voting and approval  
 402 requirements of the board.

403 (2) Except and unless restricted or constrained as provided in paragraph (1) of this  
 404 subsection, the board may delegate to officers and employees the authority to enter into  
 405 and execute agreements, instruments of conveyance, and all other related documents  
 406 pertaining to the conveyance of real property by the land bank.

407 48-4-110.

408 (a) A land bank may receive funding through grants and loans from the land bank  
 409 members, from any other municipal corporations, counties, or consolidated governments  
 410 in the state, from the General Assembly, from the federal government, and from other  
 411 public and private sources.

412 (b) A land bank may receive and retain payments for services rendered, for rents and  
 413 leasehold payments received, for consideration for disposition of real and personal  
 414 property, for proceeds of insurance coverage for losses incurred, for income from

415 investments, and for any other asset and activity lawfully permitted to a land bank under  
 416 this article.

417 (c) Up to 75 percent of the real property taxes collected on real property, exclusive of any  
 418 state or school district ad valorem tax, conveyed by a land bank pursuant to the laws of this  
 419 state shall be remitted to the land bank. The specific percentage of such taxes to be  
 420 remitted, as to each land bank member, shall be set forth in the local law, ordinance, or  
 421 resolution or in the intergovernmental contract of the land bank. Such allocation of  
 422 property tax revenues shall commence with the first taxable year following the date of  
 423 conveyance and shall continue for a period of five years. Such funds shall be remitted to  
 424 the land bank in accordance with the administrative procedures established by the tax  
 425 commissioner or tax collector of the county or counties in which the land bank is located.  
 426 Such allocation of property tax revenues shall not occur if such taxes have been previously  
 427 allocated to a tax allocation district, or to secure a debt of the municipal corporation or  
 428 consolidated government, unless the tax allocation district, municipal corporation, county,  
 429 or consolidated government enters into an agreement with the land bank for the remittance  
 430 of such funds to the land bank.

431 (d) At the time that the land bank sells or otherwise disposes of property as part of its land  
 432 bank program, the proceeds from the sale, if any, shall be allocated as determined by the  
 433 land bank among the following priorities:

- 434 (1) Furtherance of land bank operations;
- 435 (2) Recovery of land bank expenses; and
- 436 (3) Remitter to the tax commissioner or tax collector for distribution to the appropriate  
 437 taxing entity in proportion to and to the extent of their respective tax bills and costs.

438 Any excess proceeds shall be distributed pursuant to any applicable intergovernmental  
 439 contract or land bank rules, regulations, or bylaws in accordance with the public policy  
 440 stated in this article.

441 48-4-111.

442 (a) All meetings shall be open to the public, except as otherwise provided by Chapter 14  
 443 of Title 50, and a written record shall be maintained of all meetings. All records of a land  
 444 bank shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records.

445 (b) No board member or employee of a land bank shall acquire any interest, direct or  
 446 indirect, in real property owned or to be acquired by the land bank, nor shall any board  
 447 member assist any third party in negotiating against the land bank for property identified  
 448 by the land bank for acquisition by the land bank. No board member or employee of a land  
 449 bank shall have any interest, direct or indirect, in any contract or proposed contract for  
 450 materials or services to be furnished or used by a land bank. The board may adopt

451 supplemental rules and regulations addressing potential conflicts of interest and ethical  
452 guidelines for board members and land bank employees.

453 (c)(1) A land bank may be dissolved as a public body corporate and politic 60 calendar  
454 days after an affirmative resolution approved by two-thirds of the membership of the  
455 board.

456 (2) Sixty calendar days' advance written notice of consideration of a resolution of  
457 dissolution shall be given to the governing authorities of the land bank members, shall  
458 be published in a local newspaper of general circulation.

459 (3) Upon dissolution of the land bank, all real property, personal property, and other  
460 assets of the land bank shall become the assets of the municipal corporation, county, or  
461 consolidated government in which the property is located, unless provided otherwise in  
462 any applicable intergovernmental contracts.

463 (4) Land banks created pursuant to paragraphs (2) through (4) of subsection (b) of Code  
464 Section 48-4-103 shall not automatically dissolve upon the withdrawal of one or more  
465 land bank members unless the intergovernmental contract so provides, except that no  
466 municipal corporation may maintain the existence of a land bank if the county in which  
467 the municipal corporation is located withdraws from the land bank, and no county may  
468 maintain the existence of a land bank if the single municipal corporation that is both  
469 located within that county and is a member of the land bank withdraws from the land  
470 bank.

471 48-4-112.

472 (a) Whenever any real property is acquired by a land bank and is encumbered by a lien or  
473 claim for real property taxes owed to one or more of the land bank members or to  
474 municipal corporations, counties, or consolidated governments that have an  
475 intergovernmental contract with the land bank, the land bank may, by resolution of the  
476 board, discharge and extinguish any and all such liens or claims. The decision by the board  
477 to extinguish such liens or claims is subject to the voting requirements contained in  
478 subsection (i) of Code Section 48-4-104. Unless provided otherwise in an applicable  
479 intergovernmental contract, whenever any real property is acquired by a land bank and is  
480 encumbered by a lien or claim for real property taxes owed to a school district, the land  
481 bank shall notify the school district of its intent to extinguish all such liens and claims in  
482 writing. If the school district fails to object in written form to the proposed extinguishment  
483 within 30 days of receipt of such notice to the land bank, the land bank shall have the  
484 power, by resolution of the board, to discharge and extinguish any and all such liens or  
485 claims. To the extent necessary and appropriate, the land bank shall file in appropriate  
486 public records evidence of the extinguishment and dissolution of such liens or claims.

487 (b) To the extent that a land bank receives payments of any kind attributable to liens or  
 488 claims for real property taxes owed to a municipal corporation, county, consolidated  
 489 government, or school district on property acquired by the land bank, the land bank shall  
 490 remit the full amount of the payments to the tax commissioner or tax collector for  
 491 distribution to the appropriate taxing entity.

492 (c)(1) A tax commissioner or tax collector may assign, transfer, or sell to a land bank any  
 493 ad valorem tax executions issued against a single property or ad valorem tax executions  
 494 issued against multiple tracts of property in the geographical jurisdiction of the land bank  
 495 in one or more transactions and upon such terms and conditions as are mutually  
 496 acceptable to the tax commissioner and the land bank. Notwithstanding the notice  
 497 requirements in subsection (c) of Code Section 48-3-19, when the land bank is the holder  
 498 of a tax execution, the land bank shall provide notice of the transfer of the tax execution  
 499 to the land bank in the following manner:

500 (A) Immediately upon acquisition of one or more tax executions, the land bank shall  
 501 send notice of the tax execution transfer by certified mail, return receipt requested, to  
 502 all interested parties whose identity and address are reasonably ascertainable. Copies  
 503 of the notice of the tax execution transfer shall also be sent by first class mail to the  
 504 property address to the attention of the occupants of the property, if any. In addition,  
 505 notice shall be posted on the property; and

506 (B) Within 30 days of the tax execution transfer, the land bank shall cause a notice of  
 507 the tax execution transfer to be published on two separate dates in the official organ of  
 508 the county in which the property is located.

509 (2) The notice contained in subparagraphs (A) and (B) of paragraph (1) of this subsection  
 510 shall specify:

511 (A) The name of the land bank and the contact information for the individual  
 512 responsible for collecting the delinquent taxes;

513 (B) The property address;

514 (C) A description of the property;

515 (D) The tax identification number of the property;

516 (E) The applicable period of tax delinquency; and

517 (F) The principal amount of the delinquent taxes together with interest and penalties.

518 (3) The land bank may submit the execution to the levying officer 12 months after the  
 519 date of transfer or 24 months after the tax giving rise to the execution was originally due,  
 520 whichever is earlier.

521 (d)(1) Notwithstanding any other provision of law, at a nonjudicial tax sale conducted  
 522 pursuant to Article 1 of this chapter where the tax commissioner or tax collector or the  
 523 land bank is the holder of the tax execution giving rise to the sale, a land bank may tender

524 a bid in an amount equal to the total amount of all tax liens which were the basis of the  
525 execution and any accrued interest, penalties, and costs. In the event of such tender by  
526 the land bank, such bid comprises the land bank's commitment to pay not more than all  
527 costs of the sale and its assumption of liability for all taxes, accrued interest thereon, and  
528 penalties, and, if there is no other bid, the tax commissioner or tax collector shall accept  
529 the land bank's bid and make a deed of the property to the land bank.

530 (2) If there are third parties who bid on a given parcel and the land bank tenders the  
531 highest bid on that parcel, the land bank shall pay the tax commissioner or tax collector  
532 the full amount of the bid tendered by the land bank in order to obtain the parcel.

533 (e)(1) A land bank may tender a bid at any sale ordered by the court pursuant to Article 5  
534 of this chapter in an amount equal to the total amount of all tax liens which were the basis  
535 of the judgment and any accrued interest, penalties, and costs. In the event of such tender  
536 by the land bank, such bid shall comprise the land bank's commitment to pay not more  
537 than all costs of the sale and its assumption of liability for all taxes, accrued interest  
538 thereon, and penalties. If there is no other bid and the property is not redeemed by the  
539 owner in accordance with subsection (c) of Code Section 48-4-81, the tax commissioner  
540 or tax collector shall accept the land bank's bid and make a deed of the property to the  
541 land bank.

542 (2) If there are third parties who bid on a given parcel and the land bank tenders the  
543 highest bid on that parcel, the land bank shall pay the tax commissioner or tax collector  
544 the full amount of the bid tendered by the land bank in order to obtain the parcel.

545 (3) Subject to the statutory 60 day redemption period required pursuant to subsection (c)  
546 of Code Section 48-4-81, the land bank, as purchaser at such sale, shall take and  
547 thereafter have an absolute title to the property sold, free and discharged of all tax and  
548 municipal claims, liens, mortgages, charges, and estates of whatsoever kind except for  
549 those interests referenced in subsection (b) of Code Section 48-4-79. In the event of  
550 purchase by a land bank, the conveying instrument described in subsection (g) of Code  
551 Section 48-4-81 shall note the conveyance to the land bank pursuant to this article.

552 (4) The deed to the land bank shall be executed and delivered to the land bank within 90  
553 days of the sale pursuant to subsection (d) of Code Section 48-4-81.

554 (5) Notwithstanding any other provision of law, a land bank that is a transferee and  
555 holder of tax executions may file petitions of foreclosure pursuant to Article 5 of this  
556 chapter on real property located within a jurisdiction that has authorized the ad valorem  
557 tax foreclosure process contained in Article 5 of this chapter. In a petition of foreclosure  
558 pursuant to Article 5 of this chapter, a land bank is authorized to combine in a single  
559 petition multiple tracts of real property, and the court may order in a single final judgment  
560 that all or part of the real properties identified in the petition be sold to the land bank free

561 and clear of all liens and encumbrances so long as the petition and accompanying  
 562 affidavits provide:

563 (A) Identification of each tract of real property;

564 (B) The identities of all parties having an interest in each respective tract of property;

565 (C) The amount of the tax lien due and owing; and

566 (D) The nature of the notice of the proposed sale provided to such interested parties.

567 48-4-113.

568 (a) A land bank may file an action to quiet title pursuant to Code Section 23-3-44 as to any  
 569 real property in which the land bank has an interest. For purposes of any such action, the  
 570 land bank shall be deemed to be the holder of sufficient legal and equitable interests and  
 571 possessory rights so as to qualify the land bank as an adequate complainant in the action.

572 (b) Prior to the filing of an action to quiet title, the land bank shall conduct an examination  
 573 of title to determine the identity of any person and entity possessing a claim or interest in  
 574 or to the real property. Service of the complaint to quiet title shall be provided to all such  
 575 interested parties by the following methods:

576 (1) By first class mail to such identities and addresses as are reasonably ascertainable by  
 577 an inspection of public records;

578 (2) In the case of occupied real property, by first class mail, addressed to 'Occupant';

579 (3) By posting a copy of the notice on the real property;

580 (4) By publication; or

581 (5) By such other methods as the court may order.

582 (c) As part of the complaint to quiet title, a land bank must file an affidavit identifying all  
 583 parties potentially having an interest in the real property and the form of notice provided.

584 (d) The court shall schedule a hearing on the complaint within 90 days following filing of  
 585 the complaint, and as to all matters upon which an answer was not filed by an interested  
 586 party, the court shall issue its final judgment within 120 days of the filing of the complaint."

587 **SECTION 3.**

588 This Act shall become effective on July 1, 2012.

589 **SECTION 4.**

590 All laws and parts of laws in conflict with this Act are repealed.