RESOLUTION NO. 2025-02

A RESOLUTION TO UPDATE THE HCLRC GUIDANCE DOCUMENT CONTAINING ACQUISITION AND DISPOSITION POLICIES AND PROCEDURES OF THE HAMILTON COUNTY LAND REUTILIZATION CORPORATION.

WHEREAS, the Port of Greater Cincinnati Development Authority ("Port Authority"), as management company of the Hamilton County Land Reutilization Corporation ("HCLRC"), is responsible for developing the HCLRC's programs and procedures; and

WHEREAS, during the early stages of the HCLRC's development, the Board approved a guidance document, in Resolution No. 2012-8, ("Guidance Document") that included certain policies and procedures to guide the HCLRC's acquisitions and dispositions, and this Guidance Document was subsequently amended in Resolution 2015-4, and again in Resolution 2018-07; and

WHEREAS, the last few years of experience have provided the Port Authority with additional insight into how to best serve the mission and purpose of the HCLRC;

WHEREAS, the Port Authority now seeks to update the acquisition and disposition policies and procedures contained within the Guidance Document to properly reflect this additional insight;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Hamilton County Land Reutilization Corporation:

Section 1. This Board hereby adopts and approves the updated HCLRC Guidance Document, attached hereto, as accurately reflecting the mission, purpose, and general acquisition and disposition policies of the HCLRC.

Section 2. The Board hereby authorizes the Port Authority to develop additional HCLRC policies and procedures that are consistent with the amended HCLRC Guidance Document.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

Section 4. This resolution shall be in full force and effect upon its adoption.

Adopted: April 22, 2025

Yeas: 5

Nays: Ø

Signed by:
Jill Schiller
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Chairperson

Designee to Chairperson, Jill Schiller

Attest: ____________________
Secretary

Hamilton County
Landbank

HCLRC GUIDANCE DOCUMENT – ACQUISITIONS AND DISPOSITIONS

Mission Statement:

The mission of the Hamilton County Land Reutilization Corporation (HCLRC) is to return vacant properties to productive use through the tools statutorily provided to the HCLRC and by leveraging the resources of the HCLRC's executive arm, the Port of Greater Cincinnati Development Authority. In cooperation with our governmental and non-governmental partners and as a result of our relationships with the private sector, the HCLRC will focus on providing diverse commercial, residential, and industrial opportunities through catalytic investment in neighborhoods. These investments will lead to improved community quality of life, blight and nuisance abatement, stabilization, revitalization, job creation, and increased property values and will return unproductive properties to contributing, tax-paying status.

Property Acquisition and Disposition Policy:

The HCLRC (also "Landbank") is committed to working with all eligible groups (non-profit, for-profit, governmental and non-governmental) and individuals. End-users of HCLRC properties must pay an acquisition price to cover the HCLRC's costs associated with property acquisition, administration, maintenance and transfer. The purchase price will vary based upon many factors, including but not limited to the length of time the HCLRC must retain title, the holding costs of the particular property, the fair market value, and other programmatic parameters.

The HCLRC will acquire property with a goal of returning unproductive properties to productive use, with a goal of eliminating blight and/or catalyzing economic development and neighborhood revitalization. Whether or not the HCLRC will acquire properties will be determined by available funding, carrying expense, demolition cost, environmental risk, and strategic factors developed internally and/or in cooperation with Hamilton County municipalities and community stakeholders. The HCLRC will acquire properties that are designated for purchase and/or use by private or public groups and/or individuals, or for which it is strategic for the HCLRC to acquire for an internal programmatic use. These policies are designed to provide transparent, HCLRC Board-authorized guidance and structure for the HCLRC's acquisition and disposition of properties. The wide variety of conditions of individual properties necessitates occasional exceptions to the general policies set forth below. Exceptions may be warranted so long as the HCLRC finds that there are mitigating factors and protections in place to ensure a property acquisition or disposition will further the mission of the HCLRC. Exceptions will be reported to the Landbank Board for informational purposes or for approval as appropriate, in the judgment of HCLRC staff.

A. Acquisition Programs

The HCLRC's acquisitions of properties will be prioritized based on existing acquisition programs. These programs include but are not limited to the following:

1. Community Partner Program
2. Government Partner Program

3. Historic Stabilization
4. Possibly replace with generic "Demolition Funded Program"
5. Single-Family Development Program (*e.g.*, REACH)
6. Focus Neighborhood Investment
7. Opportunity Investment
8. Miscellaneous (*e.g.*, forfeited properties)

As a general rule, the HCLRC will not acquire and hold property for the sole purpose of benefiting private property owner or private developer. If, however, the HCLRC's acquisition and holding of a property will result in public benefits, support the neighborhood, and further broader policy goals (e.g. housing, job creation, and thriving neighborhood commercial business districts), the HCLRC may acquire and hold such property. In making such a determination, the HCLRC shall consider:

1. Whether there are other reasonable means by which the property can be acquired without HCLRC intervention;
2. Whether the property is vacant;
3. What considerations, if any, should be given to persons that may be impacted by the acquisition (*e.g.*, neighboring property owners who may also have an interest in the property but have not sought assistance);
4. How the HCLRC's acquisition and holding of the property will remove obstacles to and facilitate the redevelopment of the property in furtherance of HCLRC's mission;
5. Whether the acquisition or holding of the property contributes to Landbank policy goals including, for example, construction of high-quality affordable housing and creation of intergenerational wealth for low-income and disadvantaged persons.

B. Acquisition Mechanisms

The Landbank may acquire qualifying properties through the following mechanisms:

1. Tax foreclosure (County process)
2. Forfeited Land
3. Deed in Lieu of foreclosure
4. Donation/Gift
5. Purchase
6. Non-tax foreclosure (judicial process)

To the extent possible, HCRLC will have a disposition strategy in place at the time of acquisition. However, in some instances it may be necessary for the HCLRC to acquire a property for which there is no clear disposition strategy. This may occur when obtaining title to qualifying property will have a significant positive impact on the development potential of a neighborhood, when it will provide immediate blight abatement, or when it will accomplish steady acquisition of vacant or abandoned property to be held until such time as the HCLRC is able to find redevelopment subsidy. In most instances the disposition of property will drive the HCLRC's acquisition of that property through one of the processes identified above.

All property acquisition must satisfy at least one of the following purposes:

1. Economic development
2. Housing

3. Blight abatement/nuisance remediation
4. Neighborhood stabilization/revitalization
5. Strategic parcel assembly
6. Returning of underutilized or vacant property to productive use
7. Historic preservation

C. Qualified End User

An entity must be an HCRLC-approved "qualified end user" to purchase/obtain properties through the Landbank. In order to be a qualified end user, the prospective purchaser will:

1. Demonstrate to HCLRC a development plan that is consistent with local planning goals and zoning requirements.
2. Demonstrate to HCLRC the financial ability to implement the development plan.
3. Demonstrate past and current property ownership responsibility, including:
    a. No unresolved citations/code violations of state/local codes/ordinances for condition of property and no criminal/civil prosecution for property maintenance code infractions within the last 4 years.
    b. No history of chronic nuisance status.
    c. No current property tax delinquencies.
    d. Not a prior owner of tax foreclosed/mortgage foreclosed property.
4. If development will not occur immediately, the qualified end user must provide HCLRC with a funded maintenance plan, either with or without the assistance of the HCLRC's tools.
5. Establish that the end use will create jobs, provide housing, and/or otherwise have a positive impact on the surrounding neighborhood.
6. Agree to claw-back provisions if the conditions of the agreement between the purchaser and the Landbank are not met.
7. All corporate entities must be properly registered with the Secretary of State and provide a designated agent for service of process within Hamilton County.
8. Any non-Hamilton County resident must designate an agent for service of process within Hamilton County.

D. Disposition Priorities

In order to determine which properties to acquire and to determine to which qualified end users to dispose of property, the Landbank may consider the degree to which the proposed disposition strategy aligns with the following:

1. The potential for positive impact on the surrounding community.
2. The Landbank resources required to ensure success.
3. The financial viability of the project.
4. Neighborhood support for the project.
5. Market demand for the property, if any.

The following end uses will be prioritized:

1. Blight/nuisance abatement
2. Catalytic investment

3. Job creation
4. Rehabilitation of historic structures
5. Mixed-use development
6. Housing, including rehabilitation or new construction infill
7. Green space and Recreation

E. Consideration for transfer of Landbank Properties.

The following factors shall constitute general guidelines for determining the price to be received by the Landbank for the transfer of properties.

1. In each and every transfer of real property the Landbank shall require good and valuable consideration in an amount not less than the lower of the fair market value of the property or the aggregate acquisition and carrying costs associated with the property, including costs of acquisition, maintenance, repair, demolition, marketing and all other expenses allocable to the property.
2. The amount of consideration shall be determined by the Landbank and may be provided to the Landbank in the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, or any combination thereof.
3. The dominant priority in determining the amount of and method of payment of the consideration shall be to facilitate the economic development and community revitalization of Hamilton County.
4. To the extent that transfers of property to governmental entities are anticipated as conduit transfers by such governmental entities to third parties, the consideration shall consist of not less than aggregate carrying costs.