Topeka Land Bank (TLB)
Administrative Policy Guidelines
4/11/23

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Section 1: Background

Land Banks are entities created for a purpose to acquire, manage, transform, and sell/donate vacant, abandoned, blighted and/or foreclosed properties to promote the revitalization of neighborhoods. The State of Kansas allows for cities to form a land bank through adoption of an ordinance (K.S.A. 12-5901 et seq.). There are currently 27 land banks in Kansas (Center for Community Progress).

Section 2: TLB Mission

The mission of the Topeka Land Bank (TLB) is to efficiently acquire, manage, and transform vacant, abandoned, blighted and/or foreclosed properties into a productive use benefitting the community.

Section 3: TLB Goals

The goals listed below shall guide the decisions made by the Board:

- ✓ Expand and grow the tax base
- ✓ Strengthen and improve Topeka neighborhoods
- ✓ Support home ownership
- ✓ Promote the construction of infill housing to reduce and eliminate blight
- ✓ Advance the economic situations and quality of life for Topekans, particularly low-income and underserved populations
- ✓ Transfer ownership of blight/nuisance properties with no known legal owner or negligent owner to a responsible, tax-paying owner
- ✓ Reduce the number of properties under current violation by the City of Topeka
- ✓ Prioritize local contractors
- ✓ Operate in an effective and efficient manner as stewards of the public trust

Section 4: Organizational Structure

- The TLB shall be governed by a Board of Trustees known as the Board
- The Board shall meet regularly
- The City Manager shall allocate such staff as necessary for the performance of the function and purposes of the TLB
- The Governing Body may advance operating funds to the bank to pay expenses of the Board and the TLB

Subsection 4.1: Composition of the Board

- The Board shall consist of five members who may reside in either the City or Shawnee County, KS who are appointed by the Mayor and approved by the City Council for a term ending on December 31, 2026 or earlier if the Bank is dissolved pursuant to K.S.A. 12-5902(d).

Subsection 4.2: K.S.A. Requirements

- Annual budget is approved by the Governing Body
- Annual reports are required to the Governing Body
- Subject to cash basis law, KOMA, and KORA
- The members of the Board shall be subject to the provisions of the laws which relate to conflicts of interest

Subsection 4.3 Length of Program

- The TLB is a pilot program which would begin on May 1, 2023 and would sunset on December 31, 2026 or earlier if the Bank is dissolved pursuant to K.S.A. 12-5902(d)

Section 5: Authority of the Board

- The Board may acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and personal property.
- The Board may acquire property from the City, County (including property subject to tax sale), State, other city or other taxing subdivision within the county
- The Board may accept or refuse to accept any property authorized to be transferred pursuant to this provision. The transfer of any property pursuant to this provision shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.
- Without competitive bidding, the Board may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.

Section 6: Administration of the TLB

- The City Manager will direct the Chief Financial Officer, Planning & Development Director, Code Enforcement Supervisor, City Attorney, and other appropriate staff to assist with TLB operations
- Staff will create or enhance system(s) to inventory vacant, abandoned, nuisance and/or foreclosed properties
- Staff will create or enhance system(s) to inventory TLB owned properties and establish an online portal for the disposition of property
- Staff will work with Shawnee County to identify properties to be placed in future tax foreclosure actions
- Staff will study, analyze, and evaluate potential, present, and future uses for acquired property
- Staff will manage, maintain and protect, or temporarily use for a public purpose, TLB property in the manner the Board deems appropriate

Section 7: Conveyances to the TLB

Sources of real property that may be conveyed to the TLB include, but are not limited to, the following:

1) Market purchases
2) Acquisitions at tax foreclosure sales
3) Donations/transfers from public entities, 501(c) entities, and/or private entities or individuals

Subsection 7.1: Purchases, Acquisitions, Donations, & Transfers of Property to the TLB

A. The Board shall approve any acceptance of transfer, acquisition at tax foreclosure sale, accepted property donation, or purchase of properties by the TLB
B. Property received or acquired by the TLB is exempt from property tax levied and the County must remove from the tax roll all taxes, assessments, charges, penalties, and interest (except for special assessments) that are due on the land
C. The TLB inventory cannot exceed 100 properties
D. In determining which, if any, properties might be acquired, the Board may consider the following circumstances and factors:
    1) The property must:
        i. Support the mission and goals of the TLB
        ii. Be residential
        iii. Be in the city limits
        iv. Be vacant, non-conforming, blight, nuisance, dangerous, and or under-developed
        v. Support a plan for re-use, rehabilitation or redevelopment within the community, such as the Citywide Housing Market Study & Strategy
    2) Impact acquisition will have to surrounding properties and neighborhood

3) A property with adverse environmental conditions shall not be accepted without a satisfactorily funded plan for remediation paid for by other approved funding resources
4) TLB cannot use eminent domain
5) Adhere to all K.S.As found at K.S.A. 12-5901 et seq.

Section 8: Conveyances from the TLB

TLB may transfer real property through the following:

1) Selling on the market
2) Donation/transfer to public entity, 501(c) entity, and/or private entity or individual

Subsection 8.1: Sale, Donation, & Transfer of Property from the TLB

A. The Board must approve any sale, donation, and/or conveyance of property
B. Staff will create or enhance system(s) to establish a portal/inventory of available TLB properties
C. Interested party(ies) of TLB properties must apply, submit plans for intended use for the property with accompanying timelines, and be considered "qualified."Disqualifiers include, but are not limited to:
    1) Ownership of any real property that is subject to any violations of State and/or local laws, codes or ordinances
    2) Ownership of any real property that is tax delinquent
    3) Barred from transactions with local government entities
    4. Insufficient experience and/or lack of capacity, including financial, to perform in accordance with the requirements of the TLB
    4) Inadequate performance in prior transactions with the TLB
    5) Banned from bidding at the tax sale
D. In determining which, if any, properties might be sold or donated, the TLB may consider the following additional goals and factors when reviewing applications:
    1) Application is complete and applicant is qualified
    2) Supports the mission and goals of the TLB
    3) Encourages the development and reuse of vacant properties consistent with City Plans, such as Citywide Housing Market Study & Strategy
    4) Eliminates blight and revitalize neighborhoods
    5) Strengthen the city's tax base by returning property to a productive tax paying status

6) If intended use of TLB property is residential, applicant shall have resided on the property for at least five years unless property is donated to public entity or 501(c) entity

E. Every transfer of property from the TLB will be accompanied by a development agreement, outlining the final use of the property, as well as accompanying timelines

F. The purchase price for TLB properties cannot be less than 10% of the appraised value set by the County.

G. All conveyances by the TLB to third parties shall be by quitclaim deed and include such covenants, conditions and restrictions as the TLB deems, in its sole discretion, necessary and appropriate to ensure the use, rehabilitation and redevelopment of the property in a manner consistent with the mission and goals of the TLB