

The Structure and Government of County-Wide Land Banks in Ohio: Legal Description, Issues and Discussion

Kermit J. Lind, J.D.
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1. Introduction

- 1.1. Land banking
- 1.2. Land banking in Ohio
- 1.3. County-wide land banking
- 1.4. Land Reutilization Corporation

2. Statutes and Official Forms

- 2.1. O.R.C. Ch. 1724 <http://codes.ohio.gov/orc/1724>
- 2.2. O.R.C. Ch.1702 <http://codes.ohio.gov/orc/1702>
- 2.3. O.R.C. §§ 5722.02 - .15 <http://codes.ohio.gov/orc/5722>
- 2.4. Initial Articles of Incorporation
<http://www.sos.state.oh.us/sos/upload/business/filingformsfeeschedule.aspx?page=251#domNon>

3. Organization and Incorporation

- 3.1. <http://codes.ohio.gov/orc/5722.02>
 - 3.1.1. a city, county or township may elect to facilitate reutilization of nonproductive land situated within its boundaries
 - 3.1.2. a county may decide that a corporation be organized under Ch. 1724
 - 3.1.3. Examples:
 - 3.1.3.1. Cuyahoga [Incorporation of CCLRC \(091413\)](#)
 - 3.1.3.2. Hamilton
http://www.hamiltoncountylandbank.org/organizational_documents.html
 - 3.1.3.3. Lucas <http://www.co.lucas.oh.us/index.aspx?NID=2111>
 - 3.1.3.4. Trumbull <http://trumbullcountylandbank.org/index.html>
- 3.2. <http://codes.ohio.gov/orc/1724.04>
 - 3.2.1. eligibility limited to population of more than sixty thousand
 - 3.2.2. county treasurer shall be incorporator
 - 3.2.3. incorporation shall be approved by county commissioners
 - 3.2.4. further subject to review and approval by state attorney general
 - 3.2.5. secretary of state files and records approved articles of incorporation
- 3.3. Examples
 - 3.3.1. Cuyahoga [Articles of Incorporation as Filed and Recorded](#)

- 3.3.2. Hamilton
http://www.hamiltoncountylandbank.org/organizational_documents.html
- 3.3.3. Lucas <http://www.co.lucas.oh.us/index.aspx?NID=2111>
- 3.3.4. Trumbull <http://trumbullcountylandbank.org/index.html>

4. Code of Regulations: A Constitution for Corporate Government

- 4.1. Directors <http://codes.ohio.gov/orc/1724.03>
 - 4.1.1. composed of five, seven, or nine members
 - 4.1.2. treasurer and at least two county commissioners, or appointed representatives
 - 4.1.2.1. Cuyahoga: Exec & Exec's treasurer, plus council member
 - 4.1.3. one representative of most populous municipality
 - 4.1.4. one representative from most populous township if county has more than one township and two have at least 10,000 population each
 - 4.1.5. any remaining members selected by the treasurer and the county commissioners who are members of the corporation's board
 - 4.1.5.1. one with experience in rehabilitation or real estate acquisitions
 - 4.1.6. without compensation, unless lawfully provided for in Code of Regulations
 - 4.1.7. Board exercise all authority of the corporation
- 4.2. Code of Regulations <http://codes.ohio.gov/orc/1702.11> and <http://codes.ohio.gov/orc/1724.03>
 - 4.2.1. consistent with statutory law and the articles of incorporation
 - 4.2.2. officers, terms of office and delegation of authority
 - 4.2.3. standing committees, voting procedures . . .
- 4.3. Examples
 - 4.3.1. Cuyahoga [Code of Regulations](#) as updated 10/28/2011
 - 4.3.2. Hamilton
http://www.hamiltoncountylandbank.org/organizational_documents.html
 - 4.3.3. Lucas <http://www.co.lucas.oh.us/index.aspx?NID=2111>
 - 4.3.4. Trumbull <http://trumbullcountylandbank.org/index.html>

5. Procedural Sequence for Establishment

- 5.1. Ready, AIM, Shoot – i.e. plan the entire government before starting
 - 5.1.1. Cuyahoga [Agreement and Plan](#)
- 5.2. Land Bank Playbook
http://www.thrivingcommunitiesinstitute.org/playbook_section_III.php

6. Policies and Operations

- 6.1. Key Policies
 - 6.1.1. Ethical standards and requirements for Directors and Staff
 - 6.1.2. Fiscal management and reporting
 - 6.1.3. Property acquisition, uses and disposition
 - 6.1.4. Personnel

6.2. Key Agreements

6.2.1. Municipal agency authorized <http://codes.ohio.gov/orc/5722.02> and <http://codes.ohio.gov/orc/1724>

6.2.1.1. LRC as agent subject to municipal land use control of principal

6.3. Examples

6.3.1. Land Bank Playbook

http://www.thrivingcommunitiesinstitute.org/playbook_section_XVI.php

6.3.2. Hamilton – management agreement

<http://www.hamiltoncountylandbank.org/leadership.html>

6.3.3. Trumbull <http://trumbullcountylandbank.org/index.html>

6.3.4. Lucas <http://www.co.lucas.oh.us/index.aspx?NID=2111>

6.3.5.

6.3.6. Cuyahoga [Agreement and Plan](#)

6.3.7. Cuyahoga [Public Records Policy](#)

6.3.8. Cuyahoga [State of Ohio Regular Audit, For the Year ending December, 31 2011](#) (State Auditor's Award)

6.4. Ancillary Features in SB 353

http://www.thrivingcommunitiesinstitute.org/playbook_section_XVIII.php

7. Publications

7.1. Frank S. Alexander, *Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks* (2005) <http://www.communityprogress.net/land-bank-authorities-resources-4.php>

7.2. Frank S. Alexander, *Land Banking as Metropolitan Policy*, *The Brookings Institution* (2008) <http://www.brookings.edu/research/papers/2008/10/28-mortgage-crisis-alexander>

7.3. Frank S. Alexander, *Land Banks and Land Banking* (2011)

<http://www.communityprogress.net/land-bank-book-resources-105.php>

7.4. Thomas P. Fitzpatrick, IV, *Understanding Ohio's Land Bank Legislation*, *Federal Reserve Bank of Cleveland* (2009)

<http://www.clevelandfed.org/research/economists/fitzpatrick/>

7.5. Dennis Keating, *Cuyahoga County Land Reutilization Corporation: Beginning, Present, Beyond* (2011)

http://www.communityprogress.net/filebin/pdf/CCLRC_Beginning_Present_Beyond.pdf

7.6. Dan Kildee, *Banking on Neighborhood Stabilization*, *Shelterforce*, (Winter, 2011)

<http://www.shelterforce.org/article/print/2641/>

7.7. Alan Mallach, *Bringing Buildings Back: From Abandoned Properties to Community Assets* (2010) <http://www.communityprogress.net/bringing-buildings-back-resources-101.php>