

**PITTSTON TOWNSHIP**  
**Luzerne County, Pennsylvania**  
**PROPOSED ORDINANCE**

At the regularly scheduled monthly meeting of the Board of Supervisors to be held at 7:00 PM on February 21, 2023 the Board of Supervisors will act on

**AN ORDINANCE OF PITTSTON TOWNSHIP, LUZERNE  
COUNTY, PENNSYLVANIA CREATING AND  
ESTABLISHING A LAND BANK AUTHORITY.**

A copy of the ordinance will be available for public inspection at the business office located at 421 Broad Street between the hours of 9:00 Am to 4:00 PM Monday to Friday beginning February 10, 2023 and on the Township website *pittstontownship.org*.

John A. Bonita, CPA

Secretary

ORDINANCE NO. 2-01 of 2023

**AN ORDINANCE OF PITTSTON TOWNSHIP, LUZERNE COUNTY PENNSYLVANIA  
CREATING AND ESTABLISHING A LAND BANK AUTHORITY.**

**BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF  
PITTSTON TOWNSHIP** and it is hereby enacted and ordained by authority of the same as  
follows:

**SECTION 1.** Pittston Township hereby creates and establishes a Land Bank Authority  
pursuant to the North East Pennsylvania Land Bank Authority policy attached hereto and marked  
Exhibit "A."

**SECTION 2.** The Pittston Township shall appoint a Board Member consistent with Act  
153 of 2012 for a term of four (4) years.

**SECTION 3.** All relevant ordinances, regulations and policies of the Pittston Township,  
Pennsylvania not amended by the attached policy shall remain in full force and effect.

**SECTION 4.** If any section, subsection, sentence or clause of this Ordinance shall be  
declared to be invalid, such decision shall not affect the validity of the remaining portions of the  
Ordinance.


**SECTION 5.** This Ordinance shall take effect immediately upon adoption.

ORDAINED AND ENACTED this 21<sup>st</sup> day of February, 2023

ATTEST:

  
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APPROVED:

  
\_\_\_\_\_  
David A. Slezak  
Chairman, Board of Supervisors

**NORTH EAST PENNSYLVANIA LAND BANK AUTHORITY**  
**POLICY**

**WHEREAS**, this Chapter is in accordance with the provisions of Act 153, enacted by the PA General Assembly and signed into law by the Governor on October 24, 2012; and

**WHEREAS**, the North East Pennsylvania Land Bank Authority (hereinafter the "Land Bank") shall possess all powers and duties permitted to it under state law, except where expressly limited in this Chapter; and

**WHEREAS**, the respective Councils and/or Board of Supervisors find and declare that there is a need for a Land Bank to function within the territorial limits of the City of Pittston, Borough of Duryea, Township of Jenkins, Borough of West Pittston, Borough of Avoca, Borough of Dupont, Borough of Exeter, Borough of Dupont, Township of Plains, Township of Pittston (hereinafter "Participating Municipalities") within the County of Luzerne; and

**WHEREAS**, the mission of the Land Bank is to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the Participating Municipalities tax base.

**1.     Creation and Purpose.**

(a)     The purpose of this Ordinance is to create the North East Pennsylvania Land Bank Authority that will use available resources to facilitate the return of vacant, abandoned and tax- delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market. The Land Bank will acquire, hold, and transfer interest in real property throughout the Participating Municipalities as approved by the Board of Director's for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development;

all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

(b) All personnel, facilities, equipment and supplies within the Land Bank shall be governed by a Board of Directors as provided herein.

## 2. **Definitions.**

The following words and phrases when used in this Chapter shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

(a) **Municipal Tax** - Any property tax and fees imposed and billed by the participating City, Township and Borough governments.

(b) **Owner-occupant** - A natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three (3) consecutive months at any point in the year preceding the date of initial delinquency.

(c) **Real property** - Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leaseholders.

(d) **Financial institution** - A bank, savings association, operating subsidiary of a bank or savings association, credit union, or an association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution.

(e) **Land Bank** - A public body and a body corporate and politic established under this Policy.

(f) **Real Property** - All land and the buildings thereon, all things permanently attached to land or to the buildings thereon, and any interest existing in, issuing out of, or dependent upon land or the buildings thereon.

## 3. **Board of Directors.**



(a) **Appointments.**

The Land Bank shall be governed by a Board of Directors comprised of six (6) members that reflect the diversity and range of interests affected by the Land Bank's activities.

Pittston City, Duryea Borough, Jenkins Township, Avoca Borough, and West Pittston Borough shall each appoint one member.

The remaining two (2) appointees shall be held by citizens who are not public employees or elected officials and must be members of a civic organization in the Land Bank jurisdiction and shall be appointed as follows: the Executive Director shall recommend the appointees and they shall be approved by the five (5) directors appointed by the Participating Municipalities. In the event of a tie vote the Executive Director shall be the deciding/tie breaking vote. Each of remaining two (2) appointees shall be appointed for four (4) year terms at which time the directors shall appoint a new appointee. There is no prohibition of either appointee being reappointed for successive four (4) year terms.

- (i) The members of the Board shall be appointed by their governing bodies pursuant to each Municipality's Governing Code. Each initial Board Member shall serve the following staggered terms:

- (1) Pittston City four (4) years;
- (2) Duryea Borough three (3) years;;
- (3) Avoca Borough two (2) years
- (4) Jenkins Township two (2) years; and
- (5) West Pittston Borough one (1) year.

Thereafter, each new member and each new term shall be for a four (4) year period.

- (ii) Members shall continue to serve until their successors have been appointed and confirmed.

- (iii) Members shall serve without compensation.
- (b) The Land Bank members shall elect officers to serve as Chair, Vice Chair and Treasurer to serve two (2) year terms. Members may be re-elected to serve successive terms.
- (c) **Vacancies.** Any vacancy in an appointed position shall be filled by appointment by the respective Governing Bodies pursuant to each Municipalities Governing Code within thirty (30) days of the creation of the vacancy.
- (d) **Meetings.** The Authority shall hold no less than four (4) public meetings per year and no less than one (1) per each calendar quarter. The place, date, and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. All meetings of the Board of Directors shall comply with the Pennsylvania Sunshine Act.

A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors shall constitute a quorum. The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Policy.

Minutes of all meetings of the Board of Directors shall be made and maintained with copies provided to the Participating Municipalities.

- (e) **Land Bank Authority-Powers and Duties.** The Members of the Land Bank are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the residents of the Participating Municipalities, including the safekeeping and use of all Land Bank monies and assets. The Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

The Land Bank shall have all powers and duties as authorized in Act 153 of 2012 and as amended.

4. **Land Bank Staff.**

(a) **Executive Director.** - The Executive Director of the Redevelopment Authority of the City of Pittston shall be the (de facto) Executive Director of the Land Bank.

(b) **Employees.** - The Land Bank may employ or enter into a contract for counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees.

(c) **Contracts.** - A Land Bank may enter into a contract with a municipality for:

- (i) The municipality to provide staffing services to the Land Bank; or
- (ii) The Land Bank to provide staffing services to the municipality.

5. **Acquisition of Property.**

(a) The Land Bank is authorized to acquire real property or interests in real property through donation, gift, purchase, or any other legal means, provided that, with respect to the acquisition of tax delinquent properties, the Land Bank shall follow the procedures set forth in subsection (2).

(b) **Acquisition of tax delinquent properties.**

- (i) The Land Bank is authorized to enter into agreements with the County Treasurer to purchase tax delinquent properties from the Upset Sale list, the Judicial Sale list, the Repository Sale list or through Private Sale individually or in bundles and to then file for quiet title to clear title to the property to assign and transfer a tax or municipal claim to the Land Bank, and to exercise the rights, privileges, and remedies of an assignee as stated in 53 P.S. § 7101 et seq.
- (ii) If the Land Bank acquires a tax delinquent property that is not vacant, the Land Bank shall:
  - (1) Negotiate with the property owner to pay the lien;



- (2) Make arrangements to avoid the displacement of lower income owner occupants, as specified in Act 153;
- (3) Discharge a tax lien, with the approval of Land Bank jurisdiction members and other taxing authorities, including the school district and county.

6. **Inventory.**

(a) The Land Bank shall maintain and make publicly accessible at its offices during normal business hours, the following information:

- (i) An up-to-date inventory of property owned by the Land Bank;
- (ii) A map showing the properties in the Land Bank's inventory; and
- (iii) A record of all property conveyed by the Land Bank to other parties, including, but not limited to: the sale price for which the property was conveyed; the party to whom the property was conveyed; a summary of any terms or conditions of the conveyance, including the intended use of the property.

7. **Discharge and Abatement of Real Estate Taxes, Water and Sewer Charges, and Other Municipal Claims.**

- (a) The Land Bank is authorized to discharge liens and other municipal claims, charges, or fines against the properties it acquires.
- (b) For the duration of the time a property is held by the Land Bank, the Land Bank is authorized to abate all real estate taxes, water and sewer charges, and other municipal charges.

8. **Disposition of Property.**

- (a) The Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, except where expressly limited in this Section.



(b) The Board of Directors may delegate this disposition authority to the Executive Director of the Land Bank except in the following circumstances in which the Board itself must review and approve transfers of property at a public meeting:

- (i) The proposed terms of the transaction conflict with the Land Bank's published policies or procedures;
- (ii) The transferee has a significant history of tax or water delinquencies; and/or owns property in a condition that violates the International Property Maintenance Code; or fails to redevelop properties previously acquired from the Land Bank or other local public agencies;
- (iii) When requested by the Director representing the Municipality in which the property is located; or
- (iv) When otherwise required by state law.

**9. Certification of Compliance.**

(a) Applicants for properties must provide the Land Bank with certification from the Participating Municipalities that the applicant has no tax or utility delinquencies, and an affidavit showing that on the date of the affidavit that all other properties owned by the applicant are in compliance with the provisions of the International Property Maintenance Code or under agreement to come into compliance.

(b) The certification and affidavit shall additionally record if the applicant has a significant history of tax or water delinquencies, or of owning property maintained in a condition that violates the International Property Maintenance Code.

**10. Pricing.**

(a) Market value shall be determined by up-to-date data, and by using the valuation method that the Land Bank or its staff has determined is most appropriate given the particular conditions of the property and surrounding market.

(b) Nominal or reduced price disposition shall be an option for any property owned by the Land Bank.

(c) In calculating a reduced sales price, the discount shall take into account the benefit provided by the proposed use, and the amount of discount needed to make the project both initially financially feasible and continually sustainable.

(d) The Land Bank shall make available an appeals process wherein an applicant may submit evidence relevant to the value of a property.

(e) The Land Bank shall enforce any provisions agreed upon as conditions of sale between the transferee and the Land Bank through legally binding mechanisms, including but not limited to deed restrictions, covenants, and mortgages.

#### **11. Policies.**

(a) Policies of the Land Bank shall be initially adopted and thereafter reviewed biannually by the Board of Directors of the Land Bank, with opportunity for public input and comment, and must be approved by resolution of the Board of Directors. The following goals shall guide the activities and policies of the Land Bank, in addition to its mission:

- (i) Encouraging the revitalization of neighborhoods by extending nominal or reduced-price disposition to projects that demonstrate beneficial community impact, including but not limited to: affordable or mixed- income housing that is accessible; economic development that creates jobs for community residents; community facilities that provide needed services and enrichment opportunities; side- and rear-yards; urban agriculture; and community open space.
- (ii) Using up-to-date data and analysis to identify different neighborhood inventory and market conditions.
- (iii) Acting consistently with Participating Municipalities Comprehensive Plan.

- (iv) Advancing socioeconomic diversity within communities throughout the Municipalities, and encouraging development that ensures the long-term affordability of housing.
- (v) Seeking to promote housing preservation as an essential element of redevelopment.

**12. Financial Provisions.**

The Land Bank shall retain proceeds from the sale of any properties to cover operating/administrative costs, maintenance of inventory, and to support additional strategic property acquisition, rehabilitation and construction as approved by the Board of Directors.

**13. Dissolution; Distribution of Assets in Case of Dissolution.**

The Land Bank may be dissolved according to the requirements of state law upon a finding adopted by the Board of Directors and approved by the Participating Municipalities that there is no longer any need for a Land Bank to function within the territorial limits of the Participating Municipalities.

**14. Indemnification.**

(a) The Participating Municipalities shall defend and indemnify the Land Bank and the Board of Directors with respect to all claims or judgments arising out of their activities as Directors with respect to all negligence claims, and claims or judgments arising out of Land Bank activities performed on behalf of the respective Municipalities.

(b) The Participating Municipalities shall not be obligated to indemnify the Land Bank or Director for:

- (i) Punitive damages or liability arising out of conduct which is based upon willful or wanton conduct.
- (ii) Conduct which is outside of the scope of the Land Bank.
- (iii) The defense of any criminal or disciplinary proceeding.



(c) To be eligible for defense and indemnification, the Land Bank or Director shall be obligated to:

- (i) Notify the respective Municipality within five (5) days of receipt of any claim made against the Director or Land Bank and deliver all written demands, complaints and other legal papers, received by the Director with respect to such claim.
- (ii) Cooperate during the investigation and defense of any claim against the Land Bank or Director, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.
- (iii) Promptly notify the Executive Director of any change in the Director's address or telephone number.

**15. Additional Members.**

(a) Additional municipalities may become members of the Land Bank in accordance with the following procedures:

- (i) A Municipality wishing to be considered for membership of the Land Bank Authority shall first submit to each of the existing Authority members a certified copy of a Resolution of its governing body requesting membership.
- (ii) The existing Authority members shall thereupon consider the effect of the additional membership on the Land Bank's interests and its ability to accomplish its stated purposes and, therefore, it will submit, within thirty (30) days of the reference of the matter to it, its recommendation to the Executive Director.
- (iii) In recommending a membership request from an additional Municipality for membership in the Land Bank Authority, the existing Authority members shall state the terms and conditions for membership, if any, which may include, but not be limited to, proportionate reimbursements for past capital expenditures.
- (iv) All additional admissions to membership in the Land Bank Authority shall require the Super-Majority approval of all existing current, voting member Municipalities by appropriate Resolution of their governing bodies.



- (v) An additional Municipality approved for membership in the Land Ban Authority shall be granted a non-voting Director to the Land Bank Board of Directors. The non-voting Director shall have the authority to participate in all functions of the Board of Directors, however, he/she shall not have the authority to vote on any matter.
- (vi) An additional Municipality joining the Land Bank shall signify its acceptance of the terms of membership in and to the Land Bank Authority by enacting an Ordinance adopting the North East Pennsylvania Land Bank Authority Policy and, all other applicable terms and conditions, within ninety (90) days of acceptance as an additional Member.