



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration

A BILL ENTITLED

AN ORDINANCE concerning
Land Bank Authority

FOR the purpose of establishing the Land Bank Authority of Baltimore City; providing for the Authority's powers, duties, and limitations; providing for a Board of Directors, for the selection and terms of the Board's members, and for the powers and duties of the Board; providing certain immunities; providing certain tax exemptions; and generally relating to the establishment and operation of a Land Bank Authority, as authorized by State law.

BY adding

Article 5 - Finance, Property, and Procurement
Section(s) 22-1 to 22-62, to be under the new subtitle,
"Subtitle 22. Land Bank Authority"
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 2-2 and 2-3
Baltimore City Code
(Edition 2000)

BY renumbering

Article 8 - Ethics
Section(s) 7-8(24)
to be Section(s) 7-8(23)
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section(s) 7-8(24)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

SUBTITLE 22. LAND BANK AUTHORITY

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 22-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) AUTHORITY.

"AUTHORITY" MEANS THE LAND BANK AUTHORITY OF BALTIMORE CITY.

(C) BOARD.

"BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

(D) ENABLING ACT.

"ENABLING ACT" MEANS STATE CODE ARTICLE 24, TITLE 22, AS AMENDED FROM TIME TO TIME.

§ 22-2. CONSTRUCTION.

(A) LIBERAL CONSTRUCTION.

THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS PURPOSES.

(B) POWERS SUPPLEMENTAL.

THE POWERS GRANTED TO THE AUTHORITY BY OR UNDER THIS SUBTITLE SHALL BE CONSTRUED AS SUPPLEMENTAL AND IN ADDITION TO ANY OTHER POWERS GRANTED TO THE AUTHORITY UNDER ANY STATE OR CITY LAW.

§§ 22-3 TO 22-5. {RESERVED}

PART II. ESTABLISHMENT

§ 22-6. AUTHORITY - ESTABLISHMENT.

THERE IS A LAND BANK AUTHORITY OF BALTIMORE CITY, ESTABLISHED UNDER THE ENABLING ACT AS A BODY CORPORATE AND POLITIC.

§ 22-7. AUTHORITY - PURPOSES.

THE AUTHORITY IS A NON-PROFIT ENTITY CREATED FOR THE PURPOSES SET FORTH IN ITS ARTICLES OF INCORPORATION, THE ENABLING ACT, AND THIS SUBTITLE.

§ 22-8. {RESERVED}

§ 22-9. BOARD OF DIRECTORS - ESTABLISHMENT.

(A) IN GENERAL.

THE POWERS OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS.

(B) COMPOSITION.

(1) THE BOARD OF DIRECTORS CONSISTS OF 11 MEMBERS.

(2) OF THE 11 MEMBERS:

(I) 6 ARE THE FOLLOWING CITY OFFICIALS OR THEIR RESPECTIVE DESIGNEES:

(A) THE MAYOR OF BALTIMORE CITY;

(B) THE PRESIDENT OF THE BALTIMORE CITY COUNCIL;

(C) THE CITY COMPTROLLER;

(D) THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT;

(E) THE DIRECTOR OF PLANNING; AND

(F) THE DIRECTOR OF FINANCE; AND

(II) 5 ARE APPOINTED AS FOLLOWS, SUBJECT TO APPROVAL OF THE CITY COUNCIL:

(A) 3 BY THE MAYOR;

(B) 1 BY THE COUNCIL PRESIDENT; AND

(C) 1 APPOINTED BY THE CITY COMPTROLLER.

§ 22-10. BOARD OF DIRECTORS - QUALIFICATIONS, TERMS, ETC.

(A) QUALIFICATIONS.

EACH APPOINTED MEMBER OF THE BOARD MUST BE:

- (1) A PERSON OF ABILITY AND INTEGRITY;
- (2) A PERSON WITH APPROPRIATE EXPERIENCE IN REAL ESTATE, FINANCE, PROPERTY MANAGEMENT, COMMUNITY PLANNING AND DEVELOPMENT, ORGANIZED COMMUNITY-BASED ACTIVITIES, OR OTHER RELEVANT FIELD OF ENDEAVOR; AND
- (3) A REGISTERED VOTER OF BALTIMORE CITY THROUGHOUT HIS OR HER SERVICE ON THE BOARD.

(B) TERM.

- (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.
- (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED, AS REQUIRED BY THE TERMS PROVIDED FOR THOSE FIRST APPOINTED TO THE BOARD.

(C) VACANCIES; TERM LIMITS.

- (1) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIES.
- (2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIES.
- (3) MEMBERS MAY BE APPOINTED TO SUCCEED THEMSELVES. HOWEVER, AN APPOINTED MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

(D) REMOVAL.

- (1) EACH APPOINTED MEMBER HOLDS OFFICE DURING GOOD BEHAVIOR AND IS SUBJECT TO REMOVAL BY THE BOARD ONLY FOR INCOMPETENCE, NEGLECT OF DUTY, OR OTHER JUST CAUSE.
- (2) FOR PURPOSES OF THIS SUBSECTION, NEGLECT OF DUTY INCLUDES THE FAILURE TO ATTEND AT LEAST 50% OF THE SCHEDULED MEETINGS OF THE BOARD DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS.

§ 22-11. BOARD OF DIRECTORS - COMPENSATION; EXPENSES.

(A) COMPENSATION.

A PERSON MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A BOARD MEMBER.

(B) EXPENSES.

THE BOARD MAY ESTABLISH RULES GOVERNING PAYMENT OF OR REIMBURSEMENT FOR EXPENSES INCURRED BY A MEMBER IN THE DISCHARGE OF HIS OR HER DUTIES.

§ 22-12. BOARD OF DIRECTORS - OFFICERS; STAFF.

(A) OFFICERS..

(1) THE MAYOR DESIGNATES THE CHAIR OF THE BOARD FROM AMONG THE BOARD'S APPOINTED MEMBERS.

(2) FROM AMONG ITS MEMBERS, THE BOARD:

(I) MUST SELECT A TREASURER AND A SECRETARY; AND

(II) MAY SELECT ANY OTHER OFFICERS THAT THE BOARD REQUIRES.

(B) STAFF.

(1) THE BOARD MUST APPOINT AN EXECUTIVE DIRECTOR, AS PROVIDED IN § 22-16 OF THIS SUBTITLE.

(2) THE BOARD MAY:

(I) EMPLOY ATTORNEYS, ACCOUNTANTS, TECHNICAL EXPERTS, AGENTS, AND EMPLOYEES, PERMANENT OR TEMPORARY, AS THE BOARD REQUIRES;

(II) DETERMINE THEIR QUALIFICATIONS AND DUTIES; AND

(III) FIX THEIR COMPENSATION.

(C) DELEGATION.

(1) THE BOARD MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES ANY OF THE AUTHORITY'S POWERS THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS SUBTITLE.

(2) THE POWERS THAT MAY BE DELEGATED UNDER THIS SUBSECTION INCLUDE THE POWER TO EXECUTE A DEED, MORTGAGE, CONTRACT, LEASE, PURCHASE, OR OTHER AGREEMENT, DOCUMENT, OR INSTRUMENT.

§ 22-13. BOARD OF DIRECTORS - QUORUM; VOTING.

(A) QUORUM.

6 MEMBERS OF THE BOARD CONSTITUTE A QUORUM.

(B) VOTING.

AN AFFIRMATIVE VOTE OF AT LEAST 6 MEMBERS, AT LEAST 2 OF WHOM ARE APPOINTED

MEMBERS, IS NEEDED FOR ANY ACTION BY THE BOARD.

§ 22-14. BOARD OF DIRECTORS - OPEN GOVERNANCE.

(A) MEETINGS.

ALL MEETINGS OF THE BOARD MUST BE CONDUCTED IN ACCORDANCE WITH:

(1) THE STATE OPEN MEETINGS ACT (STATE GOVERNMENT ARTICLE, TITLE 10, SUBTITLE 5);
AND

(2) CITY CODE ARTICLE 1, SUBTITLE 6 {"MEETINGS OF BOARDS AND COMMISSIONS"}.

(B) RECORDS.

ALL RECORDS OF THE AUTHORITY MUST BE OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH THE STATE PUBLIC INFORMATION ACT (STATE GOVERNMENT ARTICLE, TITLE 10, SUBTITLE 6, PART III).

§ 22-15. {RESERVED}

§ 22-16. EXECUTIVE DIRECTOR.

(A) CHIEF ADMINISTRATIVE OFFICER.

THE EXECUTIVE DIRECTOR IS THE CHIEF ADMINISTRATIVE OFFICER OF THE AUTHORITY.

(B) QUALIFICATIONS; TENURE.

(1) THE EXECUTIVE DIRECTOR MAY NOT BE A MEMBER OF THE BOARD.

(2) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE BOARD.

(3) ANY EMPLOYMENT CONTRACT WITH THE EXECUTIVE DIRECTOR MAY NOT EXCEED 3 YEARS, BUT MAY BE RENEWED UP TO 3 YEARS AT A TIME BY AGREEMENT BETWEEN THE BOARD AND THE EXECUTIVE DIRECTOR.

(C) DUTIES.

IN ADDITION TO ANY OTHER RIGHTS, POWERS, AND DUTIES GRANTED BY THE BOARD, THE EXECUTIVE DIRECTOR:

(1) SUPERVISES AND MANAGES THE DAY-TO-DAY OPERATIONS OF THE AUTHORITY AND ITS EMPLOYEES AND CONTRACTORS;

(2) PREPARES THE AUTHORITY'S VARIOUS PLANS AND REPORTS FOR REVIEW AND APPROVAL BY THE BOARD;

(3) IMPLEMENTS THE APPROVED FINANCIAL PLAN AND ARRANGES FOR THE COLLECTION,

DEPOSIT, AND DISBURSEMENT OF ALL CHARGES AND REVENUES OF THE AUTHORITY; AND

(4) ESTABLISHES THE PROCEDURES AND PROCESSES NEEDED TO PERFORM THE FUNCTIONS OF THE AUTHORITY.

§§ 22-17 TO 22-30. {RESERVED}

PART III. ATTRIBUTES

§ 22-31. IMMUNITIES.

(A) SAME AS CITY.

THE AUTHORITY HAS THE SAME IMMUNITIES AS BALTIMORE CITY.

(B) NO PERSONAL LIABILITY.

NO MEMBER OF THE BOARD MAY BE HELD PERSONALLY LIABLE FOR THE OBLIGATIONS OF THE AUTHORITY, AND THE RIGHTS OF CREDITORS MAY BE EXERCISED SOLELY AGAINST THE AUTHORITY.

§ 22-32. EXEMPTIONS.

(A) AUTHORITY PROPERTY, ACTIVITIES, AND REVENUES.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE AUTHORITY IS EXEMPT FROM ANY REQUIREMENT TO PAY STATE OR LOCAL TAXES OR ASSESSMENTS ON THE AUTHORITY'S PROPERTIES OR ACTIVITIES OR ON ANY REVENUE FROM THOSE PROPERTIES OR ACTIVITIES.

(2) PROPERTY THAT THE AUTHORITY SELLS OR LEASES TO A PRIVATE ENTITY IS SUBJECT TO STATE AND LOCAL PROPERTY TAXES FROM THE TIME OF THE SALE OR LEASE.

(B) DEEDS, ETC.

A REGISTER OF DEEDS IN BALTIMORE CITY MAY NOT CHARGE A RECORDATION FEE, TRANSFER TAX, OR OTHER FEE TO RECORD A DOCUMENT EVIDENCING THE TRANSFER OF PROPERTY TO THE AUTHORITY BY THE STATE OR THE CITY.

§§ 22-33 TO 22-34. {RESERVED}

§ 22-35. LIMITATIONS.

THIS SUBTITLE DOES NOT AUTHORIZE THE AUTHORITY TO:

(1) EXERCISE THE POWER OF EMINENT DOMAIN; OR

(2) LEVY ANY TAX OR SPECIAL ASSESSMENT.

§§ 22-36 TO 22-40. {RESERVED}

PART IV. POWERS AND DUTIES

§ 22-41. IN GENERAL.

EXCEPT AS LIMITED BY THE AUTHORITY'S ARTICLES OF INCORPORATION, THE AUTHORITY HAS ALL THE POWERS SET FORTH IN THIS SUBTITLE.

§ 22-42. CORPORATE AND RELATED POWERS.

THE AUTHORITY MAY:

- (1) ADOPT BYLAWS, RULES, AND REGULATIONS FOR THE CONDUCT OF ITS BUSINESS;
- (2) SUE AND BE SUED;
- (3) MAINTAIN AN OFFICE AT A PLACE IN BALTIMORE CITY THAT IT DESIGNATES;
- (4) BORROW MONEY;
- (5) INVEST ITS MONEY IN INSTRUMENTS, OBLIGATIONS, SECURITIES, OR PROPERTY;
- (6) ENTER INTO CONTRACTS, AGREEMENTS, OR OTHER INSTRUMENTS NECESSARY OR CONVENIENT TO CARRY OUT THIS SUBTITLE;
- (7) SOLICIT AND ACCEPT GIFTS, GRANTS, LOANS, OR OTHER ASSISTANCE IN ANY FORM FROM ANY PUBLIC OR PRIVATE SOURCE, SUBJECT TO THE PROVISIONS OF THIS SUBTITLE;
- (8) PARTICIPATE IN ANY WAY IN A PROGRAM OF THE FEDERAL GOVERNMENT, OF THE STATE, CITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE, OR OF AN INTERGOVERNMENTAL ENTITY CREATED UNDER THE LAWS OF THE STATE;
- (9) PROCURE INSURANCE AGAINST LOSS IN CONNECTION WITH ITS PROPERTY, ASSETS, OR ACTIVITIES;
- (10) STUDY, DEVELOP, AND PREPARE REPORTS OR PLANS TO ASSIST IN THE AUTHORITY'S EXERCISE OF ITS POWERS AND TO MONITOR AND EVALUATE THE AUTHORITY'S PROGRESS;
- (11) CONTRACT WITH PUBLIC OR PRIVATE ENTITIES FOR THE PROVISION OF GOODS AND SERVICES NECESSARY FOR THE MANAGEMENT AND OPERATION OF THE AUTHORITY, SUBJECT TO CITY POLICIES ON ENCOURAGING AND ACHIEVING GOALS FOR MINORITY AND WOMEN'S BUSINESS ENTERPRISES PARTICIPATION;
- (12) CONTRACT WITH THE CITY TO PROVIDE ACQUISITION, MANAGEMENT, AND SALE SERVICES FOR CITY-OWNED PROPERTY;
- (13) EXERCISE A POWER USUALLY POSSESSED BY A PRIVATE CORPORATION IN PERFORMING SIMILAR FUNCTIONS UNLESS DOING SO WOULD CONFLICT WITH STATE LAW;

(14) ALLOCATE PROPERTY AND CONTRACT WITH COMMUNITY AND NEIGHBORHOOD ASSOCIATIONS FOR THE PURPOSE OF PRESERVING NEIGHBORHOOD-MAINTAINED GARDENS AND GREEN SPACE; AND

(15) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS EXPRESSLY GRANTED BY THIS SUBTITLE.

§ 22-43. {RESERVED}

§ 22-44. PROPERTY ACQUISITION, SALE, ETC.

(A) SCOPE.

REAL PROPERTY ACQUIRED, OWNED, OR SOLD UNDER THIS SECTION MAY NOT BE LOCATED OUTSIDE OF BALTIMORE CITY.

(B) ACQUIRE, OWN, OR SELL.

WITHOUT NEED FOR ANY FURTHER APPROVAL OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, THE AUTHORITY MAY:

(1) ACQUIRE, DIRECTLY OR THROUGH A PERSON OR GOVERNMENTAL ENTITY, BY GIFT, DEVISE, TRANSFER, EXCHANGE, FORECLOSURE, PURCHASE, OR OTHERWISE, ON TERMS AND CONDITIONS AND IN A MANNER THE AUTHORITY CONSIDERS PROPER, REAL PROPERTY OR RIGHTS OR INTERESTS IN REAL PROPERTY;

(2) OWN IN ITS NAME PROPERTY ACQUIRED BY OR CONVEYED TO THE AUTHORITY BY THE STATE, THE CITY, ANY OTHER LOCAL GOVERNMENT, ANY INTERGOVERNMENTAL AGENCY CREATED UNDER THE LAWS OF THIS STATE, OR ANY OTHER PUBLIC OR PRIVATE PERSON, INCLUDING TAX-FORECLOSED PROPERTY AND PROPERTY WITHOUT CLEAR TITLE;

(3) SELL, LEASE AS LESSOR, TRANSFER, AND DISPOSE OF ITS PROPERTY OR INTEREST IN PROPERTY; AND

(4) EXECUTE DEEDS, MORTGAGES, CONTRACTS, LEASES, PURCHASES, OR OTHER AGREEMENTS, DOCUMENTS, OR INSTRUMENTS REGARDING THE PROPERTY OF THE AUTHORITY.

(C) RULES AND REGULATIONS SUBJECT TO REVIEW.

(1) THIS SUBSECTION APPLIES TO ALL RULES AND REGULATIONS PROPOSED OR ADOPTED BY THE AUTHORITY TO CARRY OUT POWERS GRANTED BY THIS SECTION.

(2) ALL PROPOSED RULES AND REGULATIONS MUST BE SUBMITTED TO THE BOARD OF ESTIMATES AT LEAST 30 DAYS BEFORE THEY ARE TO BECOME EFFECTIVE. IF, WITHIN 10 DAYS OF THE SUBMISSION, ANY 2 MEMBERS OF THE BOARD OF ESTIMATES REQUEST IN WRITING THAT A PROPOSED RULE OR REGULATION BE CONSIDERED BY THE BOARD OF ESTIMATES, THE PROPOSED RULE OR REGULATION SHALL BE PLACED ON THE BOARD OF ESTIMATES' NEXT AVAILABLE AGENDA. A PROPOSED RULE OR REGULATION MAY NOT TAKE EFFECT IF, ON REVIEW

AND CONSIDERATION UNDER THIS SUBSECTION, 3 MEMBERS OF THE BOARD OF ESTIMATES OBJECT TO ITS ADOPTION.

(3) AT ANY TIME AFTER A RULE OR REGULATION HAS BEEN ADOPTED, ANY 2 MEMBERS OF THE BOARD OF ESTIMATES MAY REQUEST IN WRITING THAT THE RULE OR REGULATION BE RECONSIDERED BY THE BOARD OF ESTIMATES. IF, ON REVIEW AND CONSIDERATION UNDER THIS SUBSECTION, 3 MEMBERS OF THE BOARD OF ESTIMATES OBJECT TO IT, THE RULE OR REGULATION IS REPEALED.

§ 22-45. PROPERTY USE AND IMPROVEMENTS.

WITH RESPECT TO PROPERTY HELD OR OWNED BY THE AUTHORITY, THE AUTHORITY MAY:

- (1) GRANT OR ACQUIRE A LICENSE, EASEMENT, OR OPTION;
- (2) FIX, CHARGE, AND COLLECT RENTS, FEES, AND CHARGES FOR USE OF THE PROPERTY;
- (3) TAKE ANY ACTION, PROVIDE ANY NOTICE, OR INSTITUTE ANY PROCEEDING REQUIRED TO CLEAR OR QUIET TITLE IN ORDER TO ESTABLISH OWNERSHIP BY AND VEST TITLE TO PROPERTY IN THE AUTHORITY;
- (4) CORRECT (BUT NEED NOT DO SO) VIOLATIONS OF CITY AND STATE BUILDING, FIRE, HEALTH, AND RELATED CODES;
- (6) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR OTHER ENTITY, WHETHER OPERATED FOR PROFIT OR NOT FOR PROFIT, FOR THE PURPOSES OF DEVELOPING PROPERTY IN ORDER TO MAXIMIZE MARKETABILITY; AND
- (7) HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IT HOLDS OR OWNS.

§ 22-46. PROTECTING PROPERTY AND INTERESTS.

(A) CIVIL ACTION TO PROTECT.

THE AUTHORITY MAY BRING A CIVIL ACTION TO PREVENT, RESTRAIN, OR ENJOIN THE WASTE OF OR UNLAWFUL REMOVAL OF ANY PROPERTY FROM REAL PROPERTY HELD BY THE AUTHORITY.

(B) PARTY TO ACTIONS INVOLVING PROPERTY.

(1) THE AUTHORITY SHALL BE MADE A PARTY TO, AND MAY DEFEND, ANY ACTION OR PROCEEDING INSTITUTED FOR THE PURPOSE OF:

- (I) SETTING ASIDE TITLE TO PROPERTY HELD BY THE AUTHORITY;
- (II) CHALLENGING THE ACQUISITION OR SALE OF PROPERTY BY THE AUTHORITY; OR

(III) OTHERWISE ASSERTING CLAIMS AGAINST OR TO PROPERTY HELD BY THE AUTHORITY.

(2) A HEARING IN ANY SUCH ACTION OR PROCEEDING MAY NOT BE HELD UNTIL THE AUTHORITY IS SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

§ 22-47. INVENTORY OF PROPERTY.

(A) IN GENERAL.

THE AUTHORITY SHALL MAINTAIN AN INVENTORY OF ALL PROPERTY HELD BY IT, CLASSIFIED ACCORDING TO TITLE STATUS AND SUITABILITY FOR USE.

(B) PUBLICATION.

THE INVENTORY SHALL BE MADE AVAILABLE TO THE PUBLIC BY:

(1) POSTING THE INVENTORY ON THE AUTHORITY'S WEBSITE, TOGETHER WITH A LISTING OF ALL PROPERTY PREVIOUSLY DISPOSED OF BY THE AUTHORITY; AND

(2) PUBLISHING THE INVENTORY AT LEAST TWICE A YEAR IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.

§ 22-48. {RESERVED}

§ 22-49. TAX LIENS - GENERAL POWERS.

THE AUTHORITY MAY EXERCISE THE POWERS GRANTED TO THE CITY UNDER §§ 14-825 THROUGH 14-831 OF THE TAX-PROPERTY ARTICLE.

§ 22-50. TAX LIENS - TRANSFER IN LIEU OF FORECLOSURE.

(A) WHEN AUTHORIZED.

FOLLOWING AN UNSUCCESSFUL ATTEMPT ON THE PART OF THE CITY TO COLLECT OUTSTANDING LIENS AT TAX SALE AND SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF FINANCE, THE AUTHORITY MAY ACCEPT FROM A PERSON WITH AN INTEREST IN A PARCEL OF TAX- DELINQUENT PROPERTY OR TAX-SALE PROPERTY A DEED OR ASSIGNMENT CONVEYING THAT PERSON'S INTEREST IN THE PROPERTY INSTEAD OF THE FORECLOSURE OR SALE OF THE PROPERTY FOR DELINQUENT TAXES, PENALTIES, AND INTEREST, AS DEFINED BY § 14-801(C) OF THE TAX-PROPERTY ARTICLE.

(B) AFFECT ON OTHER LIENS, INTERESTS.

EXCEPT AS OTHERWISE PROVIDED BY LAW, CONVEYANCE OF PROPERTY BY DEED INSTEAD OF FORECLOSURE UNDER THIS SECTION DOES NOT AFFECT OR IMPAIR ANY OTHER LIEN AGAINST THE PROPERTY OR ANY EXISTING RECORDED OR UNRECORDED INTEREST IN THE PROPERTY, INCLUDING:

(1) FUTURE INSTALLMENTS OF SPECIAL ASSESSMENTS;

- (2) LIENS RECORDED BY THE STATE;
- (3) EASEMENTS OR RIGHTS-OF-WAY;
- (4) PRIVATE DEED RESTRICTIONS;
- (5) SECURITY INTERESTS AND MORTGAGES; OR
- (6) TAX LIENS OF OTHER TAXING JURISDICTIONS THAT DO NOT CONSENT TO A RELEASE OF THEIR LIENS.

§ 22-51. TAX LIENS - RELEASE OF LIEN.

A TAX LIEN AGAINST PROPERTY HELD BY OR UNDER THE CONTROL OF THE AUTHORITY MAY BE RELEASED OR ABATED AT ANY TIME BY:

- (1) THE CITY, WITH RESPECT TO A LIEN HELD BY THE CITY; OR
- (2) THE STATE COMPTROLLER, WITH RESPECT TO A STATE TAX LIEN.

§ 22-52. {RESERVED}

§ 22-53. FUNDS RECEIVED BY AUTHORITY.

- (A) RETURN TO CITY.

MONEY RECEIVED BY THE AUTHORITY AS PAYMENT OF TAXES, PENALTIES, OR INTEREST, OR FROM THE REDEMPTION OR SALE OF PROPERTY SUBJECT TO A TAX LIEN SHALL BE RETURNED TO THE CITY.

- (B) RETAINED BY AUTHORITY.

OTHER PROCEEDS RECEIVED BY THE AUTHORITY MAY BE RETAINED BY THE AUTHORITY FOR THE PURPOSES OF THIS SUBTITLE, UNLESS OTHERWISE DESIGNATED BY:

- (1) THIS SUBTITLE;
- (2) THE PROVISIONS OF A DEED;
- (3) ANY OTHER LAW; OR
- (4) AN AGREEMENT OF THE AUTHORITY.

§ 22-54. FINANCIAL PLAN; ANNUAL REPORT.

- (A) FISCAL YEAR.

THE AUTHORITY'S FISCAL YEAR IS THE SAME AS THE CITY'S FISCAL YEAR.

(B) ANNUAL PLAN REQUIRED.

(1) ANNUALLY, THE BOARD OF DIRECTORS MUST DEVELOP AND, SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, ADOPT A FINANCIAL PLAN FOR THE ENSUING FISCAL YEAR.

(2) THE FINANCIAL PLAN FOR EACH FISCAL YEAR MUST CONTAIN THE AUTHORITY'S PROPOSED PLAN FOR BOTH OPERATIONS AND CAPITAL EXPENDITURES IN THAT FISCAL YEAR.

(C) SUBMISSION OF PROPOSED PLAN TO BOARD OF ESTIMATES.

AT LEAST 2 MONTHS BEFORE THE START OF A NEW FISCAL YEAR, THE BOARD OF DIRECTORS MUST SUBMIT ITS PROPOSED FINANCIAL PLAN AND ALL BACKGROUND MATERIAL TO THE BOARD OF ESTIMATES FOR ITS REVIEW AND APPROVAL.

(D) PERIODIC REPORTS.

(1) THE AUTHORITY SHALL REPORT ON ITS ACTIVITIES:

(I) QUARTERLY TO THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND

(II) ANNUALLY, IN ACCORDANCE WITH STATE GOVERNMENT ARTICLE § 2-1246, TO THE GENERAL ASSEMBLY.

(2) THESE REPORTS SHALL INCLUDE SUMMARIES OF THE FOLLOWING FOR THE REPORTING PERIOD:

(I) PROPERTY ACQUISITIONS, INCLUDING COSTS OF ACQUISITION;

(II) PROPERTY DISPOSITIONS, INCLUDING PROCEEDS FROM DISPOSITIONS;

(III) STATUS OF COMPLIANCE WITH DISPOSITION AGREEMENTS; AND

(IV) STATUS OF ADMINISTRATIVE AND JUDICIAL REVIEWS OF DISPUTED DECISIONS.

§ 2255. DEPOSIT OF FUNDS; AUDITS AND EXAMINATIONS; FINANCIAL STATEMENT.

(A) DEPOSITS.

THE AUTHORITY'S TREASURER MUST DEPOSIT AND INVEST ALL MONEYS RECEIVED BY THE AUTHORITY IN ONE OR MORE FINANCIAL INSTITUTIONS, CONSISTENT WITH THE REQUIREMENTS OF STATE CODE ARTICLE 95, § 22F {"LOCAL GOVERNMENT INVESTMENT GUIDELINES"}.

(B) AUDITS.

(1) THE AUTHORITY MUST:

(I) MAINTAIN ADEQUATE BOOKS AND RECORDS; AND

(II) WITHIN 120 DAYS AFTER THE END OF EACH FISCAL YEAR, PREPARE AUDITED FINANCIAL

STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENTAL ACCOUNTING PRINCIPLES.

(2) A COPY OF THE AUDITED FINANCIAL STATEMENTS MUST BE DELIVERED TO THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, THE COMPTROLLER, AND THE BOARD OF ESTIMATES.

(C) EXAMINATION BY DEPARTMENT OF AUDITS.

THE DEPARTMENT OF AUDITS MAY EXAMINE, AT ANY TIME, THE AUTHORITY'S BOOKS, ACCOUNTS, AND RECORDS.

§ 22-56. {RESERVED}

§ 22-57. AUTHORITY AS RECEIVER.

A COURT MAY APPOINT THE AUTHORITY TO SERVE AS A RECEIVER IN A RECEIVERSHIP PROCEEDING FILED BY BALTIMORE CITY.

§§ 22-58 TO 22-60. {RESERVED}

PART V. ADMINISTRATIVE AND JUDICIAL REVIEW

§ 22-61. ADMINISTRATIVE REVIEW.

(A) RIGHT TO REQUEST.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE AUTHORITY MAY APPLY IN WRITING TO THE BOARD OF MUNICIPAL AND ZONING APPEALS FOR A REVIEW OF THAT DECISION.

(B) APPLICATION.

THE APPLICATION MUST:

(1) CLEARLY STATE THE GROUNDS ON WHICH THE REVIEW IS SOUGHT; AND

(2) BE FILED WITHIN 10 DAYS OF THE DECISION IN DISPUTE.

(C) ACTION BY BMZA.

THE BOARD OF MUNICIPAL AND ZONING APPEALS, IN ITS SOLE DISCRETION, MAY:

(1) ACCEPT THE REQUEST AND SET THE MATTER IN FOR A HEARING AND DECISION; OR

(2) DECLINE TO UNDERTAKE THE REQUESTED REVIEW.

(D) BMZA TO ADOPT PROCEDURES.

(1) THE BOARD OF MUNICIPAL AND ZONING APPEALS SHALL ADOPT PROCEDURES FOR THE

CONDUCT OF ADMINISTRATIVE REVIEWS UNDER THIS SUBSECTION.

(2) A COPY OF THESE PROCEDURES MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 22-62. JUDICIAL REVIEW.

(A) BY CIRCUIT COURT

A PARTY TO THE ADMINISTRATIVE REVIEW WHO IS AGGRIEVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS' FINAL DECISION, OR WHO IS AGGRIEVED BY ITS HAVING DECLINED TO UNDERTAKE THE REVIEW, MAY SEEK JUDICIAL REVIEW OF THAT ACTION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) BY COURT OF SPECIAL APPEALS.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-2. "Agency".

(a) In general.

"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) Inclusions.

"Agency" also includes:

- (1) Baltimore City Parking Authority;
- (2) Baltimore Development Corporation;
- (3) Baltimore Police Department;
- (4) Board of Liquor License Commissioners for Baltimore City;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) LAND BANK AUTHORITY OF BALTIMORE CITY; and

(8) [(7)] any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

§ 2-3. "Board".

(a) In general.

"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) Inclusions.

"Board" also includes:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;
- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Directors of the Baltimore Development Corporation;
- (4) BOARD OF DIRECTORS OF THE LAND BANK AUTHORITY OF BALTIMORE CITY;
- (5) [(4)] Board of Liquor License Commissioners for Baltimore City; and
- (6) [(5)] Civilian Review Board of Baltimore City.

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file - Agency officials and staff.

Except as provided in § 7-10 {"Person filing with State"} of this subtitle, the following officials and employees must file the financial disclosure statements required by this subtitle:

(22) [- (23)] {Reserved}

(23) [(24)] Labor Commissioner, Office of.

- (i) Labor Commissioner.
- (ii) Deputy Labor Commissioner.

(24) LAND BANK AUTHORITY.

- (I) MEMBERS OF BOARD OF DIRECTORS.
- (II) EXECUTIVE DIRECTOR.

(III) ALL NON-CLERICAL EMPLOYEES OF AUTHORITY.

SECTION 2. AND BE IT FURTHER ORDAINED, That, of the members first appointed to the Authority's Board of Directors:

- (1) 2 members shall be appointed for an initial term of 2 years;
- (2) 2 members shall be appointed for an initial term of 3 years; and
- (3) 1 member shall be appointed for an initial term of 4 years.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Articles of Incorporation for the Land Bank Authority of Baltimore City, as attached to this Ordinance, are approved.

SECTION 5. AND BE IT FURTHER ORDAINED, That within 90 days after the appointment of an Executive Director, the Board for the Authority shall submit to the Board of Estimates, for consideration under Article 5, § 22-44(c) {"Property acquisition, sale, etc.: Rules and regulations subject to review"}, the Authority's proposed rules and regulations to carry out the powers granted by Article 5, § 22-44.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

PROPOSED ARTICLES OF INCORPORATION

ARTICLES OF INCORPORATION
OF
THE LAND BANK AUTHORITY OF BALTIMORE CITY, INC.
(A non-stock, not-for-profit corporation)

FIRST: The undersigned, _____, whose post office address is _____, Baltimore, Maryland _____, being at least 18 years old, forms a non-profit, non-stock corporation under the laws of the State of Maryland.

SECOND: The name of the corporation (the "Corporation") is
THE LAND BANK AUTHORITY OF BALTIMORE CITY, INC.

THIRD: The Corporation is organized exclusive for charitable, educational, and nonprofit purposes, as defined in § 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code. More specifically, the Corporation is formed for the following purposes:

- A. To take ownership of vacant property titled to the Mayor and City Council of Baltimore or of any private, non-profit, or institutional owners.
- B. To conduct regular inventories of vacant properties and provide the public with efficient access to a listing of these inventories.

- C. To aggregate and responsibly hold properties for future productive use, including, but not limited to, delinquent properties at ax sales for which there is no bid tendered for the minimum bid.
- D. To eliminate blight by the removal of barriers to returning vacant properties for productive use.
- E. To effectively market and strategically convey properties of the Corporation.
- F. To establish an acquisition fund pledging assets to leverage private investment to rehabilitate and remove blighted properties.
- G. To solicit and accept, acquire by gift, donation, devise, grant, purchase, loan, or otherwise, any property without limitations.
- H. To make contributions or grant that are consistent with the purposes of the Corporation.
- I. To make agreements and contracts and to incur liabilities.
- J. To do all things necessary or desirable to carry on and accomplish the purposes for which the Corporation is organized, as the Directors of the Corporation may from time to time deem appropriate, and which are not inconsistent with powers conferred upon a non-stock corporation by the laws of this State and the requirements of the Internal Revenue Code.
- K. To undertake other projects, programs, and activities including, for these purposes, the making of distributions to organizations that qualify as exempt organizations under § 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code.

FOURTH: The street address of the principal office of the Corporation in the City of Baltimore and in Maryland is _____.

FIFTH: The name of the Resident Agent of the Corporation in the City of Baltimore and in Maryland is _____. The office address of the Corporation's Resident Agent is _____.

SIXTH: The Corporation has no authority to issue capital stock. The Directors of the Corporation shall be the only members. Qualifications for membership may not be restricted on the basis of age, race, sex, sexual orientation, religion, or national origin.

SEVENTH: The number of Directors of the Corporation are 11, which number may be increased or decreased pursuant to the Baltimore City Code and the Bylaws of the Corporation. Each of the Directors has 1 vote. The names of the initial Directors, who shall act until the first annual meeting or until their successors are chosen are:

- The Mayor of the City of Baltimore
- The President of the Baltimore City Council
- The Comptroller of the City of Baltimore
- The Commissioner of the Baltimore City Department of Housing and Community Development
- The Director of Finance of the City of Baltimore
- The Director of Planning of the City of Baltimore
- _____, Appointed Member

_____, Appointed Member
_____, Appointed Member
_____, Appointed Member
_____, Appointed Member

EIGHTH: The Corporation is not organized for pecuniary profit. The Corporation has no power to declare dividends. No part of the net earning of the Corporation may inure to the benefit of, nor be distributed to, any member, director, officer, or other individual, except that the Corporation is authorized and empowered to pay reasonable compensation for services actually rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles.

NINTH: Except as provided in § 501(c)(3) of the Internal Revenue Code, no substantial part of the activities of the Corporation may be the carrying on of propaganda or otherwise attempting to influence legislation. The Corporation may not participate in, nor intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions, the Corporation may not carry on any activities not permitted to be carried on by: (i) a corporation exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code; or (ii) a corporation, contributions to which are deductible under § 170(c)(2) of the Internal Revenue Code.

TENTH: The duration and existence of the Corporation shall be perpetual.

ELEVENTH: If the Corporation is dissolved or ended for any reason, the net assets of the Corporation, after paying all of its liabilities as required by law, shall be distributed exclusively to organizations that are organized and operated exclusively for charitable or educational purposes and that qualify as exempt organizations under § 501(c)(3) of the Internal Revenue Code.

TWELFTH: The Corporation may indemnify any and all of its current and future directors, officers, employees, and agents as provided in the Bylaws of the Corporation.

THIRTEENTH: The Corporation shall adopt Bylaws for the further governance of the Corporation pursuant to the Baltimore City Code.

FOURTEENTH: These Articles of Incorporation may be amended from time to time by (i) Articles of Amendment adopted by the Corporation's member-directors, or (ii) an Ordinance of the Mayor and City Council of Baltimore.

IN WITNESS WHEREOF, I have signed these Articles of Incorporation and acknowledged them to be my act on this _____ day of _____, 2009.

WITNESS:

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art5/LanBankAuth/aa:me

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