

Sandusky County Land Reutilization Corporation (Land Bank)

POLICIES & PROCEDURES

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Article I. Mission

Section 1.01 Mission Statement

The Sandusky County Land Reutilization Corporation (the "Land Bank") strengthens neighborhoods and preserves property values by strategically returning vacant, abandoned, and tax-delinquent properties to productive use through an open and equitable process.

Article II. Authority

Section 2.01 Delegated Authority

- A. Unless otherwise provided in these Policies and Procedures, the Board of Directors of the Land Bank delegates to the Land Bank Chairman or the Chairman's designee the authority:
 - 1. To acquire and dispose of property on behalf of the Land Bank;
 - 2. To contract with third parties on behalf of the Land Bank;
 - 3. To determine the fair market value of a property owned by the Land Bank;
 - 4. To determine the potential for renovation of a structure; and
 - 5. To expend Land Bank funds consistent with its approved annual budget.
- B. The authority provided in this Article may only be exercised consistent with these Policies and Procedures. The action of a Land Bank staff member inconsistent with these Policies and Procedures will have no effect unless ratified by the Board of Directors of the Land Bank.
- C. Exceptions to these Policies and Procedures may be approved by the Board of Directors after a complete presentation by the Land Bank staff.

Section 2.02 Terminology

- A. Unless otherwise specified, references to "the Land Bank" in these Policies and Procedures mean the Corporation or the Land Bank Chairman or the Chairman's designee, as context requires.

Article III. Acquisition of Properties

(Adopted 10/01/2015, Resolution 2015-6)

As part of its primary mission, the Sandusky County Land Reutilization Corporation ("Land Bank") will acquire properties in order to improve the quality of neighborhoods, increase land values, create diverse housing opportunities and return properties to the tax rolls.

Section 3.01 Basic Considerations

- A. All properties acquired must have a maintenance plan and funding in place. Initial priority will be given to properties with a designated end-user.
- B. Properties may be acquired when any of the following criteria exist:
 - 1. Eligible for tax foreclosure or appear on the Auditor's Forfeited Land List.

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2. Deed-in-lieu of foreclosure offered by owner and no liens are attached to the property with the exception of delinquent taxes, assessments, penalty, interest and fees.
 3. Donation free and clear of all liens, including delinquent taxes, assessments, penalty, interest and fees.
 4. Requested by a qualified end-user or other entity for ultimate acquisition and redevelopment of the property
 - i. Acts as a catalyst for further development,
 - ii. Is part of a comprehensive development plan,
 - iii. Supports infrastructure, public and green space development, or
 - iv. Reduces blight in the community.
 - v. In particular, acquisition will be prioritized where the Land Bank participation is necessary to complete the redevelopment.
 5. Located in reinvestment areas that would support strategic neighborhood stabilization and revitalization plans.
 6. Demolition will support blight elimination and neighborhood revitalization plans.
 7. Eligible to be transferred under a disposition program approved by the Land Bank Board.
 8. Available for the creation or expansion of green or community space or urban agriculture of any kind.
 9. Title issues are preventing the property from being developed to its highest and best use.
 10. Mortgaged-foreclosed or in receivership and located in a neighborhood that is an area of focus, or with the purpose of preventing the further decline of a neighborhood.
 11. Available for immediate occupancy without need for substantial rehabilitation.
 12. Part of a land assemblage development plan by either the Land Bank or partnering entities.
 13. Fulfilling the community's plan for historic preservation.
 14. May generate operating support for the functions of the Land Bank.
- C. The Land Bank must be aware of any environmental conditions for Brownfield properties. If any adverse conditions are determined, a remediation plan must be in place before acquisition.
- D. Any exception to the policies governing acquisition shall be taken to the Land Bank Board for final approval.

Article IV. Disposition of Properties

(Adopted 10/01/2015 – Resolution 2015-6; Amended 07/07/2017 – Resolution 2017-2)

Section 4.01 General Considerations and Prohibitions

A. As part of its primary mission, the Sandusky County Land Reutilization Corporation (“Land Bank”) will dispose of properties in a manner which will improve the quality of neighborhoods, increase land values, create diverse housing opportunities and return properties to the tax rolls.

B. Eligible end-users

In order to facilitate its redevelopment mission and return property to long- term productive use, the Land Bank will require all prospective end-users to qualify for transfers based on criteria approved by the Land Bank Board.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Land Bank shall be ineligible to be the transferee of such property from the Land Bank.
2. Any property located in Sandusky County that is owned by the transferee must meet the following criteria:
 - i. Be maintained in such a manner such that it has no un-remediated citation or violation of Ohio statute or local ordinances,
 - ii. Is current in real estate tax payments
 - iii. Has not, as a result of tax foreclosure proceedings within the past 5 years, been transferred to a local government.
3. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
4. Additional criteria for the qualification of an end-user of commercial properties may include:
 - i. Identified funding sources and financial wherewithal,
 - ii. Planned improvements,
 - iii. Pre-lease agreements with potential tenants,
 - iv. Previous experience in community redevelopment,
 - v. Development team qualifications,
 - vi. Developer’s equity in the project,
 - vii. Timeline for completion,

viii. Evidence of community support, and

ix. Any other information the Land Bank may require. Qualifying criteria may vary depending on the nature of the end-user.

Section 4.02 Disposition of Vacant Properties

Unimproved property that the Land Bank owns or is acquiring is eligible to be purchased through the Vacant Lot Disposition Program, under the conditions listed below. The transfer of any given parcel of property in the Vacant Lot Disposition Program is subject to override by higher priorities as established by the Land Bank. Individuals interested in purchasing a vacant lot contiguous to their property may apply through the Side Lot Disposition Program.

A. Qualified Properties – parcels of property eligible for inclusion in the Vacant Lot Disposition Program shall meet the following minimum criteria:

1. The property shall be a vacant unimproved real property.
2. The property shall be owned or being acquired by the Land Bank, either as an unimproved lot or with the intention of demolishing any structures that currently exists on the land.
3. Intended use for lot must be disclosed by the intended recipient. Use must comply with any applicable zoning and must be included in approved uses as specified by the city, village or township.
4. The transfer may include a deed restriction requiring the use of the property to be consistent with the stated use.

B. Transfer Procedure

1. The Land Bank will accept applications from property owners who wish to acquire a vacant lot.
2. The Land Bank will attempt to facilitate a transfer of the vacant parcel to an end-user based on the following priorities:
 - Local governments
 - Local non-profit agencies
 - Local for profit agencies
 - Individuals who are residents of Sandusky County
 - Other
3. Having identified a vacant lot end-user or users, the individual(s) so designated by the Board will be authorized to facilitate a transfer of the property without further Board approval.
4. The Land Bank will prepare and provide a general warranty deed for the property and otherwise facilitate closing, which will include sharing one-half (1/2) the expenses of title costs and closing cost.

Section 4.03 Side Lot Disposition Program

- A. Qualified Properties – parcels of property eligible for inclusion in the Side Lot Disposition Program shall meet the following minimum criteria:
1. The property shall be a vacant unimproved real property.
 2. The property shall be owned or being acquired by the Land Bank, either as an unimproved lot or with the intention of demolishing any structures that currently exists on the land.
 3. The property shall be physically contiguous to adjacent property with not less than a 50% common boundary line on one side.
 4. Initial priority shall be given to the disposition of properties of insufficient size to permit independent development.
 5. Intended use for lot must be disclosed by the intended recipient. Use must comply with any applicable zoning and must be included in approved uses as specified by the city, village or township. The transfer may include a deed restriction requiring the use of the property to be consistent with the stated use.
- B. Pricing
1. Properties sold as a side lot to an adjacent owner shall be priced per the pricing guidelines approved by the Land Bank Board. Title examination and insurance, if desired and recording fees are the responsibility of the transferee and are not included in the sale price.
- C. Transfer Procedures
1. The Land Bank will accept applications for Side Lots from contiguous property owners who wish to acquire an adjoining property.
 2. Applications from owner-occupants will take priority over applications from owners who do not occupy the contiguous property.
 3. The Land Bank will attempt to facilitate a transfer of the parcel to a single side-lot owner whenever possible.
 4. In the event that multiple adjacent property owners desire to acquire the same side lot, the property may be divided and transferred among the interested contiguous property owners. To facilitate such as transaction the adjacent owners may be required to pay the costs of a survey of the land in order to split the parcel, in addition to the standard consideration.
 - i. If both parties do not agree to this resolution, the property will be sold based on the highest offer.
 - ii. In the event of two or more interested purchasers, a contiguous property owner who needs the parcel for a driveway or any other local code compliance issue will receive priority.

5. Having identified a side-lot end-user or users, the individual(s) so designated by the Board will be authorized to facilitate a transfer of the property without further Board approval.
6. The Land Bank will prepare and provide a general warranty deed for the property and otherwise facilitate closing, which will include sharing one-half (1/2) the expenses of title costs and closing costs.

Section 4.04 Disposition of Improved Properties

Improved property that the Land Bank owns or is acquiring is eligible to be purchased through the Improved Property Disposition Program, under the conditions listed below. The transfer of any given parcel of property in the Improved Property Disposition Program is subject to override by higher priorities as established by the Land Bank.

- A. Qualified Properties – parcels of property eligible for inclusion in the Improved Property Disposition Program shall meet the following minimum criteria:
 1. The property includes a residential or commercial structure
 2. The property has been inspected by the Land Bank to determine if the structure(s) has the potential for rehabilitation.
 3. The property shall be owned or being acquired by the Land Bank.
 4. Intended use for the property must be disclosed by the intended recipient. Use must comply with any applicable zoning and must be included in approved uses as specified by the city, village or township.
 5. The transfer may include a deed restriction requiring the use of the property to be consistent with the stated use.
- B. Pricing
 1. Properties sold as improved properties will be priced in accordance with the approved guidelines. Title examination, title insurance and recording fees are not included in the sale price. Any variation from pricing guidelines must have Board approval.
- C. Transfer Procedure
 1. The Land Bank will provide a list of available improved properties upon request, or shall post the list on the Land Bank’s website
 2. The Land Bank will accept applications for improved properties from individuals, companies, governments, non-profit agencies or others who wish to acquire one or more improved properties.
 3. The Land Bank will attempt to facilitate transfer of an improved parcel to an end-user based on the following end-use priorities:
 - Home ownership
 - Historic preservation

- Mixed income development
 - Rental
 - Institutional/public use
 - Commercial
4. Improved properties may be transferred under one of the following scenarios:
- i. An improved property that is available for immediate occupancy may be transferred directly to a qualified end-user
 - ii. Property in need of repair prior to occupancy may
 - a. Be transferred directly to an approved rehabber. Criteria for approval of rehabbers will be established by the Board.
 - b. Be transferred to a rehabber agreeing to make required repairs prior to receiving deed for the property (deed-in-escrow)
 - c. Be transferred to an individual who will make necessary repairs and reside in the property for a specified period of time. Deed will be held in escrow until certificate of occupancy is obtained
5. Having identified an end-user or users, the individual(s) so designated by the Board will be authorized to facilitate a transfer of the property without further Board approval.
6. The Land Bank will prepare and provide a general warranty deed for the property and otherwise facilitate closing, which will include sharing one-half (1/2) the expenses of title costs and closing costs.

Article V. Commercial Property

(Adopted 07/11/2019 – Resolution 2019-5)

Section 5.01 Definitions

- A. “Commercial property” means any non-residential property, including commercial, industrial and mixed use properties and residential properties with five or more units.
- B. “Major commercial property” means any commercial property with a gross building area of 10,000 square feet or more or occupying land 1 acre or more.
- C. “Development plan” means a comprehensive plan for the development or redevelopment of commercial property submitted by a qualified end-user for approval by the Land Bank.
- D. “Qualified end-user” means an end-user who meets the Land Bank’s general disposition requirements and can demonstrate the capacity to successfully redevelop vacant commercial property consistent with the proposed development agreement.

Section 5.02 Acquisition Considerations

- A. The Land Bank may acquire a commercial property after a qualified end-user has submitted a development plan to the Land Bank.
- B. The Land Bank may coordinate with the County Treasurer’s office and County Prosecutor’s office to carry out tax foreclosure proceedings on an eligible commercial property, whether or not the Land Bank ultimately takes title to the property. Before taking title to a commercial property, the Land Bank may assess, secure, and market a commercial property on the forfeited lands list.
- C. The Land Bank will not acquire title to a major commercial property without receiving a development plan from a qualified end-user that is approved by the Board of Directors following the Board of Director’s determination that the development plan will restore the major commercial property to productive use, and without entering into a purchase agreement with the qualified end-user following the Board’s approval of the development plan.

Section 5.03 Disposition Considerations

- A. The Land Bank will prioritize commercial property end-users with development plans that will accomplish some or all of the following goals:
 - 1. Preserve or increase property values;
 - 2. Increase the marketability of residential properties;
 - 3. Create new businesses or employment opportunities;
 - 4. Preserve historic structures;
 - 5. Create new housing opportunities;
 - 6. Increase walkability or access public transit; and
 - 7. Assist in the remediation of a brownfield site.
- B. For major commercial properties, the Land Bank will consult with residents, neighborhood-based organizations, political subdivisions, institutional end-users, and other community stakeholders prior to seeking Board approval of a development plan submitted by a qualified end-user.
- C. The Land Bank will avoid acquiring or disposing of a commercial property in a manner that may negatively affect the stability of any adjacent neighborhoods or the community, notwithstanding any offers or development plans received.

Section 5.04 Commercial Purchase Agreements

- A. The Land Bank and the end-user will negotiate the terms of the Purchase Agreement on a property-by-property basis. Terms will include purchase price, development plan, end use plan, and project timeline.
- B. Development plans will contain the following:

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1. A list of all development partners, including contractors, project manager, architects, legal counsel, realtors, and any other partners;
 2. A narrative description of the development work to be completed, project time line, and final end use;
 3. The sources of financing or funding available to complete the project;
 4. A description of or application for any special use permit, variance, or rezoning necessary to accomplish development plans; and
 5. A description of previous commercial property experience, if any.
- C. Purchase Agreements may be made conditional upon satisfaction of any of the requirements described in Section 5.04(B), or any other requirements necessary to demonstrate the capacity to undertake development work, at the Land Bank’s sole discretion.
- D. The Land Bank may retain in interest in commercial property through the Renovation Enforcement Note and Mortgage procedure described in Section 6.04. At the Land Bank’s sole discretion, end-users will either be required to certify code compliance with the political subdivision in which the property is located, or pass a safety and habitability inspection verifying the following:
1. The property is safe and secure;
 2. All major systems are properly installed and functional;
 3. The property is cleaned and appropriately maintained on both the interior and exterior; and
 4. Any other conditions in the development agreement.
- E. The Land Bank may enter into a commercial realtor/broker listing arrangement and pay a market-based commission on the same terms as residential property under these Policies & Procedures.

Section 5.05 Environmental Considerations

- A. The Land Bank will not take title to or have any work performed on a commercial property that has or is likely to have environmental contamination without:
1. Obtaining a Phase I Environmental Assessment;
 2. Prior approval of the Board of Directors; and
 3. Prior or funded environmental remediation rendering the site clean and free from contamination.
- B. Notwithstanding Section 5.05(B), the Land Bank may acquire a commercial property with known or likely environmental contamination as a pass-through entity if:
1. The qualified end-user agrees to fully indemnify the Land Bank for all liability stemming from environmental contamination on the commercial property; and

2. The qualified end-user agrees to remediate existing environmental contamination to acceptable standards as a condition of the development agreement.

Article VI. Blight Elimination Demolition Policy

(Adopted 11/4/2015 – Resolution 2015-8)

One of the Land Bank’s primary responsibilities is blight elimination. Demolition of vacant and abandoned structures is a key element in eliminating blight. Demolition may occur in conjunction with a transfer to a qualified end-user. Demolition may also occur while the Land Bank works to identify a side lot end-user or users who will take title to the future unimproved land, or in coordination with land assembly for future use.

Section 6.01 General Demolition Procedures

Section 6.02 Property Inspection

- A. Prior to acquisition, the Land Bank will engage a property inspector or internal staff who will evaluate the current condition of any structures on the property.
- B. Upon return of the inspection report, the Land Bank will coordinate its resources to make a final decision regarding demolition of the property.

Section 6.03 Asbestos Survey

- A. The Land Bank will order an asbestos survey from a qualified asbestos consultant.
- B. If survey results indicate abatement is necessary, Land Bank will contract with an asbestos contractor to comply with current EPA requirements.

Section 6.04 Selection of Demolition Contractor and Award of Contract

- A. The Land Bank will compile a list of qualified demolition contractors.
- B. The Land Bank or its agent will prepare detailed bid specs for demolition and solicit bids from pre-qualified contractors. Properties may be bundled for bid purposes.
- C. Contract will be awarded to the pre-qualified contractor providing the lowest and best bid.
- D. Executed contract will include all necessary permitting, environmental compliance, total removal of the structure, including but not limited to foundation or substructure, driveway, walkways and septic tanks, proper disposal of debris, grading of lot and planting of grass.
- E. Other contract requirements may be included as necessary.
- F. Deconstruction of the structure may be permitted to recover important historic materials or architectural details. A nonprofit or community group with experience in deconstruction may contact the Land Bank regarding a specific property scheduled for demolition. Where health and safety concerns or timely coordination of the demolition make deconstruction impractical, a request may be denied.

Section 6.05 Post Demolition

- A. Property will be inspected to ensure that contractor has fulfilled all contract requirements prior to release of final payment.

- B. If Land Bank continues to hold title to the property, a maintenance plan will be established in compliance with the Land Bank’s Maintenance Policy.

Article VII. Rehabilitation Policy

(Adopted 11/04/2015 – Resolution 2015-9; as amended meeting 10/01/20)

The Land Bank may acquire improved properties at the request of a potential end-user or may elect to acquire an improved property with the intention of rehabilitating the property for future sale.

The Land Bank will work with community groups, qualified contractors, individuals and others seeking to purchase and rehab a home in order to return a property to private ownership as soon as possible.

The Land Bank’s resources are best used to identify an end-user who will take title to the property and return it to productive use. An important part of this process is ensuring that properties in need of rehabilitation are brought up to code, at minimum, or to quality housing standards, as established by the Land Bank. With this in mind, the Land Bank will attempt to achieve an appropriate balance between necessary maintenance and the efficient use of its resources.

A. Procedures

1. Property evaluation

- i. The Land Bank will utilize a building inspector, certified contractor and/or Land Bank staff to evaluate the condition of the structure identifies required repairs and estimate the cost of the repairs.
- ii. Minimum rehab requirements will be based on local building codes and repairs necessary to obtain a certificate of occupancy.
- iii. The Land Bank may establish specific quality housing standards that exceed minimum building code requirements.

2. Property showing

- i. The Land Bank will maintain a list of homes available for rehab. The list will include basic property information, such as parcel number, address, neighborhood, square feet and availability. Such list may be displayed in a manner determined by the Land Bank (i.e. website, hard copy maintained in Land Bank office, etc.).
- ii. Interested rehabbers and/or purchasers may submit an offer for the property along with their qualifications and rehab specifications. Rehab specifications will be reviewed for compliance with local building standards and/or the Land Bank’s quality housing standards.

3. Vetting Rehabbers

- i. The Land Bank will vet all rehabbers prior to entering into any contract or purchase agreement for a property.

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- ii. The rehabber’s company and its principal officer or officers are vetted for tax delinquency, housing court problems, violent crime and lawsuits involving rehabilitation and subcontractor disputes.
 - iii. The Land Bank will review verified, previous successful rehabs and references from Community Development Corporations (CDC) or municipal officials.
 - iv. The Land Bank will consider the financial capacity of the rehabber to complete the required work.
 - v. Results of the vetting process will determine whether a property will be sold directly to the rehabber, rehabbed and sold to another purchaser, sold through a deed-in-escrow program, or the offer rejected and the property made available to other rehabbers.
 - vi. In cases where the rehabber has a well-known reputation and proven success in rehabbing properties, the property may be transferred directly to the rehabber. When a rehabber has no negative history, but also no verifiable history, the Land Bank will take steps to ensure that all rehab work is completed to an acceptable standard, normally a certificate of occupancy.
4. Deed-in-escrow
- i. When working with unproven contractors, community groups or individuals, the Land Bank must ensure that the distressed property is brought up to at least minimum standards.
 - ii. The “deed-in-escrow” agreement involves the execution of a purchase agreement, but the deed is held in escrow until the rehabber secures a Certificate of Occupancy upon completion of the work. At that time, the rehabber pays the purchase price for the property. There are several obvious benefits to the deed-in-escrow agreement.
 - a. The Land Bank holds title to the property until the work is completed. If the rehabber fails to perform mid-stream, the rehabber forfeits all improvements and expenses made on behalf of the property;
 - b. This process is based on a predictable and objective standard, i.e., Certificate of Occupancy;
 - c. The property remains in a tax-free state while the rehab is being completed;
 - d. The rehabber is not required to pay the purchase price until the work is completed thereby not tying up his/her money.
 - e. Entry into a deed-in-escrow contract gives the buyer “equitable title” to the property (and thereby an insurable interest).
5. If the rehabber’s insurance agency or lender insists on the rehabber having actual title, then a “reverse deed-in-escrow” provides yet another alternative. In this situation, the deed is transferred to the rehabber for the purpose of procuring insurance and/or financing. Simultaneously, the

rehabber contingently tenders a deed directly back to the Land Bank. If the rehabber fails to perform as promised, the Land Bank is free to file the deed back into its name.

Article VIII. Maintenance

(Adopted 11/04/2015 - Resolution 2015-7)

Section 8.01 Maintenance Generally

As a general policy, the Land Bank will work with qualified end-users, community-minded neighbors, and others to return a property to productive, private ownership as soon as possible. However, the Land Bank may acquire parcels that will require regular maintenance for extended periods of time while end-users are solicited.

The Land Bank's resources are best used to identify an end-user who will take title to the property and return it to productive use. With this in mind, the Land Bank will attempt to achieve an appropriate balance between necessary maintenance and the efficient use of its resources.

A. Maintenance Procedures

1. Maintenance Property

- i. When the land bank acquires an improved property that will be held and/or rehabilitated or when the Land Bank acquires a vacant lot without a designated end-user, the parcel shall be considered a Maintenance Property.

2. Maintenance Generally

- i. The Land Bank will seek qualified vendors for all maintenance necessary on the property for the duration of the Land Bank's ownership.
 - a. To use resources most efficiently, the Land Bank will prioritize maintenance partnerships with public-sector vendors or not-for-profit organizations whenever possible.
 - b. When necessary, the Land Bank may solicit bids from private vendors in order to meet its maintenance needs. A request for proposals of this nature may include a block of properties or properties on an individual basis.

3. Maintenance Standards

- i. For all newly acquired improved properties the Land Bank will require the vendor to:
 - a. Remove all trash and debris
 - b. Change locks
 - c. Board up or otherwise secure the property
 - d. Terminate all utilities
 - e. Winterize (when necessary)
- ii. For all newly acquired vacant lots the Land Bank will require the vendor to:
 - a. Remove all trash and debris
 - b. Mow grass and/or weeds

- iii. Ongoing maintenance will include:
 - a. Removing debris from porch, steps, yard and driveway
 - b. Re-securing the property if necessary
 - c. Mowing of lawn on a regular basis, as necessary
- iv. When maintenance is provided by the municipality, maintenance schedule will be coordinated with the municipality's existing maintenance schedule.

Article IX. Insurance

(As approved 02/15/17 Meeting)

Section 9.01 Insurance Requirements

- A. Each property that the Land Bank acquires will be covered by general liability insurance for the duration of the Land Bank's ownership.
- B. The Land Bank may purchase casualty insurance for a property on a case-by-case basis. Factors to consider regarding the purchase of casualty insurance include the proposed length of Land Bank ownership and the fair market value of the property.
- C. Viability of the proposed future development, end-user commitment, and any other relevant factors.
- D. If a private property owner transfers a property to the Land Bank for land assembly, the Land Bank will have the right, but not the obligation, to maintain, repair, demolish, clean, and grade the property and perform all other tasks and services regarding the property that the Land Bank determines are necessary.

Article X. Appeals

Section 10.01 Appeals to the Chairman

- A. An interested party unsatisfied with a Land Bank staff member's decision or conclusion on a matter may request that the Land Bank's Chairman review the matter.
- B. The Land Bank's President will independently discuss the matter with the staff member and the interested party and will notify the interested party of the outcome within seven (7) days.

Section 10.02 Appeals to the Board of Directors

- A. When an interested party is directly affected by a decision of the Land Bank, the party may file an appeal with the Land Bank's Board of Directors. The appeal must be in writing and submitted to the Land Bank no later than ten (10) days after notice of the Land Bank's decision.
- B. The Land Bank's Board of Directors will consider each appeal on a case-by-case basis to determine whether the decision of the Land Bank followed these Policies and Procedures or the Board's resolutions.
- C. If an interested party wishes to appeal a decision of the Land Bank regarding a side lot or vacant land transfer that is consistent with these Policies and Procedures, the appellant must describe in detail the reason for the appeal. The Land Bank's Chairman will have the discretion to dismiss an appeal under this section without further action of the Board when an interested party is aggrieved based solely on the

lawful current use of a proposed end-user's property or the lawful expected future use of the side lot or vacant land.

- D. If the Board determines that the Land Bank acted in a way inconsistent with these Policies and Procedures or the Board's resolutions, the Board may take action to correct the prior decision. When feasible, the Board may instruct the Land Bank to reconsider its decision in a manner consistent with these Policies and Procedures.
- E. Regardless of the outcome of the appeal, the Board will instruct the Land Bank to notify the party of the outcome of the appeal in writing.
- F. If the Land Bank has decided to acquire or dispose of a property or contract for services, and if at the time of the appeal the Land Bank has contracted to acquire or dispose of property or contract for services, the appeal will not affect the ability of the Land Bank to acquire or retain title to the property, dispose of the property, or perform its contractual obligations.

Article XI. Inspection, Release and Retention of Public Records Policy

(As approved 08/01/19 meeting)

Section 11.01 Purpose

Sandusky County Land Reutilization Corporation (Land Bank) hereby adopts this policy in order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43). With respect, any individual or organization seeking to inspect or obtain copies of Land Bank records is expected to comply with the policy.

Section 11.02 Definition of Public Record

The Land Bank, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the Land Bank which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office, except those records that are otherwise identified as exempt under Ohio Public Records Act, or the release of which is prohibited by State or Federal law.

Section 11.03 Record Request

All record requests must be submitted to the Land Bank Chairman or his or her designee. Public record requests may be made in person, by telephone, or in writing. Any individual or organization wishing to inspect or obtain copies of public records must identify the records requested with sufficient clarity to allow the Land Bank office to identify, retrieve, and review the records.

- A. Although the individual or organization wishing to inspect or obtain copies of public records is not required to submit a public record request in writing; nor are they required to provide his or her identity, or the intended use of the requested public record, it is recommended a Public Record Request be completed in writing to enhance the ability of the Land Bank to comply with the request. Prior to asking the requestor to submit his or her request in writing, it must be reaffirmed to the requester; submission of a written request with his or her identity and its intended use is not mandatory.

- B. The Land Bank Chairman, or his or her designee, will prepare and make available for inspection and/or copy public records, as defined in Ohio Revised Code, section 149.43, upon the request of any individual or organization of the general public.
- C. If it is not clear what records are being sought, the Land Bank may deny a request, but will provide the requestor an opportunity to revise the request by informing the requestor of the manner in which the office keeps its records.
- D. Prior to denying or redacting any part of a public record request, the Sandusky Land Bank Legal Counsel shall review the request for legal authority.
- E. The Land Bank establishes the limit of (10) record requests mailed via U.S. mail per month to any one requester, unless the requester certifies its use is non-commercial.
- F. The Land Bank, or his or her designee, has no responsibility to search for and retrieve records that contain ambiguous information that is of interest to a requestor. The Ohio Public Records Act requires the Land Bank to provide a copy of the information, as it currently exists.

Section 11.04 Inspection Time

Public records are to be available for inspection during regular Land Bank business hours, with the exception of published holidays. However, not all records are available for inspection upon demand. Ohio Public Records Act specifies public records must be made available for inspection *promptly*, and copies of public records must be made available within a *reasonable* period of time.

- A. “Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. Records must often be reviewed and non-public information redacted before inspection can be permitted.
- B. Any denial of a public record request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remaining portion released. If there are redactions, each redaction must be plainly visible and accompanied by a supporting explanation, including legal authority as outlined in the Ohio Revised Code. Any denial of a public record request or a redaction of certain information on a public record shall be documented with a copy forwarded to the requestor.
- C. Any inspection of records shall take place in the presence of the Land Bank Chairman, or his or her designee.
- D. Any and all copying of records shall take place by the Land Bank, or his or her designee.
- E. When a public record request is made to examine a personnel file, the employee, to the extent practicable, will be informed that his or her personnel records have been requested and, if known, the name of the individual making the request.
- F. If there is a question regarding whether the content of a requested record is a public record, the Land Bank Chairman, or his or her designee shall request an opinion from the Land Bank Legal Counsel. The individual or organization submitting the request shall be advised; Legal Counsel is reviewing the request to ensure the said Land Bank office does not improperly release protected and/or exempt information.

Section 11.05 Record Retention

All public records in the custody of the Land Bank shall be retained in accordance with the Records Retention Schedule (RC-2).

- A. If a Schedule has not been established, the Land Bank shall maintain its public records indefinitely unless the retention period set forth in its appropriately enacted records retention schedule has expired. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, unless in compliance with Ohio Revised Code and Ohio Historical Society's Local Government Records Program.

Section 11.06 Fees for Copying of Public Records

- A. The Land Bank will provide copies of records at cost - in accordance with said Land Bank Office's copy fee schedule. Fees must be paid in advance before copies will be provided.
 - 1. The fee for letter / legal size paper copies in this office will be: \$.10 per page.
 - 2. The fee for downloaded computer files to a compact disc or digital video disc is \$.50 per disc.
 - 3. The fee for downloaded computer files to an 8GB USB flash drive is \$8.00 per drive.
 - 4. There shall be no fee for documents e-mailed.
- B. Individuals or organizations may ask that documents be mailed to them via U.S. mail. They shall be charged the actual cost of the postage and mailing supplies in addition to the cost of copies prior to mailing.
- C. The Land Bank Chairman, or his or her designee may waive the fee provisions under this policy when a request to obtain copies of records is made:
 - 1. By another governmental agency;
 - 2. By an authorized representative of another governmental agency;
 - 3. In accordance with a Court Order.

Section 11.07 E-mail

- A. Documents in electronic mail format are records as defined in Ohio Revised Code section 149.43, when their content relates to the business of the Land Bank office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.
 - 1. All record requests shall conform to Section 11.03 of this policy.

Section 11.08 Disclaimer

- A. The Land Bank will conform to the requirements of the Ohio Public Records Act as described in Section 149.43 of the Ohio Revised Code. Any amendments to this section of law take precedence over this policy.

REVISION HISTORY

Amended Date	Resolution No.	Extent of Revision
09/01/20	N/A	Changes to format, numbering, spelling, consistency reference to Land Bank and Table of Contents updated. Ensured all Policies & Procedures previously adopted by the Board were incorporated into the document. Added header and footer to include document title and Revision date. Added Section XI Inspection, Release and Retention of Public Records Policy (As approved 08/01/19 meeting)