

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5326

Bill 1 of 2022

Introduced in Council
January 3, 2022

**AN ORDINANCE AUTHORIZING THE DESIGNATION OF
JOHNSTOWN REDEVELOPMENT AUTHORITY AS THE
LAND BANK FOR THE CITY OF JOHNSTOWN**

WHEREAS, vacant, abandoned, and tax-delinquent properties adversely affect the economic and social vitality of the City of Johnstown, and

WHEREAS, vacant, abandoned, and tax-delinquent properties impose significant costs on taxpayers, neighborhoods and communities throughout the City of Johnstown by lowering property values, increasing fire and police protection costs, decreasing tax revenues, and undermining community cohesion, and

WHEREAS, there is an overriding public need to confront the problems caused by vacant, abandoned, and tax-delinquent properties through the creation and utilization of tools to return these types of properties into vibrant, revitalized places, and

WHEREAS, land banks are one of the tools that may be used to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use, and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania pursuant to Act 33 of 2018, P.L. 221 (June 19, 2018) granted land bank jurisdictions located with certain counties the authority to designate a redevelopment authority created for the jurisdiction and operating under the Urban Redevelopment Law, as a land bank for the jurisdiction, and

WHEREAS, the Johnstown Redevelopment Authority as a land bank will confer on Johnstown Redevelopment Authority the powers of a land bank, and

WHEREAS, the City of Johnstown will benefit from the designation of the Johnstown Redevelopment Authority as a land bank.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the City Council of the City of Johnstown, as follows:

SECTION 1. PURPOSE AND AUTHORITY

A. It is the purpose of this Ordinance to designate the Johnstown Redevelopment Authority to act as a land bank for the City of Johnstown pursuant to the authority granted under Act 33 of 2018, P.L. 221 (June 19, 2018) which amended the Pennsylvania Land Bank Law, 68 Pa. C.S. §§2101-2120.

B. The City of Johnstown is designating the Johnstown Redevelopment Authority to act as a land bank in order to mitigate blight, encourage the redevelopment of vacant, abandoned, and tax-delinquent properties, foster economic development of these properties, and improve the quality of life of neighborhoods affected by these properties.

SECTION 2. DEFINITIONS

As used in the Ordinance, the following terms shall have the following meanings:

A. "Act 33 of 2018." The act of June 19, 2018, P.L. 221, No. 33, codified at 68 Pa. C.S. § 2104(h).

B. "Authority." Johnstown Redevelopment Authority, a redevelopment authority created for the City of Johnstown and operating under the act of May 24, 1945 (P.L. 991, No. 385), known as the Urban Redevelopment Law.

C. "Authority as Land Bank." The Authority when acting as a land bank pursuant to the Land Bank Law and this Ordinance.

D. "Land Bank Activities." Any and all activities, operations, actions and functions undertaken by the Authority pursuant to the Land Bank Law and this Ordinance.

E. "Land Bank Law." The act of October 24, 2012, P.L. 1239, No. 153, codified at 68 Pa. C.S. §§ 2102-2120 and any amendments thereto.

F. "Owner-Occupant." A natural person with a legal or equitable ownership in the property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of the initial delinquency.

G. "Person." A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth of Pennsylvania), estate, trust or natural person.

H. "Policies." The rules, policies and procedures adopted by the Authority pursuant to this Ordinance and the Land Bank Law.

I. "Real Property." Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leaseholder.

SECTION 3. DESIGNATION

The Authority is hereby designated as the land bank for the City of Johnstown pursuant to Act 33 of 2018 and § 2104(h)(1) of the Land Bank Law, 68 Pa. C.S. § 2104(h).

SECTION 4. POWERS OF AUTHORITY AS A LAND BANK

The Authority shall have all the powers conferred upon a land bank under the Land Bank Law, including but not limited to § 2107.

SECTION 5. COMMUNITY REPRESENTATION ON BOARD OF THE AUTHORITY

A Board shall be created for the executive action of JRA as a Land Bank. Board members of JRA as a Land Bank will consist of all current JRA Board members with terms concurrent to their terms as authority board members.

Upon a vacancy or expiration of the term of an Authority's board member occurring after designation of the Authority pursuant to this Ordinance, the City of Johnstown shall appoint replacements to the Authority's board and ensure that at least one voting board member (i) is a

resident of for City of Johnstown; (ii) is not a public official or municipal employee, and (iii) maintains membership with a recognized civic organization within the jurisdiction of City of Johnstown.

Any person may submit recommendations to City of Johnstown concerning membership of the Authority's Board and appointments thereto by City of Johnstown.

SECTION 6. ACTION TAKEN BY BOARD OF THE AUTHORITY

All action taken by the Board of the Authority must be done in compliance with §2105(h) of the Land Bank Law.

SECTION 7. ACQUISITION OF REAL PROPERTY

A. The Authority as Land Bank shall hold title in its own name to all Real Property it acquires.

B. The Authority as Land Bank may acquire Real Property by any legal means, on terms and conditions and in a manner the Authority considers proper.

C. If the Authority as Land Bank acquires a residential property occupied by Owner-Occupants, it shall be the Authority's policy to show a preference for keeping the Owner-Occupants within their homes.

D. The Authority as Land Bank shall acquire, hold and dispose of Real Property in accordance with the Land Bank Law.

E. Any person may submit recommendations to the Authority concerning Real Property that could be acquired and the proposed uses for which such property could be redeveloped.

SECTION 8. POLICIES

A. The Authority shall develop Policies which are consistent with the Land Bank Law and with this Ordinance.

B. After the adoption of the Policies by the Authority, the Policies shall be reviewed at least annually by the Authority with the opportunity for public input and comment. The Policies shall be published on the Authority's website.

C. The Policies adopted by the Authority shall include ethical standards, financial disclosure standards and conflict of interest guidelines consistent with § 2115 of the Land Bank Law and all other applicable state and local laws.

SECTION 9. FINANCIAL PROVISIONS

A. The Authority shall finance Land Bank Activities through any means authorized under the Land Bank Law or any other applicable law.

B. Finances of the Authority as Land Bank shall be retained and accounted for separately from finances held for other Authority purposes and shall be subject to the annual auditing and reporting requirements of § 2119 of the Land Bank Law.

SECTION 10. REVOCATION OF THE DESIGNATION

The designation of the Authority as Land Bank may be revoked in the same manner as the dissolution of a land bank under § 2114 of the Land Bank Law.

SECTION 11. FILING OF THE ORDINANCE

Upon adoption of this ordinance, the City of Johnstown shall file a copy of the Ordinance with the Pennsylvania Department of State and provide a copy to the Pennsylvania Department of Community and Economic Development.

SECTION 12. EFFECTIVE DATE

This ordinance shall be effective as of March 1, 2022.

Ordained and enacted by the City Council of the City of Johnstown this 9th day of February 2022.

PASSED FINALLY IN COUNCIL: January 12, 2022

By the following vote:

Yeas: Mr. Arnone, Mayor Janakovic, Mrs. Mock, Mr. Britt, Rev. King, Ms. Huchel, Mr. Capriotti

Nays:

Absent:



Frank J. Janakovic, Mayor

Michael Capriotti, Deputy Mayor

ATTEST: I do hereby certify that the following is a true and correct copy of Ordinance No. **5326** as the same was enacted by the City Council of the City of Johnstown, Cambria County, Pennsylvania.



Daniel Penatzer, Interim City Manager