

Nearly 50 interested residents attend land banks meeting

By Jyll Phillips

For the Lincoln Sentinel

Kelly Larson, Director of the Lincoln County Economic Development Foundation, held a public meeting Wednesday, December 11, to explore options in dealing with vacant and dilapidated properties that would benefit the county as a whole. Hoping for a handful of interested parties, Larson expressed her surprise when the community room at the Finch Theatre filled with interested residents from throughout the county.

Larson explained the last census showed 1,844 housing units in the county. Of those, 1,387 units, or 75 percent are occupied, leaving 25 percent, or 457 of the units vacant. On average, homes are occupied with 2.25 people with a median income of \$44,509 per year, and a median home value of \$75,440.

In 2000, the county had a 17.5 percent vacancy rate. In 2021 that is expected to be greater than 25 percent. A breakdown by community shows Barnard with a vacancy rate of 51 percent, Beverly with 31 percent, Lincoln with 24 percent and Sylvan Grove with 28 percent. In addition, an estimated 50 percent of all commercial buildings are currently vacant.

The high vacancy rate is an issue for the county for several reasons. Vacant structures are typically not maintained as well as properties that are occupied, creating unsightliness, reflecting poor on the pride held for county property. Vacancy contributes to health and safety concerns as structures begin to deteriorate. Our cities are forced to absorb the costs of maintenance. Furthermore, as buildings are abandoned for one reason or another, there are fewer properties to shoulder the burden of supporting the county.

The tools we have at our disposal today include city code enforcement, volunteer efforts, and tax foreclosure sales. Often the properties purchased through tax foreclosure are used for storage which, while it does improve the ability to collect property taxes, doesn't change the vacancy rate, and seldom leads to improved maintenance.

Audree Aguilera, Community Development Coordinator for the City of Lyons, presented information concerning the Land Bank Lyons has created to deal with these properties.

A Land Bank is a government or nonprofit entity that is focused on the conversion of vacant, abandoned and tax delinquent properties to productive use. Eleven states passed land bank legislation between 2009 and 2016, according to the Center for Community Progress. These 11 states are operating a total of 170 land banks. Land banks are designed to acquire and maintain problem properties, then transfer them back to responsible ownership in compliance with local land use goals and priorities. Some land banks hold a policy to only acquire vacant land. Others acquire buildings and houses.

Land banks are authorized to obtain property at low or no cost through the tax foreclosure process and hold the land tax-free, clear the title and/or back taxes, lease properties for temporary use, and negotiate sales based not only on the highest bid but on the outcome that most closely aligns with community needs, such as workforce housing, grocery store or expanded recreational space.

Properties might be acquired through the donation of properties set for demolition through code enforcement and tax sales.

While land banks are designed to help reduce problem properties, activities must complement other community strategies such as code enforcement, smart planning and community development, and effective tax collection and enforcement. In other words, there must be a plan in place.

Kansas law allows cities to establish land banks by adopting an ordinance, while counties may establish land banks by adopting a resolution.

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According to publichealth-lawcenter.org, the Kansas Legislature has set requirements for the establishment of a land bank. The land bank must be governed by a board of trustees; members of the board cannot receive compensation other than reimbursement for expenses; a city may dissolve the land bank by ordinance and a county may dissolve the land bank by resolution; the board must keep accurate accounting records, available to public inspection; and annual report must be made to the governing body including an inventory of all property held by the land bank; the board of trustees can sue and be sued, enter into contracts, appoint and remove staff and may accept or refuse any property.

Aguilera cited grant opportunities to help fund the activities of a land bank such as a CDBG

grant for demolition of properties and through the Kansas Department of Health and Environment that eliminate or decrease the cost of demolition, along with other resources for environmental studies, etc.

Once a property has been accepted into the land bank, back taxes are waived.

Larson also introduced an idea currently used by the City of Russell, Wichita and Wyandotte County, called the Vacant Property Registration Ordinance.

This ordinance gives the local government a tool to discourage vacancy and abandonment of property, identify the owner of the property, ensure the owner is aware of their obligation and any codes related to the property, and set a fee on vacant property and land that can be used to fund code enforcement, maintenance, etc.

An ordinance of this type has been in use in Russell for two years. The ordinance defines the condition of the properties, any issues concerning the property and a list of all properties that are vacant or abandoned unless they are actively being marketed, in which case the fee is waived. The fee for the first six months of vacancy is \$50 for a residential property and \$100 for a commercial property. After six months, the annual fee is increased to \$250 for

residential properties and \$500 for commercial properties. The proceeds from the fees are used as incentives for new property owners. The results from the first two years of the ordinance include four dilapidated homes demolished and several others placed on the market for sale or lease.

Vacancy is defined as any property where there are no residents or businesses located. Properties used for storage are considered vacant.

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