

**CODE OF ORDINANCES**  
**CHAPTER 2 – ADMINISTRATIONARTICLE [xx]. LAND BANK AUTHORITY,**  
**CITY OF CHARLOTTESVILLE, VIRGINIA**

**Sec. [xx] – Definitions.**

For this Ordinance, the following terms shall have the meanings assigned:

1. ***Affordable Housing*** – Housing units reserved for households earning 80% or below of the Area Median Income (“AMI”) as defined by the U.S. Department of Housing and Urban Development (“HUD”) and/or where it may also mean housing units reserved for households earning 60% or below the AMI for specific City of Charlottesville, Virginia (“City”), housing policies or programs of service.
2. ***Affordable Housing Beneficiaries*** – Individuals or households earning at or below 80% of the AMI as defined by HUD), who qualify for housing assistance programs, including but not limited to the Housing Choice Voucher Program, Low-Income Housing Tax Credit (“LIHTC”) housing, or other HUD-designated affordable housing initiatives.
3. ***Affordability Covenant*** – A deed restriction or legally enforceable agreement that ensures a property remains affordable for a specified period, consistent with the Authority’s housing priorities and affordability goals.
4. ***Authority*** – The Land Bank Authority of the City of Charlottesville, Virginia (“LBAC”), established pursuant to the Virginia Land Bank Entities Act, Virginia Code §§ 15.2-7500 *et seq.*, as amended.
5. ***Blighted Property*** – Real property that, due to neglect, abandonment, disrepair, or code violations, has been declared blighted under applicable local or state law, making it eligible for remediation, rehabilitation, or acquisition by the Authority.
6. ***Board of Directors*** – The Authority's governing body is responsible for oversight, policy implementation, and financial accountability.
7. ***Community-Serving Projects*** – Developments, initiatives, or uses of Land Bank Properties that provide tangible benefits to City residents, including, but not limited to, affordable housing, public green space, community facilities, and neighborhood stabilization efforts.
8. ***Disposition Agreement*** – A legally binding agreement that governs the transfer, sale, or lease of a Land Bank Property by the Authority, specifying conditions such as affordability requirements, use restrictions, and timelines for development.
9. ***Interlocal Agreement*** – An agreement between the Authority and one (1) or more jurisdictions, as authorized under the Virginia Land Bank Entities Act (Virginia Code §§ 15.2-7500 *et seq.*, as amended) , to collaborate on land banking initiatives, regional property acquisition, and affordable housing strategies.
10. ***Land Bank Properties*** – Real property acquired, held, managed, or disposed of by the Authority in furtherance of its mission. This includes, but is not limited to, tax-delinquent properties, vacant and underutilized land, and properties designated for redevelopment or preservation in alignment with affordable housing and community stabilization priorities.

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11. ***Neighborhood Stabilization*** – The strategic intervention in areas experiencing disinvestment, blight, or high foreclosure rates with the goal of promoting affordable housing, economic development, and long-term community resilience.
12. ***Permanent Affordability*** – A housing strategy that ensures long-term or indefinite affordability of a property through mechanisms such as deed restrictions, ground leases, or partnerships with community land trusts.
13. ***Real Property*** – Lands, structures, and any and all easements and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise, and any and all fixtures and improvements located thereon.
14. ***Request for Proposals (“RFP”) Process*** – The competitive process by which the Authority solicits, evaluates, and selects developers, non-profits, or other entities for the acquisition and redevelopment of Land Bank Properties, subject to affordability and land use requirements.
15. ***Tax-Delinquent Properties*** – Real property on which taxes have remained unpaid for a period prescribed by law, making it eligible for acquisition by the Authority, under applicable tax foreclosure or tax sale procedures.

**Sec. [xx] Authority.** This Ordinance is enacted pursuant to the Virginia Land Bank Entities Act (Virginia Code §§ 15.2-7500 *et seq.*, as amended), which grants localities the authority to create a land bank entity as an authority. Additionally, an authority created pursuant to the Act shall be created as a public body corporate and as a political subdivision of the Commonwealth.

**Sec. [xx] Formation and Purpose.** This Ordinance establishes the Authority as a political subdivision to facilitate the acquisition, management, and disposition of underutilized, tax-delinquent, and vacant properties, increase the supply of affordable housing, and promote equitable land use for affordable housing development or preservation.

While this Authority is established to serve the City, it is expressly within the sole discretion of the Charlottesville City Council (“City Council”) to authorize regional collaboration in accordance with the Virginia Land Bank Entities Act (Virginia Code § 15.2-7501, as amended). Such authorization shall require a majority vote in the affirmative to amend this Ordinance.

No action, policy, or administrative determination shall restrict or preclude the Authority from seeking City Council approval to enter into interlocal agreements or cooperative land banking efforts. Any such agreement shall require an affirmative vote of City Council.

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**Sec. [xx] Vision, Mission, and Values.**

1. **Vision:** A Charlottesville where all residents have access to safe, stable, and affordable housing.
2. **Mission:** To strategically acquire, manage, and repurpose underutilized properties to support affordable housing, prevent displacement, and promote equitable community development.
3. **Core Values:**
  - A. **Transparency and Accountability** – Ensuring decision-making processes are open and accessible to the public.
  - B. **Community-Centered Development** – Prioritizing affordable housing and neighborhood revitalization.
  - C. **Equity and Inclusion** – Addressing historical disparities and promoting fair access to housing opportunities.

**Sec. [xx] Affordable Housing Priority Tiers.** The Authority shall take all necessary steps to prioritize acquiring and disposing of properties for affordable housing development according to the following income levels:

1. **High Priority (30% and below AMI):** Households in this category are classified as Extremely Low-Income (ELI) in accordance with U.S. Department of Housing and Urban Development (HUD) guidelines. These households face the highest risk of housing instability, severe cost burdens, and homelessness. The Charlottesville City Council has endorsed allocating 50% of the City’s affordable housing investments to this category. The Authority shall actively seek long-term affordability mechanisms, including deep subsidies, permanent affordability covenants, and partnerships with supportive housing providers, to ensure sustainable housing opportunities for these households.
2. **Moderate Priority (31-50% AMI):** Households in this category are classified as Very Low-Income (VLI) in accordance with HUD guidelines. These households often struggle with excessive rental cost burdens and limited homeownership opportunities, making them particularly vulnerable to displacement. The Charlottesville City Council has endorsed allocating 30% of the City’s affordable housing investments to this category. The Authority shall first prioritize Low-Income Housing Tax Credit (LIHTC)-supported developments that most service high priority, e.g., deeply affordable rental housing initiatives and targeted homeownership assistance for this population.
3. **Standard Priority (51-80% AMI):** Households in this income range can access affordable homeownership programs, rental assistance, and workforce housing options as outlined by HUD. The Authority will support efforts to stabilize housing, promote mixed-income development, and develop transitional housing models. This will help moderate-income households find affordable options while keeping housing affordable and accessible in the long run. Specifically, for households earning 80% of the Area Median Income (AMI), they are classified as Low-Income (LI) under HUD guidelines. These households can take advantage of affordable homeownership programs, workforce housing initiatives, and rental assistance. They usually face a lower risk of losing their homes compared to lower-income groups. The Authority will ensure that mixed-income strategies do not displace those in greater need and instead work to expand access to affordable housing while promoting inclusive and fair housing opportunities.

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**Sec. [xx] Title and Administrative Details.**

2. **Name of the Authority:** The entity shall be known as the Land Bank Authority of the City of Charlottesville, Virginia (“LBAC”).
3. **Address of the Principal Office:**
  - A. **Physical Address:** 700 E. Jefferson Street, 2nd Floor, the Office of Community Solutions (OCS), Housing Division, Charlottesville, Virginia 22902
  - B. **Mailing Address:** P.O. Box 911, Charlottesville, Virginia 22902

The Authority's principal office shall be located at the Office of Community Solutions, or such other location as designated by the Authority’s Board of Directors.
4. **Incorporating Locality:** LBAC is created by the City, by the adoption of this Ordinance and shall be incorporated as a public body corporate in accordance with the Virginia Land Bank Entities Act (Virginia Code §§ 15.2-7500 *et seq.*, as amended). Upon the effective date of this Ordinance, the City shall take all necessary steps to complete the Authority's incorporation process as required by law.

**Sec. [xx] Governance and Operations.**

1. **Initial Board of Directors:** City Council shall determine the names, addresses, and terms of office for the initial Members of the Authority’s Board of Directors, at the time of the Authority’s incorporation, and include them in the official record of this Ordinance after the Authority’s incorporation.
  - A. **The Board shall include:**
    1. One (1) City Councilor, appointed by City Council, for a term specified by City Council, but which shall not exceed such Councilor’s elected term of office.
    2. One (1) Member of the Charlottesville Planning Commission, appointed by the Planning Commission, for a term specified by the Planning Commission, but which shall not exceed such Member’s term on the Planning Commission.
    3. The Charlottesville City Manager, or an employee of the City designated by the City Manager to serve as his/her representative (“designee”). This Member’s term shall not exceed one’s term of employment of the City Manager and/or the designee.
    4. Four (4) individuals appointed by City Council:
      - a) Two (2) Members who shall be qualified as affordable housing beneficiaries or individuals with lived experience related to the hardship of finding safe, quality, and affordable housing.

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- b) Two (2) at-large Community Members with relevant expertise or knowledge of housing, real estate, finance, or community development.
- 5. Initial terms shall be staggered, with two (2) members serving two (2) years, and the remaining three (3) years. Thereafter, all Members shall serve four (4)-year terms. A majority of currently appointed Board Members shall constitute a quorum, and the vote of a majority of such quorum shall be necessary for any action taken by the Authority.
- 6. A vacancy in the board's membership shall not prevent a duly constituted quorum from exercising the Authority's powers and duties. However, any vacancy shall be filled within ninety (90) days in accordance with the appointment procedures set forth in this Ordinance. If a vacancy cannot be filled within this timeframe due to the specific qualifications required for Board composition, the City Manager may appoint a Director-level Staff member as an Interim Board Member.
- 7. Such Interim appointments shall not exceed ninety (90) days unless City Council, by majority vote, extends them for an additional ninety (90) days. No individual may serve more than two (2) consecutive Interim terms. If a vacancy remains unfilled beyond the Interim period, the City Manager shall provide a written report to City Council detailing efforts made to fill the position and recommending further action.

**Sec. [xx] Property Acquisition and Disposition.** The Authority shall have any and all powers enumerated under Virginia Code § 15.2-7506, as amended, including, but not limited to:

**1. General Powers:**

- A. Acquiring, holding, and disposing of real property in Charlottesville Metropolitan Statistical Area (“MSA”), including, but not limited to Albemarle County, Fluvanna County, Greene County, and Nelson County, provided that such localities have formally entered into agreements with the Authority in accordance with the Virginia Land Bank Entities Act (Virginia Code § 15.2-7500 *et seq.*, as amended)), and upon an affirmative majority vote of City Council to authorize such expansion.
- B. Entering into contracts and agreements.
- C. Accepting grants, loans, and public/private funding.
- D. Providing financing options for affordable housing and redevelopment projects within the Charlottesville MSA.
- E. Prioritizing the acquisition and development of affordable dwelling units, particularly for Critical Need (0 - 30%) to Moderate Priority (0 - 60%) households earning AMI in accordance with City Council’s endorsed housing priorities.

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**2. Acquisition of Property:**

- A. The Authority may acquire real property only within the City's jurisdiction in the normal course of business. Any acquisition, transaction, or land banking activity outside of the City's jurisdiction, including within the Charlottesville MSA, shall require an affirmative majority vote of the City Council in accordance with the provisions of this Ordinance and applicable state law.
- B. In regard to conflict interests or violations of governing regulation for quasi-public entities, the Authority may follow its own adopted and City Council-approved standard operating procedures to acquire real property only within the City's jurisdiction, unless otherwise authorized by an affirmative majority vote of the City Council, pursuant to the provisions of this ordinance.
- C. The Authority may acquire real property through purchase, donation, foreclosure, transfers from the City, or tax-delinquent property acquisition, subject to applicable laws and policies.
- D. The Authority shall not exercise eminent domain.
- E. All acquisitions shall align with the Authority's mission to increase the supply of affordable housing and prevent displacement.

**3. Disposition of Property:**

- A. The Authority shall establish comprehensive policies and procedures governing the sale, lease, or transfer of Land Bank properties to ensure transparent, equitable, and strategic asset management.
- B. Property disposition shall prioritize:
  - 1. Affordable housing development that aligns with local housing needs and affordability targets.
  - 2. Community-serving projects that enhance neighborhood stability and economic revitalization.
  - 3. Neighborhood stabilization initiatives to prevent blight and disinvestment.
- C. The Authority may require covenants, deed restrictions, or affordability agreements to ensure long-term housing affordability.
- D. Strategies for flexible land disposition will be formulated to support small-scale housing initiatives that align with the City's zoning regulations, all while aiming to reduce administrative complexities.

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- E. The Authority may approve direct transactions outside of the RFP process when a stakeholder or property owner approaches the Land Bank for assistance, provided that such decisions are documented transparently and require a two-thirds (2/3) majority vote of the Board.

**Sec. [xx] Financial Operations and Oversight.**

**1. Financing of Operations:**

- A. The Authority may receive funding through
1. City appropriations designated for affordable housing.
  2. State and federal grants supporting land banking and redevelopment efforts.
  3. Philanthropic contributions and private investments to expand housing opportunities consistent with the mission and values of the Authority.
  4. Revenues generated from property sales, leases, or other transactions.
  5. A share (up to 50%) of real property tax revenues collected on properties conveyed by the Authority, commencing with the first taxable year following the date of conveyance and continuing for up to ten (10) years.
- B. The Authority shall maintain a dedicated fund for all revenues and expenditures, which shall be subject to annual audit and financial oversight.

**2. Exemption from Taxes:**

- A. The Authority shall be exempt from local and state taxes or assessments on properties it owns, as provided in Virginia Code § 15.2-7510.

**3. Annual Reporting and Oversight:**

- A. The Authority shall submit an annual report to City Council, which shall include:
1. Financial statements detailing revenues, expenditures, and fund balances.
  2. A comprehensive inventory of properties held, acquired, or disposed of within the Fiscal Year.
  3. Analysis of disposition outcomes, including the number of affordable housing units created or preserved.
  4. Community impact assessment evaluating the effectiveness of the Authority's activities in addressing housing needs.

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- B. The Board shall adopt internal financial controls, transparency measures, and compliance procedures to ensure fiscal responsibility and public accountability.

**Sec. [xx] Dissolution of the Authority.**

1. A two-thirds (2/3) vote of the Board, subject to approval by City Council, may dissolve the Authority.
2. Upon dissolution, all remaining assets, properties, and obligations shall revert to the City.
3. Dissolution shall not occur unless all outstanding obligations, debts, and contractual commitments of the Authority have been lawfully satisfied or otherwise provided for through an approved Transition Plan.
4. Prior to dissolution, the Authority shall provide City Council with a final financial report and Disposition Plan.

**Sec. [xx] Miscellaneous Provisions.**

1. **Severability:** If a Court of competent jurisdiction holds any section, subsection, or provision of this Ordinance invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions, which shall continue in full force and effect.
2. **Effective Date:** This Ordinance shall take effect immediately upon passage by the City Council.
3. **Compliance with State and Federal Laws:** The Authority shall operate in compliance with all applicable federal, state, and local laws, including but not limited to the Virginia Land Bank Entities Act and HUD affordable housing regulations.
4. **Amendments:** City Council may amend this Ordinance at its discretion. The Authority shall be provided with notice of any proposed amendments and may offer recommendations, but City Council retains full authority to enact changes as necessary to align with state law, local housing policy, or evolving community needs.