



Board Meeting Minutes

DATE: September 2, 2021

BOARD ATTENDEES: Lonnie Hannon, Lyord Watson, Nolanda Hatcher, Carol Clarke

STAFF ATTENDEES: Caroline W. Douglas, Chelsi Law, Armand Richardson

MEETING DETAILS: The Regular Meeting of the Birmingham Land Bank Authority Board of Directors via Cisco WebEx occurred on Thursday September 2, 2021 at 2:00 p.m.

ROLL CALL

REMARKS

Congratulatory remarks given by Chairman, Lonnie Hannon to Director Clarke for winning her election to the Birmingham City Council and thanking Director Clarke for her service to the Board.

APPROVAL OF JUNE MEETING MINUTES:

9.2.21 Resolution Approving June Board Minutes

Presenter: Lonnie Hannon **Facilitator:** None **Discussion:** No

- ✓ **Motion to Approve:** Carol Clarke
- ✓ **Motion Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Carol Clarke (Y)

Result: Motion Passes

AGENDA

9.2.21.1 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for the Lot Lease Program.

Presenter: Chelsi Law **Facilitator:** None **Discussion:** Yes

Discussion: Ms. Law stated that she reviewed all applications presented for approval and that the side lot and adopt-a-lot requests meet program requirements. Director Clarke commented that her view of a side lot is different from what the Board is being asked to approve. Director Clarke added that if a homeowner has three or four lots in a row, fenced in with their property, the landscape of

the neighborhood may change. Director Clarke clarified that this observation is not made to prevent the applications from going forward but is for the Board's consideration as it moves forward with strategic planning since it may present a challenge to in-fill housing efforts. Director Hannon agreed that the Board should take this into consideration for its strategic plan. Director Hannon asked Ms. Law if there was documentation to show how properties in the Lot Lease program evolve over time, to which Ms. Law responded by explaining the parameters of the program and clarified that the program is a pathway to ownership. Director Clarke mentioned that the applicant requesting three (3) lots is actually surrounded by vacant lots as two are next to the applicant's property and one is on the other side of an alley. Ms. Law added that being surrounded by vacant lots can occur when demolitions happen and there is no infill activity following the demolition. Director Hatcher suggested that the Board consider offering more options in this program other than maintenance or create a new program to encourage incentives for development.

- ✓ **Motion to Approve:** Nolanda Hatcher
- ✓ **Motion Second:** Carol Clarke
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher, (Y), Carol Clarke (Y)

Result: Motion Passes

9.2.21.2 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for Quiet Title Program.

Presenter: Chelsi Law

Facilitators: Armand Richardson

Discussion: Yes

Discussion: Ms. Law stated that the properties stricken from the agenda have been determined by the Land Bank Inspector to be occupied and should not be considered for approval. Director Hannon asked for clarification as to why they were initially put on the agenda, to which Ms. Law explained that inspections were not yet complete. Director Hannon asked for further clarification, to which Ms. Law explained that property inspections are the last step before applications are recommended to the Board for approval. Director Hannon asked whether the Land Bank has quieted the title to the properties, to which Ms. Law responded in the negative. Director Hatcher asked whether the Land Bank owns or possesses the properties, to which Ms. Law stated that the Land Bank will need to request tax deeds for a majority of the properties. Director Clarke asked what happens if a property is later found to be occupied, to which Ms. Douglas requested Inspector Richardson to explain to the Board how he determines a property to be occupied. Inspector Richardson explained the criteria he considers when making his determination. Director Clarke then asked if the Land Bank will convey the property subject to the squatter, to which Ms. Douglas explained that the Land Bank sells properties "as is". Ms. Douglas added that Inspector Richardson is identifying Land Bank lots with structures and partnering with the Department of Public Works to secure those structures. Director Watson asked if the Land Bank has a budget for supplies to board up the structures, to which Ms. Douglas responded that there is no line item in the budget for those supplies but an allocation can be made during the next budget workshop. Ms. Douglas also added that the Department of Public Works is providing the supplies and the Land Bank will be expected to contribute towards the supply cost in future.

- ✓ **Motion to Approve:** Carol Clarke
- ✓ **Motion Second:** Lyord Watson
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson, Nolanda Hatcher, (Y), Carol Clarke (Y)

Result: Motion Passes

9.2.21.3 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for the Immediate Acquisition Program.

Presenter: Chelsi Law Facilitator: None Discussion: Yes

Discussion: Ms. Law provided parameters of the program and status of the properties. Director Hatcher asked if the Land Bank has possession of the properties, to which Ms. Law confirmed and stated that these properties were either identified for the Immediate Acquisition program or were originally requested under the Quiet Title Program but the buyer was not able to close so the Land Bank is now selling the property.

- ✓ **Motion to Approve:** Nolanda Hatcher
- ✓ **Motion Second:** Lyord Watson
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson, Nolanda Hatcher, Carol Clarke (Y)

Result: Motion Passes

9.2.21.4 Resolution Authorizing a Request to the Land Commissioner for the Transfer of the State's Interest of Ten Tax Delinquent Properties Located in the Corporate Limits of the City of Birmingham to the Birmingham Land Bank Authority.

Presenter: Chelsi Law Facilitator: None Discussion: Yes

Discussion: Ms. Law explained that the properties being requested are for applications approved for the Quiet Title and Lot Lease Programs. Ms. Law also noted that the properties stricken from the list were determined to be occupied and that the number of tax deeds being requested has been corrected. Director Clarke asked if this item is a companion item to the previous item, to which Ms. Law responded in the affirmative and added that some of the tax deeds for applications the Board approved today were already in the Land Bank's possession.

- ✓ **Motion to Approve as Amended:** Carol Clarke
- ✓ **Motion to Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson, Nolanda Hatcher, (Y), Carol Clarke (Y)

Result: Motion Passes

9.2.21.5 Resolution Approving the Form of a Lease/Purchase Agreement for Owner Occupants Residing in Properties Acquired by the Birmingham Land Bank Authority.

Presenter: Caroline Douglas Facilitator: Attorneys Goldman & Stanley Discussion: Yes

Discussion: Director Hannon asked Ms. Douglas if there were any details that needed to be highlighted. Ms. Douglas explained that the contract gives the Land Bank a means to which owner occupants can repay the tax debt owed. Ms. Douglas explained that the Land Bank was not aware that these properties were occupied at the time they were acquired. Ms. Douglas added that some owner occupants have expressed interest in paying off the taxes and that prior owners or relatives of a deceased owner will now have the ability to live in the home without fear of eviction but with the obligation to repay the back taxes. Director Hatcher asked how many occupied properties the Land Bank possesses, to which Ms. Douglas stated approximately five (5) that are known and one going through the quiet title process that is also occupied but there could be others as well. Director Clarke asked who drafts contracts for the Land Bank, to which Ms. Douglas responded that the contract under consideration was reviewed and revised by her and Attorneys Stanley and Goldman. Director Clarke then asked for an approximate amount that would be repaid for taxes, to which Ms. Douglas has stated that some tax debts are as high as \$14K or \$25K due to the years of tax delinquency plus interest. Director Clarke asked if the Land Bank has to further distribute the monies collected, to which Attorney Goldman stated that the taxes have to be distributed back if those amounts are still remaining due. Attorney Goldman added that the statute prevents a windfall to the owner occupant and this contract is the best way to allow someone to remain in their home and restore their title to the property. Director Clarke then asked whether an owner occupant's redemption right be extinguished if the Land Bank cleared title to a property, to which Attorney Stanley responded in the affirmative.

- ✓ **Motion to Approve:** Lyord Watson
- ✓ **Motion Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher, (Y), Carol Clarke (Y)

Result: Motion Passes

9.2.21.6 Resolution Approving Contract Revisions for the Lot Lease, Quiet Title and Immediate Acquisition Programs.

Presenter: Caroline Douglas Facilitator: Chelsi Law Discussion: Yes

Discussion: Director Hannon asked Ms. Douglas if there were any details that needed to be highlighted. Ms. Douglas explained the revisions made to the Lot Lease, Quiet Title and Immediate Acquisition Program contracts. Director Clarke stated that she appreciated the standardization of the contracts across all programs and expressed that she did not know if it was possible but stated that the time of performance may need to be adjusted because 45 or 90 days may not be enough time for the buyer to start performance under the Quiet Title program due to the time it will take to hire professionals and obtain financing. Director Clarke asked if the buyers are notified that they have been awarded the property when the quiet title process begins, to which Ms. Douglas stated that staff informs the buyer before the quiet title process begins and at several points in the process and can also contact the office for status updates. Director Hatcher asked how long it takes to get

a tax deed from the state after making a request, to which Ms. Douglas responded that the time frame is difficult to determine since some tax deeds that were previously requested have not been received and that the process is slow. Director Hatcher asked how if the timing was typical before Covid-19 or if Covid-19 impacted the timing, to which Ms. Douglas stated that tax deeds from the state took approximately 2-3 months to be received before Covid-19 but after Covid-19, receipt was dependent on the state's response. Director Clarke asked whether interaction with the applicants has improved, to which Ms. Douglas stated that the staff does communicate with the applicants and that she has worked with the team to close communication gaps. Director Clarke asked how applicants are notified if they are not approved, to which Ms. Douglas confirmed that they are notified and requested Ms. Law to explain how they are notified. Ms. Law stated that staff has started to email applicants as to why their applications were not successful and explained how applicants log into their online account used to submit the application to determine the status of their application. Ms. Law also added that deficiencies with the application are addressed prior to rejecting the application. Director Hannon acknowledged the work of the staff to review the applications.

- ✓ **Motion to Approve:** Carol Clarke
- ✓ **Motion Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher, (Y), Carol Clarke (Y)

Result: Motion Passes

OLD BUSINESS

NEW BUSINESS

****Executive Session****

- ✓ **Motion for Executive Session:** Nolanda Hatcher
- ✓ **Motion Second:** Lyord Watson
- ✓ **Call for the Vote:** Lonnie Hannon

Time Recessed: 1:04:59

Time Resumed: 1:32:30

9.2.21.7 Resolution Authorizing the Retention of Counsel to File and Prosecute a Claim and/or Action against Angel Calhoun, Pine Valley One Real Estate, LLC, an Illinois Limited Liability Company, and/or Responsible Parties Related to Protecting the Birmingham land Bank Authority's Interest in 1304 29th Street North, Birmingham, Alabama 35234

- ✓ **Motion to Approve:** Nolanda Hatcher
- ✓ **Motion Second:** Carol Clarke
- ✓ **Call for the Vote:** Lonnie Hannon

Lonnie Hannon (Y), Nolanda Hatcher (Y), Carol Clarke (Y), Lyord Watson (Y)

Result: Motion Passes

ADJOURNMENT: Motion to Adjourn Nolanda Hatcher; 2nd Lyord Watson

Meeting Adjourned at 01:35:25