

BROOME COUNTY  
**landbank**  
CORPORATION

# Operational Plan

**2024**



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## ANNUAL REPORT

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# INTRODUCTION

2024

The Broome County Land Bank (the “Land Bank”) engaged MRB Group to facilitate the development of an Operational Plan with the aim of guiding activities in the coming years.

The Land Bank wanted to identify gaps in services, solutions to the gaps, and funding resources to implement those solutions, as well as identify ways in which the organization could shift operations and activities to continue meeting its mission. In all, the Land Bank’s end goal for the plan was to identify a set of strategies and activities that would balance mission-oriented outcomes with financial sustainability.

The following report outlines MRB Group’s process for accomplishing this goal, findings and insights from that process, and priorities and activities that will best serve the Land Bank in the near future.



# PROCESS

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**The creation of the Operational Plan involved a multi-step process.**



## **Current Capacity**

First, MRB Group worked with Land Bank staff to understand the current activities, resources, and capacities of the organization. This included gathering information about partnerships and the capabilities of those partners.



## **Gaps and Needs**

Once the current conditions were understood, we then sought to identify where there were gaps, challenges, opportunities, and activities with high value to the Land Bank.



## **Activities Matrix**

Identifying the gaps and needs led to the development of an activities matrix, attached as Appendix A. This matrix has two primary components: 1) current activities, including whether they are mission-aligned and whether the Land Bank should keep, expand, reduce or eliminate each activity, and 2) gaps and needs, including whether they are mission-aligned and what role the Land Bank should play in each. The matrix also lists the different ways that a land bank can acquire property in order to advance priority activities.



## Board Workshop

After developing a first draft of the activities matrix, a three-hour workshop was held with the Land Bank Board of Directors. During this session, the Board discussed the Land Bank's activities and outside factors that influence its operations. Then the Board participated in an interactive exercise to confirm the current activities and whether they should be expanded, kept, reduced or eliminated. Further, they provided input and ideas regarding the current activities. The outcomes of this exercise were used to update the activities matrix. The Board then discussed some of the Land Bank activities that they indicated strong support for expanding, including the small business tipping fee waiver program and opportunities to partner with municipalities.

The last exercise of the Board Workshop focused on Gaps and Needs and allowed Board members to indicate their top priorities for new activities to support the operation and mission. After identifying the top three priorities of the group, the Board then provided input on what those activities might look like, what role the Land Bank would play in each, and what partners and resources were needed to be successful. The top three priorities explored were: expand opportunities for the Land Bank to generate developer fees, develop a more streamlined process and expectations on capital projects to improve communication and reduce/manage conflict, and explore property tax abatement opportunities for affordable housing development.





## **Interviews**

MRB Group conducted interviews with key partners of the Land Bank and facilitated a discussion with the Citizen Advisory Panel (CAP). The purpose of these interviews was to identify additional challenges and opportunities, as well as understand the role these partners might play in the implementation of this Operational Plan.



## **Development of Opportunities and Priorities**

Input from the Land Bank staff, Board, and partners was then used to formulate the expansion opportunities and priorities for this Operational Plan.

# EXPANSION OPPORTUNITIES

There are three priority areas within the Land Bank's existing operations that the Board identified as expansion opportunities. Focusing efforts in these areas will serve to promote the Land Bank and develop the project pipeline.

01

**SMALL BUSINESS  
TIPPING FEE  
WAIVER PROGRAM**

02

**PARTNERSHIPS  
WITH  
MUNICIPALITIES**

03

**LEVERAGE  
PARTNERSHIPS TO  
IDENTIFY, ACQUIRE  
& REHABILITATE  
DETERIORATED  
BUILDINGS**





## Small Business Tipping Fee Waiver Program

The Small Business Tipping Fee Waiver program has contributed to a handful of successful projects, and is a good public relations tool for the Land Bank. There are two ways in which the Land Bank could work to expand this program:

1. Work with community business associations, code offices, economic developers, banks with strong commercial lines of business, rubbish/trash removal services, and other partners to promote the program more extensively. Currently the Land Bank's website has a very brief program description and links to the application. Building out a program page with more details about the application process and timelines in particular may be helpful, as well as a one-pager or brochure that could be distributed. These resources could be provided to the above-mentioned partners to share with their clients, customers, and constituents.
2. Expand eligibility for the program to municipal residential demolitions and nonprofits.



## Partnerships with Municipalities

The Land Bank has completed a number of successful projects in partnership with municipalities. Continuing to work with municipalities that are willing and aligned with the Land Bank's mission could yield additional acquisition opportunities (e.g. municipal excess property) and resources. The following activities could help to expand and strengthen relationships with municipalities in Broome County:

1. Enhance communication with municipalities about the Land Bank's mission, operation, and processes. A set of communication tools might include:
  - Newsletters targeted to municipalities, perhaps highlighting success stories
  - One-on-one meetings with municipal leaders and key staff
  - Share hard copies of the Annual Report and provide notes as to the most relevant information for that municipality
  - One-page overview of Land Bank mission, processes, target properties, and sample project.

Some of these tools may also be useful in communicating with other partners, such as lenders, realtors, and contractors.

2. Provide training for municipal leaders, Planning Board members, staff, and code officers that covers topics such as ideal properties for Land Bank projects, processes and costs involved in redevelopment, zoning and infrastructure that supports/encourages redevelopment, etc. If possible, partner with a private sector planning, engineering, or legal firm and work with local municipalities to ensure these sessions meet the requirements for Planning Board training.





## Leverage Partnerships to Identify, Acquire & Rehabilitate Deteriorated Buildings

The Land Bank already has a number of ongoing partnerships that provide valuable capacity, expertise, and resources. These partnerships could be expanded and/or further leveraged to identify and implement projects throughout the County. Some possible partnerships to focus on include:

1. The Land Bank's Citizen Action Panel (CAP) could be leveraged to identify potential Land Bank properties earlier, and thus explore ways to acquire them before the properties deteriorate to the point of requiring demolition. As a group of "boots on the ground" ambassadors, CAP members are often more in tune with property vacancies and statuses, making them uniquely qualified to provide leads to the Land Bank. Asking members to come to each meeting with at least one lead could quickly generate a database of properties to assess, consider, and monitor. On occasion, this may yield acquisition opportunities outside of the normal tax foreclosure process. In addition, the CAP can promote the Land Bank's mission locally, identify potential buyers for completed Land Bank projects, and connect the Land Bank to new community partners.
2. Existing partnerships with local contractors, contractor associations, and community development organizations could also be enhanced to not only identify target properties, but to further expand the Land Bank's network of contractors and developers.

Diversifying the Land Bank's property acquisition methods is critical given current regulatory changes and uncertainties. The US Supreme Court ruling on *Tyler v. Hennepin* limits municipalities' ability to generate revenue from tax foreclosures beyond recovering unpaid taxes and fees, requiring them to establish a process to return any additional revenue resulting from a sale to the prior property owner. While the details of implementing this ruling are still being determined, it will likely restrict the Land Bank's ability to acquire tax foreclosed properties at a reduced cost – currently the Land Bank's sole acquisition method. This change will make it increasingly difficult for the Land Bank to access and afford these properties. As such, the Land Bank should explore other mechanisms of acquiring property. Some alternatives are explained below.

1. As noted in the section about municipal partnerships, the Land Bank could work with municipalities to identify excess property that would be appropriate for a development project. Municipalities can then transfer excess property to the Land Bank for a below market rate sale price.
2. The Land Bank could build new relationships with non-governmental community organizations that are likely to have excess property to sell or donate. Such organizations might include:
  - Churches
  - School Districts
  - Nursing homes
  - Lenders/Mortgagers

3. New York State Real Property Actions & Proceedings Law (RPAPL) Articles 19A and 19B offer a non-foreclosure route to acquiring residential and commercial properties, respectively, that are vacant and abandoned (as defined in the Article). This method would entail the City, Village, or Town filing suit against the property owner. If successful, title of the property would be conveyed to the municipality, which could then transfer it to the Land Bank. Since this process is not a foreclosure, it would not be subject to Tyler v. Hennepin. To facilitate this process, the Land Bank could work with a real estate or municipal attorney to develop a process and set of documents to share with municipalities that are willing to participate.
4. New York State Real Property Tax Law (RPTL) section 1111-A is also a legal proceeding that allows municipalities to gain ownership of vacant and abandoned properties that are not tax delinquent. However, this is a form of foreclosure, and as such would likely be subject to the same restrictions as Tyler v. Hennepin. It would also require the creation of a vacant property registry. Given these potential challenges, it is recommended to focus on the above items until there is more clarity regarding the future of foreclosure processes.

In all of these instances, the Land Bank should conduct thorough due diligence, particularly in relation to liens against target properties.



# NEW OPPORTUNITIES

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In addition to expanding the scope of current activities, the Board also identified three new opportunities.

01

DEVELOP STREAMLINED  
PROCESSES & EXPECTATIONS

02

EXPAND OPPORTUNITIES TO  
GENERATE DEVELOPER FEES &  
UNRESTRICTED SALE INCOME

03

EXPLORE PROPERTY TAX  
ABATEMENTS FOR AFFORDABLE  
HOUSING DEVELOPMENT





## Develop Streamlined Processes & Expectations

While the Land Bank's partners have generally expressed overall satisfaction with the Land Bank, both partners and Land Bank staff have noted challenges and inefficiencies resulting from unclear processes, expectations, and timelines. Setting clear expectations can be difficult because every project can have unique aspects. However, the Land Bank should aim to create processes with individual steps and anticipated timeframes for each step for typical renovation and demolition projects. These should start at the time of foreclosure and work through key steps up to the transfer of the property to the final owner. These general process overviews can be used when establishing relationships with new partners; to educate lenders, real estate professionals, and community leaders; and to ensure that all Land Bank representatives are sharing consistent information.

These process overviews could then be used to create a "cover sheet" for every project to set expectations and keep partners informed as timelines change due to unusual or unforeseen circumstances (e.g. discovery of previously unknown environmental, structural, or site conditions). This "cover sheet" could also clearly designate a lead decision maker and implementer for each step in the process (e.g. Land Bank Board, Land Bank Staff, General Contractor, etc.). This will ensure that all partners are aware of who has the final say on all decisions throughout the project implementation and avoid prolonged debates among the partners.

***Sample process overviews and project cover sheets are attached as Appendix B.***



## Expand Opportunities to Generate Developer Fees & Unrestricted Sale Income

While the Land Bank does not aim to make a profit, it still needs resources to support its ongoing operation. In particular, one staff position is currently grant funded through mid-2025 and will need to be funded by other resources thereafter. Two forms of revenue for this purpose could be developer fees and unrestricted sale income.

Developer fees would be charged to a development project. Generally, this would occur only for larger projects, such as sizeable multifamily developments or commercial projects. This fee would be consideration for any administration, facilitation, site stabilization, and/or benefits that the Land Bank brings to the deal. In the current economic environment, it would be very difficult to draw a developer fee for affordable single-family unit developments. Developers of these projects often struggle to fully fund them given increases in construction costs and interest rates in recent years. While the cost to build a home has gone up, the available funding for these projects has stayed the same, creating a funding gap.

Unrestricted sale revenue would be generated when the Land Bank is able to stabilize a property and sell it without investing any grant dollars that dictate the use of proceeds. This means that the Land Bank should explore opportunities and funding resources that would allow for more internally funded

projects. Unrestricted sale proceeds could be realized with side lot sales or the sale of properties to an end user who can show and commit to a specific site development plan. Targeting properties that have unique and attractive features (e.g. natural assets, a lot of land, great location, etc.) would be ideal for these types of projects. These unique features could attract a buyer with the will and wherewithal to do the construction or renovation aspect of the development, especially given the tight housing market. In these instances, the Land Bank could be in a position to sell at below market prices and still make a profit, all while encouraging a type of development that meets the Land Bank's mission.



## Explore Property Tax Abatements for Affordable Housing Development

Housing affordability, particularly with home ownership, is difficult to attain and sustain in part because of property taxes. The required monthly escrow payment to cover property taxes is often a large portion of the owner's overall monthly payment to the bank, and thus has a strong impact on how much a home-buyer can afford to borrow.

As such, high and increasing property taxes make it difficult to build or renovate homes that can be sold at a price that is affordable to low- and moderate-income families, even at 80% AMI. Unfortunately, there is a lack of property tax abatement opportunities for owner-occupied properties. There are, however, a number of programs that can support affordable rental properties. Below are brief overviews of a number of abatement programs that could be explored to aid with creating and attaining affordability.

### ***Industrial Development Agency (IDA) PILOT***

– Currently IDA's can provide PILOTs, sales tax exemptions, and mortgage recording tax exemptions for commercial capital projects. In the case of housing, there is case law to support the use of IDA incentives for rental housing development. A couple of IDAs have developed PILOT models for owner-occupied housing as well. For example, the County of Monroe Industrial Development Agency (COMIDA) partners with the City of Rochester on the Core Housing Owner Incentive Exemption (CHOICE) program to provide PILOT incentives to developers that also ultimately benefit the homeowner. IDA PILOTs are negotiated between the IDA and the developer, but the IDA could also set a standard PILOT schedule for different kinds of projects.

### ***Example IDA PILOT***

## **Sennett Meadows Senior Apartments**

***Sennett, Cayuga County, NY***

- › 60 units for individuals 55 and older
- › 18 units with supportive services for seniors and veterans with physical disabilities (ESSHI)
- › Affordable at 60% AMI
- › Energy-efficiency prioritized, green building practices (LEED for Homes Gold Certification)
- › Co-developed by Cornerstone Group (Rochester) and Genesis Housing Development Corporation
- › Financing: LIHTC, HCR, NYSERDA, Federal Home Loan Bank, municipal PILOT

**Municipality PILOT** – Municipalities can enter into PILOTs directly with housing developers, which is generally seen in affordable rental development. In some cases, this requires a direct negotiation between the municipality and developer to establish terms of the abatement (e.g. length, annual amount due, base value, etc.).

**RPTL 581a** – Multi-family properties with at least 20% of units reserved and regulated as affordable can be assessed based on an income capitalization approach (based on actual revenue and expenses for the property).

**RPTL 485a** - If allowed by local option, provides a 12-year abatement on increased assessment attributable to conversion of a non-residential property into mixed-use (at least 40% residential and 15% commercial). To be eligible, the conversion must cost at least \$10,000 (or a higher amount set by local law) and the property must employ or intend to employ at least 5 employees at the property. Abatement Schedule: Years 1-8 = 100% of increase, then reduces 20% per year for the remaining years.

**RPTL 444a** – If allowed by local option, provides a 10-year abatement on increased assessment attributable to alterations/rehabilitation of historic homes that are done in accordance with local historic preservation laws. Applies to general municipal, school district, and ad valorem levies, but not special assessments. To be eligible, the structure must be a designated landmark or be a property contributing to the character of a historic district. Abatement Schedule: Years 1-5 = 100% of increase, then reduces 20% per year for remaining years.

The Land Bank can act as a lead in facilitating conversations among municipal leaders, developers, the Industrial Development Agency, assessors, and other stakeholders to create partnerships and solutions that lead to best-in-class outcomes.

# CONCLUSION

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**This Operational Plan seeks to guide the Broome County Land Bank (the Land Bank) in selecting projects to undertake over the next few years, as well as how those projects are implemented. It will also help in pursuing new partnerships and funding in a targeted and realistic way so as to best utilize the limited resources and capacity available. Over time, the identified opportunities and priorities are intended to grow the Land Bank's capacity and financial sustainability by pursuing projects that will both advance the Land Bank's mission and generate unrestricted revenue.**

# APPENDICES

## ● Appendix A: Activities Matrix

**MISSION:** To foster economic and community development by acquiring, holding, managing, developing and marketing distressed, vacant, abandoned and under utilized properties.

**Working together to build vibrant neighborhoods.**

**VISION:** The Broome County Land Bank will be recognized as an essential and outcome driven partner with private investors, government agencies and economic development organizations to bring about a new vibrancy in distressed neighborhoods and build the foundation for economic revitalization by returning vacant, abandoned, and tax-delinquent properties to productive use. (2015)

| Activities   | Mission Aligned? |
|--|------------------|
| Small business tipping fee waiver program                  | Y                |
| Partner with municipalities to address blighted areas      | Y                |
| Rehab deteriorated buildings, particularly with partners   | Y                |
| Side lot sales   | Y                |
| Affordable housing development, particularly with partners | Y                |
| Demolish unsalvageable buildings                           | Y                |
| Acquire properties from County tax foreclosure             | Y                |
| Donate to nonprofits for community gardens                 | Y                |
| Hold properties post demolition                            | Y                |

| Gaps/Needs  | Mission Aligned? |
|---|------------------|
| Expand opportunities for the land bank to generate developer fees   | Y                |
| Develop more streamlined processes and expectations on capital projects to improve communication and reduce/manage conflict | Y                |
| Explore property tax abatement opportunities for affordable housing development   | ?                |
| Work with assessors on sustainable affordability of rehabbed properties   | ?                |
| Educate lenders about land banks  | Y                |
| Educate realtors about land bank disposition process  | Y                |

? = Arguably, but not directly

| Means of Acquisition       |
|----------------------------|
| Tax Foreclosure            |
| Articles 19A               |
| Article 1111-a             |
| Surplus municipal property |
| Property owner deeds       |
| Donations/Estates          |

## ● Appendix B: Sample Process Overview

### Typical Process for Broome County Land Bank Demolition Projects

| STEP  | TIMEFRAME                            | DECISION MAKER  | IMPLEMENTER                           |
|---|--------------------------------------|-----------------|---------------------------------------|
| County Foreclosure                                      | Day 0                                | County          | County                                |
| Deed Property to Land Bank                              | 3-4 Months                           | County          | Land Bank Staff                       |
| Appraisal   | 2 Months                             | Land Bank Staff | Service Provider                      |
| Environmental/Capital Clearance                         | 3 Months                             | Land Bank Staff | Service Provider                      |
| Engage Professional Services Firm to Facilitate Project | 1 Month                              | Board           | Land Bank Staff                       |
| Permitting & Approval                                   | 2 Months                             | Municipality    | Prof. Services Firm                   |
| Create & Release Bid Package                            | 1 Month                              | Land Bank Staff | Prof. Services Firm                   |
| Contractor Selection                                    | 1-2 Months                           | Board           | Land Bank Staff                       |
| Schedule Demo Work                                      | Dependent on Contractor Availability |                 |                                       |
| Demolition Work   | 2 Months                             | Land Bank Staff | Contractor                            |
| Post Demolition Site Work & Contractor Closeout         | 1 Month                              | Land Bank Staff | Prof. Services Firm / Land Bank Staff |
| List Property for Sale                                  | 2 Weeks                              | Board           | Real Estate Agent                     |
| Receive Offer   | Dependent on Market                  |                 |                                       |
| Offer Acceptance or Refusal                             | 1 Month                              | Board           | Real Estate Agent                     |
| Deed Property to Final Owner                            | 3 Months                             |                 | Legal                                 |

### Typical Process for Broome County Land Bank Renovation Projects

| STEP  | TIMEFRAME                            | DECISION MAKER  | IMPLEMENTER                           |
|---|--------------------------------------|-----------------|---------------------------------------|
| County Foreclosure                                      | Day 0                                | County          | County                                |
| Deed Property to Land Bank                              | 3-4 Months                           | County          | Land Bank Staff                       |
| Appraisal   | 2 Months                             | Land Bank Staff | Service Provider                      |
| Environmental/Capital Clearance                         | 3 Months                             | Land Bank Staff | Service Provider                      |
| Engage Professional Services Firm to Facilitate Project | 1 Month                              | Board           | Land Bank Staff                       |
| Permitting & Approval                                   | 2 Months                             | Municipality    | Prof. Services Firm                   |
| Create & Release Bid Package                            | 1 Month                              | Land Bank Staff | Prof. Services Firm                   |
| Contractor Selection                                    | 1-2 Months                           | Board           | Land Bank Staff                       |
| Schedule Construction                                   | Dependent on Contractor Availability |                 |                                       |
| Construction  | 6 Months                             | Land Bank Staff | Contractor                            |
| Post Construction Site Work & Contractor Closeout       | 1 Month                              | Land Bank Staff | Prof. Services Firm / Land Bank Staff |
| List Property for Sale                                  | 2 Weeks                              | Board           | Real Estate Agent                     |
| Receive Offer   | Dependent on Market                  |                 |                                       |
| Offer Acceptance or Refusal                             | 1 Month                              | Board           | Real Estate Agent                     |
| Deed Property to Final Owner                            | 3 Months                             |                 | Legal                                 |



Project Specific Process Cover Sheet: 123 Any Street, Any Town

| STEP  | START DATE                           | END DATE    | DECISION MAKER  | IMPLEMENTER                           |
|---|--------------------------------------|-------------|-----------------|---------------------------------------|
| <i>Updated: 4/7/2023</i>                                |                                      |             |                 |                                       |
| County Foreclosure                                      |                                      | 10/15/2022  | County          | County                                |
| Deed Property to Land Bank                              | 10/15/2022                           | 2/1/2023    | County          | Land Bank Staff                       |
| Appraisal   | 2/2/2023                             | 3/15/2023   | Land Bank Staff | Service Provider                      |
| Environmental/Capital Clearance                         | 4/1/2023                             | 7/1/2023*   | Land Bank Staff | Service Provider                      |
| Engage Professional Services Firm to Facilitate Project | 6/1/2023*                            | 7/1/2023*   | Board           | Land Bank Staff                       |
| Permitting & Approval                                   | 7/1/2023*                            | 10/1/2023*  | Municipality    | Prof. Services Firm                   |
| Create & Release Bid Package                            | 10/1/2023*                           | 11/1/2023*  | Land Bank Staff | Prof. Services Firm                   |
| Contractor Selection                                    | 12/1/2023*                           | 1/1/2024*   | Board           | Land Bank Staff                       |
| Schedule Construction                                   | Dependent on Contractor Availability |             |                 |                                       |
| Construction  | 4/1/2024*                            | 10/1/2024*  | Land Bank Staff | Contractor                            |
| Post Construction Site Work & Contractor Closeout       | 10/1/2024*                           | 11/1/2024*  | Land Bank Staff | Prof. Services Firm / Land Bank Staff |
| List Property for Sale                                  | 11/1/2024*                           | 11/15/2024* | Board           | Real Estate Agent                     |
| Receive Offer   | Dependent on Market                  |             |                 |                                       |
| Offer Acceptance or Refusal (after receipt of offer)    | 1 Month                              |             | Board           | Real Estate Agent                     |
| Deed Property to Final Owner                            | 3 Months                             |             |                 | Legal                                 |

\*Denotes anticipated/estimated completion date

Project Specific Process Cover Sheet: 123 Any Street, Any Town

| STEP  | START DATE                           | END DATE   | DECISION MAKER  | IMPLEMENTER                           |
|---|--------------------------------------|------------|-----------------|---------------------------------------|
| <i>Updated: 4/7/2023</i>                                |                                      |            |                 |                                       |
| County Foreclosure                                      |                                      | 10/15/2022 | County          | County                                |
| Deed Property to Land Bank                              | 10/15/2022                           | 2/1/2023   | County          | Land Bank Staff                       |
| Appraisal   | 2/2/2023                             | 3/15/2023  | Land Bank Staff | Service Provider                      |
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| Contractor Selection                                    | 12/1/2023*                           | 1/1/2024*  | Board           | Land Bank Staff                       |
| Schedule Demo Work                                      | Dependent on Contractor Availability |            |                 |                                       |
| Demolition Work   | 4/1/2024*                            | 6/1/2024*  | Land Bank Staff | Contractor                            |
| Post Demolition Site Work & Contractor Closeout         | 6/1/2024*                            | 7/1/2024*  | Land Bank Staff | Prof. Services Firm / Land Bank Staff |
| List Property for Sale                                  | 7/1/2024*                            | 7/15/2024* | Board           | Real Estate Agent                     |
| Receive Offer   | Dependent on Market                  |            |                 |                                       |
| Offer Acceptance or Refusal (after receipt of offer)    | 1 Month                              |            | Board           | Real Estate Agent                     |
| Deed Property to Final Owner                            | 3 Months                             |            |                 | Legal                                 |

\*Denotes anticipated/estimated completion date

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