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To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 10, 2009

Mr. RYAN of Ohio (for himself and Mr. HIGGINS) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Community Regeneration, Sustainability, and Innovation Act of 2009'.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings- The Congress finds that--

- (1) many older industrial cities have experienced significant population loss due to large-scale employment losses--especially well-paying jobs in basic industry and manufacturing;
- (2) beginning in the 1940s, Federal policies established by the Federal Housing Administration and the Department of Transportation promoted suburban flight, which also caused population and income loss in many older cities;
- (3) by 1970, these trends were clearly evident in decennial data produced by the United States Census Bureau;
- (4) population loss and economic decline in such cities has caused widespread housing vacancy and abandonment, resulting in a landscape of gap-toothed streets where many homes have been demolished, vast numbers of unattractive, dilapidated properties that pose a threat to public safety, and underused, crumbling public infrastructure, that cities cannot afford to maintain;

- (5) by 2000, such conditions had spread beyond the central cities to adjacent suburbs in many metropolitan areas;
- (6) as these trends continued after 2000, conditions were exacerbated by the subprime lending crisis, which led to unprecedented rates of mortgage foreclosures resulting in even more abandonments in many of the most vulnerable neighborhoods in the most distressed cities and suburbs;
- (7) unmanaged vacant property and land causes community abandonment, crime, further depopulation, and despair;
- (8) unmanaged vacant property and land can also have a detrimental impact on adjacent residential property values, while the creation of green space and infrastructure on vacant land, even on an interim basis, can increase property values;
- (9) experience has demonstrated that land banking, undertaken by public entities and accompanied by other innovative strategies, is a rationale and efficient way for local governments to assert public control and management over vacant and abandoned property in order to stabilize neighborhoods and real estate markets, rationalize land use, provide new public amenities, including open space and green infrastructure, and renew, strengthen, and reposition for the future communities that have experienced significant population loss;
- (10) beginning in 1999, the State of Michigan reformed its property tax foreclosure processes and enacted new land banking legislation which opened the door for communities to reclaim, reinvest in, and rebuild their neighborhoods by creating a highly successful land banking model that has proven effective in removing dilapidated structures, redeveloping abandoned properties, creating new open space, and increasing property values in communities hard-hit by employment and population losses such as the City of Flint and Genesee County, where thousands of parcels have been returned to productive use or set aside as green, open space; and
- (11) the Federal Government can assist State and local governments by providing financial support to establish and maintain land banks, including, where appropriate, multi-jurisdictional land banks, and to develop innovative strategies to convert such land to productive use or for long-term strategic public purposes.

(b) Purposes- The purposes of this Act are--

- (1) to provide Federal assistance, through grants and the provision of technical assistance, to establish land banks in communities and

metropolitan areas that have experienced significant population loss due to large-scale employment losses which have resulted in widespread abandonment of real property;

- (2) to encourage innovation, experimentation, and environmentally sustainable practices through collaborative efforts to reuse and rehabilitate land bank property in ways that will provide long-term benefits to the public;
- (3) to encourage the creation of green infrastructure;
- (4) to encourage the creation of new employment opportunities, especially in areas related to environmental sustainability and green infrastructure directly related to the implementation of regeneration plans assisted under this Act; and
- (5) to encourage the strategic use of other Federal, State, local, private, and nonprofit resources not provided under this Act to stabilize and improve neighborhoods not presently experiencing widespread vacancy and abandonment, but whose stability is or may be threatened if current demographic or employment trends continue.

SEC. 3. DEMONSTRATION PROGRAM FOR INNOVATIVE VACANT PROPERTY RECLAMATION AND URBAN INFRASTRUCTURE RENEWAL STRATEGIES.

- (a) In General- The Secretary of Housing and Urban Development shall carry out a demonstration program under this section to encourage and test innovative vacant property reclamation and urban infrastructure renewal strategies in older industrial cities, suburbs of such cities, and metropolitan areas having a history of severe population and employment loss, blight, and decay caused by vacant properties.
- (b) Eligibility of Units of General Local Government- A unit of general local government, or a consortia of such units, shall be eligible for selection for participation in the demonstration program under this section only if the unit or consortium meets one of the following two requirements:
 - (1) SUBSTANTIAL POPULATION LOSS- The applicant unit of general local government, or the most populous unit of general local government of the applicant consortium, has experienced at least 20 percent population loss since 1970, as measured by data from the 2000 decennial census.
 - (2) CONCENTRATED HOUSING VACANCY AND ABANDONMENT- The applicant unit of general local government, or the most populous unit of general local government of applicant consortium--

(A) has experienced prolonged population, income, and employment

loss resulting in substantial levels of housing vacancy and abandonment; and

- (B) such housing vacancies and abandonments are concentrated in more than one neighborhood or geographic area within a jurisdiction or jurisdictions.

(c) Multiyear Cooperative Agreements-

(1) AUTHORITY- In carrying out the demonstration program under this section, the Secretary shall enter into multiyear cooperative agreements with units of general local government, or consortia consisting of units of general local government, selected for participation pursuant to subsection (h) in the demonstration program under this section, to design and implement regeneration plans to address problems associated with vacant and abandoned properties.

(2) TERMS- A cooperative agreement entered into under this subsection--

(A) shall have a term of not less than 3 years;

(B) shall provide for the Secretary to make grants under subsection (d) to the unit of general local government or consortium;

(C) shall provide for interaction between the Department of Housing and Urban Development and the unit of general local government or consortium to implement a regeneration plan; and

(D) may reference the responsibilities of third parties, such as State governments, universities, and non-profit organizations, and in such instances, each such entity shall enter into a memorandum of understanding with the unit of general local government or consortium.

(3) DETERMINATION OF EFFECT ON HISTORIC PROPERTIES-

Notwithstanding that a unit of general local government, or consortium of such units, has been selected for participation in the demonstration program under this section, the Secretary may not enter into a cooperative agreement under this subsection until the Secretary has complied with the requirements under section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations issued under such section (36 C.F.R. Part 800) to take into account the effects, on historic properties, of the regeneration plan of the participant approved by the Secretary under subsection (h) of this section.

(d) Grants- To the extent amounts for grants under this section are made

available in advance in appropriation Acts, the Secretary shall make a grant under this section to each unit of general local government, or consortia of such units, selected to participate in the demonstration program under this section, for each fiscal year covered by the multiyear cooperative agreement entered into by the unit or consortium pursuant to subsection (c).

(e) Eligible Uses- Amounts from grants provided under this section may be used for any of the following purposes:

(1) VACANT PROPERTY AND PROGRAM CAPACITY ACTIVITIES- For the following vacant property and program capacity activities:

- (A) Establishment or expansion of local or regional land banks.
- (B) Establishment of recovered building materials reuse and recycling infrastructure, facilities, and technical support.
- (C) Establishment of local government purchasing requirements for deconstruction to make use of existing building materials stock in new and rehabilitation construction.
- (D) Expansion and improvement of code enforcement capabilities.
- (E) Development of data and information systems such as comprehensive real property systems, early warning systems, and vacant property inventory and tracking systems.
- (F) Establishment or strengthening of the ability of State courts, local courts, and administrative agencies to address problems caused by vacant and abandoned properties, and to facilitating, where feasible, such properties' transfer to public control under a local or regional land bank.
- (G) Amendment or reform of State and local property tax foreclosure procedures.

(2) STABILIZATION ACTIVITIES- For the following stabilization activities:

- (A) Deconstruction and demolition of vacant and abandoned properties.
- (B) Demolition and removal of public infrastructure.
- (C) Relocation of structures.
- (D) Reconfiguration of existing infrastructure.
- (E) Protection and limited maintenance of vacant or abandoned

properties for the purposes of stemming the spread of blight.

(F) Assessment and remediation of property.

(G) Relocation under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) or applicable State and local relocation statutes and policies.

(3) DESIGN, DEVELOPMENT, AND REUSE ACTIVITIES- For the following design, development, and reuse activities:

(A) Creation of open space and networks of green infrastructure.

(B) Establishing and maintaining urban agriculture and farm markets.

(C) Adaptive reuse, rehabilitation, or improvement of architecturally, historically, or culturally significant structures, or other structures of community significance, in areas targeted for conservation under a regeneration plan.

(D) Development of infrastructure to produce renewable energy on vacant land, including solar energy, wind power, and geothermal power.

(4) PLANNING AND POLICY INNOVATION ACTIVITIES- For the following planning and policy innovation activities:

(A) Strategic planning, neighborhood planning, brownfield plans, vacant property plans, city and neighborhood typologies, and collaborative vacant property assessment processes that identify and target Federal, State, local, and nonprofit resources for neighborhoods and communities.

(B) Reforms of existing State and local codes, policies, and processes to promote vacant property reclamation and reuse through flexible, performance based standards, regulations, and development processes.

(5) OTHER USES- For such other uses in accordance with the purposes of this Act as the Secretary may designate.

(f) Ineligible Uses- Amounts from grants provided under this section shall not be used--

(1) to demolish public housing, as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

- (2) to demolish any property listed, or eligible to be listed, in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.), or designated as historic under State or local law;
 - (3) to alter or modify any property listed or eligible for listing in the National Register of Historic Places, unless the proposed alteration or modification is determined to be consistent with the Standards for the Treatment of Historic Properties of the Secretary of the Interior pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations issued under such section (36 C.F.R. Part 800);
 - (4) to clean-up any brownfield site, except for planning activities related to the clean-up of a brownfield site; or
 - (5) to redevelop any brownfield site, except for planning activities related to the redevelopment of a brownfield site.
- (g) Limitation on Use for Administrative Costs- Of any amounts received from a grant under this section in any fiscal year, a participant in the demonstration program under this section may use not more than 20 percent for any administrative costs of the jurisdiction in carrying out the regeneration plan of such participant and in carrying out the responsibilities of the participant in connection such program.

(h) Selection of Participant Regeneration Communities-

- (1) APPLICATION- To be eligible to participate in the demonstration program established under this section, a unit of general local government or consortium of such units shall submit an application for assistance under this section in such form and in accordance with such requirements as the Secretary shall establish, together with a regeneration plan under paragraph (2) for the community or region of the unit of general local government or consortium.
- (2) REGENERATION PLAN- A regeneration plan under this paragraph for a community or region shall meet the following requirements:
 - (A) MANDATORY ELEMENTS- The plan shall include, for such community or region, the following elements:
 - (i) A comprehensive land use plan that reflects the population loss the community or region has experienced, reflects future population trends, including any anticipated further losses, using the most current data available, and provides for the efficient and sustainable use of land, structures, neighborhoods, and resources within the

community or region.

- (ii) A plan for creation of green infrastructure to be set aside in the community or region for recreation, open space, agriculture, park use, educational use, or purposes related to future economic or residential development.
- (iii) A detailed implementation strategy for the plan, including modifications to a comprehensive or master land use plan, neighborhood plans, and zoning and building codes.
- (iv) A plan for integrating related programs and strategies funded through other sources, including Federal, State, local, and private sources, into the implementation strategy pursuant to clause (iii).
- (v) Any other elements, as determined by the Secretary.

(B) OTHER INCLUDED ELEMENTS- The plan shall include as many of the following elements as may be appropriate or feasible:

- (i) Good urban design principles.
- (ii) Sustainability principles.
- (iii) Integration and targeting of funding provided under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).
- (iv) Use of other funds and resources, Federal, State, local, private, financial, or otherwise.
- (v) Brownfields remediation and redevelopment funded through other sources.
- (vi) Smart growth principles, including, complete streets, new urbanism, affordable housing, mixed uses, infill development, public infrastructure improvements, and form based codes.
- (vii) Deconstruction activities with measurable outcomes.
- (viii) To the extent necessary, improvement of real property data and information systems with respect to property conditions, and streamlining and improvement of code enforcement procedures to expedite the process of asserting public control over vacant and abandoned

properties.

(ix) Promotion of energy-use efficiency, green collar jobs, natural systems storm water management, and other ecological services.

(x) Neighborhood plans developed through a community-based process for component communities within the applicant's jurisdiction or jurisdictions.

(xi) The potential to create new employment opportunities, especially in areas directly related to the implementation of the regeneration plan, including building deconstruction, removal of buildings and infrastructure, creation of green infrastructure, environmental remediation, and long-term employment in environmentally sustainable activities, including urban agriculture, open space maintenance, and renewable energy production.

(xii) Adaptive reuse, rehabilitation, or improvement of architecturally, historically, or culturally significant structures, or other structures of community significance, in areas targeted for conservation.

(xiii) Any other elements as the Secretary may prescribe.

(C) CITIZEN PARTICIPATION REQUIREMENTS- The Secretary shall, by regulations issued under section 7, provide for citizen participation requirements relating to the development and implementation of regeneration plans as necessary to ensure, to the extent practicable, that affected citizens and community groups, including environmental organizations, and any others who would be impacted by the adoption of a regeneration plan, have notice of, and the opportunity to effectively participate in, the development of such a plan through public hearings, community workshops, charrettes, town hall meetings, or other means.

(D) IMPLEMENTATION OF REGENERATION PLANS- To the extent practicable, the Secretary shall, by regulations issued under section 7, ensure that processes are established and maintained providing for the continued implementation and periodic updating of regeneration plans for a reasonable amount of time following the full expenditure of assistance received under this Act.

(3) COMPETITION- The Secretary shall select applicants for participation in

the demonstration program under this section on a competitive basis using the evaluation and selection criteria established pursuant to paragraph (5) and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

(4) SELECTION-

(A) NUMBER AND CATEGORIES OF PARTICIPANTS- During each of the first three fiscal years for which amounts are first made available for grants under this section, the Secretary shall select units of general local government, or consortia consisting of units of general local government, to be new participants in the demonstration program under this section, from each of the following categories as follows:

(i) SMALLER UNITS OF GENERAL LOCAL GOVERNMENT-

During each such fiscal year, the Secretary shall select not more than five units of general local government having a population of 150,000 or less, as measured by decennial census data, or in the case of consortia of units of general local government, consortia in which the largest unit of general local government has such a population, except that at no time may there be more than a total of 15 participants in the demonstration program pursuant to this clause.

(ii) LARGER UNITS OF GENERAL LOCAL GOVERNMENT-

During each such fiscal year, the Secretary shall select not more than five units of general local government having a population of exceeding 150,000, as measured by decennial census data, or in the case of consortia of units of general local government, consortia in which the largest unit of general local government has such a population, except that at no time may there be more than a total of 15 participants in the demonstration program pursuant to this clause.

(B) SUBSTANTIAL POPULATION LOSS- The Secretary shall ensure that at least five applicants selected pursuant to subparagraph (A) in each fiscal year in which new applicants are selected for participation meet the eligibility standard set forth in subsection (b)(1).

(5) EVALUATION OF APPLICATIONS AND SELECTION CRITERIA- The Secretary shall establish evaluation and selection criteria for participation in the demonstration program under this section, which shall include the following criteria:

- (A) REGIONAL COLLABORATION- If feasible or appropriate, the extent to which an applicant proposes to foster regional collaboration among and across governments, and with private and non-profit organizations, in addressing vacant and abandoned properties, such as the establishment of one or more--
- (i) regional vacant property reclamation strategies;
 - (ii) regional land banks to gain public control of such properties;
 - (iii) regional real property data systems; and
 - (iv) regional vacant property action plans that target and coordinate other Federal, State, local and nonprofit funds and resources to identified communities and neighborhoods.
- (B) TARGETING FOR SUSTAINABLE URBAN NEIGHBORHOODS AND GREEN INFRASTRUCTURE- The extent to which an applicant proposes to reposition for the future its jurisdiction or the jurisdictions within a consortium, by targeting resources and investment in clusters of sustainable urban neighborhoods and by establishing networks of green infrastructure.
- (C) PARTNERING TO IMPLEMENT REGENERATION PLAN- The extent to which an applicant proposes to partner with institutions such as universities, museums, historic preservation organizations, neighborhood and community organizations, Federal, State, and local governments, and other organizations or entities whose participation would promote the successful implementation of a regeneration plan.
- (D) VACANT PROPERTY RECLAMATION- The extent to which an applicant proposes to design and develop policy and programmatic innovations that foster vacant property reclamation, such as code reforms and performance-based regulatory approaches.
- (E) SEVERITY OF VACANT AND ABANDONED PROPERTY PROBLEMS- The severity of the problem of vacant and abandoned property within an applicant's or applicants' jurisdiction or jurisdictions.
- (F) CAPACITY TO IMPLEMENT- The capacity of an applicant or applicants to implement a regeneration plan, including its ability to demonstrate quantifiable outcomes such as the potential to

enhance property values, improve ecosystems, and benefit public health.

(G) COMMITMENT- The level of commitment of an applicant or applicants, and any organizational partners, to the implementation of a regeneration plan.

(H) POTENTIAL FOR LIVABILITY- The potential for a regeneration plan to promote the overall livability of a jurisdiction or jurisdictions for current residents.

(i) Accountability and Reporting-

(1) REQUIRED PERFORMANCE PLAN- A unit of general local government, or consortium of such units, selected for participation in the demonstration program under this section may not enter into a cooperative agreement with the Secretary or receive any grant under this section unless the unit or consortium has prepared, submitted to the Secretary, and had approved by the Secretary, a performance plan for implementing its regeneration plan, which shall include provisions for public participation and such other elements as the Secretary may prescribe.

(2) ANNUAL PERFORMANCE AND EVALUATION REPORTS-

(A) REQUIREMENT- Each participant in the demonstration program under this Section that receives grant amounts under this section shall submit to the Secretary, in such form and by such deadlines as the Secretary may require, an annual performance and evaluation report concerning the use of funds made available under this Act, which shall include financial disclosure information and any other information as the Secretary may prescribe.

(B) PUBLIC AVAILABILITY- Before submitting an annual performance and evaluation report to the Secretary, a participant shall make the report publicly available in the participant's jurisdiction or jurisdictions in sufficient time to permit citizens of such jurisdiction to comment on such report before its submission, and in such manner and at such times as the participant may determine.

(3) REVIEWS- The Secretary shall periodically make such reviews as may be necessary or appropriate to determine the progress of demonstration program participants in meeting their performance objectives identified in their performance plan pursuant to paragraph (1) and identified in their reports pursuant to paragraph (2).

(4) SANCTIONS-

(A) IN GENERAL- With respect to assistance made available under this section and subject to paragraph (3), if the Secretary determines that a participant in the demonstration program under this section grantee has substantially failed to meet its performance objectives and outcomes, the Secretary may determine that the grantee is no longer in good standing and may reduce or limit the assistance under this section to the participant, or take other action as appropriate in accordance with the Secretary's review and as provided in regulations issued by the Secretary to carry out this Act, except that any grant amounts already expended on eligible activities under this section shall not be recaptured or deducted from future assistance to such participant.

(B) REMEDIAL PLANS- In cases where the Secretary takes action against a grantee pursuant to paragraph (1), the grantee shall submit a remedial plan for approval by the Secretary that outlines the actions the grantee will take to ensure it meets its performance objectives in the future.

SEC. 4. PLANNING GRANTS AND SUSTAINABILITY DEMONSTRATION PROJECT GRANTS.

(a) Authority- To the extent that amounts are made available in advance in appropriation Acts, the Secretary may make grants to units of general local government and consortia of units of general local government as follows:

(1) PLANNING GRANTS- Grants under subsection (c) for development of regeneration plans.

(2) SUSTAINABILITY DEMONSTRATION PROJECT GRANTS- Grants under subsection (d) for carrying out sustainability demonstration projects.

(b) Terms-

(1) AMOUNT- A grant made under this section in any fiscal year to any one unit of general local government or consortium of units of general local government shall not exceed \$250,000.

(2) INELIGIBILITY- A participant in the demonstration program under section 3 shall not be eligible to receive a grant under this section.

(c) Regeneration Communities Planning Grants- A grant under this subsection shall be used to develop a regeneration plan in accordance with the requirements of section 3(h)(2), except that such amounts may be used for the purposes listed in section 3(e)(1)(E) and for providing technical

assistance.

(d) Sustainability Demonstration Grants-

- (1) COMPETITION- Grants under this subsection shall be made on a competitive basis.
- (2) ELIGIBILITY- Grants under this subsection shall not be made to units of general local government and consortia of such units that are participants in the demonstration program under section 3.
- (3) ELIGIBLE USES- Amounts from a grant made under this subsection shall be used for carrying out specific short-term demonstration projects that are in accordance with the sustainability goals of this Act, which may include one or more of the following projects:
 - (A) Design and creation of interim and permanent open space and networks of green infrastructure, low impact development, and storm water management activities.
 - (B) Establishment of recovered building materials, reuse and recycling infrastructure, facilities, creation of incentives, and technical support.
 - (C) Development or expansion of urban agriculture initiatives, including community supported agriculture and farmers markets.
 - (D) Development of infrastructure to produce renewable energy on vacant land, including solar energy, wind power, and geothermal power.
 - (E) Creation of workshops and training for green collar jobs to support sustainability demonstration projects.
 - (F) Development of any other innovative, sustainability projects that would further the purposes of this Act, as determined by the Secretary.
- (4) MATCHING REQUIREMENT- A grant under this subsection may not exceed 4 times the amount that the grantee certifies to the Secretary are committed for use for the eligible uses under paragraph (3) to be carried out by the grantee using grant amounts.

SEC. 5. FEDERAL INTERAGENCY REGENERATION COMMUNITIES COORDINATING COUNCIL.

- (a) Establishment- The Secretary shall convene a Federal Interagency

Regeneration Communities Coordinating Council whose members shall include--

- (1) representatives of Federal agencies, including designees of the Secretary of Energy, the Secretary of Commerce, the Secretary of Housing and Urban Development, and the Administrator of the Environmental Protection Agency; and
- (2) representatives of non-Federal entities, such as academic institution, nonprofit organizations, and lending institutions.

(b) Duties-

- (1) FEDERAL AGENCY SUPPORT PLANS- The Council shall develop Federal agency support plans for communities receiving grants under this Act that shall include--
 - (A) offering technical assistance to grantees under this Act through a network of local and national vacant property assistance providers;
 - (B) assigning staff through intergovernmental personnel agreements;
 - (C) offering guidance and technical assistance to program applicants on leveraging and coordinating funding from other Federal sources in regeneration plans, especially assistance provided by the Economic Development Administration, the Environmental Protection Agency, and the Department of Housing and Urban Development, particularly the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and
 - (D) to the extent feasible, instituting alternative performance-based regulatory approaches and standards.
- (2) ALTERNATIVE REGULATORY APPROACHES- To the extent feasible and appropriate, the designee of the Secretary of Housing and Urban Development shall work with the designees of the other Federal agencies to institute alternative regulatory approaches and standards by such other Federal agencies in order to better facilitate the implementation of regeneration plans.

SEC. 6. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

- (1) COMPLETE STREETS PRINCIPLES- The term `complete streets

principles' means transportation laws, policies, or principles that ensure--

(A) all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older people, motorists, and those with disabilities, are adequately accommodated in all phases of project planning and development; and

(B) that the safety and convenience of all users are considered in all phases of project planning and development.

(2) DECONSTRUCTION- The term `deconstruction' means the selective dismantlement of building components for reuse and recycling.

(3) GREEN INFRASTRUCTURE- The term `green infrastructure' means the interim and permanent reuse of vacant properties for an interconnected network of open spaces, trails, and natural areas, such as greenways, wetlands, parks, forest preserves, and native plant vegetation that can naturally manage stormwater, reduce flooding risks, improve water quality, and reduce urban heat islands.

(4) LAND BANK- The term `land bank' means a governmental, quasi-governmental, or non-profit entity established, at least in part, to assemble and manage surplus property for eventual conversion to productive use, or for holding for other strategic long-term purposes.

(5) NEW URBANISM- The term `new urbanism' means neighborhood design that incorporates concepts that promote community function, environmental balance, social integration, pedestrian-friendly streets, and dense development, among other things, in order to encourage a sense of community among neighborhood residents.

(6) PARTICIPANT- The term `participant' means a unit of general local government, or a consortium of units of general local government, that has--

(A) been selected for participation in the demonstration program under section 3; and

(B) entered into a cooperative agreement with the Secretary pursuant to section 3(c).

(7) PERFORMANCE-BASED REGULATION- The term `performance-based regulation' means regulation focused on results or outcomes of performance, rather than a prescriptive process, technique, or procedure.

- (8) REGIONAL LAND BANK- The term `regional land bank' means a land bank controlled by an entity comprising of, or representing more than, one unit of general local government.
- (9) SECRETARY- The term `Secretary' means the Secretary of Housing and Urban Development.
- (10) SMART GROWTH- The term `smart growth' means concentrating resources and new development in areas in or near existing urban and neighborhood centers served by public transportation and other existing infrastructure.
- (11) SUSTAINABILITY PROJECT- The term `sustainability project' means a program or project that integrates innovative ways to conserve resources, reduce harmful emissions, protect public health, enhance the natural and built environments, and facilitate social equity.
- (12) UNIT OF GENERAL LOCAL GOVERNMENT- The term `unit of general local government' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).
- (13) VACANT AND ABANDONED PROPERTY- The term `vacant and abandoned property' means any residential, commercial, or industrial property (including structures, the underlying site, and vacant lots) that has not been legally occupied for six months or longer, and exhibits one or both of the following conditions or circumstances:
- (A) The site presents a threat to public safety or constitutes a public nuisance, as defined by State and local law.
 - (B) The owners, managers, or any other responsible party, have neglected the fundamental duties of property ownership including failure to pay taxes or utility bills, or have defaulted on mortgages.

SEC. 7. REGULATIONS, IMPLEMENTATION, AND CITIZEN PARTICIPATION.

- (a) Regulations- Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations necessary to carry out this Act.
- (b) Notice of Funding Availability- Not later than 30 days after publishing a final regulation to implement this Act, the Secretary shall publish a notice of funding availability in the Federal Register stating that funds are available to units of general local government and consortia of units of general local government in accordance with the provisions of this Act.
- (c) Use of Performance-Based Regulatory Concepts- To the extent feasible, the

Secretary shall employ performance-based regulatory concepts in promulgating regulations under this section.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

- (a) Regeneration Communities Implementation Grants- For grants under section 3(d), there is authorized to be appropriated \$100,000,000 for each of fiscal years 2010, 2011, and 2012.
- (b) Planning Grants and Sustainability Demonstration Project Grants- There is authorized to be appropriated for planning grants under section 4(c) and for sustainability demonstration project grants under section 4(d)--
 - (1) \$25,000,000 for fiscal year 2010; and
 - (2) \$12,500,000 for each of fiscal years 2011 and 2012.
- (c) Federal Interagency Regeneration Communities Coordinating Council- For costs associated with the establishment and operation of the Federal Interagency Regeneration Communities Coordinating Council under section 5, and technical and staff assistance under section 5(b), there is authorized to be appropriated \$24,000,000 for each of fiscal years 2010, 2011, and 2012.

END