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TO: Detroit City Council
FROM: David Whitaker, Director 
Legislative Policy Division
DATE: March 31, 2026
RE: Codifying City Council's Appointment to the Detroit Land Bank Authority

The Legislative Policy (LPD) has been requested by Council Member Scott Benson to provide a report on the most appropriate mechanism to secure the appointment of City Council's selection to the Detroit Land Bank Authority Board be it through ordinance, amendment to governing documents, intergovernmental action, or another legally sufficient method. LPD submits the following:

The Detroit Land Bank Authority is created through enabling legislation, the Michigan Land Bank Fast Tract Act, (Act) MCL 124.751 et Seq. The Act provides the way a local land bank authority can be established and what is required. MCL 124.773, *Intergovernmental agreements*, provides in pertinent part:

(5) A qualified city may enter into an intergovernmental agreement with the state authority providing for the exercise of the powers, duties, functions, and responsibilities of an authority under this act and for the creation of a local authority to exercise those functions.

(6) An intergovernmental agreement under subsection (4) or (5) shall provide for all of the following:

(c) The size of the initial governing body of the county or local authority, which shall be composed of an odd number of members.

(d) The qualifications, method of selection, and terms of office of the initial board members.

Pursuant to the Act, Section 124.773 provides that a qualified city may enter into an intergovernmental agreement with the state authority to establish a local land bank authority. Section 773)(6)(c) provides that the intergovernmental agreement shall provide for the size of the governing body and subsection (d) requires that the intergovernmental agreement shall provide for the qualifications, method of selection and terms of office of the board. The initial board of the DLBA was established pursuant to state law through a binding intergovernmental agreement between the City of Detroit and the Michigan Land Bank Fast Track Authority. The original Intergovernmental Agreement provided for the board to be as follows:

The City Authority Board shall consist of seven (7) members, including two (2) ex-officio members serving by virtue of their positions as heads of their respective agencies and five (5) appointed members as follows:

- (a) The Director of the City Planning and Development Department, or his or her designee.
- (b) The Director of the City Planning Commission, or his or her designee.
- (c) Two (2) individuals appointed by the Mayor.
- (d) Two (2) individuals appointed by the City Council.
- (e) One (1) individual appointed by the Mayor, with the advice and consent of the City Council

At least five (5) of the seven (7) members of the City Authority Board appointed under this Section shall be residents and registered electors of the City of Detroit.

The make-up of the DLBA board was changed with the Second Amended and Restated Intergovernmental Agreement. This change restructured the board to contain five (5) members, four (4) of the members selected by the Mayor with consent of the City Council and one (1) selected by the Michigan Land Bank Fast Track Authority.

The clearest way to secure City Council's selection to the DLBA board would be to amend the Intergovernmental Agreement and provide the way City Council and the Mayor would like the board to be structured. LPD notes that this would also then require the DLBA to reflect the make-up of the board in the DLBA's Articles of Incorporation as required in the Intergovernmental Agreement. An ordinance requiring the Mayor to include people selected by City Council would be ineffective in the selection of the DLBA board. The Act provides that unless specifically indicated within the intergovernmental agreement the DLBA operates without adherence to any charter, ordinance, or resolution to the contrary. This is why the Memorandum of Understanding between the City and the DLBA is important. It is LPD's opinion that the proper course of action is to amend the Intergovernmental Agreement.

LPD notes, City Council has already approved a resolution calling for amendments to the Intergovernmental Agreement. What is necessary is for City Council and the Mayor to agree on the amendment changes and have the drafted document executed by the parties to the Agreement.

If we can be of further assistance, please call upon us.