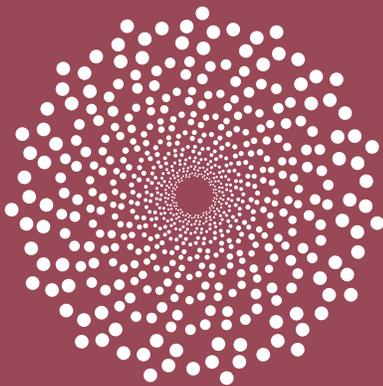


An aerial, black and white photograph of a city street. The street is lined with parked cars and buildings. The building on the left is a multi-story structure with a light-colored facade and a large, irregularly shaped opening. The building on the right is a darker, multi-story structure with a grid-like pattern on its facade. The street has white lane markings and a crosswalk. The overall scene is urban and somewhat desolate.

COMMUNITY CONTROL OF LAND & HOUSING.

Exploring strategies for
combating displacement,
expanding ownership, and
building community wealth

Jarrid Green
With Thomas M. Hanna
The Democracy Collaborative



DEMOCRACY
COLLABORATIVE

COMMUNITY CONTROL OF LAND & HOUSING.

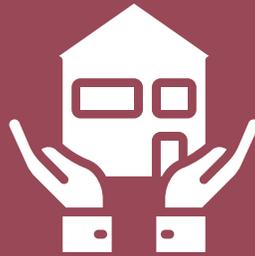
**Exploring strategies for combating
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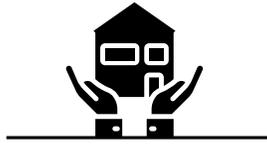
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Executive Summary

Land and housing are two of the most important cornerstones of any modern society—and a basic human need. In the United States, land and housing have long served as an economic engine and one of the primary sources of wealth and stability for a great number of people. However, a historical legacy of displacement and exclusion, firmly rooted in racism and discriminatory public policy, has fundamentally restricted access and shaped ownership dynamics, particularly for people of color and low-income communities. Today, many communities across the country are facing new threats of instability, unaffordability, disempowerment, and displacement due to various economic, demographic, and cultural changes that are putting increased pressure on land and housing resources. This is not limited to well-known cases such as San Francisco—where the median price of a single-family home is around \$1.3 million and average monthly rent for a one-bedroom apartment can be in excess of \$3,000 a month—but is an increasing problem across the country and in different types of markets.¹

Displacement from land and exclusion from housing ownership and access has been and continues to be a multi-generational, lived experience in many American communities. This is no accident. Even a cursory look at public policy decisions in the United States over the past 200 years reveals that deeply entrenched racism have profoundly shaped and continue to shape our current system of land



and home ownership, access, and valuation. This ongoing injustice contributes to, among other things, the racial wealth gap, which further drives socioeconomic inequality along race lines. It has also enabled elite and corporate interests to obtain ownership of vital assets in the very communities that have suffered from a history of disinvestment, neglect, and public abandonment—often in the name of renewal and revitalization. The result: perpetuation of the wealth and ownership disparities that are seen across race and class.

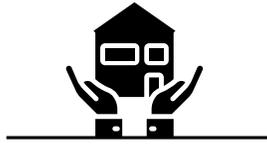
As communities and policymakers alike consider ways to confront these threats—especially within the context of the urgent need for community and economic development—there is an emerging opportunity to develop strategies related to land and housing that can help create inclusive, participatory, and sustainable economies built on locally-rooted, broad-based ownership of place-based assets. This report provides an overview of strategies and tools that, as a group, represent an innovative and potentially powerful new approach—one that establishes, in various ways, **community control of land and housing**. These include:

Limited Equity Cooperatives (LECs)—democratic, member-run cooperative organizations that limit the equity individual homeowners can accumulate, thus preserving long-term affordability;

Resident Owned Communities (ROCs)—democratic, member-run cooperative organizations that own the land in manufactured housing communities, thus protecting against displacement, poor conditions, and exploitative management practices;

Community Land Trusts (CLTs)—democratic, multi-stakeholder organizations that own land for the permanent benefit of the community and sell and rent homes with various resale restrictions in order to maintain long-term affordability;

Community Benefits Agreements (CBAs)—legally enforceable contracts between developers and local community groups that often include various land and housing related benefits and requirements; and

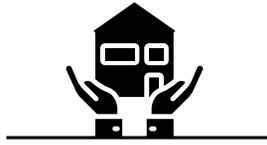


Land Banks—publicly owned or nonprofit entities that allow local governments to acquire abandoned or tax delinquent properties and prepare them for productive uses.

Together and through local variations and interesting new combinations, these strategies and tools can 1) begin to institutionalize democratic control of land and housing, 2) support racially and economically inclusive ownership and access, and 3) catalyze the deployment of public resources to support new norms of land and housing activity. Importantly, “anchor institutions”—large not-for-profit entities, such as hospitals and universities, that are rooted in local communities—can play a key role alongside community organizations and local governments in catalyzing and supporting such strategies.

This report is based on dozens of interviews with practitioners, academics, and community members, as well as a review of various reports, studies, and surveys. It shares the resulting findings through key research insights, a review of best practices, and relevant examples. It seeks to broaden awareness, discourse, and adoption of community control of land and housing strategies among various stakeholders who have a genuine desire to see stable, healthy, equitable, and sustainable local communities flourish. These stakeholders include community activists, municipal officials, economic development professionals, community development practitioners, anchor institution leaders, and social investors.

Section I reviews the concept of displacement and then traces its long legacy throughout American history. This legacy and its implications must be understood when considering the desirability, applicability, and effectiveness of community control strategies. Just as displacement and exclusion were the result of conscious public policy choices, today’s policy choices must be guided by a new commitment to a future that includes ownership and wealth building opportunities for *all* communities.



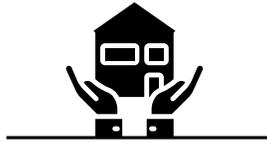
Section II considers five primary strategies for community control of land and housing that can be deployed locally, and supported and enhanced by a reorientation of public, philanthropic, and anchor institution policy at all levels. Specifically, LECs, CLTs, and ROCs can be utilized as “direct” forms of community control with residents, and in some cases other community members, participating in and benefiting from ownership and governance. It also looks at two “tools,” CBAs and land banks, that are valuable mechanisms to increase local capacity and direct significant resources to entities that are or can be community controlled (including LECs, CLTs, and ROCs, but also community development corporations and grassroots nonprofit advocacy organizations). Moreover, it highlights promising signs that variations on or combinations of these strategies offer possible ways to overcome some of the limitations that have traditionally impeded efforts to significantly expand and scale such efforts. Examples include using CBAs to form or expand CLTs and LECs, establishing a land bank-to-CLT pipeline, and combining CLTs with LECs.

Section III examines the role anchor institutions can play in advancing community control of land and housing. Historically, many anchor institutions have had a poor reputation when it comes to considering the land and housing needs of their surrounding communities and have used their vast economic power to expand aggressively into low-income neighborhoods, exacerbating displacement. There are some encouraging signs that this may be beginning to change, with an increasing number of anchor institutions expanding their role in supporting inclusive community and economic development, particularly with respect to affordable housing. However, few have thus far focused substantial resources on strategies for community control of land and housing. As more anchor institutions embrace the “anchor mission”—“a commitment to consciously apply their place-based economic power, in combination with their human and intellectual resources, to better the long-term welfare of the communities in their regions”—they have the ability to play a prominent role in the growth of a new paradigm of development through support for strategies grounded in community control.²



The report offers several suggestions that may help guide further development and refinement of community control strategies. These include:

- Potential funders (including philanthropy, city government, and anchor institutions) should increase their support for organizations that are working to educate communities, policymakers, lenders, and the public at large about the benefits of community control of land and housing strategies.
- Potential funders should support more detailed research and analysis into the impediments to scaling community control of land and housing strategies, and how they vary from market to market, and from community to community. They should also support further experimentation with the kinds of variations on and combinations of these strategies that offer the promise of overcoming these limitations.
- Anchor institutions should use their place-based resources to support community control of land and housing. In particular, hospitals and health systems can leverage their investment portfolios and community benefit programs to fund efforts to establish community control of land and housing initiatives that support improved community and health outcomes. Universities can make similar investments and also use their unique resources to support the research, technical assistance, and training partnerships needed to establish robust mechanisms for internal participatory governance and intergenerational transfer of knowledge and engagement.
- Community activists and their supporters in both philanthropy and anchor institutions should work with lawmakers to pass supportive legislation that enables and helps scale community control of land and housing. Examples include various state-level laws that have enabled the rapid growth of ROCs, the granting of eminent domain powers to the Dudley Street Neighborhood Initiative (DSNI) in the 1980s, and Washington, D.C.'s Tenant Opportunity to Purchase Act (TOPA).
- Community development practitioners, anchor institutions, and government leaders should understand that the broad legacies of displacement and



exclusion cannot exist simply as historical footnotes, but must be actively accounted for, especially in projects that rely on public resources and those that directly and indirectly impact communities of color and low-income communities. This can include working with communities and professionals to assess the mental and physical impacts of the legacy of displacement, and to implement development plans and policies that maximize community participation and minimize disruption to people's lives and livelihoods.

- Municipalities that provide funding, technical assistance, or administrative and legal support to both traditional affordable housing programs and community control strategies should maintain updated records on inquiries from the public—including requests for information, requests for assistance, discrimination claims/reports, and other data that may help track the impact of such programs in their communities.
- Practitioners and community groups interested in community control strategies should look for opportunities to link their efforts to funding from the private sector (through CBAs), from local government (through land banks), and from anchor institutions and philanthropy (through grants and impact investments).
- Community control of land and housing strategies should be made explicit priorities of local land use and housing development policy, as well as be positioned as clear beneficiaries of land and housing development programs—especially housing trust fund programs.

Community activists and community development professionals should make the case that community control of land and housing strategies—given their ability to preserve long-term affordability, ease displacement pressures, and build community wealth—should be prioritized when considering the dwindling pool of federal resources allocated for land and housing programs.



Losing Control. Oakland's East 12th Street Remainder Parcel

In the Spring of 2015, the East 12th Coalition (E12th Street Coalition), a collective of racial and social justice organizations based in East Oakland, rallied community residents at Oakland's City Hall to protest a deal to sell a one-acre plot of city-owned land known as the "East 12th Street Remainder Parcel" to luxury condo developer UrbanCore.³ Adjacent to Lake Merritt, and just east of Oakland's Chinatown community and downtown business district, the East 12th Street Remainder Parcel was vacant land located in an increasingly sought-after area—one that researchers at the University of California, Berkeley described as "undergoing displacement."⁴

In the years leading up to the protest—between 2000 and 2013—rental prices in some of the neighborhoods immediately surrounding the East 12th Street Remainder Parcel had increased by as much as 47 percent.⁵ The number of college-educated individuals in these communities rose by around 14 percent and there was a more than 37 percent change in median household income.⁶ This was not due to rising living standards among the existing population, but rather the influx of new residents, many of whom were more educated and had higher incomes.



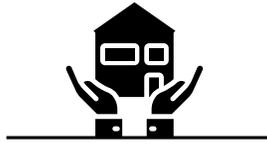
Community activists affiliated with the East 12th Street Coalition rally to support affordable housing development at the site of the East 12th Street Remainder Parcel

Photo: East Lake United For Justice

Over the course of the 2000s, for instance, the city lost a quarter of its Black residents.⁷ Oakland was becoming wealthier, more educated, and whiter, making the East 12th Remainder Parcel a prime target for real estate speculators.

Yet, as surplus public land, the East 12th Street Remainder Parcel was subject to local and state laws requiring the city to offer the property to city agencies or nonprofit developers that would provide affordable housing. In fact, the city’s own attorney general at the time, Barbara Parker, had emphasized the affordable housing requirement in a confidential memo submitted to City Council members earlier in the year.⁸ Though they were unaware of the attorney general’s memo, community organizers and advocates had also pointed out the surplus land requirements in their activism leading up to the council’s vote. Still, the city had not offered the land to affordable housing developers or opened the property up for competitive bidding as required. Nor were there any plans on the part of UrbanCore to include affordable housing in their proposed 300-unit, luxury condo development.⁹

At a time when Oakland’s affordable housing crisis was among the worst in any major American city, the effort to force through the sale of the East 12th



Street Remainder Parcel was more evidence to many of Oakland’s longtime residents that their voices and needs took a back seat to wealthy developers. Moreover, the decision was also a red flag, a sign that displacement, which had already destabilized many of Oakland’s low-income households and households of color, was likely to continue and accelerate.¹⁰

“Organizers pushed hard for some affordable housing,” Steve King, Director of Oakland Community Land Trust, observed when discussing the East 12th Street Remainder Parcel. “They actually wanted all of it to be affordable housing.” With community members rallying and the spotlight of media attention shining bright, the council not only tabled their vote but also shut down the meeting.¹¹ Local community power had won a battle.

Democracy In the Trenches

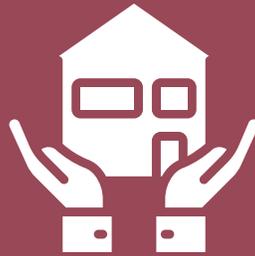
After organizers stopped the sale, the city reopened bidding on the parcel, receiving proposals from multiple parties.¹² Among others, the city received two proposals focused on low-income access, one from a developer affiliated with the E12th Street Coalition and one from UrbanCore.¹³

“The People’s Proposal” / Satellite Affordable Development Plan ¹⁴	<ul style="list-style-type: none">• 133 units of below-market rate apartments, 80 percent of which would have rented to individuals and families earning less than 50 percent of area median income (AMI)—\$38,363 for a family of four—at an estimated cost of \$46 million.¹⁵
UrbanCore Plan ¹⁶	<ul style="list-style-type: none">• 360 units, 108 of which would be priced below market-rate for an estimated total cost of \$177.8 million. Of these, 90 units would be for people earning between 30 percent and 60 percent of AMI and an additional 18 “workforce” units would be for people earning between 100 and 150 percent of AMI.



Losing Local Control

In early 2016, city council members voted six-to-one in favor of the development plan submitted by UrbanCore, citing the company's partnership with the East Bay Asian Local Development Corporation (EBALDC), the potential economic benefits brought about by private capital, and the local ties of UrbanCore's owner.¹⁷ However, after what had become a nearly two-year debate over whether the local community or a private developer would have control over the future of the East 12th Street Remainder Parcel, UrbanCore revealed that it lacked the funds to complete the project. Instead, the East 12th Street Remainder Parcel development would be financed by the Chinese state-owned company Zhongrong, referred to by some as a global shadow bank, as well as international finance firm Behring Capital. UrbanCore will not even retain a controlling interest in the project.¹⁸ The struggle over the East 12th Street Remainder Parcel is not unique. Similar dramas are playing out nationwide amid a rising tension between traditional development practices—where too often residents are displaced and communities suffer—and demands for new approaches that center equity, participation, and community control.



Introduction

Today, in communities across the country, development of land is overwhelming geared toward the benefit of private interests—investors, developers, and domestic and foreign banks—that are primarily concerned with increased profits. There is often little regard for the wealth-building power and the social, economic, and ecological benefits of local community ownership, participation, and control. This contributes to an imbalance of power across American institutions and an environment of increasing instability in the lives and livelihoods of many Americans. Importantly, it has proved particularly harmful in the communities of color and low-income communities that, historically, have been on the frontlines of urban revitalization efforts, but whose residents have often been rendered largely expendable when it comes to economic development and socioeconomic stability.

Since the 1970s, government interventions into the land and housing market on behalf of people of color and low-income Americans have increasingly included corporate and for-profit involvement.¹⁹ While treating land and housing almost exclusively as individual private property has been a staple of public policy since the nation's founding, government's overreliance on for-profit entities to develop land and housing has often served to enrich a small group of wealthy individuals and entities and further remove local communities from the

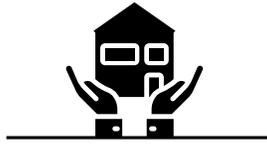


New York City residents protest the city's affordability proposal.

Photo: Kavitha Surana, LeftVoice.org

decision-making and planning process.²⁰ “We are witnessing a deep history in the making,” Saskia Sassen writes. “A systematic transformation in the pattern of land ownership in some of our major cities. Whether it’s national or foreign, large-scale corporate investment...shrinks the texture and scale of spaces that are accessible to the public, and ultimately changes the very character of the city. If we are to safeguard equity, democracy, and rights in urban areas, we must first ask ourselves: who owns the city?”²¹

The consequences of this dynamic are becoming more and more self-evident. Today, the richest 10 percent of Americans control more than 76 percent of the country’s wealth.²² The average White family has an estimated 13 and 10 times as much wealth as Black and Latinx families, respectively.²³ Meanwhile, homeownership, the main source of wealth for many Americans, remains highly unequal—with White families having much higher ownership rates than people of color. Seventy-two percent of White people now own homes compared to 58 percent of Asians, Native Hawaiian, and Pacific Is-



landers; 47 percent of Latinx residents; and 42 percent of Black residents.²⁴ Furthermore, home ownership has become increasingly out of reach for Americans across most age groups due to rising student loan debt, unaffordable costs, and unstable employment prospects.²⁵ Despite dipping in recent years, the number of Americans who now spend 30 to 50 percent of their incomes on rent (21 and 11 million respectively) is still extremely high.²⁶ Research published jointly in 2015 by Harvard’s Joint Center for Housing Studies and Enterprise Community Partners indicates these are disproportionately households of color.²⁷ This, along with the fallout from the housing crisis and Great Recession, has made for an environment in which residential segregation nationally has actually *increased* as people of color have either struggled in high-poverty communities or have been displaced from more integrated, resource-rich communities.²⁸

In many communities, rising housing costs are reaching crisis levels. In California, for instance, reports suggest that around 30 percent of renters are spending more than half their income on rent and utilities. “The problem has been building for decades, a result of rising rents and stagnant income for many lower- and middle-class workers as the economy shifted away from manufacturing to create a legion of low-wage service jobs,” the *Los Angeles Times* reported in late 2017.²⁹ California is not alone. The 2017 Menino Survey of Mayors found that of the 115 mayors in 39 states surveyed, 51 percent cited housing costs as the most important reason people move away from their cities.³⁰ The problem does not just affect “hot market” cities with strong economies. In Detroit, for instance, a foreclosure crisis continues to grip the city as many low-income residents struggle to pay property taxes (which are often significantly inflated given the low value of housing stock in the shrinking city), stay current on their mortgages, and maintain their homes. In 2017, it was revealed that for the first time in living memory, renters now outnumber owners in the city.³¹ This is a stunning turnaround for a city which, for many decades, had some of the highest homeownership rates for Black residents.



Growing Calls for Community Control of Land and Housing

Confronted with these trends, governments at various levels and across the country have deployed an array of strategies aimed at making land and housing more affordable, accessible, and in some cases equitable. These can include, for instance, affordable housing lotteries, anti-eviction laws, low-income tax credits, housing vouchers, down-payment assistance, homeownership counseling, and low-interest loans. As valuable and well-intentioned as many of these efforts have been (and will continue to be), they are often insufficient in altering market trends, addressing the historical legacy of displacement, and preserving long-term affordability.

Consider, for example, inclusionary zoning and linkage fees. The former is a type of “in-kind” tax on developers, requiring or encouraging them to set price restrictions on a certain number of units for a certain period of time.³² The latter is a fee charged to developers who build market-rate real estate, which is then used to build affordable housing elsewhere.³³ While both of these strategies may create some additional affordable housing, they do nothing to shift the underlying dynamics of developer control in the housing sector in favor of the communities most in need and at risk.

As public awareness and concern about inequality and displacement have increased, grassroots leaders and community advocates are starting to look to supplement these kind of conventional efforts with strategies for community control of land and housing—especially in contexts where “successful” economic development has made housing problems more severe. Community control of land and housing represents a fundamentally different approach, one that puts resources (and decision-making) into the hands of local communities, encourages participatory and democratic governance, and preserves affordability and access for the long-term. It goes beyond short-term policy fixes and begins to build new democratically owned and



controlled institutions that can, if developed and grown, provide the basis for a systemic solution to the systemic problem of displacement. And these advocates and community groups are beginning to make advances down this road and achieve victories.

This report examines various strategies and tools for community control of land and housing in the context of a legacy of national and local policies which have fueled displacement and restricted land and housing access and ownership, particularly for communities of color and low-income communities. These strategies include:

Limited Equity Cooperatives (LECs): democratic, member-run cooperative organizations that limit the equity individual homeowners can accumulate, thus preserving long-term affordability

Resident Owned Communities (ROCs): democratic, member-run cooperative organizations that own the land in manufactured housing communities, thus protecting against displacement, poor conditions, and exploitative management practices

Community Land Trusts (CLTs): democratic, multi-stakeholder organizations that own land for the permanent benefit of the community and sell and rent homes with various resale restrictions in order to maintain long-term affordability

Community Benefits Agreements (CBAs): legally enforceable contracts between developers and local community groups that often include various land- and housing-related benefits and requirements

Land Banks: publicly owned or nonprofit entities that allow local governments to acquire abandoned or tax delinquent properties and prepare them for productive uses

In examining these strategies, the report focuses on three core questions; namely, how much each strategy or tool: 1) **institutionalizes democracy and participation**, 2) **supports racial and economic inclusivity**, and 3) **catalyzes**



public resources to develop a new norm of activity. Each of these areas represent both drivers and outcomes of **community wealth building**, a framework for community and economic development that aims to create inclusive, sustainable economies built on locally rooted, broad-based ownership of place-based assets. The report aims to support the emerging effort to broaden awareness, discourse, and adoption of community control of land and housing strategies by analyzing some of the successes and limitations of these strategies, highlighting interesting new approaches, variations, and intersections, and making suggestions for further research, development, and refinement.

This report is indebted to the input and guidance of groups experimenting with these types of community control strategies who made themselves available to help shape the direction of the research. For instance, this includes groups like the Baltimore Housing Roundtable (BHR), a collective of affordable housing advocates, environmental justice organizations, and faith leaders who launched a movement calling for an equitable approach to redevelopment as their city takes steps to transform communities that have been marked by blight, disinvestment, and abandonment for decades.³⁴ “Our long-term goal is to continue to serve the community in perpetuity,” Ayrika Fletcher of Charm City Land Trust (a member of BHR) observes. Hence, BHR’s agenda calls for city investments in community-based, nonprofit organizations such as CLTs and the creation of a land bank to support long-term community control over land and housing

“Segregation and displacement are contributors to an economic system based on wealth extraction. As long as they are in place, vulnerable communities will be stuck in the position of trying to get up off the ground.”

Lawrence Brown
Morgan State University



resources.³⁵ To date, the group’s plan has been backed by several local universities and the city’s mayor, Catherine Pugh, who endorsed BHO’s vision for “Development without Displacement” throughout the city.³⁶ Commenting on the mayor’s commitment, Peter Sabonis of the National Economic & Social Rights Initiative (NESRI)—a member of the BHR—explained that “when the Roundtable began its 20/20 Campaign in 2015, few city officials or stakeholders understood community land trusts (CLTs).”³⁷ Yet, through the advocacy and education efforts of NESRI and other BHR community-based member organizations, the strategy has now been endorsed at the highest level of local government.

In general, support for CLTs is on the rise as groups such as Cooperation Jackson in Jackson, Mississippi, the Community First Alliance in Buffalo, New York, and the Community Land Initiative in New York City, among others, lead the call for a new generation of land and housing policy. In Washington, D.C., for instance, the 11th Street Bridge Park project has taken steps to develop a CLT in response to calls by residents for a broader effort to implement an equitable development plan associated with the redevelopment of a bridge connecting the wealthy Capitol Hill neighborhood with the historically underinvested and predominantly Black neighborhoods on the other side of the Anacostia River.³⁸

Some municipalities and states are also beginning to heed the call.³⁹ For example, in early 2018 city officials in Buffalo announced that they would start setting aside publicly owned land in the Fruit Belt neighborhood—a predominately Black community which is facing cost and displacement pressures from the adjacent Buffalo Niagara Medical Campus—for eventual transfer to the new Fruit Belt Community Land Trust.⁴⁰ This represents a significant victory in a years-long struggle by the dozens of local community groups that make up the Community First Alliance.⁴¹ Similarly, New York City recently awarded \$1.65 million from state bank settlements to support CLTs.⁴² This was a major win for grassroots community advocates who, for



years, have called for less reliance on private developers to provide much needed affordable housing. ROCs as a strategy for community control of land and housing are experiencing a rapid acceleration of growth and scale. Driven by the precarious conditions often found in their neighborhoods, along with supportive state legislation in at least 19 states and the active participation of organizations like ROC USA, predominately low-income residents in many manufactured housing communities across multiple states are beginning to come together to collectively purchase, run, and maintain their community's land.⁴³

Of particular interest to many practitioners and community leaders is the extent to which public resources—including longstanding vacant, abandoned, or neglected properties obtainable by municipalities through land banks and other legal proceedings—can be leveraged to support the development of community control strategies such as CLTs and LECs (as in the Buffalo effort). Another tool increasingly identified as a way to establish and develop community control of land and housing is the CBA. In Detroit, a group of social and economic justice organizations, including the Sugar Law Center and the Detroit's People's Platform, formed Rise Together Detroit.⁴⁴ Due in large part to their activities, voters in Detroit approved a Community Benefits Ordinance (albeit not a more robust version sought by community activists) in November 2016 that will require developers to enter into a community benefits agreement for all large-scale development projects.⁴⁵ Following Detroit's lead, local officials in St. Louis, Missouri introduced legislation that would require community benefit agreements giving community residents more power in planning negotiations.⁴⁶ This is after residents voiced their frustrations about being displaced by private companies that received city subsidies.

Finally, there are emerging signs that anchor institutions—large not-for-profit entities, often hospitals and universities, that are permanently rooted in local communities—are beginning to re-evaluate their own impact on the



land and housing needs of their local communities, particularly with respect to affordable housing. Going further, some anchor institutions are beginning to use both their financial resources and capacities around technical, legal, and training expertise to support various community control strategies. For instance, Bon Secours Health System in Richmond, Virginia (alongside other institutions) has recently provided seed funding for the Maggie Walker Community Land Trust, which broke ground in June 2017.⁴⁷

Willingly or unwillingly, cities and towns across the country are beginning to confront the impacts that traditional forms of economic development are having on the land and housing needs of their residents. As they do so, it is important to understand the deep roots of economic and racial inequality in the United States, as well as the potential role and impact of community-based institutions and assets. This report seeks to support this important and emerging conversation by highlighting the potential of, and limitations faced by, various strategies for community control of land and housing.



Displacement. Systemic and Deeply Rooted

While much attention in recent decades has been focused on “gentrification”—a *process* that derives its name from British sociologist Ruth Glass’ observations of younger, more middle-class people moving into traditionally working-class neighborhoods in London during the 1950s and 1960s—displacement (an *effect*) is not as well understood.⁴⁸ Displacement is both a demonstrably observable phenomenon and difficult to truly quantify and analyze. As Rowland Atkinson wrote in 2000, determining who leaves a community and for what reasons is difficult, and like “measuring the invisible.”⁴⁹ This is often due to inconsistent definitions, severe data collection challenges, short time frames of study, and various methodological challenges. Moreover, as Miriam Zuk and several other researchers found in 2015, “displacement takes many different forms—direct and indirect, physical or economic, and exclusionary—and may result from either investment or disinvestment.”⁵⁰ In 1978, Eunice and George Grier offered one of the first definitions of displacement, stating:

Displacement occurs when any household is forced to move from its residence by conditions which affect the dwelling or immediate surroundings, and which: 1) are beyond the household’s reasonable ability to control or prevent; 2) occur despite the



household's having met all previously-imposed conditions of occupancy; and
3) make continued occupancy by that household impossible, hazardous or
unaffordable.⁵¹

In 1986, Columbia University's Peter Marcuse added the concept of "exclusion" to the definition, writing that:

Exclusionary displacement from gentrification occurs when any household is not permitted to move into a dwelling, by a change in conditions, which affect that dwelling or its immediate surroundings, which: a) is beyond the household's reasonable ability to control or prevent; occur despite the household's being able to meet all previously-imposed conditions of occupancy; differs significantly and in a spatially concentrated fashion from changes in the housing market as a whole; and d) makes occupancy by that household impossible, hazardous, or unaffordable.⁵²

A Brief History of Displacement

From the moment that the first white European settlers stepped onto the shores of North America in the early 1600s, displacement and exclusion, largely based on race, became ingrained in public policy. Some policies—like the overt genocidal wars waged against Native populations or the use of slave labor—were blatant and deliberate in their intentions. Others merely produced displacement and exclusion as tragic but unintended consequences. And still other policies promised improvements but failed to deliver. Taken together, however, these policies provide important historical context for the challenges that all Americans, but especially people of color, face when it comes to confronting market- and policy-driven displacement pressures and gaining control of land and housing resources and processes throughout the country.

This history begins with colonization, with enormous tracts of land seized and enclosed through a variety of means, and the Native inhabitants of these lands forcibly displaced. After the United States secured its independence,



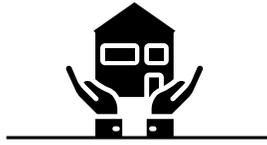
this process accelerated and expanded—often on the heels of armed conflict—as federal, state, and local policies enabled the widespread, systematic seizure of lands for the benefit of White residents. In 1830, the Indian Removal Act led to the violent expulsion of hundreds of thousands of Native Americans from their ancestral homelands. The dispossession and removal of tens of thousands of Creek, Seminole, Cherokee, Chickasaw, and Choctaw was a particularly violent and brutal affair.⁵³ For instance, more than 4,000 of the 15,000 or so Cherokees who set out on their forced march died of starvation, disease, and exhaustion, giving rise to the term now most commonly associated with the Indian Removal Act—the Trail of Tears.⁵⁴ Some, like the Seminole in Florida, resisted, and most were either killed in battle or died of starvation and disease. (The Second Seminole War during this period was especially bloody, with the U.S. Army burning the villages and farms of Seminoles who refused to relocate.)⁵⁵

This process of expansion and removal extended into the western part of the continent as well. In 1848, the U.S. government ratified the Treaty of Guadalupe Hidalgo, ending the Mexican-American War. As part of the treaty, the U.S. annexed around 50 percent of Mexican territory (including parts of present-day Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah).⁵⁶ In the process of gaining control of the land,

“There’s a lot of debate over what is actually going on. Many of the advocates who live and work in these neighborhoods see the impact of speculation, starting with increased rents all the way to landlords and developers who exhibit some pretty bad behavior. Yet, much of this information is on an anecdotal basis, which puts communities in a tough spot when there are government officials saying, “show me the data” or “this isn’t a problem.”

Eva Alligood

Deputy Director, LISC NYC



many of the original occupants were displaced. “In U.S. courts, the property rights of former Mexican citizens in California, New Mexico, and Texas proved to be fragile,” Richard Griswold del Castillo writes. “Within a generation the Mexican-Americans became a disenfranchised, poverty-stricken minority.”⁵⁷

At this point, the enslavement and exploitation of Black people in a North American legal and policy context had been occurring for more than 200 years, with the first Africans being forced into slavery in the American colonies around 1619.⁵⁸ As slaves, Black people were brutally forced to develop the land and property of White people, while being excluded from the possibility of land ownership themselves. This started to change as various northern states began to abolish slavery, new states were admitted into the union, and some individual slaves were freed by their enslavers. However, opportunities remained sparse and racist displacement was deeply entrenched in North and South alike. As Leslie Harris writes about New York City, “whites forced blacks northward up the island over two and a half centuries...With each movement of black people out of an area, new residents erased their history there, sometimes deliberately, other times incidentally.”⁵⁹ The 13th Amendment (1865) banned slavery in the United States following the Civil War.⁶⁰ The issue of whether formerly enslaved Black people would be beneficiaries of land confiscated from Confederate landowners was debated significantly before and during its passage. These discussions were led mostly by White men who, themselves, were often more sympathetic to the concerns of Confederates than they were to Black people who had endured hundreds of years of enslavement. Ultimately, President Lincoln and his successors opted to maintain land ownership rights for White landowners. Even in cases where confiscated lands were slated to be granted to Black people, the federal government did not follow through and, as Shirley Hollis recalls, “in time, virtually all previously confiscated land was restored to its original owners.”⁶¹

With most opportunities to own land stifled, many Black people turned to



share tenancies and cash rent to survive in the post-Reconstruction period. Share tenancies provided Black people with the ability to farm on plantations under the condition that the landowner was provided a portion (e.g., a quarter or third) of the crops produced as payment.⁶² Alternatively, some Black people entered into rental contracts with landowners wherein direct payment of cash rent was made. In both cases, some Black farmers were able to save enough money to eventually to buy land. However, for many others it was a de-facto form of slavery. Moreover, share tenancies and cash renting were extremely limited practices given that in the immediate aftermath of Emancipation most Black people possessed neither the cash nor the farming tools needed to support share tenancy agreements.⁶³

Furthermore, to reassure White southern plantation owners worried about losing their grip on their Black agricultural workforce, lawmakers adopted a crop lien system, which created and institutionalized a market around indebted Black labor. For instance, sharecroppers were unable to use crops they cultivated to access credit for themselves. However, sharecroppers could have their crops seized by creditors looking to recapture debts owed to them by landowners. This cycle of indebted servitude created a peonage environment in many areas that strongly resembled slavery.⁶⁴

“Between 1866 and 1870 approximately 6,500 freedmen entered land; yet probably less than 1,000 of these entrants received final certificates. This indicates that at least 5,500 families expended as much or more than they would have under the earlier laws, but still did not secure ownership of their land.”

Charles Oubre

*Forty Acres and a Mule:
The Freedmen’s Bureau
and Black Land*



Beginning in the 1880s, many states (and not just those that were part of the Confederacy) started to formalize the system of white supremacy and racial segregation that became known as “Jim Crow.”⁶⁵ Based on previous efforts (such as the Black Codes and the Pig Laws) to place limits upon Black livelihood through various laws constraining their abilities to own land, marry, access courts of law, and gain meaningful employment, Jim Crow created a system of American apartheid that significantly limited and inhibited the ability of Black people to access land and housing for much of the 20th century.⁶⁶

As a result of both limited opportunities for economic advancement and the constant fear of racist terrorism, many Black people began to migrate north during the early part of the 20th century. During the Great Migrations (roughly 1910-1940 and 1940-1970), an estimated six million Black people fled the South.⁶⁷ This essentially reversed the geographic distribution of the Black population in the country.⁶⁸ They were joined in northern cities by a growing number of Latinx residents. Due in part to the Mexican Revolution (1910-1920), the Mexican population in America increased almost exponentially.⁶⁹ Between 1910 and 1930 the official number of Mexican immigrants tripled (from 200,000 to 600,000), with the true number likely being much higher.⁷⁰

In many cities, even outside of the Jim Crow states, people of color—including Asian immigrants who were severely curtailed in their ability to reach the United States due to longstanding exclusionary immigration policies such as the Chinese Exclusion Act of 1882 and the 1917 and 1924 Immigration Acts—faced severe restrictions and limitations based on their race.* For

* By applying race-based criteria the Chinese Exclusion Act, and subsequent similar legislation, established an immigration system in which Whites (from certain national origins) were given preferential treatment when it came to entering the country and acquiring land, housing, and other resources—thus contributing to lasting inequality in these sectors.

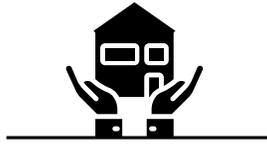


instance, racialized local zoning policies and racist real estate industry practices created conditions whereby the millions of people of color migrating into urban communities throughout the country during the first part of the 20th century were concentrated and segregated into ghettos and slums.⁷¹ Even after municipal-led racial zoning efforts were deemed unconstitutional in 1917 by the U.S. Supreme Court, private property owners and real estate professionals continued to use racially restrictive covenants in housing contracts to keep people of color from purchasing homes in White communities for another 30 years.⁷² Such covenants were supported by real estate boards, neighborhood associations, and even the Supreme Court (which upheld their legality in 1926 before finally deeming them unenforceable in 1948).⁷³

In response to the start of the Great Depression in 1929, the federal government took on a role in housing policy for the first time, creating several housing service entities and finance tools to support the industry and the many people struggling to afford their mortgages. Yet, policymakers embraced, rather than challenged, the racial bias in the real estate industry, which explicitly operated on the premise that people of color had inherently negative impacts on real estate values.⁷⁴ For instance, the Home Owners' Loan Corporation (HOLC), created by Congress in 1933, helped institutionalize the practice of

“Between 1890 and 1910, Jim Crow laws created an elaborately divided world, such that the domain of resources and power was inhabited by Whites, and the domain of deprivation and powerlessness was inhabited by Blacks. The weight of this system fell with greatest force on those in the rural areas, who were tied to the land by debt slavery and peonage. So much power was concentrated among the white landowners that it must have seemed that the divided world would last forever. But the confluence of worldwide instability and worsening of conditions in the South acted—as did the Black Death in the Middle Ages—to create an opportunity for those living in feudal conditions to flee to the city for their freedom.”

Mindy Thompson-Fullilove
Root Shock: How Tearing Up City Neighborhoods Hurts America, and What We Can Do About It



“redlining” by assisting with the creation of residential “security maps” that were used by mortgage lenders, developers, and real estate appraisers in nearly 250 cities to maintain racial and economic segregation.⁷⁵ Similarly, the Housing Act of 1937 (Wagner-Steagall) which aimed to eliminate slum conditions in urban communities, also ensured that the real estate industry’s racially-based profit-making opportunities were largely protected.⁷⁶ Moreover, it placed a cap on the income of public housing residents, a provision that has contributed to the principal longstanding challenge for public housing, concentrated poverty.⁷⁷

In 1949, President Truman’s Housing Act (part of the so-called “Fair Deal”) launched the era of urban renewal wherein the federal government worked in concert with local public housing authorities and private developers to demolish and/or redevelop entire city and suburban segments.⁷⁸ Despite the hopes and concerns of various stakeholders (including social welfare, housing, and business development advocates), much of the law’s promise went unfulfilled.⁷⁹ In fact, once in effect, Title I of the Housing Act of 1949, which provided for slum clearance, became so known for its widespread displacement of people of color, particularly Black people, that many dubbed it “Negro Removal” or “Negro Clearance.”⁸⁰ Alongside the Federal-Aid Highway Act (also known as the Interstate and Defense Highways Act) of 1956, which led to the creation of a 42,500-mile national highway network that was often built directly through Black and brown communities, urban renewal projects demolished the physical and social fabric of communities of color, displacing thousands of people without rebuilding to meet their needs.⁸¹ Moreover, such efforts often decimated black business districts or physically separated them from residential areas, undermining the economic base of those communities. In an article focused on urban renewal in Richmond, Virginia, columnist Catherine Komp observes that “at least 850 homes, businesses and churches were razed...Several thousand people were uprooted from a place where many generations of families had lived; a place that even during its decline was home to a tight-knit community.”⁸²



As in many other areas of social and economic policy, the 1960s represents a turning point of sorts when it comes to displacement and land and housing policy. By the early 1960s, the modern civil rights movement—which had been building throughout the 1940s and 1950s—had effectively garnered enough grassroots support and political power to begin securing some important gains with respect to land and housing access for communities of color. Public policy in general, and community development specifically, increasingly began to focus on correcting inequalities in the housing market, rather than reinforcing them. Yet the process was painstakingly slow, and often had unintended consequences that exacerbated displacement pressures. For instance, the Fair Housing Act of 1968 marked a shift in the nation’s approach to both public housing policies and private real estate industry practices, barring various forms of racial discrimination in both the sale and renting of properties. It also called on the U.S. Department of Housing and Urban Development (HUD)—created in 1965 as part of President Johnson’s Great Society program—to administer programs and activities “affirmatively” to promote integration whenever it could. However, the Act’s provisions remain subject to constant legal battles, and many scholars, including Princeton sociologist Douglas Massey, are keen to observe that the promise of the now 50 year-old act has yet to be fully fulfilled.⁸³

“By the 1960s, federal highway construction was demolishing 37,000 urban housing units each year; urban renewal and redevelopment programs were destroying an equal number of mostly-low-income housing units annually...A large portion of those dislocated were African Americans, and in most cities the expressways were routinely routed through black neighborhoods.”

Richard Mohl

“The Interstates and the Cities: Highways, Housing, and the Freeway Revolt,”
Poverty and Race Research Action Council



While the adoption of the Fair Housing Act was certainly historic, opposition to the integration of suburban communities remained high among White people.⁸⁴ Under pressure from White constituents, President Nixon launched several efforts to block robust actions by HUD to reverse segregation.⁸⁵ Furthermore, the Nixon administration adopted a stance of “benign neglect” with respect to conditions in urban cities, withdrawing essential public services from poor neighborhood and neighborhoods of color under the notion that such communities were irreparable.⁸⁶ This led cities like New York to institute “planned shrinkage” policies that sought to hasten population decline in underserved communities so that property could eventually be reclaimed for other uses (including industry).⁸⁷ Over the course of the next two decades, public policy efforts, by and large, failed to adequately address the needs of people of color living in urban communities. As Alexander Hoffman notes, “as one federal program followed another, the inner-city neighborhoods just got worse.”⁸⁸

Despite their shortcomings, some of the efforts since the 1960s to address the question of land and housing in more equitable ways are important to acknowledge, as they not only have benefitted millions of people who would otherwise have been significantly worse off, but because they form some of the public policy building blocks upon which community control of land and housing strategies can sit. In 1964, the federal Office of Economic Opportunity (OEO) was created to support and coordinate various anti-poverty efforts.⁸⁹ In the late 1960s, OEO began to support the community development corporations (CDCs) that were emerging in several cities (assisted by the Labor Department’s Special Impact Program). “While the CDCs emerged as a reaction to redlining, neglect, or encroachment,” Robert Halpern recalls, “their agendas were not reactive, rather creative and positive.”⁹⁰ Originally, CDCs were seen by some as integrated, locally controlled economic development institutions that would own businesses, develop land, and provide services to local residents. (In some more expansive visions, the CDCs would run their own community development banks). However, under pressure



from first the Nixon Administration and then the Reagan Administration, many CDCs began to focus almost exclusively on providing affordable housing and other related services. Under the directorship of Donald Rumsfeld, the OEO was essentially dismantled (before being formally abolished in 1981).

In 1974, President Ford signed into law the Housing and Community Development Act, which established the Community Development Block Grant Program (CDBG).⁹¹ Administered by HUD, CDBG combined several grant programs into one, and to this day distributes funds on the basis of need to local communities in order “to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.”⁹² In 1986, the Low Income Housing Tax Credit (LIHTC) program was established which, according to reports, “is the largest source of new affordable housing in the United States.”⁹³ Housing developers—including CDCs—apply for the right to receive tax credits, which are allocated to states based on population and distributed to specific projects by state agencies (often known as Housing Finance Agencies).⁹⁴ In 1994, the CDFI Fund was created as part of the Riegle Community Development and Regulatory Improvement Act. The fund supports and invests in qualified community development financial institutions

“Although the Fair Housing Act is often heralded as a key piece of civil rights legislation, in reality it was only the first of several steps Congress undertook to promote residential [de] segregation. Although the Act banned racial discrimination in the sale and rental of housing, it took no action to stop discrimination in mortgage lending. It was not until Congress passed the Equal Credit Opportunity Act in 1974 that discrimination against black individuals was prohibited and it was not until 1977 that it passed the Community Reinvestment Act to outlaw discrimination against black neighborhoods, thus eliminating the legal basis for the practice of redlining.”

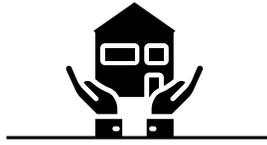
Douglas Massey

“The Legacy of the 1968 Fair Housing Act,”
Sociological Forum



(CDFIs) and was “created for the purpose of promoting economic revitalization and community development.”⁹⁵ Many CDFIs go on to fund the development of affordable housing in their local communities.⁹⁶ And in 2000, Congress created the New Markets Tax Credit program that “helps economically distressed communities attract private capital by providing investors with a Federal tax credit.”⁹⁷

While well-intentioned, these programs have been instituted against the backdrop of major changes in the financial industry that have had a significant impact on the housing market, accelerating the displacement pressures facing people of color and low-income communities. Beginning in the 1980s, Congress adopted several laws that deregulated the mortgage industry, allowing large mortgage companies and commercial banks to replace credit unions and savings banks as the predominant issuers of mortgages.⁹⁸ Additionally, a lack of oversight allowed the real estate industry to employ a variety of discriminatory practices and prey upon the vulnerabilities and aspirations of communities of color and low-income communities. During this period, the practice of subprime lending—whereby banks made high-risk loans and charged higher fees to individuals and families regardless of credit risk—soared. Notably, more than 50 percent of subprime mortgages lacked federal supervision, meaning that federal regulators did not routinely check whether banks made loans their customers could repay or whether banks obeyed consumer protection and other applicable laws.⁹⁹ This lack of oversight directly contributed to the 2008 foreclosure crisis, which disproportionately affected households of color.¹⁰⁰ One 2013 estimate suggested that Black families in particular “lost over half of their wealth since the beginning of the recession through falling homeownership rates and loss of jobs.”¹⁰¹ Similarly, a 2015 report by the ACLU found that home equity for Black Americans had fallen by 12 percent between 2007 and 2009 (compared to 9 percent for White Americans). Moreover, Black and Latinx households were 50 percent more likely to face foreclosure. This has exacerbated already high levels of wealth and homeownership inequality in the country.¹⁰²



A Legacy of Displacement and Exclusion

An honest review of both market trends and the public policy decisions that have been made in the United States over the past 200-plus years reveals that deeply entrenched racism underlies our current system of land and home valuation. This has widened a racial wealth gap that drives socio-economic inequality and enabled private interests to obtain ownership of vital community assets in communities of color in the name of renewal and revitalization.

From a historical perspective, federal, state, and local policies have provided the structural stepping stones for many White people to: a) settle and claim private ownership of land previously owned in common and stewarded by Native communities; b) flee urban environments amid the mass migrations of people of color, particularly Black people from the South following hundreds of years of legalized enslavement and oppression; and c) relocate back into urban environments as cities revive and become nodes in the network of global financial capital.¹⁰³ The multigenerational consequences of these interventions, and their exacerbation of, or failure to adequately address, structural racism in the land and housing market, is at the root of the current displacement dynamics being seen in cities of all types across the country. The trend of mostly White, college-educated young adults moving into low- and moderate-income urban communities of color, while existing residents either struggle to maintain their presence or are otherwise displaced and concentrated into poorer neighborhoods or even completely different cities, counties, and states is a direct consequence of this historical legacy of displacement. Moreover, the relationships between urban and rural displacement issues, as well as the seemingly distinct dynamics between stronger and weaker market cities, are less pronounced when contextualized within this history. While the land and housing issues facing weaker-market cities and rural areas—including a lack of jobs, and vacant and foreclosed properties—are different from those facing stronger-market cit-



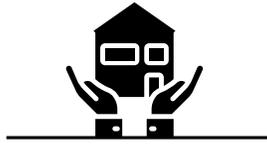
ies—like steeply rising property values and rents and a lack of affordable or available housing—they are two sides of the same coin. Specifically, they are the effect of the historical and ongoing preference (both implicit and explicit) for wealthy, usually White, land and business owners in both the private market and as the beneficiary, de jure or de facto, of public policy interventions into that market. As a result, displacement as an experience and as a threat remains a long-term issue for communities of color and low-income communities in all environments, regardless of short-term economic trends.

In many ways, our country’s land and housing system has barreled headlong into the future without ever adequately addressing one of the main, immoral premises of land and housing values—that land owned by White people (and White-owned businesses) is often seen as more valuable (in various ways that go far beyond mere price) than land owned by people of color, especially Black people. This premise has many consequences. Not only does it validate wealth inequality and constrain opportunities based simply on race and geographic location, but it also normalizes the chronic destabilization and displacement of communities of color and low-income communities across generations. While market forces alongside the unique social and cultural experiences of local communities are important when it comes to the displacement pressures facing many communities, history demonstrates that the levers of public policy and targeted intervention are powerful. Fortunately, they can just as well be used to benefit the many and correct injustices as they can be used to perpetuate them. Moreover, as we will see in the following chapters, they can also be instrumental in moving beyond simply encouraging individual ownership of land and housing, forming the basis for an expansion of community and collective ownership, control, and stewardship.



Strategies to Combat Displacement and Build Community Control of Land and Housing

Displacement is a systemic issue that demands systemic solutions. Today, municipalities across the country are actively engaged in the land and housing sector through policies and programs such as anti-eviction laws, right-of-first-refusal policies, affordable housing lotteries, inclusionary zoning, rental assistance, and homebuyer subsidies, to name just a few. In many places, these strategies are adopted as tools to support residential stability and homeownership among existing residents amid the broader dynamics of community and economic development, neighborhood revitalization, and gentrification. However, while these strategies are often successful as a response to market trends and speculative forces in the moment, they often fall short of establishing a permanent fix to the systemic and cyclical threat of displacement. Additionally, the context in which many of these strategies operate continues to change. In particular, over the past four decades the federal government has dramatically shrunk its role in providing public housing, shifting instead toward a practice of giving real estate developers, banks, and other powerful players in the housing



industry significant public subsidies and tax relief to incentivize the build-out of affordable housing. Even after the Great Recession, which revealed the dangers of an economy and a housing ecosystem dominated by private interests and concentrated capital, the housing and land market continues to be exclusionary and predominately operated to benefit a privileged few. Accordingly, even with the adoption of some of the regulatory and subsidy-based policies listed above, many vulnerable communities continue to face the threat of displacement or are otherwise excluded from opportunities to benefit from land and housing.

Community control of land and housing represents a fundamentally different approach, one that goes beyond policies aimed at nudging the market in the direction of equity or regulating the abuses of the worst actors. It alters both the current functioning of the market and the long-term historical trends upon which it has been constructed. While being used in powerful new ways today, community control of land and housing has a long and rich history in American communities. This history includes various forms of cooperative housing and land ownership, which trace their roots to both precolonial traditions in the Americas and Africa and the struggle of working people in the early days of the industrial revolution (as well as ideas and experiments associated with Henry George, Ebenezer Howard, Ralph Borsodi, Arthur Morgan and other intellectual “grandparents” of the modern community land trust movement).¹⁰⁴ These historical precedents have laid the foundations for the major institutional designs deployed in community control strategies. In general, these are democratically governed organizations whose membership is composed of owner-occupants who commit to steward and to take responsibility for affordable housing, community stability, and local participation in perpetuity.

For these direct strategies of community control, the goal is to preserve affordability, access, and a sense of community across generations. Doing so effectively requires significant resources, however—which poses a problem



for communities fighting the legacy of systemic discrimination and disinvestment. To address this, community benefits agreements and land banks are emerging as important tools to expand and scale community control of land and housing and to enhance the ability of local residents to influence larger decision-making around land and housing.

Increasingly, all of these strategies and tools are starting to intersect and converge: limited equity cooperatives being built within community land trusts, for instance, or community land trusts developing connections to land banks. Taken together, they suggest a new approach to combating displacement, economic exclusion, and community instability—one that is centered on community agency, participation, and ownership. Moreover, community control of land and housing is more than just a theory or good idea, it is based on real-world experience and experimentation happening across the country and across generations. There is a great deal to learn from the possibilities, limitations, successes, and failures of these strategies, and what follows is intended to be a contribution to that process.

Limited Equity Cooperatives

Generally, housing cooperatives are governed and operated by a state-chartered nonprofit corporation whose “shareholders” occupy the housing. This organization owns the property deed, holds the mortgage, and pays taxes and fees on the land upon which the housing sits. Individuals buy and sell shares in the organization based on the type of housing being occupied (and other factors).¹⁰⁵ In **limited equity cooperatives (LECs)**, members can only accumulate some of the equity between the initial purchase price of their shares and the price at resale. This preserves affordability for both current and future residents and often makes LECs significantly more affordable than even market-rate housing cooperatives.¹⁰⁶ For instance, with regards to the San Francisco example reviewed below (Columbus Avenue),



Shelterforce senior editor Lillian Ortiz explains how one-bedroom units in the LEC sold for \$10,000 and had a monthly charge of \$703 (in a city where rent on a similar unit can be as much as \$3,600 a month), making ownership affordable for people with relatively low incomes. Despite the overall number of LECs dropping since their heyday in the 20th century, “in recent years there has been what might be the beginning of a resurgence of sorts across the country,” Ortiz maintains.¹⁰⁷

Background and Development

While some of the first housing cooperatives were established in the late 1800s, adoption of the model in the U.S. began in earnest between the first and second World Wars due, in large part, to the efforts of housing reform advocates who were inspired by the growth of “co-partnership” and cooperative housing around the globe.¹⁰⁸ Predating the widespread adoption of condominiums, housing cooperatives were a way for groups of individuals to own housing units in apartment buildings. Moreover, in some cases they increased homeownership opportunities for industrial laborers caught between slumlords, on the one hand, and speculative developers on the other. Perhaps unsurprisingly, these initial efforts were met with significant skepticism, much of it fueled by traditional real estate interests. Still, by 1925, housing cooperatives had emerged in 16 cities.¹⁰⁹ Over the next few decades, housing cooperative growth fluctuated with political and economic winds.¹¹⁰

While cooperatives struggled to gain traction at the national level, some localities forged ahead. For instance, strong union organizing and political leadership helped establish New York City as a leader in the field.¹¹¹ In particular, the state’s adoption of the Limited Profit Housing Companies Act of 1955 (Mitchell-Lama) resulted in the creation of 269 cooperative housing developments containing more than 105,000 apartments.¹¹² Under the Act, low-interest mortgage loans and real property tax exemptions were provided in exchange for restrictions on tenants’ household income at the time of



purchase, supervision by the Department of Homes and Community Renewal, as well as limitations on how much equity could be collected by a seller at resale.¹¹³ By 1984, the number of cooperative housing units in New York City had grown to around 247,000.¹¹⁴ Today, there are approximately 773,000 occupied cooperative housing units in the U.S.¹¹⁵ Around 155,071 are estimated to be LECs.¹¹⁶ Beyond New York, LECs are particularly concentrated in Boston, New York City, Philadelphia, Baltimore, Atlanta, Washington D.C., Indianapolis, Detroit, Chicago, Kansas City, Seattle, and Los Angeles.¹¹⁷ While the growth of LECs stalled towards the end of the 20th century due to, among other factors, the reduced availability of subsidies and below market loans for construction, there are renewed signs of interest and innovation.

One advance has been the combination of LECs with Community Land Trusts (CLTs), as in the case of Columbus Avenue and Cooper Square (reviewed below). In this model, a CLT owns the land while the cooperative organization comprised of residents collectively own the building upon which the land sits.¹¹⁸ This “dual” or “hybrid” strategy offers an additional safeguard against displacement for vulnerable residents. It also protects investments in an affordable housing supply intended to last multiple generations by ensuring that valuable public and private resources used to support a housing project’s affordability are not lost to speculation during potential LEC residential transitions and resales. “CLT-LEC partnerships [respond] to the individual financing and affordability challenges of CLTs, while providing the stewardship, technical assistance, and financial support that LECs require for long-term success,” a 2014 report by Meagan Ehlenz found.¹¹⁹

The Limited Equity Housing Cooperative as a Tool for Community Wealth Building

Institutionalizing Democracy and Participation

Democratic structures embedded into LEC governance help bolster community control and can protect at-risk populations from threats of dis-



placement.¹²⁰ Typically, this control is exercised by the votes members can cast for cooperative board members who are tasked with making decisions on issues such as property management oversight, budgeting, committee creation, monthly maintenance fee increases, evictions, and establishing the cooperative unit resale criteria. Still, these responsibilities can vary depending on an LEC's bylaws and, like any organization, fulfilling the democratic promise of an LEC takes serious commitment. "We like to remind tenants that this is a business," notes Katy Argueta, a Program Associate at the Washington, D.C.-based, Mi Casa Inc., an organization that provides capacity building and technical support to aspiring and existing housing cooperatives in the city. Reflecting on the "human component" underlying LEC governance, Argueta stresses that those interested in forming LECs must be mindful of the perseverance an LEC requires. "For this to be successful, you have to *be* a cohesive organization," she states. "It takes work."

Supporting Racial and Economic Inclusivity

LECs can provide an intermediary rung on the housing ladder between rentership and ownership. As such, LECs are generally established to support people with low and moderate incomes. This helps socioeconomically vulnerable individuals and families have access to permanently affordably housing over time. For instance, a study published in 2005 by Susan Saegert and Lymari Benitez evaluated the impact of overpriced housing markets on various demographic groups, and found that women, people with physical disabilities, young people, immigrants, Native Americans, and central city residents are more likely to be moderately or severely burdened by housing costs. They concluded that "LECs can provide a less costly, high-quality housing alternative to [conventional] home ownership, especially for the populations least likely to become home owners," and added that "LECs promote residential stability and increase resident control of housing."¹²¹ Further, while comprehensive data collection on the extent to which people of color and low-income families benefit from LECs is limited, census data from New York City provides some insight into the potential role LECs can play in



increasing homeownership among historically marginalized communities.¹²² For instance, NYC's 2014 housing survey found that among the city's 122,132 Mitchell Lama cooperative-owner residents, 47 percent were non-Latinx Black/African American, 27 percent were White, 11 percent were Puerto Rican, 8 percent were Latinx (other), and 6 percent were Asian.¹²³ The median income of these households was \$49,000.¹²⁴ Still, while the data shows the potential for LECs to be a strategy to promote homeownership among the city's residents of color or low-income residents, it is important to keep in mind the context of broader land and housing ownership dynamics where people of color, particularly Black people, are underrepresented when it comes to homeownership in New York City. This includes conventional, condominium, and even market-rate cooperative housing.

Catalyzing Public Resources to Develop a New Norm of Economic Activity

Public policies and programs have traditionally played a significant role in creating the legal and financial mechanisms that enable LEC adoption. "LECs, like most affordable housing projects, need subsidies, below-market interest rates, tax breaks, and other monetary assistance to get started," Ortiz writes. "Getting that subsidy is one of the greatest hurdles to developing more of them."¹²⁵ Existing support programs include the Federal Housing Administration's Section

LECs: The Economic Benefit

In 2010, the Urban Institute published a study in which researchers analyzed the affordability, tenure, wealth, and mobility outcomes of Wildwood Park Towne Houses, a 268-unit LEC community in Atlanta, Georgia, established in 1968. Specifically, the authors analyzed 408 membership sales and resales that took place between 1972 and 2009. The authors found that none of Wildwood's residents at the time were seriously delinquent in paying their share loans or their monthly carrying charges, which meant that they were significantly outperforming the 8.3 percent of county homeowners who were 90 days late in paying their mortgages and the 5.6 percent of county households that were in foreclosure in 2009 (which included upper-income homeowners). While the authors did not credit any one factor for Wildwood's financial performance, they noted that the following contributed to the success of the cooperative: members' ability to access the on-site property management team; the support and training that co-op leadership receives to support the financial success of the company; the affordability of member share loans that co-op applicants use to gain membership to the cooperative; as well as the transparency and accountability members are afforded through the cooperatives annual meeting, during which all members can review the co-op's financials and elect board members.³⁸⁸



213 program—which insures mortgage loans that support LEC construction, rehabilitation, and building acquisition—as well as Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program—two formula-based housing programs administered by local governments that can help fund LEC development efforts.¹²⁶ These programs have been particularly useful to LEC-sponsoring organizations (i.e., tenant corporations and nonprofits) in their efforts to secure a blanket mortgage, the underlying loan used to finance LEC development, from both conventional lenders such as private banks as well as community-based and mission-based lenders like credit unions and community development financial institutions.¹²⁷ Beyond federal support, LECs commonly obtain financing from conventional lenders, though the resale restrictions placed on LEC units as well as an overall lack of awareness around LEC financial performance often act as barriers in the effort to obtain more traditional financing.¹²⁸ Increased access to data from LEC financiers or from LECs themselves might help to increase awareness of LEC financial needs and could also provide advocates and policymakers with the information needed to advocate for increased LEC adoption in local municipalities.

COOPER SQUARE MUTUAL HOUSING ASSOCIATION (COOPER SQUARE MHA) - NEW YORK CITY

History and Development¹²⁹

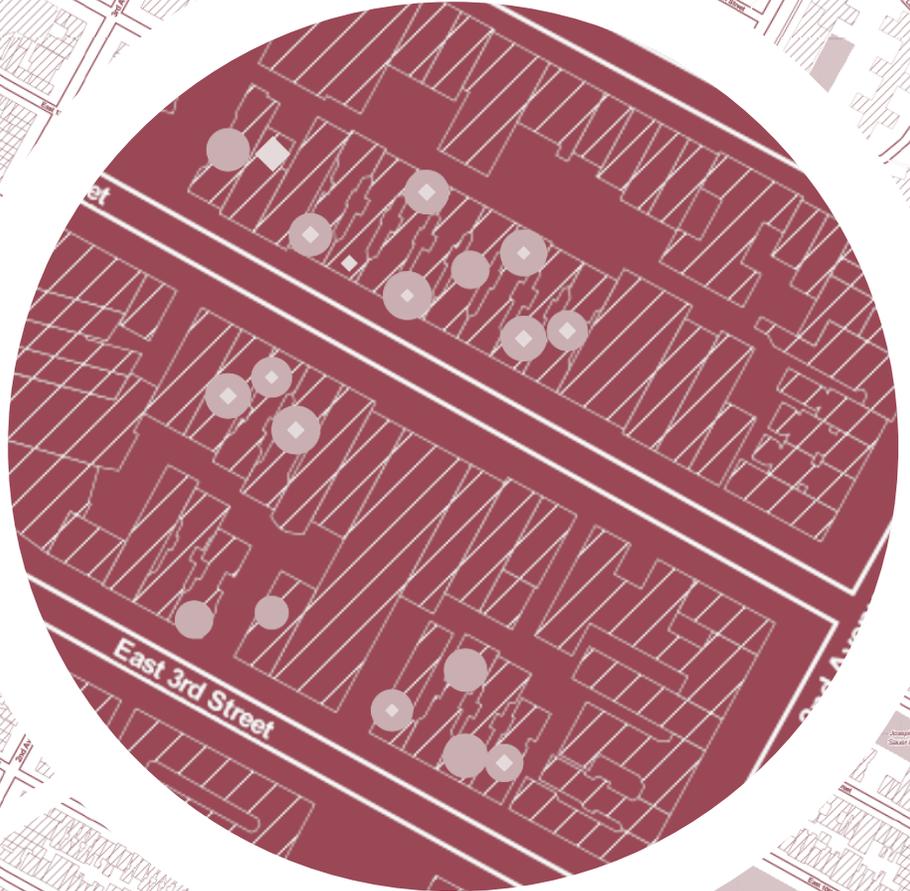
In 1959, local community members in the Cooper Square area of Manhattan's Lower East Side (LES) formed the Cooper Square Committee (CSC) to "fight displacement of neighborhood residents by urban 'renewal' plans" which had proven to be disastrously disruptive and destabilizing to the livelihoods of many of the New York City's low-income families.¹³⁰ In an effort to balance the need for community investment and guard Cooper Square families against the wave of displacement and dispossession that renewal brought to other areas of the city, the CSC, along with many local other stakeholders developed an "Alternate Plan" with three key principles: 1) "Displacement must be minimized;" 2) "Development must be carried out in stages;" and 3) "Site tenants must have first priority for the housing that is developed."¹³¹ The group's plan was met a great deal of resistance and it encountered many political stumbling blocks. However, in 1970, after years of back and forth, the CSC successfully forced the city's Board of Estimate to vote on the Alternate Plan. This further established



Cooper Square MHA's roots are in decades of neighborhood organizing against the pressures of speculation.

Photo: Lower East Side Joint Planning Council

QUICK LOOK:
22 cooperatively-
owned multifamily,
mixed-use buildings;
328 affordable housing
units; 24 storefronts;
290 shareholders.



COOPER SQUARE

- Residential property
- ◆ Commercial property

Size of marker indicates number of units.





the CSC as an influential player in official community planning efforts.¹³² Still, the plan was only partially implemented due to a lack of funding.¹³³ Moreover, despite CSC’s victory, threats of displacement continued to plague the community as developers and some policymakers set their sights on redeveloping the LES significantly.

Faced with continued displacement threats, yet interested in housing renovations and redevelopment of existing properties, CSC decided to stake out a “political” claim (asserting a community, not legal interest) to several vacant parcels in the neighborhood.¹³⁴ “By the 1980s, it was apparent that because of the resurgence of hardcore speculation in this area, we would lose our political claim [to the land] if we waited too long,” explains David Powell, Cooper Square MHA’s Executive Director. There was a sense of added urgency felt among CSC members as both the local and national government seemed to shift gears. “We couldn’t rely on the federal government for any program to on-ramp the Alternate Plan,” Powell notes, reflecting on the role local and national government has played with respect to financing affordable housing development. So, the CSC revised its Alternate Plan and formed the Cooper Square MHA, a single, self-governing cooperative entity comprised of the 22 formerly city-owned buildings (which were renovated between 1991 and 2006).¹³⁵ Of course, the creation of the MHA did not occur in a vacuum. It took nearly a decade of CSC lobbying and several mayoral administrations to get the city to promise that proceeds from the sale of vacant sites in the Cooper Square community would be used to renovate the existing housing stock now under the MHA’s control.¹³⁶ When this agreement was codified into law through a memorandum created with the David Dinkins administration, the CSC softened its “political claims” to the vacant sites in the community.

Highlight: The Cooperative and CLT Hybrid: Solidifying Community Control and Ensuring Permanent Affordability

In 1994, Cooper Square MHA established the Cooper Square HDFC Community Land Trust as it made an agreement to take in a new building from



the city.¹³⁷ Primarily, the creation of the CLT would support the MHA’s ability to satisfy legal conveyance and finance requirements. However, it also gave board members a mechanism to ensure that all of the MHA buildings would remain permanently affordable and never be resold at a profit. “A lot of people who were involved said, ‘We don’t want to struggle for 40 to 50 years just so some people can get rich,’” Powell explains, while describing how some city-supported LECs converted into market-rate properties as tenants paid off their mortgage or after the expiration of affordability provisions. With the CLT as owner of the land beneath the cooperatively-held MHA buildings, MHA managers can more sustainably support the community—free from the worry that development and speculation pressures might entice members to eventually sell off a longtime community asset for an egregious profit, ceding control of the land beneath the residential unit to a speculator. Even further, the hybrid CLT and LEC structure helps bolster resident and community member engagement. Powell states that:

Technically, the Mutual Housing Association consists of two organizations. MHA 1 is the nonprofit management and administrative arm comprised of hired staff and MHA 2, the shareholders and the board. We elect boards of each concurrently. We also have the underlying CLT, which has a presence but not a controlling majority given its nine-member board, three of whom are MHA shareholders and six of whom are local community residents who are engaged on housing issues in the city.

Like their peers around the country, Cooper Square MHA continues the effort to preserve its portfolio of affordable housing to meet the needs of current residents while also strengthening the resiliency of its community through persistent engagement and capacity building activities. Recently, the association was named as one of four groups that, together, will receive a total of \$1.65 million from state bank settlements to assist in the development and expansion of CLTs in New York City. The funds will be distributed by Enterprise Community Partners’ Community Land Trust Capacity Building Initiative.¹³⁸



THE NORWOOD COOPERATIVE (N STREET CO-OP) - WASHINGTON, D.C.

History and Development

For years, residents of the Norwood apartment building complained of neglectful management and watched as a wave of gentrification took hold in D.C.'s Logan Circle neighborhood. In 2011, these forces hit home when the building's owners announced their intention to convert the formerly rent-controlled building into condominiums, a move that threatened to displace existing, largely working-class Latinx families, young working professionals, and LGBTQ tenants. "Some of the residents had lived in the building for decades," says Silvia Salazar, a longtime resident and current board member in the cooperative. To see the livelihoods and stability of families that have been in this community for generations threatened so that a condo developer could step in as the community finally started getting some attention was troubling," she adds. This feeling motivated Salazar and others to organize a tenant's association to purchase the building from

QUICK LOOK:

One multi-family apartment building;
83 affordable housing units;
70 member-owners.

Silvia Salazar, shown here with young residents of the coop, was one of the leaders of the effort that successfully converted the building to tenant ownership in 2011.

Photo: N Street Co-Op





the landlord under D.C.'s Tenant Opportunity to Purchase Act (TOPA). TOPA, which will be discussed further in the Conclusion and Recommendations section, gives residents the right of first refusal to purchase a property when the owner is considering selling—and convert it into an affordable housing cooperative.¹³⁹ With help from the Latino Economic Development Center among others, and a nearly \$10 million acquisition loan from D.C.'s Department of Housing and Community Development and a \$2 million, low-interest rehabilitation loan from City First Homes and City First Bank, residents were able to convert the building into a limited-equity cooperative and complete upgrades to the building's units. "Because we were in the room, at the table with our lawyers during the negotiations, we were not only able to bring the sale price down but also secure money for much-needed repairs and building upgrades, including a new elevator," Salazar adds. In addition to the building purchase, members of the Norwood tenant's association hired a property manager who works on-site and assists in building operations.¹⁴⁰

COLUMBUS UNITED COOPERATIVE (CUC) - SAN FRANCISCO

For years, the threat of displacement persistently loomed over the residents of 53 Columbus Street in San Francisco's Chinatown neighborhood. In 1998, tenants were nearly uprooted after the city scheduled their building for demolition to make way for upgrades to a City College of San Francisco (CCSF) campus.¹⁴¹ Worried that city's promised renovation plan would displace many first- and second-generation Chinese-immigrant families, local organizers and affordable housing rights advocates launched an eight-year outreach and advocacy campaign to keep families living in their homes and community.¹⁴² In 2007, their persistence paid off when the San Francisco Community Land Trust (SFCLT) agreed to purchase the building and convert it into an LEC.¹⁴³ "That crisis really brought the land trust into being and gave it a foundation," says Tyler Macmillan, SFCLT's Executive Director. "I credit the building residents, the Chinatown Community Development Center, and the Asian Law Caucus which still leases space in the building and pays a significant portion



Affordable housing advocates stand with members of the Columbus United Cooperative to celebrate their success converting the residence into a cooperative, preventing the displacement of longstanding residents.

of the rent. We were led by that group,” he adds, acknowledging the grassroots community leadership at the helm of the effort to protect the CUC’s residents from displacement.

Assisted by the City of San Francisco’s generous loan programs—first by a Seismic Program Loan at 53 Columbus, and later as a pioneer of the Small Sites Program, which provides loans that only need to be paid back when the project has positive cash flow—SFCLT was able to establish its role as a steward for permanent affordable housing in what has become one of the most speculative real estate markets in the country.¹⁴⁴ As SFCLT has supported creation of additional cooperatives in San Francisco, CUC has stood out to Macmillan’s team for the neighborhood environment under which the cooperative was created. “It just seems like there were a lot of unique circumstances that caused that particular project [CUC] to come around, especially access to capital,” Macmillan observes, citing the contrast between the city’s tepid support for cooperatives today and the city’s support amid significant political pressure at the time CUC was established.

QUICK LOOK:
21 apartments, mixed-use residential building;
35 co-op members



Highlight: Bridging the Gaps—Resourcing to Ensure Success

The effort to organize the 53 Columbus apartment building into a limited equity cooperative found its base in San Francisco’s diverse anti-displacement, immigrant rights, and housing justice movements, and some continue to play a role in CUC’s success today. Still, the cooperative’s staying power over time has also reflected the continued on-the-ground support residents receive from SFCLT which designates staff members to support CUC administration and critical community outreach. “The building is majority Cantonese speaking. So, we needed someone to do a lot of that translation,” Macmillan notes while explaining how SFCLT has had to transition its focus from acquisition and development to dedicated engagement. “I think a lot of co-ops or land trusts set up in San Francisco and in other places, too, are all focused on acquisition and maintenance, and the most important leg of the stool is the technical assistance to the residents. [...] If you resource the third leg as well as the other two, then the model gets the best chance for success.”¹⁴⁵

Resident Owned Communities

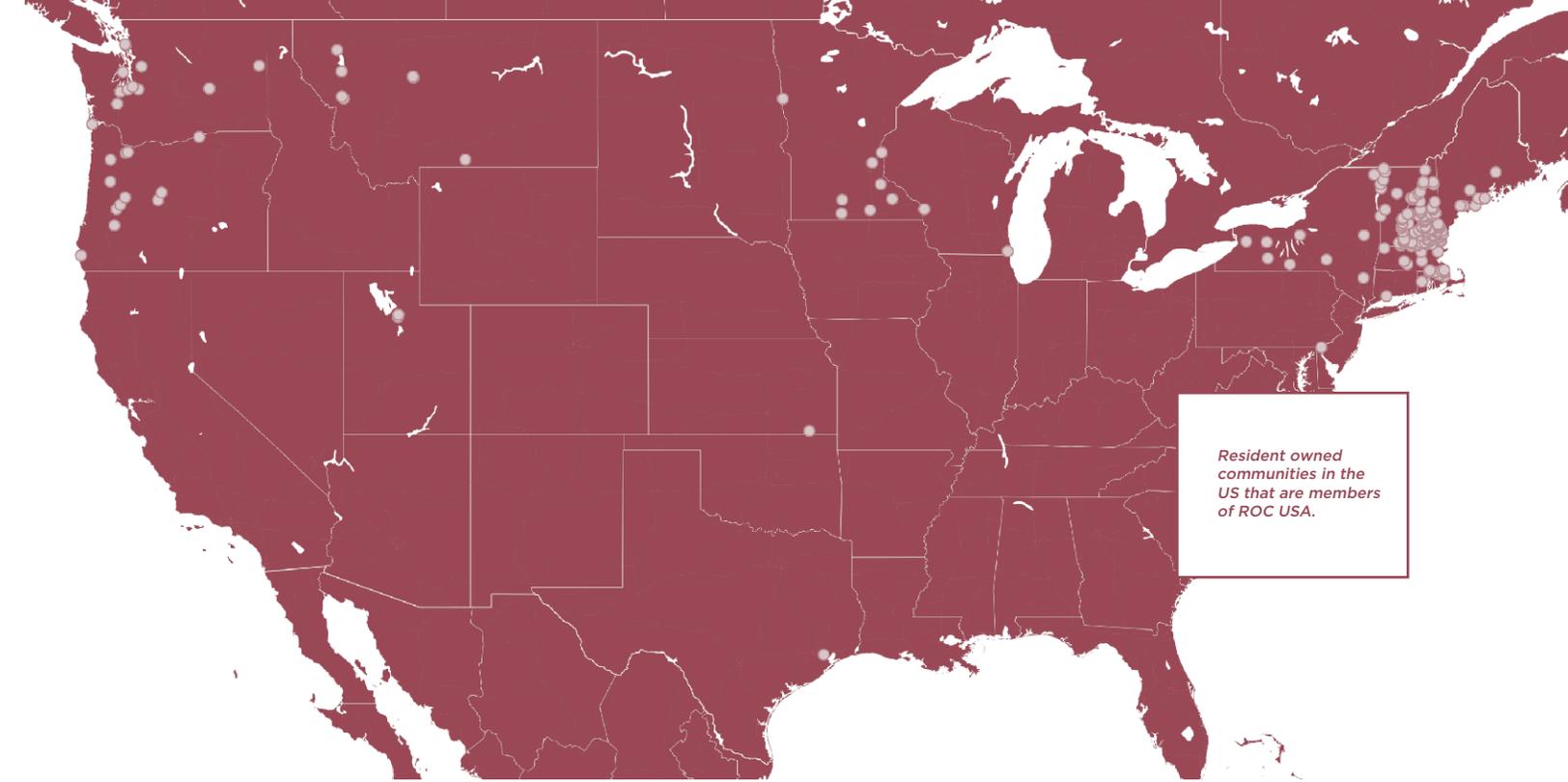
One rapidly emerging sector in community control of land and housing is **Resident Owned Communities (ROCs)**. Most commonly, the term refers to community ownership of land in manufactured housing neighborhoods, otherwise known as mobile home or trailer parks. These communities are home to around 18 million people across the country, with a median household income of approximately half the national average, and provide one of the major sources of affordable housing in the US.¹⁴⁶ In traditional, commercially-oriented manufactured housing neighborhoods, residents own (or rent) their individual homes while the land itself is owned by a company which charges rent, sets rules, and oversees conditions in the neighborhood. Often, residents face displacement pressures when the neighborhood’s owners decide to raise rents, sell to another company, or neglect maintenance



and upkeep. In an ROC, residents cooperatively own the land and manage the neighborhood through elected representatives to a board. Cooperative ownership allows the residents to live without fear of being displaced if the land is sold or the rent is raised too high, and gives them direct control over the material conditions of the neighborhood. In some cases, ROCs are market-rate, with membership shares relatively expensive and out of reach of low-income families. In many other cases, however, ROCs are structured as limited equity cooperatives, which keeps the cost of shares low and preserves affordability.¹⁴⁷

Background and Development

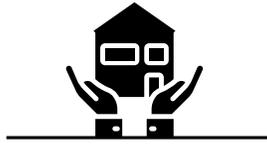
In the early 1980s, residents at one New Hampshire manufactured housing community couldn't bear the prospect of being displaced, so they formed a cooperative and began searching for funding. After being turned down by several banks, they received support from the New Hampshire Community Loan Fund. By 2002, this fund had gone on to enable the residents of 57 such communities to convert to cooperative ownership, and in the mid-2000s it created ROC USA to help spread the model to other communities and states.¹⁴⁸ Today there are approximately 1,000 manufactured housing communities that are resident-owned in several states (especially throughout New England).¹⁴⁹ ROC USA alone has a network of 10,000 manufactured homes in 14 states.¹⁵⁰ "Our communities are resident-owned, resident-controlled, and based on a model that preserves and improves affordable communities while building assets for low- and moderate-income families and individuals," ROC USA's Founding President Paul Bradley explains.¹⁵¹ With interest in the ROC model growing fast, some community and cooperative development organizations are devoting increasing amounts of resources to them. For instance, ROCs now account for more than a third of the work of the Northwest Cooperative Development Center (which does cooperative development in Washington, Oregon, and Idaho).¹⁵²



The Resident Owned Community as a Tool for Community Wealth Building

Institutionalizing Democracy and Participation

In traditional manufactured housing communities, a company or individual owns the land and makes most, if not all, of the critical decisions concerning the community—including regarding rent, maintenance, and selling the property to another owner (or developer). In ROCs, the community collectively owns the land through a cooperative and makes decisions democratically. This includes establishing the cooperative’s bylaws (governing, for instance, requirements for membership, the process for home sales, restrictions on renting or leasing, and member access to the co-op’s records, among others), electing a board of directors, and establishing community rules.¹⁵³ In New Hampshire, an ROC’s bylaws are subject to the state’s Consumers’ Cooperative Association laws. “The most important requirement of [these laws] is that a co-op must be democratically controlled, with a one-vote, one member system,” the New Hampshire Community Loan Fund explains.¹⁵⁴ As ROCs are not tax-exempt, members can decide to do one of three things with any financial surplus at the end of the year: 1) put the



money into a capital improvement fund for community improvements; 2) hold the money over to defray the following year's expenses; or 3) return it to the members directly as a dividend.¹⁵⁵ Because they are democratically controlled, ROCs often have different priorities based on local conditions. In 2014, for instance, two Massachusetts manufactured housing communities converted to ROCs on the same day. In one (Edgeway), residents decided to prioritize upgrading their deteriorating water infrastructure. In the other (Twin Coach), they decided that the most pressing issue was equalizing rent payments. "When people form cooperatives to manage important aspects of their lives, such as their housing, jobs, or food, they gain greater control and take on greater responsibility for finding solutions that work," Noemi Giszpenc of the Cooperative Development Institute stated when discussing the two communities. "That's the essence of a strong American democracy."¹⁵⁶

Supporting Racial and Economic Inclusivity

The residents of manufactured housing communities are often disproportionately low-income. Moreover, while most commonly associated with poor White people in rural areas, manufactured housing communities are actually found in both urban and rural areas, and are becoming increasingly popular with people of color—especially Latinx. "It's interesting that our cultural perception of mobile homes is almost always synonymous with white residents," the University of Colorado's Esther Sullivan recently stated. "This is [also] an incredible source of affordable housing and a route to homeownership for Latinos in this country."¹⁵⁷ In many areas, residents of manufactured housing face racial discrimination and hostility from municipal officials who see their communities as a nuisance. "Cities really do stigmatize the land use, and there's a clear penalty to being a Latino resident of a mobile home park," Ester Sullivan found.¹⁵⁸ For instance, in Kittitas County, Washington, municipal officials secretly purchased (through negotiations done in executive session) the Shady Brook manufactured housing community—home to mostly low-income, Latinx residents. They intended to evict the community's 100 or so residents and turn the site into an RV park for visitors to the



annual rodeo and county fair. Announcing the launch of a state investigation into the sale in early 2017, the Assistant Attorney General in the Washington Attorney General’s Civil Rights Unit, Patricio Marquez, stated that “we have learned of information that suggests the County’s proposed purchase and closure of Shady Brook Mobile Village may constitute discrimination against persons based on race, color and/or national origin.”¹⁵⁹

Cooperative ownership of the land beneath residents’ homes is a powerful mechanism to mitigate the displacement pressures brought about by both concentrated ownership (when wealthy private individuals or corporations own the community) and discrimination (on the part of local officials, financial institutions, or neighboring communities). Additionally, cooperative ownership and management helps residents build wealth because secure ownership of the land and proper upkeep of the community’s facilities often enables residents to access better financing and realize higher property values.

Catalyzing Public Resources to Develop a New Norm of Economic Activity

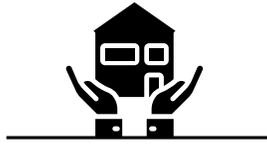
While manufactured housing communities are often looked down on or ignored by local officials, some municipalities have been supportive of ROC conversions. For example, in the Edgeway and Twin Coach conversions, Cooperative Development Institute reports that “the local town governments of both Middleborough and Lakeville were major proponents of the conversions and played significant roles in the process.”¹⁶⁰ Additionally, many organizations that provide financial and technical assistance to communities seeking to form an ROC (like the New Hampshire Community Loan Fund) are Community Development Financial Institutions (CDFIs).¹⁶¹ CDFIs can access various programs run by the Treasury Department’s CDFI Fund—including the New Markets Tax Credit Program.¹⁶² In many states (19 as of 2015), various policies encourage or require residents in manufactured housing communities to be given the opportunity to purchase their land.



Policy Element	CA	CT	DE	FL	ID	ME	MA	MN	MT	NC	NV	NH	NJ	NY	OR	PA	RI	VT	WA
Form & nature of notice: Who is notified?	~	~	✓	~	~	+	+	+	~	~	~	+	+	+	+	~	~	+	+
Form & nature of notice: What type of sale triggers notice?	+	~	✓	+	✓	~	+	✓	~	~	✓	+	~	~	+	~	+	+	✓
Length of notice period	~	+	+	✓	~	✓	✓	✓	~	~	~	+	+	+	~	~	✓	✓	~
Residents' rights upon receiving notice or making offer	~	+	✓	✓	~	~	+	✓	~	~	~	✓	+	+	~	✓	+	✓	~
Exceptions for specific types of transactions	✓	✓	~	✓	+	+	✓	✓	~	~	+	✓	✓	✓	✓	+	✓	✓	+
Tax incentives to encourage sale to homeowners	~	~	~	~	~	~	~	~	+	+	~	~	~	~	+	~	+	+	+
Penalties for noncompliance	✓	~	✓	~	~	✓	✓	✓	~	~	~	✓	~	~	+	+	~	+	~

Policy Element	+ Strong	✓ Medium	~ Weak
Form & nature of notice: Who is notified?	All homeowners are notified without having to take special steps.	All homeowners are notified, without having to take special steps, in some but not all circumstances.	No notice required, or only if homeowners take certain steps, such as forming an HOA and/or notifying landowner of interest in purchasing the community.
Form & nature of notice: What conditions trigger notice?	Any sale triggers notice.	Notice required regardless of whether a change of use is intended, but with other limits, e.g., only when community is listed or advertised, not when owner receives offer.	No notice required, or only when a change of use is intended.
Length of notice period	60 days or more	45-59 days	Less than 45 days, or no notice required
Residents' rights upon receiving notice or making an offer	Provides right of first refusal	Provides duty of good-faith negotiation	Provides neither right of first refusal nor a duty of good-faith negotiation
Exceptions for specific types of transactions	Provides no exceptions	Provides the usual exceptions	Provides more than the usual exceptions
Tax incentives to encourage sale to homeowners	Provides tax incentives	N/A	Does not provide tax incentives
Penalties for noncompliance	Sets substantial penalties for noncompliance	Sets some penalties for noncompliance	Does not lay out penalties for noncompliance

Tables from: *Manufactured Housing Resource Guide: Promoting Resident Ownership of Communities* (NCLC, February 2015).



According to the National Consumer Law Center, these laws generally fall into three categories. The first is “purchase opportunity laws” that require residents be notified in advance when their community is being sold. More robust variants of these laws can include giving residents the right of first refusal, or requiring the selling party to consider any offer made by residents and negotiate with them in good faith. The second category is tax incentives provided to the selling party in order to incentivize selling to residents. This can include reducing or eliminating the capital gains liability or real estate transfer taxes an owner owes as part of the sale. The third comprises policies that encourage the development of resident associations (the critical precursor to cooperative ownership) and protect them from retaliatory actions (such as evictions) by landowners.¹⁶³

PASADENA TRAILS — HOUSTON, TEXAS

114 sites

In 2008, residents of the Pasadena Trails manufactured housing community in Houston, Texas began organizing to purchase the land in their neighborhood from an Arizona-based company. High on the list of community con-

The welcome sign at the Pasadena Trails community entrance





cerns was the poor drainage that often left the neighborhood’s entrances and school bus stop flooded. With help from the Community Resource Group and financing from ROC USA, they formed the Pasadena Trails Cooperative and, in June 2009, purchased the land.¹⁶⁴ Speaking about the conversion in 2016, board president Esthela Garza stated that “many of the residents were happy to live there, but now they participate in this community, too. Our members have responsibilities—they help out, they serve on the Board of Directors and committees, and it’s improving Pasadena Trails.”¹⁶⁵ After several years, the cooperative refinanced their loan and borrowed additional capital in order to hire an engineer to redesign the community’s entire drainage system. This turned out to be a great investment when, in 2017, Hurricane Harvey hit the city, causing widespread flooding. Pasadena Trails suffered only minor damage, allowing residents to participate in relief efforts for neighboring communities that were more severely impacted. “They are certainly one of the few borrowers to make drainage and storm water management a top priority for capital improvements,” Michael Sloss of ROC USA Capital recalls. “As Harvey showed us, that was incredibly smart forethought on their part.”¹⁶⁶

TAKESA VILLAGE — MEAD, WASHINGTON

149 homes

For years the residents of the Mead Royale Mobile Home Park just north of Spokane struggled with crime, drug abuse, and run-down properties. Management was indifferent to the community’s problems, refusing to take resident calls or make improvements. “Residents had no sense of safety, security, or belonging,” one report found. “They were discouraged from going outside; children weren’t permitted to ride bikes or splash in a kiddie pool. No one trusted or spoke to his or her neighbors. Most lived in isolation, filled with insecurity, fear, and the constant threat of eviction.”¹⁶⁷ When the park was put up for sale, a small group of frustrated residents met secretly and decided to take action. After reaching out to ROC USA, two-thirds of the community’s residents voted in favor of exploring the formation of a cooperative. With ROC USA’s help, the community partnered with Capital Impact Partners (CIP; a mission-driv-



Takesa Village residents meet to plan their campaign for securing ownership of their community.

Photo: Courtesy of Capital Impact Partners

en lender) and the Washington Housing Finance Commission to finance the purchase. “Supporting the cooperative model of land ownership aligns with our mission in that it gives residents more control over their futures and helps to build stronger communities,” Estee Segal of CIP stated in conjunction with the transaction.¹⁶⁸ In May 2016, the sale went through, and the community’s 149 households took control. Soon after, the community began organizing volunteer cleanup committees, draining standing water, and upgrading the sewer system (among other improvements).¹⁶⁹ According to reports, safety is increasing, kids can play freely outside, and a culture of community is being developed through, among other things, renovating of the clubhouse, creating a small library, and organizing social events.

Community Land Trusts

Community land trust (CLTs) are nonprofit organizations that acquire and steward land in a “trust” for the permanent benefit of low-income communities. A CLT holds ownership of the land in perpetuity, while residents and



commercial tenants own the homes and other establishments atop the land via a ground lease with the CLT. By separating ownership of the land in this manner, a CLT helps manage and regenerate public and private resources that support affordable home and business ownership opportunities within a community for multiple generations despite economic ups and downs.¹⁷⁰

CLTs contrast with conventional affordable housing strategies which typically offer prospective homeowners a one-time subsidy that is neither recaptured or regenerated once a homeowner sells their home or in the event of foreclosure. With CLTs, the public subsidies and private investments stay within the community, furthering the reach and impact of these often-scarce resources. Additionally, while CLTs primarily lease their land to support the development of housing, other prevalent uses include food production, community gardening, commercial centers, and recreational facilities.¹⁷¹ Moreover, the typical CLT is democratically governed by a tripartite board of CLT tenants, managers of the CLT, and community stakeholders. Hence, CLTs offer communities a tool to decommodify land, an essential community resource, to some extent. “The idea that land should be treated from an economic point of view as if it were a commodity that you buy and sell and make money on has to change,” the late Bob Swann stated in 1990. “Land can’t be treated that way. It has to be treated as a form of trust, and we have to be stewards of the land.”¹⁷²

Background and Development

The first community land trust in the U.S., New Communities Inc., was created in the late 1960s by Black farmers and civil rights activists including, among others, Marion and Slater King (a cousin of the Rev. Martin Luther King Jr.), Bob Swann of the Institute for Community Economics (ICE), Fay Bennett of the National Sharecroppers Fund, and Charles and Shirley Sherrod of the Southwest Georgia Project. Together, these leaders sought to combat an epidemic of land loss and displacement in Black communities in southern Georgia.¹⁷³ Their effort to convert almost 6,000 acres of rural land in Albany,

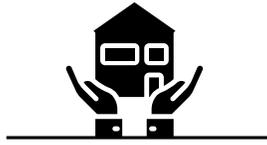


Georgia into a “cooperatively managed farm and planned residential community to be located on land that was leased from a community-controlled nonprofit” was a step toward this goal.¹⁷⁴ Ground leasing had proven effective in supporting the growth of agricultural cooperatives in Israel, a finding imparted to New Communities’ leaders when they took a trip there in 1968.¹⁷⁵ Additionally, prior efforts to develop intentional communities in America had demonstrated that, when paired with significant planning, leasehold communities had the potential to achieve broader goals, including economic independence and residential stability.

Long-term ownership of land, economic independence, and community stability were top priorities for local communities of color across the country during the 1960s, but especially for those in the South where Black people often encountered deep-seated racial animus and oppression. New Communities Inc. was no exception. White supremacists routinely shot into New Communities’ offices and local and state officials blocked access to promised federal funding. Despite this, throughout the 1970s and 80s, the CLT strategy began to spread, including into the nation’s cities.¹⁷⁶ In 1980, for instance, local clergy had established the Community Land Cooperative of Cincinnati to combat gentrification in a low-income Black neighborhood. In the late 1980s and early 1990s, several localities—including Portland, OR and Burlington, VT—established CLTs.¹⁷⁷ The latter was supported by the administration of then Mayor Bernie Sanders who provided funding and political support.¹⁷⁸ Furthermore, some employers also moved to support the CLT model as a way of attracting workers.¹⁷⁹

“The idea behind New Communities Inc. was to take civil rights one step further into economic independence and economic rights using agriculture as an economic base.”

Mtaminikia Youngblood
in the film “Arc of Justice”



Today, while CLTs remain small both in overall number and size—there are around 225 throughout the country—interest in the model is growing, a testament to the leadership of New Communities, as well as the many community groups who have long advocated for CLTs in the face of strong policy shifts toward privatization.¹⁸⁰ For instance, in New York City a variety of public, nonprofit, and private entities have come together around an ambitious effort to expand CLTs. Funded by a settlement with some of the nation’s largest banks, the city’s Housing Preservation and Development agency has recently announced grants totaling \$1.65 million for the development of CLTs.¹⁸¹ One of the recipients is the newly formed Interboro CLT. Designed to be the first city-wide CLT, Interboro is a partnership of the Center for NYC Neighborhoods, Habitat for Humanity New York City, the Urban Homesteading Assistance Board, and the Mutual Housing Association of New York.¹⁸² Another recipient is the East Harlem-El Barrio CLT, which was co-founded by the nonprofit organization Picture the Homeless and is aimed at providing land and housing opportunities to families with extremely low incomes.¹⁸³

The Community Land Trust as a Tool for Community Wealth Building

Institutionalizing Democracy and Participation

CLTs lean on their governance structures, member engagement activities, and underlying legal mechanisms to support democratic, community control of land and housing.¹⁸⁴ Longtime CLT researchers and advocates Jeffrey Lowe and Emily Thaden have found that CLTs leverage their governance structure and membership engagement tools to support community-control of land. Generally, CLT members include the CLT’s lessees as well as residents who live in the CLT service area, and their responsibilities range from assessing membership dues to approving land sales, approving bylaws, and electing the CLT board.¹⁸⁵ Though not always the case, many CLTs rely on a tripartite board setup which allocates responsibilities across three groups:



lessee members (homeowners or renters), general/community members (representatives of the surrounding community), and public members (public officials and or nonprofit/funder representatives).¹⁸⁶ Respectively, these members work to protect the interests of lower-income households, manage community assets, and protect public investments. Additionally, it is also claimed that CLT residents are more likely to be made aware of potential real estate and commercial developments in their community, provided with adequate notice of opportunities to participate in planning discussions, and given legal standing with respect to judicial disputes than their counterparts in traditional housing. While covenants, liens, and leases all provide an ability to control what happens to buildings on the land, ground leasing ties together the interests of a community. In a 2017 San Francisco Law Review Article, leading CLT practitioner and advocate John Emmeus Davis observed that relative to various forms of restrictive covenants, liens, and leases, organizations that conduct ground leasing are more likely to receive formal invitations to participate in public planning processes and receive legal standing in regulatory and judicial disputes regarding any nearby property developments.¹⁸⁷

Supporting Racial and Economic Inclusivity

While many CLTs throughout the country support families of color and low-income households, data illuminating the extent and scope of these activities is relatively sparse. However, with the rollout of Grounded Solutions Network's Homekeeper National Data Hub, this is beginning to change.¹⁸⁸ To date, it contains information on 34 programs representing approximately 4,000 CLT households.¹⁸⁹ Thus far, the data shows that 72.4 percent of CLT households are White, while just 9.8 percent and 8.7 percent are Black and Latinx respectively.¹⁹⁰ Of course, this data accounts for a very limited amount (less than 10 percent) of CLTs programs in the country. Hence, it is unlikely to fully represent the geographic and social diversity of CLT programs, particularly those that have been developed and led by community groups of color, municipalities, and institutions. Moreover, many of the larger



CLTs currently operate in less racially diverse areas of the country. As the model spreads, especially to such racially diverse cities as Baltimore, New York, and San Francisco/Oakland, these percentages are likely to change. Though today's CLTs support retail, offices, community gardens, and commercial farming, most focus predominately on the development and stewardship of residential properties that house people for whom market-rate or speculatively driven housing is out of reach.¹⁹¹ This is confirmed by the Homekeeper database, which shows that incomes of most CLT households fall near 60 percent of AMI. More broadly, Homekeeper further suggests that CLTs appear best equipped to serve households making between 40 and 80 percent of AMI.¹⁹² That this focus on low- and middle-income families does not fade with time or as CLTs increase in size is worth emphasizing. For instance, a 2010 Urban Institute study of the three largest CLTs in the U.S. (Champlain Housing in Burlington, Vermont; Northern Communities in Duluth, Minnesota; and Thistle Community Housing in Boulder, Colorado) found that, on average, residents made 45 percent to 52 percent of area median family income.¹⁹³

Catalyzing Public Resources to Develop a New Norm of Economic Activity

CLTs have largely been financed through local public programs that catalyze state and national resources. Additionally, philanthropy has traditionally played an important role. "Over the past four decades, the community land trust movement has grown steadily in the United States," a 2010 report by Miriam Axel-Lute of the National Housing Institute found. "Especially important has been the philanthropic community, whose initial and ongoing support has made much of this growth possible."¹⁹⁴ As affordable housing preservation and development has emerged as a major policy issue across the country, and federal resources have become stifled by national politics, some local communities have taken steps to shore up financial support for such efforts through local mechanisms such as Housing Trusts Funds. Funded by variety of sources—including real estate transfer taxes, docu-



ment recording fees, tobacco taxes, real estate escrow accounts, utility charges, capital budget bond proceeds, and appropriations—housing trust funds help cities, counties, and 47 states resource a myriad of critical land and housing development and preservation needs. This includes new housing construction, preservation and rehabilitation of existing multi-family housing, acquisition, housing for those with special needs, down-payment assistance, and elderly housing. The Center for Community Change found in 2016 that there were more than 770 housing trust funds around the country that are generating more than \$1 billion for housing projects.¹⁹⁵ Funding is often awarded based on a trust fund’s stated priorities, scoring criteria, and program-specific set-aside amounts. The survey found, however, that currently only around a fourth of the city housing trust funds, less than a fifth of state trust funds, and just a few county housing trust funds list CLTs as explicitly eligible for funding.¹⁹⁶

CLTs - The Economic Benefit

In “Stable Homeownership in a Turbulent Economy: Delinquencies and Foreclosures Remain Low in Community Land Trusts,” Emily Thaden compared foreclosure rates between conventional homes and homes that were part of 96 CLTs during the recent housing crisis (2007 and 2010). Thaden found that conventional households were 10 times more likely to be in foreclosure proceedings and 6.6 times more likely to be seriously delinquent than CLT households. Moreover, 79 percent of CLTs referred delinquent homeowners to foreclosure prevention programs, 66 percent referenced such homeowners to financial counseling, and 19 percent were “ready to provide emergency or rescue funds to the homeowner to help them become current on their mortgage.” Thaden credited this outperformance by CLTs to the vigilance embedded into the CLT management structure. This enables the nonprofit stewards to play a more active role in reviewing the mortgages created between bank lenders and CLT residents to ensure they are not burdensome to residents and, further, allows them to intervene in times of trouble to keep the residents from being displaced.¹⁹⁷



Community members and officials at the grand opening of Proud Ground's Svaboda Court project, a 13-unit mid-rise development of permanently affordable town homes in Portland's Lents neighborhood in 2012.

Photo: Jackie Keogh,
Proud Ground

PROUD GROUND - PORTLAND, OR

Proud Ground was initially launched as the Portland Community Land Trust in 1999 after community leaders successfully lobbied city officials to create a vehicle for working- and middle-class families to afford homeownership amid the city's surging housing market.¹⁹⁸ As municipalities surrounding Portland began to experience similar affordability issues, Proud Ground has partnered with local jurisdictions to extend the community land trust's reach. Through their work, they discovered that existing affordable housing programs were not meeting the need for permanent affordable housing.¹⁹⁹ "The CLT's fundamental construct is to allow a nonprofit to steward the value of local, state, and national subsidies... and hold that value for the benefit of the community in a permanently affordable asset for the neighborhood and an opportunity for the families," says Proud Ground's Executive Director, Diane Linn.²⁰⁰ "It's the only concrete or tangible way to prevent displacement into the

QUICK LOOK:

280 single-family homes serving more than 300 families



future. Many other policies have not been nearly as effective.”²⁰¹ Regional expansion meant Proud Ground could broaden its impact to include areas of Portland where predatory lenders and speculators had impacted low-income families and families of color. Of the nearly 281 homes in the Proud Ground’s portfolio, 52 percent are households of color.²⁰² Moreover, the average Proud Ground homebuyer makes \$41,000, or about 65 percent of AMI.²⁰³ Further, while it draws from a variety of local public and private funding sources, Proud Ground has also benefited from significant federal support, including from the HOME grant, the CDBG program, and HUD’s Self-Help Homeownership Opportunity Program (SHOP).

“When you’re talking about community engagement (de-democratizing) the CLT’s fundamental construct allows a community nonprofit to steward investments of local, state, and national governments in the form of subsidies in permanently affordable homes in the community. Local CLT’s ensure that the community benefits by creating and maintaining a permanently affordable asset in perpetuity while giving working families with low to moderate incomes truly affordable homes. It’s the only concrete or tangible way to prevent displacement into the future... Using the mechanism of a land lease, or permanently affordable covenants, CLT’s create a partnership with the family that purchases the home in a shared equity model. This partnership ensures that the subsidy stays in the home and the next income-qualified family can purchase that home two, five, ten, thirty or fifty years down the road. That’s what we do.”

Diane Linn
Executive Director, Proud Ground





Oakland community leaders, some residents and some shop operators at the 23rd Avenue Community Building, pose in celebration of their successful effort to convert the property into a mixed-use community and trust.

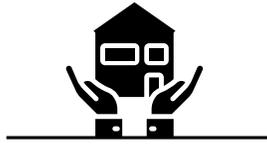
Photo: Eri Oura, Cycles of Change

OAKLAND COMMUNITY LAND TRUST (OAKCLT) - OAKLAND, CA

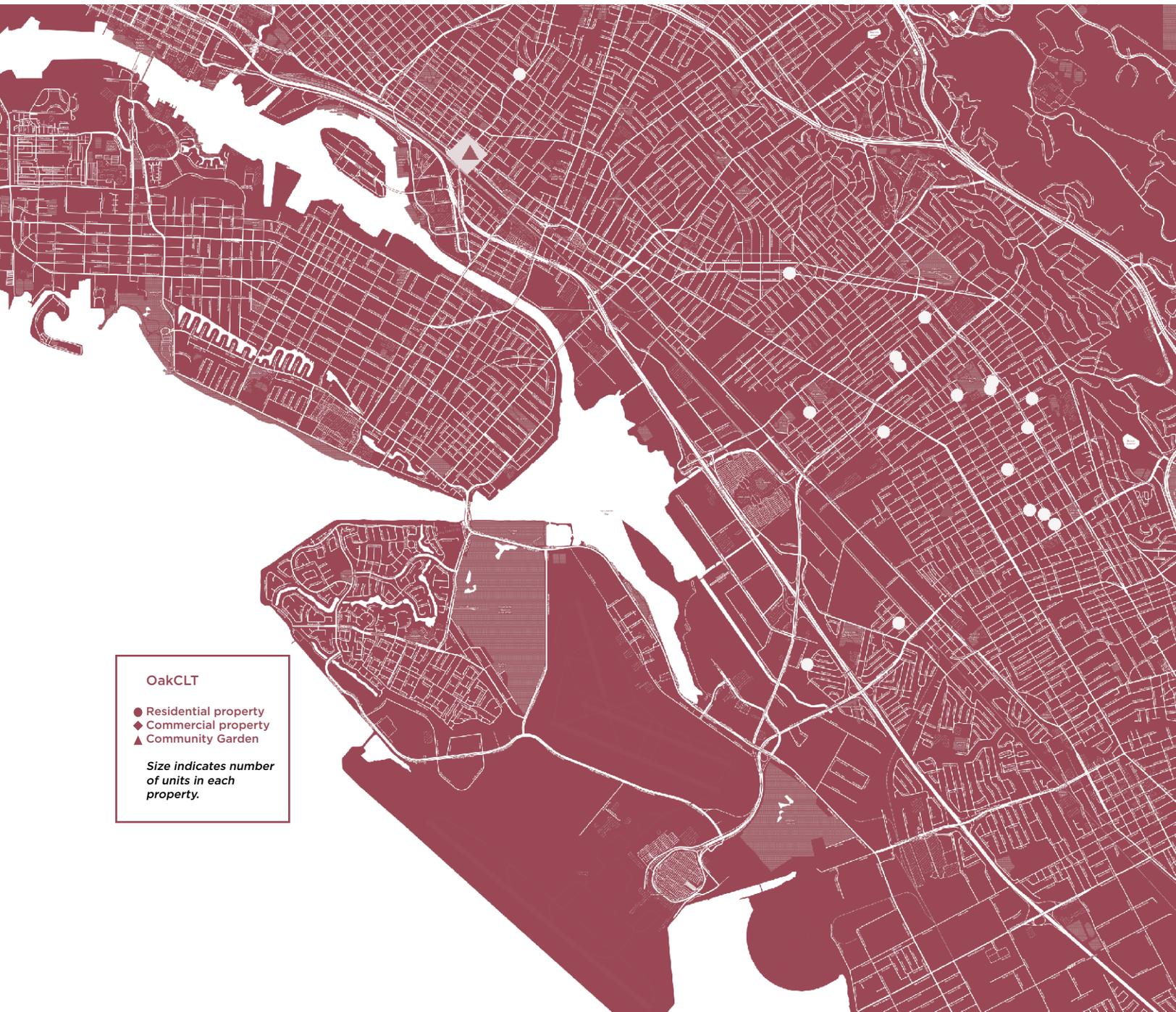
Community organizers and social justice advocates formed OakCLT in 2009 during the Great Recession, a period when nearly 13,000 homes entered foreclosure in Oakland.²⁰⁴ With guidance from long-time CLT practitioners and a Neighborhood Stabilization Program grant from the U.S. Department of Housing and Urban Development, the leadership of OakCLT set out to counter a wave of speculative investment and predatory rental practices that was displacing and destabilizing Oakland families still suffering from the immediate effects of the economic downturn.²⁰⁵ “No one else was stepping up in Oakland to do the single-family scattered site homes,” says Steve King, OakCLT’s Executive Director. This lack of support “created a real crisis in the industry, generally.” Through this crisis, however, King’s team did its best to establish itself as a player in the industry. “We got

QUICK LOOK:

18 limited and zero equity single-family, 1 community orchard, 1 mixed-use community facility



a five-million-dollar NSP grant and had to compete with speculators right off the bat to acquire properties. It was really a challenging environment for us to start a land trust,” he observes. Still, in the few years since its founding, OakCLT has persisted in its effort to challenge the status quo of Oakland’s housing industry, strategically building critical relationships with community members, acquiring properties, and supporting Oakland’s vulnerable communities in building housing security.



OakCLT

- Residential property
- ◆ Commercial property
- ▲ Community Garden

Size indicates number of units in each property.



Highlight: CLTs as a Steward for Mixed-Use Community Space

In 2017, OakCLT worked with grassroots activists to purchase the “23rd Avenue Community Building,” a mixed-use facility that serves residential and organizational tenants in East Oakland. The building’s landlord, Ming Cheung, was prepared to sell the building but decided to provide the tenants with a right of first refusal, allowing them a chance to purchase the building before she placed it on the market. The list of tenants—which included “The Bikery,” a bike-shop managed by the nonprofit “Cycles of Change;” Sustaining Ourselves Locally (SOL), an event space that also provides gardening education; “Liberating Ourselves Locally,” a maker space for queer and trans people of color; Shaolin Life, a martial arts studio; and “Peacock Rebellion,” a performance workshop studio serving queer people of color—were up for the task.²⁰⁶ “We knew that the land trust would be able to hold the land forever and keep it within the community,” says, Eri Oura of Cycles of Change. “Our dream is to be able to stay here through the times.” Together, with support from Oakland-based advocacy groups which helped promote the tenants’ viral “Liberate 23rd Avenue Community Building” crowdfunding campaign, Oura and her fellow organizers raised the \$75,000 needed to make Cheung a serious offer. In April 2017, OakCLT and several of the resident stakeholders successfully negotiated a bonafide purchase offer with Ming, setting the stage for the long-term preservation of the property. Their effort is bolstered by a \$300,000 acquisition and preservation loan from the City of Oakland.

As King and the newly-made owners of the of the 23rd Avenue Community Building settle into their new role as stewards, they know that their work has just begun and anticipate that living up to their ideals for community control and ownership will come with challenges. “We are learning how to be in collective cooperation together. Though many of us have built relationships over the last few years, this is not a five- or 10-year campaign. This is much longer,” says Devi Peacock, a co-organizer of the campaign. Similarly, King notes that, “we are working to create a different ownership structure... it’s a different way of doing things that our current system is not set up to do with this property. We have examples of where it has worked elsewhere in the world and we know we can do it. We are committed to making that happen.”

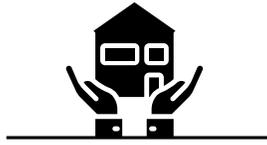
QUICK LOOK:

2,200 affordable apartment units and nearly 600 shared-equity homes



Map of the properties in the Champlain Housing Trust.

Area of circle indicates number of units in each property.



CHAMPLAIN HOUSING TRUST (CHT)

For nearly 22 years in Vermont, Burlington Community Land Trust (BCLT) and Lake Champlain Housing Development Corporation (LCHDC) operated as separate entities, focusing their respective efforts on neighborhood improvement, expanding homeownership, and maintaining permanently affordable housing for low-income individuals and families. Though both were created in 1984, BCLT, in particular, was connected to the efforts of then-mayor of Burlington, Bernie Sanders, to encourage public participation in city programs. Seeing an opportunity to address rising housing costs and displacement, the city's housing director brought in John Emmeus Davis, then a staff member at the Institute for Community Economics, to help educate the city's staff about the CLT model.²⁰⁷ Davis then became housing director in Sanders' administration and helped guide BCLT's expansion.

After getting a modest start with a grant of \$200,000 from the city, BCLT spent the next two decades acquiring and rehabilitating residential properties, converting neglected and abandoned properties to affordable housing for low- and moderate-income renters and homeowners, and supporting community development projects more broadly.²⁰⁸ By 2004, BCLT had developed nearly 320 single-family homes and condos serving more than 400 families. An additional 300 affordable apartments were developed using conventional grants and subsidies.²⁰⁹

In 2006, BCLT and LCHDC merged, rebranding as Champlain Housing Trust.²¹⁰ Today, CHT manages more than 2,200 apartments and nearly 600 owner-occupied, shared-equity homes.²¹¹ "An ideal society has options for people depending on where they are and what they want next," says Rob Leuchs, CHT's Director of Homeownership. By maintaining an expansive portfolio of both rental and homeownership properties, CHT ensures that land under its control can serve a wide variety of community needs.



Community Benefits Agreements

Negotiated between a developer and a coalition of local community groups, **Community Benefits Agreements (CBAs)** are legally enforceable contracts with a broad range of benefits and requirements agreed to between a developer and the community in conjunction with a development project.²¹² Increasingly, CBAs are being used to catalyze and support new forms of community control of land and housing. For instance, the Figueroa Corridor Community Land Trust (now T.R.U.S.T South LA) in Los Angeles got its start in 2005 after the Figueroa Corridor Coalition for Economic Justice (FCCEJ) obtained financial commitments from Los Angeles Staples Center developers (AEG and Figueroa South Land) in connection with a community benefits agreement.²¹³

Background and Development

The first CBA was struck in 1998 surrounding the development of the Hollywood and Highland Center in Los Angeles, a \$388 million project that threatened to increase traffic congestion and crime throughout the project's development area. In an effort to guard against these potential challenges and ensure that local residents benefited from job opportunities associated with the center's development, members of the Los Angeles Alliance for a New Economy (LAANE) organized a campaign to ensure the developer supported fair labor practices. Ultimately, the developer agreed to finance traffic improvements, pay a living wage to its workers, implement a first-source hiring plan, and support a policy of union neutrality. Given the agreement, the community backed the project, enabling the developer to secure \$90 million in local subsidies.²¹⁴

Soon after the Hollywood and Highland CBA went into effect, other CBAs were established in the Los Angeles and San Francisco Bay regions. Perhaps the most known of this group has been the Staples Center CBA created in 2001 amid efforts to develop the L.A. Live Sports and Entertain-



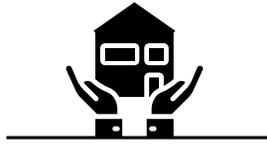
ment center on the Staples Center complex. Negotiations for the Staples Center CBA were led by Figueroa Corridor Coalition for Economic Justice, a group of around 30 community, environmental, religious, health, tenants' rights, and immigrant organizations (including LAANE and Strategic Actions for a Just Economy (SAJE)). Members from these groups participated in a nine-month negotiation process that resulted in what some have considered to be one of the most comprehensive CBAs to date.²¹⁵

As CBAs have become more widespread, the results have been mixed, with advocates and scholars pointing out that in some cases CBA outcomes have not materialized in a timely or effective manner.²¹⁶ Still, in many places community leaders have embraced their capacity to create mechanisms to support increased civic engagement and developer accountability around community resources, as well as generate resources to support strategies for community-ownership of land and housing (such as CLTs). Developers have also benefited as the model has allowed them to lean on pre-development relationships to avoid costly legal battles and public protests, as well as speed zoning variance approvals.²¹⁷

“In virtually every area, community benefits coalitions are anchored by a renewed labor movement, with janitors and hotel workers, clerical workers, retail clerks and, in some cases, the building trades, stepping forward to participate in broader social justice alliances... These organizations are joining together with groups that were often on the opposite side of land use disputes: environmentalists, housing developers, neighborhood advocates and others.”

Julian Gross, Greg Leroy, and Madeline Janis-Aparicio

“Community Benefit Agreements: Making Development Projects Accountable”



The Community Benefits Agreement as a Tool for Community Wealth Building

Institutionalizing Democracy and Participation

Though CBAs can be a vital tool for investment and targeted benefits that meet specific community needs, their design—as well as various political, social, and legal dynamics—can influence their scope and effectiveness. Sometimes the close links between developers and politically influenced government officials, as well as direct conflicts of interest between community members and elected officials, can lead to an inequitable distribution of decision-making authority and poorly crafted CBAs. For instance, critics of the Columbia University and Atlantic Yards CBAs argued that local politicians often overstepped their role in CBA negotiations and that developers had too much control in the selection of community representatives who served in negotiations. In such cases, researchers have observed a contrast between Los Angeles, where unions have worked to support CBAs, and New York City, where political relationships between labor leaders and local elected officials have kept some unions from supporting CBAs.²¹⁸ Generally, CBA coalitions and other stakeholders have attempted to reconcile these concerns through the establishment of community advisory boards that are comprised of community representatives, elected officials, and community residents. The level of representation from these respective stakeholders is determined during CBA negotiations.

From the perspective of institutionalizing democracy, participation, and community control, some characteristics of effective and ineffective CBAs are as follows:²¹⁹



Effective	Ineffective
Negotiations are conducted by a coalition that adequately and effectively represents the impacted community	Little real community participation
A transparent, inclusive, and accessible CBA negotiation process	Secretive and exclusive negotiations
Benefits are tied to community needs and are specific, concrete, and meaningful to the community	Vague commitments with no time-frames or measurements
Clearly defined, formalized mechanisms exist to hold developers accountable to their obligations	No formal accountability mechanisms
Specifically linked to democratized ownership and control strategies that ensure long-term affordability (such as CLTs, LECs, or ROCs)	Few provisions for community control and long-term or multigenerational affordability

Supporting Racial and Economic Inclusivity

Effective CBA negotiations are characterized by their inclusiveness, diverse representation, and the level of community engagement that exists throughout the process. When these are valued in the negotiation, they are often reflected in the contractual outcome with strong conditions for racial and economic inclusion, community accountability, and ongoing community participation. CBA development can take months or even years before a project begins. Because community residents, elected officials, and the developers can all play a role, an effort to design, develop, and implement a CBA can



be slowed or stifled by a myriad of educational issues (e.g., language barriers or lack of familiarity with local political processes), legal issues (e.g., a developer's failure to conduct the proper environmental impact assessments or lack of clarity over coalition obligations and rights), and political disagreements (e.g., between the city and local groups). Existing research on CBAs repeatedly points to the value that a diverse, multi-issue coalition brings to CBA development and implementation in terms of the necessary identification of benefits, creation of accountability mechanisms, and overall outcomes.²²⁰

Catalyzing Public Resources to Develop a New Norm of Economic Activity

Because CBAs intersect with existing local political and policy priorities for community revitalization, community members and organizations may sometimes find themselves at odds with local officials. For instance, Detroit's recent adoption of a community benefits *ordinance* represents a victory for community members as it will require major developers to setup a CBA for developments that cost more than \$75 million and receive more than one million dollars in public investment. Still, the new ordinance was developed by city officials in direct opposition to an alternative community benefits ordinance championed by local grassroots groups that would have triggered CBA and community engagement requirements at \$15 million and \$300,000 in subsidies. The community-led ordinance was repeatedly undermined during the lead-up to a vote on the measure by Mayor Mike Duggan who, for example, suggested in a Fall 2016 interview with *Crain's Detroit Business* that the alternative proposal would "guarantee we never see a (new) auto parts

CBAs in Weak Markets and Rural Areas?

After considering the factors that produced the strong Staples Center CBA, University of Southern California sociologist Leland Saito, posits that CBAs are "more likely to occur in regions with strong real estate markets that are attractive to investors and can absorb the added costs of CBAs and for projects that receive substantial subsidies from local governments." However, Brooklyn Law School professor, Edward De Barbieri cites development of CBA strategies in rural Maine and suggests "CBAs may also have a role to play in managing development in rural areas." The full extent of what's possible through a CBA in weak market cities and rural areas remains to be seen as the strategy has been around for less than 20 years.²²¹



plant in this city again.”²²² Of course, it’s not always the case that elected officials put themselves at odds with the will of their constituents. Notably, advocates of the Hollywood and Highland Center CBA were strongly supported by their local councilwoman Jackie Goldberg.²²³

THE STAPLES CENTER CBA (LOS ANGELES, CALIFORNIA)

Development. As a result of FCCEJ’s advocacy, the Staples Center CBA stipulated that the project’s developer (AEG) was to fund an assessment of community park and recreation needs, as well as set aside funds for those needs to be met. The Staples CBA also established a first-source hiring program that targeted low-income communities and people displaced by the development, setting a goal for 70 percent of the jobs created to be living wage jobs. Regarding housing, the CBA required AEG to provide a \$650,000 interest-free revolving loan fund to nonprofit affordable housing developers as seed money for permanently affordable housing located offsite.²²⁴ Along with others, each of these commitments was integrated into the terms of the disposition and development agreement between the AEG and L.A.’s Community Redevelopment Agency, giving the city explicit power to enforce them. Additionally, an oversight committee created as part of the CBA helped ensure that CBA objectives were accomplished and that community members had a direct venue for communicating with AEG.²²⁵

Impact. Generally, the Staples Center CBA is regarded as a success. By 2005, soon after the agreement was implemented, it was determined that AEG had largely delivered on the provisions around financial resources for affordable housing development, residential parking, and the needs assessment for parks and open space.²²⁶ In 2012, Leland Saito summarized additional Staples Center CBA impacts and found that AEG had “contributed to the construction of 120 units of affordable housing and three childcare facilities through a combination of interest-free loans, forgivable loans, and grants for approximately \$5,420,000 to four community housing corpora-



tions”—including the T.R.U.S.T. South LA CLT (formerly Figueroa Corridor Community Land Trust).²²⁷ Still, Saito captured a few noted shortfalls of the CBA, including the lack of penalties if AEG did not meet living wage and local hiring goals during implementation. Additionally, he found that some researchers believe that AEG’s funding for affordable housing was inadequate given the cost of land and construction in Los Angeles.²²⁸

BELTLINE CBA (ATLANTA, GEORGIA)

Development. In 2005, following a successful campaign led by members Georgia STAND-UP, an alliance of community, labor, and faith organizations, community benefits language was attached to the city of Atlanta’s creation of Tax Allocations Districts (TAD) to fund development of the 22-mile-long Atlanta BeltLine public transit loop.²²⁹ Among other benefits, the ordinance called for the creation of an affordable housing trust fund to support the development of more than 5,600 units of affordable housing in communities impacted by the BeltLine.²³⁰ Specifically, 15 percent of TAD bond revenues—generated from an increase on the property taxes of underutilized properties in BeltLine areas—were set aside for the affordable housing trust fund.²³¹

Impact. Currently, the BeltLine boasts of creating 2,565 affordable housing units and expects to develop an additional 425 to 600 units over the next three years.²³² However, given the resignations of Ryan Gravel, the BeltLine’s creator, and Nathaniel Smith, the founder of the Partnership for Southern Equity, from the BeltLine leadership team, questions remain as to whether the BeltLine will live up to its affordable housing commitments, as well as to its broader vision for community engagement and equity. Gravel and Smith touched on these points in their resignation letter submitted to the BeltLine’s Partnership Board in late September 2016. They wrote, “the recent announcement of \$7.5 million from TAD bonds, for example, will likely support fewer than 200 affordable units out of ABI’s obligations to 5,600—it is a drop in a bucket compared to the need.”²³³



The nearly 5-acre
Kingsbridge Armory Complex
in the Bronx

KINGSBRIDGE ARMORY CBA (NEW YORK CITY)

Development. In many ways, the roots of the Kingsbridge Armory CBA lie in the long history of organizing and community building work advanced by the Northwest Bronx Community and Clergy Coalition (NWBCCC). Established in the early 1970s, NWBCCC has been a critical force organizing local residents to build political power and community infrastructure to help stabilize the lives of vulnerable residents and gain community control of local land and housing resources.²³⁴ In the 1990s, when it became clear that policymakers were starting to look at revitalizing the Bronx, NWBCCC organizers began to host planning meetings to gain community input about the future of the Kingsbridge Armory, a 180,000 square foot complex that had stood empty for years.²³⁵ Anticipating the threat of property speculation and displacement around the armory's development, NWBCCC organizers used these meetings to build the community's sense of ownership over the armory. The coalition even launched several public actions for the community to raise their voice as key stakeholders in the conversation around the armory's redevelopment and defeat redevelopment proposals

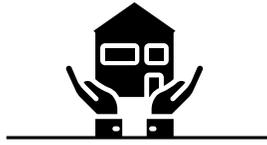


that did not meet living wage standards, were subsidized too heavily, or demonstrated little benefits to the local community.²³⁶ Hence, by the time Kingsbridge National Ice Center (KNIC) submitted its proposal to redevelop the armory, it knew that it would need the backing of a strongly organized community.

Impact. Signed in 2013, the Kingsbridge Armory CBA stands out for its effort to ensure that community members are included in decision-making as the near \$320 million project is implemented. In particular, an 11-member Community Advisory Council—consisting of three community representatives selected by the local council member, three members selected by the chair of the local community board, three members from NWBCCC, one member from the developer, and one member serving in an “at-large” seat who is not currently serving on the local community board—is tasked with assisting KNIC in addressing local environmental effects and facilitating community dialogue, particularly any conversations concerning the management of a variety of benefits in the CBA.²³⁸

A Summary of the Kingsbridge Armory CBA Provisions²³⁷

- Wall-to-wall living wage jobs (\$10 an hour with benefits or \$11.50 an hour without benefits)
- 51% of jobs going to Bronx residents
- At least 25% and as high as 51% of goods and services purchased by the project coming from the Bronx
- 52,000 square feet of community space and \$8 million contributed by the developer to build out the space
- At least 1% of annual ice rink rental revenue invested into community development
- \$1 million per year—indexed to inflation—contributed toward local nonprofits and Title One public schools using the rinks for free, and the community converting rinks to use for concerts, basketball tournaments, etc.
- LEED Silver sustainable design
- No big-box retail
- \$100,000 contributed by developer toward remapping W.195th Street to make way for a new school



Land Banks

Typically publicly owned entities or nonprofit corporations, **land banks** enable local governments to acquire abandoned (and tax delinquent) properties and prepare them for productive uses. Depending on how they are structured, land banks can obtain properties at low cost, clearing titles and removing tax liens, and then lease those properties for temporary purposes or selling them.²³⁹ Unlike traditional approaches (like auctions), which simply sell off land to the highest bidder (often speculators), land banks allow the public to manage the process of what happens to vacant, foreclosed, and blighted properties in their community.²⁴⁰ According to the Center for Community Progress, this includes ensuring that, in addition to price, the outcome of sales “most closely aligns with community needs, such as work-force housing, a grocery store, or expanded recreational space.”²⁴¹

Background and Development

Land banks were first developed in the 1960s and 1970s, often in cities where there were growing numbers of tax delinquent and abandoned properties due to the early onset of deindustrialization. These “first generation” land banks included those in St. Louis, Louisville, Atlanta, and Cleveland. “By the close of the twentieth century, public officials and urban planners realized that far more was at stake than simply the enforcement of delinquent property taxes,” co-founder of the Center for Community Progress Frank Alexander recalls. “Each and every tract of vacant and abandoned property imposes costs on the adjoining properties, on the fabric of the neighborhood, and on the vitality of the community.”²⁴² Significant interest in land banks began in the early 2000s when Dan Kildee—the Treasurer of Genesee County in Michigan (which includes the city of Flint)—formed the Genesee County Land Bank and persuaded the state government to enact a state law supporting the approach.²⁴³ This started the so-called “second generation” of land banks. Since then 10 more states (Ohio, New York, Georgia, Tennessee, Missouri, Pennsylvania, Nebraska, Alabama, West Virginia, and Dela-



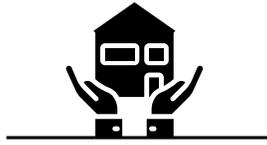
ware) have passed legislation enabling the creation of land banks—many in the wake of the housing crisis and Great Recession of the late 2000s, which dramatically increased the incidence of vacant and abandoned properties in many communities.²⁴⁴ “No one anticipated the mortgage crisis at the end of the first decade of the 21st century, but everyone felt its consequences,” Alexander writes.²⁴⁵ One positive result of the crisis was that for the first time, the federal government began to support land banking activities (through the Neighborhood Stabilization Program).²⁴⁶ Today, there are roughly 170 land banks operating across the country.²⁴⁷

The Land Bank as a Tool for Community Wealth Building

Institutionalizing Democracy and Participation

Like CBAs, land banks can be structured in different ways and can be effective or ineffective from the perspective of institutionalizing democracy and participation. Many land banks have formal avenues for community participation and transparency, such as open meetings and open records.²⁴⁸ Some go further. The Genesee County Land Bank, for instance, holds annual neighborhood meetings, has a citizens advisory committee that meets monthly, and defers to public policy decisions around local planning and zoning.²⁴⁹ Because land banks wield tremendous power over land use decisions, ensuring strong community participation, accountability, and transparency measures up front (during the debate on the enabling ordinance or during the establishment of the land bank’s guidelines and policies) is critically important.

When the city of Pittsburgh introduced land bank legislation, community groups pushed back against the initial wording of the ordinance. “The community approval process is not clear at all,” Carl Redwood of the Hill District Consensus Group said at the time. “And without full community participation, the land-bank legislation can be a way to fast-track what developers want to



do in spite of the community's wishes."²⁵⁰ Due to this community involvement at the beginning, the Pittsburgh Land Bank ordinance was modified: now the land bank includes residents on its board and has engaged in a robust public engagement process to guide the development of its policies and procedures.²⁵¹ By contrast, the Detroit Land Bank has been embroiled in a series of controversies related to its robust demolition program (including state and federal investigations), and has been criticized by community and anti-displacement activists for the role it plays in forcing out homeowners who have fallen behind on their property taxes (often due in part to property assessments that do not correspond to actual market value).²⁵² It has also thus far resisted calls from groups like the Detroit People's Forum to explicitly turn properties over to the community through a community land trust.²⁵³

Supporting Racial and Economic Inclusivity

Just like CBAs, land banks are a tool that can be deployed for various purposes—including ensuring long-term affordability and opportunities for people of color and low-income families to build wealth. For instance, as Emily Thaden, Kim Graziani, and Annie Stup suggest, “a land bank-CLT ‘property pipeline’ can achieve both lasting stabilization and affordability despite fluctuations in the market.”²⁵⁴ Such linkages could solve the “acquisition” problem for CLTs (the cost of acquiring new properties) and the “disposition” problem of land banks (the difficulty of ensuring community control and long-term affordability after a property is sold).²⁵⁵ For instance, the Albany Community Land Trust in New York is among those that will receive funds from Enterprise Community Partners in conjunction with their effort to scale up CLTs across the state. With Albany also home to the Albany County Land Bank (which owns around 640 properties), Melora Hiller of Grounded Solutions states that the opportunity is there “for the land bank to form a really strong relationship with the CLT, and figure out how to funnel property to the community land trust.”²⁵⁶ Moreover, using land banks to support and scale community control of land and housing can enable a community to get out ahead of the displacement pressures that often accompany success-



ful redevelopment. In cities (or parts of cities) where land banks operate due to high rates of abandonment and blight, low property values mean that preserving long-term affordability is often not a high priority. “Years later, however, if the neighborhood improves and real estate values rise, lower incomes and lower-income uses are likely to be squeezed out,” John Emmeus Davis writes.²⁵⁷ Thaden, Graziani, and Stup agree, stating “while weak market cities need revitalization efforts, they must also keep long-term affordability in mind in order to prevent displacement, socioeconomic segregation, and unequal access to amenities when markets rebound.”²⁵⁸

Catalyzing Public Resources to Develop a New Norm of Economic Activity

Land banks are funded through a variety of sources, including appropriations from state and local governments and federal and state grants (as well as from revenue generated from leases and sales). In the past, federal sources of funding for land banks have included the Neighborhood Stabilization Program (HUD), the Hardest Hit Fund (Treasury), and grants from the Environmental Protection Agency (EPA).²⁵⁹ In New York, more than \$30 million has been committed to land banks since 2013. This funding has come through settlements between the attorney general’s office and some of the nation’s largest banks regarding their illicit activities prior to and during the housing crisis of the late 2000s.²⁶⁰ Similarly, the Cook County Land Bank, one of the largest in the country, was established using bank settlement funds secured by the attorney general of Illinois.²⁶¹ Finding longer-term sources of funding beyond relatively unpredictable ones such as these is an ongoing concern for land banks: many would be unable to operate at the levels needed just by selling properties in their inventories.

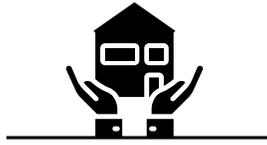
PHILADELPHIA LAND BANK

Faced with more than 40,000 vacant parcels of land in the city and with little ability to take control of the land themselves, in 2011 a coalition of Phil-



adelphian community groups and housing activists formed the Campaign to Take Back Vacant Land.²⁶² The coalition advocated for a city land bank and, after significant debate, the City Council approved a land bank ordinance in late 2013.²⁶³ The ordinance explicitly recognized the role of local community organizing, stating that “extensive grassroots community planning over the last decade by local Community Development Corporations and advocacy groups, with the support of the private sector, has found that creation of a municipal land bank is necessary for the strategic redevelopment of Philadelphia.”²⁶⁴ It also established strong community benefit criteria for potential uses of vacant property—including affordable housing, economic development for residents, community facilities, urban agriculture, and community open space—and required that at least four of the land bank’s 10 board members are “employees, members, or board members of nonprofit or advocacy organizations working in the field of housing or community development, or of civic associations...”²⁶⁵

The Philadelphia Land Bank began operating in 2015 and has thus far acquired around 2,000 properties. Community activists continue to shape its activities. In early 2017, the Philadelphia Coalition for Affordable Communities (PCAC) mobilized long-time local residents who were struggling to remain in their developing neighborhoods to tell their stories at a public land bank meeting. As a result, the land bank’s 2017 strategic plan was amended to increase the amount of land to be redeveloped into affordable housing. In a public statement, the interim director of the land bank commented that “we heard from the public about the need for affordable, accessible housing and we listened.”²⁶⁶ Subsequently, the Philadelphia Land Bank hired Angel Rodriguez as its full-time executive director. A former vice-president of community and economic development at Asociación Puertorriqueños en Marcha, Rodriguez has committed to “making sure that this agency has an awareness of all of our critical strategic partners in the community. That’s not just our elected officials, but local nonprofits and civic agencies.”²⁶⁷



Strategies to Combat Displacement & Build Community Control of Land & Housing: Summary

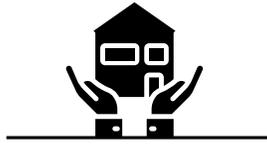
Institutionalizing Democracy and Participation

LECs, ROCs, and CLTs, as well as CBAs and land banks, offer communities opportunities to gain control over and democratize vital land and housing resources. Still, institutionalizing democratic structures and practices within these models is not a given. Democracy and broad-based, effective participation takes work, and key to the success of each of these strategies is the effort made to ensure that their leadership, external supporters, and beneficiaries are all held accountable for upholding democratic ideals. For instance, several of these strategies:

- Illustrate how democratic control of land and housing can serve broad interests in an efficient manner through the leadership of member-led tenants' unions; tripartite governance structures that include representation from community residents, policymakers, and external parties; and/or advisory councils comprised of local elected officials and anchor leadership.
- Demonstrate the importance of community engagement, capacity building, and educational practices that are operationalized routinely through designated staff members, resident leadership, grassroots coalitions, and committed partnerships with local ally organizations.

Supporting Racial and Economic Inclusivity

In many cases, LECs, CLTs, ROCs, CBAs, and land banks have been leveraged as tools to support the needs of vulnerable populations—including low-income families and individuals, as well as individuals and families of color. In some cases, these strategies and tools have been successfully deployed to meet the needs of these communities where the forces of displacement—such as real estate speculation and gentrification—are widespread. But significant challenges remain:



- Though CLTs, LECs, and ROCs have piqued newfound interest in public discourse, their limited scale has historically constrained their potential impact on several fronts, including their ability to address deeply rooted racial and economic inequities in land and housing ownership and access. Additional data development and reporting tools must be created to inform advocates and policy leaders about their strengths and weaknesses in this area.
- CBAs and land banks are powerful tools that can play a leading role in opening opportunities for communities that have long lived at the margins. However, they are relatively new and the values of community control, inclusion, transparency, and accountability have yet to be fully operationalized as part of their mission and management.
- To successfully promote inclusion and equality, these strategies require a mix of revolving and/or permanent funding sources as well as various other public support. Historically, public and philanthropic partners have been key catalysts, but there is opportunity for impact-oriented investors, anchor institutions, and others to join the space.

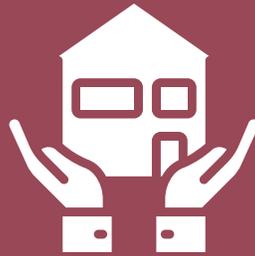
Catalyzing Public Resources to Develop a New Norm of Activity

Building a sustainable economy, one in which all people can thrive, also means leveraging public resources in ways that permanently shift the status quo. In their own way, each of the five strategies and tools explored in this report helps offer insight into how the prevailing boundaries of community and economic development can be continuously pushed to expand opportunities of ownership and leadership in communities facing a range of challenges. They do this by treating vital resources such as just that—*vital*. For instance:

- The regenerative, multi-generational perspective taken by CLTs, ROCs, and LECs challenges the conventional one-time subsidy approach to land and housing ownership and access. It recaptures and stewards community, public, and philanthropic resources and extends their impact through shared-equity strategies.



- CLTs, ROCs, and LECs are an effective way of using public and philanthropic resources to help lower-income residents build wealth. Moreover, researchers have found that such strategies can be more resilient in the face of economic crisis than conventional homeownership, thus helping to preserve that wealth across generations.²⁶⁸
- CBAs and land banks offer grassroots community leaders and community residents powerful new ways to generate resources for the development and expansion of CLTs, ROCs, and LECs, as well as an additional way to democratize public decision-making processes and hold elected officials as well as private developers accountable.
- Dedicated funding resources, such as Housing Trust Funds, can help to demystify where permanent support for affordable housing opportunities exists to support these strategies.



Anchor Institutions. Potential Catalysts for Community Control of Land and Housing

Anchor institutions are large, publicly owned or nonprofit entities that are permanently rooted in local communities—like hospitals and universities, but also including cultural organizations, community foundations, and even local government. They are key actors in community and economic development and have a track record of supporting local job creation through neighborhood and business development.²⁶⁹ In fact, the collective spending of hospitals and universities alone is in excess of \$1 trillion, and cities are increasingly turning to them as partners in community revitalization efforts.²⁷⁰ Scholars at the Penn Institute for Urban Research, for instance, have observed that anchors have become “magnets for economic development and serve as engines of urban renaissance (or even survival).”²⁷¹ Due to their expansion over the years, as well as large-order macroeconomic shifts (such as deindustrialization), in many communities anchor institutions are now among the largest employers and landowners.²⁷²



Historically, the link between anchors and experiences of displacement has often been overlooked or overshadowed by more immediate concerns around job creation, regional competitiveness, and the promise of new sources of revenue for fiscally constrained cities and towns. But it is essential to recognize that anchor institutions have often played a role in furthering the dynamics of displacement that has shaped land and housing access and ownership around the country. This is especially true in communities of color and low-income communities seen as “in need” of economic and social revitalization. In fact, since World War II, Congress has created several urban development programs that have provided anchors with the resources to expand their footprint in these communities, often with little accountability or regard for how such efforts perpetuate the forces driving not only displacement but also wealth and racial inequality.

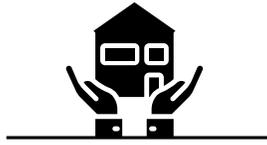
Perhaps no clearer was this dynamic on display than in 1959 and 1961, the height of the era of urban renewal, when the scope of national housing legislation was expanded to allow hospitals and universities to access urban renewal funds without the requirement that projects produce residential housing.²⁷³ This gave cities and anchors the ability to leverage significant federal resources to implement institutionally driven development projects in communities that were largely home to people of color—often with little or no intention of meeting the full housing needs of those communities.

By 1964, some 120 colleges and universities and 75 hospitals were participants in about 154 urban renewal projects around the country.²⁷⁴ While some of these projects were developed in consultation with local leaders who were proactively included in their design process, in many cases true representation from the communities affected came only after it was demanded by way of community protest and activism, if at all.²⁷⁵ In either case, the larger reality was that bit by bit, as anchors increased their landholdings and cities worked to rid themselves of the ghettos and slums that public policies helped to create in earlier decades, it was often the most vulnerable populations that were displaced:



- In Philadelphia, the city’s redevelopment authority worked with the University of Pennsylvania, Drexel University, University of the Sciences, and Presbyterian Hospital to implement an urban renewal program focused on the development of University City Science Center, an urban research park, and two schools. This project decimated a neighborhood known as the Black Bottom, a mixed-income Black community home to more than 5,000 people.²⁷⁶
- The City of Chicago approved a \$30 million urban renewal project in 1958 that sought to add open space, shopping centers, and new facilities for the University of Chicago in the Hyde Park-Kenwood community—whose Black population was rapidly expanding at the time. Developed in consultation with two community organizations, one of which (SECC) was directly established by the University of Chicago, the plan ultimately sought to reduce the density of public housing in the community while increasing quality of life and levels of integration in ways that benefited the University. 2,500 mostly low-income Black families were displaced by this effort.²⁷⁷ Moreover, in the decade that followed, the Black population in the community fell by around 40 percent.²⁷⁸
- In Baltimore, the Broadway Redevelopment Project, an effort that originally included plans to redevelop housing for longtime residents, ultimately displaced around 1,000 mostly Black families from the city’s Middle East community. As was the case with many urban renewal projects, the Baltimore project experienced significant construction delays following demolition activities and several of the plan’s housing provisions were never realized. Following extensive clearance of all housing in the community that left only a recreation center and a church, a revised plan in 1955 resulted in Johns Hopkins Health System gaining further control, ownership, and influence over the land to support the needs of its medical campus.²⁷⁹

These histories of displacement continue to inform the way urban communities of color perceive the activities and intentions of anchor institutions today. “When I think of displacement in Baltimore, I think of back-to-back government-led, government-driven, corporate-backed activities,” says



Lawrence Brown, a professor in the School of Community Health & Policy at Morgan State University. Brown adds, “that includes everything from the Johns Hopkins redevelopment plans in the 1950s which displaced 850 Black families to the efforts of the East Baltimore Development Inc., another Hopkins controlled entity, which displaced 742 Black families throughout the early 2000s.”

Anchors as Major Landowners

Over the past several decades anchor institutions have grown in importance in many local economies. “Many cities whose economies used to be dominated by manufacturing have seen relatively mobile for-profit businesses leave their cities, while colleges, universities, and medical centers that are tied to their location due to fixed capital investments and other factors remain in place,” a 2011 report from the Urban Institute found.²⁸⁰ For instance, after the City of Pittsburgh lost more than 100,000 manufacturing jobs in in the 1970s, it partnered with the University of Pittsburgh, Carnegie Mellon University, the Pittsburgh Technology Center, and the University of Pittsburgh Medical Center to develop a “Meds and Eds” economic growth coalition. Over the next 20 years, some of these organizations went on to become not only the top employers in the city, but also the top landowners.²⁸¹ Along the way, the Pittsburgh Technology Center was the benefactor of the city’s first use of tax increment financing (TIF), helping secure private investment in the technology and research center.²⁸²

As noted above, over the years the federal government has also adopted various policies that equipped anchors with the resources needed to further development and ownership of land. For instance, in 1968 the FHA began to guarantee hospital mortgages, reducing the cost of hospital development and expansion. Additionally, in 1970, Congress amended the Hospital Survey and Construction Act (known as the “Hill-Burton” Act of 1946), to provide loans to support hospital construction in mostly urban communities.²⁸³ These public programs helped hospitals leverage the private capital needed to further their



land holdings inside and surrounding cities like Detroit, Miami, and Chicago. In Boston, it's estimated that nonprofits own more than half the land.²⁸⁴ Moreover, a 2012 report by *Governing* found that in 16 of the 20 most populated cities that could be studied, this kind of nonprofit land ownership had increased over the previous five years. This included Baltimore, where:

Johns Hopkins Hospital anchors an expanding network of medical facilities on Baltimore's east side. To the north, the Johns Hopkins University campus covers some 140 acres. Nearby, the grounds of Loyola University Maryland stretch out over 80 acres. In all directions of the city, a large roster of governments, universities and nonprofits own parcels of land.²⁸⁵

The increasing prevalence of tax-exempt land creates a problem for many cash-strapped cities heavily reliant on property taxes to fund basic operations and services, leading to conflict between anchor institutions and civic leaders. As former Baltimore Mayor Stephanie Rawlings-Blake stated in 2012, "it's a long-term issue that we can't ignore. Doing nothing isn't an option."²⁸⁶ Some municipalities, such as Pittsburgh, have filed lawsuits challenging the tax-exempt status of large anchor institutions, while others have pressured them to make payments in lieu of taxes (PILOTs) either directly to the municipality or to specific projects or programs (so-called services in lieu of taxes—SILOTs).²⁸⁷

Changing Tides

During the past 15 years, the longstanding status quo of anchor institution development has been increasingly disrupted as more community and economic development stakeholders, including policymakers, have begun calling on anchor institutions to be more accountable to and engaged with those living in the surrounding community. In addition to conflicts over taxation at the local level, new requirements around community benefit for federally tax-exempt nonprofit hospitals were included in 2010's Patient Protection and Affordable Care Act (ACA).²⁸⁸ In particular, the ACA requires



nonprofit hospitals to develop and publish community health needs assessments and strategies, release financial data, and engage in other activities that benefit their host communities.²⁸⁹ These requirements are designed to encourage hospitals and health systems to better address the upstream social and economic determinants of health—“the structural determinants and conditions in which people are born, grow, live, work and age.”²⁹⁰ This includes nonprofit hospital investments in housing for underserved communities which, as of 2015, are allowable community benefit expenditures.²⁹¹

This reevaluation and reorientation is also being driven internally within anchor institutions and within national advocacy groups like the American Hospital Association and Catholic Health Association of the United States. Recognition is growing of the impact hospital and health system investments in creating safe, affordable housing can have on addressing the root causes of poor community health.²⁹² Generally, poorer Americans are more likely to be exposed to dilapidated and unsafe housing (with, for instance, unsafe levels of lead, mold, and asbestos), neighborhoods without basic amenities (such as grocery stores, parks, or libraries), and environmental hazards (such as air pollution, water contamination, and exposed garbage). These disparities in turn contribute to worse health outcomes (including life expectancy) than those enjoyed by their wealthier counterparts. As such, anchor institutions—especially in the healthcare sector—are beginning to invest in improving access to safe and affordable housing and in creating more economically stable neighborhoods. A recent report prepared by Mercy Housing and The Low-Income Investment Fund, for instance, shows how health systems like Adventist Health Northwest, Oregon Health and Science University, Providence Health & Services-Oregon, Central California Alliance for Health, United HealthCare, and the Health Plan of San Mateo, among many others, have contributed millions in capital funds to support affordable housing development around the country.²⁹³ “In this report,” the authors state, “we hope to show that the healthcare sector, through an investment in housing, can improve the health of a community.”²⁹⁴



Traditionally, one of the most common anchor institution forays into the housing market has been through employer-assisted housing (EAH) programs. This is when a hospital or university provides assistance for its employees to purchase or rent homes in nearby neighborhoods. “Employer-assisted housing (EAH) reflects recognition that employers cannot fully externalize the costs of their locating or operating in a tight market (perhaps a suburban location) or in a soft market (perhaps a distressed urban neighborhood) onto their employees or the public or nonprofit sectors,” Madeleine Pill wrote in 2000.²⁹⁵ The history of such programs dates as far back as the 1880s when some of the first company towns were created to support the milling industry. Throughout the 20th century, private, public, and nonprofit employers created such programs to compete for employees and in recognition of contrasting dynamics in wage growth and housing costs. Often these programs provide home purchase or rental assistance as well as education, counseling, and other supportive services.

While EAH programs have remained relatively sparse in the broader working world, they are much more common among anchor institutions where they are used to support their employees’ ability to access affordable housing near their place of work and, in some cases, revitalize disinvested neighborhoods. While such programs can be tailored to meet employer and employee needs, they are typically oriented toward supporting households with incomes between 80 and 120 percent of AMI.²⁹⁶ Some municipalities even match employer contributions to EAH programs, extending the program’s reach. One of the most well-known anchor EAH programs is run by the University of Chicago. Between 2003 and 2015, the university helped 240 employees purchase homes in surrounding neighborhoods that had been hard hit by years of foreclosures, vacant properties, and underinvestment.²⁹⁷ In Cleveland, employees working for nonprofits in the Greater University Circle—including Case Western Reserve University, the Cleveland Clinic, and University Hospitals—are eligible for various forms of assistance to purchase or rent homes in the area (including up to \$30,000 in forgivable loans to cover down payments or closing costs).²⁹⁸



EAH programs run by anchor institutions are sometimes controversial because of their potential to exacerbate the dynamics of displacement brought about by anchor development and expansion. In Chicago, for instance, residents who remember the displacement that accompanied the university’s development of neighborhoods in Hyde Park during the 1960s are wary—wanting the university to focus resources on employment and educational opportunities for existing residents as well.²⁹⁹ “The designers of EAH programs need to anticipate that their strategies will be successful and build in program elements to ensure that existing residents are able to benefit as neighborhood conditions improve,” PolicyLink recommends. This includes expanding EAH programs to existing residents, focusing efforts on low-income employees, and ensuring community oversight to “help ensure that EAH does not become a force of displacement.”³⁰⁰

Increasingly, anchor EAH programs are being considered as part of a more comprehensive approach to land and housing development. “Universities used to be in the ivory tower, they didn’t think about their surrounding neighborhoods, they would just do eminent domain and a lot of them ran into community resistance,” Kim Zeuli of the Initiative for a Competitive Inner City recalls. “[But] the momentum has been growing... More and more universities are coming online, increasing engagement over the years.”³⁰¹ For instance, in Philadelphia, the University of Pennsylvania partnered with local officials as well as a private developer to design and implement the West Philadelphia Initiatives (WPI), a five-point plan to counter a wave of population loss, economic stagnation, and crime occurring in the community surrounding the university (known as University City).³⁰² Launched in 1997 (but with roots going back several years prior) the WPI called for increased police patrols and public safety services, commercial development of underdeveloped property, a “Buy West Philadelphia” program that targeted some anchor procurement toward local suppliers and providers, and public education investments.³⁰³ Additionally, under WPI, Penn gave incentives to employees to purchase or rehabilitate homes in the West Philadelphia com-



munity. It also directly purchased abandoned properties and resold them (often to large apartment developers).³⁰⁴ While not immune to criticism from existing residents, the WPI explicitly and intentionally solicited the active participation of the local community. “Ultimately, the effort has fostered more trust between the institution and surrounding neighbors,” a 2014 report found. “However, nothing is taken for granted and, to avoid sparking new tensions with each new development project, university planners take proactive steps to engage local citizens.”³⁰⁵

While WPI was largely successful in revitalizing the areas west of the Penn Campus, the project did not plan for success by considering the potential displacement effects of new development. A report examining the impact of Penn’s efforts on neighborhood demographics and property values found that between 2000 and 2010 (the years corresponding to the WPI) University City experienced a 20.1 percent increase in White residents and “skyrocketing” median home values.³⁰⁶ Moreover, the area of the neighborhood served by the university-backed Penn Alexander School (PAS; officially the “Sadie Turner Mossell Alexander University of Pennsylvania Partnership School catchment area”) experienced even more dramatic changes. There, the Black population dropped by almost half (from 37 percent in 2000 to 17 percent in 2010). While the report concludes that “the [larger] neighborhood improved but did not gentrify,” it found that:

Inside of the PAS, rising home values occurred in tandem with rising incomes, falling poverty rates, and a significant shift in the racial composition. Collectively, these indicators point toward the gentrification of the PAS catchment, as new households were attracted to the neighborhood by a strong school and enhanced urban amenities, bringing more wealth and housing competition with them. The PAS area, however, is not necessarily stable—the housing market has become quite restrictive, in terms of affordability and vacancy rate; it limits access for many households.”³⁰⁷



Policies for Community Engagement in Anchor-Driven Development

In California a state land-use policy provides for the voluntary creation of development agreements between municipalities and development entities, including anchors. The law aims to increase the certainty of development, ensure efficient use of resources, and create opportunities for comprehensive planning.³⁰⁸ One example of the law's application is the 2005 agreement struck between Stanford University and the City of Palo Alto surrounding the university's efforts to develop the Stanford Research Park, a business and tech innovation hub on land owned by the university. Under the agreement, Stanford committed to creating the Stanford/Palo Alto Community Playing Fields, a soccer venue operated by the city; supporting the Vista Center for the Blind and Visually Impaired; and developing Mayfield Place, a 70-unit privately developed and managed apartment complex that will rent to low- and moderate-income residents.³⁰⁹ Stanford also agreed to develop University Terrace, 180 units of faculty housing that will be sold to Stanford faculty at below-market prices using restricted ground leases.³¹⁰

In reflecting on the California development agreement law, Stanford's Associate Vice President for Government and Community Relations, Jean McCown, distinguished the development agreement policy from CBAs, noting their legislative origins. McCown observed that "California law provides for development agreements which are contracts negotiated between project proponents and public agencies that govern the land uses that may be allowed for a particular project." She added that, "subject to negotiations allowable land uses must be consistent with the local planning policies formulated by the legislative body through its general plan, and consistent with any applicable specific plan. Neither the applicant nor the public agency is required to enter into a development agreement." Hence, while involving more stakeholders than traditional approaches, Stanford is still largely accountable to the city rather than local community-based organizations.



In recent years, several national programs have encouraged anchor participation in community and economic development efforts. These include federal grant programs such as Promise Neighborhoods, Choice Neighborhoods, and Promise Zones, which have incentivized communities to leverage anchor institutions to improve access to quality education, health, and housing services as part of their revitalization efforts.³¹¹ A key component in the administration of these programs has been the requirement that grantees demonstrate engagement and committed partnership with private and public entities (such as anchor institutions).³¹² For instance, the Choice Neighborhoods Initiative, which has an explicit focus on replacing distressed public and HUD-assisted housing with high quality, well-managed mixed-income housing, calls on communities to develop a transformation plan in collaboration with public and private entities, including anchors.³¹³ Since 2010, the program has issued approximately 73 planning grants totaling more than \$28 million dollars, mostly to local housing authorities.³¹⁴ Twenty-two of these planning grants received implementation awards of more than \$633 million cumulatively.³¹⁵ In December 2016, HUD announced that it would award \$132 million in CHOICE grants to five communities under the CHOICE Awards program. Recipients included local governments and housing authorities in Denver, Colorado; Louisville, Kentucky; Boston, Massachusetts; St. Louis, Missouri; and Camden, New Jersey.³¹⁶ Key partners in some of these efforts (especially in Camden) include universities and local health clinics that aim to connect residents to educational and job opportunities as well as health care.³¹⁷ As explored in Section I, federal programs such as these are often vulnerable to shifts in presidential administrations and balances of power in Congress.

Integrating Strategies for Community Control of Land and Housing into Anchor Institution Development Strategies

While many anchor institutions have made significant investments in land and housing, and community participation and benefits are increasingly



being considered—sometimes through the formal mechanism of a CBA and sometimes through internally driven efforts—conventional approaches have their limitations. As PolicyLink notes, many anchor approaches (such as employer-assisted housing) are somewhat constrained in their ability to assist low-income workers and existing residents. However, combining these approaches with other tools, such as CLTs and LECs, can “result in lower overall housing costs.”³¹⁸ Similarly, John A. Powell and others proposed that UC Berkeley and Lawrence Berkeley National Labs “invest in the creation of a Community Land Trust, a strategy that can ensure a long-term stock of affordable housing,” as part of the planned—but ultimately scrapped—new campus in Richmond, California.³¹⁹

A few anchor institutions are beginning to deliberately invest in strategies advancing community control of land and housing. For instance, as described in more detail later in this chapter, starting in 2001 the Mayo Clinic in Rochester, Minnesota, helped finance the community land trust, First Homes. Concerned with high housing costs for its employees and committed to redefining its relationship with the local community, Mayo provided First Homes with an initial \$4 million, followed by \$3 million in matching grants.³²⁰ In other cases, anchors are providing more informal support to such efforts. For instance, in St. Louis, Missouri, Beyond Housing, a local nonprofit, launched the 24:1 Community Land Trust in 2011. Thus far, the CLT has invested more than \$100 million in community economic development, including housing, a grocery store, and a movie theater.³²¹ Currently, the board of 24:1 CLT is comprised of five residents, two community stakeholders, and Chris Krehmeyer, President and CEO of Beyond Housing.³²² According to Krehmeyer, anchors in the area support the organizations in a variety of ways. This includes representation on the board of Beyond Homes and partnerships with University of Missouri, St. Louis’ Schools of Nursing and Education as well as Washington University’s Brown School of Social Work.³²³



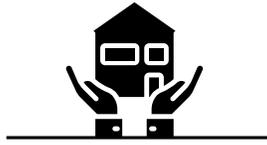
Freda Green Bolling (second from right) of the Virginia Department of Health and City of Richmond Councilmember, Cynthia Newbille (third from left) join affordable housing advocates at the Groundbreaking for the Maggie Walker Community Land Trust.

Photo: Nikki D'adamo-Damery, MWCLT

MAGGIE WALKER COMMUNITY LAND TRUST: BON SECOURS HEALTH SYSTEM (RICHMOND, VA)

In 2016, Bon Secours Health System donated \$140,000 from its annual cycle of community benefit funds to support efforts by the Maggie Walker Community Land Trust (MWCLT) to acquire and develop four CLT properties in the steadily gentrifying Church Hill neighborhood of Richmond, Virginia.³²⁴ Like Habitat for Humanity and Project Homes, two of Richmond's longstanding affordable housing developers, MWCLT will aim to meet the affordable homeownership needs of Richmond residents who either cannot afford or have been excluded from speculatively priced market-rate housing. However, as a community land trust, MWCLT will take the affordable homeownership program a step further by keeping homes permanently affordable, ensuring that when a MWCLT family sells their home, the home remains affordable to another family in need.

In an interview discussing the land trust, Bon Secours' Director of Community Partnerships Becky Clay Christensen talked about the economic develop-



ment conditions that spurred the health system’s interest in MWCLT. She explained that “the issue of gentrification is certainly at play in the community. In fact, we have contributed in a way, even with our well-intentioned investments with Habitat for Humanity and Project Homes.”³²⁵ Clay Christensen also notes that Bon Secours’ donation to MWCLT, supported by a community benefit fund resourced from the nonprofit’s net proceeds, helps further the health network’s interest in building healthy communities, as long-term, stable access to affordable housing is a key social determinant of health.³²⁶ “Unfortunately, the legal mechanism has not been in place to keep housing affordable when a family does move on,” she added. “So, it’s great to have MWCLT working to both meet an affordable homeownership need with an interest in keeping the homes permanently affordable.”³²⁷

In addition to Bon Secours, Virginia Credit Union—a one-member-one-vote cooperative financial institution—has made a significant commitment to the land trust. In particular, the credit union will provide \$100,000 multiyear contributions to support mortgages for eligible MWCLT families (those mak-



A newly developed single-family home, an MWCLT property, in Richmond’s Church Hill North neighborhood

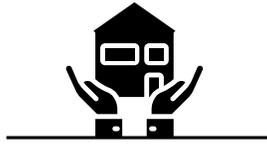
Photo: Nikki D’adamo-Damery, MWCLT



ing 50 to 115 percent of AMI) and a \$1 million line of credit for property rehabilitations.³²⁸ In addition to several local housing development and advocacy organizations, both of these organizations have representatives on MWCLT's board, though Nikki D'Adamo-Damery, MWCLT's Community Coordinator, notes that once MWCLT is fully operational, the land trust's board will likely see more representation from MWCLT homeowners.³²⁹

HARVARD UNIVERSITY COMMUNITY BENEFITS AGREEMENT: HARVARD UNIVERSITY AND ALLSTON TASK FORCE (BOSTON)

In 2014, Harvard University announced a CBA (officially a Cooperation Agreement) worth \$43 million amid the development of its 10-year Institutional Master Plan—which sought to develop new academic facilities, student housing, and amenities in the Allston neighborhood of Boston.³³⁰ Broadly, the CBA focused on continued investment in education and workforce development programs accessible to Allston area residents.³³¹ Harvard has also committed \$5.35 million to a “public realm flexible fund” intended to help fund resident-driven community improvements not included in the CBA.³³² These funds will be provided to public entities and nonprofits “interested in implementing projects on public property in conjunction with public agencies.”³³³ Moreover, Harvard will pay \$11 million to the City of Boston to support affordable housing development under the city's linkage program, which requires developers that are allowed zoning relief to develop off-site affordable housing.³³⁴ An additional \$3 million from Harvard will be used by the Allston Brighton Community Development Corporation (along with a \$5 million line of credit from the Boston Community Loan Fund) to support the North Allston/North Brighton Housing Stabilization Program, including purchases of 13 properties that will be sold to homeowners on the condition that they live in the property as long as they own them.³³⁵ This condition was developed to combat the challenge of investor-bought housing.



Prior to the 2014 CBA, Harvard supported the development of thousands of units of affordable housing in Boston and Cambridge through its Harvard 20/20/2000 initiative. Specifically, Harvard 20/20/2000 provided \$20 million in low-interest loans (two percent) that supported the development of 120 local housing projects (as of 2010).³³⁶ This included the Doña Betsaida Gutiérrez Housing Cooperative, a 36-unit resident-owned affordable housing development that cost \$14 million.³³⁷ Supported by public and private funds, the Doña Betsaida Gutiérrez Housing Cooperative contains 12 units for residents making at or below 30 percent of AMI and 24 units for residents making 60 percent of AMI. Four of the cooperative's units are reserved for people with disabilities whose incomes are at or below 30 percent of AMI.³³⁸

FIRST HOMES COMMUNITY LAND TRUST: MAYO CLINIC FOUNDATION AND ROCHESTER AREA FOUNDATION (ROCHESTER, MINNESOTA)

Around the turn of the 21st century, the Mayo Clinic was beginning to re-evaluate its relationship with the surrounding Rochester community. They formed a Community Relations Administrator to act as the link between the Clinic and the community and began focusing on increasing transparency and participation. At the same time, Rochester was beginning to experience a housing affordability crisis tied to the beginning of the real estate bubble. This impacted the ability of employers like Mayo to attract and retain employees. In this context, the Rochester Area Foundation approached the Mayo Clinic with a plan to create affordable housing for working families.³³⁹ In 2001, The Mayo Clinic Foundation provided an inaugural grant of \$4 million and three annual, successive matching grants of \$1 million to help create First Homes CLT, a nonprofit affordable housing development corporation managed by the Rochester Area Foundation and tasked with providing homes to low-income, working-class residents in southeastern Minnesota through the administration of GAP loan a CLT programs.³⁴⁰ Together, these



programs have supported the development of 210 homes in the Rochester community.³⁴¹ Under the GAP loan program, First Homes provides income-qualified homebuyers with low-interest loans that takes the form of a deferred second mortgage payable at the end of a first mortgage obtained from a First Homes certified lender.³⁴² First Homes' CLT program operates much like other CLT organizations, leasing land it owns as part of a 99-year lease to homebuyers as well as renters in the Rochester community. However, First Homes does differ from some "classic" CLTs in its governance structure as the Rochester Area Foundation appoints all the board members with three seats reserved for First Home "participants" and six reserved for "public" directors, giving the foundation controlling interest in the land trust decision-making.³⁴³ First Homes also offers some participants the option of obtaining a gap loan in addition to a land subsidy and allows a homeowner to recover more than the 25 percent of equity typically allowed by other CLT programs.³⁴⁴

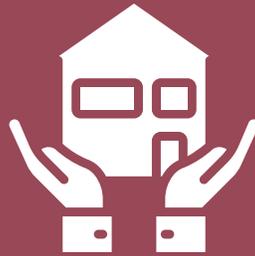
WEST HARLEM CBA: COLUMBIA UNIVERSITY & WEST HARLEM LOCAL DEVELOPMENT CORPORATION (NEW YORK CITY)

In 2009, Columbia University agreed to support a \$150 million CBA in response to nearly seven years of legal and political controversy surrounding the university's effort to expand into West Harlem.³⁴⁵ Administered by the West Harlem Local Development Corp (WHDC), an organization comprised of local community representatives in partnership with representatives from the local community board, the CBA contains several provisions to support affordable housing preservation and development in the West Harlem in order to stymie potential displacement threats that come from the university's expansion.³⁴⁶ In particular, Columbia agreed to commit \$76 million to a benefits fund, \$20 million to an Affordable Housing Fund, and up to \$4 million in housing legal assistance.³⁴⁷ The university also committed \$20 million to the Harlem Community Development Corporation, a subsidiary of Empire



State Development, the State of New York's development organization.³⁴⁸ According to Karen Jewitt, Columbia's Vice President for Government and Community Affairs, these funds are sourced from money the university has raised as part of capital campaigns.³⁴⁹ These, as well as benefits for the targeted hiring of people of color-, women-, and locally-owned construction firms, are provided to four specifically defined community districts.³⁵⁰

Since Columbia University began to disburse the first benefits fund payments—to be made semiannually over a 16-year period—to WHDC, WHDC has in turn made grants totaling more than \$400,000 to support affordable housing organizations.³⁵¹ Among others, this includes grants made to Goddard Riverside Community Center, a local organization that does outreach, education, and tenant organizing on behalf of 200 residents of single-room-occupancy and other low-income buildings to help fight eviction, harassment, and threats to affordable housing.³⁵² Neighborhood Housing Services of New York City, Inc. has also received funds from WHDC to provide affordable homeownership counseling services and financing, including a forgivable loan program for down payment assistance.³⁵³ In addition to the affordable housing grants, WHDC also manages the Manhattanville Houses and General Grant Houses Benefit Committee, an entity created to administer a capital improvement and program fund that receives \$3 million of the CBA's affordable housing benefit. These funds are for the direct benefit of the Grant and Manhattanville Houses, two large public housing sites just east of the campus. Residents of these two sites can participate in the decision-making about how these funds are spent through their tenant associations.³⁵⁴



Conclusion and Recommendations

Community control of land and housing through strategies such as limited equity cooperatives, community land trusts, and resident owned communities further a new paradigm of economic development that builds rather than extracts community wealth. Combined with new tools such as community benefit agreements and land banks—as well as the support of large, community-based anchor institutions such as hospitals and universities—these strategies offer the possibility of development that not only minimizes displacement, but also fosters greater community participation and more equitable outcomes. However, while community control of land and housing strategies are attracting more interest, they are still relatively uncommon compared to the overall size of the land and housing market in the United States. Moreover, governance structures and degrees of participation vary, and impact how effective the strategies are in practice. What follows are some suggestions for further discussion and action grouped into five broad themes:

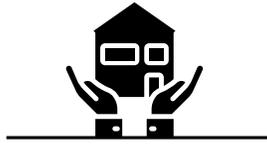
1. Develop, refine, and scale strategies for community control of land and housing.
2. Enhance community representation, participation, and governance.



3. Place racial equity at the center of strategies for community control of land and housing.
4. Develop data to support community control of land and housing and combat displacement.
5. Prioritize community control strategies within funding opportunities and programs.

Develop, refine, and scale strategies for community control of land and housing

Community control of land and housing strategies face a variety of impediments to growth, often based on different market conditions. For instance, community land trusts are often constrained by their ability to purchase land. In parts of the country where land and real estate prices are high (often also places where displacement is in an advanced stage), CLTs can struggle to purchase enough land to make an impact.³⁵⁵ On the other hand, in places where land is currently cheap (often due to weak local economies and legacies of disinvestment), local funders and economic development officials (upon which CLTs usually rely for support) often see rising property values as a positive and do not prioritize preserving long-term affordability. More research and analysis should be done on the impediments to scaling community control of land and housing strategies, and how they vary from market to market, community to community. Perhaps most importantly, further experimentation needs to be supported. As we have seen, there are promising signs that variations or combinations of community control strategies offer ways to possibly overcome some of these limitations. Examples include using CBAs to form or expand CLTs and LECs, establishing a land bank-to-CLT pipeline, combining CLTs with LECs, and mobilizing anchor institution support. Lessons learned and best practices from such innovations should be cycled back to guide further design experimentation.



Related to this is the ongoing need to invest in education around these strategies. In many communities, residents facing displacement—either directly when, for instance, their manufactured housing community or apartment building is about to be sold off, or more indirectly, when they face rising costs or deteriorating conditions—are simply not aware of these types of strategies, and how they could be implemented to address their situation. Similarly, lenders, funders, and investors (such as anchor institution leaders) may not know about or may not fully understand these strategies, or may be unclear on how to best support them. And lastly, residents and community members who have no experience running large, complex organizations (with regulatory requirements, financial obligations, etc.) cannot automatically be assumed to have the skills necessary to do so without coaching and training.

Fortunately, there are several organizations that serve one or all these functions. A small sampling of these include:

- Grounded Solutions
- The Lincoln Institute of Land Policy
- ROC USA
- PolicyLink
- Urban Homesteading Assistance Board
- Bay Area Consortium of Community Land Trusts

Anchor institutions, especially universities, are uniquely positioned to support such groups and other educational efforts through research, technical, and training partnerships. For instance, the Baltimore Housing Roundtable, which is advocating for an expansion of CLTs in the city, counts among its endorsers the University of Baltimore Community School of Law Community Development Clinic, the University of Maryland School of Law Community Development Clinic, and the University of Maryland School of Social Work: Social Work Community Outreach Services.³⁵⁶ In addition to their advocacy



and organizing work, the Baltimore Housing Roundtable runs a leadership school that trains and educates area residents.³⁵⁷ Similarly, the University of the District of Columbia's Community Development Law Clinic has helped local residents seeking to form housing cooperatives.³⁵⁸

Alongside funding (which will be discussed further in this chapter), enacting supportive local, state, and federal policies is also critical to scaling and developing community control of land and housing strategies. For instance, as discussed in Chapter 2, the rapid growth of ROCs has been enabled by various forms of state-level legislation allowing for residents to form cooperatives and protecting them from retaliation. In one of the most famous cases of city support for community control of land and housing, in the late 1980s, the city of Boston granted the Dudley Street Neighborhood Initiative (DSNI)—a nonprofit community development corporation—eminent domain powers over vacant land in a neglected 62-acre portion of the city and entered into a partnership agreement with the organization with regards to publicly-owned vacant land in the area. DSNI subsequently established a community land trust to ensure permanently affordable housing and has acquired or developed more than half of the neighborhood's 1,300 previously vacant parcels of land.³⁵⁹

Washington D.C.'s Tenant Opportunity to Purchase Act (TOPA) serves as another model for how public policy can create an opportunity to prevent residential displacement and enable community control of land and housing ownership. TOPA is a unique law that requires landlords who lease residential property to provide tenants with notification of their intent to sell prior to placing the property on the market. This notice gives all tenants a chance to secure funds to purchase the residence, but most importantly, it allows residents living in shared housing or multifamily establishments an opportunity to form a tenants' union or cooperative corporation through which residents can purchase the property and democratically govern their housing.³⁶⁰ While critics of TOPA highlight both the burdens it puts on sellers and



the loopholes that are exploited by developers, it has nevertheless helped preserve more than 1,400 units of permanently affordable housing in a notoriously expensive real estate market.³⁶¹

In some cases, the starting point for policymakers or housing advocates interested in the adoption of policies to support community control of land and housing may be at the statehouse, as some jurisdictions may need to obtain the appropriate authority given state-level home rule policies. Those interested in the adoption of such policies should consider the conditions and circumstances that would make broader adoption of the policy appropriate and effective; for instance, the level of fiscal and technical support organizations and resources available to support such stewardship in their communities. They should also carefully study the experiences of municipalities that have similar policies in order to craft legislation that minimizes loopholes and unintended consequences.

Enhance community representation, participation, and empowerment

Internal governance, as well as degrees of resident and community representation and participation, can vary greatly within community control of land and housing strategies. Many CLTs, for instance, are governed by a tripartite board that includes resident members, nonresident members such as local officials, and surrounding community members. However, others, such as First Homes CLT, are governed and managed by a sponsoring entity such as a local community foundation. Unlike traditional CLTs, LECs and ROCs are primarily governed by their resident-owners (without wider community representation). Individual cooperative housing buildings, for instance, are usually governed by resident-run tenants' corporations. Cooper Square MHA also shows us that multiple cooperative housing properties can sometimes share a governing board through association. When it comes to CBAs, some are structured better than others with regards to community involvement and representation. In some of the more positive examples, signatories



have set up independent community advisory boards to increase developer accountability and transparency surrounding the provision of benefits. Similarly, some land banks have strong formal mechanisms for community engagement and participation, while others lean more heavily on traditional representative bodies (such as city councils or county boards).

No one governance structure or strategy will work for all communities, nor is there any guarantee that increased community participation and representation will necessarily lead to favorable outcomes when there are strong displacement pressures. Still, those interested in community control of land and housing strategies to combat displacement should invest in further knowledge sharing over what governance structures and methods of community participation are most effective. As with scaling community control strategies in general, support for education is key. Just as residents and community members will likely need training and technical assistance to run a large organization with considerable financial and legal obligations, they will need the same kind of help to develop truly participatory governance structures. Such robust mechanisms for governance are necessary to create organizations that facilitate meaningful participation from a wide cross-section of the community and that can continue after the initial cadre of leaders pass the torch. Without these, even if the governance structure is ostensibly conducive to participation, a small group may, often by necessity, dominate decision-making. “When a co-op has members who don’t take part, a handful of others tend to do everything themselves,” a late 2016 story mentioned regarding some of the challenges of participatory governance at the Park Plaza ROC in Fridley, Minnesota.³⁶² On the other hand, when an individual or small group does dominate decision making, this tends to serve as a disincentive to broader participation.

One organization that has, over the years, developed a wide-ranging and successful program to enhance and enshrine community participation and leadership is Dudley Street Neighborhood Initiative (DSNI)—which operates



one of the largest and oldest urban CLTs in the country (Dudley Neighbors Incorporated). DSNI's board consists of 35 members, with 33 of them directly elected by the membership. Moreover, 20 of the board members are required to be Dudley Street residents, giving community members overall control. The organization has a training center, the Resident Development Institute, which "hosts modules for DSNI members on Values, Vision & Power, Community Organizing, Developing Leaders, Meeting Design & Facilitation, Resource Development, Public Policy Advocacy, and Strategic Thinking & Planning."³⁶³ DSNI also invests heavily in youth development. Four seats on the board are reserved for youth between the ages of 15 and 17, and youth membership dues are discounted. Longtime Executive Director John Barros (now Chief of Economic Development for the City of Boston) first joined DSNI at age 14 and later was elected as a youth board member. Through organizing campaigns with clear and achievable goals, residents are energized and mobilized to participate in the organization, and meetings and planning sessions are carefully constructed to maximize engagement and shared decision-making. DSNI receives significant municipal and philanthropic support for its efforts, so organizations interested in community control of land and housing strategies should also look to leverage outside resources and institutions to support efforts around community engagement, participation, and empowerment.

Communities can also look towards crafting and organizing around public policies to increase participation and engagement in larger-scale decision-making regarding land use policy and development. One example was the 2016 effort by residents in Detroit to establish a community benefits ordinance that would, in turn, require CBAs on all large-scale development projects that meet certain criteria. In the end, Detroit voters approved a less comprehensive community benefits ordinance than the one supported by grassroots community leaders and social justice advocates.³⁶⁴ Still, Detroit's experience shows how residents and community groups can come together to demand a more comprehensive and institutionalized process of commu-



Comparing Detroit's 2016 Community Benefits Ordinance Proposals - Community Process Proposals

	GRASSROOTS BILL: Proposal A (Sugar Law Bill)	BILL APPROVED BY VOTERS: Proposal B (Benson Bill)
Threshold at which the ordinance is triggered	Projects costing \$15 million or more that receive \$300,000 or more in city incentives (such as tax abatements, real property, or other incentives)	Projects costing \$75 million or more and that receive \$1 million or more in public incentives, or which are built on property with a market value of \$1 million or more that was sold or transferred to a developer by the city
Community process	Upon submission of a site plan seeking public support, the city council member in whose district the site falls will call a meeting of the "host community," with the purpose of establishing a host community representative organization. The representative residents will then negotiate a legally binding development with the developer with no further involvement from city council.	Prior to submitting a request for tax abatement or land transfers to a developer, the city Planning Director will work with district council members to engage the community and help establish a 9-member Neighborhood Advisory Council (NAC). Members will be nominated by the community from residents that live within the census tract where the project will be located. Four of the nominated members will then be selected by the planning director, three by City Council, and two by residents that live within the census tract. The Planning Director will facilitate a minimum of one large meeting and one small meeting between the NAC and developers and additional meetings if approved by two-thirds vote of City Council.
Process for execution of CBA	The developer shall engage host community residents for the purpose of entering into a legally enforceable CBA.	The Planning Director will submit a Community Benefits Report to city council within six weeks of the public meeting itemizing a list of NAC concerns and proposed method to address concerns. A Development Agreement between the developer and city council will include a community benefits provision including the procedure for reporting violations and enforcement mechanisms.

Chart from: "Comparing the two community benefits ordinances," *Model D Media*, October 31, 2016, accessed March 29, 2018, <http://www.modeldmedia.com/features/cbo-comparison.aspx>



nity representation and participation when it comes to economic development planning. Moreover, both the grassroots plan and the plan ultimately approved by voters (which was supported by businesses, unions, and the city government) are useful as baselines that could be tweaked as needed to fit any community's local conditions.

Place racial equity at the center of strategies for community control of land and housing

In “Serial Forced Displacement in American Cities, 1916-2010,” Mindy Thompson Fullilove and Rodrick Wallace contend that the psychological and social effects of policy-driven forced economic and spatial displacement destroys social networks, shreds economic stability, and undermines political power among vulnerable groups—effects that are likely to persist for generations.³⁶⁵ Throughout their work, Fullilove and Wallace document their efforts to address these effects while working in communities that have endured experiences of displacement and that are targets of development. For instance, in *Urban Alchemy*, Fullilove describes how, with community leaders in Pittsburgh's Hill neighborhood, she facilitated teach-ins to measure the impact of serial forced displacement surrounding the implementation of HUD's Hope VI programs.³⁶⁶ In general, all organizations and individuals involved in land, housing, and economic development should (and many already do) review their activities and practices through a lens that makes visible the consequences of generations of racist policies and attitudes.

One example of how this can work in practice is HOPE SF, a \$5 billion housing and community development program that aims to transition dilapidated public housing in historically disinvested and under-resourced neighborhoods in San Francisco into revitalized mixed-income housing.³⁶⁷ To protect the interests of existing public housing residents in the four communities where the program would be implemented, a task force comprised of officials from the mayor's office, public housing residents, advocates from local nonprofits, and the San Francisco Housing Authority established eight guiding principles cen-



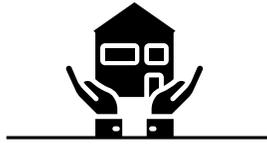
tered on clear benefits for local residents. They include a one-for-one replacement of public housing units to minimize displacement of existing residents; resident involvement at the highest levels of decision-making for the entire project; and soliciting input from as many residents and stakeholders as possible during the planning and development process.³⁶⁸ To ensure these principles are upheld through policy development and the delivery of services and resources to HOPE SF communities, the task force works in partnership with an Interagency Council, a group of individuals from various governmental entities involved in the program.³⁶⁹ One important innovation is a policy to allow existing residents to be offered temporary, on-site housing during reconstruction, in recognition of the fact that “temporary” relocation often becomes permanent displacement and displacement.³⁷⁰

Additionally, key partners of HOPE SF have worked to strengthen the community’s capacity to build relationships with each other and with the leadership of the HOPE SF initiative. In particular, BRIDGE Housing Corporation, an affordable housing development company, worked with San Francisco State University public health professor Jessica Wolin to implement Trauma-Informed Community Building (TICB), an approach that seeks to recognize the hardships that can prevent social cohesion in a community and guide practitioners in their effort to develop sustainable relationships

HOPE SF Principles

1. Ensure No Loss of Public Housing
2. Create an Economically Integrated Community
3. Maximize the Creation of New Affordable Housing
4. Involve Residents in the Highest Levels of Participation in Entire Project
5. Provide Economic Opportunities through the Rebuilding Process
6. Integrate Process with Neighborhood Improvement Revitalization Plans
7. Create Environmentally Sustainable and Accessible Communities
8. Build a Strong Sense of Community

Source: “About HOPE SF: Guiding Principles,” Hope SF, accessed July 30, 2017, <http://hope-sf.org/guiding-principles.php>.

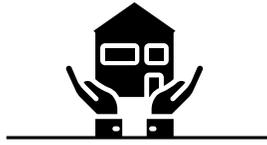


with key community members.³⁷¹ Noting the trauma that residents living in low-income communities and communities of color often experience due to the country’s legacy of racism, residential segregation, and oppression, Wolin and co-authors Emily Weinstein and Sharon Rose state that “pervasive current and historical trauma demands a community building approach that takes into account residents’ emotional needs and avoids re-traumatization triggers.”³⁷²

<p> INDIVIDUAL</p> <ul style="list-style-type: none">• Provide opportunities for multiple interactions• Ensure incentives and sense of personal reward• Meet residents where they are• Develop authentic relationships-set realistic expectations and never over promise	<p> COMMUNITY</p> <ul style="list-style-type: none">• Expand efforts through incremental growth, building from success• Ensure that sustainability and quality is criteria for implementation and involvement in community efforts• Provide visible, tangible activities that reflect community change• Cultivate community leadership through support and skill building
<p> INTERPERSONAL</p> <ul style="list-style-type: none">• Model healthy behaviors• Support peer to peer activities and interactions• Provide opportunities that cultivate shared positive experiences• Ensure all activities allow for personal sharing and mutual support	<p> SYSTEMS</p> <ul style="list-style-type: none">• Reflect community voices and priorities to stakeholders• Build partnerships for long-term investments in community change and effective service delivery• Advance long term community vision and develop community wide strategy to reach goals

Source: Emily Weinstein, Jessica Wolin, and Sharon Rose, “Trauma Informed Community Building: A Model for Strengthening Community in Trauma Affected Neighborhoods,” *BRIDGE Housing & the Health Equity Institute*, May 2014, accessed January 13, 2017, <http://bridgehousing.com/PDFs/TICB.Paper5.14.pdf>.

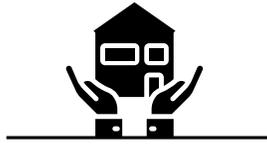
Of course, not every low-income community or community of color can be characterized as traumatized, nor is the need for community building the same in each neighborhood where there is potential or plans for land and housing development. As such, the extent to which TICB or other approaches are relevant frameworks should be determined with community input from the beginning.



Develop data to support community control of land and housing and combat displacement

As interest in community control of land and housing strategies grows, especially among those interested in alternative, equitable, and more sustainable approaches to community and economic development, so does the need to develop a better understanding of the effectiveness and impact of such strategies. More specifically, the ability to regularly obtain reliable data related to, for instance, demographics, finances, scale, innovations, and partners/supporters is essential to further adoption and development.

Yet with a few notable exceptions, very little headway has been made thus far in the effort to build the capacity to track, report, interpret, and analyze such data. Some of the data and research that does exist suggests that when adequately resourced, community control of land and housing strategies can outperform conventional approaches when it comes to ensuring short and long-term affordability, building community wealth, and increasing participation. On the other hand, there are prominent cases and some data revealing patterns and risks of racial discrimination in the administration and decision-making of some of these strategies, particularly with regards to potential entry. For instance, in their 1995 *Fordham Urban Law Review* article, “The Application of Civil Rights Laws to Housing Cooperatives: Are Co-ops Bastions of Discriminatory Exclusion or Self-Selecting Models of Community-Based Living?” authors Rosemarie Maldonado and Robert D. Rose reviewed civil right cases regarding allegations of racial discrimination made against housing cooperative boards in New York City. While summarizing the judicial rulemaking around discriminatory applicant selection by cooperative boards, Maldonado and Rose also highlighted the disparity between the number of White people and people of color living in market-rate cooperative housing.³⁷³ However, much of this data is either contained in limited-access academic journals, reported by only a few organizations (making determining statistical significance difficult), or missing key information.



Some exceptions include Proud Ground CLT, Champlain Housing Trust, and Dudley Neighbors Inc., three CLT organizations that regularly publish research on their development and operations. Proud Ground, for example, produces annual reports, seasonal newsletters, fact sheets, and other publicly accessible materials on their program activities, making it easy for fellow community members, advocates, and institutional stakeholders to weigh the organization's impact in the community.³⁷⁴ That these reports include social, economic, and demographic data that tells the story of who the organization is and is not able to reach helps further contextualize not only the organization's direct role in addressing land use and housing issues in its community, but also the limitations facing the CLT strategy in that particular community, and the need for complementary solutions.

More likely than not, however, organizations may not have the capacity, permissions, or resources to collect, maintain, and publicly report data about their members, programs, and services. As such, existing and emerging practitioners, especially those working in and with CLTs, LECs, and ROCs, should be specifically supported in their efforts to collect and make available the kind of data that will help advocates, allies, and others evaluate and analyze their programs accordingly. This might include partnerships with or anchor institutions, nonprofits, and governments, all of whom could provide both the funding and the technical expertise to help organizations and communities collect and disseminate data.

One example is Grounded Solutions Network (GSN), a national network of researchers, technical experts, and practitioners working to expand knowledge and resources around different strategies for affordable homeownership. GSN has recently developed several resources to help develop and standardized data collection efforts, including:

- HomeKeeper, a data platform that tracks home purchases affiliated with various affordable homeownership programs. HomeKeeper is a daily workflow management tool for managers of organizations furthering community stew-



ardship of land and housing. The data collected by participating organizations is aggregated and displayed in the Homekeeper National Data Hub, which allows researchers and other parties to assess the social impact of affordability programs including CLTs and LECs.

- A Data Collection Checklist tool designed by researchers and practitioners to help stewards of affordable housing align their data collection efforts with national performance standards.
- A Universal Exit Survey template to help organizations collect stories, solicit feedback, identify trends, measure impact, and stay in touch with residents.

Municipalities that provide funding, technical assistance, or administrative and legal support to CLTs, ROCs, LECs, and other housing programs should also maintain updated records on inquiries from the public—including requests for information, requests for assistance, discrimination claims/reports, and other data that may help track the impact of such programs in their communities. One of the challenges in obtaining a full picture of who benefits from community control of land and housing strategies is that even in areas where such strategies are more common, the public institutions that could be compiling valuable data points and other information are not doing so. This includes housing and community development agencies, antidiscrimination and tenant advocate agencies, and other public entities that may be engaged by members and leaders of community stewardship programs. In the development of this report, several public agencies were contacted and various staff members interviewed about information on inclusion that is or is not collected and maintained within various land and housing programs—including, among others, the number of legal complaints received about discrimination or other issues with respect to housing cooperatives and the number of inquiries made by individuals and organizations interested in opportunities to develop LECs under TOPA legislation. Unfortunately, in most cases these inquiries were unsuccessful. For instance, discussions with Washington D.C.’s Office of the Tenant Advocate revealed

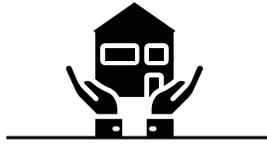


limited tracking of information, though agency staff was aware of general trends in the types of properties converted into cooperatives under TOPA.

Prioritize community control strategies within funding opportunities and programs

Perhaps the most important issue facing those interested in pursuing or scaling community control of land and housing strategies is the issue of funding. This report has suggested that one way to fund these strategies is to connect them with tools such as land banks (essentially local government funding in the shape of property transfers), CBAs (essentially private funding through money set aside in development deals), and anchor institutions (essentially nonprofit funding through investments, services, loans, and grants from hospitals, universities, and other large, local organizations).

For instance, over the last couple years the Buffalo, N.Y.-based Community First Alliance (CFA) has hosted several events, teach-ins, and other activities to build support among residents hoping to fight displacement and build ownership and control in the community. The effort is an attempt to respond to a history of internal tension between community residents, as well as animosity between community residents and the leadership of the University of Buffalo and Buffalo Niagara Medical Campus, two anchor institutions that over the last decade have expanded in the community.³⁷⁵ Following efforts to place a moratorium on the sale of public lands and years of CBA negotiations, CFA has called on the City of Buffalo to place more than 200 public properties in a CLT in order to prevent private developers from pricing out longstanding residents.³⁷⁶ In an interview describing how they landed on the adoption of a CLT as vital component of their broader strategy, John Washington II, an organizer at People United for Sustainable Housing Buffalo (PUSH Buffalo) observed that, “people were aware that if we got a community benefits agreement but the 200 lots all end up becoming luxury apartment buildings, we weren’t going to be able to reap benefits of the CBA. So, while the CBA is on the table, people are focused on the legacy, power, and their relationship to land.”³⁷⁷ In



June 2017, the group announced that it received a \$25,000 land acquisition grant from local philanthropic partners to help start their CLT.³⁷⁸ As noted in the introduction, in early 2018 the city committed to begin setting aside public properties in the area for eventual transfer to the CLT.

Beyond this, there are a wide variety of programs and opportunities that can be an important source of funding for community control of land and housing strategies. Government housing and community development programs have long shaped housing and land use conditions in local communities around the country, and municipalities, private developers, and anchor institutions leverage public resources (i.e., tax credits, grants, and other subsidies) to build their housing stock (affordable and not), real estate portfolios, and campuses. Yet, funding for many of these programs is in decline. For instance, a 2015 report by Center on Budget and Policy Priorities found that funding for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program—two of the most relevant federal programs for community control of land and housing strategies—had fallen by 63 percent and 61 percent, respectively, since inception.³⁷⁹ With the election of President Trump in 2016, funding for these and other housing and community development programs has become even more uncertain. While dramatically increasing federal funding for affordable housing and community development should be a long-term goal for all in those in the field, the current reality is that practitioners will likely need to do more with less. Given this, it is possible that the many stakeholders who rely on federal support for their efforts will find themselves turning even more of their focus toward the local level, straining resources that are already in short supply and only now beginning to recover from the financial crisis and Great Recession.

Thus, both the federal and local policy level is vitally important. Community control of land and housing strategies should be prioritized when it comes to accessing the shrinking pool of federal resources. One way to do this, as the Center for American Progress' Michela Zonta stated in 2016 in the



context of CLTs, would be for HUD to “increase the affordability period in programs such as HOME, which currently requires minimum affordability periods of five years to 15 years for homeownership projects, depending on the amount of HOME funds invested in the units.”³⁸⁰ Additionally, community control of land and housing strategies should be made explicit priorities of local land use and housing development policy, as well as positioned as clear beneficiaries of land and housing development programs.

This can include ensuring that CLTs, LECs, and ROCs are explicitly supported by housing trust fund programs by: establishing such strategies as a direct beneficiaries and priorities of housing trust programs; allocating higher points to community control of land and housing programs during trust fund application evaluations given their capacity to maintain a stock of permanently affordable housing in a community, recycle public dollars, and encourage participation; and maintaining set-asides for capacity building programs that educate community members about issues such as cooperative housing management and preservation.

Those interested in how municipalities can explicitly link housing trust fund programs to community control efforts can look to Washington, D.C. where trust fund dollars are made available to residents interested in developing cooperatives under the city’s TOPA policy.³⁸¹ Burlington, Vermont’s Housing Trust Fund also stands out as a model given that it requires all trust fund dollars be spent on permanently affordable housing.³⁸² Going a step further, the City of Chicago’s Affordable Requirements Ordinance explicitly links trust fund resources to CLTs, requiring residential developers who do not provide affordable housing in development properties that receive city financial assistance (or that involve city-owned land) pay fees, half of which are then placed into the city’s Low-Income Housing Trust Fund.³⁸³

Additionally, states and municipalities that receive bank settlement funds tied to lawsuits associated with the housing crisis or discriminatory lending



practices could distribute a portion of those funds to organizations that implement community control of land and housing strategies. As discussed in Chapter 2, New York State's recent distribution of \$3.5 million to Enterprise Community Partners' Community Land Trust Capacity Building Initiative, and the Initiative's subsequent distribution of \$1.65 million to four organizations that support CLTs in New York City (and the rest to similar organizations in other parts of the state), provides an example of this.³⁸⁴ With financial companies paying more than \$164 billion in mortgage-related settlements since 2009, there has been ample opportunity for state and local governments to set-aside funding for local organizations that support land and housing development strategies that counter the well-known extractive and discriminatory practices of big banks.³⁸⁵ Yet, as the *Wall Street Journal* and *The New York Times* report, much of this money is returned to the same banks directly in the form of tax credits, or administered and controlled by banks who commit to loan modifications and homeowner assistance programs.³⁸⁶ Particularly in places such as Baltimore, where displacement threatens long-standing communities of color and low-income communities as a result of increased private-sector investments and economic development efforts, policymakers at the state and local level should designate some of the funding from bank settlements to community control of land and housing strategies.

Built on a legacy of racism, exclusion, and displacement, land and housing ownership is rapidly moving beyond the reach of accessibility for an entire generation of Americans. The share of Americans who benefit from homeownership, the most common way to build wealth in the country, is at approximately 64 percent, the lowest percentage rate since the 1980s.³⁸⁷ Certainly, some of this shift is due, at least in part, to ideological shifts as an emerging generation of young people actively and reactively redefine societal norms, culture, and ideologies around ownership, families, and work-life balance.



But dive deeper and there is a clear and unmistakable disparity on the basis of race and class. Families are spending increasingly more of their income on housing, and less affluent Americans continue to lag their wealthier peers when it comes to homeownership. Alongside these conditions, there is the very troubling reality that many of our country's neighborhoods are becoming more segregated rather than less, with increasing rather than decreasing concentrations of poverty.

For many policymakers, grassroots activists, social justice advocates, anchor institution leaders, and even social impact investors, it's becoming increasingly clear, given how integral land and housing is to the functioning of society, that patterns of access, ownership, participation, and displacement have a large impact on who does and doesn't have the opportunity for a healthy, prosperous, and fulfilling life.

Community control of land and housing strategies like LECs, CLTs, and ROCs, though still very small in the context of the land and housing market nationally and not generally well understood, offer a path forward and the promise—if scaled up significantly—of a systemic solution to our systemic problem. These strategies can institutionalize democratic control of land and housing, support racial and economic inclusion, preserve long-term affordability, catalyze public resources to create a new norm of economic activity, build community wealth, install (or strengthen) a step on the ladder of opportunity, and help guard against displacement—particularly in historically marginalized communities. Moreover, as large hospitals, universities, and other locally rooted organizations continue to develop and embrace their “anchor mission”—their *commitment to intentionally and comprehensively apply an institution's assets in partnership with community to mutually benefit the long-term well-being of both*—and as local governments begin to rethink a variety of traditional assumptions around economic development strategies, direct and indirect support for community control of land and housing may help deepen and improve relationships and working part-



nerships with constituents and longstanding members of the local community. To build a national groundswell around efforts to increase community control of land and housing, existing and emerging practitioners need to be actively supported in their efforts to clarify the potential of these strategies; share best practices, challenges, and critical data; and, ultimately, take their place in the growing movement to comprehensively address the deep-rooted injustices at the heart of our political economy.



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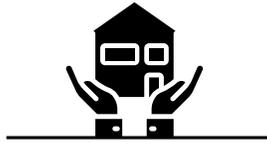
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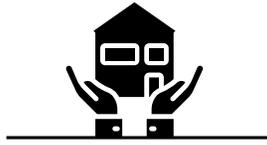
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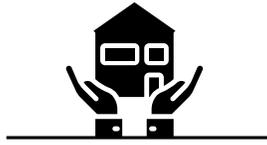
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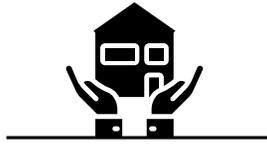
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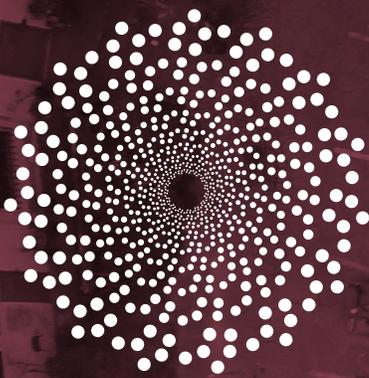
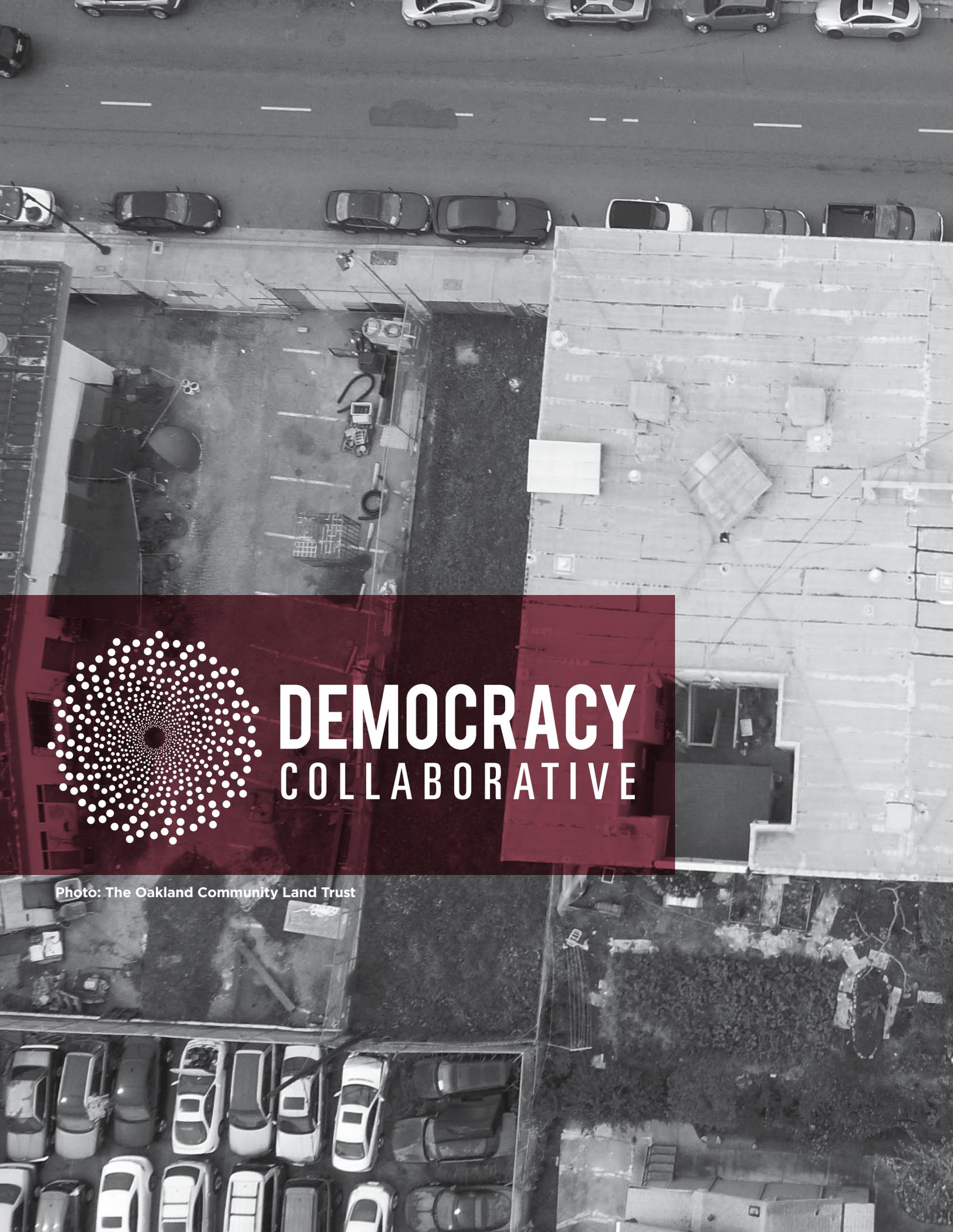
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Prior to his tenure at CSI, Jarrid served as a Researcher for the Smithsonian Institution's Office of Policy and Analysis where he supported studies of museum visitorship and strategic planning for Smithsonian museum units and external organizations. While at the Smithsonian, Jarrid also served as a Project Coordinator for the Smithsonian Center for Education and Museum Studies where he worked in partnership with MIT's Education Arcade to coordinate the development of a national education program that sought to increase middle-school-aged students' interest in science-based careers.

Jarrid is a 2016 Council of Urban Professionals Leadership Institute fellow, a former White House intern, U.S. Department of the Interior fellow, and a recipient of the NAACP Legal Defense Fund's Earl Warren Scholarship. In 2012, Jarrid also served on the Obama reelection campaign in Iowa as a Regional Get-Out-The-Vote Director. Jarrid earned his MBA in Sustainability from Bard College and received a B.A. in English Language and Literature from the University of Maryland at College Park.

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The Democracy Collaborative is a research and development lab for the democratic economy. Learn more at **democracycollaborative.org** and **thenextsystem.org**.



DEMOCRACY COLLABORATIVE

Photo: The Oakland Community Land Trust