Community Land = Community Resilience

How Community Land Trusts Can Support Urban Affordable Housing and Climate Initiatives



Author

The summary report and accompanying case studies were written by Jessica Grannis, coastal resilience director for the National Audubon Society and formerly adaptation program director for the Georgetown Climate Center.

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Climate and Housing Problem: Hurrican Sandy damage, Breezy Point, NY credit: AdobeStock

Climate Risks to Frontline Communities: Redlining map for the City of San Francisco, Urban Displacement Project

The Unique Value Proposition of City-CLT Partnerships: Icons, AdobeStock

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Georgetown Law 600 New Jersey Avenue, NW Washington DC, 20001

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Executive Summary

Cities across the United States and the world are grappling with the compounding threats posed by climate change, lack of affordable housing, and racial and economic inequality. Climate change will amplify risks from natural disasters — like storms, flooding, and wildfires — which are increasingly damaging and destroying people's homes and increasing housing instability in communities. Addressing climate change will also require significant investments to make improvements that will both enhance the resilience of housing to future climate risks and also reduce carbon pollution from housing, which can increase the initial costs to build new homes and impose even more costs to retrofit existing homes. However, durable, sustainable and affordable housing will be critical to achieving community resilience. Households displaced due to economic causes or damages from severe weather face long-term consequences in terms of health, economic, and social well-being. And communities that see significant impacts to housing experience a much slower recovery, particularly for lower-income residents and renters, who are often disproportionately affected by disasters and sometimes never fully recover.

As a result, cities need solutions for addressing both the affordable housing and climate crises in ways that meet the needs of the most at-risk residents. Public-private partnerships with community land trusts (CLTs) present one opportunity for advancing equitable climate solutions in the housing sector. CLTs are nonprofit entities incorporated to acquire and steward land for community benefit and have been effectively delivering community-driven housing options for low- and moderate-income (LMI) residents by separating the land from the improvements on the land. This report explores how CLTs can and already are supporting housing, resilience, sustainability, and racial equity initiatives in cities across the U.S. and Europe. The lessons in this report are drawn from detailed case studies of CLT work in a diverse set of cities, including in *Boston, Massachusetts; Seattle, Washington; Albuquerque, New Mexico; the Florida Keys, Florida; Oakland, California; Irvine, California*; the *State of Louisiana; Bristol, United Kingdom*; and *Brussels, Belgium*. These case studies were developed for inclusion in the *Community Land Ownership: Community Land Trusts chapter* in Georgetown Climate Center's *Equitable Adaptation Law and Policy Toolkit*, hyperlinked here and throughout this report.

Given the magnitude of the challenge and the need to engage residents and the private sector in the development and implementation of solutions, this report explores how mutually beneficial partnerships between cities and CLTs can be fostered at the state and local levels through the adoption of laws and policies that enable and support CLT work in communities. Although there are more than 260 CLTs operating in communities across the U.S., to bring this unique model to scale to address the range of challenges facing cities, policies need to be adopted to help CLTs at all stages of their work (including starting up; accessing land; funding and financing projects; incorporating resilience and sustainability improvements; and stewarding and maintaining properties over the long term). Drawing lessons from legal analyses of two jurisdictions — the District of Columbia and the City of Chicago — this report also provides recommendations about legal reforms that can be adopted to advance public-private partnerships with CLTs in support of urban resilience and affordable housing initiatives. The purpose of this report is to help cities catalyze innovative partnerships with community-serving entities — like CLTs — to support efforts to build climate resilience in the most at risk communities.

Introduction

One of the most important lessons from 2020 should be the importance of housing security to community resilience. Millions of Americans have been forced to shelter at home to protect themselves from a lethal virus and many face evictions and foreclosures as a result of its economic consequences. At the same time, many people's homes and lives were threatened by extreme weather events including successive hurricanes battering communities throughout the Gulf Coast,¹ and record-breaking heat waves, rolling blackouts, and raging wildfires in the West.² And the impacts from these events are exposing deeply ingrained racial and socioeconomic disparities that have imposed deadly and disproportionate consequences on communities of color and lower income communities. But 2020 can also mark an inflection point for addressing the disparities that have been laid bare, where policymakers have a unique opportunity to respond to these events by advancing transformative solutions that center frontline communities and actively support community driven efforts to build climate resilience and housing security.

Community land trusts (CLTs) present a model for delivering equitable, community-driven solutions for addressing the housing and climate crises and supporting economic recovery from COVID-19. CLTs are nonprofit organizations that steward land for publicly beneficial purposes like affordable housing and other community uses, like parks and urban farms. By activating this model of communal land ownership in efforts to address the climate crisis, communities can help advance resilient and sustainable homeownership opportunities for residents that can also help to rectify the legacy of racist housing policies that have left communities of color more housing insecure, less wealthy, and more vulnerable to impacts from extreme weather and other shocks. This model was given to us by the civil rights movement, when activists in Georgia in the 1960s formed the first community land trust in the U.S. — New Communities, Inc. — as a way to enable communal land ownership and create economic development opportunities for African Americans who were disenfranchised and denied the right to own land as a result of discriminatory laws in the Jim Crow South.³ With support from state and local governments, this same model can be adapted and scaled to help communities address the combined threats of housing insecurity, and climate change. Learning from the 2008 foreclosure crisis and given the urgent housing crisis that will be created by COVID-19, cities can look to CLTs as a model for helping to stabilize housing and supporting economic recovery. As a new Presidential administration takes over and significant new funding is anticipated to support recovery from COVID-19 and recent extreme weather disasters, the time is now for cities to incubate and ramp up support for CLTs to ensure that resources can flow to community-driven initiatives that can provide long-term solutions for enhancing resilience and housing security.

There have been many articles discussing the roles and benefits of the CLT model for preserving and building new affordable housing. To add to this body of literature, this report focuses on the unique contributions that CLTs can make in supporting resilience and sustainability initiatives, and how governments can foster these types of mutually beneficial partnerships by adopting laws and policies that better enable and support CLT efforts. First, it lays out the critical nexus between housing security and community resilience and describes how the affordability crisis will be exacerbated by climate change. Next, it introduces CLTs and describes the unique value that they can bring to delivering climate solutions. Drawing lessons from case study examples, the report then highlights how CLTs can and already are supporting urban resilience initiatives in cities across the U.S. and Europe. Finally, the report concludes with lessons learned and a discussion of how cities and states can adopt legal reforms and policy changes to replicate and scale up these types of community-driven climate and housing solutions. It is hoped that this report will provide inspiration for cities on ways they can foster partnerships with community-serving entities — like CLTs — as a way of advancing transformative climate solutions.



The Climate and Housing Problem

In addition to the housing crisis created by the COVID-19 pandemic, cities were already struggling to cope with the combined threats posed by climate change and pervasive community stressors (like poverty, racism, crime, aging infrastructure, and lack of affordable housing), which together weaken the ability of communities and residents to withstand and recover from impacts. Climate change is already causing significant and costly impacts in communities across the world. Sea-level rise, more frequent and intense storms, and more heavy rainfall events are increasingly flooding homes and businesses and damaging critical infrastructure; and more intense

heat waves and wildfires are threatening lives, causing power outages and increasing energy costs, and impacting critical infrastructure systems. And these impacts are magnifying existing social and economic disparities.

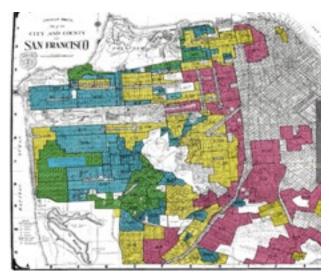
In addition to mounting impacts from climate change, many cities are also facing an affordable housing crisis that is exacerbating urban resilience challenges. Nearly half of U.S. renters are "cost-burdened" (spending more than 30% of their income on rent), and a quarter of U.S. renters are "severely cost-burdened" (spending more than 50% on rent).⁴ Additionally, the same study found that there was not a single county in the U.S. where a full-time worker earning minimum wage could afford rent for a two-bedroom apartment.⁵ Black, Native American, and Hispanic households are much more likely to face extreme housing cost burdens. Among renters, Black and Hispanic households make up the highest percent of those facing moderate and severe housing cost burdens (54.7 and 53.7 percent respectively); and Native American households experience high housing cost burden and are more likely to live in poor-quality housing, ill-equipped to withstand impacts from extreme weather.⁶

The cost of housing affects both the quality of life of those burdened residents and also their resilience to extreme weather. High housing costs not only crowd out expenditures on other necessities — like education, food, and healthcare — but high costs also limit the ability of affected families to prepare for, respond to, and recover from impacts from disaster events. Cost-burdened households more often live in substandard housing that is more severely damaged during extreme weather events, and they often do not have the resources available to mitigate their risks to impacts. For example, high housing costs can limit the ability of households to pay for things like air conditioning to cool a home, which can mean the difference between life and death during a heat wave. And housing costs can limit the ability of homeowners to make needed repairs to reduce risks from flooding and high winds. The combination of high housing costs and climate impacts can also exacerbate housing instability, which has significant long-term consequences for residents. Whether due to evictions, foreclosure, or damages from extreme weather, housing instability has been shown to have long-term negative consequences on educational attainment,

income levels, and health; and has even been linked to increased risks of homelessness and incarceration.⁷ High housing costs can also weaken broader community resilience by displacing residents, which breaks social bonds and disrupts the social safety net of neighbors who rely on each other for support; and by pricing out essential workers — like nurses, teachers, and emergency responders — from living in the communities they serve.

Climate change will also increase housing insecurity for the most vulnerable residents. Recent extreme weather events have shown the dramatic and cascading impacts that extensive damage to housing stock can cause on lives, livelihoods, and local economies. These links between housing stability and resilience were most dramatically on display after Hurricane Sandy hit New York City. Even before the storm, the city had one of the highest rates of income inequality in the world and faced an extreme housing affordability crisis, both of which were exacerbated by the storm. One in five of the city's public housing complexes, which housed 80 percent residents of color, were damaged by the storm and more than 2 million people in the greater metropolitan region were left without power or heat, sometimes for weeks, with deadly consequences for many residents.⁸ Additionally, nearly three years after the storm, it is estimated that nearly 40,000 people were still displaced and unable to return.⁹ Recent wildfires have had similar long-term consequences for affected residents and communities. In Paradise, California, the Camp Fire destroyed more than 19,000 structures, took 85 lives, and displaced almost 50,000 people. And it caused ripple effects throughout the region as nearby communities faced housing shortages and rising rents as they took in residents fleeing the fire.¹⁰

These examples show how climate change has the potential to exacerbate the affordable housing crisis in many communities, if they fail to prepare. Climate-related events will increasingly damage and destroy existing housing stock, displacing residents, limiting housing supply, and increasing rents in affected communities. Sea-level rise will make some areas uninhabitable, forcing residents to relocate inland and driving climate gentrification in "higherground" and safer neighborhoods that were previously affordable.¹¹ Flood-prone homes will increasingly become uninsurable and unsalable, threatening the primary source of savings for many families.¹² And the need to respond to climate impacts will also increase the cost to build and maintain housing. To reduce carbon pollution and avoid the worst consequences of climate change, significant investments will be needed to decarbonize and electrify existing and new housing, which contributes approximately 15 percent of U.S. emissions not counting emissions from transportation.¹³ To reduce threats from climate impacts, investments will be needed to enhance the resilience of housing — including elevating and floodproofing structures to reduce risks from flooding and weatherizing structures to protect residents during heat waves. While these improvements can reduce the total long-term cost of housing for residents — by reducing energy, water, and insurance costs — these improvements will also increase the initial costs of building new homes and retrofitting existing structures will be even more expensive.¹⁴ The American Institute for Architects estimates that building highly energy efficient "passive" homes adds approximately 10 percent to the cost of construction¹⁵ and the Federal Emergency Management Agency (FEMA) estimates that enhancing the flood resilience of new construction adds up to 1.5 percent of total construction costs for each foot of additional flood elevation, with significantly greater costs to retrofit existing structures.¹⁶ Significant investments will be needed to decarbonize and enhance the resilience of housing in addition to expanding affordable housing options generally in increasingly unaffordable cities.



Climate Risks to Frontline Communities

The combined threats of housing instability and climate change will also magnify other socioeconomic disparities, which make residents more vulnerable to the impacts of climate change. Low-income communities and communities of color are on the frontlines of climate impacts — meaning that they are being hit "first and worst" by impacts from climate-related events. The effects of these disparities have been demonstrated with deadly consequences during recent extreme weather events, which have disproportionately affected people of color, those with lower incomes, and renters. During Hurricane Katrina, of the seven zip codes that experienced the greatest damage, four of them had populations that were at least 75 percent Black¹⁷ and nearly 80 percent of flooded neighborhoods

were communities of color.¹⁸ Similarly, in Bay County on the Florida panhandle, Hurricane Michael damaged nearly three-quarters of the County's rental housing, causing severe housing shortages and an increase in homelessness.¹⁹ And climate change threatens to amplify these disparities; with projected sea-level rise alone more than 13 million Americans face potential displacement and by 2030 the number of affordable units vulnerable to coastal flooding will triple.²⁰

These disparate impacts are not without cause. Racist housing, lending, and investment policies — like redlining and racially restrictive zoning — have left communities of color in higher risk areas that have seen decades of underinvestment, which dramatically increases the vulnerability of these neighborhoods to damages during extreme weather.²¹ For example, undersized stormwater systems increase risks of flooding and lack of parks and greenspace increases urban heat islands in lower income neighborhoods.²² Additionally, redlining also frequently locked communities of color in to neighborhoods adjacent to industrial facilities with greater levels of pollution. This amplifies risks in these communities during disaster events, when damaged facilities cause the release of pollutants into nearby neighborhoods. For example, in 2020, Hurricane Laura exacerbated environmental justice challenges in Southwest Louisiana as the storm caused a fire at a chlorine plant in the lower-income, predominantly African American community of Mossville, which led to the release of pollutants and displacement of residents in this region already overburdened by pollution because of the prevalence of the oil, gas, and chemical industries.²³ Similarly, Hurricane Harvey damaged oil refineries and chemical plants in communities around Houston, Texas, causing widespread release of pollutants in low-income communities of color that were also facing significant flooding.²⁴ Similar stark statistics emerge when examining the impacts of Hurricanes Sandy, Maria, and other extreme weather events like recent heat waves and wildfires.

Current and past discrimination has also created an enormous racial wealth gap, which affects the ability of families to both build wealth and withstand and recover from disasters. The average White family has a net worth that is nearly ten times greater than that of the average Black family²⁵ and White families (72 percent) own their homes at almost

double the rate of Black families (42 percent).²⁶ Additionally, homes in Black neighborhoods are often undervalued by on average 23 percent as compared to similar quality homes in predominantly White neighborhoods, which amounts to a \$156 billion cumulative loss for Black communities.²⁷ This means that Black and other households of color have been deprived of the ability to build and pass on wealth through homeownership, and it also means that these households often lack the financial resources and safe and stable housing needed to endure impacts from extreme weather events. Lack of financial resources and transportation affected the ability of residents to evacuate during Hurricane Katrina and, as a result, Black residents died at up to 4 times the rate of White residents.²⁸ Additionally, studies of recent hurricane recovery efforts have shown inequities in disaster assistance to lower income, communities of color, which have a more difficult time accessing aid, see lower appraisals for their homes resulting in lower disaster aid payments, and have their claims denied at much higher rates.²⁹ These disparities have long-term consequences, as communities of color often never fully rebound after experiencing impacts from extreme weather. Research has shown that Black and Hispanic households lose approximately \$28,000 on average after experiencing impacts from a disaster event, while White households lose approximately \$28,000.³⁰

Additionally, redlined communities are seeing disproportionate rates of gentrification in many cities, forcing out existing residents who were precluded from buying their homes and who cannot afford rising rents as more White households move in. In California, the Urban Displacement Project found that 87 percent of redlined neighborhoods in San Francisco and 83 percent of East Bay neighborhoods are experiencing gentrification and displacement of people of color.³¹ Displacement weakens community resilience by breaking social bonds among neighbors who often rely on each other and provide support, especially during emergencies.

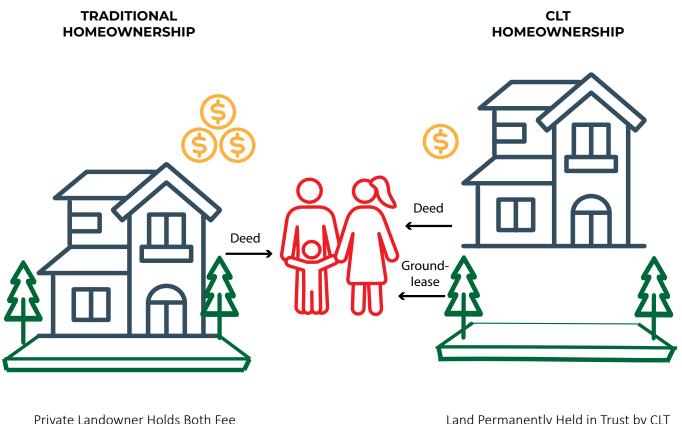
Unfortunately, few city adaptation plans address these interconnected issues. For example, the City of Seattle — arguably one of the cities facing some of the greatest challenges with housing affordability — only included one reference to housing its Climate Preparedness Strategy, and neither of the city's plans focused on housing discuss potential climate risks to the city's housing stock and the role of affordable housing in community resilience.³² In Chicago, the city's resilience plan acknowledges the link between resilience and housing affordability, but does not discuss how climate change may exacerbate the city's affordability crisis.³³ Similarly, the City of Chicago's Five-Year Affordable Housing Plan does not assess potential climate impacts on housing affordability, nor does it address the needs to enhance the resilience and sustainability of housing.³⁴

These stark statistics demonstrate the need for solutions that not only help to increase the durability and affordability of housing, but that also address racial and socioeconomic disparities caused by a legacy of discriminatory policies. In addition to addressing underlying issues of economic inequality, new tools and solutions are needed to help communities provide safe and sustainable housing that is affordable for all residents, despite lower wages. Cities will also need robust strategies to deliver a large volume of "climate-smart" housing designed to both reduce carbon pollution from and climate risks to homes. Partnerships with community land trusts present one opportunity for maximizing the return on investments in housing to deliver safe and sustainable housing options for lower-income residents in perpetuity. This report examines how CLTs are already supporting urban resilience and sustainability initiatives in cities across the U.S. and Europe, and it discusses ways that cities can scale up these initiatives by adopting supporting policies and laws to advance partnerships with CLTs and leverage the unique value that CLTs bring to efforts to address housing and climate challenges.

Community Land Trusts as Part of the Solution

What are Community Land Trusts?

Partnerships with community land trusts (CLTs) present one model for advancing climate resilience solutions in the housing sector in ways that will address the needs of and involve communities on the frontlines of climate impacts. CLTs are community-led, nonprofit organizations designed to hold land in trust for the benefit of the community.³⁵ They often are formed to preserve and deliver affordable housing options for residents and also steward other community-serving amenities, like parks and community gardens. In some communities, CLTs are also supporting economic resilience by providing low-cost commercial properties for culturally important business and local nonprofits.



Private Landowner Holds Both Fee Ownership of Land and Improvements Land Permanently Held in Trust by CLT and Improvement Sold to LMI Household with Groundlease The way CLTs work is that they acquire land through purchase or donation and then build new or rehabilitate existing housing or other community assets on the land.³⁶ CLTs create permanently affordable housing options by separating the land from the improvements on the land. Homes are sold (or sometimes rented) to income-qualified purchasers and an interest to the underlying land is offered through a ground lease for a small annual fee (e.g., \$600/year). The ground lease includes resale restrictions ensuring that the home remains permanently affordable for future residents.³⁷ CLTs often also sell homes under a shared-equity model, which enables homeowners to share in some of the appreciated value of the home at resale, while also paying affordability forward to future buyers.³⁸ By separating the land value from the improvements, CLTs permanently remove property from the speculative market, reduce the initial and future cost of housing for buyers, and also provide an opportunity for residents to build some wealth through homeownership.³⁹ The ground lease and some of the profits at resale also creates a revenue stream for the CLT to support long-term maintenance of the property and to help the CLT acquire and build new affordable housing projects for other financially stretched families.⁴⁰

The other unique benefit of CLTs is their community-center governance model. The so-called "classic CLT" is governed by a "tripartite governing board" that enables direct representation from CLT residents, members of the broader community, and other public and private sector stakeholders (e.g., local philanthropy and nonprofits).⁴¹ This governing model enhances community engagement in the CLT's work and can help to increase community involvement in land-use and development decisions throughout the broader community served by the CLT.

The CLT model is flexible and can be tailored to meet the needs of different communities. While CLTs tend to work in more developed urban and suburban areas, there are examples of CLTs operating in more rural areas as well. The CLT model is also successfully delivering affordable housing options in both "hot" and "cold" real estate markets — i.e., cities experiencing a booming economy and rising housing costs as well as cities with a stagnant market and a lot of vacant and underdeveloped land. There are approximately 260 CLTs supporting affordable housing and other community development initiatives across the U.S.⁴² Additionally, cities across Europe and the Latin America are increasingly looking to the community land trust model as an opportunity for creating and stewarding permanently affordable housing and delivering other amenities in marginalized communities.⁴³ This report draws on lessons from emerging land trusts in European cities in addition to more established American examples.

For more information about the formation and governance of CLTs, the *Grounded Solutions Network* provides technical support and assistance to help CLTs at all stages of development, and the *Strong, Prosperous, and Resilient Communities Challenge* (SPARCC) is supporting CLT work in Atlanta, Denver, Chicago, the Bay Area, Memphis, and Los Angeles and researching best practices to finance, govern, and set up structures for community ownership models — like CLTs. Burlington Associates (a consulting cooperative that has provided technical assistance to CLTs across the country) also hosts a *library of resources*, including resources on forming a CLT and resources for policymakers on legal changes that may be needed to support CLT work in communities.

Deficiencies with Current Approaches to Delivering Affordable Housing

In order to understand the unique role that CLTs can play in housing and resilience work in communities, it is first important to understand the existing methods of delivering affordable housing options in the U.S. and their deficiencies. These models have dramatically underperformed and have vastly failed to meet housing demand in most communities. In the 1980s, the federal government moved from an approach of directly supporting public housing to a market-based approach where tax credits, government financing, and subsidies are used to encourage private housing developers to build and incorporate affordable housing units into development projects.⁴⁴ At the city level, many local governments also enacted inclusionary zoning rules to create regulatory mandates and incentives to push developments over a certain size to incorporate a certain number of affordable units. Initially, most inclusionary zoning rules only required units to be maintained as "affordable" for a certain number of years — between 15 to 40 years — through affordability covenants.⁴⁵

The problem with these approaches began to crystallize in the early 2000s, when many cities started to see a looming housing crisis. Incomes had failed to keep pace with rising housing costs, affordable housing incentives had failed to encourage the development of the needed number of affordable units, and affordability covenants were beginning to expire.⁴⁶ At the same time, funding for public housing had declined, public housing authorities in many cities were struggling to maintain and keep public housing in livable conditions, and high rents were causing many landlords to refuse subsidized rental payments under the Housing Choice Voucher (or Section 8) program.⁴⁷ The shift to market-based approaches focused on rental housing has failed to address the needs of many groups. The lowestincome households often cannot afford rental units built to comply with inclusionary housing rules, and long wait lists for affordable housing programs means that three out of four households do not receive the support they need.⁴⁸ Underfunded housing programs are failing to serve the most at-risk groups, like those with the lowest incomes (i.e., people with incomes less than 80 percent of AMI), people with disabilities, formerly incarcerated people, and others that face discrimination in the housing market. Housing programs are also failing to deliver affordable homeownership options — with all of its associated tax and home equity benefits. Flatlining wages and rising housing costs have priced many LMI families out of market-rate housing in many communities. These deficiencies have created a growing affordability crisis in many cities and exposed the need for alternative approaches to delivering affordable housing options, including through CLTs.

Despite the promise of CLTs, it is important to note that CLTs alone are not a panacea and cities will need to expand upon and implement a range of policies and programs to effectively address their climate and housing challenges and will need support from state and federal policymakers as well. Complementary affordable housing programs and laws like inclusionary zoning, rent control, tenant protections, tenant right to purchase ordinances, impact and conversion fee requirements, and other measures will be needed to ensure that all residents — regardless of income or means — have safe and secure housing and are not displaced by climate impacts, economic changes, or green investments.⁴⁹ Additional funding for affordable housing programs and programs to build and retrofit sustainable and resilient housing will also be needed. However, the unique value that CLTs bring to these efforts is their model of promoting community ownership, control, and long-term stewardship of land and housing — rather than relying on the public sector. Public-private partnerships between cities and CLTs can bring resources and expertise from the community into efforts to deliver just and sustainable housing solutions.⁵⁰

The Unique Value Proposition of City-CLT Partnerships

CLTs enable partnerships that can help to mitigate many of the deficiencies with current housing approaches. CLTs are uniquely suited for advancing equitable solutions because of their missions, which emphasize community control, racial and economic justice, intergenerational equity, and sustainable development. The following section describes the many unique benefits that CLTs can bring to work on climate resilience and housing affordability, and how CLTs can improve upon and complement other market-based and regulatory approaches to housing.



Ensuring permanently affordable housing and increasing housing stability for residents.

First, and most importantly, CLTs help to deliver affordable housing options for lower income residents. Unlike traditional models of delivering affordable housing through inclusionary zoning rules and low-income housing tax credits that predominantly focus on delivering affordable rental housing, often for only a finite period of time, CLT-owned properties ensure that the housing will remain affordable in perpetuity due to resale restriction formulas included in the ground lease for the property. This enables funders to use one upfront subsidy to deliver permanently affordable housing, rather than having to dedicate increasing levels of funding to deliver affordable units that convert to market-rate housing over time.⁵¹ Although many CLTs focus on homeownership options for LMI households, many also recognize that homeownership may not be an option for the lowest income families and so have moved into also offering rental housing.⁵² By providing deeply affordable housing, CLTs help to reduce the total cost of housing for residents — including lowered mortgage and property tax costs and sometimes reduced energy and water bills - thereby freeing up financial resources to help these households pay for other necessities (e.g., healthcare, education, transportation) and to build up savings that can help families withstand impacts from extreme weather events.53





Enhancing community empowerment and control.

Because most CLTs are directly governed by community members, they help to give communities control over land and amplify resident voices in broader land-use and development decisions affecting their neighborhoods. The CLT's tripartite governing board ensures that residents have a say in the CLT's work in the community. It also provides a venue for city agencies to seek community input on development decisions in neighborhoods represented by a CLT, which have tremendous knowledge of and roots in the communities they serve. Because of their strong emphasis on social justice and community control, CLTs can be powerful partners in helping cities advance equity goals as they work to increase community engagement and share decision-making power with residents, particularly with groups that have been historically marginalized and underrepresented in city decision-making.

Providing wealth-building opportunities.

CLTs often also sell homes under a shared-equity homeownership model, which provides wealth-building opportunities for buyers who are unable to afford market-rate housing. The ground lease for the CLT includes a resale formula that allows the homeowner to retain a portion of the appreciated value of the improvements on the property (typically 25 percent) and the CLT retains ownership of the land and any accrued value in the land.⁵⁴ This helps to pay affordability forward and keeps the cost of the home down for the next homeowner, but it also enables the current owner to build up some savings through homeownership. Surveys have found that many CLT homeowners receive a fair rate of return at resale, in addition to the tax benefits of owning a home.⁵⁵ CLTs have also been credited with helping those who want to get on the "ladder of traditional homeownership" by providing a lower-cost shared equity housing option which enables homeowners to build up home equity savings that they can later apply to a downpayment on a traditional mortgage when purchasing their next home.⁵⁶ In addition to the wealth that individual homeowners build, CLTs also help build broader community "wealth" by supporting economic development initiatives and providing other community-serving amenities, likes parks and community centers.⁵⁷





Preventing foreclosures and providing other financial services.

CLTs provide financial and technical assistance to residents and would-be residents, including helping prospective buyers save for a down payment on a house, arrange financing to purchase CLT-owned properties, and make home repairs after purchase. CLTs also protect residents from predatory lenders and foreclosure. Mortgages include provisions requiring that the CLT be notified and provided a right to cure any default on behalf of the homeowner. This has resulted in significantly lower rates of foreclosure on CLT-owned properties. Although COVID-19 is imposing unique burdens on housing markets and it is unclear how CLTs will weather these impacts, significant lessons could be learned from efforts to use CLTs to stabilize housing in the aftermath of the 2008 financial crisis. During the crisis, homeowners with market-based loans were 8.2 times more likely to face delinquency and foreclosure than CLT homeowners and several CLTs sought to bring homes into the CLT portfolio by helping homeowners cure delinquencies.⁵⁸

Reducing displacement and counteracting gentrification.

CLTs are often cited as critical tools for counteracting the displacement pressures that often accompany redevelopment as a result of rising property taxes and rents.⁵⁹ In the rapidly gentrifying City of Boston, the *Dudley Neighbors, Inc.* land trust has continued to provide affordable housing options for the Dudley Triangle neighborhood, even as the economic prospects of the neighborhood have improved and other areas of the city have seen significant displacement. Additionally, in the District of Columbia, the *Douglass Community Land Trust* was launched in response to recommendations included in a community-driven plan — the *11th Street Bridge Park's Equitable Development Plan.* The plan recommended creation of a CLT to avoid displacement induced by a project to build a multi-use park on the 11th Street Bridge crossing the Anacostia River and connecting the Navy Yard-Capitol Hill and Anacostia neighborhoods. The purpose of forming the Douglass CLT was an anti-displacement strategy in Anacostia, a predominantly African American neighborhood that has remained affordable, despite rapid gentrification in other parts of the District.⁶⁰





Supporting place-making initiatives that build social cohesion.

In addition to enhancing democratic participation and community control of land through their community-centered governing boards, CLTs also often steward community amenities like parks, urban gardens, and community centers that help build bonds among neighbors, which has proven to be an essential feature of community resilience. During the Chicago heat wave in 1995, residents in neighborhoods with high social cohesion — where neighbors trusted and checked in on each other — died at much lower rates than in neighborhoods with less social infrastructure.⁶¹ CLTs help to build social cohesion among residents by stewarding communal spaces, by encouraging community involvement in decision-making, and by reducing displacement as a result of rising housing costs. This helps to enhance community resilience by preserving bonds among neighbors who often rely on each other for childcare and other supports, which can be critical during emergency events.⁶² By supporting broader revitalization efforts, CLTs also help to stabilize neighborhoods and build broader community wealth.⁶³

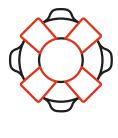
Enhancing racial and economic diversity.

Many CLTs were also started with the express purpose of remediating racial disparities caused by redlining and other racist housing policies that created obstacles to homeownership in communities of color. As a model developed during the civil rights era to combat racist housing policies that limited the ability of Black Americans to own property,⁶⁴ CLTs have not only created affordable homeownership opportunities, they have also helped to keep people in their homes and have preserved culturally important businesses in rapidly gentrifying neighborhoods.⁶⁵ This enhances racial diversity in communities and helps to open up homeownership opportunities for residents who continue to be deprived of these benefits by the long-lasting effects of racially discriminatory policies.



Leveraging public and private sector resources.

CLTs also leverage public sector resources by bringing private financing and philanthropic funding to their work.⁶⁶ The CLTs that were featured as case studies in this report maximized the return on investment that they received from public grants to build affordable housing by leveraging other public and private sources, like government financing, tax credits, philanthropic donations, land donations, and in some cases even crowdfunding. These additional funds are used to support investments that cannot often be funded through housing funding sources - like multi-use projects to provide commercial spaces for local businesses and to support incorporation of green improvements to housing, like renewable energy and energy efficiency upgrades. The ability to combine public and private resources to support the design and implementation of a range of projects is bolstered by the philanthropic and community-centered mission of CLTs. For example, the Florida Keys CLT was established with \$1 million in seed funding from a local family that wanted to support recovery efforts after Hurricane Irma, and the Oakland CLT has successfully used crowdfunding to enable acquisition of mixed-use and commercial properties to preserve local businesses and nonprofits.



ASSISTANCE

Providing tailored end-to-end services for residents.

In addition to building and stewarding housing, many CLTs also support a range of end-to-end services to meet the unique needs of the communities they serve. At the pre-purchase stage, CLTs are providing financial counseling to help would-be purchasers raise the capital needed for a down payment. At the design and build stage, many CLTs are co-designing housing developments and providing training in carpentry and other home improvement skills to leverage the "sweat equity" of residents who contribute to the design and construction of their homes and to help them with future home maintenance. Many CLTs also have reserve and mutual aid funds that they use to help residents with home repairs and other needs. Some CLTs support housing and provide services focused on particularly vulnerable groups - like seniors, people with disabilities, and those at risk of homelessness. In addition to housing roles, many CLTs provide or partner with other organizations to provide other community services like job training, youth programs, and space for community gatherings. CLTs and other community-based organizations often act as "first responders" providing trusted support to residents and adding capacity to government emergency management agencies. The services and activities offered by CLTs are designed to directly meet the needs of the local community and to provide support to residents at all stages of their tenure from purchase, through long-term maintenance and residency, to sale. Many of the services provide long-lasting benefits to residents that they take with them even after they sell their CLT home. This holistic approach to supporting residents is a unique benefit provided by CLTs that cities do not gain through market-based approaches - like inclusionary zoning - or working with traditional housing developers.



Stewarding land for community resilience and sustainability initiatives.

Finally, CLTs can be powerful partners in helping cities steward lands for publicly beneficial uses that enhance community resilience. By partnering with land trusts to adaptively reuse vacant and underutilized land and to build climate-smart affordable housing options, cities can advance sustainability and resilience goals while also helping to maintain the financial viability of land trust partners. In addition to housing, CLTs can repurpose lots for other beneficial uses — like community solar, green infrastructure, or community gardens. And to address increasing climate threats, like sea-level rise and wildfires, CLTs can play important roles in helping to build new "climate-safe" affordable housing and to relocate whole communities out of harm's way.

CLT Roles in Supporting Sustainability and Resilience

In addition to the unique social and economic benefits that CLTs are bringing to the communities they serve, many CLTs are already actively engaged in efforts to help communities advance sustainability and resilience initiatives in the following ways.⁶⁷

Providing housing security.

CLTs are already helping to address the pervasive stressor of lack of access to safe, quality, affordable housing. CLTs are providing good quality housing and ensuring housing stability for LMI residents in cities, despite changing economic conditions.

Dudley Neighbors, Inc. (DNI), helped support economic redevelopment of the Dudley Triangle neighborhood in Boston, Massachusetts by creating permanently affordable housing for current residents to limit displacement during a period of rapid gentrification throughout the city. DNI stewards 225 units of affordable housing, an urban farm and greenhouse, parks and a community square, and a charter school.

Enhancing housing resilience and sustainability.

Many CLTs are incorporating green design features to reduce the carbon footprint of housing and to increase the resilience of housing to extreme weather. Features include renewable energy, weatherization, energy and water efficient utilities, and flood resilience improvements. These types of improvements are particularly important for the communities that CLTs serve because many lower-income households pay much higher utility bills as a result of poor housing quality.⁶⁸

The Homestead Community Land Trust in King County, Washington is building permanently affordable "net-zero"⁶⁹ housing that incorporates solar energy and energy efficiency measures in neighborhoods near transit.

The Florida Keys Community Land Trust is supporting disaster recovery efforts in Monroe County, Florida after Hurricane Irma devastated affordable housing throughout the Florida Keys. The CLT is constructing disaster-resilient housing for working families. Highly energy efficient Katrina cottages are being built with hurricane-resistant design and elevated 11 feet, exceeding FEMA minimum standards.

Providing green space and other community amenities.

CLTs also engage in "place-making" activities by incorporating parks, community centers, urban gardens, and other community amenities that help to improve public health and food security and provide safe and healthy places for residents to recreate and build social bonds. Green space also enhances climate resilience by reducing urban heat islands, improving air quality, and reducing stormwater runoff, among delivering other environmental and public health benefits.

The **Sawmill Community Land Trust** in Albuquerque, New Mexico redeveloped a formerly contaminated Brownfield site between Old Town and Downtown Albuquerque. Sawmill developments include permanently affordable housing, parks, community gardens, and an orchard, with above ground cisterns for harvesting rainwater. Community-serving facilities are designed through community charrettes, where residents provide input on the design of the housing and other amenities included in community spaces.

Neighborspace in Chicago, Illinois preserves small urban gardens that are stewarded in partnership with community groups throughout the city. Neighborspace acquires vacant parcels, holds the property in trust, and provides other supports — like insurance and access to water. Community groups then "activate" the properties for community uses, as urban gardens. Neighborspace holds 109 garden sites across 33 wards in the city and has received multiple awards for its work to increase access to green space throughout underserved neighborhoods in the city.⁷⁰

Enhancing economic resilience.

In some communities, CLTs are also providing affordable commercial spaces for businesses and local nonprofits, thereby preventing displacement of community-serving entities that have cultural and historical significance to the neighborhood.

The **Oakland Community Land Trust (OakCLT)** is helping to reduce displacement pressures in rapidly gentrifying neighborhoods in Oakland, California. OakCLT was established during the mortgage crisis in 2009 to stabilize housing threatened by foreclosure. It acquired and rehabilitated approximately 50 units of housing. Over the years, it has expanded its services to acquire and steward commercial, multi-use, and live-work properties, which have helped to ensure affordable rents for culturally important businesses and grassroots organizations in Oakland.⁷¹

The *Brussels Community Land Trust (CLTB)* in Belgium is implementing creative temporary uses of redevelopment sites in ways that build social bonds among residents and create economic development opportunities in underserved neighborhoods. Rather than leave sites inactive while seeking development permissions, CLTB works with residents to develop and design temporary community uses. For example, at one of its sites CLTB set up a temporary-use kitchen facility and supported a cooking group seeking to create a social-entrepreneur, woman-led catering company. CLTB's sister CLT operating in Ghent is similarly establishing temporary community gardens on a site and will incorporate some permanent gardens as it redevelops the site with housing.

Deploying green infrastructure.

CLTs could also be instrumental in deploying green infrastructure solutions for reducing stormwater pollution and flood risks to properties. Green infrastructure reintegrates nature into the urban landscape by using soils and plants and other permeable surfaces to store and infiltrate stormwater and reduce runoff to sewer systems and surface waters.⁷² It includes techniques like installing rain gardens and green roofs, using permeable pavements for sidewalks and alleys, and restoring wetlands and natural floodplains, among other approaches.⁷³ Given their longterm roles holding and stewarding land, CLTs could be powerful partners in helping to deploy green infrastructure in lower-income neighborhoods that often experience greater urban heat islands and stormwater flooding as a result of underinvestment and significant impervious coverage. This would help to both enhance climate resilience and also provide other environmental and social benefits, such as improving air and water quality, creating habitats for birds and other wildlife, increasing property values, and improving public health.⁷⁴ Because CLTs have access to and steward land for community benefit, CLTs can actively support implementation of these approaches by incorporating green infrastructure into CLT housing and park projects, or deploying green infrastructure on undersized vacant parcels that are unsuitable for larger-scale developments. Once they've developed the technical expertise, CLTs can also help other private property owners install green infrastructure techniques throughout the neighborhoods they serve. In cities that have financial incentives for green infrastructure projects that exceed local stormwater retention standards, green infrastructure can provide a revenue stream for the CLT or a way to deliver cost savings for residents by lowering stormwater fees. For example, the District of Columbia has a *stormwater* credit trading system that enables landowners who can install greater stormwater retention on their site to sell credits to developers as a way to comply with local stormwater retention standards.⁷⁵

The *Aquidneck Land Trust* works with a coalition of nonprofits to support green infrastructure projects to address stormwater pollution and flooding in Providence, Newport, and Aquidneck Island, Rhode Island. The land trust helps bring financial resources and provides technical assistance to help private and government landowners in the region deploy green infrastructure projects — like rain gardens. Although Aquidneck Land Trust is a conservation land trust and not a CLT,⁷⁶ a similar model could be employed by urban CLTs that could both incorporate green infrastructure projects on CLT-owned properties and support community-wide green infrastructure installations on other private properties.

In *Chicago, Illinois*, CLTs collaborating through the *Elevated Chicago* initiative are working with the *Center for Neighborhood Technologies* to explore opportunities for incorporating green infrastructure in community gardens and CLT housing projects near transit.

Supporting renewable energy and helping reduce carbon pollution.

In addition to incorporating renewable energy into CLT housing projects, CLTs can also use undersized vacant parcels to support community solar projects. Community solar provides the opportunity for residents to benefit from solar power even when they are unable to install panels on their home, and is often a strategy for delivering renewable energy to underserved neighborhoods.⁷⁷ CLTs are uniquely suited to deploying community solar projects because of their long-term ownership of land that can be used to site solar arrays and their ready access to lower-income households that can benefit from low-cost renewable energy. By partnering with CLTs that can act as the "middleman" and collect energy payments from residents, this can also reduce transaction costs and streamline project delivery for solar developers and utilities. By helping to create a "solar commons," CLTs can help deliver community-controlled energy systems that produce clean energy and reduce energy costs for lower-income residents, who may otherwise be precluded from the benefits of solar energy because of barriers like poor credit and lack of ownership or access to roof space.⁷⁸ These types of projects will help cities meet emissions reduction goals, increase access to renewable energy, and reduce air pollution.

The *City of Lakes Community Land Trust* (CLCLT) in Minneapolis, Minnesota is partnering with Impact Power Solutions (IPS) to provide community solar for residents. IPS manages the solar garden, and CLCLT collects the resident's energy bill payments on behalf of IPS, which sells solar power to the utility. In return, residents receive clean energy and credits to lower their energy bills by between 5 to 8 percent.⁷⁹

The *Homestead Community Land Trust*, in King County, Washington, partnered with a local nonprofit, Spark Northwest, to facilitate bulk buying and installation of solar panels for interested CLT homeowners. Homestead brought in local philanthropic support to help offset some of the upfront costs of the system (from 65 to 100 percent) and supported installation of solar arrays for 11 households.⁸⁰

In Brunswick, Maine, the *Brunswick-Topsham Land Trust*, installed a 76-kilowatt community solar installation on its 321-acre Crystal Spring Farm preserve. The solar powers a farm on the property and provides electricity for residents of Brunswick. This work of a conservation land trust in a more rural area demonstrates how CLTs can play constructive roles in delivering clean power for the communities they serve.

Helping resettle communities to "higher ground."

Land trusts are also supporting buyouts and building "receiving communities" where residents of repetitively flooded areas can relocate to higher ground and maintain social bonds with their neighbors. As sea-level rise increasingly floods and inundates communities, innovative strategies will be needed to help residents relocate out of harm's way. CLTs can help communities implement managed retreat in ways that allow whole communities to relocate together, minimizing the social and economic consequences of relocation.

The Louisiana Land Trust (LLT) is a state-created land trust that is supporting resettlement of disaster-affected communities in flood-prone areas of the state. In one project in Pointe Coupee Parish, LLT is helping residents of the Pecan Acres subdivision relocate, after they experienced 17 flood events over a 20-year period. After catastrophic flooding in 2016, LLT used federal disaster recovery funds to buy out approximately 40 residents and help them relocate to a new nearby development on higher ground that was purchased and is being redeveloped by LLT. LLT has also been instrumental in helping the state support resettlement of the Isle de Jean Charles community. Both resettlement projects are constructing new housing that incorporates resilient and green design features and that will help residents relocate together and maintain social bonds. CLTs can also help to restore bought-out areas where structures are demolished and facilitate community uses of those lands or restoration projects to enhance natural floodplain function and increase overall community resilience. Although LLT is a statecreated land trust and therefore does not employ the community-centered governance model characteristic of CLTs, it nonetheless provides an example of how CLTs might support redevelopment efforts that can help communities relocate together out of hazard-prone areas.

Scaling Up CLT Work through Enabling Policies

Although CLTs are already playing important roles in communities, as of 2011 less than 2 percent of U.S. housing stock was under a CLT model.⁸¹ To scale up and expand the work of CLTs, state and local governments can adopt laws and policies to support the important work that CLTs are already doing to benefit residents. This section discusses laws and policies that could be adopted to support CLT work in communities and provides examples of where state and local governments have taken action to enable constructive partnerships with CLTs in both the U.S. and Europe.

Several different policy changes could be considered to enable efforts to repurpose public land for publicly beneficial uses. This report focuses on strategies that would specifically enable CLTs to play a greater role in supporting urban resilience and sustainability initiatives. For a more detailed discussion of supportive city laws and policies, see the Lincoln Land Use Institute report by John Emmeus Davis and Rick Jacobus, *The City-CLT Partnership: Municipal Support for Community Land Trusts*.

Access to Land

Land is the single highest value asset that many cities have for achieving community goals called for in city plans and policies. However, too often cities are selling public lands to the highest bidders for redevelopment projects, rather than putting those properties to use in ways that advance city goals. Instead, cities should be dedicating land acquired and improved with taxpayer dollars to uses that serve the public good. CLTs could be powerful and effective partners in helping cities repurpose surplus, underutilized, and tax-foreclosed properties for publicly beneficial uses that enhance sustainability, resilience, and equity.

By doing so, cities would also help to address one of the single biggest barriers to entry for CLTs — the price of land. Land prices, when CLTs have to compete on the private market, often preclude their ability to develop housing that can be sold at rates affordable to LMI households. By adopting laws and policies that enable donation or sale of public lands at below-market rates to community-serving enterprises that agree to redevelop and preserve properties for publicly beneficial uses, cities can ensure that public lands are being used to meet community needs. In disposition policies, cities can prioritize entities that employ a community governance model and that will implement projects on the land that deliver permanently affordable housing and other social and environmental benefits (e.g., carbonneutral housing, resilient design, community assets like parks and green space, etc.)

By lowering or removing land costs, cities can also help free up funding and financing to enable CLTs to incorporate "green features" that enhance the sustainability and resilience of the development. With technical assistance and financing, CLTs could also help to repurpose underutilized parcels not suitable for housing with other community uses. Many CLTs are already stewarding parks and community gardens as part of their landholdings. And with training and funding, CLTs could also steward land to provide low-cost renewable energy through community solar projects or to reduce stormwater flooding by installing green infrastructure.

Donate or sell surplus lands at below-market rates.

Often state or local laws require that surplus public lands be sold to the highest bidder. These laws limit the ability of cities to leverage partnerships to adaptively reuse surplus and underutilized properties. These laws should be amended to allow for below-market-rate sales or donations of public lands when bidders commit to redeveloping sites in ways that will deliver public benefits. Cities could consider the unique environmental, social, and other economic benefits that can be delivered by a project, rather than just the dollar amount that can be received through the sale.

The *City of Bristol*, in the United Kingdom, recently passed a Community-Led Housing Land Disposal Policy. The policy allows the city to consider the social, economic, and environmental benefits delivered by a development proposal as part of the "consideration" - i.e., the benefit the city receives - when disposing of city owned land. This policy enables the city to meet requirements in the UK Local Government code that prohibits local governments from disposing of land for "less than the best consideration reasonably obtainable." In addition to the bid price, the city can consider the "social values" delivered by the transaction, including: economic benefits (e.g., local employment, promotion of local businesses, payment of living wages), social benefits (e.g., encouraging community participation, engaging local volunteers, directing efforts to residents with the greatest needs and facing the greatest disadvantages), and environmental benefits (e.g., reductions in traffic congestion, carbon emissions, waste, air pollution, and energy consumption). This policy makes community-led housing enterprises more competitive in bids to purchase surplus public lands. It does so by rewarding the unique benefits that CLTs bring to a project, including engaging residents, providing permanently affordable housing, and increasing social cohesion among residents. It also encourages projects that incorporate green design features, like renewable energy and energy efficiency improvements, green space, and e-bikes and car-sharing to reduce car ownership, which are priorities for the Bristol Community Land Trust.

The *City of Seattle, Washington* adopted a surplus lands policy that enables donations and below-market rate sales of surplus lands for affordable housing projects. To help developers identify available parcels, the city also developed an "Enterprise Map" that shows potential sites for affordable housing projects that could be accessed under the policy. Similarly, the Seattle Regional Transit Authority adopted a policy requiring that 80 percent of surplus lands go to support the development of affordable housing near transit. And other jurisdictions in King County are considering similar surplus land disposition policies to address the housing affordability crisis in the region. These policies enable the *Homestead CLT* to acquire low-cost sites to support development of affordable housing projects. By lowering the cost of land, the CLT can build deeply affordable shared-equity housing for LMI residents in the region. This also lowers the total cost to build the project and enables the CLT to access funding and financing to incorporate green design features and build "net-zero" carbon-free housing. In response to significant advocacy from community-based organizations, the City of Seattle also recently agreed to transfer a decommissioned fire station to the *Africatown CLT* as part of an initiative to enhance racial equity by supporting Black-led organizations. The Africatown CLT was established in 2016 to prevent displacement of the Black and African diaspora community in the Central District of the city by providing affordable housing and supporting Black-owned businesses and community groups. The CLT plans to redevelop the fire station site to provide housing for young adults and to include space to create an incubator for Black-owned businesses.⁸²

The *City of London*, in the United Kingdom, has created a Small Sites Program that makes smaller publicly owned parcels available to smaller developers and community-led organizations to build affordable housing. The program reduces transaction costs for developers by transferring land with development agreements and surveys to facilitate construction on these smaller sites that are often more complex to develop.⁸³ The *London CLT* is leveraging this program to support development of resale restricted community-led housing.⁸⁴

Revise tax-foreclosure sales.

In many cities, tax-foreclosure rules are exacerbating displacement caused by gentrification, as rising property values cause property taxes to become unaffordable for LMI homeowners and homeowners on fixed incomes, like seniors. For example, in Chicago, a state law requires "scavenger sales," where outside investors are offered the opportunity to purchase the debt on tax-delinquent properties.⁸⁵ Those investors are allowed to charge high interest rates on the debt, often causing homeowners to fall further in arrears, and then can ultimately foreclose on the debt and displace existing residents. Rather than sell tax debt on the private market in ways that increases land speculation and gentrification, cities could be empowered to offer the debt to community-based organizations, like CLTs, that could work with homeowners to cure the debt in exchange for a ground lease that would preserve the property permanently as affordable housing or to redevelop tax-foreclosed properties with new affordable housing or other community solar.

Alameda County, California is offering tax foreclosed properties to the *Oakland CLT* to steward as community garden space. Oakland CLT will use the land to develop gardens to support food production and to provide job training for young adults. Community gardens can enhance food security for residents and even create an income stream where food is sold to local restaurants or grocery stores.

Use land banks to transfer land to CLTs.

Cities and counties in many states are also authorized to set up land banks as a way to clear title to tax-foreclosed, blighted, and vacant properties to support redevelopment. By leveraging land banks and prioritizing transfer of land-banked property to CLTs, cities could create a pipeline of low-cost properties that could be redeveloped as permanently affordable housing or other community-serving amenities.

In the City of Atlanta, Georgia the Atlanta Land Bank Authority (ALBA) has developed a partnership with local land trusts in the metropolitan region. Land trusts were seen as a way to address foreclosures caused by the 2008 mortgage crisis and to mitigate gentrification caused by the Beltline project, a former railway corridor around Atlanta that is being redeveloped into a multi-use trail system. Enterprise Community Partners provided a grant to catalyze the creation of community land trusts in Atlanta and to help the land bank coordinate efforts with emerging CLTs.⁸⁶ In 2020, the ALBA adopted a land disposition policy that prioritizes conveyances to nonprofits that will produce permanently affordable housing for LMI residents. The policy allows the ALBA to convey properties for affordable housing developments for 35 percent of fair market value.⁸⁷ Additionally, the ALBA is one of five major partners responsible for implementing the city's affordable housing plan, which includes a recommendation that the city expand the number of homes kept affordable by community land trusts to address gentrification and rising housing costs in the city.88 Pursuant to the plan, the ALBA adopted a memorandum of understanding with the Atlanta Land Trust to implement a Permanent Affordability Pilot Program to convey properties near the Beltline to the CLT.⁸⁹ This will create a pipeline of low-cost land for the CLT to develop and steward as permanently affordable housing. The policy demonstrates how strategic partnerships between land banks and CLTs can foster equitable redevelopment of vacant and tax-foreclosed properties.

New York City has also been exploring the role that land banks could play in helping the city redevelop underutilized parcels for publicly beneficial uses. In 2016, the City Comptroller conducted an audit and released a report identifying 1,500 underutilized parcels and 250 tax-delinquent properties and recommending that the city create a land bank to support redevelopment of the parcels to support affordable housing and other community uses.⁹⁰

Allow for transfer of inclusionary zoning units to CLTs.

Cities can help to deliver a pipeline of units to CLTs by providing for direct transfer of affordable units through inclusionary zoning rules. This not only eases compliance with inclusionary zoning rules for developers and administration of inclusionary zoning programs for cities, but it also increases the portfolio of CLT units and creates a revenue stream to support administration of the CLT. Cities could additionally amend inclusionary zoning rules to allow for homeownership opportunities in addition to rentals, which would create market incentives to develop CLT homes. Inclusionary zoning rules can allow for direct transfer of inclusionary zoning units to the CLT or grant a right of first refusal to CLTs to allow them to purchase inclusionary zoning units.⁹¹ In assessing inclusionary zoning rules, cities need to ensure that affordable units are being developed in areas with transit and other amenities and that loopholes, like in-lieu fees, do not allow developers to only develop inclusionary units in less desirable areas with less access to amenities.

Irvine, California helped to build the portfolio of units stewarded by the city-created *Irvine CLT* by including provisions in its inclusionary zoning ordinance to allow for direct transfer of affordable units to the CLT. Irvine's inclusionary zoning requires that developments over 50 units dedicate 15 percent of the units as affordable housing. Developments under 50 units can choose from a "menu of options" of alternative compliance methods, including converting market-rate housing to affordable housing for a period of 30 years, extending existing affordable housing covenants for a period of at least 40 years, paying in-lieu fees, dedicating land for affordable housing, and transferring control of units to a nonprofit housing agency, like the Irvine CLT, among other options.⁹²

Start-Up Funding and Technical Assistance

CLTs can be technically complex to start up and administer. Cities can provide grants and technical assistance to help CLTs start up and develop the capacity and expertise needed to aquire properties and implement housing projects.

Providing seed funding and technical assistance.

At the outset, CLTs often need help incorporating as a 501(c)(3), developing legal agreements (like ground leases and resale restriction terms), accessing various funding and financing sources, and navigating and complying with various state and federal laws related to business association, taxation, and other requirements. Seed funding can provide the start-up capital that a CLT needs to set up operations, develop a business plan, and support initial land acquisitions. City agency staff can also provide technical assistance to help establish CLTs; build staff capacity; and develop partnerships with government agencies, nonprofit developers, and local nonprofits to support efforts to build new and rehabilitate existing housing. Additional support and training could be offered to help CLTs access funding to incorporate sustainability and resilience improvements in the design of projects, such as helping them access programs supporting renewable energy, green infrastructure, weatherization, and floodproofing. The **District of Columbia** helped to start up CLTs by adopting legislation to create a Community Land Trust Pilot Program to support new development and preservation of existing workforce housing in the District. Legislation was passed in 2006 that called for the selection of an organization to establish a CLT to deliver permanently affordable housing.⁹³ The District provided \$10 million in start-up funding to establish a CLT and to initiate development of housing options for workers in the District.

New York State created the Community Land Trust Capacity Building Initiative (with initial funding of \$3.5 million, later expanded to \$8 million) to provide catalytic grants to help establish community land trusts in cities across the state. The goal of the program is to deliver permanently affordable housing options and other community amenities in areas of the state facing high rates of foreclosure and loss of affordable housing. To fund the program, the state used proceeds from settlements of lawsuits against banks for predatory lending and other misconduct during the 2008 mortgage crisis. The program helped to establish CLTs and provides funds to help them acquire properties and support development of community-driven housing options in several jurisdictions, including New York City and Albany, and Nassau and Suffolk counties. In implementing the initiative, the state partnered with Enterprise Community Partners to provide capacity-building support to help establish CLTs.⁹⁴ The state also created a Community Land Trust Loan Fund to provide low-interest loans to CLTs to support development of permanently affordable housing and to lower the cost to purchase a home for LMI residents. Funds can be used to acquire properties, to rehabilitate existing homes, or to provide down payment assistance for buyers.95

In *Irvine, California* the City took a leadership role in setting up and providing initial funding to establish the *Irvine CLT*. It provided an initial start-up grant of \$250,000; and the City Redevelopment Agency provided staffing to the CLT and provided the technical "know-how" to help the land trust initiate its first projects. The Mayor and several City Council Members also served on the CLT's board to promote coordination between the CLT and the city's housing programs.

Homestead CLT benefitted from *King County, Washington's* "Green Tools" program that provided technical assistance and training to developers to build "climate-smart" housing. The program helps developers incorporate green features that increase the sustainability of housing projects, like energy and water efficiency upgrades and renewable energy, and measures to preserve habitat and natural features on the site. Although green design features can increase initial building costs by 5 to 10 percent, more sustainable housing helps reduce carbon pollution in the county and reduces long-term energy and water costs for homeowners.

In Boston, inspired by the success of the *Dudley Neighbors, Inc.* land trust, a *Greater Boston Community Land Trust Network* was established to support peer-learning and incubate other land trusts seeking to address gentrification and to support community-serving developments, like affordable housing and community gardens. The network brought together DNI advocates, with local researchers, and nonprofits to share best practices on the development and implementation of the CLT model in the greater Boston metropolitan region. Participants include the Chinese Progressive Association, which started the Chinatown CLT, and Mattapan United, which was exploring creation of a CLT as part of its gentrification mitigation strategy. As of 2017, there were 14 member organizations participating in the network.⁹⁶ The network was supported as part of the Mayor's Housing Innovation Lab, which was created to be an incubator for innovative solutions for addressing the city's middle-income housing gap.⁹⁷

Project Funding and Financing

In addition to helping with startup, cities can also help CLTs access a variety of local, state, and federal sources to fund and finance housing projects and other improvements, like renewable energy and other green design features. CLTs often have to tap multiple different funding and financing programs to acquire properties and build or rehabilitate housing. To fund and finance affordable housing projects, CLTs often have to look to federal sources (e.g., *Community* Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) administered by HUD,⁹⁸ and Low Income Housing Tax Credits⁹⁹ for multi-family rental housing), state and local sources (e.g., housing trust funds, in-lieu fees, state or local bond funding, tax increment financing, and state tax credits), and often private sources (e.g., philanthropic grants, private donations, home bank loans).¹⁰⁰ However, government funding sources often preclude housing "improvements"—like renewable energy, energy and water efficiency measures, flood elevation, or other amenities—that enhance the resilience and sustainability of the housing and also reduce housing costs for residents by reducing energy, water, and insurance bills. These types of improvements often have to be funded using other sources, such as renewable energy credits, stormwater fees, or federal grants like FEMA hazard mitigation funding. CLTs similarly struggle to fund non-housing projects, including multi-use projects that incorporate commercial or community gathering space and projects to build other community amenities, like parks and community gardens. To ease the ability of CLTs to fund and finance multi-benefit projects, cities can streamline and align funding sources and preference community-driven models for developing affordable housing.

HUD's HOME program provides an example of how the federal government has used the carrot of federal funding to encourage community-driven housing models. HOME is one of the largest federal grant programs supporting affordable housing and funds can be used for development and preservation of affordable rental and homeownership properties. States administer the funds and can provide grants, direct loans, loan guarantees, credit enhancements, and rental assistance. To encourage community governance, the HOME program requires that 15 percent of funds be set aside for projects owned, developed or sponsored by Community Housing Development Organizations (CHDOs) that employ the tripartite governing model common to CLTs.¹⁰¹ State and local governments could similarly preference organizations that employ a community governance model when allocating funding for affordable housing more broadly.

Expand eligible uses of housing trust funds.

In addition to the need for more funding for affordable housing, housing trust funds administered by states and cities often have numerous restrictions in how the funds can be used, which limits the ability of CLTs and other developers to build multi-benefit housing projects. For example, developers are capped in the per-unit costs they can incur to build affordable housing, which often precludes improvements that would increase the costs to build individual units (like renewable power or energy efficiency upgrades). Funds can often only be used for limited purposes, like rehabilitation to ensure basic habitability and compliance with building codes, which precludes use for beneficial improvements that reduce the total cost of housing for residents and that enhance the resilience and sustainability of the housing.¹⁰² Additionally, funds often also focus on delivering rental housing for the lowest income residents, which precludes or limits funding for innovative models that support homeownership options, like shared-equity and CLT housing. Cities, states, and federal agencies should consider opportunities to expand the eligible uses of housing funding sources to allow for shared-equity homeownership options and to support all phases of preservation and development, including land acquisition, development, and rehabilitation. Additionally, housing trust funds should be expanded to allow for improvements and retrofits that create healthy and sustainable housing options (such as weatherization, energy and water efficiency, renewable energy, electric vehicle charging, structural elevation and other weatherproofing). Although this may reduce the total number of units that can be constructed with limited funding, expanding the eligible uses of housing trust funds will help to deliver projects that provide long-term community benefits. It will also reduce the administrative costs needed to access the funds and will help to ensure that housing projects are more holistically addressing resident needs and advancing city goals, including sustainability and resilience goals. Cities can also include grant criteria that prioritize organizations and developers that enable community control and democratic participation in the development process and that will deliver permanently affordable housing and other community amenities through their funded projects (e.g., enhanced social cohesion, improved environment, increased access to parks and greenspace).

Consolidate and align funding sources.

Housing funds are often siloed from other funds that can be used to support other housing improvements, like renewable energy, weatherization, energy and water efficiency, green infrastructure, lead remediation, and accessibility grant programs. As a result, CLTs often have to patch together funding from multiple different sources to not only build affordable housing developments but also to raise the additional funds needed to incorporate green design features and other improvements. Each funding source often has its own rules, requirements, and reporting deadlines, which increases the administrative and compliance costs on CLTs and other developers. Cities should consider how they can consolidate and align funding programs to enable project proponents to fund and finance more holistic projects that deliver more sustainable and resilient housing options for residents. They should also work to align and streamline application and reporting requirements to reduce the administrative burdens on CLTs and nonprofit developers. *Homestead CLT* in King County, WA reports that they often have to patch together five or more different funding sources to support development of a "green" affordable housing project, which adds ten percent overhead in terms of administrative costs. If those administrative costs could be reduced, those funds could be redirected to other uses that would more directly benefit residents.

San Francisco, CA is providing financial support through its Small Site Acquisition Program, which helps CLTs compete with developers to acquire properties in neighborhoods at the highest risk of gentrification.¹⁰³ The program provides loans to nonprofit organizations to help them purchase buildings to avoid conversion to market-rate housing and to prevent displacement of existing tenants.¹⁰⁴ The program offers some renovation assistance to ensure the health and safety of the building and requires that the building be permanently converted to affordable housing.¹⁰⁵

The *City of Austin, TX* is providing financing to the *Guadalupe Neighborhood Development Corporation*, which leveraged philanthropic funding to support development of "super-green" affordable housing projects.¹⁰⁶ One project, the Guadalupe-Saldana "Net-Zero" Subdivisions, will incorporate renewable energy and energy efficiency upgrades, which will eliminate energy costs for lower-income residents. Brownfield remediation funding from the Texas Commission on Environmental Quality was used to remove contamination from the 11-acre site and support redevelopment.¹⁰⁷ Other green amenities are also being incorporated in the project design, like green infrastructure to enhance water quality and trails and green space. Once complete, the project will include 12 CLT homes, including rehabilitated and preserved historic homes, 43 affordable rental units, and 35 supportive rental units for single mothers and their children in partnership with the Jeremiah Program, which will provide childcare and other services.¹⁰⁸

Miami, FL passed the *Miami Forever Bond* that will finance sea-level rise and flood protections as well as direct \$100 million in funding to preserve and create new affordable housing. Part of the bond proceeds will provide rehabilitation assistance for homeowners to not only help them bring homes up to safe and sanitary conditions, but will also support investments in improvements to enhance the climate resilience and energy efficiency of homes.¹⁰⁹ A citizen's oversight board was created to oversee and engage residents in the allocation of the bond funds and to ensure the equitable distribution of bond proceeds to the most at-risk communities.¹¹⁰ To access resources provided by the bond and other sources, a collaboration of land trusts and other partners announced a plan to use \$5 million in seed funding from JP Morgan Chase to build and renovate affordable housing using "climate-resistant design" near the region's commuter rail corridor.¹¹¹ This example shows how CLTs can leverage private resources to magnify local investments in climate-resilient affordable housing. Cities and states can also recognize the unique benefits provided by community-led housing initiatives and prioritize CLTs when distributing proceeds from bonds and other funding sources designed to fund affordable housing.

New York State passed a green bond to finance multifamily affordable housing projects meeting green design standards.¹¹² This example demonstrates how low-interest green bonds can be used to finance affordable, sustainable housing for lower income residents, where funding could be directed to CLTs to support permanently affordable shared-equity housing options.

In *California*, proposed legislation — *SB* 795 (Beall) — would make \$2 billion available to help communities address the affordable housing crisis magnified by COVID-19 and to address climate risks to housing. Funds will be available to help finance projects to protect housing from climate impacts like sea-level rise, flooding, and wildfires. Funds will also be available to convert vacant and underutilized commercial properties to affordable housing. Jurisdictions that impose zoning restrictions that limit the development of affordable, multifamily housing would be precluded from receiving funding. The bill was considered in the 2019-2020 California legislative session. The flexible funding source that would be created if this bill passes would provide needed resources to help organizations like CLTs construct affordable housing and also incorporate resilience and sustainability improvements.¹¹³

Work with CLTs to support disaster recovery.

Although CLTs do not have special access to disaster recovery funding, CLTs can play constructive roles in helping communities rebuild affordable housing after disasters, particularly in lower-income areas. CLTs can acquire disaster-affected properties and rebuild permanently affordable CLT housing and other amenities out of harm's way. State and local governments should consider CLTs as partners when allocating federal disaster recovery funding like *Community Development Block Grant Disaster Recovery* (CDBG-DR) funding designed to help low- and moderate-income communities recover from the impacts of major disasters.

The *Florida Keys Community Land Trust* is demonstrating how CLTs can help to rebuild permanently affordable rental housing in disaster affected areas. Hurricane Irma caused widespread damage to affordable housing in Monroe County, exacerbating the region's affordable housing crisis. In the aftermath of the storm, seasonal residents provided seed funding to establish a CLT to help rebuild housing for working families and to support economic recovery. The CLT acquired a former RV park and is rebuilding energy-efficient resilient homes elevated above FEMA minimum standards. The County is providing CDBG-DR funding to help the CLT rebuild 22 units of affordable housing.

Tax incentives

States and local governments also need to enact tax policies to ensure fairness in property taxation rates for resale-restricted housing and can also adopt tax incentives to encourage social impact investing that can support community-serving entities, like CLTs.

Ensure tax fairness.

Although CLTs are nonprofits, owners of CLT homes still pay property taxes. Because CLTs offer housing under a shared-equity, resale-restricted model, tax laws need to be revised to ensure that property owners are not paying taxes on the full market rate of the housing and that tax policies account for the resale restriction formulas included in CLT ground leases.

California recently passed legislation — SB 196 (Beall)— to foster land trust roles in helping the state address its affordable housing crisis. The law adjusts property taxation to tax CLT properties at the affordable sale value rather than the market value to take into account resale restrictions and to make CLT-owned projects more cost effective.¹¹⁴

Encourage socially beneficial investment.

Additionally, states can offer tax incentives to encourage private donations to land trusts. This can help CLTs leverage private sources of funding to support projects and make investments in projects that may not be fundable through traditional housing programs, such as multi-use projects that incorporate commercial space, and "place-making" projects that provide community amenities.

In Massachusetts, *Dudley Neighbors, Inc.* benefits from a State-level Community Investment Tax Credit (CITC) established in 2012 to encourage "high-impact, community-led economic development initiatives" through a 50 percent tax credit.¹¹⁵ Funds are directed to affordable housing and other economic development projects in low- and moderate-income communities through Community Development Corporations (CDCs). In its first four years, the program generated more than \$34 million in investment in underserved communities across the state.¹¹⁶ DNI leveraged \$150,000 in tax credits through this program to generate \$300,000 in donations to support its work.¹¹⁷

Other Considerations and Lessons

Consider climate risks to affordable housing in city plans.

Despite the importance of housing security to community resilience, few city resilience, disaster recovery, and affordable housing plans explicitly or deeply consider climate risks to housing. Cities should be assessing how climate change will affect housing and developing recommendations for how to address those risks in city plans. Plans should be considering innovative strategies for advancing affordable homeownership opportunities for residents and identifying legal and policy changes that will need to be made to take advantage of innovative partnerships with community-serving entities, like CLTs. Additionally, when cities are making public investments to revitalize neighborhoods at risk of gentrification, they should be proactively supporting community-driven planning, and identifying and supporting efforts to mitigate displacement so that current residents benefit from community investments, similar to efforts that were advanced in the District of Columbia with the *11th Street Bridge Equitable Development Plan*.

Have trust in partners to deliver social and environmental benefits.

The unique benefits that CLTs offer in communities is their focus on community control, community building, and community wealth and sustainability. Not all the benefits that CLTs and other community-led organizations provide can be easily quantified or documented. Positive social outcomes — like increased social cohesion and community participation — can be difficult to monitor and assess. City officials must have a certain level of trust that community-based partners will deliver the promised benefits. Requirements to document or quantify social and environmental benefits can be administratively difficult and costly to comply with and may be infeasible without additional funding for monitoring and reporting.

Prioritize investments that deliver the most community benefit rather than focusing on least-cost alternatives.

Often city-procurement and land-disposition rules only allow for consideration of economic costs, which limits the ability of city officials to consider broader community benefits that cannot be directly monetized. By doing so, public officials cannot maximize public investment to deliver the broader environmental and social benefits that can be achieved by applying more sustainable development practices, by engaging residents in decision making, and by reducing displacement. Government decision makers should adopt policies that allow them to value the non-monetary benefits that can be delivered by projects and by partners that center community needs in decision-making.

Monitor and specifically develop plans to mitigate potential displacement from large-scale "charismatic" infrastructure projects.

In many communities, the impetus for the development of a CLT is concern about displacement from large-scale infrastructure improvements that threaten to increase the desirability of neighborhoods, which in turn leads to greater land speculation, and rising property values, property taxes, and rents. Cities considering investments in large-scale "charismatic" projects like the Beltline in Atlanta, the 11th Street Bridge project in the District of Columbia, and the 606 in Chicago, often have no process for monitoring displacement from these types of projects nor proactive plans for minimizing and avoiding displacement pressures in neighborhoods benefitting from these investments. Working with community members to support the development of a CLT and transferring land to a CLT should be considered in advance of community revitalization projects to help minimize and avoid displacement of existing residents. The California Strategic Growth Council requires local governments to develop anti-displacement plans as a condition of receiving funds under its *Transformative Climate Communities* grant program. The plans are designed to ensure that the investments supported by the grant do not induce displacement of existing residents and local businesses.¹¹⁸ Other jurisdictions can learn from these plans and develop similar approaches when supporting large-scale investments and greening initiatives in neighborhoods at risk of gentrification.

Fund efforts to fill research gaps related to the work of community land trusts.

Although CLTs are already delivering multiple benefits in communities, significant research gaps exist and much of the existing data and analysis is outdated. Federal and state agencies, philanthropy, and academic and nonprofit organizations should fund or advance research to better understand the effectiveness of the CLT model. As the number of CLTs has grown over the last decade, studies could help capture the percentage of housing in the U.S. stewarded by CLTs and to measure the social, environmental, and economic benefits that are being delivered in communities by CLTs. Updated statistics are needed to determine the housing stability benefits provided by CLTs, such as surveys of foreclosure and default rates of CLT versus market rate housing, particularly to assess the housing and economic consequences from the COVID-19 pandemic. Additional research is also needed to measure the wealth-building and anti-gentrification benefits offered by shared equity and community land ownership models, including updated studies on the average return on investment CLT homeowners receive at resale and differing levels of displacement in neighborhoods that are and are not served by a CLT. Several studies cited in this report have been completed on these topics, but many are limited in their geographic scope or are more than ten years old. More research is needed to help decisionmakers better understand not only the benefits delivered by CLTs, but also the effectiveness of policies for scaling the work of CLTs in different types of communities.

Conclusion

To effectively build climate resilience, cities will need to address the stressors that weaken the ability of residents to withstand and rebound from impacts — like poverty and housing insecurity. CLTs are uniquely positioned to help in these endeavors and, in fact, are already delivering on these goals in cities across the U.S. and Europe, as demonstrated by the case study examples explored in this report. CLTs are building sustainable, resilient, and permanently affordable housing that provides residents with housing security, lowers their housing costs, and enables residents to stay in their communities and maintain their social bonds with their neighbors. In many places, CLTs are also stewarding community assets that deliver multiple environmental, social, and economic benefits, including parks and greenspace that reduce urban heat islands, improve stormwater management, and improve public health; community gardens that enhance food security; and community-serving facilities that enhance economic resilience by providing education and job training opportunities.

However, more work and supportive policies are needed to build upon, scale, and replicate these types of communitydriven initiatives. To do so, cities can adopt policies and programs that help CLTs start and scale up their work in communities. The state and local governments explored in this report and in the accompanying case studies have adopted policies that have enabled CLTs to access low-cost land, provided funding and financing to build affordable housing projects and incorporate resilience and sustainability improvements, and offered tax incentives to ensure fairness for owners of resale restricted properties or to catalyze beneficial giving. Additionally, governments have provided start-up capital and training to help incubate CLTs and have provided technical assistance to help them develop projects and incorporate green design features. These supports have been critical to building the capacity of CLTs and enabling work in cities to deliver not only affordable housing, but also tailored services that are meeting the unique needs of the communities and residents they serve. These types of innovative partnerships will be critical to successfully addressing climate change, both its causes and consequences. City-CLT partnerships present a unique opportunity for advancing transformative, community-driven climate solutions.



ENDNOTES

- 1 Jason Samenow et al., 2020 Atlantic Hurricane Season Breaks All-Time Record While Leaving Gulf Coast Battered, The Washington Post (Nov. 10, 2020), https://www.washingtonpost.com/weather/2020/11/10/record-hurricane-season-atlantic/.
- 2 NPR, California Grapples with Unprecedented Wildfire Challenges (Oct. 29, 2019), https://www.npr.org/2019/10/28/773999964/ california-grapples-with-unprecedented-wildfire-challenges; Jason Samenow, Death Valley soars to 130 degrees, potentially Earth's highest temperature since at least 1931, The Washington Post (Aug. 16, 2020), https://www.washingtonpost.com/weather/2020/08/16/ death-valley-heat-record/; and Jeremy P. Jacobs, Wildfires, record heat and COVID-19 ravage Golden State, E&E News (Aug. 21, 2020), https://www.eenews.net/greenwire/2020/08/21/stories/1063712253?utm_medium=email&utm_source=eenews%3Agreenwire&utm_ campaign=edition%2BiZ%2B%2FftFV%2B2LxUfHtN5bxJQ%3D%3D
- 3 Community land trusts were first created in the U.S. during the civil rights movement as a way to counteract racist policies designed to disenfranchise African American communities by depriving them of the right to own land. In the 1960's, members of the Student Nonviolent Coordinating Committee (SNCC) incorporated New Community, Inc. (NCI), a community land trust established with the goal of holding land in trust to support cooperative farming and individual homesteads for Black farmers in Georgia, who had been denied rights to own property. Although racist housing and lending policies ultimately undermined the NCI experiment, the model propagated throughout urban communities starting in the 1980's as a way to revitalize lower-income communities of color that were experiencing blight as a result of decades of underinvestment due to racist housing policies — like redlining — and racist urban renewal projects that razed communities of color. Oksana Mironova, How Community Land Trusts Can Help Address the Affordable Housing Crisis, Jacobin (Jul. 6, 2019), https://www.jacobinmag.com/2019/07/community-land-trusts-affordable-housing
- 4 The U.S. Department of Housing and Urban Development defines a household as "housing cost burdened" if they spend more than 30 percent of their income on housing and "severely housing cost burdened" if they spend more than 50 percent of their income on housing. U.S. Department of Housing and Urban Development (HUD), Rental Burdens: Rethinking Affordability Measures (undated), https://www. huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html#:~:text=HUD%20defines%20cost%2Dburdened%20families,of%20 one's%20income%20on%20rent; Guillermo Ortiz et al., Center for American Progress (CAP), A Perfect Storm: Extreme Weather as an Affordable Housing Crisis Multiplier (Aug. 1, 2019), https://www.americanprogress.org/issues/green/reports/2019/08/01/473067/a-perfect-storm-2/; (The report notes that "[o]f the country's 43 million renter households in 2016, nearly half—or more than 20 million—spent more than 30 percent of their income on rent; 11 million of these households were severely cost-burdened, spending more than half of their income on rent. There is not a single county, metropolitan area, or state in the country where a full-time worker earning the prevailing minimum wage can afford to rent a two-bedroom apartment." Citing National Low Income Housing Coalition, Out of Reach: The High Cost of Housing (2018), available at https://reports.nlihc.org/sites/default/files/oor/OOR_2018.pdf.); see also Joint Center for Housing Studies of Harvard University, The State of the Nation's Housing 2019 (2019), https://www.jchs.harvard.edu/ sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2019.pdf
- 5 National Low Income Housing Coalition, Out of Reach: The High Cost of Housing (2018), available at https://reports.nlihc.org/sites/ default/files/oor/OOR_2018.pdf.)
- 6 Joint Center for Housing Studies of Harvard University, Renter Cost Burdens by Race and Ethnicity (2016), https://www.jchs.harvard.edu/ ARH_2017_cost_burdens_by_race; and National Low Income Housing Coalition, Racial Disparities Among Extremely Low-Income Renters (Apr. 15, 2019), https://nlihc.org/resource/racial-disparities-among-extremely-low-income-renters#:~:text=Regardless%20 of%20race%2C%20the%20majority,white%20extremely%20low%2Dincome%20renters.https://academic.oup.com/socpro/article/66 /3/448/5074453?guestAccessKey=339b3f1e-825b-48c9-af4b-1a2bb9908326; see also National Low Income Housing Coalition, The Gap A Shortage of Affordable Homes (Mar. 2020), https://reports.nlihc.org/sites/default/files/gap/Gap-Report 2020.pdf.
- 7 Lauren Taylor, Housing Affairs, Housing and Health: An Overview of the Literature (Jun. 7, 2018), https://www.healthaffairs.org/ do/10.1377/hpb20180313.396577/full/; U.S. Department of Health and Human Services (HHS) Office of Disease Prevent and Health Promotion, Housing Instability (2020), https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/ interventions-resources/housing-instability.
- 8 Furman Center, Sandy's Effects on Housing in New York City at 5 (2013) https://furmancenter.org/files/publications/ SandysEffectsOnHousingInNYC.pdf; Christine Dominianni et al., Power Outage Preparedness and Concern Among Vulnerable New York City Residents, J. Urban Health (Jul. 26, 2018), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6181821/; NAACP Legal Defense and Education Fund, Studies Show Low-Income and Minority Households Hit Hard by Hurricane Sandy; Face Toughest Challenges to Recover (Mar. 6, 2013), https://www.prnewswire.com/news-releases/studies-show-low-income-and-minority-households-hit-hard-byhurricane-sandy-face-toughest-challenges-to-recover-195696851.html.

- 9 Danielle Baussan & Miranda Peterson, Center for American Progress, Lessons from the Storm: Climate Displacement Three Years After Hurricane Sandy (Oct. 2015), https://cdn.americanprogress.org/wp-content/uploads/2015/10/27134743/SandyClimateDisplacement. pdf.
- 10 Kirk Siegler, The Camp Fire Destroyed 11,000 Homes. A Year Late Only 11 Have Been Rebuilt, National Public Radio (NPR) (Nov. 9, 2019), https://www.npr.org/2019/11/09/777801169/the-camp-fire-destroyed-11-000-homes-a-year-later-only-11-have-been-rebuilt
- 11 Jesse M. Keenan, et al., Climate gentrification: from theory to empiricism in Miami-Dade County, Florida, 13 Environ. Res. Lett. 054001 (2018), https://iopscience.iop.org/article/10.1088/1748-9326/aabb32/pdf.
- 12 Katie Oran & Yuliya Panfil, Climate Change is Threatening to Create a New Housing Crisis in America, Business Insider Op Ed (Aug. 29, 2020), https://www.businessinsider.com/coastal-flooding-climate-change-cause-new-american-housing-crisis-2020-8
- 13 In 2019, the residential sector produced 963 million metric tons of CO2 emissions from energy generation and use alone, not accounting for high potency greenhouse gases, like methane from refrigerants, and not counting CO2 emissions from transportation associated with housing locations. U.S. Energy Information Administration, Frequently Asked Questions: What are U.S. energy-related carbon dioxide emissions by source and sector? (May 26, 2020), https://www.eia.gov/tools/faqs/faq.php?id=75&t=11; see also Jessica Leung, C2ES Climate Innovative 2050, Decarbonizing U.S. Buildings (Jul. 2018), https://www.c2es.org/document/ decarbonizing-u-s-buildings/.
- 14 State of the Nation's Housing 2019 at 36, supra n. 4 (noting that homeowner expenses on disaster-related improvements to housing doubled from \$7 billion annually in the 1990's to \$14 billion in the 2010's); and, Allyson Wendt, BuildingGreen, The Challenge of Existing Homes: Retrofitting for Dramatic Energy Savings (undated), available at: https://www.buildinggreen.com/feature/challengeexisting-homes-retrofitting-dramatic-energy-savings; see also Shelby D. Green, Building Resilience Communities in the Wake of Climate Change While Keeping Affordable Housing from Sea Changes in Nature and Policy, 54 Washburn L.J. 527(2015), http:// digitalcommons.page.edu/lawfaculty/1006/;
- 15 The Future of Resilience and Sustainability: The Hurricane Strong Home is a groundbreaking blend of resilience and sustainability and may change the future of design, WIRED Brand Lab for The American Institute of Architects (undated), https://www.wired.com/ brandlab/2019/06/future-resilience-sustainability
- 16 FEMA, Fact Sheet: Building Higher in Flood Zones: Freeboard Reduce Your Risk, Reduce Your Premium (Jun. 2014), https://www. fema.gov/media-library-data/1438356606317-d1d037d75640588f45e2168eb9a190ce/FPM_1-pager_Freeboard_Final_06-19-14. pdf; seee Kevin Findlan et al., The Price of Resilience: Can Multifamily Housing Afford to Adapt?, New York University Furman Center, (Jul. 2014), https://furmancenter.org/files/NYUFurmanCenter_ThePriceofResilience_July2014.pdf (this report estimates costs of retrofits that could be made to enhance the flood resilience of multifamily structures (including elevating mechanical and electrical utilities, dry and wet floodproofing, conversion of ground floors and cellars to non-residential uses) in flood zones in New York City and the potential costs of rising insurance rates if landowners are unable to make needed retrofits).
- 17 Thomas Frank, Flooding Disproportionately Harms Black Neighborhoods, E&E News (Jun. 2, 2020), https://www.scientificamerican. com/article/flooding-disproportionately-harms-black-neighborhoods/.
- 18 Troy D. Allen, Katrina: Race, Class, and Poverty: Reflections and Analysis, J, Black Studies Vol. 37, No. 4, pp. 466-468 (Mar, 2007).
- 19 A Perfect Storm, supra n. 4.
- 20 Maya K. Buchanan et al., Sea-Level Rise and Coastal Flooding Threaten Affordable Housing, Environmental Research Letters (Dec. 1, 2020), https://iopscience.iop.org/article/10.1088/1748-9326/abb266/pdf; and Mathew E. Hauer, Migration induced by sea-level rise could reshape the US population landscape, Nature Climate Change Letters (Apr. 17, 2017); see also Oliver Milman, We're moving to higher ground: America's era of climate mass migration is here, The Guardian (Sep. 24, 2018), https://www.theguardian.com/environment/2018/sep/24/americas-era-of-climate-mass-migration-is-here.
- 21 Starting in the 1930's and continuing into the 1970's federal agencies, like the Federal Housing Administration directed investments into communities by referencing maps. These maps designated certain areas as "high risk" or "hazardous" for investment, by literally drawing a redline around them on a map, and thus became known as "redlining." Areas were designated as "hazardous" or "red" if they had high percentages of residents of color and immigrants. The effect of redlining went beyond federal investment, it meant that banks would not loan money, insurance companies would not offer insurance, and businesses would not invest in building amenities like grocery stores. As a result, redlining policies contributed to a large wealth gap between White residents, who could get a mortgage

and build equity through homeownership, as compared to Black residents that were denied mortgages and the opportunities provided by homeownership. Redlining also contributed to the decline of many urban neighborhoods that were starved of investment. Tracy Jan, Redlining was banned 50 years ago. It's still hurting minorities today. The Washington Post (Mar. 28, 2018), Brad Plumer & Nadja Popovich, How Decades of Racist Housing Policy Left Neighborhoods Sweltering, The New York Times (Aug. 24, 2020),

- 22 Redlining has also been correlated to increased climate risk in redlined communities. An analysis of "redlining maps" shows that neighborhoods that were designated as "hazardous" because of the percentage of Black and immigrant residents, are also the areas that are 5 to 10 degrees hotter in summertime because they lack parks and greenspace and often are covered in more concrete. See e.g., Mapping Inequality Project, Redlining in New Deal America (undated), https://dsl.richmond.edu/panorama/redlining/#loc=12/37.803/-122.315&city=oakland-ca&area=D8&text=intro; see also Plumer & Popovich supra n. 21.
- 23 Maria Sacchetti, Brady Dennis, Steven Mufson & Darryl Fears, Hurricane Laura didn't cause pollution in this Louisiana town. It just added to it, The Washington Post (Aug. 28, 2020), https://www.washingtonpost.com/climate-environment/2020/08/28/hurricanelaura-chemicals-pollution/
- 24 Jeff Mosier, Impact of Hurricane Harvey on Health, Environment Still a Concern a Year Later, Dallas Morning News (Aug.16, 2018), https://www.dallasnews.com/news/harvey/2018/08/16/texas-petrochemical-plants-spewed-8-million-pounds-airpollutants-hurricane-harvey-hit; Environmental Integrity Project, Preparing for the Next Storm: Learning from the Man-Made Environmental Disasters that Followed Hurricane Harvey (Aug. 16, 2018), https://www.environmentalintegrity.org/wpcontent/uploads/2018/08/ Hurricane-Harvey-Report-Final.pdf.
- 25 Kriston McIntosh et al., Brookings, Examining the Black-white Wealth Gap (Feb. 27, 2020), https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/
- 26 Jung Hyun Choi, Urban Wire the blog of the Urban Institute, Breaking Down the Black –White Homeownership Gap (Feb. 21, 2020), https://ldh.la.gov/assets/docs/katrina/deceasedreports/KatrinaDeaths_082008.pdf
- 27 Andre M. Perry et al., Brookings Institute, The Devaluation of Assets in Black Neighborhoods: The case of residential property (Nov. 27, 2018), https://www.brookings.edu/research/devaluation-of-assets-in-black-neighborhoods/.
- 28 Jung Hyun Choi, Urban Wire the blog of the Urban Institute, Breaking Down the Black –White Homeownership Gap (Feb. 21, 2020), https://ldh.la.gov/assets/docs/katrina/deceasedreports/KatrinaDeaths_082008.pdf.
- 29 Liz Hamel, et al., Kaiser Family Foundation, An Early Assessment of Hurricane Harvey's Impact on Vulnerable Texans in the Gulf Coast Region: Their Voices and Priorities to Inform Rebuilding (Dec. 2017), https://www.kff.org/other/report/an-early-assessmentof-hurricane-harveys-impact-on-vulnerable-texans-in-the-gulf-coast-region-their-voices-and-priorities-to-inform-rebuilding-efforts/; see also Chrishelle Palay, Disaster Aid Perpetuates Inequality, Shelterforce (May 13, 2019), https://shelterforce.org/2019/05/13/ disaster-aid-perpetuates-inequality/; and Rebecca Hersher & Robert Benincasa, How Federal Disaster Money Favors the Rich, NPR (Mar. 5, 2019), https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich
- 30 American Flood Coalition, Turning the Tide: Opportunities to Build Social Equity Through Federal Flood Disaster Policy (2020), https://medium.com/american-flood-coalition/turning-the-tide-toward-equity-making-federal-flood-programs-work-for-low-incomepeople-434ac6facce7 [citing Junia Howell & James R. Elliott, Damages Done: the Longitudinal Impacts of Natural Hazards on Wealth Inequality in the United States, 6 Social Problems 3, 448-467 (Aug. 2019), https://academic.oup.com/socpro/article/66/ 3/448/5074453?guestAccessKey=339b3fle-825b-48c9-af4b-1a2bb9908326)]; see also Junia Howell & James. R. Elliott, Disaster Costs Rise, So Does Inequality, 4 Socius: Sociological Research for a Dynamic World, 1–3 (2018), https://journals.sagepub.com/doi/ full/10.1177/2378023118816795.
- 31 Urban Displacement Project, Redlining and Gentrification: The Legacy of Redlining (undated), https://www.urbandisplacement.org/ redlining.
- 32 City of Seattle, Mandatory Housing Affordability Citywide Implementation: Director's Report and Recommendation (Feb. 2018), https://www.seattle.gov/Documents/Departments/HALA/Policy/Directors_Report_MHA_Citywide.pdf; City of Seattle Office of Planning & Community Development, Growth and Livability Report (Oct. 2017), http://www.seattle.gov/Documents/Departments/ OPCD/Livability/Growth%20and%20Livability%20Report.pdf

- 33 City of Chicago, Resilient Chicago: A Plan for Inclusive Growth and a Connected City (Feb. 2019), https://resilient.chicago.gov/ download/Resilient%20Chicago.pdf
- 34 City of Chicago, One Chicago: Housing Strategies for a Thriving City Five-Year Housing Plan 2019-2023, https://www.chicago.gov/ content/dam/city/depts/dcd/Housing%20Programs/20733_37_5_Year_Plan_Report_final_WEB_C.pdf
- 35 Overview: Community Land Trusts, Democracy Collaborative Community-Wealth.org, https://community-wealth.org/strategies/ panel/clts/index.html. Community land trusts were also defined in federal law with the passage of the Housing and Community Development Act of 1992, Pub. Law 102-550, amending 42 U.S.C. § 12773(f) as follows: "the term "community land trust" means a community housing development organization (except that the requirements under subparagraphs (C) and (D) of section 12704(6) of this title shall not apply for purposes of this subsection)— (1) that is not sponsored by a for-profit organization; (2) that is established to carry out the activities under paragraph (3); (3) that— (A) acquires parcels of land, held in perpetuity, primarily for conveyance under long-term ground leases; (B) transfers ownership of any structural improvements located on such leased parcels to the lessees; and (C) retains a preemptive option to purchase any such structural improvement at a price determined by formula that is designed to ensure that the improvement remains affordable to low- and moderate-income families in perpetuity; (4) whose corporate membership that is open to any adult resident of a particular geographic area specified in the bylaws of the organization; and (5) whose board of directors— (A) includes a majority of members who are elected by the corporate membership; and (B) is composed of equal numbers of (i) lessees pursuant to paragraph (3)(B), (ii) corporate members who are not lessees, and (iii) any other category of persons described in the bylaws of the organization.
- 36 John Emmeus Davis et al., Building Better City-CLT Partnerships: A Program Manual for Municipalities and Community Land Trusts, Lincoln Institute of Land Policy Working Paper 6 (2008) (hereinafter "Davis, City-CLT Partnerships").
- 37 Id. at 6-7.
- 38 Although homeowners do not receive as much equity as they would earn under a traditional homeownership model, the shared-equity model allows them to benefit from lower upfront purchase price while still also receiving some of the homes appreciated value at resale. In a shared-equity transaction, the buyers of the structures are granted a lease to the land (typically for a term of 99 years) for a small annual fee. And resale of the property is restricted using a resale restriction formula to ensure permanent affordability that also enables the homeowner to share in some of the appreciation in the home's value at sale. Davis, City-CLT Partnerships at 6-7. Resale restrictions can be tailored to account for differences in market conditions to allow homeowners to accrue some equity in both hot and cold markets. Rachel Bates, An Implementation Plan for a Community Land Trust in the City of Richmond at 20-27 (Fall 2015), https://wilder.vcu.edu/media/wilder/2015/RachelBates.pdf
- 39 Davis, City-CLT Partnerships at 7-8.
- 40 Id. at 22.
- 41 Id. at 5-6.
- 42 John Emmeus Davis et al., Introduction in On Common Ground: International Perspectives on the Community Land Trust (2020) (hereinafter "On Common Ground"); see also Community Land Trusts: Community land trusts are a proven model for communities to control land and development, Grounded Solutions Network (undated), https://groundedsolutions.org/strengthening-neighborhoods/ community-land-trusts; and Local Housing Solutions, Community Land Trusts (2018) https://www.localhousingsolutions.org/act/ housing-policy-library/community-land-trusts-overview/community-land-trusts/.
- 43 John Emmeus Davis et al, Introduction in On Common Ground: International Perspectives on the Community Land Trust (2020) (hereinafter "On Common Ground"), See also Fabiana Bettini, The Rise of Community Land Trust in Europe, The Urban Media Lab (Sep. 6, 2017), https://labgov.city/theurbanmedialab/the-rise-of-community-land-trust-in-europe/
- 44 Georgetown Climate Center, Equitable Adaptation Law and Policy Toolkit (2020) https://www.georgetownclimate.org/adaptation/ toolkits/equitable-adaptation-toolkit/resilient-affordable-housing-anti-displacement-gentrification.html

- 45 Robert Hickey, Lisa Sturtevant & Emily Thaden, Achieving Lasting Affordability Through Inclusionary Housing, Lincoln Institute of Land Policy Working Paper at 9 (2014), https://ihiusa.org/wp-content/uploads/Achieving-Lasting-Affordability-through-Inclusionary-Housing.pdf; Urban Institute prepared for the U.S. Department of Housing and Urban Development, Expanding Housing Opportunities Through Inclusionary Zoning: Lessons from Two Counties at 10-11 (Dec. 2012), https://www.huduser.gov/portal// Publications/pdf/HUD-496_new.pdf
- 46 See e.g., Stephen R. Miller, Community Land Trusts: Why Now Is the Time to Integrate this Housing Activist's Tool into Local Government Affordable Housing Policy, J. of Affordable Housing & Community Development Law, Vol. 34, Issue 3/4 at 110 (2005).; Patrick Sisson, Jeff Andrews, and Alex Blazeley, The affordable housing crisis, explained: Blame policy, demographics, and market forces, Curbed (Mar. 2, 2020), https://www.curbed.com/2019/5/15/18617763/affordable-housing-policy-rent-real-estate-apartment; Lance Freeman, Ph.D, America's Affordable Housing Crisis: A Contract Unfulfilled, 92 Am. J. of Pub. Health 709-712 (2002), https:// www.ncbi.nlm.nih.gov/pmc/articles/PMC1447149/.
- 47 The U.S. Department of Housing and Urban Development (HUD) provides funding to local housing agencies to administer rental assistance and housing voucher programs to help very low-income households pay for rental housing on the private market. The landlord is paid a direct subsidy and the low-income household pays the remainder of the rent. The program is also called "Section 8," because the program is codified at Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f. See U.S. Department of Housing and Urban Development, Housing Choice Vouchers Fact Sheet (undated), https://www.hud.gov/topics/housing_choice_voucher_program_section_8; See also Center on Budget and Policy Priorities, Policy Basics: Section 8 Project-Based Rental Assistance (Nov. 15, 2017), https://www.cbpp.org/research/housing/policy-basics-section-8-project-based-rental-assistance; and Center on Budget and Policy Priorities, Policy Basics: The Housing Choice Voucher Program (May 3, 2017).
- 48 Will Fischer& Barbara Sand, Center on Budget and Policy Priorities, Chart Book: Federal Housing Spending is Poorly Matched to Need. Title Toward Well-Off Homeowners Leaves Struggling Low-Income Renters Without Help (Mar. 2017), https://www.cbpp.org/ research/housing/chart-book-federal-housing-is-poorly-matched-to-need
- 49 For a discussion of other types of policies for addressing housing and climate challenges see Georgetown Climate Center, Equitable Legal & Policy Toolkit, Resilience Affordable Housing, Anti-Displacement & Gentrification (2020), https://www.georgetownclimate.org/adaptation/toolkits/equitable-adaptation-toolkit/resilient-affordable-housing-anti-displacement-gentrification.html; see also Grounded Solutions Network, What About Housing? A Policy Toolkit for Inclusive Growth (undated), https://groundedsolutions.org/housing-policy-toolkit; Meagan M. Ehlenz, et al., Shared Equity Homeownership in the United States: A Literature Review, Journal of Planning Literature (Aug. 29, 2018), https://journals.sagepub.com/doi/full/10.1177/0885412218795142; and Ashley Gibbon et al., Greening in Place: Protecting Communities from Displacement (2020), https://www.greeninginplace.com/toolkit; and Arup, Development without Displacement (Jun. 2018), https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/2019/04/5a.-20180622_Development-without-Displacement_V3.09.pdf
- 50 In the report Communities Over Commodities, the authors define "Just Housing Principles," as including community control, housing and land owned and controlled by the people who live there; affordability, housing that after all costs is affordable to people so that they can still cover all basic needs; permanence, housing that is protected from market forces causing displacement; inclusivity, housing where all residents including marginalized populations have an opportunity to participate in decision-making; health and sustainability, housing that maximizes resident well-being in terms of ecological design, climate resiliency, and sustainability. Gianpaolo Baiocchi, et al., Homes for All Campaign of Right to the City Alliance, Communities Over Commodities: People-Driven Alternatives to an Unjust Housing System (Mar. 2018), https://homesforall.org/wp-content/uploads/2018/03/Communities-Over-Commodities_Full-Report.pdf.
- 51 Davis, City-CLT Partnerships at 7-9.8; see also Terner Center for Housing Innovation at Univ. Cal. Berkeley, Community Land Trusts: Irvine (April 2019) https://casestudies2019.ternercenter.berkeley.edu/download/Community_Land_Trusts_Irvine.pdf.
- 52 Kimberly Burrowes, Housing Matters an Urban Institute Initiative, Three Ways Community Land Trusts Support Renters (Apr. 10, 2019), https://housingmatters.urban.org/articles/three-ways-community-land-trusts-support-renters#:~:text=CLTs%20use%20 long%2Dterm%20land,affordability%20despite%20rising%20market%20demand.
- 53 Veronica Gaitán, Housing Matters an Urban Institute Initiative, How Housing Can Determine Educational, Health, and Economic Outcomes (Sep. 19, 2019), https://housingmatters.urban.org/articles/how-housing-can-determine-educational-health-and-economic-outcomes.

- 54 See generally John Emmeus Davis, Nat'l Hous. Inst. Shared Equity Homeownership: The Changing Landscape of Resale-Restricted, Owner-Occupied Housing (2006), http://www.nhi.org/pdf/SharedEquityHome.pdf; see also Rachel Levitt, ed., U.S. Dep't of Hous. & Urban Dev., Shared Equity Models Offer Sustainable Homeownership at 19-26, Evidence Matters, No.2 (2012); and John Duda, Community Land Trusts, The Democracy Collaborative (2014), https://democracycollaborative.org/content/infographic-communityland-trusts.
- 55 Megan Kamerick, Community land trusts providing an avenue for affordable housing, Albuquerque Business First (Oct. 17, 2004), https://www.bizjournals.com/albuquerque/stories/2004/10/18/focus1.html; Ruoniu Wang et al., Lincoln Institute of Land Policy, Tracking Growth and Evaluating Performance of Shared Equity Homeownership Programs During Housing Market Fluctuations at 41 (Apr. 2019), https://www.lincolninst.edu/sites/default/files/pubfiles/wang_wp19rw1_rev_0.pdf; see also HUD User Office of Policy Development and Research, Evidence Matters, Shared Equity Models Offer Sustainable Homeownership (Fall 2012), https://www.huduser.gov/portal/periodicals/em/fall12/highlight3.html; and Kenneth Temkin et al., Urban Institute, Shared Equity Homeownership Evaluation: Case Study of Thistle Community Housing (Oct. 2010), https://www.urban.org/sites/default/files/ publication/29296/412245-Shared-Equity-Homeownership-Evaluation-Case-Study-of-Thistle-Community-Housing.PDF.
- 56 HUD User Office of Policy Development and Research, Evidence Matters, Shared Equity Models Offer Sustainable Homeownership (Fall 2012), https://www.huduser.gov/portal/periodicals/em/fall12/highlight3.html.
- 57 In an article, Professor Sheila Foster argues that the "urban commons" including resources like parks, gardens, and streetscapes — provide community benefit and economic value much like "common pool resource" and that by democratically managing these common resources you can build value and wealth in communities. See, Sheila Foster, The City as a Commons, 32 Yale L. & Pol'y Rev 281 (Spring 2016).
- 58 Lincoln Institute of Land Policy, Land Lines, Outperforming the Market (Oct. 2010), https://www.lincolninst.edu/publications/ articles/outperforming-market; see also, Florida Community Land Trust Institute, Community Land Trusts and COVID-19: A Policy Brief from the Florida Housing Coalition (2020), https://www.flhousing.org/wp-content/uploads/2020/05/CLT-COVID-19-policybrief.pdf
- 59 John Emmeus Davis, Common Ground: Community-Owned Land As A Platform for Equitable and Sustainable Development, 51 U.S.F. L. Rev. 1, 25–26 (2017).; Myungshik Choi et al., Can community land trusts slow gentrification, Jour. Urb. Affairs Vol. 40, Issue 3 (2018).
- 60 Building Bridges Across the River, 11th Street Bridge Park's Equitable Development Plan (2018), https://bbardc.org/wp-content/ uploads/2018/10/Equitable-Development-Plan_09.04.18.pdf; see also Douglass Community Land Trust, http://douglassclt.org/ douglassclt.org/
- 61 Social cohesion is defined as the "the degree to which communities support the overall well-being of all members, create a sense of belonging, and promote trust." Melissa Deas et al., Georgetown Climate Center, Opportunities for Equitable Adaptation in Cities: A Workshop Summary Report (Feb. 2017), https://www.georgetownclimate.org/files/report/GCC-Opportunities_for_Equitable_Adaptation-Feb_2017.pdf [citing Organisation for Economic Co-operation and Development, Perspectives on Global Development 2012: Social Cohesion in a Shifting World (2013), https://www.oecd.org/site/devpgd2012/49067954.pdf]. For a discussion of the effects of social cohesion on resilience, see Eric Klinenberg, Heat Waves: A 20-Year Lesson, 100 Resilient Cities (July 13, 2015), http://www.100resilientcities.org/heat-waves-a-20-year-lesson/ (Hundreds of deaths during the 1995 Chicago heat wave were attributed to social isolation that undermined the community's capacity to support is weakest members in the face of disaster.). Of the 485 people who died of heat-related illnesses, the elderly and Black Chicagoans died at more than one and half times the rate of Whites. Klinenberg, Heat Wave: A Social Autopsy of Disaster in Chicago at 18. The death rate from Black residents was 1.5:1 across all age brackets, but was 1.8:1 for middle-aged victims (age 44 to 64)) and was 1.9:1 for very old victims (age 45 or older).
- 62 Joseph Gibbons et al., Do gentrifying neighbourhoods have less community? Evidence from Philadelphia, Urban Studies (Mar. 20, 2019), https://journals.sagepub.com/doi/full/10.1177/0042098019829331#abstract (Finding that Black and Hispanic neighborhoods in Philadelphia experiencing White gentrification reported loss of community or social cohesion (defined as trust in neighbors, sense of belonging, and willingness to cooperate) and citing other studies that have found similar results.).
- 63 Center for American Progress, Community Land Trusts at 9 (2010), https://cdn.americanprogress.org/wp-content/ uploads/2016/06/14141430/CommunityLandTrusts-report.pdf?_ga=2.5490609.326932323.1606171994-779700279.1606171994.

- 64 See the discussion of the New Communities, Inc. community land trust in Georgia at note 3, supra.
- 65 For example, see the discussion of the Adaptation Clearinghouse, Oakland Community Land Trust, https://www.adaptationclearinghouse. org/resources/case-study-oakland-community-land-trust-oakland-california.html; see also Mark Roseland and Christopher Boone, Community Land Trusts Could Help Heal Segregated Cities, High Ground News (Sep. 24, 2020), https://www.highgroundnews.com/ features/Land trusts segregated cities SJN.aspx
- 66 Davis, City-CLT Partnership at 20. https://www.lincolninst.edu/sites/default/files/pubfiles/the-city-clt-partnership-full.pdf
- 67 For a more complete discussion of CLT sustainability and resilience roles see also, Jessica Grannis, Community-Driven Climate Solutions: How Public-Private Partnerships with Land Trusts Can Advance Climate Action, 44 Wm. & Mary L. & Pol'y Rev. 701 (2020), https://scholarship.law.wm.edu/wmelpr/vol44/iss3/3/.
- 68 U.S. Department of Energy Office of Energy Efficiency & Renewable Energy, Low-Income Household Energy Burden Varies Among States – Efficiency Can Help in All of Them (2019), https://www.energy.gov/sites/prod/files/2019/01/f58/WIP-Energy-Burden_final. pdf.
- 69 "Net-zero" buildings are defined as building that produce enough renewable energy as meet annual energy consumption, resulting in a net zero energy bill. Department of Energy, Office of Energy Efficiency and Renewable Energy, A Common Definition for Zero Energy Buildings, https://www.energy.gov/eere/buildings/downloads/common-definition-zero-energy-buildings.
- 70 Neighborspace, About, http://neighbor-space.org/about/
- 71 Nasia Voynovskaya, Oakland Grassroots Groups Unit to Purchase 23rd Avenue Building, KQED (Apr. 6, 2017), https://www.kqed. org/arts/13003192/oakland-grassroots-groups-unite-to-purchase-23rd-avenue-building
- 72 U.S. Environmental Protection Agency, What is Green Infrastructure?, https://www.epa.gov/green-infrastructure/what-green-infrastructure#:~:text=Section%20502%20of%20the%20Clean,reduce%20flows%20to%20sewer%20systems.
- 73 Id., see also Georgetown Climate Center, Green Infrastructure Toolkit, https://www.georgetownclimate.org/adaptation/toolkits/greeninfrastructure-toolkit/introduction.html.
- 74 Id.
- 75 District Department of Energy & Environment, Stormwater Credit Trading Program, https://doee.dc.gov/src; see also, Adaptation Clearinghouse, Washington D.C./District of ColumbiaStormwater Ordinance — 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control, https://www.adaptationclearinghouse.org/resources/washington-d-c-district-of-columbia-stormwater-Ordinance-2013-rule-on-stormwater-management-and-soil-erosion-and-sediment-control.html.
- 76 Conservation Land Trusts are different than CLTs in that they typically focus on preserving and protecting undeveloped lands for the natural resource values such as habitat and watershed protection and sometimes preserving land for agricultural, forestry, or other open space uses. For a discussion of the differences between conservation and community land trusts, see Grannis, Community-Driven Climate Solutions supra n. 67
- 77 EnerySage, Community Solar: What Is It? https://www.energysage.com/solar/community-solar/community-solar-power-explained/.
- 78 Matthew Grimley & Kathryn Milun, Solar Commons: Designing Community Trust Solar Ownership for Social Equity (Spring 2017), https://conservancy.umn.edu/bitstream/handle/11299/190208/CAP%20224.pdf?sequence=1&isAllowed=y.
- 79 City of Lakes Community Land Trust, Community Solar for CLCLT Residents (2019), https://ips-solar.com/wp-content/uploads/2019/08/IPS-Solar-Community-Solar-For-CLCLT-Homeowners.pdf
- 80 Spark Northwest, Solarize the Land Trust Brings Affordable Solar to King County Homeowners (Feb. 6, 2020), https://sparknorthwest. org/solarize-the-land-trust/
- 81 Stephen R. Miller, Community Land Trusts: Why Now Is the Time to Inegrate This Housing Into Local Government Affordable Housing Policies, Zoning and Planning Law Report (Oct. 2013), http://landuselaw.wustl.edu/Articles/A%20Land%20Trust%20 Article.pdf. (citing Ryan Sherriff, Center for Housing Policy, Shared-Equity Homeownership State Policy Review (2010), http:// www.nhc.org/media/documents/State_Policy_Inventory_Report.pdf.)

- 82 Erica C. Barnett, Surprise Announcement That City Will Transfer Fire Station to Community Leaves Many Questions Unanswered, South Seattle Emerald (Jun. 17, 2020), https://southseattleemerald.com/2020/06/17/surprise-announcement-that-city-will-transferfire-station-to-community-leaves-many-questions-unanswered/; Seattle Department of Neighborhoods, City of Seattle Will Transfer Fire Station 6 to Community (Jun. 12, 2020), https://frontporch.seattle.gov/2020/06/12/city-of-seattle-will-transfer-fire-station-6-tocommunity/; see also Seattle Office of Planning & Community Development, Equitable Development Implementation Plan (Apr. 2016), http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/EDIImpPlan042916final. pdf.
- 83 Greater London Authority, Making Small Sites Available to Small Builders (2020), https://www.london.gov.uk/what-we-do/housingand-land/land-and-development/small-sites/making-small-sites-available-small-builders
- 84 London Community Land Trust (London CLT), Christchurch Road, Lambeth https://www.londonclt.org/lambeth; London CLT, Cable Street, https://www.communityledhousing.london/project/cable-street/
- 85 35 ILCS 200/21-145 (West 2013); 2019 Scavenger Sale, Maria Pappas, Cook Country Treasurer, https://www.cookcountytreasurer. com/scavengersale.aspx (last accessed May 11, 2020); see also, 31B Ill. Law and Prac. Revenue and Taxes § 76; see also In Scavenger Sale, Land Bank Sees Big Opportunities, NPR: WBEZ Chicago (July 12, 2019), https://www.npr.org/local/309/2019/07/12/740925233/ in-scavenger-sale-land-bank-sees-big-opportunities.
- 86 Elke Davidson, Davidson Consulting, Growing Partnerships Between Atlanta's Land Bank Authority, Community Land Trusts and Community Development Corporations (Aug. 10, 2012), https://www.enterprisecommunity.org/download?fid=5054&nid=3461
- 87 Presentation by Christopher Norman, Executive Director for the Fulton County/City of Atlanta Land Bank Authority to the Community Development/Human Services Committee of the Atlanta City Council, Fulton/Atlanta Land Bank Authority, Inc.: Overview and Update (May 12, 2020), https://citycouncil.atlantaga.gov/Home/ShowDocument?id=3527 (hereinafter "Norman presentation")
- 88 ONE Atlanta: Housing Affordability Action Plan at 302-32 (Jun. 2019), https://www.atlantaga.gov/home/showdocument?id=42220
- 89 Norman presentation, supra n. 85
- 90 Office of the New York City Comptroller Scott M. Stringer, Building an Affordable Future: The Promise of a New York City Land Bank (Feb. 2016), https://comptroller.nyc.gov/reports/building-an-affordable-future-the-promise-of-a-new-york-city-land-bank/.
- 91 For a discussion of jurisdictions that have fostered partnerships with CLTs to steward inclusionary units developed according to inclusionary zoning rules see Grounded Solutions Network, Inclusionary Housing: Community Land Trust (undated), https:// inclusionaryhousing.org/making-it-work/admin/staffing-and-outsourcing-options/community-land-trust/
- 92 Irvine Zoning Ordinance §§ 2-3-2 2-3-5 (Nov. 15, 2019); see also Stephen R. Miller, Community Land Trusts: Why Now Is the Time to Integrate this Housing Activist's Tool into Local Government Affordable Housing Policy, J. of Affordable Housing & Community Development Law, Vol. 34, Issue 3/4 at 110 (2005)
- 93 D.C. Code § 6-1061.02 III-A.
- 94 Office of New York Attorney General Leticia James, Attorney General Announces \$8 Million in Grants to Fund Affordable Housing (Feb. 26, 2019), https://ag.ny.gov/press-release/2019/attorney-general-james-announces-8-million-grants-fund-affordable-housing; Enterprise, AG Schniederman, Enterprise Provide \$3.5 Million for Community Land Trusts to Create and Preserve Permanently Affordable Housing and Resources in New York State (Jul. 19, 2017), https://www.enterprisecommunity.org/news-and-events/newsreleases/ag-schneiderman-enterprise-provide-35-million-community-land-trusts.
- 95 New York State, Revolving Fund Provides Community Land Trusts with Loans and Grants to Purchase Property and Create Permanent Affordable Housing (Jan. 30, 2019). https://hcr.ny.gov/news/hcr-awards-1-million-through-community-land-trust-loan-fund-reducehomeownership-costs-middle
- 96 Dudley Street Neighborhood Initiative, Greater Boston Community Land Trust Network Launch (Apr. 7, 2015), https://www.dsni.org/ dsni-blog/2015/4/7/metro-boston-community-land-trust-network-launch; Sharon Cho, et al., The Case for Community Land Trusts at 1 (Spring 2016).

- 97 New Urban Mechanics, Boston's Housing Innovation Lab Working to Make Boston Affordable for ALL Residents (Jan. 17, 2017), https://medium.com/@newurbanmechs/bostons-housing-innovation-lab-working-to-make-boston-affordable-for-all-residents-8dea1560dd43
- 98 HUD administers two formula grant programs that provide funding to states and communities to support economic development and affordable housing: the HOME Investment Partnerships Program and the Community Development Block Grant (CDBG) program. Both are administered as formula grants to states. The HOME program focuses on building new and preserving existing affordable housing, where the CDBG program supports broader economic revitalization efforts in LMI communities. CDBG fund can support a broader array of eligible uses including property acquisitions, demolition, housing rehabilitation and construction, infrastructure improvements, and other economic development activities. HUD also sometimes receives supplemental disaster funding that it administers as Community Development Disaster Recovery funds (CDBG-DR). HUD, Home Investment Partnership Program (2016), https://www.hud.gov/program_offices/comm_planning/affordablehousing/programs/home/; and HUD Exchange, CDBG: Community Development Block Grant Program (undated), https://www.hudexchange.info/programs/cdbg/
- 99 Low Income Housing Tax Credits are the largest federal program supporting development of affordable rental housing. The federal government provides tax credits that are administered by state housing agencies through a competitive process. Credits are awarded to private developers who sell the credits to investors to finance affordable housing development projects. Projects must provide at least 20 percent of units for tenants earning 50 percent or less AMI or at least 40 percent of units for tenants earning 60 percent of AMI, or 40 percent of units for tenants earning no more than 60 percent of AMI and no units for tenants earning greater than 80 percent AMI. Housing must be preserved as affordable for a period of at least 30 years. Developers are given a dollar-for-dollar credit on their federal tax liability over a 10-year period. Tax Policy Center Urban Institute & Brookings Institution, Tax Policy Center Briefing Book: What is the Low-Income Housing Tax Credit and How Does it Work? (May 2020), https://www.taxpolicycenter.org/briefing-book/whatlow-income-housing-tax-credit-and-how-does-it-work; see also Pamela Blumenthal et al., Urban Institute, Urban Wire: Housing and Housing Finance, How Affordable Housing Gets Built (Jul. 26, 2016), https://www.urban.org/urban-wire/how-affordable-housinggets-built#:~:text=The%20primary%20source%20of%20development,an%20allocation%20of%20tax%20credits.&text=In%20 practice%2C%20most%20properties%20dedicate.the%20units%20to%20affordable%20use; and HUD User, What Happens to LITHC Properties After Affordability Requirements Expire (undated), https://www.huduser.gov/portal/pdredge/pdr edge research 081712. html; Citizens Housing and Planning Association & Massachusetts Housing Partnership, Housing Toolbox for Massachusetts Communities: Types of Funding (undated), https://www.housingtoolbox.org/financing-and-funding/basics
- 100 For a discussion of various sources of funding and financing available to CLTs, see John Emmeus Davis, Starting a Community Land Trust: Organizational and Operational Choices – Funding (2007), available at https://community-wealth.org/sites/clone.communitywealth.org/files/downloads/tool-7-funding.pdf.
- 101 Id.; see also Burlington Associates, Summary: HUD Regulations Affecting Community Land Trusts (undated), https://www. burlingtonassociates.com/files/2113/4463/2951/11-Summary_of_HUD_Regulations_Affecting_CLTs.pdf
- 102 In the District of Columbia, for example, the Housing Production Trust Fund limits how funding can be used for repairs to "improvements to preserve housing, including repairs needed to correct or remove actual or incipient D.C. Code violations, which if not repaired would reasonably be expected to result in District of Columbia Housing Code deficiencies within five years." D.C. Code Mun. Regs. Tit. 10-B § 4104.1.
- 103 Eghan, Adizah. Mission Tenants Avoid Eviction and Gain a Long-Term Home, KQED News (Feb. 18, 2015), http://ww2.kqed.org/ news/2015/02/18/mission-tenants-avoid-eviction-and-gain-a-long-term-home.
- 104 City of San Francisco, Mayor's Office of Housing and Community Development, Small Sites Program, https://sfmohcd.org/small-sitestenants.
- 105 Id.
- 106 Guadalupe Neighborhood Development Corporation, Corporate Profile 2013-2014, https://static1.squarespace.com/ static/5a722d46f43b5558938c7bfc/t/5b2fd6c0575d1fd783ab56bb/1529861824446/GNDC2013_2014CorporateProfile_email.pdf
- 107 Texas Commission Environmental Quality (TCEQ), Brownfields Program, Success Stories, https://www.tceq.texas.gov/assets/public/ comm_exec/pubs/pd/020/2015/Outlook-Nov-2015-x.pdf

- 108 Other models deployed in Austin include the installation of solar projects owned by Austin Energy on CLT homes that will eventually be donated to the CLT. Guadalupe Neighborhood Development Corporation, Guadalupe-Saldana Net Zero Subdivision, http://www.guadalupendc.org/?page_id=93&nggpage=2.
- 109 City of Miami, Miami Forever Bond, Tranche I: Project List Approved (Dec. 13, 2018), https://www.miamigov.com/files/assets/ public/document-resources/pdf-docs/miami-forever-bond tranche-1-approved-projects 12.13.18.pdf;
- 110 City of Miami Code of Ordinances, Div. 24, Sec. 2-1338 2-1344; https://www.miamigov.com/Government/Departments-Organizations/Office-of-Capital-Improvements/Miami-Forever-Bond/Miami-Forever-Bond-MFB-Citizens-Oversight-Board
- 111 Rene Rodriguez & Alex Harris, This New Plan Will Create Affordable Housing Along South Florida's Rail Path, Miami Herald (Oct. 30, 2019), https://www.miamiherald.com/news/business/real-estate-news/article236777628.html.
- 112 Climate Bonds Initiative, New York State Housing Finance Agency, https://www.climatebonds.net/certification/new-york-state-housing-finance-agency; New York State, Governor Cuomo Announces Nearly \$100 Million in New Green Bonds for Affordable Housing (Nov. 29, 2016), https://www.governor.ny.gov/news/governor-cuomo-announces-nearly-100-million-new-green-bonds-affordable-housing.
- 113 Cal. Legislative Information, Sen. Bill 795 (2020), https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_ id=201920200SB795.
- 114 California Senate Bill 196, amending Sections 75.11, 402.1, and 532 of, and adding to and repealing Section 214.18 of, the Revenue and Taxation Code. (Oct. 9, 2019).
- 115 Mass.Gen .L. Ann. 63 § 38EE
- 116 Massachusetts Association of Community Development Corporations, Community Income Tax Credit: Program Impact, https://app. powerbi.com/
- 117 Dudley Neighbors Incorporated, Invest in Us, https://www.dudleyneighbors.org/support-us.html
- 118 California Strategic Growth Council, Transformative Climate Communities Program: FY 2018-2019 Final Program Guidelines at 11-13 (Jul. 31, 2018), https://sgc.ca.gov/programs/tcc/docs/20180815-TCC_Final_GUIDELINES_07-31-2018.pdf.

