

Building Collaboration among Community Land Trusts Providing Affordable Housing and Conservation Land Trusts Protecting Land for Ecological Value

Working Paper WP23KM1

Katie Michels

David A. Hindin

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Abstract

The community land trust and conservation land trust movements are each advancing long-term, beneficial uses of land for public needs. Community land trusts primarily focus on obtaining land for affordable housing while conservation land trusts focus on using land for ecological, open space, scenic, agricultural, and/or recreational purposes. The idea for these two movements to leverage their strengths and expand their effectiveness by working together has been suggested in the past, but joint projects and organizations that span both sets of purposes are not common. Such collaboration is imperative today given the intersecting challenges of climate change, affordable housing shortages, loss of biodiversity, and racial injustice. In 2022, the Lincoln Institute of Land Policy brought representatives from conservation and community land trusts and other stakeholders together to explore the topic of collaboration. This Working Paper reviews: reasons why these groups could and should collaborate; values that center equity in collaborative efforts; hurdles to collaboration; examples of joint efforts; and most importantly, pathways to advancing collaborative efforts.

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The findings and views expressed in this Working Paper are those of the authors and should neither be interpreted as an official statement from the Lincoln Institute of Land Policy nor any of the participants listed in Appendix 1.

About the Authors

Katie Michels

Kzmichels@gmail.com

Master of Environmental Science Candidate, Yale School of the Environment

Master of Business Administration Candidate, Yale School of Management

Katie Michels is a graduate student at Yale University, studying land conservation, land stewardship, and rural community development. Prior to graduate school, she worked at the Vermont Housing & Conservation Board and the High Meadows Fund, in roles providing funding and technical assistance to both local working lands businesses and nonprofits in Vermont. She plans to continue working in land conservation and rural community development, and is dedicated to supporting vibrant, ecologically resilient, and just rural communities.

David A. Hindin

DavidHindin@outlook.com

David was an enforcement attorney, manager, and executive at the U.S. Environmental Protection Agency. His EPA career included litigating enforcement cases, developing policy and rules, strategic planning and measures, training, managing national information systems, promoting public transparency, and leading initiatives to modernize programs using evidence-based approaches. He was a 2021 fellow and 2022 senior fellow in Harvard University's [Advanced Leadership Initiative](#). David has published papers on [advanced monitoring technology to reduce pollution](#), [how to design effective regulations](#) and recently an [essay](#) and [book chapter](#) on the root causes of our environmental crises. He is now working to promote sustainability with a behavioral science focus.

Executive Summary

Introduction

In 2022, the Lincoln Institute of Land Policy kicked off an Initiative to bring together leaders from community and conservation land trusts to discuss potential areas for collaboration. The idea for these two movements to leverage their strengths and expand their effectiveness by working together has been suggested in the past by leaders from both groups, but projects and organizations that span both purposes are rare. The Lincoln Institute convened two virtual meetings and one in-person Colloquium with representatives from conservation and community land trusts and other relevant stakeholders. This Working Paper summarizes the findings from these meetings, desk research, and interviews with numerous practitioners from both communities of practice about their experiences protecting land, securing affordable housing, and in some cases, bridging the two.

Why this initiative matters

Strategic planning for land use that considers human and ecological needs and the interests of all members of a community is imperative. Organizations and initiatives engaged in land conservation and the provision of affordable, sustainable housing *together* can provide the strategic, creative, and expansive thinking necessary to manage land in ways that can make amends for historic racism while also addressing land and housing scarcity and planning for the impacts of climate change.

The community and conservation land trust movements are each advancing long-term, beneficial uses of land for public needs that fill a gap left by private development methods and public policies that shape land use in the United States. Conservation land trusts primarily focus on permanently protecting land from development while community land trusts focus on permanently affordable housing and land. Collaboration is imperative given the urgent challenges of affordable housing, climate change, biodiversity loss, and racial injustice.

While collaboration between community and conservation trusts has many potential benefits, there are substantial hurdles that have hindered collaboration. The community and conservation land trust movements are each advancing long-term uses of land that have public benefit. Development of affordable housing and land conservation each tend to happen on the fringes of dominant land development patterns that tends to prioritize private amenity values or wealth accumulation, and typically are driven by nonprofits and passionate individuals working to ensure public benefits. However, conservation organizations and affordable housing developers are set up to address their own constituencies' goals. The constituencies of these organizations are often quite different, as are their priorities for land use. There are practical,

cultural, financial, and institutional challenges to collaboration between conservation and community land trusts.

At the same time, collaboration is imperative. As pressures on land and biodiversity become more acute, coupled with strategic, scientifically-based global conservation policy priorities like 30x30, which calls for protecting 30% of land and water resources by 2030, the pace of land conservation must increase. So too, in the face of acute housing shortages, increasing housing unaffordability, and histories of racial discrimination limiting who has access to housing, more affordable housing must be developed and made available to all residents of a community. To ensure these goals of open space protection and property development might be done in ways that mutually benefit or at least don't contradict each other's work and strategic priorities, collaboration is imperative.

Conservation and community land trusts have both shared and distinct interests and methodologies. They oversee and steward long-term, in some cases perpetual, uses of land; are typically set up as nonprofit entities with boards made of community representatives; and raise funds from individual donors, foundations, and government agencies to support the acquisition, protection, and stewardship of real property. Each movement also has different skills, approaches, tools, and constituencies built over several decades of experience that can inform and improve the other's effectiveness. The community land trust movement has expertise in addressing land injustice and serving marginalized communities that will be disproportionately impacted by climate change. Conservation land trusts have experience in building public support for and financing protected open space and an understanding of how climate change will affect natural and human infrastructure. Each has significant resources to share.

In a future shaped by both climate change and the need to provide access to housing and open space for all, practitioners, organizations, and policymakers must bridge the organizational boundaries and siloes between affordable housing and land conservation. Those working on these important goals would benefit from combining their individual strengths and constituencies to achieve both individual and collective goals. Balanced and collaborative efforts must be rooted in purposeful, equitable relationships; principles of meaningful and inclusive community engagement; equal respect for the rights of humans and nature; and respect for local needs and contexts.

Goals of this Initiative

This Initiative, which included the organization of two preparatory webinars, an in-person Colloquium, and this Working Paper, was designed to facilitate and create:

1. A more strongly connected network of conservation land trust, community land trust, and other affordable housing practitioners who communicate and exchange information with greater frequency.

2. New partnerships between these leaders and their organizations on climate resilience and housing affordability initiatives, among others.
3. A clear and well-informed agenda identifying productive areas of engagement leveraging the experience and expertise of both communities-of-practice and bringing collaboration to the forefront of their strategies in the future.

These three actions are important to help increase the pace and scale of projects that conserve more land and provide additional affordable housing, either as integrated projects or coordinated efforts in a community.

What are conservation and community land trusts?

Collaboration as described in this Working Paper includes, but is not limited to, partnerships between conservation and community land trusts. Because this initiative focuses on conservation and community land trusts as leaders and movements with decades of experience in land conservation and affordable housing, this Working Paper offers background on these two types of organizations. However, the findings and lessons of this research are likely relevant to other entities that conserve land and work on housing affordability in each community.

A Conservation Land Trust (hereinafter, *land trust*) conserves land using tools like land acquisition or a conservation easement. Land trusts may protect wildlands and woodlands, trails, parks, agricultural and working lands, and land in urban centers. There are an estimated 1,281 land trusts in the U.S., with service areas that are local, regional, and national in scale. Land trusts have conserved about 61 million acres of private land. Land trusts are supported by the Land Trust Alliance, which sets national standards for land conservation practices, provides technical assistance, engages in policy advocacy, provides insurance for the legal costs of safeguarding conservation land or easements, and serves as a strategic thought leader.

Community Land Trusts (hereinafter, *CLT*) hold land associated with housing in permanent trust to ensure perpetual affordability through a tool called a “ground lease.” Residents of CLTs, who typically are income-qualified, have a partial ownership interest in the property: they typically own their home, while the land the building sits atop is owned by the CLT. CLT ownership ensures that land is permanently removed from the market and managed on behalf of the community. A ground lease balances the interests of the homeowner and the landowner and ensures affordability. The lease is inheritable, mortgageable, and typically lasts 99 years. CLTs have a tripartite governing structure: (1) leaseholders living in leased housing; (2) community members who live in the CLT's service area; and (3) local representatives from government, funding agencies, or the nonprofit sector. The CLT movement is supported by the Grounded Solutions Network and the Center for Community Land Trust Innovation. There are about 302 CLTs in the U.S., providing about 15,000 units of affordable housing.

This Initiative focuses on affordable housing provided by CLTs, because of the long-term affordability and ways that persons living in this housing have an ownership interest. However, there are many other types of affordable housing developers. Specifically, shared equity homeownership models, such as deed-restricted homes and limited-equity cooperatives, have similar missions to CLTs. Land banks are municipal or nonprofit entities that support publicly beneficial uses of land, and they can acquire, manage, redevelop, and sell tax-delinquent land for affordable housing (among other purposes). These types of organizations may also be relevant partners in this work.

Organizations with missions and programs that borrow elements from each of these two models to accomplish goals that include and encompass land conservation, land affordability, access to open space, affordable housing, and community self-determination also exist. While some of these organizations, such as the Community Land Conservancy (Seattle, WA) and Agrarian Trust (national) are relatively recent, others like the Athens Land Trust (Athens, GA) and New Communities, Inc. (GA) have existed for decades. Other relevant partners in this work whose missions transcend land conservation and affordable housing goals include land banks, regional planning commissions, community economic development corporations, and public and private funders.

Defining collaboration

Fostering collaboration is the overarching purpose of this initiative. Collaboration describes efforts that support the provision of affordable housing and land conservation in ways that address community needs, center land justice, and respect existing organizations and efforts with localized knowledge and expertise. Collaboration may include projects that support multiple goals and benefits (i.e., housing and open space protection), as well as relationship building efforts that lead to mutual support. Below are some examples of what collaboration might look like:

1. Purposeful relationship building between land conservation and affordable housing networks and organizations with knowledge sharing at multiple scales to advance the goals of protecting open space and developing affordable housing. These relationships may not lead to jointly undertaken projects but can foster mutual support for each other's work.
2. Multi-goal and multi-benefit projects supported and/or funded in partnership between a conservation and affordable housing organization(s). Partnering with groups with expertise in open space protection and affordable housing development tends to be the most efficient way to advance collaboration.

3. Multi-goal projects with conservation and affordable housing elements, but without organizational collaboration. Projects that advance multiple goals may be done by single organizations in communities where conservation and community land trusts do not both exist, or where the missions of existing organizations do not align with these multi-goal projects.

Potential Benefits from Collaboration

Conservation and community land trusts have skills, expertise, and relationships that, combined, can bring urgently needed capacity to conserving land and building affordable housing to advance equity and climate resilience. Collaboration among conservation and community land trusts could benefit both communities of practice for the following reasons, among others:

1. Shared focus on long-term public beneficial uses of land not addressed by predominant for-profit practices. Both conservation and community land trusts are driven to fill gaps that are created by the dominant U.S. paradigm of private ownership of land to maximize private profit or interests without concern for issues of justice, access, affordability, or ecological stewardship.
2. Complementary expertise and tools with potential for learning from each other. Working together may unlock more resources than individual organizations could alone. Both conservation and community land trusts use perpetual legal agreements that ensure beneficial, non-market uses of land in perpetuity. Differences in expertise, tools, approaches, and stakeholders create potential for learning from each other. Sharing across their umbrella organizations (Land Trust Alliance, Grounded Solutions Network, and the Center for Community Land Trust Innovation) could lead to cross-pollination and expand expertise, knowledge, tools, and stakeholder support. Each group has access to a unique group of public and philanthropic funders.
3. Operating as nonprofit entities that understand fundraising and using volunteers. Both groups raise funds from foundations, government agencies, and private donors to do their work and use volunteers to do some of their work. Both groups are aware of the challenges of reliance on volunteers and outside funders. Shared challenges create common ground that can be leveraged to help the groups more effectively work together.
4. Combined advocacy for funding and land use planning that would elevate the importance of land conservation and affordable housing needs. Through collaborative advocacy about the value of affordable housing and land conservation, the groups could encourage local and state governments to make more holistic zoning and funding decisions. The groups might work together at the regional or national level to create

guides for how to leverage existing and new federal funding (i.e. the Inflation Reduction Act or the Bipartisan Infrastructure Bill) and other federal incentives that could facilitate collaborative projects.

5. Strategic thinking about land access to address histories of discrimination and advance land justice goals. Access to and public and private funding for land and housing have been disproportionately afforded to white people. Centering the perspectives of historically marginalized groups in the advocacy conservation and community land trusts already do related to land use planning could help to make amends for these histories.

Limited Examples of Collaboration and Hurdles to be Overcome

The research for this Working Paper found limited examples of collaboration among conservation and community land trusts. This is likely because there are substantial hurdles to realizing the benefits of collaboration. The following hurdles were identified from discussions with practitioners from both communities of practice:

1. **Origin Story and Mission Differences.** CLTs were likely to have been brought to life to address an affordable housing gap in a community. Some CLTs were founded and exist specifically to address histories of housing discrimination based on race. In contrast, many land trusts started to preserve a scenic or ecologically significant property. Traditionally, the staff, volunteers, board members, and donors that support each organization are focused on these different public missions. Each may feel that the other's mission is not relevant to and/or impedes their work.
2. **Differing Levels of Public Support.** Conservation is often a more visible and widely supported goal, while affordable housing can be seen as an outcome that primarily benefits residents.
3. **Siloed Structures, Expertise, and Stakeholders.** The Board, staff, and volunteers working to advance a particular project may lack the knowledge, skills, abilities, and connections to understand how to do work outside their scope. The Boards of CLTs have a tripartite governing structure: 1/3 of board members are community residents who live in the housing, 1/3 are residents who live in the surrounding neighborhoods, and 1/3 are other interested public stakeholders. In contrast, land trust board members are likely to be wealthier and not live on or near the conserved land and may have more amenity values rather than direct relationships to the mission.
4. **Differences in Constituencies and Communities Served.** CLTs serve individuals, households, and communities that are very low to moderate income levels. While many conservation land trusts are now working to implement community-based conservation

strategies, the land trust movement has historically served wealthier individuals, households, and communities. Community land trusts often are led by and serve people of color, while conservation land trusts have historically been led by and serve white landowners and constituencies.

5. **Differences in Culture and Scale.** Compared to CLTs, land trusts may be wealthier organizations with greater access to political power and financial resources. And while almost all CLTs likely have a local focus, there are some land trusts that have a regional, statewide, or national focus. There are also many communities where a CLT is not operating: CLTs tend to be in urban areas while land trusts tend to work in rural or suburban areas. There are many more conservation land trusts (1,262) than CLTs (302).
6. **Competition and Disagreements.** Some local conservation and community land trusts have had negative experiences with each other and may view the other as competitors. In some cases, conservation land trusts have actively prevented affordable housing developments, leading to distrust between the two movements.
7. **Multi-Goal Projects are More Complex.** Multi-goal projects could be more expensive and take longer than individual conservation or housing projects. A multi-goal project may need to engage more government agencies, funders, and stakeholders as well as navigate additional regulatory requirements. This could extend project timelines and increase costs.
8. **Funders May Not Support Multi-Goal Projects.** The government agencies, foundations, and donors that fund affordable housing and land conservation are often different. Public funding is set forth in different statutes and overseen by different government agencies. Regulations may make multi-goal projects harder. Coordinating multiple funding sources to support a single project can be very challenging. Many philanthropic organizations are siloed in their grantmaking and staff expertise.
9. **Legal Frameworks May Hinder Creativity.** Conservation and community land trusts may create their own restrictions that hinder collaborative outcomes. For instance, conservation easements may not allow for multi-goal projects. Providing affordable farmworker housing could be hindered if easements permit housing for only farm or landowners. Existing buildings on conserved lands may be subject to easements that would block them from being converted to affordable housing, even if such housing would have no adverse impact on larger conservation goals.

Collaboration between conservation and community land trusts is uncommon and seems to be an exception rather than the norm. The research for this Working Paper suggests that 8 to 9% of conservation land trusts engage in some way in supporting affordable housing, primarily with affordable housing organizations that are not community land trusts.

Pathways to increasing collaboration

Collaboration between conservation and community land trusts might take multiple forms. The following pathways may help to facilitate collaboration. The pathways can be divided by geographic focus: national and state efforts compared to regional and local efforts.

National and State-level efforts

- 1. Integrated Incentives and Requirements from Federal and State Agencies and Foundations:** Funders and policymakers can support integrated projects by providing capacity and resources towards projects that advance both land conservation and affordable housing. Since there are few agencies that provide integrated incentives, the conservation and community land trust communities may need to educate and advocate for the value of such efforts.
- 2. Creating Networks, Tools, Knowledge, and Expertise to Support Collaboration and Multi-Goal Projects.** The national groups that support these communities and goals – such as the Grounded Solutions Network, Land Trust Alliance, Center for Community Land Trust Innovation, Lincoln Institute of Land Policy, Center for Community Progress, and others – may be ideal players for doing this work if resources can be found. There are also state- and regional-level associations that might be leveraged here. Networks among the national and state groups could be created to meet periodically to facilitate collaborations. Tools could be developed on, for example, land banking or model easements that support housing and conservation. Guides could be created to provide practical information on how to do multi-goal projects or how to leverage the new funding and programs established by the Inflation Reduction Act, the Bipartisan Infrastructure Bill, and other federal funds that could incentivize collaborative projects. A proposal to create a practical guide with hands-on expert consulting services to help conservation and community land trusts identify, develop, and implement beneficial solar energy projects to enhance their missions and address climate change is included in Appendix 4.

Local and Regional Efforts

- 3. Local and Regional Initiatives to Build Relationships and Develop Shared Goals.** Creating purposeful relationships across conservation and community land trusts takes effort, time, and resources. A respected member of the conservation land trust community, the CLT or affordable housing community, or a neutral party usually must initiate the relationship-development process. Affordable housing and land conservation groups can together engage in public land use planning. Both groups could come together to look at open parcels and identify collective priorities for uses (housing, conservation, etc.). Or such a process might help identify “zones” that are best suited

for housing or open space protection to reduce conflict over individual parcels. Coordinated land use planning may reduce case-by-case conflicts.

4. **Conservation and Community Land Trusts Working Together on Specific Projects.** Conservation and affordable housing groups should ask whether multi-goal outcomes are possible for each project they do. For conservation projects, there could be opportunities to include affordable housing for local residents, such as farm workers on farmland conservation projects or portions of natural areas projects that are near city infrastructure. For affordable housing projects, there could be opportunities for open space preservation, public access to nearby open space, or carving out a small patch of land for a garden or public park. Groups working and advocating together can publicly illustrate mutual support. Policymakers appreciate coordinated asks from groups who are sometimes seen as competing for limited resources.
5. **Conservation and Community Land Trusts Learning From Each Other and Their Communities.** Each group has different skills and expertise and engages with different stakeholders. Each has a distinct set of community members they serve. These differences can be leveraged as an asset to make each group stronger. Groups may also consider engaging with others active in their community, such as grassroots community groups, to ensure they are representing the interests of their full community.
6. **New Organizations with Missions Focused on Multiple Goals.** Most existing organizations are set up to advance land conservation or affordable housing, but not both. Changing programs and cultures at existing organizations can be challenging. Sometimes creating a new organization, led by individuals with commitment to multiple goals and a deep understanding of community interests, may be a valuable approach.

Conclusion

This initiative began the process of bringing practitioners together to create collaborative efforts to conserve more land and provide additional affordable housing. There are both imperatives for and practical benefits to conservation and community land trusts working together towards these goals. There are also substantial hurdles to such collaborations.

The “Pathways” section of this Working Paper provides a menu of actions to overcome these hurdles for moving forward. Each of the Pathway actions presented in this Working Paper is in search of a champion. Many organizations can start to implement these actions, ranging from individual land trusts and affordable housing groups engaging in joint or collectively envisioned projects, to state and national organizations coming together to support their members with capacity development. One next step to begin to implement the Pathways could be for the national and state organizations to promote the value of collaboration and review the Pathways for action at their meetings.

This work will best be accomplished if many organizations, working at multiple scales, each infuse the strategic thinking necessary to think across goals of land conservation and affordable housing into their work. Organizations engaged in land conservation and the provision of affordable, sustainable housing together can provide the strategic, creative, and expansive thinking necessary to manage land in ways that can make amends for historic racism while also addressing land and housing scarcity and planning for the impacts of climate change.

Working Paper

A. Introduction

In 2022, the Lincoln Institute of Land Policy kicked off an Initiative to bring together leaders from conservation and community land trusts to discuss potential areas for collaboration. These groups are each engaged in missions that contribute to the common public good by securing perpetual uses of land to support conservation or affordability outcomes. In addition to conservation and community land trusts, there are additional entities who support the protection of more land and the development of new affordable housing and create the policy and funding environments needed to foster these outcomes. The idea for groups developing affordable housing and protecting land to leverage their strengths and expand their effectiveness by working together has been suggested many times over the past thirty years. However, projects and organizational collaborations that span both purposes are rare.

Given the need in the U.S. for greater racial and economic equity; solutions to adapt to and mitigate the effects of climate change and biodiversity loss; and the imperative to increase the quality and quantity of and access to affordable housing, there is both a high level of interest in and an acute need for collaboration across land conservation and affordable housing groups. To support increased collaboration, in 2022 the Lincoln Institute of Land Policy convened two virtual meetings and one in-person Colloquium with representatives from conservation and community land trusts and other stakeholders. This Working Paper summarizes these conversations and the results of desk research and interviews with numerous practitioners from both communities of practice about their experiences protecting land, developing affordable housing, and in some cases, both. This Working Paper explores reasons why these groups could and should collaborate; principles for collaboration that will center equity and climate resilience in future work; potential hurdles to collaboration; and most importantly, pathways for collaboration to overcome these hurdles.

What is collaboration?

Collaboration, as described in this Working Paper, encompasses efforts that support the provision of affordable housing and land conservation in ways that respect community needs, ecological health, and existing organizations and efforts. Collaboration may include specific projects that support multiple goals (including housing and open space protection), as well as relationship building efforts that lead to mutual support. Collaboration must be attentive to a community's needs and consistent with the core values described in this Working Paper. Collaboration may fall into the following categories, which are not mutually exclusive.

1. Purposeful relationship building between land conservation and affordable housing organizations:
 - a. Relationship building at the local, regional, and national level between conservation and community land trusts to advance their missions. This might mean creating structures in which staff or board members from conservation and community land trusts regularly meet to align their actions and resolve issues.
 - b. Advocacy and land use planning in which both groups support each other's goals for the importance of conservation and affordable housing, and do not oppose projects by the other. In other words, collaboration might mean working independently in different areas, and understanding why the other's work is geographically, ecologically, or culturally appropriate.
 - c. Sharing of knowledge, skills, resources, relationships, and funding.
 - d. In addition to affordable housing and land conservation groups, community members' goals can and should be considered as part of relationship building efforts. Engaging with grassroots community groups or others who have been working to understand community needs may be a strategy for ensuring that community needs, values, and interests are appropriately considered.

2. Multi-Goal Projects with both conservation and affordable housing elements championed by a conservation and community land trust partnership. Ideally both organizations would be involved in all phases of the project – planning, initiating, designing, and implementing. Partnering with groups with existing expertise in the complex tasks of developing affordable housing or protecting open space tends to be the most efficient way to advance collaborative projects.

3. Multi-Goal Projects with both conservation and affordable housing elements, but without organizational collaboration. In communities where conservation and community land trusts do not both exist, or where the missions of existing organizations do not align with community, organizational or project goals, projects that advance multiple goals may be done by single organization.
 - a. A land trust may work with other affordable housing groups or local governments to include affordable housing as part of a conservation project.
 - b. A land bank may provide land for new or rehabilitated affordable housing developments, protected open space, or in some cases, both.
 - c. New, multi-goal organizations may be created to advance community vitality and improvement goals that include both affordable housing and land conservation.

What types of organizations can advance this work?

Conservation and community land trusts are active in both the U.S. and internationally, though this Initiative focuses on work in the United States.

Collaboration must include, but not be limited to, conservation and community land trusts. There may be no CLTs in the area where a conservation land trust works or is specifically interested in developing affordable housing. Similarly, CLTs may collaborate with other providers of open space, such as municipalities. Collaboration works best when it engages partners who know a community and have relevant expertise. Over the course of this research and stakeholder engagement, this Initiative's focus expanded beyond conservation and community land trusts to include a broader group of affordable housing, community development, and land protection organizations with aligned strategic goals. This initiative has centered on affordable housing provided by CLTs, because of their commitment to long-term affordability and the ways that persons living in CLT housing have an ownership and governance interest. However, there are other types of shared equity homeownership models, such as deed-restricted homes and limited-equity cooperatives, which are also relevant partners in this work. There are other types of entities that make long-term decisions about and provide funding for land acquisition and use, such as municipalities and land banks. And, while community and conservation land trusts each serve existing constituencies, there may be other groups active in a community that represent and advance additional groups of people and sets of community values; these community groups may also be relevant partners. Because conservation land trusts and community land trusts were the initial focus of this effort, they receive most of the focus in this paper.

A Conservation Land Trust (hereinafter, "land trust") is a "nonprofit organization that, as all or part of its mission, actively works to conserve land by acquiring land or conservation easements (or assisting with their acquisition), and/or stewarding/managing land or conservation easements" (Land Trust Alliance, 2022). Land trusts may protect wildlands and woodlands, trails, parks, agricultural and working lands, suburban parcels, or land in urban centers. There are an estimated 1,281 land trusts in the United States (Land Trust Alliance, 2022). Most are local (often without paid staff), some are regional, and a few are national in scope.

Land trusts have conserved 61 million acres of private land across the nation (Gaining Ground - Land Trust Key Facts, 2022). Land trusts today exist in each U.S. state and have service areas that range from individual towns to entire states or tribal territories or even the full nation. The first land trust, the Trustees of Reservations in Massachusetts, emerged in 1891. Some scholars argue that the Mount Vernon Ladies Association in Virginia, which protected the land on George Washington's Mount Vernon estate in the late 1850s, was effectively acting as a one-site land trust.

Today, conservation land trusts are supported by the Land Trust Alliance, a national organization that has served as a key institutional framework for land conservation organizations across the United States. The Land Trust Alliance sets national standards for land conservation practices, provides technical assistance, engages in national policy advocacy, provides insurance for the legal costs of safeguarding conservation land or easements, and serves as a collective voice and strategic thought leader for its members across the United

States. Of the approximately 1,281 land trusts in the U.S today, 948 are members of the Land Trust Alliance and 459 are accredited per Land Trust Alliance Standards and Practices.

A Community Land Trust (hereinafter, “CLT”) holds land associated with housing in permanent trust to ensure perpetual affordability, often through a tool called a “ground lease.” Residents of CLTs, who typically are income-qualified, have a partial ownership interest in the property: typically, they own their home/building, while the land the building sits atop is owned by the CLT. CLT ownership ensures that the land will not be sold; it is instead permanently removed from the market and managed on behalf of the community. A ground lease balances the interests of the homeowner and the landowner and ensures affordability. The lease is inheritable, mortgageable, and typically lasts 99 years. CLTs have a tripartite governing structure: (1) leaseholders (adults living in leased housing); (2) community members (adults who live in the CLT’s service area); and (3) public interest members (local representatives from government, funding agencies, and nonprofit sector).

The CLT movement is much younger than the conservation land trust movement. The first known CLT in the United States is New Communities, Inc., a nonprofit that aimed to build a cooperative serving low-income black farming families in New Albany, Georgia in 1969 by providing both farmland and housing for members of this community. New Communities and some other CLTs were explicitly formed to ensure that Black Americans had access to the wealth creation opportunities that result from land and home ownership, since homeownership tends to be the largest asset that many families have.

The CLT movement has become firmly established and is today supported by Grounded Solutions Network and the Center for Community Land Trust Innovation. Grounded Solutions Network, created in 2016 out of the merger of two other organizations, supports networking, training, policy advocacy, and knowledge exchange across CLTs and other entities that support shared equity homeownership. The Center for Community Land Trust Innovation, founded in 2018, has conducted research and shared information and training for CLT professionals to support community-driven affordable housing through the CLT model. Today, there are about 302 CLTs in the U.S., and they tend to be concentrated in cities and urban areas.¹ In 2018, CLTs collectively provided about 12,000 housing units (Thaden, 2018).² Today, that number may be closer to 15,000.

There are also organizations with missions and programs that use elements from each of these two models to accomplish goals that include land conservation, land affordability, access to open space, and affordable housing. While some of these organizations, such as the Community Land Conservancy (Seattle, WA) and Agrarian Trust (national) are relatively newly founded, others like the Athens Land Trust (Athens, GA) and New Communities, Inc. (GA) have existed for

¹ Estimating the CLT universe is not precise because there are different definitions of CLTs. The 302 number is from the Center for Community Land Trust Innovation website summary chart. Grounded Solutions Network is expected to be updating their census of CLTs by 2023.

² Email exchanges with Grounded Solutions Network and John Emmeus Davis confirmed this estimate to be reasonable. Grounded Solutions will be doing a survey to get current data, expected to be completed in 2023.

a long time. New Communities, Inc. is a community land trust that was founded in 1969 with a multi-part mission of black land stewardship, farmland preservation, and housing. It was created to ensure self-determination by black farmers in Georgia, and its focus on meeting constituent needs while attending to both human and conservation needs can serve as a model and inspiration. Land banks, which allow municipalities to steward vacant lots and turn them into community assets (including both affordable housing and public recreation areas, depending on geography and mission), are another relevant partner.

B. Goals, Purpose, and Values

Goals

This Initiative, including the organization of two preparatory webinars, an in-person Colloquium, and this Working Paper, was designed to facilitate and develop:

1. A more strongly connected network of conservation land trust, community land trust, and other affordable housing practitioners who communicate and exchange information with greater frequency.
2. New partnerships between these leaders and their organizations on climate resilience and housing affordability initiatives, among others.
3. A clear and well-informed agenda identifying productive areas of engagement leveraging the experience and expertise of both communities-of-practice and bringing collaboration to the forefront of their strategies in the future.

These three actions are important to help increase the pace and scale of projects that conserve more land and provide additional affordable housing, either as integrated projects or coordinated efforts in a community. Ideas for accomplishing these goals are described in Section D, Pathways to Address Hurdles.

Core Values

Based on conversations with practitioners from the two communities of practice, the following core values have been identified. These principles should guide how conservation land trusts and CLTs might initiate new, purposeful relationships, and then for how the groups can work together and work with members of their communities. They can guide efforts to accomplish such a collaboration with attention to issues of equity and representation, and consideration for the rights of both humans and nature.

1. **Shifting Power:** Build new relationships authentically and equitably. As in all new partnerships, conservation and community land trusts must get to know each other's goals, strategies, and tools, and respect and trust the expertise of others. What does each partner need from the partnership, and what will each partner bring? Shared goals and relationship norms should be identified and prioritized through thoughtful processes. Are funding and other resources - such as foundation and donor contacts, political connections, and advocacy power - being shared equitably? How can power be shared, and ultimately shifted to people and places with less power, through collaborating? Trust, while a foundation for equitable relationships, will take time, patience, and potential discomfort to build.
2. **Acknowledge History:** Recognize historical injustices and work to increase access, particularly for underrepresented and under-resourced groups. At times, land conservation has served as a tool of exclusion, restricting use of land by particular groups of people. In both fields, control over land is a form of power, or even, a manifestation of power itself. As Bummi Anderson, a resident of New Communities, said, "Land is power. Land is equity. Land is wealth" (Lipuma, 2021). That power, along with equity and wealth, can be equitably distributed and has not been. Conservation and community land trusts each have tools to increase access to land and make amends for prior wrongs. This effort could serve as a strategy for building and shifting power, equity, and wealth for BIPOC (Black, Indigenous, and People of Color) and low-income communities.
3. **Listen:** Seek out and implement perspectives and needs from all community members, and particularly historically marginalized communities. Organizations should recognize that their perceptions about the demographic and economic makeup of their community may relate more to those with whom they interact with rather than the larger and full community they exist within. Community and partner engagement should distinctly center the perspectives of communities that have been historically marginalized, particularly BIPOC and low-income perspectives. This requires listening to individuals and communities about their concerns, priorities, and ways of knowing land, and then trusting what they say. Grassroots community groups have been doing this type of organizing for a long time, and they may be relevant partners in community engagement efforts. Community engagement efforts should be focused on understanding and meeting the full community's needs, priorities, and solutions. Nonprofits must change norms, systems, approaches, and processes to embed respect for and attention to marginalized communities and their needs.
4. **Curiosity:** Recognize that existing solutions may not be the only answers. Organizations should ask themselves, "What solutions are we not considering, and why?" Scientific or economic analyses may not be the only ways of understanding and identifying solutions to a land use or community issue. Status quo methods of stewarding, protecting, or accessing land or developing housing are not the only ways. Understanding alternative ideas or perspectives requires truly listening to community members about their

concerns, their priorities, and their ways of knowing land, and respecting and trusting their knowledge, experiences, and expertise. This may require working in ways that celebrate, respect, and grow the power and knowledge in historically marginalized communities.

5. **Specificity:** Respect regional needs and context with appropriate methods and projects. Local partnerships and organizations must be defined based upon who is present in a community, its history, and unique conditions. Outcomes cannot be predetermined by best practices and case studies from elsewhere, but rather, must be informed by local realities. Groups in each community may together determine what outcomes make the most sense.
6. **Reciprocity:** Recognize the intrinsic value of nature, and that there are reciprocal ways to relating to land and people beyond the dominant Western paradigm of seeing nature as only an economic resource. Historically land trusts have generally focused on ecological wellbeing, while CLTs have focused mostly on housing people. But the requirements of humans and nature need not be fundamentally at odds. Considering reciprocal and non-western ways of relating to and using land may be one strategy for expanding beyond human-nature dichotomies.

C. Key Findings

The Need for Collaboration

Collaboration among conservation and community land trusts is imperative to address ongoing crises of inequities in access to land and housing, affordable housing, and climate change and biodiversity loss. Conservation and community land trusts, through their understanding of and deep relationships with both human and natural communities, could be well positioned to address these “wicked problems” which do not have easy solutions or solutions that can be championed by one group alone. The following issues require collaborative and innovative solutions that go beyond status quo approaches.

1. **Racial Inequities in Access to Housing and Land:** Land, property, and housing ownership are the single largest drivers of wealth accumulation in the United States. Land use policy in America has intentionally created land loss and restricted who has had access to home and land ownership, leading to entrenched disparities based on race and class. Norms of private property ownership and control do not respect cooperative, communal, or collective traditions of land governance. Policies have restricted who has had access to home and land ownership, leading to disparities in property ownership and overall wealth accumulation. Since the 1950s, policies to encourage home ownership have explicitly and implicitly favored white Americans.

Homes are the most valuable asset for many Americans, particularly for wealthier Americans (HUD 2004; Carroll and Cohen-Kristiansen 2021), leading to outcomes like White Americans having a median net worth nearly 10 times greater than Black Americans (Levitt 2018). Today, Black Americans are far less likely to own their homes (in 2017, 72% of white Americans owned their home, while 42% of Black Americans did (Choi 2020)). Black Americans are also less likely to accrue wealth through their homes due to ongoing legacies of structural discrimination, including: predatory lending practices; lower appraised values of Black-owned homes, even in majority-white neighborhoods; lower valuation overall of majority-Black neighborhoods; historic under-investment and disinvestment in BIPOC neighborhoods, resulting in fewer neighborhood amenities like parks, street trees, and sidewalks (Kamin 2022). Access to other types of property has also been restricted because of racist policy: Many Black farmers were dispossessed of their land in the 20th century by discriminatory federal agricultural lending programs (Newkirk 2019). Collaborative efforts must consider Vann Newkirk’s powerful question: “How can reparations truly address the lives ruined, the family histories lost, the connections to the land severed?”

2. **Housing Affordability Crisis:** A recent Pew survey illustrates the depth of the housing affordability challenges currently facing the United States: Half of Americans say that access to affordable housing is a challenge in their communities (Schaeffer 2022). This is true in both rural and urban communities, though more pronounced in urban areas. The National Low Income Housing Coalition estimates that the United States needs 7 million more homes for low-income Americans, and that housing shortages exist in every state. While 44% of White Americans describe affordable housing as a problem in their community, 57% of Black and 55% of Hispanic adults do so, suggesting that affordable housing is harder for people of color to access (Schaeffer 2022). Access to housing has long been a challenge in America, particularly for low-income and BIPOC individuals: demand for housing has outstripped supply, new housing is not being built at a fast enough rate, and existing homes and mortgage rates are not affordable for many (Maye and Moore 2022). As demand for homeownership increases and the cost of homes outpaces wage growth, this issue will continue to worsen.
3. **Climate Change and Biodiversity Loss:** These twin ecological crises will challenge our thinking about land use. Climate change will bring unknown future land use challenges such as flooding, wildfire, changing precipitation patterns, and sea level rise. It will affect everything on both a global and a community level, bringing economic and ecological effects that will affect conservation and housing outcomes. It will put pressure on housing prices, land prices, farmers’ livelihoods, community livability, and where people live today versus where people should move to minimize exposure to wildfires, floods, and hurricanes. Issues related to equitable or market-based retreat as people move away from areas subject to climate change disasters will turn some climate refuges into migration targets. Climate-induced

migration (sometimes called retreat) will create conflicts over the “highest and best use” of land. For example, rural towns in locations identified as climate refugia may not want to permanently prevent development on all existing open space. Rapid species extinction due to both climate change and development of land is a challenge that must be addressed. Planning for climate resilience in the face of flooding and more extreme weather events is an additional need. How to develop and implement strategic managed retreat and how to plan for climate resilient communities is beyond the scope of this Working Paper, but others such as Mach and Siders (2021) and the Georgetown Climate Center (Ganthier et al. 2020) have explored this challenge.

While there is a strong need and value for collaboration among conservation and CLTs to engage in purposeful relationships and multi-goal projects, that collaboration must include all organizations involved in land conservation and affordable housing. In particular, the 1,281 conservation land trusts cannot just work with the 302 CLTs as there may be no CLTs in the area where a conservation land trust might be able to advance affordable housing. Conservation land trusts should increase efforts to collaborate with all organizations that are engaged in affordable housing, even if they are not a CLT. Our research indicates that for the estimated 8 to 9% of conservation land trusts that are engaged in some way in supporting affordable housing development, their partners are primarily non-CLT affordable housing organizations. This is partly because there are relatively few CLTs in the United States. Moreover, the affordable housing gap is so large that the CLT community is too small to address the gap; other organizations must be brought in. Similarly, CLTs would benefit from working with a broad range of organizations that advance land conservation and planning to ensure that the benefits of open space accrue to their members.

Potential Benefits from Collaboration

Conservation and community land trusts have skills, expertise and relationships that combined could bring new capacities to conserving land and building affordable housing with ready access to green space and doing this to advance equity and climate resilience. Collaboration among conservation and community land trusts could lead to stronger, better results from their:

1. **Shared Focus on Beneficial Uses of Land Not Addressed by Predominant Development Practices.** Both conservation and community land trusts are driven to fill gaps that are created by the dominant U.S. paradigm of private ownership of land to maximize private profits. Even though pursuing land conservation and affordable housing are different goals, both groups are united by the need to work outside the dominant land use and development paradigms that make their work so challenging. Facing similar challenges could bring the groups together to support each other.

2. **Complementary Expertise and Tools with Potential for Shared Learning.** Both conservation and community land trusts use perpetual legal agreements (i.e. deed or easement restrictions and land purchase/ownership) that ensure beneficial, non-market uses of land in perpetuity. There are enough commonalities in expertise and tools that collaboration by these groups could lead to enhanced expertise, better or new uses of existing tools, or the creation of new and innovative tools. At the same time, differences in expertise, tools, approaches, and stakeholders create potential for learning from each other. Sharing across their own umbrella organizations (Land Trust Alliance, Grounded Solutions Network, and the Center for Community Land Trust Innovation) as well as across individual conservation and community land trusts could lead to cross-pollination and expand expertise, knowledge, tools, and stakeholder support.
3. **Shared Organizational Structure.** Both organizations operate as nonprofit entities that understand fundraising and using volunteers. As nonprofit entities, both groups raise funds from foundations, government agencies and private donors to do their work. Both use volunteers to do some of their work, and thus share expertise in recruiting and using volunteers. Both groups are aware of the limitations of reliance on volunteers and outside funders. Shared challenges create common ground that can be leveraged to help the groups more effectively work together. In contrast, there are differences in culture as most land trusts (compared to CLTs) tend to have board members, volunteers and private donors with greater wealth and access to political power.
4. **Combined Advocacy Potential.** Conservation and community land trusts could collectively advocate for funding and land use planning that would elevate importance of land conservation and affordable housing needs. In general, conservation and community land trusts have relied on distinct sources of funding. Shared advocacy could yield broader public and government support, and potentially new streams of funding for the missions of each. For example, in Vermont, joint advocacy by the Vermont Housing and Conservation Coalition for state funds for the Vermont Housing and Conservation Trust Fund (housed at the Vermont Housing and Conservation Board) has ensued sustained funding for these multiple goals, and bipartisan political support for the entity through time. As Vermont Housing and Conservation Board Executive Director Gus Seelig commented, “Legislators appreciate it when diverse groups request the same thing,” because one holistic ask that satisfies multiple public priorities rather than competing, siloed asks simplify matters for legislators. In addition, joint advocacy could lead to better government programs, such as regulations, policy, zoning, and land use plans, that integrate the need for expanding affordable housing and land conservation. The groups might work together at the regional or national level to understand how to leverage the new funding and programs established by the Inflation Reduction Act, the Bipartisan Infrastructure Bill, and other federal incentives that could facilitate collaborative projects.
5. **Strategic Thinking About Land Access to Address Histories of Discrimination and Advance Land Justice Goals.** Access to and public and private funding for land and

housing have been disproportionately afforded to white people. Centering the perspectives of historically marginalized groups might help make amends for these histories of land- and housing-based discrimination.

The potential benefits of collaboration or even loose coordination among conservation and community land trusts are generally not being obtained because there are hurdles to creating these collaborative efforts that these organizations must recognize and then create pathways to overcome.

Limited Examples of Known Collaboration or Multi-Goal Projects

Despite the potential benefits and the literature advocating for the benefits of collaboration for at least 20 years (Campbell and Salus 2003; Bodin 2022; Stein 2022), there are relatively few examples of collaborations between conservation and community land trusts.

The Land Trust Alliance's 2021 Census survey to land trusts asked the following question: "Does your land trust partner with groups involved in affordable housing?" Ninety-four of 569 land trust survey respondents answered Yes. If these 94 land trusts were truly doing work related to affordable housing, this would be 16.5% of the survey respondents. As part of the research for this Working Paper, 30 of these land trusts were randomly selected for in-depth interviews.

Nineteen of these 30 land trusts responded to outreach and were interviewed (11 did not respond). For these 19 conservation land trusts, there were very few collaborations with CLTs. Nine did not do any affordable housing work, or their work related to affordable housing was tangential or done decades ago. Eight were trying to do an affordable housing project. Several were far into projects. Others were in initial stages with more uncertain outcomes. Two were open to such a project if the circumstances were right.

The interviews indicated that there are a variety of ways conservation land trusts are engaged with affordable housing rather than common consistent practices. Motivation to do an integrated project with conservation and affordable housing elements often came from the executive director or a wealthy donor. Only one of the 19 conservation trusts that stated they have done affordable housing work had anything about affordable housing in their public documents (website, strategic plan, annual reports). One was expecting to add affordable housing to the next version of their strategic plan.

Some executive directors were cautious about engaging in affordable housing work because it was viewed as mission drift not supported by current funding. No executive director interviewed during this research publicly opposed an affordable housing project itself, but two did express concerns about the size and location of affordable housing projects that were being considered as part of land conservation efforts.

Based on this random sample, about half of the land trusts interested in affordable housing are actively exploring or doing a project, and the rest have a more tangential link. Thus, the percentage of conservation land trusts engaged in affordable housing work is likely 8 to 9 %.

Hurdles

There are many reasons why conservation and community land trusts should collaborate. However, there are also many barriers to collaboration, which can be grouped into nine overarching hurdles. They include:

1. **Origin Story and Mission Differences.** Conservation and community land trusts, though both focused on land used for public benefit, have different origins and missions. CLTs typically emerge to address the need for community-controlled land for residential or economic purposes, which may be related to discriminatory land and housing injustices. In contrast, many land trusts started to preserve a scenic or ecologically significant property. Campbell and Salus state: “The focus of conservation trusts is the land itself; the focus of community land trusts is more often the people who will be using the land” (2003, p. 169-170). The staff, volunteers, board members, and donors that support each organization are focused on different public benefits and may believe that the mission of the other organization is not relevant to or impedes their work. The specific goals that these organizations support sometimes operate at cross-purposes.
2. **Differing Levels of Public Support.** Public support for conservation and affordable housing goals tend to differ. This may translate into public or donor support of conservation outcomes over housing or other community outcomes. CLTs may be seen as more committed to goals of social equity or only serving low-income residents of a community. Unfortunately, negative, unfair, and sometimes racist views of affordable housing residents reduce support for affordable housing. Collaborating partners must bring their respective constituencies along in dual goal projects.
3. **Siloed Structures, Expertise, and Stakeholders.** The Board, staff, and volunteers working to advance a particular project may lack the knowledge, skills, abilities, and connections to understand how to do work outside their scope. Even if there is awareness about the value of collaborating on conservation and affordable housing, differences in skills, abilities, and connections may hinder joint efforts. The boards of CLTs include both residents who live in the housing and community members from surrounding neighborhoods. In contrast, land trust board members are likely to be wealthier and not live on the conserved lands, and may not even live close to the conserved lands.
4. **Different constituencies and communities served.** CLTs serve individuals, households, and communities that are very low to moderate income levels, meeting targeted

income level requirements set by the organizations and their eligibility criteria, and funding streams. While conservation land trusts are working to implement community-based conservation strategies, the land trust movement has historically served middle, upper-middle- and upper-class individuals, households, and communities. Community land trusts often are led by and serve people of color, while conservation land trusts have historically been led by and serve white landowners and constituencies. As the two movements work to explore collaboration, these race, class, power, and privilege differences will have to be acknowledged and addressed.

5. **Differences in culture and scale.** Compared to CLTs, land trusts typically are wealthier organizations with greater access to political and economic power. And while almost all CLTs likely have a local focus, there are some land trusts that have a regional, statewide, or national focus. These different social and political access may hinder the groups from easily coming together. In terms of geography, many CLTs tend to be located in urban areas, while conservation land trusts tend to operate in rural areas, leaving many areas with only one or the other but not both. Further, there are more conservation land trusts (1,262) than CLTs (302).
6. **Competition and Disagreements.** Some local conservation and community land trusts have had negative experiences with each other and may view the other as competitors. For example, concerns about gentrification (due in part to urban green space projects that have resulted in increased surrounding property values) may reduce openness to green space improvement projects by affordable housing groups. In some cases, conservation land trusts actively prevented affordable housing developments, leading to distrust between the two movements.
7. **Multi-Goal Projects are More Complex.** Multi-goal projects could be more expensive and take longer than separate conservation or housing projects. Both conservation and affordable housing projects are long-term, with complex packages of funding and regulatory approvals. A dual goal project may need to engage more government agencies and stakeholders, as well as navigate additional regulatory requirements, potentially extending timelines and increasing upfront costs. Collaboration requires money for facilitation and staff time and yet conservation and community land trusts operate with limited funds to support their core missions. Without funding and capacity to explore projects that extend beyond the core missions of an organization, collaboration is challenging. Further, identifying properties that are physically suitable for both land conservation and affordable housing could be more difficult than finding properties that satisfy just one need. The owners of a particular parcel of land may only be receptive to converting its use to affordable housing or conservation but not both. The regulatory requirements with respect to zoning, government, and community approval may be more difficult (or impossible) for doing both on one parcel.
8. **Funders May Not Support Multi-Goal Projects.** The government agencies, foundations, and individual donors that fund affordable housing and land conservation often exist in

different siloes. Assembling funding for conservation and affordable housing projects are each a complex undertaking by themselves. Public funding is set forth in different statutes and overseen by different government agencies, with different regulatory requirements. Coordinating multiple public funding sources to support a single project can be very challenging. Many philanthropic organizations, too, are siloed in their grantmaking and staff expertise, meaning that even organizations supportive of both housing and conservation are still structured to fund only one or another.

9. **Legal Frameworks May Hinder Creativity.** Conservation and community land trusts may create their own restrictions that hinder collaborative outcomes. Conservation and community land trusts may create their own restrictions that hinder collaborative outcomes. For instance, creative thinking about affordable farmworker housing is stymied by farmland conservation easements that permit housing for only farm owners. Existing buildings on conserved lands may be subject to easement restrictions that would block them from being converted to affordable housing, even if such housing would have no adverse impact on the larger conservation goals.

Given these hurdles and the differences among conservation and community land trusts, future efforts should aim to build collaboration among a range of affordable housing organizations and stakeholders, including CLTs.

D. Pathways to Address Hurdles

Increasing the pace and scale of projects that support land conservation and affordable housing will require:

1. Creating the tools, policies, funding, and organizations needed to facilitate collaboration.
2. Building cooperative efforts at the national, regional, and local levels among conservation and community land trusts in advocating for both affordable housing and conservation.

These can only be accomplished by learning from histories of how land has been used as a tool of exclusion and how natural resources have been degraded. Building fair and thoughtful collaborative efforts must be rooted in relationships that are intentional and equitable; deep and inclusive community engagement; equal respect for the rights of humans and nature; and respect for local needs and contexts. These principles are described in the “Core Values” section of the Working Paper above.

Overcoming obstacles to collaboration between conservation and affordable housing entities like CLTs could take multiple forms, ranging from: organizations recognizing that the other does

important work and is a partner with shared goals even if they don't work on a specific project together; organizations not working at cross-purposes; joint projects, such as a conservation land trust incorporating affordable housing into their properties with the assistance of the CLT; or the creation of new organizations with expansive missions that encompass both affordable housing and open space conservation.

These pathways are divided by geographic focus: national and state efforts compared to regional and local efforts. The list below is not intended to be comprehensive, but rather to spark ideas and thinking based on the research for this Initiative. Below are six potential pathways for collaboration. Prototype ideas as well as implemented examples are listed below.

National and State-level efforts

- 1. Integrated Incentives and Requirements from Government and Foundations:** Funders and policymakers should support integrated projects by providing capacity and resources towards projects that advance both land conservation and affordable housing where relevant. Few government agencies and foundations currently support integrated projects. Key networks such as the Grounded Solutions Network or the Land Trust Alliance could explore reaching out to foundations and legislatures to educate them about the value of creating such integrated funding programs. There are some examples of integrated programs already that could serve as a model:
 - *Example:* Statewide funding organizations like the Vermont Housing & Conservation Board, with a high-level view of work happening in the state, is set up to fund both affordable housing and land conservation. The Vermont Housing & Conservation Board asks of all projects they are considering funding: Could this be a dual goal project? This question has changed the scope of some projects and has encouraged some partners to proactively consider affordable housing possibilities on each project they complete. The Vermont Housing & Conservation Board also has clear policies that guide their funding decisions in a way that supports affordable housing, open space conservation, and other community development outcomes simultaneously: for example, they do not fund housing projects on prime agricultural land, have minimum energy efficiency standards for housing projects, encourage rehabilitation of historic buildings, and require public access to conserved lands.
 - *Example:* The South Carolina legislature has proposed the Resilience Revolving Fund, which allows land trusts to receive funding to facilitate floodplain buyouts and relocation (Grannis, 2020).
- 2. Creating Networks, Tools, Knowledge, and Expertise to Support Conservation and Community Land Trust Collaboration and Multi-Goal Projects.** The national groups that support these communities – such as the Grounded Solutions Network, Land Trust Alliance, Center for Community Land Trust Innovation, and others – may be ideal players for doing this if resources can be found. There are also state- and regional-level

associations that might be leveraged here. Networks among the national and state groups could be created to meet periodically to facilitate collaborations. Tools could be developed on, for example, land banking or easements that support housing and conservation. Case studies of specific collaborative projects or organizational structures may inspire replication elsewhere. Guides could be created, for example, to provide practical information on how to do joint goal projects, or how to leverage the new funding and programs established by the Inflation Reduction Act, the Bipartisan Infrastructure Bill and other federal incentives that could facilitate collaborative projects.

- One tool could be a Guide for how conservation and community land trusts (especially for smaller organizations that lack staff familiar with solar energy) can identify, develop, and implement beneficial solar energy projects to enhance their missions and address climate change. Ideally the Guide would be integrated with hands-on expert consultation services. The Guide would have a practical focus and would address policy considerations. For example, there are drawbacks for doing non-roof top solar energy projects if they consume open (green) space. The existing guides to developing and installing solar projects are not targeted to the conservation and community land trust community and are out-of-date given the changes that the August 2022 Inflation Reduction Act made in the law and financing for renewable energy and affordable housing. The Guide is described in Appendix 4.

Local and Regional Efforts

- 3. Local and Regional Initiatives to Build Purposeful Relationships and Develop Shared Goals among Conservation Land Trusts, Community Land Trusts, and Other Affordable Housing Organizations.** Fostering relationships across these sectors requires effort, time, resources, and focused coordination. A respected member of the conservation land trust community, the CLT or affordable housing community, and/or a neutral party usually must initiate the relationship development process. These efforts may work best with co-leadership from the two groups. At the front end of developing new collaborations, the table can't be predetermined: there is much value in participating organizations exploring and collectively envisioning possible outcomes.
 - *Example:* A strategic effort in New York's Hudson Valley, coordinated by individuals with deep land conservation and affordable housing expertise and supported by professional facilitators and GIS experts, is bringing together land conservation and affordable housing practitioners in six counties. This effort started with participants getting to know each other as persons and organizations. The goal of this effort is to create a statement of shared purpose, identify of two areas in each of the six counties participating that would be suitable for joint conservation and affordable housing projects, and generate a list of state and local policy recommendations. There is only one CLT (which is in early stages of development) in these six counties and so this effort is being done by other affordable housing providers.

- *Example:* The Vermont Housing & Conservation Board works to develop relationships between land conservation and affordable housing groups working in Vermont. These groups come together through the Vermont Housing & Conservation Coalition to jointly advocate for funding for the Vermont Housing & Conservation Board. Through the work of the coalition as well as capacity and information provided by the Vermont Housing & Conservation Board, they get to know each other's work and priorities, in a way that supports conversation and collaboration across organizations.
4. **Conservation and community land trusts working together.** Working together could start with asking non-traditional questions. For a conservation project, are there opportunities to create affordable housing on part of it? For affordable housing projects, are there opportunities for open space preservation or public access to nearby open space? Could a small patch of land within an affordable housing development be carved out for a garden or public park? Specific collaboration opportunities include:
- Groups working and advocating together can publicly illustrate mutual support. Policymakers appreciate coordinated asks from groups who are sometimes seen as competing for limited resources. For example:
 - Affordable housing and land conservation groups can together engage in strategic planning that recognizes the needs of both conservation and affordable housing. Both groups could come together to look at open parcels and identify collective priorities for uses (housing, conservation, etc.). Coordinated land use planning may reduce case-by-case conflicts.
 - These groups can publicly advocate for each other's projects. One stakeholder suggested that conservation advocates showing up at public meetings to advocate for affordable housing projects would be a sign of success.
 - Some federal funds that could support community development outcomes such as affordable housing development or green space preservation can only go to 501c3 organizations with specific missions. Working in partnership might allow for subgrants or other creative access to these dollars.
 - Land banking: Land trusts can land bank properties for affordable housing organizations, meaning they could purchase and hold land until affordable housing groups can assemble needed funds for purchase. More broadly, community and conservation land trusts could collaborate to support land bank policies and financing in individual municipalities and work with land banks to meet affordable housing and conservation goals.
 - *Example:* Western Reserve Land Conservancy has engaged in land banking efforts across Ohio, engaging in policy efforts to create county land banks and developing urban green spaces on these parcels.
 - Preserving farmland with affordability protections is an area with both shared principles (perpetual affordability) and legal tools/ mechanisms (affordability covenants and restrictions on ownership).

- Providing housing for farmers and farm employees, either on conserved farmland with development restrictions or nearby, is a topic that would benefit from joint thinking from land conservation and housing groups.
- Climate resilience, especially in flood-prone areas or areas that may be affected by sea level rise, is an area ripe for coordination:
 - Community and conservation land trusts could partner to conserve sensitive floodplain habitat while ensuring permanently affordable housing in more climate resilient areas.
 - FEMA and state-level buyouts in flood-prone areas. Partnerships between community and conservation land trusts could ensure more equitable buyouts and relocation efforts that promote community ownership and decommodification of land, along with permanent affordability.
 - *Example:* While many community land trusts' housing developments are located in low-income, flood-prone neighborhoods, organizations like Louisiana Land Trust are building affordable housing on higher ground for residents who need to relocate due to flooding and other climate impacts (Grannis, 2021). In 2016, after several catastrophic floods in Pointe Coupee Parish, Louisiana Land Trust used FEMA buyout funds to set up affordable housing for the community on higher ground.
- Individual projects, located closely together, can achieve similar goals as co-located or dual-goal projects.
 - *Example:* A recently funded affordable housing project in St. Johnsbury, Vermont, is located very close to a new urban parkland protected by the Vermont Land Trust.
- *Example:* One land trust, upon receiving an estate gift, typically carves out the house on that land and gives it to an affordable housing group. They then conserve (if appropriate) and sell the balance of the land to support their mission.

5. **Conservation and Community Land Trusts Learning From Each Other and Their**

Communities. Each group has different skills and expertise and engages with different stakeholders. Each has a distinct set of community members they serve and relate to.

- Focused engagement is needed to understand community needs and build support. Engagement is necessary both with conservation and community land trusts' existing communities, as well as communities not currently served by either.
- Community land trusts are often governed by and structured to engage directly with lower-income members in a community. As a movement, CLTs possess knowledge and skills that can inform community-based, community-driven efforts that engage with groups often underrepresented and under-resourced.
- Conservation land trusts' expertise in securing land through purchase and/ or donation, and using creative philanthropic funds to finance such transactions, can help community land trusts access land and create and grow wealth for communities and constituents.

- Conservation land trusts often have access to sophisticated spatial planning tools and methodologies, such as GIS, as well as staff trained in these tools. These tools may be useful to community land trusts for property identification and site planning, as well as for identification of potential properties for dual-goal projects.

6. **New Organizations with Missions Focused on The Integrated Goal.** There are organizations currently set up to support land conservation, and organizations that support affordable housing, and some organizations that are designed to do both. Each is important. Changing internal programming and cultures at existing organizations can be challenging, and sometimes creating a new organization, led by individuals with commitment to multiple goals, may be a valuable approach. Many new organizations have a mission that extends beyond land conservation and affordable housing to cover other community development goals. While this initiative is focused on land conservation and affordable housing, this Initiative also considered organizations that do this work while advancing equity, community empowerment, local agriculture, renewable energy, climate resiliency, and other beneficial outcomes. The following organizations, many of which are relatively new, have integrated goals:

- *Example:* Athens Land Trust (Athens, Georgia), a joint conservation and community land trust, describes their mission as multi-part: they consider housing, community, open space conservation, community education and empowerment, and agriculture as each important elements of their mission. In other words, their mission extends beyond providing affordable housing and protecting land.
- *Example:* Community Land Conservancy (Seattle, WA) recognizes that access to nature is vital for health, well-being, and social cohesion, yet this value is often overlooked in providing affordable housing, particularly for historically underserved communities and communities of color. Led by communities of color, they are in the process of launching an organization to acquire, own and design public space and develop affordable housing to serve the needs of these communities.
- *Example:* Groups like the Agrarian Trust are combining the ethos and tools of both conservation and community land trusts to support community access to sustainably managed, affordable, and accessible farmland.
- *Example:* The Center for Community Progress supports land banks across the country in identifying ways to redevelop land and housing in ways that meet community goals. They could serve as a resource to connect conservation land trusts with land banks, helping each other learn about the others' missions and methods of working.

E. Conclusion

This initiative began the process of bringing practitioners together to create collaborative efforts to conserve more land and provide additional affordable housing. There are both

imperatives for and practical benefits to conservation and community land trusts working together towards these goals. There are also substantial hurdles to such collaborations. Without addressing these hurdles, collaborations among land conservation and affordable housing entities are likely to remain as outliers and not the norm.

The “Pathways” section of this Working Paper provides a menu of actions to overcome these hurdles for moving forward. These actions must happen at multiple scales, ranging from relationship building and collaborative project development in local communities, to national efforts to engage in policy advocacy, resource development, and tracking of successes and best practices. Individual projects will help to build momentum and set examples for others to learn from. Relationship building will ensure that conservation and community land trusts do their work with an understanding of and consideration for the goals of the other.

One practical next step may be for national organizations (such as the Land Trust Alliance, the Grounded Solutions Network, or the Center for Community Progress) to educate their members on the benefits of collaboration. The information available today on collaborations is primarily anecdotal and limited. If national organizations can promote and support collaboration and gather information on collaborative efforts from their members, organizational management principles suggest that this activity itself could stimulate collaboration.

The stakeholders to engage in this effort need not be limited to conservation and community land trusts. There are currently too few CLTs in the U.S. to address the scale of affordable housing needs, and many other types of affordable housing providers are already working with conservation land trusts. Similarly, affordable housing entities may need to look beyond conservation land trusts to ensure that the affordable housing provides its residents with ready access to open space and the health and wellness benefits of having access to trees and nature.

Efforts towards strategic actions that support the goals outlined in this Working Paper must consider and be rooted in questions of representation and justice. This initiative stems from a belief that the benefits of land conservation and affordable housing should be available and accessible to all. Due to racially discriminatory histories, they have not been. Community perspectives that have not been previously engaged must be. This is a place where conservation land trusts may be able to learn from the organizational histories and structures of community land trusts. Community engagement and deep listening to community needs is critical for ensuring that the benefits of land conservation and affordable housing accrue to all members of a community, and that they can attempt to make amends for prior discriminatory actions in access to land, housing, power, and resources.

Each of the Pathway actions presented in this Working Paper is in search of a champion. Many organizations can start to implement these actions, ranging from individual land trusts and affordable housing groups engaging in joint or collectively envisioned projects, to state and national organizations coming together to support their members with capacity development. In fact, this work will best be accomplished if many organizations, working at multiple scales, each infuse the strategic thinking necessary to think across goals of land conservation and

affordable housing into their work. Organizations engaged in land conservation and the provision of affordable, sustainable housing together can provide the strategic, creative, and expansive thinking necessary to manage land in ways that can make amends for historic racism while also addressing land and housing scarcity and planning for the impacts of climate change.

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Appendices

Appendix 1: Advisory Group Members, Colloquium Attendees, and Stakeholder Interviews

We thank each of the below individuals for their contributions to this initiative. Their thoughts and deep experiences in the areas of land conservation and affordable housing inform this Working Paper.

Project Sponsors

1. Jim Levitt, Lincoln Institute of Land Policy
2. Chandni Navalkha, Lincoln Institute of Land Policy
3. Peter Stein, Lyme Timber Company

Advisory Group Members

1. Judith Anderson, Community Consultants
2. Mary Anthony, 1772 Foundation
3. Robin Austin, Lincoln Institute of Land Policy
4. Rich Cochran, Western Reserve Land Conservancy
5. Kenya Crumel, National Black Food & Justice Alliance
6. John Davis, Burlington Associates
7. Kerri Forrest, MDC Inc.
8. Jessie Grogan, Lincoln Institute of Land Policy
9. Allison Handler, Travertine Strategies
10. Renee Kivikko, Land Trust Alliance
11. Ian McSweeney, Agrarian Trust
12. Jennifer Miller Herzog, Land Trust Alliance
13. Isaac Robb, Western Reserve Land Conservancy
14. Mikki Sager, Independent Consultant
15. Kristin Sharpless, Stowe Land Trust
16. Beth Sorce, Grounded Solutions Network
17. Cris Stainbrook, Indian Land Tenure Foundation
18. Nico Valette, Ampion, Inc.
19. Sarah Waring, USDA Rural Development, Vermont and New Hampshire

November 7, 2022 Colloquium Attendees

1. Judith Anderson, Community Consultants

2. Mary Anthony, 1772 Foundation
3. Robin Austin, Lincoln Institute of Land Policy
4. Heather Benham, Athens Land Trust
5. Robyn Carlton, Lookout Mountain Conservancy
6. Rich Cochran, Western Reserve Land Conservancy
7. Julie Curtin, Champlain Housing Trust
8. John Davis, Burlington Associates
9. Emma Ellsworth, Mount Grace Land Conservation Trust
10. Ona Ferguson, Consensus Building Institute
11. David Foster, Highstead Foundation
12. Rebecca Gillman Crimmins, Institute for Community Living
13. Jessie Grogan, Lincoln Institute of Land Policy
14. David Hindin, 2022 Senior Fellow, Advanced Leadership Initiative, Harvard University
15. Philippe Jordi, Island Housing Trust
16. Forrest King Cortes, Land Trust Alliance
17. Renee Kivikko, Land Trust Alliance
18. Jim Levitt, Lincoln Institute of Land Policy
19. Danielle Lewinski, Center for Community Progress
20. Ian McSweeney, Agrarian Trust
21. Katie Michels, Yale School of the Environment and Yale School of Management
22. Chandni Navalkha, Lincoln Institute of Land Policy
23. Isaac Robb, Western Reserve Land Conservancy
24. Steve Rosenberg, Hudson Valley Affordable Housing & Conservation Strategy
25. Greg Rosenberg, Center for Community Land Trust Innovation
26. Mikki Sager, Independent Consultant
27. Gus Seelig, Vermont Housing and Conservation Board
28. Kristin Sharpless, Stowe Land Trust
29. Enrique Silva, Lincoln Institute of Land Policy
30. Beth Sorce, Grounded Solutions Network
31. Peter Stein, Lyme Timber Company
32. Nico Valette, Ampion, Inc.
33. Sarah Waring, USDA Rural Development, Vermont and New Hampshire
34. Noah Wurtz, Agrarian Trust

Interviews completed by Katie Michels and/or David Hindin

1. Lylianna Allala, Community Land Conservancy
2. Heather Benham, Athens Land Trust
3. Keith Bisson, Coastal Enterprises, Inc.
4. Kate Cooney, Yale School of Management
5. Cindy Chang, Groundwork Denver
6. Duron Chavis, Food Justice & Affordable Housing Organizer and Central Virginia Agrarian Commons

7. Julie Curtin, Champlain Housing Trust
8. Allison Handler, Travertine Strategies
9. Nate Hausman, World Resource Institute, Clean Energy Program
10. Philippe Jordi, Island Housing Trust
11. Renee Kivikko, Land Trust Alliance
12. Gil Livingston, Vermont Land Trust
13. Ian McSweeney, Agrarian Trust
14. Aaron Miripol and Aaron Martinez, Urban Land Conservancy
15. Evan Reinhardt, Master of Real Estate Development and Design Candidate, UC Berkeley
16. Nick Richardson, Vermont Land Trust
17. Jo Rosen, Agrarian Trust
18. Greg Rosenberg, Center for Community Land Trust Innovation
19. Steve Rosenberg, Land Trust Alliance Board member, formerly with Scenic Hudson
20. Reverend Joan Ross, Storehouse of Hope (CLT)
21. Mikki Sager, The Conservation Fund (formerly)
22. Gus Seelig, Vermont Housing and Conservation Board
23. Kristen Sharpless, Stowe Land Trust
24. Beth Sorce, Grounded Solutions Network
25. Andrew Szwak, Mid-Atlantic Program Manager, Land Trust Alliance
26. Rand Wentworth, Land Trust Alliance (formerly) and Harvard Kennedy School
27. Susan Witt, David Fix, Lily Masee, Jared Spears, and Julia Tillinghast, Schumacher Center for New Economics

Interviews completed by Alisa White:

1. John Emmeus Davis, Burlington Associates
2. Jim Rokakis, Western Reserve Land Conservancy
3. Beth Sorce and Devin Culbertson, Grounded Solutions Network
4. Hillary Wilson, Forterra

Appendix 2: Innovative Land Tenure Models in the U.S., White Paper by Christina Kohler

Alternative models for land tenure are an important consideration for both community land trusts and conservation land trusts. Land tenure is defined as the relationship that individuals or groups hold with respect to land and its resources. Rules around land tenure determine the way land is used within a particular society (LandLinks, 2020). It is imperative that organizations recognize the history of land dispossession within the United States and reimagine our connections to land. Innovative land tenure models are especially important in considering issues of racial justice.

Colonial land tenure systems have left numerous long-lasting impacts, including a structural system that has perpetuated racism as well as a large gap around property and wealth holdings. A recent report from the Brookings Institution acknowledges that history: “Property ownership in the United States has always been rooted in racial exclusion and exploitation, from the theft of indigenous lands to slavery, racial housing covenants, predatory lending, the use of eminent domain for highway construction, and the systemic devaluation of Black residential assets. This enduring link between ownership and structural racism undergirds many economic disparities faced by individuals and communities of color in the U.S., including the racial wealth gap, disproportionate rates of asset poverty, intergenerational poverty, access to credit, capital, and entrepreneurship opportunities, and economic mobility” (Loh and Love, 2021). Given this history, we must also acknowledge that many innovative land tenure models are rooted in historical, indigenous models of communal ownership and stewardship of land.

During the first meeting in March of 2022, Mikki Sager, one of the advisory group members, emphasized the importance of justice as a lens through which to focus these efforts and said: *“So many conservation tools were developed by and for rich people who have a lot of land – they don’t work for low-income people or people of color...There’s a desperate need for new conservation tools to be developed that work differently, not just for cultural issues but also for sovereignty and land justice.”* Innovative land tenure models also promote community engagement and a redistribution of power. The Lincoln Institute of Land Policy is in a unique position to foster these collaborative efforts in a way that is equitable and inclusive. Innovative land tenure models that include land use interventions can provide mitigation or, depending on the model, management actions and strategies that might further reduce emissions. Some of these models can also help provide housing stability for those impacted the most by climate change (Gauthier, 2022).

This paper provides a synthesis of organizations that are implementing innovative land tenure models across the United States with an emphasis on collaborations between community land trusts and conservation land trusts. This research paper is not an encyclopedic endeavor, but rather highlights key examples of innovative models across the country. While there are some limitations with lack of data around newer alternative models, this research will provide a framework on the innovations of tenure that unpacks rights and responsibilities around land.

Community Land Trust and Conservation Land Trust Models

Land trusts - both conservation and community - need to work together to co-create new tools that advance and strengthen land tenure. There are some current initiatives between these organizations, or entities that hold values from both conservation land trusts and Community Trusts, that are of note.

Under a CLT model, individuals typically own their housing unit but sign a ground lease with the land trust to lease the ground under the home. A deed covenant is another tool that is sometimes used by community land trusts, which is a legal agreement regarding the resale price restrictions of a property (Kingston Land Trust, 2021). Athens Land Trust (ALT) is an example of one such organization that is a community land trust but also focuses on conservation. This organization holds conservation easements and has several other projects including promoting sustainable agriculture and food sovereignty and implementing neighborhood revitalization efforts.

There are other shared equity models to consider, such as limited equity cooperatives. In a limited equity cooperative (LEC), several households collectively own housing. Forterra's Forest to Home initiative holds a limited equity cooperative ownership financial structure and focuses on providing housing that has been built from local materials (Forterra, 2022).

Permanent land cooperatives, or permanent real estate cooperatives (PREC), are another type of equity model that focuses on developing affordable housing and creating equitable land access. Most PRECs differ from community land trusts in that they are not nonprofits and thus have greater flexibility in funding sources and are not strictly limited to providing housing to low- and moderate-income people. Examples of permanent land cooperatives include the Ecovillagers Alliance and the East Bay Permanent Cooperative.

Case Study: Troy Gardens

Troy Gardens is a project in Madison, Wisconsin that was started in 2001. The innovations around land tenure through this project lie within the creative combination of housing and open space. Troy Gardens has 21 acres of mixed income cohousing, community gardens, a CSA farm, and a restored prairie. With so many different land uses, the project first encountered both skepticism and hostility; however, it was successful through the passion from neighborhood residents for protecting the land they were gardening as well as project leaders. Troy Gardens is an example of how stakeholders can come together to protect land in urban settings. Madison Area Community Land Trust worked with the Urban Open Space Foundation as well as several coalitions to secure the land. In determining the purchase price, the appraiser considered the restrictions that would be placed on the land, which resulted in a radically lower market value. The land was then purchased from the state with the Madison Area Community Land Trust owning the housing parcel and Urban Open Space Foundation owning the agricultural parcel. The Madison Area Community Land Trust also leased a portion of the land to Friends of Troy Gardens, which manages the community gardens, the CSA farm, and youth programs on the farm.

Case Study: Kingston Land Trust

The Kingston Land Trust is a conservation land trust that has recently collaborated with several partners to launch their Land for Homes initiative. After working with Rapid Re-Housing Group during the start of the COVID-19 pandemic to help identify appropriate land for affordable dwelling units, the Kingston Land Trust realized they could fill a gap in their community and contribute to affordable housing. The Land for Homes initiative focuses on the development of eco-dwellings - defined as tiny homes, efficiency cottages, or accessory dwellings⁴ - with consideration to the triple bottom line - people, planet, and profit. The Kingston Land Trust, in collaboration with students at Bard College, created a guide for land trusts who are also considering incorporating affordable housing developments into their mission.

The Kingston Land Trust also has the Land in Black Hands (LIBH) Fund, which focuses on facilitating “cooperative ownership, access, and stewardship of land by Black community members for land-based livelihood projects with an ecological and community-sourced focus” (Kingston Land Trust, 2022). This organization has an annual community conversation focusing on local and regional community members who are working toward secure land tenure for Black farmers and land stewards.

The Kingston Land Trust also has a Land Matching Program, which is a website portal that links land seekers with landholders around shared land use ideas and interests. This free resource connects people so they can arrange shared use of both private and public land.

Cultural Considerations of Land

There are a collection of tools that can be used to recognize and support cultural considerations of and connections to land. These include cultural easements, as well as harvesting permits or invitations as a way to formalize Indigenous access to land (First Light, 2022). Cultural easements include cultural use easements and cultural respect easements.

The Native Land Conservancy is a land conservation group run by Indigenous people based in southeast Massachusetts and is currently working to implement cultural easements in the region. The Dennis Conservation Land Trust has a partnership with the Native Land Conservancy through a Cultural Respect Access Agreement (CRAA) that gives the Native Land Conservancy formal access to 250 acres of land (Early, 2019). The Northeast Wilderness Trust has also signed a cultural respect and access easement with the Native Land Conservancy to grant land rights to the Wampanoag Nation. Through their Cultural Respect Easement (CRE), the Northeast Wilderness Trust is “making a land justice statement by inviting indigenous people to share a cultural landscape with which they desire reconnection” (Jonas et al., 2021). This cultural respect easement will allow the two groups to come together and find compatible uses of land that honors traditional knowledge and values.

Case Study: Soul Fire Farm

Soul Fire Farm, located in New York, is an Afro-Indigenous centered community farm that has grown from a small family operation in 2010 to a nonprofit organization now working in the movement for food sovereignty reaching over 160,000 people a year. The land Soul Fire Farm holds is owned cooperatively by a housing cooperative that includes all residents within a

shared equity system. Soul Fire Farms emphasizes that the land is considered a relative, rather than a commodity – thus, the land is a sovereign entity with its own rights. The co-op has formalized this through a “rights of nature” clause to “ask permission of the land for actions” (Soul Fire Farm, 2022). The organization also focuses on sustainable food production through regenerative practices and leads workshops and trainings for BIPOC farmer-activists.

Soul Fire Farm recognizes that the land they now hold was once stewarded by the Stockbridge-Munsee Band of the Mohican Nation, who were forcibly removed from their territory. In 2020, Soul Fire Farm granted a cultural respect easement to the Stockbridge Munsee Mohican nation, formally allowing tribal members access to land on the Soul Fire Farm for foraging, ceremonies, and celebrations, among other uses, in perpetuity.

Soul Fire Farm also co-founded the Northeast Farmers of Color Land Trust, an organization that is dedicated to land rematriation as well as reparations and is featured in a case study below.

Justice-Focused Organizations

Another example of innovative land tenure models to be acknowledged are organizations focusing their work on inverting our current inequitable land tenure system. There is a short, non-exhaustive list below of such organizations with a brief description of their work:

- Resource Commons Council, Black Food Justice Alliance: The Resource Commons Council through the Black Food Justice Alliance is working towards a national land reform strategy in solidarity with Indigenous communities.
- Shelterwood Collective: The Shelterwood Collective based in California is a Black, Indigenous, and LGBTQ-led community forest and retreat center – it is a land collective focusing on decolonizing conservation and engaging community through antiracist and ecologically appropriate land stewardship.
- Sogorea Te’ Land Trust: The Sogorea Te’ Land Trust in California focuses on cultivating rematriation through a number of projects. The Sogorea Te’ Land Trust also manages the Shuumi Land Tax, which is a voluntary annual contribution that non-Indigenous people can make in acknowledgement of the displacement of the Ohlone people.
- Center for Heirs Property Preservation: The Center for Heirs Property Preservation is a nonprofit organization based in South Carolina that protects heirs’ property, advocating for its sustainable use in order to advance economic benefits for historically under-served families. The Center provides legal education and legal services to help with issues specifically around heirs property. The Center for Heirs Property Preservation is part of the Sustainable Forestry and Land Retention Network that is advancing land justice through sustainable forestry?

Case Study: Northeast Farmers of Color Land Trust

The Northeast Farmers of Color Land Trust (NEFOC) is a hybrid organization between a community land trust and conservation land trust working to secure land tenure for BIPOC stewards of land. NEFOC is working to build relationships with over ten Indigenous governments, honoring NEFOC’s commitment that all land projects have the approval of the original people of that land. The organization is exploring Indigenous sovereignty through

cultural respect easements, conservation easements, rights of first refusal, voluntary taxation, and land reclamation.

NEFOC also manages the [Reparations Map](#), which is an online tool that lists specific projects and resource needs of farmers of color. This Map connects those with resources to BIPOC farmers in need of capital or land.

Agriculture/Affordable Farmland Models

There is a growing need for innovative land tenure models within agricultural systems. One reason for this is the disproportionate ownership of land, with white farmers owning 97% of farms (USDA, 2017). Access to land is a major barrier for the next generation of farmers looking to cultivate an equitable and sustainable agricultural system. Keeping farmland affordable to farmers is also a key element to future land tenure models. As current farmers age out of agriculture - the average age of current producers is at just about 58 years old (USDA, 2019) - a high acreage of farmland will enter the market. The American Farmland Trust currently estimates that over the next 15 years, 371 million acres, or more than 40% of American farmland, will change hands (Cosgrove, 2021). However, farm real estate values seem to be ever increasing, with a 7% increase between 2020 and 2021 alone.

Farmland unaffordability not only impacts farmers. It also threatens access to local food and our economy. There are several tools being implemented across the country to protect farmland, creating a more equitable process around who has access to farmland, and keeping farmland affordable.

Solar and agriculture co-location (aka agrivoltaics or dual-use solar) is one farm affordability option. Agricultural production is beneath solar panels. Agrivoltaics has many benefits including diversifying revenue for farmers as well as increasing climate resilience through the development of new renewable energy sources. This method can maximize crop yields and help with irrigation, efficiently delivering water to plants (Barron-Gaffen et al., 2019). Co-location has been implemented relatively recently, and the U.S. Solar Energy Technologies Office funded four projects in 2020 focusing on research around siting solar energy systems with agriculture (SETO, 2020). Land trust organizations, such as the Vermont Land Trust and Tug Hill Tomorrow Land Trust in New York are exploring ways to include renewable energy into easements.

Farmland covenants are also being used to keep land affordable and encourage the ownership of farmland by farmers. Covenants are another layer to easements that add restrictions to the land, ultimately ensuring that the property continues to be farmed in perpetuity. This covenant reduces the value of the land, keeping the farmland affordable for future landholders because the land is only appealing to other farmers. These covenants are also referred to as affirmative agricultural easements (CAFS, 2018) or affirmative covenants (Johnson, 2008). Depending on the organization holding the covenant, restrictions can also include the type of agricultural product being produced or the amount of time land can lay fallow (Cirillo, n.d.). Covenants have been used across the country – one of the first known examples in the United States is an affirmative easement held by the Equity Trust on Live Power Farm in California.

An OPAV, Option to Purchase at Agricultural Value, is another legal tool that encourages land to be resold to farmers by restricting the sale price to agricultural value and only allowing the land to be sold to certain farmers or family members (CAFS, 2021). The Equity Trust also started the Hudson Valley Farm Affordability Program after finding that farmland held in conservation easements often goes out of production after being purchased by non-farmers – this program includes both OPAVs and preemptive purchase rights (PPR) which are similar to OPAVs but conforms to New York State Law (Oldham, 2020; PASA, 2019).

Another tool that is being used to protect farmland and promote equitable land access is alternative farm ownership models. These include the Agrarian Trust's Agrarian Commons.

Case Study: Agrarian Commons

Agrarian Commons is a national initiative from the Agrarian Trust focusing on affordable farmland through community ownership. The board and lease structure are the components of the Agrarian Commons that make it unique, as well as being a local-national network under the umbrella organization of the Agrarian Trust. The board structure for each Commons is composed of one-third Agrarian Trust appointees, which vary across Commons; one-third community members; and one-third leaseholders. Day to day operations are left to the landowner while managing the budget and setting rent are decided collectively by the board. Each local Commons holds the farmland, which is leased to local farmers or organizations. For example, the tenant of the Little Jubba Central Maine Agrarian Commons is a community of Somali Bantu farmers, who after years of land insecurity now have long-term access to farmland. The 99-year lease of the Agrarian Commons allows for greater flexibility, where conservation easements might be mismatched because agricultural operations are so dynamic. This model gives way for a longer time scale with increased stewardship, ultimately passing certainty onto the farmers so that they can manage their land in ways that make sense where traditional conservation easements or leases between private individuals might not be able to.

The Agrarian Commons has a set of bylaws that provides the framework for Commons across the United States. Each Commons can hold between four to twelve Commons - this allows for the Commons to convey and collect affordable rent to sustain themselves but not large enough that they lose connection to community stakeholders. Those numbers are based on estimations from the Agrarian Trust as well as research into other national conservation land trusts focusing on agriculture and other farmland investment entities. The Agrarian Trust plans to launch the Commons Alliance Network, which will bring education, resources, and the ability to network to not only Agrarian Commons stakeholders across the United States but also other organizations that have a similar structure but are not directly part of the Agrarian Commons.

While the Agrarian Commons has a national network to draw upon, there are limitations to having a national standardized form of Commons. This includes managing regulations that differ from state to state on how the Commons can operate. Commons must adjust leases as needed. National models also miss the benefits of locally developed models.

Conclusion

This research paper outlined innovative land tenure models from four major buckets including community land trust and conservation land trust collaborative efforts; cultural considerations of land; justice-focused work around land tenure; and models around agriculture and farmland affordability. An underlying factor to consider throughout most of the case studies and models presented is the importance of dedication and foresight from passionate individuals – one of the most important pieces of innovative land tenure models is having someone to drive it.

Introduction

There are many opportunities for community land trusts (CLTs) and conservation land trusts to collaborate on policy and financing at the state and local level. State and local policies can support both affordable housing and conservation, pairing the goals of CLTs and conservation land trusts together. However, community and conservation land trusts have not fully taken advantage of opportunities to collaborate for policy change and joint financing. Moreover, state policies at the state and local level that promote conservation may not consider affordable housing goals or even directly undermine affordable housing goals. For one, conservation land trusts should take steps to support dense, affordable housing in cities not only to reduce development pressure on land outside of cities, but also to promote economic justice for low-income and people of color bearing the brunt of increasing rent and housing prices in the United States.⁹

This memorandum introduces five policy and funding opportunities at the state and local level to support both housing and conservation projects. These opportunities could be focal points for collaboration for community and conservation land trusts. In addition, this memorandum notes other areas for possible collaboration for community and conservation land trusts. Overall, CLTs and conservation land trusts should collaborate to ensure that both affordable housing and conservation goals are considered in policy making and financing decisions. To begin this process, Community Trusts and conservation land trusts should come together within state and local jurisdictions to identify and develop policy and financing goals. In addition, Community Trusts and conservation land trusts can collaborate to promote environmental and climate justice—to prevent green gentrification, promote climate change resilience, and ensure affordable housing for low-income communities and communities of color.

Opportunities for Collaboration:

Joint Housing and Conservation Funds

Several states have established or have enabling legislation for joint housing and conservation funds that leverage public funding for both housing and conservation projects. Community and conservation land trusts could come together to support existing joint funds and expand the model to other states. For existing funds, community and conservation land trusts should advocate for increased funding and to ensure that affordable housing and conservation needs are being considered holistically and equally. In addition, community and conservation land trusts should review existing and proposed models to ensure their funding mechanisms incorporate equity concerns and do not function as a regressive tax on poorer communities. As described in the case study below, the Vermont Housing and Conservation Board (VHCB) model has been a success because it does not pit housing and conservation organizations against each other to compete for funding. Instead, VHCB guarantees ongoing public funding for both housing and conservation.

Several states have existing or emerging joint housing and conservation funds. The Massachusetts Community Preservation Act (CPA), passed in 2000, allows cities and towns in Massachusetts to opt in to the CPA and create a joint housing, conservation, and historic preservation fund. The municipal funds under the CPA are paid for by two main sources. First, the municipality raises funds through a surcharge of not more than 3 percent of taxes on real property. The residents of the municipality typically vote to approve the CPA surcharge level, and many municipalities have adopted the CPA exemption of the first \$100,000 in residential property value from the calculation of the CPA surcharge on a homeowner (Community Preservation Coalition, “Funding,” n.d.). Second, the municipalities receive matching funds from the Massachusetts Community Preservation Trust Fund, which is generated by fees on transactions filed at the state’s Registries of Deeds (Sherman & Luberoff, 2007). Each year, the first round of state funding distributes 80 percent of the Trust Fund revenue and pays out a set percentage of each municipality’s funds raised locally, as matching funds. Municipalities that adopt the full 3 percent surcharge are eligible for the remaining 20 percent of state funding which distributed “so that smaller and less affluent communities receive higher funding” (Community Preservation Coalition, “Distribution Formula,” n.d.).

As of 2022, 189 municipalities in Massachusetts (54 percent of total municipalities) have adopted CPA and \$2.65 billion have been raised statewide for CPA funding. To date, the CPA has funded at least 32,566 acres of open space preservation, 8,700 affordable housing units, and 6,300 disbursements for historic preservation projects (Community Preservation Coalition, “Overview,” n.d.). However, the CPA does not always provide funding equitably. First, the CPA provides 80 percent of state matching funds to communities at the same percentage of the funds they raise locally (Community Preservation Coalition, “Distribution Formula,” n.d.). This appears to favor wealthier communities that may be more willing to adopt a larger CPA surcharge and have higher property valuations (Community Preservation Coalition, “Overview,” n.d.). Second, the CPA only mandates that 10 percent of funding be spent on each of the following: affordable housing, conservation, and historic preservation (Mass Taxpayers, 2022). The remaining 70 percent can be spent how the locality chooses, which does not ensure equal expenditure on affordable housing. The CPA is an example of a state trust fund that could be reformed to fund affordable housing more equitably and ensure state matching funds are reaching lower-income communities. For example, the CPA could distribute a larger percentage of state matching funds based on property valuation per capita, prioritizing funds to lower income municipalities.

In addition to Massachusetts, Rhode Island has enabling legislation for a joint housing and conservation fund. The Rhode Island Housing and Conservation Trust Fund Act allows Rhode Island to create a joint housing and conservation fund, but the state legislature has not taken action to set up the fund (Rhode Island Housing and Conservation Trust Fund Act, 2021). In addition, there are emerging efforts in states like Montana and Colorado to establish joint conservation and housing funds (Davis, 2022). States with emerging efforts can learn from the successes and challenges of VHC in Vermont and the CPA in Massachusetts as they design joint housing and conservation funds. Overall, Community Trusts and conservation land trusts could come together to advocate for joint housing and conservation funds that support

affordable housing and conservation together and avoid pitting the two against each other for funding.

Case Study: Vermont Housing and Conservation Board (VHCB)

In 1987, Vermont developed a housing and conservation fund, which is managed and run by the Vermont Housing and Conservation Board (VHCB), a group of publicly appointed officials. VHCB has a dual mission of creating affordable housing and protecting conservation areas in Vermont. VHCB is funded through a yearly appropriation, an allocation of property transfer tax revenues, and government bonds. Recently, Senator Bernie Sanders secured over \$1.5 million in funding from the federal government to support VHCB (Sanders, 2022). This year, VHCB has awarded over 10 million dollars in funding to affordable housing and conservation projects, including projects led by Addison County Community Trust, Champlain Housing Trust, and RuralEdge (VHCB, 2022).

VHCB has successfully secured an ongoing, consistent source of public funding for both Community Trusts and conservation land trusts, for affordable housing and conservation. Importantly, VHCB does not pit Community Trusts against conservation land trusts for funding. Furthermore, VHCB has catalyzed partnerships between Community Trusts and conservation land trusts around state-wide affordable housing and conservation priorities (Sharpless & Lovinsky, 2022). The Vermont Housing and Conservation Coalition (VHCC) brings together Community and conservation land trusts, among other stakeholders, to lobby the Vermont state government for greater funding for VHCB (Martins, 2020). While VHCB has been successful at funding affordable housing and conservation, VHCB does not always receive full funding from the state each year. Community and conservation land trusts in Vermont should not only collaborate on VHCB-funded housing and conservation projects, but also advocate for full funding of VHCB each year.

Land Banks

Community and conservation land trusts could collaborate to support land bank policies and financing and work with land banks to meet affordable housing and conservation goals. County land banks are public corporations that can acquire, hold, and repurpose vacant, tax-delinquent, or abandoned property (Rokakis & Frangos 2020). Land banks are most active in areas with abandoned housing and high foreclosure rates. Land banks support conversion of vacant properties into green spaces, affordable housing, urban agriculture or other productive uses that support community goals (WRLC, n.d.; Carlet et al., 2017). Land banks are typically run by political appointees and often seek to transfer property to end-users rapidly—only holding property in between acquisition and transfer to a new owner (Fujii, 2016).

Land banks began in the 1960s to address vacant and abandoned properties in cities, especially former industrial cities (WRLC, n.d.). The 2008 housing crisis galvanized eleven states to pass land bank-enabling legislation that formally grants counties or municipalities the power to pass local ordinances creating land banks and detailing their operation (Center for Community Progress, 2022; Abedelazim, 2020). As of 2021, there are approximately 250 land banks in 25 different states (Center for Community Progress, 2022). State and local legislation give land

banks unique authority and advantages to acquire vacant or tax-delinquent property, including: acquiring property at low cost in the tax foreclosure process, extinguishing back taxes on properties, expediting the clear title process, and streamlining sale or lease of property (Center for Community Progress, 2022).

Land bank financing opportunities vary widely, depending on the state and locality in which they operate. Some states, including Michigan and New York, included land bank financing mechanisms in state enabling legislation. In both states, land banks can recapture 50 percent of taxes for vacant properties that they return to the municipal tax rolls for five years (Center for Community Progress, 2022). County land banks in Ohio receive state funding from fees imposed on delinquent taxpayers and local funding from Boards of County Commissioners. Depending on the jurisdiction, land banks can also raise funding through property sales of vacant and abandoned properties (Mann & Murnen, 2016).

Despite shared goals for green space and affordable housing, Community Trusts, conservation land trusts, and land banks are not widely collaborating. When Community Trusts and conservation land trusts work with land banks separately, they may not consider the development of affordable housing and green space in tandem. In the Twin Cities, the county land bank has partnered with the City of Lakes community land trust to provide over 200 leases to CLT-held affordable homes (Fujii, 2016). CLT-land bank collaborations also exist in Houston, Texas; Columbus, Ohio; Atlanta, Georgia; and Albany, New York.¹⁰ For example, the Albany County land bank allows the Albany Community Land Trust to purchase properties at a discount (Albany County Land Bank Corporation, n.d.). Collaboration between land banks, community trusts, and conservation land trusts could support environmental justice in city development. For example, affordable housing and green spaces could be built simultaneously to avoid green gentrification from the creation of green spaces without housing affordability protections (Sorce and Culbertson, 2022). Similarly, the organizations could plan green spaces that reduce urban heat island effects from climate change (U.S. EPA, n.d.).

Case Study: Western Reserve Land Conservancy

The Western Reserve Land Conservancy (WRLC), a conservation land trust working in urban and rural areas of Ohio, has played an active role in supporting and working with county land banks. Jim Rokakis, Vice President of WRLC, supported land bank enabling legislation in Ohio and, from there, the formation of numerous county land banks (Rokakis, 2022). WRLC seeks to work with land banks to raise funds, acquire land, and repurpose it into green spaces (WRLC, n.d.). WRLC also has a “Thriving Communities” program, where the conservancy works with county land banks and communities to re-envision urban centers with green space and urban agriculture (WRLC, n.d.). The Thriving Communities program works with community members and residents to set goals for vacant space and plan urban green spaces that meet community needs, on a parcel-by-parcel basis (WRLC, n.d.). Importantly, this process involves listening sessions and interviews with community members about their vision for the parcel. While WRLC often focuses on urban agriculture and green spaces, they have also begun to consider collaboration with Community Trusts on affordable housing projects on vacant lots acquired by

county land banks. This collaboration between WRLC and Community Trusts will allow for community-led, joint planning of green spaces and affordable housing.

Regional-Scale Sustainable Forestry and Affordable Housing

Community and conservation land trusts could collaborate at a regional scale to support sustainably harvested timber to construct climate-friendly affordable housing. Often, new housing is built with carbon-intensive materials like concrete and timber from clear-cut forests. However, there is a movement across the private and public sectors to support sustainable building materials for affordable housing. For example, Sustainable Forestry Initiative and Habitat for Humanity have partnered to build affordable housing with sustainably harvested wood (PEFC, 2014).¹¹ A regional-scale model pairing sustainable forestry and affordable housing would promote dense, sustainable, affordable housing in urban areas and towns while preventing sprawl and creating sustainable timber jobs in rural areas. In addition, this model will support sustainable working timber lands. As described in the case study below, Forterra is one organization leading such regional-scale collaborations, in Washington state. Community Trusts and conservation land trusts could come together to either partner with organizations like Forterra or form similar collaborations in other states.

Case Study: Forterra

Forterra is a nonprofit organization in Washington state that works to conserve open space and working forest lands while supporting affordable housing built from sustainable timber (Forterra, 2022). In their Forest to Home Initiative, Forterra supports the long-term sustainable management of timberlands in rural Washington state to create cross-laminated timber products to build affordable housing, along with other structures. Cross-laminated timber is a method of processing sustainably harvested timber that creates a building material as strong as steel or concrete (Wilson, 2022). The cross-laminated timber is much less carbon intensive and is a same or lower cost building material. Cross-laminated timber production also supports job creation in rural towns in Washington. In addition, to support tribal land management and land justice, Forterra has facilitated land return of over 12,000 acres of sustainably harvested timberland to the Snoqualmie Tribe (Martin, 2022).

While Forterra began as a conservation land trust-type organization, they have more recently taken on projects to support affordable housing in urban cores in Washington state, in collaboration with community trusts and cooperatives. For example, Forterra has recently partnered with Africatown Community Land Trust in Seattle, Washington to acquire land for an affordable housing development. This development will create 126 units of affordable rental units in Africatown, a historically Black neighborhood that has experienced gentrification as housing and rental prices have increased (Groover, 2022). Michelle Connor, Executive Vice President of Forterra, commented on the regional vision of sustainability she sees as part of the Africatown project: “Decisions on land have to account for social equity. Otherwise, we strain the bonds of community, displacing people from homes, relationships, and livelihoods. Ultimately, that drives sprawl across our forests, farms and wilds” (Forterra, 2017). In another example, community leaders from the Hilltop neighborhood in Tacoma, Washington contacted Forterra about the acquisition of a vacated property in their neighborhood to develop into

affordable housing. Forterra purchased the property and is supporting a Community Investment Council of 35 community members to design the property, with a focus on supporting Black residents and addressing gentrification in the neighborhood (Dade, 2022). In both examples, Forterra worked with Community Trusts and community members at the request of the community, following the lead of the community. Overall, Forterra is supporting affordable housing in urban areas—and forming partnerships with Community Trusts and cooperatives—in tandem with sustainable timber harvesting and conserving working lands in rural areas.

Density and Affordable Housing Policy

Community Trusts and conservation land trusts could come together to strategically support local and state policies that promote density in urban cores and affordable housing. Density-supporting policies come in many forms, but they generally seek to increase housing availability and affordability in cities while reducing sprawl and development pressures on open space outside cities. Policies that support affording density and affordable housing largely exist at the state and local level, with some federal government support. The Biden administration recently announced a five-year plan to promote the construction of affordable housing—including federal funding to localities that promote affordable and dense housing, expanding low-income housing tax credit to finance affordable rental units, and driving housing supply into the hands of individuals and nonprofits instead of for-profit investment companies (The White House, 2022).

States and localities are taking action to promote density and affordable housing through state statutes and local zoning codes. For example, California passed legislation at the state level in 2021 to 1) allow all property owners to build more than one housing unit on land previously zoned for only one unit and 2) support denser development in public transit corridors (Healey & Ballinger, 2021). This legislation will allow for increased density of housing, especially in urban areas, to increase housing supply and affordability while reducing development pressure on the outskirts of cities. At the local level, the city of Minneapolis introduced a new comprehensive plan in 2019 to reduce racial segregation in the city and increase housing density and affordability—by banning single family-exclusive zoning among other measures (Baca et al., 2022). Many localities offer “density bonuses” or allowances to developers to build more units than the zoning code allows if they include more affordable housing units (Local Housing Solutions, 2022). Localities can also take advantage of or offers subsidies or tax credits for affordable housing, among other policies (Local Housing Solutions, n.d.). Overall, Community Trusts and conservation land trusts could come together to support local and state policies that promote dense, affordable housing in urban cores and more affordable housing in rural towns experiencing housing shortages. In doing so, Community Trusts and conservation land trusts tie together conservation and affordable housing goals.

Case Study: Emerald Alliance Northwest

Emerald Alliance Northwest is a nonprofit organization bringing together community and conservation land trusts, and other organizations around housing and conservation issues. In Washington state, the Emerald Alliance is calling for community and conservation land trusts to

support several state policies for increased urban density and transit-oriented development (McPherson & Stanton, 2022). They clearly articulate why conservation land trusts should engage with community trusts on affordable housing and progressive zoning policies that lead to more affordable housing in urban areas.

Faced with continued population growth over the next 30 years, the Puget Sound region must grapple with the fact that low-density, single-family housing is not sustainable from an environmental, economic, and human health standpoint. Embracing a more expansive view for achieving conservation objectives – where environmental justice, livability, and sustainability are inextricably linked to land use policies – simultaneously advances land conservation goals and the overall sustainability of our communities and landscapes.

Emerald Alliance advocates for a suite of Washington state policies for 2022: HB 1782 to allow for construction of “middle housing” (small multi-family developments, duplexes, rowhouses), three bills to update the growth managing act, and another bill to promote housing development and density around public transit (McPherson & Stanton, 2022). Emerald Alliance Northwest appears to be starting collaboration with and supportive of Forterra’s ongoing work in the region (Stanton 2019). While Emerald Alliance is a small organization at this time, they show the potential for Community Trusts and conservation land trusts to form coalitions to advocate for to state and local density policies.

Transfer of Development Rights and Affordable Housing

Community Trusts and conservation land trusts could collaborate around their role in transfer of development rights (TDR) initiative in localities around the United States. TDR is a “voluntary, incentive-based program that allows landowners to sell development rights from their land to a developer or other interested party who then can use these rights to increase the density of development at another designated location” (Miskowiak and Stoll, 2005). Localities must enact legislation to adopt TDR. Generally, localities have a “sending zone” where land is conserved and development rights transfer from and a “receiving zone” where the development rights are used to increase density. In the context of coastal flooding from climate change, “sending zones” that experience extreme flooding could be conserved as open space or green infrastructure, and “receiving zones” could be areas without flood risk that could have greater density of housing and affordable housing. Conservation land trusts could conceivably purchase property in the sending zone, conserve the property, and then transfer the development rights to a Community Trusts in the receiving zone. Then, the community trust could build denser affordable housing in the receiving zone with the development rights (Theilacker et al., 2019). Community and conservation land trusts could come together to collaborate on 1) how to get involved in the TDR process, if at all; and 2) how TDR can support affordable housing and conservation goals.

Case Study: Norfolk Coastal Resilience Overlay

The Norfolk Coastal Resilience Overlay is a case study where there is presently a lack of collaboration between Community Trusts and conservation land trusts around TDR. This case study is presented as an opportunity for future collaboration. In 2018, the city of Norfolk,

Virginia adopted a zoning ordinance to increase resilience to coastal flooding and promote greater development in areas of the city less prone to flooding (Adaptation Clearinghouse, 2018). The city created a Coastal Resilience Overlay zone in flood prone areas and an Upland Resilience Overlay in more climate resilient areas to encourage dense housing. In addition, the ordinance requires developers building the URO zone to build climate resilient housing—building in flood and hurricane risk reduction, stormwater management, and energy resilience (Adaptation Clearinghouse, 2018).

Community Trusts and conservation land trusts are not yet collaborating on TDR in Norfolk. However, Wetlands Watch—a conservation organization—has already identified how conservation land trusts can support coastal and riverine preservation through the TDR policy (Stiles, 2018). In the Coastal Resilience Overlay zone, developers can extinguish development rights, transfer those to a property in the Upland Resilience Overlay zone, and then work with a land trust to place a conservation easement on the property in the Coastal Resilience Overlay zone (Stiles, 2018). Wetlands Watch is working with Living River Restoration Trust to assess how to take advantage of the TDR program and the new ordinance for shoreline and riverside conservation. This could be an opportune moment to collaborate with the new [Virginia Statewide CLT](#) on how the TDR program could support dense, affordable, community-controlled housing in the Upland Resilience Overlay zone in Norfolk (Gordon 2018).

Conclusion

This memorandum outlines at least five opportunities for CLTs and conservation land trusts to collaborate on state and local policy and financing options. However, Community Trusts and conservation land trusts should first gather to discuss how their affordable housing and conservation goals could be paired together. For state and local policies and financing, this collaboration between Community Trusts and conservation land trusts could be at the regional, state, and/or local level.

Furthermore, CLTS and conservation land trusts should take time to brainstorm the policy and financing landscape together. The organizations could ask questions, including: 1) What policies could support both affordable housing and conservation? 2) Are there any policies or financing structures standing in the way of affordable housing and/or conservation, and how could those be reformed? 3) How can existing policies ensure equitable partnerships between Community Trusts and conservation land trusts, that ensure both groups are reaching their affordable housing and conservation goals? Overall, there are numerous opportunities to pair together affordable housing and conservation—while also promoting climate justice and climate resilience.

Appendix 4: Proposal to develop Guide to Solar Energy for Conservation & Community Land Trusts by David Hindin with input from Nico Valette.

1. **WHY: Need and Opportunity.** Create a practical guide for how conservation and community land trusts can identify, develop, and implement solar energy projects to enhance land conservation and climate resilient affordable housing. The Guide also would address policy considerations.
 - a. This Guide would be aimed at conservation and community land trusts that are interested in exploring a solar project but lack staff with solar expertise. Community Land Trusts are not the only providers of equity based affordable housing and this guide would be aimed at other affordable housing providers.
 - b. While there are existing guides to developing and installing solar projects, so far, the research has not found any targeted to the conservation and community land trust community, especially trusts that lack staff with expertise in solar energy.
 - c. The guides that exist today are likely to be out-of-date given the changes that the August 2018 Inflation Reduction Act made in the law and financing for renewable energy and affordable housing. See Attachment 1 for preliminary and incomplete summary of key IRA provisions. Many of these IRA provisions are not likely to have implementing federal regulations issued until Spring 2023.

2. **What: Guide in Brief**
 - a. The Guide would be 20 to 30 pages to introduce and orientate conservation and community land trust staff and board members that are novices to solar energy projects.
 - b. The Guide would primarily present as a smart website in which the user first sees a summary of content, then checks a form as to which topics they are most interested in seeing, and the relevant topics are then highlighted to them. The Guide also would be a PDF file as a traditional handbook with some printed versions as handouts at conferences and meetings.
 - c. Since state programs and incentives for conservation, renewable energy and affordable housing may differ in important ways, the Guide may need to have state specific appendices. The core of the Guide would cover content that is relevant regardless of state program variations.
 - d. Ideally, the Guide should include an expert advisory service in which nonprofit conservation and affordable housing groups could receive specific assistance on the financial, technical, and legal aspects of these projects. This would require funding to be obtained to support this.

3. **Who.** The idea for creating this Guide was developed as part of an initiative by the [Lincoln Institute of Land Policy](#) to enhance collaboration among organizations providing affordable housing (especially community land trusts) and conservation trusts protecting land for ecological values. More broadly, this initiative is trying to provide equitable access to green

open spaces, facilitate affordable housing that is powered by solar energy and is climate resilient, and advance economic and racial justice.

- 4. Detailed Outline for the Guide.** Emphasis is on practical advice for the solar energy novice. Since state programs vary in affordable housing, renewable energy, and land conservation, will need to figure out how to address both the nationally consistent content and content that varies by state.
- a. Overview and Purpose of Guide.
 - b. Multiple benefits of solar energy for land conservation and affordable housing organizations with potential downsides to avoid.
 - c. Introduction to solar PV energy systems, their components (e.g., inverters) and criteria to consider in selecting among different types of systems: roof top, parking canopies, on-site but not on a roof, community solar, agrivoltaics³. (NV)
 - d. Battery Storage. While battery storage does increase the cost of solar energy systems, battery storage has three key benefits:
 - i. Allow entities to store energy for use when sunlight is not present, thus limiting the strain on the grid and reliance on fossil fuel.
 - ii. May allow entities to lower their utility bills by reducing need to pay for grid energy during peak demand times when solar generation is not possible.
 - iii. Resilience as backup power when grid not available.
 - e. On-site solar. Ways to assess whether your site is appropriate for on-site solar, whether on existing roofs, new roofs (such as car parking canopies) or ground mounted systems. Solar panels function optimally with even sunlight distribution, as well as adequate overall sunlight.
 - f. Off-site solar, such as community solar, and ways to mitigate ecological impacts. Review key research and emerging best practices on reducing ecological impacts from non-roof top solar energy systems:
 - i. American Farmland Trust 2022 launch of [Pilot projects for how to site community solar facilities while preserving agricultural lands](#).
 - ii. May 2020 Science of the Total Environment journal article on [Perspectives on environmental impacts and a land reclamation strategy for solar and wind energy systems](#).
 - g. Project Economics: Financing, tax incentives, ownership models, and the allure/problem of Renewable Energy Credits (ECs).
 - i. Need to assess your energy requirements to determine what portion of your usage your solar energy system can cover, and this will vary seasonally. This will be key in assessing your break-even point.

³ August 2022 press release by the National Renewable Energy Laboratory (NREL) on [Growing Plants, Power, and Partnerships Through Agrivoltaics](#). The press release is based on an August 2022 Research Study by NREL, [The 5 Cs of Agrivoltaic Success Factors in the United States: Lessons from the InSPIRE Research Study \(nrel.gov\)](#).

- ii. Compensation mechanisms once project is generating energy, such as net metering.
 - iii. Incentives for design, purchase, and installation of the system, such as state (e.g., sales and property tax treatment) and federal tax incentives (including the ITC/PTC and all the new IRA adders), as well as pros/cons of RECs.
 - iv. Ownership models, which would include direct ownership, leases, and Power Purchase Agreements (PPAs). (Not sure how worthwhile it is to discuss the VPPA model). For ownership, methods for financing the design, purchase, and installation of the system. PPAs have been a way for nonprofit organizations to take advantage of the tax incentives for solar energy and have another entity assume the responsibility of owning, financing, designing, maintaining, and operating the solar energy system. The Inflation Reduction Act of 2022 will have impacts here on PPAs and other leasing options. See IRA section below.
- h. Building support with your board, stakeholders, and customers.
 - i. Community Support especially if solar panels are not solely on roofs owned by the conservation land trust, community land trust, or other entity proving the affordable housing.
 - j. State, local, and utility approvals and permits.
 - k. How to find and evaluate a company to design, engineer, install and maintain your system.
 - l. Project management from concept to design to approvals to installation and going live.
 - m. Project Operation and Maintenance after solar energy is being produced.
 - n. Issues to watch out for, such as how to ensure project benefits reach the intended customers, such as affordable housing residents.
 - o. Celebrate your solar energy system but do not worship it. Reminder that solar energy systems consume energy, materials, and land to manufacture, transport, install and dispose of. Reducing our consumption of energy, land and materials and decreasing waste/pollution generation are still necessary to address environmental crises.⁴
 - p. References and resources for more information in addition to references within each section of the Guide.
 - i. Case Studies (primarily or exclusively that already exist). Since there are many case studies and examples available, we do not think creating new case studies by itself is likely to be helpful. The Guide could have links to existing case studies. See Attachment 2 for working list of case studies.

⁴ See article on the [root causes of our environmental crises](#) in the Environmental Forum September October 2022 issue to avoid furthering the myth that renewable energy technology alone is the answer to our environmental crises.

5. **Preliminary Input from Subject Matter Experts in September thru November 2022.** The following organizations provided early input into the concept for this Guide.
 - a. **World Resources Institute**, Nate Hausman, Manager, Clean Energy Markets. Believes there is need for the Guide and that unlikely something similar exists. Willing to help connect us to potential partners now and WRI could be interested in helping further in 2023. Nate provided extensive comments on earlier version of this proposal that have been included in this version.
 - b. Clean Energy States Alliance (CESA). Discussion with CESA indicates that while their expertise is relevant to the content of the Guide, since they are focused on state agencies, they would not participate in development of the Guide. They did have useful input and it has been included already.
 - c. Clean Energy Group, parent group of CESA.
 - d. Land Trust Alliance. They have some expertise on renewable energy. In 2019, they did two articles on renewable energy and a Practical Pointer on Siting Renewables on Conservation Easements: What Land Trusts Need to Know.
 - e. Island Housing Trust.

6. **Other Organizations to consult in Calendar Year 2023 if someone was to launch an effort to create this Guide. Some of these might have a role in the actual creation of the Guide⁵.** The organizations listed here may later be categorized into several buckets: 1) partner to help coordinate the overall effort to create the Guide; 2) research interviewees; 2) Guide section co-authors, 3) reviewers; and 4) outreach and web support. The listing here does not reflect that categorization yet.
 - a. Equity focused solar energy companies; examples listed below. These companies might be chapter content reviewers and part of outreach for the Guide.
 - i. Re-volv.org
 - ii. PosiGen
 - iii. GRID Alternatives
 - iv. Solstice
 - v. Reactivate
 - vi. [Resonant Energy](#)
 - b. National Community Solar Partnership.
 - i. This is a US Department of Energy-led coalition-building initiative. Could be good outlet for disseminating the Guide but not likely to help in developing the Guide.
 - c. Institute for Local Self-Reliance. Mostly an advocacy group and may be a potential reviewer but seems unlikely to be partner in developing the Guide.
 - d. Berkeley Lab or NREL. NREL's SLOPE tool and its PVWatts Calculator would be good tools to mention in the guide's discussion of project feasibility and siting as project planning tools.

⁵ Unless expressly indicated that an individual or organization has indicated a possible interest in working on this Guide, no expression of support or commitment to this effort is suggested by our listing them here.

- e. [Local Initiatives Support Corporation](#).
- f. [Grounded Solutions Network](#). While they may not have subject matter expertise on solar energy, as the professional trade associations for community land trusts they would play critical role in providing outreach to their members who are the primary users of the Guide.
- g. [VEIC](#).
- h. Per Grounded Solutions Network:
 - i. UHELP - NYC coop support group has a whole going solar initiative, interesting because there are a lot of barriers to doing solar on coop and multifamily homes. They have a coops go solar thing on their website.
 - i. [Solar United Neighbors and Interfaith Power and Light](#): unlikely to align with this project as these organizations have different customer focus, but they have guides that are worth looking at.

Attachment 1: Provisions of IRA Related to Affordable Housing, Renewable Energy and Land Conservation.

Important Caveat: This is preliminary and incomplete. The actual Guide would need to explain these in plain English with a practical focus.

1. The IRA increased the Investment Tax Credit (ITC) for solar development, from 26% to 30% across the board for the next 10 years. Further, solar for low-income communities and affordable housing will receive an additional incentive of 10% and 20%, respectively. There's also a 10% ITC bonus for projects built in [legacy energy communities](#). These communities could represent about half the land area in the US.
2. IRA allows for direct pay for nonprofits (such as conservation and community land trusts) to receive a direct cash refund in the amount that they would otherwise be eligible for through the investment tax credit as if they were a tax-paying entity. This could allow them to own solar projects and to directly monetize the investment tax credit without needing to enter a complicated 3rd party-owned solar contract, such as Power Purchase Agreements (PPA) that carry high transaction costs.
 - a. Question: What about accelerated depreciation provision for renewable energy equipment, how would a nonprofit take advantage of that? Initial answer: A nonprofit that takes direct pay would have to leave the accelerated depreciation tax benefit on the table. Unless a third-party owned the system, they would not be able to take advantage of it.

Note: Content on affordable housing and land conservation needs to be added.

Attachment 2. Solar Energy Affordable Housing Examples

The examples below are for affordable Housing being powered by solar energy. One major gap in knowledge is whether these examples are representative of many more such instances or they are the universe of such examples and thus best characterized as outliers

- [Kulshan Community Land Trust](#), serving Whatcom County, Washington, used local utility grant program to install roof top solar on 12 of their new townhomes per this [local story](#).
- The [Homestead Community Land Trust in King County, Washington](#) is building permanently affordable “net-zero” housing that incorporates solar energy and energy efficiency in neighborhoods near transit. Homestead partnered with a local nonprofit, Spark Northwest, to facilitate bulk buying and installation of solar panels for interested CLT homeowners. Homestead used 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. Source: Georgetown Climate Center [case study current as of July 2020](#) (Grannis 2021).
- The [Kôr Community Land Trust in Bend, Oregon](#), website indicates it “builds its affordable homes to net zero energy to ensure equitable access to energy efficient homes and the health and savings that comes with it.” Kôr’s first net-zero community was completed in 2021 (7 units), its second (5 units) is under construction and a third community (5 units) is in the pre-development stage.
- [The City of Lakes Community Land Trust](#) (CLCLT) in Minneapolis, Minnesota is partnering with [Innovative 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.
- The **City of Austin, TX** is providing financing to the [Guadalupe Neighborhood Development Corporation](#), a CLT, which used philanthropic funding to support development of “super-green” affordable housing projects. 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.

Examples of solar+storage projects for affordable housing from the [Clean Energy Group](#).

1. [Parkway Overlook, DC](#) (Affordable housing)
2. [Maycroft Apartments, DC](#) (Urban apartment building)
3. [McKnight Lane Redevelopment Project, VT](#) (Rural modular housing)
4. [Boulder Housing Partners Headquarters, CO](#) (Affordable housing headquarters)
5. [Marcus Garvey Apartments, NY](#) (Urban apartment building)
6. [Rancho Verde Apartments, CA](#) (Affordable housing)
7. [Imperial Valley Residential Solar+Storage, CA](#) (Single family housing)
8. [2500 R Street Community Development, CA](#) (Single family housing)