THE COMMUNITY LAND TRUST READER

Edited by John Emmeus Davis

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MANUFACTURED IN THE UNITED STATES OF AMERICA

CONTENTS

PART FOUR Affordable Housing

PART FIVE Beyond Housing

PART SIX Beyond the United States

PART SEVEN Beyond the Horizon

Origins and Evolution of the Community Land Trust in the United States

John Emmeus Davis
(2010)

The community land trust (CLT), both the model and the movement, was a long time coming. The organization generally credited with being the first attempt to create a CLT, New Communities, Inc., was founded in 1969. Ten years later, only a handful of CLTs were operational in the United States, all of them in remote rural areas. Another 20 years passed before the number, variety, and dispersion of CLTs reached the point where it was fair to speak of a CLT "movement," although the model's proponents had been brazenly using that term since the early 1980s. Today, there are over 240 CLTs in 45 states and the District of Columbia, and the model has begun spreading to other countries.

As long as it took for the model to become a movement, it took even longer for the CLT itself to become the model we know today. New Communities, Inc., did not suddenly sprout newly green and fully formed from the red clay of southwest Georgia without antecedent. It was deeply rooted in a fertile seedbed of theoretical ideas, political movements, and social experiments that had been laid down over a span of many decades. Even after the appearance of New Communities, moreover, this fragile shoot still required years of cultivation and hybridization before it was ready for wider adoption.

When laying out the story of the model's origins and evolution, it is convenient to group the distinguishing features of the CLT by ownership, organization, and operation—three clusters of characteristics that appeared at different times, each shaped by a different set of influences. The reality was much messier, of course, with ideas often leapfrogging the narrative boundaries between eras. History seldom unfolds as neatly in the living as it does in the telling.

Ownership: In Land We Trust

In the history of the community land trust, ownership came first. The CLT's unique form of tenure appeared in theory and practice long before "community" was grafted onto the model's organizational stem and long before "trust" was given the operational

This chapter was written for this volume.

meaning it has today. The search for the model's origins must begin, therefore, with its unusual approach to the ownership of land and buildings.

A CLT structures ownership in several distinctive ways:

- Land is treated as a common heritage, not as an individual possession. Title to multiple parcels is held by a single nonprofit owner that manages these lands on behalf of a particular community, present and future.
- Land is removed permanently from the market, never resold by the nonprofit owner. Land is put to use, however, by leasing out individual parcels for the construction of housing, the production of food, the development of commercial enterprises, or the promotion of other activities that support individual livelihood or community life.
- All structural improvements are owned separately from the land, with title to these buildings held by individual homeowners, business owners, housing cooperatives, or the owners of any other buildings located on leased land.
- A ground lease lasting many years gives the owners of these structural improvements the exclusive use of the land beneath their buildings, securing their individual interests while protecting the interests of the larger community.

This is hardly the way real estate is typically owned and managed in the United States. Instead of seeing land as part of a shared human heritage that should be shepherded and used for the common good, land is typically treated as individual property, chopped up into parcels that are bought and sold to the highest bidder. It is deemed to be our god-given right to accumulate as much of it as we can. If we're lucky and shrewd, we can beat everybody to prime parcels that are most likely to rise in value as a town expands, as a school is built, as a factory is sited, as a road or subway is extended. So rampant, so accepted, so deeply embedded in our national culture has been this notion of the individual's inalienable right to gather to himself all the land he can grab, enriching himself in the process, that Thorstein Veblen, a nineteenth-century economist, suggested that speculation, not baseball, should be seen as our true national pastime. He dubbed land speculation the "Great American Game."[1]

Side by side with this ethic of speculation, however, there has persisted another tradition in the United States—less obvious, less dominant, but just as old. This is an ethic of stewardship, in which land is treated as a common heritage: encouraging ownership only by those who are willing to live on the land and to use the land, not accumulating more than they need; emphasizing right use and smart development; capturing socially created gains in the value of land for the common good. This tradition of stewardship is precolonial, extending back to Native American attitudes and the New England custom of the town commons. It also survived in the thinking of people like Thomas Paine, Thomas Jefferson, and Abraham Lincoln.[2]

The American writer and politician who took this alternative conception of land the farthest was Henry George. Since the intellectual origins of the CLT begin with

George, it is useful to linger here a moment, heeding his condemnation of the ethic and evils of speculation.

The Georgist Critique

During his lifetime, Henry George was one of the most popular and influential public figures in the United States. He was also well known outside the United States. The only living Americans more famous than George in the rest of world at the time were Mark Twain and Thomas Edison, especially in those countries once parochially known as the "English-speaking world." But fame can be fleeting, especially for someone like George, who proposed to change radically the rules of the Great American Game. Not many people have even heard of Henry George today.

His was a classic rags-to-riches American success story. Born in Philadelphia in 1839, George went to work as an office boy at 13 years of age and ran away to sea at the age of 16. He eventually landed in San Francisco, where he found employment at a local newspaper. He worked his way up from printer to reporter, to editor, and, eventually, to becoming the newspaper's owner. He was entirely self educated. Reading widely, he encountered the work of the English political theorist John Stuart Mill. He was taken, in particular, with Mill's concept of the "social increment," an economic theory that asserts that most of the appreciating value of land is created not by the investment or labor of individual landowners, but by the growth and development of the surrounding society.

George asked himself a provocative question: Why is there immense poverty amid so much wealth, poverty that occurs despite social and technological progress? The answer he proposed, in a book published in 1879, entitled *Progress and Poverty,* was very different from the one provided by Karl Marx, who had wrestled with a similar question in *Das Kapital,* published 12 years earlier. Marx's answer had been that poverty of the masses is caused by ownership of the means of production by a small cadre of capitalists who are able to capture for themselves most of the value created by labor. George, by contrast, saw poverty as resulting from the ownership of land by a small cadre of landowners who are able to capture for themselves the appreciating value of land—i.e., real estate values that are created, as John Stuart Mill suggested, by the growth and development of society.

Landlords, in George's eyes, are little more than parasites, feeding off the productivity of others. Whenever there is economic progress—new technologies, higher wages, higher profits—landowners simply raise their rents or the selling price of their real estate holdings. This is, in George's words, "an invisible tax on enterprise," collected by those who contribute nothing themselves to increased productivity. Landlordism is a bane for capital and labor alike.

An obvious remedy for this sorry state of affairs would be for government to nationalize the land. But George was too much of a political realist—and too much an admirer of the Jeffersonian ideal of small-scale landholding—to propose such a radical solution. Instead, he proposed a single tax: Have government tax away the social

increment, collecting for the benefit of the larger public all of the land gains that society itself has created. By George's calculation, this tax on the appreciating value of land would be sufficient to cover all of a government's costs of providing infrastructure, schools, and other public services. This would allow the elimination of all other taxes on profits, wages, and structural improvements. A single tax would do it all.[3]

Progress and Poverty sold over three million copies during George's lifetime, an astronomical figure for his day. It was followed by a steady stream of books and pamphlets in which George repeated and refined the ideas introduced in his 1879 book. His published works and public speeches brought him wide fame and a large following, spawning an international "single-tax movement." Single-tax clubs sprang up across the United States and throughout Europe, dedicated to promoting George's ideas.

George's fame was spread abroad not only through the publication and translation of *Progress and Poverty* and other works, but also by the presence of George himself. He made six trips outside the United States between 1881 and 1890. On his first trip across the Atlantic, soon after disembarking in Ireland, he made an inflammatory speech about land reform and was thrown into jail. This turned out to be wonderful publicity for his next stop, which was London. He filled lecture halls. George Bernard Shaw was among the London notables attending an early lecture by Henry George, and he became an instant convert. So did a quiet young man named Ebenezer Howard, who was to propose a new solution for the Georgist critique.

Planned Communities on Leased Land

Like George, Ebenezer Howard had little formal schooling. Instead of running away to sea, Howard had pursued an equally audacious adventure. At the age of 21, he had sailed from England to America with two friends, planning to become a homesteader in Nebraska. He soon discovered that he had no talent for farming, however, and moved to Chicago. He spent five years there, earning his living as a court reporter. He was also employed on occasion as a newspaper reporter.

Howard returned to England in 1876 and joined a firm producing parliamentary reports. This was bread labor, however. His real work, his true vocation, was studying and thinking about the dreadful condition of England's cities. Like George, he was a self learner, reading everything he could find. One of the books that made the greatest impression on him was *Progress and Poverty*, an influence that was reinforced when he heard George lecture in London.

In 1898, Howard published *To-Morrow: A Peaceful Path to Real Reform*, a book that was later reissued and retitled *Garden Cities of To-Morrow*.[4] The sweeping solution that Howard proposed for the crowding and chaos of urban areas was the creation of planned communities of 32,000 people ringing major cities and combining the best features of town and country. Inspired by George, he proposed that these Garden Cities be developed on land that was leased from a municipal corporation, where "men of probity" would serve as the "trustees" for this municipally owned land. Like

George, he wanted to capture the social increment for public improvement, not private enrichment. Unlike George, his mechanism was not the single tax but municipal ownership. Eventually, 32 Garden Cities were developed in England, starting with Letchworth in 1903 and Welwyn in 1909.

Meanwhile, back in the United States, other followers of Henry George were busy developing Garden Cities of their own. Structured similarly to Letchworth and Welwyn, these so-called single-tax colonies were based on community ownership of the land and individual ownership of the improvements. Two of the earliest of these colonies were created in Arden, Delaware, and Fairhope, Alabama on the Gulf Coast. Founded in the early 1900s, these leased-land communities have survived to today.

A whole new crop of intentional communities sprang up in the 1930s and 1940s, inspired by another follower of Henry George, Ralph Borsodi. It was Borsodi who first described these leased-land communities as "land trusts." Borsodi was born in 1886, the son of a New York City publisher who was an ardent follower of Henry George. Borsodi was home-schooled by his father, an education supplemented by his own extensive readings. He never attended college, although the University of New Hampshire later awarded him an honorary doctorate, recognizing the accomplishments of a self-educated social theorist who produced 13 books and 10 research studies during a long, productive life. In 1928, Borsodi published his first book, in which he decried land speculation and landlordism along lines similar to George's. He went further than George, however, in saying that land should never be individually owned. Only structural improvements should be treated as property. Land should be treated as a "trust." Indeed, throughout his varied career as a writer, teacher, homesteader, and social philosopher, Borsodi insisted on calling land "trusterty," not property.[5]

In 1936, amid the Great Depression, Borsodi moved to Suffern, New York, 36 miles north of New York City, and founded a community that he named the School of Living. Eventually, 30 families settled there, occupying separate homesteads around a folk school where workshops on adult education, gardening, and home production were held on a continual basis. Borsodi initiated a group title for the land, with individual homesteaders paying an annual lease fee for the use of their parcels.

Borsodi's writings and the example of the School of Living inspired a number of other experiments in community landholding. For the next 10 years, a steady stream of educators, authors, and back-to-the-landers beat a well-worn path to Suffern to learn about rural homesteading and land leasing.[6] One of the most successful of the leased-land communities modeled on Borsodi's blueprint was Bryn Gweled, started by a group of Quakers in 1940 after visiting the School of Living.[7] This "intentionally diverse community," as it describes itself today, was located on a 240-acre tract a few miles outside of Philadelphia. Ownership of the land was vested in a nonprofit corporation. Over 80 leaseholds were plotted, on which families could build houses, to which they held individual title. Bryn Gweled's ground lease was later included in the first book about community land trusts, published in 1972.

Two other influential experiments in community landholding were established during the period before World War II, one in Tennessee and the other in North Carolina. Arthur E. Morgan was the godfather of both. Morgan was born in 1878 near Cincinnati, but his family moved soon after his birth to St. Cloud, Minnesota, where Morgan was raised. His father was a self-taught engineer. Upon graduating from high school, Morgan found employment cutting timber in Colorado. Later, while working in a series of Colorado mines, he developed an interest in hydraulic engineering. Returning to Minnesota in 1900 to work with his father, he learned engineering from the ground up. He developed a special interest in dams and eventually traveled to Europe to investigate dam construction techniques on the other side of the Atlantic. He was in England soon after the first Garden City was founded, at Letchworth. He may have encountered Howard's ideas during this trip; there is no way of knowing for sure. Morgan never acknowledged his intellectual debt to Howard, even though many of the latter's proposals for the municipal ownership of land, cooperative ownership of community enterprises, and the development of planned communities through individual leaseholds were later incorporated into both of the leased-land communities that Morgan initiated in the 1930s.

In 1913, Morgan was hired by Dayton, Ohio, to build five dams after a flood had devastated the city. Winning local fame as a man of action and ideas who was also an able administrator, he came to the attention of Antioch College, a dying institution located 18 miles east of Dayton.[8] Elected to the board of trustees, he was later appointed president of the college. During his 15-year presidency, Morgan instituted what came to be famously known as the Antioch Plan, according to which the college's students were required to do four hours of local work for every four hours spent in the classroom.[9] He also published numerous articles about progressive education, community development, and new towns in popular periodicals like *The Atlantic Monthly*.

Morgan came to the attention of President Franklin Roosevelt, who was looking for someone to lead the newly created Tennessee Valley Authority (TVA). In 1933, he was appointed by Roosevelt as one of TVA's three cochairmen, but his tenure in that position was stormy and short-lived. After three years, he was dismissed by FDR. While still at the helm of TVA, however, Morgan seized the opportunity to realize his vision of the ideal community. He oversaw the construction of Norris, Tennessee, a planned community to house the workers who were building TVA's first dam, to control flooding and generate electricity. The land at Norris was owned by TVA and leased for residential and commercial development. No worker paid more than 25 percent of his salary for housing. The town's businesses were operated as nonprofit cooperatives located on land that was leased from TVA.[10]

Soon after his tenure at TVA, Morgan made a second effort to establish a planned community on leased land. He had been approached by a wealthy textile manufacturer from Chicago who offered to bankroll one or more of Morgan's utopian ideas for social improvement. In 1938, Morgan sent his son, Griscom, to western North

Carolina to look for land. Using money from the Chicago donor, he was able to purchase 1,200 acres in a mountain valley about 40 miles north of Ashville. Recruiting several other "men of probity," as Ebenezer Howard had called them, to serve on the board of directors, Morgan formed a nonprofit corporation to develop a leased-land community that he named Celo. In addition to houses and farming and a few cooperative enterprises, Celo developed a boarding school based on Morgan's ideas of progressive education. Both the community and the school exist today, still organized along lines laid down by Morgan 70 years ago.

Outside of the United States, land leasing gained a significant foothold in another country during the first half of the twentieth century.[11] Inspired by the theories of Henry George, the Jewish National Fund (JNF) began acquiring land in Palestine in 1901. The JNF executed 99-year leases for the use of its land. Its principal beneficiaries were cooperative agricultural communities, kibbutzim and moshim, developed on lands that were leased from the JNF. In 1967, when civil rights activists in the American South began exploring options for creating the first CLT in the United States, they looked to these agricultural communities for practical lessons, traveling to Israel to learn more about the mechanics of mixed ownership and long-term land leasing.

Organization: Putting the "C" in CLT

In all of these leasehold communities, including the Garden Cities in England, the single-tax communities in the United States, the agricultural cooperatives in Palestine, and the intentional communities at the School of Living and Bryn Gweled, there was common ownership of land, individual ownership of the buildings, and a long-term ground lease tying the interests of the parties together. These were planned communities on leased land. They were land trusts. They were not *community* land trusts, however, as that term is understood today.

Bryn Gweled was typical in this regard. All of the houses at Bryn Gweled were located on land that was leased from a nonprofit corporation. The nonprofit was governed by homeowners living on the corporation's land, but no one living outside of the community had a voice in running Bryn Gweled. There was neither a larger membership nor outside directors. It was an intentional community, an enclave of like-minded people. It was not a "community land trust," lacking as it did (and still does) most of the organizational and operational elements that define the contemporary CLT.[12]

What are the organizational characteristics that allow us to call a leased-land arrangement a community land trust? There are three:

- The landowner is a private, nonprofit corporation with a corporate membership that is open to anyone living within the CLT's geographically defined "community."[13]

- A majority of the governing board is elected by the CLT's membership.
- There is a balance of interests on the governing board, where seats are allocated equally among directors representing the CLT's leaseholders, directors representing residents from the CLT's service area who are not CLT leaseholders, and directors representing the public interest.

The person most responsible for putting the "C" in CLT was Bob Swann. It was Swann, working in partnership with Slater King, a cousin of Martin Luther King Jr., who was to modify the model pioneered by Ralph Borsodi and Arthur Morgan, adding organizational components that eventually made community a defining feature of the CLT. What the models of Borsodi and Morgan had lacked, according to Swann, was "broad participation by the town or community." Swann supplied this missing piece. In his words, "The practice I added was open membership in the corporation bylaws to all people living in the region. This was my major contribution."[14] This was, in truth, not his only contribution to the model's evolution, but it was the only one he ever claimed for himself.

Education of a CLT Pioneer

As a young man, Swann came under the influence of Bayard Rustin, then serving as youth secretary for the Fellowship of Reconciliation. Guided by Rustin and inspired by the published writings and personal example of Mahatma Gandhi, Swann made a fateful decision while an undergraduate at the University of Ohio. He would resist induction into the armed forces. This was just before America's entry into World War II. He was sentenced to five years in prison and, in 1942, entered the federal penitentiary in Ashland, Kentucky. He was soon joined there by his mentor, Bayard Rustin, along with 40 other conscientious objectors.[15]

As Susan Witt, Swann's second wife, was later to say in Swann's obituary, prison was Bob's "university and his monastery."[16] He was introduced there to many of the ideas that shaped the rest of his life. He was exposed for the first time to the writings of Lewis Mumford, Jane Jacobs, and Ralph Borsodi. All proved influential in his later thinking. But the book that impressed him the most he discovered in a correspondence course on community development that he and the other conscientious objectors took while serving out their time in the Ashland penitentiary. The book was *The Small Community.* It had been written by Arthur E. Morgan, the same man who had designed the course.

After leaving the Tennessee Valley Authority, Morgan had returned to Yellow Springs, Ohio. Two years later, in 1940, he founded Community Service, Inc., (CSI) as a vehicle for spreading his ideas about community development and small-scale, locally controlled enterprises. Among many other initiatives, CSI developed the correspondence course on the small community that reached Swann in prison. Beginning in 1943, CSI also published a nationally distributed newsletter that was mostly

a showcase for Morgan's essays and experiments promoting small-scale community enterprise. It later featured many articles about CLTs.[17]

Swann was so impressed by Morgan's ideas that he wrote to him while still in prison, asking for work. Morgan offered him a job with Community Service, Inc. Released from Ashville in 1944, Swann moved his family to Yellow Springs. His wife, Marjorie Swann, a civil rights activist who had been actively involved with the Congress of Racial Equality (CORE) in Chicago, also found work at CSI. Soon after their move to Yellow Springs, she resumed her involvement with civil rights.

Bob Swann quickly realized that the job promised by Morgan was office work, which he was not interested in doing. He resigned from CSI and began building houses, the start of many years earning his living as an itinerant carpenter and house designer. After only a year in Yellow Springs, he and Marjorie moved with their three daughters to Kalamazoo and then to Chicago. This was followed by yet another move to the Philadelphia area, where Bob was employed by Stanley Millgram, building houses in racially integrated communities. During this period, the Swann family resided near Bryn Gweled and had several friends who lived there.[18]

In 1960, the family finally settled in Voluntown, Connecticut, where Swann and his wife worked full time as leaders and organizers for the Committee on Nonviolent Action (CNVA). They focused in the beginning on issues of war and peace: organizing teach-ins, marches, and direct action protesting the arms race with Russia, the quarantine of Cuba, and the escalating war in Vietnam. They were also drawn into doing support work for the southern civil rights movement.

The Southern Crucible

Bob Swann went south for the first time in 1963 to help rebuild black churches that had been firebombed by southern racists. His carpentry skills, honed over many years of building, designing, and supervising the construction of houses, large and small, were put to good use. He was to earn credibility and make connections among African American activists in the southern civil rights movement, not by making speeches but by pounding nails.

Soon after coming south, Swann was introduced to Slater King. Out of their partnership was to emerge the prototype for a new model of land tenure, known today as the community land trust. There were other influences on Swann's conception of the CLT, as well, including his previous exposure to the leased-land experiments at Bryn Gweled and Celo, his developing interest in the Gramdan Movement in India, and his close relationship with Ralph Borsodi and Clarence Jordan, the founder of Koinonia Farm. None of these influences did as much to affect Swann's thinking about the place of community in alternative institutions of property, however, as his association with the southern civil rights movement in general and with Slater King in particular.

Slater King was the owner of a successful real estate and insurance brokerage firm in Albany, Georgia. His brother, C. B. King, was a local attorney. Like their cousin,

Martin Luther King, both brothers were deeply involved in the civil rights struggle. They had helped to found the Albany Movement in 1961. Slater had served as the organization's first vice president and was elected its president one year later.

The Albany Movement was the first mass movement in the modern civil rights era to have as its goal the desegregation of an entire community. The white city council of Albany vowed that would never happen. Repeated attempts by the city's African American community to desegregate the bus station, the library, city parks, and other public facilities were stubbornly resisted. This was sometimes done quietly: The public library was closed rather than allow blacks to check out books; nets were cut off the tennis courts in the public parks rather than allow integrated teams to play. More often, the white establishment's resistance was strident and brutal. Protest marches organized by the Albany Movement resulted in mass jailings. On the orders of the city council, the police force of Sheriff Laurie Pritchard arrested every protester in sight, including Martin Luther King and Ralph Abernathy, who had been invited to town by MLK's cousins. Both men were jailed there three times in 1961 and 1962, along with more than a thousand other African Americans. When Albany's jails overflowed, hundreds of the protesters were sent to jails in the surrounding counties, where racist rural deputies were more likely to abuse black inmates. Slater King's own wife, Marion, was slapped, knocked to the ground, and kicked in the stomach by two policemen when she brought food and supplies to civil rights protesters in the Mitchell County jail. She was six months pregnant at the time. She lost the child.[19]

Martin Luther King came to consider the Albany Movement a failure because segregation had not been overturned by the time he moved on to Birmingham at the end of 1962. Albany's African American leaders disagreed. The Albany Movement, under Slater King's leadership, continued its efforts to register black voters and to integrate public schools. The Student Nonviolent Coordinating Committee (SNCC) and the Southwest Georgia Project, under the leadership of Charles Sherrod, continued to organize protest actions in Albany and in nearby Americus and Moultrie.

Slater King and Bob Swann met by accident. Before coming south in 1963, Swann had helped to organize the Quebec-Washington-Guantanamo Walk for Peace. This 1,000-mile peace march reached Georgia at the same time that Swann was in Mississippi rebuilding one of the state's firebombed churches. As the peace march moved farther south, feeder walks swelled its ranks, adding civil rights concerns to the march's original antiwar focus. When the march reached Albany, the city council refused to allow the integrated group to march on the main street. On their second attempt to walk through the downtown, Bradford Lyttle, Barbara Deming, and 20 other protesters were arrested by Sheriff Pritchard, the old nemesis of the Albany Movement. The protesters stayed in jail for nearly two months.

Bob Swann traveled to Albany during this period to organize support for his jailed friends. Since the Albany jail now held demonstrators from the Quebec-Washington-Guantanamo Walk for Peace, as well as local civil rights activists from southwest Georgia who had joined the march en route, Swann went to see C. B. King, the

town's most experienced civil rights attorney, to ask what might be done to help the activists who were languishing in jail.[20] Soon after that meeting, Swann was introduced to King's brother, Slater.

Aside from a mutual desire to get their associates out of jail, Slater King and Bob Swann discovered they had much in common. Both men had spent several years organizing nonviolent protests, Swann as a peace activist, King as a civil rights activist. By the time of their initial meeting in 1964, both had begun to shift the focus of their thinking and activism, asking themselves, "What comes next?" Both were looking for ways to move beyond the "protest movement" to what Gandhi had called the "constructive movement." They had both reached the point in their lives where they were grappling with questions like "how are the gains of struggle to be secured? how is a new society to be built within the shell of the old?"

A meeting of minds was not the only basis for the unlikely alliance that was quickly forged between this white pacifist from the far North and this black civil rights activist from the Deep South, for this was not the first time that the paths of the Swann and King families had intersected. Twenty years before, while living in Yellow Springs, Swann's wife had been actively involved with a local affiliate of CORE. Marjorie Swann had befriended another civil rights activist, an Antioch student who was majoring in music and education. The two women became lifelong friends. On occasion, when the Swanns wanted a night off, they hired Marjorie's young friend as a babysitter for their three daughters. The babysitter's name was Coretta Scott. She later married a young reverend from Atlanta whose zeal for the civil rights struggle matched her own: Martin Luther King Jr.

A Vision of Constructive Change: Koinonia and Gramdan

As Bob Swann and Slater King were beginning what became a five-year conversation about land reform and economic self-sufficiency for African Americans, there was a place only 30 miles from Albany where a "constructive" program was already underway: Koinonia Farm. Founded in 1942 by Clarence Jordan, Koinonia was one of the few communities in the Deep South where black families and white families were actively living, working, and praying together, modeling the integrated society they wanted to see. Because of the racial mixing at Koinonia and because of Jordan's publicly declared views on racial equality, he and Koinonia's other residents had been excommunicated from the Rehoboth Baptist Church in 1950. Six years later, when Koinonia established an interracial summer camp, racist storeowners, wholesalers, and processors refused to do business with Koinonia and began boycotting Koinonia's agricultural products. This boycott continued into the late 1960s. The Ku Klux Klan pursued a more violent path, firing guns into Koinonia's buildings and threatening increased violence unless Jordan agreed to sell the farm. He refused.

Bob and Marjorie Swann visited Koinonia a number of times between 1964 and 1967. Dorothy Day, Wally and Juanita Nelson, and other noted American pacifists and civil rights activists were frequent visitors, as well. After personally witnessing the

sustained economic pressure and scattered violence the community was forced to endure, several of these visitors established Friends of Koinonia. This national support network raised money for Koinonia and organized the sale of the farm's pecans and other agricultural products outside of the South in the face of the ongoing boycott by local businesses. Bob Swann served as the national chairman of Friends of Koinonia until 1968.

Koinonia provided Swann with a compelling vision of a cooperative agricultural community that was created, in part, to promote economic self-sufficiency for lower-income people, a community supported by a larger network of sympathizers and supporters. Koinonia was clearly a source of inspiration for New Communities, as Swann and Slater King began laying plans for an agricultural community on leased land. Incidentally, during one of his visits to Koinonia, Swann was apparently on hand when Clarence Jordan and Millard Fuller began discussing the possibility of creating a self-help housing program for low-income people.[21] Koinonia Partners was founded by Fuller as a separate nonprofit to undertake this project, an organization that eventually evolved into Habitat for Humanity.[22]

Swann formed another important partnership during this period. In 1966, a mutual friend introduced him to Ralph Borsodi, who had just returned to the United States after four years abroad, teaching economics in India. Swann was familiar with Borsodi's writings, which he had read in prison, and he had often visited Bryn Gweled, the leased-land community inspired by Borsodi's School of Living. When Swann and Borsodi finally met, they formed an immediate attachment.

One of the things they had in common was a keen interest in the work of Vinoba Bhave, who was doing something similar to what Borsodi had tried to achieve at the School of Living and that Swann had seen in practice at Bryn Gweled. But Vinoba Bhave was doing it on a massive scale and adding organizational elements that had been missing in Borsodi's model.

After Gandhi was assassinated in 1948, political leadership of his movement fell to Jawaharlal Nehru. Spiritual leadership fell to Vinoba Bhave. Gandhi's "constructive program" had envisioned a decentralized society based on autonomous, self-reliant villages. His concept of "trusteeship" asserted that land and other assets should be held in trust for the poor. Vinoba Bhave inherited Gandhi's concern for the plight of the rural poor, especially the so-called untouchables. He began walking across India, asking rich landowners to donate a portion of their land to the poor. To his surprise, hundreds of landowners generously responded. The "Land Gift" movement—the Boodan Movement—was born. At its height, Bhave and his followers were collecting 1,000–3,000 acres a day. By 1954, 3 million acres had been distributed to the poor, and Bhave was being hailed as the "Walking Saint of India."

But poor peasants had a hard time hanging on to the small plots they were given. Much of their land was quickly lost to moneylenders and speculators. Seeing this, Vinoba Bhave transformed the Land Gift program into a "Village Gift" program; the *Boodan* Movement became the *Gramdan* Movement. Bhave now insisted that any

gifts of land must be donated to entire villages, not to impoverished individuals. The land would be held in trust by a village council—and leased—to local farmers.

By the time Borsodi left India, more than 160,000 Gramdan villages had been established. He was enormously impressed by these local experiments in land reform, discovering in the Gramdan Movement an affirmation and an audience for his own ideas about rebuilding rural economies on the basis of self-sufficient villages on leased land. Returning to the United States, Borsodi settled in Exeter, New Hampshire, and in 1967 formed a new organization to provide training and technical assistance for people who were interested in promoting rural development along the lines he had witnessed and supported in India. The name of this new organization was the International Independence Institute. Borsodi became chairman of the board and executive director. Bob Swann, who continued living at Voluntown after meeting Borsodi, was named the Institute's field director. Erick Hansch, a friend of Borsodi's from Portland, Oregon, was named assistant field director for Latin America.

In October of that same year, Borsodi and Swann traveled together to Luxembourg and London. In Luxembourg they incorporated yet another organization to complement the work of the Exeter-based International Independence Institute. According to its charter, the purpose of this new organization, named the International Foundation for Independence, was "to promote a world-wide social reformation to be based upon the theory that priority must be given . . . to the development of agriculture, local arts, local crafts, local enterprises, and local industries, and that the development of these basic social institutions should not be sacrificed to promote urbanism and industrialism." In Borsodi's expansive vision, the foundation would raise capital by issuing "notes and other instruments of indebtedness" and then loan these funds on reasonable terms to agricultural projects and rural villages in India, Latin America, and undeveloped regions in the United States, like the rural South.

Over the next 20 years, the International Independence Institute regularly changed its location and, eventually, its name. In 1971 it moved its corporate offices from Exeter, New Hampshire, to Ashby, Massachusetts. The next year, it moved again to Cambridge, Massachusetts, and changed its name to the Institute for Community Economics (ICE).[23]

New Communities, Inc.

Even as he was helping Ralph Borsodi to establish the institute in Exeter and the foundation in Luxembourg, Swann had kept in touch with Slater King. If the leased-land model that Borsodi had pioneered in 1936 could be combined with the sort of village trusts that had been developed on such a large scale in India, Swann and King believed they might have the makings of a land reform program capable of easing the residential and economic plight of African Americans living in the rural South.

Slater King had been talking to the National Sharecroppers Fund about buying land for black farmers being forced off the land, due to either the mechanization of agriculture or retaliation for their involvement in the civil rights movement. The executive

director of this advocacy organization was Faye Bennett. She was a seasoned veteran of many struggles for social justice in the South and a personal friend of Eleanor Roosevelt.[24] Bennett was intrigued by the idea of creating leased-land agricultural cooperatives for black farmers. The National Sharecroppers Fund came up with the money to send a delegation to Israel to learn more about the kibbutz and moshav models of agricultural communities, both of which had been developed on lands that were leased from the Jewish National Fund. The delegation from the United States wanted to see how ground leasing worked.

Eight people made the trip to Israel in June 1968. In addition to King, Swann, and Faye Bennett, the delegation included Slater King's wife, Marion; Lewis Black, a board member of the Southwest Alabama Farmers' Cooperative Association; and Leonard Smith, a colleague of Faye Bennett's at the National Sharecroppers Fund. The final two members of this delegation to Israel were Albert Turner, field director for the Southern Christian Leadership Conference in Alabama, and Charles Sherrod.

Sherrod had come to Albany in 1961 as an organizer for SNCC, the Student Nonviolent Coordinating Committee. Earlier, while still a student at Virginia Union University, he had joined the first sit-ins of segregated department stores in Richmond. Soon after moving to Albany, he became part of the Albany Movement. Within that organization, he and his SNCC comrade, Cordell Reagon, were young, firebrand, grassroots organizers, nipping at the heels of the more cautious black leadership. Long after Martin Luther King left town and the Albany Movement began to ebb, Sherrod stayed on, continuing to organize against segregated schools and other vestiges of Jim Crow. He also turned his efforts toward promoting better housing for the area's African American population. When invited by Slater King to join the trip to Israel, he quickly signed on.

After a month in Israel, these eight activists, six blacks and two whites, returned to the United States, convinced that something like a network of agricultural cooperatives, developed on lands leased from a community-based nonprofit, might be a powerful model for the rural South.[25] They introduced this idea at a July 1968 meeting in Atlanta to which they invited representatives of nearly every civil rights organization in the South with an interest in addressing the land problems of African Americans. A planning committee was formed to explore the feasibility of developing a leasehold model of rural development for black farmers.[26]

In mid-1969, bylaws drafted by C. B. King were approved by the planning committee. The name adopted by the committee was New Communities, Inc., described in the Articles of Incorporation as "a nonprofit organization to hold land in perpetual trust for the permanent use of rural communities."[27]

Three of the officers for this new corporation had accompanied Swann to Israel. Slater King was elected president. Faye Bennett was elected secretary. Leonard Smith, Bennett's colleague at the National Sharecroppers Fund, was elected treasurer. The corporation's vice president was an African American priest from Louisiana, Albert J. McKnight. Father McKnight, along with Charles Prejean, had represented the

Southern Cooperative Development Program and the Federation of Southern Cooperatives on the planning committee. At the time of New Communities' founding, Father McKnight already had a long history of helping to develop rural cooperatives and credit unions. It was hardly a reach for him to embrace the notion of a cooperatively managed farm and planned residential community to be located on land that was leased from a community-controlled nonprofit.[28]

The board of New Communities, under Slater King's leadership, began immediately looking for land. They took an option on 5,735 acres located in Leesburg, about 30 miles north of Albany, using a $50,000 grant provided by the National Sharecroppers Fund. That left over $1 million they still had to raise before their six-month option expired. The whole process was almost derailed one month later, when Slater King was killed in an automobile accident. Despite this tragedy, the board decided to press on. Charles Sherrod was asked to assume the presidency of New Communities, a position he retained for many years.[29]

New Communities, Inc., managed to close on the land on January 9, 1970, coming into possession of 3,000 acres of farmland and over 2,000 acres of woodland. It had to borrow most of the $1,080,000 purchase price. This meant that, for the next 20 years, most of New Communities' profits from raising and selling its agricultural products—corn, peanuts, soybeans, watermelons, hay, and beef—went into servicing the debt on its land. Although several families moved into buildings that already existed on the land prior to its purchase by New Communities, no funds were ever secured from governmental agencies or accumulated from the farm's profits to build new housing or to develop the planned community envisioned by the organization's founders. Furthermore, New Communities faced the same resistance as Koinonia had experienced from the county's white-owned businesses and white farmers. As Charles Sherrod later recalled, "There was a time when [the white establishment] opposed us. They'd burn, and they'd fire at us; they threw one or two of us in jail."[30] By 1982, things had settled down. There was grudging acceptance by New Communities' white neighbors. But the economic risks of farming and the crushing debt on their land forced New Communities to sell 1,300 acres in the early 1980s. Five years later, they were forced to sell the rest.[31]

Guide to a New Model for Land Tenure

But the loss of New Communities was still many years away when Bob Swann and three of his colleagues at the International Independence Institute, Shimon Gottschalk, Erick Hansch, and Ted Webster, began writing a book meant to describe the "new model for land tenure" being tried at New Communities. Swann, Hansch, and Gottschalk provided the content. Webster served as the book's overall editor with the assistance of Marjorie Swann.

The Community Land Trust, published in 1972, was built around Swann's experience working with New Communities, but it also drew practical lessons from older leased-land communities in the United States and Israel. It included, for example, the

complete text of the Bryn Gweled ground lease. The authors admitted that the new model they were proposing existed "only in prototype," yet they managed to describe many of the key components of ownership and organization that characterize the CLT of today.[32]

In particular, both the membership and board of the nonprofit landowner were opened up for the first time to people from the surrounding community and beyond who neither leased nor lived on the nonprofit's land. This was a direct legacy of Swann's involvement with Koinonia Farm and New Communities. He had helped to mobilize national support for a beleaguered Koinonia when it was attacked and boycotted by southern racists. He had worked beside Slater King and other civil rights activists in seeking representation from "almost every Southern organization concerned with the land problem of blacks" in planning and establishing New Communities.[33] These activists understood that such a radical experiment in racial advancement could survive in the hostile environment of southeast Georgia only through the continuing participation of sympathetic outsiders who might never live at New Communities themselves. When Swann and his colleagues got around to suggesting an organizational structure for their new model, they saw the merit of involving a larger, supportive community in guiding and governing the CLT. They proposed that "a majority of the board membership should consist of people somewhat removed from the resident community,"[34] although they did not specify a particular board configuration. It was only later, several years after their book was published, that the staff of ICE happened upon the three-part structure that eventually became a distinguishing feature of the CLT's board.[35]

Incidentally, it was Ted Webster who coined the name for this new model of tenure. After reading a rough draft of the manuscript that Swann and his colleagues had produced, he pointed out that they needed some way to differentiate their model from the intentional communities that had come before and from the conservation land trusts that were springing up across the United States. Webster innocently asked whether it might make sense to call the model a *community* land trust, in effect emphasizing the new organizational elements being grafted onto Borsodi's model.[36] Swann, Gottschalk, and Hansch liked the idea. From that point on, they began calling their prototype a community land trust.

Operation: From Trusterty to Trusteeship

With publication of the 1972 book, two of the three elements of the modern-day CLT were firmly in place, at least in theory. There was an ownership structure that established a new relationship between individuals and the land beneath their feet. There was an organizational structure that redefined the relationship between people living on the CLT's land and those residing in the surrounding community, a re-

gional constituency both larger and more inclusive than the leaseholders who had populated and governed the land trusts created or inspired by Ralph Borsodi.

In practice, however, most of the CLTs formed in the decade that followed the incorporation of New Communities and publication of the first book about this new model for land tenure were organized on behalf of small groups of like-minded people. These homesteaders moved onto land that was leased from a nonprofit corporation to live in community with others who shared their social and political values.[37] Although they called themselves community land trusts, they were closer to being intentional communities—or, as Swann later called them, "enclaves." They did not embrace the open membership and balanced board of the model that Swann and his coauthors had envisioned.

It was not until 1978 that two organizations appeared that were to incorporate both the leased-land structure of ownership and the community-based structure of organization that Swann and his colleagues at ICE had envisioned. Both of these CLTs were located in rural areas, one in East Tennessee and one on the coast of northern Maine. Significantly, even as they fully embraced the model portrayed in the 1972 book, they pointed the way toward operational features that were to nudge the model in a new direction.

A Preferential Option for the Poor

The first of these CLTs was the Woodland Community Land Trust (WCLT). It was founded in 1978 by a former nun, Marie Cirillo, who had been doing community development work in the Appalachian Mountains of East Tennessee since 1967. While she was still a Glenmary Home Sister, a member of Marie's religious community had gone to Boston for a year of study and had heard Bob Swann talk about community land trusts. When she returned to East Tennessee, she told Marie and the other sisters about this new model of land tenure, suggesting that it might hold potential for their work with impoverished people in Appalachia. The sisters pooled their funds and paid for Swann to visit East Tennessee sometime in 1973.

Although the sisters were immediately convinced of the worth of Swann's ideas, it would take another five years before local residents of Rose's Creek, where Marie had settled, were willing to try a CLT. Many of these mountain people were already living on leased land, since most of the land and nearly all of the mineral rights in their Appalachian county were in the hands of absentee corporate owners, either land companies or coal companies. These companies were willing to lease land to the locals, but they never sold it. And the terms of the leases were always heavily biased in favor of the landowner, with little security or protection for the lessee. Having experienced the dark side of land leasing, the Appalachian natives of Rose's Creek were understandably cautious about starting a CLT.

Even after incorporating the Woodland Community Land Trust in 1978, another five years went by before the first houses were built on a 17-acre site owned by WCLT.[38]

When those houses were finished, WCLT's directors took a significant departure from the model that had been laid out in the 1972 book. They imposed resale controls on the houses. Drawing on the religious tradition of tithing, something quite familiar to the Southern Baptists who populated the hills and hollows around Rose's Creek, the Woodland CLT decided that homeowners would get 90 percent of the appraised value of their houses when they moved, leaving the other 10 percent in the house as a price reduction for future homebuyers.

Meanwhile, in northern Maine, another woman was leading the effort to establish a rural CLT. Sister Lucy Poulin and several other Carmelite nuns had come to Hancock County in 1968, settling in the town of Orland. They had supported themselves by sewing shoes for a Bangor shoe company. When the company closed in 1970, over 30 local women, including the nuns, were thrown out of work. The sisters responded by helping to form a sewing cooperative, where the women could work at home, making crafts that were sold through a storefront they opened on U.S. Route 1. HOME was the name they gave to their cooperative. The nuns later established a school and a daycare center for the co-op's members. They also organized Project Woodstove to deliver firewood to the elderly. Eventually, over 1,500 people were connected in one way or another to HOME Co-op.

Their next project was the construction of new housing. Sister Lucy took the lead in helping to start Self Help Family Farms in 1978. The aim of this organization was to settle low-income families in newly built homes on 10-acre leaseholds, where each family could enjoy a degree of self-sufficiency. The Covenant Community Land Trust was formed that same year to serve as the landholder, leasing out the land under these homesteads.[39]

From the beginning, Sister Lucy, like Marie Cirillo, regarded the CLT as a vehicle for helping and empowering low-income people who had been excluded from the economic and political mainstream. To express it in terms of her Catholic theology, there was a "preferential option for the poor." The CLT was not simply building houses; it was building a community of the dispossessed.

Development Without Displacement

That philosophy of empowerment was shared by Chuck Matthei, a friend of Sister Lucy's who had come to her aid in helping to establish the Covenant CLT. Over the next 30 years, Matthei was to do more than any other person to weave into the institutional fabric of the CLT the preferential option for the poor that Marie Cirillo and Lucy Poulin had espoused for their own CLTs. By doing that, he gave new operational meaning to the "T" in CLT.

Matthei was the movement's Johnny Appleseed, traveling back and forth across the United States over the course of many years in a string of beat-up, secondhand vehicles, speaking to any audience he could find about the community land trust. He helped to convince hundreds of people to stop talking about CLTs and to go out and start one. As Marjorie Swann later observed, when reflecting on the surprising growth

of the movement her former husband had helped to spawn, the theoretical genius of a Ralph Borsodi or a Bob Swann was not sufficient to move CLTs into the mainstream. It took the motivational eloquence and political savvy of a Chuck Matthei to make the movement a reality.[40]

Matthei grew up in an affluent suburb of Chicago. A brilliant student, he was accepted to Harvard University. But he got sidetracked along the way. While still in high school, he had been regularly reading a newsletter published by a group of antiwar activists in Cincinnati known as the Peacemakers. This was the period right before Martin Luther King was assassinated, when King's philosophy of nonviolence had led him increasingly to combine his struggle against segregation with advocacy for the poor and opposition to the Vietnam War. This heady blend of civil rights, economic justice, and antiwar activism was precisely what the Peacemakers had been preaching since 1948, a moral concoction that Matthei found quite intoxicating. Graduating from high school in the summer of 1966, he hopped on his motorbike and headed to Cincinnati to meet in person the Peacemakers he had been reading about: Earnest and Marion Bromley, Wally and Juanita Nelson, and Maurice McCrackin.

To the fury of his father, Matthei never made it to Harvard. Instead, following in the footsteps of the Bromleys, the Nelsons, and McCrackin, Matthei became a lifelong tax resister and social activist. He also became a close friend of Dorothy Day's, spending much time at the Catholic Worker house in New York City. Through the Peacemakers, he met Bob and Marjorie Swann. While on the staff of the Clamshell Alliance in New England, Matthei was befriended by Sister Lucy Poulin and helped her to start the Covenant CLT. That same year, in 1978, he was invited by Bob and Marjorie Swann to join the board of ICE, then headquartered in Boston.

One year later, ICE imploded. Mounting problems of personnel and finances precipitated the resignation of the entire staff and most of the board. When the dust settled, Chuck Matthei was made executive director, for a princely salary of $300 per month.[41] Matthei moved ICE to Greenfield, Massachusetts, and began gradually replenishing its coffers and rebuilding its staff. By 1988, ICE was employing 21 people, operating a multimillion-dollar revolving loan fund for CLTs, publishing a nationally distributed periodical called *Community Economics,* and providing technical assistance to a growing number of CLTs across the country.

One of the first CLTs to receive financial and technical assistance from ICE, after Matthei was named executive director, was the Community Land Cooperative of Cincinnati (CLCC). This inner-city CLT was started by the West End Alliance of Churches and Ministries in 1980, with Matthei's help. One of its leaders was Matthei's old friend Maurice McCrackin, a Presbyterian minister whose church lay in the heart of the West End, Cincinnati's oldest and most impoverished African American community.

The CLCC was unlike all previous CLTs in applying the model for the first time to an urban environment. This was new territory. Up until that point, CLTs had been successfully seeded only in rural settings.[42] Despite its urban surroundings, however, the CLCC bore a striking resemblance to the CLTs that had been established by

Marie Cirillo and Lucy Poulin. Like the Woodland CLT and the Covenant CLT, it served a population that had been excluded from the economic and political mainstream. It was a product of grassroots organizing and a vehicle for community empowerment: a means for controlling the development and fate of an impoverished inner-city neighborhood while involving the neighborhood's residents in the CLT's activities and governance.

It was also a vehicle for controlling the resale prices of any homes developed through the CLT. The CLCC was created, in part, to serve as a bulwark against gentrification. Its founders believed that simply removing land from the speculative market would not do enough to preserve the affordability of CLCC's homes or to prevent the displacement of the neighborhood's lower-income residents. Earlier land trusts, including the single-tax communities, Bryn Gweled, and the residential enclaves inspired by the CLT book of 1972, had not imposed long-term contractual controls over the resale of buildings located on leased land. The 1972 book had not contemplated permanent affordability being one of the purposes of this new model of land tenure. It was mostly silent on the subject of how a CLT's homes were to be transferred from one owner to another, saying only that "fair procedures can be worked out for the sale of this immoveable property when the owner decides to sell."[43] Rejecting this open-ended approach as too weak and uncertain to stem the tide of gentrification, the CLCC imposed permanent contractual controls over the pricing and conveyance of any homes developed on the CLT's lands.

The Community Land Trust Handbook

The founders of the Community Land Cooperative of Cincinnati, like many of the people who were attracted to the fledgling CLT movement in the 1980s—and whom Matthei was recruiting to staff a resurgent ICE—brought with them a new set of sensibilities. They shared many of the same values and heroes that had proved so influential for Bob Swann. They had come of age during the civil rights movement and protested the Vietnam War. Gandhi and Martin Luther King were two of their moral touchstones. But there were other influences, as well. People now working with local CLTs or joining ICE were more likely to have ties to the Catholic Worker or to faith-based organizations like community churches, religious orders, and ministerial alliances. Many more of them had experience as community organizers. A growing number of them came to a CLT or to ICE with prior experience working in urban neighborhoods or providing affordable housing for lower-income people. This influx of newcomers was to affect the ways and places the model was applied. It was also to alter, in time, what it meant to be a CLT, as new operational features like resale controls were added to the model's makeup.

By the 1980s, a new generation of community land trusts—and a new generation of CLT activists—were in need of a better blueprint for creating a CLT. Chuck Matthei pulled together a team of people to write and illustrate a book that would update and, in some cases, revise the model that Swann and his colleagues had proposed a

decade before. Eight of the book's twelve contributors had a background in community organizing. Six had experience with housing or city planning. Two had worked for faith-based organizations.[44]

The Community Land Trust Handbook was published by Rodale Press in 1982. It drew on the experience of newer CLTs like those in Cincinnati, Maine, and East Tennessee, while paying homage to the ongoing experiment at New Communities. Although building on the foundation of the earlier book, the *CLT Handbook* introduced several organizational and operational refinements to the model:

- There was a new emphasis on urban problems, especially the preservation of affordable housing and the revitalization of residential neighborhoods.
- There was a new emphasis on building the social and political base for a new CLT through grassroots organizing.
- There was a higher priority on serving disadvantaged individuals and communities, accompanied by a "moral responsibility" for helping lower-income leaseholders to succeed as first-time homeowners.
- The open membership that Bob Swann and Slater King had brought to New Communities was defined more specifically in terms of two distinct voting blocks—leaseholder members and community members—who were each assigned responsibility for electing one-third of the governing board.
- The permanent affordability of owner-occupied housing (and other structures), enforced through a preemptive option and resale formula embedded in the ground lease, was made a defining feature of the CLT.[45]

The *CLT Handbook* also assumed an assertive moral and political stance in suggesting that some forms of property are better than others: more virtuous, more responsible, more just. The best forms of property were declared to be those in which the "legitimate" interests of individuals and their communities are durably secured and equitably balanced. The book of 1972 had been concerned, first and foremost, with reforming the relationship between people and land. The overriding concern of the *Handbook* of 1982, by contrast, was reforming the relationship between individual and community—finding an equitable and sustainable balance between private interests and public interests that regularly collide in the ownership and use of real property. The challenge, as the *Handbook* readily admitted, was how to reach agreement on what those legitimate interests should be and on how they should be limited by one another. The property interests that the *Handbook*'s authors were most comfortable calling "legitimate" were security, equity, and legacy. There was an individual dimension and a community dimension to each. A "satisfactory property arrangement" was described, accordingly, as one in which security, equity, and legacy were ensured for individuals who own homes and make use of land, without compromising a complementary set of community interests that are equally legitimate—public goods that must not be sacrificed to the single-minded pursuit of individual gains.

The CLT was extolled as a vehicle for securing this balance. In the CLT's structure of *ownership,* the rights and responsibilities of individual homeowners were balanced against those of the landowner. In its structure of *organization,* the powers of governance were balanced between people living on the CLT's land and people residing in the surrounding community. In its *operation,* the financial rewards from reselling a home were fairly allocated, balanced between a CLT's commitment to building wealth for the present generation of lower-income homeowners and its commitment to preserving affordability for future generations.

The bright moral thread running through all of the discussions was the programmatic priority that a CLT should give to solving the problems of low-income communities. In the vocabulary of the liberation theology of that period, there should be a "preferential option for the poor." Such a preference, using different words, was espoused repeatedly in *The Community Land Trust Handbook,* imbuing the "T" in CLT with new meaning.

The authors of the previous book on CLTs, in naming their "new model for land tenure," had explained their choice of the word *trust* by a "desire to emphasize Ralph Borsodi's idea of trusterty." Like Borsodi, they had argued that god-given resources like land, lakes, seas, and air, not being products of human labor, cannot be morally owned by individuals. These resources must be held in trust for the long-range welfare of all people. There was no suggestion, however, that some people might have greater needs than others or should be granted preferential access to the land trust's resources because of need.

Ten years later, the *Handbook* put forth a very different proposition. It was not only land that a CLT was to hold in trust, but the public's investment in developing the land, as well as the "unearned" increment in the appreciating value of houses and other improvements. It was not enough, moreover, for the CLT simply to act as the watchful steward for these resources. It had an affirmative obligation to use and develop its assets for the primary benefit of individuals who were socially and economically disadvantaged. It also had a moral responsibility to stand behind these individuals after they leased land and purchased homes through the CLT, helping them to maintain and retain their newly acquired property.[46]

Persons excluded from the economic and political mainstream were now assumed to have the first claim over a CLT's resources. Sister Lucy Poulin of the Covenant CLT, in an interview included in the *Handbook,* said it best: "We're talking about people who have never been accepted or had value in the community. And we're prejudiced in favor of these people—that's the community of people that we want as our community."[47] This was a notion of trust much closer to Gandhi's idea of "trusteeship" than to Borsodi's idea of trusterty.[48]

To be fair, it cannot be said that the model's potential for helping disadvantaged populations had been entirely ignored by the authors of the first CLT book. With New Communities as its centerpiece, an experiment that Swann and King had viewed as the harbinger of a homegrown Gramdan Movement to ease the plight of

impoverished African Americans, the book's argument for a new model for land tenure spoke to some of the same social concerns later given such prominence in *The Community Land Trust Handbook.* In the earlier book's concluding chapter, entitled a "Mandate for Action," four possible paths were identified for creating "relatively large-scale, significant community land trusts." One of these options was described as establishing "new rural or urban communities for the primary benefit of poor and minority groups."[49]

Nevertheless, it was possible to read the 1972 text as purely a treatise on the "land question," a call to homesteaders, communards, and back-to-the-land idealists to structure the ownership of land in their intentional communities in a different way. The Gandhian grace notes were easily missed in the Borsodian score. In fact, many of the people who were moved to action by the book read it in precisely that way. Overlooking both the organizational prescription for an open membership and the operational preference for promoting economic equality, they created land trusts that bore little resemblance to Swann and King's vision of a Gramdan Movement in America.

The tilt toward the disadvantaged was much harder to miss in the *Handbook* of 1982. Highlighted there was the CLT's potential for aiding lower-income people and for empowering lower-income communities. Indeed, six of the nine case studies included in the book featured stories of CLTs emerging out of grassroots struggles to prevent the displacement, improve the housing, and promote the interests of persons of limited means whose communities were being buffeted by disinvestment or gentrification. In each of these places, a CLT had been established to secure property and power for people with too little of either.

With publication of *The Community Land Trust Handbook,* all the pieces of the model known today as the "classic" community land trust were finally in place. There was a two-party structure of ownership, with a nonprofit corporation holding land and leasing it out to the owners of any buildings. There was an inclusive structure of organization, with a two-part membership and a three-part board. There was an operational commitment to the stewardship of any housing constructed on the CLT's land, with priority access for persons too poor to acquire a home on their own. The main duty of stewardship was to ensure the permanent affordability of these homes, achieved through the CLT's management and enforcement of resale controls embedded in the ground lease. Beyond this contractual obligation, moreover, the CLT was charged with responsibility for helping its leaseholders to hang on to their homes and to keep them in good repair. In the *Handbook*'s words, "It is not enough to provide low-income people with land and financing for homes and then leave them to their own resources." A good steward does not expect people of limited means to go it alone. The CLT was durably, dependably there to help them succeed.

Conditions of Growth: From Model to Movement

This reworking of the CLT was to have both practical and political advantages for a model that aspired to become a movement. By prioritizing populations, places, and activities recognized as "charitable" under Section 501(c)(3) of the federal tax code, CLTs gained access to financial resources from public agencies and private foundations that were not available to organizations that lacked this exemption.[50] By prioritizing problems recognized as harmful for constituencies and communities of limited means—including the declining affordability of housing, the deterioration of inner-city neighborhoods, and the displacement of lower-income persons uprooted by market forces or public policies—CLTs gained relevance and acceptance among policy makers and community activists who were struggling to respond to the federal retreat from housing and community development in the 1980s. As new resources and constituencies were drawn to the model, the number of CLTs began to grow.

Urban CLTs formed the leading edge of this expansion. Three years after the founding of the first urban CLT in Cincinnati, community land trusts were started in Syracuse, New York, and Burlington, Vermont. By 1990, others had appeared in Durham, North Carolina; Youngstown, Ohio; Albany and Schenectady, New York; Worcester, Massachusetts; and Washington, DC.

One of the most significant CLT start-ups during this period was Boston's Dudley Neighbors, Inc., (DNI). DNI was established in 1989 as a corporate subsidiary of the Dudley Street Neighborhood Initiative (DSNI) for the purpose of acquiring, holding, and developing land for the revitalization of a multiracial residential neighborhood in the heart of Roxbury. Despite its subsidiary structure and the lavish funding it eventually received from private foundations and public agencies, DSNI/DNI was typical of many of the urban CLTs founded in the 1980s and early 1990s in espousing a dual commitment to community empowerment and community development. Its service area was a single, well-defined neighborhood with a historic sociopolitical identity. Its impetus came from the neighborhood's opposition to a top-down plan for the redevelopment of Roxbury that had been put forward by the City of Boston and local foundations.[51] When DSNI/DNI later proposed its own comprehensive plan for the neighborhood's redevelopment, it was the result of a participatory process of organizing and planning that engaged hundreds of community residents over many months. DSNI/DNI, like many emerging CLTs in other cities, viewed affordable housing as only one component of community development, a subset of the CLT's overall mission of transforming the physical, economic, and political life of its place-based community.[52] When DSNI exhorted the residents of Roxbury to "Take a Stand, Own the Land," it was not only so its CLT could secure buildable sites for affordable housing. It was also so a local community, through DNI's long-term control over land and improvements, could control its own destiny.

As CLTs were sprouting up in a number of cities, new CLTs were also appearing in rural areas of Massachusetts, Maine, Vermont, New Hampshire, and Washington state. Notably, many of the rural CLTs started during the 1980s staked out a service area much larger than the territory served by their urban counterparts.[53] They conceived of their "community" as being an entire county, region, or, in the case of the first CLTs in Washington state, an entire island.[54] One of the first of these rural CLTs to be established, soon after the pioneering efforts of Marie Cirillo and Lucy Poulin, was the CLT in the Southern Berkshires. It was founded in 1980 by Bob Swann and Susan Witt, the year after they left ICE. They also created a companion organization, the E. F. Schumacher Society, which, among many other programs, offered assistance to rural communities in creating CLTs of their own.

The Community Land Trust Handbook had spoken rather grandly of a CLT *movement*. In truth, only a handful of community land trusts actually existed in 1982, the year of the book's publication. Declaring these few CLTs a movement was like calling the first green shoots to appear in a muddy field a bumper crop. What was wishful thinking in the early 1980s, however, was becoming a reality by the middle of the 1990s. With a hundred CLTs scattered across the United States, the model was showing signs of actually becoming a movement.

How did this happen? How did a hothouse flower with unusual characteristics of ownership, organization, and operation become widely established, spreading from a few experimental garden plots in the Southeast and Northeast in the 1970s to more than 240 urban, suburban, and rural communities in 45 states and the District of Columbia? Many things combined to nurture such growth, so it is difficult to say for certain why this fledgling movement was able to thrive, but a handful of factors were arguably the most important, including a timely change in the political and economic climate; the standardization of CLT definitions, documents, and practices; the cross-pollination of ideas and techniques among CLT practitioners; an increase in private and public investment, boosting the productivity of CLTs; and diversification in the model and movement, invigorating both.

Climate

With the presidential election of Ronald Reagan in 1980, the federal government beat a hasty retreat from the field of affordable housing, repudiating the national commitment to a "decent home and suitable living environment for every American family" that had been endorsed by both political parties since the Housing Act of 1949. The deterioration of affordable housing and other symptoms of disinvestment afflicted many residential neighborhoods. Gentrification hit many others. Homelessness, largely invisible since the Great Depression, reappeared with a vengeance. At the same time, affordability controls began expiring on thousands of units of publicly subsidized, privately owned rental housing built nearly two decades before under federal programs like 221(d)(3) and Section 8. These so-called expiring-use projects provoked a new

awareness of the social cost of failing to require long-term affordability in housing produced with public funds.

The mid-1980s was also a time when the price of owner-occupied housing began a steady 20-year climb, even as household incomes stagnated for the bottom three quintiles of the population and mortgage interest rates rose to historic heights. A new phrase entered the lexicon of public policy, the "affordability gap," the widening chasm between housing prices and household incomes.

As affordability became the nation's predominant housing issue, affecting both rental housing and homeowner housing, the confidence placed in traditional tenures was somewhat shaken. They seemed increasingly to be incapable of protecting and preserving affordable housing, especially in markets that were very hot. The CLT, by contrast, was specifically designed and uniquely positioned to do what market-driven models could not. As Chuck Matthei argued at the National CLT Conference in Atlanta in 1987, "No program, public or private, is a true or adequate response to the housing crisis if it does not address the issue of long-term affordability. It's time to draw the line politically. This is a practical challenge that confronts policymakers; it's the practical challenge that confronts community activists; and, happily, it is a practical challenge that the community land trust model has an ability to meet."

For the first time, both policymakers and community activists were listening. Municipal officials, in particular, became increasingly receptive to the argument that government could not afford to put more and more resources into closing the affordability gap, if this investment was going to be quickly lost. Permanent affordability began to look like a prudent course of action, a policy more fiscally responsible and politically defensible than previous governmental practice. As preservation rose higher on the public agenda, particularly in places where market prices were soaring, the number of CLTs began to grow.

To the surprise of many observers, the same proved true when prices started to plummet. By the end of 2006, it was no longer the affordability crisis that was grabbing headlines in the United States, although an affordability gap persisted in many housing markets; it was the foreclosure crisis. This, too, caused the number and acceptance of CLTs to rise.

The reason was not hard to see. CLTs do not disappear after selling a resale-restricted home. They stand behind the deal: intervening in cases of mortgage default, preventing foreclosures, backstopping the homeownership opportunities they have worked so hard to create. Stewardship is what CLTs do best. True, they also acquire land, develop housing, sell homes, organize communities, and a dozen other things, but so do a lot of other nonprofit housing developers. What the CLT does better than any other organization—its specialized niche in a densely populated nonprofit environment—is to preserve affordability when economic times are good and protect its homes and homeowners when times are bad. In the scorched landscape of the national mortgage crisis, CLTs were almost alone in reporting few defaults and even fewer foreclosures.[55] Such a stunning performance in a time of crisis attracted wider notice and greater

governmental support for this unconventional model of homeownership.[56] This helped the movement to grow.

Cultivation

The second factor contributing to the proliferation of CLTs in the United States was the dissemination of educational materials, organizational documents, and "best practices" employing a consistent conception of the CLT. Early on, the leading role in nudging CLTs toward more standardization in the way their stories were told, their organizations were structured, and their programs were managed was played by the Institute for Community Economics, formerly The International Independence Institute (III). Over time, other actors and organizations came to play a larger part, eventually eclipsing ICE.[57]

ICE produced the first books about CLTs: *The Community Land Trust: A Guide to a New Model for Land Tenure in America* and *The Community Land Trust Handbook.* ICE introduced the CLT to an even wider audience through *Common Ground,* a narrated slide show about the Community Land Cooperative of Cincinnati, completed in 1985, and *Homes and Hands: Community Land Trusts in Action,* a video featuring CLTs in Durham, North Carolina; Albuquerque, New Mexico; and Burlington, Vermont, completed in 1998. The images and stories presented in these productions were clearly designed to persuade an audience of the model's practicality and worth. They served another function besides. They were not only promotional; they were also educational, instructing the audience in the particular features and purposes of the model described in the 1982 *Handbook.* They created a consistent message and common understanding of what it meant to be a CLT.

ICE also turned its attention to producing technical materials for a very different audience: lawyers who were working with CLTs. Employing the same approach it had used in writing *The Community Land Trust Handbook,* ICE pulled together a team of attorneys and CLT practitioners to develop a set of "model" documents and standard procedures for incorporating CLTs, leasing land, designing resale formulas, and a dozen other legal and technical details pertaining to the organization and operation of a CLT. These materials were collected in *The Community Land Trust Legal Manual,* published in 1991. A second edition, revising and updating the original, was published in 2002.[58]

Critical, too, to inculcating a common conception of the model was the CLT definition that was incorporated into federal law in 1992. With passage of the National Affordable Housing Act (NAHA) in 1990, cities and states began using pass-through funds from the federal government to support the projects and operations of what NAHA called "Community Housing Development Organizations." CLTs not only had an interest in securing their eligibility for this funding, they also wanted to make sure that the way in which a CLT was defined in federal law was consistent with the way that most CLTs, after 1982, were defining themselves. Not trusting the federal bureaucracy to describe fully and accurately the essential elements of ownership, organization, and operation that had been laid out in *The Community Land Trust*

Handbook, a decision was made by a small group of CLT advocates to beat HUD to the punch. They asked Congressman Bernie Sanders, whose administration had initiated and supported the Burlington Community Land Trust when he was mayor of Burlington, Vermont, to insert their definition of a community land trust into the Housing and Community Development Act of 1992.[59] Sanders shepherded this amendment through Congress and saw it signed into law without modification.

The most significant contribution in recent years to the cultivation of common standards—and higher standards—for explaining, organizing, and operating CLTs has been made by the National Community Land Trust Academy. Founded in 2006 as a chartered program of the National Community Land Trust Network, the academy has two purposes: to provide comprehensive training on theories and practices unique to CLTs, setting a high standard for practitioner competence; and to support research and publication on the best practices emerging from the field.[60] The Academy has not only been concerned with the nuts and bolts of making a CLT work; it has also tried, in its courses and publications, to cultivate a common understanding of the history and values underlying the CLT, reminding proponents and practitioners of where the model came from and why it is structured as it is.

None of these efforts made every CLT look and act exactly the same. Increasing the clarity and consistency of the messages, materials, documents, and practices of the nation's CLTs did little to deter the movement's diversification. But it did provide public officials, private lenders, and community activists outside of the movement with a sharper picture of how a CLT was structured, how it was different from other models of tenure, and how its projects might best be funded and financed. It also provided practitioners inside the movement with a common vocabulary for exchanging information about what worked well—and what did not—in a model of tenure that was still very much a work in progress.

Cross-Pollination

Peer-to-peer exchanges were essential to turning an untested, experimental prototype into a practical model that was fully operational. The audacious pioneers who started dozens of CLTs in the 1980s and 1990s were, in many respects, making it up as they went along. They crafted legal documents, designed resale formulas, arranged mortgages, sold homes, and adopted policies and procedures for a form of tenure with virtually no track record. They learned by doing. And they learned from one another.

Some of their communication was indirect, information they gleaned about each other's programs and procedures by reading *Community Economics,* a newsletter published and distributed by ICE from 1983 to 1996.[61] The stated purpose of this publication was to "strengthen the connections between the theory and practice of community economics," but it also strengthened the connections among far-flung CLTs. In an average year, two or three issues would be mailed out to hundreds (and later thousands) of people across the United States, many of whom were in the early stages

of planning, organizing, or operating a CLT. This was a model and movement in flux. As ICE observed in the newsletter's maiden issue, published in summer 1983, things were changing so rapidly that it was hard for anyone to keep abreast of the latest developments; hence the need for *Community Economics*:

> Since finishing work on *The Community Land Trust Handbook,* we at ICE have been concerned with the need for some regular, ongoing publication to carry news of CLTs and related developments in the area of community economics. The *Handbook* brought the record on CLTs more or less up to date as of Autumn 1982, but now there are new developments to report—new groups, new interest, and new issues being confronted by established CLTs as they expand their programs.

Many issues of *Community Economics* profiled a particular CLT. Every issue carried news of resources that local CLTs were discovering, projects they were developing, or programs they were designing, information with relevance for CLTs in other communities. For 14 years, this newsletter pollinated the movement with new ideas, helping one CLT to learn from the mistakes and successes of others.

Interorganizational learning among CLT practitioners also happened more directly at national conferences convened every few years by ICE. The first conference was held in 1987 in an African American church in Atlanta,[62] a fitting venue since the country's first CLT had been organized in southeast Georgia nearly 20 years before by veterans of the civil rights movement. One of those veterans, John Lewis, who had attended the early planning sessions for New Communities, was on hand to remind the conference's participants of the CLT's roots, while applauding how far the model had come. The main business of the Atlanta conference, however, like all that followed, was the face-to-face exchange of stories, ideas, and technical information among people who were trying to get organizations and projects off the ground. Everyone had something to learn, and, because the model itself was so new, anyone with more than a year of CLT experience had something to teach.

Every two or three years thereafter, ICE convened another national conference, drawing together hundreds of CLT practitioners from across the United States and, on occasion, from Canada, England, and Australia, as well.[63] The 2003 conference in Syracuse, New York, was ICE's last. By the start of the new millennium, ICE's star had begun to fade, even as other national and regional organizations were beginning to play a larger role in assisting and connecting local CLTs. When ICE abruptly canceled the conference that had been scheduled for Portland, Oregon in 2005, an ad hoc coalition of CLT executive directors, funders, and consultants stepped forward to fill the vacuum.[64] They revamped the costly conference that ICE had planned, transforming it into a grassroots gathering of CLT practitioners sharing information and best practices in a series of peer-to-peer workshops. They also set aside half a day for CLT leaders from around the country to confer about a possible future without

ICE, since it looked like this national organization, which had provided so much support for CLTs in the past, was winding down.

Beginning with the conference in Portland, the nation's CLTs in effect took control of their own movement. This meant not only assuming responsibility for organizing future conferences, where practitioners could continue to learn from one another. It also entailed creating a new corporate structure for ensuring regular communication and coordination among hundreds of organizations scattered across the United States. The foundation for this interorganizational structure was laid down in Portland with the election of a steering committee charged with the task of drafting bylaws for a national association of CLTs. One year later, in Boulder, Colorado, these bylaws were refined and ratified by representatives from 51 CLTs. The National Community Land Trust Network was formally incorporated in June 2006.[65]

This greatly intensified the interaction and communication among the country's CLT practitioners. Under the auspices of the National CLT Network, there was now an annual gathering of practitioners. These national conferences included day-long trainings and half-day seminars offered by the National CLT Academy, along with membership meetings, faculty meetings, and board meetings for the Network and the Academy.[66] The Network's contribution to facilitating the flow of information and ideas among CLT practitioners was not confined to these annual conferences, however. The boards and committees of the Network and the Academy, made up predominantly of staff members and board members of local CLTs, met frequently throughout the year. The Network's listserv and web site provided other ways for CLT practitioners, old and new, to ask questions, solve problems, and share techniques. The same function that *Community Economics* had once served through the infrequent distribution of a printed newsletter was now being fulfilled regularly and instantaneously via the Internet.

Outside of the network, cross-pollination occurred in other ways, as well. The E. F. Schumacher Society, founded by Bob Swann and Susan Witt in 1980, and Equity Trust, which Chuck Matthei had founded in 1990, maintained web sites and brokered connections among different groups of grassroots organizations. Most were not members of the National CLT Network, but many were either structured as CLTs or engaged in applying land leasing and other components of the CLT model to conserving open space, preserving farmland, or promoting community supported agriculture. Peer-to-peer communication among CLTs was also spurred by the rise of regional CLT networks in the Pacific Northwest, Minnesota, and Colorado. While maintaining close ties to the National CLT Network, these regional networks operated quite independently: forging connections among their members; advocating for changes in state policy; sharing information about organizational policies, procedures, and administrative systems; and raising the standard of practice for every CLT in their region.[67]

In the early years of the movement, no one had any real experience in starting or operating a CLT, except those intrepid souls who were actually doing it. Nearly every pioneer was learning something worth sharing with everyone else who was blazing a

similar trail. Nobody was an "expert," so everybody was. That remained true, even as the movement matured. A cadre of consultants gradually arose, drawn mostly from the staff of ICE or from the ranks of CLTs, but that was never a substitute for CLT practitioners swapping information with one another, directly or indirectly. The real experts remained those who were governing or running a CLT day to day. Keeping them connected has been an essential ingredient in the movement's growth.

Fertilization

Every CLT requires an abundance of financial resources to acquire land, develop housing (and other buildings), create affordability for low-income people, and sustain the operations of a nonprofit organization with stewardship responsibilities lasting close to forever. The lack of money, both equity and debt, was an impediment to CLT growth in the early years. The greater availability of public grants and private loans supporting CLTs and their projects has been an inducement to growth in more recent years.

Unable to access capital from more conventional sources, many of the first CLTs were forced to resort to what *The Community Land Trust Handbook* once described as the "miracle theory" of finance:

> Appropriate financing relies upon prior financial planning to match particular types and sources of funds with particular needs and uses for funds. Miracle financing awaits the lucky arrival of adequate funds to meet immediate needs: like manna from heaven, such funds may be urgently needed and patiently awaited, but hardly expected or prepared for. The latter cannot, of course, be lightly dismissed. Considering the remarkable accomplishments of numerous grassroots groups operating on shoestring budgets with little hope of long-term financial support, the miracle theory of finance must be credited with many good works and substantial social progress. Miracles do happen.[68]

Very few of the first CLTs got started without an occasional dose of "miracle financing" from a wealthy individual, a local church, a national religious order, or a faith-based charity like the Campaign for Human Development.[69] At ICE, Chuck Matthei was quick to recognize how important such small infusions of cash could be in nurturing the growth of CLTs. Instead of attempting to assemble large pools of capital from private investors, as ICE had tried to do with little success in the 1970s, Matthei looked for a way that small loans, offered at low rates of interest by socially motivated individuals or institutions, could be mobilized to help CLTs get their first projects off the ground. In 1979, soon after becoming ICE's executive director, he established a revolving loan fund at ICE for the purpose of accepting no-interest and low-interest "social investments" that could be reloaned to local CLTs. The fund was modest in scale. By 1983, its assets totaled $643,590. It had made 45 loans to CLTs,

limited-equity housing cooperatives, worker-owned businesses, and community service groups. The average loan size was only $14,302.[70] By the end of 1985, the fund's assets had doubled, but the size of an average ICE loan remained relatively small, only $26,065.

Despite their size, these loans often made a critical difference to start-up CLTs, helping them to acquire their first parcel of land or rehabilitate their first house while building their credibility with public funders and private lenders. Just as important, ICE's own experience in building and managing its in-house loan fund—and seeing the impact these timely loans could make on seeding and supporting local CLTs—persuaded Matthei to expand ICE's technical assistance program beyond CLTs. Using ICE's revolving loan fund as the model,[71] Matthei and other staff from ICE began working with coalitions of social investors and community activists to establish a variety of community development loan funds, including funds in New Hampshire, Boston, and Philadelphia. In 1985, ICE convened a national conference on community development loan funds, attended by representatives from 35 nonprofit lenders. Out of this conference emerged the National Association of Community Development Loan Funds, chaired by Matthei for its first five years.[72]

Community loan funds (as Matthei called them) and community land trusts developed on parallel tracks, complementing and supporting each other. CLTs were never the only beneficiaries of these alternative financial institutions, but they got loans when they needed them, especially during the years when start-up CLTs were having difficulty obtaining funding from local governments, which they were often fighting, or obtaining financing from local bankers who were initially uncomfortable making loans for houses on leased land.

Two breakthroughs occurred in the early 1990s that somewhat eased both difficulties. The 1992 amendments to the National Affordable Housing Act did more than provide a standard definition of CLTs. They cracked open the door to federal funding. After 1992, many more CLTs were able to receive designation as a Community Housing Development Organization (CHDO). Many more were able to receive funding from the federal HOME program for their operations and their projects.[73] Equally important, federally supported technical assistance was made available to CLTs for the first time.[74] In November 1994, the U.S. Department of Housing and Urban Development (HUD) awarded ICE a three-year $470,000 technical assistance grant. With these funds (and two later technical assistance grants from HUD), ICE seeded CLTs in several states where none had existed, nurtured dozens that were just getting started, and helped many existing CLTs to become more productive.[75]

Around 1992, as well, at the request of local CLTs and the urging of ICE, Fannie Mae began developing riders to be used in combination with CLT ground leases. This boosted confidence in the CLT among private lenders and made mortgage financing more widely available for resale-restricted homes on land leased from a CLT. Even when a banker did not use Fannie Mae's rider or take advantage of the special loan product that Fannie Mae later developed for CLTs, there was less resistance to

backing a model that Fannie Mae had recognized as a reasonable and bankable approach to homeownership.[76]

As crucial as these changes at the federal level have been in nourishing the growth of CLTs, most of the action in boosting CLT productivity in recent years has come from policy changes and new sources of financial support at the municipal level. Local government, here and there, has become an enthusiastic partner. This was not always the case. Relations between cities and CLTs, for most of the CLTs' early history, were chilly, to say the least. As *The Community Land Trust Handbook* once described it, "Most interaction between CLTs and municipal officials has been marked by benign indifference, with neither party doing more than is minimally required to meet whatever legal obligations each might have with regard to the other." Their actual relationship was often stormy and strained. In many a neighborhood like the West End of Cincinnati, the main impetus for starting a CLT was to protect the community *against* municipal priorities, projects, or plans. The same people who played the lead role in organizing a CLT had spent years fighting city hall before the CLT appeared. Hostilities did not cease when the CLT came along.

Opposition to local government has remained a motivating factor in many low-income communities, especially in communities of color, where CLTs have continued to be erected as an institutional barrier against market pressures made worse by the actions or indifference of city hall. Over the last decade, however, a countertrend has emerged. There are now an increasing number of cities, counties, and towns where CLTs receive political support from municipal leaders, administrative support from municipal staff, and financial support from municipal coffers.[77] In these places, the CLT has become a partner of local government, an ally rather than an antagonist.

This signals a seismic shift in municipal policy. Instead of allowing homeownership subsidies to be pocketed by homeowners when reselling their assisted homes, a common practice in the past, many municipalities are now looking for ways to lock those subsidies in place. Instead of allowing the affordability of publicly assisted homes to lapse, many municipalities are now looking for ways to make affordability last. This has made the CLT, along with several other forms of resale-restricted, owner-occupied housing, a favored recipient of municipal largess and has helped CLTs to grow.

Hybrid Vigor

In plant breeding, when two species with very different characteristics are combined, engendering an increase in size, yield, and performance beyond either of the parents, that salubrious result is known as hybrid vigor. Something similar has happened in the development of CLTs. Both the model and the movement are hybrids. The model was created by selecting favorable characteristics of ownership, organization, and operation from different strains of social change and combining them to form a new breed of tenure. The movement has prospered by mixing uses and merging agendas, bringing together organizational characteristics and political interests that are usually separate and frequently at odds. Over time, hybridization has brought into

dominance the most productive and sustainable characteristics of the CLT and helped it to thrive.[78]

Hybridization continues, altering the CLT in significant ways. These changes have been spurred by four developments: decentralization of the support structure for CLTs, diversification in the application of CLTs, municipalization in the formation of CLTs, and regionalization in the area served by CLTs.

Decentralization

Over a forty-year period, the Institute for Community Economics went from being the center of the CLT universe to being one star among many and, finally, to being broken into pieces and propelled into orbit around brighter bodies. By 2008, ICE's most important intellectual properties, including *The CLT Legal Manual* and the *Homes and Hands* video, had been conveyed to Equity Trust; its revolving loan fund had been transferred to the National Housing Trust; and its archives had been boxed and mailed to the E. F. Schumacher Society. ICE's preeminent role as promulgator of CLT standards, convener of CLT conferences, and national clearinghouse for news and research about CLTs had been taken over by the National CLT Network. Technical assistance for new and existing CLTs, moreover, once the exclusive purview of ICE, was now provided by a wide assortment of national intermediaries, regional coalitions, private consultants, and even a few of the larger CLTs. With so many actors now saying what a CLT is—and how it should be organized and operated—there was no longer one version of the model, but many.

Diversification

Although Swann and his coauthors in 1972 had envisioned multiple applications for their new model of land tenure, the CLT came to be used most widely for the development and stewardship of affordable housing. Single-family houses, in particular, predominated among the early CLTs, since a majority of them were located in rural areas. As the model moved into city and suburb, however, its applications and activities became more diverse. The CLT was applied to other types and tenures of housing, including multiunit condominiums, limited-equity cooperatives, nonprofit rentals, homeless shelters, and manufactured housing in resident-owned parks. It was used to acquire and lease land under mixed-use buildings, community gardens, commercial greenhouses, social enterprises, and social service facilities. Back in the countryside, the CLT was being applied in novel ways to farming, forestry, and conservation, mixing community supported agriculture with community ownership of land; mixing affordable housing with the preservation of farmland, wetlands, and open space. Since form follows function, these new applications have sometimes reshaped the CLT. Some CLTs, for example, have been doing rental projects in which the CLT owns and manages both the land and building. Conversely, some CLTs have become involved with residential (and commercial) condominiums where the CLT owns neither the land nor the building, holding instead an affordability covenant on units

sprinkled throughout a larger residential complex. As the ways the CLT is applied have grown more diverse, so have the ways the CLT is structured, especially in the ownership and operation of real property.

Municipalization

As the level of support from local government for CLTs has increased, the role played by municipalities in the life of a CLT has changed. Instead of waiting passively for a CLT to form, municipal officials in a number of cities have taken the initiative in starting one. Involved from the outset in planning and designing the CLT, city hall has sometimes been reluctant to let go, unwilling to be relegated to minority status in choosing the board and guiding the organization after it is established. Municipal support in some cities has also changed the CLT's mission and role. Where a local government has backed a CLT primarily for the purpose of serving as the long-term steward for affordable homes created by the investment of municipal funds or the imposition of a municipal mandate like inclusionary zoning, the municipality may not want the CLT to diffuse its focus by doing community development, as well. It may not want the CLT to do the kind of grassroots organizing that can occasionally lead to a neighborhood's residents fighting the same local government that is funding the CLT. City–CLT partnerships have sometimes produced CLTs, in other words, that are operated and structured much differently than CLTs in the past.

Regionalization

Twenty years ago, the territory served by the typical CLT was a single inner-city neighborhood or, in more rural areas, a single valley, island, village, or town. Today, an increasing number of CLTs, old and new, are staking out a much larger service area. They acquire lands, develop projects, and draw members from an area encompassing an entire city, county, or region. A couple of CLTs have even organized themselves on a statewide basis, coordinating and supporting the development of local CLTs across an entire state.[79] As their territory expands, CLTs multiply their opportunities for acquiring land, building housing, and cultivating the kind of public and private partnerships that can help to bring the CLT to scale. At the same time, their connections to community get stretched and thin. Organizationally, the CLT may retain an inclusive membership and a popularly elected three-part board, structures designed to keep the CLT accountable to the constituency it serves. Operationally, however, a CLT whose membership is spread over a metropolitan area containing millions of people or over a three-county region covering hundreds of square miles is going to have a different relation with its "community" than a CLT that is focused on and accountable to a single neighborhood or town. Size matters, affecting what a CLT is and does.

Decentralization, diversification, municipalization, and regionalization have accelerated the process of experimentation that has been going on among CLTs since the beginning. Hybridization has improved their performance and raised their productivity.

Hybrid vigor has helped the CLT to spread. On the other hand, while it has clearly been a boon for the movement, there is also a risk that too much hybridization could become a bane for the model, diluting or extinguishing characteristics that have made the CLT unique. Three challenges loom the largest in this regard:

- Will there still be a place for community in the organizational structure of the CLT, or will the heightened influence of local government or the expanded territory served by a CLT remove or reduce the active voice of local residents in governing the CLT?
- Will land still matter in the ownership structure of the CLT, or will a focus on affordable housing, in general, and the stewardship of multiunit housing, in particular, cause CLTs to ignore other uses of land or to abandon land leasing altogether in favor of selling the land and using deed covenants to preserve affordability?[80]
- Will the CLT still espouse an operational preference for the disadvantaged—holding lands in trust, keeping homes affordable, and protecting security of tenure for people with limited resources—or will the Gandhian legacy of trusteeship be lost in a frenetic scramble to increase the scale and broaden the appeal of the CLT?

A contest for the soul of the community land trust is contained in these questions, a contest that decentralization, diversification, municipalization, and regionalization have made more acute. How they are answered in the years ahead will determine whether the CLT of tomorrow continues to resemble the model of today.

There are reasons to believe that it will. The roots of the CLT run deep. Tended by the first generation of CLT practitioners, many of whom are still alive, and preserved for the next generation by institutions like the CLT Academy, the E. F. Schumacher Society, and Equity Trust, the ideas and values that gave rise to the CLT continue to ground it and nourish it. They give resiliency to a model buffeted by change, allowing it to bend without uprooting its core commitments.

Not all of the changes swirling around the CLT compel it away from what it has been. Some coax it back, returning the model to its roots. The recent focus on stewardship is one example. The revival of interest in the CLT among communities of color is another. When a CLT is asked to serve as the long-term steward for land-based assets donated or subsidized by the public, the CLT returns to the job it was designed to do. Land and other socially created assets are removed from the market, placed in common ownership, and held in trust for future generations.[81] When a CLT is formed by residents of an African American or Hispanic American community to resist market forces and public policies that are fueling the loss of minority-owned lands and eroding the community's residential security and historic identity, the CLT returns to a cause that animated its earliest days. The CLT serves simultaneously as a bulwark against displacement, a tool for development, and a vehicle for the empowerment of communities defined, in part, by their relation to place.[82]

In sum, internal changes and external pressures are pushing the CLT toward a future in which the model may come to look very different than it does today. At the same time, deeply rooted principles and recently revived applications are pulling the CLT in the opposite direction, reinvigorating elements of ownership, organization, and operation that have historically characterized the "classic" CLT. The past is not dead, William Faulkner once wrote, it is not even past. That has remained mostly true for the CLT, until now. Across years of experimentation and evolution, the model has occasionally strayed from the vision and values of its founders, but it has usually found its way back. The past may not always be so influential, however. A long time coming, the CLT still has a long way to go.

NOTES

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1. Thorstein Veblen, *Absentee Ownership and Business Enterprise in Recent Times: The Case of America* (New York: B. W. Huebsch, Inc., 1923).

2. Paine: "Man did not make the earth, and though he had a natural right to occupy it, he had no right to locate as his property in perpetuity on any part of it. . . . It is the value of the improvement only, and not the earth itself, that is individual property." Jefferson: "The earth is given as a common stock for men to labor and live on." Lincoln: "The land, the earth God gave man for his home, sustenance, and support, should never be the possession of any man, corporation, society, or unfriendly government, any more than the air or water."

3. Here, too, George proved to be a faithful student of John Stuart Mill, who had written, "The ordinary progress of a society which increases in wealth, is at all times tending to augment the incomes of landlords; to give them both a greater amount and a greater proportion of the wealth of the community, independently of any trouble or outlay incurred by themselves. They grow richer, as it were in their sleep, without working, risking, or economizing. What claim have they, on the general principle of social justice, to this accession of riches? In what would they have been wronged if society had, from the beginning, reserved the right of taxing the spontaneous increase of rent, to the highest amount required by financial exigencies?" ("On the General Principles of Taxation," in *Principles of Political Economy with Some of Their Applications to Social Philosophy*, 1848; repr., New York: Oxford University Press, 1994).

4. Howard's book became a seminal text in city planning, heavily influencing people like Lewis Mumford, Clarence Stein, Frederick Law Olmsted, and many other American pioneers of urban design.

5. In addition to the writings of Henry George, Borsodi's thinking about property was influenced the most by his reading of John Locke, in whose works moral title to property was seen as resting exclusively on an owner having put his own labor into the thing made. There is also an echo in Borsodi's work, though unacknowledged by him, of the distinction made by R. H. Tawney between "passive property" and "active property." See Tawney's "Property and Creative Work," in *The Acquisitive Society* (New York: Harcourt Brace Jovanovich, 1920).

6. In 1945, the other homeowners decided they wanted to gain individual title to the land beneath their feet. Borsodi moved the School of Living to Ohio, relocating to a farm that was owned by John and Mildred Loomis. Borsodi and Mildred Loomis began publishing a newsletter soon after, named *Green Revolution*. This periodical helped to spread Borsodi's ideas and other theories of what Loomis came to call "decentralism."

7. The impetus for this leased-land community is described on the Bryn Gweled web site (www.bryngweled.org) as follows: "Rampant real estate speculation was exacerbating poverty and disenfranchisement. Henry George's approach held hope of finding ways to stem this rising tide. A contemporary visionary was Ralph Borsodi, whose School of Living near Suffern, NY, attracted the attention of the group. Several people made an expedition to the School of Living and brought back enthusiasm and useful ideas about how small homesteads in a cooperative setting could enable a degree of self-sufficiency." Bryn Gweled means "hill of vision" in Welsh.

8. Antioch had been founded in 1852 by Horace Mann, a progressive educator. Antioch was the first college in the country to admit both women and African Americans.

9. Morgan drew inspiration from John Dewey's theories of progressive education and from his own professional career as someone who had learned engineering by doing engineering. He was also heavily influenced by the utopian ideas of Edward Bellamy, the author of *Looking Backward*.

10. After World War II, the land underlying Norris, Tennessee, was sold by TVA to private investors.

11. Another large-scale example of new town development on leased land began in Australia around the same time. When Henry George visited Australia and New Zealand in 1890, he found an appreciative audience for his ideas. Twenty years later, his followers shaped the development of the Australian Capital Territory. Established by parliament in the Seat of Government (Administration) Act of 1910, the Australian Capital Territory was created as a special governmental district for the country's new capital, Canberra. George's influence (and perhaps Howard's, as well) can be seen in the Act's stipulation that "no Crown lands in the territory shall be sold or disposed of for any estate of freehold." The land was to be owned forever by the commonwealth and leased, not sold, to the owners of any buildings constructed thereon. This was done to discourage speculation and to defray the expense of building Canberra, "allowing unearned increments in land value to be retained by the Commonwealth Government."

12. There was also no control over the resale price of Bryn Gweled's homes, an operational feature not added to the CLT until the 1980s. Compared to the affluent suburbs that surround it, Bryn Gweled is more racially and economically diverse. Indeed, it calls itself "an intentionally diverse community." But its houses have become quite expensive over time.

13. Although nearly all CLTs are nonprofit corporations—or subsidiaries of nonprofit corporations—not all CLTs are exempt from federal taxes under Section 501(c)(3). Either they have not sought such an exemption, or their purposes and activities do not qualify them for such an exemption.

14. Robert Swann, "The Community Land Trust: Borsodi and Vinoba Bhave," in *Peace, Civil Rights, and the Search for Community: An Autobiography*, chapter 18. Available online from the E. F. Schumacher Society, Great Barrington MA, www.smallisbeautiful.org/publications.html.

15. Rustin was to become one of the most influential leaders and strategists of the American civil right movement, although he was often forced to work behind the scenes because he was gay. He was a cofounder of the Congress on Racial Equality and a close advisor to Martin Luther King Jr. The 1963 March on Washington was Rustin's idea, and he served as its principal organizer.

16. Tom Long, "Robert Swann, 84, Peace Activist Who Sought Land Reform," obituary, *Boston Globe*, February 19, 2003.

17. Griscom Morgan became the director of Community Service, Inc., when his father retired in 1964. Griscom's wife, Jane, became director in 1970, holding that position until 1997. Both had an interest in intentional communities and CLTs, stemming in part from their personal involvement with an intentional community in Yellow Springs, called the Vale, which they helped to establish in the 1970s. The land underlying the Vale was conveyed to a local CLT in the mid-1980s, named the Community Service Land Trust.

18. At some point during this period they also visited the Celo community and contemplated living there. They decided not to do that, although one of their daughters later attended the Arthur Morgan School at Celo.

19. Taylor Branch, *Parting the Waters: America in the King Years, 1954–63* (New York: Simon & Schuster, 1988), 524–632.

20. The protesters were eventually released after staging a hunger strike that frightened the police into turning them loose. They immediately staged a celebratory parade, black and white activists dancing defiantly down Main Street.

21. Robert Swann, "Clarence Jordan and Koinonia Farm," in *Peace, Civil Rights, and the Search for Community*, chapter 17.

22. It is fair to say, in retrospect, that Koinonia Farm was the seedbed for two national movements. Both the community land trust and Habitat for Humanity can trace their origins to conversations at Koinonia in the mid-1960s. Until recently, these movements evolved along parallel tracks, with little interaction between them. By 2008, however, a pattern of local cooperation had become apparent to the national leaders of both movements, with over three dozen documented cases of local CLTs and local Habitat chapters joining forces to develop affordably priced housing for lower-income families. With their local affiliates pointing the way, the National CLT Network and Habitat for Humanity International signed a memorandum of understanding in 2009 to foster cross-training, technical support, and collaborative development between their constituencies.

23. ICE relocated again in 1980, moving west to Greenfield, Massachusetts. After ten years in Greenfield, it moved once more to Springfield, Massachusetts.

24. The National Sharecroppers Fund was a nonprofit advocacy organization created by the Southern Tenant Farmers' Union in 1937 to publicize the plight of sharecroppers and to push for legislation, social services, and economic opportunities to expand the rights and ease the lives of these impoverished farmers. Faye Bennett was executive director of the National Sharecroppers Fund from 1952 to 1974. She was 54 years old when Slater King came calling, asking for her support for the cooperative farm/leased-land community he had been discussing with Bob Swann.

25. The cooperative model they found most attractive was the *moshav shitufi*. This was different than a kibbutz, where farming is done collectively and profits are shared equally. In a moshav, purchasing and selling are done cooperatively, but each family has its own leasehold and owns its own home.

26. The team of people who had made the trip to Israel were joined on this planning committee by Father A. J. McKnight, James Mayes, Charles Prejean, James Wood, John Lewis, and William Peace. C. B. King provided legal advice throughout the planning process.

27. It was probably not a coincidence that chapter 8 in Arthur Morgan's book *The Small Community*, which had made such an impression on Swann in 1943 when he was in prison, was entitled "The Creation of New Communities."

28. A decade later, Father McKnight was appointed by President Jimmy Carter to the first board of directors of the National Cooperative Bank. He later served as vice president of the board, the same position he had held on the founding board of New Communities, Inc.

29. The story of the planning, founding, and first years of New Communities can be found in the following sources: *The Community Land Trust* (International Independence Institute, Cambridge, MA: Center for Community Economic Development, 1972), 16–25; Robert Swann, "New Communities: 5,000 Acres and $1,000,000," in *Peace, Civil Rights, and the Search for Community*, chapter 20; and an interview with Charles Sherrod, conducted by John Emmeus Davis in 1981, excerpts of which were published in *The Community Land Trust Handbook* (Emmaus, PA: Rodale Press, 1982), 39–47.

30. *The Community Land Trust Handbook,* 46.

31. New Communities provided an object lesson for later CLTs, among whom it became an article of faith that "Thou shall not encumber thy land with debt." Even though the land was lost, New Communities, Inc., (NCI) did not dissolve. The corporation remained in existence. When black farmers in the South won a $375 million settlement from the United States Department of Agriculture in 1999, resolving a class-action suit that had charged USDA with racial bias, NCI filed a claim, alleging that discriminatory lending at USDA in the 1970s and early 1980s had contributed to the failure of NCI's agricultural business and the loss of its land. In the summer of 2009, after a decade of being rebuffed by USDA, NCI was awarded $12 million. Its board began searching for farmland to buy in the Albany area, land that would be owned, this time around, debt free. The final chapter of NCI has yet to be written.

32. New Communities itself never managed to put in place most of the features of ownership and organization described in the book that was based on its story. In a valiant 15-year struggle to hold on to its land, the vision and plan put down on paper for this CLT "prototype" were never realized on the ground.

33. *The Community Land Trust*, 17.

34. Ibid., 38.

35. At a seminar sponsored by the Lincoln Institute of Land Policy in 2004, Terry Mollner, who had served on ICE's staff during the second half of the 1970s, tried to recall how ICE had arrived at the tripartite allocation of seats among leaseholders, nonleaseholder residents of the surrounding community, and representatives of the "public interest." He could not. He expressed mild amusement that what had "seemed like a good idea at the time" had proven its worth over the years and become a fixture of the CLT model.

36. In Webster's own words, "Bob would give me scribbled drafts and notes. I would have to organize them and polish them. He kept talking about 'land trust' this, 'land trust' that. I said we have to be able to distinguish it from other land trusts doing conservation. Why don't we call it a *community* land trust? He liked the suggestion. That was probably my only contribution to the CLT movement." Conversation with John Emmeus Davis, 2007.

37. Several rural land trusts were created in the early 1970s, most notably Earthbridge in Vermont and Sam Ely in Maine. The latter published a national newsletter, the *Maine Land Advocate*, for seven years (1973–1979).

38. To oversee this project, WCLT hired its first executive director, Mike Brown, with funds obtained by Marie Cirillo from the Catholic diocese in Nashville. Brown served as WCLT's director from 1980 to 1984. He later joined the staff of ICE and went on to become a partner in a national consulting cooperative, Burlington Associates in Community Development, providing technical assistance to dozens of CLTs.

39. One of the Covenant CLT's first leaseholders, incidentally, was Ellie Kastanopolous, who later became the executive director of Equity Trust. The story of the founding of the Covenant CLT is told in *The Community Land Trust Handbook,* 62–75.

40. In an interview conducted by John Emmeus Davis in 2008, Marjorie Swann attempted to describe the different abilities and contributions of Swann and Matthei in building the CLT movement: "Bob was very good at the theoretical stuff, at putting it into words. . . . He

was brilliant when it came to articulating the ideas and putting them into a whole plan. But he was not good at motivating people. Chuck's genius was in inspiring people to do it. After Chuck took over ICE, the land trusts multiplied."

41. For the next five years, as Matthei rebuilt ICE's staff, $300 was the monthly salary earned by all of ICE's employees.

42. Matthei had earlier joined with Mitch Snyder, Perk Perkins, and other members of the Center for Creative Nonviolence and Sojourners in trying to establish a CLT in Washington, DC. The Columbia Heights Community Ownership Project was incorporated in 1976. Soon after gaining control of several inner-city properties, however, it moved on to other issues, leaving its CLT agenda behind. The community organizers at Sojourners decided that forming a CLT had been premature. They turned their energies toward developing a neighborhood tenants union, which battled condo conversions and promoted resident-owned housing cooperatives. It is fair to call the Community Land Cooperative of Cincinnati, therefore, the first urban CLT.

43. *The Community Land Trust*, 64. The text goes on to say, however, that the main goal of such procedures should be to "ensure that community-generated value increments accrue to the community and not to the individual." Responsibility for calculating and allocating such value was to be assigned to "a committee either named by the community or operating as part of the board of trustees."

44. *The Community Land Trust Handbook* was authored by Marie Cirillo, John Davis, Rob Eshman, Charles Geisler, Harvey Jacobs, Andrea Lepcio, Chuck Matthei, Perk Perkins, and Kirby White. It was illustrated with drawings and prints produced by Bonnie Acker and photographs taken by Kerry Mackin and Bob O'Keefe.

45. "Typically, the CLT retains a first option to buy the improvements at the owner's original invested cost, often adjusted for inflation, depreciation, and damage during the ownership period. . . . Thus, the first leaseholder is guaranteed equity in the improvements, and the succeeding leaseholder is able to buy the improvements at a fair price. No seller will profit from unearned increases in market value, and no buyer will be priced out of the market by such increases." *The Community Land Trust Handbook,* 18.

46. "While the CLT expects responsibility and a positive commitment from leaseholders, it also has a moral responsibility to them above and beyond the lease agreement, and a practical need to help them use their leaseholds appropriately and well. This is particularly true with low-income leaseholders, who have only limited access to credit and services that may be needed for such things as emergency repairs to their buildings." *Community Land Trust Handbook,* 215–216.

47. *The Community Land Trust Handbook,* 74.

48. Gandhi's concept of trusteeship is captured well in the following quote: "What belongs to me is the right to an honourable livelihood, no better than that enjoyed by millions of others. The rest of my wealth belongs to the community and must be used for the welfare of the community." M. K. Gandhi, *Trusteeship* (Ahmedabad, India: Navajivan Trust, 1960).

49. The three other "paths for action" proposed in the 1972 book's "Mandate for Action" were (1) having government "play the dominant role in financing and setting up a land trust"; (2) advocating for the stewardship of scarce natural resources placed in a land trust; and (3) convincing existing communes and intentional communities to "place their land under a common trust umbrella" organized on a regional basis.

50. Slater King's brother, C. B. King, had advised the planners of the first CLT to incorporate New Communities as a nonprofit corporation, not as a real estate trust. This practice has continued among CLTs to the present day. Although nearly every CLT is a nonprofit corporation, not all CLTs have secured—or even sought—a 501(c)(3) tax exemption. Most of

the early land trusts did not seek 501(c)(3) status. One that did, the Sam Ely Trust in Maine, had it stripped away because it was not operated in ways recognized by the Internal Revenue Service as "charitable." The IRS objected specifically to the assistance Sam Ely was giving to farmers (i.e., private farm businesses). The revocation of its tax exemption precipitated the organization's collapse.

51. The City of Boston later became both a supporter and a partner. The most dramatic evidence of such municipal support was the 1988 decision to grant DNI the power of eminent domain in the Dudley Triangle, aiding in the assembly of small, fragmented parcels of land into larger, developable sites for the neighborhood's revitalization. See Peter Medoff and Holly Sklar, *Streets of Hope* (Boston: South End Press, 1994).

52. DNI was eventually to assemble, hold, and lease lands not only underneath limited-equity cooperatives, limited-equity condominiums, and rental housing, but also beneath urban parks, commercial greenhouses, a job training center, and a community center.

53. An earlier CLT had done so, as well. An extensive service area had been carved out by the Northern California CLT, cofounded in 1973 by Erick Hansch, who had moved west after six years on the staff of the International Independence Institute. It was not until the early 1990s that NCCLT reorganized to focus on housing and community development in the Bay Area, rather than purporting to serve all of northern California.

54. The San Juan Islands off the western coast of Washington proved to be an especially fertile area for the growth of CLTs. Lopez Island and Orcas Island gave rise to the Lopez CLT and OPAL (Of People and Land), both founded in 1989. In later years, CLTs were organized on San Juan Island, Waldron Island, and Lummi Island.

55. In March 2009, the National CLT Network reported the results of a national survey of its members, tallying the incidence of defaults and foreclosures in each CLT's portfolio of resale-restricted, owner-occupied housing. At a time when over 7 percent of all residential mortgages in the United States were in default and 3.3 percent of all mortgages were in foreclosure, CLT homeowners were posting a default rate of 1.4 percent and a foreclosure rate of 0.5 percent (www.cltnetwork.org).

56. The CLT's success in preventing foreclosures has attracted attention not only in the public sector, but in the business sector, as well, especially among private lenders who have seen default and foreclosure rates soar since 2006. Where the mortgaging of resale-restricted homes on leased land was once seen as an exotic and risky loan, many lenders now regard the CLT as a credit enhancement.

57. Several other organizations gradually got into the game, proposing "model" documents and "best practices" of their own. The E. F. Schumacher Society, founded by Bob Swann and Susan Witt, developed model documents that were somewhat different than ICE's, focusing on rural CLTs. In 1990, Chuck Matthei left ICE and founded Equity Trust. Its publications focused on the application of CLTs to agricultural lands, including partnerships between CLTs and CSA (community supported agriculture farms). Regional coalitions of CLTs emerged in the Pacific Northwest and in Minnesota in 1999 and 2003, respectively, each of them promoting standardized systems for operating a CLT and documenting its performance. In 2005, the Florida Housing Coalition established the Florida CLT Institute to promote CLT development in the Sunshine State. The next year, 2006, the National CLT Network established its own academy to research, develop, publish, and teach best practices for CLTs.

58. Although many attorneys lent their expertise to this project, David Abromowitz, a Boston attorney who had advised DSNI, served as the *Manual*'s principal legal advisor. Abromowitz must be given most of the credit for the model ground lease's careful and equitable balancing of the interests of homeowner, landowner, and lender. The overall editor for both editions of the *CLT Legal Manual* was Kirby White.

59. Congressman Sanders had invited Tim McKenzie, director of the Burlington Community Land Trust (BCLT), to testify before his House Subcommittee in the spring of 1992. McKenzie's testimony about the BCLT's success in creating permanently affordable homes was well received, convincing Sanders that there might be an opening for some sort of federal legislation supportive of the CLT model, especially if it had no budgetary impact. When asked by Sanders for suggestions, McKenzie brought the City of Burlington's housing director, John E. Davis, into the conversation. After consulting ICE, McKenzie and Davis urged Sanders to propose a statutory definition of the CLT to make it easier for CLTs to receive federal funding and technical assistance under the HOME program. Sanders readily agreed but then discovered that he had only a few days to get something into the hopper. A one-page definition of the "community land trust" was drafted overnight by McKenzie and Davis, reviewed by ICE, and sent off to Sanders' office two days later. Their definition was inserted by Sanders into Section 212 of the Housing and Community Development Act of 1992 and approved by Congress with no changes (*Congressional Record–House*, October 5, 1992: H11966).

60. The CLT Academy was started as a joint venture of the National CLT Network and the Lincoln Institute of Land Policy. The cochairs of its founding board were Lisa Byers, the Network's president, and Roz Greenstein, representing the Lincoln Institute.

61. The editorial coordinators for *Community Economics*, over its entire 14-year run, were Kirby White and Lisa Berger.

62. An earlier conference had been hosted by ICE at Voluntown, Connecticut in 1983, but it could hardly be called a "national CLT conference" since only a few CLTs existed at the time and none was represented in Voluntown. This was more a gathering of community organizers, housing professionals, and ICE staff who were interested in starting CLTs. ICE always pointed to the 1987 conference in Atlanta, therefore, as the first national conference of CLTs.

63. ICE convened a total of nine national CLT conferences from 1997 to 2003. They were held in Atlanta (1987); Stony Point, New York (1988); Burlington, Vermont (1990); Cincinnati (1993); Washington, DC (1996); Durham, North Carolina (1997); Saint Paul, Minnesota (1999); Albuquerque (2000); and Syracuse (2003). The lead role in coordinating most of these conferences was played by Julie Orvis, who became the longest-serving member of ICE's staff (1987–2005).

64. Among the many white knights who rode to the rescue of the 2005 conference were Allison Handler and her staff at the Portland Community Land Trust, several leaders from the regional CLT coalitions that had started in the Pacific Northwest and Minnesota, several of the principals from Burlington Associates in Community Development, and Roz Greenstein from the Lincoln Institute of Land Policy. Drawing on Lincoln's resources, Greenstein provided critical financial and logistical support for the Portland conference. One year later, she helped to fund the National CLT Academy and then served for three years on the Academy's founding board.

65. The Network's board was drawn from every region of the United States. Regional representation was a factor in choosing the executive committee, as well. The Network's first president was Lisa Byers (OPAL CLT, Washington state); the vice president was Jim Mischler-Philbin (Northern Communities CLT, Minnesota); the secretary was Dannie Bolden (Gulf County CLT, Florida); and the treasurer was Dev Goetschius (Housing Land Trust of Sonoma County, California).

66. Following the Portland conference in 2005 and the Boulder conference in 2006, the first national conferences convened by the Network were held in Minneapolis (2007); Boston (2008); and Athens, Georgia (2009).

67. The Northwest CLT Coalition was established in 1999, the Minnesota CLT Coalition in 2000, and the Colorado CLT Coalition in 2008.

68. *The Community Land Trust Handbook,* 181.

69. Nearly all of the first CLTs counted pastors, priests, nuns, or former nuns among their founders and leaders. This certainly contributed to the faith that was regularly put in the miracle theory of financing. Perhaps it also accounted for the frequency with which such miracles seemed to occur.

70. *Community Economics*, no. 1 (Summer 1983): 3.

71. As ICE's revolving loan fund grew larger and more complex—and as ICE's technical assistance to community loan funds increased—staff other than Matthei played a larger and larger role. For over a dozen years, from 1981 to 1993, as ICE's revolving loan fund grew from $45,000 to $12 million, the fund's main manager was Sr. Louise Foisey. Other members of ICE who contributed the most to ICE's work with community investment over the years were Sr. Corinne Florek; Greg Ramm; Mary O'Hara; Raylene Clark-Gomes; and the former president of ICE's board, Michael Swack.

72. NACDLF joined with the National Federation of Community Development Credit Unions, several community development banks, and a number of other organizations in 1992 to create the Community Development Financial Institution Coalition, aimed at securing federal support for CDFIs. The coalition changed its name to the National Community Capital Association in 1996 and to the Opportunity Finance Network in 2006.

73. Toward the end of 1992, HUD's Department of Community Planning and Development distributed a circular (HUD 21B) to "All Regional Administrators, All Field Office Managers, All Regional Directors for CPD, All CPD Division Directors, All HOME Coordinators, and All HOME Participating Jurisdictions," declaring that "HOME funds may be used by CLTs. CLTs may also receive HOME funds for administrative and technical assistance for operating assistance and organizational support." The circular went on to say, "Community land trusts are, perhaps, one of the most effective means of ensuring permanent affordability of resident ownership simply because the trust maintains ownership of the land."

74. In addition to providing a definition of the CLT, Section 212 of the Housing and Community Development Act of 1992 bestowed three benefits on CLTs that were unavailable to other nonprofit housing developers. A CLT could receive CHDO designation and HOME funding even if it did not yet have a "demonstrated capacity for carrying out activities assisted with HOME funds" or was unable to "show one year of serving the community." Furthermore, it said, "Organizational support, technical assistance, education, training, and community support under this subsection may be available to . . . community groups for the establishment of community land trusts." This opened the door for federal assistance to CLTs that were just getting under way.

75. Some assistance was provided by ICE's own staff, principally Jeff Yegian, who was based in Boulder, Colorado. Most of the on-site technical assistance offered to CLTs from 1994 to 2004, however, under ICE's TA contracts with HUD, was provided by Burlington Associates in Community Development. After HUD—and ICE—withdrew from the field, the partners in this national consulting cooperative continued to assist new and mature CLTs. By 2010, over 90 CLTs had received some degree of direct TA from Burlington Associates. Many others had benefited indirectly by having access to educational documents and technical materials posted on the Burlington Associates web site and freely shared with the public under terms of the Creative Commons.

76. Fannie Mae released a model lease rider for CLTs in 2001. As part of the same package, Fannie Mae also published *Guidelines on the Valuation of a Property Subject to a Leasehold Interest and/or Community Land Trust*. This document provided assistance to lenders and appraisers in valuing CLT transactions.

77. John Emmeus Davis and Rick Jacobus have documented a diverse array of municipal support for CLTs, including seed money for planning a CLT; donations of city-owned property, grants of municipally controlled funds, and low-interest loans for developing CLT projects; capacity grants for sustaining CLT operations; and equitable assessments in valuing and taxing a CLT's resale-restricted homes. See Davis and Jacobus, *The City–CLT Partnership* (Cambridge, MA: Lincoln Institute of Land Policy, 2008).

78. This analogy is evocative but not exact, since a hybrid in the breeding of plants is a one-generation phenomenon. Hybrids cannot breed true. The mixing of traditions and agendas in the CLT, by contrast, has produced a model that can be reproduced across many generations.

79. These are the Diamond State CLT in Delaware and the Community Housing Land Trust of Rhode Island.

80. This was one of Bob Swann's abiding concerns about the movement he had helped to found: "Creating perpetually affordable housing is a good idea. The only thing is that there is a danger of losing track of the land itself." See the interview of Bob Swann conducted by Kirby White for *Community Economics*, no. 25 (Summer 1992): 3–5.

81. Davis and Jacobus offered a similar argument in *The City–CLT Partnership*: "The role of steward draws the CLT back to its original mission of shepherding resources that a community invests and of capturing values that a community creates. Making stewardship its principal activity brings the model full circle, refocusing the CLT on what it does best" (38).

82. It is not only in communities of color that CLTs are being organized to protect lands, promote development, and preserve the identity of place-based communities. It is there, however, that market forces and public policies tend to take the greatest toll, especially in African American communities proximate to an expanding downtown or situated on the shoreline of a river, lake, or ocean. Recognizing the special needs of these communities and responding to the rising demand for CLT assistance from African American communities in the South, the National CLT Network launched a Heritage Lands Initiative in 2008.