



## **ALTERNATIVE LAND TENURE AND THE SOCIAL ECONOMY**

Literature Review

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## Introduction

The Land Tenure and the Social Economy Project commenced in September 2008. The purpose of this project was to research shared equity land tenure models being used across the social economy. Stage one of the research project was a literature review to collect and analyze the range of existing models in British Columbia, Alberta and broader national and international literature. Scoping questions for the research design included:

- What is working in other places?
- What are the issues of transferability to other places?
- In shared equity land – what are the tenure models?
- What organizational models do these groups use?
- What ethos binds the group together?
- Are the patterns different in Alberta and British Columbia?

The goal of the research was to investigate how different land tenure models have been developed in support of the social economy. Several alternative land tenure models have been identified across sub- sectors of the social economy. Each system redefines the rights associated with land tenure and have adopted specific practices to work within or around the traditional land tenure system. Examples of how this has been achieved were drawn from Canada, United States, the United Kingdom, France, Sweden and the Netherlands. Lessons learned from alternative land tenure models were assessed to identify key components of successful models and how these components can be applied within various sectors of the social economy.

## Theoretical Framework for Land Tenure Project

### Land tenure and property regimes

The Land Tenure Centre at the University of Wisconsin-Madison, defines land tenure as the rights held for land. In Canada, these rights are defined by common law. The Crown ultimately holds the underlying title on all immovable or real property and rights are granted to the property owner in the form of tenure, estates and interests. Pienaar (2008) explains how land tenure rights are reflective of a system of inclusivity or exclusivity. Rights of inclusivity are generally reflected in communal land tenure models, whereas rights of exclusivity grant the rights of use and tenure to the exclusion of others. Each alternative land tenure model explored in this paper is representative

of a dynamic, actively produced social space, or spatiality (Blomley, Delaney, & Ford, 2001). Alternative land tenure models are reflective of the social values found in the social economy manifested as a reorganization of social space. Many of the alternative land tenure models explored in this paper are a result of *rebundling* the rights associated with property. The concept of the *rebundling* of rights allows us to discuss property as an actively socially constructed, dynamic representation of space. Each land tenure model, is actively *rebundling* the rights associated to property, based on values of inclusivity and exclusivity. These rights are put into action through the development of complex systems of property regimes. In this paper alternative land tenure models include Conservation Land Trusts, Community Land Trusts, and Land Banking. In most cases, each model have numerous associated property regimes describing how the model can be used to serve different goals of the social economy.

Henri Dekker (2003) explains property regimes as,

A complex set of rules, principles and procedures that in a specific community or society regulate legitimate control over, access to and conditions of use of the means of existence and production (resources), as well as the acquisition and transfer of such resources (p. 31).

Similarly, Bromley (1991) explains that these rules, principles and procedures, define relationships, not between a person and an object (the land), but between a person and others in relation to the object. The relationships defined by different models of land tenure, shape not the relationship between the individual and the property but the relationship between the property rights holder to the rest of society. “Property is not an object such as land but rather a right to a benefit stream that is only as secure as the duty of all others to respect the conditions that protect that stream” (Bromley 1991, p. 21). How the rights holder can use the property, utilize benefit streams from the property, exclude others from the property, transfer the property and rights for compensation from ‘non-consensual’ harm or loss by others to the property, are defined through the rules defined by through the property regime (Singer, 2000).

### *Property regimes*

When analyzing different property regimes questions to be asked are what *bundle* of property rights have been defined within the system? What are the benefit streams? Who is the beneficiary? What systems are in place to protect these rights? For example, the most prevalent land tenure system, private property, attributes rights to an individual or corporation, protecting specific

interests, such as rights to benefit from the property, rights to transfer the property, and rights to exclude others from the property.

Singer (2000) discusses how the existing property system should be understood as a component of larger personnel and market relationships. The definition of property rights has not developed independently from influences of capitalism and other cultural values. Land tenure models are socially constructed and reflect values of society. Dekker (2003) describes how the existing system in the western world, values land as a means to private benefit and discredits the connection of land to social security.

Private ownership of land is one of the original tenants of capitalist society. In classical economics, land was used as a factor in the measure of wealth as a factor of production alongside labour and capital (Hubacek and van den Bergh, 2006). “The private individual ownership of land in a more or less capitalist society provides all the elements that are commonly seen as necessary for economic growth” (Dekker 2003, p. 28).

Bromley provides four categories of property in the table below. Each category describes the social relationships of inclusivity and exclusivity determining access, use and management.

**Table 1 for definitions of the Four Types of Property Regimes**

State Property	Individuals have duty to observe use/access rules determined by controlling/managing agency. Agencies have right to determine use/access rules.
Private Property	Individuals have right to undertake socially acceptable uses, and have duty to refrain from socially unacceptable uses. Others (called “non-owners”) have duty to refrain from preventing socially acceptable uses, and have a right to expect that only socially acceptable uses will occur.
Common Property	The management group (the “owners”) has right to exclude non-members and non-members have duty to abide by exclusion. Individual members of the management group (the “co-owners”) have both rights and duties with respect to use rates and maintenance of the thing owned.
Non-property	No defined group of users of “owners” and benefit stream is available to anyone. Individuals have both privilege and no right with respect to use rates and maintenance of the asset. The asset is an “open access resource”

(Bromley, Environment and economy: property rights and public policy, 1991, p. 31)

Private ownership property regimes reflect values of exclusivity, characteristic of the strongly individualist values of capitalist societies. This societal value promotes the privatization of land, and property rights are traded in the market and the acquisition of these rights are viewed as a symbol of individual wealth and security.

The public retains certain levels of control over private land through defining what Bromley defines above as *socially acceptable uses*. In a strongly capitalist society, individuals and corporations are

encouraged to acquire the exclusive rights to property to secure the benefit stream from the resources, and the security associated with having a transferable asset. The public is allowed a reasonable level of interference with these rights to protect common interest. The scale of what is considered reasonable is constantly shifting as societal values change over time. An example of this ongoing shift is demonstrated by the legal concept of *takings* in the United States, where courts are commonly being asked to determine what the socially acceptable level of interference is by the State in areas such as environmental protection, which may interrupt the individual use or gain from property (Geisler, 2000).

The exclusivity of private property rights creates a tension between the individual and the community. Land is subdivided into individual parcels removing communal claims to the environmental, cultural, spiritual and social benefits of the land. The right to exclude others, granted through private property, marginalizes these other values and interests. This marginalization can occur to individuals who cannot actively participate in the market and are excluded from the benefits of property such as security. This has implications for community sustainability, on an individual and collective level.

### *Alternative property regimes in the social economy*

Alternative land tenure models have developed property regimes redefining the rules, principles and procedure of property rights to create greater inclusivity in land tenure systems. Geisler (2000) discusses a concept of “Sharings” in contrast to the concept of “takings” described above. Alternative land tenure models commonly present new concepts of property presenting partnerships between the private, non-profit and public sector, to redefine socially acceptable uses and communal interests in land ownership. These alternative property regimes focus on the

reintroduction of environmental, cultural, spiritual and social values of land and communal access and use of land.

Market and non-market models are redefining the relationship between land and property rights and the introduction of how property rights relate to the social economy. The re-bundling of property rights under new values, principles and procedures has been identified as a potential strategy to further develop of the social economy. Levesque and Mendell (2005) explain how the social economy has developed,

as a strategy to combat poverty and social and occupational exclusion, where initiatives respond to urgent social needs and critical social situations; and [through] the creation of new wealth, where initiatives respond not only to needs but also to new opportunities in which neither the market nor the state are effectively engaged, if at all (p. 23).

The alternative of property regimes have the potential to strengthen the social economy. Swinger describes a Social Relations Model of land tenure that can shape social relationships:

1. Property rights can be bundled in different ways and multiple models exist for defining and controlling property relationships;
2. Property rights must be understood as both contingent and contextually determined (Contingent because changing circumstances change the rights that are recognized by the system and contextual because property rights in the legal system have in fact been, changing over time, and dependent on the effects their exercise has on others);
3. Property law and property rights have an inescapable distributive component; and
4. Property law helps to structure and shape the contours of social relationships (2000, p. 8).

A social relations model of land tenure can be strategically utilized to combat poverty and respond to the social needs caused by adapting traditionally exclusive models to better respond to current context of the social economy. Property regimes can be adapted to changing circumstances to respond to social needs, to create changes to the market system through the introduction of principles of environmental, cultural, spiritual and social values, by redefining how wealth is generated and revealing the underlying social relationships that define public and private property.

In the social economy, property can play a very significant role in challenging the market system. New land tenure models provides, the opportunity to explore how the three systems of the economy, the private profit oriented, the public service planned provisions and the self-help, reciprocity, social purpose systems (Lewis 2007) can shape the definition of rights attributed to property in Canada. Mike Lewis proposes working within these three systems to create a solidarity economy, allowing for the hybridization of private, public and voluntary strategies to work together for a more balanced, qualitative community development (2007).

## Methodology

A literature review was conducted to collect and analyze the range of shared equity alternative land tenure models in Alberta, British Columbia, across Canada and internationally. These models are analyzed to identify the values, principles and procedures that are in place redefining the property rights in a way that can contribute to the social economy. The review explores models where environmental, cultural, spiritual and social values, have been incorporated into various property regimes.

Through a preliminary scan three models have been identified which cross sub-sectors of the social economy. The matrix outlined in table one reflects how each model is being analyzed.

**Table 1: Analytical Framework**

Land Tenure Model	Sub- sectors of the social economy  (property regimes)	Property Regime: Rules, Principles and Procedures					
		Legal <i>How is ownership structured?</i>	Financial <i>How is the model financed?</i>	Operation <i>How does the trust model function?</i>	Geography <i>Where is this model successfully being implemented?</i>	Regulatory <i>What are the land use regulatory conditions for the model?</i>	Social <i>How does it support the social economy?</i>
Conservation Land Trusts	Ecological protection						
Community Land Trusts	Affordable housing  Community services						
Cooperative Land Bank	Affordable housing						
Municipal Land Banks	Community development						

The key in this analysis is to understand how the land tenure models are structured, how property the regime functions and what conditions would need to be applied to transfer the models to Alberta and British Columbia. The transferability component of the research requires further investigation into what is needed by the social economy actors in the region.



**Table 2: Models of Alternative Land Tenure Systems**

<b>Alternative Land Tenure Models</b>	<b>Conservation Land Trust</b>	<b>Community Land Trust</b>	<b>Cooperative Land Bank</b>	<b>Municipal Land Bank</b>
<i>Sub-sectors of the Social Economy (property regimes)</i>				
<i>(F-AH) Affordable Housing</i>		x	x	x
<i>(F-EC) Ecological Conservation</i>	x	x		x
<i>(F-AC) Agricultural Conservation</i>	x	x		x
<i>(F-CD) Community Development</i>		x		x
<i>(F-ED) Economic Development</i>		x		x
<i>(F-SG) Smart Growth</i>	x	x		x
<i>(F-F) Forestry</i>	x			

## Land Trusts

The model explored in this literature review is land trusts. Land trusts remove land from the market and place the governance of the land under the direction of an organization generally mandated to fulfill a specific mission. A trust is an equitable obligation binding a person, called the trustee, to hold or manage property over which he has control for the benefit of persons, called beneficiaries (Bale, 2009).

In this paper, two main models of land trust are explored, conservation land trusts and community land trusts. Each model has a variety of property regimes of how the model is applied to different sub-sectors of the social economy (Table 2). The following summarises the findings from a sample of literature on each model. Conservation and community land trusts operate under similar values of protecting land from the market for public good, charity or not-for-profit organizations governance systems and the concept of perpetuity (an intergenerational responsibility of the trustee organization).

The definition of beneficiaries of the trusts is quite different for each model. As will be outlined below the inclusivity and exclusivity of the property regimes for each model varies based on the goals and values defined by the trustees. Although both models define the protection of the common good as part of their mandates, most of the property regimes described below are private organizations. With the exception of one property regime discussed by Davis (2008) exploring the direct involvement of local government in the governance of community land trusts, the land trust models are governed as not-for-profit corporations or charities with private board of directors.

## Conservation Land Trust – Ecological Conservation

### Canadian Standards for Conservation Land Trusts

The Canadian Land Trust Alliance (<http://clta.ca>) defines a land trust as,

a charitable organization which as all or part of its mission, actively works to conserve land by undertaking or assisting in land acquisition or conservation agreements, or by engaging in stewardship of such land or conservation agreements (Canadian Land Trust Alliance, 2005, p. 3).

The Canadian Land Trust: Standards and Practice and accompanying background document outline a series of principles and standards to be considered for land trusts in Canada. The following summarises their recommendations:

- **Principle A: Integrity**
  - A land trust should participate in establishing, maintaining and enforcing, and should observe, high standards of conduct so that the integrity of the land trust sector may be preserved. The provisions of these Standards and Practices should be applied to further that objective. Land trust practitioners should recognize that the integrity of the individual land trust reflects upon the land trust community as a whole (Canadian Land Trust Alliance, 2005, p. 2)
- **Principle B: Perpetual Responsibility**
  - Land trusts should recognize that they have an obligation to protect the lands and properties that they care for in perpetuity. As such, land trusts have a responsibility to act in the long-term best interest of the properties, themselves and their organization (Canadian Land Trust Alliance, 2005, p. 2).
- **Principle C: Excellence**
  - Land trusts should strive to provide the best service possible and should work towards improving the strengths of individual land trusts and the land trust community (Canadian Land Trust Alliance, 2005, p. 2).
- **Principle D: Good governance**
  - Governance is a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account. The five good governance principles are: 1: legitimacy and voice, direction, performance, accountability and fairness. Good governance exists where those in positions of power are perceived to have acquired this power legitimately, and there is appropriate voice accorded to those whose interests are affected by decisions. Further, the exercise of power results in a sense of overall direction that serves as a guide to action. Governance should result in performance that is responsive to the interests of citizens and stakeholders. In addition, good governance cannot be said to prevail unless there is genuine accountability at play between those in positions of power (agents) and those whose interests they are supposed to be serving (principals). Accountability cannot be effective unless there is transparency and openness in the conduct of the organization's work. Finally, governance should be fair, which implies conformity to the rule of law and principles of equity. (Taken from the Institute on Governance, 2005) (Canadian Land Trust Alliance, 2005, p. 2).

### *Standards – Abbreviated summaries*

Accompanying the principles is a series of standards defined to guide the establishment and management of conservation land trusts in Canada. These standards provide detailed descriptions of important steps in the development of a charity or not-for-profit organization, technical considerations for management of the organization, legal and financial considerations for the acquisition of land and general principles of conservation. The standards are summarised below (Canadian Land Trust Alliance, 2005, pp. 5-23).

- **Mission** - The land trust has a clear mission that serves a public interest, and all programs support that mission
- **Compliance** - The land trust fulfills its legal requirements as a non-profit charitable organization and complies with all relevant laws and statutes
- **Board Accountability** - The land trust board acts responsibly in conducting the affairs of the organization and carries out the board's legal, financial and other responsibilities in an ethical manner
- **Conflicts of Interest** - The land trust has policies and procedures to avoid or manage real or perceived conflicts of interest
- **Philanthropy and fundraising** - The land trust is philanthropy and fundraising activities in an ethical and responsible manner
- **Financial and asset management** - The land trust manages its finances and assets in a responsible and accountable way
- **Volunteers, staff and consultants** - The land trust has volunteers, staff and/or consultants with appropriate skills and in sufficient numbers to carry out its programs
- **Evaluating and selecting conservation projects** - The land trust carefully evaluates and selects its conservation projects
- **Ensuring Sound Transactions** - The land trust works diligently to see that every land and conservation agreement transaction is legally, ethically and technically sound
- **Tax Consequences** - The land trust works diligently to see that every charitable gift of land or conservation agreements meets federal and provincial tax law requirements
- **Conservation Agreement Stewardship** - The land trust has a program of responsible stewardship for its conservation agreements
- **Land Stewardship** - The land trust has a program of responsible stewardship for the land it holds, other than through a conservation agreement, for conservation purposes

### **Conservation Land Trust Association of British Columbia and Alberta**

Both Alberta and British Columbia have provincial organizations for conservation land trusts:

- Land Trust Alliance of British Columbia - <http://www.landtrustalliance.bc.ca/>
- Alberta Land Trust Alliance = <http://www.landtrusts-alberta.ca/>

The Land Trust Alliance of British Columbia web site offers detailed information for organizations and individuals interested in conservation through land trusts. The following is excerpts from their web site <http://www.landtrustalliance.bc.ca> (hyperlinks enabled):

- Two province-wide land trusts:
  - [The Nature Trust of British Columbia](#) - focused mostly on habitat protection
  - [The Land Conservancy of British Columbia](#) - focused on protecting both natural and heritage properties
- [32 local land trusts](#) working in many communities throughout the province
- The most common ways to protect private land in BC are through **Conservation Covenants, Land Donations, and Land Purchases**
- A Conservation Covenant is a legal agreement between a landowner and authorized land trusts (usually two). This legal agreement remains attached to the title of the lands in perpetuity, and defines allowable and restricted uses for the property.
- With Conservation Covenants, the title of the property usually remains with the original landowner. [Section 219](#) of the Land Titles Act outlines the legal framework for Conservation Covenants.
- Lands can also be donated to, or purchased by a land trust. The title will be transferred to the new landowner (the land trust) who will often develop management plans to outline management goals and strategies for the new acquisition. There are also various tax incentives which may benefit the original donor/seller.
- Information Brochures:
  - [Conservation Options](#)
  - [Conservation Covenants](#)
  - [Tax Benefits](#)
  - [US Donations for Conservation](#)

There are specific policies in British Columbia related to Conservation Land Trusts:

- The BC Lands in Trust Registry was originally initiated to track conservation covenants in British Columbia. Since then, the Land Trust Alliance of BC determined that a full inventory of conservation lands should also include sites also owned by land trusts as fee simple lands. The BC Lands in Trust Registry, with its database inventory program (The Protected Lands Catalogue), offers a central location for this inventory offering detailed information about protected areas on private lands, their ecosystems, habitats, species, cultural or aesthetic features and their land uses. Given recent changes to privacy legislation, land trusts should take care to remove all personal information that is submitted to the BC Lands in Trust Registry (Canadian Land Trust Alliance, 2005, p. 33).

- Land trusts in BC are advised to hold covenants jointly with a second land trust as a means of ensuring the longevity of the covenant should one land trust fail. This is especially important for smaller land trusts that may not have the resources to sustain themselves over the long term (Canadian Land Trust Alliance, 2005, p. 33).

## Conservation Land Trust – Agriculture Land Trust

Another example of a conservation land trust for the protection of agricultural land is proposed by Hamilton (2007). He describes agricultural land trusts designed to address the loss of farmland to urban sprawl and ex-urban development (Hamilton B. , 2007). Using a more social economy or community development arguments rather than an ecological, Hamilton argues the conservation of agricultural land for the interest of the broader community with the following goals:

- Promote the economic stability of family farming
- Increase the ability of new generations to enter farming
- Preserve the quality of farmland by minimizing negative environmental impacts
- Minimize the negative impacts of some agriculture on rural community (Hamilton B. , 2007).

One example of where an agricultural land trust is currently in practice is the Genesis Land Conservancy in Saskatchewan. In this model, land is leased to beginning farmers where the trust land makes up only a portion of the farmer's land holdings. The concept is that the inclusion of the trust land will help improve the operations viability. Land is assembled for the trust by direct gifts, bequests made in a will, preferred sale, joint ownership or a retained life interest.

Lessons learned from another agricultural land trust in Franklin, MB outline key principles for consideration in the implementation of this type of model. First, place matters, meaning the models should reflect the specific circumstances and needs of local farmers (Hamilton B. , 2007). Secondly, to be effective, the trust will need a critical mass of land and people. With the latter principles in mind, Hamilton also suggests that scale matters, meaning potential exists for agricultural land trusts to be considered on a regional scale to create the mass of land and people necessary for success. From his research he identified a number of positive features of land trusts that can be applied to agriculture (Hamilton B. , 2007):

- Permanent nature as a community institution
- Removed from the political cycle

- Longer leases making it more practical to improve land and to plan
- Incorporation of the principles of sustainability
- Lends itself to co-operative and neighbourly collaboration
- Possibility of government assistance
- Professional assistance
- Could help new farmers

An example of a conservation land trust in Alberta is the Southern Alberta Land Trust Society (SALTS). A SALTS is an example of a land trust designed to protect agricultural land from development. Their main tools for removing land from the market are through the use of conservation easements.

SALTS describe the use of conservation easements as follows:

- A conservation easement is a legal tool by which you voluntarily relinquish some of those rights, while retaining title to the land (Southern Alberta Land Trust Society, 2008)
- The terms of conservation easements vary, as each agreement is tailored to the specific landowner. However, all preclude subdivision and environmentally damaging forms of development. Conservation easements are typically granted in perpetuity and remain with the land regardless of ownership (Southern Alberta Land Trust Society, 2008)
- In most provinces, conservation easements have been made possible through the enactment of specific legislation. Regulations differ between provinces, but in general they require that a conservation easements goals include the preservation of the land's natural features, scenic values, and/or scientific and educational potential (Southern Alberta Land Trust Society, 2008)
- The legislation lays out who is eligible to hold the conservation easement you grant. In general, you have the choice of granting a conservation easement to the crown, a municipality or certain registered charities. You can also choose between granting an easement on all or a portion of your land (Southern Alberta Land Trust Society, 2008)

### *What are the Benefits?*

- Conservation easements offer benefits to society in general by contributing immensely to the maintenance of open spaces and a healthy environment. They can safeguard watersheds and wildlife habitat, and preserve or maintain the natural landscapes that provide surrounding residents with clean air, clean water, agricultural products and scenic beauty (Southern Alberta Land Trust Society, 2008)
- Conservation easements also provide opportunities for landowners to meet their personal goals for agricultural and environmental stewardship, and financial security (Southern Alberta Land Trust Society, 2008)

### *Conservation of rangelands and ranching communities:*

- Easements conserve ranch lands by preventing conversion to non-ranching uses, maintaining agricultural opportunities for future generations (Southern Alberta Land Trust Society, 2008)
- As ranching lands are maintained, so too are the rural community values and the agricultural heritage that depend on these lands (Southern Alberta Land Trust Society, 2008)

***Financial incentives:***

- Landowners may qualify for an income tax deduction if the easement is a charitable donation (Southern Alberta Land Trust Society, 2008)
- The appraised value of the property on which an easement has been placed may be lowered through the relinquishment of development rights, which can reduce capital gains when the land is sold or transferred (Southern Alberta Land Trust Society, 2008)
- In certain circumstances, conservation easements can be sold to an eligible organization to reduce debt and to provide return for non-farming heirs (Southern Alberta Land Trust Society, 2008)

***Accommodation of landowners' concerns:***

- Terms can be negotiated around the desires and needs of the landowner as well as the objectives of the participating organization (Southern Alberta Land Trust Society, 2008)
- Protection can be provided for both the property's environmental and agricultural features (Southern Alberta Land Trust Society, 2008)

***Option to work with a private, local organization:***

- Conservation easements are frequently administered by private organizations (many of which are locally-based and community-driven) who can bypass the unintended delays often associated with government agencies (Southern Alberta Land Trust Society, 2008)

***What happens after the Conservation Easement is granted?***

- The conservation easement document will describe several aspects of your future relationship with the grantee. It is important to note that SALTS is not interested in becoming the day-to-day managers of the easement property. What the agreement will specify are the terms for monitoring activities, enforcement options, access, proposed changes in land use, alteration of the agreement, and what will happen if the grantee is no longer able to hold the conservation easement (Southern Alberta Land Trust Society, 2008)

Merenlender, Huntsinger, Guthey and Fairfax (2004) question the effectiveness of conservation easements for ecological conservation. They suggest there is little information available analysing the resulting patterns of land being protected, or the institutions that hold the conservation easements. They provide a more technical explanation of the conservation easement “as a contract that divides portions of the land title between the landowner, or fee holder, and an easement holder” (Merenlender, Huntsinger, Guthey, & Fairfax, 2004, p. 67), providing details as follows:

- Transfers some development and management options—such as the right to subdivide or to cut trees—from the fee holder to a non-profit or governmental organization that holds those rights, called a “non-possessory interest” in the land
- Fee holder reserves certain rights, such as the right to build additional homes, add roads, or plant row crops.
- Fee holder may donate or sell the rights that are relinquished, and pays property taxes only on the remaining value of the land
- Fee holder also continues to own the property and manage it within the bounds set by the easement. The easement holder is responsible for monitoring and enforcing easement specifications



## Conservation Land Trust - Smart Growth

The above examples of conservation land trusts are methods of land preservation. Daniels and Lapping (2005) propose another use of the conservation land trust model as a method of land preservation for the purpose of achieving smart growth used by governmental and non-governmental organizations.

Land preservation is related to smart growth through:

- The preservation of land for parks, recreation, and greenways within built-up urban and suburban areas; and
- The preservation of rural land for the production of food and fibre to maintain valuable natural areas—such as wildlife habitats and water supply sources—and to channel development to more appropriate locations (Daniels & Lapping, 2005, p. 317).

As discussed above, the conservation land trust model is applied for preserving land often for specific purposes. Daniels and Lapping (2005) suggest it can be used as another mechanism to control private property,

Land preservation simply means restricting the uses of a property over a long time. The uses are limited when private property is acquired in a fee simple transaction by a government agency, such as land for a county park, or by a qualified non-profit organization, such as land for a nature preserve. Whereas land owned by a government agency is almost always open to the public, land owned by a non-profit organization is private property and may not be open to the general public” (Daniels & Lapping, 2005, p. 318).

In their description, they make an important distinction between lands preserved by the government as public property, as opposed to land preserved by non-government organizations which is still private property. Although this form of private land preservation can contribute to achieving public smart growth principles, certain challenges may arise. For example Daniels and Lapping (2005) suggest that many land trusts lack sufficient staff and financial resources for long-term management of their holdings and this leads to small pockets of protected areas across the landscape, which makes it difficult to protect entire ecosystems or achieve the scale necessary for a working landscape, such as suggested above by Hamilton (2007) for the scale needed for a agriculture.

## Conservation Land Trust – Forestry

Similar to the agriculture land trust system, forestry land trusts (FLT) aim at keeping land out of urban development by protecting its productive use. Robert Swann (1989) defines the objective of a forest land trust as a method to bring unmanaged forest land into timber production through the

conveyance of development rights to the forestry land trust. His description of how this is achieved is summarised below (Swann R. , 1989, p. 40 & 41):

- A group of landowners convey their development rights to the FLT
- The landowners form a partnership to pool their timber resources in a long range forestry program managed by the partnership and or the FLT
- FLT lease the forest land on a long term basis from each forest land owner or a limited partnership is established of the landowners and their share of the partnership equals the value of the forests (not the land)
- The value of the development rights of the land is determined by subtracting the use value from the market value, thus, if the market value is \$1000 and the use value is \$200 the development right values is \$800 this value is gifted to the trust
- Benefits increase the value of the timber, provide additional income to the landowners and give them tax deductions

The conservation component of a forestry land trust is in the management plan and by keeping the forest in permanent trust (Swann, 1989).

- Management plan: FLT combines several tracts of land under a single management plan, economy of scale necessary for efficient management and maximum returns. Forest landowners can participate without giving up rights of ownership
- Permanent trust: By placing conservation restrictions on the forested part of the property the land owners ensures that the Trust will be able to develop long-term, ecologically sound management.

For the land owner benefits include income savings, property tax savings, timber revenue insured (through professional management) the community benefits through stability in the industry and local control.

## Lessons to Support the Social Economy

A complex web of institutions and contracts exist across North America of conserved lands through trusts for a variety of purposes such as protecting habitat, watersheds, historic resources, open space, working forests or farms or a locally valued site. Merenlender et al (2004) believe it is important to question

- What is being conserved and where?
- How do the characteristics of land trusts and the needs of landowners influence what is conserved?
- What are the impacts on communities and the benefits to the public of land trusts over the long term?

Lessons to from the different property regimes associated with conservation land trust include:

- Well established operational principles and standards from the Canadian Land Trust Alliance
- Well established mechanisms for acquiring large tracks of land (SALTS and BC Land Trust Alliance)
- Important considerations about long-term sustainability of the trust structure and public accountability

## Key Web Sites

- Land Stewardship Resource Centre - <http://www.landstewardship.org/home.asp>
- Canadian Land Trust Alliance (CLTA) - <http://www.clta.ca/>
- Land Trust Alliance of British Columbia - <http://www.landtrustalliance.bc.ca/>
- Alberta Land Trust Alliance - <http://www.landtrusts-alberta.ca/>
- B.C. Land Trust Registry - <http://www.landtrustalliance.bc.ca/registry/index.html>
- A Summary of Trusts in BC - Report from the Community Development Institute - [http://www.unbc.ca/assets/cdi/trusts\\_review.pdf](http://www.unbc.ca/assets/cdi/trusts_review.pdf)
- Genesis Land Conservancy in Saskatchewan - [http://www.econet.sk.ca/sk\\_enviro\\_champions/genesis.html](http://www.econet.sk.ca/sk_enviro_champions/genesis.html)
- Agricultural Land Trust Franklin, MB - <http://www.manitobaresearchallianceced.ca/Documents/44-AgriculturalLandTrust.pdf>
- Southern Alberta Land Trust Society SALTS - <http://www.salts-landtrust.org>

## Community Land Trusts

Community land trusts (CLT) are an alternative land tenure model redefining traditional concepts of property. Robert Swann (1989) describes the CLT as a movement to remove land from the speculative market and by doing so making it more accessible to individuals and families to build equity through home ownership. This is done through community ownership of the land, which is then leased back to an individual who will own the improvements to that land. Swann (1989) and others such as Davis (2008), Hamilton (2007), Hanley (1995), and Bryden and Geisler (2007) suggest that community land trusts and other forms of community-based land reforms have a positive social, economic and ecological benefits.

Bryden and Geisler (2007) explore the community-based component of land reform systems, such as those defined by the community land trust movement. They suggest that “community-centric” land reform has a promising future for natural resource management and local development. Using resource management goals as an example, Bryden and Geisler outline three lessons to be learned from community-based land reform:

- First - Communities are a cornerstone of social existence and time-honoured arenas of cultural reproduction and collective action. To mobilize reform affecting place and bypass community is to imperil primary social structure and identity;
- Second - the logic used by community conservationists applies to land as a productive resource every bit as much as does to land as a consumptive resource. If land and resources targeted for conservation are fit for community devolution and people centered management, the same shoe fits land reformers charged with a broad array of social objectives; and
- Third - devolution of responsibility and stewardship without entitlement is a contradiction. It is symbolic devolution at best and likely to be dysfunctional when the political cache of land redistribution fades...the devolution of entitlement without responsibility to community is similarly ill conceived (Bryden & Geisler, 2007, p. 26).

They suggest that the community is central in achieving social, environmental and economic objectives and for land reform strategies to be successful there must be some form of local control. Community Land Trusts propose local control through the management of land, as a mechanism of control over the physical space of the community.

In a report prepared by the Canada Mortgage and Housing Corporation (2005) exploring the implementation of CLTs in Canada, they describe the associated cultural values and ideology connected to this alternative land tenure model. They report that CLTs are,

Based on the ideology that land was not created by people and therefore the value of land (in the form of “property”) should not be given to the individual. This ideology has led to a philosophy that distinguishes between land and the human improvements on the land, how the benefits and value of

both land and improvements are accrued, and to whom (Canada Mortgage and Housing Corporation, 2005, p. 34).

As reflected in the quote above, the community land trust movement is based on cultural and social values; more so than what was articulated in the conservation land trust model. The Community Land Trust is a property regime laced with concepts of individual and collective rights. The CMHC (2005) report defines legitimate interests of individuals and “legitimate” interest of the community in the context of land and housing under the community land trust model. “Legitimate” interests of the individual include security, earned equity and a reasonable legacy, whereas the “legitimate” interests of the community include community access, community equity and a community legacy (Canada Mortgage and Housing Corporation, 2005, p. 34). They assert that the community land trust model seeks to balance these interests, by offering individuals security of tenure and earn equity only on their direct improvements on the land so this security and equity can be passed onto family members. Communities in-turn retain the increased value of the land caused by public investment in infrastructure and improvements in the economy, improved equity in access to land and natural resource to all members of the community, and ensure inter-generational benefits from the land for all individuals (Canada Mortgage and Housing Corporation, 2005).

The following section explores the property regime characteristic of the community land trust model, used to create perpetually affordable housing. This section concludes with an exploration of how the community land trust model is being extrapolated into new areas of the social economy to promote economic and community development.

## Community Land Trust – Affordable Housing

The concept of a community land trust is most commonly associated as a mechanism for creating affordable housing. The community land trust affordable housing model is credited to the Institute for Community Economics (ICE) (<http://www.iceclt.org/>) where they offer the following definition,

A community land trust is a private non-profit corporation created to acquire and hold land for the benefit of a community and provide secure affordable access to land and housing for community residents. In particular, CLTs attempt to meet the needs of residents least served by the prevailing market. Community land trusts help communities to:

- Gain control over local land use and reduce absentee ownership
- Provide affordable housing for lower income residents in the community
- Promote resident ownership and control of housing

- Keep housing affordable for future residents
- Capture the value of public investment for long-term community benefit
- Build a strong base for community action (<http://www.iceclt.org/clt/>)

Within this definition specific principles are presented such as community control, affordability of housing, perpetuity and community benefit. The most fundamental component of the community land trust model, developed by the ICE, is the redefinition of property by separating the ownership of land from the ownership of a dwelling. The theory is that affordability in housing can be achieved in perpetuity if the land is held in trust by the community, or more specifically by an organization operating under principles of community benefit, and individuals are supported by various mechanisms to purchase a dwelling and lease the land from community land trust land which their dwelling is located.

The CLTs retain ownership of the land and, through long-term leasehold interests, grant the right to third parties (e.g., low to moderate income households) to use that land. Lease rates tend to be below-market and based on the use value rather than the market value of the land (Canada Mortgage and Housing Corporation, 2005, p. 20).

John Davis (2008) outlines key features of what he terms the classic community land trust:

- Non-profit, tax exempt corp. – charitable goals by providing housing for low income and neighbourhood redevelopment
- Dual ownership – CLT acquires land with intent to hold land title permanently, buildings are owned separately
- Leased land – CLTs provide for the exclusive use of their land by the owners of the building thereon through long-term ground lease
- Perpetual affordability – by design and intent, the CLT is committed to preserving the affordability of housing and other structures on its land; the CLT retains the option to purchase structures and the resale price is set by a predetermined equation
- Perpetual responsibility – the ground lease requires owners-occupancy and responsible use of the premise
- Open place-based membership – operates in a specific place, accountable to the people who call it home. A CLT deems a “community” to be voting members
- Community control – members make up the Board of Directors
- Tri-partite Governance – Board of Directors has three parts:
  - Lease holders (residents of the community land trust)
  - Residents of surrounding community
  - Public official, local funders, non-profit providers of housing or social services and other individuals presumed to speak for the public interest

- Expansionist program – goal to expand holdings
- Flexible development

In 2005, the Canada Mortgage and Housing Corporation (CMHC) published a comprehensive report on the applicability of the community land trust model in Canada (the ICE and the community land trust model was developed in the United States of America). The CMHC identifies a number of benefits of this model:

- Reducing or removing the cost of land from the housing equation
- Remove that housing stock from the speculative market - preventing it from becoming unaffordable through redevelopment and gentrification
- Retaining ownership over the land and control who lives in homes built on that land - ensures access is limited to low and moderate-income households (or organizations that serve those households) and homes are occupied by the actual owners rather than being purchased and rented out by absentee landlords
- Control the resale value of the housing built on the land thus ensuring it remains perpetually affordable
- Prevent the public investment in the land from going into the pockets of individual households - any increase in value of the land remains with the community and is used for future land purchases
- Improving the stability of tenure
- Promoting economic development
- Promoting social/community development

The literature outlines a commonly accepted set of policies and rules used in the establishment and management of community land trusts with the goal of creating and maintaining affordable housing. In a Canadian context, the CMHC produced a report, *Land for Our Future: A guide to land trusts and affordable housing in Canada* (1995) outlining policies and rules to guide the development of a community land trust in Canada (summarised below).

### *Policies of CLT*

- Membership in the land trust is open
- Leaseholders are guaranteed a percentage of representation on the Board of Directors
- Land when purchased is held in perpetuity and is not sold
- Land is leased to the resident on a long term basis and the lease is automatically renewable

- Base cost charged to the resident is calculated according to what is terms “use value” rather than the “market value” of the land

### *Rules of CLT*

- CLT improvements belong to the owner
- CLT assists in cases when the improvements don't sell
- No absentee lease holding is allowed
- Leaseholders are allowed to lease only the amount of land required for their specific use
- CLT are usually set-up as not for profit corporations
- CLT acts as a resource to assist leaseholder to obtain financing and education for developing and maintain their improvements
- The land is owned by the community via the trust
- Leaseholder rights are non-transferable
- Increases in land values can be used to the benefit of the community
- Lease fees are not subject to market inflation
- Lease fees can be subsidized by the CLR
- CLT controls land use planning and modification are designed to achieve the goals of the trust
- Membership – democratically controlled by an elected board
  - Lessees
  - Potential future lessees
  - Public interest

This is complemented by the CMHC 2005 report, which provides more technical details for community land trust organizations, regarding the acquisition of land and taxes.

- **Outright purchase** - CLT pays for the land in full and upfront
- **Joint purchase** - CLT enters into a partnership with another organization to purchase the land
- **Instalment purchase** - CLT purchases the land over time in instalments (the vendor acts as the mortgage holder)
- **Outright purchase and life tenancy** - CLT purchases the land at a reduced rate and the vendor continues to live on the land with the other lessees (the price reduction is equal to a pre-paid life-long lease)



- **Outright purchase and leaseback** - CLT purchases the land and the vendor continues to live on the land paying a lease fee over time (like the other lessees)
- **Instalment purchase and leaseback** - CLT purchases the land over time and the vendor continues to live on the land (the monthly fee paid to the vendor is equal to the monthly instalment minus the lease fee)
- **Option, or right of first refusal** - CLT acquires the right to purchase the land from the vendor at a predetermined price at a future date.

In Canada, most community land trusts are established as charities, this allows for certain tax exemption but also allows for the issuing of tax receipts for the donation of land to the trust. CLTs in Canada must be registered as a charity with the Canada Revenue Agency (<http://www.cra-arc.gc.ca/charities/>) to be able to issue tax receipts for donated land, capital or stocks. The CMHC (2005) flags challenges CLTs in Canada may face related to charitable status and taxes.

For some CLTs, acquiring their charitable status is a difficult and lengthy process, and significant limitations may be placed on their operations in order to be registered... Another challenge for Canadian CLTs is the capital gains tax on lands donated for affordable housing. While a CLT may have its charitable status and be able to issue tax receipts, the value of that receipt may not necessarily offset the capital gains a donor must pay on the appreciated value of that donation (Canada Mortgage and Housing Corporation, 2005, p. 30).

The CMHC suggests an alternative to avoid the above challenge, specifically related to the income or capital gains taxes having to be paid by the donator of land for the appreciated value of the land represented by the charitable tax receipt compared to the original purchase value of the land. They suggest community land trusts consider public-private partnerships for the donation of land. Governments are exempt from paying either income or capital gains taxes and can donate or offer a long-term lease of the land to the CLT for the specific purpose of providing affordable housing.

This latter example of the public-private partnership model is similar to a model proposed by John Davis (2008) in a report titled, *The City-CLT Partnership Municipal Support for Community Land Trusts*. In this model, local government is involved in developing and managing the CLT through the donation or long-term lease of government owned land for affordable housing. He proposes this model as an alternative to traditional government subsidy models for affordable housing, demonstrating that the traditional government subsidy model is unsustainable as continued housing market increases will continue to raise the amount of subsidy needed by each household. Although the municipality may lose out of potential property tax revenue from the market development of the land, there are long term cost savings overall by eliminating the escalating subsidies that will be needed by low income households. The participation of local government can

be in the form of land donation or through the investment of public funds to acquire land. A key concept of this model is that the onetime subsidy provided to the CLT for the purchase of land is better than long term housing subsidies (see Diagrams 1&2 below).

Diagram 1: (Davis, 2008, p. 8)

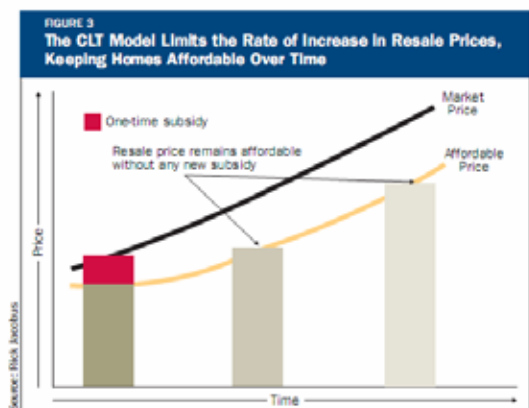


Diagram 2: (Davis, 2008, p. 9)

Initial Sale	Homebuyer Loan (No Interest)	CLT Model (AMI Index)
Initial market value	\$250,000	\$250,000
Subsidy	50,000	50,000
Initial sale price	250,000	200,000
<b>Resale in Year 7</b>		
Sale price	375,000	245,000
Repay first mortgage	(174,051)	(174,051)
Repay public subsidy	(50,000)	0
Sales costs (6%)	(22,500)	(14,700)
<b>Seller's net proceeds</b>	<b>128,449</b>	<b>56,249</b>
Affordable price to next buyer	245,000	245,000
Recaptured subsidy	50,000	0
<b>Additional subsidy required</b>	<b>80,000</b>	<b>0</b>
Total subsidy for next buyer	130,000	0
<b>Resale in Year 14</b>		
Sale price	565,000	303,000
<b>Additional subsidy required</b>	<b>132,000</b>	<b>0</b>
<b>Resale in Year 21</b>		
Sale price	850,000	372,000
<b>Additional subsidy required</b>	<b>216,000</b>	<b>0</b>
<b>Resale in Year 28</b>		
Sale price	1,278,000	458,000
<b>Additional subsidy required</b>	<b>342,000</b>	<b>0</b>
<b>Total subsidy invested over 30 years for 5 families</b>	<b>\$820,000</b>	<b>\$50,000</b>

Note: Data assume 6 percent annual home price inflation, 3 percent annual income inflation, and stable interest rates.  
Source: Jacobus and Lubell (2007)

The involvement of local government in the development and management of the community land trust is a variation of the traditional community land trust model described above. Davis suggests there are advantages and challenges to the changing role of municipalities in CLTs :

**Advantages**

- Local government sponsorship often provides direct access to both federal and local subsidies to acquire land and build housing
- Municipal employees may staff the new CLT, further speeding development of the CLT's first projects
- Municipal sponsorship often results in the CLT becoming a favoured beneficiary of inclusionary zoning, density bonuses, or other regulatory measures that require private developers to provide affordable units

### Challenges

- Winning popular acceptance for a new CLT may be difficult when a municipal sponsor has neither the staff to run a participatory planning process nor the street-level credibility to attract grassroots leaders
- Neighbourhoods scarred by urban renewal or municipal neglect, residents may regard a CLT started by local government with suspicion and leave the program with little support in the larger community
- Municipally sponsored CLTs also tend to focus only on housing, ignoring the model's potential for holding lands, developing projects, and mobilizing constituencies for non-residential activities. Particularly when a local government starts a CLT expressly to enhance the effectiveness and longevity of its affordable housing investments, it is unlikely to take a more comprehensive approach to community development and community empowerment (Davis, 2008, p. 33)

After consideration is given to these advantages and challenges Davis infers that the success of this model is place dependent.

In some places, greater municipal involvement in governance may be a practical and productive strategy, either as a temporary arrangement until the CLT is firmly established or as a permanent alternative to the classic community-based structure. However, the consensus among most practitioners who staff, assist, or fund CLTs is that community land trusts are more successful when they are structured and perceived as somewhat independent of their municipal sponsors (Davis, 2008, p. 35).

Variations of the traditional community land trust model for affordable housing are appearing in the United States, Canada and the United Kingdom. . In a report produced for the City of London, England used the City of Burlington community land trust model as an example of public investment in affordable housing.

The Greater London Authority (GLA) Housing and Homeless Unit (2004) uses the concepts of the community land trust and local government involvement in the trust as presented by Davis (2008) above, and adds a model called 'mutual home ownership'. Building on the CLT model, the report introduces a Mutual Home Ownership Trust as a shared-equity housing co-operative, described as follows:

- Gifted or discounted land is removed from the market and held in a CLT, a non-profit Industrial & Provident Society for Community Benefit or Community Interest Company democratically owned and controlled by its members and the local community.
  - CLT leases the land on a 99-year lease to a Mutual Home Ownership Trust (MHOT), a shared-equity bona fide housing co-operative
  - Membership of the MHOT bestows access to lower mortgages costs on a corporate rather than an individual basis
  - Ability to accumulate an equity stake in the property that is paid out on departure proportionate to the amount they have paid in as well as taking into account rising local property prices
  - Monthly payments are flexible and based on 30-35 per cent of a member's income (GLA Housing and Homelessness Unit, 2004, p. ii)

This model introduces a financing component for households at more favourable terms because the mortgage is acquired through the Mutual Home Ownership Trust. The report offers a number of findings of how a CLT model could work within the context of the United Kingdom.

- A CLT needs a business plan that includes its aims and objectives, what it intends to deliver and quantifying what resources it will need. This will be used to establish credibility with the community and other partners, and to raise finance. It was essential to have a vision of how community control of local assets could improve the quality of life in a neighbourhood.
- A CLT must offer people greater control over their lives than can be achieved through traditional organisations, and adds value to the renewal process only if it achieves greater credibility than existing organisations. It should not duplicate roles already carried out by others.
- Its credibility would be enhanced if it adopted a non-profit-distributing mutual model owned by its members and registered as an Industrial & Provident Society with the Financial Services Authority. Its rules must give it wide powers to acquire, develop and manage assets for the benefit of the community. Whilst charitable status for a CLT is unlikely, it could be possible for CLTs to be RSLs.
- A group structure, with local CLTs as subsidiaries of a parent CLT would enable the CLT model to be adapted to meet various needs and perform a range of roles in different communities. This model would also benefit from intra-group VAT relief.
- As a non-public body the CLT can take advantage of its status to raise private finance without the constraints faced by local authorities. As well as conventional loans secured on its assets, as an Industrial & Provident Society the CLT could seek to raise loan stock (GLA Housing and Homelessness Unit, 2004, p. 10).

## Community Land Trust – Community Development, Economic Development and Agriculture Conservation

The mandate of the traditionally focused affordable housing CLT is being expanded to include community development, economic development, smart growth and forestry. Also in the United Kingdom, efforts are underway to test the applicability of the community land trust model in rural settings.. Traditionally, CLTs have been implemented in urban environments, however The Countryside Agency released a report in 2005 called *Capturing value for rural communities: community land trusts and sustainable rural communities*. The proposed model for rural CLTs reflects many of the same values traditionally associated with the urban model. The report proposes the following values should guide rural CLT development:

- Co-operative principles – “Capturing land value through CLTs is an issue of social justice for the upcoming generations who have been disenfranchised by rising land values” (Ken Bartlett, chair of the 2000 Joseph Rowntree Land Inquiry)
- Community benefit and mutualism
- Stewardship, participative democracy and cooperative principles

- Self-help, self-responsibility, democracy, equality, solidarity, honesty, openness, social responsibility, caring for others
- Public policy and enabling legal framework  
(The Countryside Agency, 2005)

The rural CLT model has been proposed to address many local problems facing rural communities in the United Kingdom, such as:

- Confiscation of Commons lands
- Shortage of affordable housing for local people
- Failing agricultural businesses
- Post-industrial blight
- Rural decline  
(The Countryside Agency, 2005)

Solutions to these issues are proposed using sustainable development and community land trust principles, by bringing land into trust for multiple uses. This is a new variation on the traditional urban CLT model that focused predominantly on bringing land into trust to create affordable housing. It adds the concept of using the CLT model of land reform to meet the residential, commercial and industrial needs of the community as a method of increasing community control and promoting rural sustainability. They suggest that land could be acquired through a number of government and market procedures; many are specific to UK planning and government legislation; however some ideas have transferability to the Canadian context such as entrusted long leases by the local authorities, regional and central governments of public lands.

A key lesson from this CLT model is the emphasis on the local control and participation of community champion, sponsors and local partners (The Countryside Agency, 2005). Because this model crosses traditional sectors of the social and market economy such as bringing together affordable housing, agriculture and economic development there is emphasis on building the trust organization with grassroots groups, statutory bodies, local land lords, key employers, non-profit organizations and housing associations (The Countryside Agency, 2005).

Key recommendations stemming from this report could strengthen the extension of the CLT model in rural Canada:

- Local authorities, the health service, English Partnerships and other government agencies should ...seek opportunities to make land available for the development of Community Land Trusts (CLTs);
- Tax and other incentives should be explored which would encourage private landowners and companies to donate land or buildings to CLTs or to discount the price.
- The Housing Corporation should encourage housing associations and housing co-operatives to work with local communities, local authorities, rural housing enablers and others to promote and develop CLTs;
- A rural CLT demonstration project should be set up to take these recommendations forward in a cross-section of villages, market and coastal towns in high and low value areas;
- A CLT network should be considered to disseminate good practice and promote public understanding and acceptance of this mutual approach to ownership of land and property;
- All local authorities involved in regeneration schemes and programmes should consider setting up areas of land for community land trusts in order to underpin the development of 'sustainable communities' by locking in land value and retaining appropriate mixed housing, green space, and local services and enterprises as land values appreciate;
- The extension of common hold legislation should be explored to enable new forms of mutual property ownership and co-operative tenure to be developed;
- Funding should be available to promote the formation of local CLTs, and provide revolving loans for land purchase and other capital costs; and
- Changes to the planning system through the introduction of Local Development Frameworks should be responsive to the development aspirations of communities, particularly with regard to land for community-based developments to be held by community land trusts  
(The Countryside Agency, 2005, p. 53).

This example demonstrates the on-going evolution of the community land trust model to expand the mission from the original focus on affordable housing to a broader community wide application. The types of community land trusts explored in this section are examples of this adaptation taking place in Canada, the United States and the United Kingdom. The model of a trust, land being removed from the market to be held by an organization with a social or environmental purpose, has far-reaching applicability to the multiple mandates of the social economy. However, one common challenge all trusts face is the acquisition of land. There are social and economic barriers to removing land from the speculative market.

## An Alternative Community Land Trust Concept - Cooperative Land Bank

The cooperative land bank model is when a community organization purchases all the land and property within a specific area. The central principle of a cooperative land bank is the separation of the value of community land and improvements from private property (Swann R. , 1989). Similar to principles presented by the community land trust model, land is removed from the concept of private property. In the cooperative land bank the value of the land and public improvements are owned by all community stockholders and the rights to value of all private improvements (dwellings) is granted through space leases.

Robert Swann (1989) explains the features of the cooperative land bank system:

- Land and property owners place their property in the corporation in return for stock in the corporation
- Shareholders are free of property taxes – they are paid for by the corporation
- Owners receive a 2% equity form their space, renters over a 50 year period
- Whenever resident/owners leave the community, they can offer their space to the highest bidder
- The bidder will be required to buy common shares from the resident/owner, the CLB will reimburse the resident/owner after “discounting” a fee for the community corporation
- The fee to the community corporation is based on a formula of the length of time which the resident/owner had lived in the community (the longer in the community the lower the fee); and the inflation rate of national currency

The goal of a cooperative land bank model is to create an independent economic and political unit (Swann R. , 1989). Swann writes,

Turnbull argues the need of this type of valuing of community membership, “to provide automatic check and balance in the social organization of the CLB” because it creates self-correcting regulation because people have shares in the community and he believes this creates an environment that is more democratic and doesn’t restrict individual autonomy – a criticism of the “command system” of the CLT model which restricts individual owners behaviour through rules (Swann R. , 1989).

The comparison to the community land trust model highlights the heavily laden value systems that accompany these redefinitions of land tenure rules and property regimes. The community land trust model does require property owners to forego many autonomous traditional property rights to be able to access the affordable housing within the trust. For example, how one gains benefit

from the property are strictly controlled no absentee lease holding is allowed and leaseholder rights are non-transferable (Hanley, 1995).

In the cooperative land bank model, residents are stockholders in the land bank and have more individual autonomy. The board governance system of the CLT introduces external control with non-resident involvement in the CLT governance. A key principle of the cooperative bank system is self-governance,

Individuals will be motivated to maintain the community benefit component of the model because they will also benefit individually. The property tenure relationships built-in the constitution of the CLB are designed to interlink with the political tenure relationship of its management to provide self-limiting and so self-managing checks and balances form within- not form outside (Swann R. , 1989).

The cooperative land bank is an interesting alternative to the community land trust model. Both models propose a similar property regime of removing ownership of land from property ownership, however there are significant differences in the governance structure and the social values of each model.

## Key Web Sites

### *Resource Sites*

- Burlington Associates in Community Development - <http://www.burlingtonassociates.com/>
- Community Land Trusts - <http://www.communitylandtrust.org.uk/>
- Canada Mortgage and Housing Corporation – Community Land Trusts - [http://www.cmhc.ca/en/inpr/afhoce/tore/afhoid/fite/colatr/colatr\\_001.cfm](http://www.cmhc.ca/en/inpr/afhoce/tore/afhoid/fite/colatr/colatr_001.cfm)
- Institute for Community Economics - <http://www.iceclt.org/>
- Land for People - <http://www.landforpeople.co.uk/>
- The E.F. Schumacher Society - [http://www.smallisbeautiful.org/publications/essay\\_land.html](http://www.smallisbeautiful.org/publications/essay_land.html)
- The Lincoln Institute - <https://www.lincolninst.edu/>
- CEDWorks – <http://www.cedworks.com/files/pdf/free/P203FSS01.pdf>

### *CLTs in Alberta and British Columbia*

- Calgary Community Land Trust – <http://www.cclt.ca/index.htm>
- Community Land Trust St. Albert - [http://www.stalbert.ca/uploads/files/our\\_government/administration/planning\\_engineering/Feasibility\\_Study\\_Report\\_28\\_November\\_2006\\_1.pdf](http://www.stalbert.ca/uploads/files/our_government/administration/planning_engineering/Feasibility_Study_Report_28_November_2006_1.pdf)
- Central Edmonton Community Land Trust – [http://www.carleton.ca/cedtap/stories/central\\_edmonton\\_en.htm](http://www.carleton.ca/cedtap/stories/central_edmonton_en.htm)



- Vernon and District Community Land Trust – <http://www.communitylandtrust.ca>
- Islands Trust - <http://www.islandstrust.bc.ca/ltc/SS/default.cfm>

## Lessons to Support the Social Economy

- The traditional CLT model has provided a solid foundation as an alternative property regime that can be adapted by different sub-sectors of the social economy
- Government and non-government organization and cooperation may be needed for acquiring land and long-term sustainability of the model
- Issues of inclusivity and exclusivity of the CLT model should be explored further along with a comparison of what traditional property rights are being traded for access to affordability
- Place matters for the CLT model which may make it difficult to scale-up

## Land Banking

Land banks or land banking is a systematic acquisition of often large pieces of land, normally land that is pre-development but could be considered having potential for development. Land banking can be used by the public and private sector as a method of controlling development. For the public sector it is a method of controlling the market speculation and development of land. Governments will use land banking to remove land from market driven land development often with a common good purpose, such as to provide public services, control urban sprawl or provide affordable housing. Private land developers will bank land often on the urban fringe in anticipation of urban growth patterns as a speculative practice to an increased return on their investment.

Most literature on government land banking dates back to the 1970s and 1980s. During this period government land banking was under debate as an effective means to control housing prices and contain urban growth. Little literature past the late 1980s could be found on this topic, one reason for this could be a move away from direct government interference in the market economy through the adoption of more neo-liberal policies since this period. However, it is important to learn more about this practice of local or regional government acquisition of land because as described above, one of the greatest challenges for the conservation and community land trust models is the acquisition of land. Future research should explore how much land is owned by local or regional governments in Alberta and British Columbia to assess if it is possible for this type of donation to take place. I would hypothesise that the neoliberal government policies over the past thirty years have discouraged government land banking practices and that many local and regional governments have sold their former land banks into the market as a source of immediate and on-going revenue. Further research is needed to test this idea.

## Land Banking

Cullingworth (1987) defines land banking in Canada as a process of public acquisition of land for the purpose of development in anticipation of the public needs of the community. Within this definition land banking is an activity undertaken by the government in the public interest. Strong defines nine attributes ascribed to land banking.

- Land can be acquired well ahead of need as it comes on the market
- Land can be acquired before development value attaches to it
- Land can be assembled into tracts large enough for major developments
- Public investment in land and improvements can be averaged over a long term and over the entire land bank program, so that specific site costs do not dictate site use
- Gains in land value from public development decisions will accrue to the public at large
- All landowners are treated equitably, whether or not their land is purchased for a land bank

- Speculation is curbed
- Land can be committed to the building of infrastructure and then to development in an orderly, efficient manner
- If land is leased rather than sold, the public will continue to profit from its increasing value (1979, p. 2)

These attributes lend themselves well to the use of land banking to control urban development and to provide public services such as affordable housing. Additional, purposes of governments banking land include:

- Shaping regional and community growth
- Curbing urban sprawl
- Capturing increases in land value created by governmental investment
- Improved management and control of the land market –also termed “perfecting the land market” and often viewed in terms of reducing land speculation
- Acquiring land for public uses
- Ensuring an adequate supply of land for certain kinds of private uses
- Protecting land with unique environmental qualities
- Lowering the costs of public improvements
- Lowering the costs of public services as a result of more compact development patterns
- Regulating the relationship among landowners
- Regulating land prices
- Subsidizing low – and moderate - income housing (Flechner, 1974, p. 10)

Land banking has been used in Canada since the 1940s. From 1950 to 1972, \$118 million of federal funds were used to finance the acquisition of 159 separate projects, 102 of them were for local housing markets (Cullingworth, 1987). In 1973 the federal government introduced a program making \$500 million available in loans to provincial governments to purchase land that could be serviced and sold as building lots as part of the National Housing Act. At this time land banking was viewed as a mechanism to control land prices. Dennis and Fish (1972) presented six ways of how the public assembly and development of land resulted in cheaper land prices (as quoted in Cullingworth, 1987, p, 168):

- There is no speculative profit on raw land prices. Land can be acquired well in advance of need, and sold for acquisition cost, plus carrying charges, plus servicing costs plus perhaps a small profit. Over the same period of time between acquisition and sale, privately developed land may turn over a dozen times, under the pressure of market forces
- Government can buy more cheaply with the power of expropriation at fair market value, without paying holdout prices
- Because of its planning powers, government can ensure that all of its land is marketed. It will always be in the right place. Private developers must charge enough on one parcel to cover losses on others
- Public holding costs are lower, because it can borrow money more cheaply;
- Public servicing costs may be lower because of economies of scale. They may also be lower because municipalities will no longer set the highest possible standards, requiring gold plated services, when they must pay for them themselves

- Not only is publicly developed land cheaper than that developed privately, but large scale public land development activity has a moderating effect on private prices. The knowledge that a large inventory of public land can flood the market at any time that price increases get out of hand discourages excessive profit taking

Hamilton (1974) disputes the concept that public land banking will result in lower land costs for development. He argues that the government should not be involved in trying to control the market prices and the acquisition and holding costs of the land is too expensive and the land in the land bank will generate less tax revenue for the municipality than if it was privately owned. He believes that the private sector is better at responding to public demand, and the government's objective should be to ensure there is a long run supply of land for immediate development for the private sector to meet the demand for shelter.

Already the private sector has demonstrated its ability to assemble large holdings and public land banking is not required. Steps should be taken to encourage private land assembly and corresponding emphasis should be placed on ensuring that good planning is adhered to in the development of these holdings (Hamilton S., 1974, p. 13).

As stated in the introduction to this section, one of central debates around land banking questions the proper role of government in the land development. The question is both ideological and fiscal. Ideologically public land banking challenges the rationality of the market to adequately meet public demand. Fiscally, public land banking places a heavy burden on government debt to acquire and hold land for future development.

Flechner (1974) defined two types of public land banking based on scale and purpose

- General land banking – the acquisition of developed and undeveloped land, holding of land and disposition of land for all types of land uses – public and private – without prior specification of the use for particular sites, by a public body whose deliberate purposes are control of metropolitan growth pattern and/or regulation of metropolitan land prices and/or capturing of capital gains and/or regulation of land use
- Project land banking – concerned with a specific functional area, for urban renewal, low and moderate-income housing, open space, industrial development, and advance land acquisition for public facilities  
(Flechner, 1974, p. 7)

He provides a useful matrix for understanding the level of government involved, the primary purpose, and policy framework to be used for each type.

## Matrix of Land-Banking Concepts

<i>Government Level</i>	<i>Primary Purposes</i>	<i>Land Bank Type</i>	<i>Policy Framework</i>
Federal	Oversee federal lands	General	Historical
Federal	Possible involvement in land banking at all government levels in support of national policy	General Project	Urban growth policy
State	Environmental protection, new towns, large-scale public facilities	Project	State planning
Metropolitan	Control growth, land price; capture capital gains; land use; new towns	General Project	Metropolitan planning
Local (single or multi-jurisdiction)	Advance land acquisition for public facilities, low and moderate incomes housing, industry, open space, urban renewal	Project	Local and metropolitan planning

(Flechner, 1974, p. 6)

Most examples of successful land banking in Canada resulted in a local jurisdiction acquiring land because of property tax arrears in the 1930s (Strong, 1979). The City of Saskatoon and the City of Red Deer are two examples. Both cities used their land holdings to control the supply of housing and urban growth patterns.

Land banking is used in other countries in the world. Enders (1986) conducted a comparative analysis of land banking efforts in the United States of America compared to the successful implementation of a land banking system in France. He identified five barriers to the implementation of a land banking system in the United States:

- Psychological obstacles – it is not the proper role of government to purchase and hold land
- Legal obstacles – changes to the constitution would be needed for the use of eminent domain as an argument for the expropriation of land
- Scale – most studies suggest a successful land banking system must operate on a regional or metropolitan scale, no level of regional scale government existed in many states at the time of the publication
- Linkages to the planning process – if the land banking system was controlled at a regional level how would it connect to local planning processes
- Financial obstacles – to cope with the high financial burden of carrying costs of large tracts of land tax revenue would need to be increased  
(Enders, 1986, p. 1&2)

The French land banking model offers a mechanism to overcome some of these obstacles. The *Établissement Public Foncier de la Basse Seine (EPBS)* was a regional level land banking public corporation with the responsibility of land-banking within the Lower Seine River Valley. The public cooperation was governed by a council, half of which were elected officials (Enders, 1986). The corporation was funded by a local tax levied within the jurisdictional areas of the EPBS. The EPBS engaged in any real-estate transaction bank land for the local governments within the region. An outline of the process,

- EPBS played a role as a planning-implementation tool for local governments and other public agencies; it only acted in response to requests from its clients
- It received requests from local governments for land to be banked within their jurisdiction
- The Real Estate Committee of the Council Administration evaluated and prioritised each request (if the local government has sufficient financial resources to carry out the requested purchase on its own, the Council would encourage the local officials to do so without any assistance from the EPBS)
- Once the Council of Administration approved a purchase request, it must make an official legal declaration that the proposed acquisition is in the public interest (normally the policies and recommendations of either the local or regional land-use plan) The EPBS required, as a condition of its agreement to acquire land on behalf of a local government, that the municipality repurchase the property from the agency within a five-year period
- The local government was expected to use the repurchased land only for the purposes for which the property is designated in the local land-use plan
- When they repurchase property from the EPBS, the local governments paid the original purchase price plus a modest surcharge of 3.5% per annum to cover some of the agency's administrative costs
- The local governments were not under any obligation to retain ownership of the repurchased properties, but may resell them to private developers so long as the lands are used in conformance to the local plan
- No conditions were placed on the price at which they may resell the land, so most local governments increase the price of the properties that they sell to private developers to generate the funds that will be needed to pay for the various infrastructure improvements necessitated by the development of these parcels
- There are three ways by which the EPBS can purchase property. These are friendly purchase, exercise of the right of pre-emption, and use of the power of eminent domain (Enders, 1986) *(Summarised)*

Lessons from the French example corroborates with recommendations from other sources (Flechner, 1974). For example land banking can be successful at the regional scale if it is to be

effective in guiding land use and development patterns. This is specifically significant in multi-jurisdictional territories where development is primarily taking place on the urban-fringe. Competition between jurisdictions to capture tax revenue for development can lead to poor planning in fringe areas. A coordinated land banking system could allow for greater cooperation between jurisdictions to agree on development patterns and tax sharing. Enders (1986) suggests the linkage to planning process is an essential key to land banking success to guarantee coordination and conformity. On a regional scale this is achieved by having half of the board of directors of local elected officials from the region.

Not surprisingly, land banking relies on a steady and continual source of funds. In the French example, a local tax was levied to finance the purchase of land. Enders (1986) suggests if the concept of land banking is connected to economic development and revitalization efforts the tax will be viewed more favourably and the local control of the land market will be less resisted by the private sector.

A second European example is found in the Stockholm Region of Sweden. In 1979 approximately 70 percent of the land in Sweden was publicly owned, "there is no doubt that over the years the Swedes have enacted land use legislation and embarked on land investment programs that are consistent with placing the common good above protection of opportunities for personal gain" (Strong, 1979, p. 47). Similarly to France, in Stockholm a building company was created by the region created to manage the purchase of land that had potential for development as it came on the market. Annexation laws permitted Stockholm to purchase land outside the City boundary and then annex it into the City's territory and jurisdiction.

In the Netherlands a similar process was undertaken. Local governments will buy land a few years ahead of anticipated urban growth areas. The government will prepare the land for development in conformance with its land use plans and then sell or lease the development sites to developers. In this instance, how the market value of land is calculated may be a deciding factor of the successful implementation of this model. In the Netherlands, land is valued at its current use not its speculated future use and value. Municipalities gain loans from the Bank for Netherland to finance their purchases or for subsidizing housing from the national government.

## Lessons to Support the Social Economy

- More research is needed to understand how or if land banking is being used in Alberta and British Columbia
- More research is needed to investigate the current state of land banking in the France, Sweden and Netherlands examples



## Conclusions

These examples demonstrate that a key factor for the success of a land banking system, like other alternative land tenure systems rely on the public will and cultural acceptances for their success. How land is valued and the role of government in a society influences the public's willingness to accept the removal of land from market economy to put it to use in the social economy. With this in mind, it is plausible that one reason why the land trust model is more common today rather than public land banking could be because land is being removed from the market by non-government organizations. Further research will be necessary to further explore this idea.

In conclusion, alternative land tenure models are as much a social issue as they are a financial, or legal issue. Further research is needed to understand how these examples of different alternative land tenure models can be used within the social and cultural context of Alberta and British Columbia. The work by Mike Gismondi, Sean Ryan and Lorelie Hanson on political ecology of conservation land trusts will contribute to this understanding. In addition, primary research needs to be conducted with government and non-government organizations in Alberta and British Columbia to further understand their interests and use of these different alternative land tenure models. Lastly, understanding how or if the adoption of one or a combination of these models on a regional level will support the social economy is needed.

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# Appendix 1: Annotated Bibliography

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## Coding System

<b>Theory</b>	
(T-P) Property	<i>Social construction</i>
(T-R) Rights	<i>Public and individual</i>
(T-SE) Social Economy	<i>Community development</i>
(T-ME) Market Economy	<i>Real estate</i>
<b>Structure</b>	
(S-L) Legal	<i>How is ownership and equity structured?</i>
(S-F) Financial	<i>How is the model financed?</i>
(S-O) Operation	<i>What is the governance and operational structured?</i>
(S-G) Geography	<i>Where is this model successfully being implemented?</i>
(S-R) Regulatory	<i>What are the land use regulatory conditions for the model?</i>
(S-S) Social	<i>How does it support the social economy?</i>
<b>Function</b>	
(F-AH) Affordable Housing	<i>Land for housing</i>
(F-EC) Ecological Conservation	<i>Protection of land for environmental function</i>
(F-AC) Agricultural Conservation	<i>Protection of land for agricultural function</i>
(F-CD) Community Development	<i>Land for social or cultural services</i>
(F-ED) Economic Development	<i>Land for commercial or industrial function</i>
(F-SG) Smart Growth	<i>Land use planning</i>
(F-F) Forestry	<i>Forestry trust</i>
(P-S) Private Sector	<i>Land speculation and market development</i>

	<h2 style="color: #4F81BD;">1. Land Tenure Systems and Property Regimes</h2> <h3 style="color: #4F81BD;">Key Literature</h3> <p><b>1. Blomley, N., Delaney, R., &amp; Ford, R. (2001). Preface. In N. Blomley, R. Delaney, &amp; R. Ford, <i>The Legal Geographies Reader: Law, power, and space</i> (pp. xiii-xxii). Oxford: Blackwell Publishers.</b></p> <h3 style="color: #4F81BD;">Key Themes</h3> <h4 style="color: #4F81BD;">Social Space</h4> <ul style="list-style-type: none"> <li>• Law is constitutive of social reality (Blomley, Delaney, &amp; Ford, 2001)</li> <li>• Understanding the dynamics of social space through reliance on the view that sees space not as simply being but as having been actively produced – “spatialities” (Blomley, Delaney, &amp; Ford, 2001)</li> <li>• Capitalism its specific historical and geographical manifestations and its range of historical geographical contradiction and crises are seen to be reflected in the dynamics reorganization of social space at all scales of reference ( (Blomley, Delaney, &amp; Ford, 2001, p. Xvi)</li> <li>• Critical legal theories – connection between meaning (discourse, representation, normatively and power) (Blomley, Delaney, &amp; Ford, 2001)</li> <li>• Looking at legal themes such as the connection between law as discourse or representational system and law as power seriously opens up a variety of questions about how – by what actual practices, in relation to what social or political projects – social space is produced, maintained or transformed (Blomley, Delaney, &amp; Ford, 2001, p. Xvii)</li> <li>• “...the legal and the spatial are, in significant ways, aspects of each other and as such they are fundamental and irreducible aspects of a more holistically conceived social-material reality” (Blomley, Delaney, &amp; Ford, 2001, p. Xviii)</li> <li>• Legally defined power by reference to physical local- bounded by space (Blomley, Delaney, &amp; Ford, 2001)</li> </ul> <p><b>2. Bromley, D. W. (1991). <i>Environment and Economy: Property rights and public policy</i>. Cambridge: Basil Blackwell.</b></p> <h3 style="color: #4F81BD;">Abstract/Summary</h3> <p>Defining an understanding property rights</p> <h3 style="color: #4F81BD;">Key Themes</h3> <h4 style="color: #4F81BD;">Property Rights</h4> <ul style="list-style-type: none"> <li>• “All property rights flow from the collective as opposed to flowing from some alleged “natural rights” that are claimed to be logically prior to the state” (Bromley, Environment and economy: property rights and public policy, 1991, p. 5)</li> <li>• The right to the benefit stream from the property (Bromley, Environment and economy: property rights and public policy, 1991)</li> <li>• Property rights are instrumental variables – if the core of property is the social recognition of the legitimacy of the particular claim by the owner, then it follows that property claims failing to win this external acknowledgement will not be recognized as</li> </ul>
T-P T-P	
T-ME	
T-P	
T-P	
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T-P,T-R	
T-R,T-ME	

<p>T-R T-P,T-R T-ME T-P T-P T-R</p>	<p>legitimate by those forced to forego interest in the benefit stream (Bromley, Environment and economy: property rights and public policy, 1991)</p> <ul style="list-style-type: none"> <li>• <i>“Rights are not relationships between me and an object, but are rather relationships between me and others with respect that object”</i> (Bromley, Environment and economy: property rights and public policy, 1991, p. 15)</li> <li>• The state gives and takes away rights by its willingness – or willingness – to agree to protect one’s claims to something (Bromley, Environment and economy: property rights and public policy, 1991)</li> <li>• <i>“The fundamental policy problem is any economy is to determine the location of the boundary that divides the proper domain for collective choice from the proper domain of atomistic choice”</i> (Bromley, Environment and economy: property rights and public policy, 1991, p. 21)</li> <li>• Property regimes are human creations whose purpose is to manage people in their use of environmental resources (Bromley, Environment and economy: property rights and public policy, 1991)</li> </ul>				
<p>T-P,T-R</p>	<p><b>Types of Property Regimes</b></p>				
<p>T-P,T-R</p>	<ul style="list-style-type: none"> <li>• State Property Regimes (Bromley, Environment and economy: property rights and public policy, 1991, p. 23)             <ul style="list-style-type: none"> <li>○ Ownership and control over use rest in the hands of the state</li> <li>○ Individuals and groups may be able to make use of natural resource but only at the forbearance of the state</li> <li>○ Groups may be granted usufruct rights on the land and ownership rights of its produce</li> </ul> </li> <li>• Private Property Regimes (Bromley, Environment and economy: property rights and public policy, 1991, p. 24)             <ul style="list-style-type: none"> <li>○ Individually owned</li> <li>○ Owned by a corporation</li> <li>○ The owner can make the decisions or use of land and natural resource – good stewardship will return private rewards</li> <li>○ The regime is socially preferred if:                 <ul style="list-style-type: none"> <li>▪ The owner chooses to manage well and to produce those things that are valued by society</li> <li>▪ As long as the general interests of the owner are rather in accord with the interests of non-owners</li> <li>▪ As long as it is an inducement to industry rather than a substitute to industry</li> </ul> </li> </ul> </li> </ul>				
<p>T-P,T-R T-P,T-R</p>	<ul style="list-style-type: none"> <li>• Common Property Rights (Bromley, Environment and economy: property rights and public policy, 1991, p. 25 &amp; 26)             <ul style="list-style-type: none"> <li>○ Common property represents private property for the group of co-owners – has the right to exclude non-owners</li> <li>○ Individuals have rights and duties</li> </ul> </li> </ul>				
<p>Table 2.2 for definitions of the Four Types of Property Regimes (Bromley, Environment and economy: property rights and public policy, 1991, p. 31)</p>					
<table border="1"> <tr> <td data-bbox="316 1659 511 1753">State Property</td> <td data-bbox="511 1659 1443 1753">Individuals have duty to observe use/access rules determined by controlling/managing agency. Agencies have right to determine use/access rules.</td> </tr> <tr> <td data-bbox="316 1753 511 1879">Private Property</td> <td data-bbox="511 1753 1443 1879">Individuals have right to undertake socially acceptable uses, and have duty to refrain from socially unacceptable uses. Others (called “non-owners” have duty to refrain from preventing socially acceptable uses, and have a right to expect that only socially acceptable uses will occur.</td> </tr> </table>	State Property	Individuals have duty to observe use/access rules determined by controlling/managing agency. Agencies have right to determine use/access rules.	Private Property	Individuals have right to undertake socially acceptable uses, and have duty to refrain from socially unacceptable uses. Others (called “non-owners” have duty to refrain from preventing socially acceptable uses, and have a right to expect that only socially acceptable uses will occur.	
State Property	Individuals have duty to observe use/access rules determined by controlling/managing agency. Agencies have right to determine use/access rules.				
Private Property	Individuals have right to undertake socially acceptable uses, and have duty to refrain from socially unacceptable uses. Others (called “non-owners” have duty to refrain from preventing socially acceptable uses, and have a right to expect that only socially acceptable uses will occur.				

	Common Property	The management group ( the “owners”) has right to exclude non-members and non-members have duty to abide by exclusion. Individual members of the management group (the “co-owners) have both rights and duties with respect to use rates and maintenance of the thing owned.
	Non-property	No defined group of users of “owners” and benefit stream is available to anyone. Individuals have both privilege and no right with respect to use rates and maintenance of the asset. The asset is an “open access resource”
T-P		<p><b>3. Bruce, J. W. (1998). <i>Tenure Brief</i>. Retrieved December 2008, from Land Tenure Center an Institute for Research and Education on Social Structure, Rural Insitiutions, Resource Use and Development: <a href="http://pdf.wri.org/ref/bruce_98_review_tenure.pdf">http://pdf.wri.org/ref/bruce_98_review_tenure.pdf</a></b></p> <p><b>Abstract/Summary</b></p> <p>Derived from a Latin term for “holding” or “possessing”, land tenure means the terms on which something is held: the rights and obligations of the holder. Land tenure is a legal term that means the right to hold land rather than the simple fact of holding land.</p> <p><b>Key Themes</b></p> <p><b>Terms</b></p> <ul style="list-style-type: none"> <li>• Resource tenure- right to land, water, trees and other resources (Bruce, Tenure Brief, 1998)</li> <li>• Freehold – land is held free of obligations to the monarchy or state – private ownership (Bruce, Tenure Brief, 1998)</li> <li>• Leasehold – land is rented by someone other than the owner for a specified period (Bruce, Tenure Brief, 1998)</li> <li>• Property - be a bundle of rights, since it can have multiple rights belonging to several different persons or groups (Bruce, Tenure Brief, 1998)</li> <li>• Land tenure system- all the types of tenure recognized by a national and or local system of law taken together (Bruce, Tenure Brief, 1998)</li> <li>• “A land tenure system cannot be understood except in relationship to the economic, political and social systems which produce it and which it influences. Tenure systems are characterized by country or type of economic systems, a formal (created by statutory law) or informal (unwritten customary) and as imported or indigenous” (Bruce, Tenure Brief, 1998)</li> </ul>
T-P		<ul style="list-style-type: none"> <li>• Land reform- involved the redistribution of landholding and changes the agrarian structure (Bruce, Tenure Brief, 1998)</li> <li>• Tenure reform – leaves people holding the same land but with different rights (Bruce, Tenure Brief, 1998)</li> <li>• Security of tenure – state or other private individuals cannot interfere with the landholder’s possession or use of land (Bruce, Tenure Brief, 1998)</li> </ul>
T-P,T-R		<p><b>4. Dekker, H. (2003). <i>The Invisible Line: Land reform, land tenure security and land registration</i>. Burlington, VT: Ashgate.</b></p> <p><b>Abstract/Summary</b></p> <p>Any social organization has established rules, institutions and customary relationship governing the behavioural relations among individuals and groups, and all these create lines most of which are invisible.</p>
F-AC		<p><b>Key Themes</b></p>
T-P		



	<p><b>Land and equity</b></p> <ul style="list-style-type: none"> <li>• <i>“Customary land tenure comprises of privileges, duties and mutual obligations that bind the people of a community to each other and to the land that they regard as their common resource”</i> (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 2)</li> <li>• Customary rules are replaced by laws imposed by government</li> <li>• <i>“It is, as if invisible, unwritten lines determines many aspects of one’s life, even those aspects hardly noticed at first sight. Inequity affects people positively or negatively already before one starts to exist in the world simply by the place where one is born”</i> (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 4)</li> <li>• Positive relationships between a more equal land distribution and improved food production, improvement in land tenure security increases investment in land results in higher productivity of farms (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• <i>“Where land information is part of the social structure, the nature of land information implies a link with geographical, but generally invisible lines, the importance of land for human life determines the link with the other invisible lines the unwritten ones that determine prosperity in the broadest sense”</i> (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 6)</li> <li>• Conditions have to be met to make access to land effective in battling poverty (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Ownership of land is not always the best (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Property over a resource consists of a multiplicity of rights of which access, appropriation, management and alienation are the most important (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Lesser rights than ownership can achieve secure access to land studies show that there is not one dominant form and that all kinds of rights have their merits under specific circumstances (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• <i>“From the vast literature on food security and land reform, it is clear that in the existing world order, only the state has the potential capability to deal with the range of problems involved in ensuring food security”</i> (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 10)</li> <li>• General Guidelines – a sustainable solution for the recognition of customary rules in land tenure (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 22) <ul style="list-style-type: none"> <li>○ New legislation should incorporate the cultural, sociological and agro-economic assessment of the existing land tenure systems.</li> <li>○ New legislation should protect existing (customary) rights in land tenure while creating secure conditions that benefit both investors in and local users of resources to create incentives for new investment.</li> <li>○ New legislation should encourage natural resource use in such a way that it ensures an equitable and sustainable economic development</li> </ul> </li> </ul>
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T-R	<p><b>Land and Rights to Land</b></p> <ul style="list-style-type: none"> <li>• Security – ownership of rights to land and legal protection of those rights providing for land tenure security (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Rio- Agenda 21 – global objectives of combating poverty, sustainable agriculture and forestry are directly related to the land issue (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> </ul>

T-P	<ul style="list-style-type: none"> <li>• 1996 – Habitat II – considered sustainable housing as having a roof above ones head and having enough room, having access to land and providing security of tenure (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• A secure tenure of land in particular rural land, that can be inherited and transferred is the principal vehicle to acquire income and acquiring wealth (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• In western countries prosperity serves as economic function (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Formally land tenure regimes were based on communal or customary rules and prosperity served a social function (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• <i>“Modern “western” people tend to see land primarily as a means for private benefits by exploiting it and seldom do they focus on its functioning to establish social security” (p. 28)</i></li> <li>• <i>“In many countries property is dominantly approached at the level of use and exploitation in the field of private law. Thus the legitimate authority to control, allocate and exploit property is one of the most salient elements of power through which people can be subordinated at all levels of socio-political organization” (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 28)</i></li> <li>• <i>“The private individual ownership of land in a more or less capitalist society provides all the elements that are commonly seen as necessary for economic growth- such an oversimplified approach overlooks the existing social relationships and cultural values in a given society” (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 28)</i></li> <li>• Communal property regimes –the biggest challenge facing advocates of communal land rights is their lesser suitability for such land to be used as collateral in a market economy (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> </ul>
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	<p><b>Property</b></p> <ul style="list-style-type: none"> <li>• Property regime – is a complex of rules, principles and procedures that in a specific community or society regulate legitimate control over, access to, and conditions of use of the means of existence and of production (resources), as well as the acquisition and transfer of such resources (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 31)</li> <li>• The assumption is that legal reform toward marketable individual ownership rights would significantly contribute to economic development by creating greater legal security, freeing the individual property holder from communal constraints (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Property should be attributed as a social function, emphasizing that all property can serve a common good or has to be justly distributed among society’s members (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> <li>• Socially oriented property regime – research in this area should look at (Dekker, The invisible line: land reform, land tenure security and land registration, 2003): <ul style="list-style-type: none"> <li>○ How investors will look at land when it has a social mortgage – property has a social mortgage when the use of land is bound to various limitations and privileges that come with it b/c of the applicability of common property rules and customs often typical in a local context</li> <li>○ Will such as social mortgage jeopardize the perception of land tenure security?</li> <li>○ Will it put a constraint on land to be transferred, will it lower the value and will it be less attractive as collateral for loans?</li> </ul> </li> <li>• <i>“Land tenure is the way people hold rights to land and real property” (Dekker, The invisible line: land reform, land tenure security and land registration, 2003, p. 43)</i></li> <li>• The way people perceive benefits, enjoyment and obligations in respect to real property (Dekker, The invisible line: land reform, land tenure security and land registration, 2003)</li> </ul>
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T-P, T-R	<ul style="list-style-type: none"> <li>• Land tenure emphasizes the perceived way of exercising rights to land by any owner of such rights demanded and expected by society and/or community (Dekker, <i>The invisible line: land reform, land tenure security and land registration</i>, 2003)</li> <li>• Land – the perceived institutional arrangements of rules, principles, procedures, and practices whereby a society or community defines control over, access to, management of exploration of and use of means of existence and production (Dekker, <i>The invisible line: land reform, land tenure security and land registration</i>, 2003)</li> <li>• Made up of all types of real property tenure that are recognized by a national or a local system of established rules and customary relationships in a social organization (Dekker, <i>The invisible line: land reform, land tenure security and land registration</i>, 2003)</li> <li>• A land tenure regime can't be understood except in relationship to the economic, political (Dekker, <i>The invisible line: land reform, land tenure security and land registration</i>, 2003)</li> </ul> <p><b>5. Ford, R. (2001). <i>Law's territory (A history of jurisdiction)</i>. In N. Blomley, D. Delaney, &amp; R. Ford, <i>The Legal Geographies Reader: Law, power and space</i> (pp. 200-217). Oxford: Blackwell Publishers.</b></p> <p><b>Abstract/Summary</b></p> <p>This article is about territorial jurisdiction, the rigidly mapped territories with which formally defined legal powers are exercised by formally organized governmental institutions. Territorial jurisdiction produces political and social identities it does more than separate territory-it separates types of people.</p>
T-R	<p><b>Key Themes</b></p>
T-R	<p><b><i>Territorial Jurisdiction</i></b></p>
T-R T-ME	<ul style="list-style-type: none"> <li>• Territorial identification displaces other definitions of status (Ford, <i>Law's territory (A history of jurisdiction)</i>, 2001)</li> <li>• “<i>Jurisdiction as a social practice-a discourse a way of speaking and understand the social world</i>” (Ford, <i>Law's territory (A history of jurisdiction)</i>, 2001, p. 201)</li> <li>• Territorial jurisdiction as a set of social practices, that must be learned and communicated to others, they are representations of approved behaviour</li> <li>• Organic Jurisdiction (Ford, <i>Law's territory (A history of jurisdiction)</i>, 2001, p. 204) <ul style="list-style-type: none"> <li>○ Natural outgrowth of circumstances, conditions and principles that, morally, pre-exist the state</li> <li>○ Durkhiem’s terms “<i>Gemenshaft</i>” communities</li> <li>○ Defined socially rather than metrically, concretely, rather than abstractly.</li> <li>○ Personal, authentic and encumbered, sacred</li> <li>○ Appear as matters of right and are defended against attack in terms of autonomy, self-determination and cultural preservation</li> <li>○ “<i>It is not simply that the groups themselves are of primary importance, but also that the groups’ identities depend on their control over a particular territory, a significant and culturally encumbered place</i>” (p. 205)</li> </ul> </li> </ul>
T-P	<ul style="list-style-type: none"> <li>• Synthetic Jurisdictions (Ford, <i>Law's territory (A history of jurisdiction)</i>, 2001, p. 205) <ul style="list-style-type: none"> <li>○ Created by some institution in order to service its purpose</li> <li>○ Imposed on people from outside” or above”</li> </ul> </li> </ul>
T-P	<ul style="list-style-type: none"> <li>○ Durkheim’s “<i>Gesellschaft</i>” communities</li> <li>○ “<i>A government may create a jurisdiction in order to facilitate enforcing the law, collecting taxes, gathering statistical data or providing services</i>” (p. 205)</li> </ul>
T-P, T-ME T-P, T-ME	<ul style="list-style-type: none"> <li>○ Assumes that the individual is the primary agent in political life and the territory serves strictly instrumental purposes</li> <li>○ The deployment of the organic jurisdiction corresponds with the production of</li> </ul>

T-R	<ul style="list-style-type: none"> <li>○ the local</li> <li>○ Defines local community</li> </ul>
T-P, T-R	<ul style="list-style-type: none"> <li>• <i>“The rhetorical power of the organic mode encourages any group that wishes to establish a jurisdiction to present itself as an organic social group with distinctive cultural norms and values that demand the protection and autonomy that the jurisdiction provides”</i> (Ford, Law's territory (A history of jurisdiction), 2001, p. 206)</li> <li>• <i>“The deployment of the synthetic description corresponds with the regularization of the body politic – encourages citizens to understand themselves as rational and objective utility maximizes and to conform to a set of activities that facilitate the free alienability of land, individual freedom of action and geographic and social mobility”</i> (Ford, Law's territory (A history of jurisdiction), 2001, p. 206)</li> </ul>
	<p><b>6. Geisler, C. (2000). Property pluralism. In C. Geisler, &amp; G. Danekar, <i>Property Values: Alternatives to Public and Private Ownership</i> (pp. 65-87). Washington, DC: Island Press.</b></p>
	<p><b>Abstract/Summary</b></p>
	<p>This chapter begins by discussing the differences in private and public property focusing on this didactic model of types of property ownership is not accurate that there are many other forms of property rights that exist (American example).</p>
	<p><b>Key Themes</b></p>
	<p><b>Types of property</b></p>
T-P	<ul style="list-style-type: none"> <li>• Split estate – ground rent where another owns the building but not the land – the land is owned by the government and ground rent is paid instead of taxes (Geisler, Property pluralism, 2000, p. 68)</li> <li>• Commons estates - a collective has established prior claims, as exclusive private use of public resources by a small subset of the public belonging to an extractive, recreational, religious or other group (Geisler, Property pluralism, 2000): <ul style="list-style-type: none"> <li>○ Possession is collective but use is by joint owners</li> <li>○ Commoners strike internal resource use agreements and enforce them according to law or custom</li> <li>○ To prevent interference by non-commoners a boundary around the commons</li> </ul> </li> <li>• Utility estate - land is considered a public utility in various European countries (Geisler, Property pluralism, 2000)</li> <li>• Corporate Estate – size of corporate estate yields advantages, land and resources are valued principally as commodities, exchange value eclipses use value, public accountability of corporate estates is limited and a corporate estate is characterized internally by an ongoing separation of ownership and control, making the relationship between corporate “owners” and their real estate assets highly impersonal (Geisler, Property pluralism, 2000, p. 77)</li> </ul>
T-ME	<p><b>Public control of private land</b></p>
T-ME	<ul style="list-style-type: none"> <li>• <i>“Many forms of government action condition the use, value and disposition of private holdings as well, including planning, impact assessment, improvements and a gallery of legislation which, directly and indirectly, separates ownership form control”</i> (Geisler, Property pluralism, 2000, p. 68)</li> <li>• Most private land has a perpetual social mortgage over and above any private mortgage (Geisler, Property pluralism, 2000)</li> <li>• “Givings” public subsidies to private land owners – e.g. for farmland conservation or soil conservation (Geisler, Property pluralism, 2000)</li> </ul>

T-ME	<ul style="list-style-type: none"> <li>• “Takings” – uncompensated reductions in real property value as a result of government regulation (Geisler, Property pluralism, 2000)</li> <li>• Social control in the form of land use regulations alter the value of property for resale purposes, sometimes negatively and sometimes positively (Geisler, Property pluralism, 2000)</li> <li>• “Sharings” – a category of overlapping interests resulting from purposeful partnerships among the private, non-profit and public sectors (Geisler, Property pluralism, 2000)</li> <li>• “Private lands are not regulated though the police powers of the state but instead through consent of the owner and a government body and are subject to group or collective management” (Geisler, Property pluralism, 2000, p. 70)</li> </ul>
T-ME	<p><b>7. Hubacek, K., &amp; van den Bergh, J. (2006). Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches. <i>Ecological Economics</i>, 56 (1), 5-27.</b></p>
T-ME	<p><b>Abstract/Summary</b></p> <p>The role of land in economic theory is surveyed, both from a conceptual and historical perspective. Land has been incorporated in economic theories in various ways. Originally, land used by agriculture was the main motivation for an economic treatment of land. This was gradually extended with various other land use categories. Neoclassical economic theory gave less attention to land use, generally regarding land as a production factor of relatively little importance. Nevertheless, specialized sub-fields within economics such as regional and urban economics met the demand for explicit spatial analysis including land use considerations. Attention for environmental and resource problems has stimulated new perspectives on, and conceptualizations of, land in economic analysis. This involves the interaction with other disciplines as well as the use of spatially disaggregated methods of analysis. Awareness of the richness of ideas on land in economic theory can contribute to enhanced environmental research.</p>
T-ME	<p><b>Key Themes</b></p> <p><b>Conceptions of land</b></p>
T-ME	<ul style="list-style-type: none"> <li>• Environmental, economic social and spiritual conceptions of land (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006): <ul style="list-style-type: none"> <li>○ Environmental – a sink for pollution, filter drinking water, wildlife habitat and provides linkages to hydrological, atmospheric and climatic systems</li> <li>○ Economics – location of production activities of organic and inorganic materials, infrastructure, dwellings and holding aesthetic value and amenity services</li> <li>○ Social – land ownership can act as a source of social prestige a socio-economic relationships</li> </ul> </li> </ul>
T-ME	<p><b>Land in economic history</b></p>
T-ME	<ul style="list-style-type: none"> <li>• Mercantilism (Europe from the 16<sup>th</sup> to the 18<sup>th</sup> century) - Land was an important source of wealth (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006): <ul style="list-style-type: none"> <li>○ Feeding a growing population</li> <li>○ Source of precious materials</li> <li>○ Functioned as the pivotal element in the feudal order</li> <li>○ Stable basis of military, judicial, administrative and political systems</li> </ul> </li> </ul>
T-ME	<ul style="list-style-type: none"> <li>• Classical economics (Industrial revolution) – land was one of the factors of production along with labour and capital (Hubacek &amp; van den Bergh, Changing concept of 'land' in</li> </ul>

T-ME	<p>economic theory: from single to multi-disciplinary approaches, 2006):</p> <ul style="list-style-type: none"> <li>○ Used to derive the wealth of nations main concepts and principles presented by Adam Smith in 1776 <i>An Inquiry into the Nature and Causes of the Wealth of Nations</i></li> <li>○ Adam Smith's theory of value, under competition, a costless item can never have a price therefore the service of land are costless in comparison to capital invested in the land</li> <li>○ The diversity of land is responsible for rent- all parcels of land were of the same quality no rent would be paid</li> </ul>
T-SE	<ul style="list-style-type: none"> <li>● In Ricardian theory, there are two reason for rent - unequal fertility and scarcity of land (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006): <ul style="list-style-type: none"> <li>○ Land was an inexhaustible and non-reproducible agent</li> <li>○ Unalterably fixed in supply</li> <li>○ Completely specialized in the production of one crop, and</li> <li>○ Homogeneous in quality, except for difference in fertility and location.</li> </ul> </li> <li>● The second reason for rent was the scarcity of land - If land were homogeneous in quality, the limitations of supply would create only scarcity rents (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006)</li> <li>● Stuart Mill, Principles of Political Economy (1848) extended Ricardo's theory - competing uses of land for agriculture, mining , residence and a manufacturing and applying the concept of rent to production in general (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006) <ul style="list-style-type: none"> <li>○ Land not merely as a factor of production,</li> <li>○ Serves a function, as a provider of amenity services.</li> <li>○ importance of the quality of life and the opportunities for experiencing solitude and natural beauty</li> </ul> </li> </ul>
T-SE, T-ME	<ul style="list-style-type: none"> <li>● Karl Marx - rent as a product of society and not measured by the level of fertility but as an assertion of power of landlords and capitalists (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006) <ul style="list-style-type: none"> <li>○ <i>"The first element of power was farmers in having to rent their land had to accept the rent as part of their production costs. The second element of power next to the monopoly rent was the power of the farmer over agricultural labour, which is a source of surplus value and potential basis of rent"</i> (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006, p. 11)</li> </ul> </li> </ul>
T-SE	
T-SE	<ul style="list-style-type: none"> <li>● Henry George - capital and land were distinct entities (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006): <ul style="list-style-type: none"> <li>○ Capital as a form of labour, produced by labour to complement labour</li> <li>○ Land was given and as such restricted in supply</li> <li>○ Due to this constraint useful land was considered to be monopolistic in the sense that future generation or competitors would not have access to these productive resources on the same terms as the owner</li> <li>○ Landowner would reap ever increasing returns at the expense of the productive factors, capital and labour</li> <li>○ The result would be social inequality, depression and poverty</li> </ul> </li> </ul>
T-SE	
T-SE	<ul style="list-style-type: none"> <li>● Henry George proposed speculation would override the full use of land and he proposed to transfer the rent from the landowner to the community. This is based on the concept that land values are socially created and advantages of specific locations can be socially appropriated (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006)</li> <li>● Neo Classical Economics is based on the assumption that <i>"(all) economic agents show</i></li> </ul>

T-SE	<p><i>utility maximizing or profit maximizing behaviour” .Private production decisions, such as the allocation of land or resources between alternative uses, are taken with the objective of maximizing profits accruing to the individual producers subject to constraints imposed by prevailing technology resources and policies (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006, p. 14)</i></p> <p><b>Land in specialized sub disciplines</b></p> <ul style="list-style-type: none"> <li>• Real estate economics - central concept is location and connection to other locations through transportation (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006)</li> <li>• Linkages are considered to be neighbourhood effects or externalities that influence the value of the land (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006)</li> <li>• The van Thuneeen model - price gradients affecting location related to zoning (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006) <ul style="list-style-type: none"> <li>○ Zones result with dominance of certain types of land use, for instance, housing, offices, industry, forestry, grazing or crop growing.</li> <li>○ Consumer demand and technological conditions change over time and define consumer demand and the land use categories.</li> <li>○ Land prices are typically regarded as reflecting the total sum of capitalized expected future rents</li> </ul> </li> <li>• Land markets do not however always function as perfect markets, the reasons are manifold: regulation, historical contingencies, positive and negative externalities, asymmetric information (real estate agents) and speculation (Hubacek &amp; van den Bergh, Changing concept of 'land' in economic theory: from single to multi-disciplinary approaches, 2006)</li> </ul>
T-R	
T-P	<p><b>8. Levesque, B., &amp; Medell, M. (2005). The social economy: approaches, practices and a proposal for a new community-university alliance (CURA). <i>Journal of Rural Cooperation</i>, 33 (1), 21-45.</b></p>
T-P. T-R	<p><b>Key Themes</b></p> <p><b>Defining the Social Economy</b></p> <ul style="list-style-type: none"> <li>• New social economy includes new personal services to meet needs that have either been met inadequately by the welfare state or not at all (in general) predominantly non-market-based activities) and new economic activities (often predominately market-based activities to promote the integration of excluded people or to revitalize rural and urban areas in decline or abandoned (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005): <ul style="list-style-type: none"> <li>○ non-market, non-monetary – that are made available by the reciprocity fostered by associations of people (volunteer work and gifts)</li> <li>○ non-market resources associated with redistribution such as subsidies and fiscal advantages provided by public authorities in fulfilling their social mission</li> <li>○ market resource form the sale of products or from the coverage by member of part of the costs of the goods or services concerned</li> </ul> </li> <li>• “...because of this capacity to mobilize a broad range of resource, some analysts refer to the social economy as a plural economy or one based on several logics (market, civic, industrial, domestic, inspiration) and project based approaches” (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance</li> </ul>

T-P, T-R	<p>(CURA), 2005, p. 23)</p> <ul style="list-style-type: none"> <li>• Social economy has developed primarily in two areas (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005, p. 23): <ul style="list-style-type: none"> <li>○ (1) as a strategy to combat poverty and social and occupational exclusion, where initiatives respond to urgent social needs and critical social situations; and</li> <li>○ (2) the creation of new wealth, where initiatives respond not only to needs but also to new opportunities which neither the market nor the State are effectively engaged, if at all</li> </ul> </li> </ul>
T-R	<ul style="list-style-type: none"> <li>• Criteria for identifying who is part of the social economy, is based on the legal status of organizations, their values (e.g. solidarity) and their principles and rules – legal status (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005)</li> <li>• Examples (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005):</li> </ul>
T-R	<ul style="list-style-type: none"> <li>○ social economy organizations producing goods and services - must be working explicitly in the public interest or for the collective interest</li> </ul>
T-R	<ul style="list-style-type: none"> <li>○ operate independently of the State and the private sector (hence the concept of the third sector) - controlled by a voluntary association of persons, not by public or private funders</li> </ul>
T-R	<ul style="list-style-type: none"> <li>• A second definition proposed by Claude Vienny (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005):</li> </ul>
T-R	<ul style="list-style-type: none"> <li>○ (1) relationship between members (democratic practices);</li> <li>○ (2) the relationship between members and the enterprise or producing entity (determination of activity by members);</li> <li>○ (3) the relationship between the enterprise and members (distribution of surplus); and</li> <li>○ (4) the enterprise or goods/services-producing entity as such (sustainable collective ownership) (p. 26)</li> </ul>
T-P	<ul style="list-style-type: none"> <li>• In this analysis the social economy is defined not only as economic activity with a social purpose but also as activity based on a new, broader concept of the economy and politics - a greater diversity of resource than other types of organizational forms and by its commitment to collective goals and democratic practice (Levesque &amp; Medell, The social economy: approaches, practices and a proposal for a new community-university alliance (CURA), 2005):</li> </ul>
T-P	<ul style="list-style-type: none"> <li>○ (1) a plural economy because of the plurality of principles and resources mobilized (seem as a solidarity-based economy to differentiate it from earlier approaches)</li> </ul>
T-P	<ul style="list-style-type: none"> <li>○ (2) as integral part of a mixed economy of social welfare, to situate the social economy as an intermediary space between the private sector, the State and the domestic economy, thus highlighting both its socio-economic and its socio-political dimensions</li> </ul>
T-P	<ul style="list-style-type: none"> <li>○ (3) a third sector which although separate from the State, private enterprise and the informal domestic economy – overlap with each other</li> </ul>
T-P	<p><b>9. Pinaar, G. (2008). The inclusivity of communal land tenure: a redefinition of ownership in Canada and South Africa? <i>Electronic Journal of Comparative Law</i>, 12 (1), 1-17.</b></p>
T-P	<p><b>Abstract/Summary</b></p>
T-P	<p>Pinaar (2008) explains the defining difference in how land tenure rights are defined is reflective of a system of inclusivity or exclusivity. Rights of inclusivity are generally reflected in communal land tenure models based, whereas rights of exclusivity grant the rights of use and tenure to the exclusion of others.</p>



<p>T-P</p> <p>T-P</p>	<p><b>Key Themes</b></p> <p><b>Canadian land tenure system</b></p> <ul style="list-style-type: none"> <li>• Defined according to common law (Pinenaar, The inclusivity of communal land tenure: a redefinition of ownership in Canada and South Africa?, 2008)</li> <li>• The Crown has ultimate or underlying title of all immovable property, land tenure rights are held of the crown by tenants in the form of tenure, estates and interests (Pinenaar, The inclusivity of communal land tenure: a redefinition of ownership in Canada and South Africa?, 2008)</li> <li>• Different land tenure rights can be exercised by several people in respect of the same property (Pinenaar, The inclusivity of communal land tenure: a redefinition of ownership in Canada and South Africa?, 2008)</li> <li>• “Land tenure rights in Canada are largely exclusive indicating the use and possession of land with exclusion of other persons” (Pinenaar, 2008, p. 2)</li> </ul> <p><b>Land Tenure Rights and Indigenous Communities of Canada</b></p> <ul style="list-style-type: none"> <li>• <i>Communal land rights have been and still are exercised by indigenous communities. Communal land tenure is defined in terms of its inclusive nature and displays the following features (Pinenaar, 2008, p. 2):</i> <ul style="list-style-type: none"> <li>○ <i>Land rights are embedded in a range of social relationships, including household and kinship networks, and various forms of community membership, often multiple and over-lapping in character;</i></li> <li>○ <i>Land rights are inclusive rather than exclusive in character, being shared and relative, but generally secure. In a specific community rights may be individualised (dwelling); communal (grazing, hunting, fishing and trapping) or mixed (seasonal cropping combined with grazing and other activities);</i></li> <li>○ <i>Access to land is guaranteed by norms and values embodied in the community's land ethic. This implies that access through defined social rights is distinct from control of land by systems of authority and administration;</i></li> <li>○ <i>The rights are derived from accepted membership of a social unit and can be acquired by birth, affiliation, allegiance or transactions;</i></li> <li>○ <i>Social, political and resource use boundaries are usually clear, but often flexible and negotiable, and sometimes the source of tension and conflict;</i></li> <li>○ <i>The balance of power between gender, competing communities, right-holders, land administration authorities and traditional authorities is flexible;</i></li> <li>○ <i>The inherent flexibility and negotiability of land tenure rights mean that they are adaptable to changing conditions, but susceptible to capture by powerful external forces (like the state) or processes (like capital investments)</i></li> </ul> </li> </ul> <p><b>10. Singer, J. (2000). Property of social relations. In C. Geisler, &amp; G. Danekar, <i>Property and Values: Alternatives to public and private ownership</i> (pp. 3-19). Washington, DC: Island Press.</b></p> <p><b>Abstract/Summary</b></p> <p>Singer (2000) discusses how the existing private property system should be understood as a component of larger personnel and market relationships. The definition of property rights has not developed independently from influences of capitalism and other cultural values. Land tenure systems are socially constructed and reflect values of society.</p>
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## Key Themes

### Property Rights

- Property rights grant a set of entitlements (Singer, 2000):
  - Privilege to use property
  - Right to exclude non-owners
  - The power to transfer property
  - Immunity from non-consensual harm or loss
- Property rights identify a private owner who has title to a set of valued resources with presumption of full power over those resources (Singer, 2000)
- Ownership assumes consolidated rights and a single, identifiable owner of rights who is identifiable by formal title rather than by informal relations or more claims (Singer, 2000)
- Assumes permanent rights of absolute control conceptualised in terms of boundaries that protect the owner from non-owners (Singer, 2000)
- A conception premised on norms of promoting autonomy, security and privacy (Singer, 2000)

### Public interest

- *“property rights are often limited to promote the interests of other property owners or the public at large suggests the reason why the classical conception of property has distinct disadvantages from a moral point of view”* (Singer, 2000, p. 7)
- Understand property rights as inherently limited, both by the property rights of others and by public policies designed to ensure that property rights are exercised in a manner compatible with the public good (Singer, 2000)
- Property rights can be disaggregated (Singer, 2000)
- Property laws are beset by conflicting values and competing interests (Singer, 2000)
- Property rights define relationships between people rather than relations between persons and things (Singer, 2000)
- The freedom to use property means that others may be vulnerable to the effects of one’s property usage (Singer, 2000)

### Social relations model

- Social Relations Model (Singer, 2000, p. 9)- reconceptualises property as a social system composed of entitlements that shape the contours of social relationships:
  - Property rights can be bundled in different ways and multiple models exist for defining and controlling property relationships
  - Property rights must be understood as both contingent and contextually determined
  - Property law and property rights have an inescapable distributive component
  - Property law helps to structure and shape the contours of social relationships
- Property rights understood as both contingent and contextual, this includes both the effects of exercises of property rights on others and changing conditions and values:
  - Contingent because changing circumstances change the rights that are recognized by the system
- Contextual because property rights in the legal system have in fact been, changing over time, and dependent on the effects their exercise has on others (Singer, 2000, p. 10)
- Questions about the proper rules of property law therefore are better understood as contingent on the context with which property rights operate and the effects those rights have on other people than on rules that assign title (Singer, 2000)
- *“Property is both an individual entitlements a social system – it is crucial to understand that*

	<p><i>many rules of property law are not only geared to protecting particular individual interests but are designed to sustain the system of personal and market relationships that allow those interest to flourish” (Singer, 2000, p. 15)</i></p> <ul style="list-style-type: none"> <li>• Distributive issues are central to property law (Singer, 2000)</li> </ul> <p><b>Key Web Sites</b></p> <ul style="list-style-type: none"> <li>• BALTA Social Economy Reader <a href="http://auspace.athabascau.ca:8080/dspace/handle/2149/804">http://auspace.athabascau.ca:8080/dspace/handle/2149/804</a></li> <li>• Canadian Mortgage and Housing Corporation – Financing and Land Tenure <a href="http://www.cmhc.ca/en/inpr/afhoce/tore/afhoid/fite/index.cfm">http://www.cmhc.ca/en/inpr/afhoce/tore/afhoid/fite/index.cfm</a></li> </ul>
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F-EC	<p><b>2. Model 1: Conservation Land Trusts</b></p> <p><b>Key Literature</b></p> <ol style="list-style-type: none"> <li>1. <b>Canadian Land Trust Alliance. (2005). <i>Canadian Land Trust: Standards and Practice</i>. Retrieved December 12, 2008, from Canadian Land Trust Alliance: <a href="http://www.clta.ca/clta/printpages/0607standardspractices.pdf">http://www.clta.ca/clta/printpages/0607standardspractices.pdf</a></b></li> </ol> <p><b>Abstract/Summary</b></p> <p>Developed by the Canadian Land Trust Alliance, the standards and practices defined for Canadian conservation land trusts were adopted from the United States Land Trust Alliance Standards and Practices (2004). The Canadian Land Trust Standards and Practice outline four principles to guide the design and operation of conservation land trusts in Canada. These principles are designed to guide the implementation of twelve standards organized into two parts. Part 1: Organizational Strength address practices of trust governance and administration. Part 2: Land Transactions address operational best practices. The standards and practices are accompanied by a more detailed background document, <i>Background to the Canadian Land Trust Standards and Practices</i> (2005) that provides more detailed information of how the standards and practices can be applied (Canadian Land Trust Alliance, 2005) (Canadian Land Trust Alliance, 2005).</p> <p><b>Key Themes</b></p> <p><b>Definitions</b></p> <ul style="list-style-type: none"> <li>• <b>Conservation Agreement:</b> a legally binding agreement voluntarily entered into between a landowner and a conservation organization (including a <i>land trust</i>, the federal, a</li> </ul>
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F-EC

F-EC, S-L, S-G	<p>provincial or municipal government) to restrict the use of subject real property to protect the heritage values of the property, and may include a servitude for the use and benefit of dominant land, a covenant or an easement (Canadian Land Trust Alliance, 2005).</p> <ul style="list-style-type: none"> <li>• <b>Land Trust:</b> a charitable organization which as all or part of its mission, actively works to conserve land by undertaking or assisting in land acquisition or <i>conservation agreements</i>, or by engaging in stewardship of such land or <i>conservation agreements</i>. In Quebec, <i>land trusts</i> are non-profit organizations that in some cases do not have charitable status (Canadian Land Trust Alliance, 2005).</li> </ul>
S-S	<p><b>Guiding Principles</b></p> <ul style="list-style-type: none"> <li>• <b>Principle A: Integrity</b> <ul style="list-style-type: none"> <li>○ A land trust should participate in establishing, maintaining and enforcing, and should observe, high standards of conduct so that the integrity of the land trust sector may be preserved. The provisions of these Standards and Practices should be applied to further that objective. Land trust practitioners should recognize that the integrity of the individual land trust reflects upon the land trust community as a whole (Canadian Land Trust Alliance, 2005, p. 2)</li> </ul> </li> </ul>
S-S	<ul style="list-style-type: none"> <li>• <b>Principle B: Perpetual Responsibility</b> <ul style="list-style-type: none"> <li>○ Land trusts should recognize that they have an obligation to protect the lands and properties that they care for in perpetuity. As such, land trusts have a responsibility to act in the long-term best interest of both the properties, themselves and their organization (Canadian Land Trust Alliance, 2005, p. 2).</li> </ul> </li> </ul>
S-S	<ul style="list-style-type: none"> <li>• <b>Principle C: Excellence</b> <ul style="list-style-type: none"> <li>○ Land trusts should strive to provide the best service possible and should work towards improving the strengths of individual land trusts and the land trust community (Canadian Land Trust Alliance, 2005, p. 2).</li> </ul> </li> </ul>
S-S	<ul style="list-style-type: none"> <li>• <b>Principle D: Good governance</b> <ul style="list-style-type: none"> <li>○ Governance is a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account. The five good governance principles are: legitimacy and voice, direction, performance, accountability and fairness. Good governance exists where those in positions of power are perceived to have acquired this power legitimately, and there is appropriate voice accorded to those whose interests are affected by decisions. Further, the exercise of power results in a sense of overall direction that serves as a guide to action. Governance should result in performance that is responsive to the interests of citizens and stakeholders. In addition, good governance cannot be said to prevail unless there is genuine accountability at play between those in positions of power (agents) and those whose interests they are supposed to be serving (principals). Accountability cannot be effective unless there is transparency and openness in the conduct of the organization's work. Finally, governance should be fair, which implies conformity to the rule of law and principles of equity. (Taken from the Institute on Governance, 2005) (Canadian Land Trust Alliance, 2005, p. 2).</li> </ul> </li> </ul>
S-S	<p><b>Standards – Abbreviated summaries</b></p> <ul style="list-style-type: none"> <li>• <b>Mission</b> - <i>The land trust has a clear mission that serves a public interest, and all programs support that mission</i> (Canadian Land Trust Alliance, 2005, p. 5)</li> </ul>
S-S	<ul style="list-style-type: none"> <li>• <b>Practices</b> <ul style="list-style-type: none"> <li>○ Mission</li> <li>○ Planning and evaluation</li> <li>○ Outreach</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Ethics</li> </ul> <p><b>2. Canadian Land Trust Alliance. (2005). <i>Background to the Canadian Land Trust Alliance</i>. Retrieved December 12, 2008, from <a href="http://www.clta.ca/">http://www.clta.ca/</a>: <a href="http://www.clta.ca/clta/printpages/0607standardspractices.pdf">http://www.clta.ca/clta/printpages/0607standardspractices.pdf</a></b></p>
	<p><b>Key Themes</b></p>
S-S	<ul style="list-style-type: none"> <li>• A land trust has the responsibility to act in ways that benefit public rather than private interests (Canadian Land Trust Alliance, 2005, p. 1)</li> </ul>
F-EC, S-S	<ul style="list-style-type: none"> <li>• In establishing its mission, goals and programs that land trust should reflect the needs and priorities of its constituency. Support from the community is essential for sustaining conservation over time, meeting conservation goals, defending conservation action and obtaining financial support (Canadian Land Trust Alliance, 2005, p. 1)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• This practice emphasizes that a land trust must establish public support for its programs. Securing the permanent conservation of protected land will depend on the public's support of the land trust's conservation efforts. Land protection is accomplished within a social, political and legal framework that allows for non-profit organizations, public funding, tax incentives, and conservation agreements...Therefore, a land trust should identify the community it serves and then develop mechanisms to build and maintain support for its programs (Canadian Land Trust Alliance, 2005, p. 2)</li> </ul>
S-S	
S-S	<ul style="list-style-type: none"> <li>• A land trust should embrace the fundamental values of honesty, integrity, fairness, respect, trust, responsibility, inclusiveness and accountability in all of its operations. A board should consider adopting an ethics statement (Canadian Land Trust Alliance, 2005, p. 2)</li> </ul>
	<p><b>Standards</b></p>
S-L	<ul style="list-style-type: none"> <li>• <b>Compliance</b> - <i>The land trust fulfills its legal requirements as a non-profit charitable organization and complies with all relevant laws and statutes</i> (Canadian Land Trust Alliance, 2005, p. 6)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Compliance with laws</li> <li>▪ Non-profit incorporation and bylaws</li> <li>▪ Charitable status</li> <li>▪ Records policy</li> <li>▪ Public policy</li> <li>▪ Current information</li> </ul> </li> </ul>
S-L	<ul style="list-style-type: none"> <li>○ <b>Notes</b> <ul style="list-style-type: none"> <li>▪ Requirements include, but are not limited to: completing all corporate filings, completing the Registered Charity Information Return, Form T3010; retaining charitable status; following charitable solicitation laws; and adhering to the relevant federal, provincial or local regulations on non-profits or land trusts (such as waiting periods before being able to hold conservation agreements in some provinces) (Canadian Land Trust Alliance, 2005, p. 2)</li> </ul> </li> </ul>
S-L, S-O, S-R	<ul style="list-style-type: none"> <li>▪ ...incorporate as a non-profit corporation, following the appropriate provincial or federal incorporation statute. Incorporation is not a prerequisite for obtaining federal (and sometimes provincial) charitable status but provides a legal mechanism that gives the organization separate legal status and thereby can distance the liabilities of the land trust itself from its membership (Canadian Land Trust Alliance, 2005, p. 3)</li> </ul>
S-L, S-R	

S-R, S-L	<ul style="list-style-type: none"> <li>▪ The federal government provides an exemption from income tax for qualified non-profit organizations and allows the deductibility of contributions for those non-profits with charitable status...operation in the public interest (Canadian Land Trust Alliance, 2005, p. 3)</li> </ul>
S-R, S-G	<ul style="list-style-type: none"> <li>▪ Canadian Revenue Agency test for charitable organizations operating as public charities (Canadian Land Trust Alliance, 2005, p. 3):             <ul style="list-style-type: none"> <li>○ Avoiding the creation of an undue benefit;</li> <li>○ A prohibition on political activity;</li> <li>○ Complying with limitation on lobbying; and</li> <li>○ Meeting the public benefit test</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>▪ In some provinces, land trusts that intend to hold conservation agreements also need to receive approval to do so from the provincial government. In addition, Environment Canada must approve land trust who intends to participate in the Ecological Gifts Program (Canadian Land Trust Alliance, 2005, p. 3)</li> </ul>
S-O, S-R	<ul style="list-style-type: none"> <li>▪ It is important to have a records policy in protecting a land trust's assets...A records policy should address both organizational records, such as board minutes and transaction records, such as donor information, property details, deeds and baseline documentation reports (Canadian Land Trust Alliance, 2005, p. 3)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>▪ Land trusts may wish to seek sound tax policies for land conservation; forestall threats to tax deductions for charitable contributions to charitable organizations; and/or become involved in a host of positive open space initiatives... Land trusts should be aware of the percentage of resources allowed to be directed to political activity by the CRA... Land trusts with federal charitable status may not endorse political candidates (Canadian Land Trust Alliance, 2005, p. 4)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• <b>Board Accountability</b> - <i>The land trust board acts responsibly in conducting the affairs of the organization and carries out the board's legal, financial and other responsibilities in an ethical manner</i> (Canadian Land Trust Alliance, 2005, p. 7)             <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Board responsibility</li> <li>▪ Board composition</li> <li>▪ Board discussion-making</li> <li>▪ Preventing minority-rule</li> <li>▪ Delegation of decision-making authority</li> <li>▪ Board approval of land transactions</li> </ul> </li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>○ <b>Notes</b> <ul style="list-style-type: none"> <li>▪ The legal standards of behaviour for board members of non-profit organizations are established by the relevant legislation and what is referred to as the common law (Canadian Land Trust Alliance, 2005, p. 5)</li> <li>▪ Duty of care</li> <li>▪ Duty of loyalty</li> <li>▪ Duty of obedience</li> </ul> </li> </ul>
S-L, S-O	<ul style="list-style-type: none"> <li>• <b>Conflicts of Interest</b> - <i>The land trust has policies and procedures to avoid or manage real or perceived conflicts of interest</i> (Canadian Land Trust Alliance, 2005, p. 9)             <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Dealing with conflicts of interest</li> <li>▪ Board compensation</li> <li>▪ Transaction with insiders</li> </ul> </li> </ul> </li> </ul>
S-F, S-O, S-L	<ul style="list-style-type: none"> <li>• <b>Philanthropy and fundraising</b>- <i>The land trust is philanthropy and fundraising activities in an ethical and responsible manner</i> (Canadian Land Trust Alliance, 2005, p. 10)             <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Legal and ethic practices</li> <li>▪ Accountability to donors</li> </ul> </li> </ul> </li> </ul>

S-F	<ul style="list-style-type: none"> <li>▪ Accurate representations</li> <li>▪ Marketing agreements</li> </ul>
S-F	<ul style="list-style-type: none"> <li>• <b>Financial and asset management</b> - <i>The land trust manages its finances and assets in a responsible and accountable way</i> (Canadian Land Trust Alliance, 2005, p. 11) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Annual budget</li> <li>▪ Financial records</li> <li>▪ Financial reports and statements</li> <li>▪ Financial review and audit</li> <li>▪ Internal system for handling money</li> <li>▪ Investment and management of financial assets and dedicated funds</li> <li>▪ Funds for stewardship and enforcement</li> <li>▪ Sale or transfer of assets (Including land and conservation agreements)</li> <li>▪ Risk management and insurance</li> </ul> </li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>• <b>Volunteers, staff and consultants</b> - <i>The land trust has volunteers, staff and/or consultants with appropriate skills and in sufficient numbers to carry out its programs</i> (Canadian Land Trust Alliance, 2005, p. 13) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Capacity</li> <li>▪ Volunteers</li> <li>▪ Staff</li> <li>▪ Availability of training and expertise</li> <li>▪ Board/staff lines of authority</li> <li>▪ Personnel policies</li> <li>▪ Compensation benefits</li> <li>▪ Working with consultants</li> </ul> </li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>• <b>Evaluating and selecting conservation projects</b> - <i>The land trust carefully evaluates and selects its conservation projects</i> (Canadian Land Trust Alliance, 2005, p. 14&amp;15) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Identifying Focus Areas (specific natural, cultural or geographic areas)</li> <li>▪ Project Selection and Criteria</li> <li>▪ Federal and Provincial Requirements</li> <li>▪ Site Inspection</li> <li>▪ Documenting Conservation Values (condition of each property and the important conservation values and public benefit of each property)</li> <li>▪ Project Planning</li> <li>▪ Evaluating the Best Conservation Tool</li> <li>▪ Evaluating Partnerships</li> <li>▪ Partnership Documentation</li> <li>▪ Evaluating Risks (such as hazardous waste and mineral rights issues, surrounding land uses, extraction leases or other encumbrances, water rights, potential credibility issues or other threats)</li> <li>▪ Non-conservation Lands (land that does not meet its project selection criteria (see 8B) with the intent of using the proceeds from the sale of the property to advance its mission)</li> <li>▪ Public Issues (such as public policy, regulatory matters or education programs)</li> </ul> </li> </ul> </li> </ul>
S-O, S-F	<ul style="list-style-type: none"> <li>○ <b>Notes</b> <ul style="list-style-type: none"> <li>▪ Land trusts that focus on their strategic priorities typically find that they can raise more funds and protect more land. These land trusts work with their partners to develop conservation priorities appropriate for their community. A land trust that does not prioritize and carefully select its projects may open itself to public criticism, credibility issues and even legal problems (Canadian Land Trust Alliance, 2005, p. 16)</li> </ul> </li> </ul>
F-EC,	<ul style="list-style-type: none"> <li>▪ These land protection strategies go by various names (strategic conservation</li> </ul>

S-O	plans, focus area plans and so forth) and may be in the form of written descriptions, maps or notes for internal guidance. Regardless of form or name, these priority or focus areas are the places where the land trust works proactively to accomplish its conservation goals. A focus area can encompass various ecological or cultural resources and overlap political jurisdictions, but generally has some cohesive element. Examples include a small watershed, an undeveloped stretch of shoreline, a cluster of farms or ranches, a grouping of prime agricultural soils, or a specific mountain peak. A land trust may have several focus areas within its operating territory (Canadian Land Trust Alliance, 2005, p. 16)
F-EC, F-O	<ul style="list-style-type: none"> <li>▪ Criteria are the rough screens that a land trust uses to assess land conservation projects at the outset (Canadian Land Trust Alliance, 2005, p. 16)</li> </ul>
F-O, S-F	<ul style="list-style-type: none"> <li>▪ In addition to the federal income tax benefits available under the Canadian Revenue Agency and Environment Canada, an increasing number of provinces are offering tax credits to land and conservation agreement donors (Canadian Land Trust Alliance, 2005, p. 17)</li> </ul>
F-EC-S-R	<ul style="list-style-type: none"> <li>▪ Application for certification under the Ecological Gift Program is the responsibility of the donor, not the land trust. Because donors may apply for Ecological Gift certification up to three years after the donation, in circumstances where a project is not intended to be submitted under the Ecological Gifts program, the land trust and the donor should sign an agreement acknowledging this (Canadian Land Trust Alliance, 2005, p. 17)</li> </ul>
F-EC, S-O	<ul style="list-style-type: none"> <li>▪ The land trust must identify and document the conservation values of each property it protects for several reasons: to clarify the benefit to the public; to determine whether the property is significant enough to warrant the land trust's involvement; to decide how best to protect the property; to establish a baseline of the land's condition; and to defend the property over time from conflicting land use activities (Canadian Land Trust Alliance, 2005, p. 17)</li> </ul>
S-F, S-L, S-O	<ul style="list-style-type: none"> <li>▪ Land trusts have a wide array of options for structuring transactions. From the point of view of how the resources are protected, there are certain major considerations, including: Is fee ownership or a conservation agreement preferable? To what extent may development or other uses of the property be allowed? Can the land trust undertake the required long-term monitoring, management and enforcement responsibilities? How can the property's important conservation values best be maintained? (Canadian Land Trust Alliance, 2005, p. 18)</li> </ul>
S-O, S-L	<ul style="list-style-type: none"> <li>• <b>Ensuring Sound Transactions</b> - <i>The land trust works diligently to see that every land and conservation agreement transaction is legally, ethically and technically sound</i> (Canadian Land Trust Alliance, 2005, p. 16&amp;18) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Legal Review and Technical Expertise</li> <li>▪ Independent Legal, Financial and Tax Advice</li> <li>▪ Environmental Due Diligence for Hazardous Materials</li> <li>▪ Determining Property Boundaries</li> <li>▪ Conservation Agreement Drafting</li> <li>▪ Documentation of Purposes and Responsibilities. The land trust documents the intended purposes of each land and conservation agreement transaction, the intended uses of the property and the roles, rights and responsibilities of all parties involved in the acquisition and future management of the land or conservation agreement.</li> <li>▪ Recordkeeping</li> <li>▪ Title Investigation and Subordination</li> <li>▪ Registration</li> <li>▪ Purchasing Land</li> </ul> </li> </ul> </li> </ul>



S-O, S-R, S-F	<ul style="list-style-type: none"> <li>▪ Selling Land or Conservation Agreements</li> <li>▪ Transfers and Exchanges of Land</li> <li>▪ Split Receipting</li> <li>▪ Subsurface Rights</li> </ul> <ul style="list-style-type: none"> <li>• <b>Tax Consequences</b> - <i>The land trust works diligently to see that every charitable gift of land or conservation agreements meets federal and provincial tax law requirements</i> (Canadian Land Trust Alliance, 2005, pp. 19-22) <ul style="list-style-type: none"> <li>○ Independent Legal and Tax Advice</li> <li>○ Appraisals</li> <li>○ Ecological Gifts Program (Environment Canada)</li> <li>○ No Assurances on Deductibility or Tax Benefits</li> </ul> </li> </ul>
F-EC, S-O	<ul style="list-style-type: none"> <li>• <b>Conservation Agreement Stewardship</b> - <i>The land trust has a program of responsible stewardship for its conservation agreements</i> (Canadian Land Trust Alliance, 2005, p. 20&amp;21) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Funding Conservation Agreement Stewardship</li> <li>▪ Baseline Documentation Report</li> <li>▪ Conservation Agreement Monitoring</li> <li>▪ Landowner Relationships</li> <li>▪ Enforcement of Conservation Agreements</li> <li>▪ Reserved and Permitted Rights and Approvals</li> <li>▪ Contingency Plans/Backups</li> <li>▪ Contingency Plans for Backup Holder</li> <li>▪ Amendments</li> <li>▪ Expropriation</li> <li>▪ Extinguishment</li> <li>▪ Plans and Agreements</li> </ul> </li> </ul> </li> </ul>
F-EC	<ul style="list-style-type: none"> <li>• <b>Land Stewardship</b> - <i>The land trust has a program of responsible stewardship for the land it holds, other than through a conservation agreement, for conservation purposes</i> (Canadian Land Trust Alliance, 2005, p. 23&amp;24) <ul style="list-style-type: none"> <li>○ <b>Practices</b> <ul style="list-style-type: none"> <li>▪ Funding Land Stewardship</li> <li>▪ Stewardship Principles</li> <li>▪ Land Management</li> <li>▪ Monitoring Land Trust Properties</li> <li>▪ Land Stewardship Administration</li> <li>▪ Community Outreach</li> <li>▪ Contingency Backup</li> <li>▪ Non-permanent Holdings</li> <li>▪ Expropriation</li> </ul> </li> </ul> </li> </ul>
S-G	<p><b>Special Legislation in British Columbia</b></p> <ul style="list-style-type: none"> <li>• The BC Lands in Trust Registry was originally initiated to track conservation covenants in British Columbia. Since then, the Land Trust Alliance of BC determined that a full inventory of conservation lands should also include sites also owned by land trusts as fee simple lands. The BC Lands in Trust Registry, with its database inventory program (The Protected Lands Catalogue), offers a central location for this inventory offering detailed information about protected areas on private lands, their ecosystems, habitats, species, cultural or aesthetic features and their land uses. Given recent changes to privacy legislation, land trusts should take care to remove all personal information that is submitted to the BC Lands in Trust Registry (Canadian Land Trust Alliance, 2005, p. 33)</li> </ul>
S-G, S-O	<ul style="list-style-type: none"> <li>• Land trusts in BC are advised to hold covenants jointly with a second land trust as a means of ensuring the longevity of the covenant should one land trust fail. This is</li> </ul>

	<p>especially important for smaller land trusts that may not have the resources to sustain themselves over the long term (Canadian Land Trust Alliance, 2005, p. 33)</p> <p><b>3. Merenlender, A., Huntsinger, L., Guthey, G., &amp; Fairfax, S. (2004). Land trusts and conservation easements: Who is conserving what for whom? <i>Conservation Biology</i>, 17 (001), 65-75.</b></p> <p><b>Abstract/Summary</b></p> <p>Land trusts, partnered with government agencies or acting alone, are working to conserve habitat, open space, and working landscapes on private land. Spending both public and private funds, such institutions frequently acquire less than full title by purchasing or accepting donations of conservation easements. These title and organizational arrangements are evolving so fast that it is difficult to assess their conservation accomplishments and long-term viability. To understand the contribution of these arrangements to the preservation and restoration of biodiversity, conservation biologists need to identify the biological resources likely to be conserved and those likely to be left unprotected through easements held by land trusts. We describe land trusts and conservation easements and why they are currently an attractive approach to land protection. Our review of the literature showed that little information is available on (1) the resulting pattern of protected lands and resources being conserved, (2) the emerging institutions that hold conservation easements and the landowners they work with, and (3) the distribution of costs and benefits of land trusts and easements to communities and the general public. The prescriptive literature on how to establish land trusts and negotiate easements is extensive. However, easily available information on protected resources is too aggregated to determine what is actually being conserved, and more detailed data is widely scattered and hence difficult to synthesize. The social science literature provides some insight into the motives of landowners who participate but offers little about the variety of institutions or which type of institution works best in particular ecological and political settings. Equally undeveloped is our understanding of the inherent tension between the public and private benefits of this widely used incentive-based conservation strategy. Interdisciplinary research is needed to determine the ecological and social consequences of acquiring partial interest in private land for conservation purposes (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 65).</p> <p><b>Key Themes</b></p>
F-EC, S-L	<p><b>Conservation Easements</b></p> <ul style="list-style-type: none"> <li>• A conservation easement is a contract that divides portions of the land title between the landowner, or fee holder, and an easement holder (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 67): <ul style="list-style-type: none"> <li>○ Transfers some development and management options—such as the right to subdivide or to cut trees—from the fee holder to a non-profit or governmental organization that holds those rights, called a “non-possessory interest” in the land</li> <li>○ Fee holder reserves certain rights, such as the right to build additional homes, add roads, or plant row crops.</li> <li>○ Fee holder may donate or sell the rights that are relinquished, and pays property taxes only on the remaining value of the land</li> <li>○ Fee holder also continues to own the property and manage it within the bounds set by the easement. The easement holder is responsible for monitoring and enforcing easement specifications</li> </ul> </li> </ul>
SL	<ul style="list-style-type: none"> <li>• <i>“...an easement contract, which is a legally enforceable document that becomes a permanent part of the property title”</i> (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 67).</li> </ul>

<p>F-EC</p> <p>S-R</p>	<p><b><i>Land Trusts and Related Organizations</i></b></p> <ul style="list-style-type: none"> <li>• Missions of land trusts also vary, may include (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004): <ul style="list-style-type: none"> <li>○ Protecting habitat</li> <li>○ Watersheds</li> <li>○ Historic resources</li> <li>○ Open space</li> <li>○ Working forests or farms, or</li> <li>○ A single locally cherished site.</li> </ul> </li> <li>• Three major tools of the land trust are (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 68): <ul style="list-style-type: none"> <li>○ Conservation easement (described above)</li> <li>○ Pre-acquisition- a land trust acquires a property, then resells or otherwise transfers all or part to a public or private owner - there has been a hostile reception to this technique by several rural communities because it can create public land that is protected from certain uses and not taxed</li> <li>○ Private reserves - land trusts own all or some of their acquisitions outright (i.e., in fee title) to manage as private reserves. In this case they must absorb all the management costs</li> </ul> </li> <li>• Land trusts and related institutions often use public grant programs to offset their acquisition and operational costs (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 68).</li> </ul>
<p>S-O</p>	<p><b><i>Effects of Land Trusts and Easements</i></b></p> <ul style="list-style-type: none"> <li>• Questions to understand how this complex set of institutions and contracts has affected land conservation (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 69): <ul style="list-style-type: none"> <li>○ (1) What is being conserved and where?</li> <li>○ (2) How do the characteristics of land trusts and the needs of landowners influence what is conserved?</li> <li>○ (3) What are the impacts on communities and the benefits to the public of land trusts over the long term? We examined these questions in the context of the available literature.</li> </ul> </li> <li>• It is important to understand landowner motivations for participation (Merenlender, Huntsinger, Guthey, &amp; Fairfax, 2004, p. 71).</li> </ul>
<p>S-S</p>	<p><b>4. Campbell, M. C., &amp; Salus, D. A. (2003). Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin. <i>Land Use Policy</i>, 20, 169-180.</b></p> <p><b><i>Abstract/Summary</i></b></p> <p>Over the last two decades, private non-profit land trusts have gained increasing popularity among those who wish to conserve land or preserve access to affordable housing in the United States. Two types of land trusts—conservation trusts and community trusts—use many of the same tools, but for different purposes. Although both types of land trusts have collaborated with government agencies on a fairly regular basis, they have rarely worked with each other. In addition, questions have arisen concerning the appropriateness of private, non-profit land trusts engaging in de facto land-use planning. The Troy Gardens project, in Madison, Wisconsin, illustrates how two different private land trusts can successfully collaborate in land conservation and community-based development. In this project, the Madison Area Community Land Trust (MACLT), a community land trust, and the Urban Open Space Foundation (UOSF), a conservation land trust, have teamed together with several other organizations to preserve a 31-acre site in a city neighborhood for a combination of open</p>

<p>F-EC, F-CD F-EC, F-CD S-O</p> <p>S-O, T-SE, S-R</p> <p>S-R, T-SE, S-O, S-L</p> <p>S-L</p> <p>S-L, S-R</p> <p>S-G</p>	<p>space and affordable housing. This paper explores the strengths and challenges of the land trust collaboration, making suggestions for ways to increase the number of these types of collaborations in Wisconsin and around the United States (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 169).</p> <p><b>Key Themes</b></p> <p><b>Conservation Land Trusts</b></p> <ul style="list-style-type: none"> <li>• “Land trusts use the tools of the private market to protect land, and environmental and community resources” (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 69).</li> <li>• “The focus of conservation land trusts is the land itself; the focus of community land trusts is more often the people who will be using the land” (2003, p. 170).</li> <li>• Research questions (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 170):       <ul style="list-style-type: none"> <li>○ Do collaborations between conservation land trusts and community land trusts result in the preservation of land as common property?</li> <li>○ Does their work take place in a public sector planning framework with adequate public input? To whom are the land trusts accountable?</li> <li>○ And finally, given that such collaborative efforts include housing development as well as land preservation, do the results constitute good land use and community development planning?</li> </ul> </li> <li>• Voluntary efforts can be viewed as superior to traditional land-use regulation because they combine cooperative agreements with economic incentives for not developing private land, thereby affording important lands the permanent protection from development that is neither politically feasible nor legally possible under standard land-use controls (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 170).</li> <li>• Questions arise as to whether it is appropriate for land trusts to operate in this way, arguing that they lack the accountability to the public at large of public land-use planning agencies... land trusts report only to their private member clientèle and are not legally required to obtain public input on their planning and decision making. (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 170).</li> <li>• The advantages of land trusts over public sector alternatives are (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003):       <ul style="list-style-type: none"> <li>○ Focus</li> <li>○ Flexibility</li> <li>○ Ability to provide long-term conservation and affordability</li> </ul> </li> <li>• Criticism - fragmented impact</li> <li>• “...conservation land trusts are viewed more appropriately as a complement to standard land-use regulations within a clear public sector planning framework that incorporates public input. Because of their small number and size, community land trusts are similarly more likely to be effective in conjunction with other types of land reform measures and organizations” (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 170)</li> </ul> <p><b>Case Study: Troy Gardens, Madison, Wisconsin</b></p> <ul style="list-style-type: none"> <li>• Partnership between       <ul style="list-style-type: none"> <li>○ The Madison Area Community Land Trust(MAHLT)</li> </ul> </li> </ul>
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F-EC, F-AH	<p><a href="http://www.affordablehome.org/">http://www.affordablehome.org/</a> community land trust - the opportunity was to build a substantial number of affordable housing units (24–30 total)</p> <ul style="list-style-type: none"> <li>○ Urban Open Space Foundation (UOSF)-saw the opportunity to preserve a large tract of urban open space with the potential for many activities</li> </ul>
S-O	<p><a href="http://www.madison.com/communities/uosf/">http://www.madison.com/communities/uosf/</a> a conservation land trust</p> <ul style="list-style-type: none"> <li>○ Other community organizations</li> <li>○ Departments from a major university</li> </ul>
	<ul style="list-style-type: none"> <li>● Innovative, community-based development effort to preserve the majority of a large tract of land in the city from development, while providing some much-needed affordable housing on a small portion of the site</li> <li>● Advantages of the partnership (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 173): <ul style="list-style-type: none"> <li>○ Because of the different foci of the two land trusts, they have access to very different pools of financial and technical resources</li> <li>○ Directors of both organizations had strong backgrounds and expertise in their areas</li> <li>○ Varied expertise and skills to work together, the directors of the land trusts created a synergistic coalition, doubling their skills and expanding their resource base</li> <li>○ Two land trust organizations complement each other both in achievement of mission and in combining different mechanisms of land purchase and ownership: <ul style="list-style-type: none"> <li>▪ Conservation trusts rely primarily on tools such as remainder interest estates, below cost sales, and conservation easements to restrict land uses and protect land</li> <li>▪ Community trusts use dual ownership arrangements, in which the community owns the land and the individual owns the improvements, and resale formulas to restrict profit from increases in market value to keep housing affordable</li> </ul> </li> <li>○ End product is “different and better” than either land trust could have achieved alone</li> </ul> </li> </ul>
S-S, S-O	
S-S	<ul style="list-style-type: none"> <li>● <i>“... land and resource allocations. This is a natural tension that will most likely occur among most land organizations working in collaboration. However, a deeper tension arises from the changing roles the two trusts have played in the Troy Gardens Coalition over time, and from competition between the organizations as to which group’s issues generate the most excitement, and which has center stage”</i> (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 174)</li> <li>● <i>“In general, people find preservation of open space a more palatable goal than preserving affordable housing and community assets. Open space preservation affects us all—whether it is creating and preserving parks in our cities, or protecting farmland and open space outside our cities—and thus is a goal that most can support. However, the idea of enabling permanent access to housing for those who do not have it, is an uncomfortable one for many in this era of devolution and welfare reform and emphasis on personal responsibility...Depending on the project, community land trusts may often find themselves in the shadow of their conservation counterparts”</i> (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 175).</li> </ul>
S-O S-O S-O S-L, S-F	
F-CD	<p><b><i>Lessons Learned from Land Trust Collaboration</i></b></p> <ul style="list-style-type: none"> <li>● Projects must meet organizations’ interests</li> <li>● Projects must include external pressure/support for the collaboration</li> <li>● Projects must build trust and strong relationships</li> <li>● Under the land ownership and management structures that went into effect with the sale</li> </ul>

F-EC	<p>of the land, MACLT holds title to the entire parcel. Upon the sale, however, MACLT immediately granted UOSF a conservation easement over 10.5 ha (26 acres) of the site. MACLT then entered into a ground lease agreement with FTG for the management of the urban agriculture and open space projects on the site (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 178).</p> <ul style="list-style-type: none"> <li>• Although Troy Gardens is just a single case of land conservation and sustainable, community-based development planning, it may well offer useful lessons for other, similar, collaborative land trust efforts around the country (Campbell &amp; Salus, Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin, 2003, p. 178).</li> </ul> <p><b>5. Daniels, T., &amp; Lapping, M. (2005). Land preservation: An essential ingredient in smart growth. <i>Journal of Planning Literature</i>, 19 (3), 316-329.</b></p>
F-CD S-L S-L	<p><b>Abstract/Summary</b></p> <p>The preservation of land for working rural landscapes, wildlife habitat, urban parks, recreational trails, and protecting water supplies and floodplains is emerging as an integral component of smart growth programs. Both the general public and nonprofit organizations have been willing to spend billions of dollars on land preservation because of a perception that traditional land use planning and regulation are not successfully accommodating growth or protecting valuable natural resources. The literature on smart growth has largely overlooked the potential of land preservation to curb sprawl and to foster livable communities. The literature on land preservation has focused on the mechanics of conservation easements and land purchases rather than on how land preservation can fit in the comprehensive planning process to achieve community smart growth goals. More research needs to be done on the strategic use of land preservation in shaping and directing growth as part of a comprehensive planning effort (2005, p. 316).</p>
F-EC, F-AC S-R S-R T-ME S-R, T-ME	<p><b>Key Themes</b></p> <p><b>American Example</b></p> <ul style="list-style-type: none"> <li>• <i>“The preservation of privately owned land should be considered a necessary part of smart growth both for controlling sprawl and for creating livable communities”</i> (Daniels &amp; Lapping, 2005, p. 317)</li> <li>• Private land preservation may involve any of the following techniques (Daniels &amp; Lapping, 2005, p. 317): <ul style="list-style-type: none"> <li>○ Purchase or donation of land in fee simple</li> <li>○ Purchase or donation of conservation easements (also known as development rights),</li> <li>○ Transfer of development rights, or limited development.</li> </ul> </li> <li>• The three common features of these land transactions are the following (Daniels &amp; Lapping, 2005, p. 317): <ul style="list-style-type: none"> <li>○ (1) they are voluntary on the part of willing sellers or donors</li> <li>○ (2) there are negotiations between buyer and seller or donor and donee, and</li> <li>○ (3) the seller or donor receives compensation in cash and/or through tax benefits (for governments, this last feature, in particular, is crucial in avoiding a “taking” of private property without just compensation)</li> </ul> </li> <li>• There are two main types of land preservation associated with smart growth (Daniels &amp; Lapping, 2005, p. 317):. <ul style="list-style-type: none"> <li>○ (1) the preservation of land for parks, recreation, and greenways within built-up urban and suburban areas</li> <li>○ (2) the preservation of rural land for the production of food and fiber to maintain</li> </ul> </li> </ul>

<p>S-L, S-R</p> <p>S-L</p> <p>S-L</p> <p>S-O</p> <p>S-O</p>	<p>valuable natural areas—such as wildlife habitats and water supply sources—and to channel development to more appropriate locations</p> <ul style="list-style-type: none"> <li>• Research Question – “A fundamental question is whether government land preservation administrators and private land trusts have a strategic vision for land preservation or whether land is being preserved at random with little effect on metropolitan development patterns and land use change” (Daniels &amp; Lapping, 2005, p. 317).</li> <li>• This article focuses on land preservation programs operated by state and local governments and private non-profit organizations, and not on federal land preservation programs (Daniels &amp; Lapping, 2005, p. 317)</li> <li>• Land markets are influenced by public infrastructure investments in roads, schools, and sewer and water facilities, and by local governments whose primary interest is often the hunt to expand the property tax base (Daniels &amp; Lapping, 2005, p. 318).</li> <li>• Ineffective land use regulations are an example of “government failure.” That is, government land use regulations may actually result in more sprawl and a greater loss of natural areas and working rural landscapes than if the land market had been left alone (Daniels &amp; Lapping, 2005, p. 318).</li> <li>• “Land preservation simply means restricting the uses of a property over a long time. The uses are limited when private property is acquired in a fee simple transaction by a government agency, such as land for a county park, or by a qualified non-profit organization, such as land for a nature preserve. Whereas land owned by a government agency is almost always open to the public, land owned by a non-profit organization is private property and may not be open to the general public” (Daniels &amp; Lapping, 2005, p. 318)</li> <li>• Development rights are often explained as one of the rights in the bundle of rights that make up the ownership of land (Geisler and Daneker 2000). A development right may be separated from the rest of the bundle and given away or sold (Daniels &amp; Lapping, 2005, p. 319).</li> <li>• A conservation easement is technically a “negative easement in gross,” which spells out specific restrictions that apply to the use of an entire piece of land (Daniels &amp; Lapping, 2005, p. 319): <ul style="list-style-type: none"> <li>○ In general, all residential, commercial, industrial, and institutional uses are prohibited unless expressly allowed in the Deed of Easement.</li> <li>○ Permitted uses may include farming, timber harvesting, maintaining open space, or building a limited number of dwellings.</li> <li>○ Deed of Easement is a legally binding document that is recorded at the county courthouse and runs with the land, so if the land is sold or transferred to heirs, the restrictions in the Deed of Easement apply to subsequent landowners.</li> <li>○ Land subject to a conservation easement is still private property, usually without any right of public access</li> <li>○ A conservation easement may restrict land in perpetuity or for a certain number of years—known as a term easement (2005, p. 319).</li> </ul> </li> <li>• The shortcomings of most land trusts are (Daniels &amp; Lapping, 2005, p. 320): <ul style="list-style-type: none"> <li>○ Lack of staff and financial resources</li> <li>○ Ability to create only “islands” of protected land, often amid encroaching development, insufficient to protect entire ecosystems or working landscapes (Daniels and Daniels 2003).</li> </ul> </li> <li>• Whittaker (1999) makes the key point that many local land trusts are established in response to a short-term land use crisis. As a result, she observes, many land trusts lack a long-term strategy for land preservation (Daniels &amp; Lapping, 2005)</li> </ul> <p><b>6. Southern Alberta Land Trust Society. (2008). <i>Conserving rangelands</i>. Retrieved December 12, 2008, from Southern Alberta Land Trust Society: <a href="http://www.salts-landtrust.org/conservingrangelands.html">http://www.salts-landtrust.org/conservingrangelands.html</a></b></p>
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<p>F-EC, F-AC</p>	<p><b>Summary/Abstract</b></p> <p>From the SALTS web site. The Southern Alberta Land Trust Society (SALTS) is a locally-based, rancher-driven, nonprofit organization with registered charity status, dedicated to preserving the ecological, productive, scenic and cultural values of Alberta's Eastern Slopes, prairie and foothill regions. SALTS was organized under the belief that the most effective and lasting conservation solutions both originate and are maintained at the community level through empowering individuals with the necessary tools and vision.</p> <p>The work of SALTS includes initiatives in the following key areas (Southern Alberta Land Trust Society, 2008):</p> <ul style="list-style-type: none"> <li>• <b>Conservation Easements</b> - Informing people about the value of conservation easements and how such an easement can aid in succession planning, accepting donations of conservation easements, and monitoring the health and integrity of the easements already held by SALTS</li> <li>• <b>Education</b> – Educating the local community, the general public, industry, and government about the value of the native fescue grassland ecosystem within the Eastern Slopes, and the need to protect it from loss and fragmentation due to urban and industrial expansion and invasive alien plant species</li> <li>• <b>Ecosystem Study and Protection</b> – Promoting and coordinating scientific studies into healthy ecosystems, watershed issues, riparian health, native fescue grass, and appropriate land use policies</li> <li>• <b>Range Management and Monitoring</b> – Fostering the development and use of appropriate mapping, monitoring and management tools to help ranchers improve their understanding and stewardship of the native grassland resource and the associated watershed</li> </ul>
<p>T-R</p> <p>S-L, S-R</p> <p>S-R</p> <p>S-R, S-L</p>	<p><b>Key Themes</b></p> <p><i>What is a Conservation Easement?</i></p> <ul style="list-style-type: none"> <li>• When you think of owning a piece of land, you can think of it as a "bundle of rights." You may have the right to construct buildings, irrigate the land, cut timber, subdivide, etc. A conservation easement is a legal tool by which you voluntarily relinquish some of those rights, while retaining title to the land (Southern Alberta Land Trust Society, 2008)</li> <li>• The terms of conservation easements vary, as each agreement is tailored to the specific landowner. However, all preclude subdivision and environmentally damaging forms of development. Conservation easements are typically granted in perpetuity and remain with the land regardless of ownership (Southern Alberta Land Trust Society, 2008)</li> <li>• In most provinces, conservation easements have been made possible through the enactment of specific legislation. Regulations differ between provinces, but in general they require that a conservation easement's goals include the preservation of the land's natural features, scenic values, and/or scientific and educational potential (Southern Alberta Land Trust Society, 2008)</li> <li>• The legislation lays out who is eligible to hold the conservation easement you grant. In general, you have the choice of granting a conservation easement to the crown, a municipality or certain registered charities. You can also choose between granting an easement on all or a portion of your land (Southern Alberta Land Trust Society, 2008)</li> </ul>
<p>F-EC, F-AC</p>	<p><i>What are the Benefits?</i></p> <ul style="list-style-type: none"> <li>• Conservation easements offer benefits to society in general by contributing immensely to the maintenance of open spaces and a healthy environment. They can safeguard watersheds and wildlife habitat, and preserve or maintain the natural landscapes that provide surrounding residents with clean air, clean water, agricultural products and</li> </ul>



F-EC, F-AC	<p>scenic beauty (Southern Alberta Land Trust Society, 2008)</p> <ul style="list-style-type: none"> <li>• Conservation easements also provide opportunities for landowners to meet their personal goals for agricultural and environmental stewardship, and financial security (Southern Alberta Land Trust Society, 2008)</li> </ul>
F-AC, S-S	<p><b><i>Conservation of rangelands and ranching communities:</i></b></p> <ul style="list-style-type: none"> <li>• Easements conserve ranchlands by preventing conversion to non-ranching uses, maintaining agricultural opportunities for future generations (Southern Alberta Land Trust Society, 2008)</li> <li>• As ranching lands are maintained, so too are the rural community values and the agricultural heritage that depend on these lands (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-F	<p><b><i>Financial incentives:</i></b></p> <ul style="list-style-type: none"> <li>• Landowners may qualify for an income tax deduction if the easement is a charitable donation (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-F	<ul style="list-style-type: none"> <li>• The appraised value of the property on which an easement has been placed may be lowered through the relinquishment of development rights, which can reduce capital gains when the land is sold or transferred (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-F	<ul style="list-style-type: none"> <li>• In certain circumstances, conservation easements can be sold to an eligible organization to reduce debt and to provide return for non-farming heirs (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-O F-EC, F-AC	<p><b><i>Accommodation of landowners' concerns:</i></b></p> <ul style="list-style-type: none"> <li>• Terms can be negotiated around the desires and needs of the landowner as well as the objectives of the participating organization (Southern Alberta Land Trust Society, 2008)</li> <li>• Protection can be provided for both the property's environmental and agricultural features (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-O	<p><b><i>Option to work with a private, local organization:</i></b></p> <ul style="list-style-type: none"> <li>• Conservation easements are frequently administered by private organizations (many of which are locally-based and community-driven) who can bypass the unintended delays often associated with government agencies (Southern Alberta Land Trust Society, 2008)</li> </ul>
S-O	<p><b><i>What happens after the Conservation Easement is granted?</i></b></p> <ul style="list-style-type: none"> <li>• The conservation easement document will describe several aspects of your future relationship with the grantee. It is important to note that SALTS is not interested in becoming the day-to-day managers of the easement property. What the agreement will specify are the terms for monitoring activities, enforcement options, access, proposed changes in land use, alteration of the agreement, and what will happen if the grantee is no longer able to hold the conservation easement (Southern Alberta Land Trust Society, 2008)</li> </ul> <p><b>7. The Land Trust Alliance of British Columbia. (nd). <i>Conservation Options</i>. Retrieved December 2008, from The Land Trust Alliance of British Columbia: <a href="http://www.landtrustalliance.bc.ca/options.html">http://www.landtrustalliance.bc.ca/options.html</a></b></p> <p><b>Abstract/ Summary</b></p> <p>From the Land Trust Alliance of British Columbia web site, hyperlinks included.</p>

F-EC	<p><b>About the Many Land Trusts Working in British Columbia</b></p>
S-G	<ul style="list-style-type: none"> <li>The largest and oldest land trust working in British Columbia is an international organization, <a href="#">Ducks Unlimited</a></li> </ul>
S-G	<ul style="list-style-type: none"> <li>The <a href="#">Nature Conservancy of Canada</a> is a national organization with significant activities in British Columbia</li> </ul>
S-G	<ul style="list-style-type: none"> <li>We have two province-wide land trusts, <a href="#">The Nature Trust of British Columbia</a> focused mostly on habitat protection, and <a href="#">The Land Conservancy of British Columbia</a> focused on protecting both natural and heritage properties.</li> </ul>
	<ul style="list-style-type: none"> <li>We have over <a href="#">32 local land trusts</a> working in many communities throughout the province.</li> <li>Many of these land trusts work together on particular conservation or stewardship projects and campaigns. See the BC Lands in Trust Registry for secured lands, and see <a href="#">Current Campaigns</a> for current projects you can help with.</li> </ul>
S-G	<p><b>Key Themes</b></p>
S-G	<p><b>Conservation Options</b></p>
S-O	<ul style="list-style-type: none"> <li>The most common ways to protect private land in BC are through Conservation Covenants, Land Donations, and Land Purchases</li> <li>A Conservation Covenant is a legal agreement between a landowner and authorized land trusts (usually two). This legal agreement remains attached to the title of the lands in perpetuity, and defines allowable and restricted uses for the property. With Conservation Covenants, the title of the property usually remains with the original landowner. <a href="#">Section 219</a> of the Land Titles Act outlines the legal framework for Conservation Covenants.</li> </ul>
S-L	
S-O	<ul style="list-style-type: none"> <li>Lands can also be donated to, or purchased by a land trust. The title will be transferred to the new landowner (the land trust) who will often develop management plans to outline management goals and strategies for the new acquisition. There are also various tax incentives which may benefit the original donor/seller.</li> </ul>
	<p><b>Information Brochures</b></p> <ul style="list-style-type: none"> <li><a href="#">Conservation Options</a></li> <li><a href="#">Conservation Covenants</a></li> <li><a href="#">Tax Benefits</a></li> <li><a href="#">US Donations for Conservation</a></li> </ul>
	<p><b>Key Web Sites</b></p> <ul style="list-style-type: none"> <li>Land Stewardship Resource Centre - <a href="http://www.landstewardship.org/home.asp">http://www.landstewardship.org/home.asp</a></li> <li>Canadian Land Trust Alliance (CLTA) - <a href="http://www.clta.ca/">http://www.clta.ca/</a></li> <li>Southern Alberta Land Trust - <a href="http://www.salts-landtrust.org/">http://www.salts-landtrust.org/</a></li> <li>Land Trust Alliance of British Columbia - <a href="http://www.landtrustalliance.bc.ca/">http://www.landtrustalliance.bc.ca/</a></li> <li>Alberta Land Trust Alliance = <a href="http://www.landtrusts-alberta.ca/">http://www.landtrusts-alberta.ca/</a></li> </ul>

<p>F-CD</p> <p>F-EC, F-CD, F-ED</p> <p>S-L</p> <p>T-SE</p> <p>T-P</p> <p>T-R</p> <p>F-EC</p>	<h2>C. Model 2: Community Land Trusts</h2> <h3>Key Literature</h3> <ol style="list-style-type: none"> <li><b>Bryden, J., &amp; Geisler, C. (2007). Community-based land reform: lessons from Scotland. <i>Land use policy</i>, 24, 24-34.</b></li> </ol> <h3>Abstract/Summary</h3> <p>In recent years, the Scottish Highlands have become the epicentre of a land reform significant for its strong embrace of culture and community. Close inspection of the Scottish land reform—wherein communities are granted the right to purchase lands to which they historically enjoyed only conditional access—leads to a series of questions about the relationship between land reform and community. We argue that most land reforms have paid insufficient attention to community strengthening as an end in itself and are the weaker for it. Drawing on insights from community-based natural resource management and local development, we offer qualified evidence suggesting that, as in the current Scottish case, community-centric land reform has a promising future. We trace the pre-reform history of community buy-outs in Scotland and pose various issues that must be addressed if Scotland’s land reform legislation is to succeed.</p> <h3>Key Themes</h3> <h4>Land Reform</h4> <ul style="list-style-type: none"> <li>Community-based land reform, a melding of land reform, community-based natural resource management and innovative local development (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007)</li> <li><i>Land reform is viewed as a community tool for managing land and resource rather than a state-led intervention to attain greater outputs, to placate rural unrest, to resettle landless laborers or those displaced by public works and the like...We suggest that its explicit approval of state-assisted community appropriation of land has far-reaching implications for standard land reform thinking. The community’s right to buy is fundamentally a right “to be” and to secure a place-based arena of common identity and interests, protected by legal title. This said, what is to keep community-centric land reform from succumbing to reconcentration of ownership and other counter-reform revenge effects known to plague land reforms?</i> (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007, p. 25)</li> </ul> <h4>Community Land Reform</h4> <ul style="list-style-type: none"> <li>The Land Reform (Scotland) is a “community right to buy” provision which puts communities in the foreground of the country’s land reform (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007)</li> <li>Social capital, places lacking in solidarity, trust and association are likely to have lower levels of well-being and general welfare than those endowed with these qualities (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007)</li> <li>Local culture, which sets the stage for land reform acceptance (or rejection) and is typically embedded in the quotidian activities of community life (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007)</li> <li>The new paradigm came to be known as “community conservation” or community-based natural resource management (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007, p. 25):</li> </ul>
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T-SE, T-P T-SE	<ul style="list-style-type: none"> <li>○ Humanitarian and environmental justice reasons</li> <li>○ Common property record as well as accounts of sustainable resource management among indigenous and settler communities, advocated co-management or full transfer of management of local communities</li> <li>○ Educating and empowering communities to share responsibility for local conservation comes from the realization that vast amounts of biodiversity and ecological service lie outside of protected areas, that is in place based communities of many descriptions</li> </ul> <ul style="list-style-type: none"> <li>● Lessons to be learned from the community-centric logical circulating among conservation and other theorists (Bryden &amp; Geisler, Community-based land reform: lessons from Scotland, 2007, p. 26): <ul style="list-style-type: none"> <li>○ First - Communities are a cornerstone of social existence and time-honored arenas of cultural reproduction and collective action. To mobilize reform affecting place and bypass community to imperil primary social structure and identity</li> <li>○ Second - the logic used by community conservationists applies to land as a productive resource every bit as much as does to land as a consumptive resource. If land and resources targeted or conservation are fit for community devolution and people centered management, the same shoe fits land reformers charged with a broad array of social objectives.</li> <li>○ Third - devolution of responsibility and stewardship without entitlement is a contradiction. It is symbolic devolution at best and likely to be dysfunctional when the political cache of land redistribution fades. As we suggest below, the devolution of entitlement without responsibility to community is similarly ill conceived.</li> </ul> </li> </ul>
S-O	
	<p><b>2. Canada Mortgage and Housing Corporation. (2005). <i>Housing Strategies: Critical Success Factors for Community Land Trusts in Canada Final Report</i>. Ottawa: Canada Mortgage and Housing Corporation.</b></p> <p><b>Abstract/Summary</b></p>
F-AH	<p>Explanation of the definitions, history and operation of community land trusts in Canada.</p> <p><b>Themes</b></p> <p><b>What is a Community Land Trust?</b></p>
F-AH	<ul style="list-style-type: none"> <li>● The model was originally developed by the Institute for Community Economics (ICE) (Canada Mortgage and Housing Corporation, 2005)</li> <li>● <i>“CLTs focus on meeting the affordable housing and community development needs of low to moderate-income households priced out of the prevailing housing market – and neighbourhoods. CLTs do so by acquiring land in the community either by purchasing land directly or by receiving as a donation land, land and buildings, or money to purchase land”</i> (Canada Mortgage and Housing Corporation, 2005, p. 20)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>● The unique component of CLTs is that the model separated the ownership of land (property) from the ownership of individual dwellings (improvements) (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>● The CLTs retain ownership of the land and, through long-term leasehold interests, grant the right to third parties (e.g., low to moderate income households) to use that land. Lease rates tend to be below-market and based on the use value rather than the market value of the land (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
T-R	<ul style="list-style-type: none"> <li>● <i>“Based on the ideology that land was not created by people and therefore the value of land (in the form of “property”) should not be given to the individual. This ideology has lead to a</i></li> </ul>

T-R, S-S	<p><i>philosophy that distinguishes between land and the human improvements on the land, how the benefits and value of both land and improvements are accrued, and to whom” (Canada Mortgage and Housing Corporation, 2005, p. 34)</i></p> <ul style="list-style-type: none"> <li>• The legitimate interests of individuals include: <ul style="list-style-type: none"> <li>○ Security</li> <li>○ Earned equity</li> <li>○ A reasonable legacy</li> </ul> </li> </ul>
T-R, S-S	<ul style="list-style-type: none"> <li>• The legitimate interests of the community include: <ul style="list-style-type: none"> <li>○ Community access</li> <li>○ Community equity</li> <li>○ A community legacy</li> </ul> </li> </ul>
S-S, T-R	<ul style="list-style-type: none"> <li>• The Community Land Trust model (Canada Mortgage and Housing Corporation, 2005): <ul style="list-style-type: none"> <li>○ Recognizes and seeks to balance the legitimate interests of both individuals and the community</li> <li>○ Offers individuals security of tenure</li> <li>○ Individuals have the right to earn equity, but only on the direct improvements they make to the land (i.e., the equity earned on the physical dwelling)</li> <li>○ Individuals also have the right to pass that security and earned equity on to family members</li> <li>○ Offers the community improved access to land and natural resources to all members by providing opportunities for marginalized low and moderate-income households</li> <li>○ Allows the community to retain the increased value of the land that has resulted from broader, collective efforts to improve the economy, local infrastructure, etc access the housing market</li> <li>○ Ensures that all members of future generations are able to access the community’s land and resources and use those resources to earn additional equity through direct individual</li> </ul> </li> </ul>
S-L S-L S-L	
S-L	
T-R, F-EC T-R, F-ED	
T-R, F-CD	
F-CD	<ul style="list-style-type: none"> <li>• <i>“A CLT may make a portion of its land available for community gardens, playgrounds, community facilities, open space, etc. A CLT may also provide (either directly or indirectly) additional supports and services such as life skill training, homeowners training and assistance (including supports for homeowners who face unexpected home repairs or financial problems), etc.” (Canada Mortgage and Housing Corporation, 2005, p. 32)</i></li> </ul>
F-AH, S-L F-AH, S-L, S-F	<p><b>Benefits of a CLT</b></p> <ul style="list-style-type: none"> <li>• Benefits (Canada Mortgage and Housing Corporation, 2005): <ul style="list-style-type: none"> <li>○ Reducing or removing the cost of land from the housing equation -homes built on that land more affordable to low and moderate-income households</li> <li>○ Remove that housing stock from the speculative market - preventing it from becoming unaffordable through redevelopment and gentrification</li> <li>○ Retaining ownership over the land control who lives in homes built on that land - ensures access is limited to low and moderate-income households (or organizations that serve those households) and homes are occupied by the actual owners rather than being purchased and rented out by absentee landlords</li> <li>○ Control the resale value of the housing built on that land thus ensuring it remains perpetually affordable</li> <li>○ Prevent the public investment in that land from going into the pockets of individual households - any increase in value of the land remains with the community and is used for future land purchases</li> <li>○ Improving the stability of tenure</li> <li>○ Promoting economic development</li> <li>○ Promoting social/community development</li> </ul> </li> </ul>
F-AH, S-O	
S-S	
S-S F-ED F-CD	<p><b>Community Land Trusts in North America (at the time of the study2005)</b></p>

<p>F-EC</p> <p>F-AH, F-CD F-EC, F-CD</p> <p>F-AH, S-O</p> <p>F-AH, S-O</p>	<ul style="list-style-type: none"> <li>• Neighbourhood focus: <ul style="list-style-type: none"> <li>○ Central Edmonton Community Land Trust (Edmonton, Alberta, Canada)</li> <li>○ Durham Community Land Trustees, Inc. (Durham, North Carolina, United States)</li> <li>○ Fonds Foncier Communautaire Benny Farm (Montréal, Québec, Canada)</li> <li>○ West Broadway Community Land Trust (Winnipeg, Manitoba, Canada)</li> </ul> </li> <li>• Citywide focus: <ul style="list-style-type: none"> <li>○ Calgary Community Land Trust Society (Calgary, Alberta, Canada)</li> <li>○ Northern Communities Land Trust (Duluth, Minnesota, United States) · Portland Community Land Trust (Portland, Oregon, United States)</li> </ul> </li> <li>• Regional focus: <ul style="list-style-type: none"> <li>○ Burlington Community Land Trust (Burlington, Vermont, United States)</li> <li>○ Salt Spring Community Housing &amp; Land Trust Society (Salt Spring Island, British Columbia, Canada)</li> </ul> </li> </ul> <p><b>Categories of Land Trusts</b></p> <ul style="list-style-type: none"> <li>• “Land for Our Future: A Guide to Land Trusts and Affordable Housing in Canada,” identifies three categories of Land Trusts: <ul style="list-style-type: none"> <li>○ Conservancy Land Trusts - focusing on environmental protection and conservation</li> <li>○ Community Land Trusts - focusing on community, social and economic development, including affordable housing</li> <li>○ Land Stewardship Trusts - which combine the goals of conservation and Community Land Trusts</li> </ul> </li> </ul> <p><b>Comparative between CLTs and Other forms of Ownership</b></p> <ul style="list-style-type: none"> <li>• <b>Residential leaseholds</b> - arrangements whereby individuals are granted permission to occupy land on a long-term basis. In these circumstances, the landowner grants through a contractual agreement, <i>“some rights to immediate possession of the property to [a third] party (the tenant) but retains ultimate ownership of the property”</i> (Canada Mortgage and Housing Corporation, 2005, p. 25) <ul style="list-style-type: none"> <li>○ <b>Discussion:</b> <ul style="list-style-type: none"> <li>▪ Examples of the types of landowners who grant residential leaseholds include: <ul style="list-style-type: none"> <li>• Federal Government (Federal Crown lands such as national parks and harbour fronts)</li> <li>• First Nations (Reserve land)</li> <li>• Provincial Governments (Provincial Crown land),</li> <li>• Municipalities (Municipally-owned land) and</li> <li>• Universities (Endowment lands).</li> </ul> </li> </ul> </li> </ul> </li> <li>• <b>Limited equity</b> - <i>co-operatives are a form of communal land and housing ownership. Unlike the traditional fee-simple approach to homeownership (whereby households themselves own the Title to both the parcel of land and the individual dwelling unit), residents of equity co-operatives acquire shares of stock in the co-operative corporation that holds the Title to both the land and the buildings. In addition to their equity interest, members hold individual proprietary leases (occupancy agreements) that convey the right to occupy specific units in the housing project. Limited-equity co-operatives are very similar to market rate co-operatives except that limited-equity co-ops restrict the resale of share prices to ensure they remain affordable and accessible to low and moderate income households</i> (Canada Mortgage and Housing Corporation, 2005, p. 26) <ul style="list-style-type: none"> <li>○ <b>Discussion:</b> <ul style="list-style-type: none"> <li>▪ Equity co-operatives are closed organizations membership is limited to residents of the housing project</li> </ul> </li> </ul> </li> </ul>
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F-AH, S-O	<ul style="list-style-type: none"> <li>▪ CLTs are open - membership is open to existing residents, future residents, and at-large community members</li> <li>▪ Co-op members own shares in both the land and the improvements (buildings)</li> <li>▪ CLT resident members own their individual dwelling units, the land itself belongs to the CLT, and by extension, the community-at-large</li> <li>▪ Both attempt to promote affordability and security of tenure</li> </ul> <ul style="list-style-type: none"> <li>• <b>Communes (or enclaves)</b> - <i>intentional communities designed to hold land and other assets (buildings, resources, etc.) in common. They are private Trusts created by and for distinct groups who share a specific philosophical or religious commitment</i> (Canada Mortgage and Housing Corporation, 2005, p. 26) <ul style="list-style-type: none"> <li>○ <b>Discussion:</b> <ul style="list-style-type: none"> <li>▪ Communes are private organizations</li> <li>▪ <i>CLTs are public organizations often actively engaged within the broader community, focusing on improving the social and economic development of the surrounding community (community economic development)</i> (Canada Mortgage and Housing Corporation, 2005, p. 27)</li> </ul> </li> </ul> </li> </ul>
F-AH, S-O	<ul style="list-style-type: none"> <li>• <b>Real Estate Trust (or legal land Trust)</b> - designed to hold property on behalf of a private organization, individual, or specified (limited) “beneficiary.” (Canada Mortgage and Housing Corporation, 2005, p. 26) <ul style="list-style-type: none"> <li>○ <b>Discussion:</b> <ul style="list-style-type: none"> <li>▪ Real estate trusts are private entities holding land in trust on behalf of private individuals and organizations</li> <li>▪ CLTs are public entities that hold their land on behalf of the community</li> <li>▪ Real estate Trusts typically hold land as a long-term speculative investment</li> </ul> </li> </ul> </li> </ul>
F-AH, S-O	<ul style="list-style-type: none"> <li>• <b>“Cohousing”</b> - short for Collaborative Housing. In a cohousing development, each household has its own private self-contained residence (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
F-AH, S-O	<ul style="list-style-type: none"> <li>• <b>Self-help housing</b> - a situation where the individual homeowner serves as his or her own developer and/or builder (rather than a cohousing group of homeowners). There are three basic categories of self-help housing (Canada Mortgage and Housing Corporation, 2005): <ul style="list-style-type: none"> <li>○ Self-provision - the homeowner acts as the developer by acquiring the necessary financing, purchasing the land, managing both the development of the site and the building of the home, and then owning the final product</li> <li>○ Self-promotion - the homeowner purchases a serviced site and then acts as either the general contractor or contracts out the construction of the home</li> <li>○ Self-building -the homeowner participates in the construction of the home by contributing sweat equity</li> </ul> </li> </ul>
F-AH, S-O	<ul style="list-style-type: none"> <li>• <b>Life lease</b> - a legal agreement that permits households – usually mature adults and seniors (55+) – <i>“to occupy a dwelling unit for life in exchange for a lump sum payment (entrance fee) and a monthly payment to cover the project management fees, maintenance, and operating costs”</i> (Canada Mortgage and Housing Corporation, 2005, p. 29) <ul style="list-style-type: none"> <li>○ Actual ownership and Title to the life lease development remains in the name of the sponsoring organization, which provides property management and maintenance services</li> <li>○ Life lease residents own a leasehold interest in the development, which conveys the exclusive Right to Occupy the leasehold suite and shared in the use of common areas (e.g, lounges, workshops, recreation areas, parking, etc.)</li> </ul> </li> </ul> <p><i>CLTs and Taxes and Charitable Status</i></p>
S-R	<ul style="list-style-type: none"> <li>• In Canada to issue a tax receipt for donated land, capital, or stocks, a CLT must be a</li> </ul>

S-R	registered charity (Canada Mortgage and Housing Corporation, 2005)
S-R	<ul style="list-style-type: none"> <li>• There is no formalized structure and evaluation protocol for assigning charitable status (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>• Charities Directorate of Canada Revenue Agency (CRA) evaluates each application on a case-by-case basis (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-F	<ul style="list-style-type: none"> <li>• For some CLTs, acquiring their charitable status is a difficult and lengthy process, and significant limitations may be placed on their operations in order to be registered (Canada Mortgage and Housing Corporation, 2005)</li> <li>• Another challenge for Canadian CLTs is the capital gains tax on lands donated for affordable housing. While a CLT may have its charitable status and be able to issue tax receipts, the value of that receipt may not necessarily offset the capital gains a donor must pay on the appreciated value of that donation (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-F, S-L	<p><b><i>CLTs and Public-Private Partnerships</i></b></p> <ul style="list-style-type: none"> <li>• One option for Canadian CLTs to overcome these challenges is to acquire land through a public-private partnership. Governments are exempt from paying either income or capital gains taxes and thus are in a better position to donate land to CLTs (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• This can take the form of an outright donation or a long-term lease that allows the CLT to use the land and sublease it to low and moderate-income households (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• This latter case is an example of a government allowing the CLT to earn income from government land while retaining both the ownership of that land and the flexibility to use that land for another purpose in the future (Canada Mortgage and Housing Corporation, 2005)</li> </ul>
S-L, S-F	<p><b><i>CLTs and Land Purchase</i></b></p>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Outright purchase</b> - CLT pays for the land in full and upfront</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Joint purchase</b> - CLT enters into a partnership with another organization to purchase the land</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Instalment purchase</b> - CLT purchases the land over time in instalments (the vendor acts as the mortgage holder)</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Outright purchase and life tenancy</b> - CLT purchases the land at a reduced rate and the vendor continues to live on the land with the other lessees (the price reduction is equal to a pre-paid life-long lease)</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Outright purchase and leaseback</b> - CLT purchases the land and the vendor continues to live on the land paying a lease fee over time (like the other lessees)</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Instalment purchase and leaseback</b> - CLT purchases the land over time and the vendor continues to live on the land (the monthly fee paid to the vendor is equal to the monthly instalment minus the lease fee)</li> </ul>
S-L, S-F	<ul style="list-style-type: none"> <li>• <b>Option, or right of first refusal</b> - CLT acquires the right to purchase the land from the vendor at a predetermined price at a future date.</li> </ul>
	<p><b>3. Hanley, L. (1995). <i>Land for Our Future: A guide to land trusts and affordable housing in Canada</i>. Ottawa: Canada Mortgage and Housing Corporation.</b></p>
	<p><b>Abstract/Summary</b></p>
F-AH	<p>Guidebook for setting up a community land trust in Canada, focused on affordable housing.</p>
	<p><b>Key Themes</b></p>



<p>F-EC F-CD, F-ED</p> <p>F-AH F-CD</p> <p>F-ED</p> <p>S-O S-O S-O, S-L S-O</p> <p>S-O, S-F</p> <p>S-O S-O S-L, S-O S-O S-L S-O, S-S</p> <p>S-L S-L S-L, S-F S-L S-O S-R</p> <p>S-O</p>	<p><b><i>What is a land trust?</i></b></p> <ul style="list-style-type: none"> <li>• Conservancy land trusts – protect lands, habitat and ecological features</li> <li>• Community land trusts – enable community social and economic development</li> <li>• Land stewardship trusts – encompass goals of both</li> <li>• Main Objectives of CLT: <ul style="list-style-type: none"> <li>• Ensure long-term use of land as resource for affordable housing</li> <li>• Ensure any increase in potential sale prices is directed to social purposes – protecting public investment in perpetuity</li> <li>• Promote resident control and ownership of housing – low income as a means of ensuring overall community economic development</li> </ul> </li> </ul> <p><b><i>Policies of CLT</i></b></p> <ul style="list-style-type: none"> <li>• Membership in the land trust is open</li> <li>• Leaseholders are guaranteed a percentage of representation on the Board of Directors</li> <li>• Land when purchased is held in perpetuity and is not sold</li> <li>• Land is leased to the resident on a long term basis and the lease is automatically renewable</li> <li>• Base cost changed to the resident is calculated according to what is terms “use value” rather than the “market value” of the land</li> </ul> <p><b><i>Rules of CLT</i></b></p> <ul style="list-style-type: none"> <li>• CLT improvements belong to the owner</li> <li>• CLT assists in cases when the improvements don’t sell</li> <li>• No absentee lease holding is allowed</li> <li>• Leaseholders are allowed to lease only the amount of land required for their specific use</li> <li>• CLT are usually set-up as not for profit corporations</li> <li>• CLT acts as a resource to assist leaseholder to obtain financing and education for developing and maintain their improvements</li> <li>• The land is owned by the community via the trust</li> <li>• Leaseholder rights are non-transferable</li> <li>• Increases in land values can be used to the benefit of the community</li> <li>• Lease fees are not subject to market inflation</li> <li>• Lease fees can be subsidized by the CLR</li> <li>• CLT controls land use planning and modification are designed to achieve the goals of the trust</li> <li>• Membership – democratically controlled by an elected board <ul style="list-style-type: none"> <li>• Lessees</li> <li>• Potential future lessees</li> <li>• Public interest</li> </ul> </li> </ul> <p><b>4. Davis, J. E. (2008). <i>The City-CLT Partnership Municipal Support for Community Land Trusts</i>. Retrieved September 2008, from Lincoln Institute of Land Policy: <a href="http://www.lincolninst.edu/pubs/PubDetail.aspx?pubid=1395">http://www.lincolninst.edu/pubs/PubDetail.aspx?pubid=1395</a></b></p> <p><b><i>Abstract/Summary</i></b></p> <p>While community land trusts (CLTs) have existed since the 1980s, their numbers started to increase rapidly over the last 10 years as local governments contributed their support. Among other accomplishments, these public-private partnerships have helped to expand the nation’s</p>
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F-AH, F-CD	<p>stock of permanently affordable homeownership housing. This report is intended to provide guidance to local officials about the most effective ways to invest in CLT start-ups, projects, and operations to achieve this end.</p>
	<p><b>Key Themes</b></p>
	<p><b>Key Features of Classic CLT</b></p>
F-CD, S-L, S-O S-L	<ul style="list-style-type: none"> <li>• Non-profit, tax exempt corp. – charitable goals by providing housing for low income and neighbourhood redevelopment (Davis J. E., 2008)</li> <li>• Dual ownership – CLT acquires land with intent to hold land title permanently – building are owned separately (Davis J. E., 2008)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>• Leased land – CLTs provide for the exclusive use of their land by the owners of the building thereon through long-term ground lease (Davis J. E., 2008)</li> </ul>
F-AH, S-O, S-S	<ul style="list-style-type: none"> <li>• Perpetual affordability – by design and intent the CLT is committed to preserving the affordability of housing and other structures on its land. The CLT retains option to purchase structures and the resale price is set by a predetermined equation (Davis J. E., 2008)</li> </ul>
S-L	<ul style="list-style-type: none"> <li>• Perpetual responsibility – the ground lease requires owners-occupancy and responsible use of the premise (Davis J. E., 2008)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Open place-based membership – operates in a specific place, accountable to the people who call it home. A CLT deems a “community” to be voting members (Davis J. E., 2008)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Community control – members make up the Board of Directors (Davis J. E., 2008)</li> </ul>
S-O S-O	<ul style="list-style-type: none"> <li>• Tri-partite Governance – Board of Directors has three parts (Davis J. E., 2008): <ul style="list-style-type: none"> <li>○ Lessees</li> <li>○ Residents of surrounding community</li> <li>○ Public official, local funders, non-profit providers of housing or social services and other individuals presumed to speak for the public interest</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Expansionist program – goal to expand holdings (Davis J. E., 2008)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Flexible development (Davis J. E., 2008)</li> </ul>
	<p><b>Cit-CLT Partnership Model</b></p>
S-O	<ul style="list-style-type: none"> <li>• The CLT model is an alternative model to the government subsidy model (Davis J. E., 2008): <ul style="list-style-type: none"> <li>○ Traditional subsidy model creates affordable payments</li> <li>○ CLT model creates affordable housing</li> </ul> </li> </ul>
S-O, S-F	<ul style="list-style-type: none"> <li>• In real estate markets where housing prices rise faster than household incomes, the level of traditional subsidy that each successive homebuyer models to afford market-priced housing increases steadily (Davis J. E., 2008)</li> </ul>
S-F, S-O	<ul style="list-style-type: none"> <li>• CLT strategy invest in stock of permanently affordable, owner – occupied housing uses public and private funds to acquire land and perhaps cover other costs of housing development. CLTs can usually keep homes affordable for many years without the need for additional infusions of public capital (Davis J. E., 2008)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Today, a municipality is just as likely to be the driving force behind a CLT as it is to be an impartial lender or grant maker (Davis J. E., 2008)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Municipal leadership clearly brings several advantages to the new organization (Davis J. E., 2008, p. 33): <ul style="list-style-type: none"> <li>○ Local government sponsorship often provides direct access to both federal and local subsidies to acquire land and build housing.</li> </ul> </li> </ul>

<p>S-O</p> <p>S-O</p> <p>S-O</p> <p>F-AH</p> <p>S-O</p>	<ul style="list-style-type: none"> <li>○ Municipal employees may staff the new CLT, further speeding development of the CLT's first projects.</li> <li>○ Municipal sponsorship often results in the CLT becoming a favoured beneficiary of inclusionary zoning, density bonuses, or other regulatory measures that require private developers to provide affordable units</li> <li>● CLTs formed by local government face a special set of challenges (Davis J. E., 2008, p. 33): <ul style="list-style-type: none"> <li>○ Winning popular acceptance for a new CLT may be difficult when a municipal sponsor has neither the staff to run a participatory planning process nor the street-level credibility to attract grassroots leaders</li> <li>○ Neighbourhoods scarred by urban renewal or municipal neglect, residents may regard a CLT started by local government with suspicion and leave the program with little support in the larger community</li> <li>○ Municipally sponsored CLTs also tend to focus only on housing, ignoring the model's potential for holding lands, developing projects, and mobilizing constituencies for non-residential activities. Particularly when a local government starts a CLT expressly to enhance the effectiveness and longevity of its affordable housing investments, it is unlikely to take a more comprehensive approach to community development and community empowerment</li> </ul> </li> <li>● <i>In some places, greater municipal involvement in governance may be a practical and productive strategy, either as a temporary arrangement until the CLT is firmly established or as a permanent alternative to the classic community-based structure. However, the consensus among most practitioners who staff, assist, or fund CLTs is that community land trusts are more successful when they are structured and perceived as somewhat independent of their municipal sponsors (Davis J. E., 2008, p. 35)</i></li> </ul> <p><b>5. GLA Housing and Homelessness Unit. (2004, November). <i>Community land trusts &amp; mutual housing models: a research report for the Mayor of London</i>. Retrieved March 2009, from London Housing Strategy: <a href="http://www.london.gov.uk/mayor/housing/docs/community_land_trusts_models.pdf">http://www.london.gov.uk/mayor/housing/docs/community_land_trusts_models.pdf</a></b></p> <p><b>Abstract/Summary</b></p> <p>The Community Land Trust (CLT) in Burlington was incorporated in 1984 with \$200,000 seed funding from the City authorities and a pledge of continuing support. It was the first municipally funded CLT in the USA, and is now the largest and most well developed. The Mayor of Burlington Peter Clavelle saw housing as a basic right to which everyone should be entitled, rather than a speculative commodity. When looking for a housing model that provided for future generations as well as meeting current housing needs the city of Burlington opted to support the CLT model, and has not looked back. Again, it was political action by civic leaders that was crucial to the birth and continued success of the project. Both in their twentieth year, Coin Street and Burlington CLT are proof that another way is possible. Both have succeeded in regenerating their local neighbourhoods and providing affordable housing, and both have won awards for their outstanding achievement and innovation in their community development work. Like Burlington, London has a pressing need for a supply of affordable housing, both now and for years to come. Despite differences in social policy the CLT model is as relevant here as it is in the USA, and a new model of affordable housing developed by CDS Co-operatives and based on the CLT concept combines the benefits of both the Burlington CLT and the Coin Street development trust model. Delivering permanently affordable housing on a co-operative basis whilst enabling members to benefit from the equity accumulation bestowed by home ownership, this new mutual model has the support in principle of the Mayor of London. What is now required is the financial commitment necessary to get a pilot demonstration project up and running.</p>
<p>F-AH, F-CD</p>	<p><b>Key Themes</b></p>

<p>F-AH, S-O</p> <p>S-L</p> <p>S-O</p> <p>S-O</p> <p>S-O</p> <p>S-S, S-G</p> <p>S-S</p> <p>S-S</p> <p>S-S</p> <p>F-CD</p> <p>S-L</p> <p>S-L</p> <p>S-O</p> <p>S-S</p> <p>S-S</p> <p>S-O</p>	<p><b><i>Community land trust-mutual home ownership model</i></b></p> <ul style="list-style-type: none"> <li>• Gifted or discounted land is removed from the market and held in a CLT, a non-profit Industrial &amp; Provident Society for Community Benefit or Community Interest Company democratically owned and controlled by its members and the local community (GLA Housing and Homelessness Unit, 2004, p. ii):       <ul style="list-style-type: none"> <li>○ CLT leases the land on a 99-year lease to a Mutual Home Ownership Trust (MHOT), a shared-equity bona fide housing co-operative</li> <li>○ Membership of the MHOT bestows access to lower mortgages costs on a corporate rather than an individual basis</li> <li>○ Ability to accumulate an equity stake in the property that is paid out on departure proportionate to the amount they have paid in as well as taking into account rising local property prices</li> <li>○ Monthly payments are flexible and based on 30-35 per cent of a member's income</li> </ul> </li> <li>• No urban CLT providing affordable housing in the UK, development models based on the governance structures of a CLT are also underway in Wales and south west England (GLA Housing and Homelessness Unit, 2004)</li> <li>• Emphasis on community control and ownership of the resources central to neighbourhood regeneration (GLA Housing and Homelessness Unit, 2004)</li> <li>• Take into account the role housing co-operatives can play in building community capacity (GLA Housing and Homelessness Unit, 2004)</li> <li>• Tackles social exclusion and create sustainable, balanced communities, as well as its new localism agenda, with its focus on community and consumer control of services (GLA Housing and Homelessness Unit, 2004)</li> </ul> <p><b><i>CLTs in the United States</i></b></p> <ul style="list-style-type: none"> <li>• CLT model as developed by Robert Swann of the EF Schumacher Society sought to decommo-ditise land by removing it from the market and placing it into a regional system of mutual trusteeship (GLA Housing and Homelessness Unit, 2004)</li> <li>• Acquiring a parcel of land through gift or purchase, the CLT develops a land use plan and then leases the site on a 99 year lease for the purposes agreed upon (GLA Housing and Homelessness Unit, 2004)</li> <li>• Leaseholder owns the buildings and is able to capitalise upon the value of any improvements made to the property upon resale, the value of the land itself is excluded from the transaction as it remains in the ownership of the CLT, thus guaranteeing its status as an affordable resource for future generations and available for utilisation by the local community (GLA Housing and Homelessness Unit, 2004)</li> <li>• Swann's key innovation was to devise a tripartite organisational structure for sound local land management that aimed to preclude demutualisation through the balanced involvement of key local stakeholders (GLA Housing and Homelessness Unit, 2004)</li> <li>• <i>CLTs were originally conceived as a vehicle to achieve land reform, with the land both held in common and for the common good, thus enabling the community to meet a variety of social, economic and environmental needs and objectives. Some CLTs operate as conservation or environmental land trusts, but as rising house prices and interest rates began to push home ownership beyond the reach of low income people in the 1980s CLTs became increasingly used as a means to provide affordable housing</i> (GLA Housing and Homelessness Unit, 2004, p. 6)</li> <li>• CLTs are a mechanism for local residents and the wider community to reverse neglect and abandonment through capturing any of the value they have worked to create, enabling them to help control and shape redevelopment whilst preventing speculation and without causing displacement (GLA Housing and Homelessness Unit, 2004)</li> </ul>
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S-O	<ul style="list-style-type: none"> <li>• The CLT's area of operation is shaped by numerous factors, including (GLA Housing and Homelessness Unit, 2004): <ul style="list-style-type: none"> <li>○ Interests of the initial founders</li> <li>○ Housing needs of the community in question</li> <li>○ Location of opportunities for project development</li> <li>○ Activities of other housing and community development groups in the locality</li> </ul> </li> <li>• Key findings regarding how a CLT could operate include (GLA Housing and Homelessness Unit, 2004, p. 10) <ul style="list-style-type: none"> <li>○ A CLT needs a business plan that includes its aims and objectives, what it intends to deliver and quantifying what resources it will need. This will be used to establish credibility with the community and other partners, and to raise finance. It was essential to have a vision of how community control of local assets could improve the quality of life in a neighbourhood.</li> <li>○ A CLT must offer people greater control over their lives than can be achieved through traditional organisations, and adds value to the renewal process only if it achieves greater credibility than existing organisations. It should not duplicate roles already carried out by others.</li> <li>○ Its credibility would be enhanced if it adopted a non-profit-distributing mutual model owned by its members and registered as an Industrial &amp; Provident Society with the Financial Services Authority. Its rules must give it wide powers to acquire, develop and manage assets for the benefit of the community. Whilst charitable status for a CLT is unlikely, it could be possible for CLTs to be RSLs.</li> <li>○ A group structure, with local CLTs as subsidiaries of a parent CLT would enable the CLT model to be adapted to meet various needs and perform a range of roles in different communities. This model would also benefit from intra-group VAT relief.</li> <li>○ As a non-public body the CLT can take advantage of its status to raise private finance without the constraints faced by local authorities. As well as conventional loans secured on its assets, as an Industrial &amp; Provident Society the CLT could seek to raise loan stock.</li> </ul> </li> </ul>
	<p><b>6. The Countryside Agency. (2005). <i>Capturing value for rural communities community land trusts and sustainable rural communities</i>. Retrieved January 2009, from Community Land Trust:</b>  <a href="http://www.communitylandtrust.org.uk/documents/CA%202009%20web.pdf">http://www.communitylandtrust.org.uk/documents/CA%202009%20web.pdf</a></p>
	<p><b>Abstract/Summary</b>  This paper profiles a number of rural community land trusts in the United Kingdom.</p>
	<p><b>Key Themes</b></p>
	<p><b><i>Setting up a Community Land Trust</i></b></p>
S-S, S-G	<ul style="list-style-type: none"> <li>• Turn a local problem into an opportunity (examples) (The Countryside Agency, 2005): <ul style="list-style-type: none"> <li>○ Confiscation of Commons lands</li> <li>○ Proposed sale of the Isle of Gigha under their feet</li> <li>○ Shortage of affordable housing for local people</li> <li>○ Failing agricultural businesses</li> <li>○ Post-industrial blight</li> <li>○ Rural decline</li> </ul> </li> </ul>
S-S	<ul style="list-style-type: none"> <li>• Guiding values (The Countryside Agency, 2005): <ul style="list-style-type: none"> <li>○ Co-operative principles – “Capturing land value through CLTs is an issue of social justice for the upcoming generations who have been disenfranchised by rising land values” (Ken Bartlett, chair of the 2000 Joseph Rowntree Land Inquiry)</li> </ul> </li> </ul>

S-L	<ul style="list-style-type: none"> <li>○ Community benefit and mutualism</li> <li>○ Stewardship, participative democracy and cooperative principles</li> <li>○ Self-help, self-responsibility, democracy, equality, solidarity, honesty, openness, social responsibility, caring for others</li> <li>○ Public policy and enabling legal framework</li> <li>● Acquiring land (The Countryside Agency, 2005): <ul style="list-style-type: none"> <li>○ Bought using public grants</li> <li>○ Gifted</li> <li>○ Bought at below market rates – identified community uses from local authorities, health authorities, another public landowners</li> <li>○ Entrusted under long leases – local authority and regional or central government</li> <li>○ Endowed – enduring community benefit by statutory bodies such as English Partnerships</li> <li>○ Obtained through Section 106 planning gain</li> <li>○ Disposed of for best community value by government bodies</li> <li>○ Secured at agricultural land prices under rural exception site planning permission</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>● Sustainable development: integrating housing and workspace (The Countryside Agency, 2005)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>● Community participation and technical aid – enabling organisations provide technical support to projects (The Countryside Agency, 2005)</li> </ul>
S-S	<ul style="list-style-type: none"> <li>● Champions, sponsors and local partnerships (The Countryside Agency, 2005) <ul style="list-style-type: none"> <li>○ Grassroots groups</li> <li>○ Statutory bodies</li> <li>○ Local land lord</li> <li>○ Key employer</li> <li>○ A non-profit organization</li> <li>○ Housing association</li> </ul> </li> </ul>
S-L	<ul style="list-style-type: none"> <li>● Development trust</li> <li>● Partnership, funding and development – raising the initial development funding and the core operational funding for setting up and running CLTs is a key issue (The Countryside Agency, 2005)</li> </ul>
	<p><b>Recommendations</b></p>
S-G	<ul style="list-style-type: none"> <li>● A number of key recommendations flow from this research which would help to establish this (The Countryside Agency, 2005, p. 53):</li> </ul>
S-R, S-O	<ul style="list-style-type: none"> <li>○ Local authorities, the health service, English Partnerships and other government agencies should follow Devon CCs example and seek opportunities to make land available for the development of Community Land Trusts (CLTs).</li> </ul>
S-R, S-O	<ul style="list-style-type: none"> <li>○ Tax and other incentives should be explored which would encourage private landowners and companies to donate land or buildings to CLTs or to discount the price.</li> </ul>
S-O,S-S	<ul style="list-style-type: none"> <li>○ The Housing Corporation should encourage housing associations and housing co-operatives to work with local communities, local authorities, rural housing enablers and others to promote and develop CLTs.</li> </ul>
S-O	<ul style="list-style-type: none"> <li>○ A rural CLT demonstration project should be set up to take these recommendations forward in a cross-section of villages, market and coastal towns in high and low value areas of England. The partnership could include English Partnerships, the Housing Corporation and the Regional Development Agencies.</li> </ul>
S-O	<ul style="list-style-type: none"> <li>○ A CLT network should be considered to disseminate good practice and promote public understanding and acceptance of this mutual approach to ownership of land and property.</li> </ul>
S-S, S-O	

<p>S-S</p> <p>S-L</p> <p>S-F</p> <p>S-R</p>	<ul style="list-style-type: none"> <li>○ All local authorities involved in regeneration schemes and programmes should consider setting up areas of land for community land trusts in order to underpin the development of ‘sustainable communities’ by locking in land value and retaining appropriate mixed housing, green space, and local services and enterprises as land values appreciate.</li> <li>○ The extension of common hold legislation should be explored to enable new forms of mutual property ownership and co-operative tenure to be developed.</li> <li>○ Funding should be available to promote the formation of local CLTs, and provide revolving loans for land purchase and other capital costs.</li> <li>○ Changes to the planning system through the introduction of Local Development Frameworks should be responsive to the development aspirations of communities, particularly with regard to land for community-based developments to be held by community land trusts.</li> </ul>
<p>F-AC</p> <p>T-ME</p> <p>F-AC</p> <p>S-S</p> <p>F-AC</p>	<p><b>7. Hamilton, B. (2007). Agricultural land trusts:preserving small farm heritage. In J. Loxley, J. Silver, &amp; K. Sexsmith, <i>Doing Community</i> (p. 184). Halifax: Fernwood Publishing.</b></p> <p><b>Abstract/ Summary</b></p> <p>Agriculture land trusts as a CED intervention in rural municipalities</p> <p><b>Key Themes</b></p> <p><b><i>Agricultural Land Trusts</i></b></p> <ul style="list-style-type: none"> <li>● <i>“Despite the many negative impacts globalization has had on rural communities, many people seem to cling to a free market ideology. A model that places importance on the non-economic dimensions of farming, and takes an alternative approach to property rights, presents a challenge to this way of thinking”</i> (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007, p. 185)</li> <li>● Agriculture Land Trusts – designed to address the loss of farmland to urban sprawl and ex-urban development (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> <li>● An agricultural land trust assumes the broader community has a legitimate interest in land as a resource and how it is used (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> <li>● Preconditions to be met for agricultural land trusts (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007): <ul style="list-style-type: none"> <li>○ Community has a common identity, issues and sense of community</li> <li>○ Critical mass of interested people and potentially available land</li> <li>○ Local grassroots effort</li> </ul> </li> <li>● Define membership, land use decision making process and conflict resolution process (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> </ul> <p><b><i>Geographic Examples</i></b></p>
<p>S-O</p>	<ul style="list-style-type: none"> <li>● Genesis Land Conservancy example in Saskatchewan (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007) <ul style="list-style-type: none"> <li>○ Land is leased to beginning farmers</li> <li>○ The trust land generally forms only a portion of the farming operation of the</li> </ul> </li> </ul>

S-O	<ul style="list-style-type: none"> <li>leasing farmer <ul style="list-style-type: none"> <li>○ The trust land is an incremental addition to the farmer's operation and is intended to improve the operations viability</li> <li>○ The trust assembles land by direct gift, bequest made in a will, preferred sale, joint ownership, retained life interest</li> <li>○ Strength lies in communication and long term planning and patience</li> </ul> </li> </ul>
S-G, S-O	<ul style="list-style-type: none"> <li>• Southern Alberta Land Trust Society example (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007) <ul style="list-style-type: none"> <li>○ Agricultural land trust that uses conservation easements to preserve existing cattle ranches and prevent future owners from changing the use of ranch lands</li> </ul> </li> <li>• Feedback from the author's focus groups on the positive features of the land trust concept (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007): <ul style="list-style-type: none"> <li>○ Permanent nature as a community institution</li> <li>○ Removed from the political cycle</li> <li>○ Longer leases making it more practical to improve land and to plan</li> <li>○ Incorporation of the principles of sustainability</li> <li>○ Lends itself to co-operative and neighbourly collaboration</li> <li>○ Possibility of government assistance</li> <li>○ Professional assistance</li> <li>○ Could help new farmers</li> </ul> </li> </ul>
S-G S-S	<ul style="list-style-type: none"> <li>• Preconditions for creating an agricultural land trust in Franklin, MB (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007) <ul style="list-style-type: none"> <li>○ Place matters – the design of an agricultural land trust should reflect the differences in the needs on local farmers</li> <li>○ Critical mass of land and people</li> </ul> </li> </ul>
S-G	<ul style="list-style-type: none"> <li>• Potential exists to create regional land trust structure with locally defined projects would allow different approaches to be taken in different parts of the municipality (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Would allow collaboration with a wider regional community operate and effective land trust organization (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Would allow collaboration with a wider regional community operate and effective land trust organization (Hamilton B. , Agricultural land trusts:preserving small farm heritage, 2007)</li> </ul>
	<p>8. Swann, R. (1989). Chp. 3 Alternatives to ownership: land trusts as land reform, Chp.5 Different types of land trusts, Chp. 12 Forest land trusts. In W. Morsehouse (Ed.), <i>Building Sustainable Communities: Tools and Concepts for Self-Reliant Economic Change</i> (pp. 19-43). New York: Bootstrap Press.</p>
	<p><b>Abstract/Summary</b></p> <p>Alternative to individual or state land ownership</p> <p><b>Key Themes</b></p>
T-R	<ul style="list-style-type: none"> <li>• Community ownership and control, land is leased by the community to individuals of families but equity in ownership of homes or other improvements is retained by the individual or family (Swann R. , 1989)</li> </ul>
F-AH	<ul style="list-style-type: none"> <li>• The Community Land Trust movement is aimed at increasing the productivity of the land by reducing speculation and providing access to land by individuals and families who otherwise lack such access (Swann R. , 1989)</li> </ul>
T-ME	<ul style="list-style-type: none"> <li>• Caused by failures of traditional land reform (loss of credit infrastructure, reversion of land to a few landowners who control credit structures, a failure of market development etc. (Swann R. , 1989)</li> </ul>
F-CD, F-EC	<ul style="list-style-type: none"> <li>• Land trust can have a positive ripple effect on the economy and ecology of an entire community (Swann R. , 1989)</li> </ul>
F	



<p>T-SE</p> <p>F</p> <p>F-EC</p> <p>S-L</p> <p>S-F</p> <p>S-O</p>	<ul style="list-style-type: none"> <li>• Different types of land trusts (Swann R. , 1989): <ul style="list-style-type: none"> <li>○ Land conservation trusts (LCT) – protect and preserve nature</li> <li>○ Community land trusts (CLT) – motivated by egalitarian concerns</li> <li>○ Forest land trusts (FLT) – objective to bring unmanaged forest land into timber production</li> </ul> </li> <li>• CLT and LCT both are dedicated to land stewardship and protection of the land from profit-oriented exploitation and are intended to be sensitive to environmental issues (Swann R. , 1989)</li> <li>• CLTs emphasize productive use of land in contrast to the LCT’s usual productivity toward preservation for nature areas (Swann R. , 1989)</li> <li>• Forest land trust– objective to bring unmanaged forest land into timber production (Swann R. , 1989): <ul style="list-style-type: none"> <li>○ A group of landowners convey their development rights to the FLT</li> <li>○ The landowners form a partnership to pool their timber resources in a long range forestry program managed by the partnership and or the FLT</li> <li>○ FLT lease the forest land on a long term basis from each forest land owner or a limited partnership is established of the landowners and their share o the partnership equals the value of the forests (not the land)</li> <li>○ The value of the development rights of the land is determined by subtracting the use value form the market value, thus, if the market value is \$1000 and the use value is \$200 the development right values is \$800 this value is gifted to the trust</li> <li>○ Benefits increase the value of the timber, provide additional income to the landowners and give them tax deductions (Swann R. , 1989, p. 40 &amp; 41) <ul style="list-style-type: none"> <li>▪ Management plan: FLT combines several tracts of land under a single management plan, economy of scale necessary for efficient management and maximum returns. Forest landowners can participate without giving up rights of ownership</li> <li>▪ Permanent trust: By placing conservation restrictions on the forested part of the property the land owners ensures that the Trust will be able to develop long-term, ecologically sound management.</li> <li>▪ Other benefits: income savings, property tax savings, timber revenue insured (through professional management), community benefits</li> </ul> </li> </ul> </li> </ul> <p><b>Key Web Sites</b></p> <p><i>Resource Sites</i></p> <ul style="list-style-type: none"> <li>• Burlington Associates in Community Development - <a href="http://www.burlingtonassociates.com/">http://www.burlingtonassociates.com/</a></li> <li>• Community Land Trusts - <a href="http://www.communitylandtrust.org.uk/">http://www.communitylandtrust.org.uk/</a></li> <li>• Canada Mortgage and Housing Corporation – Community Land Trusts - <a href="http://www.cmhc.ca/en/inpr/afnoce/tore/afhoid/fite/colatr/colatr_001.cfm">http://www.cmhc.ca/en/inpr/afnoce/tore/afhoid/fite/colatr/colatr_001.cfm</a></li> <li>• Institute for Community Economics - <a href="http://www.iceclt.org/">http://www.iceclt.org/</a></li> <li>• Land for People - <a href="http://www.landforpeople.co.uk/">http://www.landforpeople.co.uk/</a></li> <li>• The E.F. Schumacher Society - <a href="http://www.smallisbeautiful.org/publications/essay_land.html">http://www.smallisbeautiful.org/publications/essay_land.html</a></li> <li>• The Lincoln Institute - <a href="https://www.lincolninst.edu/">https://www.lincolninst.edu/</a></li> <li>• CEDWorks – <a href="http://www.cedworks.com/files/pdf/free/P203FSS01.pdf">http://www.cedworks.com/files/pdf/free/P203FSS01.pdf</a></li> </ul> <p><i>CLTs in Alberta and British Columbia</i></p> <ul style="list-style-type: none"> <li>• Calgary Community Land Trust – <a href="http://www.cclt.ca/index.htm">http://www.cclt.ca/index.htm</a></li> <li>• Community Land Trust St. Albert - <a href="http://www.stalbert.ca/uploads/files/our_government/administration/planning_engineerin_g/Feasibility_Study_Report_28_November_2006_1.pdf">http://www.stalbert.ca/uploads/files/our_government/administration/planning_engineerin_g/Feasibility_Study_Report_28_November_2006_1.pdf</a></li> <li>• Central Edmonton Community Land Trust –</li> </ul>
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	<ul style="list-style-type: none"><li>• <a href="http://www.carleton.ca/cedtap/stories/central_edmonton_en.htm">http://www.carleton.ca/cedtap/stories/central_edmonton_en.htm</a></li><li>• Alberta Industrial Heartland Land Trust Society – <a href="http://www.ihcari.com/pdf/vol_prop_purch_prog_infobook_feb17_06.pdf">http://www.ihcari.com/pdf/vol_prop_purch_prog_infobook_feb17_06.pdf</a></li><li>• Vernon and District Community Land Trust – <a href="http://www.communitylandtrust.ca">http://www.communitylandtrust.ca</a></li><li>• Islands Trust - <a href="http://www.islandstrust.bc.ca/lrc/SS/default.cfm">http://www.islandstrust.bc.ca/lrc/SS/default.cfm</a></li></ul>
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	<h2>D. Model 3: Land Banking - Cooperative and Municipal</h2> <p><b>1. Cullingworth, J. B. (1987). <i>Urban and Regional Planning in Canada</i>. New Brunswick: Transaction Books.</b></p> <p><b>Abstract/Summary</b></p> <p>History of land banking in Canada with case study of the Saskatchewan Housing Corporation.</p> <p><b>Key Themes</b></p> <p><b>History</b></p> <ul style="list-style-type: none"> <li>• Definition of land banking in Canada – process of public acquisition of land for development in anticipation public needs of the community (Cullingworth, <i>Urban and Regional Planning in Canada</i>, 1987)</li> <li>• Between 1950 to 1972, a total of \$118 million of federal funds were used to finance the acquisition of 159 separate projects - 102 of them were for local housing markets (Cullingworth, <i>Urban and Regional Planning in Canada</i>, 1987)</li> <li>• In 1973 the federal government made \$500 million available in loans to provinces over the following five years to acquire land that would be serviced and sold as building lots to the National Housing Act (Cullingworth, <i>Urban and Regional Planning in Canada</i>, 1987)</li> <li>• Six ways in which the public assembly and development land resulted in cheaper land prices were quoted from Dennis and Fish 1972: 325 as presented on (Cullingworth, <i>Urban and Regional Planning in Canada</i>, 1987, p. 168): <ul style="list-style-type: none"> <li>○ There is no speculative profit on raw land prices. Land can be acquired well in advance of need, and sold for acquisition cost, plus carrying charges, plus servicing costs plus perhaps a small profit. Over the same period of time between acquisition and sale, privately developed land may turn over a dozen times, under the pressure of market forces;</li> <li>○ Government can buy more cheaply with the power of expropriation at fair market value, without paying holdout prices;</li> <li>○ Because of its planning powers, government can ensure that all of its land is marketed. It will always be in the right place. Private developers must charge enough on one parcel to cover losses on others;</li> <li>○ Public holding costs are lower, because it can borrow money more cheaply;</li> <li>○ Public servicing costs may be lower because of economies of scale. They may also be lower because municipalities will no longer set the highest possible standards, requiring gold plated services, when they must pay for them themselves;</li> <li>○ Not only is publicly developed land cheaper than that developed privately, but large scale public land development activity has a moderating effect on private prices. The knowledge that a large inventory of public land can flood the market at any time that price increases get out of hand discourages excessive profit taking</li> </ul> </li> </ul> <p><b>Saskatoon Case</b></p> <ul style="list-style-type: none"> <li>• City acquired land during tax forfeits during the Depression</li> <li>• By 1945 City held 8,500 building sites</li> <li>• Reduced carrying costs to builders because City owned land</li> </ul>
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	<p><b>2. Enders, M. J. (1986). The problem of land banking: a French solution. <i>Environment and Planning C: Government and Policy</i>, 4, 1-17.</b></p> <p><b>Abstract/Summary</b></p> <p>Land-banking efforts in the United States of America have been hampered by several obstacles, the most important of which involve the structural and operational characteristics of a land-banking agency. These are the difficulty of operating at a regional scale, the problem of linking land banking to the planning process, and the scarcity of financial resources. An unusual type of French land-banking agency, the public real-estate corporation, may provide the answers as to how these obstacles can be overcome. This paper provides an analysis of the structure, policies, financing, and operations of one such agency, the Lower Seine Valley Public Real Estate Corporation or EPBS (Établissement Public Foncier de la Basse Seine).</p> <p><b>Key Themes</b></p> <p><b>Challenges – United States</b></p> <ul style="list-style-type: none"> <li>• Five major obstacles to the implementation of land banks in the United States (Enders, The problem of land banking: a French solution, 1986, p. 1&amp;2) <ul style="list-style-type: none"> <li>• First, there is the psychological obstacle: a large portion of the population has a deep-rooted belief that it is not the proper role of government to purchase and hold land unless such properties are destined for a clearly public use.</li> <li>• The second obstacle to the establishment of public land-banks is a legal one. To be effective, a land-bank agency must have the power to condemn land. In most states, amendments would have to be made either to the constitution or to the statutes before the power of eminent domain could be used for the purpose of land banking.</li> <li>• Most studies of the land-bank concept are in agreement that such an agency, to be effective, must operate at a metropolitan or regional scale (for example, see AIA, 1972; Fishman, 1975; Fitch and Mack, 1974; Kamm, 1970; 1975; Reys, 1967), the exact administrative level at which there is a paucity of strong governmental units in the USA. The problem, thus, is how to create a regional land-bank agency without creating a new layer of bureaucracy. Given the present concern over the cost and size of government, this is a critical obstacle.</li> <li>• If we presume that a regional land-bank agency could be established, what kind of control mechanism would assure that the actions of this agency would conform to the plans, programs, and objectives of the local governments within the region? Since land banking is essentially an implementation technique, it must somehow be directly linked to the planning process to be effective.</li> <li>• Last, and perhaps most importantly, there is the financial obstacle. As has been shown by the experiences of the few limited-scope local land-bank operations in existence, such efforts must be well funded if they are to realize their objectives (Burrows, 1978, page 20; Gleeson et al, 1974, pages II-39-II-41). To cope with its heavy burden of acquisition and carrying costs, a land-bank agency would require a strong and steady supply of funds. Yet how could such a revenue source be created in an era of tax revolts and fiscal austerity?</li> </ul> </li> <li>• Of the five obstacles to the creation of land banks, those concerning the structure and operation of such agencies are the most critical (Enders, The problem of land banking: a French solution, 1986)</li> </ul> <p><b>French Case Study</b></p>
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S-F	<ul style="list-style-type: none"> <li>• Context <ul style="list-style-type: none"> <li>• French governmental structure differs considerably from that of the USA (Enders, The problem of land banking: a French solution, 1986)</li> <li>• French and US municipalities both have limited financial resources (Enders, The problem of land banking: a French solution, 1986)</li> <li>• In France, however, the situation is worse because local governments lack any truly important local revenue-generating taxes and are prohibited from creating any new taxes which are not approved by national laws (Enders, The problem of land banking: a French solution, 1986)</li> <li>• Few French municipal councils are interested in using their limited capital-improvement funds for an activity such as land-banking which requires (Enders, The problem of land banking: a French solution, 1986) expenditures over many years and whose results will not be seen in the short run</li> <li>• From the viewpoint of the local elected officials, land banking is a politically dangerous activity because it often requires the condemnation of private property, a controversial action even in France (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> <li>• The EPBS <ul style="list-style-type: none"> <li>• Created as a consequence of planning efforts undertaken by the French government to control the pattern of urban development in the Lower Seine River Valley corridor between Paris and Le Havre (Enders, The problem of land banking: a French solution, 1986)</li> <li>• Two linked, yet distinct, issues arose during the search for a suitable mechanism for land banking (Enders, The problem of land banking: a French solution, 1986): <ul style="list-style-type: none"> <li>▪ The first involved the best organizational structure for the agency</li> <li>▪ Second concerned the means by which the land-banking activities would be financed</li> </ul> </li> <li>• A single-purpose agency, unencumbered by red tape, responsive and accountable to local elected officials, and free to act anywhere within the region defined by the Lower Seine Valley plan became the preferred organizational form (Enders, The problem of land banking: a French solution, 1986): <ul style="list-style-type: none"> <li>▪ To be able to operate quickly and effectively, tie planning to implementation, and ensure that land banking would be given the needed attention and not be relegated to the sidelines.</li> <li>▪ To act independently and effectively, the new agency would also require an independent revenue source having a continual guaranteed flow not subject to unforeseeable fluctuations.</li> </ul> </li> <li>• The solution chosen by the French government was to create a public corporation with responsibility for land-banking activities within the Lower Seine River Valley (Enders, The problem of land banking: a French solution, 1986)</li> <li>• Under French law, a public corporation is a legal entity governed by a council of administration (of whom at least half must be local elected officials) and having its own proper financial system separate from that of the national government.</li> <li>• To fund the corporation's activities, the alternatives were quickly reduced to a single feasible solution: a local tax which would be levied within the jurisdictional area of the new agency (Enders, The problem of land banking: a French solution, 1986)</li> <li>• The EPBS is empowered to engage in any real-estate transaction which will further the implementation of the plan for the Lower Seine River Valley. To carry out this task, the agency has been given the power of eminent domain (Enders, The problem of land banking: a French solution, 1986)</li> <li>• To be successful, the new land-banking agency had to have a strong and steady source of funds. As the benefits of the activities of the EPBS would accrue</li> </ul> </li> </ul>
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S-O	<p>primarily to those living within its area of jurisdiction, it was decided that the source of funding would have to be correspondingly localized (Enders, The problem of land banking: a French solution, 1986)</p>
S-O	<ul style="list-style-type: none"> <li>• The EPBS began operating in 1968 with a cash advance of a half million francs from the national government to cover the start-up costs until the revenues from the special infrastructure tax were available (Enders, The problem of land banking: a French solution, 1986)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>• Basic objectives of its policy (Enders, The problem of land banking: a French solution, 1986):</li> </ul>
S-F	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ They are the prevention of land speculation, the acquisition of land for future development projects, and the purchase of land for the preservation of open space.</li> </ul> </li> </ul>
S-O, F-CD	<ul style="list-style-type: none"> <li>• Principles underlying the EPBS land-banking policy (Enders, The problem of land banking: a French solution, 1986):</li> </ul>
S-O	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ The EPBS will only purchase land upon the request of a local government or other public agency</li> </ul> </li> </ul>
S-R	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ Any acquisition undertaken by the agency must be in the general public interest and must be in conformance with the policies and recommendations of the regional or local land-use plans.</li> </ul> </li> </ul>
S-R	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ Although the EPBS will resell its acquisitions to local governments and other public bodies, it refuses to sell directly to the private sector.</li> </ul> </li> </ul>
S-F	<ul style="list-style-type: none"> <li>• Land Banking Process:</li> </ul>
S-O, S-L	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• EPBS sees its role as that of being a planning-implementation tool for local governments and other public agencies; it only acts in response to requests from its clients (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-L, S-O	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• The requests it receives each year are far greater than its ability to respond. When the local governments submit their requests, these are forwarded to the Real Estate Committee of the Council of Administration which evaluates and assigns priorities to each request (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• If it appears that the local government has sufficient financial resources to carry out the requested purchase on its own, the Council will encourage the local officials to do so without any assistance from the EPBS (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-G	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• Once the Council of Administration approves a purchase request, it must make an official legal declaration that the proposed acquisition is in the public interest. Normally the policies and recommendations of either the local or regional land-use plan are used as the basis to show how the proposed action is in the public interest (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-R	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• The EPBS requires, as a condition of its agreement to acquire land on behalf of a local government, that the municipality repurchase the property from the agency within a five-year period (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• The local government is expected to use the repurchased land only for the purposes for which the property is designated in the local land-use plan.</li> </ul> </li> </ul>
S-R	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• When they repurchase property from the EPBS, the local governments pay the original purchase price plus a modest surcharge of 3.5% per annum to cover some of the agency's administrative costs (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
S-R	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>• The local governments are not under any obligation to retain ownership of the repurchased properties, but may resell them to private developers so long as the lands are used in conformance to the local plan. No conditions are placed on the price at which they may resell the land, so most local governments increase the</li> </ul> </li> </ul>

<p>S-F</p> <p>F-CD, F-ED</p>	<p>price of the properties that they sell to private developers to generate the funds that will be needed to pay for the various infrastructure improvements necessitated by the development of these parcels (Enders, The problem of land banking: a French solution, 1986)</p> <ul style="list-style-type: none"> <li>• There are three ways by which the EPBS can purchase property. These are friendly purchase, exercise of the right of pre-emption, and use of the power of eminent domain (Enders, The problem of land banking: a French solution, 1986)</li> </ul> <ul style="list-style-type: none"> <li>• Lessons <ul style="list-style-type: none"> <li>• The first lesson provided by the EPBS is that land banking must occur at the regional scale, covering the area encompassed in a regional plan, if it is to be effective in guiding land-use and development patterns (Enders, The problem of land banking: a French solution, 1986)</li> <li>• To be effective, the actions of the land-banking agency must be directly linked to the planning process (Enders, The problem of land banking: a French solution, 1986): <ul style="list-style-type: none"> <li>▪ First, by having a board of directors composed of local elected officials who supervise the agency's activities, determine its policies, and set its priorities, there is a guarantee of coordination and conformity.</li> <li>▪ Second, by making the director of the regional planning agency the ex-officio director of the land-banking agency, a strong link is assured between land-use planning and land banking.</li> <li>▪ Third, by establishing a policy to approve land-purchase requests only when such actions are in conformance with regional and local plan objectives, the land banking agency can further tie its activities to the planning process.</li> </ul> </li> <li>• Successful land banking requires a steady continual source of funds. A special-purpose tax for land banking will be acceptable to the public if such a tax is extremely low and if there exists legal guarantees to ensure that such a tax remains low (Enders, The problem of land banking: a French solution, 1986)</li> <li>• Finally, if a land-banking agency is to be successful, it should neither limit its purchases to lands to be kept in the public sector nor should it be given any functions beyond that of land banking. To gain acceptability, the land-banking agency must be seen as a tool for aiding the economic development and revitalization efforts of the region and its local governments. If it does not assist in the assembly and provision of land for development projects, but merely focuses on taking land permanently out of private ownership, the agency will soon be viewed with hostility by the private sector (Enders, The problem of land banking: a French solution, 1986)</li> </ul> </li> </ul>
<p>F-SG</p>	<p><b>3. Flechner, L. H. (1974). <i>Land Banking in the Control of Urban Development</i>. New York: Praeger Publishers.</b></p> <p><b>Abstract/Summary</b></p>
<p>F-CD, F-ED, F-AH</p>	<p>Public intervention in the land market is part of a natural progression of control mechanisms for plan implementation, including provision of information, location of major infrastructure elements, zoning and subdivision regulations, taxation policies and public land acquisition. At one scale of public acquisition for example, advance acquisition of land for public facilities, such public interventionist an aid in plan implementation but is not a major moving force in directing growth. As viewed in this study, metropolitan land banking is not simply one of a number of land-use controls. Rather, the pervasiveness of metropolitan land banking would make it the central force in implementing plans, with all other controls shaped in its support (p. vi).</p>

<p>S-O S-O</p> <p>S-L S-O</p> <p>S-O F-SG</p> <p>F-SG, F-CD, F-EC, F-ED</p>	<p><b>Key Themes</b></p> <p><i>Types of Land Banking</i></p> <ul style="list-style-type: none"> <li>• General land banking and project land banking (Flechner, 1974, p. 7):             <ul style="list-style-type: none"> <li>○ General land banking – the acquisition of developed and undeveloped land, holding of land and disposition of land for all types of land uses – public and private – without prior specification of the use for particular sites, by a public body whose deliberate purposes are control of metropolitan growth pattern and/or regulation of metropolitan land prices and/or capturing of capital gains and/or regulation of land use</li> <li>○ Project land banking – concerned with a specific functional area, for urban renewal, low and moderate-income housing, open space, industrial development, and advance land acquisition for public facilities (Flechner, 1974)                 <ul style="list-style-type: none"> <li>▪ Limited in geographically small areas</li> <li>▪ Limited to individual jurisdictions</li> <li>▪ Limited in size of land holding</li> <li>▪ Limited in level of impact on changing growth patterns</li> <li>▪ Influencing the land market or in correcting an existing urban problems</li> <li>▪ Limited in time horizon – aimed at relatively immediate implementation</li> </ul> </li> </ul> </li> </ul>																							
	<p>Matrix of Land-Banking Concepts (Flechner, 1974, p. 6)[adapted]</p> <table border="1" data-bbox="316 961 1425 1661"> <thead> <tr> <th>Government Level</th> <th>Primary Purposes</th> <th>Land Bank Type</th> <th>Policy Framework</th> </tr> </thead> <tbody> <tr> <td>Federal</td> <td>Oversee federal lands</td> <td>General</td> <td>Historical</td> </tr> <tr> <td>Federal</td> <td>Possible involvement in land banking at all government levels in support of national policy</td> <td>General Project</td> <td>Urban growth policy</td> </tr> <tr> <td>State</td> <td>Environmental protection, new towns, large-scale public facilities</td> <td>Project</td> <td>State planning</td> </tr> <tr> <td>Metropolitan</td> <td>Control growth, land price; capture capital gains; land use; new towns</td> <td>General Project</td> <td>Metropolitan planning</td> </tr> <tr> <td>Local (single or multi-jurisdiction)</td> <td>Advance land acquisition for public facilities, low and moderate incomes housing, industry, open space, urban renewal</td> <td>Project</td> <td>Local and metropolitan planning</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• Acquisition – acquiring land or interest therein by any and all means (Flechner, 1974)</li> <li>• Holding of land – the timeframe needed for effectuating the objectives; the size of inventory presumed necessary to achieve the purposes; the impact of land holding on the financing of the land bank; site preparation, site assembly, project development and provision of major infrastructure elements; management and interim use of the land (Flechner, 1974)</li> </ul>	Government Level	Primary Purposes	Land Bank Type	Policy Framework	Federal	Oversee federal lands	General	Historical	Federal	Possible involvement in land banking at all government levels in support of national policy	General Project	Urban growth policy	State	Environmental protection, new towns, large-scale public facilities	Project	State planning	Metropolitan	Control growth, land price; capture capital gains; land use; new towns	General Project	Metropolitan planning	Local (single or multi-jurisdiction)	Advance land acquisition for public facilities, low and moderate incomes housing, industry, open space, urban renewal	Project
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F-CD, S-S	<ul style="list-style-type: none"> <li>• Land Disposition – sale, lease or other means and may entail certain condition running with the land or project (Flechner, 1974)</li> <li>• Important questions (Flechner, 1974, p. 7) <ul style="list-style-type: none"> <li>○ Which land to buy?</li> <li>○ When?</li> <li>○ For what purpose?</li> <li>○ Which land to dispose?</li> <li>○ When?</li> <li>○ For what purposes?</li> <li>○ To whom?</li> <li>○ For what price?</li> </ul> </li> </ul>
S-O	<ul style="list-style-type: none"> <li>• <i>In order for a general land bank on the metropolitan scale to be effective, it may be assumed that some public entity at the metropolitan level must operate it</i> (Flechner, 1974, p. 8)</li> <li>• Purposes for general land banking: controlling growth or controlling land prices on a metropolitan scale; recapturing gains to the public from public investment and the direct control of land</li> </ul>
F-AH	<ul style="list-style-type: none"> <li>• Purposes of governments banking land (Flechner, 1974, p. 10) <ul style="list-style-type: none"> <li>○ Shaping regional and community growth</li> <li>○ Curbing urban sprawl</li> <li>○ Capturing increases in land value created by governmental investment</li> <li>○ Improved management and control of the land market –also termed “perfecting the land market” and often viewed in terms of reducing land speculation</li> <li>○ Acquiring land for public uses</li> <li>○ Ensuring an adequate supply of land for certain kinds of private uses</li> <li>○ Protecting land with unique environmental qualities</li> <li>○ Lowering the costs of public improvements</li> <li>○ Lowering the costs of public services as a result of more compact development patterns</li> <li>○ Regulating the relationship among landowners</li> <li>○ Regulating land prices</li> <li>○ Subsidizing low – and moderate - income housing</li> </ul> </li> </ul>
S-O	
S-O	<ul style="list-style-type: none"> <li>• Public involvement in land market can play different roles (Flechner, 1974, p. 12): <ul style="list-style-type: none"> <li>○ Developed areas – urban renewal, or developed of scattered vacant sites and removal of non-conforming uses</li> <li>○ Fringe areas – shape growth patterns, controlling the location, type and timing of growth as well as protecting</li> </ul> </li> </ul>
S-O	
S-O	<ul style="list-style-type: none"> <li>• <i>While it is presumed that comprehensive plans take into consideration social, economic, physical, environmental, equity and other concerns, a land-bank operation must make all of these considerations, and others, sufficiently explicit so that decision as to which sites to acquire and dispose of, when, to whom and for what purposes can follow a rational and consistent line of reasoning</i> (Flechner, 1974, p. 12)</li> </ul>
S-F	
S-F F-SG F-ED	<p><b>4. Hamilton, S. (1974). <i>Public Land Banking - Real or Illusionary Benefits</i>. Urban Development Institute of Ontario, Toronto.</b></p>
	<p><b>Abstract/Summary</b></p> <p>In the 1970s land banking was being discussed as an alternative to support housing projects.</p>
F-ED	<p><b>Key Themes</b></p> <p><b>Definitions</b></p>

<p>F-SG</p> <p>S-R</p> <p>S-L, S-O</p> <p>S-L</p> <p>S-R</p> <p>S-O</p> <p>S-F</p>	<ul style="list-style-type: none"> <li>• Public land banking – as used in Canada, refers to the process of public acquisition of land with development potential in advance of the anticipated need of a community, for immediate and future use, for residential and other purposes (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974)</li> <li>• Can be done with undeveloped land or as part of a urban renewal process (e.g. Downtown Eastside) (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974)</li> <li>• Private land banking exists in most urban areas through developers owning large tracts of undeveloped land (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974)</li> <li>• A distinction between land that is publically banked for roads and utilities from proposed general use land banking (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974, p. 2): <ul style="list-style-type: none"> <li>○ Advanced purchase of lands in these cases differ significantly from the broader scale land bank proposals in that the objectives are narrowly defined, the amount of land involved is insignificant in scale, and the general impact on the overall market is negligible</li> </ul> </li> <li>• National Housing Act 1954 – federal government financing municipalities to purchase land (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974)</li> <li>• Land prices are determined by house prices rather than the other way around</li> <li>• Objectives for land banking from literature review (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974, p. 11): <ul style="list-style-type: none"> <li>○ Planning objective – control over the nature, timing and location of development</li> <li>○ Pricing objective – the argument is advanced that land prices can be effectively reduced though public ownership of land banks</li> <li>○ Project objective – allocation of profits arising from land development. The objectives are to recover a portion of the profits for the public authorities. The objective is based on the assumption that the present pricing mechanism does not properly compensate public authorities for their contribution to enhanced land values.</li> </ul> </li> </ul>
<p>S-O</p> <p>S-F</p> <p>S-R</p>	<p><i>Critique of Public Land Banking</i></p> <ul style="list-style-type: none"> <li>• Analysis of these objectives (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974, p. 12) <ul style="list-style-type: none"> <li>○ Planning objectives – does land banking equal improved town planning, in what way does the ownership improve the control of land. <ul style="list-style-type: none"> <li>▪ Large public holdings make better planning possible, comprehensive planning is difficult when land holding are fragmented and development patterns. I</li> <li>▪ It is the fault of Planners’ for allowing the fragmentation of large land holdings in the urban fringe and claims that it is not the private sector’s fault because they were just responding to the public demand.</li> <li>▪ <i>“Already the private sector has demonstrated its ability to assemble large holdings and public land banking is not required. Steps should be taken to encourage private land assembly and corresponding emphasis should be placed on ensuring that good planning is adhered to in the development of these holdings” (p. 13)</i></li> <li>▪ Private sector is better at responding to public demand</li> <li>▪ The approvals process for land development has served as a barrier to respond to the public demand – public land banking would continue</li> <li>▪ Strongly states that town planning is an economic planning process and that planning in Canada has failed to recognise this point</li> </ul> </li> <li>○ Price objective – the argument is that public ownership will result in lower land costs for development (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974, p. 14)</li> </ul> </li> </ul>

<p>F-SG, S-F, S-O</p> <p>S-R</p> <p>S-R</p> <p>S-F</p> <p>S-O</p>	<ul style="list-style-type: none"> <li>▪ Assumptions linked to this claim – prices will come down if there is an ample supply of land</li> <li>▪ They claim that it is the supply of land not the price of land at issue</li> <li>▪ Acquisition (public) of land before it has been speculated reduces the purchase prices but increases the holding costs of the land until it is needed for development</li> <li>▪ Holding costs for the public sector are considered lower: public has lower interest rates on borrowed money, public sector knows in advance where land development will occur</li> <li>○ Summary of counter arguments for land banking (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974, p. 18) <ul style="list-style-type: none"> <li>▪ Government should not be involved in such activity</li> <li>▪ Public land banking would be too expensive</li> <li>▪ Land in the bank would generate less tax revenue for the municipality</li> <li>▪ Government is inefficient</li> <li>▪ Reducing profits from land development would reduce creativity and innovation on the private sector</li> </ul> </li> <li>○ His market rationality – an adequate long run supply of land, ready for development sold at market value will have a benefits (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974): <ul style="list-style-type: none"> <li>▪ It will alter expectations of continued price increases and result in a partial decrease in land values</li> <li>▪ In the long run the supply of land for immediate development will create maximum development and increase the supply of shelter relative to demand</li> </ul> </li> <li>○ Policy controls for land banks (Hamilton S. , Public Land Banking - Real or Illusionary Benefits, 1974): <ul style="list-style-type: none"> <li>▪ Should public land banks be held at the municipal, provincial or regional level – municipal level could create competition between municipalities</li> <li>▪ Should be one centrally controlled land bank</li> <li>▪ Operation of the land bank must be separated from the Town Planning</li> <li>▪ Ensure qualified staff are in charge of the land bank</li> </ul> </li> </ul> <p><b>5. Kamm, S. (1970). <i>Land Banking: Public Policy Alternatives and Dilemmas</i>. Washington, D.C.: The Urban Institute.</b></p> <p><b>Abstract/Summary</b></p> <p>This paper examines the essential elements involved in establishing a land bank in terms of policy alternatives.</p> <p><b>Key Themes</b></p> <p><b>Issues</b></p> <ul style="list-style-type: none"> <li>• There is an essential dilemma in the dual goals of and banking. The very process of providing orderly growth contributes to price inflation, a factor which would be exacerbated by the efforts of a land bank to acquire a working inventory (Kamm, 1970)</li> <li>• Overseas experience particularly that of Sweden, is closely tailored to unique national institutions and is of very limited relevance to the American scene (Kamm, 1970)</li> <li>• The trend of judicial finding on the use of eminent domain by public bodies is increasingly liberal, but still far from accepting the broad use of this authority as might be required by a land bank (Kamm, 1970)</li> <li>• The burden of debt service on the very large investment required to make land banking</li> </ul>
<p>S-O</p>	

S-G S-G, S-O	<p>operational would affect the capacity for flexible decisions on land use and prices (Kamm, 1970)</p> <ul style="list-style-type: none"> <li>• Most of the problems involved in land banking arise from scale. Lesser scale uses of public acquisition would serve valid public purposes without the problems involved in large scale land banking (Kamm, 1970)</li> </ul> <p>6. Strong, A. L. (1979). <i>Land Banking European Reality, American Prospect</i>. Baltimore: John Hopkins University Press.</p>
S-G P-S	<p><b>Abstract/Summary</b></p> <p>The aim of this book is to compare the operation of land banking in countries whose value systems are strongly supportive of public land ownership and public retention of development value with its operation elsewhere in a less hospitable climate, in order to determine whether its attributes remained substantial enough in the latter situation to recommend land banking as a preferred tool for plan implementation in the United States (p.2).</p>
S-G F-AC	<p><b>Key Themes</b></p>
S-O	<p><b>Home</b></p>
S-O S-F	<ul style="list-style-type: none"> <li>• Attributes ascribed to land banking (Strong, 1979, p. 2): <ul style="list-style-type: none"> <li>○ Land can be acquired well ahead of need as it comes on the market</li> <li>○ Land can be acquired before development value attaches to it</li> <li>○ Land can be assembled into tracts large enough for major developments</li> <li>○ Public investment in land and improvements can be averaged over a long term and over the entire land bank program, so that specific site costs do not dictate site use</li> <li>○ Gains in land value from public development decisions will accrue to the public at large</li> <li>○ All landowners are treated equitably, whether or not their land is purchased for a land bank</li> <li>○ Speculation is curbed</li> <li>○ Land can be committed to the building of infrastructure and then to development in an orderly, efficient manner and</li> <li>○ If land is leased rather than sold, the public will continue to profit from its increasing value</li> </ul> </li> </ul>
F-AH	
S-G	
S-O	
S-O	
S-O, T-R	<ul style="list-style-type: none"> <li>• Studies the land banking systems of Sweden, the Netherlands and France (Strong, 1979)</li> <li>• Difference between the context of land banking in Canada and the United States (Strong, 1979, p. 5): <ul style="list-style-type: none"> <li>○ The federal government of Canada owns 90 per cent of the land as compared with 33 percent federal ownership in the United States (1979 numbers)</li> <li>○ It is widely accepted that in a conceptual sense, the British Crown holds a residual interest in all land</li> <li>○ There is no Canadian equivalent in either statutes or case law of the “taking” languages of the Fifth and Fourteenth amendments to the United States Constitution (saying that no property shall be taken without just compensation)</li> </ul> </li> </ul>
S-O	
S-O, S-R	
S-O	<ul style="list-style-type: none"> <li>• Similar to in Israel, private land in Canada tends to be near urban areas (Strong, 1979)</li> <li>• Canadian urban fringe subject to speculations and the market is controlled by a handful of investors</li> <li>• Saskatchewan Land Bank Commission began in 1972 (Strong, 1979, p. 5) <ul style="list-style-type: none"> <li>○ To help young farmers obtain land and to assure that land was used in</li> </ul> </li> </ul>
S-F	

<p>F-SG, S-R</p> <p>S-G</p> <p>F-SG, F-CD,</p>	<ul style="list-style-type: none"> <li>○ accordance with its capability</li> <li>○ Commission buys land often from farmers wishing to retire, determines if it should still be farmed and seeks young farmers to enter into lifetime leases with the option to purchase</li> <li>● National Housing Act (Strong, 1979) <ul style="list-style-type: none"> <li>○ Section 40 the federal government pay 75 percent and the provincial government 25 percent of land costs</li> <li>○ Between 1948 and 1974 a total of 31, 861 acres had been approved for land bank purchase</li> <li>○ Section 42 acting as a local program for acquisition of land for housing, provinces, municipalities and housing authorities may receive 90 percent federal loans; the local term is up to fifty years for sites to be leased, 25 years for sites to be sold</li> </ul> </li> </ul>
<p>S-L</p> <p>S-F</p> <p>S-F</p> <p>S-L</p> <p>S-O</p> <p>S-L, S-O</p> <p>S-O</p>	<p><b>Case Study 1: Stockholm Region</b></p> <ul style="list-style-type: none"> <li>● Approximately 70 percent of the land in Swedish urban areas is in public ownership, and about 70 percent of residential development occurs on land with sold or leased by the municipalities. Thus the municipalities are the dominant force in the urban land market (Strong, 1979)</li> <li>● <i>Cooperative agreements between Stockholm and neighbouring municipalities which it owns land have enabled the city, with its greater financial resource, to build there as well. Stockholm's objective thought the century has indeed been to create a good urban environment for all who come to the region</i> (Strong, 1979, p. 46)</li> <li>● <i>...there is no doubt that over the years the Swedes have enacted land use legislation and embarked on land investment programs that are consistent with placing the common good above protection of opportunities for personal gain</i> (Strong, 1979, p. 47)</li> <li>● Started in 1904, the City would acquire land that had potential for development as it came on the market operating under a Real Estate Commission (Strong, 1979)</li> <li>● Land outside of the City boundary was purchased and then annexed into the City's jurisdiction until 1949 when the suburbs were no longer willing to let Stockholm annex land (Strong, 1979)</li> <li>● In 1954 the City purchased a private building company STRADA, the City held all shares in the company and it was management by a board of five, whose members include the city's real estate and finance commissioners (Strong, 1979)</li> <li>● Controlling land prices (Strong, 1979)</li> <li>● Federal lease-loans to municipalities to subsidize the building of houses resulted in a burden on municipalities to manage the construction (Strong, 1979)</li> <li>● Changes to expropriate laws required market value of land ten years prior to expropriation, determined by looking at comparable sales. The law presumes that any rise in value inland during that decade was due to the anticipation of a change in use and to public investments, and take the view that the owner should not be compensated for this (Strong, 1979)</li> </ul>
<p>S-O</p> <p>S-L</p> <p>S-F, S-O</p> <p>S-O</p>	<p><b>Case Study 2: the Netherlands</b></p> <ul style="list-style-type: none"> <li>● Customary practice of most Dutch municipalities to buy land a few years in advance of development, prepare it for development and then sell or lease the actual development sites, retaining a substantial portion of the land for roads, parks and community facilities. Land banking has been the first step toward plan implementation, making it possible to provide housing sites in an attractive setting at moderate cost and to develop land in an efficient and orderly manner (Strong, 1979)</li> <li>● Land is leased not sold to developers (Strong, 1979)</li> <li>● Land need not be acquired far in advance of need, since it is valued according to current use, holding down carrying costs. Because landowners recognize that little, if any, opportunity for speculation exists and are persuaded that municipalities pay a fair price for land, there is general acquiescence to municipal proposals (Strong, 1979)</li> </ul>

S-F	<ul style="list-style-type: none"> <li>Loans to municipalities to purchase land come from the Bank for Netherland Municipalities, or for subsidized housing from the national government (Strong, 1979)</li> </ul>
S-F	<p><b>7. Swann, R. (1989). The cooperative land bank concept. In W. Morehouse (Ed.), <i>Building Sustainable Communities: Tools and concepts for self-reliant economic change</i>. New York: Bootstrap Press.</b></p>
S-O	<p><b>Abstract/Summary</b></p>
S-O	<p><b>Key Themes</b></p>
S-O	<ul style="list-style-type: none"> <li>A community organization or NGO purchases all the land and property within its territory for the benefit of the entire community using the self-financing principle (Swann, 1989)</li> <li>Cooperative land bank (CLB) establishes a duplex system of land and property tenure so that the value of community land and improvements is separated from the value of private property situated within the precincts of the CLB (Swann, 1989)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>The value of all land and public improvements are captured by all residents becoming common stockholders, and the value of all private improvements are captured by a system of space leases over such property (Swann, 1989)</li> <li>The terms on which common stock are issued to residents and redeemed by the CLB roved the means to distribute the benefits and costs of community development over time and among residents on a socially desirable basis (Swann, 1989)</li> </ul>
S-O	<ul style="list-style-type: none"> <li>This model comes from Shann Turnbull 'Democratizing the Wealth of Nations', 1975) (Swann, 1989)</li> <li>The CLB creates equity and efficiency by capturing the windfall gains in property so that they can be used to pay the costs of public facilities and services (Swann, 1989)</li> </ul>
SO	<ul style="list-style-type: none"> <li>These gains make it possible so no tax payments are required and community improvements will become liberated form dependence on government tax revenue (Swann R. , 1989)</li> <li>Features of the cooperative land bank (Swann, 1989): <ul style="list-style-type: none"> <li>Land and property owners place their property in the corporation in return for stock in the corporation</li> <li>Shareholders are free of property taxes – they are paid for by the corporation</li> <li>Owners receive a 2% equity form their space, renters over a 50 year period</li> <li>Whenever resident/owners leave the community, they can offer their space to the highest bidder</li> <li>The bidder will be required to buy common shares from the resident/owner, the CLB will reimburse the resident/owner after “discounting” a fee for the community corporation</li> <li>The fee to the community corporation is based on a formula of the length of time which the resident/owner had lived in the community (the longer in the community the lower the fee); and the inflation rate of national currency</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>Most important difference between a CLB and CLT is that the CLT has no negotiable interest in collective assets and so no way for market forces to indicate through the pricing mechanism the value of the common property (Swann, 1989)</li> <li>No way to calculate the utility value of community assets and there is noneconomic incentive for each member of the community to maintain and improve such assets is reduced (Swann, 1989)</li> <li>The CLB model doesn't have this problem because it issues residential shares, these shares related the market price of community assets to each individual according to how they may have contributed to their value (Swann, 1989)</li> <li>Turnbull argues the need of this type of valuing of community membership, “to provide automatic check and balance in the social organization of the CLB” because it creates self-correcting regulation because people have shares in the community and he believes this</li> </ul>

	<p>creates an environment that is more democratic and doesn't restrict individual autonomy – a criticism of the “command system” of the CLT model which restricts individual owners behaviour through rules (Swann, 1989)</p> <ul style="list-style-type: none"><li>• CLB concept was more urban in application (Swann, 1989)</li><li>• CLT concept mostly applied in rural areas (Swann, 1989)</li><li>• A basic objective of the CLB concept is to create an independent economic and political unit (Swann, 1989)</li><li>• There is discussion between the role of the external community in CLT and CLB models – in the CLT model the presence of external community members on the Board is viewed as a way of ensuring that the CLT remain true to decisions in the best interest of the CLT and does not revert to decision-making that is only focussed on individual wealth and interest (Swann, 1989)</li><li>• The CLB model sees this external control as problematic because it will disrupt the self-governance principle of the CLB – based on the premise that as share – holders in the CLB individuals will be motivated to maintain the community motivate to maintain the community benefit component of the model because they will also benefit individually (Swann, 1989)</li><li>• The property tenure relationships built-in the constitution of the CLB are designed to interlink with the political tenure relationship of its management to provide self-limiting and so self-managing checks and balances form within- not form outside (Swann, 1989)</li></ul>
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