

Secure Land for Urban Agriculture:

Developing models of secure tenure for urban community farms and gardens

A symposium hosted by Equity Trust, December 12, 2014

Urban farms and gardens are recognized for their many benefits, including not only their contributions to meeting local food needs and providing access to healthy food, but also their role in increasing communities' self-determination through opportunities for youth training and education, social integration, economic development, environmental improvement, and more. However, many urban agriculture programs lack secure tenure or access to sufficient land for their constituents' needs. This insecurity often limits their ability to make physical improvements, and puts organizations at risk of losing not just access to the land itself, but also investments made in building relationships, improving soils, and installing infrastructure. The issue of long-term tenure may be the crux of the future success of urban agriculture.

Equity Trust's Secure Land for Urban Agriculture symposium brought together a diverse group of over 35 urban agriculture practitioners and representatives of land trusts and other support organizations. Participants came from across the northeast region of the US to share experiences and challenges around land tenure and to develop strategies for strengthening land security and opportunities for collaborative action. The program was broken into alternating plenary and breakout sessions to allow attendees to hear about a range of experiences with land access and tenure in the region and also work more intimately to discuss and share approaches to improving land tenure situations, including how to engage funders, land trusts, and municipal governments. The first half of the day focused on present conditions and complexities of land tenure in urban agriculture, followed by an exploration of models and creative strategies for securing land.

Participating organizations:

596 Acres
Center for Environmental Transformation
Common Ground
Community Garden Collective
Cultivating Community
Equity Trust
Friends of Brook Park
Garden Justice Legal Initiative
Gardening the Community
La Familia Verde
Loisaida United Neighborhood Gardens
Massachusetts Department of Agricultural Resources
Mill Creek Farm
Neighborhood Gardens Trust
New Entry Sustainable Farming Project
New Haven Farms
New Lands Farm
NYC Community Garden Coalition
Organization for Refugee and Immigrant Success
Regional Environmental Council
Riverpark Farm
Southside Community Land Trust
Teens 4 Good
The Trust for Public Land
University of Vermont Extension

Land tenure experiences of urban agriculture programs in the region

Johanna Rosen reported on the results of 25 interviews she conducted with urban agriculture practitioners on behalf of Equity Trust, December 2013 - November 2014

Key Themes

- 16 groups reported facing **insecure tenure**.
- 13 grow on **scattered sites, with multiple owners**, and a variety of terms. While some programs operate in multiple locations by design, many would prefer to consolidate operations on a single site to reduce logistical challenges.
- 14 **are seeking (additional) land**. Some programs are unable to meet demand for community garden plots, others want a hub site for their operations or land for incubator graduates - **farmers are not moving on from “incubation” sites because they can’t find other land**.
- 5 reported that they **can't find suitable sites**. In identifying suitable sites, proximity to transit is critical for youth, refugees, and others who want more space to grow, but don't have **transportation** to travel to rural areas.
- 7 **can't build infrastructure** that is needed – either they are unable to invest in physical improvements without secure tenure or they are unable to get permission to install infrastructure.
- 5 reported that **local policies/politics** present obstacles to their land security.
- Other issues that came up included **strained relationships with landowners**, including land trusts, and the **need for a residence** for farm managers to be able to care for animals.

Terms and Conditions of Land Tenure

Symposium participants heard presentations on how the terms and conditions of land tenure affect different types of programs. The panelists shared perspectives on what secure tenure means in each of their work, and how particular conditions of tenure meet (or don't meet) the needs of specific programs or activities:

- Ari Rosenberg, Center For Environmental Transformation, Camden, NJ
- Jennifer Hashley, New Entry Sustainable Farming Project, Lowell, MA
- Karen Washington, La Familia Verde and NYC Community Garden Coalition, Bronx, NY

Center For Environmental Transformation (CFET) is a non-profit organization working with youth to produce food on five sites, totaling approximately one acre, within walking distance of their office. Their sites include a mix of ownership situations including city-owned and used with permission, but no formal agreement; city-owned, with no permission to use; owned by a partner organization; and owned by CFET. Long term lease or ownership allows for the greatest investment of time and resources in the land.

New Entry’s land tenure situations at three incubator sites represent a “worst-case scenario.” Two sites have one-year license agreements and one has a one-year MOU, circumstances which preclude the cost-effective development of needed infrastructure. In contrast, their ideal situation would be a single central site convenient to Boston with farmland to incubate farm businesses, office space and a training/learning center, food hub, and farm stand, either owned or with a secure long-term (30+ year) lease agreement, with quality soils (well-drained, flat, stone-free), an on-site residence for farm manager, and ample equipment storage.

This is exactly what I was hoping for – a great opportunity to network and share and learn from some very knowledgeable people.
-Participant feedback

La Familia Verde is a coalition of community gardens in two Bronx neighborhoods with related education programs, and a farmers’ market. It is an entirely volunteer organization, and all their members are community residents. The coalition was founded in 1998, when the city was auctioning off community gardens, banding together instead of trying to fight for each individual garden. Of the 5 gardens in the coalition, one is leased through the Parks Department on a 4-year term; two are owned by the Trust for Public Land; one is owned by the New York Restoration Project; and one is privately owned by the community. Challenges faced by the coalition include gentrification and race relations.

Breakout groups met to discuss issues that affect their organizations’ relationships to the land, consider questions related to how well their tenure conditions match their program needs, and share ideas and strategies for improving their land tenure situations.

Models for Securing Land

Participants explored three case studies showing how secure land (i.e. permanent protection of the resource) and secure tenure (i.e. assured access to the land) can both be achieved using different legal/ownership structures and partnerships. Each of the panelists’ stories reflected a very different experience, from cities that have very different histories of land values and vacancy:

- Talib Toussaint Paskins and Anne Richmond, Gardening the Community, Springfield, MA
- Margaret DeVos, Southside Community Land Trust, Providence, RI
- Kevin Essington, Trust for Public Land, Boston, MA

Gardening the Community’s staff members shared their experience of using (and losing access to) multiple sites. They tried to find a land trust to work with, but could not, so they forged their own path towards ownership, acquiring a lot from the City. They faced many challenges in this process as a small grassroots group. They also shared some

context about Springfield, where people of color are losing ownership, and about the politics of structural racism and land ownership.

Southside Community Land Trust (SCLT) supports a network of 50 gardens and farms, 20 of which they own. Margaret discussed not wanting to own the other 30 parcels, but wanting urban agriculture to continue, so having to figure how to protect each parcel for agricultural use. SCLT is now partnering on multiple projects with the City of Providence, including some short-term leases, but each deal is different.

The Trust for Public Land (TPL) created a partnership, transferring land from the City of Boston to Dudley Neighbors, Inc. (DNI), a community land trust primarily concerned with affordable housing. TPL helped prepare the land for agricultural use, including adding deed restrictions, before transferring it to DNI, which leases to the Urban Farming Institute/City Growers. Boston's Article 89 legislation paved the way for this sort of deal. According to Kevin, other municipalities would have to have similarly supportive zoning or other policies to make it possible to replicate this model across the state/region. He discussed his concern that there is not enough conversation about how to finance the creation of farms and how urban farmers can buy land without charitable or government subsidies.

Shared ownership

Jim Oldham, Director of Equity Trust, presented an overview of shared ownership as an approach to managing and stewarding land for community benefit.

- Shared ownership refers to a situation in which one entity (such as a land trust or other non-profit organization or municipality) owns land that is leased on a long-term basis to a lessee who can own buildings or other infrastructure on the land.
- Community land trusts (CLTs) use this approach to provide affordable home ownership opportunities, with the CLT owning the land and residents purchasing homes on the land, subject to a long-term ground lease.
 - Equity Trust has adapted the CLT model to the work of keeping rural and suburban working farms affordable to farmers in spite of rising land prices.
 - The model is similar to leases used frequently in commercial real estate.
- Shared ownership offers a way for property users (homeowners, farmers, business owners) to gain secure access to land at an affordable price while providing the wider community the ability to steward the property for long-term public benefit.
- Shared ownership strategies could offer a number of benefits to urban agriculture:
 - Potential partnerships with land trusts or municipalities,
 - Appropriate roles for each party: land stewardship separate from programming,
 - If properly structured, will support community control of land use, and
 - Opportunities for wider community collaborations with housing advocates, local economy groups, and others.

Priorities and Next Steps

Small groups met to focus on strategies for working with funders, government agencies, and land trusts. The whole group then reconvened to wrap up and consider next steps. Participants were enthusiastic about continuing this work and identified the following priorities for future collaboration to promote secure land tenure for urban agriculture.

Continued collaboration and sharing

- Establish working group and encourage use of a list serve to stay connected.
- Develop and compile case studies of partnerships between land trusts and urban agriculture groups, including both successful and unsuccessful examples.
- Share leases and land use agreements, reports, and data, including research illustrating needs and challenges around land tenure.
- Develop best practice recommendations for urban farms or gardens entering into leases with land trusts, municipalities, or private landowners.
- Develop a model 99-year urban agriculture lease, with variations as appropriate to account for the different needs of incubator farms, community gardens, and educational programs.

Work with land trusts, funders, and municipal governments

- Communicate to land trusts about roles that they can play to support urban agriculture and foster better understanding between land trusts and urban agriculture groups about what each has to offer.
- Convene a conversation with funders to discuss issues of land tenure.
- Collect metrics and anecdotal data to present to policy makers to show how urban agriculture programs are important and require secure access to land to sustain their benefits.
- Educate land trusts, funders, and policy makers about the dual needs of land tenure for urban agriculture: protection of the land itself and community control of land use.

About the Secure Land for Urban Agriculture Initiative

Equity Trust launched this initiative in December 2013, as part of our Farms for Farmers Program, to explore the issue of land tenure for urban agriculture. The urban context presents particular challenges for farms and gardens, including the high price of urban land and the many competing uses. Yet urban agriculture is increasingly credited as an important vehicle for healthy food access, youth-led advocacy, hands-on nutrition education, farm-to-school collaborations, and other programs advancing just local food systems. By promoting innovative solutions, including adapting and applying methods that have been used successfully to preserve affordable working farms as well as affordable housing, Equity Trust hopes to support the sustainability of all this work, helping to make access to land for these efforts affordable and secure. One goal of the symposium was to learn from practitioners about how the initiative can be most useful to them. Going forward, the priorities listed above will help guide the program.