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## 32. Community land trusts: embracing the relationality of property

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### INTRODUCTION

For many, it is currently hard to imagine a world in which land is not seen as a commodity to be bought and sold. However, history tells us the commodification of land is both recent and unusual. Even more encouragingly, ongoing and renewed interest in various forms of land and built property tenure shows us that the commodification of and speculation on housing are neither inevitable nor irreversible. Alongside the practical development of alternatives to privatized, commodified, speculative property, a growing body of theoretical work highlights the inherently relational nature of property and the opportunities this presents for imagining and enacting alternatives (see Blomley 2013; Crabtree 2013). This chapter is concerned with community land trusts (CLTs) as a contemporary manifestation of a long-standing interpretation of land as a common legacy to be stewarded rather than a privatized, speculative commodity. Specifically, it is concerned with how property is perceived and enacted by CLTs and the potential CLTs hold for articulating community economies.

While the vision of land and property as a privatized, speculative commodity has served certain interests and aspects of late capitalism well, the intensification of property's role as a vehicle for wealth accumulation is starting to run up hard against the fundamental role of housing in providing shelter. In Australia, this is generating ongoing and deepening issues that are also becoming increasingly widespread, most noticeably as a loss of affordable and decent housing stock in many cities and regional centres. Moreover, these issues are spreading beyond major economic centres to include their historically more affordable hinterlands. This is the direct result of the promotion of enclosure and privatization, with the assertion of property as a speculative commodity being enabled and supported through public policy that favours 'free market' forces rather than ongoing government provision of affordable housing. As with other such markets, the 'free market' in housing is constructed and maintained by public policies and, often, public subsidies that belie the ostensibly 'private' nature of property or the 'free' nature of the market.

These policy settings can extend beyond housing policy to include the reduction or dismantling of public retirement pension schemes on the assumption that retirees will own property free and clear of debt. Further, it is assumed that the home will either be lived in – hence annulling the argument for pensions to be substantial enough to cover housing costs – or downsized for a smaller home, with the sale generating a lump sum to then be used as income. In addition, as was made visible by the global economic turmoil of the 2000s, housing lending products are now deeply entwined in global financial markets and recent literature has discussed the implications of the home as a financialized asset (e.g. Smith 2015).

The commodification of property is not a universal narrative, however, and efforts to establish other forms of property are varied and widespread. These often rest on a base of

substantial community input and/or control that seeks to identify and uphold core objectives, so can be described by umbrella terms such as community-led housing, collaborative housing, or self-organized housing (see the themed issue of the *International Journal of Housing Policy* 18 (1) (2018) and Lang et al.'s 2018 review paper). Within that broad drive for community control, various tools are used to implement specific community concerns. These can include legal forms such as cooperatives, or design and lifestyle models such as co-housing. However, these can also provide housing that is still commodified and not community led, so in defining community-led, collaborative, collective, or self-organized, the focus tends to be on function rather than form, or principles rather than types. That is, the focus is on what objectives are being upheld, rather than the form through which they are upheld.

Within that broad category, CLTs rest on a principle of removing at least some of the imputed value of property from capitalist relations of exchange and holding it out of the speculative market in perpetuity. To achieve this, CLTs combine a community-based ownership and governance structure with a variety of legal agreements that index housing costs to appropriate measures such as local wages. In both the USA and the UK, CLTs are defined in national law to include both community benefit and housing affordability, with each CLT then free – or more accurately, obliged – to define and uphold those locally. Given that diversity, this chapter will review the philosophical and practical inheritance of CLTs, illustrate some of the variety that lies within the sector, and discuss the establishment of a sector in Australia to unpack some of the issues raised by resisting speculation and embracing relationality.

## THE COMMONS LINEAGE OF CLTS

As collectively owned and stewarded property, CLTs draw on the historical lineage of commons. Specifically, the creators of the first CLT in the USA drew their core principles from a combination of Henry George's land rent model, Ebenezer Howard's garden city model, and the Indian Gramdan Village movement (Davis 2010). From those models, CLTs developed a core assertion that land is a common legacy to be stewarded, while householders are entitled to a return on any efforts they put into the home. Consequently, the 'classic' CLT in the USA involves a non-profit entity holding title to land in perpetuity while granting the resident ownership of the home upon that land. A long-term, renewable ground lease between the resident and the CLT spells out the ongoing rights and responsibilities of both parties. As leases are renewable and inheritable, the relationship is intended to remain in perpetuity, so heirs or subsequent buyers inherit the relationship with the CLT and by inference, the broader community.

On the basis of ongoing community organizing, CLTs unpack the rights and responsibilities bundled up in the idea and enactment of property. Consequently, CLTs aim to balance the rights and responsibilities of the resident with those of the broader community, including future residents. That balancing act resonates with the utilization of commons by a clearly defined group of users and their management through clearly defined rules. To perform the balancing act, many CLTs write the balancing of interests into their ownership and governance form as well as the agreements with their residents.

The 'classic' CLT involves a Board comprising one-third CLT housing residents, one-third voting members who live in the CLT's service area, and one-third representatives of the 'public at large' and other professionals. This last third is appointed by the other two-thirds.

That Board structure combines the interests and skills of the people the CLT houses with members of the broader community who support its mission and professionals who can lend particular expertise or connections to that mission. Many CLTs require all Board nominees and members to undergo training to both build rapport and make sure all Board members have a shared understanding of their roles and responsibilities.

In the USA, CLTs grew from an origin in the Civil Rights movement, through urban communities of colour as an anti-displacement measure, to become a more widespread model of affordable and price-restricted housing (DeFilippis et al. 2017). Some argue that while the dual focus of community benefit and perpetual affordability remains, the growing focus on affordability has come at the expense of community control and empowerment (Davis 2010; DeFilippis et al. 2017). The examples below highlight how this balancing act or increasing tension is playing out in different contexts.

## CONTEMPORARY EXAMPLES

### **Dudley Street Neighbourhood Initiative, Boston, Massachusetts, USA**

The history of Dudley Street is long and fascinating and the subject of at least one book (Medoff and Sklar 1994) and two documentaries (Lipman and Mahan 1996, 2012). The Dudley Street Neighbourhood Initiative (DSNI) is a community-based planning and organizing entity which created a subsidiary CLT, Dudley Neighbours, Inc. (DNI), to implement the community's vision for Boston's blighted and marginalized Dudley/Roxbury area. DNI was formed in 1988 when the City of Boston utilized the power of eminent domain to hand over title to vacant and disused properties in a 62 acre area of property known as the 'Dudley Triangle' after a long community campaign against historical absentee landlordism, illegal dumping, property destruction and looming gentrification.

Since its inception, DNI has overseen the development of 225 perpetually affordable housing units and DSNI has overseen more than 1300 development applications in the area, often with several hundred community members at development application meetings. The City has adopted DNI's redevelopment plan as its planning strategy for Roxbury and the former CEO of DSNI is now head of economic development for the City. The 34-seat DSNI Board includes 16 residents from each of the four local major ethnic groups, two additional Board-appointed residents, three youth, seven non-profit agencies, two churches, two businesses, and two community development corporations.

As DSNI's subsidiary, DNI is driven by and exists to fulfil the desires of DSNI; as such, DNI does not have the classic three-part board structure as it is already steered by DSNI's multi-stakeholder Board. Rather, DNI has 11 Board members, of which eight are voting positions. The three non-voting positions are appointed by the City to ensure the power of eminent domain is not misused. Of the eight voting positions, six are from DSNI, one represents the Roxbury Neighbourhood Council and one the Mayor's office. Currently three of these DNI Board members are CLT leaseholders. Consequently, DNI is perhaps unique in its powers, constitution and governance.

On that basis, DNI has commissioned for-profit developers to build affordable housing according to criteria established by residents regarding room size and housing types, materials, and rate of infill. DNI houses households on up to 120 per cent of area median income and

places a restricted value on homes, with the resident owning the entire value of any improvements that they make to their home. In addition, DNI has successfully secured lower land tax rates for its properties, in line with their lower resale values. The Trust has also expanded into affordable rentals through the purchase and the construction of Dudley Village.

Dudley Village combines 50 permanently affordable rental apartments with ground floor commercial spaces on the main street of Roxbury. The development application was overseen by 350 community members, with the development process supervised by a sustainable development committee covering land use, civic building, density, and building material and design. This relatively dense development was driven by local residents and social service agencies that recognized that density gain was necessary for social services' viability. Other DNI projects have included parks, community gardens, and a 900 square metre commercial greenhouse on 2000 square metres of land in partnership with the Food Project, to address local food security and youth employment concerns. DSNI creates an ongoing and visible point of difference in the local housing system as alongside its perpetual affordability, the physical form of DSNI's homes contrasts with that which a for-profit market would create.

### **Eigg Isle, Scotland**

Research on Scotland's expanding community land ownership movement demonstrates that a strong focus on land reform (with an integral housing component) and community development can be transformational with regard to a range of outcomes (Mackenzie 2006). The movement was fundamentally enabled by the Land Reform (Scotland) Act 2003, a national law that 'gives crofting communities the right to acquire and control the croft land where they live and work' (Scottish Government n.d.a),<sup>1</sup> and other communities the first offer to buy identified parcels of land as they come to market (Scottish Government n.d.b). The sector is underpinned by the Scottish Land Fund. The scope and power of community ownership as enabled by policy support shows the potential of hybrid and collective approaches to the de-commodification of property for both residential and non-residential uses.

The Isle of Eigg is a small island off the west coast of Scotland that was bought in 1997 through a fundraising effort that raised £1.5 million amongst residents and from further afield. Prior to the community buyout, an absentee landlord owned the island; now the Isle of Eigg Heritage Trust owns it and has established three subsidiary companies with different functions. Eigg Electric Ltd runs the renewable energy system, which was set up with grant funds and generates solar, wind and water power. Eigg Trading Ltd owns and manages the island shop, post office, tearoom and craft shop. Eigg Construction Ltd has renovated several homes on the island and does repairs and small infrastructure projects.

A shared equity scheme, Eigg Roll, was also established with grant money to enable residents to build homes on the island with no land cost, on the condition that if they sell, the land value in the sale price would be passed on to the Trust. While not retaining control of the land in community hands, that resale mechanism does allow the value of land sale to be held and used by the community. Since the 1997 buyout, the community has grown from 64 people to roughly 100, including young children and people who had previously left the island. Other nearby island communities are following the experience of Eigg with interest.

## ESTABLISHING CLTS IN AUSTRALIA

Currently there is interest in CLTs in Australia from at least two angles that can be roughly defined as care for the land and/or community on the one hand, and a need for affordable housing on the other. Sometimes both concerns are in play. Where CLTs are being explored as an avenue for care for land and community, they share conceptual and ideological terrain with intentional communities and as a result, often align with the discourses and practices of ecovillages. Affordability may or may not be part of the core concerns of these, although as housing affordability worsens generally, interest in this role of CLTs is spreading within intentional community discussions.

Currently there are very few CLTs in existence in Australia and the diverse range of CLT objectives can be seen in descriptions and mission statements from self-identifying CLTs:

... a fully self-sustainable village, created, owned and operated by its community. It offers a place of belonging, social connection, spiritual development, and economic independency in a pristine environment. (Cohousing Australia n.d.)

Provide perpetually affordable housing for people on low incomes who live or work in the Mount Alexander Shire who cannot access either long term affordable home ownership or a secure rented property through channels that currently exist. To promote equal access to high quality and well designed housing that is both environmentally sound and in keeping with community expectations. (Mount Alexander Community Land Ltd 2010)

Broadly speaking, grassroots CLT initiatives are driven by multiple objectives including community control over development, affordable housing, and a range of non-housing objectives such as local food production, greater community interaction, and decentralized energy and water services. In contrast, CLT proposals from existing registered community housing providers are primarily concerned with the diversification of the providers' housing activities beyond income-limited affordable rentals into resale-restricted home ownership. This is based on the community housing providers' experience as providers of affordable rental housing with their residents not having options if and when they want to (or based on their increasing income, have to) leave.

The majority of Australia's community housing providers operate at a scale beyond a local 'community'; many are city- or state-wide, and some are national or international. Very few have dedicated Board positions for tenants, and none are member-based.<sup>2</sup> How they might enable substantial community control over development in their expansion to CLT activities or achieve community economy objectives remains unclear. However, there is an avenue that is worth exploring in the existing cooperative housing sector. In the eastern states of New South Wales and Victoria, some community housing providers support localized cooperatives. The state-based peak body often holds title to the housing and holds long-term agreements with the individual cooperatives. Residents lease their homes from the cooperative, with rents indexed to household incomes. Income limits apply, so the sector is currently investigating if and how it can expand into a variant on the USA model of limited equity cooperatives so that residents can transition into an equity model as their incomes rise. This would mean that cooperative housing would be available to households who may not be eligible under the current income restrictions, but who do not want to, or cannot, participate in the open market.

There is also interest in the principles and strategies of CLTs amongst some Aboriginal organizations that are looking into appropriate models of housing tenure on Aboriginal lands.

The focus on community control as well as affordability resonates with the objectives and aspirations of such organizations and their communities (Crabtree et al. 2015). This provides a mechanism for creating more appropriate housing options than either current policy or market forces are able to deliver.

While there is growing interest in CLTs amongst diverse areas of Australia's housing system, Australia's CLT sector is in its very early stages. Its growth and development have been assisted by an ongoing body of scholar activism that has worked extensively with government, community and industry partners to conduct workshops, meetings, public talks and fieldwork, and to create a suite of freely available reports and resources including a substantial legal manual and subsequent book (e.g. Crabtree et al. 2013 and Crabtree et al. 2019). As housing affordability intensifies as a topic of public and, to an extent, policy discussion, there is growing awareness of and interest in diverse forms of housing design, procurement and tenure. Many of these span the spectrum of rights and responsibilities that lies between Australia's dominant models of private rental and ownership and so tend to be shaped by dominant market logics, albeit in a modified or ameliorated form.

Efforts to establish CLTs occupy this space and as such can stir up a lot of the assumptions and expectations that are upheld (yet hidden) by dominant enactments of property. In Australia, the conflation of private home ownership with individual identity and socio-economic success has become ossified. CLTs challenge these associations and consequently can create fracture lines. As with broader advocacy and activism regarding housing affordability, CLT discussions and efforts can trigger the assertion of a claim to space by propertied and working individuals, alongside the de-legitimization of others not manifesting the same citizen ideal. It is apparent that the ongoing financialization of housing has translated into moralistic assertions of who deserves to live where, why, and on what terms, in line with their actual or perceived contribution to the economy rather than society. Relational understandings of property can offer ways to rebalance the consideration of the social and financial values and infrastructures of housing. In this, it is vital that agencies involved in creating policy, building homes, and providing finance to residents are also key parties in the discussion, as the re-articulation of such infrastructures will both need champions and create new opportunities for innovative entities.

## CONCLUSION

I sometimes hear CLTs referred to as de-commodifying housing or property, but that has sat uneasily for a while. Commodities are neatly delineated goods or services that can be readily exchanged. De-commodification implies either removing the exchange value of property or removing its neatly delineated nature; CLTs do neither of these. I think CLTs do something far more interesting and interstitial. Due to the flexibility of their definition, which immediately demands local contextualization, CLTs do whatever makes the most sense to uphold their core principles. Hence in CLTs, property is still delineated and exchanged, but the need to define affordability and community benefit means that the parameters of ownership and exchange are made very clear. Moreover, they are made accountable and open to considered refinement, while resistant to rapid or flippant revisions.

As a result, increasingly, when asked what 'the CLT model' is, I respond 'persistence and opportunism', despite knowing that often the asker is seeking a singular legal or financial form

as the response. I think that refusing to answer the question in a technical sense is a core part of the work that CLTs do, as they ultimately have no ‘model’ other than a relentless drive to find appropriate ways to uphold affordability and community benefit in perpetuity. The requirement for local definition and accountability immediately makes CLTs political animals that have to engage with and articulate the relational nature of property. In doing so, they uphold the social relations of commoning and offer creative and promising channels for the ongoing embedding of these relations in place.

## NOTES

1. Crofting is a form of tenancy in which residents live and work on the croft estate, titles to which have historically been held by landlords. Crofters have their own parcel of land in addition to common land. Many crofts are small towns. Historically the dominant form of crofting work was agriculture but most contemporary crofters have other sources of income and crofting communities are involved in energy production, tourism and other land-based activities (see Shelter Scotland 2018).
2. Two of the cooperative housing peak bodies have a focus on tenant roles in governance. Each operates as the peak body of discrete cooperatives located throughout their state.

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