

CHAPTER TWO

Land Tenure for Urban Farming

Toward a Scalable Model

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In this chapter attorneys Nate Ela and Greg Rosenberg describe the challenges of secure access to land for urban growers, discuss community land trusts as a possible tool for maintaining land for food production in cities—the “land access and suitability” component of the food system supply chain—and introduce several practical models for securing land for urban farming.

In cities around the United States people are looking to urban farms for a wide range of benefits, from providing fresh food and supporting healthy eating habits to teaching job skills and offering access to nature. Urban farms are increasingly seen as a possible engine for economic development, whether as a source of income for full-time farmers, of raw materials for value-added products, or of additional income for growers who also hold evening jobs or off-season gigs.

Yet none of this can happen without land on which to grow crops. In a twist on the popular slogan “No farms, no food,” urban growers and their advocates have come to realize “No land, no farms.” A wide range of people—from individual growers to the mentors, foundation officials, university researchers, urban planners, and policy makers who would like to see them succeed—have been grappling with questions related to land tenure for urban farming. What models for land ownership and access can best support planning for and investing in urban farms? What models allocate scarce resources not only efficiently but also in ways that promote equity and engagement with the communities that will be the urban farmers’ neighbors and customers?

This chapter explores these questions, focusing primarily on land tenure models that can offer urban growers free or low-cost land and that hold the most promise for the sustainable growth of urban farming. The success of such models will depend on cooperative efforts with public and private landowning entities that can make land available at no or minimal cost, and with public and private funders that can cover some of the costs of land acquisition, soil remediation, and basic infrastructure. Success will also turn on the ability to build community engagement into the rules by which urban land is made available to growers. Historical patterns of investment and disinvestment have created areas in US cities where vacant land is abundant and relatively cheap. But it would be a mistake to simply assume that land can be leveraged as a resource for farming without ensuring that it makes sense to the people who live in these neighborhoods—often communities that have a long experience of structural racism.

Although urban agriculture takes a wide range of forms, we focus here on land tenure models that can best support ground-based, outdoor growing of commercial crops. Such growing practices, compared to growing on rooftops or indoors, are more likely to yield the full range of community benefits mentioned above. Also, because community nonprofit organizations or individual growers may have less access to capital than rooftop or indoor growers, the cost and availability of land is an even more pressing constraint.

THE CHALLENGE OF SECURING AFFORDABLE LAND FOR URBAN FARMING

The high cost of urban land compared to rural land poses a major problem for would-be urban farmers. Unlike rural farmers, they are competing for land with many other potential uses, which creates inflationary pressures on land prices. In Wisconsin, for example, cropland rents for rural land averaged \$228 per acre in 2015 (USDA National Agricultural Statistics Service 2015). This is a small fraction of the price an urban farmer would pay for an acre of tillable land at market rates in Milwaukee or other cities. Yet food grown in cities must remain price-competitive with food grown in rural areas. Few if any crops can be sold at prices that would cover the higher land costs, and urban growers cannot simply add a premium to reflect the value of the contributions they make to their neighborhoods. This is the well-known issue of *positive externalities*: beneficial side effects of economic activity that might be underproduced when a good or service is valued at market rates.

This squeeze between the price of produce and the cost of land drives many urban farmers to look for free or low-cost land, which often leads them to the parts of cities where the market value of land is most depressed. These neighborhoods have the all-too-familiar histories of disinvestment, including white flight to the suburbs. They are neighborhoods from which industries too have fled, moving jobs overseas and often leaving contamination in their wake. Such areas are often beset by increased crime, abandoned and neglected buildings and infrastructure, and cuts to public services. These factors moderate the pressures that would drive up the price of scarce urban land in healthier economic, community, and environmental circumstances. These areas present both challenges and opportunities different from those faced by farmers in rural settings.

The Need for Tenure Protection

The prospect of secure, long-term land tenure creates opportunities previously unavailable to urban farmers. For example, they can consider applying for organic certification, a process that often takes at least three years to complete. Also, long-term land tenure justifies new levels of investment in soil remediation and infrastructure such as hoop houses and irrigation systems, which are often not feasible for growers operating on a year-to-year basis.

High land costs and market pressures stand out as the greatest obstacles to long-term land tenure for urban farmers. Other forms of development can yield far higher rates of return for investors, which forces urban farmers to justify why they deserve access to otherwise undeveloped land at below-market rates.

A long-term tenure may not be the ultimate goal for all farmers or every neighborhood. Long-term leases or outright ownership can be the best fit for nonprofit agricultural organizations that provide farmer training, for neighborhood organizations that include community gardens or farmer leases as part of their mission, or for commercial ventures run by experienced farmers. But new farmers graduating from training programs may need a few years to experiment with business models or recognize the reality beyond the romance of urban growing. Because many may not continue to farm beyond the first few years, short-term leases could be a good match.

KEY CONCEPTS

Access to land for urban farming entails several considerations, including land markets, property taxes, the mechanisms for land tenure protection, and collaboration with others around land tenure.

Shielding Land from Speculation and Desperation

If affordable land is essential for commercially viable, community-engaged urban farming, the question becomes how to protect affordability long-term. This means ensuring that urban farms are not displaced by rapidly rising prices in a speculative real estate market and that land in communities with stagnant or declining values is not allocated willy-nilly in desperation. In both cases, the struggle is how to ensure that space is available to projects that are rooted in and beneficial to the surrounding communities.

In the last several decades, housing and environmental advocates have developed land trust models to ensure that community priorities—places to live and places to enjoy nature—are not displaced by speculative market forces. Open space and conservation land trusts have focused on protecting ecologically valuable land at the urban fringe, and community land trusts have sought to protect housing affordability in cities and suburbs. Both models are increasingly being brought to bear on the question of how best to protect land for urban agriculture.

Adapting these models to conserve productive urban farmland often involves ground leases from a nonprofit land trust to a grower. The community land trust owns or holds rights to the use of a parcel and essentially rents the land to a farmer. The rate will depend on what is necessary to maintain the property, including what can be subsidized through public or private philanthropy, property tax breaks, and the overhead of the trust. This arrangement presents the concern that growers may lose out on certain opportunities for profit because they do not own the land. They will not have the opportunity to gain from selling their land at market price because they did not purchase it at the market rate in the first place. For many urban growers the outright purchase of market-rate land is likely to be out of reach and effectively not an option.

Considering the Ownership Trap

In many cases outright ownership may not make the most sense for urban farmers. Even if an urban farmer sought to purchase an undeveloped parcel with a price so low that financing was not necessary, there would still be the upfront costs of securing the title and paying transaction fees. Outright ownership could also create property tax obligations, which might be mitigated by leasing from a nonprofit land trust, as discussed below. Then there are the costs of municipal services, insurance liability concerns, and the difficulty of selling the property if necessary.

Added together, these costs and liabilities could make ownership a trap. Rather than assuming that ownership is either the gold standard or something to be avoided, the key is to determine the degree of security of tenure that best matches a particular grower's goals and experience.

Paying Attention to Property Taxation

From the perspective of the grower and landowner, it is always best to reduce or eliminate property taxes to protect the affordability of urban farmland. Of course, the taxing authority may have a different perspective, but there are ways to structure land ownership to reduce property tax burdens without asking for special treatment from the local municipality. For example, where agricultural land may be assessed at its use value, an agricultural easement could reduce the property tax burden. Or a nonprofit land trust may be able to hold tax-exempt land that could be leased to beginning farmers who are part of an educational incubator program.

Property tax assessors may be able to provide favorable assessments for land used for open space or agriculture. Yet individual growers often don't know whom to approach in these agencies or don't understand the processes of securing land and seeking favorable tax treatment. For example, Wisconsin has an agricultural use value property tax provision, but to date local assessors have not extended this reduced valuation to urban agricultural land.

Such property tax considerations, then, may be a significant determinant of who should own the land. Each form of ownership carries different implications for property taxation, along with other challenges and benefits (table 1).

Securing the Appropriate Type of Land Tenure

Land tenure must allow the growers to recoup their investments. Although pop-up business models are increasingly popular in the restaurant and retail sectors, it is a difficult model for urban growing. Access to land for a single season requires growers to only make investments they can pick up and move easily. For growers to invest more deeply in a piece of land—by preparing it for growing, installing infrastructure, or seeking organic certification—they require contractually assured access over several growing seasons. One might expect that the greater the level of initial investment, the longer a grower's time horizon will be.

Appropriate land tenure also entails matching organizational goals to specific parcels of land and matching farmers' goals to the land they lease or own (table 2). Most nonprofit agricultural organizations will seek long-term

TABLE 1. Benefits and Challenges by Type of Landowning Entity

Landowning Entity	Benefits	Challenges
Public	Exempt from property taxes.	Difficulty in securing long-term ground leases; change in the political winds could cause loss of land for farming.
Nonprofit	May be exempt from property taxes for noncommercial and incubator farms; commercial farmland could be assessed based on ground rents.	Negotiations with the local assessor can be thorny, particularly in inflated markets or in cities struggling to generate property tax revenues.
Private	The least red tape, particularly when the grower owns the land directly.	No benefit from a property tax perspective except in jurisdictions that have a use value property tax system that includes urban agriculture.

tenure, either in the form of long-term ground leases or outright ownership. **Apprentice farmers who have not yet established an ability to successfully farm over time will be better candidates for short-term leases.** These could include **performance-based opportunities for renewal, which would effectively allow the growers to establish their own land security.** Experienced urban farmers are more likely to seek land tenure that allows them to build a long-term business and potentially pass down the land to successors, whether they are family members or business partners.

Interacting, Specializing, and Working in Teams

Urban growers seeking access to affordable land often turn for help to government officials at the city and county levels. City officials and land bank managers can help identify vacant land that could be available for farming. In many US cities and counties, land banks have been established as quasi-governmental authorities to

TABLE 2. Desired Tenure by Tenant Type

Tenant Type	Key Concerns	Tenure Type
Apprentice growers	Because they are new to farming, it is uncertain whether they will be successful long-term.	A short-term ground lease with a renewal clause based on performance enables farmers to earn tenure while protecting the landowner if the farmer is unsuccessful.
Experienced growers	Because they have a track record of success, the risk of farm failure is significantly lower than for apprentice growers.	A successful track record provides more confidence to landowners to provide long-term leases. Depending on market conditions and financial resources, a grower may opt for outright purchase.
Nonprofit agricultural organizations	As entities that plan on being around for a long time, nonprofits will desire the longest possible security of tenure for their land.	Outright ownership or ninety-nine-year ground leases may be the best fit, unless short-term tenure better aligns with the goals for specific parcels of land.

manage their inventory of surplus land. From the perspective of city and county officials, it is easier to work repeatedly with a single organization such as a land bank or land trust that represents multiple growers rather than beginning the process anew with each grower.

For small organizations, it can be difficult to develop and sustain the expertise required for complex real estate matters. Staff members are often generalists, responsible for multiple subject areas, who cannot take the time necessary to learn the intricacies of real estate law. In this context it makes sense for urban farmers to seek the services of organizations that can afford to specialize and develop relationships to negotiate effectively with city and county officials. Examples are described later in this chapter.

In short, urban farming is a team effort. Even when growers appear to be raising crops all by themselves, in most cases they are dependent on the support

of others. Securing affordable land to farm in the first place requires working with real estate professionals, accountants, lawyers, nonprofit organizations, and government officials. To develop a food system in which urban farmers can focus on what they do best, we should not ask them to play every position on the team or be masters of all domains. Enabling partnerships between urban growers and trusted specialists who can work with government officials should maximize the benefits that urban farms can bring to a city's landscape.

Program Design: Eight Strategic Questions on Landholding for Urban Farms

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1. HOW WILL LAND BE SECURED FOR FARMERS?

Although this is the central question to be answered by a land tenure model, we do not expect that there will be a single answer. As suggested in the previous section, land may be secured differently for farmers with different levels of experience.

Before land is secured for particular farmers, however, there is the question of how to protect land for agricultural use. This could mean transferring publicly or privately owned land into a land trust, which then provides leases to individual farmers or urban farming organizations.

Whether land is leased by a land trust or a public agency, it makes sense to have different terms for different types of farmers. Nonprofit urban farms could be eligible for long-term leases—up to ninety-eight-year renewable leases for the most well-established organizations. Such leases would ensure long-term agricultural use and provide security to urban farms that are committed to being an ongoing resource for a neighborhood.

For individual farmers, a renewable short-term lease could have performance measures negotiated by the farmer and the leasing entity, with input from community members. Farmers could thus work their way into long-term security of tenure by demonstrating their ability to pay the (below-market) rent and provide community benefits.

2. HOW WILL LAND BE MADE AFFORDABLE?

If urban farmers are to have any hope of sustained success, their costs for land access should be roughly on par with those of rural farmers. Thus, one reasonable target for affordability would be for urban farmers to devote the same percentage of the cost of input to land as rural farmers do. For rural farmers, this proportion will depend on the crop, whereas urban farmers will be more likely to have a more intensive and diversified growing strategy.

3. HOW WILL LAND BE USED?

What type of land is appropriate depends on how growers plan to use it, of course. Will they grow in greenhouses, hoop houses, or outdoors? Will they be growing flowers, herbs, or vegetables? Will they set up composting facilities? Land use will depend not only on the growers' desires but also on zoning and other regulations.

4. WHO WILL BE THE FARMERS?

A land tenure model must be responsive to different types of farmers. These types include job trainees working on nonprofit urban farms, new growers testing their business models on incubator farms, and independent growers with just a few years or decades of experience. A tenure model can also help encourage community-engaged urban agriculture by minority-run firms and by prioritizing access to land for farmers who will grow in their own neighborhoods.

5. WHAT TYPE OF SUPPORT WILL FARMERS NEED TO BE SUCCESSFUL?

Support will vary widely based on the experience of the farmers, issues relating to the land, and challenges in accessing the local market for their produce. For land-related issues, farmers may need support for soil remediation, the installation of infrastructure (water and electricity), the construction of agricultural buildings, the negotiation of favorable property tax assessments (if they are the landowners), and zoning changes (in some cases). The support of a team of people and organizations is usually required to address all these issues.

6. HOW IS SUCCESS DEFINED? WHAT EXPECTATIONS ARE REALISTIC?

In defining a system for land tenure, people must grapple with what a successful urban farming sector looks like. Although nonprofit urban farms have been demonstrably effective sites for youth programming and job training, most cities have not seen a large number of small, for-profit urban farms that create many well-paying jobs. If communities or government officials expect urban farms to be a major vehicle for short-term job creation, those expectations may be unrealistic.

A successful land tenure model should support land remaining in agricultural use for a period in which urban farmers can test out for-profit and nonprofit business models. It will take time for farmers to learn which business models provide an acceptable mix of economic return and community benefits. Along the way some farms will fail. This is normal with small businesses; the Small Business Administration (2012) has found that only about half of small businesses survive the first five years. Such failures are not a sign that land should not be preserved for agricultural use; rather, a successful land tenure model would quickly provide access to a new grower.

7. WHO SHOULD BE THE LANDHOLDING ENTITY?

Different types of entities could hold land for urban farms, including government agencies, land banks, agricultural cooperatives, or even private firms. Cities have large parcels associated with churches, corporate headquarters, educational institutions, and public agencies that may include unused acreage appropriate for urban agriculture. Cities such as Oakland (California), Portland (Oregon), Madison (Wisconsin), and Philadelphia have conducted inventories to determine where such opportunities exist.

Around the United States people are increasingly looking to land trusts as an entity suited to holding land for urban farms and gardens. However, property tax issues are an important consideration in whether a land trust itself should hold the title to the land or instead manage land held by public entities; market-rate property tax assessment can make land unaffordable, even for a nonprofit land trust. (For this reason, the Athens Land Trust in Athens, Georgia, opted not to own urban farmland; unfavorable property tax treatment would have yielded a full market-rate assessed value for the land, regardless of long-term restrictions placed on it.)

8. HOW WILL THE LANDHOLDING ENTITY RELATE TO COMMUNITY MEMBERS?

Whether land is held by a nonprofit land trust, a government agency, or some other entity, the relationship between the landholder and community members will inevitably be a key question. Are community members included as the board members of a land trust, and if so, how? Are they consulted by the decision makers in a city landholding agency or a county land bank, and if so, by what process?

THE ROLE OF NONPROFIT ORGANIZATIONS IN URBAN FARMING

As in other areas of community economic development, the nonprofit sector has a special role in kick-starting urban farming. Urban agriculture is a relatively low-cost approach to community revitalization, and the cost of investment is lower than in other forms of redevelopment. At least in principle an urban farm can be built more quickly and cheaply than housing or mixed-use development. In practice, of course, the fact that urban farming business models are still being tested means that they can encounter delays in raising capital and satisfying regulatory requirements.

Nonprofit urban farms can therefore be seen as effectively paving the way for subsequent private-sector development. Beyond farming, this is the historical role that nonprofit groups have assumed in community economic development. For-profit housing developers, for example, may be hesitant to enter a neighborhood in which there is a high perception of risk. They will wait until nonprofit groups have worked out the regulatory wrinkles and have proved that the demand is sufficient to justify investment.

Affordability

The parallel between housing and food production suggests why nonprofit organizations—in the form of land trusts, training sites, and incubator farms—could be an essential provider of affordable urban farmland. In “unaffordable” housing markets, by analogy, the provision of affordable housing is not possible without some subsidies, nor can affordable housing be maintained in the face of a rising

market without some kind of controls, such as resale restrictions, that ensure long-term affordability.

Unlike housing, urban farmland has no standardized definition of affordability. Housing affordability is most frequently described as a percentage of gross income; that is, housing is considered affordable if no more than one-third of gross household income goes toward housing-related expenses. In the United States targeted household income is expressed as a percentage of area median income, which ranges from 30 percent for low-income households to 120 percent for moderate-income households in hyperinflated markets such as the San Francisco Bay Area. For urban farmland there is no comparable framework.

Instead, affordable urban farmland is often described simply as land that is “free or cheap,” with little description beyond that. Even “free” land is rarely free, as it almost always needs some level of soil remediation or installation of infrastructure—and then there are always transaction fees. Affordability is usually defined on a case-by-case basis relative to the specific parcel of land, the need for remediation and infrastructure, the crops being grown, and the net revenues that a grower would need to generate.

In urban land markets where space for farming is unaffordable because of the current revenue models for urban farms, some measure of subsidies could be justified to make land available for growers to learn basic skills and test their emerging business models. As the market develops, the most skilled farmers may be able to afford land at rates similar to those in nearby rural production areas (outside hyperinflated real estate markets), but some controls would probably remain justified to provide space for new entrants to urban farming and to ensure that all neighborhoods enjoy the community benefits that urban agriculture makes possible, even if land values eventually rise to a level that would otherwise preclude farming as an economically viable land use.

Nonprofit Groups as Partners, Not Predators

Because low-income minority neighborhoods are so often characterized by what they lack, it is easy to ignore what they have. For nonprofit organizations these neighborhoods are fertile ground for planting new initiatives and for supporting or expanding programming. Nonprofit leaders often act with good intentions, aiming to support community revitalization, but there are also pressures to respond to funders’ expectations that programs will target the “most needy” communities, which can be used as testing sites for developing scalable or replicable interven-

tions. At the grandest scale, whole cities—such as Detroit, or New Orleans after Hurricane Katrina—have been imagined as laboratories for experimenting with the types of interventions favored by donors and the nonprofit organizations they fund. Community residents are sometimes left feeling more like lab rats than partners.

Other chapters in this book discuss how urban agriculture can potentially be the sector in which people resist—or reproduce—the types of oppression that have been woven into the history of the United States. In the following sections, we seek to identify how land tenure models can be structured to ensure that urban farming nonprofit groups are partners of the communities in which they work rather than predators.

THE ROLE OF LAND TRUSTS IN PROVIDING AND PROTECTING AFFORDABLE LAND FOR URBAN FARMING

In the last thirty years the land trust has emerged in the United States as a preferred model for holding land for community gardens and urban farms. This reflects the convergence of two trends: the creation of specialized open space land trusts to conserve land for community gardens, and the moves that some community land trusts have made to promote urban agriculture.

There is a distinction between open space land trusts and community land trusts. Open space land trusts focus on the protection of land and generally do not have structures in place to manage lands that are being used productively or to foster community-based governance. Community land trusts, in contrast, acquire and hold land for the benefit of a community and generally have a tripartite board structure that includes seats dedicated to beneficiaries of the trust (usually people who live in housing held by the trust), residents from neighboring communities, and people with the necessary expertise or organizational connections.

There are, however, movements toward open space land trusts. Openlands, the regional open space land trust in the Chicago area, is focused on the ecological potential of farmland that is used as a buffer for conservation lands. Also, the Trust for Public Land (n.d.) has recently developed a “working lands” initiative. Meanwhile, a move is under way in the open space land trust community to promote “community conservation” initiatives (Aldrich and Levy 2015).

To illustrate the different forms that such trusts can take, we provide two examples. In a later section we examine the model developed by Chicago's NeighborSpace land trust.

Open Space Land Trusts: New York Community Garden Land Trusts

In 1999 the administration of New York City Mayor Rudolph Giuliani announced a plan to auction off more than one hundred pieces of city-owned land that were home to community gardens. Gardeners and their allies mobilized in resistance to the plan, organizing demonstrations and filing lawsuits (Brooklyn Queens Land Trust n.d.). In 2002, after a negotiated settlement of the lawsuits with Mayor Michael Bloomberg's administration, sixty-nine gardens were purchased and held in trust by the Trust for Public Land. The New York Restoration Project, a nonprofit organization founded and funded by the entertainer Bette Midler, took ownership of dozens more gardens.

In the years since, the Trust for Public Land established three local land trusts to hold and manage the gardens: the Manhattan Land Trust, the Brooklyn Queens Land Trust, and the Bronx Land Trust. The board of each land trust is a mix of community garden leaders and staff from New York City nonprofit organizations. The New York Restoration Project (n.d.) has taken on a broader mission to provide green space to underserved areas of the city and is led not by gardeners but by a range of New York philanthropists, businesspeople, and civic leaders. Some of its sites have been renovated with support from corporations such as Target, and they have reduced the space available for community-managed gardens in favor of tidy pocket parks.

Community Land Trusts: Southside CLT

Since the 1960s the community land trust (CLT) has provided support for affordable housing in the United States. In the housing sector the CLT model combines two basic innovations in land governance. The first innovation is to separate the ownership of a home from the ownership of the land on which it is sited. A homeowner in a CLT holds the title to the home, but the title to the land is held by the nonprofit CLT, which then provides a ground lease to the homeowner. This arrangement allows CLT homeowners to build equity in their homes while ensuring affordability to subsequent homeowners by limiting the amount by which the land's sale price can increase.

The second innovation is the tripartite structure of the CLT board, whose members are generally split evenly among homeowners, members of the neighboring community who are not part of the CLT, and the types of community leaders (e.g., representatives from other nonprofit groups or credit unions) typically associated

with a nonprofit board. This board structure ensures that the CLT remains committed to balancing the interests of its members and the community.

In recent years CLTs have taken on three main roles in support of urban agriculture. First, some CLTs that were formed to support affordable housing have begun to hold land for community gardens and urban farms. An example is Troy Gardens, a project of the Madison Area Community Land Trust, which incorporated community gardens and an urban farm alongside affordable housing (Rosenberg 2007). Second, some of these housing-focused CLTs have provided programmatic support for urban agriculture other than taking on ownership of land. Third, a few organizations have been founded as CLTs that are exclusively focused on urban agriculture, adapting some of the techniques for community-focused governance from the CLT model developed in housing. Here we focus on the Southside Community Land Trust (n.d.), which focuses on preserving land for community gardens and urban farms.

Southside CLT holds the title to sixteen community gardens in Providence, Rhode Island, and provides programmatic support (such as arranging for bulk purchases of organic fertilizer) for these gardens as well as twenty-five gardens owned by other organizations in its network. Southside CLT differs from other CLTs by holding land for gardens and farms rather than for affordable housing. However, like traditional CLTs it has built community representation and engagement into its governance structure. The gardeners themselves must elect 51 percent of the board members (Yuen 2012, 36–37).

Southside CLT has drawn on land conservation tools developed in suburban contexts to raise revenue and provide additional levels of protection for its community gardens. It sold the development rights to a number of its gardens to the Rhode Island Department of Environmental Management and used the revenue to offset some of the cost of acquiring the land. Selling development rights to the state also helps to increase security of ownership, because a developer would need to acquire both the title to the garden and the development rights to get the property. The use of a state open space bond to finance the purchase of development rights further restricts potential land uses and adds to security of tenure (Yuen 2012, 22–23).

In addition to protecting land for community gardens, Southside CLT manages two commercial farms. City Farm is a three-quarter-acre commercial urban farm in south Providence that began in 1986. Urban Edge Farm is a fifty-acre farm in nearby Cranston, Rhode Island; its mission is to support seven new farmers who collaboratively manage the land. The land for Urban Edge was

purchased by the state in 2002, pursuant to the state's Open Space Preservation Act. The site, which was formerly a dairy farm, is now owned and protected by the Rhode Island Department of Environmental Management (n.d.), which leases it to Southside CLT for one dollar a year (Ewert 2012, 97). About twenty of the fifty acres are cultivable.

Southside CLT initially operated its own CSA farm at Urban Edge, but within a few years it became clear that production would not cover the significant staffing costs (Ewert 2012, 91). Through Urban Edge Farm, Southside CLT now teaches farming practices to new farmers, rents them farm equipment, provides compost and fertilizer, and plows the land once a year (Snowden 2006). After going through training, the beginning farmers can rent up to two acres of land at below-market rates. These farming businesses are owned and operated by people who have experience in farming but weren't able to buy or rent land on their own at market rates. They sell through CSA shares, directly to institutions, and through growers' cooperatives. The terms of Southside CLT's lease with the state are meant to prevent competition with nearby farms, and thus bar on-farm sales or nonfarm businesses.

THE CENTRAL SERVER MODEL: A SCALABLE APPROACH TO URBAN FARMING

The central server model is an approach developed within the community land trust movement to facilitate the rapid citywide scaling of permanently affordable housing while striking a balance between local control and economies of scale. The model was first introduced in 2009 in Atlanta (*PD&R Edge* 2012; Schneggenburger 2011) and soon thereafter in New Orleans (Khanmalek 2013). Its supporters hoped to spur growth in the number of neighborhood-based community land trusts by creating a central entity that would provide a variety of technical services: accounting, development, and real estate transactions; negotiating with funders and lenders; and other services that require more expertise than a neighborhood-based organization can easily muster.

From the experiences in Atlanta and New Orleans, affordable-housing advocates have learned that the burdens placed on a central server can be onerous from legal, political, financial, and community relations perspectives. We do not have space in this chapter to evaluate the effectiveness of the central server model for affordable housing, but it is worth noting that affordable-housing community land trusts continue to adopt and adapt the model (Dudley Street Neighbors 2015).

In the context of urban farming, in which transactions are more straightforward because they do not involve housing or residents, we believe that the central server model holds significant promise. Successfully implementing this model in this context depends on striking a balance between local control and economies of scale. An appropriate architecture would involve a web of neighborhood-based satellite organizations served by a citywide central server organization. The central server provides a suite of services to the satellites and to the farmers to whom the satellites provide land.

The Role of the Central Server in an Urban Farming Context

A central server can do the “heavy lifting” that is beyond the ability of small, neighborhood-based organizations, particularly while they are focused on starting up urban farming projects. With expertise in land use and real estate transactions, a central server can negotiate with the local government to secure publicly owned land for agriculture, obtain favorable tax treatment, and gain access to city services to provide the necessary infrastructure to gardens and farms. In addition, a central server could help provide training and technical support to its satellite organizations. Providing such services in group settings is less costly and creates opportunities to build connections between satellite organizations.

A central server can also provide a single point of connection to funders. This can increase the collective leverage of neighborhood organizations beyond what they could accomplish individually, and it would reduce overhead for funders by packaging what might otherwise be numerous similar grant applications. (Of course, satellite organizations may also seek funding for their own operations.) A central server may also have access to officials and decision making in city government that is beyond the scope of a small organization.

The term *server* is the key to understanding the model. A central server exists to serve satellite entities and the neighborhoods they serve. The staff for a central server must be skilled at working well with others and protect the central server’s role as a universally trusted entity by studiously avoiding turf battles or picking favorites. This is not simple, especially in cities where local elected officials have a strong say in how projects are developed in their districts.

The Role of the Neighborhood-Based Satellite Entity

Satellite organizations serve as the voice of the community. They may be existing nonprofit organizations (e.g., community development corporations or community

land trusts), new start-ups, or more informal entities. No matter what form they take, they must be able to speak credibly on behalf of their neighborhoods and ensure that land use decisions are in the best interest of the residents.

A central server frees neighborhood-based satellite organizations from having to deal with real estate transactions, infrastructure installation, and the negotiation of favorable property tax treatment. The satellites can therefore focus on the critical work of governing and managing productive land with the oversight and engagement of neighborhood residents, through participatory planning and the recruitment of growers committed to integrating farming into the fabric of their community. Satellites must have some governance role in the central server, however. This helps to ensure that central server staffers keep their focus on supporting neighborhood organizations.

Who Should Own the Land?

In Atlanta and New Orleans, central servers were established so that satellite organizations would hold the land for affordable housing. In an urban agriculture context, it probably makes more sense for a central server to be the landholding entity. As we describe below, this is the approach that NeighborSpace has used to great success in Chicago. It takes advantage of economies of scale and real estate expertise and provides a single point of contact for public agencies that provide land for farms and gardens.

Nevertheless, satellite organizations may want to own the land themselves to better secure local control over neighborhood development. A hybrid approach could provide for initial land ownership by the central server and give the satellite organizations the option to purchase land once they have built their stewardship capacity locally. In the event a satellite organization failed, such an agreement could provide that the land would revert to the central server.

CASE STUDY: NEIGHBORSPACE, CHICAGO

NeighborSpace is the closest existing land trust organization to what might be considered a central server model for urban agriculture. Founded to help conserve Chicago’s community gardens, the land trust has recently begun to hold land for urban farms as well. Its history and structure indicate how a central server model might be further developed in other cities. This case study draws upon an article by Ben Helphand (2015), the executive director of NeighborSpace.

The History of NeighborSpace

NeighborSpace was founded in 1996 in response to a recommendation in *CitySpace*, a city planning report that found Chicago lagging behind other major cities in terms of open space per capita (City of Chicago et al. 1998). The report identified the city's fifty-five thousand vacant lots—nearly 15 percent of its land area—as existing open space. Some lots, including community gardens, had already been converted or appropriated for neighborhood use.

CitySpace identified development as a threat to community gardens but noted that no public agency was equipped to own and preserve them. The gardens presented risks and complexities different from parks managed by the Chicago Park District. The report recommended creating NeighborSpace as a land trust to hold urban gardens.

The City of Chicago, the Chicago Park District, and the Forest Preserve District of Cook County joined together to found and provide initial funding for NeighborSpace, which would officially be an independent nonprofit organization (Chicago City Council Committee on Finance 1996). However, the trust operates with support and oversight from its governmental founders. Each founder provides \$100,000 per year in funding and holds three seats on the NeighborSpace board. Other seats are filled by staff members of regional open-space land trusts, the University of Chicago, and other nonprofit groups. The NeighborSpace staff has worked to make the organization's benefits apparent to elected officials and parks commissioners, and Helphand has focused increasingly on raising funds from foundations and private donors.

What Does NeighborSpace Do?

As of early 2016, NeighborSpace held just over one hundred sites. Though just a fraction of the hundreds of community gardens in Chicago (Taylor and Lovell 2012), it is nevertheless a sizable amount of land: 23.1 acres of green space. NeighborSpace takes on many of the roles of a central server while leaving certain roles to community organizations. Community gardens are managed by groups of gardeners while the trust holds the title and satisfies insurance requirements (Helphand 2015). Here are some of the functions that NeighborSpace handles:

- **Land and title acquisition.** Much of the land that NeighborSpace holds was donated by the city. Helphand notes that successive administrations and city council members appreciate that the process is predictable. This is

helpful because Chicago's powerful city council has broad discretion over transfers of city-owned land in their wards. In one case an alderman required a garden to demonstrate success for three growing seasons before he would approve a land transfer to NeighborSpace.

- **Environmental testing and remediation.** NeighborSpace identifies and addresses legal and environmental risks before taking title to a site, conducting a thorough environmental assessment to avoid taking on cleanup liabilities. When contamination is discovered, NeighborSpace can help community groups secure funding for remediation. These funds have come from open-space impact fees and private foundations.
- **Insurance and tax exemption.** NeighborSpace extends liability insurance coverage to community gardening activities, relieving the gardeners of a major cost. (On urban farming sites held by the trust, the farming organization is responsible for liability insurance.) NeighborSpace also coordinates property tax exemptions for its sites, further reducing land costs for gardens and farms.
- **Water access and stewardship emergencies.** NeighborSpace helps arrange for permanent water hookups at its sites, which can be quite expensive. It promotes water conservation and other sustainable agriculture practices. It can also help community gardeners fix broken infrastructure, manage leadership transitions, and deal with emergencies. For example, a downed tree or someone driving through a fence can threaten a garden's existence, but NeighborSpace's support means that such emergencies can be managed quickly.

There are certain things that the land trust does not do. As much as NeighborSpace helps, it is also careful to leave community organizing to community organizations. Before it will consider securing title to a community garden, for example, NeighborSpace requires a community partner to take responsibility, along with at least three garden leaders and at least ten community stakeholders (Helphand 2015, 2). NeighborSpace also leaves the governance and management of gardens to the community partners, as long as they meet the minimum insurance requirements.

NeighborSpace Expands to Hold Land for Nonprofit Urban Farms

Around 2010 Growing Home, a nonprofit urban farm operating in the south side neighborhood of Englewood, saw an opportunity to expand. Across the street



FIGURE 3. This hoop house on Honore Street Farm allows Growing Home to jump-start its tomato-growing season. (Courtesy of Growing Home)

from a parcel of land it owned—a prior transfer from the city’s inventory—was a city-owned vacant lot. Rather than seeking to take ownership of this new property, Growing Home’s staff tried something different. It sought to have the parcel transferred from the city to NeighborSpace and then to lease the property from the land trust. This nearly one-acre parcel would become Growing Home’s Honore Street Farm (fig. 3).

Up to this point NeighborSpace had held land only for community gardens. Holding land for a commercial farm, albeit a nonprofit one, was a new proposition. The issue prompted discussions by the NeighborSpace board on whether its mission of community-managed open space encompassed urban farming. Ultimately the board agreed that the deal could go forward without an amendment to NeighborSpace’s mission or bylaws. In the process it developed basic criteria for holding urban farmland: a farm would be run by a nonprofit organization; it could not be an indoor farm or involve any permanent structures on the site (although hoop houses are permissible); and the site could not be too big. The last criterion remains somewhat vague and depends on the site’s context.

City officials, of course, also had to be willing to transfer farmland to NeighborSpace rather than directly to a farming organization. From the city’s perspective, however, ownership by the land trust helps solve some of the problems of site preparation, because the land trust can coordinate and raise funds for environmental testing and any necessary remediation. This can be a significant investment—up to several hundred thousand dollars—and ownership by NeighborSpace helps to ensure that public investment in preparing a parcel is preserved, even if a particular gardening group dissolves or an urban farming organization ceases operations.

The experiment that began at Growing Home’s Honore Street Farm has sparked new thinking about how vacant land can be governed and put to productive use. Other projects have followed. In East Garfield Park, a low-income, predominantly African American neighborhood on Chicago’s West Side, NeighborSpace now holds 2.6 acres of land that it leases to Chicago FarmWorks, a nonprofit urban farm that grows vegetables for sale at wholesale prices to the Greater Chicago Food Depository (Heartland Alliance 2012). Officials from city agencies and local foundations, eager to expand commercial urban agriculture in Chicago, have come to see the land trust as a useful tool for furthering that goal (Ela in press).

A LAND TRUST FOR FOR-PROFIT URBAN FARMS?

Chicagoans have recently begun to explore how holding urban farmland in trust might also support for-profit, entrepreneurial urban farming models. Foundation officials in particular are interested in helping the urban farming sector move beyond nonprofit, grant-dependent business models. In 2015 a few Chicago foundations joined together to create a program they branded Food:Land:Opportunity, which funded a NeighborSpace-led effort to develop a land tenure model that could serve for-profit commercial growers in the south side neighborhood of Englewood (Food:Land:Opportunity 2015).

This potential new role for NeighborSpace or a new landholding entity responds to a problem that is likely to arise as a result of the growth of training programs for new commercial urban farmers. In 2013 Mayor Rahm Emanuel announced the creation of Farmers for Chicago, which committed the city to finding land for farmer trainees from organizations such as Growing Home (City of Chicago 2013). The Chicago Botanic Garden (2013) and the Chicago project office of Growing Power (2013) have since developed “incubator farms” through which beginning urban farmers can refine their growing skills, test their business models, and share equipment and distribution facilities.

As new farmers in Chicago's experiment and elsewhere approach the end of their incubation period, it remains an open question where they will go to establish their urban farming businesses. Will they be able to afford land at market rates in the city, or will they have to move beyond Chicago's city limits to find land? Farm incubator programs elsewhere have confronted difficulties in graduating trainees onto their own land outside the program. One of the earliest programs, Intervale Farms in Burlington, Vermont, faced the problem of letting too many early trainees remain on the land as mentors, which meant that eventually little land was left for new trainees (Tursini 2010).

The planning process funded by Food:Land:Opportunity is an effort to help for-profit urban farmers afford land in Englewood. By the end of 2015 the partners had released a prospectus and business plan for Englewood Community Farms, which proposed the creation of a neighborhood community land trust cooperative (Urban Farm Pathways Project 2015). The Ujamaa Community Land Trust is envisioned to initially hold land for farmers but to eventually serve as a locally controlled entity with a mission of shaping housing and business development that is responsive to community interests.

MIGHT THE NEIGHBORSPACE MODEL BE REPLICATED ELSEWHERE?

NeighborSpace is the organization closest to what a central server might look like, but the point here is not that its model could or should simply be transferred to other contexts. The conditions surrounding the founding and funding of NeighborSpace are unique to Chicago. Urban farming organizations elsewhere might need to spearhead a process to create a new land tenure model and seek support from local foundations rather than government partners. That could produce a more formalized network of community-controlled, neighborhood-level satellite organizations than what exists in Chicago. NeighborSpace provides a helpful example, but the structure of new urban farming land trusts will surely vary depending on the contexts and resources available in different cities.

BEST PRACTICES FOR DESIGNING CENTRAL SERVER PROGRAMS

The following list describes the tasks and roles of the central server:

- **Encouragement of government participation.** The vast majority of land for urban farming will probably come from the public sector. In addition, public subsidies for remediation and operations will be necessary in many cases.
- **Engagement with communities.** The central server provides critical support for community-organized urban agriculture but does not dictate how the community must manage land. Community engagement in the governance of central servers is also important for community acceptance, but it may be in tension with government interest in the control of central server functions.
- **Establishment of a clear division of roles and responsibilities.** There should be a clear division of roles and responsibilities among the central server, the government, community organizations, and farmers.
- **Ownership of the land.** Land ownership by the central server may generally work best, but with an option for local entities to purchase (with reversion to the central server if the satellite entity goes under).
- **Performance of the legal and financial work.** The central server should pay particular attention to issues that require technical expertise beyond that of growers and that are best addressed through ongoing relationships between the landholding entity and the government, land banks, and so forth. This expertise applies to title, insurance, land preparation and infrastructure (environmental assessment, remediation, and water), and property taxation.
- **Promotion of communication and education.** The central server can provide for communication and information sharing among growers regarding best practices.
- **Pursuit of opportunities for property tax treatment.** The central server should always seek the most favorable property tax treatment to protect the ongoing affordability of urban farmland. In some cases, this may result in the central server entering long-term ground lease agreements with public entities, trading a bit of control in exchange for property tax exemptions.

CONCLUSION

Farms and gardens are hardly a new feature of America's urban landscapes, having cropped up and withered away repeatedly since the late 1800s (Lawson 2005). This

repeated coming and going frames a puzzle: How might urban agriculture become, and remain, a permanent part of our cities? In what ways might we reimagine and restructure land tenure to help urban farmers contribute on a long-term basis to the health (and perhaps wealth) of the cities and communities in which they grow?

Answers to these questions are emerging in fits and starts, as people tinker with ways that urban farmers can gain access to affordable land on a long-term basis. In all likelihood, no single dominant model will emerge, but instead we will see the development of a variety of strategies based on land held by public agencies and by land trusts. In this chapter we have imagined one way in which current models might be extended and expanded to help urban farmers and gardeners become better rooted in their communities. We hope that this model will prove fruitful for grafting onto, hybridizing with, and fertilizing ongoing efforts to reform land tenure rules in cities around the country.

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To Jerry Kaufman (1933–2013), who inspired so many.

You inspire us still, with your wisdom and integrity.

We are grateful to have begun this journey with you—our dear colleague, mentor, and friend.

Professor Jerry Kaufman taught in the Department of Urban and Regional Planning at the University of Wisconsin–Madison, pioneered the field of food system planning, and was the board president of Growing Power.