

## **Land: Challenge and Opportunity**

by Susan Witt and Robert Swann

“We abuse land because we regard it as a commodity belonging to us. When we see land as community to which we belong, we may begin to use it with love and respect.” Aldo Leopold

Aldo Leopold presented a bold challenge to environmentalists: if we are to foster a culture of love and respect for land, then land can no longer be an item to buy and sell on the market. Leopold was describing not just a new land ethic but a transformation of our relationship with land in fact and deed. Nothing short of a fundamental change in the economic treatment of land can affect the attitude toward land rooted in the American psyche. Nothing short of a radical overhauling of an established system of land ownership will achieve the results Aldo Leopold envisioned.

Is Leopold’s statement the banner of a broad new environmental initiative, or does it represent the utopian musings of an eccentric? How much do we dare to achieve?

Many problems of our age demand brave new solutions. The rapid breakdown of existing systems calls for courage, flexibility, vision, and steadfast determination. No family is left untouched by the tragic consequences of an unhealthy environment, by increasing violence on the streets, by the unfair distribution of resources, or by the alienation that comes from the absence of community. Fortunately, there is now a growing recognition of a shared responsibility for these conditions and a willingness to share risk in order to achieve shared results.

Over the last ten years the environmental movement has learned that it is not enough to say no to the developer of the site down the street without saying yes to some other form of appropriate economic livelihood for our neighbors. Our conscience can no longer be eased by an aggressive campaign to recycle the vast amount of waste from the consumable goods that come into our homes or by other well-intentioned but reactive measures. A change to more energy-efficient light bulbs makes only a small dent in the nation’s excessive use of non-renewable energy. The protection of one piece of land by means of conservation restrictions raises prices for adjoining lands and makes them more prone to inappropriate development. A ban on ivory sales fails to prevent mutilation of the elephant.

It is time for action of a broad and populist nature informed by common cause and common consent, action which is bold and affirmative, action which reflects a new understanding of our responsibilities to the earth and to one another. Future generations deserve nothing less. We must and can meet Aldo Leopold’s challenge.

Centralized planning for the use of state-owned land has proven to be a great failure, as has the unregulated exchange of land on the open market. How shall we create a new system of land allocation and use that is fair to all and ecologically sound? What might such a system look like?

### ***Earth-Given***

The economist Ralph Borsodi, in his book *The Seventeen Problems of Man and Society*, distinguishes between those things that can be legally owned and thus traded and those that belong in the realm of “trusteeship,” to use Gandhi’s term. Whatever an individual

creates as a result of labor applied to land—the harvest from a garden, the home built of wood from the forest, the sweater knitted from spun wool—is private property and may rightfully be traded as commodities. However, the land itself and its resources, which are Earth-given and of limited supply, should be held in trusteeship and their use allocated on a limited basis for present and future generations. When an individual is allowed private ownership of such a limited resource, that individual has an unfair economic advantage. The scarcity of arable land and a growing demand for it result in an increase in the value of the land through no effort on the part of the landowner. The potential for speculative gain inherent in the present system of private land ownership places tremendous pressure on the landowner to maximize the dollar value of the land by developing it. The use of zoning regulations and conservation restrictions is a limited and increasingly costly method for ending our tradition of land exploitation.

A further result of the ability to commoditize land is that wealth generated by a community will flow first into land—from which high gains are anticipated—rather than into new small businesses. The local economy stagnates when a community's capital is tied up in land. Credit for the small-business owner tightens. The region loses its diversity of enterprises, which is the basis of a more sustainable economy and a more environmentally responsible business sector. When a region *unties* its capital from the land, it creates new investment capital, which can activate the imaginative and entrepreneurial skills of the community generating new local businesses that will produce goods and services once imported from other regions. New investment capital can facilitate increased regional production and steel regional economies against fluctuations in the broader economy.

During the height of the spending spree of the 1980s, in the E. F. Schumacher Society's region of the Berkshires a weekend pastime of area residents was to put a "For Sale" sign in the front yard and offer the property at a highly-inflated price to see if there were any takers. The possibility of "hitting the jackpot" is seductive to many—it is a gambling game with the land at stake. The ever-present possibility of selling land at a big gain and then leaving the area erodes the commitment to community and place that is the last safeguard of our shared inheritance—the rivers, lakes, forests, and wild lands.

### ***Regional Trusteeship***

The Community Land Trust (CLT) concept as developed by E. F. Schumacher Society president Robert Swann offers a practical way to take land off the market and place it into a system of trusteeship on a region-by-region basis. Swann was inspired by Ralph Borsodi and by Borsodi's work with J. P. Narayan and Vinoba Bhave, both disciples of Gandhi. Vinoba walked from village to village in rural India in the 1950s and 1960s, gathering people together and asking those with more land than they needed to give a portion of it to their poorer sisters and brothers. The initiative was known as the *Boodan* or Land Gift movement, and many of India's leaders participated in these walks.

Some of the new landowners, however, became discouraged. Without tools to work the land and seeds to plant it, without an affordable credit system available to purchase these necessary things, the land was useless to them. They soon sold their deeds back to the large landowners and left for the cities. Seeing this, Vinoba altered the *Boodan* system to a *Gramdan* or Village Gift system. All donated land was subsequently held by the village itself. The village would then lease the land to those capable of working it. The lease expired if the land was unused. The *Gramdan* movement inspired a series of regional village land trusts that anticipated Community Land Trusts in the United States.

The first CLT in this country allowed African-American farmers in the rural South to gain access to farmland and to work it with security. Robert Swann collaborated with

Slater King, a cousin of Martin Luther King, Jr., to develop New Communities in Albany, Georgia. They relied on the legal documents of the Jewish National Fund in structuring the organization. The Fund began to acquire land in Israel at the turn of this century and now holds 95 percent of the land in Israel. It has a long and established legal history of leasing land to individuals, to cooperatives, and to intentional communities such as kibbutzim.

Swann and a group from Albany traveled to Israel in the 1960s to study the results of this leaseholding method. They decided on a model that included individual leaseholds for homesteads and cooperative leases for farmland. The group then purchased a 5,000-acre farm in rural Georgia, developed a plan for the land, and leased it to a group of African-American farmers. The legal documents have been tested and refined since the 1960s, and hundreds of Community Land Trusts are now operational, with many others in the planning stage. The perseverance and foresight of that team in Georgia, motivated by the right of African-American farmers to farm land securely and affordably, initiated the CLT movement in this country.

### ***Organizational Structure***

A Community Land Trust is a not-for-profit organization with membership open to any resident of the geographical region or bioregion where it is located. The purpose of a CLT is to create a democratic institution to hold land and to retain the use-value of the land for the benefit of the community. The *effect* of a CLT is to provide affordable access to land for housing, farming, small businesses, and civic projects. This effect can be achieved when a significant portion of the land in an area is held by a CLT.

Some CLTs have organized as tax-exempt charitable organizations for the purpose of building housing for the poor, but this limits their activities to that single issue, and maintaining tax-exempt status takes precedence over achieving the CLT's purpose of broad-based land reform. We do not recommend seeking tax-exempt status but instead urge the creation of a Community Land Trust organization that can own and manage land for a multiplicity of uses within a region.

A CLT acquires land by gift or purchase and then develops a land-use plan for the parcel, identifying which lands should remain forever wild and which should support low-impact development. A Community Land Trust fosters healthy ecosystems and an appropriate social use of the land. The planners solicit input from residents of the region to determine the best uses of the land—recreational space, wildlife preserve, managed woodlots for a local industry, secure farmlands for the region, affordable housing, or affordable office space. The land trust then leases sites for the purposes agreed upon. The lease runs for ninety-nine years and is inheritable and renewable on the original terms. The leaseholder owns the buildings and any agricultural improvements on the land but not the land itself. Upon resale, leaseholders are restricted to selling their buildings and improvements at current replacement cost, excluding the land's market value from the transfer.

The resale restriction ensures that the land will never again be capitalized and will provide affordable access to land for future generations. The land-use plans ensure that the resource base is maintained and enriched, not depleted. The Community Land Trust lease is a tool for meeting social and ecological objectives.

The CLT as a regional landholding organization is an innovative concept compared to conventional patterns of landholding in the United States, but its roots go back to the tradition of the early settlers in New England who brought the practice of the "commons" with them from England. The CLT is not merely a method of holding land in common; it is a way for the community to hold land for the "common good." This means holding land

not only to protect it from overdevelopment but also to ensure both that the best land is preserved as farmland and that ecologically sensitive areas are not destroyed in the rush to develop.

The CLT offers farmland as well as house sites and commercial sites through a long-term lease. The leaseholder pays the CLT a regular monthly rental for the land, and the trust in turn is responsible for tax and mortgage payments on the land. Properly managed and financed, the income from the land lease is sufficient to create a fund for the purchase of additional land. Typically, the land-use plan in the lease will limit the number of structures per site and specify farming practices that renew the soil. The leaseholders become owners of any structures they build or improvements they make on the land, but they are not permitted to sell or sublet the land itself, which remains permanently owned by the Trust.

The Community Land Trust is a democratic institution, with the potential to hold most of the land in a region. The leasehold method provides both security and equity for leaseholders by encouraging their long-term investment and helping them to establish deep roots in the community. Members of the Trust provide not only for themselves but for the community as a whole.

### ***An Innovative Planning Tool***

Land held by a CLT is not necessarily contiguous or limited in its total acreage. The Woodland Community Land Trust organized by Marie Cirillo in Clairfield, Tennessee, holds over one thousand acres of land in several noncontiguous parcels. It is a vehicle for residents of the region to regain control of and access to lands that have been stripped of their best resources by corporate owners and then abandoned. Small timber-based businesses, camping, ginseng growing, and housing are uses now found on land that once excluded local people.

The CLT recognizes that human beings are a part of the ecological reality of a region and that in order to reach ecologically sound goals, we must also support economically sound objectives. The CLT approach to land-use planning requires a compatible and sustainable mix of conservation, recreation, housing, farming, and regional small-scale industries. This means using tracts of land in such a way that the houses do not intrude, or intrude only minimally, on farmland and forest. Because the Community Land Trust is the owner of all lots on a tract of land, it can cluster housing, build shared driveways, and designate common-use areas, thereby limiting the amount of land needed per household. Individuals lease a house site, not a house lot.

In the town of South Egremont, Massachusetts, where we live on CLT land, local zoning calls for two acres of land per house, with 150 feet of road frontage. Such zoning encourages the breakup of farms and forest because driveways run across open space to each house. The Community Land Trust in the Southern Berkshires holds a 9.7-acre tract with four house lots located under Jug End Mountain. The houses are clustered so as to intrude as little as possible on the surrounding orchard.

Each household leases a half-acre house site rather than a 2.4-acre lot. Because the CLT has title to all four lots, it can lease parts of each lot to create a house site as long as the house itself falls within the lot lines. This permits site-specific planning and makes the lease a more refined planning tool than zoning. In our own case, our house is on lot B, our shared driveway on lot A, and our garden on lot C. The majority of the 9.7 acres is left intact as an orchard.

The CLT leases the orchard separately to Bernard Kirchner, a local farmer who cares for and harvests the apple trees first planted on the leasehold by his grandfather. His lease is

unaffected by any future change of ownership of the homes. The security of the lease provides him with the incentive to plan for the long-term health of the soil and trees and thus to farm sustainably. Bernard has also planted perennial stock—raspberry plants, asparagus plants, and young apple, pear, and cherry trees. Should he need to move from the site, he can sell his improvements (fencing, apple trees, and other fruit stock) but not the land itself. With equity in the site he is encouraged to invest for the future and to remain a member of the community.

The Community Land Trust paid the market rate for this land in 1980. Over the years lease fees collected on the house sites paid off the mortgage. Housing, the most intensive use of the land, carried the burden of financing it. The CLT was therefore able to keep Bernard's lease cost very low—he makes his payments in cider apples—securing an affordable source of food production for the region.

### ***The Fund for Affordable Housing***

The Community Land Trust in the Southern Berkshires also holds title to twenty-one acres in Great Barrington known as Forest Row. Forest Row includes preserved land, a common recreational area, woodland, and eighteen units of housing clustered on five acres. The land-use plan and housing designs were developed in collaboration with the future home owners. Even with careful planning and unit-owner participation, the CLT was unable to keep purchase costs as low as it would have liked because of the high cost of construction.

This problem was tackled by the Fund for Affordable Housing, a separately organized charitable entity. As a tax-exempt organization the Fund can accept donations to subsidize construction costs. The Fund has built two homes at Forest Row for sale to low-income families.

The Fund for Affordable Housing also administers a second-mortgage loan fund financed with investments from Berkshire residents and vacation homeowners. The loan pool provides low-cost second mortgages to unit owners at Forest Row, thus lowering monthly mortgage payments. Eighty percent of the original loans have been repaid, and some borrowers are now lenders to the Fund.

As a volunteer organization modeled after Habitat for Humanity, the Fund organizes community assistance for the construction of the homes it builds. Community members who are well-versed in the particulars of housing development are chosen for the board: architects, builders, and bankers who volunteer their professional skills. Once the housing is built, the Fund does not have the staff to manage resale restrictions (which keep the units affordable for future generations) or to oversee land-use provisions, so affordability and land-use standards are maintained by working cooperatively with the CLT.

This association between the Fund for Affordable Housing and the Community Land Trust in the Southern Berkshires represents an ideal form of cooperation between a charitable organization and a non-profit CLT. The partnership provides affordable access to land and affordable home ownership for year-round residents who otherwise would not be able to live in this high-priced vacation-home region.

### ***The Great Barrington Land Conservancy***

Another example of cooperation between landholding organizations is the work of the Great Barrington Land Conservancy (which has tax-exempt status as a conservation group) and the Community Land Trust in the Southern Berkshires. The office building known as Riverbank House, located on Great Barrington's Main Street and owned by the CLT, has been the home of many small non-profit groups. When the CLT bought

Riverbank House, the steep riverbank behind the building was littered with debris from years of neglect and from a fire in the building next door. CLT member Rachel Fletcher led a team consisting of the board of directors to clean up the riverbank, resulting in a cleaner lot and in greater community attention to the Housatonic River and its environs.

Rachel next conceived the idea of a Housatonic Riverwalk to parallel Main Street, and the town has shared her dream. Over one thousand volunteers have helped in cleanups and trail-building along the river. Rachel estimates that the cleanup work of volunteers, combined with the actual costs for building materials, created improvements valued at \$100,000 on the properties. These improvements, though desirable, could not have been justified economically by the properties' commercial uses; however, the partnership between the charitably organized Great Barrington Land Conservancy and the non-profit Community Land Trust helped facilitate Rachel's popular project.

The Great Barrington Land Conservancy now holds a ninety-nine-year lease along the trail. Tax-deductible donations for materials to build stairs down the steepest part of the bank went to the Conservancy, as lessee of the site. The ninety-nine-year lease is a lien on the properties and protects the community's investment of money and time for the benefit of future generations. Other property owners will be asked to sign similar leases in exchange for a cleanup of their banks.

Recently the Community Land Trust in the Southern Berkshires joined with the Great Barrington Land Conservancy to establish a fund to purchase tracts of farmland. The land will be leased back to farmers at a reasonable cost, thus reducing the overall indebtedness on the farms. The farmers will retain ownership of the buildings and equipment, which they may sell to future leaseholders at replacement value. The lease agreement is a tool to protect present and future affordability of the land for farmers and ensures that conservation measures are incorporated into agricultural practices. The Land Fund provides a method for consumers to support a continued local agricultural base in their community.

### ***The Appropriate Tool for Change***

The Community Land Trust is a flexible civic tool for holding land on a democratic basis for the common good while facilitating private ownership of structures and improvements. Unfortunately, the accumulation of land in CLTs has been very gradual.

It is true that each new piece of land in a CLT has its own story of hope and good work and that each piece serves to remind the general public that land is "a community to which we belong." But there is no broad movement to decommo-ditize land. Environmentalism is the new religion of our age, but it is only a Sunday morning religion. We discuss Aldo Leopold at dinner parties and clean up riverbanks on weekends but still reserve the right to sell the land we own and care for to the highest bidder. We have yet to fully imagine and embrace a culture in which land use is allocated by social and environmental contract rather than by checkbook. The Community Land Trust is a proven tool for change. When shall we dare to use it?

### ***The Olkhon Region of Lake Baikal***

The Olkhon raion (region) on the west bank of Lake Baikal in Siberia is a geologically unique region of 6,500 square miles. It is home to 9,500 ethnic Buryats who are the indigenous people of the lake region. The Buryats are shepherds today as they have been for generations, but they are caught up in the wholesale changes sweeping the former Soviet Union. They remain a close community tied to the land, yet they know they must establish an independent economic system to provide an adequate livelihood for their

communities without endangering the extraordinary ecosystem of Lake Baikal, which they hold sacred.

The people of Olkhon have identified a number of possible small businesses for their region: production of traditional medicines, manufacture of traditional clothes, rugs, and cloth woven from the wool of their sheep, and a small cannery for preserving locally grown foods. Investment in these new enterprises is complicated by the question of land ownership. Under Soviet law all of the land of Olkhon—and all buildings and farms—belonged to the state. Investors need security of ownership if they are to invest, yet if the land is privately allocated to permit business investment, the land can easily be sold to interests outside of Olkhon, the resources can be exploited, and the local community will lose the important land base that is its strength and the foundation of its culture.

In order to preserve traditional patterns of land use in the raion and to foster a healthy economy based on sustainable yields, the Society has established the Olkhon Center for Sustainable Agriculture, headed by Vladimir Markasaev, a Buryat whose family has raised sheep and fished for omul in Lake Baikal for ages. The Center's focus is on traditional agricultural practices and food-preservation methods so that the people of Olkhon can become more self-sufficient in food production. It will also encourage small cottage industries producing such things as woolen and leather goods and herbal medicines that will supplement farm income in this rural area. The Schumacher Society plans to establish a cottage-industry loan fund for the Olkhon Center to administer, similar to the SHARE loan-fund program developed in the Southern Berkshires by Schumacher Society staff.

The Schumacher Society and the Olkhon Center for Sustainable Agriculture are working with farmers and officials of the Olkhon raion to establish an Olkhon Community Land Trust to hold lands in the region. The planned implementation of an Olkhon CLT will:

- 1) formalize the Comprehensive Land Use Plan for the raion as originally developed by an American-Russian team led by George Davis of Ecologically Sustainable Development;
- 2) provide generational land-use rights for residents of the raion, reflecting historical and current family land-use patterns and securing cultural continuity;
- 3) provide for private ownership of buildings and other improvements for the residents of the region so that investment in homes, farms, businesses, and public infrastructure is facilitated;
- 4) provide for an efficient means to transfer equity in improvements without capitalizing land values in the process so that ownership of homes and businesses remains affordable to residents of the raion and so that year-round residents are given priority to purchase improvements for sale;
- 5) establish a locally controlled and democratically structured system for management of land allocations and for oversight of lease terms.

In order to carry through these objectives, the Olkhon CLT will hold all of the potentially productive lands in the raion. These would include village lands used for housing, commercial purposes, common grazing, or for public purposes (such as present or future location of schools, wells, sewers, dumps, and recreation sites); farmland, whether privately or cooperatively managed; selected natural resource areas including forestlands, water-fronts, grazing lands, and mineral-rich areas set aside for limited economic use; managed recreational areas; sites identified for future intensive development for eco-tourism or for small industries; sites identified for future village development; and outlying homesteads not identified in other categories.

Raion parklands intended for preservation will remain under the jurisdiction of the Irkutsk Oblast (province). Detailed land-use plans will be developed for each of these land areas in order to provide documentation for land lease agreements. Ownership documents, similar to bills of sale, will be given to all current users of buildings, providing security for residents during the transfer from state ownership of land and buildings to a system of raion ownership of land and private ownership of buildings. Simultaneously, building owners will be given a lease for their building site that reflects the land-use recommendations of the Comprehensive Land Use Plan. Leases can be written to individuals, to a town council, to a cooperative, to a family group, to a newly formed development corporation, or to an intentional community such as might be the case with the rebuilding of a culturally based village.

The Olkhon Center for Sustainable Agriculture has begun an educational program to acquaint the public and raion officials with the Community Land Trust concept. As a result of a visit by a Schumacher Society delegation to the raion, the elected governor of the raion included the concept in a decree regarding future land use.

Detailed planning will get underway with the selection of a model village for demonstration purposes. Working with local land-use planners and a legal team, a Schumacher Society delegation will develop a detailed land-use plan identifying individual leaseholds for homes, businesses, and public use within the village and then go on to write lease agreements and bills of ownership for buildings on each leasehold.

The completed model-village plan will be used as a basis of discussion in other villages in preparation for an Olkhon-wide referendum to establish an Olkhon Community Land Trust. With a successful vote in place the Olkhon administration will petition the Irkutsk Oblast government authorities to transfer ownership of all potentially productive lands to a newly formed Olkhon Community Land Trust. The deed from the Oblast will include a detailed land-use plan requiring the Community Land Trust to implement the ecologically sustainable land-use policies originally envisioned by the American and Buryat teams in their Comprehensive Plan for the Lake Baikal watershed. The deed restrictions guarantee that the significant resources of the raion will be stewarded for future generations rather than capitalized for short-term gain.

Irkutsk Oblast officials will be encouraged to cooperate in the development of the proposal because of its precedence-setting measures to ensure watershed protection within historical cultural patterns.

Once established at Olkhon, the Community Land Trust will become a model for land protection and allocation in other regions of the watershed.

### ***The Opportunity***

The ecological significance of this extraordinary lake (Baikal holds one-fifth of the Earth's fresh water), the still-strong roots of the Buryats in their traditional culture, and the important model that the Olkhon Community Land Trust can provide for the fair distribution of land lend importance and urgency to this work. Even more significant is the fact that a project like this one at Lake Baikal can help our Western minds imagine what it would be like if all the land in a region were freed from debt and freed from trading to the highest bidder: in short, freed to be the "community to which we belong."

E. F. Schumacher suggested in his classic work *Small is Beautiful: Economics as if People Mattered* that the best strategy for action is simply to begin: "Perhaps we cannot raise the winds. But each of us can put up the sail, so that when the wind comes we can catch it." We feel that a Community Land Trust is just such a sail. A local CLT is, by its very existence, a means for educating the public on issues of land tenure; it can "catch" and hold

land as it is freed for the community. With the forming of Community Land Trusts around the country, a movement is growing that can lead us to a new cultural relationship with the land. We need only dare to raise the sail.