

# ON COMMON GROUND

INTERNATIONAL PERSPECTIVES ON  
THE COMMUNITY LAND TRUST



John Emmeus Davis, Line Algoed,  
María E. Hernández-Torrales

EDITORS

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## Better Together

### The Challenging, Transformative Complexity of Community, Land, and Trust



*John Emmeus Davis*

There is nothing simple about the community land trust. It is a complicated construct with many moving parts, all of which must work in concert for the CLT's unique approach to community-led development of permanently affordable housing on community-owned land to be done well. Its complexity is compounded by the fact that not every CLT is the same. The model's design is being continuously reinvented, giving rise to numerous organizational and operational variations.<sup>1</sup> These refinements have been crucial to the CLT's proliferation, helping it to adapt to a wide range of local conditions in a dozen different countries and to find acceptance among populations with diverse social, political, and economic interests.

The CLT's organizational and operational complexity is not merely a matter of the multiplicity and mutability of its constituent elements, however. The biggest challenge in mastering the model and making it sing lies in understanding that the whole is greater than the sum of its parts. It is the combination of community, land, and trust that contributes the most to a CLT's performance. The dynamic interaction of its three main components is what enables an organization to be a CLT and to behave like one.

Describing this complexity to people who are hearing about the CLT for the first time has never been easy. The most common technique employed by instructors like me has been to picture the CLT as a Venn diagram, where the model's principal components and essential concerns are depicted as three intersecting circles. "Community" is described in terms of a CLT's distinctive approach to involving residents of its chosen service area in guiding and governing the organization. "Land" is described in terms of the organization's distinctive approach to holding land forever, acreage that is scattered throughout a CLT's service area and conveyed via long-term ground leases to the owners of residential or commercial buildings. "Trust" is described in terms of a CLT's distinctive approach to the long-term stewardship of lands and buildings entrusted into its care, an operational



Fig. 26.1. Venn diagram depicting the “classic” community land trust.

priority that plays out in the programs of most CLTs through policies and procedures designed to preserve the affordability, quality, and security of heavily subsidized, privately owned housing.

This three-ring schematic has the advantage of simplicity. It allows a complicated model to be readily grasped in its entirety and then directs attention toward each component, inviting a closer examination of the key features and common variations that constitute the CLT’s unusual treatment of organization, ownership, and operation. But simplicity can also have negative, unintended consequences.

Indeed, I have come to suspect that our go-to image for illustrating and discussing what is widely known in the United States as the “classic” CLT may be inadequate at best and harmful at worst. It obscures too many of the complex interactions that invigorate the model. It overlooks too often the transformative potential of such complexity, as a CLT goes about its virtuous business of rebuilding a place of residence by restructuring the twin pillars of property and power.

Simplification is not only a problem for pedagogy but for practice as well. How a CLT is depicted has an effect on how it is implemented. Our attempt to cope with the model’s messiness by stuffing it into three tidy circles on a static diagram means that we spend most of our time investigating the contents of each circle, while frequently failing to relate one circle to another. When that happens, when the interactions among the model’s components are overlooked, we accidentally suggest that any one of them may be safely removed without damaging the whole. After all, if organization, ownership, and operation can be separately examined, they can be separately implemented — perhaps even discarded. Or so it would seem.

This occurs with distressing frequency in everyday practice. For example, a city government or non-governmental organization (NGO) may endorse a CLT’s operational commitment to the lasting affordability of publicly subsidized, privately owned housing, while also embracing ground leasing as the most effective strategy for implementing and administering a stewardship regime. But the prospect of including a neighborhood’s residents in planning a CLT’s projects, in shaping its policies, and participating in its governance is considered an arduous, time-consuming annoyance. So this troublesome component is deleted from the start — or diluted along the way.

Another frequent occurrence: an NGO may behave like a CLT organizationally and operationally, engaging local residents in the guidance and governance of its activities

while also providing a full complement of stewardship services, but the organization's leaders or funders decide to dispense with community ownership of the underlying land. Developing and financing affordable housing on leased land is deemed too difficult to do, so the CLT's bedrock commitment to owning land on behalf of a place-based community — and never reselling it — is set aside.<sup>2</sup>

This propensity for pruning cannot be attributed solely to the imagery that is commonly used in introducing the CLT. But when practitioners or funders who profess to support community land trusts do not hesitate in removing one or two of the model's main components for the sake of convenience, sawing off branches that have historically defined the CLT, it is fair to ask whether some of the blame for bestowing a license to lop should be assigned to the manner in which the model is described.

Perhaps the moment has come to find a different image to illustrate the CLT. If so, one option might be to substitute the dynamic mobile of Mr. Calder for the static diagram of Mr. Venn. I've been wondering of late whether it might be helpful, in other words, to portray the CLT as something akin to one of Alexander Calder's kinetic creations: a suspended apparatus that is finely balanced to turn freely in the breeze while remaining stably in place. *Community* would constitute one of the cross-pieces from which a variety of organizational configurations were hung. *Land* would be the second, balancing various interests of ownership. *Trust* would be the third, an operational strut to which were attached the multi-colored duties of stewardship, each festooned with weights and counter-weights all their own.

The best thing about this whimsical image of the CLT-as-mobile is that it cautions against the reckless removal of any component, lest the whole construct collapses. It also accepts as ordinary the real-world tensions that are intrinsic to community development. The artistry inherent in the construction of a mobile, like the artistry inherent in designing, constructing, and managing a CLT, lies in making a virtue out of necessity. Rather than pretending that interests are not in competition (and sometimes in conflict), the tensions that exist among various groups who share the same territory become the raw material for a creative endeavor that has as its greatest challenge and highest accomplishment a mastery of balance.<sup>3</sup>

A friend of Alexander Calder's, Saul Steinberg, once said of Calder that he was "a particular American type: the dogged tinker. We saw in him the face of a man who is always working on a perpetual motion machine, which he then sends to the patent office."<sup>4</sup> Mirrored in the image of the CLT-as-mobile, we find the faces of inventive practitioners engaged in a similar project. They are dogged tinkerers all, even if many of them are not American, as the model spreads to other countries. They are artistic realists who accept the challenge of finding the practical fulcrum at every point in a CLT's design. By their hands, the weighty concerns of "community," "land," and "trust" are adapted to the windy conditions within their own communities and kept stably, durably in balance.

Such a balancing act doesn't happen by itself. The CLT is a rather elegant model of

community development, displaying a remarkable degree of adaptability and resiliency across a range of conditions, but it depends upon talented people to put it in place and to keep it aloft. Agency is as important as structure in fashioning and maintaining this perpetual motion machine. There are artists behind the art.

Much as I like this metaphor for describing how a CLT is built and behaves, however, I'm not quite ready to abandon the three-ring diagram that has long been used in trainings to depict the "classic" CLT. Yes, that familiar schematic has made it harder to appreciate the carefully balanced complexity of

More than the model's reinvention of each component, it is their combination that gives vitality, resilience, and power to a CLT.

the model as a whole. Yes, it has made it easier to prune the model beyond recognition. But the fault lies less in Mr. Venn than in ourselves. Instead of substituting one metaphor for another, a more reason-

able course of action would be for us to make better use of the imagery already in hand.

We are not mistaken in picturing the CLT as a trio of interlocking circles; nor are we misguided in taking the time to understand, separately and thoroughly, the internal workings of the model's main components. Where we go wrong, I believe, is devoting too little attention to the spaces where the circles overlap. As a result, we tend to overlook the dynamic interaction of organization, ownership, and operation — and the delicate balance that must exist among them for a CLT to prosper.

These interactions are seldom discussed, rarely studied, and poorly understood. Such neglect is a major blunder, because the synergies produced by these interactions are what enable a CLT to perform to its highest potential. Organization and operation are made more effective by the innovative way in which a CLT's property is owned. The ownership and operation of a CLT's property are made more effective by the innovative way in which a CLT is organized. Ownership and organization are made more effective by the innovative way in which a CLT's lands and buildings are operated. More than the model's reinvention of each component, it is their combination that gives vitality, resilience, and power to a CLT.

Why go to all the trouble of identifying these interactions? What advantages would advocates and practitioners derive from a deeper understanding of the mutually reinforcing relationships among a CLT's main components? To my mind, they would possess a new set of tools for making their case. They would have at their fingertips a more compelling rationale for upholding the integrity of the CLT, which might stiffen their resolve in resisting the model's dismemberment. They would also have in hand a more robust measure for evaluating the model's performance, gauging when a CLT is working well and when it is not; providing them, too, with a finely calibrated scale for weighing whether a proposed adjustment to one of the model's main components is likely to preserve — or disrupt — the balance on which a CLT depends.

A few additional remarks about this balancing act. The particular genius of practitioners who are charged with implementing this unusual model of tenure, as suggested earlier, is their artistry in managing property-based interests that often compete — and sometimes conflict. CLT practitioners neither wish away these pesky tensions, nor regard their persistence as a sign of failure. They fashion them into something equitably in synch and sustainably in balance. Within the CLT's two-party structure of ownership, the ground lease is designed to balance the competing interests of the nonprofit landowner and those of the owners of any buildings located on the nonprofit's lands. Within the CLT's organizational structure, the two-part membership and three-part board are designed to balance the competing interests of the people who live on the nonprofit's lands and the neighbors who live around them. Within the model's operational structure, a CLT's stewardship regime is designed to balance competing priorities of enabling low-income households to gain access to homeownership and to build wealth in the present versus preserving that same homeownership opportunity for lower-income households in the future.

These difficult and daunting acts of balance are on daily display within the three-ring circus of a CLT. They capture our attention and win our applause. But we often fail to notice the other high-wire acts of derring-do that are being performed with quiet aplomb where the rings overlap. Here, too, CLT practitioners must skillfully balance competing interests and concerns.

There is an inherent tension, for instance, between the roles of CLT-as-developer and CLT-as-organizer. A CLT that tilts too heavily toward the former, giving too little weight to building a base of support within its service area, is unlikely to have the political clout to compete for land and money from its local government. It is unlikely to possess the legitimacy and loyalty that enables an organization like a CLT to surmount not-in-my-backyard opposition to its projects and to build local support for its unfamiliar form of tenure. Conversely, a CLT that tilts too heavily the other way, giving too much weight to every objection that might be raised by a vocal minority within its own service area or within its own membership, is likely to stumble in striving to acquire land, to assemble capital, and to develop affordable housing. Every CLT is forced to find a point of equilibrium, in other words, between building a substantial portfolio and cultivating an engaged constituency, maintaining a delicate balance between ownership and organization.

Another example. A community land trust that becomes too heavy-handed in carrying out its operational duties of stewardship can steadily undermine the “marriage of convenience” that must be maintained with the individuals and organizations that use its land. An imbalance in this pivotal relationship can increase the organization's costs, requiring constant intervention by the CLT to ensure that homes on its land are kept affordable, that buildings are kept in good repair, and that mortgages are paid. Conversely, a CLT that operates with too little oversight runs the risk of failing to fulfill its operational commitment to preserving the affordability, condition, and security of housing

and other buildings entrusted into its care. There is a delicate balance between operation and organization.

Performing these feats of balance will always be a challenge. But the odds of success are greatly improved when practitioners appreciate on a deeper level the many interactions among a CLT's main components. There is a certain irony here. At the same time that practitioners are handed a stronger rationale for upholding the integrity of the "classic" CLT, they are allowed a wider latitude in modifying that model as needed. They are able to weigh with greater precision any proposed adjustments, watching closely to make sure their well-intentioned tinkering with the internal workings of organization, ownership, or operation does not throw their carefully designed construct completely out of whack. Practitioners who come to appreciate the model's interactive complexity discover that their license to lop has been revoked, but their freedom to improvise has been expanded.

*The transformative potential of a CLT is greatest when every part of this complex composition is present and performed in harmony with the others.*

A deeper appreciation for the power of complexity also puts practitioners in the best position to bend the trajectory of local development toward justice. That is not to say that programs or policies that embrace less than the full package of the "classic" CLT are without merit. By itself, a community's ownership of land provides a platform for protecting access to goods, services, and homes for lower-income residents who might otherwise be extruded or excluded from a neighborhood. By itself, an organization's commitment to giving residents a voice in guiding development in their own locale and a role in governing the organization doing that development are marked improvements over top-down approaches to neighborhood revitalization. By itself, an operational commitment to the lasting affordability of housing, secured through a watchful stewardship regime, is a vast improvement over policies and programs that allow affordably priced homes produced through public dollars or private donations to leak away. Each reinvention of organization, ownership, and operation has value; each helps to make place-based development more equitable in the short run and more sustainable over time. But two components are better than one, and three are best. The transformative potential of a CLT is greatest when every part of this complex composition is present and performed in harmony with the others.<sup>5</sup>

At the risk of trotting out one metaphor too many, let me end with a story that pre-dates my personal involvement with community land trusts. Nearly fifty years ago, I spent summers in the mountains of southern Appalachia, doing community organizing as a member of a project called the Student Health Coalition.<sup>6</sup> One of my fellow organizers, who was eager to immerse himself in Appalachian culture, managed to persuade a retired coal miner to give him weekly lessons in playing the country fiddle. My friend was

a quick study in mastering the instrument's fingering because he already played the guitar. He had a harder time making the fiddle sing, however, as he sawed clumsily across the strings. Exasperated by his pupil's lack of progress, the gray-haired fiddler would interrupt



their sessions again and again with the same admonishment: "Charles, any damn fool can figure out where to put his fingers. The music is in the bow, boy; the music is in the bow."

Faced with the challenge of teaching people to play an instrument as demanding as the CLT, I am frequently reminded of the old fiddler's advice. Whether introducing the model to a new audience or bringing

the model to a new venue, the first lessons must always be focused on getting the fingering right within the separate spheres of ownership, organization, and operation. A novice must have a basic command of each component before tackling more difficult exercises. But that will never be enough to coax a compelling tune from a CLT. Any damn fool can figure out where to put his or her fingers, sliding along the taut strings of organization, ownership, and operation. Mastery of the model only comes when they are played in combination. It is here, among the complex harmonies of *community*, *land* and *trust*, that a song of transformation is most likely to be heard in the places people call home. The music is in the spaces, boys and girls; the music is in the spaces.

### Notes

1. These variations extend to the manner in which the CLT itself is characterized. Many practitioners employ terms like "strategy," "mechanism," "vehicle," or "platform" when describing the CLT. I have done the same, sometimes using these terms interchangeably with "model." My use of the last is not meant to champion model as the best of these terms. It is merely to follow the custom that began in 1972 with the first book about the CLT, which called it "a new model for land tenure in America."
2. This is hardly the first time I've bemoaned (and ridiculed) the readiness to discard this component of the "classic" CLT whenever funders, bankers, or practitioners consider community landholding and long-term ground leasing to be "too difficult." See, for example: "Ground Leasing Without Tears," *Shelterforce Weekly*, January 29, 2014. Available at: [https://shelterforce.org/2014/01/29/ground\\_leasing\\_without\\_tears/](https://shelterforce.org/2014/01/29/ground_leasing_without_tears/)

3. An early attempt to develop a theory of the formation and interaction of these “property interest groups” can be found in J.E. Davis, *Contested Ground: Collective Action and the Urban Neighborhood* (Ithaca, NY: Cornell University Press, 1991).
4. Adam Gopnik, “Wired: What Alexander Calder Set in Motion.” *The New Yorker* (December 4, 2017: 73–77).
5. A more detailed argument for the transformative potential of the “classic” CLT can be found in J.E. Davis, “Common Ground: Community-Owned Land as a Platform for Equitable and Sustainable Development.” *University of San Francisco Law Review* 51 (1), 2017. Thoughtful critiques of this argument, addressing the question of whether nonmarket models of ownership are, in fact, “politically transformative,” appear in James DeFilippis, *Unmaking Goliath: Community Control in the Face of Global Capital* (Routledge, 2004) and his more recent essay, “On the Transformative Potential of Community Land Trusts in the United States,” co-authored with Olivia R. Williams, Joseph Pierce, Deborah G. Martin, Rich Kruger, and Azadeh Hadizadeh Esfahani. *Antipode* (February 12, 2019).
6. An online archive of materials about the Appalachian Student Health Coalition is part of the Southern Historical Collection at the University of North Carolina ([www.coalition.web.unc.edu](http://www.coalition.web.unc.edu)).