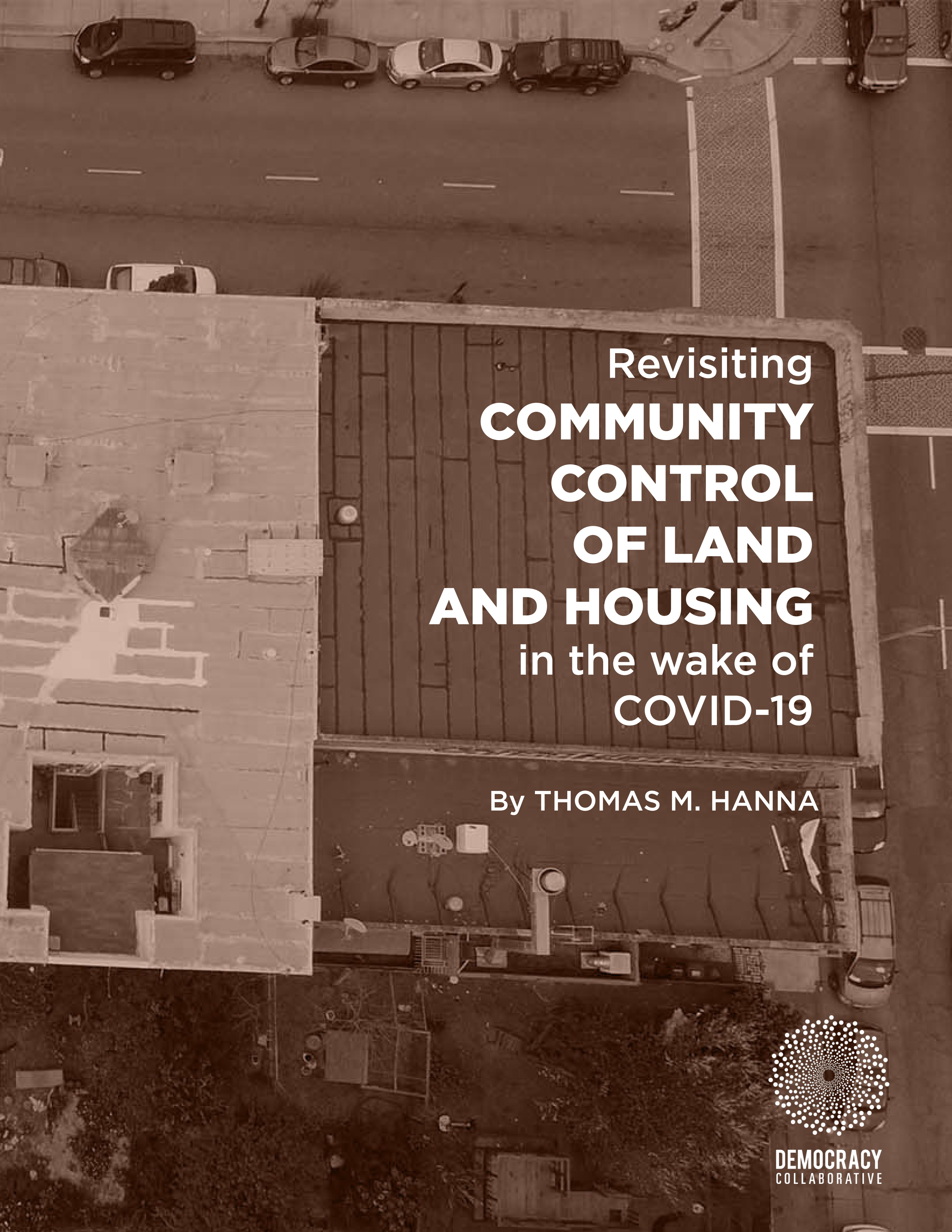

Revisiting

COMMUNITY CONTROL OF LAND AND HOUSING

in the wake of COVID-19

By THOMAS M. HANNA

DEMOCRACY COLLABORATIVE

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Abstract

The United States is experiencing an acute, long-term land and housing crisis. Decades of racist and exclusionary public policy along with rising housing costs in many communities have intersected with other structural economic problems, such as low wages and high debt loads, to drive up racial and generational inequality and supercharge displacement and community instability. The COVID-19 pandemic has exacerbated these long-term trends, with the dual phenomena of rising home prices on the one hand, and millions of people unable to afford their rent or mortgage payments on the other, putting additional pressure on younger residents and marginalized communities.

Many of the traditional market-based strategies being advanced to address this crisis—such as increased homebuilding, higher density zoning, and affordable housing set-asides—are demonstrably insufficient, impractical, or inadvisable from the perspective of reducing poverty, reversing racial and economic inequality, preventing displacement, and addressing climate change. New approaches and institutions that center permanent affordability, community ownership and control, and the long-term goal of decommodification are urgently needed.

Fortunately, many of these alternatives already exist and have been proven to work in the United States. These include community land trusts (CLTs), limited equity cooperatives (LECs), community development corporations (CDCs), resident-owned communities (ROCs), and democratized public housing. Moreover, increasing interest in these alternative institutions has resulted in several new innovations, hybrid models, and legislative, legal, and regulatory shifts that have the potential to lead to larger-scale adoption in the years ahead.

This paper adapts and builds from a report that the author co-wrote and produced in 2018 called *Community Control of Land and Housing: Exploring strategies for combating displacement, expanding ownership, and building community wealth*. It first looks at the current state of the US land and housing system, focusing on long-term trends around inequality, inaccessibility, and displacement, as well as the realized and potential effects of the COVID-19 pandemic. It next briefly reviews various mainstream, market-based "solutions" to the crisis and why they are largely insufficient. The paper then concludes with an introduction to a variety of community ownership and control models, along with new innovations and interventions that are helping to increase their scope and scale.

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Introduction

With stunning beaches, mountains, and a sun-drenched climate, California is one of the United States' shining jewels. Home to around 40 million people, including many of the country's cultural and economic elite, it is the most populous state in the country and the fifth largest economy in the world.[1] However, beyond the successful veneer, the state is facing several deep, structural challenges. Chief among these is housing.

On any given night, more than 160,000 residents are unhoused, often sleeping in sprawling tent communities under overpasses or in parking lots.[2] Another 7 million people, disproportionately people of color, are living in poverty, driven primarily by the high costs of housing.[3] And in many areas (especially in-demand cities), lower income families—again, many of them people of color—are being displaced from long-established communities by rising rents and rampant housing speculation. This is causing a host of negative social, political, and environmental effects, including a weakening of community coherence, culture, institutions, and political power; deteriorating health and wellbeing outcomes; and longer commutes and increased pollution.[4]

While California's situation is the result of many contextually specific conditions and decisions, it is not unique. In general, the United States is experiencing an acute, long-term land and housing crisis.

Land and housing, which is primarily organized around private ownership and market principles, has long served as an engine of economic growth and one of the primary sources of wealth and stability for many in the United States. However, rising costs and a legacy of racism, exclusion, displacement, and extraction has embedded severe inequities throughout the land and housing system, and by extension the wider economy. For instance, currently the homeownership rate for Black and Latinx American residents stands at 45.1% and 49.3% respectively. For Whites, the rate is 73.8%.[5] Moreover, despite widespread expectations that this gap would shrink after President Johnson signed the Fair Housing Act into law in 1968—which banned some of the most egregious racist housing practices that had for decades preserved white supremacy in the housing system—it has actually not changed significantly over the subsequent 50 years.[6]

Similarly, lower-income residents are much less likely to own a home than their higher-income counterparts, with around an 80% homeownership rate for households with above median income, and around 52% for those below median income.[7] Since homeownership is the primary way in which most families in the US can build wealth, this disparity helps to lock in intergenerational economic inequality. Moreover, in general, lower-income residents spend a significantly higher percentage of their income on housing than do higher-income residents. For instance, around 85% of renters who have incomes below $15,000 a year spend more than 30% of their income on housing. This drops to around 33% for middle-income households ($45,000-$75,000) and just 7% for high-income households.[8] Again, this perpetuates intergenerational economic inequality as lower-income households are prevented from saving for the down payments necessary to get on the homeownership ladder. Furthermore, as is evident in places like San Francisco and Washington, D.C., the high cost of housing in many areas—especially those experiencing real or anticipated development-based real estate speculation—forces many lower-income families out of established, often better resourced communities and into concentrated pockets of poverty within the city or in a neighboring jurisdiction (a process sometimes called resegregation).[9]

Lastly, there is evidence of significant generational inequality, with younger US Americans unable to accesses homeownership at the same rates as previous generations.

Rising costs and a legacy of racism, exclusion, displacement, and extraction has embedded severe inequities throughout the land and housing system, and by extension the wider economy.

This is particularly true for the millennial generation (roughly born between 1981 and 1996), which has significantly lower median wealth than previous generations did at the same age and high levels of student loan debt.[10] Consequently, many millennials are disproportionately burdened by housing costs, and fewer are able to purchase homes.[11] For instance, one study found a 14-percentage-point gap in homeownership rates between older millennials and the previous generation (Generation X) at the same age.[12]

The reasons for these inequities—and the US land and housing crisis more broadly—are multifaceted and differ somewhat by geography. However, as alluded to previously, there are two important intersecting factors.

The first is the structural and institutional racism that has pervaded US society for generations. From redlining—the process by which the US government and banks prevented people of color from getting mortgages and buying homes for decades—to the continued undervaluation of homes owned by Black people, racism continues to shape the US land and housing system and prevent BIPOC people from building wealth in the same ways that White people can.[13] For instance, data suggests that "previously redlined neighborhoods, where Black families were more likely to be homeowners, also had a 52% reduction in personal wealth generated by property values since 1980 compared with a home in a greenlined neighborhood."[14]

The second is relative costs—which intersects in various ways with historical and contemporary racism and racial inequity in the housing and job markets. Between 1960 and 2019, median home prices in the US increased 121 percent after adjusting for inflation.[15] By contrast, median household income only rose 29 percent after adjusting for inflation. Moreover, in many communities—especially most major cities—home price to income ratios are considered unaffordable by industry standards.[16]

The COVID-19 pandemic has exacerbated these inequities and disparities, with millions of Americans behind on their rent and mortgage payments (and facing displacement) and spiking home prices pushing homeownership out of reach for many lower-income and younger residents. The primary response to both these long- and short-term trends has been various modest attempts at reforms that largely leave the market-based land and housing system intact. Examples include supply strategies (such as increasing housing construction and increasing zoning density), demand strategies (such as homebuyer subsidies), and cost-control strategies (such as rent control, inclusionary zoning, and tax credits to developers). However, all have largely failed to reverse racial and economic inequality, prevent displacement, reduce poverty, and address climate change.

Increasingly, policymakers and activists are turning towards new approaches and institutions that center long-term affordability, community ownership and control, and the concept that the land and housing system should ultimately organized around principles of equity, use, and public benefit, rather than profit and accumulation.

The effects of COVID-19

While the US is in the midst of a long-term crisis land and housing crisis, two events in recent years have accelerated the problems many communities face. The first was the massive financial crisis and Great Recession of the late 2000s, which had its origins in the collapse of a large housing bubble that had been caused by fraud, speculation, risky lending, and a dearth of regulation and oversight.[17] This housing and financial crisis led to a wave of foreclosures, bankruptcies, and displacement that disproportionately affected Black, Latinx, and lower income families—wiping out many of the very modest gains these groups had made over the preceding decades and widening economic inequality.[18] Moreover, throughout the 2010s, recovery from the crisis was uneven and inequitable.[19]

The second event is the recent COVID-19 pandemic. While it is too early to draw solid long-term conclusions, it is becoming evident that the global health crisis is exacerbating the US housing crisis in at least two, interconnected ways. First and foremost, the pandemic, and the public health related closures related to it, caused a deep (albeit largely unnecessary) economic crisis. Millions of US Americans have lost their jobs and economic insecurity has skyrocketed, especially for lower-income families. When it comes to housing, estimates from May 2021 suggest that around 14 percent of renters in the US are behind on their payments (around 10.4 million adults); and another 7.5 million people are behind on their mortgages.[20] In some cases, these missed payments have accumulated into the tens of thousands of dollars.[21] Once again, these trends are disproportionately affecting lower-income families, people of color, and younger residents.

That this has not yet translated into large-scale displacement and homelessness is due primarily to various federal, state, and local level eviction and foreclosure moratoriums that have been in place for most of the pandemic. These moratoriums made it illegal to evict a renter or foreclose on a homeowner due to lack of payment, albeit they were hard to implement and often included various loopholes. However, with these moratoriums coming to an end, and federal payment assistance slow to be distributed, there are fears that eviction and foreclosure-related displacement and inequality will pick up in the latter half of 2021.[22]

While millions of lower-income US Americans are struggling to pay their bills and worrying about whether they will have a place to live, the pandemic has also caused home prices to skyrocket in many areas. Demand has risen due to a combination of low mortgage rates, government cash payments to families, and a pandemic-driven desire for more secure housing.[23] At the same time, supply has fallen due to potential sellers being unwilling to go list their homes during a pandemic and a justified fear of not being able to buy a new property due to rising costs. Construction shutdowns and spiking costs of raw materials, especially lumber, have added to the problem, delaying the building of new homes and raising costs.[24]

Between May 2020 and May 2021, the S&P/Case-Shiller U.S. National Home Price Index jumped 11.5%. The only comparable 12-month increase since the index began in the late 1980s came during the height of the housing bubble in the mid-2000s.[25] In some areas, homes that come on the market receive dozens of offers—often all cash—and sell within days; and, overall, more than half of all homes sold during late April and early May went for above list price (up 26% from the same period in 2020).[26]

These rising prices are often seen by many mainstream economists and pundits as a good thing, and the sign of a "strong" housing market.[27] And while undoubtedly sellers and existing homeowners (many of whom have seen their equity rise considerably) are benefiting, the larger social and economic implications of these rising prices are often ignored. Beyond the fear that a housing bubble is developing and that a market correction is coming, there is growing concern that the pandemic is further exacerbating class, racial, and generational divides regarding homeownership and wealth. Specifically, the combination of increased debt and housing insecurity for millions of lower-income US Americans and the spike in the cost of purchasing a home threatens to further cut off access to homeownership for millions of people and increase the wealth disparity between those who own homes and those who do not.

If current trends continue, all indications are that the United States will experience a significant drop in the homeownership rate in coming years, and a corresponding rise in the number of people renting. For instance, a 2021 report from the Urban Institute predicts that the homeownership rate in the US will fall to 62% by 2040. This will be driven by declines in the homeownership rate across all age groups (particularly those aged 25-44 in 2010) as well as older Black families.[28]

The limitations of conventional land and housing strategies

While most experts, activists, and policymakers agree that the US (or at least parts of it) is in the midst of a land and housing crisis, there is little consensus on how to respond. In general, most of the strategies put forward could be termed reformist or non-structural reforms. In other words, they seek to tinker around the edges of the market-based land and housing system rather than rethink and reconfigure some of its basic, underlying premises. Examples of such strategies include increasing the supply of homes (i.e. large-scale construction of new homes) and changing zoning regulations to increase housing density; providing individuals and families subsidies to purchase a home or enter the housing market; implementing cost controls (such as rent control) and anti-displacement regulations; and increasing the number of affordable housing units through mandates and the use of tax credits, subsidies, and other incentives to private and nonprofit developers.

The most conventional of these strategies is simply incentivize the private sector to build new homes. It is estimated that in total the US needs upwards of 2.5 million new housing units to meet long-term demand and that around 1.6 million units need to be built annually. This is greater than the pace of construction (around 1.25 million units a year in 2017), meaning that the gap between demand and supply will continue to grow each year.[29] The assumption by many mainstream economists and policymakers is that by increasing the supply relative to demand, housing will become more affordable and accessible. However, while an increase in housing units is important, there are numerous problems with this assumption and the supply-side strategy in general.

First, for various reasons new housing units are often not built where they are most needed. For instance, in many areas the scarcity of land (a finite resource), combined with legal and cultural pressures (including consumerism and racism), leads developers to focus on large, single-family homes further and further away from urban areas. Often referred to as "urban or suburban sprawl," this pattern of land and housing development was, for decades, incentivized by public policy and reinforced culturally; and has had serious ecological, social, and economic side-effects (such as reinforcing residential segregation, rising energy and material consumption, and deteriorating public health).[30] While suburban sprawl has been somewhat less pronounced in the US since the housing crash in the late 2000s and as a result of reversing migration patterns more generally, in some areas (e.g. the Washington, D.C. region) it is continuing and there are fears of a return to sprawl given the current affordability crisis.

In response to this, some advocates of supply-side housing strategies suggest that the solution is to change zoning laws to allow for denser housing in urban areas and or to reduce regulatory burdens on construction (such as permitting and environmental and community review).[31] They argue that restrictions on multiunit housing along with overly lengthy and expensive regulatory hurdles makes it impossible (or at least unattractive) for private developers to build in many urban areas. While this is at least partially true, especially in some western US cities, simply creating more market-rate housing units in sought-after urban areas does not necessarily increase affordability or lessen displacement pressures. In fact, it may exacerbate these problems.

Part of the problem is spatial. As housing expert Rick Jacobus explains, while increasing housing supply in certain areas may lessen rents in a region overall, it may actually drive up costs and displacement in the area where that new supply was created. "If we look at the housing problem at the regional level only, it seems frustratingly obvious that the answer for hot-market metro areas is simply to build," he writes. "But if you are concerned about equity (or about the environment for that matter) then it may be a problem if the [new market-rate housing is] in the middle of a long-established urban community while the units that get slightly more affordable are 75 miles away at the suburban fringe. And if we are talking about your urban community, it is no consolation to know that some housing somewhere is a little less expensive thanks to the luxury project next door that is driving your rent through the roof."[32]

Relatedly, land and housing speculation can often accelerate displacement in neighborhoods where new construction is occurring. Often, new construction (especially of higher-end units) is a signal to investors that a neighborhood is "changing" and sets off a rush to purchase land and housing cheaply in order to flip to developers or sell/rent to new, higher-income residents. "If you are concerned about displacement," Jacobus writes, "you don't want your neighborhood to be 'discovered'."[33]

On the other end of the supply and demand equation, there have been occasional efforts to address the land and housing crisis through demand strategies such as first-time homebuyer subsidies and Section 8 rental vouchers. Examples of the former include the Obama administration's first-time homebuyer credit implemented in 2008 and the currently proposed "Down Payment Toward Equity Act" which would provide "socially and economically disadvantaged" homebuyers with up to $25,000 in assistance.[34]

Most strategies seek to tinker around the edges of the market-based land and housing system rather than rethink and reconfigure some of its basic, underlying premises.

However, while such strategies may make sense in some areas and at certain times (i.e. when demand is depressed), in areas where demand is high these strategies will at best be ineffective, and at worse can further increase costs. In such areas, there is growing interest in strategies to *reduce* demand, such as Vancouver's speculation tax and New Zealand's foreign ownership ban. These could, potentially, be effective in some of the most sought-after areas; however thus far they have not been attempted in most US cities.[1]

A more conventional strategy to rein in costs that does have a long history in the United States is price controls—primarily in the form of rent control. Historically, some US cities (especially those on the coasts) had relatively strong rent control measures that gave tenants and communities some degree of protection against rising housing costs and displacement—and there is substantial research that suggests rent control laws are successful in reducing housing costs for low-income families and preventing displacement.[35]

However, from the 1970s onwards these strong "first generation" rent control policies have been largely watered down and or replaced by "rent-stabilization" policies that have weaker protections and more loopholes. As such, in many high-demand cities—such as New York and San Francisco—evictions, displacement, and affordability continue to be a problem despite rent-stabilization policies. Moreover, as of 2018, 36 US states effectively bar local communities from enacting rent control policies. While interest in reviving stronger forms of rent control (and repealing state-level preemption laws) has increased as the land and housing crisis has worsened in recent years, advocates are heavily out-lobbied by landlords and their allies and have thus far been largely unsuccessful. For instance, in both 2018 and 2020 referendums to repeal state-wide rent control restrictions in California failed. In 2018, opponents—including groups representing landlords—spent $80 million on the campaign (outspending pro-rent control groups by 3 to 1).[36]

Another cost-control strategy that is increasingly being considered and implemented is inclusionary zoning (IZ). IZ refers to the strategy of requiring or incentivizing developers to provide a certain number of affordable units in otherwise market-rate housing projects. Advocates contend that IZ promotes mixed-income housing, allows lower-income residents access to higher-quality community services, and decreases reliance on dwindling public resources by leveraging the private sector.[37] However, despite research suggesting that mandatory IZ programs are more effective at producing and preserving affordable housing, many of these programs are voluntary, have opt-outs for developers, or still require public subsidies and tax incentives.[38] Moreover, in many cases there are price-control periods on the affordable units, meaning that the affordable housing is temporary and reverts back to market-rate housing after a certain amount of time (affordable units can also be lost due to illegal sales, foreclosures, and poor rental management).[39] This can be especially problematic in programs where public subsidies and tax incentives are used to incentivize the development of affordable

1 One of the only instances was in Washington, D.C. during the late 1970s. The city passed a speculation tax (of up to 70%), but it was overturned amidst an acrimonious debate around property rights. See: Katie J. Wells, "A Housing Crisis, a Failed Law, and a Property Conflict: The US Urban Speculation Tax," *Antipode*, vol. 47, no. 4 (2015).

units because, rather than being recycled, new public money must be found to replace each affordable unit that reverts back to market rate prices.

One of the most prominent such public incentives is the Low-Income Housing Tax Credit (LIHTC). Created in 1986, the LIHTC program allows state and local agencies to provide around $8 billion to $9 billion in tax credits annually to developers that buy, refurbish, or build affordable rental housing.[40] The credits are then usually sold to investors in order to finance development projects. While the LIHTC is a very important source of funding for affordable housing, it is not without its limitations. First and foremost, the value of the credits are capped by Congress at a level that is significantly lower than what would be required to meet the nation's need for affordable housing.[41] Second, the LIHTC program does not require permanent affordability. Rather, units developed through the program must commit to 30 years of affordability—although after 15 years properties can be converted back to market-rate housing through a relief process.[42] Moreover, since the tax credits cannot be taken away or "recaptured" after 15 years, there is uncertainty around what state and local agencies can do to force compliance with the 30-year requirement during this second 15-year phase.[43] And lastly, the LIHTC program is limited to rental housing and does not increase the availability of homes for sale to low-income residents.

Another, newer public incentive program is the National Housing Trust Fund (HTF). Enacted as part of the response to the 2007-08 financial crisis and recession, HTF provides federal funds to states for the purpose of providing affordable housing to very-low-income individuals and families. 80% of these funds are to be used to provide rental housing and 10% for owned housing (and the remaining 10% for administrative costs). As with the LIHTC, the HTF has time-limited affordability requirements, in this case 30 years for rental housing and between 10 and 30 years for owned housing, dependent on the amount of investment made.[44]

Community ownership and control

While all of these conventional strategies and approaches are important and necessary in the current systemic context, by themselves (and even in conjunction with each other) they are unlikely to be able to solve the land and housing crisis. This is because they generally only make minor modifications or corrections to the market-based, private-property-dominated land and housing system.

Due to the aforementioned limitations and failures of these traditional approaches to solve the land and housing crisis, and racial and economic inequality more generally, experimentation with more significant institutional alternatives has been growing in recent years and decades. These approaches—which are sometimes grouped together under the moniker of "social housing" and include community land trusts (CLTs), limited equity cooperatives (LECs), resident-owned communities (ROCs), community development corporations (CDCs), and democratized public housing—seek to remove or decouple land and housing from the market in order to preserve permanent affordability, and as such begin to point in the direction of the long term goal of decommodification.[45] They also go beyond traditional top-down public housing approaches, which historically have been engines for racial segregation, by centering community ownership or control.

Experimentation with more significant institutional alternatives has been growing. These approaches seek to remove or decouple land and housing from the market in order to preserve permanent affordability, and as such begin to point in the direction of the long term goal of decommodification.

Community land trusts

CLTs are community-based non-profit organizations that own parcels of land and sell and rent homes on that land with various provisions that maintain long-term affordability. Moreover, they are democratic institutions that are often governed by multi-stakeholder boards that can include residents, wider community representatives, and public officials. The first CLT in the US was formed in the 1960s by a group of Black farmers and civil rights activists in a rural part of Southern Georgia.[46] Subsequently, the CLT model spread into urban areas and has expanded across the country, with more than 200 currently in existence in a wide range of communities.[47] Much of this growth has come in recent years, with the number of CLTs more than doubling since the early 2000s.[48]

By maintaining community ownership of the land and potentially sharing equity gains from the housing, CLTs allow lower-income families to take the first step on the housing ladder and to begin to build wealth, while at the same time ensuring that housing in the community remains permanently affordable.[49] The CLT model also ensures that any public subsidy that is invested in affordable housing is recycled in perpetuity rather than lost within a single generation (as is the case with most market-based affordable housing strategies). Alongside the focus on affordability, another major benefit of CLTs is that their democratic governance structure puts residents and the wider community in control of land use and housing decisions. Lastly, CLTs have been proven to have far lower rates of mortgage delinquency and foreclosure than market rate housing, making them an important tool for preserving homeownership and wealth during economic and social crises.[50] Reflecting on how CLTs may help homeowners during Covid-19, Tony Hernandez, managing director of the Dudley Street Neighborhood Initiative (which operates a CLT), states: "We had zero foreclosures during the subprime mortgage crisis, and I believe our homeowners will also keep their homes at higher rates than market-rate homeowners during this pandemic."[51]

Resident-owned communities

ROCs are member-run, cooperative organizations that own the land in manufactured housing neighborhoods, otherwise known as mobile home or trailer parks. First started in the early 1980s, ROCs have grown significantly in recent years and now number around 1,000 in several US states. In an ROC, residents cooperatively own the land and manage the neighborhood through elected representatives to a board. Cooperative ownership allows the residents to live without fear of being displaced if the land is sold or the rent is raised too high, and gives them direct control over the material conditions of the neighborhood. In these regards, ROCs are similar to CLTs. They are also similar in that ROCs offer a way for lower-income families to build wealth and advance up the housing ladder. Where ROCs and CLTs differ is that in some cases ROC housing is market-rate with owners able to buy and sell with few limitations (although in other cases ROCs are structured as limited equity cooperatives, which keeps the cost of shares low and preserves affordability).

The growth of ROCs is directly related to precarity and displacement in traditional manufactured housing communities, which are home to around 18 million people—including many Latinx families, especially in western states—and have a median household income of approximately half the national average. In these traditional communities, residents own (or rent) their individual homes while the land itself is owned by a company which charges rent, sets rules, and oversees conditions in the neighborhood. Often, residents face displacement pressures when the neighborhood's owners decide to raise rents, sell to another company, or neglect maintenance and upkeep. While it is not yet known if ROCs have fared better than their traditional counterparts during the COVID-19 pandemic, evidence from past disasters suggests that community ownership and control in these communities is important to addressing and mitigating social, ecological, and economic crises.[52]

Limited equity cooperatives

LECs are a form of housing cooperative that, like CLTs, restrict the amount of equity that a member can accumulate between the purchase and sale of a housing unit. This ensures that LECs are more affordable in the short and long term than both market-rate housing and market-rate cooperative housing. There are currently around 155,000 LEC housing units in the United States (out of approximately 773,000 cooperative units in total), with many of these concentrated in New York City, where a 1955 law (the Limited Profit Housing Companies Act) incentivized their development.

Like CLTs and ROCs, in the current housing system LECs can provide an intermediary, wealth-building step between renting and full market participation for low-income individuals and families. They also provide residents democratic control over their building or neighborhood. However, unlike CLTs, both LECs and ROCs usually do not include other stakeholders, such as wider community members or public officials, in their governance structure, which can limit their effectiveness in countering displacement pressures.

While the growth of LECs stalled towards the end of the 20th century, there are signs of renewed interest and innovation. One advance has been the combination of LECs with CLTs. In this model, a CLT owns the land while the cooperative organization comprised of residents collectively own the building upon which the land sits. This "dual" or "hybrid" strategy offers an additional safeguard against displacement for vulnerable residents.[53]

Community development corporations (CDCs)

CDCs are nonprofit, community-based organizations that focus on neighborhood revitalization and preservation, often in low-income areas. As a general rule of thumb, CDCs include a governing or advisory board comprised of at least one-third local residents. Originally conceived in the 1960s, many early CDCs were envisioned as comprehensive community-based corporations that would own and democratically control (through participatory processes) businesses, land, banks, and so on. While some CDCs still do play a more expansive economic role in their communities, over the years many decided to focus primarily on developing, owning, and operating affordable housing. In many cases, they do this by applying for or receiving federal, state, local, and philanthropic support in the forms of subsidies, grants, and tax breaks.

Because CDCs are not a legally distinct entity (rather, they are simply registered as nonprofit organizations) and can be various sizes, it is difficult to ascertain how many there are in the US and what their impact has been.[54] In the mid-2000s, it was estimated that there were around 4,500 CDCs spread out across the country, and while more recent estimates are not available, some have suggested that they are in decline due to diminishing federal support.[55] In addition to their valuable role in providing affordable housing, CDCs are important because some of the more developed ones demonstrate the potential of a wholistic model of community ownership and control that includes not only land and housing but also capital, services, and productive enterprise.

One example is New Community Corporation in Newark, New Jersey. Formed in 1968, the CDC has around $336 million in total assets and more than 550 employees. It owns and operates 12 housing properties with more than 1,700 affordable units; an unhoused persons engagement center (which also includes temporary housing units); a housing shelter with capacity for up to 102 families; an accredited technical institute that trains students in a variety of fields and helps place them into good paying jobs; a financial opportunity center; a family resource center; two early learning educational facilities; an adult learning center; a highly rated, 180-bed extended care nursing facility; a residential services department; various youth services; a security department; an environmental services department; a construction company; a real estate development department; and a credit union with 3,600 members that caters specifically to low-income residents.[56]

Democratized public housing

In addition to the various nonprofit and cooperative models described above, public housing also has a prominent role to play in any community ownership and control approach to address the US land and housing crisis. Currently, around 1 million households (upwards of 2 million people) in the US live in public housing, which is managed by around 3,300 local housing agencies (which are, in turn, funded by the US Department of Housing and Urban Development).[57] In the US and around the world, public housing often provides a basic safety net against homelessness and severely substandard housing for low and very low-income families, and is a model for how housing can be thought of as a public good rather than a commodity from which to profit. However, public housing in the United States has a decidedly checkered past and is artificially limited in its effectiveness by public policy decisions.

Public housing in the US has its origins in New Deal-era efforts to improve the quality of the country's severely dilapidated housing stock and to reduce poverty. However, despite its progressive intentions, entrenched systemic racism at both the federal and state level—along with disinvestment and neglect—allowed the program to become a vehicle for housing segregation and concentrated poverty.[2,58]

Rather than reform and revitalize public housing, the policy response since the 1970s has been to embrace neoliberalism and defund, dismantle, and privatize public housing. In 1974, the Section 8 Housing Choice Voucher program was created, which provides families with a subsidy to rent housing in the private market (with the total annual amount available set by Congress). In 1992, the HOPE VI program demolished thousands of public housing units and, despite promises, failed to re-house many residents, breaking up communities and fueling displacement. And in 1998, the infamous Faircloth Amendment was enacted. This legislation essentially prohibits the construction of any new units of public housing that will increase the net total above 1999 levels.[59]

In recent years, as the land and housing crisis has intensified, there have been increasing calls to repeal the Faircloth Amendment and rebuild public housing in the United States.[60] This is important, but must also be accompanied by an effort to strengthen community control of public housing.

Already, public housing in the United States has relatively robust standards for resident participation. For instance, residents have the right to form a "resident council" and local public housing agencies (PHAs) must recognize those councils. PHAs are required to involve residents and resident council representatives in "all phases of the budget process," to train resident council representatives in issues related to public housing, to include resident council representatives in resident screening decisions, and to allocate a small portion of their HUD subsidy to support resident participation. In larger developments, PHAs are also required to provide office and meeting space to each resident council, to meet with them regularly, and to sign a memorandum of understanding with them.[61] Moreover, PHA's are required to have a resident advisory board (RAB) as well as a certain number of resident commissioners on their governing boards.[62] In practice, though, these participatory processes are often underdeveloped and could and should be significantly strengthened as part of future efforts to revitalize and expand public housing.

2 Despite this, though, public housing was, and remains, popular with residents and prospective residents. See: "Public Housing History," *National Low Income Housing Coalition*, October 17, 2019, accessed 6/28/21, https://nlihc.org/resource/public-housing-history.

Conclusion

In the long term, community ownership and control strategies like CLTs, LECs, ROCs, CDCs, and expanded and democratized public housing could form the basis of a land and housing system that is oriented much more towards human needs, social benefit, and genuine democratic governance, rather than individualism, profit-maximization, and wealth accumulation.

In the short term, however, these institutions and approaches must be scaled up within (and against) the existing market-based system. This will require consciously linking these alternatives to some of the more conventional land and housing strategies—especially the economic and legal power of the state at the local, regional, and national level.

Examples include allocating funding from municipal budgets to community land trusts, as has occurred recently in New York City;[63] transferring public land and real estate to community land trusts (either directly or through a publicly owned land bank);[64] directing public subsidies and tax breaks to nonprofit developers (such as CDCs) that commit to building permanently affordable, community controlled housing (such as LECs); passing legislation, like New York's Limited Profit Housing Companies Act, that incentivizes and supports LECs and other shared equity ownership models; strengthening and universalizing already existing laws in many states that give manufactured housing residents various rights regarding the collective purchase of land in their communities; and passing right of first refusal legislation, such as Washington, D.C.'s Tenant Opportunity to Purchase ACT (TOPA), that allows residents to purchase a property that is being put up for sale and convert it into a cooperative.

Even before COVID-19, interest and experimentation with community control of land and housing institutions and approaches had been increasing in the US as a result of the interlinked long-term crises of racial and economic inequality, climate change, and political stagnation. Given the profound and destabilizing effects the pandemic has had on the land and housing system in many areas, as well as the inability of traditional market-based strategies to adequately address the system's structural problems, these efforts seem likely to continue to grow in scope, scale, and sophistication in the coming months and years.

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