

Policy Briefs: Public or Community Control of Private Rental Housing

Brief #3: Community Land Trusts and other public ownership vehicles

Another option for increasing public ownership of private properties is the use of community land trusts (CLTs). These organizations are typically nonprofit entities that acquire land and convey the land to building owners through a ground lease.¹ By owning the land, CLTs ensure that properties sited on the land are affordable in perpetuity.

Historically, private groups drove the creation of CLTs but local governments have increasingly been involved in forming CLTs in their communities. Chicago was the first major city in the United States to establish its own CLT.² In Chicago, the CLT is unique because it does not own the land. Instead, the CLT uses deed restrictions in order to avoid the challenges of land acquisition while maintaining affordability.³ State and local governments have also provided financing to CLTs to help them acquire land.⁴

Nonprofit Housing Acquisition

In San Francisco, the city's Small Sites program is designed to preserve affordability of small multi-family buildings (4 to 25 units).⁵ The program does this by giving funding to nonprofits to purchase such buildings that would otherwise likely be purchased by profit-driven entities that would displace tenants.⁶

(updated April 13, 2020)

¹ Jeanne Goldie Gura, *Preserving Affordable Homeownership Opportunities in Rapidly Escalating Real Estate Markets*, 11 J. AFFORDABLE HOUS. AND CMTY. DEV. L. 78, 83 (2001), available at <https://www.jstor.org/stable/25782516?seq=1>.

² Stephen R. Miller, *Community Land Trusts and Local Government Affordable Housing Policies*, 23 J. AFFORDABLE HOUS. & CMTY. DEV. L. 350, 359 (2015), available at https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1048&context=faculty_scholarship

³ *Id.* at 366.

⁴ Julie Gilgoff, *Local Responses to Today's Housing Crisis: Permanently Affordable Housing Models*, 20 CUNY L. REV. 587, 617 (2017), available at <http://www.cunylawreview.org/wp-content/uploads/2017/10/CUNY-202-Gilgoff.pdf>

⁵ San Francisco Mayor's Office of Housing and Community Development, *Small Sites Program*, <https://sfmohcd.org/small-sites-tenants>

⁶ Christopher Gil and Karoleen Feng, *Mission Economic Development Agency—Combating Displacement in San Francisco's Mission District, Family by Family and Block by Block*, 26 J. AFFORDABLE HOUS. AND CMTY. DEV. L. 239, 242-243 (2017), available at <http://medasf.org/redesign2/wp-content/uploads/2018/01/Affordable-Housing-Journal.pdf>

