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Using Publicly-Owned Vacant Land to Advance Sustainability and Equity in Buffalo, New York

PARTNERSHIP FOR THE PUBLIC GOOD

PUSH BUFFALO
PEOPLE UNITED FOR SUSTAINABLE HOUSING

Contents

Front cover photo by Grassroots Gardens.

Brief Summary

The City of Buffalo owns roughly 8,000 vacant lots. Over 3,000 acres of land, these vacant parcels are largely the result of historic discriminatory land policies, which encouraged white flight and left thousands of empty homes vulnerable to demolition. When the dust settled, the City found itself with thousands of vacant lots, many of which it has not sufficiently maintained ever since. Examples from Buffalo and around the nation prove, however, that vacant urban land can be repurposed for affordable housing, community gardens, urban farms, parks, playgrounds, trails, green infrastructure, public art, and other beneficial uses. These reuses generate jobs, improve neighborhoods, and attract more residents and visitors, thus helping rebuild the City's tax base. The City should work with residents and community groups
to create a plan for its vacant land focused on equity and sustainability, and it should enact policies to clean and green publicly-owned properties and make them available for neighborhood-led uses.

Findings

SEVERE DISPARITIES.

Systemic racism and disinvestment has led to poverty and inequality in Buffalo:

- poverty – the city's rate is over 30 percent;
- unemployment – the rate for people of color is more than twice that for whites;
- segregation – the city sits in the sixth most segregated metropolitan region in the country;
- unaffordable housing –half the city's renters cannot afford their housing.

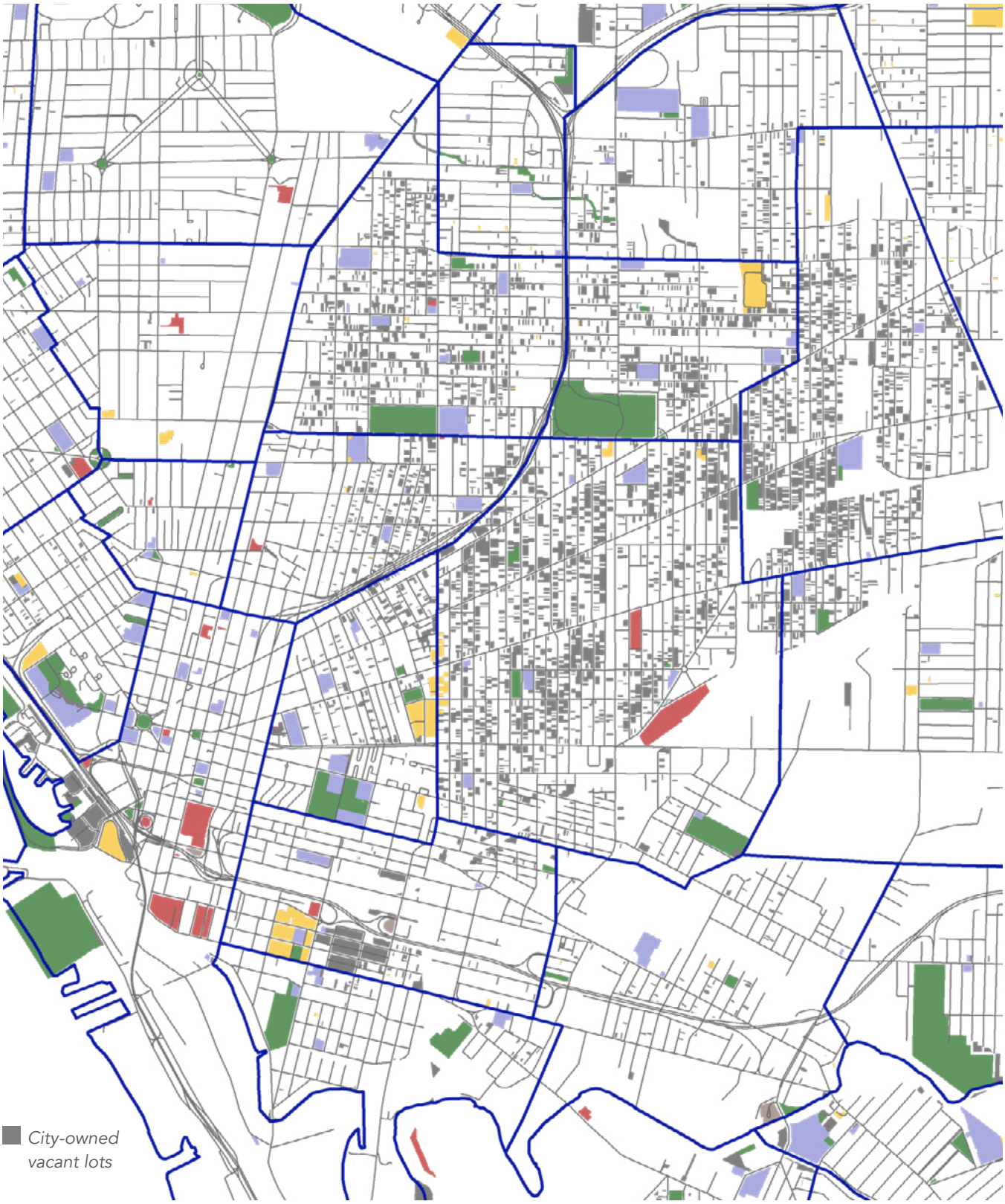
SUSTAINABILITY CHALLENGES.

In addition to the global climate emergency, Buffalo has profound problems with pollution, energy poverty, and environmental health issues such as lead poisoning and asthma. These problems disproportionately impact people with low incomes and people of color:

- residential buildings are the leading source of Buffalo's greenhouse emissions (34 percent);
- in Erie County, energy costs represent 77 percent of household income for those at or below 50 percent of the federal poverty level;
- lead poisoning rates in Buffalo are higher than those in Flint, Michigan, and children in neighborhoods of color are 12 times more likely to have elevated blood lead levels;
- Buffalo's sewer system overflows an average of 69 times per year, putting 1.75 billion gallons of wastewater and untreated stormwater into local waterways.

VACANT LAND.

- **Scope.** As its population shrank from 580,132 residents (1950) to 255,284 (2019), Buffalo demolished much of its housing. Today, roughly 15 percent of real estate parcels are vacant land, representing some 3,300 acres. The City and related public agencies own 7,918 vacant lots.
- **Costs.** The City's failure to maintain vacant lots costs it money in the long-term and causes negative impacts for residents and surrounding neighborhoods. Neglected vacant lots cost the public through a decreased property tax base, higher crime rates, negative health outcomes, and disinvestment. These lots are concentrated in the East Side of Buffalo, resulting in disproportionate harm to neighborhood residents.
- **New uses.** Examples from Buffalo and around the nation show that community groups and residents are repurposing vacant lots to promote equity and sustainability with:
  - clean and green treatments;
  - green affordable housing;
  - community gardens;
  - urban farms;
  - trees;
  - pollinator gardens;
  - green infrastructure such as rain gardens to control stormwater;
  - renewable energy;
  - bicycle and pedestrian paths;
  - parks and playgrounds; and
  - public art.
- **Job creation.** Transforming vacant lots can provide entry-level "green collar" jobs for those who need them most, including young people and people who were formerly incarcerated.
- **Rising prices.** Prices for vacant land are rising rapidly in some parts of the city; on the West Side, parcels that cost $500 less than 10 years ago are now appraised by the City at over $20,000.
- **Current policies.**
  - Buffalo lacks a plan for its vacant land, and it sells very few of its vacant parcels per year.
  - With limited exceptions, the City requires nonprofit agencies to pay market rate for vacant parcels, even when they have been maintaining the lots for public purposes, which creates a barrier to reuse.
  - Buffalo's new land use law, the Green Code, offers some encouragement to urban farming and gardening, but more policies and programs are needed to encourage sustainable food production.



Map of City-Owned Parcels, Showing Concentration of Vacant Lots on the East Side (Map from Buffalo Urban Renewal Agency).

Recommendations

Community planning and decision-making.

The City should begin a community planning process for its vacant land inventory, as Cleveland has done. Each neighborhood should have its own plan, tailored to its conditions and its residents' goals, and each plan should embody sustainability, equity, community control, and the need to prevent displacement of residents by gentrification.

The City should also consult with the Seneca Nation on ways to return land to the Nation and protect sites with special historical or spiritual significance, such as burial mounds.

Moratorium.

The City should enact a moratorium on the sale of vacant parcels to for-profit developers until the community planning process is complete and new policies have been enacted to ensure that the community benefits from any sale of publicly-owned land.

Community-led decision making.

Block club and community garden leaders, local nonprofit agencies, and the City should collaborate with Buffalo residents to explore the potential reuse of vacant lots for public benefit. Each neighborhood in the city should be provided a map of the publicly owned land in the neighborhood. Community-led decision making, based on residents' ideas and priorities, should drive the use and transformation of vacant lots.

Clean and green.

The City should emulate Philadelphia and create a large-scale "clean and green" program, using the Mayor's Summer Youth Program and nonprofit partners to generate quality jobs linked to education and training, while turning neighborhood eyesores into assets and managing stormwater to reduce sewage overflows.

Dedicating land to community benefits.

Using deed restrictions, easements, community land trusts, and other tools, Buffalo should dedicate a large portion, perhaps one-half, of its publicly-owned land to uses that promote equity and sustainability.

Funding for community projects.

The City should create a fund and participatory budgeting process for community-led projects on vacant land, such as recreation, gardening, or public art.

Cities around the country are lamenting that they did not make better use of their vacant lots while they had the chance; Buffalo has a critical opportunity to learn from their experience and become a national leader in vacant land policy.

Supporting gardening and farming.

The City should:

- provide funding for the development and long-term maintenance of community gardens and non-profit farms through Community Development Block Grants and other funding streams;
- hire a City staff person dedicated to the promotion of food security, community gardening, and urban farming;
- improve water access with discounted rates, installation of spigots in community gardens, access to fire hydrants, grants for water-line installation, and credits for reducing storm water run-off
- create an Urban Agriculture Property Tax Credit;
- eliminate garbage service fees for farms and gardens, or provide them with garbage service (currently, they pay the fee without getting the service);
- expand its pilot composting program;
- create a zoning designation for urban agricultural land and more policies that actively encourage farming and gardening;
- identify properties of suitable size, location, zoning, and soil quality, to set aside for long-term gardening and farming use and then:
  - offer low-cost, long term leases for gardens and farms;
  - permanently transfer some lots to Grassroots Gardens and nonprofit farms for no cost;
  - permanently transfer some lots to for-profit farms at a discount, if they meet criteria for equity and sustainability.

Land disposition policies.

To facilitate the transfer of publicly-owned land to nonprofit entities for beneficial purposes, the City should:

- make the entire city eligible for the Homestead program and include affordable rental housing and affordable homeownership as eligible purposes;
- revise its tax foreclosure laws and policies to reduce foreclosures and add equity and sustainability criteria to the disposition of tax-foreclosed properties;
- pass new land disposition policies for the City and associated agencies that give first priority to affordable housing, community gardens, and other publicly beneficial uses, and create a new Request for Proposals process to transfer 50% of the City's inventory to nonprofit agencies and land trusts at no cost.

Expand and refocus the Land Bank.

- New York State should provide predictable, substantial annual funding for its land banks, designating the funding for publicly beneficial uses such as affordable housing, community gardens and green infrastructure.
- Erie County and the City of Buffalo should emulate Syracuse in providing funding to expand the Buffalo Erie Niagara Land Improvement Corporation (BENLIC), and they should work with BENLIC staff to revise its mission and disposition policies to encourage more below-market or free transfers of land for uses that benefit the community, including a right of first refusal for nonprofit affordable housing developers.

Introduction

Questions about the control and use of land are central to the fate of any city and any discussion of equity. Buffalo was built on land expropriated – through violence, fraud, and a string of broken treaties – from the Seneca nation. Over time, many people have come to Buffalo – often participating in waves of migration or flight from other countries, the southern United States, and Puerto Rico. How each group has fared has depended in part on their access to land and real property. Federal, state, and local policies such as redlining, exclusionary zoning, and the subsidizing of sprawl have generated inequality and facilitated exploitation.

As a result, Buffalo is grappling with severe, intertwined challenges of persistent disparities, systemic racism, lack of community ownership, and neighborhood disinvestment. While the metropolitan region of Buffalo-Niagara is not unusually poor – ranking about average for the nation – its poverty is unusually concentrated in its urban cores. Buffalo trails only Detroit and Cleveland for high poverty among major cities, with a rate of 30.3 percent.[1] This urbanized poverty is inseparable from continued intense racial segregation; the metropolitan region is the sixth most segregated in the nation for African-Americans and whites.[2] For more information on how redlining and other segregationist policies impacted, see PPG's 2018 report, "A City Divided: A Brief History of Segregation in Buffalo."[3]

Adding to these challenges is the massive depopulation and disinvestment that Buffalo experienced between 1950 (580,132 residents) and 2019 (255,284 residents), when the region's manufacturing base was decimated and federal and state policies rewarded suburbanization and sprawl--with both government and bank policies excluding people of color from these opportunities.[4] As the population declined, the housing vacancy rate increased from 4.9 percent in 1970 to 15.7 percent in 2010.[5] Property owners increasingly abandoned properties or did not pay taxes, resulting, eventually, in the City demolishing the buildings and, in many cases, taking title to the land. Between 2001 and 2017, the City demolished over 5,900 residential structures and over 700 commercial buildings.[6]

Between 2001 and 2017, the City **demolished over 5,900** residential structures and **over 700** commercial buildings.

The most systematically disinvested neighborhoods have faced an intense loss of density and the civic infrastructure that density supports, including employment opportunities, full-service grocery stores, bank branches, and daycare centers. These neighborhoods have experienced an explosion of vacant lots, which too often become neglected by the City and fuel further disinvestment. For the City, vacant lots mean a smaller property tax base and increased maintenance costs, along with countless indirect costs.

Buffalo's intense poverty and its old, energy-inefficient housing stock have created a crisis-level problem of unaffordable and unsafe housing, with half (49 percent) of renter households paying more than they can afford for their housing, and roughly one third (30 percent) spending more than

half of their income on their housing costs.[7]

New market-rate developments, limited housing stock, and low interest rates have led to dramatic price increases in a competitive housing market. Some neighborhoods, particularly those in or near downtown and the Buffalo Niagara Medical Campus, including a large swath of the city's West Side, are now seeing a wave of profit-driven investment, with sharply increased property prices.[8] This rise in property values is welcome news to many, but it also threatens longtime residents with land speculation, gentrification and displacement. As Dawn Wells-Clyburn, deputy director of administration at PUSH Buffalo, puts it, "people are being displaced daily."[9] Belmont Housing, which runs the Section 8 Voucher program in the city, reports that rents for voucher holders have risen sharply in recent years, and that increasingly voucher holders are unable to find an affordable apartment anywhere in the city; many are moving to Niagara Falls, while others are forced to surrender their vouchers unused.[10]

Youth Working at MAP Farm (Photo from Massachusetts Avenue Project)

Rising prices also make it more challenging for nonprofit agencies to convert vacant properties to affordable housing, community gardens, and urban farms. From 2008 to 2015, affordable housing organization PUSH Buffalo was able to acquire dozens of vacant lots, mostly at the City's foreclosure auction, for $500 or less. That is no longer possible. To give an example, three of the lots PUSH bought for $500 (160 Congress, 174 Hampshire, and 217 Massachusetts) are now appraised at $37,000, $22,200, and $25,900, respectively. For its Westside Homes project, PUSH is buying 11 vacant lots from the City's Division of Real Estate for prices ranging from $22,200 to $51,800, for a total cost of $405,900.[11] Inevitably, the more PUSH has to pay for properties, the fewer units of green affordable housing it can build.

In 2018, a speculator bought a vacant lot on the West Side at the foreclosure auction **for $8,500** and then listed it for sale **at $60,000**.

Massachusetts Avenue Project (MAP) runs an urban farm on the West Side. To make the farm, MAP initially bought six vacant lots from allied nonprofits for $1. Between 2006 and 2008, it bought three additional lots at the City's tax foreclosure auction for $500 each. In 2012, it turned to the City's Division of Real Estate, which charged fair market value – a total of $11,500 – for three more lots. By 2018, however, prices had escalated and speculators had entered the market. MAP considered buying a lot on Winter Street to expand its gardens there. Unfortunately, a speculator bought it at the foreclosure auction for $8,500 and then listed it for sale at $60,000.[12] While Buffalo's West Side has seen speculation before other parts of the city, these examples showcase a problem likely to increase as other neighborhoods gentrify.

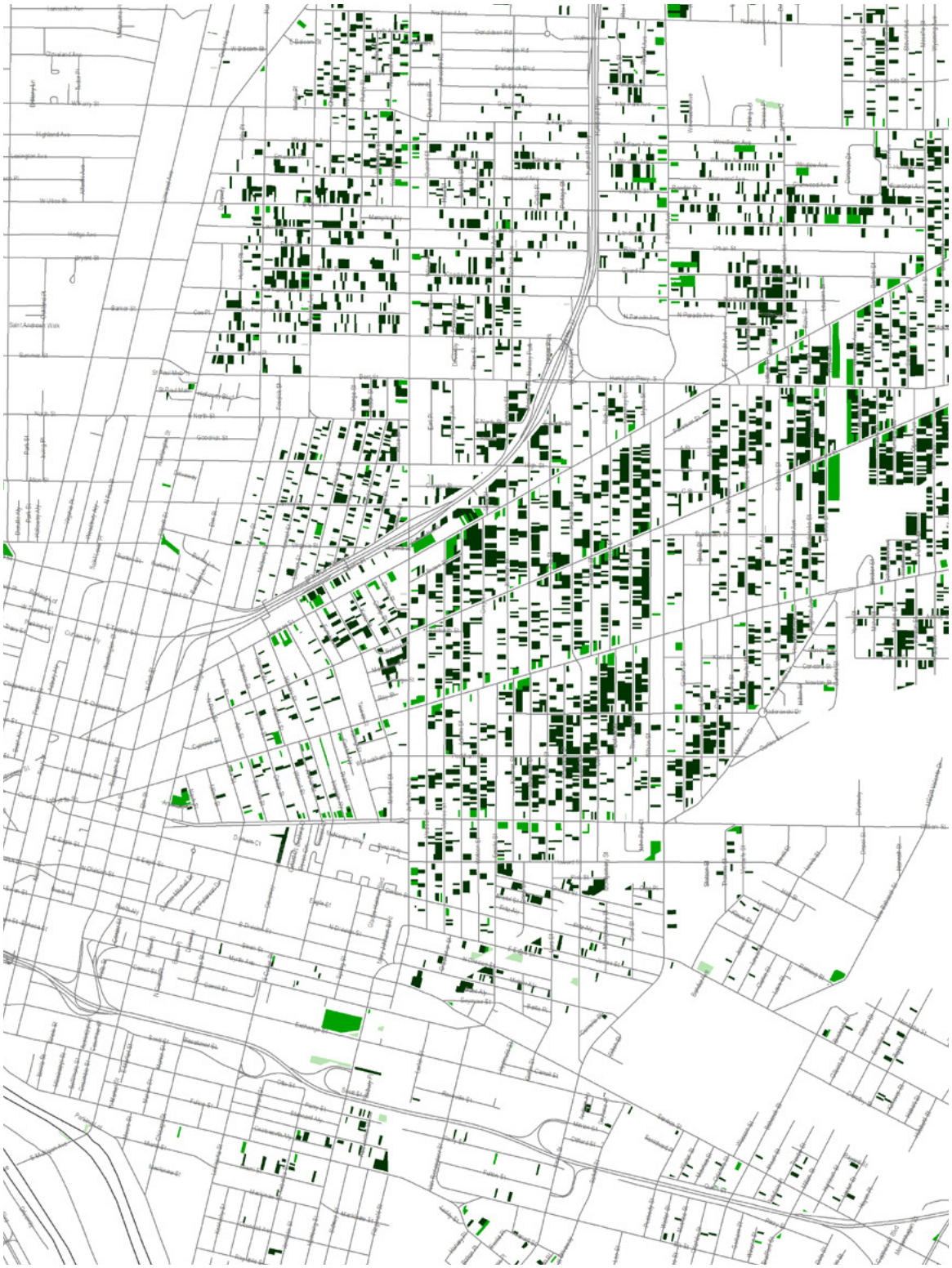
Buffalo also confronts dire issues of sustainability, including longstanding problems of sewage treatment, air pollution, and lead paint poisoning, coupled with the global climate emergency. Responding to these challenges is made more difficult by the City's drastically eroded property tax base and decision to keep tax rates stagnant for many years. This leads to bare-bones budgets with underfunded public services. Buffalo's vacant lots are a symptom of federal, state, local and bank policies that encouraged wasteful sprawl into suburbs and exurbs, and they exacerbate that problem by fueling the spiral of disinvestment.

From the City of Baltimore's "Green Pattern Book"

Vacant land and abandoned structures allow us to rethink the form and function of the City; we have the opportunity to set aside new areas to grow local food, to clean the stormwater that now rushes into our streams and harbor, to improve the biological health of our forests and ecosystems, and to ensure that everyone has safe play spaces and parks within a short walk of their houses.

Ironically, though, one of Buffalo's most severe problems is also one of its greatest assets. While the City is cash-poor, it is land-rich; it now owns roughly 8,000 vacant parcels of land, which are heavily concentrated on the East Side. Examples from Buffalo and around the nation show that publicly-owned land can be used to promote equity and sustainability in a wide number of ways, including green affordable housing, community gardens, urban farms, parks and playgrounds, public art installations, bike and pedestrian paths, renewable energy, and green infrastructure.

Buffalo has another key asset: a vibrant ecosystem of neighborhood groups, non-profits, universities, faith groups, and labor unions working to promote equity and revitalize the city. Putting these assets – land and community – together, can dramatically increase health and prosperity for residents. The window of opportunity may close fast, however, as



City-Owned Vacant Parcels (Map from Buffalo Urban Renewal Agency)

speculation in vacant land has increased in recent years, threatening to raise prices and privatize public land without benefiting the community.

Faced with a similar inventory of vacant lots, the City of Cleveland partnered with residents, nonprofits and universities to craft a community plan for how best to use them, with a heavy focus on equity and sustainability, and it is now executing that plan – with hundreds of lots already transformed. Similarly, the City of Philadelphia worked with the Pennsylvania Horticultural Society on an innovative Clean and Green program that now manages 12,000 vacant lots. Many cities have policies and programs that prioritize affordable housing and green uses on publicly-owned land, and many have moved vigorously to transfer public land to nonprofit agencies at no cost or discounted cost.

Naturally, any city is reluctant to forgo revenue from selling lots. As this report will make clear, however, green and equitable redevelopment will, in the long run, help to rebuild Buffalo's tax base and lower its costs better than uncontrolled, scattershot speculation and development. Strategic reuse will raise the value of surrounding properties, make Buffalo more appealing to potential businesses, residents, and visitors, and increase the value of the lots that remain in the City's inventory.

Now is the time for Buffalo to make wise use of its most important asset before it is privatized. Cities around the country are lamenting that they did not make better use of their vacant lots while they had the chance; Buffalo has a critical opportunity to learn from their experience and become a national leader in vacant land policy. Vacant land policy can do many things. It can fuel disinvestment and allow municipal neglect; it can facilitate gentrification and displacement. Done right, however, it can be an important tool in redressing systemic harms and inequities and in creating neighborhoods that work for all their residents.

Scope, Ownership

According to an analysis by geographer Jason Knight, as of December 2018 there were approximately 13,779 vacant residential lots in Buffalo.[13] These vacant lots represented 14.7 percent of the total number of real property parcels in the city and 16.8 percent of all residential properties.[14] The vacant land in Buffalo amounts to some 3,300 acres.[15] For comparison, this is larger than all of North Buffalo (the quadrant of the city north of the Scajaquada highway, west of Main St., and east of Military Road), which comprises 3,200 acres.[16] According to figures from the City, as of 2019 the public owned 7,918 vacant lots, mostly through the City's Division of Real Estate (7,629), but with some parcels held by other City departments, the School Board, or various public authorities (this does not include land owned by the state, federal government, or other public authorities).[17] See Appendix A for more information.

As of 2019 the City and related agencies owned **7,918 vacant lots** in Buffalo.

Costs

Maintenance. Mowing, cleaning, and maintaining vacant lots costs cities money – particularly when they become magnets for dumping and other illegal activities. A 1999 study of vacant lots in Philadelphia estimated that the city and related public agencies spent $1.8 million annually on maintaining vacant lots. The study likely underestimated costs, as it included only five out of the fifteen agencies that have a role in vacant property management.[18] As this was over twenty years ago, inflation and other rising costs mean that today's figure would be much larger. It is also important to note that some of the costs of maintaining vacant lots are displaced onto nearby residents, block clubs, and others who, often frustrated by the City's under-maintenance of the lots, do their own mowing, weeding, garbage pick-up, and other tasks on publicly-owned lots.

Reduced property values. Vacant properties sharply reduce the value of nearby properties. Studies in Philadelphia and Columbus have found reductions of 20 percent or more in property value.[19] Another report on Philadelphia estimated a total of $3.6 billion in reduced household wealth from proximity to vacant properties.[20] As Alan Mallach notes, "all it takes is a small increase in vacancies to trigger a much bigger drop in house prices." A study of Toledo found that, in addition to costing the city $3.8 million per year in direct costs, vacant properties resulted in $2.7 million per year in lost tax revenues from the vacant properties themselves, $98.7 million in lost property values, and $2.68 million in lost tax revenues from adjacent properties.[21] Given Buffalo's racial segregation and the concentration of lots on the East Side, this hurts people of color disproportionately and prevents them from building wealth through appreciated home values.

Public health. Vacant lots often become the locus for illegal dumping and litter, unwelcome rodents, and other unhealthy and demoralizing problems. They can make residents feel that they live in a neighborhood that has been abandoned and that is in decline, which can cause stress, depression, and a loss of civic cohesion.

Crime and violence. Vacant properties cause increases in crime. In one study, crime rates on blocks with abandoned properties were twice as high as on those without any abandoned properties.[22] Another study, focused on Pittsburgh, found that when a foreclosed property became vacant, violent crime in the vicinity went up by 19 percent.[23] While this research focuses on vacant buildings, additional research shows that unimproved vacant lots also raise crime rates, as we discuss in the next section, "Clean and Green."

Frustrated by the City's under-maintenance of the lots, nearby residents and block clubs do their own mowing, weeding, garbage pick-up and other tasks on publicly-owned lots.

Reuse Strategies

CLEAN AND GREEN

The first step in Buffalo's vacant land strategy should be to clean and green as many lots as possible – aiming to address every vacant lot within a certain number of years. Cleaning and greening is essentially the cheapest way to turn a deficit into an asset. It generally involves removing trash and debris, planting and maintaining grass or other groundcover, and adding a simple wood fence to the front of the property. These steps turn a neglected lot and public health threat into a pleasant green space that is clearly cared for.

The City of Philadelphia has the nation's leading clean and green program. The Pennsylvania Horticultural Society (PHS) Philadelphia LandCare program maintains approximately 12,000 lots (30 percent of the vacant lots in the city).[24] LandCare contractors work on new lots in spring and fall and service existing lots 14 times per year, from April to October. PHS works with 18 community organizations, hiring local residents to work in their neighborhoods. PHS also runs a Roots to Re-entry program, which has hired and trained more than 25 formerly incarcerated people, adding 2,000 more parcels to the LandCare inventory. According to PHS, it costs roughly $1500 to "clean and green" each lot, while bi-weekly mowing and maintenance cost $300 a year.[25]

LandCare works mostly on publicly-owned lots, but it can also address privately owned lots if the owner is failing to maintain the premises. The City will issue a notice giving the owner 10 days to clean up the lot. If the owner fails to do so, the City gives PHS access and then bills the owner for the services, making any unpaid bills a lien on the property that must be paid if it is sold. This also functions as a way to get properties out of the hands of irresponsible owners.[26]

The PHS program has proven its benefits in many studies. Green spaces are good for mental health, just as blighted spaces are bad. In one study of Philadelphia, residents living near lots that had been cleaned and greened experienced a 40 percent decrease in feelings of depression.[27] LandCare has also reduced crime, both by improving locations that had been used for crime, and by encouraging people to go outside more, thus providing more "eyes on the street." One study of the program found a 58 percent reduction in people's fear of going outside and a 76 percent increase in their use of outside spaces.[28] The study found a 13 percent reduction in crime overall, with a 29 percent reduction in gun violence, 22 percent reduction in burglary, and a 30 percent reduction in nuisances. The researchers estimated that the city would experience 350 fewer shootings each year if every vacant lot were cleaned and greened. The Philadelphia experience makes a strong case that a large clean and green program pays

The Philadelphia LandCare program has **cleaned and greened** approximately **12,000 lots** in Philadelphia (30 percent of the vacant lots in the city).

A study of LandCare found a **13 percent reduction in crime** in surrounding neighborhoods, with a **29 percent reduction** in gun violence, **22 percent reduction** in burglary, and a **30 percent reduction** in nuisances.

for itself. Not only does it produce more community benefits than it costs, but it also improves municipal finances by enhancing the property tax base while reducing public safety and health costs.

PUSH Clean and Green Lot, 37 19th Street

Buffalo does not yet have a true clean and green program, but it has many of the elements in place, and many examples of the beneficial impact of cleaning and greening. The City and the Buffalo Sewer Authority collaborated on a demonstration green infrastructure project, described later in this report, which greened 224 post-demolition lots and created 53 jobs.[29] PUSH Buffalo has renovated over 100 vacant lots, using a variety of strategies, including gardens, green infrastructure, public art, playgrounds, and a Philadelphia-style clean and green that includes clearing debris, grading, seeding the lot with grass, and marking it with a simple wooden fence and plantings. The six fence posts and 30 feet of lumber cost about $200, or $1,000 if professionally installed.[30]

PUSH has seen many benefits from its vacant lot work. When they clean and green a lot, the incidence of illegal dumping of things like sofas, as well as daily littering, drops dramatically, and the lot becomes a safe place for neighbors to gather and children to play.[31] PUSH cleaned and greened a vacant lot near Grant and West Delevan, which became a place where youth at the Grant Street Community Center could play soccer.[32] PUSH's vacant lot work is popular with neighbors, who, at community meetings, frequently voice the lack of green space for recreation as a top concern.[33] Bryana DiFonzo, director of new economy at PUSH, says, "when you tend to the green spaces, people in the neighborhood really notice; they appreciate that someone is caring for the land – especially if they see people they know, or people who look like them, doing the work."[34]

The City of Buffalo contracts for some of its vacant lot maintenance with

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CEO, a non-profit agency that offers jobs and job training to people who were formerly incarcerated. In addition, the City operates a large Mayor's Summer Youth Program, which already does some vacant lot maintenance and offers a natural source of seasonal labor for a clean and green program. Both CEO and summer youth programs have been proven to offer excellent returns on investment by reducing recidivism, crime, and violence.[35]

Buffalo is also home to Groundwork Buffalo, a nonprofit whose mission is "to build sustainable urban environments in Greater Buffalo by engaging and empowering families and communities, including youth, in re-generating and connecting with natural infrastructure and the built environment." Groundwork's Buffalo Green Team offers high school students paid internships as it works with neighborhoods on projects such as creating gardens for the African American Cultural Center and the Friends of the Elderly.[36] Currently, Groundwork is active from June to September, although it would like to go year-round.[37] In 2020 it fielded a crew of 14 people, with six from the Mayor's Summer Youth Program, six college students, and two managers.[38] The crew built garden beds and helped maintain lots and do neighborhood clean-ups in various locations on the East Side. Groundwork has a focus on food justice and would like to see a community garden growing food in every neighborhood of the East Side.[39]

In creating a clean and green program, it is important that the jobs pay well and are linked to education and training. Youth and other workers who care for lots can learn about the ecological and community benefits of their work, and view it as meaningful public service and a career ladder. Programs like Groundwork, the Massachusetts Avenue Project, and PUSH offer excellent examples of making caring for land a quality job. All PUSH Buffalo jobs start at $15 per hour or more, and PUSH employees learn how their work makes an impact: for example, how polluted stormwater affects the health of neighborhood residents who fish in the Niagara River. Bryana DiFonzo at PUSH notes that the workers are proud to be caring for the neighborhood where they live and gaining the knowledge to do so effectively.[40]

GREEN AFFORDABLE HOUSING

Perhaps Buffalo's most pressing need is for green, affordable housing (the federal government defines housing as "unaffordable" if it costs more than 30 percent of a household's income). Half of the city's renters are paying unaffordable housing costs, and roughly one third are paying over 50 percent of their income for their housing.[41] The consequences of this housing crisis are dire. Over 5,000 people in Erie County experience homelessness each year.[42] Buffalo has one of the highest eviction rates in the nation, with roughly 13 percent of renting households facing a court-filed eviction in a given year – nearly all for nonpayment of rent. As

Half of the city's renters are paying unaffordable housing costs, and **roughly one third are paying over 50 percent of their income for their housing**.

documented in the PPG report, *Evicted in Buffalo,* homelessness and forced moves wreak havoc with employment, education, health, and public safety, imposing grave costs on the community and on local governments.[43]

Buffalo's housing is old and in poor repair, a complicated problem resulting from decades of disinvestment in neighborhoods, lack of capital available to homeowners, and more recently, speculation and absentee landlords. Buffalo has the oldest housing stock of any major city, with 67.3 percent of units built in 1939 or earlier.[44] Poor housing conditions such as dampness, dust, draftiness, and pest infestation exacerbate asthma, which disproportionately affects people of color in high poverty neighborhoods.[45] These health-harming conditions contribute to Buffalo having one of the highest levels of lead exposure in the nation.[46] Children in Buffalo's neighborhoods of color are 12 times more likely to have elevated blood lead levels than those in predominantly white neighborhoods.[47]

The affordable housing developed to meet this need must be green, for two reasons. The first is the planetary climate emergency, which should take priority in any consideration of public policy. The negative impacts of climate change hurt poor communities of color the hardest.[48] This means that preventing climate change is a critical racial equity and economic equity issue. Residential buildings are Buffalo's greatest source of greenhouse gas emissions, contributing 34 percent of the city's total, well ahead of industrial uses (24 percent), commercial establishments (20 percent), and personal vehicles (14 percent).[49] Green housing is a critical part of any strategy to bring the city to climate neutrality and to safeguard frontline residents--those most impacted by climate change, racism, and economic exclusion.

The second reason for green housing is that high energy bills make housing unaffordable. Roughly three fourths of Buffalo's renters pay their own utility bills.[50] Given cold winters, poorly insulated housing, and New York State's high electricity prices, these bills are a major burden.[51] In Erie County, energy costs represent 76.6 percent of household income for those at or below 50 percent of the federal poverty level.[52] Energy efficiency is a vital anti-poverty tool.

In Erie County, **energy costs represent 76.6 percent of household income** for those at or below 50 percent of the federal poverty level.

Green housing is more affordable than non-sustainable housing. A true and comprehensive cost/benefit analysis—one that measures not just the costs of building or rehabbing a home, but also the costs of operating, repairing, and, eventually, recycling or demolishing it—shows this to be true.[53] Once health costs to residents and impacts on society at large are factored in, the case for green housing is overwhelming.

One example of a green building technique is geothermal heating, which is up to 65 percent more efficient than conventional HVAC and tends to repay its higher upfront costs within five to ten years.[54] Western New York is already seeing the potential for geothermal in affordable housing.

The Lockport Housing Authority (LHA) won the New York Geothermal Organization's GeoStar Top Job competition in 2017 for converting its Autumn Gardens complex (72 units) to geothermal energy, making it the third public housing project in the state with geothermal. The Housing Authority estimates a reduction in energy consumption of 40 percent from the project, with cost savings of 50 to 75 percent. The new system also provided affo dable air conditioning in the summer, saving residents charges for renting window units for their apartments.[55] Vacant land can be useful for geothermal systems: PUSH Buffalo s Net Zero House, which produces nearly all its own energy with solar photovoltaic power and solar hot water heating, took advantage of the vacant lot next door to install a geothermal system.

In 2020 New York State passed the Climate Leadership and Community Protection Act (CLCPA), which requires zero-emission electricity by 2040 and an 85 percent reduction in carbon emissions by 2050; under the law, at least 35 percent of the benefits of clean energy and energy efficiency must go to disadvantaged communities. The Climate and Community Investment Act (CCIA), currently under consideration by the state legislature, would help implement the CLCPA by raising $15 billion per year from carbon pollution fees to help communities adapt to climate change impacts and make a just transition to renewable energy. This state legislation could present unprecedented opportunities to create green affordable housing in Buffalo, and it is important that Buffalo be ready to act on it.

PUSH Buffalo s Green Development Zone offers a case study in the benefits and feasibility of green affordable housing created on properties that were once abandoned. PUSH has created over 100 units of energy-efficient housing. PUSH's work, rooted in intensive community planning and organizing, has involved mostly gut rehabs of abandoned buildings and new construction on formerly vacant lots. PUSH is currently developing 49 additional units on 12 sites with no fossil-fuel infrastructure – using net-zero techniques such as photovoltaic energy and heat pumps.[56] PUSH is hoping to do all metal roofs, which are more durable and sustainable, and more cost-effective over the long run, but as of yet it lacks the upfront capital.[57] One cost barrier is that the City is charging PUSH fair market value ($405,900) for the 11 vacant lots it is buying. This example demonstrates how lower cost for land acquisition could translate into greener housing.

Solar Panels on Roof of Net Zero House (Photo from PUSH Buffalo)

Other regions in the country are embracing the idea of net-zero affordable housing, sometimes using vacant lots to site it. In a project called Sheridan Small Homes, the City of Providence is creating five net-zero homes with rooftop solar panels that supply more energy than they are expected to consume. It is a pilot for future projects, as the City has identified 250 vacant, tax-reverted lots that might be suitable for similar redevelopment. The homes will sell for around $140,000, roughly half the construction cost, which is a typical level of subsidy for affordable housing projects. The homes will include triple-glazed windows, 11-inch thick walls, electric heat pumps and air exchange systems, and highly insulated roofs, and will be sited to maximize solar gain. The development will be a condominium, with joint ownership of the solar panels.[58] Appendix A details more examples of net-zero affordable housing, including a Habitat for Humanity eco-village in Wisconsin and net-zero public housing in Illinois.

Buffalo's housing strategy should include two complementary elements. One is to create scattered-site buildings where it makes sense to rehab existing buildings or do infill on isolated vacant lots. The second is to develop affordable, green communities on larger parcels of vacant or mostly-vacant land. The two strategies can be blended, as in PUSH's Green Development Zone or Cleveland's EcoVillage, to take existing neighborhoods with high vacancy levels and turn them into larger green communities.

Rehab and infill is an important strategy for several reasons. Rehab is generally more sustainable than new construction, because using existing materials is more efficient than throwing them away and drawing on raw materials. Rehab and infill can also preserve and complement the historic character of Buffalo's neighborhoods, with their high-quality architecture and dense, walkable development patterns. Unfortunately, state funding for

The City of Providence is creating **five net-zero homes on formerly vacant lots,** and it has identified **250 more lots suitable for green affordable housing.**

affordable housing comes with restrictions and requirements that can make rehab prohibitively expensive, and, until they are reformed, will continue to push developers toward new construction.

But multi-unit development on vacant lots offers some unique advantages, as well. Development costs are often lower for multi-unit developments. Certain technologies, such as photovoltaic panels and geothermal heating, are easier and cheaper to do at a larger scale and on larger parcels. Larger developments also offer the opportunity for integrating community gardens, urban farms, public art, recreational facilities, and other amenities. A larger development can create a naturally more cohesive and resilient community of neighbors able to share resources, skills, and tools – something that will be increasingly important as the climate emergency generates more extreme weather events and heat waves. Buffalo has large parcels of vacant land in neighborhoods that are bikeable and walkable, close to public transit lines, and near to downtown and other job centers. Green communities can be structured in any number of ways and may include homeownership and/or rental housing. They may or may not include shared ownership through condominiums, co-ops, or other means.

Cleveland EcoVillage Townhomes (Photo from GreenCityBlueLake)

The Cleveland EcoVillage offers a compelling example for Buffalo. Located near public transit and a community center, the EcoVillage represents an entire neighborhood of both existing and new housing, with schools, historic churches, and parks. It includes the city's first LEED-Platinum home and its first permanent tiny homes. In 2019 the EcoVillage added Aspen Place, a 40-unit affordable housing development immediately adjacent to the transit station. In addition to the affordable rent, each resident receives a free transit pass each month.[59]

Cleveland's EcoVillage includes Aspen Place, a **40-unit affordable housing development** immediately adjacent to the transit station.

One promising housing type not yet seen in Buffalo is affordable cohousing. Cohousing can be defined as an "intentional collaborative community where the residents own or rent fully equipped, self-contained private homes or apartments. The compact physical design fosters increased interaction between residents by incorporating extensive common facilities, including a community center (common house), pedestrian walkways, playgrounds, community gardens and open spaces."[60]

Cohousing developments are typically planned, owned, and managed by their residents. Cohousing is naturally more affordable because it involves shared amenities, resources, and skills, which makes it cheaper both to buy a unit and to live in one. In addition to supporting each other, residents often support their surrounding neighborhoods – for example, by making their common rooms available for neighborhood meetings and events.

Troy Gardens: Affordable Cohousing with Community Garden (Photo from Professor Samina Raja)

Increasingly, cohousing developments are designed to include affordable housing and, in some cases, rental housing. Petaluma Avenue Homes, for example, in Sebastapol, California, is a rental cohousing development with forty-five units situated around two courtyards; it has a common garden, common terrace, and a 3,100 square-foot common house.[61] Boulder, Colorado now has two cohousing developments where 40 percent of the units are deed-restricted for people with low incomes. At Troy Gardens, a cohousing development on a community land trust in Madison, Wisconsin, a majority of the units are affordable.[62] Closer to Buffalo, EcoVillage Ithaca is adding a new neighborhood of 40 small homes that will be affordable, green, passive-solar, energy-efficient, and suitable for aging-in-place.[63]

Cohousing is naturally more affordable because it involves **shared amenities, resources, and skills,** which makes it cheaper both to buy a unit and to live in one.

Unlike many other cities, Buffalo does not devote any of its property tax dollars to affordable housing, nor has it passed an inclusionary zoning law that would require developments of a certain size to include a portion of affordable units (although the City has recently negotiated for affordable housing in several of its land sales). For the most part, the City's support for affordable housing has been limited to serving as the pass-through for federal affordable housing programs such as HOME Investment Partnerships, Emergency Solutions Grants, and Housing Opportunities for People with AIDS. These federal funds are quite small. The City's 2020 Action Plan lists $3,342,830 for HOME, $1,204,344 for ESG, and $819,189 for HOPWA.[64]

Most affordable housing funding used in Buffalo com s from the New York State Department of Housing and Community Renewal (HCR), generally through competitive grant applications. Importantly, applicants win points for financial support from local government – including below-market land transfers. Thus, Buffalo could draw more funding to the region, and significantly leverage its investments, by doing more below-market transfers. Transferring properties for $1 does more than remove a cost barrier and leverage state and federal dollars. It also aids the nonprofit developers by eliminating a major uncertainty – the price of the land. It is difficult to plan developments and apply for funding without knowing whether the City will agree to sell, and, if it does, what price it will charge.

The City's property inventory is a critical asset, especially when compared with the private market. First, it is a large inventory held by a public body. For an affordable housing developer, that means that instead of searching for vacant lots, trying to locate their owners, and making them an offer with no way of knowing how it will be received, the developer should be able to look through the City's inventory and pick out lots with listed prices. But this model depends on the City making it easy to find and acquire properties through a clear, transparent process.

Land acquisition is an important cost barrier in affordable housing, and one that is becoming increasingly expensive in Buffalo as the housing market continues to heat up. Perhaps the easiest way for the City to aid affordable housing without raising taxes or moving money from other line items would be for the City to donate some of its massive land inventory for that purpose.

Habitat for Humanity's Buffalo affiliate leverages volunteer labor, sweat equity, and donations to provide homeownership opportunities and help close the wealth gap between whites and people of color. Habitat invests tens of thousands of dollars into each home to make it affordable to a purchaser with a low income. Habitat families build equity in their home by paying a monthly zero interest mortgage over 30 years. A Shared Equity Agreement splits the profits when the homeowner sells the home

If the City donates land for affordable housing projects, they will be **more competitive in applying for state affordable housing grants.**

before 30 year mortgage is paid off. The family receives half to build their family's wealth, and Habitat receives half to reinvest in the next affordable home it builds.[65]

Habitat for Humanity Buffalo Constructing Home in Fruit Belt (Photo from WGRZ)

Habitat has completed roughly 327 homes in Buffalo, roughly two-thirds gut rehabs and one-third new construction.[66] Approximately 200 of the Habitat houses are on Buffalo's East Side, nearly all on land purchased from the City.[67] Whereas in earlier years, the City commonly sold Habitat abandoned buildings and vacant lots for $1, in recent years, the City has charged substantially more. Of the 27 properties purchased or being purchased from the City from 2018 to 2020, Habitat paid the City prices ranging from $1,300 to $18,000, for a total cost of $171,138, and an average cost of $6,582 per parcel.[68]

Habitat has completed roughly **327 homes in Buffalo,** roughly two-thirds gut rehabs and one-third new construction.

Habitat for Humanity House at 36 Barry St.
(Photo from Habitat for Humanity Buffalo)

Given the City's strong interest in expanding homeownership, especially for people of color, in stabilizing blighted neighborhoods, and in returning vacant properties to the tax rolls, it seems counterproductive for the City to charge more than $1 for these properties. For example, the City owned a home at 36 Barry Street that it was set to demolish. In other words, it had negative value to the City, which pays an average of roughly $20,000 to demolish a house. Yet the City charged Habitat $9,000 for the property.[69] Habitat rehabbed it, and it is now appraised at $210,000, making it a good long-term source of property tax revenue for the City.[70] It would be cost effective for the City to sell such properties for $1 to Habitat or other non-profit developers and also provide grant funding of up to $20,000 for their rehab, thus minimizing its demolition bills and maximizing its property tax revenues, while also providing much needed affordable housing for its residents.

Habitat Milwaukee Homes in Washington Park (Photo from Milwaukee Magazine)

The City of Milwaukee, with a poverty rate of 25 percent and fiscal challenges comparable to those of Buffalo, recognizes the logic of investing in Habitat.[71] In 2020 it sold 19 lots to its local Habitat affiliate for $1 each, while also contributing $50,000 to the project from its affordable housing trust fund.[72] This Habitat project involves building 40 homes in the Harambee neighborhood. Habitat Milwaukee has found success in clustering homes to increase their impact on neighborhoods. It is also building or rehabbing 100 homes in the Midtown neighborhood, after completing 225 new homes in the Washington Park neighborhood, where it reports a 46 percent reduction in crime on the blocks where the homes were built.[73] In addition to the City of Milwaukee, Habitat Milwaukee has received significant support from local corporate sponsors. With more support from the City, banks, and corporate donors, Habitat Buffalo could undertake the kind of large-scale projects that Milwaukee is doing.

In 2020 the City of **Milwaukee sold 19 lots to its local Habitat affiliate for $1 each, while also contributing $50,000** to the project from its affordable housing trust fund.

COMMUNITY LAND TRUSTS

Community land trusts are a valuable tool for creating and preserving affordable housing. A community land trust is a private, nonprofit corporation that acquires and retains ownership over plots of land, while selling the housing on that land. (Land trusts are also used for community gardens and other purposes, as we will discuss later in this report.) Land trusts market their housing to low and moderate income households and sell homes at below-market prices. To keep these homes affordable, purchasers must agree to resale restrictions. In other words, the sale price is capped at a certain level of profit, so that the sellers can make a profit, but the house remains affordable for the next buyer.

Land trusts are based on the value of stewardship: the careful, responsible management of resources. To become stewards of their neighborhoods, communities must control land and decide collectively how best to use it. Such stewardship prevents the accumulation of landholdings in the hands of a few absentee landlords, who may privilege profit over the public good.

The first incorporated land trust was New Communities, established in 1969. The brainchild of southern civil rights activists, New Communities enabled Georgia sharecroppers and activists to acquire 5,735 acres of land and put it into trust.[74] By 2014, there were 260 community land trusts in the U.S.[75] They tend to share two key characteristics. They are private, nonprofit corporations whose members live in the service area; and the trusts' members elect the majority of their governing boards, ensuring community control of the land trust's operations.[76]

One famous example is the Dudley Neighbors land trust, founded in 1984 in Boston, Massachusetts. Led by residents on Dudley Street, Dudley Neighbors established community control over 1,300 parcels of abandoned land in the Roxbury neighborhood. Through the acquisition and management of these lands, Dudley Neighbors redeveloped a once blighted neighborhood without displacing its long-term residents. As of 2014, Dudley Neighbors oversaw 225 units of affordable housing (96 homeowner, 77 cooperative, and 52 rental), as well as a playground, a mini-orchard and community garden, an urban farm/greenhouse, and community non-profit office space.[77]

In Boston, the Dudley Neighbors community land trust controls over **1,300 parcels of formerly abandoned land** in the Roxbury neighborhood.

Community land trusts offer a more secure way to build and pass on wealth through home equity. Because of the way they build community and work with their homeowner-members, land trusts have dramatically lower rates of delinquency and foreclosure than conventional homes.[78] This is particularly important for homeowners of color, whose wealth was devastated by predatory lending and the Great Recession that it triggered. African Americans in the United States lost one half of their wealth in the Recession due to decreased homeownership and unemployment.[79] Yet, during this same housing crisis, land trust loans were four times less likely

than conventional loans to be seriously delinquent and eight times less likely than conventional loans to be in the foreclosure process. Land trust support structures—like financial counseling and payment assistance—likely played a significant role in this achievement.[80]

Young Advocate for the Fruit Belt Community Land Trust (Photo by Harper Bishop)

Residents of Buffalo's Fruit Belt neighborhood have long worried about the threats of gentrification, displacement, and land speculation due to their proximity to the burgeoning Buffalo Niagara Medical Campus. Analyzing their predicament, they saw opportunity in what had been a severe problem: the fact that the City owned over 200 vacant lots in their neighborhood. Wisely, the City had declared a moratorium on the sale of those properties until a neighborhood plan was formed. After a careful review of potential strategies, residents created the Fruit Belt Community Land Trust, whose mission is "to create permanently affordable housing and generate community wealth through collective ownership of land in the historic Fruit Belt neighborhood."[81] In September 2020, the Land Trust broke ground on its first project: two Habitat for Humanity homes on formerly vacant lots bought from the City.[82] The Land Trust is working with another nonprofit developer to bring 50 units of affordable housing in single-family homes and duplexes on 27 vacant lots to be acquired from the City.[83]

The City should support land trusts and other efforts toward community control and long-term affordability – not just with allocations of free or low-cost land, but also with funding for staffing, operations, outreach, and education, to ensure that they reach their maximum potential.

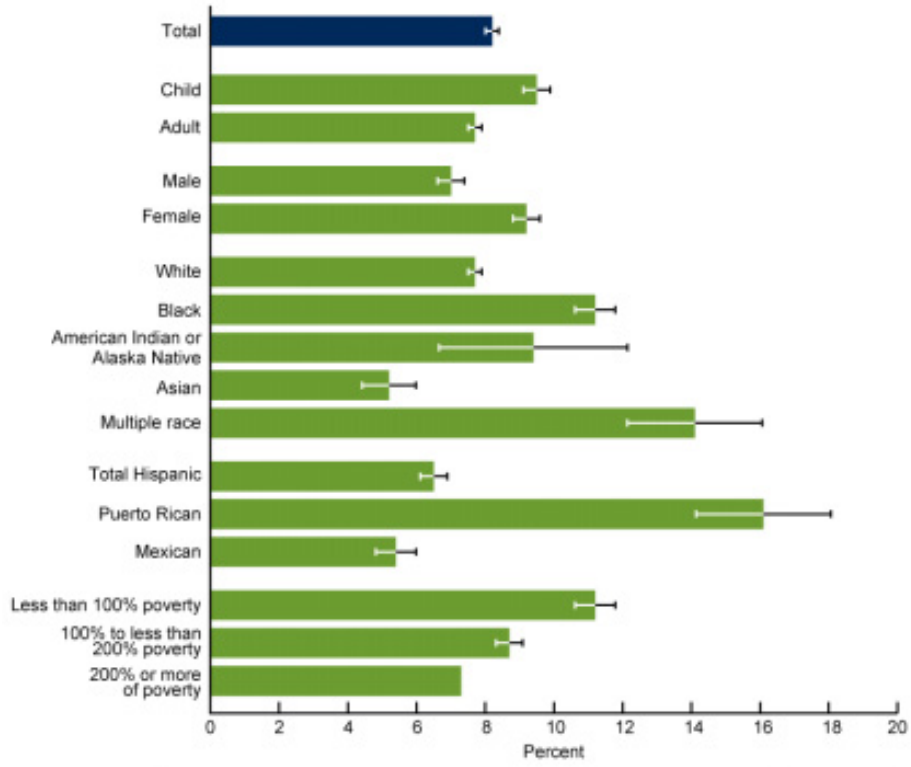
During the Great Recession, homes in community land trusts were **eight times less likely than conventional loans to be in the foreclosure process.**

The Fruit Belt Community Land Trust is working to create **50 units of affordable housing** in single-family homes and duplexes on **27 vacant lots to be acquired from the City.**

COMMUNITY GARDENS

Buffalo's vacant land policy should include steadily expanding its network of community gardens. Research on community gardens has shown that they have many benefits, not just for the gardeners but for the surrounding neighborhoods, the cities, and the planet.

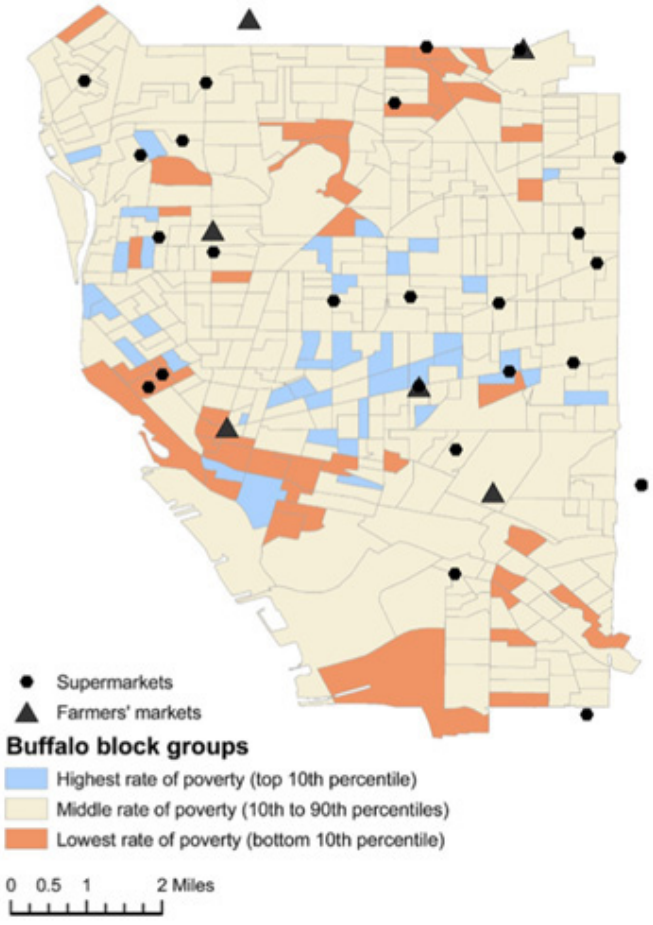
ASTHMA PREVALENCE BY SELECTED DEMOGRAPHICS, 2008-2010



Source: CDC/NCHS, Health Data Interactive and National Health Interview Survey

Community gardens aid the environment and public health in many ways. They improve air and soil quality, and, by adding vegetation, reduce the "heat island" effect that makes cities dangerously hot in summers.[84] These impacts are particularly important for people with low incomes and people of color, who are more likely to live in neighborhoods with bad air and soil quality due to the systemic racism and redlining outlined earlier in the report. For example, people with low incomes and people of color have much higher rates of asthma than those found among whites and people with high incomes.

Gardens improve water quality by soaking up stormwater and keeping it out of combined sewer systems. They increase the biodiversity of plants and animals, attracting beneficial soil microorganisms, insects, birds, reptiles, and animals. They help protect birds and butterflies by providing food, resting spaces, and protection along migratory flight paths. Gardens reduce waste through their use of composting.[85] Finally, they reduce the pollution that occurs in producing, packaging, cooling, and transporting produce over long distances.



Buffalo's Food Deserts: Locations of Supermarkets and Farmers' Markets (Map from New England Complex Systems Institute)

Community gardens **improve air and soil quality,** and, by adding vegetation, **reduce the "heat island" effect** that makes cities dangerously hot in summers.

Community gardens promote public health. They increase access to affordable fresh foods, something particularly important in areas such as Buffalo's East Side, which are considered "food apartheid" due to their lack of full-service grocery stores resulting from discriminatory economic and planning policies.[86] Buffalo's Black residents are six times more likely than whites to live in a neighborhood without access to a grocery store.[87] Community gardeners tend to share food with family members, friends, neighbors, and people in need, improving nutrition and food security for whole communities, particularly in times of crisis such as the COVID-19 pandemic. For example, Seattle's community gardeners donated 17 tons of fresh, organic produce to local food banks and hot meal programs in 2018 alone.[88] In a survey of Buffalo's community gardeners, 48 percent of produce was used for household consumption; 35 percent was shared with neighbors, friends and family; and 10 percent was donated.[89] The gardeners grew an average of 11 percent of the food they consumed, with some gardeners growing as much as half of their food.[90]

Buffalo's community gardens have proven particularly important for its large refugee population. In addition to high rates of poverty and difficulties acclimating to radically different environments, refugees often cannot find the foods they prefer in local stores, and community gardens offer a way to grow their own.

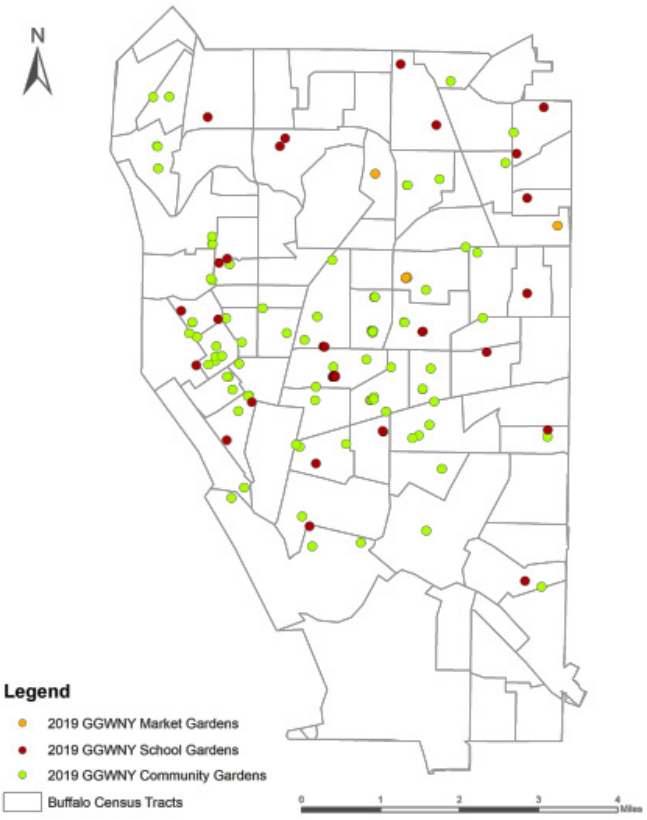
A small garden produces a surprising amount of food. According to researchers, a 10x10 meter plot can provide most of a family's yearly vegetable needs.[91] Every $1 invested in a community garden plot yields approximately $6 worth of vegetables.[92] Money saved on groceries is money that can be spent on other critical needs such as housing, utilities, and healthcare, further reducing poverty and its impacts.

Gardens promote nutrition in many ways. Gardeners eat fewer sweets and packaged foods, as they become more knowledgeable about good food and gain easy access to it.[93] Community gardeners eat significantly more fruits and vegetables than both home gardeners and non-gardeners, and 56 percent of community gardeners meet national recommendations to consume fruits and vegetables at least 5 times per day, compared with 37 percent of home gardeners and 25 percent of non-gardeners.[94] Home-grown vegetables and fruits can be more nutritious than those trucked long distances over prolonged time periods. For example, it has been shown that a 5 to 10 day transportation and storage lag between production and consumption leads to losses of 30 to 50 percent in some nutritional constituents.[95]

Gardening is also good exercise, particularly for older residents and people with low incomes who may lack access to affordable and safe recreational

In a survey of Buffalo's community gardeners, **48 percent** of produce was used for household consumption; **35 percent** was shared with neighbors, friends, and family; and **10 percent** was donated.

activities. Research proves that gardening correlates to reduced risk for obesity, heart disease, and diabetes,[96] three of the most potent chronic illnesses among people of color and people with low incomes in Buffalo.[97] It is also good for mental health, as productive time spent in a green environment relieves stress, increases social interactions, and provides feelings of satisfaction and accomplishment.[98] Having access to community gardens could be especially helpful for folks with low-incomes as the economic stress associated with being poor is linked with a higher risk of mental health challenges.[99]



Grassroots Gardens in Buffalo (Map from GGWNY)

Finally, community gardens build community in several important ways. They provide job and entrepreneurial skills.[100] They offer safe, appealing places to gather, bringing residents together to improve their neighborhoods, decrease crime, and find common purpose. Community gardens in inner cities reduce crime, trash dumping, juvenile delinquency, fires, and violent deaths.[101] They enhance a whole city's morale and help reverse disinvestment by turning neglected lots into assets.

Buffalo has 110 community gardens in a network supported by Grassroots Gardens of Western New York, which was founded as an all-volunteer effort in the early 1990s and has steadily grown since then. At first, its main functions were to supply a master lease with the City, a blanket

Cambridge Avenue Gardeners (Photo by Grassroots Gardens)

insurance policy, technical expertise, and, when available, materials to community gardens. Today its scope has expanded to include a land trust, community organizing, nutritional education, food justice, and more. Importantly, 77 percent of Grassroots Gardeners are growing food, often in neighborhoods that have been denied access to full-service grocery stores.[102] The lead gardeners in the network are roughly 50 percent African American, 60 percent seniors, and 70 percent women.[103] About one-third of the gardens are located at or near public schools and unite students, teachers, and neighbors to tend for them. Grassroots also has a therapeutic garden program with gardens at a juvenile detention facility and two other sites. Nearly all of Buffalo's community gardens belong to the Grassroots network, which means that they can all count on support and that, if a group stops gardening a plot, Grassroots actively recruits other gardeners to take it on.

The Cambridge Avenue Garden on the East Side of Buffalo, near Main Street and Best Street, is a good example of the impacts of gardening. Residents of a block gathered together after active drug dealing in an abandoned house had led to two murders on the block. They formed a new block club and, as their first project, created a garden in a vacant lot next to the drug house. According to garden co-founder Mary Hardy, following constant activity in the garden and the assertion of community control, the people selling drugs left the house and did not return, and the block became much safer, while gaining a new food source and a site for exercise, stress relief, and community building.[104]

Pelion Community Gardens (Photo by Grassroots Gardens)

Pelion Community Garden is a school garden affiliated with City Honors High School. The gardeners transformed four large vacant lots into a bustling, hands-on learning garden available to the 1,100 youth who attend the school as well as nearby neighbors. Grassroots Gardens is concerned about the loss of Pelion through potential sale of its land, given the development pressure on the Fruit Belt neighborhood. For over six years, Grassroots Gardens and the school have asked the City to transfer the land to the Buffalo Public Schools, but the City has yet to act.

The lead gardeners in the Grassroots Gardens network are roughly **50 percent African American, 60 percent seniors, and 70 percent women.**

The Victoria Avenue Community Garden on Buffalo's upper East Side was started by Gerldine Wilson and the Victoria Avenue Block Club in 2012. Just as she was starting the garden, Ms. Wilson's brother was murdered. She says, "I found it was a place I could go and really work my grief. I had gotten counseling, but the garden did for me what nothing else could do." Ms. Wilson is now the co-facilitator of Grassroots Gardens' Grief in the Gardens program, which offers workshops and community events connecting gardening to adaptive grieving.

Gerldine Wilson at the Victoria Avenue Community Garden (Photo by Grassroots Gardens)

One of the biggest challenges for community gardens is land security. Often, they are located on publicly-owned land which may be sold for other uses if the city so chooses – at the end of the lease term, or, in some cases, upon notice even within the lease term. As a result, many cities are turning to land trusts to preserve gardens and incentivize more gardening. In Boston, 61 community gardens out of the roughly 175 in the city are owned by a land trust and thus permanently protected.[105] The City of Baltimore transfers publicly-owned lots that meet certain criteria for $1 to the Baltimore Green Space land trust.[106] In Pittsburgh, Grow Pittsburgh and Allegheny Land Trust have launched a joint venture, Three Rivers Agricultural Land Initiative, using the community land trust model to provide long-term security for community gardens and urban farms.[107]

In 1996 the City of Chicago, joined by the County and Parks District, created a non-profit land trust, NeighborSpace, and began transferring vacant lots to it for $1 for permanent use as gardens. NeighborSpace now stewards 109 gardens.[108] In a recent example, the City transferred a valuable large lot, a former factory site, to NeighborSpace for $1 after local

The City of Baltimore transfers publicly-owned lots that meet its criteria for $1 to the Baltimore Green Space land trust.

residents raised fears that potential luxury condo development on the site would gentrify their neighborhood and price them out. NeighborSpace will consult with local residents about how to join the new lot with the existing El Paseo Community Garden adjacent to it.[109]

El Paseo Community Garden, Chicago (Photo from Block Club Chicago)

In St. Louis, Gateway Gardens has 140 community gardens in its network, 80 school and youth gardens, and a 2.5-acre farm on publicly owned land that provides therapeutic horticulture and a jobs training program. Its land trust includes 17 gardens.[110]

In Buffalo, Grassroots Gardens created a land trust in 2017 to begin improving land security for its gardens. Its initial goal is to gain ownership of at least one garden in each of Buffalo s nine council districts, prioritizing existing gardens on parcels with the highest risk of being sold. Thus far, the land trust has acquired two garden parcels, on York Street and Tyler Street, each of which had been privately owned. Unfortunately, it has been stymied in most of its efforts to buy garden parcels from the City. The City rejected three purchase offers without explanation and without discussing potential prices. In March 2020, the City gave preliminary approval
to sell a garden parcel on the West Side, and the sale is currently being negotiated.[111]

Grassroots Gardens created a **land trust** in 2017 to protect gardens at risk of being sold.

In 2008, the City of Buffalo Common Council created a Community Gardens Task Force to initiate dialogue around community gardening and make recommendations. The Task Force obtained help from the University at Buffalo Department of Urban and Regional Planning, which produced a comprehensive Queen City Garden Plan in 2009.[112] The City has since implemented several of the Plan's recommendations: creating a

Food Policy Council and including community gardens in the City's zoning and land use laws. The City also negotiated a new master lease with Grassroots in 2019 with a longer term and better notice provisions. Other recommendations, however, still need action:

- Support and expand the crucial role of Grassroots Gardens;
- Facilitate partnerships with other organizations;
- Provide staff and material support from the City of Buffalo, including
  - Improved access to water
  - A dedicated staff person in the City's planning department to:
    - Staff the Food Policy Council;
    - Create and maintain a public data base of land available for gardening;
- Facilitate the sale of publicly owned land;
- Offer community gardeners a right of first refusal if the parcel is to be sold; and
- Create performance standards for community gardens.[113]

Other cities have been more vigorous in promoting community gardening. Many provide funding, and many have donated land.

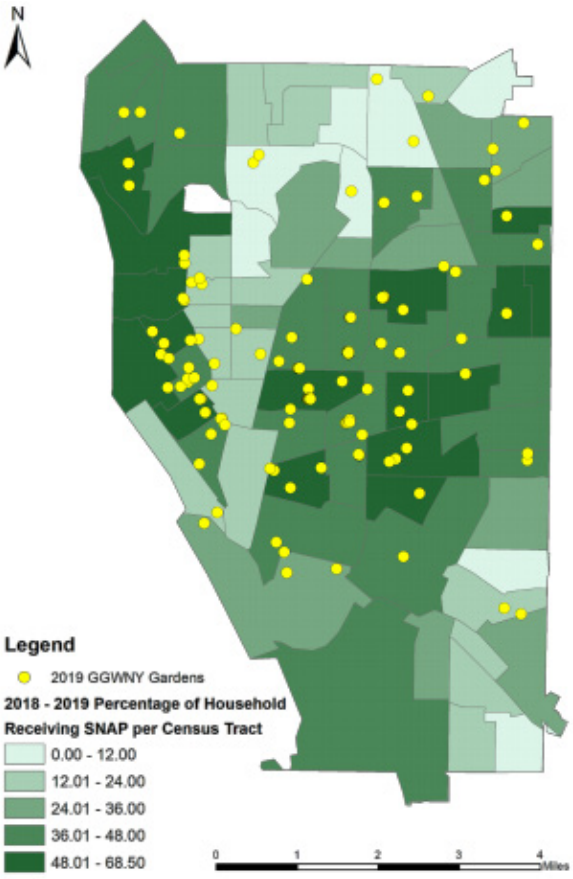
- Chicago has a similar number of gardens to Buffalo (roughly 130), but supports them with $100,000 each from the county, city, and state.[114]
- Detroit's 2013 urban agriculture ordinance and other measures have led to nearly 1,400 community gardens.[115]
- The City of Cleveland partnered with Cuyahoga County and Ohio State University to create the Summer Sprout Program, which provides soil testing, seeds, starter plants, soil amendments, tilling services, raised bed materials, educational outreach and support.[116] Roughly one-third of the Summer Sprout gardens are on publicly-owned land.[117]
- Seattle dedicated $2 million from its 2008-2013 Parks and Green Spaces tax levy to community gardens, resulting in 24 new or expanded gardens.[118]
- Over a five-year period, Boston directed $2.3 million in CDBG funds to community gardens, and Mayor Menino's administration transferred more than 40 parcels to non-profit organizations for gardens.[119] In 2016, the City created a Community Preservation Fund, using a property tax surcharge, which it is using to provide additional funds for gardens.

The City of Baltimore prioritizes community gardens. Its parks department has a City Farms program which offers land to gardeners at ten parks for $30 per year. It employs a community liaison who aids the gardeners with training manuals, seminars, and bulletins. It celebrates the gardeners each year with a City Farms Supper and prizes.[120] Another common barrier for community gardeners and urban farms is access to water. Baltimore offers unlimited water access to community gardens for $120 per year and provides up to $3,000 in support for the installation of direct lines into garden sites through the Garden Irrigation Fund.[121]

Detroit now has nearly **1,400 community gardens.**

The City of Buffalo provides water access to community gardens through fire hydrants, but it is difficult for the gardeners, mostly seniors, to drag the hoses the distance (one, two, or three blocks) to the hydrants, which sometimes also involves laying the hose across a street. The best solution is for the City to install spigots at the gardens, but so far only one of the gardens has a spigot.

The only City funding Grassroots Gardens received in 2020 came from the discretionary allocations of one councilmember, plus a small grant from the Love Your Block program. The City has not prioritized community gardens in its CDBG funding, as other cities have done. In addition to providing funding through CDBG or other sources, the City should donate land to the Grassroots Gardens land trust. This will reduce land acquisition costs for gardeners, while also providing long-term land security, allowing them to plan and improve their land to maximize its green and equitable potential. At the same time, it will aid the City by increasing the value of surrounding properties and thus rebuild the tax base, while also raising the value of remaining publicly-owned lots.



Map showing the location of Grassroots Gardens and the percentage of households receiving Supplemental Nutrition Assistance Payments (SNAP, commonly known as Food Stamps) (Map from Using the Food System as a Lever for Change Evaluation of the Buffalo Community Hub Project. Food Systems Planning and Healthy Communities Lab. University at Buffalo)

URBAN FARMS

Urban farms, or market gardens, are similar to community gardens, but they generally sell their produce. Urban farms bring many of the same environmental and social benefits as community gardens: cleaning and cooling the air, remediating soil, improving water quality by soaking up stormwater, growing produce more sustainably, improving nutrition and other health measures, off ring employment, and reclaiming vacant land for productive purposes. Urban farms represent an important opportunity to grow the sector of cooperatively-owned businesses in Buffalo, and, as shown by the example of Massachusetts Avenue Project and others, they are natural sites for workforce development.

Urban farming could supply a surprising amount of Buffalo s food if promoted extensively. For example, an agricultural scientist has estimated that Detroit could grow three fourths of its current vegetable consumption and nearly half of its fruit by using bio-intensive methods on its vacant parcels.[122] Contrary to conventional wisdom, smaller farms produce more food per acre than industrialized farms, and they use land, water, and fuel more efficiently.[123] Urban farmers have some unique advantages. They face fewer insects, deer, and groundhogs; they can walk their plots in minutes and address problems immediately; they can more easily harvest produce at its peak; they can plant more densely; and they can nourish the soil more frequently.[124] But it is hard to assemble affordable land for an urban farm, and urban farmers are often burdened with contaminated soils, high taxes and fees, and difficult access to water, as well as certain cost inefficiencies caused by operating at a small scale.

A Food Coop and a Market Garden

The African Heritage Food Cooperative, founded in 2016, offers fresh produce at affordable prices in areas considered food deserts. It has one store in Niagara Falls and is planning a second in the Fruit Belt neighborhood of Buffalo. It also owns a property at 132 Edison Avenue, where it grows produce and herbs through its Each One Teach One Urban Gardening Program.

Photo from WBLK

In Buffalo, the number of urban farms has grown from less than five to over 15 in the last ten years.[125] These farms often collaborate with each other, and they vigorously promote public and environmental health. Over 30 urban growers and agricultural professionals have united in the Greater Buffalo Urban Growers (GBUG) coalition to advocate for policy improvements. In February 2020 a large group of urban farmers and gardeners signed GBUG's Growers' Pledge committing to safe and sustainable practices, including 5 Loaves Farm, African Heritage Food Coop, Brewster Street Farm, Common Roots Urban Farm, Flat #12 Mushrooms, Grassroots Gardens, Gro-operative, Groundwork Market Garden, Kubed Root, MAP Urban Farm, Promise Valley, Urban Fruits & Veggies, Vertical Fresh Farms, Westside Tilth Farm and the Wilson Street Urban Farm.[126]

As shown during the COVID-19 pandemic, localized food systems can be more resilient in times of crisis and disruption. As the nation's giant, industrialized food systems crashed, urban farms, community garden, farmers' markets, community supported agriculture, and other smaller food sources helped to fill the gaps.[127] In Buffalo, many of them gathered together in a coalition called Seeding Resilience to provide mutual aid, coordination, and shared advocacy.[128] This type of resilience will become more important as climate change generates ever-increasing droughts, storms, and food shortages.

A Food Pantry with Local Produce

Feed Buffalo is a new food pantry with a mission to "heal, educate, and transform food deserts into thriving communities." It provides "access to free locally-sourced, healthy, and halal food in a loving, judgement-free community space."

Photo from feedbuffalo.org

A cornerstone of Buffalo s urban farms is the Massachusetts Avenue Project (MAP). MAP is a non-profit organization that was created by neighborhood residents in 1992. Its mission is to create a local food system that serves the needs and wants of the area's population while promoting local job opportunities. MAP prioritizes social change education as it increases access to healthy, affordable food.

The MAP Urban Farm at 389 Massachusetts consists of 13 reclaimed vacant lots. The farm includes garden beds, greenhouses, and a rainwater catchment system.[129] MAP now has a farmhouse with a commercial kitchen, cold storage space, and training space. Thanks to the expanded space, in 2019 MAP engaged 520 people at the farmhouse, including 170 through growing/farming activities and 229 through food preparation, cooking, and consumption-related activities.[130] The MAP farm is also one of two permanent sites for the City of Buffalo s residential food scraps recycling program; the scraps are composted for use at the farm. MAP's mobile food market is a SNAP and WIC approved retailer which gives under-served neighborhoods access to fresh, affordable produce. It has grown from six sites in 2016 to twelve in 2019.[131]

MAP Youth Working at Mobile Market (Photo from Massachusetts Avenue Project)

MAP's Growing Green Program, created in 2003, has generated 650 jobs for Buffalo s youth.[132] The youth grow, market and distribute organic produce for the local community, restaurants, and businesses. 95 percent of the high school seniors involved in Growing Green have graduated from high school and continued onto higher education.[133]

MAP's Growing Green Program, created in 2003, has generated **650 jobs for Buffalo's youth.**

In 2017, MAP and Grassroots Gardens created the Buffalo Community Food Hub in order to:

- meet the food needs of low-income youth and families in Buffalo;
- advocate for policy in support of food system development; and
- increase the self-reliance of the community in providing for its own food needs.

During the pandemic, MAP has been able to serve as a rapid-response "aggregation hub" role, distributing produce from local farms to food pantries.

Other cities are actively promoting urban agriculture. Washington DC has an Office of Urban Agriculture that "works to increase food production in the District of Columbia and support a more sustainable, equitable, and resilient food system." Pursuant to its Sustainable DC 2.0 Plan, the City will put 20 more acres of land into cultivation by 2032, develop food-producing landscaping on 5 acres of public space throughout all eight wards, and develop and support school gardens and garden-based food system education for public school students. DC offers a 90 percent tax abatement for urban farmland and offers select publicly-owned parcels for lease to farmers.[134]

In Rochester, Mayor Warren recently asked the City's Office of Community Wealth Building to establish RocCity HomeGrown, an urban agriculture program to help families grow their own fresh fruits and vegetables or create small food businesses. The City will create a database of parcels suitable for community gardens and develop programs to address startup costs and develop neighborhood markets.[135]

Baltimore has created an Urban Agriculture Plan, Homegrown Baltimore, which "aims to increase production, distribution, sales and consumption of food locally grown within Baltimore." Its goals are:

- provide equitable access to healthy foods for all residents;
- support Baltimore's gardeners, farmers and businesses;
- promote environmental sustainability; and
- utilize vacant space productively.[136]

Baltimore supports its urban farms by offering five-year leases for publicly-owned land at only $100 per year, and by offering a 90 percent property tax reduction for privately-owned urban farms.[137]

Detroit passed an urban agriculture law in 2013 and is home to many urban farms. Detroit's largest urban farm is the seven-acre D-Town Farm, operated by the Detroit Black Community Food Security Network, which grows 30 different fruits and vegetables.[138] Also in Detroit is the Michigan Urban Farming Initiative, which describes itself as "America's first sustainable urban agrihood," making agriculture the centerpiece of

Baltimore supports its urban farms by offering **five-year leases for publicly owned land at only $100 per year.**

a mixed-use urban development. This three-acre site includes a two-acre urban garden, a 200-tree fruit orchard, and a children's sensory garden. It provides fresh, free produce to about 2,000 households within two square miles of the farm. It is restoring a three-story-vacant building into a LEED-Platinum Community Resource Center with two commercial kitchens, educational programs, and event/meeting space, and developing a healthy food café.[139]

In a neighborhood with large amounts of vacant land, the City of Chicago actively invested in non-profit urban farms. It transferred land for The Wood Street Farm to the non-profit organization Growing Home for $1 through a redevelopment agreement. It aided three other urban farms in the neighborhood by testing, cleaning and preparing the sites and installing water and fencing. Its Green and Healthy Neighborhood plan for the area calls for three new urban farms, including one co-located with public recreational facilities and one adjacent to a rails-to-trails walking path.[140]

Cleveland actively promotes and funds urban farming. It amended its Neighborhood Retail Assistance Program in 2008 to create the Gardening for Greenbacks Program, which provides grants of $5,000 to urban farmers who pledge to farm for at least two years and sell their crops for profit.[141] In Cleveland, the public housing authority, Cuyahoga Metropolitan Housing Authority, jointly manages the Ohio City Farm with Ohio City Incorporated. At nearly six acres, this is one of the nation's largest urban farms.[142] Operated by public housing tenants (currently a team of six, all refugees, it supplies produce to a farm stand, a CSA with 200 members, and many local restaurants.[143]

Farmers at the Ohio City Farm (Photo from ohiocityfarm.com)

Cleveland's Gardening for Greenbacks Program **provides grants of $5,000 to urban farmers** who pledge to farm for at least two years and sell their crops for profit.

Boston actively encourages urban farming with a suite of policies and programs. The City identifies publicly-owned parcels optimum for farming and markets them to farmers. It publishes a guide on how to farm publicly-owned parcels.[144]

Seedlings in MAP Greenhouse (Photo from Massachusetts Avenue Project)

The City of Buffalo's new zoning and land use law, the Green Code, did a number of things for urban farming. According to a summary by the Greater Buffalo Urban Growers, the Green Code, along with other recent City policy work:

- formally recognizes Market Gardens as sites where food, ornamental crops, or trees are grown for sale to the general public;
- outlines regulations that Market Gardens should follow in order to ensure public health, safety, and welfare;
- recognizes and permits aquaculture/aquaponics, that is, the farming of aquatic organisms such as fish, crus aceans, mollusks, and aquatic plants under controlled conditions;
- allows for the sale of agricultural products, plants, eggs, and honey;
- allows on-site sales at a market stand for up to 10 hours per week;
- permits beekeeping;
- allows composting;
- allows chickens to be kept.[145]

Buffalo's new Green Code allows **urban farms with on-site market stands.**

Much more can be done to promote urban farming in Buffalo, however. GBUG's recommendations for further policy improvements include the following.[146]

- **Improve Water Access.** Water is essential for urban food production and is often a limiting factor for urban farms and gardens. Constructing wells can cost thousands of dollars. Access to water via fire hydrants requires equipment and installation and is currently limited to only non-profit community gardens. The City of Buffalo can help with the following measures:
  - Establish reasonable rates for City water, through hydrants or other means of access. Non-profit farms should get free water, and for-profit farms should have access to lower, more reasonable rates than the current fee structure provides.
  - Allow for-profit farms to obtain permits for fire hydrant use.
  - Reduce the cost of water-line installation with a grant program. For some of Buffalo's farms, the cost of installing a water line and connecting it to the municipal supply is a huge barrier. Current estimates hover around $8,000. San Francisco offers a Community Garden Irrigation Meter Grant Program with a one-time waiver of up to $12,000 in SFPUC fees for the installation of a new dedicated irrigation water service and meter for eligible projects to be maintained for a minimum 10-year span.[147]
  - Work with the Buffalo Sewer Authority to create a sewer bill credit for urban farms. Urban farms improve the region's water quality by reducing storm water run-off. The Sewer Authority could grant a credit to urban farms based on their permeable surface area.
- **Create an Urban Agriculture Tax Credit,** similar to those in Baltimore, Washington DC, Montgomery County, and other regions.
- **Make a User Fee Exemption or Provide Waste Hauling Services.** Despite paying waste hauling, or "user" fees, market gardens do not receive City of Buffalo waste hauling services, as they are deemed "vacant lots." This can be a major expense, especially since each noncontiguous lot incurs a separate bill. Market gardens be exempt from paying the user fee, or they should receive service. Scattered, non-contiguous lots should receive a single user fee bill if they are being managed under one entity. Many cities across the U.S. provide trash service to market gardens and community gardens.[148]
- **Improve Land Access.** The City should identify a select number of properties of suitable size, location, zoning, and soil quality, to set aside for long-term farming use. It should then transfer them to non-profit farms for no cost and to for-profit farms for reduced cost, using a mix of long-term leases and permanent transfers.

In addition to GBUG's recommendations, the City should also expand its pilot composting program so that it offers urban farms more access to free

Municipalities such as Baltimore and Washington DC have **tax credits for urban agriculture.**

or discounted compost; this would also reduce the City's garbage bill and ecological footprint by encouraging more composting by households and businesses. Lastly, the City should create a zoning category for agricultural land and associated policies that actively encourage responsible farming, rather than simply allowing it.

Youth Working at MAP Farm (Photo from Massachusetts Avenue Project)

TREES, POLLINATORS, GREEN INFRASTRUCTURE, AND RENEWABLE ENERGY

In addition to clean and green treatments, community gardens, and urban farms, there are many ways to green vacant lots to provide ecological and public health benefits.

TREES

Cities like Buffalo can plant more trees on vacant lots and take more advantage of the trees that already exist on them. Trees provide many ecological services, including reducing air pollutants and greenhouse gases; soaking up stormwater; remediating soil; offering habitat for insects and birds; and decreasing the "heat island effect."

A study of Roanoke, Virginia found that the trees on its vacant lots had a value of $169 million to the city. Each year they store 97,500 tons of carbon, valued at $7.6 million, remove 2,090 tons of carbon, valued at $164,000, remove 83 tons of air pollutants, valued at $916,000, and reduce residential energy costs by $211,000.[149] Note that all this value comes simply from existing trees, without a concerted effort to plant more, and that it does not include the other social and public health

benefits that come from adding more greenery to a neighborhood.

Trees can also provide food through their fruit and nuts. Many cities now have groups dedicated to planting and tending fruit trees in public spaces, mapping them so that they can be easily found, and helping to harvest and distribute their fruit. Examples include the Boston Tree Party and the Portland Fruit Tree Project.[150] The City of Milwaukee is partnering with the Greater Milwaukee Foundation to bring fruit orchards to 15 vacant lots on the city's north side.[151]

POLLINATORS

The worldwide collapse in populations among birds, butterflies, bees, and other pollinators has increased awareness of the critical role they play in ecosystems and in human food production. In Western New York, the Pollinator Conservation Association is educating the public, planting pollinator-friendly habitats, and working to establish "pollinator corridors" to help the pollinators as they move and migrate.[152] Vacant lots can play a critical role in providing pollinator habitat. In Philadelphia, the Pennsylvania Horticultural Society has integrated pollinator protection into its LandCare program, creating 50 pollinator gardens on vacant lots, typically with about 300 native plants in each garden.[153]

Gardener at a PHS Pollinator Garden (Photo from Grid Magazine)

Philadelphia's LandCare program has created **50 pollinator gardens on vacant lots,** typically with about 300 native plants in each garden.

STORMWATER RETENTION

As a study of Buffalo has proven, vacant lots play a critical role in soaking up stormwater and keeping it out of the combined sewer system.[154] Why is this important? Older cities like Buffalo tend to have combined sewer systems, in which sanitary sewage flows through the same pipes as stormwater and snowmelt. Unfortunately, sewage treatment plants were typically designed only for dry days; when it rains, their capacity is quickly

overwhelmed, and, instead of being treated, raw sewage flows directly into lakes and rivers, resulting in beach closures, ecological damage, and human illness. Buffalo s sewer system overflows an average of 69 times per year, putting 1.75 billion gallons of wastewater and untreated stormwater into local waterways.[155] Putting sewage into the water endangers swimmers and people who fish. The U.S. Environmental Protection Agency (EPA) estimates that up to 3.5 million people get sick every year from swimming in waters contaminated by sewer overflows.[156]

These combined sewer overflows violate the federal Clean Water Act and state clean water laws, and so local sewer authorities must agree with the EPA and the NYS Department of Environment and Conservation on plans to reduce them. In Buffalo, advocacy from Buffalo Niagara Waterkeeper persuaded the Buffalo Sewer Authority to embrace "green infrastructure" techniques to soak up stormwater before it enters the sewer system. The Sewer Authority's 20-year long term control plan will spend $380 million, of which 24 percent will go to green infrastructure.[157]

Green infrastructure can take many forms, including permeable pavements, rain gardens, vegetative swales, infiltration trenches, green roofs, planter boxes, rain barrels, downspout disconnection, and urban tree canopies.[158] Used correctly, green infrastructure can save taxpayer money and yet create more jobs than traditional "gray" infrastructure techniques. New York City estimates that its green infrastructure plan will reduce sewer overflows by 2 billion gallons over 20 years while costing $1.5 billion less than a purely "grey infrastructure" strategy.[159] Philadelphia estimates that its investment of $1.6 billion in improving its water quality will lead to 15,266 direct green collar jobs.[160] Green infrastructure can also offer a panoply of co-benefits to the environment and the community, such as improving air quality, beautifying neighborhoods, reducing hot summer temperatures, and conserving water.

PUSH Blue Installing a Rain Garden (Photo from PUSH Buffalo)

Buffalo's sewer system overflows an average of **69 times per year,** putting **1.75 billion gallons** of wastewater and untreated stormwater into local waterways.

The benefits of green infrastructure are obvious in the PUSH Green Development Zone, where the PUSH Blue team has been installing rain gardens and other green infrastructure on vacant lots and residential parcels. The work of PUSH Blue has generated well-paying, entry-level jobs for disadvantaged residents; it has beautified the neighborhood; and it has kept many gallons of stormwater out of the sewer system.[161]

The Buffalo Sewer Authority's green infrastructure plan includes greening streets and parking lots, disconnecting downspouts, encouraging rain barrel use, and other strategies. The Authority engaged in a demonstration project to green vacant lots after City demolitions of abandoned structures, with funding from the NYS Environmental Facilities Corporation and consultant support from Arcadis and Buffalo Neighborhood Stabilization Corporation (PUSH Buffalo's development arm). The initiative provided jobs for 53 people, including on-site training. Most of these workers (64 percent) were from the city, and over half were people of color. The project addressed 224 demolition sites, a total of 20.4 acres.[162] The City should combine its green infrastructure work with the Sewer Authority with a new Clean and Green program to address all of its publicly owned lots.

A pilot program by the Buffalo Sewer Authority created **53 jobs doing green infrastructure work on 224 vacant lots.**

RENEWABLE ENERGY

Larger vacant lots make a natural place for renewable energy installations, such as solar arrays. A good example comes from Cleveland, where the Hough Community Solar Garden will be a resident-owned array that can power 50 homes in a historic African-American neighborhood.[163] In Detroit, the City used vacant land it owned to create a solar array that can power 450 homes, combined with a small park and playground.[164] PUSH Buffalo's solar array on top of its School 77 building offers a local model for community-owned solar that benefits tenants with low incomes. Because tenants do not own their homes, they are typically unable to benefit from solar energy. Community-owned solar reduces electricity bills for tenants, making their housing more affordable.

PUSH Buffalo Crew Installing Community-Owned Solar Array on School 77 Building (Photo from Curbed.com)

PATHS FOR WALKING AND BIKING

Buffalo's huge inventory of vacant land – both residential and non-residential – creates many possibilities to make new paths for biking and walking, which is particularly important in a city where so many residents lack access to a car and to affordable recreation. In the Buffalo Niagara region, approximately 56,000 households do not have a car.[165] Moreover, research has shown that Buffalo's least walkable neighborhoods are precisely those communities of color with high rates of vacant land and poverty – where access to cars is most limited and chronic health problems are most severe.[166] Increasing walkability is also a good investment for cities, because it is proven to increase housing values and thus generate a larger property tax base.[167]

A good example of a new path is the Western New York Land Conservancy's Riverline Trail, which, using an old rail line currently owned by the NFTA, will stretch from the old DL&W terminal in downtown to the Tesla factory in South Buffalo, offering natural beauty and recreation to neighborhoods that have been plagued by years of disinvestment.[168] Building on projects like this, it would be possible to create a network of "green fingers" through formerly vacant lots.

Cleveland has used its vacant lots to create three new paths.[169] The Lucia Greens Pathway Park, pictured here, used back-to-back vacant lots to make a linear park connecting two parallel streets. A well-planned network of paths such as these throughout Buffalo could increase walkability, aiding in public health and revitalization. It is crucial, of course, that such paths be placed only in neighborhoods that welcome them, and that there is always a feasible plan for their long-term maintenance.

Lucia Greens Pathway Park in Cleveland (Photo from Cleveland State University)

A well-planned network of walking and biking paths throughout Buffalo could increase walkability, **aiding in public health and revitalization.**

PARKS AND PLAYGROUNDS

Despite its rich history of Olmsted parks, Buffalo remains significantly under-parked, with parkland constituting only seven percent of the city's area. By contrast, Nashville, Pittsburgh, and Raleigh are 11 percent parkland; Omaha 12 percent; Philadelphia 14 percent; Cincinnati 15 percent; Minneapolis and St. Paul 16 percent; and New York City 20 percent.[170] Research proves that urban parks provide significant economic, social, and environmental benefits to their regions. They increase property values in nearby neighborhoods, stimulate tourism, lower health care costs, reduce stormwater management costs, and cut air pollution costs by cleaning the air with vegetation.[171] In Buffalo's East Side, which is particularly lacking in parks, there are many spots with enough vacant parcels to create new public parks. Of course, creating and maintaining a public park costs money, but the benefits listed above mean that the public's investment should be recouped through an increased property tax base and decreased governmental costs, without even considering the ecological and public health benefits.

Lawrence Street Mural (Photo from PUSH Buffalo)

Similarly, many parts of Buffalo suffer from a shortage of playgrounds, meaning that many families have no safe place for their children to play and get exercise. In its "State of Play" study of Western New York, the Ralph C. Wilson Foundation found that only 16 percent of area youth get the CDC-recommended one hour of exercise per day. It also found that many City of Buffalo recreational facilities are old and need repair and upgrade. It recommended an increase in pocket parks and mini-play spaces in neighborhoods, noting that the Kensington, South Ellicott, and Fillmore-Broadway areas on Buffalo's East Side are at least a half mile

Parkland comprises 7 percent of Buffalo's area, **compared to 20 percent of New York City's.**

from the nearest play space. It advised seeking out local artists, gardeners, and other activists to ensure that these parks respond to local needs and goals.[172] In July 2020, the Foundation announced the Play Everywhere Design Challenge, with $1 million in grants for "unique play installations in everyday locations across Western New York and Southeast Michigan in order to address disparities in access to quality play spaces."[173] Building on this initiative and converting vacant lots to playgrounds in targeted neighborhoods will improve public health and quality of life while building community cohesion and, with more activity and "eyes on the street," decreasing crime.

In some cases, it is possible to add vacant lots to existing parks. PUSH Buffalo acquired vacant lots next to Massachusetts Avenue Park. As part of its community planning, it learned that residents wanted a handball court and additional picnic tables at the Park. PUSH was able to add them to its vacant lots, which became functionally part of the Park. The mural on the back of the handball court is also an excellent example of integrating public art into vacant lot renewal.

PUSH Buffalo built a **handball court with a public art mural** on vacant lots adjacent to a City park.

Lawrence Street Handball Court (Photo from Buffalo Rising)

PUBLIC ART

Buffalo now has one of the most vibrant public art scenes in the nation, thanks in part to an innovative partnership between the AKG Buffalo Art Museum, Erie County, and the City of Buffalo. Vacant lots offer many opportunities for art. One of the most famous public art projects in the nation is the Heidelberg Project in Detroit. When artist Tyree Guyton returned to Heidelberg Street, where he had grown up, and witnessed its decay and abandonment, he was moved to begin cleaning up the lots and turn the neighborhood into a massive art project in which vacant lots became "lots of art" and abandoned houses became "gigantic art sculptures."[174]

Another remarkable public art project is Mel Chin's Revival Field in St. Paul, MN. The artist used bioremediation to help clean up a toxic Superfund site in the city.[175] Research proved that the six "hyperaccumulator" plant species he used were able to draw up and neutralize significant amounts of toxins from the soil.[176] Whether done by artists, gardeners, or others, it is easy to imagine similar bioremediation projects in Buffalo, where past industry as well as leaded paint and gasoline pose significant soil pollution threats to human health.

A local example of public art on a vacant lot was "Tree," a 32-foot wooden table, shaped like a tree, created by artist Michael Beitz and placed by a nonprofit called Art Farms on a vacant lot at Michigan and Riley streets owned by the Michigan Riley urban farm.[177] The table was used for art classes, free lunch programs, neighborhood picnics, and more. The table, however, was constructed of a pine wood that began to rot relatively quickly, and eventually it had to be removed – showing the importance of durability and long-term planning and funding for maintenance – unless the art is designed to be temporary from the start.

To make the most of public art's potential, the City should engage in community planning with neighborhood residents, local artists, and local arts organizations that are rooted in the communities

Tyree Guyton on Heidelberg Street (Photo from Heidelberg Project)

Mel Chin's Revival Field (Photo from melchin.org)

"Tree" at Michigan and Riley (Photo from Buffalo Rising)

with large numbers of vacant lots. Particularly when placing art in residential neighborhoods, it is vital to follow the lead of the residents and the artists and groups closest to them.

TEMPORARY AND "POP UP" USES

Not every use of a vacant lot need be permanent or long-term. Cities across the country are exploring temporary and pop-up uses for their vacant land. A good example comes from Flint, Michigan in May 2013, when a vacant parcel, formerly a Chevrolet factory, became the site of "Free City," a public arts festival that encouraged residents to reimagine the city and see vacant parcels as opportunities instead of eyesores – with birding tours, gospel choir performances, dance parties, and even a fully functional sauna.[178]

Philadelphia is the site for a 2011 project called the Porch. On a parking strip next to the city's Amtrak station, the Porch includes colorful patio chairs, artist-designed planters, public art, a kiosk with information on train departures and arrivals, and additional greenery. The project's directors experimented and collected data on site usage as they went, modifying their ideas in response to the data.[179]

Flint Free City Public Art Festival (Photo from Flint Neighborhoods United)

The City of Buffalo has embraced the idea of creative, temporary uses with its new Green Code. City planner Chris Hawley states that "given the current economic climate, we see these [projects] as the highest and best use for now... the benefits have been much more dramatic than chasing after some corporate retailer. Sometimes the temporary can add much more than those kind[s] of so-called permanent efforts."[180] It is easy to imagine an annual contest for creative temporary uses of vacant parcels; an annual "pop-up festival" on vacant parcels, and other ways to harness the creativity of Buffalo's residents. Such projects should adhere to criteria of equity and sustainability and be rooted in the communities in which they take place.

Regulatory Framework and Planning

DISPOSITION POLICIES

Many localities around the country have passed laws and policies designed to promote beneficial uses of publicly-owned land.[181] These policies include elements such as:

- evaluating public lands for suitability for affordable housing and requiring that suitable lots be used for that purpose;
- giving affordable housing developers right of first refusal in sales of public land;
- requiring that where public land is sold, a certain percent of housing developed on it must be affordable;
- authorizing below-market sale of public land;
- prioritizing placement of affordable housing on public land near mass transit, educational facilities, public libraries, and bike and pedestrian paths.

King County, Washington passed Ordinance 12394 in 1996, requiring that any surplus parcels that are suitable for housing should be sold or leased for the development of affordable housing. The County updates the surplus property list each year and offers suitable properties for development as affordable homes. In determining suitability it considers topography, zoning, and availability of utilities. For example, in its first review in 1997, the County found that 52 of 750 surplus parcels had housing potential. By 2007, the ordinance had led to development of 400 new affordable housing units.[182]

King County, Washington requires that any surplus county parcels that are suitable for housing **must be sold or leased for the development of affordable housing.**

In 2018, the State of Washington passed a law allowing cities to sell or lease surplus land at no or low cost for affordable housing development, so that cities no longer needed to seek fair-market value for land.[183] The Seattle City Council then passed a resolution requiring city departments to make affordable housing a priority when disposing of public land.[184] Pursuant to this policy, when Seattle later sold the "Mercer MegaBlock" for $143.5 million, it dedicated approximately $73 million of the proceeds to affordable housing.[185] This illustrates that even when publicly-owned land is not appropriate for housing, it can be used to generate funds for affordable housing.

San Francisco has a program called Public Land for Housing to review the City's portfolio of public sites for possible redevelopment as housing. This program is designed to expand the city's affordable housing stock, increase the use of public transportation, and promote neighborhood sustainability.[186] The City amended its Surplus City Property Ordinance in 2002 to encourage the transfer of underutilized or surplus property for the development of affordable housing. By 2015 the ordinance had led to the creation of 150 affordable homes. In August 2020 the City approved the

Rendering of Balboa Reservoir Housing Development (Image from Curbed SF)

1,100 unit Balboa Reservoir housing project on publicly-owned land near City College of San Francisco.[187] Half of the units (550) will be affordable, including 150 units aimed at educators.[188] California also has a state law requiring that affordable housing developers be given a right of first refusal when public land is sold.[189]

New York City has a New Housing Marketplace plan, created in 2003, under which the City actively considers the potential of all underutilized, publicly owned sites for affordable housing. For example, the City redeveloped vacant land that it owned in the Bronx into the mixed-income La Central project, which includes 985 units, a new YMCA, an astronomy lab, open space, 43,000 square feet of retail, a music studio, and two health centers.[190] Phase 2 of the project, begun in 2018, includes two high-rises with 496 units, solar power, rooftop gardens, gray and black water recycling, and natural gas co-generation. Also in 2018, the City announced it had selected developers to build affordable housing on 87 publicly-owned vacant lots, which could produce almost 500 affordable homes.[191]

Montgomery County, Maryland has developed a comprehensive county land inventory and has facilitated mixed-income housing on multiple County land holdings. The County also looks for opportunities to co-locate housing with new government facilities. All capital improvement projects or County agency plans to redevelop or dispose of County-owned land are required to assess the potential for affordable housing. The analyses must examine several factors, including financial feasibility and proximity to public transit, other public facilities, and existing affordable housing. The County's laws also include a preference for at least 30 percent affordable housing on public land. Proposals for the redevelopment of County land with less than 30 percent affordable housing are subject to greater scrutiny from the County Council.[192]

Washington DC passed the Disposition of District Land for Affordable

Montgomery County's laws include a preference for **at least 30 percent affordable housing on public land.**

Housing Amendment Act of 2014, which requires that all new multifamily residential developments on city-owned surplus land include at least 20 percent affordable housing. The percentage rises to 30 percent for sites within ½ mile of a Metrorail station, within ¼ mile of a streetcar line, or within ¼ mile of a Priority Corridor Network Metrobus Route.[193]

1115 H Street, Washington DC (Photo from Loopnet.com)

An example of development on publicly-owned land in Washington is a 16-unit, mixed-income, mixed-use development for first-time homebuyers, known as 1115 H Street. Four of the 16 units were sold at prices affordable to households earning between 50 and 80 percent of area median income. The building won LEED Platinum certification with a green roof, triple-glazed windows, high-efficiency heating/cooling systems, wiring for potential electric car charging stations, and covered bicycle storage. Units also come with a one-year "transit package" that includes a preloaded transit card and complimentary memberships to local car-sharing and bike-sharing services.[194]

DEED RESTRICTIONS

The City of Chicago created the Chicago Community Land Trust (CCLT) in 2006 to ensure that low- and moderate-income households gain access to the local housing market. The CCLT, unlike most land trusts, does not keep ownership of land parcels; instead, it uses covenant deeds to restrict the sales of its properties. The CCLT's deed restrictions require that housing units be sold to an income-qualified buyer and that the price of the unit be affordable based on local income and housing data.[195] The CCLT is a non-profit corporation, with a board of directors appointed by the mayor and approved by the Chicago City Council. It is administered and staffed by

Chicago Community Land Trust uses deed restrictions on formerly vacant lots requiring that **housing placed on them be affordable.**

the Chicago Department of Housing. Once the CCLT acquires 200 homes, one-third of the board will consist of CCLT homeowners.[196]

As of April 2019, the CCLT had developed 99 homes. Particularly when compared with other land trusts in Chicago, the CCLT is controversial because it is controlled by City Hall rather than by community residents and because, unlike all or nearly all other land trusts, it does not acquire land; it only imposes deed restrictions on land owned by others.[197] It does not create as much community building and mutual support as a normal land trust. The City of Buffalo should consider first placing a large portion, perhaps 50 percent, of its land under deed restrictions that assure their beneficial use, and then undertaking the longer process of transferring those parcels to community land trusts, community garden land trusts, non-profit housing developers, urban farms, and other mission-driven organizations.

LAND BANKS

Like many states, New York permits cities and counties to form land banks for the purposes of buying, selling, leasing, and otherwise managing public lands. These not-for-profit corporations are typically public authorities that accumulate properties and rehabilitate them to improve neighborhoods and generate tax revenue. To this end, land banks can acquire properties that are vacant, abandoned, foreclosed, or tax delinquent, and they have the power to set conditions on how the property can be used. Land banks typically look to manage properties in the short term, with the end goal being sale to private owners. As of January, 2018, there were approximately 170 land bank programs in the U.S.[198]

One example is the Buffalo Erie Niagara Land Improvement Corporation (BENLIC), a nonprofit corporation established by Erie County and the City of Buffalo. BENLIC typically acquires properties through the annual Erie County, City of Buffalo, City of Lackawanna, and City of Tonawanda tax foreclosure auctions. Under state law, BENLIC can acquire property at auction using a Priority Bid or "Super Bid;" in other words, it can place a bid in the amount of back-taxes a property owes and automatically win it.[199] Once it wins a property, BENLIC brings it up to code itself or through its Vacant to Value Program, in which a private buyer will be held responsible by BENLIC to bring a property up to code. If repair is not feasible, the building is demolished. Currently, BENLIC sells nearly all its properties for fair-market value.[200] It can, however, sell for less than market value. In 2019-2020, BENLIC sold (or contracted to sell) six properties to Habitat for Humanity: two lots with homes for $7,500 each and four vacant lots for $500 each.[201]

BENLIC does not have equity, environmental sustainability, or affordable housing in its mission and goals, and it does not have disposition guidelines

Buffalo Erie Niagara Land Improvement Corporation is a land bank that has begun selling lots at below-market prices for affordable housing.

offering discounts for those uses.[202] By contrast, Land Bank Twin Cities in Minneapolis/St. Paul, which has acquired over 1,000 properties since its inception, has as its mission: "We capture strategic real estate opportunities to benefit people with low to moderate incomes, prioritizing people of color and populations facing barriers."[203]

Ethel T. Chamberlain House (Photo from Housing Visions)

Similarly, the land bank in Little Rock, Arkansas names providing affordable housing as its first priority in its statement of policies.[204] The Philadelphia Land Bank lists development of affordable, mixed-income, and market rate housing in its goals, and it has worked to preserve a large affordable housing building, to develop new workforce housing, and to facilitate a community garden.[205] The Greater Syracuse Land Bank's disposition policy includes preferences and/or discount for uses with a community benefit, including affordable housing and community gardens.[206] Under this policy, the land bank worked with a nonprofit agency, Housing Visions, to develop the Ethel T. Chamberlain House, an $8.2 million supportive housing project aimed at chronically homeless women.[207] The City of Columbus Land Bank actively encourages community gardens on its sites.[208]

The Greater Syracuse Land Bank's disposition policy includes preferences for affordable housing and community gardens.

BENLIC has operated thus far at a modest scale. From 2015 through 2020 it sold or had under contract a total of 146 properties.[209] According to BENLIC staff, this is largely due to the City of Buffalo acting as a de facto land bank prior to the creation of BENLIC, and, unlike some other cities, keeping a large inventory of vacant and abandoned properties. By contrast, the Greater Syracuse Land Bank, as of October 2020, had acquired 1,879 properties and sold 921.[210] Of the roughly 1,000 properties in its current

inventory, approximately half are vacant lots.[211] The Syracuse land bank appears to enjoy greater financial support from its local governments; its 2020-2021 budget lists $500,000 in funding from the City of Syracuse and $250,000 from Onondaga County.[212] In part, this reflects the fact that Syracuse puts *all* its foreclosed properties into its land bank. BENLIC leaders state that they would not like to receive all the foreclosed properties in Buffalo and Erie County, as that would exceed their capacity, but that they would like to expand their work significantly.[213] BENLIC would like to ramp up to acquiring 110 to 120 properties per year, including 40 to 50 in Buffalo.[214] Thus far its funding has been largely from property sales and from the New York Attorney General, which devoted one of its settlement funds to land banks. The state's land banks are seeking a more permanent funding stream, such as a line item in the State's budget each year.[215]

A new issue arose in 2020 when the City of Buffalo chose to take title to the properties coming up for tax foreclosure auction, thus preempting BENLIC's ability to take them with its "superbid" powers. BENLIC then had to negotiate with the City's Division of Real Estate for the properties it wanted – a process that resulted in only six acquisitions. Under the New York State Land Bank Act, BENLIC can negotiate with the City to take property without paying appraised value. Acquiring vacant and abandoned properties from the City by negotiation will continue to be an avenue of property acquisition for BENLIC under the new City of Buffalo auction format. BENLIC hopes it can grow its City of Buffalo inventory this way.[216]

Under state law, BENLIC is free to sell at discounted rates to non-profits developing affordable housing, community gardens, or other beneficial uses, as many other land banks do and as BENLIC has done with Habitat for Humanity.[217] As BENLIC grows and increases its revenues from fair market sales, government funding, and philanthropy, it should be increasingly feasible to devote more properties to these below-market transfers. One first step would be to give nonprofit developers a right of first refusal on BENLIC's sales. As the board of BENLIC is controlled by Erie County and the City of Buffalo, providing it with more funding and changing its mission and goals to promote equity, affordable housing, and sustainability are policy decisions those governments can and should make.

One first step would be to **give nonprofit developers a right of first refusal on BENLIC's sales.**

TAX FORECLOSURE POLICY

In Buffalo, perhaps the most common path to a lot becoming vacant over recent decades was the following sequence of events:

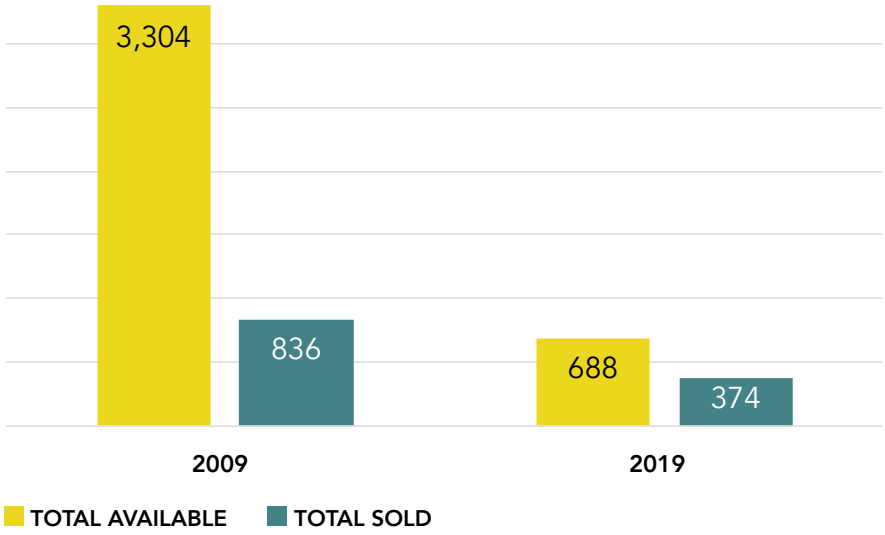
1. the property owner fails to pay property taxes or garbage fees, either because they cannot afford to or because they have decided to abandon it as no longer worth the costs of keeping it;
2. the City forecloses;
3. the property is placed for sale at the City's annual foreclosure auction;
4. no one buys the property at the auction;
5. the City takes title to the property or "adjourns" the foreclosure, leaving the property to be placed on the auction rolls again in subsequent years; and
6. the building deteriorates to the point where the City demolishes it.

The primary purpose of foreclosure is to aid in bill collecting. The threat of foreclosure is powerful leverage: if an owner does not pay taxes or fees, the City will take the property. In a city with extreme poverty, massive depopulation, and high vacancy rates, however, the tool does not function as intended. Some owners who can afford the taxes abandon the properties as no longer worth the costs of taxes and maintenance. Other owners facing financial hardships such as job loss cannot afford the taxes and get foreclosed – forcing them to move or become homeless, exacerbating their poverty, and causing the loss of affordable housing. Instead of being "recycled" and brought up to code, many properties sit in limbo and get demolished. While the number of properties available at the auction has significantly declined in recent years, foreclosure remains a major engine of property demolition and vacancy.

City of Buffalo Tax Foreclosure Auction (Photo from Buffalo News)

Tax foreclosure is a major engine of **property demolition and vacancy.**

ALL PROPERTIES AVAILABLE AND SOLD AT CITY OF BUFFALO IN-REM AUCTION, 2009 AND 2019



Back in 2009, there were 3,304 properties at the auction, including 1,581 residential buildings and 1,587 vacant lots. Of these, only 572 buildings and 197 vacant lots were sold. Since then, as Buffalo's housing has become more valuable, fewer parcels have made it to auction, and a higher proportion have sold. In 2019, there were 688 properties at the auction, including 181 residential buildings and 494 vacant lots. The City removed 99 of the properties, and 374 were sold, including 172 residential and 191 vacant (see Appendix C for more data).[218]

In cities like Buffalo, therefore, two kinds of change are needed to foreclosure policies. The first type of reform would aim to reduce the number of foreclosures. By improving payment processes and notice procedures and by creating or expanding emergency assistance programs, the City (possibly with collaboration with the County and State) can keep more low-income homeowners in their homes. These changes will reduce poverty, involuntary mobility, and abandonment, and thus more than pay for themselves. Nonprofit law agencies such as the WNY Law Center, Volunteer Lawyers Project, Legal Aid Bureau, and Center for Elder Law have crafted a set of ordinance amendments and programmatic changes that would accomplish these goals. Examples include:

- reducing the tax delinquency penalty – currently 18 percent interest;
- permanently ending foreclosures for failure to pay water bills and garbage bills (known as "user fees" in Buffalo);
- ending foreclosures for bills below a threshold of $500 (currently the threshold is $200);
- improved billing and notice procedures, including attempts to telephone delinquent owners;

The City of Buffalo should **reduce the tax delinquency penalty** – currently 18 percent interest.

- creating automatic installment plans sent out to owners as soon as they fall behind on their taxes and lower interest rates for owners who follow those installment plans;
- improved payment procedures, such as showing current balance online, allowing payment online, allowing more use of credit cards, and clearly stating the acceptance of partial payments;
- creation of a new emergency assistance program for low-income homeowners facing foreclosure.

The second set of reforms addresses the disposition of properties that go through foreclosure. The problem with the current system is that an annual auction results in a random disposition of properties rather than a strategic disposition to advance the public interest. Particularly because the prices, although rising, remain low compared to those in other cities, the tax auction attracts many predatory, irresponsible, or simply naïve investors from out of town, meaning that many housing units fall into the hands of investors who do not invest capital to make them safe and decent housing. And, too often, vacant lots fall into the hands of speculators who simply hold the lots without improving them or maintaining them well.

In the past, nonprofit housing providers have sometimes bought properties at the tax foreclosure auction, but this is not a good and reliable method. It makes it hard to plan and apply for affordable housing funding, because there is no guarantee that the owner will not redeem the property or that another bidder will not outbid the agency. A substantial majority of properties on the auction list each year are redeemed before the auction, many of them at the last minute. Furthermore, in recent years, prices for vacant lots at the auction have ballooned in neighborhoods such as the West Side.

Property tax foreclosure is governed by state laws that require municipalities to take the highest bids and limit the extent to which they can impose criteria on the buyers. Perhaps the best solution is for the City to take title to all the properties that go up for auction and then dispose of them itself, free from the state foreclosure laws, through an RFP process such as the one outlined below. In 2020 the City did take title to the properties, but it did not implement an RFP process or make other major changes in disposition policies.

One cautionary note is the potential impact of such strategies on a subset of low and moderate income homeowners undergoing foreclosure. Currently, if the foreclosure sale generates more funds than are needed to pay off all the liens, those surplus funds go to the homeowner. If the City adopts a strategy that reduces these surplus fund disbursements, it should adopt a complementary strategy to make those owners whole.

Improved billing, notice, and payment procedures can **reduce the number of tax foreclosures in Buffalo.**

Below-Market Disposition

Considering its massive inventory of nearly 8,000 properties it is surprising how few properties the City has transferred to any buyers (homeowners, for-profit developers, or non-profit developers) in recent years. Geographer Jason Knight reviewed real estate transaction data from the New York Office of Real Property Services covering the years 2009-2018 and found that the City sold only 302 properties in that decade.[219]

HOMESTEADING

The City of Buffalo's policies regarding below-market sales or donations of publicly-owned land have been a source of confusion for nonprofit agencies and residents. Over the years, the main mechanism for below-market sales has been the City's Homestead policy. Under New York State Urban Development Law, in their urban renewal plans cities can designate "urban renewal areas" in which they can sell public properties for less than fair market value, often called "homesteading."[220]

Homesteading in urban renewal areas can give rise to creative affordable housing programs. For example, in the 1980s, New York City's Urban Homestead Program (UHP) granted up to $10,000 per unit to tenants willing to inhabit and renovate vacant publicly-owned buildings. Participants qualified for the program through a Request for Proposals (RFP) process. After renovation, New York City sold the buildings to the residents for $250 per apartment and required that the building operate for at least 40 years as a Housing Development Fund Corporation (HDFC), which include limited equity on resale profits.[221]

In Buffalo, the Homestead program has always been modest. From 2007 through June 2017, the City homesteaded an average of 28 parcels per year, with an average of 23 going to individuals and five to non-profit agencies (typically Habitat for Humanity).[222] Many, if not most, of the vacant lots went to adjacent property owners to expand their lawns.

From 2007 through June 2017, **the City homesteaded an average of 28 parcels per year,** with an average of 23 going to individuals and five to non-profit agencies.

Under the current Homestead Program, according to the City's website:

> Properties that are within designated Urban Renewal Areas are eligible for inclusion in the Urban Homestead Program at the sole discretion of the Office of Strategic Planning, with conditions: the property is not needed for public purposes and no qualified buyer is attempting to purchase the property. A sale takes precedence over a homestead. Applicants can acquire property in these areas for one dollar ($1) plus the required closing costs.[223]

The phrase, "at the sole discretion of the Office of Strategic Planning" creates some ambiguity, making it unclear whether every qualified applicant will receive the property for $1 plus closing costs, or whether other criteria, not listed on the website, will be used to make decisions.

There are three types of Homestead purchase:

- Vacant lot next to existing residence. The applicant must own and occupy, as a primary residence, the house next to a City-owned vacant lot. These lots are usually used as side yards.
- Vacant lot for new home construction. The new home must be built within 12 months and must be occupied by the homesteader for a minimum of 36 months.
- Rehabilitation of existing residential structure. The applicant must be a buyer wishing to acquire a one or two family house as a primary residence, or a Community Housing Development Organization seeking to provide homeownership opportunities for people with low to moderate income.

According to research by Jason Knight, in creating its new land use and zoning law, known as the Green Code, the City presented a draft Homestead Plan in October 2015, after significant input from the public, to replace its 2005 Homestead Plan. The draft plan would allow homesteading of vacant structures throughout the *entire* city. However, when it adopted the Green Code on December 27, 2016, the City did not adopt the new Homestead Plan. Instead, the Common Council approved the termination and repeal of the Urban Renewal areas while resolving that in the "absence of all urban renewal areas, the Council shall continue to recognize the Urban Homestead Program and all previously [sic] parcels determined to be Homestead-Eligible," further resolving that the current (2005) Homestead Program would remain in place until a new Homestead Plan was approved. It is unclear what the Council meant by "all previously parcels determined to be Homestead-Eligible." That might include any property in the former Urban Renewal Areas, or only specific properties with pending applications.

Even the draft Homestead Plan of 2015 had several limitations. It did not include nonprofits developing affordable *rental housing*, which is the greatest need among Buffalo s residents with low incomes, most of whom cannot afford homeownership, even with assistance. It was unclear or silent regarding pricing – whether all eligible properties will be sold for $1 plus closing costs, or the City will be negotiating below-market sales prices. The City should amend its draft Plan to address these issues, extend the Homestead zone to encompass the entire city, and use it to aggressively transfer properties at no cost to responsible non-profit agencies that promote equity and sustainability. One tool the City can employ in its Homestead program and other land dispositions is reserving the right to repurchase the land if it is placed up for sale or if certain contingencies occur; this can help to make sure that the land is used for beneficial purposes in perpetuity.

Buffalo should **extend the Homestead zone** to encompass the entire city, and use it to **aggressively transfer properties at no cost** to responsible non-profit agencies that promote equity and sustainability.

OTHER WAYS TO TRANSFER PROPERTY

In addition to its Homestead Program, there are several other ways for the City to transfer vacant lots for beneficial reuse. At times, the City has appeared to take the position that, outside of Homesteading, it is forbidden to sell below fair market value by the New York State Constitution's prohibition on gifts, which forbids a city to "give or loan any money or property to or in aid of any individual, or private corporation or association, or private undertaking."[224] In 2009, PPG gave the City a legal analysis clarifying that this provision should prove no obstacle.[225] The Constitution states that "nothing in this Constitution shall prevent a . . . city . . . from making such provision for the aid, care and support of the needy as may be authorized by law."[226] New York's courts and its Attorney General have also ruled that urban renewal and affordable housing programs are constitutional, even if they involve some benefit to private parties, because they serve a valid public purpose. The Attorney General has stated explicitly that a city can donate property for an affordable housing program.[227]

Many other cities regularly donate property for affordable housing and other beneficial uses. Ohio law, similar to New York law, requires that a City receive fair market value for its property. Cleveland, however, takes the view that its vacant property has only nominal value and offers non-buildable lots for one dollar and buildable lots for $100.[228] Cleveland sells about 500 properties per year to community development corporations.[229]

Cleveland offers non-buildable lots for one dollar and buildable lots for $100. **It sells about 500 properties per year to community development corporations.**

The City of Buffalo's charter includes a provision for the sale of real property via public auction or by sealed bids for the highest marketable price.[230] While this provision outlines two ways to dispose of public property, it does not forbid other ways, including below-market sales. Even if it did, the City could simply transfer properties to one of its affiliated authorities, such as BENLIC or the Buffalo Urban Renewal Agency, which are not bound by the constitutional prohibition on gifts or the City's charter provision and are free to dispose of the properties below-market for the public interest.[231] BURA's disposition guidelines already include below-market sales to further the public health, safety, and welfare,[232] and, as noted above, BENLIC has already made below-market transfers to Habitat for Humanity. In sum, there are multiple ways for the City to eff ct below-market sales or donations, if it so chooses.

A NEW RFP PROCESS

In disposing of publicly-owned property, the City will want to ensure that its process is open and fair, and that it maximizes the public benefit from each parcel. Hence, the City should, as part of the community planning process described below, establish goals and criteria designed to promote

equity and sustainability. The City could then issue a Request for Proposals, perhaps quarterly, with a list of target properties. The City could then sell the properties to the winning applicants for one dollar, with easements or deed restrictions ensuring that the properties are used as specified.

Community Planning and Decision Making

As the City seeks to maximize the value of its vacant lots, it should engage in a thorough community planning process that taps the knowledge and goals of residents, especially those living near the vacant parcels. Bryana DiFonzo, PUSH's new economy director, says that it's important for the City to have a plan, rather than dealing with vacant land one parcel at a time. She cites the need for a sense of urgency that leads to concrete goals, a timeline, and the resources necessary to complete the task.[233] And Dawn Wells-Clyburn, deputy director of administration at PUSH Buffalo, says, "residents are invested in where they live, and it's important to figure out ways to share land use power with people who live there." She recommends that the City "reach out to see what people need and figure out how to democratize decision-making."[234] As part of this process, PUSH also recommends that the City consult with the Seneca Nation on its priorities for vacant land, including returning land to the Nation and protecting sites with special historical or spiritual significance, such as burial mounds.

"Residents are invested in where they live, and it's important to **share land use power** with people who live there."

In doing the community planning, it is important to provide residents with a broad menu of options and considerations. For example, what is appropriate for five contiguous vacant lots is very different from what is appropriate for a single lot that is too small to build a house on. Neighborhoods dealing with rapid gentrification have different needs than those struggling more with disinvestment; those close to large parks have different needs than those starved for public green spaces and recreational opportunities. What potential does each lot have to help build community wealth – through opportunities for jobs, home-ownership, or cooperative business development?

Similar cities, such as Cleveland, have done holistic planning for vacant land. Re-imagining a More Sustainable Cleveland was a one year planning process which explored strategies for reuse of vacant land with the goal of making Cleveland a cleaner, healthier, more beautiful, and economically sound city. Cleveland Neighborhood Progress, in collaboration with the City of Cleveland and Kent State University's Cleveland Urban Design Collaborative, convened a thirty-member working group to produce a report, which found that "the City of Cleveland has the opportunity to use its excess land in ways that: advance a larger, comprehensive sustainability strategy for the city; benefit low-income and underemployed residents; enhance the quality of neighborhood life; create prosperity in the city; and help address climate change."[235]

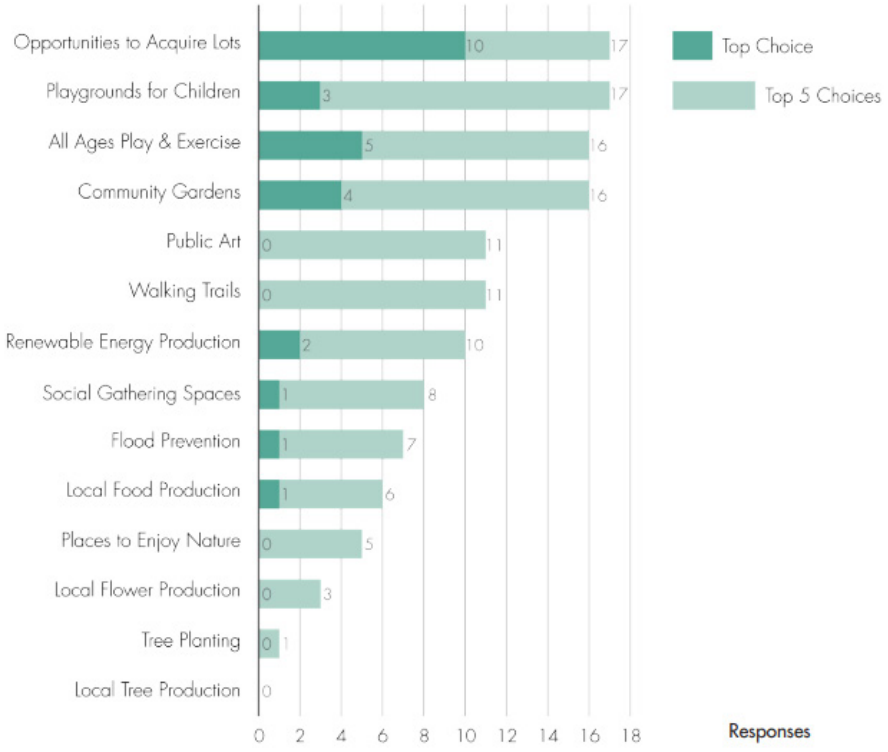
City View Community Garden in Cleveland (Photo from Clevelandmemory.org)

The Cleveland Planning Commission adopted the Re-Imagining Plan in 2008. In 2009 the partners produced a Vacant Land Reuse Pattern Book which presents a wide range of ways to reuse vacant lots.[236] They then awarded $500,000 in grants through a competitive process, funding 56 projects in 2009.[237] As of November 2020, there were 156 reuse projects underway, including community gardens, pocket parks, neighborhood pathways, market gardens, orchards, and rain gardens.[238]

Detroit offers an example of vacant land planning at a neighborhood level. The Gratiot/7 Mile Neighborhood Framework Plan is one of 10 plans across the city of Detroit to be funded through the second installment of the Strategic Neighborhood Fund.[239] As part of that planning, a group of masters in landscape architecture students worked with neighborhood residents on a vacant land strategy for a neighborhood with over 2,800 publicly owned vacant lots. After studying the neighborhood and reviewing best practices, the planners shared their knowledge with residents and then learned from them about their neighborhoods and their goals, then generated an impressively holistic plan.

LAND USE RANKINGS

Please indicate your top 5 vacant land use choices, beginning with the most preferred



Survey Question from G7 Neighborhood Planning in Detroit

In Baltimore, Mayor Stephanie Rawlings began a Growing Green Initiative in 2014 – a collaboration between City agencies and community stakeholders to reimagine the uses of vacant land. One outcome was the "Green Pattern Book: Using Vacant Land to Create Greener Neighborhoods in Baltimore," a toolbox which classifies the types of vacant land and illustrates eight greening options: clean and green, community-managed open space, urban agriculture, stormwater management, green parking, urban forests and buffers, neighborhood parks, and mixed greens.[240] (By "community-managed open space," Baltimore means "vacant lots maintained by a community, nonprofit, or more than one household used for vegetable gardens, orchards, pocket parks, and small recreational spaces." By "mixed greens," it means any combination of the other seven uses).[241]

The City of Chicago, faced with a neighborhood with high concentrations of vacant lots, initiated an 18 month community engagement process to develop its Green and Healthy Neighborhood Plan, which prioritizes "urban agriculture, active and passive recreation, new industrial activity, housing preservation, and a variety of cultural resources."[242]

In Buffalo, PUSH's Green Development Zone offers an example of successful community planning oriented toward equity and sustainability. PUSH uses a comprehensive combination of door-knocking, text messaging campaigns, committee meetings, and community congresses to do its community-based planning. PUSH's first Community Planning Congress hosted neighborhood residents as well as local officials, professional planners, and PUSH's neighborhood organizers and leaders.[243] The Congress focused on the many vacant properties in the Massachusetts Avenue corridor and had professionals design in response to what the community wanted to see happen. A subsequent community planning meeting regarding how to repurpose vacant properties was structured to encourage street-specific input. The meeting broke people into groups based on their street of residence to determine what changes they would like to see on their street. Before the small-group conversations, PUSH made sure to provide background information to help guide them. Following introductions, PUSH leaders gave presentations about the history of the area that included maps and photos. Then, PUSH gave examples of what other cities have done to rehabilitate vacant properties as well as options for vibrant public spaces. Three questions guided the conversations: what people liked most about their street, the changes they would like to see, and the first thing they would do to improve the lots and streetscape of their street. The architects working with PUSH took the information from this meeting and designed a Healthy Neighborhood Concept Plan with specific treatments for different lots, areas, and intersections. Within six months of this meeting, PUSH had transformed many vacant lots to meet the goals the residents had articulated. Collaborating with partners such as PUSH that have extensive experience of their own with community planning, the City of Buffalo can work with its residents to make a transformational plan for its vacant land.

The City of Buffalo's **Green Code** and PUSH Buffalo's **Green Development Zone** offer good examples of **community engagement in planning.**

Appendix A:
Vacant Parcels Owned by the City of Buffalo and Related Entities[244]

	Total	Residential	Commercial	Industrial	Community	Parks	Utilities	Vacant
City total	**8,410**	**131**	**29**	**0**	**169**	**147**	**16**	**7,918**
Division of Real Estate	7,842	64	16	0	63	65	5	7,629
Department of Public Works	8	0	0	0	1	1	1	5
Division of Engineering	38	0	0	0	4	1	0	33
Division of Parks & Recreation	98	0	0	0	14	71	2	11
Fire Department	16	0	0	0	15	1	0	0
Police Department	2	0	0	0	2	0	0	0
Board of Education	71	0	1	0	64	2	0	4
Board of Parking	5	0	2	0	3	0	0	0
Sewer Authority	5	0	0	0	0	0	2	3
Water Authority	12	0	0	0	1	3	6	2
BMHA	74	64	1	0	2	1	0	6
BERC	61	0	0	0	0	0	0	61
BNRC	101	3	0	0	0	0	0	98
BURA	62	0	9	0	0	2	0	51
BUDC	15	0	0	0	0	0	0	15

Appendix B: Additional Examples of Net-Zero Affordable Housing

River Falls, Wisconsin. This Habitat for Humanity eco-village includes 18 single-family homes that are LEED-Platinum and Energy Star 3.0 certified. Beyond being net-zero, the homes actually make the owners money by generating excess electricity that is sold into the grid. The average owner earns roughly $670 per year in credits from the utility.[245]

Kapuni Village, Hawaii. The Kapuni Village project includes 19 net-zero, single-family homes and a community center. Each home was designed to have at least 40 percent lower energy consumption than the baseline, achieved through: optimal building envelope design; ENERGY STAR® appliances; high efficiency lighting and daylighting with good solar control; natural ventilation; high efficiency air conditioners; and solar water heating. A photovoltaic system on each house provides enough electricity to meet the home's needs. Other sustainable features in the community include maximizing open space, incorporating native species, water-wise landscaping, edible gardening, hydroponics, and aquaculture.[246]

Roaring Fork Valley, Colorado. Habitat for Humanity is doing a net-zero community of 27 homes on land donated by the school district, valued at $3.2 million. Pitkin County is funding the roads, utilities, and rooftop solar panels, and the Town of Basalt reduced its permit fees. Half the homes will be reserved for employees of the school district.[247]

Waltham, Vermont. In this small town, a former mobile home park that had become a brownfield due to spilled oil has become Vermont's first net-zero affordable housing development. It features 14 two- and three-bedroom modular homes with extra insulation to reduce energy loss, healthy building materials, fresh and filtered air, triple-pane windows, Energy Star lighting and appliances, and cold-climate heat pumps. Each home's total energy usage, including heating, cooling, and domestic hot water, is covered by a 6-kW rooftop solar photovoltaic array with a solar battery system for energy storage, which can provide up to six hours of emergency backup power during grid outages.[248]

Granite City, Illinois. This public housing authority is building 43 green units that feature efficient lighting, controlled daylighting, sustainable design, and storm- and wastewater management. It is also building two net-zero units that may be the first net-zero public housing in the nation.[249]

Jerseyville, Illinois. This net-zero development will feature 32 single family homes renting for about $590 per month, for rural families that earn less than $41,000 per year. Developers expect the families to pay zero for their heat and electricity.[250]

Tiverton, Rhode Island. Sandywoods Farm includes 50 units of affordable, eco-friendly rental housing in Tiverton, Rhode Island. The nonprofit developer initially marketed it solely as an arts community, but prospective residents expressed strong interest in community gardening and farmland preservation, and so it became an "art and agriculture" development.[251] A future phase will include 24 single-family homes for ownership. The project preserves 147 acres of land for a working farm, open space, and community gardens, with part of the site being donated to The Nature Conservancy. A community "Grange Hall" – and other community space within the development -- features theater performances, potlucks, cooking classes, and other group events. A 250 kW wind turbine on site will provide nearly enough power for the development.[252]

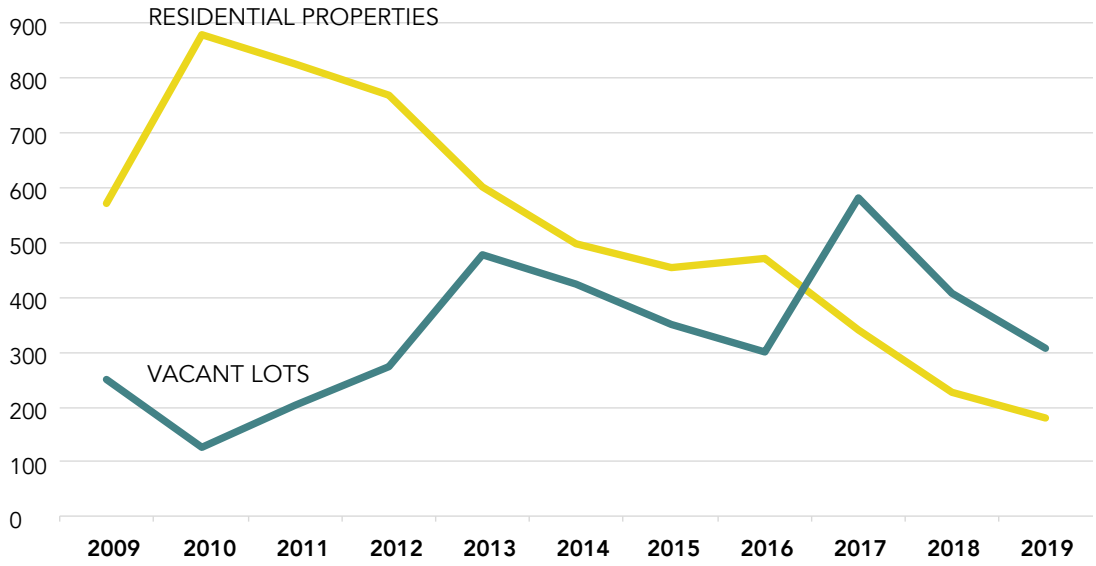
Appendix C: Dispositions from City of Buffalo Tax Foreclosure Auctions, 2009-2019[253]

	Total	Residential	Vacant	Other
2009 total	**3,304**	**1,581**	**1,587**	**136**
Sold	826	572	197	57
Struck	200	147	53	0
Adjourned	2,278	862	1,337	79
2010 total	**1,914**	**1,311**	**528**	**75**
Sold	1,039	881	125	33
Struck	6	4	2	0
Adjourned	869	426	401	42
2011 total	**2,239**	**1,372**	**757**	**110**
Sold	1,086	826	200	60
Struck	13	7	5	1
Adjourned	1,140	539	552	49
2012 total	**3,205**	**1,048**	**2,084**	**73**
Sold	1,104	768	274	62
Struck	493	210	283	0
Adjourned	1,608	70	1,527	11
2013 total	**2,399**	**678**	**1,684**	**37**
Sold	914	601	281	32
Struck	203	6	196	1
Adjourned	1,282	71	1,207	4
2014 total	**2,085**	**531**	**1,504**	**50**
Sold	807	497	265	45
Struck	174	16	158	0
Adjourned	1,104	18	1,081	5
2015 total	**1,881**	**495**	**1,339**	**47**
Sold	746	456	255	35
Struck	118	22	96	0
Adjourned	1,017	17	988	12

	Total	Residential	Vacant	Other
2016 total	**1,672**	**476**	**1,158**	**38**
Superbid	79	67	12	0
Sold	689	405	249	35
Struck	39	0	39	0
Adjourned	865	4	858	3
2017 total	**1,374**	**356**	**992**	**26**
Superbid	35	25	10	0
Sold	579	315	240	24
Struck	333	0	333	0
Adjourned	427	16	409	2
2018 total	**927**	**230**	**680**	**17**
Superbid	42	9	33	0
Sold	559	217	327	15
Struck	47	0	47	0
Adjourned	279	4	273	2
2019 total	**688**	**181**	**494**	**13**
City removed	99	9	89	1
Sold	374	172	191	11
Struck	27	0	27	0
Adjourned	188	0	187	1

	Residential	Vacant lots
2009	572	250
2010	881	127
2011	826	205
2012	768	274
2013	601	477
2014	497	423
2015	456	351
2016	472	300
2017	340	583
2018	226	407
2019	181	307

PROPERTIES SOLD AT CITY OF BUFFALO TAX FORECLOSURE AUCTION



	Single-Family				Two-Family			
	Properties	Sales	Share sold	Median	Properties	Sales	Share sold	Median
2009 sales	**589**	**253**	**43%**	**$5,000**	**845**	**267**	**32%**	**$4,000**
North	26	20	77%	$11,750	11	10	91%	$12,000
East	493	187	38%	$4,000	747	205	27%	$3,500
South	23	14	61%	$8,000	25	16	64%	$6,500
West	47	32	68%	$5,250	62	36	58%	$5,750
2010 sales	**520**	**364**	**70%**	**$4,250**	**675**	**439**	**65%**	**$3,500**
North	24	22	92%	$4,700	25	25	100%	$8,500
East	432	287	66%	$4,000	548	324	59%	$2,500
South	25	19	76%	$9,000	28	25	89%	$9,500
West	39	36	92%	$6,750	74	65	88%	$5,500
2011 sales	**529**	**335**	**63%**	**$4,000**	**720**	**411**	**57%**	**$2,500**
North	22	21	95%	$7,500	14	14	100%	$14,000
East	461	276	60%	$3,300	640	341	53%	$2,000
South	20	19	95%	$7,000	15	15	100%	$5,700
West	26	19	73%	$6,000	51	41	80%	$11,000
2012 sales	**395**	**299**	**76%**	**$5,500**	**586**	**412**	**70%**	**$5,250**
North	13	13	100%	$21,000	13	13	100%	$24,000
East	337	249	74%	$4,500	516	345	67%	$4,000
South	20	19	95%	$15,000	20	20	100%	$16,000
West	25	18	72%	$8,000	37	34	92%	$15,000
2013 sales	**304**	**273**	**90%**	**$10,000**	**332**	**295**	**89%**	**$12,000**
North	23	21	91%	$14,000	25	25	100%	$26,000
East	233	209	90%	$8,500	248	212	85%	$9,000
South	28	26	93%	$20,500	32	31	97%	$16,000
West	20	17	85%	$13,000	27	27	100%	$21,000
2014 sales	**270**	**258**	**96%**	**$11,500**	**232**	**211**	**91%**	**$13,000**
North	19	19	100%	$21,000	17	17	100%	$39,000
East	206	194	94%	$10,000	174	156	90%	$11,000
South	26	26	100%	$23,000	20	20	100%	$19,500
West	19	19	100%	$11,000	21	18	86%	$22,500

	Single-Family				Two-Family			
	Properties	Sales	Share sold	Median	Properties	Sales	Share sold	Median
2015 sales	**230**	**209**	**91%**	**$9,500**	**226**	**210**	**93%**	**$13,500**
North	25	22	88%	$21,000	20	20	100%	$28,500
East	164	149	91%	$8,000	159	144	91%	$8,250
South	27	26	96%	$16,000	24	23	96%	$25,000
West	14	12	86%	$6,250	23	23	100%	$35,000
2016 sales	**212**	**211**	**100%**	**$18,000**	**235**	**232**	**99%**	**$17,000**
North	13	13	100%	$23,500	18	18	100%	$22,000
East	167	166	99%	$15,000	185	182	98%	$16,000
South	18	18	100%	$22,000	18	18	100%	$21,000
West	14	14	100%	$30,000	14	14	100%	$21,000
2017 sales	**169**	**162**	**96%**	**$25,000**	**161**	**153**	**95%**	**$35,000**
North	22	22	100%	$24,000	9	9	100%	$102,000
East	129	122	95%	$24,000	122	114	93%	$33,000
South	12	12	100%	$30,000	15	15	100%	$36,000
West	6	6	100%	$36,000	15	15	100%	$51,000
2018 sales	**114**	**112**	**98%**	**$29,500**	**104**	**102**	**98%**	**$39,000**
North	15	15	100%	$29,000	9	9	100%	$43,000
East	82	80	98%	$29,000	86	85	99%	$35,000
South	9	9	100%	$41,000	1	1	100%	$76,000
West	8	8	100%	$37,000	8	7	88%	$41,000
2019 sales	**101**	**101**	**100%**	**$35,000**	**70**	**70**	**100%**	**$40,500**
North	10	10	100%	$42,000	1	1	100%	$60,000
East	73	73	100%	$34,000	61	61	100%	$38,000
South	12	12	100%	$38,000	3	3	100%	$59,000
West	6	6	100%	$49,500	5	5	100%	$133,000

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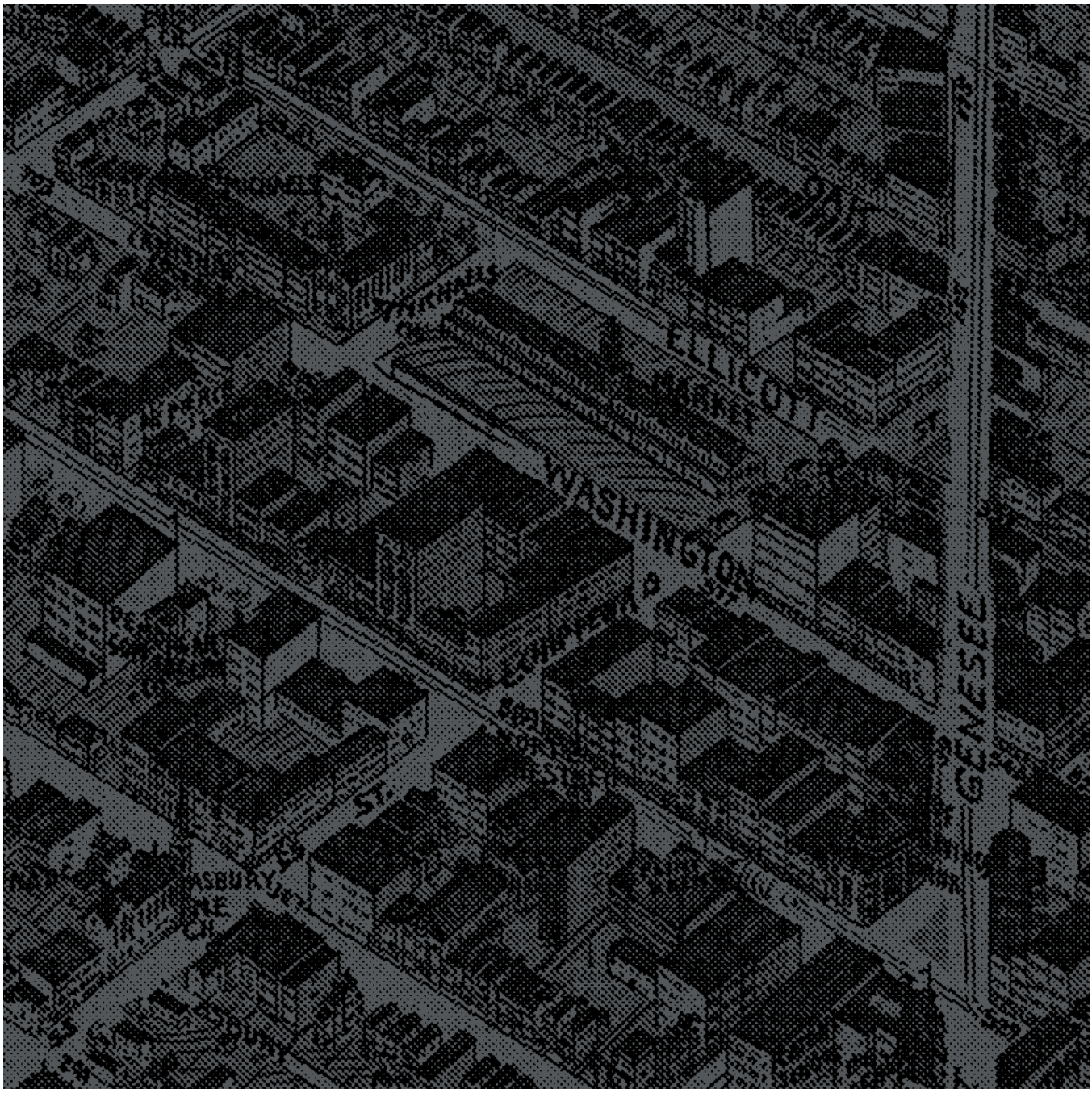

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