A guide to recycling vacant property in your neighborhood.

As the nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.
Preface:

The taxpayers revolt has marked the return to a greater reliance on people organizing at the grass roots level to do for themselves many of the things they once asked government to do for them. With encouragement and minimal assistance from government, neighborhood groups are turning unused buildings and land into useful assets. There are many success stories and the Trust for Public Land (TPL) is one of the best.

TPL’s National Urban Land Program has successfully taught nonprofit land acquisition techniques to some 50 groups around the country so they could acquire vacant property in their neighborhoods. Beautiful vegetable gardens and parks now dot some of the most decayed areas of Newark, New Jersey and Oakland, California where once there were only litter-strewn lots.

The Department of the Interior’s Heritage Conservation and Recreation Service, recognizing the successes of these neighborhood groups around the country, asked TPL to write this manual. This Citizen’s Action Manual describes the Seven Steps TPL and ten neighborhood groups have taken to get control of vacant lots or abandoned buildings and convert them into useful resources.
1. Get organized for action

Della Mitchell spent months going door-to-door talking to her neighbors about getting a safe place for neighborhood children to play. Because there were no nearby public playgrounds, children dodged cars in the streets, and played in abandoned buildings and vacant lots. From Della's solitary efforts grew Milwaukee's first Adventure Playground and the Northwest Action Council. "Action," said Della, "because we want to get something done, not just sit around and talk about it."

The whole idea behind Citizen Action is that by working together and combining skills and energies, the people in your neighborhood can design and complete projects that will make your neighborhood a better place to live. To get started, you'll need to find those people in your neighborhood who are willing to commit some time and energy to a vacant land recycling campaign. If you are already part of a neighborhood group, you can proceed with the rest of the Seven Steps. Begin recruiting your neighbors who are interested in recycling vacant land and buildings in your neighborhood.

If you are not already part of a group, locate the active groups in your area by asking your neighbors or checking with your local planning department, office of community development, or city-wide council of neighborhood organizations. When you find a group, attend a few meetings to see if you can get support for your project to improve the neighborhood.

If there are no neighborhood groups, or the existing groups are not interested in the idea, don't give up. You can start your own group by doing the following:

1. Go door-to-door in your area and ask your neighbors to join a campaign to improve the neighborhood by putting vacant and run-down property to good use. Keep track of who you talk to: Get people's names, phone numbers, street addresses, and list their pet gripes.

2. Form a small organizing committee of people who want to do something about the neighborhood's land problems. Then, together, plan the first neighborhood action meeting, contact all the neighbors to promote attendance, and make the necessary meeting arrangements.

3. Hold the first meeting and begin discussing the specific land problems and how your group can put together an effective Citizen Action campaign to recycle vacant land and buildings.
2. Identify the lots to be acquired

Before deciding which lots you want to acquire and how to go about it, you need to do some basic research on the property conditions in your area. One approach is to answer the following five questions on paper. This will help you assess your local land conditions and will give you some of the information necessary to negotiate effectively for the land.

1. What lots are vacant or abandoned?
Tour your neighborhood to locate all the lots and abandoned buildings that might be useful for neighborhood projects. Keep a record of each lot's size, shape, present use, and condition and take photographs of each lot to attach to your records.

On your tour, be sure to look for sites that would best suit your neighborhood's needs. Don't discount boarded-up, vacant buildings, burned-out apartments and stores, vacant warehouses and factories. These, too, are potentially useful resources. Also discuss among yourselves what you would like to use the lot for and any problems you might encounter.

2. What makes a good site?
A good site is close to the people who will use it and is suitable for your group's proposed use. It also has no major problems (traffic, drainage, safety, and so forth) and, last of all, it is a lot that your group can acquire.

3. Who owns the property?
Find out and record who owns each lot by checking at City Hall or the County Office Building, or by talking to the Assessor or the Tax Collector.

The owner could be:
- a neighbor
- a real estate company
- an absentee landlord
- a city or county agency
  - (schools, public works, etc.)
- the state highway department
- the local redevelopment agency
- the federal government (Department of Housing and Urban Development or other agency.)

4. What's the tax status of each lot?
Knowing the tax status of each lot will help you determine what benefits you can offer the owner. Go to your local assessor's or tax collector's office to see if the property taxes are paid up to date or if the city is taking legal action to acquire the property for nonpayment of taxes or building code violations. (See Step 3.) Check your newspaper for a list of tax delinquent properties. Local governments are usually required to publish such lists annually.

5. What's happening to local land values?
Find out from your local real estate agent and tax assessor if the price of land is increasing, remaining the same, or going down in your neighborhood. Local land values will determine which methods your group can use to acquire land for your projects. The following two cases illustrate how land values can affect your group's bargaining power.
Case 1
Land values are low or decreasing

Symptoms
• Property is being abandoned.
• Many absentee landlords are not paying their property taxes.
• Your local government is acquiring land by foreclosing on property with unpaid back taxes.

Impacts
These are ideal conditions for acquiring vacant lots because your group can use a variety of tools to get land cheaply. Land may be cheap enough to buy directly. Or landowners may be interested in donating their property because they want to rid themselves of tax, insurance, and maintenance costs. They also may want to take advantage of tax benefits you can offer them for donating property to your nonprofit Land Trust.

Case 2
Land values are very high or are increasing

Symptoms
• There is new construction on some vacant lots.
• The city owns very little land.

Impacts
This situation makes it much harder for neighborhood groups to get land donations or acquire land cheaply. Increasing property values create many opportunities for landowners to make a profit. In most cases, they will be reluctant to give those opportunities away. However, you may still be able to acquire the use of land through a lease, lease option, or bargain sale. (These alternatives are discussed in Step 3.)
3. Acquire the land

Once your neighborhood group has selected the lots you want for projects, representatives from your group will need to meet with the owner or appropriate government agency to discuss how you can acquire these lots. To negotiate effectively, you must be familiar with the kinds of benefits your nonprofit Land Trust can offer the present owners for their land. This step describes the approaches that neighborhood groups have found effective for acquiring land. These approaches are divided into four categories and apply to the following situations: privately owned land, publicly owned land, tax-delinquent land not yet owned by the government, and federal or state lands.

A. Privately Owned Land

Usually, people acquire land by paying the full cash value for it. But because your Land Trust will have a tax-exempt IRS status, you can offer the property owner the maximum tax deductions allowed by law if the property is donated to your group. What this means is that a donor may get to deduct the total amount of the value of the gift of the land and buildings from his income, lowering the amount of income on which he pays taxes and also lowering the taxes he must pay. He may also deduct a portion of the donated amount from his taxable income each year over a six-year period, lowering his future taxes. In the higher income tax brackets the name of the game is not how much money you earn, but how much you get to keep after taxes.

At the highest income level where people are taxed at 70 percent, a landowner, for example, earning an additional dollar of income usually pays 70c in taxes and gets to keep only 30c. If he chooses to donate the dollar, it would cost him only 30c in cash. If the same landowner chooses to donate his property, the IRS would generally allow him to deduct an amount equal to 30 percent of his income per year until the donation is used up (to a maximum of six years) thereby lowering his taxes.

For example:
TPL was able to acquire 33,000 square feet of California hillside property in Oakland's Santa Rita/Harrington neighborhood for $1,500—a mere six percent of what the land was really worth. Of the seven lots, four were donated outright by a savings and loan, one was purchased at its full market value, and two were acquired from private owners at bargain prices well below the market price. The savings and loan and the property owners were able to realize significant tax savings in return for their contributions.

The following graphic illustrates more about how these tax deductions mean more money in a land donor's pocket.
(1) Cash Sale (100% Sale)

Advantages
• Most Cash Realized From Sale

Disadvantages
• Highest Taxes Paid Out
• No Charitable Deductions From Donor Income

(2) Gift/Donation (100% Gift)

Advantages
• Greatest Reduction in Taxes
• Maximum Charitable Deductions. Now and in the next five years.

Disadvantages
• No Cash Received From Transactions

(3) Bargain Sale (Partial Gift/Partial Sale)

Advantages
• Partial Reduction in Taxes
• Partial Cash Received
• Charitable Deductions Equal to Portion Donated

Disadvantages
• Loss of Cash From Portion of Property Donated

Impact of Donations On Owners Other Than Individuals
Corporations: • Flat annual deduction of 5%. Donations exceeding 5% may be deductible over the following five years.
Estate/Trust: • No benefits in most cases.
Partnership: • Same benefits as for individuals if partnerships are made up of individuals. • Tax benefits vary for individuals in partnership according to their individual tax brackets.
Tax savings resulting from the full and partial donation of property.

All figures have been rounded off.

Taxable income computed for married owner, filing a joint return, with four dependents. Fair market value of land is $20,000.

This graph illustrates only the specific case described here. For assistance in determining the tax benefits in specific cases, consult a reliable tax accountant or attorney.

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<th>No Sale</th>
<th>Annual Income</th>
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<td>Year 1</td>
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<td>1st Years Total Income = $45,000</td>
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<tr>
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<td>1st Years Total Income = $65,000</td>
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<th>Bargain Sale</th>
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<tr>
<td>$45</td>
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<tr>
<td>1st Years Total Income = $55,000</td>
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<th>Donation</th>
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<tr>
<td>$45</td>
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<tr>
<td>1st Years Total Income = $45,000</td>
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While a donation or bargain sale will not provide as much cash to a middle income property owner as a straight cash sale, these techniques may enable your group to acquire property at less than market value.

* The amount the owner pays taxes on includes the addition of capital gains from sale of the property less allowable deductions such as the value of property donated.

** This amount represents the difference between all income (wages + property sale proceeds) less taxes paid.
Major approaches to acquiring privately owned land are listed below. You may want to discuss these alternatives with the owner to determine which one is best suited to your situation. Don’t forget to emphasize that the owner, by donating or bargain-selling property to your group, can receive tax benefits and eliminate the annual costs of upkeep, taxes, and insurance.

- **Straight Cash Sale:** Full value is paid for the property. Atlanta’s Freedom Center raised the money to purchase three lots by holding community flea markets and bake sales. Because property values in their neighborhoods were very low, they were able to raise enough money.

- **Bargain Sale:** Part of the value of the property is donated and the buyer buys the remaining portion, as in a cash sale. In Greenlaw, Tennessee, the CODE NORTH organization has acquired several houses through a variation of this bargain sale technique. They pay the owner the full price for the property, then he gives them a check for the cash value of the donated portion.

- **Donation:** The full value of the property is donated. In Oakland, California, TPL assisted nine neighborhood Land Trusts to get donations of land from local savings and loans that had acquired the property when the owners defaulted on their mortgage payments. There were no buyers for the property, and the savings and loans were willing to donate the lots to upgrade the community.

- **Techniques for tying up land with little cash:** The following techniques can be used alone or in conjunction with cash or bargain sale approaches. They allow the buyer additional time to raise the money.

  1. **Option or lease option:** The buyer negotiates to acquire a piece of property at a firm price within a specified time period. The buyer pays the owner an amount of money to not sell the property to anyone else during the time specified in the option agreement. During that time the buyer may use the property.

  2. **Balloon payment loan:** The buyer makes an initial low down payment, then makes periodic payments of small amounts for a specified length of time. At the end of this time, the remaining balance is due in a so called final “balloon payment.”

  3. **Raising moneys for rehabilitation:** Investment syndication uses tax benefits to attract cash for rehabilitation of low-income housing or historic buildings. For the rehabilitation of low-rent buildings, community development groups may form limited partnerships with high income investors who are able to realize substantial tax savings: Hypothetically, for every 60¢ invested, $1 worth of tax shelter is returned; that is, future income is protected from federal taxation over a number of years. Contact the National Trust for Historic Preservation or your local redevelopment agency for details.

**B. Publicly Owned Land**

Because many local governments have surplus land on their books, they may be willing to sell property to Land Trusts for neighborhood projects. You can negotiate more effectively if you understand the two ways city governments acquire their surplus properties:

- **Property is purchased or condemned for public projects,** such as constructing a new school, highway, or other public facility. When these projects are abandoned—because of discontinued funding, citizen group pressure, or whatever reason—local government winds up with surplus land on its books.

- **Local government forecloses on tax delinquent property.** When neighborhood deterioration reaches a certain level, many property owners stop paying taxes and maintenance on their buildings to maintain their profits or reduce further losses. This results in local government going to court and requesting the owner to pay the outstanding taxes and bring the property up to local safety standards, or give up the property. If an owner does not comply, local government often becomes the major property owner in deteriorated neighborhoods because there are no buyers. Owning and maintaining this nonproductive surplus land is often a drain on local government’s resources. This is where you come in. Because your group is a nonprofit organization with plans for improving the neighborhood and maintaining the property, your local officials may be persuaded to give you the land or sell it to you for a nominal fee.
When representatives from your group meet with government officials to discuss acquiring land, be sure to clearly state the reasons why government will benefit from transferring the land to your Land Trust:

- Your organization is working for the benefit of local residents and your efforts will help improve that neighborhood.
- Your organization will clean and maintain the lot, saving local government these costs.
- Your group's efforts in the community will help increase property values and return more tax revenues to local government. This increase, in the long run, might be more than the amount the land would have sold for at a public auction.
- As a not-for-profit corporation chartered under the laws of your state, your organization must live up to its "public purposes" outlined in your articles of incorporation and be a responsible land owner.

New York's Neighborhood Committee for Asphalt Green took over the abandoned, historic municipal asphalt plant and adjoining 5½-acre grounds to create a youth sports and art center in an area of the city with no functional outdoor recreational facilities. Because of the Committee's demonstrated ability to mobilize the community, raise private funds, successfully develop and manage the properties at no expense to the city of New York, the city has leased them the adjoining DeKovats Park for community gardens and tennis courts, and the nearby pier and fire boat house for maritime education and environmental studies centers.
**Who & What**

1. The county tax collector identifies tax delinquent property.

2. The county legal counsel initiates a land tax suit.

3. The county legal counsel files suit in Superior Court.

4. The Superior Court judge orders all unredeemed properties to be sold to recover unpaid taxes & costs.

5. The sheriff’s department publishes a list of all unredeemed properties up for public sale.

6. The sheriff conducts public sale.

7. The redevelopment or other designated agencies disposes of the unsold property.

**Time Limits & Procedures**

All properties referred to legal action must be listed in a newspaper 30 days prior to filing suit in court to give owner the opportunity to redeem property by paying back taxes.

Notice of filing is mailed to the owner. The owner has 60 days to file answer to the suit or redeem property.

The owner may still redeem property up to the time of public sale.

Basic bid price on each parcel = Amount of back taxes + Fines + Interest + Administrative costs.

Neighborhood groups may negotiate conditional sales at this point.
Many localities have what is called a conditional or negotiated sale arrangement whereby nonprofit groups can purchase publicly owned property at a minimal cost if the proposed use will benefit the public. This process varies from city to city but usually allows neighborhood groups to negotiate the price of the land with the local government.

A typical disposal process is shown on this page; however, be sure you are familiar with the procedures in your own community.

The overall approach to acquiring government or publicly owned land is summarized in the following steps:
1. Identify all the publicly owned lots.
2. Determine which ones have been declared "surplus" and have not been auctioned off because no buyers are interested.
3. Determine the process by which your local government acquires and disposes of land in your community.
4. Negotiate with the appropriate city officials who have the power to authorize a conditional sale or outright transfer of the property to your group.

C. Tax-Delinquent Land

If the owner has abandoned the property or has elected not to pay taxes until it is sold, your group may be able to acquire ownership of the land, or at least a lien on the property, by paying off the back taxes and penalties. Check your state laws to determine the steps for acquiring land with unpaid back taxes in your locality.

Some property may be in transition. It may still be privately owned; but the local government may be in the process of acquiring it because of outstanding property taxes and liens. If the property your group wants to acquire is in this state of transition, your waiting time could extend over many years. However, the following approaches can be effective for acquiring tax-delinquent properties:
1. Negotiate an agreement with your local government to waive the outstanding taxes and liens or at least allow you to pay a token amount towards these debts if the owner will agree to donate the property to your group.
2. Meet with the owner to discuss how your charitable, nonprofit organization can help the owner:
   • avoid the legal battles and expenses of the government taking the land for nonpayment of taxes
   • receive a tax break in return for donating the land to your group
   • eliminate the drain on the owner’s pocketbook
   • remove a community eyesore and potential hazard
   • become a benefactor to the community

3. Take direct action to get the owner to:
   • clean and maintain the property
   • demolish and clear away unsafe structures
   • stop development or proposed uses which would have an adverse effect upon the community

4. If the owner is clearly unwilling to manage his or her property in a responsible manner, a community group may contact the appropriate city departments (health, fire, building inspection, community development) and request that they take official action to remove the safety, fire, or health hazard on the property.

D. Federal or State Owned Surplus Land

   The largest two sources of state and federally owned properties are your state highway department and the U.S. Department of Housing and Urban Development (HUD). In many localities state highway departments have acquired, but later abandoned highway rights-of-way, so land acquisition opportunities may be plentiful. Check with your state government or local representative to learn how the state highway department disposes of these surplus properties.

   Your local community development office may be able to assist you in acquiring HUD-owned lots or buildings. The federal government can transfer the properties to local governmental agencies if the property is found to be worth less than the annual cost of property taxes, insurance, and maintenance. Once the local government has acquired the land from HUD, they can transfer it to your group.

   Also, the Departments of Defense, Housing and Urban Development, Transportation, and Health Education and Welfare may have surplus, federally-owned lands for sale. Contact the property disposition offices of those agencies for further information on how to acquire these properties.

E. Other Ways to Get Use of the Land

   When acquiring property is impossible—either because you lack funds or the owner refuses to sell—the following options provide other ways for you to get control of the land. For additional guidance in using these techniques, consult a competent real estate lawyer.

   1. Lease: The lease is a common form of land control whereby the owner gives to the tenant, or lessee, the use of the property for a specified time at a specified rent.
      • Milwaukee’s Northwest Action Council has leased land for their Adventure Playground from the City for a dollar a year.
      • The Chanute Community Center in Pell Mell, Tennessee has signed a ten-year lease with the county for an abandoned school which they converted to a community center.
      • Chicago’s 18th Street Development Corporation is signing a five-year ground lease, with an option to buy, with a local landowner. They will use his lot as a site for their solar greenhouse.
2. Leaseback Arrangement: A corporation, foundation, or government agency will acquire or lease property and then re-lease it to a neighborhood group for their use.

- Philadelphia's Allegheny West Foundation will acquire the "Back to Nature" community garden site from the city and then lease it back to the neighborhood group who presently have only verbal permission from the city to use the site.

3. Easement: An easement is a right-of-way or passage granted by the property owner to others for their use. The most common form of easement is an access road or a pipeline right-of-way across another's property.

4. Letter of Agreement: This is an informal lease-like agreement between the landowner and a community group permitting the neighborhood to use the land. Many neighborhood organizations have this type of arrangement. Unfortunately, the owner can reclaim the property at any time. There are numerous horror stories of how the residents cleaned off a junk-littered lot only to have the lot sold by the owner and developed as a result of the neighborhood's hard work.

5. Restrictive Covenant: A covenant is a restrictive condition limiting what an owner can do with the property. It is attached to the property deed and always remains with the property. It has been used by environmental groups to restrict development and maintain open space.
4. Organize and incorporate your neighborhood Land Trust

Land Trusts have been used in the U.S. for 90 years. TPL's National Urban Land Program has adapted the Land Trust concept for neighborhood groups to use to acquire and own property.

A Land Trust is a nonprofit, tax-exempt corporation formed under the corporation laws of your state and complies with the U.S. Internal Revenue Service 501(c)(3) regulations covering tax-exempt status. One type of tax-exempt status, the "Private Operating Foundation," offers maximum tax benefits to donors of land, equipment and cash. Check with your local attorney to determine which type of tax status best suits your needs.

Besides helping you attract donations because of your tax-exempt status, the Land Trust provides a legal, organizational vehicle for your group to acquire and own community property. Your Land Trust can:

1. Acquire and hold land.
2. Maintain and develop land according to the principles listed in its incorporation papers.
3. Realize an income from land or property, as long as the money is spent for nonprofit purposes for which the Land Trust was incorporated. These purposes include the acquisition of more land, maintenance and development of existing properties, salaries for Land Trust staff, and grants for money for community projects or services. The Land Trust may not earn a profit; it must use all the money it receives for public benefit. If a nonprofit organization violates this rule, the IRS can revoke its tax-exempt status and require it to pay taxes on all income it has received, thus revoking the Land Trust's ability to provide donors with maximum tax advantages.
4. Lobby for good neighborhood land use, providing this does not result in an expenditure of more than 20 percent of its donated funds.

While other nonprofit corporations, such as housing development corporations, community development corporations and other specialized agencies, have the singular purpose of rehabilitating or building housing, these agencies cannot represent the broad spectrum of the community's land-use needs. The neighborhood Land Trust, on the other hand, becomes the community's guardian to ensure that land is preserved and used for the benefit of the entire community.

1. Contact your state officials—usually the Secretary of State or State Department of Corporations—to find the incorporation procedures in your locality. If you cannot get a satisfactory answer, contact your local state representative or senator's office for assistance. The basic procedure is generally the same, but details and individual steps vary from place to place.

2. Establish the purposes for which you want to organize a Land Trust, and list them in the articles of incorporation, the first of two necessary documents. A second document, the bylaws, will detail how you want to govern and operate your Trust. Consult an attorney to help you draw up both documents in the appropriate legal language. Your articles of incorporation should be carefully but broadly worded because they will set limits on the activities of your non-profit corporation. Changes in these articles require state approval, but your Board of Directors may amend your bylaws at any time. (See Resources Section.)
Dear Reader:

We at the Heritage Conservation and Recreation Service are interested in your comments and suggestions about this publication. We have provided this form in order for you to express whatever opinions you have. If you wish to comment, please remove this user evaluation page and fold it so that the Business Reply Mail address appears on the outside. After folding, use tape or staples to close. No postage is necessary.

1. What actions have you taken or do you plan to take based upon your reading of this publication?


2. Which parts of the publication, if any, were difficult to understand or use? How could they be improved?


3. What other ways could this publication be improved, including adding specific information or case examples of which you have knowledge?
3. File original articles of incorporation and bylaws, plus the required number of copies along with the filing fee, with the Secretary of State or appropriate state office. Be aware that each state has its own requirements. Often, you and your fellow incorporators will have to obtain approval of the state income tax collection agency by filing with them a form and copies of your articles and bylaws.

4. Obtain a corporate seal with the name of your corporation on it from your local stationery store. Then hold a celebration!

5. Apply for IRS tax exemption by filing IRS Form 1023, "Application for Federal Tax Exemption as a Nonprofit Organization." Attach to the form proof of your state Certification of Incorporation and file the form with the IRS. The IRS usually takes six months or longer to review the application and return to you a letter approving your tax-exempt status. Until you receive this letter you cannot offer donors maximum tax benefits. (See Resources Section.)
5. Plan and design the site together

To carry out a successful Citizen Action land recycling campaign, your group must get neighborhood people involved in every stage of your project. TPL's experience with some 50 neighborhood groups across the country shows that community involvement makes the difference between a project that works and one that doesn't.

In Newark, New Jersey, a $50,000 city-built playground —now only a ravaged, peopleless lot—adjoins a neighborhood-built playground filled with happy children and interesting play equipment.

The reason is simple. Everyone in the neighborhood was involved in designing and building the community park. This active resident participation guaranteed the park's acceptance, use, and maintenance. Unlike the city-built park, this neighborhood park suffered virtually no vandalism.

Form a Planning Committee

Community participation is important in all stages of your project, but it becomes most important when you reach the design stage and decide how the property can be used. Form a planning committee to promote community participation. Primary tasks are to:

1. **Organize the meeting and outline the agenda.** You should decide what issues need to be discussed and who will chair the meeting. Also make sure the meeting's goals are clearly defined and achievable.

2. **Find a meeting place.** This could be a local church, a private home, a school, or the lot itself.

3. **Contact your neighbors about each meeting.** You can do this by going door-to-door, phoning, or delivering flyers mimeographed through the courtesy of a local school, church, or public agency. Follow-up phone reminders will increase attendance.
Who should participate?

During the design stage, your planning committee should recruit everyone in the neighborhood who is interested in the future use of the property you have selected. The following people are especially important:

**Potential users:** What will the site be used for and who will be using it—children, teenagers, seniors, handicapped people . . . ?

**Adjacent residents:** How will the project affect the people who live near the site? A playground may be inappropriate next to the old folks home.

**Neighbors in the area:** What will the positive and negative effects of this project be upon the surrounding neighborhood?

**Cynics:** “It won’t do any good.” “The gangs will destroy it.” “You are taking good property off the tax rolls.” and so forth.

Be sure to document your attempt to involve everyone in the neighborhood so that if anyone complains or tries to block your project at a public hearing, you can show that you already tried to involve them in the design process.

The Community Design Process

The community design meetings usually begin when your group is about to acquire the site. For sources of professional design help, see the Resources Section on “Scrounging”. These meetings:

- determine how the site will be used
- guarantee that the proposed uses of the site are both realistic and relevant to the neighborhood residents and their needs
- initiate discussion with a planner, landscape architect, or designer to develop your group’s ideas into finished designs ready for construction
- determine what kinds of building materials, workers, technical assistance, facilities, equipment, or landscaping will be needed to develop the site

The key to successful meetings is to make sure everyone contributes ideas about what the project should be and how it should be designed. By considering everyone’s suggestions, you will increase your chances of creating an effective, well-designed project.
The success of your meetings also depends on developing a productive relationship with your designer. It is important that you establish good communications and a clear understanding of each of your roles. Your group's role is to come up with ideas and be as clear as possible about what you want. Make sure your designer is familiar with all the site conditions, the needs of your group, and limitations you have to work under. These include such things as:

- how much work you plan to do yourselves
- what kinds of donated materials you plan to use
- how much money is available for the development of the project.

The designer's role is to work with all the ideas to create a physical design plan for the site. The designer should provide a number of different models to help create the design that best suits your group's needs.

Remember: A realistic design is based on the kinds of help and materials you can get. As you discover what resources are available, you can adjust your plans accordingly. (See Resources Section.)
6. Prepare and develop the site

This is probably the most exciting stage of the Citizen Action land recycling process. You can now carry out your designs and bring your project to life on the site that you worked hard to acquire.

To develop the site, you will need workers, building materials, tools, some technical assistance, and maybe even money. (See Resources Section.) This step lists a number of tips to help you organize these resources to accomplish your project.

Organizing to accomplish your project is a simple process:

• Clean the site
• Develop your design
• Gather your resources
• Organize the volunteer work crews
• Plan your work day
• Mobilize the people and the materials
• Do it!!!!

Cleaning and Greening

When you first acquire the site, “cleaning and greening” is often a good way to start off with a positive impact upon the neighborhood.

The neighbors around Oakland, California’s “Jungle Hill,” so named because it was literally a jungle of refuse and brush, spent numerous weekends hauling off garbage and rubble to clear the ground. As an interim project during the design phase, they spread wild grass seed on the now barren lot. When it rained two weeks later the entire hill sprouted into lush green. The impact was immediate! Other people in the neighborhood were so struck with the difference in the appearance of their street that they began attending the Santa Rita/Harrington Neighborhood Association meetings and became involved in an all-neighborhood cleanup plan.
This “cleaning and greening” process changed the face of an entire neighborhood. It can change your neighborhood, too. And because it dramatically demonstrates the neighborhood’s progress and good intentions, it will help your group attract donations and volunteer help.

Develop the Site

You have already decided what to use your site for and you have a design. Now is the time to develop a realistic plan of action that takes into account your group’s resources and limitations.

1. Establish WHO is willing to spend time working on the site and WHEN. Create a schedule accordingly.

2. Pinpoint special skills and talents of members of your group. Maybe one of your neighbors is an architecture student and can help your group design and draw plans for your project.

3. List the tasks necessary to build your project. If the first task is to clear the lot or gut an old house, figure out how many days it will take, list what tools you will need each day, and schedule the necessary workers to get the job done.

4. Identify people with construction skills to train your group how to use tools safely and efficiently. If possible, arrange for short-term insurance. (See Step 7 for insurance information.)

5. Don’t forget to reward yourselves after a hard day’s work! Plan a barbecue or a pot luck dinner on the site.
7. Maintain and preserve the community-owned property

Once your neighborhood Land Trust acquires ownership of a site, it assumes responsibility for the maintenance, insurance, and property taxes on that site. In addition, there are other responsibilities your Land Trust must live up to. The following list covers the major responsibilities you should be aware of.

Responsibilities of a Land Trust

1. Meet regularly and keep minutes of meetings.
2. Operate in accordance with your articles of incorporation, bylaws, and local, state, and federal laws regulating nonprofit, tax-exempt corporations.
3. File annual income tax returns for the Land Trust.
4. Be responsible for the effective management of your property by maintaining and preserving that land as a community resource for the present and the future.
5. Provide liability insurance for the sites to legally protect the corporation.
6. Continue to acquire other properties within the Land Trust's boundaries.

The following suggestions may help your Land Trust take care of its property tax and liability insurance responsibilities.

Property Taxes

Your group has several options for handling property taxes. In some states, nonprofit organizations are able to obtain waivers allowing them not to pay property taxes as long as the activity on the site does not generate any income. In some areas, you may be able to get the property tax assessment reduced to a nominal amount based on the fact that the land is being used by the community for nonprofit purposes.

Liability Insurance

This is one of the necessary expenses of a community-run project. Neighborhood groups have successfully used the following arrangements to meet their liability insurance needs:

1. Cities will often offer liability insurance on community projects operated on city-owned land. New York City's Parks Council offers low-cost insurance to any nonprofit group developing a playground, mini-park, garden, or other project on city-owned or leased private land. And many publicly-funded sponsors of urban gardening and neighborhood park projects include these projects under their own general liability insurance policy.
2. Private corporations will sometimes include local neighborhood groups under their company insurance policy or donate the money to cover the cost of a regular policy.
3. The Blanket Policy is an overall liability insurance policy held by a larger organization that covers several groups' projects. A neighborhood group may obtain insurance by paying for the cost of a rider covering their project.
4. Private landowners who lease land to neighborhood groups may have sufficient liability coverage to include the group's activities on the site.

5. Self Coverage means that neighborhood groups can take out their own insurance coverage, but they often experience difficulty finding a broker who will carry such a small liability insurance policy.

Some neighborhood and city groups have no coverage at all because the cost of individual insurance coverage is very expensive and often beyond their financial means. Consequently, many groups have no insurance. The danger of not carrying insurance is that someone may get hurt on the site and sue your group.
What happens in the event a Land Trust falls apart?

The Trust for Public Land’s solution to this problem is as follows:

Neighborhood groups can choose an umbrella organization, another nonprofit group, to take over the ownership of property in the event the neighborhood Land Trust stops functioning. This arrangement must be described in the by-laws and articles of incorporation. When they acquire a piece of property, a reverter clause must be included in the property deed as part of this agreement. If the Land Trust falls apart or attempts to sell the property illegally for the benefit of only a few individuals, the reverter clause automatically goes into effect. The property then reverts back to the umbrella group’s ownership until such time as the neighborhood Land Trust is operating again. When that happens, the property reverts back to the neighborhood Land Trust. This mechanism is provided to ensure that land, once acquired by the community, is not lost by that community through inaction or fraud.
Conclusion

Now you and your neighbors know the Seven Steps of organizing a Land Trust, acquiring abandoned properties using nonprofit techniques, developing those properties, and maintaining them as useful community resources.

These are not impossible tasks, as neighborhood groups around the country have already demonstrated. In Philadelphia, the men on 22nd and Montrose have not only created their own blue-ribbon garden but built a small clubhouse and barbeque where they hold weekly neighborhood rib roasts. In Washington, D.C., Adams-Morgan neighbors have fought developers, private owners, and bureaucrats for 12 years to create Community Park West, an impressive several-acre park, garden, and multi-recreation area. In Atlanta, the Mechanicsville residents have cleared lots, fixed up abandoned houses and built a neighborhood community center and thrift shop. They named it the Freedom Mechanicsville Community Center because, as one 88-year-old volunteer said, "Let's name it 'Freedom' because we are going to be free for every race! Everybody!" All these groups are living proof that neighbors with minimal resources can come together and make a profound impact upon their communities through hard work and a desire to help each other.

These are only three examples of neighbors getting together to make their communities better places to live. There are as many stories out there as there are neighborhoods—and yours can be one of them!
Resources

Scrounging—How to find the help you need to make your project work.

To help you get the necessary money, technical assistance, and building materials, form a “scrounging” squad to identify these resources, and initiate contacts to get donations for your project. The following suggestions may assist you in finding resources:

1. Volunteer Help: This includes planners, architects, attorneys, or people with other technical skills. It also includes people with construction skills and those willing to lend a hand.
   - Planning and Design: Contact your community design center, a local graduate school of planning or architecture, your county or city planning department, or a local professional who might be willing to donate time.
   - Legal Help: Contact your local legal aid society, law school interns, the Bar Association, or a law firm that might be willing to donate services.
   - Gardening Advice: Contact your community gardening organizations, horticultural society, and university’s agricultural extension division who usually have information services and technical assistance programs.

2. Materials/Money: Don’t forget that your nonprofit Land Trust can offer maximum tax deductions to any company or individual who donates construction materials, equipment, or money to your property recycling project. Contact:
   - Your local utility companies (telephone, gas and electric, and even the railroad) for used telephone poles, cable spools, hardware, railroad ties, and even specialized construction equipment.
   - Businesses and corporations with local offices or plants for donations of cash and materials.
   - Local foundations for direct grants to fund the project and the local office of community development for federal community development monies for public projects in your community.

When approaching potential donors, be clear about what you want them to do. A brief written proposal that lists needed services and materials will strengthen your case. Your proposal should include a picture of the site and any newspaper clippings of your group’s activities. A list of organizations and individuals supporting or donating money, time, or material to your project should be included.
Technical Assistance and General Information

Resource Centers

Conference on Alternative State and Local Policies
1901 Q Street NW
Washington, D.C. 20009
(202) 234-9382

Council on the Environment
51 Chambers Street
New York, New York 10007
(212) 566-0990

Heritage Conservation and Recreation Service
U.S. Department of the Interior
Pacific Southwest Region
P.O. Box 36062
San Francisco, California 94102

or

Alaska Area
540 West Fifth Street, Room 201
Anchorage, Alaska 99504

or

Lake Central Region
Federal Building
Ann Arbor, Michigan 48107

or

Mid-Continent Region
Box 25387, Denver Federal Center
Denver, Colorado 80225

or

Northeast Region
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

or

Northwest Region
915 Second Avenue, Room 990
Seattle, Washington 98174

or

South Central Region
5000 Marble NE, Room 211
Albuquerque, New Mexico 87110

or

Southeast Region
148 International Boulevard
Atlanta, Georgia 30303

Institute for Local Self-Reliance
1717 18th Street NW
Washington, D.C. 20009
(202) 232-4108

National Center for Appropriate Technology
P.O. Box 3838
Butte, Montana 59701
(406) 723-6533

National Center for Urban Ethnic Affairs
1521 16th Street NW
Washington, D.C. 20036
(202) 232-3600

National Economic Development and Law Center
2150 Shattuck Avenue, Suite 300
Berkeley, California 94704
(415) 548-2600

National Trust for Historic Preservation
740-748 Jackson Place NW
Washington, D.C. 20006
(202) 638-5200

Office of Planning & Research
and
Office of Appropriate Technology
State of California
1400 Tenth Street
Sacramento, California 95814
(916) 445-1114

The Community Ownership Organizing Project (COOP)
6529 Telegraph Avenue
Oakland, California 94609
(415) 653-6555

The Energy Task Force
156 Fifth Avenue
New York, New York 10010
(212) 675-1920

Trust for Public Land
82 Second Street
San Francisco, California 94105
(415) 495-4014

or

95 Madison Avenue, Suite 1407
New York, New York 10016
(212) 689-8833

or

11 Hill Street, Suite 52
Newark, New Jersey 07102
(201) 624-4015

or

1300 Executive Center Drive, Suite 308
Tallahassee, Florida 32301
(904) 878-6164
Publications

Center for Community Change. Citizen Involvement in the Local Budget. 1000 Wisconsin Avenue NW, Washington, D.C. 20007. $1.50.


The Youth Project. Help: A Directory of Services for Nonprofit Organizations. 149 Ninth Street, San Francisco, California 94103. $3.50.


Resource Centers

National Association of Neighbors
1901 Q Street NW
Washington, D.C. 20009
(202) 234-9382

National Endowment for the Arts
Architecture + Environmental Arts Program
Mail Stop 503
Washington, D.C. 20506

Office of Neighborhood Development
Housing and Urban Development, Room 3172
Washington, D.C. 20410

Telephone Pioneers of America (most U.S. cities)

Publications


Gardens

Resource Centers
Boston Urban Gardeners (BUGS)
66 Hereford Street
Boston, Massachusetts 02115
(617) 267-4825

California Council for Community Gardens
P.O. Box 1715
Los Gatos, California 95030

Community Gardens
904 Center Street
Santa Cruz, California 95060

Gardens for All, Inc.
c/o Shelburne Farms
Shelburne, Vermont 05482
(802) 863-1371

Green Guerillas
P.O. Box 673
Canal Street Station
New York, New York 10013

Magnolia Tree Earth Center
1512 Fulton Street
Brooklyn, New York 11216
(212) 756-2233

Massachusetts Department of Food and Agriculture
100 Cambridge Street
Boston, Massachusetts 02202
(617) 727-6633

Most University Extension Services
P-Patch
Department of Human Resources
400 Yesler Building
Seattle, Washington 98104

Texas Agricultural Extension Service
420 North 6th Street
Waco, Texas 76702

Urban Gardening Program
Pennsylvania State University
Cooperative Extension Service
SE Corner Broad & Grange Streets
Philadelphia, Pennsylvania 19141
(215) 224-1821

Publications


Playgrounds and Recreation

Resource Centers
American Adventure Play Association
Fort Mason Center
San Francisco, California 94123
(415) 673-9949

Group Fungus/Adventure Playgrounds
c/o Prof. Harris Forusz
Department of Urban Planning and Design
College of Design, Architecture and Art
University of Cincinnati
Cincinnati, Ohio 45221

Publications

Center for Community Change. 1000 Wisconsin Avenue NW, Washington, D.C. 20007. (202) 338-3565


