COMMUNITY LAND TRUSTS

THE SOLUTION TO METRO VANCOUVER’S HOUSING AFFORDABILITY CRISIS?

NOVEMBER, 2016
Metro Vancouver is in a housing crisis. For years, we’ve seen double-digit increases in home prices, rapid rises in the cost of renting, and persistently low vacancy rates. The need for new homes and new ideas has never been greater.

Increasing the supply of housing is one way to respond to this crisis. At the Real Estate Foundation of BC (REFBC), we’re also interested in ways we can work towards protecting the supply of housing we already have – in ways that ensure that units are used as homes first, investments second.

As a grantmaker, REFBC supports projects that transform land use attitudes and practices. In recent years, we’ve provided funding for research and tools to help communities establish land trusts to protect land for conservation, food production, and community use. While uncommon in British Columbia, communities in other parts of the world are using land trusts to protect land from speculation and ensure long-term affordability.

We are pleased to partner with the False Creek South Neighbourhood Association, and its *RePlan Committee, to explore how community land trusts can be used to protect publicly-owned land in ways that preserve and create affordable housing. We know that collaboration – between community members and the public and private sector – is key to creating real change. For this project, an REFBC grant helped to fund research and community engagement on alternative governance models.

We look forward to learning more about the opportunities and challenges associated with community land trusts in False Creek, and elsewhere in Metro Vancouver.

**Jack Wong**
CEO, Real Estate Foundation of BC
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Introduction

The Housing Crisis

Metro Vancouver is facing a housing crisis. Household income has not kept pace with the sharply rising price of land and housing, seriously effecting affordability for both renters and potential home-owners. Though this lack of affordability is especially distressing in Metro Vancouver, the housing crisis can be felt across the entire Province of British Columbia.

Metro Vancouver owner and renter households are significantly worse off in comparison to other regions outside of BC. Approximately 45% of renter households have a housing cost burden of 30% or more – the highest amongst Canada’s metropolitan areas (Metro Vancouver, 2015). According to the Metro Vancouver Housing Data Book, only 29% of residential sales in the region are affordable – a term measured by 30% or less of household income spent on housing costs (Metro Vancouver, 2016).

“We know we have a crisis and we need to work together to address it.” - Shayne Ramsay, CEO BC Housing

Both the Province, with its tax on foreign property purchasers, and the City of Vancouver with its tax on vacant homes, have signaled their willingness to entertain new and more radical approaches to tackling the housing crisis. With a growing consensus that in recent years the private and public sectors have failed to provide appropriate and adequate housing, new and impactful ideas are necessary.

Report Background

With this purpose in mind, *RePlan, a committee of the Vancouver’s False Creek South Neighbourhood Association, sought to explore alternative governance models that might best respond to the region’s housing crisis. *RePlan applied for and received a grant from the Real Estate Foundation of British Columbia (REFBC) to examine the use of community land trusts for publicly own land, a model not well understood or broadly utilized in Canada. Through consultation, *RePlan determined that the best way to bring housing experts and the community together to raise awareness of the CLT as an alternative form of land governance was through a public lecture and professional development course in partnership with Simon Fraser University's City Program.

The public lecture took place in the evening of September 8th, 2016, with the professional development course the following day. The keynote speaker was Brenda Torpy, CEO of Champlain Housing Trust in Burlington Vermont and the day-long professional development course featured key informants who led a discussion on how CLTs are employed by local and other jurisdictions for the long-term protection of affordable housing. For additional information on the events, see Appendix A.

False Creek South Neighbourhood Association acknowledges the support of the Real Estate Foundation of British Columbia. This Project is made possible with funding from the Real Estate Foundation of British Columbia.
What is a Community Land Trust?

A community land trust (CLT) is a non-profit corporation created to acquire and hold land over the long-term for the benefit of a community and to provide secure affordable access to land and housing. It operates within a given geographic area and is a flexible entity that usually serves those with low and moderate incomes. CLTs can:

**Provide a Variety of Housing Types and Tenures**
- Including rental homes and ownership homes that are affordable in perpetuity (AIP), as well as cooperative housing, senior’s housing, mobile home parks and homeless shelters.

**Provide Housing that is Affordable in Perpetuity (AIP)**
- By separating the market pricing of the land from the value of the improvements. In a CLT, each is owned by a different entity - the land by the CLT and the housing by an individual, a co-op, or a non-profit. In the case of AIP ownership housing, equity gain is limited by a formula developed by the CLT and is shared between the owner and the CLT. Sale of the home is administered by the CLT and conditions of sale assure affordability.

**Build or Renovate Properties and Provide Efficient Asset Management**
- By developing - either in-house or through partnerships - the successful capacity to build and renovate properties that are brought into the trust, thereby delivering affordable housing in a more not-for-profit approach and reducing the burden on any one individual. As well, aggregating across the portfolio, efficient asset management can reduce costs and ensure consistent quality.

**Purchase Land and/or Buildings to Bring into the Trust**
- New purchases add to the trust’s portfolio, providing more affordable rental/ownership options and greater security to investors.

**Provide Amenities**
- E.g. parkland, gardens, day care, community centres, renewable energy facilities, etc.

**Offer Homebuyer Education**
- Such as financial counselling and financing packages. The CLT can also monitor homebuyers and buy back the home if the homeowner is at risk of default, ensuring the home stays within the trust and preventing the homeowner from defaulting on their mortgage.

**Security of Tenure**
- Where the CLT includes more than one tenure type, it can allow members to move between housing types dependent upon their needs and abilities.
Case Study: Champlain Housing Trust

BACKGROUND
Champlain Housing Trust (CHT), founded in 1984, is the largest CLT in the United States. It is a scattered site CLT located in several counties in and around Burlington, Vermont. The organization initially became aware of the CLT framework while in search of a strong community participation model for affordable housing. The trust operates under a tripartite board made up equally of resident members, general members and public members.

DESCRIPTION
• Champlain manages 2,200 apartments, and 565 owner-occupied homes that use its signature shared-equity model to create perpetual affordability. As well, CHT contains 5 co-op enclaves.
• CHT generally owns the land and in the case of rental homes, the building as well. It also has some units in market buildings that were obtained through inclusionary zoning.
• With the shared-equity model, 100% of the mortgage paid and 100% of the capital improvements go to the resident upon sale. If there is an increase in value, the resident receives 25% and the trust 75%, which goes into continued affordability for other residents.
• CHT has 90 employees and manages over $300 million in assets.

KEY LESSONS
• Champlain’s home ownership model is building wealth; the majority of residents are able to move into the market after leaving the trust.
• Partnership with the local and regional government is key to success.
• Champlain recently started providing homes for the chronically homeless; this saved the regional healthcare system significant costs. As a result, the local hospital donated $3 million towards more housing for this population.

For more information, see: http://www.getahome.org/
Community Land Trusts

Common and Emerging Themes from the Workshop

A Community Land Trust is a Versatile Resource and Innovative Tool
- CLTs can be used to redevelop assets and create broader, more diverse portfolios.
- CLTs may include other community land uses, fulfilling other essentials such as providing homes to people with complex needs and community spaces such as day care and parks. Housing has been shown to be strongly connected to health; Champlain Housing Trust has reduced visits to the local hospital by providing housing units for the homeless.
- CLTs can be a good vehicle for small or medium organizations, such as co-ops or non-profits, that want to grow and build capacity.
- CLTs can provide affordable housing in perpetuity, as well as stability, and security of tenure.
- CLTs allow residents and the broader community to be part of the governance structure and therefore part of the CLT’s future.

“Housing is a health determinate.”
- Brenda Torpy, Champlain Housing Trust, CEO

Community Land Trusts are a Tool for Political and Social Change
- CLTs provide a different type of land tenure where the CLT owns the land and the residents the improvements. This can help shift the paradigm of private ownership.

CLTs Provide Benefits for All Parties
- Local governments - A CLT is a place for municipalities to deploy public land assets without risking loss to the market and where social and financial returns can continue in perpetuity.
- Community - A CLT stewards assets for the community, providing affordable housing in perpetuity as well as strong security of tenure, and can play a role in diminishing health care costs and social upheaval.
- Investors - Investing in a CLT allows investors to achieve a social impact while earning a safe return on investment.
- Non-profit organizations - CLTs allow non-profit organizations to grow and build capacity.
Lessons Learned

**Community Land Trusts can:**
- Create scale by aggregating housing assets into one portfolio
- Generate capacity
- Provide access to capital
- Build partnerships
- Teach residents about financing housing

**The Right Conditions for a CLT**
- A CLT can be used as a participatory method for land development, as a model for asset management and redevelopment and/or rehabilitation, and for providing affordable housing across the housing spectrum. A CLT can be a valuable tool when the goal is to:
  - build new housing, especially for vulnerable populations; and
  - protect existing affordable housing, especially when significant renovation, redevelopment or investment is required.
- CLTs may also provide valuable partnership opportunities for small or medium non-profit organizations that want to grow. A CLT may allow smaller organizations to aggregate and leverage their assets so that housing assets can be retained or expanded.

**The Difference Between a CLT and a Not-For-Profit**
- CLTs characteristically have more diverse portfolio that allows the organization to remediate assets, redevelop and buy assets, create asset transfers, etc. This diversity can allow for cross-site subsidies on capital and operating costs, thus creating deepening affordability over time.

“Land trusts are a hub for a diversity of stakeholders that facilitate the delivery of multiple missions and leverage a diversity of resources and skills to deliver on a broader portfolio.”
- Tiffany Duzita, Community Land Trust Foundation of BC, Director of Development
Lessons Learned Continued

Mechanisms for Affordability

- A CLT can own land, use a long-term land lease where the trust holds the lease, or have covenants on title to ensure ongoing affordability.
- By owning the land, a CLT can ensure rents rise with operating costs and all revenues, including those from shared equity gained from the sale of ownership housing, are reinvested into the trust to create more housing and/or deepening affordability over time.
- One key informant challenged the idea of shared equity in ownership housing, and stated that to maintain affordability over time, equity gain could not rise above CPI.

Reduced Risks for Private Investors

- The housing is owned, controlled and managed by a non-profit with a set mandate.
- The CLT is addressing housing affordability related to income and supplying housing for a profoundly underserved market.
- By the governance of the CLT, and its accountability to the residents it houses and to the broader community, it is inherently less risky than a typical investment.
- The CLT has the scale and capacity to manage the development process and post rent-up management.

Flexible and Evolving Legal Set-up

- Though the mandate of housing affordability largely remains the same, the legal set-up of CLTs may differ or evolve depending upon circumstances of the particular CLT.
- Within BC, a community land trust is not a true trust. It is a non-profit organization incorporated under the BC Societies Act. A CLT is not a charity because the rules surrounding charities in BC would restrict flexibility and the ability to pursue mixed-income, mixed-use projects. Though the CLT cannot issue tax receipts or qualify for the many other exemptions specific to charities, it is exempt from federal income tax.
Benefits and Opportunities

Benefits to the Community
- A CLT offers the benefit of scale and therefore can be more cost-effective and efficient than smaller non-market housing providers. They can be beneficial in terms of asset management planning, a tool for planning, implementing and funding; routine, preventative maintenance; capital planning; infrastructure renewal; reserve funding and emergency systems that help stabilize housing costs.
- CLTs can bring together a number of community interests, including non-housing community needs, such as day care or artist spaces that are typically pushed out of the market.
- CLTs can become strong intermediaries with greater accountability to the community and can offer greater stability to the residents than governments can provide.

Benefits to Buyers and Renters
- CLTs offer strong security of tenure.
- CLTs can offer financial education, counselling and support to trust renters and/or buyers.
- CLTs create deepening affordability over time; the costliest expenses are on day one – debt servicing etc. As debt is paid down, surplus capital can be reinvested in increasing affordability for existing projects or expanding the portfolio.

Benefits to Investors
- A CLT is a vehicle for aggregating assets that provides more leverage and security to investors and funders alike.
- Risk is reduced by:
  - Investing in housing that is owned, controlled and managed by a non-profit;
  - The CLT’s relating of housing affordability to income;
  - The CLT supplying housing for a profoundly underserved market;
  - The governance of the CLT and community accountability; and
  - The many interested parties invested in solving whatever problems arise.

“Community land trusts create scale, generate capacity, provide access to capital and build partnerships.”
- Thom Armstrong, CHFBC, CEO
Case Study: Vancouver Community Land Trust Foundation (VCLTF)

Background
The VCLTF is a non-profit society that is currently developing 358 units of affordable housing on three sites on land owned by the City of Vancouver. This project was agreed to in 2014 in partnerships with the City of Vancouver, BC Housing, Vancity Credit Union and several non-profit and co-operative housing providers. Occupancy is expected in 2017/2018. The VCLTF is one of three land trusts established and operated by Co-operative Housing Federation of BC (CHFBC). For more information, see: http://www.chf.bc.ca/partner/the-land-trusts.

Description
• The City is providing 99-year leases on three City-owned sites (effectively a $24 million investment). Once the non-market housing is developed, it will be operated by the co-op and non-profit housing partners.
• BC Housing and Vancity both provided critical pre-development funding to the project.
• The Land Trust’s directors and officers serve without remuneration as stated in the VCLTF constitution.

Key Lessons
• CLTs through CHFBC have existed since 1993 but there’s been a shift from CLTs as passive holding entities to active asset managers, creating investment opportunities.
• The individual sites were not viable for development of affordable housing on their own. However, in one portfolio development they became viable with cross-site subsidies on capital and operating costs.
• The portfolio allows for deepening affordability; the units will be an average of 76% of market rent in year one and improve over time.

For more information, see: http://vancouverlandtrust.ca/
Challenges for Establishing CLTs in British Columbia

**High Land Costs**
- High land costs require that land or units be contributed to the CLT to ensure the economics of affordability.

**Partnership between Government and the CLT**
- Strong partnership between the government and the CLT is required to ensure the continued success of the model.

**Legal Set-Up and Governance**
- The structure and set-up of a CLT may be complex and need to evolve over time.

**Attracting Investment**
- Attracting capital and social investment in a jurisdiction where CLT is not a common model might be challenging.

**Overcoming Resistance/Apathy**
- It could be challenging to overcome public resistance and/or apathy towards affordable home ownership.

Thom Armstrong of CHFBC at the Community Land Trust Public Lecture
Going Forward

Steps for Implementation

**LOCAL GOVERNMENTS**
- Speak with experts from existing land trusts to discuss the viability of a CLT in your municipality.
- Donate or lease land to an organization for the creation or expansion of a CLT.

**COMMUNITY**
- Advocate the government to consider community land trusts as part of a solution to the affordable housing crisis.
- Demonstrate how a CLT can be a social benefit to all.

**NON-PROFIT ORGANIZATIONS**
- Join an existing community land trust.
- Bring other small non-profit or other organizations with a shared vision and mission together to look into the creation of a new CLT.

**LOCAL CONTACTS**
To learn more about community land trusts within the BC context, please contact Tiffany Duzita or Thom Armstrong.

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Other Community Land Trusts

Affordable in Perpetuity Ownership Homes

Homestead Community Land Trust, Greater Seattle WA
http://www.homesteadclt.org/

Kulshan Community Land Trust, Whatcom County WA
http://www.kulshanclt.org/

Proud Ground, Portland, OR
https://proudground.org/about/our-history/

Toronto Islands Residential Community Trust Corporation, ON
http://torontoisland.org/land-trust

Mixed Use CLTs

Lopez Island Community Land Trust, Lopez Island WA
http://www.lopezclt.org/

OPAL Community Land Trust, Orcas Island WA
https://www.opalclt.org/

Boston Community Land Trust Network, Boston, MA
https://nextcity.org/daily/entry/boston-land-trust-network-launches
Resources

LITERATURE ON COMMUNITY LAND TRUSTS

Discussion Paper on Community Land Trusts
By Kathryn and Jim Woodward. Prepared for *RePlan / False Creek South Neighbourhood Association

The Australian Community Land Trust Model Manual
By Louise Crabtree, Hazel Blunden, Peter Phibbs, Carolyn Sappideen, Derek Mortimer, Avril Shahib-Smith and Lisa Chung, University of Western Sydney

The City-CLT Partnership: Municipal Support for Community Land Trusts
By John Emmeus Davis and Rich Jacobus, Lincoln Institute of Land Policy

A National Study on Community Land Trusts
By Yesim Sungu-Eryilmaz and Rosalind Greenstein, Lincoln Institute of Land Policy
https://www.lincolninst.edu/publications/working-papers/national-study-community-land-trusts

Shared Equity Homeownership Evaluation: Case Study of Champlain Housing Trust
By Kenneth Temkin, Brett Theodos and David Price, The Urban Institute
http://community-wealth.org/content/shared-equity-homeownership-evaluation-case-study-champlain-housing-trust

ORGANIZATIONS FOR COMMUNITY LAND TRUSTS

National Community Land Trust Network. USA
http://cltnetwork.org/

National Community Land Trust Network, UK
http://www.communitylandtrusts.org.uk/
*RePlan Background

*RePlan is a committee of the False Creek South Neighbourhood Association (FCSNA). *RePlan’s mission is “to create a dialogue with the City of Vancouver to establish a process to preserve and enhance the False Creek South community beyond lease end, enabling the community to evolve and diversify in a way that is sustainable for existing residents and the City of Vancouver.” The *RePlan committee is comprised of two main subcommittees—one representing strata leaseholders and another, co-op members and boards, —and a Strategy Group, comprised of FCSNA leadership and *RePlan’s President, along with working group and subcommittee representation.

Established in 2011, *RePlan was borne out of a recognition that the upcoming expiration of leases on city-owned land was having a significant effect on community members. Of the ~3,000 housing units in False Creek South, 1,800 are located on city-owned leased land. Of these units, three main tenure types—cooperatives, leasehold strata and non-market rental—represent one third each. While the vast majority of leases come up in 2036 and 2046, two housing co-op leases expire in 2022 and 2023. In recent years, because of the uncertainty resulting from lease-end dates and the future terms of lease renewal, leaseholders have had significant challenges obtaining financing for important large maintenance and/or capital projects.

In addition to urgent concerns associated with lease-end dates, *RePlan has been motivated by a civic interest in ensuring False Creek South remains a sustainable community for future generations. These aspirations are embodied in *RePlan’s five principles:

1. Provide residents with an affordable option to remain in the community beyond lease expiry dates. Certainty around lease renewal is a priority in moving forward.
2. Achieve a demographic mix that is similar to the region’s average and with a stronger emphasis on providing more housing for moderate and middle income workers and their families.
3. Seek opportunities for increased density while respecting the historic urban design pattern of buildings and open space.
4. Continue to embody City of Vancouver initiatives: greenest city, affordable housing, and financial sustainability.
5. Model a process for dialogue, decision-making, partnership and change that is inclusive of all stakeholders.

As this report demonstrates, the community land trust model shows promise as a structure that could help strengthen housing affordability in Vancouver, especially in large areas of city-owned lands such as False Creek South. *RePlan supports the continued exploration of this effective governance model by government and other partners as a strategy to retain and expand affordable housing opportunities in Vancouver.
Conclusion

The feedback encountered during the consultation phase and the excellent attendance at the evening lecture and professional workshop demonstrated that there is considerable interest in the potential application of community land trusts in response to the housing affordability crisis in Metro Vancouver. The participation of representatives from Calgary and two communities in the interior of BC suggests that there is interest in the CLT model well outside of Metro Vancouver.

The recent success of the Co-operative Housing Federation of BC in establishing two new housing land trusts in the last several years has demonstrated locally how the implementation of land trusts can be undertaken successfully and how a CLT can attract publicly-owned land and investors.

This paper has demonstrated that the community land trust model is flexible and adaptable to a wide range of applications. It can provide affordable housing in perpetuity for multiple target groups along the continuum of housing and has been successfully utilized both locally and globally. The model is beneficial for all parities involved, including the municipality, community, non-profit organizations and investors, and should be considered a valuable tool to alleviate Metro Vancouver’s housing affordability crisis.
Sources

Armstrong, T. (September, 2016). *CLTs as a Tool for Asset Management.* Lecture conducted at the Community Land Trusts Professional Development Course, Vancouver BC.


Duzita, T., Tony Roy, K., Broderick, A., & Walker, M. (September, 2016). *Opportunities for the BC Non-Profit Housing Sector & Development within a CLT Framework.* Lecture conducted at the Community Land Trusts Professional Development Course, Vancouver BC.


Torpy, B. (September, 2016). *Introduction to CLTs for Housing Affordability.* Lecture conducted at the Community Land Trusts Professional Development Course, Vancouver BC.

Appendix A

CLT Public Lecture and Professional Development Course

As a result of the REFBC grant, *RePlan was able to develop a public lecture and professional development course on the topic of community land trusts. Brenda Torpy, CEO of Champlain Housing Trust, was invited to give the keynote address so participants may learn about her approach to stewarding land for the benefit of the community and how it has created long-term affordability impacts. The September 8th public lecture sold out, with ## people attending the event. The September 9th professional development course had more than 80 attendees and participants and featured housing experts from throughout the region.

The CLT professional development course included exploratory topics and a number of influential speakers, including:

**Introduction to CLTs for Housing Affordability**
Brenda Torpy, Champlain Housing Trust, CEO

**Models for Creating and Administering Affordable Home Ownership**
Allison Dunnet, City of Vancouver, Policy and Housing Planner
Tim Wake, Affordable Housing Consultant
Genevieve Bucher, BC Artscape, President

**CLTs as a Tool for Asset Management**
Thom Armstrong, Co-op Housing Federation of British Columbia, CEO

**Roundtable Discussion: Land Trusts in the Lower Mainland**
Thom Armstrong, Co-op Housing Federation of British Columbia, CEO
Andrea Reimer, City of Vancouver, Councillor
Brenda Torpy, Champlain Housing Trust, CEO
Shayne Ramsay, BC Housing, CEO

Brenda Torpy’s September 8th keynote address can be viewed online here: [https://www.youtube.com/watch?v=Mo0B01ePEpc](https://www.youtube.com/watch?v=Mo0B01ePEpc)

Are CLTs the vehicle to retain much needed affordable housing and finance future sustainable and locally guided development on publicly owned land in Metro Vancouver?