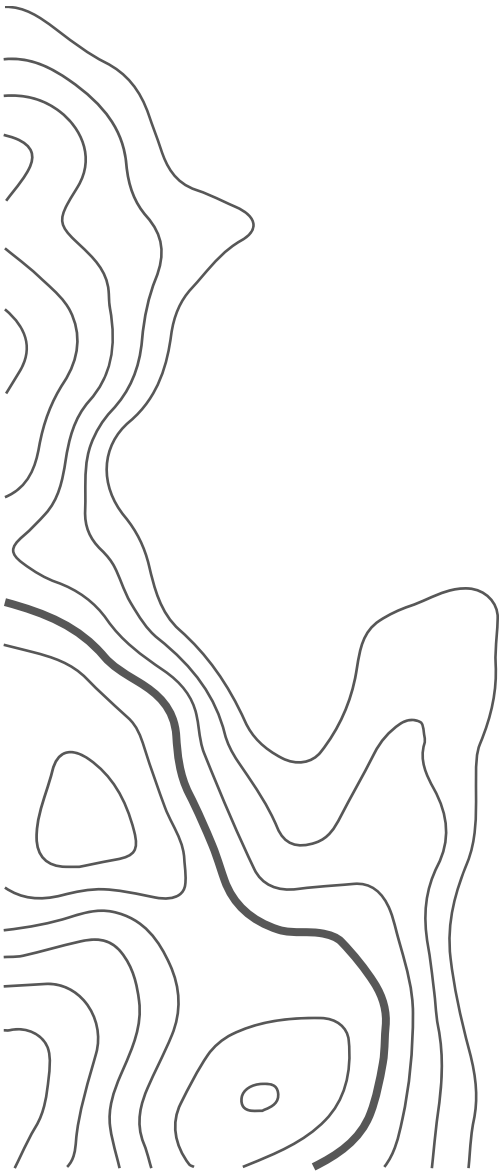


ADVANCING BLACK LAND OWNERSHIP AND PRESERVATION

A Brief History,
Strategies and Tools to
Mitigate Loss

October 2024



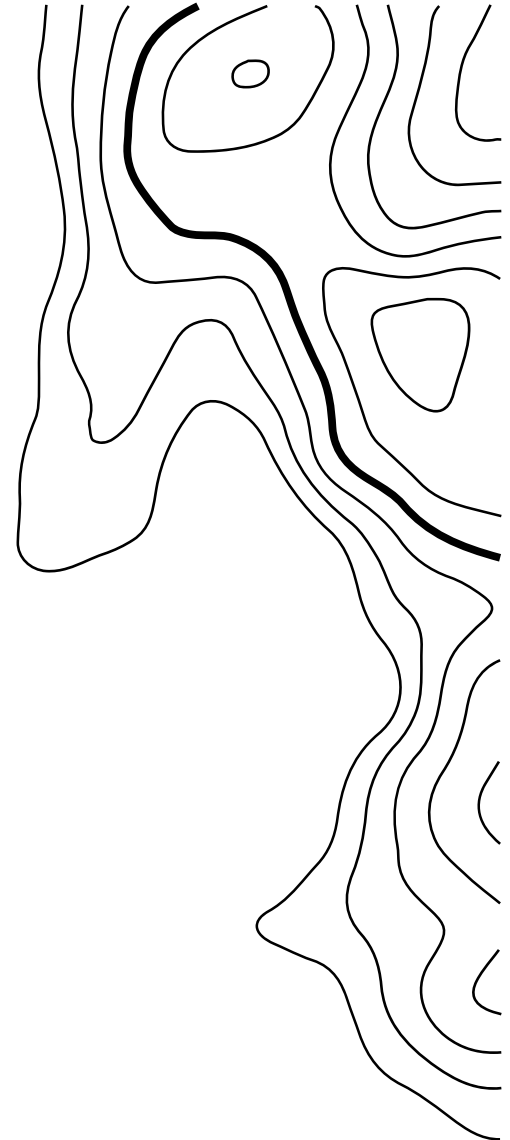
FOREWORD AND ACKNOWLEDGEMENTS

Many in the academic and legal community are familiar with injustices of the past that have lingering effects in the present. In this publication, we shed light on the multifaceted challenges surrounding Black land loss and its impact on building generational wealth within Black communities. More importantly, we highlight strategies that can contribute to its preservation. Through our analyses, expert insights, and real-life examples, we aspire to empower readers with the knowledge and tools to make a meaningful impact.

As we navigate the complexities of this issue, your engagement and feedback are invaluable. We encourage you to share your thoughts, experiences, and any additional strategies you believe could enhance our collective understanding and contribute to the broader conversation.

We extend our deep appreciation to colleagues, community partners, and other stakeholders who are working to resolve this complex issue. Thank you for being an integral part of our community and for your commitment to the preservation of Black land ownership. Together, we can work towards building a more just and equitable future.

Special thanks and acknowledgement are extended to my research assistant, Darlene Smith Daly, MPA, without whose help and assistance this project would not have been completed.



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EXECUTIVE SUMMARY

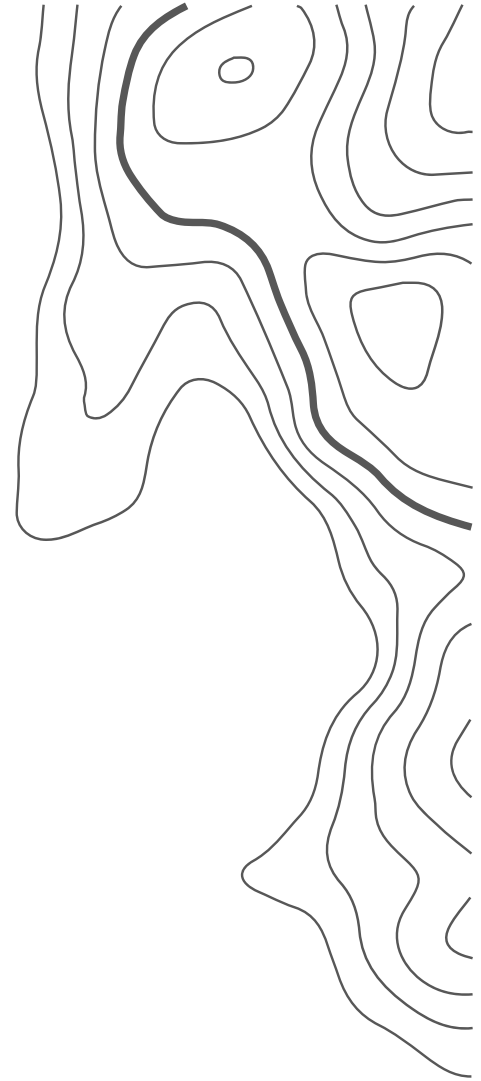
This paper examines the complicated issue of Black land loss. It explores various contributing factors and a matrix of events, including the experiences of Black farmers and the impact of federal, state, and local government policies and practices on neighborhoods. Entities such as the United States Department of Agriculture (USDA), and policies related to eminent domain, zoning, housing and property laws have directly contributed to Black land loss. This paper provides a context for applicable theories and concludes with a framework of potential solutions.

While investigating the political, social, and economic root causes is paramount, this report strives to answer critical research questions:

- 1) How has Black land loss evolved over time?
- 2) What laws, policies, and practices perpetuate the problem? and
- 3) What strategies and solutions can be deployed to safeguard and counteract the detrimental economic impacts on Black communities?

This report serves as a resource to offer solutions that address community initiatives, reparations, legal remedies, and other tools. Its primary purpose is to educate and equip historically disadvantaged racial and ethnic communities with tools to assist in the preservation of land for future generations.

Furthermore, the report aims to catalyze future research efforts to enhance land retention, foster wealth building, and advocate for the reform of public policies.



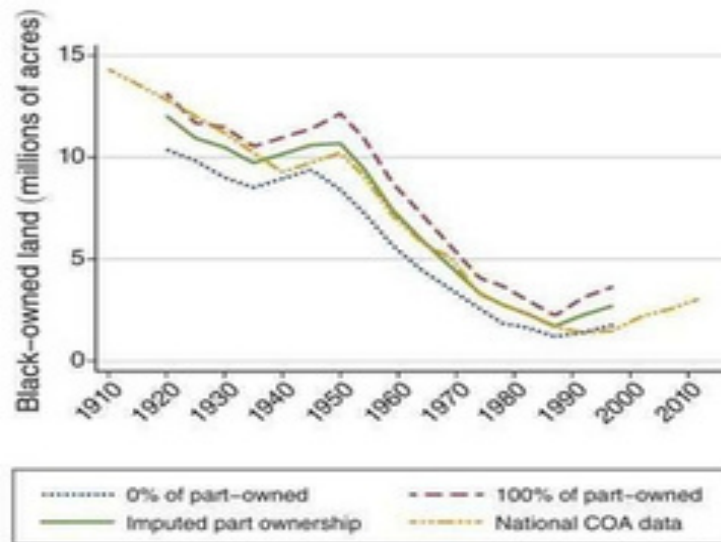
INTRODUCTION

In the early 1900s, Black farmers laid claim to extensive land holdings, totaling approximately 20 million acres. A comprehensive study by the American Bar Association (ABA) scrutinizing Black agricultural land loss in southern states between 1920 and 1997 conservatively estimated the cumulative value at \$326 billion. By 2020 GDP standards, this valuation places it at the 41st position among 213 countries (Francis et al., 2023).

The roots of Black land loss can be traced back to centuries of racial discrimination beginning with the institution of slavery and persisting through the post-Civil War era until today. Land loss reverberates through the lives of individuals of African descent, both in the United States and across the globe. Land ownership and control represent cultural ties to the land, increased economic equity, and political capital. They touch upon profound questions of racial inequity, intergenerational wealth, and quality of life. The dynamics of Black land loss are intricate, shaped by historical factors that continue to exert their influence. Legal, socio-economic, and political systems further exacerbate the vulnerabilities of communities grappling with this problem (Francis et al., 2022).

After the Civil War, Black families, despite having minimal land ownership, aspired to acquire more. They rapidly accumulated acreage, with W. E. Du Bois estimating ownership at 3 million acres in 1875, 8 million in 1890, and 12 million in 1900 (Francis et al., 2022). Historian Pete Daniel estimated 16 million acres at the peak of their land holdings in 1910, and by 1920, there were 925,000 recorded Black owned farms in the country (Daniel, 2013). Unfortunately, this zenith was soon followed by the beginning of a decline in the subsequent years as depicted in Figure 1 (Francis et al., 2022).

Figure 1: Black-Owned Farm Acreage by Part Ownership, 1910-2012



Note. Francis et al. (2022) derived their calculations from the US Census of Agriculture data. Each line in their analysis accounts for the total fully owned acres. Partly owned acres are treated in three ways: excluded entirely (0 percent), fully included (100 percent), or incorporated at imputed shares determined by COA estimates of 61 percent, 59 percent, and 54 percent in 1950, 1954, and 1964, respectively.

Contextualizing Land Loss: A Glimpse into Contemporary Challenges

On September 7, 2023, an Associated Press headline provided insights on the plight of Gullah- Geechee descendants residing in the Hogg Hammock community on Sapelo Island in McIntosh County, Georgia. The people on this barrier island, mostly isolated for centuries, have preserved their west and central African traditions against all odds. However, the residents now confront the looming threat of losing governmental protections, particularly zoning ordinances enacted in 1994. These safeguards have shielded their unique way of life, culture, escalating property values, and the relentless pressures to sell their ancestral lands to developers (Bynum, 2023; National Park Service, 2005).

Other contemporary instances of land dispossession and reclamation have garnered regional and national attention. The New York Times reported the return of beachfront property in Southern California, wrongfully seized in 1924 from Black owners through eminent domain, to their descendants (Burch, 2023). Numerous stories are told regarding the gentrification of urban communities across the United States, providing a view of the unequal consequences of the Black lives displaced by their changing neighborhoods. Furthermore, a 2014 report by Northeastern University highlighted the plight of the Talamanca people of Costa Rica, a substantial population descended from English-speaking Afro-Caribbean people. This community, stewards of the Southern coastal Talamancan region for centuries, confronted immediate displacement due to stringent environmental and conservation policies (Allen et al.,

2014). Eward's (2020) account of the ongoing displacement caused by global migration is further outlined on page 21 of this report.

The Value of Land and Intergenerational Wealth

There is little doubt that Black families could have amassed significant wealth through land ownership and other assets had they not endured racist and discriminatory, as well as purportedly race-neutral laws, policies, and practices. Historical and contemporary data highlight the disparities between White and Black households in the United States, leading to significant economic disparities. In 2016, White households possessed 6.5 times the wealth of Black households, with assets averaging \$901,000 compared to just \$140,000 for Black households. This imbalance is further exacerbated by factors such as racial income disparities, the lingering aftermath of the Great Recession of 2007-2008, and disparities in intergenerational asset transfers (Aliprantis & Carroll, 2019; Perry, 2020). Remarkably, despite overall median wealth growth across racial and ethnic groups between 2016 and 2019, the Black-White wealth gap remained largely unaltered (Bhutta et al., 2020).

Home and land ownership emerge as central determinants of wealth accumulation. Homeownership, maintenance, and profit from land enable households to secure their prosperity. Those who are fortunate enough to legally possess land can pass on titled properties to their heirs and beneficiaries, enabling them to explore higher-risk opportunities. On the contrary, those less fortunate experience lower economic security (Aliprantis & Carroll, 2019).

Intergenerational wealth transmission enables families to establish emergency savings, offer vital support for home purchases, invest in their children's education, and secure comfortable retirements. However, it is imperative to acknowledge the historical advantage derived from generational wealth rooted in the legacy of enslaved persons labor and institutionalized racism (Aliprantis & Carroll, 2019). Dismissing these historical injustices and their persistent impact by advocating for self-reliance disregards the complex reality faced by Black communities.

LAND OWNERSHIP: EARLY HISTORICAL BACKGROUND

Excerpted Letter from Freedmen's Bureau's Superintendent to the Freedmen's Bureau Assistant Commissioner for South Carolina, Georgia, and Florida (Freedmen and Southern Society Project, n.d.).

"St Helena Village, SC, Aug 17th 1865

Very many of the freedmen, who three years ago were utterly destitute, ragged, and almost starving, have been able by their earnings to buy themselves from ten to twenty acres of land—a horse, mule or yoke of oxen—a cow—a cart—even good light vehicles for driving—implements—household utensils—clothing to a very considerable amount, and in several cases they have had houses built for themselves in their own lots. I do not allude now to those who were so fortunate as to be able to buy plantations at the first sale of land but to those poorer ones, who have had no chances above the generality.

Such settled prosperity could not be the result of either neglect, or oppression, or pampering, in their management. Protection, with not too much interference in their own plans, has given them all the fostering and encouragement they needed. One of the leading men of the island, who was very destitute three years ago, and who now owns his twenty acres, and keeps his horse, applied to a lady here to ask the cost of hiring a teacher from the north, as the people on the plantation where he lived wished to engage one for their children. When she answered "at least four or five hundred dollars a year." he said "Well" we can afford it, and we want our children *well* educated...

The people have worked well this season, and the crops promise a good return, though the dry weather has done them some injury. I am very respectfully Your obt. Servant. W. E. Towne"

Forging Freedom: Early Pursuits of Black Landownership

Historical accounts at times neglect to illuminate the resilience and determination of fugitive individuals liberated from the bonds of slavery, commonly referred to as 'contrabands.' Their journey toward landownership commenced as early as March 1863, a mere three months after the Emancipation Proclamation's enactment on January 1, 1863. General Ormsby Mitchel, despite his tragic demise due to fever shortly after assuming command of the Department of the South, spearheaded a pioneering initiative. He issued orders for the construction of a village for freedmen near Drayton Plantation in Hilton Head, South Carolina. This unique township, known as 'Mitchelville' in honor of the general, accommodated up to 3,000 Black Gullah individuals on quarter-acre plots, functioning as a self-governed enclave following the battle of Port Royal in 1861. The Union Army granted the newly liberated men and women control over lands left behind by fleeing plantation owners. This effort, known as the Port Royal

Experiment, temporarily empowered emancipated individuals to cultivate abandoned lands amidst the tumult of the Civil War. Under the authority of the U.S. Direct Tax Act of 1862, small lots on plantations seized for nonpayment of taxes were distributed to freedmen (South Carolina Encyclopedia, n.d.).

The post-Civil War period witnessed significant initiatives aimed at the newly freed African American population. This epochal conflict spurred Major General Sherman to convene a seminal assembly on January 12, 1865, in Savannah, Georgia. The gathering brought together 20 African American community leaders, comprising ministers, pastors, preachers, and officers. Among the discussions during this assembly was an audacious proposal to redistribute 400,000 acres of land, previously owned by Confederate slaveholders, to newly emancipated individuals (Freedmen and Southern Society Project, n.d.; Myers, 2005). Exploring land ownership during this evolutionary era is important. The landscape of land tenure unfolded with some freedmen participating in collective efforts, leasing expansive cotton plantations from the government. Simultaneously, others diligently amassed wages through diverse avenues, including army employment and subsistence farming. These hard-earned resources became instrumental in the quest to establish themselves as landowners (Historic Mitchelville Freedom Park, n.d.).

Often misconstrued is the narrative surrounding the promise of "40 acres and a mule" to newly freed slaves. Major General William T. Sherman's Field Order 15, issued on January 16, 1865, did allocate portions of Georgia, coastal South Carolina, and Florida for settlement exclusively by Black individuals; however, it notably did not include any provision for a mule. Each family was granted the right to possess up to 40 acres of land. Mules were loaned by the army in a subsequent field order (Freedmen and Southern Society Project, n.d.; Myers, 2005).

The unfulfilled promise of "40 acres" during the Reconstruction period left numerous formerly enslaved individuals in exploitative sharecropping arrangements. After President Lincoln's assassination on April 15, 1865, President Andrew Johnson revoked Sherman's Field Order 15, returning the confiscated land sold to freed men back to the White owners.

As Southern Whites reclaimed previously abandoned properties, landownership for Black individuals became an elusive dream (Copeland, 2013).

While designed to address the immediate needs of those transitioning into freedom, the vision of massive land redistribution in Georgia and Florida did not come to fruition. Instead, President Abraham Lincoln's administration established the Bureau of Refugees, Freedmen, and Abandoned Lands in 1865, commonly known as the Freedmen's Bureau.

Mitchelville Today

Mitchelville was listed on the National Register of Historic Places in 1988 and holds significant historical importance for understanding the challenges of Reconstruction. In 2005, a dedicated group on Hilton Head Island, led by Mr. Thomas C. Barnwell, initiated efforts to preserve and promote Mitchelville's heritage. The Historic Mitchelville Freedom Park (HMFP), officially organized in 2010, now educates the public through exhibits, events, guided tours, and ongoing learning opportunities, working towards establishing a cultural attraction in cooperation with the Town of Hilton Head and Beaufort County. In 2023, HMFP received a grant award of \$922,000 from the State of South Carolina to continue to preserve Mitchelville's rich history (Historic Mitchelville Freedom Park, n.d.).

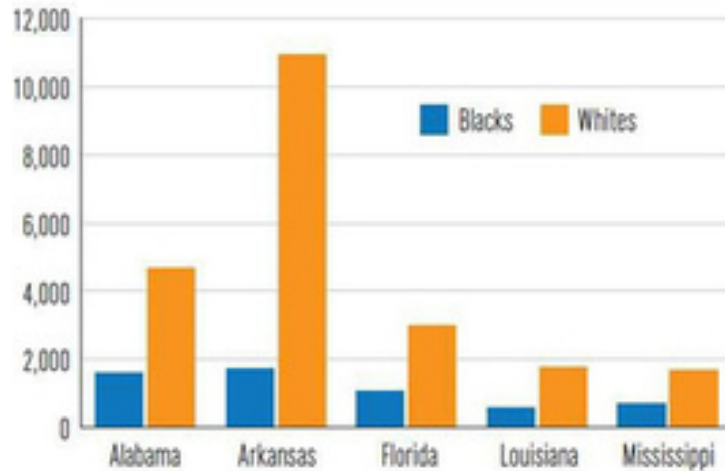
Operating within the War Department, the Bureau played a pivotal role by providing vital assistance to the newly freed African American population (Copeland, 2013; Freedmen and Southern Society Project, n.d.).

The Freedmen's Bureau facilitated essential services, encompassing land purchases and dispute resolution, marriage legalization, school establishment, and oversight of contracts between freed men and their employers. Although the initial vision of comprehensive land redistribution remained unrealized, the establishment of the Freedmen's Bureau accentuated the government's early commitment to supporting the transition to freedom for millions of African Americans (Copeland, 2013; Freedmen and Southern Society Project, n.d.).

Additionally, congressional actions through the 1866 Civil Rights Act enabled newly emancipated African Americans to attain land ownership in five states: Alabama, Arkansas, Florida, Louisiana, and Mississippi. For instance, the Southern Homestead Act of 1866 offered forty-six million acres of public plantation land. Figure 2 shows the number of successful Black homesteaders in five southern states. The combined estimate ranges from 5,735 to 6,000 Black homesteads, each household averaging six persons per family. This number represents 36,000 or less than one percent of 3.9 million former slaves (Edwards, 2019). Nevertheless, numerous challenges, including difficulties in locating suitable lands, persistent hostility, extreme violence, and discrimination, hindered many freed individuals from capitalizing on these opportunities. Most were unable to take advantage of the opportunity because of extreme poverty and by 1876, the Act was repealed (Edwards, 2019).

Figure 2: Estimated Total Number of Successful 'Proved Up' Homestead by Race, 1871-1883

Source: Richard Edwards 2019 article, African Americans and the Southern Homestead Act, projected from data by Michael Lanza in *Agrarianism and Reconstruction Politics*.



Prior to the invalidation of the Southern Homestead Act, Black individuals, commonly referred to as Exodusters, migrated to areas such as the Great Plains. They seized the opportunity provided by the government's offer of free land under the original Homestead Act and subsequent Southern Homestead Act, to establish new Black communities as well as seek refuge from the oppression faced in Southern states (Edwards, 2019; National Park Service, n.d.).

The Great Plains, once Native American tribal territory, now encompasses ten states: Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. Despite arriving with minimal possessions and farming resources, they settled in places like Kansas, often referred to as the "new Canaan." Some homesteaders from Scott and Fayette County, Kentucky, were recruited by the founders of Nicodemus, Kansas, while others moved to Kansas from states such as Mississippi, Texas, and Louisiana (Edwards, 2019).

During the period between 1865 and 1915, Black leaders advocated the idea of self-segregation within the United States as a potential solution to the oppression and violence experienced by their community. This led to the establishment of approximately sixty communities known as Black Towns. Notable examples include Mound Bayou, Mississippi, founded in 1897, which gained significance due to its connection with Booker T. Washington and Tuskegee Institute. Another example is Langston, Oklahoma, established in 1891, which some envisioned as a potential hub for creating an all-Black state in the West. Additionally, Clearview and Boley, founded in 1903 and 1904 respectively in Oklahoma, provide insights into the interplay of Indian-Black relations within the Creek Nation (Crockett, 2021).

The 19th-century post-Reconstruction era witnessed the emergence of the Jim Crow system despite the Civil Rights Act of 1864, and the 14th and 15th Amendments to the Constitution. Jim Crow was a set of legal and political mechanisms strategically designed to segregate, disenfranchise, and subjugate African Americans. The destruction and appropriation of property during this direful period exemplify the devastating consequences after a period of racial animus (Tulsa Historical Society & Museum, n.d.).

The 20th century bore witness to the emergence of other pernicious forms of racial discrimination. Events like the Tulsa Race Massacre of 1921 highlighted the violent dispossession of prosperous African American communities and their land, perpetuating a legacy of loss and dispossession. Discriminatory lending practices under redlining systematically prevented African Americans and other minority groups from purchasing property in specific neighborhoods, perpetuating economic disparities, and limiting opportunities for wealth accumulation. Redlining's adverse effects on generational wealth and land ownership continue to reverberate through Black communities today, underscoring the enduring impact of discriminatory policies on property ownership (Rothstein, 2017).

Conclusion

The ongoing challenge of Black land ownership remains complex and multifaceted, involving issues such as farmers losing ancestral lands, heirs' property disputes, and the repercussions of gentrification leading to displacement. Effectively addressing these interconnected challenges necessitates a comprehensive understanding of their complexity to develop targeted solutions. Safeguarding Black land ownership and preventing further losses requires a strategic approach that considers the unique dynamics of each issue within this broader landscape.

AN OVERVIEW OF BLACK FARMERS AND LAND LOSS IN THE UNITED STATES

The post-emancipation period marked a profound mission by African Americans to achieve economic independence through land ownership. However, their path was fraught with formidable obstacles. During the Reconstruction era (1867-76), the U.S. government made concerted efforts to establish equitable agricultural production contracts between landowners and freedmen. A noteworthy development occurred between 1880 and 1890, with a remarkable increase in Black farmland ownership. The Census of Agriculture reported 16-19 million acres of Black farmland ownership. Yet, this promising trajectory was soon marred by the emergence of sharecropping and crop liens in the late 1890s, accompanied by the oppressive Jim Crow laws, all of which contributed to the imposition of command-and-control systems that severely curtailed performance incentives and land acquisition opportunities for Black farmers (U.S. Department of Agriculture, n.d.-a).

In the 1890s, when the Second Morrill Act of 1890 established state agricultural colleges for Black students, notable figures like Booker T. Washington advocated for the independence of Black farmers. Washington championed the purchase of land tracts for subdivision into small family farms, influencing subsequent government programs and strategies during the civil rights movement. He also encouraged a shift from an overreliance on cotton to diversified farming, fostering a more sustainable and self-reliant agricultural landscape (U.S. Department of Agriculture, n.d.-a).

While certain Black leaders advocated for cooperative farming, the opportunities for formal organizations remained limited due to the perverse restrictions on their basic rights. The restrictions experienced by sharecroppers and tenants, included limited voting rights, providing them little political influence or legal protection against unjust farming contracts and unfair wages, as well as a peonage system that compelled Black tenants to remain on plantations as laborers. Furthermore, property rights play a crucial role in granting owners the freedom to determine the use of their property. These rights are intrinsic to the existence of the community where the property exists. Despite the limitations, experiences with informal cooperatives before the 1920s sustained the emerging cooperative farming concept. In addition, the early civil rights movement highlighted cooperative models as a means of empowering independent Black farmers (U.S. Department of Agriculture, n.d.-a).

During 1933-1938, President Franklin D. Roosevelt's New Deal farm programs, implemented under the Agricultural Adjustment Act (AAA), introduced reforms but created substantial obstacles for Black farmers seeking land ownership. The reduction of cotton acreage significantly impacted both Black and White tenants and sharecroppers, leading to their displacement.

Additionally, commodity price supports provided by the U.S. Department of Agriculture under the AAA, contributed to land concentration by raising farmland prices by approximately 15-20%, imposing acreage restrictions, and ensuring minimum pricing on farm products. Because these services were not equally accessible to assist Black farmers with credit programs, they collectively hindered the capacity to expand operations. Between 1930 and 1935, White farm owners and tenants expanded their land holdings in the South by 12%, equivalent to over 35 million acres. In stark contrast, non-White farmers experienced a decline of over 2.2 million acres, dropping from 37.8 million to 35.6 million (U.S. Department of Agriculture, n.d.-a).

Black Farmer Cooperatives and Land Retention Initiatives

The decline in opportunities for Black farmers spurred the creation of an informal cooperative network focused on seasonal bulk purchases, street markets, and handling surpluses. While the civil rights movement empowered many Black farmers to engage in cooperatives and leadership development, it paradoxically led to increased discrimination by White-owned businesses. Membership in the NAACP often resulted in blockades hindering access to supplies or markets. Initiatives like the Clarendon County Improvement Association (1956) and the Grand Marie Vegetable Producers Cooperative, Inc., in Louisiana (1965) emerged to offer support, enabling Black farmers to overcome discrimination. However, the civil rights movement also revitalized land purchasing for small farms, making land retention a pressing issue for independent Black farmers. In the late 1960s, churches and groups independently acquired small tracts for self-sufficient farm settlements, and some cooperatives purchased land for market production by members (U.S. Department of Agriculture, n.d.-a).

By 1977, a stark reality had materialized: Black farmers had lost more than 90 percent of the sixteen million acres they owned in 1910. The reasons for this profound land loss are rooted in discrimination within federal agricultural programs, forced land sales, and the migration of Black farmers from the rural South to opportunities in the North. According to U.S. Department of Agriculture data, between 1900 and 1997, the number of Black farmers decreased by 98%, while White farmers decreased by 62%. During the same period, the percentage of farmland owners of color also decreased (U.S. Department of Agriculture, n.d.-a)

Today, the struggles faced by Black farmers, both historical and contemporary, in achieving and sustaining operational independence and land ownership continue to persist.

Pigford I & II: Efforts to Seek Redress

The initial case, *Pigford v. Glickman* (Pigford I), was filed in 1997 by Timothy Pigford and a group of African American farmers, accusing the USDA of racial discrimination in loan programs between 1981 and 1996.

The farmers alleged that they were unfairly denied loans or faced delays in loan approval, leading to substantial financial losses, land foreclosure, and economic hardships. The plaintiffs sought compensation and justice for the discrimination they faced (Bustillo, 2023).

In 1999, a settlement known as the Pigford I Consent Decree was reached between the USDA and the plaintiffs. It allowed farmers who could prove they were victims of racial discrimination to file claims seeking monetary compensation and debt relief. The settlement established two tracks for compensation: Track A offered \$50,000 cash payments and debt relief, and Track B allowed farmers to present their cases for larger compensation amounts but with stricter evidence requirements. Following the settlement, a significant number of farmers filed claims, with over 14,000 receiving favorable rulings under Track A. However, many claims were rejected or delayed due to stringent evidentiary requirements or missed deadlines. Consequently, numerous farmers who suffered from discrimination did not receive compensation and continue to suffer (Bustillo, 2023).

Tackling Urban and Rural Food Deserts

Presently, challenges persist in both urban and rural areas regarding the production and accessibility of fresh, nutritious food. These challenges are defined by the absence of quality food within a 10-mile radius or in areas without access to a grocery store. Addressing the issue of food deserts holds a central position in the pursuit of urban food justice, firmly grounded in the recognition of the fundamental right of all residents to access quality sustenance. Black farmers have emerged as indispensable contributors to this movement, playing a crucial role in alleviating food deserts and reshaping urban and rural foodscapes (Dutko et al., 2012).

The Pigford II case, *U.S. Department of Agriculture v. Black Farmers*, resulted from 40,000 individuals claims, representing 23 complaints, filed after the 2008 Farm Bill. This bill made \$100 million available to pay successful claims and allowed claimants to submit late-filing requests under Pigford I. The settlement, appropriated in the Claims Resolution Act of 2010, provided \$1.25 billion for the resolution of claims beyond the \$100 million set aside in the 2008 Farm Bill (U.S. Government Accountability Office, 2012).

Since the Pigford II settlement, few Black farmers have benefited from the promised relief, such as foreclosure relief, debt and interest cancellations, and consideration for future farm loans. In fact, more lawyers benefited from the Pigford I settlement than the farmers who received small payouts.

In 2002, it was stated that Black farmers experienced a double betrayal, first by the U.S. Department of Agriculture and then by their own lawyers' incompetence. One attorney and his team alone were awarded \$15 million from the first settlement, despite the ongoing loss of farms by farmers. The second team of lawyers were awarded the \$90 million payment they requested from the Pigford II settlement (Holloway, 2021). Black farmers continue to grapple with disparities in access to critical agricultural subsidies, loans,

and technical assistance. Additionally, issues such as lack of land title and mechanization further hinder their ability to compete effectively in the agricultural sector (U.S. Department of Agriculture, n.d.).

Some additional relief was granted to Black farmers through the American Rescue Plan Act of 2021 (ARPA). However, the \$4 billion debt relief for socially disadvantaged farmers was available not only to Black farmers but also to other groups, including Native American, Hispanic, Asian, and Pacific Islanders. Debt cancellations were restricted to USDA loans only. Ironically, 13 lawsuits have been filed by White farmers, challenging the law as unconstitutional and alleging reverse discrimination. John Boyd, Jr., founder and President of the National Black Farmers Association, who successfully sued the U.S. Department of Agriculture leading to the first USDA discrimination settlement by an individual, stated that the relief program for Black farmers offered through the ARPA is neither reparations nor a new loan program. Historically, White farmers have received debt relief from USDA, while Black farmers have not (Boyd, n.d.).

Furthermore, the Inflation Reduction Act of 2022 (IRA), Section 22008, repealed Section 1005 of the ARPA, which provided debt relief to Black, Native, and other socially disadvantaged farmers. The lawsuits halted the debt relief to Black farmers under ARPA, replacing it with a race-neutral one for “distressed” farmers. In the meantime, the USDA continues to issue foreclosure notices on USDA loans to Black farmers. John Boyd, Jr., Kara Boyd, Lester Bonner, and Princess Williams v. United States of America (Case #22-1473C) is a class-action complaint filed on October 7, 2022, alleging that the government breached its contract by repealing Section 1005 of the American Rescue Plan Act, which was intended to provide debt relief to socially disadvantaged farmers (Boyd, n.d.; Holloway, 2021).

CONTEMPORARY FACTORS INFLUENCING BLACK LAND LOSS

The Predicament of Heirs' Property

Heirs' property is a complex and longstanding issue that disproportionately affects Black communities in the United States. It arises from a historical legacy of systemic racism, discriminatory policies, and economic disparities. The roots of the heirs' property issue can be traced back to the era of slavery and the Reconstruction period. During this time, many Black families were denied access to legal channels for property ownership due to discriminatory laws and practices. Instead, they held property informally, often in a communal fashion, as a means of survival. This informal ownership structure, passed down through generations, laid the foundation for heirs' property (Hitchner et al., 2017).

Heirs' property typically lacks clear titles, and ownership rights are often shared among multiple family members, sometimes spanning several generations. Due to the absence of a clear title, these properties are vulnerable to partition sales, where a single co-owner can force the sale of the entire property, often at a fraction of its market value. Developers clearly looking for opportunities can also take advantage of heirs' property held by vulnerable Black families (Hitchner et al., 2017). These actions can lead to gentrification, displacement of family members, and the loss of generational wealth.

Potential Valuations of Heirs' Property

In 2023, Auburn University conducted a study on heirs' property among African Americans and other racial and ethnic groups across 11 Southern states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. As shown in Table 1 and Figures 3 and 4 below, the conservative estimates revealed a substantial combined area of 5.3 million acres with a market value reaching \$41.9 million. The valuation was influenced by factors such as a county's coastal location and the presence of small towns and urban areas. Properties with building enhancements were assigned higher market values compared to those consisting of bare land (Thomson & Bailey, 2023).

Table 1: Total Estimates of Heirs' Property, 2019

State	Identified Properties	Acres Sum	Total Market Value (2019 Dollars)
Alabama	41,218	486,674.60	2,947,571,329
Florida	62,012	168,166.37	5,207,269,458
Georgia	39,430	480,610.22	3,826,323,840
Kentucky	21,482	552,810.57	1,004,878,195
Louisiana	34,197	511,227.93	964,061,998
Mississippi	45,574	760,470.46	1,240,342,106
North Carolina	88,339	537,224.32	8,847,215,298
South Carolina	41,584	414,784.00	3,042,757,968
Tennessee	43,512	516,957.78	5,515,654,399
Virginia	55,404	513,214.94	8,086,128,465
West Virginia	24,242	366,233.01	1,192,175,296
TOTAL	496,994	5,308,374	41,874,378,352

Figure 3

Estimated Acres of Heirs' Property By County 2019

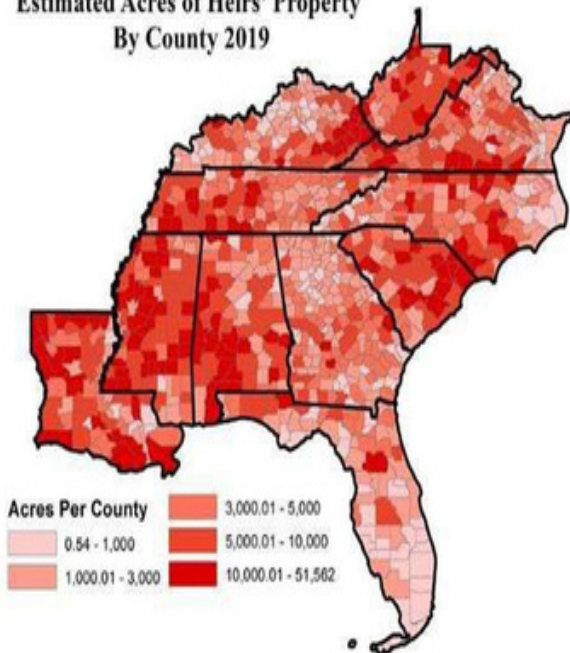
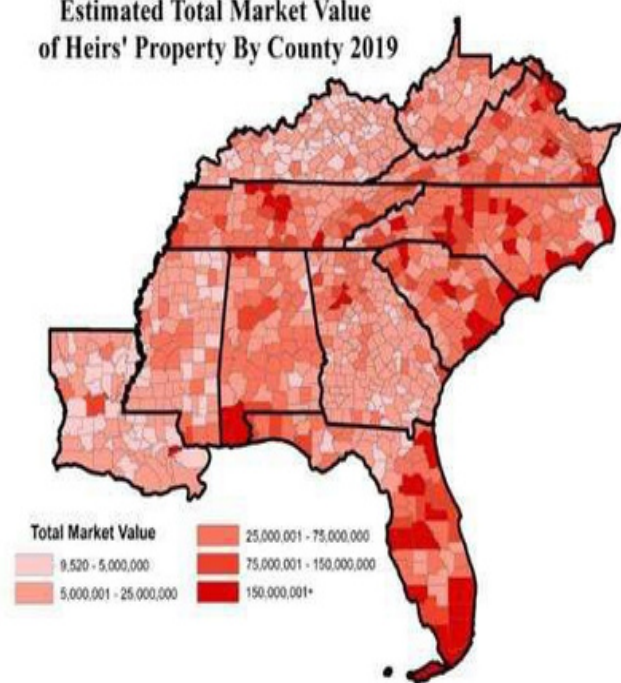


Figure 4

Estimated Total Market Value of Heirs' Property By County 2019



Note: Table 1 and Figures 3 and 4 are from Auburn University's 2023 Report, Identifying Heirs' Property: Extent and Value Across the South and Appalachia in 11 states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. They created an index using four variables from past research to predict the chance that a property is heirs' property: Ownership Rights Codes, Owner 'Care of' Name Listed, Effective Year Built Pre-1990, and Pre-1980 Sale Date (Thom & Bailey, 2023).

Fighting to Preserve Land Ownership: The Case of Josephine Wright v. Bailey Point Investment Group Developers

The struggle to preserve land ownership persists across the South Carolina coast, as developers set their sights on properties owned by descendants of enslaved individuals, eager to capitalize on the allure of vacation getaways and residential developments. From Myrtle Beach to Hilton Head, Black landowners like Mrs. Josephine Wright, who inherit property, find themselves entangled in disputes with developers keen on exploiting the escalating real estate market.



Josephine Wright, a 93-year-old resident of Hilton Head Island, South Carolina, found herself embroiled in a legal battle over her cherished family-owned 1.8-acre property. This land, which has been in her late husband's family since the Civil War, holds immense sentimental value, serving as a site for family traditions and gatherings. A property developer, Bailey Point Investment, LLC, has plans to construct 147 homes next to her land and had initially offered \$30,000 to purchase it, an offer she declined

Photo Credit: USA Today

Subsequently, the developer filed a lawsuit in February 2023, claiming that structures on Wright's property encroached on their land and hindered construction, demanding their removal and compensation for delays (Ellis, 2023).

Wright responded with a counterclaim in April, asserting that Bailey Point had resorted to intimidation, harassment, and trespassing to force her into selling her property. She accused the developer of trashing her land, cutting shrubs, and causing damage, depriving her of the peaceful enjoyment of her property. Bakari Sellers, a civil rights attorney, has joined the fight, highlighting the historical expropriation of Black-owned land, particularly affecting the Gullah Geechee people. NBA star Kyrie Irving and filmmaker Tyler Perry have also shown support for Josephine Wright's cause, shedding light on the broader issue of land disputes and the fight to protect Black -owned properties (Ellis, 2023).

In March 2024, the family reached a settlement, following Mrs. Wright's passing on January 9, 2024, at the age of 94. The agreement with Bailey Point includes stipulations of no further contact with the family, repairing the house roof, providing a privacy fence, and landscaping. Despite Mrs. Wright's passing, Tyler Perry's commitment to build her a new home remains underway, with all necessary permits being obtained (Carbello, 2024; Martin, 2024). This incident highlights the crucial need for legal reforms, robust

support systems, and additional resources to safeguard the land rights of marginalized communities such as the Gullah Geechee. These communities are at risk of losing not only their ancestral lands but also their cultural heritage and a vital source of wealth.

Land Struggles on the International Front: The Afro Costa Rican Communities on the Atlantic Coast

In some countries with predominantly Black populations, the ownership of land by indigenous or ancestral community members faces threats from public policies favoring developers and affluent clients. These policies often use economic development and environmental preservation as justifications, endangering the land rights of these communities and exposing them to gentrification, displacement, cultural change, and instability.

There is pressing concern surrounding land rights for Afro Costa Rican communities situated along the Atlantic Coast. Despite conscientiously maintaining these lands for nearly two centuries, the Talamancan communities have yet to acquire official legal titles to the territories they inhabit. This lack of recognition is compounded by cultural isolation, limited representation, and the government's endorsement of an ecotourism industry, placing the Talamancans in a precarious position where preserving their cultural identity becomes increasingly challenging (Allen et al., 2014).

The Costa Rican government's active promotion of ecotourism, primarily fueled by international investments, stands in stark contrast to the interests and rights of the Talamancan communities. The discord arises from the implementation of extensive environmental policies that adversely affect the Talamancans, leading to potential displacement and marginalization. This conflict represents a clash between governmental policies that favor ecotourism and the longstanding residency and rights of the Talamancan people, raising concerns about the future well-being of these communities (Allen et al., 2014).

Amidst the political climate favoring ecotourism and the pressures exerted on private landowners, the fate of the Talamancans remains uncertain (Allen et al., 2014).

Impact of Global Lifestyle Migration on Talamancans

Emard's (2020) graduate dissertation, *Global Lifestyle Migration, Racialized Dispossession, And Social-Environmental Change on Costa Rica's Caribbean Coast*, explored the repercussions of global lifestyle migration on land use, livelihoods, and community engagement in coastal Talamancan people, marked by persistent displacement often due to the exchange of lands to lifestyle immigrants of Caucasian descent. Many of these migrants came from European nations, with growing numbers also from the United States, Canada, Japan, Argentina, and Chile. As one Talamancan lamented, "We do not own even 20 percent of the land ... because we gave it away and some other guys take it away...some of my generation and some of the generation after, was not prepared, they did not understand the value of the land. And they gave it away, swapping the land for a car or swapping a land for a trip. We were the owners of the main part of the land, and now all our kids have to be going somewhere else to see if they can live because they cannot buy in Puerto Viejo." Unless development initiatives acknowledge and integrate these perspectives, the trend of global lifestyle migration is likely to perpetuate dispossession, displacement, and inequity (Allen et al., 2014; Emard, 2020).

THE DISRUPTION OF BLACK LAND OWNERSHIP THROUGH URBAN RENEWAL AND GENTRIFICATION

Research of specific examples of urban renewal and displacement in Black communities, makes it apparent that these trends persist and raise crucial questions about equity, community preservation, and the urgent need for equitable urban development strategies. Instances of displacement due to urban renewal policies happened in many cities, including Washington, DC, and Boston, reflecting ongoing cycles of historical displacement by government actors. The examples of urban renewal and displacement of Black communities below illustrate the systemic racism embedded in the regulation of property ownership, as African Americans were dispossessed of their land through a range of discriminatory practices and policies.

Examples Of Urban Renewal and Displacement of Black Communities

During the mid-20th century, urban renewal programs were targeted to revitalize decaying urban areas. U.S. government actions played a significant role in declaring Black communities as “blighted,” subsequently clearing them for highway construction and urban redevelopment.

Some of the processes used included blight declarations and eminent domain. The declaration of Black communities as blighted provided a legal pretext for the demolition of neighborhoods, displacement of residents, and the taking of property. These declarations were often based on subjective criteria and contributed to the devastation of minority communities (Gilmore, 1996; Jackson, 1980). Eminent domain is a legal mechanism that allows the government to acquire private property for public use. Between 1949 and 1973, the Fair Housing Act of 1949 (FHA) was used to displace one million people in 992 cities through eminent domain (Fullilove, 2007).

The construction of highways had a profound impact on Black neighborhoods. Government decisions to route highways through urban areas resulted in the loss of homes, businesses, and the fragmentation of established communities. This process disproportionately affected Black residents, who were often left without adequate compensation or suitable alternative housing (Schneider, 1994). Additionally, the lack of sufficient housing during World War II to meet demands were cited as reasons for the need for urban renewal projects, particularly in Washington, D.C. and Atlanta neighborhoods (Atlanta Housing, n.d.).

Atlanta, Georgia

The Civil Rights Movement brought attention to the broader struggle for equality, highlighting interconnected issues such as structural discrimination and land ownership. Sweet Auburn, designated as a National Landmark District, stands as a testament to the historic African American neighborhood in downtown Atlanta, which thrived as one of the largest concentrations of African American businesses in the country during the 20th Century. Of particular note is 229 Auburn Avenue, recognized as one of the

2023 Places in Peril by the Georgia Trust for Historic Preservation (GTHP). It was once home to several African American businesses, including a branch office of the Atlanta Life Insurance Company. These structures face imminent risk of deterioration and require urgent long-term preservation or rehabilitation efforts. Adjacent to this building stood the Herndon Building, named after Alonzo F. Herndon, a former slave who founded the Atlanta Life Insurance Company. Unfortunately, the Herndon Building was destroyed by a tornado in March 2008 (Library of Congress, n.d.; The Georgia Trust for Historic Preservation, n.d.).

Auburn Avenue, Georgia, continues to hold significance as the location of Martin Luther King Jr.'s home and church. However, the development of the I-75/85 Downtown Connector, which started in 1958 and bisected Auburn Avenue and displaced residents, has been identified as an example of structural racism (See Figure 5).

Figure 5: I-75/85 Through the Sweet Auburn Neighborhood, 1958 and 2022



Photo Credits: AJC File

This imposing concrete divide, located just four blocks from Reverend Martin Luther King Jr.'s church, severed Auburn Avenue from the downtown economic hub along Peachtree Street and further west and south (Suggs & Mitchell, 2022). The path of the Downtown Connector through the Sweet Auburn neighborhood illustrates the stark changes brought about by this development. Many of the highways constructed in the 1950s and 1960s were routed through and around Black neighborhoods due to cheaper land prices and a lack of political influence. These divided roadways effectively created boundaries to segregate Black and White communities (Suggs & Mitchell, 2022).

While there are pockets of development in neighboring areas like the Old Fourth Ward, anchored by the Martin Luther King Historical District, Auburn Avenue itself struggles, with blocks lined with crumbling and boarded-up buildings. In metro Atlanta, proposals such as The Stitch have been suggested to reconnect neighborhoods divided by the construction of Interstate 75/85. The concept involves building decks over the downtown connector and covering them with green space, offering a potential solution to knit together fragmented communities (Suggs & Mitchell, 2022).

On March 12, 2024, The Stitch project received over \$157 million in federal infrastructure grants funded through the Infrastructure Investment and Jobs Act (IIJA)'s Reconnecting Communities Pilot (RCP) Program and the Inflation Reduction Act's Neighborhood Access and Equity (NAE) Program. As reported in a news release by Senator Raphael Warnock of Georgia, Congresswoman Nikema Williams (D-GA-5th) stated, "The Stitch will reclaim a massive part of our city from infrastructure that divided the Black neighborhoods of Buttermilk Bottoms, Bedford Pines, and Sweet Auburn. And with a new connection to the BeltLine, we are increasing pathways to opportunity for communities that have historically been overlooked for federal investments ... Reconnecting our communities with a focus on equity is why I passed the legislation that funded these transformational grants" (Senator Reverend Raphael Warnock, n.d.).

The funding will support the first phase of the Stitch initiative aimed to address the lasting effects on Downtown Atlanta resulting from the construction of Interstates I-75 and I-85. It proposes to reconnect the community by covering the interstate with a new 4-acre park focused on community needs, implementing various improvements to the street network to accommodate multiple modes of transportation, and making significant investments in affordable housing (Senator Reverend Raphael Warnock, n.d.).

Roxbury, Boston

Roxbury, a historically Black neighborhood in Boston since the early 1900s, encountered forced displacement during the 1960s, driven by urban renewal activities. The building of the Southwest Expressway (Interstate 95) and proposed development initiatives by the Boston Redevelopment Agency resulted in the acquisition of homes and businesses under eminent domain. However, due to robust citizen opposition and protests, the major highway construction was thwarted. Nonetheless, the fallout was significant, with homes, schools and churches and institutions demolished because of the Washington Park and Campus High urban renewal programs. As cited by the Boston Preservation Alliance, the highway demolition led to five hundred homes and businesses from Forest Hills and Jamaica Plain to Roxbury and the South End, destabilizing Black families, community institutions, and overall quality of life (Embrace Boston, 2024; Roxbury Historical Society, n.d.).



Photo Credits: Roxbury Historical Society

Washington, D.C.

In the early 20th century, many African Americans lived in overcrowded alley dwellings, facing unsanitary conditions. Government entities, such as the Alley Dwelling Authority (ADA), established in 1934, intended to convert inhabited alleys into public spaces. Opposition from White residents led to significant challenges in providing low-income public housing for displaced African American families (Summer, 2022).

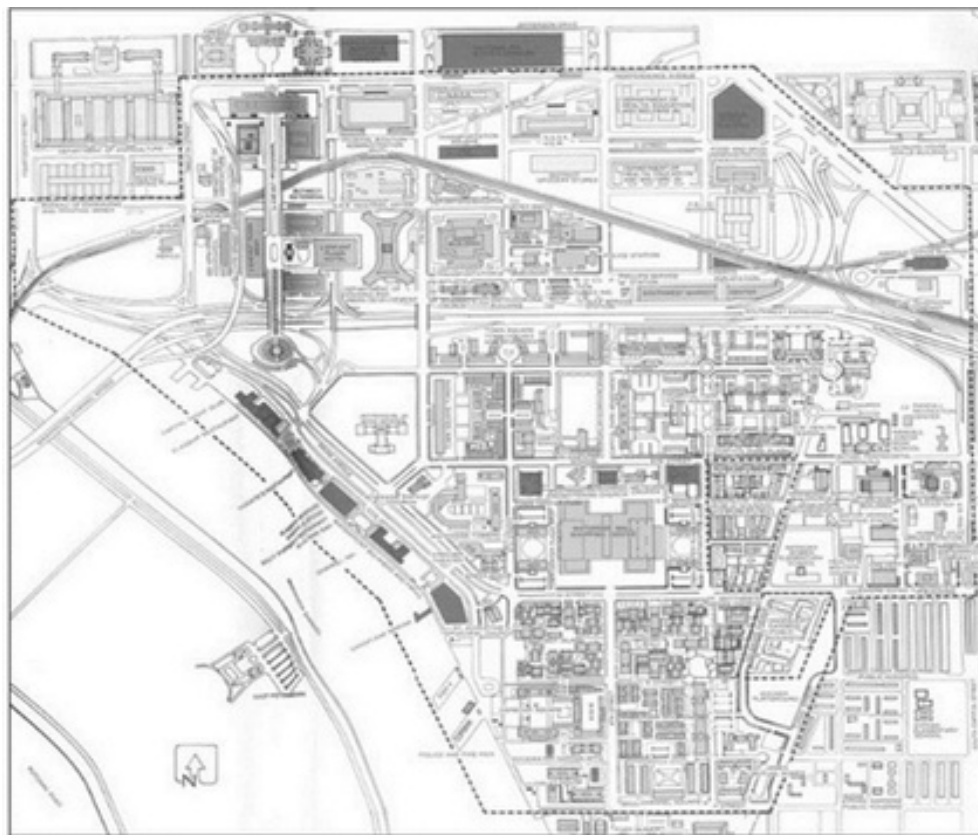
The revised Housing Act of 1954 amended the 1949 Housing Act which disproportionately displaced African American families. It provided funding for historic preservation as part of the housing renewal strategy. Using this tool, poor Black families living in rental property in Georgetown were further displaced by the preservation efforts of young, White Federal workers who invested in the run-down communities within close proximity to their workplaces downtown (Summer, 2022).

The District of Columbia Redevelopment Land Authority (RLA) along with the National Capitol Planning Commission pushed for surveying slum areas and totally rebuilding and displacing African American and Jewish immigrant communities in areas like Southwest D.C. The role of eminent domain in the process and its legal justifications, including the landmark 1954 *Berman v. Parker* case, expanded the government's authority in redevelopment efforts. The U.S. Supreme Court ruled that the government can transfer property between private parties as part of a redevelopment plan serving a public purpose under the Fifth Amendment's takings clause (Douglas & Supreme Court of the United States, 1954, pp. 26-36; Liston, 2013).

The case involved Washington, D.C.'s efforts to revitalize a blighted area, where a property owner objected to the government's taking of non-blighted property for transfer to another private party. The Court held that if just compensation is provided, such transfers are constitutional (Douglas & Supreme Court of the United States, 1954, pp. 26-36; Liston, 2013). Approximately 1,500 businesses and 23,000 residents, i.e., approximately 6,000 families, were displaced to make way for the construction of the Southeast/Southwest freeway, the waterfront promenade, a new Maine Avenue, and several parks (National Park Service, 2004).

The map in Figure 6 delineates the plan for the new Southwest D.C., displaying the clearance of 560 acres enclosed within the dotted lines. By 1970, reconstruction was nearly finalized. The remaining structures encompassed by their own dotted lines represent the limited buildings that withstood the redevelopment, including those earmarked for public housing. (Ammon, 2009; Redevelopment Land Agency Photograph Collection, n.d.).

Figure 6: Plan of the New Southwest Washington, D.C. 1970



In the 1960s, Columbia Heights in Washington, D.C., underwent significant urban renewal projects, resulting in the displacement of Black families. The construction of the Park Morton housing project and the widening of 14th Street NW displaced numerous African American residents from their homes and disrupted the community's cohesion (Greenberg, 2005).

Gentrification and Displacement: Impacts of Economic Development Pressures

Gentrification, likened to "The Negro Removal Program of the 21st Century," aligns closely with urban renewal, an integral part of urban planning focused on reviving or redeveloping blighted or impoverished city areas. Communities of color, including landowners, homeowners, and renters, bear a disproportionate impact (Daniels, 2018; Raymond et al., 2021). An alternative characterization defines gentrification as "a transformation in the economic, racial, and age demographic of an area, leading not only to increased economic affluence but also to changes in other forms of privilege, including those related to Whiteness and youth" (Corrigan et al., 2021). Debates persist regarding the extent of economic, social, and political benefits for existing residents, who seek development without displacement (Daniels, 2018).

Richard Martin, an associate professor of real estate at the University of Georgia Terry College of Business, has conducted extensive research on gentrification trends in the nation's largest cities, focusing on changes in income, education, and occupation, and limiting gentrification to those occurring in lower-income central city neighborhoods. His findings reveal a significant increase in gentrification between the 1970s and 2000s. Over this forty-year period, cities like Denver and Chicago experienced the highest levels of gentrification. Interestingly, Atlanta, which was relatively unaffected in the 1970s and 1980s, began experiencing gentrification in the 1990s, reaching the highest levels of gentrification activity in the 2000s (Meloncon, 2023).

Studies on gentrification illustrate the connection between private development and public investment and its correlation to racial displacement. Though urban renewal in its earlier forms no longer takes place, new development projects are repackaged as green gentrification (Immergluck, 2023). Between 2000 and 2016, Atlanta ranked 4th among U.S. central cities for the highest share of gentrifiable neighborhoods that gentrified from 2000 to 2014. The focal points of gentrification and displacement were predominantly within Atlanta's Black neighborhoods, especially in downtown Fulton County and East Atlanta in DeKalb County (Brummet & Reed, 2019; Corrigan et al., 2021). At the heart of these shifts lies the Atlanta BeltLine, a substantial 22-mile loop connecting 45 diverse neighborhoods with multi-use trails developed on a historical rail line that encircles the city. The idea for this ambitious project was proposed in 1999 by Ryan Gravel, a Georgia Tech student, in his graduate thesis, "Belt Line – Atlanta: Design of Infrastructure as a Reflection of Public Policy" (Atlanta BeltLine, 2011). The Beltline stands as one of the nation's largest of its kind, envisioned to spur transit growth, diminish car reliance, enrich green spaces, and provide housing. However, its impact has also been tied to gentrification and racial displacement, evidenced by the stark disparity in meeting the targeted affordable housing units within the Tax Increment Financing District (TIF) or known in Georgia as Tax Allocation District (TAD). The TIF or TAD is a local government tool which captures future gains in real estate values and projected future property tax revenue within a designated district to temporarily finance infrastructure project improvements and investments over a period of 5 to 50 years or more, with the goal of stimulating economic development (U.S. Department of Transportation Federal Highway Administration, 2021). Out of the planned 5,600

affordable workforce housing units earmarked by 2030, only 600 were created over an 11-year period ending in 2017, some of which have been subsequently sold to higher-income households. Adding to this, Atlanta's demographic makeup transformed significantly between 1990 and 2021, with the African American population decreasing from 67% to 48%. Additionally, there was a notable rise in the median family income from \$50,000 to \$96,000. This shift has been accompanied by limited uptake of increased tax relief by legacy homeowners, with only 21 out of 128 applying in 2021 (Immergluck, 2023).

The post-2007-2008 recession saw the emergence of a fifth wave of gentrification and displacements from 2010 and 2020, coinciding with the phenomenon of housing financialization, a process where housing became more of a commodity increasingly controlled by financial institutions and actors, leading to the increased involvement of housing in the financial market. This paradigm shift brought about several consequences, including information asymmetry, challenges related to housing access and affordability, the prioritization of financial interests over housing as a social good, and the rise of global corporate landlords (Aalbers, 2018; St-Hilaire, et al., 2024). Private investors and developers have played a significant role in displacing Black residents and driving gentrification. Raymond et al. (2021) discovered that in rental housing, eviction-led displacements resulted in a loss of 166 Black residents for every 109 White residents gained, emphasizing how investor purchases of apartment buildings contribute to neighborhood changes. Multifamily building investments often lead to rent increases post-renovation, pushing out prior tenants who cannot afford the higher costs.

Conclusion

It is critical to develop strategies to counteract the detrimental effects of urban renewal of the 20th century, gentrification, and other types of displacement phenomena to safeguard Black land ownership while fostering wealth-building opportunities within these communities. In the following sections of this report, we delve into strategies and solutions aimed at preserving Black land ownership and fostering intergenerational wealth. We examine these strategies through a set of seven principles rooted in justice, equity, and community empowerment. By applying these principles, we can work towards a future where all individuals can thrive and build wealth through land ownership.

GUIDING PRINCIPLES AND STRATEGIES FOR PRESERVING BLACK LAND OWNERSHIP AND FOSTERING INTERGENERATIONAL WEALTH

In recognition of the pressing issues related to Black land loss, the Center for Law, Equity and Race (CLEAR) organized a webinar at the end of 2023 bringing together a variety of organizations from across the country to share strategies ([CLEAR Workshop on Black Land Ownership Preservation](#)). Building on those discussions, this Resource Guide was developed to equip readers with a foundational understanding of the historical legacy and contemporary impact of land loss. Additionally, it outlines actionable solutions to assist Black communities facing land loss threats or seeking opportunities for wealth creation through property ownership.

Community education and outreach, sustained engagement, and strategic investment in resources emerge as critical tools. By providing communities with the necessary knowledge and resources to safeguard their rights, we seek to address historical injustices and cultivate viable solutions for future generations. By fostering ongoing dialogue, we strive to empower decision-makers and individuals to navigate the complexities of land loss and enhance wealth-building opportunities. Additionally, we encourage practitioners to contribute their unique perspectives and success stories to our collective knowledge base.

We believe the following seven principles provide a pragmatic framework and guidance for practitioners, policymakers, scholars, and stakeholders. They offer considerations to foster cross-sector collaboration, secure, and preserve land ownership within the Black community. As our research evolves and new strategic frameworks emerge, CLEAR's online Resource Guide will provide updates and solutions.

Principle 1: Reinforce the Importance of Land Ownership Within Black Communities

The definition of land ownership should be expanded to encompass historical and cultural preservation, political capital, economic development, and community stability.

Despite formidable obstacles in obtaining property—such as legal limitations, violence, and racial discrimination—Black communities have historically centered their aspirations around land ownership. This connection to the land stems from an unyielding pursuit of freedom, recognizing the ownership of land as an indispensable pathway to independence, pivotal for breaking away from the chains of slavery (Copeland, 2013).

Historically, Black ownership of land served as a linchpin for communal life, fostering spaces where people congregated, worshipped, and fortified their community's institutions. For example, in Atlanta, Georgia, Auburn Avenue, named in 1956 by Fortune Magazine as the "richest Negro street in the world" stood as a testament to African American enfranchisement and community resilience. Redevelopment initiatives, such as the Renaissance Walk project spearheaded by the Big Bethel A.M.E Church, objective to uphold this cultural identity and showcase African American accomplishments in the face of persistent barriers. Auburn Avenue embodies a new challenge and opportunities for ongoing revitalization, historic preservation, and a rekindled quest for Black owned economic opportunities (Inwood, 2011; Williams, 2019).

Black Church Food Security Network (BCFSN)

Frustrated with prevalent food access issues and charity-based models, Rev. Heber Brown, III of Pleasant Hope Baptist Church in Baltimore, MD envisioned a network where more Black churches could grow food on their land, collaborating with congregations and farmers to establish local Black-owned food systems.

Amidst the Baltimore Uprising of 2015, sparked by Freddie Gray's death and ensuing protests, Rev. Brown turned this idea into reality. Collaborating with farmers, public health professionals, and partnering pastors, they created a food supply chain. This network transported, processed, and distributed produce to neighborhoods affected by social upheaval and long- standing neglect.

The Black Church Food Security Network (BCFSN) has expanded nationwide, with member congregations stretching from Omaha, Nebraska, to the East Coast and the Southeastern United States. Operating on an asset-based community development approach, BCFSN aids churches in establishing gardens on their premises and hosts miniature farmer's markets (Black Church Food Security Network, n.d.).

Land ownership plays a key role in preserving communities. The Black Church Food Security Network in Baltimore exemplifies how land ownership symbolizes communal collaboration, freedom, self-sufficiency, and resilience. By leveraging land for educational purposes and community stabilization, landowners contribute to an unbroken continuum that safeguards and nurtures these communities (Horne, 2023).

Principle 2: Center Community Engagement and Collaboration in Decision-making Processes

Community stakeholders, including individuals and organizations involved with advocating on behalf of Black residents, must have a seat at the table for genuine involvement in decision- making processes. Their inclusion ensures equitable power distribution, community benefits, and sustained financial prosperity over the long term.

Effective partnerships between government entities and community organizations are crucial to address the historic injustices faced by underserved communities and to secure adequate resources for Black farmers and landowners. The Federation of Southern Cooperatives is an example of the type of collaboration that organizations can establish to combat systemic issues and advocate for the rights of Black farmers and landowners (Federation of Southern Cooperatives, 2023).

Federation of Southern Cooperatives

The Federation of Southern Cooperatives/Land Assistance Fund is a longstanding organization that emerged from the Civil Rights movement, dedicated to preserving Black-owned farms and land. Operating across multiple states in the South, it serves a membership of Black farmers, landowners, cooperatives, and low-income rural individuals, focusing on cooperative development, land retention, and advocacy (Federation of Southern Cooperatives, 2023).

The organization's mission centers on developing self-sustaining communities through income generation, land retention, and enhanced opportunities. Over the years, they have prioritized equity, forming partnerships and collaborations to influence policies like the farm bill and conservation efforts. Their initiatives include establishing a Black farmer financial institution, organizing cooperatives for disaster response, implementing heirs' property re-lending programs, and launching a Southern Regional Agroforestry Center to demonstrate the value of community forests in conservation and wealth building (Federation of Southern Cooperatives, 2023).

Despite 56 years of progress, the call to action persists for member-owners to fortify communities, for staff to better serve amid change, and for partners to amplify support. The Federation's unwavering commitment lies in nurturing communities, the environment, and seeds of equity through cooperative efforts (Federation of Southern Cooperatives, 2023). The Federation is among several cooperatives supporting Black farms, including the West Georgia Farmers' Cooperative (<https://www.westgeorgiafarmerscoop.com/about-us>) and the AgFirst Community Cooperative of Kentucky (<https://www.facebook.com/agfirstcommunity/about>).

Further resources can be found in Appendix C.

Principle 3: Work with Social Impact Developers and Community Partners

Investors, developers, and community-based entities engaged with or on behalf of Black communities must embody values that consistently uplift and improve the economic health of the Black community, not just be profit-driven, but also address the net effect of development activities on a community and the well-being of legacy individuals and families.

Black-owned development companies, deeply rooted in the community, serve as vital social impact and public-private partners. They prioritize community revitalization while ensuring that redevelopment initiatives do not displace long-term residents. For instance, partnerships involving historically Black Colleges and Universities (HBCUs), churches, along with other property owners, including Public Housing Authorities, can leverage extensive land holdings to develop workforce housing solutions and address other social needs for the benefit the community.

An example of such collaboration exists in Atlanta, Georgia, where Clark Atlanta University has partnered with Direct Invest Development, a social impact developer. The initiative in the Clark Atlanta/Vine City area will address critical community needs by combating food deserts, reducing energy consumption for climate resilience, and offering affordable housing. The nearby Mercedes-Benz Stadium serves as a significant investment and partnership with the City of Atlanta, highlighting the importance of involving social impact developers in major redevelopment projects that impact Black neighborhoods nationwide.

This emphasizes the need to protect land owned by churches, Historically Black Colleges and Universities (HBCUs), farmers, young families, and affluent professionals (Senegal, 2023; Simama, 2023).

Josephine Wright's battle against developers and the subsequent response from the Black community showcased its determination to address such issues using its own resources. A GoFundMe campaign was initiated, drawing contributions from the Black community and influential celebrity figures such as Tyler

Ethos of Ubuntu

"Ubuntu" is a foundational African concept meaning "I am because you are." It emphasizes a common fate and the best interest of all populations within the community. It requires sharing, harmony, and collective prosperity. Adhering to this principle fosters community health and stability for no one, including the most vulnerable, is left behind. The learnings from Ubuntu can strengthen ethics, principles, and practices in work professions. "The goal [of Direct Invest Development] is to build a community that goes beyond consumption, leaving it in a better state than they encountered." Dr. Jabari Simama, Consultant, Direct Investment Development "We have enough buying power to have ownership in our communities ...by collectively investing, we can own entire blocks within our communities ... and we will not cause any displacement."

Chris Senegal, Owner and President, Invictus Real Estate and Development Group.

Perry and Snoop Dogg. Mrs. Wright's family expressed their heartfelt gratitude for the support they received which captures 'Ubuntu' and the strength of community unity (DeLetter & Myers, 2023; Graves, n.d.).

Principle 4: Address Issues of Heirs' Property to Increase Home and Land Ownership and Retention Rates

Utilizing mission-driven organizations, model legislative policies, and community partnerships. The goal is to address barriers and transition renters of residential and commercial spaces into property owners.

With more information and actions toward securing clear titles, individuals and families can gain full ownership rights and access to resources such as loans and grants, increasing stability in ownership and preventing displacement. This stability creates a more secure environment for tenants, opening pathways for transitioning renters into property owners. Clarified ownership and access to financial resources allow for the purchase and retention of residential and commercial properties.

Community Education

Educating community members about heirs' property is of utmost importance and requires a multifaceted approach. Providing comprehensive information sessions, workshops, and accessible resources is crucial to raise awareness and empower individuals with knowledge about the complexities, risks, and protective measures related to heirs' property ownership. Engaging community leaders, legal experts, and local authorities can further amplify the educational outreach efforts, ensuring a broader understanding and proactive steps to safeguard property rights within the community.

Digital Commons: Crowdsourced Funding and Creative Financing

Equity Crowdfunding for Land creates an online platforms specifically designed for land acquisition. Black individuals and communities could raise funds from a broad base of supporters, both within and outside their communities, to purchase and retain land. According to the World Bank, crowdfunding has emerged as a multibillion-dollar global industry. It functions as a method for businesses to secure funding by allowing regular individuals to invest small amounts. In return, these investors acquire partial ownership of the business. Unlike traditional crowdfunding where backers support a project for a reward or interest rate on a loan, in equity crowdfunding, backers become shareholders in the business. This arrangement enables them to potentially earn profits if the business succeeds in the long term. Traditional platforms like Kickstarter, Indiegogo, and GoFundMe serve as hubs for crowdfunding initiatives, while platforms such as Seedrs, Crowdcube, and RealtyShares provide insights into real estate crowdfunding trends, including those related to land acquisition (Senegal, 2023; World Bank, 2013; Christensen, 2024).

Heirs' Property Solutions and Policy Initiatives

Legislation at both the federal and state levels can be enacted to protect heirs' property owners from partition sales, providing them with the right of first refusal or alternative mechanisms to settle disputes. Legal aid programs can be established to help heirs' property owners secure clear titles and navigate the complexities of property law. Community organizations can engage in educational initiatives to raise awareness about the importance of obtaining clear titles and the potential pitfalls of heirs' property. Access to low-interest loans and grants can enable heirs' property owners to invest in their land, allowing them to derive greater economic benefits.

Uniform Partition of Heirs' Property Act (UPHPA)

The Uniform Partition of Heirs' Property Act (UPHPA), a project initiated by the American Bar Association's Section of Real Property, Trust, and Estate Law in collaboration with the Uniform Law Commission in 2007, intends to rectify abuses within partition actions that have resulted in considerable property loss. Thomas W. Mitchell, a professor at Boston College of Law, served as the Reporter or principal drafting authority for the Act. The Act was designed to specifically address the challenges faced by families with heirs' property holdings under existing partition law.

Need for State and Local Level Cooperation for Implementation Success

According to the Center for Economic and Policy Research (CEPR) even when bills that provide racial equity opportunities are passed on the federal level, implementation by states, whether conservative or liberal leaning, could potentially fail to advance equity or derail such opportunities. State and local activism will be necessary to force elected officials to take advantage of these efforts to promote racial equity (Goubert & Austin, 2022).

For a partition action to fall under the jurisdiction of the UPHPA, the property under consideration must meet the definition of "heirs' property" as outlined in the Act.

These criteria stipulate that one or more cotenants must have obtained their interest in the property from a family member, and that the property must exhibit other signs of familial ownership. It's important to note that the Act excludes tenancy-in-common property if there exists a specific agreement governing its partition, even if it meets the qualifications for heirs' property.

Under the UPHPA, courts are tasked with assessing whether the property subject to partition meets the criteria for heirs' property. If it does, the partition action will proceed under the UPHPA unless all cotenants unanimously agree otherwise.

The UPHPA introduces three significant changes to partition law, marking the most substantial reform in the United States in 150 years:

1. *Offering Buyout Options for Cotenants Initiating Partition by Sale* - If one cotenant files a petition with the court to initiate a partition sale, the remaining cotenants who did not request the sale must be given the chance to purchase the share of the cotenant who initiated the partition sale. The purchase price should reflect the value of the fractional ownership interest held by the petitioning cotenant.

2. *Strengthening Preference for Partition in Kind* - The UHPA rejects the exclusive application of economic considerations. Instead, courts are required to weigh a range of factors, including sentimental, cultural, or historic value, potential homelessness of cotenants, and economies of scale when deciding between partition in kind or partition by sale.

3. *Overhauling Sales Procedure to Enhance Sales Prices* - Evidence indicates that employing "open market sale" procedures typically results in significantly higher sales prices compared to auctions, which have traditionally been used in partition cases across states (American Bar Association, n.d.).

In addition to the Uniform Partition of Heirs' Property Act (UPHPA), there are other resources that have been developed to address the issue of heirs' property.

New Heirs' Property Relending Program

In 2021, the U.S. Department of Agriculture (USDA) introduced the Heirs' Property Relending Program (HPRP) with an allocation of \$67 million. This initiative seeks to address challenges related to heirs' land ownership and succession among agricultural producers and landowners. Under this program, intermediary lenders, including cooperatives, credit unions, and nonprofit organizations, could apply for competitive loans of up to \$5 million at a minimal interest rate of 1%. Heirs facing land ownership issues can directly approach these lenders for loans and guidance. Because the Heirs' Property Relending Program operates as a loan, borrowers are expected to repay it as directed by the 2018 Farm Bill. The loan is an option farmers will have to help retain and safeguard the legacies of family farms and bolster economic sustainability (U.S. Department of Agriculture, n.d.-c).

The Farmland Access Legal Toolkit

Developed by the Center for Agriculture & Food Systems at Vermont Law School, the toolkit serves as a resource hub aiding farmers in land access and equity building, and landowners seeking tools such as creative leasing and collaborative farming. Additionally, it offers valuable information about heirs' property, encompassing thirteen Southern state-specific fact sheets about relevant laws, wills, and trusts. These materials are tailored to prevent loss of land (Center for Agriculture & Food Systems, n.d.-a).

Farmland Affordability Tools

A review of farmer stories revealed affordability tools available for their leased or purchased farms. These include: lease, conservation easement, community fundraising, land trust, farm incubator, collaborative farming, short-term lease with option to purchase, pay with product rent, leasing public lands, and non-

profit status which provides the benefit to seek grants to gain land. A list of organizations providing direct assistance to farmers is shown in Appendix C (Center for Agriculture & Food Systems, n.d.-b).

Reparations Map for Farmers

Designed as an innovative tool to address racism and injustice within the food system, a reparations map was born from the vision of Leah Penniman, one of the founders of Soul Fire Farm and her family in 2011. Developed on Google Maps, the map serves as a decentralized platform allowing Black and brown farmers to easily apply and update their information, highlighting their farms and needs directly. With over 53,000 visitors to date, the map represents a tangible effort to drive change within the agricultural landscape. The map can be accessed at <https://civileats.com/2018/06/04/a-reparations-map-for-farmers-may-help-right-historical-wrongs/>

Small Business Ownership

Another notable initiative was launched by Neoo Partners, an urban planning and commercial real estate consulting firm, dedicated to assisting Black small business owners. It encourages these businesses to acquire their properties rather than leasing them, promoting financial independence and stability. Through their efforts, over \$1.5 million has been added to the personal family balance sheets of 15 small businesses (Svenkeson, 2023).

Principle 5: Integrate Equity and Reparative Justice Practices and Policies

Systematically integrate equity and reparative justice as standard practices to bridge disparities and effect meaningful change.

The enforcement of anti-discrimination laws in housing and lending, and simultaneously dismantling policies that perpetuate racial disparities is necessary. For example, increasing investment in affordable housing initiatives is essential to promoting homeownership opportunities for Black families and addressing longstanding inequalities in access to housing and for building wealth (Urban Institute, n.d.).

Federal Legislative Initiatives

In 2021, the Biden-Harris Administration introduced a comprehensive legislative package known as the Build Back Better Plan, which was intended to address various aspects of racial equity. The initial \$3.5 trillion bill allocated \$332 billion for investments in critical areas such as public housing, housing affordability, and community land trusts.

The legislation encompassed three major components: 1) the Infrastructure Investment and Jobs Act (IIJA), also known as the “Bipartisan Infrastructure Law”, 2) the American Rescue Plan, and 3) the American Families Plan. It is noteworthy that the American Families Plan, although passed by the House, faced opposition from Senate Republicans. This plan included provisions to address heirs' property issues, provide federal relief to Black farmers who have historically faced systemic discrimination, and support a bipartisan infrastructure bill aimed at rectifying the adverse impacts of the U.S. interstate highway system on Black neighborhoods. The subsequent \$1.9 trillion American Rescue Plan Act of 2021 included a wide range of initiatives designed to advance equity (Butler, 2021).

American Rescue Plan Act

The American Rescue Plan (ARP) allocates \$5 billion on a nationwide scale to aid individuals or households experiencing homelessness or at risk of becoming homeless, along with other vulnerable populations. This funding offers housing, rental assistance, supportive services, and non-congregate shelter options to mitigate homelessness and enhance housing stability across the country.

Section 1006 of the American Rescue Plan Act provides resources, tools, programs and technical support to underserved producers through the USDA Farm Service Agency. Specifically, the Act provides outreach, education, and direct technical assistance to African American farmers and landowners around financial, business, tax and market planning.

These efforts extend to farm and forest management/business planning, tax planning. Additionally, it offers cooperative development and support, and addresses land tenure and heirs' property issues.

Area Median Income (AMI) Overview

HUD calculates the average income for different areas in the United States each year using data from the American Community Survey. This average, called the Area Median Income (AMI), helps decide who qualifies for housing help, including affordable, workforce, and market rate housing. HUD splits AMI into groups based on household size: low-income (earning less than 30% AMI), very low- income (earning less than 50% AMI), and extremely low-income (earning less than 80% AMI). These groups have different income limits to qualify for assistance (HUD Office of Policy Development and Research (PD&R, n.d.).

For example, in a high-income city like New York City, the AMI is higher than in other places. This means the income limits for each group are also higher, making it harder for lower-income families to get housing help. Still, it's important to consider different income levels and housing costs to meet community housing needs comprehensively.

An alternative to the AMI is a Local Median Income (LMI) that better aligns with actual income levels and the needs of population on the lowest income levels

The American Rescue Plan's HUD HOME Investment Partnerships Program (HOME) offers formula grants to states and localities, supporting a broad range of activities such as constructing, acquiring, or renovating affordable housing for rent or homeownership, and offering direct rental assistance to low-income individuals. This program, the largest Federal block grant proposed creating affordable housing for low-income households, is often utilized in collaboration with local governments, nonprofit organizations, and public housing authorities. In Georgia, for instance, the Department of Community Affairs administers HOME funds under the Community HOME Investment Program (CHIP). While direct assistance is not provided to individual homebuyers or homeowners, the 2024 program allocates \$12.5 million in grant awards. Funding caps include \$500,000 for rehabilitating owner-occupied single-family housing and \$1.5 million for constructing new affordable single-family homes for eligible homebuyers (Georgia Department of Community Affairs, 2023; Hud Exchange, n.d.).

Infrastructure Investment & Jobs Act (IIJA)

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, marking a historic investment of approximately \$1 trillion over five years. This substantial funding is allocated to various sectors, including bridges, transit, passenger rail, and climate change initiatives, with a focus on addressing equity in disadvantaged and underserved communities. An important program backed by the U.S. Dept. of Transportation is the \$1 billion Reconnecting Communities Pilot (RCP) discretionary grant program that envisions rectifying past harms by reconnecting communities displaced by the construction of highways through low-income and minority neighborhoods due to urban renewal policies of the 1950s and 1960s. The program aligns with community visions through projects such as dismantling elevated highways, repurposing railroad tracks, addressing pollution, and creating new spaces for parks, housing, as well as bike and foot crossings.

Understanding Disparity in Agriculture Data

Despite the USDA Equity Commission's recommendations, the USDA has yet to fully address the quality and consistency of its collected data, essential for conducting disparity assessments. The agency is mandated by the 2008 Farm Bill to gather and disclose demographic data of applicants. Additionally, President Biden's Executive Order 13,985 emphasizes the need for equity assessments in federal programs. However, data minimization restrictions under the Privacy Act of 1974 and the Paper Reduction Act create tensions and hurdles for agencies that want to provide the data in principle (King et al., 2023). It is crucial to distinguish between farmers and agricultural landowners in historical agricultural data, as farmers may not necessarily own the lands they work, and landowners may not actively farm. This nuanced difference is vital for comprehending land ownership and agricultural practices. For instance, the Agricultural Economics and Land Ownership Survey (AELOS) reported 68,000 Black landowners owning over 7.7 million acres in 1999. In contrast, the 1997 U.S. Census of Agriculture, focusing on farmers, counted 16,560 Black farmers owning approximately 1.5 million acres (Gilbert et al., 2002).

Inflation Reduction Act (IRA)

The Inflation Reduction Act (IRA) of 2022 allocates \$2.2 billion in financial assistance to farmers, ranchers, and forest landowners who have experienced discrimination in USDA's farm lending programs. This program represents a significant step toward rectifying the unlawful and discriminatory practices that have disproportionately affected Black farmers and landowners.

Recent Reforms Made to the USDA

Some long overdue changes have been made by the U.S. Department of Agriculture to address the agency's long history of discriminatory practices. The mission of the USDA, "To serve all Americans by providing effective, innovative, science-based public policy leadership in agriculture, food and nutrition, natural resource protection and management, rural development, and related issues with a commitment to deliverable equitable and climate-smart opportunities that inspire and help America thrive," was not being realized by some Americans (U.S. Department of Agriculture, n.d.-b).

The landmark Pigford v. Glickman settlement between Black farmers and the USDA resulted in President Obama signing the Claims Resolution Act of 2010 (H.R. 4783) to provide \$1.15 billion appropriation to eligible claimants. However, according to NPR, in 2022, only 36 percent of Black farmers received U.S. Department of Agriculture direct loans, which are typically the most accessible for covering operational costs, equipment, land, and other essential expenses. In contrast, a significantly higher proportion, 72 percent, of White farmers were approved for these loans (Bustillo, 2023).

Addressing Issues of Equity and Access

To enhance accessibility to the programs and services by underserved communities, the U.S. Department of Agriculture has prioritized the development of comprehensive Equity Action Plans. These plans seek to address barriers and promote inclusivity within their initiatives. The most recently updated Equity Action Plan was released in February 2024 (U.S. Department of Agriculture, 2024).

USDA Equity Commission's Recommendations

The USDA Equity Commission proposes several actions to enhance equity and access in agriculture and USDA programs. Recommendations include providing non-loan options to prevent the creation of heirs' property, transforming the Farm Service Agency (FSA) into a customer service organization that ensures equitable treatment, institutionalizing equity within the Department to promote compliance and accountability, and adequately funding the Office of the Assistant Secretary for Civil Rights (OASCR).

Additionally, the Commission recommends that the USDA Office of the Inspector General (OIG) and the Department of Labor (DOL) conduct a joint report on farmworker living and working conditions, consulting with farmworker organizations to gather accurate, anonymous data, and address disparities in 1:1 matching requirements for 1890s land grant universities. The complete list of the Equity Commission's final recommendations is available on the USDA website at <https://www.usda.gov/equity-commission>.

Principle 6: Integrate African American Historic Preservation Strategies as Part of Community Development Initiatives Across Urban and Rural Areas

Successful historic preservation strategies must integrate community development initiatives and include intentional engagement across rural, suburban, and urban sectors to uplift entire communities.

The pursuit of historic designations for culturally significant properties and identified community areas is imperative for facilitating the protection and maintenance of these worthy sites. These designations open avenues to access historic preservation grants and tax incentives. The case of Nicodemus, Kansas, outlined below, illustrates some best practices integrating historic preservation efforts and fostering community growth and prosperity.

Preserving Small Black Towns and Their Historic Significance

Numerous small Black towns across the United States hold significant historic importance deserving of preservation. For example, Nicodemus, Kansas, one of the first all-Black towns established after the Civil War had a population of around 300 at its height. The population dwindled to approximately 40 residents by 2016. The town has experienced decline and other challenges such as racism from White residents and from exclusionary practices, namely, a railroad bypassed the town impacting opportunities for economic

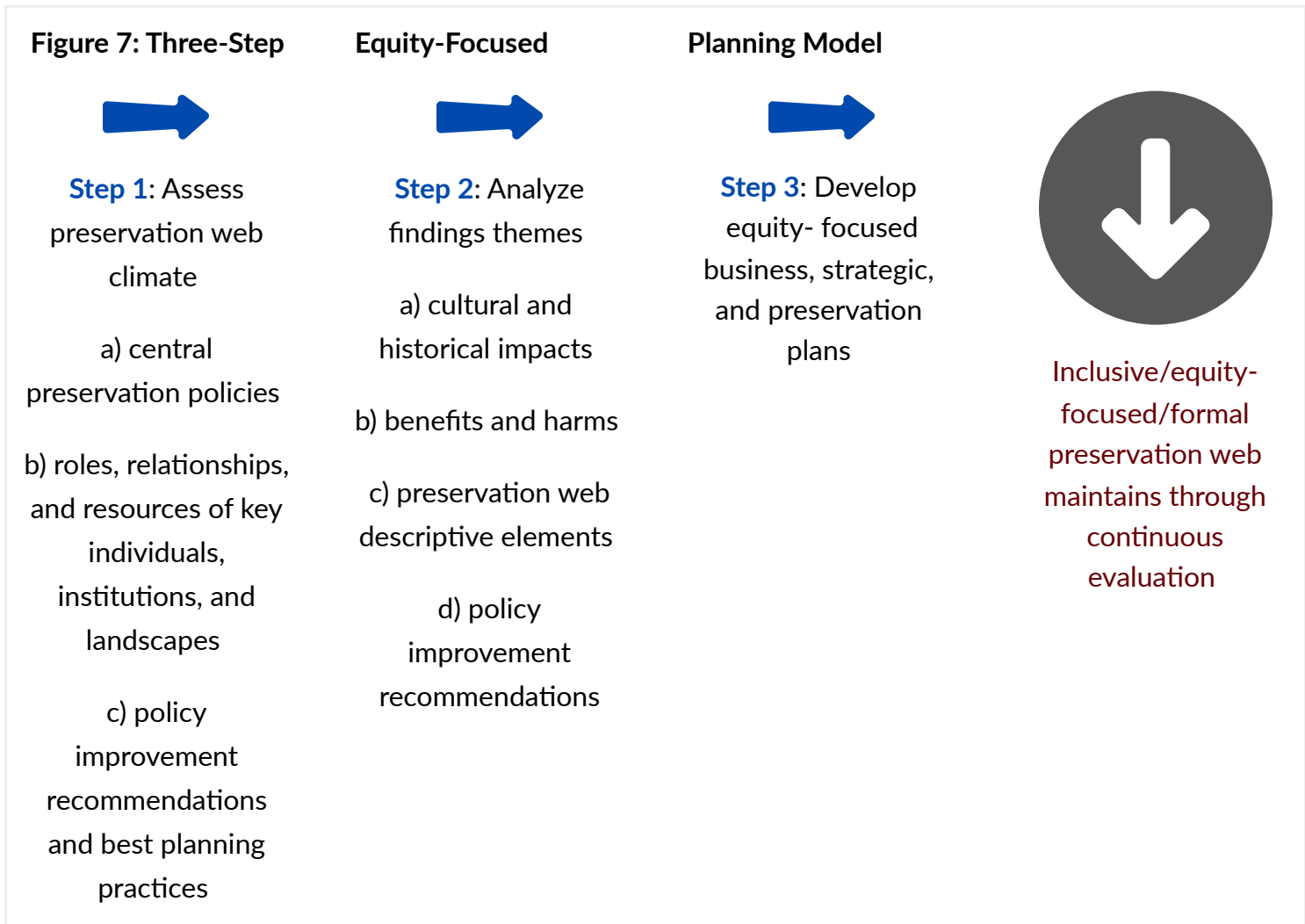
development. Efforts to enhance economic development centered around working with the National Park Service. In 1996, five buildings were designated as the Nicodemus National Historic Site (NHS).

Despite inadequate historic preservation outcomes at Nicodemus NHS, findings from cross case analysis identified best practices and the Three-Step Equity-Focused Planning Model in Figure 7 based on lessons learned below to guide others interested in planning for underrepresented African American historical locations (Adams & Edges, 2021).

Best Practices for Preservation Web and Resource Development

A preservation web is “the people, institutions, and landscape connected to the Nicodemus NHS and Black American History”:

- Implement regular planning efforts (business, strategic, and preservation)
- Increase descendant and youth involvement
- Develop and maintain inclusive and educational partnerships for scholarship and outreach
- Hire culturally competent or Black interpretive park workers and pay docents as employees
- Participate in local economic development initiatives
- Host annual events and 5K run/walk fundraisers for developing partner relationships
- Enhance online presence for education and park promotion



Principle 7: Develop and Promote Community Ownership Models

Empower and prioritize the community's collective interests through models such as community land trusts, cooperatives, or similar structures that ensure communal ownership and stewardship of land and resources.

There are a variety of collective ownership tools that exist and could strengthen the ability to retain ownership of land and build wealth. This report highlights the community land trust model as one example.

Community Land Trusts (CLTs)

Community Land Trusts (CLTs) are nonprofit organizations that acquire and hold land for the benefit of the community, with the goal to ensure that land remains affordable and accessible to communities while preventing speculative land grabs.

Establishing a community land trust can be a powerful way to retain land ownership and ensure its long-term use aligns with the community's interests.

What are Community Land Trusts?

According to the Municipal Research and Services Center (MRSC), the concept of CLTs can be found in the Garden Cities of England and the Gramdan Movement of India, for example. The first true glimpse of what we now know as a CLT emerged in 1969 in the heart of southwest Georgia, accompanied by the fervor of the Southern Civil Rights Movement. New Communities, Inc., a nonprofit organization, is often credited as the "first CLT," heralding the beginning of a transformative journey. A decade later, only a handful of CLTs could be found in rural America. Not until 1980 did the first urban CLT take root.

During the following 20 years, the CLT concept gained momentum and diversity across the United States. A true CLT "movement" was underway, with over 260 CLTs spread across 46 states, the District of Columbia, and Puerto Rico.

At its core, the CLT is a marriage of innovative land ownership and nonprofit organization. The tale begins with the ownership of land, where multiple parcels scattered across a targeted area are entrusted to a single nonprofit corporation. These lands, once under the CLT's care, are never to be sold, permanently withdrawn from the market forces.

How CLT's Work

Upon this community-owned land, new homes are sold to homeowners, cooperatives, nonprofits, or individuals. Typically, a long-term ground lease, often spanning 99 years, is issued. This lease is inheritable and mortgageable, ensuring opportunities similar to traditional home ownership including wealth transfer.

The corporate membership invites residents from the service area, which can be as compact as a neighborhood or as vast as an entire city or region. Governance rests with a board elected by its membership, carefully crafted to represent three essential voting blocs: leaseholders, area residents without land on the CLT, and public interest representatives.

Local Initiatives Support Corporation (LISC): Bridging Underinvested Communities with Financial Assistance

The Local Initiatives Support Corporation (LISC), established in 1979 under the auspices of the Ford Foundation, plays a vital role as an intermediary nonprofit organization. Its mission is to bridge the gap between public, private, and underinvested communities. Funded by banks, corporations, foundations, and government agencies, LISC strategically channels resources into loans, grants, equity, and technical assistance. This nurturing support extends to local partners and developers across an extensive network. LISC's enduring commitment to fostering opportunities for all remains steadfast, guided by principles of systems change, equity, and an anti-racist approach (LISC, n.d.).

The CLT's mission revolves around preserving the permanent affordability of housing and structures entrusted to its care. It ensures these dwellings remain in impeccable condition, safeguarding the dreams of low- income individuals and families who call them home.

The world of Community Land Trusts (CLTs) is far from uniform, displaying diversity and innovation beyond the classic model. Their influence extends to multi-unit rentals, limited equity condominiums, cooperatives, and even encompasses "mobile homes" within resident-controlled parks. Beyond residential endeavors, CLTs embark on non-residential projects such as community gardens, commercial buildings, and urban agriculture initiatives.

Proud Ground, located in Portland, Oregon, stands as a distinctive CLT-based organization nationally. What sets it apart is its operation as a non-profit real estate brokerage—a unique opportunity to engage in real estate transactions while simultaneously contributing to community betterment (Grounded Solutions Network, n.d.).

Furthermore, CLTs have ventured into preserving cultural heritage sites and spaces significant to Black history and identity, ensuring that these treasured areas remain under the stewardship of the Black community. An exemplary partnership is the collaboration between the Atlanta Land Trust (ALT) and the Georgia Trust for Historic Preservation (GTHP). This partnership culminated in a mutually beneficial strategy employing the community land trust model. The GTHP's trustees recognized ALT's dedication to fostering affordable, sustainable housing, particularly within Atlanta's Beltline's western region. This innovative approach incorporates stringent resale restrictions, securing long-term affordability and addressing land cost concerns, all while allowing the GTHP to institute and enforce historic preservation easements, safeguarding a cherished community asset.

Benefits of CLT's

- They are effective methods for creating long-term affordable ownership options with limited subsidy needs over the lifetime of the housing units. This, paired with their self-management model, makes them a fiscally responsible source for limited grant money for municipalities looking to increase homeownership options for low- to moderate- income buyers.
- They allow leasehold owners to build equity, creating upward mobility for their household (60% of owners go on to purchase homes in the private market).
- They bring stability to communities where it is needed. During the 2008 financial crisis, homeowners were 10 times less likely to be in foreclosure proceedings than market-rate owners according to a report, *Stable Home Ownership in a Turbulent Economy: Delinquencies and Foreclosures Remain Low in Community Land Trusts* (Thaden, 2011). CLTs are also able to protect against pressures in hot real estate markets that can leave low-income residents vulnerable to displacement.

- CLTs offer significant potential community development benefits by giving residents a role in organizational governance and by ensuring longer tenancy (Bridges, 2023).

Land Banks

A land bank serves as a public authority specifically designed to acquire, manage, and rehabilitate tax-delinquent, vacant, and foreclosed properties. This legal and financial mechanism plays a crucial role in converting underutilized properties into productive assets.

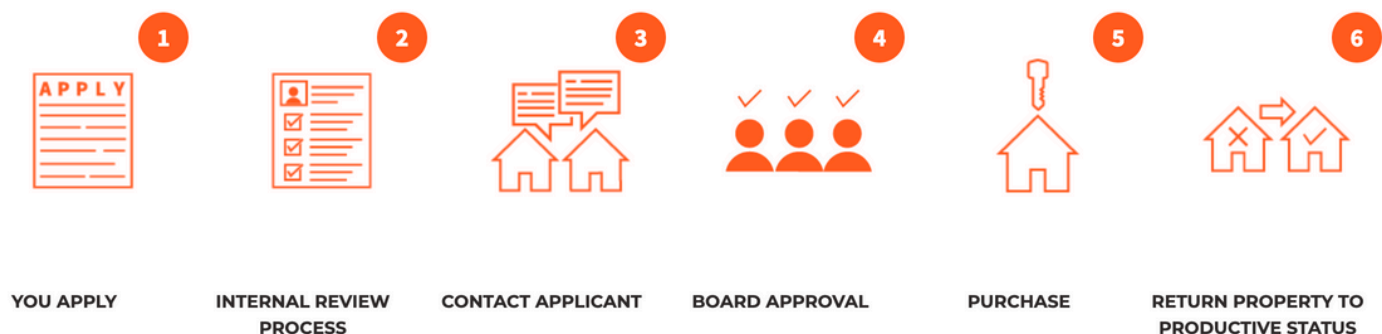
Notably, land banks serve as powerful incentives for redevelopment in distressed communities with limited available land, fostering revitalization. The Metro Atlanta Land Bank (MALB), for instance, actively reinvests in blighted neighborhoods, contributing to the long-term growth of Atlanta and Fulton County. Citing a Brookings Institute study, MALB states that approximately 15% of land in major American cities is vacant, hindering property tax revenue and impeding essential city services. Land banks offer valuable opportunities for individuals, nonprofits, and real estate investors interested in reclaiming and revitalizing properties for productive use (Norman, 2023).

New Policy Opportunities for CLTs

While Community Land Trusts (CLTs) function as tools for community control, their independent operation does not inherently ensure long-term sustainability. Capacity building is essential for their effectiveness (LISC, n.d.). Therefore, there is an opportunity for collaboration between Community Development Corporations (CDCs) and CLTs in advocating for new policies.

These policies could encompass well-funded tenant "right of first refusal" programs, the conversion of land bank-acquired properties into land trusts, or the allocation of tax-foreclosed properties to CLTs. This collaboration becomes crucial in high-demand housing markets, as both movements seek to secure new pipelines and additional resources to support their objectives (Greenberg, 2019).

METRO ATLANTA LAND BANK'S PROCESS



Source: Metroatlantalandbank.org

Note: For additional information about Community Land Trusts (CLTs), refer to the National League of Cities and Grounded Solutions Network report titled, *Community Land Trusts: A Guide for Local Governments*. Organizations such as the Burlington Community Land Trust serve as models for starting and implementing a CLT (Burlington Community Land Trust, n.d.; National League of Cities, 2021).

Additionally, while initial findings indicate that land trusts can effectively mitigate neighborhood-level displacement, it becomes evident that reaching a significant scale is essential for their broader impact. Partnerships forged between land trusts and community development entities can fulfill a central function in facilitating the expansion of CLTs. This expansion has occurred through three key mechanisms: direct investment, leveraging infrastructure, and advocating for supportive policies (Greenberg, 2019).

Recent and proposed federal-level policies have the potential to bolster land trusts or provide a compelling rationale for their broader implementation. For instance, Opportunity Zones, established through the 2017 tax law to designate economically distressed communities for tax advantages on reinvested capital gains, offer a source of crucial funding for community-backed initiatives.

However, concerns have arisen among advocates and policymakers about the potential for unregulated investments to expedite displacement and gentrification in these areas. In response, some localities are exploring the idea of land trusts acquiring properties within Opportunity Zones to deter speculative practices. Additionally, there is consideration of whether Opportunity Funds could contribute to the sustained growth and enhancement of land trusts over time. This underscores the significance of aligning state and local policies with federal initiatives to maximize benefits while minimizing displacement risks,

with Community Land Trusts (CLTs) emerging as a promising vehicle for proactive property acquisition within Opportunity Zones (Greenberg, 2019).

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APPENDICES

APPENDIX A: ADDITIONAL LAND PRESERVATION AND WEALTH-BUILDING STRATEGIES

This report has provided a brief history outlining an overview of the various issues that have impacted Black land ownership over the years. The information in this section frames some strategies in a number of areas that can provide support for reversing the losses and move towards acquisition and maintenance.

Investing resources, educational programs, and accessible tools within Black communities is crucial for fostering land preservation and wealth-building. These resources may include financial investments, grants, and funding mechanisms tailored to support initiatives in land preservation, homeownership, and wealth-building. Educational programs should aim to impart knowledge on property management, financial literacy, and legal aspects of land ownership.

Accessible tools, such as digital platforms or educational workshops, empower community members by offering practical guidance and resources to navigate real estate transactions and seize wealth-building opportunities. While not exhaustive, this guide offers an array of strategies and interventions to address the challenge of land loss within Black communities.

Diversified Strategies for Preserving Black Land Ownership Policy Reforms and Advocacy

1. **Land Ownership Protections:** Implement and strengthen legislation to protect heirs' property owners from partition sales and provide legal resources to secure clear titles.
2. **Anti-Discrimination Measures:** Enforce anti-discrimination laws in housing and lending, while dismantling policies that perpetuate racial disparities.
3. **Restitution and Reparations:** Explore and implement restitution and reparations programs that acknowledge the historical injustices of land loss and provide avenues for redress. Develop government-funded land reparations programs that provide eligible Black families with grants or subsidies to purchase or retain land. These programs can be tailored to address historical injustices and support wealth-building initiatives.
4. **Affordable Housing Initiatives:** Increase investment in affordable housing programs to promote homeownership opportunities for Black families.
5. **Equitable Land Valuation:** Implement property tax and land valuation reforms to ensure fair and equitable taxation based on true market values, thus eliminating disparities caused by undervaluation.
6. **Conservation Easements:** Consider entering into conservation easements or agreements with land trusts or conservation organizations. These agreements can restrict certain land uses while allowing Black families to retain ownership and stewardship of their land.

7. **Historic Designations:** Pursue historic designations for culturally significant properties or areas within the community. Historic preservation grants and tax incentives may be available to help protect and maintain these sites.
8. **Zoning and Land-Use Regulations:** Advocate for zoning and land-use regulations that align with community goals and restrict high-density or commercial development in culturally significant areas. Participate in local planning processes to ensure Gullah/Geechee voices are heard.
9. **Economic Development Initiatives:** Explore economic development opportunities that allow the community to generate income from their land without selling it. This could include heritage tourism, traditional crafts, sustainable agriculture, or fishing enterprises.
10. **Community Land Planning:** Develop comprehensive land-use plans that reflect the community's values and aspirations. Engage community members in discussions about how to best use and protect the land.
11. **Cultural Heritage Tourism and Economic Development:** Promote cultural tourism and economic development in historically significant Black communities. Revitalizing these areas can help prevent land loss by increasing property values and economic opportunities. Promote cultural heritage tourism to raise awareness about the community's unique culture and history. Income generated from tourism can help sustain the community and fund land protection efforts.
12. **Networking and Advocacy:** Engage in advocacy at the local, state, and federal levels to ensure policies and funding opportunities that support land preservation

Land Banks & Land Trusts

1. **Land Trusts for Cultural Preservation:** Create land trusts specifically for preserving cultural heritage sites and spaces significant to Black history and identity. These trusts can ensure that these areas remain under the stewardship of the Black community.
2. **Land Trust Alliances:** Form alliances between various land trusts, conservation organizations, and advocacy groups to pool resources, share best practices, and collectively address land loss issues.
3. **Municipal Land Banks:** Expand municipal land bank programs to prioritize the acquisition and transfer of land to Black communities at discounted rates, with a focus on affordable housing, community gardens, and other community-driven initiatives.
4. **Advocate for the adoption of federal Low-Income Housing Tax Credit or other tax incentives that have successfully facilitated the creation of millions of rental units, redirecting their focus towards stimulating the construction and renovation of owner-occupied units.**

Cooperative and Collaborative Partnerships

1. **Land Stewardship Cooperatives:** Establish land stewardship cooperatives where Black families collectively own and manage land resources, ensuring shared decision-making, sustainable land use, and equitable benefits.
2. **Collaborative Land Partnerships:** Encourage partnerships between Black landowners and institutions like universities, nonprofits, and businesses to jointly develop and manage land for community benefit, economic development, and educational purposes.
3. **Community Ownership Models:** Explore alternative land ownership models that prioritize collective ownership, shared decision-making, and sustainable land management. These models can help prevent individual land sales to developers.
4. **Partnerships and Alliances:** Collaborate with conservation organizations, nonprofits, universities, and government agencies, and wealthy private individuals that are committed to preserving cultural and natural heritage. These partners can provide expertise, resources, and support for land protection efforts.

Education and Outreach


1. **Education and Outreach:** Continuously educate the broader public about the cultural significance of Gullah/Geechee land. Fostering a broader understanding can lead to increased support for preservation efforts.
2. **Land-Based Education Initiatives:** Develop educational programs and initiatives that teach Black communities about land ownership, property rights, and sustainable land management practices. This knowledge can empower individuals and communities to make informed decisions regarding their land.
3. **Legal Education, Advocacy, and Pro Bono Services:** Mobilize legal professionals to provide pro bono legal assistance to Black families facing land-related challenges, such as clearing titles or defending against partition sales. Empower community members with knowledge of property rights, inheritance laws, and relevant regulations. Partner with legal aid organizations and attorneys who specialize in land preservation to help and representation.
4. **Land Acquisition Funds:** Seek public and private grants, as well as partnerships with organizations specializing in land acquisition, to purchase and protect key parcels of land critical to the community's cultural heritage.

Technology Solutions and Tools


Equity Crowdfunding for Land: Create online platforms for equity crowdfunding specifically designed for land acquisition. Black individuals and communities could raise funds from a broad base of supporters, both within and outside their communities, to purchase and retain land.

Technology Solutions: Leverage technology, such as blockchain, to create transparent and tamper-proof land registries. This can help prevent fraudulent land transfers and provide more secure property ownership records, particularly for heirs' property.

APPENDIX B: HEIRS PROGRAM RELENDING PROGRAM OVERVIEW



Heirs' Property Relending Program



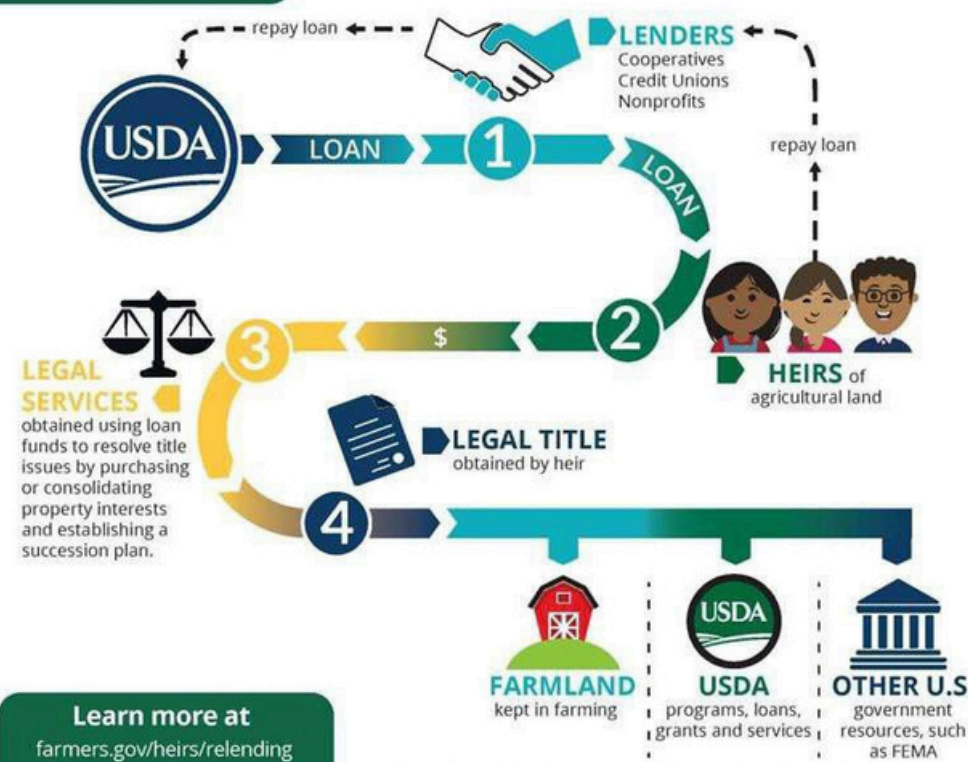
Overview

The new Heirs' Property Relending Program provides a process for heirs to receive legal title to their family's agricultural land. The lack of title has often excluded heirs from USDA programs as well as other government assistance. USDA is committed to revising policies to be more equitable, and this program is an example of how USDA is working to rebuild trust with America's farmers and ranchers.

Relending Steps

1. USDA loans up to \$5 million to eligible lenders (cooperatives, credit unions, non-profits who have worked with socially disadvantaged, limited resource, or beginning farmers).
2. Heirs apply to lenders for loans of up to \$600,000 to pay for legal services to help them obtain legal title to their land and create a succession plan.
3. Heirs repay loan to lenders.
4. Lenders repay loan to USDA.

How it Works



Learn more at
farmers.gov/heirs/reloading

USDA is an equal opportunity provider, employer, and lender.

APPENDIX C: ORGANIZATIONS Providing Direct Assistance to Heir Property Owners. Compiled by Center for Agriculture & Food Systems, University of Vermont

- Black Family Land Trust: bflt.org
- Center for Heirs' Property Preservation: heirsproperty.org
Community Legal Services – mid-Florida: clsmf.org
- Federation of Southern Cooperatives/Land Assistance Fund: federation.coop Florida A&M University, Cooperative Extension Program: cafs.famu.edu/cooperative-extension
- Georgia Heirs' Property Law Center: gaheirsproperty.org
HeirShares: heirshares.com
- Indian Land Tenure Foundation: iltf.org
- Land Loss Prevention Project: landloss.org (North Carolina)
Legal Services Alabama: legalservicesalabama.org
- Legal Services of Greater Miami, Inc.: legalservicesmiami.org
Louisiana Appleseed Center for Law & Justice: louisianaappleseed.org McIntosh SEED: mcintoshseed.org
- Middle Georgia Access to Justice Council, Inc.: mgajustice.org Mississippi Center for Justice: mscenterforjustice.org
- New York City Bar Justice Center, Homeowner Stability Project: citybarjusticecenter.org/projects/homeowner-stability-project Prairie View A&M University: pvamu.edu
- Roanoke Electric, Inc.: roanokeelectric.com Southern University Law Center: sulc.edu
- Sustainable Forestry and African American Land Retention Program: sflrnetwork.org (includes links to the eight partners working with landowners)
- The KKAC Organization, Inc.: kkac.org
- The Limited Resource Landowner Education and Assistance Network - <https://www.facebook.com/sflrnetwork/posts/219674076347069/>
- Three Rivers Legal Services, Inc. – <https://www.trls.org/>
University of Arkansas at Pine Bluff: uapb.edu
- Winston County Self Help Cooperative: wchc.com

