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While community gardeners conclude legal actions to secure land, promise of Philadelphia Land Bank remains unfulfilled

Philadelphia, Pa. – This week, two community gardens – New Jerusalem and the Philadelphia Catholic Worker’s La Finquita – concluded legal actions in attempts to secure permanent access to land. Both groups have been stewarding once-vacant land for more than three decades. The Public Interest Law Center represents these organizations.

New Jerusalem, located on the west side of North Philadelphia, is a residential addiction recovery community run by Medical Mission Sisters. In the 1990s, the non-denominational organization took over vacant lots and turned them into fruit and vegetable gardens. The gardens serve as a local and fresh food source for the community as well as meditation spaces for the Sisters and people in recovery.

This week, New Jerusalem gained permanent title to two privately-owned lots through an adverse possession lawsuit. Under state law, an entity can adversely possess private property if it can demonstrate real, unbroken possession for more than 21 years. When owners listed on the property deeds failed to come forward, New Jerusalem secured a judgement giving them ownership of the two lots. However, they remain without ownership of additional lots they have transformed, which are currently owned by the city.

“We are grateful that these spaces will remain the cornerstones of our treatment center and the community,” said Sister Margaret McKenna from New Jerusalem. “We hope that we can secure our ownership of the remaining spaces.”

La Finquita, operated by the Philadelphia Catholic Worker and located in South Kensington, provides hundreds of pounds of produce each year to local food kitchens and to neighbors through its affordable farm stand. Led by the Philadelphia Catholic Worker, in 1988 neighbors cleared away trash, bricks, and cement and repurposed the abandoned land into a vibrant community garden. In January of 2016, gardeners discovered that a developer had apparently purchased the land and placed a lock on the entrance to the fence surrounding the garden in an effort to claim ownership. After similarly filing for adverse possession, Philadelphia Catholic Worker settled the case with the developer for a significant payment.

“The Catholic Worker would like the proceeds from this settlement to help secure the purchase of land for La Finquita and, if that’s not possible, then we would like to invest in other gardens in the community,” said Catherine Mondì, a Philadelphia Catholic Worker Board member. “This issue makes clear the vulnerability of our city’s gardens and the need to prevent situations like ours from happening again.”

“These cases highlight the challenges faced by gardens in Philadelphia that are at risk for being lost to gentrification and land insecurity,” said Ebony Griffin, attorney with the Public Interest Law Center. “The Philadelphia Land Bank needs to start doing what it said it would do for green space in its strategic plan. It has been four years since the agency was established. It is long past time for it to start functioning.”

“Here are two gardens that are valued by the community, but they have different outcomes because Philadelphia is still not making enough of an investment in urban agriculture and a functional land bank,” said Kirtrina Baxter, a community organizer with the Public Interest Law Center and a leader of the black-led Soil Generation gardening coalition.

Lan Dinh, a member of the Mayor’s Food Policy Council’s urban agriculture subcommittee and the Farm and Food Sovereignty Projects Director of VietLead, notes two of the main issues with the Land Bank: “Gardeners are having to navigate many obstacles. First, Councilmanic prerogative gives the decision making power over land use to City Council members whose positions vary based on who prioritizes securing access to land. At the same time, the Land Bank staff is unresponsive and unavailable. In spite of our many requests, the Land Bank is not meeting with gardeners to hear their complaints. The lack of transparency for what was supposed to be a new, accountable agency is extremely disappointing.”

Meanwhile, the Public Interest Law Center is committed to helping as many gardens and farms gain land security in spite of the Land Bank. In addition to staff attorneys, both of these legal challenges were brought with the help of pro bono attorneys from Saul Ewing LLP and Morgan Lewis & Bockius LLP. Since this pro bono model has proven successful, the Public Interest Law Center is holding a [training for lawyers on April 4](#) and will subsequently hold [a legal clinic on April 18](#) for gardeners at risk of losing their land.

“We are proud to have helped the Philadelphia Catholic Worker to fight for the La Finquita garden and encourage attorneys from across the city to get involved in this work. It is critical for city neighborhoods to have access to healthy food and green space,” said Mary Beth Schluckebier of Saul Ewing LLP, who together with partner Ned Rahn, provided pro bono counsel.

“For some gardens, an adverse possession lawsuit is an effective strategy to secure their land. It has been a privilege to be a part of the first wave of lawyers taking on these cases,” said Adria Lamb of Morgan Lewis & Bockius LLP. “Clearly, communities rely on gardens for more than just food. New Jerusalem is a shining example of how community gardens are providing much-needed services.”

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The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure their access to fundamental resources and services in the areas of public education, housing, health

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