

City Council Committee on Public Property and Public Works Hearing
October 28, 2013
Testimony of the Amy Laura Cahn, Public Interest Law Center of Philadelphia
Bill Number 130156

I want to start by thanking Chairman Henon and all members of the Committee for the opportunity to testify today and Councilwoman Quiñones-Sánchez and your staff for your leadership on the land bank bill. My name is Amy Laura Cahn and I am testifying in my capacity as a staff attorney with the Public Interest Law Center of Philadelphia.

For over forty years, the Law Center has been dedicated to ensuring that vulnerable populations have the vital resources all of us need to live productive, fulfilling lives: including a home, a safe and healthy neighborhood, and access to healthy, affordable, and culturally appropriate food.

The Law Center believes in the power of urban agriculture – including community gardening and market and community-supported farming -- to build community assets, foster youth leadership and intergenerational relationships, support economic independence and environmental health, and eradicate blight. Thus, through our Garden Justice Legal Initiative, I provide pro bono legal and policy support to Philadelphia's gardens and farms.

In this economy and with increasing awareness about healthy food, physical activity, and environmental stewardship, the demand for space to garden in the city is growing. But Philadelphians have already been gardening together on the same vacant parcels without interruption for decades, even generations. We believe that number may now exceed 800 gardens on over 2000 parcels. However, scores of gardens are in jeopardy because residents do not have legal protection.

This city has, for years, tacitly accepted gardening and farming as a core strategy in blight reduction, but has rarely offered a clear path to legal access, much less permanence, even when garden spaces have become undeniably sewn into the fabric of a community.

The land bank bill, as written, contemplates that neighborhood revitalization & development take many forms, including open space and urban agriculture. This is a huge step forward. What we have now is not working.

Many today will speak to the difficulty of obtaining publicly owned land from multiple city agencies. Gardeners are familiar with this process, often waiting years, with no clear results. But our biggest set of land transfer quagmires are the privately owned parcels – tax delinquent and abandoned.

My first client at the Law Center was a South Philadelphia community group that began cleaning, greening, and gardening vacant lots back in the 1930s. These lots were the sites of demolished homes some of which last changed hands as long ago as 1911 – there were no owners in evidence. The organization revitalized these spaces, teaching youth gardening and other skills, for over seventy years, when the parcels started coming for sheriff's sale. Eager to keep community spaces in the community, the organization obtained title through a lengthy quiet title process. This group has been incorporated as a nonprofit since 1947. Had there been a clear way to acquire the land and clear the debt when they began, this organization could have obtained real estate tax exemptions and continued to focus on their important work. Instead, when they gained title, they were saddled with someone else's tax burden and almost immediately faced sheriff's sale.

This organization has had the support of its District Councilmembers, first Council President Verna, then Councilman Johnson, but still struggles to keep its land.

More recently, a church group on Ann Street, in Kensington, began gardening to combat drug activity on two parcels in North Philadelphia -- two parcels owned by an LLC with no obvious intent to take responsibility -- with twenty thousand dollars worth of liens between the two lots and no market for development.

There is no timely or affordable mechanism to put these parcels in the hands of these communities. There should be a better solution than the South Philadelphia or Ann Street gardeners competing with speculators to purchase land from sheriff's sale -- only to see that land abandoned and neglected, once again. A viable land bank will create these mechanisms.

A viable land bank could fundamentally transform the situation of these hard-working communities, based on the powers enumerated in this bill:

- to acquire tax delinquent land and clear title and liens,
- to consolidate parcels now held by multiple agencies, and
- to offer any parcel for nominal or discounted sale, if the land bank board recognizes the end use to benefit the community.

For newer gardens, where transfer of title may not be appropriate or the right first step, the land bank has the potential to expedite the process of obtaining licenses or leases. The Law Center views these as critical opportunities to incubate community-based, nonprofit, and for-profit enterprises, providing neighbors with the chance to see change happen more quickly and, again, helping to rebuild trust.

We welcome a land bank that ushers in a culture of openness and engages the public in setting priorities, developing policy, and planning for the future of their neighborhoods. The strategic planning component will be a huge next step. The City needs to look at existing resources and determine with neighborhoods what they need when making vacant land decisions. Concurrently, gardeners and farmers will want to understand plans for particular parcels and the surrounding area before putting down roots. This will be facilitated not just by planning, but timely onsite notification, clear communication between land bank staff, neighbors, and community groups, and accessible data and tracking systems.

For a land bank to make a difference, particularly for community members without an advocate or political savvy or for whom English may not be a first language, we need a predictable, transparent process that is the same for everyone. The benefits of gardens and farms are only realized after significant input of time and financial resources. When land status remains uncertain, investment from nonprofits, residents, and funders alike can wane -- putting important work in jeopardy. It is my hope that a viable land bank will provide the City and this Council the opportunity to restore the trust of its constituents who have struggled for years to gain legal access and long term land tenure, with no clear way forward.

Many thanks for the opportunity to speak today.