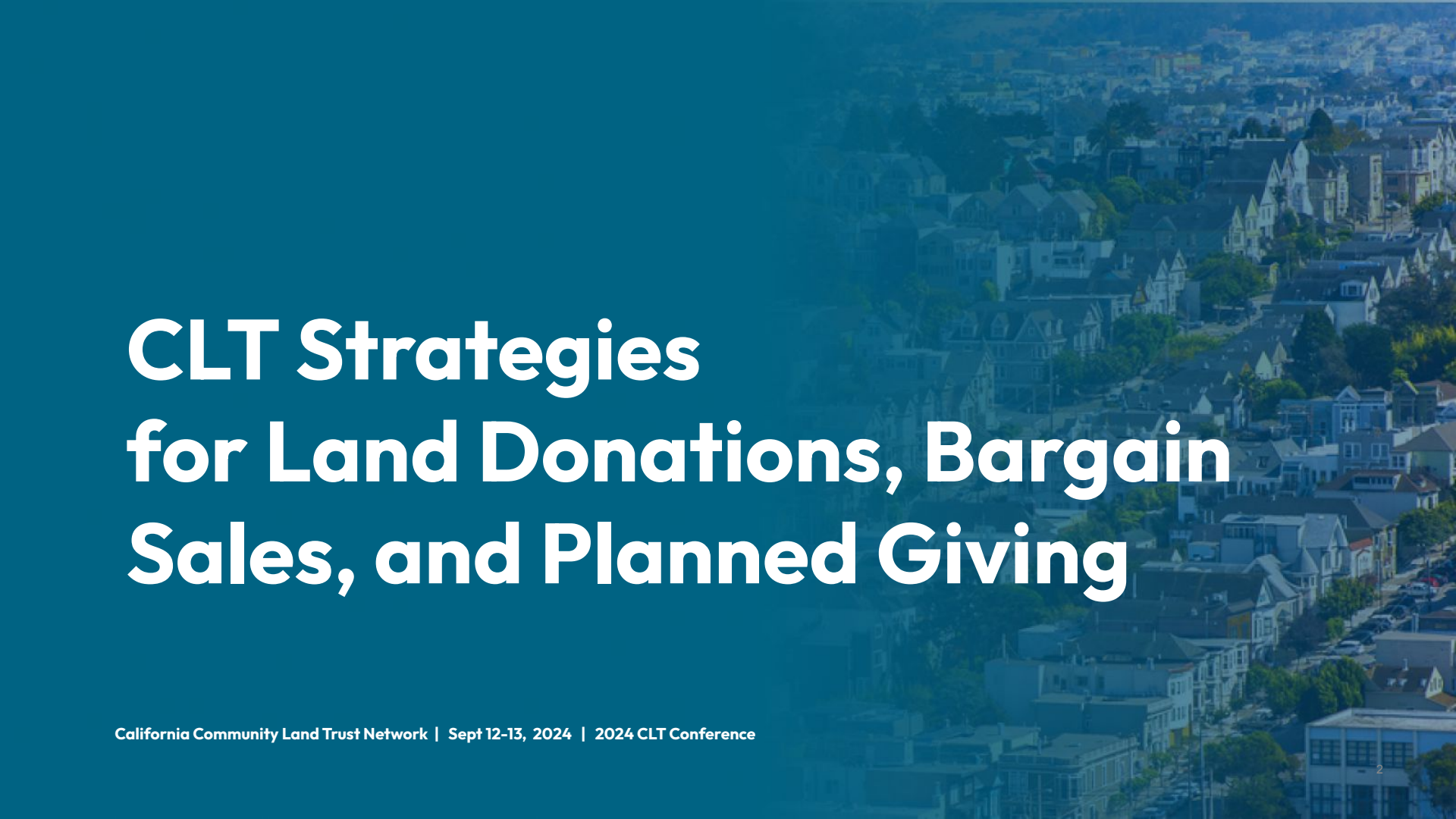


# 2024 Conference



California  
community  
land trust  
network

Los Angeles  
Sept 12–13, 2024

An aerial photograph of a city, likely San Francisco, showing a dense residential area with many houses and buildings. The image is overlaid with a semi-transparent blue filter. The text is positioned on the left side of the image.

# **CLT Strategies for Land Donations, Bargain Sales, and Planned Giving**

California Community Land Trust Network | Sept 12-13, 2024 | 2024 CLT Conference



# Today's agenda

- Welcome & intro speakers
- Setting the Stage
- Tax Implications
- Caring for the Donor
- Emerging CLT Perspectives
- Q&A

# Poll –show of hands

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**Who's in attendance?**

- Staff
- Board
- Resident
- Partner
- Other



# Introducing Our Speakers:



Francis McIlveen  
Principle  
Land + Liberty (Consulting)



Jordan Perez  
Executive Director  
THRIVE Santa Ana



Meg Shiffler  
Director  
Artist Space Trust



Mohit Mookim  
Housing & Land Justice Attorney  
Sustainable Economies Law Center



# Setting the Stage

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## New network Resources:

- Donations / Bargain Sale Advisory Committee
- Two new resources:
  - Handout for Donors
  - Companion handout for CLTs
- More to come – webinar and some ‘deep dive’ resources

Placeholder for QR link  
to finished handouts

# Political and Legal Context

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# Overview of the Law Center

Since 2009, the Sustainable Economies Law Center has been a catalyzing force in creating more just and regenerative economies across the U.S. At the intersections of economic, racial, and climate justice, the Law Center supports and develops projects such as immigrant-owned cooperatives, community-controlled housing, Indigenous land trusts, and other enterprises that **redistribute wealth, democratize governance, and provide long-term stewardship** of vital resources.

The Law Center is one of the few organizations focused on the legal needs of the solidarity economy and is widely considered to be a leader in developing new models and policies for cooperative and community-owned economies.





# Groups putting down roots:



- [East Bay Permanent Real Estate Cooperative](#) (EB PREC): A multi-stakeholder BIPOC-centered cooperative organizing communities to vision, finance, acquire and permanently steward housing, land and commercial space.
- [Homefulness](#): A multi-unit permanent cohousing, education, arts, and social change project on two parcels in East Oakland for landless/houseless and formerly houseless people.
- [Sogorea Te' Land Trust](#): An urban Indigenous women-led land trust based in the San Francisco Bay Area that facilitates the return of Indigenous land to Indigenous people.
- [Shelterwood Collective](#): A Black, Indigenous, and LGBTQ-led forest community and educational center healing our ecosystems through active stewardship.
- [Winnemem Wintu ecovillage at Tuiimiyali](#): A project to develop a tribal village into an ecovillage to protect and strengthen indigenous culture and livelihoods.
  - [Asian-Pacific Self-Development and Residential Association](#) (APSARA): A grassroots membership organization and affordable housing community transitioning to cooperative ownership by hundreds of Cambodian refugees and their families in Stockton.
    - [Earthseed Permaculture Center](#): Collectively-stewarded Afro-Indigenous permaculture center.
    - [Jocelyn's Corner](#): A community group affiliated with the Berkeley Unified School District and Moms4Housing reclaiming a recently foreclosed home for a widely-adored community member, by harnessing the community purchase right we helped create under SB 1079.
    - [blaQyard](#): Queer BIPOC artist collective seeking to buy their Oakland multi-unit property and steward it as a gathering, performance, classroom, garden and residency space for artists.



# radical Real Estate Law School



**ADÉLÀJÀ  
SIMON**



**CHRISTINE  
HERNANDEZ**



**DORIAN  
PAYÁN**



**HOPE  
WILLIAMS**

MEET THE APPRENTICES!

Website: [Radical Real Estate Law School](#)

Article: [Radical Real Estate Law School is in session](#)

Article: [This Oakland Law Center Fights Housing Insecurity by Radicalizing Real Estate](#)

# The Context For...



**98% of rural land** in the U.S. is owned by White people

75% of White households own homes, **compared to 45%** of Black households

Median wealth of White households is about **8 times** that of Black households

**42 million U.S. households** are housing cost burdened

# The Imperative of Land Redistribution



La Via Campesina  
Global



Landless Workers' Movement  
Brazil



Gramdan March in 1960  
India



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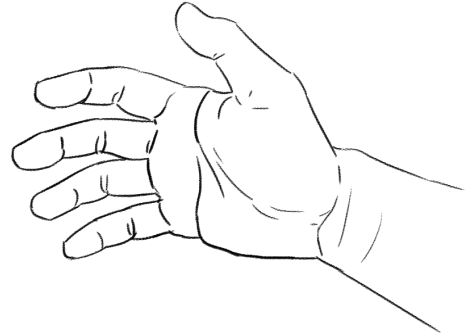
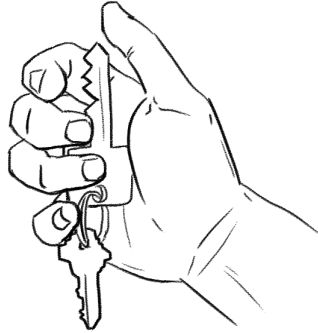
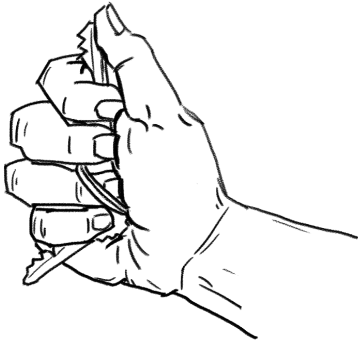
## Redistribution is a structural demand.

However, individual donors may take up the call.



# Seeds of Land Return

Legal tools to help you liberate land from the exploitative market and return it to communities of loving stewards



# Which seeds might you plant?

*Depends on the donor!*

## Sharing the space:

Land access agreements, leases, and easements allow you to share your land or home while you hold title.

## Arranging for future title transfer:

Purchase rights (rights of first refusal and purchase options), life estates, and estate gifts (bequests) arrange for title to transfer later.

## Transferring title:

You can gift land title, sell it at a reduced price, and/or transfer it (by gift or sale) while retaining a relationship to the land, like a right to live there, visit, or receive income from it.

### Land access agreement

To give people access to shared spaces

### Lease

To give people *exclusive* use of a space

### Easement

To give people *permanent* rights to land, for conservation or access to shared spaces

### Purchase right

To give people the right to purchase from you sometime in the future

### Life estate

To arrange for automatic and full title transfer when you die

### Estate gift

To arrange for your estate administrator to transfer title after your death

### Gift

To transfer full ownership as a gift

### Simple sale

To transfer full ownership simply and at a cost lower than “fair” market value

### Transfer + retained relationship

To transfer full ownership and retain a relationship to the land, like a lease or access

Which of these seeds might allow the donor to claim a charitable deduction?

Land access agreement

To give people access to shared spaces

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To give people *exclusive* use of a space

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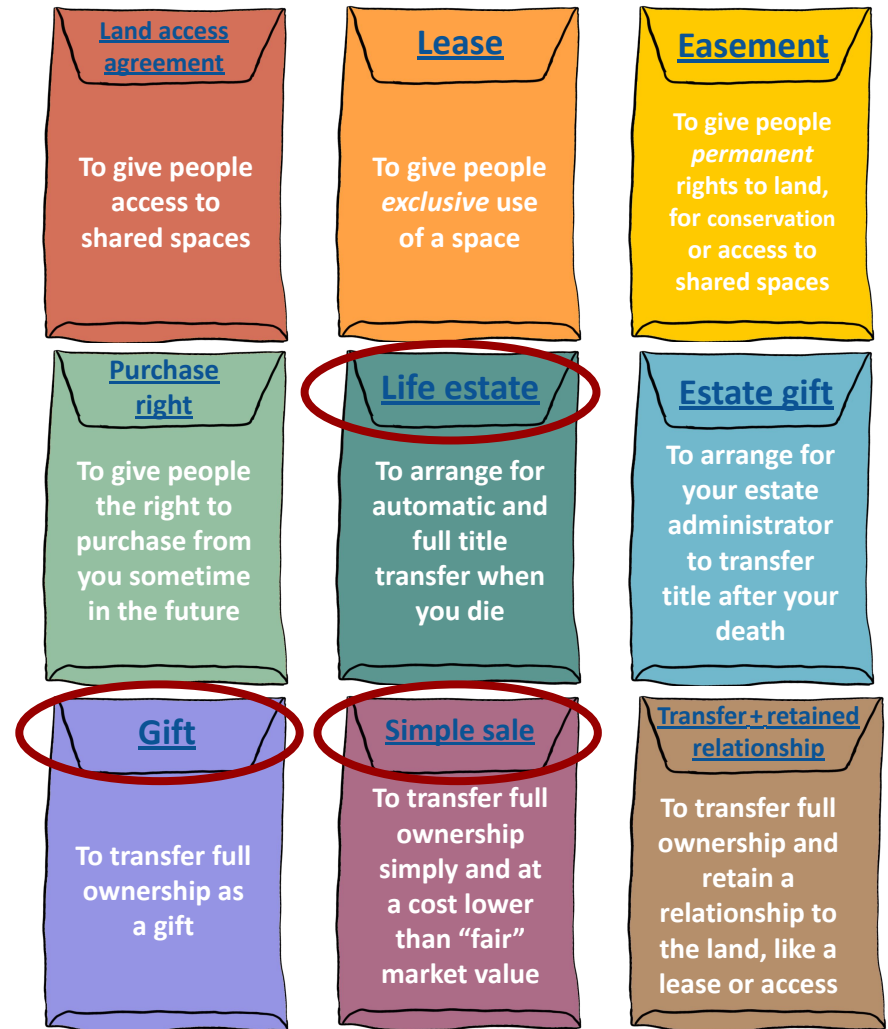
Simple sale

To transfer full ownership simply and at a cost lower than “fair” market value

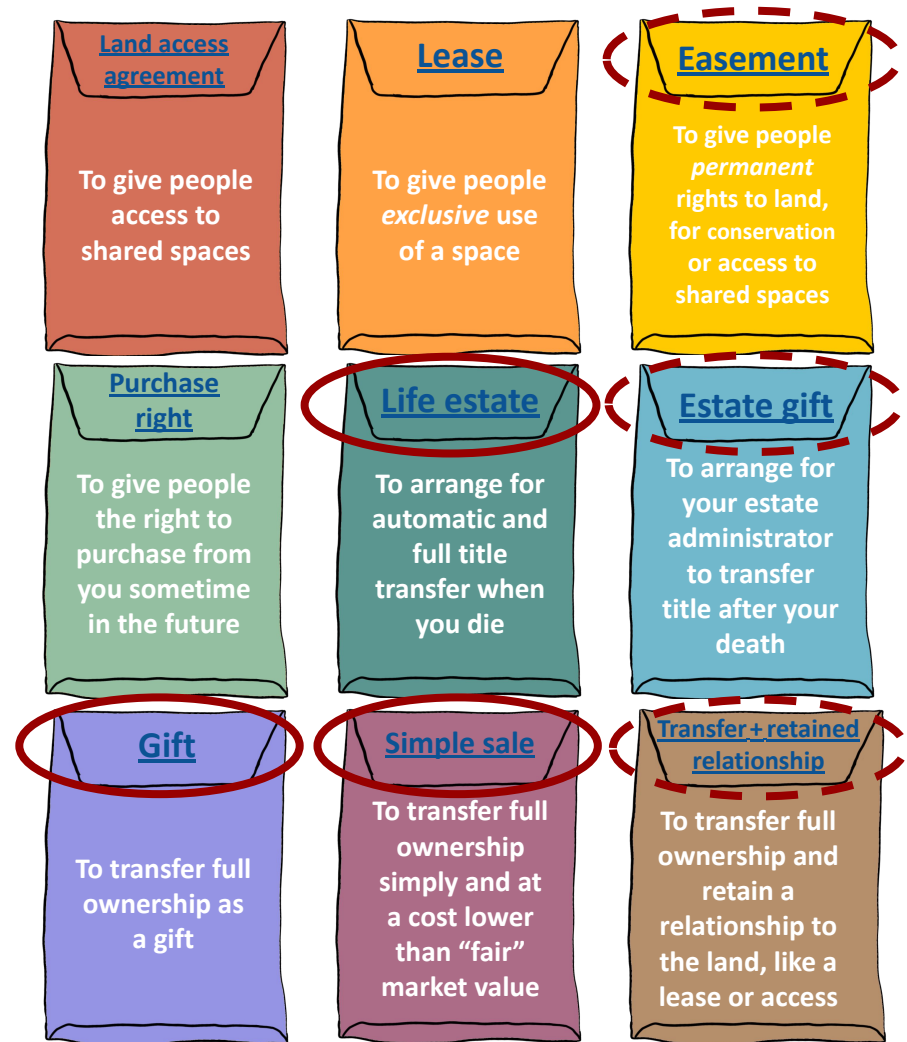
Transfer + retained relationship

To transfer full ownership and retain a relationship to the land, like a lease or access

Which of these seeds might allow the donor to claim a charitable deduction?



Which of these seeds might allow the donor to claim a charitable deduction?







# Caring for the Donor

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## Aging in Place Case Study: CLAM

- Background
- Negotiation & Acquisition
- Considerations

# CLAM Age-in-Place case study



**Retained Life Estate**



**Critical Repairs**  
immediately after  
COE



**Critical upgrade to  
septic system**

<https://www.clam-ptreyes.org/age-in-place>

# CLAM inspired by City of Lakes CLT Project: Sustained Legacy (P:SL)

## Structure of 'Deal'

- CLCLT takes title to land & leases back to homeowner.
- Price 'backed into' from \$ needed for tax liens, and rehab.
- Clear/upfront transparency with owner about market value v.s. CLT land price.

## CLT structure

- CLT keeps the proceeds to pay off liens & do rehab
- Homeowner pays nominal (few \$ / year) land lease fee.

## Household Criteria

- <80% AMI
- one-time/short term crisis (e.g. a divorce, death or medical issue, but have wherewithal, post transition, to sustain home)

## Home Criteria

- Liens and rehab needs can be covered by CLCLT purchase funds.
- In their geographic boundary

<https://www.clclt.org/copy-of-partnership-developments>

# Emerging CLT Perspectives: THRIVE Santa Ana





Northern  
California  
Land Trust

Artist Space Trust occupies the unceded land of xučyun (Huichin),  
stewarded by the Chochenyo speaking Ohlone people.

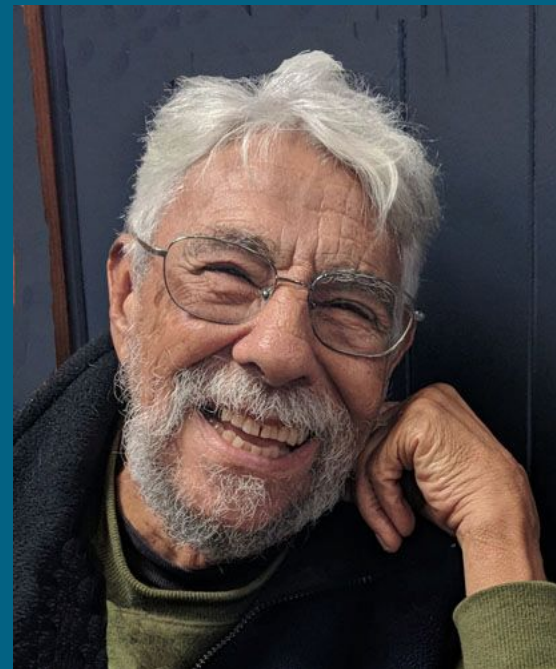
[www.artistspacetrust.org](http://www.artistspacetrust.org)



# Casa González, Berkeley, CA (bequest)

## Opportunity

- Bequest of one half of a large, historically significant, Julia Morgan-designed duplex
- No debt on property, minimal renovation required
- Demonstration of AST mutual aid model with pillar in our community
- Inspiration for more artist property donors

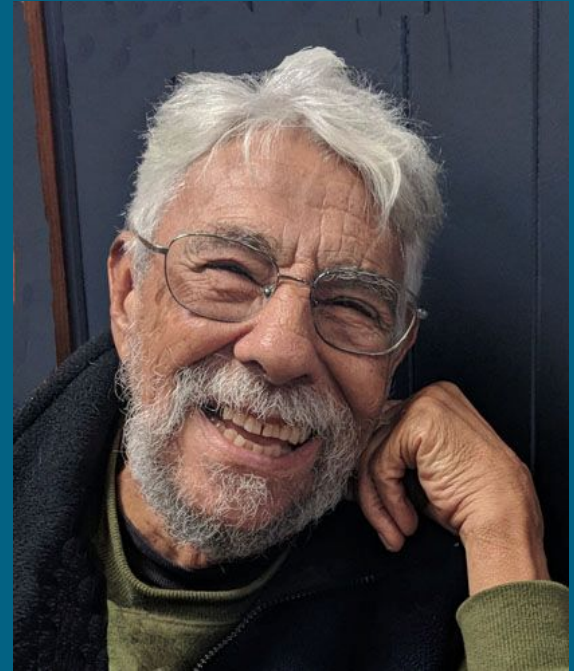


Rafael Jesús González

# Casa González, Berkeley, CA (bequest)

## Challenges

- Earning trust
- Becoming part of care team
- Develop relationship with other duplex owner
- Funders want site-visits
- Donor desire for use of property

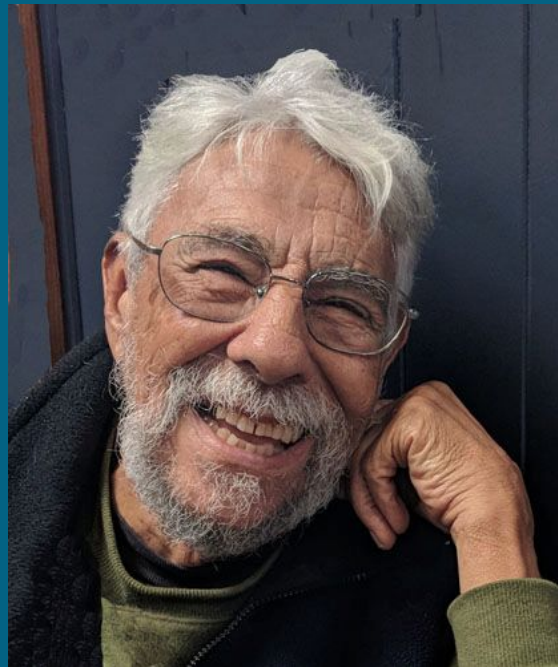


Rafael Jesús González

# Casa González, Berkeley, CA (bequest)

## Learnings

- Learn about the ethics of storytelling
- Consider donor and community
- Build trust and be present
- Consider donor safety and peace of mind.
- Go slow and check in often



Rafael Jesús González

# Celadon House, San Francisco, CA (in process)

## Opportunity

- Gift of entire TIC duplex property in Mission District
- No debt on property, no reno, set up for condo-conversion, ready for occupancy
- Demonstration of AST mutual aid model with younger artist donor
- Get artists in by January
- Inspiration for more artist property donors



# Celadon House, San Francisco, CA (in process)

## Challenges

- Move process quickly from conv - LOI- contract
- Donor requirements for property use and restrictions
- TIC to condo- conversion in SF
- Insurance for TICs
- Young CLT building legal and financial infrastructure while securing donation





# Celadon House, San Francisco, CA (in process)

## Learnings

- Everything!
- Reliance on incubation model
- Build confidence with donor through careful transparency
- Respect donor anonymity
- Check everything with legal for CLT protection and donor benefit



# Q & A

## 15 mins





## Resources:

- CACLTN Resource Library: [Land Donations/Bargain Sales Resources](#)
- CA CLT's Bargain Sale Guide (work in progress, will be shared through the Network Resources to members)
- [Sustainable Economies Law Center:](#)
  - [Resources for Radical Home Sellers \[PUBLIC\]](#)
  - [Seeds of Land Return](#)

# California community land trust network