

Policy Framework for Vacant Lots Disposition
Recommendations from the Public Land for Public Benefit
Vacant Lots Task Force

November 29, 2022



Fruit Belt
Community
Land Trust



Bailey Dartmouth
Community Garden



The Impacted
Families Project



1) Task Force Background

In 2021, Grassroots Gardens of Western New York (GGWNY) submitted a public policy plank to the Partnership for Public Good's (PPG) Community Agenda process. Their "Public Land for Public Benefit Task" policy plank called for more community influence in the City of Buffalo's decision-making, policies and practices related to vacant land. The plank was voted the third most pressing issue in the city by 150+ participating organizations and was placed onto the Community Agenda for 2021. Following community conversations with key community stakeholders including block club leaders, affordable housing not-for-profit developers, and environmental organizations, the Public Land for Public Benefit Task Force was convened from representatives of these sectors in June 2021. At the request of Heart of the City, which has an Enterprise grant including a focus on recommendations for a new vacant lot disposition policy, and in partnership with PPG, GGWNY, and the Fruit Belt Community Land Trust, the Task Force met monthly to listen to community concerns about the lack of a comprehensive and equitable vacant lot disposition policy in the city of Buffalo and its impact on residents and community organizations.

The Public Land for Public Benefit plank was resubmitted for consideration as a continued plank/policy focus in 2022 and it was voted on by PPG partners as the #1 issue facing the community in 2022. The Task Force continued to meet in early 2022 to put its community-informed recommendations in writing with hopes that City of Buffalo leadership will use these recommendations to inform their policy-making and practices related to vacant lots.

2) Issue Background

Land is where we build our homes, commune with our neighbors, and sustain ourselves. This sense of place informs our identity and is integral to our well-being. Yet, historically, U.S. governments have not treated land with the respect and care that land—and the people who live on that land—deserve. These atrocities span from centuries ago, when the U.S. federal government stole this land from its indigenous inhabitants and stewards, to just decades ago with the City of Buffalo's Urban Renewal program and the intentional destruction and displacement of primarily Black and Brown families that followed.

Currently, there are about 8,000 publicly-owned vacant lots in the city of Buffalo, and most are located on the East side. Instead of allowing the land to lay neglected—a consequence of this issue's massive scale and the city's limited resources—the city could use the vacant land it owns on behalf of the public for more equitable, sustainable and just uses, including for affordable housing, community gardens, passive green space, carbon sequestration, parks and recreation, fitness space, urban farming, green infrastructure, walking and bicycling paths and public art.

Given the historical and present critical needs of the most vulnerable people in our community, the Public Land for Public Benefit Task Force advocates for a meaningful role for everyday people in decision making about the publicly-owned land in our city.

The City could build off of its successes with the Green Code and the Master Parks plan and enact a community-partnered process for creating a new vacant lot disposition policy. This process should include City Council, Administration, and its offices listening deeply to residents' needs and concerns and then supporting neighborhood-level planning with their technical planning capacity. We believe such a process would better ensure a comprehensive and equitable vacant land disposition that meets and prioritizes the needs of multiple community groups, sectors, and stakeholders.

3) **Problem Statement (How this issue has been handled in the last ten years or so, what has been tried and failed)**

Taskforce members expressed that—in their experience—the city's land acquisition process is unclear, frustrating, and at times, insurmountable.

- **The city's land priorities are unclear and it does not prioritize vacant lot access for public use.** The city does not provide public information regarding their priorities for vacant lot use. This makes it hard for local groups and individuals to know what proposed uses would motivate the city to sell. Commercial developers and land speculators seem to be given priority and incentives, including significantly reduced costs, over city residents and nonprofit developers.
- **The process is ambiguous and staffing is limited.** Community groups and individuals report that the land acquisition process is not clear. There is no acquisition process outlined on the city's website and some links to the City's application to purchase land remain broken on the website. Once groups are able to engage with the city to discuss a possible purchase, they report that it's difficult to keep the city's attention and get their support in the purchase process. There is not sufficient staffing within the Division of Real Estate and Office of Strategic Planning to attend to land use or planning requests. The City lacks offices of sustainability or urban agriculture that could partner with residents on such requests for community land access. In light of the the ongoing climate crisis, it is critical that we allocate sufficient attention and resources to land disposition and planning.
- **Information on lots is sparse.** The city's most comprehensive land database is the OARS website. However, this site is not user friendly, and does not provide information on whether the lot is actually available or whether its use is restricted, such as for a community garden.
- **The cost of lots is often too high.** The commodification of housing and national and local land speculation has caused lot assessment prices to skyrocket. City officials have generally maintained they cannot sell lots for less than market

value to community groups even though research partners have demonstrated to the City how this can legally be done. This means that affordable housing developer groups and other community groups often cannot afford to purchase land. When lots are sold below market value, it can take years to negotiate due to the limited capacity of staffing in the Division of Real Estate.

- **The acquisition process does not factor in equity.** The East Side of Buffalo has historically been redlined and disinvested in due to structural racism and classism. Many people of color in these communities are also due reparations for the historic impact of American slavery and land theft from Indigenous nations. The families who have lived on the East Side for generations—who have borne the brunt of these discriminatory policies and historic practices—have plans and hopes for many of the vacant lots in their neighborhoods. Yet, city officials do not prioritize residents in these neighborhoods as owners for vacant land or even as influencers when it comes to how the land will be used. In practice, the city seems to sell land in a way that prioritizes tourism and commercial development over neighborhood residents and community needs. There is also little to no accountability for speculators from out of the city who have been able to purchase vacant land and then leave it abandoned and blighted.

4) Land Disposition Policy Changes Needed

The City of Buffalo should use the vacant land it owns on behalf of the public to make the city more equitable and sustainable by:

- a. Working with residents, community groups, and nonprofit agencies to establish a comprehensive, neighborhood-led plan for publicly-owned vacant land within the city. This plan should permanently reserve a minimum of 30 percent of city-owned vacant land for equitable, sustainable uses such as: green affordable housing, community gardens, passive green spaces for carbon sequestration, urban farming, green infrastructure, renewable energy, parks and recreation, walking, bicycling and fitness paths, and public art.
- b. Creating and implementing a policy for the free transfer of lots to neighborhood residents who i) live in the home directly next to a given lot (similar to the City's former homesteading policy) or ii) live within a 0.5 mile radius of a given lot
- c. Creating and implementing a policy for the free transfer of appropriate lots to non-profit agencies through a request for proposals (RFP) process.
- d. Centering neighborhood decision-making, especially as led by BIPOC community leaders on Buffalo's east side whose neighborhoods have been most affected by land injustice, redlining and discrimination. The City should also consult with the Seneca Nation in an official capacity.
- e. Increasing planning staff capacity, real estate staffing, and involve Councilmembers in organizing neighborhood-level planning.

- f. Placing a moratorium on the sale of all publicly-owned lots until the Neighborhood Planning Process for vacant land is complete.
- g. Making use of deed restrictions, easements, community land trusts and other tools as necessitated by the Neighborhood Planning Process to advance each neighborhood's vision for its vacant lots.

5) Proposed Neighborhood Planning Process

The Task Force recommends that the city build off its community-centered process for the Green Code and embark on a smaller-scale, neighborhood-level land disposition planning process.

- **Goals:** The goals of this process would be to (1) create neighborhood-specific plans for the vacant land in those neighborhoods and (2) to select a few key publicly-owned vacant lots in each neighborhood around which to do visioning and carry out the neighborhood's vision for those lots (e.g. community garden, path with memorials, stormwater management space).
- **Format and location:** In many of the neighborhoods with the most publicly-owned vacant land, a large number of residents do not have access to the internet. Several neighborhood visioning sessions should be held in person to ensure that residents are able to participate. The meeting location should be central and easy to access by foot or public transit for most in the neighborhood. Time of day should be given consideration to be accessible to working people and parents. Translators and interpreters should be available. Once there are broad community recommendations, a smaller working group of available residents could be convened to do more detailed planning.
- **Time commitment:** A process like this is a large undertaking that requires significant participation. However, we want to limit the burden placed on neighborhood residents so that many residents can get involved and stay involved. We recommend monthly visioning/discussion sessions.
- **Compensation for participation:** Most of Buffalo's publicly-owned land is located in neighborhoods where the majority of residents are on very limited incomes. For residents who work multiple jobs and/or who struggle to subsist on minimum wage, it's often difficult or impossible to spare precious hours to volunteer for a planning process like this. For larger neighborhood meetings—at minimum—food, drinks, and childcare should be provided to encourage attendance. We could also consider additional draws such as a gift card raffle for people who attend. For smaller working group meetings, we recommend that participants be compensated monetarily for their time. This will encourage a financially diverse set of participants to get involved.
- **Process and content:** Planners should bring maps of the neighborhood's publicly-owned vacant land (distinguishing those lots from privately held land) and zoning maps to show the possible uses for lots. Organizers should be clear about any limitations to temper participants' expectations, while also providing

examples of vacant land uses to spur creativity and visioning. Examples could include case studies of vacant land transformations from other cities. Within the given constraints, the neighborhood participants should ultimately be the final decision makers when it comes to the neighborhood plan and the priority lots.

- **Outreach:** The city and community partners should reach out to potential participants about the upcoming discussion sessions in a variety of ways, including: free newspapers, city website posts, social media, mailing, and perhaps even the BuffAlert and/or Buffalo Public Schools alert system for residents in a given neighborhood. Ideally, the neighborhood should also be canvassed with flyers/door hangers to encourage participation from residents who do not use the internet. Another outreach tactic would be to erect signs on publicly-owned lots in the neighborhood with messages that encourage residents to attend the planning sessions (e.g. “What would you like to see here? Get involved by attending our planning meetings on X date”).

6) Proposed Lots and Neighborhoods

The vast majority of publicly-owned lots are located on the East Side of Buffalo. We propose that the city focus its resources in the East Side neighborhoods where these lots are concentrated (neighborhood names refer to the city’s planning department designations*):

- Broadway Fillmore
- Fruit Belt
- Masten Park
- Fillmore Leroy
- Delavan Grider
- MLK Park
- Genesee Moselle
- Ellicott

In each of these neighborhoods, we ask that planners work with neighborhood residents to (a) create a general plan for all publicly-owned vacant lots in the neighborhood and (b) envision and determine 3 pilot projects for vacant land in the neighborhood. For example, projects could include: community gardens, community-owned solar farms, memorial spaces, block party space, affordable housing, rain gardens, etc.

In most other parts of the city, there are very few, if any, publicly-owned vacant lots. In these cases, we strongly urge the City to consider more public transparency for general land use.

*We chose to use the Planning Dept maps for the purposes of this proposal. However, the maps we have access to do not include main roads. This makes the neighborhood boundaries difficult to understand. We would like the neighborhoods chosen to reflect neighbors’ consensus of their neighborhoods’ boundaries. Therefore, the neighborhood

boundaries for the purposes of this process may need to be changed based on what we hear from neighbors.

7) Funding

Once the key projects have been decided on by neighborhood residents, funding will be critical. Key projects can then be prioritized based on funding accessibility. Funding could be pulled from multiple sources to bring these projects to fruition. We propose the following funding possibilities:

- City of Buffalo's American Rescue Plan funds
- Federal infrastructure funds
- Funds from fee creation (e.g. developer fee on new projects, vacancy tax, open space impact fee)
- New York Restoring Communities funding
- Private Sources (e.g. Wilson Foundation and other foundations)
- Funds from a Community Benefits Agreement for the Buffalo Bills Stadium development
- Funds associated with covering the Humboldt Parkway (if key lots chosen are near parkway)

8) Examples of Model Programs

In a soon-to-be-released report by Partnership for the Public Good (PPG) titled "Using Publicly-Owned Vacant Land to Advance Sustainability and Equity in Buffalo, New York," PPG outlines several effective land disposition initiatives in similar cities. We include excerpts about those programs here:

- Detroit, Michigan:
"Detroit offers an example of vacant land planning at a neighborhood level. The Gratiot/7 Mile Neighborhood Framework Plan is one of 10 plans across the city of Detroit to be funded through the second installment of the Strategic Neighborhood Fund. As part of that planning, a group of masters in landscape architecture students worked with neighborhood residents on a vacant land strategy for a neighborhood with over 2,800 publicly owned vacant lots. After studying the neighborhood and reviewing best practices, the planners shared their knowledge with residents and then learned from them about their neighborhoods and their goals, then generated an impressively holistic plan."
- Baltimore, Maryland:
"In Baltimore, Mayor Stephanie Rawlings began a Growing Green Initiative in 2014 – a collaboration between City agencies and community stakeholders to reimagine the uses of vacant land. One outcome was the 'Green Pattern Book: Using Vacant Land to Create Greener Neighborhoods in Baltimore,' a toolbox which classifies the types of vacant land and illustrates eight greening options: clean and green,

community-managed open space, urban agriculture, stormwater management, green parking, urban forests and buffers, neighborhood parks, and mixed greens.”

Members of the VLT had a chance to speak with a city planner at the City of Baltimore in 2022. We learned that her role is to proactively reach out to neighborhood groups, work with them to understand their vision for vacant lots in the neighborhood, and then to help them bring those plans to fruition. This can involve helping the neighborhood groups with grant writing to acquire funding and working within the city to get access to the land.

- Cleveland, Ohio:
“The Cleveland Planning Commission adopted the Re-Imagining Plan in 2008. In 2009 the partners produced a Vacant Land Reuse Pattern Book which presents a wide range of ways to reuse vacant lots. They then awarded \$500,000 in grants through a competitive process, funding 56 projects in 2009. As of November 2020, there were 156 reuse projects underway, including community gardens, pocket parks, neighborhood pathways, market gardens, orchards, and rain gardens.”

9) Additional Policy Recommendations

While the participatory planning process is our primary recommendation, we have several other recommendations for improving the city’s land disposition process:

Publicly-Owned Land

- Create an interactive map of available vacant lots on the city website. For example, see the Syracuse Land Bank’s website [here](#).
- Explore mechanisms to discourage land purchase by speculators.
- Require developers interested in publicly-owned vacant land to approach residents living nearby that land to discuss possible development at the *beginning* of the planning process.
- Devote additional funding to the city’s planning staff to facilitate further neighborhood-level planning.
- Develop systems of interaction between planning staff, inspectors, and the Division of Citizen Services to encourage holistic planning for land in the city.
- Conduct a large-scale “Cleaning and Greening” of publicly-owned vacant land in the city. Cleaning and greening involves removing trash from vacant lots, planting and maintaining grass on the lot, then adding a fence to the property. This is a cheap and effective way of showing that the lots are being cared for, and it discourages dumping and other illegal uses. The City should also prioritize planting native trees species on some of these vacant lots to improve tree cover. The Neighborhood Improvement Corps (funded by the American Rescue Plan funds) should assist with this initiative.

Privately-Owned Land

- Identify privately-held lots that neighborhood residents find problematic or neglected. Explore any leverage the city has to influence the use of those lots.
- Explore mechanisms for holding existing speculators accountable for neglected lots (e.g. vacancy tax).
- When private owners of vacant land request permits from the city to develop that land, require that they meet with neighborhood residents for approval and input.

10) Remaining Questions and Considerations

While the taskforce has devoted significant time and effort to this proposal, there are many questions still left to answer. We hope that we can work with city officials and neighborhood residents to continue to think through these topics:

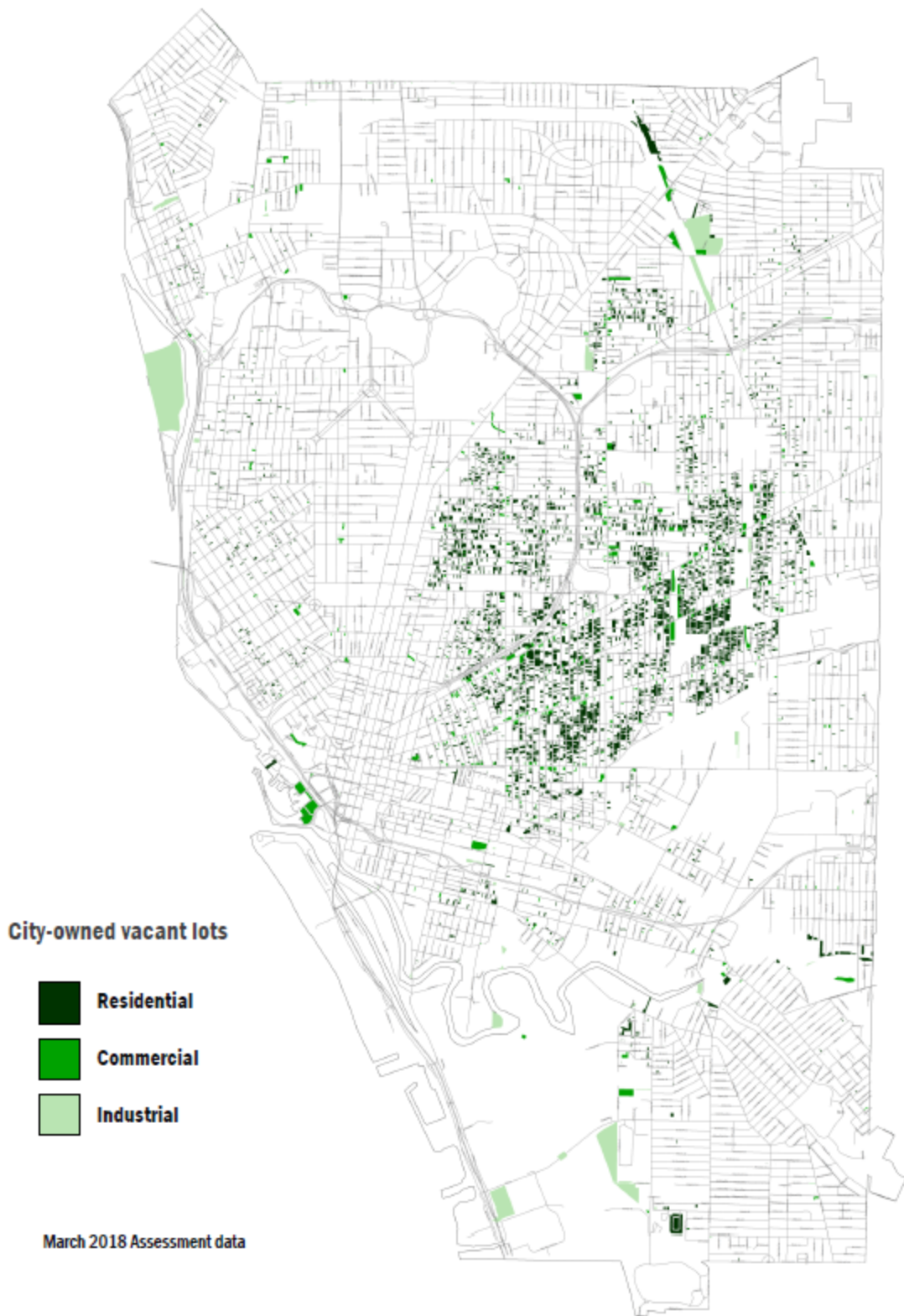
- What are the city's plans for homesteading, and how does this proposal fit into those plans?
- How is the City consulting in an official capacity with the Seneca Nation regarding land use and land return?
- What level of representation are we looking for at these planning discussions? How will we know that we have enough neighborhood resident participation?
- Who will own the key lots after they've been transformed based on each neighborhood's vision? Are there community groups in each neighborhood that have the capacity to steward the land? Would this require designated developer status? Or should interested neighborhood groups enter into a long-term (25 years+) lease with the city such that the city owns the land, but neighborhood residents control the land within the terms of the lease?
- Can we develop careful and thoughtful partnerships with local universities to assist with planner capacity for neighborhood planning sessions?
- How can the city influence the use of vacant lots that are held privately?

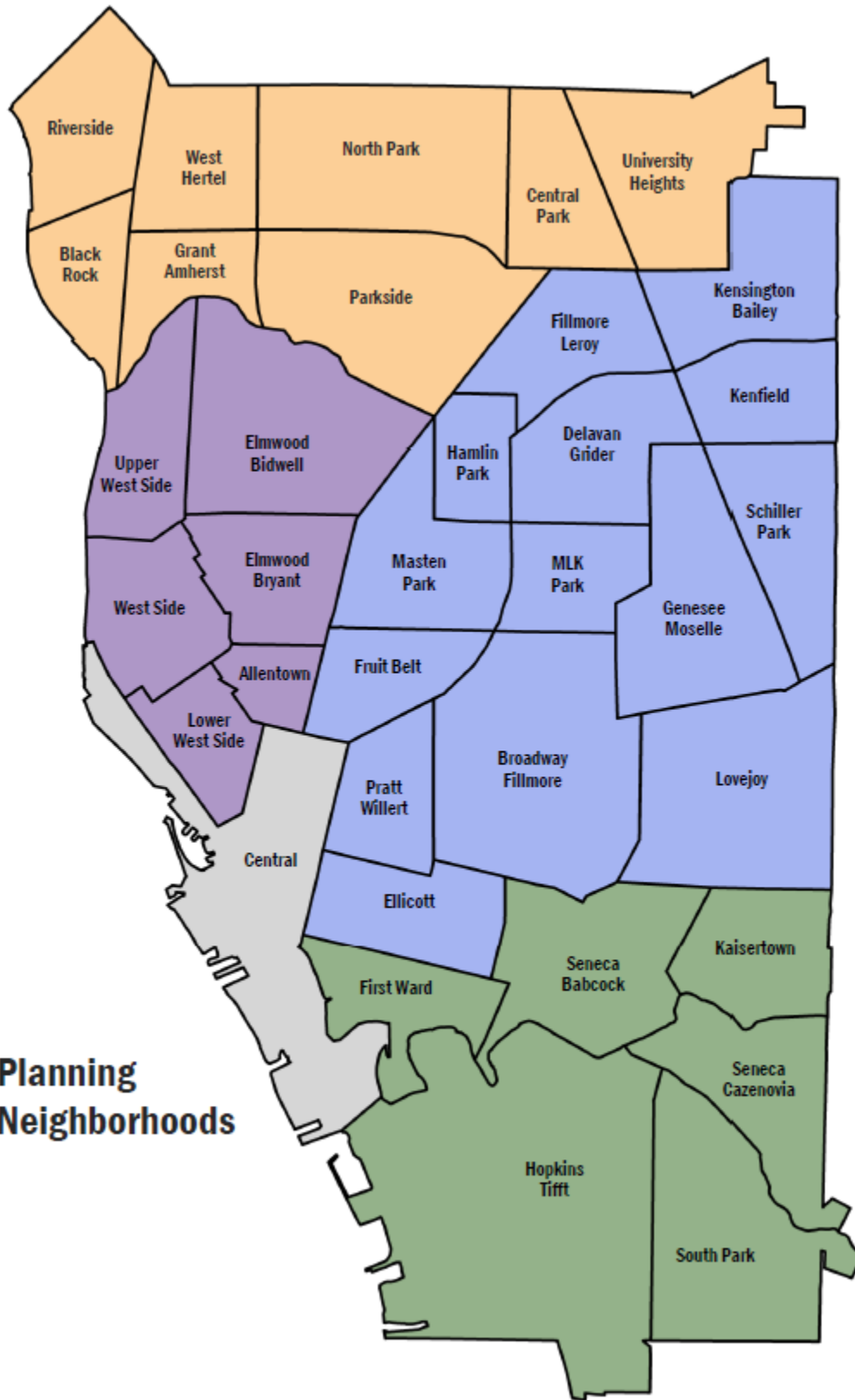
Recent research for further consideration:

Whitney, Hailey; Fleming, Regan; Duwe, Alexis, and Araujo, Alan. (2020). [Lots of Lots: An Inventory and Assessment of Vacant Lots in the City of Buffalo.](#)

About the Public Land for Public Benefit Vacant Lots Taskforce (VLT): The Task Force consists of block club and neighborhood leaders, affordable housing developers (nonprofits) and environmental justice groups (nonprofits and community groups). Members include: Barakah Community Garden, Box Ave Block Club, Broadway-Fillmore NHS, Buffalo Freedom Gardens, Buffalo Erie Niagara Land Improvement Corporation (BENLIC), CopperTown Block Club, Fillmore Forward, Fruit Belt Community Land Trust, Impacted Families Project, Grassroots

Gardens of WNY, Greater East Side Field of Dreams, Partnership for the Public Good, PUSH Buffalo, Tyler Street Community Garden, UB Food Lab, WNY Youth Climate Council, and more.





**Planning
Neighborhoods**