



Submission to *A Housing Strategy for NSW – Discussion Paper*

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1. Introduction

The NSW Draft Housing Strategy Discussion Paper is a welcome development for NSW. Its focus on supply, diversity, affordability, and resilience is appropriate and timely given ongoing pressures including affordability, security and homelessness and emerging challenges related to COVID-19 and climate change.

In this submission we focus on two options mentioned in the Strategy that warrant support and encouragement in NSW based on their performance internationally: housing cooperatives and community land trusts (CLTs). Both models have been demonstrated to foster housing stability, affordability, and diversity, through innovative, place-based design responses across a range of tenure options and price points. Both have also proved resilient to systemic challenges including the mortgage crisis of 2008 onwards.

Australia's housing system is marked, and hampered, by a notable lack of diversity in tenure options. Further, the system is plagued by a lack of affordability that is becoming a systemic issue across tenure forms. For example, supply-side analysis of rental markets in Australia, funded by AHURI over 4 Census periods, indicates that there is an absolute supply shortage of affordable rental housing for households in the lowest two equivalised income quintiles. It also highlights that this situation is worsened by pressures from middle income households residing in low rent dwellings, who themselves can no longer afford purchase costs.¹

Other countries have longstanding experience with a range of options that can provide affordability and quality, in addition to the duopoly of private rental and full market ownership, both of which are becoming risky as systemic problems intensify. Cooperatives and community land trusts can both provide options that sit between owning and renting and that can:

- foster both stability and mobility, as well as contribute to better urban design outcomes, and
- build community cohesion and resilience and create safe, high quality living spaces for people of all ages.

Cooperatives, community land trusts, and the draft strategy's objectives

1. Supply

The strategy rightly highlights the need to use appropriate data to identify the nature and quantity of housing required across the State and to ensure appropriate delivery. Internationally, both housing cooperatives and CLTs have been effective in both identifying need and delivering diverse housing in response to that need. This is because, as longstanding community-based sectors,

¹ Hulse, K., Reynolds, M., Stone, W. and Yates, J. (2015) *Supply shortages and affordability outcomes in the private rental sector: short and longer term trends*, AHURI Final Report No. 241, Melbourne, Vic.: AHURI <https://www.ahuri.edu.au/research/final-reports/241>.

Hulse, K., Reynolds, M., Nygaard, C., Parkinson, S. and Yates, J. (2019) *The supply of affordable private rental housing in Australian cities: short-term and longer-term changes*, AHURI Final Report No. 323, Melbourne, Vic.: AHURI, <https://www.ahuri.edu.au/research/final-reports/323>, doi:10.18408/ahuri-5120101.

cooperatives and CLTs represent channels for community voices to be heard and for the emergence of providers that have an ear to the ground, which both improves the robustness of their housing data and strengthens community support for, and input into, affordable, diverse, and innovative housing models.

Put briefly, the nature of cooperatives and CLTs as embedded in their community or region and in networks of civil, public, non-profit, and corporate partners, means they have substantial knowledge about the housing issues at play and how these can be addressed. Further, the familiarity and reputation of such established community agencies also allows effective leveraging of those broader networks into deeper affordability, sustainability, and design outcomes. For example, a national USA Memorandum of Understanding between the National CLT Network and Habitat for Humanity combines the former's focus on making land available for permanently affordable housing with the latter's focus on collaborating with families and corporate partners to build homes for affordable ownership.

In many countries across Europe and North America, federations of housing cooperatives and CLTs represent strong channels for community voices and are active in providing affordable and secure housing of good quality for people. In Sweden more than 25 per cent of the housing stock is comprised of housing co-operatives, in Oslo, the capital of Norway, 40 per cent of the housing stock is housing cooperatives. They are especially attractive for first homeowners, older people when downsizing, and other groups such as first generation immigrants who have problems obtaining housing in the private sector.

2. Diversity

Housing cooperatives and CLTs offer an inherent diversity that is the direct outcome of their basis in community and place and of their active involvement of and listening to the groups of people they are catering to.

Cooperatives can provide affordable rental, sub-market ownership, and market-rate ownership options, and can deliver any physical form of housing. Within Australia alone, cooperatives exist as apartments, individual homes, and terraces and were early adopters and proponents of more recently emerging forms such as cohousing and ecovillages. The Australian housing cooperative sector is currently dominated by affordable rental housing, and there is an opportunity for the model to be diversified into affordable and market-rate ownership models (also known as limited-equity and full equity cooperatives, respectively).

Further, many housing cooperatives form around a shared identity and a shared need for appropriate housing that extends beyond the physical housing form to a supportive community. For example, in NSW housing cooperatives have been formed by LGBTIQ+ communities, cultural or religious communities, families affected by domestic violence, older women with limited assets or income, and individuals with disabilities, providing appropriate housing in terms of both meeting the physical needs of the community and providing a supportive and familiar social environment.

Community land trusts consciously address the dual concerns of community benefit and permanently affordable housing according to local or regional need. This enables flexibility, security, affordability, and consequently a vast diversity of housing including boarding houses, affordable

rentals, cooperatives, and permanently affordable home ownership. Physically, CLT portfolios include apartments, houses, duplexes, ecovillages, cohousing, farms, and a vast range of non-residential spaces from commercial shops and community-owned stores through to aged care, child care, and other community services.

The housing diversity enabled through both cooperatives and CLTs is the direct result of residents—and in the case of CLTs, the broader community—having an ongoing say in the activities of the organisation in response to local or regional needs, opportunities, and aspirations. In many jurisdictions, this responsiveness to place and community need has generated higher levels of amenity and more nuanced and appropriate design outcomes. For example, the cooperative basis of Pinakarri Cohousing Community in Fremantle, Western Australia, led to community-oriented, solar passive, and water efficient design, including a purpose-built unit that enabled a resident with complex needs to live fully supported in community.

The embedded and flexible nature of housing cooperatives and CLTs means they can directly address concerns in NSW such as how to engender densification without displacement or loss of character or affordability, how to provide appropriate and supportive housing for an ageing population and other needs, and, through the identification of need and housing aspirations within their membership and service area, how to engage with and activate latent markets for innovative models.

3. Affordability

The draft strategy's inclusion of greater tenant rights in its consideration of affordability is vital.

Internationally, governments are realising that affordability cannot be left to the open market and that various levels of government have roles to play in fostering deep and lasting affordability across a range of tenure options. This has included the provision of land and funding to appropriately constituted non-profit providers. Many jurisdictions are realising that grant strategies such as first home owner grants are best targeted into programs with both upfront and lasting affordability conditions rather than market-rate products, as the former reduce or remove the need for subsidies to subsequent first-time buyers, making the subsidy work harder for longer.

CLTs hold the integration of community benefit and permanent affordability as their central mission; increasingly that mission is written into regulation. Housing cooperatives can provide housing at a range of price points including rental and ownership options. Both can be enabled by the State through measures such as providing land, percentage requirements on any development, and the targeting of subsidies such as first home owner grants. The stamp duty treatment of perpetually affordable products such as resale restricted leases or limited equity shares warrants further investigation.

4. Resilience

This factor in the draft strategy focuses on comfort, safety, neighbourhood connectivity, and minimal environmental impacts. National and international work on housing cooperatives highlights six benefits of the model: greater social networks and senses of community and neighbourhood; improved housing quality, safety, affordability, and stability; improved skills and employment; improved health and wellbeing; reduced costs; and, broader outcomes such as improved urban amenity or environmental outcomes. These outcomes are shared across rental, affordable

ownership, and market ownership models of cooperatives.

CLTs focus on the quality, affordability, and amenity of the homes they provide, which in turn create greater neighbourhood amenity. The vast community membership of some of the larger CLTs translates into stronger social networks at the neighbourhood and municipal level. As they have a focus on the affordability, comfort, and quality of the homes CLTs also increasingly place a focus on improving the energy and water performance of both existing and new stock. An additional benefit of this is reducing the environmental footprint of housing.

As place-based agencies with ongoing ties to their service areas, cooperatives and CLTs develop housing that resonates with and serves the needs of the neighbourhood within which it is located. Further, both CLTs and cooperatives have been early adopters of more innovative models of community-oriented and environmentally sensitive models such as ecovillages and cooperatives. In some instances, cooperatives and CLTs have partnered to deliver a range of social, economic, and ecological benefits by combining the complementary skills, strengths, and objectives of the two forms. In Europe, cooperative peak bodies have been in the forefront of supporting cooperatives to transfer to renewable energy, perform energy-efficiency upgrades, and climate proof outdoor areas.

The draft strategy focuses almost exclusively on physical aspects of resilience, particularly with regards to design concerns. While these are important to resilience and may prove vitally important in a changing climate, research shows that social infrastructures and networks are also core to resilience. In addition to building homes that are better quality and environmentally sensitive, cooperatives and CLTs engender social capital and networks that can be drawn upon in times of stress or crisis, and so build community resilience.

In countries with large cooperative housing and CLT sectors, peak bodies provide training for members to improve management, maintenance, and governance. In addition, new technologies and apps are being introduced to support and improve social cohesion within communities. For instance, a neighbour-help app has been introduced by the housing cooperative federation in Norway and has been instrumental in helping people in self isolation to obtain help and groceries through COVID-19. More than 130,000 people have used the app in Oslo.

Key points about cooperatives and community land trusts

Below, we provide an overview of housing cooperatives and CLTs in turn, then highlight the role the State can play in fostering excellence through these models. The key messages are:

- Housing cooperatives can deliver a range of benefits including greater social capital and amenity, tenure security, alongside greater housing choice and better urban design outcomes
- Community land trusts can provide stable and affordable housing across a range of incomes, tenure types, and household forms, and can counter the impacts of housing cycles
- CLTs and cooperatives can work together – for example, a cooperative can be built on land held out of the market by a CLT, or a CLT may choose a cooperative as its organisational form

- International experience shows that all levels of government can play a role in enabling a more diverse housing landscape that includes cooperatives and CLTs²
- Both cooperatives and CLTs require land and appropriate finance, which could include the emergence of a patient capital landscape in Australia and/or the expansion of the roles and offerings of the National Housing Finance and Investment Corporation
- Both cooperatives and CLTs are based in and require substantial bottom-up community input regarding organisational objectives and activities; this is central to their excellence in addressing housing need and delivering numerous social, economic, and environmental benefits including improved housing diversity, quality, and design

The role of the State

We acknowledge the lead role that Landcom has taken in encouraging housing diversification through its recently announced Request for Proposals at Lachlan’s Line, which flags models such as cooperatives to be encouraged through potential incentives including a negotiated land price and deferred land payment. Drawing on international leadership, the State can play a vital part in enabling diversification into stable and effective models such as CLTs and cooperatives, including:

- Transfers of land and/or housing stock into appropriately constituted entities via freehold or long-term leases,
- Direction of public subsidies into resale-restricted models, as well as education and capacity building in the sector
- Stipulating percentages for social housing including resale-restricted ownership, with higher targets on public lands
- Examination of stamp duty treatment of the exchange of diverse affordable products such as resale-restricted leases or cooperative shares.
- Working with existing cooperatives and other groups to identify the barriers to decentralised energy generation and water sourcing and treatment, so that these can be more readily undertaken by housing cooperatives and CLTs.
- Working with other States and Territories to lobby the federal government for:
 - Renewed and expanded investment in social housing, including public and community housing provided as a range of rental and permanently affordable home ownership choices
 - Expansion of the role of NHFIC to include long term, fixed rate development finance to community and cooperative housing organisations – international experience includes fixed rate finance terms of up to 60 years for non-profit housing entities, with interest rates as low as 0% in some jurisdictions.

A note on Build-To-Rent

Lastly, we note the draft strategy’s discussion of the emerging Build-to-Rent (BTR) sector. As with other housing researchers, we advise against the pursuit and implementation of for-profit BTR models, as these have been shown to be unviable without substantial public investment and might not deliver affordability (Pawson et al, 2019). Build-to-Rent also does not offer any way for residents

² see Appendix for an overview of the diversity of housing cooperative models, including the roles that government has played.

to be able to exit with accumulated capital to enter the open housing market. Preliminary modelling suggests that if implemented, BTR would best address affordability if undertaken in substantial partnership with the community housing sector and possibly through the support of NHFIC.

Community housing providers (CHPs) already have access to many such concessions, as well as regulatory obligations and organisational commitments to the provision of quality affordable housing. This makes them prime candidates for collaboration in BTR products that channel public concessions and subsidies into ongoing affordability.

We support the use of targeted BTR to underpin the expansion of social and affordable housing and the establishment of stable, longterm institutional investment into a private rental sector that provides more equitable housing for residents. We see CHPs as better placed to determine the form and to manage this stock and its tenancies, including market-rate rentals. Internationally, both large-scale cooperatives and CLTs have acted as BTR developers, holding the stock and managing tenancies in line with their objectives as substantial social enterprises. We see potential for this in NSW and no reason to assume that BTR can and should only be delivered through for-profit developers. This is especially the case where public subsidies of land, funds, or tax concessions are involved.

In addition to a stabilised and diversified rental sector, we recommend looking into cost-effective options for enabling residents to be able to move into a range of ownership options. Housing cooperatives and CLTs offer new financial and ownership models for otherwise potentially marginalised groups and enable mobility across the housing spectrum without leaking public subsidies.

2. Housing cooperatives

What are housing cooperatives?

Housing cooperatives are legally incorporated member-based entities that provide housing for their members and are bound by relevant national or state legislation, such as Australia's federal *Co-operatives National Law, 2012*. As members of the cooperative, residents do not own their homes but own a share in the cooperative and ownership of a share gives the member the right to live in one of the cooperative's homes. Some housing cooperatives do not hold title but undertake activities such as tenancy management and selection.

Housing cooperatives display a great deal of diversity. Shares can range from a minimal value through to market value. Where shares have a minimal value, cooperative housing functions more like renting as the resident pays a regular fee to the cooperative. That charge is often indexed to household income to keep it affordable. Where shares have a market value, cooperative housing functions more like ownership, as shares will sell at whatever price the market will bear. So, in market cooperatives, shares act as a form of housing equity.

There are also cooperatives that set their share value between these two ends of the price spectrum and so can act like affordable ownership models. These are often called limited-equity cooperatives and combine a smaller up-front equity input with affordable ongoing rent. This enables the resident

to build up a modest nest egg while keeping the housing affordable. Regardless of the value of shares, all housing cooperatives agree to operate according to the international cooperative principles:

1. Voluntary and open membership
2. Democratic member control
3. Member economic participation
4. Autonomy and independence
5. Education, training and information
6. Cooperation among co-operatives
7. Concern for community

The scale of international housing cooperative sectors varies greatly, with the United States of America (USA), Canada, and the United Kingdom (UK) characterised by very small sectors (typically less than one per cent of housing stock) and in contrast, some Scandinavian sectors comprise 30 per cent of stock. Generally, the member basis of cooperatives tends to translate into a range of benefits including greater housing diversity and stability, and better urban design outcomes.

What are the benefits and challenges?

Our review of Australian and international research³ highlights six primary benefits: social capital, networks, and support including greater senses of neighbourliness and stronger friendship networks; housing quality, affordability, and stability; physical, mental, and emotional health; employment and job-seeking skills; lower capital and operating costs; and, broader social and environmental benefits, including non-housing social enterprises such as child care or aged care.

The existence of a housing cooperative sector has also led to better urban design through more innovative, community-building and environmentally-responsive design. A study in New York City found that in housing cooperatives, “social capital, even among very poor tenant populations, can add value to government investment in housing”.⁴ Throughout Europe, housing cooperatives are renowned for leading-edge urban design and amenity as they channel community aspirations and visions of place into more responsive and locally attuned architecture and urban design. In Australia, some housing cooperatives have been sector leaders in their uptake of sustainable initiatives such as solar power, energy efficient design, and water efficiency.

The two main challenges for cooperatives are perceived insularity or exclusivity, and burnout amongst residents involved in the governance of the cooperative. The latter can be particularly acute in smaller cooperatives. Larger cooperatives, such as those in many European countries, have the scale and resources to contract services such as tenancy management or repairs and maintenance, whereas residents in smaller cooperatives may need to do this work themselves. While this can play a core part in generating some of the benefits such as capacity and skills development, it can also place at times unmanageable burdens on residents.

³ Crabtree, L., Grimstad, S., McNeill, J., Perry, N. and Power, E. (2019) *Articulating value in cooperative housing: International and methodological review*. Institute for Culture and Society, Sydney, 126pp.

⁴ Saegert, S. & Winkel, G. (1998). Social capital and the revitalization of New York City's distressed inner-city housing. *Housing Policy Debate*, 9(1), 17–60.

Housing cooperative exemplars

Co-op City, New York

This Mitchell-Lama affordable housing cooperative in the Bronx borough of New York City comprises over 15,000 households, comprising a community of roughly 40,000 people. It is the world's largest housing cooperative and the largest residential development in the USA. It occupies a 1.3km² site and alongside its 35 residential towers and seven townhouse clusters, includes an energy plant, two post offices, schools, offices, sports fields, places of worship, child care centres, and shopping centres.

Individual residential towers span between 24 and 33 storeys and comprise up to 500 apartments. It has a Board of 15 community Directors that advises the property manager, Riverbay.⁵ It is perhaps one of the best-known global examples of housing cooperatives, due to its sheer size and longevity.

OBOS – Oslo Housing & Savings Association

In the twentieth century, housing cooperatives in Oslo were provided with central government support to provide mass housing for workers, as one of four pillars of Norway's housing strategy. In 1929, the Oslo Housing and Savings Association (OBOS) was established and through open membership offered their members housing units at cost price. Once a housing complex was built and members had moved in, the development would be converted into an independent democratic housing cooperative. Capital from the sale of member's units then would be reinvested into new housing developments.

OBOS has grown to become Norway's largest developer, operating as a non-distributing cooperative owned by over 450,000 members. Its activities include housing development, business management and consultancy, banking and real estate brokerage, and the operation of commercial real estate. Ten per cent of the turnover is directed to social and environmental programs, which in 2018 totaled 106m NOK (roughly AUD2.5m).

The Australian situation

Australia's sector is an exceptionally small component of the overall housing system and dominated by rental cooperatives. In 2017 there were over 3,200 rental cooperative properties in Australia in roughly 200 cooperatives, with the majority in New South Wales, South Australia, and Victoria.⁶ Members of rental cooperatives live in homes that are owned by either the government or a cooperative housing peak body, paying a rent that is indexed to income. Income limits apply at the point of entry into the cooperative at least, and limits vary between jurisdictions.

Most rental cooperatives self-govern and self-manage, collecting their own rents and conducting or overseeing required property repairs and maintenance. In NSW and Victoria, some of those

⁵ For more information see: <http://www.riverbaycorp.com/>

⁶ Seaborn, L. (2017). *Australian Co-operative Housing*. Sydney: Common Equity NSW and Melbourne: Common Equity Housing Ltd.

functions may be performed by peak bodies where cooperatives have nominated for this to be the case. The rental cooperative landscape in Australia is relatively well known, with numerous reports outlining its composition and performance⁷ and flagging potential issues regarding expansion and diversification.⁸

Australia's equity cooperative landscape is even smaller but has made pioneering innovations regarding sustainability and affordability. For example, Christie Walk in Adelaide, South Australia was at the forefront of water- and energy-efficient and community-oriented design in the early 21st century, while Pinakarri Cohousing Community in Fremantle, Western Australia remains the only cooperative community combining equity and rental forms, and like Christie Walk, prioritised water- and energy-efficient design before either of these had been regulated or mandated in any meaningful way.⁹

3. Community land trusts

What are community land trusts (CLTs)?

Community land trusts are private non-profit organisations holding title to property for the dual purposes of permanently affordable housing and community benefit. In the USA and UK, that purpose has been written into national regulation.¹⁰ CLTs are not Trusts as understood under Australian trust law as the restrictions on relationships and dealings between trustees and benefactors under Australian trust law frameworks are too onerous to enable CLT objectives.

The core objective of CLTs is to hold the imputed land value of property out of the market, while allowing the value of any 'improvements' – that is, any buildings such as houses or apartments – to be held by residents, left to heirs, on-sold, etc. Effectively, CLTs are an ongoing relationship between—and a balancing of the interests of—the resident and their broader community, including future residents who may otherwise be priced out of the location. The value of the improvements is

⁷ Alt Beatty and Elizabeth Rowe Consulting. (2008). *Development of a NSW Co-operative Housing Strategy*. Sydney: Author. Association to Resource Co-operative Housing. (2008). *The Social Outcomes of Co-Operative Housing for Tenants and their Families in NSW*. Sydney: Author. Bunce, D. M. (2013). *Housing Cooperatives: The lived experience in an alternative tenure*. (Unpublished Doctoral Thesis). Centre for Housing, Urban and Regional Planning, University of Adelaide. <https://digital.library.adelaide.edu.au/dspace/bitstream/2440/93915/3/02whole.pdf>. Gilmour, T. (2012). *We're all landlords and tenants: Contemporary housing cooperatives building sustainable communities*. Sydney: Housing Action Network. <https://static1.squarespace.com/static/56a56b4a05f8e21e9555eb4e/t/577e3b0b37c581b3331a9312/1467890452244/Landlords+2012.pdf>

⁸ Cheong, E. (2011). *Unlocking Housing Co-operatives: An Exploratory Study of Financial, Incorporation and Ownership Issues Influencing the Development of Housing Co-operatives in Western Australia*. Hamilton Hill, Australia: Federation of Housing Collectives. Federation of Housing Collectives. (2010). *Benefits of Housing Cooperatives and the Present Barriers to Growth in Western Australia*. Perth, Australia: Federation of Housing Collectives.

⁹ Crabtree, L. (2006). Sustainability begins at home? An ecological exploration of sub/urban Australian community-focussed housing initiatives. *Geoforum*, 37(4), 519–535. <https://doi.org/10.1016/j.geoforum.2005.04.002>

¹⁰ The classic CLT model as developed in the US is defined in the *Housing and Community Development Act 1992* via the so-described *Cranston-Gonzales National Affordable Housing Act 42 USC 12773*. The broader definition of CLTs as an “English body” is found in the UK *Housing and Regeneration Act 2008* s79.

therefore restricted via a resale formula so that CLT residents and heirs cannot speculate on the property, while they are able to share a degree of capital gain or loss with the CLT. Heirs inherit the restricted value of the property interest whether via a lease or a deed, and as such, inherit the ongoing relationship with the CLT. Residents cannot sublet without good cause, so the intention is for the home to be lived in as the primary residence and to remain affordable.

On the basis of their ongoing title to land, CLTs act as place-based stewards of assets that can be substantial. CLTs place a strong emphasis on transparency and accountability so that their service communities can see the benefit of the CLT holding property. Most CLTs enshrine their commitment to place by having a large voting membership base and a governance structure that balances a range of stakeholder interests. The 'classic' CLT Board structure comprises one-third directors who live in CLT homes, one third residents of the region that the CLT serves who do not live in CLT homes, and one-third of public representatives and other professionals that are appointed by the other two-thirds. All directors undergo the same training to understand their role in guiding the CLT according to its stated objectives of community benefit and permanent affordability.

The place-based nature of CLTs means they can provide housing across household incomes and housing forms, as well as a range of other commercial and non-profit enterprises. CLTs therefore underpin boarding rooms, affordable rentals, cooperative housing, and resale-restricted ownership and have built houses, apartments, terraces, duplexes, and triplexes, as well as more innovative forms like cohousing and ecovillages. Some CLTs also underpin a range of commercial and non-profit facilities including shops, community gardens, aged and child care centres, and parks, amongst others.

The CLT movement started in the USA as part of the Civil Rights movement and has since grown to foster sectors in the UK, Europe, Asia, Africa, Latin America, and nascently in Australia.

Benefits and challenges

CLTs sometimes refer to themselves as “developers who don’t go away” – meaning they undertake development that they are legally and financially committed to, which tends to create better design and quality and, as with cooperatives, greater diversity and more place-based architectures and design typologies. As organisations that are deeply embedded in their communities, CLTs also don’t have the ability to ‘walk away’ from any bad developments and are immediately answerable to their constituents.

Consequently, some CLTs have become substantial urban planning and design advocates with tangible impacts on urban form and quality. CLTs play pivotal roles in identifying gaps in their local housing system and addressing those – whether that means providing affordable rental, ownership, or other options. The majority of CLTs in the USA provide both affordable rental and ownership options. Further, their ongoing presence as advocates for community benefit means they often underpin the provision of non-residential activities in response to the identification of related needs, whether for care, commercial, or other spaces.

Research into the USA CLT sector shows that while housing primarily low- and moderate-income households, CLTs have provided affordability, allowed modest equity gains, and withstood the

mortgage foreclosure crisis of 2008 onwards.¹¹ The stability of CLTs often out-performs the market and they are increasingly referred to as a model of ‘counter-cyclical stewardship’ that can withstand and ameliorate the impacts of both the overheating and collapse of markets.¹²

An evaluation of resales in one of the largest and longest standing CLTs in the USA, the Champlain Housing Trust, showed that the CLT simultaneously provided homes that became more affordable over time, enabled household mobility, and generated equity gain for residents.¹³ Counter to speculation that the asset lock would ‘trap’ residents, residents were able to move into market ownership and moved for the same reasons as others – that is, mainly because of life events such as a change in job or a change in family circumstance.

Crucially for government interest, the report also showed that the resale restriction served to make any public subsidies ‘work harder’. That is, the CLT was able to make housing affordable for more people by restricting the equity gain that residents could access. The CLT used USD2,172,207 to provide affordable home ownership to 357 households over the study period.¹⁴ In contrast, if they had not restricted the equity gain and had instead opted for a model analogous to Australia’s first home owner grants, the cost for 357 household would have been USD10,584,003, or the USD2.2m would have housed only 152 households.

The demonstrated success of CLTs in stabilising housing markets and providing diverse, quality housing options in the USA has led to the establishment of rapidly growing sectors in the UK and Europe in particular.

Challenges for the sector have included access to land at sub-market rates, appropriate finance for development and residential mortgages in resale-restricted products, and stigma and misconceptions. Interestingly, the latter have decreased in the wake of the sector’s success in withstanding the USA mortgage foreclosure crisis and as more municipalities, states, and nations look to diversify housing systems to include more stable, affordable, and resilient housing models.

Community land trust exemplars

¹¹ Temkin, K. M., Theodos, B., & Price, D. (2013). Sharing equity with future generations: An evaluation of long-term affordable homeownership programs in the USA. *Housing Studies*, 28(4), 553–578.

<https://doi.org/10.1080/02673037.2013.759541>. Thaden, E. (2011). *Stable Home Ownership in a Turbulent Economy: Delinquencies and Foreclosures Remain Low in Community Land Trusts*. Lincoln Institute of Land Policy Working Paper. Lincoln Institute of Land Policy, Cambridge, MA. Thaden, E. (2010). *Outperforming the Market: Making Sense of the Low Rates of Delinquencies and Foreclosures in Community Land Trusts*. Lincoln Institute of Land Policy, Cambridge, MA. Thaden, E., Greer, A., & Saegert, S. (2013). Shared equity homeownership: A welcomed tenure alternative among lower income households. *Housing Studies*, 28(8), 1175–1196. <https://doi.org/10.1080/02673037.2013.818621>. Theodos, B., Pitingolo, R., Latham, S., Stacy, C., Daniels, R., & Braga, B. (2017). *Affordable Homeownership: An Evaluation of Shared Equity Programs*. The Urban Institute, Washington, D.C.

¹² Davis, J. E. (2010) Homes that last: the case for counter-cyclical stewardship, in Davis, J.E. (ed.), *The community land trust reader*. Cambridge: Lincoln Institute of Land Policy Cambridge.

¹³ Davis, J. E., & Stokes, A. (2009). *Lands in Trust, Homes that Last: A Performance Evaluation of the Champlain Housing Trust*. Champlain Housing Trust, Burlington, VT.

¹⁴ Davis, J. E., & Stokes, A. (2009). *Lands in Trust, Homes that Last: A Performance Evaluation of the Champlain Housing Trust*. Champlain Housing Trust, Burlington, VT.

Champlain Housing Trust, Burlington, Vermont

The Champlain Housing Trust was formed by the merger of Lake Champlain Housing Development Corporation and the Burlington Community Land Trust. The organisation has over 6,000 voting members, manages over 2,300 rental homes (including cooperatives) and 620 owner-occupied homes across three counties, and has an annual budget of USD15m. In 2008, Champlain Housing Trust was awarded the UN Habitat Award for the Global North, in recognition of the excellence of its programs. In addition to its permanently affordable housing options, its portfolio comprises properties leased to non-housing activities including aged care, child care, a food shelf, a soup kitchen, a refuge centre, an LGBTIQ+ space, and First Nations' after school care, as well as commercial retail.

Prior to merging with Lake Champlain Housing Development Corporation to form the Champlain Housing Trust, the Burlington Community Land Trust (BCLT) was the subject of a review of the maintenance of its housing affordability over resale.¹⁵ Over 1984-2002, BCLT developed 259 moderately-priced single family houses and condominiums and 97 of these were resold between 1988 and 2002. That study contains several key findings. First, the homes' affordability increased over the study period. At the time of initial sale, the average BCLT home was affordable to households on 62% of Area Median Income (AMI); at resale, it was affordable to those on 57% of AMI. Second, the retained subsidy value increased over time. At the initial sale, public subsidies put into the homes were USD1,525,148; at resale, these were valued at USD2,099,590.

Third, neighbourhood stability was enhanced, with 95% of BCLT properties retaining their affordability and occupancy protections. Two properties went to foreclosure but remained under BCLT's care. Fourth, homeownership was expanded to lower income households, with all BCLT residents earning less than AMI, with many on substantially less than 80% AMI. Fifth, individual wealth was created, with BCLT homeowners experiencing an annual rate of return of 17%. Last, homeowner mobility was fostered, "with households who left the BCLT doing so for similar reasons, with similar destinations, and with similar success as homeowners buying and selling on the open market".

CLTs in New York State

The recent evolution and emergence of CLTs in the state of New York is the result of extensive State, City, and sector input. In 2017, the New York State Government approved USD3.0m of funding statewide to seed community land trust development. In partnership with the State and using those funds, the sector agency Enterprise launched a USD4.2m program ('the CLT Initiative') to establish and support CLTs across the state. Much of the funding went directly to the CLTs, while some was retained by Enterprise to run a training and support program. The CLT Initiative is creating and expanding CLTs in the City of Albany, East Harlem (NYC), Cooper Square (NYC), and Long Island. It is also enabling the development of a community centre to be transferred to a newly-formed CLT, the provision of a CLT capacity building and education program across nine community-based organisations, and the establishment of a New York City-wide CLT platform, the Interboro CLT.

¹⁵ Davis, J. E., & Demetrowitz, A. (2003). *Permanently Affordable Homeownership: Does the Community Land Trust Deliver on Its Promises?* Burlington, VT: Burlington Community Land Trust.

The New York City outcomes were also enabled by City support. In the same year as the State government funding provision, the City of New York released a Request for Expressions of Interest, calling on groups to submit proposals detailing how they would develop and manage CLTs and then followed up with grant funding worth roughly USD1.65m for a variety of CLT projects. The City also passed legislation officially codifying CLTs and allowing the city to enter into regulatory agreements with them.

Enterprise summarise the impact of their program as creating 453 permanently affordable homes, supporting 34 new or existing jobs, and leveraging the State's USD4.2m into USD63m of investment into permanently affordable homes across Albany, New York City, and Long Island.¹⁶ The permanent affordability conditions means this investment will continue to deliver affordability in perpetuity including in one of the country's most expensive cities.

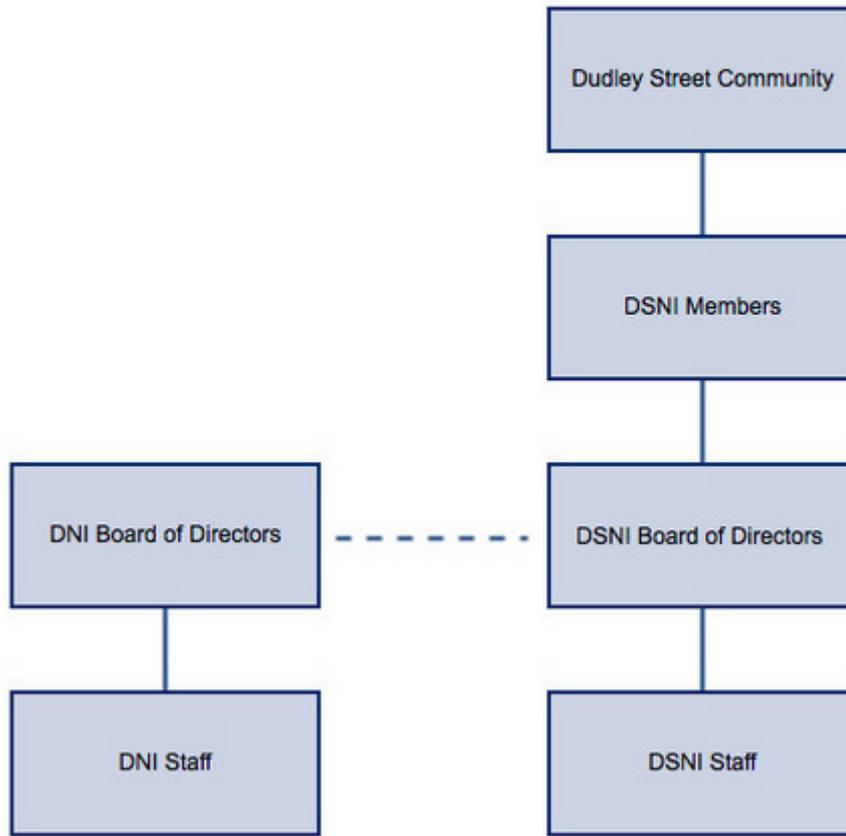
Dudley Neighbors, Inc., Boston Massachusetts

Dudley Neighbors, Incorporated is a CLT acting as the development arm of a vast community planning entity, the Dudley Street Neighbourhood Initiative (DSNI), which comprises several thousand voting members. DSNI was formed in 1988 when the City of Boston utilised the power of eminent domain to hand over title to vacant and disused properties in a 12ha area of Roxbury in inner Boston (the "core area"). In addition, DSNI has the power of veto over any development application on City land in an additional 12ha site surrounding the core area. These are extraordinary powers for a community entity and DSNI has shown itself to be a progressive and dynamic stakeholder in urban planning.

The 34-seat DSNI Board includes 16 residents from each of the four local major ethnic groups (African-American, Latino, Cape Verdean, and White), two additional Board-appointed residents, three youth, seven non-profit agencies, two churches, two businesses and two community development corporations. Due to the substantial powers of DNI, its Board comprises six representatives from DSNI, two from the City, and two from the State. This unique and substantive relationship between residents, the City, and the State has grown and deepened in the 35 years since establishment.

¹⁶ Enterprise (2019) *Enterprise's Community Land Trust Initiative*.
<https://www.enterprisecommunity.org/download?fid=11746&nid=8920>

DNI Board of Directors Structure & Relation to DSNI



At the time of DSNI's formation, the area had some 1,300 vacant properties and was subject to a high level of absentee landlordism, illegal dumping, and property destruction. DNI has overseen the development of perpetually affordable housing units, commercial spaces, parks, and community spaces, and DSNI has overseen more than 1,300 development applications in the area, often with several hundred community members at development application meetings. The strength of the community's vision for the area is reflected in the City adopting DSNI's redevelopment plan as its planning strategy for Roxbury. According to the DNI website:

"This land has been transformed into 225 new affordable homes, a 10,000 square foot community greenhouse, urban farm, a playground, gardens, and other amenities of a thriving urban village. Dudley Neighbors Inc. is recognized as one of the nation's most successful urban community land trusts and serves as a model for other communities organizing to promote development without displacement and long-term control of the land."¹⁷

¹⁷ Dudley Neighbors, Inc. (n.d.) History of DNI. <https://www.dudleyneighbors.org/background.html>

The Australian situation

Research at Western Sydney University has underpinned the investigation of CLTs in Australia in collaboration with state and local government, community housing providers, emerging CLTs, and the private sector.¹⁸ Interest exists in all States and Territories including amongst Aboriginal communities who see CLTs as an option for home ownership models that foster stability and respect the cultural significance of land. All interested agencies see the significance of overheated land values in creating persistent affordability problems and see the relevance and impact of greater community voices in design and development objectives.

The key impediment to CLTs in Australia is the same as for many other jurisdictions in which CLTs operate, primarily: access to land and appropriate finance. These will be considered below where we discuss the role of the State. CLTs are being established in Melbourne and Queensland, and are under investigation on Cape York and by the City of Sydney.

4. The CLT-cooperative partnership

In the USA, some CLTs have provided affordable housing via cooperatives. In these arrangements, the CLT holds the value of the land and the cooperative manages tenancies and rents. This reduces costs to the cooperative and provides an additional layer of civic engagement to the residential community building of the cooperative form. Historically, some cooperatives in the USA that were initiated as affordable housing voted to remove the affordability conditions on their stock, generating windfall gains to residents by transferring the homes into market rate housing that lost affordability.

Underpinning a cooperative with a CLT removes this ability and ensures the housing remains affordable and holds any subsidies in place. Arguably the layering of cooperatives on CLTs can also counter the insularity and exclusiveness perceived in some sectors, as CLTs are inherently civic entities. It can also provide administrative support to cooperatives that do not have the capacity to undertake roles such as tenancy management or repairs and maintenance, addressing the highlighted issue of burnout amongst smaller cooperatives.

¹⁸ Crabtree, L. (2014). Community land trusts and Indigenous housing in Australia—Exploring difference-based policy and appropriate housing. *Housing Studies*, 29(6), 743–759.

<https://doi.org/10.1080/02673037.2014.898248>. Crabtree, L. (2010a). Community land trusts: innovation in perpetually affordable home ownership. *HousingWORKS*, 8(2), 23–26. Crabtree, L. (2010b). Fertile ground for CLT development in Australia. In J. E. Davis (Ed.), *The Community Land Trust Reader* (pp. 464–474). The Lincoln Institute of Land Policy. Crabtree, L. (2010c). Can we build homes on trust? In *Shareable*.

<http://shareable.net/blog/can-we-build-homes-on-trust-0>. Crabtree, L., Blunden, H., Phibbs, P., Sappideen, C., & Moore, N. (2012a). *Community Land Trusts and Indigenous housing options. AHURI Final Report No. 185*.

Crabtree, L., Blunden, H., Phibbs, P., Sappideen, C., Mortimer, D., Shahib-Smith, A., & Chung, L. (2013). *The Australian Community Land Trust Manual*. University of Western Sydney. Crabtree, L., Moore, N., Phibbs, P., Blunden, H., & Sappideen, C. (2015). *Community Land Trusts and Indigenous Communities: from Strategies to Outcomes. Final Report No. 239*. Crabtree, L., Phibbs, P., Milligan, V., & Blunden, H. (2012b). *Principles and Practices of an Affordable Housing Community Land Trust Model. Research Paper*.

http://www.ahuri.edu.au/publications/download/70639%7B_%7D Crabtree, L., Sappideen, C., Lawler, S., Conroy, R., & McNeill, J. (2019). *Enabling Community Land Trusts in Australia*. Arena Publications.

The cooperative housing provider Common Equity NSW already offers this service to cooperatives that choose to hand certain management tasks over while retaining control over more socially nuanced tasks such as tenant selection. This splitting of tasks allocates these according to the skills of the cooperative and the provider, with the former able to ensure compatibility with the particular objectives and composition of the cooperative, and the latter able to undertake more generic functions.

The core difference between a provider such as CENSW partnering with a cooperative and a CLT partnering with a cooperative, is that CLTs have large voting membership bases. This creates a mechanism for residents, the broader community, the public at large to all play a role and collaborate in steering the organisation according to its stated objectives of community benefit and affordable housing.

Innovative models such as Nightingale and various coliving developments have played significant roles in highlighting extant market demand for more compact and community-oriented developments. Nightingale in particular highlights strong demand for greater input into design and a willingness to trade individual apartment finishes for greater community amenities. Cooperatives are ideally placed to embody that desire for resident input into design at the level of individual developments, while CLTs are ideally placed to replicate that community desire for input at a broader scale, whether at a neighbourhood or metropolitan level.

5. Role of the State

Our work in various models of community-led and innovative housing suggests that in finalising and enacting this housing strategy, the State has an opportunity to demonstrate world-class leadership based on current best practice. Globally, cities and regions are realising that an unchecked housing market cannot deliver sustainable and affordable outcomes for diverse communities. Central to this is an emerging understanding that the highest and best use of public land might not be delivered through its sale on an open market, but rather through a variety of alternative arrangements that enable non-profit entities to undertake substantial developments.

The State also has a role in overcoming impediments that have restricted the development of community-led housing. These impediments include a lack of knowledge on both sides of the market regarding cooperatives and CLTs – developers, regulators, and financiers on one side, and consumers of housing options on the other. The historical dual tenure forms of owning and renting create institutional norms that favour the status quo, leading to a market failure that the government has a role to correct.¹⁹

Research shows that housing cooperatives experience diverse relationships with government at all levels and have generally thrived when resourced while given the autonomy to operate at scale. In some instances, initial support has been enough to enable an ongoing independent sector at scale, but it is evident that without appropriate mechanisms in place to retain affordability, complete sector autonomy can lead to the marketisation of housing. The ideal balance between regulation

¹⁹ Crabtree, L., McNeill, J., Perry, N. and Grimstad, S. (2019). Impediments and opportunities for growing the cooperative housing sector: An Australian case study. *International Journal of Housing Policy*. Available online. DOI: 10.1080/19491247.2019.1658916.

and autonomy is referred to as ‘embedded autonomy’, where the sector is supported and underpinned by the State, but not to the extent that it is subject to restrictions that become onerous and undermine the sector’s strengths.²⁰ Internationally, housing cooperative sectors have been found to thrive in this ideal space.

Support for CLTs has included national regulation, provision of State-based funding and/or land, and municipal grants and policies, including some jurisdictions that have recently announced policies of no longer selling public lands. These tend to rest on an understanding that highest and best use might be realised not by a high sale price but by leveraging ongoing stewardship of the asset by innovative non-profits into greater social and physical outcomes, such as more diverse housing options, more appropriate and vernacular architecture, and place-based design responses and innovations that include climate readiness and age-friendly communities.

Tax consideration across scales has also helped the sector, particularly with regards to the calculation of taxes due on resale-restricted equity products. Policymakers are also realising that homeowner grants can be inflationary without resale restrictions, so are increasingly targeting subsidies into sectors that will make the public investment work harder.

The State has a role to play in working with other levels of government and the draft strategy highlights a number of ways that local government can be encouraged to support affordable and appropriate housing. There is also a role for the State to play in collaboration with other States and Territories such as through COAG, to lobby the federal government and sustain pressure for renewed and increased funding for social housing.

In mid-2019 a workshop was convened on the financial requirements for housing cooperatives and CLTs. It was attended by nearly 20 financial institutions including representatives from major and mid-tier banks, super funds, ethical investors, and NHFIC. State and local government representatives, community housing providers, and other stakeholders were in attendance as observers. The workshop revealed nascent interest amongst lenders in providing development and/or mortgage finance. There is therefore a role for the State to lobby for the diversification of NHFIC to include the provision of low cost, long term capital to dedicated non-profit entities, as access to such finance has been pivotal in many international sectors.

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²⁰ Ganapati, S. (2010). Enabling housing cooperatives: Policy lessons from Sweden, India and the United States. *International Journal of Urban and Regional Research*, 34(2), 365–380.

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Appendix: Typology of housing cooperative business models.

Source: Crabtree et al (2019)

Variable	Type	Example jurisdiction/s
Initiation or formation	Stock transfer (nil or discounted value) or development by government	Australia, Norway, UK, USA
	Land title transfer by government at nil or discounted rate	China, Pakistan, Turkey
	Long-term peppercorn leasing of land or buildings by government	UK
	Members pool resources to acquire stock (including community share issues & crowd funding)	Australia, China, Thailand, UK, Uruguay, USA
	Debt-financing secured against existing asset base (e.g. 'social lenders')	Italy, UK
	Charitable organisations / councils funding community groups for start-up	UK
	Charitable organisation low-interest loan schemes	Kenya, Thailand
	Community sector organisation diversifies into cooperative housing sector	UK
	Government funding to cooperative or sector	Canada, Norway, UK
Construction model	Cooperatives or peak bodies develop housing	Australia, India, Norway, South Africa, Sweden, UK
	Government develops housing	Australia, UK
	Community self-build	UK, Uruguay
	No preferred housing or spatial form, e.g. mix of discrete and scattered sites	Australia, USA
Target communities	By income level	Australia, Austria, Canada, India, Kenya, Norway, South Africa, Thailand, Uruguay, UK, USA
	By sociocultural variables, e.g. cultural groups, LGBTIQ+, disabilities, seniors	Australia, Norway, UK, USA
Policy environment ²¹	Overembeddedness	Australia (NSW, Qld, SA, Vic, WA), Canada, India, Poland, UK
	Embedded autonomy	Australia (Tas), Austria, Kenya, Korea, Norway, Sweden, UK, Uruguay
	Disembeddedness	Norway, South Africa, USA
Revenue streams, including development	Rental income from residents	Australia, Pakistan, Turkey, UK
	Sporadic public funding, including favourable lending schemes	Australia, Austria, Canada, Norway, UK, USA
	Affiliated or sector-specific lenders	India, Italy, Sweden, UK
	Income from non-housing activities	Egypt, Turkey

²¹ As per Ganapati (2010).

Variable	Type	Example jurisdiction/s
finance	Public-private development partnerships	Austria
	Cooperative housing developer investment	Austria
	Contributions from residents to development	Austria