



BUILDING COMMUNITY CONTROL IN NYC









"If we're to safeguard equity, democracy and rights in urban areas, we must first ask ourselves: who owns the city?"

Saskia Sassen, Sociologist,
Columbia University

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EXECUTIVE SUMMARY

The aftereffects of the COVID-19 pandemic have increased the need for survival services in Black, Brown, immigrant, and low-income communities across NYC. Ongoing and intensifying economic, health, and climate events that disproportionately impact communities of color necessitate a powerful, nimble, and well-resourced network of community-based organizations (CBOs) and neighborhood institutions that support, organize, and inspire the neighborhoods they serve in times of both acute and everyday crisis.

Like the electric grid and broadband network, water pipes, and roads and bridges, CBOs are conduits for the kinds of services and support that make for functional, healthy, and vibrant neighborhoods. And, like all infrastructure, they require attention and investment. Rising rents due to gentrification, negligent and harassing landlords, and government underfunding pose an existential threat to this vital social infrastructure, making the need for sustained, strategic intervention all the more pressing.

Community control of neighborhood assets by local residents and nonprofit organizations is the most durable strategy to retain and grow community wealth, increase resilience, preserve community space and culture, build local power, and uplift the critical symbiotic relationship between government and community-based organizations. We must build out a **nonprofit community control ecosystem** of technical assistance, innovative pilot programs, and reliable, low-risk funding that supports the sustainable acquisition and renovation of CBO space in priority neighborhoods throughout the city.

In order to fortify this ecosystem, we need to:

RE-FRAME CONNECT THE DOTS

We must redefine, position, and value CBOs in our pursuit of equity, resiliency, community wealth, and local power

Nurture a sophisticated and collaborative network of communitybased service providers, neighborhood institutions, government agencies, funders, and lenders—all of whom seek to serve similar populations in many of the same neighborhoods

Experiment with innovative policies, ownership structures, and financing

INVEST **NSOCIAL** INFRA-STRUCTURE

THINK

OUTSIDE

THE BOX

Build the political will for capital investment and longterm community control

NOW IS THE MOMENT. The successive calls to action of the past two yearsthe COVID-19 pandemic and city-wide shutdown, global racial justice reckoning, Census 2020, and Hurricane Ida, among others—have made clearer than ever the lifesaving and neighborhood-strengthening role played by so many CBOs. Now is the time to invest in collective ownership models, to create innovative financing vehicles, and to put our money where our mouth is and truly build community wealth and preserve neighborhood vitality and culture.

RECOMMENDATIONS

The opportunity presented is a long-term investment in just, equitable, and resilient communities. We recommend the following set of policies and programs that will build out an intentional, navigable, and sustainable system for community-based organizations and neighborhood institutions to acquire, renovate, and control their spaces.

To successfully implement these remarkably expensive and complicated capital projects, and realize the dream of community-led development, NYC needs:



Targeted resources for community control initiatives for CBOs and communities most at risk in order to help build the ecosystem of community control stakeholders, and tenant, business, and CBO leaders in NYC.



Legible and efficient **process, policy, and regulatory frameworks** that will enable CBOs to nimbly participate within the confines of the NYC real estate market. Gone must be the days when it takes years to register a contract with the City. The delay makes expensive projects even more expensive, as CBOs are forced to take out costly bridge loans to be able to move their projects forward.



Access to technical assistance—CBOs are really good at serving their communities through an impressive array of programs and services; they aren't real estate developers. They require trusted and reliable technical assistance providers to help them navigate the world of NYC real estate. Technical assistance is essential for all phases of a successful capital project and must be considered as part of the overall project budget.



Innovative **funding and financing solutions** using a public, and private cooperative model. This is an opportunity for philanthropy and private lenders to work together with the government to advance equity as they support Black and Brown communities, and the CBOs that serve them. NYC CapGrants is designed to provide a big chunk of the financing necessary for a capital project, but not all of it. CBOs need: 1) private lenders to help fill the gap with reasonable loan terms, and efficient and flexible credit review and, 2) foundations to provide funding for the hard-to-fund and essential-to-get-right pre-development phase.

Now, in the wake of the pandemic and the summer of George Floyd, when we have the opportunity to re-make what has long been broken, and to re-invest in Black, Brown, immigrant, and low-income communities through the acquisition and renovation of CBO spaces and places—it is a strategy whose time has come.

No other single strategy achieves all of these goals:

- Leverage land and property for public good;
- Build community wealth;
- Support essential community-based organizations in perpetuity;
- · Preserve the remarkable diversity and cultural vibrancy of NYC neighborhoods; and
- Strengthen the resilience of communities of color.

Let us stop the piecemeal approach to planning, funding, and emergency response that leads to inefficiencies and undermines communities. Instead, let us invest in the long-term sustainability and resilience of the social infrastructure that supports our neighborhoods through good times and bad. Our neighborhoods, and our city, will be stronger for it.



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VOCAL-NY at their newly acquired office site after being forced to leave their previous office of 20 years. Photo courtesy of VOCAL-NY.

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I. INTRODUCTION

STRENGTHENING ESSENTIAL INFRASTRUCTURE FOR A JUST RECOVERY

Community-based organizations (CBOs) contribute deeply to New York neighborhoods by providing vital programs and essential services, local jobs, and access to resources. CBOs also serve as centers for community organizing, gathering, and connection.¹ Their value to our neighborhoods has never been more evident than during the COVID-19 pandemic. Historically, CBOs are the first responders in times of crisis by stepping into disaster mitigation and emergency relief roles for their communities.

The place-based impacts of racial segregation and discrimination, long-term disinvestment in communities of color, gentrification, and climate change have only been amplified during the COVID-19 pandemic, creating a greater urgency for the services provided by CBOs. While CBOs differ in character and purpose, together, they contribute to a vital social infrastructure of essential services, support, and solidarity that makes our neighborhoods more resilient, equitable, and just.

COMMUNITY CONTROL OF SOCIAL INFRASTRUCTURE

Community-controlled social infrastructure (e.g. open green spaces, mission-driven housing, small businesses, CBOs, community land trusts, and other models of shared equity), preserves affordability, fortifies equitable neighborhoods, supports healthy places to live, and safeguards and strengthens critical neighborhood assets. CBOs who own rather than rent their office and community spaces receive more protection from the instability of the real estate market, reduce organizational operating costs, and increase long-term investment in and sustainability of programming and services.

This crucial form of community control supports collective wealth building in historically disinvested communities and serves as a clear statement of permanence at a time where Black, Brown, immigrant, and low-income communities advocate for a just recovery and stronger social infrastructure.

¹ Nonprofit New York estimates that there are more than 40,000 nonprofit organizations addressing the urgent needs of NYC communities.

BUILDING A COMMUNITY CONTROL ECOSYSTEM

Hester Street (HST) has been working with nonprofit organizations as a technical assistance provider to acquire and support community-driven real estate development for several years. This ownership strategy which leverages the deep roots of CBOs in their neighborhoods and close relations with local elected offices to access City capital funds for acquisition and construction—results in:

- Long-term community control of neighborhood assets, particularly in communities of color—an important bulwark against the vagaries of the real estate market, bad landlords, gentrification, and displacement;
- Reduced CBO operating costs and increased neighborhood investment—a larger portion of CBO revenue (philanthropic funds and government contracts) can be dedicated to the programs and services communities want and need;
- Long-term sustainability of CBOs—CBOs can more deeply invest in their neighborhoods and plan for sustained programs and services when they know their tenure is secure;
- A feeling of belonging—protected community space, a shared sense of identity and place for longterm residents in communities of color at a time when NYC neighborhoods are increasingly at risk of wholesale change.

This proposal builds on our current work to provide specific recommendations for the build-out of a **nonprofit community control ecosystem** that supports the sustainable acquisition, renovation, and operation of space in neighborhoods at risk of heightened displacement. For the purpose of this proposal, *non-housing CBO* refers to nonprofit, mission-driven and place-based institutions that provide a range of social, cultural, economic, health, housing, and other survival services. This distinction is made because policy and funding opportunities for housing CBOs and associated projects currently exist in a robust ecosystem which deploys resources much more regularly and successfully than for non-housing CBOs.

This is our opportunity to invest in the CBOs that strengthen Black, Brown, immigrant, and low-income communities, to support local culture, foster social connection, and to ensure community control of neighborhood assets.

II. WE MUST SUPPORT COMMUNITIES AND CBOs AT GREATEST RISK

As threats to neighborhoods in NYC intensify and the COVID-19 pandemic exacerbates existing inequities in communities of color, it is critical to center the outcomes of this proposal in the neighborhoods that are at greatest risk.

In order to better understand these threats and prioritize neighborhoods to target resources, HST engaged in detailed research and data analysis with support from national research partners. This included interviews with several experts focused on urban planning policy, the outcome of which identified the most vulnerable neighborhoods in NYC at risk of gentrification, as defined by the University of California at Berkeley's Urban Displacement Project², and those neighborhoods with high COVID case rates as recorded by the New York City Department of Health (DOH)³.

The Urban Displacement Project identified census tracts greatest at risk of gentrification by developing and identifying a set of indicators that include housing affordability, low income households, percentage of renters, percentage of nonwhite households, percentage of college educated, and more. We used these indicators to identify NYC neighborhoods most at risk of gentrification. A full description of the methodology is included in the Appendix.

Next, a further data analysis was completed to identify CBOs within the identified vulnerable neighborhoods that qualify for the City Capital Grants Programs (CapGrants)⁴. CapGrants has three main requirements in order for an organization to be eligible to apply for funding:

- The organization must be a registered nonprofit and registered to do business in New York City with a demonstrated history of operating services and programs that are consistent with the Project's defined City Purpose
- The organization must have one or more City operating contracts and at least three consecutive fiscal years of contracts including the current fiscal year
- The organization must have a minimum aggregate annual dollar amount of \$50,000

The outcome of this analysis, included in the following pages, can inform where CapGrants funds must be prioritized, and provides an estimate of the number of CBOs that qualify to receive funding under the current City requirements.

^{2 &}quot;New York - Gentrification and Displacement." Urban Displacement Project, www.urbandisplacement.org

^{3 &}quot;COVID-19: Data." COVID-19: Latest Data - NYC Health, www1.nyc.gov/site/doh/covid/covid-19-data.page

⁴ For more information on the CapGrants program, including eligibility and terms of use, see Hester Street's "Essential and At-Risk" report found at https://hesterstreet.org/publications/essential-at-risk-the-power-of-cbos-and-the-danger-of-displacement/

FINDINGS AND PRIORITIES

Out of the thousands of CBOs located across the five boroughs in vulnerable neighborhoods, there are only 389 that are eligible for CapGrants based on the current requirements included on the previous page.

CBOs in Neighborhoods At Risk of Gentrification Qualifying for CapGrants





Out of the areas represented in this analysis, a quarter (25%) of all CBOs that qualify for CapGrants are in neighborhoods with relatively high average median household incomes (shown in the table below)⁵. In fact, the four neighborhoods with the most CBOs all have a median household income significantly higher than the citywide average (\$70,590), potentially resulting in an unequal distribution of City Capital funds away from lower income, underrepresented neighborhoods.

Neighborhood	# of CBOs	Area Median Income
Midtown	52	\$122,300
Chelsea	21	\$122,300
Downtown Brooklyn	18	\$113,450
Upper West Side	12	\$139,070

This analysis shows that the current requirements of the CapGrants program disqualify many CBOs, particularly in neighborhoods with low median household income on average. Although many CBOs are already operating in neighborhoods where the need for their services is high, they are less likely to benefit from the CapGrants program. The communities these organizations serve are often low-income, communities of color, and many of these CBOs are also at risk of being displaced from their current buildings due to rising rents. Without support from the city, many CBOs will continue to struggle to provide essential services and may even be forced out of their community. **Making City Capital Grants more accessible to CBOs in vulnerable neighborhoods will allow them to continuously operate without the threat of displacement, helping to stabilize both the organization and the community it serves.**

In addition, prioritizing CapGrants funding to CBOs in neighborhoods vulnerable to displacement will result in added economic value to these communities by generating public and private investment, creating jobs in construction, and preserving jobs created and controlled by residents and CBOs. Resident- and CBO-owned spaces also keep the value of these properties within neighborhoods. Thus, CapGrants can truly be a community wealth building tool, reducing wealth extraction driven by external private developers.

Citywide average median income \$70,590

A quarter of all CBOs that qualify for CapGrants are in neighborhoods with AMI ranging from

\$113,450-139,070

^{5 &}quot;Neighborhood Profiles." NYU Furman Center. furmancenter.org/

EXAMPLE: POTENTIAL ECONOMIC IMPACT FOR COMMUNITY WEALTH IN A PRIORITY NEIGHBORHOOD

Maximizing CBO access to CapGrants will leverage private investment and result in significant economic impacts for community-controlled wealth. The result of these organizations acquiring spaces in which they are currently renting is a transfer of wealth from developers and landlords to the CBO and the constituencies they serve.

Using the Mott Haven and Port Morris neighborhoods in the Bronx—both predominantly Black and Brown communities that were hard hit by COVID-19 and at risk of gentrification—as examples of the above CapGrants eligibility analysis, shows that there are currently only four CBOs in this neighborhood that may qualify for CapGrants (see table below).

Mott Haven-Port Morris CBO	DOF Market Values 2022
East Side House Settlement	\$69,972,000
Urban Youth Alliance International	\$2,834,000
Ghetto Film School	\$9,244,000
Sauti Yetu Center for Africa Women	\$19,437,000

According to the Department of Finance (DOF) 2022 market values of these properties, the economic impact of CBOs securing CapGrants for the acquisition of these properties could be \$101,487,000⁶. Meaning, the potential amount of wealth retained in the community through the utilization of CapGrants funds for just four CBOs in this community is over \$100 million.

⁶ For the purposes of this analysis, it is assumed that CBOs would stay in their current spaces and have the capacity to acquire the entire building.

CASE STUDY: THREATS OF CBO DISPLACEMENT VOICES OF COMMUNITY ACTIVISTS AND LEADERS

Voices of Community Activists & Leaders (VOCAL-NY) is a statewide grassroots membership organization building power among low-income people affected by HIV/AIDS, the drug war, mass incarceration, and homelessness. They accomplish this through community organization, leadership development, public education, participatory research, and direct action. As Brooklyn rapidly gentrifies, VOCAL-NY's long-time office space on 4th Avenue was sold to developers and will be replaced with luxury condos. After close to 20 years at the same location serving their constituency, they are forced to move.

In 2017, VOCAL-NY began work with HST to assess their space needs and develop a plan for the acquisition of a new space in order to prevent further threats to their stability and presence in the neighborhood. They identified a space not far from their previous home, at 300 Douglass Street in Brooklyn, and developed a new, multi-year financial plan to renovate and acquire the building. In 2021, they worked with allies in the New York City Council to secure \$3 million in CapGrants allocation. With this money, they will be able to take on a manageable mortgage in order to renovate and purchase their new building, given a total project cost of approximately \$7 million. The acquisition and renovation of this building by VOCAL-NY represents \$7 million in wealth that was kept in the community by a mission-driven CBO.





Design concepts for the renovation of VOCAL-NY's new building.

"There should always be a beautiful space for people to feel comfortable in, in every community. Residents deserve to feel like they own a piece of their community." - Jill Eisehnard, Red Hook Initiative

A new vision by the Mott Haven-Port Morris Community Land Stewards H.E.Arts Project developed through a robust community visioning process

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III. PRIORITIZE SHARED EQUITY MODELS AND POLICY CHANGES TO ENABLE COMMUNITY CONTROL

COMMUNITY LAND TRUSTS FOR COMMUNITY CONTROL

As many Black, Brown, immigrant, and low-income communities across New York City fight back against displacement caused by the actions of the real estate industry and neighborhood rezoning, Community Land Trusts (CLTs) are often raised as a viable solution that would allow all to benefit from development and investment in their communities. NYC-based CBOs and organizing groups are increasingly looking to collective ownership models, such as CLTs, as a transformative tool to improve their neighborhoods. CLTs are nonprofit organizations that own land and treat it as a public good through collective stewardship. Today's CLTs are rooted in the advocacy of Black farmers and activists of the Civil Rights Movement in the South with the goal of creating clear pathways to self-determination and collective, generational wealth building.

HOW A CLT WORKS



CLT PURPOSE AND GOVERNANCE

CLT purchases and owns land, governed by a nonprofit board of directors



Buildings are owned by individuals. Because they pay only the cost of the structure, and not the land it is on, purchasing the structure is more affordable

HOW A CLT CREATES Community Ownership

A 99-year ground lease between the owner and CLT is the agreement that ensures proper use and lease fees due to CLT



HOW A CLT Preserves Affordability

A resale formula is built into the ground lease to limit the future sale price which is designed to keep homes or business affordable

By securing long-term community control over land, CLTs are a powerful tool to fight for racial and economic justice. With adequate funding and resources, CLTs disrupt the root causes of investment-induced displacement by taking land off the speculative market. This creates lasting opportunities for self-determination and empowerment among residents and the broader community. At the core of a CLT is a communitydriven planning process that organizes local residents, businesses, CBOs, and other key stakeholders to take back their power to determine how public resources are utilized in their community.

Many CBOs have launched CLTs through the utilization of their membership bases and are advocating to not only prioritize CLTs for housing but also other important land uses such as the creation of more green spaces and increased access to solar energy to advance environmental justice for Black, Brown, immigrant, and lowincome communities most harmed by past planning and development decisions that embedded systemic injustice and racial inequities within the built environment.

While CLTs have existed for decades, the CLT movement continues to grow in NYC; there are currently more than 15 CLTs across the city. HST has worked with some CLTs to acquire property and support others that are in pre-development. Despite overall progress in the CLT movement, they continue to face challenges to build capacity, access funding, and acquire City-owned public land—a key component of the NYC CLT movement. HST supports the New York City Community Land Initiative (NYCCLI) Public Lands in Public Hands Campaign which seeks to change the ways that the city disposes of public land through a change in the City Charter in order to prioritize CLTs and community-based nonprofits stewardship and advance community-led control of development⁷.

⁷ Take Action! NYC Community Land Initiative. https://nyccli.org/takeaction/



CASE STUDY: CHALLENGES OF COMMUNITY POWER AND DECISION MAKING THE MOTT HAVEN-PORT MORRIS COMMUNITY LAND STEWARDS H.E.ARTS PROJECT

The Mott Haven-Port Morris Community Land Stewards (MHPMCLS), launched by South Bronx Unite, focuses on racial environmental justice and the utilization of green and community spaces to promote community health and the overall well-being of Mott Haven-Port Morris residents. MHPMCLS was established to steward property so that community members can preserve a stake in a neighborhood profoundly impacted by decades of environmental injustice and economic neglect as well as promote pathways to meaningful self-determination for Mott Haven-Port Morris. For MHPMCLS, the key to permanently stabilizing the neighborhood and providing affordability in perpetuity is allowing public property to be controlled and stewarded by the local community land trust.

Control and Stewardship of the Former Lincoln Detox Center

Lincoln Hospital was built in 1839 to receive former enslaved people migrating from the South. By 1970, the dilapidated brick structure was the only medical facility in the South Bronx at a time when the heroin epidemic was engulfing the community. In November of 1970, a group of the Young Lords, a South Bronx anti-drug coalition, and members of the Health Revolutionary Unity Movement, with the support of the Lincoln Collective, took over the Nurses' Residence building of Lincoln Hospital and established a drug treatment program called The People's Drug Program, which became known as Lincoln Detox Center. The clinic offered holistic drug rehabilitation and served as an organizing base to support South Bronx residents. The clinic was finally shut down by Mayor Ed Koch in 1978 and has remained vacant and is deteriorating.

In order to expand on the building's rich history and reverse its existing state of deterioration, MHPMCLS aims to acquire and transform the vacant, City-owned Lincoln Detox Center into a center for health (H), education (E) and the arts (Arts)—H.E.Arts. Through a robust community visioning process, a new vision for the building will include offices, meeting areas, a culinary arts kitchen, classrooms, and performance spaces that will house local organizations facing displacement that have been doing critical work in the South Bronx for decades.

The success of the MHPMCLS stewardship of H.E.Arts will rely on a number of key factors. First, a recognition from City agencies that organizations—particularly in communities that have been historically excluded from City power, decision making, and resources—should have the ability to determine and steward strategies for

community wealth building, stabilization, and empowerment. Second, the City must support and enable community-based organizations to meet and exceed the barriers the City puts in place to evaluate capacity for development projects. Lastly, MHPMCLS' success relies on a more transparent and streamlined NYC capital funding and financing process to not only access capital funding needed to move its projects forward with the City, but also allow for effective collaboration across key City agencies.



City-owned and vacant Lincoln Detox Center that MHPMCLS aims to acquire and transform into a center for health (H), education (E) and the arts (ARTS)

PASS LEGISLATION TO ENABLE COMMUNITY CONTROL

In addition to tenant organizing, successful community control and ownership under the CLT model relies on effective policy advocacy, including the passage of needed legislation such as the NYS Tenant Opportunity to Purchase Act (TOPA) and the NYC Community Opportunity to Purchase Act (COPA) or the abolishment of harmful legal systems that strip Black and Brown communities of wealth like the NYC Tax Lien Sale. Across NYC, nonprofit organizations, including CLTs, are utilizing their membership bases to organize for effective policy advocacy at the city and state levels that equip groups with the necessary legal tools and transparency needed to advance community control and collective ownership. At the city level, CLTs are advocating for vacant and underutilized land, often owned by the New York City Department of Housing Preservation and Development (HPD), to be transferred to CLTs at little to no cost instead of given to for-profit developers.⁸

The NYCCLI has convened community groups and CBOs with existing or newly formed CLTs alongside NYC-based technical and legal assistance providers to strategically advocate for bills such as Council Member Lander's land bank bill and other legislation that advances the collective goals of CLTs across NYC. With political support to reimagine public disposition of City-owned properties, NYCCLI continues to advocate specifically for legislation requiring the public disposition of city-owned vacant property directly to CLTs. This would help address the lack of existing capital and resources available to CLTs competing with for-profit developers under the existing speculative real estate market.

Abolish the Tax Lien Sale

Another powerful policy demand has been to abolish NYC's tax lien sale and prioritize community land trusts through the creation of a new tax collection and property disposition system. Each year, NYC Department of Finance (DOF) sells tax lien debt on unpaid water bills, property taxes, and other charges against private property to authorized buyers. It is clear that NYC's tax lien sale disproportionately affects Black, Brown, immigrant, and low-income neighborhoods. A December 2020 *Commodifying Our Communities* memo, produced by the NYCCLI on tax lien sales states that "the City was six times more likely to sell liens on one-to-three family homes in majority Black neighborhoods, and twice as likely to sell liens in majority Latinx neighborhoods, than in majority white neighborhoods".⁹

⁸ In January 2021, Council Member and incoming NYC Comptroller Brad Lander introduced into NYC Council a bill to amend the NYC Charter to create a land bank that would require HPD to prioritize the public disposition of City-owned property to CBOs whose missions include affordable housing with a commitment to permanent affordability and with a record of preserving or creating affordable housing.

⁹ Duranti-Martinez, J., Krinsky, J., and Segal, P. "Commodifying our communities." New York City Community Land Initiative. December 2020. https://www.neweconomynyc.org/wp-content/ uploads/2020/12/Commodifying-Our-Communites_-The-case-for-abolishing-NYCs-tax-lien-sale.pdf

In alignment with the proposed NYC land bank bill, CLTs should be given first priority in the disposition of City-owned property garnered from tax lien sales and subsequent foreclosures to prevent Black and Brown homeowners and CBOs from losing their homes and community spaces to an unjust tax system.

Tenant Opportunity to Purchase Act (TOPA) and Community Opportunity to Purchase Act (COPA)

TOPA and COPA are two community control and anti-displacement bills that together provide nonprofits, tenants, and CLTs with the legal right to purchase their building before other interested, qualified purchasers.

In 1980, TOPA was introduced in Washington, D.C. to assist residents at risk of displacement by offering them the first opportunity to purchase their buildings over all other interested buyers. For over 30 years, TOPA has paved the way for many other limited equity cooperatives (LECs) to form and provide an essential way of stabilizing and strengthening D.C. communities. With technical and legal assistance, TOPA has preserved approximately 4,000 units of affordable housing cooperatives across 100 buildings. Throughout New York State (NYS), TOPA can support tenants in considering different forms of social housing that best fits their unique needs, such as establishing limited equity or market rate cooperatives, condominiums, affordable rental properties, or mixed-income properties. NYS TOPA would require that before an owner can sell their building, the owner must give tenants an opportunity to purchase at a certain price and with terms that represent a good faith offer of sale. Across NYS, "qualified" organizational purchasers would have a secondary right.¹¹ To ensure success, partners will engage in tenant organizing and be provided with the necessary technical assistance. TOPA will cover all NYS cities and counties, single-family homes owned by corporate landlords, and multi-family buildings with two or more units. However, TOPA will not cover public housing, owner-occupied single-family homes, and buildings with government subsidies.

On the city level, COPA requires that before an owner can sell, the owner must give qualified entities, like CBOs and CLTs, an opportunity to purchase at price and terms that represent a good faith offer of sale. As currently introduced by NYC Council, COPA will cover multi-family buildings with three or more units.

¹⁰ Across NYC, "qualified" entities or groups are: (1) CLTs; (2) Qualified Preservation Buyers; or (3) nonprofits, committed to affordable housing and community engagement with the capacity to acquire and manage residential property.

"The racialized impact of the tax lien sale is blatantly clear: Communities like East New York are hit the hardest because of a long list of exclusionary policies including unfair lending practices, and the tax lien sale weaponizes their vulnerabilities.⁸" – Albert Scott, President of East New York CLT

¹¹ Brenzel, K. "For real this time? City schedules tax lien sale." The Real Deal. September 14, 2021. https://therealdeal.com/2021/09/14/for-real-this-time-city-schedules-tax-lien-sale/

Groundbreaking on Make the Road NY's new community center in Queens, Photo courtesy of Make the Road NY.

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IV. DEDICATE CAPITAL SOLUTIONS FOR COMMUNITY CONTROL

For CBOs, the acquisition and development of a building, otherwise referred to as a capital project, is one of the clearest, most durable ways to ensure stability and invest in the future of both the organization and the neighborhood that the organization is located in. Specifically, non-housing CBO capital projects are among the most impactful and transformative for the communities they serve. These projects can increase the capacity of vital social infrastructure to provide frontline services for populations most at risk, increase civic participation and build power, deliver emergency response in moments of climate and other crises, and improve neighborhood quality of life.¹² At the same time, these projects allow for the community control of land by removing it from the speculative real estate market. While these projects are integral to neighborhoods, a lack of reliable funding channels and financing options make these projects incredibly challenging. In order to support the successful implementation of non-housing CBO capital projects, is critical.

CAPITAL FUNDING AND FINANCING FOR NON-HOUSING CBO CAPITAL PROJECTS

In NYC, many CBOs, including CLTs, participate in affordable housing development and preservation. Over the last 50 years, affordable housing funding and finance for CBOs has evolved into a robust set of dedicated tools and programs, including the New York City Acquisition Loan Fund, NYC Housing Preservation and Development (HPD) New Construction and Preservation programs, HDC bond financing, and a variety of financial products from Community Development Financial Institutions (CDFIs) and commercial banks.

Non-housing CBOs in NYC, on the other hand, typically rely on a complex toolbox of competitive and unreliable capital sources that must be cobbled together in a bespoke method, per project, and often require multiple layers of grant funding and/or financing from the public sector, financing from the private sector, and philanthropic contributions. The lack of stable and consistent funding for these projects often results in a financing structure that is unreliable and confusing, and that may have conflicting regulatory requirements.

^{12 &}quot;Essential and At-Risk: The Power of Community-Based Organizations and the Danger of Displacement." Hester Street. July 2020. https://hesterstreet.org/publications/essential-at-risk-the-power-of-cbos-and-the-danger-of-displacement/

Currently, one of the strongest pathways for CBOs to own their assets is by securing funding through the CapGrants Program. As demonstrated previously in this proposal, based on the program requirements, many CBOs providing critical essential services in underserved communities of color do not qualify for CapGrants funding. By removing barriers to the CapGrants program, a clear pathway towards community control is created for CBOs serving communities most in need and hardest hit by COVID-19.

The table below includes the various sources that may be available to fund a nonhousing CBO capital project.

	Pre-development	Acquisition	Construction	Permanent
Philanthropy	Grants	Grants	Grants	
Public (City)	Grants	Capital grants	Capital grants	Property tax incentives
Public (State)	Grants	Grants Tax credits	Grants Tax credits	
Public (Federal)		Tax credits	Tax credits	
Private (Mission)	Loans	Loans	Loans	Loans
Private (Conventional)		Loans	Loans	Loans
CBO Equity	Equity	Equity	Equity	Equity

Sources of Funding for Non-housing CBO Capital Projects



CASE STUDY: CHALLENGES OF STABLE FUNDING SUPPORT FOR PROJECT SUCCESS MAKE THE ROAD NY COMMUNITY CENTER

In 2016, Make the Road New York (MRNY) acquired a site and is currently building a brand new, three-story, 24,000 square foot community center in the heart of Corona, Queens. Located on Roosevelt Avenue steps away from the 7 train and Corona Plaza, the new center will be home to a wide range of programs from workforce training to ESL classes to legal services, and more. To make this project a reality, MRNY leveraged several funding sources from philanthropy and public and private sectors.

MRNY experienced several challenges in funding this project. First, the project relied heavily on fundraising and financial contributions directly from MRNY during the early, pre-development phase. For CBOs in NYC, cash-on-hand is crucial to fund the programs and services they provide to communities. This is especially true given the uncertainty that the COVID-19 pandemic has provided to CBOs that are primarily funded through government contracts and may have experienced delays in payment over the last 18+ months.

Second, the coordination required to satisfy the regulatory requirements for the myriad of funding programs is complicated and can be conflicting. For MRNY, this meant entering into contracts with NYC Economic Development Corporation (EDC), NYC Department of Design and Construction (DDC), Dormitory Authority of the State of NY (DASNY), various lenders, and philanthropic foundations.

Finally, the cost of interest incurred on the project's bridge loan used to cover the NYC CapGrants funding and individual and corporate donations will be significant, due to the ongoing, years-long delay in reimbursement from the CapGrants program. This interest charge impacts the operations of the organization, requiring MRNY to contribute cash that could otherwise fund programs and services.

Using the matrix introduced previously, the funding sources for the MRNY Community Center are outlined in the table below:

Sources of Funding for the MRNY Community Center Project

		Pre-development	Acquisition	Construction	Permanent
Philanthropy	23%	Individual donations	Individual donations	Individual, foundation and (limited) corporate donations	
Public (City)	21%			NYC CapGrants	
Public (State)	3%	Dormitory Authority of the State of New York Nonprofit Infrastructure Capital Investment Program		Dormitory Authority of the State of New York Nonprofit Infrastructure Capital Investment Program	
Public (Federal)	26 %			New Markets Tax Credits	
Private (Mission)	24%		Acquisition loan	Construction loan	Permanent loan
CBO Equity	3%	Equity	Equity	Equity	Equity

CREATE A DEDICATED CAPITAL ECOSYSTEM FOR NON-HOUSING DEVELOPMENT

Typically, the largest barrier for non-housing CBO to complete a capital project is their inability to access capital funding to compete with private market actors.¹³ Most nonprofits do not hold a significant financial surplus and therefore do not have the ability to self-finance, contribute significant equity, or easily obtain private financing. Capital providers, such as a private bank, are often unwilling to understand and unpack the perceived risk of providing loans and grants to non-housing CBOs, which often rely on contributed revenue or government grants to operate.

There is a perceived risk from capital providers to engage with non-housing CBO projects, which primarily rests in the ability and capacity of CBOs to raise and repay capital for the costs of a capital project. However, **if community control remains and continues to expand as a priority in NYC, then all stakeholders must come together to create a targeted, comprehensive financing ecosystem to de-risk, de-mystify, and enable the success of CBOs to invest in their own communities.**

The proposed capital structure described in the chart that follows relies on dedicated grant and subordinate loans programs that leverage access to private financing. Central to this, is a dedicated program of \$50 million in City capital that will serve as a catalyst to allow other stakeholders to follow with additional dedicated funding sources. We call on the City to create a dedicated program to lead and anchor non-housing, CBO-led capital projects to ensure CBO success, and encourage private and philanthropic funding to follow.

Additionally, based on Hester Street's earlier analysis, the capital financing program should prioritize those neighborhoods greatest at risk of displacement and impacted by COVID-19. Creating a dedicated program also allows new, more equitable eligibility criteria for City capital to allow for greater access to public resources for shared equity models like CLTs, or organizations that are led by low-income or people of color who may lack the political connections that currently dictate access to capital funding.

In the proposed structure that follows, we take lessons learned from NYC's robust housing industry and re-configure some elements to serve CBO-led capital projects.

¹³ Capital funding and financing refers to the total amount of money used to complete a capital project in all phases of a development project (pre-development, acquisition, construction, and operations/ stabilization).

Proposed Funding Structure for Non-housing CBO projects

	Pre-development	Acquisition	Construction	Permanent
Philanthropy	Pre-development grants			
Public (City)		Dedicated capital grants	Dedicated capital grants Subordinate Ioan programs	
Public (State)				
Public (Federal)				
Private (Mission)	Loans	Loans	Loans	Loans
Private (Conventional)				Loans

Details of Proposed Funding Structure for Non-housing CBO projects

STAGE OF DEVELOPMENT	TYPE OF FUND
Pre-development	Dedicated Pre-development Grant Fund
	Source of capital: Pre-development Grants
	Provider of capital: Philanthropic Foundations
	Description : Pre-development grants should be made available by philanthropic foundations to be used on a variety of feasibility and due diligence scopes of work, including, but not limited to, program and vision development, staff and community engagement, initial project schedule and budgeting, and property identification and due diligence.
	Purpose/outcome: Pre-development grants will allow CBOs to build their capacity to take on capital projects. It will also allow CBOs to establish a clear vision and scope for their capital project in addition to creating a realistic initial spatial program and budget to confirm project viability.
Acquisition	Allow Access to Acquisition Loans through the NYC Acquisition Fund (NYCAF)
	Source of capital: NYC Acquisition Fund
	Provider of capital: NYC Acquisition Fund
	Description: In partnership with CDFIs, commercial lenders, foundations and the City, the NYCAF offers flexible bridge loans to affordable housing developers for pre-development work and acquisition of vacant land and occupied buildings.
	Purpose/outcome: Providing non-housing CBO projects with access to the NYCAF will give them early financial resources to acquire property and cover pre-development costs, levelling the playing field and allowing non-housing CBOs to better compete with private developers in real estate market the same way the current NYCAF does for affordable housing developers.

STAGE OF DEVELOPMENT	TYPE OF FUND			
Acquisition, Construction	Dedicate \$50 Million in City Capital Acquisition & Construction Grants			
	Source of capital: NYC Grants (CapGrants) - Community Control Initiative			
	Provider of capital: The City of New York (discretionary funding)			
	Description: \$50M of annual discretionary funding that is contributed to the NYC CapGrants program should be made available exclusively for non-housing CBO acquisition and construction projects in the city.			
	Purpose/outcome: NYC CapGrants made exclusively for non-housing CBO projects in NYC will provide organizations undertaking these projects, and their project partners, greater clarity and certainty through the application and funding process.			
Acquisition,	Dedicate Low-Cost Subordinate Construction Loans			
Construction	Source of capital: Low-Cost, Subordinated Loans			
	Provider of capital: NYC Economic Development Corporation (NYCEDC)			
	Description: Similar to the Industrial Development Loan Fund (IDLF), NYCEDC will provide subordinate, flexible and inexpensive loans for non-housing, community facility CBO projects to support property acquisition and construction.			
	Purpose/outcome: Acquisition and construction loans through NYCEDC will provide non-housing CBO projects with a stable and consistent source of debt financing that is subordinate to private debt. This source not only provides debt financing, but it also gives private lenders a greater incentive to invest in these projects thereby increasing private capital options and availability.			
Permanent	Secure Private Permanent / Operating Loans			
	Source of capital: Permanent, or take-out loans			
	Provider of capital: Private lending institutions / Community Development Financial Institutions (CDFI)			
	Description: Private lenders or CDFIs provide long-term financing that replaces short-term acquisition and/or construction financing. Permanent loans are usually in the form of mortgages that are collateralized with an asset such as the property or building on-top.			
	Purpose/outcome: Permanent loans through private lenders or CDFIs will provide non-housing CBO projects with a low-cost and streamlined financing mechanism to transition from construction into full operations			

The creation of a dedicated capital program for non-housing development that includes pre-development grant funding, access to bridge loans through the NYC Acquisition Fund, and both public and private acquisition and construction grants and loans will strengthen efforts of community control of social infrastructure and help stabilize CBOs whose services are critical to the communities they serve.

V. CALL TO ACTION

To successfully pull off remarkably expensive and complicated capital projects, and realize the dream of community-led development, NYC needs:



Targeted resources for community control initiatives for CBOs and communities most at risk in order to help build the ecosystem of community control stakeholders, and tenant, business, and CBO leaders in NYC.



Legible and efficient **process, policy, and regulatory frameworks** that will enable CBOs to nimbly participate within the confines of the NYC real estate market. Gone must be the days when it takes years to register a contract with the City. The delay makes expensive projects even more expensive, as CBOs are forced to take out costly bridge loans to be able to move their projects forward.



Access to technical assistance—CBOs are really good at serving their communities through an impressive array of programs and services; they aren't real estate developers. They require trusted and reliable technical assistance providers to help them navigate the world of NYC real estate. Technical assistance is essential for all phases of a successful capital project and must be considered as part of the overall project budget.



Innovative **funding and financing solutions** using a public, and private cooperative model. This is an opportunity for philanthropy and private lenders to work together with the government to advance equity as they support Black and Brown communities, and the CBOs that serve them. NYC CapGrants is designed to provide a big chunk of the financing necessary for a capital project, but not all of it. CBOs need: 1) private lenders to help fill the gap with reasonable loan terms, and efficient and flexible credit review and, 2) foundations to provide funding for the hard-to-fund and essential-to-get-right pre-development phase.

The opportunity presented is a long-term investment in just, equitable, and resilient communities. To do that, the following set of policies and programs will build out an intentional, navigable, and sustainable system for community-based organizations and neighborhood institutions to acquire, renovate, and control their places and spaces.

NEW YORK STATE + CITY POLICY MAKERS, AND CITY AGENCIES

New York State Senate

Pass Senate Bill S3157 to establish the Tenant Opportunity to Purchase Act (TOPA).

New York City Council

Pass Bill 1977-2020 to establish the Community Opportunity to Purchase Act (COPA).

Provide non-housing CBOs with access to the NYC Acquisition Fund.

Set aside \$50M of NYC CapGrants for Capital Funding Requests specifically for non-housing CBO projects in disinvested neighborhoods.

New York City Agencies

Prioritize CBOs and CLTs in disposition of City land, particularly in priority neighborhoods identified in this proposal.

Provide resources and assistance to help build the capacity of non-housing CBOs to take on capital projects.

LENDERS AND FOUNDATIONS

Provide dedicated grants or forgivable loans for non-housing capital projects for predevelopment activities to be available for a range of feasibility activities.

Develop low/no-interest bridge financing tools for pre-development work and property acquisition for non-housing capital projects.

Make affordable housing funding and financing tools available to non-housing CBOs.

HESTER STREET AND TECHNICAL ASSISTANCE PROVIDERS

Provide and expand technical assistance to CBOs to assess feasibility, support planning, assemble financing and make real the opportunities for community control.

Create popular education materials to make the capital project process more legible and navigable for CBOs, City Council members and private funders alike.

Secure flexible philanthropic resources to support pre-development activities for smaller budget

COMMUNITY-BASED ORGANIZATIONS, NETWORKS, AND NEIGHBORHOOD INSTITUTIONS

Consider acquisition and ownership a powerful strategy for supporting communities of color and advancing CBO mission and goals.

Invest staff time in developing an aspirational vision for and exploring the concrete possibility of ownership.

Spread the good word if you already own your building! Let your CBO colleagues and local elected officials know what a game changer ownership is for your organization.

Advocate for CBO capital project support—planning, pre-development and capital funds—with local council members and borough presidents. Building out an intentional, navigable, and sustainable system for community-based organizations and neighborhood institutions to acquire, renovate, and control their spaces will:

- Leverage land and property for public good;
- Build community wealth;
- Support essential community-based organizations in perpetuity;
- · Preserve the remarkable diversity and cultural vibrancy of NYC neighborhoods; and
- Strengthen the resilience of communities of color.

To make good on the promise of community ownership, we need ALL lovers of neighborhoods and of the organizations that serve them to make an investment in the social infrastructure that supports our neighborhoods and makes them great. Our neighborhoods, and our city, will be stronger for it.

DEFINITIONS

NYC Capital Grants Program (CapGrants)	Provides CBOs with grant funding to acquire and construct permanent facilities. CapGrants are funded largely by the issuance of bonds purchased by financial institutions and New Yorkers, and are adopted in the Capital Budget by the beginning of July. Individual Council Members allocate spending through discretionary awards (also known as Reso A funds) in response to requests made by nonprofit organizations.
Community Based Organization (CBO)	A nonprofit organization that represents community needs and works to help them.
Community Development Corporation (CDC)	A nonprofit entity with a mission to support the neighborhoods where they are located with a range of programs such as affordable housing, economic development, safety and/or social services.
Community Land Trust (CLT)	A nonprofit, community-based organization designed to remove land from the speculative real estate market and ensure community stewardship of it. To achieve this goal, a CLT acquires land and maintains control of it permanently. CLTs are controlled by a collective representation of neighborhood residents, through a tripartite Board of Directors, to preserve and enhance assets of value in the community, or to develop underutilized spaces to meet community needs.
Community Opportunity to Purchase Act (COPA)	Legislation that would require city-approved nonprofit organizations or community land trusts be given the first chance to buy residential buildings with three or more apartments when they are put up for sale.
Limited Equity Cooperative (LEC)	A homeownership model in which tenants acquire a share in a building, as opposed to an individual unit, and commit to resell their share at a price predetermined by a formula, which ensures affordability over the long term.
Non-housing CBO	Refers to nonprofit, mission-driven and place-based institutions that provide a range of social, cultural, economic, health, housing and other survival services.
Tax Lien Sale	Per HPD, "a tax lien is a legal claim against real property for unpaid municipal charges, such as property taxes, housing maintenance, water, sewer, demolition, etc." A tax lien sale, therefore, is the City process of selling delinquent liens to an authorized buyer who has the right to collect the money owed plus interest and fees. If the delinquent liens are not paid, the lien holder may foreclose resulting in the building being sold at auction.
Tenant Opportunity to Purchase Act (TOPA)	Legislation that requires landlords of multi-family buildings to provide advance notice to tenants of their intent to sell their building, giving tenants an opportunity to collectively purchase the building.

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This proposal is a true labor of love: the translation of Hester Street's on-the-ground community facility development work into a rallying cry for change. Making it all was a collective effort of bringing together mapping and data expertise, deep knowledge of NYC policy, and real estate development know-how.

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Most importantly, we thank the thousands of CBOs in NYC working tirelessly for a vibrant, just, resilient, and equitable city.

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APPENDIX

I. AT RISK OF GENTRIFICATION

This phase of the project is focusing on areas that are not currently gentrifying, but may be at risk of gentrification in the near future. This potentially allows for CBOs to get ahead of the speculative real estate market and mitigate displacement early on. This work may be less effective in neighborhoods that have already experienced more advanced gentrification.

Utilizing 2016 Census Data, The Urban Displacement Project (UDP) identified census tracts at risk of gentrification in New York City (shown on the right).

UDP used several criteria to identify an area at risk of gentrification including the following:

- Housing affordability
- Low income households
- · High percentage of renters
- · High percentage of nonwhite households
- · Low percentage of college educated

The map on the right translates the UDP at risk of gentrification census tracts into a broader picture of atrisk neighborhoods, based on Neighborhood Tabulation Areas (NTAs) and categorizes them into levels of risk. This is helpful because many CBOs work on a broader neighborhood level.

The percentage of risk per census tract is calculated by dividing at risk census tracts by total census tracts by each NTA.

The map on the right also shows all CBOs within neighborhoods that are at risk of gentrification. There are about 2,800 CBOs in this area.





The analysis identified the neighborhoods most at risk of gentrification as the following:

Neighborhoods at Risk of Gentrification

Percentage of risk

0.3–10% 10–20%

Brooklyn

6 20-30%

30-50% 50-100%

The Bronx Bronxdale Hunts Point Bedford Park-Fordham North East Concourse-Concourse Village West Concourse **East Tremont Mott Haven-Port Morris Claremont-Bathgate** Melrose South-Mott Haven North Soundview-Castle Hill-Clason Point -Harding Park Norwood Co-op City **Mount Hope University Heights-Morris Heights** Soundview-Bruckner Parkchester Van Cortlandt Village **Fordham South Belmont Kingsbridge Heights** Highbridge Eastchester-Edenwalk-Baychester Spuyten Duyvil-Kingsbridge **Morrisania-Melrose** Williamsbridge-Olinville **Allerton-Pelham Gardens** Schuylerville-Throgs Neck -Edgewater Park

Starrett City Brownsville Fort Greene Williamsburg Seagate-Coney Island **Stuyvesant Heights East New York Ocean Hill Prospect Lefferts Gardens-Wingate** Bedford **Sunset Park East Crown Heights South Crown Heights North East Williamsburg Bushwick South Carroll Gardens-Columbia Street** -Red Hook **Dumbo-Vinegar Hill-Downtown Brooklyn-Boerum Hill Sunset Park** Canarsie **Sheepshead Bay** Flatbush Manhattan **East Harlem North East Harlem South** Lower East Side Marble Hill-Inwood Hamilton Heights **Central Harlem North-Polo Grounds Washington Heights South** Chinatown **Central Harlem South Morningside Heights**

Hudson Yards-Chelsea-Flatiron -Union Square Upper West Side Midtown-Midtown South

Queens

Flushing **Springfield Gardens North Pomonok-Flushing Heights-Hillcrest** Queensbridge-Ravenswood -Long Island City **Rego Park** Hammels-Arverne-Edgemere Lindenwood-Howard Beach Jackson Heights Corona Elmhurst **East Flushing** Woodside **Old Astoria** Far Rockaway-Bayswater **Briarwood-Jamaica Hills** South Jamaica Jamaica **Baisley Park Hunters Point-Sunnyside-West Mapeth** Astoria

Staten Island

West New Brighton-St. George Grymes Hill-Clifton-Fox Hills Mariner's Harbor-Arlington-Port Ivory -Graniteville Stapleton-Rosebank

II. HIGH COVID CASE RATES

The map below shows COVID-19 cases per 100,000 population by zip code. The neighborhoods with high COVID-19 case rates (over 9,000) are listed below.

The map on the right shows CBOs in neighborhoods with high COVID-19 case rates. There are about 1,100 CBOs in this area.



The analysis identified neighborhoods with the highest COVID case rates as the following:

Neighborhoods with Highest COVID-19 Case Rates

COVID-19 case rate

The Bronx Highbridge/Morrisania Central Bronx Hunts Point/Mott Haven Southeast Bronx Bronx Park/Fordham Northeast Bronx Southeast Bronx

Brooklyn

9,000 or more cases per 100,000 people

Southern Brooklyn Borough Park Canarsie/Flatlands

Queens

West Queens West Central Queens Southwest Queens Rockaways

Staten Island Stapleton/St. George Port Richmond South Shore Mid-Island



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