

GROUNDING IN PHILLY

VACANT
LAND 215
TOOLKIT

UPDATED FEB. 2020



Philadelphia has tens of thousands of vacant parcels. About 20% of these are owned by our city. For decades, Philadelphia residents have been the city's land stewards. We create green and garden spaces out of abandoned places. Now we have hundreds of gardens across the city. Many of them have been growing for generations. These places are so special and deeply rooted in our communities. They also provide many benefits. Yet, we know how hard it is to get legal access to new spaces for community food production or open space. And gardeners often don't have legal protections and need to stay where they are.

This is a guide for current gardeners looking to keep community spaces. It is also for new gardeners looking to create something new.

Residents should have a say about how land in their communities is used. Community-managed open spaces are for us all: our commons.

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About The Garden Justice Legal Initiative

The Garden Justice Legal Initiative of the Public Interest Law Center uses law and organizing to support community gardening and market farming in the Philadelphia region. We collaborate with gardeners and farmers to question, revise, and create new city policies and procedures to support food production and urban agriculture as critical, long-term components of healthy, just, and food-secure neighborhoods. We promote self-advocacy through community education and training.

The Garden Justice Legal Initiative is supported by the Claneil Foundation, Leo and Peggy Pierce Family Foundation and Merck Family Fund.

For more information visit:
groundedinphilly.org

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*Design & Illustration:
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STARTING OUT



So, you are a new gardener or farmer... what is the "community" in community garden?

EARLY STAGES OF A GARDEN OR FARM ARE IMPORTANT. HERE ARE SOME TIPS.

1

Connect with the neighborhood

Think about how to connect with neighbors to build relationships and trust.

Is anyone else gardening in your neighborhood? Get to know them!

Ask questions. What is important to your neighbors?

Look to long time residents to learn about needs, assets, and history. *Listen.* Know the history.

Work *with* your neighbors, not *for* them, to create a dynamic of empowerment, not dependency.

Be prepared for possible language barriers within the community, from working on your own language skills to connecting with community members willing to act as interpreters.

2

Start planning your garden or urban farm

Think about how to build a process that feels open to all.

Work together to select a site and plan the garden. What can you learn from others about potential sites?

Give info in many ways: community meetings, flyers, one-on-one talks, and more.

Schedule regular meetings and set goals for each meeting.

Make it easy to get to meetings. Set times that work for your neighbors. Include people with disabilities and those for whom English is not their first language.

Ask about the impact of a garden or farm on residents. Take time to work through community concerns.

Share your knowledge. And discover and appreciate what other people bring to the table.

3

Continue to engage the neighborhood

Think about how your farm or garden can be a welcoming place for all.

Continue to connect with others. Offer opportunities for neighbors to be involved. Make the space easy to use and food easy to access.

Keep talking to your neighbors and community partners.

Know your impact. How can you best maintain the space with the vision of the community in mind? Don't forget the off-season and winter months. Your neighbors live there all year long.

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Think about how you represent your group to others

Think about who you are as a garden. How you define yourself has an impact on how others see you.

How you will represent yourself or your group to neighbors, other stakeholders, and decision-makers?

Do you have a mission and/or a structure? For example, are you

- individuals looking to garden for yourself, your family, and/or to donate to a local food cupboard?
- individuals looking to farm for profit?
- a cooperative?
- a non-profit corporation (with or without 501(c)(3) status)?
- a for profit corporation (LLC, Limited Partnership, etc.)?
- Does your group have a name?

OTHER RESOURCES FOR STARTING OUT:



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- ▶ Check out the **Pennsylvania Horticultural Society** for useful information about how to grow various fruits and vegetables, garden in small spaces, and organize your community.
PHS Garden Tenders class is a great way to start out:
<http://phsonline.org/programs/garden-tenders>
PHS Green City Teachers helps teachers start educational gardens:
<http://phsonline.org/programs/green-city-teachers>

- ▶ **Penn State Extension Vegetable Gardening** has lots of terrific information on site selection, growing, and managing gardens. Penn State also runs
Master Gardeners classes:
<http://extension.psu.edu/programs/master-gardener/counties/>

Master Gardeners hotline:
<http://extension.psu.edu/programs/master-gardener/counties/>

- ▶ **Philadelphia Orchard Project** plants orchards throughout Philadelphia creating green spaces and community food security:
<http://www.phillyorchards.org>

- ▶ **The Philadelphia Urban Farmers Network** contact list connects gardeners and farmers to resources and each other:
<https://groups.google.com/forum/?fromgroups#!forum/pufn>

- ▶ **The Neighborhood Gardens Trust** works with gardeners to acquire and preserve community gardens and shared open space in order to enhance the quality of life in Philadelphia neighborhoods:
<http://www.ngtrust.org>

- ▶ **Philadelphia Parks & Recreation – Farm Philly Program** brings farming to the city through the support of community gardens, orchards, vegetable, and fruit production on park land. For more information on the Community Gardens Network, visit
<https://www.phila.gov/programs/farmphilly/>

For more information visit: groundedinphilly.org

CHOOSING LAND

*Time to choose a garden site...
or legalize an old one.*

When you are deciding where to garden you must look at zoning. Local governments use zoning to show the ways a piece of land can legally be used. This can also depend on a the neighborhood. Since 2012, Philadelphia has allowed urban agriculture as a use in most areas of the city. The code has four types of urban agriculture. They all have a different purpose. They are allowed in different places.

TYPES OF URBAN AGRICULTURE ZONING



Community Garden

Purpose: Gardeners are growing food for themselves, their families, and to donate to their communities. Food sales are not the main purpose, but are allowed in small amounts.

- Allowed in *all* residential areas, commercial and mixed commercial/residential, and Parks and Rec land, and most industrial, institutional, and entertainment zones; stadiums; and by the airport.
- Not allowed in port industrial districts.



Market or Community-Supported Farm

Purpose: Farmers are growing food for sale (can be a for profit or nonprofit enterprise).

- Allowed in most residential commercial and mixed use areas, near airports, and in some industrial zones.
- Allowed on Parks and Rec land by special exception.
- Not allowed in Center City Commercial Districts, high density industrial districts, an industrial port, any area designated for stadiums or entertainment.

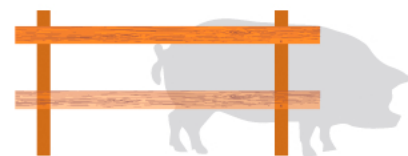
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Horticulture Nurseries and Greenhouses

Purpose: Farmers are growing for wholesale sales and distribution.

- Allowed in most industrial zones.



Animal Husbandry

Purpose: Feeding, housing, and caring for farm animals for private or commercial purposes.

- Subject to strict City regulations and generally only allowed on properties with 3 or more acres or at an educational facility.

RESOURCES FOR LEARNING THE ZONING FOR A SPECIFIC PARCEL



- ▶ Go to the Philadelphia Zoning Page and click on the map to look at zoning areas.
<http://www.phila.gov/li/Pages/Zoning.aspx>

- ▶ If the property is privately owned, you will have to contact the property owner for permission to use the lot as a community garden or individual garden. The Philadelphia Housing Development Corporation may be able to assist you in reaching out the private property owner. If you own the property, you will need to check the current zoning use.

- ▶ If the code says a use for your parcel is "permitted as of right," you will need to determine what the prior use of the land is listed as. Use the Atlas search tool below to determine the property's last use:
<https://atlas.phila.gov/>

- ▶ The Department of Licensing and Inspections (L&I) expects you to register any new use by obtaining a use registration permit found [here](https://business.phila.gov/Documents/zoningApplication.pdf):
<https://business.phila.gov/Documents/zoningApplication.pdf>

This requires a one-time non-refundable \$100 filing fee.

- ▶ If the code says the use is not permitted or requires a "special exception," you must file a use application with L&I:
<https://business.phila.gov/media/Zoning-Use-Registration-Permit-Application.pdf>

Once L&I confirms that your use is not permitted or subject to the special exception approval procedure, you will have thirty (30) days to file an appeal to the Philadelphia Zoning Board of Adjustment (ZBA) for a use variance or special exception approval. Documentation is required to demonstrate that all taxes on the subject property are up to date or subject to a payment agreement. After your application is filed with the ZBA, you must provide public notice and the ZBA will hold a public hearing. You will also need to notify and meet with Registered Community Organizations (RCO) to review your application and discuss its potential impact on the neighborhood.

- ▶ For more information on zoning requirements visit Grounded in Philly at <http://www.groundedinphilly.org/growing-food-philadelphia/>

For information about any additional permission needed for food sales visit our Selling Food in Philadelphia page at <https://groundedinphilly.org/licenses-permits-and-regulations/> or the Philadelphia Health Department's Guide to Opening a Stationary Food Business in the City of Philadelphia: <https://business.phila.gov/media/A-Guide-to-Starting-Your-Food-Related-Business.pdf>

For more information visit: groundedinphilly.org

LAND ACCESS

Your “use” is allowed. But do you have permission to be on the land? This can be the hardest part of gardening in Philadelphia.

WE THINK ABOUT LAND ACCESS CHOICES ON A SPECTRUM. IT LOOKS LIKE THIS.

No permission

Land Access

Land Tenure

Land Sovereignty/Preservation

No permission = You can physically step on the land, but that’s it.

Philadelphians have been taking care of vacant land and creating garden spaces for years without permission. This comes with legal risks. And someone can always tell you to leave. The City of Philadelphia does not encourage gardeners to garden on land they do not own.

Land Access = You have permission, but without protection to stay.

Legal land access is an important protection for gardeners and farmers. Sometimes landowners offer informal verbal permission for a community to use their land. A license puts the agreement into writing. It gives permission to do something or be somewhere. It can be taken away at any time because it is given freely. This is the standard agreement offered to gardens and farms. It is called an **Urban Garden Agreement (UGA)** in Philadelphia. The UGA allows gardeners to use the property at a small or “nominal” cost (\$1), but can be canceled any time without notice or a reason.

If you are looking to start an individual garden, you may seek to enter into an **Individual Garden Agreement (IGA)** with the City of Philadelphia. IGAs allow gardeners to use the property at a small or “nominal” cost of \$25, for a term of one year. The City enters into IGAs with the expectation that the leasee will maintain the property throughout the lease terms. Maintenance standards will be provided in writing to all applicants. These agreements may be renewed annually at the request of the applicant and at the discretion of the

If you are looking to create a community garden, you may seek a **Community Garden license** for a term of up to five years. Leases and licenses that exceed a term of a one year, as well as lease and license renewals, and purchase options may be available at the discretion of the land-holding agency and are subject to the approval of City Council. To acquire a lease or license for a community garden, you must receive sponsorship from a local organization, secure and maintain insurance that is acceptable to the City, and provide a maintenance plan and description of how you plan to provide a benefit to the city.

Interim-Use or Joint-Use Agreements may also be used to set out the terms and conditions of a temporary use of city-owned vacant land.

Interim-Use Agreements are typically used to provide temporary access to property until a particular date or event, or until the zoning regulations no longer permit the use. This kind of agreement requires that your use be in compliance with the Philadelphia Zoning Code.

Joint-Use Agreements are generally used to define the terms and conditions associated with a shared use of city land, most commonly between two government entities.

Land Tenure = You have permission and are protected over a set of time.

A **lease** is a contract that provides land tenure by giving a right to the property for a set time. That right can only be taken away with good reason. Leases are renewable, but can be revoked due to a violation of the contract, such as a code violation. A lease from the City for more than one year requires approval from your district councilperson. Although one year leases are the most common, current City of Philadelphia policy allows for leases of up to five years for community gardens. Ask if you can get a longer lease if that meets your goals. All City leases require

Land Sovereignty = You have access to, use of, and control over land.

What we call “land sovereignty,” is about legal control for the long term. ⁵ This could take several forms.

Fee Simple Ownership: If you purchase the property, you have the right to stay on the land until you sell it. The owner can be an individual or a for-profit or a nonprofit organization. A collective or a cooperative could also share ownership. In Philadelphia, sale of public land requires approval from your district councilperson.

Preservation through a Land Trust: A community land trust holds land for a particular purpose forever or “in perpetuity.” In Philadelphia, the Neighborhood Gardens Trust (NGT) works with city agencies to preserve existing gardens and protect them from development. To learn more and to apply to preserve your garden or farm visit:

<http://ngtrust.org/preservation>

Public Ownership: Sometimes the most protective option is for a governmental entity to hold land in the public trust. In Philadelphia, one agency responsible for overseeing public spaces is Parks and Recreations. The Farm Philly Program supports gardens and farms.

<https://www.phila.gov/programs/farmphilly/>

Land sovereignty can also be something far greater than control. In other words, “the land belongs to the people who work it, care for it and live on it, and, the people belong to that land.” * This sense of “belongingness,” which might include historical, ethnic, and cultural connections to land, is incredibly important.

Think about how deep you want your roots to go as you find out who owns the land and your options for permission.

*See Saturnino M. Borrás Jr. and Jennifer C. Franco, A ‘Land Sovereignty’ Alternative? Towards a Peoples’ Counter-Enclosure, TNI Agrarian Justice Programme 4 (July 2012)

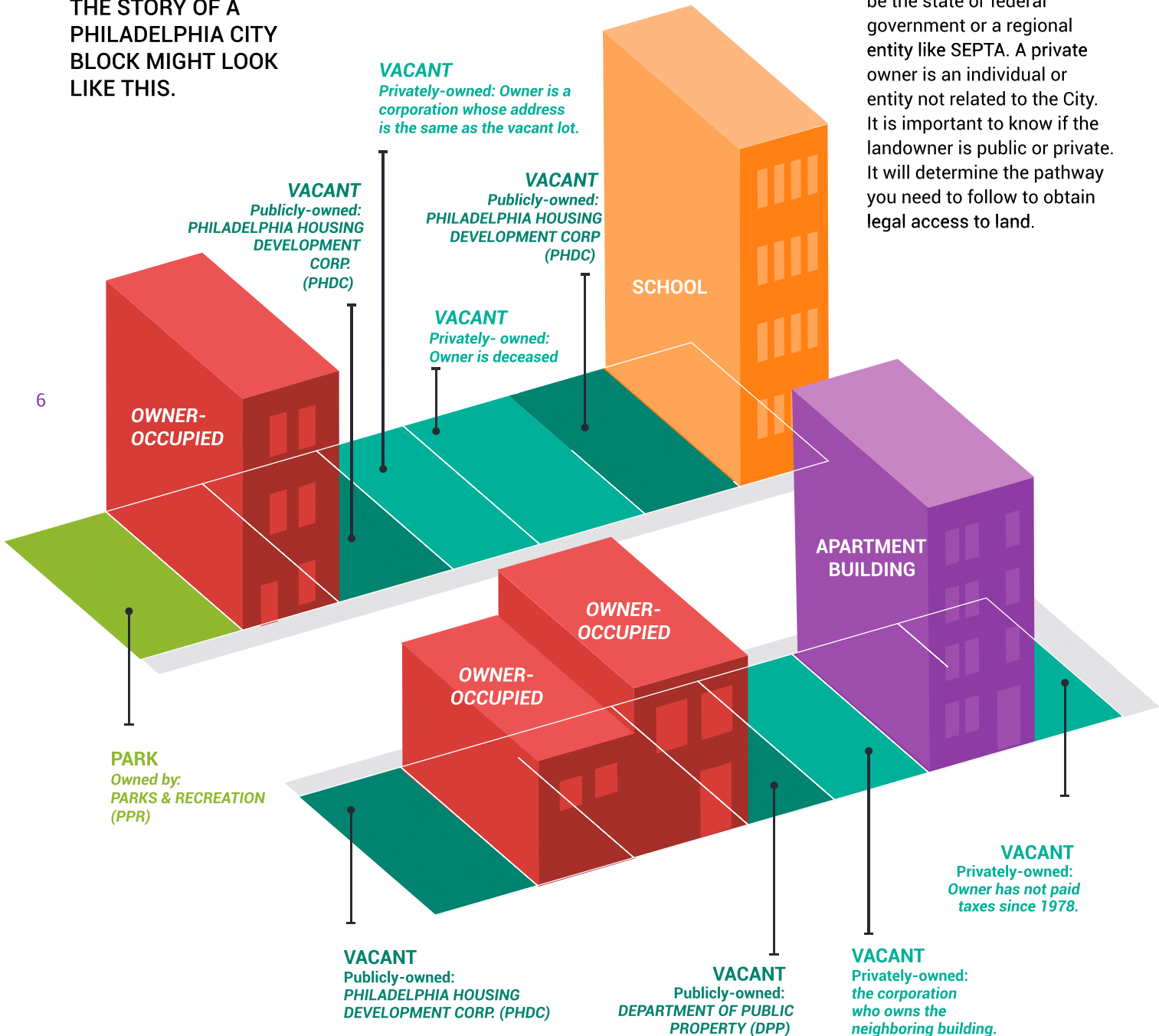
FINDING THE OWNER

To get permission, you have to start by finding out the landowner.

EVERY VACANT LOT HAS A DIFFERENT STORY, ABOUT WHO OWNS IT AND HOW YOU GET LEGAL ACCESS.

THE STORY OF A PHILADELPHIA CITY BLOCK MIGHT LOOK LIKE THIS.

As you will learn, land owners can be public or private. Public owners are usually a city agency, but can also be the state or federal government or a regional entity like SEPTA. A private owner is an individual or entity not related to the City. It is important to know if the landowner is public or private. It will determine the pathway you need to follow to obtain legal access to land.



PHILADELPHIA HAS SEVERAL PLACES TO LOOK FOR OWNERSHIP INFORMATION:



Go to our website groundedinphilly.org to find info & organize with others.

Philadelphia Office of Property Assessment (Property Search) provides the property owner's mailing address. property.phila.gov

Philadelphia Revenue Department website provides the tax payment and debt history for each property. phila.gov/revenue/RealEstateTax

Philadelphia Water Department Stormwater Billing Map is a searchable map. stormwater.phila.gov/parcelviewer

The **Philadelphia Department of Records** at City Hall, Rm. 154 has all property deeds on file.

The **Philadelphia Department of Licenses and Inspections** has records, including addresses, of owners who have registered vacant lots or are in violation for not registering them: li.phila.gov/

Your district councilperson can assist in searching out ownership information.

LEARN THE ALPHABET SOUP. AGENCIES THAT OWN VACANT LAND (AND THEIR ACRONYMS):

Philadelphia Housing Authority (PHA): PHA is the City agency responsible for acquiring, leasing, and operating affordable housing in Philadelphia and owns some vacant land. pha.phila.gov/aboutpha

Department of Public Property (DPP): DPP is the agency charged with maintaining and acquiring City property and owns some vacant land. <https://www.phila.gov/departments/department-of-public-property/>

Philadelphia Housing Development Corporation (PHDC): PHDC is a community development organization that works to repurpose vacant land throughout the city of Philadelphia. phdcphila.org

The Philadelphia Land Bank and Philadelphia Redevelopment Authority (PRA) are now consolidated under the PHDC to return vacant and tax delinquent property to productive reuse. phdchousing.org

PUBLICLY-OWNED PROPERTY

The property is owned by the City of Philadelphia or a city agency.

FOLLOW THE CHART BELOW TO DETERMINE THE CORRECT PATHWAY TO OBTAIN LEGAL ACCESS TO THIS LAND BASED ON THE AGENCY THAT OWNS IT.

If the property is **PUBLICLY-OWNED**, how do I find out about licensing, leasing, or purchasing a vacant parcel?

PHONE NUMBERS

PRA: 215-209-8600
PLB: 215-448-3040
PHDC: 215-448-3000

The lot is owned by the Philadelphia Redevelopment Authority (PRA), Department of Public Property (DPP), Philadelphia Housing Development Corporation (PHDC), or Philadelphia Land Bank (PLB).

The PHDC provides a path to license, lease, and purchase vacant land parcels. To apply to use the property, visit the PHDC website and use the interactive map tool:
<http://phl.maps.arcgis.com/apps/webappviewer/index.html?id=2eb44decb9464cb79f2132d1c5883674>

If the property is owned by a public agency, submit an expression of interest (EOI) and select "Garden" or call the PHDC at 215-448-3000.

After filing an EOI, you will receive a tracking number and an email stating that your application has been received. Within 7 to 15 business days a representative will be in touch to discuss next steps.

Once your EOI has been vetted, a representative processes your tax clearance and price forms.

Contact your district councilperson with the tracking number and obtain a letter of support from him or her.

If the property is owned by PHDC, PRA, or PLB follow up with your tracking number by contacting someone in those offices.

If the property is not listed as available, contact the PHDC at 215-448-3000.

There are a few reasons why the property may not be listed as available:

- (1) The lot is privately owned;
- (2) The lot is already being processed for;
- (3) The city already knows about a garden on that lot;
- (4) The lot may be a part of a project underway;
- (5) The lot may be held on reserve for a public project.

The lot is owned by the Philadelphia Housing Authority (PHA).

Try to find a contact at PHA and ask your district councilperson for help.

PHA does not participate in the PHDC.

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For more information on licensing, leasing, or purchasing a vacant land parcel from the City of Philadelphia, visit: <https://groundedinphilly.org/get-permission-to-use-land-city/>

ACCESSING VACANT SIDE LOTS THAT ARE PUBLICLY-OWNED



Sometimes the simplest way to preserve a garden is for the neighboring owner to purchase it for a low price from the city as a "side lot." Follow the steps below to see if your side lot qualifies. Remember, this program only applies to lots owned by the City or a city agency. If the lot is privately owned, you must contact that owner separately and the flow chart here does not apply. To learn more about the side lot program visit: <https://secureservercdn.net/104.238.71.140/k05.f3c.myftpupload.com/wp-content/uploads/GardensSideYards/Side-and-Rear-Yard-brochure.pdf>

You are seeking one or more SIDE LOTS, which share a boundary with property you own and use as your primary residence.

You are **TAX-COMPLIANT**, or in a payment agreement and up-to-date. You can check your tax compliance here: <https://secure.phila.gov/revenue/taxcompliance>

You have determined this is a **PUBLICLY-OWNED PROPERTY**, owned by the City or a city agency.

The properties are located in a neighborhood where the median home sales price is less than \$75,000 (a homeowner in a higher-priced neighborhood may still be eligible to acquire a side or rear lot if the owner has lived in the home for seven years and is currently maintaining the lot).

The properties together are **UNDER 3,000 SQUARE FEET** in area

The properties together are **VALUED UNDER \$15,000**.

To apply to purchase a side or rear yard, locate the property on the interactive map located here: <http://phl.maps.arcgis.com/apps/webappviewer/index.html?id=2eb44decb9464cb79f2132d1c5883674> Complete the EOI form, select the "Side Yard" option as your intended use and contact your councilperson. You should expect to pay approximately \$1,000 FOR CLOSING COSTS.

- ▶ As you begin to advocate with public officials and/or enter into agreements, be clear about:
 - Who you represent
 - How long you want to be on the land and whether you want a license, lease, or to purchase the land.
 - The community's goals for the future of the garden or farm.

- ▶
 1. Once you contact an individual from the relevant city agency, be clear whether you are seeking a one-year license or a longer term lease, or wish to purchase for a nominal price, discounted price, or market value.
 2. If you are trying to preserve an existing garden, contact NGT to apply for preservation: www.ngtrust.org
 3. Contact Department of Parks and Recreation or Farm Philly for help with this entire process: farmphilly@phila.gov
 4. If you want to garden as an individual (not a group) and license, lease, or purchase land you will also need to fill out a Tax Status and Public Disclosure form.

View the PHDC's website for more information on acquiring a side or rear yard: <https://phdcpbila.org/land-management/non-competitive-sales/side-and-rear-yards/>

PRIVATELY-OWNED PROPERTY

Follow the flowchart below, if the property is not owned by the City or an agency, but by a private landowner or entity.

IF THE LAND YOU WISH TO GARDEN ON IS PRIVATELY-OWNED, YOUR FIRST STEP SHOULD BE TO TRY TO CONTACT THE OWNER. YOU CAN SEARCH FOR THE OWNER'S CONTACT INFORMATION AT: <http://property.phila.gov> OR AT THE DEPARTMENT OF RECORDS IN CITY HALL.

If the property is PRIVATELY-OWNED, how do I find out about licensing, leasing, or purchasing a vacant parcel?

You should try to contact the owner directly, first. The Office of Property Assessment and Department of Records has last known addresses on file, as does the Department of Licensing and Inspections, if the lot is registered as vacant.

If you find the current owner, you ask about purchasing or leasing the land for use as a garden.

If the landowner agrees to lease, you will want to get an agreement in writing. For more info about these agreements visit: www.groundedinphilly.org/pathways/make-agreement-private-landowner/

More than likely, you will not find the current owner. Owners of vacant land can be difficult to find. They may be deceased, long gone from the city, or a corporation that no longer functions.

If you cannot find the current owner and the land is more than three years tax delinquent, you can:

Try to have the property brought to sheriff's sale.

When an owner fails to pay property taxes or other municipal debt, the property can be sold to pay back the debt.

Sheriff's sales are conducted by the City or one of two collection agencies (Linebarger or GRB).

If the City is pursuing debt collection, you can put down a deposit to "certify" a property to be brought to sheriff's sale.

To request a sheriff's sale certification, complete an application for Sheriff Tax Sale Escrow Program along with a certified check or money order in the amount of \$1,600. The application can be found here: <http://property.phila.gov>

You then must agree to attend the sheriff's sale and bid on the property. If you have the winning bid, your \$1,600 deposit will be credited towards the amount of your bid. If you are outbid, your deposit will be returned after the sale.

Opening bids are advertised prior to the sale and bidding goes up at \$100 increments. Properties are sold to the highest bidder, who puts down a 10% deposit, or \$600 (whichever is higher) at sale and is given 30 days to pay the full amount (extensions can be granted upon written request).

If you have been out-bid, you can have your name recorded as second bidder. If the second highest bidder does not pay the balance in 30 days, the second bidder shall be granted the same 30-day limit to make settlement with the Sheriff.

Properties currently scheduled for sheriff's sale are listed online here: <http://www.officeofphiladelphiasheriff.com/en/real-estate/sheriffs-sale-webapp>

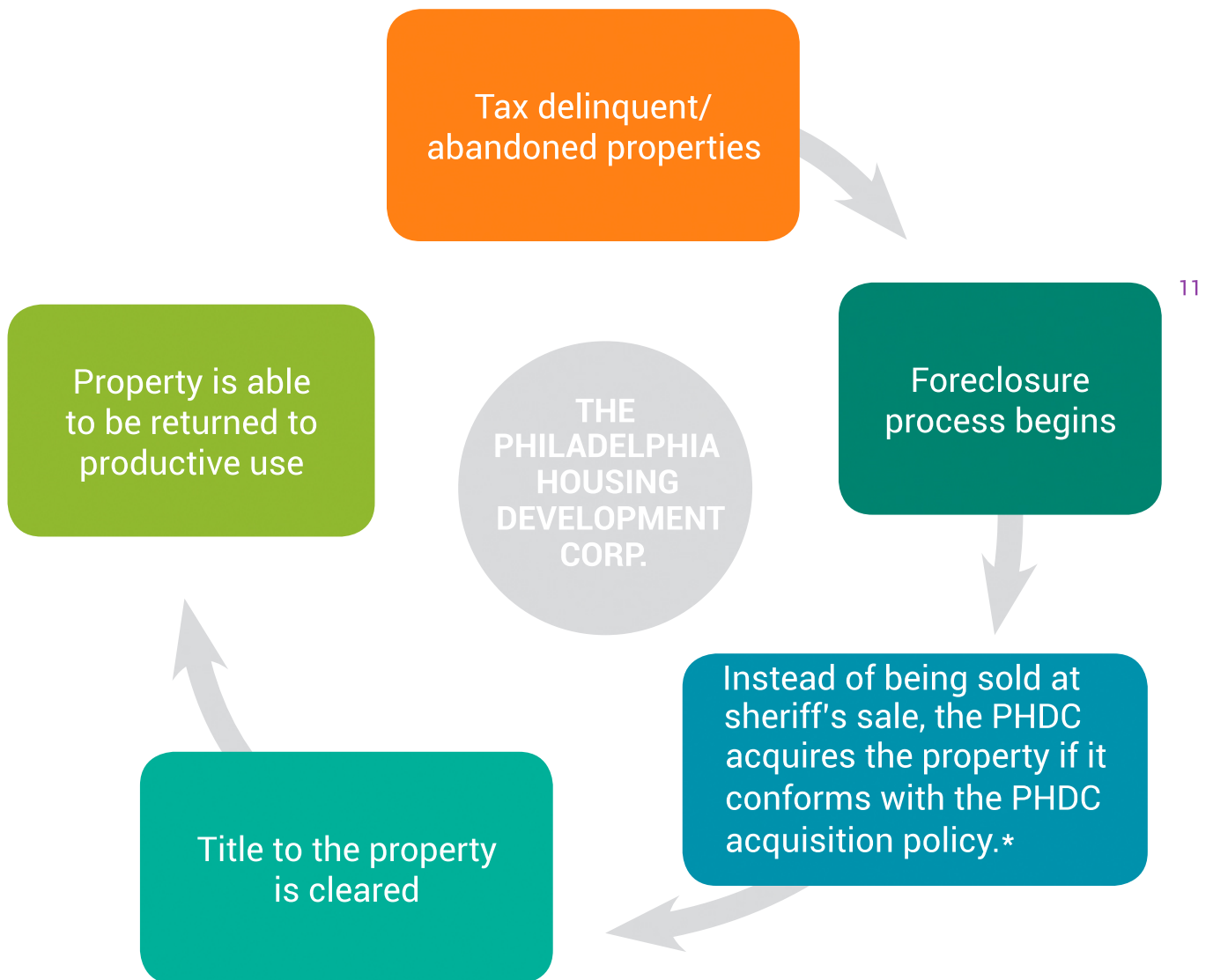
Contact your councilperson to see what other options you have. Your councilperson might be able to work with the PHDC to intervene at sheriff's sale. See below.

THE PHILADELPHIA HOUSING DEVELOPMENT CORPORATION ("PHDC")

In late 2019, Philadelphia City Council passed an ordinance to amend its policies on the sale and distribution of public land. The purpose of the ordinance is to streamline the process for acquiring or distributing public land by creating uniform policies across the City's land-holding agencies. The ordinance consolidates the Philadelphia Land Bank and the Philadelphia Redevelopment Authority under offices of the PHDC to provide the city with one single unified land-holding agency with consistent policies and procedures.

To learn more visit: <https://phdcphila.org/> or call at 215-448-3000

Below is a brief overview of how the Land Bank can help communities purchase privately owned vacant land



*Formal acquisition policy can be located at

<https://secureservercdn.net/104.238.71.140/k05.f3c.myftpupload.com/wp-content/uploads/2019/07/Land-Bank-Acquisition-Policies.pdf> .

OTHER LAND ACCESS OPTIONS

If the land is privately owned, you might have some additional options.

THESE OPTIONS VARY IN TERMS OF THE TIME, MONEY, AND RESOURCES (SUCH AS A LAWYER) THAT ARE REQUIRED. CAREFULLY CONSIDER WHAT'S REQUIRED BEFORE SETTLING ON ONE OF THESE OPTIONS.

Conservatorship:

A person, nonprofit, or business with an interest in the neighborhood can file a petition with the court to become the conservator of an abandoned or "blighted" property. In order for a property to be eligible for conservatorship, the property has to be unoccupied, abandoned by its owner, and in an unsafe and unhealthy condition.

A conservator must show the court a plan bring the property up to code and return land to productive use. A conservator may also be able to become the land owner, if the court allows. A lawyer is required for this option. A new owner must take responsibility for old debt on the property.

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Properties that may be eligible for conservatorship include residential, commercial, or industrial buildings or structures and its surrounding land, vacant lots where buildings have been demolished, or adjacent properties if the properties are owned by the same person

Eminent Domain:

Eminent domain is the power of the City to take private property for public use. The landowner must be justly compensated. The Philadelphia Redevelopment Authority is the agency in Philadelphia with the power of eminent domain. Your councilperson might be able to help initiate this process.

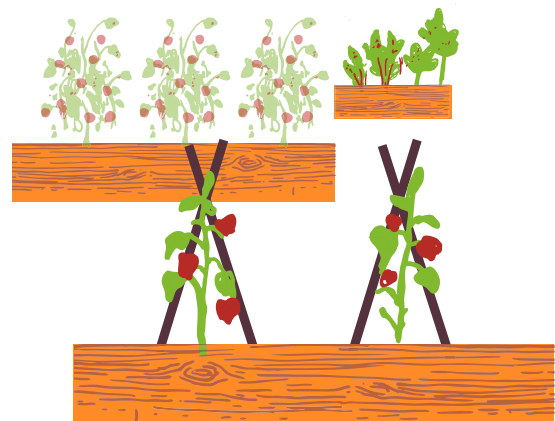
Adverse Possession:

Adverse possession allows a person to obtain privately owned land if you have actively used that land for over 21 years without permission from the owner. Use of the land must have been "actual," "continuous," "visible," "notorious," "distinct," and "hostile" to the interests of the landowner for 21 years. These are all terms defined by the court.

This process requires a lawyer. It also requires a new owner to take responsibility for any old debt on the property.

Raising an Estate:

Sometimes a landowner dies without a will going through probate or without a will at all. Raising an estate begins the process of resolving these issues. A lawyer is required to begin this process.



More information on these pathways to access can be found here:

<http://www.groundedinphilly.org/resources/pathways-list/>

COSTS

TIPS



YOU SHOULD BE AWARE OF THE SHORT AND LONG TERM COSTS OF BECOMING A LAND OWNER. THESE INCLUDE:

Transfer taxes and fees:

Even if you acquire land for a nominal fee (\$1), you are responsible for transfer taxes of 4.278% of either the sales price or assessed value as well as other closing costs.

Back taxes and other debt:

Land purchased from prior tax delinquent private owners may still have taxes or other liens on it. Once you are the owner, you will become responsible for this debt.

Land purchased from a city agency should be transferred without debt, but sometimes the City fails to clear debt. It is important to be alert by paying for a title search to make sure you are getting the land free and clear of any problems.

If the new landowner is a nonprofit, the nonprofit might be able to get the back taxes removed. The nonprofit must first apply for a nonprofit real estate tax exemption. Then the nonprofit may petition for the back taxes to be clear through a nunc pro tunc petition to the Bureau of Revision of Taxes.

Property taxes:

Once you are a land owner, you will be responsible for yearly property taxes. However, registered nonprofit organizations can apply to the Philadelphia Office of Property Assessment for a nonprofit real estate tax exemption. The application is here: phila.gov/OPA/Documents/NonProfit%20Application.pdf

Water access:

If your garden has a dedicated water line, you will be charged monthly for water access by Philadelphia Water. See below for more information.

Stormwater billing:

The Philadelphia Water Department provides a discounted stormwater charge to community gardens if they meet certain criteria. For more information, visit: phila.gov/water/

Liability insurance:

Insurance is not necessarily required, but is good protection.

▶ UrbanAgLaw.org contains legal information, best practices and supporting tools for urban agriculture in the U.S.

▶ *Dig, Eat and Be Happy* by ChangeLab Solutions presents helpful legal and policy information for city gardeners regarding questions about common types of land agreements, issues of liability, utilities, maintenance, growing practices, contamination, access, security, improvements and gardening on school district property. changelabsolutions.org/sites/default/files/Dig_Eat_and_Be_Happy_FINAL_20130610_0.pdf

▶ **The Urban Agriculture Law Project:** A legal blog maintained by Becky Lundberg Witt. communitylaw.org/urbanagriculturelawproject/

OTHER CONSIDERATIONS

HERE ARE SOME THINGS YOU SHOULD CONSIDER BEFORE YOU START GARDENING:

Soil Safety

Before you select a site for gardening, find out about the soil!

Does the soil have the nutrients needed to grow? Test your soil to ensure sufficient levels of three key nutrients—nitrogen (N), phosphorous (P), and potassium (K)—in addition to other key nutrients that will support plant growth.

Does the soil contain toxics that might put people at risk? Contaminants like heavy metals can be absorbed by crops, and can also create health risks for people in direct contact with the soil, especially young children.

Knowing the site's history will help answer this question. Find out about prior uses! Was the lot zoned residential or commercial? Or was it formerly an industrial site or next to one? Was it a garage or a dry cleaner? Three resources for site histories:

- Geographic History Interactive Maps Viewer
[Philageohistory.org](http://philageohistory.org)
- Philadelphia Atlas
atlas.phila.gov/
- Sanborn Fire Insurance Maps are available in hard copy at The Central Library of the Free Library of Philadelphia. The 1920s Sanborn maps are available digitally here: libraries.psu.edu/about/collections/sanborn-fire-insurance-maps

But don't stop at the site history! Soil testing will inform you whether there are high levels of heavy metals (like arsenic, cadmium, and lead) in your soil before planting.

There are a few ways you can have your soil tested:

- University of Massachusetts Soil and Plant Testing Lab offers the most affordable testing for lead and other heavy metals: soiltest.umass.edu/services. A routine soil analysis for most key nutrients costs \$15 and basic test for heavy metals costs \$55.
- Penn State Extension also provides a standard nutrient soil test for \$9 and a basic heavy metals test for \$65. agsci.psu.edu/aasl/soil-testing/soil-fertility-testing

- Area universities and EPA often conduct "Soil Kitchen" days to which you can bring soil samples for testing for heavy metals.

Cornell University's Healthy Soils, Healthy Communities project has many resources on soil safety:
blogs.cornell.edu/healthysoils/

For a multilingual website on Soil Safety (including sampling, testing, and safe practices for soils high in metals) visit sites.google.com/site/healthygardeners, a site created by Jennifer Gorospe at San José State University as part of her Master's Thesis project.

For more information on determining contaminants and how to deal with them:

- louisville.edu/cepm/pdf-files/pg-25-1
- clu-in.org/ecotools/urbangardens.cfm

EPA Brownfields and Urban Agriculture: Interim Guidelines for Safe Gardening Practices is a condensed report from 60 experts on how to safely grow food on formerly polluted sites:

epa.gov/sites/production/files/2015-09/documents/bf_urban_ag.pdf

The Recycling Center in Fairmount Park gives away compost, mulch, woodchips, and manure. Materials are free for up to 30 gallons.

phila.gov/services/trees-parks-the-environment/get-organic-materials/



For more information on soil safety, visit:

- <https://extension.psu.edu/gardening-from-the-ground-up>
- <https://www.phila.gov/media/20170221163654/soil-safety-process-and-recommendations-report.pdf>

Liability Insurance

Liability insurance provides financial protection in case there is an accident in or around the garden.

Some gardens have liability insurance. This is because they have an organization to protect. This could also be because some entity like the City of Philadelphia asks for coverage for the garden as a condition of getting access to land.

Insurance protects the person or organization named on the policy. It protects gardeners or volunteers only if the insured organization stands between them and a potential lawsuit. It does not protect individuals from legal action. It does not necessarily pay individuals for injuries or damage that occurs at a garden.

Some insurance options:

- Neighborhood Gardens Trust: provides liability insurance to its member gardens:
ngtrust.org/index.php/protect
- Add-on to your Homeowner's or Renter's Insurance
Talk to your insurance agent about obtaining umbrella coverage for a small premium as an add-on to your homeowner's or renter's insurance. Consider working with an agent from a firm which deals with many different insurance carriers to identify potential sources of coverage. For more information on insurance, visit:
<https://groundedinphilly.org/insurance-for-gardens/>

Stormwater Management

As part of Philadelphia's Green City, Clean Waters program, Philadelphia Water seeks to repurpose vacant land for green stormwater infrastructure. Philadelphia Water is looking to align these projects with community green spaces (including community gardens!)

Green stormwater infrastructure can be rain gardens that complement a community use or tree trenches that improve the perimeter of a lot.

What does Philadelphia Water look for in selecting a project? Where the water flows; we look for low points where we can capture the most stormwater runoff possible.

To learn more about Philadelphia's stormwater management and stormwater grants, visit:
<https://www.phila.gov/water/wu/stormwater/Pages/StormwaterManagement.aspx>
<https://www.phila.gov/water/wu/stormwater/Pages/Grants.aspx>

View the Stormwater Grant Application Guide if interested in applying: <https://www.phila.gov/water/wu/Stormwater%20Grant%20Resources/StormwaterGrantsManual.pdf>

Water Access

Private Water Sources: Private sources (such as your house or your neighbor's) are a low-cost way to water plants. However, gardens, especially those on vacant land, are not always near available private water sources. The Philadelphia Water Department can install a separate meter for water used in garden spaces so the garden can pay the home owner for only the water they use.

New Water Sources: Lines that go directly to a garden vary in cost depending on factors like location. The cost of installing a new water line begins at \$3,000, but can cost significantly more depending on the distance between the water main and the garden (sometimes more than \$10,000). However, PWD offers zero interest loans for installation costs. For info about installing a new water line, call Veronica Tyson at PWD at 215-685-6197. To learn more about the loan program call 215-685-4901 or visit <https://www.phila.gov/programs/homeowners-emergency-loan-program-help/>

Rain Collection: Rain Check is a Philadelphia Water Department program that helps residents manage stormwater at their homes. Participants who attend a Rain Check workshop can get a free rain barrel and/or get a downspout planter, rain garden or porous paving installed at a reduced price. RSVP at www.pwdraincheck.org or call 215-685-6213. The program is funded by the Philadelphia Water Department and managed by the Pennsylvania Horticultural Society (PHS) in partnership with the Sustainable Business Network. Find more information here: http://www.phillywatersheds.org/whats_in_it_for_you/residents/raincheck 15

Hydrant Permits: The City also provides free water from City hydrants to gardeners. To get access, gardeners need to obtain a free permit and specified equipment (which can cost about \$300 or more). For more information, call Joseph Yeager at PWD, 215-685-9656 and review the information at <http://www.phila.gov/water/PDF/UrbanGardenersFactSheet.pdf> and groundedinphilly.org/water-your-garden/

KNOW YOUR CITY AGENCIES (AND THEIR ACRONYMS).



▶ **Philadelphia Water Department (PW):** PW manages the City's water resources and billing, including drinking water, stormwater, and wastewater. phila.gov/water/pages/default.aspx

▶ **Philadelphia Parks and Recreation (PPR):** PPR plans, manages, and protects City public parks and facilities. phila.gov/departments/philadelphia-parks-recreation
PPR runs Farm Philly, which runs urban agriculture projects on PPR-owned land and supports gardens and farms throughout the city. Visit: <https://myphillypark.org/what-we-do/programs/farm-philly/> / contact Farm Philly at 215-683-3679 or e-mail FarmPhilly@phila.gov

▶ **Philadelphia Office of Sustainability (OS):** OS works across agencies to make Philadelphia more environmentally sustainable and coordinates the Mayor's Food Policy Advisory Council. phila.gov/green

▶ **Department of Public Health, Office of Food Protection:** The Office of Food Protection inspects food businesses, enforces food-related ordinances, regulates food-handling, and provides resources for farmers' markets registration and best practices. phila.gov/health/foodprotection

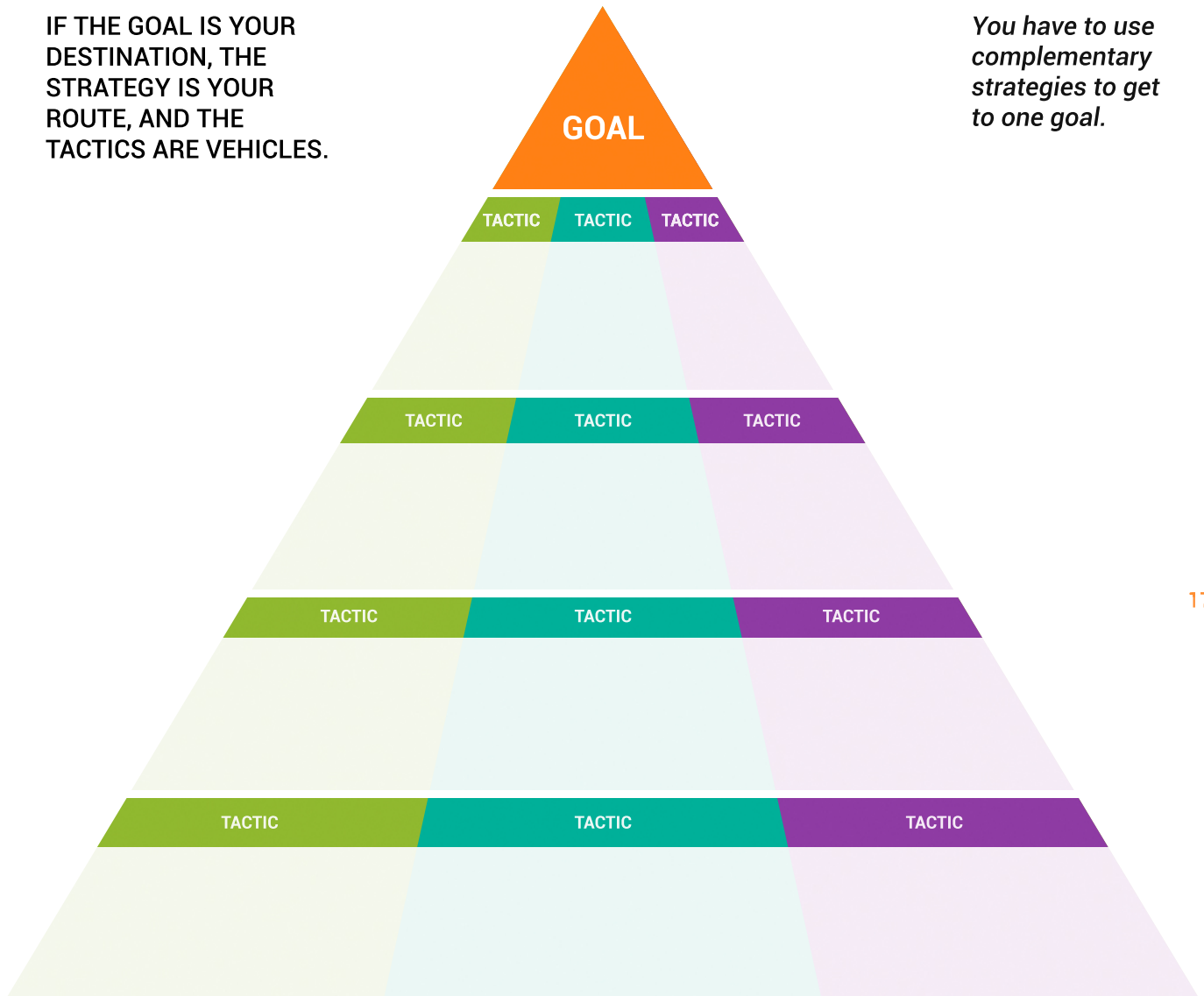
▶ **Department of Licenses and Inspections (L&I):** L&I is the City's code enforcement agency for business creation, property maintenance, and construction activities in the City. phila.gov/li

▶ **Philadelphia Streets Department:** The Streets Department is responsible for the maintenance, cleanliness, and construction of the City's streets. Farmers' markets needing parking may need to contact the Streets Department for a permit. philadelphiastreet.com

ACHIEVING YOUR GOAL

IF THE GOAL IS YOUR DESTINATION, THE STRATEGY IS YOUR ROUTE, AND THE TACTICS ARE VEHICLES.

You have to use complementary strategies to get to one goal.



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Strategy 1: **Follow Legal Pathways.**

Know and take the steps towards gaining legal access or ownership for the lot(s) you are interested in.

Strategy 2: **Organize Your Neighbors and Build Support.**

The more support from your community you have, the stronger your case will be for securing the land, and the stronger your project will be moving forward.

Strategy 3: **Build Political Support.**

Philadelphia city council members play a strong role in Philadelphia land use decisions and land disposition, while officials from a range of city agencies (Parks, Water, L&I, etc.) can play supportive roles. Use relationship-building and positive media, to gain support of your councilperson, as well as other city officials, in securing legal land access.



Action. Access. Progress.

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