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Testimony to the members of the Committees on Housing, Neighborhood Development and the Homeless, and Public Property and Public Works:

Good morning Chairpersons Gauthier and Lozada and members of the Committees. My name is Sari Bernstein and I am a staff attorney at the Public Interest Law Center, where I focus on housing—including preserving and increasing affordable housing in Philadelphia—and environmental justice. I work on the Law Center’s Garden Justice Legal Initiative and help facilitate the newly formed Philadelphia Land Justice Coalition, comprised of stakeholders focused on preserving gardens and green space threatened by land insecurity. Thank you for the opportunity to testify today on the Philadelphia Land Bank.

A decade ago the Land Bank was created to make it easier to transform the city’s and privately owned, abandoned vacant land into revitalized use. The mission was laudable and the vision grand, because the size of the problem required a massive vehicle for change. The Law Center joined many others in calling for the creation of the Land Bank and helping to flesh out its policies. Flash forward to today, and we’ve seen a slow-down in productive reuse of city-owned land as the Land Bank has yet to reach its full potential. Thus while testimony today focuses on problems and proposed solutions, underneath this feedback is a recognition that the Land Bank is a crucial partner in achieving shared goals.

Preserving gardens and open space have always been a core part of the Land Bank’s mission, in part because community members who shaped the Land Bank’s creation knew the importance of urban agriculture. City Council has long acknowledged what is now backed by scholarly research: community gardens are vital elements of thriving communities. They reduce actual and perceived crime on blocks in which they are located—including reducing gun violence by up to 29 percent—mitigate climate-related environmental hazards like stormwater flooding and heat-island effect, and have profound positive impacts on physical and mental health. Yet despite their known benefits, complex and inefficient bureaucratic processes within multiple city land-holding agencies make the process of securing city-owned land opaque and difficult. All the more so for Philadelphians without access to vast resources and insider connections, including the hundreds of urban gardeners who maintain green spaces with their own time, money and tremendous dedication. The City asks everything of the stewards who tend abandoned land and transform it into green resources for their neighbors, sometimes for decades and in the communities needing the most support, and then fails to offer clear guidance to permanently protect the community assets they foster.

This frustrating truth is borne out by the numbers: according to the Department of Planning and Development’s Land Management Dashboard,¹ between 2017 – 2023 the Land Bank has only conveyed *thirteen* garden and open-space properties. Do not get the false impression this is owed to a dearth of applications; indeed, PHDC cites fifty-nine partially or fully approved applications that are awaiting settlement in 2024 alone.² The Land Bank must prioritize clearing the backlog of pending garden applications.

But the status quo need not continue. A prosperous Philadelphia depends on the Land Bank meeting its mandate to return abandoned land to productive use. City Council should consider the following priorities in addressing this urgent need:

First, the efficacy of the Land Bank relies in part on executing a strategic vision. To that end City Council should hold the Department of Planning and Development to its legislative mandate to complete a public strategic planning process every three years and yearly performance reporting. The 2019 Draft Strategic Plan, which involved a thorough public engagement campaign, was never formally adopted. It is also out of date in a City that has seen tremendous changes in land development in the last five years. A robust strategic planning process provides crucial opportunities for input and oversight. It also helps to ensure that competing neighborhood interests are considered when prioritizing acquisitions and uses for disposition. Without a strategic framework, only the most politically savvy end up determining city land use policy. Local stakeholders must have a seat at the table to ensure an accountable, collaborative process that results in equitable use of surplus land in all Philadelphia neighborhoods.

The Land Bank’s failure to meet its drafted goals underscores the need for stakeholder input and accountability. What was the Land Bank’s Fiscal Year 2022 goal for gardens and open space dispositions? Fifty parcels.³ How many went to settlement? Five.⁴ What was the Land Bank’s Fiscal Year 2023 goal for gardens and open space dispositions? Fifty parcels. How many went to settlement? Seven.⁵ Strategic planning goals are empty without an accountability process. Regular public input would highlight that gardens and open space are lagging other development initiatives, ask why, and propose solutions to meet the community need.

¹ Land Management Dashboard, Department of Planning and Development, PHILA.GOV, <https://www.phila.gov/departments/departments-of-planning-and-development/about/our-results/land-management-dashboard/> (last accessed Oct. 24, 2024).

² PHDC Annual Report CY-2023, June 12, 2024, *available at* <https://k05f3c.p3cdn1.secureserver.net/wp-content/uploads/AnnualReports/PHDC-Annual-Report-CY-2023-rev-6-12-24.pdf#page=19>.

³ Philadelphia Land Bank, Draft Strategic Plan & Performance Report 2019, pg. 59, *available at* https://k05f3c.p3cdn1.secureserver.net/wp-content/uploads/2019/07/2019_StrategicPlan_DRAFTREPORT_PublicRelease_060519_PRINT-6.5.19-REDUCED.pdf#page=91.

⁴ *See supra*, at fn 2.

⁵ *See id.*

Second, the Acquisition and Disposition Policies should be included in these public processes so that the Policies can be revisited and refined to meet community needs. As Council is aware, a community garden is rarely, if ever, one parcel or lot. Rather, gardens almost always span multiple parcels of land owned by different public and private entities. Effective Acquisition and Disposition Policies need to consider strategic options for keeping these complex assemblages together. This way, pre-existing community uses like gardens are preserved and the city regains control over land that is being lost at sheriff sale. For example, a revised Disposition Policy might include a formal process by which land recently acquired by a speculator or developer at sheriff sale could “swap” for other land of equal value in the Land Bank’s inventory in order to preserve a land-specific use on the purchased property, like a community garden.

And third, yearly granular performance reporting is necessary so that the public can measure the successes and failures of Land Bank policies and know that public dollars are being used in a manner most effective to meet the strategic need. The Land Management Dashboard⁶ is a start but contains obvious holes: we need reporting on all approved, pending and denied applications (on a parcel-by-parcel level); the date applications are submitted and closed; accurate numbers showing parcels acquired and disposed each year, and for what use, amongst other important insights. On top of this the Land Management Dashboard cites data that is inconsistent with figures published by PHDC, calling into question what reporting is accurate. Notably, these and other reporting requirements are already required by statute.

The city’s commitment to a more transparent, equitable and efficient Land Bank is commendable. We are glad to engage and work through solutions with City Council, PHDC, DPD, the Land Bank and all the relevant partners. Thank you for holding this important hearing.

Respectfully,

/s/

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⁶ See *supra*, at fn 1.