



Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Buffalo Commons

Centers, Institutes, Programs

12-4-2007

A Proposal to Create the Buffalo Green Land Bank

Robert Quinn

Follow this and additional works at: <http://digitalcommons.ilr.cornell.edu/buffalocommons>

Thank you for downloading an article from DigitalCommons@ILR.

Support this valuable resource today!

This Article is brought to you for free and open access by the Centers, Institutes, Programs at DigitalCommons@ILR. It has been accepted for inclusion in Buffalo Commons by an authorized administrator of DigitalCommons@ILR. For more information, please contact hlmdigital@cornell.edu.

A Proposal to Create the Buffalo Green Land Bank

Abstract

For many years the city of Buffalo has had far more housing units than households. Buffalo has experienced a precipitous population decline over the past fifty years. From 580,000 in 1950, Buffalo residents declined to 462,000 by 1970. In 2006, the population had dropped to 276,059. This flight from the city, a product of both suburbanization and the decline of the Rust Belt, has resulted in numerous vacant properties. With a weak housing market and continued population decline, the surplus of housing infrastructure will persist. Many of Buffalo's policymakers, citizens, and nonprofit organizations have recognized the need to repair the urban fabric by attracting more people back to the core communities and decreasing the surplus housing stock and infrastructure. While potential solutions abound, the City has not formed a comprehensive plan to incorporate these disparate actors.

Keywords

Buffalo, Environment, Buildings and Housing, Land Use, Report, Other, PDF

A PROPOSAL TO CREATE THE BUFFALO GREEN LAND BANK



DECEMBER 4, 2007

**PREPARED BY : ROBERT QUINN
SUNY BUFFALO LAW SCHOOL**

A PROPOSAL TO CREATE THE BUFFALO GREEN LAND BANK

Table of Contents

1. Introduction.....	3
2. Problem Statement.....	4
3. Proposal.....	6
a. Best Practices	
b. Internal Governance	
4. Immediate Recommended Action.....	12
a. Implement Policies to acquire title to strategic properties through alternative methods.	
b. Support Pending State and Federal Legislation and Consider Enacting Local Legislation for the Creation of a Land Bank Entity recommended herein.	
c. Reevaluate use of anticipated demolition funds for “pay as you go” system accounting for both Demolition and Management.	
d. Work with community organizations and citizens to begin evaluating neighborhood plans for reinvestment and green infrastructure.	
e. Actively promote both current and prospective green efforts as a way to increase public exposure of the City’s environmental awareness.	
7. Recommended Strategy Framework	13
a. Growth through Consolidation	
b. Building Green Infrastructure	
Conclusion.....	20

INTRODUCTION

For many years the city of Buffalo has had far more housing units than households. Buffalo has experienced a precipitous population decline over the past fifty years. From 580,000 in 1950, Buffalo residents declined to 462,000 by 1970. In 2006, the population had dropped to 276,059.¹ This flight from the city, a product of both suburbanization and the decline of the Rust Belt, has resulted in numerous vacant properties. With a weak housing market and continued population decline², the surplus of housing infrastructure will persist. Many of Buffalo's policymakers, citizens, and nonprofit organizations have recognized the need to repair the urban fabric by attracting more people back to the core communities and decreasing the surplus housing stock and infrastructure. While potential solutions abound, the City has not formed a comprehensive plan to incorporate these disparate actors.

For decades, public officials have tried traditional redevelopment policies to retool Buffalo's economy and attract new development with only modest success. While redevelopment should continue in select neighborhoods and rehabilitation should always remain an option, the City must consider alternative solutions. Reactive enforcement and uncoordinated redevelopment strategies fall far short of the innovative, systemic change Buffalo now needs. Successful redevelopment of our urban infrastructure cannot proceed without acknowledging the realities of population loss and the changing role of cities.

The City now acquires title to nearly all abandoned properties and has dramatically increased its activity to demolish neglected structures.³ In doing so, this Administration has

¹ U.S. Census Bureau; "*Profile of General Demographic Trends: 2000, Geographic Area: Buffalo City, NY*"

² Buffalo's Comprehensive Plan suggests that the city's population may continue to decline to 250,000 or lower before anticipated growth resumes in 2030.

³ See "*Mayor Brown's 5 in 5 Demolition Plan*" available at http://www.ci.buffalo.ny.us/files/1_2_1/PolicyBriefs/5in5_DemoBrief.pdf

recognized that scattered rehabilitation and demolition are short-term fixes that fail to acknowledge current urban conditions. The result will be thousands of abandoned and vacant lots, many of them owned by the City. Estimates place nearly 10 percent of the city's land and 15 percent of its structures as vacant.⁴ To achieve real success, Buffalo needs a sustainable balance where revitalization of the vacant properties remains a top priority after the structures are removed. Without a plan for the vacant lots you are simply trading one problem for another.

The solution advocated in this proposal is the creation of a single purpose government entity to implement strategies for greening and selectively redeveloping the city of Buffalo. Cities across the country have found the most effective way to combat abandoned housing is through centralized governmental management. Buffalo would be one of the first to apply this centralized management under a specific mandate for green infrastructure. The massive demolition of vacant housing in Buffalo is a goal, not an end. What follows is a proposal for the next step.

PROBLEM STATEMENT

The problem of neglected vacant and abandoned lots in Buffalo has been well documented and universally recognized. Abandoned properties cost the city and surrounding homeowners money and are hazards to community life and wellbeing in affected neighborhoods. In their abandoned states, with or without structures, they host criminal behavior, accumulate trash, constitute fire hazards and create various health risks. In 2007 alone, 41% of all fires in Buffalo occurred in vacant buildings, and more than 90 percent of all arson cases involved abandoned houses.⁵

⁴ (Cornell, 2004, p. 5)

⁵ Vacant Houses, Scourge of a Beaten down Buffalo” New York Times. Available at: http://www.nytimes.com/2007/09/13/nyregion/13vacant.html?_r=1&oref=slogin

In 2002, Philadelphia's similar problems with vacancy prompted Mayor John F. Street to launch the Neighborhood Transformation Initiative; a familiar solution that called for 14,000 demolitions over a five-year period in order to create a land bank for new development and open space. Philadelphia failed to meet its goal, demolishing only about 2,000 houses before the program expired. The larger problem was that the city had no plans for post-demolition development in the neighborhoods that had been most affected by blight.⁶ “There wasn't much there in terms of neighborhood planning,” observed Adrian Scott Fine, director of the Northeast Field Office of the National Trust for Historic Preservation. The lots became overgrown and just as much of an eyesore as the buildings had been. Thus, even though demolition was effective in helping to fight vandalism, drugs, and other safety issues the vacant buildings created, it was not a long-term solution.⁷

Buffalo has the housing and infrastructure for 500,000 people and a population of half that. A study by the Brookings Institute found that despite slow population growth, 425,000 acres of Upstate New York were urbanized between 1982 and 1997, resulting in urban sprawl and declining density. The total amount of urbanized land in Upstate grew by 30 percent between 1982 and 1997, while its population grew by only 2.6 percent, reducing the density of the built environment by 21 percent.⁸ Buffalo’s population today cannot make use of the existing housing infrastructure that remains from a more prosperous past. The environmental impacts of abandonment and low density are numerous. With growing concerns about the cost of oil and global warming, the City must do whatever it can to offset the costs to the environment.

⁶ http://www.nationaltrust.org/Magazine/archives/arch_story/090707.htm

⁷ http://www.fanniemaefoundation.org/programs/hpd/pdf/hpd_1703_mcgovern.pdf

⁸ “Sprawl Without Growth: The Upstate Paradox” Brookings Institute. Available at http://www.brookings.edu/reports/2003/10demographics_pendall.aspx

Existing City efforts cannot adequately respond to the magnitude of these problems now before us. Existing tax lien and foreclosure policies emphasize revenue collection over strategic neighborhood development. The City's current demolition process takes up to three years and with piecemeal decision making, that process can extend exponentially leaving whole gap tooth blocks in limbo for decades. Responsibility for the acquisition, control and sale of most abandoned property is fragmented between the Real Estate Office, the Planning Department, the Law Department and the Buffalo Urban Renewal Agency. Further, though the City's Department of Real Estate catalogs and offers City property for sale, the sale suffers from lack of a coherent policy focus and absence of planning on a neighborhood and City wide basis. The City is further constricted by State Constitutional requirements prohibiting a gift of public funds and mandating the City obtain fair market value.⁹

The City cannot address the magnitude of its vacancy problem within current laws, structures and practices. In order to thrive once again, Buffalo must implement the necessary policies and programs to return vacant properties to productive use. Lacking a central agency and a dedicated source of funding to redevelop vacant properties, Buffalo has been forced to take a conflicted and piecemeal approach to a problem that demands direct investment, coordinated action, and a unified vision.

PROPOSAL

To create a land bank entity with the responsibility and capability to efficiently acquire, manage and consolidate abandoned property for environmentally productive uses.

⁹ NY CLS Const Art VIII, § 1

The basis for this proposal is municipal management of land obtained through foreclosure, gift, purchase, special proceeding or eminent domain by a single government entity to maintain a productive use and overall benefit to our community. Building on successful models from other communities, Buffalo should establish a comprehensive and in some cases drastic plan that would provide the legal and policy framework to tackle the calculated management of abandoned properties. A single entity is needed to replace the current fragmented efforts to acquire, manage and consolidate select vacant land through greening and planned infrastructure realignment.

In many ways, the City already serves the traditional functions of a land bank. A land bank generally involves public acquisition of abandoned property and the management to unlock potential value of properties and neighborhoods through reclamation and consolidation, with the goal of returning them to productive use. All properties in tax arrears now go through the foreclosure process, and the City now holds title to over 10,000 properties.¹⁰ The City's Urban Homesteading program and land auction return properties to the private sector for development. However, the key to what has made land banks successful is institutionalizing these functions with a common goal and establishing a reliable ongoing source of funding for acquiring vacant sites and returning them to some form of strategic use.

The current system is inefficient for managing an asset as extensive and valuable as the city's vacant property. A single entity "green land bank" could facilitate this process by taking title and managing the large fraction of the City's vacant property inventory where redevelopment is unlikely. For the purposes of this project, we define "green land bank" as the assemblage of properties to be either reserved for rightsizing or environmental redevelopment as individual parcels or grouped into a geographic area.

¹⁰ Conversation with John P. Hannon, Director of Real Estate.(November 9, 2007)

The Buffalo Green Land Bank should be considered as but one facet of a larger real property management strategy. Not all City owned property should be transferred to the Land Bank. Strategic redevelopment should still be considered based on location and condition; however these will not be functions of the Buffalo Green Land Bank. The structure of the Land Bank is designed to implement its singular mission and scope while working in conjunction with other Departments and Agencies charged with developing neighborhoods.

Best Practices

The following introduces land bank best practices through examination of the land banks in Genesee County, Baltimore and Cleveland. Each of these three entities varies in implementation and scope by particular community need. The common thread is that each were created by breaking through legal and technical barriers to restore neighborhoods once plagued by vacant and abandoned land.¹¹

Michigan had a tax foreclosure process that held tax reverted properties in legal uncertainty. This contributed to urban decline in the City of Flint by keeping properties off of the tax roll and out of circulation for up to seven years. In 1999, the Michigan State Legislature created system for returning tax-reverted properties to productive use by giving outright ownership of these properties to the local County Treasurer after two and a half years.¹² In the absence of enabling legislation, the Michigan Urban Cooperation Act was used as legal basis for creation of a new corporation. Under this interlocal agreement, Michigan created a land bank entity to acquire, manage, and convey tax-delinquent properties.¹³

In 2004 the State of Michigan passed improved land bank legislation. The GCLBA is now able to acquire abandoned land through the foreclosure process and determine the best use

¹¹ Alexander, F.

¹² Website: The Genesee County Land Bank. Available at <http://thelandbank.org>

¹³ Id.

of that land. The GCLBA assembles land for transfer to adjacent homeowners, develops long and short-term green spaces, and assembles land for new housing and commercial development. The objective is to restore the integrity of the community by removing dilapidated structures and redeveloping abandoned properties.¹⁴

By December of 2004 the Land Bank had taken title to 8% of the land in the City of Flint, saved 1,350 families from foreclosure, taken over management of numerous properties at risk for abandonment, rehabbed dozens of houses, demolished 330 properties, conveyed 200 side lots to neighbors, assembled hundreds of vacant lots for non-profit and city projects, and maintained its stock of buildings and land – including routine board-ups and innovative landscaping agreements funded entirely through tax foreclosure proceeds.¹⁵

Baltimore lacks a separate land bank entity because, like New York, Maryland does not have an enabling statute. However, Baltimore serves many of the same functions by operating closely with a variety of partners to rehabilitate deteriorating neighborhoods. Maryland enacted “quick take” legislation in 1999, enabling the City of Baltimore to more extensively use eminent domain to acquire vacant and tax-delinquent properties.¹⁶ Baltimore uses an extensive tax sale program where a property in tax arrears can be sold at a public auction as either individual parcels or consolidated into a group of parcels. Though the process is not ideal, it enables the local community organizations to acquire property that was unavailable before and to focus on blocks or neighborhoods rather than individual parcels.

¹⁴ Alexander, F.

¹⁵ <http://thelandbank.org>

¹⁶ *Best Practices in Land Bank Operation*. Prepared by Department of Economic Development, City of Cleveland. Available at http://urban.csuohio.edu/glefc/publications/land_bank_best.pdf

In 2005, Cleveland enacted an industrial/commercial land bank for the city, modeled after their residential land bank established in 1976.¹⁷ Recognizing that land bank policies should have a narrow focus in the goals and objectives for vacant land reutilization, Cleveland created the second land bank for redeveloping vacant properties aimed solely at commercial and industrial uses. The Industrial Land Bank takes control over only certain property that fits their scope. Considerations include retaining existing manufacturing/industrial jobs, proximity to existing industrial or commercial landowners, proximity to existing infrastructure, properties near interstate highway access and those which can be assembled into larger development opportunities. The Cleveland Industrial Land Bank operates within city agencies and departments and is staffed mostly by members of planning and development departments or agencies.¹⁸

Buffalo Green Land Bank Governance.

The core legal authority essential for land bank operations is the power to acquire, manage, and dispose of property. As such the Land Bank must have authority to take title directly upon foreclosure and to institute eminent domain and summary proceedings for prospective development. For the Buffalo Green Land Bank the governance function is of utmost importance to help define its future operations as a single purpose entity.

Today, there is no explicit authority which either enables or prevents the creation a Land Bank authority. Absent changes through legislation the City must focus on interdepartmental communication and cooperation. While Articles 15 and 15-A of the General Municipal Law provide for the creation of Urban Renewal Agencies, they require a valid urban renewal plan, which would be an imperfect fit for the purposes of a land bank. It is worth noting that

¹⁷ Id.

¹⁸ *Strategy for Implementation of An Industrial Land Bank*. Prepared by The Great Lakes Environmental Finance Center. Available at http://urban.csuohio.edu/glefc/publications/land_bank_strategy_2005.pdf

overcoming the initial barrier of piece-meal planning and lack of awareness rarely requires significant legal reforms.

Starting today, the City should support a recently proposed Senate bill allowing for the formation of a land bank with local control. The bill, which has been submitted to committee in Albany, would be a step towards enlarging the scope of authority held by the Land Bank. Under this proposed legislation, land banks could be created by a municipality or, through the cooperation of several municipalities that can mirror the form, function, and scope of past successful land banks.¹⁹ The proposed legislation allows for each of these important programs, including property acquisition, leasing, and sales; expedited foreclosure and title clearance powers; administration, inventory, and assessment of existing parcels and structures; planning; property management and maintenance; demolition; and financial assistance for nonprofits to redevelop properties in targeted neighborhoods.²⁰

In the absence of State passage of the proposed legislation, several internal and external options could be considered for the City of Buffalo in structuring its land bank to accomplish many of these same programs. These options allow the City the flexibility of creating the Buffalo Green Land Bank pursuant to § 2-3 of the City Charter.²¹ One internal short-term option would be to initiate operation of the land bank within existing City departments until personnel and financial capacity is built. A second internal option would be to create a new department within the City for land bank operations. A third internal option would be to create a board or commission responsible for oversight of the land bank. A long-term external option would be to

¹⁹ Proposed New York State Assembly Bill A08059. Text available at <http://assembly.state.ny.us/leg/?bn=A08059&sh=t>

²⁰ Id.

²¹ “The executive and administrative powers of the city are vested in the mayor and in the executive officers, departments, boards, commissions and other agencies of the city as are herein created, or as may be created by any special act of the legislature not repealed by this act, or as may be created by general law.”

operate the land bank as an entity separate from the City's internal structure. This would create a partnership approach, such as one in cooperation with BURA or another entity created solely for the land bank. As entities like BURA have more flexibility under the law, they enjoy certain benefits such as not having gift of public funds restrictions. This is how the Urban Homesteading program can transfer vacant property to select homeowner for residential use for only one dollar and the cost of closing.²²

By prospectively implementing a functional land bank's powers, structure, and funding with a defined and limited focus, the Buffalo Land Bank would be able to transfer and possibly expand authority if state legislation was ever enacted.

IMMEDIATE RECOMMENDED ACTION

- IMPLEMENT POLICIES TO ACQUIRE TITLE TO STRATEGIC PROPERTIES THROUGH ALTERNATIVE METHODS.
- SUPPORT PENDING STATE AND FEDERAL LEGISLATION AND CONSIDER ENACTING LOCAL LEGISLATION FOR THE CREATION OF A LAND BANK ENTITY.
- REEVALUATE USE OF ANTICIPATED DEMOLITION FUNDS FOR "PAY AS YOU GO" SYSTEM ACCOUNTING FOR BOTH DEMOLITION AND RE-USE.
- WORK WITH COMMUNITY ORGANIZATIONS AND CITIZENS TO BEGIN EVALUATING NEIGHBORHOOD PLANS FOR REINVESTMENT AND GREEN INFRASTRUCTURE.
- ACTIVELY PROMOTE BOTH CURRENT AND PROSPECTIVE GREEN EFFORTS AS A WAY TO INCREASE PUBLIC EXPOSURE OF THE CITY'S ENVIRONMENTAL AWARENESS.

²² City of Buffalo Department of Real Estate Property: [Acquisition and Disposition Guidelines 2006](http://www.ci.buffalo.ny.us/files/1_2_1/BURA/real%20estate%20brochure.pdf). Available at http://www.ci.buffalo.ny.us/files/1_2_1/BURA/real%20estate%20brochure.pdf

RECOMMENDED STRATEGY FRAMEWORK

Growth through Consolidation.

The Buffalo Green Land Bank should base its vacant property planning on neighborhood plans, focusing development on the downtown, the corridors that lead into downtown and neighborhoods with signs of stability. Tax reversion happens most often in neighborhoods experiencing significant population decline, and often these neighborhoods are beyond repair. Without changes to fundamentals in the economy these communities may never achieve their previous population. In the absence of fundamental economic change, city wide redevelopment plans should assemble substantial parcels of this land for green infill development in areas suffering from the highest vacancy rates.²³ By adopting a strategic vision of a "right-sized" city for its current population, the Buffalo Green Land Bank could leverage abandoned and vacant land and change the subject from decline through abandonment to growth through consolidation.

Based on a city wide plan, the Land Bank should acquire title to the properties in closest proximity to other vacant properties and with the lowest population density for consolidation. The City's foreclosure process affords a reasonable means for accomplishing this. Along with community input, other factors that could be considered include proximity to natural resources, proximity to traditional commercial centers as well as all related transportation and infrastructure costs.

²³ Successful infill development is characterized by overall residential densities high enough to support improved transportation choices as well as a wider variety of convenience services and amenities. <http://www.mrsc.org/Subjects/Planning/infilldev.aspx> The Term "green infill" is a term of art used to denote the principles set forth in this proposal.

Most cities that have a land bank obtain a large portion of their housing stock through tax foreclosures. Without a large scale plan looking at city blocks and neighborhood, this reactive method is the only feasible option. Many properties however, will be of such strategic or environmental significance that the Land Bank may wish to acquire title for management purposes through means other than tax foreclosure. Through this process, the City should also begin to consider policies to encourage the concentration of property. Such a drastic action would bring the city's infrastructure costs more in line with its population and allow it to focus its resources more on a defined and healthy core.

Eminent Domain, though sometimes expensive, can be used for urban renewal to combat blight.²⁴ The power of eminent domain is often used by cities in connection with blighted areas and to accomplish their plans for urban renewal projects. Factors to be considered in determining if area is "blighted" and thus subject to urban renewal condemnation include such diverse matters as irregularity of the plots, inadequacy of the streets, diversity of land ownership making assemblage of property difficult, incompatibility of existing mixture of residential and industrial property, overcrowding, incidence of crime, lack of sanitation, the drain areas makes on municipal services, fire hazards, traffic congestion and pollution. This process is often expensive as a result of the "just compensation" requirement which requires fair market value.

In certain cases, even though a dwelling is occupied, it may be considered abandoned under the New York State Real Property Actions and Proceedings Law §1971. The Department of Economic Development, Permit & Inspection Services may commence a special proceeding to convey title of an abandoned dwelling to the City.²⁵

²⁴ *NY State Constitution Article XVIII*

²⁵ Or any other City Of Buffalo Department or agency responsible for the enforcement of the multiple dwelling law, multiple residence law, or any other law, code or ordinance governing the occupancy and maintenance of residential property

Under §1971 occupied dwellings may be considered abandoned if the owner has failed for a period of at least three months to either collect rent or institute summary proceedings for the non-payment of rent *and* the Department finds that the dwelling has become a danger to life, health or safety as a result of the owner's failure to assume his responsibility for its condition. A vacant dwelling may be considered abandoned if is not sealed or is not continuously guarded as required by law or it was sealed or continuously guarded by a person other than the owner, mortgagee, lienor, or agent thereof, *and*, either an order to vacate currently prohibits occupancy or the taxes on such premises has been due and unpaid for a period of at least one year.

The City should also decommission new and surplus housing infrastructure in certain neighborhoods to allow for natural abandonment. Such strategic foresight would allow the City to rebuild these decommissioned neighborhoods with networks of green infrastructure. The Buffalo City Land Bank should also incorporate or work in conjunction with the City's Neighborhoods by Choice program as well as not for profits like Habitat for Humanity. By working with the City's development and investment actors to concentrate development investment in the city, the Land Bank could concentrate population in select areas, which could then be targeted with a threshold of investment that could catalyze a turnaround.²⁶ Recent and current investments into affordable-housing development should be studied to determine whether they are sufficient to absorb existing demand and that of people who might be ready to move in from other areas. The City should actively market developments such as the Sycamore Village project to selected individuals to expedite the right-sizing process.

In order to achieve ultimate success, the Buffalo Green Land Bank must engage the neighborhoods, residents, community groups and property owners in this process. The land bank

²⁶ Richmond, Va., incorporated the targeting concept with its Neighborhoods in Bloom program. A 2005 study of the program by the Federal Reserve Bank found that an investment of \$20,100 per block appeared to be a critical mass of funding that spurred dramatic improvement and the return of the private market.

would need to work closely with these leaders to identify and select neighborhoods and properties, target the tax-delinquent and seriously blighted properties, and provide incentives for voluntary acquisitions. It is imperative that such a procedure enjoy public support to avoid association with failed urban renewal projects of the past. By putting the community into the decision making process the City could generate support for the future maintenance of land bank properties while also getting a better sense of individual communities and their prospects for the future.

Building Green Infrastructure.

The Buffalo City Land Bank must have a specific mandate to promote “green infrastructure”.²⁷ Green infrastructure can include a wide variety of properties and projects linked by a connected series of trails and greenways. Parks, gardens, forests and other city green space should be created and managed through city-wide, long term planning in the places where abandoned houses once stood.

While some land could likely be immediately redeveloped, a strategic “big picture” outlook is necessary rather than a case-by-case determination. Green infrastructure usually costs less to install and maintain compared to traditional forms of redevelopment and infrastructure. These projects also foster community cohesiveness by engaging all residents in the planning, planning and maintenance of the sites. A green infrastructure initiative in the hands of a land

²⁷ Green infrastructure has been defined as an “interconnected network of open spaces and natural areas, such as greenways, wetlands, parks, forest preserves and native plant vegetation, that naturally manages stormwater, reduces flooding risk and improves water quality.” - <http://greenvalues.cnt.org/green-infrastructure>

bank could use the City’s current catalog of houses to create value in the habitable properties that remain, and attract investors and residents back to surrounding neighborhoods devastated by decay. If surplus housing stock and infrastructure are decreased while increasing the green space in those same neighborhoods, policies and programs for attracting more people back to Buffalo’s redefined core communities are more likely to succeed.

Studies have confirmed that green infrastructure positively contribute to a community’s quality of life and benefit the environment through air pollution removal, carbon storage and sequestration, and stormwater management.²⁸ Some argue that it can even be used as a crime prevention device.²⁹ A 2003 American Forests analysis of the urban ecosystem in the Buffalo-Lackawana area found that Buffalo had a 12% tree canopy cover which removed 335,000 pounds of pollutants from the city’s air and provided approximately \$34.3 million in avoided stormwater costs.³⁰ While substantial, it pales in comparison with the national average of 30% tree canopy cover.

The American Forests study found that by increasing tree canopy on vacant parcels to 50% from its then current 31% the result would be result in the following environmental benefits,

Additional air pollution removed by increased trees (lbs./year)	Additional carbon stored by increased trees (tons)	Additional carbon sequestered by increased trees (tons/year)	Additional stormwater avoided by increased trees (cu. ft./storm)
66,837	26,741	208	10,789,549

²⁸ A recent University of Pennsylvania study of a Philadelphia neighborhood found that greening vacant lots increased sale prices of homes near the lots by as much as 30 percent.

²⁹ Crime Prevention Through Environmental Design (CPTED) argues that proper design and effective use of the built environment can reduce the fear and incidence of crime and thereby improve the overall quality of life.

³⁰ When compared with cost for constructing facilities to perform these function at \$2 per cubic foot. Available at americanforests.org

Buffalo's strategic plans calls for expansion of park space in East Buffalo to bring the City up to State park land standards. However, in light of the current state of disrepair in many Erie County parks, special consideration should be given to alternative green uses to accomplish these same goals. Consolidation of vacant and abandoned lots provides readily available spaces for community development and economic renewal through more diverse and cheap green infrastructure that parkland.

Many of these projects have already been passively approved by the City. The support and organizations are there and it is time for the City to use them. Community gardens are one way to green areas that are lacking in municipal parks. The New York Legislature has acknowledged that community gardening of vacant land preserves open space, discourages illegal dumping and vandalism, and offers environmental educational and nutritional benefits.³¹ Similarly, urban farms can create jobs and sustainable food systems for people living in distressed neighborhoods. A system of connected greenways, consisting of walking paths, bike trails and waterways, would encourage people to engage in recreational activities and alternative means of transportation. Specialized use "micro parks" have already shown to be successful. Lasalle Park's off-leash area has shown that private citizens and community groups can work with public officials to make small, immediate improvements to the city's environment through parkland.

The Office of Strategic Planning has already completed several draft land-use plans that could be used by the Buffalo land bank.³² These could serve as the foundation for a more comprehensive green-infrastructure initiative than is contemplated by any of the previously constructed plans. The ongoing results from Healthy Infrastructure for Queen City Livability,

³¹ *N.Y. Agric. & Mkts/ Law 31g - i*

³² *Buffalo Greenways Plan, Local Waterfront Revitalization Plan, and Buffalo's Olmsted Park; and Parkway System: A Restoration and Management Plan.*

the City's current infrastructure analysis and improvement plan, could provide a part of the Land Bank's green infrastructure plan going forward.³³

"Green-printing" is one way to provide a framework for future growth through open-space conservation and networks of greenways.³⁴ Through its "green-printing" services, the Trust for Public Land integrates networks of open space, parks, and greenways into community land-use plans. A green-print vision or reuse plan should reflect the community's goals. Green-printing could easily become one initiative of a Buffalo Land Bank. The Land Bank could work back from this plan in deciding what properties are appropriate to acquire. In accordance with the community driven green-print, the land bank could use the city's housing stock to quickly demolish whatever abandoned structures are left in selected neighborhoods and then replace them with green infrastructure.

The City's support of The Neighborhood Reclamation and Revitalization Act of 2007 introduced in the New York House by Congressman Higgins and the Senate by Senator Clinton in September provides hope for financing of such a plan.³⁵ If passed, Buffalo would receive Housing and Urban Development (HUD) funding for demolition and a study for how newly vacant land should be redeveloped. This funding could be used to conduct this green printing proposal before implementing the green infrastructure process.³⁶

One way to offset the costs of a land bank would be the natural outcome that infrastructure costs would be reduced. Because so little infrastructure is needed in green spaces, the costs for maintaining the already overextended infrastructure would be reduced. Green space

³³ www.ci.buffalo.ny.us/Home/Leadership/City_Departments/Office_of_Strategic_Planning/HealthyInfrastructure

³⁴ *Blueprint Buffalo- Action Plan*. Available at http://www.vacantproperties.org/resources/BUF_Action%20Plan_lo.pdf

³⁵ Senator Clinton Press Release Dated September 14, 2007. Available at: <http://www.senate.gov/~clinton/news/statements/details.cfm?id=283468>

³⁶ <http://www.govtrack.us/congress/bill.xpd?bill=h110-3498>

can further offset costs because of the services they provide. Green Infrastructure contributes to water quality and quantity by absorbing rainfall, slowing it down, cleaning it through the ground and wetlands, stabilizing soil and controlling erosion, reducing floods, and keeping storm water out of the sewage treatment system and hence, reducing direct contamination of our waters during storm events.³⁷ This is especially important in Buffalo considering our antiquated Combined Sewer System and could be a determinative factor in considering what solutions are available.

CONCLUSION

Any land-banking strategy must be sensitive to neighborhood concerns and must include a variety of greening strategies for permanent and interim uses. Creating a land bank will, no doubt, require more research and analysis. However, now is the time to prepare and design the land bank so that it can take action before the level and intensity of vacancy increases.

³⁷ “Why the Greenway should be green”. Buffalo Niagara Riverkeeper. Available at: http://www.bnriverkeeper.org/programs/nrgc/why_greenway_green.html