

Chapter 8

Community Renewal



“Neighborhoods that are sustained by proper grocery stores and parks and entertainment;...no more vacant buildings.”

“Birmingham will be a ‘city of neighborhoods’ that is a healthy and vibrant place to live, work and play.”

GOALS	POLICIES FOR DECISION MAKERS
Blight is substantially reduced in Birmingham neighborhoods over 20 years.	<ul style="list-style-type: none"> • Give high priority to a comprehensive and integrated approach to eliminating blight and vacancy under unified management and coordination.
An organization with professional leadership and adequate staff and funding focuses on land banking, land assembly and redevelopment.	<ul style="list-style-type: none"> • Support creation of a professionally-run combined Land Bank and Redevelopment Authority.
Strategic and comprehensive redevelopment with critical mass creates visible, self-sustaining communities and neighborhoods of choice.	<ul style="list-style-type: none"> • Support comprehensive revitalization planning that integrates physical, economic, social and human issues.
	<ul style="list-style-type: none"> • Support targeted and strategic revitalization investments to leverage nearby employment centers and civic assets.
	<ul style="list-style-type: none"> • Ensure that redevelopment benefits current residents of an area as well as attracting new households.
	<ul style="list-style-type: none"> • Promote mixed-income neighborhood development.
	<ul style="list-style-type: none"> • Support creation of a network of a small number of high capacity nonprofit community development organizations.

findings

10,805 tax delinquent properties = 10% of all city lots = 3.2% of city acreage = 2,599 acres (84% residential). 59% of the acres have structures, 41% are vacant (1,068 acres).

The average vacant residential property is on a small lot in an older neighborhood.

The city lacks strong high-capacity community development corporations.

Funding for community development has declined by more than a third since 1980. At that time, the City received \$11 million in CDBG funds, while today the CDBG allocation is approximately \$6 million. Funding for housing programs (HOME) is \$1.9 million. The City's general fund budget increased from \$79 million to \$350 million in the same time period.

The city's early development pattern of workers' camps and villages surrounding mine and industrial plants has left a legacy of environmental issues in some neighborhoods.

challenges

Creating an effective and adequately staffed and funded land bank and redevelopment authority.

Scattered but widely distributed blight that has been increasing and spreading into more areas in recent decades.

Developing criteria for demolition and retaining and securing properties with rehabilitation potential.

Expense of securing properties, demolition, and maintenance of vacant lots.

Title clearing for the many properties with clouded or defective title.

Assembling sufficiently large development sites to make redevelopment cost-effective and create visible impact.

Coordinating public investment strategically to create renewal and revitalization areas that leverage private investment.

A. What the Community Said

In public meetings during the course of the comprehensive planning process, the following themes repeatedly emerged as central to community renewal and revitalization:

- Eliminating blight, vacant and abandoned properties in neighborhoods is a high priority.
- Code enforcement is needed.
- Brownfields remediation and redevelopment is needed.
- Crime and the perception of crime needs to be addressed, including the desire for more community policing, and more and better street lighting.
- The city needs market-rate new development.
- Focus strategically on revitalization areas with existing assets, momentum and leadership, such as Five Points West and Woodlawn.
- The City needs better tools, such as a land bank, to eliminate blight and support revitalization.

B. Recommendations

Blight has been a serious problem in Birmingham neighborhoods for decades and, lacking a comprehensive approach, the city has seen blight continue to spread. The number of tax delinquent properties in the hands of the state—a good proxy measurement of blight—increased 42% from 2005 to 2010. The 10,805 tax delinquent properties in 2010 encompassed 10% of all city lots, 3.2% of city acreage, and 2,599 acres. Eighty-four percent of the tax delinquent properties were residential. While 41% of the tax delinquent properties (on 1,068 acres) were vacant, 59% had structures on them. The average vacant lot is a small residential lot in an older neighborhood. Although some of these tax delinquent properties may be redeemed by their owners, the majority have been abandoned for a long time. It is also important to recognize that there are vacant or blighted properties that are not tax delinquent. Some property owners may be planning to rebuild or

renovate, but have trouble getting financing or otherwise never seem to get started. In some cases, owners of vacant nonresidential property, who may have amortized the cost of the property many years ago, pay the low property taxes and wait for the market to improve. In the case of brownfields, assessment and remediation will be needed before redevelopment.

Sources of vacancy and blight. The sources of vacancy and blight include the same historic forces that underlie population decline—residential segregation that produced poor housing stock in African American neighborhoods, “white flight” and post-World War II suburbanization favored by government policies and sparked by school desegregation, and neighborhoods sited in flood-prone or polluted locations. The supply of housing in 2012 exceeds demand and in many cases, the housing stock is obsolete in size, layout, condition or location. Where the market is weak, the cost of rehabilitating older housing becomes higher than the potential market value of the property. Predatory lending and foreclosures, decreasing public revenues and public services, and comparatively poor public education outcomes then combine to create poor impressions and reputation.

Studies have shown that blighted or vacant properties on an otherwise well-kept street make neighboring properties lose value, even if they are in good condition. Vacant buildings are vulnerable to squatting and criminal activity, dumping, public health issues, and increased vulnerability to fire. As a neighborhood’s reputation becomes more negative, owner occupants often leave and absentee ownership increases; tax delinquency increases while taxpayers shoulder increasing costs to secure, clean up or demolish blighted properties; a reduction in services and amenities ensues, and the area spirals downward.

Vacant land as a problem and an opportunity. While the problems caused by vacant land are substantial, it is also important to see the opportunities that could be opened up with a successful program to control blight and transform vacant land:

- Land to create new amenities, such as parks and greenways, and improve overall quality of life in neighborhoods with small lots.

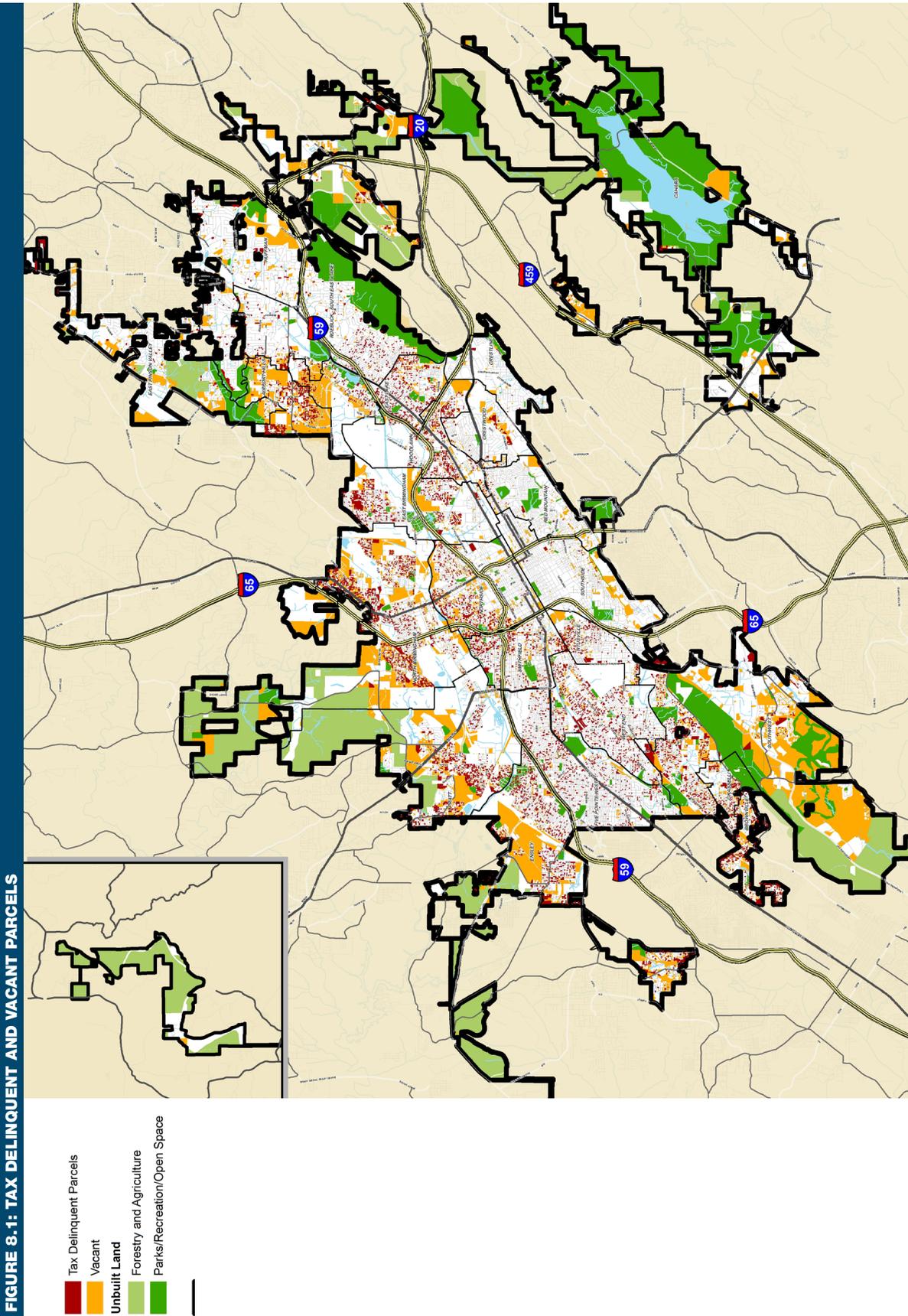


TABLE 8.1: TAX DELINQUENT PROPERTIES BY COMMUNITY: NUMBER, ACREAGE AND PERCENT

	TAX-DELINQUENT PROPERTIES (LOTS)	ALL PROPERTIES IN COMMUNITY	PERCENT OF COMMUNITY PROPERTIES THAT ARE TAX-DELINQUENT	PERCENT OF CITYWIDE TAX-DELINQUENT PROPERTIES	ACREAGE OF ALL PROPERTIES IN COMMUNITY	ACREAGE OF TAX -DELINQUENT PROPERTIES	TAX-DELINQUENT PROPERTIES: PERCENT OF TOTAL COMMUNITY ACREAGE
Airport Hills	487	1,969	24.7%	5%	1,220	60	4.9%
Brownville	351	2,097	16.7%	3.2%	652	63	9.7%
Cahaba	63	988	6.4%	0.6%	11,525	38	0.3%
Crestline	9	2,242	0.4%	0.1%	1,102	23	2.1%
Crestwood	52	2,662	2.0%	0.5%	1,129	87	7.7%
East Birmingham	656	3,865	17.0%	6.1%	2,295	181	7.9%
East Lake	686	4,882	14.1%	6.3%	1,958	211	10.8%
East Pinson Valley	78	2,879	2.7%	0.7%	3,398	28	0.8%
Ensley	1,035	6,659	15.5%	9.6%	8,029	152	1.9%
Five Points West	637	9,485	6.7%	5.9%	2,561	179	7.0%
Grasselli	213	1,495	14.2%	2.0%	736	36	4.9%
Huffman	135	6,508	2.1%	1.2%	7,348	75	1.0%
North Birmingham	1,384	6,466	21.4%	12.8%	8,022	149	1.9%
Northside	649	4,674	13.9%	6.0%	1,694	122	7.2%
Pratt	896	5,617	16.0%	8.3%	5,410	188	3.5%
Red Mountain	41	3,351	1.2%	0.4%	1,590	88	5.5%
Roebuck-South East Lake	356	6,894	5.2%	3.3%	4,374	115	2.6%
Smithfield	573	3,896	14.7%	5.3%	1,079	95	8.8%
Southside	49	3,745	1.3%	0.5%	2,378	100	4.2%
Southwest	673	5,993	11.2%	6.2%	8,956	132	1.5%
Titusville	320	3,044	10.5%	3.0%	768	59	7.6%
West End	874	7,612	11.5%	8.1%	2,311	237	10.3%
Woodlawn	588	3,127	18.8%	5.4%	1,801	179	9.9%
TOTALS*	10,805	100,150	10.8%	100.0%	80,336	2,599	3.2%

Numbers and percentages are approximate. A few lots overlapped two communities and were not counted.

SOURCE: CITY OF BIRMINGHAM (JEFFERSON COUNTY 2010 ASSESSOR DATA)

TABLE 8.2: TAX DELINQUENT RESIDENTIAL PARCELS

	TOTAL NUMBER RESIDENTIAL LOTS	NUMBER OF TAX-DELINQUENT RESIDENTIAL LOTS	PERCENT TAX-DELINQUENT
Airport Hills	1,974	486	24.6%
Brownville	2,065	344	16.7%
Cahaba	331	62	18.7%
Crestline	2,140	8	0.4%
Crestwood	2,625	51	1.9%
East Birmingham	3,118	577	18.5%
East Lake	4,528	657	14.5%
East Pinson Valley	2,765	78	2.8%
Ensley	5,756	940	16.3%
Five Points West	9,018	597	6.6%
Grasselli	1,474	213	14.5%
Huffman	5,830	120	2.1%
North Birmingham	5,558	1308	23.5%
Northside	3,167	568	17.9%
Pratt	5,128	854	16.7%
Red Mountain	3,081	28	0.9%
Roebuck-South East Lake	6,667	350	5.2%
Smithfield	3,356	510	15.2%
Southside	2,240	34	1.5%
Southwest	4,429	613	13.8%
Tutusville	2,879	306	10.6%
West End	7,040	805	11.4%
Woodlawn	2,636	552	20.9%
TOTAL	87,805	10,061	11.5%

SOURCE: CITY OF BIRMINGHAM
(JEFFERSON COUNTY 2010 ASSESSOR DATA)

- Land for environmental benefits such as floodplain management, natural infiltration of stormwater, natural cooling from additional trees and other vegetation.
- Land to attract new residents and new enterprises, particularly if vacant land can be assembled into larger development sites.

Birmingham has already begun to pursue some of these strategies.

How to remove blight. The simplest way to remove blight is for government to purchase properties, wipe out any liens, and then sell or donate the properties for redevelopment by new owners. The scale of the problem in Birmingham makes that a prohibitively expensive solution, particularly since many blighted properties have clouded title. A combination of strategies, with a strong emphasis on code enforcement, promoting voluntary compliance by property owners, and strategic land assembly must be pursued. Successful best practices for blight elimination identified by the National Vacant Properties Campaign combine comprehensive code-enforcement tools and strategies with neighborhood rebuilding through rehabilitation and redevelopment. These practices include:

- Access to a sufficient variety of strategies and regulatory, civil and criminal tools to promote and enforce compliance.
- Identification of the right remedy for the circumstances of each property and each neighborhood.
- Unified or closely coordinated management of code enforcement activities.¹

Because markets are not functioning well or at all in areas with abandoned properties, the ultimate role of a redevelopment agency is to revive the market to attract private investment without the need for incentives. This means retaining city households and attracting new ones. It is important to understand the potential market and the characteristics of the target demographics, and then market assets that will appeal to those target groups.

¹ www.vacantproperties.org; see also www.communityprogress.net.

SPECIAL STRATEGIES AND CONSIDERATIONS

Arts and culture as a revitalization strategy. Arts, culture and entertainment initiatives have increasingly demonstrated their ability to contribute to neighborhood and city revitalization. This important role for the arts has now become institutionalized as “creative placemaking.” In 2011, the National Endowment for the Arts inaugurated a new grant program, “Our Town,” for “public-private partnerships to strengthen the arts while shaping the social, physical, and economic characters of their neighborhoods, towns, cities, and regions.”² The Kresge Foundation also

² www.nea.gov. Alabama was not represented among the initial group of grantees.

WHAT MAKES ARTIST SPACE DIFFERENT?

- *Based on a community of like-minded small business people. Artist spaces don't work unless they start with a community of artists or creative businesses wanting and needing space.*
- *Easy to create and design and can fit in many different types of buildings.*
- *Very similar in design and price to light industrial space and/or low-end office space.*
- *Benefits:*
 - > *Completed projects in many cases result in stabilized neighborhoods—more homeowners, businesses, more tax revenue, and enhanced safety.*
 - > *Projects create connections between the artists and the community, enriching neighborhood culture.*
 - > *Projects can galvanize communities, generating enthusiasm and support for community revitalization.*
- *Pricing:*
 - > *Rental studio space pricing: You need to think about how much an artist might be able to pay total on top of his/her monthly other expenses. Most artists usually do not want to pay more than \$100-\$300 a month on top of other expenses.*
 - > *Live/work pricing: Most artists cannot afford expensive space, but there is a range of what artists can afford. If you are thinking about developing a building, you might want to have some expensive units balance out a few affordable units. This works well in the co-op model.*
 - > *Other spaces pricing: Rehearsal spaces and galleries generally do not pay or charge artists very high rents.*

<http://www.artistlink.org/?q=spacetoolbox/fordevelopers>

has a new creative placemaking initiative. At the same time, ArtPlace was established: “a collaboration of eleven foundations, eight federal agencies, and six of the nation’s largest banks to accelerate creative placemaking across the U.S....ArtPlace is investing in art and culture at the heart of a portfolio of integrated strategies that can drive vibrancy and diversity so powerful that it transforms communities.”³ The existence of these new funding sources represents an opportunity for Birmingham to organize its artist and arts and cultural community to collaborate for the revitalization of the city. One way to do this is to create studio and live/work space for artists.⁴

Urban agriculture as a revitalization strategy. Urban agriculture is an element of sustainability that strengthens local food systems. Urban agriculture can also play a role in neighborhood and city revitalization, both as a way of using land that is otherwise vacant and inexpensive, and in intensive, all-season hydroponic and aquaponic methods within underutilized industrial or commercial buildings. “As an interim (less than five years) or long-term use, greening a parcel by implementing agricultural practices can improve the environment, build amenities, revitalize neighborhoods, and have direct benefits to residents’ food access and nutrition.”⁵ Urban agriculture encompasses everything from small community gardens to profit-making enterprises and can include animal husbandry, beekeeping, aquaculture, aquaponics, and production

³ www.artplaceamerica.org

⁴ The Cultural Master Plan for greater Birmingham prepared in 2002 can be found at www.cultural-alliance.com

⁵ EPA, *Brownfields and Urban Agriculture*, Summer 2011. www.epa.gov/swerosps/bf/urbanag/pdf/bf_urban_ag.pdf

ARTSPACE

A pioneer in the rehabilitation of historic buildings and the use of historic tax credits for affordable artist live/work space, Artspace buys unused or underutilized historic buildings and converts them into fully functioning space for artists and arts-related businesses and organizations. As of 2012, Artspace owns and manages 42 live/work and studio-only properties across the country. Major foundation support from the Ford and Kresge Foundations and ArtPlace is supplemented by broad support from many donors. How Art Spaces Matter I and II are two in-depth reports on Artspace projects available on the organization's web site, www.artspace.org.

AQUAPONICS

Aquaponics is a very productive food system that combines aquaculture—raising animal food in water—with hydroponics, raising plant crops in water in a recirculating system. The system can create a high volume of food for sale in a relatively small area and provide year round products for sale. Tilapia and yellow perch are typically the fish raised in aquaponics systems. For more information see: www.backyardaquaponics.com/Travis/aquaponic.pdf; www.growingpower.org/aquaponics.htm

of seeds, seedlines and flowers. Nonprofit and for-profit agriculture in cities can increasingly be found throughout the country on vacant lots, on rooftops, and inside buildings.

Birmingham's existing urban agriculture resources are nonprofits. Although the Jones Valley Urban Teaching Farm is nationally known as an example of downtown urban agriculture and it incorporates production for sale, it is increasingly focused on its youth education role. Otherwise, Birmingham has a collection of community gardens sponsored by a variety of organizations and focused on providing opportunities for residents to raise some of their own food.

There is increasing interest around the country in establishing for-profit urban agriculture enterprises that can contribute to neighborhood revitalization, provide income and jobs, and strengthen local food systems. The EPA recently published a guide to preparing an Urban Farm Business Plan, and Global Green prepared a feasibility report for Youngstown, Ohio.⁶

Environmental justice and strategic choices. Birmingham's history of residential development around industrial plants and railroads means that the workers' camps and employee towns came to be today's neighborhoods. Environmental justice programs focus on the need to redress existing and prevent future inequitable distribution of environmental burdens and impacts. Birmingham's continuing project

with FEMA funding to move residents from areas of repeated flooding is also an environmental justice project because these areas were zoned for African-American housing under the old racial zoning system, even though the Olmsted plan from 1925 had identified those floodways and floodplains as areas that should be kept free of housing.

This Comprehensive Plan recommends establishing a strategy to concentrate a variety of integrated resources and programs on specific areas in order to create visible centers of compact, higher density development that can support transit, neighborhood-serving retail, and other amenities. This strategy must take environmental justice issues into account in several ways.

First, some neighborhoods have a high probability of soil contamination because of years of being located next to industrial plants; others are surrounded by railroad lines, making outside connections difficult; there are still residential areas located in relatively high-risk floodplains; and these neighborhoods are also characterized by continuing significant population decline and a high percentage of tax-delinquent and vacant properties. It is also the case that neighborhoods in more environmentally hazardous locations tend to have older housing stock that is obsolete or less attractive for today's housing demand. In general, these neighborhoods are unlikely to be preferred locations for the next generation of residents or to attract new residents. Under these conditions, they are not strong candidates for concentrated strategic investments, despite the fact that residents often have a historic and emotional attachment to the neighborhood as a place and as a community. Second, the residents living in these neighborhoods still need investment in improvements to their quality of life, such as street paving and drainage. However, concentrations of new housing, for example, would not be as likely to leverage future private investment as in some other areas that already have some revitalization momentum, are better located for current or future transit options, or have better building stock and urban form.

⁶ EPA, *Urban Farm Business Plan Handbook*, September 2011. http://www.epa.gov/brownfields/urbanag/pdf/urban_farm_business_plan.pdf. Global Green, *Urban Agriculture Feasibility Study for Youngstown, Ohio*, June 2012. <http://globalgreen.org/blogs/global/wp-content/uploads/2012/06/Youngstown-Urban-Ag-Report-6.012-4.pdf>

goal 1

Blight is substantially eliminated in Birmingham neighborhoods over 20 years.

POLICY

- Give high priority to a comprehensive and integrated approach to eliminating blight and vacancy under unified management and coordination.

A comprehensive anti-blight strategy requires the collaboration of a variety of governmental entities and non-governmental groups. No one city, county, state or other entity has singular responsibility for blight and vacancy and it affects a variety of different stakeholders outside of government. Coordination of all these groups is absolutely essential. A comprehensive strategy also has the following characteristics:

- **It is data driven.** Understanding the territory is critical. A complete and ongoing inventory of problems and resources, along with a collective identification of priorities that includes all relevant government departments as well as stakeholders outside of government, will create the understanding and buy-in needed to make the program succeed.
- **It is multifaceted**—not a “one-size-fits-all” approach. There is no avoiding the fact that each property and each neighborhood can be different and has to be approached with attention to specifics. Moreover, a comprehensive anti-blight strategy is not just about land and buildings. It is a community-building and capacity-building effort to change the market and perceptions.
- **It is transparent and accountable.** The person given responsibility for coordinating all the governmental, non-governmental and community stakeholders has to be empowered to get the job done, and accountable to the mayor and the community. The system created to deal with blight and abandoned property must be monitored and adjusted over time.

STRATEGIES

A. Create a comprehensive property and neighborhood information system.

Actions

1. Develop the information system by building on the existing GIS and assessor’s property databases and integrating the market value analysis system recommended in Chapter 7 (p. 7.26).

Development of this system will require coordination with Code Enforcement and other agencies to provide detailed information on blighted properties and properties in danger of becoming blighted. Some cities create these systems in house while in other cases the property information systems have been created by counties or by universities.⁷ The system should include the following information about specific properties:

- Baseline assessor’s information
- Area of lot and structures
- Tenure
- Liens
- Nuisance abatement (i.e., mowing and boarding up)
- Code violations
- Vacancy and abandonment
- Police calls
- Business licenses
- Other relevant property-specific information

Track information about larger areas—block groups/census tracts, Neighborhoods, Communities, Strategic Opportunity Neighborhoods, etc., using:

- Census data
- Real estate market information
- Crime statistics
- Other relevant area-specific information

⁷ Case studies of systems developed for Chicago, Cleveland, Minneapolis-St. Paul, Philadelphia, and Washington, DC can be found in Sarah Treuhart and G. Thomas Kingsley, *Transforming Community Development with Land Information Systems*. Cambridge, MA: Lincoln Institute of Land Policy, 2008. Available at www.lincolnst.edu.

2. Establish and maintain an inventory of all vacant sites that are identified brownfield sites and likely brownfield sites and integrate it into the property information system.

Often, particularly with vacant sites that were contaminated by industrial uses decades ago, there is no incentive to determine the likely extent of contamination (known as a Phase I Assessment, which establishes the history of the site but does not include geotechnical studies) unless a redevelopment opportunity seems imminent. The Regional Planning Commission and the state have an inventory of brownfield sites that have been identified for programs and that have been remediated and are available for redevelopment. There are large vacant industrial sites in Birmingham that are popularly presumed to be brownfields, given well-known use histories, and in some cases property owners have done limited assessments without making the results public. It would be worthwhile for the City to establish a list of identified and likely brownfield sites to be integrated with the property information system. Students or volunteers could be organized to do preliminary research into site histories, using established approaches. This would provide the city with more information on vacant properties and inform revitalization and redevelopment strategies.

B. Designate a position responsible to the Mayor with the authority and responsibility to coordinate and organize the blight eradication activities of all relevant city agencies.

Actions

1. Designate a Director, responsible to the Mayor, to take charge of anti-blight activities.

The Director will work with the various agencies and departments to clarify roles, ensure that they work together in a coordinated way to implement policy, and s/he will be responsible for setting measurable goals and making regular public reports on progress.

2. Establish a vacant property registration ordinance and a regular cycle of vacant building inspections.

Many cities have found a vacant residential property registration ordinance to be an extremely valuable tool in managing vacant properties and buildings. Typically, properties that fall under these ordinances are not habitable—properties with working systems and actively being marketed for sale or rent would not be required to register. Owners are required to register and pay a fee, renewing the registration on a regular schedule. In some cities, the fees get higher every subsequent year, as an incentive for property owners to redevelop or sell their properties. Owners are required to keep the buildings and lots secured and in good order, and in some cases, post a sign with the name and contact information of the owner and manager of the property. Failure to do so results in significant fines. In cases where an owner cannot be found, the city would place a lien on the property. Funds from the registration fees and fines would pay for an inspection system.

3. Develop a review process and criteria for demolition of properties by government entities.

Some properties wait too long for demolition and others that could be candidates for rehabilitation may be demolished too quickly. The demolition review process should be developed and implemented by the Director of blight eradication, including an opportunity for public comment. In local historic districts, the Design Review Committee reviews demolition permits and can ask property owners to wait a year while an adaptive use is pursued for the property. The general demolition process should respect the Design Review Committee procedure in the historic districts and commercial revitalization districts where the DRC has review responsibilities. Review criteria for demolition should include the following:

- Health and safety considerations.
- Quality of the building.
- Impact of demolition on neighborhood fabric.
- Reuse potential of the lot.
- Nuisance level of the property.

C. Develop and implement a strategy to prevent abandonment of properties.

In addition to strategies to deal with existing blight and vacancy, it is important to identify properties that are at risk of falling vacant in order to keep blight from spreading. This means working to improve their economic viability.

Actions

1. Identify at-risk properties.

This process should include location and information on foreclosures and lending patterns.

This can be done through the property information and market valuation analysis system.

2. Develop and use strong partnerships.

Neighborhood stakeholders, social service providers and nonprofit housing developers, private lenders, and others can promote information sharing and identify opportunities to make improvements.

3. Make general community improvements.

Community improvements such as road paving or better park maintenance can provide a sense of optimism about the future of a neighborhood so that fewer people are tempted to walk away from their properties.

4. Improve code enforcement activities.

The property information system will include code enforcement data. Targeted code enforcement sweeps should be coordinated with programs to prevent abandonment and in conjunction with strategic renewal plans. Although a stronger code enforcement program is important, a sensitive approach that provides intervention and assistance to owners who cannot afford improvements (such as the elderly owners who are eligible for some of the city's housing rehab programs) and to tenants who may end up homeless if landlords refuse to comply.

D. Develop a system and/or seek legislative authority to expedite procedures for site control of blighted and vacant properties and for quiet title.

Actions

1. Enact an ordinance to allow the City to purchase properties from the state land bank.

The state 2010 Quiet Title Act allows municipalities to purchase properties that have been tax-delinquent for at least three years from the state for approximately \$100 per lot and bring more than one property at a time to court for quiet title proceedings. When the City sells these properties it can require that purchasers pay fees to cover the costs to the City and it can also require that development take place within a certain period, or the property reverts to the city.

Mobile and Montgomery have passed laws of this type. It is important to recognize, however, that the very weak real estate markets and large number of tax delinquent properties existing in some Birmingham neighborhoods make it unlikely that many properties will attract interest from buyers with redevelopment capacity. Scattered redevelopment without a strategic focus would not be beneficial. However, because the reality in many parts of Birmingham is that there is more housing and land than demand, it would be beneficial for the City to gain control over tax delinquent parcels to land bank them to keep them off the market in order to start rebalancing the market. Some of this land could be used for green systems purposes (parks, neighborhood greenways, community gardens, and so on) to be managed by the City or given to Community Land Trusts (see below) for neighborhood-based management. In other cases, the land could be held for assembly by a municipal land bank linked to a citywide redevelopment authority.

2. Explore the potential for community land trusts as an interim or long-term mechanism for site control, management of vacant land, and provision of affordable housing.

Community land trusts (CLT) typically are membership-based nonprofits. Most CLTs provide affordable housing by retaining ownership of land and leasing it to a homeowner who has title only to the house. The

COMMUNITY LAND TRUSTS REVITALIZE NEIGHBORHOODS IN ROCHESTER MN

Rochester, MN, has a population of around 100,000 and its major employer is the Mayo Clinic. Lack of workforce housing led the Rochester Area Foundation (RAF) to form an affordable housing subsidiary, First Homes, in 1999, initially funded with an RAF grant of \$1 million and a Mayo Clinic donation of \$4 million, which was used to raise additional funds. Several years later, in order to make housing affordable in perpetuity, First Homes decided to establish a community land trust (CLT). The First Homes CLT program provides a 99-year renewable land lease that as of 2008 reduced a home's price by \$40,000. Monthly land lease fees are only \$10 for the first three years of occupancy and plateau at \$50 beginning in year six. CLT homeowners realize an additional savings of approximately \$100 per month, because they do not pay private mortgage insurance. They can also combine the CLT benefits

with additional first-time homeowner assistance from other sources. While some CLTs offer minimal financial benefit to the homeowner upon resale, homeowners working with First Homes receive 50 percent of the home value appreciation as well as all equity invested. In 2006, the program began operating in Rochester's downtown neighborhoods, which were in decline, and expanded into a comprehensive effort to create mixed-income neighborhoods of choice through neighborhood visioning, a CLT, and additional improvements to leverage private investment. The CLT will ensure the continuation of workforce housing alongside market-rate investment. As of 2008, First Homes had helped provide 538 single-family homes and 379 rental units in Rochester and the surrounding area, assisted by more than 100 local donors and builders, banks, realtors, and local and state government officials.

http://www.minneapolisfed.org/publications_papers/issue.cfm?id=286

ground lease can be renewed and inherited, but the CLT needs to give permission for subletting and major capital improvements, and regulates mortgaging and maintenance. In many cases, the housing remains affordable in perpetuity because, on resale, it must be sold at a price affordable to a low- or moderate-income household, though this is not a requirement. CLTs also hold title to community open space and facilities. Some CLTs act as developers while others focus only on assembling and leasing land and assuring permanent affordability of housing on the land. Alabama has one CLT in Montgomery. The cities of Rochester, MN, Chicago, IL and Irvine, CA, and Sarasota County, FL, have recently adopted the CLT model as a way to manage or create owner-occupied affordable housing.⁸

CLTs can also be used to control and manage vacant land for permanent open space or for interim uses on land that is not expected to be developed in the near future. In this case, the benefits can be community gardens, orchards, and farms and managed open space. In weak market neighborhoods where there is too much land, the CLTs will take some of this land off the market for interim uses until beneficial development is on the horizon, in which case the CLT board and stakeholders can consider whether to become part of that development project.

⁸ <http://www.cltnetwork.org/>

goal 2

An organization with professional leadership and adequate staff and funding focuses on land banking, land assembly and redevelopment.

POLICY

- Support creation of a professionally-run combined Land Bank and Redevelopment Authority.

Where property abandonment is a significant problem, tools and strategies are needed to minimize the harmful impacts of abandonment and create the conditions needed to bring properties back into productive use. A series of linked strategies need to be implemented:

- Acquisition
- Maintenance
- Disposition
- Reuse within a broader plan
- Property-specific strategies (e.g., rehabilitation, infill, assembly into a larger site)

The City of Birmingham does not yet have all the tools and an integrated strategy to deal with the increasing tide of abandoned properties in its neighborhoods. It has neither a land bank nor a citywide redevelopment authority. While there is a Downtown Development Authority whose only role appears to be to vote on incentives for downtown projects, REV Birmingham focuses on downtown revitalization and neighborhood commercial district revitalization. The Housing Authority focuses on neighborhood-based redevelopment of obsolete public housing. The Community Development Department provides some funding for rehabilitation and new housing construction with federal funds. But there is no entity with experience and a professional redevelopment staff that can take a strategic approach to the whole city. In 2012, the City's CDBG and HOME money is being targeted to tornado rebuilding in Pratt City, but geographic targeting has not been the rule in the past.

Redevelopment authorities/agencies. These entities are state chartered agencies within local governments that are empowered to redevelop blighted areas and have professional staff. Typically they have powers to carry out redevelopment projects and related activities; make and execute contracts; make public improvements; acquire land to improve and/or demolish structures; carry out relocations of displaced persons; borrow money; make plans for the redevelopment area, including relocation of streets and utilities; sue and be sued. Some can issue bonds. Depending on the state, they may have the power of eminent domain to condemn private property and incorporate it into new developments, though most agencies try to avoid using eminent domain because it is politically unpopular. Redevelopment authorities need to be provided with a source of funding from their activities and/or other sources in order to support their activities.

Land banks are entities that secure control of tax-delinquent, vacant and abandoned properties; assume ownership and clear title; rehabilitate or demolish blighted structures and clean up the sites; and finally, transfer title to homeowners or responsible developers. Land banks are not formed to take the place of private markets but to act where the private market is no longer functioning well. They work to create the conditions and raise values sufficiently for private investment to re-enter the neighborhood. In 2013,

the Alabama State Legislature passed enabling legislation that allows for municipal governments to establish a local municipal land bank.

The State of Alabama does not appear to have enabling legislation that provides for a broad redevelopment authority with land banking powers as well. There are two types of authorities that appear to be primarily focused on providing public financing or tax-exempt financing for infrastructure or public uses in specific projects: Alabama Improvement Districts (Section 11-99A) and Capital Improvement Cooperative Districts (Section 11-54A). Section 11-54 enables Commercial Development Authorities which are authorized to acquire and manage property in order to attract businesses to commercial districts. State enabling legislation for Downtown Development Authorities (Section 11-54A) is closer to typical redevelopment authorities and provides for a broad range of powers. Under that law, a development authority must define a specific area for its actions and that area must be approved by the city council. Self-Help Business Improvement Districts (section 11-54B) can collect money from businesses in the district to support a management system (like CAP in downtown Birmingham). Finally, municipalities and housing authorities under Section 24.2.2 are given the power to acquire and redevelop blighted property pursuant to a redevelopment plan approved by the municipality. The language of this statute implies that what is contemplated by this legislation is specific redevelopment projects to be implemented by a housing authority.

GENESEE COUNTY (MI) LAND BANK

Genesee County, MI, which includes the City of Flint, pioneered best practices in land banking. They take a coordinated, multipronged approach that includes:

- Foreclosure prevention
- Renovation and sales
- Brownfield remediation
- Side lot transfer—small lots sold to neighbors
- Maintenance
 - > “Clean and Green,” a program to pay neighborhood groups to maintain lots
 - > “Adopt-a-lot”—the right to use a vacant lot for any legal purpose without paying for it, in exchange for lot maintenance

www.thelandbank.org

Given this situation, it might make more sense for Birmingham to draft and seek state legislation to establish a Birmingham Redevelopment Authority, rather than cobble together the legal foundations from the disparate state laws mentioned above. Recent state legislation for a redevelopment authority created for the City of Baton Rouge/East Baton Rouge Parish in Louisiana provides a good model of the kinds of powers and activities that would be useful in a Birmingham redevelopment entity. (See <http://law.justia.com/codes/louisiana/2011/rs/title33/rs33-4720-151/>; and www.ebrra.org/.)

The redevelopment authority would need to be capitalized to provide funding for staff and activities, particularly before grants and program funding would be available. Although general funds can be used, it is preferable to have some level of dedicated funding. One source of funding used in many communities is public parking fees.

STRATEGIES

A. Create a citywide redevelopment entity for Birmingham and a municipal land bank.

Action

1. Consult national experts about best options for Birmingham, identify if existing redevelopment entities enabled by state law can be bundled to act as a redevelopment authority, or seek state legislation to enable a City of Birmingham Redevelopment Authority.

In order to make progress on Birmingham's tax delinquent and vacant land problem—which is a precondition to meaningful and successful neighborhood revitalization—it is critical that the city have access to the professional expertise, powers, and tools necessary to make a difference.

The Center for Community Progress, a nonprofit founded by national leaders in redevelopment, has been working with the City of New Orleans and other cities on these issues. The City may wish to consult with them as it begins this process.

2. Consult national experts about best practices as the city develops a Local Municipal Land Bank Authority for Birmingham. Since the State of Alabama Legislature passed enabling legislation allowing for local municipalities to establish a local land bank, the City should develop a Local Land Bank Authority.

The Center for Community Progress, a nonprofit founded by national leaders in land banking, has been working with the City of New Orleans and other cities on these issues. The City may wish to consult with them as it begins this process.

goal 3

Strategic and comprehensive redevelopment with critical mass creates visible, self-sustaining communities and neighborhoods of choice.

POLICIES

- Support comprehensive revitalization planning that integrates physical, economic, social and human issues.
- Support targeted and strategic revitalization investments to leverage nearby employment centers and civic assets.
- Ensure that redevelopment benefits current residents of an area as well as attracting new households.
- Promote mixed-income neighborhood development.
- Support creation of a network of a small number of high-capacity nonprofit community development organizations.

Active city involvement in a place-based strategy of vacant land acquisition, disposition and redevelopment for renewal and revitalization allows the City to:

- Be proactive rather than reactive—gain more control over future redevelopment.
- Deploy public and nonprofit resources strategically.
- Make a visible impact and leverage private investment.
- Repeat and grow the number of revitalized neighborhoods.

STRATEGIES

A. Organize and hold a Birmingham Neighborhood Futures Conference soon after adoption of the Comprehensive Plan.

The Birmingham Neighborhood Futures Conference can take inspiration from the heroic generation of the nineteen-fifties and -sixties, and the city can commit to focusing on expanding opportunity and creating an inclusive and quality Southern city for the new generation of the 21st century. The Conference should bring experts from around the country, including practitioners and funders, to talk about how they have worked to combat blight and revitalize their cities, how to organize, how to build capacity, and how to attract funding. The purpose is to learn from these invited experts, and also to increase the visibility of Birmingham among national funders and innovators in community development. The creation and funding of a successful network of community development corporations in Birmingham should be part of the discussion. In addition to presentations and panels focused on technical topics, there should be public-participation opportunities building on the communities of place events that took place during the Comprehensive Plan Process.

Action

1. Identify a lead organizer and create a committee to organize and fund the conference.

Sponsors of the conference should include the City of Birmingham, the BBA, the Community Foundation, the United Way, other foundations, the Housing Authority, UAB and other colleges and universities, major institutions and corporations. Neighborhood representatives should be part of the organizing committee. In addition to local foundation and private donations to support the conference, the city or other organizer can also seek support from national funders.

Suggested national invitees to the conferees include: LISC, Enterprise Community Partners, Living Cities, Surdna Foundation, Ford Foundation, ArtPlace, Center for Community Progress, Purpose Built Communities, Policy Link, HUD Office of Sustainable Communities. In addition, representatives from cities which have developed innovative approaches to challenges facing

the City of Birmingham, such as Baltimore, Cleveland, and New Orleans, should be invited. Practitioners from successful community development corporations who can share their experience of on the ground organizing for housing, economic development, and transportation improvements are also important invitees.

B. Develop and implement a set of public criteria to evaluate potential Strategic Opportunity Areas.

The criteria should take into account a variety of issues such as access to employment centers, civic assets, real estate market, extent and pattern of vacancy and land availability for assembly, community organization, infrastructure needs, adjacency to stable neighborhoods, and momentum of change.

Action

1. Review the preliminary identification of the following potential urban villages and Strategic Opportunity Areas in more detail.

Based on discussions in the community meetings, plans for transit improvements, recent or expected new investments, and preliminary market evaluations, the following areas (not including downtown) have been identified as potential urban villages and Strategic Opportunity Areas.

- Five Points West: strong commercial base; public investment (CrossPlex, new police station, existing library); identified future bus SuperStop and BRT opportunity; nearby stable neighborhoods.
- Titusville: potential Choice Neighborhood investment area; close to downtown; neighborhood revitalization groups.
- Carraway/Norwood: neighborhood revitalization group; homeowner investment; local historic district; hospital site mixed-use redevelopment potential; close to downtown.
- Woodlawn: Woodlawn United revitalization group; foundation investment; village center redevelopment underway; nearby stable neighborhoods.
- Parkway East: strong commercial base; major transportation route with potential for future transit

RICHMOND VA “NEIGHBORHOODS IN BLOOM” PROGRAM



After a long history of scattering funds across a large number of high-poverty neighborhoods and seeing few positive results, the City of Richmond decided in 1999 to target its resources to a few carefully chosen neighborhoods. The resources included the bulk of the City’s federal entitlement funds (CDBG and HOME) as well as significant amounts of capital-improvement dollars and other resources (e.g., aggressive code enforcement and accelerated vacant and abandoned-property disposition). This initiative—*Neighborhoods in Bloom*—focused significant resources on seven neighborhoods with the goal of achieving a critical mass of public investment needed to stimulate self-sustaining, private-market activity there. LISC (Local Initiatives Support Corporation), through local community development corporations, aligned its grants and loans with those of the city.

The program focused on improving existing owner-occupied units, rehabilitating blighted properties, and constructing new housing to create mixed-income homeownership opportunities. After five years, a detailed study, funded by the Federal Reserve Bank and using both quantitative and qualitative methods, showed that the targeted strategy worked. House prices in the NiB communities grew 10 percent faster over the project period than the city average. The investments also had a spillover effect on nearby areas, which similarly benefited from higher-than-average house price appreciation. The study also quantified the benefits of the strategy and found that the increase in property taxes in these neighborhoods, if projected over a 20-year period, would cover the city’s \$15 million investment. For more information, see www.scribd.com/doc/1401230/US-Federal-Reserve-nib-research.

hub; potential mixed-use center; nearby stable neighborhoods.

Ideally, the real estate market study recommended in Chapter 7 (p. 7.26) and the comprehensive property and neighborhood database recommended in this chapter (p. 8.9), can be developed quickly on a high-priority schedule in order to inform this review.

C. Establish an arts and culture revitalization strategy at selected locations.

Action

1. Establish incentives for artists and developers to rehabilitate buildings for artist live/work space in defined areas.

Paducah, Kentucky, has become famous for its Artist Relocation Program which has attracted artists from all over the country to relocate to and revitalize a historic Paducah neighborhood. To qualify, candidates must demonstrate that they are professional artists who can produce sufficient income to support them while living

POTENTIAL SPACE FOR MAKING ART IN WOODLAWN



An opportunity to create spaces for working artists is available in Woodlawn:

- Existing large warehouse space with historic industrial character located one block from Main Street, Birmingham’s 55th Place Arts development can be converted to a mix of studios, complete with shared access to specialty tools / equipment, such as kilns and lathes.
- Multi-option participation model: single or shared studio rentals, equipment rental, membership
- Interested property owner and capable potential owner/manager intrigued by a multidisciplinary work and learning space in Brooklyn as a model www.3rdward.com

and working in Paducah. Special consideration is given to galleries and businesses that are “open to the public” and maintain a minimum number of “open” hours, as well as artists who commit to making substantial contributions to the community through workshops or other highly desirable projects. Incentives include:

- Area Zoned for live/work spaces. This enables residents to have gallery/studio, restaurant/café, living, and other mixed uses.
- Properties available for as little as \$1 to qualifying proposals. Included is a \$2,500 reimbursement for architectural or other professional services. (Paducah Renaissance Alliance (PRA)-owned properties only).
- Marketing and promotional materials for the Arts District.
- Matching Funds Program. PRA will match marketing and promotional expenditures dollar for dollar up to the amount designated for individuals and groups of PRA member businesses and artists. Businesses must be located within the Renaissance Area to qualify for matching funds.
- For qualifying artists and businesses:
 - > Moving assistance up to \$2,500
 - > Start Up Business Assistance up to \$2,500
 - > Make Ready/Rehab Costs up to \$5,000
 - > Acquisition Assistance up to \$15,000
 - > Restaurant Incentive up to \$25,000

In Chattanooga, TN, the ArtsMove program is administered by the non-profit Choose Chattanooga, which is focused on attracting residents to the city. ArtsMove financial incentives to qualified artists moving to Chattanooga first included a forgivable mortgage. Incentives offered currently include reimbursement for moving expenses. The program defined artists broadly as creatives: among the 30 artists who have taken advantage of the various phases of the program are

a chocolatier, landscape architect, storyteller, graphic designer, classical sculptor and a DJ.

Incentives such as tax abatements or streamlined permitting may also be suitable for developers interested in developing multi-unit artist studio space or live/work space. Excess public property, such as city or school system owned properties, should be investigated for potential use as artist space.

D. Coordinate public, nonprofit and for-profit investments with social services and workforce development in Strategic Opportunity Areas.

Physical redevelopment is not sufficient. In the spirit of the federal government’s Choice Neighborhoods Initiative, it is important to pay attention to making social service, workforce, transportation, child care, and other services that support households and families available within the Strategic Opportunity Areas. The Birmingham Housing Authority has applied for a Choice Neighborhoods Implementation Grant for Loveman Village in North Titusville and has included a plan for community supports. The “community school” strategy of using school spaces to provide services and supports for children, youth, families and adults is one approach that should be pursued.



RE-IMAGINING A SUSTAINABLE CLEVELAND

Cleveland’s revitalization plan for the city’s 3,300 acres of vacant land was funded by the national Surdna Foundation and is an ongoing program with contributions from university groups, nonprofits, and other stakeholders. The sustainability theme is pursued in four categories:

- Neighborhood stabilization
- Housing redevelopment – residential land bank
- Preservation of green space – priority conservation areas
- Ecosystem restoration – watershed protection



Plan showing a pocket park layout

View showing a pocket park layout

FEATURED PROJECT LEADER
Akanni Thomas

Akanni Thomas is a native Clevelander who resides in the Fairfax neighborhood. She has organized block clubs and assisted residents and grass root groups with applying for funding for community projects. Akanni is also a strong proponent of cultural advocacy. Akanni received her education from the Cleveland School of Arts and Cleveland State University. She is the recipient of the 2010 Emerging Leader Award from Ohio Citizen Action, a local environmental non-profit.

"The Peace Park is a welcome addition to our neighborly street. We revived the dilapidated park on our street and the neighborhood youth joined a talented renowned graffiti artist to create a mural on the fence lining the park. The mural reads "Think Bigger. Knowledge is Power". This is a timeless message. Once the land was reclaimed from all contaminants, residents and volunteers planted new trees and shrubs. Next spring we will install beautiful native flowers and benches, and a picnic table. This park will finally be an intergenerational gathering place where families and neighbors can play, eat, and learn together."

Akanni Thomas
Mural in Peace Park

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<http://reimaginingcleveland.org/>

Action

1. For every urban village or Strategic Opportunity Area, convene a group representing service providers, the public school or schools in the area, and workforce development providers.

The purpose of this group would be to communicate the City’s identification of this area as a priority for revitalization and identify ways in which the members of the group can be mobilized to participate in this priority and strategic approach.

E. Develop and implement neighborhood-based green systems interventions to transform vacant land into community assets.

Successful implementation of this strategy will involve gaining site control over the vacant land.

Actions

1. Identify opportunities for vacant land greening first in Strategic Opportunity Neighborhoods as an example and incorporate them into the implementation of plans for these neighborhoods.

Vacant lots with clear title belonging to the city can be offered to neighboring homeowners for a small payment (some communities require only a symbolic \$1 payment to transfer title) through Adopt a Lot programs. The homeowner then becomes responsible for maintenance of this land. Care must be taken in development of other interventions, such as small neighborhood parks, pedestrian parks, natural drainage, and so on, that the future maintenance and security of these areas is explicitly assigned to public or private entities. Community Land Trusts can be a good option for this purpose.

2. Create a Birmingham-focused pattern book on green systems in vacant lands, similar to the one created in Cleveland, for use by neighborhood and community groups.

The Cleveland project ‘Re-Imagining Cleveland’ was created by students at a nearby university. The Auburn Urban Studio or another student group might be willing to create a similar one for Birmingham to include practical information on materials, costs and construction for Birmingham.

F. Create a welcoming environment for urban agriculture.

An expanded urban agriculture system has great potential in Birmingham. The foundation already exists, the burgeoning restaurant scene is one of a variety of potential markets, and the city has both land and buildings with potential for urban agriculture. The wholesale farmers' market, neighborhood farmers' markets, Community Supported Agriculture programs, and a new web-based Alabama fresh food delivery company are some of the potential markets for Birmingham agriculture.

1. Amend zoning, as necessary, to allow urban agriculture.

Zoning should include regulation of residential-scale urban agriculture needs, such as beekeeping and chickens, and also provide for appropriate regulation of larger, land based or building based agricultural enterprises, whether on land or in buildings. Provide standards that protect the interests of residential and commercial neighbors while encouraging urban agriculture enterprises.

2. Provide for permanent neighborhood community garden spaces.

Encourage permanent status for community gardens. This can be done by giving title to City-owned land to one or more nonprofits to manage community gardens, by zoning, or by other means, such as permanent easements.

3. Explore the idea of creating an Urban Agriculture Innovation District in Ensley.

Ensley was once a manufacturing center with a substantial downtown but today it is one of the most depopulated and disinvested parts of the city. The vacant land and buildings in Ensley could become the foundation of an innovative, year-round urban agriculture district that combines land-based crop farming and animal husbandry, greenhouse cultivation, and hydroponic and aquaponic farming in buildings. The goal would be to create a profit-making new industry of boutique agriculture in the City of Birmingham that would create new jobs and training opportunities. At this point, the land under

consideration would be neighborhood land that would need to be assembled in parcels of at least 3 acres, though the land on the Ensley Works site might ultimately be found to be suitable. Like all land in Birmingham, soils would have to be tested and land-based agriculture would require mitigation such as raised beds or other interventions.

A university group could be asked to work with the neighborhood in an initial project to gauge interest and create a vision for Ensley Grows (or some other appropriate branding name). Potential partners could be the Jones Valley Urban Teaching Farm, Growing Power Inc., Birmingham-Jefferson County Food Policy Council, university-based agricultural extension agents, and groups such as Global Green that have been working on a consulting basis with other cities and communities on urban agriculture.

G. Ensure that regulations allow for a variety of new housing configurations while conforming to appropriate urban design standards.

Actions

1. Amend regulations to provide for the creation of cottage neighborhoods.

Cottage neighborhoods and conservation subdivisions can provide new options to create housing. Cottage neighborhoods are infill developments that can fit into the existing rectangular blocks of the historic grid found in many Birmingham neighborhoods. The housing is designed in a cottage style compatible with Birmingham housing types, and typically modest in scale—no more than 1,200 sf—and especially suitable for singles,



couples, retirees, and single parent families. They are built in densities similar to garden apartments, but preserve the atmosphere of single family neighborhoods. Design characteristics include:

- Developments are built in clusters of 4-12 units on existing blocks
- Integrated design provides shared functional open space, off-street parking, external and internal site access, and consistent landscaping.
- The units may be separately platted or developed as condominiums.
- A transition from public to private space—from the street through a low gate to a common open space to a small yard for each unit surrounded by a low fence or hedge—gives each residence a defined private space.
- Active spaces in the house look out on the common area, providing “eyes on the street.”

- Houses are sited to promote privacy by matching the side of a house with more windows to the more closed side of the neighboring house.
- Individual units are marked by variety in design, color, materials, and other aspects to provide visual interest, while retaining a general cottage character (elements such as porches, dormers, bay windows, visible trim, etc.).
- Off-street parking for the development is screened and located away from the street

Sources and for more information: www.rosschapin.com and www.cottagecompany.com.

2. Provide for conservation subdivisions in the zoning ordinance.

See Chapter 4, p. 4.21.

C. Getting Started

ACTIONS	RESPONSIBLE PARTY
Organize and hold a Birmingham Neighborhood Futures Conference soon after adoption of the Comprehensive Plan.	City, foundations, nonprofit organizations
Prepare local or state legislation needed to create a redevelopment authority and land bank.	City Attorney’s office
Create a comprehensive property information system.	City in collaboration with university or other partners