



Center for
**COMMUNITY
PROGRESS**

Vacant Spaces into Vibrant Places

Land Banks and Brownfield Redevelopment

Emerging Practices and Practical
Considerations

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Center for
**COMMUNITY
PROGRESS**

Vacant Spaces into Vibrant Places

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Cover Photo: An abandoned gas station. (Photo: Adobe Stock)

About the Center for Community Progress

The Center for Community Progress helps people to transform vacant spaces into vibrant places. Since 2010, their team of experts has provided urban, suburban, and rural communities battling systemic vacancy with the policies, tools, and resources needed to address the full cycle of property revitalization. As the only national nonprofit dedicated to tackling vacant properties, Community Progress drives change by uncovering and disrupting the unjust, racist systems that perpetuate entrenched vacancy and property deterioration. Community Progress has delivered customized, expert guidance to leaders in over 300 communities and provided hundreds of hours of free educational resources as well as leadership programming to help policymakers, practitioners, and community members across the country return properties to productive use. To learn more and get help for your community, visit www.communityprogress.org

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Contents

Introduction	2
Overcoming Barriers to Brownfield Redevelopment	4
Building Knowledge	4
Identify Resources.....	6
Build Staff and Board Support.....	11
Laying the Groundwork for Redevelopment	12
Community Engagement.....	12
Site Selection.....	13
Property Acquisition.....	16
Remediating and Redeveloping Brownfield Properties	17
Environmental Site Assessments and Site Planning.....	17
Cleanup.....	19
Disposition.....	20

01

Introduction

Over the last ten years, land banks across the country have increasingly engaged in successful brownfield remediation and redevelopment. This work can help improve public health, revitalize neighborhoods, and spur economic growth.

Conducting brownfield redevelopment is a natural fit for land banks because:

- **Land banks are well positioned to engage in brownfield redevelopment.** Land banks already exist in many communities with a concentration of brownfield properties and have the authority to acquire properties cost effectively and hold properties tax free. Due to their unique structures, land banks are typically eligible for federal Environmental Protection Agency (EPA) Brownfields Program Grants and, in certain circumstances, for liability protections from federal environmental laws.
- **Remediating brownfields helps land banks achieve their goals.** Land banks were created to help return vacant, abandoned, and deteriorated (VAD) properties to productive use. Assessing and remediating potential contamination on VAD properties helps achieve this goal by removing a key barrier to redevelopment: the risks and costs associated with potential contamination and resulting liability.
- **Brownfield funding can complement land banks' existing activities.** Many land banks already engage in activities that make up a critical part of successful brownfield redevelopment, including community engagement, property inventories, and site planning. Land banks that expand their work to include brownfields can potentially access state and federal brownfield funding to support or enhance these activities.

Despite this symbiosis, land banks face barriers to engaging in brownfield redevelopment. Land bank staff and boards may be reluctant to move into what they view as a new space or unsure how to begin. There is often a stigma associated with brownfield properties and a mistaken belief that they cannot be redeveloped to meet certain needs, like housing. Some land banks feel they do not have the capacity to even explore how to engage in brownfields work, let alone the capacity and funding to carry out remediation and redevelopment activities. Others are concerned that acquiring brownfield properties could result in liability for costly cleanups and other damages under state and federal environmental laws. However, these barriers can be overcome, and land banks who engage in brownfield redevelopment can bring powerful positive change to the communities they serve.

Designed to inspire and guide, this publication equips land banks with practical strategies and innovative practices for successful brownfield redevelopment. This publication draws on the Center for Community Progress'



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interviews and site visits with land banks engaged in successful brownfield redevelopment, the New Jersey Institute of Technology (NJIT)'s decades of experience delivering brownfields technical assistance, and the EPA and other brownfield technical assistance providers' extensive brownfields resources. It is part of a larger set of resources Community Progress created to help more land banks engage in this work. These resources are available at www.communityprogress.org/brownfields.

Though brownfield redevelopment is not always linear, this publication walks land banks through the process from start to finish, including overcoming initial barriers, laying the groundwork for redevelopment, and then carrying out the remediation and redevelopment. We highlight emerging practices in land banking and brownfield redevelopment throughout this publication.

Important Note

Before engaging in brownfield acquisition, remediation, and redevelopment, you must understand your potential state and federal legal liability and protections. Review EPA guidance on local government environmental liability and consult with EPA staff, appropriate state environmental regulators, and legal counsel.

Key Definitions

Brownfields are properties where the presence or potential presence of hazardous chemicals or pollutants make it challenging, risky, and possibly costly to redevelop the site.¹

Land banks are public agencies granted special authorities by state law to help return vacant, abandoned, and deteriorated properties to productive uses aligned with community goals.²

- 1 See Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), § 101(39)(A) (defining a brownfield site as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.").
- 2 In states without land bank enabling legislation, local governments or nonprofits often create land banking programs that rely on their existing local government or nonprofit powers, rather than those granted by state law. This limits their authority and utility. For the purposes of this publication, the term "land bank" refers only to land banks created pursuant to state enabling statutes. For more information on land banks generally, see "Land Banks," Center for Community Progress, accessed November 20, 2024, <https://communityprogress.org/resources/land-banks/>.



02

Overcoming Barriers to Brownfield Redevelopment

Land banks considering brownfield redevelopment can start by **building their knowledge base, identifying potential resources, and building board support**. While these activities require upfront staff time, they have the potential to yield broad and ongoing returns for the land bank, their neighborhood, and their community.

Building Knowledge

Land banks can draw on existing resources and expertise to better understand what brownfield redevelopment involves and could look like in their community. Land banks can:

Review brownfield redevelopment guides and webinars aimed at land banks and local governments.

Community Progress has created brownfield resources designed specifically for land banks,¹ and the EPA and its technical assistance providers have extensive libraries of guides and webinars aimed at local governments more broadly.

Good resources to start with include the EPA's *Anatomy of Brownfields Redevelopment*,² *Revitalization-Ready: A Guide to Revitalizing Land in Your Community*,³ and NJIT's webinar archive.⁴

Connect with land banks and local governments engaged in brownfield redevelopment.

Talk one-on-one with other practitioners to grasp what brownfield redevelopment looks like in practice. Because land banking and environmental laws vary by state, land banks should start by reaching out to practitioners in their state.

To find practitioners, consider attending a national or regional brownfields training conference or search the list of recent EPA grant recipients.⁵

1 "Land Banks and Brownfields," Center for Community Progress, accessed November 22, 2024, <https://communityprogress.org/resources/brownfields/>.

2 Environmental Protection Agency (EPA) Office of Brownfields and Land Revitalization, *Anatomy of Brownfields Redevelopment* (EPA, June 2019), https://www.epa.gov/system/files/documents/2024-06/anat_bf_redev_101106.pdf.

3 EPA Office of Brownfields and Land Revitalization, *Revitalization-Ready: A Guide to Revitalizing Land in Your Community* (EPA, October 2024), <https://www.epa.gov/land-revitalization/revitalization-ready-guide>.

4 "Webinars," New Jersey Institute of Technology Technical Assistance to Brownfield Communities, accessed November 20, 2024, <https://www.njit.edu/tab/webinars>.

5 See for example, "2025 National Brownfields Training Conference," EPA, accessed November 20, 2024, <https://gobrownfields.org/>; "Brownfields Grant Fact Sheet Search," EPA, accessed December 13, 2024, https://java.epa.gov/acrespub/gfs/?grant_type_id=1001,1002,1012,1019&year=2023.

Gain an understanding of the legal landscape.

A land bank's ability to engage in brownfield redevelopment is shaped by its state's land bank-enabling statute and state and federal environmental laws. As a result, land banks should:

- **Review their state land bank-enabling statute, establishing ordinance, and bylaws.** Except for Connecticut municipal land banks, all state land bank enabling statutes allow land banks to engage in brownfield redevelopment.⁶ Land banks should review their state's enabling statute to understand their specific powers, including their ability to acquire properties, dispose of properties, and clear title. Some statutes also contain liability protections and other provisions to encourage land banks to engage in brownfield redevelopment. Land banks should then review any local ordinances or bylaws to ensure they align with state requirements and do not unnecessarily restrict their authority to engage in brownfield redevelopment (e.g., by prohibiting acquisition of brownfield properties or preventing the land bank from receiving federal grants).
- **Review state and federal environmental laws governing brownfield liability.** Under federal environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), holders of contaminated properties can be held responsible for cleanup costs and other damages, even if they were not responsible for the contamination. However, these laws include protections for entities like land banks, cities, and private developers who take ownership to redevelop the properties. The EPA's *Revitalization Handbook: Addressing Liability Concerns on Contaminated Properties* provides a good introduction to these laws and potential protections.⁷ These are discussed in more detail in the Property Acquisition and Site Assessment and Planning sections.

⁶ Connecticut's state enabling statute prohibits municipal land banks from acquiring brownfield properties, Conn. Gen. Stat. § 7-148p(a)(4). Connecticut has a separate enabling statute, however, that authorizes municipalities to create specialized brownfield land banks, Conn. Gen. Stat. § 32-771 *et seq.*

⁷ EPA, *The Revitalization Handbook: Addressing Liability Concerns on Contaminated Properties* (EPA, August 2022), https://www.epa.gov/system/files/documents/2022-08/revitalization-handbook-final-2022_2.pdf.

Step-by-Step Guide to Brownfield Remediation

Community Progress developed a step-by-step overview of the major steps involved in brownfield redevelopment. Download it here: communityprogress.org/publications/land-banks-and-brownfield-redevelopment/



01: Learn the Basics



02: Identify Resources



03: Develop a Plan



04: Identify Partners & Stakeholders



05: Select Sites



06: Assess Sites



07: Develop Site Reuse Plan & Cleanup Strategy



08: Conduct Cleanup



09: Hold or Redevelop the Property

States also have environmental laws holding property owners responsible for cleanup costs and other damages. Like federal laws, these statutes may have liability protections for entities like land banks. States also have response programs—often referred to as brownfields or state voluntary response programs—that oversee the assessment and cleanup of brownfield sites.⁸ If a party cleans up a property according to the state’s standards, the program provides certainty regarding state liability by issuing a document acknowledging remediation is complete. These documents are referred to as “no further action” letters or covenants not to sue. Land banks should contact their state’s brownfields or voluntary response program to learn more about their specific state’s laws and liability protections.

Key emerging practices related to land banks and environmental liability include:

- At least six states provide some form of environmental liability protection or exemption for land banks: Connecticut,⁹ Delaware,¹⁰ Indiana,¹¹ Ohio,¹² Oregon,¹³ and West Virginia.¹⁴ While land banks in other states are likely eligible for liability protections that apply to property owners more generally, creating specific liability protections may help better address land banks’ liability concerns and, as a result, encourage more land banks to engage in brownfield redevelopment.
- In New York, several land banks have entered memorandums of understanding (MOUs) with the Department of Environmental Conservation (DEC) providing state environmental liability protection for both land banks engaging in brownfield redevelopment and the entities that purchase these properties from the land bank. These MOUs are for specific properties the land banks have the potential to acquire and include provisions requiring any cleanup to be done to DEC’s standards. The MOUs have helped make land banks and developers more comfortable acquiring and redeveloping the properties.

Identify Resources

Free assistance and funding is available to help land banks at all stages of the brownfield redevelopment process. These resources can help land banks get started, build support for their work, and provide guidance throughout the process.



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⁸ “State Brownfields and Voluntary Response Programs Search,” EPA, accessed November 20, 2024, <https://java.epa.gov/acrespub/stvrp/>.

⁹ C.G.S. § 22a-133ii (applies only to Connecticut Brownfield Land Banks).

¹⁰ 7 Del. C. § 9103(6)(b)(2).

¹¹ IC § 36-7-38-23.

¹² R.C. § 5722.22.

¹³ O.R.S. § 465.000 et seq.; ORS § 466.000 et seq.; ORS § 468B.310 et seq.

¹⁴ W. Va. Code § 31-21-5(k) (West Virginia Land Stewardship Corporation).

Land banks can start by identifying potential resources in their own communities. They can ask local stakeholders or conduct research to find local entities—like local or regional governments, regional planning agencies, economic development corporations, or developers—that are already engaged in brownfield redevelopment.¹⁵ They can also reach out to local individuals and community organizations engaged in work around public health, environmental justice, and racial healing to explore their interest in learning more about or supporting brownfield redevelopment work.¹⁶ These individuals or entities may be able to eventually serve as ambassadors or champions of the land bank’s brownfield work.

Next, land banks should identify state and federal technical assistance and funding resources to support their work. Key sources of technical assistance include:

EPA Technical Assistance

The EPA provides funding to organizations—called technical assistance to brownfields communities (or TAB) providers—to provide free brownfield redevelopment technical assistance.¹⁷ TAB providers can help prepare funding applications, identify sites, and plan cleanup and redevelopment. Each EPA region has a designated TAB provider. There are also nationwide providers for specific entities, like nonprofits, land banks, and Tribes, and on special topics, like preventing displacement. EPA staff in regional offices can help answer questions and connect land banks with additional resources.¹⁸

State Technical Assistance

As mentioned earlier, states have brownfields and voluntary response programs that oversee assessments and cleanups. Program staff can answer questions and may also provide free technical assistance.

Environmental Consultants

Private environmental firms often provide technical assistance for a fee, in addition to conducting environmental assessments. Some provide limited free assistance, particularly with federal grant applications. Land banks can ask for consultant recommendations from other land banks and developers or connect with consultants at regional or national brownfield conferences.

Environmental Attorneys

Some land banks find it helpful to consult with attorneys that specialize in brownfield redevelopment to help them understand the legal landscape and solve problems as they arise. As with environmental consultants, getting referrals from other organizations and attending conferences are good ways for land banks to find an attorney that meets their needs.

15 Land banks can search the EPA’s list of brownfield grant recipients by state to find nearby entities engaged in brownfield redevelopment: “Brownfields Grant Fact Sheet Search,” EPA, accessed November 20, 2024, <https://java.epa.gov/acrespub/gfs/>. Many states also have brownfield associations, which could serve as another key local resource for land banks.

16 For resources and advice on how to connect with these local stakeholders, see “Equitable Development Hub,” Groundwork USA, accessed December 13, 2024, <https://groundworkusa.org/what-we-do/technical-assistance-services/equitable-development-resource-hub/>.

17 For a list of regional and nationwide TAB providers, see “Brownfields Technical Assistance,” EPA, accessed November 20, 2024, <https://www.epa.gov/brownfields/technical-assistance#Nationwide>.

18 For a list of contacts in EPA regional offices, see “Brownfield Contacts in EPA Regional Offices,” EPA, accessed November 20, 2024, <https://www.epa.gov/brownfields/brownfields-contacts-epa-regional-offices>.

Ohio: A National Leader in Land Banks and Brownfield Redevelopment Funding

Ohio is a national leader in providing state funding for brownfield redevelopment and leveraging land banks to carry out this work. Between January 2021 and September 2024, Ohio's Brownfield Remediation Program awarded nearly \$475 million in grants to 426 projects in 84 of the state's 88 counties.¹ Land banks are eligible for this funding, and, in communities with county land banks, the land bank must serve as the lead entity on all applications and grant awards. Ohio law also provides land banks with liability protections from some state environmental laws.²



1 "Brownfield Remediation Program," Ohio Department of Development, accessed November 20, 2024, <https://development.ohio.gov/community/redevelopment/brownfield-remediation-program>; Jason Warner, "State Announces Over \$16M in Additional Brownfield Grants," Greater Ohio Policy Center, September 24, 2024, <https://www.greaterohio.org/blog/2024/9/24/state-announces-over-16m-in-additional-brownfield-grants>.

2 R.C. § 5722.22.

There is also significant funding available to help local entities, like land banks, redevelop brownfields. Key sources of funding include:

Federal EPA Grants. The EPA provides direct grant funding to organizations for a broad variety of brownfield activities, including community engagement, planning, property identification, environmental site assessment, and cleanup.¹⁹ As governmental, quasi-governmental, or nonprofit entities, land banks are eligible for this funding, which is awarded through regular competitive application processes. Land banks can join the EPA's brownfield listserv to receive notifications when grant applications are open.²⁰ These grant programs include:

- **Assessment Grants:** Community-wide assessment grants provide four years of funding to help recipients assess sites for potential contamination, inform and engage the community, inventory and characterize properties, and plan for the site cleanup and reuse. Assessment coalition grants fund the same activities but allow one lead entity to partner with two to four other entities to collectively receive funds over four years.
- **Cleanup Grants:** Cleanup grants provide funding over four years to carry out cleanup activities on brownfield properties. To be eligible for this funding, the land bank must own the property to be cleaned up and have begun or completed a Phase II Environmental Site Assessment (ESA) on the property. More details on Phase I and II ESAs are provided in the section on Environmental Assessments and Site Planning.
- **Multipurpose Grants:** Multipurpose grants provide funding over five years to carry out a range of planning, assessment, and cleanup activities



EPA's Brownfield Job Training grant program provides funding to train individuals to assess, clean up, and prepare contaminated sites for reuse.

19 For more information on these grants see, "Types of Funding," EPA, accessed November 20, 2024, <https://www.epa.gov/brownfields/types-funding#a>.

20 "Brownfields Listserv," EPA Brownfield and Land Revitalization, accessed November 20, 2024, <https://lp.constantcontactpages.com/su/SVbfoYx/BrownfieldsListserv>.

within a targeted area, like a neighborhood, corridor, or planning area. To be eligible, land banks must own at least one brownfield property within the targeted area.

- **Job Training Grants:** Job training grants provide funding over five years to help provide training in environmental assessment and cleanup to unemployed and underemployed individuals in communities impacted by brownfields. This funding could be helpful for land banks that need to grow their own workforce of skilled trade and environmental workers. Eligible training courses include lead paint and asbestos inspection and abatement, environmental assessment, and a range of other cleanup activities.²¹
- **Revolving Loan Fund (RLF) Grants:** RLF grants provide funding over five years to capitalize a revolving loan fund and provide loans and subgrants to conduct brownfield cleanups. When these loans are repaid, the grant recipient can relend these funds to other borrowers, creating an ongoing capital source in the community.

State Funding. Many states provide grants and loans for brownfield redevelopment, and land banks should contact their state brownfields and voluntary response programs to determine what funding is available. At least two states, Connecticut and Ohio, make land banks specifically eligible for brownfield funding. Land banks in other states would likely be eligible for state funding based on their status as government entities or nonprofits.

Internal Funding. Some land banks use internal funding from other sources, like local or state government contributions and property sales, to fund their brownfield work. These funds are often more flexible and can be deployed more quickly than state or federal grant funding. For example, the Greater Syracuse Land Bank (GSLB), used its internal funding to remove underground storage tanks from a former gas station to facilitate the property's redevelopment.

In-Kind Contributions. Local government, nonprofits, and academic institutions may be able to provide in-kind contributions in the form of staff time, space, and assistance with planning, visioning, and community engagement processes. Landscape architecture students and faculty from the University of Michigan, for example, helped the Genesee County Land Bank Authority (GCLBA) engage the community and craft potential visions for the reuse of “Chevy in the Hole,” a large industrial brownfield site in the heart of the City of Flint.



Funding Brownfield Redevelopment

Federal EPA grants:

- Assessment
- Cleanup
- Multipurpose
- Job Training
- Revolving Loan Fund

State grants and loans

Internal funding (e.g., local government contributions and property sales)

In-kind contributions (e.g., staff, space, help with community engagement and planning)

²¹ “List of Eligible and Ineligible Brownfield Job Training Courses,” EPA, accessed November 20, 2024, <https://www.epa.gov/brownfields/list-eligible-and-ineligible-brownfield-job-training-courses>.

Quick Tips for Highlighting Land Bank Advantages in an EPA Grant Application

Eligibility for Other Grants

- Uplift that your land bank, based on its status as a local government entity or nonprofit, will be eligible for and can potentially leverage other state and federal brownfield grants.

Liability Protections

- If your land bank has acquired the property, highlight steps you took to limit federal and state liability, reducing the project risk and making redevelopment more likely.

Assessment Grant Advantages

- For assessment grants, articulate that your land bank can complete assessments for multiple properties in its inventory or that it has the potential to acquire.
- Highlight your land bank's ability to hold properties tax free and assemble properties for larger projects.

Flexible Disposition Authority

- If applicable, explain how your land bank's flexible disposition authority allows it to transfer properties for end uses that meet community goals, rather than sell only to the highest bidder.
- Emphasize how this ensures the property is transferred to an entity that will develop the property to meet residents' needs.

Enforcing Redevelopment Commitments

- Describe the mechanisms your land bank uses to ensure purchasers redevelop properties as promised and how your land bank has successfully used these tools in the past. This will demonstrate your land bank can ensure the property will reach its intended end use after it leaves your inventory.

Get application review help from a TAB provider. Several TAB providers offer grant writing training in-person and online, and list additional tips on their websites.¹

¹ See, for example, "EPA Assessment Grant Application Helpful Hints," Kansas State University TAB, accessed November 20, 2024, <https://archive.ksutab.org/resources/AssessmentGrantHelpfulHints>.



Build Staff and Board Support

Land banks need strong staff and board buy-in to launch and sustain brownfield redevelopment efforts. Nationally, most land banks focus on residential properties and neighborhood revitalization. It is a common misconception that brownfield redevelopment only involves large, complex commercial and industrial properties. As a result, land bank staff and board members may view brownfield redevelopment as a potentially costly and risky activity that falls outside the organization's expertise and mission.

Here are steps land banks can take to overcome this hesitation, demonstrate how brownfield redevelopment furthers their mission, and convert staff and board members from skeptics to supporters:

Share examples of land banks that started small

Many land banks start by seeking state or federal funding to conduct environmental site assessments on properties in their potential or current inventories. These assessments can help spur redevelopment by giving prospective purchasers a better understanding of the potential cleanup costs and helping them secure important liability protections. (See the following sections for more detail on environmental assessments and liability protections.) The Greater Syracuse Land Bank, for example, began brownfield work by conducting Phase I ESAs on properties already in its inventory.

Many land banks start with cleanup on small properties in or near the neighborhoods where they already work. Cleanup grants can be used for lead paint and asbestos abatement in residential properties, making these properties more attractive to prospective rehabbers or first-time homebuyers. Alternately, using brownfield grants to remove underground petroleum storage tanks at abandoned gas stations can help unlock these properties for neighborhood-level retail or in-fill housing developments.

Highlight ways brownfield redevelopment can complement and enhance existing activities

Just as many land banks conduct quiet title actions to remove barriers to a property's reuse, conducting environmental site assessments and, in some circumstances, cleanup activities, can help land banks remove uncertainty about potential contamination and cleanup costs, promoting redevelopment. As another example, using cleanup grants to cover asbestos removal can support land banks' existing demolition programs.

Bring in outside experts to share the potential impacts of brownfield work with the land bank's staff and board

Have other land banks or similar public entities that engage in brownfield redevelopment come share their experience and the impact the work has had on their community.

Have community champions, such as individuals engaged in local public health, environmental justice, and racial healing efforts, share how brownfield redevelopment could align with and support their work.

Also share the local, state, and federal resources identified above.

03

Laying the Groundwork for Redevelopment

Once a land bank decides to engage in brownfield redevelopment, it can take the critical, preliminary planning and engagement steps needed to lay the groundwork for success. These steps include robust community engagement, thoughtful site selection, and considering how and if the land bank will acquire brownfield properties as part of its work.

Community Engagement

Proactive, ongoing community education and engagement advances environmental justice and equitable redevelopment and is critical to a brownfield project's success. From an equity perspective, community engagement helps land banks ensure:

- Redevelopment resources are distributed equitably in their community.
- Cleanup efforts address the community's public health concerns.
- Properties are redeveloped to meet community needs.
- Strategies are considered to minimize displacement during the clean up and redevelopment process.²²

Community engagement also helps build public support, provides momentum for project completion, and decreases the risks of costly litigation or organized opposition to the project.

Land banks must prioritize and center low-income communities and communities of color in their engagement efforts. The historical context of discriminatory land use policies in the United States has resulted in marginalized communities disproportionately experiencing the negative impacts associated with brownfield properties. Furthermore, these communities have often been excluded from the decision-making processes regarding the management and redevelopment of properties located within their neighborhoods.²³

Groundwork USA, a national network of local organizations focused on equitable development, has resources that can help your land bank craft meaningful and inclusive engagement opportunities.²⁴ Federal EPA



Land banks must prioritize and center low-income communities and communities of color in their engagement efforts.

22 For more resources related to minimizing displacement, see "Strategies to Minimize Displacement," EPA, accessed December 16, 2024, <https://www.epa.gov/brownfields/strategies-minimize-displacement>.

23 EPA Office of Brownfields and Revitalization, "Supporting Environmental Justice Through EPA Brownfields and Land Revitalization," (EPA, September 2021), 1, <https://www.epa.gov/system/files/documents/2021-10/supporting-ej-through-brownfields-10-13-21-508-compliant.pdf> (showing census block groups with EPA-funded brownfield properties have higher percentages of poverty, minority populations, and vacant residential units and lower per capita incomes).

24 "Equitable Development Resources Hub," Groundwork USA, accessed November 21, 2024, <https://groundworkusa.org/what-we-do/technical-assistance-services/equitable-development-resource-hub/>.

assessment, multipurpose, and job training grant funding can be used for community engagement activities. Regional TAB providers can help land banks develop community engagement strategies and have helpful online resources, including resources to help identify key stakeholders, share information, and organize listening sessions and focus groups.²⁵

Key emerging practices related to brownfield community engagement include:

- Engaging residents and community organizations by framing brownfield conversations around larger issues of concern, such as public health and health equity, environmental and racial justice, and community development. The Houston Land Bank hosts regular “Juice and Justice” breakfast events where community stakeholders provide updates on their environmental justice efforts and successes and learn about the land bank’s brownfield work.
- Moving beyond only site-based community engagement—where a land bank provides information to the community and invites feedback on redevelopment plans for a single site or small group of sites—to engage stakeholders earlier in the process and more broadly to consider plans for an entire neighborhood and the role for brownfield redevelopment in this larger revitalization framework.

Site Selection

A key factor in successful brownfield redevelopment is selecting sites or groups of sites where brownfield redevelopment will be both feasible and impactful.²⁶ Key site selection considerations include:

Community Benefits

What are the potential benefits to the neighborhood and broader community of remediating and redeveloping this site? Is this property threatening or harming the health of neighbors? Does its reuse have the potential to spur economic growth or address community needs?

Market Strength

Based on the local real estate market strength, is this a site where public subsidies (e.g., state or federal cleanup funding, tax credits, etc.) will be needed to redevelop the site? Or is the market strong enough that minimal intervention by the land bank could help jump start private redevelopment?

Available Resources

Based on the site characteristics, what local, state, and federal funding sources are available to support redevelopment? Is the property, for example, located in an area that makes it eligible or gives it preference for federal opportunity zone, new market tax credit, or low-income housing tax credit programs?

²⁵ See, for example, “Community Engagement,” University of Connecticut TAB, accessed November 21, 2024, <https://tab.program.uconn.edu/community-engagement/>.

²⁶ For additional resources related to understanding and quantifying potential brownfield redevelopment public benefits see, Office of Brownfields and Land Revitalization, EPA Publication 560F24003, *Forecasting Benefits and Public Returns for Brownfield Redevelopment* (EPA, June 2024), https://www.epa.gov/system/files/documents/2024-06/forecasting-benefits-and-public-returns-for-brownfield-redevelopment_june_2024_508c_final.pdf; “Forecasting Benefits and Public Returns for Brownfield Redevelopment” (webinar), EPA, accessed December 16, 2024, https://www.epa.gov/system/files/audio/2024-08/gmt20240822-180222_recording_2560x1440-1.mp3.

Bear in mind: **There are no definitive local, state, or federal lists of brownfield properties.** Any property where the presence or potential presence of hazardous chemicals or pollutants makes it challenging, risky, and costly to redevelop can be considered a brownfield. As a result, land banks' site selection processes involve both identifying brownfield sites and determining among these potential sites where resources can best be deployed to improve public health and revitalize neighborhoods.

This prioritization process should include reviewing:

- Environmental due diligence information in Phase I ESA reports.
- Community input and data on what properties are threatening or causing harm to neighbors and neighborhoods, such as records of housing and building code complaints, criminal activity, and public health records.
- Properties that are already in the land bank's inventory or eligible for acquisition through processes like delinquent property tax enforcement.
- Existing local neighborhood and community plans, such as municipal comprehensive plans or economic development plans.
- Data that provides information on market conditions, including data on median home sales, days on market, new mortgages, and vacancy.²⁷

Emerging Practice: Crowdsourcing Brownfield Identification

Land banks and other public entities are increasingly using resident-led processes to inventory potential brownfield sites. These processes invite community members to use accessible and user-friendly online tools to help identify and share information about potential brownfield sites in their communities. They provide concrete and meaningful ways for residents to engage in the brownfield redevelopment process and help land banks identify properties that are causing the most harm to neighbors and neighborhoods.

The Houston Land Bank, for example, created the Hidden Gems Finder—an online tool that allows community members to submit information, including photos, about potential brownfield sites.¹ The Houston Land Bank promotes the tool on social media, via newsletter, at community meetings, and at neighborhood meetings. It has also paid selected community members to use the tool, help other community members use the tool, and provide feedback on how it could be improved. The tool and outreach has helped foster a sense of community ownership of the sites and partnership in redevelopment.

Groundwork USA, an EPA technical assistance provider, has created a helpful *Neighborhood Brownfield Inventory Toolkit*.² This toolkit provides a step-by-step overview of how to use free software to create an online tool residents can use to report potential brownfield sites, and how to organize inclusive events to help residents use the tool to report properties, and map, analyze, and share the data gathered.

1 "Hidden Gems Finder," Houston Land Bank, accessed November 22, 2024, <https://survey123.arcgis.com/share/fd16e442f2594cf3b978733385d893af>.

2 Lawrence Hoffman, *Neighborhood Brownfield Inventory Toolkit: Unlocking Free Mapping Software* (Groundwork USA), <https://groundworkusa.org/eqdevtools/neighborhood-brownfield-inventory-toolkit-unlocking-free-mapping-software/>.

27 For information on how to gather and analyze this data, see Alan Mallach, *Neighborhoods by Numbers* (Center for Community Progress, May 2016), <https://communityprogress.org/publications/neighborhoods-by-numbers/>.



Former Gas Stations: A Good Place to Start

Because of their relatively small size and typically highly visible locations at corners of key cross streets or along busy corridors, cleaning up former gas stations is a good way for land banks to dip a toe into brownfield redevelopment. The EPA and TAB providers have created several resources aimed specifically at gas station redevelopment, including a webpage and guide to selecting reuse options.¹

The Greater Syracuse Land Bank successfully partnered with a local entrepreneur to redevelop an abandoned gas station on the City's south side into a new gas station and full-service convenience store. A City of Syracuse 2017 economic development study identified the site for redevelopment, citing residents' feedback on the lack of name brand gas stations in the neighborhood. The City foreclosed on the property's delinquent taxes and transferred the property to the land bank, which used EPA funding to complete Phase I and II ESAs and then marketed the property for sale.

A local entrepreneur who grew up in the neighborhood approached the Greater Syracuse Land Bank about purchasing the building but needed the old, corroded gas tanks removed to obtain financing to redevelop the property. The land bank used internal funding to remove the gas tanks, obtained a "no further action needed" letter from the New York State Department of Environmental Conservation, and added the remediation costs to the property sale price. The purchaser closed on the property and is constructing a Sunoco franchise on the site.

¹ "Petroleum Brownfields," EPA, accessed November 22, 2024, <https://www.epa.gov/ust/petroleum-brownfields#resources>; EPA, Publication 510R09004, *Petroleum Brownfields: Selection a Reuse Option*, October 2009, <https://www.epa.gov/ust/petroleum-brownfields-selecting-reuse-option>; EPA, Publication 560F22044, *New Community Visions for Abandoned Gas Stations*, May 2022, <https://www.epa.gov/system/files/documents/2022-05/1%20New%20community-vision-gas-station-051022-508.pdf>.

Property Acquisition

Once a land bank has selected a site, it must consider if and how it will acquire the site, if they do not already own it. Whether and how a land bank acquires a property has a bearing on what funding land banks can access for remediation and redevelopment and whether they are eligible for protections from federal environmental liability.

Some land banks engage in brownfield redevelopment without owning the properties either because ownership is not needed to achieve their redevelopment goals or as a strategy to limit their potential environmental liability. **Land banks do not have to own properties to receive EPA assessment grants or to conduct Phase I or II ESAs.** For example, the Greater Syracuse Land Bank used an EPA assessment grant to conduct assessments on properties it did not yet own but had the potential to acquire through tax foreclosure. Property owners can also voluntarily give land banks access to sites, or land banks can seek a legal right to enter, when needed. The Suffolk County Land Bank in New York, for example, uses public health warrants to access properties for Phase II ESAs.

On the other hand, many land banks do acquire properties to complete brownfield redevelopment, especially when the land bank plans to conduct the cleanup itself and when it wants to have greater authority over the end use of the property. Owning a property makes it easier to conduct a Phase II ESA and is required to qualify for an EPA cleanup grant.

There are two primary ways land banks acquire properties, and each approach raises different implications for a land bank's federal environmental liability:

Property Tax or Lien Foreclosure and Transfers from Other Government Units

This is often the most cost-effective way for land banks to acquire properties. In some jurisdictions, like Michigan and Ohio, property tax foreclosure can also clear outstanding liens and produces insurable title, making the properties more attractive to prospective purchasers.²⁸ Properties land banks acquired through these mechanisms are also generally eligible for the state and local government acquisition protection from federal CERCLA liability.²⁹

Purchase or Donation

Purchasing properties, though more costly, allows land banks to proactively address brownfield properties that are not tax delinquent and to acquire properties when stronger real estate markets limit the supply of tax-delinquent properties. Land banks are not eligible for CERCLA's state and local government acquisition protection when they acquire properties through purchase or donation, but they can take steps to qualify for other federal CERCLA liability protections, like the bona fide prospective purchasers (BFPP) protection.³⁰ Critically, BFPP and other protections require land banks to take certain actions *before* they acquire the property, including conducting "all appropriate inquiries" into the property's environmental conditions.³¹

28 For more information on best practices related to vacant and abandoned properties and property tax foreclosure, see Kim Graziani, *Reimagine Delinquent Property Tax Enforcement*, (Center for Community Progress, October 2022), <https://communityprogress.org/publications/reimagine-delinquent-property-tax-enforcement/>.

29 CERCLA § 101(20)(D); "Guidance: Superfund Liability Protections for Local Government Acquisitions," EPA, June 15, 2020, <https://www.epa.gov/enforcement/guidance-superfund-liability-protections-local-government-acquisitions>.

30 For more information on these protections, see EPA, Publication Number 325B22001, *The Revitalization Handbook: Addressing Liability Concerns on Contaminated Properties (2022 Edition)*, August 2022, <https://www.epa.gov/enforcement/revitalization-handbook>.

31 "Brownfields All Appropriate Inquires," EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/brownfields-all-appropriate-inquiries>.

04

Remediating and Redeveloping Brownfield Properties

After land banks have laid the groundwork, they can begin the work of understanding the extent and nature of contamination, planning for cleanup and redevelopment, and carrying out cleanup and construction activities.

Environmental Site Assessments and Site Planning

The first step to carrying out cleanup activities is to understand whether a site is contaminated and, if so, what will need to be done to clean up the contaminants. This is done through a site assessment process that includes Phase I and Phase II ESAs,³² which are conducted by qualified environmental professionals (QEPs).³³

Phase I ESAs use existing information to understand site conditions and potential contamination. Phase I ESAs typically involve visual site inspections, interviews with prior owners, neighbors, and workers, and reviews of historic records, such as photographs, maps, deeds, and government environmental records to understand prior activities on the site and the potential for contamination. When conducting this review, QEPs look for site features—referred to as recognized environmental conditions (RECs)—that suggest there has been or there could be contamination release. RECs could include a drum storage area identified on a historic map, a floor drain next to a chemical mixing area, or records showing a prior underground tank removal.

Importantly, Phase I ESAs conducted in accordance with the EPA's all appropriate inquires requirements can help land banks and other purchasers obtain CERCLA liability protection as an innocent landowner, a contiguous property owner, or a bona fide prospective purchaser.³⁴ Phase I ESAs, however, have a shelf life of only 180 days. If more than 180 days have passed, land banks will need to update certain elements to maintain these liability protections. Land banks should keep this in mind when deciding when to conduct assessments or include additional funding in the project budget for updated assessments, where necessary.

Phase II ESAs are recommended if the Phase I ESA identifies RECs. Phase II ESAs typically involve collecting and analyzing soil and groundwater water samples to determine what contamination is present and where it is located



Land banks do not have to own properties to receive EPA assessment grants or to conduct Phase I or II ESAs.

32 EPA, Publication 56F20175, "Assessing Brownfield Sites," June 2020, https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf.

33 EPA, Publication 560F17191, "All Appropriate Inquires: Environmental Professionals," https://www.epa.gov/sites/default/files/2017-07/documents/aai_factsheet_environmental_professional_epa_560_f_17_191_508.pdf.

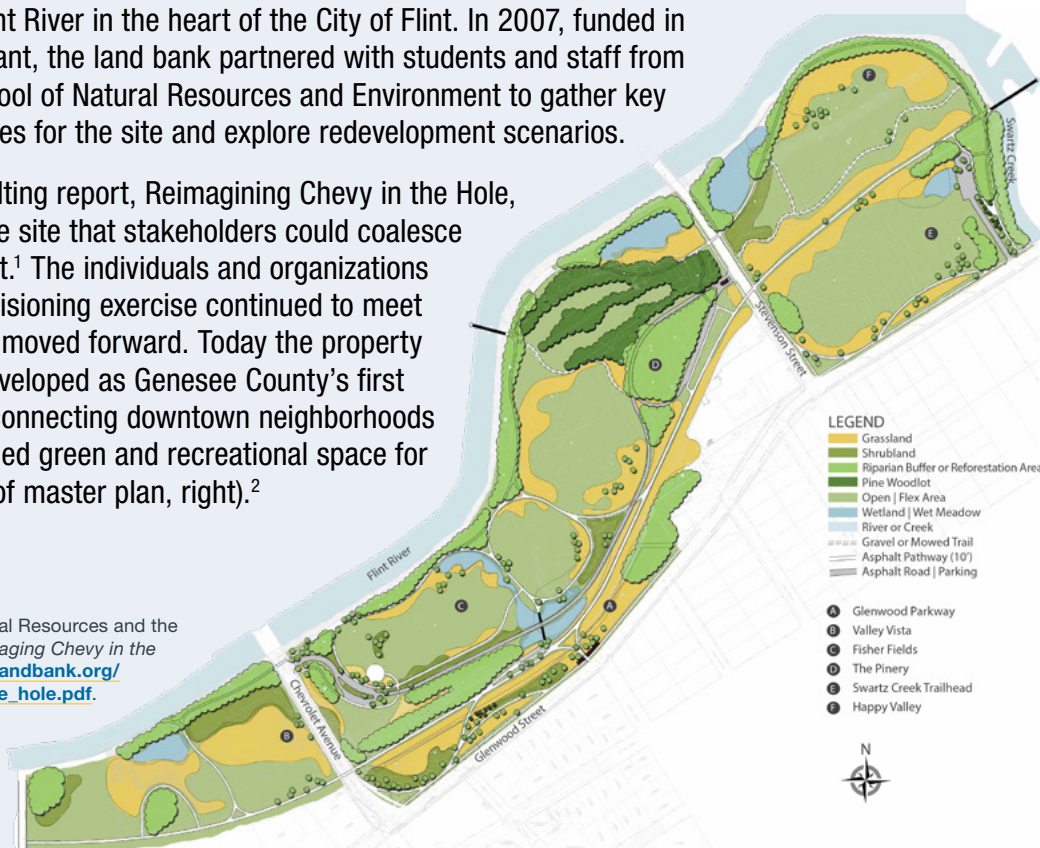
34 For more information on all appropriate inquires and liability protections, see "Brownfields All Appropriate Inquires," EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/brownfields-all-appropriate-inquiries>; EPA, Publication Number 325B22001, *The Revitalization Handbook: Addressing Liability Concerns on Contaminated Properties (2022 Edition)*, August 2022, <https://www.epa.gov/enforcement/revitalization-handbook>.

Emerging Practice: Site Planning and Community Engagement

Site planning has the potential to be much more than a consultant-led technical exercise. It is a critical community engagement opportunity. During the site planning process, land banks can share information gathered during the site selection and assessment processes with the community, including information on potential contaminants and their locations, cleanup options, and market analysis. With this understanding of potential constraints, community members can provide meaningful feedback on potential redevelopment options, improving the quality of the engagement for both community members and the land bank.

The Genesee County Land Bank, for example, credits their community-engaged site planning process with the ultimate success of their redevelopment of Chevy in the Hole, a 67-acre former automobile factory on the banks of the Flint River in the heart of the City of Flint. In 2007, funded in part by an EPA assessment grant, the land bank partnered with students and staff from the University of Michigan School of Natural Resources and Environment to gather key stakeholders to identify priorities for the site and explore redevelopment scenarios.

This engagement and the resulting report, *Reimagining Chevy in the Hole*, created potential visions for the site that stakeholders could coalesce around and organize to support.¹ The individuals and organizations brought together through the visioning exercise continued to meet regularly to ensure the project moved forward. Today the property has been remediated and redeveloped as Genesee County's first state park, Chevy Commons, connecting downtown neighborhoods and serving as a well-maintained green and recreational space for city residents (see illustration of master plan, right).²



1 University of Michigan School of Natural Resources and the Environment Flint Futures Group, *Reimagining Chevy in the Hole*, April 30, 2007, https://www.thelandbank.org/downloads/reimagining_chevy_in_the_hole.pdf.

2 "Chevy Commons," Genesee County Parks, accessed November 22, 2024, <https://geneseecountyparks.org/riverfront-project/chevy-commons/>.

on the site, investigating areas of particular concern, and developing cleanup plans.

Federal EPA assessment and multipurpose grants can be used for both Phase I and Phase II ESAs. The EPA also conducts ESAs directly through its Target Brownfields Assessment program.³⁵ Land banks do not have to own the properties to conduct a Phase I or II ESA, but they must be able to gain access to the properties, especially for Phase II ESAs.

Once a land bank understands the degree of contamination, it can work with its state brownfields or voluntary response program and QEPs to develop a plan to address the contamination and return the property to productive

35 EPA, Publication 560F15192, "EPA Targeted Brownfields Assessments Fact Sheet," July 2015, https://www.epa.gov/system/files/documents/2024-04/tba_0403.pdf.

use. The cleanup required will vary based on factors such as the intended end use, extent of contamination, and applicable regulations.³⁶ Replacing an abandoned factory with housing, for example, will require more cleanup than building a solar field on the site because using the site for housing will result in more people encountering the soil or potential off-gassed vapors over longer periods.

To develop an overall plan for the site, land banks should consider the amount and nature of cleanup needed alongside other factors, including community input, local plans, available funding, and market conditions. EPA assessment and multipurpose grant funding can be used for many site reuse planning activities.³⁷ The site planning phase is a key point for further community engagement and where visioning exercises, or design charrettes may be helpful.

Cleanup

The cleanup process is usually overseen by state voluntary cleanup programs, which will typically provide certainty regarding state environmental liability by issuing a “no further action” letter or a covenant not to sue once a property has been cleaned up according to state standards. Examples of common cleanup activities include asbestos abatement before property demolition, gas tank removal, and removing or capping contaminated soil.³⁸

Land banks can use federal cleanup grants to carry out cleanup activities. In certain emergency situations, the EPA can conduct cleanups itself through its Emergency Response Program.³⁹ Certain states, including Ohio, Michigan, and New Jersey, also offer grants and loans for cleanup activities.⁴⁰

Some land banks carry out brownfield cleanup activities themselves. Others focus only on cleanup preparation, such as conducting ESAs, site planning, and community engagement; and then transfer or sell the property to public, nonprofit, or private developers to complete the cleanup.

36 For more information on risk-based cleanups, see Office of Land and Emergency Management, Publication 560F16159, “Risk-Based Cleanups at Brownfields Sites,” May 2016, https://www.epa.gov/sites/default/files/2018-08/documents/formatted_risk_based_factsheet_6-23-16.pdf.

37 For more information, see “Eligible Planning Activities,” EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/eligible-planning-activities>.

38 For more examples, see EPA, Publication 560F19181, “Cleaning Up Brownfield Sites,” September 2019, https://www.epa.gov/sites/default/files/2019-09/documents/cleaning_up_brownfield_sites.pdf.

39 For more information on the EPA’s Emergency Response Program, see “EPA’s Role in Emergency Response,” EPA, accessed November 22, 2024, <https://www.epa.gov/emergency-response/epas-role-emergency-response>.

40 “Brownfield Remediation Program,” Ohio Department of Development, accessed November 22, 2024, <https://development.ohio.gov/community/redevelopment/brownfield-remediation-program>; “Brownfield Grants and Loans,” Michigan Department of Environment, Great Lakes, and Energy, accessed November 22, 2024, <https://www.michigan.gov/egle/about/organization/remediation-and-redevelopment/brownfields/grants-and-loans>; “Brownfield Impact Fund,” New Jersey Economic Development Authority, accessed November 22, 2024, <https://www.njeda.gov/brownfieldsimpactfund/>.

Key considerations for land banks when deciding whether to complete the cleanup activities themselves include:

- Focusing only on planning and assessment tasks can help land banks leverage limited resources to support the redevelopment of more brownfield properties. By conducting assessments and creating redevelopment plans that align with community needs and local regulations, land banks can make these properties more attractive to third-party developers, who are interested in avoiding surprises and hiccups that may slow down the redevelopment process.
- Some third-party developers may prefer that the land bank completes only planning and assessment work, allowing them to access local, state, and federal incentives to fund their cleanup and redevelopment work.⁴¹
- Focusing only on planning and assessment tasks is most effective in communities with stable or stronger real estate markets and where third parties have the interest and expertise to complete cleanup and redevelopment.
- In communities with weaker real estate markets, fewer third-party developers, and in cases of more complex sites, land banks are more likely to conduct cleanup and redevelopment activities themselves. Partnering with organizations, consultants, and regional or statewide land banks with brownfield experience, can help smaller land banks manage this work.

The Suffolk County Land Bank, for example, operates on Long Island, New York and tends to focus more on planning and assessment work, given the area's strong real estate market. It conducts Phase I and II ESAs on tax-delinquent brownfield properties and then negotiates a memorandum of understanding with the State Department of Environmental Conservation (DEC), providing state environmental liability protection for the land bank and entities that purchase these properties from the land bank, so long as the cleanup is done to DEC's standards. It then markets these properties for sale and typically requires purchasers to provide a letter of credit or deposit to ensure the cleanup is completed as agreed.



Emerging Practice: Phytoremediation

Phytoremediation uses plants and natural processes to remediate or stabilize hazardous waste in soil, sediments, surface water, or groundwater. Phytoremediation is typically less expensive than other forms of remediation but can take much longer, making it most appropriate for sites with longer redevelopment timelines or that will remain greenspaces. In Muskegon, Michigan, a partnership of local, state, federal, and nonprofit organizations planted 5,000 poplar trees on a brownfield site near Muskegon to remove contaminants from the soil and water, manage stormwater runoff, and restore the site to its natural conditions.¹ The EPA has published several resources on phytoremediation, including a Community Guide to Phytotechnologies.²

1 "Phytoremediation with Poplar Trees," Vibrant Cities Lab, accessed November 22, 2024, <https://vibrantcitieslab.com/case-studies/phytoremediation-with-poplar-trees/>.

2 "Community Guide to Phytotechnologies," (US Environmental Protection Agency, 2021), <https://semspub.epa.gov/work/HQ/401615.pdf>.

41 For more information on federal incentives see, "Federal Programs," EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/federal-programs>.

EPA Job Training Grants: Expanding Capacity and Advancing Environmental Justice

Communities with large concentrations of brownfield properties are often also affected by systemic disinvestment. As a result, these communities may lack a workforce trained in environmental cleanup activities. Land banks serving these communities should consider applying for EPA Brownfields Job Training Grants, which provide funding to train unemployed and underemployed individuals in communities impacted by brownfields to conduct a range of assessment, site preparation, and cleanup activities.

EPA Brownfields Job Training Grants increase local capacity to address brownfield properties, and advance environmental justice by helping residents historically impacted by brownfield sites take advantage of the jobs created in their community by the redevelopment of these sites. Rather than filling local environmental jobs with individuals from distant cities, these grants help provide an opportunity for residents to secure careers that make a visible impact cleaning up their communities and create a locally skilled workforce.

Eligible training courses include lead paint and asbestos inspection and abatement, environmental assessment, and a range of cleanup activities.¹ Up to 40 percent of the grant funding can be used to support participants, including by providing stipends for participating in trainings, covering transportation costs, and childcare subsidies.² Land banks can review the EPA's map of current and past job training grantees for examples of how local entities, including land banks like the Housing and Redevelopment Authorities of Cumberland County,³ are using these grants.⁴

- 1 "List of Eligible and Ineligible Brownfield Job Training Courses," EPA, accessed November 20, 2024, <https://www.epa.gov/brownfields/list-eligible-and-ineligible-brownfield-job-training-courses>.
- 2 If interested in applying for a Job Training grant, visit <https://www.epa.gov/brownfields/brownfields-job-training-grants> or use the inquiry form for a technical assistance request: <https://www.epa.gov/brownfields/forms/brownfields-job-training-program-technical-assistance-inquiry-form>.
- 3 "Brownfields 2024 Job Training Fact Sheet: Housing and Redevelopment Authorities of Cumberland County, PA," EPA, accessed December 16, 2024, <https://java.epa.gov/acrespub/gfs/factsheet/12507?format=PDF>.
- 4 "Brownfields Job Training Current and Past Grantees Map," EPA, accessed December 16, 2024, https://www.epa.gov/brownfields/brownfields-job-training-grants-technical-assistance-resources#Grantees_Map.

Disposition

Land banks have several options after cleaning up a brownfield property. In most cases, land banks sell or transfer the property to public, nonprofit, or private developers to complete redevelopment. Land banks typically use mechanisms, such as enforcement mortgages, deed-in-escrow programs, and bonds, to ensure purchasers redevelop the property as agreed.⁴² Some land banks only undertake projects where they can identify a developer at the outset of the project, often through a request for proposal or real estate listing. Developers commonly use local, state, and federal funding to complete the redevelopment, including local or state economic development funding or incentives and federal tax credit programs, such as opportunity zone, new market, or low-income housing tax credits.⁴³

Land banks can also redevelop the properties themselves, leveraging the same resources outlined above, or hold and maintain the properties for future

42 For more information on deed-in-escrow and enforcement mortgages, see "Deed-in-Escrow Program: Everything You Need to Know" (webinar), Ohio Land Bank Association, accessed December 16, 2024, <https://www.ohiolandbanks.org/webinar.html>.

43 For more information on federal incentives see, "Federal Programs," EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/federal-programs>.

reuse. The Genesee County Land Bank, which operates in areas with weak real estate markets, has taken this second approach. Over the last 20 years, it has been willing to cleanup key brownfield properties without having an immediate end user or even specific end use in place, reasoning that “if you clean it, they will come.” In 2014, for example, the land bank used state and federal funds to demolish and remediate a former oil change business at a key entrance to downtown. When funding became available, Genesee County Land Bank was able to quickly work with local partners to leverage the site, along with several other nearby parcels acquired by the land bank, to build the Center for Children’s Integrated Services, which provides comprehensive physical and mental health treatment to Genesee County children.

Key emerging practices in the redevelopment of brownfields include:

Affordable Housing. Land banks are increasingly leveraging brownfield redevelopment to transform vacant properties into affordable housing. Redeveloping brownfield properties as affordable housing takes advantage of existing infrastructure and often allows residents to access walkable or transit-accessible neighborhoods. At the same time, procedures must be established to ensure these properties are cleaned up to the highest standards to protect the health and safety of future residents. The EPA and its TAB providers have created several resources focusing on housing and brownfield redevelopment, including a recent webinar, “Affordable and Workforce Housing Development on Former Brownfield Sites.”⁴⁴

Solar. The EPA estimates that there are over 190,000 brownfield sites suitable for renewable energy production across the country, and land banks are increasingly redeveloping brownfield properties for use in renewable energy production, particularly solar power production.⁴⁵ The Scioto County Land Bank in Ohio, for example, is in the process of redeveloping a 25-acre, abandoned former coke facility into a solar field that will sell power to an adjacent Walmart, wastewater treatment plant, and private industrial businesses.⁴⁶

Solar fields are particularly attractive brownfield redevelopment options because they do not require sites to be cleaned up to the highest standard. This reduces costs and returns the property to a use that produces an ongoing revenue stream in the form of the sale of energy produced. The Inflation Reduction Act (IRA) added a 10 percent bonus to tax credits for renewable energy projects built on brownfield sites.⁴⁷ Recognizing this potential, the EPA has created several resources aimed at redeveloping brownfields for renewable energy production, including a RE-Powering America’s Land Initiative and Brightfields Accelerator to provide specialized technical assistance on this issue.⁴⁸

44 EPA Offices of Brownfields and Land Reutilization, “Affordable and Workforce Housing Development on Former Brownfield Sites,” February 26, 2024, https://www.clu-in.org/conf/tio/BFHousingDev_022624/. The Center for Creative Land Recycling has a number of articles and webinars on the topic, which can be accessed on their website, “Resources,” Center for Creative Land Recycling, accessed December 16, 2024, <https://www.cclr.org/resources?filter=housing&division=view-all>.

45 “Re-Powering Mapper,” EPA, accessed November 22, 2024, <https://www.epa.gov/re-powering/re-powering-mapper>.

46 “How to Turn a Brownfield into a Solar Field,” Ohio Land Bank Association, accessed November 22, 2024, <https://www.youtube.com/watch?v=hvBac52skk>.

47 “Summary of Inflation Reduction Act provisions related to renewable energy,” EPA, accessed November 22, 2024, <https://www.epa.gov/green-power-markets/summary-inflation-reduction-act-provisions-related-renewable-energy>.

48 “RE-Powering America’s Land,” EPA, accessed November 22, 2024, <https://www.epa.gov/re-powering>; “Brightfields Accelerator,” Rocky Mountain Institute, accessed November 22, 2024, <https://rmi.org/us-program/brightfields-accelerator/>.

Emerging Practice: Regional and Statewide Land Banks

Many communities impacted by brownfields, especially smaller cities and rural areas, lack private developers with expertise or interest in brownfield redevelopment. Because land banks and local governments in these communities also often have limited capacity, states and communities have created regional or statewide land banks, some particularly aimed at addressing brownfield properties. Maine, Massachusetts, Michigan, and West Virginia, for example, have statewide land banks,¹ and Connecticut's Brownfield Land Banks law authorizes the creation of nonprofit land banks designed to assist multiple local governments with brownfield redevelopment.²

State and regional land banks can develop expertise, capacity, and relationships to redevelop larger, more complex brownfields. The West Virginia Land Stewardship Corporation, for example, provides environmental site assessment, redevelopment planning, and site cleanup services to communities statewide. It works with communities to identify potential sites, apply for EPA funding, and where necessary, takes ownership of properties, conducts the cleanup, and oversees redevelopment activities.³ Similarly, the Connecticut Brownfield Land Bank provides technical assistance and environmental site assessment, cleanup, and redevelopment services to local governments and, pursuant to agreements with local governments, will acquire the brownfield property, when necessary, to complete the cleanup and redevelopment.⁴

1 Maine Redevelopment Land Bank (website), accessed November 22, 2024, <https://maineredevelopment.org/>; MassDevelopment (website), accessed November 22, 2024, <https://www.massdevelopment.com/>; State Land Bank Authority (website), accessed November 22, 2024, <https://www.michigan.gov/leo/bureaus-agencies/landbank>; West Virginia Land Stewardship Corporation (website), accessed November 22, 2024, <https://www.wvlsc.org/>.

2 C.G.S. § 32-771 et seq.

3 For more information on WVLSC's work, see Center for Community Progress, *Land Banks & Brownfields: Case Studies*, <https://communityprogress.org/publications/land-banks-and-brownfields-case-studies>, 11.

4 Connecticut Brownfield Land Bank (website), accessed November 22, 2024, <https://ctblb.org/>.

Food Production and Agriculture. Redeveloping brownfields for food production and distribution and other agricultural uses can help improve public health and nutrition, build community, and spur economic growth. Specific reuses can include community gardens, farmers' markets, commercial farming, and urban forestry.⁴⁹ The Niagara Orleans Regional Land Improvement Corporation, the regional land bank serving the Niagara, New York region, is working with its County Industrial Development Agency and a private company to redevelop a 30-acre former junkyard into a 25-acre greenhouse to grow strawberries.⁵⁰ Niagara County used EPA assessment grant funding to conduct Phase I and II ESAs and then marketed the property, citing the completed assessments and available cleanup and redevelopment incentives. The EPA has several resources aimed at supporting brownfield reuse for food production, including guidelines for safe gardening practices on former brownfield sites.⁵¹

49 Office of Brownfields and Land Revitalization, Publication 560F23285, "Let it Grow! Build Your Urban Forest with Brownfields," June 2023, https://www.epa.gov/system/files/documents/2023-06/Urban%20Forestry%20Fact%20Sheet%206-28-23_FINAL_508-Compliant.pdf.

50 Robert Creenan, "Cambria brownfield site proposed for strawberry greenhouse," *Niagara Gazette*, October 12, 2023, https://www.niagara-gazette.com/news/local_news/cambria-brownfield-site-proposed-for-strawberry-greenhouse/article_8634a52e-6846-11ee-827e-cbd4fe815baf.html.

51 "Resources about Brownfields and Urban Agriculture," EPA, accessed November 22, 2024, <https://www.epa.gov/brownfields/resources-about-brownfields-and-urban-agriculture>; EPA, *Brownfields and Urban Agricultural: Interim Guidelines for Safe Gardening Practices*, Summer 2011, https://www.epa.gov/sites/default/files/2015-09/documents/bf_urban_ag.pdf; EPA Office of Land and Emergency Management, Publication 560F21201, "Know Before You Grow," October 2021, <https://www.epa.gov/system/files/documents/2022-02/know-before-you-grow.pdf>.

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