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CLTS FOR INDIA? AN EXPLORATION OF THE COMMUNITY LAND TRUST MODEL FOR INDIAN CITIES

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International Center for Community Land Trusts

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About the Organisation:

The International Center for Community Land Trusts (ICCLT) is a nonprofit organization founded in 2018 to support the worldwide movement of CLTs, as well as similar strategies of community-led development on community-owned land. Governed by a board of directors drawn from seven different countries, the center is a bridge, connecting practitioners across national boundaries; it is a library, archiving historical documents, technical materials, case studies, and academic research on CLTs and related forms of tenure; and it is a think tank, researching and disseminating best practices and supportive policies. The Center publishes books and monographs under its imprint, **Terra Nostra Press**.

This study was conducted as a part of the **Global South Community Land Trust Initiative** of ICCLT. The Global South CLT Initiative seeks to raise awareness and empower communities on the use of CLTs to secure land tenure in informal settlements. This initiative involves providing tailored capacity-building, knowledge, and connections to empower local community organizers in informal settlements facing risks of displacement and climate-related disasters.

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**WORKING PAPER
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Contents

Executive Summary	1
1. Introduction	3
2. What is a Community Land Trust (CLT)?	5
2.1 Origins of the CLT Model in the United States	5
2.2 Organizational Structure and Governance of CLTs	5
2.3 Advantages of Community Land Trusts	7
2.4 Challenges and Criticisms of CLTs	8
2.5 Global North Perspectives on CLTs	10
3. CLTs in the Global South	14
3.1 Puerto Rico's Caño Martín Peña CLT	16
3.2 Adapting the CLT Model in Rio's Favelas, Brazil	16
3.3 Tanzania-Bondeni, Kenya: Lessons from an Early CLT in Africa	18
3.4 South Asia: Community Land, Past and Future	19
4. Does India need CLTs?	21
4.1 Limitations of Land Titling Programs and CLT as an alternative	22
4.2 Beyond Traditional Gentrification Theory: State-Led Displacement	23
4.3. Preserving Affordability in Public and Inclusionary Housing	24
5. How can CLTs be set up in India?	26
5.1 Setting the Context: Understanding India's Legal System	26
5.2 Land Laws in India and Their Relevance for CLTs	26
5.3 Dual Ownership: A Foundational Legal Principle for CLTs	27
5.4. Legal Entities for Setting Up CLTs in India	29
5.5 How will the transactions be structured?	30
5.6 Cooperative Housing Societies in India and CLTs	30
5.6.1 Differences between Tenant Ownership Cooperative Housing Societies and CLTs	31
5.7 Establishing a De-facto CLT Under the Cooperative Housing Framework	33
5.7.1 Defining the Object of the Society: Legal Grounding in Section 4	33
5.7.2 Embedding CLT Principles in Bylaws	33
5.7.3 The Role of the Registrar in Approval and Oversight	34
5.7.4 State Government's Power of Modification and Exemption	34
6. Conclusion	35
References	37

Executive Summary

In the rapidly urbanizing Global South, more than 900 million people reside in informal settlements marked by insecure tenure, inadequate infrastructure, and the constant threat of displacement, a figure projected to exceed two billion by 2040. India exemplifies this global crisis, with 26 to 37 million households living in informal housing, comprising 33 to 47 percent of the country's urban population. Over 17 million people across India face imminent eviction from slum clearance, infrastructure projects, and state-led development initiatives. Against this backdrop of widespread housing insecurity and displacement, this paper explores the potential of Community Land Trusts (CLTs) as an alternative tenure model for Indian cities.

CLTs are nonprofit organizations that hold land in perpetuity on behalf of a community, ensuring long-term affordable access to housing. Rooted in principles of community control, social equity, and land decommodification, CLTs operate through a split ownership model where the trust retains ownership of land while individuals own or lease the structures built upon it. This is formalized through long-term, inheritable ground leases, typically 99 years, ensuring both tenure security and market accessibility. To preserve affordability across generations, CLTs apply resale restrictions so that homeowners receive fair but limited returns, keeping housing below market rates. Their tripartite governance structure comprising leaseholders, community representatives, and public or professional members embodies democratic accountability and collective stewardship.

The CLT model originated in the United States during the late 1960s Civil Rights Movement, with New Communities Inc. in Georgia securing land for African-American farmers excluded from ownership. Its conceptual roots, however, trace back to India's Gramdan movement led by Vinoba Bhave in the 1950s, which envisioned land held in trust for villages. By 2014, over 260 CLTs operated across 46 U.S. states, and the model has since spread to the United Kingdom, Canada, Australia, Belgium, France, and parts of the Global South such as Puerto Rico, Kenya, and Brazil, demonstrating its adaptability

across diverse legal, cultural, and economic contexts. In the Global South, CLTs have emerged as community-driven strategies for formalizing tenure and preventing displacement. Puerto Rico's Caño Martín Peña CLT, established through special legislation in 2004, manages over 110 hectares of land for 1,500 low-income families, preventing displacement during infrastructure upgrades while fostering democratic governance. Kenya's Tanzania Bondeni CLT, formed in the mid-1990s, enabled residents to secure tenure and improve housing, though governance challenges later underscored the need for sustained institutional support. In Rio de Janeiro, community organizations are adapting the model to counter the pitfalls of individual titling in favelas, which often triggers gentrification and displacement. These Global South experiences demonstrate both the promise and challenges of adapting CLTs to contexts of informality.

India urgently needs CLTs to address three critical failures of conventional housing policy. First, traditional land titling has proven inadequate and often counterproductive. Individual titling exposes low-income homeowners to speculative markets, while conditional titling produces low-value, non-transferable assets that discourage investment and perpetuate what scholars call "subaltern citizenship." CLTs enable communities to collectively steward land, shielding regularized settlements from speculation while preserving affordability and allowing mobility without commodifying land.

Second, CLTs provide an institutional buffer against state-led displacement, which dominates urban transformation in India more than market gentrification. Through urban entrepreneurialism and accumulation by dispossession, the state reshapes cities via slum clearance, infrastructure megaprojects, and redevelopment schemes justified through discourses of modernization. In Delhi, hundreds of thousands were displaced in the 2000s and 2010s not through market turnover but through bulldozers clearing land for world-class city projects. A CLT, established within an informal settlement or integrated into redevelopment planning, can act as a single collective legal entity representing community

interests. Instead of hundreds of vulnerable households, the CLT presents itself as a recognized landholder, raising the political cost of eviction and enabling negotiation, a collective bargaining power absent when land is informally held.

Third, CLTs address the inability of public housing schemes to sustain affordability. Once resale restrictions on subsidized units are lifted, public housing becomes commodified, allowing first-generation beneficiaries to capture unearned gains while pricing out future occupants. This pattern, evident in Mumbai's Slum Rehabilitation Programme, leads to resale pressures and re-emergence of informal settlements. Through ground leases and resale restrictions, CLTs ensure perpetual affordability and retention of public or philanthropic subsidies for future residents, aligning with long-term public interests in affordability, tenure security, and community resilience.

Crucially, CLTs can be established within India's existing legal framework without new legislation. Indian property law consistently recognizes dual ownership, the separation of land and building ownership, through judicial precedents from the colonial period to recent Supreme Court rulings. This legal principle, which rejects the English maxim that whatever is attached to land becomes part of it, forms the foundation for CLT operations. Among available entities such as public charitable trusts, Section 8 companies, and registered societies, the latter emerges as the most viable vehicle for CLTs due to its democratic governance, operational flexibility, and compatibility with community organizations.

A particularly promising pathway lies in cooperative housing societies, specifically Tenant Ownership Housing Societies under state-level laws such as the Maharashtra Cooperative Societies Act, 1960. These societies, where cooperatives own land collectively while members lease housing units, share fundamental similarities with CLTs, including collective landholding, community participation, and democratic governance. In states like Maharashtra, where cooperative laws grant autonomy to elected boards, establishing a *de facto* CLT as a housing cooperative is feasible. The framework already exists and enjoys legal recognition and public credibility. Embedding CLT principles in cooperative bylaws,

resale formulas to maintain affordability, occupancy restrictions, preemptive purchase rights, and tripartite governance can operationalize the model effectively.

However, implementation will face challenges. Building political will among policymakers and local authorities is essential, as CLTs diverge from market-driven development. Public understanding of collective ownership remains limited, requiring sustained education and outreach. Establishing transparent, accountable governance structures demands organizational capacity. While these challenges are substantial, they are not insurmountable. Coalition-building among grassroots organizations, housing rights NGOs, sympathetic officials, and planners can advocate for CLTs, navigate bureaucracy, and provide technical support. Pilot projects in willing neighborhoods can demonstrate tangible benefits, refine design, and build credibility for integration into housing and slum-upgrading programs. As early successes emerge, CLTs can become an institutionalized mechanism for long-term affordability and community control, components largely absent from Indian housing policy.

This study, based on literature review, legal analysis, and case law examination, concludes that the Community Land Trust model offers a viable and necessary alternative for secure and affordable tenure for low-income urban residents in India. Anchored in community-driven principles of justice, equity, and long-term stewardship, CLTs provide a concrete framework ensuring that urban transformation does not displace vulnerable communities, and that housing remains a public good rather than a commodity. With appropriate institutional design, coalition support, and phased implementation, CLTs can reimagine land and housing governance in Indian cities, locking in affordability, embedding democratic control, and ensuring that gains from public investment are equitably distributed across generations rather than lost to speculation.

1.

Introduction

In the cities of the Global South, a growing number of households find housing exclusively in informal settlements. These are areas characterized by ambiguous land ownership, insecure tenure, and inadequate infrastructure. Under conditions of economic liberalization, which have intensified the commodification of housing and land, the urban poor are left with no alternative but informal housing solutions outside the formal market (Payne, 2001; UN-Habitat, 2003). According to the United Nations, more than a quarter of the world's urban population currently resides in informal settlements, amounting to over 900 million people. By 2040, this number is expected to increase to more than 2 billion (United Nations, 2013).

India exemplifies this global trend. Rapid urbanization, combined with a severe shortage of affordable housing, has led to the proliferation of slums and unauthorized settlements, referred to in this study as “informal housing.” Estimates suggest that between 26–37 million households in India live in informal housing, constituting approximately 33–47 percent of the country's urban population (Jain et al., 2016). This housing is characterized by precarious living conditions, with both owner-occupants and renters constantly threatened by eviction and displacement. Recent data indicate that more than 17 million people across India live under threat of eviction and displacement from reasons for potential displacement including slum clearance, infrastructure projects, environmental protection initiatives, disaster relief measures, court orders, and tourism-related developments (HLRN, 2024).

Given these challenges, this exploratory study investigates the Community Land Trust (CLT), a collective land tenure model. CLTs represent a type of communal land ownership and management model that separates land from housing, ensuring long-term tenure security and affordability. Rooted firmly in principles of community control, social equity, and the decommodification of land, CLTs offer a potentially viable alternative for achieving secure and affordable tenure for low-income urban residents in India. This study explores how the CLT model might

be adapted to India, particularly to address the challenges of insecure tenure, housing affordability, and displacement that disproportionately affect the urban poor and residents of informal settlements.

Before addressing this assessment in detail, the paper first clarifies what CLTs are and outlines the key principles underpinning this model of communal tenure, providing examples of ‘classic’ CLT experiences in the Global North (Section 2). After establishing this foundation, the study focuses on the adaptation of CLTs in the cities of the Global South (Section 3), reviewing international precedents like those in Puerto Rico, Kenya, and Brazil. After that, the core assessment is then divided into two main parts. In the first part (Section 4), I have examined why India needs CLTs, highlighting issues that render traditional titling and tenure systems inadequate for securing land rights and affordability, and outlining various contexts in which CLTs could serve as an effective instrument. The second part (Section 5) explores how CLTs might be established within India's existing legal and institutional frameworks, evaluating pathways for adapting the CLT model without necessitating entirely new legislation. This exploratory study utilizes a qualitative approach based on a literature review, analysis of relevant codified laws in India, and an examination of key case laws to assess the applicability and institutional feasibility of the CLT model in Indian cities. Finally, the paper concludes in Section 6.

2.

What is a Community Land Trust?

A Community Land Trust (CLT) is a unique form of a nonprofit organization chartered to hold land in perpetuity on behalf of a community to ensure long-term affordable access to land and housing. Functioning as a legal entity committed to stewardship, a CLT prioritizes the common good over profit regarding land and housing. The model embraces a stewardship ethic that treats land as a shared heritage rather than an individual commodity, countering the typical real estate market (Gray, 2008; Davis, 2014).

In the classic arrangement, the trust permanently acquires and retains ownership of the land, while selling or renting the houses or structures on that land to individuals or families. This is known as a split ownership model, where the community trust owns the land, and individual residents own the buildings. To formalize this arrangement, homeowners buy the home but enter into a long-term (often a 99-year), renewable ground lease for the land underneath

(Gray, 2008). This mechanism ensures the land is permanently removed from the speculative market and kept available for community benefit (Gray, 2008; Davis, 2014).

To ensure lasting affordability across resales, when a CLT homeowner decides to sell, the resale price is governed by a preset formula. This formula grants the seller a fair but limited return on their investment while reducing the price for the next qualified buyer. In this way, CLTs create a lasting stock of affordable housing and other community assets. Furthermore, CLTs typically require that homeowners occupy the home as a primary residence (prohibiting absentee landlords) and agree to the trust's resale restrictions, thereby embedding the community-oriented purpose into each property arrangement (Gray, 2008; Davis, 2014). As Davis (2014) observes, this is "an unusual approach to the ownership of land and buildings," one that reframes land as a common resource to be managed for long-term social benefit.



Features of the Community Land Trust Model

2.1

Origins of the CLT Model

The CLT model, in practice, originated in the United States in the late 1960s out of efforts to secure land for African-American communities during the Civil Rights Movement. The first organisation widely recognised as a CLT was New Communities Inc., established in 1969 in southwest Georgia by civil rights activists. New Communities sought to empower Black farmers who had been systematically excluded from land ownership by creating a 5,700-acre, collectively owned farm and residential community held in trust. This CLT was explicitly designed to provide land access and economic opportunity to African-American farmers, embodying the principle of community control over land. Its creation marked a new model of tenure, forged through the Civil Rights struggle in the American South (Davis, 2014).

The early growth of CLTs was modest. Throughout the 1970s, only a handful of CLTs existed in the U.S., and these were mostly in rural areas. The concept was still experimental and not widely known. However, foundational ideas that inspired the CLT model had been percolating for decades prior. Davis (2014) notes that New Communities did not emerge fully formed without antecedents; rather, it sprouted from a fertile seedbed of theoretical ideas, practical experiments, and social movements built up over the span of a hundred years. Influences on the CLT idea included the cooperative land tenure theories of Henry George, the English Garden City movement's notion of community-owned land, and the Gramdan (land gift) movement led by Vinoba Bhave in India, which advocated for land to be held in trust for villages (Davis, 2014).

By the 1980s, the term “community land trust” was being used by housing and community development pioneers, and the model's champions began codifying its principles. The Institute for Community Economics (ICE) published *The Community Land Trust Handbook* in 1982, which articulated the CLT's key features and helped spread the idea (ICE, 1982, as cited in Gray, 2008). Still, the CLT movement grew slowly; it was not until the late 1980s and 1990s that more CLTs took root, including in urban areas. By the turn of the 21st century, however, momentum had built. Moore and McKee (2012) observe that over half

of all U.S. CLTs in existence by 2012 had been formed since 2000, indicating a rapid expansion in the 2000s. A significant inflection point was the formation of a national umbrella organisation, the National CLT Network, in 2006, which provided advocacy, training, and resources for new and existing CLTs. As of 2014, there were over 260 CLTs located across 46 U.S. states, Puerto Rico, and the District of Columbia (Davis, 2014), signalling that the model had moved from a niche experiment to a nationwide movement. Indeed, proponents began referring to a “CLT movement” once the model was replicated widely and recognised in federal law (the U.S. Housing and Community Development Act of 1992 formally defined CLTs in federal statute).

Not only have CLTs proliferated within the United States, but the model has also spread internationally (discussed further in Section 2.5 & Section 3). By the late 2000s, community land trusts inspired by the U.S. example had appeared in countries such as England, Canada, Australia, Belgium, Kenya, and others, adapting the concept to new contexts (Davis, 2014; Moore & McKee, 2012).

2.2

Organizational Structure and Governance of CLTs

One of the defining aspects of a Community Land Trust is its organizational structure and governance model, which are deliberately designed to balance the interests of individual residents with those of the broader community. The classic CLT structure is characterized by several common features:

Incorporation as a Nonprofit: A CLT is established as a nonprofit, tax-exempt corporation with a mission of community benefit. This charitable status lays out the organization's purpose, which is not private profit but the stewardship of land for affordable housing and other community needs.

Dual Ownership of Land and Structure: The CLT holds title to the land permanently, while individuals, families, or sometimes partner organisations hold title to the houses or other structures on that land. This dual ownership means that the land itself can never be sold off; it is removed from the market

forever and retained by the trust for the community's long-term use. Homes may already exist on acquired land or be built later, but whenever they are sold to new owners, the land beneath remains in the trust.

Long-Term Ground Leases: To formalise the land/building split, CLTs use long-term ground leases (often 99-year, renewable leases) with the owners of the structures. The ground lease is the legal mechanism that “knits together” the interests of the nonprofit landowner (the CLT) and the homeowner. These leases are inheritable and mortgageable, giving homeowners security and equity (they can pass the home and lease to their heirs, and lenders can lend against the home and leasehold interest). The lease typically spells out occupancy requirements (e.g., it must be the owner's primary residence) and resale restrictions consistent with the CLT's affordability goals.

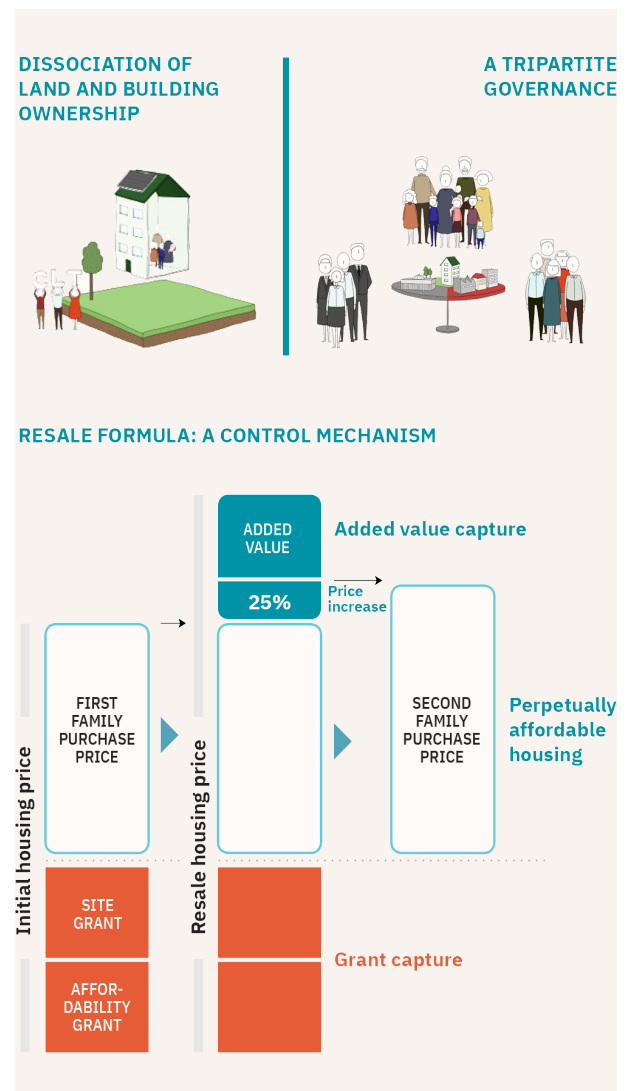
Resale Restrictions and Lasting Affordability:

A core principle is that any home on CLT land remains affordable not just for the first buyer but for all subsequent buyers. Thus, the CLT retains a preemptive option to purchase the improvements (house) whenever an owner decides to sell. The resale price is calculated by a formula set in the ground lease, which usually allows the seller to recover their initial investment and a share of any appreciation, while the remainder of the appreciation (or subsidy value) stays with the property to reduce the price for the next buyer. In this way, CLTs give new homeowners access to affordable housing in perpetuity by capping resale profits. If a CLT homeowner faces financial hardship (e.g, risk of foreclosure or property deterioration), the CLT has both the right and the responsibility to intervene, for example, by helping arrange repairs or forestalling foreclosure, to protect the lasting affordability and quality of the homes.

Community-Based Membership: A classic CLT is fundamentally a community membership organization. Anyone who resides within the geographically defined service area of the CLT (the “community”) can typically become a voting member of the CLT, in addition to the leaseholding homeowners who are automatically members.

Tripartite Governance Structure: The hallmark of CLT governance is a tripartite board of directors composed of three roughly equal groups: (1) one-

third representatives of CLT leaseholders (the people who live on CLT land), (2) one-third representatives of the broader local community who do not live on CLT land, and (3) one-third public or professional representatives (for example, housing experts, local officials, or social service providers). This structure, often called the “classic CLT board,” balances stakeholder interests and embeds democratic control. It ensures that neither the residents nor outside interests can dominate the board, while the community at large maintains a strong voice. In fact, with leaseholders and other community members together occupying two-thirds of board seats, community residents retain majority control of a classic CLT's governance. Board members are usually elected by the CLT membership (often in classes corresponding to the thirds), making the leadership directly accountable to community stakeholders.



Core Principles of a Classic CLT
(CLT Brussels, as cited in SHICC, 2020)

Expansion and Flexibility of Activities: While affordable housing is the primary focus of most CLTs, the model is intentionally flexible to pursue other community development activities as needed. CLTs are committed to “expanding their acquisitions” of land and partnering in development projects that benefit their community. They can and do support uses such as community gardens, commercial spaces for local businesses, community centers, or other neighborhood improvements on their land. So, CLTs can respond to community needs beyond housing, so long as those uses align with the mission of community stewardship of land (Davis, 2014; Gray, 2008).

In practice, many organisations using the CLT name diverge from the “classic” model outlined above. Hybrid forms and variations have emerged, sometimes adapting governance to local conditions. For instance, in one early example of a deviation, a CLT known as First Homes in Minnesota had “no community members on its board,” a model departing from the usual tripartite governance (Gray, 2008). Such variations have sparked debate in the movement about what essential elements truly define a CLT. At a 2006 national CLT conference, John E. Davis reported that only about “70% of the known 180 CLTs” in the U.S. met the official federal definition of a CLT at that time, with others deviating in organisational form (Gray, 2008). Some newer initiatives have been led by or closely partnered with city governments, and others have experimented with different legal arrangements (like using deed-restricted covenants instead of ground leases, in cases where selling the land is deemed necessary).

Maintaining the “C,” “L,” and “T” in CLT, that is, preserving the community control, keeping land in trust, and prioritising the mission of long-term stewardship, is an ongoing concern as the model evolves. Davis (2014) poses this as a central question for governance: Will scaling up CLTs or hybridising their models dilute the democratic, community-driven character that distinguishes them? So far, the tripartite, community-centric governance has proven to be a durable feature in many successful CLTs, credited with ensuring that these organisations remain accountable to the people and neighbourhoods they serve (Gray, 2008; Davis, 2014).

2.3

Advantages of Community Land Trusts

Community Land Trusts offer several advantages that make them an attractive strategy for affordable housing and community development. Foremost, CLTs are lauded for providing affordable homeownership opportunities to people who would likely be excluded from the traditional market. By removing the cost of land from the price of a home and by placing limits on resale prices, CLTs effectively reduce the entry cost to ownership for low- and moderate-income households. The “shared equity” model of a CLT allows homeowners to build some wealth through gradual equity accumulation, while at the same time preserving the housing’s affordability for the next family. Homeowners gain stability, forced savings (as they pay down a mortgage), and equity from any permitted price appreciation, but the community gains by keeping the home permanently in the affordable inventory. This stands in contrast to other affordable housing programs where subsidies often “leak” when a home is resold at market price; in a CLT, the subsidy (and the affordability) stays with the home forever (Gray, 2008).

Because of their unique tenure arrangement, CLTs also stabilise neighbourhoods in ways that conventional homeownership or rental models may not. A CLT home remains owner-occupied (no flipping to absentee landlords), and the ground lease and resale formula discourage speculative investment. Research and practitioner observations have noted that CLTs help “stabilise property values, reduce the number of absentee landlords, and combat gentrification” in neighbourhoods prone to rapid change. By intervening in the land market, CLTs can buffer a community from the displacement that often accompanies rising real estate values, ensuring that at least some portion of housing remains affordable to long-term residents. Indeed, one of the motivations for urban CLTs is to provide anti-displacement protection for vulnerable communities. For example, when property values climb, CLT homeowners are insulated from property tax spikes and from aggressive buy-out offers, and renters in CLT rental housing are likewise protected by the trust’s nonprofit stewardship mission (Gray, 2008).

Another key advantage is the dual benefit generated by CLTs: they create individual homeowners and strengthen the community. Homeownership is well known to have personal and social benefits; studies have linked it to greater residential stability, better maintenance of property, and positive social outcomes for families compared to renting. CLT homeowners, despite the resale restrictions, enjoy these same benefits. Gray (2008) notes that CLT homeowners can take advantage of mortgage interest tax deductions, build limited equity, and often end up with monthly housing payments lower than market rent. Additionally, homeownership carries intangible benefits of “prestige...a symbol of ‘making it’” and a sense of autonomy and privacy– CLT homeowners report pride and satisfaction similar to traditional homeowners. These personal gains do not come at the expense of the community; rather, the community also benefits from having a stable cohort of residents invested in the neighbourhood. CLTs, by design, encourage community engagement and empowerment. Through the CLT’s membership and governance structure, residents are directly involved in decision-making. This tends to build social capital and leadership capacity at the grassroots level. Indeed, CLTs have been credited with “building social capital” and serving as a “springboard to expand civic engagement” by mobilizing people around the shared goal of stewarding community land (Gray, 2008). Many CLTs offer leadership training, workshops, or volunteer opportunities that further enhance community skills and networks. In some cases, CLTs grew out of or spin off other community initiatives, thereby reinforcing civic participation in the area.

Importantly, CLTs can also leverage resources that individual homeowners or small community groups could not on their own. As nonprofit entities, CLTs are eligible for grants, public funds, and donations, which they channel into community projects. They often serve as long-term stewards for public subsidies invested in affordable housing. By holding land and housing in trust, CLTs preserve the “public wealth” that comes from such subsidies, preventing the immediate privatisation of those benefits (Gray, 2008). This perpetual affordability is a distinct advantage noted by policymakers who support CLTs as a way to maximise the long-term impact of public money invested in housing.

Finally, CLTs promote a sense of local autonomy and empowerment in development. Rather than being at the mercy of absentee owners or external developers, communities with CLTs have a mechanism to control land use in accordance with local priorities. CLTs have been used to ensure land is available for community gardens, for locally owned businesses, or for facilities like parks and playgrounds that might otherwise be lost to private development.

2.4

Challenges and Criticisms of CLTs

Despite their promise, CLTs face a number of challenges and criticisms that temper expectations about the model. One fundamental challenge is the tension between individual and community interests embedded in the CLT framework. In the American context, housing markets strongly emphasise individual property rights and wealth maximisation, so the notion of voluntarily limiting one’s resale profit for the sake of future community affordability can be a tough sell. Gray (2008) notes that the CLT philosophy of prioritizing “what’s best for the community” over “what’s best for individuals” is a radical notion to most Americans and can make CLTs difficult to market to prospective homeowners. Even when community members initially agree with the concept, they may need continual education and reinforcement of the CLT’s goals, as confusion or second thoughts can arise over time. This speaks to a broader issue: public awareness and acceptance of CLTs remain limited. Many people have never heard of the model, and some who have misunderstood it as either “giving away” land or as overly restrictive homeownership. Overcoming these perception issues requires ongoing outreach and a clear demonstration of successful outcomes.

Another challenge is that CLTs in the US, while serving low to moderate-income populations, often struggle to reach the very poorest. By design, CLTs make housing more affordable, but “affordable” is relative; a CLT home still typically requires the buyer to qualify for a mortgage and have sufficient income to pay for the (reduced) price of the house. Affordable housing doesn’t necessarily mean affordable for people with very low incomes. If a household has an extremely low

income, even a CLT home may be out of reach without additional subsidies (down payment assistance, grants, etc.). Some CLTs provide rental housing to include those who cannot afford even shared-equity ownership, but financing deeply affordable rentals is itself challenging and often beyond the scope of a small nonprofit (Gray, 2008).

It should be noted that the analysis regarding the difficulty of CLTs reaching the lowest-income bracket, while true at the time of publication (2008), may be less applicable today. The 2007 financial crisis prompted a significant shift, resulting in many CLTs moving more aggressively toward rental housing and developing a greater diversity in their portfolios (This information is an external observation and update to the 2008 analysis). Furthermore, other approaches, such as Habitat for Humanity, are often better positioned to reach people of very low incomes, which has led to an increasing number of collaborations between CLTs and Habitat for Humanity affiliate organizations.

Thus, even with evolving strategies, CLTs alone are not a panacea for housing the poorest families; other housing programs and subsidies are usually needed in tandem. This has led to criticism that CLTs, like other nonprofit housing efforts, focus on “small solutions” and project-level outcomes when the scale of the housing affordability crisis really demands large-scale structural intervention (e.g., higher government investment in housing or policy changes) (Gray, 2008). In other words, while a CLT might secure a few dozen homes in a community, housing advocates worry that relying on such models could let the government off the hook regarding its responsibility to address affordable housing at scale. Scholars have cautioned that if non-profit solutions like CLTs become the primary approach, they might inadvertently relieve pressure on public officials to enact broader housing reforms. CLTs themselves are aware of this critique and often advocate for policy changes even as they do their part on the ground, but the tension between grassroots models and systemic change is an enduring one.

Resource intensity and sustainability constitute another internal challenge for CLTs. Running a CLT is a complex endeavour: it combines aspects of real estate development, asset management, and community organising all in one organisation. According to Gray

(2008), finding the resources (funding, skilled staff, and active volunteers) to support all these functions is a “constant, time-consuming necessity”. Many CLTs operate on shoestring budgets, especially in their early years, and must patch together funds from government grants, private donations, and occasional sales or lease fees. Unlike for-profit developers, they cannot rely on large profit margins from selling land, since they retain land ownership. The lack of a dedicated funding stream means CLTs must continuously fundraise and justify their value to funders. As Moore and McKee (2012) point out, there was “no dedicated fund for CLTs to access” in the U.S., and CLTs have had to use creative combinations of public, private, and charitable finance to sustain their operations. This can be precarious; when economic conditions or political winds shift, CLTs may find their support eroding. Furthermore, human resources are critical: recruiting and retaining talented staff who understand both community work and property management is difficult when budgets are tight (Gray, 2008). The same goes for volunteer board members and community leaders, who shoulder significant responsibility in guiding CLT governance. Burnout and turnover are risks that can, in turn, compromise the CLT’s effectiveness.

Relatedly, CLTs must maintain a careful balance between their multiple roles: managing properties responsibly (as any landlord or landowner must), expanding their portfolio to serve more people, and organising the community to participate in governance and advocacy (Gray, 2008). Each of these tasks requires different skills; excelling in all three is a tall order. A CLT that focuses too much on acquiring property might neglect resident engagement, whereas one that pours all energy into organising might falter in property management. Achieving this balance is an ongoing challenge, especially as a CLT grows. As Davis (2014) notes, growth itself introduces complications: when a CLT’s service area expands to an entire city or region, the sense of local community can thin out, and keeping members engaged and feeling represented becomes harder. A larger CLT might also see shifting power dynamics; for example, if a city government provides significant funding or land to the CLT, it may expect a greater say in decisions. This raises the question of whether CLTs can scale up without sacrificing the grassroots, community-driven essence that defines them. Davis provocatively

frames this as the challenge of “keeping the ‘C’ in CLT”, ensuring that community control and democratic governance remain central even as CLTs partner with governments or replicate across wider geographies. Similarly, “keeping the ‘L’ in CLT” refers to the worry that some groups might abandon the land-lease model (the land in trust) in favour of simpler but less radical approaches, like selling homes outright with deed restrictions for affordability. And “keeping the ‘T’ in CLT” speaks to maintaining the trustee role, the commitment to serve and empower disadvantaged populations, and steward resources for the common good, rather than drifting into serving higher-income groups or operating like a conventional developer under pressure to grow (Davis, 2014). These existential challenges are subjects of active discussion within the CLT movement. In practice, many CLTs have navigated these issues successfully by pacing their growth, investing in member education, and forging partnerships that respect the CLT’s autonomy and mission. Nonetheless, the need for supportive policies and funding is often cited: for CLTs to thrive without losing their soul, they benefit from things like public land donations, favourable lending terms, and capacity-building grants that ease resource pressures while allowing them to retain community control.

While CLTs offer a compelling model for equitable land tenure, acknowledging these challenges is important. As it points to areas where practitioners, supporters, and policymakers must work diligently, whether it’s improving public understanding of CLTs, securing ongoing funding mechanisms, or establishing best practices to keep CLTs both community-focused and financially viable. The literature suggests that despite these hurdles, CLTs have endured and even flourished in various settings, implying that the model’s strengths can outweigh its difficulties when properly supported (Gray, 2008; Davis, 2010; Davis, 2014).

2.5

Global North Perspectives on CLTs

Although born in the United States, the CLT model has garnered international interest and been adapted in various countries. Each context brings its own policy environment, housing market conditions, and community priorities, leading to variations in

how CLTs are implemented. An international review by Moore and McKee (2012) finds that the growing appeal of CLTs reflects a broader search for innovative affordable housing solutions that also empower local communities. Countries such as the UK (particularly England and Scotland), Canada, Australia, and others have seen the emergence of CLTs or CLT-like entities in recent decades. While the core principles of a CLT: community ownership of land, affordability, and local governance, remain consistent, the institutional form and emphasis can differ significantly across nations.

Analysis of how the CLT model spread from the United States and was adapted in Europe indicates that it re-emerged in the first two decades of the 21st century in reaction to a general trend of decreasing investment in public housing in Europe, and in parallel to the resurgence of a wider collaborative housing movement. This dissemination and adaptation were facilitated by the definition of resilient guiding principles—sufficiently broad in their interpretive scope, inclusivity, and flexibility—which allowed for the transfer of the initial CLT model to a variety of urban contexts. The spread occurred through various channels, including local civil society organisations, international experts, and national networks of exchange. The following table sheds light on the spread and replication of the model to the UK, Belgium, and France, providing a comparative analysis of this diversity (SHICC, 2020).

England has been one of the leaders in adopting the CLT concept outside the U.S., especially in the aftermath of the 2008 global financial crisis and under policy agendas promoting localism. CLTs in England started to gain momentum in the mid- to late-2000s, driven by both grassroots initiatives and enabling government policies. In England, CLTs are typically set up as community-controlled, volunteer-led nonprofits that acquire land to develop affordable housing and sometimes other community amenities. They share similarities with the long-standing Development Trusts in the UK (which are community enterprises focused on regeneration), but CLTs are distinguished by their focus on housing and the use of perpetual affordability mechanisms (Moore & McKee, 2012). English CLTs often partner with housing associations (non-profit housing developers) or rural exception site programs to get projects built. By 2012, the CLT movement in England was still nascent but

Country		United States	United Kingdom	Belgium	France
Start		1960s	1990s	Late 2000s	Late 2010s
Legal recognition		1992 (Housing and Community Development Act)	2008 (Housing and Regeneration Act)	2013 (Brussels Housing Code, Brussels Capital Region only)	2014 (ALUR) - 2018 (ELAN)
Primary issue faced		Empowerment of disadvantaged communities	Access to affordable housing	Access to affordable housing	Access to affordable housing
Primary objective pursued		Non-profit sector: Social and economic justice	Public-sector: Diversify housing supply through collaborative housing Non-profit sector: Support and promote housing affordability and community involvement	Public-sector: Support home ownership Non-profit sector: Support and promote housing affordability and community involvement	Public-sector: Develop a regulated form of social home ownership
Project initiators (Who?)		Diverse (citizens, municipalities, etc.)	Citizen initiatives, supported by local hubs	Non-profit sector and growing interest from municipalities	Institutions (municipalities, developers, land banks)
Population target (For whom?)		Racialised communities, 30-50% of AMI	Lower quartile or median-income population	From lowest incomes to homeownership-income ceiling	First-time buyers, social housing tenant (PSLA income ceiling)
Status (What?)		Not-for-profit	Not-for-profit	Not-for-profit	Not-for-profit
Governance (How?)		Tripartite	Not necc. tripartite, but residents have a role	Mostly tripartite	Left to the discretion of the organisations
Citizen involvement		+ / +++	+ / +++	+++	- / +
Activities		Diverse (housing, transportation, culture, etc.)	Diverse (housing, transportation, culture, etc.)	Housing, development of other activities whenever possible	Housing only (possible legislative changes)
Scope		Project scale > Municipality	Project scale > Municipality	Municipal	Municipal > Regional
Land	Origin	n.a.	Mixture of private and public	Mostly public	Mostly public
	Primary access mode	n.a.	Diverse: transfer at peppercorn, rent, discount, sale...	Discount on land, emphyteutic lease	Subsidy from local government and/or longterm land loans from CDC public bank
Development process		n.a.	Developed by the CLT (in partnership with social landlord or private developer)	Often: buy-at-completion (from social landlord or private developer)	Buy-at-completion (from social landlord or private developer)
Access to homes		Diverse	Diverse: buy, rent, shared equity, etc.	Individual homeownership (diversifying)	Individual homeownership
Exit price		n.a.	Varies depending on local needs	25-50% of the open market	15-50% of the open market
Antispeculative mechanisms	Lease	n.a.	Leases: varies depending on disposal method	50-year surface right leasehold including novation clause. Ground lease: symbolic	Bail Réel Solidaire (BRS, 18-99 years) Ground lease: varies between €1 and €3/m2
	Resale formula	n.a.	Diverse: e.g. based on the area's median or lower-quartile income	Diverse: linked to market, indexed or share of capital gains	Indexed to Indice de Révision des Loyers (IRL) ou du Coût de la Construction (ICC)

Comparative analysis of CLT models established in US & Europe (SHICC, 2020)

growing; a number of pilot projects (for instance, in rural villages of Cornwall and urban neighbourhoods like London's East London CLT) demonstrated the model's potential. A unique aspect in England has been the creation of national networks and support structures early on, for e.g., the National CLT Network (UK) was formed to provide technical assistance, and government funds like the Community Housing Fund have since bolstered community-led housing, including CLTs. Moore and McKee highlight that England looked to the "advanced developments" in the U.S. and Scotland for inspiration and caution, identifying challenges that needed addressing if CLTs were to flourish in the English context. Key challenges included securing land in high-value areas, accessing finance (mortgages for CLT homes and development capital for projects), and navigating legal frameworks that were not initially designed for dual ownership models. By learning from the U.S., where municipal governments started to contribute land or funds to CLTs, and from Scotland's supportive land reform policies, English advocates made the case for similar support.

Scotland's experience with community land ownership provided a somewhat different template that intersected with CLT principles. In Scotland, the impetus for community ownership of land has deep historical roots and has been more broadly focused on land reform beyond just housing. The first notable community buyout in Scotland dates back to 1908, and there is a legacy of communities (particularly in the Highlands and Islands) taking collective ownership of estates to address issues of neglectful landlords and rural depopulation (Moore & McKee, 2012). This tradition gained new momentum in the late 20th century. By the 1990s, the Scottish government and civil society introduced measures to facilitate community land ownership. A dedicated Community Land Unit (CLU) was established in 1997 to provide technical assistance and catalyse buyouts. Subsequently, the Scottish Land Fund (2001–2006) provided financial grants for communities to purchase land and assets. During its operation, the Land Fund supported 188 community groups, enabling them to acquire and manage local assets ranging from forests to entire islands. This culminated in landmark legislation: the Land Reform (Scotland) Act 2003, which created a Community Right-to-Buy. Under this law, communities in rural areas (with populations

under 10,000) gained the right of first refusal to purchase land in their area when it comes up for sale, at market value. Such reforms explicitly recognised the value of empowering local communities to own and steward land. While not all these community purchases were CLTs in the formal sense, they share the ethos of community stewardship and often involve trust structures for management. In fact, some Scottish community land trusts have been set up to manage housing on community-owned estates, blending the goals of retaining the local population, providing affordable homes, and fostering economic development. A classic example is the Isle of Gigha, where residents formed a trust and bought the island in 2002 after years of stagnation under private ownership. As Satsangi (2007) recounts, the previous laird (landowner) on Gigha had failed to invest in housing or allow development, causing decline; the community buyout and subsequent creation of a development trust (with similarities to a CLT) was "a direct reaction to the decline of the local area and motivated by a desire for local control" (Moore & McKee, 2012). Post-buyout, the community trust built new affordable homes and improved infrastructure, effectively acting as a CLT by holding property for local benefit. The Scottish experience tells us that community land trusts can serve broader objectives beyond housing, such as reversing historical land inequalities and ensuring sustainable development of local resources. Interestingly, while Scotland's community land movement was evolving largely in rural contexts, there has been cross-pollination with the urban/affordable housing-focused CLT model from the U.S. In recent years, urban CLTs in Scotland (for example, in Edinburgh and Glasgow) have started to appear, marrying Scottish land reform tools with the housing affordability mission.

Beyond the UK, other international adaptations of CLTs are underway. In Canada, the concept of CLTs has been applied in both urban (e.g., Vancouver Community Land Trust, which is one of the largest CLT programs providing rental housing) and rural settings (e.g., land trusts to secure farmland and indigenous community land). Canadian CLTs often emphasize long-term affordability in expensive cities and have received support from municipal governments similar to U.S. models. Australia has seen interest in CLTs as a response to housing unaffordability in cities like Sydney and Melbourne, with pilot projects and

academic studies informing how the model could work under Australian property law. Kenya and other parts of Africa have explored CLTs or analogous community leasehold arrangements as a means to regularize informal settlements and empower slum-dwellers with collective land rights (Moore & McKee, 2012). In Belgium, a CLT in Brussels (CLT Bruxelles) was established in the 2010s, making it one of the first European city implementations; it has acquired land and developed a few dozen affordable housing units with a resale-restricted model, explicitly inspired by the U.S. CLTs but adapted to Belgian legal structures. France has also recently created a legal entity called *Organisme de Foncier Solidaire* (OFS, or *Organism of Solidarity Land*), which is essentially a CLT by another name, enabling nonprofits to own land and sell buildings with 99-year leases. These developments show that the CLT model's principles have broad resonance, but the specific legal and financial frameworks to support them need to be cultivated in each country.

Internationally, one common theme is the role of government in helping CLTs get established. In the U.S., although there wasn't a nationwide CLT program, local governments often provided crucial support (land donations, grants, inclusionary housing

partnerships). In England, the government created funding pots for community-led housing and changed certain laws (like allowing CLTs to be exempted from some housing regulations) to encourage the model. In Scotland, legislative action on land reform was key. Political recognition and support greatly influence the scale and impact of CLTs abroad. Moore & McKee (2012) concluded that if the CLT sector in England was to continue its growth, it would need to address remaining challenges such as financing and land acquisition, possibly by drawing on the lessons from the more developed Scottish and American experiences. For example, the advanced U.S. CLTs showed the importance of having a strong national network and demonstrated successes to convince lenders and sceptics. The Scottish case showed how a supportive policy environment (like the Land Fund and Right-to-Buy) can jumpstart community ownership at a scale.



CLTS IN THE GLOBAL SOUTH

View of the Caño Martín Peña community. Photo: fideicomisomartinpena.org

3.

CLTs in the Global South

In the Global South, traditional policy responses, from mass social housing to individual titling, have struggled to resolve the immense scale of urban housing informality. In this context, CLTs are gaining attention as an alternative, community-driven strategy for formalising tenure and improving housing security.

The appeal of CLTs in the Global South lies in their potential to protect communities from displacement, while empowering residents to shape development. Unlike conventional titling, where the ownership of land is conveyed to individuals which often opens the door to land speculation and gentrification. By contrast, a CLT keeps land in trust for the community, blocking its sale to outside speculators. Residents can obtain long-

term use rights to build homes or operate businesses, but the land's value is locked in for community benefit. This approach is currently being explored as a resident-led strategy for formalizing tenure. Therefore, the main question remains: Could CLTs offer a “secure, community-empowered response” to housing insecurity in informal settlements? Increasing evidence from various regions, as demonstrated by the detailed case studies in the following subsections (including landmark efforts in Puerto Rico, Kenya, and Brazil), suggests that they just might. The following examples from Latin America, Africa, and South Asia illustrate both the promise and the challenges of adapting the CLT model to the Global South's diverse realities.

	No potential for improvement	Limited potential for improvement	Substantial potential for improvement	
Potential Areas of Impact	Mass Social Housing	Upgrading	Land Titling	Community Land Trust
Immediate affordability	Limited affordability to lower income populations	Preservation of immediate affordability	Preservation of immediate affordability	Preservation of affordable housing subsidies at a unit-level through limits on resale equity and community-led ownership
Long-term affordability and security	Limited long-term affordability due to additional economic burdens such as housing maintenance, incidental expenses, taxes	May lead to limited long-term affordability due to gentrification processes	May lead to limited long-term affordability due to gentrification processes in cases of location advantages	Guaranteed long-term affordability and security due to the removal of market speculative forces
Infrastructure improvement	Access to better infrastructure but may lack building quality	Guaranteed infrastructure improvements	Does not necessarily include any infrastructure improvement	Dependent on available funds
Maintenance of existing physical and social structures	Due to the relocation of residents, existing physical and social structures are not maintained	The majority of the existing physical and social structures are maintained	All physical and social structures are maintained	All physical and social structures are maintained
Potential for wealth building and reduction of poverty levels	Increased social status	Improved living standards	It does not significantly reduce poverty levels	Possibility of wealth building through low purchase costs and access to affordable loans
Quality of life improvement	Positive impact on quality of life	Positive impacts on living standards and quality of life	Limited quality of life improvements	Potential to contribute to feelings of security, stability, and improved quality of life
Community control	No community control	Possibility of participation but with limited community control	Individual resident control once titles are distributed	Stewarding organization and representative board ensure community control

Comparison of Housing Policies and the Community Land Trust Model (Basile and Ehlenz, 2021)

3.1

Puerto Rico's Caño Martín Peña CLT

One of the landmark examples of a CLT in the Global South is the Caño Martín Peña Community Land Trust (CMP-CLT) in San Juan, Puerto Rico. The CMP-CLT emerged from a grassroots effort in the early 2000s to secure land rights for residents of seven informal settlements along the polluted Martín Peña Channel, a tidal estuary cutting through the heart of San Juan. For decades, these communities, about 1,500 low-income families, had lived in precarious conditions on publicly owned land, vulnerable to eviction and health hazards. When a government plan to dredge and restore the clogged channel threatened to raise property values, residents organised to protect their neighbourhoods from involuntary displacement. The solution they embraced was a community land trust designed and controlled by the people themselves.

Established by a special law in 2004, the Caño Martín Peña CLT received title to 200 acres of land in 2009, placing this entire area into collective ownership. Under the CLT model, families could obtain surface rights through a surface rights deed for their homes, but the land would remain in the hands of the CLT. The goals were to regularize land tenure and prevent displacement as infrastructure improvements proceeded, while also enabling much-needed upgrading of housing and environmental conditions. This bold initiative was part of a comprehensive development project ENLACE that brought together the communities (organised as the G-8, a coalition of eight neighbourhood associations) with public and private partners to improve the area in a participatory, socially equitable way (Hernández et al., 2021).

The achievements of the Caño Martín Peña CLT over the past two decades have made it a model for other communities globally. The CLT now owns and manages over 110 hectares (272 acres) of land on which member families live. Even families who had to be relocated for the channel dredging were offered alternative affordable housing on CLT land, so that no one would be involuntarily displaced out of the community. It also serves as an instrument for community wealth generation and redistribution, for instance, by facilitating community-run businesses and reinvesting in local improvements. Equally

important, the process of creating the CLT built local capacity and unity: residents led the planning, worked with the university and legal allies to draft the legislation, and now continue to govern the trust democratically. In short, the Caño CLT has empowered a once-marginalised community to take charge of its own development. As the project's chroniclers note, by "adding completely new elements to the model" to fit local needs, the Caño CLT has become an important reference worldwide, specifically in the Global South (Hernández et al., 2021). It stands as proof that the CLT model, often associated with U.S. or European contexts, can be successfully adapted to informal settlement upgrading. Indeed, the Caño Martín Peña experience has inspired other communities facing similar issues, as we see next in the favelas of Brazil.

3.2

Adapting the CLT Model in Rio's Favelas, Brazil

In Brazil's metropolis of Rio de Janeiro, favelas (informal settlements) house about a quarter of the city's population. These are long-established communities where residents have built homes and vibrant neighbourhoods over decades, but typically lack legal title to the land, which is often government-owned. For years, the primary demand of many favela activists was land titling, the granting of individual freehold titles, as the perceived solution to insecure tenure. However, as some community leaders began to realise, individual titling can be a double-edged sword. On one hand, it formalises ownership, but on the other, it can trigger market forces that drive up costs, invite outside real-estate speculators, and eventually displace the very residents, titling was meant to help. Experience showed that when favela dwellers received individual deeds, they often faced new challenges such as property tax burdens, gentrification, and pressure to sell homes. In the words of Rio-based organizers, people "rarely think about the brand-new set of challenges that await residents once those titles are issued", and by the time those challenges (like rising costs and the loss of collective community ties) materialize, it is "too late to tackle these new challenges" (Ribeiro et al., 2021).

This understanding led a local NGO, Catalytic Communities (CatComm), to explore the CLT model as an alternative path to tenure security in the favelas.

CLTs appeared to offer a solution that would support the residents of consolidated favelas in achieving their primary land security objective: permanence, the ability to stay in place in the neighbourhoods they have built and cherish. At first glance, the CLT approach seemed like a promising fit because it mirrored some aspects of how favelas already function. A CLT is a form of collective land ownership with individual homeownership, and favelas have long operated similarly: families possess, build, buy, and sell homes through informal arrangements, “on a parallel, affordable housing market, while the underlying land is seen as a common good” (Ribeiro et al., 2021). Moreover, favela residents often organise collectively to improve their communities, which resonates with the CLT’s emphasis on communal management of land. Notably, Brazil’s legal framework recognises the “social function” of property, a constitutional principle stating that property rights are not absolute and should serve the wider social good. In many ways, then, the CLT model’s values align with the ethos of favela communities, offering a way to guarantee security of land tenure for vulnerable populations while retaining the non-monetary values residents have built in their communities (Ribeiro et al., 2021).

Despite these attractive features, introducing the CLT concept in Rio was initially daunting. CatComm’s team felt that getting favela residents and policymakers to embrace a North American model like the CLT, especially one so different from the usual individual ownership paradigm, would require a “mental leap” that seemed nearly impossible (Ribeiro et al., 2021). That leap became more feasible when they learned about the success of the Caño Martín Peña CLT in Puerto Rico. Seeing a real-world example of a Latin American informal community that not only imagined but implemented a community land trust helped turn scepticism into optimism. The Caño CLT showed that a collective land tenure model could halt forced evictions and address the pitfalls of titling. It proved that informal settlement residents could “build upon the basics of the North American CLT model and create a CLT to fit their own circumstances” (Ribeiro et al., 2021). Inspired by this, CatComm teamed up with allies (including some of the Puerto Rican CLT leaders and local Brazilian experts) to design a framework for a Favela CLT in Rio de Janeiro.

The proposed Brazilian CLT framework, tailored to local

law and needs, consists of three main components. First is land acquisition and regularisation: the community must obtain a legal claim to the land they occupy. Rio’s favelas present a mix of situations, some are on private land, many on public land, and some on unregistered plots. Accordingly, the framework identifies various legal instruments to secure land for the community: adverse possession (*usucapião*) for privately owned land where long-term occupants can claim title due to the owner’s failure to fulfill the land’s social function; concessions of use for public lands (granting collective usage rights, often for 99 years); donations of land from the government; or negotiated purchase if necessary. The recent federal Law 13.465/2017 even introduced “land legitimization” to expedite titling in informal settlements, which could potentially be leveraged to transfer titles into a CLT’s hands (Ribeiro et al., 2021).

The second component is the creation of a legal entity, a nonprofit organisation composed of community members, to hold and manage the land in trust. CatComm’s analysis recommended that each favela CLT be established as a community-controlled nonprofit with the dual mission of holding land on behalf of the community and preserving its affordability for low-income residents. The third component is the separation of land ownership from building ownership: once the trust owns the land, individual residents would receive legal rights (like long-term ground leases or surface rights) to their homes (Ribeiro et al., 2021).

By 2020, this model had moved from theory to nascent practice. Community leaders in several Rio favelas, such as Trapicheiros, began organising and engaging with officials about piloting a CLT, supported by CatComm’s outreach and the compelling example of Caño Martín Peña. The primary goal is to achieve “permanence” for these communities, to ensure that residents can stay in their neighbourhoods without fear of removal, and enjoy the upgrades of formalisation without suffering its usual downsides (Ribeiro et al., 2021). While the favela CLT initiative is still in an early stage, it represents a creative adaptation of the CLT idea to one of the world’s most challenging urban housing contexts. If successful, it could offer a scalable template for other Brazilian cities and beyond, demonstrating how informal settlements might be formalised in collective, community-preserving ways rather than by conventional market incorporation.

3.3

Tanzania-Bondeni, Kenya: Lessons from an Early CLT in Africa

Long before CLTs became a buzzword in Latin America, a small community in Voi, Kenya, made history by establishing one of the first urban CLTs in the Global South. The Tanzania-Bondeni CLT dates back to the early 1990s, when the Kenyan government's Small Towns Development Project (STDP) targeted the Tanzania-Bondeni informal settlement in Voi for upgrading. At that time, residents of Tanzania-Bondeni lived in substandard housing on land they did not officially own, a situation familiar across Kenya's towns and cities. What set Voi apart was an innovative participatory process: residents were invited to choose how their land tenure should be regularised as part of the upgrading effort. They deliberated between three options: (1) individual leasehold titles for each plot, (2) individual titles combined with housing cooperatives, or (3) a group leasehold paired with a community land trust to hold the land. After a series of community meetings, the residents of Voi overwhelmingly, over 90%, opted for the CLT model (Bassett et al., 2021).

Why did Tanzania-Bondeni's residents push so strongly for a community land trust? Researchers found that several factors motivated this "push from below" (Bassett et al., 2021). First, the community had a history of strong mobilisation and local leadership, including respected elders, who understood the pitfalls of individual titling in a low-income context. They were acutely aware of a "serious threat" of land grabbing by outsiders; speculators had already begun eyeing their centrally located land once improvements were announced. Second, residents worried that if they got individual titles, many would be forced to sell over time due to poverty. They feared being unable to afford property taxes and infrastructure fees, or being enticed to "cash out" by selling the land, thus fragmenting the community. Third, the CLT model still allowed for individual rights within a collective framework. Under Voi's CLT, households would get long-term leases and could even use them to access housing loans facilitated through newly formed housing cooperatives, combining communal landholding with personal investment in housing.

This hybrid approach offered stability and access to credit without sacrificing community ownership. It especially appealed to women in the community, many of whom were heads of households; they saw collective tenure as protection against relatives who might otherwise pressure them to sell family land in hard times. For all these reasons, the Tanzania-Bondeni community embraced the CLT with high hopes (Bassett et al., 2021).

With community backing, the Tanzania-Bondeni CLT was formally established in the mid-1990s. The land was placed under a community association on a 99-year lease from the government, and a dual governance structure was set up: a general membership of all residents (the Tanzania-Bondeni Settlement Society) and an elected Residents' Committee to manage day-to-day affairs. In the ensuing years, the settlement saw significant improvements. Under the STDP project, basic infrastructure such as water lines, roads, and electricity was installed, and because the land tenure was secured in the CLT, these investments have been maintained over time. Physical planning was carried out: plots were laid out and reserved spaces for public uses (like a school and open areas) were largely respected. Housing conditions improved dramatically, by persuading the municipality to recognise existing homes and by providing access to cooperative housing loans, the CLT enabled many residents to upgrade their houses from temporary shacks to permanent structures. In 1991, 62% of homes were temporary; a couple of decades later, the majority were permanent, and even some multi-story buildings had appeared. Perhaps most striking was the sense of community solidarity the CLT helped foster in its early years. Unlike typical projects that might exclude tenants, Voi's CLT included both structure owners and tenants as full members. This inclusivity, combined with the collective ownership ethic, nurtured "symbiotic relations of trust, reciprocity and mutual obligation among neighbors" (Bassett et al., 2021).

However, the Voi CLT's story also illustrates the difficulties of sustaining a community land trust over the long term, especially once outside funding and initial momentum fade. By the late 2010s, roughly 25 years on, researchers returning to Tanzania-Bondeni found a much less rosy governance picture. The formal structures of the CLT had faltered:

the annual general meeting of residents had not been held in over 15 years- the last one was in 2002, reportedly convened only under pressure from the municipal administration. In effect, the democratic participation that was supposed to guide the CLT collapsed, leaving the community with little say in oversight (Bassett et al., 2021). The Residents' Committee continued to operate, but it became disconnected from the membership and unaccountable. With no regular elections or meetings, some committee leaders entrenched themselves and were perceived as serving their own interests. Residents grew suspicious that "leaders are selfish... corrupt... [and] are selling our lands," as one resident lamented, reflecting a widespread distrust of the CLT's management in recent years. Alongside the governance breakdown were unenforced rules. Key protections of the CLT model, such as the ban on absentee ownership and the restriction on selling or transferring land to outsiders, were being ignored. Multi-story rental buildings had sprung up, owned by people who don't live in the community. Parcels were being transferred for money, in effect, sales that undermined the principle of keeping land off the market. These violations occurred in part because the CLT had no strong legal contracts with residents; no individual lease agreements were ever signed to formally enforce the rules (Bassett et al., 2021).

The Kenya case is thus a cautionary tale. It demonstrates that while a CLT can be launched successfully, even eagerly, by a community and deliver real benefits (infrastructure, secure tenure, improved homes, stronger social bonds), its longevity and integrity depend on ongoing good governance and external support. Community leadership must be continually renewed and held accountable, and rules need clear enforcement mechanisms; otherwise, a CLT in an informal settlement might slowly start to resemble the very scenario it sought to avoid. Nonetheless, the Tanzania-Bondeni CLT provided invaluable lessons. It showed that low-income residents will choose collective ownership when they see it as the best defence against poverty and displacement, and that such a model can indeed upgrade a settlement inclusively. The later difficulties underline the importance of building robust, transparent institutions around the CLT and perhaps integrating them with supportive frameworks (e.g., municipal oversight or legal requirements

for accountability) to sustain the community trust over time. As one resident wisely noted, "The CLT is good, but we have corrupt management and docile membership" (Bassett et al., 2021).

3.4

South Asia: Community Land, Past and Future

The ethos behind community land trusts resonates strongly in South Asia, where traditions of collective landholding and people-led housing stretch back decades. In fact, one of the philosophical roots of the modern CLT can be traced to India. Shortly after India's independence, Vinoba Bhave, a disciple of Mahatma Gandhi, launched the Bhoodan Yajna (Land Gift) movement in 1951, appealing to landowners to voluntarily donate a portion of their land to the landless. This evolved into the Gramdan (Village Gift) movement. Bhave transitioned to the village trust strategy because lands distributed to impoverished individuals in the Bhoodan Movement were soon lost to money lenders and speculators. Seeing this pattern, Bhave insisted that any gifts of land must be donated to entire villages, not to impoverished individuals. The land would then be held in trust by a village council and leased to local farmers. In the Gramdan Movement, entire villages agreed to place land in a sort of community trust, with land rights shared and managed collectively. These experiments sought to reform land ownership in the spirit of justice and were essentially early attempts at community-owned land reform. They caught the attention of international observers, notably Ralph Borsodi, an American agrarian thinker who would later help design the first CLT in the U.S. in the 1960s. Borsodi was directly inspired by Bhave's work, bringing lessons from Gramdan into the formulation of the CLT model (Sholder and Hasan, 2021). Thus, in this historical full circle, India's legacy of community land gifting helped seed the CLT idea, which is now being re-imported back into the region as a strategy for today's urban informal settlements.

In contemporary South Asia, there have been initiatives that embody CLT principles and efforts underway to establish CLTs. A prominent example is the Orangi Pilot Project (OPP) in Karachi, Pakistan. Beginning in the 1980s, OPP pioneered

a community-led approach to upgrading Orangi Town, one of Asia's largest informal settlements. Instead of waiting for formal land titles or government-built infrastructure, the residents, guided by OPP's social organisers and technical experts, took it upon themselves to install low-cost sewers, water lines, and paved lanes through self-help and local financing. They also set up programs for housing improvement, microcredit, and even supported mapping and land documentation. While Orangi's land ownership remained informal, where residents typically bought plots through informal transactions and held "papers" but not formal deeds, OPP's work exemplified how communities can exert *de facto* control over their development, in line with the spirit of CLTs. "Their programs reflect the CLT's governance and development aspirations, led by and for the people", even if the formal CLT structure (community-owned land with leases) wasn't in place (Sholder and Hasan, 2021). OPP adapted the principles of community-driven housing development to the realities of informality, showing that upgrading can be affordable and incremental, tailored to what residents can pay, and managed by community organisations. Tragically, the fight for Orangi's rights also demonstrated the risks: Perween Rahman, OPP's long-time director who worked on mapping Karachi's unregularized settlements to eventually claim rights for residents, was assassinated in 2013, allegedly by land mafias threatened by her work. Her loss tells us that contestation over land is intense, and empowering the poor to claim land can provoke violent backlash.

One of the most ambitious current efforts is unfolding in Dhaka, Bangladesh, focused on the informal settlement called "Bihari Camps." These are camps housing Urdu-speaking minority families who were stranded in Bangladesh after the 1971 Liberation War. For nearly fifty years, two generations, about 160,000 people have lived in dozens of densely packed camps, effectively as stateless urban refugees with no secure claim to the land. Their living conditions are harsh, and attempts at rehabilitation have stalled amid political neglect and legal ambiguity. Recently, community leaders from the camps, alongside Bangladeshi housing rights advocates, have turned to the CLT model as a promising solution to regularise their tenure and redevelop the camps. They are exploring using

adverse possession laws to claim the camp lands collectively. The idea would be to establish a CLT that takes ownership of the land and then upgrades the housing and infrastructure, keeping the land for the community. This would prevent outside investors from simply taking over these valuable urban plots once they're formalised. The process is in its early stages: organisers have been holding meetings in the camps to build support and consensus, educating residents about the CLT concept and how it might protect them. They plan to formulate a proposal to present to the government, seeking authorisation or partnership to implement the CLT on camp sites (Sholder and Hasan, 2021). Notably, as part of their preparation, a delegation of leaders from several Bihari camps travelled to Puerto Rico to meet with the Caño Martín Peña CLT community in 2019.

The South Asian experience thus ties together historical precedent, present-day practice, and future aspiration. It reminds us that the concept of community-owned land is not foreign to the subcontinent; it has roots in movements like Gramdan and lives on in the ethos of organisations like OPP. The CLT model, if adapted carefully, could address some of the most intractable tenure problems by balancing individual needs with communal protection. Its biggest advantages, are shielding communities from market-driven displacement and keeping improvement efforts affordable and self-determined. However, the region also highlights key hurdles: land acquisition is tricky where multiple competing claims exist, and any attempt to redistribute land rights will confront powerful economic interests. The necessity of government cooperation is clear; without at least tacit support, communities face an uphill battle in court or on the ground. Despite the risks, the momentum in places like the Bihari camps shows that communities are willing to organise and even confront danger to secure a better future. They are, in effect, breathing new life into Vinoba Bhave's philosophy under 21st-century urban conditions, seeking not charity, but a just share of land for those who have laboured on it and called it home for years. With continued advocacy and a bit of luck, South Asia may soon witness one of the first CLTs in this region, potentially transforming so-called camps, ghettos, and slums into thriving neighbourhoods owned and managed by the community.



DOES INDIA NEED CLTS?

Scenes after an eviction in an 'unauthorised' colony in New Delhi, carried out to make way for an infrastructure project. Photo: Author

4.

Does India need CLTs?

CLTs offer an alternative pathway to tackle the issues of insecure tenure, affordability and displacement in the Indian urban context. The following subsections outline three key contexts in which CLTs can be an effective housing and land tenure tool in India:

- (1) overcoming the limitations of conventional land titling programs;
- (2) resisting displacement in a context where state-led evictions dominate;
- (3) preserving affordability and preventing market-driven exclusion in public housing.

4.1

Limitations of Land Titling Programs and CLT as an alternative

Legal titling has historically been framed as a developmental imperative, grounded in the belief that property ownership equates to empowerment. While there has been a long-standing assumption that granting individual legal titles to slum dwellers will automatically enhance tenure security, increase access to credit, and improve housing conditions, the empirical reality paints a far more complicated and contradictory picture.

The influential work of Hernando de Soto (2000) popularized the idea that transforming “dead capital” in informal settlements into titled assets would unlock the economic potential of the poor. However, as Annez et al. (2017) argue in their study of Ahmedabad, this logic fails to account for the political economy of urban land and the social relations that shape access to housing. They critique that full legal titles, when conveyed to individuals, while appearing to grant security, often come with marketable rights that enable resale. This exposes low-income homeowners to speculative markets, potentially resulting in the loss of their homes to wealthier buyers. Ironically, titling meant to protect the poor can lead to their displacement through gentrification (Annez et al., 2017).

Many land titling schemes in India have adopted partial or conditional titling approaches. This conditional titling means that the land comes with strict resale, inheritance, and/or construction restrictions. Such arrangements are justified as safeguards against gentrification or land misuse, but in practice, they reduce the utility and value of the property for the occupants. As Annez et al. note, this “gradualist” or “paternalistic” approach, granting tenure without full ownership, may seem pragmatic but ultimately burdens the poor with low-value, non-bankable, and non-transferable assets (Annez et al., 2017). As a result, residents are discouraged from investing in home improvements or long-term infrastructure, knowing their tenure is not truly secure. This differentiated regime of property rights constructs is what is termed a form of “subaltern citizenship” (Jonnalagadda et al., 2021). It establishes legal boundaries between those deemed deserving of full property and those who are merely tolerated. In a study of Andhra Pradesh and Telangana, the D-Form patta system offers heritable but non-transferable titles to Dalit farmers and slum dwellers (Jonnalagadda et al., 2021). These “conditional” titles are intended to prevent distressed sales and land loss, but they often render beneficiaries dependent on the state’s discretionary power. In the particular case of the Kurnool Solar Park, D-form pattas were revoked on the grounds of “underutilization,” allowing the state to expropriate land for industrial development (Jonnalagadda et al., 2021).

In Mumbai’s Slum Rehabilitation Scheme (SRS), residents given titled apartments often face intense pressure to sell their homes due to poor construction, maintenance costs, or lack of livelihood opportunities nearby. This has led to the re-emergence of informal settlements, as original beneficiaries sell their units informally and relocate to other unregulated areas (Hazarika, 2023). Thus, individual titling, even when it comes with safeguards, does not completely resolve informality but rather shifts it spatially and temporally.

The crisis of tenure security in India is not simply a matter of insufficient documentation. It is a

structural problem rooted in how the state, market, and legal institutions operationalize land, ownership, and citizenship. Titling programs, whether full, conditional, or partial, have consistently fallen short of providing the security, autonomy, and equity that low-income urban residents require. Far from resolving informality, these schemes often deepen it, producing new forms of dispossession under the guise of inclusion.

One possible application of the CLT model lies in the regularisation of informal settlements, particularly in scenarios where unconditional land titles are granted in common to resident communities. When combined with a CLT framework, such an approach would allow communities themselves, not state agencies or external authorities, to exercise stewardship over their land. The effect would be twofold: it would shield regularised settlements from market-driven speculation, and it would ensure that affordability is preserved not just at the point of titling but across generations. A further concern arises with the practice of conditional titling, which, while offering some degree of formal recognition, often imposes restrictions that inadvertently constrain household mobility. In many instances, these limitations lead to the informal sale of titles, as households seek economic advancement that the titling itself cannot accommodate. The CLT offers a potential solution here as well. It permits residents to realise gains in equity on the resale of their homes while ensuring that the underlying land remains protected from commodification. In this way, upward mobility of households does not come at the cost of losing affordability.

4.2

Beyond Traditional Gentrification Theory: State-Led Displacement

Classical gentrification theory, as developed in the context of Western cities, often centers on market-driven displacement, the idea that private investors and middle-class gentrifiers gradually take over low-income neighborhoods, exploiting rent gaps as described by Neil Smith (1987). Gentrification in cities of the Global North is typically an incremental process: disinvested inner-city areas attract artists

and young professionals, property values rise, and original residents are priced out. However, this model of neighbourhood change has proven insufficient to explain the dynamics of urban displacement in the cities of the Global South (Ghertner, 2014; Wu, 2020).

Indian cities follow a different trajectory of urban transformation, one in which state intervention and urban mega-projects play a dominant role. Scholars have noted that informality in India is governed through a complex interplay of formal and informal regimes, and that eviction and resettlement often occur under the banner of “development” or “beautification,” rather than through the slow creep of private-market gentrification (Das & Sarkar, 2022; HLRN, 2024). In Delhi alone, hundreds of thousands of slum dwellers were displaced in the 2000s and 2010s not by hipster coffee shops and condo developers, but by bulldozers clearing land for roads, stadiums, and “world-class city” projects executed or enabled by the state (Ghertner, 2014). This pattern of state-led displacement, termed “accumulation by dispossession” in reference to David Harvey’s theory, means that the threat to low-income communities is as likely to come from government policies and elite-driven city plans as from classic gentrifiers.

One key aspect distinguishing the Indian context is the notion of “urban entrepreneurialism” by the state. Das and Sarkar (2022) argue that the Indian state often acts as an “entrepreneur of space,” implementing neoliberal urban reforms and mega-projects that treat city land as a commodity to be optimised for global investment. In their “Triquetra of Informality” framework, they outline how urban entrepreneurialism works in tandem with a bourgeois mode of consumption, that is, the middle-class demand for world-class amenities and sanitized city spaces, and the patterns of subaltern mobilization by the poor, to shape a form of displacement distinct from classic gentrification. The state actively restructures cities via public-private partnerships, slum clearance drives, and redevelopment schemes, often justifying these actions through a discourse of modernity and aesthetics. For example, city authorities engage in “spatial purification,” removing slums and visible poverty from strategic areas to create a cleaner urban landscape that appeals to investors and the urban middle class. As Ghertner (2014) observes in the case of Delhi, an “aesthetic governmentality” has

taken hold, wherein urban governance prioritizes beautification, fancy parks, mega-malls, and flyovers, and uses aesthetic norms to deem slums as disorderly spaces to be eliminated. The result is government-led gentrification, where bulldozers and eviction notices replace the gradual market pressures of classical gentrification.

Traditional gentrification theory's focus on market dynamics and individual displacement fails to fully capture these state-driven processes. In Indian cities, the mechanism is often direct eviction by authorities rather than indirect market turnover. Moreover, typical anti-gentrification measures, such as rent control or anti-eviction laws, may not protect slum dwellers from a government order to clear land for a new highway or a smart-city project. This is where CLTs offer a stronger institutional form of resistance. A CLT, if established within an informal settlement or as part of a redevelopment plan, creates a collective legal entity representing the community's interests in the land. Instead of hundreds of individual squatter households with tenuous rights, the CLT can present itself as a single legally recognised landholder, effectively locking in the community's presence on the land and making wholesale eviction more challenging. The CLT becomes an institutional buffer against state-led displacement. The state cannot as easily bulldoze a settlement if that land is held by a community trust without due process or compensation, and any attempt to appropriate the land would have to contend with the collective organisation of residents.

At the same time, CLTs can strengthen subaltern mobilisation traditions that have long fought evictions in Indian cities. Grassroots movements, from slum dweller federations to anti-eviction protests, have historically been the main check on state power in redevelopment schemes. However, such mobilisation often lacks formal property rights and thus remains on precarious footing. By securing land collectively, the community's struggle is translated into a durable property claim that has legal standing. This does not guarantee immunity from expropriation, but it raises the political cost of eviction and creates space for negotiation. For example, if a municipality wants to redevelop an area held by a CLT, the trust could negotiate terms that ensure residents are not simply expelled, perhaps through land readjustment that

includes the community, or adequate rehabilitation on-site.

In essence, the CLT forces a collective bargaining scenario that is absent when land is held informally by individuals. This stands in contrast to the current paradigm where state-market collusion proceeds almost unchecked. As Das and Sarkar (2022) note, urban redevelopment in India often involves collaboration between government agencies and private developers, sidelining the poor.

4.3

Preserving Affordability in Public Housing

Another essential argument for exploring the CLT model in India is the inability of public housing schemes to sustain affordability over time. While state-led housing programs often aim to improve access to adequate housing for economically weaker sections, these efforts are frequently undermined once initial resale restrictions on subsidized units are lifted. Public housing tends to become unaffordable over time due to commodification, particularly when owners are allowed to resell properties on the open market. This allows first-generation beneficiaries to capture unearned gains from public subsidies, while future occupants are priced out of the same housing, reintroducing exclusionary market dynamics and undermining long-term affordability. The consequence is a steady erosion of the redistributive potential of public investment, especially in contexts where market pressures are strong and urban land is highly contested.

This issue is particularly pertinent in Indian cities. Shirish B. Patel (2015) has similarly observed that even when governments successfully deliver affordable housing, such housing rarely remains affordable beyond the first sale. He argues that housing provided at subsidized rates often transitions into unaffordable, market-rate assets, defeating the original policy goal of providing affordable housing for low-income groups. In his critique of India's urban housing crisis, Patel identifies speculative land markets and unregulated resale as central factors in the failure of long-term affordability, noting that without mechanisms to preserve the value of public subsidies, housing investments disproportionately

benefit a small segment of the population, while others are continually excluded.

In contrast, the CLT model offers a fundamentally different approach, through mechanisms like ground leases and resale price restrictions, CLTs can ensure that housing remains affordable in perpetuity, with the benefits of public or philanthropic subsidies retained for future occupants. By doing so, the model aligns more closely with the long-term public interest, offering a path to sustained affordability, tenure security, and community resilience.

Given the widespread informal housing, speculative

displacement, and precarious tenure arrangements across Indian cities, the CLT framework presents an opportunity to reimagine land and housing governance. It offers an institutional mechanism to lock in affordability, embed democratic control, and ensure that the gains of housing policy are equitably distributed across generations, not lost to market turnover. As Patel (2015) has also asserted, addressing the failures of existing housing policy demands a departure from conventional ownership models. CLTs may offer precisely that departure also in Indian urban context.

5.

How can CLTs be set up in India?

In this section, I have established how CLTs can be set up within the existing legal and institutional frameworks in India. To do so, I begin by outlining the broader Indian legal context.

5.1

Setting the Context: Understanding India's Legal System

India's legal system is a combination of common law traditions and civil law codification, shaped by its colonial history under British rule and transformed through post-independence constitutional reforms. India's legal foundation rests on a written Constitution, which serves as the supreme law of the land. Unlike the unwritten constitutional tradition of the United Kingdom, the Indian Constitution explicitly outlines the distribution of power among various levels of government and enshrines fundamental rights such as equality, liberty, and justice. While the right to property is no longer a fundamental right (after the 44th Constitutional Amendment), it continues to be protected as a constitutional legal right under Article 300A, which mandates that no person shall be deprived of property except by authority of law. This provision ensures that any intervention in property relations, such as through land acquisition, regularization, or redistribution, must occur through legally sanctioned mechanisms.

At the statutory level, India exhibits strong civil law characteristics, reflected in a well-defined system of codified laws. These include acts such as the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), the Indian Contract Act (1872), and the Transfer of Property Act (1882). These statutes provide structured legal guidance across various domains, including contracts, property transfers, lease agreements, and real estate ownership. Importantly, these codified frameworks often include enabling clauses, such as provisions for leasehold rights, co-ownership, which can be utilized to implement CLT models within the current legal system.

Despite this codification, India is primarily identified as a common law system. It adheres to the doctrine of stare decisis, meaning that judicial decisions, particularly from higher courts like the Supreme Court of India and the High Courts, are binding on lower courts and form a crucial source of law. Over time, this precedent-based system has enabled Indian courts to develop nuanced interpretations of statutory law, particularly in cases concerning land rights, housing security, and informal settlements.

5.2

Land Laws in India and Their Relevance for CLTs

Laws governing ownership of land, while codified laws such as the Transfer of Property Act, 1882, the Indian Contract Act 1897, the Real Estate Regulation & Development Act (RERA), 2016, and various state-level legislations provide the legal foundation for property rights and land tenure. Common law principles, emerging from case law and judicial interpretations, continue to play a crucial role in shaping the application and evolution of land law in India. Understanding these legal doctrines is essential for assessing and envisioning alternative landholding models like the Community Land Trust.

One of the most significant equitable doctrines influencing Indian land law is the Doctrine of Part Performance, codified in Section 53A of the Transfer of Property Act, 1882. This principle enables a person who has acted on an oral or informal agreement, by taking possession or making improvements to a property, to defend their possession even when the agreement lacks formal registration. Indian courts have frequently upheld this doctrine to prevent unjust eviction where there is substantial compliance with contractual obligations. This principle is particularly relevant in the context of informal settlements, where transactions often occur without full legal formalities.

Another key principle is the Doctrine of Adverse Possession, which allows a person in continuous,

open, and possession of a property for a legally prescribed period, typically 12 years, to claim ownership if the original owner does not assert their rights within that time frame. However, for public land, the period can extend upto 30 year. This doctrine, upheld by the Supreme Court in several rulings, plays a central role in disputes involving informal or undocumented land, particularly in urban areas where tenure regularisation remains a contentious issue. The acceptance of the concept of adverse possession reflects the legal system's recognition of de facto occupation and use as a basis for land claims, particularly among marginalised communities.

In parallel, Customary Land Rights have also been recognised by Indian courts, especially in tribal and indigenous regions. In parts of Northeast India and central tribal belts, customary norms continue to regulate collective land ownership and usage. These unwritten systems, rooted in community consensus and longstanding traditions, are considered valid, provided they are ancient, reasonable, and not in conflict with statutory law.

5.3

Dual Ownership: A Foundational Legal Principle for CLTs

A particularly important legal development in Indian property law is the recognition of dual ownership, that is, the separation of ownership between land and the structures built upon it. This principle departs from the common law doctrine *quicquid plantatur solo, solo cedit* (whatever is attached to the soil becomes part of the soil), which posits that anything affixed to land automatically becomes part of it. In India, courts have consistently rejected this maxim, allowing for the independent ownership of buildings and the land they occupy. This legal flexibility forms the backbone of models such as CLTs, where land is held collectively and housing units are individually owned or leased.

The statutory framework provides for this distinction. According to Section 3(26) of the General Clauses Act, 1897, the term “immovable property” includes land, benefits arising out of land, and objects permanently attached to the earth. Further, Section 3 of the Transfer

of Property Act, 1882, defines “attached to the earth” to include buildings embedded in or permanently fastened to the land. While Section 8 of the same Act generally assumes that all things attached to the land are transferred with it, it allows for exceptions based on the “express or implied intention” of the parties. This clearly provides legal validation for distinguishing the ownership of land and structures.

Over time, both pre and post-independence judicial decisions in India have firmly upheld the principle of dual ownership, recognising that ownership of land and the structures built upon it may rest with different legal entities. Among the most significant post-independence rulings, *Laxmipat Singhanian v. Larsen & Toubro Ltd.* (1951) marked a crucial departure from the English common-law maxim *quicquid plantatur solo, solo cedit*. The Bombay High Court held that a person leasing land from the government and constructing buildings upon it remains the owner of the superstructure, with the government retaining ownership of the land. This position was reaffirmed in *Bhatia Co-operative Housing Society Ltd. v. D.C. Patil* (1952), where the Supreme Court accepted that separate ownership of land and building was legally permissible, even though, on the specific facts, the building vested in the lessor. More recently, in *L. Varalakshmi v. The Commissioner* (2008; reaffirmed 2020, Madras High Court), the court recognised that under the Tamil Nadu Minor Inams Act, ownership of the superstructure could vest in an individual while the underlying land remained temple property, thereby acknowledging dual ownership within statutory temple lands. This line of reasoning culminated in *Gera Developments Pvt Ltd v. Sangita Shivaji Kate* (2025), where the court explicitly articulated that Indian property law recognises “the concept of dual ownership, wherein the land and the structures constructed upon it are treated as distinct premises with distinct ownership vested in separate persons.” Collectively, these judgments demonstrate a consistent judicial recognition of dual ownership in India's property law.

The legal precedents and statutory flexibility described above have far-reaching implications for CLTs. By validating the separation of land and building ownership, Indian law provides a foundational basis for CLTs to operate within the existing legal system without requiring entirely new legislation.

Year & case	Court	Principle & evidence
1866 – Thakoor Chunder Proamanick v. Ramdhone Bhuttacharjee	Privy Council (PC)	Sir Barnes Peacock observed that there is no absolute rule in India that whatever is affixed to the soil becomes part of it. This early statement laid the foundation for separate ownership of buildings.
1927 – Narayan Das Khettry v. Jatindra Nath Roy Chowdhury	PC	The PC reiterated that English law’s doctrine that buildings belong to the landowner does not apply in India; parties who build on another’s land may remove the structure.
1951 – Laxmipat Singhania v. Larsen & Toubro Ltd.	Bombay High Court (HC)	The Court held that a person who leases land from the government and builds flats on it owns the building; the building does not belong to the government. Indian law only allows the landowner to claim the materials if the builder is a trespasser.
1952 – Bhatia Co-operative Housing Society Ltd. v. D.C. Patil	Supreme Court	The Court acknowledged the principle of dual ownership—that a plot can belong to the lessor while the superstructure belongs to the lessee—but held that on the specific facts the building belonged to the lessor. The case nevertheless affirms that separate ownership of land and building is legally recognised.
1958 – Dr K.A. Dhairyawan v. J.R. Thakur	Supreme Court	The Court held that the lease demised only the land and that the building remained property of the lessees. There is “ <i>no absolute rule of law in India that whatever is affixed or built on the soil becomes a part of it</i> ”. Thus, the lessee retained ownership of the building during the lease.
1961 – Bishan Das v. State of Punjab	Supreme Court	People who build a dharmshala and temple on government land with permission are not trespassers; the buildings do not vest in the government. The Court reiterated that the maxim “what is annexed to the soil goes with the soil” is not an absolute rule in India.
1971 – Mohammed Abdul Kadar v. District Collector of Kanyakumari	Madras HC	Cited by later courts, this case held that buildings constructed on leased government land belong to the builder, not the government, supporting dual ownership.
1996 – Ramesh Chand Agrawal v. Gopalkrishna Upadhyay	Madhya Pradesh HC	The Court reviewed Privy Council and Supreme Court authorities and concluded that “there can be two distinct ownerships” – the lessor may own the land and the lessee may own the building. The question depends on the contract between the parties.
2008/2020 – L. Varalakshmi v. The Commissioner	Madras HC	Considering temple lands under the Tamil Nadu Minor Inams Act, the court held that the petitioner owned the superstructure while the temple owned the land . A joint patta reflected this dual ownership; the building’s owner could not avoid paying rent for the land.
2011 – Laxmi Enterprises v. Commissioner, BBMP	Karnataka HC	The High Court, citing earlier Privy Council and Supreme Court decisions, held that there is no absolute rule that a building affixed to land becomes part of it. A lessee who builds on leased land owns the building unless the lease says otherwise.
2023 – Prema v. Diocese of Mangalore	Karnataka HC	According to the court, if evidence shows that the owners of land and the superstructure are different, dual ownership exists and the building owner may retain possession until the structure perishes.
2025 – Gera Developments Pvt Ltd v. Sangita Shivaji Kate	Bombay HC	The court dealing with a partition suit observed that “ the concept of dual ownership has been recognized, wherein the land and the structures constructed upon it are treated as distinct premises with distinct ownership vested in separate persons ”. Citing Dinkar S. Vaidya, it noted that rights over land and building are distinct and must be adjudicated separately.

Key Judicial Precedents Establishing the Principle of Dual Ownership in Indian Property Law

In the sections that follow, I explore the concrete pathways through which CLTs can be established, drawing upon relevant property laws, institutional vehicles, and cooperative laws.

5.4

Legal Entities for Setting Up CLTs in India

While CLTs are a relatively new concept in India, existing laws offer different institutional formats through which their structure and objectives can be operationalized. Among these, three legal entities are particularly relevant: public charitable trusts, Section 8 companies, and registered societies. Each offers distinct advantages and limitations in terms of governance, accountability, flexibility, and legal authority to hold and manage land on behalf of a community.

Public Charitable Trusts

The trust, governed primarily by the Indian Trusts Act of 1882 (for private trusts) and state-specific legislation such as the Bombay Public Trusts Act, 1950 (for public charitable trusts), offers a legally recognized and secure structure for holding land. Trusts are particularly effective in situations where property needs to be safeguarded from market pressures and retained for long-term community use. Public trusts can be created even where the beneficiaries are uncertain or fluctuating, provided they represent a sufficiently large and indefinite section of the public.

However, the trust structure carries significant drawbacks that limit its alignment with the participatory and democratic goals of CLTs. Trusts are fundamentally fiduciary in nature: they are administered by trustees who are typically appointed, not elected, and who hold the property on behalf of the beneficiaries. This means there is limited scope for community members to influence decision-making once the trust is formed. Moreover, the Indian Trust Act imposes strict conditions on trustees; they cannot derive financial benefits from the trust, which complicates the possibility of employing local residents or community members as full-time CLT staff. Trustees also bear unlimited personal liability,

increasing their legal risk in case of mismanagement. The rigidity of the trust structure and its closed nature restrict opportunities for community engagement and responsiveness, making it less ideal for setting up a CLT.

Section 8 Companies

The Section 8 company, governed by the Companies Act, 2013, represents another legal avenue for establishing a CLT. These companies are designed for charitable or not-for-profit purposes and prohibit the distribution of profits to members, which aligns with the CLT objective of providing affordable housing and resisting speculative real estate practices. Section 8 companies offer high institutional credibility and are well-positioned for partnerships with municipal bodies, donor agencies, and financial institutions. Their corporate structure and potential for tax exemptions make them attractive for scaling up CLTs in urban redevelopment or integrated housing projects.

Yet, this structure is not without its challenges. The process of setting up a Section 8 company is procedurally intensive, requiring approval from the Ministry of Corporate Affairs, submission of detailed memoranda and articles of association, and compliance with reporting norms. The internal governance of these companies often mirrors that of conventional corporations, with directors appointed to oversee operations. Unless bylaws are specifically tailored to ensure grassroots representation, the structure risks being top-heavy and distanced from the very communities it seeks to serve. Also, in companies, directors cannot receive profit shares; they also cannot be remunerated easily as staff, presenting operational constraints similar to those found in trusts. While the company model may be appropriate for CLTs operating at a large scale or in partnership with government and international actors, its bureaucratic nature and formalism make it less flexible and accessible for community-initiated or grassroots-led CLT projects.

Registered Societies

Among the available legal forms, registered societies emerge as the most viable vehicle for piloting CLTs in India, particularly those rooted in community

participation and democratic governance. Governed by the Societies Registration Act, 1860, and its state-specific amendments, societies are explicitly designed to function as member-based, non-profit institutions. Their core strength lies in their democratic structure: societies are managed by a governing body or managing committee elected by the general membership, and members have voting rights, accountability mechanisms, and legal authority to influence key decisions. This makes societies highly compatible with the governance model of CLTs.

The legal process of registering a society is relatively straightforward compared to that of Section 8 companies. The governance structure can be tailored through the society's rules and bylaws to incorporate CLT-specific features, such as resale restrictions, anti-speculation clauses, affordability covenants, and rules for leasehold arrangements. Societies also allow for annual reporting and internal elections, enabling transparent and accountable functioning. They can also hold land in their own name, enter into legal contracts, and even employ full-time staff, a level of operational flexibility not easily afforded by trusts.

Nonetheless, societies are not without limitations. One potential challenge is that societies can be dissolved, and upon dissolution, their assets must be transferred to another society with similar objectives. While this may appear to threaten the permanence of community landholding, this risk can be significantly mitigated through strong bylaws that mandate supermajority votes for dissolution and prescribe clear asset transfer protocols that ensure continued public use of the land. Another concern relates to conflicts of interest, particularly in societies where members are also beneficiaries or staff. However, these conflicts can be managed through role clarification, internal audits, and transparent governance procedures.

Societies are also the most adaptable to Indian contexts where self-managed community organizations are already active, such as urban slum federations, savings groups, and cooperative housing societies. Unlike trusts, which are hierarchical and irrevocable, and unlike companies, which are bureaucratic and externally oriented, societies provide the right balance of local autonomy, legal authority, and public accountability, all essential attributes for a successful CLT.

5.5

How will the transactions be structured?

To govern housing sales and transactions within the established CLT under the Societies Registration Act, 1860, the Transfer of Property Act, 1882, will apply. Under Section 105 of the Transfer of Property Act, a CLT can grant long-term leasehold rights, commonly for periods such as 99 years, to its members. Such leases offer secure and inheritable occupancy rights, effectively balancing individual household security with collective land stewardship. The act's leasing provisions allow CLTs to legally embed resale restrictions and affordability covenants directly into lease agreements.

5.6

Cooperative Housing Societies in India and CLTs

It has already been established that registered societies are the most suitable legal vehicle for setting up CLTs in India. In this section, I highlight a specific category of housing societies, Tenant Ownership Housing Societies (TOHS), where the society collectively owns the land and leases housing units to individual members. These societies share many commonalities with the CLT model, although they differ somewhat in governance, scope, and mechanisms used to ensure long-term affordability.

India has a long history of cooperative housing as a response to chronic housing shortages and unequal access to land. Housing cooperatives have particularly flourished in cities like Mumbai and Delhi. Although cooperatives were favorably received nationally within the broader context of democratic socialism, their local evolution depended heavily on the local housing market and institutional frameworks.

For instance, in Mumbai (in the state of Maharashtra), these cooperatives have been given greater operational autonomy because the Registrar of Co-operative Societies has historically played an 'advisory' role. This advisory role ensures

that the Registrars cannot structurally intervene in the internal decision-making processes of cooperatives, and control remains vested in their elected board members. Furthermore, disputes between members and cooperatives in Maharashtra are handled in separate Co-operative Courts. The greater autonomy facilitated the adoption of cooperatives by public, private, and Third sector organizations, enhancing their growth (Sukumar, 2008).

In contrast, in the state of Tamil Nadu, this autonomy doesn't hold true. The Registrar's office there has historically maintained a 'controlling' and regulatory role. With the passage of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act in 1976, the Registrar could intervene in the daily activities of cooperatives, often superseding the decisions of elected board members. This state control meant that cooperatives became an arm of the state government and developed primarily in the directions emphasized by the state (such as Finance co-operatives for rural housing), limiting their operational independence (Sukumar, 2001, 2008).

Housing cooperatives in India serve multiple functions beyond collective ownership, organized through a two-tiered structure of primary and secondary (Apex) cooperatives. At the primary level, cooperatives can be broadly classified into three functional categories: Tenure, Finance, and Building cooperatives. Tenure cooperatives collectively own and manage housing, much like cooperative housing prevalent in Western countries. Finance cooperatives provide loans to members for constructing or repairing homes. Building cooperatives directly undertake housing construction for members and may also engage in land development activities. Apex cooperatives, operating at the secondary level, financially support primary cooperatives by pooling and lending funds obtained from sources like the Life Insurance Corporation and cooperative banks (Sukumar, 2001).

Tenure cooperative housing societies exhibit considerable variety across India. In New Delhi, for instance, Cooperative Group Housing Societies typically undertake large-scale planning,

construction, and management of residential complexes. In Mumbai, tenure cooperatives exist primarily in two forms: Tenant Ownership Housing Societies, where land is collectively owned by the cooperative and members lease individual housing units; and Tenant Co-Partnership Housing Societies, where both land and buildings are collectively owned by the cooperative, while members retain secure occupancy rights (Sukumar, 2001, 2008).

In this assessment, I have specifically focused on tenure cooperatives within Mumbai, governed by the Maharashtra Cooperative Societies Act of 1960. Under this Act, two prominent types of tenure cooperatives emerged: Tenant Co-Partnership Housing Societies, where cooperatives own both land and housing units, granting members occupancy rights; and Tenant Ownership Housing Societies (TOHS), in which the cooperative owns only the land, leasing housing units to individual members.

Among these cooperative models, the TOHS aligns most closely with the principles of CLTs. This model has notably been employed in urban centers like Mumbai and mirrors the core design elements of CLTs through its system of collective land ownership paired with individual occupancy rights. Under the TOHS structure, the cooperative society collectively owns the land, while members individually lease their housing units from the society. Members do not have direct ownership of the land itself, but instead, they hold secure and inheritable occupancy rights through long-term leases. This model emerged specifically in response to urban land scarcity and high land prices, enabling cooperative members to utilize collective bargaining power effectively in acquiring and developing land.

5.6.1

Similarities between Tenant Ownership Cooperative Housing Societies and CLTs

There are several significant similarities between TOHS and CLTs, particularly in their emphasis on collective landholding, community participation,

and housing access. First and foremost, both models involve a separation of land ownership from housing occupancy. In TOHS, the cooperative holds legal title to the land, and members are granted long-term occupancy or lease rights to individual units. CLTs, too, retain permanent ownership of land, while residents own or lease structures under regulated agreements that emphasize stability over speculation.

Second, both models operate with a strong ethos of community involvement. Cooperative societies are based on mutual benefit and member participation in governance, decision-making, and rule-setting. Similarly, CLTs embed community voice in land management and often include leaseholders, surrounding community members, and public representatives in their governance structures. In both cases, the focus is on inclusive, participatory management of land and housing as shared resources.

Along with the above-mentioned similarities, there are important differences that distinguish CLTs from cooperative housing societies, particularly in terms of mission, long-term affordability mechanisms, and governance structures.

One of the most fundamental differences is the primary goal and mission. While TOHS aim to facilitate access to homeownership or secure occupancy for their members, CLTs are designed with the explicit and central purpose of ensuring permanent affordability. CLTs achieve this through legal tools such as ground leases and resale price formulas that prevent owners from capturing full market value appreciation. Cooperative housing societies, by contrast, do not typically include such mechanisms. Once initial affordability is achieved, the units may appreciate in value and be transferred under more market-oriented terms, unless specific controls are imposed by the society.

A second major distinction lies in governance structure. While cooperatives are governed by elected managing committees, they are primarily accountable to their own members, those who benefit from the housing. In contrast, classic CLTs are structured to include broader representation, often through a tripartite board that incorporates residents, local community members, and external

stakeholders such as municipal officials or housing experts. Although this tripartite structure is not mandatory, many CLTs across Europe and Asia have adapted or departed from it, developing governance arrangements that reflect their local institutional contexts and community priorities.

Additionally, CLTs emphasise a stewardship role that extends beyond housing management. The CLT retains ownership of the land not only to ensure ongoing affordability but to monitor, support, and enforce long-term requirements and restrictions on the use, occupancy, improvement, and maintenance of CLT homes. Cooperative societies manage property, but they rarely maintain such a structured, ongoing oversight of affordability or community obligations.

CLTs also typically engage in homebuyer education, financial counseling, and foreclosure prevention, recognizing that ownership goes beyond access. While cooperatives often support their members through collective action and internal solidarity, they do not typically institutionalize such support systems as part of their formal mission.

CLTs may be designed to serve broader community development goals beyond housing, such as community gardens, green infrastructure, or shared public amenities. Cooperatives tend to focus more narrowly on residential needs.

Cooperative housing societies in India, particularly through tenure-based models like TOHS, have laid valuable groundwork for collective housing solutions that challenge market-driven land dynamics. In both spirit and structure, they share significant commonalities with the CLT model, particularly in their emphasis on collective landholding, mutual aid, and secure housing access. However, the CLT model advances this approach further by embedding long-term affordability, formalized stewardship, and broader community governance into its legal and operational design.

In this sense, while Indian cooperative housing models, especially TOHS, offer practical precedents and legal scaffolding for CLTs, the latter represents a next step in institutional innovation: one that ensures the permanent decommodification of land, preserves affordability for future generations, and reclaims urban land as a shared, community-controlled asset.

By learning from and building upon the cooperative tradition, India has an opportunity to adapt and institutionalize CLTs as a transformative response to urban housing insecurity and spatial inequality.

5.7

Establishing a De-facto CLT Under the Cooperative Housing Framework

A practical way to pilot a CLT in India would be to build on the existing cooperative housing framework, which already allows a form of society in which land and buildings are held separately. However, first, it is important to assess if the state-specific laws allow flexibility in setting up bylaws and allow for independent operationalisation of the housing cooperatives.

There are two main advantages of setting up de-facto CLT as a housing cooperative. First, because banks are accustomed to lending to cooperatives, securing mortgages on homes leased through a cooperative poses far fewer hurdles than creating a new legal entity. Second, registering a CLT as a cooperative society streamlines legal compliance and avoids the complexities of drafting entirely new legislation.

Cooperative statutes also include well-tested mechanisms for enforcing long-term ground leases, critical for preserving affordability, and cooperatives frequently qualify for grants, tax incentives, and low-interest loans designed for member-driven enterprises.

In Mumbai, tenure cooperatives benefit from a deep-rooted tradition: collective ownership through cooperative societies is culturally ingrained; and robust procedural, administrative, and legal support structures are already in place, making their formation and management significantly easier and straightforward.

Here, I take the example of the Maharashtra Co-operative Societies Act, 1960, and have explored how a tenant ownership housing society could be adapted to embody core CLT principles.

5.7.1

Defining the Object of the Society: Legal Grounding in Section 4

The first step in setting up a CLT-inspired cooperative is to clearly define the society's object at the time of registration. Section 4 of the Maharashtra Co-operative Societies Act allows for the registration of a society with the aim of promoting the economic interests or general welfare of its members in accordance with cooperative principles. A society may therefore be registered with the specific object of providing permanently affordable housing, ensuring the retention of collective land ownership, and promoting non-speculative land use for the benefit of present and future low-income members. These objectives must be articulated in the proposed bylaws of the society, as per Rule 4(1), and included under the permissible matters for bylaws listed in Section 165(2)(iii) of the Act.

5.7.2

Embedding CLT Principles in Bylaws

The bylaws of a cooperative society function as its internal constitution, determining how land and housing assets are managed and how decisions are made. To emulate the structure and philosophy of a CLT, specific provisions should be embedded in the bylaws during the formation of the society:

A foundational principle of ownership separation can be operationalized within a cooperative by inserting bylaw provisions that explicitly state that land shall be retained in perpetuity by the society, and that members will only be granted leasehold rights to structures.

In order to maintain long-term affordability, the society's bylaws may also incorporate a Limited Appreciation Formula to govern the resale price of housing units. This formula can cap the resale price based on factors such as inflation indices, basic improvements, and a modest return on investment, ensuring affordability for future generations. Section 165(2)(iii) allows societies to regulate how their

bylaws are made or amended, giving them the scope to institutionalize such formulas through democratic processes.

Membership rules also offer a mechanism to reinforce affordability goals. Under Rule 21, societies may define their terms and qualifications for membership, enabling them to prioritize individuals and households falling within specific income brackets. By embedding income-based eligibility into the bylaws, the cooperative can act as a targeted housing access mechanism for lower-income groups, in line with CLTs.

To prevent speculative transfers of housing units, restrictions on membership transfer and unit resale can be framed under Section 45, which permits societies to regulate transactions with non-members. These provisions can stipulate that housing units may only be sold or transferred to other eligible members at a price calculated according to the limited appreciation formula. In doing so, the housing society avoids market-driven appreciation, preserving affordability over time.

5.7.3

The Role of the Registrar in Approval and Oversight

While cooperative societies draft and govern their own bylaws, these must be approved by the Registrar of Cooperative Societies, who also plays a supervisor's role in oversight and enforcement. Under Section 14, the Registrar has the authority to direct amendments to a society's bye-laws if deemed necessary to ensure proper functioning and compliance with cooperative principles. Although societies enjoy autonomy, the Registrar's role in approving bylaws, implicitly under Section 9, gives them substantial discretionary power.

This relationship with the Registrar can be strategically leveraged during the CLT's formation phase. If the CLT-inspired society presents a well-structured proposal that aligns with broader policy goals, such as promoting affordable housing, resisting speculation, or supporting informal communities, the Registrar may be more inclined to approve the unique bylaw provisions.

5.7.4

State Government's Power of Modification and Exemption

Importantly, if certain elements of the CLT framework do not easily conform to the standard cooperative housing model, such as perpetual lease arrangements or resale restrictions, the society may invoke Section 157 of the Maharashtra Co-operative Societies Act, which grants the State Government the power to exempt societies from any provision of the Act or its rules, or to apply such provisions with modifications. This clause offers a critical legal opening for CLT societies to petition for exemptions where their operational model diverges from conventional cooperative practice.

In practice, this could mean seeking state government approval for non-removable land clauses, regulated resale conditions, or even tripartite governance structures that may fall outside the typical cooperative governance model. With political will and bureaucratic support, this provision can be a legal safeguard for institutionalizing innovative and equitable housing alternatives like CLTs.

This pathway offers a legally grounded, procedurally accessible, and socially responsive pathway to piloting the CLT model in urban India, especially in contexts where land regularization, anti-displacement strategies, and affordability are urgent policy needs. While it may not provide the full legal distinctiveness of a CLT in jurisdictions like the United States or the UK, it lays the groundwork for transformative housing governance using India's existing legal infrastructure, demonstrating that innovation is possible without new legislation, by creatively adapting what already exists.

6.

Conclusion

In the cities of the Global South, conventional strategies to tackle housing informality and insecure tenure, be it granting individual land titles, relocating slum dwellers, or building subsidised housing, have fallen short of ensuring secure tenure and long-term affordability. Despite decades of initiatives, the same cycles of informality, eviction, and unaffordability continue, indicating that a fundamentally different approach is needed. In contrast, the Community Land Trust (CLT) model emerges as a compelling alternative, one that reimagines land tenure in a way that directly addresses these persistent failures.

Key findings from this exploratory study underscore the limitations of current tenure policies in India. Simply handing out individual land titles has not guaranteed security for low-income communities. In many cases, titles are only partial or conditional, leaving families with assets they cannot sell or fully use, and still vulnerable to government revocation or market pressures. Even when formal titles are granted outright, poor households often face pressure to monetize their property: some beneficiaries of slum rehabilitation housing, for instance, have sold their new flats due to maintenance costs or lack of livelihoods nearby, only to move to another informal settlement. In effect, titling alone has often shifted poverty and tenure insecurity elsewhere instead of eliminating it. Likewise, public and inclusionary housing schemes have struggled to preserve affordability over time. Homes initially given or sold at subsidized rates tend to become unaffordable once original owners are free to resell on the open market. The first occupants may gain a windfall, but subsequent low-income buyers are priced out, defeating the purpose of the subsidy. This pattern, where housing meant for the poor eventually turns into market-rate housing, highlights a structural flaw: without mechanisms to retain affordability, one generation's solution becomes the next generation's problem.

Beyond market forces, the state's own actions have frequently contributed to urban displacement. Government-led development and beautification projects are a major driver of evictions in Indian

cities. Entire communities have been cleared for highways, luxury developments, and world-class city upgrades, a form of bulldozer gentrification where the usual gentler pressures of the market are replaced by the blunt force of state power. This means that even secure tenure on paper can be overridden if the state decides to repurpose the land. The threat to the urban poor, therefore, comes from two sides: the instability of market-driven tenure and the top-down dispossession by state interventions. Neither traditional property rights nor one-time housing allotments have proven robust against these twin pressures over the long run.

Faced with these realities, the CLT model offers a fresh and fundamentally different path. A CLT approaches land as a common good: under a CLT, land is owned collectively by a trust on behalf of the community, and individual families own or lease their homes on that land. This simple shift has powerful implications. First, by removing land from the speculative market, a CLT shields communities from market-driven displacement. If the neighborhood improves or land values rise, residents are not forced out by skyrocketing rents or enticing buyouts, because the land cannot be sold off for profit, and any home resale must adhere to affordability rules. In this way, CLTs preserve affordability over generations, and the housing remains accessible to future low-income families, not just the initial beneficiaries. Second, collective land ownership creates a united front against displacement. Instead of hundreds of individual households with separate, vulnerable titles, the community presents as a single legal entity holding the land. This makes wholesale eviction or land acquisition much more difficult; authorities cannot easily ignore a community trust that has legal standing.

Importantly, implementing the CLT model in India appears to be feasible without an entirely new legal framework. Existing Indian laws already offer vehicles for collective ownership and long-term leasing arrangements. For example, charitable societies, cooperative housing societies, or Section 8 non-profit companies can potentially serve as the

organizational structure for a CLT. Indian property law also recognizes arrangements where land and building ownership are separated, a concept at the heart of CLTs. Specifically, CLTs can be set up in India as Charitable Societies, a law applicable federally and recognized across all states. Furthermore, in states like Maharashtra, where cooperative society laws are flexible and grant autonomy, it is entirely feasible to establish a de-facto CLT as a housing cooperative, given that cooperatives enjoy widespread legal recognition and credibility. Hence, it becomes crucial to closely analyze the cooperative societies' laws within individual states to determine their suitability and flexibility in supporting a CLT structure. The institutional details, such as which legal entity to use and how to structure community representation, will need careful planning as per the region and state, but no insurmountable legal barriers stand in the way.

Indeed, international precedents underline this adaptability: in Puerto Rico, Kenya, and Brazil, CLTs or similar community land ownership models have been launched within existing legal systems, offering inspiration that India can do the same. These global examples show that while the contexts differ, the core idea of communal land stewardship can take root and thrive, lending confidence that an Indian adaptation of the CLT model is within reach. That said, real-world challenges must be acknowledged in bringing CLTs to Indian cities. Building political will is crucial; policymakers and local authorities need to support this departure from the usual market-driven development approach. There may be resistance or skepticism from those who are unfamiliar with the concept or those who benefit from the status quo. Likewise, public understanding of CLTs needs to grow. Communities might initially be wary of a model where they don't individually own the land, so outreach and education will be needed to illustrate the benefits of collective ownership and long-term leases. Apart from this, establishing a CLT requires strong community governance. Residents must organize to manage the land collectively, democratically, and transparently, which is a significant undertaking. Ensuring accountability and capacity in these community institutions will be essential for the CLT's long-term success. None of these challenges are trivial, but nor are they insurmountable. Coalition-building will be key: alliances among grassroots organizations, housing rights NGOs, sympathetic officials, and

urban planners can help advocate for CLTs, navigate bureaucratic hurdles, and provide technical support to communities. Such coalitions can also work on pilot projects, starting with one or two CLTs in willing neighborhoods as proof of concept. Early pilot successes would demonstrate the model's value, helping to refine implementation details and build credibility. As residents in pilot areas experience tangible benefits (security from eviction, stable home prices, improved community investment), their stories can inspire other communities and convince policymakers to expand the approach.

In this way, gradual scaling, learning by doing, can transform the CLT concept from an abstract idea into a practical option on the Indian urban housing policy menu. Over time, as trust grows in the model, it could be integrated into housing programs or slum upgrade initiatives, anchoring them with a long-term affordability and community-control component that has so far been missing. Ultimately, India must reimagine urban land tenure around community-driven principles of justice, equity, and long-term stewardship. The CLT model provides a concrete framework to rethink land rights in our cities. It encapsulates the idea that development should not come at the cost of displacing communities, and that housing can remain a public good rather, a commodity.

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