

# Land Lines

Newsletter of the Lincoln Institute of Land Policy

## Land Value Taxation: Could It Work Today?

Dick Netzer

Decades before Henry George made a passionate case for the “single tax” in *Progress and Poverty* (published in 1879), the classical economists had recognized that, in theory, the land value tax was almost the perfect tax. Unlike other taxes, it causes no distortions in economic decision making and therefore does not lower the efficiency of a market economy in allocating resources. Also, it was obvious in the nineteenth century that a tax on the value of land would be highly progressive.

There was a strong moral basis for the land value tax, as well. Land value increased over time because of growth in population and improvements made by the community, either in the form of utility infrastructure or transportation investments by government and the private sector. Individual landowners did nothing to increase the value of their own land but rather realized “unearned increments” over time, unlike those who contributed labor and capital to production and thus earned their compensation.

In George’s day there was little question that the tax could provide adequate revenue, at least in the United States where the role of government was small—no more than a tenth as important relative to gross domestic product as it today. Virtually all government services were supplied by local governments, which relied entirely on property taxes. Today, many scholars and practitioners question whether land value taxation is a serious contender as an important revenue source. But, whatever its political potential may be, economists continue to find the theoretical case for land value taxation compelling.

In January, the Lincoln Institute sponsored a conference to address these issues: “Land Value Taxation in Contemporary Societies: Can It and Will It Work?” In the opening paper, William Fischel focuses on the special nature of local government in this country, stressing its importance as an instrument of enhancing property values within communities. He argues that, in pursuing that role, local land use controls actually achieve substantial efficiency advantages by closely matching consumer preferences to local government services and taxes. This is what economists refer to as the Tiebout-Hamilton model.

Fischel maintains that there is substantial justice in this outcome, which might be improved only marginally by land value taxation. That is, land use controls permit local governments to appropriate much of the value generated by community growth. Moreover, this system is widely used, which argues that it is more workable than land value taxation, although the latter is, in principle, more fair.

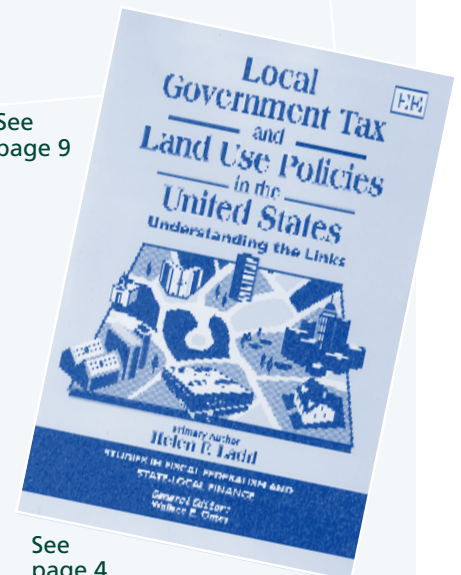
### Efficiency of the Land Value Tax

Two papers treated the efficiency characteristics of the land value tax. Edwin Mills

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seanc@lincolninst.edu



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## Land Value Taxation

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examines the issue in the context of an urban economy, showing that the tax is indeed efficient in its effects on land use, as claimed. But he believes that this is immaterial because the land value tax cannot yield more than trivial revenues, even at rates that are so high that the courts would find them to be an unconstitutional “taking” of property. Moreover, it is so difficult to value land properly that the efficiency advantages cannot be realized.

Thomas Nechyba explores the land value tax in the context of a general model of the entire economy. He develops what is known as a “computable general equilibrium model” that quantitatively describes the changes in the macro-economy that will occur with the substitution of the land value tax for income taxation. Given his assumptions, the model predicts that the reduction in taxation of capital will so increase the aggregate amount of capital that the demand for land on which to use the capital will generate substantial increases in land values. That in turn will permit the land value tax to generate considerable revenues at a rate that is not confiscatory. Most economists would consider the significant increases in total national output predicted by the model to be real gains in economic efficiency.

### Land Value Taxation as a Substitute for Other Taxes

Another pair of papers examines the land value tax as a substitute for other taxes used by sub-national governments in rich countries. In my own paper I argue that, although the empirical evidence on land values is poor, some reasonable estimates suggest that, at least in the United States, the land value tax could replace the conventional local property tax at reasonable tax rates. But the main thrust of my argument is that those rich countries in which substantial government spending is done by local governments are the most plausible candidates for the use of the land value tax (*see Table 1*). Furthermore, its use is probably most feasible in those countries familiar with the idea of valuing real property for tax purposes. The combined administrative, compliance and evasion costs of most other taxes are so large that, even if the administrative costs of land value

taxation are high, land value taxation is still promising.

Andrew Reschovsky points out that the current balmy climate for state and local finance in the United States is likely to change radically, for the worse, in the not too distant future. For a variety of reasons, state governments in particular may be looking for substantial additional revenues. Is the land value tax the right, or the likely, choice for hard-pressed state governments? He concludes, first, that the economic gains from the adoption of a new land value tax would be modest, compared to increasing the rates of existing state taxes. Second, a land value tax should help improve the equity of the state tax system. Third, he believes that it would add an element of cyclical stability to state revenue systems.

Nevertheless, Reschovsky remains skeptical about the tax on administrative grounds and is not convinced that it can generate enough revenues to replace any important existing state tax source. In the case of large central cities, however, he rates the land value tax somewhat higher as a replacement for existing tax sources, largely because of the probable lack of adverse locational effects. He views it as especially appropriate for those cities like Philadelphia that now receive relatively small percentages of tax revenue from the property tax.

Roy Bahl reviews the many difficulties and deficiencies in the use of property

taxes by local governments in both developing countries and former Communist countries. There is widespread agreement that the property tax is the appropriate major local government tax, and in some countries this agreement extends to site value taxation as well. But, Bahl notes, the property tax usually provides negligible revenues, because of low nominal rates, low and inaccurate valuations, and poor collection experience. Almost everywhere, the basic requisites of good administration are lacking. Moreover, the political unpopularity of the tax generally is far greater than in the United States. Nonetheless, the property tax, especially the site value tax variant, is considered the best local revenue source in these countries.

Perhaps the most surprising research finding reported at the conference was the conclusion of Edward Wolff, who has written extensively on the distribution of income and wealth in the United States. He suggests that substitution of the land value tax for the federal individual income tax would make the U.S. tax system less rather than more progressive with respect to income (*see Table 2*). This result may be explained by the fact that the ratio of the value of land owned to household income rises steeply with the age of the household. That is, mean household income declines sharply with age after age 54, while the mean value of land owned declines only slowly. On the other hand, a land value tax would be much more

progressive with respect to wealth than is the income tax.

### Broader Principles and Questions

Nicolaus Tideman, a convinced follower of Henry George, argues that the basic principles of and justifications for land value taxation apply to much more than the problems of land use in cities and suburbs—the usual focus for discussion of this form of taxation. He offers applications to environmental, congestion and population problems and to questions of efficient resource use and economic growth on a worldwide scale. He bases his views on the general principle that “all persons have equal rights to natural opportunities and should therefore pay for their above-average appropriations of natural opportunities.”

Throughout the conference, there was lively disagreement about whether the land value tax could really produce substantial revenues. Some, like Mills, held that it could not even replace the conventional American property tax on land and buildings, much less a substantial portion of other state and local taxes as well. Others, including Tideman, Nechyba and I, presented data that suggested the possibility that land value taxation indeed could be an important factor in the American fiscal system. Participants also discussed the problems of administering a land tax so that tax liabilities actually and accurately reflect the value of individual parcels of land as bare sites, which is essential if the tax is to be a truly efficient one.

The conferees did not produce an agreed answer to the basic conference question, “Can and will land value taxation work today?” But they made it clear that the question remains a relevant one that deserves serious and continuing attention. □

**Dick Netzer** is professor of economics and public administration in the Robert F. Wagner Graduate School of Public Service at New York University. He was the conference coordinator and is the editor of a book containing the eight conference papers and the remarks of the formal discussants, which will be published by the Lincoln Institute later this year. Contact: [dick.netzer@wagner.nyu.edu](mailto:dick.netzer@wagner.nyu.edu)

## Land Value Taxation in Contemporary Societies: Can It and Will It Work?

### Authors of Conference Papers

#### **Roy Bahl**

Professor of Economics and Dean  
School of Policy Studies  
Georgia State University

#### **William A. Fischel**

Professor of Economics  
Dartmouth College

#### **Edwin Mills**

Professor of Real Estate and Finance  
Kellogg Graduate School of Management  
Northwestern University

#### **Thomas Nechyba**

Professor of Economics  
Stanford University

#### **Dick Netzer**

Professor of Economics and  
Public Administration  
Robert F. Wagner Graduate School  
of Public Service  
New York University

#### **Andrew Reschovsky**

Professor of Agricultural and  
Applied Economics  
University of Wisconsin-Madison

#### **Nicolaus Tideman**

Professor of Economics  
Virginia Polytechnic University

#### **Edward Wolff**

Professor of Economics  
New York University

### Discussants

#### **Alexander Anas**

Professor of Economics  
State University of New York at Buffalo

#### **Daniel Bromley**

Professor of Agricultural and  
Applied Economics  
University of Wisconsin-Madison

#### **Karl Case**

Professor of Economics  
Wellesley College

#### **Riël Franzsen**

Professor of Mercantile Law  
University of South Africa

#### **Yolanda Kodrzycki**

Economist  
Federal Reserve Bank of Boston

#### **Daphne Kenyon**

Professor of Economics  
Simmons College

#### **Therese McGuire**

Professor of Economics  
Institute of Government and Public Affairs  
University of Illinois-Chicago

#### **Amy Ellen Schwartz**

Professor of Economics  
Robert F. Wagner Graduate School  
of Public Service  
New York University

#### **Robert Schwab**

Professor of Economics  
University of Maryland

#### **Robert Solow**

Professor of Economics, Emeritus  
Massachusetts Institute of Technology

## New Book Researches Tax and Land Use Policies

**L**ocal Government Tax and Land Use Policies in the United States: Understanding the Links, by Helen F. Ladd, is an accessible, non-technical evaluation of economic thinking on the interactions between local land use and tax policies. The book raises provocative questions about the conventional wisdom in fiscal policy that will be of interest to economists and students concerned with urban development and local public finance, as well as to planners, policymakers and citizens.

The ideas contained in this book were debated at the Taxation, Resources and Economic Development (TRED) conference held in November 1995 at the Lincoln Institute, which provided financial and logistical support throughout the research and publication project. Ladd organized the conference with Dick Netzer and Ben Chinitz, both of whom also contributed to the book.

In Part I, Ladd provides a comprehensive summary of the extensive literature on the relationship between local land use and tax policies. She explores the theoretical controversies and clarifies issues such as the use of land use regulation as a fiscal tool, the effects of taxes on economic activity, and the success of tax policies to promote economic development.

In Parts II and III, ten urban and public finance economists present their research on land use and taxation issues. Some of the topics are the impact of growth on tax burdens, tax increment financing, metropolitan tax base sharing, the incidence of impact fees, and the experience with land value taxation in some urban areas.

Helen F. Ladd is professor of public policy studies and economics in the Terry Sanford Institute of Public Policy at Duke University. Dick Netzer is professor of economics and public administration in the Robert F. Wagner Graduate School of Public Service at New York University. Ben Chinitz, visiting professor of urban planning at Florida Atlantic University, is a faculty associate and former research director of the Lincoln Institute.

The book is copublished by Edward Elgar Publishing, Inc., Cheltenham, UK, with the Lincoln Institute of Land Policy. It is part of the Edward Elgar series, Studies in Fiscal Federalism and State-Local Finance. The 264-page volume is available from the Lincoln Institute for \$80, plus shipping and handling. Please use the Request Form on page 11 or call 800/LAND-USE (800/526-3873) to place your order. [I](#)

# Land Prices, Land Markets, and the Broader Economy

Stephen K. Mayo

**T**he interactions between land and property markets and the broader economy of cities and nations are central to the Lincoln Institute's concerns. Two key objectives of our work in this area are (1) to raise awareness about the stakes of good land policy for creating well-functioning land and property markets and for improving the performance of financial markets, labor markets, the fiscal affairs of local and national governments, and ultimately the economic health of both cities and countries; and (2) to indicate the need for high quality data and an appropriate analytical framework to aid in understanding the importance of good land policy, monitoring the effects of land policies throughout the economy and facilitating policy reforms. In November 1997, the Lincoln Institute held a conference on the theme of "Land Prices, Information Systems, and the Market for Land Information" to explore these issues.

## Land Values and Land Policy

How important are the stakes of good land policy? Hee-Nam Jung of the Korean Research Institute for Human Settlements reported on the importance of land markets in the economies of five countries (see Table 1). The value of land in mature economies such as Canada, France and the United States ranged from about one-third to three-quarters of GNP during the mid-1980s, and represented from 8 to 21 percent of estimated national wealth. In the more rapidly growing economies of Japan and Korea, land values were from three to six times as high as GNP in the 1980s, and represented half or more of estimated national wealth. In the mature economies these figures illustrate the importance of land as a source of wealth, but in rapidly growing economies land has an even more significant role in determining economic welfare and a host of incentives for the economy's performance.

In Japan, for example, booming land and property values during the 1980s served as collateral to fund credit expansion throughout the economy and, indeed, throughout the world. Land prices in Japan's six largest cities increased dramatically from 1980 to 1991, at a compound rate of about 12 percent annually (see Figure 1). By 1990, the estimated price of land being developed for residential purposes in Tokyo was estimated to be about \$3,000 per square meter, compared to figures of roughly \$110 in Toronto and Paris and \$70 in Washington, D.C.

Between 1991 and 1996, however, Japanese land prices fell by nearly half, taking down the Japanese economy and a host of financial institutions in its wake. The cumulative losses of the Japanese banking system associated with the collapse of the property market and associated businesses are estimated at around \$1 trillion, making the U.S. Savings and Loan "crisis" seem comparatively insignificant. Analysis of Japanese land policy suggests some of the causes of the boom and bust cycle in land prices: policies that have severely restricted conversion of agricultural land to urban uses; an especially complex land

**TABLE 1: Land Value and the Economy, mid-1980s**

Indicator	France	Canada	USA	Japan	Korea
Land Value (\$billion)	172	256	2950	4540	484
Land Value/GNP	0.29	0.70	0.75	3.17	6.10
Land Value/Wealth	0.08	0.20	0.21	0.55	n.a.

Source: Hee-Nam Jung, "Land Prices, Land Markets and Land Information in Korea, 1963-1996," p.20.



development system that requires exceptionally long approval times; and a fiscal system that places little emphasis on the taxation of land and property values.

Land prices in Korea also rose at a tremendous rate during the 1980s (over 16 percent annually from 1981 to 1991). Remarkably, in most years nominal capital gains on Korean land were greater than Korea's GNP. Jung explained that these gains had profound implications for the distribution of wealth and income in Korea, and for economic incentives. Not surprisingly, the recent collapse of Korean property markets has had tidal effects throughout the economy. As in the case of Japan, the Korean land policy framework has been seen as highly questionable. Government intervention in land and property markets over the years has been responsible for severely distorted markets that represent a major structural imbalance in the Korean economy.

### Using Land Market Data for Policy Analysis

Other speakers at the conference presented information on the importance of land market performance for a variety of stakeholders: consumers and taxpayers; land developers and builders of residential and non-residential properties; banks and financial institutions; and both local and central governments. In the case of Cracow, Poland, Alain Bertaud from the World Bank indicated that policies embodied in master plans and zoning regulations were highly inconsistent with the nominal objectives of the regulations, and would lead to inefficient and costly spatial patterns within the city. His paper illustrated the value of having good data on land prices, regulations and the spatial distribution of the population in order to evaluate the effects of policies involving land use, infrastructure and property taxation.

Paul Cheshire from Oberlin College and Stephen Sheppard from the London School of Economics illustrated how data on land and housing prices and regulations can be used to evaluate the effects of government policies such as the preservation of urban open space. Jean-Paul Blandinieres of the French Ministry of Equipment, Transportation and Housing discussed an ambitious government program to establish "Urban Observatories" to collect and analyze information on land and property markets and the effects of government policies.

### Data Collection on Land and Property Markets

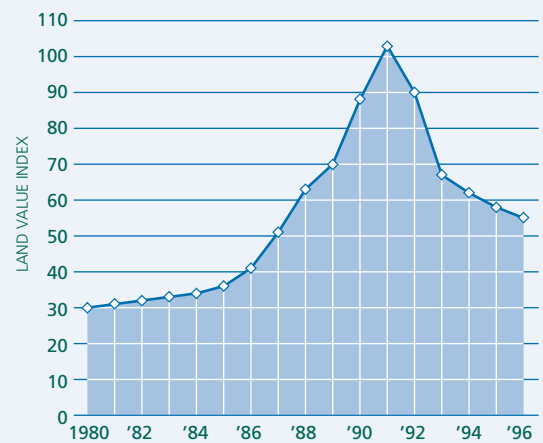
Recognition of the costs of land policy failures or, conversely, of the benefits associated with implementing good policies, has given rise to a number of systematic efforts to collect and analyze high quality data on land and property markets within various institutional settings. Pablo Trivelli discussed land and property information systems in Latin America that serve the needs of public and private stakeholders. Perhaps the most impressive of these is an effort in Brazil called EMBRAESP, which monitors key indicators of urban property market performance along with urban legislation, land regulations and major public works projects that might have an impact on the behavior of property markets. The distribution of the information is self-sustaining through contracts with major newspaper chains, sales of periodic bulletins, disks containing standard data, and special reports responding to individual demands, as well as through the Internet.

Another major data collection and analysis effort was reported by David Dowall from the University of California-Berkeley. He developed the "Land Market Assessment," a tool for analysis of land and housing markets that has been applied in over 30 developing countries and transitional economies. At comparatively modest cost, data are collected through aerial photos and satellite images, surveys of land brokers, and secondary sources on population, infrastructure and regulatory frameworks. Dowall's analysis documents a number of generic policy findings, especially concerning the costs of inappropriate land policies, and suggests that even more cost-effective versions of the tool can be developed that will illustrate the workings of land markets and beneficial policy reforms.

Romeo Sherko, David Stanfield and Malcolm Childress from the Land Tenure Center at the University of Wisconsin-Madison, addressed the issue of designing a strategy to create and disseminate land information in transitional economies, where information has historically been tightly held, thus frustrating both the evolution of property markets and opportunities for policy analysis. Their conclusions

regarding the role of the public and private sectors, the scope of data collection, and pricing and dissemination strategies help to explain why it is so difficult to gather land market information. On the other

**FIGURE 1:**  
**Land Values In Japan's Six Largest Cities**



Source: Jean Michel Paul and Robert Edelstein, "Are Japanese Land Prices Based on Expectations?" p. 10.

hand, their analysis suggests that the benefits of good land market information are considerable. Some of these benefits were illustrated by David Dale-Johnson from the University of Southern California and Jan Brzeski from Jagellonian University, Cracow, who discussed efforts to document rapidly evolving market prices of property in Cracow and to inform property tax reform efforts.

Samu Kurri, Seppo Laakso and Heikki Loikkanen of the Finnish Government Institute of Economic Research discussed the land price information system in Finland, suggesting that it is only now beginning to catch up with the needs of many different potential users of the data. These users include those concerned with implementation of a new property tax and macroeconomic and financial sector policymakers concerned with the interaction of the Finnish property market and national economic performance. Karl Case of Wellesley College presented findings from a preliminary analysis of 100 years of land prices in Boston, which was designed to highlight some of the methodological difficulties of measuring land prices in a way that facilitates policy analysis and reform. **L**

**Stephen K. Mayo** is a senior fellow of the Lincoln Institute. For information about future conferences on these topics or for copies of the November conference papers, contact: [stevem@lincolninst.edu](mailto:stevem@lincolninst.edu)

# Transfer of Development Rights for Balanced Development

Robert Lane

## A TDR PARABLE:

*It's simple. You just go to the farmer whose land you're trying to preserve and tell him that he can't develop his land because it is a "sending area" for your new Transfer of Developments Rights (TDR) program. At first, he's a bit upset. But as town planner you assure him that everything is OK because you've found a developer who will pay him for the development potential of his property in order to build a block of new houses on small lots in the quaint village center nearby. Everybody wins! It's easy, isn't it?*

*Well, not really. The farmer has been offered a lot more money by another developer who wants to build the kind of low-density gated community that professional refugees from the city really want. The farmer decides to sue you and the town, claiming that by depriving him of the right to develop his land there has been a "taking." Also, the villagers have decided that their community is dense enough and they would like you to find a different "receiving area."*

*Meanwhile, the original developer has figured out that he can use his development rights to build a new strip mall on a green-field site outside of town. This was a site you had hoped he would not use, although you had to include it as a receiving area in order to be sure the farmer's development rights had somewhere to go.*

This parable is clearly an oversimplification, but it illustrates many of the challenges that TDR programs face. The allure of the TDR model is its seemingly simple ability to accomplish in one transaction two complementary goals: open space preservation and centered development. However, the promise of TDR has been stalled by a variety of political, economic and administrative obstacles.

The Lincoln Institute and Regional Plan Association (RPA) cosponsored a two-day conference in October 1997 to explore the potential and the limitations of using TDR programs. While the conference addressed a number of legal and planning issues, one of the central questions asked by the group was, "How can TDR pro-

grams be used to influence settlement patterns, not only to protect open space, but also to promote compact development?"

A presentation of research by the American Farmland Trust revealed that the use of TDR has expanded tremendously, and many programs are considered successful even though the overall picture is ambiguous. The list of success stories is still dominated by such well-known programs as Montgomery County, Maryland (1980) and the New Jersey Pinelands (1981). A number of more recent programs showing early potential are the Long Island Central Pine Barrens, New York (1995), Bucks County, Pennsylvania (1994) and Dade County, Florida, where TDRs are helping to preserve more than 100,000 acres of everglades ecosystems outside of the Everglades National Park.

## Obstacles and Opportunities

Regardless of how many programs may be considered successful, the conference revealed that there are still many obstacles to establishing a working TDR program. Among them are:

- finding communities that will locate receiving areas for higher density development;
- calibrating values for development rights in sending and receiving areas to insure a market for the rights;
- creating a program that is simple enough to understand and administer, but complex enough to be fair;
- developing community support to insure that the program is used;
- avoiding litigation and evasion.

Building on the considerable experience of the participants and using an outline provided for the discussion by James Tripp of the Environmental Defense Fund,<sup>1</sup> the conference identified several components of successful TDR programs.

- TDR programs can avoid legal challenges by ensuring that the principles, definitions and language of the program conform with existing local regulations. Because the legal issues of TDR are not going to be resolved any time soon (as some who followed *Suitum v Tahoe*<sup>2</sup> had hoped), conformance will provide the timeliness and certainty the community needs.

- A credit bank, clearinghouse or other financial institution can be extremely effective in promoting the program, facilitating transactions and providing hard information about the dollar value of the rights. The "real value" of the rights helps support the legitimacy of the program.

- Effective state enabling legislation may be important in establishing the clear legal authority of the administering agency. The legislation should be specific enough to provide guidance and clarity, but broad enough to enable localities to tailor their programs to their own circumstances.

- The "takings issue" can be ameliorated by providing multiple options to the landowner (e.g., hardship exemption or outright purchase) and by preserving residual use for the land. However, the issue of preserving land versus the activity on it can also be problematic. How are the uses defined? Is "farming" the traditional "family farm" or an industrial-scale operation? At least in the short term, preserving productive activity on the land may be both politically valuable and necessary.

## Impacts on Receiving Areas

The first half of the TDR equation (agreement on the resource to be protected) is generally not difficult. However, the second half (agreement on where the transferred development is to go and how it should be configured) has been extremely problematic.

Conference participants acknowledged that while the goal of transferring density away from preservation areas and into growth areas was being accomplished by a number of TDR programs, the programs have not been effective in influencing the design and character of development in the receiving areas. Local municipalities are or at least should be obligated to identify sites for increased density, but the use of that density may not be constrained beyond the existing town zoning bylaws. The unfortunate result is that the increased density is as likely to be used for a suburban strip development as for compact, centered development, thus creating localized sprawl within the receiving area.

In the case of the Long Island Pine

Barrens, some towns intentionally spread out their receiving areas to avoid the political fallout of higher-density development. When the TDR program was being developed, the Pine Barrens Commission was working on design guidelines meant to promote compact town planning. However, this layer of complexity and restriction was too burdensome to be incorporated into each of the local town plans.

While there is broad agreement that controlling the character of development in receiving areas is a desirable idea, it also raises a number of questions. First, the administering agency may not be able to deal with the additional complexity of design controls. Second, the market for new development in the receiving areas may not be strong enough to support the additional burden of cluster design. The need to guarantee a market for the transfer rights also works against the creation of controls that would concentrate development. An advantageous ratio of receiving areas to sending areas (as high as 2.5:1) tends to create large receiving areas.

Conference participants from around the country also confirmed what they perceive as a knee-jerk reaction against higher density. Despite the influences of New Urbanism and neo-traditional planning,

the general public does not value centered development. Residents of fast-growing communities might be more receptive to clustered residential designs if they could understand what different types of development would look like by reviewing three-dimensional representations in drawings and models.

Land use attorney Charles Siemon suggested that many town planners seem to want compact, centered development, but are not willing to acknowledge that it can be more expensive to private developers. Perhaps another approach, one that is outside of the TDR marketplace, is needed, such as a fund that buys the development rights and agrees to sell them to developers at a discount if they build in town centers. Lexington, Kentucky, is experimenting with this kind of arrangement.

### Evaluating TDR

How do you measure the success of a TDR program? By the amount of open space preserved? The number of acres kept in farming? The number of transactions? The quality of development in the receiving areas? And, over what time period? Charles Siemon suggested that a TDR program might be considered a success even if no transactions take place. How? Because,

in the context of a larger land use plan, the TDR program can make a preservation program more palatable by providing the landowner with additional options.

It became clear during the conference that the perceived success or failure of TDR programs was deeply colored by excessive expectations. The notion that a TDR program would, by itself, protect open space, preserve activities such as farming, help create appealing village centers, and do all of this simply by offering a mechanism for moving development around is simply not realistic. Some participants asked, "Why should a TDR program be expected to accomplish more than any other single land use tool, such as zoning?"

This question reflected the most fundamental conclusion of the conference: TDR programs work only when they are part of a larger, long-term land use plan that has the commitment and political will of the community behind it. This commitment to the larger goals of the plan and to the particular resource being protected is the real answer to legal and other challenges. A comprehensive plan is more likely to accommodate multiple avenues of relief for landowners who feel unfairly treated. TDR programs that are created within the context of a comprehensive plan are much more likely to be tailored to the specific political, economic and geographic circumstances of their location. Finally, in terms of creating balanced and centered development, it is within a land use plan that the design guidelines and other controls that result in the best town planning principles may reside. **L**

**Robert Lane** is director of the Regional Design Program at the Regional Plan Association in New York. Contact: [lane@rpa.org](mailto:lane@rpa.org).

### NOTES:

1. James Tripp and Daniel J. Dudek, "Institutional Guidelines for Designing Successful Transferable Rights Programs," *Yale Journal on Regulation* (Summer 1989).

2. In the summer of 1997, the U.S. Supreme Court heard *Suitum v Tahoe*, a challenge to a TDR program. Although some of the justices took the opportunity to talk about various legal dimensions of TDR, the case did not address the fundamental legality of TDR. Instead, it focused on the "ripeness issue." Did Mrs. Suitum have to try to sell her rights through the program before challenging its legitimacy? The Court ruled that she did not. The conference participants felt that in the short term the case may create pressure for TDR programs to assign real dollar values to the rights or credits that are being transferred. This is consistent with the finding that a TDR bank, capable of assigning such values, can play an important role in the success of a TDR program.

# New Colombian Law Implements Value Capture\*

Fernando Rojas and Martim Smolka

Under conditions of rapid urban growth, concentrated land ownership and land use regulations often contribute to a scarcity of land serviced by public infrastructure. This scarcity in turn facilitates huge increases in land prices and incredible speculative gains. When the legal and administrative framework cannot be changed easily to let markets operate gradual price adjustments that can be taxed via existing property and capital gains taxes, value capture is a suitable approach to attain equity, efficiency and sustainable urban development.

In the early 1990s two Colombian cities, Bogota and Cali, adopted land use regulations aimed at expanding their supplies of residential land. Bogota released an attractive reserved site in the middle of the city known as “El Salitre,” with the intention of providing additional infrastructure and establishing special regulations to ensure low- to middle-income housing. Cali expanded its urban perimeter to include a substantial piece of swampland known as “Ciudadela Desepaz,” which needed extensive infrastructure investment. The city planned to provide basic infrastructure to encourage both its own housing department and private developers to build low-income housing.

The very announcement that the respective city councils were about to promote development raised the land prices significantly. In the case of Cali, registered land transactions in Ciudadela Desepaz reflected price increases of more than 300 percent even before the City Council made its formal decision. Land quickly changed hands from a scattered group of relatively unknown cattle ranchers (and, it was documented later, some foreign and domestic drug traffickers) to land speculators and land developers. A series of administrative decisions over a 30-month period pushed land with virtually no market value to a price of more than 14,000 Colombian pesos per square meter (about US\$18 in

1995). These decisions resulted in overall gains of more than 1,000 times the original land price after accounting for inflation.

El Salitre in Bogota followed a similar path of decisions by the city administration that raised the price of land substantially. Needless to say, residential housing is being occupied in both cases by middle- to high-income people, not the intended lower-income sectors.

Since cases like Desepaz and El Salitre occur regularly in major Colombian cities, the national government prepared a bill to allow cities to capture most of the increases in land values that may be attributed primarily to authorized changes in land use. Such changes include zoning, density allowances or the conversion of land from agricultural to urban uses. The bill, inspired by similar yet less stringent measures in Spanish and Brazilian laws, was passed by the Colombian Congress as Law 388 of 1997.

Colombian income tax laws, including the successfully applied *Contribucion de Valorizacion*, a betterment levy limited to the cost recovery of public investments, are not effective in capturing the kind of extreme capital gains as seen in Desepaz or El Salitre. Law 388 of 1997, known as the Law for Territorial Development, offers several options for how local authorities may “participate in the *plus-valias*” through payment of the new “contribution for territorial development.” Cities and property owners may negotiate payment in cash, in kind (through a transfer of part of the land), or through a combination of payment in kind (land) plus the formation of an urban development partnership,

for instance, between the owners, the city and developers.

Implementation of this new value capture instrument poses formidable challenges to Colombian city administrators, who must identify those increases in value that are due primarily to administrative decisions. The challenges include measuring the relevant increase in the value of the land, negotiating the forms of payment and establishing partnerships for urban development purposes.

As part of its research and education program in Latin America, the Lincoln Institute has been working with Colombian officials since 1994 to provide training and technical support during the successive stages of preparing the regulations and implementing Law 388 of 1997. The Institute plans to work with other countries experiencing land pricing problems so they may consider value capture measures similar to the Colombian law. **L**

**Fernando Rojas**, a lawyer from Colombia, is a visiting fellow of the Lincoln Institute this year. He and Victor M. Moncayo, currently president of the National University of Colombia, drafted the bill that later became Law 388. They also worked with Carolina Barco de Botero, a member of the Lincoln Institute Board of Directors, who at the time was head of the United Nations Development Program, which oversaw preparation of the bill for the national government. **Martim Smolka** is senior fellow for Latin America and Caribbean Programs at the Institute. Contact: [frojas@lincolninst.edu](mailto:frojas@lincolninst.edu) or [msmolka@lincolninst.edu](mailto:msmolka@lincolninst.edu).

## Workshops on Redeveloping Brownfields at RPA

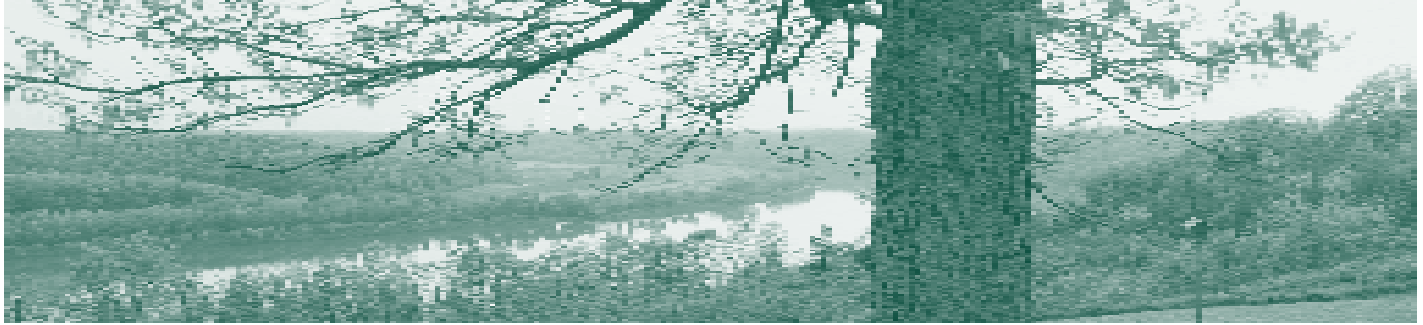
The Regional Plan Association (RPA) has identified an estimated 50,000 brownfield acres in the New York/New Jersey/Connecticut region as focal points for reclamation and future growth. Some of these sites are contaminated, but many others simply carry the stigma and bureaucratic burden of brownfield designation. Making the sites productive again promises to bring new opportunities to urban neighborhoods blighted with derelict

land and to provide alternatives to further suburban development on the region's fringes.

RPA and the Lincoln Institute are cosponsoring a two-part workshop, titled “Redeveloping Brownfield Sites: Market vs. Planned Approaches,” as part of RPA's 8th Annual Regional Assembly on May 5. Market approaches include tax abatements or liability protection to help move sites back into productive use. Planned approaches require greater public involve-

\* Value capture refers to fiscal and other measures used by governments to earmark the portion of land value increments attributed to community effort rather than to actions of the landowner. In Latin America, these land value increments are often referred to as *plus-valias*.





# The Economic Value of Open Space Conservation

**A**round the country, communities are recognizing that conservation of open space can benefit their economic health. At the edge of rapidly growing cities, protected farmland and wildlife areas are stemming suburban sprawl and encouraging more compact development, thus decreasing the public costs of road and sewer construction. In inner cities, park renovations are sparking redevelopment and enhancing the value of adjacent neighborhoods. Conservation easements on farmland are helping to preserve the economic backbones of many traditional local economies. And wilderness areas are attracting hikers and other nature tourists who spend money in local communities.

While the benefits of protected open spaces are increasingly evident, many communities still face great difficulty funding their land acquisition plans. In recent years, federal grants for land purchases have decreased sharply, while an economic boom has pushed land prices through the roof in rapidly growing areas. As a result, the escalating costs of acquiring properties can be far beyond the capacity of many town budgets. Nevertheless, many communities acknowledge that they must take greater initiative to protect their valuable green spaces for future generations.

The Lincoln Institute's latest policy focus report, *Open Space Conservation: Investing in Your Community's Economic Health*, by John Tibbetts, addresses these issues. It explores how American communities have historically protected and maintained open space through a combination of planning strategies, regulatory measures, public investments and private initiatives. Since the fiscal and economic implications of open space conservation are crucial to policymaking, the report describes several methods of estimating the economic value of open space to communities. Finally, the report analyzes the effectiveness, practicality and fairness of tools now used by communities to finance open space acquisitions. With this information, interested parties can think strategically about local conservation opportunities.


Communities can protect open space in three basic ways, which are often used in combination. First, land can be preserved through regulatory measures, such as agricultural zoning, conservation zoning, impact fees, and dedications of land. Growth management policies have proven useful in numerous communities experiencing rapid development. But despite the effectiveness of these measures in some areas, land use regulations can be challenged or rendered

unenforceable by new political leadership.

Secondly, localities and states can acquire land outright or provide funding to maintain open spaces through bond issues, sales taxes, real estate transfer taxes, special districts, special assessment areas, and business improvement districts. This option is expensive and often politically complex. Many communities with limited financial resources have difficulty competing with developers to acquire valuable land. Still, citizens in many localities have voted to pay higher taxes to acquire green space and protect ecologically sensitive areas such as watersheds. A variety of public/private partnerships also offer hope for new financing alternatives, especially in more urbanized areas.

A third approach is the use of conservation easements to protect land while keeping it in the hands of private owners, a popular and practical method of preserving open space, championed by both landowners and environmental groups. Easements are increasingly being used in rural and suburban areas, where they can help protect productive agricultural lands and stem the pace of rapid development.

Protection of environmentally sensitive lands, such as watersheds and floodplains, presents special challenges that usually require a combination of regulatory approaches with public and private financial support. In fact, all communities should consider the pros and cons of various techniques and collaborations to devise an open space conservation plan based on a shared vision of the community's long-term land use needs and local economic conditions.


*Open Space Conservation* is a 36-page, illustrated paperback report, available from the Lincoln Institute at \$14 per copy, plus shipping and handling. A 25 percent discount is available on orders of 10 or more copies. Please use the Request Form on page 11 or call 800/LAND-USE (800/526-3873) to place your order. 

## Regional Assembly

ment and commitment. Panelists will explore the circumstances where these various approaches are most effective, as well as fiscal and planning tools that are available to local communities and regions. The moderator for these sessions is Assemblyman Richard Bagger of the New Jersey State Legislature.

The RPA Regional Assembly, "Creating the Capacity for Growth," on May 5 is being held at the Sheraton New York Hotel and Towers. Other workshops will

examine regional rail initiatives, suburban highway congestion, parks that pay for themselves, and educational disparities in urban school systems.

For more information or to register for the Assembly, contact Regional Plan Association, 4 Irving Place, 7th floor, New York, NY 10003. Phone: 212/253-2727 x309. Fax: 212/253-5666. Web: [www.rpa.org](http://www.rpa.org). 

# Who Owns America?

The North American Program of the Land Tenure Center at the University of Wisconsin-Madison and the Lincoln Institute are the organizers and co-hosts of a conference to exchange ideas and information about land and natural resource tenure issues in the United States, Canada and Northern Mexico.

"Who Owns America? II: How Land and Natural Resources are Owned and Controlled" will be held June 3 to 6 in Madison. This is the second in a series of conferences designed for a diverse audience including public officials, policymakers, planners, grassroots activists, academic researchers, representatives of business and non-governmental organizations, and private citizens.

Antonio Azuela de la Cueva, Attorney General for Environmental Protection in the federal government of Mexico, will present a plenary address and Jim Sessions, Director of the Highlander Research and Education Center, a community organizing institute working in the Deep South and Appalachia, will moderate the conference's Town Meeting.

## Conference Themes and Featured Speakers

### A Bundle of Rights:

#### Law, Policy and the Politics of Land

*Harvey M. Jacobs* is Professor and Chair of the Department of Urban and Regional Planning and Professor in the Institute for Environmental Studies at the University of Wisconsin-Madison. In 1998 the University of Wisconsin Press will publish his edited book, *Who Owns America? Social Conflict over Property Rights*.

### Culture, Ethics and the Land

*Bernice Johnson Reagon* is Distinguished Professor of history at American University, Curator

Emeritus at the Smithsonian Institution, and lead singer and songwriter for the musical group Sweet Honey in the Rock, which celebrates the music of African-American history.

### For Land and Money:

#### Economic Realities and Alternatives

*H. James Brown*, President and CEO of the Lincoln Institute, is an economist specializing in land use, housing and regional economics. He edited the 1997 Lincoln Institute book, *Land Use and Taxation: Applying the Insights of Henry George*.

### This Land Was My Land:

#### Land Loss Prevention and Recovery

Three speakers will address this theme. *Winona LaDuke*, an activist in the movement to recover Native lands, is Founder and Director of the White Earth Land Recovery Project based on the White Earth Reservation in Minnesota. She is also Program Officer of the Seventh Generation Fund Environmental Program, where she works to leverage financial and political support for grassroots Native organizations throughout the Americas. An enrolled member of the Mississippi Band Anishinabeg (Ojibwe), she is author of *Last Standing Woman*, a narrative of an Anishinabe woman's life and traditions. *Gary Grant* is a pre-eminent figure in the fields of black land loss and environmental justice. He is Director of both Concerned Citizens of Tillery and Halifax Environmental Loss Prevention, and President of Black Farmers and Agriculturists Association. *Patricia Quintana*, a native of Taos, New Mexico, serves as the Legislative Liaison for New Mexico State University at Las Cruces, and is active in many state-wide community development organizations.

### Natural Resources

#### Ownership and Management

*Patricia Marchak*, Professor of sociology at the University of British Columbia, is a pioneer in the field of natural resource sociology. She has authored several books that examine the effects

of national policies and corporate actions on forest-dependent communities throughout the world.

### Session Topics

More than 200 concurrent sessions will be offered during the conference. The following session descriptions suggest the wide range of topics to be explored.

### Property Rights

Evolving Perceptions of Property Rights; Historical Development of Property Rights: Canada, Mexico and the U.S.; What Does It Mean to Own Land?; Who Rents America?

### Culture, Ethics and the Land

Cultural Influences on Land Use, Management and Sustainability; Endangered Traditions in the Sea Islands (Georgia and South Carolina); Land Ownership, Environmental and Distributive Ethics; Religion's Impact on Land Use Practices; Native American Principles of Land Stewardship

### Urban Growth

Contested Territory on the Rural/Urban Fringe; Land Ownership Patterns; Planning and Managing Urban Greenways; Urban Brownfield Policies; Sprawl and Growth Management

### Taxation

Land Tenure and Taxation in Letcher County, Kentucky; Property Taxes and the Rights of Renters

### Land Trusts

Land Trusts and Private Land Conservation; Land Trust Tools for Conservation; Catalysts for Land Protection and More Livable Communities

### Land Use and Planning

A Community Guide to Land Use Planning; Democratic Debates in Land Use Planning; Land Use and Land Tenure Policy in Prince Edward Island, Canada; Indigenous Land Tenure and Land Use in Alaska

For more information and a registration packet, mail or fax this form to:

### Who Owns America? Conference

Land Tenure Center, University of Wisconsin  
1357 University Avenue, Madison, WI 53715

Phone: 608/262-3658

Fax: 608/262-2141

Email: [ltc-nap@facstaff.wisc.edu](mailto:ltc-nap@facstaff.wisc.edu)

Web: <http://lwcweb.ltc.wisc.edu/nap>

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COUNTRY \_\_\_\_\_

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## Land Loss, Prevention and Recovery

Reservation Population Growth and American Indian Land Tenure; Fractionated Heirship and Land Loss; Sovereignty and Land Policies; Legal Reform Proposals to Slow Black Land Loss

## Public Trust Doctrine

Protector of Intergenerational Equity; What Does "Our Forests" Mean?; The Alaska Native Claims Settlement Act

## Alternative Forest Uses

Who Controls the Forest Understory?; Aboriginal Forestry; Aboriginal Land Claims and Land Management in Canada; Subsistence Harvesting by Aboriginal People in Canada

## Cooperatives

Land Owner Cooperatives; Lobster Cooperatives in Quintana Roo (Mexico); Worker Cooperatives in the Forest Products Industry (Canada)

## Geographic Information Systems (GIS)

GIS, Land Use and the Private Sector; Ownership and Control of Land Information: New Technologies, New Maps, New Policies

*Funding support for the conference is provided by the Land Tenure Center, the Lincoln Institute, the Ford Foundation, the W.K. Kellogg Foundation and the Otto Bremer Foundation.*

## NEWS FROM THE LINCOLN INSTITUTE BOARD

Two new directors were appointed to the Lincoln Institute Board of Directors at its meeting on January 9 and 10 in Phoenix, Arizona: Karl W. "Chip" Case, Professor of Economics at Wellesley College, Wellesley, Massachusetts; and Kathleen Doar, Chief Judge of the Minnesota Tax Court, St. Paul, Minnesota.

Two directors completed the maximum years of service on the Board: Roger Tracy, Tax Commissioner for the State of Ohio; and Carol Whiteside, President of the Great Valley Center in Modesto, California, and formerly Director of Intergovernmental Affairs for the State of California.

Board officers are: Kathryn J. Lincoln, Chairman; H. James Brown, President; Levering White, Secretary; Carolyn Ruhe, Treasurer; Dennis Robinson, Assistant Treasurer; and Robin Sparks, Assistant Secretary and Assistant Treasurer.

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# Calendar

Contact: Lincoln Institute, 800/LAND-USE (526-3873) or help@lincolninst.edu, unless otherwise noted.

## RPA Regional Assembly Redeveloping Brownfield Sites: Market vs. Planned Approaches

MAY 5  
New York, NY

Contact: Regional Plan  
Association, 212/253-2727 x309;  
www.rpa.org

## APA Audio Conference Training Series for Planners Public Anger and Community Decision Making

JUNE 3

Contact: Carolyn Torma  
or Candace Kane, American  
Planning Association,  
312/431-9100

## Who Owns America? II: How Land and Natural Resources are Owned and Controlled

JUNE 3-6  
Madison, WI

Contact: Land Tenure Center,  
University of Wisconsin, 608/  
262-3657; http://ltcweb.ltc.wisc.  
edu/nap

## Courses in Latin America

### Training in Value Capture: Applications of Law 388 (1997)

MARCH 12-14  
Bogota, Colombia

### Land Regularization and Land Markets: Comparative Analysis of Latin American and Colombian Experiences

MARCH 16-18  
Medellin, Colombia

### Land Market Behavior in Cordoba: Implications for Urban Structure

APRIL 22-24  
Cordoba, Argentina

### Vacant Land in Latin America

APRIL 27-29  
Buenos Aires, Argentina

### Models for the Management of Urban Costs and Alternatives

JUNE 22-23  
Brasilia, Brazil

# Lincoln Institute Welcomes APA to Boston

When the American Planning Association (APA) holds its 89th Annual Conference in Boston from April 4 to 8, the Lincoln Institute will be participating in several workshops and hosting a reception for conference attendees.

Richard R. Perkins and William Constable will present "The Developers' World" as part of APA's Planning Commissioner's Track. This session, which is based on the Institute's long-standing program for local planning officials, provides an opportunity for commissioners to gain insight into the economics of the development process from the developers' perspective. Perkins, senior vice president of Land-Vest, Inc., in Boston, is a member of the Lincoln Institute Board of Directors and Constable, president of A.W. Perry, Inc., a real estate firm in Boston, is a faculty associate.

Rosalind Greenstein and Peter Pollock are members of a panel on "Controlling Urban Sprawl." Greenstein is senior fellow and director of the Institute's Program in Land Use and Regulation and Pollock is a visiting fellow at the Institute and a Loeb Fellow at Harvard University Graduate School of Design.

For more information about the conference schedule and registration, consult APA's website at www.planning.org or call Candace Kane at 312/431-9100.

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Lincoln Institute of Land Policy  
113 Brattle Street, Cambridge, MA 02138-3400

Phone: 617/661-3016  
Fax: 617/661-7235

Email: annleroyer@lincolninst.edu (editorial content)  
help@lincolninst.edu (information services)

Web: www.lincolninst.edu

Editor  
Ann LeRoy

President and CEO  
H. James Brown

Chairman of the Board  
Kathryn J. Lincoln

Design  
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