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# COMMUNITY LAND TRUST FINANCING

## Understanding the diversity of models in Europe

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COOPERATIVE FONCIERE FRANCIENNE (CFF)

With the participation of



& support from



# COOPERATIVE FONCIERE FRANCILIENNE (CFF)

## STATE OF AFFORDABLE HOUSING IN THE PARIS INNER SUBURBS

The *Coopérative Foncière Francilienne* (CFF) was created in 2017, at the initiative of the Federation of Affordable Housing Developers (*Fédération des Coop HLM*). Its activities are spread across eight *départements* in the Île-de-France Region around Paris, making it the biggest *Organisme de Foncier Solidaire* (OFS - the French equivalent of a CLT) operating in France to date. The CFF scope however, focuses on the inner suburbs of Paris, i.e. the **first ring of municipalities directly adjoining the City of Paris**<sup>85</sup>. This area is one of the most dynamic in the country both in terms of wealth creation and demography (APUR, 2012).

The creation of this regional entity mirrors the implementation of the *Greater Paris Metropolis* (2008-2016), which brings together 130 municipalities within its conurbation. Besides territorial reforms, **metropolitan dynamics** in which the CFF is involved are also taking shape in the form of **megaprojects**, reflecting the determination to **increase Paris' competitiveness and outreach** (2024 Olympics or the *Greater Paris Express* suburban transportation project).

In terms of housing, since the late 1990s, **concentration effects** have led to an increase in the phenomenon of **gentrification**, which has **increased real estate prices** in the Paris inner suburbs, sometimes **catching up with those the capital** (up to €8,000 per square metre in inner suburbs such as Kremlin-Bicêtre). In addition, despite a steady increase in housing production and the **concentration of about 2/3 of the regional social housing stock** in Paris and in its inner suburbs<sup>86</sup>, the social housing offer struggles to keep up with demand. In 2015 about 13% of households residing in the region were on a waiting list, representing about 630,000 families (*Observatoire du Logement Social en IdF*, 2015).

## LEGAL AND POLITICAL BACKGROUND

Against this backdrop, the *Coop' HLM* movement, and its national umbrella organisation (*Fédération des Coop' HLM*<sup>87</sup>) have played a **major role in fostering social homeownership in this area since 1908**. At the national level, this coalition has among other projects managed the development of several innovative tools, such as *BRLO* and *PASS Foncier*<sup>88</sup>. There are currently about 30 *Coop HLM* in the Île-de-France Region, producing **between 1,600 and 1,700 housing units per year**.

<sup>85</sup> This inner suburban area or 'première couronne' surrounding Paris has no legislative existence in and of itself. It is composed of three *départements*: Hauts-de-Seine (92), Seine-Saint-Denis (93) and Val-de-Marne. It is home to about 4.5 million people (37% of the Île-de-France Region).

<sup>86</sup> In 2015, we counted about 1.2 million social rental housing units in the Île-de-France Region, representing about 1/4 of the region's principal residences and about 1/3 of the total French social housing stock (*Observatoire du Logement Social en IdF*, 2015).

<sup>87</sup> Federation of Affordable Housing Developers under cooperative status.

<sup>88</sup> *BRLO* (*Bail Réel Immobilier Relatif au Logement*) was a property lease which introduced temporary land and real estate and property decoupling in French law (Construction and Housing Code, Art. 254-254, 2014). *PASS-Foncier* was a two-component instrument, firstly enabling borrowers to reimburse the cost of their home then that of the land (construction lease scheme). At the same time, it enabled borrowers to reimburse the capital interest before reimbursing the capital itself (grace-period loan).



However, the mission of promoting social homeownership is proving increasingly difficult in a context of rising land prices and in which local authorities are becoming increasingly reluctant to subsidise such policies<sup>89</sup>.

*Fédération des Coop' HLM* has thus been particularly active in putting OFS on the national agenda in order to bypass previous policy backlogs. For example, they supported the creation of the pilot *Coopérative Foncière Francilienne* (CFF) in 2017, the first cooperative OFS in France. As of November 2018, the network included three OFS that were operational and another six under preparation (Cerema, Espacité, 2018).

Similarly to OFSML (*Organisme de Foncier Solidaire de la Métropole Lilloise*), their main objective is to improve the residential trajectory of modest households from the social or private rental market, by promoting homeownership in dense urban zones.

## CFF LEGAL STATUS AND GOVERNANCE

As a multi-stakeholder OFS, CFF has based its structure on the unique cooperative model of its members. It is a commercial cooperative company (*Société Coopérative Commerciale* - SCIC).

Its founding members are 13 affordable housing developers, called *Coop' HLM*<sup>90</sup> (Espacité, 2018, p. 15). All together, they form one of the three decision-making committees of the organisation and are predominant on the Executive Board. The two other committees are the Local Authority Committee (formed of municipalities or public bodies interested in investing in the organisation<sup>91</sup>) and the Residents Committee, still to be developed. There is also the possibility of further including developers and financiers (such as banks) in one of these committees.

Under the cooperative principle 'one person, one vote', each of the members has voting rights at the General Assembly and is thus involved in CFF's strategic orientations.

The other main CFF body is its Engagement Committee, in which every *Coop HLM* has to present its development projects in order to obtain their accreditation by the OFS.

### CFF in brief

Date of creation	2017 (2 years)
Nature	Consortium of affordable housing developers
Legal structure	Cooperative (SCIC) <sup>92</sup>
Target population	<ul style="list-style-type: none"> <li>-Intermediate income households, first-time buyers, coming from the social rental housing market</li> <li>-Income ceiling based on the PSLA<sup>93</sup>: €31,999 per year for a single person in Paris (Zone A, 2018)</li> <li>-2% -17% difference between the required income to access OFS homes compared to previous social homeownership policy (PSLA)<sup>94</sup></li> <li>-10% -18% difference in monthly repayment estimations compared to the private</li> </ul>

<sup>89</sup> Public authorities supporting social homeownership policies - financing up to 1/3 of the unit cost - have been unable to guarantee the long-term social impacts of their investment. Indeed, they had limited tools available - such as 5- to 10-year anti-speculation clauses - to prevent the unit from falling back into the private housing market after the first sale.

<sup>90</sup> Coop Access, Coop HLM Habitat Réuni, Domaxia, Expansiel Promotion, Habitation Transports, Les Coop'HLM Développement, Notre Cottage Accession, La coopérative de la Boucle de la Seine, Les Habitations populaires, Terralia, Coopimmo, Logispostel, Gambetta Île-de-France and CAPS.

<sup>91</sup> Made up of the following cities: Gennevilliers, Ivry-sur-Seine, Kremlin-Bicêtre, Malakoff, Pantin, Nogent-sur-Marne, Bry-sur-Marne. And the sectoral agencies SPL Fontenay-sous-Bois and EPFIF (potentially interested).

<sup>92</sup> *Société Collaborative à Intérêt Collectif*, with joint-stock company (SAS) status.

<sup>93</sup> PSLA (Prêt Social Local-Accession), a social rent-to-buy scheme at the heart of a former social homeownership policy.

<sup>94</sup> The minimum required income is €3,552 - €4,724 per month to access OFS homes (33% indebtedness estimations).

	market <sup>95</sup>
<b>Membership fees</b>	€30,000 for founding members (equity)
<b>Resale price</b>	<ul style="list-style-type: none"> <li>-Average resale price per m<sup>2</sup> on the private market: from €4,000 (Gennevilliers) to €8,000 (Kremlin-Bicêtre, Malakoff)</li> <li>-CFF prices per m<sup>2</sup> are targeted between €3,273 (Gennevilliers) and €4,100 (Kremlin-Bicêtre, Malakoff)</li> <li>-Usually 15-25% of the market prices, depending on the area</li> </ul>
<b>Projects</b>	<ul style="list-style-type: none"> <li>-Under construction: Gennevilliers (14 units), Bagneux (38 units), Kremlin-Bicêtre (10 BRS units)</li> <li>-Under study: Malakoff, Ivry-Sur-Seine</li> </ul>
<b>Workforce</b>	<ul style="list-style-type: none"> <li>-No direct employees</li> <li>-<i>Coop Immo</i> mobilises 1/3 FTE for management activities</li> </ul>
<b>Number of members</b>	<ul style="list-style-type: none"> <li>-13 <i>Coop HLM</i> (affordable housing developers under cooperative status)</li> <li>-7 municipalities</li> <li>-2 sectoral agencies</li> </ul>
<b>Resale formula</b>	Indexed to the rent index ( <i>Indice de Révision des Loyers</i> , IRL)
<b>Ground Lease</b>	<ul style="list-style-type: none"> <li>-€1.78 to €3.30 per square metre, depending on the operation</li> <li>-<i>BRS Opérateur</i>: 2 years</li> <li>-<i>BRS Habitant</i>: 78 years</li> </ul>

## HOW CFF WAS CREATED

### Upfront financial assistance and technical support

When the cooperative was founded, **each founding member took a €30,000 equity in CFF's capital**. This mechanism made it possible to **raise €390,000** in order to get started. The founding members (affordable housing developers) **mobilised their internal range of expertise in order to undertake the accreditation process**<sup>96</sup>. They additionally benefited from the **support of their national umbrella organisation** (*Fédération des Coop HLM*).

## CAPACITY BUILDING

As a **pilot project**, CFF has been setting a precedent by **enabling the *Fédération des Coop HLM* to gain expertise and support the creation of new cooperative OFS**. As a result, two-thirds of the OFS created over the last two years in France have been affiliated to **this umbrella organisation which provides the necessary support to replicate and disseminate a cooperative OFS model**.

At the household level, the *Coop HLM* in charge of a specific project development also has **the mission to advise and accompany would-be buyers**. This service is included in the ground-lease monthly payment. (*Les Coop' HLM*, 2018.). In addition, the *Coop HLM* also usually works in **partnership with municipalities** in order to manage demands (*Les Coop' HLM*, n.d.).

## CREATION OF PROJECT GROUPS

Although CFF isn't strictly speaking 'community-led', **several of its members have already been involved in property division operations in partnership with grassroots groups**, and thus prior to the creation of the French OFS model.

<sup>95</sup>Generally above €1,000 per month (4 pers. 83 m<sup>2</sup>), including monthly ground lease payment (Espacité, 2018).

<sup>96</sup> In order to be recognised, French OFS have to be accredited by a Regional Prefect.

This is, for example, the case of the *Utop project* (Paris, 20e). In this project a group of 14 households partnered with a social landlord (*Habitat et Humanisme*) and *Coop Immo* (Cooperative Affordable Developers, a CFF founding member) in developing a mixed-use project<sup>97</sup>. For this project, *Coop Immo* bought the site through a **60- to 80-year land loan** (Gaïa loan, CDC) and made it available to the group through a **60-year construction lease**<sup>98</sup>. Households then organised themselves into a **cooperative** (Utop) bringing €2,250 equity each. This capital and advance payment<sup>99</sup> from the *Habitat et Humanisme* social landlord enabled *Utop* to **borrow a construction loan** at a preferential rate (PLS<sup>100</sup>). The group is backed by the developer and the landlord, thereby easing access to land and decreasing the cost of borrowing (and therefore of the operation).

Cooperative members will then **rent** their unit. **Their monthly payment consists of a capped rent based on their income, monthly charges, ground lease, and contribution to a solidarity fund**<sup>101</sup>.

Utop's general principles can be summarised by the following steps: 1) creation of the association or cooperative, a participatory process including each member of the group in determining the living principles and design of units and common spaces; 2) the affordable housing developer conducts the operation and allocates the units to group members; 3) shared and common spaces are thereafter managed by the association or the cooperative.

In essence, **these principles appear compatible with the OFS model**. It could even be advisable to **apply them more in-depth, infusing these principles in the OFS projects**. It would contribute to **strengthen the role of inhabitants in the development and management processes**.

## PROJECT DEVELOPMENT

Except for a few details, **the development process of the OFS homes in France is very similar from one OFS to the other**. Indeed, when the Lille Metropolitan OFS (OFSML) commissions their homes to a developer (see previous case study), **it is CFF members themselves (affordable housing developers) that take responsibility for the development and implementation of their projects**. The developer carries out the project from its early stage until its marketing, getting it accredited by the OFS through the Engagement Committee (see 'Governance').

In terms of access to land, *Coop HLM* developers **mostly rely on public land** - from cities or para-public bodies (*Société d'Economie Mixte*, SEM, *Établissements Publics Fonciers*, EPF etc.), **from which they can benefit from discounts**<sup>102</sup>. They nonetheless remain keen on considering **private land opportunities**.

As an illustration, for their first three operations, **CFF acquired land at a cost ranging from €543** (Gennevilliers<sup>103</sup>) **to €1,200** (Kremlin-Bicêtre) per square metre (Espacité, 2018, p. 21). In comparison, the median price for empty and potentially buildable land in the Paris inner suburbs in 2017 amounted to €563 per square metre (ORF, 2019).

In order to finance land acquisition, the *Coop HLM* **makes use of a 60- to 80-year Gaïa Loan provided by the French public bank Caisse des Dépôts et des Consignations (CDC)**<sup>104</sup>. **They are guaranteed by municipalities**. In addition, the developer brings provides a contribution of

<sup>97</sup> 17 units, pooled common spaces (music studio, common room), commercial spaces and a garden.

<sup>98</sup> Construction leases are a type of lease that obliges the leaser to develop and maintain a building on the site for a given period. After that period (60 years in this case), the property of the land and building returns to *Coop Immo*.

<sup>99</sup> *Habitat et Humanisme* has paid rent in advance for 60 years right-of-use.

<sup>100</sup> The *Prêt Locatif Social* (PLS) is a loan with preferential rates granted for the construction, purchase and refurbishment of units intended to be rented as social housing.

<sup>101</sup> €5-€15 per month depending on household resources.

<sup>102</sup> Up to 50% for social homeownership in Zone A (Paris) (Certu, 2013).

<sup>103</sup> Floor area, pre-tax value, excluding notary fees.

<sup>104</sup> 18- to 80-year loans indexed on the *Livret A* (citizen saving account) + 60%.

€1,000 per unit in order to decrease the cost of borrowing and to capitalise the cooperative. These long-term loans make it possible to smooth the cost of land over time.

In this model, the **land charge** has a sometimes significant impact on the monthly ground lease amount. The developer bears its cost until project delivery (*BRS Opérateur*), usually over a period of two years. The ground lease is then transferred to the buyer (*BRS Habitant*). Consequently, **land repayment through ground lease may decrease the overall solvency of buyers.**

As an illustration, the *BRS Opérateur* ranged from €25,000 to €76,000 for the first two operations. The amount varies strongly depending on the location and the size of the project.

On another level, as in the case of OFSML, CFF also mobilises a 'sale before completion' scheme called *VEFA (Vente en l'État de Futur Achèvement)* in order to bridge financing between the building and selling of the units; it benefits from a reduced VAT rate (5.5%).

### Focus: Kremlin-Bicêtre financial operation



Fig. 11 Kremlin-Bicêtre Project  
(Source : Expansiel Promotion)

Within one year, three projects have already been initiated by CFF in Gennevilliers, Bagneux, and Kremlin-Bicêtre and two more are under study in Ivry-sur-Seine and Malakoff (Espacité, 2018, p. 16).

The 13-unit Kremlin-Bicêtre project developed by *Expansiel Promotion* - a cooperative developer member of CFF - has the particular feature of being located in a city directly adjoining Paris and serviced by Paris Metro Line 7. The price per square metre in the area has been estimated at €5,600, but CFF offers homes with a 27% price differential (€4,100) - excluding the BRS ground lease. It is furthermore one of the only projects studied in this report that has been developed on private land. The use of debt (Gaïa Loans, 60-80 years) to finance access to land has a knock-on effect on the BRS ground-lease amount. CFF charges €3.30 per square metre to its households in order to

recover and spread land cost over 60 years. In comparison, OFSML charges a third of this amount (€1) - an arrangement made possible thanks to the financial contribution by the City of Lille (land donation).

As a result, the first assessment of the CFF model showed that for this project the differential in monthly payment (including mortgages and BRS ground lease) in the open market versus in OFS homes is only 11% (Cerema, Espacité, 2018).

Date	2017-2019 (2 years)
Phase	Build
Origin of the land	Private (acquired upstream by the developer)
Number of units	-13 units in total -10 OFS units and 8 parking spaces
Total project cost	Unknown
Land cost	€1,200 per floor area (SDP)
Price per m <sup>2</sup>	€4,100 (€5,600 on the open market)
Average sale price	€184,000 (estimated on a 52-m <sup>2</sup> flat, parking space included)
Developer contribution	- <i>BRS Opérateur</i> : €25,168 over the two development years -€1,000 per unit to capitalise CFF
Household contribution	- <i>BRS Habitant</i> : €3.33 per m <sup>2</sup> per month -Monthly payment: €1,289 (including BRS ground lease & mortgage repayment*) -Necessary gross monthly income: €2,224

\*Calculation based on a 20% down payment, over 25 years (2% interest rate), excluding real estate tax.



## CFF OPERATION

### Purchase and resale of units

CFF targets first-time-buyer lower- to intermediate-income households coming from the social rental housing market. For this reason, it formed partnerships with social landlords in order to identify potential residents. Would-be buyers are subject to an income ceiling set at the national level. It is based on previous social-homeownership scheme levels (*Prêt Social Location-Accession*, PSLA). The PSLA income ceiling for a single person in the Paris inner suburbs (Zone A) amounted to €31,999 per year in 2018.

In terms of unit-price setting, prices per square metre are set project by project but are capped at €4,656 maximum. The land cost is not included in the purchase price, which can represent a gain of 15 to 25% on total sale cost (Cerema, 2018).

In terms of mortgage finance, residents can benefit from both commercial and concessional loans (*Zero-interest loans*, PTZ) as well as a 30% discount on their real estate tax depending on the policies of respective cities.

*Coop HLM* developers usually provide a three-component guarantee scheme. In the event of a life crisis, the developer commits to rehouse the household into a social rental unit, to buy back the unit, and to compensate the potential loss in added value. It also has a pre-emptive buy-back right if it observes improper uses of the unit (Coop HLM, 2018).

As mentioned earlier, a ground lease (*BRS Habitant*) is charged per resident, for a period of 78 years maximum. It has the purpose of reimbursing the land loans and constituting working capital to invest in further projects. This ground lease amounted to €2 to €4 per m<sup>2</sup> for the first operations. The building is then managed as a traditional co-ownership building.

In the event of a sale, the resale formula is indexed - nationally - to the rent index (*Indice de Révision des Loyers*, IRL).

### CFF operations and development of new projects

The value of the cooperative is composed of the initial endowment of €390,000, the €1,000 developer contribution per unit built, the collection of ground leases (BRS) and, secondarily, the income fees earned through the selling of units (Espacité, 2018, p.24).

In terms of equity take-out, local authorities can participate in up to 50% of the CFF capital, while households could theoretically also buy cooperative shares (see 'Governance' section).

The main source of expense for CFF is the interest rate on land loans. It should also be emphasised that, as a commercial entity, the cooperative is not exempt from taxes<sup>105</sup> (Espacité, 2018, p. 19).

CFF has no direct employees running its day-to-day operations. It relies on its members' in-house skills through management agreements. This way of operating enables members to share management costs and pool services (Espacité, 2018, p. 16). For instance, *Coop Immo* currently has a 1/3 FTE to run the organisation (diffusion of the model, accounting, etc.), while lease and property management are taken care of by *Gexio Cooperative*, whose core business was already to administer properties (Cerema, 2018). The volume of these missions should expand as the number of operations increases. As of today, it is difficult for CFF to assess its human resources needs. Two scenarios seem to emerge: either it will continue mobilising staff from its membership through service delegation, or hire dedicated staff.

<sup>105</sup> Including corporate tax, VAT and territorial economic contributions.

## CONCLUSION

CFF has set as its short-term **objective the development of 80 units per year**, to eventually reach 300 housing units produced yearly (Kiraly, 2017).

The main challenge faced is how to **ensure collaboration with local authorities in order to access land and benefit from municipal guarantees on concessional land loans** (*Gaïa, CDC*). In a context of tight budgets and land price increases, land is indeed considered as an increasingly valuable asset and potential source of revenue for municipalities. In this situation, **discounts and guarantees are more difficult to obtain** for CFF.

It is also important to note that due to **resource scarcity**, OFS are evolving in a climate of relative **competition for land access** in regards to the other actors positioned on the affordable housing market (public, private etc.).

Failing to secure those partnerships would oblige CFF to **buy land at high prices** - which would eventually have strong **repercussions on household ground leases** and would not make it possible to control **speculation** (Espacité, 2018).

Analysis is thus currently being carried out on how to achieve an **optimal mix of debt management, public grants, and developer and household contributions**, in order to **decrease the cost of the operations, limit ground-lease payments and, finally, enlarge the target population** (Espacité, 2018, p. 13).



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## Fonds Mondial pour le Développement des Villes (FMDV)



FMDV (Global Fund for Cities Development) is in charge of coordinating the Financial Models Work Package (WP) of the SHICC project. FMDV mobilises its internal expertise and reaches out to other networks and partners (in particular from the finance community and local and regional governments) to analyse CLT/OFS financial models, develop new financing and engineering approaches for CLT/OFS, and disseminate knowledge that will help make the model widespread in the North-West Europe region.

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## With the participation of

### The City of Lille



City of Lille supports the project management and coordinates the partnership agreement. As lead partner of the project, it is involved in all Work Packages (WPs) in order to ensure their proper coordination and advancement.

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### CLT Brussels



CLTB leads the general coordination of the project, along with the City of Lille. As part of this project, CLTB develops new financial models and new strategies for enhancing community involvement. As a pilot CLT, CLTB will inspire other initiatives in the region. Through its involvement in capacity building, long-term effects and communication Work Packages, CLTB contributes to the spreading of the CLT model within the North-West Europe (NWE) region and helps emerging CLT to overcome their initial barriers.

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### CLT Ghent



To support Community Land Trusts, CLT Ghent is leading the four CLT Pilot Work Packages and contributes to other aspects of the programme.

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### London CLT



London CLT brings practitioner expertise as a CLT in the very expensive housing market of London. It has particular experience in engaging with communities and the state, based on a community organising approach. It is making the change from a grant-funded not-for-profit organisation with a campaigning emphasis to a sustainable social enterprise, actively exploring a diverse range of social finance options. LCLT is keen to develop new ways to create sustainable funding.

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Leads the Communications Work Package (WP); leads the Start-up Fund WP, building on its existing grant programme that provides small grants for nascent or new CLT to buy in technical support and reach key milestones; leads the Long-term Effects WP, specifically delivering the advocacy campaign work and social-impact measurement work; and supports the delivery of other aspects of the programme.

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