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Public land revisited: municipalization and privatization in Newark and New York City*

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ABSTRACT

Public land plays a central role in contemporary urban planning struggles. Using a comparative case study approach focused on the north-eastern US cities of Newark and New York City, we uncover patterns of land acquisition and dispossession that fit five broad and often overlapping periods in planning history: City Beautiful, metropolitan reorganization, deindustrialization, and devaluation, followed by hyper-commodification in New York City and redevelopment amidst disinvestment in Newark. Through this periodization, we find that accumulation and alienation of urban public land has largely taken place through two modes of municipalization (targeted and reactive) and two modes of privatization (community-led and capital-led). Uncovering these complex and contradictory processes strengthens the case for a more intentional approach to public land than either city's leadership is currently pursuing, but which social movements have persistently demanded – one which prioritizes democratic decision-making in long-term land management, as well as public access, use and purpose.

KEYWORDS

Public land; municipalization; privatization; vacancy; displacement

For most of the 20th century, public land in the United States played a pivotal role in the realization of both elite and popular political goals and urban planning visions. In New York City – the largest and one of the most expensive cities in the United States – municipally-owned space remains at the centre of multiple political conflicts. Public land often holds broad emotional and historical resonance, and offers grassroots groups opportunities to intervene through the city's land-use review process. City ownership also lowers the cost of development on these lands, allowing for either deeper affordability for social housing projects or greater profits for private redevelopment schemes. In nearby Newark, New Jersey – that state's largest city and a site of intensive disinvestment and capital flight – public land has been a key tool for the centralization of political and economic power. Unlike New York City, Newark continues to be saddled with property abandonment. In 2016, its vacancy rate reached 15 percent (U.S. Census 2016), a condition that was exacerbated by the 2008 foreclosure crisis and weighs heavily on the city's budget. Recently, Newark has pursued an active municipalization strategy to address vacancy, seizing properties through tax foreclosure and eminent domain. At the same time, the city continues to sell off public land to address budget shortfalls and to facilitate corporate-led economic development (Nix 2014).

The continued centrality of public land in both Newark and New York City planning politics begs the questions: where does public land come from? How have US cities accumulated land,

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and why has much of that land since reverted to private ownership – or been ‘alienated,’ in the unintentionally Marxist parlance of US land use planners? In this paper, we explore how land has passed between the private and public realms in order to illuminate the historical and geographical forces that undergird contemporary urban land-use struggles. Using a comparative case study approach, building on the insights of Marxist and Black geographies, anarchist planning traditions, and radical urban history, and drawing on our own experiences as housing advocates and New York City tenants, we uncover patterns of public land acquisition and dispossession in the US as manifested in the north-eastern cities of Newark and New York City. We organize these patterns into four successive and sometimes overlapping historical periods, and identify the oppressive rounds of ‘municipalization by dispossession’ and liberatory moments of ‘municipalization by repossession’ that characterized 19th and 20th century public takings. Through a fifth historical period, in which New York City and Newark’s histories differ significantly, we discuss the varying modes of privatization that have recurred throughout the late 20th and early 21st centuries. Finally, we conclude with a defence of public land and community control in the face of ongoing privatization pressures.

Newark and New York City provide a potent comparison because by the late 20th century, these adjacent cities came to epitomize two divergent paths of contemporary capitalist urbanization: hyper-disinvestment in the case of Newark and hyper-investment in New York City. We recognize that the geographical proximity of our case study sites, as well as the over-representation of north-eastern US cities in urban planning literature (Pieterse 2011), limits our ability to generalize these processes to the national or international scales. New York City and Newark’s very proximity, however, also presents an important analytical advantage, as their trajectories cannot be explained by regional differences. While seemingly disparate, the dilemmas their planners now face around public land stem from intimately related historical and geographical processes of investment/disinvestment and dispossession/repossession.

This complex history offers a grounding counterpoint to the often-ahistorical contemporary planning debates around public land, which tend to take both its state ownership and its eventual alienation as givens. The stakes of these debates are incredibly high – the fate of public land, the fate of public access to land, and the fate of public input into the use of land – yet the history behind them is too often ignored, mystified or occluded. Vike (2013) has suggested that one of the perennial challenges of planning is that its practitioners must simultaneously balance contradictory temporalities: what he calls ‘utopian time,’ or the horizon on which future plans are made in ‘abstract space’ (Lefebvre 1974, 49–53); and the ‘contemporary time’ in which we live, defined by ‘the fleshy, messy, and indeterminate stuff of everyday life’ (Katz 2001, 711). In order to make sense of these temporal contradictions, planners managing public land must also engage with a third kind of time – a critical analysis of the historical-geographic processes that animate municipalization and privatization.

How has land become public?

Private and public land ownership are both socially constructed.¹ Historically, land held in common was privatized through enclosure, a violent means of asserting individual property rights. In the US, this process began with the mass displacement and genocide of native peoples, a process Clyde Woods marks as the US’ first comprehensive plan (Woods 1998, 41). Some of its perpetrators were settlers who were themselves displaced from common lands through prior processes of enclosure in the United Kingdom (Dunbar-Ortiz 2014, 35).

Privatization was part of the US’ basic premise from its establishment; Dunbar-Ortiz characterizes the US as the ‘first independent nation-state founded on the ideology of capitalism, of land as commodity’ (Dunbar-Ortiz 2018, 115). In both New York City and Newark, enclosure was managed by the colonial Dutch West Indies Companies, which parceled Lenni-Lenape land to settlers (Tchen 2002). The process continued with the establishment of large agricultural tracts and urban plats, as

well as a myriad of smaller enclosures of common land by speculators, settlers, slaveholders, landlords and developers (McKittrick 2013).

While privatization is at the country's core, both elite and popular movements have also frequently facilitated the transition of land from private to public ownership. Elite movements for public land have ranged widely in both form and purpose, from the national parks movement – which relied on civil and military forces to displace native populations (Katz and Kirby 1991) – to landlords in low-rent markets who lobbied for 'slum' designations in order to qualify for government buyouts that would compensate them for years of property neglect (Radford 1996). These elite efforts often amounted to processes of municipalization by dispossession.² While they led to transfers of land from the private sphere to the state, they did not necessarily result in increased control over the land by the public. At the same time, popular movements for public land acquisition included utopian communities that sought non-oppressive alternatives to both rural and urban life (Hayden 1976), as well as late 19th and early 20th century 'sewer-socialist' municipal governments that pursued land and infrastructure municipalizations (Judd 1989). These movements engaged in processes of municipalization by repossession, resulting in both public (or sometimes collective) land ownership and more democratic land management.

In addition to these elite and popular political movements, public land acquisition has been conditioned by long cycles of urban investment and disinvestment (Kondratieff 1979). As a structural condition of capitalist development, money moves in and out of spaces in search of opportunities for growth, creating a shifting terrain of uneven development that affects the dynamics of planning in general, and land ownership in particular (Wilson 2000). Aggressive devaluation of land by capital can thus turn municipal governments into owners of last resort.

Finally, municipalization has also arisen from broader national and international patterns in planning, including commitments to specific ideological vogues. At various times these have included City Beautiful, industrial dispersal, and urban renewal.

From the 1890s to the 1990s, through political movements, flows of capital, and changes in ideology, the creation of public land in New York City and Newark fell into the following four broad and often overlapping historical categories.

Period 1 (1890s–1920s): public palaces and City Beautiful

In the post-bellum era, a time of major urban expansion and state consolidation, many US cities facilitated the construction of ornate, centrally-located pieces of public infrastructure, from public parks (like Newark's Branch Brook Park) and libraries (like the main branches of the Newark and New York Public Library systems) to railroad stations (like New York City's original Penn Station) (Peterson 2003; Tuttle 2009, 81). This impulse was concretized into the City Beautiful planning movement, which supported vast public projects – grand boulevards, faux Beaux Arts buildings, and municipal palaces aimed at boosting property values while providing public services (Foglesong 1986).

By the beginning of the 20th century, both Newark and New York City had become destinations for a growing immigrant workforce and an important manufacturing centre that generated a significant amount of wealth for the city's elites. Newark's downtown, well-served by a growing trolley network, underwent a building boom, spurred by public and private capital. The opening of Newark's gold-domed City Hall signaled the city's ascent, prompting the *Newark Evening News* to declare, 'Newark, queen city of New Jersey, came into her own today' (Tuttle 2009, 84). In New York, the consolidation of Brooklyn, the Bronx, Manhattan, Queens and Staten Island into one city at the end of the 19th century, as well as the proposed (if never truly adopted) 1907 City Beautiful plan, served as the impetus for a round of early 20th century municipalizations and construction projects that included City Hall Park, Richmond Borough Hall and Brooklyn's municipal complex (Ranogajec 2014).

Even if the goal of these projects was to stimulate investment and demonstrate the power of the state, they also provided spaces of leisure and utility for the public. From early on, they were regularly expropriated for uses their designers never intended, from public protest sites to homeless encampments (Gandy 2003).

Producing these tremendous spaces meant accumulating large tracts of land through eminent domain and backroom buyouts between political patrons and clients (Schwartz 1993). City governments commonly practiced ‘excess condemnation,’ or taking more than they needed, selling a piece of the ‘improved’ land for a profit and generating revenue for the new project (Cushman 1917). This mode of municipalization was eventually curtailed by the Great Depression, but it established a model for future public takings.

Period 2 (1930s–1960s): metropolitan reorganization through redlining and urban renewal

In 1929, the Great Depression sparked a massive housing crisis that eventually spurred intensive federal interventions into urban housing markets. These took multiple forms, which both directly and indirectly resulted in substantial public acquisitions of urban land.

With a succession of Housing Acts (of 1937, 1949, and 1965) the federal government funded the development of both multi-family rental and private owner-occupied housing (Jackson 1987). Cities used federal funding and the power of eminent domain to municipalize large tracts of land, facilitating the development of government-owned housing projects as well as union-built ‘modern housing’ complexes (Radford 1996). Through these programmes, public housing authorities across the country created 1.4 million public housing apartments. New York City and Newark both aggressively engaged in public housing development, with New York City constructing over 176,000 apartments (NYCHA 2017a) and Newark developing between 12,000–18,000 apartments, more public housing units per capita than any city in the country (Rabig 2016; Sidney 2003, 11; Sullivan 1972). While US public housing was flawed from the start – in segregated siting, exclusionary tenant selection, undifferentiated design, and intrusive management – it also functioned as a non-commoditized form of housing for millions of working class residents to live and build community (Williams 2004).

At the same time, the federal government was creating new opportunities for largely White suburban homeownership through federally-insured mortgage programmes and indirect development subsidies, while simultaneously codifying into law the parameters for redlining – a systematic programme of disinvestment from integrated and Black neighbourhoods (Wilder 2000). Taken together, these segregationist planning policies created the conditions for municipalities to designate poor urban areas ‘slums,’ premised on the malleable notion of ‘blight’ (Gordon 2003). With federal support, municipalities then engaged in eminent-domain takings: assembling parcels, paying out owners, accumulating land, and dispersing residents (Fullilove 2005). These actions, often aggressively promoted by elite business concerns and real estate boards as well as liberal institutions like universities, hospitals and unions (Schwartz 1993), were amalgamated and codified under the broad umbrella of urban renewal. Coalitions representing business and liberal institutions, like the Newark Commission for Neighborhood Conservation and Rehabilitation (NCNCR 1958), called for the large-scale redevelopment of urban areas with federal funds; or as NCNCR’s promotional booklet stated, ‘No Slums in Newark in ‘66.’

Resistance to the federally-funded clearance of low-income neighborhoods and neighborhoods of colour coalesced in multiple arenas. Tenants in areas slated for demolition, like Lincoln Square and Morningside Heights in Manhattan, fought for access to the planning process and against projects that threatened their homes (Gold 2014, 74). In the fields of urban planning and architecture, debates raged between proponents of master planning, who favored monumental redevelopment enabled by so-called ‘slum clearance,’ and a rising cadre of advocacy planners and urbanists who favored incremental, collaborative and redistributive projects that preserved existing communities (Davidoff 1965; Jacobs 1961). Newark’s 1967 insurrection, in which 26 people lost their lives and which pushed the Johnson administration to acknowledge the impact of urban spatial segregation, was directly linked

to an effort by the Newark Housing Authority to clear 150 acres in the majority-Black Central Ward for the New Jersey College of Medicine and Dentistry (Fullilove 2005, 153; see also Newman 2004).

While local organizing led to victories against individual urban renewal projects, the cumulative effect of urban renewal cannot be overestimated; scholars have likened the conditions created by this programme to the aftermath of a military conflict (Fullilove 2005; Zipp 2012). To the people in the path of this municipalization by dispossession, 'it was simple expropriation, another instance in which public authority combined with private wealth to uproot people with little power from land with much value' (Zipp 2012, 10).

Period 3 (1940s–1980s): deindustrialization and military restructuring

At the same time as urban renewal and suburbanization were reshaping patterns of municipal settlement and land ownership, a parallel process was unfolding through the military-industrial sector. The post-World War II 'military Keynesian' (Gilmore 1999) US economy was premised on unrelenting military-industrial growth, which included a shift of military production and coordination out of urban facilities like Brooklyn's Navy Yard and Army Terminal, Manhattan's armories (Markusen 1991), and Newark's shipyards (Tuttle 2009, 114). Many of these spaces were then picked up by municipal governments and operated as industrial campuses, parks, shelters, recreational facilities and art galleries.

While wartime production temporarily animated Newark and New York City's waterfronts and large industrial sites, in the post-war era large-scale manufacturing actively decamped from northern cities, citing rising rents and land values, depreciating factories, and increasing labour militancy (Bluestone and Harrison 1982). The emergence of containerization in the mid of 20th century quickly reorganized the spatial logic of coastal economies. This led to the sudden obsolescence of New York City's ports and smaller manufacturing and storage sites along Newark's waterfront, and the rise of the sprawling Port of Newark (operated by the Port Authority of New York and New Jersey) as the northeast's premier shipping facility (Levinson 2006). Port restructuring was also the result of persistent lobbying by real estate holders and sympathetic planners both inside and outside of government, who had been seeking more profitable commercial and residential uses for the central city's industrial spaces long before containerization took hold (Fitch 1993).

Some shuttered industrial sites were converted to lofts and other sites of private consumption (Zukin 1989), but many went into tax foreclosure and were seized by municipal governments. This created opportunities for environmental justice organizations to demand – and sometimes win – new parks and open spaces on former brownfield sites, turning these publicly owned but inaccessible sites into more vibrant and popularly utilized spaces (Sze 2006). At the same time, deindustrialization threw many urban economies into downward spirals, setting the stage for a final round of public land accumulation.

Period 4 (1970s–1990s): devaluation and foreclosure

As a result of the period of 'organized abandonment' (Gilmore 2008, 32) engendered by redlining, urban renewal, and deindustrialization, a wave of disinvestment, including mass arson and property tax delinquency, afflicted US cities. Both Newark and New York City saw a rapid decline in population and tax revenue, with Newark losing 50,000 people each decade between 1970 and 1990 (Newman 2004, 37) and New York City losing over ten times that amount (Fitch 1993). During these years, federal funding for municipal projects declined precipitously; under Reagan, the Department of Housing and Urban Development's budget was slashed by \$27 billion, or 70% (Goldstein 2017, 210). Stated priorities for public land use slipped from social reproduction to discipline and punishment, as exemplified by the New York Urban Development Corporation's shift from land acquisition for housing to land acquisition for jails and prisons (Norton 2015). In Newark, local corruption and decreasing federal funding led to a rapid decline in public housing conditions. Public housing

tenants, building upon the sometimes intersecting tenant and Black freedom movements of the 1960s, staged a massive rent strike in the early 1970s that culminated in rent reprieves and a greater tenant influence over the management of the Newark Housing Authority (Corr 1999, 123). This organizing victory occurred in the broader context of state retrenchment.

Urban governments – already engaged in revanchist reaction against popular movements for racial and economic equality (Woods 2007) – embraced austerity politics. In New York City, the most notorious example of this retrenchment was ‘planned shrinkage’, the name given to an ongoing process of diminishing public services in poorer neighbourhoods while reserving aid for wealthier and more politically influential areas (Wallace and Wallace 1998). This combination of withdrawal of federal support from cities, population loss, and local austerity measures devastated the housing stock in many urban neighborhoods. In 1980, Harlem contained just 2% of New York City’s housing stock, but more than 20% of its landlord-abandoned homes (Goldstein 2017). Vacancy rates in Newark’s Central Ward, heavily targeted for urban renewal and plagued by fires, reached endemic proportions in the 1980s. The ‘collapse of the social safety net’ and growing dilapidation of housing contributed to skyrocketing homelessness in Newark (Mumford 2007, 217) and New York City, where these phenomena were dialectically paired with a simultaneous gentrification (Marcuse 1985).

As a result, city governments took on a growing stock of cleared municipalized land and served as a landlord of last resort for occupied buildings abandoned by their landlords (Leavitt and Saegert 1988). In 1976, New York City implemented a law that shortened the time it took the city to take temporary *tax foreclosure* ownership over tax delinquent and physically distressed properties from three years to one year (ibid; Perine, Shultz, and Marazzi 2010). City officials assumed this would incentivize landlords to address financial and physical distress, but instead it further sped up abandonment. By 1981, the city’s *in rem* housing stock, owned and operated by the New York City Department of Housing Preservation and Development (HPD), grew to nearly 112,000 units (Stegman 1982).

This accidental municipalization also helped facilitate the development of tenant-controlled cooperatives, community gardens, and activist spaces (Bagchee 2018; Leavitt and Saegert 1988; Starcheski 2016) in an expression of ‘community rights’, which drew upon 1960s movement organizing for community control (Gold 2014). Similarly in Newark, the city pursued an aggressive *tax foreclosure* strategy, amassing 6,000 parcels by 1980. Squatters, including families on the verge of homelessness, made use of the city’s bureaucratic disarray to occupy both *tax foreclosure* and vacant public housing apartments (O’Flaherty 1998, 43).

How has public land become private?

Over roughly a century, in a history animated by elite and popular mobilizations, processes of investment and disinvestment, and evolving planning ideologies, US cities amassed a great deal of land and property. Taken together, the narrative that emerges from these municipalizations is largely one of dispossession – perhaps unsurprisingly given the ‘power-geometries’ (Massey 2012) at play in capitalist urban contexts. However, it is also one of repossession: of working class and poor people using public land in ways city leaders neither predicted nor desired, and of community-building in decommodified spaces. All along, public urban land acquisition has been both a strategy of domination and liberation; its history, therefore, is neither a triumphalist celebration of public values, nor a pessimistic account of unending assaults.

In the ensuing years, there has been a rush to privatize the lands municipalized during these four periods, a process made possible by a shift in the relationship between the public and private sectors with the ascent of neo liberalism as the dominant ideology in urban governance. Both Newark and New York have pursued haphazard land alienation processes that fill short term capital needs rather than follow any broader planning framework. New York City has largely preserved its public housing stock,³ but city planners and policymakers have built up elaborate systems to avoid new municipal takings and quickly unload other forms of public land (Krinsky 2015). Newark continues to

municipalize land to address abandonment, but has also demolished and privatized the majority of its public housing (Sidney 2003, 11). These recent trajectories are characteristic of the relationship between privatization and the larger tendency towards extremes of gentrification and disinvestment in neoliberal urbanity (Hackworth 2007).

Period 5 (1990s to the present): New York City

New York City has entered a fifth historical category: severe land commodification, under which, according to Madden and Marcuse (2016, 26), ‘all of the material and legal structures of housing – buildings, land, labour, property rights – are turned into commodities.’ This hyper-commodification was a long time in the making. Even as land prices were bottoming out across New York City in the 1970s and 1980s, investors were beginning to speculate on vacant property, with abandonment and gentrification ‘part of a single pattern and accentuating the other’, often in the same neighborhoods (Marcuse 1985, 197). The Northwest Bronx, for example, experienced both abandonment and rental property overleveraging in the 1980s (CSS and NWBCCC 1996). Over time, as the real-estate market expanded relentlessly, gentrification morphed from a peculiar phenomenon to a generalized condition; or, in the terms of the contemporaneous debate, from ‘islands of renewal in seas of decay’ (Berry 1985) to ‘islands of decay in seas of renewal’ (Wyly and Hammel 1999). These practices intensified in the long lead-up to the mortgage crisis, fuelled by easily accessible and often predatory credit. Between 2005 and 2009, private (or ‘predatory’) equity firms bought 100,000 units of rent regulated housing in New York City, accounting for roughly 10% of the total stock, with the goal of quickly extracting profit through low-rent tenant displacement and service reduction (Fields 2015). The overleveraging of modest rental buildings has become commonplace and tenant harassment to close rent gaps is a standard – though illegal – business practice across the city (Teresa 2016).

The relationship between the city’s public sector and private developers shifted under the administration of Mayor Koch (1978–1989), laying the groundwork for contemporary housing and land use struggles. This approach, premised on privatization, was especially visible in Koch’s 10-year affordable housing plan (Soffer 2010). That programme transferred thousands of *in rem* buildings and lots to private (non-profit and for-profit) ownership, and helped launch the city’s professionalized affordable housing industry (Perine, Shultz, and Marazzi 2010). Years later, HPD commissioner Shaun Donovan called this transfer ‘quite simply the largest privatization of housing anywhere in this country’ (Hevesi 2004).

While the Koch administration developed a housing programme to privatize city holdings, the Giuliani administration (1993–2001) altered the tax rules to encumber future municipalizations. In 1996, when New York City controlled around 44,000 *in rem* units, Mayor Giuliani changed the city’s policy around tax-foreclosure: rather than taking direct possession, the city began to place liens against delinquent properties. The liens are sold at below-market value to a private trust, which sells them as debt to accredited investors. With lien sales, ‘the city would get its money up front, and privatize the question of what happened to the buildings – and their tenants’ (Krinsky 2015). Between 2010 and 2015, properties with 43,600 residential units, as well as a substantial number of commercial spaces, had at least one tax lien sold (Stern and Yager 2016). Properties that are excluded from the tax lien sale (because of severe physical or financial distress⁴ or involvement in a government preservation programme) are entered into HPD’s Third Party Transfer programme, for preservation by private affordable housing developers (Perine, Shultz, and Marazzi 2010).

Advocates have long called for an overhaul of the lien sale process, to address both the city’s housing affordability crisis and the loss of small businesses and community institutions (Savich-Lew 2016). Efforts have focused on diverting a larger number of distressed multifamily properties into a preservation trust (James 2016) or removing non-profits and single-family homes from the lien sale (Segal 2016). While such bills have been introduced in the city council, the de Blasio administration (2014–present) has thus far resisted these reform efforts – much less a full overhaul – because tax

lien sales are profitable for powerful bond holders, successful in immediately retrieving a portion of tax revenue, and ideologically consistent with the public–private city resource management model.

While the end of federal funding for slum clearance ended the era of wholesale neighborhood clearing for large master-planned projects, the city continued to practice municipalization by disposition, reimaged for a neoliberal context. Under the Bloomberg administration (2002–2013), the city pushed forward multiple redevelopment schemes, reminiscent of the construction of Lincoln Center and the United Nations headquarters (Zipp 2012). These included a major expansion of Columbia University further into West Harlem, the Atlantic Yards stadium and housing complex in Brooklyn, and the ongoing redevelopment of Willets Point, an industrial hub in Queens. In the wake of the *Kelo v. New London* Supreme Court ruling in 2005, which justified the use of eminent domain for economic development, the city used the threat of municipalization to help an elite private institution and real estate developers remake two poor neighborhoods of colour and one of the last few sites of industrial labour in the city (Larson 2013).

With a dwindling supply of vacant public land, the city has increasingly begun to target land previously thought to be off-limits to private development, from public libraries (Giles, Estima, and Francois 2014) to infill on New York City Housing Authority (NYCHA)-owned parcels (Shamsuddin and Vale 2017). While this approach is commonly justified as filling urgent short-term needs – like raising funds to address NYCHA’s \$32 billion capital backlog (NYCHA 2017b) – it relinquishes public leverage over land that is difficult to retrieve, and echoes the planning profession’s embrace of public action for private profit at the expense of low-income tenants. The city continues to identify scattered holdings, including small and oddly shaped parcels as well as larger lots, for sale to a mix of non-profit and for-profit developers, including over 200 \$1 sales during the first term of the de Blasio mayoralty (596 Acres 2018). This ad hoc approach is, in part, made possible by a lack of a comprehensive planning framework and a democratic decision-making process for the utilization of municipal resources.

While public land alienation has become the norm, the city still maintains a large quantity of public land, which ranges in use from public facilities (for administrative services, transportation, recreation, and housing, including both public housing campuses and smaller ‘Tenant Interim Lease’ holdings) to seized and cleared but unbuilt urban renewal sites (like the Edgemere area in the Rockaways). In this era of severe commodification, however, any piece of public land in New York City is at risk of privatization.

Period 5 (1990s to the present): Newark

Through the 1980s and into the 1990s, Newark’s administrations focused their land use policies, including tax abatement strategies and the disposition of public land, on capital-intensive development projects, such as downtown office towers and cultural and sports facilities, in order to draw business interests into the city. Some projects, like the New Jersey Performing Arts Center (NJPAC), were arguably successful, while many others, like the Renaissance Mall and the Newark Bears minor-league stadium, transferred public resources to developers while further defunding the already cash-strapped city (Tuttle 2009). The city continued to acquire land for its economic development strategy well into the 1990s, sometimes at odds with community-based efforts. For example, the city prevented community groups from acquiring land in the West Side Park neighborhood, and instead assembled parcels and cleared residences and commercial establishments to make way for a Home Depot (Newman 2004, 40).

At the same time, Newark moved quickly to shed operational responsibility over its public housing stock, which by 1990 was deeply underfunded and stigmatized. Using HOPE VI funding – a neoliberal solution to the ‘problem’ of public housing – the city tore down its high-rise projects in favour of privately managed low-rise townhomes, which displaced residents to ‘other low-income, segregated neighborhoods’ (Goetz 2013, 19). In 1989, the Newark Housing Authority (NHA) operated over 12,000 housing units and 1,100 vouchers (Sidney 2003, 11); by 2017 it operated just 6,600 public

housing units and 8,400 Section 8 vouchers (Department of Housing and Urban Development 2017). Despite all the problems associated with underfunding, NHA residents fought to avoid demolition, recognizing the limitations of alternative housing available to low-income residents with Section 8 vouchers on the private market (Sidney 2003, 12; Baird 2001).

In the early 2000s, Newark experienced a period of real estate speculation, at least partially propelled by city's privatization of municipal land (through both legal and fraudulent means) (Anderson 2008). The number of building permits tripled between 2000 and 2006 (Stillman 2016), concentrated largely in Newark's downtown. Lenders targeted Newark's Black and Latinx residents with subprime loans, leading to a wave of foreclosures (Niedt and McFarland 2014, 7). This both decreased the city's tax revenue and increased vacancy, as property owners walked away from underwater mortgages.

Newark's strategy to address the resulting abandonment is reminiscent of the 1970s municipalization approach, combined with its more recent push towards privatization. In 2011, Newark adopted laws that require landlords to register vacant properties and pay escalating fees, with the hope that this would discourage warehousing of vacant land (Yi 2017). The city also passed a law that allows it to take possession of abandoned buildings that are in tax arrears or in physical distress (Anderson 2008). Newark thus embraces municipalization out of necessity, but privatization remains the desired outcome. The city continues to use public land as a stopgap measure, auctioning off lots to address budget deficits (Nix 2014) and offering public land as leverage to attract corporate developers, without an overarching, long-term plan. While the stock of public land is growing, Newark's goal is to minimize the amount of time municipalized property stays 'public' by focusing on transferring it to the private sector.

Discussion

The five periods explored in this paper suggest that the accumulation and alienation of urban public land in New York City and Newark have largely taken place through two modes of municipalization and two modes of privatization: *targeted* and *reactive municipalizations*, and *capital-* and *community-led privatizations*. Each mode has resulted in different outcomes, both in terms of public participation and public benefits.

Targeted municipalizations are those in which local governments pursued specific pieces of land for public acquisition toward a particular future use and purpose. Such actions were far more common in the late 19th and early- to mid- 20th centuries than in more recent years. Examples of targeted municipalizations included the large-scale public takings discussed in Periods 1 and 2, which were put toward infrastructural and administrative uses, including parks, transit networks, and public housing. Such acquisitions featured minimal public participation, as they were often planned and executed by 'rational comprehensive' planners and economic and political elites, and offered uneven public benefits: while they created spaces of great beauty and utility, they deepened uneven development by granting landholders buy-outs, development opportunities, and property value increases while displacing or segregating the poor.

Reactive municipalizations are those in which cities in crisis take land that has been disinvested and abandoned by property owners, often with the intent of securing its alienation as quickly as possible. This mode of acquisition in response to capital flight was most prominent in New York during Periods 3 and 4, and remains an ongoing practice in Newark due to that city's continuing (if spatially uneven) process of disinvestment. Through reactive municipalization, New York City and Newark took possession of thousands of residential and commercial tax-foreclosed properties, as well as many shuttered military and industrial sites. The process was marked by both uneven participation and uneven social benefits: when guided by social movements calling for public access to abandoned or decrepit properties, such actions penalized delinquent landlords by denying their claims to ongoing property ownership and taking public possession of their property; when guided by growth coalitions seeking to stoke urban land

values, such actions preyed on undercapitalized homeowners by hastening the foreclosure process and evicting low-income users from the land.

Capital-led privatizations are those in which investors convinced public agencies to transfer ownership of public lands – including many accumulated through prior targeted and reactive municipalizations – to lucrative private vehicles. This mode of alienation, which has been the dominant paradigm in both Newark and New York during the late 20th and early 21st centuries, is just as undemocratic as targeted municipalization, but has produced far fewer public benefits. Schemes like the HOPE VI redevelopment of Newark's public housing, the private repurposing of formerly-active municipal ports and the tax lien sale system, all described in Period 5, have resulted in a net loss in both union jobs and public housing units, and helped lay the ground for severe (in the case of New York City) and nascent (in the case of Newark) gentrification.

Community-led privatizations are those in which grassroots groups, often claiming a 'community right' to targeted or reactively municipalized land, turned neglected public property into limited equity cooperatives, community land trusts, or other forms of non-speculative, community-managed ownership. This, while still a form of privatization, suggests an alternative pathway that maintains both public participation and public benefit. This is a more difficult path than capital-led privatization, but it is a way to maintain the social character of land, maximize its benefits, and address the often-inequitable methods of prior municipalizations.

Going forward, planners must end the rush to privatize city-owned land. When planners and politicians view private development as the only means of addressing community needs, public land becomes just another deal-making tool. Instead, they must view public land management as a primary function of urban governance, and as a path towards the development of public facilities that meet pressing social needs. While such projects could incorporate private non-profit actors, they should not be dependent on public land alienation, as this diminishes the opportunities for democratic planning and increases the chances of speculation. Hyper-commodified cities like New York have the financial capacity for such projects; what is needed is a re-balancing of priorities away from punitive policing and developer welfare and towards public development for social reproduction. Disinvested cities like Newark, however, would be far more reliant on outside funding for such projects – a bleak prospect under current federal conditions, but perhaps a somewhat more optimistic one at the State level.

While public ownership of land can maximize social benefits, government control alone does not guarantee a democratic outcome. After decades of austerity and valorization of private management, much of the remaining state-owned land in many cities is functionally inaccessible to the public. Such places – like the fenced-off public vacant lots that dot New York City and especially Newark – are formally public but functionally exclusive; their public character is potential and juridical, not actualized and experienced. For cities that lack the capacity or will to develop publicly-beneficial facilities on such land, the only potentially equitable modes of private control are those with tight regulatory regimes that create opportunities for non-exclusionary community control.

'Community control' has been the explicit goal of many left movements in New York City, Newark and beyond since the 1960s, and an implicit demand for far longer (Theoharis and Woodard 2003; Ward 1990). It gained prominence within the fields of urban planning and public policy through local resistance to urban renewal and the construction of neighborhood planning processes (Arnstein 1969). Its meaning, however, can sometimes be obscured within either a socially conservative and/or a neo liberal context through either overbroad generalities, false universalisms, or appropriations of language meant to 'conceal the abdication of governmental responsibilities' (Ward 1985, 27).

Williams et al. (2018) define community control of land as 'the ongoing capacity of people who are part of a community to make (and also remake or change) meaningful decisions about the use of that land.' When these principles are incorporated into non-speculative modes of development, such as community land trusts and limited equity cooperatives, they can function as a sort of urban commons, but only if the rules that govern such formations prioritize deep and permanent affordability, radical inclusion, and democratic decision-making (Huron 2018). The goal of such programmes

would not be to let all currently-constructed communities control themselves in perpetuity; that would simply result in a dramatic expansion of existing social and spatial inequalities and exclusions. Instead, these programmes can use the public character of land to radically redistribute power to those communities who have been systematically oppressed, including by prior modes of municipalization by dispossession or capital-led privatization.

In this historical moment, neither New York City nor Newark – though both governed by self-described progressives – are prioritizing preserving public land or enacting community control. The only way forward for such a programme is through dynamic and disruptive social movements for democratic land use. Such movements have arisen historically, from urban renewal holdouts and post-divestment squatters to community gardeners and limited equity cooperators, and are active in both cities today. The New York Community Land Initiative, for example, is organizing for an end to the tax lien sale system and supporting the growth of community land trusts around the city. In Newark, tenant and community-development organizations have joined a nationwide call for community control of housing and land, as well as an expansion of renters' rights, as part of a nationwide Homes for All campaign (Tianga 2016). These efforts face steep obstacles in this neoliberal period, in which capital-led privatization is the norm in Newark, New York City and beyond, but a more equitable future for public land – whether premised on state ownership or carefully constructed community control – is only possibly through their growth and success.

The complex and contradictory histories of municipalization and privatization in New York City and Newark warrant a more intentional approach to public land than either city's leadership is currently taking – one which prioritizes democratic decision-making in long-term land management, as well as public access, use and purpose. In a country founded on enclosure and displacement, public land remains a crucial resource for planners and popular movements. The history of municipalization has been rife with inequities, but the process has nonetheless produced large quantities of land that exists outside the speculative market. Privatization has redoubled many of the original offenses, alienating land and people while enriching urban landowners and producing few public benefits. The maintenance and expansion of urban public land demands creative planning that takes into account its complex history, tenuous present, and possible futures.

Notes

1. While this premise may seem commonplace to critical planners, political philosophers have been debating the natural versus civil roots of private land ownership since Plato and Aristotle, if not beyond. The US constitution's enshrinement of private property in law is rooted in Lockean arguments about the natural status of private property.
2. This language builds off David Harvey's (2003) concept of 'accumulation by dispossession,' a contemporary form of primitive accumulation.
3. The long-term impact of government disinvestment and recent engagements with the federal Rental Assistance Demonstration program, however, raise serious questions about the long-term fate character of the city's public housing (Hanlon 2017).
4. Properties in very deep tax arrears are deemed high risk (because the trust does not expect the property owner to pay them) and lower the overall value of the bond.

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