**Resource Description:** This document is the accompanying guide for the PowerPoint “Intro to Land Tenure”, adapted from the American Farmland Trust *Farmland for the Next Generation* learning series for refugee and limited English speaking farmers.

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Note: This training is designed to address the issues of land tenure and access generally for diverse audiences across the U.S. It is important to familiarize yourself with state/local conditions that may affect land tenure and access. Also note, while this training broadly includes urban agriculture, it is focused on land and not intended to address issues unique to urban agriculture such as community gardens, vertical or rooftop farming.

**Part 1: Land Tenure and Land Access**

Slide 5:

Alternative or additional Leopold quote:

*All ethics … rest upon a single premise: that the individual is a member of a community of interdependent parts.*

*The land ethic simply enlarges the boundaries of the community to include soils, waters, plants and animals, or collectively the land.*

For more information on Aldo Leopold and A Sand County Almanac visit: <https://www.aldoleopold.org/about/aldo-leopold/sand-county-almanac/>

Slide 6: What is Land Tenure?

Discussion:

*Trainer ask the participants, “Does anyone know what the term* ***land tenure*** *means?”*

*Discuss their ideas*

(Advance slide for information)

Land tenure is the way people use and have land. You can own land or you can rent/lease land. Does anyone know anyone who owns their farmland? Does anyone know anyone who leases their farmland?

Photo: Katie Painter, Global Gardens Boise.

Trainer notes:

For the purposes of this training, when we talk about land tenure we are talking about the way farmers and ranchers hold their land – typically by owning it or leasing it. Sometimes they have special circumstances where they are allowed to use land without a formal tenure arrangement, maybe as a barter arrangement or because the landowner wants to help an individual or see the land farmed but does not want a formal arrangement.

Slide 7: Rights and Responsibilities

How do you find information on who has rights on the land? For the landowners, responsibilities and rights are defined by land use laws.

For tenants who are leasing land, tenant rights and responsibilities are described in a lease agreement document, written and signed by the landowner and tenant. This is called a Lease.

Slide 8: Land Access

Land Access is the way farmers get land.

Discussion: What are some different ways people might get land?

Slide 9: How did farmers access land in your home country?

*Discussion*

Trainer notes:

Land access tends to vary by country. You can inherit or purchase land in most places. In some places, it’s still possible to acquire land by cutting down forest that nobody has title to, and turning it into agricultural land, or, squatting on unused farmland, putting it into production, and making a claim to the government for title to this land. We talked about times in US History when it was possible to claim untitled land.

Many refugees have had land taken from them as part of their refugee story, so it’s important for the presenter to know that this subject can trigger past traumas. We also talked about times in US History when land was taken unfairly from Native Americans. Presently it is difficult but not impossible for land to be taken from someone in the US who is not a willing seller; for example, land can be taken to build a road (or, you know, a wall) potentially against the wishes of the landowner.

Slide 10: 3 paths to land access

Trainer notes: This discussion is divided over several slides for simplicity. AFT notes on Land Access are below.

AFT’s notes:

* Land Access is a systems issue involving both land seekers and landowners. While this training is designed for land seekers, to be successful, seekers must understand the needs and motivations of landowners in order to negotiate good leases or purchase agreements.
* Landowners may be operators, non-operators or both.
* While there are two basic forms of land tenure: leasing and owning, there are three paths to land access: leasing, purchasing and inheriting/accepting gifts of land.
* There are many ways to follow these paths. Many beginners lease some if not all of their land when they start out but move on to land ownership. Others inherit or receive a gift of land usually from relatives but may end up leasing or buying more. Or they might buy a small amount of land and lease more as they expand their operation.
* This is why it is important to understand the full range of options.
* The right path for any individual will combine their personal and business goals and the realities of what they need and can afford at this stage of their farming/ranching operation. Gaining skills to figure this out will come later in the workshop.
* Emphasize it’s important to be patient. Securing a stable, long-term land tenure arrangement takes time. So encourage participants to be creative and not to get discouraged!

Slide 11: Buying Land

Trainer notes:

Photo is from a google search. Photo source: https://theperiscopegroup.org/countyparcel

For refugee farmers in our area (Boise, ID), buying land is not usually a realistic goal due to the very high cost of land. We lack a good conservation easement program, and families usually have other financial goals they’d like to achieve including home purchases and education.

In other areas of the country, conservation easements have made land purchases possible for refugees, or real estate values are such that families can purchase a home on a few acres of land where small-scale farming is possible.

Slide 12: Leasing Land

Global Gardens photo. Maka Mbwera at Five Mile Church of the Nazarene in Boise.

Trainer notes:

Many refugee growers lease from urban or unconventional landowners such as churches. Leasing land or even borrowing it for free is often a reasonable option for refugee growers. Several growers use land owned by churches, private landowners, and the City of Boise.

Slide 13: Inheriting Land

Trainer Notes:

Tim and Tamara at Purple Sage Farms are getting older and their children are now adults. Their children work on the farm with them and will eventually become the owners of the farm.

Refugee farmers usually will not inherit land since they are the first generation to live in the US. Trainers can discuss how land was passed down in other countries, or about growers’ future plans for their children to farm with them or inherit their business, which may or may not include land.

Slide 14: Land Access is a Serious Challenge

AFT notes:

- Fewer New Farmers: In 2012, the number of new farmers who have been on their current operation less than ten years was down 20 percent from 2007. Nearly 172,000 were on their current operation less than five years; this group was down 23 percent from 2007 (Table 7). Within groups, the proportion of principal operators who were new farmers varied, with Asian principal operators having the largest percentage who had been on their operation less than ten years (42 percent). <https://www.agcensus.usda.gov/Publications/2012/Online_Resources/Highlights/Farm_Demographics/>

- Access to land and capital are two of the major barriers to entry. The challenge of access to land has been reported by:

American Farm Bureau

American Farmland Trust

Land for Good

National Young Farmers Coalition

USDA a-ERS and many others

- For more background, see: *Cultivating the Next Generation: Resources and Policies to Help Beginning Farmers Succeed in Agriculture* (2014): <https://4aa2dc132bb150caf1aa-7bb737f4349b47aa42dce777a72d5264.ssl.cf5.rackcdn.com/AFT_BF_06-2014-lo.pdf>

- It’s especially hard to find land to rent or buy when beginners don’t come from a “landed” farm family and have community connections.

- Understanding the challenges is the first step to overcoming them!

Slide 15:

Trainer Notes:

* Photo from http://www.cartwrightranchidaho.com/homeowner-info/. This is a well-know housing development outside Boise, any housing photo would be ok.

AFT notes:

- It’s especially hard to find land to rent or buy when beginners don’t come from a “landed” farm family and have community connections.

* Understanding the challenges is the first step to overcoming them!

Slides 16-17: Who owns American Farmland?

**Discussion**: What kind of people do you think currently own the majority of American Farmland? Why?

AFT notes:

Almost all agricultural landowners are white and most are men: See 2012 Census of Ag Tables 56, 58, and 60 to customize for your location.

<https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_US/> And TOTAL Highlights: <https://www.agcensus.usda.gov/Publications/2012/Online_Resources/Highlights/TOTAL/TOTAL_Highlights.pdf>

- Of principal operators who own and operate ag land: 95.5% are white and only 14% are women; 3.2% are Hispanic/Latino (regardless of race)

1.8% are American Indian/Alaskan native; 1.5% are Black/African American

- Of Principal non-operator landlords: 97% are white and 37% are women; 2% Hispanic/Latino (regardless of race)

* In addition to the age of landowners and the fact many are not retiring or letting go of their land, historic discrimination in government programs is a well documented barrier. This legacy of bias continues to affect access to land and capital. <https://www.iatp.org/documents/disadvantaged-farmers-addressing-inequalities-in-federal-programs-for-farmers-of-color>
* *See also: Pigford vs. Glickman:* <https://en.wikipedia.org/wiki/Pigford_v._Glickman>Alnd *Native American farmers settle with USDA for $760 million:* <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/19/AR2010101905654.html>
* Yet beginning farmers and ranchers are a much more diverse group than previous generations. In fact, according to the 2012 Census of Ag, all categories of minority-operated farms increased between 2007 and 2012. Hispanic-operated farms were up 21 percent. https://www.agcensus.usda.gov/Publications/2012/Online\_Resources/Highlights/Farm\_Demographics/

The changing backgrounds, interests and demographics of beginning farmers and ranchers is a mostly unreported barrier which needs to be addressed for the next generation to succeed.

AFT notes:

~2 M principal operators own 625 M acres;

~ 2 M non-operator landlords rent out 283 M acres *in the 48 contiguous states.*

*Source: 2012 Census of Agriculture and 2014 Tenure, Ownership, and Transition of Agricultural Land Survey.*

Principal operators own 68% of ag land acres; Non-operator landlords own and rent out 31%: which is 80% of land rented out for agriculture

- Principal operators and landlords over the age of 65 own 40% of total ag land acres!

33% of principal operators are over 65; own 38%

57% of principal landlords are over 65; own 69% of land rented out by non-operator landlords.

To find **operator ownership** data for states and counties go to: <https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/>. *S*elect a state of interest and scroll to Table 45, Operation and Operator Characteristics: 2012 and 2007.

For graphs and charts that illustrate these points, visit ***AFT’s Farmland Information Center*:** [www.farmlandinfo.org](http://www.farmlandinfo.org/) and review the TOTAL talking points: <http://www.farmlandinfo.org/2014-tenure-ownership-and-transition-agricultural-land-survey-talking-points>

For information on the growing disconnect, AFT conducted a special sort of Census data in New England and New York and found the majority of principal operators were farming without a “younger” (age 45 or younger) operator farming with them. The research also revealed significant differences in the types of agriculture being practiced by different age groups. <http://www.farmlandinfo.org/special-collections/4621>

Slide 18: Land Available:

Trainer Notes:

Of all the US farmland land there is, 90% will not change hands in the next 5 years. 8% will be transferred to family and only 2% will go up for sale.

This is within the next 5 years. Data from American Farmland Trust. Graphic created by Katie Painter.

Slide 19: Cost of Land

Trainer notes:

Each location should replace Idaho information with that of their area.

Idaho Land values at https://www.capitalpress.com/state/idaho/northwest-farmland-values-continue-to-increase/article\_15a64ace-c343-553b-8351-8a9be7cef942.html

AFT notes:

Beginning farmers who are trying to access farmland contend with very high land costs, whether they are attempting to purchase or lease: <http://www.uvm.edu/farmlasts/>

Customize this data as needed for your state or region. For information on land values by state, visit ***USDA Land Values 2017 Summary –*** among other things the report has maps and charts which might be useful to include: <http://usda.mannlib.cornell.edu/usda/current/AgriLandVa/AgriLandVa-08-03-2017.pdf>

Slide 20: Cost of Leasing

Trainer notes:

Each location should replace Idaho information with that of their area.

For information on rental rates, visit ***USDA NASS Website*** which has ***2018 Land Values and Cash Rents*** fact sheets and more Information about Cash Rents: <https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Cash_Rents_by_County/index.php>

You can use this link to customize for your locale.

Slides 21-24: Case Studies

For these sections, trainers can use existing case studies, fill in their own case studies from local farms in their area, or replace the slides with a panel of farmers who will share about their land access journey.

**Part 2: Personal and Business Goals**

Slide 26: Defining Personal Goals

**Discussion:** What do you want your life to look like? What kind of area do you want to live in? And farm in? How many people do you want helping you or involved in your life?

Trainer notes:

In our area, many of the refugee growers would rather not relocate to a very rural area, but land closer to town tends to be smaller in size and more expensive. A longer commute may make open more land options to a grower. This reflection question can be tied back to the visioning intro activity.

AFT notes:

* What do you want your life to look like?
* How much do you want to work? (or, work on the farm vs. work at other jobs?
* Are you willing to either commute to a farm, or live in a rural area?
* Do you want to be “tied down” to a farm?
* How “hands-on” do you want your work to be?
* Do you want to have a family? Do you want them to be involved in the business?
* What kind of income do you think you need? Do you want to send kids to college? Save for retirement? Pay for health insurance?

Slide 27: Defining Business Goals

**Discussion:**

*What kind of business do you want?* Ask the group what kind of business they want. Trainer share various kinds of businesses, and selling structures.

*Are your business and personal goals compatible? What does this mean? Can anyone share an example of incompatible business and personal goals?* (Define *Compatible*)

Will your business support your lifestyle? What does this mean? Give some examples.

AFT’s notes:

What do you want your business to look like?

* Do you want to grow and expand the business, or stay small?
* How many employees are you comfortable managing?
* Are certain production practices important to you? i.e. no till, humane livestock management, organic, biodynamic, etc.
* What do you want to grow or produce?
* Is there a market? Who will you sell to?
* How much income does the business need to generate to fulfill your personal goals?
* Are your business goals and personal goals consistent?

In the case of a farm transitioning between generations, consider the goals of the exiting generation. It’s not unusual for the incoming generation to have very different objectives than the exiting generation – be sure to have an open dialogue and try to get on the same page about personal and business goals.

Slide 28: Are you ready for a Land Search?

Using the AFT note below, have people divide into small groups and discuss each of these points for themselves, sharing with the small group and then coming together to share with the large group.

Trainer notes:

This section is shortened significantly from the AFT’s original presentation. In the Global Gardens office, there is a separate process that we use with our students to assess goals and earnings. Our farmer income and expense tool can be found on the NIFTI website, as well as several tools for goal-setting. Usually refugee farmers need extra assistance with both of these processes and they are hard to evaluate in a group setting, so I recommend finding those materials and handling these on a one-on-one basis.

AFT notes:

Discuss the 4 key factors that affect readiness in the order presented:

* Personal Goals – where do you see your future self? Where do you want to go? What do you want to do?
* Business Goals – How do these mesh with your personal goals? Are they consistent? Any differences that need to be addressed?
* Current Financial Position and Resources: This will be discussed – knowing where you sit financially is essential.
* Future Earning Potential: Will your business generate enough earnings to cover expenses (including land tenure costs)? Profitability need not be your only or even your primary goal, but it is a *prerequisite* to achieving other, non-financial goals.