Land Policy
Towards a More Equitable Farming Future

2020
National Young Farmers Coalition
Thank you to Clif Bar for generously supporting Young Farmers, and for ongoing advocacy and policy engagement.

**Stakeholder Interviews**

Thank you to the individuals who contributed their time and thoughts to this report through the course of conversations over the phone, in-person, or via email between April 2019 and March 2020.

- **Cris Coffin**, American Farmland Trust
- **Julia Freedgood**, American Farmland Trust
- **Sarah Parmar**, Colorado Open Lands
- **Catie DeMets**, Community Food and Agriculture Coalition
- **Benneth Phelps**, Dirt Capital Partners
- **Rowan Steele**, East Multnomah Soil & Water
- **Jim Oldham**, Equity Trust
- **Lauren Williams**, Farm Bureau
- **Mark Stonehill**, Full Circus Farm
- **Marla Larrave**, HEAL Food Alliance
- **Nellie McDade**, Oregon Agricultural Trust
- **Julia Valliant**, Indiana University
- **Will O’Meara**, Land For Good
- **Kathy Ruhn**, Land For Good
- **Jordan Treakle**, National Family Farm Coalition
- **Juli Obudzinski**, National Sustainable Agriculture Coalition
- **Sanaz Arjomand**, National Young Farmers Coalition
- **Mai Nguyen**, Minnow
- **Janie Hipp**, Native American Agriculture Fund
- **Guido van der Hoeven**, North Carolina State University
- **Stephanie Morningstar**, Northeast Farmers of Color Land Trust
- **Claire Kelloway**, Open Markets Institute
- **Matt Decker**, Orange County Land Trust
- **Jeff Bednar**, Profound Foods
- **Jan Joannides**, Renewing the Countryside
- **Alan Haight**, Riverhill Farm
- **Ashley Rood**, Rogue Farm Corps
- **Lorette Picciano**, Rural Coalition
- **Michael Meehan**, Santa Clara County
- **Larisa Jacobson**, Soul Fire Farm
- **Neil Thapar**, Sustainable Economies Law Center
- **Jessica Crowder**, Western Landowners Alliance
- **Jessy Gill**, World Farmers
**Acknowledgments**

National Young Farmers Coalition staff, chapters, and farmer members live and work on the ancestral, contemporary, and unceded territory of Indigenous people across Turtle Island, encompassing what is now known as the United States. For staff, these lands include those of the Abenaki, Anishinaabeg (Three Fires Confederacy of Ojibwe, Odawa, and Potawatomi peoples), Arapaho, Chahta Okla (Choctaw), Cheyenne, Chitimacha, Chumash, Erie, Haudenosaunee, Hoouma, Manahoaec, Methow, Mohawk, Mohican, Monocan, Munsee Lenape, Muskogee, Nacotchtank (Anacostan), Oceti Sakowin (Sioux), Oneida, Pequawket, Piscataway, Pueblo, Shawnee, Tiwa, Ute, Wazhazhe (Osage), Wahpekute, Wappinger, and Wyachtonok. We acknowledge and honor the land and those who have stewarded it for centuries before colonization. We commit to forming deeper partnerships to address past and ongoing land-based injustices against Indigenous people through our work.

This report draws on decades of work and thought leadership from farmers, advocates, and farm service providers. We are grateful for their dedication to, and stewardship of, the land. We would like to thank the individuals who contributed their expertise directly to this report through stakeholder interviews and text review, as well as the farmers who allowed us to tell their stories. We would also like to thank Eamon Heberlein, Ernesto Meza, Laura Mindlin, Michael Parker, Hortencia Rodriguez, Faith Shaeffer, Hannah Tremblay, and Karin Vosgueritchian for their research and writing contributions.

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**Case Studies**

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- **Melissa Law**, Bumberoot Organic Farm | Maine
- **Monica Ponce & Russell Honderd**, Love is Love Cooperative Farm | Georgia
- **Asaud Frazier**, Ella Be’s Garden | Alabama
- **Matthew Fitzgerald**, Fitzgerald Organics | Minnesota
- **Becky Fullam**, Old Ford Farm | New York
- **Joaquin Jimenez**, Rancho San Benito | California
- **Reyna Banteah**, Ts’uuyu Farm | New Mexico
- **Kate Edwards**, Wild Woods Farm | Iowa

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- **Lindsey Lusher Shute**, Farm Generations
- **Marla Larrave**, HEAL Food Alliance
- **Jordan Treakle**, National Family Farm Coalition
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1 This acknowledgment was informed by the Native Land Map (https://native-land.ca), along with additional research and personal conversation. Please reach out to us with any corrections or comments.
The National Young Farmers Coalition (the Coalition) is a grassroots network of farmers, ranchers, and supporters fighting for a more bright and just future for agriculture. Since 2010, we have launched 46 farmer-led chapters across the United States and built a grassroots base of more than 200,000 individuals. The Coalition helps young farmers become leaders in their communities through local chapter organizing, ensuring they have a seat at the table in local, state, and national policy decisions. We address structural barriers facing young farmers through farm bill advocacy, United States Department of Agriculture program reform, and by training key stakeholders and service providers to better serve the next generation. In addition, we provide business services to young farmers, offering tools, resources, and technical assistance to help them navigate business challenges and seize market opportunities.
Introduction

As a coalition of farmers, land is at the heart of our work. Finding secure access to land is the number one barrier preventing a generation of growers from entering the field. Land is also at the root of racial equity, food sovereignty, economic prosperity, public health, and the climate crisis. As we address these issues, land must be part of the conversation.

When we talk about land, we must acknowledge its deep connection to policy and power.

The construct of land ownership has been deployed to dispossess Indigenous people of their land for centuries, and is tied to ongoing discrimination against Black, Indigenous, and other people of color. The result is immense inequity in land ownership. This history must guide us as we envision a more equitable future for farming.

At Young Farmers, our vision is that power and wealth will be returned to communities of Black, Indigenous, and other people of color that have faced historic and ongoing discrimination and dispossession of land, and that high-quality farmland with appropriate resources will be available, accessible, and affordable in an equitable way to all working farmers in the United States, with the security they need to achieve their farming goals. We imagine a future where land access is no longer a barrier that prevents young people from building a vibrant and resilient agricultural system oriented towards communal well-being. As a Coalition, we work to achieve this vision by advocating
We must change policy to:
– eliminate inequities in land ownership and access;
– protect farmland for producers;
– facilitate appropriate, affordable, and secure land tenure; and
– support farm viability and transition.

We cannot afford to lose a generation of skilled individuals who are invested in the long-term health of the land and in the food security of our communities. The cost is too great.
Land, Policy, and Power

Land is the foundation of nourishment, resiliency, and sovereignty. It is critical to the health and well-being of our environment, economy, and marginalized communities. The success of our climate action and our ability to grow nutritious food depend on it. Land is also deeply tied to the accumulation of wealth and political power, and its ownership is vastly unequal.

As a nation, we must take action to change our relationship to land. Farmers have the transformative power to use climate resilient practices, pay fair wages to their workers, and provide healthy food to their communities, but they must have secure land access in order to do so. For many young farmers, access to land is tenuous or entirely out of reach. Creating opportunity for these individuals will require an understanding of land not as a commodity fueling economic growth, but rather a vital resource on which our collective future rests.

Public policy has defined—and continues to shape—how land is used, who owns it, and the way in which it changes hands. European concepts of private property were introduced to North America with colonization. At the time of the United States’ founding, the right of land ownership was only extended to white men. Land ownership formed the basis of who could gain political power, and in turn craft the policies governing land access and use. These laws subsequently served to protect and expand white land ownership—
beginning with colonial statutes explicitly prohibiting non-white individuals from owning land, through the Northwest Ordinance of 1787 and the Homestead Acts encouraging Westward expansion and settlement of lands stewarded by Indigenous people, to Alien land laws aimed at shutting Japanese and Chinese immigrants out of land ownership, and redlining policies in the twentieth century discouraging lending for home ownership or business expansion in predominantly Black neighborhoods.

Policy makers have specifically incentivized colonization of land for farming, acknowledging agriculture as critically important to continued food and national security. Policy has been used to sanction the enslavement of African people and theft of their labor; facilitate the dispossession of millions of acres from Black, Indigenous, and other people of color (BIPOC); and enable ongoing consolidation of farmland into the hands of fewer and fewer owners.

The legacy of using policy as a tool of dispossession continues today, shaping our food system and patterns of land ownership.

White individuals account for 95 percent of all farmers, own 98 percent of farmland, and receive the vast majority of agriculture-related financial assistance. Compounding these statistics is the fact that the inertia of ownership, once established, is incredibly strong. As much as 80 percent of wealth is inherited, and the forces of property transfer that have been underway for generations continue to consolidate resources in the hands of a relatively small percentage.

Land ownership has a cumulative effect on farm viability, enabling farmers to leverage land to make capital improvements and to deploy as collateral for further land purchases.
“We fundamentally need to understand that land is a fictitious commodity. Commodities are things that are produced, made, and consumed and can be traded. We’ve made land into a commodity when it is not. It is a fundamental premise for life. And it is limited.”

Mai Nguyen
Farmer and Co-Director of Minnow

of the population. In 2015, the United States Department of Agriculture (USDA) estimated that less than a quarter of the 91.5 million acres expected to change hands in the next four years would be made available to non-relatives. Policy has shaped the present reality and must be part of building a more equitable farming future.

Access to land directly determines who has the opportunity to succeed in agriculture.

Land ownership has a cumulative effect on farm viability, enabling farmers to leverage land to make capital improvements that increase their income potential over time. Land can also be deployed as collateral for further land purchases, sold for retirement income, or subdivided for profit. Land ownership provides the security that is critical for many of the long-term investments that farmers must make in soil health, infrastructure, and irrigation. Being able to plan on a timeframe over which farmers can realize a return from activities such as drilling a well, building soil organic matter, or pouring concrete in produce handling areas can significantly improve profitability, environmental impacts, and food safety. The stability that comes from land security can also have immense impacts on farmer mental health and resiliency in the face of the many challenges of farming.

Farmland is a vital natural resource for food production, but it is being steadily lost.

Each new publication from the USDA shows that farmers are aging, there are less acres in agriculture, more land is lost to development, and an increasing share of agricultural land is owned by non-farmers.

2 Agriculture, food, and related industries contributed a combined $1.053 trillion to U.S. gross domestic product (GDP) in 2017 (5.4%); farm output contributed $132.8 billion of this number (about 1% that are produced, made, and consumed and can be traded. We’ve made land into a commodity when it is not. It is a fundamental premise for life. And it is limited.”

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Since 1982, developers have bulldozed, paved, and built homes on farmland across the country, permanently removing 25 million acres of land from farming—an area roughly the size of Indiana. This trend continues at a rate of more than 2,000 acres per day. These trends are exacerbated in Black and Indigenous communities, which have experienced disproportionately high rates of land loss and dispossession.\(^{29}\)

This trend continues at a rate of more than 2,000 acres per day.\(^{30}\) Furthermore, the acres lost tend to be high-quality land around urban areas, precisely where the most profitable market opportunities exist for new farmers.\(^{32},^{33}\) Topsoil loss, degraded soil quality, water contamination, and aquifer depletion are additional, significant, threats to our ability to grow food on the remaining land.\(^{34}\)

As fewer and fewer acres of land are available for farming, farmers themselves control a decreasing share of that land.\(^{35}\) Nearly 40 percent of agricultural land is leased, and while some owners of this land are retired farm operators, 45 percent of landlords have never farmed.\(^{36}\) Non-farming landlords, particularly those with no farming experience who live far away, tend to have less understanding of farmers’ needs, to be less invested in the local community, and to have more focus on utilizing the land for revenue generation rather than for its social and ecological value.

The divergence of farmland values from what farmers can afford, coupled with pervasive discrimination against BIPOC farmers and the challenges involved in farm transition, further shuts out young farmers from access. In addition, inaction on climate change by policy makers has endangered land while extreme weather events, increasing pest pressure, prolonged drought, and natural disasters are putting stress on farm businesses.\(^{37},^{38}\) Public policy has enabled these trends of farmland loss, depletion, and non-farmer ownership and must be part of the solution.

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15 A series of legislative actions beginning in 1862, called the Homestead Acts, Morrill Acts, and Pacific Railroad Acts, had the cumulative effect of transferring nearly 300 million acres of Indigenous land west of the Mississippi River to 1.6 million homesteaders for minimal fees (ultimately most of this property went to speculators and large landowners); giving tracts of land to states to establish land grant universities; and providing private companies with nearly two hundred million acres of land; breaking multiple treaties in the process. Source: Roxanne Dunbar-Ortiz, An Indigenous Peoples’ History of the United States, Beacon Press, Boston, Massachusetts, 2014.
17 As the authors of the 2017 Regaining Our Future report write, “The more modern provisions of what we now refer to as the federal Farm Bill were first envisioned in the 1930s. Prior to the 1930s, federal law consisted primarily of provisions to provide land to farmers; credit or other financial support to food producers; and research to establish the original land grant institutions. Strikingly, these early pre-1930s provisions which created new farming communities and opportunities for homesteading settlers, represented a great loss by tribes of our communities, many citizens, our foods, and our traditional homelands through hundreds of treaties between the early United States and Tribal Nations.” Source: Janie Simms Hipp and Colby D. Duren, Regaining Our Future: An Assessment of Risks and Opportunities for Native Communities in the 2018 Farm Bill, Indigenous Food and Agriculture Initiative, Prior Lake, Minnesota: Shakopee Mdewakanton Sioux Community, 2017, https://indigenousfoodandag.com/resources/native-farm-bill-coalition/
18 Read more on the history of Black land loss and discrimination in: Abril Castro and Zoe Willingham, “Progressive Governance Can Turn the Tide for Black Farmers,” Center for American Progress,
The effects of farm policy have left our country vulnerable.

Land, water, other natural resources, and labor have been consistently devalued throughout U.S. agricultural policy history, creating an unjust food system in which much of the work farmers do to enrich the land goes uncompensated. Following the Great Depression and Dust Bowl, Congress passed New Deal-era farm policies aimed at supporting farmers by raising the value of crops and reducing surplus. Lawmakers soon replaced these policies with legislation that shifted support away from farmers and towards corporate interests; including setting price standards that were subsequently lowered, and implementing a direct subsidy system that encouraged farmers to sell crops at prices set by corporate buyers. These policies led to a precipitous decrease in the overall number of farms in the U.S. and especially impacted farmers of color. The number of farms operated by Black farmers, who were excluded from numerous New Deal programs, decreased 98 percent between 1920 and 1997.

The average age of U.S. farmers is approaching 60 years, and is increasing with every Census. We are faced with the imminent transition of millions of acres of agricultural land. While this could represent an incredible opportunity for young producers to enter the field, the legacy of land use laws and farm policy has created daunting barriers to entry for young farmers and put this acreage at risk of leaving farming forever.

Finding secure access to land is an insurmountable challenge for many of the young farmers & ranchers who depend on us to feed us.

The number of young producers is on the rise, but access to land stands in their way.

Land & the Climate Crisis

Land, agriculture, and the climate crisis are closely intertwined. Land that is properly stewarded plays a critical role in climate change mitigation and resilience, yet accelerating trends of farmland loss and development are occurring disproportionately on soils rated highest for productivity, versatility, and resiliency. The impacts of climate change are also degrading the soil on remaining, more marginal lands through processes of erosion, salinization, desertification, and disruption of water cycles. As climate change accelerates, shifts in growing regions, forced migration away from the coasts, and Dust Bowl-era conditions in parts of the country will put intense pressure on remaining arable land.
Regardless of geography, or whether or not they grew up on a farm, finding secure access to high-quality land is the greatest barrier faced by farmers and aspiring farmers, and the number one reason farmers are leaving agriculture.\textsuperscript{48}

Context plays a key role in the land access challenge. While a farmer may be able to locate land on which to farm, it can mean little without access to long-term land and housing security, affordable financing, market opportunities, public farm programs, and a viable climate.

Farmland changes hands in many cases without ever coming on the market, shutting out farmers who do not have deep community connections to landowners or a family history in agriculture. With 75 percent of young farmers not from farm families, and many talented growers working as farm workers or coming to this country as immigrants, we all stand to lose if we do not find ways to transition this land more equitably into the hands of those not connected to current landowners.

The challenges of accessing land are aggravated by the many other barriers to launching and growing a farm business. Our 2017 National Young Farmer Survey showed that student debt is compromising farmers’ ability to capitalize their businesses; fairly compensating......
labor and support staff is difficult; and health insurance is unaffordable for many young farmers. Black, Indigenous, and other farmers of color face additional obstacles, including discrimination, language barriers, and threats to personal safety. Women and lesbian, gay, bisexual, transgender, and queer (LGBTQ+) farmers also encounter bias in agriculture that can make farmland access more challenging. Farmers in arid parts of the Western U.S. must navigate complex management structures to secure necessary water resources. In urban areas, farmers grapple with high land values, insecure tenure, lack of water access, legal challenges, and zoning barriers on top of contending with contaminated soil. For the majority of farm workers—those who are employed on farms, typically as migrant or seasonal labor—farm ownership is out of reach despite their deep agricultural expertise and the fact that they are responsible for the bulk of food lining grocery store shelves.

Young farmers of color face additional, unique barriers.

Black, Indigenous, and other farmers of color experience many of the barriers young farmers face in accessing land more acutely as these challenges intersect with structural racism and discrimination. For example, while student debt is a challenge for many young farmers, students of color often have no choice other than to borrow, and are more likely to take out larger loans, struggle with repayment, and default on their student loans than their peers. The inherited wealth gap between white and BIPOC individuals is particularly challenging in agriculture, which is a capital intensive career dependent on access to land. These challenges are built on a long history of structural socio-economic inequity that has included centuries of violent intimidation, economic inequity that has included centuries of violent intimidation,
Indigenous Land Dispossession

Prior to European settlement, Indigenous people stewarded all of the land in what would become the U.S. and engaged in robust agricultural and economic activity. According to the 2017 USDA Census, Indigenous people now make up less than 2 percent of farmers and own less than 6 percent of farmland. This land loss occurred disproportionately on high-quality land. The key legal concept underlying Indigenous land loss in the United States originates from two papal bulls issued by the Pope in 1455 and 1493 that sought to give European Christian explorers the right to claim land they discovered, erasing any property rights of Indigenous peoples. Known as the Doctrine of Discovery, this concept formed the ideological underpinning of the Monroe Doctrine and Manifest Destiny, and was invoked by Thomas Jefferson during his time as Secretary of State. The picture of Indigenous land ownership in the U.S. today is the direct result of a long history of violence, court rulings, and Congressional action, including authorizing wars, passing laws, annexing territories, and breaking treaties. A robust accounting of this can be found in Roxanne Dunbar-Ortiz’ work, An Indigenous Peoples’ History of the United States.

Disenfranchisement, and discrimination in lending, policy, and public farm programs.

For Indigenous people, the theft of land has been constant since European settlers came to this continent. This loss has been disproportionately concentrated on high-quality agricultural soils, and has taken place through violence, broken treaties, forced migration, and explicit government policy. For African-American communities, lack of access to land ownership—including the counteraction of a policy proposal to provide land to freed slaves after Emancipation—led to legacies of sharecropping and tenant farming that prevented these farmers from building equity in property. Despite this, many Black farmers succeeded in purchasing property, but discriminatory lending practices and ingrained racism at USDA offices caused significant land loss over the ensuing century. Japanese-American farmers experienced land loss as a result of discriminatory policies and forced internment during WWII. Latinx individuals were brought to the fields of the U.S. through the Bracero program and have formed the backbone of agricultural production ever since, yet land ownership has been out of reach for the majority of these farmers. Many other communities of farmers have faced similar discrimination, causing land loss or preventing their ability to gain secure access to land at all.

Alone side dispossession and discrimination, however, is a long history of resistance and innovation from these communities.

starting at 60.3 years in the 1978 Census of Agriculture, to 53.3 years in 1992, 57.1 years in 2007, 58.3 years in 2012, and 59.4 years in 2017. Source: Chuck Abbott, “On average, U.S. farmers are aging, but a quarter of them are newcomers,” Ag Insider, FERN, April 11, 2019, www.thefern.org/ag_insider/on-average-u-s-farmers-are-aging-but-a-quarter-of-them-are-newcomers. In 2014, the USDA Tenure, Ownership, and Transition of Agricultural Land (TOTAL) survey reported 91.5 million acres were expected to change ownership by 2019. Source: USDA NASS and ERS, “Farmland Ownership and Tenure,” 2015.


Examples include cooperative ownership, community land trusts, community supported agriculture, microfinance, and numerous other tactics. These contributions to agriculture must be recognized and are essential to informing how we relate to land. 66

Young farmers simply cannot compete.

Farmland is a highly desirable asset for more than just agriculture. As developers, investors, technology companies, and individuals looking for a rural residence all compete with farmers for acreage, the cost of land is steadily becoming disconnected from its value for agricultural production. 67, 68, 69, 70 This trend is strongest around urban areas, precisely where the most profitable market opportunities exist for new farmers, the majority of whom are growing high-value crops for human consumption and selling directly to consumers. 71, 72

As a result, nearly a third of young farmers rely solely on rented land to run their businesses. 73 While the flexibility of leasing can be a good risk management strategy as farmers are getting started or growing their businesses, and taking on the long-term debt of a mortgage may be risky or out of reach, leasing is rarely viable as a farmer’s sole long-term form of land access. These often-precarious arrangements mean that farmers do not have the long-term security to make investments, build lasting marketing channels, or plan for their personal futures. Additionally, short-term leases or handshake deals can limit farmers’ access to federal farm programs and disaster aid, which often require a lease lasting the length of program agreements.

Similar challenges exist for farmers contending with heirs’ property issues or fractionated land, in which divided ownership of the land among multiple individuals makes it difficult for a farmer to prove they have the land needed to run their farms. 74 While the flexibility of leasing can be a good risk management strategy as farmers are getting started or growing their businesses, and taking on the long-term debt of a mortgage may be risky or out of reach, leasing is rarely viable as a farmer’s sole long-term form of land access. These often-precarious arrangements mean that farmers do not have the long-term security to make investments, build lasting marketing channels, or plan for their personal futures. Additionally, short-term leases or handshake deals can limit farmers’ access to federal farm programs and disaster aid, which often require a lease lasting the length of program agreements.


51 As the authors of a 2019 report point out, “LGBT people in rural areas are uniquely affected by the structural challenges and other aspects of rural life, which amplify the impacts of both rejection and acceptance. What’s more, the social and political landscape of rural areas makes LGBT people more vulnerable to discrimination.” Source: Where We Call Home: LGBT People in Rural America, Movement Advancement Project in partnership with Equality Federation Institute, National Black Justice Coalition, and National Center for Lesbian Rights, April 2019, www.lgbtmap.org/file/lgbt-rural-report.pdf.


58 Between 1776 and 1887, the United States seized over 1.5 billion acres from America’s Indigenous people by treaty and executive order. Source: The Invasion of America, a project of eHistory.org, http://www.chroniclingamerica.loc.gov/clipart/198197.png.

59 https://edtrust.org/black-student-debt/

60 “Farmworkers are really just landless farmers... they bring a wealth of knowledge and experience we need to build upon. What they don’t have is access. We have a system that keeps them exploited, and racially intimidated.” 56

Jeannie Economos
Farmworker Association of Florida
Heirs’ Property

Heirs’ property results when land is passed between generations without clear title, often due to the absence of a formal will. Without a will, the state becomes responsible for determining ownership at the point of transfer, resulting in land owned “in common” by all heirs. This can prevent farmers from accessing financial assistance, complicate land management, and lead to challenges selling or leasing land. In addition, a single landowner can force a sale of the property. Land loss as a result of heirs’ property disproportionately affects African-American communities, but also impacts rural Appalachian and Hispanic farming communities, among others. Similar challenges of divided ownership, called fractionated land, exist in Indigenous communities, but are the result of different legal, political, and social legacies.  

References:

64 The authors of a 1982 report from the Commission on Wartime Relocation and Internment of Civilians estimated that “as a result of the exclusion and detention, in 1945 dollars the ethnic Japanese lost between $108 and $164 million in income and between $41 and $206 million in property for which no compensation was made after the war under the terms of the Japanese-American Evacuation Claims Act.” Source: US Congress, Personal Justice Denied, Report of the Commission on Wartime Relocation and Internment of Civilians, December 1982, www.archives.gov/research/japanese-americans/justice-denied.
67 In 2016, the ratio of real estate value to production value was the lowest it has ever been with one dollar’s worth of farm real estate generating just $0.16 in production. Source: Brent Gloy, “Farm Real Estate Pricey Compared to Income?” Agricultural Economic Insights, September 11, 2017, www.ageconomists.com/2017/09/11/farm-real-estate-pricey-compared-income/.
68 This trend is particularly strong in the Northeast, where high farmland values are mainly due to non-agricultural influences (such as the expansion of urban and suburban land use) that bid up the value of farmland. Source: Daniel Hellerstein, Dennis Vilorio, and Marc Ribaudo (editors), Agricultural Resources and Environmental Indicators, EIB-208, U.S. Department of Agriculture, Economic Research Service, May 2019.
69 George Avalos, “Tech giant Amazon buys big...
A Path Forward

Public policy—and in some cases the absence of policy—has created and upheld the inequities in our food system and must be a part of the bold, systemic change required to tackle these challenges. By not acting, we uphold the status quo. We must look critically at the way that land is valued as a commodity and ask how policy can be used to reframe land as both a public resource and an entity whose own good we value.

Tackling the complexity of the land access challenge will require working in unprecedented collaboration. Land access is a complex, multidimensional issue that cannot be solved with a single policy. Gains for some communities at the expense of others will ultimately be self-defeating without an approach designed to create equitable access to resources. We must address the foundational disparities in our food system that are tied to the ongoing commodification of land and devaluation of labor; dispossession of land from Indigenous farmers and farmers of color; and discrimination in lending, real estate, and the legal system.

The challenge we often describe as land access is also about climate viability, business profitability, marketing, training, credit, and power. It is not just a challenge of the incoming generation, but one that

“The theft of land and its underlying water, oil, and mineral resources, is a crime against humanity. On the surface, it’s the land that is up for grabs, but what is truly at stake is the dignity of those that live on the land and the destiny of those generations that come after.”

LaDonna Redmond, from Land Justice: Re-imagining Land, Food, and the Commons in the United States
impacts retiring farmers as well. Policy change aimed at land access should address the climate crisis, support farm transition, and provide training to young farmers and ranchers on the ways they can access credit, find land, strengthen their businesses, and navigate regulations within the existing system.

**We need policy change that:**
- eliminates inequities in land ownership and access;
- protects farmland for producers;
- facilitates appropriate, affordable, and secure land tenure; and
- supports farm viability and transition.

There is no time to wait. To build a future with farmers, we must rethink our relationship with land and commit to policy action.

Policy can either oppress or liberate, and it has daily implications on our farms and food system. As an advocacy organization, we believe it is our work to move policy in the direction of liberation. We also note that policy alone cannot address inequity in our society. Meaningful change requires a reinforcing culture of anti-racist beliefs and actions that begins at the individual level, influences our interpersonal relationships, and in turn shapes our institutions and the structure of our society. We acknowledge and uplift the work that farmers, and BIPOC farmers in particular, are doing to address inequity and land access challenges through organizing in their communities. We urge policy makers to reflect the values and examples embedded in that work.

“A market economy will neither provide food for the hungry of current generations nor preserve enough farmland to provide food for generations of the future. Any society that allows markets to determine how much and what kind of land is used for food is not sustainable. This could be the defining challenge of the 21st century.”

**John Ikerd**

“Running out of land for food.” Journal of Agriculture, Food Systems, and Community Development.


70 A fourth quarter 2019 report from Nuveen, a TIAA company, points to the increasing disconnect between farmers and land ownership, framing farmland investment as helping facilitate the already-underway trend of farming operations separating from their “capital base.” While the authors of the report explain that farmers see owning capital assets as “increasingly less essential,” they acknowledge one of the reasons is that the capital assets required to operate a farm “can be considerable.” Source: Nuveen: Westchester, “Institutional farmland ownership: facilitating the separation of farming operations from its capital base,” Fourth Quarter 2019, www.nuveen.com/en-us/institutional/thinking/alternatives/institutional-farmland-ownership-facilitating-the-separation-of-farming-operations.


72 A 2012 USDA report notes that, “The demand for land that can be developed for urban use is the most significant nonfarm factor affecting farmland values in areas that are more urbanized or are experiencing faster population growth...even a limited number of conversions of farmland to urban uses can lead to generally higher farmland values in areas influenced by urban demand for land.” Source: Cynthia Nickerson, Mitchell Morehart, Todd Kuehle, Jayson Beckman, Jennifer Itt, and Ryan Williams, “Trends in U.S. Farmland Values and Ownership,” USDA ERS, Economic Information Bulletin Number 92, February 2012.

73 Sophie Ackoff, et al., Building a Future with Farmers II


79 “Greener Fields: California Communities Combating Climate Change,” American Farmland Trust, 2018.

80 “5 ways indigenous peoples are helping the world achieve #ZeroHunger: Indigenous peoples and their
Guiding Principles

The complexity of the land challenge can make it difficult to know where to start. We offer the following principles to help guide policy design and implementation.

1. Acknowledge the role that policy has played in creating and perpetuating inequities in our current food system.
   Land is at the root of much of the inequity in our food system. Use policy to make investments in Black, Indigenous, and other communities of color by returning wealth and power through land and financial resources.

   Indigenous communities should be supported in gaining greater land sovereignty, and their traditional land management practices should be recognized as powerful tools to enhance climate resiliency. Indigenous land relationship and stewardship may not involve the term or concept of farming; policies and programs should account for this and build in appropriate flexibility.
3. Center farmers and farm workers in the policy making process. Policies should be farmer- and community-driven, and include processes of evaluation. Participatory design that prioritizes partnership and accountability is key. Look critically at who is benefiting, where wealth is accumulating, and to what extent farmers are engaged in the development, refinement, and governance of policy.

4. Value farmland as the basis of food sovereignty, ecological health, and community well-being, rather than simply as a commodity to be sold to the highest bidder.

Pursue policies that reimagine our relationship with land and keep it available to support vibrant local agricultural systems, including but not limited to food production. The success of land speculation can no longer be prioritized over the need to permanently protect working lands for current and future generations.  

5. Equity for farmers.

Where ownership is not an option, lease terms must allow the farmer to invest in infrastructure, soil health, and the long-term interests of the property. These investments can be translated into cash value, which the farmer can retain at the end of their lease term.

6. Protect farmland for producers.

Public funding for farmland conservation has helped stem the tide of farmland loss from development, but we must protect the stewards of the land as well. Farmland protection should prioritize farmer ownership and be protected at its agricultural value, meaning what a producer can afford to pay. Easements should be flexible enough to allow farmers to respond to changing environmental and market conditions.

7. Facilitate pathways to appropriate and secure land tenure that enable farmers to build equity.

As farmers grapple with the challenges of accessing land, patterns of ownership and access may look different than they have in the past. Policies and programs should recognize farmers’ need for land security while supporting models of cooperative land ownership or working into ownership over time, among other strategies. Farmers should also be supported in building equity in the land, either through ownership or compensation for investments in leased land.

8. Support existing land stewards in transitioning off the land.

Retiring farmers face legal, financial, healthcare, and tax
considerations that impact their future and that of the land. Acknowledge the work of those who are the current stewards of the land and support them in their transition from it. This includes building local and regional cross-disciplinary professional succession planning teams; educating a wide array of community stakeholders; and providing incentives or cost-sharing for succession planning.  

9. **Support farm viability.**
Provide support to ensure land access opportunities set farmers up for success. This includes making capital available for business planning, farm infrastructure, housing, tools, equipment, market opportunities, living wage labor, and the ability to expand and diversify as conditions change, as well as support for conservation practices and soil remediation.

10. **Expand access to financing.**
The opportunity to access financing is foundational to accessing secure land. Make pathways to finance more widely accessible to those who have invested their time in building their farming skills rather than their net worth; expand alternative and community-based credit access; and ensure land security is not a barrier to accessing financing, and vice versa.

11. **Value the critical role that farmers and farmland play in responding to the climate crisis.**
Farmers are on the frontlines of the climate crisis, yet they are also contributing to climate resiliency by providing local food and fiber, stewarding biodiversity, sequestering carbon, and reducing carbon emissions. Regenerative practices utilized today are rooted in Indigenous practices that have protected soil and water resources for centuries. BIPOC farmers are leading the way in mitigating climate change and providing food security for the communities most impacted by the climate crisis. Secure land access is the primary impediment to climate action for young farmers. Capital and labor that could be deployed to build climate resilience is instead sunk in land rents and acquisition costs, and instability of access prevents investments in climate change mitigation. Policy must value the contributions of farmers to building resilience in the face of the climate crisis and ensure farmers have the land security they need.

12. **Invest in local food systems.**
Value farmland for its role in supporting healthy communities. Supporting small- and mid-sized farm businesses that employ people
food systems can provide answers to food insecurity and climate change," Food and Agriculture Organization, 2019.


86 Agrarian Trust, “Principles.”

87 See the work of HEAL Food Alliance, www.healfoodalliance.org/

locally and spend dollars locally is key to weathering climate, public health, and economic shocks. Invest in the related industries and infrastructure that are critical to the success of farmers once they access land, such as processing facilities and distribution.

13. Facilitate farming and access to land in urban areas.
Urban agriculture is critically important, not only for food production but for community building, civic engagement, conservation, education, employment, and providing pathways to farming as well. Ensuring urban land remains available and accessible for farming will require policy change, investment in publicly-supported programs, increased technical and legal support, and zoning reform.

The needs of farmers seeking land vary by background, primary language, gender, production style, and geography, among other factors. Ensure policies and programs reflect these differences. Efforts to expand access to land, capital, and technical assistance must include those who currently labor in the fields, and create pathways to ownership and co-ownership.

15. Engage in collaborative efforts.
To truly transform the food system, we need dialogue across sectors and communities. Bring together those engaged in health, environment, agriculture, labor, and racial justice work to build solutions that address the complexity and interconnectedness of challenges related to land.

“To the communities of our Rural Coalition, land is our home. Land is the basis of our community. Land is sacred. Land is entrusted to our care. Land has to feed us. Land has to be shared. Land has to be cultivated by those who respect what land is. Land is fundamental. The government needs to invest in those who protect the land if we are going to have a future for agriculture and rural communities and a climate future for mother earth and our children’s children.”

Lorette Picciano
Executive Director,
Rural Coalition
**Key Actions**

The following is a list of important, actionable steps that should be implemented now. These policy proposals come from the National Young Farmers Coalition, as well as the work of other advocates and organizations acknowledged in the footnotes. We hope this list will serve as a catalyst for action by farmers, policy advocates, elected officials, farm service providers, and all those who are engaged in the work of facilitating land justice, access, and transition.

**Federal Policy Recommendations**

✔ Create a national farmland access and transition initiative funded through both public appropriations and private dollars to support land transition to the next generation with prioritization for projects that resource BIPOC farmers. 88 89 90 91 92 93

✔ Enact H.R. 40, the Commission to Study and Develop Reparation Proposals for African-Americans Act. 94 This Act would create a commission tasked with submitting a report to Congress containing recommendations for reparations for the institution of slavery, its subsequent racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans. 95

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✓ Enact comprehensive immigration legislation that provides protections for undocumented farm workers and their families to allow these skilled farmers to stay and work legally in this country and to access land. 96 97

✓ Incentivize farmland transition by creating a federal capital gains tax exclusion for the sale of land to qualified young, beginning, and BIPOC farmers. 98

✓ Incentivize farmland protection by creating a federal capital gains tax exclusion for proceeds from the sale of agricultural conservation easements. 99

✓ Pass federal legislation to help farmers manage their student loan debt so they can better access capital for land purchases. 100

✓ Pass legislation prioritizing on-farm climate mitigation, increased research for climate resilience, and support for farmers grappling with the climate crisis.

: Farm Bill Programs

✓ Significantly increase funding for the Agricultural Land Conservation Easement Program (ACEP) and Regional Conservation Partnership Program (RCPP). Give priority to projects that protect farmland affordability and farmer ownership, and those that provide secure land tenure to BIPOC farmers. Examples of tools for this work include the Option to Purchase at Agricultural Value (OPAV), buy-protect-sell, and ground leases.

✓ Increase funding for the USDA Farming Opportunities, Training, and Outreach (FOTO) Program, which includes the Beginning Farmer and Rancher Development Program (BFRDP) and the Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Program (known as the 2501 Program), to provide support to organizations addressing inequity in land access and transition.

✓ Expand funding for, and effectively implement, the Indian Tribal Land Acquisition Loan Program and the Highly Fractionated Indian Land Loan Program, which provide financing for costs related to land purchase and help address fractionated property interests. 101

✓ Make programmatic and outreach improvements to the Conservation Reserve Program-Transition Incentives Program (CRP-TIP) to increase participation. 102 103

✓ Increase funding for efforts to address heirs’ property at the federal level, including support for the FSA relending program established in the 2018 Farm Bill.


93 See also the work of National Black Food and Justice Alliance and Soul Fire Farm.

94 Policy recommendation from “Food Sovereignty Action Steps” from Soul Fire Farm, www.soulreform.org/get-involved/take-action/


97 Read more: United Farm Workers, https://ufw.org/

98 Because the sale of farmland is subject to capital gains taxes, farmers and ranchers are reluctant to sell off land assets when they retire. The federal capital gains rate of 20 percent, based on a property’s appreciation in value since purchase, can be significant for land that has been held for a long time or has appreciated significantly in value. Land that transfers at death, however, is exempt from federal estate tax provided it is within current exclusion levels, thus penalizing farmers and ranchers who want, or need, to sell land to finance retirement or to help a next generation farmer get started while incentivizing them to hold land assets until death. Source: “Tax Reform and Farmland Access: Capital Gains Tax Changes to Support the Next Generation in Agriculture,” a memo by American Farmland Trust, Land For Good, National Association of State Departments of Agriculture, and National Young Farmers Coalition, 2019.

99 Capital gains taxes are imposed on the sale of an agricultural conservation easement—a property restriction that ensures that land cannot be developed and remains available for agricultural use in perpetuity. This not only discourages landowners who want to leave a legacy of protected land, but adversely impacts young, beginning and BIPOC farmers, for whom protected farmland is often the only land they can afford to purchase. Source: ibid.


✓ Improve access to credit for young, beginning, and BIPOC farmers through the Farm Service Agency (FSA). Specifically, allow for farm ownership loan pre-approval to enable farmers to be competitive in the real estate market, ensure FSA farm ownership loan limits remain adequate to cover the cost of farm real estate, provide no-interest loans to beginning farmers of color, and establish lending guidelines for loans to low-income resident farmers and BIPOC-led farmer cooperatives.104 105

✓ Increase investment in and expand the set-aside for beginning and BIPOC farmers in conservation programs such as the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), and Regional Conservation Partnership Program (RCPP). Create a micro-EQIP program to expand participation by small and mid-sized operations.

✓ Invest in recurring data collection, reporting, and research on farmland tenure, ownership, and transition to better understand the large-scale trends and challenges related to land access for beginning and BIPOC producers.106 107

: Administrative

✓ Implement high-level oversight at USDA to ensure there is coordination among departments within the agency as well as with other agencies across the federal government so that programs are working together to facilitate transition and access for young, beginning, and BIPOC farmers.

✓ Acknowledge the leadership and lived experiences of young and BIPOC farmers by including and compensating their voices on all federal advisory committees related to farmland protection, land access, and farm viability.

State Policy Recommendations

: Land

✓ Create state farmland access and transition initiatives funded through both public appropriations and private dollars to support land transition to the next generation with prioritization for projects that resource BIPOC farmers.
In 2019, in recognition of ongoing legacies of institutionalized racism and discrimination, the California Farmer Justice Collaborative proposed the California Regional Economics and Equity in Agricultural Lands (REEAL) Act. The bill stands as a model of a racial justice-focused farmland conservation policy for other states to consider. Building off of the Farmer Equity Act, passed in California in 2017, the REEAL Act would establish a program and funding to provide grant dollars to municipalities, conservation districts, parks, cooperatives, Native American tribes, and other non-profit organizations to protect farmland from development and to facilitate sales or long-term leases to farmers of color. Source: Recommendation from comments submitted by Larisa Jacobson of Soul Fire Farm to the New York Joint Legislative Roundtable on Soil Health, February 5, 2020, www.hudsonriverflows.com/larisa-jacobson-soul-fire-farm.


Vermont, Massachusetts, and New York all use state dollars to fund working farm easements through their farmland protection programs that guarantee the long-term affordability of protected land for farmers. These easements help ensure that protected farmland will remain affordable and in the hands of farmers. Source: Holly Rippon-Butler, David Howard, Lindsey Lusher Shute, and Will Yandik, “Farmland for Farmers: Working Farm Easements as a Tool to Keep New York’s Farmers on the Land,” National Young Farmers Coalition, 2018, www.youngfarmers.org/resource/farmland-for-farmers.

Pass the Uniform Partition of Heirs Property Act to help protect farmers from partition sales of property. This Act is model legislation proposed and supported by a diverse coalition of organizations across the country that has been passed in a number of states. The Act provides basic due process protections, including adequate notice, appraisal, and right of first refusal in heirs’ property cases. Source: Recommendation from comments submitted by Larisa Jacobson of Soul Fire Farm to the New York Joint Legislative Roundtable on Soil Health, February 5, 2020.

Make information about land parcels more available and fund farmland linking programs that connect farm seekers with existing landowner networks, with priority for BIPOC-led initiatives. Source: Research and recommendation by Hortencia Rodriguez.

Facilitate secure, long-term access to publicly-owned land for
farmers, with priority for BIPOC farmers. Many states lease state-owned land, but these programs are rarely accessible to young and beginning farmers. States should inventory state-owned land, engage in cross-agency dialogue, and ensure opportunities are accessible.  

✔ Provide income tax incentives to current landowners who sell or lease land and assets to young and beginning farmers, including added incentives for sales or leases to BIPOC farmers.

The 2017 Minnesota Beginning Farmer Tax Credit provides an income and franchise tax credit for the sale or rental of farm land or assets (including land, livestock, buildings, and machinery) to beginning farmers. Since it was signed into law in 2017, this program has granted over $2 million in tax credits to more than 400 asset owners. A similar program was recently implemented in Pennsylvania.

✔ Incentivize farmland transition by creating state capital gains tax exclusions for the sale of land to qualified young, beginning, and BIPOC farmers.

✔ Incentivize farmland protection by creating state capital gains tax exclusions for proceeds from the sale of agricultural conservation easements.

✔ Reduce competition for farmland from non-agricultural buyers. One strategy for this is working farm easements that permanently protect farmland and encourage producer ownership. Another is anti-corporate farming laws that restrict the involvement of certain corporations in agricultural production.  

✔ Pursue comprehensive, statewide and regional land use planning to limit development on agricultural soils.  

Oregon’s Land Conservation and Development Commission, was established in 1973 and serves to set standards for preserving farmland that are then adopted at the city and county level.  

California’s Urban Agriculture Incentive Zones Act, gives cities the discretion to pass a tax incentive for urban agriculture.  

✔ Provide funding for local planning efforts designed to promote agricultural use of land, limit sprawl, and protect farmland.
Access to Capital

- Pass state legislation to help farmers manage their student loan debt so they can better access capital for land purchases.
- Improve and expand land access finance options. One example is establishing Aggie Bond programs that encourage lenders to make real estate loans to beginning farmers by exempting income from interest on these loans from federal taxes.  

Technical Assistance & Farm Viability

- Provide funding for farmers to access culturally- and linguistically-appropriate assistance from technical service professionals to work through the complex financial, legal, and emotional challenges of farmland and business transition.
- Invest in existing BIPOC-led farmer training and technical service programs, and in knowledge generation and research contributions by BIPOC farmers. Legitimize existing BIPOC-led programs through state-funded agricultural education and land grant institutions.
- Invest in succession planning programs for retiring farmers that set aside land for BIPOC practicing regenerative agriculture.
- Make affordable, quality farmer housing available on or near farms; fund infrastructure improvements associated with young, beginning, and BIPOC farmer land access; and support farmer tenants’ rights.

New York’s Farmworker Housing program, first authorized in 1995, provides no-interest loans to farmers to assist in the rehabilitation, improvement or new construction of housing for farmworkers.

Incentivize and reward farmers’ past, ongoing, and layered practices to mitigate the impacts of the climate crisis through ecosystem services, carbon sequestration, and incorporating soil health practices into their operations. Ensure existing and future climate mitigation programs are accessible to small farmers.

California’s Sustainable Agricultural Lands Conservation (SALC) Program, uses revenue from the California Climate Investment Fund to purchase agricultural conservation easements, develop agricultural land strategy plans, and support other mechanisms that result in GHG reductions and a more resilient agricultural sector.
Introduce an equity framework for land transfer and agricultural policies and programs.

California’s 2017 Farmer Equity Act provides a model for institutionalizing equity checks for agricultural policy, such as mechanisms for ensuring delivery of resources and reach of programs to BIPOC farmers.\(^\text{130}\)

Create liaisons between city, local, and state governments to help ensure that farmers can navigate opportunities and understand the policies impacting their success.

Acknowledge the leadership and lived experiences of young and BIPOC farmers by including and compensating their voices on boards, committees, working groups, and in other decision-making bodies.

Local Policy Recommendations

: Land

Create local climate resiliency land banks, rethinking agricultural land as public infrastructure and farmers as critical employees. These projects would fund the purchase and protection of farmland, employ farmers, and invest in processing infrastructure to ensure that municipalities have access to a secure source of local food in the face of the climate crisis.\(^\text{131, 132}\)

Establish, and increase funding, for local farmland protection programs. Give priority to projects that protect farmland affordability and create pathways to secure land tenure for farmers, particularly Black, Indigenous, and other farmers of color (BIPOC).

: Agricultural Use

Encourage innovative land use planning and zoning amendments to limit development on prime agricultural soils, prioritize agricultural land use, and enable land access for farmers. Examples include reducing up-zoning, where agricultural zones are converted to commercial and urban use; using zoning to designate areas for local food production; and cluster zoning with agricultural set-asides; among others.\(^\text{133}\)

New York’s Agricultural Districts Law provides protections for agricultural land in County-designated areas by optimizing zoning laws, limiting eminent domain, and encouraging farming practices that might otherwise be restricted by local laws and ordinances.\(^\text{134}\)
✓ Encourage urban agricultural production and create secure land access opportunities for growers through zoning reform, planning, and other mechanisms.

Article 89 in Boston’s zoning laws aims to comprehensively reduce zoning barriers to commercial urban agriculture.  

The 2015 D.C. Urban Farming and Food Security Act, which provides property tax reductions on urban land dedicated to farming and opens up leasing opportunities for farmers on publicly-owned urban land;  

Pittsburgh’s Adopt-a-Lot policy providing site use agreements to access city-owned vacant lots for greenspace and agriculture.  

✓ Enact and strengthen current use tax valuation, which permits taxation of agricultural land based on the actual, ongoing use of the land rather than its full market value or highest and best use.  

Incorporating minimum multi-year lease requirements into current use tax programs can help incentivize more secure tenancy for farmers.  

References:

139 See more examples and information in “Current Use Valuation and Tax Incentives for Urban Areas,” 2016.
Conclusion

This moment of land transition is a moment of great opportunity. To build a strong future with farmers, we must eliminate inequities in land ownership and access; protect farmland for farmers; facilitate appropriate, affordable, and secure land tenure; and support farm viability and transition. We can, and must, move towards a future in which land and power are returned to those who have been deprived of their connection to the land for generations; where land is valued as the basis of food sovereignty, ecological health, and community well-being; and where all those who wish to build vibrant and resilient agricultural systems for their communities have land on which to do so.

Explore the issue, read farmer case studies, and view the policy library on youngfarmers.org/land.