



**Center for Agricultural and Food Systems  
Land-Tenure Project  
Convening: Suggested Topics**

\*How do we define “land tenure”?

**I. MODES OF LAND TENURE ACCESS**

**1. Land Purchase**

- Option to purchase – within the lease
- Fee-title purchase
- Fee-title purchase with sweat equity
- Conservation easements

**2. Land transfer**

- Familial versus non-familial
  - Are there different tax regimes?
  - Death transfer versus living transfer
  - Joint ownership versus tenant-in-common
    - Do differences exist?
- Farm succession planning
- Equity protection for apprenticing
  - Are there rules for building, measuring, and protecting accumulated equity in property?

**3. Leaseholds**

- Lease models
  - Revenue sharing
  - Contracts
    - Oral versus written
    - Do the leases have to be registered if they exceed a certain length?
- Termination agreements
  - Ex. Iowa – requires termination notice prior to September 1<sup>st</sup> for properties greater than 40 acres in size
- Lease tenure

- Long-term versus short-term
- Protecting investment in property
- Lease conditions
  - Rights allotment
    - Use rights
    - Control rights
    - Transfer rights
- Compensation for long-term investments
- Good husbandry provisions

#### **4. Cooperative**

- Models of cooperative ownership
  - Legal organization
  - Liability
  - Capitalization
- Governance

#### **5. Community**

- Models of community or commons ownership
- Agreement forms with farmers (how is equity recognized?)
- Securities law issues with potential passive investors

## **II. ADDITIONAL LAND TENURE TOPICS:**

### **1. Urban and rural (which considerations unique to one versus the other?)**

- Zoning issues
  - Restricted uses
    - Ex. no livestock
    - Can they be overcome by contract conditions or do they require a bylaw change?
- Use of community gardens
  - Are there restrictions on commercial producers?
    - Are size restrictions imposed on plots?
  - Are certain forms of business arrangements encouraged or prohibited?
    - Leaseholds
    - Rent-to-own
    - Share cropping

### **2. Environmental**

- Contaminated lands
- Remediation and liability

### **3. Financing**

- Classification and access to loans

- Can small plots/urban plots be designated as homeowner plots and thus be eligible for subsidized interest rates?
- Are there no interest loans, low interest loans, or loan guarantees available for qualified beginning farmers?
- **USDA Farm Service Agency Farm Loan Programs**
  - Direct and guaranteed loans to farmers and ranchers for operating expenses and land purchases
- **State finance programs**
  - Low interest loans
  - Loan guarantees
  - Loan participation programs
  - Who qualifies?
- **Farm credit programs**

#### 4. Insurance

- Crop insurance
  - A factor in land access/tenure?
- Does the landowner bear any potential liability for tenant actions?
  - Environmental
    - Who bears responsibility for remediation?
  - Injury
    - Are third-parties protected from liability?

#### 5. Taxation

- Are “beginning farmer” tax credits available?
- Role of taxation rates in land tenure
- Tax deductions for land improvements
  - Who can take them?

#### 6. Farm conservation programs

- Relation to land access/tenure?
- When can landlord take portion of the payment
- Is active involvement of landlord required?
- State programs
- Federal programs
- Role of Conservation
  - Conservation easements
  - Transfer of development rights