



United States
Department of
Agriculture

National Institute
of Food and
Agriculture



Introduction to Land Tenure and Land Access

FARMLAND FOR THE NEXT GENERATION

BEGINNING FARMER AND
RANCHER DEVELOPMENT
PROGRAM

AWARD: 2015-70017-23901

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Part 1: Land Tenure and Land Access



Land Access Is a Serious Challenge

- The number of beginning farmers and ranchers dropped 20% from 2007 to 2012
- Beginners report it's hard to find land to rent or buy
 - Especially small enough parcels to start an operation
 - And to negotiate appropriate lease arrangements, especially with non-family members
- They must compete for land with:
 - Developers and farmland investors
 - Established farmers
 - Family members
- Plus good farmland is expensive!

Demographics Add Barriers to Access

- 40% of U.S. ag land is owned by people over age 65; many are not retiring
- Ag landowners plan to transfer ~10% of their land in the next 5 years – mostly through gifts or trusts
 - ***Only ~2% is projected to be sold on the open market***
- There's a “growing” disconnect between the primary commodities *senior* farmers produce and the primary commodities *younger* farmers produce

Who Owns American Farmland?

- Most ag landowners are white men:
 - Principal operators = 96% white, 86% male
 - Principal landlords = 97% white, 63% male
- Principal operators own 68%, non-operator landlords own 31%: 80% of land rented for ag
- A history of discriminatory policies and fractured heir property rights have curtailed land ownership for black and Native American farmers
- Beginning farmers are increasingly diverse

Allotted Indian Lands

- The General Allotment (Dawes) Act was passed in 1887 and divided treaty reservations into “allotments” that were then given to individual tribal members
- The law dictated that lands would not be alienated (lost) for a period not less than 25 years
- Because of the restriction on alienation, heirs were given ownership as tenants in common
- Tenancy in common: Means land is owned together with two or more others as undivided interests in the whole

Common Causes of Indian Land Loss

- Fraud and theft
 - Speculators,
 - Federal agents,
 - And the State
- State probate laws
 - Federal judges would follow state probate law and give Indian land to non-Indian spouses, which caused interests to lose its Indian status
- Fractional ownership and the federal probate
 - The American Indian Probate Reform Act (AIPRA) changed federal probates in 2004; altering spousal rights and directing action for highly fractionated ownership

Part 2: LAT Curriculum and Performance- Based Learning



Farmland for the Next Generation

- This training is designed to help beginning farmers and ranchers gain the skills needed to find and acquire land to start or expand their operations
- This may be by receiving, renting and/or buying land from all kinds of landowners, for example:
 - Relatives and/or their estates
 - Retiring farmers and ranchers
 - Non-farming and institutional landowners
 - Land trusts and other conservation organizations
 - Federal, state and local government agencies

Land Access Training: 8 Parts

- Introduction to Land Tenure
- Financial Assessment
- Land Access Options
- Finding Land
- Land Assessment
- Leasing Land
- Purchasing Land
- Succession Planning

Common Training Misconceptions in relation to Land Access

- Effective training involves covering as much information as possible in the time allowed
- If people read/hear something once, they will remember it
- It is more important to cover a lot of material, than to address less material in more depth

People learn best by doing!

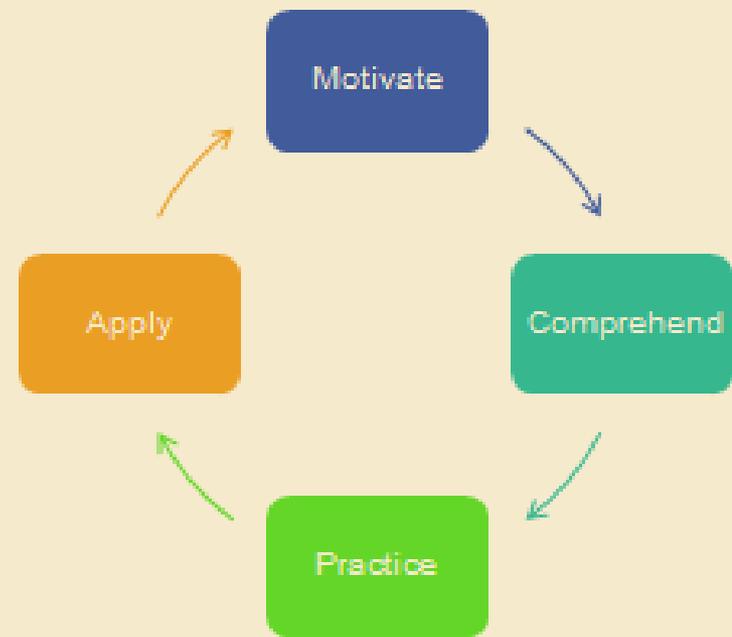
Performance-based Learning and the LAT Curriculum

- People learn best by doing!
- The LAT Curriculum takes a performance – or skills-based – approach
- It focuses on what you need to be able to do not just what you need to know
- So you can gain access to land and establish a stable and affordable land tenure arrangement

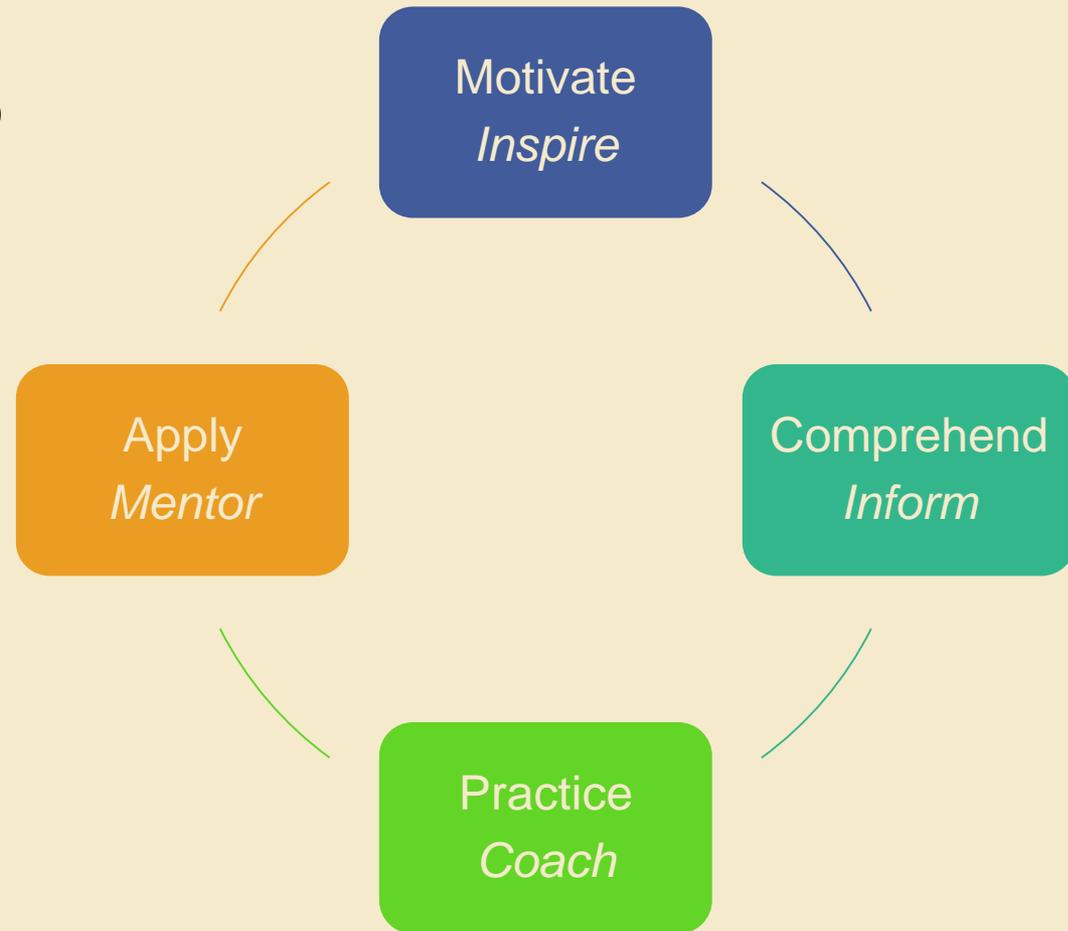
The Learning Cycle

To avoid cognitive overload and help learners encode learning into long-term memory, chunk learning by alternating between the comprehension and practice phases.

- **Learn** about it
- **Practice** it simply
- **Learn** more about it
- **Practice** with more complexity
- **Learn** more about it
- **Practice** with more complexity
- **Apply** to demonstrate mastery



What is the Teacher's role?



Part 3: Personal and Business Goals



Factors Affecting Land Tenure Decisions

- Personal Goals
- Business Goals
- Current Financial Position and Resources
- Future Earning Potential

Defining Personal Goals

- What do you want your life to be like?
- Life-work balance
- Personal goals
- Business goals

Defining Business Goals

- What kind of business do you want?
- Are your business and personal goals compatible?
- Will your business support your lifestyle?

In the case of a farm transitioning between generations, consider the goals of the exiting generation.



Saving the Land that Sustains Us



American Farmland Trust

www.farmland.org