



# Land Access for Farmers

SEMAP – 11/17/22

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***Our mission is to ensure the future of farming by putting more farmers more securely on more land in New England and beyond.***

*Access*

*Tenure*

*Transfer*



# Who We Work With

## – Farming Landowners

- Exiting farmers, farm families

## – Farm Seekers

- New & Established
- Written Leases

## – Non-farming Landowners

- Looking for a farmer  
(lease or purchase)
- Private, Municipal, State, Institutional









# Land Tenure

## Tenure means “to hold”

To have secure land tenure, a farmer needs:

- Access to land
- Security to hold it
- Clear division of rights and responsibilities



# Tenure options

- Own
- Rent
- Other?
- *Can be some of each*
- Can change over time
- Fit your Business Plan
  - What can you and your business afford?





# Owning Land

- Advantages
  - Max. security
  - No landlord
  - Build Equity
  - Collateral
  - Emotional ties
  - Legacy

# Owning Land

- Advantages

- Max. security
- No landlord
- Build Equity
- Collateral
- Emotional ties
- Legacy

- Disadvantages

- Debt
- Ties up capital
- “Too permanent”
- Ongoing costs
- Responsibility



# Leasing Land

- Advantages

- Flexibility
- Other uses of capital
- Less debt
- Greater financial return to family living?
- Could be your only option!
  - Limited finances
  - **Limited available land**

- Disadvantages

- Less security
- Harder to build equity
- Can lose investment in improvements
- May not be able to borrow or participate in programs
- Managing landlord(s) relationships

# Types Of Leases

- Verbal vs. written
- Short-term lease
  - Trial term
  - Rolling lease term
- Long-term lease
  - Lease To Own
- Residential lease
- Equipment, building, livestock





# (FYI - Lease vs. License/Permit)

- **Lease:**

- Extensive, temporary legal interest in land
- **Harder to revoke, more secure tenure**

- **Permit/License:**

- Permission to use land
- Simpler
- **Generally revocable at any time**
- Common on Public Land



# Elements of a Good Farm Lease



Gaining ground for farmers

## ELEMENTS OF A GOOD FARM LEASE

**1. The Parties** – Be clear about the identities of the landlord and the tenant. The lease should specify whether the party is an individual, LLC, corporation, or some other entity.

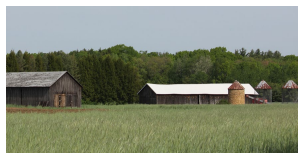
**2. Description of the Property** – The description should be sufficient to allow a stranger to identify the location of the property. The description should include the address, a map, and relevant specifics about the parcels being leased. A description of the initial condition of the property, including any structures, should be included. Typically, a dwelling should be leased separately, with the property immediately surrounding it as part of the residential lease.

**3. Duration of the Lease** – The start and end dates, and options for extension or renewal. The lease should also state whether it stays with the property if ownership transfers. FILE at REGISTRY.

**4. Rent** – Payment (known as the “consideration”) must be specified, even if it is no cost. There are various ways to calculate the rent. In a non-cash agreement, the type and frequency of services or the crop-share amount should be specified. If there are penalties (e.g., interest) for a late payment, those should be specified as well.

**5. Taxes** – Responsibility for property and any other tax payments should be specified.

**6. Utilities** – The lease should specify who is responsible for utility bills and what entity will be named on each utility account.



**7. Permitted and Prohibited Uses** – This is an important section. The lease should clearly define the permitted and prohibited uses of the property. What kinds of farming will be allowed? What counts as agriculture? Does a cord-wood operation qualify as agriculture? Commercial composting? A corn maze? Aquaculture? Definitions and perceptions of farming evolve, so it’s important to be both clear and flexible. Address whether farm-related education or non-agricultural uses such as recreation will be permitted. A landowner may also prohibit certain activities, e.g., removing trees or gravel.

Landowners may want to specify whether the land is to be limited to certain types of production, for example, only pasture or hay land, or to other restrictions or requirements regarding uses appropriate to the soils or topography of the farm. A map indicating where certain practices are allowed or prohibited is useful. It’s recommended to include a process for the tenant to request permission or clarification regarding uses. For example, the lease may say that removing trees is prohibited except as approved by the landowner in response to a written request by the tenant.

**8. Entry** – The lease should specify whether the landowner has permission to enter the property, and if there are limitations to such entry. For example, requiring the landowner to give 24 hours notice about a visit. Can landlord’s family members walk or picnic on the leased property?

**9. Maintenance and Repairs** – The lease should specify who is responsible for maintaining and making repairs to the land and any structures included in the lease, such as fences, buildings, storage structures, roads and irrigation systems. Repairs and maintenance are fertile areas for disagreements and disappointments between landowner and farm tenant. The distinctions among maintenance, repairs and improvements should be spelled out as clearly as possible.

ELEMENTS OF A GOOD FARM LEASE © LAND FOR GOOD

Typically the tenant is responsible for basic maintenance and routine repairs. The landlord is usually responsible for major repairs, rehabilitation, and replacement of farm structures or systems. A process spelled out in the lease for the parties to decide when there is some question can save miscommunication and tension down the road.

**10. Alterations and Improvements** – The lease should specify who is responsible for improvements such as new structures or major alterations, along with the process for approval, and who bears the cost. It should specify whether such improvements are considered permanent fixtures and become the property of the landowner (compensating the tenant or not) or whether they may be removed by the tenant at the end of the term.

**11. Stewardship and Conservation** – In this clause, the parties can specify what practices may be required or encouraged. Often it’s good to reference a separate stewardship plan as an attachment to the lease. The plan can be reviewed and revised annually. A lease may specifically encourage or require the development of a conservation management plan, a waste management plan, or a grassland habitat management plan.

**12. Subletting** – The lease may specify whether subletting is permitted and under what conditions. Farm leases typically do not allow subletting without some controls by the landowner such as prior review and approval of the sublease terms and sub-tenant.

**13. Termination** – The lease should indicate the procedure for either party to terminate the lease. Tenants should always have a reasonable exit option. The lease should specify if and when notice must be given. On longer-term leases, the ability of the landlord to terminate without just cause should be limited, otherwise the long-term nature of the lease is undermined.

**14. Default** – The lease should specify what constitutes default by tenant or landowner. Default means that one of the parties to the lease has violated a term by failing to do something or by doing something not permitted by the lease. The lease should allow for the party to remedy the default, such as to pay the late rent or clean up a pile of trash, and address any damages resulting from the default.

**15. Monitoring and Reporting** – The lease should specify how monitoring will be handled, whether there will be reporting between the farmer and landowner and what form such reporting would take. There may be a schedule of monitoring visits. The landowner may want someone familiar with farming to do the monitoring—a farming friend or a professional, for example.

**16. Insurance and Liability** – The lease should require the tenant to carry liability insurance, typically indemnifying the landowner. The landowner may carry casualty insurance on the structures. The lease should specify what will happen in the event the property is condemned or destroyed by fire or other casualty.

**17. Dispute resolution** – A lease also may include a dispute resolution process, from a mutual commitment to engage in a facilitated conflict management process, to shared cost of formal mediation.

Visit [landforgood.org](http://landforgood.org) for tools and resources, or contact us for more information on a farm lease.

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*Educating, innovating and consulting to put more farmers more securely on more land in New England and beyond.*

REV.01.22.2016

ELEMENTS OF A GOOD FARM LEASE © LAND FOR GOOD



# Lease Negotiations

- **Talk about specifics**
  - What is Necessary? Desirable? Optional? Deal-Breaker?
  - Be aware of vague answers
- **Rough-Draft, Plain-Language lease outline for *negotiation***
- **Formal Lease to finalize**
  - Both Parties should have a Lawyer review it!



# Plain Language Lease Outline

## FARM LEASE OUTLINE

*Use the [Elements Of A Good Farm Lease](#) guide, and explain, in plain-language (bullet-list, etc) format, the details of what you would like for each of the following.*

***Note: This document is a lease outline only - it is not intended to be signed as a legal document, but instead to inform a final lease crafting process once all parties agree.***

### 1. The Parties

- Tenant:
- Landowner:

### 2. Description of the Property (Premises)

- Land:
  - 
  -
- Infrastructure:
  - 
  -

### 3. Duration of the Lease (Term)

- Length:
- Start Date:
- End Date:

# LFG's Build-A-Lease Tool

Build-A-Lease with Land | X

landforgood.org/build-a-lease-tool/

Apps h Land For Good Help MapQuest Maps - D Google My Verizon | Login E General Inquiry - Land Intake Form for Farm Intake Form for Land >> Other bookmarks

## BUILD-A-LEASE

Land For Good TOOLBOX

In this Tool, please use these buttons **(not your browser)** to move or save.

[Previous](#) [Next](#) [Save for later](#)

\* To view or email your document, go to "Finish."

### Introduction

Welcome!

Our Build-a-Lease Tool is designed for you to learn about the most common sections of a farm lease. You can also generate, save and print your own working lease document after filling in the Tool's online template.

**This is an educational tool. It is not intended to replace guidance from your advisors.**

### Build a Lease

- Introduction
- Parties
- Preamble
- Section 1 - Premises
- Section 2 - Terms of Lease
- Section 3 - Rent
- Section 4 - Permitted, Prohibited and Restricted Uses
- Section 5 - Reserved Rights
- Section 6 - Liability and Insurance
- Section 7 - Transfer, Sale, Assignment and Sublease
- Section 8 - Taxes, Utilities and Fees
- Section 9 - Maintenance, Repairs and Improvements
- Section 10 - Termination and Default
- Section 11 - Communication, Permissions and Dispute Resolution
- Section 12 - Standard Contract Provisions
- Finish

Windows taskbar: 10:23 AM 7/13/2018





# Land Search Process

- 1) Clarify your criteria**
- 2) Begin the search**
- 3) Inquire & Evaluate opportunities**
- 4) Negotiate**
  - Lease?
  - Purchase?
- 5) Finalize**



# Farm Search – Clarifying Criteria

**Be Prepared when making Inquiries!** Make sure you know and can articulate what you're looking for.

- **Business Planning!**
- Land Needs: Acres, soils?
- Infrastructure?
- Housing?
- What kind of farming?
- Room to grow?
- **Would you start your own farm and/or business?**  
**Or take over an existing one?**



# Identifying Farm Search Priorities

	Necessary	Desirable	Optional
<b>Tenure</b> (own? lease?)			
<b>Location</b>			
<b>Natural features</b>			
<b>Built features</b>			
<b>Housing</b>			
<b>Community</b>			
<b>Other</b>			



# Identifying Farm Search Priorities

H3		<i>fx</i>		
	A	B	C	D
1	<b>Land Search Criteria</b>			
2		<b>Necessary</b>	<b>Desirable</b>	<b>Optional</b>
3	<b>Land Tenure</b>	Lease - Secure, written, affordable	10+ year lease, or rolling term (3 year?)	Purchasing, if affordable. Or purchase some, lease some.
4	<b>Cost / Rental Rate</b>	"Cheap" Lease - ballpark of \$50 - \$150 per acre	Free Lease	
5	<b>Acreage</b>	5 acre minimum	Up to 10 acres	Bigger, so long as it is not a management burden
6	<b>Location</b>	As close to current location as possible	Within 30 mile radius of Worcester, MA	
7	<b>Soil Quality</b>	Can plow (initially) before establishing no-till system	Flat, not too rocky	Prime soil?
8	<b>Infrastructure</b>	Existing buildings or space for: Shelter (wash/pack), Cold Storage	Barn or shed available (~30' x 100'). Run in shed for equipment.	Put up or build a structure
9	<b>Water/Utilities</b>	Electricity, Water	Free water use, Cell Service or Wifi access @ barn	
10	<b>Housing</b>	On or very near land. Cheap/affordable	Build a barn and live on top floor, or have tiny house	Bring current trailer and live on or near property
11	<b>Community / Public Access</b>	Public access for CSA pickup	Ability to have a farm store & customer access	
12	<b>Other</b>			

# Farmland Search Strategies - Online Resources

- **New England Farmland Finder (NEFF)**
- Farm publications; newsletters
- Listservs
- Craigslist? MLS? Zillow? Google? Sure!



## Available Farms and Land

USING THE MAP: Click on the icons for a link to more information about each posting. Use the filters to narrow your search. Note that the map excludes some properties at the owners' request; all properties are listed (by state) below the map.

**TOTAL NUMBER OF ACRES**

- Any -

**ACRES OF CROPLAND/TILLABLE LAND**

- Any -

**ACRES OF PASTURE**

- Any -

**TENURE ARRANGEMENT**

- Any -

**WATER SOURCES PRESENT**

- Any -

**BARN AND SHEDS**

- Any -

**FARMER HOUSING**

- Any -

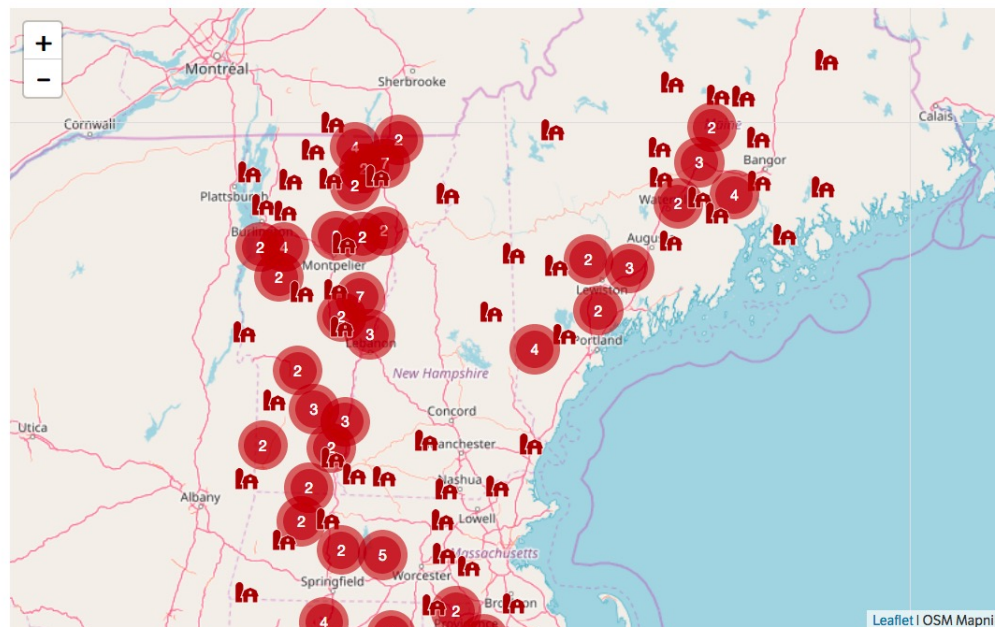
**EQUIPMENT AND MACHINERY**

- Any -

**STATE**

- Any -

Search





# Finding Farmland – Grass Roots

- **Make A Flyer**
- **Share Your Search Criteria**
  - (Nec/Des/Opt exercise)
- **Talk to People!**
  - Land Trusts
  - State (MDAR)
  - Farm Service Orgs
  - Buy Local Groups
  - Local Commissions of Towns/Cities
- **Contact Landowners**
- **Get Farming Experience**



# in search of Land for Rent



woman seeking small plot to steward.  
artist and veggie farmer, 28 years old.

Reliable employment and transportation. Respectful, independent, and resourceful.  
I have 5 years of management-level farm experience and good references.

## what I seek:

- $\frac{1}{8}$  -  $\frac{1}{4}$  cleared acre for no-till vegetables & herbs
- space for mobile office / art studio
- access to electricity and water

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Conway • Northampton • Williamsburg •  
Chesterfield • Charlemont • Shelburne Falls  
• or surrounding area •



email: emailaddress@email.com cell: 888-888-8000

contact sarah

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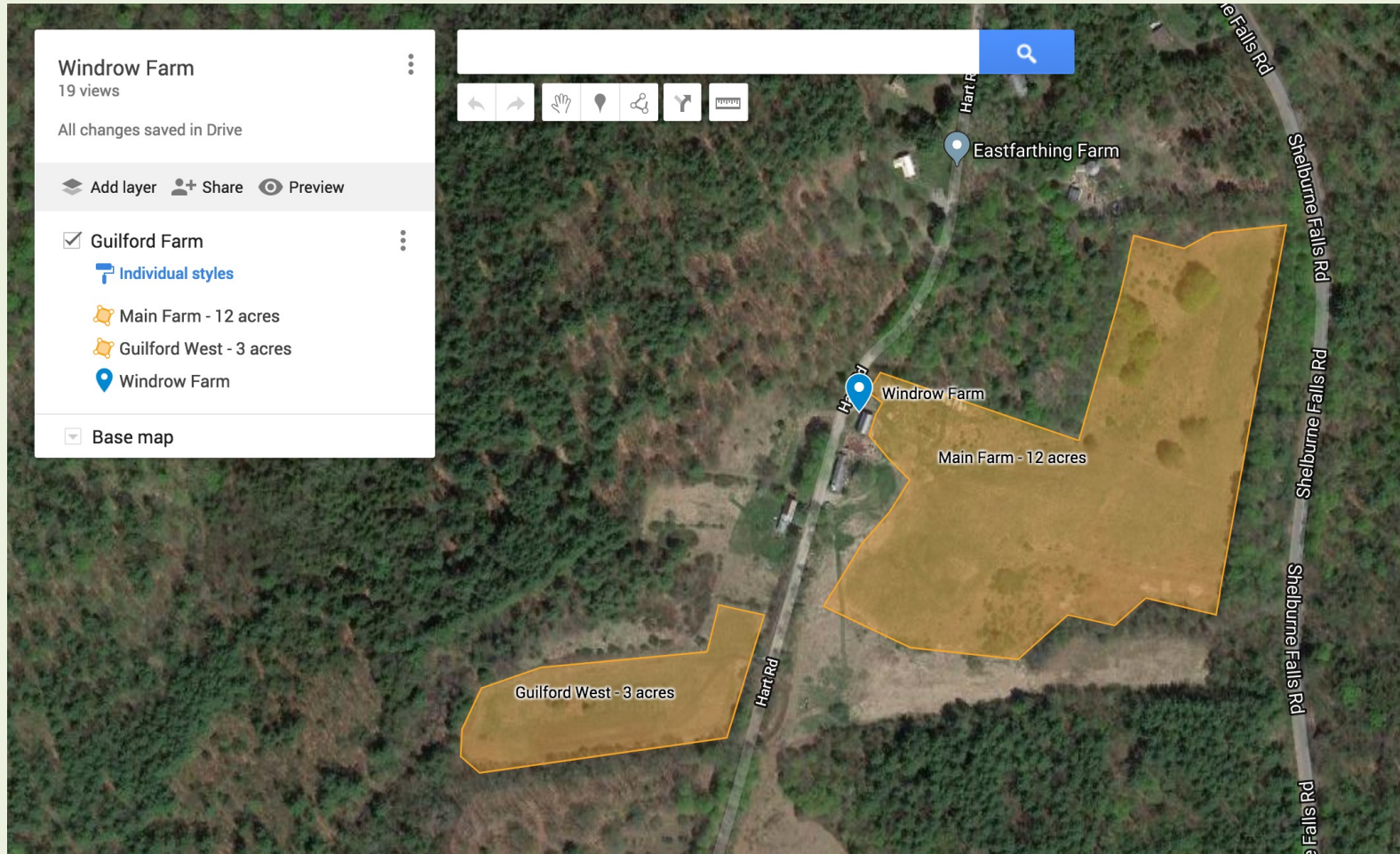
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888-888-8000

# Evaluating: Location Attributes

- **Acreage**
- **Soils!**



# Acreage: Google “My Maps”





# Google “MyMaps” Walk-Through



## Google My Maps Tutorial for Acreage Calculation

This tutorial has been developed by our staff through their work with farm seekers looking to find and assess properties for acreage, boundaries, lease maps, and more.

Google My Maps is a free map creator offered by Google. It is different from Google Maps. My Maps lets you easily make custom maps and calculate acreage. You will need a Google account to login to My Maps. Go to My Maps: [www.google.com/mymaps](http://www.google.com/mymaps).

### How to look up a property using Google My Maps

- To begin, create a new map by clicking the red button “Create a New Map.”
- To title the map, in the top-left find “Untitled Map” then click & rename using the property name as the subject. Maps save automatically.
- To find or search the property, use the “Search Bar” to type in the property address.
- To view as a map, in the left-hand dialog box at bottom, find “Base Map” then click “Satellite.”

### How to navigate Google My Maps

- To Zoom in/out, use track pad or mouse.
- Navigate by clicking & dragging to move map.
- Tools can help you measure distances & areas. Ruler icon can be used to measure a length, it also follows contours.
- To calculate acreage, select the Line segment tool and use a repeating click-drag method to draw a shape to designate areas of use such as fields, pastures, etc. **In the description box, the program calculates total acreage.** Note, the accuracy of objects drawn this way might be impacted by topography, following tree-line, shading, etc.
  - To save a shape, close the shape or hit “Enter.”
  - Each field can be outlined.
  - To delete a shape, use the trash can icon.
  - To name a shape, use Field Name + Acreage. (see example)
  - To change the color, border width or transparency, click into the shape & choose the Paint can icon. It may be helpful to color code & differentiate fields, residence, parking areas, etc.
  - To populate the name of the shape on the map, find under each layer “Individual Styles” → Set labels to “Name” in order that the name of the shape appears.

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[landforgood.org](http://landforgood.org)

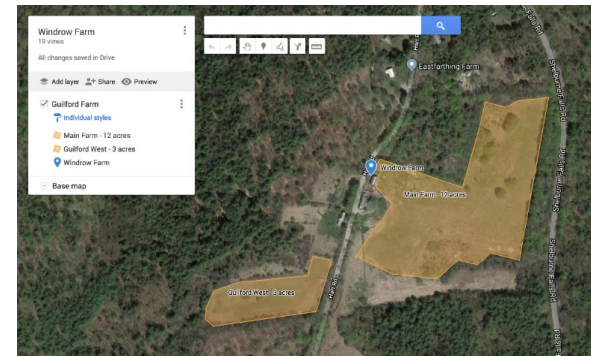
For more resources, visit our [Toolbox for Farm Seekers](#).

© 2021

- To add to the map’s key, you can name each layer & “Individual style.”
- To draw a roadway or right-of-way, use the line tool; double click to change color, width of line, etc.
- Uncheck a layer if you do not want to see it/make visible/print it.
- To print or make a PDF, go to the top set of dots (top left), choose Print map.
  - Output type PDF or Image.
  - Print the PDF to view & share as a hardcopy.
  - If necessary, zoom in or out to get the right frame to print & at the right scale.
- To share online, go to the navigation menu below the map title, choose “Share.” Note, although you can add directions as part of your map, a user viewing the shared My Maps cannot get directions.
- Edits can be made & saved remotely.

We recommend that you double check maps with landowners and/or farmer either by sharing or printing and visiting the property.

### My Maps Example:



Tutorial reflects current program updates as of 6/2/2021.



# Soils: UC DAVIS Soil Web

< Close
SoilWeb
UC DAVIS University of California  
Agriculture and Natural Resources

**Millsite-Westminster complex, 15 to 25 percent slopes, rocky (116D)**

**▲ Map Unit Composition**

55% - [Millsite](#)  
Geomorphic Position: hills / Backslope

35% - [Westminster](#)  
Geomorphic Position: hills / Backslope

5% - [Colrain](#)  
Geomorphic Position: ground moraines / Backslope

4% - [Shelburne](#)  
Geomorphic Position: ground moraines / Backslope

1% - [Rock outcrop](#)  
Horizon data n/a

[Link to WSS](#)

**Outline**  
**Color**

Lat: 42.4727

**▲ Map Unit Data**

**Map Unit Key:** 278858

**National Map Unit Symbol:** 9c5f

**Map Unit Type:** Complex ?

**Farmland Class:** Not prime farmland

**Available Water Storage (0-100cm):** 12.22 cm

**Flood Frequency (Dominant Condition):** None

**Flood Frequency (Maximum):** None

**Ponding Frequency:** 0

**Drainage Class (Dominant Condition):** Well drained ?

**Drainage Class (Wettest Component):** Well drained ?

**Proportion of Hydric Soils:** 0% ?

**Min. Water Table Depth (Annual):** n/a

**Min. Water Table Depth (April-June):** n/a

# UC DAVIS Soils Walk-Through



Gaining ground for farmers

## A Resource for Farm and Land Use Mapping: UC Davis Soil Web

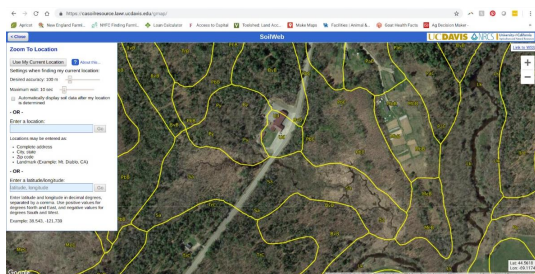
By Abby Sadauckas, Maine Field Agent  
Land For Good  
[abby@landforgood.org](mailto:abby@landforgood.org)

One of the first questions a farmer might ask about a property is “*What are the soil types?*” While soil tests can give a farmer a sense of the soil’s current fertility, pH, nutrient levels and organic matter, the soil types or “soil series” as categorized by the USDA are based on the formation of soil over geologic time. The soil series’ characteristics will influence aspects of tillage, drainage, stone and ledge composition, native fertility and yield potential.

Including a soils map can improve the usefulness of your property disclosures and help the prospective buyer determine if the property is suitable for their farm plan.

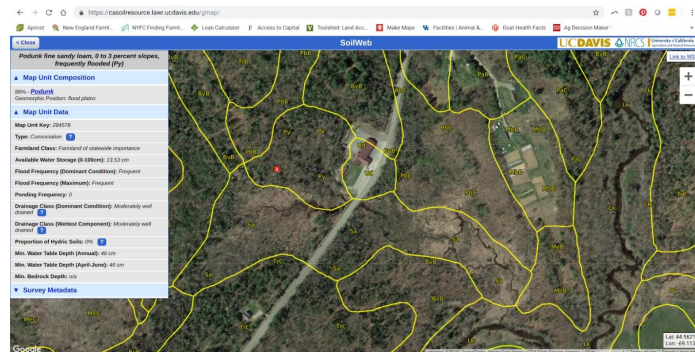
To determine the soil type(s) on a property there are several tools including obtaining copies of the soils map from the current property owner, visiting the county office of the Natural Resources Conservation Service (NRCS) or by using the USDA Web Soil Survey tool [websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov) (A tutorial on using the Websoil Survey is here: [http://smad.com/farmRESOR/tut\\_soilsinfo.htm](http://smad.com/farmRESOR/tut_soilsinfo.htm))

An additional tool is UC Davis’ Soil Web. UC Davis Soil Web is faster and easier to use than the USDA Web Soil Survey, and can be used on a variety of platforms (desktop, mobile, tablet). The UC Davis Soil web was developed by the [California Soil Resource Lab](#) at UC Davis and UC-ANR in collaboration with the [USDA Natural Resources Conservation Service](#).



## Getting Started

- To visit the UC Davis Soil Web, go to: <https://casoilresource.lawr.ucdavis.edu/gmap/>
- Go to **Menu->Zoom To Location**. A dialog box will open on the left side of the screen- this is where you can review both your display options and choose how you’d like to find your subject property.
- You have the option to “Use Current Location” OR mid-way down there will be a blue box in which to type the subject property address.
- Type in the property location (street address) then hit “GO”
- A location marker will appear. Click on the map to identify “map units”, which are delineated by the yellow lines.
- Click on an area label, for example “Py” on the map shown above.



- This will bring up the **Map Unit Composition**
  - First is a brief description of the soil type “Py” or “**Podunk**” (grey box), then % of this soil type in the area selected.
  - Under Map Unit Data are several descriptors. In this example:
    - Farmland Class- *Farmland of Statewide Importance*
    - Flood Frequency - *Frequent Drainage*
    - Class- *Moderately well drained*
    - % of Hydric Soils - 0%

These basic characteristics are very helpful to farmers. It can help a potential buyer easily assess the suitability of the available acreage for their desired farming operation.

- Click on the soil type name- **Podunk**. This brings up an expanded description box.





# Evaluating: Location Attributes

- **Acreage**
- **Soils!**
- Access, entry
- Visibility, traffic (farm stand?)
- Support services
- Markets
- Neighboring farms?
- Agritourism?
- What else?





# Evaluating: Other Attributes

- Infrastructure
- Water Sources
- Utilities
- Housing
  - On-site vs Off-site
- Legal Considerations



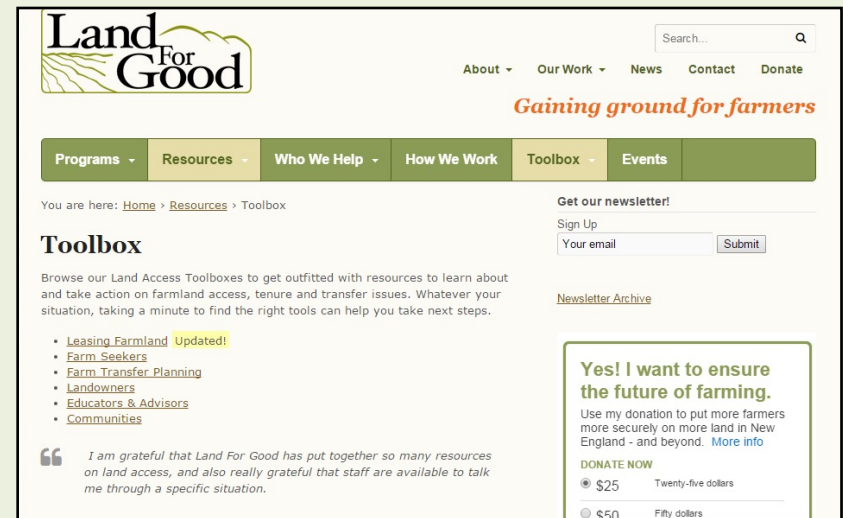
# How does the property meet your search criteria?

Land Search Criteria			
	Necessary	Desirable	Optional
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Cost / Rental Rate	"Cheap" - ballpark of \$50 - \$150 per acre	Free Lease	
Acreage	5 acre minimum	Up to 10 acres	Bigger, so long as it is not a management burden
Location	As close to current location as possible	Within 30 mile radius of Worcester, MA	
Soil Quality	Can plow (initially) before establishing no-till system	Flat, not too rocky	Prime soil?
Infrastructure	Existing buldings or space for: Shelter (wash/pack), Cold Storage	Barn or shed available (~30' x 100'). Run in shed for equipment.	Put up or build a structure
Water/Utilities	Electricity, Water	Free water use, Cell Service or Wifi access @ barn	
Housing	On or very near land. Cheap/affordable	Build a barn and live on top floor, or have tiny house	Bring current trailer and live on or near property
Community / Public Access	Public access for CSA pickup	Ability to have a farm store & customer access	
Other			

# Resources

## Contact Land For Good – We're here to help!

- LFG Field Agent Assistance
  - (2 hours of no-cost help)
- LFG Online Toolboxes
  - **Seeker toolbox**
  - Leasing toolbox
  - **Mapping Walk-Throughs**
  - Build-a-Lease Tool
  - Sample leases



# ACCESSING FARMLAND TOGETHER

**webinar**



- **Farm service providers: Dec 12**
- **Farmers: Dec 14**

**1 - 3 pm**

***[landforgood.org/events](http://landforgood.org/events)***



**FOR BEGINNING FARMERS**

# Acquiring Your Farm

Virtual training series  
begins January 18.

*Introductory training to help  
you identify land goals,  
learn how to conduct a land  
search, assess farm properties,  
review tenure models & more.*

*[landforgood.org/events](https://landforgood.org/events)*



# Purchase & Sale Resources

## FARM REAL ESTATE TRANSACTIONS STEP-BY-STEP

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## FINDING FARMLAND COURSE

### LESSON 8: BUYING FARMLAND

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**READ |** THREE WAYS TO PREPARE TO BUY FARM REAL ESTATE +

**LISTEN |** INTERVIEW WITH BENNETH PHELPS, DIRT CAPITAL PARTNERS +

**WATCH |** CALCULATOR WALKTHROUGH: COMPARING SCENARIOS +





**Thank you!**

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[www.landforgood.org](http://www.landforgood.org)

