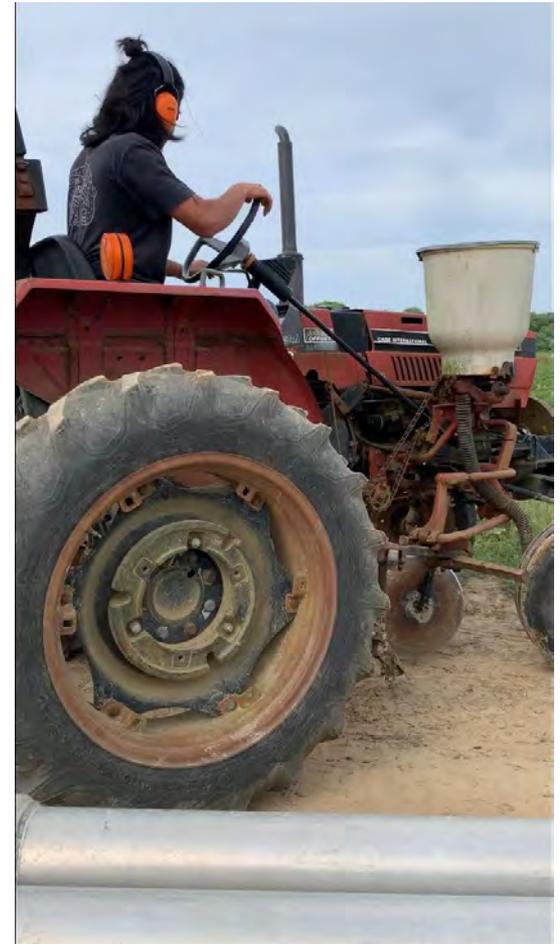


Cooperative Land Tenure

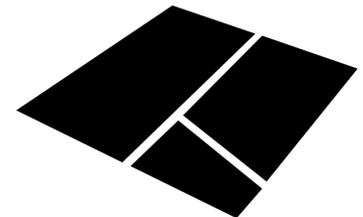
About Me

- Dorian Payán
- Sustainable Economies Law Center
- Farmer and Land Justice Advocated Turned Land Practitioner



Conventional Land Access

- Informed by the family farm unit, which replicates a legacy of settler colonialism
- Leaves the fate of ecosystem health to individual landowners who are disincentivized to act socially
- Property relations shape the shape of land - individual ownership fares poorly



The Yeoman Myth

LANGUAGE, MYTHMAKING, TRANSMISSION | Adam Calo

The Yeoman Myth: A Troubling Foundation of the Beginning Farmer Movement

The portrait of a heroic journeyman obscures the history of ruthless pillaging that accompanied westward expansion (Grandin 2019)... The commitment to freehold obscured the necessary dispossession of land and the exclusion of non-white men from the ability to own land based on colonial constructions of property (Manzella 2017). In particular, the deployment of the yeoman myth must be understood as co-emerging with chattel slavery in the colonies (Gordon-Reed 2000).

Farm Equity

Farm owners benefit tremendously from farmland appreciation, which has been positive in every year since 1990 and which has beat the S&P 500 on returns often in the last fifty years (Elworthy 2020; Nickerson et al., 2012).

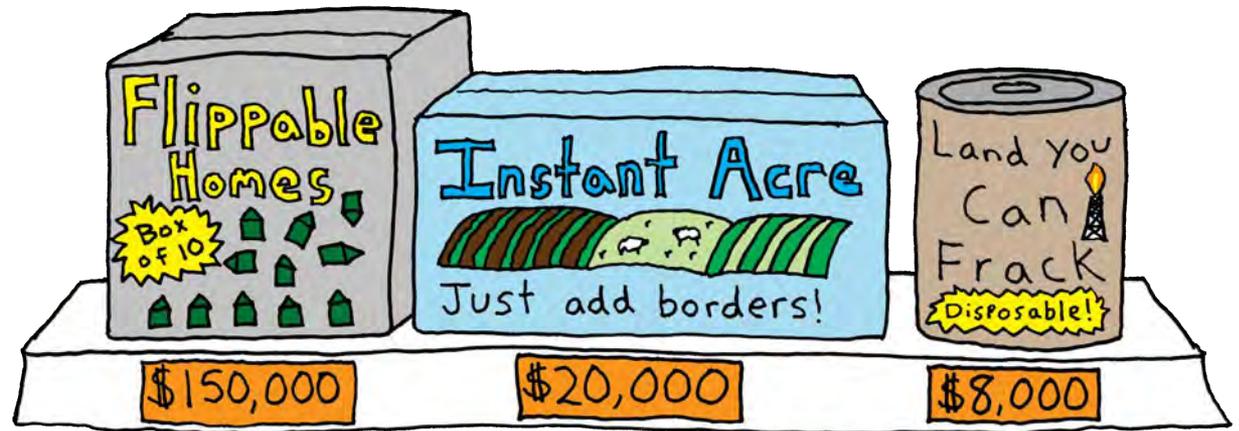
One of the most important safety nets perpetuating money-losing small farms is farmland ownership. When a farmer owns their land outright, as long as they can cover basic living expenses and property taxes, they can break even or lose money farming and still maintain good financial health.

Sarah K Mock in Farm (and Other F Words): The Rise and Fall of the Small Family Farm

Financial value v Productive Value

“Though the changes associated with financialization are diverse, they share a common theme: the growing centrality of financial income in the form of earned interest, dividends, and capital gains on investments relative to the productive income earned by actually making and trading commodities. In fact, Greta Krippner defines financialization as “the tendency for profit making in the economy to occur increasingly through financial channels rather than through productive activities.”

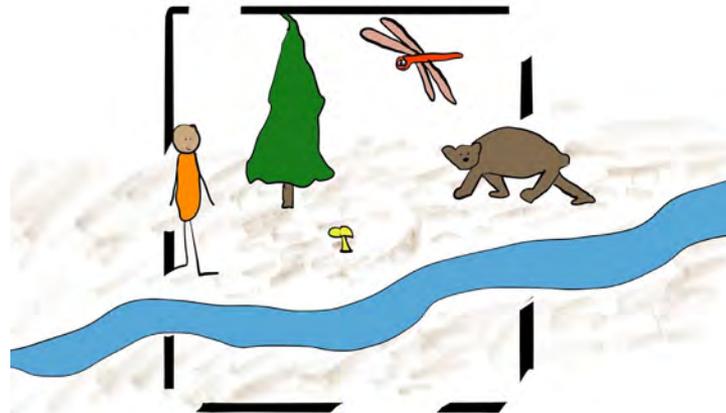
Excerpt From Fields of Gold by Madeleine Fairbairn



Inherent Relational Value

“Land is important to this picture of growing economic inequality because property is one of the major forms in which wealth is stored, and because the rent and capital gains (i.e., the profits from appreciating land value) it produces are key sources of income from wealth. But land is not just another way to produce income from wealth. The rich may treat land like gold, but it is not gold. For the non-wealthy, land is a crucially important source of food and livelihoods. It matters greatly, therefore, if the financial institutions that control much of the accumulated wealth of society decide that land is a preferred route for storing that wealth and generating income from it.”

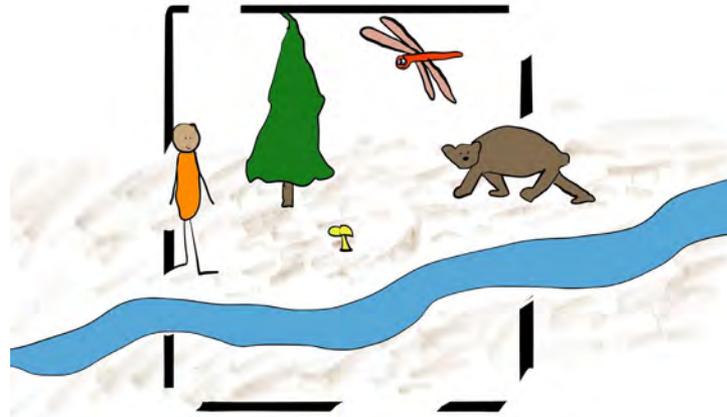
Excerpt From Fields of Gold by
Madeleine
Fairbairn



Land as a Relationship

"Necessary to decolonization, sovereignty or self-determination is reclaiming land physically and ideologically. Property, as has been argued by Indigenous scholars and their allies, is distinctly a European notion that locks together (pun intended) labor, land, and conquest. Without labor to tame the land, it is closely assigned the designation "nature" or "wilderness." As such, property is not just a material, but it is also constructed through social relationships."

- Mishuana Goeman



Recap: How do we measure equity?

At the individual level

Land as an asset

At the community level

Land as a relationship

Tension: Farming IS a Business

“Productive” value vs “financial” value is key

Yeoman small farmer overhead is cost and resource intensive

Labor considerations are often overlooked - normalizing 60+ hour workweeks

As such, individual oriented land access is myopic

Who Produces Our Food?

Large-scale family farms and non-family corporate farms:

- *Comprise 5% of farms*
- *Hold a little over half of U.S. farmland*
- *Create 63.8% of farm production by dollar value*

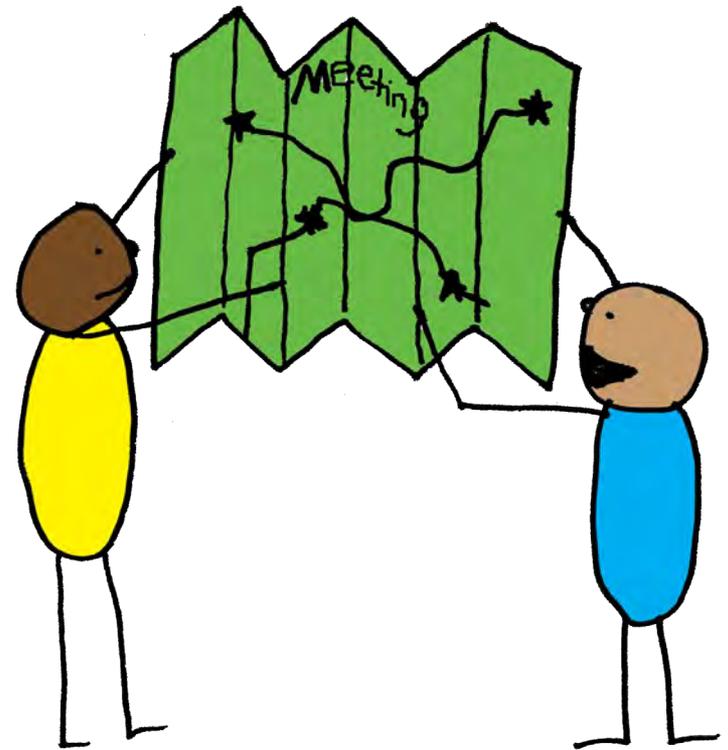
Small-scale family farms:

- *Comprise 89% of U.S. farms*
- *Hold a little under half of farmland*
- *Create 17.8% of production by dollar value.*

All that to say: large conventional family farming operations produce most of our food. (via Chris Newman in First Generation Farming)

Community Land Access

- Focused on making sure that productive lands are available for production
- Ensures that the landscape beyond the production site is integrated into stewardship
- Invites disinvestment of individual equity for community equity



Agroecological Signature

- Agroecology is a practice of situating agriculture at the ecosystem level, rather than at the fence line.
- Its principal goal is to integrate agriculture into the already existing rhythms of the land
- Community land tenure, while not always explicitly agroecological, is social by its regard to the land



Waterways are Different than Property Lines

Source: California Environmental Quality Act (CEQA)
Requirements of a Certified Regulatory Program

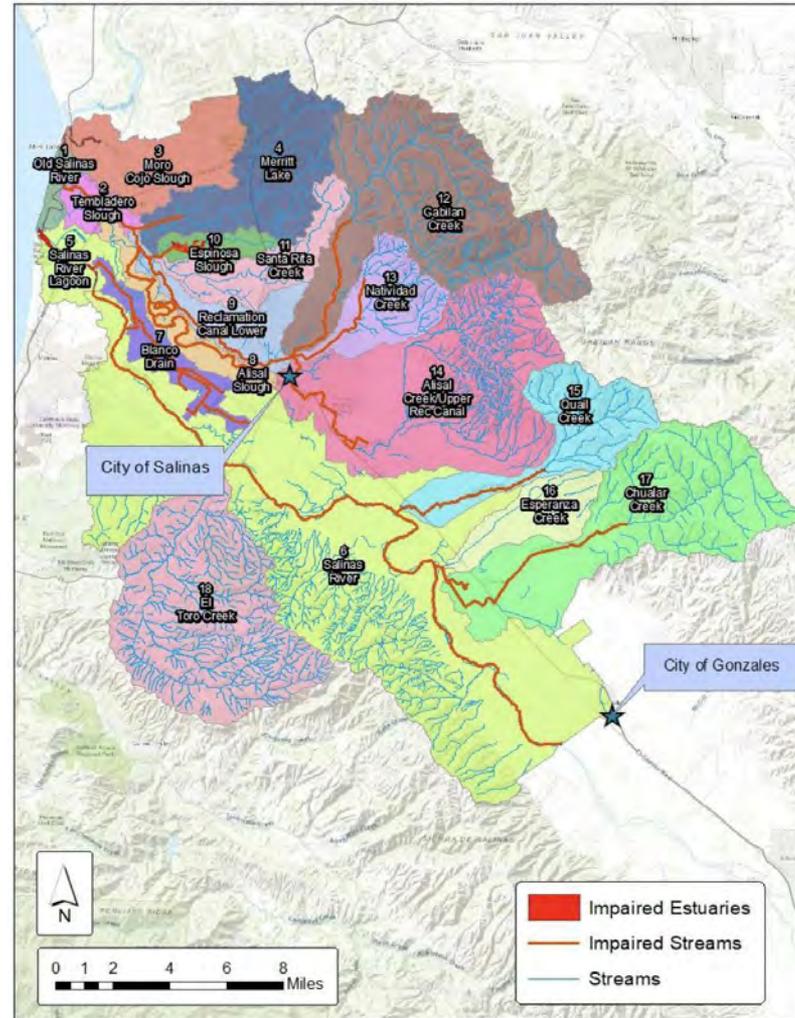


Figure 2. Map of the lower Salinas River and Gabilan Creek Watersheds.

What is an entity?

(State level)



(Federal level)

(Organizational level)



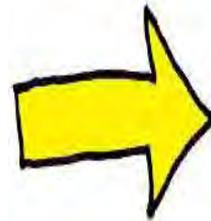
**(internal
structures)**

It's the ingredients that matter! Choices at this level are most of what make things a "community land trust" or "permanent real estate cooperative."

Cake vs. Icing

1. Cake:

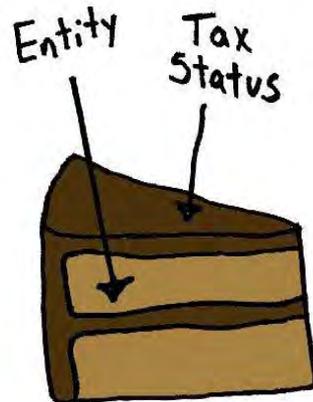
Form or register the entity
(i.e. nonprofit corporation or LLC,
and it varies by state)



Secretary
of State

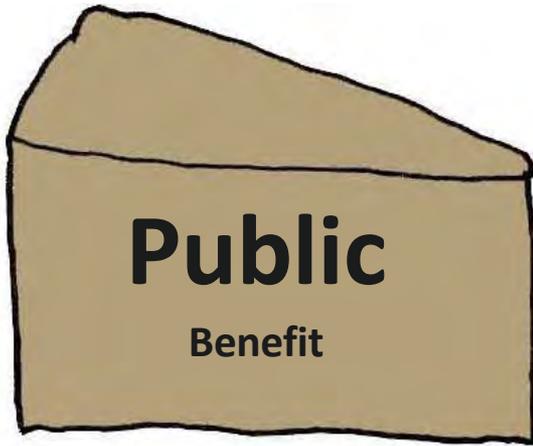
2. Icing:

Choose tax status



IRS
(Aunt
Sam)

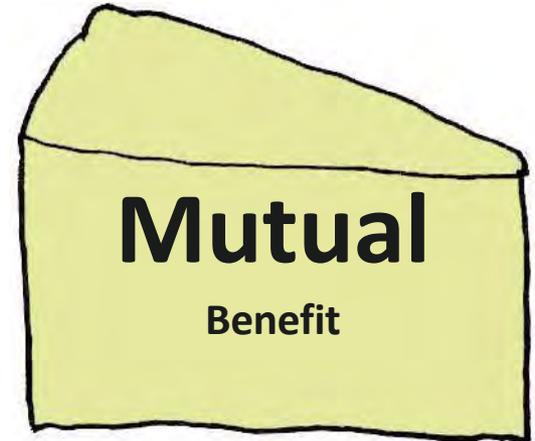
3 General Types



**Nonprofit public
benefit corporation**



**Stock corporations, LLCs,
partnerships, benefit corps, social
purpose corps, sole proprietorships**



**Cooperatives
corporations and
nonprofit mutual
benefit corporations**

Common Icings

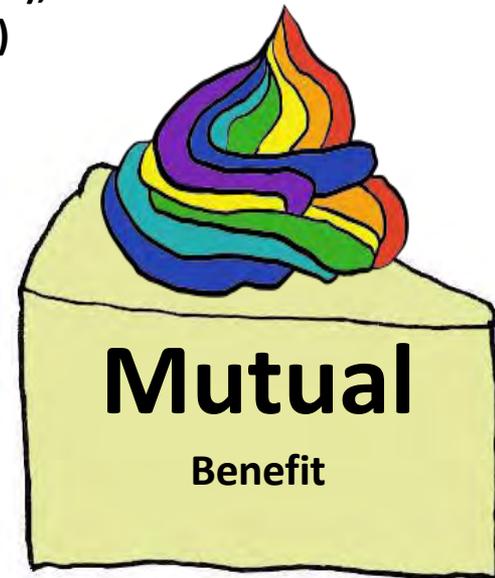
501(c)(3), 501(c)(4),
sometimes with a
501(c)(2) or (25) sidekick,
and if there's no tax
exemption, **Subchapter C**



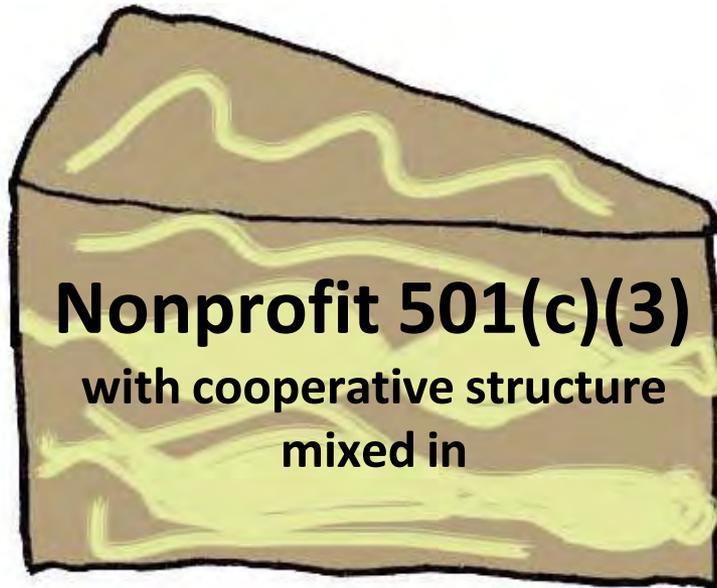
Subchapters K and S (pass-through
tax), **Subchapter C** (entity is taxed),
Subchapter T (cooperative tax)



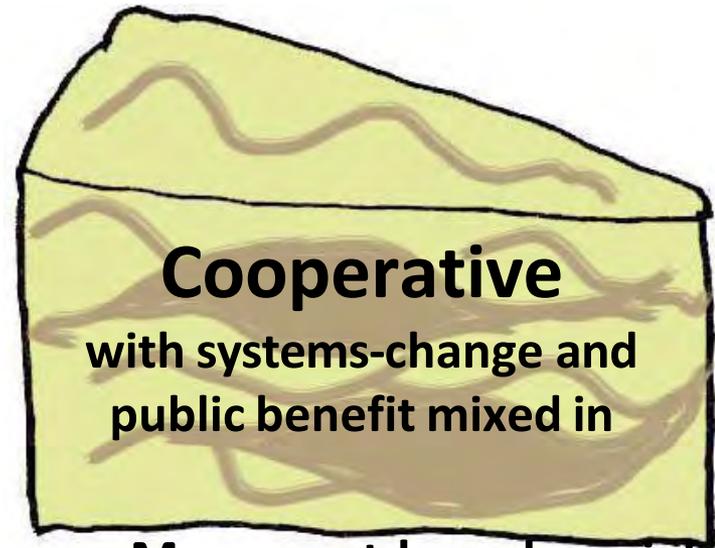
Subchapter T (cooperative
tax),
528 (homeowners
associations), **501(c)(7)**
(recreational/social), and if
there's no tax exemption,
Subchapter C



The Sweetest Spot



**Democratic nonprofits
that enable community
self-determination.**



**Movement-based, social
change-oriented cooperatives.**



Q&A

