

California Agricultural Land Equity Task Force Land Tenure Subcommittee Meeting Summary: January 29, 2025

DRAFT until approved at subsequent meeting

Meeting Called to Order

Facilitator Wylie started the meeting at 10:02 a.m.

Welcome and Housekeeping

Facilitator Wylie provided housekeeping information for all meeting participants. Slides and materials presented during the meeting are available on the Strategic Growth Council ([SGC](#)) [website](#).

Roll Call

Roll call was conducted by the facilitator. Members present:

- Emily Burgueno, Agricultural Land Equity Task Force Vice Chair
- Nathaniel Brown
- James Nakahara
- Liya Schwartzman

Members absent:

- Doria Robinson

Quorum was established.

Action: Approval of Past Meeting Summary

Approval of September 19, 2024, meeting summary.

Task Force Discussion:

No discussion.

Action:

Vice Chair Burgueno moved to approve the September meeting summary. Member Schwartzman seconded the motion.

Motion passes (4-0-1*) *Marks abstention or absence from vote.

Staff Updates

Staff have extended a guest speaker invitation to the Indian Land Tenure Foundation. They have also been working to find a speaker to address subcommittee members' questions regarding the

Subdivision Map Act. A member suggested reaching out to the Association of Farmers and Rural Appraisers.

Working Session

Staff reviewed the headings in the Land Tenure section of the draft report and requested feedback. Subcommittee members shared the following:

- Infrastructure, housing, and equitable access to water resources are key components of land tenure and should be included.
- Increasing equitable governance in easements and covenants should be included in the report.

Staff then asked if and how subcommittee members would like to address issues pertaining to climate change and insurance. Members shared the following:

- These two topics are tightly connected, and farmers are struggling to get and maintain insurance coverage because of climate impacts.
- Farmers need timely, flexible, and direct capital provided to them so that they can respond to insurance and climate challenges, including acute, intense climatic events; slow, ongoing climatic impacts; and more.
- It would be helpful to hear from someone knowledgeable about California's new insurance rules.
 - Can affordability and access be mandated in these new rules?
- The report should explicitly connect land equity to the ecological benefits small- and medium-scale producers can have on the land.
 - Without long term land access, folks are unable to invest in infrastructure promoting climate resilience.
- Land access and tenure must be addressed before focusing on climate adaptation.
 - Smaller producers face greater disaster recovery challenges, particularly those who lack crop insurance and financial equity from land ownership.
- Perhaps property taxes from high-value properties could be used to establish an emergency relief and/or climate resiliency fund.
 - Perhaps farmers could be paid for sequestering carbon while landowners with fallowed land or engaging in carbon-releasing practices would be required to pay a financial penalty.

Staff then asked subcommittee members to consider draft recommendations regarding landowner-tenant relationships. Concerning the recommendation to establish a tenant bill of rights, members suggested the following:

- Review the residential tenant bill of rights.
- Consider including the below in the bill of rights:
 - Right to harvest,
 - Right to leases in tenant's preferred language,
 - Right to dispute resolution and mediation services,
 - Right to 60-day notice prior to lease termination,

- Right to annual lease renewal if a lease continues for 60 days without objection,
- Right to fair, clear, and easy-to-interpret lease language,
- Right to default lease renewal if nonrenewal is not explicit, and
- Right to rent stability.
- After a 2–3-year period, 5–10-year leases should become standardized.
- Create different lease models for leases on public land, private land, and land managed by a land trust.
 - Perhaps land trusts are aligned closely enough with public land to be grouped together for this purpose.
- Enforcement is important to consider as currently tenants are largely unable to take a landowner to court to ensure enforcement.
- Members discussed how this recommendation may align with Tribal Nations.
 - A member shared that they would look into this for their Tribe, and that a template lease agreement may be a helpful tool but that each lease arrangement with a Tribal Nation would be specifically tailored to the Tribal Nation’s circumstances.
- A short-term working group composed of members Nakahara and Schwartzman was created to further consider these ideas.

Regarding the recommendation to develop mechanisms that allow tenant farmers to retain the monetary value associated with improvements made to leased land, subcommittee members shared the following:

- Some improvements are appreciable (soil improvements), others are depreciable (wells, barns), while others may have a bell-curve-like appreciation distribution (orchards), and they will need to be treated differently as a result.
- Equity building leases, containing provisions like buy out clauses, are uncommon but something members would like to explore.
 - Some equity building leases allow tenants to own structures like buildings or barns on leased land, which they can later sell. However, members noted this might conflict with California’s Subdivision Map Act and request insight from an expert on the matter.

Regarding the recommendation to create incentives for long-term agricultural leases, members shared the following:

- Other states can be looked to for examples.
- This is often achieved through tax incentives and aligns with succession discussions.
- The recommendation should be modified to only support incentives for long-term agricultural leases for socially disadvantaged and historically underserved farmers, ranchers, and Tribal land stewards.

Regarding the recommendation to increase access to legal support and fund technical assistance (TA) providers who act as neutral mediators to assist with contract and relationship development, members shared the following:

- TA providers are often nonprofits, but farmers frequently need help paying for advice nonprofits do not offer, such as legal support.
- TA providers can provide pass through funds to farmers for subsidized access to services not covered by federal or state grants.
- There is a lack of experts with specialized agricultural knowledge.
- The State should work to connect farmers with existing TA providers and resources that demonstrate cultural competency.
- Resources and assistance should be provided to farmers in timely and flexible ways, and one-off consulting should also be allowed.
- Resources and TA must be coordinated for maximum effectiveness.

Members also expressed a desire to include a recommendation in the report that for every acre of agricultural land developed, a designated acreage be placed into agricultural land mitigation banks and managed as incubator farms.

Additionally, members discussed the Placer Land Trust's recent project advancement grant from the California Council of Land Trusts for the Owl Creek Land Back project in Forestville, California. They expressed a desire to hear from the California Council of Land Trusts and Tribal Nations involved in similar projects to learn about their experiences and outcomes.

Public Comment:

- Daniel Barth

General Public Comment:

No public comment.

The meeting adjourned at 12:00 p.m.