

Briefing Materials

Prepared for the California Agricultural Land Equity Task Force Meeting on February 12 & 13, 2025

The California Agricultural Land Equity Task Force (Task Force) was established in the Budget Act of 2022 ([AB 179](#)) to develop recommendations to equitably increase access to agricultural land for food production and traditional tribal agricultural uses. The Task Force consists of a regionally diverse group of individuals representing socially disadvantaged farmers and ranchers, land trusts, agricultural finance and real estate, and the State of California.

This briefing packet, developed by Strategic Growth Council (SGC) staff, includes four components:

1. A staff report to share information and updates,
2. An overview of the Advisory Committee to the Task Force,
3. February guest speaker bios, and
4. Background information provided by guest speaker Adam Calo with additional context for his presentation to the Task Force on Feb. 12, 2025.

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To California Agricultural Land Equity Task Force Members

February 12 & 13, 2025

Announcements & Updates

Agricultural Land Equity Speaker Series

To accommodate Task Force members' requests for guest speakers, SGC staff will be hosting virtual presentations in a newly established Agricultural Land Equity Speaker Series. The series will be hosted as a one-hour Zoom webinar on Tuesdays from 2-3 PM and is open to the public.

Inviting speakers as part of the series will free up subcommittee meetings for discussion on recommendations and other Task Force matters, while also allowing for any Task Force member to attend guest speakers' presentations and engage with the speaker. We encourage Task Force members who cannot attend to send staff any questions they have for presenters and staff will ask on Task Force members' behalf. All presentations will be recorded and available for viewing on SGC's YouTube channel.

Staff have already confirmed the following presentations:

- Tuesday, March 11, 2-3 PM: Zach Ducheneaux, past Administrator of the USDA's Farm Services Agency
- Tuesday, March 18, 2-3 PM: Michelle Lee, Founder of The Circle Law Group, P.C.

Additional details and promotional materials will be shared in the coming weeks.

Interagency review process

As discussed at the November 2024 Task Force meeting, SGC staff will coordinate with Strategic Growth Council agencies to gather feedback on the Task Force's draft recommendations. SGC staff are currently working with agency staff to identify appropriate reviewers.

Following the February meeting, SGC staff will share the draft report and recommendations with interagency reviewers. SGC staff will then consolidate interagency reviewers' feedback and share those comments with Task Force members for their consideration.

As with the Advisory Committee, interagency reviewers will provide feedback and guidance as requested by the Task Force. Interagency reviewers do not have a decision-making role.

The interagency review process will be discussed further during the working session on February 13, 2025.

Task Force Resource Repository

At the request of Task Force members, staff have developed a [Resource Repository](#) for Task Force members. The [Resource Directory](#) outlines the different resources developed for quarterly Task Force meetings and can be used to navigate to the associated resources by clicking the built-in hyperlinks.

Staff are working on building out a similar repository for each of the Subcommittees and will notify Task Force members once those have been developed.

Updated Task Force budget

SGC staff have requested updated budget numbers and will share a detailed budget table during the Staff Report presentation on February 12, 2025.

California Farmland Conservancy Program Public Comment Period

The [Department of Conservation \(DOC\)](#) has announced the release of the [2025 California Farmland Conservancy Program \(CFCP\) Draft Solicitation](#), which is now available for public comment. Comments must be received by March 5th, 2025 and should be sent to CFCP@conservation.ca.gov.

Advisory Committee to the Agricultural Land Equity Task Force

Background

To support the Agricultural Land Equity Task Force (ALETf) in developing its recommendations, Strategic Growth Council (SGC) staff have established an ALETf Advisory Committee (AC).

AC members serve in an advisory role and do not have decision-making authority.

In November 2024, staff distributed an interest form requesting respondents' backgrounds and reasons for interest in joining the AC. In total, staff received submissions from 22 individuals. In December 2024, staff reviewed the submissions and selected nine individuals for the AC (below).

SGC staff evaluated AC candidates according to a list of identified topics that staff developed in consultation with Task Force members. These are areas that Task Force members wish to explore further and that complement, rather than duplicate, Task Force members' experiences and expertise.

Identified topics requiring further guidance:

- Corporate investment and land consolidation
- Legal and financial structures impacting equitable land access
- Planning and land use policies
- Policy mechanisms to advance sovereignty and ancestral land return for CA Tribal Nations
- Policy drafting, analysis, and advocacy
- Sustainable Groundwater Management Act (SGMA) and related water policies and impacts on land access
- Real estate and agricultural land markets

These topics are reflected in the "Contributions to the Task Force" section under each AC member's name.

As the Task Force continues its work, it may request staff to appoint additional members to the AC to fill needs as they arise.

Advisory Committee Scope of Work

AC members provide guidance and research support as requested by staff and Task Force members. As noted above, AC members serve in an advisory capacity and do not have decision-making authority.

AC members are compensated \$100 per hour for up to 49 hours of work over the course of the contract.

Tasks

- Share knowledge, including but not limited to:
 - Authoring briefing materials as requested
 - Participating in one-on-one conversations or group meetings
 - Giving presentations
- Conduct research:
 - Synthesize existing experiences and/or research as relevant for the ALETF
 - Conduct limited research on a particular topic in response to specific requests from staff or ALETF members
- Draft, review, revise, and provide feedback on report of recommendations:
 - Draft language for review by ALETF members and revise as directed
 - Provide written and verbal guidance and feedback on draft recommendations
 - Review assigned portions of draft reports for feasibility, accuracy and consistency

Deliverables

- Meetings and documents to coordinate with SGC staff
- Verbal and written reports of knowledge and research findings, designed for the ALETF as audience
- Shared documents to review ideas, solutions, and draft recommendations identified by the ALETF
- Comments and suggested revisions on shared drafts of the final report, as instructed by SGC staff in consultation with ALETF members
- Documentation of requests and next steps related to conversations with SGC staff and ALETF members

Advisory Committee Members

The descriptions below are based on information submitted by AC members in their interest forms. Staff are collecting bios from AC members and will share additional details with the Task Force in the coming weeks.

Catherine Brinkley, UC Davis

Focus: State and local land-use planning, equity, and climate readiness

Catherine is a researcher and teacher with a deep commitment to advancing equity in land use, environmental justice, and sustainable agriculture. Her work at the University of California, Davis, in the Department of Human Ecology focuses on the intersection of regional planning, environmental policy, and community well-being, especially for marginalized communities.

She has extensive knowledge and experience with the California land use and planning process. She built the first state-level public-facing searchable land-use planning repository: PlanSearch.caes.ucdavis.edu, which is designed to help advocates, policymakers and community members review and compare local policy approaches and regulations so they can make informed suggestions for their own planning processes.

Catherine brings a comparative understanding of how local general plans shape land use across the state and can be designed to prioritize agricultural sustainability, equity, and climate resiliency.

Contributions to the Task Force:

- Planning and land use policies
- Policy drafting, analysis, and advocacy

Adam Calo, Radboud University

Focus: Land use governance, structural policy solutions, and land market interventions

Adam is an academic researcher that studies food system-change from the perspective of land governance. He examines how land and property relations impact what people can do on the land.

He argues that intervening in land markets is necessary and seeks to promote policy principles and land governance options powerful enough to impact entrenched, unjust land relations. He also works to guard against incremental reforms that reinforce the status quo.

He has worked on these issues in California, the UK, and Europe.

Contributions to the Task Force:

- Policy drafting, analysis, and advocacy
- Legal and financial structures impacting equitable land access
- Real estate and agricultural land markets

Nitumigaabow Champagne, Dry Creek Rancheria Band of Pomo Indians

Focus: Tribal Nations advocacy and consulting, policy analysis, Tribe-State relations

Nitumigaabow has a lifetime commitment and deep knowledge of traditional Native harvesting practices and food sovereignty. Through her consulting firm, she has significant experience in government-to-government relations and has worked with over 30 Tribal Nations in California and elsewhere in the U.S. Her professional experience includes policy analysis and recommendations as a consultant for various Tribes, states, and federal agencies on topics including traditional healing and doctoring, tribal-state consultations, federal treaty rights, and more.

Contributions to the Task Force:

- Policy mechanisms to advance sovereignty and ancestral land return for CA Tribal Nations
- Policy drafting, analysis, and advocacy

David Cobb, US Solidarity Economy Network

Focus: Law, policymaking, finance and banking, land trusts

David is a lawyer whose work focuses on economic justice. He is currently the Co-Coordinator of the US Solidarity Economy Network. He has served on the California Community Land Trust Network and helped create the Wiyot Tribe's Dishgamu Humboldt Community Land Trust. He is currently working to create a Community-

Owned Impact Investment Fund. He has experience drafting legislation at both the state and federal levels and helped draft and lobby for CA AB 857 (signed into law in October 2019) that enables cities, counties, and joint powers authorities to establish their own public banks.

Contributions to the Task Force:

- Legal and financial structures impacting equitable land access
- Policy drafting, analysis, and advocacy
- Policy mechanisms to advance sovereignty and ancestral land return for CA Tribal Nations

Jamie Fanous, Community Alliance with Family Farmers

Focus: California agricultural policy

Jamie serves as the Policy Director at Community Alliance with Family Farmers (CAFF). Over the past 15 years, Jamie has worked in various roles across the food and agriculture system, including farming, soil health research, providing technical assistance to socially disadvantaged farmers and ranchers, urban planning, policy analysis, advocacy, and legislative work. In her work at CAFF, she represents over 8,000 family farmers advocating for policy solutions to various challenges, ranging from land and water access to climate emergencies and food system infrastructure. She advocated for the establishment of the California Agricultural Land Equity Task Force in 2022 and secured funding for land access for socially disadvantaged farmers and ranchers in the 2024 Prop 4 Climate Bond.

From her time in academia and as a policy analyst, Jamie has extensive experience conducting in-depth policy research and analysis and drafting policy recommendations. In her professional capacity as an advocate, she has developed and/or led policy research, platforms, campaigns, and legislation on issues including but not limited to land access, corporate land ownership, food hubs, farmer cooperatives, and emergency relief.

Contributions to the Task Force:

- Policy drafting, analysis, and advocacy
- Legal and financial structures impacting equitable land access

Angel S. Fernandez-Bou, Union of Concerned Scientists

Focus: Water policy, land repurposing, and climate change

Angel is one of the founders of the Just Land Transition Working Group: a coalition of community-based organizations in the San Joaquin Valley that is currently engaging with the Department of Conservation around how to improve the Multi-benefit Land Repurposing Program. He was involved in the 4th and 5th Climate Change Assessment of the State of California.

Angel has worked on science and advocacy related to cropland repurposing for about six years, always with a focus on justice for disadvantaged communities, small and mid-sized farmers, and the environment. He hopes to support the Task Force in creating the tools to repurpose unsustainable industrial agriculture into small-scale regenerative agriculture with social, environmental, and economic benefits for health, food security, economic resilience, and more.

Contributions to the Task Force:

- SGMA and related water policies and impacts on land access
- Planning and land use policies
- Policy drafting, analysis, and advocacy

Cassandra Lynn Ferrera, Center for Ethical Land Transition

Focus: Agricultural real estate, equity advocacy

Cassandra has been a real estate agent in California for 20 years, focusing on cooperative projects and projects that seek to build security and equity along unconventional pathways. Cassandra co-founded the non-profit The Center for Ethical Land Transition to bring technical support and real estate strategy to communities that have been systematically marginalized, including farmworkers. She has worked with agricultural communities in Sonoma and Santa Cruz counties and has worked with several federally unrecognized Tribal Nations in California, supporting their land re-acquisition strategies.

Contributions to the Task Force:

- Real estate and agricultural land markets
- Policy drafting, analysis, and advocacy

- Policy mechanisms to advance sovereignty and ancestral land return for CA Tribal Nations

Kathryn Lyddan, Convivial Land Consulting, LLC

Focus: Agricultural easements, real estate, land trusts, planning and policymaking

Kathryn spent the first ten years of her career practicing public finance law in California where she structured, managed and closed complex real estate-secured tax-exempt bond transactions, developing her understanding of California land use, real estate finance, and public law. Kathryn also served as the Director of the CA Department of Conservation's Division of Land Resource Protection. In this role, she managed California's agricultural conservation grant and technical assistance programs, including the SALC and the Williamson Act programs.

She has also worked with land trusts on conservation real estate transactions, and through her consulting practice, she has closely analyzed California agricultural land policy. She has written and co-authored numerous policy evaluation reports, including "Resilient California," which provided a five-year analysis of the SALC and Affordable Housing and Sustainable Communities programs. In a recent white paper, she considered the valuation of conservation easements and innovative land access provisions.

Contributions to the Task Force:

- Planning and land use policies
- Policy drafting, analysis, and advocacy
- Legal and financial structures impacting equitable land access
- Real estate and agricultural land markets

Marisa Raya, UC Davis

Focus: State land equity processes, stakeholder engagement, planning and land use

Marisa is a researcher, lecturer, community planner and policy analyst who has worked with different levels of government and stakeholder groups to develop racial equity criteria and currently researches equitable land access at UC Davis. As part

of this research, she has closely tracked the statewide conversations on reparations and healing through the Reparations Task Force and Truth & Healing Council.

She helped to create the course "Agriculture, Race and Justice in Black California" and developed materials on how historic agricultural and land use policies contributed to racial disparities. She is affiliated with "Reimagining the Land Grant Institution," which interrogates the role of land grant universities in dispossessing land and propagating ongoing racial disparities in land access.

Contributions to the Task Force:

- Planning and land use policies
- Policy mechanisms to advance sovereignty and ancestral land return for CA Tribal Nations
- Policy drafting, analysis, and advocacy

February Guest Speakers

The following individuals have been invited to give guest presentations and engage in discussion with the Task Force on February 12, 2025.

Adam Calo is an [Assistant Professor](#) of Environmental Governance and Politics in the [Geography, Planning and Environment](#) group at Radboud University in the Netherlands.

He studies the barriers that prevent transition to a more just, sustainable, and ecologically resilient food system. Namely, he focuses on the way systems of land tenure, norms of property, and complexities of land access tend to water down and frustrate efforts to reform food systems. This dynamic, land governance shaping food and farming outcomes, is the Land Food Nexus. He's interested in the ways that innovations and policy reforms to property, land tenure and land transfers may facilitate food system transformations.

Currently, his two major projects are a monograph about the land politics of the food movement and an investigation into how green transition policies are mediated by property regimes.

Adam's full bio is [available on Substack](#).

Elias Acevez is the founder of the *Plurinational Land Reform in CA Working Group*, which functions as the research arm for various community organizations in California that are currently seeking land access for community-economic development. He holds a Bachelor's and Masters' degree from Stanford University, dedicating his studies to the philosophy of collective action, the political economy of land, indigenous-peasant movements in Latin America, and technical skills in mapping & network analysis. Raised in the Inland Empire, Elias has dedicated himself to educate and organize communities to combat land-grabbing in their areas. For the Coachella Valley, he seeks to demonstrate how land concentration/absenteeism inhibits community-economic development across farmworker communities and creates policy roadmaps for how land reform may provide opportunities to revitalize rural California and overcome entrenched inequalities. His research methodologies and policy orientations emerge from his ethnographic studies of indigenous-peasant communities in Latin America and how governments navigated and implemented these communities' demands for land reform. He intends to translate these findings to the context of California.

Sergio Carranza is the founder and Executive Director of Pueblo Unido Community Development Corporation (PUCDC), a non-profit organization dedicated to improving the living conditions of disadvantaged communities in the Eastern Coachella Valley through technical assistance in drinking water and sanitation, affordable housing, economic development, and climate change adaptation and resilience.

Background Information Prepared by Adam Calo

The following information was prepared by guest speaker Adam Calo to provide additional context and background information for his presentation to the Task Force on Feb. 12, 2025.

Staff are sharing this material for informational purposes only. The information does not reflect an endorsement by or coordination with the State of California.

The private property framework, why it leads to consolidation, and examples of land market interventions

Written by Adam Calo, Assistant Professor of Environmental Governance and Politics

Key messages

- Property is a social relation, something made “real” through layers of legal precedent, institutional practice, and cultural acceptance.
- The property system was designed to encourage certain forms of land use and benefit certain forms of land users over others.
- Markets for land sit atop a form of the property relation known as “**the ownership model.**”
- The entrenched nature of the ownership model may explain why land equity actions focus overwhelmingly on access to the current property system, rather than challenging *the rules* of the property system.
- The ownership model facilitates trends in monopoly formation, competition amongst owners over collaboration, an incentive to degrade the land, and financialization.
- Despite the apparent naturalness of the ownership model, there are cases where it is challenged, tweaked and amended in the US.
- Looking outside the US, but still in industrialized countries with strong constitutional commitments to property, we can see more direct examples of legislative challenges to the ownership model.
- Within a survey of land market interventions prepared in this document, approaches coalesce around public interest tests, size caps, first right of refusal or “right to buy”, land use restrictions, and exclusion of certain owner types.

- Because the legislative process is daunting, the establishment of a Land Commission and Land Observatory are strategies to build support for legislative change.
- One should expect the boundaries of property to be rigidly defended.

Introduction

In pursuit of land equity, there are three overarching strategies. The most popular strategy is to try to get the existing owners of property to be less exploitative in their use. This strategy, focuses on *providing more access* to farmland, but does not upset ownership or control. Second, there are efforts to re-allocate property rights to a new coalition of users that might behave differently with their ownership. This strategy implies some form of redistribution or land ownership diversification. Finally, we see a less favored strategy that try to create a new way the system of property works, such that it resists a slide towards consolidation, monopolies, and minority control. This background document focuses on the second and third strategies, *efforts that directly challenge the current ownership structure*.

The nuts and bolts of property and the rise of the “ownership model”

Property is often taken as something settled or natural, but it is a human concept full of contradictions. Property is made real through the interaction between individuals and state power¹. Thus, it is useful to think of property as a **social relation** rather than a relationship between a person and a material thing.

Historians of property have connected its design to ideological visions of economic and civic structure¹. For some, strong property rights are the pillar of freedom, where defense of an individuals’ right to own things is the only way to ward off an authoritarian state and to ensure that entrepreneurs can reliably benefit from their investments². For others, the origins of property point towards a strategy to

¹ Here, I note that the establishment of a property system is central to the legitimacy of the state itself. In settler colonies, the state in question is often an ethnostate, where a dominant group is favored to acquire property and enjoy state protection of that property (See Kedar, Alexandre S. 2012. “On the Legal Geography of Ethnocratic Settler States: Notes Towards a Research Agenda.” *Law and Geography* 5. <https://doi.org/10.1093/acprof:oso/9780199260744.003.0020>).

formalize enclosure, assert a domination of humans over nature, and signal a way to profit off of materials previously held in common³. As Carol Rose writes:

The doctrine of first possession, [...]reflects the attitude that humans are outsiders to nature. It gives the earth and its creatures over to those who mark them so clearly as to transform them, so that no one will mistake them for unsubdued nature. The metaphor of the law of first possession is, after all, death and transfiguration; to own a fox the hunter must slay it, so that he or someone else can turn it into a coat. (p. 18)

Out of all of the potential ways to organize property, one particular form has risen to dominance in the so-called Global North. Property scholars track the rise of the “ownership model” of property, **where the entitlements of individual owners are favored over public interests**⁴.

The ownership model is summarized as: “[P]roperty to which the following can be attached: To the world, ‘Keep off unless you have my permission, which I may grant or withhold’. Signed: private citizen. Endorsed: The State” (p. 3)⁵.

The legal basis for the ownership model of property

In the US, there are bedrock legal commitments to property the entrench the ownership model. The Fifth Amendment of the constitution indicates: “[...] nor shall private property be taken for public use, without just compensation”⁶ and the Fourteenth Amendment says: “[...] nor shall any State deprive any person of life, liberty, or property, without due process of law.”⁷ Article 1, Protocol 1 of European Convention on Human Rights states “Every natural or legal person is entitled to the peaceful enjoyment of his possessions,” equating the right to property as a human right.

The heart of the ownership model are state backed rights of acquisition, exclusive use, and “disposal” (sale, gifting, transfer) of property. If we apply this agriculture, **the owner of farmland can choose how to manage the land within the boundary of their parcel even if it affects neighbors, eaters, future generations, or downstream users**. The owner has the exclusive right to decide who becomes a tenant, regardless of their capacity or values. Most importantly for this document, the owner can determine when to transfer the land, set the price, and choose whom to sell it to.

In practice, absolute rights to acquire, exclusively use and dispose are blunted by a variety of other legal commitments. Police powers like zoning, nuisance law, tort law

(claims between private citizens), and the doctrine of the public trust are examples of legal structures that complicate the place of property in society. The government can assert eminent domain to rearrange property allocations in pursuit of a state interest. Some, think that such government infringements on the ownership model are *unjustly* restrictive on an individual right to property and wish to see a *deepening* of the ownership model. Such legal thought has called the effort to strengthen property rights against state intervention the “civil rights issue of our time.” (Marzulla 2001, 241)

The Cato institute’s *Handbook for policy makers: Property rights and the constitution* concludes:

The Founders would be appalled to see what we have done to property rights over the course of the 20th century. [...] The time has come to restore respect for these most basic of rights, the foundation of all of our rights. Indeed, despotic governments have long understood that if you control property, you control the media, the churches, the political process itself.⁸

The meaning of property is deeply political. Its contested nature suggests that remaking property is much more than a legal endeavor. The property system represents a powerful expression of values about human relationships to land.

How land markets work in the US property context

An unregulated land market implies few, if any, limitations on the way land changes hands. In a fully unregulated market (one where the ownership model of property is dominant) an owner of farmland can sell the land to any **recipient**. The owner can set the **price** as they choose. They can sell the land without any **public review**, for example, outside any register of pending sales. There is no **time** limitations or requirement for public **notification**. Finally, the new owner can change the **land use** to their liking.

The ownership model of property has observable outcomes relevant to land markets⁹. The ownership model:

- Encourages a self-interested competition, where the most benefit come from maximizing productivity of what an individual owns;
- Facilitates monopoly formation, as the least profitable from this competition go bankrupt and sell their property to others;
- Preserves wealth from the original acquisition of property;

- Sets up a tension between the state who is supposed interests are everybody in its jurisdiction and a minority of those who own the productive materials that generate wealth;
- Allocates political power to those who own things versus those who don't.

When these dynamics of the ownership model are applied to farmland, it drives predictable outcomes of agribusiness consolidation, financialization, land quality depletion, unequal wealth distribution, and competition; all things crucial for the future of agriculture¹⁰.

Consolidation comes about in part through logics of market competition. The profit-driven nature of agriculture incentivizes farm consolidation, as competitive pressures favor the most cost-efficient producers, leading to the gradual displacement of less competitive farmers. This cycle persists as successful farmers, seeking to expand their operations, acquire land from struggling farmers—often through debt financing—ultimately driving the sector toward fewer, larger farms and reinforcing a system of intensified production with diminishing returns.^{11, 12} Original allocation of property rights in the US through legacies of indigenous dispossession and slavery entrenches a racialized wealth distribution¹³. After the 2008 financial crisis, financial actors saw farmland as a “safe” investment that would reliably offer steady returns, and farmland became a popular portion of hedge fund, endowment, and retirement fund portfolios^{14, 15}.

Therefore, if one wants to create equity within agricultural land, one might need to disrupt the ownership model, which acts as the underlying driver of the problems mentioned¹⁶. There is **therefore an important distinction between trying to redistribute access within a unified understanding of property compared to trying to remake the rules of property** so that redistribution subsequently occurs.

The state of farmland ownership in California

Land ownership is public information, available through tax assessor records. However, data providers may be incapable of delivering geo-spatial land ownership data in an easy-to-interpret format, may withhold for fear of certain privacy concerns, or fail to reveal a clear picture of actual ownership patterns that are obfuscated by different ownership entities. That said, a national survey of farmland ownership in completed in the 2012 agricultural census revealed important benchmarks and is the last national survey focused on agricultural land tenure¹⁷.

The highlights of this report is that 40% of California farmland is rented out, 81% is owned by non-operator landlords. Land classified as “family owned” accounts for

close to 80% of CA farmland, where the USDA classifies trusts, corporations and partnerships making up the other 20%. Further analysis shows that the largest 5% of properties make up 50% of cropland; which means the remaining 95% are small properties and constitute the other half of ag land¹⁸. Since the last land tenure survey, inquiries into land ownership change do indicate a shift towards more corporate or non-individual ownership. A study of land ownership change between 2003 and 2017 in San Joaquin Valley showed that, on average, limited liability companies (LLCs) bought 5.7 times as many acres of farmland across the state (192 acres) compared to individual buyers (34 acres), and 6.9 times as many acres as the average individual buyer in overdrafted basins¹⁹.

Examples of land market interventions from around the world

At the heart of the ownership model is the state guarantee of an individual right to acquire, exclusively use, and dispose of property. Thus interventions into the status quo disrupt one or more of these three things. **When survey existing policy options to provide land access, it is useful to track if and how they intervene in the ownership model.** For example, a recent national survey of “bipartisan” land access policy in the US exclusively focused on tax incentives and other funding mechanisms. While useful, none of these policies intervened in the logics of the property system, highlighting the difference between land access and land market policy options²⁰. Therefore, this document focuses on exploring both inside and outside the US for a broader **diversity of land market interventions** (Table 1).

Table 1: Highlights of land market interventions

Intervention type	Place	Description	Source
Restriction of foreign ownership	US	Eight Mid-west states prevent outright or restrict the ownership of agricultural land by a foreign owner or corporate entity. These provisions are fairly dormant and scaled back.	Shelman 2016 ²¹
Inheritance reform	US	Tax upon transfer to a relative encourages open market sale, although the status quo strongly protects dynastic ownership.	Shoemaker 2020
First right of refusal and “community right-to-buy”	Scotland	A preemptive right is granted to community groups under certain circumstances and proper registration. Registered groups get first right to buy property when it comes up for sale. Both willing seller and compulsory sale conditions exist. For example, if the land in question can be determined as vacant or derelict, a community group can force a sale.	Calo et al., 2022 ²² , Shields 2022

Public interest test	France, proposed in Scotland	A committee known as SAFER (Sociétés d'Aménagement Foncier et d'Etablissement Rural) must approve sales of agricultural land. In Scotland, a proposed addition to the Land Reform Acts mandates that land sales over a certain size must pass a "public interest test."	Shields 2022
Size caps	Poland, Hungary, Latvia	In Poland, the amount of agricultural land that can be used is capped at 300ha, for both farmers and businesses. In Latvia, this limit is set at 2,000ha of agricultural land, for both individuals and legal entities. There is also a limit for groups of companies, which may not collectively own more than 4,000ha. (EC, 2021) Similarly, in Hungary, this limit is set at 1,200 hectares for farmers and 1,800 hectares for livestock farmers. It is not possible to acquire more than 300 hectares in a single transaction. (EC, 2021)	(EC, 2021) ²³
Acquisition limited to by future land use	Poland, France	Any agricultural land larger than 1 hectare can only be sold to an individual farmer: be a resident of the municipality, must have agricultural qualifications and must manage the farm personally for at least 5 years. During this period, the land cannot be sold to others. In France, when selling or renting land, all farmers must obtain a farming permit from the local authorities. Since 2014, it is mandatory to allocate previously organically managed land to an organic farmer.	(EC, 2021) Shields (2022)
Land return, reparations, "land back"	US, NZ, Canada, global	Through negotiating unresolved treaty disputes, adjudicating historical land dispossession, and pressure campaigns, land is transferred out of the US property system and into Indigenous management. Often represents a transfer from state to indigenous group. Some cases of transfer from individual to indigenous groups.	Kepkiewicz 2020 ²⁴ Oldham 2024 ²⁵
Reform of securities law	US	Some investment structures like Real Estate Investment Trusts (REITs) have stricter tax and reporting laws than private corporations. Proposed changes to security law could change the way financialized farm law is used and managed	Oh 2023 ²⁶

Table 2: Structural precursors to land market interventions

Land Rights and Responsibility Statement	Scotland	A non-binding position statement that attempts to remake the meaning of property.	Calo et al., 2022
Land Observatory (proposed)	EU	A proposal for a permanent mandate to monitor farmland structure with the requisite research capacity.	ECVC 2023 ²⁷
Land Commission	Scotland	A government appointed commission that directs a staff of investigators to study the progress land policy interventions and propose policy changes.	Calo et al., 2022
Universal access rights	Scotland	A “right to roam” entitlement grants access to pass through and visit all land (including private lands) as long as use is responsible.	Calo et al., 2022

Land market interventions and the boundaries of legality

Many of the examples highlighted intervene at the point of sale of land. In other terms, these interventions challenge the “right to dispose” element of property norms. These type of interventions are rare (especially in the US) because they run the risk of legal challenge through principles such as the European Convention of Human Rights (UNCHR) and US case law. Although, there is a growing attention to how the right to property has been successfully balanced by competing legal priorities within a braider survey of case law that focuses on contest land use.²⁸ For example, the Scottish Land Reform Acts asserted that the government had the right balance a right to property guaranteed by the UNCHR because of commitments to the UN declaration on Economic, Social, and Cultural Rights. The legal argument was that a state may need to infringe on individual property rights to secure public goods.

Critical legal studies stress that legal interpretation and broader politics shape the determined appropriateness of any legal ruling much more so than careful doctrinal analysis. **Recent cases and case law indicate that property rights can be unwound, retrenched, or rethought.**

Unwound: In *Held v. Montana* (2023), a state constitutional guarantee to a “clean and healthful environment in Montana for present and future generations” created an opportunity for a youth climate advocacy group to file suit against the states approach to fossil fuel exploration. This ruling suggests that the interests of property can be balanced against commitments to the public trust.

Retrenched: The Supreme Court ruling in *Cedar Point Nursery vs Hassid* (2021) asserted that state mandated visitation to farmworkers by union organizers was in fact a violation of farmland owners' private property. This case shows a legal entrenchment of the ownership model.

Rethought: While Flannery Associates used the power of the ownership model to amass significant agricultural property in the [California Forever project](#), changing existing zoning laws to convert land into urban development has been, for now, stalled by democratic means²⁹.

Finally, there are two relevant bills introduced to the US Senate by Senator Cory booker: *The [Justice for Black Farmers Act](#)* and the *[Farmland for Farmers Act](#)*. The former proposes a land fund to purchase farmland and prioritize sale to Black farmers with favorable mortgage terms and the latter proposes restricting farmland ownership amongst certain corporate structures.

Conclusion

How can we transform the way our land is used? Creating more access to land for those excluded to the benefits of farmland is a clear priority. Few contest the goal of providing more access to the existing property system². A deeper challenge is one that tries to rewrite the rules of farmland ownership, control, and transfer. Such work may require careful intervention into the legal, institutional, and cultural commitments to property.

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