

Language for Goal 4 Subcommittee Review

4. Secure Land Tenure

Agricultural land equity does not stop with land access; rather, it requires stable and secure relationships to land, just governance structures, and suitable conditions for long-term economic viability.

Through engagement with priority producers and land stewards across California, the Task Force identified three key issues that negatively impact their ability to hold onto land: 1) burdensome policies and regulations, 2) zoning codes and permitting processes that undermine agricultural land use and stewardship, and 3) short-term, insecure, or otherwise unfavorable lease agreements for tenants.

Regulatory programs and policies are needed to protect public health, conserve natural resources, and promote fairness. However, programs with a “one size fits all” approach may have unintended consequences and uneven impacts for small-scale farmers with less secure land tenure or limited resources. Several policy areas, in particular, have the potential to perpetuate inequity if unintended consequences are not addressed, including the Sustainable Groundwater Management Act (SGMA), the Irrigated Lands Regulatory Program (ILRP), the Food Safety Modernization Act (FSMA), and local, regional, and state regulations for zoning, labor, and pesticide use.

The combined regulatory burden of multiple new programs, each with their own set of fees, reporting requirements, and time and resources required to achieve compliance, can have a cumulative effect of making entry into farming difficult for beginning farmers and limiting the viability of established farmers.⁶⁰ For priority producers and land stewards to remain economically viable in the context of local, state, and federal regulatory programs, it is essential to streamline regulatory requirements, define alternative or tired structures to reduce inequities, and involve priority producers and land stewards in the review of new programs. Technical assistance with regulatory compliance is also a high priority to address lack of fit with requirements originally developed for larger commercial farming operations, language and cultural barriers, and limited resources to achieve compliance across multiple new regulatory programs.

In addition to state-level policies and regulations, local ordinances, code enforcement, and liens are often difficult for priority producers and land stewards to navigate and may limit farming operations. These concerns are especially relevant to efforts to promote land equity in areas that may have zoning, water, nuisance, or other requirements that could apply to farming operations, such as urban or peri-urban areas and on land repurposed

from prior uses. For example, farmers have mentioned limitations on the ability to have cold storage facilities and produce washing stations due to local zoning restrictions. These problems can be exacerbated when agencies are siloed and may not fully be aware of contradictory regulations.

Housing is also a key concern. Many producers and land stewards have difficulty living on or near the land they steward. Local zoning and permitting requirements, along with other governance structures like agricultural conservation easements, can often make it difficult to build adequate housing for producers, land stewards, and farmworkers. To address these challenges, flexibility in housing type is crucial while still ensuring safe and adequate housing and preventing agricultural land from being developed as residential.

These challenges are even harder to overcome for producers and land stewards who lease rather than own the land they cultivate. Many priority producers and lands stewards in California operate with no lease agreements, and many others operate on unfavorable leases or on a year-to-year lease, making them less likely to have the time and resources to invest in conservation practices or infrastructure improvements. They are also less likely to qualify for funding and technical assistance programs because of those nonexistent or short-term lease agreements.

Further, under many lease agreements, the tenant is responsible for making improvements or fixing broken infrastructure or equipment, yet the value associated with these improvements accrues to the owner making it even harder for tenants to build enough capital to acquire land. While short-term leases may be desirable in some instances—for example, beginning producers looking for a shorter-term commitment—they can limit opportunities for business development, land improvements, and wealth creation often necessary for land acquisition.

These three factors—policies and regulations⁶¹, local zoning and permitting requirements, and landlord-tenant relationships—play a critical role in determining whether priority producers and land stewards can maintain viable businesses on land once they have access.

4.1 Expand the capacity of the California Department of Food and Agriculture's (CDFA) Farmer Equity Office

- a) Provide additional funding to support CDFA's Farmer Equity Office.

- i) The Office should hire at least one staff member to support interagency collaboration and at least one staff member to help farmers comply with regulations.

4.2 Correct negative policy impacts without compromising the original purpose of the law

- a) Mandate interagency review and evaluation prior to implementing new regulations to avoid conflicting guidance and requirements. For instance, ensure that policies aimed at enhancing soil health do not conflict with water regulations.
- b) Define criteria for alternative or tiered reporting and compliance requirements to address systemic inequities in “one size fits all” regulatory programs.
- c) Require that all regulatory legislation impacting priority producers and land stewards provides for technical assistance programs to assist priority producers with compliance.
 - i) Establish a one-time regulatory compliance process that waives noncompliance fees for priority producers and land stewards acting in good faith who seek technical assistance to achieve compliance.
- d) Implement the recommendations in the CDFA and California Environmental Protection Agency (CalEPA) Regulatory Alignment Study³ that are relevant to equity for small-scale and limited-resource farmers, particularly the sections on Equity and Efficiency.
- e) Establish a process by which proposed agricultural regulations and policies that may impact priority producers and land stewards are evaluated by CDFA BIPOC (Black, Indigenous, and People of Color) Advisory Committee, the CDFA Small Producer Advisory Committee, and any other pertinent public bodies tasked with evaluating the equitable development and implementation of agricultural policies. Ensure that their feedback is provided to regulatory agencies.
- f) Ensure representation of priority producers and land stewards in public decision-making bodies, including existing commissions, water districts, irrigation districts, resource conservation districts (RCDs), groundwater sustainability agencies, local planning bodies, county supervisors, etc.
 - i) Allow tenant farmers to vote in Water Districts.
 - ii) Change the California Public Resource Code Division 9 to enable non-landowners and tenant farmers to join the board of Resource Conservation Districts (RCDs).
- g) Amend and implement the following laws to enable secure land tenure. For more detailed recommendations on these regulatory programs, please see Appendix C.
 - i) Sustainable Groundwater Management Act

- 1) Develop alternate requirements and structures for groundwater allocations, fees, monitoring, reporting, and other requirements to limit unintended impacts on priority producers and land stewards.
 - 2) Include priority producers and land stewards in well mitigation programs to replace shallow wells that go dry during SGMA implementation.
 - 3) Prohibit groundwater markets or develop a regulatory framework to protect tenant farmers from market power and the sale of farmland for its associated groundwater allocations.
- ii) Irrigated Lands Regulatory Program (ILRP)
- 1) Implement the alternate reporting requirements included in the Eastern San Joaquin General Order for all water quality coalitions that include small-scale diversified farms.
 - 2) Develop tiered structures for regulatory fees and fines to better match the scale of operations for priority producers and land stewards.
 - 3) Require water quality coalitions engage in outreach with priority producers and land stewards. Provide them with resources to support this work.
 - 4) Mandate water quality coalitions provide technical assistance and tools to assist priority producers and land stewards with compliance. Provide them with resources to support this work.
- iii) Food Safety Modernization Act (FSMA)
- 1) Establish an equitable process to schedule on-farm inspections that is accessible to priority producers and land stewards with language barriers and/or limited access to digital communication methods.
 - 2) Identify additional "rarely consumed raw" specialty crops from diverse priority producer communities at the state level for exemption from FSMA inspections.
 - 3) Support the development of culturally appropriate and interactive curriculum meeting Produce Safety Alliance training requirements for FSMA compliance.
- iv) California Labor Policies and Regulations
- 1) Expand and promote free Occupational Safety and Health Administration (OSHA) consultation services.
 - 2) Revise OSHA fee structures and compliance procedures to be more equitable for priority producers and land stewards, such as a tiered approach.

- 3) Include equipment and infrastructure required for compliance available through farm equipment lending and sharing programs.
- v) Pest Management Policies and Regulations
 - 1) Support research, technical assistance, and training on agroecological pesticide alternatives appropriately scaled for small and/or diversified farms.
 - 2) Provide culturally appropriate training and technical assistance, including curricula and study materials, for private applicators to understand and follow pesticide safety regulations. Ensure these resources are available in languages spoken by priority producers and land stewards.

4.3 Direct, incentivize, and support local governments to adopt zoning and land use planning practices that facilitate secure land tenure and stewardship

- a) Establish a program implemented at the county level and administered statewide to assist priority producers and land stewards in navigating regulatory requirements.
- b) Create processes and positions to increase interagency communication, including at the local and regional levels.
- c) Identify opportunities to streamline compliance with local and regional requirements and resources.
- d) Direct the Governor's Office of Land Use and Climate Innovation to develop model ordinances that facilitate secure agricultural land tenure and stewardship.
- e) Provide resources to local governments, including the following:
 - i) Funding for the development and implementation of local ordinances that achieve the actions listed below.
 - ii) Training for Planning and Zoning Commissions on zoning changes to support regenerative agriculture and equitable land access.
- f) Incentivize revisions to zoning codes and local regulations to facilitate the continued viability of small-scale, diverse agricultural operations
 - i) Develop, update and adopt zoning codes to allow for agriculture-related activities, such as retail, infrastructure like cold storage and processing facilities, and housing for priority producers and land stewards, to occur in areas currently zoned exclusively for agriculture.
 - ii) Streamline process and decrease costs related to permitting housing for agricultural workers while ensuring humane living conditions.
 - iii) Develop agriculture housing permission zoning policies that allow for housing construction for farmworkers and farm owners on the land they steward,

- including traditional Tribal housing, mobile homes, trailers, modular homes, double-wide homes, tiny homes, recreational vehicles, and campers.
- iv) Remove barriers to infill housing projects to ease development pressure on peri-urban and rural lands.
 - v) While increasing housing on and near agricultural land, maintain protections:
 - 1) Establish a maximum ratio of housing-to-agriculture use to allow flexibility without thwarting agricultural land conservation goals.
 - 2) Ensure local governments maintain inspections and enforce fair leasing to protect tenants, particularly in employer-operated housing.
 - vi) Provide guidance on local implementation of the Williamson Act to ensure that housing for farmers, land stewards and farmworkers, including temporary housing, is permitted.
 - vii) In urban contexts, allow for composting on land zoned for agriculture.

4.4 Address power imbalances in landowner-tenant relationships

- a) Adopt the Agricultural Tenants' Bill of Rights, found in Appendix B, to ensure fair leasing terms and respect for tenants' rights, including decision-making powers.
- b) Develop mechanisms that allow tenants to retain the monetary value associated with improvements made to leased land.
- c) Increase the maximum allowable length of leases in California from 51 to 100 years.
- d) Increase access and funding to legal support and technical assistance providers who assist, at low or no cost to priority producers, with contract and relationship development, mediation, and negotiation services. This includes support for approaches that can address disputes and default without resorting to formal legal procedures.

August 2025 Meeting Proposed Recommendations: CEQA Streamlining and Coastal Commission Permitting

Permitting Reform:

- Incentivize and enforce changes to permitting processes and regulations to ensure that priority producers and land stewards can maintain and improve their lands
- Enforce a 90-day permitting shot clock for certain infrastructure and sustainability projects proposed by priority producers, with automatic approval if agencies fail to meet deadlines.
- Amend California's Permit Streamlining Act to explicitly include agricultural and tribal land use permits, enhancing predictability and transparency.
- Require agencies to publicly report permitting timelines and adherence to mandated deadlines.
- Promote broader adoption of county level permitting exemptions, such as Sonoma County's exemption of agricultural outbuildings from permitting on farms meeting defined criteria.
- Incentivize counties to establish regulatory carve-outs specifically for infrastructure critical to farm viability and sustainability.

CEQA (California Environmental Quality Act) Streamlining:

- Expand statutory and categorical exemptions under CEQA for small-scale climate-smart agricultural projects, including water saving irrigation techniques, soil health improvements, renewable energy installations, and habitat restoration.
- Encourage counties to adopt more pragmatic and timely environmental reviews, allow priority producers projects to efficiently tier from existing analysis.

Coast Commission Permitting:

- Broaden existing exemptions and create new categorical exclusions for minor agricultural infrastructure and sustainability projects within the coastal zone.
- Increase administrative approvals (staff level coastal development permits (CDP) and de minimis waivers*) for straightforward, compliant projects.

- Establish co-management agreements or Memorandum of Understandings (MOU's) with Tribal communities for streamlined approval of restoration and culturally significant projects.

*CDPs and de minimis waivers are means for the Coastal Act to permit expedited minor common development activities with lower application costs and quicker processing times.