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Why make land available for farming? You can play an important role in creating farming opportunity and improving local food security. Accessing land to farm is one of the biggest challenges facing new and established farmers. More landowners see farming on their property as a way to help local agriculture as well as to actively steward their land. From large, historically farmed or open acreages to small suburban plots, your land can provide a win-win situation for you and a farmer.

Leasing to a farmer. Landowners invite farmers on their properties for various reasons. It's important to think through your personal, family, financial and social goals for farming on your property:

- Do you hope to cover your carrying costs for the land? *See fact sheet on "Determining Rental Rates."*
- How do family members feel about having the land used for farming? What about neighbors? What activities would you prohibit?
- How much involvement in the farm business and/or land management do you want?
- How much farming activity (workers, equipment, noise, etc.) are you comfortable with?
- Is infrastructure (farm buildings, water, electricity, housing, etc.) included? Who will be responsible for maintenance/repairs? Will new structures be allowed?

Leasing principles and practicalities.

- Relationship.** The most important ingredient for success is cultivating a strong, open relationship

with your tenant. Have a transparent process for tracking what's going on. Schedule regular meetings and site visits.

- The lease.** Create a written lease rather than a handshake agreement. *See fact sheet on "Elements of a Good Farm Lease."*
- Stewardship.** How do you want your land used and managed? It's important to be clear on any conservation principles and goals you may have, such as promoting soil health, fostering wildlife or preserving cultural features such as stone walls or historic

(more →)

Resources

Drake Agricultural Law Center,
Sustainable Agricultural Land Tenure Initiative
(<http://sustainablefarmlease.org>)

- *A Landowner's Toolbox*

Farmland Information Center (www.farmlandinfo.org)

- *Farm Link programs*

Land for Good (<http://landforgood.org>)

- *A Landowner's Guide to Leasing Land for Farming*
- *Leasing Land to Farmers: A Handbook for New England Land Trusts, Municipalities and Institutions*
- *Making My Land Available for Farming: Where Do I Start?*

New England Small Farm Institute
(www.smallfarm.org)

- *Holding Ground: A Guide to Northeast Farmland Tenure and Stewardship*

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- structures. A stewardship plan is a good tool; consult with the USDA Natural Resources Conservation Service (NRCS) or check the conservation resources listed for help on developing a plan. Set objectives and let the farmer determine the practices to meet them.
- d. **Liability.** This is always a concern for landowners. Typically, landlords require tenants to carry liability insurance naming them as co-insured. Also, check your homeowner's policy.
- e. **Exit.** A good agreement balances the farmer's desire for adequate security with both parties' need for a reasonable exit strategy. Provisions for default and termination should be clear in the lease.
- f. **Multiple tenants.** In some situations, a property is suitable for more than one farmer. You could have separate leases with each, or the farmers could form a single entity.

PROFILE

Christine inherited a historic family farm in southeastern Massachusetts. It had been her grandfather's "gentleman's farm." She recalled fondly summer vacations helping bring in the hay and feed the calves. Christine and her husband, Bob, live in the main farmhouse, but the land had not been actively farmed in two generations. They wanted to see the land brought back into production. They had visions of cattle again on the hillside and mowed fields. As they both entered their fifties, they also wanted some help with the cost of carrying the property, located in an affluent suburb.

Could they find a farmer to rent the land and manage an enterprise there? They had a lot of questions about the capability of the property and the practicalities of "modern" farming. Being resident landowners, they also had concerns about privacy, liability, compatibility and control. It made sense to them to start by learning more about their property, which consisted of 80 acres and a few farm structures. They consulted with farm advisors, NRCS, nearby farmers, Extension and non-profit groups they learned about online. They also talked about their ideas with their insurance agent,



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attorney, town assessors, tax accountant and their two sons.

There were a lot of details and considerations. "The whole thing seemed daunting and risky," Christine reflected. But piece by piece, they developed a scenario that felt comfortable—what land they would offer, what rent they would charge, what they wanted in a lease and what they were looking for in a tenant.

Christine and Bob were familiar with the local food movement and had heard about "all the new farmers" wanting to get onto land. So they were disappointed when their first outreach failed to result in a suitable tenant. "A lot of the interested farmers didn't really have their act together," said Bob. "We were not impressed." "I got the sense that people didn't really grasp how personal it is for us to invite a farmer onto our land, especially with us living here," added Christine.

They also learned a lot from these initial contacts, including that it was a huge challenge for the prospective tenants to find affordable housing in the area and to make a commitment to moving there with only a 2-year lease term.

Christine and Bob took the winter off from pursuing their vision. They modified their offer by transforming the studio over the detached garage into a living space and offering a 5-year rolling lease term. They worked with their attorney to insert lease language that allowed for a trial period, where the landowner or tenant could terminate if things didn't work out.

Fast forward: Bob and Christine visit the calves and watch their tenant make hay. "The relationship is great," claims Christine. "We had to work out some issues in the beginning, but I've heard that's very common." The farmer is happy and productive, and Christine and Bob have realized their vision.