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AgrAbility/LIFE Project webinar, “Roots of the  
Soil: Legal and Policy Issues in Succession  
Planning for Socially Disadvantaged Farm  
Families:

*SDFR Policy Center Update*

*October 28, 2020*

Socially Disadvantaged Farmers and Ranchers Policy Research Center  
(Policy Center)

# SDFR Policy Research Center



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- Created from 2014 Farm Bill
- Located at 1890 University
  - Alcorn State University- MS
- National center with a strategic focus in the 18 states with 1890 land-grant universities
- Staffed by 4 full-time employees +
  - University staff
  - contracts/ subawards
- Why created?
  - One voice for SDFR
  - Ensure data driven information available for SDFR

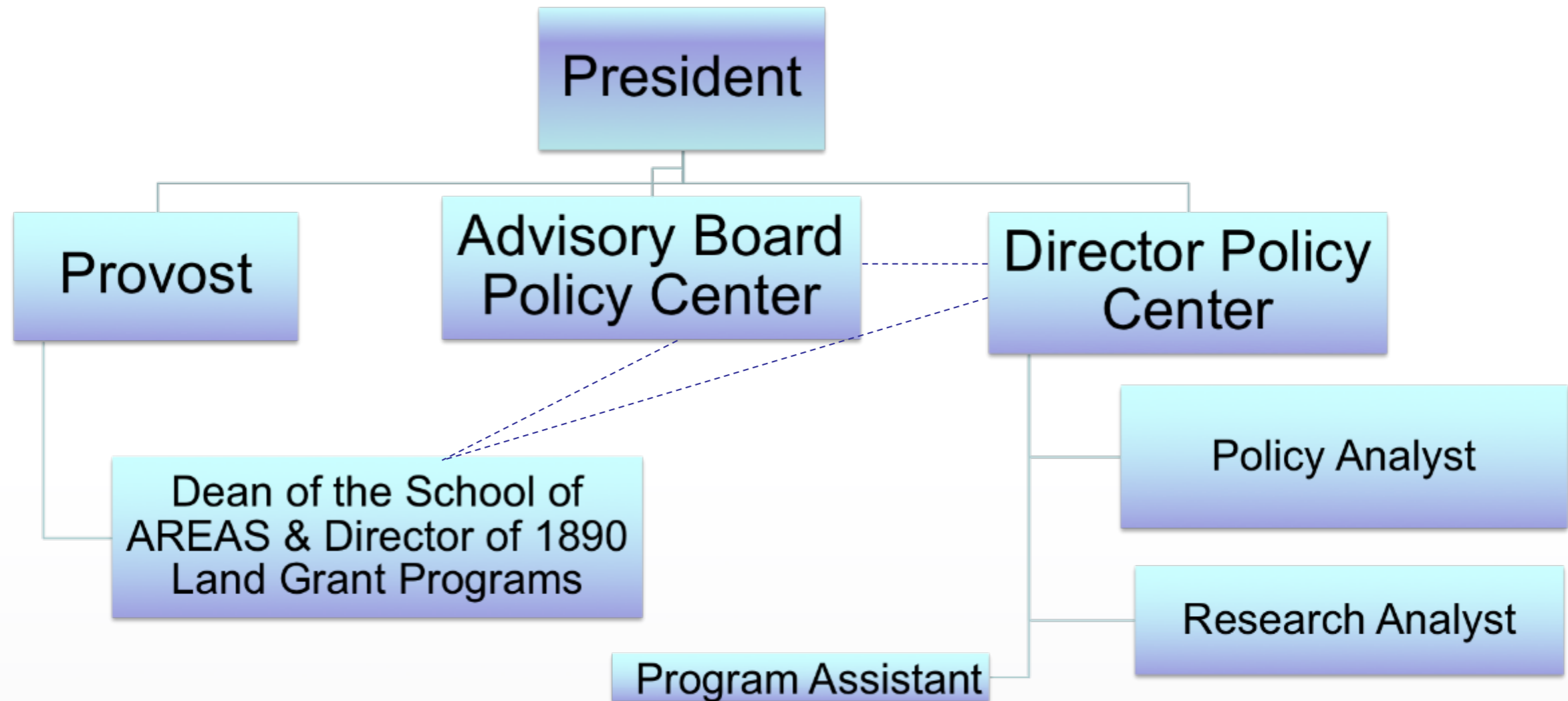


# SDFR Policy Research Center



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# Mission



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- Conduct research, analyze policy and make recommendations seeking to achieve equitable and economic integration of USDA programs and policies for socially disadvantaged farmers, ranchers, communities and rural landowners

# Vision



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- The Policy Research Center is the premiere authority for information on the history, current conditions, trends and future projections of socially disadvantaged farmers, ranchers (SDFR) and communities

# Areas of Focus



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- Stakeholder Engagement
  - Active Research
  - Policy Development
  - Strategic Outreach



# Stakeholder Engagement



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## Policy Center Advisory Board

- Chaired by President of Alcorn State University
  - Dr. Felecia M. Nave
- 23 Members—
  - 4 1890 Universities
  - 3 1862 Universities
  - 2 1890 Executive Directors
  - 4 Community-Based Organizations (CBOs)
  - 1 Agri-businesses
  - 6 Farmers-at-Large
  - 3 National Leaders

# Stakeholder Engagement



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- Working with
  - 65 Community-Based Organizations
  - 1890 and 1862 Universities
    - Advisory Board (FAMU, NCAT, Tuskegee, VSU, UARK, UT)
    - Research Studies (ASU, VSU, TSU, FAMU, PVAM )
    - Farm Bill Recommendations (Tuskegee, Lincoln, Langston, NCAT, KYSU)
    - 1890 Foundation, Executive Directors—AEA, ARD
  - USDA—Technical Working Group
  - Congressional Black Caucus (CBC)
    - Congressman Thompson/ Congresswoman Fudge





# Active Research-- Priority Research Areas



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Impact of  
current  
agriculture  
policy on SDFR

Land Loss  
Among African  
American  
Farmers

Participation of  
SDFR in USDA  
Programs

Access to and  
use of  
technology

# Active Research-- Priority Research Areas



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Original  
Four Areas



Youth  
Programs  
and Pipeline

Community  
and Urban  
Agriculture

# Policy Development



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- Collaborative process to develop & prioritize recommendations
- Provide recommendations to CBC
- CBC sends priorities to House Agriculture and Ranking Member
- Participate in Farm Bill hearings and listening sessions
- Meet with agriculture committee members/representatives



# Strategic Outreach



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- Continuing to increase awareness of Policy Center
  - Mississippi/ Louisiana
  - Alabama/ Georgia
  - Tennessee/ Florida
  - Virginia/ Maryland
  - Arkansas/ Oklahoma
  - North Carolina/ South Carolina
  - New Mexico/ Texas
  - Michigan/Missouri/ Kentucky
  - All states with 1890 universities except
    - West Virginia, Delaware, Ohio
    - Input from over 3500 SDFR
  - Education on Farm Bill



# Policy Center-2020-2021 Priorities



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- Policy Development
  - 2018 Farm Bill—Engagement in Rule Making Process
    - Heirs Property—Relending
    - Uniform Partition Act—State Enactments
    - Hemp Production/ Medical Marijuana
    - Rule Making
      - » Participate in USDA Listening Sessions
  - Execute 2023 Farm Bill Planning Process
    - Focus Areas
      - Additional Information
      - Research Studies

# Policy Center-2020-2021 Priorities



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- Policy Development
  - Execute 2023 Farm Bill Planning Process
    - Hold regional meetings to collect information
      - Send invitations to participate
        - » CBOs/ Land-grant universities
    - Technical Working Group
    - Policy Development and Review
- Strategic Outreach
  - 2018 Farm Bill
    - Training & Tools for CBOs/ Land-Grant Extension Staff (matrix/facts)
- Stakeholder Engagement
  - Increase 1890/other land-grant universities participation

# Policy Center-2020-2021 Priorities



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- Research Priorities
  - SRDC—Mississippi State University
    - Heir Property Planning Teams—Policy/Legal/Research
  - National Heirs Property Meeting
    - Federation of Southern Cooperatives
  - Research Studies
    - Heirs Property
      - Tuskegee University/ Auburn University FSC/ Cooperatives/ LIKEN
    - Rural Communities Leadership Development
      - Tougaloo College
    - Crop Base Acreages and Payments
      - Payment differences to Black and White Farmers
      - National Black Growers Council

# Policy Center-2020-2021 Priorities



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- Research Priorities
  - Research Studies
    - Pigford--Debt Relief for Excluded Farmers
    - Public Release of SDFR Participation
  - RFPs
    - Access to Credit
    - Broadbanding
  - Other Potential Areas
    - Pigford—Debt Release for Excluded Farmers
    - Set-Asides
      - WFP





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# HEIRS PROPERTY

# Heirs Property



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- What is Heirs Property?
  - Heirs property refers to a home or land that passes from generation to generation without a legally designated owner, which results in ownership being divided among all living descendants in the family.
- Why should there be a focus on Heirs Property?
  - An estimated 60% of farmland and ranches owned by Socially Disadvantaged Farmers and Ranchers is classified as heirs property. This form of ownership is unstable and limits the owner's ability to qualify for USDA programs and financing.
  - The issues surrounding heirs property ownership contributes to the growing decline of Black Farmers. The number of Black farmers peaked at almost one million between 1910 and 1920, while there is currently a decline to under 50,000 making up 1.4% of farms as of 2017.

# 2018 Farm Bill-Heirs Property



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- Eligibility:
  - The Secretary is required to provide for the assignment of a farm number to operators of Heirs Property Land
    - Even if the farmer is operating on “heirs property” and cannot prove ownership of the farm.
  - Documentation that is eligible depends on whether the state has adopted the Uniform Partition of Heirs Property Act.
    - A property rights law that protects all owners of heirs’ property and preserves the independent right to contract.

# 2018 Farm Bill-Heirs Property



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## • Eligibility:

- If the farmer is in a state that has adopted the Uniform Partition of Heirs Property Act:
  - They must provide documentation in the form of a court order verifying that the land meets the definition of heir property as defined in the Uniform Partition of Heirs Property Act, or
  - A certification from the local recorder of deeds that the recorded owner of the land is deceased and at least one heir has initiated a procedure to retitle the land.
- If the farmer is in a state that has not adopted the Uniform Partition of Heirs Property Act:
  - Tenancy-in-common Agreement approved by majority of owners
  - Tax returns of the farm operator for the 5 preceding years
  - Self Certification of control of the land
  - Any other documentation identified by the Secretary

# 2018 Farm Bill-Heirs Property



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- Relending:
  - The Farm Service Agency Guaranteed Lending Program:
    - The 2018 Farm Bill authorized the Farm Service Agency to loan funds to qualified intermediaries to relend to individuals and entities seeking to resolve heirs property issues and obtain a clear title to farmland.
    - Eligible entities include Cooperatives, Credit Unions, and non-profits that meet certain requirements.
    - The purpose must be for relending by eligible entities for projects that assist heirs to resolve ownership and succession issues.

# Heirs Property-- Recommendations to USDA



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- Provisions to stop the decline of Socially Disadvantaged Farmers and Ranchers
  - Assist Socially Disadvantaged Farmers and Ranchers with Heirs Property management (i.e. wills and estate planning)
  - Revise policies to enable active producers to access federal farm programs for use on heirs property
  - Secure waiver of policy that will make Socially Disadvantaged Farmers and Ranchers eligible for USDA programs and other services
  - Provide low interest farm ownership loans to families to resolve heir property issues by buying out other heirs



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## Questions / Wrap-up

