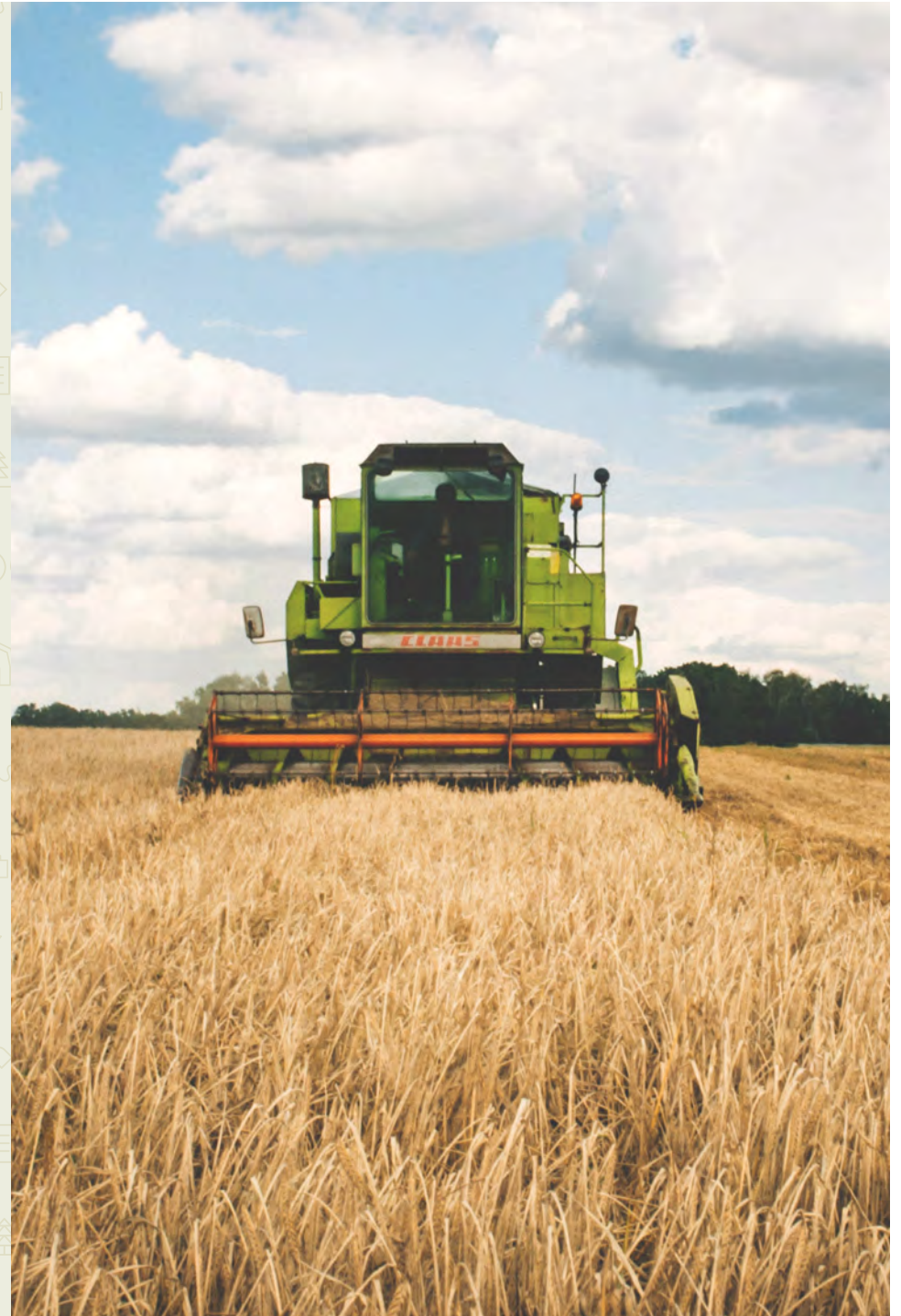




GUIDING FARMERS TO LEGAL RESILIENCE

Use this guide to keep the basics of farm law at hand, alongside resources, and action steps that will create legal resilience for your agricultural community over the long term.





ABOUT FARM COMMONS

Farm Commons empowers agricultural communities to resolve their own legal vulnerabilities within an ecosystem of support. Through education, leadership development and community-based problem solving around business law, agricultural communities become stronger and more resilient. The result is a legacy of sustainable farms and a community-based food system for everyone. At Farm Commons, paperwork is powerful.

Subscribe to our newsletter and podcast!

TABLE OF CONTENTS



MODULE 1

WELCOME

PG. 01



MODULE 2

BUSINESS STRUCTURES

PG. 03



MODULE 3

EMPLOYMENT LAW

PG. 07



MODULE 4

LAND MATTERS

PG. 10



MODULE 5

INSURANCE & LIABILITY

PG. 15



MODULE 6

DIVERSIFICATION

PG. 20



MODULE 7

GOING FORTH

PG. 23

CREATING RESILIENT COMMUNITIES:

Our mission at Farm Commons is to empower farming communities to understand and solve their farm business law issues within an ecosystem of support.

That ecosystem of support includes us and YOU: Extension, non-profit staff, lenders, insurance agents, community members, and more.

The work we're doing here is about **guiding farmers towards legal resilience**.

What is legal resilience? We believe it's when a farmer engages their creative power to solve their farm business law issues by:

- 1 Understanding legal risks and opportunities,
- 2 Prioritizing options, and
- 3 Creating agreements that honor their needs and goals in their relationships.

Resilient farms have creative power.

MOVING FARMERS FORWARD:

How do we harness the power and capacity that farmers already have to solve their own farm law issues? Here's a two-way approach that we've found works:

- 1 Extend knowledge and resources about **legal basics**. *When farmers know key elements of the law, they retain power and autonomy to make decisions and take action to manage their unique legal risks and opportunities.*
- 2 Encourage **good communication**. *Legal resiliency depends on strong relationships built on trust and respect. Good communication is essential.*

The solution to many of farmers' legal vulnerabilities isn't only in knowing more law. It's in building strong relationships with business partners, landowners, tenants, insurance agents, lenders, customers, zoning boards, and community members.

UNDERSTANDING THE LAW:

When it comes to the law, many believe there's one clear answer. This is not true! The law honors individual agreements in many situations. This opens the window of opportunity for creating innovative solutions.

The law can also be nuanced, complex and strictly enforced in certain scenarios. How do you know how far you can go?

Here are some guiding points to consider when guiding farmers to legal resiliency:

- 1 Always encourage farmers to get their agreements in writing, particularly when relating to leasing and purchasing land. This also includes sales agreements, loans with friends and family, and operating agreements with business partners.
- 2 Employment law is non-negotiable. Farmers face fines and back pay if they do not abide by minimum wage, tax, and worker's compensation requirements
- 3 ***When in doubt, encourage farmers to seek the advice of an attorney.***

TIME TO REFLECT!

How would you describe a legally resilient farm?
What are the assumptions that we need to challenge here -- about what legal resilience means?

How are you already guiding farmers in your community toward legal resilience? *What is already working?*

What are your aspirations in going forward? *What is our intention here? What opportunities can you see?*

BUSINESS STRUCTURES



UNDERSTANDING THE LAW:

- 1 Writing a good organizing document can prevent issues like disagreements, poor planning, and disability from ending the farm business, even if it's not legally required.
- 2 Sole proprietorships and partnerships expose farmers' personal assets to business liabilities. LLCs and corporations protect personal assets from business liabilities. None of them protect business assets from business liabilities; insurance serves that role.
- 3 The protection of personal assets depends on maintaining separate bank accounts for business and personal expenses, as well as keeping up with paperwork obligations.
- 4 Farms organized as an LLC or corporation may reduce their overall tax rate (if they make more in personal income from farming than the average farmer) by selecting S subchapter taxation with the IRS.

CREATING RESILIENT COMMUNITIES:

Business structures are an opportunity to provide straightforward information in an area of law that is less complex (and honestly, happier) than many. It's also a good opportunity to suggest the deeper resilience of an organizing document.

- 1 Encourage farmers to write organizing documents for their businesses, guide them to be thorough in their discussions with co-owners, and motivate them to continue working through the details.
- 2 Assist farmers in choosing a business structure that matches their needs and their tolerance for administrative duties.

MOVING FARMERS FORWARD:

- 1 The *Farmers' Guide to Business Structures* is a comprehensive guide to selecting, forming, and managing a business structure. Offer our flowchart as an initial exploration into which business structure is best for a farm, including nonprofits. Recommend our sample operating agreements, bylaws, and corporate meeting documents plus checklists for drafting thorough documents to farmers developing a business structure. Suggest our chapters on when to form separate business structures and when anti-corporate farming laws may present a barrier.

DOWNLOAD *FARMERS' GUIDE TO BUSINESS STRUCTURES* IN IT'S ENTIRETY OR BY THE CHAPTER AT [FARMCOMMONS.ORG](https://farmcommons.org). PURCHASE A PRINT COPY THROUGH SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION.



TIME TO PRACTICE!

Farmer Jack wants to start the process of writing an operating agreement with his business partner Farmer Jill. However, he’s not sure how to begin. The list of questions seems overwhelming and difficult.

Jack comes to you and says, “I want to start talking through one issue. Which of these questions do you think is the most important for a farm partnership to sort out?”

INSTRUCTIONS:

1. Which question do you think would be of top priority for Jack to consider?
2. Number the questions in order of priority as you see it for farm operations you've worked with or plan to work with.

How will business partners enter or exit the farm business?

What does each partner need to contribute to the business (money or labor) and when?

How are we compensated for our involvement and when?

Who makes important decisions about big issues like buying property or going into debt?

What happens if someone wants to leave the business or dies?

How do we handle disputes between us?

How are we handling annual budgeting, financial procedures, or governmental obligations?

ASSET MAPPING:

Guiding farmers to take action on business structures

While every farmer's business situation and circumstance is unique, many farmers can build resilience by taking the following two actions:

- 1 **Action step:** Write a governance document that creates solutions for them, their partners' and their farm's needs, circumstances, and expectations.
- 2 **Action step:** Form an LLC or S corporation if the farmer is willing to deal with some additional paperwork and they
 - Want protection for their personal assets OR
 - Want tax savings when they make more in personal income from farming than the average farmer.

How can you guide farmers along this path? List your inventory of assets:

Communication Tools and Skills

Encourage farmers to prioritize topics that are important to them and to then prepare for conversations with business partners. Guide them through the Four Questions to Ask when preparing for challenging conversations:

1. What is my intention?
2. What are my needs?
3. What do I want the other person to know?
4. How can I say it in a way they will hear?

Notes/Other:

Personal

What knowledge, stories, and experiences do I have to share on business structures?

Organizational

What resources does my organization, institution, or profession have to offer on business structures?

Networking: *Existing*

Who do I know that has something to share on business structures? How can I involve them?

Networking: *Potential*

Who else might have something to share on business structures? How and when can I make a connection?

EMPLOYMENT LAW



UNDERSTANDING THE LAW:

- 1 Generally speaking, for-profit farms have just two options to classify a person who does for the operation: the person is either an employee or an independent contractor.
- 2 Structuring a position as a legally sound independent contractor relationship is challenging (for scenarios other than construction, custom farming, and equipment repair/maintenance) and requires consultation with an expert.
- 3 Interns, apprentices, volunteers, and “casual” laborers are generally considered employees under the law and all employment laws must be followed.
- 4 Minimum wage, overtime, workers’ compensation and other employment laws can vary according to whether the task being performed is considered agricultural labor or non-agricultural labor.
- 5 Protection from liability for farm worker injuries is found in either workers’ compensation or in a liability policy.

CREATING RESILIENT COMMUNITIES:

Although interpreting and explaining farm employment statutes, regulations and case law is not a suitable role for non-attorney agriculture support persons, these are important functions:

- 1 Guide farmers to qualified, expert sources such as educational material, government agency employees, and/or experienced attorneys that can assist with the complex realities of farm employment law.
- 2 Assist farmers in doing business planning and modeling that accounts for the full costs of getting work done on the farm.

MOVING FARMERS FORWARD:

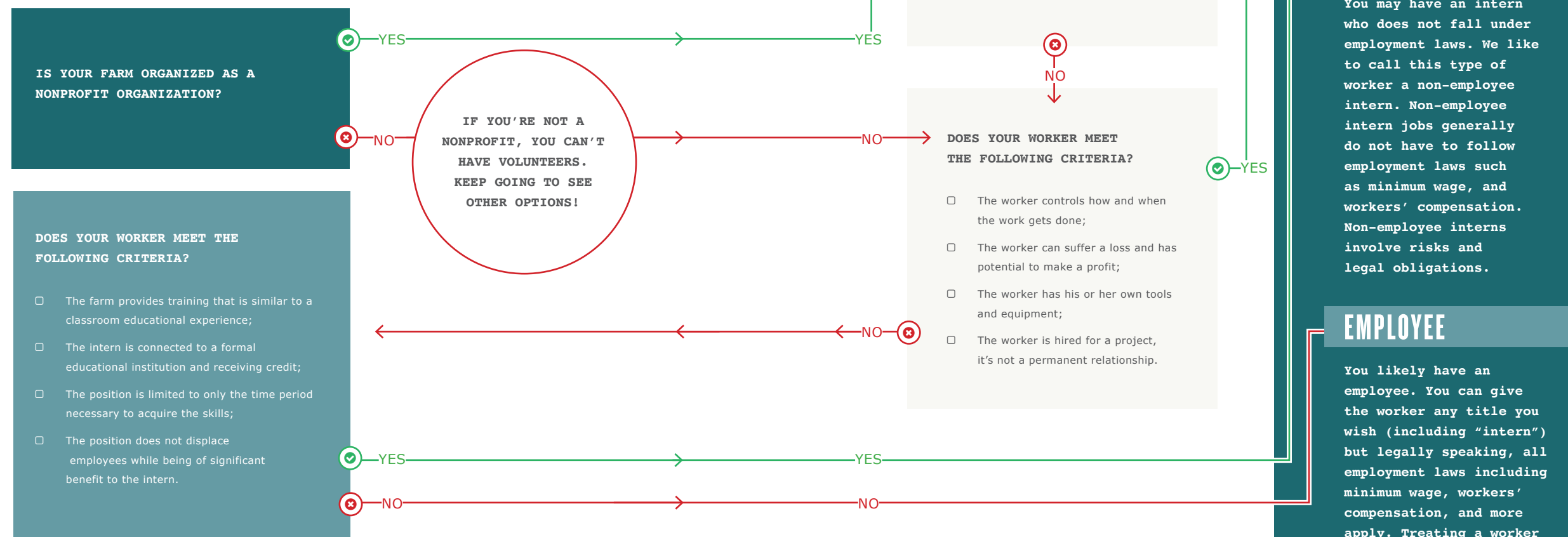
- 1 Anyone who uses interns, has a volunteer program, works with local colleges or charities, or simply wants to know more about employment law should read the *Farmers' Legal Guide to Intern and Volunteer Programs*.
- 2 Check the Farm Commons website for an ever-expanding range of state specific guides to employment law, including information on paying wages in-kind, overtime, minimum wage, workers' compensation and more. Pennsylvania, Vermont, New Hampshire, Connecticut, Rhode Island and Maine are included for Northeast states. The Legal Food Hub also has farm employment law guides for Massachusetts and Rhode Island, currently.
- 3 Consider acting as a go-between with farmers and government agency employees. You may be in a position to seek detailed answers without forcing the farmer to expose him or herself to a potential enforcement action.

SEE A FULL LIST OF FARM LAW PRINT, AUDIO AND VISUAL RESOURCES IN THE LIBRARY: WORKERS AND EMPLOYEES AT FARMCOMMONS.ORG.

TIME TO PRACTICE!

CLASSIFYING WORKERS

Think about a specific worker. Let's find out what type of worker they are, legally speaking!



DISCLAIMER: YOUR STATE'S CRITERIA MAY BE DIFFERENT, AND MAY EVEN BE MORE STRINGENT. BE SURE TO EXPLORE YOUR STATE'S LAWS AS WELL.

FOR MORE INFORMATION, DOWNLOAD AND READ *FARMERS' GUIDE TO CLASSIFYING WORKERS AND/OR FARMERS' LEGAL GUIDE TO INTERN AND VOLUNTEER PROGRAMS* AT [FARMCOMMONS.ORG](https://farmcommons.org).

ASSET MAPPING:

Guiding farmers to take action on workers

Farmers who have worker (including volunteers and interns) face inherent legal risks. Here are the most significant steps farmers can take to reduce these legal risks:

- 1 **Action step:** Get coverage for worker injuries (workers' compensation, injury liability coverage)
- 2 **Action step:** Modify business plan to meet employment law obligations for all workers
- OR -
Do research to align workers to different classification (intern, volunteer, contractor)

How can you guide farmers along this path? List your inventory of assets:

Communication Tools and Skills

The confusion, complexities, costs, of employment law can feel overwhelming, stressful and frustrating to many farmers. Guide farmers in overcoming their obstacles or challenge by asking appreciative inquiry questions such as:

- What's the smallest change that could make the biggest impact?
- What is our intention here? What's the bigger purpose?
- What do we know so far and still need to learn about?

Notes/Other:

Personal

What knowledge, stories, and experiences do I have to share on employment law?

Organizational

What resources does my organization, institution, or profession have to offer on employment law?

Networking: *Existing*

Who do I know that has something to share on employment law? How can I involve them?

Networking: *Potential*

Who else might have something to share on employment law? How and when can I make a connection?

LAND MATTERS

UNDERSTANDING THE LAW:

- 1 Leasing law defers to the agreement of the parties. Farmers, landowners, and their advisors do not need any special legal knowledge to decide how they want their relationship to proceed.
- 2 For the most part, state farmland leasing laws are a backstop for when the parties involved didn't come up with their own rules, beforehand. If a farmer is in a dispute and needs to leverage state law, it's too late for education. An attorney is the best solution.
- 3 Verbal greements do offer some utility in court; however, it is much more difficult to establish. A farmer concerned about a verbal lease needs an attorney.

CREATING RESILIENT COMMUNITIES:

Deeper resilience is created when we prevent problems from occurring, rather than on legal enforceability. Farm educators and advocates are wise to focus their efforts on proactive solutions, such as:

- 1 Guide farmers to be thorough in their discussions with landowners, tenants, and family members so they can create leasing agreements that create pathways to prevent and resolve concerns as they arise. Useful as a jumping off point, recommend farmers adapt template leases to incorporate the farmer and landowner's specific situations.
- 2 Help farmers understand the great value in writing down detailed agreements in terms of protecting memory and enforceability (and encourage farmers to limit their vulnerability if agreements are not in writing).

MOVING FARMERS FORWARD:

- 1 Suggest Farm Commons' *Checklist of Questions to Address in Your Farmland or Ranchland Lease* as a resource to guide through discussions. Land For Good also has a complementary *Elements of a Good Farm Lease* resource.
- 2 Consider *Sharing Responsibilities in a Farmland Lease Basics* as a source for suggested responsibilities within a lease.
- 3 The *Build a Lease Toolbox* at Land for Good has excellent resources to begin putting decisions on paper, as does Farm Commons' *Long-Term Agroforestry Lease Workbook*.

SEE A FULL LIST OF FARM LAW PRINT, AUDIO AND VISUAL RESOURCES IN LIBRARY: FARMLAND AND RANCLAND PURCHASING AND LEASING AT FARMCOMMONS.ORG.

1 OBSERVATION	2 FEELING	3 NEED	4 REQUEST
Express what a person is hearing/seeing/noticing around them, without any judgment or diagnosis.	Express what a person is feeling when the observation occurs, without going into detail about why or how.	Express a universal human need that is being unmet.	Make a request, free of demands, to do something specific, in the short term.
<u>FOR EXAMPLE:</u> When I see you read the newspaper while I'm talking...	<u>FOR EXAMPLE:</u> ...I feel frustrated	<u>FOR EXAMPLE:</u> ...Because I want to be heard.	<u>FOR EXAMPLE:</u> Would you be willing to close the newspaper for 5 minutes and hear my idea?

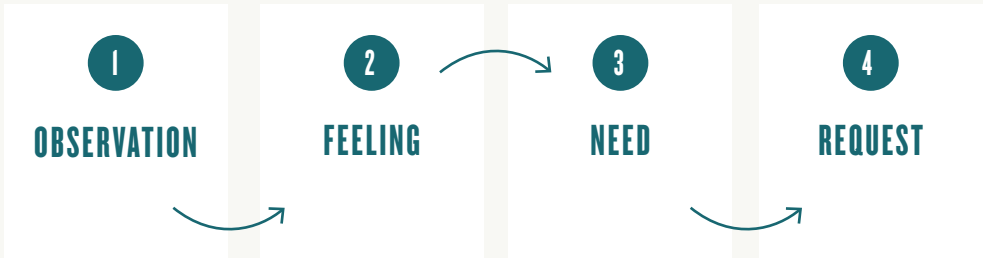
COMPASSIONATE COMMUNICATION

Farmer June leases land from her uncle, August. They get along well and aren't experiencing any problems. Still, June wants to be proactive. In particular, she worries about what will happen when August dies? August has 3 grown children and they may want to use the land for something else.

June wants to talk to August about getting their agreement in writing. This conversation is potentially awkward and hard. June isn't sure how to approach it.

After researching, June decides to use a well-known model for launching difficult conversations called Compassionate Communication.

The Compassionate Communication model suggests breaking down a difficult conversation into four components:





1 OBSERVATION	2 FEELING	3 NEED	4 REQUEST
Assume what June is hearing/seeing/ noticing around her, without any judgment or diagnosis.	Assume what June is feeling, without going into detail about why or how.	Assume which universal need June is experiencing that is going unmet.	Create a request that June could make of August to do something specific in the short term.

TIME TO PRACTICE!

COMPASSIONATE COMMUNICATION

What is a problem that you can approach by using Compassionate Communication to resolve?



ASSET MAPPING:

Guiding farmers to take action on land matters

Whether leasing or purchasing land, good communication and due diligence is essential when it comes to land matters. Farmers can benefit by taking these steps:

- 1 **Action step:** Have a thorough discussion with their landlord/tenant that results in consensus... and write down the agreement
- 2 **Action step 2:** Have a thorough discussion with lenders/borrowers that results in consensus... and write down your agreement.
- 3 **Action step 3:** Do due diligence on the land they plan to utilize

How can you guide farmers along this path? List your inventory of assets:

Communication Tools and Skills

Encourage farmers to engage in challenging conversations with their landlords or lenders using the compassionate communication framework:

- **Observation.** What happened?
 - *When I (see, hear, remember, imagine) _____*
- **Feelings.** What feelings arise?
 - *"... I feel _____"*
- **Needs.** What is of utter importance?
 - *...because I need/value _____."*
- **Requests.** What concrete, doable requests can we ask of each other?
 - *Would you be willing to _____.*

Notes/Other:

Personal

What knowledge, stories, and experiences do I have to share on land matters?

Organizational

What resources does my organization, institution, or profession have to offer on land matters?

Networking: *Existing*

Who do I know that has something to share on land matters? How can I involve them?

Networking: *Potential*

Who else might have something to share on land matters? How and when can I make a connection?

LIABILITY & INSURANCE



UNDERSTANDING THE LAW:

- 1 When it comes to injuries or illness, insurance is the single best risk management strategy. Even the safest farms can be sued, and insurance provides the farm with the means and expertise to defend itself.
- 2 Liability insurance functions like a retainer on an expert attorney, as the insurance company (generally) defends against claims of liability; as well as provides funds in the event the farm owes the claimant money.
- 3 General farm liability insurance policies usually need supplemental coverage to fully address agritourism, food safety, value-added, and educational aspects of farm operations.
- 4 Property insurance must be updated regularly to reflect the farm's evolving needs, including adding/changing equipment and adjusting coverage levels as equipment ages or becomes more/less integral to the farm's success.

CREATING RESILIENT COMMUNITIES:

Even where farmers already have insurance, agriculture support persons can play a valuable role in helping farmers get the most (in value and in appreciation) out of this necessary risk management strategy by doing the following:

- 1 Help farmers recognize the incredibly important role of an expert, experienced insurance agent in protecting their farm from liability, property, and production risks early in the life of their operations; help guide farmers to recommended agents, where appropriate.
- 2 Remind farmers of the important role insurance plays on even the safest farms: Insurance is itself protection against legal liability and is a source of funds if legal liability occurs (within the terms of the insurance policy, of course).
- 3 When assisting with farm business planning or when planning events on farms, guide farmers to request appropriate coverage from their insurance provider. As an alternative for event planning, recommend farmers seek coverage as an “additional insured” under another participating organization or institution’s policy.

MOVING FARMERS FORWARD:

- 1 Offer our tutorial *Managing Your Farms Legal Risks with Insurance* for more detailed information on liability, property, and production insurance. Our *Farmers’ Guide to Insurance* is a great choice when your audience wants to read print or online material.

- 2 The Penn State Extension publication titled *Agricultural Business Insurance* is a comprehensive overview of business insurance options, and is available in Spanish. The downloadable pdf is free, and print copies are available for sale.

**SEE A FULL LIST OF FARM LAW PRINT, AUDIO AND VISUAL
RESOURCES IN LIBRARY: INSURANCE AND LIABILITY
AT FARMCOMMONS.ORG.**



AM I COVERED?		Farm Policy (i.e. Property & Casualty Policy)	Commercial General Liability Policy	Workers' Compensation Policy	Product Liability Policy
Property Damage	Damage to residence on farmstead	✔ USUALLY	N/A	N/A	N/A
	Damage to buildings and equipment	✔ USUALLY	✔ USUALLY	N/A	N/A
	Damage to value-added or commercial buildings	⚡ SOMETIMES	✔ USUALLY	N/A	N/A
Injuries to People	At the farmers' market	✖ UNLIKELY	✔ USUALLY	N/A	N/A
	From a U-pick program	✖ UNLIKELY	✔ USUALLY	N/A	N/A
	At an off-farm CSA drop or pick-up site	✖ UNLIKELY	⚡ SOMETIMES	N/A	N/A
	At a general, free farm event (tour, festival, etc)	✖ UNLIKELY	✔ USUALLY	N/A	N/A
	At a farm event with an admission fee (corn maze)	✖ UNLIKELY	✔ USUALLY	N/A	N/A
	During value-added production (jam making, baked good production, etc)	✖ UNLIKELY	✔ USUALLY	N/A	N/A
	To a volunteer	✔ USUALLY	✔ USUALLY	✔ USUALLY	N/A
	To an employee	✖ UNLIKELY	⚡ SOMETIMES	✔ USUALLY	N/A
	From a food safety incident	⚡ SOMETIMES	⚡ SOMETIMES	N/A	✔ USUALLY
	To the business owner while farming	✖ UNLIKELY	✖ UNLIKELY	✔ USUALLY	N/A
Injuries to the Business	Costs of conducting a product recall	✖ UNLIKELY	✔ USUALLY	N/A	✔ USUALLY
	Lost revenue from a covered business disruption	✖ UNLIKELY	✖ UNLIKELY	N/A	✔ USUALLY
	Costs to clean and restart production after a food safety incident	✖ UNLIKELY	✖ UNLIKELY	N/A	✔ USUALLY

✔ USUALLY

MOST POLICIES INCLUDE
THIS COVERAGE.

⚡ SOMETIMES

SOME POLICIES COVER THIS,
IF SPECIFICALLY REQUESTED.

✖ UNLIKELY

MOST POLICIES DO
NOT COVER THIS.

DISCLAIMER: EACH INSURANCE POLICY IS DIFFERENT.
ASK YOUR AGENT ABOUT YOUR POLICY. [FARMCOMMONS.ORG](https://farmcommons.org)



TIME TO PRACTICE!

See if you can guess which type of insurance coverage is likely to address the scenario described on the attached cards. Working with a partner, read a card and then guess which insurance product listed below may cover the scenario described. Then, turn to the next page to learn more.

TYPES OF COVERAGE:

EVENT ENDORSEMENT

Covers an event occurring over one or more span of days; usually for events related to the farm and held on the farm

COMMERCIAL COVERAGE

Covers activities, events, and sales that are frequent or are not farm related at all.

INCIDENTAL BUSINESS COVERAGE

Covers the occasional, infrequent sale of things (services or value-added goods that are products of the farm operation) occurring on the farm; may or may not be related to the farm business.

PRODUCT LIABILITY COVERAGE

Covers some of the injury liability risks if a person is injured from a food safety related incident, and may also cover some costs of recalls and indemnification.

Someone gets ill from the farm’s dried apples.

The grocery store sues the farm for loss of spinach sales after the farm’s spinach makes someone sick.

Someone trips and falls during pizza night, hosted on Fridays during the summer.

Someone burns themselves at a soap making class held on the farm.

Someone hurts themselves during harvest festival weekend.

A group tours the lambing barn and someone is bitten by a sheep.

A person gets sick from eating a fresh, raw apple purchased from the farm stand at the farm property where it was grown.

Cost of cleaning equipment contaminated by a food-borne pathogen.

PRODUCT LIABILITY COVERAGE

Product liability coverage is likely the right product because this relates to food safety and to indemnification of another business.

**INCIDENTAL BUSINESS COVERAGE
AND/OR COMMERCIAL COVERAGE**

As a soap making class is not considered a farm activity, incidental business coverage may be useful if the class is occasional, with commercial coverage likely being necessary for more frequent classes.

EVENT ENDORSEMENT

If the tour is part of a gathering of friends, it may already be covered by an existing standard farm liability policy. But, if the tour has more of a promotional nature, an event endorsement may be necessary.

PRODUCT LIABILITY COVERAGE

Product liability coverage is likely the right product because this relates to food safety and to cleaning and reset procedures.

EVENT ENDORSEMENT

Because a venture to sell dried apples is seen as a non-farm activity, incidental business coverage may be useful, assuming the sales are incidental to a broader operation.

COMMERCIAL COVERAGE

Making pizza is not generally considered farming at all and as this is a weekly event, commercial coverage is likely necessary.

EVENT ENDORSEMENT

Assuming the harvest festival is a weekend or week long event, an event endorsement may be the right product.

TRICK QUESTION!

A standard farm liability policy will often cover a food-borne illness that results from a raw agricultural product purchased from the farm, so long as no bacterial, viral, or food safety exclusions are made in the policy.

ALTHOUGH I WOULDN'T SAY IT WAS EASY AND THERE ARE ALWAYS THINGS THAT COULD BE BETTER, WE FOUND AN INSURANCE AGENT WILLING TO WORK WITH US TO UNDERSTAND OUR BUSINESS AND GET US WHAT WE NEEDED SO WE COULD COMPLY WITH INDUSTRY STANDARDS AND EXPAND OUR MARKETS.

KATIE NIXON
GREEN GATE FAMILY FARM
MISSOURI

ASSET MAPPING:

Guiding farmers to take action on insurance

Insurance is a fundamental legal risk reducing strategy. But the policies and prices can be challenging to navigate. Here are two action steps that are relevant to all farmers:

- 1 **Action step:** Get liability insurance that covers the activities and risks involved on their farm.
- 2 **Action step 2:** Review and update their insured property (declarations) annually.

How can you guide farmers along this path? List your inventory of assets:

Communication Tools and Skills

Guide farmers in preparing a risk assessment:

1. Inspire them to start with a clear vision for their operation:
Are there aspects of your business you'd like to grow down the road such as value added or agritourism?
2. Next, have them identify their existing and future risks:
What aspects of the farm are essential to the resilience and success of the business?
3. Then, ask them to write down 3 priority items/issues of their farm that they want insured.
Next to each issue, have them note questions they might have for their insurance agent.

Notes/Other:

Personal

What knowledge, stories, and experiences do I have to share on insurance?

Organizational

What resources does my organization, institution, or profession have to offer on insurance?

Networking: *Existing*

Who do I know that has something to share on insurance?
How can I involve them?

Networking: *Potential*

Who else might have something to share on insurance?
How and when can I make a connection?

DIVERSIFICATION

MOVING FARMERS FORWARD:

- 1 Zoning codes often limit the ability of a farm to diversify operations (even in states with laws shielding agriculture from zoning regulations) so researching the zoning code is essential for any farm business planning diversification.
- 2 Researching the zoning code requires learning whether a property is zoned, in which zone it is located, and the rules that apply to that zone. It may also involve networking with local zoning authorities and building support for a proposed venture.
- 3 Cottage food laws can make it easier to produce non-hazardous goods, but it's still essential to research zoning and insurance to proactively avoid problems.

CREATING RESILIENT COMMUNITIES:

Agriculture support persons are in a unique position to help producers create a strategy that leverages existing power structures and builds a broader coalition, while also helping with technical interpretation, including roles such as:

- 1 Assist farmers in understanding their zoning code and in making business strategy decisions based on the code's realities.
- 2 Consider helping farmers coordinate with each other to create a cohesive vision for local planning, and in planning a campaign to create clarity within or change the zoning code, alongside local zoning authorities.

MOVING FARMERS FORWARD:

- 1 Consult the *Farmers' Legal Guide to On-Farm Events* or the *Farmers' Legal Guide to Value-Added Products* for more details on the legal aspects of agritourism and added value processing. The *Come & Get It* guides provide detailed information on how some states regulate hosting a food service on the farm.

SEE A FULL LIST OF FARM LAW PRINT, AUDIO AND VISUAL
RESOURCES IN LIBRARY: DIVERSIFICATION
AT [FARM COMMONS.ORG](https://farmcommons.org).

ASSET MAPPING:

Guiding farmers to take action on diversification

Farmers offering agritourism events and value added products take on an additional bundle of legal risks. Here are three priority action steps farmers can take to address these risks:

- 1 **Action step:** Research their zoning code
- 2 **Action step:** Ensure that the food products they prepare for public consumption are in compliance.
- 3 **Action step:** Get insurance for their venture(s).

How can you guide farmers along this path? List your inventory of assets:

Communication Tools and Skills

Empower farmers to engage in the AARC of dignity when faced with power imbalances (i.e, zoning boards, health departments, insurance agents, labor departments, etc.)

Acknowledge: How can I present my concerns and aspirations in a way they can acknowledge?

We will acknowledge how the floral workshops support the zoning plan's objectives of building rural prosperity.

Agency: How can I have a sense of agency in terms of how the problems will be solved?

We will volunteer to draft zoning code terms.

Reciprocity: Does my proposal allow for reciprocal engagement?

We will ask if there is a member of the zoning board that we can work with to draft terms.

Clarity: How can I maintain a sense of clarity about the process and steps forward?

We will ask about the next steps forward.

Notes/Other:

Personal

What knowledge, stories, and experiences do I have to share on diversification?

Organizational

What resources does my organization, institution, or profession have to offer on diversification?

Networking: *Existing*

Who do I know that has something to share on diversification? How can I involve them?

Networking: *Potential*

Who else might have something to share on diversification? How and when can I make a connection?

CREATING RESILIENT COMMUNITIES:

Resilient farms have creative power. Together we can cultivate an eco-system of support that harnesses the creative power farming communities already have to solve their farm business law issues.

How will YOU participate in guiding farmers to legal resiliency?

TIME TO REFLECT!

Revisit your opening reflections. Add new insights here.

How would you describe a legally resilient farm?

How are you already guiding farmers in your community toward legal resilience?

What are your aspirations in going forward?

MOVING FORWARD TOGETHER:

What actions could ripple out from this workshop and create new possibilities?

What seed could we plant today that could make the most difference?

How can we continue to support each other?

Other insights?

Please share your reflections and insights at the Commons Community. *Thank you for your participation and support!*



ABOUT FARM COMMONS

Farm Commons is a nonprofit organization dedicated to empowering sustainable farmers with the legal resources they need. We create practical, user-friendly educational resources. We also support sustainable farmers in proactively implementing legal best practices, collaborating on innovative legal solutions, and encouraging each other as leaders creating the change they seek.



Visit farmcommons.org for farm law resources about:

✓ Workers

✓ Diversification

✓ Insurance & Liability

✓ Business Structures

✓ Food Safety

★ And More!