



*Working together for Ohio farmers to advance
agriculture and strengthen our communities.*

**House Agriculture and Conservation Committee
HB 397, Proponent Testimony
Amy Milam, Director of Legal Education and Member Engagement
October 12, 2021**

Chairman Koehler, Vice Chair Creech, Ranking Member Juanita Brent and members of the House Agriculture and Conservation Committee, thank you for the opportunity to give proponent testimony regarding H.B. 397, which will help bring clarity and important standards to farm leases across Ohio. My name is Amy Milam, and I serve as the Director of Legal Education and Member Engagement for the Ohio Farm Bureau Federation. In my position, I provide legal information to thousands of Farm Bureau members and answer questions daily in regard to legal issues that can crop up on a farm. One of those legal issues that we frequently answer questions about is farm leases, when they terminate, how to enforce them, and what to do when a landowner has cancelled a lease without any notification or information to the farmer.

Estimates are that nearly half of Ohio's 14 million acres of farmland are not owned by the person farming it. Instead, farmers use land leases to collect suitable land on which to operate their farms. Historically, these leases were accomplished by handshake deals between neighbors. While in many cases these less formal agreements work out just fine for both parties, we at Farm Bureau regularly talk to members where these handshake deals have gone awry. In many of those cases, the farmer ends up unable to access land that they have already significantly invested in and prepped for planting, or even worse, unable to harvest crops at the end of the growing season. This can often occur because of some change in the situation of the landowner - often times the passing of the original landlord and the transfer of land to other family members who wish to offload the property as soon as possible. While certainly we often talk with our members about the importance of putting these agreements in writing, the culture and custom of agricultural communities often overrides that best practice advice.

Many other states, including Illinois, Indiana, Iowa, Minnesota and Wisconsin, have created statutory guardrails for farm leases. HB 397 will bring Ohio up to date with many of our Midwestern neighbors and fellow agricultural states. Under this bill, all landlords and farmers will be able to rely on the standards in the law, that notice must be given by Sept. 1 to terminate a farm lease, and the lease will terminate at the conclusion of harvest or December 31, whichever comes first. What is important to note though is that every farmer and landowner that wishes to use different terms or agreements, still can by simply following the formal written lease procedure that is preferred under the law for leases of land. By setting these guardrails, we can reduce confusion in the countryside and reduce the expensive and time-consuming litigation that often ensues from termination disputes.

Thank you again for the opportunity to testify regarding HB 397; I will happily take any questions from the committee.