

ENSURING AGRICULTURE NUISANCE PROTECTIONS

In states across the country, frivolous and excessive nuisance lawsuits have been brought against farmers by individuals, causing extreme negative impacts to these farmers and other agricultural interests. Virginia's Right to Farm Act was intended to protect farmers from nuisance suits if they follow the law and best management practices, and should be strengthened to ensure that it can still provide these critical protections.

Agriculture Nuisance Protections

The Council supports the intent of the agricultural nuisance protections in the Right to Farm Act to prohibit nuisance lawsuits against responsible farmers by ensuring that such farms are appropriately protected from baseless claims of nuisance and from significant and unfair legal fees and actions.

Virginia's Right to Farm Act was intended to protect farmers from nuisance suits if they follow the law and best management practices. Unfortunately, in other states, some are exploiting the Right to Farm Act to inappropriately penalize responsible farming operations for technical or other violations that are unrelated to the alleged nuisance. This exploitation could result in significant and unfair legal judgments against farmers.

Farmers rely on the assurance that the Commonwealth has provided protection from nuisance lawsuits from individuals who do not agree with normal agricultural production methods in order to provide food, fiber and other agriculture products for citizens in Virginia, the United States and the world.

The proposed legislation would fulfill the original intent of the Right to Farm Act's prohibition on nuisance lawsuits against responsible farmers by ensuring that such farms are appropriately protected from baseless claims of nuisance and from significant and unfair judgments, when such claims may be appropriate.

Agriculture contributes more than \$70 billion annually to Virginia's economy. Ninety percent of Virginia's farms are individually or family owned. These families need the tools to continue growing and thriving. Family farms can't afford to battle unsubstantiated claims regarding their family operations for normal production methods

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LOCAL AGRIBUSINESS TAX UPDATES & CLARIFICATIONS

Due to the unique challenges of agriculture and forestry production, these industries have specific tax treatment at the local level that has been established in the Commonwealth for decades. Several of these sections have not been updated for many years, and are in need of clarifications without making substantive changes to the underlying laws.

Updates to Agricultural Products Definitions for Local Taxation

The Council supports maintaining favorable current tax status and policies specific to the agriculture and forest industries and updates of policies when necessary to ensure they reflect current industry practices.

There is a need to clearly define the term “agricultural products” within the machinery and tools tax exemptions. Legislation supported by the Council would define “agricultural products” by including a reference to an existing definition in the code. This does not change the ability for a locality to pass an ordinance that exempts in whole or in part any of the defined classes of farm animals, etc., but does provide a reference for localities and commissioners of revenue as to the breadth of the products considered to be “agricultural products” when making their determinations regarding tax exemptions.

Updates to Land Use Assessment Law

The Council supports and encourages localities to keep or adopt land use assessment for agricultural, horticultural, forest, and open space uses, believing that land should be assessed on its use rather than its potential value, and supports enforcement efforts to curb abuses of the program. The Council opposes any additional requirements added to state law for land use assessment eligibility, such as mandated use of water quality best management practices.

Since land use assessment was established in Virginia law in 1972, it allows eligible open space, forested, or agricultural land to be taxed based on the land’s value in use (use value) as opposed to the land’s market value. This program allows for farming or forestry operations to maintain their land base in a sustainable and economically viable manner. The law has not been updated since the 1970’s, with the exception of a few minor changes over the past 30 years. As the law and regulations have come under normal review over the past year, it became apparent that several updates were needed in order to continue the effectiveness of the law for agriculture and forestry products today.

In particular, there are several updates needed to ensure that new and beginning farmers are eligible for the incentive, and that references to conservation programs are reflective of current state and federal programs. These are not substantive changes, rather, updates and clarifications to ensure that the land use law reflects changes in global and domestic agriculture and forestry markets and production.

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