

November 2021

## HOT TOPIC ALERT

### **Backyard Farming**



The Covid-19 pandemic has exposed many weaknesses within the food supply chain and many overall breakdowns within the entirety of the food system. A [food system](#) is a system that provides food security and nutrition for all. Urban agriculture, sometimes called backyard farming, can assist with covering the gaps within a food system to strengthen food security. Urban agriculture uses land that is not traditionally used for food production to aid food supply, is sometimes seen as a solution to assist with providing a more sustainable food system. The journey to backyard farming starts now.

## What is Backyard Farming?

Backyard farming or urban farming has become a significant part of modern living. At the heart, urban farming is a systematic approach through policy that re-connects people and places with nature and advocates for social cohesion. The United Nations Food and Agriculture Organization (FAO) promotes urban farming “as a legitimate land use and economic activity.” According to the FAO, “At least [55%](#) of the world’s population already lives in urban areas and 80% of all food produced globally is destined for consumption in urban spaces.” It is estimated that by 2050 that an additional 2.5 billion people are expected to live in urban areas. This should suggest that a greater focus is needed on urban agriculture.

Additionally, urban farming is an increasingly popular American lifestyle choice. Homegrown produce is a significant part of the food supply for many individuals. A few common types of backyard farming include community gardens, produce gardens, farming livestock, and beekeeping. Also common are kitchen gardens, which are gardens that grow food that is regularly brought to the gardener’s kitchen from his or her own yard. Kitchen gardens may be elaborate with different variety of fruits, vegetables, and flowers in various shapes and patterns, or they could simply be a few tomatoes or other vegetables that are grown for the gardener and their family.

Urban farming may also present economic opportunities, like selling produce at the farmers’ markets or contracting with local restaurants with the increasingly popular farm-to-table movement. There are also certain foods or certain types of foods (jams, baked goods, etc.) that can be sold without a license through cottage food laws. In addition, there may be opportunities for community-supported agriculture programs (“CSA”), in which members pay a weekly or monthly fee to receive fresh, local produce. The US Department of Agriculture maintains a directory of [CSAs](#). CSA could provide coverage for specific produce shortages in the national supply.

Similarly, urban farming expands food options within areas that are poorly served by grocery retailers, which are commonly referred to as food deserts. According to the United States Department of Agriculture (“USDA”), an estimated [40%](#) of the U.S. population lived more than one mile from a food store. Urban farming can help provide access to fresh, affordable produce.

## Benefits of Backyard Farming

Urban and backyard farming is a type of [food sovereignty](#), or the idea that the people who produce, distribute, and consume food should also control food production and distribution. It can help define and reshape the food system within a community. It also bridges the gap for understanding where food comes from. Giving the farmer and their neighbors more knowledge about the food source could be an educational tool that enlightens an entire community.

Urban farming can provide healthier food that includes fewer harmful substances and chemicals than store-bought food. Also, having food directly from a nearby source would provide fruits and vegetables that are at their peak freshness and are thus tastier and are retaining more of their nutritional value. Aside from the culinary benefits of urban farming, there are other health benefits. Gardening adds more physical activity to a person’s life, which can relieve stress, boost energy, and improve strength. While many gardeners say they do not consider their work exercise, studies show that even moderate gardening-related activity is associated with increased muscle strength and endurance. [One study](#) showed that gardeners are active for more time than people whose

exercise comes in other forms. The study reported that gardeners were active for an average of 225 minutes per week, while bicyclists pegged their activity at an average of 170 minutes per week. Likewise, gardening provides an opportunity to get fresh air and connect with nature, and to have fun in the sun to soak up some much-needed vitamin D.

Backyard farming has the important added benefit of being environmentally friendly. It [reduces energy consumption](#) because the transportation of foods by modes of transport that rely heavily on fossil fuels that harm the environment is reduced, if not eliminated. Backyard farmers also tend to use fewer [harmful chemicals and pesticides](#) to grow their crops. Their farms add green space, which improves soil runoff and allows pollinators to thrive.

There is also an often overlooked [community benefit](#) to backyard farming . Providing locally grown nutritious foods can contribute to the improved character of the neighborhood. Backyard farming can build trusting social relationships with neighbors, along with shared learning experiences amongst the residents. The neighborhood is reclaimed by cleaning blighted spaces and creating new gathering spaces to improve the food environment, further encouraging a sense of community.

There is a growing trend of developing planned communities that incorporate the mixed-uses of agriculture and residential buildings. These are known as [Agrihoods](#). The idea behind Agrihoods is to provide fresh foods to the community and reduce food insecurity. Essentially, the development puts a focal point on creating a food production space as an amenity. The amenity would have a farm or a community garden as the mainstay. Agrihoods are not a strictly suburban phenomenon: a group in [Baltimore](#) recently announced plans to build an Agrihood in their urban neighborhood. Agrihoods are an attempt to bridge the gap between farmers and consumers, which would connect people back to the land and allow for the community members to know their farmers.

There is also the very real – if perhaps harder to quantify - benefit of having fresh and tasty food. Experts point to a number of health benefits that flow from backyard farming. Urban residents who work their own gardens [tend to eat more fresh fruits and vegetables](#) than they would otherwise. That freshly-picked produce is [likely healthier](#) than the store-bought kind—commercial products must be picked before it has a chance to ripen and fully develop nutrients. Backyard farming has the obvious benefit of allowing the farmer to save money by growing their own fruits, vegetables, and herbs. The store-bought fresh produce is also typically more [expensive](#), but growing that produce at home does not require the same kind of cash outlay, week after week.

### **Issues with Backyard Farming**

Despite the many benefits of the practice, backyard farming is not without its critics and its problems. Issues that may arise include zoning laws, nuisance claims, homeowners' association restrictions, and social issues.

Many city and local governments have come to understand the many benefits of urban or backyard farming. These governments go beyond merely tolerating the practice, but take steps to encourage it by [changing zoning ordinances](#) to permit expanded food production. Some local authorities provide a [clearinghouse](#) for information about local laws regarding backyard farming. In other cities, tax breaks are given to property owners who dedicate land to farming. In 2015, the District of Columbia Council passed the [Urban Farming and Food Security Amendment Act](#), a law that

provides property tax credits for owners of real property used for urban farming. The D.C. law also provides that the District may waive any possessory interest tax for city-owned property used for urban farming. In 2019, the Massachusetts Department of Agricultural Resources [awarded \\$315,000](#) to nine urban agriculture projects and organizations. In 2018, Missouri amended its statute relating to the special property taxation rules for agricultural and horticultural property to include urban and community gardens in its [definition](#).

Many times, backyard farmers fall victim to draconian zoning laws that restrict farming activities. Growing “trees, shrubs, plants, and flowers” is usually a permitted accessory use of a residential property. But the situation is different if the backyard farm is not just for the property owner’s own food. If any of the produce is sold, the backyard farm becomes a “business,” which may subject the business to licensure requirements and/or restrictions or prohibitions on running a business in an area zoned for residential use. Also, there may be laws or ordinances that put restrictions on the location of a garden. For example, a number of cities have ordinances that [prohibit growing food plants in the front yard](#). While proponents of these ordinances may claim that the purpose is to protect the health and safety in the neighborhood, the real purpose may be to protect the real estate value of the property by ensuring that the property meets the aesthetic standards of the area.

Backyard farming may offend Homeowner’s Associations (“HOA”) rules and regulations, which may result in increased fines and fees to bring the property back into compliance. A homeowners’ association’s (“HOA”) rules may put [very strict limitations](#) on how and where a garden is located. These rules put uniformity of appearance as their primary goal. For homeowners living in these communities, the backyard may be the only place for a vegetable garden, if they can have a garden at all.

Another issue with backyard farming is that the land in urban areas may be [contaminated](#). These contaminations could be from a number of contaminants, such as lead and arsenic. Some of these contaminants may have entered the soil through lack of knowledge or sheer laziness, such as the farmer that buried antifreeze or the lazy contractor that buried an outbuilding with lead paint. Visible signs of prior use, or visible indicators of contamination, may not exist. Possible solutions include hiring a professional to remove the contaminants, or growing food on raised beds instead of directly in the ground.

While a garden itself may be within the permitted uses of a residential property, there are often restrictions on other related uses. For example, [building a storage shed](#) for a garden may require a building permit. There are also usually limitations on where a shed or other outbuilding [may be located on the property](#). [Composting](#) is another common activity that backyard farmers often engage in. The environmental benefits of composting have led cities to [encourage](#), or even [require](#), composting.

While backyard farming has traditionally been thought of as raising vegetables and fruit, many backyard farmers have expanded and are raising livestock on a small scale. This is especially popular among urban dwellers who are committed locavores. [Raising chickens](#) for meat as well as eggs has become very popular, especially among dedicated locavores. It has become so popular that a chicken enclosure in the backyard has become a [selling point for houses](#). Other popular urban farm animals include [goats](#) and [bees](#). Keeping farm animals in city areas has long been illegal, or actively discouraged. Nevertheless, the practice has persisted and even increased, despite [prohibitions or strict limitations](#). In recent years, however, many city governments have responded



to the growing popularity of “backyard ranching” by allowing farm animals, subject to restrictions. For example, [Wichita](#) allows residents to keep up to three chickens, ducks, or geese without a permit, although it is unlawful for most residents to keep roosters “or other birds that by nature exhibit loud calls”. In [San Diego](#), a person may keep dehorned pygmy goats but must have two of them (for mutual companionship). Any milk or milk products from the goats are for the home goatherd’s consumption only, and may not be sold. [Los Angeles](#) has an ordinance that allows keeping bees – valued as [pollinators](#) as well as producers of honey – within city limits. [Chicago](#) does not bar the ownership of farm animals within the city but – despite its historic reputation as “[hog butcher to the world](#)” – prohibits the unlicensed possession of any animal for a person’s “own food purposes, or slaughter”. The Chicago prohibition does not apply to “edible byproducts, such as eggs or milk, produced by an animal.”

There has been some pushback against urban livestock. In 2019, an [ordinance was proposed in Chicago](#) that would have ended the city’s “hands off” policy towards farm animals. The proposed ordinance, intended largely to ban cockfighting, would have banned roosters in Chicago, limited hens to six-per-household, and would have given neighbors the right to veto a resident’s plans to keep farm animals or other “non-traditional pets.” The ordinance did not pass. Some critics have also raised concerns about the [treatment of animals](#) at the hands of largely amateur keepers. Chickens and other farm animals can also be [noisy and odorous](#) in ways not commonly associated with urban living. There are also [health concerns](#) about being in close proximity to farm animals.

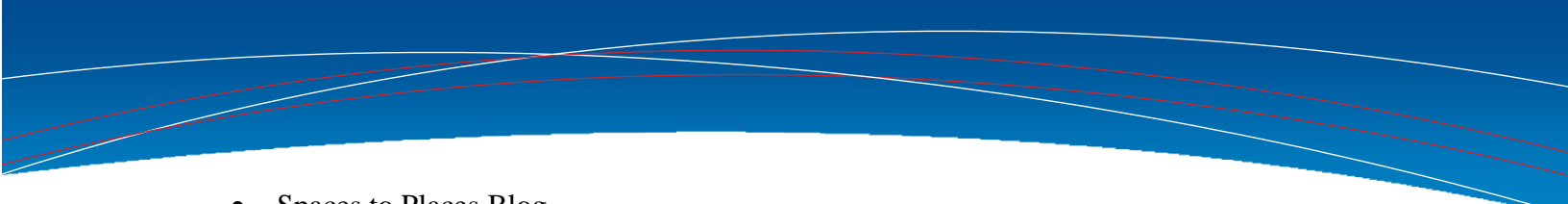
Reasonable zoning restrictions that limit urban farming are within a city’s authority to enact. Although all fifty states have “[right to farm](#)” laws, these laws provide little, if any protection to urban farmers. Right to farm laws were developed in response to the encroachment of suburbs on agricultural land. These laws protect farmer who practice standard farming methods and who have been in prior operations from nuisance lawsuits by new residents.

Backyard farming has also brought to the fore many social issues that have come along with the “[New Urbanism](#).” Urban farming is seen by some as an [investment opportunity](#), playing on residents’ interest in a healthy environment and better food. An infusion of investments in vacant or blighted urban property will, of course, [drive up property values](#) in a neighborhood, accelerating unaffordability. There are also concerns that many community members have been excluded from participation in farming, and that urban farming has changed from a type of “[civic ecology](#)” and stewardship of urban land to another impetus for [gentrification](#). There are also concerns that urban farming, and the interest in it, [excludes people of color](#), despite the heritage of urban agriculture being practiced by non-white people as an [act of resistance](#).

Issues of equitable neighborhoods have received more attention in recent years. It is to be hoped that the drive for equity informs policies towards urban farming. The environmental and nutritional benefits of urban farming, coupled with its underutilized potential for community building, should be a part of the agenda.

### **NAR Activities**

The National Association of Realtors (“NAR”) provides many opportunities and resources to better communities, and to promote backyard farming. Placemaking Grants to help make communities better by transforming blight into welcomed, accessible destinations that the community can enjoy and use. Placemaking resources include:

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- Spaces to Places Blog
  - Placemaking Webinars
  - Placemaking Guide for members
  - Smart Growth Grant
  - Better Block Guide for members

## **CONCLUSION**

Growing your own food has evolved from a pastime into an important trend in urban life. The benefits of urban farming make it clear that this is a trend that should be encouraged.

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#### **ADDITIONAL STATE & LOCAL RESOURCES**

**White Papers:** Comprehensive reports prepared for NAR on issues directly impacting the real estate industry. Examples include: Rental Restrictions, Land Banks, Sales Tax on Services, State & Local Taxation, Building Codes, Hydraulic Fracturing, Foreclosure Property Maintenance, Climate Change, Private Transfer Fees.

**Growth Management Fact Book:** Analysis of issues related to land use and modern growth management topics include density — rate of growth, public facilities and infrastructure, protection of natural resources, preservation of community character, and affordable housing.

All available on [REALTOR® Party webpage](#) under the *State & Local Issues* tab.