

TESTIMONY OF AMERICAN FARMLAND TRUST IN OPPOSITION TO HB 1691

Relative to Limitations and Qualifications for Land Placed in Current Use

Municipal and County Government Committee

February 10, 2026 – Granite Place, Room 154

Dear Chair and Members of the Municipal and County Government Committee,

American Farmland Trust (AFT) respectfully submits this testimony in **opposition** to HB 1691. AFT is the nation's leading conservation organization dedicated to protecting farmland, promoting sound farming practices, and keeping farmers on the land. Since our founding in 1980, AFT has helped to protect over 6.5 million acres of farmland nationwide. Our New England program, established in 1985, works across all six states to save the land that sustains us all.

HB 1691 would fundamentally undermine New Hampshire's Current Use program—one of the most important tools the state has for keeping farmland in agricultural production and protecting the working landscape that defines New Hampshire's economy, character, and food security.

Current Use Taxation is Essential to Farmland Protection

Improving agricultural taxation programs is a core priority for AFT across New England. Current use programs reduce the tax burden on working farms and forest lands, providing a critical economic incentive for landowners to keep their land in productive agricultural use rather than selling to developers.

The stakes for New England's farmland are enormous. According to AFT's *Farms Under Threat 2040* report, if current development and conversion rates continue, New England will lose 267,100 acres of farmland in the next two decades—the equivalent of 3,300 farms, \$291 million in farm output, and 13,100 jobs. In 2023, the average price of an acre of farmland in New England was \$10,113, making our region one of the most expensive places in the nation to farm. Current use programs are one of the few tools available to offset these pressures and keep land affordable for agricultural use.

HB 1691 Would Harm Farmers and Farmland

HB 1691 contains several provisions that would severely restrict and effectively dismantle the purpose of Current Use in New Hampshire:

Banning fertilizer and pesticide use: The bill would prohibit the use of fertilizer and pesticides on land enrolled in current use, with no exception even for certified organic inputs. This requirement is fundamentally incompatible with virtually all forms of agricultural production. Farmers cannot maintain productive operations—whether

conventional, organic, or diversified—without the ability to manage soil fertility and pest pressure. This provision alone would force most agricultural landowners out of the Current Use program.

Capping enrollment at one parcel of 40 acres: Limiting current use to a single parcel of no more than 40 acres per landowner ignores the reality of New Hampshire's farm operations. Many farms operate across multiple parcels, and limiting enrollment to just one small parcel would remove critical tax relief from landowners who steward significant amounts of agricultural land. Over 40 percent of the nation's farmland is expected to change hands by 2035, and policies like this would accelerate the conversion of farmland to non-agricultural uses during this critical transition period.

Restricting municipal authority: The bill arbitrarily restricts Current Use approval to 75 percent of rural zones, limiting the ability of municipalities to make decisions about land conservation in their own communities. This undermines local governance and the private property rights of landowners who wish to keep their land in agricultural or forest use.

Imposing retroactive tax liability: Retroactive penalties would create enormous financial uncertainty for landowners currently enrolled in the program, potentially forcing them to sell their land to cover unexpected tax obligations. This is especially damaging for farmers who are already operating on thin margins—almost 60 percent of New England's nearly 31,700 farms had less than \$10,000 in sales in 2022.

Disproportionate Impact on Vulnerable Producers

AFT emphasizes that beginning farmers and Black, Indigenous, and People of Color (BIPOC) farmers are most at risk from policies that increase barriers to land access and agricultural viability. These producers already face historical, structural, and financial barriers to farming. Weakening Current Use protections would make it even harder for aspiring and next-generation farmers to access and afford farmland in New Hampshire, further concentrating land ownership and accelerating the loss of the state's agricultural heritage.

AFT's Position

Rather than restricting Current Use, AFT urges the Legislature to strengthen and improve agricultural taxation programs. AFT advocates for reducing tax burdens for small farms and urban farms, implementing farm investment tax incentives, and continuing to improve current use agricultural taxation programs. These are the policies that will keep New Hampshire's farms viable and its farmland protected.

New Hampshire's agricultural economy supports thousands of jobs and contributes to the state's food security, tourism industry, and quality of life. The Current Use program is a cornerstone of that agricultural economy. HB 1691 would do serious and lasting damage to farming in New Hampshire.

For these reasons, American Farmland Trust strongly urges the Committee to recommend HB 1691 as Inexpedient to Legislate.

Respectfully submitted,

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