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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 154 Session of  
2017

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INTRODUCED BY KINSEY, YOUNGBLOOD, DRISCOLL, MURT, McNEILL,  
SCHLOSSBERG, CALTAGIRONE, READSHAW, O'NEILL, D. COSTA,  
V. BROWN AND BRIGGS, MARCH 16, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 16, 2017

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A RESOLUTION

1 Directing the Joint State Government Commission to conduct a  
2 study and report on restrictive covenants involving large  
3 grocery stores or supermarkets in this Commonwealth.

4 WHEREAS, According to the United States Department of  
5 Agriculture, approximately 30 million Americans do not have  
6 access to affordable and healthy food; and

7 WHEREAS, Healthy food retail can significantly boost the  
8 economy of a community by providing jobs for local residents,  
9 increasing housing values and encouraging further economic  
10 development; and

11 WHEREAS, Residents in certain urban and rural communities,  
12 referred to as food deserts, suffer from obesity, diabetes and  
13 other diet-related diseases at disproportionately higher rates;  
14 and

15 WHEREAS, Restrictive covenants and other usage restrictions  
16 involving large grocery stores or supermarkets that prohibit  
17 competitor businesses from occupying a property after the  
18 property is sold or transferred negatively impact communities by

1 potentially stripping communities of their only quality food  
2 source and leaving their residents with fewer and less desirable  
3 locations at which to purchase food, such as higher-priced  
4 convenience stores and fast-food chains; and

5 WHEREAS, It is the responsibility of the Commonwealth to  
6 ensure public health, safety and the general welfare of its  
7 residents by promoting access to affordable healthy food retail;  
8 and

9 WHEREAS, There is a need for a comprehensive review to  
10 determine best practices for reducing regulatory barriers to  
11 investments involving large grocery stores or supermarkets to  
12 promote healthy food access in communities across this  
13 Commonwealth; therefore be it

14 RESOLVED, That the House of Representatives direct the Joint  
15 State Government Commission to conduct a study and report on  
16 restrictive covenants involving large grocery stores or  
17 supermarkets in this Commonwealth; and be it further

18 RESOLVED, That the Joint State Government Commission:

19 (1) review laws, regulations, practices, procedures and  
20 applicable municipal ordinances regarding restrictive  
21 covenants and other usage restrictions or barriers to  
22 investments involving large grocery stores or supermarkets;

23 (2) identify the nature and number of restrictive  
24 covenants that prohibit or limit grocery store or supermarket  
25 competitors from occupying a property after the property is  
26 sold or transferred, with attention given to at least one of  
27 the major metropolitan areas in this Commonwealth;

28 (3) examine quality food access in lower-income rural  
29 communities in this Commonwealth; and

30 (4) identify instances where a food retailer would

1       develop a property if a restrictive covenant prohibiting the  
2       property's use as a grocery store or supermarket were not in  
3       place;

4       and be it further

5       RESOLVED, That, in conducting this study, the Joint State  
6       Government Commission consult with representatives from the  
7       public and private sectors within this Commonwealth, including,  
8       but not limited to, the following:

9               (1)   representatives of business entities and nonprofit  
10       entities;

11              (2)   public officials from urban and rural areas across  
12       this Commonwealth;

13              (3)   representatives of State and local governments; and

14              (4)   other relevant agencies or organizations;

15       and be it further

16       RESOLVED, That the Joint State Government Commission accept  
17       and review oral or written comments, documents and other  
18       information from persons seeking to provide input regarding this  
19       study; and be it further

20       RESOLVED, That the Joint State Government Commission report  
21       its findings, along with any statutory or regulatory  
22       recommendations, to the House of Representatives within one year  
23       of the adoption of this resolution.