

AGRICULTURAL AREA SECURITY LAW - PURCHASE OF AGRICULTURAL
CONSERVATION EASEMENTS

Act of Jul. 1, 2019, P.L. 245, No. 33

Cl. 03

Session of 2019

No. 2019-33

HB 370

AN ACT

Amending the act of June 30, 1981 (P.L.128, No.43), entitled
"An act authorizing the creation of agricultural areas,"
further providing for purchase of agricultural conservation
easements.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Section 14.1(c)(6)(iv) and (i)(1)(ii) of the act
of June 30, 1981 (P.L.128, No.43), known as the Agricultural
Area Security Law, are amended to read:

Section 14.1. Purchase of agricultural conservation easements.

* * *

(c) Restrictions and limitations.--An agricultural
conservation easement shall be subject to the following terms,
conditions, restrictions and limitations:

* * *

(6) An agricultural conservation easement shall not
prevent:

* * *

(iv) Construction and use of structures on the
subject land [for the landowner's principal residence
or for the purpose of providing necessary housing for
seasonal or full-time employees] **for the purpose of a
residence for the landowner, an immediate family member
or an employee:** Provided, That only one such structure
may be constructed on no more than two acres of the
subject land during the term of the agricultural
conservation easement[.]: **and Provided further, That the
owner of the land subject to the agricultural
conservation easement may relinquish and extinguish the
right of construction and use of structures conferred
by this clause by recording, in the office for the
recording of deeds in the county in which the land
subject to the agricultural conservation easement is
located, an affidavit evidencing the intent to
relinquish and extinguish which includes a reference
to the original deed of easement.**

* * *

(i) Subdivision of land after easement purchase.--

(1) Each county program shall specify the conditions
under which the subdivision of land subject to an
agricultural conservation easement may be permitted. In no
case, however, shall a county program permit a subdivision
which will:

* * *

(ii) convert land which has been devoted primarily
to agricultural use to another primary use, except that
a county program [may] **shall** permit one subdivision for
the purpose of [the construction of a principal] **a**
residence for the landowner [or], an immediate family

member[.] or an employee, unless the right to the residence has been relinquished and extinguished in accordance with subsection (c) (6) (iv).

* * *

Section 2. The amendment of section 14.1(c) (6) (iv) and (i) (1) (ii) of the act shall apply retroactively to December 14, 1988.

Section 3. This act shall take effect in 60 days.

APPROVED--The 1st day of July, A.D. 2019.

TOM WOLF