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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 370 Session of  
2019

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INTRODUCED BY KLUNK, MOUL, RYAN, JAMES, ZIMMERMAN, MURT,  
MILLARD, LAWRENCE, BERNSTINE, PASHINSKI, KEEFER, SAYLOR,  
WHEELAND, CAUSER AND WARNER, FEBRUARY 4, 2019

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 5, 2019

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AN ACT

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

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

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

10 Section 14.1. Purchase of agricultural conservation easements.

11 \* \* \*

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

15 \* \* \*

16 (6) An agricultural conservation easement shall not  
17 prevent:

1                   \* \* \*

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

20                   \* \* \*

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

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

27                   \* \* \*

28                   (ii) convert land which has been devoted primarily  
29 to agricultural use to another primary use, except that a  
30 county program [may] shall permit one subdivision for the

1           purpose of [the construction of a principal] a residence  
2           for the landowner [or], an immediate family member[.] or  
3           an employee, unless the right to the residence has been  
4           relinquished and extinguished in accordance with  
5           subsection (c) (6) (iv).

6           \* \* \*

7           Section 2. The amendment of section 14.1(c) (6) (iv) and (i)  
8           (1) (ii) of the act shall apply retroactively to December 14,  
9           1988.

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