
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 920 Session of
2023

INTRODUCED BY RABB, SANCHEZ, HILL-EVANS, MADDEN, WARREN, GILLEN,
D. WILLIAMS, KINSEY AND KRAJEWSKI, APRIL 17, 2023

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 17, 2023

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for the establishment of Urban
3 Agricultural Incentive Zones.

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

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding a chapter to read:

8 CHAPTER 108

9 URBAN AGRICULTURAL INCENTIVE ZONES

10 Sec.

11 10801. Short title and declaration of purpose.

12 10802. Definitions.

13 10803. Urban agricultural independent contract.

14 10804. Application for urban agricultural zone.

15 10805. Urban Agricultural Zone Committee.

16 10806. Utilities and taxes.

17 10807. Limitations.

18 § 10801. Short title and declaration of purpose.

1 This chapter shall be known and may be cited as the Urban
2 Agricultural Incentive Zones Act. The General Assembly finds and
3 declares that it is in the public interest to promote
4 sustainable urban farm enterprise sectors in urban centers. The
5 General Assembly further finds and declares that the small-
6 scale, active production of marketable crops and animal
7 husbandry, including, but not limited to, foods, flowers and
8 seedlings, in urban centers is consistent with and furthers the
9 purposes of this chapter.

10 § 10802. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Agricultural product." An agricultural, horticultural,
15 viticultural, aquacultural or vegetable product, either in its
16 natural or processed state, that has been produced, processed or
17 otherwise had value added to it in this Commonwealth. The term
18 includes bees, honey, fish or other aquacultural products,
19 planting seeds, livestock or livestock products, forestry
20 products, poultry or poultry products and the growing of grapes
21 that will be processed into wine.

22 "Agricultural use." Uses of land that produce crops, such as
23 fruits and vegetables or animal by-products.

24 "Committee." The Urban Agricultural Zone Committee
25 established under section 10805 (relating to Urban Agricultural
26 Zone Committee).

27 "Department." The Department of Agriculture of the
28 Commonwealth.

29 "Qualified farmer." An individual or entity that meets at
30 least one of the following:

1 (1) is a small family farm whose annual gross cash farm
2 income is less than \$350,000;

3 (2) is a midsize family farm whose annual gross cash
4 farm income is greater than or equal to \$350,000 but less
5 than \$1,000,000;

6 (3) is a beginning farmer who has not operated a farm or
7 ranch or who has operated a farm or ranch for 10 years or
8 less;

9 (4) is a limited resource farmer with direct or indirect
10 gross farm sales not more than the current indexed value in
11 each of the previous two years and who has a total household
12 income at or below the national poverty level for a family of
13 four or less than 50% of the country median household income
14 in each of the previous two years; or

15 (5) is a socially disadvantaged farmer that has been
16 subjected to racial or ethnic prejudice due to the
17 individual's identity as a member of the following groups,
18 without regard to individual qualities:

19 (i) American Indians.

20 (ii) Alaskan Natives.

21 (iii) Asians.

22 (iv) African Americans.

23 (v) Native Hawaiians or other Pacific Islanders.

24 (vi) Hispanics.

25 "Urban agricultural zone." An area of land defined by a
26 municipality and entirely within that municipality's boundaries
27 within which one or more qualifying farmers are processing,
28 growing, raising or otherwise producing locally grown
29 agricultural products.

30 § 10803. Urban agricultural independent contract.

1 (a) Contract.--A city or county, or a city and county,
2 landowner may enter into a contract to restrict the use of
3 vacant, unimproved or otherwise blighted lands for small-scale
4 production of agricultural crops and animal husbandry for a term
5 of no less than five years on property that is at least 0.01
6 acres in size.

7 (b) Assessment.--If a contract is entered into under
8 subsection (a), the county assessor shall value the property
9 that is restricted by a contract under subsection (a) at the
10 rate based on the average per-acre value of irrigated cropland
11 in this Commonwealth, adjusted proportionally to reflect the
12 acreage of the property under contract, as most recently
13 published by the National Agricultural Statistics Service of the
14 United States Department of Agriculture. The Pennsylvania Tax
15 Equalization Division shall post the per-acre land value as
16 published by the National Agricultural Statistics Service of the
17 United States Department of Agriculture on its publicly
18 accessible Internet website within 30 days of publication and
19 provide the rate to county assessors no later than January 1 of
20 each assessment year.

21 (c) Ordinance.--A county or city may, after public hearing,
22 establish an ordinance for an urban agricultural zone within its
23 boundaries for the purpose of entering into enforceable
24 contracts with landowners for the use of vacant, unimproved or
25 blighted lands for small-scale agricultural use.

26 (d) Contract requirements.--Following the adoption of the
27 ordinance under subsection (c), a city or county, or a city and
28 county, may enter into a contract with a landowner to restrict
29 the use of the land subject to the contract to uses consistent
30 with urban agriculture. Any contract entered into under this

1 chapter shall include:

2 (1) An initial term of not less than five years.

3 (2) A restriction on property that is at least 0.01
4 acres and not more than three acres.

5 (3) A requirement that the entire property subject to
6 the contract shall be dedicated toward commercial or
7 noncommercial agricultural use.

8 (4) A prohibition against any dwellings on the property
9 while under contract.

10 (5) A notification that, if a landowner cancels a
11 contract, a city or county, or a city and county, shall be
12 required to assess a cancellation fee under this chapter.

13 (6) A provision stating no provision of the contract may
14 prohibit the use of structures that support agricultural
15 activity, including a toolshed, greenhouse, produce stand or
16 instructional space.

17 (7) A provision stating that the use of pesticides or
18 fertilizers on properties under contract shall be permitted
19 to the extent that those pesticides or fertilizers are
20 allowed by the United States Department of Agriculture's
21 National Organic Program.

22 (8) A limitation stating that a city or county, or a
23 city and county, shall not enter into a new contract or renew
24 an existing contract under this chapter after January 1,
25 2024. Any contract entered into under this chapter on or
26 before January 1, 2024, shall be valid and enforceable for
27 the duration of the contract.

28 (e) Specific limitation.--A city or county, or a city and
29 county, shall not establish an urban agricultural zone within
30 any portion of the spheres of influence of a city or county

1 unless the legislative body of the city has consented to the
2 establishment of the urban agricultural zone through an
3 ordinance.

4 § 10804. Application for urban agricultural zone.

5 (a) Application.--A qualified farmer or partner organization
6 may submit to the municipal clerk an application to establish an
7 urban agricultural zone. The application shall demonstrate or
8 identify:

9 (1) that the applicant is a qualified farmer;

10 (2) the number of jobs to be created, maintained or
11 supported within the proposed urban agricultural zone;

12 (3) the types of products to be produced; and

13 (4) the geographic description of the area that will be
14 included in the urban agricultural zone.

15 (b) Committee review.--The committee shall review and modify
16 the application as necessary before the municipality either
17 approves or denies the request to establish an urban
18 agricultural zone.

19 (c) Review of approval.--Approval of the urban agricultural
20 zone by a municipality shall be reviewed every five years after
21 the development of the urban agricultural zone. After 25 years,
22 the urban agricultural zone shall dissolve. If the municipality
23 finds during its review under this section that the urban
24 agricultural zone is not meeting the requirements set out under
25 this chapter, the municipality may dissolve the urban
26 agricultural zone by ordinance or resolution prior to the
27 expiration of the 25-year dissolution period.

28 § 10805. Urban Agricultural Zone Committee.

29 (a) Committee establishment.--A municipality that seeks to
30 establish an urban agricultural zone shall first establish an

1 Urban Agricultural Zone Committee consisting of six members
2 after it receives an application under section 10804 (relating
3 to application for urban agricultural zone). The following shall
4 apply:

5 (1) Two members of the committee shall be members of the
6 governing body of the municipality and shall be appointed by
7 the board.

8 (2) The remaining four members shall be appointed by the
9 mayor of the municipality and shall be residents of the
10 municipality in which the urban agricultural zone is to be
11 located. At least one of the members under this paragraph
12 shall have experience in or represent an organization
13 associated with sustainable agriculture, urban farming,
14 community gardening or any of the activities or products
15 authorized under this chapter.

16 (3) The members of the committee shall annually elect a
17 chair from among the members.

18 (4) Members of the committee shall serve without
19 compensation but may be reimbursed for actual and necessary
20 expenses incurred in the performance of their official
21 duties.

22 (b) Quorum and vote.--A majority of the members shall
23 constitute a quorum of the committee for the purpose of
24 conducting business and exercising the powers of the committee
25 and for all other purposes. Action may be taken by the committee
26 upon a vote of a majority of the members present.

27 (c) Duties.--The committee shall conduct the activities
28 necessary to advise the corporate authorities of the
29 municipality of the designation, modification and termination of
30 an urban agricultural zone and any other advisory duties as

1 determined by the corporate authorities of the municipality. The
2 role of the committee after the designation of an urban
3 agricultural zone shall be review and assessment of an urban
4 agricultural zone's activities.

5 (d) Report.--The committee shall submit an annual report
6 of established urban agricultural zones and their findings
7 regarding zone impacts on food production and sustainability to
8 the department.

9 § 10806. Utilities and taxes.

10 (a) Rate modification.--Notwithstanding any provision of law
11 to the contrary, a municipality may authorize an entity
12 providing water, electricity or other utilities to an urban
13 agricultural zone to allow qualified farmers and partner
14 organizations in the urban agricultural zone to:

15 (1) pay wholesale or otherwise reduced rates for service
16 to property within the urban agricultural zone that is used
17 for processing, growing, raising or otherwise producing
18 agricultural products; or

19 (2) pay reduced or waived connection charges for service
20 to property within the urban agricultural zone that is used
21 for processing, growing, raising or otherwise producing
22 agricultural products.

23 (b) Abatement permitted.--If authorized by the ordinance
24 under this chapter that establishes an urban agricultural zone,
25 or through independent contract, a municipality may provide for
26 the abatement of taxes it levies upon real property located
27 within an urban agricultural zone that is used by a qualifying
28 farmer for processing, growing, raising or otherwise producing
29 agricultural products.

30 § 10807. Limitations.

1 (a) Unreasonable restrictions prohibited.--Notwithstanding
2 any provision of law to the contrary, a municipality may not
3 exercise any of its powers to enact ordinances within an urban
4 agricultural zone in a manner that would unreasonably restrict
5 or regulate farming practices in contravention of the purposes
6 of this chapter unless the restrictions or regulations bear a
7 direct relationship to public health or safety.

8 (b) Additional assessments or levies prohibited.--A unit of
9 local government providing public services, such as sewer,
10 water, lights or nonfarm drainage, may not impose benefit
11 assessments or special ad valorem levies on land within an urban
12 agricultural zone on the basis of frontage, acreage or value
13 unless the benefit assessments or special ad valorem levies were
14 imposed prior to the formation of the urban agricultural zone or
15 unless the service is provided to the landowner on the same
16 basis as others having the service.

17 (c) General prohibition.--An urban agricultural zone may not
18 be established where its establishment would result in excessive
19 land coverage and overcrowding of structures and community
20 facilities, deleterious land use or layout or uses considered to
21 be noxious, offensive or unsuitable for the surrounding area.

22 Section 2. This act shall take effect in 60 days.