

No. 2019-33

AN ACT

HB 370

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).

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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