

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Food Production and Urban Gardens Program Act of 1986 to clarify that, under the Urban Farming Land Lease Program, the District may enter into a lease agreement with a qualified applicant to create and maintain an urban farm on vacant land, to require the Department of Energy and Environment to test the soil at certain vacant sites offered for lease under the Urban Farming Land Lease Program, and to revise the minimum requirements for lease agreements under the Urban Farming Land Lease Program; to amend the District Department of the Environment Establishment Act of 2005 to revise the mission of the Office of Urban Agriculture; and to amend Title 47 of the District of Columbia Official Code to clarify the soil testing requirements for the urban farm tax abatement program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Urban Farming Land Lease Amendment Act of 2020”.

Sec. 2. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-401) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Substantially free of contamination” means that the levels of arsenic, lead, and heavy metals in the soil fall within the acceptable parts per million range identified in regulations promulgated by the Mayor.”.

(b) Section 3a (D.C. Official Code § 48-402.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Department to” and inserting the phrase “District to” in its place.

(2) Subsection (b) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “the Office” and inserting the phrase “the Department of General Services and the Office” in its place.

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(C) A new paragraph (2) is added to read as follows:

“(2) Before entering into a lease agreement under this section in which the lessee plans to grow produce in the site soil of the leased property, the Department shall test the site soil to determine whether the soil is substantially free of contamination.”.

(3) Subsection (d) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

“(2) Prohibit the sale or consumption of produce grown in the site soil of the leased property if the Department determines that the site soil is not substantially free of contamination;”.

(B) Paragraph (3) is amended to read as follows:

“(3) Permit the sale on or off the leased property of produce grown in the site soil of the leased property if the Department determines that the site soil is substantially free of contamination; and”.

(C) A new paragraph (4) is added to read as follows:

“(4) Permit the sale of produce on or off the leased property of produce grown at the property when the lessee:

“(A) Does not plant in or use the site soil, but instead uses, for example, raised beds, greenhouses, or hydroponic towers; and

“(B) Ensures that produce does not come into contact with the site soil.”.

Sec. 3. Section 109a of the District Department of the Environment Establishment Act of 2005, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 8-151.09a), is amended as follows:

(a) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) Urban farms, including outdoor farms, rooftop farms, indoor farms, and greenhouses;”.

(2) Paragraph (2) is repealed.

(b) Subsection (c) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “agriculture programs; and” and inserting the phrase “agriculture;” in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (5) is added to read as follows:

“(5) Issuing grants to urban farmers in the District for infrastructure and operating support.”.

Sec. 4. Section 47-868 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Subsection (f)(3)(A) is amended to read as follows:

“(A)(i) If the urban farm grows produce in the site soil of the real property, the soil on the real property has been tested and found to be substantially free of contamination and safe for use in the growth of produce fit for human consumption; or

“(ii) If the urban farm does not grow produce in the site soil of the property but instead uses, for example, raised beds, greenhouses, or hydroponic towers, the property owner ensures that produce does not come into contact with the site soil; and”.

(b) Subsection (g) is amended to by striking the phrase “the terms “urban farm” and “produce”” and inserting the phrase “the terms “urban farm”, “substantially free of contamination”, and “produce”” in its place.

Sec. 5. Applicability.

(a) Section 3(b) shall apply upon the date of inclusion of its fiscal impact in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia