Adams County’s proposal to permit Seasonal Farm Labor Housing

Pennsylvania’s “Agricultural Area Security Law”, known as Act 43, 3 P.S. §§901. et seq., and the Regulations promulgated thereunder by the Pennsylvania Department of Agriculture [See: Subchapter I, §138e.241] require that an Agricultural Conservation Easement shall not prevent customary part-time or off-season minor or rural enterprises which are provided for in the County Agricultural Conservation Easement Program approved by the State Board See: 3 P.S. §914.1(c) (6)]

In addition, the Deed of Easement supports Normal Farming Operations as defined as customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock and livestock products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquaculture crops and commodities. The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural waste, and food processing waste on land where the materials will improve the condition of the soil, or the growth of crops, or will aid in the restoration of the land for the same purposes.

The Adams County Agricultural Land Preservation Board acknowledges the need for seasonal farm labor for various types of agricultural operations, such as harvesting of apples, peaches, grapes, vegetables, hops, and other labor intensive products which are imperative to the success of the County’s Number One industry, agriculture.

Temporary seasonal labor camp housing is incidental to the overall agricultural and open space character of the farm; however, it is imperative to the success of these operations. The difficulties farm operators are facing with seasonal farm labor shortages has been devastating to the industry over the past few years. The majority of farm operators are now turning to the Federal H2A Program to guarantee requisite labor during harvest season to avoid future catastrophic losses. Unfortunately, with this program comes many more restrictions and requirements. Inasmuch as these programs provide the necessary laborers, the provisions that must be met to house these individuals has become more cumbersome.

Farms with Agricultural Conservation Easements in place are restricted to one additional house per preserved farm. The success of our Fruitbelt in particular is at risk if these farms are not equipped to meet the standards and restrictions of the H2A program. One of the largest obstacles is farm labor housing. In order to assist our preserved landowners, we are proposing to add provisions permitting construction of Seasonal Farm Labor Camp Housing Unit(s).

The Adams County Agricultural Land Preservation Board is recommending changes to their Program Guidelines to address this issue. The Board is proposing that Seasonal Farm Labor Camp Housing may be permitted under very specific circumstances as listed below:
1. Shall be proven to be essential to the overall farm operation and shall be situate such that the use remains incidental to the agricultural use and character of the farm.

2. Such use enhances the applicant’s Normal Farming Operations.

3. Any approved Seasonal Farm Labor Camp Housing Unit(s) shall not occupy more than ¼ acre of the restricted land and the total of all Unit(s), including land utilized for well and septic services, shall not exceed two percent of the total acres of the restricted land and such Unit(s) shall prioritize the use of the farm’s least productive soils and have minimal impact on viable agricultural land.

4. If more than two Unit(s) are requested, a business plan or supporting documentation must be provided to demonstrate the need.

5. Non-restricted lands owned by the applicant must be disqualified from consideration before applicant’s request may be considered by the Board.

6. The Unit(s) shall not be utilized for year round occupancy, or as a permanent residence, and shall not be utilized by persons not employed by the farm operation, and under no circumstances can be subdivided from the parent tract.

Following approval, the “Application for Approval of Seasonal Farm Labor Camp Housing Form” along with a map depicting the exact locations and number of approved units will be recorded by the Adams County Register and Recorder of Deeds.

The landowner shall provide to the Board a copy of all current “Seasonal Farm Labor Camp Permit(s)” as issued by the Commonwealth of Pennsylvania, Bureau of Food Safety and Laboratory Services, prior to March 1 of each year.

Existence of such Unit(s) shall be noted as part of the annual inspection process.

If one or more approved Unit(s) are deemed by the Board as no longer essential to overall farm operations, the use may be terminated based in part upon the input of the landowner, but at the sole discretion of the Board. A “Termination of Seasonal Farm Labor Camp Housing Unit(s) Form” shall be recorded in the Recorder of Deeds office. Annual inspections shall document that these Unit(s) are no longer being utilized.

May 7, 2019
DEFINITIONS to be added to the Program Guidelines:

Seasonal Farm Labor Camp Housing Unit(s): living quarters, single or multi-family dwellings, rooming houses, dormitories and mobile homes maintained directly or indirectly in connection with any work of or place where work is being performed by seasonal farm workers, whether or not rent is paid or reserved for use or occupancy as long as such work is necessary as a common practice in the County and Region to conduct Normal Farming Practices.

Seasonal Farm Worker: An individual who is required to be absent from a permanent place of residence for the purpose of seeking employment in agricultural work, and who resides in living quarters owned, leased, or operated by an employer or a farm labor contractor and occupied by four or more unrelated individuals or works with agricultural commodities or farm products, as defined by law, on a seasonal or other temporary basis or who performs agricultural labor on a seasonal or other temporary basis.
Existing examples of Farm Labor Camp Housing – Adams County, PA