

1. **What is an Agricultural Security Area (ASA)?**

Act 43 of 1981 allows any owner of land used for agricultural production to submit a petition to their municipality for creation of an Agricultural Security Area (ASA). ASAs require at least 250 acres of viable agricultural land and are created by the municipality. The initial seven year term of an ASA is followed by a re-certification process.

2. **Will I be penalized if I change land uses while in an ASA?**

Participation in an ASA is purely voluntary. There are no penalty provisions for an individual who changes land use while in an ASA.

3. **Is the creation of an ASA the same as zoning?**

No, an ASA designation is not zoning.

4. **Can an ASA be in more than one municipality?**

Yes, but approval must be given by each municipality. If one of the municipalities involved rejects the petition, the acreage in that municipality must be subtracted from the total acreage. If this lowers the acreage below the prescribed 250 acres, then the petition must be withdrawn.

Land that is transected by the dividing line between two municipalities will automatically become part of the ASA if the majority of the viable agricultural land of the parcel is located within the proposed Agricultural Security Area, and if the municipality in which the minority of the viable agricultural land of the parcel is located has not approved an Agricultural Security Area.

5. **Can I participate in an ASA even if my land does not connect with the proposed Area's boundaries?**

Non-connecting parcels are permitted in an ASA. Non-connecting Areas may be made up of one or more parcels and must be at least 10 acres in size, or the parcel must be able to generate an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock, and/or livestock products.

6. **Must I have my land be surveyed if I join an ASA?**

The Agricultural Area Security Law does not require the surveying of any parcels except for when an individual only enrolls a portion of a tract, rather than the entire tract, into an ASA.

7. **Can forestland be in an ASA?**

Yes, forestland is included under the definition of "crops, livestock and livestock products" in the Agricultural Area Security Law.

**8. What are the benefits of being in an ASA?**

- i. Under the Agricultural Area Security Law, local officials are encouraged to support agriculture by not passing nuisance laws that would restrict normal farming operations.
- ii. While benefiting from participation in an ASA, a farm operator shall nonetheless engage only in normal acceptable farming practices. It is important to note that being in an ASA does not take away a municipality's right to control nuisances when they bear directly on public health and safety.
- iii. The ASA also protects farm operators by discouraging condemnation of agricultural land through eminent domain. Participants receive the advantage of having additional reviews of the proposed condemnation.
- iv. Finally, landowners in an ASA are eligible to voluntarily apply to sell an agricultural conservation easement to the Commonwealth, county, and/or township.

**9. Are there any restrictions on land use within an ASA?**

There are no restrictions placed on land use as a result of being in an ASA. A landowner retains the right to subdivide, sell, or change the use of his or her land regardless of participation in an ASA. However, landowners are not exempt from certain zoning ordinances, deed restrictions, or current state environmental laws.

**10. Is the ASA designation permanent?**

The ASA designation should be reviewed every seven years after its establishment, or the ASA continues as it exists. Also, the Area may be reviewed at any time if 10% of the land is converted to non-agricultural uses.

Landowners who want their land removed from an ASA must notify the municipality of their intention to leave the ASA.

**11. Does the municipality have to conduct a seven year review for each addition to an ASA?**

No. Seven year reviews should be conducted every seven years on the anniversary of the creation of an ASA. Land added to an ASA during any seven year period should be reviewed at the same time as all other land in the ASA. The purpose of a seven year review is to update the ASA's records and any modifications to the ASA or deletions from the ASA should be made at this time.

**12. Is it required that townships perform a seven year review? What is the penalty for not conducting a review?**

If a township does not conduct a seven year review, the ASA is considered to be readopted, without modification, for another seven years. The Agricultural Area Security Law does not provide for a specific "penalty" if a township does not take action to conduct a seven year review. However, it is in the best interest of landowners, municipality, county land preservation boards, and the Pennsylvania Department of

Agriculture that a review be conducted.

13. **If the township has an existing ASA, should new properties wishing to become part of an ASA be included in the existing ASA or should the township create a new ASA?**

If a township has an existing ASA, any future proposals should be considered additions to the original ASA.

14. **Can a landowner put fewer than 10 acres in an ASA (for example, a 2.5 acre vegetable garden that produces \$2,000 of agricultural production)?**

Yes, if the agricultural production is for commercial purposes, and the anticipated value of the production is at least \$2,000.

15. **Is it required that all farms in an ASA be in current operation?**

No. As long as the farms consist of viable land, are at least 10 acres in size (or meet the \$2,000 anticipated production value criterion), and have not been diverted to residential or nonagricultural commercial use, the farms do not need to be currently operating to remain in the ASA.

16. **Should individual parcels be listed if they are part of one tract under one landowner's name?**

Yes. The tax parcel number or account number of each parcel and the number of acres (including partial acres, to the nearest thousandth) contained in each parcel must be listed with the owner's name(s) for each parcel of land to be included in an ASA.

17. **What is "viable agriculture"? How is it determined if \$2,000 worth of production is possible?**

Viable agricultural land is defined as *"land suitable for agricultural- production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development."*

It is the responsibility of the municipality, and therefore the Agricultural Security Area Advisory Committee, to determine if a parcel's anticipated yearly gross income is at least \$2,000 worth of agricultural production only if the parcel is less than 10 acres in size. Parcels over 10 acres in size are not required to verify the \$2,000 of anticipated yearly gross income from agricultural production.

18. **Can farms in an ASA be subdivided?**

Yes. Farms in an ASA can be subdivided and remain in the ASA if each subdivision meets the requirements for participation and the tax parcel ownership changes are properly recorded and documented.

19. **Does a subdivision have to be recorded as an amendment?**

The law does not specifically address this question. However, proper recording should

be done and reflected in a seven year or interim review. This will protect subdivision owners from zoning restrictions, condemnation proceedings, etc., and will protect their eligibility to enter the agricultural easement program.

**20. If a proper proposal is made to the municipality, and after the 180 days the local governing body refuses to act, who records the ASA at the recorder of deeds office? What are the legal steps that follow?**

- i. The law states "failure by the governing body to act within the 180 day period shall be deemed adoption of the proposal without modification." The ASA becomes effective upon expiration of the 180 day period if the proposal is not acted upon beforehand.
- ii. The law also states that it is the responsibility of the local governing body to file a description of the ASA with the recorder of deeds office within 10 days of creation.
- iii. The steps that follow the recording include filing a description of the ASA with the local and county planning commissions (the description should also be sent to the county agricultural land preservation board, if one exists in the county), and sending notification to the Pennsylvania Secretary of Agriculture after the creation, modification, or termination of the ASA.

**21. If my property is enrolled in the Agricultural Security Area is it considered "preserved" through the state's Farmland Preservation Program?**

No. However, Agricultural Security Area designation is a prerequisite for applying to the Farmland Preservation Program. The Farmland Preservation Program allows the Commonwealth and counties to purchase permanent agricultural conservation easements on working farms. Pennsylvania leads the nation in this effort!

**22. If my property is enrolled in the Agricultural Security Area is it automatically eligible to receive preferential assessment on property taxes?**

No. Landowners must apply to the Clean and Green Program in order to receive an assessment based on use value rather than fair market value.