

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 111

Senator Hicks-Hudson

**Cosponsors: Senators Ingram, Sykes, DeMora, Smith, Craig, Antonio, Schaffer,
Rulli**

A BILL

To amend sections 3781.06, 3781.061, and 5713.30 of 1
the Revised Code relating to temporary 2
greenhouses and building codes, to establish the 3
Urban Farmer Youth Initiative Pilot Program, to 4
codify certain property tax requirements for 5
agricultural land, and to make an appropriation. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3781.06, 3781.061, and 5713.30 of 7
the Revised Code be amended to read as follows: 8

Sec. 3781.06. (A) (1) Any building that may be used as a 9
place of resort, assembly, education, entertainment, lodging, 10
dwelling, trade, manufacture, repair, storage, traffic, or 11
occupancy by the public, any residential building, and all other 12
buildings or parts and appurtenances of those buildings erected 13
within this state, shall be so constructed, erected, equipped, 14
and maintained that they shall be safe and sanitary for their 15
intended use and occupancy. 16

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 17

3791.04 of the Revised Code shall be construed to limit the 18
power of the division of industrial compliance of the department 19
of commerce to adopt rules of uniform application governing 20
manufactured home parks pursuant to section 4781.26 of the 21
Revised Code. 22

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of 23
the Revised Code do not apply to any of the following: 24

(1) Either of the following: 25

(a) Buildings or structures that are incident to the use 26
for agricultural purposes of the land on which the buildings or 27
structures are located, provided those buildings or structures 28
are not used in the business of retail trade. For purposes of 29
this division, a building or structure is not considered used in 30
the business of retail trade if fifty per cent or more of the 31
gross income received from sales of products in the building or 32
structure by the owner or operator is from sales of products 33
produced or raised in a normal crop year on farms owned or 34
operated by the seller; 35

(b) Temporary greenhouses. 36

(2) Existing single-family, two-family, and three-family 37
detached dwelling houses for which applications have been 38
submitted to the director of job and family services pursuant to 39
section 5104.03 of the Revised Code for the purposes of 40
operating type A family day-care homes as defined in section 41
5104.01 of the Revised Code; 42

(3) A mobile computing unit. As used in this division, 43
"mobile computing unit" means an assembly that meets all of the 44
following criteria: 45

(a) Its purpose is to house and operate computers as 46

defined in section 2913.01 of the Revised Code.	47
(b) Its exterior is integral to the protection or cooling, or both, of the computers housed within it.	48 49
(c) It is not attached to a permanent foundation.	50
(d) It is not accessible to the public.	51
(e) It is not designed for regular occupancy, but rather limited access for service and maintenance.	52 53
(f) It can be moved or transported as a single integrated unit.	54 55
(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:	56 57
(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.	58 59 60 61 62
(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.	63 64 65 66
(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does	67 68 69 70 71 72 73 74

not include a manufactured home as defined by division (C) (4) of 75
this section or a mobile home as defined by division (O) of 76
section 4501.01 of the Revised Code. 77

(4) "Manufactured home" means a building unit or assembly 78
of closed construction that is fabricated in an off-site 79
facility and constructed in conformance with the federal 80
construction and safety standards established by the secretary 81
of housing and urban development pursuant to the "Manufactured 82
Housing Construction and Safety Standards Act of 1974," 88 Stat. 83
700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or 84
tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying 85
compliance with all applicable federal construction and safety 86
standards. 87

(5) "Permanent foundation" means permanent masonry, 88
concrete, or a footing or foundation approved by the division of 89
industrial compliance of the department of commerce pursuant to 90
Chapter 4781. of the Revised Code, to which a manufactured or 91
mobile home may be affixed. 92

(6) "Permanently sited manufactured home" means a 93
manufactured home that meets all of the following criteria: 94

(a) The structure is affixed to a permanent foundation and 95
is connected to appropriate facilities; 96

(b) The structure, excluding any addition, has a width of 97
at least twenty-two feet at one point, a length of at least 98
twenty-two feet at one point, and a total living area, excluding 99
garages, porches, or attachments, of at least nine hundred 100
square feet; 101

(c) The structure has a minimum 3:12 residential roof 102
pitch, conventional residential siding, and a six-inch minimum 103

eave overhang, including appropriate guttering;	104
(d) The structure was manufactured after January 1, 1995;	105
(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.	106 107
(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.	108 109 110 111 112 113 114 115
(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.	116 117 118 119 120 121
(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C) (3) of this section, a manufactured home as defined by division (C) (4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.	122 123 124 125 126 127 128 129 130 131
(10) "Nonresidential building" means any building that is	132

not a residential building or a manufactured or mobile home. 133

(11) "Accessory structure" means a structure that is 134
attached to a residential building and serves the principal use 135
of the residential building. "Accessory structure" includes, but 136
is not limited to, a garage, porch, or screened-in patio. 137

(12) "Temporary greenhouse" means a structure covered with 138
transparent or translucent materials for the purpose of 139
admitting natural light and controlling the atmosphere for 140
growing agricultural products, and in which both of the 141
following conditions apply: 142

(a) There is little to no ground preparation; 143

(b) There is no foundation. 144

Sec. 3781.061. (A) Whenever a county zoning inspector 145
under section 303.16 of the Revised Code, or a township zoning 146
inspector under section 519.16 of the Revised Code, issues a 147
zoning certificate that declares a specific building or 148
structure is to be used in agriculture, such building is not 149
subject to sections 3781.06 to 3781.20, 3781.40, or 3791.04 of 150
the Revised Code. 151

(B) The exception to sections 3781.06 to 3781.20, 3781.40, 152
or 3791.04 of the Revised Code, as described in division (A) of 153
this section, includes a temporary greenhouse as defined in 154
section 3781.06 of the Revised Code. 155

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 156
5715.01 of the Revised Code: 157

(A) "Land devoted exclusively to agricultural use" means: 158

(1) Tracts, lots, or parcels of land totaling not less 159
than ten acres to which, during the three calendar years prior 160

to the year in which application is filed under section 5713.31 161
of the Revised Code, and through the last day of May of such 162
year, one or more of the following apply: 163

(a) The tracts, lots, or parcels of land were devoted 164
exclusively to commercial animal or poultry husbandry, 165
aquaculture, algaculture meaning the farming of algae, 166
apiculture, the cultivation of hemp by a person issued a hemp 167
cultivation license under section 928.02 of the Revised Code, 168
the production for a commercial purpose of timber, field crops, 169
tobacco, fruits, vegetables, nursery stock, ornamental trees, 170
sod, or flowers, or the growth of timber for a noncommercial 171
purpose, if the land on which the timber is grown is contiguous 172
to or part of a parcel of land under common ownership that is 173
otherwise devoted exclusively to agricultural use. 174

(b) The tracts, lots, or parcels of land were devoted 175
exclusively to biodiesel production, biomass energy production, 176
electric or heat energy production, or biologically derived 177
methane gas production if the land on which the production 178
facility is located is contiguous to or part of a parcel of land 179
under common ownership or leasehold that is otherwise devoted 180
exclusively to agricultural use, provided that (i) at least 181
fifty per cent of the feedstock used in the production is 182
agricultural feedstock, (ii) at least twenty per cent of the 183
agricultural feedstock used in the production is derived from 184
parcels of land under common ownership or leasehold, and (iii) 185
none of the feedstock used in the production consists of human 186
waste. As used in this division, "agricultural feedstock" means 187
manure and food waste, and "human waste" includes sludge as 188
defined in section 6111.01 of the Revised Code. 189

(c) The tracts, lots, or parcels of land were devoted to 190

and qualified for payments or other compensation under a land 191
retirement or conservation program under an agreement with an 192
agency of the federal government. 193

(2) Tracts, lots, or parcels of land totaling less than 194
ten acres that, during the three calendar years prior to the 195
year in which application is filed under section 5713.31 of the 196
Revised Code and through the last day of May of such year, were 197
devoted exclusively to commercial animal or poultry husbandry, 198
aquaculture, algaculture meaning the farming of algae, 199
apiculture, the cultivation of hemp by a person issued a hemp 200
cultivation license under section 928.02 of the Revised Code, 201
the production for a commercial purpose of field crops, tobacco, 202
fruits, vegetables, timber, nursery stock, ornamental trees, 203
sod, or flowers where such activities produced an average yearly 204
gross income of at least twenty-five hundred dollars during such 205
three-year period or where there is evidence of an anticipated 206
gross income of such amount from such activities during the tax 207
year in which application is made, or were devoted to and 208
qualified for payments or other compensation under a land 209
retirement or conservation program under an agreement with an 210
agency of the federal government; 211

(3) Tracts, lots, or parcels of land, or portions thereof 212
that, during the previous three consecutive calendar years have 213
been designated as land devoted exclusively to agricultural use, 214
but such land has been lying idle or fallow for up to one year 215
and no action has occurred to such land that is either 216
inconsistent with the return of it to agricultural production or 217
converts the land devoted exclusively to agricultural use as 218
defined in this section. Such land shall remain designated as 219
land devoted exclusively to agricultural use provided that 220
beyond one year, but less than three years, the landowner proves 221

good cause as determined by the board of revision. 222

(4) Tracts, lots, or parcels of land, or portions thereof 223
that, during the previous three consecutive calendar years have 224
been designated as land devoted exclusively to agricultural use, 225
but such land has been lying idle or fallow because of dredged 226
material being stored or deposited on such land pursuant to a 227
contract between the land's owner and the department of natural 228
resources or the United States army corps of engineers and no 229
action has occurred to the land that is either inconsistent with 230
the return of it to agricultural production or converts the land 231
devoted exclusively to agricultural use. Such land shall remain 232
designated as land devoted exclusively to agricultural use until 233
the last year in which dredged material is stored or deposited 234
on the land pursuant to such a contract, but not to exceed five 235
years. 236

"Land devoted exclusively to agricultural use" includes 237
tracts, lots, or parcels of land or portions thereof that are 238
used for conservation practices, provided that the tracts, lots, 239
or parcels of land or portions thereof comprise twenty-five per 240
cent or less of the total of the tracts, lots, or parcels of 241
land that satisfy the criteria established in division (A) (1), 242
(2), (3), or (4) of this section together with the tracts, lots, 243
or parcels of land or portions thereof that are used for 244
conservation practices. 245

Notwithstanding any other provision of law to the 246
contrary, the existence of agritourism on a tract, lot, or 247
parcel of land that otherwise meets the definition of "land 248
devoted exclusively to agricultural use" as defined in this 249
division does not disqualify that tract, lot, or parcel from 250
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 251

Revised Code.	252
A tract, lot, or parcel of land taxed under sections 5713.22 to 5713.26 of the Revised Code is not land devoted exclusively to agricultural use.	253 254 255
A tract, lot, parcel, or portion thereof on which medical marijuana, as defined by section 3796.01 of the Revised Code, is cultivated or processed is not land devoted exclusively to agricultural use.	256 257 258 259
<u>For purposes of divisions (A) (1) and (2) of this section, the total acreage of land described in those divisions may include tracts, lots, and parcels that are not contiguous, provided that owner's use of the tracts, lots, and parcels are part of a single operation within the same county.</u>	260 261 262 263 264
(B) "Conversion of land devoted exclusively to agricultural use" means any of the following:	265 266
(1) The failure of the owner of land devoted exclusively to agricultural use during the next preceding calendar year to file a renewal application under section 5713.31 of the Revised Code without good cause as determined by the board of revision;	267 268 269 270
(2) The failure of the new owner of such land to file an initial application under that section without good cause as determined by the board of revision;	271 272 273
(3) The failure of such land or portion thereof to qualify as land devoted exclusively to agricultural use for the current calendar year as requested by an application filed under such section;	274 275 276 277
(4) The failure of the owner of the land described in division (A) (3) or (4) of this section to act on such land in a	278 279

manner that is consistent with the return of the land to 280
agricultural production after three years. 281

The construction or installation of an energy facility, as 282
defined in section 5727.01 of the Revised Code, on a portion of 283
a tract, lot, or parcel of land devoted exclusively to 284
agricultural use shall not cause the remaining portion of the 285
tract, lot, or parcel to be regarded as a conversion of land 286
devoted exclusively to agricultural use if the remaining portion 287
of the tract, lot, or parcel continues to be devoted exclusively 288
to agricultural use. 289

(C) "Tax savings" means the difference between the dollar 290
amount of real property taxes levied in any year on land valued 291
and assessed in accordance with its current agricultural use 292
value and the dollar amount of real property taxes that would 293
have been levied upon such land if it had been valued and 294
assessed for such year in accordance with Section 2 of Article 295
XII, Ohio Constitution. 296

(D) "Owner" includes, but is not limited to, any person 297
owning a fee simple, fee tail, or life estate or a buyer on a 298
land installment contract. 299

(E) "Conservation practices" are practices used to abate 300
soil erosion as required in the management of the farming 301
operation, and include, but are not limited to, the 302
installation, construction, development, planting, or use of 303
grass waterways, terraces, diversions, filter strips, field 304
borders, windbreaks, riparian buffers, wetlands, ponds, and 305
cover crops for that purpose. 306

(F) "Wetlands" has the same meaning as in section 6111.02 307
of the Revised Code. 308

(G) "Biodiesel" means a mono-alkyl ester combustible 309
liquid fuel that is derived from vegetable oils or animal fats 310
or any combination of those reagents and that meets the American 311
society for testing and materials specification D6751-03a for 312
biodiesel fuel (B100) blend stock distillate fuels. 313

(H) "Biologically derived methane gas" means gas from the 314
anaerobic digestion of organic materials, including animal waste 315
and agricultural crops and residues. 316

(I) "Biomass energy" means energy that is produced from 317
organic material derived from plants or animals and available on 318
a renewable basis, including, but not limited to, agricultural 319
crops, tree crops, crop by-products, and residues. 320

(J) "Electric or heat energy" means electric or heat 321
energy generated from manure, cornstalks, soybean waste, or 322
other agricultural feedstocks. 323

(K) "Dredged material" means material that is excavated or 324
dredged from waters of this state. "Dredged material" does not 325
include material resulting from normal farming, silviculture, 326
and ranching activities, such as plowing, cultivating, seeding, 327
and harvesting, for production of food, fiber, and forest 328
products. 329

(L) "Agritourism" has the same meaning as in section 330
901.80 of the Revised Code. 331

Section 2. That existing sections 3781.06, 3781.061, and 332
5713.30 of the Revised Code are hereby repealed. 333

Section 3. (A) The Chancellor of Higher Education, in 334
collaboration with the Ohio State University Cooperative 335
Extension Services and Central State University Cooperative 336
Extension Services, shall establish the Urban Farmer Youth 337

Initiative Pilot Program to provide relevant programming and support with regard to farming and agriculture to young people between the ages of six to eighteen living in urban areas.

(B) The pilot program shall operate for fiscal years 2024 and 2025 and offer programming in at least two, but not more than four, counties.

(C) (1) The Chancellor and the Ohio State University Cooperative Extension Services and Central State University Cooperative Extension Services may do both of the following:

(a) Use up to fifteen per cent of the amount appropriated for fiscal year 2024 for the pilot program to develop and establish the pilot program;

(b) Partner with local entities to deliver programming for the pilot program. The Chancellor and the extension services may pay entities for services with funds appropriated for this program.

(2) Any appropriated funds may also be used to support existing agricultural organizations to help expand programming to include young people living in urban areas.

(D) Any garden or structure created or used under the pilot program shall not be subject to any restriction on height for such gardens or structures.

Section 4. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2024 and those in the second column are for fiscal year 2025. The operating appropriations made in this act are in addition to any other operating appropriations made for those fiscal years.

Section 5. 367

368

	1	2	3	4	5
A	BOR DEPARTMENT OF HIGHER EDUCATION				
B	General Revenue Fund				
C	GRF	235589	Urban Farmer Youth Initiative Pilot Program	\$250,000	\$250,000
D	TOTAL GRF General Revenue Fund			\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS			\$250,000	\$250,000

URBAN FARMER YOUTH INITIATIVE PILOT PROGRAM 369

The foregoing appropriation item 235589, Urban Farmer
 Youth Initiative Pilot Program, shall be used by the Chancellor
 of Higher Education, in collaboration with the Ohio State
 University and Central State University, to administer the Urban
 Farmer Youth Initiative Pilot Program pursuant to Section 3 of
 this act.

Section 6. Within the limits set forth in this act, the
 Director of Budget and Management shall establish accounts
 indicating the source and amount of funds for each appropriation
 made in this act, and shall determine the manner in which
 appropriation accounts shall be maintained. Expenditures from
 operating appropriations contained in this act shall be
 accounted for as though made in, and are subject to all
 provisions of, the main operating appropriations act of the

135th General Assembly.

384