

**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**

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**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 retirement or conservation program under an agreement with an agency of the federal government.

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

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



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

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	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.

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