

5 A BILL
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 To amend the Food Production and Urban Gardens Program Act of 1986 to define the term
15 “substantially free of contamination,” to clarify that, under the Urban Farming Land
16 Lease Program, the District may enter into a lease agreement with a qualified applicant to
17 create and maintain an urban farm on vacant land, to require that the Department of
18 Energy and Environment test the soil at certain vacant sites offered for lease under the
19 program, and to revise the minimum requirements for lease agreements under the Urban
20 Farming Land Lease Program; to amend the District Department of the Environment
21 Establishment Act of 2005 to revise the mission of the Office of Urban Agriculture; and
22 to amend Title 47 of the District of Columbia Official Code to clarify the soil testing
23 requirements for the urban farm tax abatement program.
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25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the “Urban Farming Land Lease Amendment Act of 2019”.

27 Sec. 2. The Food Production and Urban Gardens Program Act of 1986, effective April
28 30, 2015 (D.C. Law 20-248; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

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

31 “(3A) “Substantially free of contamination” means that the levels of arsenic, lead,
32 and heavy metals in the soil fall within the acceptable parts per million range identified in
33 regulations promulgated by the Mayor.”.

34 (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.

(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:

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

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

61 Sec. 3. Section 109a of the District Department of the Environment Establishment Act of
62 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.09a), is
63 amended as follows:

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

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

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

68 (2) Paragraph (2) is repealed.

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

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

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

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

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

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

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

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

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

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

89 Sec. 5. Applicability.

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

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

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

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

99 Sec. 6. Fiscal impact statement.

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

103 Sec. 7. Effective date.

104 This act shall take effect following approval by the Mayor (or in the event of veto by the
105 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
106 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
107 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
108 Columbia Register.