

Encouraging Urban Agriculture Through Innovative Public Policy
January 2015
Sustainable Economies Law Center Brief Summary of Existing Legislation
Sustainable Economies Law Center | <http://theselc.org>
Legal education, research, advice, and advocacy for just and resilient economies.

Community Food Producers

Bill Number: AB 1990

Legislative Author: Rich Gordon

Year signed into law: 2014

Summary: Allows county (or city) departments of environmental health to regulate sales of fresh produce from "community food producers," which are defined as people growing food on land that is not zoned as agricultural. We'll discuss some of the confusing questions raised by this bill related to the definition of an "approved source" for purposes of sales to restaurants and stores, and other questions left unanswered in the text of the bill about what types of sales are allowed and which situations generally fall under the new law.

Neighborhood Food Act

Bill Number: AB 2561

Legislative Author: Steven Bradford

Year signed into law: 2014

Summary: Requires that landlords allow tenants in single family homes and duplexes to grow their own food in portable containers, and allows homeowners in developments with homeowners associations to grow food in their backyards regardless of homeowners' association rules regarding landscaping. The bill allows landlords and homeowners' associations to place some reasonable restrictions on gardens, such as requiring that dead plant matter be removed regularly. An earlier version of the bill also granted the right to grow food on nearly any property in California regardless of city or county zoning ordinances, however, that part of the bill was removed in the Assembly due to lack of political support.

California Homemade Food Act ("Cottage Food Law")

Bill Number: AB 1616

Legislative Author: Mike Gatto

Year Signed into Law: 2012

Summary: Allows the sale of certain *homemade*, processed, "non potentially hazardous foods," such as baked goods, jams, dried produce, and some other shelf stable foods. The producer must register or get a permit from a local department of environmental health and abide by certain restrictions on sales. This is a major exemption from the general requirements for the sale of processed foods in the California Health and Safety Code, which typically requires that food offered for sale be made in a commercial kitchen.

Urban Agriculture Incentives Zones

Bill Number: AB 551

Legislative Author: Phil Ting

Year signed into law: 2013

Summary: Allows cities and counties to pass local laws to create property tax breaks for urban land dedicated to urban agriculture use for 5 or more years. The entire property must be under contract to be used for agriculture to qualify. So far, only San Francisco has formally decided to opt into the program but other major urban areas are considering proposals to offer the property tax incentive.