



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Department of Housing, Buildings and
Construction

500 Mero Street, First Floor
Frankfort, KY 40601
Phone: (502) 573-0365

Ray A. Perry
SECRETARY

Max Fuller
COMMISSIONER

David Moore
DEPUTY COMMISSIONER

BULLETIN
2025-01

The following Bulletin is to advise the reader of the current position of the Kentucky Department of Housing, Buildings and Construction (“Department”) on the specified issue.

THIS BULLETIN IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT AMEND PROVISIONS OF THE KENTUCKY REVISED STATUTES, THE KENTUCKY ADMINISTRATIVE REGULATIONS, THE KENTUCKY BUILDING CODE, OR THE KENTUCKY RESIDENTIAL CODE.

TO: ALL LOCAL GOVERNMENTS AND KENTUCKY RESIDENTS
FROM: JONATHON “MAX” FULLER, COMMISSIONER
RE: 2018 KENTUCKY BUILDING CODE (“KBC”) 101.2.2; 2018 KENTUCKY RESIDENTIAL CODE (“KRC”) R101.2.3
DATE: FEBRUARY 12, 2025

Purpose

The Department has experienced a significant influx of inquiries regarding 2018 KBC 101.2.2 and 2018 KRC R101.2.3 (colloquially known as the “agricultural exemption” or “farm exemption,” hereinafter the “agricultural exemption”), signifying a need for further guidance. This Bulletin clarifies that state and local building officials shall not require buildings or structures that meet the elements of the agricultural exemption set forth below to comply with any provision of the KBC or KRC. The agricultural exemption is specific to the KBC and KRC and *does not* exempt qualifying buildings or structures from compliance with applicable planning and zoning ordinances.

APPLICABLE AUTHORITY

101.2.2 of the 2018 Kentucky Building Code excepts “[f]arm dwellings or other farm buildings and structures incident to the operation and maintenance of the farm if the farm structures are located outside the boundary of a municipality and are not used in the business of retail trade or used as a place of regular employment for ten (10) or more people or structures used in the storage or processing of timber products[,]” from the scope of the Kentucky Building Code.

Similarly, R101.2.3 of the 2018 Kentucky Residential Code excepts “[f]arm dwellings and other buildings and structures located on farms which are incident to the operation of the farm and located outside the boundary of a municipality; but only if they are not used in the business

of retail trade, as a regular place of work for 10 or more people, or for the processing or storage of timber products,” from the scope of the Kentucky Residential Code.

The KBC and KRC define a “farm” as “[p]roperty having a bona fide agricultural or horticultural use as defined by KRS 132.010(9) and (10) which is qualified by and registered with the property valuation administrator in the county in which the property is located.”

Pursuant to KRS 132.010:

(9) “Agricultural land” means:


- (a) Any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, products and/or the growing of tobacco and/or other crops including timber.
- (b) Any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for aquaculture; or
- (c) Any tract of land devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government.

(10) “Horticultural land” means “any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants.”

REGULATORY GUIDANCE

State or local building officials shall not require buildings or structures that meet the elements of the agricultural exemption set forth above to obtain building permits or comply with any provision of the KBC or KRC. Further, buildings or structures properly claiming an agricultural exemption are not issued a certificate of occupancy.¹

The agricultural exemption is narrow in scope, and local governments may require residents to prove their eligibility for the exemption. Importantly, the agricultural exemption is specific to the KBC and KRC and **does not** exempt the qualifying building or structure from compliance with applicable planning and zoning ordinances.



Jonathon “Max” Fuller, *Commissioner*
Department of Housing, Buildings and Construction

¹ Certificates of occupancy are often required to sell a property; qualifying residents should seek private counsel regarding the potential implications of utilizing the agricultural exemption.