
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1895

Session of
1977

INTRODUCED BY MELUSKEY, FRYER, BROWN, ABRAHAM, TRELLO, LOGUE,
REED, KOWALYSHYN, BITTINGER, STEWART, COHEN, ZWIKL, MEBUS,
KLINGAMAN, POLITE, POTT, M. H. GEORGE AND ZORD,
NOVEMBER 21, 1977

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
NOVEMBER 21, 1977

AN ACT

1 Amending the act of January 13, 1966 (1965 P.L.1292, No.515),
2 entitled "An act enabling certain counties of the
3 Commonwealth to covenant with land owners for preservation of
4 land in farm, forest, water supply, or open space uses,"
5 further providing for the disposition of liquidated damages.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 6, act of January 13, 1966 (1965
9 P.L.1292, No.515), entitled "An act enabling certain counties of
10 the Commonwealth to covenant with land owners for preservation
11 of land in farm, forest, water supply, or open space uses," is
12 amended to read:

13 Section 6. Breach of Covenant by Land Owner.--If the land
14 owner, his successors or assigns, while the covenant is in
15 effect, alters the use of the land to any use other than that
16 designated in the covenant, such alteration shall constitute a
17 breach of the covenant and the land owner at the time of said
18 breach, shall pay to the county, as liquidated damages, the

1 difference between the real property taxes paid and the taxes
2 which would have been payable absent the covenant, plus compound
3 interest at the rate of five percent per year from the date of
4 entering the covenant to the date of its breach or from a date
5 five years prior to the date of its breach whichever period is
6 shorter. Such liquidated damages shall be a lien upon the
7 property collectible in the manner provided by law for the
8 collection of unpaid real property taxes. The liquidated damages
9 shall be due on the date of the breach of the covenant and shall
10 be paid by the land owner to the county treasurer or the tax
11 claim bureau, as the case may be, whose responsibility it shall
12 be to make proper distribution of the taxes and interest to the
13 taxing bodies wherein the property is situated. The acquisition
14 by lease, purchase or eminent domain, and use of rights of way
15 or underground storage rights in such land by a public utility
16 or other body entitled to exercise the power of eminent domain
17 shall not constitute an alteration of use or a breach of
18 covenant.

19 Section 2. This act shall take effect immediately.