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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1895** Session of  
1977

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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

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

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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.