

## AN ACT

1 Amending the act of January 19, 1968 (1967 P.L.992, No.442),  
2 entitled "An act authorizing the Commonwealth of Pennsylvania  
3 and the local government units thereof to preserve, acquire  
4 or hold land for open space uses," further providing for  
5 local taxing options.

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

8 Section 1. Section 7.1 of the act of January 19, 1968 (1967  
9 P.L.992, No.442), entitled "An act authorizing the Commonwealth  
10 of Pennsylvania and the local government units thereof to  
11 preserve, acquire or hold land for open space uses," is amended  
12 to read:

13 Section 7.1. Local Taxing Options.--(a) A local government  
14 unit, excluding counties and county authorities, may by  
15 ordinance impose, in addition to the statutory rate limits on  
16 real estate taxes set forth in the municipal code of that local  
17 government unit, an open space tax on real property not  
18 exceeding the millage authorized by referendum under subsection  
19 (a.3). In the alternative, a local government unit, excluding

1 counties and county authorities, may by ordinance impose, in  
2 addition to the earned income tax rate limit set forth in the  
3 act of December 31, 1965 (P.L.1257, No.511), known as "The Local  
4 Tax Enabling Act," an open space tax on the earned income of the  
5 residents of that local government unit not exceeding the rate  
6 authorized by referendum under subsection (a.3). Revenue from  
7 the levy may only be used for the following:

8 (1) to retire the indebtedness incurred in purchasing  
9 interests in real property or in making additional acquisitions  
10 of real property for the purpose of securing an open space  
11 benefit or benefits under the provisions of this act or the act  
12 of June 30, 1981 (P.L.128, No.43), known as the "Agricultural  
13 Area Security Law";

14 (2) for transactional fees that are incidental to  
15 acquisitions made in accordance with this act, including, but  
16 not limited to, costs of appraisals, legal services, title  
17 searches, document preparation, title insurance, closing fees  
18 and survey costs;

19 (3) for expenses necessary to prepare the resource,  
20 recreation or land use plan required under section 3; or

21 (4) (i) annually, up to 25% of any accumulated balance of  
22 the fund from the levy authorized by referendum, to develop,  
23 improve, design, engineer and maintain property acquired  
24 [pursuant to this act] for an open space benefit or benefits; or

25 (ii) alternatively, for purposes of allocation, the local  
26 government unit may create a maintenance fund into which the  
27 local government unit may deposit in an amount up to 25% of the  
28 annual revenue from the levy authorized by referendum, to  
29 develop, improve, design, engineer and maintain property  
30 acquired [pursuant to this act] for an open space benefit or

1 benefits.

2 Section 2. This act shall take effect in 60 days.