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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1809

Session of  
1985

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INTRODUCED BY JOSEPHS, MORRIS, JOHNSON, BATTISTO, HERSHEY,  
GODSHALL, SWEET, E. Z. TAYLOR, TRELLO, CARN, MICHLOVIC,  
DAWIDA, COHEN, KASUNIC, PISTELLA, DORR, BURD AND WOZNIAK,  
OCTOBER 21, 1985

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
OCTOBER 21, 1985

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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 providing that certain conveyances shall not constitute a  
6 breach of covenant.

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

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

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

1 breach, shall pay to the county, as liquidated damages, the  
2 difference between the real property taxes paid and the taxes  
3 which would have been payable absent the covenant, plus compound  
4 interest at the rate of five percent per year from the date of  
5 entering the covenant to the date of its breach or from a date  
6 five years prior to the date of its breach whichever period is  
7 shorter. Such liquidated damages shall be a lien upon the  
8 property collectible in the manner provided by law for the  
9 collection of unpaid real property taxes. The acquisition by  
10 lease, purchase or eminent domain, and use of rights of way or  
11 underground storage rights in such land by a public utility or  
12 other body entitled to exercise the power of eminent domain  
13 shall not constitute an alteration of use or a breach of  
14 covenant. A conveyance of a portion of the land designated in  
15 the covenant shall not constitute an alteration of use or a  
16 breach of covenant provided that there is no change in use of  
17 such land for the duration of the covenant.

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