

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 708 Session of  
2007

INTRODUCED BY FONTANA, FERLO, WASHINGTON, COSTA, LAVALLE, LOGAN,  
BOSCOLA, DINNIMAN, A. WILLIAMS, C. WILLIAMS AND STACK,  
MARCH 29, 2007

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 29, 2007

AN ACT

1 Amending the act of December 19, 1974 (P.L.973, No.319),  
2 entitled "An act prescribing the procedure under which an  
3 owner may have land devoted to agricultural use, agricultural  
4 reserve use, or forest reserve use, valued for tax purposes  
5 at the value it has for such uses, and providing for  
6 reassessment and certain interest payments when such land is  
7 applied to other uses and making editorial changes," further  
8 providing for definitions, for land devoted to agricultural  
9 use, agricultural reserve, and/or forest reserve, for  
10 applications for preferential assessments, for  
11 responsibilities of the county assessor in general, for civil  
12 penalties, for roll-back taxes, special circumstances and for  
13 appeals.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. The definitions "agricultural reserve," "forest  
17 reserve" and "woodlot" in section 2 of the act of December 19,  
18 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and  
19 Forest Land Assessment Act of 1974, amended December 21, 1998  
20 (P.L.1225, No.156) and December 8, 2004 (P.L.1785, No.235), are  
21 amended and the section is amended by adding a definition to  
22 read:

23 Section 2. Definitions.--As used in this act, the following

words and phrases shall have the meanings ascribed to them in this section unless the context obviously otherwise requires:

\* \* \*

"Agricultural reserve." Noncommercial open space lands consisting of thirty acres or more used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for such use, without charge or fee, on a nondiscriminatory basis.

\* \* \*

"Commercial entertainment activity." A golf course, country club or other similar business that is recreational in nature and is operated for profit.

\* \* \*

"Forest reserve." Land, [ten] thirty acres or more, stocked by forest trees of any size and capable of producing timber or other wood products. Land containing a commercial entertainment activity and any remaining portion of such land shall not be considered: forest reserve land; land for recreational activity as defined by this act; or land for outdoor recreation.

"Woodlot." An area of less than ten acres, stocked by trees of any size and contiguous to or part of land in agricultural use or an area of less than thirty acres, stocked by trees of any size and contiguous to or part of land in agricultural reserve.

Section 2. Section 3(a) of the act, amended December 21, 1998 (P.L.1225, No.156), is amended to read:

Section 3. Land Devoted to Agricultural Use, Agricultural Reserve, and/or Forest Reserve.--(a) For general property tax purposes, the value of land which is presently devoted to agricultural use, agricultural reserve, and/or forest reserve

1 shall, on application of the owner and approval thereof as  
2 hereinafter provided, be that value which such land has for its  
3 particular land use category if it also meets the following  
4 conditions:

5 (1) Land presently devoted to agricultural use: Such land  
6 was devoted to agricultural use the preceding three years and is  
7 not less than ten contiguous acres in area, including the  
8 farmstead land, or has an anticipated yearly gross income of at  
9 least two thousand dollars (\$2,000).

10 (2) Land presently devoted to agricultural reserve: Such  
11 land is not less than [ten] thirty contiguous acres in area,  
12 including the farmstead land.

13 (3) Land presently devoted to forest reserve: Such land is  
14 not less than [ten] thirty contiguous acres in area, including  
15 the farmstead land.

16 \* \* \*

17 Section 3. Section 4(c) of the act, amended December 21,  
18 1998 (P.L.1225, No.156), is amended and the section is amended  
19 by adding subsections to read:

20 Section 4. Applications for Preferential Assessments.--\* \* \*

21 (b.4) (1) A landowner who receives preferential assessment  
22 under this act on or after the effective date of this subsection  
23 shall submit to the county assessor every three years from the  
24 date of the grant of the initial preferential assessment an  
25 eligible use confirmation form for land that receives  
26 preferential assessment.

27 (2) (i) A landowner who received preferential assessment  
28 under this act prior to the effective date of this subsection  
29 shall submit to the county assessor an initial eligible use  
30 confirmation form for land that received preferential assessment

pursuant to a schedule to be established by the county board of assessment that is based upon the date of the grant of the initial preferential assessment. Where the department elects to establish by rule or regulation the schedule for landowners to submit the initial eligible use confirmation form, such schedule shall supersede the schedule for the submission of such form established by each county board of assessment.

(ii) A landowner who received a preferential assessment under this act prior to the effective date of this subsection shall submit to the county assessor a subsequent eligible use confirmation form every three years from the date of the due date for the submission of the initial eligible use confirmation form.

(3) A failure of the landowner to timely submit an eligible use confirmation form following notification by the county assessor shall result in the county assessor recommending the termination of the preferential assessment to the county board of assessment.

(b.5) Each subsequent owner of land that receives preferential assessment and continues to qualify under this act as agricultural use, agricultural reserve and/or forest reserve following transfer shall submit a current information form to the county board of assessment appeals of the county in which the land is located.

(c) There shall be uniform application forms for preferential assessment in all counties. Such application forms shall be developed by the department. The department shall also develop an informational fact sheet summarizing the preferential assessment program, including landowner duties and obligations, which shall either be attached to the application form or shall

1 be enclosed with the application form for delivery to  
2 applicants. In addition to the information which the department  
3 shall deem appropriate, the following statement shall be  
4 included:

5 "The applicant for preferential assessment hereby agrees, if  
6 his application is approved for preferential assessment, to  
7 submit thirty days' notice to the county assessor of a proposed  
8 change in use of the land, a change in ownership of a portion of  
9 the land or of any type of division or conveyance of the land.  
10 The applicant for preferential assessment hereby acknowledges  
11 that, if his application is approved for preferential  
12 assessment, roll-back taxes under section 5.1 of the act may be  
13 due for a change in use of the land, a change in ownership of  
14 any portion of the land, or any type of division or conveyance  
15 of the land."

16 \* \* \*

17 (c.2) The department shall develop a form to confirm the  
18 continuation of an eligible use on land that currently receives  
19 preferential assessment under this act. The form shall be  
20 uniform in all counties and shall include the following  
21 statement:

22 "The landowner, who receives preferential assessment under  
23 this act, hereby continues to agree to submit thirty-days'  
24 advance notice to the county assessor of a proposed change in  
25 use of the land, a split-off of a portion of the land or a  
26 conveyance of the land."

27 The department may establish by rule or regulation a schedule  
28 for the submission of the form to the county assessor.

29 (c.3) The department shall develop a current information  
30 form for the purpose of updating and maintaining the records of

1 the county assessor for land that retains eligibility for and  
2 receives preferential assessment following transfer of  
3 ownership. The form shall be uniform in all counties.

4 (c.4) The department shall revise all forms developed for  
5 the implementation of this act to include a statement that  
6 applicants and landowners who have received preferential  
7 assessment, who submit such forms that are signed and submitted  
8 to the county assessor, are under penalty of perjury for false  
9 statements made on such forms.

10 \* \* \*

11 Section 4. Section 5(a) of the act is amended by adding  
12 paragraphs and the section is amended by adding a subsection to  
13 read:

14 Section 5. Responsibilities of the County Assessor in  
15 General.--(a) In addition to keeping such records as are now or  
16 hereafter required by law, it shall be the duty of the county  
17 assessor:

18 \* \* \*

19 (1.1) To inspect land that receives preferential assessment  
20 on or after the effective date of this paragraph to confirm that  
21 the land is utilized for an eligible use within six months of  
22 the date of the grant of preferential assessment received and to  
23 record the results of the inspection.

24 (1.2) To inspect land that received preferential assessment  
25 prior to the effective date of this paragraph to confirm that  
26 the land is utilized for an eligible purpose within one year of  
27 the receipt by the county assessor of an eligible use  
28 confirmation form for the land and to record the results of the  
29 inspection.

30 \* \* \*

1     (3.1) To review and recommend the termination of the grant  
2     of the preferential assessment to the county board of  
3     assessment, if warranted, where the results of an inspection of  
4     the land for the purpose of confirming the use of the land for  
5     an eligible use indicates that the land is utilized for an  
6     ineligible use. There shall be a right of appeal as provided by  
7     section 9.

8     \* \* \*

9     (d) (1) Notwithstanding any other provision of law to the  
10    contrary, the county assessor shall make available to the public  
11    a list of all lands in the county that qualify for preferential  
12    assessment as agricultural reserve land under this act and a  
13    brief summary of any restrictions known to the county assessor  
14    on the use of each property by the public.

15    (2) The list shall include the following statements:

16    (i) The listed properties by reason of qualification for  
17    preferential assessment under an agricultural reserve status are  
18    required by law to be open to the public for outdoor recreation  
19    and no charge may be imposed for admission.

20    (ii) The landowner of each property is entitled to impose  
21    reasonable restrictions on the use of the property.

22    (iii) Members of the public who wish to utilize the listed  
23    properties for outdoor recreation are encouraged to verify and  
24    comply with any restrictions on the use of the listed  
25    properties.

26    (3) The county assessor may publish the list and any  
27    accompanying information on a publicly accessible Internet  
28    website, if available.

29    Section 5. Section 5.2 of the act, added December 21, 1998  
30    (P.L.1225, No.156), is amended and the section is amended by

1 adding a subsection to read:

2 Section 5.2. Civil Penalties.--(a) The county board for  
3 assessment appeals may assess a civil penalty of not more than  
4 [one hundred dollars (\$100)] three hundred dollars (\$300) upon a  
5 person for each violation of this act or any regulation  
6 promulgated under this act.

7 (a.1) Where the county board for assessment appeals  
8 determines that an applicant for preferential assessment under  
9 this act or a landowner who received preferential assessment  
10 under this act submitted false information for the purpose of  
11 qualifying for preferential assessment or continuing to qualify  
12 for preferential assessment, the county board of assessment  
13 shall assess a civil penalty of one thousand dollars (\$1000)  
14 upon the applicant or landowner for each violation.

15 (b) If a civil penalty is assessed against a person under  
16 subsection (a) or against an applicant for preferential  
17 assessment or a landowner who received preferential assessment  
18 under subsection (a.1), the county board for assessment appeals  
19 must notify the person by certified mail of the nature of the  
20 violation and the amount of the civil penalty and that the  
21 person may notify the county board for assessment appeals in  
22 writing within ten calendar days that the person wishes to  
23 contest the civil penalty. If, within ten calendar days from the  
24 receipt of that notification, the person does not notify the  
25 county board for assessment appeals of intent to contest the  
26 assessed penalty, the civil penalty shall become final.

27 (c) If timely notification of the intent to contest the  
28 civil penalty is given, the person contesting the civil penalty  
29 shall be provided with a hearing in accordance with 2 Pa.C.S.  
30 Ch. 5 Subch. B (relating to practice and procedure of local



1 agencies) and Ch. 7 Subch. B (relating to judicial review of  
2 local agency action).

3 Section 6. Section 8 heading of the act, amended December  
4 21, 1998 (P.L.1225, No.156), is amended and the section is  
5 amended by adding a subsection to read:

6 Section 8. Roll-Back Taxes; Special Circumstances; Certain  
7 Circumstances.--\* \* \*

8 (f.1) (1) Except as provided in paragraph (2), where the  
9 assessor determines that the owner of a tract of land that is  
10 subject to preferential assessment as of the effective date of  
11 this subsection has not complied with the terms of this act, the  
12 preferential assessment shall be terminated. Roll-back taxes and  
13 interest shall be due and a breach of preferential assessment  
14 shall be deemed to have occurred as of the effective date of  
15 this subsection.

16 (2) Where the assessor determines that the tract of land  
17 that is subject to preferential assessment as of the effective  
18 date of this subsection no longer qualifies for preferential  
19 assessment following the amendment of section 3(a), or on  
20 account of the failure to provide the public with access to  
21 lands that receive preferential assessment as agricultural  
22 reserve for the purpose of outdoor recreation as provided in  
23 this act, the preferential assessment shall be terminated. No  
24 roll-back taxes shall be due, no interest on the roll-back taxes  
25 shall be due and no breach of preferential assessment shall be  
26 deemed to have occurred.

27 (3) Where the owner of a tract of land that is subject to  
28 preferential assessment as of the effective date of this  
29 subsection submits a request for the termination of the grant of  
30 preferential assessment for that tract of land, the preferential

1 assessment shall be terminated. Roll-back taxes shall be due,  
2 interest on the roll-back taxes shall be due and no breach of  
3 preferential assessment shall be deemed to have occurred.

4 Section 7. Section 9 of the act, added December 21, 1998  
5 (P.L.1225, No.156), is amended to read:

6 Section 9. Appeals.--(a) For the purposes of this act:

7 (1) The owner of a property which is subject to preferential  
8 assessment or for which preferential assessment is sought, and  
9 the political subdivision in which said property is situated,  
10 shall have the right of appeal [in accordance with existing  
11 law.] from an action regarding the award, denial, termination or  
12 amount of preferential assessment to the Board of Assessment  
13 Appeals for the county in which the property is situated in  
14 accordance with existing law.

15 (2) The owner of a property which is subject to preferential  
16 assessment or for which preferential assessment is sought, and  
17 the political subdivision in which said property is situated,  
18 shall have the right of appeal to a court of common pleas for  
19 the county in which the property is situated from a ruling by  
20 the Board of Assessment Appeals regarding the award, denial,  
21 termination or amount of preferential assessment in accordance  
22 with existing law.

23 (b) When roll-back taxes for prior years are to be collected  
24 as provided above, no person and no political subdivision shall  
25 be permitted to question any assessment of any prior year before  
26 the Board of Assessment Appeals unless a timely appeal was filed  
27 pursuant to the requirements of the acts of Assembly relating to  
28 assessment appeals during the time period for which appeals for  
29 that year would normally be taken.

30 Section 8. This act shall take effect in 60 days.