

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 806 Session of 2015

INTRODUCED BY CAUSER, SABATINA, MILLARD, HELM, LONGIETTI, BARRAR, DIAMOND, A. HARRIS, ZIMMERMAN, SAYLOR, MAHER, GABLER, GIBBONS AND MOUL, MARCH 17, 2015

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2015

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 RESPONSIBILITIES OF DEPARTMENT AND FOR <--
9 responsibilities of county assessor in establishing use
10 values.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 4.2 of the act of December 19, 1974 <--~~
14 ~~(P.L.973, No.319), known as the Pennsylvania Farmland and Forest~~
15 ~~Land Assessment Act of 1974, amended December 8, 2004 (P.L.1785,~~
16 ~~No.235), is amended to read:~~

17 ~~Section 4.2. Responsibilities of County Assessor in~~
18 ~~Establishing Use Values. (a) For each application for~~
19 ~~preferential assessment, the county assessor shall establish a~~
20 ~~total use value for land in agricultural use, including~~
21 ~~farmstead land, and for land in agricultural reserve by~~

1 ~~considering available evidence of the capability of the land for~~
2 ~~its particular use utilizing the USDA NRCS Agricultural Land~~
3 ~~Capability Classification system and other information available~~
4 ~~from USDA ERS, The Pennsylvania State University and the~~
5 ~~Pennsylvania Agricultural Statistics Service. Contributory value~~
6 ~~of farm buildings shall be used.~~

7 ~~(b) For each application for preferential assessment, the~~
8 ~~county assessor shall establish a total use value for land in~~
9 ~~forest reserve by considering available evidence of capability~~
10 ~~of the land for its particular use. Contributory value of farm~~
11 ~~buildings shall be used.~~

12 ~~(c) A county assessor may establish use values which are~~
13 ~~less than the values provided by the department under section~~
14 ~~4.1[, but lesser values shall be applied uniformly to all land~~
15 ~~in the county eligible for preferential assessment]. If a county~~
16 ~~assessor establishes the lower use values, the county assessor~~
17 ~~shall uniformly apply the lower set of use values,~~
18 ~~notwithstanding if the values are provided by the department or~~
19 ~~established by the county, in calculating the preferential~~
20 ~~assessment of land in each land use category. The enrollment of~~
21 ~~land for preferential assessment under this act may not result~~
22 ~~in assessments that are equal to or higher than if the land had~~
23 ~~not been so enrolled.~~

24 ~~(d) For purposes of this section:~~

25 ~~(1) Farmstead land located within an area enrolled as~~
26 ~~agricultural use shall be assessed at agricultural use value.~~

27 ~~(2) Farmstead land located within an area enrolled as~~
28 ~~agricultural reserve or forest reserve shall be assessed at~~
29 ~~agricultural use value if either:~~

30 ~~(i) a majority of land in the application for preferential~~

1 ~~assessment is enrolled as agricultural use land; or~~
2 ~~(ii) in the circumstance that noncontiguous tracts of land~~
3 ~~are enrolled under one application, a majority of land on the~~
4 ~~tract where the farmstead land is located is enrolled as~~
5 ~~agricultural use land.~~

6 ~~Section 2. This act shall take effect immediately.~~

7 SECTION 1. SECTION 4.1(C) OF THE ACT OF DECEMBER 19, 1974 <--
8 (P.L.973, NO.319), KNOWN AS THE PENNSYLVANIA FARMLAND AND FOREST
9 LAND ASSESSMENT ACT OF 1974, ADDED DECEMBER 21, 1998 (P.L.1225,
10 NO.156), IS AMENDED TO READ:

11 SECTION 4.1. RESPONSIBILITIES OF DEPARTMENT.--* * *

12 (C) BY JUNE 30, 1999, AND BY MAY 1 OF EACH YEAR THEREAFTER
13 AND IN CONSULTATION WITH THE BUREAU OF FORESTRY OF THE
14 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, THE DEPARTMENT
15 SHALL ESTABLISH AND PROVIDE TO ALL COUNTY ASSESSORS COUNTY-
16 SPECIFIC USE VALUES FOR LAND IN FOREST RESERVE.

17 SECTION 2. SECTION 4.2 OF THE ACT IS AMENDED BY ADDING
18 SUBSECTIONS TO READ:

19 SECTION 4.2. RESPONSIBILITIES OF COUNTY ASSESSOR IN
20 ESTABLISHING USE VALUES.--* * *

21 (B.1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) AND SUBJECT
22 TO THE PROVISIONS OF SUBSECTIONS (C), (C.1), (C.2), (C.3) AND
23 (C.4), FOR ANY COUNTY IN WHICH PREFERENTIAL ASSESSMENT OF LAND
24 ENROLLED IN FOREST RESERVE IS BASED ON COUNTY-SPECIFIC VALUES
25 ESTABLISHED BY THE DEPARTMENT UNDER SECTION (4.1)(C), A COUNTY
26 ASSESSOR MAY APPLY A USE VALUE FOR LAND ENROLLED IN FOREST
27 RESERVE THAT EQUALS THE AVERAGE OF ALL SUBCATEGORIES OF FOREST
28 RESERVE USE VALUES ESTABLISHED BY THE DEPARTMENT.

29 (2) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (C), (C.1),
30 (C.2), (C.3) AND (C.4), IF A LANDOWNER PROVIDES A STATEMENT

1 DEFINING THE PREDOMINATE FOREST CLASSIFICATION TYPE ON THE
2 ENROLLED LAND, THE COUNTY ASSESSOR SHALL APPLY TO THAT LAND THE
3 VALUE ESTABLISHED FOR THAT FOREST TYPE.

4 * * *

5 (C.1) A COUNTY ASSESSOR SHALL APPLY THE USE VALUES IN EFFECT
6 ON THE EFFECTIVE DATE OF THIS SUBSECTION UNTIL SUCH TIME AS A
7 COUNTYWIDE REASSESSMENT OF REAL PROPERTY VALUES IS IMPLEMENTED.

8 (C.2) SUBJECT TO THE LIMITATION IN SUBSECTION (C.4), A
9 COUNTY ASSESSOR SHALL RECALCULATE AND APPLY FOR THE YEAR IN
10 WHICH A COUNTYWIDE REASSESSMENT OF REAL PROPERTY VALUES IS BEING
11 IMPLEMENTED USE VALUES FOR LAND IN EACH LAND USE CATEGORY USING
12 THE CRITERIA ESTABLISHED UNDER SUBSECTIONS (A), (B) AND (C).
13 THE USE VALUES DETERMINED BY THE COUNTY ASSESSOR UNDER THIS
14 SUBSECTION IN THE YEAR THAT A COUNTYWIDE REASSESSMENT OF REAL
15 PROPERTY VALUES IS IMPLEMENTED SHALL BE APPLIED AS FOLLOWS:

16 (1) TO ALL PROPERTIES ENROLLED IN PREFERENTIAL ASSESSMENT IN
17 THE YEAR OF THE COUNTYWIDE REASSESSMENT;

18 (2) TO EACH APPLICATION FOR PREFERENTIAL ASSESSMENT FILED
19 WITH THE COUNTY ASSESSOR IN THE YEAR OF THE COUNTYWIDE
20 REASSESSMENT; OR

21 (3) TO ALL LAND ENROLLED IN PREFERENTIAL ASSESSMENT FOR THE
22 YEARS FOLLOWING A COUNTYWIDE REASSESSMENT UNTIL A SUBSEQUENT
23 COUNTYWIDE REASSESSMENT OF REAL PROPERTY VALUES IS IMPLEMENTED.

24 (C.3) THE USE VALUE APPLIED TO LAND UNDER SUBSECTION (C.1)
25 OR (C.2) MAY NOT BE CHANGED FOR ANY PROPERTY UNTIL SUCH TIME AS
26 A SUBSEQUENT COUNTYWIDE REASSESSMENT OF REAL PROPERTY VALUES IS
27 IMPLEMENTED, UNLESS THERE IS A RECLASSIFICATION OF LAND OR
28 PORTION OF LAND TO A DIFFERENT LAND USE CATEGORY AS OTHERWISE
29 PROVIDED FOR UNDER THIS ACT, IN WHICH CASE THE USE VALUE TO BE
30 APPLIED TO THAT LAND OR PORTION OF LAND SHALL BE THE USE VALUE

1 APPLICABLE TO THE PARTICULAR LAND USE CATEGORY FOR WHICH THE
2 LAND WAS RECLASSIFIED.

3 (C.4) (1) A COUNTY ASSESSOR MAY NOT, UNDER ANY
4 CIRCUMSTANCES, ESTABLISH OR APPLY A USE VALUE TO ANY LAND
5 ENROLLED AS AGRICULTURAL USE, AGRICULTURAL RESERVE OR FOREST
6 RESERVE:

7 (I) THAT IS GREATER THAN THE ASSESSMENT VALUE THAT WOULD
8 APPLY TO THE LAND IF THE LAND WERE NOT ENROLLED IN PREFERENTIAL
9 ASSESSMENT; OR

10 (II) THAT IS GREATER THAN THE COUNTY-SPECIFIC USE VALUE
11 APPLICABLE TO THAT LAND ESTABLISHED BY THE DEPARTMENT UNDER
12 SECTION (4.1).

13 (2) A COUNTY ASSESSOR SHALL APPLY THE LOWER OF THE VALUES
14 UNDER CLAUSE (I) OR (II), OR A VALUE ESTABLISHED UNDER
15 SUBSECTION (C).

16 * * *

17 SECTION 3. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2016, OR
18 IMMEDIATELY, WHICHEVER IS LATER.