
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 908 Session of
2019

INTRODUCED BY RADER, FREEMAN, BROWN, MILLARD, HILL-EVANS, MURT,
ZIMMERMAN, KAUFER, NEILSON, GILLEN, DRISCOLL AND JOZWIAK,
MARCH 20, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 20, 2019

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.