

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 680 Session of 1997

INTRODUCED BY MAITLAND, BUNT, HALUSKA, HERSHEY, CARONE, MILLER, MASLAND, BARD, HERMAN, ARMSTRONG, HENNESSEY, KREBS, MAJOR, WAUGH, EGOLF, SEMMEL, FLEAGLE, ROHRER, HESS, E. Z. TAYLOR, TRUE, SCHRODER, SERAFINI, BARLEY, PLATTS, LEH, McCALL, SCRIMENTI, FAIRCHILD, BAKER, SHANER, STERN, ZUG, VANCE, FARGO, TULLI, NAILOR, STEELMAN, GORDNER, SAYLOR, TRELLO, BROWNE, ROSS, LAUGHLIN, GLADECK AND BENNINGHOFF, MARCH 6, 1997

SENATOR WENGER, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, NOVEMBER 10, 1998

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 DEDICATED AGRICULTURAL LAND
9 AND FOR PREFERENTIAL ASSESSMENT APPLICATIONS; PROVIDING FOR
10 RESPONSIBILITIES OF THE DEPARTMENT OF AGRICULTURE; FURTHER
11 PROVIDING FOR RESPONSIBILITIES OF COUNTY ASSESSORS; PROVIDING
12 FOR PENALTIES; AND FURTHER PROVIDING FOR DIVISION AND
13 TRANSFER OF LAND, FOR TAX JURISDICTION, for tax determination
14 upon abandonment, FOR APPEALS AND FOR REGULATIONS.

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

17 ~~Section 1. Section 8(b) of the act of December 19, 1974~~
18 ~~(P.L.973, No.319), known as the Pennsylvania Farmland and Forest~~
19 ~~Land Assessment Act of 1974, amended December 12, 1994 (P.L.942,~~
20 ~~No.133), is amended and the section is amended by adding~~

1 ~~subsections to read:~~

2 ~~Section 8. Determination of amounts of taxes when use~~
3 ~~abandoned. * * *~~

4 SECTION 1. SECTION 2 OF THE ACT OF DECEMBER 19, 1974 <—
5 (P.L.973, NO.319), KNOWN AS THE PENNSYLVANIA FARMLAND AND FOREST
6 LAND ASSESSMENT ACT OF 1974, AMENDED MARCH 24, 1980 (P.L.45,
7 NO.15), IS AMENDED TO READ:

8 SECTION 2. DEFINITIONS.--AS USED IN THIS ACT, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN
10 THIS SECTION UNLESS THE CONTEXT OBVIOUSLY OTHERWISE REQUIRES:

11 "AGRICULTURAL COMMODITY." ANY [AND ALL PLANT AND ANIMAL
12 PRODUCTS INCLUDING CHRISTMAS TREES PRODUCED IN THIS STATE FOR
13 COMMERCIAL PURPOSES.] OF THE FOLLOWING:

14 (1) AGRICULTURAL, APICULTURAL, AQUACULTURAL,
15 HORTICULTURAL, FLORICULTURAL, SILVICULTURAL, VITICULTURAL AND
16 DAIRY PRODUCTS.

17 (2) PASTURE.

18 (3) LIVESTOCK AND THE PRODUCTS THEREOF.

19 (4) RANCH-RAISED FURBEARING ANIMALS AND THE PRODUCTS
20 THEREOF.

21 (5) POULTRY AND THE PRODUCTS OF POULTRY.

22 (6) PRODUCTS COMMONLY RAISED OR PRODUCED ON FARMS WHICH
23 ARE:

24 (I) INTENDED FOR HUMAN CONSUMPTION; OR

25 (II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN
26 COMMERCE.

27 (7) PROCESSED OR MANUFACTURED PRODUCTS OF PRODUCTS
28 COMMONLY RAISED OR PRODUCED ON FARMS WHICH ARE:

29 (I) INTENDED FOR HUMAN CONSUMPTION; OR

30 (II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN

1 COMMERCE.

2 "AGRICULTURAL RESERVE." NONCOMMERCIAL OPEN SPACE LANDS USED
3 FOR OUTDOOR RECREATION OR THE ENJOYMENT OF SCENIC OR NATURAL
4 BEAUTY AND OPEN TO THE PUBLIC FOR SUCH USE, WITHOUT CHARGE OR
5 FEE, ON A NONDISCRIMINATORY BASIS.

6 "AGRICULTURAL USE." [USE OF THE LAND] LAND WHICH IS USED FOR
7 THE PURPOSE OF PRODUCING AN AGRICULTURAL COMMODITY OR [WHEN
8 DEVOTED TO AND MEETING] IS DEVOTED TO AND MEETS THE REQUIREMENTS
9 AND QUALIFICATIONS FOR PAYMENTS OR OTHER COMPENSATION PURSUANT
10 TO A SOIL CONSERVATION PROGRAM UNDER AN AGREEMENT WITH AN AGENCY
11 OF THE FEDERAL GOVERNMENT. THE TERM INCLUDES ANY FARMSTEAD LAND
12 ON THE TRACT. THE TERM INCLUDES A WOODLOT AND LAND WHICH IS
13 RENTED TO ANOTHER PERSON AND USED FOR THE PURPOSE OF PRODUCING
14 AN AGRICULTURAL COMMODITY.

15 "CAPITALIZATION RATE." THE PERCENTAGE RATE USED TO CONVERT
16 INCOME TO VALUE, AS DETERMINED BY THE MOST RECENT FIVE-YEAR
17 ROLLING AVERAGE OF FIFTEEN-YEAR FIXED LOAN INTEREST RATES
18 OFFERED TO LANDOWNERS BY THE FEDERAL AGRICULTURAL MORTGAGE
19 CORPORATION OR OTHER SIMILAR FEDERAL AGRICULTURAL LENDING
20 INSTITUTION, ADJUSTED TO INCLUDE THE LANDOWNER'S RISK OF
21 INVESTMENT AND THE EFFECTIVE TAX RATE.

22 "CONTIGUOUS TRACT." ALL PORTIONS OF ONE OPERATIONAL UNIT AS
23 DESCRIBED IN THE DEED OR DEEDS, WHETHER OR NOT THE PORTIONS ARE
24 DIVIDED BY STREAMS, PUBLIC ROADS OR BRIDGES AND WHETHER OR NOT
25 THE PORTIONS ARE DESCRIBED AS MULTIPLE TAX PARCELS, TRACTS,
26 PURPARTS OR OTHER PROPERTY IDENTIFIERS. THE TERM INCLUDES
27 SUPPORTIVE LANDS, SUCH AS UNPAVED FIELD ACCESS ROADS, DRAINAGE
28 AREAS, BORDER STRIPS, HEDGEROWS, SUBMERGED LANDS, MARSHES, PONDS
29 AND STREAMS.

30 "CONTRIBUTORY VALUE OF FARM BUILDING." THE VALUE OF THE FARM

1 BUILDING AS AN ALLOCATED PORTION OF THE TOTAL FAIR MARKET VALUE
2 ASSIGNED TO THE TRACT, IRRESPECTIVE OF REPLACEMENT COST OF THE
3 BUILDING.

4 "CURTILAGE." THE LAND SURROUNDING A RESIDENTIAL STRUCTURE
5 AND FARM BUILDING USED FOR A YARD, DRIVEWAY, ON-LOT SEWAGE
6 SYSTEM OR ACCESS TO ANY BUILDING ON THE TRACT.

7 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE
8 COMMONWEALTH.

9 "FARM BUILDING." A STRUCTURE UTILIZED TO STORE, MAINTAIN OR
10 HOUSE FARM IMPLEMENTS, AGRICULTURAL COMMODITIES OR CROPS,
11 LIVESTOCK AND LIVESTOCK PRODUCTS, AS DEFINED IN THE ACT OF JUNE
12 30, 1981 (P.L.128, NO.43), KNOWN AS THE "AGRICULTURAL AREA
13 SECURITY LAW."

14 "FARMSTEAD LAND." ANY CURTILAGE AND LAND SITUATED UNDER A
15 RESIDENCE, FARM BUILDING OR OTHER BUILDING WHICH SUPPORTS A
16 RESIDENCE, INCLUDING A RESIDENTIAL GARAGE OR WORKSHOP.

17 "FOREST RESERVE." LAND, TEN ACRES OR MORE, STOCKED BY FOREST
18 TREES OF ANY SIZE AND CAPABLE OF PRODUCING TIMBER OR OTHER WOOD
19 PRODUCTS. THE TERM INCLUDES FARMSTEAD LAND ON THE TRACT.

20 "INCOME APPROACH." THE METHOD OF VALUATION WHICH USES A
21 CAPITALIZATION RATE TO CONVERT ANNUAL NET INCOME TO AN ESTIMATE
22 OF PRESENT VALUE. PRESENT VALUE IS EQUAL TO THE NET ANNUAL
23 RETURN TO LAND DIVIDED BY THE CAPITALIZATION RATE.

24 "LAND USE CATEGORY." AGRICULTURAL USE, AGRICULTURAL RESERVE
25 OR FOREST RESERVE.

26 "NET RETURN TO LAND." ANNUAL NET INCOME PER ACRE AFTER
27 OPERATING EXPENSES ARE SUBTRACTED FROM GROSS INCOME. CALCULATION
28 OF OPERATING EXPENSES SHALL NOT INCLUDE INTEREST OR PRINCIPAL
29 PAYMENTS.

30 "ROLL-BACK TAX." THE AMOUNT EQUAL TO THE DIFFERENCE BETWEEN

1 THE TAXES PAID OR PAYABLE ON THE BASIS OF THE VALUATION AND THE
2 ASSESSMENT AUTHORIZED HEREUNDER AND THE TAXES THAT WOULD HAVE
3 BEEN PAID OR PAYABLE HAD THAT LAND BEEN VALUED, ASSESSED AND
4 TAXED AS OTHER LAND IN THE TAXING DISTRICT IN THE CURRENT TAX
5 YEAR, THE YEAR OF CHANGE, AND IN SIX OF THE PREVIOUS TAX YEARS
6 OR THE NUMBER OF YEARS OF PREFERENTIAL ASSESSMENT UP TO SEVEN.

7 "SEPARATION." A DIVISION, BY CONVEYANCE OR OTHER ACTION OF
8 THE OWNER, OF LANDS DEVOTED TO AGRICULTURAL USE, AGRICULTURAL
9 RESERVE OR FOREST RESERVE AND PREFERENTIALLY ASSESSED UNDER THE
10 PROVISIONS OF THIS ACT, INTO TWO OR MORE TRACTS OF LAND, THE USE
11 OF WHICH CONTINUES TO BE AGRICULTURAL USE, AGRICULTURAL RESERVE
12 OR FOREST RESERVE AND ALL TRACTS SO FORMED MEET THE REQUIREMENTS
13 OF SECTION 3.

14 "SPLIT-OFF." A DIVISION, BY CONVEYANCE OR OTHER ACTION OF
15 THE OWNER, OF LANDS DEVOTED TO AGRICULTURAL USE, AGRICULTURAL
16 RESERVE OR FOREST RESERVE AND PREFERENTIALLY ASSESSED UNDER THE
17 PROVISIONS OF THIS ACT INTO TWO OR MORE TRACTS OF LAND, THE USE
18 OF WHICH ON ONE OR MORE OF SUCH TRACTS DOES NOT MEET THE
19 REQUIREMENTS OF SECTION 3.

20 "TRACT." A LOT, PIECE OR PARCEL OR LAND. THE TERM DOES NOT
21 REFER TO ANY PRECISE DIMENSION OF LAND.

22 "USDA-ERS." THE UNITED STATES DEPARTMENT OF AGRICULTURE-
23 ECONOMIC RESEARCH SERVICE.

24 "USDA-NRCS." THE UNITED STATES DEPARTMENT OF AGRICULTURE-
25 NATURAL RESOURCES CONSERVATION SERVICE.

26 "WOODLOT." AN AREA OF LESS THAN TEN ACRES, STOCKED BY TREES
27 OF ANY SIZE AND CONTIGUOUS TO OR PART OF LAND IN AGRICULTURAL
28 USE OR AGRICULTURAL RESERVE.

29 SECTION 2. SECTION 3 OF THE ACT IS AMENDED TO READ:

30 SECTION 3. LAND DEVOTED TO AGRICULTURAL USE, AGRICULTURAL

1 RESERVE, AND/OR FOREST RESERVE[, WOODLOTS].--(A) FOR GENERAL
2 PROPERTY TAX PURPOSES, THE VALUE OF LAND WHICH IS PRESENTLY
3 DEVOTED TO AGRICULTURAL USE, AGRICULTURAL RESERVE, AND/OR FOREST
4 RESERVE SHALL, ON APPLICATION OF THE OWNER AND APPROVAL THEREOF
5 AS HEREINAFTER PROVIDED, BE THAT VALUE WHICH SUCH LAND HAS FOR
6 ITS PARTICULAR LAND USE CATEGORY IF IT ALSO MEETS THE FOLLOWING
7 CONDITIONS:

8 (1) LAND PRESENTLY DEVOTED TO AGRICULTURAL USE: SUCH LAND
9 WAS DEVOTED TO AGRICULTURAL USE THE PRECEDING THREE YEARS AND IS
10 NOT LESS THAN TEN CONTIGUOUS ACRES IN AREA, INCLUDING THE
11 FARMSTEAD LAND, OR HAS AN ANTICIPATED YEARLY GROSS INCOME OF AT
12 LEAST TWO THOUSAND DOLLARS (\$2,000).

13 (2) LAND PRESENTLY DEVOTED TO AGRICULTURAL RESERVE: SUCH
14 LAND IS NOT LESS THAN TEN CONTIGUOUS ACRES IN AREA, INCLUDING
15 THE FARMSTEAD LAND.

16 (3) LAND PRESENTLY DEVOTED TO FOREST RESERVE: SUCH LAND IS
17 NOT LESS THAN TEN CONTIGUOUS ACRES IN AREA, INCLUDING THE
18 FARMSTEAD LAND.

19 [(4) THE CONTIGUOUS TRACT OF LAND FOR WHICH APPLICATION IS
20 MADE IS NOT LESS THAN THE ENTIRE CONTIGUOUS AREA USED BY THE
21 OWNER FOR AGRICULTURAL OR FOREST RESERVE PURPOSES.]

22 (A.1) THE FOLLOWING APPLY TO ENROLLMENT:

23 (1) A LANDOWNER MAY ENROLL ONE TRACT OR MORE THAN ONE
24 CONTIGUOUS TRACT FOR PREFERENTIAL ASSESSMENT IF THE TOTAL AREA
25 TO BE ENROLLED MEETS THE MINIMUM REQUIREMENTS FOR ELIGIBILITY
26 OTHERWISE PRESCRIBED IN THIS SECTION. A LANDOWNER MAY NOT ENROLL
27 LESS THAN THE ENTIRE CONTIGUOUS PORTION OF LAND DESCRIBED IN THE
28 DEED APPLICABLE TO A TRACT FOR WHICH ENROLLMENT FOR PREFERENTIAL
29 ASSESSMENT IS SOUGHT.

30 (2) A TRACT OF LAND WHICH IS USED FOR AGRICULTURAL USE,

1 AGRICULTURAL RESERVE OR FOREST RESERVE PURPOSES MAY BE ENROLLED
2 FOR PREFERENTIAL ASSESSMENT NOTWITHSTANDING THAT THE TRACT
3 ITSELF DOES NOT MEET THE MINIMUM REQUIREMENTS FOR ELIGIBILITY
4 OTHERWISE PRESCRIBED IN THIS SECTION IF THE TRACT IS CONTIGUOUS
5 TO A TRACT OR TRACTS WHICH HAVE BEEN PREVIOUSLY ENROLLED BY THE
6 LANDOWNER FOR PREFERENTIAL ASSESSMENT.

7 [(B) THE ASSESSOR WHEN DETERMINING THE VALUE OF LAND IN
8 AGRICULTURAL USE, AGRICULTURAL RESERVE USE, OR FOREST RESERVE
9 USE, SHALL, IN ARRIVING AT THE VALUE OF SUCH LAND FOR ITS
10 PARTICULAR USE, CONSIDER AVAILABLE EVIDENCE OF SUCH LANDS'
11 CAPABILITY FOR ITS PARTICULAR USE AS DERIVED FROM THE SOIL
12 SURVEY AT THE PENNSYLVANIA STATE UNIVERSITY, THE NATIONAL
13 COOPERATIVE SOIL SURVEY, THE UNITED STATES CENSUS OF
14 AGRICULTURAL CATEGORIES OF LAND USE CLASSES, AND EVIDENCE OF THE
15 CAPABILITY OF LAND DEVOTED TO SUCH USE.

16 (C) FARM WOODLOTS, CONTIGUOUS TO, AND HELD BY THE SAME
17 OWNERSHIP AS OTHER AGRICULTURAL LAND IS NOT REQUIRED TO CONFORM
18 TO THE TEN ACRE MINIMUM FOREST RESERVE REQUIREMENT.]

19 (D) THE COUNTY BOARD OF ASSESSMENT APPEALS MAY NOT TERMINATE
20 PREFERENTIAL ASSESSMENT OF LAND PREVIOUSLY DETERMINED BY THE
21 BOARD TO QUALIFY FOR PREFERENTIAL ASSESSMENT WITHOUT:

22 (1) WRITTEN NOTICE UNDER SECTION 4(C.1) FROM THE LANDOWNER
23 EXPRESSING THAT PREFERENTIAL ASSESSMENT IS TO BE TERMINATED; OR

24 (2) WRITTEN NOTICE UNDER SECTION 5(A)(2) FROM THE COUNTY
25 ASSESSOR TO THE LANDOWNER THAT PREFERENTIAL ASSESSMENT IS TO BE
26 TERMINATED, STATING THE REASON FOR SUCH TERMINATION AND THE
27 OPPORTUNITY FOR A HEARING UNDER SECTION 9.

28 (E) A COUNTY ASSESSOR MAY NOT IMPOSE ANY REQUIREMENTS OR
29 CONDITIONS OF ELIGIBILITY FOR PREFERENTIAL ASSESSMENT OTHER THAN
30 THOSE OTHERWISE PRESCRIBED IN THIS SECTION.

1 SECTION 3. SECTION 4 OF THE ACT, AMENDED MAY 9, 1984
2 (P.L.234, NO.51), IS AMENDED TO READ:

3 SECTION 4. APPLICATIONS FOR PREFERENTIAL ASSESSMENTS.--(A)
4 THE COUNTY BOARD FOR ASSESSMENT APPEALS SHALL HAVE THE
5 RESPONSIBILITY TO ACCEPT AND PROCESS APPLICATIONS FOR
6 PREFERENTIAL ASSESSMENTS AS PRESCRIBED BY THIS ACT.

7 (A.1) A COMPLETE AND ACCURATE APPLICATION FOR PREFERENTIAL
8 ASSESSMENT SHALL BE ACCEPTED BY A COUNTY BOARD FOR ASSESSMENT
9 APPEALS OR A COUNTY ASSESSOR IF THE PROVISIONS OF SECTION 3 ARE
10 MET. ALL APPLICATIONS FOR PREFERENTIAL ASSESSMENT SHALL BE
11 PROCESSED IN EVERY COUNTY IN A TIMELY MANNER TO BECOME EFFECTIVE
12 FOR THE TAX YEAR OF EACH TAXING BODY WHICH COMMENCES IN THE
13 CALENDAR YEAR IMMEDIATELY FOLLOWING THE APPLICATION DEADLINE.

14 (B) EACH OWNER OF [AGRICULTURAL LAND,] LAND QUALIFYING UNDER
15 THIS ACT AS AGRICULTURAL USE, AGRICULTURAL RESERVE AND/OR FOREST
16 RESERVE, DESIRING PREFERENTIAL USE ASSESSMENT [UNDER THIS ACT,]
17 SHALL MAKE APPLICATION TO THE COUNTY BOARD OF ASSESSMENT APPEALS
18 OF THE COUNTY IN WHICH THE LAND IS LOCATED. [SUCH] EXCEPT AS
19 PROVIDED IN SUBSECTION (B.1), SUCH APPLICATION MUST BE SUBMITTED
20 ON OR BEFORE JUNE [FIRST] 1 OF THE YEAR IMMEDIATELY PRECEDING
21 THE TAX YEAR. PREFERENTIAL ASSESSMENT SHALL CONTINUE UNDER THE
22 INITIAL APPLICATION, OR AN APPLICATION AMENDED UNDER SUBSECTION
23 (F), UNTIL LAND USE CHANGE TAKES PLACE.

24 (B.1) IN A YEAR WHEN A REASSESSMENT IS IMPLEMENTED, THE
25 APPLICATION MUST BE SUBMITTED WITHIN THIRTY DAYS OF THE FINAL
26 ORDER OF THE COUNTY BOARD FOR ASSESSMENT APPEALS, OR BY OCTOBER
27 15 OF THE SAME YEAR, WHICHEVER IS SOONER, REGARDLESS OF WHETHER
28 OR NOT JUDICIAL REVIEW OF THE ORDER IS SOUGHT.

29 (B.2) A LANDOWNER MAY APPLY FOR PREFERENTIAL ASSESSMENT FOR
30 ANY ELIGIBLE LAND IN ANY COUNTY, REGARDLESS OF THE LANDOWNER'S

1 COUNTY OF RESIDENCE AND WHETHER OR NOT THE RESIDENCE OF THE
2 LANDOWNER IS SITUATED ON THE LAND SUBMITTED FOR APPLICATION.

3 (B.3) ONE APPLICATION MAY INCLUDE MORE THAN ONE LAND USE
4 CATEGORY.

5 (C) THERE SHALL BE UNIFORM APPLICATION FORMS FOR
6 PREFERENTIAL ASSESSMENT IN ALL COUNTIES. SUCH APPLICATION FORMS
7 SHALL BE DEVELOPED BY THE [DEPARTMENT OF AGRICULTURE]
8 DEPARTMENT. IN ADDITION TO THE INFORMATION WHICH THE [DEPARTMENT
9 OF AGRICULTURE] DEPARTMENT SHALL DEEM APPROPRIATE, THE FOLLOWING
10 STATEMENT SHALL BE INCLUDED:

11 "THE APPLICANT FOR PREFERENTIAL ASSESSMENT HEREBY AGREES, IF
12 HIS APPLICATION IS APPROVED FOR PREFERENTIAL ASSESSMENT, TO
13 SUBMIT THIRTY DAYS NOTICE TO THE COUNTY ASSESSOR OF A PROPOSED
14 CHANGE IN USE OF THE LAND, A [SPLIT-OFF] CHANGE IN OWNERSHIP OF
15 A PORTION OF THE LAND[,] OR [A] OF ANY TYPE OF DIVISION OR
16 CONVEYANCE OF THE LAND.["] THE APPLICANT FOR PREFERENTIAL
17 ASSESSMENT HEREBY ACKNOWLEDGES THAT, IF HIS APPLICATION IS
18 APPROVED FOR PREFERENTIAL ASSESSMENT, ROLL-BACK TAXES UNDER
19 SECTION 5.1 OF THE ACT MAY BE DUE FOR A CHANGE IN USE OF THE
20 LAND, A CHANGE IN OWNERSHIP OF ANY PORTION OF THE LAND, OR ANY
21 TYPE OF DIVISION OR CONVEYANCE OF THE LAND."

22 (C.1) A LANDOWNER RECEIVING PREFERENTIAL ASSESSMENT UNDER
23 THIS ACT SHALL SUBMIT 30 DAYS' NOTICE TO THE COUNTY ASSESSOR OF
24 A PROPOSED CHANGE IN USE OF THE LAND, A CHANGE IN OWNERSHIP OF
25 ANY PORTION OF THE LAND, OR ANY TYPE OF DIVISION OR CONVEYANCE
26 OF THE LAND.

27 (D) THE APPROVED APPLICATION FOR PREFERENTIAL ASSESSMENT
28 SHALL BE RECORDED BY THE COUNTY BOARD FOR ASSESSMENT APPEALS IN
29 THE OFFICE OF THE RECORDER OF DEEDS FOR THE COUNTY IN A
30 PREFERENTIAL ASSESSMENT DOCKET. A BREACH OF THE PREFERENTIAL

1 ASSESSMENT SHALL ALSO BE RECORDED BY THE COUNTY BOARD FOR
2 ASSESSMENT APPEALS IN THE OFFICE OF THE RECORDER OF DEEDS. THE
3 RECORDER SHALL CHARGE A FEE FOR THE RECORDINGS IN ACCORDANCE
4 WITH THE ACTS RELATING TO THE IMPOSITION OF FEES BY RECORDERS OF
5 DEEDS. THE RECORDER OF DEEDS MAY NOT IMPOSE A FEE UNLESS AN
6 APPLICATION FOR PREFERENTIAL ASSESSMENT IS APPROVED BY THE
7 COUNTY BOARD FOR ASSESSMENT APPEALS. THE FEE FOR RECORDING THE
8 BREACH OF THE PREFERENTIAL ASSESSMENT SHALL BE ADDED ONTO THE
9 TOTAL OF THE ROLL-BACK TAXES DUE AND SHALL BE PAID BY THE OWNER
10 OF THE PROPERTY.

11 (E) THE COUNTY BOARD FOR ASSESSMENT APPEALS MAY IMPOSE A FEE
12 FOR PROCESSING APPLICATIONS FOR PREFERENTIAL ASSESSMENT OF NO
13 MORE THAN FIFTY DOLLARS (\$50).

14 (F) AMENDMENTS TO INITIAL APPLICATION SHALL BE AS FOLLOWS:

15 (1) WHEN A LANDOWNER RECEIVING PREFERENTIAL ASSESSMENT
16 CHANGES A DEED AS A RESULT OF A SPLIT-OFF, SEPARATION, TRANSFER
17 OR CHANGE OF OWNERSHIP, THE COUNTY BOARD FOR ASSESSMENT APPEALS
18 SHALL ADJUST THE INITIAL APPLICATION TO REFLECT THE DEED CHANGE.
19 SUCH CHANGE SHALL BE RECORDED IN ACCORDANCE WITH SUBSECTION (D).
20 RECORDING FEES SHALL BE PAID BY THE LANDOWNER AND THE COUNTY
21 ASSESSOR MAY NOT IMPOSE ANY ADDITIONAL FEES FOR AMENDING AN
22 APPLICATION.

23 (2) PREFERENTIAL ASSESSMENT ON LAND WHICH CONTINUES TO MEET
24 THE PROVISIONS OF SECTION 3 SHALL NOT LAPSE AND SHALL CONTINUE
25 AT THE SAME RATE PREVIOUSLY ESTABLISHED UNDER SECTION 4.2.

26 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

27 SECTION 4.1. RESPONSIBILITIES OF DEPARTMENT.--(A) BY JUNE
28 30, 1999, AND BY MAY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT
29 SHALL ESTABLISH AND PROVIDE TO ALL COUNTY ASSESSORS COUNTY-
30 SPECIFIC USE VALUES FOR LAND IN AGRICULTURAL USE AND

1 AGRICULTURAL RESERVE IN ACCORDANCE WITH THIS SECTION.

2 (B) WHEN ESTABLISHING COUNTY-SPECIFIC USE VALUES FOR LAND IN
3 AGRICULTURAL USE AND AGRICULTURAL RESERVE, THE DEPARTMENT SHALL
4 CONSULT WITH THE DEPARTMENT OF AGRICULTURAL ECONOMICS AND RURAL
5 SOCIOLOGY OF THE COLLEGE OF AGRICULTURAL SCIENCES AT THE
6 PENNSYLVANIA STATE UNIVERSITY, THE PENNSYLVANIA AGRICULTURAL
7 STATISTICS SERVICE, USDA-ERS, USDA-NRCS AND OTHER SOURCES AS THE
8 DEPARTMENT DEEMS APPROPRIATE AND SHALL USE THE INCOME APPROACH
9 FOR ASSET VALUATION.

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

15 SECTION 4.2. RESPONSIBILITIES OF COUNTY ASSESSOR IN
16 ESTABLISHING USE VALUES.--(A) FOR EACH APPLICATION FOR
17 PREFERENTIAL ASSESSMENT, THE COUNTY ASSESSOR SHALL ESTABLISH A
18 TOTAL USE VALUE FOR LAND IN AGRICULTURAL USE AND AGRICULTURAL
19 RESERVE, INCLUDING FARMSTEAD LAND BY CONSIDERING AVAILABLE
20 EVIDENCE OF THE CAPABILITY OF THE LAND FOR ITS PARTICULAR USE
21 UTILIZING THE USDA-NRCS AGRICULTURAL LAND CAPABILITY
22 CLASSIFICATION SYSTEM AND OTHER INFORMATION AVAILABLE FROM USDA-
23 ERS, THE PENNSYLVANIA STATE UNIVERSITY AND THE PENNSYLVANIA
24 AGRICULTURAL STATISTICS SERVICE. CONTRIBUTORY VALUE OF FARM
25 BUILDINGS SHALL BE USED.

26 (B) FOR EACH APPLICATION FOR PREFERENTIAL ASSESSMENT, THE
27 COUNTY ASSESSOR SHALL ESTABLISH A TOTAL USE VALUE FOR LAND IN
28 FOREST RESERVE, INCLUDING FARMSTEAD LAND, BY CONSIDERING
29 AVAILABLE EVIDENCE OF CAPABILITY OF THE LAND FOR ITS PARTICULAR
30 USE. CONTRIBUTORY VALUE OF FARM BUILDINGS SHALL BE USED.

1 (C) A COUNTY ASSESSOR MAY ESTABLISH USE VALUES WHICH ARE
2 LESS THAN THE VALUES PROVIDED BY THE DEPARTMENT UNDER SECTION
3 4.1, BUT LESSER VALUES SHALL BE APPLIED UNIFORMLY TO ALL LAND IN
4 THE COUNTY ELIGIBLE FOR PREFERENTIAL ASSESSMENT.

5 SECTION 5. SECTION 5 OF THE ACT, AMENDED MAY 21, 1976
6 (P.L.143, NO.68), IS AMENDED TO READ:

7 SECTION 5. RESPONSIBILITIES OF THE COUNTY ASSESSOR IN
8 GENERAL.--(A) IN ADDITION TO KEEPING SUCH RECORDS AS ARE NOW OR
9 HEREAFTER REQUIRED BY LAW, IT SHALL BE THE DUTY OF THE COUNTY
10 ASSESSOR:

11 (1) TO INDICATE ON PROPERTY RECORD CARDS, ASSESSMENT ROLLS,
12 AND ANY OTHER APPROPRIATE RECORDS, THE FAIR MARKET VALUE, THE
13 NORMAL ASSESSED VALUE, THE USE VALUE UNDER SECTION 4.2 AND THE
14 PREFERENTIALLY ASSESSED VALUE OF EACH PARCEL GRANTED
15 PREFERENTIAL USE ASSESSMENTS UNDER THIS ACT; AND ANNUALLY, TO
16 RECORD ON SUCH RECORDS ALL CHANGES, IF ANY, IN THE FAIR MARKET
17 VALUE, THE NORMAL ASSESSED VALUE, THE USE VALUE UNDER SECTION
18 4.2 AND THE PREFERENTIALLY ASSESSED VALUE OF SUCH PROPERTIES.

19 (2) TO NOTIFY IN WRITING THE APPROPRIATE TAXING BODIES AND
20 LANDOWNER OF ANY PREFERENTIAL ASSESSMENTS GRANTED OR TERMINATED
21 WITHIN THEIR TAXING JURISDICTION AND OF THE REASON FOR
22 TERMINATION WITHIN FIVE DAYS OF SUCH CHANGE. THERE SHALL BE A
23 RIGHT OF APPEAL AS PROVIDED BY SECTION 9.

24 (3) TO NOTIFY IN WRITING THE OWNER OF A PROPERTY THAT IS
25 PREFERENTIALLY ASSESSED UNDER THIS ACT, AND THE TAXING BODIES OF
26 THE DISTRICT IN WHICH SUCH PROPERTY IS SITUATED, OF ANY CHANGES
27 IN THE FAIR MARKET VALUE, THE NORMAL ASSESSED VALUE, THE USE
28 VALUE UNDER SECTION 4.2 OR THE PREFERENTIALLY ASSESSED VALUE
29 WITHIN FIVE DAYS OF SUCH CHANGE. THERE SHALL BE A RIGHT OF
30 APPEAL AS PROVIDED FOR IN SECTION 9 [OF THIS ACT].

1 (4) TO MAINTAIN A PERMANENT RECORD OF THE TAX RATES, IN
2 MILLS, LEVIED BY EACH OF THE TAXING AUTHORITIES IN THE COUNTY
3 FOR EACH TAX YEAR.

4 (B) IT SHALL BE THE DUTY OF THE COUNTY ASSESSOR, AS SET
5 FORTH UNDER SECTION 8(C) [OF THIS ACT], TO CALCULATE ROLL-BACK
6 TAXES, GIVE NOTICE OF THE AMOUNTS DUE TO LANDOWNERS AND
7 INTERESTED PARTIES AND TO FILE LIENS FOR UNPAID ROLL-BACK TAXES.

8 (C) THE PREFERENTIAL USE ASSESSMENTS GRANTED UNDER THIS ACT
9 SHALL BE CONSIDERED BY THE STATE TAX EQUALIZATION BOARD IN
10 DETERMINING THE MARKET VALUE OF TAXABLE REAL PROPERTY FOR SCHOOL
11 SUBSIDY PURPOSES. THE STATE TAX EQUALIZATION BOARD SHALL NOT
12 REFLECT THE INDIVIDUAL SCHOOL DISTRICT MARKET VALUE DECREASE, AS
13 IT RELATES TO AGRICULTURAL LAND, WHEN CERTIFYING THE STATEWIDE
14 MARKET VALUE TO THE DEPARTMENT OF EDUCATION.

15 SECTION 6. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

16 SECTION 5.1. PENALTY FOR INELIGIBLE USE.--IF A LANDOWNER
17 CHANGES THE USE OF ANY TRACT OF LAND SUBJECT TO PREFERENTIAL
18 ASSESSMENT UNDER THIS ACT TO ONE WHICH IS INCONSISTENT WITH THE
19 PROVISIONS OF SECTION 3 OR FOR ANY OTHER REASON THE LAND IS
20 REMOVED FROM A LAND USE CATEGORY UNDER SECTION 3, EXCEPT FOR A
21 CONDEMNATION OF THE LAND, THE LAND SO REMOVED AND THE ENTIRE
22 TRACT OF WHICH IT WAS A PART SHALL BE SUBJECT TO ROLL-BACK TAXES
23 PLUS INTEREST ON EACH YEAR'S ROLL-BACK TAX AT THE RATE OF SIX
24 PERCENT (6%) PER ANNUM. AFTER THE FIRST SEVEN YEARS OF
25 PREFERENTIAL ASSESSMENT, THE ROLL-BACK TAX SHALL APPLY TO THE
26 SEVEN MOST RECENT TAX YEARS.

27 SECTION 5.2. CIVIL PENALTIES.--(A) THE COUNTY BOARD FOR
28 ASSESSMENT APPEALS MAY ASSESS A CIVIL PENALTY OF NOT MORE THAN
29 ONE HUNDRED DOLLARS (\$100) UPON A PERSON FOR EACH VIOLATION OF
30 THIS ACT OR ANY REGULATION PROMULGATED UNDER THIS ACT.

1 (B) IF A CIVIL PENALTY IS ASSESSED AGAINST A PERSON UNDER
2 SUBSECTION (A), THE COUNTY BOARD FOR ASSESSMENT APPEALS MUST
3 NOTIFY THE PERSON BY CERTIFIED MAIL OF THE NATURE OF THE
4 VIOLATION AND THE AMOUNT OF THE CIVIL PENALTY AND THAT THE
5 PERSON MAY NOTIFY THE COUNTY BOARD FOR ASSESSMENT APPEALS IN
6 WRITING WITHIN TEN CALENDAR DAYS THAT THE PERSON WISHES TO
7 CONTEST THE CIVIL PENALTY. IF, WITHIN TEN CALENDAR DAYS FROM THE
8 RECEIPT OF THAT NOTIFICATION, THE PERSON DOES NOT NOTIFY THE
9 COUNTY BOARD FOR ASSESSMENT APPEALS OF INTENT TO CONTEST THE
10 ASSESSED PENALTY, THE CIVIL PENALTY SHALL BECOME FINAL.

11 (C) IF TIMELY NOTIFICATION OF THE INTENT TO CONTEST THE
12 CIVIL PENALTY IS GIVEN, THE PERSON CONTESTING THE CIVIL PENALTY
13 SHALL BE PROVIDED WITH A HEARING IN ACCORDANCE WITH 2 PA.C.S.
14 CH. 5 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL
15 AGENCIES) AND CH. 7 SUBCH. B (RELATING TO JUDICIAL REVIEW OF
16 LOCAL AGENCY ACTIONS).

17 SECTION 7. SECTION 6 OF THE ACT, AMENDED OR ADDED MARCH 24,
18 1980 (P.L.45, NO.15) AND MAY 31, 1996 (P.L.334, NO.51), IS
19 AMENDED TO READ:

20 SECTION 6. [SEPARATION,] SPLIT-OFF, SEPARATION OR
21 TRANSFER.--[(A) THE SPLIT-OFF OF A PART OF THE LAND WHICH IS
22 BEING VALUED, ASSESSED AND TAXED UNDER THIS ACT FOR A USE OTHER
23 THAN AGRICULTURAL OR AGRICULTURAL RESERVE OR FOREST RESERVE
24 SHALL, EXCEPT WHEN THE SPLIT-OFF OCCURS THROUGH CONDEMNATION,
25 SUBJECT THE LAND SO DIVIDED AND THE ENTIRE PARCEL FROM WHICH THE
26 LAND WAS DIVIDED TO LIABILITY FOR THE ROLL-BACK TAXES AS SET
27 FORTH IN SECTION 8 OF THIS ACT EXCEPT AS PROVIDED IN SUBSECTION
28 (B).

29 (B) THE OWNER OF PROPERTY SUBJECT TO A PREFERENTIAL TAX
30 ASSESSMENT MAY SPLIT-OFF LAND COVERED BY THE PREFERENTIAL TAX

1 ASSESSMENT: PROVIDED, THAT THE TRACT OF LAND SO SPLIT-OFF SHALL
2 NOT EXCEED TWO ACRES ANNUALLY AND MAY ONLY BE USED FOR
3 RESIDENTIAL, AGRICULTURAL, OR FOREST RESERVE USE DURING SUCH
4 TIME AS THE LAND RETAINED SHALL CONTINUE TO RECEIVE PREFERENTIAL
5 TAX ASSESSMENT AND THE CONSTRUCTION OF A RESIDENTIAL DWELLING TO
6 BE OCCUPIED BY THE PERSON TO WHOM THE LAND IS TRANSFERRED: AND
7 FURTHER PROVIDED, THAT THE TOTAL PARCEL OR PARCELS OF LAND SO
8 SPLIT-OFF UNDER THE PROVISIONS OF THIS SUBSECTION SHALL NOT
9 EXCEED TEN PERCENT OR TEN ACRES, WHICHEVER IS LESSER, OF THE
10 ENTIRE TRACT SUBJECT TO THE PREFERENTIAL TAX ASSESSMENT. ANY
11 PERSON MAY BRING AN ACTION IN EQUITY TO ENJOIN ANY USE OF THE
12 LAND INCONSISTENT WITH THE USE PROVIDED IN THIS SUBSECTION. SUCH
13 LAND SHALL BE SUBJECT TO ROLL-BACK TAXES DUE FOR EACH PARCEL
14 SPLIT-OFF AND FOR SUCH PERIOD OF TIME AS PROVIDED BY SECTION 8
15 OF THIS ACT. THE SPLIT-OFF OF A PARCEL OF LAND WHICH MEETS THE
16 REQUIREMENTS OF THIS SECTION SHALL NOT INVALIDATE THE
17 PREFERENTIAL TAX ASSESSMENT AND THE LAND RETAINED BY THE
18 LANDOWNER SHALL CONTINUE TO BE ELIGIBLE FOR USE VALUE ASSESSMENT
19 IF IT CONTINUES TO MEET THE REQUIREMENTS OF SECTION 3 OF THIS
20 ACT.] (A.1) (1) THE SPLIT-OFF OF A PART OF LAND WHICH IS
21 SUBJECT TO PREFERENTIAL ASSESSMENT UNDER THIS ACT SHALL SUBJECT
22 THE LAND SO SPLIT OFF AND THE ENTIRE TRACT FROM WHICH THE LAND
23 WAS SPLIT OFF TO ROLL-BACK TAXES AS SET FORTH IN SECTION 5.1.
24 THE LANDOWNER CHANGING THE USE OF THE LAND TO ONE INCONSISTENT
25 WITH THIS ACT SHALL BE LIABLE FOR PAYMENT OF ROLL-BACK TAXES.
26 THE LANDOWNER OF LAND WHICH CONTINUES TO BE ELIGIBLE FOR
27 PREFERENTIAL ASSESSMENT SHALL NOT BE LIABLE FOR ANY ROLL-BACK
28 TAXES TRIGGERED AS A RESULT OF A CHANGE TO AN INELIGIBLE USE BY
29 THE OWNER OF THE SPLIT-OFF TRACT. ROLL-BACK TAXES UNDER SECTION
30 5.1 SHALL NOT BE DUE IF ONE OF THE FOLLOWING PROVISIONS APPLY:

1 (I) THE TRACT SPLIT OFF DOES NOT EXCEED TWO ACRES ANNUALLY,
2 EXCEPT THAT A MAXIMUM OF THE MINIMUM RESIDENTIAL LOT SIZE
3 REQUIREMENT ANNUALLY MAY BE SPLIT OFF IF THE PROPERTY IS
4 SITUATED IN A LOCAL GOVERNMENT UNIT WHICH REQUIRES A MINIMUM
5 RESIDENTIAL LOT SIZE OF TWO TO THREE ACRES; THE TRACT SPLIT OFF
6 IS USED ONLY FOR AGRICULTURAL USE, AGRICULTURAL RESERVE OR
7 FOREST RESERVE OR FOR THE CONSTRUCTION OF A RESIDENTIAL DWELLING
8 TO BE OCCUPIED BY THE PERSON TO WHOM THE LAND IS CONVEYED; AND
9 THE TOTAL TRACT OR TRACTS SO SPLIT OFF DOES NOT EXCEED THE
10 LESSER OF TEN ACRES OR TEN PERCENT (10%) OF THE ENTIRE TRACT
11 SUBJECT TO PREFERENTIAL ASSESSMENT.

12 (II) THE SPLIT-OFF OCCURS THROUGH A CONDEMNATION.

13 (2) EACH TRACT WHICH HAS BEEN SPLIT OFF UNDER PARAGRAPH
14 (1)(I) SHALL BE SUBJECT TO ROLL-BACK TAXES FOR SUCH A PERIOD OF
15 TIME AS PROVIDED IN SECTION 5.1. THE LANDOWNER CHANGING THE USE
16 OF THE LAND SHALL BE LIABLE FOR PAYMENT OF ROLL-BACK TAXES.

17 (3) THE SPLIT-OFF OF A TRACT OF LAND WHICH MEETS THE
18 PROVISIONS OF PARAGRAPH (1) SHALL NOT INVALIDATE THE
19 PREFERENTIAL ASSESSMENT ON ANY LAND RETAINED BY THE LANDOWNER
20 WHICH CONTINUES TO MEET THE PROVISIONS OF SECTION 3.

21 (4) PAYMENT OF ROLL-BACK TAXES BY THE LIABLE LANDOWNER SHALL
22 NOT INVALIDATE THE PREFERENTIAL ASSESSMENT ON ANY LAND WHICH
23 CONTINUES TO MEET THE PROVISIONS OF SECTION 3.

24 (5) ANY PERSON MAY BRING AN ACTION IN EQUITY TO ENJOIN USE
25 OF THE LAND INCONSISTENT WITH THE USE PROVIDED IN THIS
26 SUBSECTION.

27 (6) LAND WHICH HAS BEEN SPLIT OFF SHALL BE DEEMED TO BE USED
28 FOR RESIDENTIAL USE, AGRICULTURAL USE, AGRICULTURAL RESERVE OR
29 FOREST RESERVE UNLESS IT IS DEMONSTRATED THAT THE OWNER OF THE
30 SPLIT-OFF PARCEL IS ACTIVELY USING THE TRACT IN A MANNER WHICH

1 IS INCONSISTENT WITH RESIDENTIAL USE, AGRICULTURAL USE,
2 AGRICULTURAL RESERVE OR FOREST RESERVE.

3 (A.2) THE OWNER OF LAND SUBJECT TO PREFERENTIAL ASSESSMENT
4 MAY SEPARATE LAND. IF A SEPARATION OCCURS, ALL TRACTS FORMED BY
5 THE SEPARATION SHALL CONTINUE TO RECEIVE PREFERENTIAL ASSESSMENT
6 UNLESS, WITHIN SEVEN YEARS OF THE SEPARATION, THERE IS A
7 SUBSEQUENT CHANGE OF USE TO ONE INCONSISTENT WITH THE PROVISIONS
8 OF SECTION 3. SUCH SUBSEQUENT CHANGE IN USE SHALL SUBJECT THE
9 ENTIRE TRACT SO SEPARATED TO ROLL-BACK TAXES AS SET FORTH IN
10 SECTION 5.1. THE LANDOWNER CHANGING THE USE OF THE LAND TO ONE
11 INCONSISTENT WITH THE PROVISIONS OF SECTION 3 SHALL BE LIABLE
12 FOR PAYMENT OF ROLL-BACK TAXES. AFTER SEVEN YEARS FROM THE DATE
13 OF THE SEPARATION, ONLY THAT PORTION OF LAND WHICH HAS HAD ITS
14 USE CHANGED TO ONE WHICH IS INCONSISTENT WITH THE PROVISIONS OF
15 SECTION 3 SHALL BE SUBJECT TO ROLL-BACK TAXES AS SET FORTH IN
16 SECTION 5.1. PAYMENT OF ROLL-BACK TAXES SHALL NOT INVALIDATE THE
17 PREFERENTIAL ASSESSMENT ON ANY LAND WHICH CONTINUES TO MEET THE
18 PROVISIONS OF SECTION 3.

19 (A.3) IF OWNERSHIP OF LAND SUBJECT TO A SINGLE APPLICATION
20 FOR PREFERENTIAL ASSESSMENT IS TRANSFERRED TO ANOTHER LANDOWNER,
21 THE LAND SHALL CONTINUE TO RECEIVE PREFERENTIAL ASSESSMENT; AND
22 NO ROLL-BACK TAXES SHALL BE DUE UNLESS THERE IS A SUBSEQUENT
23 CHANGE OF USE TO ONE INCONSISTENT WITH THE PROVISIONS OF SECTION
24 3. THE LANDOWNER CHANGING THE USE OF THE LAND TO ONE
25 INCONSISTENT WITH THE PROVISIONS OF SECTION 3 SHALL BE LIABLE
26 FOR PAYMENT OF ROLL-BACK TAXES. PAYMENT OF ROLL-BACK TAXES SHALL
27 NOT INVALIDATE THE PREFERENTIAL ASSESSMENT ON ANY LAND WHICH
28 CONTINUES TO MEET THE PROVISIONS OF SECTION 3.

29 (B.1) THE OWNER OF PROPERTY SUBJECT TO [A] PREFERENTIAL
30 [TAX] ASSESSMENT MAY LEASE LAND COVERED BY THE PREFERENTIAL

1 [TAX] ASSESSMENT TO BE USED FOR WIRELESS OR CELLULAR
2 TELECOMMUNICATION WHEN THE FOLLOWING CONDITIONS ARE SATISFIED:

3 (1) THE TRACT OF LAND SO LEASED DOES NOT EXCEED ONE-HALF OF
4 AN ACRE.

5 (2) THE TRACT OF LAND DOES NOT HAVE MORE THAN ONE
6 COMMUNICATION TOWER.

7 (3) THE TRACT OF LAND IS ACCESSIBLE.

8 (4) THE TRACT OF LAND IS NOT SOLD OR SUBDIVIDED. A LEASE OF
9 LAND SHALL NOT BE CONSIDERED A SUBDIVISION UNDER THIS PARAGRAPH.

10 (B.2) USE OF LAND UNDER THIS SECTION FOR WIRELESS SERVICES
11 OTHER THAN WIRELESS TELECOMMUNICATIONS MAY ONLY QUALIFY IF SUCH
12 WIRELESS SERVICES SHARE A TOWER WITH A WIRELESS
13 TELECOMMUNICATIONS PROVIDER AS PROVIDED FOR IN SUBSECTION (B.1).
14 ROLL-BACK TAXES SHALL BE IMPOSED UPON THE TRACT OF LAND LEASED
15 BY THE LANDOWNER FOR WIRELESS OR CELLULAR TELECOMMUNICATIONS
16 PURPOSES AND THE FAIR MARKET VALUE OF THAT TRACT OF LAND SHALL
17 BE ADJUSTED ACCORDINGLY. THE LEASE OF SUCH A TRACT OF LAND SHALL
18 NOT INVALIDATE THE PREFERENTIAL [TAX] ASSESSMENT OF THE LAND
19 WHICH IS NOT SO LEASED, AND SUCH LAND SHALL CONTINUE TO BE
20 ELIGIBLE FOR [USE VALUE] PREFERENTIAL ASSESSMENT IF IT CONTINUES
21 TO MEET THE REQUIREMENTS OF SECTION 3.

22 (B.3) THE WIRELESS OR CELLULAR COMMUNICATIONS PROVIDER SHALL
23 BE SOLELY RESPONSIBLE FOR OBTAINING REQUIRED PERMITS IN
24 CONNECTION WITH ANY CONSTRUCTION ON A TRACT OF LAND WHICH IT
25 LEASES PURSUANT TO THE PROVISIONS OF THIS SECTION FOR
26 TELECOMMUNICATIONS PURPOSES. NO PERMIT REQUESTED PURSUANT TO
27 THIS SECTION SHALL BE DENIED BY A MUNICIPALITY FOR ANY REASON
28 OTHER THAN FAILURE TO STRICTLY COMPLY WITH PERMIT APPLICATION
29 PROCEDURES.

30 [(C) THE OWNER OF PROPERTY SUBJECT TO A PREFERENTIAL USE

1 ASSESSMENT MAY SEPARATE LAND COVERED BY THE PREFERENTIAL USE
2 ASSESSMENT. WHEN A SEPARATION OCCURS, ALL TRACTS FORMED THEREBY
3 SHALL CONTINUE TO RECEIVE PREFERENTIAL USE ASSESSMENT, UNLESS A
4 SUBSEQUENT ABANDONMENT OF PREFERENTIAL USE OCCURS WITHIN SEVEN
5 YEARS OF THE SEPARATION. SUCH ABANDONMENT SHALL SUBJECT THE
6 ENTIRE TRACT OF LAND SO SEPARATED TO LIABILITY FOR THE ROLL-BACK
7 TAXES, WHICH ARE TO BE PAID BY THE PERSON CHANGING THE USE, AS
8 SET FORTH IN SECTION 8. AFTER SEVEN YEARS FROM THE DATE OF THE
9 OCCURRENCE OF THE SEPARATION, ONLY THAT PORTION WHOSE USE HAS
10 BEEN ABANDONED SHALL BE SUBJECT TO THE ROLL-BACK TAXES AS SET
11 FORTH IN SECTION 8.]

12 (D) [WHEN PROPERTY] UPON THE DEATH OF A LANDOWNER RECEIVING
13 PREFERENTIAL ASSESSMENT UNDER THIS ACT, IF LAND SUBJECT TO
14 PREFERENTIAL [TAX] ASSESSMENT IS [SEPARATED] DIVIDED AMONG THE
15 BENEFICIARIES DESIGNATED AS CLASS A FOR INHERITANCE TAX PURPOSES
16 [OF THE OWNER RECEIVING THE BENEFIT OF PREFERENTIAL TAX
17 ASSESSMENT AS A RESULT OF THE DEATH OF THE OWNER A SUBSEQUENT
18 CHANGE IN THE USE OF ONE SUCH BENEFICIARY'S PORTION OF THE
19 PROPERTY] AND, AS A RESULT OF SUCH DIVISION, ONE OR MORE TRACTS
20 NO LONGER MEET THE PROVISIONS OF SECTION 3, NO ROLL-BACK TAX
21 SHALL BE DUE ON ANY OF THE LAND WHICH PREVIOUSLY QUALIFIED FOR
22 PREFERENTIAL ASSESSMENT. A SUBSEQUENT CHANGE IN THE USE OF ONE
23 SUCH BENEFICIARY'S PORTION OF THE [PROPERTY] DIVIDED LAND SHALL
24 NOT SUBJECT ANY OTHER BENEFICIARY'S PORTION OF THE [PROPERTY
25 DUE] DIVIDED LAND TO ROLL-BACK TAXES. ROLL-BACK TAXES SHALL BE
26 DUE ONLY IN [ACCORD WITH PROVISIONS OF SECTION 8] ACCORDANCE
27 WITH THE PROVISIONS OF SECTION 5.1 ON THE TRACT HELD BY THE
28 BENEFICIARY WHO CHANGES THE USE OF ANY PORTION OF HIS OR HER
29 INHERITANCE.

30 (E) ANY CHANGE IN USE OF LAND SUBJECT TO [A] PREFERENTIAL

1 [USE] ASSESSMENT SHALL BE IN COMPLIANCE WITH THE ZONING
2 ORDINANCES OF THE LOCAL MUNICIPALITY, IF IN EFFECT.

3 SECTION 8. SECTION 7 OF THE ACT IS AMENDED TO READ:

4 SECTION 7. CONTIGUOUS LAND IN MORE THAN ONE TAXING
5 DISTRICT.--WHERE CONTIGUOUS LAND IN AGRICULTURAL [OR] USE,
6 AGRICULTURAL RESERVE, AND/OR FOREST RESERVE [USE] IN ONE
7 OWNERSHIP IS LOCATED IN MORE THAN ONE TAXING DISTRICT,
8 COMPLIANCE WITH THE MINIMUM AREA REQUIREMENT UNDER SECTION 3
9 SHALL BE DETERMINED ON THE BASIS OF THE TOTAL AREA OF SUCH LAND
10 AND NOT THE AREA WHICH IS LOCATED IN THE PARTICULAR TAXING
11 DISTRICT.

12 SECTION 9. SECTION 8 OF THE ACT, AMENDED OR ADDED MARCH 24,
13 1980 (P.L.45, NO.15), MAY 13, 1983 (P.L.9, NO.4) AND DECEMBER
14 12, 1994 (P.L.942, NO.133), IS AMENDED TO READ:

15 SECTION 8. [DETERMINATION OF AMOUNTS OF] ROLL-BACK TAXES
16 [WHEN USE ABANDONED]; SPECIAL CIRCUMSTANCES.--[(A) WHEN ANY
17 TRACT OF LAND WHICH IS IN AGRICULTURAL USE, OR AGRICULTURAL
18 RESERVE USE OR FOREST RESERVE USE AND WHICH IS BEING VALUED,
19 ASSESSED AND TAXED UNDER THE PROVISIONS OF THIS ACT, IS APPLIED
20 TO A USE OTHER THAN AGRICULTURAL, AGRICULTURAL RESERVE OR FOREST
21 RESERVE, OR FOR ANY OTHER REASON, EXCEPT CONDEMNATION THEREOF,
22 IS REMOVED FROM THE CATEGORY OF LAND PREFERENTIALLY ASSESSED AND
23 TAXED UNDER THIS ACT, THE LAND SO REMOVED AND THE ENTIRE TRACT
24 OF WHICH IT WAS A PART SHALL BE SUBJECT TO TAXES IN AN AMOUNT
25 EQUAL TO THE DIFFERENCE, HEREINAFTER REFERRED TO AS ROLL-BACK
26 TAXES, IF ANY, BETWEEN THE TAXES PAID OR PAYABLE ON THE BASIS OF
27 THE VALUATION AND THE ASSESSMENT AUTHORIZED HEREUNDER AND THE
28 TAXES THAT WOULD HAVE BEEN PAID OR PAYABLE HAD THAT LAND BEEN
29 VALUED, ASSESSED AND TAXED AS OTHER LAND IN THE TAXING DISTRICT
30 IN THE CURRENT TAX YEAR, THE YEAR OF CHANGE, AND IN SIX OF THE

1 PREVIOUS TAX YEARS OR THE NUMBER OF YEARS OF PREFERENTIAL
2 ASSESSMENT UP TO SEVEN, PLUS INTEREST ON EACH YEAR'S ROLL-BACK
3 TAX AT THE RATE OF SIX PERCENT (6%) PER ANNUM. AFTER THE FIRST
4 SEVEN YEARS OF PREFERENTIAL ASSESSMENT, THE ROLL-BACK SHALL
5 APPLY TO THE SEVEN MOST RECENT TAX YEARS.]

6 (b) Unpaid roll-back taxes shall be a lien upon the property
7 collectible in the manner provided by law for the collection of
8 delinquent taxes. Roll-back taxes shall become due on the date
9 of change of use, or any other termination of preferential
10 assessment and shall be paid by the owner of the land at the
11 time of change in use, or any other termination of preferential
12 assessment, to the county treasurer or to the tax claim bureau,
13 as the case may be, whose responsibility it shall be to make
14 proper distribution of the taxes [and interest] to the taxing
15 bodies wherein the property is located. Nothing in this section
16 shall be construed to require the taxing body of a taxing
17 district in which land enrolled in preferential use is situated
18 to accept the roll-back taxes [and accrued interest] due and
19 payable to that taxing district if the [preferential] use OF THE <—
20 LAND is [abandoned] CHANGED for the purpose of granting or <—
21 donating such land to:

- 22 (1) a school district;
- 23 (2) a municipality;
- 24 (3) a county;
- 25 (4) a volunteer fire company;
- 26 (5) a volunteer ambulance service; [or] <—
- 27 (6) a not-for-profit corporation, tax exempt under section
28 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26
29 U.S.C. § 501(c)(3)), provided that, prior to accepting ownership
30 of the land, such corporation enters into an agreement with the

1 municipality wherein the subject land is located guaranteeing
2 that it will be used exclusively for recreational purposes, all
3 of which shall be available to the general public free of
4 charge. In the event the corporation changes the use of all or a
5 portion of the land or charges admission or any other fee for
6 the use or enjoyment of the facilities, the corporation shall
7 immediately become liable for all roll-back taxes and accrued
8 interest previously forgiven pursuant hereto[.] ; OR ←

9 (7) A RELIGIOUS ORGANIZATION FOR CONSTRUCTION OR REGULAR USE
10 AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, INCLUDING
11 MEETING FACILITIES, PARKING FACILITIES, HOUSING FACILITIES AND
12 OTHER FACILITIES WHICH FURTHER THE RELIGIOUS PURPOSES OF THE
13 ORGANIZATION.

14 (b.1) Any accrued interest on roll-back taxes shall become
15 due on the date of change of use or any other termination of
16 preferential assessment and shall be paid by the ~~owner of the~~ ←
17 ~~land~~ LANDOWNER LIABLE FOR ROLL-BACK TAXES, at the time of change ←
18 in use or any other termination of preferential assessment, to
19 the county treasurer. The county treasurer shall make proper
20 distribution of the interest to the county commissioners and the
21 county comptroller, as the case may be, who shall properly
22 designate all of the interest for use by the county board of the
23 eligible county, under the act of June 30, 1981 (P.L.128,
24 No.43), known as the "Agricultural Area Security Law." The
25 interest shall be in addition to other local money appropriated
26 by an eligible county for the purchase of agricultural
27 conservation easements under section 14.1(h) of the
28 "Agricultural Area Security Law." If the county where the
29 interest is collected is not an eligible county under the
30 "Agricultural Area Security Law," the county treasurer shall

1 forward all of the interest to the Agricultural Conservation
2 Easement Purchase Fund.

3 (b.2) Interest on roll-back taxes distributed, in accordance
4 with subsection (b.1), to the county commissioners and the
5 county comptroller, as the case may be, for use by the county
6 board of the eligible county, under the "Agricultural Area
7 Security Law" shall be segregated into a special roll-back
8 account; and, notwithstanding any other provisions of the
9 "Agricultural Area Security Law," the eligible county board in
10 distributing moneys from the special roll-back account shall, in
11 its discretion, give priority to the purchase of agricultural
12 conservation easements from agricultural security areas located
13 within the municipal corporation in which the land subject to
14 the roll-back taxes is situate.

15 * * *

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

17 (C) WITHIN FIVE WORKING DAYS AFTER RECEIPT OF A NOTICE FROM
18 THE OWNER OF A PROPERTY, WHICH IS PREFERENTIALLY ASSESSED, OF A
19 PROPOSED CHANGE IN THE USE OF THE LAND, TO ONE NOT MEETING THE
20 REQUIREMENTS OF SECTION 3, OR A SPLIT-OFF OF A PORTION OF THE
21 LAND, THE COUNTY ASSESSOR SHALL:

22 (1) CALCULATE BY YEARS THE TOTAL OF ALL ROLL-BACK TAXES DUE
23 AT THE TIME OF CHANGE AND SHALL NOTIFY THE PROPERTY OWNER OF
24 SUCH AMOUNTS. IN THE CASE OF A CONVEYANCE OF ALL OR PART OF SAID
25 LAND, HE SHALL NOTIFY THE PROSPECTIVE BUYER, IF KNOWN, OF SUCH
26 AMOUNTS.

27 (2) WITH RESPECT TO THE ROLL-BACK TAXES FOR THE CURRENT
28 YEAR, HE SHALL NOTIFY THE TAXING BODIES OF THE DISTRICT IN WHICH
29 THE PROPERTY IS LOCATED OF THE ADDITIONAL AMOUNT OF ASSESSMENT
30 UPON WHICH TAXES SHALL BE LEVIED AND COLLECTED. IN THE CASE OF

1 COUNTY PROPERTY TAXES, HE SHALL NOTIFY THE TAX COLLECTOR OF THE
2 APPROPRIATE DISTRICT OF ADDITIONAL COUNTY TAX TO BE COLLECTED.

3 (3) WITH RESPECT TO ROLL-BACK TAXES FOR YEARS PRIOR TO THE
4 CURRENT YEAR WHICH THE ASSESSOR HAS DETERMINED TO BE DUE, HE
5 SHALL FILE A CLAIM FOR SUCH AMOUNTS WITH THE TAX CLAIM BUREAU OR
6 THE COUNTY TREASURER, AS THE CASE MAY BE, WHICH UPON SAID FILING
7 SHALL CONSTITUTE A LIEN HAVING THE SAME FORCE AND EFFECT AS IF
8 FILED BY THE TAXING BODIES.

9 (D) (1) A LANDOWNER MAY APPLY A MAXIMUM OF [UP TO] TWO ACRES
10 OF A TRACT OF LAND SUBJECT TO [A PREFERENTIAL USE] PREFERENTIAL
11 ASSESSMENT TOWARD DIRECT COMMERCIAL SALES OF AGRICULTURALLY
12 RELATED PRODUCTS AND ACTIVITIES OR FOR A RURAL ENTERPRISE
13 INCIDENTAL TO THE OPERATIONAL UNIT WITHOUT SUBJECTING THE ENTIRE
14 TRACT TO ROLL-BACK TAXES, PROVIDED THAT:

15 [(1)] (I) THE COMMERCIAL ACTIVITY IS OWNED AND OPERATED BY
16 THE LANDOWNER OR HIS BENEFICIARIES WHO ARE DESIGNATED AS CLASS A
17 FOR INHERITANCE TAX PURPOSES.

18 [(2)] (II) AN ASSESSMENT OF THE INVENTORY OF THE GOODS
19 INVOLVED VERIFIES THAT IT IS OWNED BY THE LANDOWNER OR HIS
20 BENEFICIARIES.

21 (III) THE RURAL ENTERPRISE DOES NOT PERMANENTLY RENDER THE
22 LAND INCAPABLE OF PRODUCING AN AGRICULTURAL COMMODITY.

23 (2) ROLL-BACK TAXES SHALL BE IMPOSED UPON THAT PORTION OF
24 THE TRACT WHERE THE COMMERCIAL ACTIVITY TAKES PLACE AND THE FAIR
25 MARKET VALUE OF THAT TRACT SHALL BE ADJUSTED ACCORDINGLY.

26 (E) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A),
27 NO ROLL-BACK TAXES SHALL BE DUE AND NO BREACH OF A PREFERENTIAL
28 ASSESSMENT SHALL BE DEEMED TO HAVE OCCURRED IF:

29 (I) THE LAND TRANSFERRED FROM A PREFERENTIAL ASSESSMENT IS
30 CONVEYED TO A NONPROFIT CORPORATION FOR USE AS A CEMETERY[; AND

1 (II)] AND AT LEAST TEN ACRES OF LAND REMAIN IN THE
2 PREFERENTIAL USE AFTER REMOVAL[.]; OR

3 (III) THE LAND TRANSFERRED FROM A PREFERENTIAL ASSESSMENT,
4 OR AN EASEMENT OR A RIGHT-OF-WAY IN THAT LAND, IS CONVEYED TO A
5 NONPROFIT CORPORATION AND:

6 (A) THE SUBJECT LAND DOES NOT EXCEED TWENTY FEET IN WIDTH;

7 (B) THE SUBJECT LAND IS USED AS A TRAIL FOR NONMOTORIZED
8 PASSIVE RECREATIONAL USE;

9 (C) THE SUBJECT LAND IS AVAILABLE TO THE PUBLIC FOR USE
10 WITHOUT CHARGE; AND

11 (D) AT LEAST TEN ACRES OF LAND REMAIN IN PREFERENTIAL
12 ASSESSMENT AFTER CONVEYANCE.

13 (2) [A] ANY ACQUISITION OR SUBSEQUENT RESALE OR CHANGE IN
14 USE OF ANY OF THE REMOVED LAND FOR USE OTHER THAN AS A CEMETERY
15 UNDER PARAGRAPH (1)(I) OR AS A TRAIL UNDER PARAGRAPH (1)(III)
16 SHALL SUBJECT THE NONPROFIT CORPORATION TO PAYMENT OF ROLL-BACK
17 TAXES AND INTEREST DUE ON THE ENTIRE TRACT OF LAND REMOVED.

18 SECTION 10. SECTION 9 OF THE ACT IS AMENDED TO READ:

19 SECTION 9. APPEALS.--(A) THE OWNER OF A PROPERTY [UPON]
20 WHICH IS SUBJECT TO PREFERENTIAL ASSESSMENT OR FOR WHICH [A]
21 PREFERENTIAL ASSESSMENT IS SOUGHT, AND THE POLITICAL SUBDIVISION
22 IN WHICH SAID PROPERTY IS SITUATED, SHALL HAVE THE RIGHT OF
23 APPEAL IN ACCORDANCE WITH EXISTING LAW.

24 (B) WHEN ROLL-BACK TAXES FOR PRIOR YEARS ARE TO BE COLLECTED
25 AS PROVIDED ABOVE, NO PERSON AND NO POLITICAL SUBDIVISION SHALL
26 BE PERMITTED TO QUESTION ANY ASSESSMENT OF ANY PRIOR YEAR BEFORE
27 THE BOARD OF ASSESSMENT APPEALS UNLESS A TIMELY APPEAL WAS FILED
28 PURSUANT TO THE REQUIREMENTS OF THE ACTS OF ASSEMBLY RELATING TO
29 ASSESSMENT APPEALS DURING THE TIME PERIOD FOR WHICH APPEALS FOR
30 THAT YEAR WOULD NORMALLY BE TAKEN.

1 SECTION 11. SECTION 11 OF THE ACT IS AMENDED TO READ:

2 SECTION 11. RULES AND REGULATIONS.--THE [SECRETARY OF THE
3 DEPARTMENT OF AGRICULTURE] DEPARTMENT SHALL PROMULGATE RULES AND
4 REGULATIONS NECESSARY TO PROMOTE THE EFFICIENT, UNIFORM,
5 STATEWIDE ADMINISTRATION OF THE ACT.

6 SECTION 12. (A) WITHIN 180 DAYS OF THE EFFECTIVE DATE OF
7 THIS ACT, THE DEPARTMENT OF AGRICULTURE SHALL PROMULGATE INTERIM
8 REGULATIONS TO PROVIDE TO THE COUNTY ASSESSORS GUIDELINES AND
9 STANDARDIZED WORKSHEETS FOR USE IN IMPLEMENTING THE PROVISIONS
10 OF THIS ACT. THE GUIDELINES AND WORKSHEETS SHALL INCLUDE A
11 DETAILED DELINEATION OF THE PROCEDURES TO BE FOLLOWED IN
12 IMPLEMENTING THIS ACT AND THE METHODS TO BE USED IN ESTABLISHING
13 USE VALUES AS REQUIRED BY THIS ACT. THE INTERIM REGULATIONS
14 SHALL NOT BE SUBJECT TO REVIEW UNDER:

15 (1) SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769,
16 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW;

17 (2) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980
18 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT;
19 OR

20 (3) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
21 THE REGULATORY REVIEW ACT.

22 (B) INTERIM REGULATIONS UNDER SUBSECTION (A) SHALL EXPIRE
23 APRIL 30, 2001, AND SHALL BE REPLACED BY REGULATIONS WHICH ARE
24 PROMULGATED AS PROVIDED BY LAW.

25 SECTION 13. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.