

Pennsylvania Local Governments May Support Land Trusts



In Pennsylvania, local governments may give money, land and easements to land trusts.

What may be given to land trusts?

If the governing body of a Pennsylvania local government unit deems it to be for the public benefit, it may:

- appropriate money to a land trust “for the acquisition or conservation and preservation of interests in real property for the purpose of achieving open space benefits”; and
- “transfer open space property interests to a land trust.” No bidding is required, nor is payment by the land trust. The governing body may “elect to accept any nominal consideration for the transfer it deems appropriate,” for example, a dollar.¹

Which local governments may make the transfers?

Local government units that may make such transfers to land trusts include:

- a county or a county authority having among its purposes for which it was created the achievement of an open space benefit;
- a city, borough, township or any similar general purpose unit of local government;
- any unit created by joint action of two or more local government units...²

Intergovernmental cooperation

If a local governing board wants to appropriate money to a land trust for open space protection within the boundaries of another local government unit, it

must do so in accordance with an intergovernmental cooperation agreement between the government units.

Background

Through 2006, uncertainty existed as to the legality of local governments supporting land trusts financially or transferring property to them. Some land trusts and local governments had formed relationships but the absence of clear statutory authorization and cumbersome workarounds used to address this lack led others to not form relationships.

The General Assembly eliminated the problem with the passage of [House Bill 183 \(printer's no. 4383\)](#),³ which amended Pennsylvania's [open space law](#)⁴ to add an entirely new section authorizing local government support of land trusts (Section 11.1). Governor Rendell signed the bill into law as [Act 154 of 2006](#) on November 29, 2006.

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¹ Act of January 19, 1968, (1967 P.L.992, No.442), as amended, Section 11.1 Land Trusts.

² Section 2. Definitions. (5) “Local government unit.”

³ Representative Chris Ross (R) of Chester County introduced and championed the legislation in the General Assembly. The bill passed the Senate 49-0 and the House 196-0.

⁴ Pennsylvania's open space law, “Preserving Land for Open Air Spaces Act of January 19, 1968, (1967 P.L.992, No.442),” authorizes “the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses.”

Submit Comments

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