

# CENTRE COUNTY CLEAN AND GREEN ACT SUMMARY

(Also known as The Pennsylvania Farmland and Forest Land Assessment Act of 1974. The current revisions to the law are found in the *Pennsylvania Bulletin*, Vol. 31, No. 13, March 31, 2001. This document is not intended for legal advice. If you need legal advice, you are encouraged to seek the aid of a competent professional)

## WHAT IS CLEAN AND GREEN?

Clean and Green is a Pennsylvania Department of Agriculture conservation program for land in agricultural use, agricultural reserve or forest reserve that adjusts the property tax rate for landowners enrolling in the program. Values are set annually by the department.

## DEFINE THE TERMS AGRICULTURAL USE, AGRICULTURAL RESERVE AND FOREST RESERVE?

**Agricultural use-** Land which is used for the purpose of producing an agricultural commodity or is devoted to and meets the requirements and qualifications for payments or other compensation under a soil conservation program under an agreement with an agency of the Federal government. The term includes farmstead land on the tract.

**Agricultural reserve-** Noncommercial open space lands used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for that use, without charge or fee on a nondiscriminatory basis.

**Forest reserve-** Land, 10 acres or more, stocked by forest trees of any size and capable of producing timber or other wood products. The term includes farmstead land on the tract.

## WHO QUALIFIES FOR CLEAN AND GREEN?

You may qualify for Clean and Green **if**:

- You own 10 acres or more of agricultural land, or
- You own less than 10 acres of agricultural land but gross at least \$2000 annual income from the land, or
- You own 10 acres of forestland.

## HOW DO I ENROLL?

**In Centre County**, landowners may enroll in the program by completing an application form, which is available from the Centre County Assessment Office, Willowbank Office Building, 420 Holmes Street, Bellefonte PA 16823. Questions may be directed to the Assessment Office by mail or by calling (814) 355-6721.

**For other counties**, please contact the Department of Agriculture at (717)-783-3167.

## IS THERE AN APPLICATION DEADLINE?

Applications may be postmarked or filed in person by June 1<sup>st</sup> in order to be effective for the next tax year, which begins on January 1<sup>st</sup>.

## ARE THERE ANY FEES?

The application-processing fee is \$50. The fee to record the approved application is \$18.50.

## HOW LONG MUST I STAY IN THE PROGRAM?

After your land is enrolled in the Clean and Green program, you are obligated to continue using your land in a qualified use indefinitely or face the penalty of roll-back taxes plus interest. The roll-back tax is the difference between taxes paid based on the Clean and Green rate and the taxes you would have paid if your land were not enrolled in Clean and Green. Roll-back taxes are due for the year of change and six of the previous tax years for a total of up to seven years. Interest is imposed on each year's roll-back tax at the rate of six percent per year.

## CAN I SELL ALL OR PART OF MY LAND?

You can sell land that is enrolled in Clean and Green without paying roll-back taxes or interest as long as you sell all of your land and follow the program's requirements for a separation or split-off. If you sell your land, the buyer will be obligated to continue using the land in a qualified use or pay roll-back taxes and interest.

## WHAT ARE SEPARATIONS AND SPLIT-OFFS?

A **Separation** of land is the division of Clean and Green land into two or more tracts, each of which meet the minimum requirements (qualified use) of the program and can therefore be enrolled in Clean and Green. However if the owner of a separated tract changes the qualified use, the owner faces the obligation to pay roll-back taxes on the separated tract and the original tract if the change in use is made within seven years. Abandoning the qualified use more than seven years after the separation subjects only the separated tract to roll-back taxes.

When a **split-off** tract meets the following criteria, roll-back taxes and interest are only due with respect to the split-off tract and are not due with respect to the remainder:

- The tract split off does not exceed 2 acres annually, **except** that a maximum of the minimum residential lot size requirement annually may be split off if the property is situated in a local government unit that requires a minimum residential lot size of 2-3 acres.
- The tract is used for agricultural use, agricultural reserve or forest reserve or for the construction of a residential dwelling to be occupied by the person to whom the land is conveyed.
- And the total tract split-offs do not exceed the **lesser** of 10 acres or 10% of the entire tract of land at the time it was enrolled.

If enrolled land undergoes a split-off and the tract that is split-off does not meet the size, use and aggregate acreage requirements, the landowner who conducted the split-off shall owe roll-back taxes and interest with respect to all of the enrolled land.

*This information is provided by the Centre County Planning Office. August 22, 2001*