

Pennsylvania Local Governments May Support Land Trusts



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

What may be given to land trusts?

If the governing body of a Pennsylvania local government deems it to be for the public benefit, Pennsylvania's [open space act](#) authorizes it to:

- 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

The open space act defines “land trust” as:

A nonprofit organization that is tax exempt under section 501(c)(3) of the Internal Revenue Code..., is registered with the Pennsylvania Commission on Charitable Organizations and which has among its primary purposes the acquisition or conservation and preservation of interests in real property for the purpose of achieving open space benefits.²

Which local governments may do so?

Types of local government that may appropriate money and transfer property interests 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 these types of local government units (and that is authorized to be created by the Pennsylvania General Assembly)³

Intergovernmental cooperation

If a governing body wants to appropriate money to a land trust for open space protection within the boundaries of another local government, it must do so in accordance with an intergovernmental cooperation agreement between the governments.

Impetus for state law

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 in 2006 with the passage of [House Bill 183](#),⁴ which amended the open space act to add an entirely new section authorizing local government support of land trusts (Section 11.1).

Municipal partnerships with land trusts

Many Pennsylvania local governments have partnered with land trusts to help implement municipal conservation strategies and achieve open space benefits. In 2021, WeConservePA interviewed 20 Pennsylvania townships with open space programs. Nineteen of the 20 had partnered with land trusts to advance various aspects of their land conservation efforts. WeConservePA's pending [Open Space Program Handbook](#) will provide examples of some of the arrangements that have been established between local governments and land trusts.



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¹ Pennsylvania’s open space act, the Act of January 19, 1968, (1967 P.L.992, No.442), as amended, authorizes “the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses.” Section 11.1 (labeled “Land Trusts”) subsection (a) contains the authorization.

² Section 11.1(d)(1)

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³ Section 2. Definitions. (5) “Local government unit.”

⁴ 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. Governor Rendell signed the bill into law as [Act 154 of 2006](#) on November 29, 2006.