
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1734 Session of
2023

INTRODUCED BY SCHEUREN, TOMLINSON, STEHR AND KEEFER,
OCTOBER 2, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 2, 2023

AN ACT

1 Amending the act of January 19, 1967 (1968 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 acquisition of interests in real property.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 5(c) of the act of January 19, 1967 (1968
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 by adding a clause to read:

13 Section 5. Acquisition of Interests in Real Property.--* * *

14 (c) * * *

15 (3) During the time that real property or any interest in
16 real property acquired by a local government unit for open space
17 purposes in accordance with this act is held by the local
18 government unit, the real property shall not be developed by the
19 construction of a building in excess of three thousand square

1 feet unless the governing body of the local government unit
2 first holds a public hearing and provides by ordinance for a
3 referendum on the question. The ordinance of the governing board
4 of the local government unit providing for a referendum on the
5 question shall be filed with the county board of elections. The
6 referendum shall be governed by the provisions of the act of
7 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania
8 Election Code." The election official shall cause the question
9 to be submitted to the electors of the local government unit at
10 the next primary, general or municipal election occurring not
11 less than the thirteenth Tuesday following the filing of the
12 ordinance with the county board of elections. At such election,
13 the question shall be submitted to the voters in the same manner
14 as other questions are submitted under the provisions of the
15 "Pennsylvania Election Code." If the referendum question passes,
16 the real property may be developed by the construction of a
17 building in excess of three thousand square feet. If the
18 referendum question fails, the real property shall not be
19 developed by the construction of a building in excess of three
20 thousand square feet.

21 Section 2. This act shall take effect in 60 days.