

Clean and Green FAQs*

WHAT IS CLEAN AND GREEN?

Clean and Green is a preferential tax assessment program that bases property taxes on use values rather than fair market values. This ordinarily results in a tax savings for landowners. The Pennsylvania General Assembly enacted the program in 1974 as a tool to encourage protection of the Commonwealth's valuable farmland, forestland and open spaces.

WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR CLEAN AND GREEN PROPERTY?

Properties must be enrolled in one of three categories: Agricultural Use, Agricultural Reserve or Forest Reserve. Agricultural Use properties typically must be ten acres in size and be dedicated to the production of an agricultural commodity. Agricultural Use properties may be less than ten acres in size if the property generates at least \$2,000 annually in farm income. Forest Reserve properties must be ten contiguous acres in size and a majority of the land must be stocked with trees. Agricultural Reserve properties must be ten contiguous acres in size and is the only category whereby property needs to remain open to the public for passive recreational uses free-of-charge on a non-discriminatory basis. However, a landowner may place reasonable restrictions on said access. Examples include: limiting access after dark, prohibiting hunting and restricting use of motorized vehicles.

WHAT ARE MY RESPONSIBILITIES IF MY PROPERTY IS APPROVED FOR CLEAN AND GREEN?

A landowner must make sure that the approved property is utilized in a manner consistent with the Clean and Green usages listed above. Also, a landowner must provide 30 days' notice to the county assessment office of a proposed change in use of the land, a change in ownership of any portion of the land, or any type of division or conveyance of the enrolled land.

WHAT IS THE PENALTY FOR A CHANGE IN USE OF CLEAN AND GREEN LAND?

A landowner who breaches the covenant is subject to seven years of rollback taxes. The rollback tax is the difference between what was paid under Clean and Green versus what would have been paid if the property had not been enrolled, plus 6% simple interest per year.

MAY I SELL OR DIVIDE MY PROPERTY WITHOUT HAVING TO PAY ROLLBACK TAXES?

The Act allows for two types of divisions or conveyances: split-offs and separations. A split-off is a division, by conveyance or other action of the owner, of land into two or more tracts, for use of constructing a residence. No more than two acres may be split-off per year except if the municipality requires a minimum three-acre subdivision to construct the residence. Cumulative split-offs cannot exceed 10 acres or 10% of the total land originally enrolled, whichever is the lesser of the two. Rollback taxes would be due only with respect to the land split-off. A separation is a division, by conveyance or other action of the owner, of land into two or more tracts of land that continue to be in Agricultural Use, Agricultural Reserve, or Forest Reserve. The tracts must usually be at least 10 acres in size and continue to meet the qualifications. No rollback taxes would be due as a result of said transactions.

MAY I CONDUCT NON-AGRICULTURAL ACTIVITIES ON MY CLEAN AND GREEN PROPERTY?

The Act allows for a "rural enterprise incidental to the operational unit." This is defined as a commercial enterprise or venture that is conducted on two acres or less of enrolled land and when conducted, does not permanently impede or otherwise interfere with the production of an agricultural commodity on that portion of enrolled land. The two acres on which this enterprise is conducted would be removed from preferential assessment and rollback taxes would be due with respect to those two acres.

MAY I ENGAGE IN ENERGY DEVELOPMENT ON MY CLEAN AND GREEN PROPERTY?

The program was recently amended to provide for oil and gas development with a limited rollback tax penalty. Rollback taxes are only due with respect to those areas of the property devoted to the activity as determined by the county assessor upon submission of a well production report to the Pennsylvania Department of Environmental Protection (DEP). Similarly, commercial wind production is now permitted with rollback taxes limited to those areas devoted to the activity. Tier one alternative energy systems - such as solar and biomass - are permitted without any rollback tax penalty if the majority of energy is utilized on the enrolled tract.

MAY I ENGAGE IN MINING ON MY CLEAN AND GREEN PROPERTY?

The program was recently amended to allow for one small non-coal surface mining permit on enrolled land. Rollback taxes are due only with respect to the mined areas.

CAN I REMOVE MY PROPERTY FROM CLEAN AND GREEN AFTER IT HAS BEEN ENROLLED?

A landowner may voluntarily remove their land from Clean and Green by notifying the county assessor by June 1 of the year immediately preceding the tax year for which removal is requested. Rollback taxes are due upon submission of the request.

WHAT IS THE DEADLINE TO APPLY FOR CLEAN AND GREEN?

The application deadline is June 1 of each year, in order to be considered for the following tax year.

HOW DO I APPLY FOR CLEAN AND GREEN?

Contact the Washington County Tax Revenue Department to request an application or visit us on the web at www.co.washington.pa.us

Contact

Raffaele Casale
Chief Assessor
724-250-4621
casalera@co.washington.pa.us

*Portions of these FAQs were borrowed from the PA Dept. of Agriculture's website.