

An Act Preserving Open Space in the Commonwealth – bill summary

This legislation requires replacement land for any dispositions of open space protected by Article 97 of the state constitution. The legislation requires that the replacement land be of comparable size, value, location, and natural resource value. Before any disposition can take place, the public and the Executive Office of Energy and Environmental Affairs must be notified, and an alternatives analysis be performed

The legislation also includes a provision that allows for a cash payment in lieu of replacement land provided that the moneys are no less than 110% of the value of the land which must be deposited into a fund dedicated to the purchase of Article 97 land that is of equal natural resource value and acreage. Additional requirements are that it is spent within 3 years, and that it does not impact an environmental justice community. The Secretary of Energy and Environmental Affairs is required to issue an annual report of all the instances in which funding was provided in lieu of replacement land.

An Act Preserving Open Space in the Commonwealth, often referred to as the Public Lands Preservation Act, codifies the “No Net Loss” policy of the Commonwealth.