SUPPORT HB 1760
Ensuring Integrity of Conservation Easements
Bill Patron: Webert and Gooditis

Reasons to Support HB 1760:
Conservation easements are a critical tool for protecting Virginia's most valuable habitats, working lands, scenic viewsheds and cultural landscapes.

Courts need direction from the General Assembly in interpreting conservation easements. This legislation ensures that courts interpret easements in a way that achieves the conservation purposes for which the easement was created.

Overview:
Disputes between landowners and easement holders (land trusts) are rare, but they do sometimes occur, particularly with landowners who acquire property after a previous owner placed an easement on the property. The legislation neither favors the holder nor the landowner but rather is focused on promoting the intent of the easement itself and specifically the conservation values protected by the easement when an interpretation question is raised.

Some courts have interpreted conservation easements in a way that is inconsistent with the intent of the donor of the conservation easement, leading to the erosion of protections intended by the parties to the original transaction (the donor and the easement holder). This can lead to a lack of public confidence in the utility of conservation easements.