

1 H.580

2 Introduced by Representative Sullivan of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; natural resources; interests in land;

6 conservation easements

7 Statement of purpose of bill as introduced: This bill proposes to provide that

8 conservation easements are not affected by subsequent tax liens or the

9 requirement to file a notice of claim within 40 years.

10 An act relating to conservation easements

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 10 V.S.A. § 6311 is added to read:

13 § 6311. CONSERVATION RIGHTS AND INTERESTS; TAX LIENS

14 A tax lien shall not affect conservation rights and interests if the tax lien

15 attaches to the subject property under 32 V.S.A. § 5061 subsequent to the

16 recording of the conservation rights and interests in the municipal land records.

17 Sec. 2. 10 V.S.A. § 823 is amended to read:

18 § 823. INTERESTS IN REAL PROPERTY

19 Conservation and preservation rights and interests shall be deemed to be

20 interests in real property and shall run with the land. A document creating

1 such a right or interest shall be deemed to be a conveyance of real property and
2 shall be recorded under 27 V.S.A. chapter 5. ~~Such a right or interest~~ but shall
3 not be subject to the requirement of filing a notice of claim within the 40-year
4 period as provided in 27 V.S.A. § 603. Such a right or interest shall be
5 enforceable in law or in equity. Any subsequent transfer, mortgage, lease, or
6 other conveyance of the real property or an interest in the real property shall
7 reference the grant of conservation rights and interests in the real property;
8 provided, however, that the failure to include a reference to the grant shall not
9 affect the validity or enforceability of the conservation rights and interests.

10 Sec. 3. 27 V.S.A. § 604 is amended to read:

11 § 604. FAILURE TO FILE NOTICE

12 (a) This subchapter shall not bar or extinguish any of the following
13 interests, by reason of failure to file the notice provided for in section 605 of
14 this title:

15 * * *

16 (8) Any conservation rights or interests or preservation rights or
17 interests created pursuant to 10 V.S.A. ~~chapter~~ chapters 34 and 155.

18 * * *

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2016.