

Testimony Summary of H. 580  
House Natural Resources & Energy Committee  
Tuesday March 8, 2016

Upper Valley Land Trust  
John Roe, VP Program and Operations

Upper Valley Land Trust

- A regional Land Trust representing the 46 towns of the Upper Valley, 26 of them in Vermont.
- Since 1985 we have conserved over 485 properties encompassing 49,000 acres.
- In Vermont we hold 260 easements totaling almost 30,000 acres.

Purpose of H. 580

- All of these changes made in H.580 are to ensure that easements designed to permanently conserve land perpetually travel as deed encumbrances.
- This was the original intent of creating easements as a conservation tool; the changes in H.580 close some potential weaknesses in that permanency.

Tax Liens

- Current law give tax liens great power to eliminate encumbrances on a title, like mortgages.
- This bill creates a new provision that prevents conservation rights (easements) from being eliminated by tax liens.
- Will not affect any liens currently in place
- Makes conservation permanent and protects public investment in conservation – for example, a farm conserved by an easement purchased with VHCB money will stay conserved, even if an owner falls on hard times and the Town uses a tax sale to recover what is owned in taxes. Prevents a buyer from arguing the property can now be developed.

Rerecording

- Changes were made in 2011 to eliminate the need to rerecord easements every 40 years, which inadvertently created conflict with another statute.
- This bill provides clarity and makes the two statutes (10 VSA and 27 VSA) consistent with each other.
- The permanency of the easements to protect land and historic structures is assured by these changes irrespective of how much time has passed between two deeds, since all deeds subsequent to the initial encumbrance are required to cite the easement.
- Eliminating the need to rerecord every 40 years is consistent with the practice in other New England states.

Upper Valley Land Trust supports H. 580 and believes it is a critical to make sure the public investment in land conservation can never be lost by error, oversight, or the collection of taxes. It also provides clarity around the tax lien process, which in turn prevents an inappropriately windfall accruing to someone through a tax lien sale.