

HB 2136 -- Conservation Easements

Sponsor: Loehner

This bill establishes the Private Landowner Protection Act which allows for the creation and enforcement of conservation easements designed to protect the environment and preserve certain historical or culturally significant aspects of real property. These easements may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other types of easements; and a court may modify or terminate an easement based on the principles of law and equity. Existing real property interests are not impaired except upon consent of the owner or if the owner is a party to the conservation easement. A conservation easement will be valid in a number of situations not recognized by the common law that are specified in the bill. Retroactive application is mandated to the extent allowed by state and federal law.