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## Historic Conservation Easements...

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Under current Oregon law, the only way an owner of a historic property can ensure the preservation and protection of their property in perpetuity is through the donation of a preservation easement. National Register listing – while an important designation with many benefits – does not guarantee against demolition, neglect, or loss of historic integrity.

Since 1981, the Historic Preservation League of Oregon has accepted preservation easements from building owners across Oregon. Recognized nationally, the league's easement program currently protects 42 historic properties, from the Gwin House in Jacksonville to the Wells Fargo Building in Portland.

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### What is a Preservation Easement?

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A preservation easement is a legally binding agreement to protect a historic property from activities that may harm the property's integrity, including neglect, demolition, and insensitive alterations. A preservation easement allows the owner of a historic property to retain title and use of the property and, at the same time, ensure its long-term preservation.



Gwin House

An easement is a legal contract by which the owner agrees to maintain the property according to the Secretary of the Interior's Standards for historic properties. The easement, usually granted in perpetuity, is filed in the county land records and binds the current owner as well as all subsequent owners. The owner retains major interest in the property and can sell it or will it to whomever they wish.

Because each property is unique, preservation easements are individually written for each property, defining the precise elements that are to be preserved. Protected features may include the facade, interior features, grounds, view sheds, or air rights.



Wells Fargo Building

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## Why give a preservation easement?

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People grant easements for a variety of reasons, from personal gain through tax benefits to community improvement through the permanent preservation of a significant structure. Some reasons for giving a preservation easement may include:

- Protection of a donor's personal interest in preserving their family's heritage and home.
- Preservation of a building on which an owner has spent considerable time and resources restoring.
- Provision of tax savings for the property owner.
- Reduction in estate, gift and capital gains taxes.
- Improvement of one's community through long-term preservation of a significant landmark.

A significant, but often overlooked, benefit of a preservation easement is long-term professional assistance with technical preservation issues.

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## What restrictions are imposed on the property owner?

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Each easement agreement is unique. In general, the owner is required to maintain the structure in such a way as to preserve its integrity and historic character, thereby ensuring its long-term survival and contribution to the community's historic resources.

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## Conservation Easement Fees & Donation Process...

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The Historic Preservation League of Oregon (HPLO) treats every conservation easement as a unique opportunity to preserve our heritage and each easement is negotiated individually.

Because it takes substantial resources to process a new easement and manage it in perpetuity, we have adopted the following fee structure:

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### Conservation Easement Fees – Residential Properties

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Application Fee: \$150.00 (non-refundable)

Easement Processing Fee: .25% (quarter of 1 percent) of appraised market value (building & land) or \$1000, whichever is greater; paid upon acceptance of the easement by the HPLO

Fees for commercial properties vary, please contact the HPLO.

Should fees create a hardship for the grantor, aid may be available.

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### Cash Donation to the Stewardship Fund

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The HPLO considers the management of our conservation easements as a principle responsibility – one that requires concerted resources and a long term view. To fund the ongoing costs of monitoring, inspecting, enforcing, and administering our easements in perpetuity, the HPLO has established a restricted Stewardship Fund. Grantors of conservation easements are invited to contribute to this fund at the time of settlement. A suggested donation is 2% of the appraised value of the property.



## Donation Process

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1. Complete the Conservation Easement Application form, including photographs to document the property and its historic elements.
  2. Schedule a meeting with an HPLO representative to tour and inspect the property, and discuss the specifics of what elements will be protected.
  3. If the owner plans to take the IRS income tax deduction for the value of the easement, a qualified appraiser is engaged to establish the easement's value.
  4. The application is reviewed by the HPLO Easement Committee. Upon acceptance into the HPLO easement program a legal contract is drawn. The HPLO provides a standard contract which is customized to reflect the donor's wishes. It is recommended that donors engage legal council to represent them in this step of the process.
  5. When the contract is signed and the processing fee received, it is recorded with the county.
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## The Goals & Means of the HPLO:

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- Preserve and pass forward endangered historic sites, properties and districts.
  - Ensure sufficient economic incentives for historic preservation.
  - Ensure appropriate land use policies, development guidelines and preservation standards to address the full spectrum of preservation opportunities.
  - Educate and increase awareness of the value of preservation and its essential role in sustainability.
  - Advocate at the state and local government level, participate in policy-making.
  - Provide effective tools for preservation in the form of conservation easements and actionable information.
  - Maintain a consistent presence in the community.
  - Include and constructively engage various perspectives from preservation, cultural, development, government, and other sectors.
  - Provide services statewide by creating a league of partner organizations across Oregon.
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## Contact Us

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