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How To Make A Difference in History: Preservation Easements

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Report from the Easement Subcommittee of the HHF Preservation Committee

The Foundation Board as part of its continuing efforts in historic preservation in Madison County has established an Easement subcommittee under the Preservation Committee. This group will assist individuals to place preservation and conservation easements on their historic property to preserve historic value for future generations. The committee will be available to advise interested owners in establishing the types of easements they should put on their property and inform them of the legal procedures and tax implications. The committee members presently serving are: Elise Stephens, History/Education; Ira Jones, Facilitator; Roger Nicholson, Records; Jack Burwell, Legal; Clayton Jones, Appraiser. Advisors are: Harvie Jones, Historic Architect; and Richard Van Valkenburgh, Real Estate.

How To Make A Difference In History: Preservation Easements

submitted by
Ira Jones

Owners of historic properties devote considerable time and effort to restoration of their homes, gardens, and architectural details in a manner compatible with their properties' historic period and architectural styles. A preservation easement is a means by which you, as owner of an historic property, can be assured of its continued preservation after the property passes from your stewardship. An easement can in some instances also enable the donor to realize significant federal, state, and local tax savings.

What Is A Preservation Easement?

A preservation easement is a legal document which regulates the use of, or changes to, your property. Once imposed, it “runs with the land” in perpetuity, requiring present and future owners to abide by its terms. A preservation easement may be drafted to prohibit alterations to the facade of your home, to preserve notable interior features of your home, or to eternally preserve historic and esthetically important open spaces, gardens, lawns, approaches, or woodlands around your home. A preservation easement is the most effective long-term protection for historic property in private ownership.

Who Will Hold The Preservation Easement?

The Historic Huntsville Foundation and the Alabama Historical Commission are both empowered to hold protective easements. By designating either of these organizations as holder, you are assured of the availability of preservation technicians to share responsibility for future stewardship of your property.

What Are The Tax Benefits Of Preservation Easements?

For federal income tax purposes, a charitable deduction in most cases may be taken for the value of the easement donated, up to 50% of your adjusted gross income. Any remainder may be carried forward and used in subsequent tax years for up to five years. The federal estate tax obligation for heirs of your property may be lessened because of the easement. State income and estate tax savings may also be realized. In some cases, additional local real estate tax savings may be achieved.

What Steps Must Be Taken To Acquire A Preservation Easement?

1. Acquire a legal description of the property you own.
2. Write out exactly what historic elements and features you wish to be covered by the easement.

3. Contact the Alabama Historical Commission (205/242-3184) or the HHF. If either accepts an easement on the property, the staff will work with the donor to finalize the necessary legal documents.
4. When the documents are prepared, the Commission or the HHF will file the easement where it will become public record. Your property will then be protected for the education and enjoyment of generations to come—and you will have made a difference in history!

