Agenda

• Introduction: Why is easement monitoring important?
• Case Study: Monitoring the National Trust Easement Program
• Case Study: Monitoring Preservation Utah’s Easement Program
• Question and Answer Session
Speakers

Raina Regan  
Senior Manager of Easements at the National Trust

David Amott  
Preservation Programs Director at Preservation Utah
“Monitoring helps a [preservation organization] develop a relationship with the landowner, helps discover changes in land ownership, enables it to see if the easement is effective, helps uncover violations, saves time and money on enforcement actions, and establishes a record in case of court action.”

*Land Trust Standards and Practices*, Standard 11C Conservation Easement Monitoring Guidance, Land Trust Alliance, January 5, 2018
Establish Written Monitoring Procedures

What to include?
• Scheduling, how to notify property owners, pre-monitoring preparation, what to bring to the monitoring visit, how to conduct the visit, how to follow-up

Establishing monitoring procedures can result in:
• Consistency, especially during staff turnover or when using interns
• Building expectations with property owner
Steps of Easement Monitoring

- Pre-Visit
- On-Site
- Post-Visit
Monitoring the National Trust Easement Program

Raina Regan, Senior Manager of Easements
National Trust Easement Program

- First Easement: 1975
- Most Recent Easement: 2018
- Over 130 easements in 25 states, plus the District of Columbia
- Over 40% of easements include interior protections
- Two dedicated professional staff, supported by attorneys in National Trust Law Division
Monitoring Procedures

Who → When → How
Pre-Visit: Notifying Owners

• Initial Contact
• Scheduling
• Timing
• What happens if you get no response?
Pre-Visit: How to Prepare

• Accessing the property

• Reviewing property file
  – Easement document
  – Recent inspection reports
  – Recent inspection photos
  – Baseline documentation
  – Correspondence, approvals
  – Floor plans, site plans, maps

• Review any upcoming projects
On-Site: Conducting the Visit

• What should be accomplished in the visit?
  – Photographs, notes, discussion

• Discussions with Property Owners

• Violations
Post-Visit: Follow-Up to Owner

- Create a record of the visit
- Follow-up to property owner and/or representative
- Monitor all the restrictions at an easement property
- Addressing easement violations in a timely manner
Post-Visit: Creating a Record
Post-Visit: Creating a Record

Projected Features or Restrictions

The exterior of the school house on the property will be maintained and preserved in its present state, as depicted in the photographs and attached handouts and correspondence. As reference to Exhibit A. Notwithstanding the foregoing, changes, alterations, additions and improvements, as would not in the opinion of the Inspectors fundamentally alter the historic character or setting of the property may be made therein, provided the plans for such changes, alterations, additions or improvements shall have been submitted to the Commission for review, and where written approval has been obtained, and further provided that additions or modifications may only be made to the rear of the building, may not exceed twenty (22) feet in width by twenty-five (25) feet in depth, must be of identical proportion to those of the existing school house of 1835, and if it be desired to equalize the indentation front side on a line perpendicular to the slope of the existing roof, there must be no diminishing, the addition must be constructed with siding identical in material and proportion to that of the existing building and chimney, if any, must be screened.

Lessee/Leasehold: The school house is well maintained.

The interior of the school house will be maintained and preserved in its present state as nearly as practicable, though structural changes, alterations or improvements as would not in the opinion of the Inspectors fundamentally alter the historic character or make it feasible to preserve the Historic of the School House to its present or original state, as depicted in the photographs and written description attached hereto as Exhibit A, in the course of such changes, alterations or improvements the existing electrical will not be removed from the present location, except temporarily necessary to affect such changes, alterations or improvements, and plans for such changes, alterations or improvements shall have been submitted to the Commission for review and the prior written approval of the Commission shall have been obtained.

Lessee/Leasehold: The interior of the school house is well maintained. No building or other structures shall be built on or maintained on the Property other than [the School House], and [its] utilizations, currently or as it is appropriate incidental to a multi-room School House, the design and location of which shall be subject to prior written approval of the Commission.

Lessee/Leasehold: The house is well maintained.

The property shall not be subdivided.

Lessee/Leasehold: The property does not appear to have been subdivided since the last assessment inspection on April 13, 2017.

No sign, billboard or similar advertising structure shall be displayed on the Property other than one non-illuminated sign not exceeding one foot by one foot for each of the following purposes: (a) to advertise the name of the property, (b) to advertise an activity permitted under paragraph 4, articles 5 and 6(b) to advertise the Property for sale or rent, provided, however, that this paragraph shall not restrict the display of any sign, including, but not limited to, the display of the sign on the exterior of the structure on the property.

Lessee/Leasehold: There is a sign adjacent to the front door that identifies the name of the property; Second Street School.

No dumping of ashes, sawdust, brush, trash, rubbish or any other weighting or offensive materials shall be permitted on the property visible from the public roads and streets.

Lessee/Leasehold: There is no dumping of ashes, sawdust, brush, trash, rubbish or any other weighting or offensive materials on the property visible from the public roads or streets since the last assessment inspection on April 13, 2017.
Monitoring Preservation Utah’s Easement Program

David Amott, Preservation Programs Director

Places
People
Communication
Enforcement
Preservation Utah

Easement Program Overview

Places
126 Properties Total
- 4 institutional
- 6 commercial
- 1 park
- 116 residential / residential rental

11 Easement “Districts”
Preservation Utah

Easement Program Overview

People
Property Owners
Preservation Utah
Easement Program Overview

People
Historic Property Committee

- Low-interest loan program
- Educational Outreach
- SLC RDA / Preservation Utah rehabilitation projects
- **Easements**
Preservation Utah

Easement Program Overview

People

Yearly Easement Intern
- Recruited from local undergraduate and graduate programs in architecture, history, city planning, etc.
  - No issues with interns
  - Pay $22 per easement plus gas
- Conduct all easement inspections in late spring / summer.

Easement Report
- Easement intern reports findings to the Historic Properties Committee in the early fall.
  - Findings are analyzed and easement monitoring / enforcement goals are established for the coming year
January, 2019

Dear Homeowner:

As you probably know, Preservation Utah holds a preservation easement on your property. This easement is a legal agreement that requires Preservation Utah to protect the historic, visual and structural integrity of the property. The easement is "delegate to run with the land," meaning it lasts forever, no matter how many times or to whom the property is sold. It requires owners to obtain the approval of Preservation Utah before making any exterior alterations to their historic building. This consultation process allows us to fulfill our duty to protect the building as well as offer owners advice on getting the work done correctly and saving money.

As part of our responsibilities as an easement holder, Preservation Utah must conduct regular inspections of each of our easement properties to confirm they are being maintained in accordance with the terms of the easement. The easement inspector notes the condition and takes photographs of each side of the building covered by the easement.

Please note that the inspector serves simply to report on the condition of the property. Most inspections reveal the pride and care taken by owners in the restoration and maintenance of their historic properties. In the unlikely event that a serious violation of the easement has occurred, the matter will be dealt with by the Preservation Utah Board of Trustees, not by the inspector.

As the easement concerns the exterior only, it will not be necessary for the inspector to enter the building. Therefore, the inspector, Ethan Beutell, will arrive unannounced during the day at some point over the next three weeks. Do not hesitate to call me at 801.533.0854 ext. 101 if you have any questions. Your cooperation with the easement inspection process is greatly appreciated.

Sincerely,

David Amore
Preservation Programs Director
(801) 533-0854 ext. 101
Enforcement

EASEMENT INSPECTION RATINGS

EXEMPLARY Facades and related elements in near-perfect condition. No treatment recommendations are issued.

VERY GOOD Facades and related elements in near-perfect condition with the exception of one or two items that need attention.

GOOD Facades and related elements in satisfactory condition. Several items usually need attention, one item may need immediate attention, however, the property as a whole isn’t at risk of any serious threat to its physical condition. The majority of all houses in the easement program are in this category.

FAIR Facades and related elements in average condition with some components in unsatisfactory condition. If the homeowner responds to the treatment recommendations in a timely fashion, the property should upgrade to good condition. However, if no work is completed by next year’s inspection or work completed is unsatisfactory, I would deem this property in “poor” condition and flag it for review by the Historic Properties Committee.

POOR Facades and related elements in unsatisfactory condition. Many house elements in immediate need for treatment or they risk damage beyond repair. Property deemed in danger of losing significant architectural and/or structural integrity.
Preservation Utah
Easement Program Overview

Communication
Post Inspection Contact
Preservation Utah

Easement Program Overview

First Phase Enforcement

Diplomacy
• Newsletter / small gifts highlighting easement property restoration efforts
• Personal contact with home owner / home visit
• Free consultations with preservation-minded architects, contractors, SHPO representatives, etc.
• Assistance creating a stabilization plan with prioritization and cost estimates
• Service projects
• Public rehab workshop
• Low to zero-interest loan
Preservation Utah

Easement Program Overview

Second Phase Enforcement

Staff Letters

• 1st Staff letter
  - Offer diplomatic solutions
  - 60 days to respond

• 2nd Staff letter
  - Official notice of easement violation
  - Request site visit
  - 30 days to respond
Preservation Utah

Easement Program Overview

Third Phase Enforcement

Legal / Staff Letters
• 1st attorney letter
• Staff request site visit
  - Property owner, staff, board members, lawyer, relevant experts
• 3rd staff letter
  - Summarizes site visit and expectations for improvement
• 2nd attorney letter
  - Reiterates concern over property’s conditions
• 3rd attorney letter
  - Notification of pending legal action
• Legal action taken
QUESTION AND ANSWER

Use the chat box on the bottom right to ask questions of the speakers.
Upcoming Webinars

Managing Photography at Historic Sites: Effectively Capturing Collections, Buildings, Landscapes, and Visitors on a Budget

March 19 | 2:00 p.m. ET

Forum.SavingPlaces.org/forum-webinar
Thank you!

Visit Our Website: forum.savingplaces.org

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Contact Us: forumonline@savingplaces.org