



Preserving Virginia's scenic, natural, historic, recreational,
and open-space lands for future generations.

Open Space Lands Preservation Trust Fund

Background

In 1997, the Virginia General Assembly created the Open-Space Lands Preservation Trust Fund ("the Fund") (Virginia Code §10.1-1801.1) to help with costs of conveying an open-space or conservation easement, which can be prohibitive for some landowners. Funding for the program varies by year and is often very limited. Some examples of eligible costs are fees charged by VOF (more detail on page 2), attorneys and appraisers. In addition, localities throughout the Commonwealth may apply for assistance from the Fund to jumpstart programs for the purchase of development rights (PDR) or to support existing PDR programs.

Does My Land Qualify?

Each proposed conservation or open-space easement is evaluated for its scenic, scientific, natural, historic, recreational, or open-space value by VOF staff and Board of Trustees. The evaluation is based on VOF's Guidelines and takes into account the priorities listed above, including financial need.

Awards

Priority is given to applicants with family farms and who demonstrate significant financial need. Financial need is established by submitting federal income tax forms for the most recent two years for which taxes have been filed. As of June 30, 2016, priority funding will be given to landowners with an average income of \$62,000 or less; a sliding-scale listed below indicates funding at lower amounts which may be available to those with incomes over \$62,000 for specified costs. The VOF fees will be deducted from the award with the remainder available for the landowners' expenses once recordation has occurred. Applicants are encouraged to talk to their lawyer and appraiser prior to completing the application and may request a higher award with cost estimates.

Please understand that the legal, appraisal and any other services contracted by you in the process of donating your easement are solely your responsibility. VOF cannot release PTF funds until after your conservation easement is recorded at the local courthouse. If you do not record your easement, you will be responsible to your vendors for any costs incurred on your behalf. Further, the PTF award may not fully cover your costs; it may be beneficial to discuss payment options with your vendors at the outset of process.

Guidance for the request amounts is as follows:

	ANNUAL INCOME	RECOMMENDED Award	Available for VOF fees	Available for landowner legal and appraisal costs
1	Up to \$62,000	\$11,500	\$3,000-\$5,000; covers 100%	\$6,500-\$8,500; 100% cost share*
2	\$63,000 – 79,000	\$8,000	\$3,000-\$5,000; covers 100%	\$3,000-\$5,000; 75% cost share *
3	\$80,000 – 100,000	\$2,250-\$3,000	100% of Processing fee;50% of BDR fee up to \$3,000	\$0

***Applicant may request a higher award with cost estimates from lawyer and/or appraiser.**

VOF Fees:

Applicants to PTF who clearly qualify in one of the three income categories will not pay the Processing fee prior to the Board of Trustees meeting. To the extent that a PTF award covers the VOF fees, the donor will not make payment to VOF; the VOF fees will be deducted internally. However, for the highest income category the donor will make payment for half of the BDR fee.

Processing Fee for New Easements:

This \$1,500 fee covers VOF's due diligence review and analysis work and will be due prior to the Board of Trustees review of each easement proposal.

Baseline Documentation Report fees: Preparation or Review

The BDR is a report that documents the conservation values that are defined and protected by the specific requirements of the easement deed; it provides a picture of the property at the time the gift of the easement is made. After Board approval of an easement proposal, the donor will be asked to decide whether to have VOF staff or a third party to prepare the required BDR. If VOF prepares the BDR, a fee of \$3,000-\$3,500 will be charged at the time the report is completed; alternatively, if a third-party prepares the report, VOF will charge a review fee of \$1,500 at the time the report is submitted to VOF for review. The donor may also have to pay the third-party preparer.

Partial Purchase of an Easement

Limited funds are available for purchase of easements and currently, VOF is prioritizing purchase of easement proposals that provide for public access opportunities. If interested, please discuss with regional VOF easement staff. There are tax implications associated with the receipt of a payment from the Fund. Please discuss with your lawyer and tax advisor prior to recordation of your easement.



Open Space Lands Preservation Trust Fund Application

Application Page 1- General Information (Each additional owner must complete Page 2, submit tax forms and provide contact information on Page 3)

Main contact for Property: _____

County _____ Number of Acres _____

Address _____ Phone _____

_____ Email _____

Name of Trust, LLC or other entity, if applicable _____

Please complete income chart, submit tax forms and provide contact information on Page 3 for the legal entity

1) Is the property a family-owned or family operated farm or forest? Yes No

2) List crops, livestock, and/or farm or forest products produced, and list acreage devoted to each.

3) Describe family's involvement in farm or forestland operation (family employment full/part-time, etc.).

4) Length of family ownership _____

RETURN THE FOLLOWING DOCUMENTS:

- Copies of IRS tax returns** (Pages 1 & 2 for the most recent two years available for each property owner)
- Application Page 1 (General Info)**
- Application Page 2 & 3 (Financial Need Info)**
- Application Page 4 (Additional Owners), if applicable**
- Application Page 5 (Affidavit for Non-filers), if applicable**

Owner's signature _____ **Date:** _____

Application Page 2: Financial Need Information

Please complete this page for each property owner

Landowner: _____ **County:** _____ **Acres:** _____
(Married couple counts as one owner)

Please check the appropriate box to indicate your income category in the chart below and submit pages 1 and 2 of your two most recently filed federal income tax forms. Copies of your tax forms will be confidentially and securely stored in the files of the VOF Finance Office until destruction. Landowners who do not meet the IRS requirements for filing taxes must complete and submit the attached "Affidavit for Non-filers."

	20__	20__	20__	20__	Recommended Request
	Total Income	TAXABLE Income	Total Income	TAXABLE Income	
Up to \$62,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$11,500
\$63,000 – 79,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$8,000
\$80,000 – 100,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$2,250-\$3,000
Exceeds Max*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

* Assistance is rarely approved for donors with income exceeding the maximum income category except where the two-year average is still met.

Estimate your total costs in the space provided below. Discuss the price of the BDR preparation fee with your Easement Project Manager. You may ask for additional funds if you provide a written estimate from your attorney and/or appraiser.

Example: _____

Legal: \$1,500

Appraisal: \$5,000

VOF fees: \$4,500-\$5,000

Total Request: \$11,500

Your Request:

Legal: _____

Appraisal: _____

VOF fees: _____

Total Request: _____

Please use the space below or attach a separate note to describe the reason for additional funds, i.e. large parcel, complicated legal description, etc. You can also use this space to describe financial need factors that may not be revealed by the federal tax forms.

Application Page 4: Additional Property Owners

(Each property owner listed must submit Application Page 2 and copies of tax forms.)

Name/s: _____

Address _____ Phone _____

_____ Email _____

Name/s: _____

Address _____ Phone _____

_____ Email _____

Name/s: _____

Address _____ Phone _____

_____ Email _____

Name/s: _____

Address _____ Phone _____

_____ Email _____

Application Page 5- Affidavit for Non-Filers Landowners who do not meet the IRS requirements for filing federal returns must complete and submit this affidavit to substantiate financial need.

Affidavit

Commonwealth of Virginia
County of _____

Before me, the undersigned Notary, _____ *[name of Notary before whom affidavit is sworn]*, on this _____ *[day of month]* day of _____ *[month]*, 20____, personally appeared _____ *[name of affiant]*, known to me to be a credible person and of lawful age, who being by me first duly sworn, on _____ *[his or her]* oath, deposes and states as follows that:

1. _____ *[name of applicant(s)]* *[has or have]* made application to the Virginia Outdoors Foundation for open-space land preservation trust fund assistance pursuant to Virginia Code Section 10.1-1801.1 in order to convey an open-space easement to the Virginia Outdoors Foundation;
2. Such applicant(s) *[has or have]* insufficient income to have been required to file a federal or state income tax return for the years _____, _____ and _____; and
3. Such applicant(s) *[has or have]* a financial need for such assistance in order to make such conveyance of the open-space easement.

[signature of affiant]

[printed name of affiant]

Subscribed and sworn to before me, this _____ *[day of month]* day of _____ *[month]*, 20_____.

Notary Public

(SEAL) My commission expires: _____
Registration No. _____