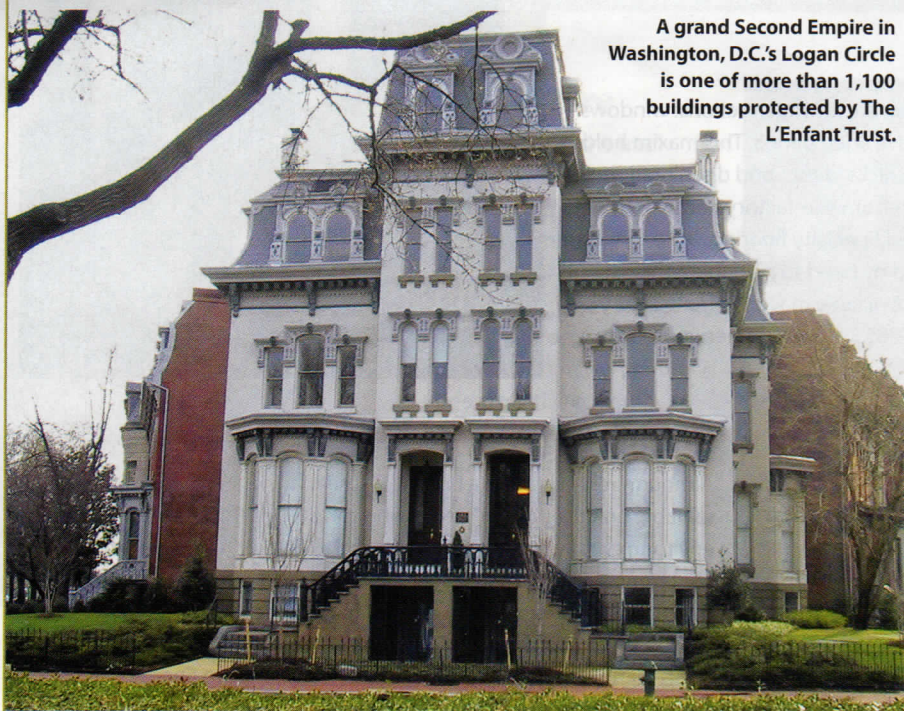


A grand Second Empire in Washington, D.C.'s Logan Circle is one of more than 1,100 buildings protected by The L'Enfant Trust.



estimate its value before and after the easement is put in place. The appraiser establishes the value of the property rights the owner is giving to charity (the non-profit). That amount gets submitted as a tax deduction by the owner. While the burden of the easement transfers to subsequent homeowners, the tax deduction happens only once.

DA: What types of buildings qualify?

CG: Any building 50 years old or older, located in a registered historic district that's received certification through the National Park Service, or buildings individually listed on the National Register of Historic Places.

DA: Do you enforce a strict set of guidelines?

CG: Guidelines are very dependent on the easement holder and the easement document being used. Because we're an organization that exists in perpetuity, we purposely don't have strict, unchangeable guidelines for owners—as time marches on, technologies and materials improve. We want our property owners to use the current best methods.

DA: In terms of new technology and materials, what are you running into?

CG: The newest thing we've dealt with is someone wanting to add a green roof. We were concerned about water and making sure it wouldn't endanger the building—and also that it would be out of the public sight line. After consultations with an architect, it was approved.

DA: How do you handle requests to backdate a property?

CG: We try to weigh an owner's request against what's best for the property. For example, we once dealt with a townhouse with a strip of architectural metal across the front. The metal was removed during masonry work on the building, and the owners decided they preferred the house

Protection in Perpetuity



Washington, D.C. nonprofit The L'Enfant Trust has promoted preservation through conservation easements since 1978. We chatted with president Carol Goldman about the ins and outs of the program.

BY DEMETRA APOSPOROS

DEMETRA APOSPOROS: The L'Enfant Trust was one of the pioneers in conservation easements—how did your program come about?

CAROL GOLDMAN: Our founders were tax lawyers, and they donated an easement on Washington's National Union Building to the National Trust for Historic Preservation—true easement pioneers in the U.S. Both believed local oversight for easements was important, so they founded The L'Enfant Trust as a nonprofit to hold local easements.

DA: What's the in-a-nutshell definition of how easements work?

CG: The owners of a building decide they

want to preserve their house or commercial property in perpetuity, so they give rights to the building's exterior to a charity. The charity then ensures that the building is properly maintained, and that future owners apply for permission before making any exterior changes. The nice thing about easement donation is that it's voluntary preservation. You don't have to do it, and you don't have to buy a building with an easement in place.

DA: Most people know there's a tax benefit to donating an easement—how is it determined?

CG: It's a complicated process, but in brief, an appraiser will look at the property and

The nice thing about easement donation is that it's voluntary preservation. You don't have to do it, and you don't have to buy a building with an easement in place.

without it. So we did a lot of sleuthing and consulting, and ultimately determined that the metal wasn't original to the house, so we allowed the owner to keep it off.

DA: Is it common for buildings to change ownership after an easement has been placed on the property?

CG: Our Trust has been around long enough that it is common. Part of our work is in keeping an updated list of owners, which we monitor through tax rolls and by writing to owners at least once a year.

DA: Who notifies the new owners of the easement?

CG: Ideally, the property owner who donat-

ed the easement will introduce the new owner to us at the time of a sale, but it sometimes falls through the cracks, and we end up with a new owner who wasn't aware of the easement until after purchasing the property. Those are the people we try to focus on and educate, to let them know that their building is protected, it's a good thing, and we're here to help them.

DA: What sorts of recourse do you have if people make inappropriate changes without permission?

CG: We try to avoid that by talking with people before any changes happen. For example, we get a copy of all building permits for D.C. historic districts every



Buildings held in easement boast this 7" brass plaque on their front façade.

week—if one of our properties is on the list, we'll call the owners to discuss the work. We have had people do things, though, like change paint colors without approval. In one case, we ended up in court to enforce the easement, and the judge ruled the homeowner had to repaint the house and pay all of our associated legal fees. 🏠

For more information on the work of The L'Enfant Trust, visit lenfant.org.

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