

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB1721H2

Patron: Watts

Bill Title: Uniform Easement Relocation Act.

Bill Summary: Creates the Uniform Easement Relocation Act, which allows the owner of real estate burdened by an easement to obtain a court order to relocate the easement if the relocation does not materially impair, among other impairments, (i) the utility of the easement holder or (ii) the physical condition, use, or value of the benefited property. The Act requires that the burdened property owner file a civil action, give notice to other potentially affected real property interest owners, and bear the costs of relocation. Under current law, the owner of land that is subject to an easement may seek relocation of the easement on the servient estate upon petition to the circuit court and notice to all parties in interest, and the petition will be granted if, after a hearing held, the court finds that (a) the relocation will not result in economic damage to the parties in interest, (b) there will be no undue hardship created by the relocation, and (c) the easement has been in existence for not less than 10 years.

Budget Amendment Necessary: No.

Items Impacted: N/A.

Explanation: This bill may impact the court system and localities. No budget amendment is needed.

Fiscal Summary: No state fiscal impact.

Fiscal Analysis: This impact statement is preliminary. This bill establishes the Uniform Easement Relocation Act, which allows the owner of real estate burdened by an easement to obtain a court order to relocate the easement under certain conditions. This action cannot be used to relocate any easement held by the Commonwealth. To obtain an order to relocate an easement, a servient estate owner must commence a civil action. Any impact on the court system is indeterminate.

Other: None.