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INTRODUCED

HB134

1 **HOUSE BILL NO. 134**

2 Offered January 14, 2026

3 Prefiled January 3, 2026

4 *A BILL to amend and reenact §§ 10.1-1009 and 10.1-1010 of the Code of Virginia, relating to Virginia*  
5 *Conservation Easement Act; definitions; federally recognized tribes.*

6 Patron—Simon

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 10.1-1009 and 10.1-1010 of the Code of Virginia are amended and reenacted as follows:**10 **§ 10.1-1009. Definitions.**

11 As used in this chapter, unless the context otherwise requires:

12 "Conservation easement" means a nonpossessory interest of a holder in real property, whether easement  
13 appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or  
14 affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of  
15 real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting  
16 natural resources, maintaining or enhancing air or water quality, or preserving the *cultural, historical,*  
17 *architectural, or archaeological aspects of real property.*18 "Federally recognized tribe" means an American Indian tribe within the present-day external boundaries  
19 of the Commonwealth that is formally acknowledged by the Commonwealth to exist as a tribe as reported by  
20 the Secretary of the Commonwealth pursuant to § 2.2-401.01 and that is recognized by the U.S. Secretary of  
21 the Interior to exist as a tribe under the federal Federally Recognized Indian Tribe List Act of 1994 (25  
22 U.S.C. § 5131).23 "Holder" means (i) a charitable corporation, charitable association, or charitable trust *which that* has been  
24 declared exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and the primary purposes or powers of  
25 which include: (i) retaining or protecting the natural or open-space values of real property; (ii) (b)  
26 assuring the availability of real property for agricultural, forestal, recreational, or open-space use; (iii)  
27 protecting natural resources; (iv) (d) maintaining or enhancing air or water quality; or (v) (e) preserving the  
28 historic, architectural, or archaeological aspects of real property *or* (ii) a federally recognized tribe.

29 "Public body" means any entity defined in § 10.1-1700.

30 "Third party right of enforcement" means a right provided in a conservation easement to enforce any of its  
31 terms granted to a governmental body, *federally recognized tribe*, charitable corporation, charitable  
32 association, or charitable trust *which that*, although eligible to be a holder, is not a holder.33 **§ 10.1-1010. Creation, acceptance and duration.**

34 A. A holder may acquire a conservation easement by gift, purchase, devise or bequest.

35 B. No right or duty in favor of or against a holder and no right in favor of a person having a third-party  
36 right of enforcement arises under a conservation easement before its acceptance by the holder and a  
37 recordation of the acceptance.38 C. A conservation easement shall be perpetual in duration unless the instrument creating it otherwise  
39 provides a specific time. For all easements, *the a holder that is not a federally recognized tribe* shall (i) *meet*  
40 *the criteria in § 10.1-1009 and* (ii) either (i) have had a principal office in the Commonwealth for at least five  
41 years; or (ii) be a national organization in existence for at least five years *which that* has an office in the  
42 Commonwealth and has registered and is in good standing with the State Corporation Commission. Until a  
43 holder *that is not a federally recognized tribe* has met these requirements, the holder may co-hold a  
44 conservation easement with another holder *that is a federally recognized tribe or* that meets the requirements.45 D. An interest in real property in existence at the time a conservation easement is created is not impaired  
46 by it unless the owner of the interest is a party to the conservation easement or consents to it in writing.47 E. No conservation easement shall be valid and enforceable unless the limitations or obligations created  
48 thereby conform in all respects to the comprehensive plan at the time the easement is granted for the area in  
49 which the real property is located.50 F. This chapter does not affect the power of the court to modify or terminate a conservation easement in  
51 accordance with the principles of law and equity, or in any way limit the power of eminent domain as  
52 possessed by any public body. In any such proceeding the holder of the conservation easement shall be  
53 compensated for the value of the easement.