

Why Preserve Your Land?

The Pocono Heritage Land Trust (PHLT) is dedicated to the conservation of important lands and waters including open space, agricultural landscapes, and natural areas in the Poconos. The beauty and diversity of the Pocono landscape has drawn people to this region for well over a century. But all of this is now threatened by the rapid development taking place in the Poconos. Today, more than ever before, long-term protection of precious natural areas depends in part on the actions of concerned private landowners.

This guide will outline the benefits of working with Pocono Heritage Land Trust and present a variety of tools that may be used to protect your property.

How We Work

To begin with you need to define your goals and objectives for the property. The following questions may be helpful in defining you goals:

How important is ownership?
What are your tax concerns?
Should you limit development and other potential uses of your land?
Is the land important as a future revenue source?

Pocono Heritage Land Trust can help you by exploring the range of options with you and supplying you with the information you need to move forward.

Our Story

Pocono Heritage Land Trust is a locally-based organization dedicated to protecting the natural heritage of our Pocono Mountains region. These areas include important lands, waters, and agricultural landscapes. PHLT is overseen by a board of directors who are local residents – business people, elected officials, educators, conservationists - with a shared commitment to our natural legacy. Founded in 1984, the trust is a non-profit 501(c)(3) organization funded by grants and contributions from individual and corporate donors. It is guided by the Land Trust Alliance's Standards and Practices.



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A Guide for Landowners

Protecting Land While Retaining Title

Conservation Easements

A conservation easement is a legally recorded, voluntary agreement by which people may limit certain uses of their land. Property ownership is like owning a variety of separate rights on your property. These rights may include, but are not limited to, the right to farm the land, the right to build on the land, and the right to cut timber. A conservation easement restricts the landowner's ability to exercise some or all of these rights in order to preserve the natural features of the property. The owner retains all rights to use the land for any purposes that do not interfere with the conservation needs of the property. The landowner retains the title to the property, the right to sell it, and the right to give it to whomever they choose.

The rights the owner relinquishes and those that are retained are set forth in a legal document known as a "conservation easement". The easement is held by either a qualified conservation organization or a government agency. When the document is properly drawn, signed and recorded, the property's current and future owners can no longer exercise the rights relinquished in the conservation easement. Each conservation easement is individually tailored for a particular piece of property and its unique natural characteristics. The specific rights retained by a landowner or restricted by an easement will vary with each property.

Protecting Land While Transferring Title

Donation

Giving your land to a qualified conservation charity is the simplest way to protect your land. No financing or negotiations about price are necessary. You only need to obtain the approval from the organization and then sign the deed. A gift insures long-term protection of the land, relieves the owner of management responsibilities and payment of property taxes, and offers income tax benefits. The owner can use the fair market value of the property as a charitable deduction when calculating income taxes. The fair market value must be established by an independent appraisal. In addition, no capital gains taxes are due upon the transfer, and the value of the property is removed from the taxable estate.

Bargain Sale

In a bargain sale, your property is purchased for less than fair market value. If Pocono Heritage Land Trust purchases your property for less than fair market value, you can claim a charitable deduction against your income for the difference between the bargain sale price and the fair market value. This difference must be documented by an independent appraisal. The deduction can be used to offset realized capital gains from the sale portion. When combined with other savings the landowner may achieve nearly the same after-tax financial return, while providing a significant gift to the Trust.

To Work With Pocono Heritage Land Trust

Please contact us at

(570) 424-1514

info@phlt.org

or visit us on the web at

www.phlt.org

Sale for Fair Market Value

A sale at fair market value is the sale of property for the price a knowledgeable buyer will pay for the land from a willing seller. If your land is purchased by the Trust for its fair market value and it has appreciated in value since originally acquired, you will be liable for income tax on the capital gain.

Tax Considerations

The provisions of the Internal Revenue Code encourage donations of land to Pocono Heritage Land Trust and other publicly supported nonprofit organizations. Individuals and corporations may deduct the full fair-market value of their gifts of land to Pocono Heritage Land Trust on their federal income tax returns, subject to the limitations. There may be similar benefits for state income taxes.