



WHY YOUR STATE SHOULD ADOPT THE UNIFORM EASEMENT RELOCATION ACT

An easement is a legal right to use another person's private property for a specific purpose. Easements are often granted to provide a right-of-way to access otherwise inaccessible property.

The Uniform Easement Relocation Act (UERA) was approved by the Uniform Law Commission in 2020 to modernize a common law rule that gives easement holders absolute power to restrict development of land burdened by an easement. The UERA should be enacted by states because:

- ***UERA encourages economic growth.*** States and municipalities benefit from greater tax revenue, new jobs, and new housing when land is developed. An easement can prevent property development, especially if it was granted years before development of the burdened land was economically viable. The UERA will provide a court-supervised safety valve to allow the development of properties subject to an easement.
- ***UERA protects property rights.*** Both the holder of an easement and the owner of property burdened by the easement have important property rights. The UERA ensures that relocation of an easement will not impede the easement holder's right-of-way to access land benefitted by an easement. At the same time, the UERA protects a burdened property's owner interest in achieving the highest and best use of its land without imposing any cost or burden on the easement holder.
- ***UERA helps prevent disputes.*** Easements are a common cause of friction between neighboring property owners who may disagree about the existence of an easement or the terms of an easement's use. The UERA provides increased flexibility that can help resolve these disagreements or even prevent them from arising in the first place.
- ***UERA corrects an imbalance of power.*** Under the current law of many states, an easement holder can prevent development of another's land by withholding consent to easement relocation – even when relocation would not diminish the easement's utility to the easement holder. Some easement holders have abused this power by demanding ransom payments in exchange for consent. The UERA provides a court-supervised alternative for easement relocation that will prevent this type of abuse.
- ***UERA follows the modern legal trend.*** In addressing easement relocation, at least twenty states have adopted some form of the UERA rule allowing unilateral relocation of an easement. The UERA is consistent with this modern trend and provides detailed procedural rules and safeguards when landowners seek to relocate an easement.
- ***UERA protects the environment.*** The UERA does not apply to conservation easements, meaning undeveloped land protected by a conservation easement will remain off-limits for relocation and development.

For more information about the Uniform Easement Relocation Act, please contact Jane Sternecky, ULC Legislative Counsel, at (312) 450-6622 or jsternecky@uniformlaws.org.

ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.