

5428

2009-2010 Regular Sessions

I N S E N A T E

May 4, 2009

Introduced by Sens. AUBERTINE, STACHOWSKI, VALESKY, WINNER, YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the real property law, in relation to agricultural disclosure requirements for agricultural districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 308 of the agriculture and markets
2 law, as added by chapter 248 of the laws of 2006, is amended to read as
3 follows:
4 5. The commissioner shall develop and make available to prospective
5 grantors and purchasers of ANY PARCEL OF real property located partially
6 or wholly within any agricultural district, OR PARTIALLY OR WHOLLY WITH-
7 IN FIVE HUNDRED FEET OF THE BOUNDARY OF AN AGRICULTURAL DISTRICT, in
8 this state and to the general public, practical information related to
9 the right to farm as set forth in this article including, but not limit-
10 ed to right to farm disclosure requirements established pursuant to
11 section three hundred ten of this article and section three hundred
12 thirty-three-c of the real property law. THE COMMISSIONER SHALL ASSIST
13 COUNTY GOVERNMENTS TO MAKE AVAILABLE AND ACCESSIBLE, TO THE MAXIMUM
14 EXTENT PRACTICABLE, INFORMATION INCLUDING BUT NOT LIMITED TO MAPS OF
15 SUCH AGRICULTURAL DISTRICTS IN A MANNER THAT CAN BE USED TO ASSIST SUCH
16 GRANTORS AND PURCHASERS TO READILY IDENTIFY PROPERTIES THAT ARE SUBJECT
17 TO RIGHT TO FARM DISCLOSURE REQUIREMENTS ESTABLISHED PURSUANT TO SECTION
18 THREE HUNDRED TEN OF THIS ARTICLE AND SECTION THREE HUNDRED
19 THIRTY-THREE-C OF THE REAL PROPERTY LAW, PROVIDED, HOWEVER, THE COMMIS-
20 SIONER SHALL NOT BE RESPONSIBLE FOR VERIFYING INDIVIDUAL PARCELS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. Subdivision 1 of section 310 of the agriculture and markets law,
2 as amended by chapter 248 of the laws of 2006, is amended to read as
3 follows:

4 1. When any purchase and sale contract is presented for the sale,
5 purchase, or exchange of A PARCEL OF real property located partially or
6 wholly within an agricultural district, OR PARTIALLY OR WHOLLY WITHIN
7 FIVE HUNDRED FEET OF THE BOUNDARY OF AN AGRICULTURAL DISTRICT, estab-
8 lished pursuant to the provisions of this article, the prospective gran-
9 tor shall present to the prospective grantee a disclosure notice which
10 states the following:

11 "It is the policy of this state and this community to conserve,
12 protect and encourage the development and improvement of agricultural
13 land for the production of food, and other products, and also for its
14 natural and ecological value. This disclosure notice is to inform
15 prospective residents that the property they are about to acquire lies
16 partially or wholly within an agricultural district, OR PARTIALLY OR
17 WHOLLY WITHIN FIVE HUNDRED FEET OF THE BOUNDARY OF AN AGRICULTURAL
18 DISTRICT, and that farming activities occur within the district. Such
19 farming activities may include, but not be limited to, activities that
20 cause noise, dust and odors. Prospective residents are also informed
21 that the location of property within an agricultural district OR WITHIN
22 FIVE HUNDRED FEET OF THE BOUNDARY OF AN AGRICULTURAL DISTRICT may impact
23 the ability to access water and/or sewer services for such property
24 under certain circumstances. Prospective purchasers are urged to
25 contact the New York State Department of Agriculture and Markets to
26 obtain additional information or clarification regarding their rights
27 and obligations under article 25-AA of the Agriculture and Markets Law."
28 IN DETERMINING IF THE PARCEL OF REAL PROPERTY IN THE SALES CONTRACT IS
29 SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, SUCH GRANTOR OR SELLER
30 SHALL ONLY BE REQUIRED TO USE INFORMATION THAT IS READILY AVAILABLE FROM
31 COUNTY GOVERNMENTS, INCLUDING BUT NOT LIMITED TO MAPS OF PARCELS OF REAL
32 PROPERTY THAT ARE PARTIALLY OR WHOLLY WITHIN AN AGRICULTURAL DISTRICT,
33 OR PARTIALLY OR WHOLLY WITHIN FIVE HUNDRED FEET OF THE BOUNDARY OF AN
34 AGRICULTURAL DISTRICT.

35 S 3. Subparagraph 5 of paragraph ii of subdivision 1-e of section 333
36 of the real property law, as amended by section 1 of part B of chapter
37 57 of the laws of 2004, is amended to read as follows:

38 (5) a statement indicating whether the parcel is located in an agri-
39 cultural district OR WITHIN FIVE HUNDRED FEET OF THE BOUNDARY OF AN
40 AGRICULTURAL DISTRICT and, if so, whether a disclosure notice has been
41 provided pursuant to section three hundred thirty-three-c of this arti-
42 cle and section three hundred ten of the agriculture and markets law;

43 S 4. Section 333-c of the real property law, as amended by chapter 411
44 of the laws of 1998, subdivision 1 as amended by chapter 248 of the laws
45 of 2006, is amended to read as follows:

46 S 333-c. Lands in agricultural districts; disclosure. 1. When any
47 purchase and sales contract is presented for the sale, purchase, or
48 exchange of A PARCEL OF real property located partially or wholly within
49 an agricultural district, OR PARTIALLY OR WHOLLY WITHIN FIVE HUNDRED
50 FEET OF THE BOUNDARY OF AN AGRICULTURAL DISTRICT, established pursuant
51 to the provisions of article twenty-five-AA of the agriculture and
52 markets law, the prospective grantor shall present to the prospective
53 grantee a disclosure notice which states the following:

54 "It is the policy of this state and this community to conserve,
55 protect and encourage the development and improvement of agricultural
56 land for the production of food, and other products, and also for its

1 natural and ecological value. This disclosure notice is to inform
2 prospective residents that the property they are about to acquire lies
3 partially or wholly within an agricultural district, OR WITHIN FIVE
4 HUNDRED FEET OF THE BOUNDARY OF AN AGRICULTURAL DISTRICT, and that farm-
5 ing activities occur within the district. Such farming activities may
6 include, but not be limited to, activities that cause noise, dust and
7 odors. Prospective residents are also informed that the location of
8 property within an agricultural district may impact the ability to
9 access water and/or sewer services for such property under certain
10 circumstances. Prospective purchasers are urged to contact the New York
11 State Department of Agriculture and Markets to obtain additional infor-
12 mation or clarification regarding their rights and obligations under
13 article 25-AA of the Agriculture and Markets Law."

14 2. IN DETERMINING IF THE PARCEL OF REAL PROPERTY IN THE SALES CONTRACT
15 IS SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, SUCH GRANTOR OR SELLER
16 SHALL ONLY BE REQUIRED TO USE INFORMATION THAT IS READILY AVAILABLE FROM
17 COUNTY GOVERNMENTS, INCLUDING BUT NOT LIMITED TO MAPS OF PARCELS OF REAL
18 PROPERTY THAT ARE PARTIALLY OR WHOLLY WITHIN AN AGRICULTURAL DISTRICT,
19 OR PARTIALLY OR WHOLLY WITHIN FIVE HUNDRED FEET OF THE BOUNDARY OF AN
20 AGRICULTURAL DISTRICT.

21 3. Such disclosure notice shall be signed by the prospective grantor
22 and grantee prior to the sale, purchase or exchange of such real proper-
23 ty.

24 [3.] 4. Failure of the seller to provide such information to the buyer
25 shall not prevent the recording officer from filing such deed.

26 S 5. This act shall take effect immediately.