

TITLE II - ADMINISTRATION

DIVISION 16

WILLIAMSON ACT DISCLOSURE STATEMENT

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§2161-1 WILLIAMSON ACT DISCLOSURE STATEMENT

§ 2161-1. APPLICABILITY AND PURPOSE.

This Chapter applies to all lands under Williamson Act contract in the County of Humboldt. It requires an owner of contracted land to provide a written disclosure statement whenever the real property is sold, transferred or divided, that identifies the existence of a Williamson Act contract on the land and explains briefly that the land is bound by certain rules and regulations, both state and local, that govern lands under Williamson Act contract in Humboldt County. This Chapter does not apply to immediate family transfers or mortgages.

The purpose of this Chapter is to alert new purchasers of contracted land to the existence of Williamson Act restrictions that enforceably bind the land and its uses. It is not intended to comprehensively describe every restriction on every preserve, but rather is intended to inform new purchasers of the general existence of restrictions on the land to which they are a successor in interest. Despite the fact that the Williamson Act contract legally runs with the land, many new purchasers are not aware of the existence of the Williamson Act restrictions on the land. Enforcement issues have developed for the county when new purchasers do not fully understand that the land they just purchased must be used for the commercial production of agriculture or that it is subject to other use restrictions, including restrictions on residences under the Williamson Act.

This Chapter provides a mechanism for a seller of contracted land to document that the new purchaser has been made aware of the existence of the Williamson Act restrictions.

§ 2161-2. PUBLIC POLICY.

It is the policy of Humboldt County that all lands within an agricultural preserve and subject to a Williamson Act contract be managed for the commercial production of agricultural commodities as required by state Williamson Act law and county guidelines and that pursuant to the law and guidelines, residential uses on these lands be limited to those that are necessary for the commercial production of the agricultural commodities occurring on the contracted land.

The county has encountered property owners who by either inadvertence, ignorance or intent have failed to maintain their contracted land in agricultural production and who have developed the contracted property in a manner that is incompatible with the rules governing the Williamson Act. In order to avoid the cost of future enforcement proceedings and to encourage a well-informed population of Williamson Act contract holders it is the policy of the county to make attempts to ensure that successors in interest to land restricted under the Williamson Act learn at the earliest opportunity of the existence of the Williamson Act contract. If prospective purchasers are notified early in the process of the presence of a Williamson Act contract, they will be better informed and better able to comply with the requirements of the Act and county guidelines. The earliest opportunity to provide notice of the existence of a Williamson Act contract is at the time of sale or transfer. Since sales and transfers are not reviewed by the County, this ordinance will place the burden of notice on the landowner to ensure that prospective purchasers are made aware that the subject property is in the Williamson Act.

It is the intent of the county in enacting this ordinance that prospective purchasers receive notice about the applicability of the Williamson Act and also be provided with a name and place to obtain more information, thereby eliminating the need for enforcement actions at a later date.

§ 2161-3. DISCLOSURE REQUIRED.

Upon any transfer, sale, or division of land or a portion thereof under Williamson Act contract as described in the County's current Guidelines for Agricultural Preserves (incorporated herein by reference), and except for family transfers and mortgages as also provided by those Guidelines, every owner that sells or transfers property subject to a Williamson Act contract shall require that a disclosure statement identifying that the subject real property is under land conservation contract and is subject to the provisions of the Williamson Act and the County's Guidelines be signed by the purchaser or transferee.

§ 2161.4. AUTHORITY.

A county may elect to require disclosures on the form set forth in Civil Code §1102.6a (b) in addition to the disclosures required by Civil Code §1102.6 (e.g. traditional disclosures regarding the condition of property being sold). A county may also use the disclosure form for a purpose other than that specified in section 1102.6a. For instance, Humboldt County currently requires a similar disclosure form be provided to purchasers of land zoned for agricultural uses, known as the "Right to Farm" ordinance.

§ 2161-5. DISCLOSURE STATEMENT.

The disclosure statement shall be in substantially the following form, using the following language, and shall be signed by both the owner or seller/transferor and the buyer/transferee:

**WILLIAMSON ACT
REAL ESTATE DISCLOSURE STATEMENT**

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE AREA OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____ . THIS STATEMENT IS A DISCLOSURE THAT THE ABOVE-DESCRIBED PROPERTY IS LOCATED IN AN AGRICULTURAL PRESERVE AND IS RESTRICTED BY A WILLIAMSON ACT CONTRACT IN COMPLIANCE WITH HUMBOLDT COUNTY CODE § 2161-1 ET.SEQ. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER (S) OR ANY AGENT (S) REPRESENTING ANY PRINCIPAL (S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY LEGAL INFORMATION ON THE WILLIAMSON ACT THE PRINCIPAL (S) MAY WISH TO OBTAIN.

I.
SELLER'S INFORMATION

The Seller/Transferor discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER (S) AS REQUIRED BY THE COUNTY OF HUMBOLDT, AND ARE NOT THE REPRESENTATIONS OF THE AGENT (S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

1. The subject real property is located within an Agricultural Preserve and is subject to a Land Conservation Contract entered into between the owner(s) and the County of Humboldt pursuant to the California Land Conservation Act of 1965 (the Act) (Cal.Gov. Code Section 51200 et seq.), also known as the Williamson Act.
2. The contract runs with the land and creates an enforceable restriction on the property under provisions of the Williamson Act, the County's Williamson Act Guidelines, the County's Resolution Establishing the Agricultural Preserve and setting forth Uniform Rules and Compatible Uses, and the Land Conservation Contract, as same are from time to time amended.
3. The Williamson Act and local regulations require that the subject property continue to be used for the production of agricultural commodities for commercial purposes and uses compatible with agriculture, and must meet the minimum land size and production requirements for participation in the County's Williamson Act Program.
4. Existing provisions of the County's Williamson Act Guidelines require that all successors in interest to an owner that are not the original signatory or that have not obtained the property through a family transfer, and that have not initiated non-renewal, shall enter into a new contract with the county enforceably restricting said land pursuant to the Act and the county's Guidelines. (See Section 8 C (6) (a) and (c) of the County's Guidelines).
5. To learn more about the County's Williamson Act Program or this statement, please contact Community Development Services - Planning Division at 707- 445-7541.

The disclosure statement as set forth above shall be made a copy of, or be attached to the Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code, relating to real property, or in the event the form is not required, notice shall be given on or accompanying any other required disclosure documents or, if none, with the deed transferring the interest in the property. The seller should retain a copy of the signed disclosure as proof of compliance with this section.

I/we certify that the information contained in this document has been provided to the Buyer/Transferee as of the date signed below:

SELLER/TRANSFEROR: _____ DATE: _____

SELLER/TRANSFEROR: _____ DATE: _____

I/we, acknowledge receipt of a copy of the following items and this statement by signing below:

- Humboldt County Williamson Act Guidelines*
- Standard copy of County's current Land Conservation Contract*
- Copy of Seller's Existing Land Conservation Contract
- Standard copy of Uniform Rules and Compatible Uses*
- Current copy of Notice of Nonrenewal Procedures and Fees*

BUYER/TRANSFEE: _____ DATE: _____

BUYER/TRANSFEE: _____ DATE: _____

* Documents are available on the County website at:
www.co.humboldt.ca.us/planning.