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**New disclosure requirement to inform buyers about farms  
Effective January 1, 2009**

A new state law that is intended to protect buyers, sellers, real estate licensees, and farmers is effective on January 1, 2009. The law, which was the result of a compromise between the RI Farm Bureau and the RI Association of REALTORS®, requires sellers to make this written disclosure to prospective buyers of land or landlord with 1 to 4 residential units: “any farms that may be in the municipality are protected by R.I.G.L. 2-23, the ‘Right to Farm’ law”.

By making buyers aware that the agricultural operations of commercial farms are protected by state law, this new language is intended to protect real estate licensees, sellers, and farmers from lawsuits filed by city dwellers or others who buy a house near a farm because of the attractive scenery but are upset to be woken up by roosters or smell manure that farmers spread to fertilize their crops. “Agricultural operations” include growing produce or flowers, raising chickens, pigs, cows or other animals, bee-keeping, tree farms, fish hatcheries, and more.

The law does not require sellers or real estate licensees to investigate or disclose whether there are any farms in a community of where they are located. If a prospective buyer wants to investigate, here is a link to a partial list of commercial farms on the RI Department of Environmental Management web site: <http://www.dem.ri.gov/programs/bnatres/agricult/farms99.htm>

An updated version of the RI Real Estate Sales Disclosure form will be available on Transit in mid-January, 2009. In the meantime, you may print and attach this article to the sales disclosure and have the buyer sign and date it. You may also follow this procedure if you have a stack of sales disclosure forms in your office that you wish to continue to use.

What is the ‘Right to Farm’ law? See below for more.

What is the “Right to Farm” law?  
*(edited from an article by the Rhode Island Farm Bureau)*

Farms can be attractive and an asset to the community. However, it is the nature of farming that sometimes they release odors or make noise. It is the nature of farming to use chemicals to kill weeds and insects. Sometimes neighbors find these smells and sounds objectionable and don't like the idea of a farmer using chemicals. But, the state recognized the value of farms to the community many years ago and created the so called “Right to Farm” Law which allows farmers to carry out "normal agricultural practices" as determined by the RI Division of Agriculture not have to worry about lawsuits claiming that the farms are a public nuisance.

For instance, in the spring strawberries may be susceptible to a late frost. A technique often used to stop frost from hurting young strawberry flowers is to irrigate very early in the morning. This elevates the temperature of the plant and essentially washes away the frost before it can hurt the plant. Starting the irrigator so early in the morning may wake up the neighbors. But, if the farmer does not run this irrigator

for a couple of hours, he could lose his crop or most of it. But, this activity would be very sporadic and might not happen every year. It would only take place in May. If it is dry, farmers may have to irrigate all their crops. It is efficient to do this early in the morning to avoid evaporation. Again, the irrigation season is relatively short May to September and would not happen every day. Neighbors should be willing to tolerate this noise, but even if they are not, the "Right to Farm" Law will protect the farmer from nuisance lawsuits.

Some farmers spread manure. The fields may smell for a few days. But again, this smell will be relatively short lived.

Most farmers use chemicals such as weed killers and insecticides. Some neighbors may not like the idea even though there is seldom any drift onto their land. But it is chemicals that have allowed US farmers to be the most productive farmers in the world. Modern agriculture cannot survive without chemicals.

Again, the state has determined that the brief nuisances mentioned above are worth tolerating because of the end result. We get to appreciate the beauty of most farms and we benefit from the crops they produce.

Some farmers use shot guns or cannons to scare birds from their crops.

The whole purpose of this new law is to give potential home owners a "heads up" - let them know what they are in for. It is our hope that when they see the disclosure they will want more information. An informed neighbor is usually a better one.

For more information about farms, here is a link to the Rhode Island Farm Bureau's web site:  
<http://rifb.fb.org/>.

Questions? Contact the RIAR Legal Department at 401-785-3650 ext. 5 or email [monica@riliving.com](mailto:monica@riliving.com)