



## **THE SAKONNET PRESERVATION ASSOCIATION, INC.**

### **SUCCESSOR LANDOWNER POLICY AND PROCEDURE**

#### **POLICY**

##### **1.0 Guiding Principles:**

- 1.1** The Sakonnet Preservation Association, Inc. (Association) recognizes that most conservation easement (CE) violations nationwide occur after the property ownership changes from the original CE grantor to a new landowner. Successor landowners who were not involved in the initial CE often have little or no knowledge of the CE restrictions. For this reason, the Association shall welcome new CE landowners and inform them of the CE's prohibited and permitted uses and their reserved rights, as well as the Association's Easement Monitoring Policy, as soon as possible after the transfer of ownership.
- 1.2** A series of sequenced steps shall be used to identify and contact new CE landowners to inform them of the respective responsibilities of both the Association and the new owners for complying with the provisions of the CE. These steps and their timing are described in the following sections on procedures and guidelines.
- 1.3** A periodic review shall be made to evaluate the effectiveness of the procedures and guidelines in promoting compliance with CE provisions by new owners. Such reviews shall be done at least every five years from the date of adoption or amendment. Any needed changes in procedures shall be approved by the Stewardship Committee.

#### **PROCEDURE**

##### **2.0 Procedures, Guidelines and Responsibilities for Developing Cooperation with Successor Landowners (SL)**

###### **2.1 Methods for ascertaining CE ownership changes**

It is vital for the Association to engage with a SL as soon as possible after learning of a change in a CE property's ownership. To ensure prompt notification of such a change, the Committee will routinely carry out the following activities:

- a.** Actively engage real estate offices in notifying the Association about changes in property ownership with CE restrictions held by the Association. This shall be accomplished by sending a letter annually to remind them of their obligations under the RI Real Estate Disclosure Law with a request for their

cooperation in notifying the Association of such pending or actual sales. 2010 amendments to Title 5 of the General Laws of RI, Chapter 5-20.8 on Real Estate Sales Disclosure require that a seller, who knows that a property has a CE or other conservation or preservation restriction on it, is required to disclose such information and provide the buyer with a copy of any documentation in the seller's possession regarding the conservation and/or preservation restriction.

- b. Routinely monitor other information sources that could indicate a pending or actual change of an Association CE property such as:
  - i. Annual inspection reports from Association monitors of CE properties;
  - ii. The deed registry (recording book) in the Office of the Town Clerk;
  - iii. Recent land transfer taxes paid to the Town Treasurer;
  - iv. The website of appraisal services (Vision Appraisal) used by the Little Compton Tax Assessors, checking for the owner of record in the first quarter of each year;
  - v. Published realtors' multiple listing services;
  - vi. Realtor ads in local newspapers;
  - vii. On-line listings of local properties for sale;
  - viii. Obituaries in local newspapers;
  - ix. Drive-by visual inspections to spot "For Sale" signs on Association CE properties; and
  - x. Legal notices in local newspapers.
  
- c. Responsibility for carrying out the above measures to ascertain Association CE property changes and identify successor landowners rests with the Chair of the Stewardship Committee (the Chair) or his or her designee.

## **2.2 Recording Initial Information Related to Successor Landowners**

The Association shall obtain information about a new SL including name(s), address(es), phone, email, etc. The Chair shall record this initial information on SPA Form SL-1 (See Appendix) after conferring with the monitor for the property. The information on the form shall be reviewed and discussed as soon as possible with the Association's President to determine the timing for the next steps described in the following sections. A change in ownership on a CE property shall be included on the agenda of both the next Stewardship Committee meeting and the subsequent Board meeting.

## **2.3 Initial Contact With the Successor Landowner**

- a. The President, or the President's designee, in consultation with the Chair, shall determine who will contact the new landowner. This shall be done as soon as possible after learning of the actual transfer of ownership. Before contact is made, the CE property's office binder will be promptly reviewed for any outstanding issues (e.g. on-going management plan work, outstanding violations, etc). The designated contact person shall attempt to reach the new landowner by phone or email and ask to speak directly with the SL. If contact

with the owner is not successful, a letter shall be sent inviting the SL to make arrangements to meet with the Association's representative(s).

**b.** If a meeting cannot be arranged soon after the time of the transfer of ownership, it is essential that a meeting be arranged when the landowner will be present in the community. It will be important, if this meeting is scheduled outside of the monitoring schedule for the property, that the new landowner be notified of the Association's Easement Monitoring Policy and its legal obligations. The contact person should request whether the landowner has a representative who might attend the monitoring visit in their absence.

**c.** In requesting a meeting, the contacting representative of SPA shall ask whether the new landowner has been given the previous owner(s)' property binder. If the SL has not been given the property binder, the Chair of the Stewardship Committee shall arrange to have a new landowner binder compiled containing the items listed in section 2.4 iii of this procedure to be sent to the SL with the initial meeting letter described below.

## **2.4 Meeting With the Successor Landowner**

- a.** Preparation for the initial meeting with the new landowner shall include most or all of the following steps as appropriate:
- i.** Sending a letter (see LTA template in office computer) to the new SL. The letter should:
    - 1. Confirm their purchase of the conservation easement property
    - 2. Request a meeting as soon as possible with the new owner, to take place at the SPA office and to be followed up at the same time, if possible, with a visit to their easement property with them
    - 3. Ask the SL to review the contents of their binder, especially the Conservation Easement document and the SPA Conservation Easement Monitoring Policy before meeting with the SPA representative(s) and to bring their binder with them to the meeting
    - 4. Request they contact the representative by phone or email to schedule a meeting date, time and place
    - 5. Include directions to the Association's website ([www.sakonnetpreservation.org](http://www.sakonnetpreservation.org))
  - ii.** Placing a copy of the confirming letter or email communication in the office and stewardship binders as well as with the original documents in storage.
  - iii.** Preparing a Landowner Property Binder if the SL does not have one or has requested another one, which shall contain:
    - 1. Title page
    - 2. Table of contents
    - 3. Conservation easement explanation

4. Conservation Easement (CE) Deed
  5. Deed(s) to the property
  6. Baseline Document (may contain CE or Management Plan) or Baseline Documentation Report
  7. SPA Conservation Easement Monitoring Policy
  8. Monitoring reports, if required by Management Plan
- iv. Enclosing with the letter (and binder if being sent) the most recent SPA newsletter and an SPA brochure.
- b. Completion of the following steps before the meeting:**
- i. Reviewing the CE office binder, particularly the Conservation Easement document, Baseline Documentation Report (BDR), and the most recent monitoring reports;
  - ii. Determining whether monitoring the property with the SL in conjunction with the meeting will be possible and appropriate or should be scheduled for another time;
  - iii. Preparing an agenda for the meeting that addresses questions that fit the specific characteristics of the property; and
  - iv. Contacting the new SL to confirm the meeting time and place a few days before the scheduled meeting.
- c. Conducting the Meeting With the Successor Landowner**
- i. The President or President's designee shall chair the meeting.
  - ii. The meeting Chair shall:
    1. Welcome the new SL(s) and attempt to learn more about them with such questions as:
      - a) did the SL receive and have an opportunity to review the CE before buying the property;
      - b) who will be residing on or renting the property;
      - c) who will act as the landowner's contact with the Association and what is the contact information for that representative or family member, seasonally, if appropriate;
    2. Provide an overview of the Association's mission, philosophy, its non-profit and non-governmental status; describe the Association's protected lands and how this property fits into the Association's goals; express the Association's desire to establish a positive and cooperative relationship with the SL, inviting them to ask questions during the course of the meeting;
    3. Explain the benefit of having a CE on the property (e.g. lower real estate and estate taxes);

4. Ask the SL what the SL's intended uses and management of the property are (i.e. mowing, agriculture or forest management, etc);
5. Review the contents of the SL's copy of the landowner binder, paragraph by paragraph, with particular attention given to the conservation values, the prohibited and permitted uses and reserved rights, the grantor's intentions, and the notice and approval requirements for exercising certain reserved rights;
6. Review the Association's Easement Monitoring Policy and
7. Inform the SL that s/he is responsible for any activities that occur on the conserved property and that those activities must conform with the uses permitted in the CE document.
8. Schedule a date for a site visit if the SL is unable to go to the property following the meeting.

**d. Follow up with SL after the meeting**

The President or representative shall write a letter to the SL thanking her/him for the meeting and outlining any areas of concern discussed during the meeting or site visit and, if applicable, their plans for remediation. A copy of this letter shall be placed in the office and stewardship binders as well as with the property's original documents in storage.

**e. Summary of the Meeting with the Successor Landowner**

The Chair of the meeting, with the help of any attending members of the Association, shall prepare a brief written summary of the meeting indicating the topics discussed and highlighting matters of agreement and disagreement. A copy of the summary shall be approved and signed by all of the Association members present at the meeting. A copy shall be placed in the office and stewardship binders and with the property's original documents.