CALIFORNIA ASSOCIATION OF REALTORS®

SAN FRANCISCO ADJACENT INDUSTRIAL USES DISCLOSURE AND AFFIDAVIT

(C.A.R. Form SF-AIU, 1/11)

This disclosure concerns the residential property situated in the City of San Francisco, County of San Francisco, State of California, described as _____ _____ ("Property").

1. **GENERAL INFORMATION:** Both local law and state law contain requirements regarding disclosure of adjacent industrial uses to those who intend to buy or lease residential real property adjacent to properties containing such industrial uses.

2. **STATE LAW.** Disclosure of adjacent industrial uses is required if the transferred property is a residential building containing four or fewer dwelling units. California Civil Code Section 1102.17 states, "The seller of residential real property subject to this article who has actual knowledge that the property is adjacent to, or zoned to allow, an industrial use described in Section 731a of the Code of Civil Procedure, or affected by a nuisance created by such a use, shall give written notice of that knowledge as soon as practicable before transfer of title." This statute does not contain a definition of "adjacent." This Disclosure may be made on C.A.R. Forms SP-SPQ or SSD.

3. **LOCAL LAW.**
   - **A.** San Francisco has adopted a local ordinance (San Francisco Administrative Code Chapter 35.6) designed to protect industrial uses which are located adjacent to other properties which are used in whole or in part for residential use. San Francisco Administrative Code Section 35.3 defines "adjacent property" as any property "inside or within 150 feet of an Industrial Use Zoning District."
   - **B.** Chapter 35 requires that every transferor make and sign, upon penalty of perjury, an affidavit stating that the transferor provided the disclosure required by Section 35.6 and shall attach a copy of the disclosure statement actually provided. The transferor is not required to provide a copy of the then-current text of Chapter 35. This affidavit, with the attached disclosure notice, shall be maintained in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request.
   - **C.** Penalties for Failure to Provide Disclosure. Any person who fails to provide the required disclosure may be liable for a civil penalty of not less than $500 for each failure to provide said disclosure. The Ordinance gives to the current and former transferees of the adjacent residential property the right to sue for damages of not less than $500 for each failure to provide the disclosure and whatever other relief the Court deems appropriate. In addition, the prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the Court. The remedy available under this subsection is in addition to any other existing remedies that may be available to the transferee. Therefore sellers and landlords should be careful to make complete disclosures.
   - **D.** For more information, visit or contact the San Francisco Planning Department at: 1650 Mission Street, Suite 400, San Francisco, CA 94103, Phone: (415) 558-6378. Zoning maps detailing industrial use zoning districts are available online at: www.sf-planning.org

4. **Disclosure of Adjacent Industrial Uses pursuant to San Francisco Administrative Code §35.6.** "You are purchasing or leasing property that may be adjacent to an existing industrial use. Industrial uses may subject you to inconveniences or discomfort arising from industrial operations, which may include, but are not limited to: noise, odors, dust, chemicals, smoke, operation of machinery, and loading and unloading operations. One or more of these types of inconveniences may occur even if the industrial use is operating in conformance with existing laws and regulations and locally

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accepted customs and standards for operations of such use. If you live near industrial uses, you should be prepared to accept such inconveniences or discomfort as normal and a necessary aspect of living in a neighborhood with mixed industrial and residential uses. Transferor shall maintain a copy of this disclosure in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request."

5. AFFIDAVIT OF DELIVERY OF DISCLOSURE:

I, _____, state that I delivered the above disclosure regarding adjacent industrial
Full Name

uses to _____, a buyer of residential real property as soon as practicable before
Full Name

transfer of title.

This Notice was served by_____, on _____(date),
in the following manner: (if mailed, a copy was mailed at_____(Location))

1. ☐ **Personal service.** A copy of the Notice was personally delivered to the above named Buyer.
2. ☐ **Delivery to Agent.** A copy of the Notice was Delivered to the individual Real Estate licensee representing Buyer (or, if checked, ☐ escrow)
4. ☐ **Mail.** This Notice was mailed (☐ Registered ☐ Certified) to Buyer at the following address _____

_____

_____ _____
(signature) (date)

(Keep a copy for your records.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Landlord/Seller:_____ Date:_____

Signature of Landlord/Seller:_____ Date:_____

By signing below, Buyer acknowledges Buyer has received, read, and understands this Adjacent Industrial Uses Disclosure form.

Signature of Tenant/Buyer:_____ Date:_____

Signature of Tenant/Buyer:_____ Date:_____

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