



OUR RIGHT TO KNOW DISCLOSE FLOOD RISK IN NEW YORK

Background

Climate change is not abstract for our region. More than one million people across New York and New Jersey live at risk of flooding today. Yet, eight years after Hurricane Sandy, we are still unprepared. What is at stake? Your home, your business, your school, your park, your neighborhood, and your way of life. Delaying action is not an option. Now is the time to address the greatest threat to our region's future.

The Rise to Resilience campaign is today's roadmap for a more resilient tomorrow. Together we can build resilience, support our communities and economy and create a more equitable and just region.

Please join us at rise2resilience.org.

Issue overview

Flood risk is our nation's most common disaster. Right here in New York, disaster declarations due to flooding have been declared in every county in the past ten years alone and we're paying for it.¹ Consumers should have a right to know their risks. Knowing the level of one's risk helps change patterns of behavior related to flood insurance, increasing uptake of up to 15 percent or more.² And yet, the state allows for an owner to opt-out of disclosure through paying a \$500 fee, receiving an "F" when rated against other states nationally for flood risk disclosure laws.^{3,4} This disclosure law should be paired with an equal effort at the state level to establish a funded property acquisition program to ensure support for homeowners with options for relocation.

Further, three-quarters of Americans support a national requirement that home sellers inform potential buyers if a property has flooded repeatedly. This support holds true across party lines and from both inland and coastal residents.⁵

¹ Federal Emergency Management Agency. Retrieved October, 2019. [Disasters](#).

² Hanek, E et al. 2011. [Managing California's Water: From Conflict to Reconciliation](#). Public Policy Institute of California.

³ Adler, D, M Burger, R Moore, J Scata. 2019. [Changing the National Flood Insurance Program for a Changing Climate](#). Environmental Law Institute. Washington, DC.

⁴ Natural Resources Defense Council and Columbia University. 2019. [State Disclosure Laws Leave Homebuyers in the Dark About Flood Risks](#).

⁵ SSRS Research. 2019. [Pew Charitable Trusts Flood Policy Survey](#). The Pew Charitable Trusts and SSRS Research. 2019. [Pew Resilient Infrastructure Survey](#). The Pew Charitable Trusts.

ACTION:
**Pass an enforceable
flood risk
disclosure law**

Flood risk disclosure laws exist in states across the country, with Texas and Mississippi leading the pack in models for disclosure.

Tenants, buyers, lessees, and investors should have a right to know:

- > **Whether or not the property is within a FEMA designated flood hazard zone,** requiring a location map of the property overlain on the flood zone to be a requirement of sale.
- > **Whether or not the property is located within a wetlands area.**
- > **Whether any portion of the property will be located within an area of regular tidal inundation** in the next 30 years from the date of interest/potential sale, or the one percent annual chance floodplain as defined by federal, state, municipality-produced or officially adopted flood risk maps.⁶
- > **Prior physical damage caused by flood to a structure on the property.**
- > **Prior insurance claim for a flood-related loss on the property,** or notification regarding designation as a repetitive loss structure (including amount).
- > **Obligations to obtain and maintain flood insurance.**

⁶ See (WEDG) Waterfront Edge Design Guidelines for resources for visualizing the future floodplain, though these resources should be adopted or developed at the state level to inform planning and risk designation.