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Memorandum in Support of S3110/A4783: A Bill to Require Sellers of Real Property and Landlords to Make Certain Notifications Regarding Flooding

The Rise to Resilience Coalition strongly supports S3110/A4783, requiring disclosure of information concerning flood risk information to prospective buyers and renters in New Jersey.

There are currently 29 states with flood disclosure requirements, New Jersey not being one of them. This legislation would establish a long overdue flood risk “right-to-know” for renters and buyers. Recent storms, in the last year alone, have demonstrated the high level of risk that New Jersey faces regarding flooding.

New Jersey is faced with threats from coastal flooding (i.e., tropical storms, hurricanes, nor’easters, sea level rise, and storm surge) and stormwater flooding in both coastal and inland communities (i.e., more frequent and intense precipitation events). Robust flood disclosure is a necessary tool for protecting New Jerseyans on the frontline of climate change. Simply put, it is costly and dangerous to leave New Jersey families uninformed.

Vulnerable communities have repeatedly expressed concerns regarding the growing costs of flood damage in their homes, as well as never being warned about the risks they face when moving into a new home. In a state where flood risks are high, like New Jersey, disclosure laws are an important first step to understanding how you might be impacted by climate change. These laws provide consumer protections and transparency around climate risks and are an important cost avoidance tool for tenants and homeowners.

As New Jersey works to advance decarbonization and resilience efforts, we must ensure that residents are able to make informed decisions for themselves, and their families, in the wake of growing climate risks. Flood disclosure legislation would raise awareness about climate risk, enhance consumer protections in real estate transactions, and help to change patterns of behavior related to flood insurance. In many states, flood disclosure bills have passed in bipartisan efforts, with support from housing groups, the real estate industry, and environmental groups.

This robust flood disclosure bill would require sellers and lessors to disclose, in writing:

- Whether the property is in a 100-year or 500-year FEMA flood zone.
- If the property ever experienced any flood damage, water seepage, or pooled water due to a natural flood event, such as heavy rainfall, coastal storm surge, tidal inundation, or river overflow. If so, how many times?

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- Whether the property is required by law to maintain flood insurance; and information pointing to online and updated future flood projection maps and data.*
- If the property ever received assistance from FEMA, the U.S. Small Business Administration, or any other federal disaster flood assistance for flood damage.*
- If there is a FEMA elevation certificate available for the property.*
- If a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program has been filed. *
- If the property is located in a designated wetland.*

** Indicates disclosure for real property, not rental property.*

This information must be delivered by the seller or lessor before the closing process.

Flood disclosure is increasingly pursued as a strategy to protect communities, individuals, and local economies. The New Jersey Statewide Climate Resiliency Strategy references flood disclosure as a law that would “further resilience” and “allow potential buyers to fully evaluate monthly mortgage costs and weigh the disaster recovery costs prior to making an offer on a property.”

The bill’s long overdue reforms would ensure that Jersey home buyers, renters, and business owners are fully informed about the risks of flooding so that they can protect their belongings and families.

Sincerely,

Association of New Jersey Environmental
Commissions (ANJEC)

Borough of Longport, Atlantic County, New Jersey

Environmental Defense Fund (EDF)

Environment New Jersey

Future City Inc.

Great Egg Harbor Watershed Association

Hackensack Riverkeeper

Lake Hopatcong Historical Museum

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Natural Resources Defense Council (NRDC)

New Jersey State Conference NAACP Environmental &
Climate Justice Committee

New Jersey Audubon

New Jersey Sustainable Business Council

New Jersey Future

Raritan Riverkeeper

New Jersey League of Conservation Voters (NJLCV)

Regional Plan Association (RPA)

Waterfront Alliance

Rise to Resilience

Rise to Resilience is a campaign and coalition which includes more than 100 organizations representing leaders in business, labor, environmental justice, volunteer organizations, scientists, environmental advocates, and design professionals collectively calling on our federal, state, and local governments to make building climate resilience an urgent priority. Waterfront Alliance, an advocate for coastal resilience, waterfront access, and working waterfronts in the New York-New Jersey region, is the backbone of the Rise to Resilience coalition.

For more information please contact:

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