

56:8-19.2; Notes to 13:1B-3, 13:1D-2, et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2023 **CHAPTER:** 93

NJSA: 56:8-19.2; Notes to 13:1B-3, 13:1D-2, et al Requires sellers of real property and landlords to make certain notifications regarding flooding.

BILL NO: S3110 (Substituted for A4783 (2R))

SPONSOR(S) Smith, Bob and others

DATE INTRODUCED: 9/29/2022

COMMITTEE: **ASSEMBLY:** --

SENATE: Environment & Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 06/30/2023

SENATE: 06/20/2023

DATE OF APPROVAL: 7/3/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S3110 ScaSaAa w/GR (4R) enacted) Yes

S3110

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 11/21/2022
01/26/2023

LEGISLATIVE FISCAL ESTIMATE: No

A4783 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Environment & Solid Waste
Special Committee on Infrastructure
& Natural Resources

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 01/26/2023

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

Committee meeting of Senate Environment and Energy Committee: "The committee will meet to hear testimony from invited guests on the effects of climate change on agriculture in the state, and potential strategies to make agricultural operations more resilient to climate change," October 6, 2022
(Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit,

NEWSPAPER ARTICLES: No

C/JA

CHAPTER 93

AN ACT concerning real property and flood notifications, amending P.L.2001, c.313, and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.2001, c.313 (C.46:8-50) is amended to read as follows:

C.46:8-50 Notification, tenants, flood zone.

1. a. Every landlord shall notify each of the landlord's tenants prior to lease signing or renewal, whether a property is located in the FEMA Special Flood Hazard Area ("100-year floodplain") or Moderate Risk Flood Hazard Area ("500-year floodplain") and if the landlord has actual knowledge that the rental premises or any portion of the parking areas of the real property containing the rental premises has been subjected to flooding. Seasonal rentals of less than 120 days shall be exempt from the requirements of this section. Each new tenant shall be provided the notices required pursuant to this section in writing and prior to the time that the lease of the rental unit is signed. If the lease is in writing, the notice required under this subsection may be included in the written lease or the written renewal lease, provided that, in the case of a residential lease, the notice is a separate rider, individually signed or otherwise acknowledged by the tenant, and written in not less than 12-point typeface.

b. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall develop and published on its website and in the New Jersey Register a model notice to be used by landlords pursuant to this section. The model notice shall contain the heading "Flood Risk" and contain questions, and space for landlords to answer yes, no, or unknown, based upon the landlord's actual knowledge. The questions regarding the property being located in a FEMA Special or Moderate Risk Flood Hazard Area shall not contain the option for unknown. The model notice shall include the following information in substantially similar language:

(1) Is any or all of the rental property located wholly or partially in the Special Flood Hazard Area ("100-year floodplain") according to FEMA's current flood insurance rate maps for the leased premises' area?;

(2) Is any or all of the rental property located wholly or partially in a Moderate Risk Flood Hazard Area ("500-year floodplain") according to FEMA's current flood insurance rate maps for the leased premises' area?; and

(3) Has the rental premises or any portion of the parking areas of the real property containing the rental premises subject to the lease ever experienced any flood damage, water seepage, or pooled water due to a natural flood event? If so, how many times?

c. Every residential lease shall also contain the following notice to tenants: "Flood insurance may be available to renters through FEMA's National Flood Insurance Program to cover your personal property and contents in the event of a flood. A standard renter's insurance policy does not typically cover flood damage. You are encouraged to examine your policy to determine whether you are covered."

d. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall create and prepare a notification that Statewide flood risks are increasing and that the tenant may review these risks by going to the website that the Department of Environmental Protection shall ensure is managed with current and scientifically supported information, which is linked to and published on the website of the Department of Community Affairs. The Department of Environmental Protection's website shall at a minimum include information that helps property owners provide the disclosures

enumerated in this section. The website shall include access to a user-friendly look-up tool searchable by mailing address that identifies if a property is in the FEMA Special or Moderate Risk Flood Hazard Area. The requirement to disclose if the property is in the FEMA Special or Moderate Risk Flood Hazard Area, beyond actual knowledge, shall take effect after the website look-up tool is in place.

e. If a landlord violates this section by failing to disclose that the property is located in the FEMA Special or Moderate Risk Flood Hazard Area and a tenant subsequently becomes aware that the property is located in the FEMA Special or Moderate Risk Flood Hazard Area, the tenant may terminate the lease by giving a written notice of termination to the landlord. If a landlord violates this section and flooding occurs that results in damage to a tenant's personal property, affects the habitability of the leased premises, or affects the tenant's access to the leased premises, the tenant may pursue all legal remedies under the law to recover damages recognizing the landlord's failure to disclose critical information. Termination of a lease under this subsection is effective when the tenant surrenders possession of the dwelling.

f. Not later than the 30th day after the effective date of the termination of a lease under subsection f. of this section, the landlord shall refund to the tenant all rent or other amounts paid in advance under the lease for any period after the effective date of the termination of the lease.

g. For the purposes of this section, "landlord" means any person who rents or leases, for a term of at least one month, commercial space or residential dwelling units other than dwelling units in a premises containing not more than two such units, or in an owner-occupied premises of not more than three dwelling units, or in hotels, motels, or other guest houses serving transient or seasonal guests defined as those who rent a property for a period of less than 120 days.

C.56:8-19.2 Seller, real property, disclose, property location, FEMA Special, Moderate Risk Flood Hazard Area, purchaser.

2. a. A seller of real property located in this State shall disclose, on the property condition disclosure statement, whether the property is located in the FEMA Special or Moderate Risk Flood Hazard Area and any actual knowledge of the seller concerning flood risks of the property, as required pursuant to this section, to the purchaser before the purchaser becomes obligated under any contract for the purchase of the property.

b. The Division of Consumer Affairs, in consultation with the Department of Environmental Protection, Department of Community Affairs and New Jersey Real Estate Commission, in addition to any other question as the director deems necessary, shall add the following specific questions and information to the property condition disclosure statement concerning certain flood risks to a property being sold. The division shall revise the regulations promulgated pursuant to subsection c. of section 1 of P.L.1999, c.76 (C.56:8-19.1) with which the form of the property condition disclosure statement must comply to incorporate the requirements of this subsection, but in advance of such rulemaking the division shall make the revised form which includes the specific questions and information required by this subsection and subsection c. of this section, if applicable, available for use by publishing the revised form on the division's website. A seller of real property shall be required to use the revised form beginning on the 90th day following its publication on the division's website. The additions to the property condition disclosure statement shall contain the heading "Flood Risk" and contain questions, and space for sellers to answer yes, no, or unknown. If a seller answers yes to any question, the disclosure statement shall require the seller to explain the answer. The disclosure statement shall contain the following questions and explanatory language:

(1) Is any or all of the property located wholly or partially in the Special Flood Hazard Area ("100-year floodplain") according to FEMA's current flood insurance rate maps for your area?

(2) Is any or all of the property located wholly or partially in a Moderate Risk Flood Hazard Area ("500-year floodplain") according to FEMA's current flood insurance rate maps for your area?

(3) Is the property subject to any requirement under federal law to obtain and maintain flood insurance on the property? Properties in the special flood hazard area, also known as high-risk flood zones, on FEMA's flood insurance rate maps with mortgages from federally regulated or insured lenders are required to obtain and maintain flood insurance. Even when not required, FEMA encourages property owners in high-risk, moderate-risk, and low-risk flood zones to purchase flood insurance that covers the structure and the personal property within the structure. Also note that properties in coastal and riverine areas may be subject to increased risk of flooding over time due to projected sea level rise and increased extreme storms caused by climate change which may not be reflected in current flood insurance rate maps.

(4) Have you ever received assistance, or are you aware of any previous owners receiving assistance, from FEMA, the U.S. Small Business Administration, or any other federal disaster flood assistance for flood damage to the property? For properties that have received federal disaster assistance, the requirement to obtain flood insurance passes down to all future owners. Failure to obtain and maintain flood insurance can result in an individual being ineligible for future assistance.

(5) Is there flood insurance on the property? A standard homeowner's insurance policy typically does not cover flood damage. You are encouraged to examine your policy to determine whether you are covered.

(6) Is there a FEMA elevation certificate available for the property? If so, the elevation certificate must be shared with the buyer. An elevation certificate is a FEMA form, completed by a licensed surveyor or engineer. The form provides critical information about the flood risk of the property and is used by flood insurance providers under the National Flood Insurance Program to help determine the appropriate flood insurance rating for the property. A buyer may be able to use the elevation certificate from a previous owner for their flood insurance policy.

(7) Have you ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program? If the claim was approved, what was the amount received?

(8) Has the property experienced any flood damage, water seepage, or pooled water due to a natural flood event, such as heavy rainfall, costal storm surge, tidal inundation, or river overflow? If so, how many times?

c. The Division of Consumer Affairs, in consultation with the Department of Environmental Protection, shall include in the disclosure requirements and form to be distributed to purchasers of real property before the purchaser becomes obligated under any contract for the purchase of the property, that Statewide flood risks are increasing and that the purchaser may review these risks by going to the website that the Department of Environmental Protection shall create and ensure is managed with current and scientifically supported information, and linked to and published on the website of the Department of Community Affairs. The Department of Environmental Protection's website shall at a minimum include information that helps property owners provide the disclosures enumerated in this statute. The website shall include access to a user-friendly look-up tool searchable by mailing address that identifies if a property is in the FEMA Special or Moderate Risk Flood Hazard Area. The requirement to disclose if the property is in the FEMA Special or Moderate Risk Flood Hazard Area, beyond actual knowledge, shall take effect after the website look-up tool is in place.

3. The Department of Community Affairs, the Department of Environmental Protection, and the Division of Consumer Affairs may adopt, pursuant to the "Administrative Procedure

Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this act.

4. This act shall take effect immediately, but section 1 of this act shall only be applicable to the signing or renewal of leases of rental property occurring on or after the 90th day next following the publication of the model notice by the Department of Community Affairs pursuant to subsection b. of section 1, and section 2 of this act shall only be applicable to sales and exchanges of real property occurring on or after the 90th day next following the publication of the amended property condition disclosure statement by the Division of Consumer Affairs pursuant to subsection b. of section 2.

Approved July 3, 2023.

SENATE, No. 3110

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Requires sellers of real property and landlords to make certain notifications regarding flooding.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning real property and flood notifications, amending
2 P.L.2001, c.313, and supplementing P.L.1960, c.39 (C.56:8-1 et
3 seq.).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.2001, c.313 (C.46:8-50) is amended to read
9 as follows:

10 1. a. Every landlord shall notify each of the landlord's tenants
11 **[upon the event that the rental property which is the subject of a**
12 **lease has been determined to be located in a flood zone or area]**
13 whether the rental property, which is the subject of a lease, has been
14 or could be affected by flooding. Seasonal rentals of less than 120
15 days shall be exempt from the requirements of this section. Each
16 new tenant shall be [notified] provided the notices required
17 pursuant to this section in writing at the time of application and
18 prior to the time [that occupancy] that the lease of the rental unit is
19 [assumed] signed.

20 b. The Department of Community Affairs shall promulgate a
21 form to be used by landlords pursuant to this section. The form
22 shall contain the heading "Flood Risk" and contain questions, and
23 space for landlords to answer yes, no, or unknown. The form
24 provide the following information in substantially similar language:

25 (1) Is any or all of the rental property is located in a Federal
26 Emergency Management Agency (FEMA) designated floodplain;

27 (2) Is any or all of the rental property is located wholly or
28 partially in the Special Flood Hazard Area ("100-year floodplain")
29 according to FEMA's current flood insurance rate maps for the
30 leased premises' area;

31 (3) Is any or all of the rental property is located wholly or
32 partially in a Moderate Risk Flood Hazard Area ("500-year
33 floodplain") according to FEMA's current flood insurance rate maps
34 for the leased premises' area; and

35 (4) Has the rental property ever experienced any flood damage,
36 water seepage, or pooled water due to a natural flood event, such as
37 heavy rainfall, coastal storm surge, tidal inundation, or river
38 overflow. If so, how many times?

39 c. Every residential lease shall also contain the following
40 notice to tenants: "Flood insurance is available to renters through
41 FEMA's National Flood Insurance Program to cover your personal
42 property and contents in the event of a flood. A standard renter's
43 insurance policy does not typically cover flood damage. You are
44 encouraged to examine your policy to determine whether you are
45 covered."

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. The Department of Community Affairs, in consultation with
2 the Department of Environmental Protection, shall create and
3 prepare a notification that Statewide flood risks are increasing and
4 that the tenant may review these risks by going to the website that
5 the Department of Environmental Protection shall ensure is
6 managed with current and scientifically-supported information,
7 which is linked to and published on the website of the Department
8 of Community Affairs.

9 e. If a landlord violates this section and a tenant suffers a
10 substantial loss or damage to the tenant's personal property as a
11 result of flooding, the tenant may terminate the lease by giving a
12 written notice of termination to the landlord not later than the 30th
13 day after the date the loss or damage occurred and may pursue all
14 legal remedies under the law to recover damages recognizing the
15 landlord's failure to disclose critical information. For purposes of
16 this subsection, a tenant suffers a substantial loss or damage to
17 personal property if the total cost of repairs to or replacement of the
18 personal property is 50 percent or more of the personal property's
19 market value on the date the flooding occurred. Termination of a
20 lease under this subsection is effective when the tenant surrenders
21 possession of the dwelling.

22 f. Not later than the 30th day after the effective date of the
23 termination of a lease under subsection f. of this section, the
24 landlord shall refund to the tenant all rent or other amounts paid in
25 advance under the lease for any period after the effective date of the
26 termination of the lease.

27 g. For the purposes of this section, "landlord" means any
28 person who rents or leases, for a term of at least one month,
29 commercial space or residential dwelling units other than dwelling
30 units in a premises containing not more than two such units, or in an
31 owner-occupied premises of not more than three dwelling units, or
32 in hotels, motels, or other guest houses serving transient or seasonal
33 guests defined as those who rent a property for a period of less than
34 120 days.

35 (cf: P.L.2001, c.313, s.1)

36

37 2. (New section) a. A seller of real property located in this
38 State shall disclose, on the property condition disclosure statement,
39 any actual knowledge of the seller concerning flood risks of the
40 property, as required pursuant to this section, to the purchaser
41 before the purchaser becomes obligated under any contract for the
42 purchase of the property.

43 b. The Division of Consumer Affairs, in consultation with the
44 Department of Community Affairs and New Jersey Real Estate
45 Commission, in addition to any other question as the director deems
46 necessary, shall add the following specific questions and
47 information to the property condition disclosure statement
48 concerning certain flood risks to a property being sold. The

1 additions to the property condition disclosure statement shall
2 contain the heading "Flood Risk" and contain questions, and space
3 for sellers to answer yes, no, or unknown. If a seller answers yes to
4 any question, the disclosure statement shall require the seller to
5 explain the answer. The disclosure statement shall contain the
6 following questions and explanatory language:

7 (1) Is any or all of the property located in a Federal Emergency
8 Management Agency (FEMA) designated floodplain?

9 (2) Is any or all of the property located wholly or partially in the
10 Special Flood Hazard Area ("100-year floodplain") according to
11 FEMA's current flood insurance rate maps for your area?

12 (3) Is any or all of the property located wholly or partially in a
13 Moderate Risk Flood Hazard Area ("500-year floodplain")
14 according to FEMA's current flood insurance rate maps for your
15 area?

16 (4) Is the property subject to any requirement under federal law
17 to obtain and maintain flood insurance on the property? Properties
18 in the special flood hazard area, also known as high risk flood
19 zones, on FEMA's flood insurance rate maps with mortgages from
20 federally regulated or insured lenders are required to obtain and
21 maintain flood insurance. Even when not required, FEMA
22 encourages property owners in high risk, moderate risk, and low
23 risk flood zones to purchase flood insurance that covers the
24 structure and the personal property within the structure. Also note
25 that properties in coastal and riverine areas may be subject to
26 increased risk of flooding over time due to projected sea level rise
27 and increased extreme storms caused by climate change which may
28 not be reflected in current flood insurance rate maps.

29 (5) Have you ever received assistance, or are you aware of any
30 previous owners receiving assistance, from FEMA, the U.S. Small
31 Business Administration, or any other federal disaster flood
32 assistance for flood damage to the property? For properties that
33 have received federal disaster assistance, the requirement to obtain
34 flood insurance passes down to all future owners. Failure to obtain
35 and maintain flood insurance can result in an individual being
36 ineligible for future assistance.

37 (6) Is there flood insurance on the property? A standard
38 homeowner's insurance policy typically does not cover flood
39 damage. You are encouraged to examine your policy to determine
40 whether you are covered.

41 (7) Is there a FEMA elevation certificate available for the
42 property? If so, the elevation certificate must be shared with the
43 buyer. An elevation certificate is a FEMA form, completed by a
44 licensed surveyor or engineer. The form provides critical
45 information about the flood risk of the property and is used by flood
46 insurance providers under the National Flood Insurance Program to
47 help determine the appropriate flood insurance rating for the

1 property. A buyer may be able to use the elevation certificate from
2 a previous owner for their flood insurance policy.

3 (8) Have you ever filed a claim for flood damage to the property
4 with any insurance provider, including the National Flood Insurance
5 Program? If the claim was approved, what was the amount
6 received?

7 (9) Is any or all of the property located in a designated wetland?

8 (10) Has the property experienced any flood damage, water
9 seepage, or pooled water due to a natural flood event, such as heavy
10 rainfall, costal storm surge, tidal inundation, or river overflow? If
11 so, how many times?

12 c. The Department of Community Affairs, in consultation with
13 the Department of Environmental Protection, shall include in the
14 disclosure requirements and form to be distributed to purchasers of
15 real property before the purchaser becomes obligated under any
16 contract for the purchase of the property, that Statewide flood risks
17 are increasing and that the purchaser may review these risks by
18 going to the website that the Department of Environmental
19 Protection shall create and ensure is managed with current and
20 scientifically-supported information, and linked to and published on
21 the website of the Department of Community Affairs. The
22 Department of Environmental Protection's website shall at a
23 minimum include information that helps property owners provide
24 the disclosures enumerated in this statute.

25
26 3. This act shall take effect on the 90th day next following the
27 promulgation of regulations implementing the requirements of this
28 law and preparation of forms required to implement the law. The
29 appropriate State entity shall have 90 days to publish regulations
30 following enactment.

31

32

33

STATEMENT

34

35 This bill requires sellers of real property and landlords to make
36 certain notifications regarding flooding.

37 The bill requires landlords to notify their tenants if the leased
38 premises has been determined to be located in a flood zone or area
39 or has experienced any flood damage, water seepage, or pooled
40 water due to a natural flood event, such as heavy rainfall, coastal
41 storm surge, tidal inundation, or river overflow. The bill requires
42 the Department of Community Affairs to promulgate a form to be
43 used by landlords to provide prospective tenants with information
44 concerning flood information and risks.

45 The bill requires landlords to notify tenants of the availability of
46 insurance available for renters through the National Flood Insurance
47 Program.

S3110 B.SMITH

6

1 The bill requires sellers of real property located in this State to
2 disclose, in writing, any actual knowledge of the seller of the
3 property regarding flood risks that are present on the property. The
4 bill requires the Department of Community Affairs add to existing
5 disclosure requirements and form used by sellers of real property to
6 provide purchasers of property with information concerning flood
7 information and risks.

8 The bill requires the Department of Community Affairs, in
9 consultation with the Department of Environmental Protection, to
10 prepare a notification, to be distributed to purchasers of real
11 property and in the State, that Statewide flood risks are increasing
12 and that the purchaser or tenant may review these risks by going to
13 a website that the Department of Environmental Protection shall
14 create and ensure is managed with current and scientifically-
15 supported information, and is to be linked to and published on the
16 website of the Department of Community Affairs.

17 All notifications required pursuant to the bill are to be provided
18 to the purchaser or tenant in writing before the purchaser or tenant
19 becomes obligated under any contract for the purchase or lease of
20 the property.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3110

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 6, 2022

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3110, with committee amendments.

This bill, as amended, requires sellers of real property and landlords to make certain notifications regarding flooding.

Specifically, the bill requires landlords to notify their tenants if the leased premises has been determined to be located in a flood zone or area or has 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. The bill requires the Department of Community Affairs (DCA) to promulgate a form to be used by landlords to provide prospective tenants with information concerning flood information and risks. The bill also requires landlords to notify tenants of the availability of insurance available for renters through the National Flood Insurance Program.

In addition, the bill requires sellers of real property located in this State to disclose, in writing, any actual knowledge of the seller of the property regarding flood risks that are present on the property. The bill requires the Department of Community Affairs add to existing disclosure requirements and forms used by sellers of real property to provide purchasers of property with information concerning flood information and risks.

The bill requires the DCA, in consultation with the Department of Environmental Protection (DEP), to prepare a notification, to be distributed to purchasers of real property and in the State, that Statewide flood risks are increasing and that a purchaser or tenant may review these risks by going to a website that the DEP is required by the bill to create and update with current and scientifically-supported information. All notifications required pursuant to the bill would be required to be provided to the purchaser or tenant in writing before the purchaser or tenant becomes obligated under any contract for the purchase or lease of the property.

The committee amendments to the bill:

(1) clarify that the DCA is required to adopt rules and regulations to implement the bill's provisions within 90 days after its enactment;

- (2) clarify that the bill's notification requirements for landlords and sellers of real property would go into effect 90 days after the DCA adopts rules and regulations to implement the bill; and
- (3) correct typographical errors and make clarifying changes.

STATEMENT TO
[First Reprint]
SENATE, No. 3110

with Senate Floor Amendments
(Proposed by Senator SMITH)

ADOPTED: NOVEMBER 21, 2022

The amendments revise the notifications that landlords must provide to tenants pursuant to the bill. The amendments require landlords, prior to lease signing or renewal, to disclose whether the property is located in the FEMA Special Flood Hazard Area or Moderate Risk Flood Hazard Area, and if the landlord has actual knowledge that certain areas of the property have been subjected to flooding.

The amendments require the Department of Environmental Protection to include information on its website to help landlords and property owners provide the disclosures required by the bill. The bill's requirement to disclose if the property is in the FEMA Special or Moderate Risk Flood Hazard Area, beyond actual knowledge, do not take effect until after the Department of Environmental Protection has established a look-up tool to facilitate those disclosures.

The amendments also revise the circumstances under which a tenant suffers a substantial loss or damage to personal property due to flooding that entitles the tenant to terminate the lease and pursue legal remedies.

STATEMENT TO
[Second Reprint]
SENATE, No. 3110

Assembly Floor Amendments
(Proposed by Assemblyman McKEON)

ADOPTED: JANUARY 26, 2023

These floor amendments require the Department of Community Affairs and the Division of Consumer Affairs to consult with the Department of Environmental Protection when formulating the disclosures required to be used by landlords and sellers of property. The amendments clarify that the Division of Consumer Affairs, and not the Department of Community Affairs, is to include information concerning the flood-risk website in the disclosure requirements and form to be distributed to purchasers of real property.

ASSEMBLY, No. 4783

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 17, 2022

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Requires sellers of real property and landlords to make certain notifications regarding flooding.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2022)

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2 P.L.2001, c.313, and supplementing P.L.1960, c.39 (C.56:8-1 et
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4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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9 as follows:

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12 **lease has been determined to be located in a flood zone or area]**
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14 or could be affected by flooding. Seasonal rentals of less than 120
15 days shall be exempt from the requirements of this section. Each
16 new tenant shall be [notified] provided the notices required
17 pursuant to this section in writing at the time of application and
18 prior to the time [that occupancy] that the lease of the rental unit is
19 [assumed] signed.

20 b. The Department of Community Affairs shall promulgate a
21 form to be used by landlords pursuant to this section. The form
22 shall contain the heading "Flood Risk" and contain questions, and
23 space for landlords to answer yes, no, or unknown. The form
24 provide the following information in substantially similar language:

25 (1) Is any or all of the rental property is located in a Federal
26 Emergency Management Agency (FEMA) designated floodplain;

27 (2) Is any or all of the rental property is located wholly or
28 partially in the Special Flood Hazard Area ("100-year floodplain")
29 according to FEMA's current flood insurance rate maps for the
30 leased premises' area;

31 (3) Is any or all of the rental property is located wholly or
32 partially in a Moderate Risk Flood Hazard Area ("500-year
33 floodplain") according to FEMA's current flood insurance rate maps
34 for the leased premises' area; and

35 (4) Has the rental property ever experienced any flood damage,
36 water seepage, or pooled water due to a natural flood event, such as
37 heavy rainfall, coastal storm surge, tidal inundation, or river
38 overflow. If so, how many times?

39 c. Every residential lease shall also contain the following
40 notice to tenants: "Flood insurance is available to renters through
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42 property and contents in the event of a flood. A standard renter's
43 insurance policy does not typically cover flood damage. You are
44 encouraged to examine your policy to determine whether you are
45 covered."

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. The Department of Community Affairs, in consultation with
2 the Department of Environmental Protection, shall create and
3 prepare a notification that Statewide flood risks are increasing and
4 that the tenant may review these risks by going to the website that
5 the Department of Environmental Protection shall ensure is
6 managed with current and scientifically-supported information,
7 which is linked to and published on the website of the Department
8 of Community Affairs.

9 e. If a landlord violates this section and a tenant suffers a
10 substantial loss or damage to the tenant's personal property as a
11 result of flooding, the tenant may terminate the lease by giving a
12 written notice of termination to the landlord not later than the 30th
13 day after the date the loss or damage occurred and may pursue all
14 legal remedies under the law to recover damages recognizing the
15 landlord's failure to disclose critical information. For purposes of
16 this subsection, a tenant suffers a substantial loss or damage to
17 personal property if the total cost of repairs to or replacement of the
18 personal property is 50 percent or more of the personal property's
19 market value on the date the flooding occurred. Termination of a
20 lease under this subsection is effective when the tenant surrenders
21 possession of the dwelling.

22 f. Not later than the 30th day after the effective date of the
23 termination of a lease under subsection f. of this section, the
24 landlord shall refund to the tenant all rent or other amounts paid in
25 advance under the lease for any period after the effective date of the
26 termination of the lease.

27 g. For the purposes of this section, "landlord" means any
28 person who rents or leases, for a term of at least one month,
29 commercial space or residential dwelling units other than dwelling
30 units in a premises containing not more than two such units, or in an
31 owner-occupied premises of not more than three dwelling units, or
32 in hotels, motels, or other guest houses serving transient or seasonal
33 guests defined as those who rent a property for a period of less than
34 120 days.

35 (cf: P.L.2001, c.313, s.1)

36
37 2. (New section) a. A seller of real property located in this
38 State shall disclose, on the property condition disclosure statement,
39 any actual knowledge of the seller concerning flood risks of the
40 property, as required pursuant to this section, to the purchaser
41 before the purchaser becomes obligated under any contract for the
42 purchase of the property.

43 b. The Division of Consumer Affairs, in consultation with the
44 Department of Community Affairs and New Jersey Real Estate
45 Commission, in addition to any other question as the director deems
46 necessary, shall add the following specific questions and
47 information to the property condition disclosure statement
48 concerning certain flood risks to a property being sold. The

1 additions to the property condition disclosure statement shall
2 contain the heading "Flood Risk" and contain questions, and space
3 for sellers to answer yes, no, or unknown. If a seller answers yes to
4 any question, the disclosure statement shall require the seller to
5 explain the answer. The disclosure statement shall contain the
6 following questions and explanatory language:

7 (1) Is any or all of the property located in a Federal Emergency
8 Management Agency (FEMA) designated floodplain?

9 (2) Is any or all of the property located wholly or partially in the
10 Special Flood Hazard Area ("100-year floodplain") according to
11 FEMA's current flood insurance rate maps for your area?

12 (3) Is any or all of the property located wholly or partially in a
13 Moderate Risk Flood Hazard Area ("500-year floodplain")
14 according to FEMA's current flood insurance rate maps for your
15 area?

16 (4) Is the property subject to any requirement under federal law
17 to obtain and maintain flood insurance on the property? Properties
18 in the special flood hazard area, also known as high risk flood
19 zones, on FEMA's flood insurance rate maps with mortgages from
20 federally regulated or insured lenders are required to obtain and
21 maintain flood insurance. Even when not required, FEMA
22 encourages property owners in high risk, moderate risk, and low
23 risk flood zones to purchase flood insurance that covers the
24 structure and the personal property within the structure. Also note
25 that properties in coastal and riverine areas may be subject to
26 increased risk of flooding over time due to projected sea level rise
27 and increased extreme storms caused by climate change which may
28 not be reflected in current flood insurance rate maps.

29 (5) Have you ever received assistance, or are you aware of any
30 previous owners receiving assistance, from FEMA, the U.S. Small
31 Business Administration, or any other federal disaster flood
32 assistance for flood damage to the property? For properties that
33 have received federal disaster assistance, the requirement to obtain
34 flood insurance passes down to all future owners. Failure to obtain
35 and maintain flood insurance can result in an individual being
36 ineligible for future assistance.

37 (6) Is there flood insurance on the property? A standard
38 homeowner's insurance policy typically does not cover flood
39 damage. You are encouraged to examine your policy to determine
40 whether you are covered.

41 (7) Is there a FEMA elevation certificate available for the
42 property? If so, the elevation certificate must be shared with the
43 buyer. An elevation certificate is a FEMA form, completed by a
44 licensed surveyor or engineer. The form provides critical
45 information about the flood risk of the property and is used by flood
46 insurance providers under the National Flood Insurance Program to
47 help determine the appropriate flood insurance rating for the

1 property. A buyer may be able to use the elevation certificate from
2 a previous owner for their flood insurance policy.

3 (8) Have you ever filed a claim for flood damage to the property
4 with any insurance provider, including the National Flood Insurance
5 Program? If the claim was approved, what was the amount
6 received?

7 (9) Is any or all of the property located in a designated wetland?

8 (10) Has the property experienced any flood damage, water
9 seepage, or pooled water due to a natural flood event, such as heavy
10 rainfall, costal storm surge, tidal inundation, or river overflow? If
11 so, how many times?

12 c. The Department of Community Affairs, in consultation with
13 the Department of Environmental Protection, shall include in the
14 disclosure requirements and form to be distributed to purchasers of
15 real property before the purchaser becomes obligated under any
16 contract for the purchase of the property, that Statewide flood risks
17 are increasing and that the purchaser may review these risks by
18 going to the website that the Department of Environmental
19 Protection shall create and ensure is managed with current and
20 scientifically-supported information, and linked to and published on
21 the website of the Department of Community Affairs. The
22 Department of Environmental Protection's website shall at a
23 minimum include information that helps property owners provide
24 the disclosures enumerated in this statute.

25
26 3. This act shall take effect on the 90th day next following the
27 promulgation of regulations implementing the requirements of this
28 law and preparation of forms required to implement the law. The
29 appropriate State entity shall have 90 days to publish regulations
30 following enactment.

31

32

33

STATEMENT

34

35 This bill requires sellers of real property and landlords to make
36 certain notifications regarding flooding.

37 The bill requires landlords to notify their tenants if the leased
38 premises has been determined to be located in a flood zone or area
39 or has experienced any flood damage, water seepage, or pooled
40 water due to a natural flood event, such as heavy rainfall, coastal
41 storm surge, tidal inundation, or river overflow. The bill requires
42 the Department of Community Affairs to promulgate a form to be
43 used by landlords to provide prospective tenants with information
44 concerning flood information and risks.

45 The bill requires landlords to notify tenants of the availability of
46 insurance available for renters through the National Flood Insurance
47 Program.

1 The bill requires sellers of real property located in this State to
2 disclose, in writing, any actual knowledge of the seller of the
3 property regarding flood risks that are present on the property. The
4 bill requires the Department of Community Affairs add to existing
5 disclosure requirements and form used by sellers of real property to
6 provide purchasers of property with information concerning flood
7 information and risks.

8 The bill requires the Department of Community Affairs, in
9 consultation with the Department of Environmental Protection, to
10 prepare a notification, to be distributed to purchasers of real
11 property and in the State, that Statewide flood risks are increasing
12 and that the purchaser or tenant may review these risks by going to
13 a website that the Department of Environmental Protection shall
14 create and ensure is managed with current and scientifically-
15 supported information, and is to be linked to and published on the
16 website of the Department of Community Affairs.

17 All notifications required pursuant to the bill are to be provided
18 to the purchaser or tenant in writing before the purchaser or tenant
19 becomes obligated under any contract for the purchase or lease of
20 the property.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4783

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2022

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 4783.

This bill, as amended by the committee, requires sellers of real property and landlords to make certain notifications regarding flooding.

Specifically, the bill requires landlords to notify their tenants if the leased premises have been determined to be located in the FEMA Special Flood Hazard Area or Moderate Risk Flood Hazard Area, and if the landlord has actual knowledge that the rental premises or any portion of the parking areas of the real property containing the rental premises have been subjected to flooding. The bill requires the Department of Community Affairs (DCA) to promulgate a model notice to be used by landlords to provide prospective tenants with information concerning flood information and risks. The bill also requires landlords to notify tenants of the availability of insurance available for renters through the National Flood Insurance Program.

In addition, the bill requires sellers of real property located in this State to disclose, in writing, whether the property is located in the FEMA Special or Moderate Risk Flood Hazard Area, and any actual knowledge of the seller of the property regarding flood risks that are present on the property. The bill requires the Department of Community Affairs add to existing disclosure requirements and forms used by sellers of real property to provide purchasers of property with information concerning flood information and risks.

The bill requires the DCA, in consultation with the Department of Environmental Protection (DEP), to prepare a notification, to be distributed to purchasers of real property and in the State, that Statewide flood risks are increasing and that a purchaser or tenant may review these risks by going to a website that the DEP is required by the bill to create and update with current and scientifically-supported information. All notifications required pursuant to the bill would be required to be provided to the purchaser or tenant in writing before the purchaser or tenant becomes obligated under any contract for the purchase or lease of the property.

Finally, the bill provides that if a landlord violates the notification requirements established under the bill, and the tenant suffers a substantial loss or damage to personal property due to flooding, the tenant may terminate the lease and pursue legal remedies.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) revise the requirements for the notifications that landlords must provide to tenants pursuant to the bill, including providing that the notice may be provided prior to the signing of a lease, rather than at the time of application, and authorizing the notice to be included as a separate rider to a written lease or lease renewal;

(2) clarify that landlords are required, prior to lease signing or renewal, to disclose whether the property is located in the FEMA Special Flood Hazard Area or Moderate Risk Flood Hazard Area, and whether the landlord has actual knowledge that certain areas of the property have been subjected to flooding;

(3) require the DEP to include information on its website to help landlords and property owners provide the disclosures required by the bill;

(4) require disclosure by property owners that the property is in the FEMA Special or Moderate Risk Flood Hazard Area to not take effect until after the DEP has established a look-up tool to facilitate those disclosures;

(5) revise the circumstances under which a tenant suffers a substantial loss or damage to personal property due to flooding that entitles the tenant to terminate the lease and pursue legal remedies;

(6) clarify that the DCA is required to adopt rules and regulations to implement the bill's provisions within 90 days after its enactment;

(7) clarify that the bill's notification requirements for landlords and sellers of real property would go into effect 90 days after the DCA adopts rules and regulations to implement the bill; and

(8) correct typographical errors and make clarifying changes.

ASSEMBLY SPECIAL COMMITTEE ON INFRASTRUCTURE
AND NATURAL RESOURCES

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4783

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2022

The Assembly Special Committee on Infrastructure and Natural Resources reports favorably Assembly Bill No. 4783 (1R).

This bill requires sellers of real property and landlords to make certain notifications regarding flooding.

Specifically, the bill requires landlords to notify their tenants if the leased premises have been determined to be located in the FEMA Special Flood Hazard Area or Moderate Risk Flood Hazard Area, and if the landlord has actual knowledge that the rental premises or any portion of the parking areas of the real property containing the rental premises have been subjected to flooding. The bill requires the Department of Community Affairs (DCA) to promulgate a model notice to be used by landlords to provide prospective tenants with information concerning flood information and risks. The bill also requires landlords to notify tenants of the availability of insurance available for renters through the National Flood Insurance Program.

In addition, the bill requires sellers of real property located in this State to disclose, in writing, whether the property is located in the FEMA Special or Moderate Risk Flood Hazard Area, and any actual knowledge of the seller of the property regarding flood risks that are present on the property. The bill requires the Department of Community Affairs add to existing disclosure requirements and forms used by sellers of real property to provide purchasers of property with information concerning flood information and risks.

The bill requires the DCA, in consultation with the Department of Environmental Protection (DEP), to prepare a notification, to be distributed to purchasers of real property and in the State, that Statewide flood risks are increasing and that a purchaser or tenant may review these risks by going to a website that the DEP is required by the bill to create and update with current and scientifically-supported information. All notifications required pursuant to the bill would be required to be provided to the purchaser or tenant in writing before the purchaser or tenant becomes obligated under any contract for the purchase or lease of the property.

Finally, the bill provides that if a landlord violates the notification requirements established under the bill, and the tenant suffers a substantial loss or damage to personal property due to flooding, the tenant may terminate the lease and pursue legal remedies.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4783

Assembly Floor Amendments
(Proposed by Assemblyman McKEON)

ADOPTED: JANUARY 26, 2023

These floor amendments require the Department of Community Affairs and the Division of Consumer Affairs to consult with the Department of Environmental Protection when formulating the disclosures required to be used by landlords and sellers of property. The amendments clarify that the Division of Consumer Affairs, and not the Department of Community Affairs, is to include information concerning the flood-risk website in the disclosure requirements and form to be distributed to purchasers of real property.

SENATE BILL NO. 3110
(Third Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3110 (Third Reprint) with my recommendations for reconsideration.

Senate Bill No. 3110 (Third Reprint) requires landlords and sellers of real property to disclose to prospective tenants and buyers if a property is located in an area designated by the Federal Emergency Management Agency ("FEMA") as a Special Flood Hazard Area (known as the 100-year flood plain) or Moderate Risk Flood Hazard Area (known as the 500-year flood plain), and if the property has suffered flood damage in the past to the owner's knowledge. Sellers are also required to disclose additional facts related to the property's flood insurance and flood damage history. The Department of Community Affairs is required to develop a model rental disclosure form, while the Division of Consumer Affairs is required to revise the property condition disclosure statement to include the required questions. The Department of Environmental Protection is required to prepare information about statewide flood risks to be included in the disclosure forms, as well as a user-friendly look-up tool to identify whether a property is located in a flood plain.

I applaud the sponsors of this bill for their efforts to protect New Jersey residents from flooding. As climate change causes New Jersey to experience more frequent and more severe heavy precipitation events, my Administration has taken a multifaceted approach to increasing the resilience of the communities that bear the brunt of the damage from these storms. We have increased our investments in flood protection, including providing \$50 million in new funding in 2022 for New Jersey's nationally-recognized Blue

Acres Program that funds the buyout of homes in flood-prone areas and the conversion of the land for conservation, recreation, and flood mitigation purposes. We have also increased investment in stormwater infrastructure and hazard mitigation programs. And, we have adopted and are continuing to develop more protective land use regulations, including new green stormwater rules adopted in 2020, an update to inland flood elevations based on forward-looking climate-based rainfall projections proposed in 2022, and a suite of coastal, wetlands, flood hazard, and stormwater permitting changes that are under development for proposal later this summer.

Despite these efforts, New Jersey remains one of less than half of the states in the country that does not require any flood disclosures for real estate transactions, leaving our residents vulnerable to unknowingly putting themselves at risk of losing their homes and businesses to flooding. I therefore agree with the sponsors and the many stakeholders who have supported this bill, that disclosure requirements are both critically important and long overdue. The bill's rental disclosure requirements are particularly important because many of our developed urban areas are uniquely susceptible to flooding due to their geography and high percentage of impervious cover, and renters typically do not engage in the same level of property investigation as home buyers or have the same awareness of the availability of flood insurance policies. I particularly applaud the sponsors for creating a streamlined disclosure process that I believe will provide necessary information to prospective renters and buyers in an easy-to-understand format, without creating an undue burden on property owners who wish to rent or sell their property. My recommendations will leave all of these features of the bill intact.

However, because I strongly support the goals of this legislation, I am committed to ensuring that there are real

consequences for those landlords who fail to comply with the bill's requirements and prevent New Jersey residents from making informed choices about where they live. I therefore cannot support the provision of the bill that would require a tenant to suffer damage to their personal property equal to five times the amount of their monthly rent before they could terminate a lease based on a landlord's failure to make required disclosures. I am concerned that this threshold is so high that it could effectively insulate landlords from suffering any consequence for failure to comply with the bill's requirements -- particularly in circumstances involving low-income tenants who may have less high-value personal property. I am therefore recommending amendments to provide that a tenant whose landlord fails to provide the required notifications after the effective date of the bill may terminate the lease without penalty at any time after the tenant becomes aware that the property is located in a flood plain.

I am also recommending a few technical changes to ensure the efficient implementation of the bill. First, certain language in the bill would require that the flood disclosure information be provided as a separate rider to the lease that is individually signed. While this is appropriate for residential leases, commercial leases typically include all notifications within the lease itself. Commercial leases are also typically carefully scrutinized and negotiated by the parties. To conform with existing practice, I am recommending that the requirement that the disclosure be provided in a separate rider only apply to residential leases. Second, I am recommending that the notice of the availability of federally-backed flood insurance, that is required to be included in residential leases, state that such insurance may be available to renters, rather than stating that insurance is available to renters. I am recommending this change

because the availability of such insurance depends on a municipality's decision to participate in FEMA's National Flood Insurance Program, and while nearly all New Jersey municipalities participate, there are a few that do not. Third, because the property condition disclosure statement already contains a question about the presence of wetlands on the property in very similar terms, I am recommending that question be removed from the list of questions to be added to the disclosure statement to avoid duplication. Finally, I am recommending certain changes to the rulemaking and effective date provisions of the bill to better align with the specific procedures the various departments responsible for implementing the bill will need to follow, and to ensure that each distinct portion of the bill can take effect as soon as possible.

Therefore, I herewith return Senate Bill No. 3110 (Third Reprint) and recommend that it be amended as follows:

- Page 2, Section 1, Line 27: After "that" insert ", in the case of a residential lease,"
- Page 2, Section 1, Line 32: After "develop" insert "and published on its website and in the New Jersey Register"
- Page 3, Section 1, Line 16: Delete "is" and insert "may be"
- Page 3, Section 1, Line 38: After "section" insert "by failing to disclose that the property is located in the FEMA Special or Moderate Risk Flood Hazard Area"
- Page 3, Section 1, Line 38: Delete "suffers a"
- Page 3, Section 1, Line 39: Delete in its entirety
- Page 3, Section 1, Line 40: Delete "result of flooding" and insert "subsequently becomes aware that the property is located in the FEMA Special or Moderate Risk Flood Hazard Area"
- Page 3, Section 1, Lines 41-42: Delete "not later than the 30th day after the date the loss or damage occurred and" and insert ". If a landlord violates this section and flooding occurs that results in damage to a tenant's personal property, affects the

habitability of the leased premises, or affects the tenant's access to the leased premises, the tenant"

- Page 3, Section 1, Line 44: Delete "For purposes of"
- Page 3, Section 1, Lines 45-47: Delete in their entirety
- Page 4, Section 1, Lines 1-2: Delete "exceeds five times the monthly rent on the date the flooding occurred."
- Page 4, Section 2, Line 32: After "sold." insert "The division shall revise the regulations promulgated pursuant to subsection c. of section 1 of P.L.1999, c.76 (C.56:8-19.1) with which the form of the property condition disclosure statement must comply to incorporate the requirements of this subsection, but in advance of such rulemaking the division shall make the revised form which includes the specific questions and information required by this subsection and subsection c. of this section, if applicable, available for use by publishing the revised form on the division's website. A seller of real property shall be required to use the revised form beginning on the 90th day following its publication on the division's website."
- Page 5, Section 2, Line 41: Delete "Is any or all of the property located in a designated"
- Page 5, Section 2, Line 42: Delete in its entirety
- Page 5, Section 2, Line 43: Delete "(9)"
- Page 6, Section 3, Lines 22-23: Delete "No later than 90 days after the date of the enactment of this act, the" and insert "The"
- Page 6, Section 3, Line 23: Delete "shall" and insert ", the Department of Environmental Protection, and the Division of Consumer Affairs may"
- Page 6, Section 3, Line 25: After "seq.)," insert "such"
- Page 6, Section 3, Line 25: After "regulations" insert "as may be"
- Page 6, Section 4, Line 28: Delete "on" and insert "immediately, but section 1 of this act shall only be applicable to the signing or renewal of leases of rental property occurring on or after"

Page 6, Section 4, Line 29:

Delete "promulgation of regulations implementing the" and insert "publication of the model notice by the Department of Community Affairs pursuant to subsection b. of section 1, and section 2 of this act shall only be applicable to sales and exchanges of real property occurring on or after the 90th day next following the publication of the amended property condition disclosure statement by the Division of Consumer Affairs pursuant to subsection b. of section 2."

Page 6, Section 4, Lines 30-35:

Delete in their entirety.

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

Governor Murphy Signs Bill Requiring Provision of Critical Flood Risk Information for Homeowners and Renters

07/3/2023

TRENTON – Governor Phil Murphy today signed bill S3110/A4783, which requires sellers of property and landlords to make certain notifications regarding flooding. Under the law sponsored by Senator Bob Smith and Assemblyman John McKeon, sellers of real property and landlords must disclose knowledge of a property's history of flooding, flood risk, and location in a flood zone or area. Additionally, the law requires landlords to notify tenants of the availability of insurance for renters through the National Flood Insurance program.

"Today I'm proud to sign into law legislation that will significantly improve transparency for New Jersey consumers while protecting the interests of our hardworking homeowners and renters," **said Governor Murphy**. "For far too long, countless New Jerseyans have lacked the critical information they not only need, but deserve, to make smart, forward-looking decisions for their properties and families. In the aftermath of Tropical Storm Ida – and as flooding events continue to increase in frequency and severity – these requirements will better prepare New Jersey homeowners and renters for extreme storms."

"Purchasing a home or choosing a rental property in which to live and raise a family is one of the most impactful and long-term financial decisions that we enter in our lives," **said Lieutenant Governor Sheila Oliver**. "The Department of Community Affairs supports legislation mandating that a home seller or landlord fully disclose whether a property is in a FEMA-designated Flood Hazard Area to potential homebuyers or property renters. Being an informed consumer is essential to making sound financial decisions. This bill provides ethical and deserved clarity one requires to enter a real property transaction."

"Every New Jersey resident deserves to know the history and risk of flooding when making the consequential decision to buy or rent a home," **said Commissioner of Environmental Protection Shawn M. LaTourette**. "As New Jersey confronts more extreme weather, sea-level rise, and flooding, this disclosure law will empower residents and communities in building greater resilience to climate change. My Department of Environmental Protection colleagues and I applaud Governor Murphy, Senator Smith, Assemblyman McKeon, and Legislature for enacting this critical new law, and pledge our continuing commitment to help reduce inland and coastal flood risks across the Garden State."

"Requiring home sellers and landlords to timely share information of flood risk and flood history with prospective buyers and renters will allow informed decision making, avoiding situations where ignorance of potential safety risks can place property, health, and even lives in jeopardy," **said Attorney General Matthew J. Platkin**. "I thank Governor Murphy and the legislature for ensuring New Jerseyans are given the information they need to protect their property and their families against the devastating impact of flooding."

"An informed consumer is an empowered consumer," **said Cari Fais, Acting Director of the Division of Consumer Affairs**. "As flood disasters become more frequent in our state it is imperative that homeowners and renters alike are forewarned about the risks they may face. This legislation ensures that New Jerseyans looking for a place to live will be provided vital information regarding a dwelling's flood potential and flood history, so they can choose wisely and prepare appropriately."

"For an uninsured homeowner or renter a flood can be devastating," **said Senator Bob Smith, chair of the Senate Environment Committee**. "We have seen storms in recent years cause catastrophic flood damage to homes, with residents sometimes unaware that they were living in a flood-prone area. Disclosing flood risk information during a real estate transaction is a timely and effective way to inform potential renters and homeowners of flooding risks so they may be better informed when deciding where to live."

"We have seen increased flooding in New Jersey from severe weather and too often residents are unaware they are living in flood zones," **said Assemblyman John McKeon**. "Mandating disclosure of flood risks will protect consumers. When home buyers and renters are informed they are living in an area prone to flooding, they can purchase flood insurance to protect their property, giving them peace of mind."

"New Jersey is experiencing more frequent and intense flooding and science tells us that extreme weather is going to continue to worsen for decades to come. Governor Murphy and the Legislature are taking a responsible and common sense approach to protecting residents from the impacts of those floods. With the Flood Risk Notification Law, renters and homeowners alike will now have better information about flood risk and can make more informed decisions to protect their families and properties," **said Jennifer M. Coffey, Executive Director, Association of New Jersey Environmental Commissions (ANJEC)**.

"Today, New Jersey became a nationwide leader in providing home buyers and renters the right to know a property's flood risk. As devastating floods occur more often due to climate change, New Jersey residents deserve to know a property's flood history so they can make an informed decision about how to best protect their families from flooding. NRDC applauds Governor Murphy and the New Jersey Legislature on their leadership in providing that right," **said Joel Scata, Senior Attorney, Natural Resources Defense Council**.

"In a strong move to safeguard and enhance transparency for home buyers and renters, New Jersey, today, codifies one of the nation's strongest flood risk disclosure laws. This law provides homebuyers and renters with vital flood risk information that can impact their long-term safety and investment as climate risks continue to grow. We commend Governor Murphy for making sure the law includes stronger protections for renters. Waterfront Alliance and the Rise to Resilience Coalition applaud Governor Murphy and the New Jersey Legislature for their continued leadership and foresight on the challenges flooding poses across the Garden State," **said Cortney Koenig Worrall, President and CEO, Waterfront Alliance**.