

## **Flood Risk Disclosure Frequently Asked Questions**

### **Answering Questions about Flood Risk:**

**1. How can I verify whether the property is in a FEMA Special or Moderate Flood Risk Hazard Area?**

Sellers can use the New Jersey Department of Environmental Protection tool located at [flooddisclosure.nj.gov](http://flooddisclosure.nj.gov) or another comparable tool.

**2. I don't know about the prior flood history of the property. How do I answer questions about past flood damage?**

Questions 111 through 117 on the Property Condition Disclosure Statement for sellers and question 3 on the Flood Disclosure Notice for landlords must be answered based on the seller's or landlord's *actual knowledge*.

### **Seller's Property Condition Disclosure Statement:**

**3. Do I need to complete the Flood Risk Addendum (questions 109 through 117)?**

Completion of the Flood Risk Addendum is mandatory for all sellers of real property in New Jersey – including residential and non-residential property.

**4. Do I need to complete questions 1 through 108 of the Seller's Property Condition Disclosure Statement ("Disclosure Statement")?**

Completion of questions 1 through 108 is mandatory for all residential real estate transactions. Completion of these questions is optional for non-residential real estate transactions.

**5. When must the disclosures be made?**

These disclosures must be made "before the purchaser becomes obligated under any contract for the purchase of the property."

### **Landlord's Rental Disclosure Form:**

**6. How is the flood disclosure notice required to be provided to prospective tenants?**

A copy of the Notice must be provided in writing to a new tenant prior to the rental lease being signed. If the lease is in writing, the Notice may be included in the written lease or written renewal lease provided that, in the case of a residential lease, the Notice must be a separate rider,

individually signed or otherwise acknowledged by the tenant, and written in not less than 12-point typeface.

**7. Does the flood disclosure notice need to be included in amendments to leases executed prior to March 20, 2024?**

The provisions of P.L.2023, c.93 are applicable to the signing or renewal of residential leases occurring on or after March 21, 2024.

**8. Is the flood disclosure notice required for seasonal rentals?**

A copy of the Notice is not required to be provided to a tenant for seasonal rentals with a length of stay that is less than 120 days.