

## Real Estate

March 25, 2024

**New Jersey Flood Risk Disclosure**By [Daniel A. Suckerman](#), [Stacey C. Tyler](#), and [Crystal McDonald](#)

In response to growing flood risks due to the effects of climate change, the New Jersey Flood Risk Notification Law was enacted on July 3, 2023, requiring landlords and sellers of both commercial and residential real property to disclose information on specific known and potential flood risks.

As of March 20, 2024, before signing a new lease or renewing an existing lease, commercial and residential landlords must disclose whether or not the property is located in a FEMA Special Flood Hazard Area (100-year floodplain) or Moderate Risk Flood Hazard Area (500-year floodplain) and any relevant flood history at the property, including flooding to the rental premises or parking areas. For residential leases, this disclosure must be made in a statutory form; commercial landlords may incorporate the relevant information into their existing lease forms rather than using the full statutory disclosure form.

Sellers must also disclose whether the real property is located in the 100-year floodplain or the 500-year floodplain, as well as information regarding whether flood insurance has been required for the property and whether the seller ever received federal flood assistance for flood damage.

The New Jersey Department of Environmental Protection released the [Flood Risk Notification Tool](#) to assist in determining whether property is located in either type of floodplain. Further information regarding flood risk notification and required disclosures is available on the Department of Environmental Protection's [website](#).

Please reach out to the Lowenstein Sandler Real Estate Practice for help navigating this new law in connection with your real property holdings.

**Contacts**

Please contact the listed attorneys for further information on the matters discussed herein.

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