



**MIDDLETOWN  
TOWNSHIP NJ**

# NJ's Real Estate Flood Disclosure Law

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**REQUIRED**

## **Sellers must disclose to home buyers via the Property Condition Disclosure Statement:**

- \*Property in a FEMA designated floodplain?
- \*Property partially or wholly located in the special or moderate flood zones??
- \*Federally backed mortgage required to obtain flood insurance?
- \*Did previous owner benefit from Federal disaster assistance with a requirement for mandatory flood insurance? (passes down to next owner)
- \*Does the property have a current flood insurance policy? A FEMA Elevation Certificate?
- \*What is history and amount of flood insurance claims?
- \*Has the property experienced any flood damage, water seepage, or pooled water? How many times?

Rule specifies PROPERTY, not just the structure.

Middletown regulates to the FEMA Preliminary FIRM Map.

# REQUIRED

## **Landlords must disclose to tenants at application, lease signage, or renewal:**

\*Is the leased property in the special or moderate flood zones?

\*A written notice from NJDCA entitled “Flood Risk”. Language can be included in commercial lease but must be separate document for residential.

\*Are parking areas subject to flooding/history of occurrence?

\*Flood zone, occurrence of flood damage, water seepage, or pooled water due to a natural event and number of occurrences causing damage to the rental.

\*A written notice that flood insurance may be available under the NFIP and flooding is not covered under standard renter’s insurance.

\*Every residential lease shall also contain: "Flood insurance is 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."

\*If landlord violates this section and a tenant suffers a substantial loss or damage to personal property as a result of flooding, tenant may terminate lease by giving written notice of termination to landlord not later than the 30th day after date the loss or damage occurred and may pursue all legal remedies under the law to recover damages recognizing the landlord's failure to disclose critical information.

\*A tenant suffers a substantial loss or damage to personal property if the total cost of repairs to or replacement of the personal property is 50% or more of the personal property's market value on the date the flooding occurred.

\*Termination of a lease is effective when the tenant surrenders possession of the dwelling.

## Exceptions:

- \*Seasonal rentals of less than 120 days
- \*Residential/commerical properties 2 units or less
- \*Owner-occupied property 3 units or less

## The State will:

- \*Update the Property Condition Disclosure Statement
- \*Create a “Flood Risk” model notice for landlords
- \*Create a website to help prospective tenants, buyers, and owners access flood zones/FIRMs

## Additional Info:

- \*"As Is" property sales: Substantial Damage determinations are forever.
- \*Middletown utilizes a cumulative 10-year period for substantial improvements as of June 2022.
- \*Enclosures below the BFE require notarized and recorded Non-Conversion Agreements
- \*Middletown requires BFE +1 foot of additional freeboard.

# Middletown Floodplain Management Website:

[https://www.middletownnj.org/853/Floodplain-  
Management](https://www.middletownnj.org/853/Floodplain-Management)