



Legal Alert: New Required Lease Rider, Flood History and Risk

June 21, 2023

As of today, June 21, 2023, all residential leases are required to provide notice of previous flood history and current flood risk of the leased premises, regardless of whether the premises is in a flood zone. This requirement is based upon a recently enacted change to New York State Real Property Law § 231-b (effective June 21, 2023).

The notice must indicate whether the premises is located wholly or partially in a Federal Emergency Management Agency ("FEMA") designated floodplain; in the Special Flood Hazard Area; in a Moderate Risk Flood Hazard Area; and, any prior flood damage to the leased premises due to a natural flood event that the lessor knows or reasonably should know has occurred to such premises and the nature of any such damage. You can find more information about FEMA flood zones [here](#).

Every residential lease must also include the following notice to tenants: "Flood insurance is available to renters through the Federal Emergency Management Agency's (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."

The New York State Division of Homes and Community Renewal ("DHCR") has promulgated a sample lease rider/notice, "Flood History and Risk Lease Rider/Notice to Residential Tenants," which we encourage owners to utilize. Pursuant to DHCR's website, the Agency suggests that this lease rider/notice also be served on tenants occupying rent controlled units. The sample notice is available [here](#).