

## **Notable Substantial Changes in Flood Disclosure Law**

**Alabama:** Under Alabama Code § 8-42-2 (2024), it is a Class C misdemeanor for a person to acquire an equitable interest as a buyer in a single-family property in order to assign or sell that interest to another for a fee unless written disclosure is made to the person to whom the property will be transferred of the nature of the buyer's equitable interest; and to the seller, of the buyer's intent to market the property.

**Arizona:** Arizona Revised Statute § 33-423 requires sellers to disclose multiple material facts.

**Florida:** In 2024, Florida enacted legislation that requires sellers to disclose to buyers whether the property has a history of flood insurance claims or has received federal flood assistance. This law will be effective in October 2025.

**Georgia:** Georgia now requires disclosure of any flood damage to manufactured homes under Georgia Rules and Regulations, Rule 120-3-7.

**Iowa:** Iowa Code § 543B.56(1) was amended to limit the applicability of who a real estate agent must provide with disclosures. The language changed from “[i]n providing brokerage services to *all parties* to a transaction” to “[i]n providing brokerage services to *a client* to a transaction, a licensee shall do all of the following. . .”

**Maine:** In 2024, Maine law was changed to require specific disclosures about flooding risks for the property, previous flood damage the property suffered, flood-related insurance claims and flood disaster-related aid. Me. Rev. Stat. tit. 33, § 173 (2024).

**New Hampshire:** There was a slight modification to the seller’s duty to disclose. Under New Hampshire Revised Statute 477-a, a seller must disclose (prior to the execution of the contract) if the property is in a flood risk area, meaning properties in coastal areas and along waterways may be subject to increased risk of flooding over time.

**New York:** In 2024, New York statutes adopted a disclosure form with multiple questions including but not limited to flood damage, flood risk for the property, flood insurance, prior insurance claims and federal assistance for damages. N.Y. Real Prop L § 462.

Additionally, sellers in New York could previously avoid disclosing flood information by offering a \$500 credit to buyers. As of March 20, 2024, this loophole was closed, and sellers are now required to disclose whether the property is in a FEMA floodplain, its flood insurance history, and any past flood damage.

**North Carolina:** As of July 1, 2024, sellers are not mandated to disclose multiple flood-related issues, including flood hazard zone designation, damage due to flooding, any insurance claims due to flood, current flood insurance policy, flood elevation certificate and if the seller received aid for flood-related disaster.

In addition, the disclosure form also mandates that that if a property has received disaster assistance, all future owners must have flood insurance or they could be ineligible for future assistance.

**Vermont:** As of January 1, 2025, real estate transactions in Vermont are subject to new disclosure requirements regarding flood risk under 27 Vt. Stat. Ann. § 380. This new disclosure affects conveyances of real estate, lot leases for mobile homes and rentals. The Vermont government also provided flood-specific disclosure forms.