

Catherine F. Parker
Legislator, 7th District
Chair, Committee on Planning,
Economic Development and Energy



Committee Assignments:
Budget & Appropriations
Environment & Health
Intergovernmental Services
Labor & Housing
Parks & Recreation
Public Works & Transportation

2021-526, # 2021-527

To: Ben Boykin, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Catherine Parker, Legislator, 7th District
Kitley Covill, Legislator, 2nd District
Ruth Walter, Legislator, 15th District
Jose Alvarado, Legislator, 17th District
Terry Clements, Legislator, 11th District
Nancy Barr, Legislator, 6th District
Damon Maher, Legislator, 10th District
Tyrae Woodson-Samuels, Legislator, 13th District
Ben Boykin, Legislator, 5th District
Catherine Borgia, Legislator 9th District

Date: September 15, 2021

RE: Flood History Disclosure Law

Please place the attached proposed local law amending the Laws of Westchester County by adding a new Chapter 581 "requiring landlords to provide tenants with a flood history disclosure" in the appropriate committees on the September 20, 2021 Westchester County Board of Legislators agenda.

**TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee recommends passage of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 581 requiring landlords to provide tenants with a flood history disclosure.”

Your Committee is aware that over the past number of years increases in the intensity and frequency of rain storms due to Climate Change have caused extraordinary flooding in Westchester County. Due to these ever-growing storms, area residents have experienced costly property damage to their homes and assets. Additionally, business owners have also faced serious challenges from the rise in flooding related issues by being forced to temporarily close for expensive capital repair or through the loss of inventory.

Your Committee is aware that the Long Island Sound Shore in 2007, 2011, 2012 and most recently in 2021 tenants were hit with flooding of basement apartments which resulted in some cases with water rising up over five feet. Over the course of the next few years, these apartments were leased out to new tenants. These new tenants were unaware of the property’s propensity for significant and life threatening flooding and suffered expensive and massive property damage similar to that which occurred after storms in 2007. In one instance, the new tenants were luckily awoken by the storm and were able to move their child from its crib as water was climbing on all sides.

Your Committee is also aware that the flash flooding of the tri-state area on September 1, 2021 caused at least 11 (eleven) deaths in basement apartments in New York City as tenants were inundated with water and could not get out of their apartments.

A 2014 Study conducted by the New York State Energy Research and Development Authority (NYSERDA) found that precipitation across New York State is projected to increase by approximately 1-8 percent by the 2020s, 3-12 percent by the 2050s, and 4-15 percent by the 2080s. Additionally, sea level is projected to rise along the New York State coastline and in the tidal Hudson by 3-8 inches by the 2020s, 9-21 inches by the 2050s, and 14-39 inches by the 2080s. This rise in precipitation and sea level is a dangerous combination to those who own property on land with a propensity for flooding.

Your Committee is aware that the intent of this proposed Local Law is to require owners of property to disclose flood history of a building prior to the signing of a lease with a tenant. This requirement, through provision of a “flood disclosure” form to the tenant, will serve as a safety net for both lessors and lessee. The lessor can be assured that they will not be liable for any damages as a result of failing to disclose a property’s propensity for flooding and previous height of water, while the lessee will have a remedy to recover the unfair damages they may suffer at the hands of an unscrupulous landlord who fails to disclose all of the details of the property they are leasing.

Your Committee is further advised that the proposed Local Law will, if adopted, provide for civil remedies for violations of its provisions. Specifically, violation of the local law would authorize the commencement of civil actions for equitable relief and costs.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated May 14, 2021, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this proposed Local Law adding Chapter 581 to the Laws of Westchester County.

Dated: 2021
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ -2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2021, entitled “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 581 requiring landlords to provide tenants with a flood history disclosure.” The public hearing will be held at __.m. on the _____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.