

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one)

of Westchester

Local Law No. 10 of the year 2022

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.

Be it enacted by the County Board of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one)

of Westchester as follows:

Section 1. A new Chapter 581 is hereby added to the Laws of Westchester County to read as follows:

CHAPTER 581 FLOOD HISTORY DISCLOSURE LAW

- Sec. 581.01. Short Title.
- Sec. 581.11. Definitions.
- Sec. 581.21. Required Conduct.
- Sec. 581.31. Civil Causes of Action.
- Sec. 581.41. Joint and Several Liability.
- Sec. 581.51. Construction.
- Sec. 581.61. Severability.

Sec. 581.01. Short Title.

This Chapter shall be known as and may be cited as the "Flood History Disclosure Law."

Sec. 581.11. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms have the following meanings:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

1. "Flood" shall mean a general or temporary condition of partial or complete inundation of leased Premises caused by:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation of runoff or surface waters from any established water source such as a river, stream or drainage ditch; or
 - c. A ponding of water at or near the place where heavy or excessive rain fell.
2. "Flood Disclosure Form" shall mean a form which shall be completed by the property owner providing information regarding the Premises' propensity for flooding.
3. "Flood Damage" shall mean all the varieties of harm resulting from a flood including all detrimental effects on people, their health and property.
4. "Premises" shall mean the portion of real property contained within a structure to which a tenant has the exclusive right to use or the authority to store non-real property within.

Sec. 581.21. Required Conduct.

1. When the owner of real property, either directly or through an agent, seeks to lease or rent that property, or any portion thereof, for residential or commercial occupancy, prior to entering a written agreement for the leasehold of that property, the owner shall, either directly or through an agent notify the prospective tenant of:
 - a) whether the property is located in a Special Flood Hazard Area as shown on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency; and
 - b) the propensity for flooding of the Premises contained on such property if such flooding has occurred to such owner's knowledge, at least one time during the ten-year period immediately preceding the date of the lease and has caused flood damage to any portion of the leased Premises.
2. In the event a tenant sublets the property, the tenant shall be required to disclose information regarding the propensity for flooding of the Premises prior to entering a written agreement for the sublease of that property, if such flooding has occurred, at least one time during the ten-year period immediately preceding the date of the lease and has caused flood damage to any portion of the sublet Premises.
3. The owner of the property shall provide notification of the Premises' propensity for flooding pursuant to the parameters listed in subdivision "1" of this section, by provision of a "Flood Disclosure Form" to be signed by both the owner of the property and the tenant. The owner shall also provide notification of where the water line was estimated in the Premises.
4. The Westchester County Planning Department shall provide such "Flood Disclosure Form" on its website or by hard copy when requested.
5. This Local Law shall only apply to leaseholds or sublets, or renewals thereof, entered into on or after its effective date.

Sec. 581.31. Civil Causes of Action.

In the event of a landlord's non-compliance with subdivision "1" of Section 581.21 of this Chapter, a tenant that sustains flood damage during the course of his, her or their lease may commence an action in a court of competent jurisdiction for the recovery of such damages.

Sec. 581.41. Joint and Several Liability.

If it is found in any action brought pursuant to the provisions of this Chapter, that two (2) or more named defendants acted in concert pursuant to a common plan or design to violate any provision of this Chapter, such defendants shall each be held jointly and severally liable for any damages assessed or any costs and fees awarded.

Sec. 581.51. Construction.

No provision of this Chapter shall be construed or interpreted so as to limit the right of any person or entity to seek other available criminal penalties or civil remedies.

Sec. 581.61. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§2. This Local Law shall take effect on August 15th 2022.

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective
Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ 10 _____ of 2022 _____ of
the (County)(City)(Town)(Village) of _____ Westchester _____ was duly passed by the
_____, on _____ June 27, _____ 2022 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ County Executive _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ June 29, _____ 20 2 2, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____
20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____
20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there
be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is
vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, _____ 2____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: 6/30/22