

Flood History/Flood Risk: Southern Environmental Law Center Petition to North Carolina Real Estate Commission Addressing Disclosures



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Southern Environmental Law Center (“SELC”) submitted a Petition to the North Carolina Real Estate Commission asking that the North Carolina Residential Property and Owners’ Association Disclosure Statement (“Disclosure Statement”) be amended to require the disclosure of a property’s flood history and flood risk.

The SELC filed the Petition on behalf of the following organizations:

- Natural Resources Defense Council
- North Carolina Justice Center
- MDC, Inc.
- North Carolina Disaster Recovery and Resilience School
- Roberson County Church and Community Center
- NC Field

(Collectively, “SELC”)

The Petition argues that the North Carolina Real Estate Commission only requires that property sellers disclose whether a home is in a flood plain or subject to a flood hazard. The Petition deems this language as falling outside of best practices for flood hazard disclosure. It argues that such a disclosure would not require identification of relevant issues such as:

- A property’s actual damages
- Cost of flood insurance
- Whether previous owners have ever received federal disaster assistance

SELC argues in support of its Petition that providing buyers such information would enable them to make fully informed decisions addressing:

- Risk of flooding at the property
- Needed investments in order to address the risk of flooding

Arguments of the Petition include:

- Flooding in North Carolina will continue to worsen with climate change
- The proposed disclosures will provide North Carolina homebuyers with critical information regarding flood risk

- The proposed amendments will empower homebuyers to mitigate the risks of a flood-prone home
- Strong, bi-partisan support for flood disclosure exists in North Carolina

The Petition requests that the North Carolina Real Estate Commission initiate a rulemaking to amend the Disclosure Statement to require the disclosure of a property's flood hazard and flood risk as SELC outlines.

A copy of the Petition can be downloaded [here](#).