

MEMO



DEC 14 2010

Senate of Pennsylvania

December 14, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship -- **Flood disclosure: lease**

I am reintroducing **Senate Bill 1083**, amending the Landlord and Tenant Act, 1951 Act 20, to require disclosure of a property's flood history. In 2009, flooding damaged a 144-unit apartment complex located in Upper Moreland Township, Montgomery County leaving many residents seeking assistance. Flood waters from Tropical Storm Allison in 2001 inundated another apartment complex in Upper Moreland Township causing a natural gas explosion that killed six people.

Many of the people affected by these flooding events were unaware that their residence had a history of flooding. Currently, the Landlord and Tenant Act, applying to the rental of real property, does not require any disclosure.

I am amending the act to make sure that a prospective tenant is told about the property's flood history, including the frequency and extent of flooding. The landlord shall also inform the prospective tenant that he can contact the Federal Emergency Management Agency to determine whether the property is located in a flood plain and shall provide the address and telephone number of the nearest office of that agency. The disclosure of this information may be given in the lease agreement

The legislation applies only to residential property. Any person who willfully or negligently violates these provisions shall be liable in the amount of actual damages suffered by the tenant as a result of the violation.

Knowing the flood history of a property is not only a matter of potential property damage; it may be matter of life and death.

I introduced similar legislation during the 2005-2006 legislative session as Senate Bill 502, which passed the Senate by a vote of 48 to 0. The House Urban Affairs Committee failed to consider the measure.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.