Flood Disclosures for California Residential Landlords
Jamie Sternberg, Esq.

November, 2017

AB 646 created new California Government Code §8589.45. It requires residential landlords to provide written flood-related disclosures to tenants entering into a lease on or after July 1, 2018.

The written disclosures must contain the following statements:

- the property is located in a special flood hazard area or an area of potential flooding, if the property owner has actual knowledge, which will be found if if any of the following apply:
  (A) The owner has received written notice from any public agency stating that the property is located in a special flood hazard area or an area of potential flooding; or
  (B) The property is located in an area in which the owner’s mortgage holder requires the owner to carry flood insurance; or
  (C) The owner currently carries flood insurance.

- the tenant may obtain information about hazards, including flood hazards, that may affect the property from [http://myhazards.caloes.ca.gov](http://myhazards.caloes.ca.gov);

- the owner’s insurance does not cover the loss of the tenant’s personal possessions and it is recommended that the tenant consider purchasing renter’s insurance and flood insurance to insure his or her possessions from loss due to fire, flood, or other risk of loss; and

- the owner is not required to provide additional information concerning the flood hazards to the property and that the information provided pursuant to this section is deemed adequate to inform the tenant.

Kimball, Tirey & St. John LLP offers a Flood Disclosure Addendum that meets the requirements of AB 646 for $100. Contact Jamie Sternberg at Jamie.Sternberg@kts-law.com or (619)744-0863 if you wish to purchase it.
California Government Code §8589.45:

(a) In every lease or rental agreement for residential property entered into on or after July 1, 2018, the owner or person offering the property for rent shall disclose to a tenant, in no smaller than eight-point type, the following:

1. That the property is located in a special flood hazard area or an area of potential flooding, if the owner has actual knowledge of that fact. For purposes of this section, “actual knowledge” includes the following:
   - (A) The owner has received written notice from any public agency stating that the property is located in a special flood hazard area or an area of potential flooding.
   - (B) The property is located in an area in which the owner’s mortgage holder requires the owner to carry flood insurance.
   - (C) The owner currently carries flood insurance.

2. That the tenant may obtain information about hazards, including flood hazards, that may affect the property from the Internet Web site of the Office of Emergency Services. The disclosure shall include the Internet Web site address for the MyHazards tool maintained by the office.

3. That the owner’s insurance does not cover the loss of the tenant’s personal possessions and it is recommended that the tenant consider purchasing renter’s insurance and flood insurance to insure his or her possessions from loss due to fire, flood, or other risk of loss.

4. That the owner is not required to provide additional information concerning the flood hazards to the property and that the information provided pursuant to this section is deemed adequate to inform the tenant.

(b) The disclosures required by this section are subject to the requirements of Section 1632 of the Civil Code.

Civil Code §1632 is the law that provides that Landlords who negotiate leases or other contracts in Spanish, Chinese, Tagalog, Vietnamese or Korean must provide a copy of the agreement in that language to the prospective tenant unless the prospective tenant provides an interpreter. An article about this topic is available at www.kts-law.com/clients/documents/ForeignLanguageTranslationCopyofResidentialLeases.pdf.