



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1673/P2

FFK:cdc

DOA:.....Lessner, BB0373 - Flood disclosure requirements

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

REAL ESTATE

Real estate condition reports

Under current law, with certain exceptions, an owner selling residential real property or vacant land must give a prospective buyer a form, known as a real estate condition report for residential real property and known as the vacant land disclosure report for vacant land (real estate condition report), on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. Currently, as part of the real estate condition report, a seller must disclose whether the applicable real estate is located in a floodplain. This bill requires the real estate condition report to include a link to a DNR website for more information about flood insurance. Current law also requires a seller of residential real estate to indicate whether any insurance claims related to damage to the premises have been filed in the past five years. This bill adds the same provision to the vacant land disclosure report. Additionally, the bill adds to both real estate condition reports language that specifies that the disclosure related to insurance claims includes insurance claims for damage caused by a flood. Lastly, the bill adds to the real estate condition report a disclosure related to claims for financial support, other than insurance claims, for damage to the property caused by a flood. Under current law and the bill, the real estate condition report includes a provision under which the prospective buyer acknowledges that that technical knowledge such as that acquired by professional inspectors may be required to detect certain defects, including "floodplain status."

Landlord notification requirements

The bill provides that, if a landlord has actual knowledge that a rental property is located in a floodplain, the landlord must disclose that fact to a prospective tenant before entering into a lease or accepting any earnest money or security deposit from the prospective tenant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 704.07 (title) of the statutes is amended to read:

BILL**SECTION 1****704.07 (title) Repairs; untenability; floodplain disclosure.****SECTION 2.** 704.07 (2) (br) of the statutes is created to read:

704.07 (2) (br) If a landlord has actual knowledge that the premises are located in a floodplain, the landlord shall disclose that fact to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant.

SECTION 3. 709.03 (form) A7. of the statutes is created to read:**709.03 (form)**

A7. In this form, “flooding” means a general or temporary condition of partial or complete inundation of a dwelling 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) excessive rainfall.

SECTION 4. 709.03 (form) F4. and G1. of the statutes are amended to read:**709.03 (form)**

F4. Are you aware of the property or any portion of
the property being located in a floodplain,
wetland, or shoreland zoning area? Visit
[https://dnr.wisconsin.gov/topic/FloodPlains/ins](https://dnr.wisconsin.gov/topic/FloodPlains/insurance.html)
[urance.html](https://dnr.wisconsin.gov/topic/FloodPlains/insurance.html) for information about flood
insurance.

BILL**SECTION 4**

- G1. Have you filed any insurance claims relating to
damage to this property or premises, including
damage caused by flooding, within the last five
years?

SECTION 5. 709.03 (form) G1m. of the statutes is created to read:

709.03 (form)

- G1m. Have you applied for financial support, other
than an insurance claim, related to damage to
this property or premises caused by flooding
within the last five years?

SECTION 6. 709.033 (form) A7. of the statutes is created to read:

709.033 (form)

A7. In this form, “flooding” means a general or temporary condition of partial or complete inundation of a dwelling 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) excessive rainfall.

SECTION 7. 709.033 (form) E3. of the statutes is amended to read:

709.033 (form)

BILL**SECTION 7**

E3. Are you aware of the property or any portion of
the property being located in a floodplain,
wetland, or shoreland zoning area? Visit
[https://dnr.wisconsin.gov/topic/FloodPlains/ins](https://dnr.wisconsin.gov/topic/FloodPlains/insurance.html)
urance.html for information about flood
insurance.

SECTION 8. 709.033 (form) F3m. and F3n. of the statutes is created to read:

709.033 (form)

F3m. Have you filed any insurance claims relating to
damage to this property or premises, including
damage caused by flooding, within the last five
years?

F3n. Have you applied for financial support, other
than an insurance claim, related to damage to
this property or premises caused by flooding
within the last five years?

SECTION 9151. Nonstatutory provisions; Other.

(1) Notwithstanding s. 709.035, the treatment of ss. 709.03 (form) F4., G1., and G1m. and 709.033 (form) E3., F3m., and F3n. does not require a property owner that has furnished to a prospective buyer of the property an original or amended report before the effective date of this subsection to submit an amended report with respect to the information required by ss. 709.03 (form) F4., G1., and G1m. and 709.033 (form) E3., F3m., and F3n.

BILL**SECTION 9351****SECTION 9351. Initial applicability; Other.**

(1) The treatment of of ss. 709.03 (form) A7., F4., G1., and G1m. and 709.033 (form) A7., E3., F3m., and F3n. first applies to a report that is furnished on the effective date of this subsection.

SECTION 9451. Effective dates; Other.

(1) The treatment of of ss. 709.03 (form) A7., F4., G1., and G1m. and 709.033 (form) A7., E3., F3m., and F3n. and SECTION 9151 (1) and SECTION 9351 (1) takes effect on the first day of the 7th month beginning after publication.

(END)