

CRS UNIFORM MINIMUM CREDIT CALIFORNIA

SUMMARY

The Community Rating System (CRS) provides Uniform Minimum Credit (UMC) for certain state laws, regulations, and standards that support floodplain management within the state and have proven effective in reducing flood damage.

The following table summarizes UMC credit available to all communities. It also includes possible additional credit available for selected areas or state activities and creditable state model ordinance provisions. ISO/CRS Specialists and the communities need to determine which possible additional credits apply to their area. These UMCs do not necessarily apply to Tribal Nations.

The range of credit available to communities within the state is shown below, followed by an explanation of each activity. The credit is based on the 2013 *CRS Coordinator's Manual*.

Activity	Credit	Statewide credit	Central Valley credit
Uniform Minimum Credit			
340	Other Disclosure Requirements (ODR)	15	15
430	Other Higher Standards (OHS)	5	5
430	State-mandated Standards (SMS)	6.3	6.3
430	Building Codes (BC)	48	48
430	Local Drainage Protection (LDP)	10	10
450	Erosion & Sedimentation Control (ESC)	10	10
	Total	94.3	94.3
Possible Additional Credit			
330	Outreach Projects (OP)	0	0 - 200
340	Disclosure of Flood Hazard (DFH)	25	25
340	Disclosure of Other Hazards (DOH)	8	8
410	Floodplain Mapping (MAP)	0	TBD
450	Water Quality (WQ)	20	20
620	Levees	0	TBD
630	State Dam Safety (SDS)	0 - 30	0 - 30
	Total	53 - 83	53 - 283
Model Ordinance Provisions			
410	New Study (NS)	0 - 80	0 - 80
430	Freeboard (FRB)	16.9 - 169	16.9 - 169
430	Cumulative Substantial Improvement (CSI)	20	20
430	Enclosure Limits (ENL)	60	60
	Total	96.9 - 329	96.9 - 329

Credit for activities in the 400 series can increase based on the Community Growth Adjustment. The CRS requires participating communities to maintain elevation

certificates, which provide an additional 38 points. Five hundred points are needed for Class 9.

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Activity 340. Hazard Disclosure

Other Disclosure Requirements (ODR) - 15 points are awarded for: California Code 1103, which requires sellers without an agent to disclose whether property is in a special flood hazard area; Code 8589.4, which requires sellers without an agent to disclose whether the property is in an area of potential flooding shown on a dam inundation map; and for California Civil Code 1102.6, which requires sellers to disclose whether the property has flooding problems, and has suffered from flooding in the past.

Legal basis: California Civil Code 1103, 1102.6, and 8589.4 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1103-1103.14>, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1102-1102.17>, and <http://codes.lp.findlaw.com/cacode/GOV/1/2/d1/7/5/s8589.4>.

Annual UMC verification: ISO/CRS Specialists will verify that the regulations are still in effect.

Activity 430. Higher Regulatory Standards

Other Higher Standards (OHS) - 5 points are awarded for requiring Category I landfills (those which contain hazardous materials) to be located outside of floodplains subject to inundation by floods with a 100-year return period.

Legal basis: California Code of Regulations, Title 23, Chapter 15, Article 3, Section 2531(c) at http://www.swrcb.ca.gov/water_issues/programs/land_disposal/docs/chapter15regs.pdf.

Verification: The ISO/CRS Specialist will verify credit by reviewing permits and ensuring the community enforces the regulation. Technical reviewer will verify credit by reviewing the regulatory ordinance provision.

Annual UMC verification: The ISO/CSR Specialist will verify that the regulations are still in effect.

Building Code (BC) - 48 points are awarded for the adoption of the California Building Standards Code, based on the International Building Code (IBC) which applies to all new construction, including residential construction. 40 points reflect the fact that the state requires the IBC to be used for all construction, including residential buildings, and

the IBC is equal to or more restrictive than the International Residential Code (IRC). The following codes are also mandated by the state and are worth a total of 8 points: Plumbing Code, Mechanical Code and Fuel Gas Code.

The codes are adopted at the state level but administered by local jurisdictions, except for specific occupancies that are regulated by state agencies. Communities do not adopt the code. Communities can modify the code to be more restrictive. The IBC flood provisions are unchanged and apply to all occupancies, including one- and two-family dwellings and townhouses.

Legal basis: California Health and Safety Code, Sections 18901 and 18949, administered by the California Building Standards Commission.

Annual UMC verification: The ISO BC technical reviewer will verify that the regulations still exist at the state level.

Local Drainage Protection (LDP) - 10 points are awarded for California’s adoption of the IBC and the IRC which require positive drainage away from the foundation.

Legal basis: California Health and Safety Code, Sections 18901 and 18949, administered by the California Building Standards Commission. Positive drainage requirement is Section 1804.3 of the California Building Code.

Annual UMC verification: The ISO BC technical reviewer will verify that the regulations are still in effect.

State-mandated Standards (SMS) - 6.3 points are awarded for state-mandated regulatory standards. Credit equals 0.10 times the sum of credit points for state required floodplain management regulatory standards. More credit is possible if additional mandated regulations are documented. Total SMS is limited to 20 points.

State-mandated Standards		
Activity	Element	Credit
430	Building Codes (BC)	48
430	Local Drainage Protection (LDP)	10
430	Other Higher Standards (OHS)	5
	Total	63
		x 0.1
		6.3

Source: Section 432.n of the *CRS Coordinator’s Manual*.

Activity 450. Stormwater Management

Erosion & Sedimentation Control (ESC) – 10 points are awarded for the requirement that construction projects of greater than 1 acre require erosion and sediment control measures.

Legal basis: 2009-0009-DWQ Construction general permit:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Verification: ISO/CRS Specialists will verify credit by reviewing permits and erosion control plans.

Annual UMC verification: The ISO/CSR Specialist will verify that the regulations are still in effect.

POSSIBLE ADDITIONAL CREDIT

Some state standards are eligible for CRS credit, but may not be in effect in every community. These standards are addressed below. ISO/CRS Specialists and the communities need to determine whether they are creditable in their area.

Activity 330. Outreach Projects

Outreach Projects (OP) - Up to 200 points are awarded for the Flood Risk Notification mailer that the Department of Water Resources sends out to all property owners in areas protected by state project levees in the Central Valley. Credit is only eligible if the community is also receiving credit under Activity 620 (Levees). 30 points are awarded for sending the mailer annually to the target audience and an additional 30 to 170 points are awarded if the same message is repeated more than once to the same audience. See *CRS Coordinator's Manual* for further guidelines on how outreach projects get credited under this element.

Legal basis: California Water Code, Section 9121. Added in 2007 by AB 156, <http://www.water.ca.gov/legislation/2007-reference.pdf>, page 23. The sample brochure can be found at, http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/risknotification//links/pdfs/2012_Flood_Risk_Notice.pdf.

Verification: According to the 2013 *CRS Coordinator's Manual*.

Annual UMC verification: ISO/CRS Specialists will verify that the notification was distributed each year and will re-score it annually.

Activity 340. Hazard Disclosure

Disclosure of Flood Hazard (DFH) - 25 points may be provided if the community can document that real estate agents notify those interested in purchasing properties located in the Special Flood Hazard Area (SFHA) that: (1) the property is in the SFHA; and, (2) the flood insurance purchase requirement applies. Documentation for DFH must demonstrate that the real estate or listing agent:

- Determines whether properties are within the SFHA or asks someone in the community who is an authority on the issue. There must be a systematic review of the Flood Insurance Rate Map to determine if properties to be sold are in a SFHA. The ISO/CRS Specialists must verify that the correct FIRM information is on the documentation.
- Notifies prospective buyers of the flood hazard before any non-refundable money is put down.

- Notifies prospective buyers whether or not flood insurance is required before any non-refundable money is put down.

Legal basis: DFH credit is based on documented disclosure practices rather than a legal requirement since the requirement that sellers or agents disclose whether property is in a special flood hazard area (Natural Hazard Disclosure—California Civil Code 1103) or is in an area of potential flooding shown on a dam failure inundation map (Section 8589.4 of the California Government Code) only applies if the agent has actual knowledge that a property is located in the SFHA or the local jurisdiction has compiled and posted a list of parcels in the SFHA.

California Department of Real Estate publication “Disclosures in Real Property Transactions: Sixth Edition, 2005” is at <http://www.dre.ca.gov/files/pdf/re6.pdf>. It describes disclosure requirements found in California Government Code 8589.5, California Civil Code 1103. Section 1103 - 110.14 is at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1103-1103.14> and <http://codes.lp.findlaw.com/cacode/GOV/1/2/d1/7/5/s8589.4>.

Verification: A sample of the documentation provided by the community must be reviewed to ensure: (1) the proper notification; and, (2) the properties are accurately being shown as in or out of the SFHA. The score may be prorated based on the percentage of correct forms sampled.

Annual UMC verification: The ISO/CSR Specialist will verify that the disclosure practices are still in effect.

Disclosure of Other Hazards (DOH) – If the community is awarded DFH credit, an additional 8 points may be awarded for disclosure of other hazards, such as the location of a property in a dam inundation area.

Legal basis: DOH credit is based on documented disclosure practices rather than a legal requirement since agent disclose of an area of potential flooding shown on a dam failure inundation map (Section 8589.4 of the California Government Code) only applies if the agent has actual knowledge that a property is located in a dam inundation area.

Verification: If a community requests credit for a hazard that is not obviously flood-related (such as dam inundation), the community must show the linkage to its local flood hazard.

Annual UMC verification: The ISO/CSR Specialist will verify that the disclosure practices are still in effect.

Activity 410. Floodplain Mapping and Activity 620. Levees

Central Valley communities, especially those protected by State Plan of Flood Control levees, can receive floodplain mapping (Activity 410) and levee (Activity 620) credit for actions undertaken by state agencies. For more information, contact the CRS Coordinator for the California Department of Water Resources, Dave Rolph, at (916) 574-1450 or drolph@water.ca.gov.

Activity 450. Stormwater Management

Water Quality Regulations (WQ) – 20 points may be awarded if new developments' stormwater management facilities are required to improve the quality of stormwater management runoff.

Legal basis: This is part of the National Pollutant Discharge Elimination System (NPDES), Phase II Program requirements.

Verification: ISO/CRS Specialists will review a copy of the local ordinance language that requires best management practices for water quality and copies of development plans showing implementation of the law.

Annual UMC verification: ISO/CRS Specialists will verify that best management practices for water quality are required.

Activity 630. Dams

State Dam Safety (SDS) – Up to 30 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool. 15 points awarded for Condition Assessment and 15 points for Risk Communication and Public Awareness.

Verification: ISO/CRS Specialists will verify that the community is in compliance with the State Dam Safety Program. SDS credit is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

Annual UMC verification: The Federal Emergency Management Agency's Dam Safety Office annually verifies SDS credit.

MODEL ORDINANCES

California has State Model Ordinances for coastal and non-coastal communities. Adoption of certain provisions in the model ordinances may provide additional credit points. The provisions listed below are in both model ordinances, which may be found at: <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Activity 410. Floodplain Mapping

New Study (NS) – Up to 80 points are awarded for the recommendation that flood elevations at the time of development, at a site in an Approximate A zone, be determined by someone other than the Federal Emergency Management Agency (FEMA). The model ordinance states that one of two methods may be used, which are identified in the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995. A community receives credit if the detailed method is required, but does not receive credit if the simplified method is an option to the applicant. Additionally, credit is not awarded if the community does not have Approximate A Zones mapped within its floodplain.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.B., <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: The technical reviewer will review permit records, elevation certificates, the community’s ordinance provision, and impact adjustment maps to determine the appropriate credit.

Annual UMC verification: The technical reviewer will verify that the regulations are still in effect, and review the calculations.

Activity 430. Higher Regulatory Standards

Freeboard (FRB) – From 16.9 to 169 points are awarded for adoption of the 2’ freeboard requirement in all areas of the Special Flood Hazards. The model ordinance requires both residential and non-residential structures, for new construction and substantial improvements to have the lowest floor, including basement, elevated 2’ above the Base Flood Elevation. Because electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities are only to be designed to prevent water from entering during conditions of flooding, the score is reduced by 25 percent. The credit is further reduced if the community has Approximate A Zones in its floodplain and flood elevations are not required to be determined in those areas.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.A., <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing elevation certificates, permits, site plans, and similar documents for new developments in the regulatory floodplain.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.

Cumulative Substantial Improvement (CSI) - 20 points are awarded for adoption of the definition for “Substantial Damage”, which includes the language that qualifies properties for Increased Cost of Compliance insurance coverage for repetitive losses.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.D., <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing the local ordinance and permit records for building improvements or repairs in the regulatory floodplain, including permit tracking methods.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.

Enclosure Limits (ENL) - 60 points are awarded for regulations requiring the owners of buildings, with enclosed areas below the Base Flood Elevation, to sign a non-conversion agreement and to allow inspections of enclosed area by community officials. The agreement must be filed with the deed and other property records.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.E., <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing the local ordinance and permit records for building improvements or repairs in the regulatory floodplain.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.