



## CRS UNIFORM MINIMUM CREDIT KENTUCKY

### 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. Insurance Services Office (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	Element	Credit
<b>Uniform Minimum Credit</b>		
340	Other Disclosure Requirements (ODR)	10
450	Erosion and Sediment Control (ESC)	10
	<b>Total</b>	<b>20</b>
<b>Possible Additional Credit</b>		
410	New Study (NS)	0 - 105
410	Cooperating Technical Partnership Agreement (CTP 1)	10
430	State-mandated Standards (SMS)	15.5
430	Building Codes (BC)	40
430	Local Drainage Protection (LDP)	10
450	Water Quality (WQ)	20
630	State Dam Safety (SDS)	0 - 10
	<b>Total</b>	<b>95.5 - 210.5</b>
<b>Model Ordinance Provisions</b>		
430	Freeboard (FRB)	10 - 375
430	Cumulative Substantial Improvements (CSI)	20
430	Protection of Critical Facilities (PCF)	4 - 40
430	Other Higher Standards (OHS)	5
	<b>Total</b>	<b>39 - 440</b>

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)** – 10 points are awarded for the requirement for sellers to complete the Seller’s Disclosure of Property Conditions Form, which discloses whether the property has ever been flooded, and if it is in a floodplain.

**Legal basis:** Kentucky Revised Statute 324.360 at <http://www.lrc.ky.gov/KRS/324-00/360.PDF>. The disclosure form is in the 201 Kentucky Administrative Rules 11:350 at <http://www.lrc.state.ky.us/kar/201/011/350.htm>.

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

### Activity 450. Stormwater Management

**Erosion & Sedimentation Control (ESC)** – 10 points are awarded for the state’s regulation of soil erosion and sediment control. Permits are required for construction sites of more than one acre.

**Legal basis:** KPDES General Permit can be found at: [http://water.ky.gov/permitting/General%20Permit%20Fact%20Sheets/FinalPermitKYR10000RTC\\_2\\_.pdf](http://water.ky.gov/permitting/General%20Permit%20Fact%20Sheets/FinalPermitKYR10000RTC_2_.pdf).

The regulations are supplemented by an Erosion Prevention and Sediment Control Field Guide at <http://conservation.ky.gov/Publications/Kentucky%20Erosion%20and%20Sedimentation%20Control%20Field%20Guide.pdf>.

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

**Annual UMC verification:** ISO/CRS Specialists 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 410. Floodplain Mapping

**New Study (NS)** - Up to 105 points are awarded for the requirement that flood elevations and floodway boundaries, at a site in an Approximate A Zone, must be determined at the time of development. Applicants for a state floodplain permit must provide cross sections for determining floodway boundaries and Base Flood Elevations (BFEs) at any proposed construction site where Federal Emergency Management Agency (FEMA) maps are not available. Kentucky is not approved for state review credit. Credit is not awarded if the community has no Approximate A Zones designated in its floodplain.

**Legal basis:** Stream Construction Criteria, Title 401 Kansas Administrative Regulations (KAR), Chapter 4, Regulation 060, Sections 3(1) and 5(6)a at [www.lrc.state.ky.us/kar/401/004/060.htm](http://www.lrc.state.ky.us/kar/401/004/060.htm).

**Verification:** ISO/CRS Specialists will review permits, site plans, elevation certificates, and similar documents for those developments in the Approximate A zone. The community's ordinance provision and impact adjustment maps are provided to the technical reviewer to verify credit.

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

**Cooperating Technical Partnership Agreement 1 (CTP1)** - 10 points are awarded for certain communities, for the CTP agreement between the State of Kentucky and FEMA. Credits are verified independently by the CTP technical reviewer and the results are distributed yearly. Only two counties currently receive credit.

### Activity 430. Higher Regulatory Standards

**Building Codes (BC)** - 40 points are awarded for adoption of the Kentucky Building Code, which adopts the 2006 International Residential Code and International Building Code. Adoption of the Kentucky Building Code is mandatory for all communities.

**Legal basis:** 815 KAR 7:120 Kentucky Building Code 1, Section 2(b); Kentucky Revised Statutes 198B.040(7), 198B.050 at

<http://www.lrc.ky.gov/kar/815/007/120.htm>.

**Verification:** ISO/CRS Specialists will verify that communities have adopted the Kentucky Building Code, without amendments.

**UMC Verification:** ISO/CRS Specialists will annually review the Kentucky Building Code to verify it meets CRS criteria.

**Local Drainage Protection (LDP) - 10 points** may be given for Kentucky’s adoption of the 2006 International Building Code and the 2006 International Residential Code which require positive drainage away from the foundation.

**Legal basis:** 815 KAR 7:120 Kentucky Building Code 1, Section 2(b); Kentucky Revised Statutes 198B.040(7), 198B.050 at <http://www.lrc.ky.gov/kar/815/007/120.htm>.

**Verification:** ISO/CRS Specialists will verify that communities have adopted the Kentucky Building Code, without amendments.

**Annual UMC verification:** ISO/CRS Specialists and BC Technical Reviewer will annually review the Kentucky Building Code to verify it meets CRS criteria.

**State-mandated Standards (SMS) - 15.5 points** are awarded for additional state-mandated regulatory standards. Credit equals 0.10 times the sum of credit points for floodplain management regulatory standards.

State-mandated Standards		
Activity	Element	Credit
410	Floodplain Mapping	105
430	Building Codes (BC)	40
430	Local Drainage Protection (LDP)	10
	<b>Total</b>	<b>155</b>
	<b>x 0.1</b>	<b>15.5</b>

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

## 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 10 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool. This credit is based on 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

The state has developed two model ordinances. One meets state and Federal minimum requirements; the other meets higher standards. Adoption of the higher standards ordinance, including optional state recommendations, may provide additional credit points. The higher standards ordinance has provisions that provide more protection from flooding in communities that adopt them. Some of these provisions are eligible for CRS credit. If a community has adopted some or all of these provisions, they are eligible for CRS credit; little or no documentation is required.

### Activity 430. Higher Regulatory Standards

**Freeboard (FRB)** – From 10 to 375 points are awarded if the lowest floor and utilities, ductwork and other components of the structure are elevated one to three feet above BFE [Section B (1)]. The credit is 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:** Kentucky Model Ordinance, Section B (1) at [http://dep.ky.gov/formslibrary/Documents/WRKY\\_FLOOD\\_DAMAGE\\_PREV\\_ORDhigher\\_reg\\_standards.doc](http://dep.ky.gov/formslibrary/Documents/WRKY_FLOOD_DAMAGE_PREV_ORDhigher_reg_standards.doc). (higher standards regulation).

**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 regulation is still in effect.

**Cumulative Substantial Improvement (CSI)** – 20 points are awarded for regulations requiring any combination of reconstruction, alteration or improvements to a building to be counted cumulatively over a 5-year period (Article 2).

**Legal basis:** Kentucky Model Ordinance, Article 2 at [http://dep.ky.gov/formslibrary/Documents/WRKY\\_FLOOD\\_DAMAGE\\_PREV\\_ORDhigher\\_reg\\_standards.doc](http://dep.ky.gov/formslibrary/Documents/WRKY_FLOOD_DAMAGE_PREV_ORDhigher_reg_standards.doc)

**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 regulation is still in effect.

**Other Higher Standards (OHS)** - 5 points are awarded for sanitary sewage systems to minimize flood damage.

**Legal basis:** Kentucky Model Ordinance, Article 5, Section A.8.

**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:** ISO/CRS Specialists will verify that the regulation is still in effect.

**Protection of Critical Facilities (PCF)** - From 4 - 40 points are awarded if critical facilities are elevated at least one foot above the elevation of the 500-year flood (Article 5, Section G).

**Legal basis:** Kentucky Model Ordinance, Section B (1) at [http://dep.ky.gov/formslibrary/Documents/WRKY\\_FLOOD\\_DAMAGE\\_PREV\\_ORDhigher\\_reg\\_standards.doc](http://dep.ky.gov/formslibrary/Documents/WRKY_FLOOD_DAMAGE_PREV_ORDhigher_reg_standards.doc)

**Verification:** ISO/CRS Specialists will verify credit by reviewing permits, site plans, and similar documents for development of critical facilities and through field verification.

**Annual UMC Verification:** ISO/CRS Specialists will verify that the regulation is still in effect.