

## CRS UNIFORM MINIMUM CREDIT MAINE

### SUMMARY

The Community Rating System (CRS) provides Uniform Minimum Credit (UMC) for certain state laws, regulations, and standards that support floodplain management 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 their 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>		
430	Building Code (BC)	40
430	State-mandated Standards (SMS)	4
450	Erosion & Sedimentation Control (ESC)	10
	<b>Total</b>	<b>54</b>
<b>Possible Additional Credit</b>		
410	Cooperating Technical Partner (CTP)	10
410CE	Mapping Coastal Erosion (MCE)	25
420CE	Open Space Preservation (CEOS)	35
430CE	Coastal Erosion regulations (CER)	200
420	Open Space Preservation (OSP)	0 - 1450
420	Natural Functions Open Space (NFOS)	0 - 170
430	State-mandated Standards (SMS)	20
450	Water Quality (WQ)	20
630	State Dam Safety (SDS)	0 - 30
	<b>Total</b>	<b>310 - 1960</b>
<b>Model Ordinance Provisions</b>		
430	Freeboard (FRB)	7.5 - 100
	<b>Total</b>	<b>7.5 - 100</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 provides an additional 38 points. Five hundred points are needed for Class 9.

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### Activity 430. Higher Regulatory Standards

**Building Code (BC)** - 40 points are available for the Maine Uniform Building and Energy Code (MUBEC), effective August 1, 2010. The 2009 editions of the pertinent International Codes (I-Codes) form the basis of the new state code, which supersedes any locally adopted code. The Maine Code is comprised of the following codes:

Basis of Code	Code in Effect	Credit
International Building Code	yes	20
International Existing Building Code	yes	
International Residential Code	yes	20
<b>Other code credit: (adoption of the following or equivalent)</b>		
International Energy Conservation Code	yes	
Maine Model Building Energy Code	yes	
Model Radon Standard for New Residential Construction	yes	
International Plumbing Code or Uniform Plumbing Code	no	
International Mechanical Code or Uniform Mechanical Code	no	
International Fuel Gas Code	no	
International Private Sewage Disposal Code	no	
<b>Total</b>		<b>40</b>

The Code is adopted at the state level, but administered by local jurisdictions. Communities may not modify the state code.

The following Activities are not covered in the code: 430 Foundation Protection (FND), Freeboard (FRB), and Manufactured Home Parks (MHP); and, Freeboard in B, C, D and X-Zones (LDP).

Manufactured home installation is explicitly exempt from the Building Code but covered by a separate law (see Title 10, Section 9006). Installation standards are in Title 10, Part 11, Chapter 951, Subchapter 1. Manufactured home installation rules (02-385 Chapter 900) do not include explicit provisions for flood; they require that “each site.... be evaluated.... to determine if it is suitable for its intended use and if such hazards as flood erosion, sediment deposition, or other hazards exist that might impair the use or utility of the site.” The regulations do not say what should be done if those hazards are identified.

**Legal basis:** P.L. 2007, Chapter 699, adopted the MUBEC effective August 1, 2010. It is at <http://www.maine.gov/dps/bbcs/>.

Manufactured home installation is covered by Title 10, Section 9006. Installation standards are in Title 10, Part 11, Chapter 951, Subchapter 1. Manufactured home installation rules are at 02-385, Chapter 900.

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

**State-mandated Standards (SMS)** – 4 points are awarded for state-mandated regulatory standards. Credit equals 0.10 times the sum of credit points for floodplain management regulatory standards. Total SMS is limited to 20 points.

State-mandated Standards		
Activity	Element	Credit
430	Building Code (BC)	40
		<b>Total</b>
		<b>40</b>
		<b>x 0.1</b>
		<b>4</b>

**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 one acre require erosion and sediment control measures.

**Legal basis:** Title 38, Chapter 3, Subchapter 1, Article 2, 420-D, “Stormwater Management” at <http://www.mainelegislature.org/legis/statutes/38/title38sec420-D.html>.

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

**Annual UMC verification:** ISO/CSR 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 420. Open Space Preservation

**Open Space Preservation (OSP)** - Up to 1450 points are awarded for those parts of the regulatory floodplain that are preserved as Open Space as part of Maine's Shoreland Zoning program. This program was established to promote protection of natural and beneficial functions.

**Legal basis:** Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449  
<http://www.maine.gov/dep/land/slz/index.html#rule>

**Verification:** ISO/CRS Specialists will review impact adjustment maps and area calculations prepared by the community, review documentation showing the development restrictions for each parcel, and conduct a field verification visit. Recent aerial photos or recent images from Google Earth may be used to assist with the verification process.

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

**Natural Functions Open Space (NFOS)** - Up to 170 points are awarded for areas that are in an undeveloped natural state, have been restored to a natural state, or protect natural and beneficial functions.

**Legal basis:** Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449  
<http://www.maine.gov/dep/land/slz/index.html#rule>

**Verification:** ISO/CRS Specialists will review impact adjustment maps and area calculations prepared by the community, review documentation showing the property is managed and kept in a natural state, and conduct a field verification visit.

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

### Activity 410. Floodplain Mapping

**Cooperating Technical Partner 1 (CTP1)** - Up to 10 points are awarded to certain communities covered by the State's Cooperating Technical Partner Agreement with

FEMA. This is verified independently by the CTP Technical Reviewer and the results are distributed annually.

## Activity 410CE. Coastal Erosion Floodplain Mapping

**Mapping Coastal Erosion (MCE)** – 25-points are awarded for adopting a regulatory map delineating the areas expected to be affected by erosion and become part of the coastal wetland in the next 100 years. MCE takes into account cumulative and collective changes in the shoreline from:

- (1) Historical long-term erosion;
- (2) Short-term erosion resulting from a 100-year storm; or
- (3) Flooding in a 100-year storm after a two-foot rise in sea level, or any portion of the coastal sand dune system that is mapped as an AO flood zone by the effective FEMA Flood Insurance Rate Map, which is presumed to be located in an Erosion Hazard Area unless the applicant demonstrates based upon site-specific information, as determined by the department, that a coastal wetland will not result from either (1), (2), or (3) occurring on an applicant's lot given the expectation that an AO-Zone, particularly if located immediately behind a frontal dune, is likely to become a V-Zone after 2 feet of sea level rise in 100 years.

**Legal basis:** 38 M.R.S.A. Section 480-D Chapter 355: Coastal Sand Dune Rules and Chapter 310: Wetland Protection Rules at <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>.

**Verification:** A copy of the map delineating the areas expected to be affected by erosion, and data on erosion rates are to be provided to the ISO/CRS Specialists.

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

## Activity 420 CE. Open Space Preservation

**Coastal Erosion Open Space (CEOS)** 35 points are awarded for at least five acres of preserved open space in the erosion hazard areas protected by coastal setback regulations.

**Legal basis:** 38 M.R.S.A. Section 480-D Chapter 355: Coastal Sand Dune Rules and Chapter 310: Wetland Protection Rules at <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>.

**Verification:** Documentation is to be provided to the technical reviewer showing preservation of at least five acres of open space in the erosion hazard areas protected by the coastal setback regulations.

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

## 430CE. Erosion Regulations (CER)

**Coastal Erosion Regulations (CER)** – Up to 200 points for regulations that stipulate a project may not be permitted if, within 100 years, the property may reasonably be expected to be eroded as a result of changes in the shoreline such that the project is likely to be severely damaged after allowing for a two-foot rise in sea level over 100 years. Additionally, substantially damaged buildings must meet special construction and relocation standards. The statute also provides that no new seawalls or similar structures may be constructed.

**Legal basis:** 38 M.R.S.A. Section 480-D Chapter 355: Coastal Sand Dune Rules and Chapter 310: Wetland Protection Rules at <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>.

**Verification:** A copy of the erosion hazard map, erosion rate data for the community, shoreline permits and variances should be provided to the technical reviewer.

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

**State-mandated Standards (SMS)** – Up to 20 points may be given for state-mandated regulatory standards in coastal areas. Credit equals 0.10 times the sum of credit points for floodplain management regulatory standards. Total SMS is limited to 20 points.

State-mandated Standards		
Activity	Element	Credit
410 CD	Mapping Coastal Erosion (MCE)	25
420CE	Open Space Preservation (CEOS)	35
430CE	Coastal Erosion Regulations (CER)	200
	<b>Total</b>	<b>260</b>
	<b>x 0.1</b>	<b>20</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 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 Emergency Action Planning.

**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 ORDINANCE PROVISIONS

Maine has seven Model Floodplain Management Ordinances. They all may be found at <http://www.maine.gov/doc/commissioner/flood/ordinances.shtml>. All seven contain the one-foot freeboard requirement.

### Activity 430. Higher Regulatory Standards

**Freeboard (FRB)** – From 7.5 to 100 points are awarded for regulations specifying that all new or substantially improved residential structures shall have the lowest floor, including basement, elevated to one foot above the BFE. A 25 percent reduction in credit is applied if the freeboard requirement is not applied to all ductwork and other components servicing the building. 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:** The freeboard requirement is addressed in all 7 model ordinances, Article VI, Sections F., G. and H. See above link to their model floodplain ordinances.

**Verification:** The ISO/CRS Specialist 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.