

## CRS UNIFORM MINIMUM CREDIT MISSISSIPPI

### 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. ISO/CRS Specialists and the communities need to determine which possible additional standards 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 & Sedimentation Control (ESC)	10
	<b>Total</b>	<b>20</b>
<b>Possible Additional Credit</b>		
340	Disclosure of Other Hazards (DOH) & (DFH)	33
410	Cooperating Technical Partnership Agreement (CTP1)	10
450	Water Quality Regulations (WQ)	20
630	State Dam Safety (SDS)	0 - 37
	<b>Total</b>	<b>63 - 100</b>
<b>Model Ordinances</b>		
340	Other Disclosure Requirements (ODR)	5
420	Open Space Preservation (OSP)	0 - 1450
430	Freeboard (FRB)	16.3 - 162.5
430	Foundation Protection (FDN)	35
430	Cumulative Substantial Improvement (CSI)	80
430	Protection of Critical Facilities (PCF)	2 - 20
430	Enclosure Limits (ENL)	130
430	Coastal A Zones (CAZ)	5 - 500
430	Other Higher Standards (OHS)	25
430	Development Limitations (DL3b)	20
430	Local Drainage Protection (LDP)	20
	<b>Total</b>	<b>338.3 - 2447.5</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.

## UNIFORM MINIMUM CREDIT

### Activity 340. Flood Hazard Disclosure

**Other Disclosure Requirements (ODR)** - 10 points are awarded the requirement for sellers to disclose whether property has been flooded, is in a flood zone, and if flood insurance is required.

**Legal basis:** SEC. 89-1-509 of *Mississippi Code of 1972 and Property Condition Disclosure Statement* at <http://www.mscode.com/free/statutes/89/001/0509.htm>.

**Annual UMC verification:** ISO/CRS Specialists will verify that the regulations are still in effect and the disclosure form addresses flood exposure.

### Activity 450. Stormwater Management

**Erosion & Sedimentation Control (ESC)** - 10 points are awarded for the National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than one acre to obtain a permit from the Environmental Protection Agency, a delegated state, or a community with a MS4 permit.

**Legal basis:** Mississippi Department of Environmental Quality rules for stormwater management at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral) and the general permit may be found at [http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd\\_MS4PhaseIIStormWaterGeneralPermit/\\$File/22General.pdf?OpenElement](http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd_MS4PhaseIIStormWaterGeneralPermit/$File/22General.pdf?OpenElement).

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

**Annual UMC verification:** ISO/CRS Specialists will verify 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 340. Hazard Disclosure

**Disclosure of Other Hazards (DOH) and Disclosure of the Flood Hazard (DFH)** – 33 points are awarded for two elements. 25 points are awarded if real estate agents in a community disclose that properties are in the Special Flood Hazard Area and inform prospective buyers of the mandatory flood insurance requirement for those properties (DFH credit – 25 points). If DFH is credited, then state law requiring the disclosure about damage from other flood-related hazards applies (DOH credit – 8 points).

**Legal basis:** SEC. 89-1-509 of *Mississippi Code of 1972 and Property Condition Disclosure Statement* at <http://www.mscode.com/free/statutes/89/001/0509.htm>.

**Verification:** ISO/CRS Specialists will collect documentation of the real estate agents' Special Flood Hazard Disclosure disclosure to prospective buyers. Specialists will collect samples of the seller's disclosure statements showing what other hazards are disclosed.

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

### Activity 410. Floodplain Mapping

**Cooperating Technical Partnership Agreement 1 (CTP1)** – 10 points are awarded to certain communities covered by the State's Cooperating Technical Partnership Agreement with FEMA. This is verified independently on an annual basis by the CTP technical reviewer and results distributed once a year.

### Activity 450. Stormwater Management

**Water Quality Regulations (WQ)** – 20 points are awarded for the requirement of best management practices for water quality. This is possible credit since we are unable to find specific statutory language requiring all communities in the state to adopt the standard.

**Legal basis:** Mississippi Department of Environmental Quality [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral)

**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 the regulations are still in effect.

## MODEL ORDINANCE

The state has developed *State Flood Damage Prevention Ordinances, Models "B" to "E,"* issued in August 2011. The ordinances are at [http://www.msema.org/wp-content/uploads/2012/06/e\\_model\\_ordianance.pdf](http://www.msema.org/wp-content/uploads/2012/06/e_model_ordianance.pdf).

These model ordinances may have provisions that provide more protection from flooding in communities that adopt them. Some provisions may be eligible for CRS credit. They are identified below.

### Activity 340. Hazard Disclosure

**Other Disclosure Requirements (ODR)** - 5 points are awarded for the requirement that all final subdivision plats must identify the flood hazard area, the floodway boundary and the base flood elevation.

**Legal basis:** Article 5, Section F (7).

**Verification:** ISO/CRS Specialists will review a copy of the law or ordinance language that requires the disclosure methods and copies of final subdivision plats.

**Annual UMC verification:** ISO/CRS Specialists will annually verify this provision is still in the model ordinance.

### Activity 420. Open Space Preservation

**Open Space Preservation (OSP)** - Up to 1450 points are awarded for restrictive development regulations that prevent construction of buildings or placement of fill or other obstructions in the floodway. There is no credit for a lot that has an existing building in the floodway on it.

**Legal basis:** Article 5, Section B (8).

**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 annually verify this provision is still in the model ordinance.

## Activity 430. Higher Regulatory Standards

**Freeboard (FRB)** – 16.3 to 162.5 points are awarded for adopting the freeboard requirement of 18 inches. This provision receives full credit since electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities must be designed and/or located at the freeboard level. The model ordinance provides this requirement in all flood zones. 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:** Article 5, Section B. (1) and (2) for residential and non-residential freeboard requirements. Article 5, Section A (5) for the freeboard requirements for mechanicals.

**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 annually verify that this provision is still in the model ordinance.

**Foundation Protection (FDN)** – 35 points are awarded for requiring structures built on fill to be constructed on properly designed and compacted fill extending 10 to 15 feet beyond the building walls and to be protected against erosion and scour.

**Legal Basis:** Article 5, Section A (15).

**Verification:** ISO/CRS Specialists will review the local ordinance, development plans, and permit records in the regulatory floodplain. An impact adjustment may be applicable.

**Annual UMC verification:** ISO/CRS Specialists will annually verify that this provision is still in the model ordinance.

**Cumulative Substantial Improvement (CSI)** – 80 points are awarded for the definitions of “repetitive loss” and substantial improvement.” 20 points are awarded for adopting the definition of repetitive loss. 40 points are awarded for adopting the definition of substantial improvement which requires communities to track improvements cumulatively over a 10-year period to determine substantial improvement. The term “substantial improvement” also includes substantial damage. 20 points are awarded for requiring that all additions must be above the BFE.

**Legal Basis:** Article 2, Definitions. Article 3, Section I – “Repetitive Loss Structures” and Article 5, Section A (14) – additions.

**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 annually verify that these provisions are still in the model ordinance.

**Protection of Critical Facilities (PCF)** – 2 to 20 points are awarded for the requirement that critical facilities constructed within the Special Flood Hazard Area must have the lowest floor elevated or structurally dry flood-proofed to the 500-year flood frequency elevation or 3.5 feet above the level of the 100-year flood frequency elevation whichever is greater. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

**Legal basis:** Article 5, section H.

**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 annually verify that this provision is still in the model ordinance.

**Enclosure Limits (ENL)** – 130 points are awarded for enclosure limitations, including 30 points for requiring property owners to execute and record a non-conversion agreement stating that the area below the lowest floor must not be improved, finished or otherwise converted and 100 points for requiring that breakaway wall enclosures must not exceed 299 square feet in coastal high hazard areas..

**Legal Basis:** Article 5, Section B (4) d. (6) and Section G (7).

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

**Annual UMC verification:** ISO/CRS Specialists will annually verify that this provision is still in the model ordinance.

**Other Higher Standards (OHS)** – 25 points may be awarded for other higher standards, including 20 points for requiring that all new street surfaces must be at or above the base flood elevation and 5 points for requiring vent affidavits acknowledging that openings will be maintained.

**Legal Basis:** Article 5, Section E (9) and Section B (4) d.

**Verification:** Technical reviewer will verify credit by reviewing the regulatory ordinance provision.

**Annual UMC verification:** ISO/CRS Specialists will annually verify that this provision is still in the model ordinance.

**Development Limitations (DL3b)** - 20 points may be awarded for prohibiting hazardous materials from the floodplain.

**Legal Basis:** Article 5, Section A (16).

**Verification:** ISO/CRS Specialist will review the ordinance provision and any relevant records to verify enforcement.

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

**Local Drainage Protection (LDP)** – 20 points are awarded for requiring the lowest floor (including basement) of all new construction or substantially improved buildings in the community to be at least one foot above the centerline of the designed street.

**Legal Basis:** Article 5, Section A (13).

**Verification:** ISO/CRS Specialists will review permit records and as-built building plans or grading plans for individual buildings or lots and through field verification.

**Annual UMC verification:** ISO/CRS Specialists will annually verify that the provision is still in the model ordinance.

**Coastal A Zones (CAZ)** – From 50 to 500 points may be awarded if all new buildings in the coastal A Zone must meet the requirements for buildings in V Zones and for openings in A Zones.

**Legal Basis:** Article 2 and Article 5, Section G.

**Verification:** ISO/CRS Specialists will review V Zone certificates and collect permit records, as-built building plans, impact adjustment maps and ordinance provisions to send to the Technical Reviewer for verification. Photos of finished construction showing at least two sides of the structure with a clear view of the foundation will also be needed.

**Annual UMC verification:** ISO/CRS Specialists will annually verify that the provision is still in the model ordinance.

## Activity 630. Dams

**State Dam Safety (SDS)** - Up to 37 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool.

**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. 15 points awarded for Condition Assessment, 15 points for Risk Communication and Public Awareness, and 7 points for Emergency Action Planning.

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