



CRS UNIFORM MINIMUM CREDIT NEBRASKA

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. The Insurance Services Office (ISO)/CRS Specialist and the community 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
Uniform Minimum Credit		
340	Other Disclosure Requirements (ODR)	10
430	Freeboard (FRB)	7.5 - 100
430	Development Limitations (DL2)	25
430	State-mandated Standards (SMS)	10 - 12.5
450	Erosion and Sediment Control (ESC)	10
	Total	62.5 - 157.5
Possible Additional Credit		
340	Disclosure of Other Hazards (DFH)	25
410	Cooperating Technical Partner (CTP1)	10
450	Water Quality (WQ)	20
630	State Dam Safety	0 - 36
	Total	55 - 91
Model Ordinance Provisions		
430	Development Limitations (DL3b)	20
	Total	20

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. Flood Hazard Disclosure

Other Disclosure Requirements (ODR) - 10 points are awarded for the requirement that seller disclose whether property is located in a flood plain, has suffered any damage from flooding, and has flooding problems.

Legal basis: *Nebraska Revised Statute 76-2,120* at <http://uniweb.legislature.ne.gov/laws/statutes.php?statute=s7602120000> and <http://www.nrec.ne.gov/consumer-info/index.html>.

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

Activity 430. Higher Regulatory Standards

Freeboard (FRB) - From 7.5 to 100 points are awarded for regulations requiring one foot of freeboard in new or substantially improved residential buildings, and one foot of freeboard or floodproofing in new and substantially improved non-residential buildings. If utilities and ductwork are not required to be protected to the freeboard level, FRB 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: Title 258 Minimum Standards for Floodplain Management Programs, Section 004.07 and 004.08 at http://dnr.ne.gov/floodplain/flood/Desk_Reference/Tab-02-Legal_Authority/FPM-Minimum_Standards-11-08-05.pdf

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.

Development Limitations (DL2) - 25 points are awarded for prohibiting construction of new structures for human habitation. This is a prorated amount of credit, since the development restrictions do not apply to all buildings.

Legal basis: Title 258 Minimum Standards for Floodplain Management Programs, Section 005.02 at http://dnr.ne.gov/floodplain/flood/Desk_Reference/Tab-02-Legal_Authority/FPM-Minimum_Standards-11-08-05.pdf.pdf

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

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

State-mandated Standards (SMS) - From 10 - 12.5 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	Freeboard (FRB)	75 - 100
430	Development Limitations (DL2)	25
	Total	100 - 125
	x 0.1	10 - 12.5

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

Activity 450. Stormwater Management

Erosion and Sediment Control (ESC) - 10 points are awarded for the requirement for a permit for any land disturbance activities from construction sites as small as one acre.

Legal basis: Nebraska Department of Environmental Quality, General National Pollutant Discharge Elimination System (NPDES) Permit Authorizing Storm Water Discharges Associated with Construction Sites. A Fact Sheet is at [http://www.deq.state.ne.us/Publications.nsf/23e5e39594c064ee852564ae004fa010/ade18fddf3a3ac14862568740061d860/\\$FILE/CSWPermit4_08%5B1%5D.pdf](http://www.deq.state.ne.us/Publications.nsf/23e5e39594c064ee852564ae004fa010/ade18fddf3a3ac14862568740061d860/$FILE/CSWPermit4_08%5B1%5D.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 340. Hazard Disclosure

Disclosure of Other Hazards (DOH) and Disclosure of the Flood Hazard (DFH) – 25 points are awarded for 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.

Legal basis: *Nebraska Revised Statute 76-2,120* at <http://uniweb.legislature.ne.gov/laws/statutes.php?statute=s7602120000> and <http://www.nrec.ne.gov/consumer-info/index.html>

Verification: ISO/CRS Specialists will collect documentation showing the real estate agents' SFHA disclosure to prospective buyers and 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 Partner 1 (CTP1) – Up to 10 points may be given for the CTP Agreement between the state and FEMA. This is verified independently by the CTP Technical Reviewer and the results distributed annually. A community's credit will be determined at the time of application.

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 45 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool. 15 points awarded for Condition Assessment, 6 points for Risk Communication and Public Awareness, 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

The Nebraska Model Ordinance contains additional provisions that may be creditable. The Model Ordinance is at: http://dnr.ne.gov/floodplain/flood/Desk_Reference/Tab-02-Legal_Authority/2005-D_Ordinance.pdf.

Activity 430. Higher Regulatory Standards

Development Limitations (DL3b) - 20 points may be available for prohibition of the storage or processing of materials in the 100-year floodplain that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life.

Legal basis: Section 5.51, Nebraska Model Ordinance

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.