



CRS UNIFORM MINIMUM CREDIT NEW JERSEY

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. The Insurance Services Office (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	
		Riverine	Coastal
Uniform Minimum Credit			
340	Other Disclosure Requirements (ODR)	10	10
410	Higher Study Standards (HSS)	15 - 80	0
410	Floodway Standard (FWS)	0 - 90	0
410	New Study (NS)	variable	variable
410	State Review (SR)	variable	variable
430	Building codes (BC)	40	40
430	Freeboard (FRB)	7.5 - 100	7.5 - 100
430	Development Limitations (DL3b)	2 - 20	2 - 20
430	State-mandated Standards (SMS)	20	20
450	Erosion and Sediment Control (ESC)	40	40
450	Water Quality (WQ)	20	20
450	Stormwater Management Regulations (SMR)	0 - 199	0
450	Watershed Master Planning (WMP)	0 - 120	0 - 120
	Total	154.5 - 739	139.5 - 370
Possible Additional Credit			
430	Development Limitations (DL)	0 - 130	0
430	Additional Building Codes (BC)	10	10
430	Local Drainage Protection (LDP)	10	10
430	State-Mandated Standards (SMS)	2 - 20	2 - 20
630	State Dam Safety (SDS)	0 - 45	0 - 45
	Total	22 - 464	22 - 334

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 of ODR credit are awarded, 5 points for the requirement that landlords notify potential renters of whether a property is in a the floodplain and 5 points for the requirement that sellers disclose whether a property is in a floodplain.

Legal basis: New Jersey Statutes, Title 46 Property, Section 46:8-50 at <http://law.onecle.com/new-jersey/46-property/8-50.html> and NJAC 13:45A-29.1 at <http://www.njconsumeraffairs.gov/chapters/Chapter%2045A%20Administrative%20Rules%20of%20the%20Division%20of%20Consumer%20Affairs.pdf>.

Verification: ISO/CRS Specialist will verify that the community has adopted the requirement regarding tenant notification in its local flood ordinance. For the seller's disclosure credit, only annual verification that the regulations are still in effect is required.

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

Activity 410. Floodplain Mapping

Higher Study Standards (HSS) – From 15 to 80 points are awarded for Higher Study Standards. New Jersey state regulations define the “flood hazard area design flood” as “a flood equal to the 100-year flood plus an additional amount of water (25 percent) in fluvial areas to account for possible future increases in flows due to development or other factors.” This additional amount of water also provides a factor of safety in cases when the 100-year flood is exceeded. Since this requirement applies only to alluvial areas, coastal studies do not receive the credit.

Legal basis: October 30, 1974 Water Policy and Supply Council resolution, “Design Flood Discharge,” and New Jersey Administrative Code (N.J.A.C.) Chapter 7:13-1-2, Definitions.

Verification: The technical reviewer will verify credit by reviewing flood insurance studies, impact adjustment maps, and area calculations provided by the communities.

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

Floodway Standard (FWS) - For communities with floodways designated on their Flood Insurance Rate Maps (FIRMs), up to 90 points are awarded for the 0.2 foot allowable surface rise encroachment. New Jersey has enforced 0.2' allowable surface rise encroachment floodway requirement since it was mandated by a resolution dated October 30, 1974 by the Water Policy and Supply Council. There is a requirement for state permits in all state delineated floodplains. This only applies to floodplains where floodways are determined, so an impact adjustment is needed if the optional minimum credit is not used. Furthermore, if a community has no floodways designated in its floodplain, FWS = 0.

Legal basis: October 30, 1974 Water Policy and Supply Council resolution, "Floodway Delineation."

Verification: The technical reviewer will verify credit by reviewing flood insurance studies, impact adjustment maps, and area calculations provided by the communities.

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

State Review (SR) - New Jersey is one of six states approved for some or all of state review credit for New Studies (Illinois, Indiana, Michigan, Minnesota, New Jersey, and Wisconsin). The additional credit is for an independent review of the flood study.

Activity 410 - New Studies (NS) OA/QC Reviews	New Jersey
Hydrologic analyses	X
Hydraulic analyses	50%
Coastal hazard analyses	-
Floodplain mapping	X
Independent Review Value (riverine studies)	0.83
Independent Review Value (coastal studies)	0.67
Earliest reviews	1962

A letter should be obtained from the reviewing office that states that it reviewed and approved the study in question.

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

Activity 430. Higher Regulatory Standards

Freeboard (FRB) – From 7.5 to 100 points are awarded for the requirement to build one foot above the Base Flood Elevation. This standard applies to any structure proposed in a regulated area, including Special Flood Hazard Areas. If freeboard does not apply to utilities and ductwork, credit is 75 percent of 100 points. 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: Flood Hazard Area Control Act Rules, N.J.A.C. 7:13-11.4, Requirements for a structure (pages 111, 113, 114) and Section 7:13-8.8, General Permit for reconstruction of a damaged or destroyed residence (pages 68 and 69).

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 (DL3b) – 2 to 20 points are awarded for prohibition of hazardous materials storage within wetland areas. An impact adjustment would apply to determine what percentage of wetland areas is within the designated floodplain.

Legal basis: Riparian protection is in the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13-2.3 (pages 22, 31 and 32). Rules prohibiting wastewater facility or hazardous materials storage within wetland area found in 7:7A-6.4 (page 115). See <http://www.nj.gov/dep/landuse/se.html>.

Verification: ISO/CRS Specialists will verify credit by reviewing elevation certificates, permits, site plans, maps, and similar documents for new developments near shorelines, stream channels and their banks.

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

State-mandated Standards (SMS) – 20 points are awarded for state-mandated regulatory standards, depending on whether the community is riverine or coastal community. 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	Riverine	Coastal
410	Higher Study Standards (HSS)	15 - 80	0
410	Floodway Standard (FWS)	0 - 90	0
430	Freeboard (FRB)	75 - 100	75 - 100
430	Development Limitations (DL3b)	2 - 20	2 - 20
430	Building Codes (BC)	40	40
450	Erosion and Sediment Control (ESC)	40	40
450	Stormwater Management Regulations (SMR)	199	0
450	Watershed Master Planning (WMP)	120	120
	Total	491 - 689	277 - 320
	x 0.1	20	20

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

Building Codes (BC) – 40 points are awarded for adoption of the 2009 edition of the International Residential Code (IRC) and the International Building Code (IBC).

Legal basis: See N.J.A.C. 5:23-3.14 at http://www.state.nj.us/dca/divisions/codes/codreg/pdf_regs_former/njac_5_23_3_grace.pdf.

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

Activity 450. Stormwater Management

Erosion & Sedimentation Control (ESC) - 40 points are awarded for the state's regulation of soil erosion and sediment control for construction sites of more than 5,000 square feet. Rules for ESC cover any activity involving the clearing, excavating, storing, grading, filling, or transporting of soil, or any other activity that causes soil to be exposed to erosion.

Legal basis: *Soil Erosion and Sediment Control Act of 1975*, Chapter 251, P.L. 1975, section 4:24-39 et seq. and N.J.A.C. 2:90-1.5.

Verification: ISO/CRS Specialists will discuss procedures with appropriate staff, review erosion control plans, and conduct field verification of construction sites.

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

Water Quality (WQ) - 20 points are awarded for the New Jersey "Best Management Practices" Manual that requires water quality 80% TSS removal to improve the quality of surface water. The Stormwater Management rules, N.J.A.C. 7:8 specify stormwater management standards that are mandatory for new major development. The *New Jersey Stormwater Best Management Practices Manual* ("BMP Manual") provides guidance to address the standards in the proposed Stormwater Management Rules, N.J.A.C. 7:8.

Legal basis: *New Jersey BMP Manual* and NJ Administrative Code 7:8.

Verification: ISO/CRS Specialists will verify credit by reviewing the local ordinance and permit records to ensure best management practices for water quality are being implemented and enforced.

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

Stormwater Management Regulations (SMR) - Up to 199 points may be given for New Jersey Stormwater Management regulations in the New Jersey Administrative Code 7:8. Technical review is required. These rules require that peak runoff from new developments be no greater than runoff from the site in its pre-development state.

$SMR = SZ + DS + LID + PUB = 60 + 114 + 25 + 0 = 199$

$rSMR = 1.0$ for non-coastal communities, 0 for communities that are entirely coastal.

$cSMR = SMR \times rSMR = 199 \times 1.0 = 199$, except for communities that are entirely coastal.

Legal basis: New Jersey Administrative Code 7:8.

Verification: See the memo from Dave Carlton dated October 4, 2013. The community's ordinance provision and five copies of drainage reports are needed to verify credit and will be provided to the technical reviewer for verification.

Annual UMC verification: The technical reviewer will verify the SMR credit each year.

Watershed master plans (WMP) - New Jersey Administrative Code 7:8 require the development of watershed master plans and requires that municipalities adopt these plans and appropriate stormwater management ordinances.

Up to 120 points may be given for watershed master plans. If a community has adopted a watershed master plan prepared to the standards described in N.J.A.C. 7:8-3, which meets the technical standards in N.J.A.C. 7:8-5, it should be eligible for the following credit:

WMP(a) = 90

WMP(b) = 30

During the verification visit, ISO/CRS Specialists should inquire whether such plans have been adopted by the community. If one or more plans have been adopted, they should be submitted for technical review to ensure that the plans meet the prescribed standards and to determine the impact adjustment (aWMP).

Legal basis: New Jersey Administrative Code 7:8 at http://www.nj.gov/dep/rules/rules/njac7_8.pdf.

Verification: See the memoranda from Dave Carlton dated October 4, 2013. The Technical Reviewer will verify credit by reviewing a copy of the relevant pages of the plan, an impact adjustment map and area calculations, the ordinance provision that adopts the plan, the ordinance provision that shows that the regulatory standards are based on the plan, and documentation showing the dedicated funding source and budget for implementation of the plan's recommendations.

Annual UMC verification: The technical reviewer will verify the WMP credit each year.

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 430. Higher Regulatory Standards

Development Limitations (DL) – Up to 130 points are awarded for DL credit since all displacement onsite must be compensated either on- or off-site, regardless of the location.

Legal basis: Flood Hazard Area Control Act Rules, N.J.A.C. 7:13-2.1, 2.3 and 2.4 at <http://www.state.nj.us/dep/landuse/7-13.pdf>. The permit requirement is at 7:13-2.1. Regulated areas are addressed in Section 7:13-2.3. Regulated activities, which include fill, are addressed in Section 7:13-2.4. The compensation requirement is at 7:13-9.2(f). Table D in 7:13-9.2 provides maximum percentage of onsite flood storage volume that a project can lawfully displace, by geographic area.

Verification: Technical Reviewer will verify credit by reviewing permits, site plans, and compensatory storage plans for new developments in the regulatory floodplain. The compensatory storage volume must be “hydraulically equivalent” to warrant DL credit.

Annual UMC verification: The community must certify each year that the provisions are in effect.

State-mandated Standards (SMS) – From 2 to 15 points may be given 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	Points
430	Development Limitations (DL)	0 - 130
430	Additional Building Codes (BC)	10
430	Local Drainage Protection (LDP)	10
	Total	20 - 150
	x 0.1	2 - 15

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

Building Codes (BC) – 10 additional points may be given for the required enforcement by state law of the following building codes:

Code	Authority	Points
Plumbing Code	N.J.A.C.5:23-3.15	3
Mechanical Code	N.J.A.C.5:23-3.20	3
Fuel Gas Code	N.J.A.C.5:23-3.22	2
Sewage Design and Location	N.J.A.C.5:23-6	2
	Total	10

Legal basis: Authorities are listed above. N.J.A.C. 5:23-6 is comparable to the International Private Sewage Code per Ralph Dorio email dated 3/5/04.

Verification: ISO/CRS Specialists will verify that communities have adopted the above codes, without amendments.

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

Local Drainage Protection (LDP) – 10 points may be given for requiring positive drainage in all residential developments, as required by the law that adopts the International Codes.

Legal basis: Pending review by Building Code technical reviewer.

Verification: The ISO/CRS Specialist will make sure that the provision related to positive drainage has been adopted and is being enforced. The Specialist will also review permit records and development plans to verify credit.

Annual UMC verification: The community must certify each year that the provisions are in effect.

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, 15 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.