



CRS UNIFORM MINIMUM CREDIT NEW YORK

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. 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
Uniform Minimum Credit		
340	Other Disclosure Requirements (ODR)	15
450	Erosion and Sedimentation Control (ESC)	10
450	Water Quality Regulations (WQ)	20
	Total	45
Possible Additional Credit		
430	Building Codes (BC)	48
430	Local Drainage Protection (LDP)	10
430	State-mandated Standards (SMS)	13.3 - 20
430	Freeboard (FRB)	7.5 - 375
450	Stormwater Management Regulation (SMR)	29.9 - 219
630	State Dam Safety (SDS)	0 - 30
	Total	108.7 - 702

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) - 15 points are awarded for the requirement that sellers disclose whether a property is located in a designated floodplain or designated wetland area and has flooding problems.

Legal basis: New York Property Condition Disclosure Act, New York Real Property Law 462(2) contained in Consolidated Laws, Real Property, Article 14 at [http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$RPP462\\$\\$@TXRPP0462+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=07391939+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$RPP462$$@TXRPP0462+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=07391939+&TARGET=VIEW).

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

Activity 450. Stormwater Management

Erosion and Sediment Control Regulation (ESC) - 10 points are awarded for the requirement for developers to develop an Erosion and Sediment Control Plan for all land disturbances of one acre or more.

Legal basis: The *New York State Stormwater Design Manual*, and the *New York Standards and Specifications for Erosion and Sediment Control*. The Manual is at <http://www.dec.ny.gov/chemical/29072.html>. The standards are at <http://www.dec.ny.gov/chemical/29066.html>.

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

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

Water Quality Regulations (WQ): 20 points are awarded for the requirement for developers to develop a stormwater pollution prevention plan (SWPPP) and obtain a State Pollutant Discharge Elimination System ("SPDES") General Permit for a project which disturbs five acres or more.

Legal basis: The *New York State Stormwater Design Manual* at <http://www.dec.ny.gov/chemical/29072.html>.

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.

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

Building Codes (BC) – Up to 48 points may be awarded for the New York State building codes, which is modeled after the 2006 edition of the International Building Code, Residential Code, Plumbing Code, Mechanical Code, and Fuel and Gas Code. The current New York State Building Code is the 2010 edition.

Legal basis: Exec. Law, Sections 370-383

Verification: ISO/CRS Specialists will verify that communities have adopted the relevant sections of the International Code Series, as described in the 2013 CRS *Coordinator's Manual*.

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

Local Drainage Protection (LDP) – 10 points may be awarded for requiring positive drainage away from the foundation. The IRC requires drainage away from all buildings, not just those in special hazard areas (IRC R401.3). IRC Chapter 18 has various requirements about foundation drainage, drainage for foundations, on or adjacent to slopes (Sec. 1808.7), but does not explicitly require lots to be graded to drain away. IBC Appendix J addresses drainage, but it is effective only if explicitly adopted.

Legal basis: IBC Chapter 18; IRC Chapter 4 (e.g. R 401.3 and R406).

Verified by: ISO/CRS Specialists will review permits, site plans, and similar documents that demonstrate enforcement.

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

Freeboard (FRB) – 7.5 to 375 points may be given for regulations in the 2010 edition of the New York State Residential Building Code requiring that three feet of freeboard be added to the design flood elevation and mechanical equipment of residential buildings in the numbered A and V zones.

The 2010 edition, which is currently effective, refers to ASCE-24-05 which contains a freeboard requirement for all structures not covered by the residential building code.

Structures are broken into four categories. Two feet of freeboard is required for Categories III and IV, one foot for Category II, and none for Category I which only includes agricultural facilities, certain temporary structures and minor storage facilities.

Legal basis: New York State Residential Code addresses freeboard in Chapter 3 – Building and Planning, Section R324.1.3.3 at <http://publicecodes.citation.com/st/ny/st/index.htm>

Verification: The 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 regulations are still in effect, meet CRS standards, and are being enforced.

State-mandated Standards (SMS) - 13.3 to 20 points may be 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 Codes (BC)	48
430	Local Drainage Protection (LDP)	10
430	Freeboard (FRB)	75 - 375
	Total	133 - 433
	x 0.1	13.3 - 20

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

Activity 450. Stormwater Management

Stormwater Management Regulation (SMR) - From 29.85 - 219 points are awarded for SMR based on requirements for all communities to manage new development of one acre or more (SZ = 60) and to prevent increases in peak flows from the 10- and 100-year storms (DS = 114). Additionally, LID is used as a first step to reducing runoff (LID = 25).

Legal basis: The New York State Stormwater Design Manual at <http://www.dec.ny.gov/chemical/29072.html>.

Verification: The community’s ordinance provision and 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 that the requirement remains in effect.

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 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

New York has three model ordinances. The ordinances may contain additional creditable UMC provisions. The model ordinances are available from the state.