

CRS UNIFORM MINIMUM CREDIT SOUTH DAKOTA

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 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)	10
450	Erosion & Sedimentation Control (ESC)	10
	Total	20
Possible Additional Credit		
340	Disclosure of Other Hazards (DOH) and (DFH)	33
450	Water Quality (WQ)	20
630	State Dam Safety (SDS)	0 - 19
	Total	53 - 72

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 sellers complete the Property Condition Disclosure Statement which discloses whether property is in a floodplain or wetland or has suffered damage from flooding.

Legal basis: *South Dakota Codified Laws, Title 43, Property, Chapter 4. Sections 38 and 44.* They are at

<http://legis.state.sd.us/statutes/PrinterStatute.aspx?Type=Statute&Statute=43-4-44> and

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=43-4-38>.

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

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: The EPA stormwater management requirements are at <http://cfpub.epa.gov/npdes/stormwater/authorizationstatus.cfm> and the general permit is at <http://denr.sd.gov/des/sw/IPermits/ConstructionGeneralPermit2010.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 currently 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. 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 – 33 points), then state law requiring the disclosure statement about damage from other flood-related hazards applies (DOH credit – 8 points).

Legal basis: *South Dakota Codified Laws, Title 43, Property, Chapter 4, Sections 38 and 44 at*

<http://legis.state.sd.us/statutes/PrinterStatute.aspx?Type=Statute&Statute=43-4-44> and

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=43-4-38>.

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 still are in effect.

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 19 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool. 4 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.