

CRS UNIFORM MINIMUM CREDIT TEXAS

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 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 & Sedimentation Control (ESC)	10
	Total	25
Possible Additional Credit		
420CE	Open Space Preservation (CEOS)	35
430CE	Higher Regulatory Standards (DBR)	20
430	State-mandated Standards (SMS)	5.5
450	Water Quality (WQ)	20
630	State Dam Safety (SDS)	0 - 22
	Total	80.5 – 102.5

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 property is in a floodplain, has suffered flood damage, and has flood insurance coverage.

Legal basis: Texas Property Code Title 2, Section 5.008 at:

<http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB02118F.HTM>
and <http://www.trec.state.tx.us/pdf/contracts/OP-H.pdf>.

Annual UMC verification: ISO/CRS Specialists will verify that the regulation is still 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 Environmental Protection Agency requirements for stormwater management are at

<http://cfpub.epa.gov/npdes/stormwater/authorizationstatus.cfm> and the state requirements are at http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html and <http://www.tceq.state.tx.us/assets/public/permitting/waterquality/attachments/stormwater/txr150000.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 requirements 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 420CE. Open Space Preservation

Coastal Erosion* - Open Space Preservation (CEOS): 35 points may be awarded for open space created as a result of the *Texas Beaches and Dunes Act*. Under the *Act*, each county that has within its boundaries mainland shoreline, a barrier island, or a peninsula located on the seaward shore of the Gulf of Mexico, must establish a dune protection line on any such shoreline, island, or peninsula within its boundaries for the purpose of preserving sand dunes. Credit is awarded only if the local government has adopted coastal erosion or dune protection regulations worth at least 20 points.

Legal basis: Natural Resources Code, Title 2. Public Domain, Subtitle E. Beaches and Dunes, Chapter 63. Dunes. Sections 63.011 and 63.012. These are at <http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.61.htm> and <http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.63.htm>.

Verification: Documentation is required for at least 20 points of coastal erosion regulatory credit; and for protection as open space of at least five acres seaward of the frontal dune.

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

Activity 430CE. Higher Regulatory Standards

Coastal Dune and Beach Regulations (DBR): 20 points may be awarded for regulations that prohibit vehicular and pedestrian traffic on sand dunes, except at appropriate access points. The *Beaches and Dunes Act* provides that, "Unless a permit is properly issued authorizing the conduct, no person may damage, destroy, or remove a sand dune or portion of a sand dune seaward of a dune protection line or within a critical dune area or kill, destroy, or remove in any manner any vegetation growing on a sand dune seaward of a dune protection line or within a critical dune area." The *Act* also prohibits any person from operating a recreational vehicle on a sand dune seaward of the dune protection line in any county in which a dune protection line has been established.

Legal basis: Natural Resources Code, Title 2. Public Domain, Subtitle E. Beaches and Dunes, Chapter 63. Dunes, Sections 63.092 and 63.093. See Also: Natural

Resources Code, Title 2. Public Domain, Subtitle E. Beaches and Dunes, Chapter 61. Use and Maintenance of Public Beaches. These are at <http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.61.htm> and <http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.63.htm>.

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

State-mandated Standards (SMS) - 5.5 points are awarded for state-mandated regulatory standards which may apply in coastal areas. 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
420CE	Open Space Preservation (CEOS)	35
430CE	Higher Regulatory Standards (DBR)	20
	Total	55
	x 0.1	5.5

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

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 22 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 7 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

On June 26, 2008, the Texas Water Development Board issued the *"Higher Standards Reference Guide for Local Floodplain Management Regulations: A Guide for Local Officials,"* Adoption of the higher standards will provide additional credit points.

The Guide provides a range of options for higher regulatory standards, rather than a single standard. Since there is no single standard, uniform scoring of CRS-creditable activities is not possible. Communities should work with ISO/CRS Specialists to determine their credit for each higher standard adopted.