



STATE OF CALIFORNIA

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance if available in the state. The potential credits must be verified by the ISO/CRS Specialists within each community since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State-Based Credit

ACTIVITY	ELEMENT	POINTS
340 (Hazard Disclosure)	ODR—other disclosure requirements	15
430 (Higher Regulatory Standards)	BC1—building codes	48
	LDP3—local drainage protection	10

Activity 340 (Hazard Disclosure) Element ODR, Other Disclosure Requirements

California has a requirement that sellers without an agent must disclose whether a property is in a special flood hazard area, is in an area of potential flooding shown on a dam inundation map, has flooding problems and has suffered from flooding in the past.

Citations: California CIV § 1103, GOV § 8589.4

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=2.&title=4.&part=4.&chapter=2.&article=1.7:

Activity 430 (Higher Regulatory Standards) Element BC1, Building Codes

California Code of Regulations (CCR) Title 24 is the California Building Standards Code (CBC), which is based on the International Building Code (IBC) and International Residential Code (IRC). The following international codes are also mandated by the state: Plumbing Code, Mechanical Code and Fuel Gas Code. All occupancies in California are subject to national model codes adopted into CCR Title 24, and occupancies are further subject to amendments adopted by state agencies and ordinances implemented by local jurisdictions' governing bodies (per <https://www.dgs.ca.gov/BSC>).

The codes are adopted at the state level every 3 years but administered by local jurisdictions, except for specific occupancies that are regulated by state agencies. For example: CA Dept of Housing and Community Development (HCD) manages the titling and registration for mobile homes, manufactured homes, commercial modulars, floating homes, and truck campers. <https://www.hcd.ca.gov/manufactured-and-mobilehomes>

- The 2022 CBSC version adopts the 2021 IBC/IRC (effective 1 Jan 2023 - 31 Dec 2025) <https://www.dgs.ca.gov/BSC/Codes>
 - IBC [Appendix G](#) is not mandatorily included. Not adopted by state agencies.
 - Manufactured Homes IRC subsection [R322.1.9](#) is **not** adopted in CA.

Communities can modify their building code to have more restrictive standards, so there may be Other Potential Credits as well. Specialists will verify the community's adopted building code status. *Verification: ISO/CRS specialists can check this site to see if a jurisdiction has filed amendments to CCR Title 24:* <https://www.dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances>

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

The California Building Code (2022 version) requires fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available.

Citation: CBC §1804A.4

https://codes.iccsafe.org/content/CABC2022P2/chapter-18-soils-and-foundations#CABC2022P2_Ch18_Sec1804

Other Potential Credit

ISO/CRS Specialists and the community need to determine which credits may apply to an individual community. The following is a summary of activities that are potential credits:

ACTIVITY	ELEMENT
330 (Outreach Projects)	OP–outreach projects
430 (Higher Regulatory Standards)	FRB–freeboard OHS–other higher standards
450 (Stormwater Management)	ESC–erosion & sedimentation control WQ–water quality
540 (Drainage System Maintenance)	SDR–stream dumping regulations
630 (Dams)	SDS–state dam safety

Activity 330 (Outreach Projects) Element OP, Outreach Projects

California has been mandated to send out Flood Risk Notification mailers every year to property owners located behind a State Plan of Flood Control (SPFC) levee. This mailer communicates flood risk awareness to the public and individual property owner, as well as local, state, and federal agencies.

Citation: [California Water Code Section 9121 \(public.law\)](#)

Verification: CRS will have a list of communities with SPFC levees, and a copy of outreach from the state, updated at regular intervals.

Activity 430 & Potential Higher Regulatory Standards in the State’s Model Ordinance

California State Model Flood Damage Prevention Ordinances available at:

<https://water.ca.gov/nfip>

CA DWR developed the model ordinances to work with the flood provisions of the California Building Standards Code (CCR Title 24) for buildings and structures in special flood hazard areas.

CA DWR also prepared sample language to modify local floodplain management regulations. The basis for those samples is the 2020 FEMA-approved Model Ordinances written to coordinate with the California building code.

The higher standards with suggested model language are:

1. Additional building height (freeboard)
2. Cumulative substantial improvement

3. Dwellings designed in accordance with ASCE 24
4. Limit size of enclosures
5. Limit use of fill to elevate buildings and/or dwellings
6. Non-conversion agreements (for accessory structures and enclosures below elevated building)
7. Prohibit enclosures below elevated buildings
8. Repetitive flood loss (substantial damage)
9. Compensatory storage
10. Designating the Floodplain Administrator
11. Determining BFE in unnumbered Zone A
12. Flood hazard map other than FIRM
13. Flood protection setback along waterways
14. Manufactured home limitations
15. Subdivision limitations

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

The state's building code includes the IBC Section 1612.2 requirement that the design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and coastal A zones, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24 which requires 1 foot of freeboard.

Specialists will verify with each community whether machinery/utilities and ductwork are required to be elevated and/or protected, to determine credit (CRS Manual page 430-13).

- *Note the CRS Class 8 prerequisite: The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all new and SI/SD residential buildings in areas where BFEs have been determined. This includes the replacement of manufactured homes in pre-FIRM manufactured home parks.*

Activity 430 (Higher Regulatory Standards) Element OHS, Other Higher Standards

Other Higher Standards credit will be verified individually by CRS specialists and technical reviewers.

New Category 1 hazmat landfills are required to be located outside of the SFHA in California.

Citation: 23 CA ADC § 2531(c).

[https://govt.westlaw.com/calregs/Document/IC926B4ED5B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IC926B4ED5B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

23 CCR § 2531(c).

Flooding--New disposal units and existing units in Category I other than existing land treatment units, shall be located outside of floodplains subject to inundation by floods with a 100-year return period. Other existing units and new treatment and storage units may be

located within such floodplains provided that such units are designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return period.

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

California has a water quality requirement that construction projects of greater than 1 acre require erosion and sediment control measures (State Water Resources Control Board).

Legal basis: 2009-0009-DWQ Construction general NPDES permit (effective July 1, 2010), Updated by [Order No. 2012-0006-DWQ](#) which became effective on July 17, 2012 and lists no expiration date.

- https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html
- https://www.waterboards.ca.gov/water_issues/programs/npdes/

https://www.waterboards.ca.gov/water_issues/programs/stormwater/const_permit_faqs.html

State Water Resources Control Board FAQ sheet: The local municipal storm water programs and the Construction General Permit requirements intentionally have some overlap/redundancy. Enforcement of the Construction General Permit requirements is done by the State and Regional Water Boards. Typically, the local agency is responsible for ensuring compliance with local storm water ordinance which prohibits sediment and other pollutants from entering the municipal separate storm sewer system, and with a local grading ordinance which typically requires an erosion and sediment control plan (typically a sheet in the construction plan set) for projects with a grading permit. In some cases, the local municipality may have a condition in its MS4 storm water permit requiring the agency to check that certain items are included in the Storm Water Pollution Prevention Plan (SWPPP).

Activity 540 (Drainage System Maintenance) Element SDR, Stream Dumping Regulations

California Penal Code, [Part 1, Title 10 § 371-374](#) is identified on the State’s webpage for illegal dumping.

“374. (a) Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.

“374.4. (a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

“374.7. (a) A person who litters or causes to be littered, or dumps or causes to be dumped, waste matter into a bay, lagoon, channel, river, creek, slough, canal, lake, or reservoir, or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high-water mark of a stream or body of water, is guilty of a misdemeanor.”

Activity 630 (Dams) Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS 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.

- In 2017, the California Legislature required all state jurisdictional dams (except low hazard dams) to develop inundation maps and emergency action plans. [Division of Safety of Dams](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Inundation-Maps) approves inundation maps, and [Cal OES](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Inundation-Maps) approves emergency action plans.
<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Inundation-Maps>

Citation: California Water Code, Section 6161 (effective 2017, amended June 2018)
https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=3.&title=&part=1.&chapter=4.&article=6.

CWC § 6161 (a) (1) An owner of a state jurisdictional dam, except an owner of a dam classified by the department pursuant to Section 6160 as a low hazard dam, shall submit electronically to the department **an inundation map that shows the area that would be subject to flooding under various failure scenarios unique to the dam and the critical appurtenant structures of the dam.**

(2) Before approval of an inundation map, the department shall review the map and may require the owner to make changes that the department deems necessary.

(3) Upon approval of the inundation map or maps by the department, the owner of the dam shall develop and submit electronically to the department and the Office of Emergency Services an emergency action plan that is based upon the approved inundation map or maps.

(4) If an owner of a dam has an existing emergency action plan as of March 1, 2017, the department shall review any inundation map or maps contained in the plan...

(b) (1) The Office of Emergency Services shall review and approve an emergency action plan no later than 60 days after receipt of the plan from the dam owner...

(c) (1) The department shall make available to the public an approved inundation map ...

(d) (1) Pursuant to the classification by the department under Section 6160, an owner of a dam shall complete and submit an emergency action plan... [on or before January 1 2018-2019-2021]

(e) An owner of a dam shall **update an emergency action plan, including an inundation map, no less frequently than every 10 years;***(Amended by Stats. 2021, Ch. 615, Sec. 430. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Section 463 of Stats. 2021, Ch. 615.)*

The U.S. Army Corps of Engineers National Inventory of Dams webpage at <https://nid.sec.usace.army.mil/#/> documents the dams and flood inundation maps information. [FEMA's Dam Safety](https://www.fema.gov/dam-safety) Office annually verifies element SDS credit.