



## STATE OF COLORADO

### Date of Verification: Spring 2024

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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 present 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

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

Colorado has a property disclosure requirement for residential, commercial, and land that sellers disclose if the structure has had any damage due to flooding, if there has ever been flooding or drainage issues on the property, or if the property has ever been in a governmentally designated floodplain or wetland area.

*Citation:*

<https://dre.colorado.gov/division-notifications/understanding-sellers-property-disclosure-forms>

## 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
410 (Floodplain Mapping)	FWS–floodway standard
430 (Higher Regulatory Standards)	BC1–building code FRB–freeboard PCF–protection of critical facilities Other
450 (Stormwater Management)	ESC–erosion & sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

### **Activity 410, (Floodplain Mapping) Element FWS, Floodway Standard**

Applies to areas with delineated regulatory floodways. Colorado requires that when floodways are delineated through flood hazard studies or physical map revisions, communities shall delineate floodways for the revised reaches based on the criteria of 0.5 ft.

Citation: 2 CCR 408-1, Rule 8 (A) - [https://cwcb.colorado.gov/floodplain-rules-revisions/Floodplain Rules Final Adopted Rules.pdf \(state.co.us\)](https://cwcb.colorado.gov/floodplain-rules-revisions/Floodplain%20Rules%20Final%20Adopted%20Rules.pdf)

*Note: New Rules and Regulations for Regulatory Floodplains in Colorado (2 CCR 408-1) became effective January 14, 2022. <https://cwcb.colorado.gov/floodplain-rules-revisions> These 1) update the standards and processes for floodplain designation for consistency with FEMA floodplain mapping procedures, 2) amend and clarify Rule 4 definitions; 3) update references to external documents; and 4) revise for clarification several other Rules.*

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

#### **State Model Flood Damage Prevention Ordinance**

The Colorado Water Conservation Board is the State NFIP Coordinating Agency.

The State’s Model Floodplain Damage Prevention Ordinance can be found here:

[https://cwcb.colorado.gov/sites/cwcb/files/CO\\_model\\_ordinance\\_updated.pdf](https://cwcb.colorado.gov/sites/cwcb/files/CO_model_ordinance_updated.pdf) .

Higher standards included in the model text:

- 1 foot of freeboard (Sec. B.1, C.1) – but does not include Manufactured Homes (36” provision remains).
- More Stringent Floodway standard (Sec. D and Floodway definition)

- No new structures on LOMR-F properties, unless would have met freeboard prior to fill.

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

Colorado has no statewide building code; building codes are primarily adopted and enforced at the local level. At the state level, the CO Department of Public Safety, Division of Fire Prevention and Control, adopts building codes for the construction of public K-12 schools, and health facilities. The Division of Housing's Building Codes & Standards Section, enforces codes for manufactured homes and factory-built buildings.

Approved building codes and standards adopted by the Office of the State Architect include the 2021 International Building Code, 2021 International Mechanical Code, 2021 International Plumbing code, and 2021 International Fuel Gas Code. (as of 09/2023: Approved State Building Codes (Exhibit A) [Exh-A-Bldg Codes](#)).

Citations: <https://osa.colorado.gov/state-buildings/building-codes>  
<https://codes.iccsafe.org/codes/colorado>

*Verification: Building codes may be adopted at the local level; specialists will verify the community's adopted building code status.*

### **Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard**

Colorado requires one foot of freeboard for all new or substantially improved residential and non-residential structures in the 1% annual chance floodplain, via Rules and Regulations for Regulatory Floodplains in Colorado (2 CCR 408-1) which became effective January 14, 2022.

Citation: 2 CCR 408-1, Rule 11 (B) <https://cwcb.colorado.gov/floodplain-rules-revisions> (effective January 14, 2022). [2 CCR 408-1 Floodplain Rules Final Adopted Rules.pdf \(state.co.us\)](#)

Note: This rule does not mention machinery/utilities, or Manufactured Homes.

*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**

No permit is allowed to be issued unless a new structure on a property removed from the floodplain by the issuance of a LOMR-F, unless the structure meets the freeboard requirement that existed prior to the placement of fill.

Citation: 2 CCR 408-1, Rule 11 (C) <https://cwcb.colorado.gov/floodplain-rules-revisions>

### **Activity 430 (Higher Regulatory Standards) Element PCF, Protection of Critical Facilities**

Colorado requires critical facilities to either be placed outside of the 1% annual chance floodplain or be elevated or floodproofed two feet above the BFE.

Citation: 2 CCR 408-1, Rule 6 (D)(3) - <https://cwcb.colorado.gov/floodplain-rules-revisions>

### **Activity 450 (Stormwater Management)**

#### **ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY**

Colorado requires erosion and sedimentation control measures for any construction activity that disturbs one or more acres under their stormwater permitting requirements.

*Citation: Colorado Construction Stormwater Discharge Permit COR400000 -*  
<https://cdphe.colorado.gov/cor400000-stormwater-discharge>

Colorado Revised Statute 25-8-204 requires the Colorado Water Quality Commission to promulgate water quality standards. Colorado's water quality standards are outlined in 5 CCR 1002-61.3(2)(f) – Colorado Discharge Permit System Regulations, which require stormwater discharge associated with construction activities equal to or greater than one acre to comply with water quality standards.

*Citations: Colorado Revised Statutes 25-8-204 -*  
<https://law.justia.com/codes/colorado/2022/title-25/article-8/part-2/section-25-8-204/> and

*5 CCR 1002-61 – Colorado Discharge Permit System Regulations*  
<https://www.coloradosos.gov/CCR/GenerateRulePdf.do?ruleVersionId=8776&fileName=5%20CCR%201002-61>

### **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.

- Colorado's Dam Safety program is administered by the Colorado Division of Water Resource's Dam Safety Branch. The State's Dam Safety map can be viewed here - <https://dwr.state.co.us/Tools/DamSafety/Dams?submitButton=Submit&SelectedGeoValue=waterDivisionDiv&SelectedPhysicalStatus=1&SelectedAdditionalValue=none>.

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](#) Office annually verifies element SDS credit.