



STATE OF DELAWARE

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 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

Delaware has a requirement that sellers must disclose whether the property is in a flood hazard zone, if there is a federal requirement to purchase flood insurance, the presence and cost of an active flood insurance policy for the property, and previous flood event and/or flood-related property damage.

Citations: Delaware Code Title 6 § 2572

[Delaware Seller's Disclosure of Real Property Condition](#)

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
420 (Open Space Preservation)	CEOS—coastal erosion open space
430 (Higher Regulatory Standards)	Other
450 (Stormwater Management)	ESC—erosion & sedimentation control WQ—water quality
630 (Dams)	SDS—state dam safety

Activity 420 (Open Space Preservation), Element CEOS, Coastal Erosion Open Space

May apply to coastal communities. State of Delaware has a Coastal Zone management program, per the Delaware Coastal Zone Act of 1971 ([7 Del. Code, Ch. 70](#))

<https://dnrec.delaware.gov/coastal-zone-act/application-materials/>

<https://dnrec.delaware.gov/coastal-programs/>

The DNREC Open Space Program, guided by the Delaware Open Space Council, is for purpose of expanding state parks and preserves, fish and wildlife areas, state forests and cultural resource sites. Authority is under the Delaware Land Protection Act ([7 Del. Code, Chapter 75](#)).

<https://dnrec.delaware.gov/parks/open-space/>

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

State Model Flood Damage Prevention Ordinance

The Delaware Division of Natural Resources and Environmental Control is the State NFIP Coordinating Agency. Four model ordinances are offered on the agency website and they vary based on the level of floodplain study in a community and flood zones in the community.

Website: [Resources for Communities - DNREC \(delaware.gov\)](#)

Ordinances with optional higher standards are offered on the agency website.

- [Ordinance for only AE, AO, and/or A Zones.](#)
- [Ordinance for AE and VE Zones.](#)

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

Delaware’s Regulations Governing the Control of Water Pollution provide for a general permit under the National Pollutant Discharge Elimination System (NPDES) for controlling stormwater discharges from construction sites.

For permit coverage, construction activities with land disturbing activities of 1 acre or more must submit a Notice of Intent (NOI) prior to plan approval and agree to comply with requirements outlined in the NPDES General Permit for Stormwater Discharges from Construction Activity, also known as the Delaware Construction General Permit (CGP).

Website: <https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

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.

- Delaware’s Department of Natural Resources, Environmental Control Dam Safety Program [Dam Safety - DNREC \(delaware.gov\)](http://delaware.gov)

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.