



STATE OF INDIANA

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

Indiana requires property disclosure for the sale of real estate not more than four dwelling units but does not apply to certain instances such as transfers including those ordered by a court, due to foreclosure, or from any governmental entity. The seller disclosure asks if there are moisture or water problems, damage due to flooding, if the property is in the floodplain, and if the seller pays flood insurance. Additionally, those offering a rental agreement after June 30, 2009 for residential, agricultural, and commercial property must disclose if the lowest floor of a structure, including a basement, is at or below the 1% annual chance flood elevation.

Citation: IN Code § 32-21-5-1 (2022): <https://law.justia.com/codes/indiana/2022/title-32/article-21/chapter-5/section-32-21-5-1/>

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)	SR–state review NS–new study FWS–floodway standards
430 (Higher Regulatory Standards)	BC1–building codes FRB–freeboard OHS–other higher standards
450 (Stormwater Management)	ESC–erosion and sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

Activity 410 (Flood Hazard Mapping) Element SR, State Review

State regulations require DNR to review and establish floodplains, Base Flood Elevations (BFEs), and floodway limits for streams in the state. For areas outside of a FEMA-mapped floodway and areas where FEMA hasn't published BFEs, DNR has the authority to develop a floodway and BFEs. DNR Division of Water must approve all BFE and floodway delineations used for floodplain management services. A floodway is recognized for any stream that drains an area greater than 1 square mile. The Department of Natural Resources must approve any construction activities in the floodway prior to construction.

Indiana is one of the states with review procedures eligible for SR credit as listed in the 2017 CRS Coordinators Manual (page 410-16) – “full credit for riverine studies, partial for coastal”

Citations:

<https://indnr.maps.arcgis.com/apps/MapSeries/index.html?appid=f9d2d47776824df09051f4703153b355> and
<https://indnr.maps.arcgis.com/apps/webappviewer/index.html?id=05026dabc2e8461983e196d56a213c1e>

Activity 410 (Floodplain Mapping) Element NS, New Study

May not apply in all communities. State regulations require DNR to review and establish floodplains, Base Flood Elevations (BFEs), and floodway limits for streams in the state. For areas outside of a FEMA-mapped floodway and areas where FEMA hasn't published BFEs, DNR has the authority to develop a floodway and BFEs. DNR Division of Water has completed a project that provides detailed,

model-backed floodplain information for every major stream in Indiana not covered by FIRMs, including A zones. Modeling and mapping covers more than 18,000 miles of streams. This layer shall be used for floodplain management applications, and determining limits of jurisdiction for the Indiana Flood Control Act.

The DNR Division of Water must approve all BFE and floodway delineations used for floodplain management services. The Department of Natural Resources must approve any construction activities in the floodway prior to construction. The state requires floodways to be delineated based on a surcharge of less than 0.15 ft, and generally new residences are not allowed in the floodway.

Citation: 312 Indiana Administrative Code, Article 10, Rules 3, 4:

<http://www.in.gov/legislative/iac/T03120/A00100.PDF> and

<https://indnr.maps.arcgis.com/apps/MapSeries/index.html?appid=f9d2d47776824df09051f4703153b3>

[55](#) and

[IN Code § 14-28-1-40 \(2022\)](#)

Activity 410 (Floodplain Mapping) Element FWS, More Restrictive Floodway Standards

May not apply in all communities. The state has established a floodplain commission which is authorized to designate a floodway as a commission floodway. Floodways are delineated based on a surcharge of less than 0.15 ft and new residences are not allowed in the floodway.

Citation: 312 Indiana Administrative Code, Article 10, Rules 2 and 3:

<http://www.in.gov/legislative/iac/T03120/A00100.PDF> and

<https://indnr.maps.arcgis.com/apps/MapSeries/index.html?appid=f9d2d47776824df09051f4703153b3>

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Rule 2. Definitions

312 IAC 10-2-3: "Adversely affect the efficiency of, or unduly restrict the capacity of, the floodway" defined

Sec. 3. "Adversely affect the efficiency of, or unduly restrict the capacity of, the floodway" means an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the base condition. This definition does not, however, apply to any of the following:

- (1) A dam regulated under IC 14-27-7 and IC 14-28-1.
- (2) A flood control project authorized under IC 14-28-1-29.
- (3) An area for which a flood easement is secured and recorded with the county recorder.

Rule 3. Flood Plain Delineations and Management

312 IAC 10-3-4 Delineation of a commission floodway under IC 14-28-1-28

Sec. (5) Construction resulting from development of the commission floodway will not do any of the following:

- (A) **Adversely affect the efficiency of, or unduly restrict the capacity of, the floodway.**
- (B) Constitute an unreasonable hazard to the safety of life or property.
- (C) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

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

State Model Flood Damage Prevention Ordinance

The Indiana Department of Natural Resources is the State NFIP Coordinating Agency. The State’s model ordinance can be found her– - <https://www.in.gov/dnr/water/files/wa-indiana-model-flood-damage-prevention-ordinance.pdf>

Indiana DNR approval required for excavation, fill and placement, modification, or repair of a temporary or permanent structure over, along or lakeward of the shoreline or waterline of a public freshwater lake.

Fill requirements including compaction, slope and erosion.

Higher standards (optional) provided in model ordinance:

- Nonconversion agreements for enclosures (optional)
- Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in SFHA (optional)

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

The Indiana Fire Prevention and Building Safety Commission has adopted the 2014 Indiana Building code based on the 2012 International Building Code, and the 2020 Indiana Residential Code based on the 2018 International Building Code (Effective 12/26/2019). The state has also adopted codes based on the 2012 International Mechanical Code, 2006 International Plumbing Code, and 2012 International Fuel Gas Code. *Specialists will verify the community’s adopted building code status.*

Citation: IN Admin. Code Title 675 <https://www.in.gov/dhs/boards-and-commissions/fpbsc-rules/>

- 2012 IBC <https://codes.iccsafe.org/content/IBC2012P1>
- 2020 IRC <https://codes.iccsafe.org/content/INRC2020P1>

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

Indiana requires 2 feet of freeboard for all buildings greater than 400 sq ft. in the SFHA. Height of utilities are mentioned for floodproofing, but not directly for the building; see citation text below:

[312 IAC 10-3-Sec. 5.](#)

A building with a floor area greater than four hundred (400) square feet must not be constructed in a flood plain unless the building satisfies the following requirements:

- (1) The building is protected to the flood protection grade by either of the following methods:
 - (A) The lowest level of the building is at or higher than the flood protection grade.
 - (B) For a building other than an abode, the building and its utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. The design and construction of the building must be certified by a professional engineer registered under IC 25-31-1, or an architect registered under IC 25-4-1, as being adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces associated with a regulatory flood.

(2) The building does not otherwise violate this article or IC 14-28-1-20(1).

Notes: Natural Resources Commission; 312 IAC 10-3-5;

Citation: 312 IAC 10-3-5 <http://www.in.gov/legislative/iac/T03120/A00100.PDF>

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 Standard

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

Mobile home communities shall be located in areas free from flooding. 410 IAC 6-6-2

Elevated sand mound soil absorption systems shall not be constructed where the original grade is below BFE. 410 IAC 6-8.3-72 (c)(2)

Citation: <http://www.in.gov/legislative/iac/T04100/A00060.PDF>

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

Indiana’s Construction Stormwater General Permit is required for all construction activity that disturbs one acre or more of land area. This permit includes construction plans to ensure erosion and sedimentation is controlled. The requirements do not apply to agricultural land-disturbing activities. Permittees are required to meet the following requirements: soil compaction to be minimized, topsoil must be preserved.

Citation: https://www.in.gov/idem/stormwater/files/stormwater_manual_chap_07.pdf
and *Indiana Construction General Permit 3.1* -
https://www.in.gov/idem/stormwater/files/final_gen_permit_inra00000_construction.pdf.

Indiana’s Storm Water Quality manual provides water quality guidelines for construction and land disturbing activities, as well as post-construction. Construction activity that disturbs one acre or more

of land is required to have design requirements that meet the standards in the Indiana Stormwater Quality Manual.

Citations: Indiana Stormwater Quality Manual -

<https://www.in.gov/idem/stormwater/resources/indiana-storm-water-quality-manual/>

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.

- The Indiana Department of Natural Resources administers the state's Dam Safety Program: <https://www.in.gov/dnr/water/dams-and-levees/>

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.