



STATE OF KENTUCKY

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	5

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

Kentucky has a requirement that sellers of single family residential structures disclose whether a property is in a special flood hazard area. Does not apply to new home sale if a warranty is offered, if sold at an auction, or in cases of court-supervised foreclosure (KY RS § 324.360(7))

Citations: KY Rev Stat § 324.360(1-2),(7)

<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=31615>

“§ 324.360 Form for seller's disclosure of conditions.

(1) This section shall apply to sales and purchases involving single-family residential real estate dwellings if any person licensed under this chapter receives compensation.

(2) The commission shall promulgate an administrative regulation authorizing a "seller's disclosure of conditions form."

(3) The form shall provide for disclosure by the seller of the following: (a) Basement condition and whether it leaks; (b) Roof condition and whether it leaks; (c) Source and condition of water supply; (d) Source and condition of sewage service; (e) Working condition of component systems; and (f) Other matters the commission deems appropriate."

Kentucky Disclosure Statement Form <https://krec.ky.gov/Documents/402-SellersDisclosureofPropertyCondition.pdf>

Excerpt from Disclosure Statement:

5. LAND / DRAINAGE		N/A	YES	NO	UN-KNOWN
a. Whether or not they have been corrected, state whether there have been problems affecting:					
1) Soil stability		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Drainage, flooding, or grading		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Erosion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Outbuildings or unattached structures		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the house located within a Special Flood Hazard Area (SFHA) mandating the purchase of flood insurance for federally backed mortgages?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, what is the flood zone?					
c. Is there a retention / detention basin, pond, lake, creek, spring, or water shed on or adjoining this property?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please explain any deficiencies noted in this Section:					

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
430 (Higher Regulatory Standards)	BC1–building code Other
450 (Stormwater Management)	ESC–erosion & sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

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

State Model Flood Damage Prevention Ordinance

The Kentucky Energy & Environment Cabinet, Division of Water, is the State NFIP Coordinating Agency.

<https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Pages/UnderstandYourFloodHazards.aspx>

- **No model ordinance language is available on the state’s website.**
- Contact email is water@ky.gov

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

The 2018 Kentucky Building Code and Residential Code is based upon the 2015 International Codes. The state also notes the adoption of the 2015 International Mechanical Code and 2015 International Fire Code (New construction projects, only when specifically referenced by the body of KBC). The Kentucky Building Code (815 KAR 7:120) is a “mini/maxi” code; a “statewide, uniform, mandatory building code and local governments shall not adopt or enforce any other building code governing commercial construction.” The Kentucky Residential Code (adopted by 815 KAR 7:125) governs detached single-family dwellings, two-family dwellings, and townhouses.

KY Division of Building Code Enforcement website:
https://dhbc.ky.gov/newstatic_info.aspx?static_id=297

Citation: [DHBC CodesCurrentlyAdopedbyKentucky.pdf](#) (Note: date of document unclear)

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

https://eec.ky.gov/Environmental-Protection/Water/Comp_Insp/Pages/MS4.aspx

Relates to the state’s implementation of National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than 1 acre to obtain a permit from the Environmental Protection Agency (EPA), a delegated state, or a community with a MS4 permit.

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYG20PermitPage.pdf>

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 Kentucky, the Dam Safety and Floodplain Management Section of the Water Resources Branch maintains a list of these structures in an inventory database. <https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Pages/DamSafety.aspx>

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.