



STATE OF MISSISSIPPI

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	10

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

Mississippi has a property disclosure requirement that sellers of any real property disclose: whether the property is in a flood hazard area and/or the FEMA Flood Zone, in a wetland, if purchase of flood insurance is required at the property, if an active flood insurance policy exists, the current cost of flood insurance premiums if so, if the property has a history of flooding, or if the property has previous flood-related damage. State statute says that the seller must deliver to prospective buyers a written disclosure statement as soon as practicable before transfer of title.

Citation: Mississippi Code §§ 89-1-501 through 89-1-509

§ 89-1-503. Delivery of written statement required; indication of compliance; right of transferee to terminate for late delivery.

(1) **The transferor of any real property** subject to Sections 89-1-501 through 89-1-523 shall deliver to the prospective transferee **the written property condition disclosure statement** required by Sections 89-1-501 through 89-1-523, as follows: (a) In the case of a sale, as soon as practicable before transfer of title. (b) In the case of transfer by a real property sales contract, or by a lease together with an option to purchase, or a ground lease coupled with improvements, as soon as practicable before execution of the contract. For the purpose of this paragraph, "execution" means the making or acceptance of an offer.:

...

§ 89-1-509. Form of seller's disclosure statement.

The disclosures required by Sections 89-1-501 through 89-1-523 pertaining to the property proposed to be transferred shall be set forth in and shall be made on a copy of **a disclosure form**, the structure and composition of which shall be determined by the Mississippi Real Estate Commission."

Mississippi Real Estate Commission <https://www.mrec.ms.gov/forms/> created a disclosure form.

Excerpt from the [SELLER'S DISCLOSURE STATEMENT \(ms.gov\)](https://www.mrec.ms.gov/forms/)

3. Are you aware of any current pending litigation, foreclosure, zoning regulations, restrictive covenants, building code violations, mechanics liens, judgments, special assessments or any other type of restriction which could negatively affect your Property? Yes ___ No ___ If "YES", please explain _____.
4. Other than the utility easements, are you aware of any easement which impacts the residence? Yes ___ No ___.
5. Are there any rights-of-way, easements, eminent domain proceedings or similar matters which may negatively impact your ownership interest in the Property? Yes ___ No ___ If "YES", please explain _____.
6. Are you aware if any portion of the Property (including a part of the site) is currently located in or near a FEMA Designated Flood Hazard Zone? Yes ___ No ___ Unknown _____. If "YES", please indicate the source of your information and the current Map Number used to determine the Flood Zone _____.
7. Is Flood Insurance currently required on the Property? Yes ___ No _____. If "YES", please indicate the amount of the premium currently being paid and when the premium was last adjusted _____.
8. Are you aware if any portion of the Property (Site) is currently designated as being located within a WETLANDS area and is subject to specific restrictive uses? Yes ___ No _____. If "YES", please explain in detail _____.
9. Are you aware if the Property has ever had standing water in the front, rear or side yards for more than forty-eight (48) hours following a heavy rain? Yes ___ No _____. If "YES", please describe, to your knowledge, any unusual circumstances causing the problem _____.

10. Are you aware, **FOR ANY REASON**, in the past or present of water penetration problems in the walls, windows, doors, crawl space, basement or attic? Yes ___ No _____. If "YES", please describe, to your knowledge, the nature of the problem and what steps were taken to remedy the problem _____.
11. **FOR ANY REASON**, past or present, has any portion of the interior of the Property ever suffered water damage or moisture related damage which was caused by flooding, lot drainage, moisture seepage, condensation, sewer overflow, sewer backup, leaking or broken water pipes (during or after construction) pipe fittings, plumbing fixtures, leaking appliances, fixtures or equipment? Yes ___ No _____. If "YES", please describe, to your knowledge, the nature of the problems and what steps were taken to remedy the problems _____.
12. Are you aware, **FOR ANY REASON**, of any leaks, back-ups, or other problems relating to any of the plumbing, water, sewage, or related items during your ownership? Yes ___ No _____. If "YES", please describe, to your best knowledge, the problem you experienced and how it was mitigated _____.

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 codes LDP3–local drainage protection FRB–freeboard OHS–other higher standard
450 (Stormwater Management)	ESC–erosion and 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 Mississippi Emergency Management Agency (MEMA) is the State NFIP Coordinating Agency.

<https://www.msema.org/preparedness-2/floodplain-management/>

There are two model ordinances on the site; one for “A” level communities without maps, and one for “B-E” communities (version is from 2011). https://www.msema.org/wp-content/uploads/2018/10/e_model_ordianance.pdf

- No higher standards model text is provided or available on the website.

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

Mississippi’s State Uniform Construction Code is based on the 2018 International Building Code and International Residential Code. The state has also adopted the 2018 International Plumbing Code, International Mechanical Code, and International Fuel Gas Code.

<https://codes.iccsafe.org/codes/mississippi>

- Mississippi State Codes Council adopts codes statewide without amendments; IBC Appendix G is not adopted.
- Local jurisdictions are not mandated to adopt the same current codes – but, under Senate Bill 2378 (of 2014), all counties and municipalities must enact uniform building codes unless they opted out prior to Nov. 30, 2014.

- Municipalities must adopt one of the last 3 versions of the IBC & IRC (so, at least from the 2012, 2015, or 2018 versions) -- does not apply to Manufactured Homes.

Verification: Confirm with each community what version, if any, of the I-codes are adopted.

Citation: [Miss. Code Ann. § 17-2-4](#)

Title 17. Chapter 2. Building Codes (§§ 17-2-1 — 17-2-9)

- (1) Except as provided in Section 17-2-1(1) and subsection (3) of this section, a county board of supervisors or municipal governing authority **shall adopt and amend as minimum codes one (1) of the following as the State Uniform Construction Code: (a) One (1) of the last three (3) adopted editions of the International Building Code (IBC)** and any specific appendix or appendices as adopted and amended by the Mississippi Building Codes Council; **(b) One (1) of the last three (3) adopted editions of the International Residential Code (IRC)**, and any specific appendix or appendices as adopted and amended ...
- (2) In addition to the codes required under this section, subject to the provisions of subsection (3) of this section, a county or municipality may adopt construction codes that are not less stringent than the codes adopted in subsection (1) of this section.
- (3) Within one hundred twenty (120) days after the provisions of this section go into effect, the board of supervisors of a county and/or the governing authorities of any municipality within a county, upon resolution duly adopted and entered upon its minutes, may choose not to be subject to the code requirements imposed under this section.
- (4) These provisions do not apply to those buildings exempt from enforcement in Section 17-2-7 and Section 17-2-9.
- (5) These provisions **do not apply to manufactured homes or mobile homes** as defined in Section 75-49-3.

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

The state has adopted the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the local community has adopted the state uniform code and can document enforcement of the positive drainage provisions, 10 points is available. Relevant IBC section: 1804.4.

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

The state's building code includes the IBC Section 1612 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 at least 1 foot of freeboard. *Specialists will verify with each community the building code adoption and 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 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL, WQ–WATER QUALITY

Mississippi Dept of Environmental Quality administers the National Pollutant Discharge Elimination System (NPDES) Program in the state. The [Small Construction General Permit \(SCGP\)](#) authorizes storm water discharges from construction activities disturbing one (1) acre to less than five (5) acres, or less than one acre if part of a "larger common plan of development or sale," where the total acreage is based on cumulative planned disturbance of less than 5 acres. Construction activities and construction activities part of a "larger common plan of development or sale" disturbing five acres or greater are regulated under the Large Construction General Permit.

Construction Stormwater Guidance Manual <https://www.mdeq.ms.gov/wp-content/uploads/2017/06/ConstructionGM.pdf>

<https://www.mdeq.ms.gov/permits/environmental-permits-division/applications-forms/generalpermits/construction-stormwater/>

Citation: Mississippi Water Pollution Control Law (Miss. Code § 49-17-1 et seq.)

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.

- Mississippi Dept of Environmental Quality, Dam Safety: [https://www.mdeq.ms.gov/water/dam-safety/Dam Safety Regulation, Title II](https://www.mdeq.ms.gov/water/dam-safety/Dam%20Safety%20Regulation,%20Title%20II): Part 7, Chapter 3, requires all owners of High Hazard and Significant Hazard Dams have their dams inspected regularly. High Hazard dams must also have an Emergency Action Plan (EAP).

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.