



## STATE OF NEW YORK

### Date of Verification: Spring 2025

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The CRS provides credits 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 Community Rating System (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 where communities may receive CRS credit based on, or due to, state or regional programs that are within the community. The potential credits must be community 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
430 (Higher Regulatory Standards)	BC1–building codes	48
	LDP3–local drainage protection	10

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

The 2020 Codes of NY State (Title 19 of the New York Codes, Rules, and Regulations) is the state's building code, which is based on the 2018 International Building Code and International Residential Code. The state has also adopted 2018 versions of the International Plumbing Code, International Mechanical Code, and International Fuel Gas Code. (*Status accurate as of 02/01/2024*) <https://www.dos.ny.gov/DCEA/noticadopt.html>

Although the task of developing and promulgating the Uniform Code is a State responsibility, Executive Law § 381 directs that each local government (city, town or village) is responsible for administration and enforcement of the Uniform Code and Energy Code (19 NYCRR Part 1201). The Uniform Code does not need to be affirmatively adopted by a local government. It

is in effect by directive of the State Legislature. (source: [https://dos.ny.gov/system/files/documents/2023/02/administration-and-enforcement-of-the-uniform-code-2302\\_0.pdf](https://dos.ny.gov/system/files/documents/2023/02/administration-and-enforcement-of-the-uniform-code-2302_0.pdf)).

Title 19 – Chapter XXXII Division of Code Enforcement and Administration - <https://dos.ny.gov/laws-and-regulations-division-building-standards-and-codes>

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

The 2020 Building Code of New York State requires fill/grading to be compacted and to slope away from buildings and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available. Citation: NYUC 1804.5

<https://codes.iccsafe.org/content/NYSBC2020P1/chapter-18-soils-and-foundations>

## **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)	FRB–freeboard CAZ–Coastal A Zones
450 (Stormwater Management)	SMR–stormwater management regulations 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 NY Department of Environmental Conservation is the State NFIP Coordinating Agency.

New York’s model ordinance (3 versions are available for different community scenarios) not online but is available by request: [floodplain@dec.ny.gov](mailto:floodplain@dec.ny.gov) or 518-402-8185.

- No higher standards model text is provided or available on the [NY DEC](#) website.

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

The 2020 New York Building Code requires two feet of freeboard in AE and VE zones, and one (1) foot of freeboard in AO zones (Residential [R322.1.1](#) & Building 1612.3.1). 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 CAZ, Coastal A Zones**

If all new buildings in the community's coastal A Zone must meet the requirements for buildings in V Zones and for openings in A Zones (44 CFR §60.3(e) and §60.3(c)(5)), then CAZ = 500. If only some of the V-Zone regulations are enforced in the coastal A Zone, the points are prorated. Specialists will verify that the Coastal A Zone has developable land area; Credit is only available in areas with buildable lots. If the CAZ is too narrow to be developed, this section of the coast must be removed from the credited area.

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

#### **SMR–STORMWATER MANAGEMENT REGULATIONS**

New York State Stormwater Management Design Manual is required for the selection, design, installation, and maintenance of stormwater management practices. Where post-construction stormwater controls are needed, the owner/operator of a construction project subject to the DEC's SPDES General Permit for Stormwater Discharges from Construction Activity must use the Design Manual to develop a Stormwater Pollution Prevention Plan (SWPPP).

SPDES General Permit for Stormwater Discharges from Construction Activity is required for construction activities involving disturbances of one or more acres, construction activities involving soil disturbances less than one acre where the department has determined the SPDES permit is required based on the potential for violation of water quality standard or for significant contribution of pollutants to surface waters of the state.

<https://www.dec.ny.gov/fs/docs/pdf/stormwaterdesignmanual.pdf>

[https://www.dec.ny.gov/docs/water\\_pdf/constgp020001.pdf](https://www.dec.ny.gov/docs/water_pdf/constgp020001.pdf)

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

New York requires erosion and sediment control plans for any construction activity that disturbs one or more acres, and in some special watersheds, 5,000 square feet.

Citation: 2016 New York State Standards and Specifications for Erosion and Sediment Control (Section 1, Introduction): <https://www.dec.ny.gov/chemical/29066.html>.

The state requires all construction activity that disturbs one or more acres and in some special watersheds, 5,000 sq ft, to meet water quality standards such as: (1) There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions; (2) There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and (3) There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

Citations: [https://www.dec.ny.gov/docs/water\\_pdf/constgp020001.pdf](https://www.dec.ny.gov/docs/water_pdf/constgp020001.pdf) (Part I.D) and NYS regulation [6 NYCRR Part 700 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.

- New York State's Dam Safety Program is administered by the Department of Environmental Conservation. The State's Dam Safety Google Earth map can be downloaded from <https://www.dec.ny.gov/pubs/103459.html>.

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.