



STATE OF NEW YORK

Date of Verification: Spring 2024

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).

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 OHS–other higher standards |
| 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 or 518-402-8185.

- No higher standards model text is provided or available on the [NY DEC](https://www.dec.ny.gov/) 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 430 (Higher Regulatory Standards) Element OHS – Other Higher Standards

Other Higher Standards credit will be verified individually by CRS specialists and technical reviewers. Climate Smart Communities (CSC) Certification Program is a NY program that helps local governments take action to reduce greenhouse gas emissions and adapt to a changing climate. The program offers grants, rebates for electric vehicles, and free technical assistance. <https://climatesmart.ny.gov/actions-certification/actions/#close>

- Resource: Checklist for crosswalk [CSCC-ActionChecklist-12-17-2021.pdf \(ny.gov\)](#)

CSC Action categories 6 and 7 may contain potential CRS elements:

| # | CSD Certification Checklist: Action | CRS Potential |
|------------|--|--|
| PE6 | Climate Smart Land Use | |
| 6.1 | Develop and adopt a comprehensive plan with sustainability elements. | CSC guidance includes planning and goals for resource protection. Potential CRS credit for 320 (map information), 330 (outreach), 360 (property protection), 410 (mapping), 420 (open space), 430 (higher standards), and 510 natural functions. |

| # | CSD Certification Checklist: Action | CRS Potential |
|------------|---|--|
| 6.2 | Incorporate smart growth principles into land-use policies and regulations. | CSC guidance encourages adoption of land use policies with specific reference to open space, natural resource protection, stormwater mgt, and flood mitigation. Potential CRS credit for 320 (map information), 330 (outreach), 360 (property protection), 410 (mapping), 420 (open space), 430 (higher standards), and 510 natural functions. |
| 6.8 | Adopt green parking lot standards. | OHS credit can be given for regulating parking lots in flood prone areas. |
| 6.9 | Adopt a complete street policy. | OHS credit can be given for designing streets for flood protection. Could include stormwater management. |
| 6.17 | Develop a natural resource inventory. | Potential 510 credit for natural functions |
| 6.19 | Preserve natural areas through zoning or other regulations. | CSC guidance includes specific reference to open space enhancement in floodplains, coastal shorelines, and stream buffers. Potential 410 mapping credit, 420 open space, 430 DL, or 510 natural functions |
| PE7 | Enhance Resilience to Climate Change | |
| 7.3 | Review existing community plans and projects to identify climate adaptation strategies and policies or projects that may decrease vulnerability. | CSC guidelines encourage communities to determine climate change impacts and vulnerabilities. Potential credit in 320 (map information), 330 (outreach), 360 (property protection), 410 (mapping), 420 (open space), 430 (higher standards). |
| 7.6 | Update the multi-hazard mitigation plan to address changing conditions and identify specific strategies to reduce vulnerability to natural hazards. | Potential credit in 320 (map information), 330 (outreach), 360 (property protection), 410 (mapping), 420 (open space), 430 (higher standards). |
| 7.10 | Create or update a watershed assessment to identify flooding and water quality priorities. | Potential CRS credit for 410 (mapping) or OHS (regulating areas outside of the mapped SFHA). |
| 7.20 | Require consideration of sea-level rise in planning coastal development. | Potential CRS credit in 410 (mapping), 420 (open space), and 430 (CAZ). |

| # | CSD Certification Checklist: Action | CRS Potential |
|------|---|---|
| 7.19 | Extend areas in which the two-foot freeboard requirement applies. | Potential OHS for regulating areas outside of the mapped SFHA. |
| 7.16 | Use green infrastructure to manage stormwater in developed areas. | Potential 450 credit. |
| 7.21 | Right-size bridges and culverts, and remove unnecessary and hazardous dams. | Potential OHS credit for site specific encroachment analysis using no-rise standards. |
| 7.12 | Conserve, revegetate and reconnect floodplains and buffers in riparian areas. | Potential 420 (open space) |
| 7.14 | Facilitate a strategic relocation of uses that are not water dependent from flood prone areas | Potential 430 DL |
| 7.18 | Use natural, nature-based or ecologically enhanced shoreline protection. | Potential 420 open space or 430 DL |
| 7.15 | Promote community flood prevention strategies through the NFIP Community Rating System | Potential 430 higher standards credit |
| 7.1 | Create or update a watershed assessment to identify flooding and water quality priorities. | Potential 410 mapping credit. |
| 7.22 | Develop or enhance early warning systems and community evacuation plans | Potential 610 credit for flood warning and response. |

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

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 (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.