



STATE OF VIRGINIA

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
430 (Higher Regulatory Standards)	BC1—building codes	48
	LDP3—local drainage protection	10

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

Virginia has a residential property disclosure requirement that sellers disclose if the owner is aware that the structure is a repetitive loss structure. The disclosure form does not require disclosure of SFHA or previous flood history.

Citation: Code of Virginia 55.1-70.2 - <https://law.lis.virginia.gov/vacodefull/title55.1/chapter7/>

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or the Virginia Flood Risk Information website operated by the Department of Conservation and Recreation, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract. A flood risk information form, pursuant to the provisions of subsection D, that provides additional information on flood risk and flood insurance is available for download by the Real Estate Board on its website;

§ 55.1-708.2. Required disclosures pertaining to repetitive loss.

The owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure shall disclose such fact to the purchaser. For purposes of this section, "repetitive risk loss" means that two or more claims of more than \$1,000 were paid by the National Flood Insurance Program within any rolling 10-year period, since 1978. Such disclosure shall be provided to the purchaser on a form provided by the Real Estate Board on its website.

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

The Virginia Uniform Statewide Building Code is based on the 2018 International Residential Code and International Building Code. The state has also adopted the 2018 International Plumbing Code, 2018 International Mechanical Code, and 2018 International Fuel Gas Code. (effective 1 July 2021)

- IBC Chapter 1 and Appendix G are not adopted. <https://codes.iccsafe.org/codes/virginia>

The Board of Housing and Community Development adopts and amends the USBC Statewide mandatory mini/maxi construction code that all 167 units of local government (counties and incorporated cities) must adopt and implement. <https://www.dhcd.virginia.gov/codes>

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

The state’s building code includes the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available

Citation: Section §1804.4 of the VA Construction Code -

https://codes.iccsafe.org/content/VCC2018P3/chapter-18-soils-and-foundations#VCC2018P3_Ch18_Sec1804

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)	CER–coastal erosion hazard regulation FRB–freeboard OHS–other higher standards
440 (Flood Data Maintenance)	AMD–additional map data (1-8, 11, 12) EDM–erosion data maintenance
450 (Stormwater Management)	SMR–stormwater management regulations ESC–erosion and sedimentation control WQ–water quality
540 (Drainage System Maintenance)	CIP–capital improvement program
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 Virginia Department of Conservation and Recreation is the State NFIP Coordinating Agency.

The model NFIP ordinance can be found at <https://www.dcr.virginia.gov/dam-safety-and-floodplains/fordnce>.

Optional higher standards

- 18 inches of freeboard

- Coastal A zone structures require 1 ft freeboard.
- Enclosures less than 300 sq ft in V Zones.
- No emergency service, medical service or governmental records allowed in Shaded X zones.
- Accessory structures (prohibited or size-limited language)
- Nonconversion agreement for enclosures
- Cumulative and/or lower threshold for SD/SI

Activity 430 (Higher Regulatory Standards) Element CER, Coastal Erosion Regulations

May be applicable in coastal communities. [VA Code § 28.2-1408](#). Standards for use of coastal primary sand dunes. “No permanent alteration of or construction upon any coastal primary sand dune shall take place which would (i) impair the natural functions of the dune, (ii) physically alter the contour of the dune, or (iii) destroy vegetation growing thereon unless the wetlands board or the Commission, whichever is applicable, determines that there will be no significant adverse ecological impact, or that the granting of a permit is clearly necessary and consistent with the public interest, considering all material factors.” *Provided by Karyn Reid DCR*

- [§ 28.2-1403. Certain counties, cities, and towns authorized to adopt coastal primary sand dune ordinance \(virginia.gov\)](#)

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 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 440 (Flood Data Maintenance) Element AMD, Additional Map Data

May be applicable if communities use the state’s data. Virginia provides the Flood Risk Information System (VFRIS) website to the public – it contains digitally accessible flood hazard data, including:

- AMD1: The SFHA boundaries, corporate limits, streets, and parcel boundaries
- AMD2: Building footprints
- AMD3: Floodways and coastal high hazard areas
- AMD4: Base flood elevations

- AMD5: FIRM zone attributes
- AMD6: The 500-year floodplain elevation and boundaries
- AMD7: Channel migration zones, landslides, and lahars
- AMD8: Contour lines created from a LiDAR database
- AMD11: Incorporating and maintaining layers from Hazus-MH
- AMD 12: Fish and wildlife areas and wetlands

Website: [Virginia Flood Risk Information System \(VFRIS\)](#)

Activity 440 (Flood Data Maintenance) Element EDM, Erosion Data Maintenance

May be applicable if communities use the state’s data. Virginia provides erosion data to the public – it contains digitally accessible shoreline change data.

Website: [Shoreline Change Data \(arcgis.com\)](#)

Activity 450 (Stormwater Management) Element SMR, Stormwater Management Regulations

Verification: credit will be verified individually by CRS specialists and technical reviewers. The area standards are not creditable by themselves for sub-element SZ, size of development regulated. Check with each community, as design storms can vary (sub-element DS) and they may have different standards for size of development regulated that could be creditable.

- DS—design storm use in regulations
- LID—low-impact development
- PUB—public maintenance of required facilities

Citation: Code of Virginia Stormwater Management Act
<https://law.lis.virginia.gov/vacodefull/title62.1/chapter3.1/article2.3/>

§ 62.1-44.15:28. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

10. Require that VSMPs [Virginia Stormwater Management Program] maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to

- (i) detain the water quality volume and to release it over 48 hours;
- (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and

(iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33

Activity 450 (Stormwater Management)

ESC-EROSION AND SEDIMENTATION CONTROL WQ-WATER QUALITY

The Virginia General VPDES Permit for the Discharges of Stormwater from construction activities is required for operators of construction activities resulting in land disturbance equal to or greater than one acre; or less than one acre and are part of a larger common plan of development or sale that ultimately disturbs one or more acres. The permit requires an erosion and sedimentation plan. The permit requires water quality protections to be identified in the stormwater pollution prevention plan (SWPP).

Citations: 9VAC25-840-40 -

<https://law.lis.virginia.gov/admincode/title9/agency25/chapter840/section40/>

General VPDES permit for construction Part I (G) & Part II (B)(2)

<https://www.deq.virginia.gov/home/showpublisheddocument/8525/637547667064630000>

Activity 540 (Drainage System Maintenance) Element CIP, Capital Improvement Program

Localities are not required by the State to have a Capital Improvement Program (CIP); most, if not all, localities choose to have a CIP. A local planning commission may prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. [Va. Code § 15.2-2239.](#)

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 Virginia Department of Conservation and Recreation administers the state's dam safety program - <https://www.dcr.virginia.gov/dam-safety-and-floodplains/dam-safety-index>.

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.