

Appendix B

A Comparison of the Minimum NFIP Requirements and the CRS

The Community Rating System provides credits for exceeding the minimum requirements of the National Flood Insurance Program (NFIP). Many local officials are not sure whether their regulations exceed the NFIP requirements or just meet them. The minimum NFIP requirements for communities are spelled out in 44 *CFR* Part 59—General Provisions and Part 60—Criteria for Land Management and Use. This Appendix compares these minimum requirements with specific CRS credits.

NFIP Requirement	Related CRS Credit
<i>Part 59 General Provisions</i>	
<i>Subpart A—General</i>	
59.1 Definitions	“Exceeding” the definitions for substantial improvement and substantial damage is recognized in Sections 432.d and e, which credit cumulative substantial improvements (CSI) and lower substantial improvement thresholds (LSI).
59.2 Description of program	N/A
59.3 Emergency program	N/A
59.4 References	N/A
<i>Subpart B—Eligibility Requirements</i>	N/A
<i>Part 60—Criteria for Land Management and Use</i>	
<i>Subpart A—Requirements for Flood Plain Management Regulations</i>	
60.1 Purpose of subpart	
(c) “Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions...”	In other words, the NFIP expects communities to exceed the minimum requirements.

NFIP Requirement	Related CRS Credit
(d) “The criteria set forth in this subpart are minimum standards...”	N/A
60.2 Minimum compliance with flood plain management criteria: describes the procedures for getting the local regulations approved.	N/A
60.3 Flood plain management criteria for flood-prone areas: the requirements in sections (a)—(e) are based on the type of flood data provided by FEMA.	
(a) When no flood data are provided by FEMA, the community shall:	
1. Require permits for development everywhere to determine if the development is in a flood-prone area.	Section 412.a, new study (NS) credits identifying and regulating additional flood-prone areas
2. Make sure proposed developments have permits from other agencies.	N/A
3. Make sure building sites will be reasonably safe from flooding. If in a flood-prone area, new buildings and substantial improvements must be anchored, constructed with materials and methods resistant to flood damage, and have their utilities protected.	This NFIP requirement should not be confused with the credit for engineered foundations under Section 432.c (FDN).
4. New subdivisions must meet similar requirements.	There is credit for higher standards for subdivisions in Section 422.e (OSI).
5. New and replacement water systems must be protected.	N/A
6. New and replacement sanitary and septic systems must be protected.	There is credit for adopting the International Private Sewage Disposal Code in Section 432.h (BC).

NFIP Requirement	Related CRS Credit
(b) When FEMA provides a flood map but no flood elevations, the community shall:	
1. Require permits for development in the A Zone.	Section 412.a credits providing regulatory flood elevations where not available (NS).
2. Require development to meet the requirements in 60.3(a). 2–6.	N/A
3. Require larger subdivisions and developments to produce flood elevations.	Section 412.a (NS) credits providing regulatory flood elevations for all new developments, not just large ones.
4. “Obtain, review and reasonably utilize” available flood elevations.	Section 412.a (NS) credits providing regulatory flood elevations for all new developments, not just those where data are readily available.
5. Obtain and maintain records of the elevations and floodproofing protection levels of new buildings.	Activity 310 (Elevation Certificates) credits keeping the records on the FEMA Elevation and Floodproofing Certificates.
6. Tell the State and other communities if a watercourse will be altered.	There is credit for keeping watercourses in their natural state in Section 422.g (NSP).
7. Assure that the flood carrying capacity of an altered watercourse is maintained.	There is credit for keeping watercourses in their natural state in Section 422.g (NSP).
	There is credit for maintaining watercourses in Activity 540 (Drainage System Maintenance), which includes an environmental review requirement if maintenance activities or capital improvement programs alter a watercourse.
8. Require that manufactured homes be elevated and anchored.	N/A
(c) When FEMA provides a Flood Insurance Rate Map (FIRM) with flood elevations, the community shall:	

NFIP Requirement	Related CRS Credit
1. Meet all the requirements of 60.3(b) in all types of A Zones.	N/A
2. Make sure that residential buildings and substantial improvements are elevated to or above the base flood elevation in those A Zones with flood elevations or depths.	Section 412.a credits providing regulatory flood elevations where not available (NS). Section 432.b, Freeboard, credits going higher than the base flood elevation.
3. Make sure that non-residential buildings and substantial improvements are elevated or floodproofed in those A Zones with flood elevations or depths.	See (c)2, above.
4. Obtain an architect's or engineer's certification for floodproofing non-residential buildings.	Activity 310 credits certifications on FEMA forms. This language does not receive credit for engineered foundations (FDN) under Section 432.c.
5. Make sure that the areas below elevated buildings allow for the entry of water.	This is often confused with the credit for engineered foundations under Section 432.c (FDN), but it is a minimum NFIP requirement. Prohibiting enclosing the lower area is credited under Section 432.g (ENL).
6. Make sure that mobile homes outside of existing mobile home parks are elevated.	N/A
7. Require new and substantially improved residential buildings in AO Zones to be elevated above the specified depth or, where none is specified, two feet.	Section 432.b, Freeboard, credits going higher than the base flood depth. Freeboard (FRB) credit criterion (2)(c) notes that the two feet language is not eligible for freeboard credit.
8. Require new and substantially improved non-residential buildings in AO Zones to be elevated or floodproofed above the specified depth or, where none is specified, two feet.	See (c)7, above.
9. Require the standards of (a)1–4 and (b)5–9 in A99 Zones.	N/A

NFIP Requirement	Related CRS Credit
10. Make sure there is no cumulative increase in flood heights in areas with no floodway designated.	Section 412.a credits new floodway mapping as additional data (NS).
11. Require drainage paths around buildings in AH and AO Zones, areas of shallow flooding without defined channels.	N/A
12. Require mobile homes in existing mobile home parks to be elevated above the base flood elevation or at least three feet above grade.	Section 432.j credits higher regulatory standards for existing manufactured home parks (MHP).
13. Apply for a conditional FIRM revision if a development will increase the base flood elevation by more than one foot.	Section 412.e credits a floodway standard more restrictive than one foot (FWS).
14. Require that recreational vehicles on a site for more than 180 days be treated as a manufactured home.	N/A
(d) When FEMA provides a floodway map, the community shall:	
1. Meet all the requirements of 60.3(c).1–14.	N/A
2. Adopt a regulatory floodway that does not result in increasing the base flood by more than one foot.	Section 412.e credits a floodway standard more restrictive than one foot (FWS).
3. Prohibit encroachments in the floodway from causing any increase in the base flood.	This should not be confused with Section 432.a, which credits preserving floodplain storage capacity (DL1b).
4. Apply for a conditional FIRM revision if a development in the floodway will increase the base flood elevation.	N/A
(e) When FEMA provides a FIRM that shows the coastal high hazard area (V Zone), the community shall:	
1. Meet all the requirements of 60.3(c).1–14	N/A

NFIP Requirement	Related CRS Credit
2. Keep records of the lowest structural member of new buildings.	Activity 310 (Elevation Certificates) credits keeping the records on the FEMA Elevation Certificate.
3. Make sure all new buildings are landward of mean high tide.	N/A
4. In V Zones with base flood elevations, require all new buildings to be elevated on pilings and columns so (i) the lowest horizontal structural member is elevated above the base flood level and (ii) an engineer or architect certifies the foundation anchoring.	Credit criterion (2)(a) in Section 432.b provides freeboard credit for requiring buildings outside of V Zones to have the lowest horizontal member elevated above the base flood. Credit under Section 432.c for engineered foundations (FDN) is not available in V Zones because they are required there. Section 432.k (CAZ) credits extending the V-Zone standards to coastal A Zones.
5. Make sure that the areas below elevated buildings are open or enclosed with breakaway walls.	Section 432.g (ENL) credits prohibiting all enclosures of the lower area.
6. Prohibit fill for structural support in V Zones.	Section 432.a credits prohibition of all fill in the floodplain (DL1), including CLOMR-Fs and filling in V Zones.
7. Prohibit man-made alteration of sand dunes and mangrove stands in V Zones.	<i>Coastal Erosion Hazards: A Special Flood-related Hazards Supplement to the CRS Coordinator's Manual</i> credits prohibiting alteration of dunes outside of V Zones and regulations that restrict traffic on dunes.
8. Require mobile homes outside of existing mobile home parks to meet the requirements of (e)2–7 and mobile homes in existing parks to meet the requirements of (c)12.	N/A
9. Require that recreational vehicles on a site for more than 180 days meet the requirements of (b)1 and (e)2–7.	N/A

NFIP Requirement	Related CRS Credit
60.4 Flood plain management criteria for mudslide (i.e., mudflow) -prone areas.	See <i>Inland Hazards: A Special Flood-related Hazards Supplement to the CRS Coordinator's Manual</i> .
60.5 Flood plain management criteria for flood-related erosion-prone areas.	See <i>Inland Hazards: A Special Flood-related Hazards Supplement to the CRS Coordinator's Manual</i> .
60.6 Variances and exceptions.	N/A
60.7 Revisions of criteria for flood plain management regulations.	N/A
60.8 Definitions (references the definitions in Part 59).	N/A
<i>Subpart B - Requirements for State Flood Plain Management Regulations</i>	N/A
<i>Subpart C - Additional Considerations in Managing Flood-Prone, Mudslide (i.e., Mudflow)-Prone, and Flood-Related Erosion-Prone Areas</i>	N/A: These are planning considerations, not requirements. Implementing them would exceed the minimum NFIP requirements.
Part 65 has criteria for development and adoption of flood elevation data and floodplain maps. Section 65.3 requires communities to submit data on changes in data and maps to FEMA.	Credit criterion (2) for new studies (NS) in Activity 410 (Floodplain Mapping) states that NS credit is contingent on submitting the data and map(s) to FEMA.

Regulations Credited by the CRS not Related to Minimum NFIP Requirements

Regulations Credited under Activity 430 (Higher Regulatory Standards)

Section 432.c: Requiring that fill and building foundations be designed to protect them from damage due to erosion, scour and settling (FDN).

Section 432.f: Requiring that critical facilities, such as hospitals and hazardous materials storage sites, be protected from higher flood levels (PCF).

Section 432.a: Maintaining floodplain storage by prohibiting fill or by requiring compensatory storage (DL1). Although floodway regulations preserve flood conveyance, they allow the flood fringe to be filled in, which can have a significant effect on downstream flood heights.

Section 432.a: Prohibiting new buildings in the floodplain (DL2). Credit is prorated for prohibiting certain kinds of buildings.

Section 432.a: Prohibiting storage of materials or storage of hazardous materials in the floodplain (DL3).

Section 432.m: Implementing other regulations that exceed the minimum requirements of the NFIP Regulations (OHS).

The NFIP regulations are oriented toward the more common overbank and coastal flooding. Special flood-related hazards regulations (“SH”) are requirements tailored to different conditions. They are described in publications on special flood-related hazards and coastal hazards listed in Appendix C.

Regulations Credited under other Activities

Section 342.b: Requiring developers or sellers to publicize or disclose the flood hazard on their properties (ODR).

Section 422.a: Prohibiting new buildings and filling in the floodway, V Zone, or other part of the floodplain to preserve open space (OSP).

Section 422.e: Regulations that encourage preserving floodplain lands as open space.

Section 422.f: Zoning to minimize the number of buildings in the floodplain to reduce the damage potential and help maintain flood storage capacity (LZ).

Section 422.g: Programs that protect natural channels and shorelines.