

Appendix D

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* Parts 59–General Provisions and 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 431.c and d 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
Subpart B - Eligibility Requirements	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 know, 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 its in a floodprone area.	Section 411.a, new study (NS) credits identifying and regulating additional floodprone 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 floodprone 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 431.b (FDN).
4. New subdivisions must meet similar requirements.	N/A
5. New and replacement water systems must be protected.	N/A
6. New and replacement sanitary and septic systems must be protected.	Section 431.g, natural and beneficial functions regulations (NBR), credits prohibiting septic systems in the floodplain.

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 411.a credits providing regulatory flood elevations where not available (NS). This would mean requiring permits in floodplains outside the SFHA.
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 411.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 411.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.	This requirement should not be confused with the credit in Section 431.g for stream bank protection (NBR).
7. Assure that the flood carrying capacity of an altered watercourse is maintained.	This requirement should not be confused with the credit in Section 431.g for stream bank protection (NBR).
8. Require that manufactured homes be elevated and anchored.	N/A
(c) When FEMA provides a FIRM with flood elevations, the community shall:	
1. Meet all the requirements of 60.3(b) in all types of A Zones.	N/A

NFIP Requirement	Related CRS Credit
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 411.a credits providing regulatory flood elevations where not available (NS). This results in requiring permits in A Zones without flood elevations or depths. Section 431.a, 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 431.b.
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 431.b (FDN), but it is a minimum NFIP requirement. Prohibiting enclosing the lower area is credited under Section 431.h (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 431.a, Freeboard, credits going higher than the base flood depth. Section 431.a.7 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 411.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 431n 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 411.d 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 411.d 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 is often confused with Section 431.f which credits preserving floodplain storage capacity (PSC), but it is a minimum NFIP requirement.
4. Apply for a conditional FIRM revision if a development in the floodway will increase the base flood elevation.	N/A

NFIP Requirement	Related CRS Credit
(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
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.	Section 431.a.6 provides freeboard credit for requiring buildings <i>outside</i> of V Zones to have the lowest horizontal member elevated above the base flood. Credit under Section 431.b for engineered foundations (FDN) is not available in V Zones because they are required there. Section 431.o (CAZ) credits extending the V Zone standards to coastal AE Zones.
5. Make sure that the areas below elevated buildings are open or enclosed with breakaway walls.	Section 431.h (ENL) credits prohibiting <i>all</i> enclosures of the lower area.
6. Prohibit fill for structural support in V Zones.	Section 431.f credits prohibition of fill in the floodplain (PSC). It is not available if the community only prohibits fill in V Zones.
7. Prohibit man-made alteration of sand dunes and mangrove stands in V Zones.	<i>CRS Credit for Management of Coastal Erosion Hazards</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

NFIP Requirement	Related CRS Credit
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
60.4 Flood plain management criteria for mudslide (i.e., mudflow) -prone areas.	See <i>Special Hazards Supplement to the CRS Coordinator's Manual</i> .
60.5 Flood plain management criteria for flood-related erosion-prone areas.	See <i>CRS Credit for Management of Coastal Erosion Hazards</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.

Regulations Credited by the CRS Not Related to Minimum NFIP Requirements

Regulations credited in Activity 430 (Higher Regulatory Standards):

Section 431.b: Requiring that fill and building foundations be designed to protect them from damage due to erosion, scour and settling (FDN).

Section 431.e: Requiring that critical facilities, such as hospitals and hazardous materials storage sites, be protected from higher flood levels (PCF).

Section 431.f: Maintaining floodplain storage by prohibiting fill or by requiring compensatory storage (PSC). While 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 431.g: Prohibiting or regulating developments that can have an adverse impact on public health or water quality, including alterations to shoreline, channels, and banks (NBR).

Section 431.i: Implementing other regulations that exceed the minimum requirements of the NFIP Regulations (OHS).

Section 431.LZ: Zoning to minimize the number of buildings in the floodplain to reduce the damage potential and help maintain flood storage and conveyance capacity (LZ).

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

Regulations credited under other activities:

Section 341.b: Requiring developers or sellers to publicize or disclose the flood hazard on their properties (ODR).

Section 421: Prohibiting new buildings in the floodway, V Zone, or other part of the floodplain to preserve open space (OS).

Section 431.LD.a: Regulations that encourage preserving floodplain lands as open space.

Section 451.a: Requiring new developments to provide retention or detention of their stormwater runoff to minimize the increase in flood flows due to watershed urbanization (SMR).

Section 451.e: Requiring erosion and sedimentation control during construction projects to reduce siltation and the resulting loss of channel carrying capacity (ESC).

Section 451.f: Requiring developers to implement appropriate “best management practices” that will improve the quality of stormwater runoff (WQ).

Section 541.b: Prohibiting dumping or placing debris in stream channels (SDR).

Section 631.b: Regulating new developments downstream of dams to protect them from flooding from a dam break (DFR).