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TO: Federal Emergency Management Agency  
FROM: New York State Floodplain and Stormwater Managers Association  
SUBJECT: Request for Information: National Flood Insurance Program's Community Rating System  
Docket ID FEMA-2021-0021  
DATE: September 15, 2021

The New York State Floodplain and Stormwater Managers Association (NYSFSMA) is a professional organization with over 500 public and private sector members from throughout New York State. The Association sponsors a statewide Community Rating System (CRS) Users Group. We appreciate this opportunity to provide suggestions for improving the CRS program.

The state of New York has 1,500 communities that participate in the National Flood Insurance Program (NFIP), but only 36 communities (2%) currently participate in the Community Rating System (CRS). This means that for 98% of New York State (NYS) communities, the CRS program is not meeting its objectives, namely to reduce flood damage, increase flood insurance coverage, and foster comprehensive floodplain management. We consider this to be a failure of the CRS program, at least within New York State where many communities are small, with very limited capacity to understand and implement CRS activities. Approximately 75% of NYS municipalities have less than 5,000 residents; so many community responsibilities are handled by part-time staff and volunteer boards. These small communities generally do not have the GIS capability to prepare impact adjustment maps and many do not yet have DFIRMS. Only 11% of NYS municipalities have more than 100 NFIP policies. Small communities with few NFIP flood insurance policies find it hard to justify the expenditure of limited resources (staff time and money) to qualify for insurance discounts for such a small number of residents. The following suggestions are intended to promote improved participation and equity within the CRS program.

**FEMA question (1): What are the strengths of the current CRS program? What components of the program are currently working well and why?**

All NYS communities could benefit greatly from improved flood risk management; and the activities credited by the CRS program provide excellent guidance for local efforts. CRS would become a more valuable tool for reducing flood damages if it could motivate improved flood risk management programs in more communities.

**FEMA question (2): What are the challenges with the current CRS program that need to be addressed and why? How can the CRS program be modified, expanded, or streamlined to better address or resolve these challenges?**

The program is complex and confusing. Communities that participate in CRS and those that have withdrawn from the program report that the program is confusing with excessive documentation requirements. A community should be able to implement a successful CRS program without hiring a consultant or attending a week of EMI training. The complexity of the current program makes it difficult to implement and leads to inconsistent interpretations. There have been instances in which communities applying for credit for the same county activities or similar website content have received varying credit

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scores. The credit criteria (activity prerequisites) currently lead to confusion and should be eliminated or included as program elements.

The CRS manual should be much clearer. It should be possible for a community to anticipate the credits that will be awarded for each program activity prior to undertaking it. The element credits and variables need to be both flexible and clearly presented. Documentation requirements should be clearer. FEMA should assess whether a web-based and/or spreadsheet format would be more user-friendly than the current manual.

More detailed feedback is needed. Communities currently receive a Verification Report that indicates the points earned for each activity but lacks detail about the elements and variables that contribute to those point totals. All worksheets used for credit calculations should be routinely provided to the community, so that they have the detailed information needed to improve their programs.

**FEMA question (3): While the CRS program is technically available to all compliant NFIP communities, is access to the CRS program equitable for all communities? If not, what changes to the CRS program could make it more equitable for all communities? How could the CRS program provide better outreach to disadvantaged communities to encourage participation? How could the CRS program provide better outreach to households in disadvantaged communities to encourage participation in the NFIP?**

Although the diverse flood risks may be accounted for in the Risk Rating 2.0 rating process, the current program does not account for the diversity of community size, wealth, capacity, number of policies, or value of insured structures. In order to be equitable, the CRS program needs to be accessible for a spectrum of communities from large/well-staffed to small/low capacity. In addition, there is also a spectrum of communities from those with only a few flood-prone buildings to those for which the entire jurisdiction is prone to flooding.

Adjust the number of points required for each CRS class based on the local tax revenue and provide funding for program implementation. The financial benefits of CRS can be distributed more equitably if the number of points required to achieve each CRS class is scaled based on the financial resources that a community has available to implement a CRS program. The community's local tax revenue could be self-reported on the CRS application. For small, low-capacity communities with few staff, additional funding and/or technical assistance may also be needed to develop and implement improved flood risk management programs.

Adjust the number of points required for each CRS class based on the per capita NFIP coverage. Many of the existing CRS activities require almost as much effort for a community in which only 5 policies get the CRS discount as for those with hundreds of policies. We suggest that the number of points required for each class be scaled based on the total NFIP coverage per capita within the jurisdiction. A community with a lot of policies and/or policies for high value buildings gets much more financial benefit from CRS discounts and should therefore have a higher bar to qualify for those discounts (and to protect the larger amount of risky development). A community that has historically done a good job of preventing or removing buildings in flood-prone areas could be rewarded by earning comparable discounts for implementing less additional activities (focusing on those that still provide value).

Eliminate the CRS cross-subsidy within the NFIP. CRS discounts are currently paid for by a cross-subsidy within the NFIP program, such that the discount for one community ends up being offset by increased premium rates in other communities. In 2019, non-CRS policies had an increased cost of 15.3% to pay for average 13.3% discount within CRS communities (Congressional Research Service, “National Flood Insurance Program: The Current Rating Structure and Risk Rating 2.0,” Updated June 4, 2021). This is an unfair expense for policyholders in non-participating communities, many of which are low-capacity communities that lack the resources to participate or communities with few flood insurance policies. The cost of the CRS program and NFIP discounts should be funded from a source outside of the NFIP.

**FEMA question (6): How can the CRS program be modified, expanded, or streamlined to best incentivize participation by communities and flood insurance policyholders to become more resilient and lower their vulnerability to flood risk?**

Develop a CRS-EZ application for initial participation using a checklist. A simplified process for joining CRS would encourage communities to enter the program, and once they start to see the benefits, to implement additional activities and achieve a higher CRS class. We suggest that FEMA identify activities that all communities can—and should—do to reduce flood damages and that require minimal documentation. This could be presented as a checklist that is easy to understand and is accompanied by resources that facilitate implementation (such as brochures for distribution, references for libraries, examples of website content, logs/forms for documenting activities, etc.). This checklist could continue to be used for program verification so that the process remains straight forward for communities that do not advance to higher class levels.

Examples of activities that could be included on an entry level checklist:

- Elevation Certificates
- Map information services (with sample letter and log included in application packet)
- Posting FIRMs in building departments (as public outreach and also to remind municipal personnel of floodplain management responsibilities)
- Brochures in municipal buildings (provide copies of materials that only require addition of municipal contact information)
- Mailings to floodplain properties (with example content in packet)
- Documents in libraries (provide list)
- Other outreach projects
- Flood protection information on municipal and county websites (provide example language and links)
- Property protection advice (provide links to reference materials and example log sheet for documentation)
- Local floodplain administrator with Certified Floodplain Manager (CFM) certification (or an agreement that assures participation of a CFM in review and permitting of floodplain development projects)
- Flood insurance assessment
- Freeboard
- FIRM maintenance

- Water quantity (peak flow and/or volume) controls in stormwater construction requirements
- FEMA-approved Hazard Mitigation Plan that addresses flooding
- Drainage system maintenance of problem sites and municipal drainage systems (with sample procedures and log in packet)
- State Dam Safety programs
- StormReady designation
- TsunamiReady designation

**FEMA question (7): How can the CRS program better incentivize floodplain management, risk management, and/or risk reduction efforts for communities through CRS discounts, grants, trainings, technical assistance or other means? Which efforts are most critical for the CRS program to support?**

Grant funding: Because the CRS program is complex and time-consuming, grant funding is needed to help communities implement CRS programs and/or to support state and regional partners to provide technical assistance and program support.

**FEMA question (9): The CRS program provides credits for flood risk reduction activities. Are there flood risk reduction activities that are not currently given credit within the CRS program that should be? If so, what are they and why? Are there flood risk reduction activities that are currently given excessive credit within the CRS program than they should be given? If so, what are they and why? Should the CRS program provide a list of optional risk reduction activities for communities to choose from or a list of required risk reduction activities, and why?**

Website content (Activity 350). Because many small municipalities do not have websites, equivalent credit should be provided for information on county emergency management and planning department web pages.

Planning (Activity 510). Flood risks should be documented and addressed in all local plans, not just a floodplain management or multi-hazard mitigation plan. If local comprehensive plans, economic development strategies, infrastructure plans, watershed plans, and other planning processes do not recognize and address flood hazards, future development is likely to continue to be located in areas prone to flooding. CRS should incentivize the inclusion of flood hazard maps and flood resilience goals in other community plans.

Flood warning and response (Activity 610). The National Weather Service's StormReady designation indicates that a community has undertaken significant actions to prepare for these events. We thus recommend that the StormReady and TsunamiReady credits be available without the need to first meet the activity credit criteria.

Flood risks outside of mapped high hazard areas. We recommend additional consideration of activities that reduce flood risks outside of the Special Flood Hazard Area (SFHA) or other mapped hazard areas. Some impact adjustments are calculated based on the proportion of the regulated floodplain that is covered by a particular CRS activity. However, this approach fails to give appropriate credit to activities addressing the significant flood risks that exist beyond the mapped SFHA. For example, inclusion of

riparian buffer or stream setback provisions in land use regulations is an important tool for preventing flooding and erosion damage along unmapped streams, as well as within the SFHA. However, even if the language meets the very high standards required for open space preservation (Activity 420), CRS credit is currently limited to protected areas within the SFHA.

**FEMA question (10): What successful approaches have been taken by State, local, Tribal, and Territorial governments that the CRS program could leverage to better support community participation in the CRS program? In what ways could the CRS program better support States, Tribes, Territories and Regions, and flood control and water management districts to improve community participation in the program? What innovative changes could the CRS program make to be simpler for communities to join and maintain participation?**

Formalize state, regional, and county participation in CRS. All levels of government should be partners in flood risk management, so CRS should credit activities implemented at the state, regional, and county level without the burden of documentation all falling to the local community. If building codes, stormwater standards/permitting, real estate disclosure, dam safety programs, and other activities are implemented by states, then ISO should verify statewide implementation and make those points uniformly available for every local municipality (without the need for local adjustments). The community may have to provide minor documentation (such as local adoption of the state building code) and could document any higher standards that qualify for additional credits, but they should never be asked to demonstrate that state standards are enforced within their jurisdictions. If emergency management, public outreach, and other activities are implemented at a regional or county level, ISO should verify those activities county- or region-wide by working with a CRS Coordinator at that level. The local municipality could then participate in CRS by (a) fulfilling the program prerequisites, (b) automatically getting credit for activities that are implemented, documented, and audited by higher levels of government, and (c) documenting any additional activities implemented by the community.

**FEMA question (11): In what ways could the CRS program facilitate collaboration across jurisdictional boundaries to support a community's ability to reduce flood risk? How could the CRS program be modified, expanded, or streamlined to allow for multi-jurisdictional collaboration efforts to receive credit under the CRS program?**

Multi-jurisdictional review and scoring of regional activities. Multi-jurisdictional program activities should be scored based on the characteristics of the entire region encompassed by that activity, without requiring separate adjustments for each participating community. For example, a multi-jurisdictional hazard mitigation plan should be reviewed once based on the entire area covered, with the same CRS score provided to each individual jurisdiction.

Thank you for considering these suggestions for improving the CRS program and promoting improved flood resilience.