**GENERAL INSTRUCTIONS for HIGHER STANDARDS FOR FLOODPLAIN MANAGEMENT**

***August 2020***

**Amending the Local Floodplain Management Regulations and/or the California Building Standards Code (CCR Title 24) to Adopt Higher Standards for Buildings and Development Located in Flood Hazard Areas**

TECHNICAL SUPPORT FOR FLOOD AMENDMENTS FOR HIGHER STANDARDS: After you review your existing regulations to identify higher flood resistance design standards your community may have already adopted – and review other higher standards to identify those you want to propose for adoption – please read these General Instructions, along with the guidance for specific higher standards. Get in touch with DWR or FEMA NFIP Staff for help at DWR\_NFIP@water.ca.gov or FEMA-NFIP-R9@fema.dhs.gov (please put community name in subject line).

**NFIP Community Rating System (CRS)**

Adopting higher standards that affect the design of buildings and other aspects of development in flood hazard areas may qualify for CRS points (credits). Review the [*CRS Coordinator’s Manual*](https://www.fema.gov/media-library/assets/documents/8768). FEMA/ISO determines which provisions qualify for points. Community that are part of the CRS should contact their ISO/CRS specialists.

**Flood Provisions in CCR Title 24.** The California Building Standards Codes (CCR Title 24) include flood provisions that are in the model International Codes® that form the basis of the codes. The Federal Emergency Management Agency considers the flood provisions of the International Codes (2015 and later editions) to be the minimum standards for hazard resistance and the flood provisions of those editions meet or exceed the National Flood Insurance Program (NFIP) requirements. Therefore, communities may rely on the flood provisions of the CCR Title 24 to fulfill NFIP requirements for buildings in flood hazard areas. Excerpts of the flood provisions of the CCR Title 24 are available at <https://www.water.ca.gov/nfip/>.

**Adopting Higher Standards.** Many California communities have adopted floodplain management requirements that exceed – are “higher” than – the minimum requirements of the National Flood Insurance Program. Some higher standards affect the design of buildings, while others apply to development other than buildings.

The DWR Floodplain Management Branch prepared sample language to modify local floodplain management regulations. The basis for those samples is the 2020 FEMA-approved Model Ordinances written to coordinate with the California building code, available here: <https://water.ca.gov/nfip/>. Communities that do not use the 2020 model will still find the sample language useful for amending existing regulations. Please contact DWR for assistance.

**Statutory Requirements for Local Ordinances Amending Building Codes (CCR Title 24).**  State law authorizes local governments to enact ordinances making building standards amendments to the California Building Standards Code (Cal. Code of Regs., Title 24). Local amendments shall not be less restrictive than the building code requirements. The law includes specific requirements for the basis for a local amendment, how the amendment language and documents must be prepared, and how the amendment must be filed with either the California Building Standards Commission, the Department of Housing and Community Development or other state agencies as required. Local amendments are not effective until copies of the amendment documents have been filed with the Commission.

The DWR guidance for higher standards that affect the flood resistant provisions of the codes do not describe all of the requirements for amending the CCR Title 24. Communities are responsible for ensuring all statutory and regulatory requirements are satisfied. Importantly, amendments must be enacted and filed with the Commission for each subsequent edition of the codes.

Requirements for development in flood hazard areas other than buildings are adopted separately, either as a separate section in local zoning codes or by adopting the Part 2 *California Building Code Appendix G Flood-Resistant Construction*.

**The California Building Standards Commission.** Local officials should consult the Commission’s [*Guide for Local Amendments of Building Standards*](https://www.dgs.ca.gov/-/media/Divisions/BSC/05-Resources/Guidebooks/Guide-Local-Amend-of-Bldg-Stnds-2019-FINAL-ACC-07-05-19.pdf?la=en&hash=555146F6A644CB4D5E4ABDC3B28301F6F9113F09) before pursuing amendments to CCR Title 24 building standards. The Guide, information bulletins regarding local amendments, and a YouTube webinar and slides are available at [www.dgs.ca.gov/bsc/codes/local-jurisdicions-code-ordinances](http://www.dgs.ca.gov/bsc/codes/local-jurisdicions-code-ordinances).

**Amendments to the technical provisions of the codes must be supported with findings based on** **topographic, geologic and climatic reasons.**

ALERT! Communities must submit local ordinances that adopt local building code amendments to CCR Title 24 to the California Building Standards Commission at OrdinanceFilings@dgs.ca.gov before the local amendments are enforceable. Some amendments must be filed with the Department of Housing and Community Development. Send general questions to cbsc@dgs.ca.gov.

**“Express Findings” Must Support Local Amendments.**  Local governing bodies must make “express findings” to document that each local amendment is reasonably necessary because of local climatic, geological, or topographical conditions.

**Formatting Local Amendments.**  Amendments should be “expressly marked” to identify the section being amended and the amendment text should be discernable from the text of the code not being amendments. Usually this is accomplished by using underline to show additions to the underlying code language and strike-through to show deletions from the language.

**Parts of CCR Title 24**

The California Building Standards Code (CCR Title 24) has several parts representing volumes of the code. DWR guidance for local amendments include instructions to modify:

Part 1 – CA Administrative Code

Part 2 – CA Building Code

Part 2.5 – CA Residential Code

Part 10 – CA Existing Building Code

**Higher Standards for Floodplain Management.** Model language developed by DWR to amend the building codes with the following higher standards that affect design and construction are available online at [www.water.ca.gov/nfip/](http://www.water.ca.gov/nfip/):

1. Additional building height (freeboard)
2. Cumulative substantial improvement
3. Dwellings designed in accordance with ASCE 24
4. Limit size of enclosures
5. Limit use of fill to elevate buildings and/or dwellings
6. Nonconversion agreements (for accessory structures and enclosures below elevated building)
7. Prohibit enclosures below elevated buildings
8. Repetitive flood loss (substantial damage)

**International Code Flood Compared to NFIP Requirements**

This document explains how the flood provisions of the I-Codes on which most parts of CCR Title 24 are based differ from the NFIP minimum requirements: [*Reducing Flood Losses Through the International Codes: Coordinating Building Codes and Floodplain Management Regulations*](http://www.fema.gov/media-library/assets/documents/96634)*.*

Model language developed by DWR to amend Part 2, Appendix G Flood-Resistant Construction, with the following higher standards is available online at [www.water.ca.gov/nfip/](http://www.water.ca.gov/nfip/) (similar phrasing can be used to amend local floodplain management regulations):

1. Compensatory storage
2. Designating the Floodplain Administrator
3. Determining BFE in unnumbered Zone A
4. Flood hazard map other than FIRM
5. Flood protection setback along waterways
6. Manufactured home Limitations
7. Subdivision limitations

Submit draft ordinances amending the flood provisions of the building code (in <track changes>) to DWR or FEMA NFIP Staff for review well in advance of first reading: DWR\_NFIP@water.ca.gov or FEMA-NFIP-R9@fema.dhs.gov(please put community name in subject line).