



STATE OF MICHIGAN

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	10
430 (Higher Regulatory Standards)	BC1—building codes	46
	LDP3—local drainage protection	10

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

Michigan has a property disclosure requirement that sellers disclose if there is an active flood insurance policy for the property, or if the property has had major damage from various hazards.

Citation: [Michigan Legislature - Section 565.957](#)

Excerpt from [MI Seller Disclosure Statement \(Leg section 565.957\)](#)

11. Flood insurance: Do you have flood insurance on the property?	unknown_____
12. Mineral rights: Do you own the mineral rights?	unknown_____
Other Items: Are you aware of any of the following:	
1. Features of the property shared in common with the adjoining landowners, such as walls, fences, roads and driveways, or other features whose use or responsibility for maintenance may have an effect on the property?	unknown_____
2. Any encroachments, easements, zoning violations, or nonconforming uses?	unknown_____
3. Any "common areas" (facilities like pools, tennis courts, walkways, or other areas co-owned with others), or a homeowners' association that has any authority over the property?	unknown_____
4. Structural modifications, alterations, or repairs made without necessary permits or licensed contractors?	unknown_____
5. Settling, flooding, drainage, structural, or grading problems?	unknown_____
6. Major damage to the property from fire, wind, floods, or landslides?	unknown_____

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

The current Michigan State Construction Code is based on the 2015 International Building Code and International Residential Code. The state has also adopted the 2018 International Plumbing Code and 2015 International Mechanical Code. The Michigan Bureau of Construction Codes reviews and approves local ordinances for approval to administer and enforce state construction codes.

https://www.michigan.gov/lara/bureau-list/bcc/rules-acts/codes/code-books?sc_site=lara

<https://codes.iccsafe.org/codes/michigan>

In Michigan, the code adoption process follows the I-Code three-year cycle (except for the IRC, which is a 3-6-year flex cycle), with a target effective date in January one year following the release of the new I-Codes. Community floodplain management ordinances adopt the state construction code & IBC Appendix G by reference.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with [Section 8b\(6\) of Act 230, of the Public Acts of 1972](#), as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

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: IBC Section 1804.4.

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
410 (Flood Hazard Mapping)	FWS—more restrictive floodway standard SR—state review
430 (Higher Regulatory Standards)	FRB—freeboard OHS—other higher standard
450 (Stormwater Management)	ESC—erosion and sedimentation control WQ—water quality
630 (Dams)	SDS—state dam safety

Activity 410 (Floodplain Mapping) Element FWS, More Restrictive Floodway Standard

Applies to communities with floodways; 140 points may be available. Michigan's allowable floodway surcharge used to prepare floodway maps is based on "no more than 0.1 foot". This ensures a large floodway is designated. In addition, in Michigan, the criteria for determining permissibility of encroachments in the floodway or floodway fringe includes "does not cause harmful interference", defined as *any* increase in stage or change in direction of flow of a river or stream that causes, or is likely to cause, any of the following: (i) Damage to property. (ii) A threat to life. (iii) A threat of personal injury. (iv) Pollution, impairment, or destruction of water or other natural resources. This standard is applied to all floodplains (regardless of whether or not they are mapped by FEMA) with a drainage area greater than 2 square miles. The Natural Resources and Environmental Protection Act (NREPA) Part 31 (Water Resources Protection) requires compensating floodplain cut to offset the loss of floodplain storage for fill projects exceeding 300 cubic yds, and prohibits habitation of the floodway.

Verification: Specialists will verify local enforcement with a community when determining eligibility for credit.

Activity 410 (Floodplain Mapping) Element SR, State Review

Michigan requires an independent quality assurance review to be complete for riverine and coastal studies. Each study in each community must be independently reviewed and approved by the State.

Michigan is one of the states with review procedures eligible for SR credit as listed in the 2017 CRS Coordinators Manual (page 410-16) – “full credit for riverine studies, partial for coastal.”

Activity 430 & Higher Regulatory Standards in the State’s Model Ordinance

State Model Flood Damage Prevention Ordinance

The Michigan Dept of Environment, Great Lakes, and Energy (EGLE) is the State NFIP Coordinating Agency.

<https://www.michigan.gov/egle/about/organization/water-resources/floodplain-management>

Communities in Michigan adopt the Michigan I-codes and Appendix G for floodplain management provisions – the state’s [model ordinance](#) is a short (2-page) incorporation by reference & not a standalone set of regulations.

- No higher standards model text is provided or available on the website.

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

The Michigan state code requires a minimum of 1 foot freeboard for buildings and utilities, and NREPA Part 31 requires compensating floodplain cut to offset the loss of floodplain storage for fill projects exceeding 300 cubic yds. 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 430 (Higher Regulatory Standards) Other Higher Standards

Other Higher Standards credit will be verified individually by CRS specialists and technical reviewers.

For communities bordering on the Great Lakes, several state statutes restrict development in or near the SFHA.

Potential CER Credit: NREPA Part 323 ([Shorelands Protection and Management](#)) regulates construction of buildings, additions, and septic systems within identified shoreline and high risk erosion areas. Setback requirements are determined based on site specific characteristics, pushing the majority of buildings landward of the SFHA. Additional information:

<https://www.michigan.gov/egle/about/organization/water-resources/shoreland-management>

NREPA Part 353 ([Sand Dune Protection and Management](#)) regulates construction and vegetation removal within identified Critical Dune areas. It prevents development lakeward of the crest of the main dune feature except in very limited circumstances. Additional information:

<https://www.michigan.gov/egle/about/organization/water-resources/sand-dunes/critical-dunes>

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

In Michigan, EGLE's Water Resources Division (WRD) administers the National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than 1 acre to obtain a permit. Michigan's NPDES permit program controls the discharge of pollutants into surface waters by imposing effluent limitations to protect water quality.

<https://www.michigan.gov/egle/about/organization/Water-Resources/npdes>

Wetland Protection: Michigan has assumed federal 404 authority under NREPA Part 303 (Wetlands Protection), which generally prohibits construction of buildings within regulated wetlands. It also seeks to minimize impacts to wetlands by requiring permits and minimization of impacts for other activities within wetlands. More information at:

<https://www.michigan.gov/egle/about/organization/water-resources/wetlands>

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.

- <https://www.michigan.gov/egle/about/organization/Water-Resources/dam-safety> page has link to a web map, showing downstream hazard potential, but no inundation polygon.

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.