



International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

October 22, 2021

Federal Emergency Management Agency
Regulatory Affairs Division, Office of the Chief Council
500 C Street, SW
Washington, DC 20472

Via regulations.gov

Re: Comments of the International Code Council on FEMA’s Request for Information on the National Flood Insurance Program’s Community Rating System (Docket number FEMA-2021-0021)

The International Code Council (ICC) is a nonprofit organization, with more than 64,000 members, that is dedicated to helping communities and the building industry provide safe, resilient, and sustainable construction through the development and use of model codes (I-Codes) and standards used in design, construction, and compliance processes. Most U.S. states and communities, federal agencies, and many global markets choose the I-Codes to set the standards for regulating construction, building safety, and major renovations, plumbing and sanitation, fire prevention, and energy conservation in the built environment. The Code Council appreciates the opportunity to submit the following comments on the Federal Emergency Management Agency’s (FEMA) Request for Information (RFI) on the National Flood Insurance Program’s (NFIP) Community Rating System (CRS) in the above captioned matter.

The Code Council’s comments center on questions in the RFI concerning how “the CRS program [can] better work and integrate with State, local, Tribal, and Territorial programs, including but not limited to . . . building code administration” and in what specific ways “the CRS program [could] better work and integrate with Federal disaster assistance programs or Federal mitigation programs.”

The Agency is currently engaged in an effort to promote the development, adoption, and effective implementation of hazard resistant building codes by ensuring consistency, coordination, and greater prioritization of building code activities across the Agency’s programs. The CRS program should be integrated into this effort and serve as an avenue to incentivize greater use of modern building codes.

[Per FEMA](#), CRS is “a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP).” According to a [comparison](#) FEMA conducted in May of 2021, there are roughly thirty instances where the I-Codes and their referenced standards exceed or offer greater specificity than NFIP’s minimum requirements.

The mitigation benefits the I-Codes provide over NFIP are well documented and empirically supported. For instance, the congressionally established National Institute of Building Sciences [found](#) that the I-Codes provide at least \$6 in flood mitigation savings for every \$1 invested as compared to NFIP minimums. FEMA’s Hurricane Harvey after action report [determined](#) that modern I-Code requirements reduced average claim payments by 90%. And FEMA’s [Building Codes Save study](#) of 2020 found that the I-Codes could avoid nearly \$177 billion in flood losses by 2060.

Although the [CRS Coordinator's Manual](#) and its 2021 [addendum](#) do credit building code adoption, enforcement, and several relevant flood resistant provisions in building codes, the provisions are neither clearly identified as tied to current model code requirements nor attached to scoring sufficient to incentivize hazard resistant code adoption and implementation.

The manual awards 50 points for the adoption and enforcement, regardless of edition, of the International Building Code (IBC), International Residential Code (IRC), International Plumbing Code (IPC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), and International Private Sewage Disposal Code (IPSDC). The manual also awards up to 50 points based on the community's Building Code Effectiveness Grading Schedule (BCEGS) score. A community must have a residential/commercial BCEGS score of 5/5 or better to achieve CRS Class 6 and a score of 4/4 or better to achieve Class 4.

The manual then, in several separate sections, credits the adoption and enforcement of individual I-Code provisions. For example, the manual credits the IBC and IRC's requirement of one foot of freeboard with 100 points and the 2021 addendum makes this a requirement to achieve CRS Class 8. In another section, the manual provides 35 points where communities ensure fill is compacted and protected from erosion and scour, consistent with IRC and IBC requirements. Another section provides 10 points for enforcing the IBC and IRC's positive drainage provisions. And so on.

Roughly [22,500 communities](#) participate in the NFIP. Yet, just over [1500 communities](#) (6.7%) receive any benefits from the CRS program. The Coordinators Manual and 2021 addendum encompass more than 700 pages of complex prerequisites and point allocations. Pursuant to these requirements, only one community has attained Class 1 and only 21 communities have attained Class 4 or better. The BCEGS requirements through CRS apply to just 1.9% of NFIP participating communities.

The CRS program's measure of success should at least in part be tied to uptake. Considering the above numbers, uptake could be improved. To do so, the Code Council recommends FEMA make compliance more straight forward through packaging of interconnected measures and by coordinating CRS's incentivization with Agency priorities, including FEMA's strategy to support, agency-wide, the adoption and effective implementation of hazard-resistant building codes.

To the former point, the Code Council encourages FEMA to package provisions within the CRS that incentivize the adoption and effective implementation of flood-resistant building codes. Doing so would better demonstrate to adopting communities the CRS benefits of their doing so. Without this consolidation, communities are forced to search within the more 700 pages the Coordinators Manual and 2021 addendum contain to appreciate the benefits their adopted codes provide.

The Code Council also requests FEMA provide a level of incentivization through CRS that is significant enough to encourage communities' adoption and effective implementation of flood-resistant codes. This is particularly important given [only half of jurisdictions](#) facing flood risk have adopted flood resistant building codes, while, in [FEMA's view](#) "[a]dopting building codes is the single most effective thing we can do."

The current scoring rubric provides a few hundred points for code activities, which is alone insufficient to achieve any CRS benefits. As noted above, even where code-related measures are prerequisites to CRS Classes, the points required to obtain those classes means that in practice these prerequisites apply to very few communities (less than 2% of NFIP participants for BCEGS). As drafted, CRS does not sufficiently incentivize code activities.

The Code Council encourages FEMA to create incentives for code activities through CRS, consistent with these measures' documented and empirically supported mitigation value and FEMA's prioritization of these activities. The Agency is [currently requesting feedback](#) on stronger NFIP construction standards. Increased incentivization of modern code adoption and implementation through CRS could serve as a means through which to ease the transition to stronger NFIP standards.

Lastly, as part of future amendments to CRS, the Agency should provide additional incentives for the adoption of up-to-date codes, consistent with the Agency's prioritization of current editions.

Thank you for the opportunity to provide comments. If you have any questions concerning the Code Council's recommendations, please do not hesitate to me.

Sincerely,

Gabe Maser
Dep. Senior Vice President, Government Relations
International Code Council
gmaser@iccsafe.org