After a Flood – FAQs on Building Requirements

Who decides if a structure can be rebuilt after a flood?

The local zoning authority (usually the city in incorporated areas or the county in unincorporated areas) makes this determination. They are responsible for enforcing the city or county floodplain management ordinance. It is the city or county ordinance that is the law!

The Federal Emergency Management Agency (FEMA) and Minnesota Department of Natural Resources (DNR) do not determine which structures can be rebuilt, and the DNR does not inspect damaged structures to determine the extent of damage. FEMA and DNR staff will, however, assist and provide technical assistance to local zoning officials making these determinations.

What area does the local floodplain management ordinance regulate?

Local ordinances regulate "development" in the regulatory floodplain, which is defined as the 1% annual chance (100-year) floodplain shown on the FEMA Flood Insurance Rate Map (FIRM) for the community. The regulatory floodplain also includes areas below the Base Flood Elevation (BFE) that extend beyond the mapped floodplain boundary shown on the FIRM. The BFE has the same meaning as the 100-year floodplain elevation. This situation most commonly applies to low-lying areas adjacent to the mapped floodplain that were inaccurately shown as being outside the floodplain on older FIRMs because the elevation information needed to accurately locate the boundary of the floodplain did not exist at the time.

NOTE: Communities can, and often do, adopt more restrictive standards than the federal and state minimum and, therefore, can regulate additional areas.

What are the requirements in the 1% annual chance (100-year) floodplain?

Permits from the local zoning authority are needed for any "development" in the regulatory floodplain. Development includes, but is not limited to, new structures, additions and repairs to existing structures, filling and grading, and bridges or culvert crossings. The city or county ordinance has minimum building requirements for homes, businesses and other structures.

If an existing structure is damaged, but the cost to repair is less than 50% of the structure's pre-flood market value, the city or county will issue them a permit to do the repairs as soon as they have confirmed the damages are less than the 50% threshold.

If the existing structure is found to be substantially damaged (cost to repair is 50% or more of the structure's pre-flood market value), the local ordinance requires repairs or reconstruction to comply with the community's minimum requirements. This means elevating the structure so the lowest floor, including the basement or crawl space, is at or above the regulatory flood protection elevation (usually at least 1 foot above the 100-year flood elevation).

Sometimes the community ordinance will allow alternative elevation methods (like elevating on top of a tuck-under garage or an above-grade crawl space), but those options are only allowed with a Conditional Use Permit.

Is a permit needed for repairs?

YES. If a structure is in the regulatory floodplain, the local zoning authority must require a permit. After a flood, communities sometimes have a reduced or "no fee" permit to document which buildings are just getting repairs.

What if my home or business is NOT in the 1% annual chance (100-year) floodplain?

If you are not in the regulatory floodplain, you can usually repair or rebuild without having to comply with floodplain requirements, but you should check with your city or county on whether a permit is needed before making repairs. If the city or county has adopted the state building code, permits are needed everywhere in that community. Also, some communities have more stringent regulations.

Even if you are not required to meet any minimum floodplain management standards, you are strongly encouraged to consider elevating your lowest floor if rebuilding, or at least elevating utilities, heating, ventilation, duct work, air conditioning equipment and other service facilities, if not totally rebuilding.

Will FEMA remap the area based on the recent flood?

NO. The FIRMs are not redone just because there was a large flooding event. FEMA looks at many factors when setting priorities for remapping around the state, and a large flood event would only be one of those factors.

Is there assistance available to pay for repairs or rebuilding?

POSSIBLY. See the links below for more details, but following is a brief summary:

Flood Insurance – Flood insurance covers flood damage caused by the overland flow of water and is NOT dependent on a presidential disaster being declared. It does NOT, however, cover damage from seepage or sewer backups. If your home or business has flood insurance, work directly with your agent and claims adjuster. Note that if you have a standard flood insurance policy, are in the regulatory 100-year floodplain, and your community determines your home or business is substantially damaged, your policy will have an Increased Cost of Compliance (ICC) rider that can provide up to $30,000 towards the cost of elevating, moving, demolishing or floodproofing the building (non-residential only).

NOTE: The ICC claim and the damage claims, together, cannot exceed the insured amount for the building.

Loans – Lower-interest loans MAY be available through the Small Business Administration (SBA) IF there is a SBA disaster declaration in that county, and MAY be available through the Minnesota Housing Agency IF approved by the state legislature for that flood event.

Cost-Share Grants – IF there is a presidential disaster declaration, federal grants become available statewide. There is also a state Flood Hazard Mitigation grant program, and the level of funding for the program is determined by the state legislature. Acquisition of homes and businesses from willing sellers in the regulatory floodplain are a high priority for both the state and federal programs. The required local cost-share typically varies from 50% to as little as 12.5%.

Individual Assistance (IA) – IF there is a presidential disaster declared for Individual Assistance (assistance to homeowners and businesses) in that county, small grants are available through FEMA for temporary housing, minimal repairs, and other short term needs. These grants can be for a maximum of $43,600 (as of 2026; adjusted each year for inflation), but the average grant is closer to $3,000 to $5,000. In 2024 the average in Minnesota was approximately $3,500.

For more information:

Minnesota Recovers | Peer Recovery
Flood Hazard Mitigation Grant Assistance Program | Minnesota DNR