



After a flood – FAQs on building requirements

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

The zoning authority (usually **the city** in incorporated areas or **the county** in unincorporated areas) is responsible for enforcing the city or county floodplain management ordinance. It is the city or county ordinance that is the law!

FEMA and the DNR do not determine which structures can be rebuilt, and the DNR does not inspect damaged structures to determine the extent of the damages. However, DNR and FEMA staff will assist and provide technical assistance to local zoning officials making these determinations.

What area does the local floodplain management ordinance regulate?

The ordinance regulates all “development” in the mapped high flood risk areas (the 1% annual chance floodplain, aka the “100-year” floodplain) on the FEMA Flood Insurance Rate Map (FIRM) for that community. Those mapped areas are also called Special Flood Hazard Areas (SFHAs) when talking about insurance.

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

What are the requirements in the mapped “100-year” Floodplain?

Permits are needed for any “development” in the mapped “100-year” floodplain. Development includes: new structures, additions & repairs to existing structures, filling & grading, bridges, etc. 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 more than 50% of pre-flood structure 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 above the regulatory flood protection elevation (usually one 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 are only allowed with a Conditional Use Permit or Special Use Permit.

Is a permit needed for repairs?

YES. If the structure is in the mapped high flood risk area (the “100-year” floodplain), the zoning authority (city or county) 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/business is NOT in a mapped “100-year” floodplain?

If you are not in the mapped 100-year 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. 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, and at least elevating furnaces, utilities, etc. if not totally rebuilding.

Will FEMA remap the area based on the recent flood?

The FEMA Flood Insurance Rate Maps (FIRMs) are NOT redone just because there was a large flooding event. FEMA is in the process of updating the mapped high flood risk areas, and a large flood event would be just one factor considered when setting priorities for remapping around the state. For comparison, consider that the Red River was restudied after the large flood events in 1997 and 2001, and a new study came out in 2003. Updated Clay County (Moorhead area) FEMA maps that incorporate the higher flood elevations became effective in 2012.

Is there assistance available to pay for the repair or rebuilding?

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

Flood Insurance – Flood insurance covers flood damage from overland flow of water, and is NOT dependant on a presidential disaster being declared. (It does not cover damage from seepage or sewer back-ups.) 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 mapped 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 (non-residential only) the building. (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 IF there is an SBA disaster declaration in that county, and MAY be available through the MN Housing Agency IF approved by the state legislature for that 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; the state legislature determines the level of funds for the program. Acquisition of homes and businesses from willing sellers in the regulatory floodplain area are a high priority for both the state and federal programs. The required local cost-share typically varies from 50% to 12½%.

Individual Assistance (IA) – IF there is a presidential disaster declared for Individual Assistance (assistance to homeowners and business) 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 \$31,400 (adjusted each year), but the average grants are closer to \$3,000.

For more information: www.minnesotarecovers.org or mndnr.gov (and search “flood damage reduction” or “flooding in Minnesota”)