LEGAL UPDATES

PUBLISHED: NOVEMBER 5, 2026

After the Flood: Key Considerations for Colorado Property and Business Owners

Services

Land Use

Levee & Flood Protection

Litigation & Alternative Dispute Resolution

Industry

Real Estate, Development, & Construction

Professional

RYAN SUGDEN

DENVER:

303.892.4430

RYAN.SUGDEN@

HUSCHBLACKWELL.COM

As the floodwaters in southwest Colorado recede, property owners will assess damage and start to recover. Safely cleaning, repairing, and reopening will be immediate priorities. However, property and business owners will also face a range of longer-term questions involving insurance, government assistance, rebuilding requirements, zoning, and floodplain regulation. Experience from previous Colorado floods offers several practical lessons that may help owners navigate those issues.

Those who weathered the severe Colorado Front Range floods of 2013 know these realities all too well. In those storms, which centered on Boulder County but stretched from Fort Collins to Colorado Springs, nearly 18 inches of rain fell over a four-day period. Rivers swelled, roads washed out, and buildings and properties were inundated. The legal fallout was immediate. Insurance claims were made, adjusted, and disputed. Government recovery funds were available but covered in red tape. Municipalities took immediate emergency action, then later sought to change zoning codes to restrict property and business owners from rebuilding. And the state and federal governments, led by FEMA and its state and local partners, started to redraw floodplain maps. These new maps greatly restricted how property owners could use their land, making it more costly for property owners to rebuild (if they could at all).

The experience following the 2013 floods offers several practical considerations for property and business owners navigating the recovery process:

Submit timely claims to your insurer and for available government funding to help you recover. Keep all your documentation and track applicable deadlines.

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED

Document everything. Take photographs of damage and communicate in writing. If a dispute later arises, a letter or email will carry more weight than your recollection of a phone call.

Vet the contractors you hire to perform repairs and demand proper documentation before paying for work. Be wary of demands for full payment before work begins.

Know your rights under the applicable zoning code, especially if your business or building is nonconforming. Local zoning requirements may affect whether and how a nonconforming property can be rebuilt, particularly if operations are interrupted for an extended period.

If your property has a specialized use, such as a manufacturing facility or other highly regulated operation, pay particular attention to the regulatory, permitting, and land-use requirements that may affect rebuilding.

Pay attention to changing floodplain maps. If you suddenly find your property in a floodplain, rebuilding will likely be more costly and time-consuming, and it may require special approvals (a LOMR or CLOMR) from the federal government.

Recovery from the flooding in Southwest Colorado will be measured not only in reopened roads, but also in whether (and when) business and property owners can get back to work. While safety is always the top priority, business owners can most quickly and effectively move forward and avoid legal trouble by preserving evidence, keeping careful records, and clarifying rebuilding requirements before making major commitments.

What This Means for You

Property and business owners recovering from flooding should act now to protect their legal position: submit insurance and government funding claims promptly and track all deadlines, document damage and communications in writing, vet contractors and avoid full upfront payment, confirm zoning status before committing to rebuilding plans (particularly for nonconforming uses or specialized/regulated facilities), and monitor floodplain map changes that may require LOMR or CLOMR approval before construction proceeds. Taking these steps early can reduce the risk of disputes and delay during the rebuilding process.

Contact Us

We regularly handle real estate, construction, and land use disputes, including matters involving floodplain regulations, permitting, and rebuilding requirements. Contact Ryan Sugden or your Husch Blackwell attorney if you want to discuss flood recovery considerations for your property or business.

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED

This article provides general legal information. It does not constitute legal advice to the reader and does not create an attorney-client relationship between the reader and Husch Blackwell LLP. The reader should seek legal advice if they have questions about how this legal information may apply to their own circumstances.

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED