



COLUMBIA LAW SCHOOL

SABIN CENTER FOR CLIMATE CHANGE LAW

**How the Law Can (But Usually
Doesn't) Help Us Prepare
for Extreme Events**

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Extreme Weather & Climate Workshop

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Legal Tools to Prepare for Extreme Events

Assessment and disclosure

Formal planning

Permit conditions

Incentives

Liability

Assessment and Disclosure requirements

- Environmental impact review
 - National Environmental Policy Act
 - State Environmental Quality Review Act
- Securities disclosure
 - Securities and Exchange Commission
 - New York -- Martin Act
- Future property disclosure requirements?

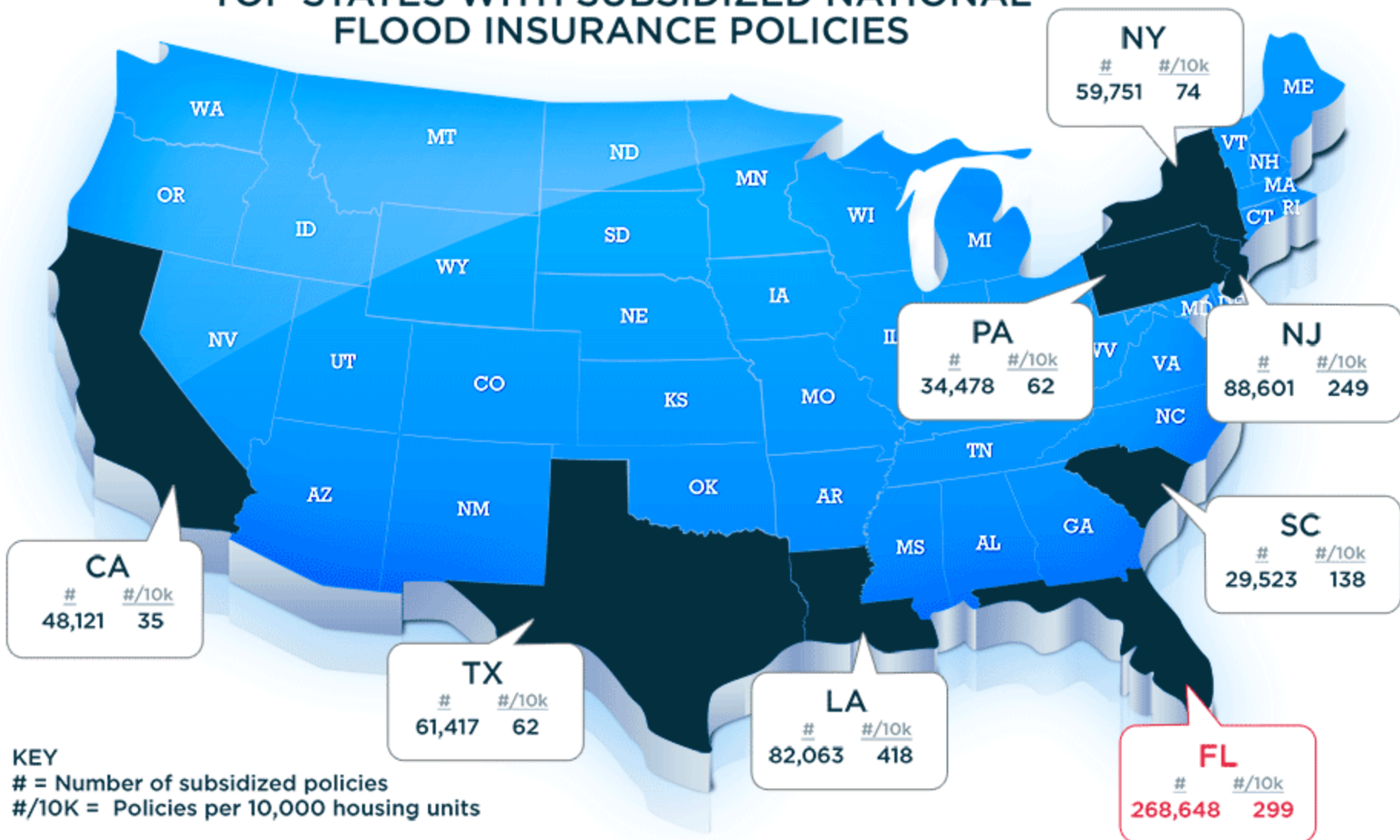
Planning requirements

- State hazard mitigation plans for FEMA
- New York Community Risk and Resiliency Act of 2014
- Coastal Zone Management Program/ Local Waterfront Revitalization Programs
- Coastal Erosion Hazard Areas
- Transportation Improvement Programs of Metropolitan Planning Organizations
- Municipal master plans

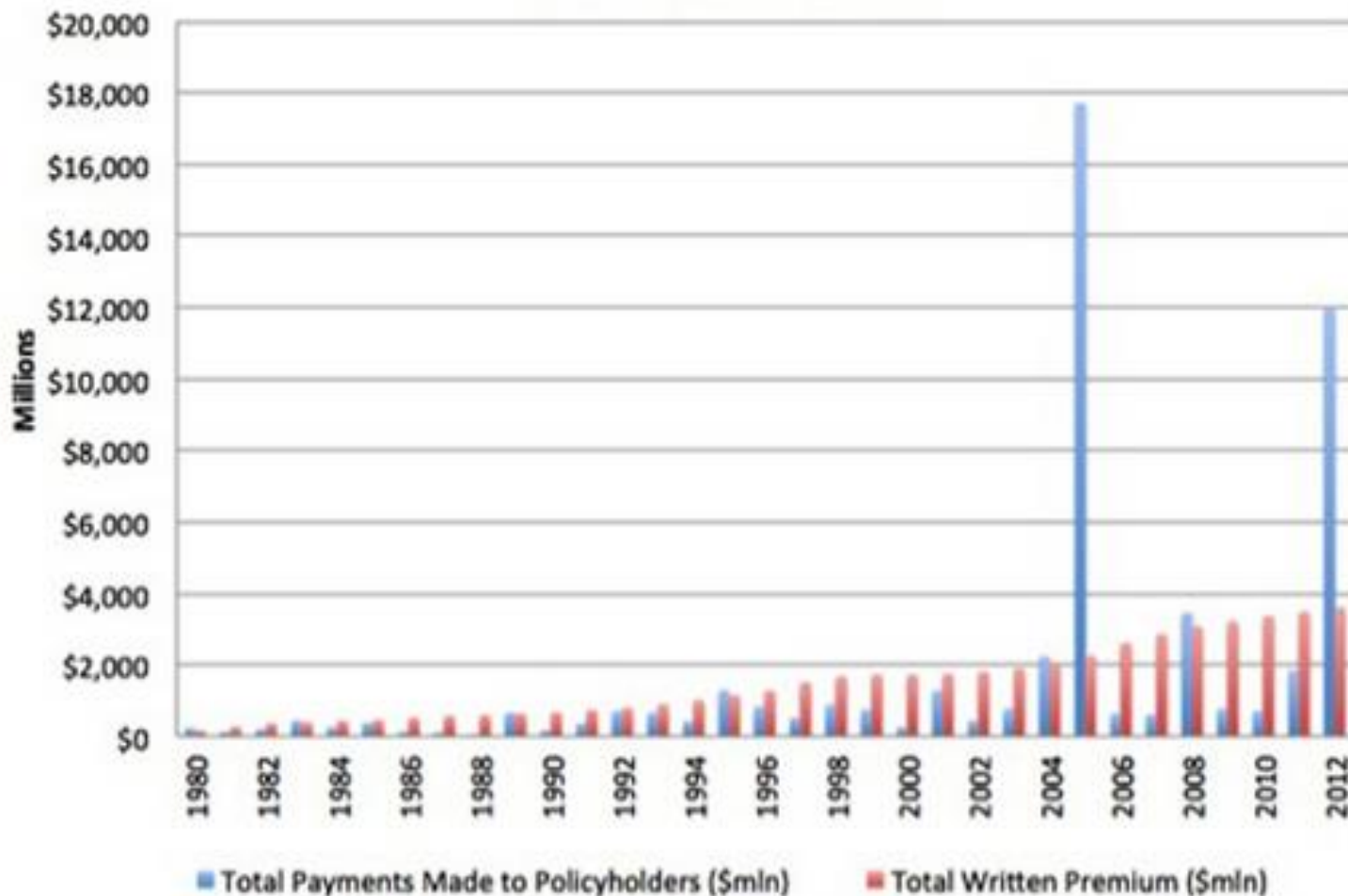
Environmental Permits

- Superfund/Brownfields
 - Remedial investigations/feasibility studies, Records of Decision
- Municipal solid waste landfills
- Clean Water Act
 - National Pollutant Discharge Elimination System permits
 - Stormwater permits
 - Total Maximum Daily Loads
- Wetlands mapping
- Filtration Avoidance Determination

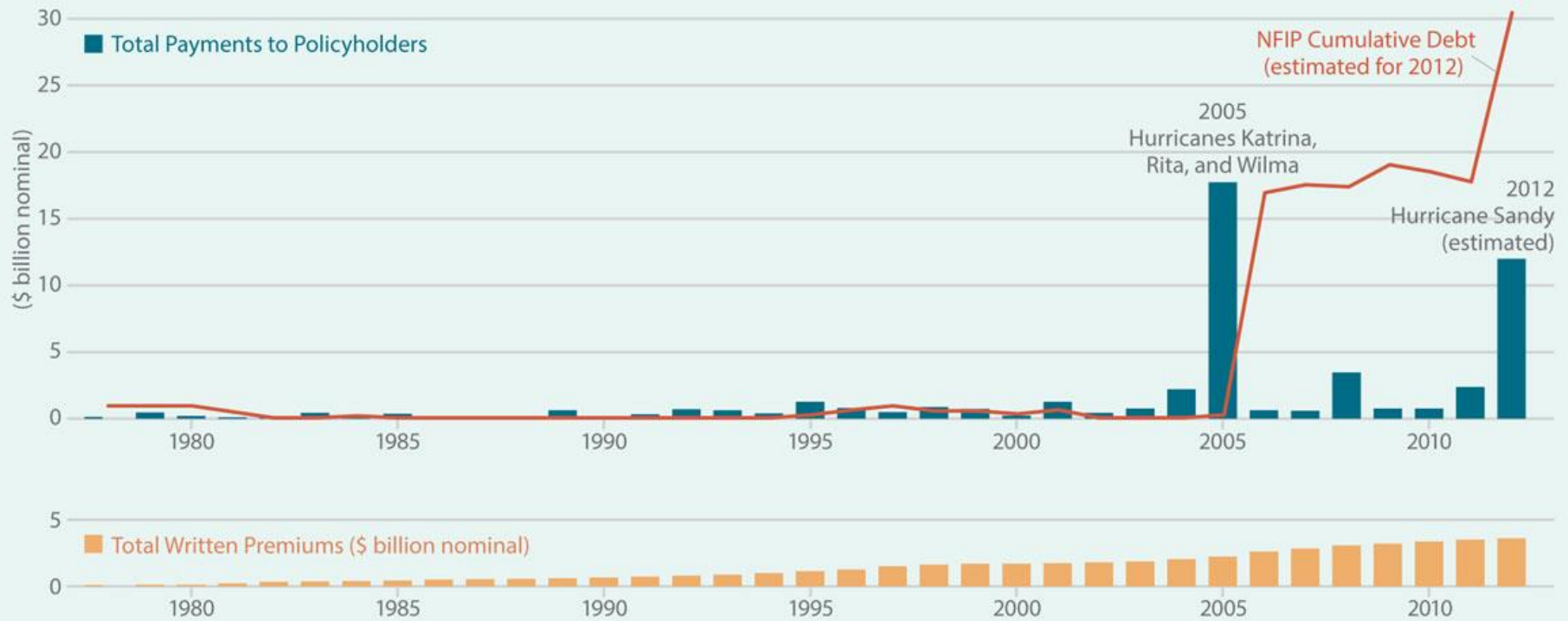
TOP STATES WITH SUBSIDIZED NATIONAL FLOOD INSURANCE POLICIES



National Flood Insurance Program Payouts (source CRS Feb 6, 2013)



National Flood Insurance Program Debt Grows



The National Flood Insurance Program has fallen deeper in debt since the payouts after Hurricane Katrina and most recently the costs of Hurricane Sandy. As of November 2012, the program was more than \$20 billion in debt to the U.S. Treasury (GAO 2013), and that figure is likely to rise once all the Sandy claims are settled.

Sources: FEMA 2013a; estimate for 2012 NFIP payments for Hurricane Sandy from King 2013; estimate for 2012 NFIP debt based on its borrowing limit of \$30.4 billion set by the Hurricane Sandy Relief Act.

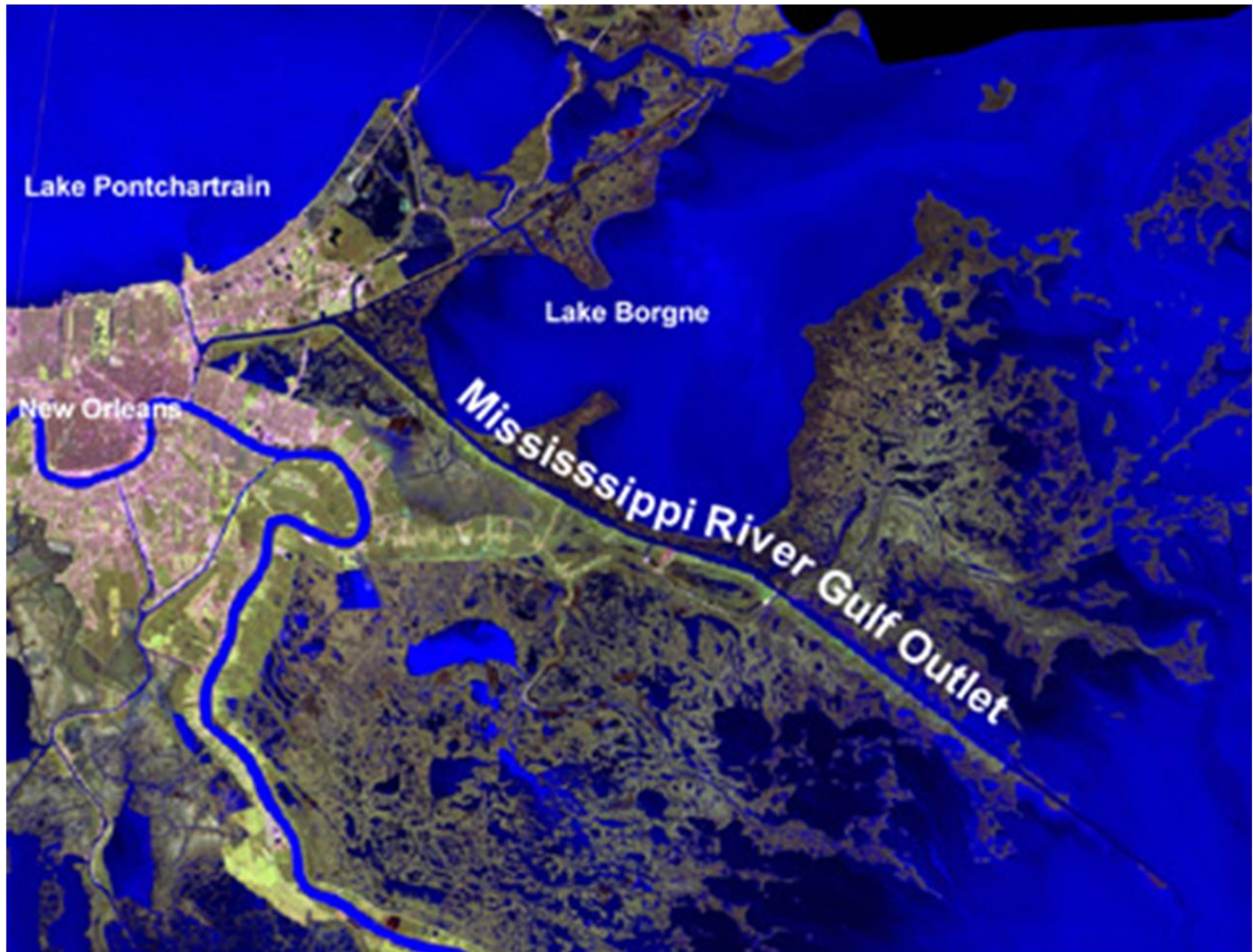
Illinois Farmers Insurance Company v. Metropolitan Water Reclamation District of Greater Chicago

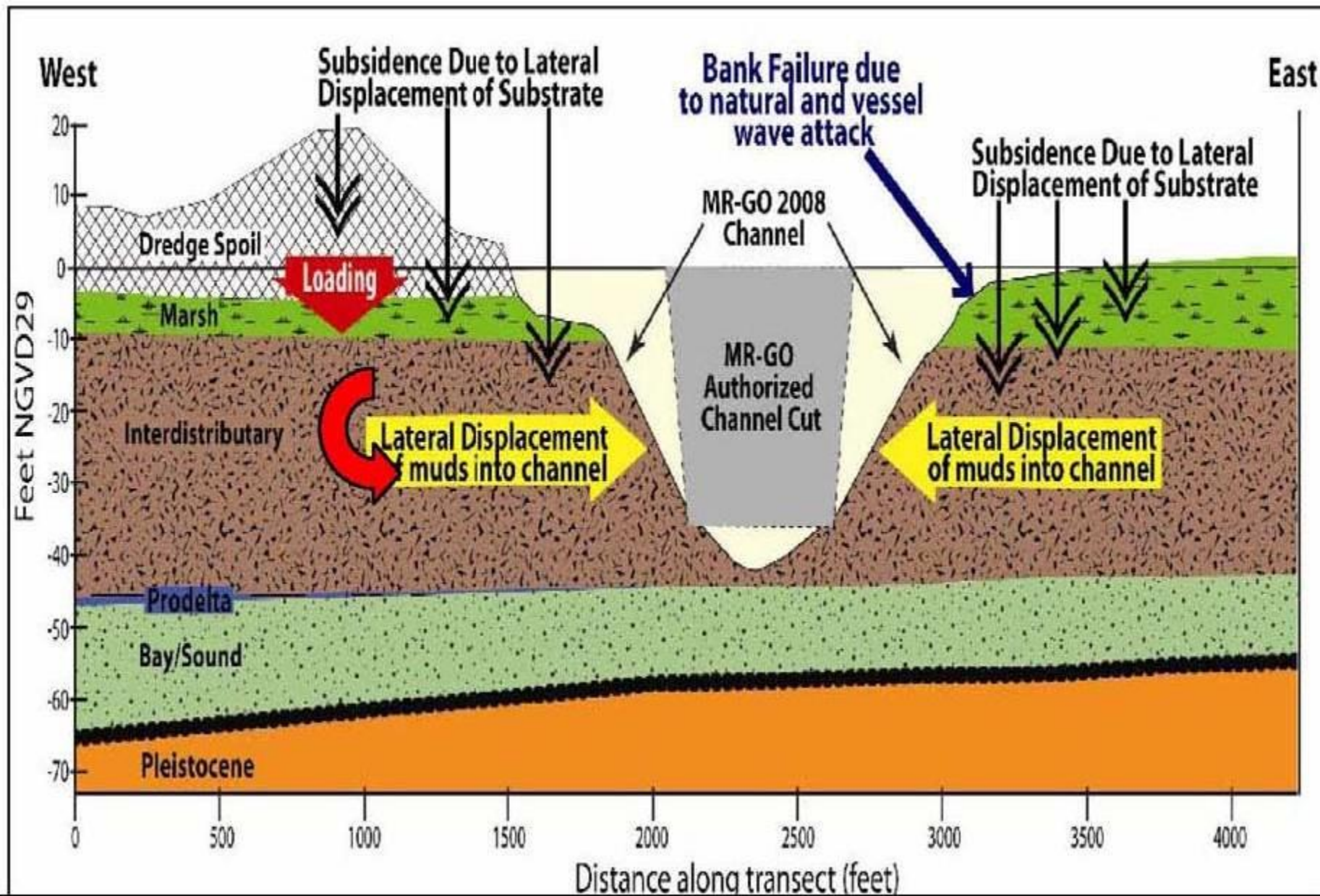


Liability Theories in Illinois Farmers Insurance

- Failure of local public entity to exercise ordinary care to maintain property in safe condition – 745 ILCS §3-102(A)
- Negligent failure of local public entity to remedy known dangerous conditions – 745 ILCS §3-103(A)
- Taking clauses of Illinois, U.S. constitutions

Claims against infrastructure providers





La Faute-sur-Mer, France, March 2010

