



Sticks and carrots for reducing property-level risks from floods: an EU–US comparative perspective

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Aim and approach

Research Focus



What are the legal and policy requirements applicable to existing buildings after a flood event?

Examples

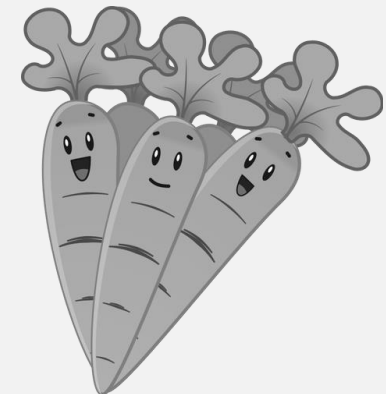
- United States
- England
- Netherlands



Methods

Legal comparative approach

- Dogmatic approach - in-depth analysis of primary and legal sources and overview of the legal systems
- Functional approach – the relation of the legal system to wider society – demonstrated through cases



Comparing legal and flood risk management systems

United States



- Federal institutions have more extensive competencies
- Can follow-up on implementation
- Legislation – directly binding on the population

The Netherlands

- Decentralised unitary state – functional decentralisation
- Responsibilities devolved to administrative bodies
- Dutch constitution – keep the country habitable and protect and improve the environment

England

- No requirement on government to provide flood protection
- Government responsibilities are enacted in legislation
- Complex governance with many public, private and citizen actors



- Primary responsibility rests with the state and federal governments
- Moral hazard recognised – levy effect
- Devolution of responsibilities to state and local governments
- Post-disaster relief of different types

- High institutionalisation of FRM – public authorities
- High safety standards of protection – national solidarity
- Low public awareness
- Increasing importance of spatial planning
- Lack of effective recovery mechanisms

- Responsibility rests with the property owner
- Broad range of FRM strategies adopted for decades
- No set standards of protection
- Reflexive approach

Policies for influencing resilience to existing properties



Insurance

Incentivise or mandate resilient reinstatement or pre-flood adaptation



National Flood Insurance Program

Flood Re

Calamities Compensation Act



Compensation

Mandate resilient reinstatement and resilience during re-development



Building regulations present in all three countries
US - Stafford Disaster Act 1974



Building regulations



Approaches facilitating post-event adaptation



Property Level Flood Resilience Grant Scheme

Lessons from cross-country legal analysis

- High potential for influencing the resilience of existing properties either during redevelopment or post-event reconstruction;

.....but the approaches to mandate or incentivise resilience are lacking or ineffective;

- Importantly, analysis has highlighted that the legal situations are not barriers to these measures;
- Despite different legal and FRM approaches adopted in the three countries, many common challenges and therefore relevant lessons;
- Examples of localised best practices and successful implementation of resilience to existing properties;
- Look to the lessons from transferring these successes more widely.

- Tighten building regulations for new development as well as re-development and post-disaster reconstruction
- Mandate that government-backed recovery requires resilient reinstatement
- Develop effective public-partnerships to strengthen ties between private market insurance and risk reduction through incentivising property owners

Thank you



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