City as Legal Innovator – The Promise and Pitfalls of Policy Mobility in an Era of Climate Change

Julian C. Juergensmeyer, Ryan M. Rowberry, Karen Johnston, John Travis Marshall
*Center for the Comparative Study of Metropolitan Growth, Georgia State University College of Law*

jmarshall32@gsu.edu

Current and anticipated climate change challenges are requiring transformation of essential urban systems. Stormwater, road, and flood protection infrastructure are just a few of the fundamental systems that cities are re-examining, redesigning, and rebuilding. But these major physical infrastructure projects are not the only urban transformations necessitated by climate change. Major storms and slow onset events, such as sea level rise, are highlighting critical vulnerabilities associated with cities’ legal infrastructure.

Often overlooked is the important function that specific laws and institutions serve in organizing a city and carrying out its essential affairs. Laws and policies, ranging from comprehensive plans, to zoning codes, to constitutional provisions authorizing public expropriation of private property are frequently foundational to city resilience.

This panel considers the critical connection between urban laws and cities’ capacity to effectively manage the challenges associated with climate change. While mindful that law represents just a single dimension of a well-functioning urban community, laws and legal institutions play an important part in organizing a city and administering its affairs. Laws and policies, ranging from development impact fee schemes to historic and cultural resource preservation incentive programs, are foundational to urban sustainability.

Unfortunately, inter-city [and often intra-city] compartmentalization or ‘silo-ing’ of critical information about innovative city legal programming is a major impediment to cultivating sustainable cities. Focusing on legal issue areas that are of common concern to cities globally, the panelists will examine examples of, and opportunities for, using innovative legal approaches to urban challenges as templates for transnational solutions to shared urban challenges.