

Elizabeth Haub School of Law at Pace University

Land Use Law Center

Land, Water, and Climate Law Students and Professors at the Cutting Edge



PROGRAMS AND RESOURCES

For over 25 years, the [Land Use Law Center](#) has developed resources and conducted programs on the extensive powers of local governments to address urgent and cutting edge environmental and sustainable development issues, including climate change. State law gives local governments power to regulate land use at the ground level where the problems of sustainability and climate change [arise](#). The Center's academic model is to train and provide technical assistance to municipalities and all involved stakeholders, engage law school students and professors in research and strategic development, and make best practice strategies available.

LOW CARBON LAND USE: MANAGING HUMAN SETTLEMENT PATTERNS

Local governments control the development of buildings, the distance vehicles travel, and the sequestering environment. Their powers touch 70% of the sources of CO2 emissions or their capture. The Intergovernmental Panel on Climate Change and the Paris Climate Accord recently recognized that the proper design of human settlements can greatly lower emissions and recommended that local governments adopt land strategies – best practices of the type that the Land Use Law Center develops and promulgates. We call the aggregate of these strategies the [Land Use Stabilization Wedge](#).

- [Low Carbon Land Use: Paris, Pittsburgh, and the IPCC.](#), John R. Nolon, 40 U. ARK. LITTLE ROCK L. REV. (2018).
- [Mayors Redevelopment Roundtable](#) and [Corporation Counsel Roundtable](#).

- [Smart Growth Policy Playbook: Strategies and Resources to Help Implement Economically Viable Smart Growth Development](#)
- [Vacant and Problem Properties: A Guide to Legal Strategies and Remedies.](#)
Chicago, IL: American Bar Association, Section of State and Local Government Law (Mallach, A., Bacher, J. A., & Williams, M. B. eds., 2019)
 - [Distressed Private Properties and Local Government Responses.](#)
Presentation at ABA Annual Meeting, San Francisco, CA (Aug. 8, 2019)
- Assisted with development of the [NY Model Solar Energy Law and Toolkit](#)
- Consultants to [New York Climate Smart Communities Program](#)
- Members of the national Sustainable Development Code research team and Advisory Committee. The [The Sustainable Development Code \(SDC\)](#), officially launched on May 15, 2019, is a tool for local governments of all sizes to build “more resilient, environmentally conscious, economically secure, and socially equitable communities.”
- Our work on this Code supplements the Center’s digital library of sample sustainable development laws: [Gaining Ground Database.](#)
- The Center’s [Green Infrastructure Guide](#) describes how to preserve natural resources in an urban environment to manage stormwater and reduce flooding.

CALMING TROUBLED WATERS: LOCAL SOLUTIONS

The Clean Water Act does not permit federal agencies to mitigate most sources of nonpoint pollution or to protect the quality of groundwater and ephemeral wetlands. Local governments address these deficiencies in the water law system using their power to protect natural resources. The Center developed strategies to fill critical gaps in water quality protection and water conservation.

- [Integrating Water Efficiency into Land Use Planning Guidebook](#), Jennie N. Blanchard, ed.
- [Calming Troubled Waters: Local Solutions](#), John R. Nolon, 44 VT. L. REV. (forthcoming 2019).
- [15th Annual Norman Williams Distinguished Lecture in Land Use Planning and the Law](#); John R. Nolon
- [Stormwater Management, Phase II, PowerPoint.](#)
- [Department of Environmental Conservation Hudson River Estuary](#) local leaders training program.

RESILIENCE, RETREAT, AND DUE DILLIGENCE: LAND USE AND CLIMATE CHANGE BUBBLES

Our research demonstrates that countless climate change bubbles in all regions of the country have been caused, in part, by improper design of human settlements and misdirected land use practices; as these bubbles burst, the damage they cause will exceed the economic damage caused by the infamous housing bubble and have a devastating impact on the environment and public health. Using traditional real estate

law due diligence techniques, incorporating them into local project approval procedures, and showcasing land use plans and regulations that promote retreat and resilience, the Center has developed a blueprint for mitigating this coming calamity.

- [Land Use and Climate Change Bubbles: Resilience, Retreat, and Due Diligence](#), John R. Nolon, 39 Wm. & Mary Env'tl. L. & Pol'y Rev. 321 (2015).
- [Disaster Mitigation through Land Use Strategies](#), John R. Nolon, ELR News & Analysis, 37 ELR, 1068 (2007)
- *Local Resilience and Disaster Preparation*, in DISASTER LAW: RISK, RECOVERY AND DEVELOPMENT, Cambridge Univ. Press (Susan Kuo, John Marshall, & Ryan Rowberry eds., forthcoming 2021)
- [Chapter 6: Climate Adaptation and Disaster Mitigation: Land Use Strategies](#), John R. Nolon, PROTECTING THE ENVIRONMENT THROUGH LAND USE LAW: STANDING GROUND, Environmental Law Institute (2014).
- [Increasing Coastal Community Resilience through Facilitated Land Use Training, Assessment, and Amendments](#), Jessica Bacher & Tiffany Zezula, 41 ZONING & PLANNING L. REP., (Nov. 2018).

ENGAGING LOCAL ACTORS:

TRAINING, TECHNICAL ASSISTANCE, AND GAINING GROUND DATABASE

Much of the Center's work is in communities in the New York Tristate Metropolitan area and the extensive Hudson Valley region. We provide training and technical assistance to state agencies and local land use leaders and other advocates and actors working in the hundreds of local governments in this region. These programs and services have been provided to local leaders and advocates the New York Finger Lakes and Long Island Sound region, as well as in Utah, Colorado, Pennsylvania, New Jersey, and Connecticut.

- [The Land Use Leadership Alliance Training Program](#) received the 2009 National Award for Planning Advocacy from the 40,000 member American Planning Association.
- Bacher, Jessica and Byerly Williams, Meg, [A Local Government's Strategic Approach to Distressed Property Remediation](#), Urb. Law. (Spring 2014).
- Best sustainable development practices are entered in our [Gaining Ground Database](#)
- Cutting edge sustainable development issues are presented in the Center's Annual Regional Land Use Conference. 2018 Conference: [Sustainable Development as a Market Driver](#); 2019 Conference Announcement: [Building the Infrastructure for our Sustainable Future](#).

LOCAL PROGRESS AND POTENTIAL:

BACKGROUND READING

The capacity of local governments to achieve sustainable development, protect natural resources, and manage climate change is not well understood. The following articles

explore and explain this role and the particular effectiveness of local collaborations with state and federal agencies.

- Nolon, John R., [State and Local Jurisdiction: Local Land Use Solutions](#) (October 2019)
- [Zoning's Centennial: A Complete Account of the Evolution of Zoning into a Robust System of Land Use Law – 1916-2016](#), Parts I-IV, John R. Nolon (2016-2017), Thomson Reuters.
- [In Praise of Parochialism: The Advent of Local Environmental Law](#), John R. Nolon, 26 HARV. ENVTL. L. REV. 365 (2002).
- [Open Ground: Effective Local Strategies for Protecting Natural Resources](#)
- [New Ground: The Advent of Local Environmental Law](#)
- [Losing Ground: A Nation on Edge](#)
- [Protecting the Environment Through Land Use Law: Standing Ground](#)
- [COMPARATIVE LAND USE LAW AND SUSTAINABLE DEVELOPMENT](#), Cambridge University Press, (John R. Nolon et al. eds., 2006)
- [COMPENDIUM OF LAND USE LAWS FOR SUSTAINABLE DEVELOPMENT](#), Cambridge University Press, (John R. Nolon ed., 2006).