

# “Pay Attention to Rising Sea Levels,” Florida Community Association Journal

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Rising sea levels are an important issue which cannot be ignored by Florida communities, especially coastal ones, if they want to be resilient and prepared for expected adverse effects. Miami has the most to lose of any coastal city in the world in terms of financial assets, just above New York City. Florida has more residents at risk from sea level rise than any other U.S. state. The legal

implications of sea level rise in Florida at every level are vast.

Government and municipal action thus far seems lacking. Some—but not enough—cities have approved bonds for measures such as shoreline stabilization, storm drainage improvements, elevating sea walls, and raising roads. Municipalities also need to address legal issues such as changing building and zoning codes,

But when the state or local municipalities enact stricter building elevation requirements and developers elevate new construction, what will happen to adjacent properties, which have lower elevations? This would likely cause water run-off and flooding on adjacent parcels, which may, in turn, create private litigation in neighbor vs neighbor disputes based on negligence or nuisance concepts. In addition to their neighbors, aggrieved owners might sue local governmental agencies, planners, realtors, and even their own attorneys.

Condominium and homeowner associations are quasi-governmental microcosms, which also need to be proactive to protect their residents' property values. Boards must plan for the financial impact of mitigation efforts through reserve funding. A reserve study can help plan for necessary capital improvements and addressing underground facilities such as garages and drains. Boards may likewise face liability for failing to take preventive measures.

There are many factors which need to be considered by Florida communities to

mitigate adverse impacts due to rising sea levels, including addressing a myriad of legal issues.

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