

Can property survive the great climate transition?

Written by Louise Crabtree, Senior Research Fellow, Institute for Culture and Society, Western Sydney University



Property is under threat, physically and conceptually, from climate change. [.Martin./flickr](#) , [CC BY-ND](#)

This is one of a [series](#) of articles to coincide with the 2017 [Ecocity World Summit](#) in Melbourne.

As we become an [increasingly urban species](#) , urban resilience is emerging as a big deal. The idea is generating a lot of noise about how to develop or retrofit cities that can deal with the many challenges before us, or consume less energy in the transition to post-carbon economies.

There is ample activity aimed at making this happen, including through designing and building [ecocities](#) , and calls such as that of the [Transition Towns](#) movement, which suggests substantial changes to our ways of life might be both necessary and inevitable.

In all of this, very little has been said about the elephant in the urban living room – property. Property systems are the codification of our relationship to place and the way in which many of us make a claim to place, including a roof over our heads.

If our cities are to become more resilient and sustainable, our systems of property need to come along for the ride.

Static property rights will be tested

Western systems of property law assume property is delineated and static: the property holder has invested (often substantial) financial resources to secure a claim to that neatly identified

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parcel of land and/or buildings. Further, the property owner expects to make a nice economic return on their parcel.

Unfortunately, the future doesn't look neatly delineated or static. Many researchers and practitioners tell us the future might not look like anything we've ever seen. Some say we are reaching a tipping point, after which the rules we have constructed will [no longer apply](#) or be of use.

As some property is [washed out to sea](#), much may become [too hot to live in](#), and what remains may be subject to relentless and increasing waves of [migration and instability](#).

In the face of such calamity, how then might we – as a big, inclusive “we” – talk about and demonstrate our relationship to place? Will we be able to do that without seeing the emergence of metaphorical or actual fortresses?

Models that allow for change

These are live questions. There are no easy answers, but there are places where we might start.

Models such as [rolling easements](#) offer one way to handle property that is in flux. Rolling easements are a form of property that [recognises that the coast is a dynamic landscape](#) and allows for the coastline of wetlands to migrate inland as sea levels rise.

These sound promising in their capacity to balance private and public interests in property, but their potential has [not yet been tested](#) in areas of urban development, such as housing.

Echoing the potential mobility and flexibility of rolling easements are [diverse housing tenures](#) that can dislocate the right to reside in place from exclusionary, proprietary title to an individual,

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speculative housing “asset”.

Examples include [housing co-operatives](#) and [community land trusts](#). So far, these have proven effective in delivering a range of affordable and flexible housing options, but still ultimately rely on an understanding that property is static.

So, how might we conceptualise and identify dynamic models of housing that can change with our cities?

Mobility studies are starting to talk about home as [mobile and fluid](#), while resilience theory is recognising the importance of a [sense of place](#). Resilience theory also tells us that complex systems are [best governed](#) by collaborative, flexible, learning mechanisms.

The combination of more fluid understandings of home and more sensitive ideas of place may offer a framework for thinking about how we occupy cities through complex challenges and in the face of uncertainty – including how to accommodate the need for mobility and flexibility.

Indigenous inspiration

[Living in colonised landscapes](#) tells us it might be time to rethink which way around the “ownership” dynamic works in property relationships.

That is, if we are to think about and create property systems that are as dynamic as the landscapes we occupy, we might need to start thinking about ourselves as belonging to and answerable to the land, not the other way around.

We might also need to start thinking about our claims not being static but dependent on the web of relationships we are entwined in, including with non-humans. Some say that First Peoples might have a grasp of property dynamics that is [more suited](#) to the times we are entering.

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So, making cities green might be the easy part. It remains to be seen whether property law and property systems are up to the task of transition.

You can read other articles in the series [here](#) . The [Ecocity World Summit](#) is being hosted by the University of Melbourne, Western Sydney University, the Victorian government and the City of Melbourne in Melbourne from July 12-14.

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