In the wake of Hurricane Sandy, there is a debate on whether to rebuild the areas that were devastated and continue to be vulnerable. Both New York and New Jersey have announced limited programs to buy out certain homes, but these programs are extremely expensive and can lead to checkerboard patterns. This forum will not advocate any particular approach, but will explore these underlying legal questions:

1. What governmental actions in restricting development or reconstruction in vulnerable areas are “ takings” that require compensation?

2. How would the government adopt a policy of managed retreat from the coastlines—through changes in zoning and building codes, restrictions on infrastructure, or other methods? What process would be needed?

3. What is the role of federal flood insurance and private insurance in shaping patterns of development or redevelopment in vulnerable areas?

4. Where has managed retreat been attempted in the past? What is the experience with these attempts, and what procedures were followed?