

Mitigate. Don't Litigate in Land-Use Disputes

Issue (Who cares and why?)

With increasing frequency, conflicts arise between farmland operators and suburban homeowners, often ending in legal action. The cost and time lost to litigating these disputes make legal suits a less effective and more expensive way to resolve cases involving property rights. These concerns include when a farm building obstructs a neighbor's view or when odors and dust from a farm operation drift over nearby residences.

What has been done?

Researchers in UD's Food and Resource Economics conducted a study to determine the best way to resolve a land-use conflict over unallocated property rights. Data collected on conflicts originating at a county governing body that reviews zoning found that these legal actions inevitably result in a win-lose situation.

Impact

Econometric analysis of this data suggests a twofold plan: mandated mediation for all filed land-use conflict cases, and excluding governing boards from the mediation because they tend to convey the wrong incentives. While mediation encourages property-rights adversaries to bargain over the incidence of external costs, litigation does not. UD economists created a model that can be replicated by other jurisdictions to construct inexpensive analysis for disputes, the results of which should be more equitable.

Funding

General University of Delaware University Research Fund
Hatch funding

Contact:

Joshua M. Duke
Legal Studies
Food and Resource Economics
University of Delaware
Newark, DE 19717-1303
Phone: (302) 831-1309
Fax: (302) 831-6243

Contact E-mail Address

duke@udel.edu