

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in the State of Illinois, United States of America**  
**A State Law Desk Survey**  
**December 2012**

**Acknowledgements**

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## Law and Regulation for the Reduction of Risk from Natural Disasters in the State of Illinois, United States of America: A State Law Desk Survey

### Executive Summary

This report aims to create a profile of the laws, regulations, and policies related to disaster preparedness, mitigation, response, and management in the State of Illinois, one of the fifty states of the United States of America. It is one of a series of National Desk Surveys that examine disaster risk reduction (DRR) laws and regulations in various countries.

This report begins by summarizing, as background, the main natural hazards and risks facing Illinois as well as the governmental and law making structure of the State. It then analyzes the various laws, regulations, and policies of Illinois and its political subdivisions from the perspective of DRR by answering a given set of questions, organized around the first four of five priorities laid down in the Hyogo Framework for Action, 2005-2015:

1. Ensuring that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks;”
2. Identifying, assessing and monitoring disaster risks and enhancing early warning;
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels; and
4. Reducing the underlying risk factors.

It is noteworthy that disaster risk reduction (DRR) as a concept is not defined or referred to explicitly in Illinois law or policy. But notwithstanding the absence of this terminology, many key elements of DRR are addressed in various laws, regulations, and policies, including in particular those relating to disaster preparedness and mitigation.

The primary disaster management law in Illinois is the Illinois Emergency Management Agency Act (IEMA Act). This law defines “emergency management” broadly so as to include “the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain

programs for disaster mitigation, preparedness, response and recovery.” The IEMA Act gives the Governor of Illinois broad powers and responsibilities with respect to emergency management, it establishes the Illinois Emergency Management Agency (IEMA) as the agency “responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions, and the federal government,” and it requires the development and maintenance of a statewide Emergency Operations Plan. The IEMA Act further provides for the establishment of a statewide network of Emergency Services and Disaster Agencies at the county and sometimes municipal level (*i.e.*, political subdivisions of the state), each of which is required to develop and maintain an Emergency Operations Plan in conformity with standards set by IEMA.

The core provisions of the IEMA Act are supplemented in Illinois by a number of other state laws and regulations as well as by laws adopted at the municipal (political subdivision) level. Additionally, given the federal structure of the United States, Illinois disaster management laws and policies are influenced or supplemented by U.S. federal law and policy on disaster management such as, in particular, the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the regulations and policies of the Federal Emergency Management Agency (FEMA). The information and analysis in this report cover not only the IEMA Act but also the disaster management provisions of other state laws and regulations, as well as illustrative examples of municipal laws. Areas where federal law applies or has influenced Illinois law or policy are also noted as appropriate. (A more comprehensive discussion of relevant federal laws, regulations, and policies is provided in the July 2012 National Desk Survey for the United States of America.)

As a desk survey, this study looks only at the law as written. It does not address implementation or enforcement of these laws or regulations.

## List of Abbreviations

ARC	American Red Cross
CDB	State of Illinois Capital Development Board
CLOMR	Conditional Letter of Map Revision
CMAS	Commercial Mobile Alert System
DM	Disaster Management
DPRP	State of Illinois Drought Preparedness and Response Plan (2011)
DRR	Disaster Risk Reduction
DRTF	Drought Reduction Task Force
EAP	Energy Assistance Plan
EAS	Emergency Alert System
EIA	Environmental Impact Assessment
ESDA	Emergency Services Disaster Agency
EWS	Early Warning System
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Survey
HazCollect	National Weather Service All-Hazards Emergency Message Collection System
ICC	Illinois Commerce Commission
IDCEO	Illinois Department of Commerce and Economic Opportunity
IDNR	Illinois Department of Natural Resources
IDOA	Illinois Department of Agriculture

IDPH	Illinois Department of Public Health
IDRP	State of Illinois Disaster Recovery Plan (2012)
IEMA	Illinois Emergency Management Agency
IEMA Act	Illinois Emergency Management Agency Act
IEOP	Illinois Emergency Operations Plan (2010)
IEPA	Illinois Environmental Protection Agency
IL	The State of Illinois
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
INHMP	Illinois Natural Hazard Mitigation Plan (2010)
INHMPC	Illinois Natural Hazard Mitigation Committee
IPAWS	Integrated Public Alert and Warning System
ISWS	Illinois State Water Survey
LEPC	Local Emergency Planning Committee
LOMR	Letters of Map Revision
MOU	Memorandum of Understanding
NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
NWS	National Weather Service
OWR	Office of Water Resources (Illinois Department of Natural Resources)
SERC	State Emergency Response Commission
SIRC	State Incident Response Center
Stafford Act	Robert T. Stafford Disaster Relief and Emergency Assistance Act
State	The State of Illinois

SWPTF

State Water Planning Task Force

US

United States of America

USGS

United States Geological Survey

## **(1) Introduction**

This report summarizes the laws, regulations, and policies related to disaster preparedness, mitigation, response, and management in the State of Illinois, one of the fifty states of the United States of America. It is one of a series of National Desk Surveys that examine disaster risk reduction (DRR) laws and regulations in various countries.

Disaster risk reduction (DRR) has been defined by the United Nations Office for Disaster Risk Reduction (UNISDR) as:

The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.<sup>1</sup>

As such, DRR embraces a comprehensive approach to identifying and implementing measures designed to prevent natural disasters or to lessen their adverse consequences.

The State of Illinois has not adopted the term “disaster risk reduction” in either its laws or its policies on disaster management. Many aspects of DRR are, nevertheless, reflected in the law and policy of Illinois and its political subdivisions. Overall, the State of Illinois has fairly extensive laws and policies relating to disaster preparedness, mitigation and response, as well as a larger infrastructure of laws and regulations (many at the level of political subdivisions) addressing, for example, building codes, zoning regulations, and the like. Illinois is also subject to certain United States federal laws relating to disaster management, and Illinois benefits from the disaster management resources available from the federal government.

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<sup>1</sup> UNISDR (2009), available at <http://www.unisdr.org/we/inform/terminology#letter-d> (last accessed 17 Dec. 2012).

The State's primary disaster management law is the Illinois Emergency Management Agency Act (IEMA Act), which establishes the Illinois Emergency Management Agency (IEMA) and confers powers and responsibilities both on IEMA and on the Governor of Illinois. Many of the details regarding disaster management are contained not in this law but in two important plans overseen by IEMA: the Illinois Emergency Operations Plan and the Illinois Natural Hazard Mitigation Plan. Other important aspects of disaster management are contained in other state laws, regulations and plans, and are the responsibility of state agencies other than IEMA; in those instances, IEMA is tasked with ensuring inter-agency coordination in disaster preparedness and response. IEMA is further tasked with oversight of emergency operations plans of the political subdivisions throughout the State.



## **(2) Summary of Main Natural Hazards and Risks in Illinois**

The State of Illinois covers 57,910 square miles (approximately 15 million hectares). It occupies the area between the of longitudes 87° 30' W to 91° 30' W, and latitudes 36° 58' N to 42° 30' N. Illinois is located in the central portion of the United States of America (known as the “Midwest”). It is bordered on the northeast by Lake Michigan (which is one of five large freshwater bodies known collectively as the “Great Lakes”), and bordered on the west by the Mississippi River (which is the chief river of the largest river system in North America). The Ohio and Wabash rivers border the State’s southeast and east side. The Illinois and Kaskaskia Rivers run through the center of the State. Illinois also contains several smaller lakes, rivers, and streams. The terrain of Illinois is largely flat prairie, with a mean elevation of 183 meters above sea level. Charles Mound (located at the northwest corner of the State) is the highest point at 376 meters above sea level; the State’s lowest point is on the Mississippi River at 85 meters above sea level. Illinois has four distinct seasons, and weather is primarily influenced by arctic air from Canada and warm air from the Gulf of Mexico. The average high temperature is 30.6 degrees Celsius, and the average low is -12.3 degrees Celsius. The record high was 47.2 degrees Celsius, and the record low is -37.8 degrees Celsius.

Illinois has a total population (2011) of 12,869,257. Its largest city, Chicago, is located on the shore of Lake Michigan and has a population (2011) of 2,707,120. Approximately two thirds of the State’s population is located in the greater Chicago metropolitan area.

According to the Illinois Natural Hazard Mitigation Plan (INHMP), the most credible threats posed to the State are: “severe storms, tornadoes, floods, severe winter storms, drought, extreme heat, and earthquakes.” Extreme temperatures are the leading cause of deaths attributable to natural disaster, with an average of 74 deaths related to heat, and 18 resulting from cold annually. Annual averages of 20 to 30 deaths result from floods, winter storms, tornadoes, and lightning. Earthquakes in Illinois have historically been limited in intensity and largely contained within the southern portion of the state, which is sparsely populated and mostly undeveloped. Due to the State’s flat geography and insulation from the oceans, the risks posed by landslides and tropical storms are minimal.

The threats posed by natural disasters to Illinois are mainly economic in nature, since the primary effects of natural disasters are unlikely to cause mass fatalities, and since the people of Illinois are insulated from the secondary effects by the bountiful resources of the local, state, and national governments. However, these threats are taken seriously by state and local officials, and primarily addressed by the Illinois Emergency Management Agency (IEMA).

### **(3) Governmental & Law-Making Structure**

The current Illinois constitution was ratified in 1970, and, mirroring the Constitution of the United States, establishes three branches of government: The executive, the legislature, and the judiciary.

The Governor of Illinois leads the executive branch and is charged with overseeing the implementation and enforcement of Illinois laws and regulations. Subject to the approval of the Illinois Senate, the Governor appoints the leadership of State agencies. Agencies are similar to ministries in other countries, but are subdivisions of the executive. The legislature has the power of oversight and may create or alter agencies by legislation, but does not control the normal functions of agencies. Executive agencies are permitted to operate and regulate within the scope of their legislative grants of authority, and the Governor has the power to unilaterally issue executive orders (which govern state agencies). The Governor has the power to approve or veto legislation (this can be overridden by a three-fifths vote of both houses of the Illinois legislature), but does not have the authority to initiate legislation. The executive branch is charged with implementing the laws

The Illinois General Assembly is the state legislature, comprised of the Illinois House of Representatives and the Illinois Senate. Article IV, Section 8 of the Illinois Constitution states that “[t]he General Assembly shall enact laws only by bill” and that a majority vote in each house is required for a bill to be enacted into law. As noted above, if the Governor casts a veto, the bill becomes law only if the veto is overridden by a three-fifths vote of each house of the legislature.

The Illinois Judiciary resembles the federal judiciary and has the power to review legislation and administrative decisions at the state and local level. However, the Illinois Judiciary may be overruled by the Supreme Court of the United States, and it does not have power to review federal legislation or federal administrative decisions.

Except where limited by federal law and the Illinois State Constitution, the Illinois state government has sweeping power to govern within its territory and may exercise considerable control over local (political subdivision) governments.

Illinois is divided into 102 counties. In rural areas, the county may be the only form of local government, providing all services except education. However, four other forms of local government may exist within and across counties. These are: municipalities, townships, school districts, and special districts. Municipalities (short for “municipal corporations,” which are often referred to as “cities,” “towns,” or “villages”) have elected officials, whose power is established and governed by a state charter. Townships are subdivisions of the county, and, when needed, provide services at a local level, similar to those of municipalities. Special districts provide services at the local level, but are limited to only one kind of service (*e.g.* sewage treatment). Special districts may exist within and across counties, municipalities, and townships. School districts are similar to special districts in most respects, but are governed by a different chapter of the Illinois Compiled Statutes and exclusively provide educational services. Counties and municipalities can create local laws, which are called “ordinances,” while the other units of local government may not. Municipalities and counties may elect to become “home rule” units of government by referendum. Home rule units have sweeping powers to pass legislation, incur debt, and impose taxes, while non-home rule units must abide by Chapters 50, 55, 60, and 65 of the Illinois Compiled Statutes.

Legal documents within the State of Illinois include:

- The Illinois Constitution
- Statute Legislation
- Executive Orders issued by the Governor of Illinois
- Regulations promulgated by the Executive Agencies
- Administrative Decisions issued by the Executive Agencies
- Decisions issued by the Illinois Judiciary
- Ordinances adopted by municipalities and counties

Because disaster response is primarily handled by executive agencies, regulations, policies, and procedures are commonly added, modified, or replaced.

The actions (and inactions) of the state and local levels of government in Illinois are heavily influenced by the governmental structure of the United States.

While the State of Illinois is granted a considerable degree of freedom by the Constitution of the United States, Illinois laws are heavily influenced by the actions of the federal government, which may make certain funding conditional or provide services throughout the territory. Because the federal government has very broad spending powers, the State and its political subdivisions generally incorporate and comply with federal policy in order to benefit from federal funding opportunities.

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### 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitution of the State of Illinois	Art. 7, §1	<p>The State of Illinois is divided into 102 counties. Municipalities (cities, villages, and incorporated towns) are located within counties, and Special Districts and School Districts can be located within counties or across all or parts of multiple counties. A county may also elect to divide itself into “townships,” which are subject to the control of the county in unincorporated areas or the municipalities in which they are located.</p> <ol style="list-style-type: none"> <li>1. Federal: 50 states</li> <li>2. State (Illinois)</li> <li>3. Counties: 102</li> <li>4. Municipalities and Townships: 2,731</li> <li>5. Other Units: Special Districts: 3,249; School Districts: 912</li> </ol>
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	Constitution of the State of Illinois	Art. 7	<p>Article VII of the Illinois Constitution addresses “Local Government.” It defines “[u]nits of local government” as “counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.” “Municipalities” is defined to include “cities, villages and incorporated towns.” (§ 1).</p> <p>Certain counties (those in which the voters elect a chief executive</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			officer) and certain municipalities (those with a population exceeding 25,000 or others that so choose by referendum) have the status of "home rule units." Generally (though there are some exceptions), "a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt." (Art. 7 § 6(a)). However, the State legislature retains the power to concurrently legislate on these matters (Art. 7 § 6(i)) and, with rare exceptions, it also retains the power to enact a law giving the State exclusive jurisdiction over any matter that would otherwise be within the home rule powers (Art. 7 § 6(h) and (i)).
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?			No.
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			Illinois, as one of the states within the United States, is subject to the federal laws of the U.S. As to disaster management, Illinois must comply with the requirements of federal laws such as the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and regulations of the Federal Emergency Management Agency (FEMA).

**2. Institutional frameworks, resourcing and community participation in DRR:**

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

<b>2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a state disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1998;  Emergency Services, Disasters and Civil Defense, Ill. Adm. Code Title 29.	Chapters I and II	Yes: Law: The Illinois Emergency Management Agency Act (IEMA Act) establishes the Illinois Emergency Management Agency (IEMA). IEMA is responsible for management and coordination of the State’s mitigation and preparedness programs, disaster response and recovery efforts, and dissemination of information regarding disasters. IEMA is required to prepare and maintain a statewide Emergency Operations Plan to work with federal authorities and local officials in carrying out its responsibilities.  The IEMA Act also requires that each county (or approved group of counties) and some municipalities create and maintain an Emergency Services and Disaster Agency (ESDA). Every ESDA is

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>required to prepare an emergency operations plan, which is regulated by IEMA.</p> <p>The IEMA Act grants broad emergency powers to the Governor of Illinois, including the power to declare a disaster. Upon such a declaration, the Governor may suspend Illinois regulations, take property, and use the resources of every State agency to cope with disasters.</p> <p>Regulation: IEMA promulgates regulations necessary to carry out its mission. These regulations govern the general administration of IEMA and the ESDAs and set forth guidelines for state and local disaster plans.</p>
<p>6. Is there also a state disaster management policy? Is this established by a law? Provide details.</p>	<p>Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 68, 1988 (provisions added in 2000);</p> <p>Illinois Natural Hazard Mitigation Plan, 2010;</p> <p>Illinois Technological Hazard Mitigation Plan, 2007</p> <p>iv. Illinois Human-Caused Hazard Mitigation Plan, 2007</p> <p>Illinois Emergency Management Agency Act, 20</p>	<p>§§ 5133, 5165;</p> <p>§4, §5(f)(4);</p>	<p>The Stafford Act requires states to prepare Multi-Hazard Mitigation Plans in order to receive federal funds for hazard mitigation measures. States are to develop and submit these plans, which are to outline the processes for identifying natural hazards and risks, as well as the State’s preparedness, response, and mitigation plans. The Illinois Natural Hazard Mitigation Plan, Illinois Technological Hazard Mitigation Plan, and the Illinois Human-Caused Mitigation Plan are developed by the various State agencies of Illinois to satisfy this requirement. IEMA coordinates this effort.</p> <p>The Illinois Emergency Management Agency Act requires that IEMA and each ESDA develop an Emergency Operations Plan,</p>

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	ILCS 3305, 1988; vi. State of Illinois Emergency Operations Plan, 2010.		which is defined as a “written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters and shall include plans that take into account the needs of those individuals with household pets and service animals following a major disaster or emergency.” Pursuant to this mandate, IEMA assembled the Illinois Emergency Operations Plan.
7. Is the DM law a state-wide law applicable throughout the territory of the subject state? If so, does it establish an integrated state system with elements at the local and/or community level?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988.	§10	<p>Yes. The Illinois Emergency Management Agency Act applies throughout Illinois: “Each political subdivision within this State shall be within the jurisdiction of and served by the Illinois Emergency Management Agency.”</p> <p>Yes, the Act establishes a system of coordination and cooperation within the different political subdivisions, Illinois State agencies and public or private agencies. All counties and municipalities are required to have some sort of local disaster management authority, which will cooperate with other such authorities as well as State and national authorities. Unless given permission to jointly operate such agencies, each county is required to establish an Emergency Services and Disaster Agency (ESDA). Large municipalities are also required to establish ESDAs. Small municipalities are not required to establish ESDAs, but are required to provide a liaison officer to interface with state and local emergency management officials and relevant agencies.</p> <p>The Act does not establish a role for communities other than political subdivisions.</p>
8. Are there separate local DM laws? Are	Municipal Code of Chicago: Chapter 2-29	Chapters 2-29	Yes. Chapter 2-29 of the Municipal Code of Chicago, for example, both reflects a common institutional structure and references the

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
these connected with the state DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988.	§3	state DM law. Political subdivisions often create such laws. Such laws are not necessarily connected with the state DM law, but given the sweeping framework the Illinois Emergency Management Agency Act deploys, such connections are convenient and therefore common. Moreover, parallels in structure are also to be expected, since the local units of government in Illinois share other structural similarities (e.g. law enforcement, fire protection, and public health agencies) with the State government. The state DM law supercedes all non-home rule unit laws, but is not to be construed to “limit any home rule unit.”
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;  Emergency Services, Disasters and Civil Defense, Ill. Adm. Code Title 29;  Illinois Emergency Planning and Community Right to Know Act, 430 ILCS 100, 1989,	§§ 5 and 10  §430.3	Yes, some examples are: - IEMA (see Question 5) - Local ESDAs (see Question 5) Emergency Management Advisory Committee: IEMA and political subdivisions are encouraged to form a committee composed of public and private personnel who deal with phases of mitigation, preparedness, response and recovery.  LEPC: The Emergency Planning and Community Right-to-Know Act, 42 USCA 11001, 1986 (§11001 (c), provides for the organization of “Local Emergency Planning Committees” (LEPCs), which serve as advisory committees to local ESDAs regarding chemical hazards. LEPCs are composed of elected officials, public servants, community representatives, and representatives of the hazardous chemical facilities in the area.
10. Does the DM policy use the same or different implementing institutions			The DM law contemplates the involvement and coordination of all state, local, and national agencies. Therefore, the DM plan uses the same institutions.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
from the DM law? Describe.			
<p>11. Does the DM law or other law deal with:</p> <p>a. Disaster response<sup>2</sup>?</p> <p>b. Disaster preparedness<sup>3</sup>?</p> <p>c. Disaster mitigation<sup>4</sup> and prevention<sup>5</sup>?</p> <p>d. Disaster risk reduction<sup>6</sup> (DRR)?</p> <p>e. If it includes DRR, how is it defined? (include definition)</p>	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988	Entire law and especially §§ 4-7, 9-10, 16	<p>(a) – (c)</p> <p>The IEMA Act expressly addresses disaster response, disaster preparedness, and disaster mitigation and prevention. The IEMA Act defines “emergency management” broadly so as to include “the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.” (§ 4). The IEMA Act gives the Governor of Illinois broad powers and overall responsibility with respect to emergency management. (§§ 6, 7). It establishes the Illinois Emergency Management Agency (IEMA) as the agency “responsible for coordination of the overall emergency management program of the State and with private</p>

<sup>2</sup> “The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.”

<sup>3</sup> “The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.”

<sup>4</sup> “The lessening or limitation of the adverse impacts of hazards and related disasters.”

<sup>5</sup> “The outright avoidance of adverse impacts of hazards and related disasters.”

<sup>6</sup> “The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.”

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

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			<p>organizations, political subdivisions, and the federal government.” (§ 4; see also § 5). It requires the development and maintenance of a statewide Emergency Operations Plan. (§ 6(c)(2)). The IEMA Act further provides for the establishment of a statewide network of Emergency Services and Disaster Agencies at the county and sometimes municipal level (<i>i.e.</i>, political subdivisions of the state), each of which is required to develop and maintain an Emergency Operations Plan in conformity with standards set by IEMA. (§ 10). Any municipality too small to be required to have its own Emergency Services and Disaster Agency is required to have a “liaison officer designated to facilitate the cooperation and protection of that [municipality] with the county emergency services and disaster agency [for the county] in which it is located in the work of disaster mitigation, preparedness, response, and recovery.” (§ 10(e)).</p> <p>For the most part, the IEMA Act does set out specific measures that should be undertaken as part of disaster management. The IEMA Act provides the framework, leaving the details to IEMA and the emergency operations plans. However, the IEMA Act does include a number of particular provisions with respect to disaster preparedness. For example, IEMA is required to:</p> <p style="padding-left: 40px;">* “Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in the</p>



**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>event of a disaster.” (§ 5(f)(6)).</p> <ul style="list-style-type: none"> <li>* “Establish a register of persons with types of emergency management training and skills in mitigation, preparedness, response and recovery.”</li> <li>* “Establish a register of government and private response resources available for use in a disaster.” (§ 5(f)(8)).</li> </ul> <p>The IEMA Act also includes a number of particular provisions with respect to disaster response. For example, the Governor is given a number of emergency powers for use in the event of a disaster, including (among others) the powers “[t]o utilize all available resources of the State as reasonably necessary to cope with the disaster,” (§ 7(a)(2)), to take possession of personal property (including food, vehicles, fuel and medicines) and real estate needed for the response to the disaster, paying just compensation, (§ 7(a)(4)), “to make provision for the availability and use of temporary housing,” (§ 7(a)(10)), to control “the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods, or services,” including by rationing and price fixing, (§ 7(a)(12)), and to “perform and exercise any other functions, powers, and duties as may be necessary to promote and secure the safety and protection of the civilian population,” (§ 7(a)(12)).</p>

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Further regarding disaster response, the IEMA Act makes it the policy of the State that “funds to meet disasters shall always be available,” (§ 9(a)), and details the sources from which such funds shall be drawn, (§ 9(b)). The IEMA Act also makes provision for the provision of emergency services by persons whose “profession, trade or occupation” is needed to cope with a disaster, notwithstanding that such persons are not licensed or registered to provide those services within the State. (§ 16).</p> <p>(d)</p> <p>The IEMA Act does not use the term “disaster risk reduction,” but aspects of DRR are reflected in the IEMA Act’s provisions on response, preparedness, mitigation and prevention.</p> <p>(e)</p> <p>N/A</p>
<p>12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p>	<p>§5(f)(2.6) and §5(f)(11.5 )</p>	<p>[Note: Illinois and the U.S. do not use the term ‘ministry.’ Agencies are entities within the executive branch that are established by legislation or by executive order and are managed by the executive. The legislature has the power of oversight and may control agencies by legislation, but the legislature does not control the normal functions of agencies.]</p> <p>Yes, the IEMA Act and the IEOP allocate disaster emergency management responsibilities to most of Illinois’ government</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	State of Illinois Emergency Operations Plan, 2010.	p. 2	<p>agencies and assign an emergency support function for each one. For example:</p> <ul style="list-style-type: none"> <li>- The Department of Public Health will coordinate with IEMA with respect to planning for and responding to public health emergencies.</li> <li>- The Department of State Police will develop and implement a community outreach program to promote awareness among the State's parents and children of child abduction prevention and response.</li> <li>- The Illinois Department of Transportation will provide assistance requested by IEMA, local governments or the Federal government.</li> </ul>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. Provincial/state?</p> <p>b. Municipal/local?</p>	<p>Illinois Natural Hazard Mitigation Plan, 2010;</p> <p>State of Illinois Emergency Operations Plan, 2010</p> <p>Memorandum of Understanding Between the State of Illinois and the American Red Cross for</p>	<p>II-4, IV-43, IV-45, IV-47-IV-50;</p> <p>ESF 6, p.1;</p>	<p>Yes, at both the state and local level, non-governmental organizations (NGOs) and charities are acknowledged (the term 'civil society' is not commonly used in the United States). However, with the exception of the American Red Cross (ARC), which also holds the unique status of a Federal Agency (due to its National Congressional Charter) (v), these roles are poorly defined.</p> <p>a. IEMA is required to provide information on mitigation techniques and awareness by engaging the community via partnerships with "groups [NGOs] with similar missions," creating and distributing materials for various media outlets, providing disaster mitigation materials in the State Library, granting funds to ARC to "hire staff to promote disaster resistant construction," and</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Cooperation in Providing Disaster Relief, 2007;</p> <p>Village of Glenview Resolution Approving Execution of Memorandum of Understanding With the American Red Cross;</p> <p>Comprehensive Emergency Operations Plan: Adams County, 2010.</p>	24, 26, 34.	<p>by working with the State Board of Education to “create a workforce trained in hazard resistant construction techniques.” Moreover, the State of Illinois and ARC have entered into a Memorandum of Understanding (MOU), which formally recognizes ARC’s role in providing disaster relief, and ARC is deemed to be a State agency operating under the Illinois Disaster Management Services. The State of Illinois Emergency Operations Plan (IEOP) designates the ARC as the primary agency for mass care responsible for providing coordination of sheltering, feeding and emergency aid following a disaster.</p> <p>b. Local governments have also entered into MOUs with the American Red Cross (iv), and recognize the Organization’s services for thing such as mass care and damage assessment .</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>Yes, see Question 13.</p> <p>a. N/A</p> <p>b. Yes</p> <p>c. Yes</p>
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At</p>			No.

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>what levels does the law provide for women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p> <p>Illinois Emergency Planning and Community Right to Know Act, 430 ILCS 100, 1989;</p> <p>State of Illinois Emergency Operations Plan, 2010.</p>	<p>§10</p> <p>§8;</p> <p>ESF 6, pp. 11, 17</p>	<p>There is a role for political subdivisions, in that counties and some municipalities are required to have an ESDA and all other municipalities are required to have a liasion officer (i).</p> <p>Community representatives must be included as part of the LEPC; however, there is no mechanism to ensure their voice. Pursuant to the IEMA Act, the LEPC has an advisory function; however, the LEPC's role is limited to assisting in the planning for hazardous chemical emergencies (See Question 9) (i, iii).</p> <p>a-d: No.</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p> <p>State of Illinois Emergency Operations Plan, 2010;</p> <p>Illinois Natural Hazard</p>		<p>The IEMA Act mainly focuses on creating institutions and defining their mandates and roles in disaster prevention, whereas the IEOP defines specific disaster prevention policies, required actions, procedures, and the state and local agencies responsible for specific actions and tasks.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Mitigation Plan, 2010.		
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;  State of Illinois Emergency Operations Plan, 2010;	§§ 6, 10.  Basic Plan p. 12, Basic Plan- Attachment 1-p.1.	Yes. §6 charges the Governor of Illinois with the responsibility to ensure that the provisions of the IEMA Act are carried out. In turn, §10 grants IEMA the power to actively regulate disaster preparedness, mitigation, and response activities of the political subdivisions.  The principal executive officer of each political subdivision shall annually notify IEMA about the emergency management programs of the political subdivision.
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?			No.
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their			No.  A bill ( SB0009) proposing an Illinois Climate Change Act was introduced in the Illinois Senate in January 2009, but it has not been given active consideration.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
designated roles in DRR?			
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			No, as there are no implementation mechanisms for the Hyogo Framework or climate change adaptation.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988.	§9 §17.5	<p>The term “DRR” is not used in Illinois, though many aspects of DRR are incorporated into Illinois law and policy.</p> <p>Identifying State funding for DRR-related activities is made difficult by the fact that, as explained throughout this survey, various State agencies and officials are involved in DRR-related activities.</p> <p>That said, the FY 2012 State of Illinois Budget appropriated \$571,133,000 for IEMA. The FY 2013 Budget appropriation for IEMA was \$600,710,000.</p> <p>Additionally, with respect to disaster response activities, the IEMA Act declares it to be the policy of the State “that funds to meet disasters shall always be available.” If such disaster response would place an “unreasonably great” demand upon funds regularly appropriated for the work of the various departments and agencies of the State and its political subdivisions that are called upon to respond, the Governor may make additional funds available from a State Disaster Relief Fund. If the monies in that</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>fund are insufficient and sufficient monies are not otherwise available, the Governor is directed to ask the Illinois General Assembly to transfer monies previously appropriated for other purposes or borrow money.</p> <p>The IEMA Act also creates a Homeland Security Emergency Preparedness Fund to hold monies received from the U.S. federal government for DM purposes. IEMA is authorized to use monies in this fund to make grants and pay expenses related to emergency management and preparedness programs consistent with the purposes for which the federal monies were provided.</p>
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			See Question 22
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			The State of Illinois does not, so far as we are aware, allocate monies for DRR activities at the municipal or local level.
<b>Part Two. Responsibility, accountability and liability for natural disaster risk reduction</b>			
<p>The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.</p>			
<b>A. Constitutional Rights &amp; Guarantees for the Population</b>			
25. Are there any guarantees in the constitution or another law relating to	Constitution of the State of Illinois		<b>Constitution:</b>



**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <p>a. DRR in general?</p> <p>b. Safety /Life</p> <p>c. Right to Food?</p> <p>d. Right to adequate shelter or housing?</p> <p>e. Non-discrimination, (and other relevant civil and political rights)?</p> <p>f. Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g. Compensation for losses due to natural disasters?</p> <p>h. Information?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988.</p>	<p>§§2 and 18, Art. XI §2;</p> <p>§15</p>	<p>a. No</p> <p>b. No.</p> <p>c. No</p> <p>d. No</p> <p>e. Yes. Art. I §2 guarantees equal protection of the laws (i.e., non-discrimination) and Art. 1 § 18 specifically prohibits discrimination on the basis of sex.</p> <p>f. Yes. Art. XI provides that “[e]ach person has the right to a healthful environment.</p> <p>g. No</p> <p>h. No</p> <p><b>Civil Tort Remedy:</b></p> <p>Additionally, individuals generally may bring common law civil tort claims against state or local governments or their agents for injuries to person or property wrongfully caused by these governments or agents.</p> <p>However, under § 15 of the IEMA Act, the State is immunized from tort liability for any deaths, injuries, or damage to property that may occur as a result of emergency management response or recovery activities undertaken pursuant to the IEMA Act or related rules or regulations. The Governor as well as state agents and employees are similarly immunized by § 15, except in cases of gross negligence or willful misconduct. Political subdivisions enjoy the same immunity as the State, and their agents and employees</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		§21	<p>enjoy the same qualified immunity as their State counterparts, with the exception that neither a political subdivision nor its Principal Executive Officer enjoys any immunity if they are out of compliance with the section of the IEMA Act that requires the establishment of an ESDA and the development of an EOP in conformity with the IEMA Act.</p> <p>Additionally, under § 21 of the IEMA Act, private individuals and entities that make their premises available as emergency shelters are immune from liability for negligently causing death, injuries or damage to property. Private individuals and entities that act under contracts with the State or its political subdivisions, or who render volunteer service at the request of the State or its political subdivisions, in connection activities under the IEMA Act, are immunized from liability except in cases of willful misconduct.</p>
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p>			<p>Generally, individuals can sue the State or its political subdivisions in state court for violations of the equal protection and non-discrimination clauses of the Illinois Constitution, and can bring common law civil tort actions for injuries to person or property. However, in the context of disaster management, the immunity provisions described in response to Question 26 greatly limit the availability of litigation.</p> <p>To the extent that claims can still be brought:</p> <ol style="list-style-type: none"> <li>a. It is an individual right.</li> <li>b. Claimants may represent themselves, although it would be</li> </ol>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
b. Can claimants represent themselves? c. Are there costs that mean the poorest people cannot access the remedy? d. Are there financial limitations on any such claims (minimums or maximums)?			difficult to do so without the assistance of a lawyer given the complex system of litigation in Illinois.  c. Costs of litigation make it difficult for low income people to access remedies. However, claimants with tort suits or discrimination claims deemed to be meritorious may receive legal assistance pro bono or through a contingency fee arrangement (a mechanism under which lawyers would not receive fees unless the case succeeds).  d. No.
<b>B. Liability &amp; Insurance</b>			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?			No.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to			Generally, no. However, if the failure to warn or erroneous warning rises to the level of gross negligence or willful misconduct, a civil tort suit for injuries to person or property might be possible. See response to Questions 25 and 26.

<b>2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
seek redress? Are these individual or collective actions, or both?			
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			See Question 25.
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			See Questions 25 and 26.
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			See Questions 25 and 26.

<b>2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			No.

### 3. Early warning and reduction of underlying risk factors through regulation

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b>			
<b>A. Cyclones, tornadoes, or storms?</b>			
33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if			No.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
any), and institutional responsibility. At what level(s) of government is this regulated?			
34. Does this law specify how management of this risk is financed? If so, describe.			N/A
35. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities?			N/A

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>B. Earthquake/Tsunami?</b>			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;  Illinois Natural Hazard Mitigation Plan, 2010.	§5(f)(9)  I-6, III-116, V-21.	There is no specific law about tsunamis (which do not occur in Illinois) or about earthquakes. However, the IEMA Act includes a provision specifically addressing earthquakes. Sec. 5(f)(9) directs IEMA to IEMA shall “[e]xpand the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials in schools, political subdivisions, community groups, civic organizations and the media.”  Earthquakes are also addressed in the Illinois Natural Hazard Mitigation Plan.
41. Does this law specify how management of this risk is financed? If so, describe.			The IEMA Act contains no provision specifically addressing the financing of efforts related to the Earthquake Awareness Program.
42. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No.
43. Does this law regulate the collection and distribution of information on			See Question 40. Although the IEMA Act directs IEMA to expand



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			the Earthquake Awareness Program and its distribution of earthquake preparedness materials, it provides no details as to how this should be done.
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			No.
45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No.
46. If communities are involved in EWS, does this law provide that they:			N/A

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<b>C. Fire?</b>			
<p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>State Fire Marshal Act, 20 ILCS 2905, 1977;</p> <p>Fire Protection: Office of the State Fire Marshal, 41 Ill. Adm. Code, 2002;</p> <p>Fire Protection District Act, 70 ILCS 705, 1927.</p>		<p>Yes. The State Fire Marshal Act creates the Office of the State Fire Marshal. The Office of the State Fire Marshal. The Office of the State Fire Marshall is charged with establishing and enforcing statewide regulations pursuant to fire safety, administering state and federal fire protection grants to local governments, and providing technical assistance to local fire protection units.</p> <p>Pursuant to its regulatory powers, the Office of the State Fire Marshall has established regulations under Title 41 of the Illinois Administrative Code. These regulations cover a wide variety of issues, which range from gasoline storage to cigarette safety standards. These regulations are enforced by local fire protection authorities on behalf of the Office of the State Fire Marshal.</p> <p>Although counties and municipalities have the power to provide fire protection services, they are not required to do so. The Fire Protection District Act allows for the creation of special districts that provide fire protection where such services might not</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			otherwise be provided (e.g. sparsely populated rural areas).
<p>48. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>State Fire Marshal Act, 20 ILCS 2905, 1977</p> <p>Fire Protection District Act, 70 ILCS 705, 1927.</p>	<p>§2 (4)-(8), (10).</p> <p>§§12-14</p>	<p>As with other state agencies, the Office of the State Fire Marshal is funded by appropriations made by the Illinois General Assembly.</p> <p>The State Fire Marshal Act does not specify how the general fire protection services of local units of government are financed, which indicates that local governments are responsible for funding. However, §2(8) does provide for grants “to defray the expenses of forming a fire protection district,” §2(6) contemplates unspecified “federal grants to local units of government” for “fire protection purposes,” and §2(4), (5), and (7) provide for at least partial assistance with training expenses.</p> <p>The Fire Protection District Act grants such districts the power to incur debt and to tax their residents.</p>
<p>49. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			No.
<p>50. Does this law regulate the collection and distribution of information on</p>			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	<p>Fire Protection: Office of the State Fire Marshal, 41 Ill. Adm. Code, 2002</p>	<p>§110.20 (a), §110.20 (c) (24)</p>	<p>The State Fire Marshal Act does not contain any such provisions. However, pursuant to its grant of power, the Office of the State Fire Marshal has created regulations requiring that primary and secondary schools conduct fire drills during every month of the school year in conjunction with local fire departments. The principal (chief administrator) of each school is charged with various duties (listed in §110.20(c)) relating to fire safety and preparedness, including response planning.</p> <ul style="list-style-type: none"> <li>a. No</li> <li>b. No</li> <li>c. Yes, §110.20(c)(24) requires school principals to “[p]rovide help by a pre-arranged plan for those students incapable of moving at a reasonable speed.”</li> <li>d. No</li> </ul>
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No.</p>
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and</li> </ul>			<p>N/A</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<b>D. Floods?</b>			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Flood Control Act of 1945, 615 ILCS 15, 1945</p> <p>Rivers, Lakes, and Streams Act, 615 ILCS 5, 1911</p> <p>Department of Natural Resources Act: Office of Water Resources, 20 ILCS 801, 1996;</p> <p>Counties Code: Water Supply, Drainage, and Flood Control, 55 ILCS 5, 1990;</p>	<p>§2;</p> <p>§5;</p> <p>§5-5, §5-10;</p> <p>§5-15014</p>	<p>Yes. The Office of Water Resources (OWR) within the Illinois Department of Natural Resources (IDNR) is the authority primarily responsible for the prevention and control of flooding in Illinois. “[IDNR/OWR] is...authorized and directed to make examinations and surveys, prepare plans and estimates for, and to construct, reconstruct, control, maintain, and operate, or supervise the construction, reconstruction, control, maintenance and operation of all works for the control of floods, the improvement of upland and bottom land drainage and the conservation of low water flows in the rivers and waters of Illinois, including the watersheds thereof, either independently or in cooperation with the United States government, State agencies, units of local government and school districts in connection with such work.”</p> <p>Since this is primarily addressed at the state level, counties and municipalities are not mandated to take specific actions regarding flood prevention and mitigation. However, they are given limited powers to cooperate with IDNR/OWR and take additional actions,</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Illinois Municipal Code, 65 ILCS 5.	§11-110-§11-115.1, §11-104-1, §11-124-§11-152.	subject to relevant state controls.
55. Does this law specify how management of this risk is financed? If so, describe.			No.
56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No.
57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Rivers, Lakes, and Streams Act, 615 ILCS 5, 1911;  Municipal Code of Chicago,	§18(f)  100(f),	Yes. OWR is the responsible authority, and their mandate is to “define 100-year floodplains within the State of Illinois on a township by township basis...publish[ing] and distribut[ing] suitable reports, together with mapping and hydrologic exhibits...”  As mentioned in Question 54, municipalities have the power to address flooding. An example of this is Chapter 16 of the Municipal

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Chapter 16-6: Flood Control, 1991.	105(e).	Code of Chicago. This requires the commissioner of buildings and the commissioner of the environment to “coordinate with state and federal agencies to improve base flood and floodway data.”
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	Illinois Flood Map Modernization Program, 2005		<p>No. However, IDNR/OWR entered into a 5-year (2005-2010) Cooperative Technical Agreement with Federal Emergency Management Agency (FEMA) “to modernize Flood Insurance Rate Maps (FIRMs) in Illinois (<a href="http://dnr.state.il.us/flood">http://dnr.state.il.us/flood</a>). These maps are used to support the National Flood Insurance Program (NFIP) and floodplain management activities.” This included “community outreach,” conducted by OWR, in order to achieve the declared objective of “local involvement in map revisions.” IDNR published a pamphlet in 2006 (available here: <a href="http://dnr.state.il.us/Flood/PDF/Data_frm.pdf">http://dnr.state.il.us/Flood/PDF/Data_frm.pdf</a>), which outlines community involvement (p.2, “Community Participation”). In this pamphlet, the IDNR states that communities will receive preliminary versions of the updated maps and the Flood Insurance Study (FIS). Additionally, IDNR and FEMA hold open houses, which give community members the opportunity to review the maps and provide comments.</p> <p>Although the Cooperative Technical Agreement has lapsed, IDNR continues to allow community participation in the following manner:</p> <p>IDNR provides a form which allows communities to request revisions to FIRMs, to request aid in current studies, and to request future studies (<a href="http://dnr.state.il.us/Flood/PDF/IDNR_Data_Form.pdf">http://dnr.state.il.us/Flood/PDF/IDNR_Data_Form.pdf</a>).</p> <p>In conjunction with the University of Illinois, IDNR maintains a website (<a href="http://www.illinoisfloodmaps.org">www.illinoisfloodmaps.org</a>), which provides information</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			about the Map Modernization Program, and how to file Letters of Map Revision (LOMR) and Conditional Letters of Map Revision (CLOMR), which are reviewed by ISWS. The Program also features a FEMA-created Coordinated Needs Management System (CNMS), which is a database that stores information on reported flaws in studies, and reported community concerns and requests. a.-d.: No.
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	Illinois Natural Hazard Mitigation Plan, 2010	IV-24	No. However, as reflected in the Illinois Natural Hazard Mitigation Plan, OWR seeks to achieve risk reduction by “work[ing] with communities with identified flood risks to establish flood gauging and early warning systems.”
60. If communities are involved in EWS, does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?	Illinois Natural Hazard Mitigation Plan, 2010	IV-24	No law so provides, but these matters are included in the INHMP, as follows: a. Yes. b. The community would assist in the establishment, but the EWS would ultimately fall under the authority of OWR. c. Yes. d. Yes.
<b>E. Heat/cold waves?</b>			
61. Is there a specific law about this	Energy Assistance Act, 305	§4	The Energy Assistance Act creates the Energy Assistance Program



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<p>hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>ILCS 20, 1991</p> <p>“Keep Cool Illinois” Campaign, “Keep Warm Illinois” Campaign, 2006</p> <p>Illinois Natural Hazard Mitigation Plan, 2010</p>	<p>IV-42, IV-47</p>	<p>(EAP), which is administered by the Illinois Department of Commerce and Economic Opportunity (IDCEO) to “ensure the availability and affordability of heating and electric service to low income citizens”. The Energy Assistance Act also provides limited funds to qualifying citizens for the purpose of improving insulation in their homes. The Energy Assistance Act is not specifically addressed at heat and cold waves, although it does mitigate the effects of such events. In 2006, the Governor’s Office acknowledged and directly addressed the problem of heat waves by creating the “Keep Cool Illinois” and “Keep Warm Illinois” campaigns. These campaigns educate the public on the hazards of heat waves and the resources available to individuals in need. These campaigns involve several State agencies, including: Illinois Department of Commerce and Economic Opportunity (IDCEO), Illinois Department of Human Services (IDHS), Illinois Emergency Management Agency (IEMA), Illinois Tollway, Illinois Department of Natural Resources (IDNR), Illinois Department of Public Health (IDPH), and Office of the State Fire Marshal.</p> <p>In conjunction with IDPH, the National Weather Service (NWS), local governments, and civil society, IEMA seeks to warn at-risk population groups of the dangers of extreme heat and cold, via the Keep Cool Illinois and Keep Warm Illinois campaigns, as well as “all available partnerships.”</p> <p>In cases of extreme heat and extreme cold, in conjunction with the IDCEO, IEMA provides low-income citizens with temporary energy assistance in emergency situations.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>62. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Energy Assistance Act, 305 ILCS 20, 1991;</p> <p>Illinois Natural Hazard Mitigation Plan, 2010.</p>	<p>§§10-17</p> <p>IV-42, IV-47</p>	<p>The Energy Assistance Act is funded by state government appropriations and donations.</p> <p>The efforts of IEMA and IDPH in the “Keep Cool Illinois” and “Keep Warm Illinois” campaigns will be funded through general revenue appropriations.</p>
<p>63. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			<p>No.</p>
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>No.</p>
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities?</p>			<p>No.</p>

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<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>Illinois Natural Hazard Mitigation Plan, 2010.</p>	<p>III-72, III-89, III-90</p>	<p>No. However, under the INHMP, the National Weather Service (NWS) is charged with alerting the American public in various ways, including highlighting hazardous days in their forecasts, reminding the general population who is most vulnerable, informing them of risk reduction methods and resources, and assisting state and local health officials in preparing emergency messages. Community participation is not required in the NWS.</p>
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio</li> </ul>			<p>N/A</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or internet access to meteorological or seismological data and analysis)?			
68. Describe form of regulation, and institutional responsibility.			N/A
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Insect Pest and Plant Disease Act, 505 ILCS 90, 1927;  Structural Pest Control Act, 225 ILCS 235, 2008.	§20  §2	There are two. The first addresses the effects of insect infestations on agriculture, while the second addresses the effects of insect infestations on human health.  The Insect Pest and Plant Disease Act grants the Illinois Department of Agriculture (IDOA) regulatory power to take actions to prevent and mitigate agricultural infestations.  The Structural Pest Control Act is designed to reduce economic, health and environmental risks by controlling pests in schools and day care centers and setting guidelines on integrated pest management. The Illinois Department of Public Health is responsible for creating the Integrated Pest Management System, which is required to prepare guidelines for a pest management program.
70. Does this law specify how management of this risk is financed? If so, describe.			No
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Structural Pest Control Act, 225 ILCS 235, 2008</p>	<p>§3.25</p> <p>§235.10.2 (a)(b)(b-2)</p>	<p>The Integrated Pest Management System is required to identify pests, determine the pest population levels that can be tolerated, prevent pest problems and rely on non-toxic and biological pest management methods. However, there is no provision regarding risk mapping.</p> <p>“When economically feasible, each school and day care center is required to develop and implement an integrated pest management program that incorporates the guidelines developed by the Department...In implementing an integrated pest management program, a school or day care center must assign a designated person to assume responsibility for the oversight of pest management practices.”</p>
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p>	<p>Structural Pest Control Act, 225 ILCS 235, 2008</p>	<p>§235.10.2 (c)</p>	<p>The law provides that the Structural Pest Control Advisory Committee shall consult with “individuals knowledgeable in the area of integrated pest management” in order to develop guidelines for integrated pest management programs. However, the law does not provide for community participation.</p> <p>a. No b. No</p>

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<ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			<ul style="list-style-type: none"> <li>c. Yes, schools and day care centers.</li> <li>d. No</li> </ul>
74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No.
75. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			N/A
<b>G. Landslides and avalanches?</b>			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If			No.

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so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			
77. Does this law specify how management of this risk is financed? If so, describe.			N/A
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
80. Does this law provide for consultation and/or participation about risk mapping, Early Warning			N/A

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<p>or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio</li> </ul>			N/A



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or internet access to meteorological or seismological data and analysis)?			
<b>H. Volcanoes?</b>			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Illinois Natural Hazard Mitigation Plan, 2010	III-108.	No.  The INHMP designates disaster resulting from volcanic activity to be “extremely unlikely” in Illinois and therefore does not address the risk.
84. Does this law specify how management of this risk is financed? If so, describe.			N/A
85. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
relation to this risk? If so, what authority is responsible and what is their mandate?			
87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			N/A
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			N/A
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and</li> </ul>			N/A

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<p>community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>	<p>State of Illinois Drought Preparedness and Response Plan, 2011</p> <p>Watershed Improvement Act 505 ILCS 140, 1957;</p> <p>Restricting Groundwater Withdrawal, Ill. Adm. Code 8., 1990.</p>	<p>3</p> <p>§675.110</p>	<p>Water management is the joint responsibility of national, state, and local authorities. Minimum standards are created at the national and state levels, and primarily enforced by state authorities. Local governments may have additional standards which must comply with state and national standards. Water storage, distribution, and conservation is conducted at the local level, but is subject to state and national regulations.</p> <p>Famine resulting from drought is not considered to be a relevant risk in Illinois. (DPRP, p.2). Moreover, there is a national drought insurance program that insulates farmers from the economic consequences of droughts. However, drought is still considered to be a threat to the Illinois economy, as well as a potential fire risk and public health risk. For this reason, the Governor created the State Water Plan Task Force (SWPTF) in 1980. SWPTF authors the Drought Preparedness and Response Plan (DPRP). When necessary, the Governor or the director of Office of Water</p>

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Resources (OWR) may activate the Drought Response Task Force (DRTF). “DRTF is co-chaired by the OWR Director and the Manager of the IEPA [Illinois Environmental Protection Agency] Public Water Supply Division.” (DPRP at 37). Similar in membership to the SWPTF, the DRTF is an action-oriented counterpart to the former.</p> <p>Chaired by the Director of OWR, SWPTF is a group of representatives from state agencies (including Illinois Department of Agriculture, IDCEO, IDNR, IDPH, and IEPA). SWPTF serves a planning function, and does not have collective legal authority. However, its members may act within the scope of their respective authorities to pursue its goals; SWPTF’s primary purpose is to facilitate coordination and planning. SWPTF has authored the DPRP, which directly addresses this issue. DPRP addresses water quality issues and water availability (for fire protection) issues. Water quality issues are addressed and overseen by Illinois Environmental Protection Agency and Illinois Department of Public Health. Water availability issues (for fire protection) are addressed and overseen by the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency.</p> <p>a. No. As discussed in Question 146, local governments distribute and store water for all purposes, and are not required to take any such measures. However, the Illinois Department of Agriculture (IDOA) is authorized to assist local governments develop and maintain certain rain and surface water storage facilities (“watersheds”). IDOA may also restrict groundwater withdrawal during times of drought. (ii-iii)</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			b. No. As discussed in Question 146, local governments are charged with the extraction, storage, and distribution of water for all purposes.
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>	<p>State of Illinois Drought Preparedness and Response Plan, 2011;</p> <p>Level of Lake Michigan Act, 615 ILCS 50, 1996</p>	<p>p. 40</p> <p>§6</p> <p>p. 36</p>	<p>a. Illinois Emergency Management Agency (IEMA) is responsible for all warnings in all cases of disaster. However, droughts do not typically precipitate disasters in Illinois, so the relevant authority would likely be the Drought Response Task Force (DRTF), which has “typically provided conservation measures to the media for public awareness and education at the onset of drought.” However, the DRTF is not legally mandated to do this.</p> <p>b. If Illinois Department of Agriculture (IDOA) determines that it is necessary (for any number of reasons, presumably including drought), then it may restrict water usage throughout the state. Level of Lake Michigan Act allows the Illinois Department of Natural Resources (IDNR) to order an emergency allocation of water where a threat to “public health, safety or welfare exists.” The Governor’s broad emergency powers would also allow for the temporary water restrictions.</p> <p>c. IDOA “assists farmers in water-short areas in obtaining water,” and IEMA coordinates all state responses, and provides “a limited supply of pipe and pumps...for a short-term loan to communities.”</p>
<p>92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.</p>			<p>No. The various departments would proceed according to their budgets. If a disaster is declared by the national government, they may be reimbursed according to Federal Emergency Management Agency (FEMA) regulations.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?</p>	<p>State of Illinois Drought Preparedness and Response Plan, 2011</p>	<p>p. 33</p>	<p>Illinois Emergency Management Agency (IEMA) “provides notice on any requests for assistance they have received and alerts the [Drought Response Task Force (DRTF)] of any specific community concerns. Each of the agencies also maintains staff in the field, and the awareness of real or potential impacts from precipitation deficiencies is frequently brought to the attention of the DRTF through staff contact with the public and local units of government.”</p> <p>“The IDNR Public Affairs Office serves to provide drought status information to the public and press releases if necessary.”</p>
<p>94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very</li> </ul>	<p>State of Illinois Drought Preparedness and Response Plan, 2011</p>	<p>p.33</p>	<p>IEMA “provides notice on any requests for assistance they have received and alerts the [DRTF] of any specific community concerns. Each of the agencies also maintains staff in the field, and the awareness of real or potential impacts from precipitation deficiencies is frequently brought to the attention of the DRTF through staff contact with the public and local units of government.”</p> <p>a-d: No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
poorest people?			
<b>J. Other food security risks?</b>			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p> <p>Illinois Public Aid Code, 305 ILCS 5, 1967.</p>	<p>§5 (f)(6);</p> <p>§6-9 (a) (1), §4-12</p>	<p>a. IMEA shall: "Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in event of a disaster."</p> <p>The Illinois Public Aid Code also addresses the issue, by permitting local governments to use the General Assistance program to provide for food and shelter: "A local governmental unit may provide assistance to households under its General Assistance program following a declaration by the President of the United States of a major disaster or emergency pursuant to the Federal Disaster Relief Act of 1974, as now or hereafter amended, if the local governmental unit is within the area designated under the declaration."</p> <p>The Illinois Public Aid Code also provides for assistance administered directly by the state: "Where a family has been (1) rendered homeless or threatened with homelessness by fire, flood, other natural disaster... the Illinois Department may provide assistance to alleviate such needs."</p> <p>b. The above provisions are at the state level. However, FEMA has additional provisions to address this risk.</p>
<p>96. Does the above law or mandate specify how management of food security is financed? If so, describe.</p>			<p>No. This would be handled post-hoc by the agencies, who would possibly be reimbursed by Federal Emergency Management Agency (FEMA).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?</p>	<p>State of Illinois Drought Preparedness and Response Plan, 2011</p>	<p>p. 33</p>	<p>Illinois Emergency Management Agency (IEMA) “provides notice on any requests for assistance they have received and alerts the [Drought Response Task Force] of any specific community concerns. Each of the agencies also maintains staff in the field, and the awareness of real or potential impacts from precipitation deficiencies is frequently brought to the attention of the DRTF through staff contact with the public and local units of government.”</p> <p>“The IDNR [Illinois Department of Natural Resources] Public Affairs Office serves to provide drought status information to the public and press releases if necessary.”</p>
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very</li> </ul>	<p>State of Illinois Drought Preparedness and Response Plan, 2011</p>	<p>p.33</p>	<p>IEMA “provides notice on any requests for assistance they have received and alerts the [DRTF] of any specific community concerns. Each of the agencies also maintains staff in the field, and the awareness of real or potential impacts from precipitation deficiencies is frequently brought to the attention of the DRTF through staff contact with the public and local units of government.”</p> <p>a-d: No.</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
poorest people?			
<b>Part Three. Early Warning, Hazard Mapping and Risk Information</b>			
<b>I. Early Warning</b>			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <p>a. If so, does this include institutional mandates on EWS?</p> <p>b. Which institution(s) are involved and what are their mandates on EWS?</p> <p>c. Is there legal provision for financing of EWS?</p>	<p>Illinois Emergency Management Act, 20 ILCS 3305, 1988;</p> <p>Illinois Emergency Operations Plan, 2010;</p> <p>Presidential Executive Order 13407 “Public Alert and Warning System”, 2006;</p> <p>Emergency Alert System, 47 C.F.R. § 11 [Federal</p>	<p>§4;</p> <p>ESF 15, p. 9-11; IEOP ESF 15, p.7</p>	<p>a. Yes; among Illinois Emergency Management Agency (IEMA)’s duties is the provision of “emergency services.” These include “warning services.” As discussed below, these include various technologies.</p> <p>As described in the Illinois Emergency Operations Plan (IEOP), IEMA is required to “coordinate[] alternate communications and warning, if radio and telephone communications are not in operation.” These would likely include the utilization of the Illinois State Police, Illinois Department of Natural Resources, and Illinois Department of Military Affairs, which are designated to support the IEMA in providing warning services.</p> <p>As reflected in IEOP, “[t]he NWS [National Weather Service] is responsible for warning the civilian population concerning severe weather forecasts and weather Watch and Warnings.”</p> <p>b. Although state laws do not control federal agencies, Presidential Executive Order 13407 has mandated that Federal Emergency Management Agency (FEMA) work with local officials towards providing seamless communication. IEMA has utilized Federal Emergency Management Agency (FEMA)’s Integrated Public Alert and Warning System (IPAWS), which is a comprehensive alert system, incorporating the national Emergency Alert System (EAS),</p>

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	<p>Communications Commission Regulation], 1994;</p> <p>The Warning, Alert, and Response Network Act of 2006 (“WARN” Act), Pub. L. No. 109-347, 120 Stat. 1884, 1936-43, 1936 (2006).</p>		<p>Commercial Mobile Alert System (CMAS), National Weather Service All-Hazards Emergency Message Collection System (HazCollect), and Internal Private Alerts sent between IPAWS users. IPAWS is regulated at the federal level by FEMA, EAS and CMAS are regulated at the federal level by the FCC, and HazCollect is regulated at the federal level by National Weather Service (NWS). FEMA, FCC, and NWS.</p> <p>c. No provisions regarding EWS funding exist in these laws.</p>
<p>100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.</p>	<p>Illinois Emergency Operations Plan, 2010;</p> <p>Illinois Natural Hazard Mitigation Plan, 2010.</p>	<p>ESF 15, p. 8</p> <p>IV-23</p>	<p>IEOP only provides for community consultation and participation insofar as communities may be involved in local government activities: “Local government should establish appropriate warning systems available for short or no warning disasters, for tornadoes and for other weather and flood related disasters.”</p> <p>INHMP states that IEMA will “[w]ork with communities with identified flood risks to establish flood gauging and early warning,” but it does not go in to detail.</p>
<p>101. Does EWS regulation provide for community-based early warning data collection? Describe.</p>	<p>Illinois Natural Hazard Mitigation Plan, 2010</p>	<p>IV-23</p>	<p>INHMP states that IEMA will “[w]ork with communities with identified flood risks to establish <b>flood gauging</b> and early warning” (emphasis added), but it does not go into detail. Community-based early warning data collection is not otherwise provided for with respect to other hazards.</p>
<p>102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological</p>	<p>Organic Act of 1879, 43 U.S.C. 31, (establishing the United States Geological</p>		<p>At-risk communities are not explicitly referenced, but the federal laws apply to the entire population of the United States, and the Illinois laws apply to the entire population of the State.</p>

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<p>or seismological data (as relevant)? Describe.</p>	<p>Survey)</p> <p>Commissioned Officer Corps 33 USC 17 (establishing the National Oceanic and Atmospheric Administration), 1917;</p> <p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1998;</p> <p>Illinois Emergency Operations Plan, 2010.</p>	<p>4</p> <p>ESF 15, p.7</p>	<p>Due to the extensive resources of the United States national government, seismological data would be collected by the United States Geological Survey (USGS), meteorological and climatic data would be collected by the National Oceanic and Atmospheric Administration (NOAA), and the information would be disseminated through channels such as the National Weather Service (NWS) or Integrated Public Alert and Warning System (IPAWS).</p> <p>IEMA’s mandate to provide “warning services” would also require the Agency’s cooperation in the collection and publication of such data.</p> <p>As reflected in IEOP, “[t]he NWS [National Weather Service] is responsible for warning the civilian population concerning severe weather forecasts and weather Watch and Warnings.”</p>
<p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <p>a. geographical coverage of telecommunications to include remote and/or at-risk areas?</p> <p>b. priority access to communications technology for at-risk communities</p>	<p>Telecommunications Facility Fire and Emergency Act, 220 ILCS 45, 1989;</p> <p>Illinois Commerce Commission, 83 Ill. Adm.</p>	<p>§2</p> <p>§§301.1,</p>	<p>The Telecommunications Facility Fire and Emergency Act authorizes the Illinois Commerce Commission (ICC), the Office of the State Fire Marshal, and Illinois Emergency Management Agency “to adopt joint rules on the provisions of adequate fire protection and emergency notification systems at telecommunications service facilities” in order to prevent interruptions in telecommunications.</p> <p>These are found under Part 785 of Title 83 of the Illinois Administrative Code. Title 83 also contains other regulations</p>



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			<p>directory as well as the listing of the Illinois State Police emergency telecommunications device for the deaf calling number in Springfield.” (§705). It also provides that regulated telecommunications providers are required to make “all essential telephones, all coin-operated phones and all emergency telephones...distributed...[to] be hearing-aid compatible. (§706).</p> <p>d. No. Although state and local agencies commonly use telecommunications technology as part of EWS, telecommunications companies do not have any special obligations (e.g. standard rates apply for these communications).</p>
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>	State Police Radio Act, 20 ILCS 2615, 1931	§12	a-c: Use of the public safety radio system is restricted generally throughout the territory, and only available “upon receipt of written authorization.” The system is intended for communications within and between state and local responders, and not for public use.
<b>B. Risk identification, assessment and monitoring</b>			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;	§10 (a)-(d), §10 (g)	The IEMA Act requires that each county (or approved group of counties), and some municipalities create and maintain an emergency services and disaster agency. Every such agency is required to prepare an emergency operations plan, which is regulated by the Illinois Emergency Management Agency (IEMA).

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mapping)? If so, what authority is responsible and what is their mandate?	<p>ii. Basic Plan Requirements, 29 Ill. Adm. Code;</p> <p>Illinois Natural Hazard Mitigation Plan (INHMP), 2010;</p> <p>Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 68, 1988 (provisions added in 2000).</p>	<p>§301.230(b)(6)</p> <p>iii. IV-23-27</p> <p>§§5133, 5165</p>	<p>In such plans, IEMA requires the inclusion of “[m]aps, or references to maps or to a Geographic Information System available in the EOC, pertinent to emergency operations planning for the political subdivision and including, but not limited to, locating fixed hazards.”</p> <p>Illinois Natural Hazard Mitigation Plan calls for IEMA and the Illinois Department of Natural Resources (IDNR) to “[w]ork with communities with identified flood risks to establish flood gauging...” (IV-24). The plan also calls for the agencies to use Geographic Information Systems (GIS) technology to “increase flood hazard awareness and risk reduction.”(IV-23).</p> <p>The Stafford Act requires the creation of a Multi-Hazard Mitigation Plan in order to receive federal funds for hazard mitigation measures, and mapping of hazards is a required element of such plans. The Illinois Natural Hazard Mitigation Plan of 2010 is the product of this requirement. The Stafford Act also requires the federal creation of a “multihazard advisory map” for areas “subject to commonly recurring natural hazards.” (§5133) State and local governments are to be consulted in the creation of these maps. These maps are designed to increase the ability of people at every level to deal with natural hazard mitigation.</p>
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and	i. Organic Act of 1879, 43 U.S.C. 31, (establishing the United States Geological Survey);	i-ii. -	Due to the extensive resources of the United States national government, seismological data would be collected by the United States Geological Survey (USGS), meteorological and climatic data would be collected by the National Oceanic and Atmospheric

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<p>climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?</p>	<p>ii. Commissioned Officer Corps 33 USC 17 (establishing the National Oceanic and Atmospheric Administration), 1917;                      iii. Illinois Emergency Management Agency Act, 20 ILCS 3305, 1998;                      iv. Illinois Emergency Operations Plan (IEOP), 2010.</p>	<p>iii. 4                      iv. ESF 15, p.7</p>	<p>Administration (NOAA), and the information would be disseminated through channels such as the National Weather Service (NWS) or Integrated Public Alert and Warning System (IPAWS).                      IEMA’s mandate to provide “warning services” would also require the Agency’s cooperation in the collection and publication of such data.                      As reflected in IEOP, “[t]he NWS [National Weather Service] is responsible for warning the civilian population concerning severe weather forecasts and weather Watch and Warnings.”</p>
<p>107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?</p>	<p>Emergency Operations Plan and Requirements: Initial Analysis and Assessment, 29 Ill. Adm. Code 301.220</p>	<p>§301.220 (a)-(c)</p>	<p>No law does so.                      However, the Illinois Emergency Management Agency (IEMA) requires that “representatives of the political subdivision organizations involved with emergency response...[c]onduct a hazard analysis...and [a]ssess vulnerabilities...[by] [c]ollect[ing] demographic data...to determine potential consequences of identified hazards on people and community functions.”</p>

**Part Four. Regulation of the Built Environment**

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
<b>A. Building Codes</b>			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a state building and construction law? If so, what authority is responsible for its implementation?	<p>Illinois Municipal Code: General Provisions: Ordinances, 65 ILCS 5 § 1-2-1, 1961</p> <p>Counties Code: Powers and Duties of County Boards: In General, 55 ILCS 5, 1990;</p> <p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010</p> <p>Illinois Natural Hazard Mitigation Plan (INHMP),</p>	<p>§ 1-2-1;</p> <p>§1063;</p> <p>§10.09-1</p>	<p>As noted in the Illinois Natural Hazard Mitigation Plan, "Illinois has not adopted a state-wide building code." (at IV-66).</p> <p>The Municipal Code allows municipalities to enact building codes under its broad grant of power to create all "proper or necessary" ordinances, rules, and regulations.</p> <p>The Counties Code allows counties to enact building codes "outside the limits" of municipalities.</p> <p>However, the 2010 amendments to the Capital Development Board Act impose a state-wide building code that applies to new commercial developments in jurisdictions that do not already have building codes. This requires that "all new commercial construction after July 1, 2011, must comply with the 2006 or later editions of the International Building Code; International Existing Building Code; International Property Maintenance Code and the 2008 or later edition of the National Electrical Code (NFPA 70)." No</p>



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	<p>2010;</p> <p>Illinois Building Commission Act, 20 ILCS 3918, 2006</p> <p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p>		<p>counterpart yet exists for residential developments.</p> <p>Additionally, there are several State-level requirements relating to building construction, covered by 29 different State government offices. These requirements are disparate and plentiful, covering issues ranging from accessibility to environmental issues.</p> <p>The Illinois Building Commission (a subdivision of the Division of Building Codes of the Illinois Capital Development Board [CDB]) is charged with facilitating the streamlining of these many requirements, and maintains a website that lists them: <a href="http://www2.illinois.gov/cdb/business/codes/Pages/BuildingCodesRegulations.aspx">http://www2.illinois.gov/cdb/business/codes/Pages/BuildingCodesRegulations.aspx</a></p> <p>In addition, the Governor has issued two executive orders: one requiring state agencies engaged in development to follow NFIP guidelines (Executive Order Number 2006-5), and for state agencies engaged in development to require “appropriate seismic design” (Executive Order Number 1990-2).</p>
<p>109. If there is not a state building and construction law, is this issue regulated at the local level? If so, can you find an example of such a law?</p>	<p>City of Chicago Building Code (Municipal Code of Chicago)</p>	<p>(Primarily §13 &amp; §18)</p>	<p>Yes. The City of Chicago’s building code is the assembly of several municipal ordinances that have been adopted and modified over the years.</p>
<p>110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake,</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS</p>		<p>All of the following codes are binding and mandatory.</p> <p>Yes, the 2010 amendment to the Capital Development Board Act and the City of Chicago Building Code both contain detailed building codes, regulations, and rules (although the former</p>

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<p>general building design and construction, health requirements, water &amp; sanitation etc.)? List these categories of regulation.</p>	<p>3105, 2010; City of Chicago Building Code (Municipal Code of Chicago);</p> <p>Executive Order Number 2006-5</p> <p>Executive Order Number 1990-2</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing</p>	<p>(Primarily §13 &amp; §18)</p>	<p>proceeds by incorporating outside standards without listing them). These cover: fire, general building design and construction, health requirements, water &amp; sanitation, environmental requirements, and security requirements.</p> <p>Requires that state agencies engaged in development follow the National Flood Insurance (NFIP) guidelines. (This covers floods.)</p> <p>Requires that State agencies engaged in development require that such developments have “appropriate seismic design.” (This covers earthquakes.</p> <p>Establishes requirements for construction of public schools, including sprinkler system standards. (This covers construction, fire, and health.)</p> <p>This regulates all boilers in Illinois (except Chicago).</p> <p>This authorizes the Illinois Department of Public Health to check such establishments for asbestos, and make rules and take actions</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 1999</p>		<p>towards the abatement of asbestos. (This covers health issues.)</p> <p>Regulates the installation of manufactured homes. (This covers construction.)</p>
<p>111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010;</p> <p>Chicago Municipal Code, Department of Buildings, Chapter 2-22;</p> <p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5,</p>	<p>v. §200</p>	<p>Yes, Capital Development Board is responsible.</p> <p>Yes, the Department of Buildings (led by the Building Commissioner, who is appointed by the Mayor of Chicago) is responsible, and accomplishes this through a permitting program.</p> <p>The state agencies engaged in the development are responsible.</p> <p>The regional superintendent is responsible.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 1999</p>		<p>The State Fire Marshal is responsible.</p> <p>The Illinois Department of Public Health is responsible.</p> <p>The Illinois Department of Public Health is responsible.</p>
<p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for</p>	<p>i. Capital Development Board Act: Adoption of Building Code; enforcement,</p>	<p>i. (a)(1)-(2);</p>	<p>i. Yes. The Capital Development Board has responsibility for setting forth standards for building inspector qualification. a. Yes. b-c. No, this only applies to new commercial buildings.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>this? Does it apply to:</p> <p>a. New buildings?</p> <p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>	<p>20 ILCS 3105, 2010;</p> <p>ii. Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8;</p> <p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75,</p>	<p>ii. a.&amp; b.: 13-8-010, c. 13-8-100, 13-20-020, 13-8-060;</p> <p>§ 220, §300</p>	<p>ii. Yes. The Building Commissioner is responsible for inspecting and certifying buildings. a. &amp; b.: Yes: "It shall be the duty of the building commissioner to administer and enforce the provisions of this Code that relate to zoning uses of property and to the erection, construction, alteration, repair...of buildings and structures..." c. Yes. When buildings become unsafe, the Building Commissioner has the power to order them vacated and closed. However, only certain buildings (e.g. multi-family dwellings, places of business, etc. listed in 13-20-020) are regularly inspected. Buildings not covered under 13-20-020 are not regularly inspected, although the Building Commissioner will conduct inspections in response to all complaints (13-8-060).</p> <p>Not explicitly, but the state agencies engaging in development are required to ensure compliance (which seems impossible without some sort of inspection).</p> <p>The regional superintendent is responsible for making inspections during construction, upon completion of construction, and for inspecting existing school buildings every year.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p>		<p>The Illinois Department of Public Health is responsible. a. No (Although it is still legal, asbestos is no longer used in new construction in the United States because it is widely known to be a serious danger.).</p> <p>The Illinois Department of Public Health is responsible for arranging the inspection of manufactured homes at the site of manufacture (880), as well as at the site of installation.</p>
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010;</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing</p>	<p>13-8-100—120</p>	<p>No, although the local authorities may impose sanctions.</p> <p>If a building is “an actual and imminent danger to the public, the buildings commissioner shall have the power to order said building, structure or part thereof...remove[d]...” the property owner is responsible for the demolition costs, and will be unable to</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Provisions, Chapter 13-8;</p> <p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for</p>	<p>§220(c), §§400-420</p> <p>§§600-640</p>	<p>obtain any permits until the costs are paid.</p> <p>It is illegal to remove closure notices, and to enter buildings marked closed by the Building Commissioner. Violators are subject to fines. Since it is considered illegal, any law enforcement agency within the jurisdiction would have the responsibility to enforce this.</p> <p>No.</p> <p>Certificates of occupation will not be granted until violations are fixed. The superintendent has the power to order all or part of a violating school closed.</p> <p>No.</p> <p>Yes. The Illinois Department of Public Health has the authority to stop construction, revoke permits, and levy fines.</p>

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	<p>Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p>	<p>870 §§240-250, 880 §§ 70</p>	<p>Yes. The Illinois Department of Public Health may suspend the license and activities of a mobile home installer if an installation is found to be improper, and may suspend the license of a manufacturer for noncompliance.</p>
<p>114. Do the building regulations have special standards or requirements for:</p> <p>a. schools?</p> <p>b. hospitals?</p> <p>c. fire stations?</p> <p>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8;</p>	<p>13-56, 13-84, 13-80, 13-96</p>	<p>This only covers commercial developments, and has the same requirements for all.</p> <p>The Chicago Building Code has various regulations for different classifications of buildings. These classifications are outlined in 13-56.</p> <p>a. Schools are classified as “Assembly Units,” which are subject to 13-84.</p> <p>b. Hospitals are classified as “Institutional Units,” which are subject to 13-80.</p> <p>c. Fire Stations are classified as “Miscellaneous Units,” which are subject to 13-96.</p> <p>d. See “Assembly Units.”</p>



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	<p>Executive Order Number 2006-5; Executive Order Number 1990-2</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117,</p>		<p>No.</p> <p>No, this only applies to schools.</p> <p>No.</p> <p>No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999		
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	<p>Capital Development Board Act: Adoption of Building Code; Enforcement, 20 ILCS 3105, 2010;</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8;</p>	<p>13-56, 13-68, 13-96, 13-100, 13-104, 13-108, 13-112; iii-viii. -</p>	<p>Not in the law itself. However, Chapter 4 of the International Building Code (2006), which is incorporated by reference into the Capital Development Board Act, contains numerous detailed provisions for shopping centers, office buildings, factories, and high-rises. These cover physical requirements in the construction of such structures. <a href="http://publicecodes.cyberregs.com/icod/ibc/2006f2/icod_ibc_2006f2_4_sec001.htm?bu=IC-P-2006-000001&amp;bu2=IC-P-2006-000019">http://publicecodes.cyberregs.com/icod/ibc/2006f2/icod_ibc_2006f2_4_sec001.htm?bu=IC-P-2006-000001&amp;bu2=IC-P-2006-000019</a></p> <p>These have various ventilation, communication, emergency access and egress, fire safety, and structural requirements.</p> <p>Offices are classified as “Business Units,” which are subject to 13-68.</p> <p>Shopping centres are classified as “Mercantile Units,” which are subject to 13-100.</p> <p>Factories are classified as “Industrial Units,” which are subject to 13-104.</p> <p>Depending on the business, such buildings might fall under the following:</p> <p>“Storage Units” 13-108 (warehouses, etc.)</p> <p>“Hazardous Use Units” 13-112 (chemical factories, etc.)</p> <p>“Miscellaneous Buildings and Structures” 13-96 (in this section, the</p>

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	<p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public</p>		<p>relevant businesses included are: gasoline filling stations, greenhouses, lumber yards, and parking facilities).</p> <p>No.</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>

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	<p>Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p>		No
<p>116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify &amp; describe.</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010;</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8;</p> <p>Executive Order Number 2006-5;</p> <p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5,</p>	13-76	<p>No.</p> <p>High rise apartment buildings must meet the requirements of 13-76, which has various requirements for ventilation, communication, emergency access and egress, fire safety, and structural standards.</p> <p>No.</p> <p>No</p>

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	<p>authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p>		<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>
117. Do the building laws/regulations include small self-built constructions?	Capital Development Board Act: Adoption of Building		No.

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Identify & describe.	<p>Code; enforcement, 20 ILCS 3105, 2010;</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8</p> <p>Executive Order Number 2006-5</p> <p>Executive Order Number 1990-2</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002</p>		<p>The Chicago Building Code applies to all constructions, unless exempted.</p> <p>Exemptions are only available for small, non-habitable structures, such as playground equipment, gazebos, patios, and tool sheds. These are permitted as long as the construction does not affect the compliance of the residential property.</p> <p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>

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	<p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p>		<p>No.</p> <p>No.</p>
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8;</p> <p>Executive Order Number 2006-5;</p>		<p>No.</p> <p>No.</p> <p>No.</p>

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	<p>Executive Order Number 1990-2;</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998;</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002;</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured</p>		<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>



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	<p>Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999</p> <p>McLean County Zoning Ordinance, Chapter 40, 1982</p>	<p>§§100-208, 500-507</p>	<p>These laws do not acknowledge a difference between urban and rural settings. However, in comparing the Chicago Building Code (which governs an urban setting) with the code from McLean County (a rural setting), some differences appear:</p> <ul style="list-style-type: none"> <li>a. The regulation in McLean County is not as extensive.</li> <li>b. The county (McLean), rather than the municipality (Chicago) creates and enforces the regulation.</li> <li>c. In addition to being less extensive and detailed, the regulations in rural areas predictably do not have provisions for high-rise buildings.</li> </ul>
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8</p> <p>Executive Order Number 2006-5</p>	<p>13-208, 212</p>	<p>No.</p> <p>Yes. The Chicago Building Commissioner is responsible for this.</p> <p>No.</p>

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	<p>Executive Order Number 1990-2</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77</p>		<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>

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	Ill. Adm. Code 870, 880, 1999		
<p>120. Do the building laws/regulations include:</p> <p>a. Inspections?</p> <p>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>Capital Development Board Act: Adoption of Building Code; enforcement, 20 ILCS 3105, 2010</p> <p>Chicago Building Code, Administration of Zoning, Building and Housing Provisions, Chapter 13-8, Building Inspection, Existing Buildings-Minimum Requirements, Administration of Zoning, Building and Housing Provisions</p> <p>Executive Order Number 2006-5</p>	<p>(a)(1)-(2);</p> <p>13-20, 13-196, 13-8-010, 13-8-100, 13-20-020, 13-8-060;</p>	<p>a. Yes. The Capital Development Board has responsibility for setting forth standards for building inspector qualification.</p> <p>b. No.</p> <p>a. Yes. The Building Commissioner is responsible for inspecting and certifying buildings: "It shall be the duty of the building commissioner to administer and enforce the provisions of this Code that relate to zoning uses of property and to the erection, construction, alteration, repair...of buildings and structures..." However, only certain buildings (e.g. multi-family dwellings, places of business, etc. listed in 13-20-020) are regularly inspected. Buildings not covered under 13-20-020 are not regularly inspected, although the Building Commissioner will conduct inspections in response to all complaints (13-8-060).</p> <p>b. Yes, the Building Commissioner has the power to order unsafe buildings vacated, closed, and, in some cases, demolished. The costs will be levied against the property owner, who will be unable to sell the property until such costs are paid.</p> <p>a. Not explicitly, but the state agencies engaging in development are required to ensure compliance (which seems impossible without some sort of inspection).</p> <p>b. No.</p>

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	<p>Executive Order Number 1990-2</p> <p>The School Code, 105 ILCS 5, authorizing Health/Life Safety Code for Public Schools, 23 Ill. Adm. Code 180, 1998</p> <p>Boiler and Pressure Vessel Safety Act, 430 ILCS 75, authorizing Boiler and Pressure Vessel Safety Rules and Regulations, 41 Ill. Adm. Code 120, 2002</p> <p>Asbestos Abatement Act, 105 ILCS 105, authorizing Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois, 77 Ill. Adm. Code 855, 1999.</p> <p>Manufactured Home Quality</p>	<p>§ 220, §300</p> <p>§§9,9a.</p>	<p>a. Yes. The regional superintendent is responsible for making inspections during construction, upon completion of construction, and for inspecting existing school buildings every year.</p> <p>b. No.</p> <p>a. Yes. The Illinois Department of Public Health is responsible.</p> <p>b. Yes, funds are made available for “corrective action.”</p> <p>a. Yes. The Illinois Department of Public Health is responsible for arranging the inspection of manufactured homes at the site of</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Assurance Act, 430 ILCS 117, authorizing Manufactured Home Installation Code, 77 Ill. Adm. Code 870, 880, 1999		manufacture (880), as well as at the site of installation. b. No.
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).	Illinois Highway Code: Roads and Bridges, 605 ILCS 5, 1967, Department of Transportation Act, 20 ILCS 2705, 2000	§4-101.7, § 5-401, §10-302, § 10-501, § 10-1001	<p>The Illinois Department of Transportation has the power “[t]o approve and determine the final plans, specifications and estimates for all highways...on which State funds may be expended.” (§4-101.7). The Illinois Department of Transportation also sets forth technical specifications for roads and bridges (available here: <a href="http://dot.state.il.us/desenv/hwyspecs.html">http://dot.state.il.us/desenv/hwyspecs.html</a>) which apply to all roads and bridges in Illinois. Throughout the State, counties and municipalities have the power to make and enforce regulations (subject to those set forth by the Illinois Department of Transportation). These are created by the local governmental assembly and enforced by the local Commissioner of Transportation (who is a local official).</p> <p>“Subject to the general supervisory powers of the Department under this Code, all highways in the county highway system shall be under the direct control and supervision of the county board of the county in which such county highways are located, and the county board shall repair, maintain and construct such county highways by contract or with its own forces.” (§ 5/5-401).</p> <p>§ 10-302 grants counties the power “to acquire by purchase or otherwise, to construct, repair, maintain and operate...bridge[s] and [their] approaches...The county board of each such county has power to make, enact and enforce all needful rules and regulations in connection with the acquisition, construction, maintenance,</p>

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	Municipal Code of Chicago, Department of Transportation	2-102	<p>operation, management, care or protection of any such bridge[s]...”</p> <p>“Each municipality in this State is authorized to construct or acquire by purchase, lease or gift, and to maintain bridges and the approaches thereto within the corporate limits, or at any point within 3 miles of the corporate limits of such municipality. (§ 10-501).</p> <p>The Chicago Commissioner of Transportation is responsible for the planning, approval, and construction of public roads, bridges, and related public works. The Chicago Commissioner of Transportation is mandated with the preparation of studies, planning of development, and land acquisitions.</p>
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject state?			No.
<b>B. Land Use Planning Laws</b>			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
123. Are there state laws and statutory			There is no state-wide zoning code. [See Question 109 for

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>authorities with responsibility for land zoning and/or land use planning?</p>	<p>Counties Code 55 ILCS 5, 1991,</p> <p>Illinois Municipal Code, 65 ILCS 5, 1961.</p>	<p>§5-12001,</p> <p>§1-2-1 §11-12-4, §11-13-1</p>	<p>discussion of non-comprehensive state-level building requirements.]</p> <p>The Counties Code allows counties to regulate zoning, but provides that “[a]ny zoning ordinance enacted by a [municipality] shall supersede, with respect to territory within the corporate limits of the municipality, any county zoning plan otherwise applicable.”</p> <p>The Municipal Code allows municipalities to enact zoning laws under its broad grant of power to create all “proper or necessary” ordinances, rules, and regulations. It also explicitly allows “[e]very municipality [to] create a plan commission or a planning department or both.”</p> <p>Therefore, unless indicated, the responses to Questions 125-133 will reference the Chicago Zoning Ordinance and other relevant parts of the Chicago Municipal Code (the Chicago Zoning Ordinance is a part of the Chicago Municipal Code).</p>
<p>124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?</p>	<p>Municipal Code of Chicago: Chicago Zoning Ordinance (Municipal Code of Chicago), Title 17, 2004</p>		<p>Yes. This Chicago ordinance has different provisions for the various districts it outlines (residential, business and commercial, downtown, manufacturing, special purpose, and overlay districts).</p>
<p>125. Does the land use planning and/or zoning law include processes for:</p> <p>a. Formal release of land for new developments?</p> <p>b. Approval of each new urban</p>	<p>Chicago Zoning Ordinance: Review and Approval Procedures, 17-13, 2004</p>		<p>a-c: Yes.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
development? c. Approval of major commercial developments?			
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Chicago Zoning Ordinance: Review and Approval Procedures, 17-13, 2004, Flood Control 16-6, 1991; Buildings and Construction, 13-8, 1999		Yes.
127. Does the planning / zoning law include public open space for evacuation?			No, the Chicago Zoning Ordinance does not do so.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No, the Chicago Zoning Ordinance does not do so.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	Chicago Municipal Code: Buildings and Construction: Enforcement of Building, Electrical, and Fire Regulations, 13-12, 1999.		Yes. New developments are required to follow certain procedures in the installation of infrastructure.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?	Chicago Zoning Ordinance: District Descriptions, 17-2 – 17-7, 2004.		Not explicitly. However, things such as population density, traffic flow, traffic speed, and street widths are considered when districts are designated.



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>	<p>Chicago Zoning Ordinance, 17, 2004;</p> <p>McLean County, Illinois Zoning Ordinance, 1982.</p>		<p>No distinction between urban and rural settings is made in the Chicago Zoning Ordinance. However, when compared to the zoning ordinance of McLean County, the main differences were:</p> <p>a. Fewer districts, and less extensive regulations.</p> <p>b. The McLean County Ordinance reflects regulation at the county level instead of the municipal level.</p> <p>c. The McLean County Ordinance does not have provisions for things such as high-rise buildings.</p>
<p>132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?</p>			<p>No.</p>
<b>C. Land tenure</b>			
<p>133. Is there a state system of land title registration established under law?</p> <p>a. If sub-state regulation, at what level of government does this occur, if at all? If sub-state, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at state level? If not, how and where does it require records to be kept?</p>	<p>Conveyances Act, 765 ILCS, 1929;</p> <p>Counties Code, 55 ILCS 5, 1990;</p> <p>Cook County Code of Ordinances: Recorder of Deeds, 1980</p> <p>Uniform Real Property Electronic Recording Act,</p>	<p>§3-2001, 3-5001;</p> <p>§ 6-57;</p>	<p>The State requires that each county maintain a registry of deeds, but does not maintain a central registry, nor detail how the records must be recorded. Real property ownership in the United States is highly vulnerable to challenge (i.e. not recognized) unless recorded.</p> <p>a. This occurs at the county level. Example: Cook County Recorder of Deeds is required to “prepare a set of tract indices and update them daily.”.</p> <p>b. The Uniform Real Property Electronic Recording Act requires that all counties recognize electronic documents, and allows for</p>

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	765 ILCS 33, 2007.		the digitization of paper records. However, it does not require computerization. There is not a state law that prescribes methods for record storage
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>	Counties Code, 55 ILCS 5, 1990.	§ 3-2001, §3-5001	<p>Yes. Each county is required to have a recorder of deeds. However, there is not an institutional mandate for the surveying of land. Surveyors are private entities, and are usually employed during real property transactions or disputes. Surveyors are regulated by the Illinois Department of Financial and Professional Regulation.</p> <p>a-c: No such mandates exist.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>	Property Owned by Aliens Act, 765 ILCS 60, 1897	§7	<p>a-b: The US Constitution allows these groups to acquire, possess, and dispose of land.</p> <p>c. The Property Owned by Aliens Act guarantees aliens this right as well.</p>
136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral			There is a standardized land title system.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.			
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.			No.
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as: a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)? b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?	Code of Civil Procedure: Limitations, 735 ILCS 5, 1982	§13-101-§13-122.	a. Adverse possession is recognized. However, unless the requirements of adverse possession are met, squatters are regarded as trespassers, and subject to immediate removal by law enforcement. These requirements are stringent, and are seldom satisfied or relied upon. (Among other things, an adverse possessor would have to maintain open, notorious, and exclusive possession of the land for twenty years.)  b. No.
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold	Code of Civil Procedure: Limitations, 735 ILCS 5, 1982	§13-101-§13-122.	Until the full property interest vests in the adverse possessor, the adverse possessor has no claim of right to the property. No other parallel systems of recognition exist.

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title, does one type of legal claim take precedence over the other?			
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a. risk reduction from natural disasters?</p> <p>b. land to be kept for evacuation or emergency or transitional shelter?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p> <p>Constitution of the United States, Fifth Amendment</p> <p>Illinois State Constitution, Article 1;</p> <p>Eminent Domain Act, 735 ILCS 30, 2007.</p>	<p>§7(4)</p> <p>§15;</p> <p>§5-5-5(b)</p>	<p>Yes. In the event of a disaster, the IEMA Act grants the Governor of Illinois the power “to take possession of and for a limited period occupy and use any real estate necessary to accomplish” the objectives set forth in §2 of the IEMA Act.</p> <p>The Fifth Amendment to the Constitution of the United States permits the federal and state governments to compulsorily take permanent ownership of property “for public use,” but requires that property owners be given “just compensation.” This mechanism is known as “eminent domain.” Such actions by the State of Illinois are permitted by the Illinois State Constitution and governed by the Eminent Domain Act</p> <p>a-b. There is no explicit mention of these purposes in the Eminent Domain Act, but compulsory purchases are permitted so long as “the acquisition of the property is necessary for a public purpose.”</p>
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms</p>	<p>Courts: Judiciary, 705 ILCS 5-35;</p> <p>Code of Civil Procedure, 735 ILCS 5.</p>	<p>§ 5-105</p>	<p>Land disputes are typically handled in the Illinois court system.</p> <p>a. There are filing fees to bring non-criminal claims, but the Code of Civil Procedure permits those meeting a certain poverty threshold to bring claims without fees. There are no requirements to engage lawyers, though it can be difficult to litigate without a lawyer. Costs of litigation, including attorneys’ fees, can make it difficult for low income people to access remedies. Free legal help is sometimes available but there is no right to such assistance in</p>

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available throughout the territory, including in rural areas?			civil cases. b. Yes, the State of Illinois maintains courts throughout the territory.

#### D. Informal and precarious settlements

Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.

<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p>			<p>No law specifically addresses informal or precarious settlements. However, people occupying land in which they do not have property interests are regarded as trespassers and are subject to removal by law enforcement officials.</p>
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<p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			No.
<p>144. Does any state law require that</p>			Since informal settlements are not recognized, no such

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informal settlements are included in: a. Early Warning Systems? b. Community based DRR education and training?			requirements exist.
145. Does any state law provide a mechanism for recognition of tenure for residents of informal settlements? a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)? b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?			Since informal settlements are not recognized, no such law exists.
<b>E. Urban Water and Flood Management</b>			
146. Is there one or more state laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?	Special Districts: Water, 70 ILCS 3705-3715;  Illinois Municipal Code: Water Supply and Sewage Systems, 65 ILCS 5;  Counties Code: Water Supply, Drainage, and Flood Control, 55 ILCS 5	§11-124 – §11-152;  §5-15001- §5-	Local authorities (special districts, municipalities, and counties) are responsible for the supply, storage, and quality of water for human consumption. However, all such activities are subject to State and federal laws, and are regulated accordingly.

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	<p>Environmental Protection Act: Environmental Protection Agency; establishment; duties, 415 ILCS 5, 1970</p> <p>Department of Public Health Act: Powers, 20 ILCS 2305, 1995.</p>	<p>15025;</p> <p>§4</p> <p>§2(a)(2)</p>	<p>The Illinois Environmental Protection Agency (IEPA) regulates matters of water storage, distribution, and quality control for human consumption.</p> <p>The Illinois Department of Public Health (IDPH) regulates “[s]anitary practices relating to drinking water made accessible to the public for human consumption.”</p>
<p>147. If there is a state water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988</p>	<p>§4, §5(f)</p>	<p>None of the authorities mentioned in Question 146 are charged with disaster risk reduction or preparedness for safeguarding the water supply in the face of natural disasters. However, the Illinois Emergency Management Agency (IEMA) is charged with cooperating with such authorities to prepare for water contamination (which is included in the definition of disaster: “Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger...”).</p>
<p>148. Does a state law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject state)? If so,</p>	<p>Rivers, Lakes and Streams Act, 615 ILCS 5, 1911; 17 Ill. Adm. Code 3700</p>		<p>Yes. Illinois Department of Natural Resources (IDNR) is charged with controlling development within the 100-year floodway.</p>



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<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
what authority is responsible?			
149. If flood mitigation and water management against urban flooding is regulated at the sub-state level, at what level of government does this occur? Can you find an example of such a law?	Municipal Code of Chicago, 16-6, 1991		See Question 149 regarding regulation at the state level. Urban flooding is also regulated at the local level. The zoning board of the county or municipality has authority to regulate development accordingly.
<b>Part Five. Regulation of the Natural &amp; Rural Environment</b>			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Environmental Protection Act, 415 ILCS 5, 1970.		Illinois Environmental Protection Agency (IEPA) has responsibility.
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?	Environmental Protection Act, 415 ILCS 5, 1970	§27	a. Yes. Human safety is a cornerstone of this act. There are numerous provisions for the regulation of exploitation of natural resources, water management, and public health protection (air, water, and food quality). b. IEPA is mandated to conduct an economic impact study in its rulemaking process. c. Food security is not included in the mandate of IEPA.

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152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	Environmental Protection Act, 415 ILCS 5, 1970	§39	Yes.
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?	Permits and General Provisions, 35 Ill. Adm. Code 201;  Environmental Protection Act, 415 ILCS 5, 1970	§2, §4, §26	a-b: The EIAs focus on empirical thresholds, such as emissions and contaminant leakage. These thresholds are established with human risk factors and known natural hazards in mind.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?			No.
<b>B. Forests</b>			
155. Is there legislation on forest management (if relevant to the subject state)? If so, what institution has	Illinois Forestry Development Act, 525 ILCS 15, 1925;		Illinois Department of Natural Resources (IDNR) is responsible for regulating forest development.

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responsibility?	State Forest Act, 525 ILCS 40, 1925; Illinois Prescribed Burning Act, 525 ILCS 37, 2007; Forest Fire Protection District Act, 425 ILCS 40, 1957; State Forest Act, 525 ILCS 40, 1929.		
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <p>a. prevention of wildfires?</p> <p>b. deforestation and erosion relevant to prevention of landslides and floods?</p> <p>c. other hazards, (such as encroachment by wildlife into agricultural land or villages)?</p> <p>Describe the scope.</p>	<p>Illinois Prescribed Burning Act, 525 ILCS 37, 2007;</p> <p>Forest Fire Protection District Act, 425 ILCS 40, 1957;</p> <p>State Forest Act, 525 ILCS 40, 1925</p>	<p>§5;</p> <p>§2;</p> <p>§2.</p>	<p>a. Yes, the Illinois Prescribed Burning Act and Forest Fire Protection District Act seek to reduce wildfires.</p> <p>b. Landslides and deforestation are not a concern in Illinois, but erosion is addressed: "State forests shall include only such lands as are decided by [IDNR] to be more valuable for the growing of forests than for other purposes, and shall have for their purpose the...protection of watersheds that are subject to serious erosion..."</p> <p>c. No.</p>
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			No.
158. Does the law provide for use, conservation or management of			State forests are open to the general public for recreational purposes only.

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forests and their resources by communities?			
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject state)? If so, what institution has responsibility?	<p>Rivers, Lakes, and Streams Act, 615 ILCS 5, 1911; Department of Natural Resources Act: Office of Water Resources, 20 ILCS 801, 1996;</p> <p>Counties Code: Water Supply, Drainage, and Flood Control, 55 ILCS 5, 1990;</p> <p>Illinois Municipal Code, 65 ILCS 5.</p>	<p>§5; §5-5, §5-10</p> <p>§5-15014</p> <p>§11-110-§11-115.1, §11-104-1, §11-124-§11-152.</p>	<p>Illinois Department of Natural Resources (IDNR) has jurisdiction over all public waters in Illinois. Within IDNR, the Office of Water Resources (OWR) handles most water issues.</p> <p>Counties are authorized to manage and regulate “waterways and water resources.”</p> <p>The Illinois Municipal Code grants watercourse management power to municipalities: “The corporate authorities of each municipality may deepen, widen, dock, cover, wall, or alter channels of watercourses.” Municipalities also have the power to engage in flood control, drainage, and water supply activities, which may necessitate watercourse management.</p>
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:	Flood Control Act of 1945, 615 ILCS 15, 1945	§2	a. Yes: “[IDNR/OWR] is...authorized and directed to make examinations and surveys, prepare plans and estimates for, and to construct, reconstruct, control, maintain, and operate, or supervise the construction, reconstruction, control, maintenance and operation of all works for the control of floods, the
a. Riverbed management relevant to	Rivers, Lakes, and Streams Act, 615 ILCS 5, 1911	§5	

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<p>flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>	<p>Department of Natural Resources Act: Office of Water Resources, 20 ILCS 801, 1996;</p> <p>Counties Code: Water Supply, Drainage, and Flood Control, 55 ILCS 5, 1990;</p> <p>Illinois Municipal Code, 65 ILCS 5.</p>	<p>§5-5, §5-10;</p> <p>§5-15014;</p> <p>§11-110-§11-115.1, §11-104-1, §11-124-§11-152.</p>	<p>improvement of upland and bottom land drainage and the conservation of low water flows in the rivers and waters of Illinois, including the watersheds thereof, either independently or in cooperation with the United States government, State agencies, units of local government and school districts in connection with such work.”</p> <p>iSince this is primarily addressed at the state level, counties and municipalities are not mandated to take specific actions regarding flood prevention and mitigation. However, they are given limited powers to cooperate with IDNR/OWR and take additional actions, subject to relevant state controls.</p> <p>b. No. Water storage and distribution for human, agricultural, and consumption in rural areas is handled in the same manner as discussed in Question 146: Local governments store and distribute water, and are subject to the regulation of various state agencies, but are not mandated by law to engage in river management from the perspective of natural disaster risk reduction.</p>
<p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p>			<p>No.</p>
<p>162. Does the law provide for use, conservation or management of rivers and their resources by</p>	<p>Department of Natural Resources Act: Office of Water Resources, 20 ILCS</p>	<p>§5-5;</p>	<p>No, the law does not provide for the use, conservation, or management of rivers and their activities by communities (other than political subdivisions, as noted above). The law provides for</p>

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communities?	801, 1996  Fish and Aquatic Life Code, 515 ILCS 5, 1991;  Wildlife Code, 520 ILCS 5, 1980.	§1-5;  §1.2.	the individual use of rivers and their resources, but “communities” are not considered. (For example, a “community” cannot obtain a license to fish, but an individual person can.) IDNR is responsible for the conservation and management of rivers and their resources, and regulates the use of rivers and their resources.
<b>D. Drought and food security</b>			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?	State of Illinois Drought Preparedness and Response Plan, 2011.	p.36	<p>No Illinois law provides for risk reduction and prevention measures relating to drought. However, the Illinois Drought Preparedness and Response Plan addresses this matter.</p> <p>Protection of people: The Drought Preparedness and Response Plan addresses water quality issues and water availability (for fire protection) issues. Water quality issues are addressed and overseen by Illinois Environmental Protection Agency and Illinois Department of Public Health. Water availability issues (for fire protection) are addressed and overseen by the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency.</p> <p>Protection of livestock and crops: The Drought Preparedness and Response Plan reflects that Illinois considers harm to livestock and crops to be purely economic. The Illinois Department of Agriculture provides assistance to affected farmers.</p> <p>Generally, with respect to drought, see responses to Questions 91-</p>

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			95
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			No.
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?	Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988  Illinois Public Aid Code, 305 ILCS 5, 1967	§5 (f)(6);  §6-9 (a) (1), 4-12 .	IMEA shall: “Determine requirements of the State and its political subdivisions for food . . . in event of a disaster.”  The Illinois Public Aid Code also addresses the issue, by permitting local governments to use the General Assistance program to provide for food and shelter: “A local governmental unit may provide assistance to households under its General Assistance program following a declaration by the President of the United States of a major disaster or emergency pursuant to the Federal Disaster Relief Act of 1974, as now or hereafter amended, if the local governmental unit is within the area designated under the declaration.”  Desertification is not relevant and not addressed.

#### **4. Information management and exchange, community level DRR education & awareness**

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note ‘see above’ and refer to the relevant question number.]

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p>Illinois Emergency Management Agency Act, 20 ILCS 3305, 1988;</p> <p>Illinois Emergency Operations Plan, 2010.</p>	<p>§ 5 (f) (10);</p> <p>ESF 15, p. 1.</p>	<p>a. Only regarding flood data (the rest is federal): Illinois Emergency Management Agency (IEMA) shall: “Disseminate all information, completely and without delay, on water levels for rivers and streams and any other data pertaining to potential flooding supplied by the Division of Water Resources within the Department of Natural Resources to all political subdivisions to the maximum extent possible.”</p> <p>b. Not explicitly. However, as reflected in the Illinois Emergency Operations Plan, “Success in saving lives and property is dependent upon timely dissemination of warning and emergency information to persons in threatened areas.”</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>No. This is handled by the US Census Bureau.</p>
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Critical Health Problems and Comprehensive</p>	<p>§3;</p>	<p>The entire concept of DRR awareness is not reflected in Illinois law or policy. However, certain elements of the concept are reflected (see below): “Disaster survival” is considered to be a topic in health education. Local school boards and elementary and secondary schools are charged with following these educational goals, and</p>



4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Health Education Act: Comprehensive Health Education Program 105 ILCS 110, 2010;  Illinois Emergency Management Agency Act 20 ILCS 3305.	\$5	the State Board of Education is required to ensure compliance.  IEMA is charged with “[e]xpand[ing] the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials to schools, political subdivisions, community groups, civic organizations, and the media.”
169. If there is a state disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?  a. If so, which authorities and what are they required to do?  b. In particular does it require DRR education in schools?	Illinois Natural Hazard Mitigation Plan, 2010	§II-4, §§IV-43, 45, 47-50	The entire concept of DRR awareness is not reflected in Illinois law or policy. However, certain elements of the concept are reflected (see below):  a. IEMA is required to provide information on disaster mitigation techniques and awareness by engaging the community via partnerships with “groups with similar missions,” creating and distributing materials for various media outlets, providing disaster mitigation materials in the State Library, granting funds to the American Red Cross to “hire staff to promote disaster resistant construction,” and by working with the State Board of Education to “create a workforce trained in hazard resistant construction techniques.”  b. IEMA is also to “work with the State Board of Education (SBE) to provide hazard resistant construction information to vocational school teachers,” and “work with the SBE to provide workshops for vocational school teachers.”
170. If the above law or the state disaster management policy requires	Illinois Natural Hazard Mitigation Plan, 2010	IV-38-52	The entire concept of DRR awareness is not reflected in Illinois law or policy. However, certain elements of the concept are

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?			reflected (see below): IEMA seeks to “[i]ncrease public understanding, support, and demand for hazard mitigation.” (IV-38). This include the use of partnerships (IV-47), which would implicitly allow community participation.
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?	Illinois Natural Hazard Mitigation Plan, 2010	IV-47	The entire concept of DRR awareness is not reflected in Illinois law or policy. However, certain elements of the concept are reflected (see below): Although such a role is not provided for in legislation, the INHMP designates the American Red Cross to receive funds to promote disaster-resistant construction.
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?	Illinois Natural Hazard Mitigation Plan, 2010	IV-47	The entire concept of DRR awareness is not reflected in Illinois law or policy. However, certain elements of the concept are reflected (see below): Although such a role for Civil Society is not provided for in legislation, the INHMP calls for the development and utilization of “all available partnerships” in promoting disaster mitigation awareness.
173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or	Illinois Emergency Management Agency Act 20 ILCS 3305, 1988;	§5	a. Yes: The Illinois Emergency Management Agency Act provides for emergency services, and defines them as the “coordination of functions by the State and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation... warning services...”

**4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>disincentives to ignore or increase risks from natural disasters?</p> <p>c. Community involvement in land-use and urban planning?</p> <p>d. Community involvement in and education concerning building codes?</p>	<p>Illinois Natural Hazard Mitigation Plan, 2010</p>	<p>IV-19, IV-21-22</p>	<p>b. No. However, Illinois Natural Hazard Mitigation Plan declares that mitigation funds will only be granted to local governments that are in compliance with National Flood Insurance Program standards.</p> <p>c. No. However, Illinois Natural Hazard Mitigation Plan seeks to “[e]ncourage communities to adopt strong local floodplain regulations to reduce future flood losses.”</p> <p>d. No. However, in order to accomplish the above goal, the Illinois Emergency Management Agency and the Illinois Department of Natural Resources Office of Water Resources conduct local workshops to educate the public “on tools available to minimize flood risk,” and to “[prevent] structures from being built in harm’s way.”</p>

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