

Resilient Design in 2025: A Smarter Standard in a Changing Climate

By Andrew D. Mendelson, FAIA
Executive Vice President, Chief Risk Management Officer
Berkley Design Professional, a Berkley Company

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Climate change is transforming the work of design professionals across the United States. In 2024, the National Oceanic and Atmospheric Administration (NOAA) recorded [27 weather and climate disasters](#), each causing more than \$1 billion in damages. That's three times the annual average of the nine events per year recorded between 1980 and 2024. These disasters included major floods, hurricanes, wildfires and other extreme weather events that continue to challenge

infrastructure and design standards.

The changing climate has not gone unnoticed by the design and insurance communities. In recent years, architects and engineers have made meaningful progress in addressing climate-related risks and embracing resilient design. Although progress is difficult to quantify across such a broad sector, one trend is unmistakable: Awareness of climate risk is at an all-time high. That awareness is a critical first step toward lasting, industry-wide change.

When Code Compliance Falls Short

At Berkley Design Professional, we started noticing a shift about 10 years ago, after several policyholders experienced major losses in storm-prone areas including Central and South Texas. Even though they were designed to comply with code, the built projects were overwhelmed by storms that exceeded FEMA projections and historical climate models.

While engineers and architects are obligated to comply with the existing codes, the challenge is to encourage those involved in designing projects to consider recent severe climate events, become educated about future predictions, and adapt to the changing world.

Today, more design professionals understand this. Over the past five years, we've observed a noticeable increase in awareness. Engineers and architects are realizing that minimum code compliance might no longer be sufficient.

What is Resilient Design?

Resilient design is the practice of creating buildings and infrastructure that can maintain safety, habitability and function during and after extreme weather events. Unlike traditional design, which primarily focuses on meeting code, resilient design considers long-term risks, future climate projections and local hazards.

While codes establish legal minimums, resilient design aims higher. It may include fortified stormwater controls, protection of critical mechanical and electrical equipment, enhanced backup power, fire-resistant materials and structural upgrades to reduce both damage and downtime after a severe event. These enhancements may increase upfront costs but help mitigate larger financial losses and improve a building's long-term viability.

The Evolving Standard of Care

The legal concept of the "standard of care" asks what a reasonable professional would do under similar circumstances, not whether perfection was achieved. In design, what is considered reasonable is constantly evolving.

As the climate changes, more intense and frequent storms are a foreseeable risk. Therefore, design professionals have a responsibility to understand potential weather-related hazards, communicate concerns to their clients, and recommend strategies to reduce exposure.

Designing strictly to published codes, without considering broader climate risks, may no longer meet this evolving standard of care. This shift is already influencing and affecting insurance claims. Most claims are resolved before trial to avoid unpredictable jury awards; however, we've seen firsthand the damage that extreme weather can cause. One project in South Texas is a prime example.

Case Study: When Meeting Code Isn't Enough

A design firm was hired to develop a large hotel and casino complex along a river in Texas. The team followed all applicable codes, including those related to stormwater retention and wind load requirements.

However, a major storm overwhelmed the project's parking lots and retention ponds, causing flooding downstream. Although the firm had a contract with the hotel developer to manage exposure with their client, there were no agreements with neighboring property owners. Several of them suffered serious flood damage and filed third-party claims alleging negligence.

This case highlights a key point: Meeting code requirements and satisfying your client's project criteria may not protect you from liability. When third parties are harmed, the potential exposure

can be significant. Minimum code compliance might no longer be sufficient, especially as climate risks and legal expectations change.

Turning Awareness into Action

Design professionals can reduce their liability exposure by following a proactive, four-step approach when climate risks are identified:

- Inform the client of the specific risks their project may face.
- Recommend clear, well-reasoned mitigation strategies.
- Document all conversations and recommendations in writing.
- Follow up if the project proceeds without adopting the proposed mitigation measures.

Although these steps may not eliminate liability, they can assist in defending against future claims and strengthen your commitment to professionalism and transparency.

It's also important to reference valid climate science data. Predictive modeling tools from agencies like NOAA are more advanced and accessible than ever, enabling design teams and owners to assess long-term risks and make better-informed decisions.

Design professionals aren't expected to be climate scientists, but they should know when to bring that expertise into the discussion. Particularly for projects in high-risk locations, recommending a climate consultant can be a smart and strategic move. These specialists can interpret climate data, apply predictive models, and help inform design decisions based on future conditions, not just historical norms.

How Insurers and Berkley Design Professional are Responding

Professional liability insurance providers are paying closer attention to the way design professionals address climate-related risks, especially in high-exposure disciplines such as civil, structural and building envelope engineering. PLI carriers are tightening underwriting standards and scrutinizing project types, mitigation efforts and client intent more closely than ever before. At Berkley Design Professional, we encourage our policyholders to work with quality-focused clients who prioritize resilience. We seek firms that are selective about their projects and are aligned with project owners who prioritize sustainability and long-term performance and viability of real estate assets.

Over the past decade, we have proactively addressed these climate challenges by supporting design professionals with risk management insights, contract reviews and continuing education focused on resilience and climate-related liability.

Climate resilience is now a critical factor in managing design risk and professional liability. By staying informed, adapting practices and adopting a forward-looking approach, design

professionals can reduce their exposure and contribute to a safer, more insurable built environment.

About the Author



Andy is a recognized leader in the design and construction industry, specializing in risk management and contracts. He joined our company after a 35-year career as a licensed architect and firm principal. Andy directs the company's client experience (CX) initiatives as well as oversees efforts to provide leading-edge, risk and practice management resources, tools and training.

Andy has a diverse background of practice, project, financial, operations and risk management experience, with a particular focus on large and complex projects. He has advanced the development and publishing of industry-standard design and construction contracts through the leadership of and engagement with the American Institute of Architects (AIA) Documents Committee, the Large Firm Round Table Legal Committee and as a presenter at industry conferences and webinars. He also serves on the American Council of Engineering Companies (ACEC) Risk Management Committee and Legal Counsel Forum.

Andy holds a Bachelor of Science degree in Architectural Studies from the University of Illinois, Urbana-Champaign, and a business management certification from the Kellogg School of Management of Northwestern University. He is based in Chicago, Illinois. Contact Andy at amendelson@berkleyalliance.com.



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