A Note from the Chair

I look forward to seeing you at this year’s AALS Property Section program. We have a great group of scholars speaking for this year’s program, “Property and the Challenge of Housing Affordability,” which is co-sponsored by the State and Local Government Law and Poverty Law Sections. It will take place 1:30-3:15 pm on Thursday, Jan. 5, 2017.

The speakers are:

- Eduardo Penalver (Cornell) – Moderator
- Lisa Alexander (Texas A&M): Zoning Tiny Homes to Combat Homelessness
- Courtney Anderson (Georgia State): You Can’t Afford to Live Here
- Nestor Davidson (Fordham): Rethinking the Planning/Affordable Housing Nexus in an Era of Big Data
- Steve Eagle (George Mason): Reflections on the Revolution in Affordable Housing
- Paul Boudreaux (Stetson): Suburban Infill: A Market and Demographic Approach to Housing Affordability in the 21st Century
- Paul Boudreaux (Stetson): Suburban Infill: A Market and Demographic Approach to Housing Affordability in the 21st Century

I would also like to thank the Fordham Urban Law Journal which agreed to publish articles from this panel as well as response essays. We also have a second program, “Property Law Works in Progress,” which will take place 3:30-4:45 pm on Wednesday, Jan. 4, 2017.

I especially want to thank this year’s Chair-Elect, Donald Kochan, for his help with this panel. The speakers are below:

- Donald Kochan (Chapman) – Moderator
- Gregory Ablavsky (Stanford): The Rise of Federal Title
- Molly Brady (UVA): The Damagings Clause
- Vanessas Casado Pérez (Texas A&M): There Is No Such Thing as Private Parking
- John Infranca (Suffolk): The Right to Property and/or Religious Freedom as Foundational Rights
- Thomas E. Simmons (South Dakota): Homestead Laws

We hope to see you at both programs and I hope that your winter holiday has been great!

Cheers,

Ezra

P.S. Please join me in thanking this year’s Secretary, Priya Gupta, for her work on this newsletter.
A NOTE FROM THE CHAIR-ELECT:
by Donald Kochan, Chapman University, Dale E. Fowler School of Law

We all owe great thanks to Ezra Rosser for his leadership as chair this past year and Priya Gupta for her hard work putting together this newsletter. Thank you both!

I am very excited to work with members of the Property Section in developing programming for the 2018 meeting, including our section panel, breakfast, and continuing what I hope will be a new tradition focusing a works-in-progress program on exciting work selected from the vibrant and talented junior faculty members in our section.

I hope that many of you will be interested in getting involved in helping to organize and plan next year’s section work and programming. I welcome suggestions for our panel topic (including any ideas on potential co-sponsorship with other sections), speakers, and the format for programming.

If anyone has a journal at their school that might want to publish panel papers, I would also be pleased to hear about that possible way to expand the impact of our programming. Finally, if there are ways that our section can better serve the property community throughout the year—not just when we gather next January—I welcome your advice on expanding such service. If you’d like to be involved with the section’s work in any way or have any suggestions on these topics, please email me at kochan@chapman.edu. I wish you all the best. And, I look forward to seeing you in San Francisco in January 2017 and at various events throughout the upcoming year.
The problem of housing affordability strikes at the heart of the property law. Although it can be argued that housing affordability is a social problem separate from the edifice of property law, the choices that are made on everything from zoning to societal expectations regarding housing quality directly impact the extent to which individuals and families are either priced out of safe and decent housing or face mounting housing costs that limit their ability to meet other basic needs. Especially as demand has shifted back from many suburbs to urban areas in high growth cities such as San Francisco and Washington, D.C., the problem of housing affordability is sure to be the focus of ever more social, political, and academic attention. The papers presented as part of this panel will be published by the *Fordham Urban Law Journal* and cover a range of topics related to “Property and the Challenge of Housing Affordability.”
ANNOUNCEMENTS

February 1, 2017. Nicole Stelle Garnett, John P. Murphy Foundation Professor of Law at the University of Notre Dame, will be giving the FSU Distinguished Land Use and Environmental Law Lecture. Her lecture will be open to the public and all are invited.

On March 24, 2017, FSU Law School will be hosting a conference, “Municipal Utilities and Cooperatives: Transitioning to a Lower-Carbon Future.” The conference, also open to the public, is co-sponsored with the University of North Carolina School of Law, Center for Climate, Energy, Environment and Economics. Conference panelists will include chief executive officers, attorneys, NGOs, academics, and other officials from munis, co-ops, joint municipal utilities, and associations of municipal utilities in California, Colorado, Florida, Massachusetts, Missouri, Ohio, Texas, Utah, and Virginia. This conference will address the challenges and opportunities that municipally-owned electric utilities (“munis”) and electric co-operatives have faced as they have transitioned to lower-carbon sources of electricity.

It will explore these entities’ replacement of certain coal-fired power plants with solar, wind, nuclear, and other types of plants; provision of “green” buying choices to electricity customers; construction of renewable energy-powered and small nuclear plants; contracts for purchasing lower-carbon electricity; and implementation of energy efficiency and rooftop solar programs, among other projects. Further, panelists will discuss the costs of this transition, such as stranded investments in coal-fired power plants that are decommissioned before the end of their useful life and the difficulty of being locked into long-term purchase agreements for conventional, higher-carbon electricity. Panelists also will explore the opportunities and benefits of the transition, including, for example, declining costs of renewable power and increased customer support for “greener” alternatives. Finally, one panel will address municipalities that do not own their own electric utilities but have attempted to move toward lower-carbon power by, for example, implementing their own energy efficiency initiatives and installing solar technology on city buildings.

The Association for Law, Property and Society

The 8th Annual Meeting of the Association for Law, Property and Society (ALPS) will be held on May 19-20, 2017 at The University of Michigan

The Association for Law, Property and Society (ALPS) is a membership organization for scholars doing interdisciplinary legal scholarship on all aspects of property law and policy including: real, personal, intellectual, intangible, cultural, personal and other forms of property. ALPS seeks to encourage dialogue across and among people in many disciplines that are interested in property, law, policy and theory. The ALPS annual meeting offers an unrivaled opportunity to experience the breadth of world-class scholarship in these fields, and meet property teachers and researchers from around the globe. For more information on ALPS, visit www.alps.syr.edu/.
RECENT SCHOLARSHIP BY SECTION MEMBERS

Compiled by Priya S. Gupta, Southwestern Law School

We have had quite a year for publishing! Please enjoy the following list of books, journal articles, book chapters, and similar material submitted by Section members and published within the past year.

In addition, I thought we might start compiling a list of Twitter handles for those who tweet about property. Feel free to email your twitter handle to me (psgupta@swlaw.edu) or send me a tweet (@priyasgupta) by January 15, 2017, and I’ll start tweeting groups of Property folks to follow with the hashtag #PropertyProfs.

Ahmad, Nadia
Barry University, Dwayne O. Andreas School of Law
- Blood Biofuels, 60 DUKE ENVTL. L. & POL’Y FORUM __ (2017)
- The Baseline Bar, 60 KANSAS L. REV. __ (2017)
- Monsoons, Hydropower, and Climate Justice in Pakistan’s River Communities in CLIMATE JUSTICE: CASE STUDIES IN GLOBAL AND REGIONAL GOVERNANCE CHALLENGES (Environmental Law Institute) (2016)

Banta, Natalie
Valparaiso University Law School
- Death and Privacy in the Digital Age, 94 N.C. L. Rev. 927 (2016)

Barnes, Kristen
University of Akron School of Law

Benton Brown, Ronald & Joseph M. Grohman
Nova Southeastern University, Shepard Broad College of Law
- Letters of Intent: There Ought To Be A Law, A Uniform Law!, 45 REAL ESTATE L. J. 370-408 (Winter 2016)

Beyer, Gerry W.
Texas Tech University School of Law
- Beyer’s TEXAS PROPERTY CODE ANNOTATED (2016 ed.)
- Puff, the Magic Dragon, and the Estate Planner, TEX. A&M J. PROP. L. 1 (2016) (co-authored with Brooke Dacus)
- Estate Planning Ramifications of Obergefell v. Hodges, EST. PLAN. DEV. FOR TEX PROF., July 2016, at 1
- Target Best Practices for Guns Included In an Estate, EST. PLAN., Mar. 2016, at 25
- Weed Through Estate Planning Issues Involving Marijuana, EST. PLAN., July 2016, at 35 (co-authored with Brooke Dacus)
- Joint Wills and Pot Trusts: Marijuana and the Estate Planner, EST. PLAN. STUD., Apr. 2016, at 1 (co-authored with Brooke Dacus)

Brady, Maureen
University of Virginia School of Law
- The Lost “Effects” of the Fourth Amendment: Giving Personal Property Due Protection, 125 YALE L.J. 946 (2016)

Bronin, Sara C.
University of Connecticut School of Law
- RATHKOPF’S THE LAW OF ZONING AND PLANNING, with Dwight H. Merriam (2014-present)
Bronin, Sara C. (cont’d)
- *Land Use Regulation*, with Eduardo Peñalver & Stewart Sterk (2d ed. 2016)

Brown, Carol N.
*University of Richmond School of Law*
- EXPERIENCING HOUSING LAW, West Academic Publishing (2016)
- *On the Twenty-Fifth Anniversary of Lucas: Making or Breaking the Takings Claim, ___ Iowa L. Rev. ____* (forthcoming 2017)

Callies, David
*University of Hawai’i William S. Richardson School of Law*
- *Housing Discrimination under the Fair Housing Act after Inclusive Communities* (with Derek Simon), 3 *Journal of International and Comparative Law ____* (2016)
- (with Mandelker and Hylton) *Property Law and the Public Interest* (4th edition 2016)

Chused, Richard
*New York Law School*
- *Gendered Law in American History* (Carolina Academic Press 2016) (with Professor Wendy W. Williams)

Circo, Carl
*University of Arkansas School of Law*

Circo, Carl (cont’d)

Stephen Clowney, James Grimmelmann, Michael Grynberg, Jeremy Sheff, and Rebecca Tushnet

Davidson, Nestor
*Fordham University, School of Law*
- *The Place of Flourishing Families, 34* *Yale L. & Pol’y Rev.* (2016) (with John Infranca)
Eagle, Steven J.
George Mason University, Antonin Scalia Law School
- "Conflation, Intractability and Affordable Housing", 44 FORDHAM URBAN LAW JOURNAL (forthcoming 2017)
- "Property Rights After Horne", 10 NYU JOURNAL OF LAW & LIBERTY (forthcoming 2016)

Fennell, Lee Anne
University of Chicago Law School
- "Because and Effect: Another Take on Inclusive Communities", 68 STAN. L. REV. ONLINE 85 (2016), 

Foster, Sheila R.
Fordham University School of Law
- "The City as a Commons", 34 YALE LAW AND POLICY REVIEW 281 (2016) (with Christian Iaione)
- "Urban Commons, Property and the Right to the City in PROPERTY FROM BELOW: COMMODIFICATION OF LAND AND THE COUNTER-MOVEMENT" (Balakrishnan Rajagopal and Olivier De Schutter, eds) (forthcoming Routledge 2017)

Gupta, Priya S.
Southwestern Law School
- "From Statesmen to Technocrats to Financiers: Development Agents in the Third World, in Luis Eslava, Michael Fakhri & Vasuki Nesiah (eds) BANDUNG AT SIXTY: CRITICAL PASTS AND PENDING FUTURES (Cambridge University Press, in press)
- "Transnational Property", in Peer Zumbansen (ed.) OXFORD HANDBOOK OF TRANSNATIONAL LAW (Oxford University Press, forthcoming 2017)

Iglesias, Tim
University of San Francisco School of Law
- "Inclusionary Zoning Affirmed: California Building Industry Association v. City of San Jose", 24 JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW 409 (Spring 2016)
- "A Novel Tool for Teaching Property: Starting with the Questions", CHAPMAN LAW REVIEW (forthcoming 2017)
- "Affordable Housing, Fair Housing and Community Development: Joined at the Hip, We Need to Learn to Walk Together", JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW (forthcoming 2017)

Infanca, John
Suffolk University Law School
- "The Sharing Economy as an Urban Phenomenon" (with Nestor Davidson), 34 YALE L. & POL’Y REV. 215 (2016)
Klein, Christine A.
University of Florida Levin College of Law
- Property: Cases, Problems and Skills (Aspen 2016). Sample chapter available [here](http://www.propertycases.com), and more information available [here](http://www.propertycases.com)

Kochan, Donald J.
Chapman University Dale E. Fowler School of Law
- Deeds and the Determinacy Norm: Insights from Brandt and Other Cases on an Undesignated, Yet Ever-Present, Interpretive Method, 43 FLORIDA STATE UNIVERSITY LAW REVIEW 793 (2016).

Lazerow, Herbert
University of San Diego School of Law
- Art Resale Royalty Options, 63 JOURNAL OF THE COPYRIGHT SOCIETY OF THE USA 201 (2016)

Malloy, Robin Paul
Syracuse University, College of Law
- Law, Markets, and Marketization, Vol. 2 THE UNIVERSITY OF BOLOGNA LAW REVIEW (Italy); Fall 2016.
- (with Spencer and Crane), Land Use Law and Sidewalk Requirements Under the Americans with Disabilities Act, 51 REAL PROPERTY, TRUST & ESTATE LAW JOURNAL No. 3 (Winter 2017).

McArdle, Andrea
City University of New York School of Law
- Challenges to Achieving New York City’s Affordable Housing Goals: Reconciling Mandatory Inclusionary Housing, Community Preference Requirements, and Fair Housing Laws, XLIII 43 FORDHAM URB. L.J. CITY SQUARE 1 (2016) (online companion) (invited)

Odinet, Christopher
Southern University Law Center
- BitProperty and Commercial Credit, WASHINGTON UNIVERSITY LAW REVIEW (forthcoming Spring 2017)
- Of Progressive Property and Public Debt, WAKE FOREST LAW REVIEW (forthcoming Fall 2016)
- The Unfinished Business of Dodd-Frank: Reforming the Mortgage Contract, 68 SMU LAW REVIEW (forthcoming Fall 2016)
- Gay Marriage and the Problem of Property, 93 WASHINGTON UNIVERSITY LAW REVIEW 847 (2016) (commentaries essay with Andrea B. Carroll)
- Community Collateral: Security Rights in Common Interest Community Declarations, PROBATE & PROPERTY (July/August 2016) (with Randy P. Roussel).
- Regulating Debt Collection, REVIEW OF BANKING & FINANCIAL LAW (forthcoming 2016) (with Roederick White, Sr.)
- Secured Credit: Louisiana and American Perspectives (Wolters Kluwer 2016) (with Randy Trahan, Dian Tooley-Knoblett, and David Cromwell)
Ort, John V.
University of North Carolina School of Law

Owley, Jessica
University of North Carolina School of Law
- (with David Takacs) Flexible Conservation in Uncertain Times in CONTEMPORARY ISSUES IN CLIMATE CHANGE LAW AND POLICY: ESSAYS INSPIRED BY THE IPCC 65-104 (Robin Kundis Craig & Stephen R. Miller eds. 2016)

Reiss, David
Brooklyn Law School
- Ensuring Homeownership Is Sustainable, 22 Westlaw J. 6 (2016)
- The Federal Housing Administration (FHA) and Private Mortgage Insurance (PMI): A Bibliography (2016)
- Federal Financial Institutions Examination Council, Comment Letter on Uniform Interagency Consumer Compliance Rating System (July 5, 2016) (Docket # FFIEC-2016-0001)
- Consumer Financial Protection Bureau, Collection Activities Comment Letter (April 14, 2016) (Docket Number CFPB-2016-0011)
- Federal Housing Finance Agency Duty to Serve Comment Letter (March 17, 2016) (Comments/RIN 2590-AA27)

Riley, Angela R. & Kristen Carpenter
UCLA School of Law | University of Colorado Law School

Ross Saxer, Shelley
Pepperdine School of Law
- When Local Government Misbehaves, 2016 UTAH L. REV. 105
- Land Use, American Casebook Series, Thomson West (forthcoming 7th Ed.) (with David L. Callies & Robert H. Freilich)

Rosser, Ezra
American University, Washington College of Law
- THE POVERTY LAW CANON: EXPLORING THE MAJOR CASES (Marie Failinger & Ezra Rosser eds., Univ. of Michigan Press, 2016)

Rothstein, Laura
University of Louisville, Louis D. Brandeis School of Law
- How Genetics Might Affect Real Property Rights, 41 J. LAW, MEDICINE & ETHICS 44 (2016) (with Mark Rothstein)

Ryan, Erin
Florida State University, College of Law
- Multilevel Environmental Governance in the United States, ENVIRONMENTAL SCIENCE, Fall 2016
Schwabach, Aaron  
*Thomas Jefferson School of Law*  

Shoemaker, Jessica A.  
*University of Nebraska College of Law*  

Singer, Joseph William  
*Harvard Law School*  

Smith, James C.  
*University of Georgia School of Law*  
- *Making Existing Homes Greener*, *TEXAS A&M JOURNAL OF PROPERTY LAW* (forthcoming)  
  (forthcoming)  

Solmin, Ilya (cont’d)  
  (symposium on *Kelo v. City of New London*).  

Sprankling, John G.  
*University of the Pacific, McGeorge School of Law*  
- *Property and the Roberts Court*, 65 U. Kan. L. Rev. (forthcoming 2016);  
Stein, Gregory M.
University of Tennessee College of Law

- Do Progressive Property Scholars Really Want to Limit Nollan and Dolan to Administrative Exactions?, JOTWELL (May 17, 2016)
- What Will China Do When Land Use Rights Begin to Expire?, ___ VANDERBILT JOURNAL OF TRANSNATIONAL LAW ___ (forthcoming 2017)

Strahilevitz, Lior
University of Chicago Law School