

Planning Law

Fall, 2016

Wednesdays, 11:00 a.m. – 1:00 p.m.

Adjunct Professor Andrew Scherer

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Teaching Assistant:

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Text: Mandelker and Payne, Planning and Control of Land Development, Eighth Edition (Lexis Publishing)

Additional materials to be distributed through Courseworks

FINAL COURSE SYLLABUS

(note: assignments MAY STILL change, so check Courseworks and announcements in class and via email)

Week 1: Wednesday, September 7, 2016

Introduction

Week 2: Wednesday, September 14, 2016

Governmental Taking and Regulation of Property

Distributed:

Health Dept. v. Rector of Trinity Church

Kaur v. UDC

City of New York v Smart Apartments

Winfield v City of NY - COMPLAINT

Week 3: Wednesday, September 21, 2016

Why Land Use Controls?

Mandelker, 8th Ed.: pp. 1-24

Nuisance Law and its Relationship to Land Use Regulation:

Mandelker, 8th Ed.: pp. 63 - 74

Bove v. Donner-Hanna Coke Corp.

Distributed:

Rassier v. Houim

George v. Board of Directors

American Electric v. Connecticut

Week 4: Wednesday, September 28, 2016

Eminent Domain

Mandelker, 8th Ed.: pp. 74 – 86

Kelo v. City of New London

Distributed:

Berman v. Parker

Hawaii Housing Authority v. Midkiff

Kennedy v. Yates Petroleum

Week 5: Wednesday, October 5, 2016

CATCH-UP

Week 6: Wednesday, October 12, 2016

Takings and the Police Power:

Mandelker, 8th Ed.: pp. 86 - 126

Pennsylvania Coal Co. v. Mahon

Village of Euclid v. Ambler Realty Co.

Penn Central Transportation Co. v. City of New York

Week 7: Wednesday, October 19, 2016

Later Supreme Court Takings Jurisprudence:

Mandelker, 8th Ed.: pp. 126 - 133; 144 – 160; 172 - 180

Nollan v. California Coastal Commission

Lucas v. South Carolina Coastal Council

Lingle v. Chevron USA, Inc.

Takings and the New York Court of Appeals

Distributed:

Seawall Associates v. City of New York

**Week 8: Wednesday, October 26, 2016
CATCH-UP**

Week 9: Wednesday, November 2, 2016

_____ Exclusionary and Inclusionary Zoning

Mandelker, 8th Ed.: pp. 457 - 505

Southern Burlington County NAACP v. Mount Laurel

Distributed:

Suffolk Housing Services v. Town of Brookhaven

_____ Housing Justice Campaign v. Koch

Week 10: Wednesday, November 9, 2016

Housing Discrimination

Mandelker, 8th Ed.: 505 – 536

Village of Arlington Heights v. Metropolitan Housing Development

Co.

Huntington Branch NAACP v. Town of Huntington

Larkin v. Michigan Dept. of Social Services

Distributed:

Yick Wo v. Hopkins (edited)

Texas Department of Housing and Community Affairs v. The Inclusive
Communities Project

Week 11: Wednesday, November 16, 2016

How Community Concerns Become Legal Issues

Distributed Readings SEE SEPARATE MEMO

Week 12: Wednesday, November 23, 2016

Zoning, Families and the First Amendment

Families:

Mandelker, 8th Ed.: pp. 285 - 304

_____ Village of Belle Terre v. Boraas

City of Cleburne v. Cleburne Living Center

First Amendment Considerations:

Mandelker, 8th Ed.: pp. 355 – 378

City of Renton v. Playtime Theatres
Civil Liberties for Urban Believers v. City of Chicago
Distributed:
City of New York v. Les Hommes
Waller v. City of New York (Occupy Wall Street)
Occupy Boston v. City of Boston

Week 13: Wednesday, November 30, 2016

Environmental Land Use Controls and Environmental Review Requirements

Mandelker, 8th Ed.: 160 - 172

Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency
Ecker Bros. v. Calumet County
Distributed:
Chinese Staff and Workers Association v. Koch
Chinese Staff and Workers Association v. Burden
Bronx Committee v. NYC School Const Authority
Wallach v. Town of Dryden

Week 14: Wednesday, December 7, 2016

The Zoning Process, Variances, Amendments, and Comprehensive Planning

Mandelker, 8th Ed.: pp. 537 - 547; 558 - 567; 585 - 605; 643 - 654

Puritan-Greenfield Improvement Ass'n v. Leo
Western Land Equities, Inc. v. City of Logan
Kuehne v. Town of East Hartford
Haines v. City of Phoenix
Distributed:
Parkview Associates v. City of NY