

**Property**  
**Rutgers Law School**  
**Fall 2023**

Meetings: Mondays and Wednesdays, 6:00pm-8:00pm  
Weeks 1-3: In person, Room 080, 6:00-8:00 PM  
Weeks 4-14: Mondays: In person, Room 080, 6:00-8:00 PM  
Wednesdays: Remote synchronous, Zoom 6:00-7:25PM

Instructor: Professor Jonathan Gingerich ([jonathan.gingerich@rutgers.edu](mailto:jonathan.gingerich@rutgers.edu))  
Office: 303C  
Office Hours: Weeks 1-3: Wednesdays, 8:00-10:00pm (Zoom, phone, or in 303C)  
Weeks 4-14: Mondays, 5:30-6:00pm (Zoom, phone, or in 303C)  
Wednesdays, 7:30-8:00pm, 9:00-10:00pm (Zoom or phone)

**Course Overview and Learning Outcomes**

Property law structures how we relate to a wide array of resources and how we meet our needs as individuals and in communities. In this course, we will study what property rights are and where they come from; the different ways that property law might be theoretically justified; what sorts of things people can and can't own; what rights and obligations come with ownership; how property is divided up in the first place and how it can be transferred from one owner to another; and what role the government plays in shaping property rights. Along the way, we will see how lawyers argue about property and consider some ways in which our property system could be improved. Our focus will be on the system of real property ownership in the United States because of the historical and contemporary importance of land and structures on land for how lawyers think about property.

After taking this class, students will have a strong understanding of the rules and principles of contemporary U.S. property law; be able apply those rules and principles to novel fact patterns; recognize the political and economic implications of property rules and cases; appreciate the philosophical foundations of property law; and effectively argue for and against different interpretations of property rules and principles.

**Required Materials**

Casebook: JOSEPH WILLIAM SINGER, BETHANY R. BERGER, NESTOR M. DAVIDSON & EDUARDO PEÑALVER, PROPERTY LAW: RULES, POLICIES, AND PRACTICES (8th ed. 2022) (ISBN: 9781543838534). All supplemental readings will be posted on Canvas.

If you purchased a version of the Casebook that includes access to [casebookconnect.com](http://casebookconnect.com), I encourage, but do not require, you to use the practice questions available in the study materials on that site. If you decide to use them, make sure you enroll in our Casebook Connect class (code: GINGER324175). I can't see individual students' answers, but I see aggregate scores on questions, so this lets me check on the class's strengths and weaknesses, topic-by-topic, and modify my lectures accordingly. If you buy a used book, it is likely that the digital access code will already have been used, so you would need to purchase the online resources separately if you wished to access them.

In addition to the casebook, I recommend but do not require BARLOW BURKE AND JOSEPH SNOE, *EXAMPLES AND EXPLANATIONS: PROPERTY* (7th ed. 2023) (ISBN: 9781543857610). Burke and Snoe provide a wide variety of sample questions and problems together with clear explanations.

### **Class Expectations**

**Reading Assignments:** I expect you to attend and prepare for each class, including the first class. The daily reading assignments are listed at the end of this syllabus. Each numbered assignment corresponds to approximately one class. If we are only partway through an assignment at the end of a class session, please read through the end of the following assignment for the next class session. (For instance, if we stop in the middle of assignment 6, read to the end of assignment 7 for the following meeting.)

Students are expected to prepare a minimum of 2 hours outside of class for each hour of in-class time (including both in-person and remote classes). Note that this requirement is a minimum standard; if necessary to complete assignments, students are expected to spend additional time to complete the assigned work. (That said I know that we're all busy people with other classes and lives outside of law school, and I have attempted to design reading assignments that are roughly consistent in size from week to week.)

**On Call Panels:** The class will be divided into five panels. You will be "on call" five times during the semester. When your panel is on call, I may call on you to present part of that day's reading assignment to the class or to reflect on the material that we are studying on that day. If discussion on a topic carries over to the next class, you should be prepared to talk on your assigned topic for that class as well. If you have to miss class when your panel is on call, or if something comes up that prevents you from preparing for a day when you are on call, please just email me before class. No panel will be on call for our first meeting, and one meeting at the end of the semester is set aside for rescheduling students who miss class when their panel is on call. The panel that is on call for each reading assignment is listed with the reading assignments below. I will post a list of panel members on Canvas. Although we will use panels, I will also happily take volunteers, and everyone is welcome to raise their hand to ask questions or make comments.

**Teams:** In addition to panels, we will often break up into small groups to talk about the issues we are discussing in class. These teams will be made up of four or five people each and will be composed of people sitting near each other in our in-person meetings. (In our remote sessions, we will break into teams using Zoom's breakout rooms.) We will often do "mini-moots" in class, where different teams will be assigned to argue different sides of an issue. We will break into teams for a few minutes so that you can prepare arguments, after which we will reconvene as a class. I will call on teams on each side to present their arguments to the class.

**Name Tents and Seating:** I will provide you with name "tents" at each of our in-person meetings. I ask that you pick up your name tent at each of our in-person meetings and return it to me at the end of class. At our first meeting, we will divide up into teams; after our first meeting, I'll post a list of team members on Canvas. To help me learn names and to facilitate our small group work, I will ask that you sit in the same seat for all our in-person meetings.

**Electronics:** Electronic devices, including laptops, tablets, recorders, and phones, are permitted during class *only to take personal notes about class and/or to access assigned readings for the class*. Although I know that different strategies work for different people, in my experience as both a student and a teacher, students who take handwritten notes rather than typed notes tend to have improved comprehension of class materials<sup>1</sup>; for this reason, I would encourage you to consider trying to take handwritten notes, rather than using a computer. Students are not allowed to record classes without my express permission and the consent of everyone in the class. If you have a condition that requires recordings of class, please contact the Office of Disability Services or Associate Dean Sarah Regina.

**Attendance:** Regular, in-person, and punctual attendance is required for all classes. Under law school policy, students must attend 80% of classes to sit for the final exam. Please contact me if you have special circumstances that may require missing more than the permitted absences.

### **Remote Classes**

**Zoom Meetings:** The class will be taught remotely synchronously during our scheduled class meetings on Wednesdays from the fourth week of the semester onward. We will meet in the same Zoom “room” every week. Our remote classes will meet on Zoom at the following link: <https://rutgers.zoom.us/j/92597522332?pwd=YVliZXZYrZmJoNm1ZekdOSndOOXg3QT09>. The full Zoom invitation, including numbers to join by phone, is posted on Canvas. Rutgers Zoom support is available at: <https://it.rutgers.edu/zoom/knowledgebase/>.

**Remote Participation:** I encourage you to turn on your cameras for our remote meetings, especially when we break into small groups and when you are on panel. I know that there are variations in the technology, internet connections, and physical space that students will be using to participate, so this is not a requirement, but I hope that most or all of us will be able to keep our video on for our synchronous sessions to promote a lively discussion. During our synchronous meetings, I encourage you to raise questions by raising your virtual “hand” rather than typing them in the chat box, since it is difficult for me to fully pay attention both to what people are saying orally and to the chat.

**Electronics:** During synchronous classes, you not allowed to use any electronic devices other than the laptop or phone that you are using to attend class, *except for the purpose of taking personal notes about class and/or to access assigned readings for the class*. I know how tempting it can be to let your attention wander or to try to multi-task during a Zoom meeting, but please remember that we have limited time together and our sessions will be more productive and more fun if everyone is engaged.

### **Assessment**

An anonymized midterm exam counts for 10% of the final grade and an anonymized final examination determines the remaining 90%. I may also adjust your final grade up or down based on participation.

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<sup>1</sup> Some research backs up this anecdote. See Cindi May, *A Learning Secret: Don't Take Notes With a Laptop*, SCI. AM., June 3, 2014, <https://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/>.

The midterm will be “closed book,” meaning that you may not use or consult any materials or electronic devices during the exam.

The final will be “limited open book,” meaning that you may consult your casebook (Singer et al.) and your notes and outlines prepared by you or your study group. You may not have any commercial study aids or hornbooks, and the exam software will block access to the Internet and the hard drive of your computer while you are taking the exam.

### **Office Hours**

In weeks 1-3, I will hold my office hours after our Wednesday classes from 8:00pm-10:00pm by Zoom, by phone, or in person in Room 303C. From week 4 onward, I will hold office hours on Mondays from 5:30-6:00pm (on Zoom, by phone, or in 303C) and on Wednesdays from 7:30-8:00pm and 9:00-10:00pm (on Zoom or by phone). Because they are somewhat fragmented, appointments for office hours are required. A link is available on Canvas to make appointments. We will use the same link that we use for class meetings for office hours. Please indicate your preference for format when you sign up. You are welcome to sign up in small groups for Zoom office hours. My office hours are the times I reserve for student meetings, not the only times I am available. So, if my office hours are inconvenient for you, or if you want to meet in person, please email me and I will be happy to find another time.

Email is the best way to reach me, and I will generally respond within 48 hours, although I may take longer over weekends.

### **Teaching Fellow**

A Teaching Fellow will lead a bi-weekly one-hour study group session, as well as holding office hours. I strongly encourage you to take advantage of these resources. Further details will be provided on the first day of class.

### **Preferred Names**

It is important that you feel welcome and safe in this class and that you are comfortable participating in our discussions. If your preferred name or pronouns are not listed on the official law school roster, please let me know by email, so that I can address you in a way that reflects your identity. I prefer to be called Jonathan, although if that makes you uncomfortable, you can also call me Professor Gingerich; my pronouns are they/them or he/him.

### **Accommodation**

Rutgers Law School is committed to providing a learning environment that meets the needs of all students, including those with physical disabilities, learning disabilities, mental health challenges, or other disabilities. If you have a condition or disability that you believe requires accommodation, begin the process of requesting accommodation directly with the Office of Disability Services here: <https://ods.rutgers.edu/students/registering-for-services>. If you have questions, you can contact Associate Dean Sarah Regina (973-353-3066). As your professor, I will not be able to tell which exams are taken with accommodations and which are not. Students are welcome to, but certainly need not, discuss learning or other disabilities with me.

## **Technical Support**

For issues with Canvas, contact Canvas Support at 877-361-1134 or [help@canvas.rutgers.edu](mailto:help@canvas.rutgers.edu).  
For computer and connection issues contact [computerservices@law.rutgers.edu](mailto:computerservices@law.rutgers.edu) or Newark OIT at 973-353-5083 or [help@newark.rutgers.edu](mailto:help@newark.rutgers.edu).

## Outline of Class and Schedule of Readings

This semester's tentative schedule of readings follows. "CB" refers to the casebook; all other readings will be posted on Canvas. To help you plan your reading, I have listed an estimate of the total number of pages of reading for each assignment. I have generally tried to keep reading assignments around 30 pages, although a handful of assignments include readings that will go faster than cases and which therefore encompass more pages.

In addition to the assigned pages, I have listed the cases and statutes that I expect to figure most prominently in our class discussions. However, the fact that a case is not listed below does not mean that you should not read it if it is on the assigned pages; this just means that it is less likely to figure in our class discussion.

I have tried to indicate as clearly as possible which sections of the casebook are and are not assigned to save you unnecessary reading, but if you have any questions about which materials are assigned, please do not hesitate to ask.

Please note that this schedule may change depending on how we move through the material, and I may substitute or change some readings. For this reason, I suggest that you not read further than one week ahead.

### **I. How Do You Get Property? The Initial Allocation of Property**

#### **1. Capture (15 pp.) <Panels not on call>**

Possession (§4) [CB 150]

Capture (§4.1) [CB 150-65]

*Pierson v. Post*

*Elliff v. Texon*

*Popov v. Hayashi*

Recommended but optional: MICHAEL HELLER & JAMES SALZMAN, MINE! HOW THE HIDDEN RULES OF OWNERSHIP CONTROL OUR LIVES (2021), ch. 1 [Canvas]

#### **2. Discovery, Conquest, and Sovereignty (27 pp.) <Panel 1>**

Competing Justifications for Property Rights (Chapter Intro) [CB 95]

Sovereignty (§§1, 1.1(A), 1.1(B), 1.2) [CB 95-109, 112-19]

*Johnson v. M'Intosh*

{§1.1(C) is not assigned}

*The Antelope*

*Scott v. Stanford*

{§1.3 is not assigned}

K-Sue Park, *The History Wars and Property Law: Conquest and Slavery as Foundational to the Field*, 131 YALE L.J. 1062, 1091-92, 1112-16 (2022) [Canvas]

#### **3. Labor Theory and the Creation of New Property (27 pp.) <Panel 2>**

Labor and Investment (§§2, 2.1, 2.2) [CB 126-41]

*International News Service v. Associated Press*

{§ 2.3 is not assigned}

JOHN LOCKE, SECOND TREATISE OF GOVERNMENT (C.B. Macpherson ed., 1980), §§28-34, 40-41 [Canvas]

KARL MARX & FRIEDRICH ENGELS, THE GERMAN IDEOLOGY 51-54 (1998) [Canvas]

**4. Adverse Possession (and Finders) (30 pp.) <Panel 3>**

*Armory v. Delamirie*

{*Charrier v. Bell* is not assigned}

WILLIAM BLACKSTONE, 1 COMMENTARIES ON THE LAWS OF ENGLAND 8 (1876)  
[Canvas]

Title Versus Possession (§§1, 1.1, 1.2, 1.3) (CB 309-32)

*Brown v. Gobble*

*Paine v. Sexton*

*Nome 2000 v. Fagerstrom*

Justifications for Adverse Possession (§2) [CB 332-35]

Finders (§4.3(A)) [CB 168-71]

**5. Limits on Initial Allocations: Personhood (32 pp.) <Panel 4>**

Property Rights in Human Beings (§§1, 1.2, 1.3, 1.4(A)) [CB 187-212]

*In the Matter of Baby M*

*Moore v. Regents of the University of California*

{§§1.1 and 1.4(B) and *Flynn v. Holder* are not assigned}

JEREMY BENTHAM, THEORY OF LEGISLATION 111-13 (R. Hildreth trans., 1864).  
[Canvas]

Margaret Jane Radin, *Market-Inalienability* 100 HARV. L. REV. 1849 (1987)  
(excerpts) [Canvas]

**6. Limits on Initial Allocations: Public Trust (26 pp.) <Panel 5>**

*Illinois Central Railroad v. Illinois* (excerpts) [Canvas]

Beach Access and the Public Trust (§4) [CB 76-85]

*Matthews v. Bay Head Improvement Company*

Harrison Beck, *Locating Liability for Climate Change: A Comparative Analysis of Recent Trends in Climate Jurisprudence*, 50 ENVTL. L. 885, 895-903 (2020)  
[Canvas]

Recommended but optional: Richard Forbes, *Love of the Land and Community Inspired the Montana Youths Whose Climate Lawsuit Against the State Goes to Court This Week*, INSIDE CLIMATE NEWS, June 12, 2023 [Canvas]

**II. What Do You Get When You've Got Property? What Don't You Get?**

**7. Exclusion and Access: Trespass (30 pp.) <Panel 1>**

Trespass (§1) [CB 3-4]

Trespass Remedies (§1.3) [CB 31, 36-39]

*Jacque v. Steenberg Homes, Inc.*

{*Glavin v. Eckman* is not assigned—read the introductory paragraph to §1.3, *Jacque*, and the notes at the end of *Jacque* but skip *Glavin*}

Public Policy Limits on the Right to Exclude (§1.1) [CB 4-23]

*State v. Shack*  
*Commonwealth v. Magadini*  
*Hinman v. Pacific Air Transport* (excerpts) [Canvas]

**8. Exclusion and Access: Public Accommodation (30 pp.) <Panel 2>**  
Limits on the Right to Exclude from Property Open to the Public (§1.2) [CB 23-31]

*Uston v. Resorts International*  
The Antidiscrimination Principle (§2.1) [CB 40-61]  
Civil Rights Act of 1964, Title II  
Civil Rights Act of 1866  
New York Executive Law, Art. 15  
*McClure Management, LLC v. Taylor*  
The Relational Nature of Property Rights (§1.4) [CB 39-40]  
Wesley Newcomb Hohfeld, *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 23 YALE L.J. 16, 28-30, 31-33, 45-46, 55 (1913) [Canvas].

**9. Use and Security: Nuisance: Elements (25 pp.) <Panel 3>**

Land Use Conflicts Among Neighbors (§1) [CB 363-65]  
Nuisance (§§ 2, 2.1) [CB 365-81]  
*Dobbs v. Wiggins*  
Ronald H. Coase, *The Problem of Social Cost*, 3. J. L. & ECON. 1, 1-3, 6-8, 13-19 (1960) [Canvas]

**10. Use and Security: Nuisance: Remedies (31 pp.) <Panel 4>**

Nuisance Remedies (§2.2) [CB 381-87]  
*Boomer v. Atlantic Cement Co.*  
{§2.3 and *Johnson v. Paynesville Farmers Union Cooperative Oil Co.* are not assigned}  
Light and Air (§3) [CB 395-406]  
*Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.*  
*Prah v. Maretti*  
Guido Calabresi & A. Douglas Melamed, *Property Rules, Liability Rules, and Inalienability: One View of the Cathedral*, 85 HARV. L. REV. 1089 (1972) (excerpts) [Canvas].

**11. How Things Can Be Owned: Common Ownership (32 pp.) <Panel 5>**

Varieties of Common Ownership (§1) [CB 683-84]  
Concurrent Tenancies (§§ 2, 2.1, 2.2) [CB 684-94]  
{§§2.3 & 2.4, *Carr v. Deking*, *Tenhet v. Boswell*, *Sawada v. Endo*, and *Ark Land Co. v. Harper* are not assigned}  
Family Property (§§3, 3.1, 3.2, 3.3, 3.4, 3.5) [CB 714-31, 738-42]  
North Carolina General Statutes  
Revised Code of Washington  
*Wilbur v. Delapp*  
{*Tompkins v. Jackson* is not assigned}  
Notes 1-5 on pp. 738-42 are assigned.



**12. How Things Can Be Owned: Present Estates and Future Interests (38 pp.)**

**<Panel 5>**

Division of Ownership over Time (§1) [CB 755-57]

{§2 is not assigned}

The Contemporary Estates System (§§3, 3.1, 3.2, 3.3, 3.5(A)) [CB 764-79, 785-89]

*Wood v. Board of County Commissioners of Fremont County*

*Edwards v. Bradley*

{§3.4 and *McIntyre v. Scarbrough* are not assigned}

*Philips v. Estate of Holzmann*

{§3.5(B) and *Evans v. Abney* are not assigned}

Restrictions on Estates and Future Interests (§§4, 4.1, 4.3(A), 4.3(B), 4.3(C)) [CB 800-15]

{§§4.3(D) and 4.4, *Symphony Space, Inc. v. Pergola Properties, Inc.*, and *Estate of Guidotti* are not assigned}

**III. Transferring What You've Got**

**13. The Real Estate Market: Structure and Purchase (29 pp.) <Panel 2>**

Real Estate Transactions: Structure and Role (§§1, 1.1, 1.2) [CB 921-31]

Purchase and Sale Agreements (§§2, 2.1, 2.2, 2.3(B)) [CB 931-46, 957-58]

*Burns v. McCormick*

*Hurtubise v. McPherson* (discussion of *Hurtubise* likely to extend to the following meeting)

{§2.3(A), *Johnson v. Davis*, and §§2.3(C), 2.3(D), and 2.4 are not assigned}

**14. The Real Estate Market: Financing (36 pp.) <Panel 3>**

Deeds (§§3, 3.1, 3.2, 3.3) [CB 960-66]

Real Estate Finance (§§4, 4.1, 4.2, 4.3, 4.4) [CB 966-96]

*Commonwealth v. Freemont Investment & Loan*

*U.S. Bank National Association v. Ibanez*

*Baskurt v. Beal*

{§4.5, *Sebastian v. Floyd*, and *Koenig v. Van Reken* are not assigned}

**15. The Real Estate Market: Records and Recording System (22 pp.) <Panel 4>**

The Recording System (§§5, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6) [CB 1005-26]

*Sabo v. Horvath*

*Brock v. Yale Mortgage Corporation*

*McCoy v. Love*

**16. Midterm Exam**

**17. Leases: The Leasehold (36 pp.) <Panel 5>**

Leasehold Estates (§§1, 1.1, 1.2, 1.3, 1.4) [CB 831-47]

*Vasquez v. Glassboro Service Association, Inc.*

Conflicts about Occupancy (§§2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6) [CB 847-67]

Uniform Residential Landlord and Tenant Act

*Kendall v. Ernest Pestana, Inc.*

*Slavin v. Rent Control Board of Brookline* (discussion of *Slavin* likely to extend to the following meeting)

**18. Leases: Rent, Damages, and Remedies (50 pp.) <Panel 1>**

Conflicts About Rent (§3, 3.1, 3.2, 3.3, 3.4) [CB 868-81]

*Sommer v. Kirdel*

{§3.5 is not assigned}

MATTHEW DESMOND, EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY 9-43 (2016) [Canvas]

**19. Leases: Constructive Eviction and Habitability (29 pp.) <Panel 2>**

Tenant's Rights to Quiet Enjoyment and Habitable Premises (§§4, 4.1, 4.2, 4.4) [CB 884-910, 914-16]

*Minjak Co. v. Randolph*

*Javins v. First National Realty Corp.* (discussion of *Javins* likely to extend to the following meeting)

{§§4.3 and 4.5 are not assigned}

**IV. Your Property and the Community**

**20. Servitudes: Express and Prescriptive Easements (30 pp.) <Panel 3>**

Servitudes (§1) [CB 535-37]

Easements (§§2, 2.1, 2.2, 2.3, 2.5) [CB 537-56, 579]

California Statute of Frauds

New York Statute of Frauds

*Green v. Lupo*

*Cox v. Glenbrook Co.*

{§2.4 is assigned for the following week}

Prescriptive Easements (§3) [CB 335-42]

*Frech v. Piontkowski*

**21. Servitudes: Easements by Estoppel and Implication (23 pp.) <Panel 4>**

Creation of Easements by Implication (§2.4) [CB 557-78]

*Lobato v. Taylor*

*Granite Properties Limited Partnership v. Manns*

*Finn v. Williams*

**22. Servitudes: Real Covenants and Equitable Servitudes (33 pp.) <Panel 5>**

Covenants (§3, 3.1, 3.2) [CB 579-99]

*Neponsit Property Owners' Association v. Emigrant Industrial Savings Bank*

Covenants in Residential Subdivisions (§§4, 4.1, 4.2) [CB 600-12]

*Evans v. Pollock*

{§4.3 and *Appel v. Presley Cos.* are not assigned}

**23. Servitudes: Limits on Creation and Enforcement (29 pp.) <Panel 1>**

Review for Reasonableness and Public Policy Violations: Covenants (§5.1(A)) [CB 619-35]

*Davidson Brothers, Inc. v. D. Katz & Sons, Inc.*

*Nahrstedt v. Lakeside Village Condominium Association*  
{§5.1(B), *Apple Valley Gardens Association, Inc. v. MacHutta*, and *Trustees of the Cambridge Point Condominium Trust v. Cambridge Point, LLC*  
are not assigned}

Constitutional Limitations (§5.2) [CB 648-59]

*Shelley v. Kraemer*

The Fair Housing Act (§5.3) [CB 659-60]

{§5.4, *Northwest Real Estate Co. v. Serio*, and §5.5 are not assigned}

Michael Jones-Correa, *The Origin and Diffusion of Racial Restrictive Covenants*,  
115 POL. SCI. Q. 541, 544 (2000-2001) [Canvas].

**24. Public Land Use Planning: Zoning (33 pp.) <Panel 2>**

Land Use Regulation (§§1, 1.1, 1.2, 1.3, 1.4, 1.5) [CB 447-62]

*Village of Euclid v. Ambler Realty*

Constraints on Zoning Authority to Protect Preexisting Property Rights (§§2,  
2.1, 2.2) [CB 462-72]

*Town of Belleville v. Parrillo's, Inc.*

*Stone v. City of Wilton*

Environment, Natural Resources, and Land Use Law (§§5, 5.1, 5.2, 5.3, 5.4) [CB  
528-534]

**25. Fair Housing Law (27 pp.) <Panel 3>**

Introduction to Fair Housing Law (§§1, 1.1, 1.2, 1.3) [CB 1027-43]

The Fair Housing Act

*Fair Housing Council of San Fernando Valley v. Roommates.com, LLC*

Intentional Discrimination on the Basis of Race (§2.1) [CB 1043-54]

*Asbury v. Brougham*

**26. Public Land Use Planning: Exclusionary Zoning (31 pp.) <Panel 4>**

HUD's Discriminatory Effects Rule (§3.1) [CB 1079-86]

24 C.F.R. §100.500—Discriminatory effect prohibited

Segregation, Integration, and the Fair Housing Act (§4) [CB 1086-1100]

*MHANY Management, Inc. v. County of Nassau*

Exclusionary Zoning and State Constitutional Rights (§4.2) [CB 488-98]

*Southern Burlington County NAACP v. Township of Mount Laurel*

**V. Property and the U.S. Constitution**

**27. Takings: Physical Takings (36 pp.) <Panel 5>**

Takings Law (Chapter Intro) [CB 1123-24]

Eminent Domain (§§1, 1.1, 1.2, 1.3, 1.4) [CB 1124-58]

*Kelo v. City of New London*

*Tee-Hit-Ton Indians v. United States*

**28. Takings: Regulatory Takings (25 pp.) <Make-up Panel>**

An Introduction to Regulatory Takings (§2.1) [CB 1158-62]

The Ad Hoc Test: Fairness and Justice (§2.2) [CB 1163-78]

*Penn Central Transportation Co. v. New York City*

Justifying Takings Law (§4) [CB 1245-48]  
IMMANUEL KANT, METAPHYSICS OF MORALS *in* PRACTICAL PHILOSOPHY 6:245-46,  
267, 268-69 (Mary J. Gregor trans. & ed., 1996) [Canvas]

*Syllabus last revised November 20, 2023*