This seminar will explore a range of topics in the law and policy of affordable housing. We will begin with an overview of housing market dynamics—both for those who rent and those who own their homes—ways in which those markets fail. We will then turn to the primary public-policy tools that have developed in response, examining in detail several cutting-edge topics including the subprime mortgage crisis, on-going challenges for ensuring Fair Housing, the intersection of affordable housing and planning, and sustainability and “green” affordable housing. The seminar will conclude with student presentations on seminar papers.

Course Information

Class Meetings. This class meets Tuesdays from 4:00 p.m. to 5:40 p.m. in Room 411.

Contact Information. My office is Room 443, my office phone is (303) 735-5294, and my e-mail is nestor.davidson@colorado.edu.

Office Hours. My office hours are Thursdays from 1:00 p.m. to 3:00 p.m. and by appointment.

TWEN. I have set up a TWEN site for this class – I will use this to communicate with you, so please sign up.

Some University Policies. Please note the following:

Religious Observances. Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. See full details at http://www.colorado.edu/policies/fac_relig.html. If you need accommodation for religious observances, please let me know in advance.

Individuals with Disabilities. If you qualify for accommodation because of disability please submit a letter to me from Disability Services so that your needs may be addressed. If you have any questions about accommodations for a disability, please contact Assistant Dean Lorenzo Trujillo (303-492-6682, lorenzo.trujillo@colorado.edu).

The Honor Code. Read it, understand it, and follow it. See http://www.colorado.edu/Law/about/honorcode/index.htm.
Course Materials

I will be distributing readings on a weekly basis and revising as the semester continues. In addition, I am putting the following materials on reserve, some of which I have assigned (you may wish to consult additional materials in considering your seminar papers):


*The Legal Guide to Affordable Housing Development* (Tim Iglesias and Rochelle Lento eds. 2005)

Charles E. Daye et al., *Housing and Community Development: Cases and Materials* (3rd ed. 1999)


Also, Barry G. Jacobs’s *Handbook of Housing and Development Law* is valuable and can be found at [http://www.westlaw.com/toc/default.wl?db=HDRH&Action=search&RS=ITK3.0&VR=1.0](http://www.westlaw.com/toc/default.wl?db=HDRH&Action=search&RS=ITK3.0&VR=1.0)

Course Requirements

My main goals for this seminar are to explore with you the context, policy, and law of affordable housing and to examine particularly important topics in depth. To these ends, I have the following expectations. You must:

- Do the reading before class and be prepared to talk in every class;
- Participate in the discussion in (almost) every class;
- Lead one class discussion with a classmate;
- Present a classmate’s seminar paper;
- Provide written comments on each seminar paper; and
- Write your own seminar paper.

The seminar paper

You will write a seminar paper on a topic of your choosing. You will have wide latitude in choosing the topic, but it must address a legal issue related to affordable housing and must be original work. Your paper must be 25 to 30 pages in length, double spaced, one-inch margins, 12-point roman.
Your work on this paper will proceed in several stages:

1. **Choosing a topic:** By **September 30th**, you must turn in a one-paragraph description of your proposed topic. This is to get you thinking early about what you want to write about and to give me the opportunity to give you feedback before you commit to a topic.

2. **Outline:** On **October 14th**, you must turn in a detailed outline of your paper. This should be 2-3 pages long and include a preliminary bibliography, indicating the sources you are working with.

3. **Rough draft:** One week before your paper will be presented to the class (see below), **you must circulate a rough draft via e-mail to the entire class.** The rough draft must be similar to the final draft in terms of presenting a complete and coherent argument with substantial supporting evidence, but it need not be polished in all regards. A rough draft that does not meet these requirements will negatively affect your grade.

4. **Final draft:** Final drafts are due by **5 pm on Friday, December 5th** (the last day of classes). You can either e-mail me the paper or give me a hard copy.

**Presenting seminar papers/written critiques**

Each student is responsible for presenting a classmate’s seminar paper during our final four class sessions. You must read the paper before class, provide detailed written comments on the draft, and then describe the paper to the class in a ten-minute presentation. Both you and the author will then answer questions on the paper for fifteen minutes.

All students are responsible for writing a one to two page critique of each seminar paper. These are due at the beginning of the class when the paper will be presented. I will read them and then pass them along to the author, along with my own written comments.

**Facilitation of class discussion**

You will each have a turn facilitating a portion of class discussion. To prepare for this, you must have read the materials closely and met with your co-facilitator(s) in advance of the class to prepare discussion questions. **Please sign up for class sessions on the TWEN site.**

**Grading**

Your final grade will be based on the following:

- Paper - 80%
- Class participation (facilitation of class discussion and general participation) - 10%
- Presentation of classmate’s seminar paper and written comments on other seminar papers - 10%
Meeting with me

I am not scheduling mandatory meetings with each you because I want you to take the initiative to meet with me when you find you need help. I am available during my office hours and at other mutually convenient times. Please e-mail me to set up a meeting. I strongly recommend that you meet with me at least once during the semester to discuss your paper, but I will leave it to your discretion to decide when you would benefit from my input.

Feedback

Throughout the semester I encourage you to let me know if you are not satisfied with any aspect of the seminar. This is a cooperative venture with the goal of you learning as much as possible. If something is hindering your ability to learn, I want to know about it.
Syllabus

Week 1 – August 26th: The Meaning of Home; Housing Markets and Market Failures


Harvard University, Joint Center for Housing Studies, The State of the Nation’s Housing 2008 - Executive Summary, Housing Markets, Rental Housing, Housing Challenges

National Low Income Housing Coalition, Out of Reach 2007-2008 – Introduction

William C. Apgar, An Abundance of Housing for All But the Poor, in Housing Markets and Residential Mobility (1994) – excerpt


Week 2 – September 2nd: Public Policy Responses, Policy Analysis and Some Dissents


Charles E. Daye et al., Housing and Community Development: Cases and Materials (3rd ed. 1999) – Matrix of Subsidy Alternatives

Rochelle E. Lento, Federal Sources of Financing, in The Legal Guide to Affordable Housing Development (Tim Iglesias and Rochelle Lento eds. 2005)


Peter Salins, Toward a Permanent Housing Problem, 85 Public Interest 22 (1986)

Howard Husock, America’s Trillion-Dollar Housing Mistake—The Failure of American Housing Policy (Ivan R. Dee, Chicago 2003)
Week 3 – September 9th: Public Housing, the Problem of Concentrated Poverty, and the Debate over People and Place (with emphasis on mobility programs and HOPE VI)


Margery Austin Turner & Xavier Briggs, *Assisted Housing Mobility and the Success of Low-Income Minority Families: Lessons for Policy, Practice, and Future Research*, Urban Institute Metropolitan Housing and Communities Center Brief (March 2008)


**Guest Speaker**: Betsey Martens, Co-Executive Director, Boulder Housing Partners (Boulder Public Housing Authority)

Week 4 – September 16th: Transactional Law, Affordable Housing Development, and Alternative Roles for Lawyers


Daye et al., *Housing and Community Development* – Note on the Role of Lawyers, Planners, and Other Professionals

Robert Mnookin et al., *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (2000) - excerpt

Journal of Affordable Housing and Community Development Law, *Community Benefits Agreements* (Special Issue) – excerpts

**Week 5 – September 23rd: A Case Study: The Low Income Housing Tax Credit**

There will be no additional reading for this week, although you should review again Rochelle Lento’s discussion of the structure of the Low Income Housing Tax Credit program, assigned for week 2.

**Guest Speaker:** William Callison, Faegre & Benson

**Week 6 – September 30th: Preservation of Affordable Housing**

Paulette Williams, Preservation of Affordable Housing, in *The Legal Guide to Affordable Housing Development* (Tim Iglesias and Rochelle Lento eds. 2005)

Stewards of Affordable Housing for the Future, *Policy Priorities, Preservation*

National Housing Trust, *Issue Brief, Why Preserve Affordable Housing?*


*Cienega Gardens v. United States* – selected excerpts from the litigation

**Paper:** one-paragraph description due.

**Week 7 – October 7th: Homeownership, Predatory Lending, and the Subprime Crisis**

Readings to be posted.

**Week 8 – October 14th: Fair Housing**

Readings to be posted.

**Paper:** outline and preliminary bibliography due.
Week 9 – October 21st: Planning and Housing, including State-Level Mandates, Inclusionary Zoning, and Fair-Share Litigation

Readings to be posted.

Week 10 – October 28th: Sustainability and the Future of Green Affordable Housing

Readings to be posted.

Guest Speaker: Prof. William Shutkin, Initiative for Development and Sustainability, Leeds School of Business, University of Colorado

Paper: Rough drafts are due one week before in-class presentations, which begin next week, so those presenting their papers on November 4th should circulate by today.

Week 11 – November 4th: Paper presentations

Presentation and discussion of seminar paper drafts.

Week 12 – November 11th: Paper presentations

Presentation and discussion of seminar paper drafts.

Week 13 – November 18th: Paper presentations

Presentation and discussion of seminar paper drafts.

Week 14 – December 2nd: Paper presentations and Wrap Up

Presentation and discussion of seminar paper drafts and concluding discussion of the themes of the seminar.