PROPERTY II  
Spring 2009  
Professor Nestor Davidson  

Course Information  

Class Meetings. This class meets Mondays and Wednesdays from 10:45 a.m. to 11:45 a.m. in Room 206.  

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 1:30 p.m. to 3:30 p.m. and by appointment.  

TWEN. I have set up a TWEN site for Property II – please make sure you are signed up.  

Some University Policies. Please continue to 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  

Required Materials. We will continue to use Jesse Dukeminier et al., Property (6th ed. 2006) (“CB”). From time to time, I will distribute supplemental materials on TWEN.  

Reserve Reading. If you would like more background on a particular topic, you may wish to consult the following materials on reserve:  


**Course Requirements**

*Final Examination.* There will be a two-hour final exam for this course. As with last Fall’s exam, the exam for Property II will be limited open-book (you may bring any assigned material and any material you have created), and will be based on the lectures, class discussions, and assigned materials (whether discussed in class or not).

*Classroom Participation.* In-class participation continues to be a vital aspect of this course.

I will pass around a seating chart on Wednesday, January 14th. Please sit where you would like to remain for the rest of the semester on that day and please sit in a different area of the class than you did last semester. I will be continuing the “present and prepared” policy.

If you are present and prepared to be called on, circle your name on the seating chart when you arrive—you will then be counted as “present and prepared” for that day and I may call on you. If you *not* are “present and prepared” for 80% or more of our regularly scheduled classes, your grade for the semester will be lowered by three points (or more in egregious cases). Conversely, I reserve the right to increase your final grade for superior classroom participation, both when I call on you and for voluntary participation.

To be “prepared” you must have read the assignment and have made a good faith effort to think through the materials. You do not have to have perfect answers to the questions I might pose, but you must be willing to discuss the assigned reading (and prior readings) and work through the questions with the class. If you do sign up as prepared, I call on you, and in my opinion you are not prepared, I reserve the right to lower your final grade an additional point. (Not that any of you would do so, but if you have someone else sign you in and you are not present, I will dock your final grade as well.)

Please sign up before class begins. If you arrive late—but not more than 10 minutes after class begins—you may still sign up but that will require you to interrupt the class, so please be punctual.

Faculty assistant Kristen Vannoy, who works in Room 435, will keep a running tally of present and prepared sign-ups. If you want to check on the number of classes you have signed up for as “present and prepared,” please see Ms. Vannoy.

Let me know if you have any questions about this policy.
Syllabus

I. An Introduction to Regulating Property and the Alternative of Bargaining Solutions
   A. Market Failure and Justifications for Regulation
      Excerpt from Stephen Breyer, Regulation and Its Reform [Supp.]
   B. The Alternative of Coasian Bargaining
      Excerpt from Ronald Coase, The Problem of Social Cost [Supp.]

II. Regulating Rental Housing
   A. The Market for Housing and Non-Regulatory Approaches
      Excerpt from Harvard University’s Joint Center for Housing Studies, The State of the Nation’s Housing 2008 [Supp.]
   B. Regulating the Quality of Rental Housing
      CB 431 – 440
   C. Regulating the Price of Rental Housing
      CB 444 – 449
      Excerpt from National Low Income Housing Coalition, Out of Reach 2008 [Supp.]
      Excerpt from Anthony Downs, A Re-Evaluation of Residential Rent Controls (1996) [Supp.]

III. Regulating Land Use
   A. Judicial Land Use Controls: Nuisance
      1. Introduction to the Substantive Law
         CB 637 – 645
      2. Remedies (and More on the Substantive Law)
         CB 645 – 666
B. Private Land Use Controls: Servitudes

1. Easements
   CB 667 – 709; 714 – 740

2. Covenants Running with the Land
   CB 740 – 798, 592 – 594

C. Legislative Land Use Controls: Zoning

1. Introduction
   CB 821 – 841

2. The Non-Conforming Use
   CB 841 – 849

3. Flexibility in Zoning
   CB 849 – 871

4. Expanding and Cabining the Reach of Zoning
   CB 901 – 939

IV. Eminent Domain

CB 941 - 959