

PROPERTY LAW (PRGL)

PRGL 0107. Property. (4 to 5 Credits)

An introduction to the law of personal and real property. Topics may include possession, finding, gifts, bailments, estates in land, future interests, adverse possession, concurrent ownership, easements, covenants running with the land, servitudes, zoning, takings, nuisance, land conveyancing, title assurance, and the economic and philosophic bases of property rights.

Attributes: JD, LMCO.

PRGL 0223. Land Use and Real Estate Development Skills. (2 Credits)

This course will provide students with practical skill development in real property and land use issues. A review of effective skills needed in the representation of clients before land use administrative agencies as well as employment of best practices in drafting real property documents will be studied. Consideration of special issues to be addressed in appearing before Planning, Zoning and other real property administrative bodies will be undertaken. This class will explore drafting requirements concerning real property matters as well as client concerns from an applicant, municipal entity and citizen group viewpoint when advocating for or against real estate projects. Real property issues involving civil rights and RLUIPA cases will also be reviewed from a practical perspective representing clients. Litigation skills involving real property and land use cases will be studied and also developed from both the drafting of pleadings perspective as well as use of “courtroom” skills for utilization in practice before administrative agencies.

Attribute: LAW.

PRGL 0299. Affordable Housing. (2 Credits)

This seminar explores the law and policy of affordable housing. We will begin with a brief history of American housing policy before examining a few current affordable housing developments in depth. We will then survey a number of important issues which affect housing affordability, including discrimination and racism, tax exemptions, zoning, and preservation. We will also cover alternative land ownership structures like community land trusts, New York City’s rent stabilization law, and examples from abroad where governments intervened successfully—or not—in their own housing markets.

Attributes: INLJ, LLM, PIE.

PRGL 0315. Coops and Condominiums. (2 Credits)

Basics of the condominium and cooperative forms of ownership of real property. Includes discussion of legal nature and structure of condominiums and cooperatives; comparison of the two; review of the critical underlying documentation of each (declaration of condominium and by-laws and cooperative proprietary lease and by-laws); special tax aspects of each; regulatory concerns, including offering plans; tax aspects of each; review of documentation and procedures in typical transactions; loans; title insurance; operating issues of the associations; special topics of conversions, commercial properties, etc.

Attributes: JD, LAWB, LLM.

PRGL 0363. Land Use Law. (2 or 3 Credits)

The course will provide an overview of land use law and planning, including the application of zoning and land use controls that have shaped American cities and towns, environmental impact review under both the National Environmental Policy Act and New York State Environmental Quality Review Act, and the use of eminent domain by federal and New York State agencies. Topics will also include the preservation of historic resources and landmark buildings, urban renewal, the protection of parkland under the public trust doctrine, and measures to address climate change through local planning. In addition to reviewing statutes and case law, the course will provide a how-to-do approach to land use planning, utilizing examples of large development projects currently occurring in New York City.

Attributes: INLJ, PIE.

PRGL 0415. Real Estate Finance. (2 or 3 Credits)

A broad review of the legal aspects of real estate finance, including an understanding of the parties involved and their expectations, responsibilities and roles, loan types and structures, due diligence concerns, terminology, documentation, negotiating positions and default and enforcement issues. Class work will include negotiations and periodic memoranda.

Attribute: LAWB.

PRGL 0418. Property and Real Estate Seminar: Property and Poverty. (4 Credits)

This seminar is for those who are interested in property and poverty. Since the time of Bentham, we have understood that the poor, like others, are more likely to invest in property if they own it. Hernando De Soto has famously argued that non-transparent legal systems, and titling systems in particular, pose severe impediments to the participation of the poor in capitalist economies. Without title, the poor are less likely to invest in their properties and are often unable to access credit. De Soto estimates that for the developing world, the total value of real estate held by the poor (but not formally titled) is significantly more than either foreign direct investment or foreign aid. <p> The extent of De Soto’s influence can hardly be overstated. In the policy world, his work has inspired decades of World Bank-funded titling programs across several continents. In the academic world, his work has inspired soul-searching among economists and legal scholars across the methodological spectrum. Some have argued for communal systems of collective land tenure. Others dispute his estimates of property currently owned by the poor, and argue that granting legal title has not improved credit access. Others have argued that titling systems simply replicate current inequalities. Moreover, in societies where women work the land but do not have equal status, their claims are unlikely to be recognized. Others have criticized De Soto’s emphasis on titling arguing that land titling by itself is unlikely to make a significant impact on poverty reduction without parallel reforms such as improving judicial systems, bankruptcy codes, and business regulations. Yet others such as Judge Posner have rightly raised questions as to whether extensive investments in legal systems represent a prudent investment in the conditions of extreme economic scarcity that characterize many developing countries, suggesting that in such circumstances, a more “modest” approach to legal reforms may be more prudent. This seminar will focus on De Soto’s work and the critiques. (Class participation, comments papers, and research paper)

Attributes: JD, LLM.

PRGL 0422. Real Estate Transactions. (2 to 3 Credits)

This class focuses on the law and practice of buying, selling, and financing real estate. In the course of the semester, we will explore themes inherent in real estate transactions, including the role of the lawyer in real estate transactions, the primary client risks that transactional lawyers in real estate need to understand, and the tools that real estate attorneys bring to the identification, allocation, and management of those risks. This is a course, in short, about real estate as deal making and the myriad ways attorneys structure transactions, negotiate, draft documents, engage with clients, and resolve disputes.

Attributes: LAWB, LLM.

Prerequisite: PRGL 0107.

PRGL 0515. Res Landlord Tenant Law. (2 Credits)

The New York Court of Appeals once called housing a law “an impenetrable thicket.” This course will cut through that thicket by covering a broad range of cases including nonpayment, holdover, and HP (repair) proceedings as well as the complex regulatory framework of rent-stabilization in which these proceedings often arise. Emphasis will be placed on real-world litigation strategies that inform motion practice, trials, and appeals in residential landlord-tenant cases. Students will complete a take-home exam.

Attributes: JD, LLM.

PRGL 0680. Fashion and Commercial Real Estate Law. (2 Credits)

PRGL 0929. Housing Policy and the Making of New York. (2 Credits)

The seminar will focus on the rich history of housing policy in New York City. The coursework will explore the evolution of housing rights through an intersectional lens of class, disability, race and gender. <p> The final grade will be based on class participation, a paper due by Class 6, and a final exam.
 Class participation 20%
 Paper 30%
 Final exam 50%