COMPARATIVE LAND USE PLANNING:
PROPERTY, INSTITUTIONS AND POWER

URPL-GP 4606-001
Spring 2015

Day and Time: Wed 4:55 – 6:35 pm Location: Bldg GCASL Room 375

Instructor:
Yuan Xiao
yx962@nyu.edu; yxiao@law.columbia.edu
Office Hours: Wed 3:45 – 4:45 pm in Room 3045

COURSE DESCRIPTION
Land has always been a contested resource. Public officials make value-based and political decisions on land allocation among different, often competing, uses. These decisions shape, and are shaped by, societal factors like who owns/occupies land, how they value it, what they do with it, and who benefits from it. Land-use planning, then, is fraught with trade-offs and conflicts. The past few decades have further complicated these already fraught processes with changes like accelerated urbanization in developing countries, complex global interdependencies leading to the creation of transnational real estate markets, and the growing strength of human rights movements that make previously standard land-use tools like eminent domain virtually unusable.

The course starts with the unique nature of land. How does land, a natural resource, come to be owned? How is ownership and use of land different from other forms of property? What are the different modes of organizing land ownership? Since land is both a public and private good, who is entitled to the benefits that accrue from land? These readings will engage with key concepts - like externalities, transaction costs, land rent, public interest, rights and obligations, fairness and access to property - which we will keep returning to during the rest of the course.

The next section is a comparative analysis of land-use planning. Against some key background readings that will prepare the stage for discussion, each session will interrogate a specific land-use instrument – eminent domain, land readjustment and zoning – through a set of comparative country cases. This pairing of background readings with country cases aims at bringing institutions center-stage in our discussions. We will be keenly attentive to questions on the institutional arrangements of decision making (how are land use decisions made? which social actors have greater access and leverage
over these political institutions and decision-making processes?) and on the distributional outcomes of land use decisions (which uses are privileged over others and how has this changed over time? which social groups are the winners and losers?).

The course will engage with key planning challenges that arise in the context of rapid urbanization in developing countries. Some of these challenges are unprecedented, such as the rapid expansion of urban growth outside cities boundaries and the new challenges of peri-urban land use planning. Others are older debates that take on new meaning and urgency in the contemporary context, such as the new modes of functioning of informal real estate markets in a global era. We will ask if conventional land use planning tools are adequate to respond to these new urban conditions, and if light of these limits, we will discuss some of the new land-use innovations in dealing with these challenges.

**COURSE OBJECTIVES**

The course will enable students to:

- Understand the different schools of thought on property rights in land
- Identify the trade-offs and conflicts inherent in land use planning and cultivate their own value positions on these debates
- Think pragmatically about the politics of policy-making and the challenges of implementation
- Frame land use problems in different transnational settings, with attentiveness to context-specific variables such as legal doctrines, social norms and existing institutional practices
- Identify the different institutional actors involved in land use planning and think critically about their institutional incentives, comparative advantages and conflicting interests in the planning process

**GRADING AND ASSIGNMENTS**

Reading responses, presentations, and class participation 50%

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<td>Class participation</td>
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Final class presentation and paper 50%

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<tr>
<td>Final class presentation</td>
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<td>Final Paper</td>
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**READING RESPONSES AND CLASS PARTICIPATION**

Students are required to upload reading responses (ca. 250-350 words) for every class. The responses should be critical reflections on the week’s readings: they can include, inter alia, questions of interest that can be further discussed in class, cases of relevance and unusual insights from the readings that change/challenge the way we think about a problem. In short, these responses should go beyond being mere summaries of the week’s
readings. They should be uploaded to NYU Class before 5 pm on the Tuesday preceding the class. I will provide a set of key questions to orient the readings before each class.

In addition, for each session, two students will be responsible for presenting the following to the rest of the class (1) summaries of key readings, (2) summaries of questions fellow students have raised in their reading responses. Students who present do not need to submit a reading response for the session.

Active class participation means completing the assigned readings and being ready to engage in a reflective discussion in class. Since the class is based on a comparativist mode of inquiry, students are encouraged to contribute cases and experiences from countries they are familiar with.

FINAL PRESENTATION AND PAPER:
At the beginning of the course, students will pair themselves in groups of two. Depending on their country of interest, each student will pair up with someone with a different country interest. Each duo will work on comparing land use concepts and tools for the two countries. Possible topics could include a comparison of the constitutional protections of property (comparing, for instance, Brazil’s social function of property clause with the United States’ Fifth Amendment clause), the uses of eminent domain in different countries, or of similar forms of property ownership that may have different outcomes in different countries (comparing, for instance, the community land trusts, CLTs, in the United States with the shared ownership of land by collectives in China).

The class presentation will count for 10% of the final grade and the paper for 40%. Students will decide on their teams by April 1. Each team will submit a one-page abstract by April 15, along with a list of 8-10 key references. For the following two weeks (April 20-May 1), students are asked to make an appointment with the instructor and discuss their projects. The final presentation is on May 13, and the papers are due two days later on May 15. The final paper should be around 20 pages double space in length. The paper will be graded on the basis on standard criteria for academic writing, including the structure of the argument, use of correct citations and writing style.

If you would like additional support with the craft of writing, Wagner tutors are available to help students with their writing skills. Please see details on http://wagner.nyu.edu/students/services/writing.php. This webpage has additional details on other useful resources, including NYU Writing Center and several links concerning plagiarism and how to cite properly.

A note on academic integrity and plagiarism
We take matters of academic integrity very seriously. It is your responsibility to identify quotes and to cite facts and borrowed ideas. If you need guidance, please consult the NYU-Wagner Academic Code (http://wagner.nyu.edu/students/policies/) and additional references listed there. Please note that NYU-Wagner subscribes to a commercial service
that compares papers to a gigantic database to flag plagiarism. We will refer all cases of plagiarism to the appropriate disciplinary committee at Wagner.
OVERVIEW OF COURSE SCHEDULE

SECTION I: PROPERTY IN LAND

| #1 | March 25 | Conceptualization of Property in Land  
(submission: bios and country interests) |

| #2 | April 1 | Forms of Property Rights in Land  
(Submission: final project - team preference) |

(no class on April 8)

SECTION II: LAND USE PLANNING INSTRUMENTS IN COMPARATIVE PERSPECTIVE

| #3 | April 15 | Tenure Security, Titling and Community Land Trust  
(Submission: abstract for final exercise)  
(In-class Mid-course Survey) |

| #4 | April 22 | Eminent Domain and Regulatory Taking  
(Appointment with the instructor to discuss final project) |

| #5 | April 29 | Land Re-adjustment  
(Appointment with the instructor to discuss final project) |

| #6 | May 6 | Market-based Approaches to Planning |

| #7 | May 13 | Wrap-up and Class Presentations |

May 15  
*Final paper due online*
SECTION I: PROPERTY IN LAND

March 25, 2015
Session 1: Conceptualization of Property in Land

Theoretical reading:


Empirical reading:


[read sections of “Implications of Property” and “Dynamics of Property: Transition Economies” (pp.31-37) and skim the rest.]

Recommended reading:


April 1, 2015
Session 2: Forms of Property Rights in Land

Theoretical reading:


**Empirical reading:**

**Recommended reading:**


*[No class on April 8.]*

**SECTION II: LAND USE PLANNING INSTRUMENTS IN COMPARATIVE PERSPECTIVE**

*April 15, 2015*

**Session 3: Tenure Security, Titling and Community Land Trust**

**Theoretical reading:**


**Empirical reading:**

Recommended reading:


April 22, 2015
Session 4: Eminent Domain and Regulatory Taking

Theoretical writings:


[Please read Chapter 1 Regulatory Takings and the Role of Comparative Research (only pp 3-9), and Chapter 3 Conclusions: The US Property Rights Debate viewed through cross-national lenses.]

Empirical reading:


Recommended reading


*April 29, 2015*

**Session 5 Land Re-adjustment**

**Theoretical reading**

**Empirical reading**


**Recommended reading:**


*May 6, 2015*

**Session 6 Market-based Approaches to Planning**

**Theoretical reading**

Empirical reading

Balakrishnan, Sai, upcoming in 2015, Land-based Financing for Infrastructure: What is New about India’s Land Conflicts? (Under review and not to be circulated outside class)