



April 11-12, 2019

33rd Annual

# Land Use Institute:

Planning, Regulation, Litigation,  
Eminent Domain, and Compensation



## Why Attend

Co-sponsored by



[inversecondemnation.com](http://inversecondemnation.com)  
property, regulatory takings,  
eminent domain, and land use blog

Thursday and Friday,  
April 11-12, 2019

### Course Venue

John and Frances Angelos Law Center  
University of Baltimore School of Law  
Baltimore, MD

### Hotel

Royal Sonesta Harbor Court  
Baltimore, MD

Local government land use decisions affect economic development and quality of life. They can also create major challenges to efforts by property owners to develop and use their property, as well as to residents as they cope with growth and change.

This Annual Land Use Institute program is designed for attorneys, professional planners, and government officials involved in land use planning, zoning, permitting, property development, conservation and environmental protection, and related litigation. It not only addresses and analyzes the state-of-the-art efforts by government to manage land use and development, but also presents the key issues faced by property owners and developers in obtaining necessary governmental approvals. In addition, the entire approach of the program is to provide practice pointers that give immediate “take home value” by focusing on topics relevant to the average practice of the attendee.

This outstanding program features:

- Preeminent faculty of practitioners and academics who provide nationwide perspective without losing sight of state specific issues;
- Critical review and analysis of the most important new decisions;
- Practice-oriented discussion of basics and “hot” topics;
- Guidance on routine and complex procedural issues; and
- Outstanding networking opportunities, including continental breakfast, breaks and a joint reception for registrants and faculty with participants in the ABA Section of State and Local Government Law Spring Meeting.

This course is an investment in your practice, in your career, in your ability to get out ahead of the competition in serving your clients, and in the appreciation and intellectual satisfaction you can get only from having knowledge of land use at the cutting edge.



# What You Will Learn



This course of study, **comprising 11 hours of CLE instruction, including 2 hours of Ethics CLE**, is designed to provide an effective and efficient review of current issues in land use for attorneys, planners, public officials, developers, and academics. Now in its 33rd year, the Land Use Institute has earned its role as one of the most comprehensive land use continuing education program available.

The Land Use Institute is now sponsored by the ABA's Section of State & Local Government Law. Co-sponsors include: the University of Baltimore School of Law; American Bar Association Section of Civil Rights and Social Justice; American Bar Association Section of Real Property, Trusts & Estates; American Bar Association Forum on Affordable Housing and Community Development Law; Inversecondemnation.com, the Property, Regulatory Takings, Eminent Domain, and Land Use Blog.

The schedule of the presentations and panels of the Land Use Institute has been designed to accommodate the program of the Section of State and Local Government Law Spring Meeting, facilitating the ability to travel between venues to attend desired sessions at each location.

## **Special features of the 2019 Land Use Institute include:**

### **Update on Planning, Land Use, and Eminent Domain Decisions**

The year's course begins with a Thursday afternoon panel discussion of recent court decisions, providing a common foundation for all registrants to build a better understanding of the current state of land use law. Among the subject areas where cases will be addressed (subject to change) are:

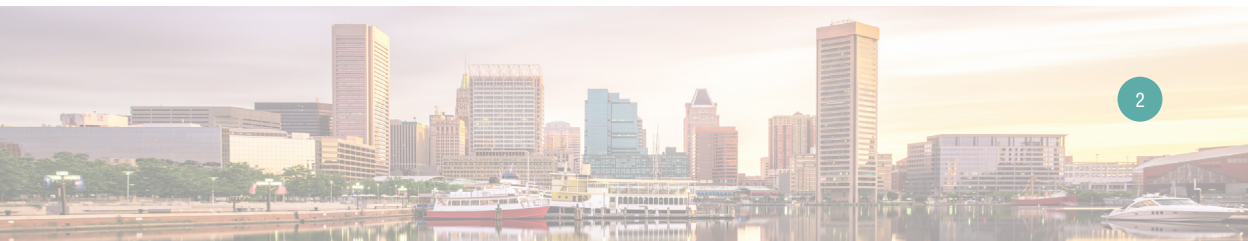
*Affordable Housing; Climate Change; Comprehensive Planning; Distressed Properties; Eminent Domain; Exactions; Historic Preservation; Impact Fees; Moratoria; Religious Land Use, Short-Term Rentals; Takings; Variances; Vested Rights and Wetlands.*

### **Ethical and Professionalism Considerations for the Land Use Practitioner and Government Lawyer**

The Thursday afternoon session includes 2 hours of ethics and professionalism instruction. The session will be an update of key issues facing practitioners, and will include audience participation.

### **Affordable Housing: Source of Income Discrimination**

The Thursday afternoon session concludes with "Your Money's No Good Here: Source of Income Discrimination in Maryland Housing". This panel, presented by the Section of Civil Rights and Social Justice, will focus on source of income discrimination and efforts at the Federal and state level to address the issue.



# What You Will Learn *continued*



## **Annual Richard F. Babcock Faculty Keynote Address**

The Friday morning session begins with the Annual Richard F. Babcock Faculty Keynote Address. Richard F. Babcock was one of the twentieth century's greatest land use attorneys, and the first Chair of the predecessor to the Land Use Institute. In his honor, each year a selected faculty member presents a major address on a topic of substantial current interest. Faculty member Dennis W. Archer, former Mayor of Detroit and former President of the ABA, will present this year's Address, "Detroit's New GM Plant from Mayor Coleman Young to Mayor Michael Duggan."

## **Federal Laws, Regulations, and Programs Affecting Local Land Use Decision-Making**

The federal government continues to encroach upon local government decision-making through a variety of policies and programs. This Friday morning session presents major current issues as they relate to environmental protection and real estate development at the local level, including the roll-back of regulations in selected programs. Among the topics to be discussed in detail (subject to change) are:

*Climate Change/Sea Level Rise, Endangered Species, Hazardous Materials, Historic Preservation, Housing, Hydraulic Fracturing, NEPA, Religious Land Use, Opportunity Zones, Water and Wetlands.*

## **Hot Topic Concurrent Sessions**

In response to registrants' requests for the opportunity to examine current issues in greater detail, Friday afternoon there are two sets of concurrent sessions and a plenary final session to provide a detailed analysis covering both "hot" topics and traditional critical practice areas. Faculty members summarize their prepared materials, overview key aspects of the topic, and provide ample time for participants' questions. Topics this year (subject to change) include:

### **Concurrent Session One**

*Nuts and Bolts of Land Use Practice:*

*Bringing and Defending a Takings Case*

*The Latest Urban Redevelopment Incentive: Opportunity Zones/Opportunity Funds*

*Update on Form Based Codes*

### **Concurrent Session Two**

*Nuts and Bolts of Land Use Practice:*

*Bringing and Defending a Religious Land Use and Institutionalized Persons Act (RLUIPA) Case*

*Effective Legal Tools for Problem and Distressed Properties*

*Climate Change and Resilient Development*

# What You Will Learn *continued*

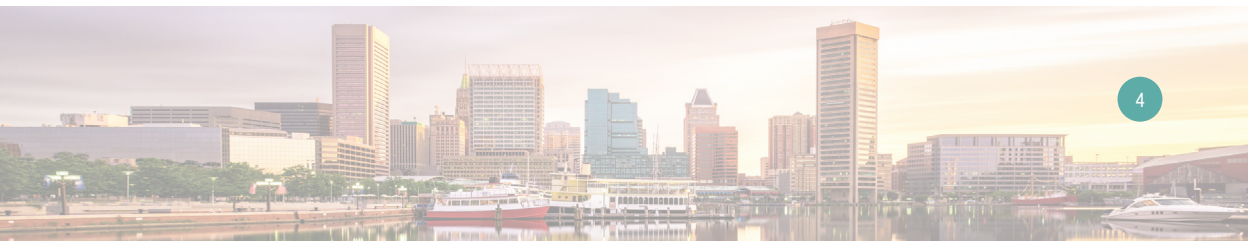


## **Building Regional Approaches to Housing and Revitalization in Baltimore**

This final plenary session is jointly sponsored with the ABA Forum on Affordable Housing and Community Development Law. This panel includes leaders from the Housing Authority of Baltimore City, the State of Maryland, and the U.S. Department of Housing and Urban Development. The panel discussion will cover initiatives and challenges to implementing regional and multi-dimensional approaches at the local, state and Federal levels to revitalize Baltimore's neighborhoods. As in communities across the United States, in the face of decades of neighborhood disinvestment, questions to be addressed include: what regional strategies are available to move residents to communities of opportunity while also rebuilding areas that are lagging behind? What legal tools are available in this overall effort and what Fair Housing and other legal parameters impact how projects are conceived and the funding sources that are made available to them?

### **Additional Details**

Time is set aside throughout the program for faculty interaction and to address written questions submitted by the registrants, both in advance of and during the program. Continuing the tradition of expanded networking opportunities, there will be morning and afternoon breaks, a Thursday reception for registrants and faculty following the Program (held jointly with the ABA Section of State and Local Government Law Meeting participants and other co-sponsor organizations), and a Friday continental breakfast, a Friday Women in the Law Luncheon Session and a Young Practitioners Luncheon Session. After the Program ends on Friday, through the ABA Section of State and Local Government Law, there will be an optional ticketed tour of and dinner at the Reginald F. Lewis Museum of Maryland African American History & Culture.







***The distinguished panel of diverse national faculty includes  
(subject to change):***

**Planning Chair** (also on faculty)

**Frank Schnidman**, former Distinguished Professor of Urban and Regional Planning, and former John M. DeGrove Eminent Scholar Chair, Florida Atlantic University, Boca Raton, FL

**Planning Co-Chair** (also on faculty)

**Patricia E. Salkin**, Provost for the Graduate and Professional Division, Touro College, New York, NY

***Faculty***

**Sarah Adams-Schoen**, William H. Bowen School of Law, University of Arkansas, Little Rock, AR

**Dennis W. Archer**, Former Mayor of Detroit (1986-1990 and 1994-2001); Former ABA President; Chairman Emeritus, Dickinson Wright PLLC, Chairman and CEO, Dennis W. Archer PLLC, Detroit

**Jessica A. Bacher**, Professor and Executive Director, Land Use Law Center, Elisabeth Haub School of Law, Pace University, White Plains, NY

**Aman Badyal**, CKR Law, La Jolla, CA

**Karen L. Black**, CEO, May 8 Consulting, Inc. Philadelphia, PA

**Molly R. Bryson**, Ballard Spahr, Washington, D.C.

**Hon. Peter Buchsbaum**, Judge, New Jersey Superior Court (ret.), Trenton, NJ

**Martha Harrell Chumbler**, Carlton Fields Jordan Bert, Tallahassee, FL

**Leslie Creane**, AICP, Program Director Congress for the New Urbanism, Washington, D.C.

**Daniel P. Dalton**, Dalton & Tomich, Detroit, MI

**Antonia Fasanelli**, Executive Director, Homelessness Persons Representation Project, Baltimore, MD

**W. Andrew Gowder, Jr.**, Austen & Gowder, Charleston, SC

**Jay Greene**, Chief Operating Officer and Acting Deputy Commissioner, Baltimore City Department of Housing and Community Development, Baltimore, MD

**Tisha Guthrie**, Advocate, Baltimore, MD



**Hon. Glenn T. Harrell, Jr.**, Judge, Court of Appeals (ret.), Baltimore, MD

**Victoria Herrmann**, President and Managing Director, the Arctic Institute, Center for Circumpolar Security Studies, Washington, DC

**Lisa Hodges**, Executive Director, NAACP Baltimore City Chapter, Baltimore, MD

**Robert G. Iber**, Senior Advisor, Office of Multifamily Housing Programs, U.S. Department of Housing and Urban Development, Washington, DC

**Steve Lafferty**, Delegate, District 42A Maryland House of Delegates, Baltimore, MD

**Matthew Littleton**, Donahue, Goldberg & Weaver, LLP, Washington, DC

**Alan Mallach**, Center for Community Progress, Washington, DC

**Amy M. McClain**, Ballard Spahr, Baltimore, MD

**Dwight Merriam**, Attorney at Law, Hartford, CT

**James E. Parker-Flynn**, Carlton Fields, Tallahassee, FL

**Erica Levine Powers**, Senior Assistant City Attorney, City of Atlanta Law Department, Atlanta, GA

**Ellen F. Rosenblum**, Attorney General, State of Oregon, Salem, OR

**Deborah Rosenthal**, FitzGerald Yap Kreditor, LLP, Irvine, CA

**Benjamin Seigel**, Opportunity Zone Coordinator, Baltimore Development Corporation, Baltimore, MD

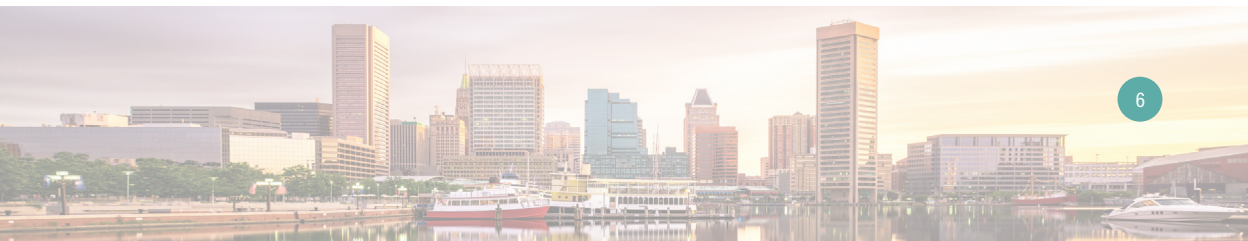
**Charles E. Sydnor, III**, Delegate, District 44 Maryland House of Delegates, Baltimore, MD

**Robert H. Thomas**, Damon Key Leong Kupckak Hastert, Honolulu, HI

**Amy Wilkinson**, Director, Fair Housing Enforcement, Housing Authority, Baltimore, MD

**Jill Williams**, Board Member, Homelessness Persons Representation Project, Baltimore, MD

**Meg Byerly Williams**, Skeo Solutions, Inc., Charlottesville, VA



# Program (All times are Eastern Standard Time)



## Thursday, April 11, 2019

12:15 p.m. **Registration**

12:45 p.m. **Welcome** – Ronald Weich, Dean, University of Baltimore School of Law  
– Ronald J. Kramer, Seyfarth Shaw, and Chair ABA  
Section of State and Local Government Law, Chicago, IL  
– Hon. Mary Ellen Barbera, Chief Judge, Maryland Court of Appeals,  
Annapolis, MD

Course Overview: *Mr. Schnidman*

1:15 p.m. **Update on Planning, Land Use, and Eminent Domain Decisions (CLE)**  
*Moderator: Mr. Merriam; Panel: Profs. Adams-Schoen and Bacher;  
Ms. Rosenthal; Messrs. Buchsbaum, Dalton, Gowder and Littleton*

3:15 p.m. **Networking and Refreshment Break**

3:30 p.m. **Ethical and Professionalism Considerations for the Land Use  
Practitioner and Government Lawyer (CLE)**  
*Moderator: Mr. Schnidman  
Panel: Ms. Salkin*

5:30 p.m. **Your Money's No Good Here: Source of Income Discrimination in  
Maryland Housing (CLE)**  
*Moderator: Ms. Fasanelli  
Panel: Mss. Guthrie, Hodges and Williams; Delegates Lafferty and Sydnor*

6:30 p.m. Adjourn for the day and Joint Welcome Reception held at School of Law with the  
ABA Section of State and Local Government Law Meeting participants and other  
co-sponsor organizations.



## Friday, April 12, 2019

8:00 a.m. **Networking and Continental Breakfast**

8:30 a.m. **Welcome** – Prof. Audrey McFarlane, University of Baltimore School of Law

8:45 a.m. **Annual Richard F. Babcock Faculty Keynote Address:  
“Detroit’s New GM Plant from Mayor Coleman Young to  
Mayor Michael Duggan” (CLE)**

*Introduction by Mr. Schnidman*

*Speaker: Dennis W. Archer, Former Mayor of Detroit (1986-1990 and  
1994-2001); Former ABA President; Chairman Emeritus,*

*Dickinson Wright PLLC, Chairman and CEO, Dennis W. Archer PLLC, Detroit*

9:45 a.m. **Networking and Refreshment Break**

10:00 a.m. **Federal Laws, Regulations, and Programs Affecting Local Land  
Use Decision Making (CLE)**

*Moderator: Mr. Gowder;*

*Panel: Mss. Bryson, Herrmann, Powers and Rosenthal;*

*Judge (Ret.) Buchsbaum; Messrs. Dalton, Merriam, and Thomas*

11:30 a.m. **Break for 11:45 am Lunch (Sponsored On-Site Box Lunch)  
Women in the Law Luncheon Session (Co-Chairs Mss. Rosenthal  
and Salkin)  
Young Practitioners Luncheon Session (Co-Chairs Messrs. Gowder  
and Merriam)**

12:45 p.m. Lunch Break Ends

1:00 p.m. **CONCURRENT HOT TOPICS SESSIONS**

• **Nuts and Bolts of Land Use Practice: Bringing and Defending  
a Takings Case (CLE)**

*Moderator: Ms. Rosenblum; Panel: Judge (Ret.) Harrell;*

*Messrs. Thomas and Littleton*

• **The Latest Urban Redevelopment Incentive: Opportunity  
Zones/Opportunity Funds (CLE)**

*Moderator: Ms. Chumbler; Panel: Ms. Bryson and Messrs. Badyal and Seigel*

• **Update on Form Based Codes (CLE)**

*Moderator: Mr. Merriam; Panel: Mr. Gowder, Ms. Creane*





## Friday, April 12, 2019 *Continued*

2:30 p.m.      **Networking and Refreshment Break**

2:45 p.m.      **CONCURRENT HOT TOPICS SESSIONS**

- **Nuts and Bolts of Land Use Practice: Bringing and Defending a Religious Land Use and Institutionalized Persons Act (RLUIPA) Case (CLE)**  
*Moderator Mr. Thomas; Panel: Ms. Rosenthal; Messrs. Dalton and Merriam*
- **Effective Legal Tools for Problem and Distressed Properties (CLE)**  
*Moderator: Ms. Williams; Panel: Prof. Bacher; Ms. Black; Mr. Mallach*
- **Climate Change and Resilient Development (CLE)**  
*Moderator: Ms. Powers; Panel: Prof. Adams-Schoen; Ms. Herrmann; Mr. Parker-Flynn*

4:15 p.m.      **Networking Break**

4:30 p.m.      **Building Regional Approaches to Housing and Revitalization in Baltimore (CLE)**

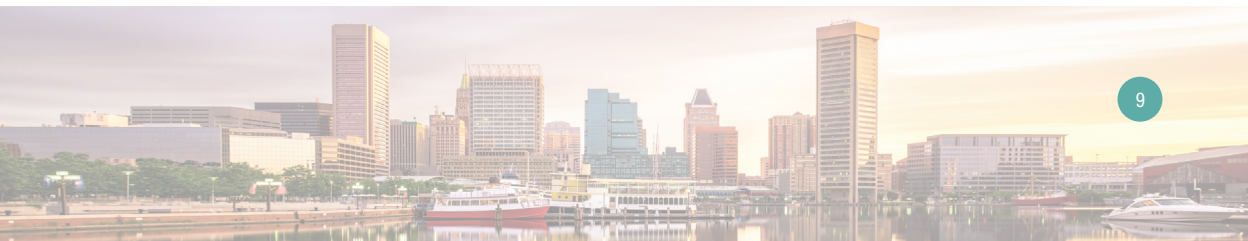
*Moderator: Ms. McClain; Panel: Ms. Wilkinson; Messrs. Greene and Iber*

6:00 p.m.      Adjournment

6:00 p.m.      **Museum Visit and Dinner with Section of State and Local Government Law at the Reginald F. Lewis Museum of Maryland African American History & Culture (Ticketed Event)**

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**CLE instruction: 11 credit hours, including 2 hours of Ethics CLE.**



# Land Use Institute Venue



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WEB: <https://www.sonesta.com/us/maryland/baltimore/royal-sonesta-harbor-court-baltimore>

