

NESTOR M. DAVIDSON

Fordham University School of Law  
150 West 62<sup>nd</sup> Street, New York, NY 10023  
212-636-6195; ndavidson@law.fordham.edu

PROFESSIONAL  
EXPERIENCE

FORDHAM LAW SCHOOL

Albert A. Walsh Chair in Real Estate, Land Use and Property Law, 2017-present  
Professor, 2012-17  
Associate Professor, 2011-12

Associate Dean for Academic Affairs, 2014-17  
Founder and Faculty Director, Urban Law Center

UNIVERSITY OF COLORADO LAW SCHOOL  
Associate Professor, 2004-09, 2010-11

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Principal Deputy General Counsel, 2009-10

COLUMBIA LAW SCHOOL  
Visiting Scholar, 2008

LATHAM & WATKINS, LLP  
Senior Associate, Finance and Real Estate, Litigation Departments, 2001-04

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Special Counsel to the Secretary, 1999-2001

AMERICORPS – CORPORATION FOR NATIONAL SERVICE, 1994

WHITE HOUSE OFFICE OF LEGISLATIVE AFFAIRS, 1993-94

JUDICIAL  
CLERKSHIPS

HON. DAVID H. SOUTER, SUPREME COURT OF THE UNITED STATES, 1998-99

HON. DAVID S. TATEL, UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA  
CIRCUIT, 1997-98

EDUCATION

COLUMBIA LAW SCHOOL, J.D. 1997

Columbia Law Review, Articles Editor, 1996-97; Member 1995-96

*Honors*

John Ordronaux Prize (highest academic average in class)  
James Kent Scholar (highest academic honor), 1994-95; 1995-96; 1996-97  
Charles Bathgate Beck Prize (best examination in real property)  
Class of 1912 Prize (first-year contracts prize)  
Whitney North Seymour Medal (promise in trial advocacy)  
Tony Patiño Fellow (merit scholarship for leadership in public service)

HARVARD UNIVERSITY, A.B. 1990

*Honors*

Magna cum laude in Social Studies  
 Senior Honors Thesis: *Family Homelessness and the Construction of Social Problems*  
 Dean's List all semesters  
 Harvard College Scholarship for Academic Excellence

SCHOLARSHIP

WORKS IN  
 PROGRESS

*Cities and the Rule of Law*

*Per-Se Non-Takings* (with Timothy Mulvaney)

ARTICLES  
 AND ESSAYS

*Home Rulings*, 2023 WIS. L. REV. 1735 (2023)

*Megalopolis Bound?*, 24 THEORETICAL INQUIRIES L. 73 (2023)

*Innovation in Digitalization and the Future of Fair Housing*, HARVARD JOINT CENTER ON HOUSING STUDIES (forthcoming 2023)

*Law in Place: Reflections on Rural and Urban Legal Paradigms*, 50 FORDHAM URB. L. J. 201 (2023) (with Alan R. Romero)

*Do Local Governments Really Have Too Much Power? Understanding the National League of Cities' Principles of Home Rule for the Twenty-First Century*, 100 N.C. L. REV. 1385 (2022) (with Richard C. Schragger)

*Local Constitutions*, 99 TEX. L. REV. 839 (2021)

*Takings Localism*, 121 COLUM. L. REV. 215 (2021) (with Timothy Mulvaney)

Reprinted in ZONING AND PLANNING LAW HANDBOOK (2022)

Reprinted in SHELLEY ROSS SAXER, LAND USE & ENVIRONMENT LAW REVIEW, 2021-22 ed. (2022)

*Much Obligated: Moral Psychology and the Social Obligation of Property (An Essay in Honor of Gregory Alexander)*, 29 CORNELL J. L. & PUB. POL'Y 551 (2020)

*The Dilemma of Localism in an Era of Polarization*, 128 YALE L.J. 954 (2019)

*Law and Neighborhood Names*, 72 VAND. L. REV. 757 (2019) (with David Fagundes)

Reviewed by Rashmi Dyal-Chand in the Journal of Things We Like Lots (JOTWELL), June 24, 2019, <https://property.jotwell.com/whats-in-a-name/>

*Localist Administrative Law*, 126 YALE L.J. 564 (2017)

*Resetting the Baseline of Ownership: Takings and Investor Expectations After the Bailouts*, 75 MARYLAND L. REV. 722 (2016)

*The Sharing Economy as an Urban Phenomenon*, 34 YALE L. & POL'Y REV. 215 (2016) (with John Infranca)

Reprinted in DAVID L. CALLIES & J.B. RUHL, LAND USE AND ENVIRONMENTAL LAW REVIEW, 2018-2019 ed. (2018)

*Regrephudence – at OIRA and Beyond*, 103 GEO. L.J. 259 (2015) (with Ethan J. Leib)

*The Mobility Case for Regionalism*, 47 U.C. DAVIS L. REV. 63 (2013) (with Sheila R. Foster)

*New Formalism in the Aftermath of the Housing Crisis*, 93 B.U. L. REV. 389 (2013)

*Property and Identity: Vulnerability and Insecurity in the Housing Crisis*, 47 HARV. C.R.-C.L. L. REV. 119 (2012)

*Sketches for a Hamiltonian Vernacular as a Social Function of Property*, 80 FORDHAM L. REV. 1053 (2011)

*Property's Morale*, 110 MICH. L. REV. 437 (2011)

*Property in Crisis*, 78 FORDHAM L. REV. 101 (2010) (with Rashmi Dyal-Chand)

*Leaps and Bounds*, 108 MICH. L. REV. 957 (2010) (reviewing GERALD E. FRUG & DAVID J. BARRON, CITY BOUND: HOW STATES STIFLE URBAN INNOVATION)

*Values and Value Creation in Public-Private Transactions*, 94 IOWA L. REV. 938 (2009)

*Property and Relative Status*, 107 MICH. L. REV. 757 (2009)

*Standardization and Pluralism in Property Law*, 61 VAND. L. REV. 1597 (2008)

*The Problem of Equality in Takings*, 102 NW. U. L. REV. 1 (2008)

*Cooperative Localism: Federal-Local Collaboration in an Era of State Sovereignty*, 93 VA. L. REV. 959 (2007)

Reprinted in 28 IMMIGR. & NATIONALITY L. REV. 167 (2007)

*Relational Contracts in the Privatization of Social Welfare: The Case of Housing*, 24 YALE L. & POL'Y REV. 263 (2006)

#### CASEBOOKS AND TREATISES

PROPERTY LAW: RULES, POLICIES AND PRACTICES (8th ed. 2022; 7th ed. 2017; 6th ed. 2014) (with Bethany Berger, Eduardo M. Peñalver, and Joseph W. Singer)

PROPERTY (Aspen Student Treatise Series, 6th ed. 2022) (with Joseph W. Singer)

CASES AND MATERIALS ON STATE AND LOCAL GOVERNMENT LAW (9th ed. 2022) (with Richard Briffault, Laurie Reynolds, Erin Scharff, and Rick Su)

EDITED  
VOLUMES

PROCEEDINGS OF THE SEVENTH ANNUAL INTERNATIONAL AND COMPARATIVE URBAN LAW CONFERENCE, *City Square* (editor, on-line collection of works in progress) (2022)

LAW AND THE NEW URBAN AGENDA (Routledge 2020) (co-editor, with Geeta Tewari)

THE NEW PREEMPTION READER: LEGISLATION, CASES, AND COMMENTARY ON THE LEADING CHALLENGE IN TODAY'S STATE AND LOCAL GOVERNMENT LAW (West Academic 2019) (co-editor, with Richard Briffault and Laurie Reynolds)

THE LEGAL POWER OF CITIES: GLOBAL PERSPECTIVES IN URBAN LAW (Routledge 2018) (co-editor, with Geeta Tewari)

THE CAMBRIDGE HANDBOOK OF THE LAW OF THE SHARING ECONOMY (Cambridge University Press 2018) (co-editor, with John Infranca and Michèle Finck)

LAW BETWEEN BUILDINGS: EMERGENT GLOBAL PERSPECTIVES ON URBAN LAW (Routledge 2017) (co-editor, with Nisha Mistry)

AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (Ashgate 2009) (co-editor, with Robin Paul Malloy)

BOOK  
CHAPTERS

*Toponymy in Legal Perspective*, in NAMES, NAMING, AND THE LAW: ONOMASTICS, IDENTITY, POWER, AND POLICY (Routledge 2024) (with David Fagundes)

*Sharing in Cities: Why Here? Why Now?*, in MODERN GUIDE TO THE URBAN SHARING ECONOMY (Edward Elgar Publishing 2021) (with John Infranca)

*The Fair Housing Act's Original Sin: Administrative Discretion and the Persistence of Segregation*, in PERSPECTIVES IN FAIR HOUSING (Penn University Press 2020) (with Eduardo Peñalver)

*The Place of the Sharing Economy*, in THE CAMBRIDGE HANDBOOK OF THE LAW OF THE SHARING ECONOMY (Cambridge University Press 2018) (with John Infranca)

*Property, Wellbeing, and Home: Positive Psychology and Property Law's Foundations*, in LAW AND THE PRECARIOUS HOME: SOCIO-LEGAL PERSPECTIVES ON THE HOME IN INSECURE TIMES (Hart Publishing 2018)

*The Urban in Law*, in DEFINING THE URBAN: INTERDISCIPLINARY AND PROFESSIONAL PERSPECTIVES (Routledge 2017)

Department of Housing and Urban Development v. Rucker: *Public Housing as Housing of Last Resort*, in THE POVERTY LAW CANON: EXPLORING THE MAJOR CASES (Marie Failing & Ezra Rosser eds., University of Michigan Press 2016)

*Notaries and Legal Professionals*, in THE INTERNATIONAL ENCYCLOPEDIA OF HOUSING AND HOME (2011)

*Crisis and the Public-Private Divide in Property*, in THE PUBLIC NATURE OF PRIVATE PROPERTY (2011) (with Rashmi Dyal-Chand)

*The Bullhorn and the Bell Jar: Hernando de Soto and Communication Through Title*, in HERNANDO DE SOTO AND PROPERTY IN A MARKET ECONOMY (2010)

*Introduction*, in AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (with Robin Paul Malloy) (2009)

*The Value of Lanyering in Affordable Housing Transactions*, in AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (2009)

#### OTHER WORKS

*2023 Cooper-Walsh Issue: Local Government Structure Through a Legal Lens, Introduction*, 50 FORDHAM URB. L. J. 603 (2023)

*Preemption of Police Reform: A Roadblock to Racial Justice*, 94 TEMP. L. REV. 663 (2022) (with Marissa Roy and Rick Su)

*Local Governments “Pushing Back” in the Pandemic*, in LOCAL POWER & POLITICS REV. Vol. 2 (2022) (with Sabrina Adler)

*Property’s Contingent Categorization*, LAW AND POLITICAL ECONOMY (LPE) BLOG (2020) (blog symposium on HANOCH DAGAN, A LIBERAL THEORY OF PROPERTY (2020))

NATIONAL LEAGUE OF CITIES, PRINCIPLES OF HOME RULE FOR THE TWENTY-FIRST CENTURY (2020) (with Richard Briffault, Paul Diller, Erin Scharff, and Richard Schragger)

*The New State Preemption, the Future of Home Rule, and the Illinois Experience*, 3 ILLINOIS MUNICIPAL POL’Y J. 19 (2019) (with Laurie Reynolds)

*The Challenge of Regulating the Sharing Economy*, PUBLIC LAWYER (2019) (with John Infranca)

*The States and Administrative Law*, Panel Before the 2018 Federalist Society National Lawyers Convention (Nov. 15, 2018), in 98 NEB. L. REV. 151 (2019) (with Christopher Green, Miriam Seifter, Judge Jeffrey Sutton, and Judge Michael Scudder)

*A Better Approach to Urban Opportunity*, 27 J. AFF. HOUS. & COMM. DEV. L. 449 (2019) (reviewing RASHMI DYAL-CHAND, COLLABORATIVE CAPITALISM IN AMERICAN CITIES: REFORMING URBAN MARKET REGULATIONS (2018))

*Affordable Housing Law and Policy in an Era of Big Data*, 44 FORDHAM URB. L. J. 277 (2017)

Reprinted in ZONING AND PLANNING LAW HANDBOOK (2018 ed.)

*The Sharing Economy and the Upside of Disrupting Local Governance*, HARV. L. REV. BLOG (Nov. 21, 2017) (with John J. Infranca)

*The Place of Flourishing Families*, 43 FORDHAM URB. L. J. 963 (2017) (with Clare Huntington)

*Nationalization and Necessity: Takings and a Doctrine of Economic Emergency*, 3 BRIGHAM-KANNER PROP. RTS. CONF. J. 187 (2014)

*Towards Engaged Scholarship*, 33 PACE L. REV. 990 (2013) (one of several co-authors; John R. Nolon ed.)

*What is Urban Law? An Introductory Essay in Honor of the 40<sup>th</sup> Anniversary of the Fordham Urban Law Journal*, 40 FORDHAM URB. L. J. 1579 (2013)

*A Most Useful Ball of Thread*, 21 J. AFF. HOUS. & COMM. DEV. L. 285 (2013) (reviewing NAVIGATING HUD PROGRAMS: A PRACTITIONER'S GUIDE TO THE LABYRINTH)

*Judicial Takings and State Action: On Rereading Shelley after Stop the Beach Renourishment*, 6 DUKE J. CONST. L. & PUB. POL'Y 75 (2011)

*Fostering Regionalism: Comment on The Promise and Perils of "New Regionalist" Approaches to Sustainable Communities*, 38 FORDHAM URB. L. J. 675 (2011)

*Elevate 2009: Climate Change and the New Frontiers of Urban Development*, 80 U. COLO. L. REV. (2009) (with William Shutkin)

*Comment, Vertical Learning: On Baker and Rodriguez's Constitutional Home Rule and Judicial Scrutiny*, 86 DENV. U.L. REV. 1425 (2009)

*Comment, Reconciling People and Place in Housing and Community Development Policy*, 17 GEO. J. ON POVERTY L. & POL'Y 1 (2009)

*Reprinted in THE AFFORDABLE HOUSING READER* (Elizabeth Mueller & Rosie Tighe eds. 2012)

*Comment, Rights as a Functional Guide for Service Provision in Homeless Advocacy*, 26 ST. LOUIS UNIV. PUB. L. REV. 45 (2007)

*Comment, "Housing First" for the Chronically Homeless: Challenges of a New Service Model*, 15 J. AFF. HOUS. & COMM. DEV. L. 125 (2006)

*Note, Constitutional Mass Torts: Sovereign Immunity and the Human Radiation Experiments*, 96 COLUM. L. REV. 1203 (1996)

#### AWARDS

Dean's Medal of Recognition, Fordham Law School, 2017

Jules Milstein Faculty Writing Award, Colorado Law School, 2008, for *Cooperative Localism: Federal-Local Collaboration in an Era of State Sovereignty* (annual award recognizing excellence in scholarship by a Colorado Law faculty member)

#### BLOGGING

Co-founder, *State and Local Government Law Blog* (@sloglawblog)

#### EDITING

Editor, *State and Local Government Law eJournal*, Social Science Research Network (with Patricia Salkin)

CONFERENCE  
ORGANIZATION

*International and Comparative Urban Law Conference*

- Tenth* – London, England, July 19-20, 2024
- Ninth* – Accra, Ghana, May 18-20, 2023
- Eighth* – Vancouver, Canada, July 14-16, 2022
- Seventh* – Berlin, Germany, and online, July 15-17, 2021
- Sixth* – Sydney, Australia, July 11-12, 2019
- Fifth* – São Paulo, Brazil, June 21-22, 2018
- Fourth* – Cape Town, South Africa, July 18-19, 2017
- Third* – Hong Kong, China, June 29, 2016
- Second* – Paris, France, June 29, 2015
- First* – London, England, June 30, 2014

*State and Local Government Works in Progress Conference*, Chicago, Illinois, October 2023

*Progressive Property*, New York, New York, May 26-27, 2020

*The Theory and Pedagogy of Urban Law*, Rome, Italy, November 9-10, 2019 (with Christian Iaione)

*Seventh Annual State and Local Government Works in Progress Conference*, New York, New York, September 24-25, 2018

*The Columbia- Fordham-NYU International Sustainable Cities Conference*, New York, New York, May 1-2, 2018

*Sharing Economy, Sharing City: Urban Law and the New Economy*, New York, New York, April 24-25, 2015

*Smart Law for Smart Cities*, New York, New York, February 27-28, 2014

*Until Civil Gideon*, New York, New York, November 1, 2013 (with the Feerick Center for Social Justice)

*The Bloomberg Administration's Legal Legacy*, New York, New York, November 27 and December 4, 2012 (with the New York City Bar Association)

*2012 Property Works in Progress Conference*, New York, New York, May 31 to June 2, 2012 (with D. Benjamin Barros)

*2009 Property Works in Progress Conference*, Boulder, Colorado, June 1-3, 2009 (with D. Benjamin Barros)

*Elevate 2009: Climate Change and the New Frontiers of Urban Development*, Denver and Boulder, Colorado, February 26-27 (2009) (with William Shutkin)

*2008 Property Works in Progress Conference*, Boulder, Colorado, June 12-14, 2008 (with D. Benjamin Barros)

*Workshop on Affordable Housing and Public-Private Partnerships*, Boulder, Colorado, October 19-20, 2007 (with Robin Paul Malloy)

*2007 Property Works in Progress Conference*, Boulder, Colorado, June 14-15, 2007 (with D. Benjamin Barros)

#### SELECTED RECENT PRESENTATIONS

Keynote, *Urban Inequalities & Legal Systems International Conference*, University of Genoa, September 2023

##### *Home Rulings*

Public Law in the States Conference, University of Wisconsin, June 2023

University of San Diego Law School Faculty Colloquium, March 2023

##### *Cities and the Rule of Law*

State and Local Government Works in Progress Conference, Chicago, Illinois, October 2023

Ninth International and Comparative Urban Law Conference, Accra, Ghana, May 2023

*Home Rule Reform—Imperatives, Models, and Prospects*, Urban Affairs Association Annual Conference, April 2022

Keynote, *On the Principles of Home Rule for the Twenty-First Century*, North Carolina Law Review Symposium, October 2021

*Time and Sustainability: The Temporal Mismatch Problem for Family Housing and the Law*, Third Annual FamLAPP Workshop, Aalborg, Denmark, June 2021

##### *Takings Localism*

Local Autonomy and Energy Law Symposium, Florida State University, February 2021

Eighth Annual State and Local Government Works in Progress Conference, Virginia Law School, September 2019

Association for Law, Property, and Society, Syracuse Law School, May 2019

*Much Obligated: Moral Psychology and the Social Obligation of Property*, Progressive Property Conference, Cornell Law School, May 2019

##### *Local Constitutions*

Sixth Annual International and Comparative Urban Law Conference, Sydney, Australia, July 2019

The Marshall M. Criser Distinguished Lecture and Workshop Series, University of Florida Levin College of Law, March 2019

University of Kansas Law School, February 2019

Yale Law School Chartering the City Conference, February 2019

Property Works in Progress Conference, October 2018

State and Local Government Law Works in Progress Conference, September 2018

Fordham Law Scholarship Retreat, May 2018

##### *The Dilemma of Localism in an Era of Polarization*

Yale Law School, November 2018

Alabama Law School, February 2018

Texas A&M Law School, February 2018

Cardozo Law School, November 2017

State and Local Government Works in Progress, October 2017



*Neighborhood Identity in Legal Perspective*

Association for Law, Property, and Society, Maastricht University Law School, June 2018  
 Progressive Property Conference, Harvard Law School, May 2018  
 Property Works in Progress, Northeastern University Law School, September 2017

*Affordable Housing Law and Policy in an Era of Big Data*

Tulane Law School Property Roundtable, October 2016  
 Property Works in Progress, Boston University Law School, September 2016

*Assailing the Unassailable Case Against Affordable Housing, Evidence and Innovation in Housing Law & Policy, University of Chicago Law School, June 2016**Privacy in Local Perspective*

Third Annual International and Comparative Urban Law, Hong Kong, China, June 2016  
 Fordham Law Scholarship Retreat, May 2016

*The Effects of Law on the Layout and Quality of Cityscapes in the United States: Boundaries and Exclusion, Cityscapes Conference, Yale Law School, April 2016**The Sharing Economy as an Urban Phenomenon*

Local Government Works in Progress, Rutgers School of Law, November 2015  
 Legal Scholarship 4.0 Conference, Northeastern University School of Law, October 2015  
 Second Annual International and Comparative Urban Law Conference, June 2015

*Bending the Arc: On Joseph Singer and the Legal Architecture of Decency, 2015 Brigham-Kanner Conference on Property Rights, William & Mary Law School, October 2015**Resetting the Baseline of Ownership: Takings and the Fire Next Time, 18<sup>th</sup> Annual Conference on Litigating Takings Claims, Maryland Law School, September 2015**Property, Well-being, and Home, Onati International Institute Workshop, The Precarious Home: Socio-Legal Perspectives on the Home in Insecure Times, June 2015**Localist Administrative Law*

Chapman Law School Dialogue, March 2015  
 Willamette Law School, February 2015  
 Maryland Law School, January 2015

## COURSES TAUGHT

Property  
 Legislation and Regulation  
 Land Use Planning  
 Real Estate Transactions  
 State and Local Government Law  
 Urban Lab: Dynamics of Neighborhood Change  
 Seminar: Law of the City of New York  
 Seminar: Affordable Housing Development  
 Seminar: Cities, Suburbs, and the Law  
 Short Course, Urbanism and the Law, National Law School India (Bangalore), January 2013  
 Short Course, Affordable Housing Law and Policy, Interdisciplinary Center, Hertzliya, Israel, April-May, 2013

## SELECTED LAW

## SCHOOL SERVICE

Associate Dean for Academic Affairs, 2014-17  
 Founder and Faculty Director, Fordham Urban Law Center, 2012 – present  
 Co-Moderator, Fordham Urban Law Journal, 2012 – present  
 Chair, Reappointment, Tenure, and Promotion (RTP) Committee, 2022 – present  
 Teaching Committee, 2022 – present  
 House Leader, 2019-22  
 Curriculum Committee, 2017-19  
 Faculty Appointments Committee, 2011-12; 2012-13; 2021-22  
 Long-Range Planning Committee, 2011-12; 2012-13 (Chair), 2017-20

## EXTERNAL SERVICE

Founder, Association for Urban Law Scholars (AULS)  
 President, Association for Law, Property and Society (ALPS), 2019-20  
 Board Member, New York State Housing Finance Agency, 2013-19  
 Chair, New York City Rent Guidelines Board, 2023

## BAR MEMBERSHIPS

New York  
 District of Columbia (inactive)