

SYLLABUS

Residential Property Management Law (HACE 4320)

Location

Fall Semester 2009, Dawson 110, M-W-F, 2:30-3:20 p.m.

Professor

Russell James III, J.D., Ph.D., 203 Consumer Research Center, 706.542.4951, e-mail: rjames@uga.edu. Office hours: M 3:30pm-4:30pm, W 3:30-6:00, F 3:30-5:00

Graduate Assistant

Graduate Assistant: Graham Brown, 201 Consumer Research Center, 706.542.9013, browngg2@gmail.com. The graduate assistant posts all scores for this course. If you have questions about a posted grade, please contact the graduate assistant first

Course Description & Objectives

This course reviews the legal environment and parameters that affect the residential property management industry. Students will be introduced to relevant topics in Landlord-Tenant Law, Fair Housing Law, The Americans with Disabilities Act, Employment Law, Collections Law, Environmental Law, Premises Liability, Zoning, Property Law, Agency Law and Contract Law.

1. Understand the legal environment in which residential property management takes place and how it affects the professional management of residential property.
2. Gain familiarity with the policy goals and practical consequences of federal and state legislation altering common law landlord-tenant relations.
3. Learn how to make sound legal and ethical decisions in the face of ambiguity and conflicting information by developing skills in spotting issues, weighing benefits and risks, and constructing a persuasive case in support of a decision.
4. Understand the process of accessing and using legal information.
5. Gaining an understanding of international approaches to these issues by comparing laws from other global contexts.

Textbooks

- Kyle, R.C., Spodek, M.S., & Baird, F.M. (2005). *Property Management*. Chicago, IL: Dearborn Financial Publishing.
- During the semester, you will be provided handouts from the *Georgia Apartment Law Book* (2009), Atlanta, GA: Georgia Apartment Association.
- Ongoing handouts

Academic Honesty

If a suspected violation of the academic honesty policies of this University occurs by any student in this class, I reserve the right to address the situation as a violation of Academic Honesty, and thus will deal with the alleged violator immediately. I will take all precautions to prevent situations in which dishonest practices take place. It is expected that all students are familiar with and will stringently adhere to the University's Academic Honesty Policy. This policy can be found on-line at: <http://www.uga.edu/ovpi/honesty/ahpd.htm>.

Grading Scale

A	93% +	A-	90% to <93%	B+	87% to <90%
B	83% to <87%	B-	80% to <83%	C+	77% to <80%
C	73% to <77%	C-	70% to <73%	D	60% to <70%
F	<60%				

30%	Quizzes
30%	Final Exam
30%	Assignments & Presentations
10%	Class Discussion/Participation

Your percentage score for any section is the sum of the percentage scores on each assignment, quiz, or item in that section divided by the total number of assignments, quizzes, or items in that section.

Calendar

The course calendar is tentative, and may be changed as the semester progresses. Changes to the calendar, assignments, or assignment dates will be announced in class. Thus, class attendance is necessary to be aware of all assignments.

Testable Material

Words spoken in class or found in assigned materials, and all reasonable cognitive inferences consequent thereto, are appropriate materials for quizzes and exams unless otherwise specifically stated.

Absences

Absences will make it more difficult for you to excel in this class. There are many in-class assignments, planned quizzes, and unplanned quizzes. Should you find it necessary to be absent, or are otherwise unable to meet an assignment deadline, you may choose to meet the following requirements for late work.

Late Work

These late work options are not dependent upon the normative content of the proximate cause for your absence or other inability to timely complete the assignment. Consequently, it is not necessary or productive to share such personal information with the professor or graduate assistant.

Law Review Summary Definition

"Law Review Summary": A paper of college-level quality that must include a minimum of 5 full pages of text, double-spaced, 1-inch margins, on 8.5 x 11 paper, using 12-point Times New Roman font, with no extra spaces or blank lines between paragraphs, headings, or anywhere else in the paper. **THE PAPER MUST INCLUDE A COVER SHEET SUCH AS THE ONE FOUND ON THE FINAL PAGE OF THIS SYLLABUS.** You may not include any of the cover sheet information on the text, and if included it will not count towards your minimum five pages of text. Charts, pictures, graphs or other figures will not count towards your minimum five pages of text. You may quote properly cited text, but quotations may not make up more than 10% of your total paper. This paper outlines the contributions of a law review article related to residential property management. This paper may also include the student's reactions, comments, and opinions on the material presented. You may choose to select one of the articles listed on the final page of this syllabus, or find an article of your own. (A law review casenote discussing one particular court case does not qualify as an article; articles are generally 30-90 pages.)

Quiz Make-up

Quiz make-up. If you miss a quiz or receive a low score on a quiz, you may submit a Law Review Summary paper within 2 weeks of the posting of the quiz grade. An acceptable paper will receive a B (85%) score and the grade will replace the missed quiz grade; an unacceptable paper will not change the original quiz score.

Assignment Make-up

Assignment make-up. If you miss the deadline for an assignment (take-home, in-class, etc.) you may turn in the assignment up to two weeks after the posting of the assignment grade IF IT IS ALSO ACCOMPANIED BY an acceptable Law Review Summary paper. The grade will be based upon the merits of the assignment. You must turn in the assignment in order to receive a grade. You will not receive a grade if you turn in only the Law Review Summary paper, but not the original assignment.

Two-Week Rule

TWO-WEEK RULE: You have 14 days after grades are posted on WebCT to challenge or change the posted grade. If you believe you turned in an assignment or took a quiz and a zero is posted on WebCT, you must e-mail the professor or graduate assistant with two weeks after the score is posted. Two weeks (14 calendar days) following the posting of a missed assignment or quiz that is not acceptably made-up, the score of 0 for the missed assignment or quiz will become irrevocable.

Course Outline

Introduction to Legal Research

Ownership & Representation

- Agency law
- Forms of ownership
- The owner-manager relationship

Property Law

- Estates in land (freehold and non-freehold)
- Types of tenancies
- Lease agreements

Landlord-Tenant Relations

- Duties and remedies
- Habitability and repairs
- Security deposits
- Collection, liens and bankruptcy
- Federal credit reporting laws
- Eviction

Civil Rights Laws

- Fair Housing
- Americans with Disabilities Act

Employment Law

- Employment discrimination
- Wage and child labor laws
- Worker's compensation
- Licensing requirements and exemptions

Facility-Related Legal Issues

- Premises liability and life safety issues
- Zoning
- Environmental regulations
- Liability and insurance

Specialized Housing Legal Issues

- Condominiums
- Subsidized housing
- Elderly housing
- Military housing

Disclaimer

The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

Withdraws

Withdrawing from the course: If you withdraw from the course before the midpoint and you are failing the course you may receive a WF in the course. If you withdraw after the midpoint you will receive a WF even if you are passing the course. Exceptions are made only upon documentation of a hardship from the Office of the Associate Dean for Student Support.

Notices

Late adds for this course will not be approved except on exceptional circumstances. If a suspected violation of the academic honesty policies of this University occurs by any student in this class, I reserve the right to address the situation as a violation of Academic Honesty, and thus will deal with the alleged violator immediately. It is expected that all students are familiar with and will stringently adhere to the University's Academic Honesty Policy. This policy can be found on-line at <http://www.uga.edu/ovpi/honesty/ahpd.htm>.

**Selected
Law
Review
Articles**

Note: To retrieve full text on-line from on-campus go to Galileo, select List Databases A-Z, select HeinOnline, select Law Journal Library, enter the volume number (1st number in the underlined citation), journal and page number into the citation navigator, select Get Citation.

Gerchick, Randy G. No Easy Way Out: Making the Summary Eviction Process a Fairer and More Efficient Alternative to Landlord Self-Help 41 UCLA L. Rev. 759 (1993-1994)

Knutson, Stephanie Hammond Religious Landlord and the Conflict between Free Exercise Rights and Housing Discrimination Laws--Which Interest Prevails, The 47 Hastings L.J. 1669 (1995-1996)

Schwemm, Robert G.; Allen, Michael For the Rest of Their Lives: Seniors and the Fair Housing Act 90 Iowa L. Rev. 121 (2004-2005)

Schwemm, Robert G.; Oliveri, Rigel C. New Look at Sexual Harassment under the Fair Housing Act: The Forgotten Role of 3604(c), A 2002 Wis. L. Rev. 771 (2002)

Stanton, John F. Fair Housing Act and Insurance: An Update and the Question of Disability Discrimination, The 31 Hofstra L. Rev. 141 (2002-2003)

Chang, Jennifer C. In Search of Fair Housing in Cyberspace: The Implications of the Communications Decency Act for Fair Housing on the Internet 55 Stan. L. Rev. 969 (2002-2003)

Dixon, Joshua W. Case against a Nondelegable Duty on Owners to Prevent Fair Housing Act Violations, The 69 U. Chi. L. Rev. 1293 (2002)

Gaetke, Eugene R.; Schwemm, Robert G. Government Lawyers and Their Private Clients Under the Fair Housing Act 65 Geo. Wash. L. Rev. 329 (1996-1997)

Malkin, Laurie C. Troubles at the Doorstep: The Fair Housing Amendments Act of 1988 and Group Homes for Recovering Substance Abusers 144 U. Pa. L. Rev. 757 (1995-1996)

Moran, Timothy J. Punitive Damages in Fair Housing Litigation: Ending Unwise Restrictions on a Necessary Remedy 36 Harv. C.R.-C.L. L. Rev. 279 (2001)

Orfield, Myron Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit 58 Vand. L. Rev. 1747 (2005)

Hill, Daniel B. Update on Contract Damages When the Landlord Breaches the Implied Warranty of Habitability: *Surratt v. Newton* and *Allen v. Simmons* 69 N. C. L. Rev. 1699 (1990-1991)

Hirsch, Werner Z. From Food for Thought to Empirical Evidence About Consequences of Landlord-Tenant Law 69 Cornell L. Rev. 604 (1983-84)

Lewis, Sean M. Fourth Amendment in the Hallway: Do Tenants Have a Constitutionally Protected Privacy Interest in the Locked Common Areas of Their Apartment Buildings, The 101 Mich. L. Rev. 273 (2002-2003)

Cover Sheet for Law Review Summary Paper
HACE 4320

Your Name:

Title of your law review article:

Assignment or Quiz to which this paper should be applied:

Date of the original Quiz or Assignment due date:

Has it been 14 days or less since this score of the assignment or quiz was posted?

Yes / No

If this paper is for a late assignment, is the completed original assignment also included?

Yes / No / Not Applicable

Is this paper at least 5 pages long (not counting this cover sheet?)

Yes / No

Does this paper have margins of 1 inch or smaller?

Yes / No

Is this paper typed in 12-point Times New Roman font?

Yes / No