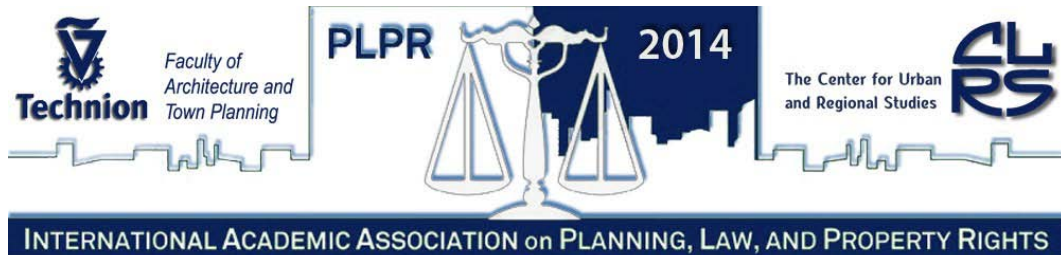


# PLPR NEWSLETTER FALL 2013

**EIGHTH INTERNATIONAL CONFERENCE  
11–14 FEBRUARY 2014  
TECHNION – ISRAEL INSTITUTE OF TECHNOLOGY  
HAIFA / ISRAEL**



**DON'T FORGET TO SUBMIT AN ABSTRACT!**

**<http://plpr2014.net.technion.ac.il>**

**DEADLINE: 15 OCTOBER 2013**

**INTERNATIONAL ACADEMIC ASSOCIATION ON  
PLANNING, LAW, AND PROPERTY RIGHTS**

# PLPR NEWSLETTER FALL 2013

## IMPRESSUM

**PLPR Newsletter Fall 2013**

edited by Ben Davy

in cooperation with  
Thomas Hartmann & Fennie van Straalen

**Visit [www.plpr-association.org](http://www.plpr-association.org)**

**Dortmund 2013**

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## WHAT'S NEW? WHAT'S NEXT?

**Ben Davy**

“Property Rights and a Changing Economy,” the theme of the 7<sup>th</sup> PLPR conference in Portland, Oregon, promised a stimulating event. About 120 delegates participating in the conference enjoyed the hospitality extended by the two co-chairs of the local host committee, Edward J. Sullivan and Ellen Bassett, as well



**Registration!** 2013 PLPR Conference in Portland, OR

as by the many dedicated members of the local host committee, including Sy Adler, Al Burns, Gail Curtis, Noelwah Netusil, or Ric Stephens.

The 7<sup>th</sup> PLPR conference (12–15 February, 2013) was hosted by Portland State University and coincided with the 40<sup>th</sup> anniversary of the passage in 1973 of Senate Bill 100, which established Oregon’s land use program. Two plenary sessions focused on the history and consequences of planning and land use control in Oregon. Dwight Merriam delivered a keynote speech on “Getting Past ‘Yes or No’ Linking Police Power Decision-Making with Just Compensation” and Lee Fennell on “Optional Planning” (see the text of Professor Fennell’s speech at p. 8 in this newsletter or watch videos of both keynotes at the [2013 conference website](#)).

The 7<sup>th</sup> PLPR conference commenced with a walking tour, organized by First Stop Portland, and included two receptions and a conference dinner in the Grand Ballroom of Port-

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land's Governor Hotel. Above all, however, the conference was a meeting between friends, who engaged in intense discussions on public engagement, climate change, judicial review, water management, planning regulations, sprawl, public and private devel-

opments, takings, the human rights approach to property, value capture, land acquisition, South African planning law, urban decline, or local planning.

The [conference program](#) is available at the 2013 conference website.



**Ed Sullivan (formidable conference host 2013)**



**The South African highlight: Coetzee, van Wyk, Oranje**



**Al Burns (another formidable conference host 2013)**



**Portland to Haifa: the 2013 flag ceremony**

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Fennie van Straalen (PhD Coordinator) will publish conference proceedings in *Town Planning Review* 84(5). Like previous conference proceedings, her report will be available at the [PLPR website](#).

The Association is greatly indebted to Ed Sullivan and Ellen Bassett, and their wonderful team of local hosts for organizing the 2013 conference in Portland, Oregon!

What else is new?

Deborah Peel, who has accepted the Chair in Architecture and Planning at the University of Dundee, has stepped down as Vice-President. The remaining ExCo-members have congratulated Deborah on her exciting career move and, also in the name of the Association, thanked her profoundly for her PLPR activities, among others, the generous co-hosting of the excellent 2012 PLPR conference in Belfast.

The extended ExCo has accepted a bid for the 9<sup>th</sup> PLPR conference. In 2015, the conference will be hosted by Konstantinos Lalenis, Alex Deffner, and Pantelis Skayanis at the Department of Planning and Regional Development of the University of Thessaly in Volos, Greece. The vote was taken during the 2013 ACSP/AESOP conference in Dublin which – again! – included a remarkably lively “law track” chaired by Rachele Alterman and Dick Norton. Please see the open call for future conference hosts at p. 19!

With this newsletter, you're reminded to **submit an abstract for the 2014 PLPR Conference in Haifa**. We look forward to seeing you there!



The Portland Building (Portland, OR)



The Planning & Human Rights Roundtable in Dublin

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## CALL FOR NOMINATIONS

### NEXT ELECTIONS IN HAIFA 2014

Article 11 of the Statutes of the International Academic Association of Planning, Law, and Property Rights specifies that the Association is “directed by an Executive Committee, consisting of office holders – members of the Association – elected by the General Assembly for a two year term. Office holders do not receive any financial remuneration. Office holders may be reelected for one more term. Elected ExCo positions, and the usual terms of service, are:

- President (two-year term);
- Vice-president (two-year term);
- Secretary-Treasurer (two-year term);
- PhD-student Coordinator (two-year term).”

The position “Secretary-Treasurer” is now called Secretary General because the Association as such does not handle budgets and has no need for a treasurer function.

All of these positions are up for elections in February 2014 for the following two years. Elections will take place during the General

Assembly at the 2014 conference in Haifa. Each participant-member present at the General Assembly will have the right to vote.

PLPR invites any person who has been a member for at least 12 months to submit a nomination or self-nomination. Nominations should include a CV and a brief policy statement.

Professor Rachelle Alterman will be the Election Manager for the 2014 PLPR election. One can apply for membership of PLPR by filling out the membership registration form (free of charge).

Please submit your nominations (including self-nominations) to

**[alterman@technion.ac.il](mailto:alterman@technion.ac.il)**

The deadline is **January 1, 2014**. In case no nominations are submitted to a position, the nomination period will be extended to the opening of the 2014 PLPR General Assembly.

## OPTIONAL PLANNING

LEE ANNE FENNELL\*

\* Max Pam Professor of Law and Herbert and Marjorie Fried Research Scholar, University of Chicago Law School. Portions of this talk were adapted from my prior work, including Fennell 2013, 2011, and 2009. I thank Noelwah Netusil for helpful comments and M.D. Akinmurele for research assistance.

### Introduction

It is an honor to be part of this conference. My talk is called Optional Planning, and the first thing you might wonder about is the title. This is the annual conference of the International Academic Association on Planning, Law, and Property Rights – a group that literally puts “planning” first. To suggest, as my title might seem to, that planning is optional, seems rather heretical.

So let me first reassure you that I don’t actually think planning is optional in the sense of being nonessential. It is not only essential, it is inevitable. Hayek made the point in his influential essay, *The Use of Knowledge in Society*, that if we mean by “planning” any set of decisions about how to



**Professor Lee Fennell** delivering her Keynote Address to the plenary of the PLPR 7th International Conference in Portland, OR (February 15, 2013)



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allocate resources, “[a]ll economic activity is in this sense planning” (Hayek 1945: 520). The only question is who is going to do it, and how (id.). Will we all pursue our own small-scale plans, or will planning occur at the municipal level, the metropolitan or regional level, or along some other (perhaps non-geographic) dimension? As we try to answer those questions, I want to suggest a couple of senses in which making planning optional might make planning better.

The first sense in which I mean the term “optional” pays homage to a 2005 book by legal scholar Ian Ayres called *Optional Law* (Ayres 2005). Professor Ayres is not an anarchist; he does not believe that law is or should be optional in the sense of nonessential any more than you or I believe that planning is. But he does think, and I agree, that there are ways in which law can be improved by borrowing design features from financial options: call options and put options. Consider an ordinary call option in finance. This instrument gives you the right, but not the obligation, to pay a particular “strike price” and receive something in particular, like a stock. When the strike price starts to be a good deal for you (which will be the case when the stock rises in value), the option is said to be “in the money.”

Law is sometimes like that, as Ayres and others have observed (e.g., Morris 1993). Suppose you are a factory owner and the law will allow you to emit certain substances in-

to the air if and only if you buy a permit. The price of the permit is like a strike price for a call option. The amount of money you stand to make as a result of running your factory and emitting the fumes determines whether, for you, the permit is “in the money.” We could also flip the situation around, as Guido Calabresi and Douglas Melamed (1972) famously observed. If we start in a world where factories can pollute to a certain degree, neighbors might be given an option to pay a set price and shut down the factory. Here, the neighbors would decide when the benefits of clean air make it worth paying the shut-down price.

»All economic activity is in  
this sense planning ...«  
(F.A. Hayek)

Giving a party the choice whether to exercise an option helps to harness information that would otherwise remain hidden from a social planner: how

valuable is the ability to run your factory, or how valuable is keeping the air clean? So I will discuss some ways that using the option idea can make land use planning more flexible and responsive. That’s the first way that we might make planning “optional.”

The second sense in which I mean the term “optional” goes to involving citizen volunteers in the land use planning process or otherwise finding ways to “crowdsource” land use (Fennell 2011; see Howe 2008). The idea of getting public input is nothing new, but new technologies offer some new ways to collect dispersed information. There are already some governmental apps in use that

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collect information from people. Interesting new apps are also being developed for planners, and these could incorporate citizen involvement too.

Both of these ways of making planning optional share a common theme – they both involve better use of information. Planning always takes place under conditions of relative ignorance. Not only can we not know the future, there is much we do not know about the present and the past. Ignorance can be highly rational; it is expensive to learn things (Stigler 1961: 224). Both aspects of optional planning that I am going to discuss today offer technologies for making information acquisition and use cheaper. Both can help to aggregate dispersed information into useful forms.

The rest of the talk is going to focus on three sources of ignorance in land use planning: (1) a lack of information about land use impacts; (2) a lack of information about land use intentions; and (3) a lack of information about people's preferences for land use patterns. I will discuss some ways that pursuing "optional" planning in the two senses I mentioned before – using instruments modeled on financial options, and encouraging widespread optional involvement – can help to mitigate these sources of ignorance.

## Land use impacts

Let's start with information about land use impacts. We do have some ways to get at this information already. Hedonic pricing models exist that look at effects on home

values of particular nearby uses (see, e.g., DiPasquale & Wheaton 1996: 189-90). But at best, these approaches provide only a proxy for the impacts themselves, filtered through expectations of home purchasers who may be risk averse. How can an optional approach to planning improve matters?



We are ... in use (Portland, OR © 2013 B. Davy)

To start, we may be able to get better information about impacts in real time through the optional involvement of the population. A lot of information exists that planners don't have access to because it is dispersed. We could aggregate it, if such an aggregation became cost-effective to pursue. New technologies are shifting the cost curve. It is now cheaper than ever for ordinary citizens to gather information, and cheaper than ever for them to convey that information to planners—if we can find ways to elicit their optional participation.

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Cost is only one half of the story, however; we must also consider the benefits. How can this information help us? There are at least three ways that “crowdsourced” information on land use impacts can improve planning. First, additional information on land use impacts can improve traditional land use control tools like zoning by providing land use planners with a better sense of what kinds of land uses actually conflict. This is a very basic benefit, but one that is worth noting. Land use control often proceeds based on projections or beliefs about what kinds of uses will interfere with other uses, and these estimates may or may not be well supported.

Second, reliable real-time information can facilitate moves to new models of land use control that are based directly on impacts, like performance zoning (see, e.g., Porter, Phillips, & Lassar 1988). A community could, for instance, allow a more intensive use on a residential parcel as long as it is not possible to detect noise above a certain decibel level from adjacent properties. This form of zoning has not been widely adopted, due in significant part to the monitoring challenges associated with performance standards (see Jaffe 1993: 4). Making monitoring a matter of public involvement could make this alternative more viable.

Having a large volunteer corps of people with smartphones changes the dynamics of information acquisition – and hence land use control – in important ways.

Third, better impact data could also help to counter some forms of homeowner risk aversion. Bill Fischel has observed that homeowners tend to become NIMBYs out of concern for maintaining the value of what is their single largest asset, the home (Fischel 2001: 4, 8-9). More information can reduce the perceived range of variance associated with particular impacts.

I don't mean to suggest that harnessing this information will be simple or free of possible strategic behavior. There are concerns that have to be addressed, some of which I have detailed elsewhere (Fennell 2013). But there is no

question that having a large volunteer corps of people with smartphones changes the dynamics of information acquisition – and hence land use control – in important ways.

Now let's shift gears a bit and think about the other meaning of optional planning that I highlighted at the outset, the use of planning instruments that work a bit like financial options. To show how this might work, I want to take a quick detour from land to water to describe an old admiralty rule called general average contribution (Epstein 1993: 582-84; Levmore 1982: 860 n. 214). It offers a neat solution to the following problem: Suppose you are on a ship and a fierce storm comes up, and some of the cargo has to be

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tossed overboard or the ship will be lost altogether. Whose cargo should get tossed, and how should the owner be compensated? Here's what maritime law said. Before your box goes on the boat, you, the shipper, must give it a value. We want people to give honest valuations so that the captain can properly instruct the crew about which boxes to toss. To keep statements honest, the valuation will have two implications that push in opposite directions.

Suppose you valued your goods at \$300. That had two implications. First, if your cargo was tossed, \$300 is what you could recover (assuming the jettisoning maneuver is successful and the boat doesn't sink). Second, if your cargo is not tossed, but someone else's is, you have to help cover costs to that party in proportion to the value placed on your own goods. Value the box too high, and you keep it out of the sea, but you may have to pay a larger share to those who have their goods tossed. Value it too low, and it is more likely to go into the sea and leave you with not enough compensation. To put it into options language, the captain holds (on behalf of all shippers) the option to toss your box when that option is "in the money"—that is, when the benefits of doing so outweighs the strike price (valuation amount) that has to be paid.

What does this have to do with land use? This same technique could be used to collect information from landowners about how much they value engaging in a particular

use, or how much they value being free of a given use. Let's take a very simple example. Consider the humble lawn flamingo. Some people like to put these in their yards. Some people would rather they didn't. Suppose that you can put your flamingo in the yard only if you place a value on what the right is worth to you, and pay a flamingo tax that is proportionate to that valuation. So we end up with a neighborhood that has a bunch of flamingoes with a variety of different values placed on them. Perhaps the aesthetic goals of the area are compatible with some flamingoes but not too many flamingoes. And suppose that, using the approach above, we get too many.

We could have a local government agency or a homeowners association that is empowered

to engage in selective buy-backs by paying the owner's stated valuation to get rid of the flamingo. In other words, the owners would have extended to the government what I have elsewhere called an entitlement subject to self-made option or "ESSMO" (Fennell 2009: 105-19). In deciding whether to exercise particular options, the decisionmaking body could take into account any criteria it wished about location, concentrations, "hotspots," and so on. Or it could just go with the lowest cost flamingo remediation—that is, exercise the options with the lowest strike prices. The core idea is to allow owners flexibility while letting the community maintain an option (literally) to dial the impacts down as necessary. This adaptive ap-

ESSMO = entitlement  
subject to self-made option

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proach could be applied to many activities that have impacts that are benign below a certain level but problematic above that level.

## Land use intentions

Let's turn now to another area of remediable ignorance, land use intentions. It would be helpful in coordinating land uses and avoiding conflicts to know what people plan to do with their land in the future, but this information is dispersed and hard to find out. Currently, land use law can do at least two things to address this ignorance. First, it can grant extra protections (through vested rights doctrines and existing use doctrines) once the landowner takes sufficient steps to turn her plan into reality. These doctrines help to elicit information, but they may also encourage more rapid development than is optimal (Serkin 2009: 1283). Second, law can tighten down land use controls to leave landowners with fewer opportunities to add uses or change uses. This approach enhances predictability but it may also add more rigidity to the status quo set of uses than is optimal. It may squeeze out sources of heterogeneity that actually make areas more interesting and vibrant.

Can we add new alternatives by making planning optional? Consider this simple example. We have two neighbors. One of them wants to put up solar panels. Her ability to do this successfully depends on her neighbor not building anything tall or growing any tall trees. But suppose that the law does allow the neighbor to grow or build in ways

that would block solar panels. The solar neighbor wants to know whether her neighbors plan to do that. She can try knocking on their door or writing them a note to ask. She can offer them money in exchange for a covenant not to block her panels. Maybe this works, but maybe the neighbors just tell her to get lost. Are they just holding out for more money? Are they planning to grow a forest? There is no way to know. Once the issue comes up, the neighbors are locked in a bilateral monopoly situation with each other.

Can we head off this impasse using options? Suppose we get a governmental entity involved as an intermediary. It could offer a trading platform to allow neighbors to interact with each other indirectly, without the bargaining issues flagged above. The government could offer landowners who have no plans to build or grow blocking uses a small amount of money to alienate options relating to the airspace. These options would allow any interested neighbor (present or future) to purchase a solar easement across the option-seller's property at a price that will be administratively determined. When a solar neighbor comes along, she can simply purchase and exercise the option that the government has already collected from her neighbor (Fennell 2011).

This approach is superior to simply banning trees and tall structures because it lets there be a mix of trees, tall structures, and solar in the neighborhood, as long as specific adjacent parcels are not in conflict. It also has advantages over relying on ordinary bargaining. By letting a neighbor write the option in

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advance, we avoid the need for a direct negotiation with a particular neighbor. Importantly, the existence of options (held in a governmental clearinghouse) can influence where people move. If you know you want to use solar energy, you could look on an online map that shows where options are freely available and move to a parcel where it will be easy to buy the rights to a free solar pathway. This core idea could be extended to address many types of potentially conflicting uses.



**Conflicting uses** (Dublin © 2013 B. Davy)

## Land use patterns

Let's shift now to the third area of remediable ignorance, information about preferences for land use patterns. First, it is useful to note why this is an area of ignorance. People cannot choose to become part of land use patterns that do not exist. It is even possible that they may be unable to form coherent preferences for them. People can only respond to existing patterns in a binary fashion

by moving in or moving out. As Tom Schelling's pathbreaking work showed, those moves can entrench or unravel existing patterns because they change the choice sets to which others will respond (Schelling 1978: 147-66). Schelling famously modeled the dynamics of racial segregation and integration but he always framed his models more generally. We could consider patterns of all sorts, from income mixing to commercial and residential mixed together.

An interesting question is whether we could get better information about preferences for patterns through the optional involvement of the populace. Widespread reactions to simulated patterns could be used in at least three ways. First, they could enrich the use of agent-based models, which simulate the effects of interacting decisions (see, e.g., Batty 2005: 209-16). These models are only as good as the assumptions that are plugged into them about how agents will react to different changes and conditions. Gathering better information about how actual people are likely to respond to different patterns and mixes of uses can improve the predictions the models generate. Second, simulations could be expanded to engage actual people online in the same manner as massively multiplayer online games; indeed, some work along these lines is already being done (see e.g., Tan and Portugali 2012). Third, and most ambitiously, public involvement could get groups of would-be landowners to conditionally commit to a particular location choice and use, if enough others also agree (see Fennell 2011: 46-47; Lee 2012).

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We already know that choices are highly interdependent, yet buying and selling typically occur piecemeal. Planners could facilitate putting these decisions together into preassembled chunks so that households and businesses need not settle for helplessly becoming part of existing patterns, but rather can help to author the patterns they will comprise (for related ideas, see Parchomovsky & Siegelman 2012).

## Concluding remarks

All of this may leave you wondering whether there's more to my title than I'm admitting. I said at the outset that I am not suggesting we can do without planning. But am I nevertheless suggesting that we can do without planners? Well, no. That's because there are important elements of the land use control process that local governments cannot delegate or abdicate. The government might be conceptualized as a provider of platforms for gathering and using information, with planners taking a role as professional platform designers (compare Shkabatur 2011).

I will briefly mention three facets of platform design that require ongoing, active involvement. The first is optimizing participation. Here, it is helpful to recognize that the boundaries on the map are not necessarily the boundaries of impacts, or the boundaries with which people

identify. Flexible information gathering opportunities enabled by new technologies can expand our ability to harness relevant participation. But this very flexibility requires making conscious choices about whose involvement will be solicited and how the resulting information will be used (see Vermeule 2009: 24-35; Howe 2008: 278-88).

Second, an optional approach to planning allows us to use behavioral insights in framing choices. Because people tend to be averse to losses, much depends on how a given choice is framed and what is the presumed reference point (Kahneman & Tversky 1978: 277-80). Attention to framing could transform the way people approach land use changes. Instead of confronting each proposal seriatim and comparing it to the status quo, for example, people using an information aggregation platform might instead see the question as one of competing alternative futures for a space, where some change is inevitable.

Third, there will always be a role for governmental involvement in setting policy priorities and pursuing normative commitments. It will not do to simply aggregate people's views if those are at

odds with commitments like antidiscrimination, supplying adequate affordable housing, protecting the environment, and so on. Indeed, information on its own can be self-reinforcing in ways that may require gov-

An optional approach  
to planning allows us  
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framing choices.

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ernment intervention. Consider, for example, the “Pedestrian Route Production” app developed by Microsoft that, according to its patent application, can produce a pedestrian route that will avoid high-crime areas (Keyes 2012). A concern, of course, is that this very avoidance behavior could exacerbate any pre-existing lack of safety (Jacobs 1961: 30). Rather than discounting, discouraging, or ignoring such information, governmental bodies could make use of it to better target their crime control and revitalization efforts.

\* \* \*

I hope I have convinced you that making planning optional doesn’t have to mean making it less important. Instead, we can raise the salience, flexibility, and power of planning by employing option-like instruments and engaging the optional involvement of the public.

## References

- Ayres, Ian. 2005. *Optional Law: The Structure of Legal Entitlements*. Chicago: University of Chicago Press.
- Batty, Michael. 2005. *Cities and Complexity: Understanding Cities with Cellular Automata, Agent-Based Models, and Fractals*. Cambridge, MA: MIT Press.
- Calabresi, Guido, and A. Douglas Melamed. 1972. Property Rules, Liability Rules, and Inalienability: One View of the Cathedral. *Harvard Law Review* 85: 1089–1128.
- DiPasquale, Denise & William C. Wheaton. 1996. *Urban Economics and Real Estate Markets*. Upper Saddle River, NJ: Prentice-Hall.
- Epstein, Richard A. 1993. Holdouts, Externalities, and the Single Owner: One More Salute to Ronald Coase. *Journal of Law and Economics* 36: 553–86.
- Fennell, Lee Anne. 2013. Crowdsourcing Land Use. *Brooklyn Law Review* 78: 385–415.
- Fennell, Lee Anne. 2011. Property and Precaution. *Journal of Tort Law* 4(2): 1–63.
- Fennell, Lee Anne. 2009. *The Unbounded Home: Property Values Beyond Property Lines*. New Haven: Yale University Press.



# PLPR NEWSLETTER FALL 2013

- Fischel, William A. 2001. *The Homevoter Hypothesis: How Home Values Influence Local Government Taxation, School Finance, and Land-Use Policies*. Cambridge, MA: Harvard University Press.
- Hayek, F.A. 1945. The Use of Knowledge in Society. *American Economic Review* 35: 519–30.
- Howe, Jeff. 2008. *Crowdsourcing: Why the Power of the Crowd is Driving the Future of Business*. New York: Three Rivers Press.
- Jacobs, Jane. 1961. *The Death and Life of Great American Cities*. New York: Random House.
- Jaffe, Martin. 1993. Performance Zoning: A Reassessment. *Land Use Law and Zoning Digest* 45 (3): 3-9.
- Kahneman, Daniel & Amos Tversky. 1979. Prospect Theory: An Analysis of Decision Under Risk, 47 *Econometrica* 47: 263-92.
- Keyes, Allison. 2012. This App was Made for Walking—But Is it Racist?, *NPR.org* (Jan. 25, 2012), available at <http://m.npr.org/story/145337346?url=/2012/01/25/145337346/this-app-was-made-for-walking-but-is-it-racist>
- Lee, Julia Y. 2012. Gaining Assurances. *Wisconsin Law Review* 2012: 1137–75.
- Levmore, Saul. 1982. Self-Assessed Valuation Systems for Tort and Other Law. *Virginia Law Review* 68: 771–861.
- Morris, Madeline. 1993. The Structure of Entitlements. *Cornell Law Review* 78: 822–98.
- Porter, Douglas R., Patrick L. Phillips, & Terry J. Lassar. 1988. *Flexible Zoning: How It Works*. Washington, D.C.: Urban Land Institute.
- Parchomovsky, Gideon & Peter Siegelman. 2012. Cities, Property, and Positive Externalities. *William & Mary Law Review* 54: 211–61.
- Schelling, Thomas C. 1978. *Micromotives and Macrobehavior*. New York: Norton.
- Serkin, Christopher. 2009. Existing Uses and the Limits of Land Use Regulations. *N.Y.U. Law Review* 84: 1222–91.
- Shkabatur, Jennifer. 2011. Cities @ Crossroads: Digital Technology and Local Democracy in America. *Brooklyn Law Review* 76: 1413–85.
- Stigler, George J. 1961. The Economics of Information. *Journal of Political Economy* 69: 213–225.
- Tan, Ekim & Juval Portugali. 2012. *The Responsive City Design Game*. In *Complexity Theories of Cities Have Come of Age*, edited by Juval Portugali et al. 369–90
- Vermeule, Adrian. 2009. Many-Minds Arguments in Legal Theory, *Journal of Legal Analysis* 1: 1–45.

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## 8<sup>TH</sup> PLPR CONFERENCE (2014)

### Call for Papers / Deadline: 15 October 2013

For the 8<sup>th</sup> PLPR conference in Haifa, we welcome any topic based on research or theoretical analysis that links planning and law, planning and regulatory instruments, or property rights. The PLPR tradition has been to accept a wide range of topics from scholars in planning, law, or real estate studies. Graduate students working on topics within this realm are especially encouraged to submit an abstract. Practitioners interested in expanding their knowledge through research are very welcome.

The review process will be coordinated by Professor Ben Davy (TU Dortmund). All abstracts will be submitted online and will reach him directly. Peer review will be double-blind, by two independent reviewers.

- Abstract Size: up to 400 words
- Add 5 keywords and a sample of 2–3 most relevant references from the international literature.
- Language of submission and presentation: English

Deadline of abstract submission: October 15 2013. The deadline for notice of acceptance: a month after the submission deadline.

Because we want to be open to exploratory ideas, PLPR does not require that participants send a full paper prior to the conference, but participants are highly encouraged to do so.

PLPR does not offer peer review of full papers. However, those in absolute need of peer review of a their paper as a precondition by their university may make a special request. If necessary, we could also arrange for or posting on the PLPR or the conference web sites (not yet determined). However, we would like to remind participants that many editors of academic journals or academic books do not look favorably on papers that have been posted on the internet prior to publication. A conference review process does not substitute for an academic journal peer review.

*Rachelle Alterman* (Conference Chair)

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## OPEN CONFERENCE CALL

### Who wants to host future PLPR conferences?

The Executive Committee of PLPR wants to encourage members, who wish to host one of the next PLPR international conferences or other PLPR events, to get in touch with ExCo as early as possible.

As PLPR is eager to continue the tradition of successful conferences, ExCo will actively encourage and support long-standing members of the PLPR community to host one of the up-coming international conferences or

other events (e.g., regional workshops). We are also ready, however, to work with new members on conference bids. Negotiations for the preparation of a bid may be faster with long-standing members, but if planned early, we believe that new members can also develop attractive conference proposals.

If you wish to discuss the preparation of a conference bid, please contact Fennie, Ben, or Thomas (see next page for contact details).



Portland, Oregon (2013)

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## MEETING WITH FRIENDS

### Share your news!

There are many ways to share your news with the PLPR community:

- Send an e-mail to one of the members of PLPR's Executive Committee:
  - Ben Davy (President)  
[president@plpr-association.org](mailto:president@plpr-association.org);
  - — (Vice President)  
[vice-president@plpr-association.org](mailto:vice-president@plpr-association.org);
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- Use [info@plpr-association.org](mailto:info@plpr-association.org) to send an e-mail directly to all other members of the PLPR community (available to registered members . . . AND membership is for free!).
- Send us a text (perhaps a conference paper) or other news for publication in the next newsletter!



**Tempus fugit!** On display at the 2013 PLPR Conference in Portland

**PLEASE TELL OTHERS ABOUT PLPR!  
NEW MEMBERS ARE MOST WELCOME!**

# PLPR NEWSLETTER FALL 2013

## ABOUT PLPR



[www.plpr-association.org](http://www.plpr-association.org)

During the AESOP conference in Aveiro (1998), a small group of scholars in the field of planning, law, and property rights met and shared their views on a planning and law track at AESOP conferences. Rachelle Alterman (Technion, Israel), together with Willem Salet (University of Amsterdam) and Ben Davy (TU Dortmund), organized the first track during the AESOP conference in Bergen (1999).

Since Bergen, the planning, law, and property rights group has matured and evolved. During the 2006 World Congress of

Planning Schools in Mexico City, a group of interested faculty members from many countries convened and decided to establish an International Association on Planning, Law, and Property Rights. This association was established during the Inaugural Symposium in Amsterdam, in 2007, with Rachelle Alterman as first PLPR President.

**Please visit the [PLPR website](http://www.plpr-association.org) for learning more about an exciting academic association and becoming a member (membership is free!).**