

**SHELBY D. GREEN**

Professor of Law

Susan Taxin Baer '85 Faculty Scholar and Professor of Law

Elisabeth Haub School of Law

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**EDUCATION**

Georgetown University Law Center, J.D.

Towson University, B.S.

**BAR MEMBERSHIPS**

New York

U. S. Supreme Court

United States Court of Appeals for the D.C. Circuit

United States Court of Appeals for the Second Circuit

United States District Court (W.D.N.Y.)

United States District Court (D. Md.)

**ILLUSTRATIVE PUBLICATIONS**

Articles

*Non-Debt and Non-Bank Financing for Home Purchase: Promises and Risks* (forthcoming American U. Bus. L. Rev. 2021).

*The Loud Unspoken Narratives from Confederate Monuments: How and Why We Should Quiet Them in the Public Square*, (forthcoming Zarach Journal 2021)

*Controlling the Locals from the Top Down to the Bottom Up for Housing*, review of *Beyond the Double Veto: Housing Plans as Preemptive Intergovernmental Compacts*, 71 Hastings L. J. 79 (2019),  
<https://jotwell.com>.

*Landlord-Tenant Law Redux: New York's "Rad" Landlord-Tenant Law Revisions*, 34 Prob. & Prop. 17 (2020)(with Samuel Middleton and Britney L. Frates).

*Ex Situ Preservation of Historic Monuments in the Era of Climate Change*, 18.2 Conn. Pub. Interest L. J. 1 (2019).

*Teaching Property Through Indian Land Law*, (review of Jessica A. Shoemaker, *Complexity's Shadow: American Indian Property, Sovereignty and the Future*, 115 Mich. L. Rev. 487 (2017),  
<https://property.jotwell.com/teaching-property-indian-land-law/>.

*One Parcel Plus One Parcel Makes a 'Parcel as a Whole': Murr v. Wisconsin's Fluid Calculations for Regulatory Takings*, Probate & Property (Jan/Feb 2018).

*The Passage of the Fair Housing Act of 1968: Stories to be Told* (review of Jonathan Zasloff, *The Secret History of the Fair Housing Act*, 53 Harv. J. Legis. 247 (2016),

<https://digitalcommons.pace.edu/lawfaculty/1067/>.

*Giving and Including For Happiness* (review of David Fagundes, *Why Less Property is More: Inclusion, Dispossession, & Subjective Well-Being*), 103 Iowa L. Rev. 1361 (2018),  
<https://property.jotwell.com/giving-and-including-for-happiness/>.

*Shadowing Lenders and Consumers: The Rise Regulation and Risks of Non-Banks*, Banking & Fin. Servs. Rep., Sept 2018 at 12.

*Testing Fannie Mae's and Freddie Mac's Post-Crisis Self-Preservation Policies Under the Fair Housing Act*, 66 Clev. St. L. Rev. 477 (2018).

*Zoning Neighborhoods for Resilience: Drivers, Tools & Impacts*, 28 Fordham Envt'l L. Rev. 41 (2016).

*Building Resilient Communities in the Wake of Climate Change While Keeping Affordable Housing Safe from Sea Changes in Nature and Policy*, 54 Washburn L. J. 527 (2015).

*Paradoxes, Parallels & Fictions: The Case of Landlord-Tenant Tort Liability Under the Revised Uniform Residential Landlord-Tenant Act*, 38 Hamline L. Rev. 407 (2015).

*Contesting Disclaimer-of-Reliance Clauses by Efficiency Free Will, & Conscience: Staving Off Caveat Emptor*, 2 Tex. A&M L. Rev. 1 (2014).

*No Entry to the Public Lands: Toward a Theory of a Public Trust Servitude for a Way over Abutting Private Land*, 14 Wyo. L. Rev. 19 (2014).

*A Tale of Two Privity's: Conflict Among the Circuits on the Role of Contract Privity and Privity of Estate in the FDIC's Assignment of Failed Bank Leases* (forthcoming, Real Prop. Trust & Estate L. J. 2014).

*Contesting Disclaimer-of-Reliance Clauses by Efficiency Free Will, & Conscience: Staving Off Caveat Emptor*, 2 Tex. A & M L. Rev. 1 (2014).

*Imagining a Right to Housing, Lying in the Interstices*, 19 Geo. J. on Pov. L. & Pol'y 393 (2012).

*Zoning In and Out Churches: Limits on Municipal Zoning Powers by the Religious Land Use and Institutionalized Persons Act*, 37 Real Estate L. J. 163 (2008).

*The Search for A National Land Use Policy: For the Cities Sake*, 26 Fordham Urb. L. J. 69 (1998-1999).

*The Public Housing Tenancy: Variations on the Common Law that Give Security of Tenure and Control*, 43 Catholic U. L. Rev. 681 (1994).

*Reclaiming the Public Domain by Repeal of the Mining Law of 1872*, 6 Hofstra Prop. L. J. 85 (1993).

#### Books

HISTORIC PRESERVATION: LAW AND CULTURE (with Nicholas A. Robinson)(2018).

HISTORIC PRESERVATION: STORIES & LAWS (with Nicholas A. Robinson)(2020).

CLIMATE CHANGE LAW: INTRODUCTION (chapter on Adaptation and Mitigation) (forthcoming Elgar

Books).

Other

*Editor: Keeping Current, Property, Probate & Property Magazine.*

**SPEAKING ENGAGEMENTS**

Presenter, Webinar, *The Janus Effect of Historic Preservation*, New York State Bar Association, Real Property Law Section, Annual Meeting, (January 2021).

Presenter, The Impacts of the Coronavirus Pandemic on the Performance of Real Estate Contracts: Frustration of Purpose, Impossibility, Impracticability and Force Majeure, ABA Real Property, Trust Estate Section, CLE, April 2020.

Moderator, Webinar, Non-Debt Financing for Housing Purchase: Risks and Promises, ABA Real Property Trust and Estate Law Section, June 2020.

Moderator, Holds on Horizontal Drilling, ABA Real Property Trust and Estate Law Section March 2020.

Moderator, Webinar, *Knick v. Township of Scott*, ABA Real Property Trust and Estate Law Section February 2020.

Moderator, Webinar, Rural Blight, ABA Real Property Trust and Estate Law Section December 2019.

Presenter, Preserving Cultural Heritage Through Sustainability Inventions, Association of Law, Property and Society, Syracuse, N.Y. May 2019.

Presenter, Law Professors' Update, ABA Real Property Trust and Estate Law Section, Legal Education Group, Spring Symposium, 2018.

Presenter, Zoning for Resilience and Sustainability in the Era of Climate Change, Arizona State University, Sandra Day O'Connor College of Law, Sustainability Conference of American Legal Educators, 2017.

Moderator, Webinar, Antiquities Act, ABA Real Property Trust and Estate Law Section, September 2017.

Presenter, Resilience and the Big Picture, Governing and Financing Innovations for Long Island Sound and Beyond, University of Connecticut, April 2016.

Presenter, The Fordham Environmental Law Review, Global Challenges and Local Solutions: The Role of Municipalities in the Fight Against Climate Change, February 2016.

Presenter, Resilient Communities and Climate Change, The Future of Housing, Equity, Stability and Sustainability, Washburn Law School, February 2015.

Presenter, Historic Preservation Responds to Housing Shortages in Legacy Cities: Synergies for Savings and Success, Conference on Historic Preservation in America's Legacy Cities, Cleveland, 2014.

**PROFESSIONAL GROUPS**

American Bar Association, Real Property Trust & Estate Section: Council; Chair, Legal Education Group; Co-chair, Membership Committee

New York State Bar Association, Real Property Law Section, Executive Committee: co-chair, law student affairs and co-chair subcommittee on CLE

American College of Real Estate Lawyers

**TEACHING ACTIVITIES**

Law School Courses  
Real Estate Transactions & Finance  
Property

Advanced Real Property  
Historic Preservation  
Housing Development & Discrimination

Other Academic Activities  
Director, Concentration in Real Estate & Land Use Law  
Director, LL.M. Program in Real Estate Law  
2009-2012  
Director, Real Estate Law Externship Program  
2015-2020  
Director, Legal Case Study Project  
2014-2017  
Director, Semester in Practice Program  
Mentor, Pace Federal Judicial Honors Program

COMMUNITY SERVICE

Board Memberships  
Member, Board of Directors, Jay Heritage Center  
Chair, Board of Trustees, Brooklyn Music School  
Member, Board of Directors, Sherman Chamber  
Ensemble

Pro Bono Activities  
Cases in state and federal court

PERSONAL

Enjoy hiking, cross-country skiing, playing piano