

CURRICULUM VITAE

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General

John R. Nolon is Distinguished Professor of Law Emeritus at the Elisabeth Haub School of Law at Pace University where he supervises student research and publications regarding land use, sustainable development, climate change, housing insecurity, racial inequity, and the coronavirus pandemic. He is Co-counsel to the Law School's Land Use Law Center, which he founded in 1993. He served as Adjunct Professor of land use law and policy at the Yale School of the Environment from 2001-2016. Before he joined the law school faculty, he founded and directed the Housing Action Counsel to foster the development of affordable housing.

Education and Distinguished Service

Professor Nolon received his J.D. degree from the University of Michigan Law School where he was a member of the Barrister's Academic Honor Society. His undergraduate degree is from the University of Nebraska, where he was President of the Senior Honor Society. The Haub School of Law recognizes him in two ways: the John R. Nolon Land Use Student Achievement award is presented each year at the land use conference and at graduation, and the Pace Environmental Law Review awards the annual Professor John R. Nolon Student Writing Competition to the top three submissions by law students from law schools throughout the nation.

In 2009, he was presented the National Leadership Award for a Planning Advocate by the American Planning Association. The International City/County Management Association presented its Honorary Membership Award to Professor Nolon in 2014, its highest award to a person outside the city management profession for exemplary service to local government. The NY Planning Federation presented him its Lifetime Achievement Award in 2018. He served as a consultant to President Carter's Council on Development Choices for the 1980's, President Clinton's Council on Sustainable Development, New York Governor George Pataki's Transition Team, and Governor Elliot Spitzer's Transition Team.

Scholarship

Professor Nolon was named one of two Distinguished Professors in 2014 by Pace University. Previously, he served as the James D. Hopkins Professor from 2009-2011 and the Charles A. Frueauff Research Professor of Law during the 1991-92, 1997-98, 1999-2000, and 2000-01

academic years. He received the Richard L. Ottinger Faculty Achievement Award in 1999, won the Goettel Prize for faculty scholarship in 2006, and was named Outstanding Teacher of the Year in 2016-2017. He is co-author of the nation's oldest casebook on land use law: *Land Use and Sustainable Development Law: Cases and Materials*, currently in its ninth edition.

Professor Nolon's article entitled "The Advent of Local Environmental Law," published in the *Harvard Environmental Law Review*, was selected by Thompson-West's *Land Use and Environmental Law Review* as one of the ten best articles on environmental and land use law published in 2002. His article on the origins of smart growth, published in *The Urban Lawyer*, was also selected as one of the top ten articles in the nation on the topics of environmental and land use law in 2003.

Professor Nolon received a Fulbright Scholarship to develop a framework law for sustainable development in Argentina where he worked from 1994 through 1996. A collection of articles produced as a result of this work appeared in a symposium edition of the *Pace Environmental Law Review* and was published in Argentina in Spanish. He published nearly 50 articles in the *New York Law Journal* and over 60 law review articles on various aspects of land use and sustainable development law. An anthology of seven of his articles was published in 2006 as a special issue of the *Pace Environmental Law Review*. He has produced six books published by the Environmental Law Institute on the topics of land use law, open space protection, local environmental law, managing climate change, and the mitigation of damage caused by natural disasters. His current research focusses on the management of climate change through a strategy known as Climate Resilient Development on which he is working with over 40 Haub land use students.

Books

Choosing to Succeed: Land Use Law & Climate Change, Environmental Law Institute, (2020).

Land Use and Sustainable Development: Cases and Materials, West, (9th ed. 2017) (with Patricia E. Salkin, Stephen Miller, and Jonathan Rosenbloom).

Land Use in a Nutshell, Thomson-West (2017) (with Patricia Salkin).

Protecting the Environment Through Land Use Law: Standing Ground, Environmental Law Institute (2014).

Climate Change and Sustainable Development Law in a Nutshell, Thomson-West, (2011) (with Patricia E. Salkin).

Nation on Edge: Losing Ground, Environmental Law Institute, (John R. Nolon & Daniel B. Rodriguez eds., (2007).

Comparative Land Use Law and Sustainable Development, Cambridge University Press, (John R. Nolon et al. eds., 2006).

Compendium of Land Use Laws for Sustainable Development, Cambridge University Press, (2006).

New Ground: The Advent of Local Environmental Law, Environmental Law Institute, (John R. Nolon ed., 2002).

Open Ground: Effective Local Strategies for Protecting Natural Resources, Environmental Law Institute, (2002).

Cases and Materials on New York Land Use Law, Pace Law School, (3rd ed. 2002).

Well Grounded: Using Local and Land Use Authority to Achieve Smart Growth, Environmental Law Institute, (2001).

Land Use Law Deskbook for Lawyers and Planners (with Mary E. Mohnach and Kathryn Ryan) (1998).

Primer for Local Officials and Citizens: Local Land Use Law and Practice (1998).

Common Walls / Private Homes: Multi-residential Design, McGraw-Hill (1990) (with Duo Dickinson).

Law Review Articles

Pandemics and Housing Insecurity: A Blueprint for Land Use Law Reform, 46 *Vt. L. J.* 422 (2022),

Death of Dillon's Rule: Local Autonomy to Control Land Use, *J. Land Use and Env'tl. Law*, (2021).

Calming Troubled Waters: Local Solutions, *Vt. L. Rev.* Vol. 44, No. 1, (2019).

Low Carbon Land Use: Paris, Pittsburgh, and the IPCC, Vol. 40, No. 4, *u. Ark. Law Review* 4, 661 (2018)

The Constitutional Convention, State Interests, and Home Rule: Are Amendments Needed to Promote Equitable and Economic Growth? *New York Zoning Law and Practice Report*, Sept/Oct 2017, Thomson Reuters.

Zoning's Centennial: A Complete Account of the Evolution of Zoning into a Robust System of Land Use Law--1916-2016 (Part IV) *Zoning and Planning Law Report*, Jan. 2017, Thomson Reuters.

Zoning's Centennial: A Complete Account of the Evolution of Zoning into a Robust System of Land Use Law--1916-2016 (Part III) *Zoning and Planning Law Report*, Dec. 2016, Thomson Reuters.

Zoning's Centennial: A Complete Account of the Evolution of Zoning into a Robust System of Land Use Law--1916-2016 (Part II) Zoning and Planning Law Report, Nov. 2016, Thomson Reuters.

Zoning's Centennial: A Complete Account of the Evolution of Zoning into a Robust System of Land Use Law--1916-2016 (Part I) Zoning and Planning Law Report, Oct. 2016, Thomson Reuters.

Zoning's Centennial (1916-2016) – The Evolution of Land Use Law in New York; New York Zoning Law and Practice Report, Sept/Oct 2016, Thomson Reuters.

Enhancing the Urban Environment through Green Infrastructure, 46 ELR 10072, January, 2016, Environmental Law Reporter, Environmental Law Institute.

Mitigating Climate Change by Zoning for Solar Energy Systems: Embracing Clean Energy Technology in Zoning's Centennial Year, Zoning and Planning Law Report, Vol. 38, Issue 11, December, 2015

Climate Adaptation and Disaster Mitigation: Land Use Strategies, The Environmental Forum, vol. 32, issue 4 July/August, 2015.

An Environmental Understanding of the Local Land Use System March, 2015, Environmental Law Reporter, Environmental Law Institute.

Mitigating the Adverse Impacts of Hydraulic Fracturing: A Role for Local Zoning? Zoning and Planning Law Report (with Jessica A. Bacher, 2014)

Land Use and the Climate Bubble: The Due Diligence Defense. Wm & Mary Env'tl. L. & Pol'y Rev. (forthcoming 2014).

Hydrofracking: State Preemption, Local Power, and Cooperative Governance, Case W. Res. L. Rev. (2013).

Towards Engaged Scholarship, Pace L. Rev. (2013).

Changes Spark Interest in Sustainable Urban Places: But How Do We Identify and Support Them?, Fordham Urb. L.J. (2013).

Shifting Paradigms Transform Environmental and Land Use Law: The Emergence of the Law of Sustainable Development, Fordham Env'tl. L. Rev. (2013).

Land Use and Climate Change: Lawyers Negotiating Above Regulation, 78 Brook. L. Rev., No. 2 (Winter 2013).

Land Use for Energy Conservation and Sustainable Development: A New Path Toward Climate Change Mitigation, 27 J. Land Use & Env'tl. L. 295 (2012).

Managing Climate Change Through Biological Sequestration: Open Space Redux, 31 *Stan. Envtl. L.J.* 2 (2012).

Regulatory Takings and Property Rights Confront Sea Level Rise: How Do They Roll?, 21 *Widener L. Rev.* (2012).

Hydrofracking -- Disturbances Both Geological and Political: Who Decides?, 44 *Urb. Law.* 2 (2012) (with Victoria Polidoro).

Affirmatively Furthering Fair Housing: The Search for Solutions that are Just Right, 35 *Zoning & Planning Law Report* 7 (2012) (with Tiffany Zezula).

Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices, 60 *J. Legal Educ.* 3, 519. (2011) (with Patricia Salkin).

The Law of Sustainable Development: Keeping Pace, 30 *Pace L. Rev.* 4 (2010).

The Land Use Stabilization Wedge Strategy: Shifting Ground to Mitigate Climate Change, 34 *Wm & Mary Envtl. L. & Pol'y Rev.* (2009).

Changing Times—Changing Practice: New Roles for Lawyers in Resolving Complex Land Use and Environmental Disputes, 27 *Pace Envtl. L. Rev.* (2009) (with Jessica Bacher).

The Future of Our Land: Presidential Leadership, 60 *Plan. & Envtl. L.* 3, (2008).

The Mighty Myths of Kelo, Government, 9 *Law & Pol'y J.* 10 (2007).

Affordable Housing in the New York Courts: A Case for Legislative Action, 7 *N.Y. Zoning L. & Practice Rep.* (2006) (with Jessica A. Bacher).

Katrina's Lament, Reconstructing Federalism, 23 *Pace Envtl. L. Rev.* (2006).

Historical Overview of the American Land Use System: A Diagnostic Approach to Evaluating Governmental Land Use Control, 23 *Pace Envtl. L. Rev.* (2006).

Champions of Change: Reinventing Democracy Through Land Law Reform, 30 *Harv. Envtl. L. Rev.* (2006).

Comparative Land Use Law: Patterns of Sustainability, *The Urban Lawyer*, Fall, Vol. 37. No.4 (2005).

Golden and Its Emanations: The Surprising Origins of Smart Growth, 35 *Urb. Law.* (2003).

In Praise of Parochialism: The Advent of Local Environmental Law, 26 *Harv. Envtl. L. Rev.* 363 (2002).

Considering the Trend Toward Local Environmental Law, 20 *Pace Envtl. L. Rev.* (2002).

Grassroots Regionalism Through Intermunicipal Land Use Compacts, 73 *St. John's L. Rev.* 1011 (1999).

National Land Use Policy Act (Seminar on the Law of Sustainable Development—United States), 13 *Pace Env'tl. L. Rev.* 519 (1996).

Summary of the United States Seminar on Our National Environmental Laws. 13 *Pace Env'tl. L. Rev.* 567 (1996).

Introduction Seminar on the Law of Sustainable Development—United States 13 *Pace Env'tl. L. Rev.* 503 (1996).

Fusing Economic and Environmental Policy: The Need for Framework Laws in the United States and Argentina, 13 *Pace Env'tl. L. Rev.* 685 (1996).

Introduction (Land Use Law Reform Symposium), 13 *Pace L. Rev.* 315 (1993).

Comprehensive Land Use Planning: Learning How and Where to Grow (Land Use Law Reform Symposium), 13 *Pace L. Rev.* 351 (1993).

The Erosion of Home Rule Through the Emergence of State Interests in Land Use Control, 10 *Pace Env'tl. L. Rev.* 497 (1993).

Private Property Investment, Lucas, and the Fairness Doctrine (Lucas v. South Carolina Coastal Council: Colloquium) 10 *Pace Env'tl. L. Rev.* 43 (1992).

Footprints in the Shifting Sands of the Isle of Palms: A Practical Analysis of Regulatory Takings Cases, 8 *J. Land Use & Env'tl. L.* 1 (1992).

Toward a Housing Imperative and Other Reflections on Balanced Growth and Development, 7 *Pace Env'tl. L. Rev.* 319 (1990).

Expanding Traditional Land Use Authority Through Environmental Legislation: The Regulation of Affordable Housing, 2 *Hofstra Prop. L.J.* 1 (1988).

Shattering the Myth of Municipal Impotence: The Authority of Local Government to Create Affordable Housing, 17 *Fordham Urb. L.J.* 383 (1989).

A Comparative Analysis of New Jersey's Mount Laurel Cases with the Berenson Cases in New York, 4 *Pace Env'tl. L. Rev.* 3 (1986).

Reexamining Federal Housing Programs in a Time of Fiscal Austerity: The Trend Toward Block Grants and Housing Allowances, 14 *Urb. Law.* 249 (1982).

Journal Articles

The Death of Dillon's Rule, with Emma Alvarez Campbell, *Zoning and Planning Law Report* (2021)

Land Use Strategies that Mitigate Climate Change, *Prob. & Prop.*, (Jan.-Feb., 2020)

Land Use for Economic Development in Tough Financial Times, 40 *Real Estate L.J.* 233 (2011) (with Jennie C. Nolon).

Integrating Sustainable Development Planning and Climate Change Management: A Challenge to Planners and Land Use Attorneys, *Plan. & Envtl. L.* (2011) (with Patricia Salkin).

Walton County v. Stop the Beach Renourishment, Inc.: Rising Tides-Changing Title, 37 *Real Estate L.J.* (2009) (with Kristen Grzan).

Climate Change and Sustainable Development: The Quest for Green Communities, Part II, 61 *Plan. & Envtl. L.* 3, (2009).

Climate Change and Sustainable Development: The Quest for Green Communities, Part I, 61 *Plan. & Envtl. L.* 3, (2009).

The Role of Lawyers in Resolving Environmental Disputes, 37 *Real Estate L.J.* 200 (2008) (with Jessica Bacher).

Shifting Ground to Address Climate Change: The Land Use Law Solution, Government, 10 *Law and Pol'y J.* 23 (2008).

Reinventing Redevelopment Law, 37 *Real Estate L.J.* 234 (2008) (with Jessica Bacher).

Breaking Ground Planning and Building in Priority Growth Districts, 37 *Real Estate L.J.* 90 (2008) (with Jessica Bacher).

Climate Change, Zoning, and Transportation Planning: Urbanization as a Response to Carbon Loading, 36 *Real Estate L.J.* 211 (2007) (with Jessica A. Bacher).

Creating a Local Environmental Law Program, 36 *Real Estate L.J.* 350 (2007)

Zoning, Transportation, and Climate Change, 8 *N.Y. Zoning L. & Practice Rep.* (2007).

Local Inclusionary Housing Programs: Meeting Local Needs, 36 *Real Estate L.J.* 73 (2007) (with Jessica A. Bacher).

Disaster Mitigation Through Land Use Strategies, 37 *Envtl. L. Rep.* (2007).

Resolving Land Use Disputes through Mediation, *New York Zoning Law and Practice Report*, Vol. 4, No. 1, July/August 2003.

"Successful Community Strategies to Protect Open Space," 33 *Environmental Law Reporter's News and Analysis* 10537 (July 2003).

"Discovering Local Environmental Law," 25 *Zoning and Planning Law Report* 73 (2002).

"The Contemporary Relevance of *Golden v. Ramapo*," *State & Local Law News* at 1(Fall 2002).

"Framework for Local Environmental Law," *Environmental Law in New York* (September/October 2001) (coauthored with Kristen Kelley).

"Do Pre-existing Land Use Regulations Prevent a Regulatory Takings Claim?" *New York Real Estate Law Reporter* (August 2001).

"Damnum Sine Injuria; The Search for Mediating Mechanisms for Regional Land Use Disputes," *New York Zoning Law and Practice Report*, Vol. 1, No.6 (May/June 2001).

"Una nueva estrategia para la protección ambiental," *Petrotechnia*, Año XL, No. 3, (Junio 1999).

"Integración de políticas económicas y ambientales. La necesidad de leyes marco en Estados Unidos y Argentina," *Doctrina Judicial*, Año XIII, No. 31, Buenos Aires (13 de Agosto 1997).

"Community Leaders Go to Process School," *Consensus*, MIT-Harvard Public Dispute Program, (July 1999).

National Land Use Planning: Revisiting Senator Jackson's 1970 Policy Act, 48 *Land Use L. & Zoning Dig.* (1996).

Takings and Property Rights Legislation, 2 *Alb. L. Env'tl. Outlook* 61 (1996).

"Government Responsibility for Regulatory Takings of Private Property," *The Government Law Center of Albany Law School* (February 1996).

"Senator Jackson's Time Has Come: Lessons for the Land," *Land Use Law Reporter* (Series 3, Special Edition, 1995).

"The Stable Door is Open: New York's Statutes to Protect Farm Land," 67 *New York State Bar Journal* 36 (Feb. 1995).

"The Land Development Process: Forging a New State-Local Relationship," *Land Use Law Reporter* (Series 3, Number 3, 1995).

"State Assistance for Local Comprehensive Planning," *Land Use Law Reporter* (Series 3, Number 2, 1995).

"Can Cities, Urban Villages and Rural Downtowns Benefit From Land Use Law Reform?," *New York State Municipal Bulletin*, March/April 1994.

"Land Use Reform: A Judicial and Practical Imperative," 65 *New York State Bar Journal* 18 (December 1993).

"'Lucas Case,' The Need to Reform Land-Use Law," 45 *Land Use Law and Zoning Digest* 3 (Feb. 1993).

"Local Land Use Control in New York: An Aging Citadel Under Siege," 64 *New York State Bar Journal* 38 (July-August 1992).

"Reflections on Balanced Growth, Development," *New York Real Estate Law Reporter*, October 1989, at 8.

"Affordable Housing: Determining Who Lives There?" *Municipal Lawyer*, Vol. 3, No. 15 (1988).

"Site Plan Approval Power Restricted," 3 *Municipal Lawyer* 3 (Sept./Oct. 1986).

Chapters

Local Resilience and Disaster Preparation, in Disaster Law: Risk, Recovery and Development, Cambridge Univ. Press (Susan Kuo, John Marshall, & Ryan Rowberry, eds., 2022).

Transportation and Land Use, in Global Climate Change and U.S. Law (Michael B. Gerrard & Jody Freeman eds., 2d ed.) (2013).

"Disaster Mitigation Through Land Use Strategies, in *Losing Ground: A Nation on Edge*" (John R. Nolon and Daniel B. Rodriguez, eds., 2007).

"Historical Overview of the American Land Use System: A Diagnostic Approach to Evaluating Governmental Land Use Control," in *Comparative Land Use Law and Global Sustainable Development* (Cambridge University Press, 2006).

"The American Land Use System," in *Comparative Land Use Law and Global Sustainable Development* (University Press, 2006).

Paradigms of Positive Change: Reordering the Nation's Land-Use System, in Planning Reform in the New Century (2005).

Land Preservation, in Environmental Law Practice Guide: State and Federal Law (Michael B. Gerrard, ed., 2003).

Land Use Law, in General Practice in New York (West, 1998).