

Elizabeth Elia

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ACADEMIC APPOINTMENTS

University of New Mexico School of Law, Albuquerque, NM

Assistant Professor of Law, August 2019 – present

- Courses taught – Property I, Property II, Land Use

University of New Mexico School of Law, Albuquerque, NM

Term Teaching Faculty, January 2018 – July 2019

- Courses taught – Property I, Property II, Economic Justice Clinic, Poverty Law in Practice

Georgetown University Law Center, Washington, DC

Harrison Institute Clinical Fellow, August 2008 – June 2010

- Taught a skills-based, moderately-directive curriculum for complex real estate transactions law. In representing low-income tenants associations attempting to buy their buildings, students learned to identify legal issues related to real estate development law, statutory interpretation, contracts, corporate governance and legal ethics. Students also developed their abilities to counsel clients in plain language, negotiate contracts, write legal memos and conduct legal trainings. Examples:
 - Students negotiated a limited partnership agreement on behalf of a low-income, senior-citizen tenants association with a for-profit affordable housing developer where the limited partnership served as the managing member of a Low Income Housing Tax Credit (LIHTC) limited liability company.
 - Students prepared and presented trainings to low-income tenants and affordable housing cooperatives on corporate governance, fiduciary duties, the Tenant Opportunity to Purchase Act, LIHTC transactions, and testifying before the DC Council on housing issues.
- Taught segments of weekly clinical seminar related to corporate governance and professional responsibility when representing an association of unsophisticated members. Pedagogical styles included lecture, group discussion and in-class exercises.
- Many alumni/ae of the clinic went on to practice corporate law, real estate development law, or affordable housing development law at large firms or federal agencies.

EDUCATION

Georgetown University Law Center, Washington, DC

LL.M., September 2010

American University, Washington College of Law, Washington, DC

J.D., April 2005

New College of Florida, Sarasota, FL

B.A., May 2001

(New College is the honors college of the Florida public university system)

Area of Concentration: Humanities | Thesis: Constructing Subject-hood in Theory and Fiction

SELECTED OTHER TEACHING EXPERIENCE

Staying One Step Ahead of the Shoeshine: Legal Considerations for TOPA Organizers

This seminar for government-funded, tenant-organizing, non-profit organizations covered their professional rights and responsibilities *vis á vis* hostile landlords. Legal topics included the statutory right to organize tenants and steering clear of trespass, slander and libel. Pedagogical style – lecture and group discussion.

Latino Economic Development Center, June 16, 2017.

Coop Management Agreements

This seminar taught limited-equity housing cooperative board members about effective negotiation and enforcement of management agreements. Seminar participants were encouraged to bring copies of their management agreements to track and compare. Pedagogical style – guided group discussion, guided comparative analysis. *Coalition for Nonprofit Housing and Economic Development Annual Limited Equity Cooperative Clinic, October 2016*

When is a Cooperative a Landlord?

This seminar for limited-equity housing cooperative board members taught lay-persons serving on their limited-equity housing cooperative boards first, to identify whether a resident occupied the property as a cooperative member or as a tenant. Second, seminar participants learned about the rights and obligations of landlords and tenants pursuant to DC law. Pedagogical style – interactive lecture. *Coalition for Nonprofit Housing and Economic Development Annual Limited Equity Cooperative Clinic, October 2014 & October 2015.*

Cooperative Documents 101

This seminar for limited-equity housing cooperative members explained the purpose and interaction of the organizational documents of limited equity housing cooperatives, including Articles of Incorporation, Bylaws, Occupancy Agreements, Share Certificates, Books and Records, and House Rules. Pedagogical style – lecture. *Presentation at Coalition for Nonprofit Housing and Economic Development Annual Limited Equity Cooperative Clinic, October 2014 & October 2015*

ACADEMIC SCHOLARSHIP

Elizabeth Elia, *Perpetual Affordability Covenants: Can These Land Use Tools Solve the Affordable Housing Crisis?*, 124 Penn S. L. Rev. ____ (Fall 2019) – this article reveals the deficiencies at common law of real covenants and equitable servitudes intended to secure our nation’s affordable housing stock. It argues that these covenants belong among a new class of public/private land use control devices, together with conservation easements and conditional zoning, and that they must be supported by enabling legislation. It further articulates the powerful ways in which these covenants, when created with perpetual duration, can either create a permanent stock of affordable housing or a valuable asset class for affordable housing development agencies.

Elizabeth Elia, *Hybrid Servitudes, the Police Power, and the Climate Crisis –How the Restatement (Servitudes) Got it Right* (work in progress) In the year 2020, we will mark the 20th Anniversary of the publication of the Restatement (Third) of Property: Servitudes. An ambitious attempt to modernize and unify one of the most illogical and archaic branches of property law, the Restatement is criticized by some as being prescriptive rather

than descriptive in its treatment of many core concepts related to servitudes. This article examines a corral of modern hybrid land use devices, namely conservation easements, affordability covenants, environmental covenants and development agreements. I argue that not only did the Restatement accurately describe the emerging law governing these servitudes, but also its expansive view of the state police power is essential as we prepare to respond to the climate crisis.

SELECTED OTHER PUBLICATIONS

LONG TIME COMING: AFTER 40 YEARS OF ABUSE AND NEGLECT, WILL THE RESIDENTS OF D.C. 'S ONCE-VIBRANT SHAW NEIGHBORHOOD SUCCEED IN REDEFINING THE VALUE OF PEOPLE AND PLACE?, SHELTERFORCE (July 23, 2007) (co-authored with Ryan Juskus), https://shelterforce.org/2007/07/23/long_time_coming/

OTHER WORK EXPERIENCE

Elia Law Group, PLLC, Washington, DC

Member, January 2014 – June 2017

Represented tenant groups, affordable housing developers, small businesses, charter schools, and non-profit lenders in affordable housing and small business real estate development transactions in DC.

Key accomplishments:

- Represented 19 low-income tenants associations, with over 1,000 households, in exercising their statutory right to buy their apartment buildings.
- Represented affordable housing developers in financing the development of affordable housing using a variety of public and private funding sources, with over \$50 million dollars of transactions successfully completed.
- Participated in legislative policymaking to protect and strengthen the DC Tenant Opportunity to Purchase Act and other legislation supporting DC tenants' rights.
- Represented two non-profit community development financial institutions in closing loans for 19 affordable housing development projects.

Reno & Cavanaugh, PLLC, Washington, DC

Associate, July 2010 – January 2014

Represented public housing authorities and housing developers throughout the US and its territories in financing more than \$150 Million in acquisition, construction, renovation and permanent financing of affordable housing using a variety of public and private funding sources. Advised clients on business association, tax, and federal regulatory compliance issues related to federal funding sources.

Manna, Inc., Washington, DC

Project Manager, July 2006- June 2008

Developed affordable homeownership opportunities for low-income, first time homebuyers in DC. Ownership structures included single family homes, condominiums and cooperatives. Development activities included site acquisition via public disposition, obtaining public and private financing construction and permanent financing, and obtaining zoning and regulatory approvals.

Massachusetts Probate & Family Court, Northampton, MA*Law Clerk, June 2005 – June 2006*

Researched and advised trial court judges on novel questions related to family and probate law one year after the Massachusetts Supreme Judicial Court's decision in *Goodridge v. Department of Public Health* made Massachusetts the first state in the nation to recognize same-sex marriage as protected by the state constitution.

American University, Washington College of Law, Washington, DC*Research Assistant for University Professor Susan Bennett, August 2003 – April 2005*

Researched wide variety of issues related to affordable housing and community development law including community benefits agreements and alternative banking institutions.

Research Assistant for Professor Susan Carle, August 2003 – May 2004

Researched and discussed ethical implications of American Pragmatists and French Post-Structuralists with Professor Carle for book, *Lawyers' Ethics and the Pursuit of Social Justice: A Critical Reader*, (Susan Carle editor, New York University Press 2005).

SELECTED ACTIVITIES

Long-term Affordability Covenant Round-Table, participant, November 2016.

Event cohosted by Urban Institute, Enterprise Community Foundation, Wesley Housing Development Corporation and DC Coalition for Smarter Growth inviting regional housing experts to discuss viability of long-term affordability controls on housing.

Mayor Bowser's Housing Preservation Strikeforce, appointee, June 2015 – June 2016.

Appointed by Mayor Bowser to serve with twelve other members, including five D.C. agency directors, two DC Councilmembers, and five other real estate development experts to create a strategy to preserve 16,000 units of at-risk affordable housing in DC over the next five years.

D.C. Coalition for Nonprofit Housing and Economic Development – Support for Tenant Purchase Working Group, member, January 2014 – June 2017.

Working group of District of Columbia affordable housing advocates and practitioners dedicated to strengthening DC law allowing tenants to purchase, or assign the purchase rights to, their apartment buildings.

D.C. Coalition for Nonprofit Housing and Economic Development – Annual Limited Equity Cooperative Clinic, organizer, presenter and brief advice volunteer, October 2014, October 2015 & October 2016.

Annual Cooperative Housing Clinic hosted by Coalition of Nonprofit Housing and Economic Development Tenant Purchase Working Group for members of D.C. limited equity housing cooperatives.

Designed and implemented Cooperative Board Brief Advice Clinic where volunteer attorneys meet one-on-one with cooperative boards for 30-minute sessions to provide limited advice on issues related to cooperative governance including problems with management, financial governance, inter-board conflicts and problems with members.

D.C. Bar Association Small Business Brief Advice Clinic, volunteer, January 2013 – August 2014.

Monthly walk-in clinic for small businesses owners seeking limited advice related to business association, property law, taxation and employment law.

BAR MEMBERSHIP

New Mexico, District of Columbia, New York, Massachusetts