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Profile - Not-for-Profit as Urban Neighbor: The Bowery Residents' Committee

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THE ROOFTOPS PROJECT



Profiles

Not-for-Profit as Urban Neighbor: The Bowery Residents' Committee

From the very beginning of its new headquarters project, **The Bowery Residents' Committee** set out not only to serve its mission but to be the very best neighbor. Seriously, how many of us freeze our garbage before putting it out for collection? **Muzzy Rosenblatt**, **Christine Lalor-Chisholm**, and **John Johnson** of The Bowery Residents' Committee, and **Charles Thanhauser** and **Sarah Corcoran** of its architectural firm, **TEK Architects**, talk with The Rooftop Project's **Tamara Salzman** and **Professor James Hagy** about their approach to this unique project in the heart of Manhattan.

The Bowery Residents' Committee, founded in 1971 by low-income residents of the Bowery who wished to improve their living conditions, today services more than 10,000 New York City residents in need. The work done by BRC is broad-ranging, including both services and low-income housing. The organization's operations are now coordinated through its new headquarters facility in the Chelsea neighborhood of Manhattan, a 104,000-square-foot, 12-story building transformed through the adaptive reuse of a previously largely vacant structure. At the Chelsea location, on West 25th Street, BRC has its central administrative offices and offers both residential and nonresidential programs. Residents are provided transient housing. Nonresident program participants, as well as residents, can obtain out-patient treatment and other health and social services.

The team that led the Chelsea site project is long-established at BRC. Muzzy has served as director of BRC for 13 years. Before BRC, he worked for the

City of New York, first in Mayor Koch's administration and then with Mayors Dinkins and Giuliani.

The rest of the team leading the project also has a long history with BRC, and was hand assembled by Muzzy shortly after joining the organization. "The first decision and probably the best decision I made was within the first six months, hiring Christine [Lalor-Chisholm] as the CFO," Muzzy reflects. "Shortly after that, John [Johnson] joined us. He's now the deputy executive director. They conceptualized and executed the project."

Muzzy's experiences with the City foreshadowed his mission at BRC and fostered the jack-of-all-trades approach required later for the BRC Chelsea project. "I worked first at the Mayor's office of construction. Our job was to get the specialists to work together, to be the referee or the arbiter among competing interests within the bureaucracy, building something we want to be great—but we're on a budget. I moved into helping to create the Department of Homeless Services. Based on a commission's recommendation chaired by Andrew Cuomo, who had been appointed by Mayor Dinkins, we created that Department as its own agency. That officially started in 1993. Very quickly after that, David Dinkins lost the election and Rudy Giuliani became the next mayor. I continued under Rudy as the chief of staff and the first deputy commissioner of homeless services."

In addition to the BRC staff, the Chelsea project was supported by the BRC board. A number of its 14 board members have backgrounds in relevant disciplines, including real estate, law, and finance. Muzzy indicated that these board members were not assembled with a view only to this project, but had been there for some time. "We do a significant real estate project about once every two years. We were just coming out of a 35,000-square-foot affordable housing project in Brooklyn that the board was involved in, too. Their real estate background gave them a sense of the remarkably creative and intelligent way in which Christine would structure the deal."



To support that work, BRC has 27 programs in more than two dozen locations throughout New York City. “The organization is 40 years old. It’s got programs throughout the city. Like many nonprofits, we don’t have a big endowment. We don’t have huge assets. We don’t own a lot of property. So we are in leased space.”

The catalyst for the timing of the BRC Chelsea project was the upcoming expiration of one of the organization’s existing headquarters lease arrangements. “We were in a space that we had been in almost since the organization was founded in the ‘70s, and those leases were expiring,” Muzzy says. The landlord with whom BRC had forged its original relationship had passed away, leaving the property to work its way through a family estate. “So even though we had been in the space 30 years, the lease was up, subject to negotiation. It was not guaranteed that we could stay.”

Other departments that ultimately were consolidated into the new facility were in flux, too. “We had other programs in leased space elsewhere, too, where the owner had no interest in having a tenant and was looking to demolish and develop, so we had to find a new home,” Muzzy notes.

To allow time for a search, evaluating alternatives, and an orderly transition to new space, BRC started its process almost two years before the expiration of the existing leases. Muzzy explains. “We realized that staying where we were was an option, but it probably wasn’t going to be a viable option and that we needed to scan the market. In 2008, we started thinking strategically, getting the board prepared, deciding who would be on the team, finding a broker, and beginning the internal negotiations.”

There were many factors beyond location and transportation, however. Christine led the site-selection process. “We looked at a number of sites. We did a space program first to figure out exactly what we needed and that narrowed it down,” she says. “One issue was: Could you control the building? Could you have your own separate entrance? In a way, whether the property would be accepted for our use narrowed it down the most.”

The opportunity to use a space that would be vacant during the renovation was another important benefit, Christine adds. “We probably never would have been able to do what we wanted to do with this space if there were other tenants in place. We changed everything in the building, all the risers, everything. It would have been impossible to do that and keep other tenants here.”

The Chelsea neighborhood was not specifically targeted at the beginning of the search, Muzzy reflects. “We didn’t home in and say we could only be in Chelsea. We serve primarily a transient population, so our clients come from all corners of the city. But we wanted a place that was easy to get to, right?”

“Whether it was close to transportation was another big issue,” Christine agrees.

While BRC was clearly on a budget, as with most real estate projects, location was important to success. “You have to know your customer,” Muzzy elaborates. “You have to make it as easy as possible for your customer to find you. Our customers are the ones who make the decision to participate in our services. That decision can be a very brief one. It’s not like, ‘You know, I’ll wait nine months to get that table at Per Se.’ It’s like, ‘I’ve got about nine minutes where I’m thinking I might want to change my life before I decide to pick

up and use again.’ And when you have nine minutes to act on that positive impulse behavior before reverting to negative impulse behavior, we want to make it a decision that can be actualized in nine minutes and not nine months.

“It really didn’t have to be in Chelsea, but our success was going to be based on how easy our customers would find us. Going to find White Plains Road in the Bronx is not so easy to do, even though there is actually a subway that stops there. And it takes a while to get there. And you may have to change a lot of lines. We are on 25th between Sixth and Seventh near every subway line in the city but the G train, which was really important.”

Charles Thanhauser of TEK Architects saw other advantages to selecting this site. “One thing that worked in their favor was also the new rezoning of Sixth Avenue that happened, a few years ago,” Charles reflects. “The avenue sites in Chelsea became prospective residential development sites, but the mid-block sites here are still zoned M 1-5. There is nothing in the zoning called a shelter, but there was ample precedent that homeless shelters have traditionally been as of right in a residential district. Courts have affirmed that, going back to the Koch administration. But shelters can be very unpopular.” While other organizations had located shelters in manufacturing districts before, prior to BRC’s project there was no established legal precedent.

Muzzy and the BRC leadership group focused on how the project design and property operations could suit its mission and program while also being compatible neighbors in the Chelsea community. He asks, “How do we put these programs in places where they are less disruptive and still consistent with zoning? We wanted to make the process easy, knowing that ‘not in my backyard’ tends to be a reaction to programs like this. They’re not popular, and no community says, ‘When do I get mine?’ Although, interestingly, when we went back and read the community district needs statement of Manhattan Community Board 4, it speaks to the growing need of serving the homeless population and the need for services for them.

“So we wanted to make the process one that required the least amount of deviation from the norm. We didn’t want anyone to have to take a vote if it could be avoided. That obviously narrowed our search, focusing us on the old manufacturing neighborhoods of the city that hadn’t been rezoned yet. This area created a potential for a new community. It was transitioning into a more residential community, and that’s where the opposition came from, folks living in luxury apartments.

“The opportunity that this building presented was not just the location, but it was also the timing. Real estate has no intrinsic value; it is place-based value. It is driven by supply and demand. At the time we happened to be on the market, it was a buyer’s or a renter’s market. Had we been on the market two years earlier, we might not have had this opportunity.”

When the search focused on the site that became BRC’s current home, it was by no means empty, Charles adds. “There were tenants here, most of them a combination of offices and quasi-industrial whose leases were expiring.”

Christine is uncertain whether the owner’s original intent was to market the whole building, or just empty floors. “And while it was on the market, they were renovating it to use it as office space.”

Having found the space and entered into lease terms consistent with their financial model, the BRC team had to find construction money for the





renovations. Funding originally anticipated from the landlord, which BRC initially perceived as another advantage to the site, did not materialize.

Christine and the team evaluated the reality that the site was larger than BRC was at first seeking. The BRC team members found that they could negotiate better terms by taking the whole building rather than just the two-thirds that would have met BRC's original space requirement. "This building initially offered more space than we needed just to relocate the existing programs. That created an opportunity if we could find a way to fill the building. It would give us control of the building as the sole tenant as opposed to being a shared tenant. That is important, given the nature of our work, how we do it, the amount of traffic it generates, and the type of challenges that our clients bring when they first arrive. Our purposes are 24 hours, including places where people reside, and that include feeding our residents; they're very different from commercial tenants."

BRC decided that, in addition to sole occupancy, having financial responsibility and also control of day-to-day operation of the property would best suit its programmatic model. That also improved the negotiation over economics with the landlord. But in Muzzy's and Christine's view, it had additional advantages for BRC.

"Having a triple net lease, where we're running the building, we're maintaining the building, we're managing the building, just works better for us to get the type of response and quality of response we require, whether it's our own standards, or the standards of those who fund or regulate us. When something breaks, we don't call the landlord, we are effectively the landlord," Muzzy explains.

"It also gave us the ability to look at the programming of the space much more creatively by having control of the lobby, having control of the whole building. BRC starts at the front door at ground level, as opposed to when you get off the elevator at a certain floor. That was an important opportunity to create an environment that reflects not just our work but our values. We weren't looking to be the standard bearer, but we're proud and happy to be so."

To achieve the deal BRC wanted, and for BRC to make the investment in the space that was required, the focus was on a relatively long length for the term of the proposed lease. The final arrangement is for 33 years. It was a solution that warranted the careful attention of the BRC leadership team and its board of directors, particularly given the long duration, the triple-net rent model, and the capital investment. "In this financial structure, we were taking 100 percent of the risk," says Muzzy.

Muzzy and his team saw benefits to having the staff providing services being in the same location as their residents, benefits that go far beyond convenience, and that can impact mission and outcomes. Being able to provide integrated services at one location may encourage people who seek help to follow through with their decision in ways that were less probable when BRC's programmatic staff were spread out.

Muzzy provides a very practical illustration of this synergy. "Take two of the programs that are here: a residential program for the seriously and persistently mentally ill, and an outpatient program for the chronically addicted. Where we were before, the reception center that is now on the fourth and fifth floors was at Lafayette Street, and other programs were at Delancey Street. It was close, a ten-minute walk or two stops on the subway. But for folks who are struggling, the highway is an easier choice than our way; sometimes in just that journey they get lost. Staying in the program was a bigger investment, so sometimes people would walk out. Now it's just getting on and off the elevator. You're less likely to do that if it is an elevator ride away versus a subway trip.

"Still, not everybody makes it. The choice of the unknown is usually harder than the choice of the known. It takes a lot to positively reinforce behavior; failure in some ways is easier than success, choosing to live versus to survive. It's a hard choice to make; it's a lot of work. This is your life: you own it, you choose. We assist, we enable, we encourage. We have tried to provide one-stop shopping, so to speak, for our consumers. Our goal is not to achieve perfection but to get closer to it.

"Being able to put everything under one roof really achieves what a lot of folks in the advocacy community articulate: don't just have the programs people need, but make it accessible for them. We are very goal oriented for our clients, so the idea is not to get people into shelter. The idea is to use shelter treatment as an opportunity for people to address the challenges in their lives and overcome them and move forward with great success, and we do that over 60 percent of the time. This is an extraordinarily high percentage in the homeless services field. Here, we felt that if you could create the programmatic adjacencies, the synergies among the programs, you improve the probability of clients achieving success."

Muzzy sees the single location promoting easier staff collaborations, too. "To the extent that you are a counselor and need to case conference with a different program, it makes it better. For example, in the outpatient program, a resident can meet with the counselor who does admissions and then, if necessary, go down to detox. The ease of these collaborations can contribute to success for clients."

Charles Thanhauser of TEK sat down with BRC to understand what it required operationally in the space. "Program elements were important, so there were a lot of voices at the table," he recalls. Luckily, the structure and roof were fundamentally intact and so did not require significant investment. But the age of the facility was still a factor.



"This is an old building," Muzzy points out. "It had the basic systems, but wasn't modernized and certainly wasn't in the condition for our needs. It wasn't equipped for 300-plus people to shower every day, use plumbing every day. And it didn't have hot water at all."

Charles concurs. "The central system was huge; we replaced everything. The plumbing, the electrical, is all new."

All of this had an inevitable impact on budget. Christine notes that "when the engineer came back with a price, I said, 'There is no money to build anything outside of what you have already done...'"

Muzzy adds, "Most of what we spent the money on, you don't see." Yet the need for sleeping accommodation as a primary use of the building proved to be a budgetary advantage. "There isn't that much to build. We took a lot of thought and care into taking a space that was by definition institutional and did everything we could so the materials would not be institutional and not be inferior for the amount of use it was going to get."

As architect, Charles emphasizes the self-imposed challenge he felt in assuring that the result would not be what understandably he labels "Dickensian." The BRC team shared that ambition.

"Instead of using all 12-inch white ceramic tile," Muzzy points out, "we have white and red and green and yellow—someone actually thought about putting it in the bathroom. It probably didn't cost a lot more, it probably didn't cost anything more, but it's that someone thought to have paint and color. Those aren't expensive. They are thoughtful things, things a lot of people don't think about, and I feel were particularly special about the design."

"I think it's about looking at things over time and not just at this point in time," Muzzy explains. "It's about return on investment, and whether we succeed in doing what we do significantly as a leader in the field. This is not a LEED building, for example, because that's not the business we are in. I have no objection to that, but I'm not going to pay for it. If I can pay for things that will allow our clients to achieve at the highest rates, people are going to want to do business with us. The people who fund us want to know: 'Are you getting it done? Are you changing their lives? Are you getting them sober? Are you helping in significant and sustainable ways?' Sustainability is in the wellness of the people we serve. We invest in the environment in that way. For someone we serve to choose BRC, you also have to choose that you matter and believe in yourself. We want to send that message right from the beginning. If you visit us, it's not really designed to be a shelter, meaning just a roof over your head. This is a place designed to say: 'This is a place where you're valued.'"

Residential spaces on upper floors of the building are furnished dormitory style, with each resident's bed in a wooden furniture module. Muzzy equates the layout to "a nice sleep-away camp." There are 25 residents in each dormitory room, overseen 24 hours a day by staff located in an observation room divided by glass. Importantly, to give residents an added feeling of security, the glass is not a one-way mirror but is transparent so that the staff's oversight is obvious.

"Some might say it looks very correctional and yet it is anything but," Muzzy says. "The physical component is, but really it is form following function. What we are trying to say to our clients is: 'When you go to a typical dorm

somewhere else, the door closes and no one knows what is going on. Here there is a fishbowl. We see you, you see us.' Residents can sleep with both eyes closed. It sends a message in our design that we have thought about you; not just what we are trying to do but what you're trying to do. The more you're thinking about what you're trying to do, the easier it is for us to help you. If you're going to be scared and focused on thinking about safety, thinking about survival, instead of what's next, then we're not going to be effective."

There were unique requirements, and opportunities in the new design, to best serve the residents. One of these features comes readily to Charles' mind. "I was stunned when I found out that not only did the residents need beds, they needed to have these little boxes with power to charge things."

Muzzy came up with the nickname for these boxes, in recognition that they were the idea of Christine Lalor-Chisholm. "Those became known as "Chisholm boxes," Christine acknowledges with a modest chuckle. "That came out of assessing our programs. The clients' need is to have an outlet at every bed. What do they need this for? To charge their cell phones. It may sound odd that homeless people have cell phones, but they do. They can still be reached and call people, but they need to charge them. It's a good thing for them to have cell phones. They don't totally drop out of society."

"It was too expensive to put power at each bed, to run electric in the middle [of the rooms] as well as on the exterior. We didn't want power strips everywhere." The "Chisholm box" was the solution BRC and TEK engineered together. Each box is like a small locker for an individual resident, with a power outlet to secure and charge a cell phone. The lockers open onto the residents' side of the demising wall of their dormitory room, while on the opposite side all lockers are open into the glass-enclosed staff room on the floor. In this way, they resemble the traditional configuration of mailboxes in a U.S. post office.

Christine elaborates. "We had all the beds custom-made with drawers and a locker next to it; it's just all to make it less institutionalized. The homeless are afraid. People may rather stay on the street because they have been in shelters and something bad has happened and so they don't want to come in. We wanted the look and feel to be the 'non-shelter.'"

As with most adaptive reuse projects, there were other design challenges. "Working with an old building, a lot of what came out of the design was what



was going to be allowed," Christine notes. "The width of the staircase was one issue. We could house only so many people per floor because it is only this wide. We were not going to be able to include in our scope of work to redo a stairwell for a 12-story building. That is how we came to plan for 50 residents on a floor." Those same fire stairs are able to be used for normal circulation, which Muzzy sees as promoting good health while sparing a wait for the elevator.

Other elements of the design and function of the building also reflect the focus on a secure setting for staff and residents. "We have spent a lot of money and a lot of effort on the security because it's really important to people," Christine explains. "You have to go through the turnstile and show an ID. Our clients get an ID so they can go in and out." This enables cards to be deactivated individually when clients leave the residence program.

"Security is important," Christine adds. If you're afraid to go sleep, then how are you going to work on your drug addiction or your mental health if you aren't getting any sleep at night? We tried to put a focus on these elements. As I said, we didn't have a lot of money after the big stuff, so we then really tried to make the property as nice as possible with what money we had left."

BRC recognized that renovating and occupying an entire building, while having programmatic advantages, might make the community process more complicated. "On the flip side," Muzzy explains, "it made it a bigger project. Siting all of this in one place made it a lightning rod for people to oppose it. It was the scale of it. People in the community said that they weren't opposed, but clearly when you make it that big, people may believe size matters. We obviously don't believe that. If anything the size of it makes it better. If we had done five little sites, it would have been even harder, because even little sites get opposition." Yet, Muzzy is quick to note that the opposition did not represent the entire community. "While we did face opposition, and some of it led to litigation through an anonymous entity that was created, there is more good will towards us than bad will."

Still, an element of community opposition was more than just disappointing. After the lease was signed, the design process was under way, building permits had been issued, and construction contracts had been let, BRC faced a private challenge, first at the administrative level and then in litigation, over whether BRC's planned use of the property was a matter of right. That litigation proceeded parallel to the renovation project for an extended period of time.

"And we won!" Muzzy says with an enthusiasm that befits his career-long commitment to aiding the homeless in New York. "The importance here is that this could have happened to any organization in any part of the City. Many organizations don't have the resources and the self-confidence that we did. We were able to work well internally within the staff, with the board, certainly with funding sources, to actually stand and fight, to defend what we do, and how we do it. We stood our ground for what was just and what was fair. The board had confidence in the battle. We weren't looking for it but we were ready for it."

While BRC might have implemented a proactive public communications strategy to tell its story to the broader community, Christine laments that those efforts were preempted early in the process by a newspaper story that appeared before BRC even announced the lease. The headline read "Shelter Divides Chelsea".

Meanwhile, the concept of performing renovation work in an empty building also ran against an unexpected challenge. Charles and the architect's team grappled with a remaining tenant on one floor that was occupying under

two different leases for a half-floor each. One of these leases was to expire somewhat later than those for the rest of the building.

"The tenant would not consider moving out prior to the expiration of the lease, so that threw two quirks into the project. We didn't know if we could build out that space as part of the initial work. And since most of the money in the project was in building infrastructure that goes all the way through the building, we had to work around the tenant, which was a sound studio. One of things about sound studios, obviously, is that they are sound sensitive, affecting the times when we could do work. There was a whole issue of phasing around them. We could not have gotten through this project without a good contractor, and we had a great contractor."

Christine and John nodded in agreement about how fortunate BRC was with the contractor it selected, J.T. Magen & Company Inc. The work had been put out to bid; the BRC team did not meet the contractor until after the contractor had won. Muzzy is quick to agree and is eager to name and to give Magen credit for its work on the project. "Our board says we may be one of the only people in NYC who love their contractor," Christine kids. "It could have been a disaster, but it worked out."

As with most not-for-profits, the additional responsibility for Christine and John to represent BRC in the project and to interact as members of the design and construction team was layered on top of an already full plate of ongoing operational responsibilities for the organization. As the primary day-to-day contact in the field, John reflected on this period in his time with BRC.

"Christine is my boss. My responsibilities are IT, purchasing, an array of other smaller things, and construction at our other facilities. There are other buildings that we have to run. It's a big job; we have to run the whole agency. I started with BRC as a program director so I had knowledge of what a shelter should be. Operationally, I knew what might be great, what wouldn't work. The regulatory agencies audit us all the time [as a routine matter, as a provider of social services under government contracts]. There are other buildings that we have to run, and it's a big job. We have to run a whole agency." Christine and John estimate that 70 percent of their extended workdays were spent on matters related to the Chelsea project.

"Basically, what you did for four years was to get this thing going," Christine explains. "It affects everything else. If you don't have cash to pay for this, then it drains your other resources. There was no turning back; you had to make this work."

Living in the space now, John reflects on the positive impact design has made in programmatic operations in the space. "I think it's the flow. It works in harmony: 328 beds, a day-treatment program, a kitchen where we serve more than 1,000 meals a day. People who come into the building are surprised by all that goes on in here. When they're standing in front of the building, people never know how much is going on."

Indeed, it is easy to pass by the building while looking for it. And that is just how BRC envisioned itself as a neighbor in the community. "When people think of a shelter, there is this connotation of a couple of guys with bags and shopping carts out in front. Absolutely not."

To further reduce its visibility on the block, BRC literally puts its food waste in one of the walk-in freezers in its lower-level commercial kitchen, taking the frozen bundles out just before nightly pick-up. BRC is acutely self-aware of



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being a good neighbor. The space is inconspicuous despite the flow of visitor traffic, which is 24 hours and seven days and includes staff, residents, and participants seeking services or even new client intake, which occurs around the clock.

"Residents are strongly discouraged from congregating in front of the building or anywhere on the block," Christine indicates. "If you want to have a cigarette, we ask that you take a walk around the block, because you can't stand here and congregate. Our employees are not allowed to do that either, because if the clients aren't allowed, then the employees are not either." It may be the only commercial property on the street where no one sneaks out for a cigarette at ground level.

Facilities management is handled by an internal team, supplemented by outside professional firms for specialized projects or equipment. A building with many residents, especially as short-term guests, can be hard on the facility. Beyond the residents, there are client participants coming for services, and those 1,000 meals prepared a day. John supervises this side of operations, too.

"Running this building takes a lot of my time. It's brand new, so every scratch and every mark shows. There is a lot of wear and tear. There is continuous cleaning. Here is something really nice, and it's a challenge to keep it this way. Painting, monitoring use, there is a lot of traffic, keeping up the elevators.... I have a few guys who are great. If a pipe breaks, I can't fix it but I show up with the plumber. During Hurricane Sandy, I was here. We stayed. This building was full, and we were operational. The boiler is in the basement, but we didn't flood. Some of our other facilities in New York did, though."

"You see our people rise to the occasion," Christine points out. "We did not have electricity. But one of the things that were required by code was to have an emergency generator, designed for life/safety. As long as we had oil, we could run it."

BRC has an internship program in which some clients are employed to perform facilities tasks, developing employable skills. A principle of the program is that clients do not work at the location where they live.

Muzzy and the team have understandable pride both in their mission and in the contribution that the finished project makes in serving their clients. "It has become a model, looked to by the city and public funders who regulate and contract for these services, of how it can be done well."



Tamara Salzman studies at New York Law School, where she is a candidate for the Juris Doctorate degree in May 2014. She concentrates her study on real estate law and is a student member of The Rooftops Project team. She currently works as a legal intern for the Hon. Arlene H. Hahn in the Housing Part of the Civil Court in New York County. Prior to law school, she enjoyed the spotlight as an opera singer, and received both her bachelor's and master's degrees in opera from The Manhattan School of Music, as well as a Master's degree in Music business from New York University. She looks forward to pursuing a legal career in landlord-tenant law.



James Hagy is Distinguished Adjunct Professor of Law at New York Law School. He also founded and directs The Rooftops Project at New York Law School's Center for Real Estate Studies. More information about The Rooftops Project and Professor Hagy may be found at www.nyls.edu/rooftops.

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