Fordham Urban Law Journal

Spring Symposium

ONE HUNDRED YEARS OF RENT CONTROL: AN EXAMINATION OF THE PAST AND FUTURE OF RENTAL HOUSING

January 18, 2019
9:30 a.m. – 5:30 p.m. | Costantino Room

Co-sponsors:
Public Interest Resource Center
Housing Justice Initiative
For more information on the Fordham Urban Law Journal or the Symposium and Book, please contact the Symposium Editor, Traci Krasne, at uljsymposium@fordham.edu.

**CLE CREDIT** for the program has been approved in accordance with the requirements of the New York State CLE Board for (6) professional practice credit hours. The content of the course is appropriate for transitional and nontransitional attorneys.

CLE course materials available at: law.fordham.edu/clematerials

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PROGRAM

9:30 – 9:50 a.m. Check-in & Breakfast
(Costantino Room)

9:50 – 10 a.m. Opening Remarks

Nestor Davidson, Albert A. Walsh Chair in Real Estate, Land Use, and Property Law; Faculty Director, Urban Law Center, Fordham School of Law

Samuel J. Levine, Director of the Jewish Law Institute and Professor of Law, Touro Law Center

10 – 11:30 a.m. (1.5 Professional Practice)
Evolving into Control: Historical Look at the Development of Rent Regulations

Vicki L. Been, Boxer Family Professor of Law, NYU School of Law

Ingrid Gould Ellen, Paulette Goddard Professor of Urban Policy and Planning, Director for Furman Center for Real Estate and Urban Policy, NYU Wagner Graduate School of Public Service

Edward Josephson, Director of Litigation and Housing, Legal Services NYC

Matthew G. Lasner, Associate Professor, CUNY Hunter College

Samuel J. Levine, Director of the Jewish Law Institute and Professor of Law, Touro Law Center

11:30 – 11:45 a.m. Break

11:45 a.m. – 1:15 p.m. (1.5 Professional Practice)
Keeping Our Homes Affordable — Whose Job Is It?

Andrea J. Boyack, Professor of Law, Washburn University School of Law

Karen Chapple, Professor of City and Regional Planning, University of California, Berkeley

Melissa T. Lonegrass, Harriet S. Daggett - Frances Leggio Landry Professor of Law, Bernard Keith Vetter Professor in Louisiana Civil Law Studies, and Wedon T. Smith Professorship in Civil Law, Professor of Law, LSU Law

Moderator

Nestor M. Davidson, Albert A. Walsh Chair in Real Estate, Land Use, and Property Law; Faculty Director, Urban Law Center, Fordham School of Law

1:15 – 2:15 p.m. Lunch

2:15 – 3:45 p.m. (1.5 Professional Practice)
Elevating Tenants: Revolutionizing Tenant Protections

Paula Franzese, Peter W. Rodino Professor of Law, Seton Hall Law

Sheila Garcia, Director, Community Action for Safe Apartments

Clare Pastore, Professor of the Practice of Law, USC Gould School of Law

John Whitlow, Associate Professor, CUNY School of Law

Moderator

Leah Horowitz, Director of Student Organizations and Publicity, Public Interest Resource Center, Fordham School of Law

3:45 – 4 p.m. Break

4 – 5:30 p.m. (1.5 Professional Practice)
Future of Rent Control and Sustainable Alternatives to Housing Regulation

Harvey Epstein, New York State Assemblymember, Assembly District 74

Howard Husock, Vice President, Research & Publications, Manhattan Institute

Matt Melody, Senior Associate, Curtis + Ginsberg Architects LLP

Vincent Reina, Assistant Professor, Department of City and Regional Planning, University of Pennsylvania

Moderator

Andrew Scherer, Visiting Associate Professor of Law, Policy Director, Impact Center for Public Interest Law, New York Law School

5:30 – 5:35 p.m. Closing Remarks
Vicki Been is the Boxer Family Professor of Law at NYU School of Law, an Affiliated Professor of Public Policy of the NYU Wagner Graduate School of Public Service and Faculty Director of NYU’s Furman Center for Real Estate and Urban Policy. Professor Been returned to NYU in February, 2017, after serving for three years as Commissioner of Housing Preservation and Development for the City of New York. In that capacity, she led the 2400-person agency in designing a comprehensive strategy for addressing the City’s critical need for affordable housing, financing the preservation or new construction of 62,500 affordable homes in just three years; securing the passage of the nation’s most rigorous yet flexible mandatory inclusionary housing program and changing the way the agency approached neighborhood planning to be more comprehensive and community-driven.

Professor Been, who has been on the faculty at NYU since 1990, focuses her scholarship on the intersection of land use, urban policy and housing. Under her leadership, the Furman Center has become the nation's leading academic research center devoted to the public policy aspects of land use, real estate, and housing development, and was a recipient of the MacArthur Award for Creative and Effective Institutions in 2012.

Andrea J. Boyack is a professor at Washburn University School of Law and co-director of the school’s Business and Transactional Law Center. Prior to joining the faculty of Washburn Law, Professor Boyack was a visiting professor in New York (Fordham University School of Law) and Washington, DC (George Washington University School of Law, and Catholic University of America Columbus School of Law). Professor Boyack teaches Real Estate Transactions, Housing Law, Commercial Leasing, Property, Contracts, and Debtor-Creditor Relations. Before she entered academia, Professor Boyack practiced commercial real estate and finance law for 13 years in New York City and the Washington, D.C. area with several large law firms and served as Regional Counsel to a publicly traded national real estate developer. In practice, Professor Boyack dealt with a broad range of issues relating to real estate development, including mortgage financing and securitization, common interest community governance, commercial leasing, and residential development. She has written extensively in the areas of the housing, communities, capital markets, real estate finance and development, property law theory, contract law, and consumer bankruptcy. Professor Boyack received her J.D. from the University of Virginia School of Law, and a M.A.L.D. from the Fletcher School of Law and Diplomacy at Tufts University, and a B.A. with honors in Russian and International Relations from Brigham Young University.

Karen Chapple is a Professor of City and Regional Planning at the University of California, Berkeley, where she holds the Carmel P. Friesen Chair in Urban Studies. Chapple studies inequalities in the planning, development, and governance of regions in the U.S. and Latin America, with a focus on housing and economic development. Her books include Planning Sustainable Cities and Regions: Towards More Equitable Development (Routledge 2015, and winner of the John Friedmann Book Award); Transit-Oriented Displacement or Community Dividends? Understanding the Effects of Smarter Growth on Communities (with Anastasia Loukaïtou-Sideris, MIT Press, 2019); and Fragile Governance and Local Economic Development: Theory and Evidence from Peripheral Regions in Latin America (with Sergio Montero, Routledge, 2018).

In Fall 2015, she co-founded the Urban Displacement Project, a research portal examining patterns of residential, commercial, and industrial displacement, as well as policy solutions. Chapple’s climate change and tax policy research won the UC Bacon Public Lectureship, and she has also received the 2017 UC-Berkeley Chancellor’s Award for Research in the Public Interest. She received a Fulbright Global Scholar Award for 2017-2018 to expand the Urban Displacement Project to cities in Europe and Latin America.

Chapple holds a B.A. in Urban Studies from Columbia University, an M.S.C.R.P from the Pratt Institute, and a Ph.D. from UC Berkeley. She has also served on the faculties of the University of Minnesota and the University of Pennslyvania. Since 2006, she has served as faculty director of the Center for Community Innovation, which has provided over $1.5 million in technical assistance to community-based organizations and government agencies. She is a founding member of the MacArthur Foundation’s Research Network on Building Resilient Regions. Prior to academia, Chapple spent ten years as a practicing planner in economic development, land use, and transportation in New York and San Francisco.

Nestor M. Davidson joined Fordham in 2011 and was named to the Albert A. Walsh Chair in Real Estate, Land Use and Property Law in 2017. Professor Davidson has published widely in the fields of property theory, urban law, and affordable housing law and policy, and serves as the faculty director of the law school’s Urban Law Center. Professor Davidson earned his AB from Harvard College and his JD from Columbia Law School. After law school, he clerked for Judge David S. Tatel of the United States Court of Appeals for the District of Columbia Circuit and Justice David H. Souter of the Supreme Court of the United States. Professor Davidson practiced with the firm of Latham and Watkins, focusing on commercial real estate and affordable housing, and served as Special Counsel and Principal Deputy General Counsel at the U.S. Department of Housing and Urban Development. He currently serves as a Member of the Board of the New York State Housing Finance Agency.

Harvey Epstein represents the East Side of Manhattan, including the neighborhoods of the Lower East Side, East Village, Alphabet City, Stuyvesant Town/Peter Cooper Village, Murray Hill, Tudor City and the United Nations. Harvey has been a public interest lawyer in New York City since graduating from CUNY Law School in 1994. Throughout his career serving our city, Harvey has worked on critical economic development and housing issues; at the same time, he has worked tirelessly on dozens of pieces of legislation that help the lives of everyday New Yorkers. Specifically, Harvey’s efforts during the five years he served as a tenant member of the Rent Guidelines Board were instrumental in successfully orchestrating the first rent freeze for one-year leases in the 47-year history of the Rent Guidelines Board.

An experienced leader and community organizer for social justice, Harvey has been civically active and has served as PTA president for his children’s elementary school. Harvey resides in the East Village with his wife, Anita, two children, Leila and Joshua, and their rescue dog, Homer.
Leah is admitted to the Bar in New York and Connecticut.

Professor Paula Franzese is one of the country’s leading experts in property law, housing reform, and government ethics. Her empirical work on the plight of low-income tenants facing eviction has been widely cited, garnering national attention, and her recent scholarship shines a light on the crisis in safe and affordable housing, spurring state and federal legislative reform efforts. Professor Franzese has championed the right to counsel for low-income tenants facing eviction and her empirical work has spurred legislative reform efforts to end tenant blacklisting. She has written extensively on privatization and the erosion of community and common interest communities as quasi-state actors. She served as Special Ethics Counsel to the NJ Governor, Chair of the NJ State Ethics Commission and Vice-Chair of the Election Law Enforcement Commission. Featured in the book What the Best Law Teachers Do, Prof. Franzese is the unprecedented ten time recipient of the Student Bar Association Professor of the Year Award.

A proud Bronxite, Director Sheila Garcia brings her background in teaching to her love of organizing. As Director, Sheila’s role is to coordinate and develop the CASA Leaders Team, coordinate the Rezoning campaign and Bronx Coalition for a Community Vision, supervise all staff, and engage elected officials. In 2014, Sheila was appointed by Mayor de Blasio to sit on the NYC Rent Guidelines Board (RGB) as a Tenant Member. She was instrumental in the city-wide coalition to organize both the lowest rent adjustment in the history of the RGB of 0% adjustment in 2015 and 2016 and the lowest possible increase of 1.5% in 2018.

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Ingrid Gould Ellen Ingrid Gould Ellen, the Paulette Goddard Professor of Urban Policy and Planning, is a Faculty Director at the Furman Center for Real Estate and Urban Policy. She joined the NYU Wagner faculty in the fall of 1997 and presently teaches courses in microeconomics, urban economics, and urban policy. Professor Ellen’s research interests center on housing and urban policy. She is author of Sharing America’s Neighborhoods: The Prospects for Stable Racial Integration (Harvard University Press, 2000) and has written numerous journal articles and book chapters related to housing policy, community development, and school and neighborhood segregation. Professor Ellen has held visiting positions at the Department of Urban Studies and Planning at MIT, the U.S. Department of Housing and Urban Development, the Urban Institute and the Brookings Institution. She attended Harvard University, where she received a bachelor’s degree in applied mathematics, an M.P.P., and a Ph.D. in public policy.

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Leah Horowitz Leah Horowitz is the Director of Student Organizations and Publicity at the Public Interest Resource Center of Fordham School of Law. Leah received her law degree from Fordham Law School and her undergraduate degree from Cornell University. During her years at Fordham, Leah was a Stein Scholar and served as the president of two PIRC student organizations. Upon graduation, Leah worked as a public defender at the Bronx Defenders for nine years. While at the Bronx Defenders, in addition to zealously representing clients, Leah created the Client Library to provide books to incarcerated and non-incarcerated clients and started an initiative to address Solitary Confinement.

Leah is admitted to the Bar in New York and Connecticut.

Edward Josephson Edward Josephson is currently the Director of Litigation at Legal Services NYC and at South Brooklyn Legal Services. From 1996 – 2003, he was the Director of the Housing Law Unit at South Brooklyn. He has defended tenants in eviction proceedings since 1998. Mr. Josephson has litigated a number of affirmative cases on issues of significance to low income New Yorkers, including Grimm v. DHCR, which expanded landlords’ liability for rent overcharges; Brooklyn Tenants v. Lynch, a challenge to pro-landlord amendments to the Rent Stabilization Code; Campos v. Rhea and Torres v. Martinez, federal actions that helped reform procedures in the Section 8 rent subsidy program; Fransescu v. Martinez, which expedited the issuance of emergency Section 8 subsidy transfers; and Lang v. Patak, a constitutional challenge to laws requiring rent deposits by indigent tenants. He has also litigated numerous cases in federal district and bankruptcy courts to protect the rights of tenants in federally subsidized housing projects. Mr. Josephson is a graduate of NYU Law School.
Melissa T. Lonegrass  earned her PhD in planning and architecture at Harvard and a number of Architectural Historians, Buildings & Landscapes, and AD. She has written about the role that municipal governments play in securing rents’ rights and highlights recent successes at the municipal level in the area of landlord-tenant law reform. Professor Lonegrass is a member of the Louisiana State Law Institute and, in addition to serving on numerous drafting committees, is the Reporter for the Landlord-Tenant Committee and the Notaries Committee. In this capacity, Professor Lonegrass has drafted and advocated for the adoption of legislative reforms that would ensure that tenants have access to safe and habitable housing and are treated fairly by landlords both during and upon termination of a lease. Professor Lonegrass has also recently coauthored a textbook titled Advanced Obligations: Sale and Lease which covers Louisiana real estate law and landlord-tenant law in comparative perspective.

Samuel J. Levine Professor Samuel J. Levine joined the Touro Law Center faculty in 2010 as Professor of Law and Director of the Jewish Law Institute. He previously served as Professor of Law at Pepperdine University School of Law, and he has served as the Beznos Distinguished Professor at Michigan State University College of Law.

He is the author of two books, Jewish Law and American Law: A Comparative Study (Two Volumes), and Was Yosef on the Spectrum? Understanding Joseph Through Torah, Midrash, and Classical Jewish Sources, and more than fifty law review articles and book chapters. Professor Levine has been described in the pages of the Notre Dame Law Review as “one of the leading legal-ethics and professional-responsibility scholars of his generation,” and in 2016, he received the Sanford D. Levy Award from the New York State Bar Association’s Committee on Professional Ethics, in recognition of his contributions to the field of legal ethics. He has been described by the Detroit Legal News as “one of the world’s foremost experts on the interplay of Jewish and American law.”

Professor Levine received a J.D. from Fordham Law School, graduating cum laude and Order of the Coif; an L.L.M. from Columbia Law School, graduating with Highest Honors as a James Kent Scholar, and Rabbinical Ordination from Yeshiva University. He has served as an appellate prosecutor in the Brooklyn District Attorney’s Office, as a law clerk to United States District Court Judges Loretta A. Preska and David N. Edelstein in the Southern District of New York, and as an adjunct professor at Fordham Law School. He has also taught at St. John’s University School of Law and Bar-Ilan University Law School.

Melissa T. Lonegrass Professor Melissa (“Missy”) Lonegrass teaches and writes on Louisiana civil law and comparative law, with special emphasis on landlord-tenant law, property law, and contract law. Professor Lonegrass’ scholarship in the area of landlord-tenant law focuses particularly on tenants’ rights to safe and habitable housing and on national and international trends involving the expansion of tenant rights and the role that comparative legal scholarship plays in fostering those trends. Some of her recent articles on landlord-tenant law include Eliminating Retaliatory Eviction in England and Wales—Lessons from the United States, 75 La. L. Rev. 1071 (2015) and the Anomalous Interaction Between Code and Statute—Lessor’s Warranty and Statutory Waiver, 88 Tul. L. Rev. 423 (2014). Professor Lonegrass’ current work-in-progress addresses the role that municipal governments play in securing tenants’ rights and highlights recent successes at the municipal level in the area of landlord-tenant law reform. Professor Lonegrass is a member of the Louisiana State Law Institute and, in addition to serving on numerous drafting committees, is the Reporter for the Landlord-Tenant Committee and the Notaries Committee. In this capacity, Professor Lonegrass has drafted and advocated for the adoption of legislative reforms that would ensure that tenants have access to safe and habitable housing and are treated fairly by landlords both during and upon termination of a lease. Professor Lonegrass has also recently coauthored a textbook titled Advanced Obligations: Sale and Lease which covers Louisiana real estate law and landlord-tenant law in comparative perspective.

Matthew Melody Matthew Melody RA, LEED AP grew up in a family of builders, has been on construction sites since the age of 5, and has been working in Architecture for 16 years. His experience in architecture encompasses multi and single-family residential, exterior restoration, urban planning, and boutique hospitality. Matt has volunteered with Habitat for Humanity NYC and as a mentor with The National Building Museum’s Design Apprenticeship DC Youth program. He leads several of C+GAs housing and planning projects with a focus on zoning, sustainability, and construction administration.

Matt received his Bachelor of Architecture Degree from California Polytechnic State University San Luis Obispo, studied at the Washington-Alexandria Architecture Center in Washington DC, and is a registered architect in New York and California.

Clare Pastore Clare Pastore is Professor of the Practice of Law at the University of Southern California Gould School of Law. She teaches several courses related to her long practice in the Los Angeles poverty and civil rights fields, as well as the Access to Justice Practicum, in which students litigate cases and draft legislation with nonprofit partner organizations. Pastore is co-author of the leading textbook on Poverty Law.

Professor Pastore is widely known for her work on access to justice issues. She was the longtime co-chair (with Justice Earl Johnson (Ret)) of the California Access to Justice Commission’s Right to Counsel Committee, which drafted a model statute proposing a right to counsel in certain civil cases. That draft statute later served as a model for California’s Sargent Shriver Civil Counsel Act (2009). Pastore currently serves by appointment of California’s Chief Justice on the committee overseeing the Shriver projects, and on the Steering Committee of the National Coalition for a Civil Right to Counsel. She has written several articles about the need for an expanded right to counsel in civil matters for low and middle income people.

Professor Pastore received her BA from Colgate University and her JD from Yale Law School, where she was a Senior Editor of the Yale Law Journal. She clerked for the Hon. Marilyn Hall Patel (N.D. Cal.) and began her career as one of the nation’s first Skadden Fellows. She has received many honors and awards for her teaching and advocacy work, including being named a Wasserstein Fellow by Harvard Law School in 2007, a recipient of the Elizabeth Hurlock Beckman Award in 2013, and was commended for her work by resolution of the California Legislature in 2014.
Vincent Reina is an Assistant Professor in the Department of City and Regional Planning at the University of Pennsylvania. His research focuses on urban economics, low-income housing policy, household mobility, neighborhood change, and community and economic development. Reina's work has been published in various academic journals, such as Urban Studies, Housing Policy Debate, and Journal of Housing Economics. He was given the award for Best Dissertation in Public Policy and Management by the Association of Public Policy and Management (APPAM), and was recently selected for the APPAM 40 for 40 fellowship. Reina was a 2018 Visiting Scholar at the Federal Reserve Bank of Philadelphia, and a 2018 Lincoln Institute for Land Policy Scholar. In 2017 he helped the City of Philadelphia develop its framework and strategy for preserving its stock of existing subsidized housing, and in 2018 worked with City of Philadelphia to write its first citywide housing plan.

Andrew Scherer is the Policy Director of the Impact Center for Public Interest Law at New York Law School, Director of the Center’s Right to Counsel Project, Co-Director of the Housing Justice Leadership Institute and a Visiting Professor at the Law School. For many years, Professor Scherer has played a prominent role in access to justice, housing policy and other public interest issues, locally, nationally and internationally. In 2010, he stepped down after ten years as Executive Director of Legal Services NYC, the largest nonprofit exclusively devoted to civil legal services in the United States, where he had worked in a variety of capacities since 1978.

Professor Scherer is the author of the treatise, Residential Landlord-Tenant Law in New York (Thomson Reuters), initially published in 1995 and updated annually, and of numerous law review articles and published works. Professor Scherer is also a consultant to nonprofit, governmental and private clients around matters of access to justice; delivery of legal aid services; housing, property and land rights; and social, economic and civil rights.

Among his many affiliations, Professor Scherer is an active member of the New York City Bar Association, a former chair of its Executive Committee and the current co-chair of the City Bar Task Force on the Civil Right to Counsel; an active member of the New York State Bar Association; a founding member of the National Coalition for a Civil Right to Counsel; and a member of the Steering Committee of the Right to Counsel NYC Coalition. He has lectured widely in the U.S. and in Latin America, Africa and Asia. He received his B.A. from the University of Pennsylvania and his J.D. from NYU Law School. He is fluent in Spanish.

John Whitlow is an Associate Professor at the CUNY School of Law, where he teaches primarily in the Community & Economic Development (CED) Clinic. The CED Clinic works within a law and organizing framework to address structural inequalities in New York City through strategic litigation, transactional representation, and policy reform. Prior to joining CUNY’s faculty, John was the Co-Founder and Co-Director of the University of New Mexico (UNM) School of Law’s Economic Justice Clinic, which provides legal services to low-wage workers in wage and hour and eviction proceedings. At UNM, John also founded the school’s Anti-Displacement Project and taught constitutional law. Before joining the faculty at UNM, John was a Clinical Professor and Supervising Attorney at CUNY, where he and his students represented tenant associations in affirmative litigation and provided transactional legal assistance to an array of community-based organizations.

Prior to entering academia, John was a Supervising Attorney at Make the Road New York, where he oversaw the organization’s housing and public benefits legal services and worked on housing and criminal justice policy initiatives, and a Staff Attorney at the Urban Justice Center’s Community Development Project, where he represented tenant associations and provided transactional legal assistance to grassroots non-profits and worker-owned cooperatives. John began his legal career as a Staff Attorney in the Eviction Prevention Unit of Bedford-Stuyvesant Community Legal Services, where he represented low-income families facing eviction.

John is from Baltimore, Maryland and is a graduate of Baltimore Polytechnic Institute. He holds a BA and a certificate in comparative international economic development from the Johns Hopkins University, an MA from the New School for Social Research, and a JD from the CUNY School of Law. He has been a Faculty Fellow at the Center for Place, Culture and Politics, a Visiting Lecturer at Pompeu Fabra University’s Public and Social Policy Center, and a Guest Lecturer in NYU Law School’s Law, Organizing and Social Change Clinic. John’s research interests are centered on the role of law clinics in countering economic inequality and precarity.