



CHAPEL HILL HOUSING ADVISORY BOARD

Millicent Bowie, Nathan Clark, Laura Cowan, Crystal Fisher,
Holly Fraccaro (Chair), Kimberly Manturuk, Ben Perry, Mary Jean Seyda

AGENDA

6:30 p.m., Tuesday, May 10, 2016

First Floor Conference Room, Chapel Hill Town Hall
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514

1. Call to Order, Approve Agenda, Announcements

2. Approve February 29, 2016, Action Minutes

3. Public Comment/Petitions

4. Consent Agenda

5. New Business

- a. Develop Recommendation for Special Use Permit Minor Modification: [The Graduate](#) (See Attached)
 - i. Staff Overview
 - ii. Comments from the Applicant
- b. Develop Recommendation for Housing Advisory Board Appointments (See Attachment)
- c. Review of [2016-2020 Affordable Housing Strategic Plan for Orange County](#)

6. Old Business

7. Reports

Staff Updates

- May 2, 2016 Work Session – Affordable Housing Performance Measures
- Public Housing Master Plan
- Habitat Petition for Town-owned land
- David Paul Rosen and Associates project
- Development Updates

8. Adjournment

The next regularly scheduled Housing Advisory Board meeting will be Tuesday, June 14, 2016 at 6:30 p.m. in the First Floor Conference Room of Chapel Hill Town Hall.

Order of Consideration of Agenda Items:

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|------------------------------|-----------------------------------|
| a. Staff Presentation | e. Motion |
| b. Applicant's Presentation | f. Restatement of Motion by Chair |
| c. Public Comment | g. Vote |
| d. Planning Board Discussion | h. Announcement of Vote by Chair |

Public Charge: The Housing Board pledges its respect to the Chapel Hill community. The Board asks community members to conduct themselves in a respectful, courteous manner, both with the Board and with fellow community members. Should any member of the Board or any community member fail to observe this public charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until a genuine commitment to this public charge is observed.



Action Minutes

Housing Advisory Board

Meeting Date/Time: February 29, 2016; 6:30 p.m.

Members Present: Holly Fraccaro (Chair), Mary Jean Seyda (Vice Chair), Laura Cowan, Millicent Bowie, Crystal Fisher, and Kimberly Manturuk

Nathan Clark, John Cooley, and Ben Perry

Members Absent:

Staff Present: Sarah Viñas and Loryn Clark

Agenda Item	Discussion points	Motions/Votes	Action
Call to Order/Approve Agenda/Announcements/Petitions	Chair Holly Fraccaro called the meeting to order at 6:50 pm. A quorum was present.		
Approve Agenda		Mary Jean made a motion to amend the agenda to include petitions and public comment; Crystal seconded the motion.	Motion unanimously approved.
Approve February 9, 2016 Action Minutes		Crystal made a motion to approve the minutes as written; Millicent seconded the motion.	Motion unanimously approved.
Public Comments/Petitions	Susan Levy from Habitat indicated that she was present to answer questions about their application. She also shared that the Affordable Housing Coalition suggests that the Council consider a general fund allocation instead of the AHDR for		

Agenda Item	Discussion points	Motions/Votes	Action
	<p>DHIC's funding request.</p> <p>Delores Bailey from Empowerment shared that she adjusted the project pro forma based on 2016 HUD figures, as requested by the HAB and had the building inspected.</p> <p>Robert Dowling from Community Home Trust shared that he was present to answer any questions that the board had about their application.</p>		

<p>Old Business</p> <p>Affordable Housing Development Reserve Funding Recommendation</p>	<ul style="list-style-type: none"> • Each HAB member shared the projects and amounts they would propose funding, and then had an open discussion about the proposed projects. • The HAB did not recommend funding Empowerment and Habitat’s Brush with Kindness projects for the following reasons: <ol style="list-style-type: none"> 1. Habitat for Humanity Brush with Kindness <ul style="list-style-type: none"> ▪ This project received a score of 76%, tied with EmPOWERment for the lowest score, using the established rubric approved by the HAB. ▪ Some board members raised concerns about the lack of a long-term affordability component of this program. ▪ There were not sufficient funds available within the AHDR to fund all projects and maintain the Opportunity Fund. 2. EmPOWERment <ul style="list-style-type: none"> ▪ The project received a score of 76%, tied with Habitat’s Brush with Kindness application for the lowest score, using the established rubric approved by the 	<p>Kim made a motion to:</p> <ol style="list-style-type: none"> 1. Fund the following projects at the amount requested: <ul style="list-style-type: none"> • DHIC - \$450,000 • Habitat for Humanity (Single Family Home Construction and Land Purchase) - \$55,000 • Community Home Trust - \$57,000 2. Maintain the balance of funding in the amount of \$42,790 in the Opportunity Fund, and thereby not recommend funding Habitat’s Brush with Kindness program or Empowerment’s proposal. Laura seconded the motion. <p>Millicent made a motion to recommend increasing the penny for housing (AHDR) funding to the equivalent of .02 for the FY16-17 budget.</p> <p>Millicent made a motion to include suggested changes to the AHDR application process as proposed by staff in the next application cycle. Laura seconded the motion.</p>	<p>The motion was approved 5-1.</p> <p>The motion was approved unanimously.</p> <p>The motion was approved unanimously.</p>
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	<p>HAB.</p> <ul style="list-style-type: none">▪ The application was incomplete as submitted. (Items missing: articles of incorporation and bylaws, documentation of the County's reported funding commitment, signature of authorized agent on application).▪ There were several issues with the pro forma and project budget:<ul style="list-style-type: none">• The pro forma showed negative cash flow for the project• The rent escalations in the pro forma were higher than typical for this market• Proposed rents were not included in the project budget• Necessary building renovation costs were not included		
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	<p style="text-align: center;">in the project budget</p> <ul style="list-style-type: none"> ▪ There were not sufficient funds available within the AHDR to fund all projects and maintain the Opportunity Fund. 		
Adjournment and Next Meeting Date		Crystal motioned to adjourn the meeting. Kim seconded the motion.	Meeting adjourned at 8:28 p.m. The next regularly scheduled Housing Advisory Board meeting is scheduled for Tuesday, April 12, 2016 at 6:30 p.m.

MEMORANDUM

May 5, 2016

To: Judy Johnson, Case Planner
The Town of Chapel Hill

From: John McAdams

**Re: SUP Minor Change Request
The Graduate, 105 Kenan Street, Chapel Hill
WIN-13000.**

On behalf of developer Wintergreen Hospitality we respectfully request a minor change to the Special Use Permit for the proposed Graduate apartment building at 105 Kenan Street.

The requested minor change is as follows:

Amend stipulation # 3 Affordable Housing Performance, first bullet point, from:

-A total of 15 percent of the units be Affordable Rental Units available for 30 years.

TO

-There shall be no requirements for the provision of Affordable Rental Units for the first five years of occupancy of the building; then

-by the end of year 6 there shall be a total of not less than 5% of the units,

-by the end of year 7 there shall be a total of not less than 10% of the units

-by the end of year 8 there shall be a total of not less than 15% of the units

-And the 15%-of-total units shall continue to be available until the end of the 38th year of occupancy.

All other provisions of stipulation #3 Affordable Housing Performance shall remain unchanged.

All of the 73 other stipulations of the Special Use Permit shall remain unchanged.

In accordance with Section 4.5.4 *Modification of Special Use Permits, Subsection (b)* of the Town's Land Use Management Ordinance (LUMO), this request qualifies as a "minor change" and not a "modification" to the Special Use Permit because it does:

- (1) Not change the boundaries of the site
- (2) Not change the approved use under the Special Use Permit
- (3) Not change the proposed floor area
- (4) Not change the number of proposed parking spaces
- (5) Not change the location of any proposed structures
- (6) Not change the size, structure of appearance of any structure
- (7) Not change any pedestrian, vehicular or pedestrian access
- (8) Not change the amount or location of any landscaping.

Statement of Justification:

This minor change has to do with only the timing of the provision of Affordable Housing Rental Units, and not with the ultimate fact of providing them. This request arises from the hard reality of the need for financial feasibility in order to build The Graduate building in the first place, and thereby provide the promised 15 Affordable Housing Rental Units.

Since the approval of The Graduate SUP on October 27, 2014, construction costs have increased significantly, due to the continuously improving economy. The Turner Building Cost Index reflects a 4.58% increase from fourth quarter 2014 to fourth quarter of 2015. <http://www.turnerconstruction.com/cost-index>. This construction cost increase pushes The Graduate out of the realm of financial feasibility; and the requested 5-year delay followed by a three-year phase-in of the 15 Affordable Rental Units brings the project back into the realm of financial feasibility.

It is important to note that only the timing of Affordable rental Units is affected here, not the amount. The SUP currently requires that 15 units be offered as "affordable" for a period of 30 years. With this requested minor change, the Applicant still proposed to provide 15 Affordable Rental Units for a period of 30 years; just with a staged 5-8 year delay in the start of such provision.

The Applicant fully understands the importance to the Town of affordable "work-force" housing in Chapel Hill, and the Applicant shares the desire to address this and takes pride in being a part of the solution. But the requested delay in the provision of affordable units is necessary in order to build this building in the first place.

Therefore, the Applicant respectfully requests the Town Manager's approval of this minor change to The Graduate's Special Use Permit.

Whenever possible, applications should be submitted prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Profile

Reginald

First Name

Swinson

Last Name

Middle
Initial

butterballclint@yahoo.com

Email Address

HWY 54 Bypass Kingswood Apt. Q8

Street Address

Suite or Apt

Carrboro

City

NC

State

27510

Postal Code

919-521-7262

Primary Phone

919-932-5811

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

What district do you live in?

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

- 0-12 months
- 1-3 years
- 4-9 years
- Greater than 10 years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the list below to which you would like to apply.

Which Boards would you like to apply for?

Housing Advisory Board

Which Board is your First Choice?

Question applies to Housing Advisory Board .

Select a Seat Category for the Housing Advisory Board

How did you find out about this opportunity? (select all that apply by holding down the shift key)

-
- Advisory Board or Council member
- Brochure
- Bus Poster
- Email
- Internet
- Magazine
- Newspaper
- Radio
- Social Media
- Speaker at an event
- TV
- Video
- Other (provide additional information below)

If you chose "Other" from the list above, please specify specify:

Interests & Experiences

Are you a Town of Chapel Hill employee?

Yes No

ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

All advisory board and commission members and applicants shall agree to comply with the following ethics guidelines adopted by the Council on March 1, 1999: Ethics Guidelines for Town Advisory Boards and Commissions Members of advisory boards and commissions shall not discuss, advocate, or vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board or commission. If the advisory board or commission member believes he/she has a conflict of interest then that member should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area. Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing.

I Agree *

Please provide a brief statement outlining why you wish to serve on the Advisory Board(s), Commission(s), Committee(s) or Task Force(s) to which you are applying.

You may submit a supporting document. However, most documents will be subject to the public records law, which means they will be posted on the website.

Upload a File (ex. Resume) Please be advised that any information submitted becomes a public record and may be searchable online.

Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.

Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

African American

Ethnicity

Male

Gender

Please select your age from the following list.

Occupation

Whenever possible, applications should be submitted prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Profile

Mary

First Name

Seyda

Last Name

Middle
Initial

mjseyda@casanc.com

Email Address

24 Mt. Bolus Road

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (919) 593-5648

Primary Phone

Home: (919) 754-9966

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

Chapel Hill Town limits (Purple)

What district do you live in?

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

Greater than 10 years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the list below to which you would like to apply.

Which Boards would you like to apply for?

Housing Advisory Board

Housing Advisory Board

Which Board is your First Choice?

Question applies to Housing Advisory Board .

Non-Profit Housing Provider/Professional

Select a Seat Category for the Housing Advisory Board

How did you find out about this opportunity? (select all that apply by holding down the shift key)

-
- Advisory Board or Council member
- Internet
- Social Media

If you chose "Other" from the list above, please specify:

Interests & Experiences

Are you a Town of Chapel Hill employee?

Yes No

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advisory board or commission member shall remove themselves from the voting area. Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing.

I Agree *

Please provide a brief statement outlining why you wish to serve on the Advisory Board(s), Commission(s), Committee(s) or Task Force(s) to which you are applying.

I am currently on the HAB and would like to continue serving.

You may submit a supporting document. However, most documents will be subject to the public records law, which means they will be posted on the website.

Upload a File (ex. Resume) Please be advised that any information submitted becomes a public record and may be searchable online.

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Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

Caucasian/Non-Hispanic

Ethnicity

Female

Gender

over 55

Please select your age from the following list.

Non profit developer

Occupation

Whenever possible, applications should be submitted prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Profile

Julian

First Name

Hasse

Last Name

Middle
Initial

info@julianhasse.com

Email Address

105 Overlake Dr

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Primary Phone

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

Chapel Hill Town limits (Purple)

What district do you live in?

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

1-3 years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the list below to which you would like to apply.

Which Boards would you like to apply for?

Chapel Hill Public Arts Commission, Community Design Commission, Housing Advisory Board

Chapel Hill Public Arts Commission

Which Board is your First Choice?

Question applies to Chapel Hill Public Arts Commission.

Chapel Hill Town Resident

Select a Seat Category for the Chapel Hill Public Arts Commission

How did you find out about this opportunity? (select all that apply by holding down the shift key)

-
- Advisory Board or Council member
- Brochure
- Bus Poster
- Email
- Internet
- Magazine
- Newspaper
- Radio
- Social Media
- Speaker at an event
- TV
- Video
- Other (provide additional information below)

If you chose "Other" from the list above, please specify:

Interests & Experiences

Are you a Town of Chapel Hill employee?

Yes No

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I Agree *

Please provide a brief statement outlining why you wish to serve on the Advisory Board(s), Commission(s), Committee(s) or Task Force(s) to which you are applying.

Serving on one of the Town of Chapel Hill's advisory boards is not something I would take lightly. As an immigrant, artist and real estate professional I would like to make a difference and get involve in the everyday life of the town. As a spanish-speaking resident I think I would be a good advocate of some of the most vulnerable minorities in the area. I would also like to use my skills and assets to give back to this great place which has granted me the opportunity to find a new land of opportunities for me and my family.

You may submit a supporting document. However, most documents will be subject to the public records law, which means they will be posted on the website.

Upload a File (ex. Resume) Please be advised that any information submitted becomes a public record and may be searchable online.

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Demographics

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Caucasian/Non-Hispanic

Ethnicity

Male

Gender

35-54

Please select your age from the following list.

Real estate broker / musician

Occupation

Whenever possible, applications should be submitted prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Profile

Nathan

First Name

Clarke

Last Name

Middle
Initial

nathanwjclark@gmail.com

Email Address

110 Country Club Rd

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

413-335-9538

Primary Phone

Alternate Phone

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What district do you live in?

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If you are a Chapel Hill Resident, How long have you lived here?

- 0-12 months
- 1-3 years
- 4-9 years
- Greater than 10 years

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Which Boards would you like to apply for?

Housing Advisory Board

Which Board is your First Choice?

Question applies to Housing Advisory Board .

Select a Seat Category for the Housing Advisory Board

How did you find out about this opportunity? (select all that apply by holding down the shift key)

-
- Advisory Board or Council member
- Brochure
- Bus Poster
- Email
- Internet
- Magazine
- Newspaper
- Radio
- Social Media
- Speaker at an event
- TV
- Video
- Other (provide additional information below)

If you chose "Other" from the list above, please specify specify:

Interests & Experiences

Are you a Town of Chapel Hill employee?

Yes No

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I Agree *

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Upload a File (ex. Resume) Please be advised that any information submitted becomes a public record and may be searchable online.

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Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

Caucasian/Non-Hispanic

Ethnicity

Male

Gender

Please select your age from the following list.

Occupation

Whenever possible, applications should be submitted prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Profile

Jared

First Name

M

Middle
Initial

Brown-Rabinowitz

Last Name

jbrown@logls.com

Email Address

154 Ridge Trail

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Mobile: (520) 820-5876

Primary Phone

Business: (917) 397-6069

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

Chapel Hill Town limits (Purple)

What district do you live in?

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

0-12 months

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Which Boards would you like to apply for?

Housing Advisory Board

Housing Advisory Board

Which Board is your First Choice?

Question applies to Housing Advisory Board .

Homeowner or Tenant

Select a Seat Category for the Housing Advisory Board

How did you find out about this opportunity? (select all that apply by holding down the shift key)

-
- Advisory Board or Council member
- Brochure
- Bus Poster
- Email
- Internet
- Magazine
- Newspaper
- Radio
- Social Media
- Speaker at an event
- TV
- Video
- Other (provide additional information below)

If you chose "Other" from the list above, please specify:

Interests & Experiences

Are you a Town of Chapel Hill employee?

Yes No

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I Agree *

Please provide a brief statement outlining why you wish to serve on the Advisory Board(s), Commission(s), Committee(s) or Task Force(s) to which you are applying.

I am pleased to submit this application for a position on the Chapel Hill Housing Advisory Board. I have had a long-term interest in affordable housing as a socio-economic fairness issue since, as an undergraduate living in the San Francisco Bay Area, I participated in a neighborhood improvement initiative intended, in part, to preserve housing for residents of a lower-income community facing rapid gentrification. At that time, and also as a law student, I provided pro bono services to residents in emergency housing. I view service on the Housing Advisory Board as a further expression of my commitment to working on these issues, and an opportunity to gain new and concrete experience in the affordable housing area while contributing to the Town's efforts to create a more equitable community. As an attorney with a general litigation background and experience with lending and housing issues, I can provide significant assistance to the board in connection with the administration of AHDR funds and formulating policy advice to the town council. For example, I have represented clients in mortgage lending disputes, landlord-tenant disputes and co-op litigation. In addition, I have researched and written reports on land-use policy instruments, such as transferrable development rights. Thank you for considering my application. I look forward to speaking with you about service on the Housing Advisory Board in the immediate future.

You may submit a supporting document. However, most documents will be subject to the public records law, which means they will be posted on the website.

[2016_03_Jared_Brown-Rabinowitz_Resume.pdf](#)

Upload a File (ex. Resume) Please be advised that any information submitted becomes a public record and may be searchable online.

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Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

Caucasian/Non-Hispanic

Ethnicity

Male

Gender

35-54

Please select your age from the following list.

Attorney

Occupation

Jared Brown-Rabinowitz

154 Ridge Trail, Chapel Hill, NC 27516 ▪ (520) 820-5876 ▪ jrabinowitz@stanfordalumni.org

LEGAL EXPERIENCE

Law Office of Gregory Smith, New York, NY

Attorney (2013 – Present)

- Represented investment bank in federal litigation concerning \$5 million loan repayment dispute
- Represented client in connection with broker fee dispute relating to \$3 million home loan refinancing
- Represented financial professionals and firms in FINRA arbitration
- Conducted client-development meetings with law firms and investment firms in Beijing, China

Law Office of Michael Harwin, New York, NY; Tucson, AZ

Legal Writer (2009 – Present)

- Researched and advised on state regulation and discipline of title loan industry
- Won reversal of death sentence in Federal appellate case, *Hurles v. Ryan*, 08-99032 (9th Cir. 2011)
- Researched and advised on IRS enforcement actions, FDIC employment regulation and a variety of state forfeiture claims and federal and state criminal matters, including bank fraud prosecutions

New York Legal Aid, New York, NY

Volunteer Attorney (2009)

- Worked on federal class action litigation against mortgage servicers relating to HAMP modification program, including research concerning GSE rules and CDO ownership
- Advise legal aid clients and attorneys on foreclosure defenses and procedure
- Received *Pro Bono Publico* Award for outstanding pro bono service

Department of Justice, Executive Office for Immigration Review, New York, NY

Judicial Law Clerk (2007 – 2008)

- Researched and wrote asylum opinions and advised judges on merits of claims and procedural issues

POLICY EXPERIENCE

Kurzon for Congress, New York, NY

Policy Researcher (2013 – 2014)

- Researched and wrote policy sheets on federal and state housing policy and health care policy

New York City Mayor's Office, New York, NY

Contract Attorney (2012)

- Researched and wrote briefs concerning firearms policy for staff attorneys, and municipal governments and community organizations that participated in gun control coalition

EDUCATION

Stanford University, Stanford, CA

B.A. with Concentration in Religious Ethics, 2000 GPA 3.6/4.0

- Activities included: Homelessness and affordable housing alternative spring break

University of Arizona James E. Rogers College of Law, Tucson, AZ

J.D. Degree, 2007, GPA 3.69/4.0, *Magna Cum Laude*, *Arizona Law Review*

OTHER RELEVANT EXPERIENCE & ABILITIES

- AmeriCorps Member, One East Palo Alto Neighborhood Improvement Initiative
 - Stanford Alumni Association – NYC: organized faculty lectures
 - Highly Proficient in Mandarin Chinese; Working knowledge of Japanese
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