

# Problem

New client Denise Lombard, a recent college graduate, came to your office on February 1, 2011. She lives at 1520 Village Ave., Rockville Centre, N.Y., Apartment 3F. The building is a three-story structure with 24 units. She has lived in the building by herself for the past three years. Her landlord is Breslin Realty; she signs yearly leases with the term beginning February 1 of each year. The building is not subject to rent regulation.

Everything went well with their tenancy until three months ago. Last October, a new tenant (Tom Schmidt) moved into the apartment next to hers (3E). She hasn't had any problems with Mr. Schmidt, but a few weeks ago her downstairs neighbor told her that Mr. Schmidt was recently released from prison after being convicted of rape and is suspected of raping other women. Ms. Lombard is very scared that a convicted serial rapist is living next to her and is afraid to go out at night.

She called Breslin and spoke with a manager Jeff Ciaffa. Ciaffa called her back a few days later and said there was nothing they could do. Mr. Schmidt has a valid lease and has paid all his rent on time. Breslin simply cannot break the lease.

Denise wants to know her options. She loves her apartment: it's close to the LIRR station with regular trains to Manhattan where she works, it's well maintained, and she has friends in the area. But she's deathly afraid of being in her apartment alone. Also, she tells you that whatever happens, she doesn't want Mr. Schmidt to find out she's been complaining.

Please conduct legal research on this issue using solely electronic [print] resources. This problem takes place in New York. When you are finished, we will ask you to orally summarize your preliminary findings. If you have not finished your research within 80 minutes, we will ask you to summarize orally your conclusions up to that point.

Research assistants: If the print subjects either ask or attempt to go beyond the reading room area, just say, "For logistical reasons, please remain in the reading room area." (Sean, please let us know if this problem arises.)