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# Residential and Commercial Landlord-Tenant Law in New York

New York, NY • March 5, 2013

## Faculty

### Moderator:

**Jay B. Solomon**

*Klein & Solomon, LLP*

**Eduardo A. Fajardo**

*De Lotto & Fajardo LLP*

**Bruce Feffer**

*Ballon Stoll Bader & Nadler, PC*

**Peter A. Schwartz**

*Graubard Miller*

**Bruce H. Wiener**

*Warshaw Burstein Cohen Schlesinger & Kuh LLP*

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## Look before you lease. Discover how to survive today's uncertain leasing economy.

From the rental agreement to eviction actions, you need to stay on top of all aspects of landlord-tenant law. Register today for this informative seminar and get clarification on how to perform key property management duties without hassle. You will find out what you should include in the commercial rental agreement to avoid problems down the line – such as rent renewal clauses and how to avoid renewal disputes.

Get tips on complying with state and federal regulations, and how to legally execute an eviction. Don't risk jeopardizing the landlord-tenant relationship and incurring unnecessary costs – and even lawsuits! Attend this seminar and learn to keep your organization out of trouble.

## Benefits for You

- Avoid legal battles by getting a firm grasp of both landlord and tenant proceedings in NYC
- Find out what you need to know about ejectment actions in the Supreme Court
- Learn about rent regulation, including rent control and rent stabilization
- Get up-to-date on current issues including how courts determine rent and overcharges



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# Seminar Agenda

8:00 AM – 8:30 AM

## Registration

8:30 AM – 9:50 AM

## Landlord and Tenant Proceedings in New York City

— Jay B. Solomon

- Summary Proceedings in the Civil Court
  - Background
  - Nonpayment Proceedings: RPAPL §711(2)
  - Holdover Proceedings: RPAPL §§711(1), 713, 715
- Ejectment Actions in the Supreme Court
- Yellowstone Injunction Actions in the Supreme Court

9:50 AM – 10:00 AM

## Break

10:00 AM – 11:20 AM

## Rent Regulation

— Peter A. Schwartz

- Brief History of Rent Regulation in New York
- Specific Regulatory Schemes – Rent Control, Rent Stabilization, Lofts, Cooperatives and Condominiums
- Proceedings Before the New York State Division of Housing and Community Renewal and the Courts
  - Computations of Rent and Challenges to the Legal Rent
  - Luxury Deregulation and Other Exemptions From Regulation
  - Services and Enforcement
  - Litigating With DHCR
- Regulations Limiting Evictions

11:20 AM – 12:30 PM

## Commercial Disputes

— Eduardo A. Fajardo

- Rent Defaults
  - Statutory Nonpays vs. Holdovers Triggered by a Conditional Limitation Clause
- When Is Yellowstone Relief Required?
- Assigning a Lease in Connection With the Sale of a Business

## Lease Renewal Options

- The Fair Market Value Clause
- Heightened Care Needed in Exercising a Renewal Clause
- Litigation Involving Renewal Disputes

12:30 PM – 1:30 PM

## Lunch (On Your Own)

1:30 PM – 2:40 PM

## Making Peace – The Art of Settlement Stipulations

— Bruce Feffer

- Essential Elements
- Enforcement Issues and Pitfalls
- Goals and Strategy: Know Your Client, Know Your Adversary

2:40 PM – 2:50 PM

## Break

2:50 PM – 4:30 PM

## Hot Topics in Landlord Tenant Law

— Bruce H. Wiener

- Does a Landlord Have Any Duty to Mitigate Damages in New York? Not so Simple a Question
- Actual Partial Eviction – When Is a Taking a Taking?
- Amendment at Trial in Summary Nonpayment Proceedings – Is a Landlord Bound by Its Rent Demand?
- Post *Roberts v. Tishman Speyer Properties* – How Do Courts Determine the Rent and Overcharges?
- Removal and Consolidation of Summary Proceedings With Supreme Court Actions – Is the Trend Shifting in the First Department?
- The Business Judgment Rule, and Board Liability, in Co-ops and Condos – Are the Scales Tipping Away From Boards and More Toward Shareholders?
- The New Loft Law – How Does It Impact Landlords and Tenants?

## Presented By:

### Eduardo A. Fajardo

- Founding member of De Lotto & Fajardo LLP
- Can be contacted at 212-404-7069 or efajardo@dfcounsel.com

### Bruce Feffer

- Attorney with Ballon Stoll Bader & Nadler, PC
- Can be contacted at 212-575-7900 or bfeffer@ballonstoll.com

### Peter A. Schwartz

- Heads the Real Estate Department of Graubard Miller
- Can be contacted at 212-818-8800 or pschwartz@graubard.com

### Jay B. Solomon – Moderator

- Attorney with Klein & Solomon, LLP
- Can be contacted at 212-661-9400 or jay@kleinsolomon.com

### Bruce H. Wiener

- Partner in charge of the Real Estate Litigation Group at Warshaw Burstein Cohen Schlesinger & Kuh LLP
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### Where Is It?

NYC Seminar and  
Conference Center  
71 West 23rd Street, Suite 515  
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646-336-4455

### Who Should Attend?

This seminar is designed for attorneys, property managers, presidents, vice presidents, general managers, landlords, accountants, controllers, housing coordinators, real estate agents and brokers, business owners and other real estate professionals.

### GENERAL INFORMATION:

- This seminar may be recorded.
- If you need special accommodations, please contact us two weeks in advance of the program.
- Lorman Education Services is not approved to offer self-study CPE credit for accountants; therefore, no CPE will be given for this program if ordered as a self-study package.

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