

Landlord-Tenant Law: Lease Agreements, Defaults, and Collections

Buffalo, NY - February 23, 2017

Early Registration
SAVE \$30
if paid by January 12th

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PRESENTED BY:
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Katelyn Diefenderfer, Neighborhood Legal Services, Inc.
Franz Wright, Bond, Schoenck & King PLLC
(See complete biographies inside)

Continuing Education Credit:

- NY CLE 8.0 including 1.0 ethics
- NY Real Estate 6.5
- PA CLE 6.5 including 1.0 ethics
- BOMI 7.0
- NASBA CPE 8.0

See inside for details.

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Registration Fee: (includes manual)

- \$349 per person
- \$339 per person for 2 or more
- \$319 per person if paid by January 12th

Reference Materials:

- Add audio to your registration for \$167*
- Manual only \$95*
- Audio only \$267*
- Audio/manual package \$357*

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LANDLORD-TENANT LAW: FROM START TO FINISH - Seminar # 16NY02047

Landlord Obligations and Tenant Rights; Lease Drafting and Tenant Accommodations; Evictions: When the Agreement Ends...For Better or Worse; Collections: Enforcing Your Judgment; Special Considerations in Commercial Leases; Tenant Orientation: Heading Off Problems Before They Start; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

Diane R. Tiveron with HoganWillig; Peter A. Muth, Attorney at Law; and Jennifer A. Hurley with The Law Offices of Jennifer A. Hurley

Audio & Manual Set \$155 Audio only \$95 Manual only \$75

LANDLORD-TENANT LAW - Seminar # 15NY02015

Lease Drafting, Structuring, and Negotiating; Landlord and Tenant Rights and Obligations; Evictions: Excuses and Traps When Things Go Bad; Landlord or Tenant Files Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

Diane R. Tiveron with HoganWillig, Peter A. Muth, Attorney at Law; and Keri D. Callocchia, Attorney at Law

Audio & Manual Set \$155 Audio only \$95 Manual only \$75

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- Web: www.sterlingeducation.com
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WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. Please call ahead to confirm the schedule.

CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

If you cancel 3 or more business days before the seminar you may:

- 1) transfer your registration to another seminar,
- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

PLEASE NOTE: If you do not attend and do not cancel as described above you are not entitled to a refund.

REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). Please call for details.

UPCOMING SEMINARS

- **Advanced Workers' Compensation**
White Plains, NY
January 20, 2017
- **Workers' Compensation Law and Practice**
Albany, NY
February 10, 2016

Visit our website for details!

Landlord-Tenant Law: Lease Agreements, Defaults, and Collections

AGENDA

- I. **Lease Agreements, Tenant Issues, and Documentation**
 - A. Screening and qualifying prospective tenants
 1. Basics
 2. Verifying the applicant (and keeping all records safe from identity theft)
 3. Written screening criteria
 4. Avoiding discrimination
 - a. Reasonable modifications
 - b. ADA accommodations, animals assisting people with disabilities, therapy assistance animals
 - c. "Restoration agreements"
 - d. "Reasonable accommodations"
 - e. Federal Fair Housing Act
 - f. Open housing laws
 5. Rental application
 6. Credit checks
 7. Rejecting an applicant (legally)
 - B. Rental documents
 1. Rental agreement
 2. Rules and regulations
 3. Nonstandard rental provisions and prohibited rental agreement provisions
 4. Tenant inspection/acceptance form (check-in/check-out)
 5. Disclosure of information on lead-based paint
 6. Pet agreement
- II. **Subsidized Tenancies**
 - A. Key components of subsidized housing: characteristics of tenants and main parties and their roles
 - B. Challenges for tenants seeking subsidized housing
 - C. Subsidized rent: generally, income-based, income exclusions, and minimum rent/flat rent
 - D. Evictions from subsidized housing
- III. **Tenant Default, Notice of Default, and Lease Termination**
 - A. Notice of default: issuance, service, and specificity
 - B. Lease termination and surrender
 - C. Enforcement of accelerated rent and default clauses
 - D. Abandoned property
 - E. Tenant defenses: SCRA protections, retaliatory eviction action, habitability, and others
- IV. **Landlord-Tenant Evictions and Litigation**
 - A. Case studies and current trends in litigating landlord-tenant disputes
 - B. The summary proceeding
 - C. Answer, defense, and counterclaims in landlord-tenant litigation
 - D. Settlement and post-judgment issues
 - E. When, if ever, is a judgment final?
- V. **Collections: Enforcing Your Judgment**
 - A. When a tenant files bankruptcy: what can you do?
 - B. Considerations before pursuing judgment: is it worth it?
 - C. Obtain necessary information to collect judgment early in the rental process
 - D. Taking judgment
 - E. Docketing the judgment
 - F. Financial disclosure forms
 - G. Supplemental examination
 - H. Garnishments
 - I. Absconding
- VI. **Ethical Considerations in Landlord-Tenant Law**
 - A. Ethical situations
 - B. Conflicts of interest, un-represented, dual representation, and competency
 - C. Negotiating with a *pro se* tenant at court
 - D. Fee arrangements, getting paid

DATE & TIME

DATE: Thursday, February 23, 2017
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: 12:00 - 1:00 p.m.
Lunch is on your own

LOCATION

The DoubleTree Club by Hilton
Buffalo Downtown
125 High Street
Buffalo, NY 14203
716-845-0112
Map available online

WHO SHOULD ATTEND

- Property Managers
- Real Estate Brokers
- Housing Authorities
- Developers
- Building Owners
- Leasing Agents
- Other Real Estate Professionals
- Attorneys:
 - Landlord-Tenant
 - Leasing and Contracts
 - Evictions
 - Real Estate
 - Transactional
 - Litigation
 - Bankruptcy/Debtor-Creditor
 - General Practice
 - Sole Practitioners

SUMMARY

Home ownership and rental vacancy rates haven't been as low as they currently are for more than thirty years. That can be great news for landlords, but it also means that finding the best tenants for your property (and protecting yourself when bad tenants slip in) is more important than ever. Uncertain economic conditions and the influx of more baby boomers and families into the rental market mean that you and your clients need strategies in place to write solid leases, provide accommodations, and evict when necessary. Our faculty are familiar with the issues you're facing every day, so put their knowledge and experience to work and make the most out of the growing rental markets. **Register today!**

Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

CONTINUING EDUCATION CREDIT

NY CLE

This transitional and nontransitional continuing legal education program has been approved in accordance with the requirements of the CLE Board of New York for a maximum of 8.0 credit hours, of which 7.0 hours can be applied toward the professional practice requirement and 1.0 hour to ethics.

NY Real Estate

This seminar has been approved by the New York Real Estate Commission for a total of 6.5 hours of continuing education. Please note that a minimum of 90% attendance is required to receive this credit.

PA CLE

This seminar has been approved by the Pennsylvania CLE Board for 6.5 credit hours including 1.0 hour of ethics. SES is a PACLE Accredited Provider.

BOMI

This program qualifies for 7.0 hours of BOMI International CPD credit for RPA, FMA, and/or SMA graduates.



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Other continuing education credit may be available. Please contact Sterling to inquire.

MEET THE FACULTY

DIANE R. TIVERON, managing partner of HoganWillig in Amherst, has practiced corporate and business law since her admission to the New York State Bar over twenty-five years ago. In addition to managing the firm, Ms. Tiveron also is the head of HoganWillig's Corporate and Business Law Department. She assists clients with business formations, acquisitions, and sales or dissolutions, as well as the preparation of any commercial document or contract ranging from an employment agreement to leases. Ms. Tiveron also counsels individuals with bankruptcy issues, and she assists creditors with protecting their rights in bankruptcy and with their general collection needs. Mr. Tiveron frequently advises clients in landlord-tenant matters and has presented a number of seminars in this area of law. She has been recognized as an Upstate New York Super Lawyer® in the areas of Business/Corporate Law and Business Litigation each year since 2007. Ms. Tiveron received her B.A., *magna cum laude*, from Canisius College and her J.D., *cum laude*, from the University at Buffalo School of Law, where she served as note and comment editor for the *Buffalo Law Review*.

KATELYN E. DIEFFENDERFER is a staff attorney with Neighborhood Legal Services, Inc. in Buffalo. Neighborhood Legal Services, Inc. is a private, non-profit agency that provides free legal services to financially eligible persons who reside in Erie, Niagara, Orleans, Genesee, and Wyoming Counties. Ms. Dieffenderfer interned for Neighborhood Legal Services' Public Benefits Division during law school and returned as a staff attorney after practicing insurance defense litigation at a private law firm in Buffalo. Previously, she was appointed as a public health analyst at the U.S. Centers for Disease Control and Prevention in Atlanta, Georgia. She has also worked as a law clerk in the U.S. Dept. of Health & Human Services, Office of Counsel to the Inspector General. Ms. Dieffenderfer received her B.A., *magna cum laude*, from St. Bonaventure University and her J.D., *magna cum laude*, from the University at Buffalo School of Law, where she was a note and comment editor for the *Buffalo Law Review*.

FRANZ WRIGHT, of Bond, Schoeneck & King PLLC in Rochester, represents individuals, small businesses, corporations, insurance companies, manufacturers, and public entities in a wide variety of litigation matters. Mr. Wright handles contract disputes, partnership disputes, disputes regarding breaches of fiduciary duty and fraud, construction litigation, and issues concerning trusts and estates. He is a member of the New York State Bar Association, the Monroe County Bar Association, and the Rochester Black Bar Association. Mr. Wright is on the St. John Fisher College Alumni Board of Directors and the SUNY Buffalo Law School Rochester Alumni Chapter Steering Committee. During law school, he was a regional finalist and national competitor in the Frederick Douglass National Civil Rights Moot Court Competition. Mr. Wright received his B.A., *cum laude*, from St. John Fisher College and his J.D. from the University at Buffalo School of Law.

SEMINAR HIGHLIGHTS

- Avoiding discrimination in tenant screening
- Do I have to allow service or emotional support animals?
- What to do when a tenant is in default
- Getting all the steps right in evictions
- The latest developments and cases
- How to handle abandoned property
- Collecting what's owed to you after the tenancy
- Ethical situations and conflicts of interest