



# ZACHARY J. ROTHKEN

## MEMBER - Administrative Law

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### Practice Areas

#### Administrative Law

Due Diligence in connection with Multifamily Purchases, Sales and Financing; Rent Regulation and Affordability Analysis and Risk Assessments

Rent Stabilization Issues: Coverage, Rent Overcharge, Substantial Rehabilitation and Regulatory Compliance

DHCR, TPU and Attorney General Proceedings and Audits

Article 78 Proceedings and Appeals Challenging Agency Orders

Regulatory Agreements Generally, including Financing and Tax Benefits

Certificates of No Harassment

Landlord / Tenant Disputes

### Bar Admissions

New York, 2014

New Jersey, 2013

U.S. District Court District of New Jersey

### Education

Hofstra University School of Law, Hempstead, New York

• J.D. - 2013

#### Honors & Activities:

• Merit Scholarship; *Hofstra Labor & Employment Law Journal*, Volume 30, Articles Editor

#### Yeshiva University

• B.S.

**Zachary J. Rothken** joined Rosenberg & Estis, P.C. in 2018 and is a Member and Head of the firm's Administrative Law Department. His practice focuses on complex rent regulatory issues concerning rent stabilization and rent control. Rothken counsels prospective purchasers, sellers and lenders in performing due diligence on properties subject to rent regulation. He also represents property owners in administrative proceedings before DHCR and other administrative agencies, including matters involving substantial rehabilitation, rent overcharge and regulatory coverage. Rothken handles matters at all administrative stages, including petitions for administrative review, Attorney General investigations and TPU audits. Rothken's practice also includes representing property owners in a wide variety of litigation matters, including Article 78 proceedings, Supreme Court plenary and class actions and landlord-tenant summary proceedings.

Rothken earned his J.D. at Hofstra University School of Law and received a Bachelor of Science degree from Yeshiva University. While in law school, Rothken served as Articles Editor for Volume 30 of the Hofstra Labor & Employment Law Journal. He co-authored an article titled Limits on Sovereign Immunity in the Post-NASA v. Nelson Era: Greater Government Liability for Negligent Hiring, which was published in the Summer 2013 volume of the New York State Bar Association Labor and Employment Law Journal.

When DHCR issued proposed amendments to the Rent Stabilization Code in August 2022, Rothken swiftly conducted a live webinar for firm clients to address the major changes found in the RSC proposed amendments. The webinar drew in the highest attendance of any Firm webinar to date. Rothken was subsequently invited as an expert speaker to RSC webinars hosted by the Community Housing Improvement Program (CHIP) and the Rent Stabilization Association (RSA). In December 2022, Rothken was published in the New York Law Journal with his co-authored article, "Administrative Rulemaking and DHCR's Proposed Amendments to the Rent Stabilization Code."

### Notable Work

- *Armstrong, et al., v. Dumbo Lofts* (Sup. Ct. Kings Co. 2021): overcharge action brought by a number of tenants; won full summary judgment on issue of fraud and rent freeze; full summary judgment on all claims of one tenant; partial summary judgment on all claims but willfulness for remaining tenants.
- *Westchester Plaza Tenants Association v. DHCR and Westchester Plaza Holdings, LLC* (Sup. Ct. Westchester County 2021):



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successfully defended Article 78 proceeding brought by tenants' association in complex building-wide service reduction/modification of services proceeding.

- *Matter of Kristopher*, RA Docket No. GQ-410097-R (10/5/21): successfully defended rent overcharge complaint; utilized creative legal argument in support of deregulation despite lack of last rent stabilized lease.

## **Classes & Seminars**

- R&E In-House CLE: "2023 Rent Stabilization Code Amendments," November 2023
- "All the Way to the Supreme Court: Navigating the Challenges in the Rent-Stabilized Apartment Rental Market," Greenpearl's New York Multifamily Summit, Moderator, October 2023
- "Multifamily: Rates, Affordability & Legislation," Navigating Real Estate Distress Conference, May 2023
- R&E 421-a Webinar: "Affordability, Rent Stabilization, Deregulation and Recent Litigations," March 2023
- CHIP Webinar: "Reviewing the Proposed Amendments to the RSC," November 2022
- RSA Roundtable Webinar: "HCR Amendments," October 2022
- R&E Webinar: "Proposed Amendments to the Rent Stabilization Code," September 2022

## **Published Works**

- "Administrative Rulemaking and DHCR's Proposed Amendments to the Rent Stabilization Code," New York Law Journal (co-authored), December 2022
- "Commercial Rent Control Effort Defined by Confusion and Unintended Consequences," New York Law Journal, February 2020
- "Limits on Sovereign Immunity in the Post-NASA v. Nelson Era: Greater Government Liability for Negligent Hiring," New York State Bar Association Labor & Employment Law Journal (co-authored), Summer, 2013

## **Professional Associations**

- Rockland County Rent Guidelines Board, Owner Member, 2024-present
- Alternate Member, Village of Chestnut Ridge Planning Board, 2021-present

