

Administrative Law / Rent Regulations

Rosenberg & Estis provides full-service representation and advice in every aspect of real estate. We are the top choice for NYC's most prominent developers, landlords and institutions.

OUR PRACTICE

Rosenberg & Estis, P.C., is New York City's premier real estate law firm, and administrative law is an area where we truly excel. For more than four decades, R&E has led the industry in helping property owners, lenders and developers of multifamily residential housing navigate New York's exceptionally complex system of rent stabilization laws and regulations.

The attorneys at R&E know New York law, and we know New York's real estate market. Our unparalleled experience interacting with DHCR, HPD and other administrative agencies in New York allows us to see oncoming issues and prevent them from impacting our clients' projects.

R&E performs due diligence for buyers, sellers and lenders at all stages of real estate deals. We provide reliable counsel on rent stabilization issues, complying with subsidized housing program rules and working with tax benefit programs.

Our services include:

- Due diligence for buyers, sellers and lenders of rent regulated properties
- Advice, consultation and compliance regarding rent stabilization, including rent registrations, leasing requirements and tax benefits
 - DHCR, Article 78 and appellate litigation- representing property owners in matters concerning:
 - Rent overcharge
 - Regulatory coverage and deregulation
 - Substantial rehabilitation
 - Legal and preferential rents

- Rent concessions and "net effective rents"
- Newly created apartments
- Reduction of Services
- Modification of Services
- Individual apartment improvements (IAs)
- Major capital improvements (MCIs)
- Horizontal multiple dwellings (HMDs)
- Audits before DHCR's Tenant Protection Unit (TPU)
- NYS Attorney General subpoenas
- Demolition applications
- Harassment proceedings
- Redeveloping rent controlled or stabilized property for profit
- Certificates of Non-Harassment (CONH) from HPD

Due Diligence for Buyers, Sellers & Lenders

At Rosenberg & Estis, P.C., we protect our clients' interests at every step, whether they wish to buy or sell rental property in New York or finance such transactions.

When guiding clients through the purchase, sale or financing of New York rental property, our performance of rent regulatory due diligence assures them that they have all the relevant information about the transaction they wish to enter.

Our attorneys examine the rental history of both regulated and unregulated apartments to confirm that there is no rent overcharge liability on regulated apartments, and that the



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unregulated apartments are truly unregulated. We investigate whether there has been any prior litigation or administrative proceedings and, if so, how they may have affected the value of the property.

In short, we seek to uncover any matter that may reduce or impact the value of a client's investment. Due diligence also allows lenders to know that the property supports their loans and that the loans will be repaid.

Rent Regulation, Litigation & Consultation

New York owners of residential property face unique challenges based on the constantly evolving rent control and rent stabilization laws, which have been in effect for many decades. Our firm has a superior level of experience handling rent regulation.

Member and Department Head Zachary J. Rothken is frequently sought out regarding the interpretation and application of complex New York rent regulation laws and ever-changing rules.

Our attorneys appear before all New York agencies governing rental properties and rent regulation, including the DHCR, the New York State Division of Human Rights, the New York City Human Rights Commission and the New York City Department of Housing Preservation and Development.

Wherever we appear, our goal is to protect the rights of our clients, property owners, purchasers and sellers of New York

rental property.

We also counsel clients about tax benefit opportunities and defend owners against tenant claims arising from the myriad regulatory laws.

Subsidized Housing Program Compliance & Redevelopment

Subsidized, privately owned housing in New York City is sponsored by several different city, state and federal agencies in an effort to provide affordable rental and cooperative housing to moderate and middle-income families.

These conversions can be very positive for building owners. However, subsidized housing in New York can also be a maze that requires an owner to have knowledgeable guidance. Even if a property owner decides to remain in a subsidized housing program, staying compliant with the program's requirements can be challenging.

At Rosenberg & Estis, P.C., our attorneys have the experience to help any New York property owner navigate the city's subsidized housing programs.

Lawyers from Rosenberg & Estis, P.C. represent and advise owners seeking to transfer subsidized apartments from affordable housing programs into redevelopment or rent-stabilized status. We also counsel clients about compliance with and participation in the various state and city subsidized housing programs.