

REAL ESTATE BEGINS WITH **R&E**

July 2019 | Vol. 7

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Message from Jason R. Davidson, Member at R&E:



“

Rosenberg & Estis continues to serve our clients with the best real estate representation in New York City. Our attorneys take on virtually any real estate problem and solve it creatively and efficiently, reaching excellent results on behalf of our clients every time. We are excited to share last quarter's accomplishments with you and look ahead to another prosperous chapter.”

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Blaine Z. Schwadel
Member, Administration

FEATURE STORY

The Housing Stability and Tenant Protection Act of 2019: Summary and Effects

By Blaine Z. Schwadel || July 2019

The Housing Stability and Tenant Protection Act of 2019 (“HSTPA”) was signed by the Governor on June 14, 2019. Hailed by tenant advocates and the bill’s sponsors and simultaneously decried by the real estate industry, there is no dispute that HSTPA makes dramatic changes to the landscape of rental housing in New York City and throughout New York State. This article will discuss some of the most important changes. This article is not intended to be a complete recitation of every change in the law, in fact it cannot be that. HSTPA is made up of 15 different parts, each addressing a different subject, and is over 74 pages long.

Rent Laws are made Permanent. HSTPA makes the rent regulation statutes permanent by removing reference to any “sunset” date. However, the laws still require that New York City periodically declare a housing emergency following a vacancy study.

Vacancy and Longevity rent increases are repealed. Automatic one- and two-year vacancy increases, longevity increases and low rent increases have been repealed. Further, “rent guidelines boards shall no longer promulgate adjustments for vacancy increases.” Because there is no rent increase, the incentive to obtain a vacant apartment is

gone. The unintended consequence is that landlords have no incentive to remove tenants who don’t reside in their apartments or who illegally sublet them

This article will discuss some of the most important changes. This article is not intended to be a complete recitation of every change in the law, in fact it cannot be that. HSTPA is made up of 15 different parts, each addressing a different subject, and is over 74 pages long.

- so those units will not be freed up for tenants who need housing.

Luxury Deregulation is repealed. The repeal applies to both High Income/High Rent and High Rent Vacancy Deregulation. An amendment to the HSTPA (signed just a week later) clarifies that apartments previously deregulated are not re-regulated. The amendment also clarifies that market apartments in the new Affordable New York Housing Program are still eligible for deregulation as it existed prior to the HSTPA.

Preferential Rents. Upon renewal of a lease, only the applicable renewal guideline above the previously collected preferential rent may be charged. Preferential rents may no longer be eliminated upon lease renewal or increased to any amount below the legal rent. Owners

may continue to charge up to the full legal rent upon vacancy. An exception exists for buildings subject to stabilization by virtue of a regulatory agreement with a local government agency and which receive federal project based rental assistance.

Rent Overcharges. The amendments relating to rent overcharges apply to all claims pending on the effective date of HSTPA. Among other things, the overcharge recovery period is extended to six years and the treble damage penalty applies to the entire six years. The base date for determining legal rent is extended to six years but the look back period could be longer if the registration from six years ago is not “reliable.” Review of rent records and other information, even prior to the six-year look back, can be reviewed if “reasonably necessary” to determine regulated status or legal rent. This is much broader than mere reliability of the base date registration and could allow a complete review of all records. The voluntary refund of an overcharge after a complaint is filed will no longer be considered evidence that the overcharge was not willful (i.e., such a refund no longer prevents treble damages from being assessed). In a nod to the tenant bar, HSTPA requires that DHCR shall (rather than may) impose attorney’s fees where an overcharge is found. HSTPA also provides that DHCR and the courts have concurrent jurisdiction “subject to the tenant’s choice of forum.” In reality tenants always had the choice of forum. The question is whether this language prevents a court from referring the matter to DHCR.

ETPA Extended Statewide. HSTPA declares a housing emergency statewide and extends the provisions of the ETPA to “all counties within the state of New York outside of the City of New York.” Municipalities in all New York counties may thus adopt the provisions of the ETPA.

Owner Occupancy. Amendments to owner occupancy proceedings are effective immediately and apply to any tenant in possession on the effective date of HSTPA, regardless of whether the owner’s proceeding commenced prior to the effective date. The amend-

ments preclude an owner from recovering possession of more than one apartment for owner use. The rent control law now limits recovery to those instances where the owner intends to use the apartment as his primary residence. A tenant in occupancy for 15 years cannot be evicted. The stabilization law requires that recovery must be based upon “immediate and compelling necessity.” A new restriction precludes recovery of an apartment where a tenant has been in occupancy for 15 years or more. Both statutes now provide that where a tenant is required to surrender possession, the tenant shall have a cause of action for damages against a landlord who made a fraudulent statement regarding proposed use.

Individual Apartment Improvements (IAIs). This was a hot button issue in the days leading up to passage of HSTPA. Owners complained about low rents and predicted deteriorating apartment conditions, conjuring up images of NYCHA housing. Contractors and workers marched on Albany to save their livelihoods which rely on apartment renovations. Tenants opposed the provisions which allow for rent increases in vacant apartments. In the end, a compromise was reached which is not satisfying to any of the affected groups. Now the monthly rent increase for buildings with 35 or fewer apartments is 1/168th and for buildings with 36 or more apartments is 1/180th of the IAI cost. Moreover, although the increase becomes part of the rent for purposes of RGB compounding it must be removed after 30 years “inclusive of any increases granted by the applicable rent guidelines board.” Finally, the IAI cannot be based on more than \$15,000 spent in a 15-year period beginning with the first IAI installed after the effective date of HSTPA. The maximum rent increase every 15 years is therefore less than \$90 per month. The \$15,000 limit is not enough for even a standard bathroom renovation.

DHCR, the agency which oversees all the rent laws, is required to issue rules requiring IAI work be done by a licensed contractor with no common ownership with the landlord, require that the owner “resolve” all outstanding hazardous and immediately hazardous violations in the

“dwelling space,” and include a schedule of reasonable costs for IAIs. Gone are the days of Sub-Zero refrigerators and Wolf ranges. Beginning June 14, 2020 DHCR must provide for the electronic retention of IAI documentation inclusive of photographic evidence documenting the conditions before and after the work.

Major Capital Improvements (MCIs). MCI costs will be amortized over a 12-year period for buildings with 35 or fewer units and over 12 ½ years for buildings with 36 or more units and must be removed from the legal rent after 30 years. DHCR is required to issue a notice 60 days prior to the end of the 30 years stating the total amount to be removed.

DHCR must also issue rules which establish a schedule of reasonable costs for MCIs setting a ceiling for allowable costs, prohibit MCIs for buildings with outstanding hazardous or immediately hazardous violations and prohibit MCIs for buildings with 35% or fewer rent regulated units. The market tenants will subsidize the regulated tenants. MCIs are prospective only. Collection is limited to 2% (rather than 6%) per year. In addition, DHCR must establish an annual inspection and audit process to review 25% of MCI applications that have been approved in the prior year.

Adding insult to injury HSTPA also raises the registration fee for RS apartments in NYC from \$10 per unit to \$20 per unit. The additional \$10 is to be shared equally between ORA and TPU.



Jeffrey Turkel
Member, Administration

“Certainly, that will take a long time to make its way through the courts — [and] these are challenging lawsuits,” said Rosenberg & Estis lawyer Jeffrey Turkel, who has successfully challenged legal rulings over rent regulations in state court. “There are judges out there that are happy with the state of legislation.”

‘Up in Smoke’: Despairing Landlords Still Sorting Through Rent Reform Impact

By Miriam Hall || BISNOW || July 1, 2019

Landlord groups have vowed to take the fight against the state’s new rent regulation laws to federal court. But that act of defiance has done little to lift the mood across the industry.

It has been a little over two weeks since New York state legislators introduced, then passed, a sweeping set of new laws drastically curtailing how landlords can raise rents on stabilized units or move them out of regulation.

Although welcomed by tenant advocates as a worthy attempt to fight the city’s crippling housing crisis, the real estate industry has decried the laws as ineffective, irresponsible and draconian. And as landlords and property owners piece through the details, their sense of gloom has only deepened.

Sources said property owners, lenders and investors are still figuring out what the full impact of the legislation will be on businesses’ bottom line. Though powerful landlord groups are planning to mount a legal challenge to the laws, some owners are said to be considering redirecting their capital to other asset classes in other states.

Other real estate players told Bisnow that landlords are looking for opportunities to work around the laws — but are reluctant to talk about them publicly for fear it will encourage further legislation from the state.

“General despair is the word ... I’m not seeing anyone coming up with any brilliant ideas,” said Alvin Schein, a partner at law firm Seiden & Schein. “[The rent reform package] shut all the doors around it. There are no back doors.”

Under the new laws, landlords are no longer able to use the vacancy bonus, a provision that had allowed them to increase rents by as much as 20% when a unit became vacant. Property owners who provided a preferential rent — a rent beneath that they can legally charge — will not be allowed to increase the rent to the full price when leases are renewed.

The Major Capital Improvement and Individual Apartment Improvements programs, which had permitted landlords to pass on the costs of building improvements in rent, have been significantly reduced.

As part of the reforms, it has also become significantly more challenging for owners to turn rental buildings into co-ops or condominiums.

“I don’t see anything in this law that I could see that makes sense for me ... the whole business model has just evaporated up in smoke,” said Nelson Management Group President Robert Nelson, who said the past few weeks have been “hell.”

“We need to talk to our partners about this, but the only thing that is certain is that I will not run the buildings in the same way as in the past,” he added.

Durst Organization Vice President for Public Affairs Jordan Barowitz said the company’s main concern is buildings that have recently opened and that were built with the 421a tax abatement.

Though legislators updated the laws to ensure they didn’t limit developers’ ability to increase rents on market-rate units built under Affordable New York, Barowitz said buildings that used the old 421a program would still be affected.

“In a macro sense, this presents a challenge for newer 421a buildings,” he said. “It is an existential threat to older, traditional rent-regulated buildings, especially in the Bronx.”

Durst’s apartment building in Queens, 10 Halletts Point, which started leasing earlier this year, is the one building in the Durst portfolio that will be affected, Barowitz said.

“Those buildings are in a tight spot,” he said.

Click [here](#) to continue reading.



Luise A. Barrack
Managing Member, Litigation

“If rent stabilization gets expanded and there isn’t a concomitant tax reduction, landlords may choose to leave the residential world entirely,” Barrack said. “If they don’t see returns on their investments, they won’t stay in residential real estate.”

Navigating The New Certificate Of No Harassment Pilot Program

By Benjamin Paltiel || BISNOW || May 7, 2019

Most September, New York City enacted a new pilot program that expanded the requirements for applying for Certificates Of No Harassment, which landlords need before altering their buildings. While experts worried that such a law would discourage building owners from undertaking renovations at all, that concern has not yet materialized.

However, if a building falls within the geographic boundaries of the pilot program, obtaining a CONH can be a complex and lengthy process. Landlords often need extra clerical assistance and expertise to navigate the landscape of the new pilot program.

“While the pilot program has made it more cumbersome to sell, purchase or renovate a building, we haven’t seen landlords halting renovations,” Rosenberg & Estis Managing Member Luise A. Barrack said. “Instead, owners whose buildings are in the pilot program are budgeting for the lengthy and costly process of collecting all the necessary information for a CONH application and submitting it to the NYC Department of Housing Preservation & Development.”

The CONH pilot program aims to protect tenants from unscrupulous landlords who would intimidate tenants or coerce them into leaving by making conditions unlivable — for example, through interminable renovations or turning off utilities. Currently, the program focuses on areas that are gentrifying and thus at higher risk for harassment.

In order to prove that a landlord did not harass any tenants, HPD contacts the tenants who have moved out of the landlord’s building. In the event that HPD determines a landlord has harassed tenants, the New York City Department of Buildings will not issue or renew permits for certain categories of work — including renovation or demolition — for five years.

The law also allows a landlord to redress the conduct by setting aside 25% of their building for low-income housing, giving priority to tenants who were allegedly harassed.

The pilot program increased the “look-back period” of HPD’s investigation from three years to five years. That increase is significant, Barrack said, as going back five years means a landlord may need to unearth legal and tenant records not just from a previous owner, Barrack said, but possibly the owner before that.

“We’re seeing that landlords do not have the bandwidth to do that tedious digging themselves, so they need to hire additional staff just to sort through these old records,” Barrack said. “But, for landlords who just own one or two buildings, hiring clerical staff might not be feasible.”

However, Barrack said, since the stakes of being accused of harassment are so high, landlords should do everything that they can to work with experts who understand the landscape of the CONH pilot program and what HPD expects from landlords.

“It’s every owner’s worst nightmare to be on the firing line of a harassment accusation,” Barrack said. “It can turn your life upside down to be on the defensive end of that kind of a claim.”

As to whether the need to file a CONH application could actually encourage landlords to hold off from renovating their buildings, Barrack said that landlords may be holding off, but for a different reason: Rent regulation laws are up for renewal in June.

With the possibility of wider or even “universal” rent stabilization, some landlords are waiting for the final word on what new regulations they will face before undertaking major building alterations.

“If rent stabilization gets expanded and there isn’t a concomitant tax reduction, landlords may choose to leave the residential world entirely,” Barrack said. “If they don’t see returns on their investments, they won’t stay in residential real estate.”



Bradley S. Silverbush
Member, Litigation

“Pet ownership is rising,” Silverbush said. “And landlords who don’t prepare now could find themselves on the wrong end of pet-related issues, or worse, embroiled in an endless legal battle.”

NYC Pet Laws Put Landlords In A Bind Between Accommodation And Abuse

By Benjamin Paltiel || BISNOW || March 7, 2019

[Click here](#) to read the entire article.

More than a million New York City residents walk on four legs. Pets have become a ubiquitous part of city life, and now, dogs and cats are taking on the last bastion of fur-free space — buildings with no-pets policies.

The internet is abuzz with colorful articles that tout a “legal loophole” that allows NYC tenants to keep pets even in no-pets buildings. But, what was good news for pet owners has become a source of headaches and drawn-out courtroom battles for landlords caught between the city’s laws surrounding reasonable accommodations and a growing number of tenants who circumvent or flout landlords’ no-pets policies.

“Even when landlords are completely in the right, these cases can be tough to litigate,” said Rosenberg & Estis Senior Litigation Partner Bradley Silverbush. “There is no way for an NYC landlord to ban pets altogether: Exceptions must be made for people who may legitimately require accommodation. Landlords should seek legal counsel to help draft an accommodation policy and be sure that building staff know to immediately report any unauthorized animals.”

Landlords in New York state are free to choose whether or not to ban pets from their buildings. However, anti-discrimination laws mean that landlords must make reasonable accommodations for tenants who require service animals like seeing-eye dogs or, in some cases, a pet that provides emotional support.

Much of the problem, Silverbush said, stems from a lack of legal clarity around what constitutes emotional support. Dozens of websites offer kits to certify dogs, cats, birds and even foxes as emotional support animals. Although landlords can ask what services the animal performs, they cannot ask what disability the tenant suffers from.

Denying a request for accommodation can be risky: Applicants can file a complaint with NYC’s Commission on Human Rights, and proof of discrimination can mean a \$250K fine, not including damages awarded to the resident.

Landlords face another constraint: a limitation on the time in which they can enforce a no-pet provision. If a tenant harbors the pet “openly and notoriously” for a period of three months, and the landlord fails to commence legal action within that time, the landlord is deemed to have waived their right to enforce their no-pet provision.

Afterward, the provision can be enforced only if the pet is creating a nuisance, and Silverbush said the threshold for what entails a nuisance is surprisingly high, even for a city as loud as New York.

Silverbush explained that these pro-pet laws are a logical extension of rent control legislation, which was passed in the 1940s with the goal of protecting tenants from unscrupulous landlords who might otherwise evict tenants on any ground they could find, including having a pet where a lease forbids it.

But pet-based discrimination claims are making more and more frequent appearances before the New York City Commission on Human Rights, Silverbush said, thanks to a new generation of pet owners who are pushing the boundaries of what their landlords will allow or simply abusing their landlords’ good faith.

“The biggest problem we are seeing now is tenants out-and-out lying on their lease applications,” Silverbush said. “An applicant might swear that they don’t own a pet in five places on an application. But shortly after leasing to them, the landlord discovers they’ve been smuggling in a teacup poodle in a pocketbook. You might think that perjury on an application would be automatic grounds for eviction, but it’s not. The law, and also time, is on the tenant’s side.”



ROSENBERG & ESTIS, P.C. SUCCESSFULLY VOIDS ILLEGAL 40-YEAR RENT-STABILIZED LEASE

June 12, 2018



“This victory for our client, River Tower, is a win for all New York City owners and the real estate industry at large,” Kopelowitz said. “With its decision, the First Department re-affirms that illegal leases will not be tolerated and are void.”

Rosenberg & Estis, P.C. continues its successful representation of River Tower with a First Department, Appellate Division victory, affirming the trial court’s order voiding an illegal rent-stabilized lease at 420 East 54th Street. On May 16, 2019 the First Department upheld R&E’s arguments and terminated the possessory rights of the corporate tenant, the defendant in this case.

R&E’s Joshua Kopelowitz, member, Blaine Z. Schwadel, member, and Kristen Campos, associate, represented River Tower.

In 1991, two corporate entities owned by Harry Macklowe entered into a residential lease for a rent-stabilized apartment located at the River Tower apartment building in Manhattan. The lease provided for a fixed 40-year term that would expire in 2031 and failed to name a person as an occupant of the apartment. River Tower purchased the building in 2016 and, recognizing that the lease was improper, sought counsel from R&E.

R&E commenced the action and, prior to discovery, moved for summary judgment. R&E argued the lease violates the Rent Stabilization Code and is void because, among other things, its 40-year term improperly removed the lease from the market for a generation of renters and the lease failed to name a person as an occupant.

The First Department affirmed the trial court’s order granting R&E’s motion which voided the lease, terminated corporate tenant’s right to the apartment and awarded landlord a judgment of ejectment.

“This victory for our client, River Tower, is a win for all New York City owners and the real estate industry at large,” Kopelowitz said. “With its decision, the First Department re-affirms that illegal leases will not be tolerated and are void.”



PATTI STONE OF ROSENBERG & ESTIS APPOINTED AS OWNER REP TO NYC RENT GUIDELINES BOARD

April 30, 2019

“The firm is honored by Patti’s appointment to this position,” said Luise A. Barrack, Managing Member, Rosenberg & Estis. “The depth of Patti’s experience in New York City residential real estate is an asset to the firm and will be an asset to the Rent Guidelines Board.”

Rosenberg & Estis, P.C. has announced that Patti Stone has been appointed as an owner representative to the New York City Rent Guidelines Board.

In this position, Patti will play a critical role in the annual effort to determine rent adjustments in the approximately one million rent-stabilized apartments in New York City. She will participate in public hearings and meetings to analyze research and stakeholder testimony on the issue.

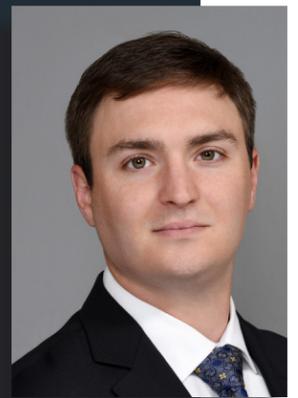
“The firm is honored by Patti’s appointment to this position,” said Luise A. Barrack, Managing Member, Rosenberg & Estis. “The depth of Patti’s experience in New York City residen-

tial real estate is an asset to the firm and will be an asset to the Rent Guidelines Board.”

Patti Stone joined Rosenberg & Estis, P.C. in 1988 and is a member with the firm’s Administrative Law Department. She has more than 30 years of experience in New York City real estate. Her in-depth understanding of the day-to-day business needs of owners in New York City originated with her work in real estate management for a major real estate owner and developer.

ROSENBERG & ESTIS, P.C. SUCCESSFULLY ARGUES THAT A NOTICE TO CURE IS NOT NEEDED IN TERMINATING TENANT FOR FAILURE TO MAINTAIN INSURANCE

April 24, 2019



Rosenberg & Estis, P.C. continues its successful representation of landlord 159 West 23rd LLC in a holdover proceeding against its commercial tenant Spa Ciel De NY Corp. to recover the Basement, Ground Floor and Second Floor of 159 West 23rd Street, in Manhattan.

On April 15, 2019, Honorable Judy H. Kim of the Civil Court of the City of New York issued a decision denying, in total, tenant’s pre-answer motion to dismiss the proceeding on the grounds that (i) landlord did not serve a notice to cure required by the lease and (ii) landlord’s service of the notice of petition and petition was improper because tenant’s store is closed for business.

Rosenberg & Estis, P.C. member Joshua Kopelowitz and associate Richard B. Corde represented 159 West 23rd LLC.

In its holdover proceeding, 159 West 23rd LLC seeks a judgment of possession predicated upon tenant’s failure to properly maintain insurance during the lease term. In pursuing the case, R&E made the strategic decision to forego serving a notice to cure as provided pursuant to the lease and, instead, serve only a notice of termination.

[Click here](#) to continue reading.

“The Court correctly understood the facts and the law in denying tenant’s motion. We look forward to securing the premises for our client,” Kopelowitz said.



ROSENBERG & ESTIS, P.C. REPRESENTS DURST ORGANIZATION IN \$900M REFINANCING FOR 1.8M-SQ-FT OFFICE AND RETAIL BUILDING IN MANHATTAN

March 7, 2019

“The Durst Organization’s huge investment has already paid dividends as the client has successfully re-leased more than 1,000,000 square feet in the building, including most of the former Conde Nast space and a portion of the Skadden Arps space,” said Hellman.

Rosenberg & Estis served as legal counsel to The Durst Organization in connection with the \$900 million refinancing (as well as the related defeasance of the prior existing mortgage) of the approximately 1,800,000-square-foot office and retail building located at 151 West 42nd Street (formerly known as 4 Times Square) in Manhattan. The financing was provided by a syndicate of lending institutions led by JP Morgan Chase Bank and Wells Fargo Bank.

Dennis I. Hellman, Stefanie M. Graham and Kamilla Bogdanov of Rosenberg & Estis represented The Durst Organization in this refinancing, which closed on April 8, 2019.

The vast majority of the office space in the

building had formerly been leased to Conde Nast (which has already relocated to One World Trade Center) and Skadden Arps (which will be moving to a newly constructed building near the Hudson Yards). To enhance its ability to attract new tenants to the building, The Durst Organization invested more than \$170 million in capital improvements including constructing a new entrance and lobby, making state-of-the-art base building upgrades and energy efficient technological improvements and adding a tenant amenity floor that includes a food hall, cafe and conference spaces.

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STACEY A. LARA JOINS ROSENBERG & ESTIS, P.C.

March 13, 2019



Rosenberg & Estis, P.C., a premier New York City real estate law firm, has announced that Stacey A. Lara has joined the firm as Of Counsel with its award-winning Litigation Department.

Ms. Lara represents financial services institutions in complex commercial litigation in federal and state courts, investigations and regulatory actions, with a concentration on residential and commercial real estate mortgage lending and servicing.

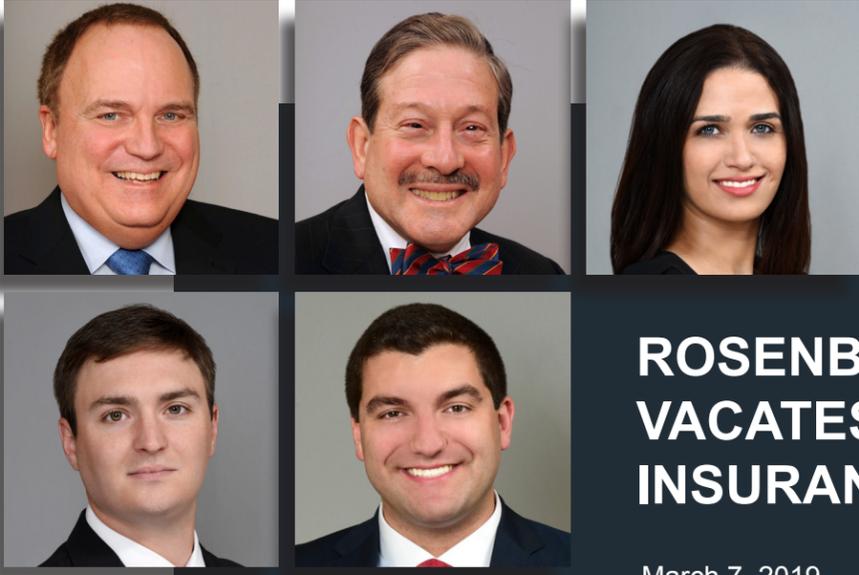
Prior to joining Rosenberg & Estis, Stacey represented financial institutions, residential lenders, loan servicers, and trusts in state and federal litigation and appeals in enforcing mortgage foreclosure rights and defending

claims under the New York Deceptive Practices Act (“DPA”), Truth in Lending Act (“TILA”), the Fair Debt Collection Practices Act (“FD-CPA”), Home Owners Equity Protection Act (“HOEPA”), the Real Estate Settlement Procedures Act (“RESPA”), as well as allegations of fraud, negligence, predatory lending, and improper loan origination and servicing practices.

She has obtained favorable rulings setting legal precedent for mortgage foreclosure litigation in New York, and is well-versed in state and federal regulations governing the lending and mortgage loan servicing industry.

[Click here](#) to continue reading.

“I am excited to be part of a dynamic and fast-growing firm that is a leader in the New York City real estate industry,” Ms. Lara said. “I look forward to continuing my practice while providing additional capabilities to Rosenberg & Estis clients.”



ROSENBERG & ESTIS, P.C. SUCCESSFULLY VACATES YELLOWSTONE INJUNCTION ON INSURANCE/ ASSIGNMENT DEFAULT

March 7, 2019

“The moral here, is that Yellowstone injunctions can successfully be challenged or blocked by landlords, giving the landlord incredible leverage over the tenant,” said Flitt.

Rosenberg & Estis, P.C. secured a victory for Sheldon Solow at the Appellate Division, First Department by overturning the lower court’s granting of a Yellowstone injunction. The injunction was issued in favor of Bliss World, LLC, a tenant occupying the entire third floor at 10 West 57th Street, where it operated a spa offering massages and beauty treatments to the general public. The lease violations involved inadequate insurance and an unauthorized assignment. The Appellate Division held such breaches to be incurable and vacated the injunction. The Court also held that the tenant cannot retroactively provide insurance coverage to cure its default under the lease.

ber, Laura Davidov, associate, Richard B. Corde, associate, and Alexander M. Estis, associate, represented the landlord, 10 West 57th Street Realty LLC.

While the tenant expressed its willingness to cure the insurance default, the Appellate Division rejected the proposed cure and wrote: “The tenant provides various steps that it will take to cure if it is ultimately found to be in material violation of the insurance provisions of the lease. None of these proposed cures involve any retroactive change in coverage, which means that the alleged defaults raised by the landlord are not susceptible to cure....”

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Warren A. Estis, member, Norman Flitt, mem-

ROSENBERG & ESTIS, P.C. SAVES LANDLORD FROM MORE THAN \$2 MILLION IN DAMAGES SOUGHT BY NATIONAL RETAIL TENANT

March 6, 2019



Rosenberg & Estis, P.C. prevailed at the Appellate Division, First Department over Free People of PA LLC, a national retail tenant claiming damages amounting to over \$3 million pursuant to a “rent credit” provision in the parties’ lease. Tenant argued it suffered substantial yet incalculable damages as a result of the landlord’s delivery of the premises a year late, and was entitled to recover those damages pursuant to a lease provision which provided for multiplying rent credits to the tenant, which increased as the delay continued.

Representing the landlord, R&E argued that the rent credit clause constituted an impermissible penalty which bore no reasonable relationship to any damages the tenant may have suffered. R&E refuted Tenant’s claim that damages were incalculable and demonstrated that as a result of the delay, Tenant missed one of the worst retail cycles in recent history, thereby sparing Tenant significant losses.

[Click here](#) to continue reading.

Rosenberg & Estis, P.C. member Bradley S. Silverbush and associate Richard B. Corde represented Delshah 60 Ninth, LLC.

“The fact is that this lease was fully negotiated and agreed to by sophisticated parties represented by counsel, and Landlord did deliver the premises a year late,” Silverbush said. “Under these circumstances, conventional wisdom suggested that there was no way for the landlord to avoid giving Tenant the rent credit in excess of \$3 million due under the lease. And that is exactly why people seek us out, and what makes R&E different. We have exceptionally bright people here, and we go beyond the limitations of conventional wisdom to find creative solutions to our client’s problems.”



ROSENBERG & ESTIS, P.C. REPRESENTS THE BRODSKY ORGANIZATION AND TF CORNERSTONE IN ACQUISITION OF DEVELOPMENT SITES IN PACIFIC PARK PROJECT IN BROOKLYN

February 27, 2019

“It was a very rewarding experience for us to bring these acquisitions to closing,” said Sussman. “While the negotiation, due diligence and closing process was often complex and difficult, the Brodsky and TF Cornerstone organizations are both professional and first class. We know these projects will be successful and we look forward to providing further legal assistance and support.”

Rosenberg & Estis, P.C., representing The Brodsky Organization, closed in December, 2018 on a development site in the Pacific Park project in Brooklyn, New York on which a rental apartment building with more than 300 units will be constructed. The building will also include a NYC public school at its base. Representing TF Cornerstone, Rosenberg & Estis, P.C. also closed in February, 2019 on two (2) additional development sites in the Pacific Park project on which TF Cornerstone intends to construct buildings having in excess of 800 rental apartments.

Richard L. Sussman, member, and Patricia D. Cleary, of counsel, with Rosenberg & Estis,

P.C. led a team which represented the developers.

“It was a very rewarding experience for us to bring these acquisitions to closing,” said Sussman. “While the negotiation, due diligence and closing process was often complex and difficult, the Brodsky and TF Cornerstone organizations are both professional and first class. We know these projects will be successful and we look forward to providing further legal assistance and support.”

ROSENBERG & ESTIS, P.C. VICTORY FOR MANHATTAN PROPERTY OWNER ESTABLISHES THAT THE NEW YORK CITY TRANSIT AUTHORITY CAN WAIVE COVENANTS IN ITS FAVOR THAT RUN WITH THE LAND

February 25, 2019



On February 21, 2019, the Appellate Division, First Department, unanimously held that the New York City Transit Authority (“NYCTA”) can waive and/or abandon covenants in its favor that run with the land. Nicholas Kamillatos and Jeffrey Turkel of Rosenberg & Estis, P.C. successfully represented the landlord in New York City Transit Authority v 4761 Broadway Associates, LLC.

In 1926, the owner’s predecessor was constructing an apartment house and wanted two subway entrances to be located on the ground floor of the building. The landlord and NYCTA’s predecessor entered into two recorded covenants that ran with the land. The first re-

quired landlord to maintain the entrances and stairways. The second required the landlord to indemnify NYCTA’s predecessor against any damages relating to those entrances.

Over the years, the NYCTA maintained the subway entrances and environs at the property. More than a decade ago, however, a subway passenger slipped and fell on the entrance stairs and sued the NYCTA for personal injuries.

[Click here](#) to continue reading.

“This is an important decision with citywide ramifications,” said Rosenberg & Estis, P.C. member Nicholas Kamillatos. NYCTA has many such repair and indemnification covenants, and waiver and/or abandonment can now be used by landlords as a legitimate defense to NYCTA’s repair or indemnification claims.



ROSENBERG & ESTIS, P.C. SUCCESSFULLY REPRESENTS KATE SPADE IN A NONPAYMENT PROCEEDING, RECOVERS SUBLET COMMERCIAL PREMISES IN TIMES SQUARE

February 13, 2019

“We are pleased the Court understood the facts and the law and correctly awarded our client a complete and total victory,” Kopelowitz said.

Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, successfully represented Kate Spade & Company, LLC in a nonpayment proceeding against a commercial subtenant to recover the Fourth Floor of 1440 Broadway in Times Square.

On January 28, 2019, Honorable Dakota D. Ramseur of the Civil Court of the City of New York issued a decision granting Kate Spade summary judgment and dismissing subtenant’s defenses and counterclaim in full.

Joshua Kopelowitz, member, and Kristen Campos, associate, of Rosenberg & Estis,

P.C. represented Kate Spade.

In its nonpayment proceeding, Kate Spade sought a judgment of possession, rent arrears in the sum of \$850,600.47 and legal fees. Subtenant moved to dismiss the proceeding predicated upon the claim that the sublease was not effective or, in the alternative, that the sublease was terminated according to its terms. Subtenant argued that the sublease was not effective or terminated because Kate Spade did not approve certain contractors which subtenant sought to employ for its build-out of the premises.

[Click here](#) to continue reading.

ROSENBERG & ESTIS, P.C. SUCCESSFULLY DEFEATS MOTION FOR NON-PURCHASING TENANT STATUS IN CLASS ACTION AGAINST MANHATTAN COOP / CONDO OWNERS

February 11, 2019



Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, prevailed at the Appellate Division, First Department, over a group of plaintiffs seeking rights afforded to non-purchasing tenants in an “eviction plan” in a class action against the owners of several Manhattan residential buildings that were converted to cooperatives or condominiums pursuant to “non-eviction” plans.

Notwithstanding the clear statutory distinction between the rights of such tenants in eviction and non-eviction plans, Plaintiffs asked that the Court hold that eligible senior citizens and disabled persons are afforded the same rights

under either conversion scheme.

The plaintiffs sought to obtain never-before-granted non-purchasing tenant status in connection with the conversion of the subject buildings, under non-eviction plans, claiming that they were “eligible senior citizens” or “eligible disabled persons” entitled to greater rights than other tenants under the General Business Law (“GBL”).

R&E members Deborah E. Riegel and Alexander Lycoyannis and associate Cori A. Rosen represented the owners.

[Click here](#) to continue reading.

“The Appellate Division’s decision is an important win not only for our clients but for the New York real estate industry more generally,” said Riegel.



ROSENBERG & ESTIS, P.C. SUCCESSFULLY DEFEATS CLAIM FOR RENT OVERCHARGE MADE BY TENANTS BEYOND THE FOUR YEAR STATUTE OF LIMITATIONS AND “FOUR-YEAR LOOK-BACK PERIOD”

February 11, 2019

“This decision by the Appellate Division reaffirms that the ‘Four Year Rule’ will be applied where tenants opportunistically seek to assert claims that are long since time barred,” Riegel said.

Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, successfully obtained the dismissal of a claim for rent overcharges, and successfully opposed a motion for summary judgment brought by tenants alleging the owners’ failure to charge proper rent-stabilized rents while receiving J-51 tax benefits.

On January 15, 2019, the Appellate Division, First Department (Renwick, J.P., Gische, Kahn, Kern, Moulton, JJ.) issued a decision and order unanimously affirming the decision of the Supreme Court, New York County (Ar-

lene P. Bluth, J.), which granted the owner’s motion to dismiss the tenants’ rent overcharge claim, strictly applied the four-year statute of limitations and denied the tenants’ cross-motion for summary judgment.

Deborah E. Riegel, member, and Ethan R. Cohen, associate, of Rosenberg & Estis, P.C. represented the owners before the Supreme Court and on appeal at the Appellate Division.

[Click here](#) to continue reading.

ROSENBERG & ESTIS, P.C. PREVENTS MANHATTAN BUILDING OWNER FROM INCURRING SIX YEARS OF DAMAGES IN RENT OVERCHARGE DISPUTE

January 18, 2019



Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, successfully prevented a Manhattan building owner from incurring six years of potential damages from a tenant claiming she had been subject to rent overcharge while occupying a rent stabilized apartment.

On January 16, 2019, Honorable Arthur F. Engoron of the Supreme Court, New York County, issued a decision that precluded tenant from introducing any claim for damages based upon rent overcharge for the period after her lease terminated.

Joshua Kopelowitz, member, Blaine Z. Schwadel, member, and Kristen Campos, associate, of Rosenberg & Estis, P.C. represented the owner.

The tenant’s lease term commenced on May 1, 2010 and was terminated on August 11, 2012 by order of the Housing Court. However, the tenant continued to occupy the apartment for another six years as a holdover tenant and “no longer a party to a lease.”

[Click here](#) to continue reading.

“We are thrilled that the Court correctly recognized that tenant was attempting to benefit from her illegal holdover and rightly prevented same,” said Kopelowitz.

R&E Rent Regulation Seminar



June 26, 2019

On June 26, Rosenberg & Estis, P.C. hosted more than 300 clients and guests at our Rent Regulation Seminar. Managing Member Luise A. Barrack and Members Blaine Z. Schwadel and Nicholas Kamillatos presented the summary and effects of the 2019 amendments to the rent regulations (the “Housing Stability and Tenant Protection Act” of 2019 aka HST-PA). Following the presentation, several of our Members joined Luise, Blaine and Nick for a cocktail and networking reception, where clients asked questions related to rent law changes and how drastically these changes will affect the New York real estate market. We were thrilled by the incredible turnout and overall success of this event, and we will continue to guide our clients through the HST-PA every step of the way. Pictured here are Mark N. Aloia, Zachary J. Rothken, Daniel M. Bernstein and Richard L. Sussman, a few of many of our attorneys who shared in the experience.



Featuring: Luise A. Barrack, Blaine Z. Schwadel and Nicholas Kamillatos

The Managing Partner Summit



May 21, 2019

R&E Managing Member Luise A. Barrack was a panelist at The Managing Partner Summit, the largest gathering of mid-size managing partners in the region. Her panel, titled, “The Diversity Imperative,” invited general counsels, law firm consultants and successful managing partners to share best practices for becoming a firm of the future. Luise was interviewed with questions like, What does “Diversity” mean at your firm? How do you attract and retain your lawyers? What’s the best initiative that you have done to increase the diversity at your firm? What does the future look like at your firm as it relates to Diversity?



R&E thanks Vanesa Watson (Mastercard), Daina Borteck (Pacira BioSciences, Inc.) and Gopal Burgher (Burgher-Grey) for joining Luise on their excellent panel.

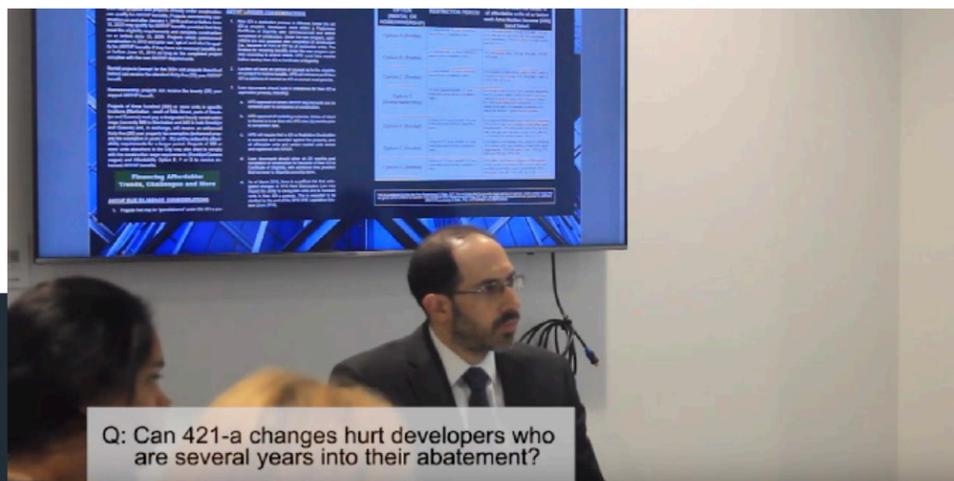
Featuring: Luise A. Barrack

Affordable Housing Update



May 14, 2019

R&E member Daniel M. Bernstein was a keynote speaker before Compass’ Commercial Division at 53rd Street. Topics of his presentation included the new 421-a property tax exemption program and 2019 development site diligence update. Watch the recap video [here](#) to glean expert Affordable Housing updates and analysis, as Bernstein answers tough questions and offers a forward-thinking perspective to brokers.



Q: Can 421-a changes hurt developers who are several years into their abatement?

Featuring: Daniel M. Bernstein

9th Real Estate Mezzanine Financing Summit



May 7, 2019

R&E member Eric S. Orenstein led a roundtable discussion at the 9th Real Estate Mezzanine Financing Summit. The roundtable, titled, “Clogging the Equity of Redemption - Is it the End of Mortgage Financing?” addressed the effects of clogging on a true mezzanine lender and how the market as a whole has changed since *HH Cincinnati Textile L.P., et al. v. Acres Capital Servicing LLC, et al.* Eric provided the roundtable with real-time examples of clogging the equity of redemption. R&E was pleased to partner with iGlobal again for this great annual summit and looks forward to next year for another opportunity to network and trade industry insiders.



Featuring: Eric S. Orenstein

CLE: Navigating the Legal Pitfalls in Reasonable Accommodation Requests for Animals



May 6, 2019

R&E member Bradley S. Silverbush presented a “Landlord’s Attorney Perspective” at a CLE titled “Navigating the Legal Pitfalls in Reasonable Accommodation Requests for Animals” on May 6, 2019. Bradley shared a wealth of legal advice stemming from his own experience as well as sensational outside examples (i.e. a woman who brought a 300-pound pig on an airplane - together, they rode first class!) related to the complicated issues surrounding accommodation requests for animals. If the CLE attendees weren’t taking notes on Bradley’s insightful presentation, they were dropping their pens for a laugh at some of the hilarious (and bizarre) stories Bradley shared on this topic.

Featuring: Bradley Silverbush

2019 Regional Conference of MBAs



April 8, 2019

R&E members Eric S. Orenstein and Adam R. Sanders participated in the 2019 Regional Conference of MBAs. The 1:30pm panel, “Seizing The Opportunity: Opportunity Zones 101” featured Adam as a panelist alongside Eric Blumenfeld (EB Realty Management Corp), Bozena M. Diaz (CSG Attorneys at Law), Gavriel Kahane (ODG), Leo Leyva (Cole Schotz P.C.), James McCann (Baker Tilly Virchow Krause, LLP), Henry Rinder (Smolin Lupin) and Jesse Shemesh (Point Acquisitions LLC) with Billy Procida (Procida Funding & Advisors) as moderator. Many of the most important and forward-thinking topics were discussed, including regulations, trends in the market, cities and neighborhoods to watch, practical implementations, potential challenges and risks and a forecast of what we can expect to see in terms of changes to the program and upcoming regulations.



Eric participated in the 3pm “EB-5 Panel” along with Richard Booth (Signature Bank), Aaron Goforth (Baker Tilly Virchow Krause, LLP), Glenn A. La Mattina (National Realty Investment Advisors), Maria McKeon (Morgan Stanley Smith Barney LLC), Rebecca S. Singh (Mona Shah & Associates, Global), Clem G. Turner (Corporate & Securities Group) and moderator Mona Shah (Mona Shah & Associates, Global). The panel engaged in a detailed discussion of the current EB-5 program and the future of the continued use of EB-5 financing for commercial real estate.



Rosenberg & Estis, P.C. was pleased for another opportunity to network and exchange industry updates with leaders in real estate.

Featuring: Eric S. Orenstein and Adam R. Sanders

Doing Well By Doing Good: Improving Bottom Lines AND Our Planet with Law Firm Sustainability & Energy Efficiency



March 21, 2019

Rosenberg & Estis, P.C. was recognized by the New York City Bar's Environmental Law Committee for our efforts in reducing our environmental footprint. The firm's recent participation in New York State Energy Research & Development Authority (NYSERDA)'s Commercial Tenant Program is a testament to our commitment to reducing energy consumption, making the business case for energy efficient workspaces and setting the example for other law firms to follow.



Managing Member Luise A. Barrack accepted this honor on behalf of the firm. Below, she stands among a small group of firms that were also recognized for their leadership and for their contributions to energy efficiency in the law firm sector. R&E is proud to participate in this important initiative, which has the potential to make a large impact on sustainability and climate change in New York City.



Featuring: Rosenberg & Estis, P.C. & Luise A. Barrack

YJP's Architecture & Construction Panel



March 19, 2019

On March 19, 2019, R&E member Richard L. Sussman moderated Young Jewish Professional (YJP)'s Architecture & Construction Panel. The event brought together New York's top candidates in the architecture and construction industries for a night of networking, where leaders in the field strategized current trends and what we can expect in years to come. Richard's panel offered insights from speakers Brad Meltzer (Plaza Construction), Eran Chen (ODA) and Guy Geier (FXCollaborative Architects LLP). R&E was pleased to partner with YJP for this event and thanks David Fries, Daniel Grobman, Mark Zelko, Benjamin Koblentz, Roxanna Brahimi, Zachary Karram and Joshua Kopelowitz for attending.



Featuring: Richard L. Sussman

NYC Rent Regulation Seminar



March 14, 2019

On March 14, Managing Member Luise A. Barrack was a guest speaker at Marcus & Millichap's NYC Rent Regulation Seminar, hosted by John Brennan's team. This quarterly real estate seminar focused on NYC's rent-stabilization laws, with topics like the CONH "Pilot Program," owner-occupancy, current harassment laws, Individual Apartment Improvements, Major Capital Improvements and proposed changes to rent stabilization.



Featuring: Luise A. Barrack

IMN's Inaugural Opportunity Zones Forum



March 12, 2019

R& E member Adam R. Sanders was a panelist at the Inaugural Opportunity Zones Forum along with Phil Auchettl (CoPlace), Jill Homan (Javeline 19 Investments), Fran Seegull (U.S. Impact Investing Alliance) and Karl Frederic (Windels Marx). The panel, titled, "The Impact of Opportunity Zones: Stories from Revitalized Communities" and moderated by Brad Molotsky (Duane Morris LLP), covered the ways that QOZs are already revitalizing American communities. R&E was proud to partner with Information Management Network (IMN) once again and looks forward to future opportunities to network and exchange industry updates.

Featuring: Adam R. Sanders

9th Annual Brooklyn Real Estate Summit



March 8, 2019

R&E member Joshua Kopelowitz moderated a panel titled, “The Residential Review: A Rental and Condo Market Report” at the 9th Annual Brooklyn Real Estate Summit. With panelists Andrew Barrocas (CEO, MNS), Jared Della Valle (Co-Founder & CEO, Alloy), David Dobkin (Head - Acquisition, HK Organization), Eli Karp (Founder & CEO, Hello Living), and Robert Nelson (President, Nelson Management Group), Josh tackled questions like, What does going over the \$1 million home price average mean to the condo market?... How aggressive should you be to win new rental tenants?... How do you successfully integrate retail into your building?... and more. The packed crowd left with an updated perspective on Brooklyn’s residential market along with an intimate understanding of the tenants brokers and developers are targeting today. R&E was proud to partner with GreenPearl for this insightful, sold-out event.



Featuring: Joshua Kopelowitz

BISNOW 2019 NYC OPPORTUNITY ZONES SUMMIT



March 5, 2019

R&E member Adam R. Sanders moderated a panel titled, “OZone Strategy: Investments, Acquisitions, and Expectations” at BISNOW’s 2019 NYC Opportunity Zones Summit. With panelists Bryan Woo (Youngwoo & Associates), Joseph Douek (Viceroy Equities Commissioner, NYC Planning), Margaret Grossman (Sugar Hill Capital Partners), Andrew Berry (Cushman & Wakefield) and Andrew Barrocas (MNS), Sanders addressed the leading topics in the Opportunity Zones world, including the impact of the OZ program on established neighborhoods like West Harlem, the exploration of the OZ program’s commercial business component as it relates to retail, how OZ investment strategy has changed as a result of the federal shutdown and much more.



Featuring: Adam R. Sanders

5th Annual Construction & Development Forum



February 6, 2019

Rosenberg & Estis, P.C. member Richard L. Sussman participated as a moderator at the 5th Annual Construction & Development Forum on February 6th, 2019. The panel, titled “The Do-Over: Maximizing ROI When Reconstructing Existing Buildings for the Next 40 Years,” featured redevelopment leaders across the product spectrum, including Matthew Frank (SVP, HCP), Gregg Popkin (President, RFR), Andre Rochette (CEO, Ecosystem), Simon Wasserberger (Managing Director, EQ Office), Brendan Weiden (Partner, JB&B) and Michael Witek (EVP, Naftali Group). Sussman guided the conversation to cover the details of reworking office, residential and industrial properties into what tenants want and how to maximize the long term value of newly redeveloped properties. R&E was proud to sponsor this cutting edge event, where NYC’s leading developers, architects, contractors and other industry professionals gather to explore emerging trends, network and share ideas.



Featuring: Richard L. Sussman

REBNY's 123rd Annual Banquet

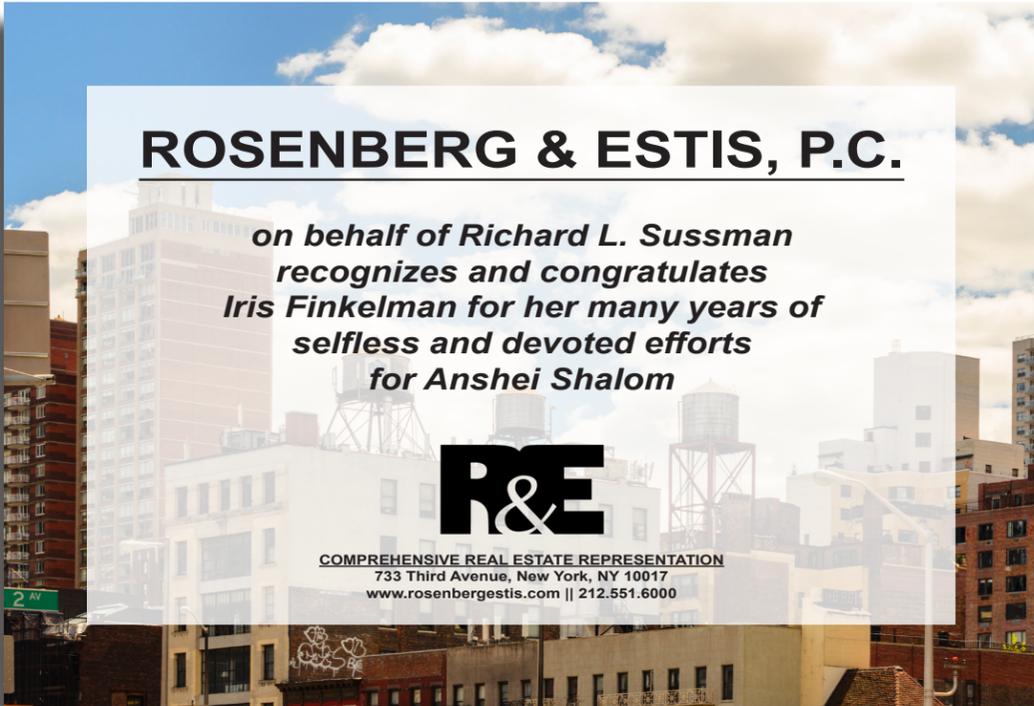


Featuring: Rosenberg & Estis, P.C.

January 17, 2019

Rosenberg & Estis, P.C. was thrilled to co-sponsor REBNY's 123rd Annual Banquet on January 17, 2019. The event, often referred to as "The Biggest Night In NYC Real Estate" and "The Oscars of Real Estate," provides an incredible opportunity to network with the City's top owners, developers, brokers and major city officials. More than 2,000 people gathered at this year's banquet to witness the presentation of seven prestigious industry awards.

Gary M. Rosenberg, Luise A. Barrack and Michael E. Lefkowitz were highlighted in the event recap [video](#) produced by BISNOW.

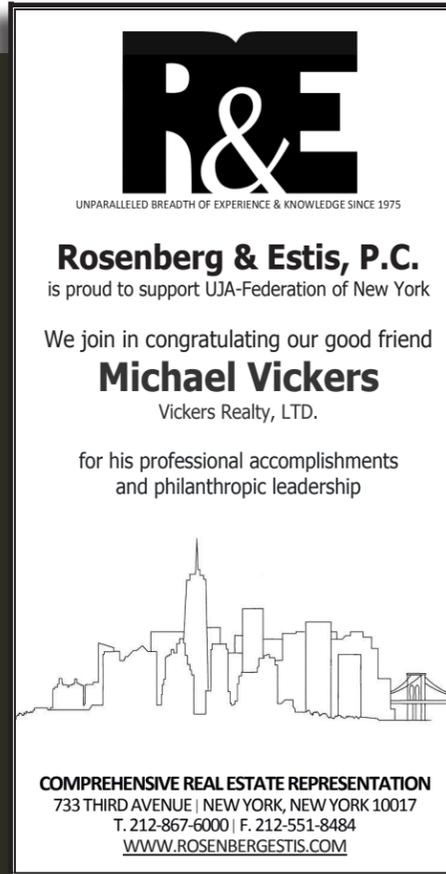


ROSENBERG & ESTIS, P.C.

*on behalf of Richard L. Sussman
recognizes and congratulates
Iris Finkelman for her many years of
selfless and devoted efforts
for Anshei Shalom*

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We join in congratulating our good friend
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for his professional accomplishments
and philanthropic leadership

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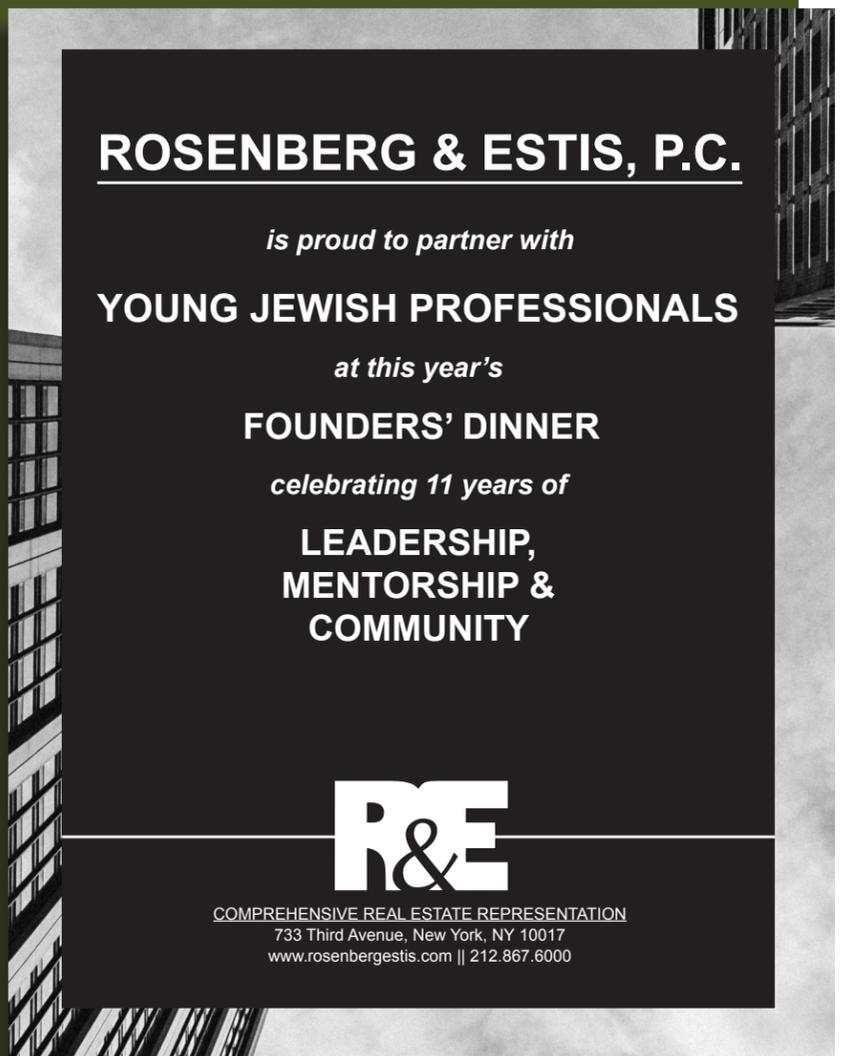
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JEWISH VOCATIONAL SERVICE

and congratulates our client and friend
Gerry Lipkin
*on this much-deserved honor and thanks
him for all his hard work and dedication in
support of the important work of JVS*

CHEERS TO THE NEXT
80
YEARS!



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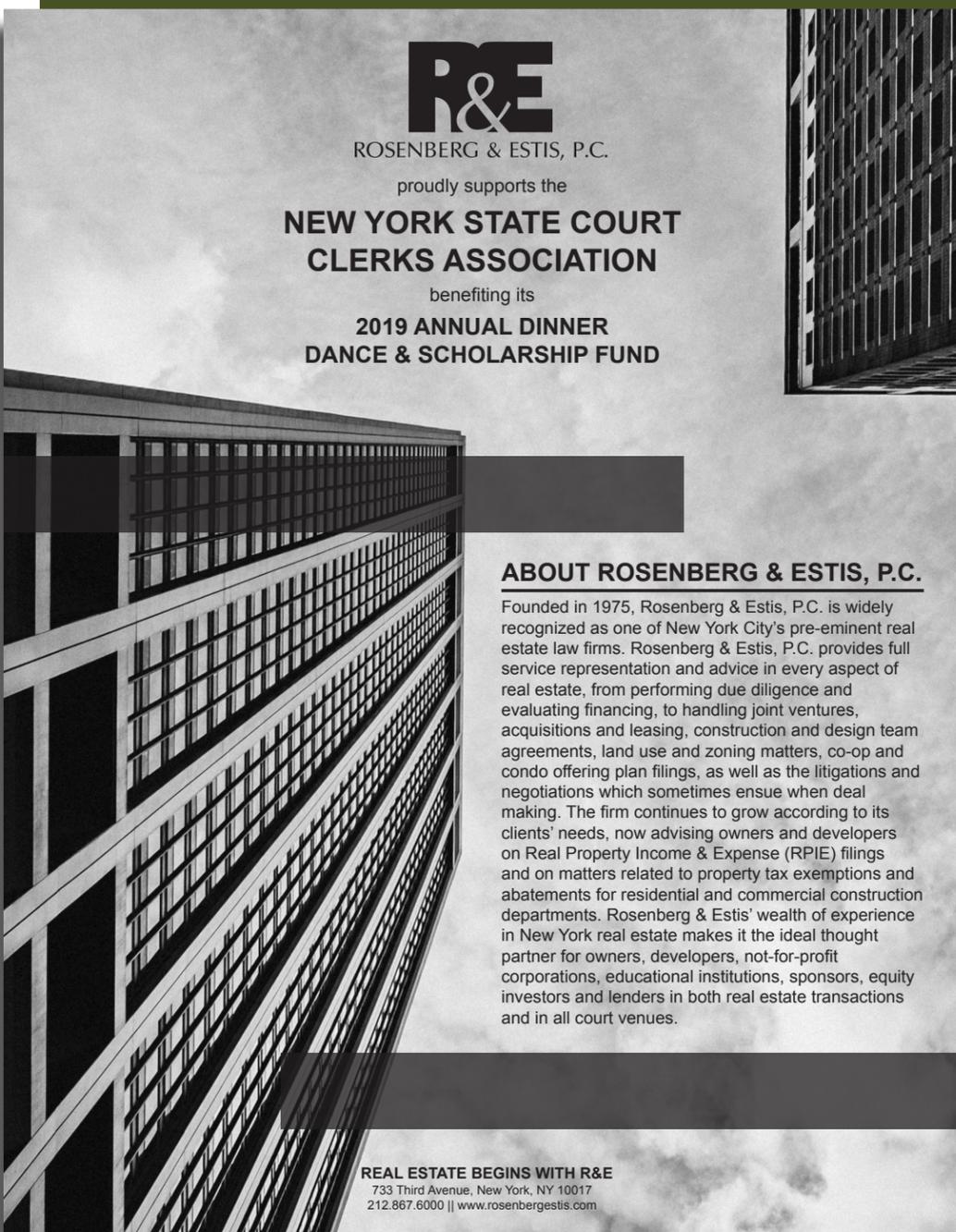
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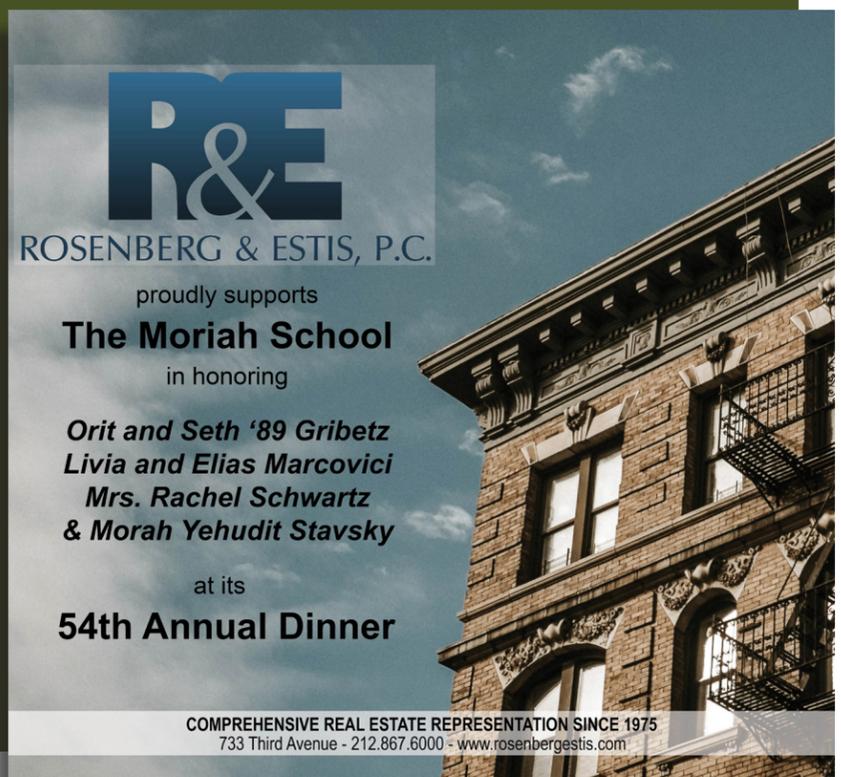
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ABOUT ROSENBERG & ESTIS, P.C.
Founded in 1975, Rosenberg & Estis, P.C. is widely recognized as one of New York City's pre-eminent real estate law firms. Rosenberg & Estis, P.C. provides full service representation and advice in every aspect of real estate, from performing due diligence and evaluating financing, to handling joint ventures, acquisitions and leasing, construction and design team agreements, land use and zoning matters, co-op and condo offering plan filings, as well as the litigations and negotiations which sometimes ensue when deal making. The firm continues to grow according to its clients' needs, now advising owners and developers on Real Property Income & Expense (RPIE) filings and on matters related to property tax exemptions and abatements for residential and commercial construction departments. Rosenberg & Estis' wealth of experience in New York real estate makes it the ideal thought partner for owners, developers, not-for-profit corporations, educational institutions, sponsors, equity investors and lenders in both real estate transactions and in all court venues.

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Larry R. Mergentime is a member with the Transactional Department at Rosenberg & Estis, P.C. and Vice President of the Board of Directors of COPE Foundation.

R&E is pleased to show its ongoing support of COPE Foundation at their Annual Golf Outing celebrating their 20th Anniversary and honoring Larry and his wife Melanie as this year's Parent Recognition Awardees.

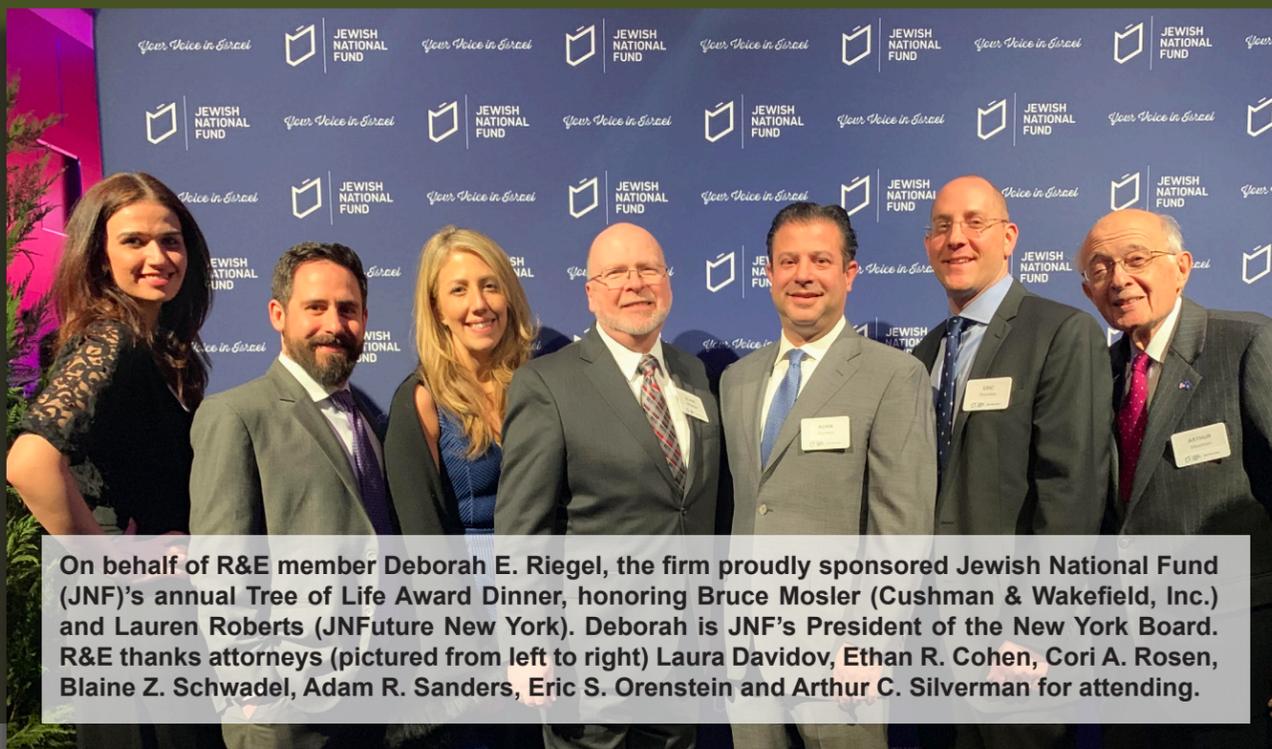
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Chairman of Global Brokerage, Cushman & Wakefield, Inc. Chair, JNFuture New York
at this year's
Tree of Life Award Dinner

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On behalf of R&E member Deborah E. Riegel, the firm proudly sponsored Jewish National Fund (JNF)'s annual Tree of Life Award Dinner, honoring Bruce Mosler (Cushman & Wakefield, Inc.) and Lauren Roberts (JNFuture New York). Deborah is JNF's President of the New York Board. R&E thanks attorneys (pictured from left to right) Laura Davidov, Ethan R. Cohen, Cori A. Rosen, Blaine Z. Schwadel, Adam R. Sanders, Eric S. Orenstein and Arthur C. Silverman for attending.

New York Law Journal's Lifetime Achievement Award 2019

CONGRATULATIONS GARY M. ROSENBERG

R&E proudly congratulates Founding Member Gary M. Rosenberg, who was named a winner of the *New York Law Journal* 2019 Lifetime Achievement Award.

Winners were selected based on their impact on the legal community and the practice of law over an entire career.





The new rent laws will have drastic effects on the New York real estate market. Rosenberg & Estis is poised to help owners and other affected players navigate the new reality.

It's more important than ever to have the right team behind you.

The Real Deal, July 2019

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The Real Deal, May 2019

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Patti Stone

Member, Rosenberg & Estis, P.C.

Patti Stone is a leading member with the Administrative Law Department at Rosenberg & Estis, P.C. She has successfully handled all types of cases before the New York State Division of Housing and Community Renewal, from the administrative level through appeals to the Supreme Court and the Appellate Division. Ms. Stone specializes in demolition applications, luxury deregulation, harassment proceedings and overcharge cases. Ms. Stone also handles applications before the New York City Department of Housing Preservation and Development for Certificates of No Harassment and provides advice and consultation regarding rent regulatory compliance with the Rent Stabilization Law to prospective purchasers of residential real estate.

With more than 30 years experience in NYC real estate, Ms. Stone was appointed as an owner representative on the New York City Rent Guidelines Board, where she will play a critical role in the annual effort to determine rent adjustments in the approximately one million rent-stabilized apartments in NYC.



Patti has been a key player at R&E for more than 30 years. Her recent appointment to the NYC Rent Guidelines Board is recognition of the esteem in which she is held in the industry."

- Luise A. Barrack, Managing Member

Real Estate Weekly's Leading Ladies 2019

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It's no surprise that Debby is recognized among the most powerful women in the industry. She has set a standard of excellence at our firm for more than 20 years."

- Gary M. Rosenberg, Member



Deborah E. Riegel

Member, Rosenberg & Estis, P.C.

Deborah E. Riegel is a member with the Litigation Department at the law firm of Rosenberg & Estis, P.C. Ms. Riegel has been recognized as a *Titan of Real Estate* by Brooklyn Law School among graduates "who are transforming the New York City skyline and beyond." In 2018, she earned a spot on *New York* magazine's Leaders in the Law section.

Ms. Riegel's practice involves litigating matters including valuations of interests in property and/or rental value, purchase and sale agreements, commercial lease disputes, rent regulatory issues, residential landlord-tenant disputes and construction disputes. Ms. Riegel also provides counsel to cooperatives and condominiums on a wide range of matters, including shareholder litigation.

While her practice is primarily focused on litigation, Ms. Riegel works with clients on development issues, such as assemblage, and has successfully vacated a number of development sites in Manhattan, as well as conversions of occupied buildings to condominium or cooperative ownership.

Best Lawyers 2019 - Women's Edition

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Commercial Observer's Power Counsel 2019



**Luise
Barrack**

Luise Barrack

*Managing Member
Rosenberg & Estis*

Luise Barrack is at her office at 733 Third Avenue every morning by 7 a.m., 7:30 at the latest.

"It's because I love what I do," Barrack said.

Barrack is a managing member of real estate law firm Rosenberg & Estis, and the head of the firm's litigation department.

Under Barrack's leadership, the firm expanded from 45 lawyers in 2010 to more than 80 lawyers today, putting it second only to Fried Frank as the firm with the greatest number of real estate lawyers in the city, according to *The Real Deal's* count. To accommodate the growth, Rosenberg recently expanded its footprint, taking an additional floor at its Midtown office building.

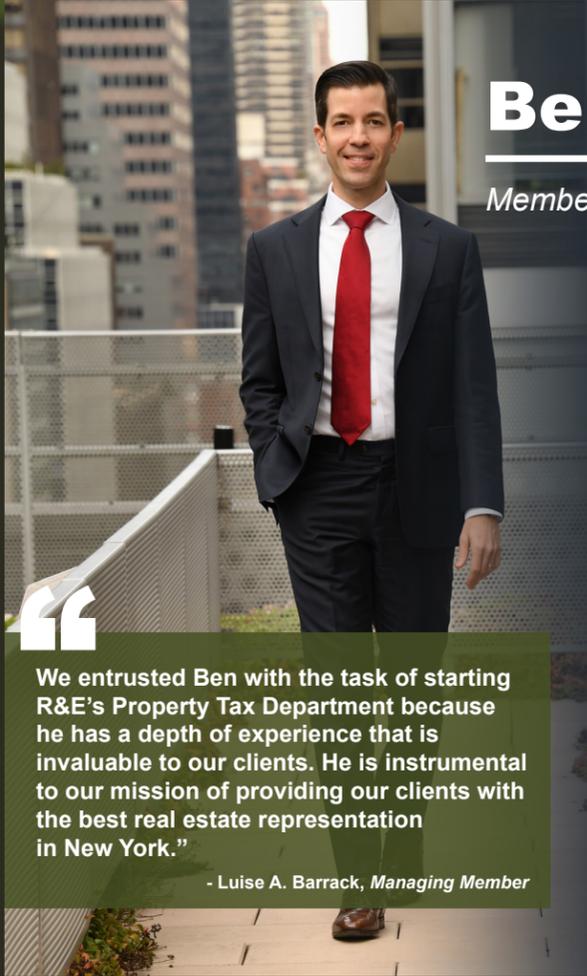
The firm has also stepped into the ring on some of the industry's high profile cases. This year, Rosenberg's litigation lawyers secured a win in one of the most-watched real estate cases of the past several years, *Altman v. 285 West Fourth LLC*, which might have changed the way rent-stabilized apartments were deregulated. A court found in favor of the landlord in the case, thereby preventing the re-stabilization of tens of thousands of units throughout the city.

Rosenberg's lawyers have represented clients like Douglas Elliman, Eli Zabar and Delshah Capital, and wrote an amicus brief on behalf of the developers of 50 Murray Street, where the tenants claimed their units were illegally deregulated.

Back in the day, Barrack represented Vornado Realty Trust in a rent-stabilization case at 220 Central Park South, successfully paving the way for the real estate firm to build its 79-story condominium tower, where Ken Griffin paid \$238 million for the penthouse in 2018.

And though we're late in the real estate cycle, Barrack said she hasn't seen it impact the type of cases coming in to the firm.

"I haven't seen a slowdown on the boom so to speak," Barrack said. "The amount of people who are still involved in, interested in, want to buy, sell, and trade real estate hasn't really changed."



Benjamin M. Williams

Member, Rosenberg & Estis, P.C.

Benjamin M. Williams is a member with Rosenberg & Estis, P.C. and leads the firm's Property Tax Department. Ben's practice focuses on property tax reductions and planning. He has represented thousands of clients in property tax appeals and at New York City Tax Commission hearings. He has a depth of experience in real estate tax projections for development, acquisition, leasing, financing and budgeting.

Ben has worked on Industrial and Commercial Abatement Program (ICAP), 421-a, and not-for-profit exemption applications and projections.

Contact Ben Williams today to learn if your New York City property is overassessed, to strategize ways to minimize your property taxes, and to better understand what your property taxes might look like in the future.

“We entrusted Ben with the task of starting R&E's Property Tax Department because he has a depth of experience that is invaluable to our clients. He is instrumental to our mission of providing our clients with the best real estate representation in New York.”
- Luise A. Barrack, *Managing Member*

NYREJ's Ones to Watch



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Anthony J. Virga

Associate, Rosenberg & Estis, P.C.

Anthony J. Virga joined Rosenberg & Estis, P.C. in 2012 as an associate with the firm's Litigation Department after working with the firm as a paralegal for four years after college. Virga's practice includes residential and commercial real estate litigation, as well as commercial litigation.

Virga has expertise guiding clients through the complexities of purchasing, managing, and legalizing buildings subject to the Loft Law. He has also worked on numerous landlord-tenant matters, from routine proceedings to complex matters, including the negotiation of agreements to vacate two buildings in the fashion district blocks from Penn Station so that the client could redevelop the site. Moreover, he has successfully represented several clients in the negotiation of construction access agreements facilitating their development of properties in both Manhattan and Brooklyn.

Additionally, in July 2018, Virga litigated a case of first impression regarding the application of the Loft Law. The tenant argued for the extension of Loft Law coverage to a unit less than 400 square feet in area by arguing that the exterior terrace space should be included in the total calculation of floor area (units must be at least 400 square feet in area to be eligible for coverage). Virga successfully argued that the legislature intended to cover only those units that have an interior floor area of 400 square feet. The Office of Administrative Trials and Hearings agreed and recommended the denial of coverage. The case is pending a final decision by the Loft Board and, if approved, will set the standard for how floor area will be measured for the purposes of Loft Law coverage.

“Anthony decided to become a lawyer after working at the firm as a paralegal after college. He went to law school and has been with the firm ever since. He is a prime example of home grown talent. His ability to solve problems effectively and creatively is why he is consistently chosen to tackle complex matters.”
- Luise A. Barrack, *Managing Member*

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About R&E

Founded in 1975, Rosenberg & Estis, P.C. is widely recognized as one of New York City's pre-eminent real estate law firms. Rosenberg & Estis, P.C. provides full service representation and advice in every aspect of real estate, from performing due diligence and evaluating financing, to handling joint ventures, acquisitions and leasing, construction and design team agreements, land use and zoning matters, co-op and condo offering plan filings, as well as the litigations and negotiations which sometimes ensue when deal making. The firm continues to grow according to its clients' needs, now advising owners and developers on Real Property Income & Expense (RPIE) filings and on matters related to property tax exemptions and abatements for residential and commercial construction departments. Rosenberg & Estis' wealth of experience in New York real estate makes it the ideal thought partner for owners, developers, not-for-profit corporations, educational institutions, sponsors, equity investors and lenders in both real estate transactions and in all court venues.

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