

14th Annual

Residential Landlord-Tenant Law

Manchester, NH - June 3, 2015

Early Registration

SAVE \$30

if paid by April 22nd

Continuing Education Credit:

- NH CLE - *Individual*
 - NH Real Estate 3.0
 - ME CLE 6.6 including 1.0 ethics
 - VT CLE 6.75 including 1.0 ethics
 - BOMI 7.0
 - NASBA CPE 8.0
- See inside for details.

PRESENTED BY:

David E. Buckley, *Buckley Law Offices PC*

Fred K. Mayer III, *Mayer Law Offices*

Paul B. Kleinman, *Bouchard, Kleinman & Wright, P.A.*

Sabin R. Maxwell, *Bouchard, Kleinman & Wright P.A.*

Mark H. Tay, *Tay & Tay*

(See complete biographies inside)

SES

Sterling means value!

www.sterlingeducation.com

Scan for
exclusive
savings!



www.sterlingeducation.com



Sterling means value!

SES

if paid by April 22nd

SAVE \$30

Early Registration

Sterling Education Services
P.O. Box 3127
Eau Claire, WI 54702

Manchester, NH - June 3, 2015

Residential Landlord-Tenant Law

14th Annual

NONPROFIT ORG.
U.S. POSTAGE
PAID
Sterling Education
Services, Inc.

Residential Landlord-Tenant Law

AGENDA

I. Commencement of the Tenancy

- A. The rental unit: habitable condition, rental certificate, building codes
- B. The screening process: rental application, other screening tools, prohibited criteria
- C. The rental agreement: essential, optional, and prohibited provisions
- D. The security deposit
- E. Lease addenda: rules, lead-based paint disclosure
- F. Enforceability of lease and rules: a contract, severability, effect of unsigned lease
- G. Disability law and rental agreements
 1. Eligibility requirements: criteria, types of disabilities, discriminatory practices
 2. Landlord's duties: prohibitions, building construction, reasonable modifications, and accommodations

II. Tenant and Landlord Obligations During Tenancy

- A. Tenant obligations during tenancy
- B. Landlord duties during tenancy
 1. Duty to supply possession
 2. Covenant of quiet enjoyment
 3. Disclosure of manager, lead-based paint, utility charges, rent increase
 4. Maintain fit premises: state code, implied warranty of habitability, latent defects
 5. Duty of care: known dangers, criminal actions of third parties
- C. Landlord access rights
 1. During tenancy
 2. Enforcement of right
 3. Special circumstances: emergency, court order, repairs, extended absence, abandonment
 4. Access and law enforcement
- D. Abandoned property

III. Termination of Tenancy and Tenant Remedies and Defenses

- A. No cause, non-restricted property: lease for term, month-to-month tenancy
- B. For cause, restricted property: material and recurring material noncompliance, posing a threat to health and safety, nonpayment of rent, no valid occupancy certificate, other grounds
- C. Eviction notice and special circumstances: after termination of tenancy, nonpayment of rent, threat to health and safety, non-traditional housing, non-tenants, partial payment
- D. Notice service requirements
- E. Special issues: computation of time, waiver, estoppel by acquiescence, double rent for hold-over, no joinder or counterclaim, manufactured housing
- F. Tenant remedies and defenses
 1. Failure to deliver possession
 2. Landlord's failure to obtain valid occupancy certificate
 3. Material noncompliance by landlord: termination of tenancy, other recovery after termination, repair and deduct remedy, essential services, diminished rental value claim, defense to eviction, exceptions
 4. Statutory prohibited practices; interference with access and other regulated conduct; unlawful eviction; interruption or diminution of utility service: self-help, landlord liens, conversion
 5. Health and safety issues, domestic violence eviction, retaliation
 6. Military personnel exemption

IV. The Eviction Process

- A. Action: grounds for forcible entry and detainer, jurisdiction, service requirements
- B. The eviction hearing: right to possession, stipulated agreements
- C. The Writ of Removal: the clerk of court, the sheriff, bailment
- D. The security deposit: during and after the tenancy

V. Landlords and Tenants in Bankruptcy

- A. Overview of the bankruptcy process
- B. Landlord's rights in tenant's bankruptcy
- C. Tenant's rights in landlord's bankruptcy
- D. Collecting on the judgment

VI. Ethical Considerations in Landlord-Tenant Law

Negotiating with a *pro se* tenant at court, conflicts of interest, un-represented parties, dual representation, competency, getting paid arrangements, ethical situations

DETAILS

DATE: Wednesday, June 3, 2015

REGISTRATION: 8:00 a.m.

PRESENTATIONS: 8:30 a.m. - 4:30 p.m.

LUNCH: 12:15 - 1:15 p.m.

Lunch is on your own

LOCATION:

Four Points by Sheraton
Boston Regional Airport Hotel
55 John E Devine Drive
Manchester, NH 03103
603-668-6110

Map available online

WHO SHOULD ATTEND

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

SUMMARY

Staying on top of legislative developments and current practices is one of the most important things you can do for yourself or your clients. Whether you own or manage the property or counsel those who do, you can't afford to be left behind by the changes that are happening in landlord-tenant law every day, especially when economic tensions are making relations more volatile than ever. At this seminar, time-tested professionals will help you sort through the issues and walk you through the process from beginning to end, allowing you to reduce your risk and make the most of your rental property. **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

NH CLE

NH MCLE does not approve or accredit CLE activities for the NH Minimum CLE requirement. The provider believes this course meets the requirements of NH Supreme Court Rule 53 and may qualify for **400 minutes** including **60 minutes of ethics** toward the annual NHMCLE requirement.

NH Real Estate

This seminar has been submitted for **3.0 continuing education credit hours** to the **New Hampshire Real Estate Commission**. Approval is expected. *Call for details.*

ME CLE

This course has been **approved** by the **State of Maine Board of Overseers of the Bar**. Lawyers who complete this course shall receive **6.6 hours of CLE credit** including **1.0 ethics hours** under M. Bar R. 12.

VT CLE

This seminar has been **approved** by the **Vermont MCLE Board** for **6.75 general credits** including **1.0 hour of ethics**.

BOMI

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



Sterling Education Services, Inc. is registered with the **National Association of State Boards of Accountancy (NASBA)** as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org. **CPE Credit: Maximum Credit Hours: 8.0** each session (based on a 50 minute credit hour). Field of Study: **Specialized Knowledge & Applications**. Prerequisite: None. Level of Knowledge: **Basic**. Delivery Method: Group-Live. Advance Preparation: None. *No CPE credit will be granted for home study with the purchase of the seminar audio recording. SES is only approved for "Group/Live" programs.

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

MEET THE FACULTY

FRED K. MAYER III, a member of Mayer Law Offices in Nashua, focuses his practice on representing landlords and property management agents in evictions, RSA 540-A:4 petitions, security deposit disputes, and other landlord-tenant litigation. Mr. Mayer appears most frequently in the Nashua and Derry District Courts, but his landlord-tenant cases have taken him to twenty-one district courts in various counties throughout the state, including Worcester and Northeast Housing Courts of Massachusetts, the New Hampshire Supreme Court, and the Federal Court. Mr. Mayer lectures frequently on topics relating to landlord-tenant law. On occasion, he has testified before committees of the New Hampshire legislature on bills affecting landlord-tenant practice. Mr. Mayer is on the board of directors of Neighborhood Housing Services of Greater Nashua and is a member of the New Hampshire Property Owners Association. Mr. Mayer received his B.A., with distinction, from George Washington University and his J.D. from Georgetown University.

DAVID E. BUCKLEY is the primary shareholder of Buckley Law Offices PC in Nashua. Mr. Buckley has been engaged in the general practice of law for over twenty years with a focus on civil litigation and consumer bankruptcy. Mr. Buckley is a member of the New Hampshire Bar Association, the Massachusetts Bar Association, the New Hampshire Association for Justice, the National Association of Consumer Bankruptcy Attorneys, and the American Bankruptcy Institute. He is a frequent presenter at professional education programs. Mr. Buckley received his B.S. from Salve Regina University and his J.D. from the New England School of Law.

PAUL B. KLEINMAN, a partner of Bouchard, Kleinman & Wright, P.A. in Manchester, has successfully litigated, arbitrated, and mediated hundreds of cases in the areas of landlord-tenant law; medical, legal, and accounting malpractice; environmental contamination; product liability; commercial and contractual matters; employment practices; and death claims. He also consults on real estate matters for some of the largest property management companies in the state. Mr. Kleinman has led litigation courses accredited by the New Hampshire Insurance Department, and has taught continuing legal education courses on trial advocacy. He is a court appointed mediator for the Superior Court Rule 170 program, and was recently appointed to serve on the Superior Court's medical malpractice panel. Mr. Kleinman received his B.A. from the State University of New York at Binghamton and his J.D., with honors, from the Boston University School of Law.

SABIN R. MAXWELL, of Bouchard, Kleinman & Wright P.A. in Manchester, works primarily in the areas of landlord-tenant law, insurance defense and subrogation, and civil litigation. He is a member of the New Hampshire Bar and is admitted to practice before the U.S. District Court for the District of New Hampshire. Mr. Maxwell received his B.A., *summa cum laude*, from the University of New Hampshire and his J.D. from the Franklin Pierce Law Center, where he was an editor of the *Pierce Law Review* and served as an intern for Justice Gary E. Hicks of the New Hampshire Supreme Court.

MARK H. TAY, of Tay & Tay in Exeter, practices in landlord-tenant and manufactured housing law, domestic relations matters, civil litigation, and general legal counseling. Mr. Tay is a member of the New Hampshire Bar Association and the Massachusetts Bar Association, and has been a frequent lecturer for legal education seminars on residential housing issues. He is also chairman of the State of New Hampshire Board of Manufactured Housing, a member of the Network of Manufactured Housing Attorneys, vice president of the New Hampshire Manufactured and Modular Housing Association, and a past member and legislative coordinator of the New England Manufactured Housing Association. Mr. Tay received his B.A. from the University of Pennsylvania, his J.D. from the Suffolk University Law School, and his LL.M. from the Boston University School of Law.

Residential Landlord-Tenant Law Manchester, NH - June 3, 2015

Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by April 22nd**

Reference Materials:

- Add audio to your registration for \$157*
- Manual only \$95*
- Audio only \$257*
- Audio/manual package \$347*

Payment Information:

- Check Enclosed (payable to Sterling Education Services)

<input type="checkbox"/> VISA	} Card #: _____ - _____ - _____
<input type="checkbox"/> MC	
<input type="checkbox"/> AMEX	
<input type="checkbox"/> DISC	
Exp. Date: _____ Security Code: _____	
Name on Card: _____	

Seminar # 15NH06149

Call us at 715-855-0495 about discounts for groups, non-profits, new practitioners, and more!

Attendee Information:

- 1) Name: _____ Job Title/Practice Area: _____
Email: _____ †
- 2) Name: _____ Job Title/Practice Area: _____
Email: _____ †
- 3) Name: _____ Job Title/Practice Area: _____
Email: _____ †

For internal use only:
RLTL2p

Company Information:

Company/Firm Name: _____

Type of Business: _____ Number of Employees: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ Fax: (_____) _____ †

*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.
†By providing this information you are agreeing to be added to Sterling's in-house contact lists.

BOOKSTORE

Below is a selection of materials available from previous Sterling seminars. To order, please complete this form and mail with payment or call 715-855-0495. You can also find these and other materials online at <https://store.sterlingeducation.com/bookstore.php>.

LANDLORD-TENANT LAW: LEASES, EVICTIONS, LITIGATION & SETTLEMENTS

Seminar # 14NH06135

The Lease; Tenant Default, Notice of Default, and Lease Termination; Landlord-Tenant Evictions, Court, and Litigation; Landlord or Tenant Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

David E. Buckley with Buckley Law Offices, P.C.; Fred K. Mayer III with Mayer Law Offices; and Shanne R. Tucker with Bouchard, Kleinman & Wright PA

Manual only \$75

TRUST PLANNING AND DRAFTING TECHNIQUES

Seminar # 14NH06148

Overview of Trust Planning; Revocable Living Trusts; Trusts for Spouses, Trusts for Minors, and Trusts for Elderly and Disabled Persons; Charitable Trusts; Trusts with Retained Interests and Special Assets Trusts; Ethical Considerations in Trust Planning

PRESENTED BY:

Marshal S. Grant with Pierce Atwood LLP; Shanne R. Tucker with Bouchard, Kleinman & Wright PA; Christopher R. Paul with McLane, Graf, Raulerson, & Middleton, PA; and Judith L. Bomster with Butenhof & Bomster, PC

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

4 Easy Ways to Register:

- **Web:** www.sterlingeducation.com
Enter # in "Express Registration"
- **Mail:** Sterling Education Services
PO Box 3127
Eau Claire, WI 54702
- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

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.**

SES

Sterling means value!



www.sterlingeducation.com