

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

Burlington, VT - June 2, 2016

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Continuing Education Credit:

- VT CLE 6.75 including 1.0 ethics
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- See inside for details.

PRESENTED BY:

Jonathan T. Bond, Champlain Valley Office of Economic Opportunity
Angela N. Zaikowski, Bennett & Zaikowski, P.C.
(See complete biographies inside)

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AGENDA

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

Sterling Education Services may alter the agenda due to circumstances beyond our control.

DATE & TIME

DATE: Thursday, June 2, 2016
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: 11:30 a.m. - 12:30 p.m.
Lunch is on your own

LOCATION

Hilton Burlington
60 Battery Street
Burlington, VT 05401
802-658-6500
Map available online

WHO SHOULD ATTEND

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

SUMMARY

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

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

CONTINUING EDUCATION CREDIT

VT CLE

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

VT Real Estate

This seminar has been submitted to the **Vermont Real Estate Continuing Education Committee** for **4.0 clock hours** of credit for activating or renewing a real estate license. Approval is expected. *Call for details.*

NY CLE

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

BOMI

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



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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.

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

MEET THE FACULTY

ANGELA N. ZAIKOWSKI, of the law office of Bennett & Zaikowski, P.C. in Shelburne, focuses her practice on landlord-tenant law matters, civil litigation, corporate law, and business law. Ms. Zaikowski represents individuals, landlords, regional corporations, and international corporations, and she oversees the daily operations of the Vermont Apartment Owners Association, LLC. She is a member of the Vermont Bar Association and the Chittenden County Bar Association. Ms. Zaikowski received her B.S. from the University of Portland and her M.S.E.L. and J.D. from the Vermont Law School.

JONATHAN T. BOND is the director of Vermont Tenants and the Mobile Home Program, two statewide programs of the Champlain Valley Office of Economic Opportunity, a non-profit Community Action Agency in Burlington. Vermont Tenants has been providing information on Vermont's landlord-tenant statutes to tenants and housing providers since 1981. The Mobile Home Program is the primary resource for mobile home residents, including residents in the 242 registered parks and affordable housing advocates in Vermont. Approximately forty percent of Vermont households are represented by one of the two programs. Mr. Bond received his B.S. from the University of Maine and his M.S. in Community Development and Applied Economics from the University of Vermont.

SEMINAR HIGHLIGHTS

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

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"I was at a seminar on a similar topic last week. I found this [seminar] to be more welcoming, comfortable, and comprehensive."

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-Mary R., Missouri

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-President of Fundraising Organization, Greater Seattle Area, WA

Landlord-Tenant Law Burlington, VT - June 2, 2016

Registration Fee: (includes manual)

- \$349 per person
- \$339 per person for 2 or more
- \$319 per person **if paid by April 21st**

Reference Materials:

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

Payment Information:

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LANDLORD-TENANT LAW: HOW TO PROSPER IN THE NEW MARKET

Seminar # 15VT06140

Leases: An Ounce of Prevention; The Landlord's and the Tenant's Rights and Obligations; Evictions; Tenant or Landlord Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

Angela N. Zaikowski with Bennett & Zaikowski, P.C.; and Pamela Favreau with Champlain Valley Office of Economic Opportunity

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

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

Seminar # 14VT06137

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:

Angela N. Zaikowski with Bennett & Zaikowski, P.C.; Jonathan Ciappa with Bennett & Zaikowski, P.C.; and Pamela Favreau with Champlain Valley Office of Economic Opportunity

Manual only \$75

Seminar # 16VT06158

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WALK-INS

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

CANCELLATIONS

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

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

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

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

REFERENCE MATERIALS

SEMINAR MANUAL:

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

AUDIO RECORDING:

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

UPCOMING SEMINARS

- **Fundamentals of Landlord-Tenant Law**
Montpelier, VT
March 31, 2016
- **Fundamentals of Workers' Compensation**
Burlington, VT
May 10, 2016

Visit our website for details!