

# THE REAL DEAL

NEW YORK REAL ESTATE

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## How it feels...

### ...to be a lawyer for the landlord in an ugly landlord-tenant battle

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*As told to Lauren Elkies*

**M**y role is solely that of an attorney for the owner or management company. As such, tenants oftentimes displace their feelings and anger at us because we're the ones dealing with them in the court setting. Recently, a tenant was screaming that they didn't owe money and grabbed the paperwork out of my attorney's hands. The court officer escorted them out of the courthouse.

Cases with a claim of illegal activity [such as gambling, prostitution or drug dealing] are almost always started under the direction of the district attorney's office. Because of that, these cases are surprisingly less hostile, because we aren't the ones initiating action.

Nuisance cases, on the other hand, where the tenant is causing problems in the building – from verbal and physical abuse



to graffiti to noise – those are cases where you might get hostility because often the landlord is looking to have them vacate the building.

Generally speaking, cases get resolved without the need for a trial. Most of the tenants do settle, but I've had some cases that drag through the court system for years.

About 10 years ago, I had a jury trial with a rent-controlled tenant who had been in court with my client for years even prior to my representing them. The trial lasted about six weeks. Since then, we are in court

with the same individual about every two or three years, but the nature of the interaction has significantly mellowed out – although the tenant still gets really confrontational with us.

Oftentimes, a nonpayment case is brought against the same tenant time and time again over a long period of time, like 10 years.

It may have started as a hostile or contentious relationship, but the tenant's anger toward "us" as advocates for the owner often dissipates.

In cases where we send out a notice to terminate tenancy on behalf of the owner, although they don't have to send any paperwork back, sometimes tenants will send a note back berating us.

We had someone send us a box full of human hair this summer. The box was open, and you could see it was hair with white stuff in it, like dandruff. I don't know what it meant. I just wanted it out of my office. That is one of the stranger things that has happened.

I always make it very clear when hiring a new attorney: If you want to work in this business, you really can't take anything personally, nor can you work in this industry on the

owner's side if you're going to feel sorry for the tenant, because then you cannot properly represent the client.

Owners have a responsibility to maintain their buildings, but if somebody owes rent, you should bring a case against them. We all have to pay bills. If I don't pay Con Ed, I'm not going to have electricity. If I don't pay my phone bill, I won't have phone service.

I have never had a problem sleeping at night because of what I do; it's a business, and I believe in my position. **TRD**