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Batavia Office

113 Main Street, Suite 3
Batavia, NY 14020

Buffalo Office

70 Niagara Street
Buffalo, NY 14202

Clarence/Williamsville Office

8207 Main Street • Suite 13
Williamsville, NY 14221

Lockport Office

6409 Dysinger Road
Lockport, NY 14095

Medina Office

113 West Center Street • Suite 2
Medina, NY 14103

Niagara Falls Office

810 Main Street
Niagara Falls, NY 14301

Orchard Park Office

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Orchard Park, NY 14127

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Robert Friedman

PROBATE, MEDICAID & GUARDIANSHIP SEMINARS

Attorney Robert Friedman, drawing on over forty years of estate planning experience, will be presenting the following seminars:

“Fourteen Ways to Preserve Your Assets with the Medicaid Laws” Learn how to preserve your assets and plan for incapacity with powers of attorney, health care proxies, living wills, wills, trusts, transferring your home to family members, long term care insurance, prepaid funeral accounts, IRAs, pensions, properly documented gifts,

spousal allowances and transfers, caregiver agreements and promissory notes at:

- Ogden Senior Center, 200 S. Union Street, Spencerport, NY 14559 on Wednesday, September 25, 2019 at 11 am; and
- St. Francis Park, 5229 South Park Ave, Hamburg, NY 14075 on Thursday, October 17, 2019 at 1 pm.

“Fifteen Ways to Avoid Probate” Learn estate and asset protection planning techniques; the risks and benefits of avoiding probate; the best forms of real estate ownership; the most common estate planning mistakes; recent changes in estate and gift tax laws; the duties of trustees and executors; myths about living trusts; when to update your will; and how to prevent will contest at:

- Orchard Park Senior Center, 70 Linwood Ave, Orchard Park, NY 14127 on Thursday, October 10, 2019 at 1:30 pm; and
- Grand Island Golden Age Center, 3278 Whitehaven Rd, Grand Island, NY 14072 on Wednesday, October 16, 2019 at 1 pm.

“Guardianships for Incapacitated Persons 101” at St. Francis Park on Thursday, September 26, 2019 at 1 pm. Learn about New York Mental Hygiene Article 81 Guardianship court procedures, alternatives to guardianships, revocation of powers of attorney, how financial institutions prevent and detect abuse, Emergency Medicaid Planning and the powers and responsibilities of guardians.

Seating is limited. To make reservations for the free seminars, call (716) 631-9999 or email Jessica@LegalSurvival.com. ■

SAM ALBA BECOMES VILLAGE ATTORNEY & BAR DIRECTOR

Sam Alba was appointed Depew Village Attorney and Deputy Village Prosecutor in March, 2019.

He was elected to the Board of Directors of the Erie County Bar Association in June, 2019. Sam is a member of the Erie County Bar Association’s Young Lawyers, Criminal Law, and Matrimonial and Family Law Committees. ■



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We answer our phones, 716.542.5444 and 585.343.0746, twenty-four hours a day/ seven days a week. Additionally you can reach us using the chat service and contact forms on our websites, WNY-Lawyers.com and LegalSurvival.com.

NY TENANT PROTECTION ACT OF 2019

The New York State Housing Stability & Tenant Protection Act of 2019, which went into effect on June 14, 2019, will be a nightmare for landlords. It will result in evictions being much more time-consuming and complicated. A brief summary of most of the changes are as follows:

a) For nonpayment evictions, a notice sent by certified mail (after residential rent is past due 5 days) and a 14-day notice (instead of three-day notice) are required.

b) Service of the notice of petition and petition must be served 10 to 17 days (instead of 5 to 12 days) before the court date.

c) Either party can request an adjournment of at least 14 days plus the court can grant additional adjournments in its sole discretion.

d) Attorney's fees cannot be awarded if the tenant defaults.

e) Warrants give the tenant 14 days (instead of 72 hours) notice to vacate. The tenant can terminate the proceedings by paying all rent due before the warrant is executed.

f) The warrant can be stayed for up to one year in hardship cases.

g) The requirement for the tenant to serve an answer 3 days prior to the court date has been eliminated.

h) If the eviction is for breach of the lease (other than nonpayment), the tenant is granted 30 days to correct the breach.

i) Late fees are limited to the lesser of \$50 or 5% of the monthly rent beginning the sixth day after rent is due.

j) Application fees cannot be charged and credit report charges cannot exceed \$20.

k) Landlords have a duty to take reasonable and customary actions to mitigate their damages by attempting to rent the premises at fair-market value or

the rent paid during the prior tenancy, whichever is lower.

l) The definition of retaliation by landlord has been expanded to include when a tenant complains about conditions and the landlord commences an eviction proceeding.

m) Residential landlords must serve by a process server the following notices of intention to terminate a month-to-month tenancy, depending upon the longevity of the tenancy: 30 days' notice if less than one year; 60 days' notice if more than one year but less than 2 years; and 90 days' notice if more than 2 years (Effective 10/12/19).

n) Rent for purposes of an eviction is defined as the monthly or weekly amount charged for use and occupancy of the dwelling unit and does not include late charges, interest or other fees.

o) Unlawful eviction includes: (1) the threat or use of force; (2) interfering with the use and occupancy of the property to induce the tenant to vacate, including cutting essential services (i.e. turning off utilities); or (3) engaging in or threatening other conduct to prevent lawful occupancy (removing possessions, changing locks, removing doors, etc.). Intentionally violating this provision or assisting someone in doing so is a Class A misdemeanor, punishable by fines of between \$1,000 and \$10,000, plus a daily fine of \$100 for each day the tenant is not restored to possession.

Other changes which will be going into effect will be explained in future blogs on WNY-Lawyers.com and LegalSurvival.com. ■



DO YOU NEED ANY OF THESE LEGAL SERVICES?

Contact us by email or telephone if you need assistance with:

Accident/Personal Injury (see page 4).

Business advice on protecting company assets, selling or buying a business and minimizing the risk of expensive legal action. Whether you have an established business, or are just starting out, we can help you achieve your goals with succession planning, LLCs, PLLCs, corporations and partnerships.

Criminal/Traffic/DWI Defense: We defend clients against misdemeanor and felony criminal charges including assault, shoplifting and welfare fraud.

Divorce/Custody/Support & Family Law: Grandparent's rights, prenuptial agreements, name changes and guardianships.

Employment: We have obtained unpaid wages and benefits for employees who have been misclassified as independent contractors.

Estate Planning/Medicaid Planning/Elder Law/

Guardianships: We prepare wills, health care proxies, living wills, life estates, trusts, business succession plans and powers of attorney.

Estates: Probate of wills, administration of estates and will contests.

Fire Company/Fire District Law: We provide legal services to fire companies, fire departments and fire districts, including advice on: Fire Company and Nonprofit Corporation Governance; Training; Civil Liability; Freedom of Information Law; Contracts; Reporting Requirements; General Operational Management Matters; Fire Station Construction, Remodeling and Financing; Apparatus Acquisition and Financing; Bylaw Review; Standard Operating Procedures; Disciplinary Matters and Hearings; Personnel Policies; Membership Issues and Ethics Compliance.

Landlord/Tenant: Evictions, leases, and building code violation defense. ■

CHILD VICTIMS ACT

New York's Child Victims Act gives expanded rights to survivors of sexual abuse by extending the statute of limitations for bringing a claim. This applies to both civil and criminal claims against priests, teachers, counselors, and anyone else who has committed sexual abuse. Formerly, those who were sexually abused as children could only bring civil and criminal claims up until the age of 23. Under the new law, victims can bring civil claims up until the age of 55 and criminal claims up until the age of 28. The Child Victim's Act provides all abuse survivors, regardless of their current age, a one-year window from August 14, 2019 to bring legal action against their abusers. This means that, beginning August 14, 2019, even those that were previously time-barred by the statute of limitations can file claims even if their abusers have died. It is incredibly important, therefore, to contact us as soon as possible to learn about your options since your time to file a claim may be limited. ■

DEBT BUYER SANCTIONED FOR WRONGFUL GARNISHMENT

Our client claimed that her wages were being wrongfully garnished by a debt buyer. Attorney Samuel A. Alba's motion to vacate the Niagara County Supreme Court default judgment was granted with a significant award of attorneys' fees as a sanction against the debt buyer. The court ruled that the debt buyer had engaged in fraudulent conduct in garnishing our client's wages and awarded fees which exceeded the amount that had been garnished. Contact us immediately if you are the victim of an illegal wage garnishment. ■

FREE LEGAL GUIDES

These legal guides are available for free on WNY-Lawyers.com and LegalSurvival.com:

- ✓ *Executor's Legal Survival Guide*
- ✓ *Checkpoint: A Complete Guide to New York DWI Law*
- ✓ *NY Personal Injury Guide*
- ✓ *2019 Nursing Home Medicaid Guide*
- ✓ *Stop Elder Financial Abuse with NY Guardianships*
- ✓ *Answers to Your New York Probate & Will Contest Questions* ■

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Consult anytime with local, compassionate and experienced personal injury attorneys that you know and trust. We help victims of personal injuries and car accidents get the financial compensation they rightfully deserve.

- ✓ **Experience:** Mike Ranzenhofer has over 39 years of trial experience representing the victims of automobile accidents, dog bites, slip and fall accidents and defective products.
- ✓ **Availability:** We are available seven days a week by telephone at 585.343.0746; text at 716.983.6370 or email: mrantz@legalsurvival.com. We will meet personally with you at your home, the hospital or at one of our nine local offices.
- ✓ **Free Consultation:** We will advise you of your rights at a free consultation. Our initial conversation costs you nothing even if you choose not to have us represent you.
- ✓ **No Fee Guarantee:** You pay no fee unless you win your case. ■



Michael Ranzenhofer

LAW OFFICES OPENED IN LOCKPORT AND MEDINA

Friedman & Ranzenhofer, PC has opened new offices in Medina at 113 West Center Street and Lockport at 6409 Dysinger Road, bringing the total number of offices to nine. With the opening of the Medina office in Orleans County, we now have offices in five WNY counties: Erie County (Akron, Williamsville/Clarence and Buffalo), Genesee County (Batavia), Monroe County (Rochester) and Niagara County (Niagara Falls and Lockport). For an appointment in any of our offices, call 716.542.5444 or 585.343.0746. ■

While a great deal of care has been taken to provide accurate and current information, the ideas, suggestions, general principles and conclusions presented in this newsletter are subject to local, state and federal laws and regulations, court cases and any revisions of same. The reader is thus urged to consult legal counsel regarding any points of law – this newsletter should not be used as a substitute for competent legal advice.

The purpose of this newsletter is to give the reader a general understanding of the law – not to provide specific advice. Every effort has been made to achieve accuracy. The law constantly changes and is subject to differing interpretations. Always consult with your attorney and act only on his or her advice. Friedman & Ranzenhofer, P.C. shall not be responsible for any damages resulting from any inaccuracy or omission. This newsletter is designed to provide accurate and authoritative information in regard to the subject matter covered. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. Certain portions of this newsletter may be applicable only to New York State law. Prior results do not guarantee a similar outcome.

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