



New York State Association of REALTORS®, Inc.

LEGAL ACTION COMMITTEE REPORT

Tuesday, September 29, 2020

Virtual Zoom Meeting

Starting time: 1:00pm

Jason Walch
Chair

John Gerace
Vice Chair

The Legal Action Committee reviewed the financials and current legal matters supported by NYSAR. Two matters are currently making their way through the courts.

1. 106 N. Broadway v Houlihan Lawrence *et al* (fiduciary duty to client of broker by associated licensees)

NYSAR request to submit an amicus brief was denied by the court. The parties to the lawsuit opposed NYSAR's request to submit the brief and the court agreed.

2. CHIP v NYC et al (rent control/rent regulation)

The matter was recently dismissed by a lower Federal court and will be appealed to the 2nd Circuit Court of Appeals.

3. NYSAR et al v. DOS (DOS guidance stating a landlord's agent is prohibited from collecting commission from a tenant)

NYSAR has until 10/28 to file response papers and a hearing will take place in November at the earliest.

NYSAR counsel provided a Legal Department update. Legal hotline volume has increased over 200% since the State of Emergency was imposed. Topics were mostly related to how to operate under the State of Emergency. NYSAR attorneys have returned every call made during this time.

Legal Action Committee – Staff Liaison: Anthony Gatto, Esq. agatto@nysar.com 518-463-0300x230.
Committee Description: The Legal Action Committee is a termed committee consisting of 12 individuals appointed by the NYSAR President for a term of three years as well as a Chairperson and Vice Chairperson. The NYSAR Secretary/Treasurer is also a member of the committee. It maintains a watch on legal issues arising throughout the state which could have an effect on the membership and the real estate industry, communicates legal information of importance to the local boards/associations and the membership, and administers the Legal Action Fund for proactive and reactive legal matters.