



Client Alert: The Legislature's Continued Assault on the Real Estate Industry

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On June 14, 2023, New York Apartment Law Insider published an article co-authored by Niles C. Welikson, Esq., founding member and current special counsel to the firm, and Jillian N. Bittner, Esq., member of the firm whose practice area is concentrated in the Administrative Law Department, entitled “The Legislature's Continued Assault on the Real Estate Industry”. The article is available [here](#).

The article discusses the Legislature’s most recent attempt to violate the *Regina* ruling, by proposing a bill that would retroactively change the method for calculating rents in apartments affected by the *Roberts* ruling. Even if the Legislature were to enact a bill with retroactive effect, said bill would arguably not survive a constitutional challenge by owners before the judicial branch based upon the Court’s view of the HSTPA in *Regina*.

As stated in the publication, “We are fortunate to have separation of powers on both the state and federal levels. Clearly, only the courts can control the actions of an irresponsible, so-called ‘progressive’ government. Should the legislature attempt to upend the Regina ruling via any retroactive laws it is reasonable to expect that the courts will stand in their way, and hold that such attempt is impermissible and unconstitutional.”