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Pro Bono Victory: Cadwalader, Wickersham & Taft LLP Extends Protection for Low-Income Tenants

In a new feature, the *Wire* is highlighting noteworthy pro bono victories. In this issue, Cadwalader, Wickersham & Taft LLP, AARP, and The Legal Aid Society extend rent-stabilization protection for certain low-income tenants in New York. Read the full story for details.

Low-Income New York Tenants Can Remain In Their Homes, Thanks to Cadwalader's Legal Work

Low-income tenants in New York came out on the winning side of a New York Court of Appeals ruling that will affect more than 100,000 families in the New York City metropolitan area. Working pro bono with The Legal Aid Society, Cadwalader, Wickersham & Taft LLP drafted an *amicus curiae* brief with AARP (formerly known as the American Association of Retired

Persons) that helped persuade the New York Court of Appeals to rule for tenants in *Rosario v. Diagonal Realty LLC*.

The case involved participation in the federal Section 8 Housing Choice Voucher Program, which provides rent subsidies in the form of vouchers to low-income families, enabling them to obtain affordable, safe, decent, and stable housing. The landlord argued that Section 8, which allows landlords to opt out of the program at the end of the term of a lease, preempts New York's rent stabilization law and local law. Cadwalader's brief (written by partner Harry Cohen, special counsel Stacey Lara, and associate Ryan Andreoli) argued that this was a misreading of the federal law, and noted explicit language in the law respecting the rights of states and localities to enact tenant laws more protective than the federal statute (such as New York's Rent Stabilization Law and the anti-discrimination provision of the J-51 tax law). The brief argued that landlords are not permitted to opt-out of accepting Section 8 vouchers from existing rent-stabilized tenants.

On July 2, 2007, the Court of Appeals unanimously affirmed the decision of the Appellate Division, First Department, holding that "it was not the intent of Congress, when it ended the so called endless lease rule, to remove state and local protections afforded to Section 8 recipients."

AARP was particularly concerned with this dispute because more than 325,000 of the 1.8 million households that currently receive vouchers under the Section 8 voucher program are headed by a person who is 62 years of age or older. An adverse ruling would have forced older Americans into making a difficult choice between paying market rates out of limited and fixed incomes, or being institutionalized.

"I am exceptionally proud of Harry, Stacey, and Ryan, and the efforts they put

into this case” said Robert O. Link, Jr., Cadwalader’s Chairman and Managing Partner. “Their fine work illustrates the firm’s commitment to use its collective knowledge and resources for the greater good. We feel privileged to be able to help deserving people in need and serve our community.”

About Cadwalader, Wickersham & Taft LLP

Cadwalader, Wickersham & Taft LLP, established in 1792, is one of the world's leading international law firms, with offices in New York, London, Charlotte, Washington and Beijing. Cadwalader serves a diverse client base, including many of the world's top financial institutions, undertaking business in more than 50 countries in six continents. The firm offers legal expertise in antitrust, banking, business fraud, corporate finance, corporate governance, environmental, financial restructuring and reorganizations, healthcare, insurance and reinsurance, litigation, mergers and acquisitions, private client, private equity, real estate, regulation, securitization, structured finance, and tax. More information about Cadwalader can be found at www.cadwalader.com.

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