

FRIEDMAN RANZENHOFER ATTORNEYS AT LAW

IN THIS SPECIAL PET LAW ISSUE

Nursing Home Medicaid Seminars	1
New Orchard Park Office	1
We Help Auto Accident Victims	1
Where Is Your Will?	2
Our Practice Areas	2
Our Pets	2, 3
Contact Us 24 Hours A Day	2
Senior Health & Fitness Fair	2
2018 Nursing Home Medicaid Guide	2
Landlord Pays \$100,000 To Settle Emotional Support Animal Case	3
Misrepresentation Of Service & Emotional Support Animals Criminalized	3
Chicken Case Dismissed	3
Are Guinea Pigs Emotional Support Animals?	3
Will Provisions For Your Pets	4

Akron Office
74 Main Street
PO Box 31
Akron, NY 14001

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

Niagara Falls Office
7510 Porter Road
Niagara Falls, NY 14304

Orchard Park Office
3853 North Buffalo Road
Orchard Park, NY 14127

Rochester Office
70 Linden Oaks, 3rd Floor
Rochester, NY 14625

Telephone 716.542.5444
716.631.9999 • 585.343.0746
585.377.5504 • 800.729.4571

Fax
716.542.4090

Email
rfriedman@legalsurvival.com
mranz@legalsurvival.com
sam@legalsurvival.com



Robert Friedman

NURSING HOME MEDICAID SEMINARS

“14 WAYS TO PRESERVE YOUR ASSETS WITH THE MEDICAID LAWS” will be presented at the:

- Akron-Newstead Senior Center: 5691 Cummings Road, Akron, NY 14001 on Saturday, May 19, 2018 at 11:15 AM; and
- Orchard Park Senior Center: 70 Linwood Ave, Orchard Park, NY 14127 on Friday, May 18, 2018 at 1:00 PM.

Speakers are Robert Friedman, Attorney and Jeff Vastola, CLU of M&T Securities. 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.

To register for the free seminars, call 716.542.5444 or email Jessica@LegalSurvival.com. ■

NEW ORCHARD PARK OFFICE

To better serve our Southtowns clients, we have opened an office in Orchard Park at 3853 North Buffalo Road (Route 277).

We no longer have a West Seneca office. ■

WE HELP AUTO ACCIDENT VICTIMS

Consult anytime with local, compassionate and experienced personal injury attorneys that you know and trust.

- ✓ **Experience:** Michael Ranzenhofer has over 37 years trial experience representing the victims of automobile accidents, slip and fall accidents, defective products and dog bites. Robert Friedman is a vehicle and traffic prosecutor who successfully prosecuted 1,000s of dangerous drivers for 33 years; stopped a legal challenge to the constitutionality of the New York seatbelt law; wrote the “*Injury Victims’ Legal Survival Guide*” and was the 2003 WNY Prosecutor of the Year.
- ✓ **Availability:** We are available seven days a week by telephone at 716.542.5444 or 585.343.0746; text at 716.983.6370 or by email: mranz@legalsurvival.com. We will meet personally with you at your home, the hospital or at one of our seven 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

YOU DIED...

Where is your will?

Your basic will prepared

ONLY
\$79

CALL

716.631.9999

OR

585.343.0746

WNY-Lawyers.com

SENIOR HEALTH & FITNESS FAIR

The sixth annual Senior Health & Fitness Fair is being held on Saturday, May 19, 2018 from 9 AM-12 PM at the Akron-Newstead Senior Center: 5691 Cummings Road, Akron. The completely free event will offer: lunch, health screenings, seminars, prizes, demonstrations and exhibits. Sponsors are Blue Cross & Blue Shield, Independent Health, Clarence Senior Center, Friedman & Ranzenhofer, PC Attorneys, Univera, United Health Care and the Akron-Newstead Senior Center. For further information; contact Sarah at (716) 542-6645. ■

2018 NURSING HOME MEDICAID GUIDE RELEASED

Our free **2018 NY Medicaid Guide** answers many frequently asked questions, including:

- What are the 2018 asset and income levels that allow Medicaid eligibility?
- What is the 2018 Medicaid penalty regional rate in WNY?
- What resources are not counted when determining Medicaid eligibility?
- How can an individual whose income exceeds the Medicaid limit still qualify for Medicaid?
- What are the transfer of asset rules?
- Will Medicaid pay for home care?
- How do Medicaid rules differ for a single person and a married person whose spouse is still living in the community?
- What are the advantages of creating a Medicaid Trust?

To obtain a free copy, see "Legal Guides" at WNY-Lawyers.com or send a stamped (.92), 4" x 9½" self-addressed envelope to POB 31-NL, Akron, NY 14001. ■

OUR PRACTICE AREAS

Accidents/Personal Injury

Animal Law

Commercial Litigation

Corporate/Business/LLC

Criminal/Traffic/DWI

Divorce/Custody/Support

Elder Law/Guardianships

Fire Company/District Law

Landlord/Tenant

Matrimonial/Family Law

Municipal Law

Probate/Estates

Trials/Appeals

Wills/Trusts ■

STORY



Bob's Apollo & Vinny



Kristin's Sadie

STORY



Jess' Binx



Jess' Rory

CONTACT US 24 HOURS A DAY

Have a late night urgent legal question? Have you been injured in an accident? Arrested for DWI? Served with a lawsuit summons? We answer our phones 24 hours a day/ seven days a week. Additionally, you can reach us using the chat service and contact forms on our website WNY-Lawyers.com. ■

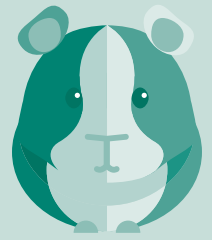
LANDLORD PAYS \$100,000 TO SETTLE EMOTIONAL SUPPORT ANIMAL CASE

An owner of several California apartment complexes and rental homes agreed to pay \$100,000 to settle a disability discrimination action involving emotional support animals (“ESAs”). He sent letters to his tenants stating that he did “not like to deal with pets of any kind.” The letter contained no exceptions for ESAs. He also sent letters to his tenants that his solution to a flea problem was to ensure that all pets were removed or that they obtain letters from a veterinarian certifying that their animals did not have fleas. He then sent eviction notices to a few tenants with pets and ultimately evicted two tenants with ESAs. ■

MISREPRESENTATION OF SERVICE & EMOTIONAL SUPPORT ANIMALS CRIMINALIZED

A New York State law, effective December 18, 2017, makes it a criminal offense to misrepresent having a service or emotional support animal. It is unlawful to knowingly misidentify a dog as a guide, service, therapy, or hearing dog. Violation of the law could result in a fine of up to \$100 and 15 days in jail. ■

ARE GUINEA PIGS EMOTIONAL SUPPORT ANIMALS?



A prospective tenant filed a complaint with the U.S. Department of Housing and Urban Development alleging violations of the Fair Housing Act (FHA). She claimed that our client and his real estate broker discriminated against her on the basis of disability by denying her request for a reasonable accommodation of rental policy by not allowing her to keep two guinea pigs that she identified as “emotional support animals” (“ESAs”). We were successful in having the charges dropped against our client because:

1. The “Mrs. Murphy” exception applies because our client lives in one of the two units. The FHA does not apply to owner-occupied buildings up to four units.
2. He never met or communicated with the prospective tenant.
3. The application was denied because of the “no pets” policy.
4. He was not aware that guinea pigs were considered by the prospective tenant as an ESA.
5. The prospective tenant’s medical documentation did not establish that the guinea pigs are necessary for her to equally enjoy the premises. The doctor’s note said that she requires her guinea pig to travel with her as a service pet. However, it did not state that the guinea pigs were necessary for her to use and enjoy her dwelling. ■



Sam’s Zooma



Sue’s Lucy



Sue’s Elsa



Sarah’s Lucy

OUR
PETS

CHICKEN CASE DISMISSED

Our client was accused of raising chickens without permission at his home in a Suburban Agricultural district in the town of Amherst and failing to comply with the directives of code enforcement officers. We successfully made a motion to dismiss both charges arguing that because the home is in a Suburban Agricultural district, raising livestock for non-commercial use is a permitted use of the property and there was no legal basis to pursue such a charge against our client. The failure to follow the directive of the code enforcement officer was also dismissed due to constitutional and procedural arguments. ■



ATTORNEY ADVERTISING- The LegalSurvival.com Newsletter is published as a public service by Friedman & Ranzenhofer, P.C., Attorneys, with offices in Akron, Buffalo, Batavia, Rochester, Orchard Park, Niagara Falls and Williamsville/Clarence, New York. The firm, founded in 1955, practices estate planning, personal injury, probate, criminal, traffic, marital, family, business, municipal, corporate, debt collection, landlord/tenant and elder law. Your comments and questions are always welcome. For further information or to obtain permission to reprint the contents of this newsletter, call Robert Friedman at (716) 631-9999, visit the Legal Survival web site at www.legalsurvival.com or e-mail to rfriedman@legalsurvival.com.

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.

© Copyright 2018 by Victoria Square Publishing Co., Inc. All Rights Reserved Worldwide.

FRIEDMAN
RANZENHOFER
ATTORNEYS AT LAW

74 Main Street • PO Box 31
Akron, NY 14001-0031

ADDRESS SERVICE REQUESTED

PRSRST STD
U.S. POSTAGE
PAID
BUFFALO, NY
PERMIT #1180

WILL PROVISIONS FOR YOUR PETS

You should update your will to make provisions for your pet dog, cat or other companion, including a pet trust. Under the laws of all 50 states, a pet owner cannot leave any part of his or her estate outright to a pet. However, you may leave a sum of money to the person or trustee designated to care for your pet with a request that the money be used for your pet's care.

There are ten ways to ensure the proper care of your pet after your death:

- (1) Set up a testamentary trust in your will. This allows you to leave your pet to caretakers and set aside funds to be managed and used by a trustee to provide for your pet's food, care and veterinary needs over its lifetime. If the trustee cannot take physical possession of the pets, another person can be named as the caretaker. The funds in this trust will not actually belong to your pets, but they receive the benefit of the funds.
- (2) Conditional bequests are permitted in New York and some other states. Pet owners can make a "conditional bequest" in which both the pet and a sum of money are left to a beneficiary who must use the money for the care of the pet. A conditional bequest has the advantage of requiring the recipient to care for the pet.
- (3) Instead of a trust, make a direct bequest to an individual (beneficiary) who agrees to use the funds to care for your pets. Detail your expectations for the care of your pets.
- (4) Locate a shelter or humane organization in your area that will find a family to adopt your pets if you cannot find an individual you trust to take your pets.
- (5) State in your will that your pets may not be used for medical research or product testing.
- (6) Discuss your plans in advance with the trustees, caretakers, executors and organizations.
- (7) Make a significant contribution to the lives of thousands of animals by remembering your favorite animal charity in your will and save federal and state estate taxes.
- (8) Include a no contest clause in your will to reduce the chance of a challenge to the will. This clause provides that if a person unsuccessfully challenges a provision in the will, he or she will not receive under any provision of the will.
- (9) The will should state that the costs of food, veterinary care, transportation and other expenses incurred by the executor in caring for your pet should be paid from the estate.
- (10) To cover the interim period before letters testamentary are obtained, the executor should be given copies of all applicable instructions. Advance arrangements should be made to protect your pets between your death and the admission of the will to probate. Although a will can make provisions for the care of your pet, the executor cannot carry out these provisions until the will has been admitted to probate. The executor receives authority by the issuance of letters testamentary or preliminary letters testamentary.

Contact us to make sure that your pets are properly provided for in your will. ■