

## SEMINAR

# Negotiating & Drafting Office & Retail Leases

*Similarities, differences, issues and negotiated solutions in the current environment*

Office and retail leases are among the most common forms of commercial lease transactions and both require a broad knowledge of basic lease law. The experienced panelists examine and compare office and retail leasing transactions, and identify their key similarities, as well as important differences. This program is essential to those developing a leasing practice, as well as to experienced practitioners seeking to sharpen their leasing skills.

## Agenda

- Letters of Intent: Content; Relative Importance in Retail and Office Situations; Dealing with National Retail Tenants
- Build Out of Leased Premises and Determination of Commencement Date
- Use of the Premises; Exclusive Use and Radius Provisions; Continuous Operation and Kickout Clauses; Hours of Operation
- Methods of Calculating Rent: Rentable v. Usable Square Feet; Percentage Rent Including Break Points, Reporting Requirements, Inclusions and Exclusions, Internet/Catalog Sales
- HVAC and Utilities for the Leased Premises: Direct Payment to Provider by Tenant v. Payment by Landlord and Inclusion in Operating Costs; Repair and Maintenance Responsibilities
- Responsibility for Real Estate Taxes and Operating Expenses/Common Area Maintenance: Increase Over a Base Year v. First Dollar; Gross Ups; Landlord Statements and Tenant Right to Audit; Annual Percentage or Cost of Living Increase as Alternatives to Landlord Statement
- Assignment and Sublet Provisions; SNDAs, Recognition Agreements, and Estoppel Certificates
- Rights and Obligations in Public Common Areas, Parking, Access, Visibility, Signage, and Expansion
- Anchor Tenants; Cotenancy; Grand Openings; Slack Seasons
- Default Provisions—Tenant and Landlord; Liquidated Damages; Self-Help in Light of Recent Massachusetts Decisions
- Reciprocal Easement Agreements (REAs); Covenants, Conditions and Restriction Agreements (CCRs); Notice of Lease Instruments; Side-Letter Agreements and Other Non-Recorded Instruments
- “Ask the Experts” Q&A Session

## Faculty

Peter F. Granoff, Esq., *Riemer & Braunstein LLP, Boston*, Chair  
Michael Holiday, Esq., *Holiday Law Firm, PC, Wellesley*  
Jennifer L. Ioli, Esq., *Sherin and Lodgen LLP, Boston*



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## Dates & Location

Register at [www.mcle.org](http://www.mcle.org)

### LIVE WEBCAST

Wednesday, May 18, 2022  
1:00 pm–5:00 pm  
Program Number: 2220205WBC

### REBROADCAST

Thursday, June 2, 2022  
12:00 noon–4:00 pm  
Program Number: 2220205RBC

### REBROADCAST

Friday, June 10, 2022  
9:00 am–1:00 pm  
Program Number: 2220205RB1

### ON DEMAND WEBCAST

View after Friday, June 10, 2022  
Program Number: 2220205WBA

## Tuition *(includes written materials)*

- \$245
  - \$220.50 MCLE Sponsor Members
  - \$183.75 New Lawyers admitted to law practice after 2019, Pending Admittees, Law Students, and Paralegals
  - **FREE** for MCLE OnlinePass® Subscribers
- To apply for a need-based scholarship, email [scholarships@mcle.org](mailto:scholarships@mcle.org).

## Materials

The materials for this program include MCLE's *Lease Drafting in Massachusetts*, which, along with any other materials, can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

## CLE Credits

Earn up to 4 CLE credits

