

STATE OF NEW YORK

10414

IN ASSEMBLY

April 19, 2018

Introduced by M. of A. OTIS -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting leases from including a waiver of the right to a declaratory judgment action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The real property law is amended by adding a new section
2 235-h to read as follows:
3 § 235-h. Waiver of right to bring a declaratory judgment action. No
4 commercial lease shall contain any provision waiving or prohibiting the
5 right of any tenant to bring a declaratory judgment action with respect
6 to any provision, term or condition of such commercial lease. The inclu-
7 sion of any such waiver provision in a commercial lease shall be null
8 and void as against public policy.
9 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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