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:

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

§ 235-h. Waiver of right to bring a declaratory judgment action. No commercial lease shall contain any provision waiving or prohibiting the right of any tenant to bring a declaratory judgment action with respect to any provision, term or condition of such commercial lease. The inclusion of any such waiver provision in a commercial lease shall be null and void as against public policy.

§ 2. This act shall take effect immediately.

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