

# STATE OF NEW YORK

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2554

2019-2020 Regular Sessions

## IN ASSEMBLY

January 23, 2019

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Introduced by M. of A. OTIS, COLTON, D'URSO, GLICK, GOTTFRIED, LAVINE,  
WRIGHT -- Multi-Sponsored by -- M. of A. COOK, SIMON -- 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 Assem-  
bly, 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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