STATE OF NEW YORK

2554

2019-2020 Regular Sessions

IN ASSEMBLY

January 23, 2019

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 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.

LBD01655-01-9