

Table of Contents

PART ONE THE COMMENCEMENT OF THE LANDLORD-TENANT RELATIONSHIP

CHAPTER 1. GENERAL PRINCIPLES

A. IN GENERAL

§ 1:1 Definitions of fundamental terms

CHAPTER 2. REQUISITES AND VALIDITY OF LEASES

A. IN GENERAL

§ 2:7 Necessity for a valid contract

§ 2:12 Illegal use; Effect

§ 2:13 Use in violation of subsequently enacted laws

D. STATUTE OF FRAUDS

§ 2:37 Effect of part performance

E. EFFECT OF RENT REGULATION

§ 2:38 Generally

§ 2:40 Rent stabilization

§ 2:41 Rent regulation reform

CHAPTER 3. AGREEMENT FOR A LEASE

A. IN GENERAL

§ 3:1 Nature and effect

§ 3:1.50 Checklist—Drafting a lease of real property *[New]*

§ 3:7.30 Form of agreement to lease—Commercial building *[New]*

§ 3:7.70 Form of agreement to lease—Residential property *[New]*

B. STATUTE OF FRAUDS

§ 3:8 Generally

C. DEPOSIT

§ 3:11 Stipulated as liquidated damages

CHAPTER 4. LEASES AND OTHER INTERESTS IN REAL PROPERTY DISTINGUISHED

C. PROPRIETARY LEASE (CO-OPERATIVE OWNERSHIP)

- § 4:24 Conversion to cooperative ownership
- § 4:26 Relation between cooperative owner and tenant-shareholder
- § 4:27.50 Proprietary lease—Another form *[New]*
- § 4:27.60 Checklist—Drafting proprietary lease *[New]*
- § 4:27.70 Checklist—Drafting management agreement—Management of cooperative apartment *[New]*

D. CONDOMINIUM OWNERSHIP

- § 4:28 Generally
- § 4:29 Defined
- § 4:32 Common interest
- § 4:35 Bylaws
- § 4:35.50 Form of condominium rules and regulations *[New]*
- § 4:37 Business judgment rule
- § 4:41 Type of works by unit owners prohibited
- § 4:41.50 Declaration—Provision—Restriction on use of condominium *[New]*
- § 4:42 Lien for common charges
- § 4:52.30 Preservation plan conversions *[New]*
- § 4:52.70 Reserve funds in preservation plan conversions *[New]*

E. SHORT-TERM RENTALS *[New]*

- § 4:53 Generally *[New]*
- § 4:54 Regulations, registration and exceptions *[New]*
- § 4:55 Penalties, enforcement and data sharing *[New]*

CHAPTER 6. CONSTRUCTION OF LEASES

A. IN GENERAL

- § 6:1 General rule
- § 6:3 Practical construction by the parties
- § 6:13 Unconscionable lease or clause

B. PAROL EVIDENCE RULE

- § 6:14 Generally

TABLE OF CONTENTS

C. MODIFICATION OF LEASE

§ 6:28 Modification of lease agreement *[New]*

§ 6:29 Modification of lease agreement—Reduced rentable area *[New]*

**PART TWO THE RESPECTIVE RIGHTS
AND OBLIGATIONS OF LANDLORD
AND TENANT**

**CHAPTER 8. OBLIGATIONS TO DELIVER
POSSESSION AND TO OCCUPY
PREMISES**

§ 8:4 Right to damages against landlord—Measure of damages

**CHAPTER 9. ASSIGNMENT AND
SUBLETTING**

I. SURVIVAL OF DECEASED TENANT’S LIABILITY

§ 9:47 Generally

K. SUBTENANT’S LIABILITIES AND RIGHTS

§ 9:52.30 Form of sublease—A more sophisticated form *[New]*

§ 9:52.70 Checklist—Drafting a sublease *[New]*

N. RIGHT TO ASSIGN AND SUBLET

§ 9:72 Effect of emergency housing rent laws

§ 9:74 Residential tenant’s statutory right to sublet

**O. RESTRICTIONS ON RIGHT TO ASSIGN AND
SUBLET**

§ 9:83 Statutory modification of restrictions because of race or color

§ 9:95 Tenant’s remedies for landlord’s breach of covenant to consent

CHAPTER 10. EFFECT OF HOLDING OVER

A. IN GENERAL

§ 10:1 Effect of holding over by tenant

§ 10:10 Double rent not recoverable as damages

§ 10:13 Expiration of tenancy on death of tenant; Succession rights

CHAPTER 11. RENEWAL OF LEASES

A. RIGHT TO RENEWAL ABSENT COVENANT

§ 11:9 Rent stabilized tenancy

E. EXERCISING RIGHT TO RENEW

- § 11:39 Equitable relief from failure to give timely notice of election to renew
- § 11:40 Waiver of performance of conditions to renewal

CHAPTER 12. RENT

A. IN GENERAL

- § 12:1 Nature and definition
- § 12:2.50 Checklist—Drafting provisions relating to rent *[New]*
- § 12:6 Attorney's fees as rent
- § 12:13 Implied agreement to pay rent

B. PAYMENT OF RENT

- § 12:21 When and where payable
- § 12:31 Liability for rent upon death of tenant

CHAPTER 13. DEPOSIT TO SECURE PERFORMANCE OF LEASE

B. RIGHTS TO DEPOSIT

- § 13:17 On conveyance of fee

C. DUTY WITH RESPECT TO DEPOSIT ON CONVEYANCE OF LEASED PROPERTY

- § 13:22 Landlord's statutory duty on conveyance
- § 13:23 Liability of grantee or assignee for deposits made by tenant on conveyance of rent stabilized dwelling units
- § 13:24 Liability of grantee or assigned for deposits made by tenant on conveyance of non-rent stabilized dwelling units *[Retitled]*

D. CONVERSION OF DEPOSIT

- § 13:29 Deposit as trust fund
- § 13:31 Conversion of deposit

CHAPTER 15. TENANT'S RIGHTS IN THE USE OF THE LEASED PREMISES

A. IN GENERAL

- § 15:1 General rule
- § 15:4 Sharing of apartment

G. EXPRESS RESTRICTIONS ON USE OF PREMISES BY TENANT

- § 15:53 Racially discriminatory restrictions under statute

TABLE OF CONTENTS

**J. RESTRICTION ON LESSOR'S USE OF OTHER
PREMISES**

§ 15:71 Equitable relief against competing tenant

Table of Contents

PART TWO THE RESPECTIVE RIGHTS AND OBLIGATIONS OF LANDLORD AND TENANT (CONTINUED)

CHAPTER 18. LANDLORD’S DUTY TO PUT AND KEEP LEASED PREMISES IN REPAIR

B. DUTY WITH RESPECT TO RESIDENTIAL PREMISES

- § 18:7 Remedies for breach of warranty of habitability
- § 18:7.50 Special proceedings for remedying conditions that are
dangerous to life, health or safety or violations of ap-
plicable housing standards *[New]*
- § 18:9 Other statutory duties

G. LIABILITY IN NEGLIGENCE FOR DEFECTIVE CONDITION OF NONRESIDENTIAL PREMISES

- § 18:46 Validity of agreement exempting landlord from liability

CHAPTER 20. OPTIONS TO BUY CONTAINED IN LEASES

A. IN GENERAL

- § 20:1 Validity
- § 20:9.50 Checklist—Drafting an option to purchase in lease *[New]*

C. EXERCISING OPTION

- § 20:28 Status and interest of parties on exercising option

CHAPTER 21. INSURANCE ON LEASED PREMISES

B. TENANT’S COVENANT TO INSURE

- § 21:7 Generally

PART THREE TERMINATION OF THE RELATION OF LANDLORD AND TENANT

CHAPTER 23. TERMINATION AND FORFEITURE OF LEASES

C. CONDITIONS

§ 23:8 Defined

§ 23:17 Provision against waiver of breach of terms of lease; Form

E. OPTION TO TERMINATE

§ 23:37 When exercisable

§ 23:37.50 Agreement for termination of lease—With warranties and
indemnities *[New]*

F. EQUITABLE RELIEF FROM TERMINATION ("YELLOWSTONE" INJUNCTION)

§ 23:52 Generally

CHAPTER 25. TERMINATION OF LEASES BY DESTRUCTION OF PREMISES

B. MODIFICATION OF COMMON LAW RULE BY STATUTE

§ 25:3 Generally

CHAPTER 26. TERMINATION OF LEASES BY SURRENDER AND ACCEPTANCE

A. IN GENERAL

§ 26:3 Express surrender; Defined—When writing required

CHAPTER 27. QUIET ENJOYMENT OF LEASED PREMISES

§ 27:4 Breach of covenant for quiet enjoyment

CHAPTER 28. ACTUAL AND CONSTRUCTIVE EVICTION

A. ACTUAL EVICTION

§ 28:1 Actual and constructive eviction defined

TABLE OF CONTENTS

§ 28:1.25 Good Cause Eviction Law *[New]*

§ 28:1.50 Eviction as the result of foreclosure *[New]*

B. CONSTRUCTIVE EVICTION

§ 28:22 Material deprivation of enjoyment of premises essential

E. REMEDY FOR TOTAL EVICTION

§ 28:77 Damages recoverable for total eviction by landlord

**PART FOUR SUMMARY
PROCEEDINGS TO RECOVER
POSSESSION OF REAL PROPERTY**

**CHAPTER 29. SUMMARY PROCEEDINGS:
INTRODUCTORY MATTERS**

§ 29:15 Outline of procedure in summary proceeding—Effect of rent control or rent stabilization

**CHAPTER 30. GROUNDS FOR SUMMARY
PROCEEDINGS; TENANT WRONGFULLY
HOLDING OVER**

A. IN GENERAL

§ 30:13 Effect of death of lessee on fixed term

D. TENANCY AT WILL

§ 30:31 Necessity for notice to quit

E. TENANCY BY SUFFERANCE

§ 30:39 Necessity for notice to quit

J. OBJECTIONABLE TENANCY

§ 30:60 Who is an objectionable tenant

K. ILLEGAL USE

§ 30:62 Necessity for notice of termination

**L. RENT CONTROLLED AND RENT STABILIZED
TENANCIES**

§ 30:63 Rent controlled tenancy; Grounds for eviction

§ 30:65 Rent stabilization tenancy; Grounds for eviction

§ 30:67 Notice in non-primary residence proceedings

CHAPTER 34. GROUNDS FOR SUMMARY PROCEEDINGS; ILLEGAL USE AND BANKRUPTCY

A. ILLEGAL USE

§ 34:1 Elements

CHAPTER 35. GROUNDS FOR SUMMARY PROCEEDINGS; ADDITIONAL CASES

G. SUMMARY PROCEEDING AGAINST LICENSEE

§ 35:34 Elements

CHAPTER 36. GROUNDS FOR SUMMARY PROCEEDINGS; FORCIBLE OR UNLAWFUL ENTRY AND DETAINER

§ 36:1 Generally

§ 36:2 Other remedies available

§ 36:5 Ouster of employee or licensee

CHAPTER 39. SUMMARY PROCEEDINGS; BY WHOM MAINTAINABLE

§ 39:20 Neighbor of illegally used real property

§ 39:22 Forms—Assignment of rents and profits *[New]*

Table of Contents

PART FOUR SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF REAL PROPERTY (CONTINUED)

CHAPTER 40. SUMMARY PROCEEDINGS; JURISDICTION AND VENUE

§ 40:8 Supreme court power of consolidation and removal

CHAPTER 41. SUMMARY PROCEEDING; PETITION

G. POWER OF AMENDMENT

§ 41:36 Generally

H. FORMS

§ 41:37.50 Petition for nonpayment of rent—Another form *[New]*

§ 41:39.50 Petition to remove tenant holding over after expiration of term (New York City Civil Court) *[New]*

§ 41:47.50 Petition to remove tenant holding over after termination of lease pursuant to express provision thereof on ground that tenant is objectionable [Form: RPAPL §§ 711, 741] *[New]*

§ 41:48.50 Petition to recover possession of premises used or occupied for illegal purposes *[New]*

§ 41:55.50 Petition to recover possession of real property—Tenant has dog in apartment in violation of lease agreement *[New]*

CHAPTER 42. SUMMARY PROCEEDINGS; NOTICE OF PETITION

B. SERVICE

§ 42:5 Personal service

§ 42:7 Conspicuous place service

§ 42:9 Time of service

§ 42:11 Filing proof of service

CHAPTER 43. SUMMARY PROCEEDINGS; ANSWER

E. DEFENSES

- § 43:27 Failure to obtain certificate of occupancy
- § 43:29 Loft buildings occupied as residence
- § 43:31 Breach of covenant
- § 43:34 Retaliatory eviction

F. COUNTERCLAIM

- § 43:45 Form: Answer containing counterclaims—In answer to petition to recover possession of premises *[New]*
- § 43:46 Form: Answer containing counterclaim—In answer to petition to recover possession of premises—Counterclaim for attorney's fees and expenses incurred in defending summary proceeding *[New]*

CHAPTER 45. SUMMARY PROCEEDINGS; JUDGMENT

C. CONCLUSIVENESS OF JUDGMENT; RES JUDICATA

- § 45:21 Applicability of res judicata to summary proceeding

CHAPTER 46. SUMMARY PROCEEDING; WARRANT

A. IN GENERAL

- § 46:1 What it is
- § 46:10 Persons removable
- § 46:18 Cancellation of lease by issuance of warrant

Table of Laws and Rules

Table of Cases

Index