

**Legal Alert: New Real Property Law § 235-h Section on Yellowstone Injunction**

**January 2, 2020**

Governor Cuomo just signed a new law into effect (Real Property Law §235-h). This law overturns the recent Court of Appeals ruling upholding lease clauses that prohibit seeking Yellowstone Injunctions. Those clauses are now void as against public policy.

Below is the text of the new statute:

§ 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.