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Landlord and Tenant Law in a Nutshell, 5th Edition

Carol N. Brown

University of Richmond, cbrown5@richmond.edu

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PREFACE

Since 1979, when the first edition of this book was published, the movement of landlord-tenant law toward a greater emphasis on the contractual aspects of a lease has continued relatively unabated. The most notable development in this trend continues to be adoption of the implied warranty of habitability and the accompanying idea of dependence of covenants. At the present time, most jurisdictions have adopted the implied warranty of habitability as the principal doctrine controlling landlord-tenant relations in residential leases. The trend is also reflected in increased application of the doctrine of mitigation and retaliatory eviction. Particular attention has been given to these areas. And, of course, we have tried to make all the subjects covered by this book as current as possible.

The coverage and organization of this book remains essentially the same as that of the first four editions. With respect to the purpose of the book, perhaps the preface to the first edition bears repeating:

"It has been said, and it is probably true, that no first year law school course is as rule-laden and complex as Real Property. A substantial portion of the law of Real Property concerns the relationship of landlord and tenant. This book is intended as a
PREFACE

succinct presentation of landlord-tenant law, de­
signed primarily to aid first year law students. It
contains an exposition of most of the rules that
govern the legal relations of landlords and tenants,
and the exceptions thereto, and also encompasses
some exploration of the underlying reasons for the
rules. The policy-oriented discussions are included
in the hope that they will help the student to better
understand the rules and to begin to examine them
from a more critical perspective...."

Because of the limitations of the Nutshell for­
mat, we believe that this book should be merely the
starting point of a student's study of landlord­
tenant law. Within these limitations, we hope that
we have provided a tool that students will find
useful in their study of the law of landlord and
tenant.

We thank the research librarians at the Univer­
sity of North Carolina School of Law for their
invaluable research assistance with this Edition.

DAVID S. HILL
CAROL NECOLE BROWN