

2011

Landlord and Tenant Law in a Nutshell, 5th Edition

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Recommended Citation

Carol N. Brown & David S. Hill, *Landlord and Tenant Law in a Nutshell* (5th ed. 2012).

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**LANDLORD
AND
TENANT LAW
IN A NUTSHELL**
FIFTH EDITION

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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, designed 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 format, 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 University of North Carolina School of Law for their invaluable research assistance with this Edition.

DAVID S. HILL

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