

One Minute Memo®



Freelance Isn't Free Act Signed by Mayor De Blasio

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Seyfarth Synopsis: The Freelance Isn't Free Act, granting protections for freelancers in New York City, was signed by Mayor De Blasio on November 16, 2016. The law, on which we previously reported in detail [here](#), will go into effect on May 15, 2017.

As we anticipated, Mayor De Blasio signed the Freelance Isn't Free Act into law on November 16, 2016. With his signature, the law will become effective on May 15, 2017. Highlights of the law follow. For more specific details, see our earlier [client alert](#).

Under the law, freelance workers are defined as "any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, that is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation." The term "independent contractor" is not defined under the Act.

A written contract is required for services performed by freelance workers valued at \$800 or more, either by itself or when aggregated with all agreements between the parties during the preceding 120 days.

Hiring parties must also pay freelance workers on or before the agreed upon date and may not condition payment on accepting less compensation than previously agreed. The law prohibits retaliation against freelancers for complaining about violations of the law, and also provides a non-binding complaint resolution mechanism and navigation program with seemingly no enforcement ability through the New York City Office of Labor Standards ("OLS"). Under this framework, a complaint must be filed with the OLS within two years of the alleged violation.

A private right of action for unlawful payment practices under the law or claims of retaliation may be brought directly in a court of competent jurisdiction within six years of the alleged violation.

Hiring parties of freelancers should review their practices to ensure compliance with this law before it becomes effective on May 15, 2017.

If you would like further information, please contact your Seyfarth attorney, or [Meredith-Anne Berger](#) at mberger@seyfarth.com, or [Gena B. Usenheimer](#) at gusenheimer@seyfarth.com.

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