



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Implementation of the Freelance Isn't Free Act

as made available for public inspection

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

Published on *NYC Rules* (<https://rules.cityofnewyork.us>)

[Home](#) >

Public comments for: Implementation of Freelance Isn't Free Act

Comments

Roselle Ignacio

Comment:

It would be important to note the difference between a Letter of understanding and an actual written contract since most freelancers in NYC would not know the difference. A LOU looks just like a contract, meaning both parties sign, but unlike a contract, it is not binding. I would like to see this addressed in the hearing and the new proposed changes.

Supporting Document:

[important-new-rights-for-new-york-city-seo-freelancers.pdf](#)

Agency: [DCA](#)

Source URL: <https://rules.cityofnewyork.us/comments-view/27106>

Important New Rights for New York City Freelancers

The “Freelance Isn’t Free” Bill Passes in NYC and what it really means for freelancers in New York City?

What Does This New Law Mean for Freelancers in the city? It basically gives freelancers the same state law labor rights as employees have. This is a gamechanger. It gives freelancers the right to double the damages: \$2,000.00 for every \$1,000.00 of the agreed price of the work. If freelancers win, the company will have to pay freelancers a 100% penalty, plus the freelancer's attorneys' fees and the freelancer's court costs.

Why will it be different now?

Now freelancers will be able to get a lawyer to sue without paying out of pocket.

This is called: “Contingency Fee” freelancers Don’t Pay any Legal Fee , Unless freelancers Win

- Then the attorney gets a percentage of the fee. Freelancers have nothing to lose!
- The people that hired freelancers will have to take the freelancer's lawsuit more seriously now, because they will have to pay double damages.
- They will have to pay the freelancer's attorney's fees if they lose, which could be more than the amount that freelancers were supposed to be paid in the first place.
- In practical terms, this also means that the freelancer's case will be easier to settle, and will resolve in less time.

What if the company never gave me anything in writing saying how much I’d be paid?

- A written contract is required.
- If freelancers asked for a written contract and none is given to you, that’s a violation that freelancers can now sue for, in and of itself.
- In employment law cases, if the employer doesn’t keep any records, the freelancer's word is presumed to be right, as long as what you’re claiming is reasonable. This is another issue that will have to develop in the courts when the law goes into effect.

What Practical Difference Will this new “ Freelance Isn’t Free” law mean to me?

Now, a lot of companies just aren’t paying freelancers because freelancers have so few legal rights, and they’re just not worried about freelancers suing them. Until this law was passed, most attorneys were not willing to do these cases for a percentage of what they got for freelancers at the end (this is called a “contingency fee”, explained above); they wanted freelancers to pay their legal bills by the hour up front, which freelancers couldn’t afford to do. **THIS CHANGES ALL THAT.**

If I was hired to do the job by a single individual, as opposed to a company, will this law apply?

Yes, it will.

I consider myself a Freelancer, but how do I know if I can use this new law?

- It only applies to “organizations of no more than one person”, but if freelancers have a corporation or a d/b/a name, that’s OK.
- If freelancers have salaried employees on a regular basis, this law may not apply.
- If freelancers use independent contractors or people to help freelancers on an “as needed” basis, freelancers probably will be able to use this law, but:
 - These issues, and others, will be fought between “us” and “them” when it goes into effect. It will only apply to jobs for \$800 or more.

When is this law going into effect?

On May 16, 2017. It will only apply to contracts entered into on or after the effective date

Where can I find the new law?

New York City Passes Freelancer Wage Protection Law: “Freelance Isn’t Free” Here’s the link:

<http://www1.nyc.gov/office-of-the-mayor/news/307-17/freelancers-aren-t-free-mayor-first-nation-protections-freelance-workers> <https://roselleignacio.com/nyc-seo-website-design/>