



NYC Sheriff's Office
3010 Starr Avenue
Long Island City, NY 11101
Tel #: (718) 707-2100

November 27, 2023

ABC Corp
Abc Lane
ABC, N.Y. 08527-2933

Re: ABC 123rd Street

Dear Owner/Manager,

It has come to our attention that a business operating out of a building you own, manage, or for which you are otherwise responsible has been subject to a law enforcement action or has otherwise been served with a notice of violation as a result of selling tobacco or cannabis products without a license. Please be advised that the sale of tobacco (including cigarettes, e-cigarettes, e-cigarette liquids, and other tobacco products) or cannabis products is subject to strict regulation and the consequences for failing to adhere to such regulations include civil and criminal penalties for the seller. Please be further advised that the unlicensed sale of tobacco or cannabis products by a tenant may result in legal liability for the owner or landlord of the building where it is occurring. If you are the owner or landlord of this building, it is your responsibility to ensure that the premises are operated in accordance with applicable law.

As an initial matter, the unlicensed sale of tobacco or cannabis products can be deemed a nuisance pursuant to New York City Administrative Code § 7-703, and the City could initiate an action against the building and its owner for an injunction and penalties up to \$1,000 a day. In addition, the City is empowered to request that the building owner or landlord initiate an action to remove tenants from the property pursuant to Real Property Actions and Proceedings Law § 715, which prohibits the use or occupancy of demised real property "in whole or in part *for any illegal trade, business, or manufacture*" (emphasis supplied).

If a property owner, landlord or agent does not initiate and diligently pursue an action to remove tenants engaged in the unlicensed sale of tobacco or cannabis products in response to such a request, the law permits the City to initiate an action in the owner's or landlord's place to protect the public from the tenants' illegal use of the property. In such a case, the owner or landlord may be subject to a civil penalty of up to \$5,000.00 and found liable for the City's costs and attorneys' fees.

Moreover, after separate notice from the City, Administrative Code § 10-186 allows the City to impose penalties of at least \$5,000 against the owner, landlord, lessee, or other person in control of the premises for allowing the continued use of the premises to sell tobacco or cannabis products without a license. Similarly, under Real Property Actions and Proceedings Law § 715-a, property owners or landlords can be held liable for penalties up to three times the amount of rent being charged, if legal action is not taken to remove the tenant engaged in the unlicensed sale of cannabis.

A landlord may also be found liable for any damages under Real Property Law § 231(2), for knowingly or otherwise permitting such unlawful sale to take place.

If you have any questions regarding this matter, you may contact the Sheriff's Office at (718) 707-2100.

NYC Department of Finance,
Office of the Sheriff

NY Police Department

NYC Mayor's Office of
Special Enforcement