



# Commercial Tenant Harassment

# Who is Cooper Square Committee?



The Cooper Square Committee is NYC's oldest anti-displacement organization. We organize residents and small businesses to contribute to the preservation and development of affordable, environmentally healthy housing and community/cultural spaces so that the Cooper Square area remains racially, economically and culturally diverse.

# Who is Cooper Square Committee?



Cooper Square Committee's Small Business Program impacts hundreds of commercial tenants every year, connecting them with vital support services and information such as commercial lease assistance, compliance navigation, financing and loans, and business counseling.

# Who is USBnyc?



Cooper Square Committee is a member of United for Small Business NYC (USBnyc), a coalition of community organizations across New York City fighting to protect New York's small businesses and non-residential tenants from the threat of displacement, with a particular focus on owner-operated, low-income, minority-run businesses that serve low-income and minority communities.



# What has USBnyc done?



In 2019, we won a campaign to establish a **vacant storefront registry**. Now, the City collects and publishes counts of vacant and occupied first and second floor commercial spaces, as well as average and median rents by council district, borough and citywide. Landlords are required to report information by property, and the city is also required to publish a searchable database of specific property information. These databases allow policymakers, advocates, and community members to track vacancy trends in their own neighborhoods and communities while holding landlords accountable for failing to register.

# Commercial Lease Assistance Program



In 2018, USBnyc fought to establish the Commercial Lease Assistance Program. NYC business owners can now receive free, confidential legal help from a qualified attorney.

# Commercial Tenant Anti-Harassment Law



In June 2016, United for Small Business NYC organized to help pass Local Law 77 – the first-in-the-country **Commercial Tenant Anti-harassment Law (§ 22-902)**. This statute establishes a legal definition of commercial tenant harassment and gives commercial tenants the right to sue their landlord in court. The intention of the law was to serve as a tool for non-residential tenants to fight back against harassment and displacement from landlords. **But, the lack of enforcement leaves tenants with the burden to prove they are being harassed and take their landlords to court.**

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- Any **act or omission** on the part of the landlord that interrupts the tenant's business operations and would reasonably cause them to vacate or waive rights
- Repeated or long-term **interruptions** or discontinuances of **one or more essential services** such as electricity, water or heating
- **Removing any personal property** belonging to the tenant, their employees, subtenants or customers from the leased premises
- Commencing **unnecessary construction** or repairs on or near the leased premises, which substantially interferes with the tenant's business
- **Changing locks** or preventing the tenant from entering
- Using **force or threats**

# How common is Commercial Tenant Harassment?

- NYC does not collect or publish official data on commercial tenant harassment.
- According to survey data published in “The State of Storefronts 2023: Beyond Recovery,” **1 in 5** merchants said they had experienced one or more forms of commercial tenant harassment. (\*)
- In FY 2022, the Commercial Lease Assistance Program assisted **115 businesses** with **harassment and breach of contract** issues. (\*\*)
- These cases constituted **13 percent** of the overall cases they handled that fiscal year. (\*\*)

(\*) [https://anhd.org/sites/default/files/state\\_of\\_storefronts\\_2023\\_final.pdf](https://anhd.org/sites/default/files/state_of_storefronts_2023_final.pdf)

(\*\*) Government Publications Portal. Report on Legal Services to Covered Small Businesses Tenants 2020-2022. NYC Records and Information Services. Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/vx021j926?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/vx021j926?locale=en)

# Merchants share stories

## What is the problem?

- It was an important step to legally define commercial tenant harassment.
- However, the only way to hold landlords accountable to that definition is to **affirmatively sue**.
- The vast majority of small business owners experiencing harassment do not have the resources to sue their landlord.
- Since the commercial tenant anti-harassment statute was enacted in 2016, **fewer than 30 cases** have been heard by New York Supreme Court.\*

\*Testimony of SBS Commissioner Dynishal Gross at NY City Council Joint Small Business and Economic Development Committee Hearing, January 30, 2025

## What do we need?

- SBS should offer more guidance to businesses on the issue.
- Further, the **City must provide an enforcement mechanism to protect small business that can demonstrate harassment from their landlord.**
- Landlords should be held fully responsible for maintaining the leased property and ensuring it remains safe and functional.
- The City should expand its investments in the Commercial Lease Assistance Program and merchant organizing.