

New York City's Revival Window Opens for Gender-Motivated Violence Survivors

WRITTEN BY

Molly S. DiRago | Bennet J. Moskowitz | Sophia N. Dauria

On March 1, New York City's "revival window" opened for survivors of gender-motivated violence. The revival window, also referred to as a "lookback period," runs until March 1, 2025, providing survivors with two years to bring civil claims against "a party who commits, directs, enables, participates in, or conspires in the commission of a crime of violence motivated by gender,"^[1] including previously time-barred claims.

The New York City Administrative Code defines a crime of violence motivated by gender as a crime "committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender."^[2] Although this definition may seem narrow, the New York Appellate Division, First Department has held that an allegation of rape or sexual assault sufficiently shows the requisite animus of the victim's gender.^[3]

Individuals and institutions are potential defendants in lawsuits filed during this revival period, as the law provides that victims may file suit against "a party who commits, directs, enables, participates in, or conspires in the commission of a crime of violence motivated by gender."^[4] This includes suits against employers, educational institutions, summer camps, medical practices, and other entities under a vicarious liability theory.

The law also provides for the following relief:

- Compensatory and punitive damages;
- Injunctive and declaratory relief;
- Attorneys' fees and costs; and
- Other relief as a court may deem appropriate.

In the first few weeks after the opening of [New York State's Adult Survivors Act's](#) look-back window, approximately 35 plaintiffs filed suit under the statute.^[5] A similar surge of litigation is expected to occur following the March 1 opening of New York City's look-back period.

Thus, potential defendants should begin to prepare, as such claims can date back decades and implicate complex insurance and liability issues. Employers and other institutions should consider reviewing training materials and

policies. In addition, investigation procedures should be audited to ensure the entity's procedures facilitate timely reporting and investigation of sexual misconduct.

For more information, please read our previous advisory on “[Employers and Others Prepare for New York's Adult Survivors Act Revival Window Opening November 24](#)” and our *Law360* article on “[Employers Must Prepare For Revival Law Sex Abuse Claims](#).”

[1] N.Y.C. Admin. Code §§ 10-1104, -1105.

[2] N.Y.C. Admin. Code § 10-1103.

[3] *Breest v. Haggis*, 180 A.D.3d 83, 94 (1st Dep’t 2019) (finding that “[m]alice or ill will based on gender is apparent from the alleged commission of the [rape or sexual assault] itself. Animus inheres where consent is absent.”).

[4] N.Y.C. Admin. Code § 10-1104.

[5] Emily Saul, *New York’s Adult Survivors Act Has Ushered in Dozens of Lawsuits in First Month Since Enactment*, *Courts Report*, Law.com (Dec. 28, 2022), <https://www.law.com/newyorklawjournal/2022/12/28/new-yorks-adult-survivors-act-has-ushered-in-dozens-of-lawsuits-in-first-month-since-enactment-data-shows/>.

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