

The New York Law Journal

New York City Amends the Gender-Motivated Violence Act To Create a New 18-Month Revival Window to Reopen Civil Claims

February 3, 2026

By Brian Linder and Effie Blassberger

In 2026, NYC passed a new law allowing victims of gender violence before 2022 to refile claims, even if previously dismissed. It creates an 18-month window for filing and treats these as new causes of action to avoid legal conflicts.

With the New York City Council's override of Mayor Eric Adam's veto on January 29, 2026, New York City has enacted a new and significant amendment to its Gender Motivated Violence Act ("GMVA"), formally known as the Victims of Gender Motivated Violence Protection Law. The GMVA is a New York City law codified in the New York City Administrative Code. This new legislation amends the existing GMVA by adding an express new civil cause of action for gender motivated violence that occurred prior to January 9, 2022 and provides a new eighteen month filing window ("GMVA 2026 Amendment").

The GMVA 2026 Amendment explicitly permits plaintiffs whose claims were filed during the prior lookback window (March 1, 2023 to March 1, 2025) and subsequently dismissed to refile if their claim would satisfy the requirements of this new law.

In addition to creating a new statute of limitations revival window, the GMVA 2026 Amendment addresses procedural and doctrinal vulnerabilities that resulted in challenges to the earlier lookback window.

The History of the GMVA

New York City first enacted the Gender Motivated Violence Act in 2000, following the United States Supreme Court's decision in *United States v. Morrison*, 529 U.S. 598 (2000), in which the Court held that the federal Violence Against Women Act of 1994 targeting gender-motivated violence exceeded Congress's authority under the Commerce Clause.

As codified in Title 10 of the Administrative Code, the GMVA permits a person injured by a "crime of violence motivated by gender" to bring a civil action against a party who "commits, directs, enables, participates in, or conspires in the commission of that violence." The Appellate Division in *Breest v. Haggis* established that rape and sexual assault are inherently forms of gender motivated violence under the GMVA. 115 N.Y.S.3d 322, 330 (1st Dep't 2019). The GMVA authorizes compensatory and punitive damages, injunctive and declaratory relief, and attorneys' fees and costs, and does not require a criminal conviction or even the commencement of criminal proceedings.

Prior to 2022, the GMVA did not revive time-barred claims but simply created a new cause of action with a seven-year statute of limitations. However, in 2022, the City Council amended the GMVA ("GMVA 2022 Amendment") to extend the statute of limitations period to nine years and

to create a two-year lookback window allowing survivors to bring otherwise time-barred claims. That window, which opened in March 2023 and closed in February 2025, resulted in a surge of litigation. The GMVA 2022 Amendment also amended the language to make clear that lawsuits could be brought against institutions that enabled or concealed gender motivated violence as well as against individual perpetrators.

The Litigation Backdrop to the GMVA 2026 Amendment

The GMVA 2026 Amendment was enacted in the wake of a fast-developing and unsettled line of decisions on whether the revival window created by the GMVA 2022 Amendment was preempted by New York State’s Adult Survivors Act (“ASA”) and Child Victims Act (“CVA”).

Defendants challenging the GMVA 2022 Amendment have argued that the CVA and the ASA together occupy the field of reviving civil claims arising from conduct that also constitutes sexual offenses under the Penal Law. Because those state statutes established specific and limited revival windows, defendants contended that the broader lookback period created by the GMVA 2022 Amendment conflicted with state law and was therefore preempted. This was the reasoning adopted by Judge Lewis A. Kaplan of the Southern District of New York, who held that the City’s revival window was preempted and dismissed GMVA revival claims in *Parker v. Alexander*, 779 F. Supp. 3d 361, 365 (S.D.N.Y. 2025).

Plaintiffs defending the GMVA 2022 Amendment have advanced a contrary interpretation, arguing that neither the CVA nor the ASA was intended to occupy the field with respect to civil remedies for gender motivated violence. According to plaintiffs, the GMVA created a distinct municipal cause of action that could be lawfully enacted pursuant to the City’s home-rule authority, and its revival window therefore did not plainly conflict with state law. Adopting this view, Judge Jessica Clarke rejected a preemption defense and permitted GMVA claims to proceed in *Doe v. Black*, 2024 U.S. Dist. LEXIS 175929 (S.D.N.Y. 2024).

Appeals from these rulings are currently pending in the Second Circuit. The Second Circuit may elect to decide the issue directly or certify the question to the New York Court of Appeals, given that it turns on the interaction between state statutes and a municipal enactment.

State courts have also weighed in on this issue. In both *Ogechi Chieke v. Wiley*, Index No. 152741/2021, at Dkt No. 14 (Sup. Ct. N.Y. Cnty. Jan. 7, 2026) and *Doe v. Schlesinger*, 238 N.Y.S.3d 900, 902 (Sup. Ct., Kings County), courts denied a motion to dismiss GMVA claims premised on the preemption argument, holding that the GMVA lookback provision remains enforceable notwithstanding the state revival statutes.

Several courts further held that the GMVA 2022 Amendment’s expansion of liability to institutional defendants was not retroactive and therefore could not support claims based on pre-January 9, 2022 conduct. In reaching that conclusion, courts characterized the shift from individual to institutional liability as a substantive change in the scope of the statute, one that could not be applied to earlier conduct through the lookback provision alone.

These conflicting outcomes have meant that, depending on forum and judge, plaintiffs filing claims under the GMVA 2022 Amendment faced the risk of early dismissal of their claims before an adjudication on the merits.

Core Features of the GMVA 2026 Amendment

The GMVA 2026 Amendment creates a new cause of action under the GMVA for gender motivated violence that occurred before January 9, 2022. Rather than relying on the retroactive application of the GMVA's existing provisions under the GMVA 2022 Amendment, as the GMVA 2022 Amendment attempted to do through a lookback window, the City Council enacted a separate provision in the Administrative Code that specifically governs pre-2022 conduct. This drafting choice reflects a deliberate effort by the Council to frame the GMVA 2026 Amendment as a substantive legislative enactment creating an independent basis for liability, rather than a procedural mechanism for reviving expired claims.

By framing the GMVA 2026 Amendment as a new cause of action, the Council appears to have sought to avoid the preemption and retroactivity concerns that arose in litigation challenging the GMVA 2022 Amendment. In particular, this approach attempts to distinguish the GMVA from the CVA and ASA, and to situate the amendment within the City's home rule authority rather than as an extension of state law revival periods. Under this theory, the City is not reopening previously time barred claims, but instead defining new municipal liability for conduct that had not previously been actionable under local law.

At the same time, the practical operation of the GMVA 2026 Amendment may remain difficult to separate from claim revival. The newly created cause of action applies to conduct that would otherwise be time-barred and authorizes civil claims based on historical conduct that could not have been brought prior to the amendment's enactment. Defendants are therefore likely to argue that this legislation exalts form over substance and, regardless of how the statute is labeled, it is in fact a claim revival statute and should be evaluated as such for purposes of preemption and retroactivity.

Whether courts will accept the Council's formal distinction between revival and creation of a new claim will be determined in subsequent litigation.

Brian D. Linder is a partner and litigator with Clayman Rosenberg Kirshner & Linder LLP. He has over 40 years of experience representing individuals and corporations in a wide variety of complex criminal and civil litigation matters at both the trial and appellate level.

Effie Blassberger is a partner and litigator at Clayman Rosenberg Kirshner & Linder LLP. Her practice focuses on white-collar criminal defense and civil litigation, with a particular focus on #MeToo litigation.

Reprinted with permission from the February 3, 2026, edition of the "New York Law Journal" © 2026 ALM Media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. ALMReprints.com – 877-257-3382 - reprints@alm.com.