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NYC Hit With Lawsuit Over Vaccine Mandate

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A class-action lawsuit brought by a Staten Island real estate broker filed Wednesday is challenging New York City's sweeping mandate that requires nearly all private-sector businesses to ban workers who aren't vaccinated against COVID-19.

The lawsuit argues the city's attempt to control the coronavirus pandemic deprives tens of thousands of businesses from pursuing their livelihoods.

"This case is not about vaccines, but about an employer's right to be heard when the [Department of Health and Mental Hygiene] and the City pass a sweeping — and first in the nation — law meant to fight the COVID-19 pandemic," the class action complaint stated.

Cornerstone Realty, a Staten Island real estate firm, is the primary plaintiff.

The mandate was one of former Democrat Mayor Bill de Blasio's [final acts](#) before leaving office. He set a Dec. 27, 2021, deadline for virtually all private sector businesses — roughly 184,000 businesses that employ hundreds of thousands of people — to require workers to show proof they've gotten at least one dose of a COVID-19 vaccine.

The New York City mandate is stricter than the one imposed by the Biden administration, as it does not allow unvaccinated workers to opt for weekly COVID-19 testing.

Businesses face fines of at least \$1,000 for noncompliance.

The city's new mayor, Eric Adams — who is named in the lawsuit filed in U.S. district court in Brooklyn — has already said he'll [keep the mandate](#) in place.

According to the lawsuit, the city is violating the constitutional rights of business owners to make a living, and New York City has no authority under federal law to impose vaccine mandates on private-sector companies, although such requirements already exist for restaurants, bars, theaters, gyms, and other indoor gathering places.

"As the last two years of the COVID-19 pandemic has shown, remote work is impossible for Cornerstone Realty's agents, who must be physically present to show or list properties. Businesses like Cornerstone Realty are similarly situated across New York City," the lawsuit states.

"The sad part is that scores of people have already lost their jobs because they have been fired or laid off," a lawyer for the plaintiffs, Louis Gelormino, told The Associated Press.

According to the stiff new rules — covering not only stores but shared work spaces and taxis — private employers have to keep a record of each worker's vaccination proof, and hold workers with one shot to get a second within 45 days. Companies also have to display a sign that verifies they're complying with the rules.

Though businesses don't have to fire noncompliant workers, they have to keep them out of the workplace.

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