## NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to comment on proposed rule changes to Section 2-02 of the Loft Board Rules, which relate to harassment applications.

**Date / Time:** July 19, 2012 at 2PM

**Location:** 280 Broadway
3rd Floor
New York, NY 10007

**Contact:** New York City Loft Board
280 Broadway
3rd Floor
New York, NY 10007
(212) 566-5663

### Proposed Rule Amendment

Pursuant to the authority vested in the New York City Loft Board by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, the New York City Loft Board intends to amend section 2-02 of Title 29 of the Rules of the City of New York. The proposed amendment will conform the Loft Board's rules regarding harassment applications to the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010 and streamline the processing of harassment applications.

### Instructions

- You may submit written comments about the proposed amendment by mail to the New York City Loft Board at the address shown above or electronically through NYCRULES at www.nyc.gov/nycrules by July 19, 2012.

- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact the New York City Loft Board at the phone number shown above by July 16, 2012.

- Summarized copies of the written and oral comments received at the hearing will be available July 26, 2012 between the hours of 10:00 A.M. and 4:00 P.M. at the offices of the New York City Loft Board.

## Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law (MDL), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the New York State Legislature amended the Loft Law. In order to be consistent with the changes to the Loft Law and to streamline the processing of harassment applications, the Loft Board intends to amend section 2-02 of Title 29 of the Rules of the City of New York.

The 2010 amendment to Section 282 increased the maximum civil penalties punishable for violations of the Loft Law from $1,000 to $17,500 per violation**.** The proposed rule increases the maximum civil penalties that the Loft Board may impose against owners and prime lessees who engage in an act or acts of harassment against occupants.

Under the existing rule, tenants are required to file harassment applications within 180 days from the allegedly harassing behavior. However, acts committed outside of this filing period may be considered if they represent an “ongoing course of conduct.” The proposed rule provides a standard for determining what acts constitute an “ongoing course of conduct” and therefore may be considered even if they occurred outside of the 180-day filing period for the harassment application.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this Board, unless otherwise specified or unless the context clearly indicates otherwise.

New matter in the following rule is underlined, and deleted material is in brackets.

Section 2-02 of Title 29 of the Rules of the City of New York is amended to read as follows:

§2-02 **Harassment.**

(a) *Applicability.*

These harassment [regulations shall] rules apply to all [future complaints of] harassment applications filed with the Loft Board, after October 14, 2012, the effective date of this amended rule. [after the effective date of these regulations (April 20, 1987). Pending cases in which the Loft Board has not yet rendered a final determination as of the effective date of these regulations (April 20, 1987) shall be subject to all sections of these regulations except §§2-02(c)(i) through 2-02(c)(6)(i); the processing of these pending cases shall be in accordance with the Board's Regulations for Internal Board Procedures—§§ I-06(a) to (j).] Harassment applications are subject to the harassment rule in effect on the date of the initial filing of the application.

All orders of harassment [issued prior to the effective date of these regulations (April 20, 1987) shall be] must be [noted] kept in the Loft Board's records and in the office of the City Register in accordance with the provisions of § 2-02(d)([l]1)(iii) of these [regulations] rules. [Landlords affected by previous orders may apply to the Loft Board in accordance with § 2-02(d)(2) for an order terminating the finding of harassment no sooner than one year and 180 days from the effective date of these regulations.]

(b) *Definitions.*

**Harassment** [**.** The term "harassment"* shall] means any course of conduct or single act engaged in by the landlord or any other person acting on its behalf that interferes with or disturbs the comfort, repose, peace or quiet of an occupant in the occupant's use or occupancy of its unit if such conduct is intended to cause the occupant to vacate the building or unit, or to surrender or waive any rights of such occupant under the occupant's written lease or other rental agreement or pursuant to Article 7-C. Harassment may also include any act or course of conduct by a prime lessee or any person acting on his or her behalf that would constitute “harassment” if engaged in by the landlord, against any of the prime lessee’s current or former subtenants who are residential occupants qualified for the protection under Article 7-C.

Harassment [shall] includes, but is not limited to, the intentional interruption or discontinuance of or willful failure to provide or to restore services customarily provided in the building or required by written lease or other rental agreement or, for residential occupants qualified for the protections of Article 7-C, by the Loft Board [regulations] rules regarding minimum housing maintenance standards. Harassment [shall] does not include either the lawful termination of a tenancy or lawful refusal to

renew or extend a written lease or other rental agreement, or acts performed in good faith and in a reasonable manner for the purposes of operating, maintaining or repairing any building or part thereof.

There is no requirement that the landlord's actions or inactions be illegal to constitute harassment. The Loft Board may find that a particular act constitutes harassment whether is it was directed toward one tenant or multiple tenants.

**Landlord** [**.** The term "landlord" shall] means the owner of an IMD, the lessee of a whole building all or part of which contains IMD units [is an IMD], or the agent, executor, assignee of rents, receiver, trustee, or other person having direct or indirect control of such [a] building(s).

**Occupant,**[**.** The term "occupant"] unless otherwise provided, [shall] means a residential occupant qualified for the protections of Article 7-C, or any other residential tenant or [a] nonresidential tenant of an IMD building.

**Ongoing Course of Conduct**, for purposes of this rule, means actions or inactions by or on behalf of the landlord that when considered together, show a continuous pattern of behavior.

**Continuous Pattern of Behavior**, includes, but is not limited to, acts, at least one of which happened within 180 calendar days preceding the filing of the harassment application that show a sequence of events that are similar in nature or a sequence of events that are reasonably related.

(c) *Procedures for considering harassment applications.*

(1) It is unlawful for a landlord or any other person acting on its behalf to engage in conduct constituting harassment against any occupant of an IMD building. A [complaint of] harassment application may be filed with the Loft Board by [an] occupant(s) [or occupants] of an [interim multiple dwelling] IMD building. The [complaint shall] application must be filed on a form [prescribed] approved by the Loft Board and [shall be] will be processed in accordance with [the Board's Regulations for Internal Board Procedures—§]§ 1-06[(a) to (j)] of these Rules, [except as] and the specific requirements provided below [herein].

(2) (i) [The complaint shall allege in separately numbered paragraphs each type of conduct claimed to constitute harassment of occupants of the IMD by the landlord. Each paragraph shall contain a complete] The description of the conduct complained of must contain [, including] the actual or approximate date(s) on which such conduct occurred, the manner and location of each occurrence, and if the complaint is filed on

behalf of more than one occupant, the occupant[(]s[)] against whom the occurrence was directed. [Except for a complaint alleging conduct that has occurred prior to the effective date of these regulations (April 20, 1987), the complaint shall] The application must be filed within 180 calendar days of the conduct complained of[;], or where an ongoing course of conduct is alleged, as defined in subdivision (b), the [complaint] application must [shall] be filed within 180 calendar days of the last occurrence. [A complaint alleging conduct that has occurred prior to the effective date of these regulations (April 20, 1987) shall be filed within 180 days of the effective date of these regulations.]

(ii) [If a complaint fails to set forth a claim of harassment as defined in §2-02(b) "Harassment", the Loft Board shall notify the complainant(s) in writing of the deficiency and of the opportunity to file an amended complaint with the Loft Board within 15 days after the date of notification. Following such period if the complaint does not allege conduct constituting harassment, it shall not be processed further. If appropriate, it shall be deemed a complaint of failure to provide service and shall be processed pursuant to the Loft Board's rules and regulations relating to enforcement of minimum housing maintenance standards. Staff's decision not to process a harassment complaint may be reviewed by the Loft Board, upon application by a complainant.]

(iii) [Once the Loft Board staff has decided to accept a harassment complaint for further processing as described in §2-02(c)(2)(ii), a] If the Loft Board finds that an [complainant] applicant [found by the Loft Board to have] has filed [such a complaint] a harassment application in bad faith or in wanton disregard of the truth, the applicant may be subject to a civil penalty as determined by the Loft Board in § 2-11.1 of the Loft Board rules [not to exceed $1,000 each such violation].

(3) The [staff of the Loft Board] applicant must [shall] serve all affected parties, [including the owner] as defined in § 1-06(a)(2), with a copy of the [complaint] application [by regular mail, retaining records attesting to such service] in accordance with the terms and procedures requiring service and proof of service of the application as described in § 1-06(b) of the Loft Board rules.

[However, where a complaint of] Where a harassment application solely alleges that the owner's challenge of a sale of improvements is frivolous, the [Loft Board staff shall] applicant must serve only the owner as an affected party.

Instructions for filing an answer (“Instruction Form”) and an answer form must be enclosed with the copy of the application sent to the affected parties. [a notice scheduling a conference on the complaint shall be enclosed in each mailing. Where the landlord against whom a complaint of harassment has

been filed is not the owner of the IMD, the mailing to the owner shall] Instructions for filing an answer must advise the owner that a finding of harassment may affect the owner's ability to decontrol or to obtain market rentals for covered IMD units pursuant to MDL §§ 286(6) and 286(12) [of Article 7-C] and the Loft Board's [regulations] rules. Inclusion of the Loft Board's approved Instruction Form with the application at the time of service constitutes compliance with this paragraph.

(4) Parties [shall] have 15 calendar days after the date on which service of the [complaint] application was completed, calculated from the mailing date shown on the certificate of mailing filed with the Loft Board, to file an answer with the Loft Board. [Twelve] Five copies of the answer with proof of service of the answer on the [complainant(s)] applicant(s), as described in § 1-06(e) of these rules, must be filed at the offices of the Loft Board.

(5) (i) Following the expiration of the deadline for filing an answer, the Loft Board or the Office of Administrative Trials and Hearings ("OATH") will send, by regular mail, a notice of conference to the affected parties. The notice of conference will schedule a date and time for an informal conference as soon as possible, but no sooner than 15 calendar days from the date of mailing the notice of conference [following the time period for filing an answer]. The notice of conference sent to the owner will advise the owner that a finding of harassment may affect the owner's ability to decontrol or to obtain market rentals for covered IMD units pursuant to MDL §§ 286(6) and 286(12) and the Loft Board's rules.

(ii) [Such] The informal conference[s] may [shall] be conducted by the Loft Board staff or OATH with the affected parties in an effort to resolve and alleviate the conditions and events alleged. Where resolution to the mutual satisfaction of the parties is achieved, a stipulation containing the terms of the resolution and the penalties, if any, for its breach [shall] must be executed by the parties and [shall be] filed with the Loft Board for its approval on [a] the Loft Board's summary calendar.

(6) Where charges of harassment remain unresolved following the informal conference, a hearing on the allegations in the harassment application [the complaint] will be held in accordance with the procedures of [§]§ l-06[(e)and (f)] of these rules[regulations for internal Board Procedures] and the following:

(i) [t]The hearing will be limited to the charges contained on the original [complaint] application, as modified at the conference, and any additional charges of harassment arising as a result of conduct occurring after the conference.

(ii) [t]The acts performed by an occupant in good faith and in a reasonable manner for the purposes of operating a nonresidential conforming use [shall] will be presumed not to constitute harassment. The presumption may be rebutted by a showing that [such] the acts were performed on the landlord's behalf and intended [by the landlord] to cause another occupant to vacate the building, or its unit or to surrender or waive any rights of such occupant under the occupant's written lease or other rental agreement or pursuant to Article 7-C.

(iii) [a]A finding by the Loft Board that the owner has willfully violated the code compliance timetable or has violated the code compliance timetable more than once may be considered as evidence of harassment. (See [regulations] rules on Code Compliance—§ 2-01(c)[(3)](5)).

(iv) [t]The issuance of a municipal vacate order for hazardous conditions as a consequence of the owner's unlawful failure to comply with the code compliance timetable [shall] will result in a rebuttable presumption of harassment. (See [regulations] rules on Code Compliance—§ 2-01(c)[(4)](6)).

(v) [a]A finding by the Loft Board of unreasonable and willful interference with an occupant's use of its unit by the landlord [owner] or its agents may be considered as evidence of harassment. (See [Regulations] rules on Code Compliance—§ 2-01(h)).

(vi) [a]A finding by the Loft Board of a willful violation of Minimum Housing Maintenance Standards may be considered as evidence of harassment of residential tenants. (See [regulations] rules on Enforcement of Minimum Housing Maintenance Standards—§ 2-04(e)(6)).

(vii) [a]A finding by the Loft Board that the filing of an application by the owner objecting to the sale of improvements was frivolous may be considered as evidence of harassment of residential tenants. An objection to the sale may be found to be frivolous on grounds including, but not limited to, the following:

> (A) [t]That it was filed without a good faith intention to purchase the improvements at fair market value or
>
> (B) [t]That the owner's valuation of the improvements has no reasonable relationship to the fair market value, as determined by the Loft Board. (See [regulations] rules on Sales of Improvements—§ 2-07(g)(1)(i)). At the occupant's request the Loft Board [shall] will issue its findings on [an outstanding

complaint of] a pending harassment application based upon the allegation that the owner's objection to the sale of improvements is frivolous, or any other pending [complaint of] harassment application in the building, concurrently with its determination of the owner's challenge.

(viii) [a]A determination by a civil or criminal court of landlord harassment of an occupant(s) [or occupants] may be considered as evidence of harassment.

(d) *Findings of harassment.*

(1) (i) *Effect of harassment finding*. A landlord that is found by the Loft Board to have harassed an occupant will [An owner found guilty of harassment shall] not be entitled to the decontrol of or market rental for any IMD unit [for which] after a sale of improvements pursuant to MDL § 286(6) or sale of rights pursuant to MDL § 286(12) of Article 7-C and these rules [regulations promulgated pursuant thereto takes place in the IMD where the harassment occurred]. This restriction [shall apply] applies to any sale of improvements or sale of rights that takes place in the IMD building where the harassment occurred on or after the date of the order containing the finding of harassment until [such time as] the date the order [may be] is terminated in accordance with § 2-02(d)(2).

(ii) *Civil penalty for a finding of harassment*. [A] If the Loft Board finds that a landlord harassed an occupant, the landlord [found guilty of harassment by the Loft Board] may be liable for a civil penalty as determined by the Loft Board in § 2-11.1 of the Loft Board rules [not to exceed $1,000] for each occurrence that is found to constitute harassment. Registration as an IMD [shall] will not be issued or renewed for any building for which fines have been imposed for landlord harassment until [such] all fines have been paid.

(iii) *Notice of a harassment finding*. [The order containing the finding of harassment shall be attached to and noted upon the current and all subsequent IMD registration applications on file for the IMD affected by such finding until such time as the order may be terminated in accordance with § 2-02(d)(2).] The order containing the finding of harassment [shall be] is binding [upon all persons] on all individuals or parties who succeed to the landlord's interest in the premises until the harassment order is terminated in accordance with § 2-02(d)(2) below. A copy of the Loft Board's order containing the finding of harassment [shall] will be mailed to the [complainant] applicant, the owner [, all occupants of the building,] and [any other] the affected parties to the

proceeding. Notice of such order [shall] will be filed by the Loft Board in the office of the City Register.

(iv) *Effect on other relevant laws*. The procedure provided in this rule [for herein shall be] operates in addition to any procedures provided under other provisions of law and [shall] must not be construed to alter, affect or amend any right, remedy or procedure that may exist under any other provisions of law, [such as] including, but not limited to the following:

> (A) [a]An occupant may apply to the Supreme Court of the State of New York for an order enjoining [the]a landlord[s] from harassment pursuant to § 235-d(4) of the Real Property Law and may pursue all other remedies in relation to harassment including the award of damages before a court of competent jurisdiction.
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> (B) [u]Upon the request of a residential occupant who either vacates, has been removed from or is otherwise prevented from occupying its unit as a result of harassment, a landlord [shall] must take all reasonable and necessary action to restore the occupant to its unit, provided that such request is made within [seven] 7 calendar days after removal, pursuant to § 26-521(b) of the New York City Administrative Code.
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> (C) [r]Residential occupants of IMDs are afforded the protections available to residential [tenants] occupants pursuant to the Real Property Law and the Real Property Actions and Proceedings Law, including § 223-b of the Real Property Law regarding retaliatory evictions, [notwithstanding that] even though such occupants may reside in an owner-occupied IMD having fewer than 4 residential units.
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> (D) [s]Special proceedings pursuant to [RPAPL] the Real Property Actions and Proceedings Law Article 7-A are available to all occupants of IMDs, [notwithstanding that] even though such IMDs may contain less than [three] 3 residential units.

(v) *Violation of § 2-04.* If the OATH Administrative Law Judge assigned to the case finds that the acts alleged by the occupant do not constitute harassment, the Administrative Law Judge may, in the alternative and without the need for the applicant to amend his or her application or pleadings, consider whether the facts alleged in the application describe an owner's failure to provide a service or an owner's unlawful diminution of services. If so, upon notice to the owner, the application

may be processed pursuant to the Loft Board's rules regarding diminution of services as described in § 2-04.

Upon notice that the facts alleged will be processed as a diminution of services claim, the owner may seek permission from the Administrative Law Judge to file a response to the claim of diminution of services. The Administrative Law Judge may recommend a fine, in accordance with § 2-11.1 for any finding of diminution of services.

(2) (i) *Terminations of Harassment Findings*. Where the Loft Board has issued a finding of harassment [a landlord, has been found guilty of harassment by the Loft Board,] the [current] landlord may apply to the Loft Board pursuant to [the regulations] § 1-06 of these rules [for Internal Board Procedures], for an order terminating the harassment finding following the expiration of the period of time specified in the harassment order [containing the finding of harassment, for an order terminating such finding]. The order containing the finding of harassment [shall] must specify the period of time, within a range of [one] 1 to [three] 3 years from the date of the order of harassment, during which the landlord [shall be] is barred from applying for an order of termination. However, where a landlord has been convicted of a crime for conduct found by the Loft Board to constitute harassment, the [current] landlord may apply for an order of termination only after at least [five] 5 years have passed since the date of the order of harassment.

After the period during which the landlord is barred from applying for termination of the harassment finding has expired, [The] the Loft Board may [grant such relief] terminate the harassment finding if it finds that:

(A) [s]Since notification of the order, the landlord has not engaged in the [proscribed] prohibited conduct [and has not engaged in] or any other conduct which constitutes harassment; [and]

(B) [t]The landlord has achieved compliance with the fire and safety standards of Article 7-B, alternative building codes or provisions of the [M.D.L.] MDL, as provided in § 2-01(a)(3) of the rules governing Code Compliance Work [Regulations] and as may be exhibited by the issuance of a temporary certificate of occupancy, or Article 7-B Certification on the approved Loft Board form, or if Article 7-B compliance was achieved prior to the date of the order of harassment, has obtained a final residential certificate of occupancy for the IMD units [as a class A multiple dwelling]; [and]

(C) [t]The landlord has paid all civil penalties assessed in the order of harassment, and there are no other orders of harassment outstanding for the IMD building, and

(D) [t]The landlord is in compliance with § 2-05 of these rules [regulations] relating to registration of the [IMDs] IMD building.

(ii) *Orders Terminating Harassment Findings.* An order terminating a prior Loft Board finding of harassment [shall apply] applies prospectively only, and the owner [shall not be] is not entitled to the decontrol of or market rental for any residential unit for which a sale of improvements pursuant to § 286(6) [of Article 7-C] or a sale of rights pursuant to § 286(12) of Article 7-C and these rules [regulations promulgated pursuant thereto] has taken place in the period from the date of the order finding harassment to the date of the order terminating such finding.

(iii) *Suspension or Revocation of Termination of Harassment Orders*. If the Loft Board at a regularly scheduled meeting or at a special session called in accordance with § l-03(a) of the [regulations for Internal Board Procedures] Loft Board rules has reasonable cause to believe that harassment is occurring or has occurred at the IMD after the date of an order terminating a prior finding of harassment, the Loft Board shall suspend such order of termination immediately. Notice of such suspension shall be mailed to the landlord and to all occupants. Upon the landlord's written request, the Loft Board shall schedule a hearing as soon as reasonably possible but not later than thirty days after the date of receipt of such request to determine whether the order of termination should be reinstated or revoked.

(iv) *Filing at the City Register.* The order of termination or [of] suspension, reinstatement or revocation of termination [shall] must be included among the IMD registration material on file[, and] with the Loft Board. The Loft Board will file the notice of termination or notice of suspension, reinstatement or revocation of termination [shall be filed by the Loft Board] in the office of the City Register.

(e) *Harassment by prime lessees.*

(1) *"Prime lessee."* For the purposes of [these]this harassment rule, [regulations] the term "prime lessee" [shall] means the party with whom the landlord entered into a lease or rental agreement for use and occupancy of a portion of an IMD building, which is being used residentially, where [s/he] the prime lessee is not the residential occupant qualified for protection of the unit, regardless of whether [such] the lessee is currently in occupancy of any

portion of the space she/he has leased from the landlord or whether [such] the lease remains in effect.

(2) It is unlawful for a prime lessee or any other person acting on his or her behalf to engage in conduct that would constitute "harassment" if engaged in by the landlord, as defined in § 2-02(b) ["Harassment"], against any of [its] the prime lessee's current or former subtenants who are residential occupants qualified for the protections of Article 7-C. A harassment application [complaint of harassment] may be filed with the Loft Board by a residential occupant qualified for the protections of Article 7-C against its prime lessee. The application [complaint shall] will be processed in accordance with the procedures described in § 2-02(c). The deed owner of the building must be listed as an affected party in all applications brought under this subdivision (e).

(3) (i) If the Loft Board finds that a prime lessee harassed an occupant, the [A] prime lessee [found guilty of harassment by the Loft Board] may be liable for a civil penalty [not to exceed $1,000] as determined by the Loft Board in § 2-11.1 of the Loft Board rules for each occurrence that is found to constitute harassment.

(ii) A prime lessee found [guilty of harassment] by the Loft Board to have harassed an occupant [shall not be] is not entitled to recover subdivided space pursuant to § 2-09(c)(5)(i) and § 2-09(c)(5)[(iii)](v) of these rules [and regulations R] relating to subletting [in § 2-09 Subletting and Similar Matters] and [shall not be] is not entitled to the rent adjustment provided for in § 2-09(c)(6)(ii)(D)(b) of these rules [those regulations].

(4) (i) After the period of time barring the owner from terminating a harassment finding provided in the Loft Board order, [A] the prime lessee [found guilty of harassment by the Loft Board] may apply to the Loft Board pursuant to § 1-06 of these rules [the Regulations for Internal Board Procedures, following the period of time specified in the order containing the finding of harassment,] for an order terminating such finding. The order containing the finding of harassment [shall] will specify the period of time, within a range of [one to three] 1 to 3 years from the date of the order of harassment, during which the prime lessee [shall] will be barred from applying for an order of termination. However, where a prime lessee has been convicted of a crime for conduct found by the Loft Board to constitute harassment, the prime lessee may apply for an order of termination only after at least [five] 5 years have passed since the date of the order of harassment. The Loft Board may grant such relief if it finds that:

(A) [s]Since notification of the order the prime lessee has not engaged in the [proscribed] prohibited conduct and has not engaged in any other conduct which constitutes harassment, and

(B) [t]The prime lessee has paid all civil penalties assessed in the order of harassment, and there are no other orders of harassment outstanding for the prime lessee.

(ii) An order terminating a prior Loft Board finding of harassment by a prime lessee [shall apply] applies prospectively only.

[* Real Property Law cf. §235-d.]

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**
**253 BROADWAY, 10th FLOOR**
**NEW YORK, NY 10007**
**212-788-1526**

**CERTIFICATION / ANALYSIS**
**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Harassment Applications (section 2-02)

**REFERENCE NUMBER:** DOB-16

**RULEMAKING AGENCY:** Department of Buildings (Loft Board)

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

(i) Is understandable and written in plain language for the discrete regulated community or communities;

(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

(ii) Does not provide a cure period because an act of harassment cannot be cured once it has already occurred.

*/s/ Ruby B. Choi* — *5/4/2012*
Mayor's Office of Operations — Date

**NEW YORK CITY LAW DEPARTMENT**
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**NEW YORK, NY 10007**
**212-788-1087**

## CERTIFICATION PURSUANT TO

## CHARTER §1043(d)

**RULE TITLE:** Harassment Applications (§ 2-02)

**REFERENCE NUMBER:** 2011 RG 066

**RULEMAKING AGENCY:** Loft Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

(i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

(ii) is not in conflict with other applicable rules;

(iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and

(iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: May 3, 2012
Acting Corporation Counsel