



Loft Board

280 Broadway, 5th Floor
New York, New York 10007
nyc.gov/loftboard

TEL: (212) 393-2616
FAX: (646) 500-6169

Reconsideration Application

INSTRUCTIONS

- Use the form below to request reconsideration of a Loft Board Order pursuant to 29 RCNY 1-07

After you **complete** the application you must **serve** a copy on each affected party. Then **file** the original and four copies of the application, the application fee and proof of service with the Loft Board. The failure to complete the application, serve it on each affected party and file it with the Loft Board may result in a delay in processing or rejection of the application. The checklist on the bottom of this sheet will help you make sure you have completed all the required steps. For more information on completing, serving and filing an application, visit our website at www.nyc.gov/loftboard or call the Loft Board at (212) 393-2616.

Completing the Application:

To be considered timely, a reconsideration application must be submitted to the Loft Board within 30 calendar days after the mailing of a Loft Board order.

1. **Clearly print the applicant's contact information.** The applicant must include a mailing address, phone number and email address. Unless otherwise indicated, if 2 or more people are applying, the Loft Board will use the first phone number or mailing address listed on the application to contact the applicants or to return the application if it is defective.
2. **Indicate the type of relationship the applicant has to the building.** You must indicate on page 1 of the application if you are an owner, residential tenant, residential subtenant, or manufacturing/commercial tenant.
3. **List the names of the affected parties, their mailing addresses, and their relationships to the building.** Except for the applicant, every party whose rights may be affected by the claim alleged in the application is an affected party and must be served with a copy of the application. For this type of application, this includes all affected parties previously named in the decision for which reconsideration is requested.
4. **State the basis for the claim raised in the application. Each application may list only one (1) claim.** Your application must state the questions presented for reconsideration and the facts and points of law relied upon as a basis for seeking reconsideration. You must include a copy of the Loft Board order you want reconsidered.
5. **Sign the application.** The applicant(s) or the applicant's attorney must sign the application form.
6. **Make a check or money order payable to the NYC Loft Board for the application filing fee.** An application fee of \$100 must be paid when the application is filed with the Loft Board. Any application that does not include the application fee will be returned without being processed unless an applicant requests a waiver of the application fee based on financial hardship.

Serving the Application:

7. All the affected parties listed in the application must be served. For more information on who is an affected party, see number 3, above.

8. Unless otherwise stated in the Loft Board rules (see number 11, below), an applicant must serve the application by regular mail **prior to** filing the application with the Loft Board.
9. In the application package you file with the Loft Board, include a **certificate of mailing stamped by the US Post Office** for each party to whom you mailed an application.



10. If you do not have the financial resources to serve all of the affected parties, you may request a waiver of the service requirement based on financial hardship. See section 1-06(b)(4) of the Loft Board rules.
11. You **must** include the following in the envelope to each affected party:
 - A copy of the application
 - A blank answer form

Filing the Application:

12. You may file the application with the Loft Board by either: (1) regular mail **or** (2) hand delivery. The application is considered filed on the day it is received if received between 9am and 4pm on Mondays through Fridays, except for holidays.
13. Include all of the following when filing the application with the Loft Board:
 - One (1) original application with the applicant's signature including a copy of the underlying Order and the Report and Recommendation, if any;
 - Four additional (4) copies of the application;
 - One copy of a blank answer form including instructions on how to file an answer;
 - A check or money order in the amount of the application fee; and
 - Proof of service made upon each affected party.



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Reconsideration Application

FOR OFFICE USE ONLY

DOCKET #: _____

Location Information:

House No(s) _____ Street Name _____

Borough _____ IMD No _____

Application Information:

Name _____ Mailing Address _____ _____ _____ Unit _____ Daytime Phone () _____ Business Phone () _____ Fax Number () _____ Email _____	Applicant is: <input type="checkbox"/> Owner <input type="checkbox"/> Residential Tenant <input type="checkbox"/> Commercial/Manufacturing Tenant <input type="checkbox"/> Other (<i>specify</i>) _____ _____ _____ _____
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Underlying Order Information:

This application seeks reconsideration of:

Loft Board Order No. _____ in Loft Board Docket No. _____.

Please attach a copy of the underlying Order and the Report and Recommendation, if any, to this application.

Affected Parties:

Affected parties include the owner and any occupants that are necessary to resolve the claims in the application. In a reconsideration application, affected parties include all of the parties listed on the underlying application, which may include owners and tenants of record, including residential, commercial and manufacturing tenants and all occupants. **Indicate type of affected party in the third column** (e.g., owner, residential tenant, etc.).

NAME	MAILING ADDRESS	TYPE

If there are more than eight affected parties, attach a separate sheet listing the same required information as above.

NOTE: Affected parties may file an answer to this application within 20 days from the date service is completed. Service by mail is deemed completed five days after the mailing by the applicant. Service by any other means is deemed completed on the date the application is served. A copy of the answer **must** be served on the applicant prior to submitting the answer to the Loft Board. Proof of Service on the applicant must be filed with the Loft Board at the same time the answer is submitted to the Loft Board.

Basis of Reconsideration Application:

At least one option below **must** be checked off and discussed fully below.

- ☐ Due Process Denial
- ☐ Material Fraud in the Prior Proceeding
- ☐ Error of Law
- ☐ Erroneous Determination based on a ground that was not argued by the parties at the time of the prior proceeding and that the parties could not have reasonably anticipated would be the basis for a determination
- ☐ Discovery of probative, relevant evidence which could not have been discovered at the time of the hearings despite exercise of due diligence

Reason(s) for Reconsideration *(attach a separate sheet if needed)*

I certify that all statements made are true and correct except for those statements which I have stated to be based on information and belief, and as to those statements, I believe them to be true and correct.

Name (print)

Signature

Relationship to Applicant (if same, write 'Same')

Date

False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

CHECKLIST:

Completing, Serving and Filing a Loft Board Application

- ☐ Am I using or did I download the correct application form from the Loft Board's website?
- ☐ Did I list my name, mailing address, contact phone number and email address as the **applicant**?
- ☐ Did I list **all** of the affected parties on page 4 of the application or on an attached sheet?
- ☐ Did I state a basis for my claim in the application?
- ☐ Did I sign the application form?
- ☐ Did I include a check or money order made payable to the NYC Loft Board for the application fee?
- ☐ Did I include the following documents with the application that I mailed to each affected party?
 - The complete application
 - A blank answer form
- ☐ Did I mail a copy of the application package to each affected party listed on the application?
- ☐ Did I obtain a certificate of mailing from the US Post Office, showing proof that I mailed a copy of the application to each affected party?
- ☐ Did I file the application with the Loft Board?
- ☐ Did I include the following in my filing to the Loft Board?
 - One original application form with the applicant's signature and four (4) copies of the complete application form including a copy of the underlying Order and the Report and Recommendation, if any
 - One (1) blank answer form including instructions for filing an answer
 - A check or money order in the amount of the application fee
 - A United States Postal Service stamped copy of the certificate of mailing for each affected party.