

REGULATORY AGENDA OF THE NEW YORK CITY LOFT BOARD PURSUANT TO SECTION 1042 OF THE CITY ADMINISTRATIVE PROCEDURE ACT

The Rules and Regulations of the New York City Loft Board are authorized pursuant § 1043 of the New York City Charter and § 282 of Article 7-C of the Multiple Dwelling Law (MDL) to ensure compliance with the Loft Law and are found in Title 29 of the **Rules of the City of New York** (“RCNY”).

Promulgation of the following rules and regulations of the New York City Loft Board is anticipated by the first day of July 2013:

1. Rule 1-06.1 Limitations on Applications

The rule states the deadline for filing initial registrations and coverage applications for interim multiple dwellings (“IMD”) pursuant to MDL § 282-a.

Persons Affected – Tenants claiming coverage and Owners registering for coverage under MDL § 281(5)

Relevant Laws – MDL § 282-a

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

2. Rule 1-07 Reconsideration

The rule amends the filing and service requirements for reconsideration applications filed with the Loft Board to comport with the recent amendments to §1-06 relating to applications filed with the Loft Board.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – 29 RCNY § 1-07

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

3. Rule 1-07.1 Appeals

The rule amends the filing requirements for appeals from administrative determinations of the Loft Board staff, and provides for hearing examiners at the Environmental Control Board to adjudicate cases filed pursuant to § 2-04 of the Loft Board’s rules.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – 29 RCNY § 1-07.1

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

4. **Rule 2-01 Code Compliance Deadline**

Rule § 2-01 has been separated into two sections. Rule §2-01 amends the code-compliance deadline dates, and contains the procedure for occupant review of an owner’s legalization plan, the narrative statement process, and the procedure for amendments to the legalization plans after obtaining a Loft Board certification. It raises the civil penalties for failure to comply with the new deadlines from up to \$1,000 per violation of the code-compliance deadlines to up to \$17,500 per violation; and states when an alteration application and a corresponding plan for MDL §281(5) buildings are not subject to narrative statement process.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

5. **2-01.2 Removal**

Rule§ 2-01.2 focuses on the setting of the initial legal regulated rent, rent adjustments and removal process. It clarifies the responsibilities of the owner with respect to the Loft Board’s procedure for setting the initial legal regulated rent and removal of an IMD building from the Loft Board’s jurisdiction.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

6. **Rule 2-02 Harassment**

The rule increases the maximum civil penalties that the Loft Board may impose against owners and prime lessees who engage in act(s) of harassment against occupants. The rule provides a standard for determining what acts constitute an “ongoing course of conduct” that may be considered even if they occurred outside of the 180-day filing period for the harassment application.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 284 and 29 RCNY § 2-01

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663.

7. **Rule 2-06.2 Interim Rent Guidelines**

Multiple Dwelling Law §§ 286(2)(i) and (iii) direct the Loft Board to establish rent adjustments prior to Article 7-B compliance for IMD units. The rule sets forth the interim rent adjustments required in MDL § 286(2)(i) for interim multiple dwelling (IMD) units covered under MDL § 281(5).

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

8. **Rule 2-07 Sale of Improvements**

The rule amends filing requirements for an application challenging a proposed sale of improvements. It increases the penalties that may be imposed for an owner’s failure to file a sales record form with the Loft Board.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2); 29 RCNY § 2-07

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

9. **Rule 2-09 Subletting**

The rule extends the Article 7-C protection of prime lessees to recover an IMD unit covered under MDL § 281(5) to 90 days after the effective date of the rule, applies the same rights and conditions for subletting for units covered under MDL §§281(1) and (4) to units covered under MDL § 281(5); and adds a deadline to file to recover a subdivided space.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – 29 RCNY § 2-09

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

10. **Rule 2-10 Sale of Rights**

The rule clarifies the rights and procedures for a residential occupant protected pursuant to MDL § 281(5) to sell his/her rights under the Loft Law.

Persons Affected – Tenants and Owners

Relevant Laws – MDL § 286(12); 29 RCNY § 2-12

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

11. **Rule 2-11 Fees**

The rule establishes the fee amounts for registration with the Loft Board and applications filed with the Loft Board.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

12. **Rule 2-11.1 Fines**

The rule establishes the fine amounts for violations of the Loft Board rules.

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663

13. **Rule 2-12 Rent Adjustment**

The proposed changes provide that units covered pursuant to MDL § 281(5) are exempt from the fair market value exception to rent adjustments pursuant to MDL § 286(2)(iii).

Persons Affected – Tenants, Owners and Prime Lessees

Relevant Laws – MDL § 286(2)

Anticipated Schedule – First half of FY ‘13

Contact – Lanny R. Alexander, Executive Director of the NYC Loft Board (212) 566-5663