

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed changes to § 1-06.1 of the Loft Board Rules related to the statute of limitations for a building owner to file an initial registration application and for a tenant to apply for coverage of a building or unit under Article 7-C of the Multiple Dwelling Law.

Date / Time: May 16, 2013 at 1:00 PM

Location: 22 Reade Street,
Spector Hall 1st 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 (“MDL”) 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 § 1-06.1 of Title 29 of the Rules of the City of New York to include the statute of limitations for filing initial registration and coverage applications in the amendments made to Article 7-C of the MDL, effective as of June 21, 2010.

Instructions

- Prior to the hearing, 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 May 16, 2013.
- 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 May 13, 2013.
- Copies of the written and summarized oral comments received at the hearing will be available by May 23, 2013 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 MDL (“Loft Law”), the Loft Board may promulgate rules to ensure compliance with the Loft Law.

In the 2010 amendments to the Loft Law, the New York State Legislature specified that the deadline for seeking coverage by owners and tenants under the Loft Law would be six months from the date the Loft Board adopted the rules necessary to implement the 2010 amendments to its rules. This rule constitutes the final rule necessary to implement the 2010 amendments. Therefore, the deadline for coverage will be six months from the effective date of this rule.

Accordingly, the proposed changes to Loft Board § 1-06.1 are as follows:

- A tenant coverage application or the initial registration application form for coverage by a building owner must be filed on or before January 30, 2014, the date 6 months following the effective date of this rule.

Please note that in 2013, the Legislature further amended the Loft Law to expand the definition of an interim multiple dwelling (“IMD”) provided in MDL § 281(5) (effective June 1, 2012). The Legislature set new deadlines for this newest group of IMDs, including a new code compliance timetable. Many of these deadlines, which are covered in other Loft Board rules, are triggered by the effective date of this rule.

"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.

Subdivision (a) of section 1-06.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

(a) Filing deadline.

In accordance with the terms and provisions of § 282-a of the MDL, a coverage application or an initial registration application form for coverage pursuant to Article 7-C must be filed with the Loft Board on or before January 30, 2014, which is 6 months following the effective date of this subdivision (a).

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET

NEW YORK, NY 10007
212-788-1087

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Statute of Limitations for Filing Initial Registration and Coverage Applications, Loft Board Rule § 1-06.1

REFERENCE NUMBER: 2011 RG 096

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
Acting Corporation Counsel

Date: April 10, 2013

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

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

RULE TITLE: Statute of Limitations for Filing Initial Registration and Coverage Applications, Loft Board Rule § 1-06.1

REFERENCE NUMBER: DOB-26

RULEMAKING AGENCY: Department of Buildings

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
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Ruby B. Choi
Mayor's Office of Operations

4/10/2013
Date