

EXECUTIVE ORDER No. 129

May 22, 2009

NEW YORK CITY LOFT BOARD

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Executive Order 66, dated September 30, 1982, is hereby REPEALED.

§ 2. Board Established. The New York City Loft Board (the “Board”) is hereby established in the Department of Buildings.

§ 3. Purpose. This Board is established to carry out those duties and perform those functions with respect to the legalization and conversion of non-residential buildings for residential use as are prescribed by Article 7-C of the New York State Multiple Dwelling Law (hereafter “Article 7-C”) and shall:

(a) exercise those powers and perform those acts consistent with the terms and intent of Article 7-C as may be reasonable and necessary to carry out the provisions of the law; and

(b) perform those further functions prescribed in Section 8 of this Order.

§ 4. Members.

(a) The Board shall consist of no fewer than five and no more than nine members.

(b) The Commissioner of the Department of Buildings shall serve ex officio on the Board as chair, and the Commissioner of the Fire Department shall serve ex officio as a member of the Board. Each Commissioner may designate an employee of his or her department to serve on the Board in his or her absence.

(c) The membership of the Board shall include one person representing loft manufacturing interests, one person representing the real estate industry, and one person representing loft residential tenants. All other members of the Board shall represent the public.

(d) The members of the Board, except for the ex officio members, shall serve for a term of three years. The terms for every member of the Board serving for a term on the effective date of this Order shall remain in full force and effect.

(e) The Department of Housing Preservation and Development shall designate a liaison to attend Board meetings as necessary and advise the Board on all appropriate issues.

(f) All vacancies in the membership of the Board shall be filled by the Mayor.

§ 5. Meetings and Action by the Board.

(a) The Board shall meet in regularly scheduled sessions and may, in addition, meet in special sessions at the request of the chair or upon the affirmative vote of at least five members of the Board.

(b) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(c) Action may be taken by majority vote of the entire Board when a quorum is present.

§ 6. Compensation and Expenses.

(a) Members of the Board, except the ex officio members, shall be compensated at the per diem rate of \$350 for each day or portion thereof on which the Board meets in regular or special sessions, or on which members engage in other Board activities at the direction of the chair, not to exceed 60 compensable days per year.

(b) The ex officio members shall serve without compensation.

(c) In addition to the compensation provided for in paragraph (a) of this section, members of the Board shall be reimbursed for expenses reasonably and necessarily incurred by them in the performance of their duties.

§ 7. Staff and Administration.

(a) The Board shall have such staff of the Department of Buildings as are necessary to enable it to carry out its functions and perform its duties under the law and this Order as determined by the chair.

(b) The chair may, from time to time, request the assistance of personnel from other City agencies to enable the Board to carry out its duties and perform its functions. Such personnel shall provide assistance on terms and conditions agreed to by the chair and the head of any cooperating agency.

(c) The Department of Buildings shall be responsible for the budgetary, fiscal, and administrative functions associated with the Board's activities.

(d) The Board may delegate any function of the Board, other than the issuance of rules or regulations, to the chair.

§ 8. Continuation and Transfer of Functions.

(a) The Board and its staff within the Department of Buildings shall continue to be responsible for enforcement and compliance and shall carry out those functions heretofore performed by them. The Board, as established by this Order, shall exercise its powers and duties in continuation of their exercise by the New York City Loft Board, as established by Executive Order No. 66 of 1982, and shall have power to continue any business, proceeding or other matter within the jurisdiction of such previously established board. Rules, regulations, contracts and other documents relating to such previously established board shall continue to apply to the Board, as established by this Order, so far as not inconsistent with the provisions of this Order.

(b) Effective July 5, 2009, or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to this Order, all employees of the Office of the Mayor who are substantially engaged in the function of assisting the Board in carrying out its duties and performing its functions as defined in Article 7-C and in the applicable Executive Order shall be transferred to the Department of Buildings pursuant to section 70(2) of the Civil Service Law.

§ 9. Effective Date. This Order shall take effect on the date of the transfer of functions effectuated in accordance with Section 8 of this Order, provided that all actions necessary to effectuate a timely transfer of functions in accordance with this Order may be taken effective immediately.

Michael R. Bloomberg
Mayor