

Zoning Requirements

**CONVERSION FROM JLWQA TO GENERAL
RESIDENTIAL**

BACKGROUND

On Dec. 15, 2021, the City Council approved the SoHo/NoHo Neighborhood Plan amending the NYC Zoning Resolution (ZR). The Plan created the Special Soho-NoHo Mixed Use District (SNX) and includes changes to the use of Joint Living-Work Quarters for Artists (JLWQA) in this newly created special district. The Plan also replaced the existing M1-5A and M1-5B designations with M1-5 and more notably, includes a voluntary path to convert existing conforming JLWQA use to residential use while supporting the arts. Existing JLWQA use (or JLWQAs) may continue, subject to the same occupancy restrictions as prior to this zoning change.

HIGHLIGHTS

Loft Law buildings and Interim Multiple Dwellings (IMD) – not subject to ZR 143-13 and this Building Bulletin:

- Buildings whose owners have filed for IMD registration with the Loft Board and received an IMD registration number are covered by the Loft Law.
- Any IMD unit that has entered the Loft Board jurisdiction is not subject to the conversion process outlined in this Building Bulletin and may be occupied as residential use with no NYC Department of Cultural Affairs (DCLA) artist certification required in accordance with the provisions of the Loft Law and other applicable law.
- IMD units that have completed the Loft Law process by obtaining a final certificate of occupancy (CO) may continue in perpetuity to be occupied as residential use without a DCLA artist certification in accordance with subsection (c) of the JLWQA definition in ZR 12-10. Where the CO does not specifically note subsection (c) of the JLWQA definition for non-artist occupancy for a former IMD unit and an owner would like to amend the CO to include such note, a consultation with Loft Board (NYCLoftBoard@buildings.nyc.gov) and the Department of Buildings (OCEP@buildings.nyc.gov) is recommended for further guidance.

Current permanent residents in a unit identified for JLWQA use – not subject to ZR 143-13 and this Building Bulletin:

- The zoning changes did not affect the occupancy status for any unit identified for JLWQA use.
- Multiple Dwelling Law (MDL) §276 (www.nysenate.gov/legislation/laws/MDW/276) was amended on 07/21/2022 to state that any permanent occupant whose residence therein began on or before 12/15/2021 shall be deemed to meet such occupancy requirements under the same right as a certified artist.
- The following scenarios describe the different potential buyers and unit types that may require conversion for lawful residential occupancy (UG 2):

A. I am purchasing the unit as my own residence.

1. I am (or one of the residents occupying the unit is) a DCLA certified artist, or otherwise legally entitled to occupancy as a JLWQA (including MDL §276 that was amended to state that any

permanent occupant whose residence therein began on or before 12/15/2021 have the same right as a certified artist).

- The unit is already recorded in the Final CO as JMWQA (UG 17D).
 - ➔ The unit may be lawfully occupied as JMWQA use.
 - The unit is in the process of getting the Final CO as JMWQA (UG 17D).
 - ➔ The unit can continue to pursue the Final CO as JMWQA (UG 17D) and may be lawfully occupied as JMWQA use.
2. I am not (and none of the other residents occupying the unit is) a DCLA certified artist, and none of the residents is otherwise entitled to occupancy pursuant to any other provision of law, including those with residency starting after 12/15/2021.
- The unit is already recorded in the Final CO as JMWQA (UG 17D).
 - ➔ **A conversion to residential use (UG 2) is required to allow lawful residential occupancy, which requires filing a DOB application.**
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 - ➔ **A conversion to residential use (UG 2) is required to allow lawful residential occupancy, which requires filing a DOB application.**

B. I represent a rental company.

1. I will only rent the unit to a DCLA certified artist, or persons otherwise legally entitled to occupancy in a JMWQA (including MDL §276 that was amended to state that any permanent occupant whose residence therein began on or before 12/15/2021 have the same right as a certified artist).
 - ➔ This is treated the same as the DCLA certified artist purchasing the unit. The unit can remain as JMWQA (UG 17D).
2. I will rent the unit to anyone else.
 - ➔ **If the occupant is not a DCLA certified artist, or otherwise legally entitled to occupancy as a JMWQA, a conversion to residential use (UG 2) is required to allow lawful occupancy, which requires filing a DOB application.**

Conversion from JMWQA to residential use (UG 2) requires, among other things, a CPC Chairperson Certification. More information can be found at the [NYC Department of City Planning's](#) website.

Where an owner or RDP has specific questions about compliance with these requirements, a consultation with the DOB may be needed to review individual cases, including JMWQA units converted under prior versions of the MDL.

Provided the building already has a valid CO and there are no existing hazardous violations, amending the CO should be a matter of a few weeks, plus the cost of Department filing fees and potential professional and consultant/filer fees.

Read [Buildings Bulletin 2023-018](#) for more details on the requirements.

Send questions to constructioncodes@buildings.nyc.gov.