

HISTORY

On June 21, 1982, the New York State Legislature enacted Article 7-C of the Multiple Dwelling Law (MDL), also known as the Loft Law. The Law was enacted to regulate the occupancy of space converted from nonresidential to residential use and to require building owners to bring converted occupancies into code compliance. The Legislature found that Loft Law was required to prevent uncertainty, hardship, and dislocation and to protect the public health, safety, and general welfare.

The Loft Law is found in §§ 280---287 of the MDL and it establishes the Loft Board to coordinate the legal conversion to safe, rent-stabilized residential units. The Law created a new class of buildings in New York City known as interim multiple dwellings (IMD).

The eligibility for coverage under the 1982 law is found in MDL §§ 281(1), (2), and (3). In 1982, IMD buildings were defined as former commercial and manufacturing buildings that were used as homes or residences by at least three or more families living independently on April 1, 1980, through December 1, 1981. Among other criteria, the Loft Law required that the buildings covered must be in zoning district that permitted residential use as of right.

Since 1982, the Legislature has expanded the criteria for coverage several times. In July 1987, the New York State Legislature amended the Loft Law to include a new subsection (4) in § 281. The IMD buildings covered under § 281(4) were former commercial and manufacturing spaces that were used as homes or residences by at least three or more families living independently on April 1, 1980, through December 1, 1981, and on May 27, 1987. Coverage under MDL § 281(4) no longer required a zoning district that permitted residential use as of right.

In June 2010, the Legislature enacted MDL § 281(5), which created a new class of buildings for Loft Law coverage. Buildings covered under MDL § 281(5) must be a commercial or manufacturing building which lacked a residential certificate of occupancy on June 21, 2010, where three or more families lived independently for twelve (12) consecutive months from January 1, 2008, through December 31, 2009, in addition to other eligibility criteria. In June 2013, the Legislature amended the criteria for coverage, most notably, to change the minimum size requirement for the unit to 400 sq. ft.

In June 2019, the State Legislature expanded coverage under the Loft Law again to enact MDL § 281(6) which created another class of IMD buildings. Buildings covered under MDL § 281(6) must be a commercial or manufacturing building, which lacked a residential certificate of occupancy on June 25, 2019, where three or more families lived independently for twelve consecutive months from January 1, 2015, through December 31, 2016.

SUMMARY OF ELIGIBILITY CRITERIA

For Loft Law coverage under MDL § 281(5) or (6), the unit seeking coverage:

1. must be at least 400 square feet
2. must have an entrance that does not require passage through another unit
3. must not be located in a cellar
4. the building must be occupied by at least 3 families living independently

5. must not be located in an Industrial Business Zone (other than the Greenpoint, Williamsburg, certain parts of North Brooklyn, or certain parts of the Long Island City Industrial Business Zone)
6. must not be located in a building that, on June 21, 2010, or June 25, 2019, and continuing through the time of the filing of the coverage application, contained a use in Use Group 18, as defined in the NYC Zoning Resolution that is inherently incompatible with residential use and cannot be reasonably mitigated.

HOW TO OBTAIN COVERAGE

For a TENANT Seeking Coverage

A tenant may file a [Coverage Application](#). The application must state which units are seeking coverage; the periods of residential occupancy; the commercial activities in the building and any other relevant information for determining coverage. The fee for a tenant-initiated coverage application is \$25.00 per unit.

NOTE: Those seeking protected occupant status must file a separate protected occupancy status application. The fee is \$50.00.

For an OWNER Seeking Coverage

An owner may file a [Registration Application under MDL § 281\(5\)](#) or file a [Registration Application under MDL § 281\(6\)](#).