

NARRATIVE STATEMENT & THE NARRATIVE STATEMENT PROCESS

The NYC Loft Board's rules governing the Narrative Statement Process (NSP) are found in § 2-01(d)(2) of Title 29 of Rules of the City of New York. The NSP provides occupants with an opportunity to review and comment on the proposed work for converting the Interim Multiple Dwelling (IMD) to legal residential use. The Loft Board has determined that the NSP is necessary because the legalization process often involves substantial construction that may require significant changes to the IMD units.

All occupants have the right to participate in the NSP. However, the level of participation may differ. The Narrative Statement (NS) includes a description of the proposed work for each IMD unit and the common areas of the building. To begin the NSP, the owner serves the narrative statement. After due notice, tenants may have a right to challenge the proposed work if the proposed work will result in *unreasonable interference* with the use of their units or *diminish services* to which they are entitled. The Loft Board's staff will schedule a Narrative Statement Conference (NSC) to discuss the proposed plan prior to issuance of the notice.

If there is consensus about the legalization work after the NSC, the Loft Board's staff will issue a certification of compliance with the NSP. The owner must provide the certification to DOB to obtain a permit for the work described in the owner's plan and narrative statement. If there is a dispute about the legalization work, after due notice, occupants must submit comments and/or alternate plans explaining how the proposed work will diminish services or unreasonably interfere with their use of the unit. Occupants may file their alternate plan to legalize all or part of the building or comments with the Loft Board, describing the *diminished services* or the *unreasonable interference* (Comments). The Loft Board will not issue a certification of compliance with the NSP until the Alternate Plan or the comments are resolved.

STEP 1: FILING THE NARRATIVE STATEMENT

Within fifteen (15) days of filing an alteration application at the NYC Department of Buildings (DOB), the owner of an IMD building must serve the building occupants with a NS and Alteration Application. The NS should include: (1) a list of all non-compliant conditions, (2) citations to the specific provisions of law or regulation that require correction, (3) the proposed work for correction of the non-compliant conditions, (4) the estimated time for performance of the proposed work, and (5) a signed certification by a licensed professional engineer or registered architect.

Access the required form at www.nyc.gov/assets/loftboard/downloads/pdf/narrative_statement.pdf

Within five (5) days of service upon occupants, the owner must file the following with the Loft Board: (1) the legalization plans, (2) the Alteration Application, and (3) proof of service to all occupants.

NOTE: Electronic copies should be sent to nycloftboard@buildings.nyc.gov Incomplete filings will delay the scheduling of the Narrative Statement conference.

Once occupants receive the NS, they should not delay hiring professionals such as architects and attorneys to assist in the NSP if they so choose. It is not required.

If occupants would like to review the architectural plan, they may request a copy from the owner or schedule an appointment with the Loft Board to review the NS file.

STEP 2: NARRATIVE STATEMENT CONFERENCE

Within 30 days of a complete NS filing, the Loft Board will schedule a Narrative Statement Conference (NSC). The NSC may be held virtually or in person at the Loft Board's office.

Loft Board staff will serve notice to the parties indicating the date, time, and login information for the NSC. Occupants are encouraged to provide written feedback regarding the proposed plan at least ten (10) days before the date of the NSC to ensure the conference is as productive as possible for all parties.

The NSC is for informational and conciliatory purposes only. The Loft Board representative will encourage discussion about the proposed work. Occupants may request clarification about the proposed work and raise concerns about the proposed work.

Information or responses to questions provided by the Loft Board representative during the NSC are advisory only. The specifics or nature of communication made at the conference are not admissible as evidence in any Loft Board proceedings.

STEP 3: LEGALIZATION PLAN AGREEMENT BY PARTIES

Have the parties agreed to a Legalization Plan?

A. If **YES**:

If occupants have no objection to the proposed work, they may sign Waivers of Narrative Statement Process (Waivers). Waivers may be completed at any time after a Narrative Statement has been filed with the Loft Board.

Should the parties come to a settlement on the proposed legalization work, the owner and the occupants involved must memorialize their agreement in writing.

B. If **NO**:

If the parties are unable to reach a consensus about the proposed work, the Loft Board will issue a Notice of Opportunity to file Comments or an Alternate Plan (Clock Notice). The comment period ranges from 45 to 75 days depending on the number of IMD units in the building.

After the Loft Board issues the Clock Notice, but before the time expires (Comment Period), occupants may file:

- **Comments** (with Loft Board): Describing how the proposed work unreasonably interferes with occupants' use of their units or diminishes services to which they are legally entitled.
- An **Alternate Plan** application (with DOB and the Loft Board): The alternate plan application filed at the Loft Board must include a description of how the proposed work unreasonably interferes with the occupants' use of their units or diminishes services to which they are legally entitled.

Tenants must comply with the filing deadlines and service requirements. Failure to do so may result in the rejection of the alternate plan filing. Failure to file an **Alternate Plan** or **Comments** before the expiration of the Comment Period will constitute a waiver by tenants to challenge the scope of work on the owner's plans on the grounds of *unreasonable interference or diminution of services*.

Service may include (1) personal service, (2) email – if there is consent and email was provided for such service, (3) fax, if there is consent to such service and a fax number was provided for such service, (4) first class mail, proof of service is a certificate of mailing; or (5) private delivery service.

C. Loft Board's Response to Filing in Comment Period

Comments. If DOB review is not required, an occupant may submit Comments to the Loft Board. The Comments must be resolved before certification can be issued. The Loft Board's staff may resolve the Comments by issuing an Administrative Determination or may start a Dispute Resolution Proceeding

Alternate Plan. If DOB clears all substantive objections to the occupants' Alternate Plan, the Loft Board may initiate a Dispute Resolution Proceeding to determine which proposal should be adopted. If there is an issue of fact that must be determined, Loft Board's staff will transfer the matter to the New York City Office of Administrative Trials and Hearings for adjudication.

If there is a finding that the proposed work diminishes a service or unreasonably interferes with the tenant's use of the unit, the owner may be directed to amend its Alteration Application, Legalization Plan, and corresponding Narrative Statement before the Loft Board will issue Certification of Compliance with the NSP.

STEP 4: LOFT BOARD CERTIFICATION

Loft Board's staff will not issue Certification of Compliance until (1) the comments or the alternate plan filing have been resolved; (2) the owner provides verification that plans have not been changed since the last filing with the Loft Board, and (3) the owner files an objection sheet with the Loft Board. All substantive objections must be cleared.

After certification is issued, the owner must submit it to DOB for approval of the alteration application. Before the application can be approved and permitted, the owner must first submit a written request to lift the administrative hold on the building. The request can be sent to nycloftboardhold@buildings.nyc.gov.

If the legalization plans must be amended, after certification but before the issuance of the final residential certificate of occupancy, the owner must file an Amended Narrative Statement and/or amended legalization plans. This filing will trigger the NSP for the proposed changes.

If an amended plan is submitted, the changes on the legalization plan must be highlighted or otherwise identified as new or changed work. Upon receipt of the completed Narrative Statement filing, the Loft Board may issue a Clock Notice for comments or an alternate plan. An occupant may raise concerns about the changes only. Timely and proper claims of unreasonable interference or diminution of services are not raised by occupants. The claims are deemed waived as related to the new proposed work.

If you have any questions about the specifics of the **Narrative Statement Process**, we encourage you to review the Loft Board rules (accessible from the [NYC Loft Board website](#)) and/or consider speaking with an attorney to assist or represent you.

Please note that the NYC Loft Board staff cannot provide legal advice.