

Use the **Appeal Application** to file an appeal to an Administrative Determination made by a Loft Board staff member.

After you **complete** the application, you must **serve** a copy on each affected party. Then you must **file** the original and four (4) copies of the application, the application fee and proof of service with the Loft Board. Failure to complete the application, serve it on each affected party, and file it with the Loft Board may result in a delay in processing or rejection of the application. The provided checklist will assist you in making sure you have completed all the required steps. For more information on completing, serving and filing an application, visit our website at [www.nyc.gov/loftboard](http://www.nyc.gov/loftboard) or call the Loft Board at **(212) 393-2616**.

## COMPLETING THE APPLICATION

You may only appeal if your rights are affected by the Administrative Determination. You must file your appeal application with the Loft Board **within 45 calendar days** of the mailing date of the determination sought to be appealed,

- 1. Clearly print the applicant's contact information.** You must include a mailing address, phone number and email address. Unless otherwise indicated, if two (2) or more people are applying, the Loft Board will use the first phone number or mailing address listed on the application to contact the applicants or to return the application if it is defective.
- 2. Indicate the type of relationship the respondent has to the building.** You must indicate on page 1 of the application if you are an owner, residential tenant, residential subtenant, or manufacturing/commercial tenant.
- 3. List the names of the affected parties, their mailing addresses, and their relationships to the building.** Affected parties for this type of application include the owner or any residential tenants whose rights may be affected, including all affected parties previously named in the decision being appealed.
- 4. State the basis for the claim raised in the application.** Your application must state the questions presented for appeal and the facts and points of law relied upon as a basis for seeking appeal. You are not allowed to submit any new evidence supporting your claim when you file the appeal application unless you show good cause as to why the evidence was not previously available.
- 5. Sign the application.** The applicant(s) or the applicant's attorney must sign the application form.
- 6. Make a check or money order payable to the NYC Loft Board for the application filing fee.** An application fee of \$100 must be paid when the application is filed with the Loft Board. Any application that does not include the application fee will be returned without being processed unless an applicant requests a waiver of the application fee based on financial hardship

## SERVING THE APPLICATION

- All the affected parties listed in the application must be served. For more information on who is an affected party, see *number 3* above.
- Unless otherwise stated in the Loft Board rules (see *number 5*, below), an applicant must serve the application by regular mail **prior to** filing the application with the Loft Board.
- In the application package you file with the Loft Board, include a **Certificate of Mailing stamped by the US Post Office** for each party to whom you mailed an application.

UNITED STATES POSTAL SERVICE Certificate of Mailing

To pay fee, affix address or meter postage here.

This certificate of mailing is required for all mail that is sent by registered mail, certified mail, or by first-class mail with restricted delivery.

Place:

To:

Return to:

Postmark Here

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4. If you cannot afford to serve all of the affected parties, you may request a waiver of the service requirement based on financial hardship. See 29 RCNY § 1-06(b)(4) of the Loft Board Rules.
5. You **must** include the following in the envelope to each affected party:
  - a copy of the application
  - a blank Answer form

## FILING THE ANSWER

1. You may file the application with the Loft Board by either: (1) regular mail **or** (2) hand delivery. The application is considered filed on the day it is received if received between 9am and 4pm on Mondays through Fridays, except for holidays.
2. Include all of the following when filing the application with the Loft Board:
  - one (1) original application with the applicant's signature
  - four (4) additional copies of the application
  - one (1) copy of the Administrative Determination or other decision being appealed
  - one (1) copy of a blank Answer form including instructions on How to File an Answer
  - a check or money order in the amount of the application fee; **and**
  - **Proof of Service** made on each affected party.

- Am I using or did I download the correct application form from the Loft Board's website?
- Did I list my name, mailing address, contact phone number and email address as the **applicant**?
- Did I list all of the affected parties on page 2 of the application or on an attached sheet?
- Did I state a basis for my claim in the application?
- Did I sign the application form?
- Did I include a check or money order made payable to the **NYC Loft Board** for the application fee?
- Did I include the following documents with the application that I mailed to each affected party?
  - the complete application
  - the blank Answer form
- Did I mail a copy of the application package to each affected party listed on the application?
- Did I obtain a Certificate of Mailing from the United States Postal Service (USPS), showing proof that I mailed a copy of the application to each affected party?
- Did I file the application with the Loft Board?
- Did I include the following in my filing to the Loft Board?
  - one (1) original application form with the applicant's signature and four (4) copies of the complete application form
  - one (1) blank answer form including instructions for filing an answer
  - one (1) copy of the **Administrative Determination** being appealed
  - a check or money order in the amount of the application fee
  - a stamped copy of the USPS Certificate of Mailing for each affected party