MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting
Held at 22 Reade Street, Main Floor, Spector Hall

June 20, 2019

The meeting began at: 2:25 pm

Attendees: Richard Roche, Fire Department's *ex officio*; Robinson Hernandez, Manufacturers' Representative; Charles DeLaney, Tenants' Representative; Julie Torres-Moskovitz, Public Member; Heather Roslund, Public Member; Renaldo Hylton, Chairperson Designee; and Helaine Balsam, Loft Board, Executive Director.

INTRODUCTION:

Chairperson Hylton welcomed those present to the June 20, 2019, public meeting of the New York City Loft Board. He then briefly summarized Section 282 of the New York State Multiple Dwelling Law, which establishes the New York City Loft Board; and described the general operation of the Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

DESIGNATED SUBSTITUE FOR OWNERS' REPRESENTATIVE:

Mr. Hylton: The Board voted last month to re-visit the question of whether the Board wants to accept Jason Frosch as the substitute for Mr. Carver, and if so, to what extent he can participate. Ms. Balsam will briefly report to the Board about inquiries we made to the Law Department and the Conflicts of Interest Board.

Ms. Balsam: The Law Department was concerned about a breach of attorney-client privilege -- the Board being the client, the staff being the attorneys -- in the private sessions, and they felt that information should remain confidential. They were not as concerned about public sessions as long as Mr. Frosch would not be commenting on his own cases. They had no concerns about rules. In terms of the Conflicts of Interest Board, their opinion was, since the substitute was not voting and not paid, there would not be a conflict; however, they also expressed concern about confidential information.

Mr. Hylton asked for a motion to allow Mr. Frosch to sit in as a non-voting substitute for the Owners' Representative, Robert Carver.

Ms. Torres-Moskovitz asked if she could ask a question.

Mr. Hylton asked that they first attend to obtaining the motion.

Mr. Hernandez moved to allow Mr. Frosch to sit in as a non-voting substitute for the Owners' Representative, Robert Carver.

Mr. Hylton asked for a second. There was none, so the motion did not go forward. He then asked Ms. Torres-Moskovitz if she still had a question.

Ms. Torres-Moskovitz asked how long Mr. Carver was going to be absent.

Mr. Hylton reiterated what had been stated at the last meeting -- that he is expected to be out for the summer. He then noted that, without a second, the motion will not move forward.

APPROVAL OF MEETING MINUTES:

March 21, 2019 Meeting Minutes:

Mr. Hylton stated the correction that had been made to these minutes: At the Board's request, staff added the conclusions to the Master Cases in these minutes. He then asked if there were any corrections or comments on the minutes.

Mr. DeLaney once again commended the Board on the improved quality of the Minutes, saying they benefit both owners and tenants.

Mr. Hylton asked for a motion to accept the March 21, 2019, minutes, and for a second.

Mr. DeLaney moved to accept the March 21, 2019, minutes, and **Ms. Torres-Moskovitz** seconded.

The vote:

Members concurring: Mr. Roche, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: Mr. Hernandez

Members absent: Mr. Carver, Mr. Barowitz, Mr. Schachter

Members recused: 0

Ms. Torres-Moskovitz noted that the March 21 meeting was when she had asked the staff about researching self-certification; and she noted that this morning she submitted a formal, written request for that.

May 16, 2019 Meeting Minutes:

Mr. Hylton asked if there were any corrections or comments on the minutes (none).

Mr. Hylton asked for a motion to accept the May 16, 2019 minutes, and for a second.

Mr. DeLaney moved to accept the May 16, 2019 minutes, and **Ms. Torres-Moskovitz** seconded.

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Barowitz, Mr. Schachter

Members recused: 0

EXECUTIVE DIRECTOR'S REPORT:

Ms. Balsam:

Loft Law: The big news of the month is that both houses of the NYS Legislature passed amendments to the Loft Law. We're very excited about that. The bill is now on the Governor's desk, awaiting his signature. Last month, at the request of a Board member, I listed all the changes to the law in the bill but I missed a very important one, which is that owners and residents in the non-M3 portions of the North Brooklyn Industrial Business Zone will only have nine months from the date the Loft Board adopts all rules necessary to implement the amendments in which to file their registration or coverage applications. That's the only statute-of-limitations language contained in the new law. I don't know that I need to go through all the changes again, unless there are any questions about that.

Staffing: In terms of staffing, Cynthia Leveille left the Loft Board at the beginning of June. We now have two openings for attorneys and are doing our best to tread water while we try to fill those vacancies. I'd also like to introduce our two interns—Michael Chachura, who attends Rutgers Law School, and Jordan Kohn, who attends Hofstra. Thankfully, they've both hit the ground running and are diligently working on various tasks, including less complex cases.

Revenue: The Loft Board collected $9628.50 (unofficial) in May. The fiscal year 2020 registrations were mailed out in early June.

Litigation: We have two new cases:

383 9th LLC v. NYCLB. The owner is challenging a Loft Board order which denied an abandonment application. The Board found that the owner had failed to prove there was no claim for succession rights, which is one of the elements required for a finding of abandonment.

475 Kent Owner LLC v. Pomeroy, et al (including the Loft Board). The owner is asking the court to enforce a settlement agreement entered into between the owner and the tenant association. The owner amended its plan to require the decommissioning and removal of all gas lines and the installation of a new gas riser to supply gas fixtures on the roof, such as a fire pit, as well as an electric HVAC system to provide heat, hot water and electric cooking stoves. Tenants objected and filed an alternate plan claiming the existing gas lines could be legalized. The owner claims the agreement bars tenants from commenting on amended plans or filing an alternate plan unless the amended plans involve layout changes to tenant units. The owner is asking the court for damages, for an injunction barring tenants from interfering with the owner's legalization of the building, and ordering the tenants to provide access so the owner can measure for new windows, and for an order annulling the Loft Board's decision to reject the members' waiver of the amended Narrative Statement. We went to court last Friday, and the judge declined to sign the request for a temporary restraining order. There is a hearing on the injunction at the end of next week.

Mr. Hylton asked what the owner asking for in damages.

Ms. Balsam: They're saying that this is holding up construction. I think they're asking for $1.5 million in damages. Not from us; from the tenants.

Mr. Delaney requested copies of the two lawsuits.

Ms. Balsam said she would circulate to everyone.

Mr. DeLaney asked if there was any additional information concerning an inquiry he had made at a prior meeting about whether or not a particular presentation given last summer by one of the interns was a public document.

Ms. Balsam: Yes, it is a public document.

Mr. DeLaney: Also, last month we tabled the legalization case of 40 West 28th Street, and I see it has not returned to the agenda. Is there a progress report?

Ms. Balsam: The Board had expressed some concern about the numbers used for the square-footage for the equation for the public common areas, so we had reached out to the current owners (not the original owners, who had done the application) to ask for more information on the square footage. For whatever reason, that letter did not get to them in a timely fashion, so they've asked for more time.

Mr. DeLaney: Thank you. And my last question -- perhaps six or nine months ago, we had a slight refinement in the number of votes needed to advance an Order or action by the Board. I couldn't find it in the minutes, so I wonder if you could just re-state that.

Ms. Balsam: This is State law. You need a majority of the members on the Board. And one of the funny things about the Loft Board is that you can have a shifting number of members, but since we are now a full Board, with nine members, you would need five votes in favor of something to move it forward. Even if people are not here.

Mr. DeLaney: But wasn't there a twist if all three special interest members are present?

Ms. Balsam: I think the Law Department was concerned about the special interest positions being filled, which they are now. I don't know what would happen if they weren't all filled, because when I asked the question, they were all filled.

Mr. DeLaney: Regardless, five votes are required?

Ms. Balsam: Right.

Mr. Hylton asked Ms. Balsam if she could try to find out what the situation would be if the special interest positions weren't all filled.

Ms. Balsam said she would.

Mr. DeLaney: I don't mean to drag this out, but procedure sometimes trumps content. If, for example, there were two vacant public member seats, but all special interest members were present, would four votes advance the issue?

Ms. Balsam: Yes. And it doesn't matter if they are present; it's that they are on the Board. So if there are two vacant public member seats, then it's a Board of seven, the special interests are represented, and you need four to move something forward.

Mr. DeLaney: So even though the Mayor's executive order says it's a Board of nine members, if two seats are empty…

Ms. Balsam: The Mayor's executive order says five to nine members. The State law says four to nine, and the Mayor's order says five to nine.

Mr. DeLaney: OK.

Mr. Hylton: Thank you, Ms. Balsam. Good job, by the way.

THE CASES:

Mr. Hylton: There are seven cases on the Summary Calendar, one of which, number 6, is being tabled. So there are six cases to be voted on today.

Summary Calendar

	Applicant(s)	Address	Docket No.
1	Heikki Aho and Kati Huurtelan	473-493 Kent Avenue, Brooklyn	PO-0073 and TA-0243
2	Katherine Hartling and Jaren Miller	151 Kent Avenue, Brooklyn	PO-0084
3	Ricardo Fernandez	255 McKibbin Street, Brooklyn	PO-0085
4	Michele Zarbafian	54 Knickerbocker Avenue, Brooklyn	PO-0087 and TA-0252
5	Veronica Schwartz, Pablo Castro and Julien Asfour	401 Wythe Avenue aka 62 South 6th Street, Brooklyn	TA-0247
6	Tenants of 255 18th Street	255 18th Street, Brooklyn	TM-0091
7	Eric Goode	43-49 Bleecker Street, Manhattan	TR-1326

Mr. Hylton asked for a motion to accept these cases, and for a second.

Mr. Hernandez motioned to accept these cases, and **Mr. Roche** seconded.

Mr. Hylton asked if there were any comments on the cases.

Ms. Roslund said she was uncomfortable with the Orders in which the Board was not privy to the details of the stipulated settlements.

Mr. Hylton advised that she could request those cases be pulled out and voted on separately.

Ms. Roslund: Even though there's a motion on the floor?

Mr. Hylton asked **Mr. Hernandez** if he was willing to withdraw his motion, and he agreed. He then asked Ms. Roslund which cases she wanted to vote on separately.

Ms. Roslund: Cases number 2 and 3.

Mr. Hylton: OK. There are six cases on the Summary Calendar (number 6 being tabled). Cases 2 and 3 will be voted on separately, so those to be voted on today are:

	Applicant(s)	Address	Docket No.
1	Heikki Aho and Kati Huurtelan	473-493 Kent Avenue, Brooklyn	PO-0073 and TA-0243
4	Michele Zarbafian	54 Knickerbocker Avenue, Brooklyn	PO-0087 and TA-0252
5	Veronica Schwartz, Pablo Castro and Julien Asfour	401 Wythe Avenue aka 62 South 6th Street, Brooklyn	TA-0247
7	Eric Goode	43-49 Bleecker Street, Manhattan	TR-1326

Mr. Hylton asked for a motion to accept these cases, and for a second.

Mr. Hernandez motioned to accept these cases, and **Mr. Roche** seconded.

Mr. Hylton asked if there were any comments on the cases.

Mr. DeLaney: There was considerable discussion in the private session on the question of some of the 286(12) sales, which are part of the reason these cases are on the Summary Calendar. And given the limited number of Board members we have present, even though some of the ones we're voting on now, my general policy is to not vote in favor of a case where the 286(12) documents look suspicious or where the terms of the agreement have been redacted. I plan to vote yes on these simply to clear them off the agenda, but I was very heartened that there was considerable sentiment expressed by Board members to continue to look at the issue of 286(12) sales being more explicit, as we had one on this docket for $10, one for $20, that just don't pass the test. And in addition, to take a look at whether there are ways we can strengthen that provision so that there's no abuse. But I will vote yes on these.

Mr. Hylton: Thank you Mr. DeLaney. And we'll wait until Mr. Hernandez returns to take the vote. In the meantime, if there are any other comments…

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Barowitz, Mr. Schachter

Members recused: 0

Mr. Hylton introduced cases 2 and 3, to be voted separately.

	Applicant(s)	Address	Docket No.

2	Katherine Hartling and Jaren Miller	151 Kent Avenue, Brooklyn	PO-0084
3	Ricardo Fernandez	255 McKibbin Street, Brooklyn	PO-0085

Mr. Hylton asked for a motion to accept these cases, and for a second.

Mr. Hernandez motioned to accept these cases, and **Mr. Roche** seconded.

Mr. Hylton asked if there were any comments on the cases (none).

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Ms. Torres, Chairperson Hylton

Members dissenting: Ms. Roslund, Mr. DeLaney

Members abstaining: 0

Members absent: Mr. Carver, Mr. Barowitz, Mr. Schachter

Members recused: 0

Mr. Hylton: These two cases did not pass.

There was some discussion of the two cases being voted together, not individually. Ms. Roslund was fine with the one vote for both, as it was the same issue for both.

The Master Calendar

Mr. Hylton: There are six cases on the Master Calendar. The first will be presented separately.

	Applicant(s)	Address	Docket No.
8	Ryan Kuonen	140 Metropolitan Avenue, Brooklyn	PO-0078

Mr. Chachura presented this case.

Mr. Hylton thanked Mr. Chachura, asked for a motion to accept this case, and for a second.

Mr. Roche moved to accept this case; **Mr. DeLaney** seconded.

Mr. Hylton asked if there were any comments on this case.

Mr. DeLaney: This particular behavior on the part of the landlord -- to file an application stating that the tenant is the protected occupant of one room in the unit -- is troubling to me. As we're dismissing it based on *res judicata,* it was not necessary for Ms. Kuonen to have to bring this application. In our view, she is the sole, recognized, protected occupant of the entire first floor unit of this particular IMD. It appears, therefore, that she spent money on an attorney to file this needlessly; though I certainly understand why she would be

troubled by the owner's filing. I plan to vote yes, but I ask the Loft Board to explore ways to curb this kind of behavior on the part of owners in the future. Years ago, in the very early days of the Loft Law, we found a building right here in Tribeca that had thirteen covered units: six on one floor, seven on the other. But out of pure spite, the owner filed a registration stating that there was one unit on one floor and twelve on the other – just to be difficult.

Mr. Hylton asked Ms. Balsam if there was anything the Board could do in terms of enforcement. If a building is required to be registered a certain way, and the owner doesn't register it that way, can anything be done?

Ms. Balsam: Something we're proposing in the rule-changes that the Board hasn't gotten to yet because it's at the end of the rules is to have a penalty for the violation of a Loft Board Order. I think this scenario would fit in there. We'd have to do it on a case-by-case basis, but I think that's one way to address the situation. And it is something that the Board has talked about, but we just haven't gotten there yet.

Mr. Hylton asked if anything specific can be done about filing a false registration – not just violation of an Order.

Ms. Balsam: We did make a proposal for filing false documentation, and it's something the Board has discussed; but again, we haven't gotten to the penalty part of it yet. Whether or not this would be considered false, I don't know.

Ms. Roslund: I would say this is part of the larger discussion we've been having about different documents and filing procedures. It's no different than if you falsified a DOB application – saying you have two bathrooms instead of three. It either is or it isn't.

Mr. Hylton said that when the Board gets to that, specific language would be crafted to address this.

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Carver, Mr. Schachter

Members recused: Ms. Roslund

CONCLUSION

Accordingly, we find that because Tenant seeks another declaration by the Loft Board that she is the protected occupant of the Unit, the application is dismissed based on the doctrine of *res judicata*. The Order remains in full force and effect.

In light of the Board's dismissal of the application, we also dismiss Owner's motion to vacate its default as moot.

Mr. Hylton: The rest of the cases on the Master Calendar are removal applications. We are tabling number 12, and the rest are voted on as a group.

	Applicant(s)	Address	Docket No.
9	Alpha Big Foods Inc.	160 Franklin Street, Brooklyn	LE-0640
10	Miracle 8 Realty Corp.	197 Henry Street, Manhattan	LE-0700
11	Talmud Torah D'Nitra	178 Walworth Street, Brooklyn	LE-0704
12	53-55 West 21st Owner LLC	53 West 21st Street, Manhattan	LE-0705
13	Three54T, LLC c/o Ioan Sita	352 Troutman Street, Brooklyn	LE-0706 and RG-0205

Mr. Hylton asked for a motion to accept this case, and for a second.

Ms. Torres-Moskovitz asked if she could ask a question.

Mr. Hylton said he'd prefer the motion first, then discussion.

Ms. Roslund moved to accept this case; **Mr. Roche** seconded.

Mr. Hylton asked if there were any comments on this case.

Ms. Torres-Moskovitz wanted to ask the staff to be sure that when a unit is emptied, when kitchens and bathrooms are removed, to be sure it's done the proper way, with the Department of Buildings, Schedule B.

Mr. Hylton added that all work should be done properly.

Ms. Torres-Moskovitz: Something about the wording in two of the cases made me question this, and I, myself, am not allowed to look up anything, so I'd like the staff to look into it and let me know.

Mr. DeLaney: I would also comment, for the public, that of these four cases on the removal calendar, one of them is a building where the tenants are in place, and the Order sets rents in five units; but considerable discussion was held in the private session about two of the other buildings, where the owners are returning them to commercial use; and I think that's where we want to take a closer look at how the work is being done.

Mr. Hylton agreed, but asked Mr. DeLaney why he made the distinction between a return to commercial versus conversion to residential.

Mr. DeLaney: Since we don't do summaries of the removal cases, I think it's important for the public to understand the concerns expressed by my colleagues. We do see cases around the city where, in light of the

rise in gig economy, We-Work style spaces, commercial rents are becoming competitive with residential. It's an interesting phenomenon, and one I think we need to keep an eye on.

Ms. Roslund clarified that when a building goes through the residential conversion process, the work is done under the Loft Board's jurisdiction so is monitored more closely than when the conversion is the other way: residential to commercial.

Ms. Torres-Moskovitz: I think the public should also know that of these four cases, one leaving with the proper residential C of O has zero rent-regulated tenants. It's all market-rate, because of how things played out. Two are going back to commercial, and one has five rent-regulated units. Just to keep track.

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Carver, Mr. Schachter

Members recused: 0

Mr. Hylton: There is a motion on the floor.

Ms. Roslund began formulating a motion about requiring DOB records to be part of the Loft Board record in removal cases where the unit is reverting back to commercial from residential use.

There was some discussion with Mr. Hylton and the Board members about how to word the motion.

Ms. Roslund moved that in removal cases, where residential space is re-converted to commercial use, and remedial work is done to bring the building into compliance with the C of O, proof of DOB filings and inspections be part of the Loft Board back-up record. **Mr. Roche** seconded.

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Carver, Mr. Schachter

Members recused: 0

THE WAS A BRIEF INTERMISSION

LOFT BOARD RULES: PROPOSED CHANGES TO CHAPTER TWO

Ms. Balsam: So we'll continue our discussion of 2-09, but it's been such a long time, I'm not a hundred percent sure where we left off. But one of the issues was proving primary residence. If someone wants to be a protected occupant, what is the time frame during which they would have to prove the unit was their primary residence? We talked about from the date the application is filed and, if there's a trial, through the date the record closes. I believe Mr. Carver wanted something more expansive, and that's where we left it. I don't know that the Board ever came to a conclusion on that. That is the proposal. If anyone has another, let's talk about it.

Ms. Torres-Moskovitz: Can you repeat that?

Mr. Hylton asked where it was in the draft.

Ms. Balsam: Yes. It's (4). 2-09(b)(4). The period I used in the draft was from the date the application is filed – so if you're filing for protected occupancy, you should be living there as your primary residence – and if there's a trial, through the date the record closes. But we had also discussed how it might be hard to figure out when the record closes, if someone had testified prior, whether or not they're still using the unit as their primary residence. So we had also considered using through the last date they testified.

Ms. Torres-Moskovitz recalled they had also discussed whether or not the person seeking protected status must testify in person; rather than having an attorney represent them.

Ms. Balsam: It's an interesting issue. Usually, the proof that comes in for coverage involves a multitude of people testifying as to residential occupancy during the Window Period. But if it's just protected occupancy, I would think it would have to be the tenant or someone with first-hand knowledge. For example, if it's spouses, one could testify that both lived there, and both are entitled to protection. I don't think both of them have to come in. But I think there has to be some proof and/or testimony from someone with first-hand knowledge.

Ms. Torres-Moskovitz: It can't be a lawyer?

Ms. Balsam: No. Lawyers can't testify. If they're going to testify, they can't be the lawyer.

Ms. Roslund: How does this relate to the time period?

Ms. Torres-Moskovitz: Sometimes the time period you have to provide proof for becomes gigantic.

Ms. Balsam: It depends on when you file the application. If there's going to be a trial at OATH, yes, it could be a couple of years. But it's certainly less than from the effective date of the law. I think this is a way to limit it. And in terms of the types of proof, if we limit it to the last day of testimony, I guess a better way to say it would be "about" the tenant's primary residency in that unit. That would be a way to limit it. Because again, if you go to the date the record closes, there could be a gap of, let's say, a year from the date that one tenant

testified until the date the record closes. Particularly if there are multiple people filing an application together, which does happen.

Ms. Roslund: There is a difference between having to continually provide proof and being able to prove. As part of the application you provide documentation of primary residence.

Ms. Balsam: I don't know that we want to take all that in as part of the application. Normally that's presented during the trial.

Ms. Roslund: The way we've been thinking about it is that one needs to be able to provide documentation proving residency throughout the whole process. But it couldn't it be stated that you don't have to keep providing documents, but if at any point it's contested, you would have to be able to provide proof?

Ms. Balsam: If we change this rule to say this, then the burden will be on the person who is claiming protected occupancy. It's your case. You're bringing the application; you need to prove your case, and part of proving that case will be proving primary residency during a period of time.

Ms. Roslund: And we're trying not to make it unnecessarily burdensome.

Ms. Torres-Moskovitz asked Ms. Balsam if she could describe the burden of proof for someone filing at the end of 2010.

Ms. Balsam: If they filed their application on June 15, 2017, which would be the last date that you could have filed an application, and that application went to OATH, and if we assume that this rule had been in effect, and they testified at OATH, and the last day they testified at OATH was December 15, 2018, they would have to prove primary residence from the day they filed the application -- June 15, 2017, -- to the date of their last testimony at OATH – December 15, 2018. So a year and a half. Now, if someone had filed two years prior – in June of 2015 – and for whatever reason, the case was delayed and wasn't heard at OATH until December of 2018, then you're talking about two and a half years.

Ms. Torres-Moskovitz: Plus the 2008 – 09 twelve consecutive months….

Ms. Balsam: No, no, no. We're just talking about protected occupancy. We're assuming it's covered. But now, if the coverage application is tied to the protected occupancy application – if they're being heard together – then yes; someone who is claiming coverage under 281(5) is going to have to prove Window Period occupancy.

Ms. Torres-Moskovitz: Right. So they would have had twelve consecutive months in 2008 -09, plus June 21, 2010…

Ms. Cruz clarified that it doesn't necessarily have to be the same person. Someone – anyone -- had to be occupying the space as a residence for twelve consecutive months during the Window Period to qualify for coverage.

Ms. Torres-Moskovitz: And it takes two years to get to OATH? Do we know the wait time?

Ms. Balsam: No, we don't know. OATH works on its own timetable. We have no control over their calendar. To get to OATH doesn't take a long time. How fast it gets through once it's there will be different for every case, depending on the number of parties involved, what the OATH ALJ's are doing....Multiple agencies are feeding information in. Not just us.

Mr. DeLaney: On this point, my first question is, what are we trying to protect against here? If we were to adopt this provision as it's currently proposed, the beginning point would be the date the individual applies for either coverage or protection or both. And as you know, the tenant position has consistently been that all this is unnecessary. That the owner should register the unit, list the occupant, and then if there's a primary residency issue, take the occupant to court. And I want to restate that this is still our position. But if you look at this, we're saying, OK, we can now question you about whether or not this was your primary residence on the date you filed the application. And we're not going to just accept that one day; we also want some other days, over some period of time. What are we trying to accomplish?

Ms. Balsam: We want to make sure that people who filed applications are still there, and don't leave.

Mr. DeLaney: On the theory that, if I leave…

Ms. Balsam: Why should you be protected under the law if you're not there? Assuming you're not there for all the reasons we said are OK… school, military, etc. We've had instances where people had filed for protected occupancy and then left the unit, and they still wanted to be protected. In my opinion, that's not what the law is about. That's not what it's for. It's to protect people who are there.

Mr. DeLaney: And as we discussed, the question of until the time the record has closed has some problems.

Ms. Balsam: Right.

Mr. DeLaney: And again, it seems to me, what we're trying to guard against – and I don't know that we can do it in this particular rule – is prevent against some kind of abuse like it was my primary residence; now it's not; and I'm the protected occupant, but now I'm renting out the space for a profit…

Ms. Balsam: I don't even care if they're renting it out for profit. The law is about making these spaces safe for the people who live there. And if you're not living there, you shouldn't be protected under the law. Please don't get me wrong. I don't approve of rent-gouging or any such thing, but if the purpose of the law is to say, we want these spaces legalized and safe for the people who are living there, and these people should be protected, then the people should be living there. That's what the law was always intended to do.

Ms. Torres-Moskovitz: So a question again regarding my hypothetical June 15, 2017, person. If we do not change the rule to read as you're suggesting, what would they experience?

Ms. Balsam: It would depend on whether or not they are the prime lessee. Because the Board has held that if they're the prime lessee, then they have to prove primary residency. But if they're not and there is no prime lessee claiming protected occupancy, they would just have to prove residential occupancy. Which is not necessarily the same thing. The current rule says a residential occupant is entitled to protection.

Mr. DeLaney: If we adopt it as it has to be your primary residence on the date of application -- for protected occupancy and possibly also for coverage – and I, Chuck, am able to demonstrate that I was there on the date

the record closes, so I get listed as the protected occupant. Then, the next day, I go spend the majority of my time with my super-model wife, who lives in LA. The landlord is still going to have to bring a case against me in Housing Court.

Ms. Balsam: Right.

Mr. DeLaney: So, if I then continue to come to come back to New York every now and then and stay in my unit, of which I am the protected occupant, but for which I am, sneakily, no longer really the primary resident, aren't we just as concerned about my health and safety then, under those circumstances? In other words, we are not just concerned about the health and safety of people who are supposed to be there, but of anyone who's there.

Ms. Balsam agreed.

Mr. DeLaney: There's a natural mechanism to get rid of someone the owner believes is not a primary resident. That's in Housing Court. So I still don't understand what we're trying to do here.

Ms. Torres-Moskovitz: That's an interesting point. I guess I misunderstood, because I thought this was put in place because if you put an end date, it would prevent aggressive lawyers from forcing people to produce binders and binders of proof for years.

Ms. Balsam: Yes, that was definitely a concern.

Ms. Torres-Moskovitz: But for those who have a good relationship with the landlord, are we putting more of a burden on them by doing this?

Ms. Balsam: I'm not sure. It depends on how it plays out. One of the problems with the Loft Law is that there are no generalities. Every case is unique. So, would there be times when some might be more burdened than they are now? I can't say no. Is it worth it, to make sure we're protecting the right people? I think so. It's your rule, but again, I was very concerned about these cases we've had where people filed these applications and then weren't there, but thought it was OK to be protected anyway. How can you say, in good conscience, we know that person is not there, but we're going to protect him anyway? I don't see how we can do that. It goes against a whole lot of what I believe in.

Mr. Roche: So, what do you propose?

Ms. Balsam: I think we should require that it be their primary residence in order to be protected; they should have to prove that; and as for the period of time – and this is not actually what it says here, because we had moved on to other things – on the date they file the application, they should be living there. You don't get to file the application and then move in, because that's not what the law's about. And just in administrative terms, it makes more sense to say – if there is a trial -- until the date they finish testifying or whatever proof is being offered about their residency is complete. And obviously, if the owner is registering them and there's no trial, then they don't have to worry about this; which does happen. So, from the date of the application to – perhaps the best way to phrase it is – until the date when the testimony regarding the occupancy of the unit ends.

Mr. Roche: So, until the date when the occupancy of the unit is decided?

Ms. Balsam: No, because then you're going past the date the record closes. Let's say the trial starts January 1, and there are three different parties claiming protection in three different units. Person one testifies in February; person two testifies in March; person three testifies in April. Person three is getting a raw deal because they have to prove a longer period, but we have to do something. But person one would only have to prove from the date they filed the application until the date the testimony about their occupancy ends. So that would either be them testifying or someone else testifying about their occupancy – to address Ms. Torres-Moskovitz's point, which is a good point.

Mr. DeLaney: But regardless of what we do, if we say, if the landlord's attorney chooses to, he can torture you, unit one, for twelve months. But for you, unit four, it's sixteen months; and for you, unit seven-A, it's twenty-two months. Whatever it is, we have two points which, I recall from geometry, defines a line. But the moment that line ends, the next day I could stop using it as my primary residence.

Ms. Balsam: That is true.

Mr. DeLaney: So maybe we don' need a line. Maybe all we need is a point. If we go this route and say, if it's your primary residence on the day the application is filed, then you've prevailed; you're the protected occupant. And somewhere down the line, if it's not your primary residence, the owner can take you to Housing Court and seek eviction on the grounds of non-primary residence. If we pass this rule – which I don't think we need – we're not taking that right away from the owner. My argument has been all along that we're creating very harsh medicine to treat a problem that has a more natural resolution.

Ms. Roslund: Isn't part of the proof of primary residence that you testify that you live there?

Ms. Balsam: Or you testify that you don't live there. Which we've had happen. We had people who got on the stand and said, yes, I was there on the application date, but then I moved in with my girlfriend, and I'm not there anymore. My cat lives there, but I'm not there; and you should protect me anyway. How do you reconcile that?

Mr. DeLaney: And that case is currently under an Article 78?

Ms. Balsam: There were a lot of different parts to that. That may still be pending.

Mr. DeLaney: Again, we're speaking about the importance of the Board adopting the rule. But the whole bifurcation -- I'm trying to work in asymptotic today -- It used to be you applied for coverage and protected occupancy together. The whole fork in the road was created by a prior executive director and staff without any Loft Board discussion, or public hearing, or rule, and so…

Ms. Balsam: So let's fix it.

Mr. DeLaney: But first we need to figure out what we're trying to fix. Because I'm still not persuaded about that. If we set up a rule where tenant one has a line that's twelve months long, and another tenant's is sixteen months long, but the minute it's over, I can do something else…what abuse are we guarding against here? Why not just stick to the one point?

Ms. Torres-Moskovitz: I actually like your analogy, because that person who's going to cross the line or the point, is going to do it no matter where it is, because that's that type of bad egg. But the majority of people are not going to do that.

Ms. Balsam: But you're putting a burden on somebody…OK, just because Mr. Carver's not here: You're putting a burden on an owner to have to go to court to evict someone who doesn't live there, when we all know they don't live there and shouldn't be protected to begin with. I don't know. There's something wrong with that.

Ms. Torres-Moskovitz: I don't know what the statistics are, but speaking from personal experience, we have a nice situation, where everyone gets along. The thought of myself having to go through another eighteen months of providing proof, when I've already provided a binder of proof….I've been through this recently, and I know what it entails. So I don't want to make it more complicated. I thought we were trying to make things easier for people, not for them to cheat, but just for them to survive. So I don't want to add in a parameter like Mr. DeLaney is describing – a string of months and months, for both sides to deal with, with lawyers' fees, etc., that they wouldn't have had before.

Mr. Hernandez: The way you're describing it, how much more of a burden is it? Because if we have some protections in place, maybe the qualification is to "re-certify." Which I don't think is that much of a burden. If you make it simple enough to just re-certify, that allows for the owner and the tenant to be in a place where they're justifying those who should be in that housing. The key is to make sure that the people who should be there are there. And while we may not think the number of bad apples is enough to corrupt the system at large….How much of a burden is it to prove?

Ms. Balsam: We put in some guidelines, in section (6) – whether they live there; whether they keep furniture there; whether the unit is listed in the child's school records; whether they listed the unit as their address on official documents filed with government agencies….These are the guidelines we put in. One of the complaints we've heard is that it creates these rolling discovery deadlines, where people have to keep supplying and supplying the longer it goes on. We could limit discovery.

Mr. Roche: Is there a way to set up the starting point of the line, but keep the ending point flexible, with Loft Board staff making that determination?

Ms. Balsam: Well, you can't go past the date the record closes. That's the world you have. You're making a determination based on what was produced at trial. So we're not going past the date the record closes, regardless.

Mr. Roche: But I'm sensing there's concern that it's like the luck of the draw…with the first person having less of a burden than the last. Is there some way to eliminate that? To level the playing field?

Ms. Balsam: Everybody can file their own application, but that creates a lot of problems, because one reason people file together is so they can share attorney fees. So we can say in a rule there's only one applicant per application, but that produces a whole other level of hardship, that I really do not want to impose on anyone.

Ms. Cruz: The goal is to protect more people. I think that's what started this.

Ms. Balsam: I think there were two things. One was to protect more people and to protect those who are actually there.

Mr. Hylton: What is the rule now?

Ms. Balsam: You actually have it, because it's the deleted part at the beginning (of the draft). If there's no prime lessee, the occupant qualified for protection is the residential occupant in possession of the unit, covered as part of the IMD. And then there's a section about whether or not they were there on the effective date of the law. And then we have a section about the prime lessee or sub lessor not in possession having to prove primary residence. That's what it is now.

Mr. Roche: What it is now, we still have the problem of the uneven playing field?

Ms. Balsam: Yes.

Mr. Hernandez: And the language here is whose? Because you mentioned before that you had some language, but that isn't reflected here.

Ms. Balsam: No, this is still my language, but after the last discussion we had moved the ending date. I think everyone was OK with from the date the application is filed, but what the ending date should be was problematic. The discussion was centering around what the ending date should be. The reason it shouldn't be the date the record closes is because if someone testifies and then the record closes a year later, what happened during that year?

Mr. Hylton: So this first piece, "…only if the individual uses the unit as a primary residence." What if it said "uses and continues to use"?

Ms. Balsam: And end it there?

Mr. Hylton: No. I'm asking if that basic phrase would take care of the concern, about whether the person can be protected?

Ms. Balsam: So you're saying, "…to be a protected occupant only if the individual uses and continues to use the unit as a primary residence"?

Mr. Hylton: Right. Would that take care of it?

Ms. Balsam: I can see a lot of litigation coming out of that. What does it mean to "continue to use"?

Ms. Cruz suggested getting a sense from the Board members what they would favor: focusing on the "points" or the on the "line." Meaning, do they want the beginning to be the filing date, then through the end of the record? Or just on the filing date?

Mr. Hernandez: And the benefit of having an end date is….?

Ms. Balsam: The person is showing that during some period of time, they are continuing to reside in the unit as their primary residence.

Mr. Hernandez: And if we don't put an end date, they could rent to someone else basically forever?

Ms. Balsam: Well not forever, because as Mr. DeLaney said, the owner could notice that and evict them.

Ms. Roslund: So it's really about the duration of the process of providing proof.

Mr. Roche: I believe there has to be some sort of mechanism in place to prevent abuse.

Ms. Cruz: If the Board wants the person applying for protected occupancy to prove primary residency, the question becomes, does that person have to prove it on the date of the application, or on the date of the application through another date? The point versus the line.

Ms. Torres-Moskovitz asked for clarification about the relationship between primary resident and protected occupant. As protected occupant you always have to be a primary resident?

Ms. Cruz: Yes.

Ms. Torres-Moskovitz: So you move right in to being under obligation to be a primary resident, don't you?

Ms. Cruz: That's right.

Ms. Torres-Moskovitz: You can't have a primary residence somewhere else, right? There are rules once you're a protected occupant.

Ms. Roslund: But we're talking about the period before you're a protected occupant…

Ms. Balsam: Right.

Ms. Torres-Moskovitz: So just that little window – the line…

Ms. Roslund: There's a vague window between when you file your application and when you're protected?

Ms. Balsam: Right.

Ms. Cruz: What we're asking is, on the day you file the application – let's say you filed in on April 15. And on that day, you can show that you keep most of your belongings there; your child goes to school there; you vote there, etc. On this day, April 15, you have all of this evidence, you present all of this evidence to show that this unit is your primary residence. Now, the question is: is that enough for the Loft Board to determine that, yes, with respect to primary residence, this is your primary residence? (The "point"). Or, does the Board want not only for you to be able to prove that (at one point) on April 15 it was your primary residence, but also through the date you go before the OATH judge and say, I live here, this is my primary residence (The "line"). So from April 15 to that time – that line – represents a period of time.

Ms. Roslund: But aren't they basically all the same documents? I download a current bank statement. I still have the same driver's license. I still have my child's school registration. There's not a lot of additional material required. If you can prove it once, you can prove it a year later.

Ms. Cruz: Mr. DeLaney makes a good point though. If you have multiple applicants from multiple units, you could be into a totally different school year, or car registration year. So it may lead to that person having to submit additional information that someone else on the same case might not.

Ms. Balsam: So the burden is higher on tenant number three. Tenant number one has the easiest ride; tenant number two's in the middle; and tenant number three has a longer period of time. It could be a year in between.

Mr. Hylton: So the person who goes first has the benefit?

Ms. Balsam: Yes.

Ms. Cruz: Yes, if there's a second point -- as opposed to just having to prove it on the filing date.

Mr. Hernandez to Mr. DeLaney: As you said, then you don't have to prove it all over again.

Mr. DeLaney: And I'm sure most landlord attorneys are not out to drive people crazy with excessive document demands, but it does happen. And no matter how long the line is, there is the possibility that right after that…

Mr. Hylton to Mr. DeLaney: What is your point?

Mr. DeLaney: My point is that if you want to require a showing of primary residence, if you do it at one point in time…..If I'm declared a protected occupant, it doesn't make me immune from a primary residence issue down the road, whether it's three days later or thirty years later. To be clear, and I've said this before, I am not trying protect people who are abusing the system. My college roommate kept his rent-stabilized apartment on the Upper West Side for twenty-plus years after he moved out, and rented it as a money-maker. Tenants who abuse a landlord's property to profit, whether it's through illegal subletting or Air BnB, are bad for the tenant movement. They give tenants a bad name, just as really rotten landlords give landlords a bad name. But it's not as if having proved it, whether I've proved it for one point, or three months, or a longer period of time, I'm still not immune to being brought to Housing Court for not using it as my primary residence during the fourth month or in the fortieth year. So I don't think we need to go through such an elaborate exercise to prevent an abuse which (a) we can't prevent, and (b) there's another method to cure.

Mr. Hernandez asked what Mr. Carver's position on this was.

Ms. Torres-Moskovitz: He was going to talk to some lawyers. But if he never turned anything in…

Mr. DeLaney: In the interest of fairness, I think I can summarize some of his points. Why make the owner go to another venue to raise a primary residence claim? It's inefficient. And obviously, today, unlike in the day of my college roommate, there is technology to monitor buildings. And as the landlord, if I don't see the prime lessee for three months, I might be ready to go to Housing Court…

Ms. Balsam: 183 days.

Mr. DeLaney: Yes, but even if I have enough reason to have a question in my mind, I can bring him in and start a very expensive legal proceeding, which is another part of the concern. But right now we're just trying to get covered and protected, so…

Mr. Hylton: We can't solve the world's problems, and you're right. There is no way we can actually devise a fool-proof solution. So I think I like Mr. DeLaney's idea…

Ms. Torres-Moskovitz: You like the "point."

Mr. Hylton: Yes. Otherwise, we won't get anywhere. Maybe the answer is through other venues.

Ms. Roslund: But I have to say that I find Helaine's argument a little more compelling. I understand the reasoning for the period through the process.

Mr. Hylton: That is more compelling to you?

Ms. Roslund: It is. But I think I'm out-numbered.

Mr. Roche: I think I could be comfortable with either the line or the point. As long as there's some mechanism.

Ms. Torres-Moskovitz noted that this is only focused on a specific moment in time.

Ms. Balsam: It's interesting, because I think going with the point instead of the line would make it even easier for the tenants. Because now the standard is that they're a residential occupant. "The occupant qualified for protection is the residential occupant in possession of a residential unit." So if you go with Mr. DeLaney's point argument, they only have to be in possession of the residential unit as a primary residence on the day they file the application.

Ms. Torres-Moskovitz : We could also say residential occupant.

Ms. Balsam: And maintain residential occupancy? Yes, we could do something like that.

Mr. Hylton: Solved.

Ms. Cruz: Maintaining residency, what does that mean?

Ms. Balsam: That they stay there.

Mr. Roche: Maintaining primary residency?

Ms. Balsam: And that goes back to a line.

Mr. DeLaney: But maintaining primary residency is already covered by another rule.

Mr. Hernandez noted that this is the challenge presented by not having representation from the landlord side here. He felt it would be helpful to have that perspective, that additional input.

Mr. Hylton: This is a discussion, and it will be drafted, and then we'll have a chance to…

Mr. Hernandez: I just mean the larger issue of not having him here. I didn't mean for us not to go forward on it.

Ms. Balsam: Actually, it never got to a vote.

Ms. Torres-Moskovitz to Mr. Hernandez: When you're absent, I miss hearing the manufacturing point of point of view. I live in an area of Brooklyn where manufacturing is a big deal, and your input is valuable.

Mr. Hernandez: I think the option of having a designee who can actually provide that input…We've decided not to consider that it's an option. That's the Board's decision, and that's fine…

Ms. Torres-Moskovitz: There can be other designees.

Ms. Balsam: I think we can set this aside for now.

Ms. Torres-Moskovitz: No, I think we've made progress…

Ms. Cruz clarified where the Board had left the discussion: They were communicating whether they were in favor of the point or the line. Mr. Roche had said he was happy with either.

Ms. Balsam took note: Ms. Roslund had preferred line.

Ms. Torres-Moskovitz: Just to redraft. I think we made some progress. It would be nice to track it.

Mr. DeLaney: I think there's no point to any of this, but I'd rather a point than a line.

Mr. Hernandez: I'd be fine on a line, but I can go with a point for the sake of moving forward.

Mr. Hylton: There's a lot to be said for moving forward.

Mr. Roche asked if there would be interest in a motion that the staff draft language for both a point and a line.

Ms. Torres-Moskovitz: The line is what's drafted.

Ms. Balsam: The line is drafted. It's a question of the closing.

Ms. Torres-Moskovitz: I think where we got some traction was maybe whether a point or line, and the wording of the continuation of residential occupancy.

Ms. Balsam: Honestly, if we're going to go that way, then we may as well just leave it as it is.

Mr. Hylton: Can you leave it, the way it is right now?

Ms. Cruz: I don't think we can. In cases already decided by the Board, the Board considered on the filing date through the date the record closes. That would be precedent.

Ms. Balsam: But that was for a primary residence for a sub lessor who was not in possession. And the rule mentions that.

Mr. DeLaney: Which case are we talking about.

Ms. Balsam: Hughes. He was a sub lessor who was not in possession. So he came under (b)(4).

Mr. DeLaney: As you know, my contention is that the Board has made all kinds of case decisions that are at odds with how I read the rule and the way we made decisions for decades.

Mr. Roche moved that the staff come back to the Board with language for both creating the point and enhancing the current language of the line in order to obtain a more definitive closure.

Mr. Hylton: So you're making a motion that we make no decision today?

Mr. Roche: That's a short way of putting it. In essence, that's what it means.

Ms. Balsam: I don't really think we have to re-draft because – Let's assume we keep the language, "…through the date the record closes." For better or worse, we just leave it that way. Then the point would be "…protected occupancy only if the individual uses the unit as a primary residence on the date the application is filed." That's the point.

Mr. Roche reiterated his objection to the line, which seems to subject tenants to a lottery in which some are more burdened than others.

Mr. Hylton: Right. So let's get rid of that.

Mr. Roche felt that perhaps a more fair version of the line concept could be developed.

Mr. Hylton replied that he didn't think it possible to find a fair solution.

Ms. Balsam agreed.

Mr. Hylton: Please don't misinterpret this. I'm glad we're debating it, but I think we're wasting a lot of time trying to find a solution that would be completely fair to everyone without acknowledgement of a process that would handle some of the abusive situations Mr. DeLaney mentioned. So let's leave those to the other processes and not try to solve the world's problems here.

Ms. Torres-Moskovitz asked of those in favor of the line concept why that made them more comfortable.

Ms. Balsam: My reason for the line was that we've had cases where people filed their application, then moved out. That's the reason to have the line.

Ms. Roslund: It's not unreasonable to ask that, during the process, the person be able to prove they are using the unit as their primary residence.

Ms. Torres-Moskovitz: Versus the current way, where they just need to be a residential occupant in possession? We're creating two hurtles to clear.

Mr. Roche: I don't think it's wrong to assume that you may have to prove something. The problem is the unfair advantage the person going first has.

Mr. Hylton: And there we are again. I don't think we can solve that. Someone always gets the advantage. I always wonder about sitting at the front of the plane or the back. Which is better? But you get my point. We're never going to have a completely level playing field in any of this. So we go with what's…..easier or fair?

Mr. Roche asked if the meeting was going to continue past 4:30PM.

Ms. Torres-Moskovitz: Can progress be tracked via the meeting minutes or a draft? We had an interesting conversation, and I don't want to lose it and start all over.

Mr. Hylton: That's why I really want us to make a decision today, and get that on the record. And this is only the draft. It will come back again.

Mr. DeLaney: I don't like the idea of having any point, as I've made clear. If we promulgate the draft rule that has a point – the point of filing an application – when there's a public hearing, we will undoubtedly hear from people who say there shouldn't be any point; it shouldn't exist. And we'll hear people say there should be a line because of X and the line should be…whatever. So I don't think it's a bad place to put the ball in play for public discussion. Even though I'm not in favor of it as an end result.

Mr. Hernandez: So leave it as it is and punt it to the future?

Ms. Balsam: No. I think a proposal would be to change what I've written here in number (4), page 2. "…only if the individual uses the unit as a primary residence on the date the application is filed." I think that defines the point. The way that it is now, it's a line. So we could leave it as a line and get the public comment, or we could leave it as a point….

Mr. Hylton: And continue to use it? To clarify what Mr. DeLaney is saying: If we say, on the date of the filing of the application, providing that the individual continues to use….?

Mr. DeLaney: Yes, right. That just echoes the eviction provision.

Mr. Hylton: But we could put it in this rule, too.

Mr. DeLaney: That would be a place where debate could begin.

Mr. Roche: Instead of making motion using Mr. DeLaney's words, I'll just withdraw my motion, which wasn't seconded, and let someone who can easily express it make the motion.

Mr. Hylton: So the motion is withdrawn and the staff to develop will draft regarding the point concept, to contain the language about continued use of the unit.

Mr. DeLaney: We're planning to have two meetings in July, one of which may be a marathon meeting, starting early in the day and continuing for a significant period of time. If it comes to pass that the governor signs the bill on his desk, how are we going to take that into account alongside all we've been working on for a quite some time now?

Ms. Balsam: If the governor signs the bill, our primary responsibility is to work on implementing the bill. That being said, we've made some progress, so my proposal would be to take everything the Board has already agreed on – there are still a few minor open issues, particularly Chapter 1 – which would allow us to accept electronic filings and get rid of our paper copies – and at least incorporate that into a rule-making. And then do as much as we can of the other as well. I've already been thinking about what the rules would look like, preparing for that. I hope the signature comes soon, and we can start moving forward. It will be a lot of material to look over, and I want to get it to you as soon as possible.

Mr. Hylton: I know it could be difficult, but are the Board members open to an August meeting?

Mr. Hernandez said that an all-day meeting would be difficult, but he could come in the afternoon.

Ms. Balsam said it would be the first part of August.

Ms. Roslund said she already had plans for the early August.

Mr. DeLaney suggested it might make more sense to look to doubling up meetings in September and October.

Ms. Balsam agreed, and said they are looking for rooms.

Mr. Hylton said that what happens in Albany will drive the July meetings.

Ms. Torres-Moskovitz asked how the process of implementing the bill would work. What it would look like.

Ms. Balsam: Much like these rules, we would take the current rules and change them. So for example the new rule takes out the window requirement, so in those rules we would put brackets around window, so it's no longer there. It would look much like these draft rules do, with brackets and underlines to make the appropriate changes. Then the Board would vote; we would have to start the CAPA process, which involves publishing; we would have a public hearing, probably more than one. Then the Board finalizes the rules, and we publish them again.

Ms. Balsam defined and explained the CAPA process for Ms. Torres-Moskovitz: The City Administrative Procedure Act controls rule-making for all city agencies. The fastest the process could go, under normal circumstances, is ninety days. Realistically, it's around a minimum of four months.

Mr. Roche asked Ms. Balsam if it was possible to have a powerpoint presentation on the sale of rights that could be used to educate the public.

Ms. Balsam: Let's see if the governor signs the bill. If he does, we're going to be very busy.

There was some conversation between **Ms. Torres-Moskovitz**, **Ms. Balsam, and Mr. Roche** about what presentation materials would be useful and what was already available.

Mr. Hylton noted that while the Board has other priorities at the moment, public education was important to all, and they would do whatever it takes.

Mr. Hylton: This will conclude our June 20, 2019, Loft Board meeting. Our next public meeting will be held on Thursday, July 11, 2019, at 10:30 am at 22 Reade Street, Spector Hall.

The End