

**AMENDED MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting Held at
280 Broadway, 3rd Floor
Conference Room**

December 12, 2013

The meeting began at 1:15 p.m. The attendees were Ronald Spadafora, Fire Department Representative; Chuck Delaney, Tenants' Representative; Elliott Barowitz, Public Member; Daniel Schachter, Public Member; Mark Foggin, Manufacturing Representative, Gina Bolden-Rivera, Public Member and Chairperson Robert LiMandri

INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the December 12, 2013 public meeting of the New York City Loft Board.

VOTE ON AMENDED OCTOBER 17, 2013 MINUTES

Motion: Mr. Foggin moved to accept the October 17, 2013 amended minutes. Mr. Barowitz seconded the motion.

Members Concurring: Barowitz, Spadafora, LiMandri, Delaney, Foggin, Schachter (6)

Members Absent: Mayer, Shelton (2)

Members Abstained: Bolden-Rivera (1)

VOTE ON NOVEMBER 21, 2013 MINUTES

At the Board's request, the vote on the November 21, 2013 minutes was tabled for the minutes to reflect a discussion of IBZ's. An amended version of the minutes will be voted on at the January 16, 2014 Loft Board meeting.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported the year end summaries of Letters of No Objection and Board Certifications, which included a comparison to previous years. The statistics are as follows:

Number of Letters of No Objections Issued:

2010	14
2011	165
2012	156
2013	190

Number of Loft Board Certifications Issued:

2010	8
2011	22
2012	37
2013	37

Ms. Alexander reported that the Loft Board's staff started the enforcement process in October, at which time 49 buildings had not registered. In October, **Ms. Alexander** reported that after the staff's outreach, 31 of the buildings had registered and of the 18 unregistered buildings, 10 had indicated they would register and 8 indicated they would not. By November, one additional building had registered and we are

anticipating the registration of the other 9. The staff issued Loft Board Failure to Register Notices to the 8 buildings that did not indicate that they would register by the end of the year.

Ms. Alexander reported that to date, the Loft Board had collected \$ 1,110,324 in registration fees.

Ms. Alexander reported that in 2013, the Board considered 157 cases, including the cases on the December agenda. These 157 cases include: 4 reconsideration cases, 92 summary calendar cases and 61 master calendar cases (including the removals). The Board considered 19 removal cases, which removed 125 units from the Loft Board's jurisdiction.

UPDATE ON LOFT BOARD REPORT PRESENTED BY ROBIN BROOKS, DEPARTMENT OF BUILDINGS, ASSISTANT COMMISSIONER OF EXECUTIVE COMMUNICATIONS

Assistant Commissioner Robin Brooks provided a status update on the Loft Board Annual Report, which is to be released before the end of December 2013.

ENFORCEMENT STRATEGIES DISCUSSION

Commissioner LiMandri suggested that the Loft Board create various "gates" to encourage compliance, while focusing resources on the most recalcitrant actors.

Ms. Alexander gave an overview of the Loft Board's history of enforcement regarding unregistered buildings potentially eligible for Loft Law coverage. She presented several possible options for the Board to consider and proposed exploring the feasibility of each of them.

- 1) The Loft Board staff could assign interim multiple dwelling (IMD) numbers to buildings known or suspected to house tenants eligible for Loft Law coverage. Owners would then have the option of contesting coverage by filing a Loft Board application contesting coverage;
- 2) The Loft Board staff could notify the building owner that it will register the building unless the owner legalizes the building for residential use or converts it back to commercial use;
- 3) In the context of coverage applications, the Loft Board staff could reject withdrawals of applications without the owner's registration and settlements that allow the tenants to remain in the building without registration or legalization by the owner.
- 4) As a final resort, buildings found to contain hazardous conditions could potentially be vacated, after all tenants' coverage applications were adjudicated. Ms. Alexander reiterated that tenants must be given sufficient time to relocate in this case.

Ms. Alexander stated that any enforcement actions should not begin until after the statute of limitations for filing coverage applications ends on March 11, 2014.

Mr. Schachter raised the possibility of recording a use agreement or restrictive covenant, limiting the building to non-residential use for a period of time, or a certification by a licensed architect or licensed inspector.

Chief Spadafora stated that the FDNY will go through their database for this class of non-IMD buildings, promulgate an inspection form, and establish a schedule for initial safety inspections to determine the existence of health and safety conditions. This will warrant a discussion regarding secondary means of egress in interim multiple dwellings.

Mr. Schachter and Ms. Bolden-Rivera raised the issue of notifying mortgagees and insurance companies of buildings' status in order to encourage compliance.

Mr. Delaney suggested a solution should be proactive, such as outreach initiatives.

Mr. Schachter asked about the feasibility of inspecting buildings without unduly delaying the processing of Loft Board Cases. Ms. Alexander said that it would not.

OUTREACH DISCUSSION

There was a brief discussion regarding coordinating outreach efforts with the Department of Buildings to educate affected parties about the March 11, 2014 statute of limitations for filing coverage and registration applications.

Mr. Schachter also asked if any outreach would highlight the March 11th filing deadline. The Board's consensus was that it should be highlighted.

DISCUSSION AND VOTE ON RECONSIDERATION CALENDAR CASE

1.	William Goins	46 Walker Street	AD-0068	MC/MC
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Motion: Mr. Foggin moved to accept the proposed order. Mr. Barowitz seconded the motion.

Members Concurring: Barowitz, Spadafora, Pogoda, Bolden-Rivera, Foggin, Schachter (6)

Members Absent: Mayer, Shelton (2)

Members Against: Delaney (1)

DISCUSSION AND VOTE ON RECONSIDERATION CALENDAR CASES

2.	99 Commercial Street, Inc.	93-99 Commercial Street, Brooklyn	R-0335	MC/MC
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Motion: Mr. Delaney moved to accept the proposed order. Mr. Schachter seconded the motion.

Members Concurring: Barowitz, Spadafora, Pogoda, Delaney, Bolden-Rivera, Foggin, Schachter (7)

Members Absent: Mayer, Shelton (2)

DISCUSSION AND VOTE ON SUMMARY CASES

3	K & K II, LLC	235-241 Berry Street, Brooklyn	LC-0157	MC/MC
4.	Sian Evans	235-241 Berry Street, Brooklyn	TC-0017	MC/MC
5.	Thomas L. Beyer	197 Henry Street	TM-0069	MC/MC
6.	Thomas L. Beyer	197 Henry Street	TN-0219	MC/MC
7.	Moira Tierney, Peter Wilson, Anne Libby, David Brooks, John Nichols, Vanessa Wruble, David Hocs, Alejandro Cardenas, Kevin Zucker, Lisa Beckner, Stephen Siegrest, Charlotte Glynn and Patrice Lerochereuil	57 Jay Street, Brooklyn	TR-0835 TR-0838 TR-0857 TR-0941 TR-0977 TR-0991 TR-1006	MC/MC
8.	Shelly Silver	22 Catherine Street	TR-0900	MC/MC
9.	Steven Schaefer	131 Boerum Street, Brooklyn	TR-0983	MC/MC
10.	Alessandra Veronese	109 Avenue A	TR-0984	MC/MC

Motion: Ms. Bolden-Rivera moved to accept the proposed orders. Mr. Foggin seconded the motion.

Members Concurring: Barowitz, Spadafora, Pogoda, Delaney, Bolden-Rivera, Foggin, Schachter (7)

Members Absent: Mayer, Shelton (2)

DISCUSSION AND VOTE ON MASTER CASE

11.	96-100 Prince Street	96-100 Prince Street	LE-0621	MC/MC
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Motion: Mr. Foggin moved to accept the proposed order. Mr. Delaney seconded the motion.

Members Concurring: Barowitz, Spadafora, Pogoda, Delaney, Bolden-Rivera, Foggin, Schachter (7)

Members Absent: Mayer, Shelton (2)

Ms. Pogoda concluded the December 12, 2013 Loft Board public meeting at 3:20 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on January 16, 2014 at 1:00 p.m.