

MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting

July 15, 2021

The meeting began at 2:20 PM

Attendees: Charles DeLaney, Tenants' Representative; Kei Hayashi, Manufacturers' Representative (partial); Nicole Oddo, Public Member; Samira Rajan, Public Member; Richard Roche, Fire Department's *ex officio*; Heather Roslund, Public Member; Renaldo Hylton, Chairperson Designee; Kevin Schultz, Executive Director

INTRODUCTION:

Chairperson Hylton welcomed those present to the July 15, 2021, 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.

OPENING COMMENTS:

Chairperson Hylton announced that this is the first in-person meeting since February 2020, when the coronavirus pandemic necessitated virtual meetings, and he thanked everyone for their patience with the technical issues and for adhering to the health and safety protocols put in place for this meeting. He noted that the meeting was also being streamed live for those who could not attend in-person, so he advised the Board members to speak slowly and clearly and noted that a microphone was available if required.

VOTE ON MEETING MINUTES:

June 17, 2021, Meeting Minutes

Chairperson Hylton asked if there were any comments on or corrections to the June 17, 2021, minutes.

Mr. DeLaney mentioned he had emailed a typo correction to the Executive Director, then asked for clarification regarding a comment made by Chairperson Hylton on page 16 during the self-certification discussion. Specifically, "...the Department of Buildings does not issue architects and engineers their licenses. That is done by the Department of Education, the Department of Regents. So, all we can do is refer our cases to them for discipline." Mr. DeLaney asked if the Department of Buildings does, in fact, do this.

Chairperson Hylton: Yes. The Department of Buildings does; not the Loft Board.

Mr. DeLaney: Okay, thank you.

Mr. Schultz noted for the record that the typo was voluntary should be voluntarily and that it would be corrected for the final, posted minutes.

Chairperson Hylton asked if there were any further comments on the minutes. As there were none, he asked for a motion to accept the June 17, 2021, meeting minutes, and for a second.

Mr. Roche moved to accept the June 17, 2021, meeting minutes, and **Ms. Hayashi** seconded.

The vote

Members concurring: Mr. Roche, Mr. DeLaney, Ms. Hayashi, Ms. Oddo, Ms. Roslund, Ms. Rajan, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Hylton

Members recused: 0

EXECUTIVE DIRECTOR'S REPORT

Mr. Schultz welcomed the Board members, Chair, and members of the public to the meeting and began his report by thanking the staff and all those involved in organizing this live session so quickly, as well as the public, both in-person and by live stream, for their patience with protocols and technology.

Executive Order

As of June 25, 2021, the Governor's Executive Order 202.109, which suspended the in-person meeting requirement of the Open Meetings Law, was not extended. As a result, this July 15, 2021 meeting is an in-person meeting. Public health guidelines for indoor gatherings will be followed here today.

Revenue

The unofficial revenue for June was \$2,225. We are in the midst of annual registration, when revenue increases significantly.

Registrations

The staff is currently processing that flood of paperwork and payments, and there will be an update on that at September's meeting. A letter from the Executive Director was included in the annual registration to owners, advising them of the rules and enforcement mechanisms; that late submissions are subject to penalties; and that the Loft Board would be utilizing them towards compliance and accountability in the registration process. Annual registration is important, we've already gotten a lot of compliance, and as the month continues we hope to get more. There have been 169 responses thus far, out of roughly 300 buildings. The late fees accrue around July 31/ August 1, operative days depending.

Violations

On June 28, 2021, two violations were issued for 112-114 West 14th Street, for no gas in Unit 4E and no working passenger elevator for the building. More generally, our enforcement attorney and inspector are in daily contact, reviewing complaints together and assessing from both legal and practical standpoints what kind of issues we can address and what we cannot.

We have arranged for joint inspections with the Department of Buildings in areas outside of our authority, and for constituents who contact us with matters beyond our purview, we are also developing a list of reliable and useful referral contacts at other agencies to which we can refer them.

Rulemaking

The proposed rules are under review by the Law Department and also sent to the Mayor's office, which advised they will likely have no additional comments. However, they are sure to review the final product.

SoHo/NoHo Rezoning

The lawsuit brought by community groups concerned about the rezoning was dismissed earlier this month. According to the New York City Planning website, Community Board review has been underway since May 26 and will continue up through July 26.

Litigation

Decisions

Hughes vs. New York City Loft Board, Index Number 150395/2019. The Petitioner, the sublessor of the first-floor unit at 401 Wythe Avenue, Brooklyn, NY, filed an Article 78 to challenge Loft Board Orders number 4714 (November 30, 2017) and 4820 (November 15, 2018), in which the Loft Board rejected OATH's recommendation and denied protected occupancy status to the Petitioner because he did not use the unit as his primary residence. The record showed that the Petitioner had left the apartment to live with his girlfriend and rented the apartment to others. The Court denied the petition and found that the Loft Board was not arbitrary or capricious. The Petitioner also argued that the 2019 amendment to the Loft Law and the addition of 281(6) permitted him to re-apply for protected occupancy status. The Court found that the matter is not ripe for review, as the Loft Board has yet to make a determination on the issue.

475 Kent Owner vs. New York City Loft Board and Julian Bozeman, Index Number 152162/2021. The Owner filed an Article 78 challenging the Loft Board's determination in Order 4987 (June 18, 2020), which invalidated the prior tenant's sale of rights because that prior tenant was no longer a residential occupant of 473-493 Kent Avenue at the time of the sale. The Loft Board rejected an OATH ALJ's

recommendation and granted Bozeman, a new tenant, protected occupant status. Owner argued, amongst other things, that the Loft Board had failed to consider post-trial briefs submitted to OATH by both parties. On June 25, 2021, the court disposed of the matter as moot after a stipulation of settlement was reached by which the Loft Board vacated Order number 4987 and remanded the matter back to itself for review in order to ensure that all relevant documents and briefs are duly considered.

Matter of the Application of the Estate of Bikman, Index No. 101209/2017. The Petitioner, the Estate of Minda Bikman, filed an Article 78 asking the court to annul Loft Board Order 4667 (April, 28 2017), which valued the decedent tenant's fixtures from a unit located at 595 Broadway in Manhattan and refused to turn over possession of the unit to the estate's administrator. The Loft Board relied on available records and testimony that the deceased tenant had given in 1982, during a Mayor's Hearing on Loft Board Increases. The Loft Board also relied upon a decision on the specific matter of possession that was rendered by the New York State Appellate Division (First Department). The court denied all claims, finding that the Loft Board's determination was consistent with statutory language; was not unreasonable or irrational; and was neither arbitrary nor capricious.

Brigham vs. New York City Loft Board, Index Number 100043/2021. The Petitioner, the residential tenant of the third-floor IMD unit at 72 Warren Street in Manhattan, filed an Article 78 petition and a motion for a stay, asking the Court, among other things, to stay (stop) an ongoing narrative statement proceeding that was initiated for the building; to annul the Loft Board staff's decisions made during the narrative statement process; and to direct the Loft Board staff to conduct a narrative statement proceeding in accordance with the Loft Board's rules. The Court denied both the petition and the motion for a stay, finding that the petition was premature and that the Petitioner had failed to exhaust his administrative remedies. The narrative statement proceeding is currently ongoing, and the Loft Board staff has not yet issued a certification for the proposed work. In addition, the Loft Board has yet to make a determination on appeal applications, which the Petitioner has separately filed with the Loft Board.

Chairperson Hylton thanked Mr. Schultz and asked if there were any questions for him.

Mr. DeLaney asked if the Board members could receive a copy of the letter sent to the owners regarding annual registration. He also said he would be requesting copies of some of the Decisions.

Mr. Schultz acknowledged both requests.

Ms. Roslund reported on an issue related to Soho-NoHo. Pursuant to Mr. Barowitz's concern that the Loft Board and Loft Law seemed to be unknown or ignored by administrators in this process, she attended the first presentation of by the Department of City Planning to Community Board 2. In that presentation, in which residential occupancy in Soho was quantified as approximately one-third plain residential, one-third Loft Law units, and one-third joint living/ working space for artists, the Loft Law and loft tenants were discussed quite a bit.

Chairperson Hylton thanked Ms. Roslund and asked if there were any questions for Mr. Schultz.

Mr. DeLaney: I mentioned this earlier, and this as good a place as any to bring it up again. Four or five years ago, we started having what we call a private meeting to discuss cases an hour before the public meeting. I appreciate the Executive Director's concern that, for the convenience of the public, the public session should start close to 2PM. The problem is that, even though the last couple of caseloads we have had have been relatively simple, and they still take an hour. There have been times in the past when the discussion session has gone on until 2:30 or 2:45. Clearly, the interest of the applicants is not served if the Board members in that discussion are under time pressure.

My opinion is if you want to do it in private, you have that right. I was against it, philosophically, but former Executive Director Balsam articulated valid, legal arguments to have that meeting in private. So if you want to do that, we really should think about a mechanism that will balance the needs of the applicants with those of the public. Perhaps it means having the private meeting on a different day or significantly earlier; because when we hit some really gnarly cases, which is undoubtedly going to happen sometime in the not-too-distant future, it is just not going to work.

Mr. Roche said he thought there was a time when the private meeting started at noon or 12:30PM.

Chairperson Hylton said he would leave this to Mr. Schultz to work out.

Mr. Schultz clarified for anyone who might not know what the private meetings are: they are an opportunity for Board members to consult with the Executive Director and the other staff attorneys. It is a time for conversations between the attorneys and their clients, which is the Board; it is not a time for the Board to discuss amongst themselves as that is what this session is for. To the extent that there is a more workable way to do that, we'll be thinking about and listening for a better way as there is no set time or place mandated for these meetings. Thank you for bringing that up.

SALE OF RIGHTS UNDER MDL 286(12)

Chairperson Hylton turned the meeting over to **Mr. DeLaney**, who had requested time to discuss this issue.

Mr. DeLaney: Thank you. This was prompted by the fact that we have struggled, since sales of rights first started taking place after the Loft Law came into existence, with getting the sale of rights documents from the owner; keeping track of them; and with the BUY-R designation that the staff developed at some point in time as a way to indicate the status of units, which I think is principally shared with the owner when the renewal goes out. But particularly in the past decade, 286(12) sales have become very contentious, and we have had many cases on the docket, today included. Was it a sale? Was it a valid sale? Was it a real sale? Was that person entitled to sell? So if you have an owner saying, well, I've been getting registration notices that this was a BUY-R unit, and that means it was bought-out in a 286(12); but now you're telling me it's not, and this is terrible, and whatever else. So, it would seem to me that maybe there is a better way to keep records or not keep records.

The whole BUY-R convention was something the staff developed without any real consultation with the Board members. As several of the cases on the agenda involve 286(12) issues, this meeting seems like a good time to spend some time exploring what we could do to make the logistics of receiving, filing, and noting sales of rights in a way that would be clearer and more helpful for everyone. We do have a rule pending, now with the Law Department, which would significantly change 286(12) by requiring that the price paid be disclosed in the sale document, rather than redacted. Today, we have a case on the agenda which is most remarkable in that 18 units -- apparently, all the units in the building -- were bought-out within the span of five months, and all the sale prices on all the sales of rights are blacked

out. That's going to change, assuming we adopt this rule. So, as 286(12) issues occupy more of our time and energy, I thought it might be helpful for us to have a discussion about what we're doing; why we do it; how we might do things better; etc.

Mr. Schultz asked if any of the Board members wanted to comment before he responded. As there were no further comments, he continued: I agree with Mr. DeLaney that sales of rights are an issue of interest, perhaps now more than ever. Not having a history, I don't know the changes in development over time, but I will share what I have experienced since entering the Loft Board world regarding 286(12) cases, litigation, reviews, and filings. Hopefully, some of this will be enlightening and inform the conversation Mr. DeLaney suggests.

The Loft Board staff receives applications that are sales forms filled out and signed by the parties. Attached to those are sales agreements, in which the tenant sold their rights to the unit, thereby deregulating it. We do have a system by which, after that is done, our system changes the label on it. I do not think that labeling is part of the rules or the law; it is an administrative activity to keep track of things. That's my best understanding.

What I stepped into was a process that I believe Ms. Balsam was initiating, which was a review of these filings and the sending of a letter to the owner saying, your filing has been accepted; or, we have reviewed the filing and additional information is requested; or, I believe there are administrative determinations that have rejected the sales filing. I have seen examples of all of those, and the universe of forms and filings I inherited is currently under review. We have an attorney reviewing them according to the criteria in the rules as well as with an eye for the things that have spurred litigation, which always goes back to the rules because that litigation was based on the interpretations of those rules.

So, what I seem to have received is a good thing, I think. I don't want to say it's not-fully functioning, because again, my predecessor did start doing this. I just don't know that the industry, the practitioners, maybe even this Board have an appreciation that this was happening. And I would guess that the reason Ms. Balsam started doing this was because we were seeing these older cases where, years and years later, our staff is trying to compile a record to clarify whether the sale happened or not. I think the

thinking was -- and mine is, too -- that if we can do that now, we will thank ourselves later. And so that review is being done by our staff now, and it includes the fundamentals of checking to make sure the space is designated as an IMD; seeing if there are any open harassment dockets; looking at the status of code compliance deadline status; looking to see if there is a prior sales record for that same space; looking at the forms themselves, that they were accurately dated, signed, and completed; and looking at the timeliness for enforcement purposes. Reviewing the consideration, the signatures, and references to the MDL.

So that is happening. We have picked it up. And from what I've learned in my time treating these cases and from good advice from the staff, based on what they have learned, we are, hopefully, helping our future selves not see these situations in the same way. I hope that was helpful.

Mr. DeLaney: I guess what I take away from your comments is that you're still kind of looking at this, both giving scrutiny to the 286(12) filings as they come in and, presumably, thinking about, is there a best practice here to follow, or should we be modifying it? In particular, my interest would be how the public, the owner, the tenants are served by having the BUY-R designation included in the registration. Is that more helpful, or does it promote more confusion? And does that track with, they file something; it's being reviewed; but now the registration has got to go out; what do we do? I guess that is the key question of the moment.

Mr. Schultz: The disconnect you just described has happened. Someone has done the filing; it's in our possession and under review; and the owner received their registration and asked why is it this way? Not having been here the whole time, I can't be sure, but I do recall Mr. DeLaney saying last time that these types of sales were, historically, not as common. So, I think it's possible that our constituents, our owners, have never experienced that acceptance or rejection letter that Ms. Balsam started to do at a certain point in time. So, it's not maybe a delay of the Executive Director; or maybe the COVID delay created an additional amount of time where this was not happening with frequency. I think it needs some reviewing to see what the best practice is. But then it needs to get into the ether a little bit. And as it does... We've received feedback from owners who are, I believe, in good faith legitimately not clear on why it is that way. Some of them very legitimately may have experienced a situation where they sent it, thought that was it, because they never heard anything. That seems to have changed in relatively recent

history. Because, again, of the kind of cases we have seen. So we are looking at the logistics, the administration, that would work best for ourselves and for all parties. Thank you.

Chairperson Hylton thanked Mr. Schultz and Mr. DeLaney for a good discussion and then turned to the cases.

THE CASES:

Appeal and Reconsideration Calendar

	Applicant(s)	Address	Docket No.
1.	Tenants of 400 South 2 nd Street	394-400 South 2 nd St., BK, NY	AD-0109
<i>Certain residential tenants in the building appealed an administrative determination, dated July 28, 2020, that was made by the then-Acting Executive Director of the Loft Board. In the administrative determination, the then-Acting Executive Director, among other things, concluded that the building was exempt from the narrative statement process pursuant to 29 RCNY § 2-01(d)(2)(iii)(A). On appeal, the residential tenants asserted that, in determining whether the building was exempt from the narrative statement process, the then-Acting Executive Director committed an error of law.</i>			
<i>The record shows that the following conditions for exemption from the narrative statement process, as set forth in 29 RCNY § 2-01(d)(2)(iii)(A), were satisfied for the building: (1) on or before June 1, 2012, a building permit was issued for legalization work, and (2) the building permit remains in effect or is renewed without reinstatement or amendment of the underlying alteration application and legalization plan until the final certificate of occupancy is obtained. Notably, records showed that in March 2015 the Department of Buildings renewed a permit without reinstatement which appeared contrary to the agency's normal procedures.</i>			
<i>The proposed order asserted that facts found by the then-Acting Executive Director in the administrative determination were supported by substantial evidence in the record, and the then-Acting Executive Director correctly applied the law. The Loft Board did not accept this proposed order as presented.</i>			

Ms. Lee presented this case.

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

Mr. Roche moved to accept this case, and **Ms. Oddo** seconded.

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

Mr. DeLaney: We have this remarkable situation where the Loft Board is a separate entity, except when sometimes it's part of the Department of Buildings. The Chair of the Loft Board is the Commissioner of the Department of Buildings, since then-Mayor Bloomberg issued the Executive Order that set it up that way. Here, it appears that this owner was very prescient. He had a building that seems to have had a lot of converted loft residences, and he actually filed for them all in February of 2010, before the Loft Law was expanded in June of 2010. This created a situation where the tenants do not have the benefit of a narrative statement conference. Then we get to this period in 2015, where apparently, the Department of Buildings allowed the owner to renew the lapsed permit, even though a full year and had gone by which, technically, should trigger reinstatement. So, I feel that we are in a situation where ...I am not so sure we would not have had the discretion to take a different position.

What I fear will happen here is that the tenants, probably under the advice of counsel, may seek to raise the issues regarding legalization by bringing an unreasonable interference case or by denying access. The concept of the narrative statement is one of the most remarkable things about the Loft Law, and it has worked very well. So, as I ponder all of this, I think I'm going to vote against this Proposed Order.

Ms. Roslund: To add a few points, yes, this case is quite the morass. There were also some questions raised about a PAA filing to merge the zoning lots. There are three different professional applications. So, there are a number of other issues on this case that we have been looking at today. I am with Mr. DeLaney and am going to vote no.

Chairperson Hylton asked if there were any further comments on this case (none).

The vote

Members concurring: Mr. Roche, Chairperson Hylton

Members dissenting: Mr. DeLaney, Ms. Oddo, Ms. Roslund, Ms. Rajan

Members abstaining: 0

Members absent: Mr. Barowitz, Ms. Hayashi, Mr. Hylton

Members recused: 0

Chairperson Hylton noted that this motion did not pass, so the case will be revisited. He then introduced the next case.

	Applicant(s)	Address	Docket No.
2.	MZBJ Holdings LLC	250 Moore St., BK, NY	R-0386
<i>Owner challenged Loft Board Order no. 4980, dated May 21, 2020, which found that tenants of units 204 and 206 were protected occupants and found that they were entitled to rent overcharge awards. Owner argued that the Loft Board erred in finding that purported sales of rights by prior tenants submitted were invalid. This order disagrees and supports the findings of the underlying order. This order relies on the Loft Board's authority to scrutinize the validity of sales of rights as a matter of public policy and Owner's failure to prove that the tenant sellers intentionally relinquished a known right. The order also rejects Owner's request to reassess overcharge amounts based on water escalators. As such, the application was denied.</i>			

Mr. Schultz presented this case.

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

Mr. DeLaney moved to accept this case, and Ms. Oddo seconded.

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

Mr. DeLaney: I just have one question. On page 5, the last paragraph, it states that, "Owner is further undermined by the fact that, between 2011 and 2016, in its annual Loft Board registration renewals, Owner certified that Units 204 and 206 were rent-regulated IMD units, even though Owner allegedly purchased the rights to the units in 2011 and 2012." We are still allowing handling cases in public, so I am going to ask the Executive Director a question, which he may or may not answer. My question is, was the owner's certification of that by signing the registration that had these two units not designated BUY-R?

Mr. Schultz: I don't have that record in front of me, and I don't want to misspeak. But my understanding is that the registration documents that go out have an indicia of this regulated -versus- deregulated status and that the response includes a statement of certification as to those various facts and details within the registration documents.

Chairperson Hylton asked if there were any other questions or comments on this case (none).

The vote

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

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Ms. Hayashi, Mr. Hylton

Members recused: 0

Chairperson Hylton: Thank you. The motion is passed.

The Summary Calendar

Chairperson Hylton: There are three cases on the Summary Calendar, and they are voted on as a group.

	Applicant(s)	Address	Docket No.
3.	475 Kent Owner LLC	473-493 Kent Ave., Unit 609, BK, NY	LS-0253
<i>The owner filed an access application for Unit 609. The parties ultimately executed a stipulation of settlement whereby the parties agreed upon terms of access to Unit 609. The owner's access application is deemed to be resolved. The Loft Board neither accepts nor rejects the remaining terms of the stipulation of settlement.</i>			
4.	475 Kent Owner LLC	473-493 Kent Ave., Unit 805, BK, NY	LS-0255
<i>The owner filed an access application for Unit 805. The parties ultimately executed a stipulation of settlement whereby the parties agreed upon terms of access to Unit 805. The owner's access application is deemed to be resolved. The Loft Board neither accepts nor rejects the remaining terms of the stipulation of settlement.</i>			
5.	Crystal Heffernan	250 Moore St., Unit 408, BK, NY	PO-0128
<i>The residential tenant of Unit 408 filed a protected occupancy application. The parties ultimately executed a stipulation of settlement whereby, among other things, the residential tenant withdrew her protected occupancy application with prejudice. The residential tenant was also recognized as the protected occupant of Unit 408. The residential tenant's protected occupancy application is deemed to be resolved. The Loft Board neither accepts nor rejects the remaining terms of the stipulation of settlement. The Loft Board directs its staff to update its records to reflect the residential tenant as the protected occupant of Unit 408.</i>			

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

Ms. Oddo moved to accept these cases, and Ms. Roslund seconded.

Chairperson Hylton asked if there were any comments on these cases (none).

The vote

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

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Ms. Hayashi, Mr. Hylton

Members recused: 0

Chairperson Hylton: Thank you.

The Master Calendar

	Applicant(s)	Address	Docket No.
6.	269 Meserole Realty LLC	269-271 Meserole St., BK, NY	LE-0726
<i>Owner filed an application seeking to remove the building from the Loft Board's jurisdiction. The proposed order finds that the owner was in compliance with MDL § 284(1) and would grant Owner's request to remove the building. On August 8, 2019, the Department of Buildings issued a final residential certificate of occupancy showing six residential units on each of the first, second, and third floors, consistent with Loft Board's records for IMD spaces. The proposed order also finds that these first, second, and third floor units (18 in all) are not subject rent regulation as Loft Board records reflect valid sales of rights and improvements for these units. Owner neither applied for rent adjustments based on the costs of code compliance nor submitted Notice of RGB Increase Filings to the Loft Board. No answers were filed in response to Owner's removal application. The Loft Board did not vote upon this proposed order at this meeting.</i>			

Chairperson Hylton noted that there is no presentation on a removal case, and then asked for a motion to accept this case and for a second.

Ms. Oddo moved to accept this case, and Ms. Roslund seconded.

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

Mr. DeLaney: Yes, actually, we discussed this case at some length in the private session, and there seemed to be some irregularities in the way the Order was drafted. We had some questions for which there were no immediate answers, so I would suggest that this case be tabled.

Chairperson Hylton: Before making that decision, are there were any additional comments on this case?

Mr. Roche said he would also like to see it tabled.

Chairperson Hylton: The Chair will table this case until the next meeting so that staff can prepare answers to questions posed by Board members in the private session.

	Applicant(s)	Address	Docket No.
7.	SMCB Associates, LLC	329 Greenwich St., NY, NY	LS-0260
<i>Owner sought an order from the Loft Board directing a tenant to provide access, imposing a civil penalty of \$17,000, and a finding that the owner may apply for a rent increase based upon the costs of bringing the access application. The granting of an access application carries significant consequences for the tenant, including intrusion into private space, the imposition of a civil penalty, and grounds for eviction. The order dismisses the Owner's access application for failure to comply with the service requirements of Loft Board rules for access applications. Specifically, Owner failed to establish that its first required notice was sent with a return receipt requested pursuant to Loft Board Rules. As such, the application was dismissed.</i>			

Mr. Schultz presented this case.

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

Ms. Oddo moved to accept this case, and **Mr. DeLaney** seconded.

Chairperson Hylton asked if there were any comments on these cases (none).

The vote

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

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Ms. Hayashi, Mr. Hylton

Members recused: 0

Chairperson Hylton: Thank you. The motion is passed.

Before closing the meeting, **Chairperson Hylton** asked if any of the Board members wanted to add anything.

Mr. DeLaney wanted to thank the staff for making this live meeting happen.

Chairperson Hylton: Thank you. I will accept on behalf of Mr. Schultz and his staff. I know there was quite a bit of ingenuity, and planning, and consulting with the Law Department and others to get this new format in place. I want to apologize to members of the public, who had to wait a bit on us and bear with the various technical issues. We are trying to make this new environment work for us as much as we comply with the Open Meetings Law.

Mr. Roche also wanted to acknowledge the efforts of the tech people who coordinated the mics and computers, etc. He then asked if this (280 Broadway) was going to be the regular venue for the Board meetings or if a return to 22 Reade Street was possible.

Chairperson Hylton: Yes, I also want to thank the DOB tech staff, who are superb. They came in during the week, set this all up and rehearsed with us during the week, then came back to set it all up again for today. We really do appreciate all those folks. Facilities as well. Thank you for setting up this room and making it work for us.

Let me just give some background on what happened leading up to this. We explored many different venues to make this happen. First, we wanted to continue to give members of the public, who, for various reasons, might be hesitant to come to a live meeting, the opportunity to view this remotely. COVID has given us this new platform, and I want to continue it.

But a major problem we faced was that many of the venues that could accommodate more people did not have Wi Fi availability. So Facilities, Department of Citywide Administrative Services (DCAS), and our IT folks had to scramble to make this arrangement with us, where we had an overflow room with video equipment set up, and also do it so you can see it from home.

So, to answer your question, unless things change in terms of COVID and its related restrictions, we will remain here. We don't want to experiment with another location but would prefer working with and improving this set-up. Whatever the politicians decide is best for us, we'll try to work within those constraints. So yes, so it seems to be that it will be this way going forward, though my word is not law.

CLOSING

This concludes our July 15, 2021, Loft Board meeting. Our next public meeting will be held on Thursday, September 16, 2021, at 2PM.* There is no scheduled meeting for the month of August. The September meeting will likely be held here again at 280 Broadway, but we cannot be certain at this time. When we have further information, we will update the Loft Board website and send an email update through the Loft Board Listserv. Thank you very much, members of the public, for your patience. Board members, please sign and hand in your attendance sheet. Have a good summer.

* While Chairperson Hilton mistakenly stated the next Loft Board meeting would take place on September 16, 2021 at 2 PM, it is actually scheduled for September 23, 2021 at 2 PM.