

MINUTES OF PUBLIC MEETING

New York City Loft Board Public Meeting

June 16, 2022

The meeting began at 2:04pm.

Attendees: Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Samira Rajan, Public Member; Nicole Oddo, Public Member; Guillermo Patino, Chairperson Designee

INTRODUCTION:

Chairperson Patino welcomed those present to the June 16th, 2022, public meeting of the New York City Loft Board and explained that the meeting was being held via teleconference due to the corona virus emergency, pursuant to legislation S.50001/ A.40001 signed by Governor Hochul. 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.

He then announced that two cases on the Master Calendar were being tabled due to inadequate service and would be revisited at a later meeting. Those cases are John Roche, 120 Waterbury Street in Brooklyn, and Opera House Lofts LLC, 11-27 Arion Place in Brooklyn.

VOTE ON MEETING MINUTES:

May 19, 2022 Meeting Minutes

Chairperson Patino asked if there were any comments on or corrections to the May 19, 2022, minutes.

Mr. DeLaney asked if there was any new/additional information about the upcoming meeting on June 21st with architects from both sides.

Ms. Roslund also asked for clarification, as she was not at the last meeting.

Ms. Cruz explained that several architects asked for a meeting to discuss their issues and concerns regarding the Narrative Statement process. Ms. Cruz invited several architects who are handling the legalization projects of IMD buildings to express their ideas and discuss how the process might be improved. Ms. Cruz is also working on changes to the Narrative Statement form, which will be distributed for review and feedback.

Mr. DeLaney asked if that form would be shared with the Board before it goes into effect, and Ms. Cruz said that it would.

Chairperson Patino asked if there were any additional comments (none); then requested a motion to accept the May 19th, 2022, meeting minutes and for a second.

Mr. DeLaney moved to accept the May 19th, 2022, meeting minutes, and **Ms. Rajan** seconded.

The vote

Members concurring: Mr. DeLaney, Ms. Rajan, Chairperson Patino

Members dissenting: 0

Members abstaining: Ms. Oddo, Ms. Roslund

Members absent: Mr. Barowitz, Mr. Roche, Mr. Hylton

Members recused: 0

EXECUTIVE DIRECTOR'S REPORT

Personnel

Ms. Cruz: It is with a heavy heart that I report that Amy Lee resigned from her position as Agency Attorney with the Loft Board. She is relocating out of New York State. I want to take this opportunity to thank her publicly for her dedication and her commitment to the Board, the staff, and the mission of the Loft Law. We wish her well in the next chapter of her life, and she will be missed. She is already missed

a great deal. I ask that the members of the public be patient with us. We are extremely short staffed. Our legal team has been reduced to two: Stephan and me. Hiring staff is a priority. We've posted the position and will start interviewing, but this process takes time.

On a positive note, I'm happy to report that Rob Zentgraf from Brooklyn Law School started his summer internship with us on Tuesday. Rob has just finished his first year in law school, and Rob, we promise to keep you very busy.

Litigation

The court has issued two decisions in cases relevant to us, and we've received two new cases.

Decisions: The first decision is regarding 475 Kent Avenue, Brooklyn. The Appellate Division affirmed Loft Board Order No. 4973. In its decision, the Appellate Division held that the Board's determination was not an error of law and is supported by the substantial evidence in the record.

The second decision is regarding 83 Canal St, Manhattan. The owner filed this case challenging Loft Board Order No. 4890, which involved denial of a second application for the extension of the code compliance deadlines. In upholding the Loft Board Order, the court found that the Loft Board's decision to deny the extension was rational and that the rules that petitioner-owner claimed to be beyond the statutory authority were consistent with the statutory language in the Loft Law.

New cases: You may recall that the tenants of 72 Warren Street, Manhattan, filed an Article 78, challenging the staff's decision to issue certification of the Narrative Statement process. After the court dismissed the petition, the tenants refiled the petition.

Second, we were named as a party in a case seeking a stay of an OATH proceeding for an enforcement of a subpoena in a protected occupant case. The owner alleges that the unit was deregulated based on a sale of rights pursuant to MDL § 286(12), and the tenant disputes this claim. The case was on the calendar yesterday. The court directed the parties to obtain trial dates from OATH for them to issue the subpoena.

Annual Registration

The staff is preparing for the annual registration period. The registration deadline is July 1st of 2022. A special thank you to Irma and her team for their hard work in preparing these registration materials.

Enforcement

We received five answers to the ten violations issued. We are currently reviewing those and drafting decisions.

Mr. DeLaney asked what the next steps are regarding the violations.

Ms. Cruz explained that she is reviewing the answers received and deciding the status of each. Administrative determinations would then be issued, and a decision made whether or not to impose a fine. For the owners that did not answer at all, it will be relatively easy. She hopes to have this process completed before September, if not by the next Board meeting.

Mr. DeLaney thanked Ms. Cruz, and then asked for an update on the status of the rules.

Mr. Clarke explained that the Mayor's Office of Operations has basically signed-off on them, as they have no additional comments. On June 9th, the Law Department submitted a few additional comments that he and Ms. Cruz are working on, and they will respond to the Law Department as soon as possible. He reiterated that they are very close to getting the preliminary approval from both Law and the Mayor's Office of Operations.

Mr. DeLaney asked if it is possible that the rule changes would be ready for vote and comment in July.

Mr. Clarke was not sure whether or not the Board members would have to vote on setting a hearing date. He thought that after getting preliminary approval from the Law Department and the Mayor's Office, the next step would be scheduling a public hearing; but he wanted to check on this first.

Mr. DeLaney recalled that the Board has not seen a draft with some information yet to be filled in, such as the hearing date.

Mr. Clarke agreed that the Board would have to see that draft; then take a vote for it to be published; and then schedule a public hearing at least thirty days after publication.

Chairperson Patino said he would confirm the process after this meeting and update the Board members.

Mr. DeLaney: Thank you. That would suggest that we're probably looking at a hearing date sometime in September or later in the fall.

Ms. Cruz: Yes, that sounds right.

Ms. Roslund: Where are the public hearings typically held?

Ms. Cruz: 22 Reade, Spector Hall. I don't know if that's what's going to happen now, but that's what's happened in the past.

Mr. DeLaney's final question was about the staff's ability to continue offering virtual attendance at the Board meetings once in-person meetings resumed, as former-Chairperson Hylton had indicated.

Ms. Cruz said she wasn't sure but would look into it.

THE CASES

The Summary Calendar

Chairperson Patino introduced the ten cases on the Summary Calendar, which are usually voted on as a block.

	Applicants	Addresses	Docket Nos
1	Silkaly M. Wolchok L.P. #1	127 Greene St, Manhattan	LF-0133
<i>The Loft Board deemed the challenge to coverage application resolved because the owner-applicant withdrew the application.</i>			
2	FJH Realty Corp	79 Lorimer St, Brooklyn	LS-0281
<i>The Loft Board deemed the access application resolved because the owner-applicant withdrew the application.</i>			
3	Bushwick 2 Lofts LLC	114 Forrest St, Brooklyn	LS-0286
<i>The Loft Board deemed the access application resolved because the owner-applicant withdrew the application.</i>			
4	Jonathan Charles Knust	250 Moore St, Brooklyn	PO-0129 and TA-0270

<i>The Loft Board deemed the protected occupant and rent dispute applications resolved because tenant-applicant withdrew the applications. The Loft Board directed the staff to update the records to reflect tenant-applicant as the protected occupant of Unit 310.</i>			
5	Janusz Welin	8-10 Grand Ave, Brooklyn	TR-1341
<i>The Loft Board deemed the coverage application resolved because tenant-applicant withdrew the application. Owner registered unit 2-10 and listed tenant-applicant as the protected occupant.</i>			
6	Kamrouz Saifi	158 Grand St, Manhattan	TR-1378 and TR-1381
<i>The Loft Board deemed the coverage applications resolved because the occupant withdrew the coverage applications.</i>			
7	Christopher Sbrollini, Craig Dietsch, Michael D'Amato	605 Warren St, Brooklyn	TR-1392 and PO-0110
<i>The Loft Board deemed the coverage and protected occupant applications resolved because the occupants withdrew the applications.</i>			

Are there any comments on these cases?

Mr. DeLaney: Yes. A couple of these cases include stipulations where the Loft Board uses its usual language, that it neither accepts nor rejects the other portions of the stipulation. And I have frequently expressed my concern about this approach, in that it leaves people unclear what the Loft Board's position. One particular case is 8-10 Grand Avenue. The application is just for coverage, yet the stipulation sets a rent, even though there was no request for rent or issue about rent raised in the application. To me, that goes beyond what I think is appropriate in the stipulation. I'm going to vote yes on the case, but I just wanted to note my concern.

Chairperson Patino asked if there were any other comments on these cases (none); then requested a motion to accept these cases and for a second.

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

The vote

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

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Roche, Mr. Hylton

Members recused: 0

The Master Calendar

Chairperson Patino introduced the one case on the Master Calendar.

	Applicants	Addresses	Docket Nos
10	43 West 27 Realty Associates LLC	43 West 27, Manhattan	LE-0717 and RG-0208
<i>The Loft Board granted the removal application.</i>			

Chairperson Patino asked if there were any comments on this case (none); then requested a motion to accept this case and for a second.

Ms. Rajan moved to accept these cases, and **Mr. DeLaney** seconded.

The vote

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

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Barowitz, Mr. Roche, Mr. Hylton

Chairperson Patino: Thank you, Ms. Rivera.

This will conclude our June 16th Loft Board meeting. Our next public meeting is scheduled to be held on July 21st, 2022. At this time, we don't know if the future meeting will be held in person or virtually, but we'll be sure to keep the Board members and public updated. Information will be made available on the Loft Board website and email updates to the Loft Board announcements Listserv. Thank you.