

MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting

February 15, 2024

The meeting began at 2:07 PM

Attendees: Elliott Barowitz, Public Member; Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Samira Rajan, Public Member; Guillermo Patino, Chairperson Designee.

INTRODUCTION:

Chairperson Patino welcomed those present to the February 15, 2024, 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.

VOTE ON MEETING MINUTES:

January 18, 2024, Meeting Minutes

Chairperson Patino asked if there were any comments on or corrections to the January 18, 2024, minutes. Hearing none, Chairperson Patino then asked for a motion to accept the January 18, 2024, meeting minutes and for a second.

Mr. DeLaney: With regards to the minutes, we tabled a bunch of cases on Franklin Street. Do you have a sense when they'll be coming back?

Ms. Cruz: Our law intern that is working on a memo.

Ms. Rajan moved to accept the January 18, 2024, meeting minutes, and **Mr. Barowitz** seconded.

The vote

Members concurring:	Mr. DeLaney, Mr. Barowitz, Ms. Roslund, Ms. Rajan, Chairperson Patino
Members dissenting:	0
Members abstaining:	0
Members absent:	Mr. Roche, Ms. Oddo
Members recused:	0

EXECUTIVE DIRECTOR'S REPORT -- Martha Cruz

I. Personnel

It is with great pleasure that I welcome Kim Ira, our new law intern. Kim is in her second year at Brooklyn Law School. She is originally from San Francisco. Kim is not here today because she had class this afternoon, but I am hopeful that she will be available for the March meeting when she will present to the Board. She is working on cases and a memo of law.

II. Fact Sheets

The design for the Narrative Statement Fact Sheet has been changed a bit to comply with ADA requirements. The fact sheets are now live on our website.

III. Litigation

Since the January Board meeting, we received two new cases. The first case is a mandamus case related to 11-27 Arion Place, which is case 1 on the agenda. The second case is related to 385 Troutman Street in Brooklyn. The petition seeks review of an administrative determination which rejected comments filed in response the owner's proposed legalization plan. We are working with the Law Department on these cases.

IV. Resolution

At the January meeting you requested that the staff draft a resolution for Teresa Ryan. I sent over a draft of the resolution last Friday. Does anyone have any comments?

We'll be printing the final form of the Resolution and we'll be present here in March. Regarding The City of Yes Initiative, after Ms. Storey is done with her report, Amaya Hyde, our paralegal who's been doing the bulk of the work on this, will just present briefly.

Mr. DeLaney: Are Fact Sheets are online? Are we using the narrative statement Fact Sheet?

Ms. Cruz: Yes.

Mr. DeLaney: Are we contemplating any more Fact Sheets?

Ms. Cruz: Sales of Rights and Sales of Improvements is next on the list. Timeline, I can't give you right now.

Mr. DeLaney: Fair enough. And you mentioned that our new intern is working on a memo of law. What part of the law?

Ms. Cruz: She is researching whether some of the terms in agreements are enforceable or whether they violate public policy.

Mr. DeLaney: Hot topic?

Ms. Cruz: Yes.

Ms. Storey will be presenting the **ENFORCEMENT REPORT**

ENFORCEMENT REPORT

1. Legalization Reports

81 Administrative Determinations have been issued and vast majority were withdrawn due to compliance.

2. Housing Maintenance

The Loft Board received a favorable decision from OATH. The Owner of 117-119 West 26 Street was issued a \$25,000.00 fine for failure to complete roof repairs to prevent leakages. We have not received payment of the fine as of yet.

LEGALIZATION REPORT

1. Narrative Statement Conferences

- a. **8** Narrative Statement Conferences have been conducted since the January 2024 meeting.
- b. **7** Narrative Statement Conferences have been scheduled between February and April.
- c. **3** requests for Narrative Statement Conferences.

2. We updated the narrative statement form to reflect the new rules.

PUBLIC SERVICE ANNOUNCEMENT:

The narrative statement form has been updated. The Loft Board will no longer accept narrative statements that have not been filed consistent with our rules.

We continue to appreciate the help of all professionals throughout this process.

Mr. DeLaney: Where to start? That's my first question. Last month, I inquired of you about 255 18th Street, and I'm wondering if there's any update on that?

Ms. Storey: We are still in the process of doing the inspections we were able to get through some but not all?

Mr. DeLaney: Some but not all units?

Ms. Storey: Yes Sir.

Ms. Cruz: There were five units that were subject of a violation. One of which was withdrawn, and the other one I believe we gained access to the other three? We're still working on gaining access to the units that are subject as a violation.

Mr. DeLaney: Okay, I see. So, it's ongoing?

Ms. Cruz: Yes, it's ongoing.

Mr. DeLaney: Okay. As I mentioned in conjunction with one of the cases that we discussed in the quasi-judicial legal briefing meeting. There seems to be cases where legalization work is either being weaponized or subject to such shoddy work that the effect is the same, that it creates an undue problem for residents. In particular, as I mentioned, more and more people ask me, in essence, is the tenant protection plan worth the paper that it's written on?

The Tenant Protection Plan came along in the mid-80s, just around the time that the Loft Law was created. When the code compliance rules were written, it stated that the owner needed to provide a Tenant Protection Plan. And at the time, I asked what it was, and people basically said, oh, it doesn't really mean much. But more and more, as particularly in the bigger buildings, problems seemed to be cropping up with relation to the code compliance work and the effect it has on the residents. I

mentioned that in the public meeting, which we are now in, I was going to ask that we consider creating a discussion and perhaps a presentation on the tenant protection plan from the relevant office building; so, I'm making that request formally at this point.

Chairperson Patino: It sounds like a good idea. So, we'll coordinate with the Office of the Tenant Advocate.

Mr. DeLaney: Do we think we can do that the next month or two?

Chairperson Patino: We're going to aim for next month.

Ms. Cruz: Yes.

Mr. DeLaney: Great. Okay. Because, again, there are buildings where conditions seem to be...

Group: Problematic?

Mr. DeLaney: Problematic. That's an excellent, very polite word. I was searching for a polite word, so that was helpful. And I just, at the risk of just driving everyone absolutely crazy because it's still the case, I'd like to just provide a paragraph and a half of Paul Lieber from December of 2022.

"Hi, my name is Paul Lieber. I live at 255 18 street in Brooklyn. My wife and I are grateful to have lawful status, as it's the only protection afforded us as tenants. And we understand that the institution has its limits. But you, the loft board, are the only agents, intermediaries that can protect us. You are our only hope in most of these situations as law tenants. We do not have the same abilities to appeal for essential services and remediation as anyone else does. As a tenant in New York City, we cannot call 311. And only recently were we granted the right to sue in housing court. Our building has been without heat since 2016. Ice covers our walls in the depths of winter, literally. Our electric usage increases by 300%. We are still below legal temperatures.

I know that you've been in touch with this building, but my question is, what more can we do to try to get this building heat? And I know you're working at it, and I know it takes time, but it's cold out there."

I've never been to 255 18th Street. Our heat wasn't on for a day this week in my building and it doesn't take long before it gets unpleasant.

Ms. Storey: Yes, we are aware of the issues, and we've seen pictures of just cement walls. It looks like it's a really cold building if it doesn't have heat. Most certainly we are working on it. We are working on the reinspection, and we are also working to try to come up with a permanent solution in the future.

Mr. DeLaney: Okay, thank you. And that brings me to my next question, the decision that we have from, is it 25th or 26th Street, the ruling, the holding?

Chairperson Patino: *(Inaudible)*

Mr. DeLaney: My question is, all right, Loft Board versus the West Paramount. This is a memorandum decision by Oath that orders the owner to pay \$25,000 fine. Normally, OATH sends us reports and recommendations, but I haven't seen exactly this kind of ruling come down. Maybe they have, and they haven't been distributed to the Board. My question is, what steps, if any, need to be taken?

Ms. Cruz: For us?

Mr. DeLaney: Yes.

Ms. Cruz: Nothing

Mr. DeLaney: Nothing?

Ms. Cruz: The decision stands.

Mr. DeLaney: So, if I have questions about this, when and where it would be and to whom would it be most appropriate for me to raise? Because some of the timing in the Honorable Kevin Casey's decision doesn't make total sense to me in terms of time.

Ms. Cruz: We can discuss this.

Mr. DeLaney: Why wouldn't this have the same sort of approach? I'm sorry, take me back. How did we come to get this to OATH? How did it get to OATH? Who did that?

Ms. Cruz: We issued a Notice of Proceedings.

Ms. Storey: Yes. The Owner received a violation. We asked the owner to correct the condition. The owner did not correct the condition. Initially, they were trying to work and get the condition corrected, but when we were clear with them that it hasn't been fixed, we issued the notice of proceedings and a notice of the statement of charges. We proceeded to try to have settlement conferences but to no avail. So, we requested that the hearing to go forward. We received the favorable decision.

Mr. DeLaney: The fine is for \$25,000, because that's the maximum?

Ms. Storey: Yes.

Mr. DeLaney: I'm laying a trap here. I just want you to know.

Mr. DeLaney: Is there a time we can come back and do this all over again?

Ms. Storey: Actually, yes. If they still have to fix the condition, we can do another violation.

Ms. Roslund: Is there something unique about this roof that it's not repairable?

Ms. Storey: I think that initially, the owner thought it could do some patchwork. But they've been doing that for years. Patchwork after patchwork. So now it's at a point where the roof needs to be replaced. This patchwork is not really working. At trial, they were arguing that the water was from a radiator leak but provided no evidence.

Ms. Roslund: This comes back to Mr. DeLaney's, some of his comments earlier in the afternoon about shoddy workmanship and how that relates to the tenant protection plan.

Mr. DeLaney: Well, and in this case, we don't even know if they're doing legalization. The question that I'd like to ask is, why wouldn't we? This seems like a relatively infrequent or maybe kind of new technique.

Ms. Storey: We've done it in the past, but we haven't done it in the recent past.

Ms. Cruz: The last time this type of case was brought was a very long time ago. I think Stephen Neil brought the last HM case. So, it's been a long time, but it's certainly part of our role, and we will continue to do this.

Mr. DeLaney: Could I nominate 18th Street as a candidate?

Ms. Storey: Trust me, we are considering all options right now to get this moving.

Mr. DeLaney: The academy's consideration because I think we have a winner here.

Ms. Cruz: We first have to do the reinspection. Yeah, that's the next step.

Mr. DeLaney: Got it. Okay.

Mr. DeLaney: And by the way, I do want to point out that the same public hearing we had back in December 22, where inspector got a large round of applause, and I see he turns up all over the paperwork in this case and other cases that we're looking at.

Ms. Storey: We couldn't do half of this without him. Like, he's just amazing and well respected in the community.

Mr. DeLaney: Good. Ok, thank you.

Ms. Storey: Thank you, Mr. DeLaney. Thank you, board members.

Ms. Cruz: M s. Hyde.

Ms. Hyde: So, I want to talk about the City of Yes Initiative. We reached out to New York City Planning Commission, and they provided the Loft Board with links to their Info Sessions. There are three info sessions; there is a February 27, there is a March 27 session, and April 17 session. I'm registered for the first session. I will provide a summary for the board members after the information session. I can also provide the links.

Ms. Roslund: The information sessions are online or are they at a physical location?

Ms. Hyde: They're online. It's via Zoom.

Ms. Cruz: *(Inaudible)*

Ms. Roslund: I assume it's on the DCP's website.

Ms. Cruz: We'll share the link.

Ms. Roslund: That'd be great. So, I've lost track a little bit of where it is in the process. Is it before city council? If there are information sessions going all the way through April, isn't at least the second segment economic growth already before the city council? Pretty soon is before April, or is there another round of modifications that are going to happen before it gets presented to the city council?

Ms. Hyde: The February 27 is basic information session. The March session is about housing.

Chairperson Patino: I believe we were talking about economic opportunity, last phase. This might be a housing opportunity.

Ms. Roslund: Which is a housing opportunity for the financial, I got it.

Chairperson Patino: We'll follow up with additional info.

Ms. Roslund: But we have nothing to talk about, about the economic development component, of the City of Yes proposal, which we spoke about, like a week ago, last month, which has already gone through the City Planning Commission hearing.

Ms. Cruz: So, we did reach out to City Planning Commission for them to come and make a presentation to us. They will come after the info sessions were done.

Ms. Roslund: For the housing? But we've missed the boat on economic development.

Mr. DeLaney: Just one question, thus far, in looking into this, are you finding this interesting?

Ms. Hyde: Very interesting.

Mr. DeLaney: Thank you.

Ms. Hyde: Your welcome. Anyone else? Thank you.

THE CASES:

Appeal and Reconciliation Calendar

Chairperson Patino introduced the first case, saying there is one case on this calendar.

New York City Loft Board: Minutes of Public Meeting: February 15, 2024

#	Applicant(s)	Address	Docket No.
1	Ingo Gunther, David Kelley and Clara Kim and Thomas Brigham	72 Warren Street, New York	AD-0122
<i>The Loft Board tabled the case.</i>			

Summary Calendar

	Applicant(s)	Address	Docket No.
2.	Brocho V'Hatzlocho Corp.	538 Johnson Avenue aka 75 Stewart Avenue, Brooklyn	CC-0002
<i>The Loft Board deemed the application withdrawn without prejudice.</i>			
3.	Brocho V'Hatzlocho Corp.	538 Johnson Avenue aka 75 Stewart Avenue, Brooklyn	LA-0050
<i>The Loft Board deemed the application withdrawn without prejudice.</i>			
4.	Workable 239 LLC	239 Banker Street, Brooklyn	LC-0171
<i>The Loft Board deemed the application withdrawn without prejudice.</i>			
5.	Loft Board-Initiated Application for Removal	43-49 Bleeker Street, New York	LE-0745
<i>The Loft Board withdrew the removal application without prejudice.</i>			
6.	Jeremy Zierau	255 McKibbin Street, Brooklyn	PO-0138 TA-0274
<i>The Loft Board deemed the applications withdrawn with prejudice.</i>			
7.	Karina Kirby and Matthew Kiesel	239 Banker Street, Brooklyn	PO-0228
<i>The Loft Board deemed the application withdrawn without prejudice.</i>			

Chairperson Patino asked if there were any comments on these cases. He also asked for a motion to accept these cases, and for a second.

Ms. Roslund moved to accept this case, and **Ms. Rojan** seconded.

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Rajan, Chairperson Patino
Members dissenting: 0
Members abstaining: 0
Members absent: Mr. Roche, Ms. Oddo
Members recused: 0

Master Calendar

#	Applicant(s)	Address	Docket No.
6	79 Warren St. Group LLC.	79 Warren Street, New York	LE-0723 and LE-0748
<i>The Loft Board granted the removal application.</i>			

Chairperson Patino asked if there were any comments on the first case. Hearing none, he asked for a motion to accept the case, and for a second.

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

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Rajan Chairperson Patino
Members dissenting:
Members abstaining: 0
Members absent: Mr. Roche, Ms. Oddo
Members recused: 0

Chairperson Patino: Thank you. Final comments before we close out.

Ms. Roslund: For the presentation by DOB regarding the Tenant Protection Plan, it would be very helpful to have them explain how it's changed over the years, since the 2022 building code has gone into effect. It's different. The regulations have changed. For me, weekly third-party special inspection has come under plan. So, if they come, just talk about what the rules are now. I think it would defeat some of the concerns because it's such a recent, been a year and a half, over two years now, I don't know. Such recent changes that anything prior to that, or a lot of the issues that are seen or talk about are ongoing. So how that, is maybe being addressed, but why it was an issue five years ago.

Chairperson Patino: That's a great point, we'll circle back. Thank you everyone. This will conclude our February 15, 2024, public meeting. Our next public meeting is scheduled for March 21, 2024.