

MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting

October 17, 2024

The meeting began at 2:25 PM.

Attendees: Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Samira Rajan, Public Member; Elliott Barowitz, Public Member; Lenny Singletary, Manufacturer Representative; Linda Rzesniowiecki, Owner's Representative; Erin Piscopink, Public Member, and Guillermo Patino, Chairperson Designee.

INTRODUCTION:

Chairperson Patino welcomed those present to the October 17, 2024 public meeting of the New York City Loft Board. He welcomed Erin Piscopink, the Loft Board's newest public member and briefly summarized Section 282 of the New York State Multiple Dwelling Law, which established 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:

April 18, 2024, Public Meeting Minutes

Tabled

June 20, 2024, Public Meeting Minutes

Tabled

July 18, 2024, Public Meeting Minutes

Tabled

September 19, 2024, Public Meeting Minutes

Chairperson Patino asked if there were any comments on or corrections to the September 19, 2024 minutes. Hearing none, Chairperson Patino then asked for a motion to accept the September 19, 2024 minutes.

Mr. DeLaney noted that he provided the Executive Director with some corrections to the minutes. None of corrections were material.

Mr. DeLaney stated that there are several months of minutes that have been tabled. He asked whether attendance was required for the adoption of the minutes.

Chairperson Patino asked the Loft Board staff to research the question.

Mr. Singletary moved to accept the September 19, 2024 meeting minutes and **Ms. Roslund** seconded.

The vote

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (7)
Members dissenting:	0
Members abstaining:	Ms. Piscopink (1)
Members absent:	Mr. Roche (1)
Members recused:	0

REPORT OF THE EXECUTIVE DIRECTOR

1. Annual IMD registrations.

We have 305 buildings in our jurisdiction.

- 219 building owners have renewed their annual registrations.
- 21 building owners issued partial payments. We are working with these owners before enforcement begins.
- 1 building was removed in September.
- 64 buildings remain delinquent on their registration status.

2. Fact Sheets

Ms. Cruz provided three fact sheets for a Letter of No Objection, Sale of Rights and Sale of Improvements. For the benefit of the new board members, Ms. Cruz provided copies of the fact sheets for sale of rights and sale of improvements. The fact sheet for the letter of no objection is new.

Ms. Cruz requested that the Board members review the fact sheets. If there are changes, Ms. Cruz requested an email with the proposed changes. The staff is working on the Narrative Statement Fact Sheet.

Chairperson Patino introduced Ms. Storey, who presented an update on legalization and enforcement.

ENFORCEMENT REPORT:

The staff has issued **14** notices for failure to register.

LEGALIZATION REPORT:

Narrative Statement Conferences

Ms. Storey stated that 10 Narrative Statement Conferences were held since the September board meeting.

Ms. Storey stated that 11 Narrative Statement Conferences were scheduled for end of October and November.

Chairperson Patino introduced the discussion on the proposed amendments to Title 29 of the Rules of the City of New York §§ 2-04, 2-05 and 2-11.1.

Ms. Cruz stated that two versions of the proposed rule changes were provided. One version with track changes and another one without track changes. **Ms. Cruz** noted the differences in the version provided. She noted that the latest version eliminated the word stairways and pathways. The word egress was substituted. As requested, corridor was added as a defined term. The staff also added the required illumination level of the common area from the Building Code.

Mr. DeLaney asked to make the word “stair” plural.

Mr. DeLaney noted that the definition on the bottom of page 2 stair means a combination of landings, handrails, and steps.

Mr. DeLaney requested that the word “stair” becomes “stairs” in Section 2 number 11 at the bottom of page two where we have “fire escapes and stair”.

Mr. DeLaney commented that in sections 5 and 6, we say fire escapes and/or fire stair. The second ever Loft Board chair Jorge Batista, who is an attorney, was against using “and/or” in regulations. Mr. DeLaney further commented on page 3 in section (ii) at the bottom we have “stair.” It should be plural.

Ms. Cruz clarified that the stair should be stairs.

Ms. Piscopink suggested to add a “s” in parenthesis for every stair or fire escape.

Mr. DeLaney noted that on page 4, under (iii) the capital p in “Path of the egress” implies that path of egress is a defined term. Mr. DeLaney suggested that the “p” in path not be capitalized.

Ms. Cruz stated that we will make it a lower case “p”.

Ms. Rzesniowiecki stated that she has a concern about personal property being stored in the common areas. Personal property should be removed immediately. It is a safety concern. People could trip over the objects in the hallway, bicycles, carriages, baby carriages in an emergency. **Ms. Rzesniowiecki** suggested the language be changed to that the owner “may store” the personal items in the path of egress.

Ms. Rzesniowiecki stated that the owner should remove personal property stored in the hallway immediately.

Ms. Rzesniowiecki re-stated comments made by another board member that convenience should not take precedence over safety of the occupants.

Mr. DeLaney responded that, a month ago, we agreed that the requirements on the owner under the proposed rule were too onerous. In this proposal, the owner is responsible for removal. The owner should serve a 10-day notice on the tenant prior to removal. The notice must be sent by first class mail, so we're creating a 10-day period. If the owner doesn't know who the property belongs to, the owner must serve all units on the floor with a 10-day notice. Service of the notice is deemed complete five days after mailing. So now we're up to 15 days after the items were placed in the egress. The proposal now is that the owner may remove the item and may discard it after 60 days but is not required to store. Owner, Landlord or Responsible Party is not responsible for any damage.

Ms. Rzesniowiecki agreed that she has reconsidered her position. She noted It was risky to leave the item in the hallway.

Mr. DeLaney asked if the suggestion was immediate removal.

Ms. Rzesniowiecki answered yes.

Mr. DeLaney asked about the notice provision.

Ms. Rzesniowiecki responded that it would be appropriate to provide a notice that the item may be claimed within a certain time.

Mr. DeLaney stated that the goal is to try to balance the interests of safety and the tenant's property. There is concern about the situations where the relationship between owners and tenants is terrible. The removal of the property must be about safety.

Ms. Rzesniowiecki agreed that the actions taken should not be used to harass tenants.

Mr. Barowitz suggested that the rule require a notice to all occupants at the entrance advising that items are not to be stored in the path of egress.

Mr. Singletary stated he understands convenience but in the case of an emergency, nothing should impede access to the emergency. If a response from FDNY is necessary, there should be nothing that impedes the use of stretcher or any equipment. Mr. Singletary stated that safety should be more important than convenience.

Mr. DeLaney asked about Mr. Singletary's recommendation.

Mr. Singletary stated that he does not disagree with immediate removal of the item, and he is not opposed to a notice, but the rule should be an absolute bar. He cautioned against ambiguity in the rule.

Chairperson Patino I think it would be helpful for Ms. Cruz to discuss how we intend to notify owners and attendants about this rule.

Ms. Cruz stated that staff is preparing notices to both owners and tenants to inform the community. We are considering sending notices before the rule goes into effect and after the rule becomes final.

Mr. DeLaney asked if there was any anecdotal evidence from our inspector as to how much stuff we see in the hallways.

Ms. Cruz answered that the Loft Board's inspector has reported this as a problem.

Mr. DeLaney asked what is the best way to approach.

Ms. Cruz responded that immediate removal is the best approach.

Ms. Cruz responded that the key is to provide notice of the proposed rule. It is a good idea to require a notice in the lobby next to the Loft Board Notice.

Mr. DeLaney stated that if the owner must immediately remove it, is the owner required to provide notice?

Ms. Rzesniowiecki agreed. The owner can post a notice on the floor informing the tenants that the item is being stored in a certain place and the tenant can come to claim the item.

Ms. Roslund stated that the notice should be sent to all the tenants on the floor.

Ms. Rzesniowiecki clarified that notice should be sent to the tenants of the relevant floor.

Mr. DeLaney suggested that a notice be placed on the wall nearest to where the item was found.

Chairperson Patino noted that the language provides for notice on the wall immediately adjacent to where the items were found.

Mr. DeLaney recommended a posting in the lobby too.

Ms. Cruz asked if the posting was replacing the mailing requirement.

Ms. Rzesniowiecki stated that an owner must take all reasonable steps to notify. To discover whose property is and notify them.

Ms. Cruz asked if mailing is required after the notice is posted on the nearest the wall and posted in the lobby.

Ms. Rajan noted that because the staff intends to do two mass mailings and a notice is posted on the nearest wall to where the item was found, no additional notice is required.

Mr. Singletary suggested posting a notice in the lobby next to the Loft Board Notice.

Ms. Rzesniowiecki confirmed posting and no mailing.

Ms. Rzesniowiecki stated that owners can mail and if it's not applicable to the persons receiving it, they can discard.

Mr. DeLaney noted that it's not a bad reminder.

Ms. Roslund agreed.

Ms. Cruz stated that the reminder is in the lobby if we make it a requirement to post a notice right next to the Loft Board notice. The notice will remind and inform that personal items are not to be stored in the corridors. I think it should be a requirement to post a sign.

Ms. Rzesniowiecki stated that a mailing to all tenants would be onerous.

Ms. Cruz stated that there are buildings with 100+ units.

Ms. Rzesniowiecki stated that the posting in the lobby and other mailings by the staff should be enough to give notice.

Mr. Barowitz asked if there were laws for this issue in the non-IMD context?

Ms. Roslund asked if the staff could look at the multiple dwelling law.

Ms. Cruz stated that she didn't think there was anything in Multiple Dwelling Law.

Mr. Singletary stated that in non-IMD buildings a notice is posted. There is no accommodation for storage.

Ms. Cruz stated that the Housing Maintenance Code may have relevant provisions.

Mr. DeLaney asked if there was general compliance with the Loft Board Notice requirement.

Ms. Cruz responded yes.

Mr. DeLaney asked for a summary of the agreements so far.

Ms. Cruz responded that there seemed to be consensus for immediate removal with a posting in the lobby. It is still an open item whether an additional notice is required.

Ms. Roslund asked if we can have information about other laws.

Chairperson Patino noted that the two notices from the loft board to both owners and tenants and a posting in the lobby is sufficient.

Mr. DeLaney requested that the staff investigate whether the HMC includes a requirement to store personal belongings.

Ms. Cruz agreed.

Ms. Cruz suggested that if the Housing Maintenance Code does not provide for any notice and requires the immediate removal, we can adopt this approach. The next version will have immediate removal with no notice provision. We will remove all the language about the notice. The staff will create a second version with immediate removal and a notice provision. The Board can then vote on which version it prefers.

Ms. Rzesniowiecki agreed.

Mr. DeLaney commented that we were missing a “s” for the word corridor on the top of page 4 and asked whether the language in subsection (F) created a right to store lithium batteries in the building.

Mr. Singletary asked if the staff could review the fire code for any guidance.

Ms. Roslund asked if F can be changed to a corridor used for egress.

Ms. Piscopink asked for clarification about the battery charging device. She asked if the charging device was barred in a corridor, in the building or within a unit.

Ms. Cruz stated that the intent was anywhere near the egress whether inside or outside the unit.

Chairperson Patino stated that our rules should be in line with the FDNY regulations.

Ms. Piscopink stated that if there's an FDNY provision about no batteries anywhere, we should probably have that language also.

Mr. Barowitz asked that if the door must always be closed, why does it matter where the battery is stored.

Ms. Cruz stated that it matters because if the battery is stored at the front door of the unit and there is a fire, the tenants will not be able to leave the unit.

Mr. DeLaney asked if the staff was going to create a form for the annual certification.

Ms. Cruz answered yes.

Mr. DeLaney asked if the form will ask the date of the inspection and who did the inspection.

Ms. Cruz said yes and added that the form calls for the signature of the Owner, Responsible Party or Managing Agent.

Mr. DeLaney requested that the form call for the name of the person who did the inspection.

Ms. Cruz stated the form limits it to one of those three people who can do the inspection.

Mr. DeLaney stated that the penalty for the failure to remove is too low.

Mr. DeLaney stated that penalty should be higher. IMD buildings are already dealing with fire and safety issues that have not been resolved.

Ms. Storey suggested that penalty should be in line with registration penalties and proposed a penalty of \$7,500.

Mr. DeLaney added that there is nothing more important than egress.

Ms. Storey agreed to review the FDNY fines.

Ms. Piscopink asked for clarification about the difference between the fine amount for failure to pay registration fees and the fine amount for failure to issue the certification.

Ms. Roslund stated that the proposal was to make it \$7500.

Ms. Cruz noted that change in the fine amount may require another public hearing.

Mr. Barowitz commented that raising the penalty may encourage compliance.

Ms. Piscopink commented that she is not suggesting an increase but noted that if the penalties for failure to register and failure to certify compliance are not the same, it may signal that the Board prioritizes one over the other.

Ms. Rajan asked if two fines would be imposed for failure to comply with the annual renewal registration renewal requirements and the failure to comply with the certification requirements.

Ms. Cruz answered yes.

Mr. DeLaney commented that the proposed fine is too low.

Ms. Storey stated that when enforcement is considered, all potential enforcement for the Building is reviewed. It is usually not one fine.

Ms. Roslund asked that the staff check the existing definitions.

THE CASES:

Summary Calendar:

	Applicant(s)	Address	Docket No.
1.	209 East 2 Street Condominium Board	209 East 2 Street, New York	LS-0309
<i>The Loft Board deemed the access application settled.</i>			

Mr. DeLaney commented that the stipulations for cases three and four where the Loft Board takes its usual position of neither accepting nor rejecting the terms of stipulation is troubling, but he will vote for it.

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

Ms. Rajan moved to accept this case, and **Ms. Rzesniowiecki** seconded.

The vote

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (8)
Members dissenting:	0
Members abstaining:	0
Members absent:	Mr. Roche (1)
Members recused:	0

Master Calendar:

	Applicant(s)	Address	Docket No.
2.	Stephanie Lin	950 Hart Street, Brooklyn	PO-0108 and TA-0261
<i>The Loft Board denied protected occupancy and rent overcharge applications.</i>			

Ms. Storey presented the case.

Chairperson Patino asked if there were any comments.

Mr. DeLaney stated that he planned to vote no on this case. I think there's not adequate consideration for the sale of rights.

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

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

The vote

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Piscopink, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (7)
Members dissenting:	Mr. DeLaney (1)
Members abstaining:	0
Members absent:	Mr. Roche (1)
Members recused:	0

	Applicant(s)	Address	Docket No.
3.	Jerzy Sokol, Leigh Cass, Mark Neisser, Guillermina Avaria- Neisser and Iam Neisser	231 Norman Avenue, Brooklyn	TR-1407
<i>The Loft Board remanded the coverage application to the NYC Office of Administrative Trials and Hearings for adjudication.</i>			

Estafania Park presented the case.

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

Ms. Rajan moved to accept this case, and **Mr. Singletary** seconded.

The vote

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Piscopink, Mr. Singletary, Mr. DeLaney, Ms. Rajan, Chairperson Patino (7)
Members dissenting:	Ms. Roslund (1)
Members abstaining:	0
Members absent:	Mr. Roche (1)
Members recused:	0

	Applicant(s)	Address	Docket No.
4.	331 Greenwich Street, LLC	331 Greenwich Street, New York	LE-0756
<i>The Loft Board deem that the building is no longer an IMD and is no longer under the jurisdiction of the Loft Board.</i>			

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

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

The vote

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Piscopink, Mr. Singletary, Mr. DeLaney, Ms. Roslund, Ms. Rajan, Chairperson Patino (8)
Members dissenting:	0
Members abstaining:	0
Members absent:	Mr. Roche (1)
Members recused:	0

Chairperson Patino concluded the October 17, 2024 meeting at 3:30pm. The next public meeting will be on November 21, 2024.