

MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting

September 18, 2025

The meeting began at 2:05 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; Chief Emanuela Rogers, FDNY; and Guillermo Patino, Chairperson Designee.

INTRODUCTION:

Chairperson Patino welcomed those present to the public meeting of the New York City Loft Board on September 18, 2025. He 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 for the July 17, 2025 Public Meeting

Chairperson Patino asked if there were any corrections or comments to the July 17, 2025 minutes.

Hearing none, **Chairperson Patino** then asked for a motion to accept the July 17, 2025 minutes.

Ms. Piscopink moved to accept, and **Mr. Singletary** seconded.

The vote:

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

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Cruz introduced Nicholas Dietz, the new Loft Board attorney. Prior to coming to the Loft Board, Mr. Dietz worked at NYC Department of Consumer and Worker Protection for nearly

three years. She stated Nicholas will be working with buildings in the narrative statement process and cases.

Ms. Cruz also noted that a new job posting for a paralegal will be generated.

Ms. Cruz provided an update on status on annual building registration process and noted that 208 buildings had renewed their building registration for the fiscal year of 2026. Registration filings are received daily.

Ms. Cruz stated that the Loft Board received 180 certifications of the fire egress. A summary of the responses is:

- 167 certifications alleged full compliance and no defects.
- 4 certifications alleged defects.
- 9 certifications were incomplete.

Ms. Cruz reported that, since the July Board meeting, the staff held 21 legalization/narrative statement conferences.

Ms. Cruz reminded the Board that at the July meeting, the Board discussed several rulemaking ideas which included:

1. Changes to the protected occupancy.
2. Elimination of the option to file an Article 7-B certificate as evidence of compliance with the fire and safety requirements of Article 7-B, and
3. Removal of the cure possibility for the failure to file a legalization quarterly report.

Ms. Cruz reported that the staff is still working on drafting the proposed amendments.

Lastly, **Ms. Cruz** noted that a hardcopy of the DOB Bulletin about the Professional Certification Program was distributed. She further noted that, regarding the Loft Board, the Bulletin specified that Loft Board compliance applications may not be professionally certified. She stated that the Department will issue another Bulletin to clarify that “compliance applications” means the legalization work required under the Loft Law.

Ms. Cruz noted that the new bulletin would address confusion in the community about what “compliance applications” mean. **Ms. Cruz** explained that under DOB-BIS system these applications are called “Alt-1”. Under the DOBNOW system these applications are called “ALT-CO”. Compliance applications means the applications required to obtain a residential certificate of occupancy.

Mr. DeLaney asked what applications can an architect self-certify?

Ms. Cruz answered an application for work in a commercial space may be self-certified.

Mr. DeLaney asked if these applications can involve work in residential spaces?

Ms. Cruz said no.

Ms. Cruz explained that self-certification is when an architect certifies that the proposed work in the alteration application is in compliance with the relevant law.

Ms. Roslund noted that DOB applications that are self-certified are not reviewed by a DOB plan examiner. She further noted that applications that include underpinning excavation may not be professionally certified. The applications on list must be reviewed by a DOB plan examiner.

Chairperson Patino responded that the new Bulletin will specifically delineate what applications can participate in professional certification program.

Ms. Cruz agreed to share the Bulletin when it is issued by the Department.

Mr. DeLaney asked if it is still an option to file a certification for Article 7-B compliance.

Ms. Cruz answered yes and noted that the staff is working on rulemaking to remove the option.

Mr. DeLaney asked if the DOB Bulletin address the Loft Board certification of Article 7-B compliance.

Ms. Cruz answered no.

Mr. DeLaney asked the staff to consider moving forward with this rule revision separately and quickly.

Ms. Cruz agreed.

Ms. Cruz stated that the staff is discussing what to do with this group of buildings once the option is removed. **Ms. Cruz** suggested a requirement that building owners obtain a temporary or final certificate of occupancy by a date certain. If an owner does not reach compliance on or before the date, the owner may be subject to fines under the reasonable and necessary rule.

Ms. Cruz stated that the proposed rule change has not been sent to the Law Department for their review yet.

Mr. DeLaney stated that the priority is to try to make sure the group doesn't get any bigger.

Mr. DeLaney stated that a building owner filed an Article 7-B certificate in 1995 and hasn't done anything else since.

Ms. Cruz responded that the only certainty was that the building has not obtained a certificate of occupancy. **Ms. Cruz** inquired whether the Board preferred removal of the option and some action by this group of building owners, or did the Board seek remove the certification option only.

Ms. Roslund asked if the staff had ideas.

Ms. Cruz did not recommend a penalty at the outset. **Ms. Cruz** proposed that the rule require a temporary or final certificate of occupancy within twelve (12) months of the effective date of the amended rule or enforcement can begin.

Mr. Singletary agreed that twelve (12) months seemed reasonable and asked if there was a downside.

Ms. Cruz noted that downside was enforcement would be delayed for 12 months.

Ms. Rzesniowiecki stated a concern about the possibilities of fines. She recommended that the Article 7-B certificate be declared a nullity if the owner did not obtain a certificate of occupancy.

Mr. DeLaney asked Ms. Rzesniowiecki if she had a proposal.

Ms. Rzesniowiecki recommended revocation of the Article 7-B certificate if the owner failed to obtain a certificate of occupancy within one year from the date of this regulation.

Ms. Roslund asked if that would be legal.

Ms. Cruz noted that she had concerns about the legality this approach. She explained that an expired permit does not mean a permit was not obtained. **Ms. Cruz** suggested initiating enforcement for failure to exercise all reasonable and necessary action to achieve code compliance if an owner failed to obtain a temporary or a final certificate of occupancy within the deadline.

Ms. Roslund encouraged the Board's movement forward on this issue. Owners will be required to request an inspection from the Department of Buildings. If there are issues and the inspection failed, the owners would then be responsible for correcting the safety issues.

Ms. Cruz agreed and noted the Loft Board enforcement against the owner would be delayed 12 months to give them time to resolve the issues.

Ms. Roslund asked if a temporary certificate of occupancy can be issued based on the 7-B certification.

Ms. Cruz stated that DOB requires inspections.

Ms. Cruz stated that the Loft Board's certification form is for the Loft Board. It is not a DOB form. Based on the certification filing, the owner can collect the additional milestone increase.

Mr. DeLaney asked what option would provide the greatest incentive to move legalization forward.

Ms. Cruz recommended removal the option of an Article 7-B certification and providing time to get the final certificate of occupancy.

Mr. Singletary asked if twelve months was enough to comply.

Mr. DeLaney asked whether six months was enough time.

Ms. Cruz suggested that the time could be debated when the proposed rule is presented to the Board.

THE CASES:

Reconsideration Calendar:

Chairperson Patino announced the case on the reconsideration/appeal calendar as:

	Applicant(s)	Address	Docket No.
1.	Frauke Ebinger	85-87 North 6 Street, Brooklyn	AD-0131
<i>The Loft Board denied the Appeal as untimely.</i>			

Mr. Dietz presented the case.

Chairperson Patino asked if there were any comments on the case.

Mr. DeLaney stated that in the quasi-judicial legal briefing, the Board discussed the concept of extensions, and I suggested to the staff consider the consequences of how extension cases are being handled because there is a significant backlog in extension applications.

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

The vote:

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

Summary Calendar:

Chairperson Patino stated there are seven (7) cases on the summary calendar. The cases have been combined into four (4) proposed orders.

	Applicant(s)	Address	Docket No.
2.	Joey Lyne, Layne Bourgoyne, Leslie Coath, Steven Kraitchman, and Miho Teramoto	225-229 East 134 th Street, Bronx	LI-0057
<i>The Loft Board deemed the unreasonable interference application withdrawn with prejudice.</i>			
3.	Milan Powell	169 Spencer Street, Brooklyn	PO-0248
<i>The Loft Board deemed the protected occupancy application settled.</i>			
4.	Anne Lyons, Erik Lundberg, Joey Lyne, Layne Bourgoyne, Leslie Coath, Steven Kraitchman, Marcus Turner, Diana M. Nunez, Anthony Ferreras, Jessica Randall, Thomas Watts, and Heidi Johnson	225-229 East 134 th Street, Bronx	TR-1404 and PO-0131
<i>The Loft Board deemed the coverage and protected occupancy applications withdrawn with prejudice.</i>			
5.	Neelum Khan	34-40 Dover Street, New York	TR-1442, PO-0181 and PO-0192
<i>The Loft Board deemed the coverage and protected occupancy applications withdrawn with prejudice.</i>			

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

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

The vote:

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Chief Rogers, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Rajan, Ms. Roslund, Chairperson Patino (9)
Members dissenting:	0
Members abstaining:	0
Members absent:	0
Members recused:	0

Master Calendar:

Chairperson Patino stated the first case on the master calendar was:

	Applicant(s)	Address	Docket No.
6.	Alexandru Postelnicu and Sophia Hanover	226-240 Franklin Street, Brooklyn	PO-0148 and TA-0283
<i>The Loft Board remanded the applications for adjudication.</i>			

Ms. Oyegue presented the case.

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

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

The vote:

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

Master Calendar:

	Applicant(s)	Address	Docket No.
7.	141 Spencer LLC	141 Spencer Street, Brooklyn	LE-0761 and RG-0229
<i>The Loft Board granted the application for removal from the Loft Board's jurisdiction.</i>			
8.	N.Y. Chinese Baptist Church	84 Walker Street, New York	LE-0765 and RG-0233
<i>The Loft Board granted the application for removal from the Loft Board's jurisdiction.</i>			

Chairperson Patino asked if there were any comments on the case.

Mr. DeLaney commended the staff on the work, particularly with regards to 141 Spencer Street. It's a huge building with lots of documentation that had to be assembled.

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

The vote:

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Chief Rogers, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Rajan, Ms. Roslund, Chairperson Patino (9)
Members dissenting:	0
Members abstaining:	0
Members absent:	0
Members recused:	0

Chairperson Patino asked for motion to move into executive session to discuss pending civil and criminal litigation.

Ms. Piscopink moved, and **Ms. Roslund** seconded.

The vote:

Members concurring:	Ms. Rzesniowiecki, Mr. Barowitz, Chief Rogers, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Rajan, Ms. Roslund, Chairperson Patino (9)
Members dissenting:	0
Members abstaining:	0
Members absent:	0
Members recused:	0

Chairperson Patino concluded the September 18, 2025, public meeting and noted that the next public meeting will be on October 16, 2025.

Meeting ended at 2:52 pm