

## **PROPOSED ORDER**

### **NEW YORK CITY LOFT BOARD**

*In the Matter of the New York City Loft Board v.*

Loft Board Order No.: \_\_\_\_\_

Docket No.: FO-1133

RE: 354 Bowery  
New York, New York

IMD No. 10624

### **ORDER**

Pursuant to Multiple Dwelling Law ("MDL") § 282 and Title 29 of the Rules of the City of New York ("29 RCNY"), the New York City Loft Board ("Loft Board") finds [REDACTED] and [REDACTED] (together "Owner"), the owners of the interim multiple dwelling ("IMD") at 354 Bowery, New York, New York ("Building") in violation of MDL § 284(2) and 29 RCNY § 2-11(b)(1)(i)(A) for failing to renew the annual registration for the Building and to pay the applicable registration fees for Fiscal Year 2025.

A fine of \$15,000.00 is hereby imposed against Owner pursuant to 29 RCNY § 2-11.1(b)(3). Owner is directed to pay this fine and to renew the IMD registration for the Building with the Loft Board within thirty-five (35) calendar days of the mailing date of the Order.

### **BACKGROUND**

Owner last registered the Building for the Fiscal Year 2023 registration period which ended on June 30, 2023. Consequently, on February 13, 2025, pursuant to MDL § 282, the Loft Board commenced this proceeding against Owner for its failure to file the annual registration and to pay the applicable registration fees for Fiscal Year 2025 in violation of MDL § 284(2) and 29 RCNY § 2-11(b)(1)(i)(A). The Loft Board sent Owner a Notice of Failure to Register ("Notice") by first class mail to the address on file with the Loft Board among other addresses.

The Notice advised Owner that if it wished to file an answer, the answer was due on February 28, 2025, or if Owner wished to pay the outstanding fees and fines and complete the registration process, it must do so on or before February 28, 2025.

On March 26, 2025, Owner filed an answer in which it alleged that it was taking measures to raise funds to pay the registration fees.

### **ANALYSIS**

Owners of IMDs must register their buildings annually with the Loft Board pursuant to MDL § 284(2) and 29 RCNY § 2-11(b)(1)(i)(A). The latter states:

Registration of a building or portion of the building as an interim multiple dwelling ("IMD") by the owner, lessee of a whole building, and the agent is required annually. The annual registration period begins on July 1<sup>st</sup> of each year and ends on June 30<sup>th</sup> of the following year. ...

In addition, 29 RCNY § 2-05(f)(2) states the following:

Renewal of registration pursuant to 29 RCNY § 2-11(b)(1)(i)(A) shall be required annually on or before July 1<sup>st</sup>. Prior to the processing of the registration renewal application, the landlord or the agent is required to

pay all unpaid fines, late fees and registration and code compliance monitoring fees for prior registration periods at the rate set forth in 29 RCNY § 2-11(b)(9)(i), as may be amended from time to time. Failure to timely pay such registration and code compliance monitoring fees may result in the imposition of late fees, and other civil penalties, in accordance with the terms and provisions of these rules, including, without limitation, 29 RCNY § 2-11(b)(1)(i)(D) and 29 RCNY § 2-11.1.

The Loft Board's records show that the IMD registration for the Building expired on June 30, 2023. Owner failed to:

- File the registration package and pay the registration fees for Fiscal Years 2024 and 2025 on or before February 28, 2025; and
- Pay the other fees and fines listed on the Notice.

Owner's financial difficulties do not establish a defense for its failure to register the Building as required by law. We further note that the Loft Board has commenced enforcement proceedings every year since 2018 for Owner's failure to timely register the Building.

### **CONCLUSION**

For the foregoing reasons, the Loft Board finds Owner in violation of MDL § 284(2) and 29 RCNY § 2-11(b)(1)(i)(A) for failing to properly renew the IMD registration for the Building. Pursuant to 29 RCNY § 2-11.1(b)(3), a fine of \$15,000.00 is hereby imposed against Owner for its failure to timely complete its annual registration for two years.

Owner is directed to pay all fees and fines and to renew the IMD registration for the Building within thirty-five (35) calendar days of the mailing date of the Order. Failure to do so may result in additional proceedings, fees, and fines. To comply with the registration requirements, Owner must complete the required registration forms and pay all outstanding fees and fines, including the fines imposed by the Order. See 29 RCNY § 2-11(b)(1)(i)(C).

DATED: April 17, 2025

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Guillermo Patino  
Chairperson

Board Members Concurring:

Board Members Dissenting:

DATE LOFT BOARD ORDER MAILED: