



Transcript of the June 17, 2021

Meeting of the

New York City Loft Board

This transcript has been prepared pursuant to Governor Cuomo's Executive Order 202.1, which suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting began at: 2:14 P.M.

1 **Chairperson Hylton:** Good afternoon. My name is Renaldo Hylton, the Chairperson designee of the New
2 York City Loft Board. Welcome to the June 17th, 2021, public meeting. This meeting is being held via
3 teleconference pursuant to Governor Cuomo's Executive Order 202.1 due to the ongoing Coronavirus
4 emergency.

5 Section 282 of the New York State Multiple Dwelling Law establishes the New York City Loft Board. The
6 Board is charged with overseeing the legalization of Interim Multiple Dwelling buildings from
7 commercial and manufacturing spaces to safe, rent-regulated residences that comply with the minimum
8 standards of safety and fire protection stated in Article 7-B of the New York State Multiple Dwelling Law.
9 To achieve this goal, the Board adjudicates and mediates disputes between owners and tenants; tracks
10 the progress of each building undergoing legalization; and prosecutes parties who violate the Loft Law
11 and the Loft Board rules.

12 I have one short announcement prior to start. Item number 6 on today's agenda will be a discussion of
13 active litigation against the Loft Board and its impact on new proposals and future, similarly situated
14 cases. The matter is *Dezer Properties II, LLC versus New York City Loft Board*. I will entertain a motion for
15 the Board to enter an Executive Session to discuss this matter. Procedurally, I will ask the public to sign-
16 off and leave the teleconference before the end of ten minutes. The public will call back and enter a
17 waiting room while this meeting is locked for Executive Session. At the end of ten minutes, we will allow
18 the public back to join the teleconference. At that time, I will advise as to whether or not the public
19 session will resume or if more time is needed in Executive Session. So just to clarify, this is going to be
20 right prior to our discussion of cases; not right now. I will go over this again. I'm just letting the public
21 know that there will be an interruption at some point to go into Executive Session.

22 We first turn to a vote of the minutes from the April 15th, 2021, public meeting. Are there any
23 corrections or comments to the minutes? No comments to these minutes? Board members, if you have
24 any comments, unmute yourself and just say. Very good. Okay. Is there a motion then to accept these
25 minutes? Mr. DeLaney is acknowledging that he's making a motion to accept the minutes. Anyone
26 second? Mr. Barowitz. Thank you, Mr. Barowitz. Ms. Rivera, can you please poll the Board members.

27 **Ms. Rivera:** Mr. Barowitz?

- 1 **Mr. Barowitz:** Yes
- 2 **Ms. Rivera:** Mr. Roche?
- 3 **Chairperson Hylton:** He's not here. Absent
- 4 **Ms. Rivera:** Ms. Hayashi?
- 5 **Ms. Hayashi:** Yes
- 6 **Ms. Rivera:** Mr. Hylton?
- 7 **Chairperson Hylton:** He's absent.
- 8 **Ms. Rivera:** Mr. DeLaney?
- 9 **Mr. DeLaney:** Yes
- 10 **Ms. Rivera:** Ms. Roslund?
- 11 **Ms. Roslund:** Yes
- 12 **Ms. Rivera:** Ms. Oddo?
- 13 **Ms. Oddo:** Yes
- 14 **Ms. Rivera:** Ms. Rajan?
- 15 **Ms. Rajan:** Yes
- 16 **Ms. Rivera:** Chairperson Hylton?
- 17 **Chairperson Hylton:** Yes
- 18 **Ms. Rivera:** Seven in favor; two absent
- 19 **Chairperson Hylton:** That's seven in favor; two absent; with no negative. Ms. Oddo, there's a slight
20 delay in your mic, so unmute for a little bit before you say something, okay? Great.

1 We now turn to the vote of the minutes of the May 20th, 2021, public meeting. Are there any
2 corrections or comments to these minutes? Without any comments, then I entertain a motion to
3 accept these minutes.

4 **Mr. Barowitz:** I so move.

5 **Chairperson Hylton:** Mr. Barowitz has moved. A second? I see Ms. Rajan wants to say second. There
6 you go. Ms. Rajan. Alright. Then, Ms. Rivera, can you please poll the Board members.

7 **Ms. Rivera:** Mr. Barowitz?

8 **Mr. Barowitz:** Yes

9 **Ms. Rivera:** Ms. Hayashi?

10 **Ms. Hayashi:** Yes

11 **Ms. Rivera:** Mr. DeLaney?

12 **Mr. DeLaney:** Yes

13 **Ms. Rivera:** Ms. Roslund?

14 **Ms. Roslund:** Yes

15 **Ms. Rivera:** Ms. Oddo?

16 **Chairperson Hylton:** Ms. Oddo said yes.

17 **Ms. Rivera:** Ms. Rajan?

18 **Ms. Rajan:** Yes

19 **Ms. Rivera:** Chairperson Hylton?

20 **Chairperson Hylton:** Yes

21 **Ms. Rivera:** Seven in favor; two absent

1 **Chairperson Hylton:** Thank you, Ms. Rivera. The next item on the agenda is Mr. Schultz's Executive
2 Director's Report.

3 **Mr. Schultz:** Good afternoon, everybody, Board members, Chairperson, members of the public, as well
4 as Loft Board staff. Thanks, everyone for joining this afternoon. I've got a good number of items, so I'll
5 try to get through them as quickly as possible so we can get to the vote. Starting off with some of the
6 things we normally start off with:

7 Due to the ongoing public health crisis and in accordance with the Governor's Executive Order 202.109,
8 issued on May 25th, 2021, the suspension of required, in-person Board meetings has been extended to
9 June 24th, 2021. That, of course includes today. The next Board meeting is in July, and as we've said
10 every month, it remains to be seen exactly what the Governor will do with that. But we will be letting
11 people know as soon as possible if and when we'll be resuming live meetings, in person.

12 The unofficial Loft Board revenue for May was \$506. Just to note, as we approach the end of the fiscal
13 year, annual registrations come due, so future reports will show a much larger number. And I'll be
14 speaking a little bit more about registrations under the Enforcement piece.

15 Moving on to the Enforcement piece, the Loft Board issued two violations in May, on May 21st. Two
16 were issued at the same building and same unit -- 124 Chambers Street, unit number 2, in Manhattan,
17 for no gas and no hot water. There were some inquiries last meeting about enforcement. I gave a bit of
18 an update just in general, and I intend to do that regularly. As mentioned at the last meeting, we have
19 our enforcement attorney back with us and an Executive Director, myself, with us. So, with that, we're
20 working to turn up the machine on a lot of different initiatives, and enforcement is one of them.

21 I guess the one I want to make sure I speak about is just the note I made earlier -- that annual
22 registration will be coming up and that our enforcement attorney's time in the next several months will
23 be spent on that, if not exclusively, primarily, insofar as using the enforcement powers and the rules to
24 make sure that registrations come; and they come promptly; and they come accurately. So, we want our
25 members and everyone to be aware that this is one of the areas we're going to be paying attention to --
26 enforcement -- and with that registration; making sure that they come when they should.

1 Another piece of enforcement -- and I'm starting with some of what I'll call the simpler things, even
2 though nothing's ever simple -- this enforcement comment is a reaction to, again, some questions about
3 enforcement, generally, but also the stuff that Mr. Barowitz brought up last meeting. He brought up the
4 notion that we need for the public, our constituents of all types, to know about us. And one of the things
5 that is in the rules and will be even better in the new rules when they get passed, finally, is the
6 requirement that owners have in their vestibule or in their entrances a little piece of paper or something
7 saying, this is a Loft Board building; this is the Loft Board's phone number; and some important
8 information. So as a matter of enforcement, we have asked our inspector, every time he goes to a site,
9 to look for that, to take a picture of it and send that picture to me to see that it's there. And if it's not,
10 that's an enforcement case. So, this is simple, but important on a few different levels. And as we
11 continue to develop our enforcement plans, I can envision just a sweep of certain areas for this in
12 particular. It is important but arguably low-hanging fruit that we're going to try to get. So, in the tone of
13 enforcement, this is one of the things we're working on. And again, an enforcement issue but also a
14 visibility initiative.

15 It was mentioned last meeting, it was asked by a Board member, about specific performance and the
16 rules; and what the rules say about that; and what kind of tool it might be for us. And our enforcement
17 attorney looked at it. It was mentioned that it's not often, if ever, used. And the reason for that is
18 because it is a hefty tool that, seemingly, will require a lot of energy and effort. But it's something that --
19 again, as I mentioned, we're having these regular enforcement meetings -- and it's something we did
20 become familiar with since the last meeting. Familiar enough where we want to be able to use it, if and
21 when we can.

22 And there was a mention of a list of buildings that, I guess, was shared with the Board perhaps years ago
23 that were, by various criteria, of concern or for potential enforcement. Places that could warrant
24 enforcement. We did identify a list that looks like what was described as from 2018. So, we are doing
25 what we can to update it to see what criteria would make for the most viable candidates for the various
26 kinds of enforcement we have. So, that was identified as it was brought up in the last meeting.

27 The other areas of enforcement that we're all familiar with -- that we, again, are working to build into an
28 omnibus plan -- are, of course, the housing-maintenance type of violations that we report on and how

1 we would more efficiently and more vigorously enforce those when called for. And of course, seeking
2 compliance when we can, too. We think compliance is a great thing. We've talked about another, I'm
3 going to call it low-hanging fruit, although sometimes I'm a little naive at this. I think things seem easy
4 'till they're not. But late sales filings is something that we're going to be trying to pay attention to.
5 We're paying attention to sales filings across the board, and if they're not coming promptly, there is a
6 penalty for that, which we would work towards implementing. So, suffice it to say, we are continuing to
7 scour the rules, and our enforcement attorney is working very hard along with his supervisor and myself
8 to put together a plan that's capturing these and other things in a very real way, shooting for
9 compliance when possible, and enforcement when not possible.

10 So that is the enforcement update for this month. I'll pause there. I have more to talk about, but I'll
11 pause there, if there are any questions or comments from members about anything I mentioned so far.

12 I will move on to litigation. There are two cases I want to mention in the litigation section. One is a new
13 case, and one is a decision. The new case is *Jody Pinto versus 124 LLC, William Radmin, New York City*
14 *Loft Board and HPD*. This is in the housing court, index number 303304/2021. In this case, the petitioner
15 is a tenant at 124 Chambers Street who filed in the housing court against the owner in order to correct
16 alleged health and safety violations. And I'll mention now, this is the same address I just mentioned in
17 the enforcement section, where we issued two violations for no gas and no hot water. So, it's 124
18 Chambers Street. The items this alleged safety violation mentioned in the petition here at the housing
19 court were failing to provide heat, hot water, and venting; the restoration of a gas dryer; debris; and
20 broken windows. The Loft Board and HPD are named as co-respondents, and the petition calls for
21 immediate correction of the violations and unlawful conditions. Obviously, we're going to cooperate
22 with the court in any way we can on that matter.

23 The second case I want to mention is a decision. *Nazor and Mickle versus New York City Loft Board and*
24 *Sydney Sol Group, Limited*, index number 160900/18. In this case, the petitioners are tenants of 544
25 West 27th Street. They filed an Article 78 seeking an Order to compel the Loft Board to reconsider an
26 application a second time. The tenants had unsuccessfully challenged two Loft Board Orders in a prior
27 Article 78. The Loft Board's 2017 Order from this Board, number 4668, dated April 28th of 2017,
28 accepted an OATH ALJ's recommendation and denied an application seeking coverage and protected

1 occupant status, and found that neither tenant resided in the building for the twelve consecutive
2 months of the Window Period. And then another Loft Board Order in 2018 -- September 20th, of 2018 --
3 number 4796, denied a reconsideration application on that matter. More recently, just in the last month
4 or month and a half, the court dismissed a second Article 78 petition and found that the Loft Board's
5 denial of that second reconsideration application was rational. So basically, the court said, you
6 reconsidered it; you don't have to reconsider it again. And that decision was not arbitrary, capricious,
7 contrary to law or procedure. That is the litigation update.

8 Again, I'll take a pause, if there's any comment or question on either of those cases. Okay, great. I have
9 some more to report, and it's largely responding to items that the Board brought up at the last meeting.
10 I'll be as responsive as I can. Sometimes it's probably not everything that Board members want, but I
11 don't want to leave anything out. So Mr. Barowitz, I already mentioned how you mentioned at the last
12 meeting the visibility of the Board and how we can do something about that. And I mentioned this
13 simple enforcement mechanism with the notices. Another update that I have, I was glad to hear.
14 Apparently, before I came on board, there was work on a brochure for distribution that would discuss
15 the Loft Board, and rights, and the law and such. And so that brochure was awaiting a translation, which
16 is, I think, required by the city. And I understand that translation has been completed. Chairperson,
17 correct me if I'm wrong. So that's something we're going to be staying on top of and working on. I think
18 the content was decided long ago, and now it's the printing and distribution stage that we're embarking
19 on.

20 I see Mr. Roche, I think, joined us. Hello, Mr. Roche. Thank you for joining. Chairperson, is there anything
21 we need to do procedurally with his introduction?

22 **Mr. Barowitz:** (inaudible) idea, if we can get something on paper. Particularly, if we could send it to
23 every possible candidate for mayor so that they're aware of the Loft Board. As I had mentioned, I think
24 last month, there were two articles about Soho/Noho in the *Daily News*. One for and one against. And
25 neither of those articles mentioned the Loft Board. So, it is so important that we get this thing out and
26 try to get it into the hands of all potential candidates for mayor, so they know that this particular
27 incident is part of the City of New York, and it's not ignored, which I'm a little concerned about, in the
28 future.

1 **Mr. Schultz:** Certainly. I know you've mentioned it even off of meetings, so I know that's something
2 you're paying attention to. I had heard about this brochure and was trying to track it and do something
3 about it. And then was very happy to hear – and I'll be honest, it wasn't anything I did -- I got word that
4 it was moving forward. So, I'm just glad to share the good news. Thank you.

5 Chairperson Hylton, with Mr. Roche is joining, is there anything we need to do procedurally? I apologize.
6 I'm not up on my Robert's Rules. Are we just continuing?

7 **Chairperson Hylton:** I have made note to the recorder. So, he should be off mute right now. Are you
8 able to speak? Just test your mic for a second, so you can participate.

9 **Mr. Roche:** Yes, sir. Mr. Chairman. Sorry for the delay getting on today.

10 **Chairperson Hylton:** Thank you. No worries.

11 **Mr. Schultz:** I'm very glad you're able to join us. Thank you, Mr. Roche. Another item that was brought
12 up last month was...Oh, thank you Mr. Barowitz. He's got his copy of *Robert's Rules of Order*. If you find a
13 spot, let us know. That's great. I read that once in high school as a parliamentarian. I read it cover-to-
14 cover.

15 There was a request for some quarterly reports and statistics. And so the quarter would be ending in
16 August, the next quarter, which would call for a September report, and we're building toward something
17 to present in September. We decided we do have some stuff to share today, based on the data we have
18 and some older data that we don't think this Board's seen before. So Chairperson, do I need rights to do
19 this? I share screen. Here we go.

20 **Chairperson Hylton:** I've just given the rights.

21 **Mr. Schultz:** All right. Okay, I think I'm going to do it.

22 **Chairperson Hylton:** Don't abuse that right.

23 **Mr. Schultz:** All right, well, this is all anyone's going to see. It's not my computer, so... All right. So, this is
24 a short presentation, and it's put together relatively simply. I don't want to say quickly, because we did

1 want to make sure everything was as accurate as it could be. But it's based on data, I'll be frank, that
2 most of us on the staff have inherited. So, we did want to present it. We have no reason to think it's not
3 accurate. But the simple process of reporting regularly, as was suggested, I think is going to help us
4 make sure everything is right and accurate. And so we're happy to do that.

5 What you're looking at right now is a slide that was created in January of this year, reporting on all of
6 2020. And it's just a pretty straight look at some of the things we do at the Loft Board with respect to
7 Narrative Statement conferences, of which, in the year 2020, there were twenty-seven. And
8 certifications that are issued, there were fifty-four of those. And two hundred and fifteen LONOs --
9 Letters of No Objection -- processed. You know, we come to these meetings, we talk about the Orders
10 and the cases, but this is a lot of the day-to-day stuff that occupies our time as well.

11 **Mr. DeLaney:** Kevin, before you go on, can you just break down...I see there are three classifications
12 under the fifty-four certifications that were issued.

13 **Mr. Schultz:** Sure. Six of them were initial certifications; forty-one were amended; and seven were
14 partial. And I will define them in brief, but then I will invite Mr. Clarke or Ms. Lin, who've lived in this
15 world longer than I have....But the initial certification is usually the....if we get through the Narrative
16 Statement process, we will grant the certification on whatever the Narrative Statement included -- what
17 those plans included. Amended would be a time thereafter, where there's some sort of change to it.
18 And partial is, from time to time, there is a piece of the Narrative Statement that can or should move
19 forward, but not all of it. And I'll invite the staff to correct or clarify any of that if I didn't quite get it
20 right. It's possible. Right, they don't want to correct me publicly, or I got it right. Thank you guys.

21 And while we're talking about the breakdown, on the two hundred and fifteen LONOs -- Letters of No
22 Objection process, approved versus denied -- they're substantially approved. From time to time, they're
23 denied. We do look at those closely to make sure that everything's in order -- outstanding fees and fines
24 or any issues perhaps with the building.

25 The next slide is just to show the revenue month to month. Unsurprisingly, you see that spike in July. I
26 think that'll always be the case. And then a little spike in August and some carryover probably to
27 November. That's the annual registration effect. As I say this, I confess I wasn't here a year ago, so I'm

1 basing it off my current understanding of things. So, anyone who was here, feel free to correct me. But
2 that's the revenue for 2020. A little over a million and a half dollars.

3 And then the next slide is just another edition of one of those things that, when we come to these
4 meetings, you don't see, but we do spend a lot of energy on; and credit to our staff who handles these.
5 They do a great job with these FOILs. FOILs are a big part of what we do. We get requests from all kinds
6 of folks. Three hundred and eighty-eight were processed last year, and pretty consistent through the
7 year. And of course, last year was the COVID year, so I don't know if we got more or less comparatively,
8 but that's three hundred and eighty-eight processed in 2020.

9 The next slide is not as flashy or pretty because I made it. I made it just off some information we put
10 together just to show up 'til now, this year, in those same areas, some of the same things. We've done
11 fourteen Narrative Statement conferences so far this year; twenty-seven certifications; seventy-seven
12 Letters of No Objection; and one hundred and sixty-one FOILs have been received. And there's more
13 breakdown, but at this level, I don't have that breakdown, as we do for the other last year. But that will
14 hopefully be a progression in the data we'll try to get.

15 The next slide speaks much more to what was talked about last month, I think. How many buildings do
16 we have in our jurisdiction? The answer is three hundred thirty, as of this exact moment. And the other
17 thing that was asked is, where are we with each of these? And based on the data we have right now,
18 you can see a third of them are in a permit stage. And then the next largest chunk are at an Alt-1 stage,
19 closely followed by some that are 7B/Temporary Certificate of Occupancy stage. A smaller section have
20 not filed any application. Nine percent of them; twenty-nine of them. And the rest of them are either in
21 a Certificate of Occupancy stage, where they've got the C of O, but they haven't applied for removal.
22 And then there's a group of five percent, or eighteen of them, that are pending removal from the Loft
23 Board. They have filed for that. So that is all buildings, regardless of what section of the law they came in
24 under.

25 The next slide is just numbers, and I won't walk through all the numbers, but it is the same data I just
26 gave now broken down by the different types of buildings, meaning what section of the law they're
27 covered by. The broad takeaways aren't surprising, I think. The ones that are under the older sections

1 of the law – there are more of them, and they moved along further, generally speaking. And the ones
2 that are under the most recent sections of law are fewer, and they have not moved along to any sort of
3 completion stage, which is unsurprising.

4 That's all. It's not a big presentation, but I want to be responsive even before the quarterly requests,
5 with what we have. And going forward, I think – let's see, I hope that button doesn't take me away.
6 Nope, I almost left the meeting. I'm sorry. I should have checked out how to... Chairperson, I don't know
7 how to not share my screen anymore.

8 **Ms. Hayashi:** Well, while you figure that out, kudos, Kevin, to you and the staff, especially on the FOIL
9 requests. Those take a long time.

10 **Mr. Schultz:** Thank you very much. Yeah, I need to be very clear that this, all those numbers you see are
11 reflective of a lot of work by the staff. No doubt about it. Let's see. Yes, I think I found it.

12 **Mr. DeLaney:** I join in extending my congratulations.

13 **Mr. Schultz:** Thank you.

14 **Mr. DeLaney:** Would you circulate that little PowerPoint deck to the members?

15 **Mr. Schultz:** Yes, certainly. And this is my long way of saying I, too, am a fan of data. I think data is very
16 important, and I think it does lead us. And sometimes it's inconvenient, or sometimes it doesn't tell the
17 story you want to tell. But it is the thing that will get us going in the right direction. So, I have a
18 commitment to data myself, and we have a lot of it. We just need to get it together. I feel quite good
19 about what I shared, but we want to make sure we are continually giving the best data; the most
20 updated data. I've dealt with data long enough to know that sometimes you look back, and you go, oh,
21 this this could be better or different. So, we'll be giving you everything we have as we have it, with
22 quarterly reports starting in September. Hopefully matching the kind of things you've seen in the past.

23 Any questions on that? Okay, great. I know I'm doing a pretty large Executive Director's Report. I will
24 move along through the rest of it a little more quickly, but I do have more. I don't want to leave anything
25 on the table.

1 Last month there was a bill discussed, A-7667, that involves our Loft Law. And this law, a very short
2 version, clarifies or gives some tenants rights to go to venues for their needs of housing-maintenance-
3 type issues, specifically housing court. It clarifies, or confirms, or codifies that IMD tenants can do that
4 because some reading of the law could cast doubt on that. This bill has gotten to the Assembly and the
5 Senate and will presumably go to the Governor. I don't know enough about Albany to know when it'll go
6 to the Governor, but that is the next step, as I understand. Any questions on that? I'm not sure I can give
7 you the answer today, but I'm happy to try for the next time if there are questions on that.

8 **Chairperson Hylton:** Kevin, could you just --- that last item, could you just clarify for the public what that
9 was again?

10 **Mr. Schultz:** Sure. It's a bill in New York State, in Albany, A-7667. And it's a bill amending language
11 within the MDL -- the Multiple Dwelling Law. And it's going to add some language to just confirm that
12 current IMD tenants can access courts of competent jurisdiction, including the housing part of the
13 courts.

14 **Mr. DeLaney:** I'd like to just comment on that briefly. The need for this arose because a very clever
15 argument was made. Section 282-a of the Loft Law, the Multiple Dwelling Law, went out of its way to
16 say that tenants who were applying for coverage could go to housing court for protection if they were
17 being denied services. What? You had the nerve to apply for coverage? I'm going to cut off your heat
18 and water. The argument was made, and there were a couple of judges in Brooklyn that bought it, that
19 since it talked about tenants who were applying for coverage could go to housing court, therefore, that
20 must mean the tenants that are covered cannot go to housing court. Clever argument. Kind of nasty.

21 This law just clarifies that both tenants who are covered by the Loft Law and tenants applying for
22 coverage have the right to seek corrections via an HP proceeding in housing court; because there are a
23 lot of things that the Loft Law's minimum housing maintenance standards don't even talk about. Like
24 vermin infestation. You have a vermin problem in your building, but we don't have anything in our
25 regulations that talks about that. So, if you can't go to housing court, then you've got a problem on your
26 hands. So that's what this bill seeks to correct.

27 **Chairperson Hylton:** Thank you, Mr. DeLaney.

1 **Mr. Schultz:** Thank you. Three more items. The first one is very short. We did pass our proposed rules
2 last month, and those have been forwarded on to the Law Department for review, which is the next
3 stage of things. They will look at them; they will hopefully find them to be absolutely perfect with zero
4 comment, which will then move them along to the next stage. To the extent they have comment, I will
5 keep this Board updated. I do not know how long it will take them, but I will be in regular
6 communication with them on that. So for now, we get a break on the rulemaking. We've done our work
7 for now. So stay tuned, as that moves through the process from Law Department to public comment
8 and all those stages. So again, we said it last month, but kudos, and thanks to everyone involved with
9 getting us to this stage.

10 A Board member asked last month, and Mr. Barowitz just mentioned, the Soho/Noho rezoning. To the
11 extent that an update could be given to the Board, which I'm happy to do, it is controversial to be
12 certain, and there is ongoing litigation about it between the city and some, at least two, if not more,
13 public groups challenging it. There is going to be a public meeting with the Community Board, I think,
14 this month. It's going to be a live, public hearing, and what I saw was that it's the 23rd, but please don't
15 quote me on that, because I'm not the guy who knows that for sure. But I saw it online. And that
16 project's been certified and is in public view, which is the Community Board stage. It'll go to the
17 Borough President; it'll go to the Council and the Mayor, presumably. But those stages...although, there
18 is concurrent litigation that could affect that at any time.

19 I'll just mention that anything I know is what's in public. I don't have any specific internal knowledge.
20 Insofar as I did see in the released information that existing rent-regulated homes, many covered by the
21 Loft Law, will remain protected -- that was in a press release. So just to speak to the interaction with the
22 Loft Board, I will continue to update members as the meetings continue on that, as requested.

23 The last item I wanted to mention, and I could do it now -- or I could save it, actually, for the next
24 agenda item -- but I'll just do it now, since I have the mic. Last meeting, one of the Board members
25 asked about the professional certification, and as I used to work at DOB, did I know or have knowledge
26 or access to information about the efficacy of it or the prevalence of problems with it. And the short
27 answer is, I don't have any. I did make an inquiry with some of the senior staff in Development, and
28 there really isn't any data or report that speaks to that. There are some Comptroller audits that I did

1 know about from 2003 and 2011. The 2011 one speaks more about the Department of Buildings making
2 sure they're doing the twenty percent of the auditing and less about the efficacy or the good/bad value
3 metric or value judgment of the program. And the 2003 one is quite old, but it did more of the same. It
4 did seem to give DOB some feedback on the accuracy of their reviews. Then those are publicly available.

5 The other thing I can share is that Buildings does have a disciplinary unit and disciplinary procedure for
6 bad actors within the pro-cert program and does result in auditing, and people who were found to be
7 guilty of something, there's a website where they're listed. I shouldn't say they're found guilty. They
8 might agree to surrender, or they could go to a proceeding at OATH. So, there's a process for those bad
9 actors. So that's just what I could add, preliminarily, to the pro-cert conversation. I do not have anything
10 else in my Executive Director's Report, but I'm happy to answer any questions from the Board members
11 on anything I mentioned. Okay, thank you.

12 **Chairperson Hylton:** Good job. Thank you, Kevin.

13 **Ms. Roslund:** Yeah, that was a lot. Thank you, Kevin.

14 **Chairperson Hylton:** Okay. Any questions for Mr. Schultz? Not that he hasn't gone on long enough. No?
15 Great. So, the next item on our agenda is the matter of self-certification. Mr. DeLaney had requested
16 ten minutes to discuss the issue, and I now turn it over to Mr. DeLaney for the discussion on self-
17 certification and professional certification.

18 **Mr. DeLaney:** Thank you. I don't want to repeat myself because some of you have heard this multiple
19 times. The question has come up. It was originally raised in a letter to the Chair by a prior public
20 member, Julie Torres-Moskovitz. It led to some of us meeting with Mr. Rebholz from the Department of
21 Buildings, who's an expert on this. And the question comes up as to whether the Board should request
22 that the Department of Buildings consider IMDs that are going through the legalization process sort of
23 immediately eligible for being audited, which happens to about twenty percent of buildings where
24 professional certification takes place.

25 Heather and I, and Julie, when she was with us, made presentations on this. There's ample
26 documentation in the minutes of what we had to say. I don't see the need to repeat it. I'm much more

1 interested in hearing what other people think, and I'm sorry that Mr. Hylton is not here today, because
2 when we touched on this last month, he raised some interesting questions as to how prevalent this was,
3 and I do not have a sense of prevalence. Part of what makes me interested in the topic is that some of
4 the circumstances we've come upon have been so egregious that it makes you kind of stop and wonder,
5 gosh, how did a building with five units in the basement get a C of O without that being noted? And 99
6 Sutton is remarkable for different numbers on Narrative Statement proposals versus final Cs of O. So,
7 there are some really outstandingly jaw-dropping circumstances. But whether it would make good sense
8 to have all professional certifications audited, that's an open question. So, I'm really more
9 interested...I've been kind of talking myself, repeating over and over, and I'd really much rather hear
10 what other people's thoughts are.

11 **Chairperson Hylton:** Mr. DeLaney is inviting the Board members to comment on what your thoughts are
12 on self-certification. Professional certification.

13 **Ms. Hayashi:** I still feel like I'm learning the risks and benefits of things as a newer Board member, so I
14 don't want to comment. But I'm happy to listen, and I appreciate your comments, Mr. DeLaney.

15 **Mr. DeLaney:** And that's certainly understandable. We've had a lot of turnover and new faces in the last
16 few months. And we haven't even all had a chance to be in the same room to say hello to each other in
17 person yet. So I completely understand that.

18 **Ms. Rajan:** I understand you're saying that there's... that you've made comments on this in the past, and
19 for us to understand it better that we should refer to previous minutes. And so maybe that's something I
20 have to do later. But I wonder if you could at least help me out with what the action item is? Is there
21 something about the process or the rules that that you're suggesting a change to?

22 **Mr. DeLaney:** Yes. The suggestion was made that an action step the Board could take without any other
23 involvement, such as a bill in the City Council, would be for the Board to pass a resolution asking the
24 Department of Buildings to, as a matter of course, audit situations where professional certification is
25 used in conversions of IMD buildings. And again, to distinguish, for years I used the term self-
26 certification, which, in fact, is what appears on the agenda. Self-certification, as I learned, partly thanks

1 to Heather, and Julie, and Mr. Rebholz, is actually something that licensed people like plumbers can do.
2 Professional certification is what architects do. So, Heather, can you add anything to this?

3 **Ms. Roslund:** Yeah, just to expand upon what you said: So, a professional certification, an application
4 that is professionally certified, does not get reviewed by a plans examiner at the Department of
5 Buildings. Let me start from the beginning. When an architect submits an application to the Department
6 of Buildings for whatever kind of work -- in this case, let's say it's an Alt-1 -- there are two ways that you
7 can submit the application. One is for a plans examination, which is the standard route, which is then
8 you get an appointment with a plans examiner, and you go, and they review the documents, which
9 include the drawings. You, as the architect, go down to the Department of Buildings, and you sit down
10 with the examiner, and they present objections. Sometimes the objections can be answered without an
11 appointment. But typically, there's an appointment. And so, by the time the application is approved --
12 this goes back and forth a couple times sometimes -- the applicant, the architect, and the Department of
13 Buildings are fairly certain that everything is up-to-code; it works; there are no issues. So, it's a longer,
14 more involved process. But at the end, you're more confident that your project meets with all the
15 building codes and the Zoning Resolution.

16 A sort of shortcut is professional certification. You, as the architect, say, I professionally certify that
17 everything in this application meets with the code; it's great; you're going to love it; you don't have to
18 look at it. And then you can go right to the permitting process and right into construction. What
19 happens then, if there's something in there that is either....It can be legitimate. I mean, we've all made
20 mistakes. We, architects and professionals. They'll find something, and it's legitimate. You missed it.
21 But more often than not, in tricky applications, there are a number of architects who are kind of famous
22 or well known for using professional certification to slip some things in without anyone noticing. And
23 that's the concern -- that the drawings get signed-off on by the Department of Buildings, and then the
24 owner has a permit to begin construction, even if what they're about to build is not legal; does not meet
25 with the Building Code or the Zoning Resolution. And if it is caught at any time during construction or
26 during the Certificate of Occupancy inspection, now it's already built. And so then there's this whole
27 thing about do you go backwards? Do you do this? Usually, a violation is issued. Sometimes some
28 modifications have to be made. But oftentimes, it's kind of a way to get something that's not a hundred

1 percent legitimate through the process. And of course, if nobody checks, then whoo! You could have an
2 extra room or an extra apartment, as Chuck pointed out. The mezzanine rule was a big thing in
3 Williamsburg for many years. So, you basically have extra square footage.

4 And that's just for new buildings or legitimate projects. So now, when you have lofts, and projects, and
5 buildings that come through the Loft Board, it's even stickier, because you now have spaces that are
6 already built-out for the most part; have been built-out without planning. It's often organic, without a
7 lot of forethought. Sometimes it's been changed many times over the years. You can have means of
8 egress that are very circuitous. There's so many issues that come up with loft buildings. So, there's even
9 more of a risk that there would be something that's not legitimate, or not legal, or not to code, that
10 could get passed either accidentally or on purpose by an unscrupulous team.

11 And so what we're saying is that any project that comes through the Department of Buildings that is
12 under the jurisdiction of the Loft Board should automatically be flagged for plan review. Or if they are
13 filing it under professional certification, it gets audited, which is the same thing. It gets sent through a
14 plan review by a person who sits there, a plans examiner, who looks through all the documents and
15 finds any issues, and then submits a list of objections back to the design professional. Did that make
16 sense? Was that clear?

17 **Ms. Rajan:** Yes, that was great. So that means that this would extend the length of time, right? This
18 would extend the process for the buildings that are going through the Loft Board.

19 **Ms. Roslund:** Potentially, yes

20 **Ms. Oddo:** Hi, this is Nicole. Can you all hear me?

21 **Ms. Roslund:** Yeah

22 **Ms. Oddo:** Thank you. That was so helpful. One of the things I'm thinking is that when it is caught-- that
23 somebody who's professionally certifying that something is correct, and it's caught that it isn't -- is
24 action taken, then, against those architects? Because the reason I feel like it's circumventing some of
25 these other reviews is because of their license. And they're kind of saying, I'm putting my license on the
26 line. Is that what happens?

1 **Ms. Roslund:** That is correct. Professional certification is a privilege, so it can be revoked.

2 **Chairperson Hylton:** Nicole, just to recall, I think I did mention at the last meeting that the Department
3 does have a disciplinary website, a webpage on its website, that you may be able to just Google or
4 search when you go into the website, disciplinary actions. And it will take you to a list of all our bad
5 actors that we have prosecuted in the past and continue to by suspension or revocation of privileges.
6 And some of those turned out to be so aggressive that we have a lot more voluntary surrenders of
7 privileges. They don't even bother for us to take them to court to do that. They voluntarily surrender.
8 So, we have a robust system, where we do get these people who get caught in the act, and they do
9 suffer the consequences. Yes.

10 **Ms. Oddo:** And I'm assuming that probably some of the reasons we allow for folks to professionally
11 certify – is it also a capacity issue, where if we made this requirement that everything that passed
12 through the Loft Board had to be reviewed -- it can't be professionally certified -- do we even have the
13 capacity to actually review all that? Or is it going to just really delay things moving through the Loft
14 Board?

15 **Ms. Roslund:** Well, that's a great point, because the professional certification program was established
16 exactly to allow for smaller projects and more minor projects to be expedited in that way. And the plans
17 examiners were quite overwhelmed. It was part of an overhauling of the Department of Buildings. Mr.
18 Hylton, you'll have to correct my timing and maybe...are we going back almost twenty years? Fifteen
19 years?

20 **Chairperson Hylton:** Yes, twenty

21 **Ms. Roslund:** Right, twenty. Because there was a backlog, and it was taking a long time, and sometimes
22 you would submit an application, and it would take three months before you could get an appointment.
23 So, it was meant as a way to make it easier for everybody and to help out, particularly, smaller clients,
24 who were penalized by having such a long period of time to wait.

25 **Ms. Oddo:** I'm just wondering, then, if it's just logistically easier to be stronger on the enforcement so
26 that the risk is higher for someone who wants to do something that they shouldn't. And they're really

1 putting their license on the line, and they know that the risk is so great that it might stop them from
2 doing it as often. Or if it's easier to build up capacity on the other end and be able to move these items
3 through faster if we did require that every single thing had to be looked at. So, I think that might help
4 with that determination.

5 **Ms. Roslund:** That was why we talked a lot about the numbers. We were wondering how many....
6 Chuck said the Department of Buildings randomly audits twenty percent of all professionally certified
7 applications. So, the presentation that we saw earlier. Say, there are only ten projects submitted to the
8 Department of Buildings every year that are Loft Board projects. And then twenty percent of them are
9 already two. So that would be two, correct? Two of them are already audited. So, it's only eight more.
10 So that's, I guess, what we're talking about. If it were thousands of projects, then it maybe was a
11 different discussion. But if it's a handful of projects, does this make sense for us? Or your point is also
12 equally valid. If enforcement were stepped up, and there were steeper penalties for proceeding with
13 something that was non-compliant, then that might discourage the non-compliance of the application in
14 the first place.

15 **Mr. DeLaney:** I would just comment, I think your question is a very good one. And before I comment, I
16 want to commend Heather for the way she described how people who abuse this do it. How it was
17 phrased. I could not do it without sinking into vulgarity. There is one architect who has been involved in
18 three or four major transgressions in IMD buildings, who's also made his name into the newspaper for
19 doing stuff that he shouldn't have done in other buildings that have nothing to do with lofts. So, if you're
20 looking for somebody who's dirty, this individual seems to be out there as a go-to for this. And he
21 suffered a mild penalty of not being able to self-certify for a few years. Now, maybe if the New York
22 State Department of Education had revoked his architect's license, that would have made a noise. But
23 frankly, for the amount of money I assume this dude walked away with, he got a slap on the wrist.

24 **Chairperson Hylton:** But in response to that, Mr. DeLaney, point well taken, and just to tie it back to
25 what Nicole asked about stronger enforcement, the Department of Buildings does not issue architects
26 and engineers their licenses. It's done by the Department of Education, Department of Regents. So, all
27 we can do is refer our cases to them for discipline. The strongest we can go is to revoke their filing
28 privileges with us. So yes, it would be stronger if we could revoke their license like we can do for

1 plumbers or electricians who do the wrong thing. But as strong as we can go for these state-licensed
2 folks, such as engineers and architects, is a revocation of filing privileges. Professional certification
3 privileges with us.

4 **Ms. Roslund:** There are also penalties for the building owner. And one of the most famous cases within
5 the city was a project where a developer was required to remove four floors of their twenty-story tower.
6 Those are the big news headline-grabbers, when it's really problematic. So, you could say, okay, there
7 could be stricter penalties or more enforcement during construction, and then if something doesn't
8 meet code, the cost of rebuilding something -- there's a cost involved there, too. So, if a developer saves
9 money at the beginning by going through the filing process more quickly, but then has to pay to build
10 something twice... there's a trade-off there also.

11 **Chairperson Hylton:** All right. Thank you, Heather and all those who participated. In the interest of time,
12 we do have to move things along here. Mr. DeLaney, you're still in charge. I'm not sure....Do you want
13 to...?

14 **Mr. DeLaney:** I think it's been very helpful. I appreciate both the comments and the questions. And this
15 is the June meeting; we're going to meet again in July; in all likelihood, it appears we'll take August off.
16 So, what I might offer to do is, prior to the September meeting, that we can put this back on the agenda.
17 I will pull the relevant portions of the minutes. I think it's November, January, and now maybe today's
18 discussion, and also assemble two or three buildings where the seriousness of this and the potential
19 for... if there are more things out there, like some of the ones that have come to light. We've been very
20 fortunate that for all these years, while buildings are being brought up to fire and safety compliance, we
21 haven't seen any serious fires or other situations. There have been a few vacates, in some instances
22 entirely warranted; in some instances, maybe not so much. But I'll be happy to assemble that material
23 and circulate it prior to the September meeting, if that sounds like a reasonable next step.

24 **Chairperson Hylton:** That is more than reasonable, Chuck, thank you so much for taking the lead on this.
25 I just want to preface all of this by saying that the resolution that the Board is considering is a non-
26 binding recommendation to the Department of Buildings, basically. The Department of Buildings is the
27 one that does this, and they will make a decision on whether or not they could a) legally accommodate

1 it, and b) operationally accommodate it. So yes, I appreciate all this. And Kevin, are we good to go on?
2 Next step?

3 **Mr. Schultz:** Yeah, I think on the next agenda item.

4 **Chairperson Hylton:** Thank you. So, the next item concerns an active litigation matter against the Loft
5 Board. As I stated earlier, for those who may have come late, there's an active litigation matter against
6 the Loft Board and its impact on new proposals and future, similarly situated cases. The matter is *Dezer*
7 *Properties II, LLC versus the New York City Loft Board*. Pursuant to Open Meetings Law section 105, a
8 public body may conduct an Executive Session to discuss proposed, pending, or current litigation. Do I
9 have a motion from the Board to go into Executive Session to discuss litigation strategy in the matter of
10 *Dezer Properties II, LLC versus the New York City Loft Board* and related strategy for future, similarly
11 situated cases and relevant, proposed litigation?

12 **Ms. Hayashi:** So moved.

13 **Chairperson Hylton:** I thought Mr. Roche moved first. I saw that. Who's second? I'm sorry.

14 **Ms. Hayashi:** Second

15 **Chairperson Hylton:** Ms. Hayashi. Okay, thank you. At this point, ladies and gentlemen, I'm going to ask
16 all public viewers of this teleconference to either log yourself off or you'll be dismissed for ten minutes.
17 We will be back; you can just come right back in later, right back into this meeting. At that time,
18 hopefully, we'll be finished. If not, I will come back and ask you for a few more minutes. Please just... we
19 haven't yet done the cases, so you're just going to come right back, and we'll go into the cases. Thank
20 you. I'm waiting for the public to just log off.

21 **Mr. Schultz:** Chairperson, if you see what I see, I see one identified waiting for name.

22 **Chairperson Hylton:** I cannot seem to dismiss that person. I don't know why. So, if there's someone else
23 connected, could you just dismiss yourself? I'm trying to do that myself here, but it's not happening.
24 Maybe they're not...it says, waiting for name 100021.

1 **Mr. DeLaney:** Is anybody here using the phone as well?

2 **Chairperson Hylton:** Is anyone using two devices, here? Any Board member?

3 **Mr. Argov:** I'm using two. I'm connected through my phone and through the...

4 **Chairperson Hylton:** Okay, that may be you.

5 **Ms. Roslund:** Glen is on twice.

6 **Chairperson Hylton:** So, Glen is on twice. You can see that? Okay.

7 **Mr. Schultz:** He's already on twice, as am I. So, not Glen or I, because we're already on two phones, and
8 we're already labeled as such.

9 **Chairperson Hylton:** Right. I don't know what to do about this. Board members, if you don't mind, I'm
10 going to end this meeting. No, I don't want to do that. We're being recorded. And just somebody remind
11 me to take the recording off when we go into Executive Session. I don't want to end this meeting until
12 this person can just....

13 **Mr. Schultz:** I recall at another time....It might have been a whole couple, two or three or four minutes,
14 but you were able to dismiss somebody, I think, last time when we needed you to. You couldn't do it
15 immediately, so keep trying and see if it changes.

16 **Chairperson Hylton:** I don't really think that person is there. But it's just too risky to have this meeting
17 with that person hanging.

18 **Mr. Schultz:** Yeah, I can't advise us to do that.

19 **Chairperson Hylton:** Board members, what if I created a link? Oh, can't do that. Tina, can you create
20 another link? I would keep this meeting... oh, wait a minute. I'm sorry. Something is happening. There
21 you go. Oh, Kevin, you're smart.

22 **Mr. Schultz:** You want to know what I did? I almost made them a presenter by accident. And then I said,
23 no. And then they disappeared. So, it did not go as planned, but I guess it worked.

1 **Chairperson Hylton:** All right. I'm going to stop the recording now, and then I'm going to lock the
2 meeting. Stop recording and then we could record again.

3 **Mr. Schultz:** Okay. I'm just scanning to make sure I see myself, Mr. Hylton, Mr. Chipetine, Ms. Lee, Ms.
4 Lin, Ms. Rajan, Ms. Roslund, Glen, Stephan. Okay. Very good. So maybe we don't have to do Executive
5 Sessions this way in the future.

6 **Chairperson Hylton:** Kevin, one second. I need to decide on stopping the recording here, okay?

7 **Mr. Schultz:** Oh, okay. Yes, yes. Thank you, sorry.

8 **Chairperson Hylton:** And stopping the recording means that I'm going to have two different recordings
9 when I get back.

10 **Mr. Schultz:** We can work with that, I'm sure.

11 ----- Break for Executive Session -----

12 **Chairperson Hylton:** Good afternoon. Again, this is Renaldo Hylton, Chair of the New York City Loft
13 Board. We are now back in public session, and the meeting is back being recorded. There is no need for
14 any vote or anything like that in the private session, so we will now go immediately to a vote on cases.

15 The Summary Calendar. There is one case on the Summary Calendar.

16 Case #1: Antonio Scarlata 476- 498 Jefferson Street, Brooklyn, New York Docket # PO-0135
17 aka 16 Cypress Avenue

18 Do I have a motion to accept this case?

19 **Mr. Barowitz:** I so move.

20 **Chairperson Hylton:** Is there a second? Ms. Oddo is a second. Do we have any comments on this case?
21 Without comment. Ms. Rivera, could you please poll the Board members.

22 **Ms. Rivera:** Mr. Barowitz?

- 1 **Mr. Barowitz:** Yes
- 2 **Ms. Rivera:** Mr. Roche?
- 3 **Mr. Roche:** Yes
- 4 **Ms. Rivera:** Ms. Hayashi?
- 5 **Ms. Hayashi:** Yes
- 6 **Ms. Rivera:** Mr. DeLaney?
- 7 **Mr. DeLaney:** Yes
- 8 **Ms. Rivera:** Ms. Roslund?
- 9 **Ms. Roslund:** Yes
- 10 **Ms. Rivera:** Ms. Oddo?
- 11 **Ms. Oddo:** Yes
- 12 **Ms. Rivera:** Ms. Rajan?
- 13 **Ms. Rajan:** Yes
- 14 **Ms. Rivera:** Chairperson Hylton?
- 15 **Chairperson Hylton:** Yes
- 16 **Ms. Rivera:** Eight in favor; one absent
- 17 **Chairperson Hylton:** Thank you. There are four cases on the Master Calendar. They are removal cases,
18 so, there's no staff presentation here.
- 19 **Case # 2:** Dorina Realty Corp 1099 Flushing Avenue, Brooklyn, New York Docket # LE-0693, LE-0725
- 20 Is there a motion to accept this case? Mr. Barowitz.

1 **Ms. Hayashi:** Second

2 **Chairperson Hylton:** Ms. Hayashi has seconded. Is there any comment on this case? Mr. DeLaney, the
3 floor is yours. I'm sorry, Kevin, were you saying something?

4 **Mr. Schultz:** Mr. DeLaney can go first, certainly.

5 **Mr. DeLaney:** There was some discussion in the private session about a number of cases on today's
6 docket involving 286(12) sales; and I'd like to make a request of the Chair that we consider putting a
7 discussion of how to handle 286(12) sales on the agenda for, hopefully, next month. Since the big
8 certification extravaganza was delayed until September, it'll give us something to do.

9 **Chairperson Hylton:** Kevin, do you think this is manageable?

10 **Mr. Schultz:** Yes. I mean, we'll look at the next month, time notwithstanding. Some amount of time,
11 certainly. How much would be open to everything else, but certainly. Yes, staff will be prepared to
12 contribute to that conversation as well.

13 **Chairperson Hylton:** Alright. Mr. DeLaney, are you asking the staff to present it? Or are you asking for
14 open discussion?

15 **Mr. DeLaney:** If the staff has the opportunity to review some of the questions that we've discussed in the
16 private session with regard to whether a 286(12) sale is filed versus accepted or rejected and what the
17 mechanism for that is, that would be helpful.

18 **Mr. Schultz:** I suppose what I'd suggest is whether it shows up as an agenda item or, potentially, as an
19 update on the Executive Director's Report, or something to that extent.

20 **Mr. DeLaney:** I think it would be helpful for the Board members to have the opportunity to discuss it.

21 **Chairperson Hylton:** Okay, so we'll limit that to fifteen minutes. Is that okay, Mr. DeLaney? Please note
22 that for the agenda next month. Thank you. Where are we? Votes, sorry. Is there any further discussion
23 of that case? Ms. Rivera....

1 **Mr. Schultz:** No, sorry, sorry. I thought someone else was going to speak. I need to make a note on this
2 one for the Board. On page 10, there are two items that need review and to be edited along with the
3 passage, and it's just two dates that are anachronistic, frankly, on page 10. After Conclusion, the second
4 paragraph reads, "Assuming that this Order is mailed to the affected parties on or after..." it currently
5 says May 28th, and Ms. Lee, if I get this wrong, please speak up -- but May 28th should instead read June
6 25th. May 28th has passed. And following from that, that sentence should continue, "...all rent
7 adjustments shall take effect on August 1st, 2021." It currently reads July 21st. So, we'd like the passage
8 to include those changes because the current version is anachronistic.

9 **Chairperson Hylton:** Okay, thank you, Kevin. So, with those changes, Board members, Ms. Rivera, could
10 you please poll the Board members.

11 **Ms. Rivera:** Mr. Barowitz?

12 **Mr. Barowitz:** Yes

13 **Ms. Rivera:** Mr. Roche?

14 **Mr. Roche:** Yes

15 **Ms. Rivera:** Ms. Hayashi?

16 **Ms. Hayashi:** Yes

17 **Ms. Rivera:** Mr. DeLaney?

18 **Mr. DeLaney:** Yes

19 **Ms. Rivera:** Ms. Roslund?

20 **Ms. Roslund:** Yes

21 **Ms. Rivera:** Ms. Oddo?

22 **Ms. Oddo:** Yes

23 **Ms. Rivera:** Ms. Rajan?

1 **Ms. Rajan:** Yes

2 **Ms. Rivera:** Chairperson Hylton?

3 **Chairperson Hylton:** Yes

4 **Ms. Rivera:** Eight in favor; one absent

5 **Chairperson Hylton:** Thank you, Mr. Rivera. The next case is

6 Case # 3 33-39 East 60th Street, LLC 33 East 60th Street, New York, New York Docket # LE-0677

7 Is there a motion to accept this case? Mr. DeLaney has moved. Is there a second?

8 **Mr. Barowitz:** I second.

9 **Chairperson Hylton:** Mr. Barowitz has seconded. Do we have any comments on this case? Absent any
10 comments, Ms. Rivera, could you please poll the Board members.

11 **Ms. Rivera:** Mr. Barowitz?

12 **Mr. Barowitz:** Yes

13 **Ms. Rivera:** Mr. Roche?

14 **Mr. Roche:** Yes

15 **Ms. Rivera:** Ms. Hayashi?

16 **Ms. Hayashi:** Yes

17 **Ms. Rivera:** Mr. DeLaney?

18 **Mr. DeLaney:** Yes

19 **Ms. Rivera:** Ms. Roslund?

20 **Ms. Roslund:** Yes

1 **Ms. Rivera:** Ms. Oddo?

2 **Ms. Oddo:** Yes

3 **Ms. Rivera:** Ms. Rajan?

4 **Ms. Rajan:** Yes

5 **Ms. Rivera:** Chairperson Hylton?

6 **Chairperson Hylton:** Yes

7 **Ms. Rivera:** Eight in favor; one absent

8 **Chairperson Hylton:** The next case is

9 Case # 4 240-242, LLC 242 West 14th Street, New York, New York Docket # LE-0724, RG-0212

10 Do I have a motion to accept this case? Board members? I think Ms. Rajan beat you to that, Mr.

11 DeLaney. Mr. DeLaney seconded the motion. Is there any comment on this case? Without comment,

12 Ms. Rivera, could you please poll the Board members.

13 **Ms. Rivera:** Mr. Barowitz?

14 **Mr. Barowitz:** Yes

15 **Ms. Rivera:** Mr. Roche?

16 **Chairperson Hylton:** Mr. Roche? Mr. Roche has indicated yes.

17 **Mr. Roche:** Yes, yes. I'm sorry.

18 **Ms. Rivera:** Ms. Hayashi?

19 **Ms. Hayashi:** Yes

20 **Ms. Rivera:** Mr. DeLaney?

21 **Mr. DeLaney:** Yes

1 **Ms. Rivera:** Ms. Roslund?

2 **Ms. Roslund:** Yes

3 **Ms. Rivera:** Ms. Oddo?

4 **Ms. Oddo:** Yes

5 **Ms. Rivera:** Ms. Rajan?

6 **Ms. Rajan:** Yes

7 **Ms. Rivera:** Chairperson Hylton?

8 **Chairperson Hylton:** Yes

9 **Ms. Rivera:** Eight in favor; one absent

10 **Chairperson Hylton:** The final case is

11 Case # 5 54 West 22nd Owner, LLC 54 West 22nd Street, New York, New York Docket # LE-0715

12 Do I have a motion to accept this case?

13 **Mr. Barowitz:** I move.

14 **Chairperson Hylton:** Mr. Barowitz has moved. Do I have a second? Mr. Roche has moved to second.

15 Thank you. Do I have any comment on this case? Without comment, Ms. Rivera, could you please poll

16 the Board members.

17 **Ms. Rivera:** Mr. Barowitz?

18 **Mr. Barowitz:** Yes

19 **Ms. Rivera:** Mr. Roche?

20 **Mr. Roche:** Yes

21 **Ms. Rivera:** Ms. Hayashi?

1 **Ms. Hayashi:** Yes

2 **Ms. Rivera:** Mr. DeLaney?

3 **Mr. DeLaney:** Yes

4 **Ms. Rivera:** Ms. Roslund?

5 **Ms. Roslund:** Yes

6 **Ms. Rivera:** Ms. Oddo?

7 **Ms. Oddo:** Yes

8 **Ms. Rivera:** Ms. Rajan?

9 **Ms. Rajan:** Yes

10 **Ms. Rivera:** Chairperson Hylton?

11 **Chairperson Hylton:** Yes

12 **Ms. Rivera:** Eight in favor; one absent

13 **Chairperson Hylton:** Thank you. The motion carries for all four cases, eight in favor without any
14 dissensions. Thank you, Ms. Rivera. And before I close the meeting, do I have anything that the Board
15 members would like to raise at this point? Anything else that's not on the agenda that you could raise
16 your hand and say really quick? Mr. Roche?

17 **Mr. Roche:** I may have missed it. I apologize for connecting late. Do we know yet if the July meeting will
18 be in person? Or will we still be virtual?

19 **Chairperson Hylton:** Mr. Schultz?

20 **Mr. Schultz:** We do not know. We are hopeful; I am hopeful, personally. But we don't know. The
21 current Order extends through June 24th, and around that time is when the new one comes. We do

1 have a pretty reliable way to look into it and follow up on it. So, we will be doing that as early as possible
2 and letting everyone know.

3 **Mr. DeLaney:** Before we adjourn, I just have two notes that I'd like to make. Number one is, once again,
4 I want to commend Ms. Ryan and the rest of the staff for the excellent minutes, and I think I'm going to
5 send an email to this effect, but I'd also like to commend Mr. Schultz. I think that was the most
6 comprehensive and thorough report by an Executive Director that I've heard in many a year. So, thanks
7 to the staff for all their hard work.

8 **Mr. Schultz:** Yeah, thank the staff. I won't deny some part of the credit, since I did all the talking. But
9 trust me, this staff deserves, you know --- I've said it enough times. Thank you for the compliment, and
10 trust me, it goes to everyone on the staff. So, I will also thank you and thank the staff, truly and
11 sincerely. They are an amazing bunch. And working very, very hard.

12 **Ms. Hayashi:** Here, here. Thank you.

13 **Chairperson Hylton:** Thank you. I appreciate the comments to the staff. Mr. Roche has something
14 else?

15 **Mr. Roche:** Mr. Chair, if I just may get a little safety message in here at the end. With the city coming
16 out of the COVID pandemic, and the wonderful weather, we're seeing an uptick in folks heading to the
17 rooftops of their buildings to celebrate the beautiful weather and fellowship with their neighbors. I'd like
18 to just remind everybody that unless your rooftop has been approved by the New York City Department
19 of Buildings for public venues, that it's really unsafe to be up there. Please, please, don't just go to the
20 roof of any building in the city and assume that it's okay to hang out up there. Recently, we lost a young
21 lady who was trying to cross from one rooftop to the next, and they really shouldn't have been on the
22 roof at all. So, we're all excited; we all want to get back to normal; the Fourth of July is coming; but
23 please, please if you have questions, contact the Department of Buildings. Find out if the building where
24 you are at is considered to be a legal venue to be on the roof, and just exercise good safety here as we
25 come out of the pandemic and look for ways to celebrate in fellowship. Thank you, Mr. Chairman.

1 **Chairperson Hylton:** Thank you, Mr. Roche. If I may follow up with you on that Mr. Roche, isn't it a
2 violation for owners not to secure access to the rooftops that are not approved by the Fire Department?

3 **Mr. Roche:** Right. To my knowledge, the rooftops should be secured in some fashion. However, we do
4 run into cases where rooftops are considered second means of egress on some older buildings, and as
5 such, cannot be secured. So again, all the Loft Board community is just a wonderful community, and I've
6 met many of them. All seem to be very responsible folks. So just research before you act. There are
7 some out there that may indeed be accessible, but that does not necessarily mean that you legally can
8 go up.

9 **Chairperson Hylton:** Thank you for that clarity.

10 **Mr. Barowitz:** I have one comment in general to make. I heard from several loft buildings that these
11 bridges that are up -- either because the façade needs to be checked, or something else on the roof or
12 the windows -- and Renaldo, I don't know whether you could help with this, but apparently, the city is
13 very slow in approving new façade work for the buildings. And I've been told it cost about \$1,000 a
14 month for the building to keep the bridgework up, and in some instances, it's up for months, and
15 months, and months, and nothing's happened very much by the Department of Buildings to certify that
16 this thing is right. You know, one time, apparently Department of Buildings could use binoculars to
17 check. Now they have to, in fact, bring a mechanism in to secure and look at the brick or whatever the
18 building happens to be made out of. So, I just think it's causing a kind of burden to a lot of residents in
19 Soho and Noho.

20 **Chairperson Hylton:** Thanks, Mr. Barowitz. I will look into it. I happen to know who the Assistant
21 Commissioner for façades is. I'll see what the issue here is. And maybe I'll connect with you for clarity on
22 what your ask is. All right. Thank you. Is there any other comment? I'm about to end the meeting, and I
23 really do appreciate this meeting and the way it went. And Mr. Schultz, thank you so much. I echo the
24 sentiment from Mr. DeLaney here that we had a good meeting today. I just appreciate the interaction
25 that went on. And for the members of the public, I thank you for your patience in allowing us to go into
26 Executive Session and then come back in. Thanks for your patience on that. Okay, Ms. Rivera, are you
27 ready to end the meeting? Okay. Ms. Rivera's indicated her approval to end this meeting.

New York City Loft Board: Transcript of Public Meeting: June 17, 2021

1 This will conclude our June 17th, 2021, Loft Board meeting. Our next public meeting will be held
2 Thursday, July 15th, 2021, at 2pm. The Governor's suspension of the in-person meeting requirement of
3 the Open Meetings Law is in effect until June 24th, 2021. So, at this time, we do not know whether the
4 meeting will be held virtually. When we have further information, we will update the Loft Board website
5 and send an email update through the Loft Board announcement Listserv. Board members, we will
6 update you as soon as we know the format of next meeting, and we will post information, as I said, on
7 the Loft Board website. Please sign and email your attendance sheets, and all have a great Father's Day
8 for those fathers. And Cheers and thank you, everybody.