



Transcript of the May 16, 2022

Meeting of the

New York City Loft Board

This transcript has been prepared pursuant to legislation S.50001/A.40001 signed by Governor Hochul, 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:

1 **Chairperson :** Good afternoon. My name is Guillermo Patino, the Chairperson Designee of the New York  
2 City Loft Board. Welcome to our June 16<sup>th</sup>, 2022, public meeting. I'm honored to have been designated  
3 by Buildings Commissioner, Eric Ulrich, to serve in this role, and I look forward to working with the  
4 Board. I also want to thank the former Chairperson, Renaldo Hylton, for his dedicated years of service to  
5 the Board. So, welcome to our June 16<sup>th</sup>, 2022, Public meeting. This meeting is being held virtually in  
6 accordance with legislation signed by Governor Hochul due to the corona virus emergency.

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

14 Before we continue the meeting, I'd just like to raise that two of the Master cases that were on the  
15 calendar are being tabled. That includes the first case, John Roche, 120 Waterbury Street in Brooklyn,  
16 and the second case, Opera House Lofts LLC, 11-27 Arion Place in Brooklyn. Both are being tabled due to  
17 inadequate service, so they'll be revisited at a later meeting.

18 We'll first turn to a vote on the minutes from the May 19<sup>th</sup>, 2022, Public Meeting. Are there any  
19 corrections or comments the minutes?

20 **Mr. DeLaney:** I have one question.... Go ahead.

21 **Ms. Oddo:** I was just going to say I'm going to abstain because I wasn't at the last meeting.

22 **Chairperson Patino:** Thank you. Mr. DeLaney, were you going to raise a comment?

23 **Mr. DeLaney:** Yes. We had a report at the last meeting about this upcoming informational meeting on  
24 June 21<sup>st</sup> with architects from both sides. Is there any update on that?

25

1 **Ms. Cruz:** It's still going forward.

2 **Ms. Roslund:** Can you explain? Sorry, I was also not at the last meeting.

3 **Ms. Cruz:** I was approached by several architects to have an information meeting about their issues and  
4 concerns about the Loft Board Narrative Statement process. So, I organized a few of the architects that  
5 deal with a lot of our buildings and invited them to come to this informational meeting to talk about  
6 how we can improve our process and hear from them what they think are ideas to help move the  
7 process forward. I'm also working on changes to the Narrative Statement form that will be distributed,  
8 and I want to get their feedback, since it's the form that they fill out, so that we can improve upon it.

9 **Ms. Roslund:** Thank you.

10 **Mr. DeLaney:** And just to follow up on that point, once you get feedback on their statement form, will  
11 that be shared with the Board before it goes into effect?

12 **Ms. Cruz:** It can be. Sure. I will present it to the Board.

13 **Mr. DeLaney:** That would be helpful.

14 **Chairperson Patino:** Thank you. If there are no additional comments, is there a motion to accept the  
15 minutes?

16 **Mr. DeLaney:** I'll move.

17 **Chairperson Patino:** Thank you, Mr. DeLaney. Is there a second?

18 **Ms. Rajan:** I can second.

19 **Chairperson Patino:** Thank you. Ms. Rivera, would you please poll the Board members.

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

21 **Mr. DeLaney:** Yes

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

2 **Ms. Roslund:** Abstain

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

4 **Ms. Oddo:** I also Abstain

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

6 **Ms. Rajan:** Yes

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

8 **Chairperson Patino:** Yes

9 **Ms. Rivera:** Three in favor; three absent; two abstain.

10 **Chairperson Patino:** Thank you. Next on the agenda is the report of our Executive Director.

11 **Ms. Cruz:** The first topic is personnel. It is with a heavy heart that I report that Amy Lee resigned from  
12 her position as Agency Attorney with the Loft Board. She was relocating out of New York State. I want to  
13 take this opportunity to thank her publicly for her dedication and her commitment to the Board, the  
14 staff, and the mission of the Loft Law. We wish her well in the next chapter of her life, and she will be  
15 missed. And is already missed a great deal. I ask that the members of the public be patient with us. We  
16 are extremely short staffed. Our legal team has been reduced to two: Stephan and me. Hiring staff is a  
17 priority. We've posted Glen's position, and we will start interviewing, so we're moving forward, but this  
18 process takes time. On a positive note, I'm happy to report that Rob Zentgraf from Brooklyn Law School  
19 started his summer internship with us on Tuesday. He finished his first year in law school in May, and  
20 Rob, we promise to keep you very busy.

21 With regard to litigation, since the May meeting, the court has issued two decisions in cases that are  
22 relevant to us, and we've received two new cases. Starting with the decisions, the first decision deals  
23 with 475 Kent. The Appellate Division affirmed Loft Board Oder 4973. In its decision, the Appellate

1 Division held that the Board's determination was not an error of law and is supported by the substantial  
2 evidence in the record.

3 The second decision is regarding 83 Canal, also from the Appellate Division. The owner filed this case  
4 challenging Loft Border Order 4890, which involved denial of a second application for the extension of  
5 the code compliance deadlines. In upholding the Loft Board Order, the court found that the Loft Board's  
6 decision to deny the extension was rational. The court also found that the rules that petitioner/ owner  
7 claimed to be beyond the statutory authority were consistent with the statutory language in the Loft  
8 Law.

9 You may remember that the tenants of 72 Warren filed an Article 78, challenging the decision to issue  
10 certification of the Narrative Statement process. After the court dismissed the petition, the tenants have  
11 refiled the petition. We're working with the Law Department on this case.

12 The second case that we received, we were named as a party in a case seeking a stay of an OATH  
13 proceeding for an enforcement of a subpoena in a protected occupant case. The owner alleges that the  
14 unit was deregulated based on a sale of rights pursuant to MDL § 286(12), and the tenant disputes this  
15 claim. The case was on the calendar yesterday. The court directed the parties to obtain trial dates from  
16 OATH for them to issue the subpoena.

17 The next item is registration. The staff is gearing up for annual registration period. The registration  
18 deadline is July 1<sup>st</sup> of 2022. A special thank you to Irma and her team for their hard work in preparing  
19 these registration materials.

20 On enforcement, we received five answers for the ten violations that we issued. We're currently  
21 reviewing those and drafting decisions. That's my report.

22 **Chairperson Patino:** Thank you. Next up is...

23 **Mr. DeLaney:** I'm sorry, I have a couple of questions. Ms. Cruz, can you elaborate on what happens next  
24 on the enforcement front?

1 **Ms. Cruz:** What happens next is that we issue administrative determinations on them, and we decide  
2 whether to impose a fine or not. For the owners that didn't answer at all, those will be relatively easy,  
3 because the did not present a defense. I'm going through the answers that we did receive to figure out  
4 how to deal with them. But the next step is issuing a decision.

5 **Mr. DeLaney:** Right. And in terms of the owners who ignored this, what's the timeframe? I realize you're  
6 very short-staffed.

7 **Ms. Cruz:** The timeframe for issuing a decision?

8 **Mr. DeLaney:** Yes

9 **Ms. Cruz:** I would say definitely before September. I'm targeting before the next July meeting, but it  
10 depends on how things go.

11 **Mr. DeLaney:** Okay. And with regard to the rule changes that we have been working on. Do we have any  
12 update on those?

13 **Ms. Cruz:** Stephan, do you want to speak?

14 **Mr. Clarke:** Yes. The Loft Board has been working with the Law Department and the Mayor's Office of  
15 Operations to resolve the final comments that the agencies have had. The Mayor's Office of Operations  
16 has said they have no additional comments, so they've pretty much signed-off on the rules. The Law  
17 Department, on June 9<sup>th</sup>, submitted a few additional comments that Martha and I are looking at and  
18 trying to resolve. We'll be getting back to the Law Department as soon as we possibly can to resolve  
19 those issues. And then, like I said, we're very close to getting the preliminary approval from both Law  
20 and the Mayor's Office of Operations. Can you guys hear me?

21 **Ms. Cruz:** We can hear you. We can't hear Mr. DeLaney.

22 **Mr. DeLaney:** Sorry. I was on mute. If Mayor's Office of Operations has no further comments, and  
23 there are just a few from Law Department, is it possible that the rule changes would be ready for us to  
24 vote out for comment in July?

1 **Mr. Clarke:** So, to vote out and comment, I believe, once we get the preliminary approval from the  
2 Mayor's Office and the Law Department, we have to.... I'm not sure if the Board members have to vote  
3 on setting a hearing date. I have to double check that. I don't want to say the wrong thing. Initially I  
4 thought that.... I might have been skipping a step, which I apologize for, if I was. But I thought the next  
5 step, after we get the preliminary approval from Law and the Mayor's Office, would be setting up a  
6 hearing, a public hearing, at that point. But, of course, I would verify and make sure we do everything  
7 correctly before we do it.

8 **Mr. DeLaney:** It seems to me, my recollection is that... Because we haven't seen all the stuff that's not  
9 filled in yet with regard to the hearing date and everything else.

10 **Mr. Clarke:** I'm sorry, what is it you haven't seen?

11 **Mr. DeLaney:** In the drafts of the proposed rule changes that we've been looking at, all the hearing  
12 dates in the initial information hasn't been filled out yet.

13 **Mr. Clarke:** Right. That would have to be filled out, I guess, once we schedule the hearing. So, you might  
14 very well be right, that the Board members would have to see that draft, and then take a vote for it to  
15 be published, and then schedule a public hearing at least thirty days after it's been published.

16 **Chairperson Patino:** I'll confirm the process after this meeting, and we'll update all the Board members.

17 **Mr. DeLaney:** Thank you. That would suggest that we're probably looking at a hearing date sometime in  
18 September or later in the fall.

19 **Ms. Cruz:** Yes, that sounds right.

20 **Ms. Roslund:** Where are the public hearings typically held?

21 **Ms. Cruz:** 22 Reade. Where we used to meet before is where we used to have them.

22 **Ms. Roslund:** Spector Hall

23 **Ms. Cruz:** Yes. I don't know if that's what's going to happen now, but that's what's happened in the past.

1 **Mr. DeLaney:** I just have one more question. As we know, the timing of the governor's month-by-month  
2 extension of the Emergency Order that permits this meeting to be done virtually happens a few days  
3 before the meeting. They've just given when that rollover is relative to our third-Thursday-of-the-month  
4 schedule. I recall former Chairperson Hylton saying that even if the Board went back to meeting in  
5 public, there would still be the opportunity for members of the public to attend virtually. And I'm sure  
6 the staff had to give some thought -- last week, early this week -- to, what if the government doesn't  
7 extend the Emergency? Are things in place to hold that kind of hybrid meeting?

8 **Ms. Cruz:** Certainly plans have been made to have in-person meetings. And as soon as we know that it's  
9 going to be virtual, we cancel whatever reservation we have for the in-person location. I don't know  
10 about the remote option. I don't know what it would take, but I will discuss it internally. Maybe a video  
11 camera. I'm not sure. I will look into it.

12 **Mr. DeLaney:** Okay, thanks.

13 **Chairperson Patino:** If there are no further comments or questions, we'll move over to the Summary  
14 Calendar. There are ten cases on the Summary Calendar today, which are usually voted on as a block. I'll  
15 go through all the cases first and then ask if there are any comments.

Case #1:	Silkaly M. Wolchok L.P. #1	127 Greene St, Manhattan	LF-0133
Case #2:	FJH Realty Corp	79 Lorimer St, Brooklyn	LS-0281
Case #3:	Bushwick 2 Lofts LLC	114 Forrest St, Brooklyn	LS-0286
Case #4:	Jonathan Charles Knust	250 Moore St, Brooklyn	PO-0129 TA-0270
Case #5:	Janusz Welin	8-10 Grand Ave, Brooklyn	TR-1341
Case #6:	Kamrouz Saifi	158 Grand St, Manhattan	TR-1378 TR-1381
Case #7	Christopher Sbrollini, Craig Dietsch, Michael D'Amato	605 Warren St, Brooklyn	TR-1392 PO-0110

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1 Do any of the Board members have comments on these cases?

2 **Mr. DeLaney:** Yes, I have a comment. A couple of these cases include stipulations where the Loft Board  
3 uses its usual language, that it neither accepts nor rejects the other portions of the stipulation. And I  
4 have frequently expressed my concern about this approach, in that it leaves people unclear what the  
5 Loft Board's position is. There's one case in particular on the docket – 8-10 Grand Avenue. The  
6 application is just for coverage, and yet the stipulation sets a rent, even though there was no request for  
7 rent or issue about rent raised in the application. To me, that goes beyond what I think is appropriate in  
8 the stipulation. I'm going to vote yes on the case, but I just wanted to note my concern.

9 **Ms. Roslund:** I think that one was 250 Moore Street.

10 **Mr. DeLaney:** No, 250 Moore had a rent request as part of it. 250 Moore was a protected occupancy,  
11 and a TA docket. So, my focus is on number five.

12 **Ms. Roslund:** Got it.

13 **Chairperson Patino:** Thank you. If there's no further comments on the cases, is there a motion to  
14 accept the cases?

15 **Ms. Roslund:** I'll make a motion.

16 **Chairperson Patino:** Is there a second?

17 **Ms. Oddo:** I'll second.

18 **Chairperson Patino:** Thank you, Ms. Oddo. Ms. Rivera, would you please poll the Board members.

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

20 **Mr. DeLaney:** Yes

21 **Ms. Rivera:** Ms. Roslund?

22 **Ms. Roslund:** Yes



1 **Ms. Roslund:** Yes

2 **Ms. Rivera:** Ms. Oddo?

3 **Ms. Oddo:** Yes

4 **Ms. Rivera:** Ms. Rajan?

5 **Ms. Rajan:** Yes

6 **Ms. Rivera:** Chairperson Patino?

7 **Chairperson Patino:** Yes

8 **Ms. Rivera:** Five in favor; three absent

9 **Chairperson Patino:** Thank you, Ms. Rivera. With that, this will conclude our June 16<sup>th</sup> Loft Board  
10 meeting. Our next public meeting is scheduled to be held on July 21<sup>st</sup>, 2022. At this time, we don't know  
11 if the future meeting will be held in person or virtually, but we'll be sure to keep the Board members  
12 and the public updated. Information will be made available on the Loft Board website and email updates  
13 to the Loft Board announcements Listserv. Board members, please sign and email in your attendance  
14 sheets as soon as possible. Ms. Rivera reminded me that we're getting close to the end of the fiscal year,  
15 so this is especially important. So, thank you all. See you at the next board meeting.