

**MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting Held at
22 Reade Street, First Floor**

July 16, 2015

The meeting began at 2:02 p.m. The attendees were Chief Spadafora, Fire Department Representative; Chuck Delaney, Tenants' Representative; Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Daniel Schachter, Public Member; LeAnn Shelton, Public Member and Chairperson Alexandra Fisher.

INTRODUCTION

Chairperson Fisher welcomed those present to the July 16, 2015 public meeting of the New York City Loft Board.

VOTE ON June 18, 2015 MINUTES

Mr. Delaney requested that the recent changes made to the Loft Law in June be summarized in a public newsletter.

Mr. Delaney suggested the staff also have an audio recording of the Loft Board public meetings as a backup in case of failure of the video recording. **Ms. Cruz** stated that she will look into its feasibility.

Motion: Mr. Delaney moved to accept the June 18, 2015 meeting minutes with minor comments. Mr. Barowitz seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Mr. Barowitz, Mr. Schachter, Ms. Shelton (6)

Board Members Abstained: Ms. Bolden-Rivera (1)

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that as of July 15, 2015, the Loft Board has received \$801,500 in registration fees.

Ms. Alexander mentioned that the City Planning Commission is moving from 22 Reade Street next June. At that time, the Loft Board Public meetings will no longer be held at 22 Reade Street. A new location will be determined.

DISCUSSION OF THE 2015 AMENDMENTS TO THE LOFT LAW

Ms. Alexander reported that the New York State Legislature had again amended the Loft Law. The Legislature extended the 400 square foot eligibility requirement for four years. In addition, the use group requirement and the language requiring that an incompatible use be "continuing at the time of the submission of an application for coverage by any party" and the MDL § 286 milestone increases of 3%, 3%, 4% were also extended for four years.

Ms. Alexander reported that the deadline for filing coverage applications or initial registration applications was extended by two years, beginning June 26, 2015, the effective date of the 2015 Amendments.

Ms. Alexander reported that there were no changes to the compliance deadlines for buildings that entered Loft Board jurisdiction under the 1982, 1987, 2010 or 2013 amendments to the Loft Law. However, the Legislature created compliance deadlines for buildings that come under the Loft Board's jurisdiction pursuant to the 2015 amendments.

Ms. Alexander stated that the Loft Board is accepting coverage applications and has posted new coverage applications and registration applications on its website. **Mr. Delaney** asked if the Loft Board rejected applications for coverage from March 11, 2014 until the present. **Ms. Cruz** stated that we had not.

DISCUSSION OF TITLE 29 OF THE RULES OF THE CITY OF NEW YORK § 2-09

Ms. Alexander reviewed the provisions in 29 Rules of the City of New York § 2-09(b) and then summarized a chronology of cases that had applied the rule in determining protected occupant status of an interim multiple dwelling unit. **Ms. Alexander** discussed how the cases regarding protected occupancy have evolved from *Dworkin v. Duncan* in 1982 to *Matter of Malis*, Loft Board Order No. 3507 (May 21, 2009).

DISCUSSION OF CALCULATION OF THE COMPLIANCE DEADLINES IN MDL § 284

Ms. Alexander provided the Board members with a worksheet regarding the Legislature's 2015 changes to the code compliance deadlines set forth in MDL § 284.

Ms. Alexander noted that the Legislature did not change the compliance deadlines for buildings that entered Loft Board jurisdiction under MDL §§ 281(1) or (4) or the deadlines for buildings that entered Loft Board jurisdiction under MDL §281(5) under the 2010 or 2013 amendments to the Loft Law. **Ms. Alexander** also noted that many buildings that came into the Loft Board's jurisdiction under the 2010 and 2013 amendments are already out of compliance with the code compliance deadlines when they are issued an interim multiple dwelling registration number. **Ms. Alexander** clarified how the Loft Board staff interprets the language in MDL § 284 regarding the date within which Article 7-B compliance must be achieved. The law provides that the deadline for achieving 7-B compliance is 18 months from obtaining a permit. The Loft Board staff interprets this to mean 18 months from the last date an owner should have obtained a permit under the statute.

Ms. Alexander also explained that the Multiple Dwelling Law provides the Executive Director with the authority to grant extensions to the code compliance deadlines as long as good cause is shown, and as long as the owner can show that the building is out of compliance with the legalization deadlines because of circumstances beyond its control. In the past, the Loft Board Executive Director has not given weight to circumstances such as the length of time caused by: 1) Department of Buildings review of plans; or 2) the length of time of the narrative statement process.

Ms. Alexander stated that an extension application that is filed after the code compliance deadline for which an extension is sought will not be considered unless owner is a new owner and has filed the extension application within 90 days of taking ownership of the building. Also, an extension application may be filed after the code compliance deadline for which an extension is sought if a building is found to be covered as an interim multiple dwelling after the expiration of the code compliance deadline and owner files an extension application within 90 days after a finding of coverage.

Ms. Alexander will have the Loft Board staff post the code compliance deadlines on the Loft Board website. **Ms. Alexander** noted that the 2015 deadlines are based on: 1) the date a coverage application is filed, or 2) the date of registration, or 3) the date of service of a coverage application filed in court, whichever is earlier. Accordingly, the Loft Board staff will have to determine the compliance deadline dates for a building entering Loft Board jurisdiction under the 2015 amendment when it enters the Loft Board's jurisdiction.

Chairperson Fisher stated that the Board will continue to discuss the issues of protected occupancy and code compliance deadlines at its September public Board meeting.

DISCUSSION AND VOTE ON RECONSIDERATION/APPEAL CALENDAR CASES

Chairperson Fisher tabled the following two cases for September's Board meeting prior to a motion to accept:

Luisa Gui, Christian Wassman & Denise Langenegger	169-177 West 26 Street	R-0338
Brendan Behlke	80 Varick Street	R-0339

177 West 26 Realty, LLC	169-177 West 26 Street	AD-0071
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Motion: Mr. Barowitz moved to accept the proposed order. Ms. Shelton seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Barowitz, Mr. Schachter, Ms. Shelton (7)

17 Leonard Properties, LLC	17 Leonard Street	AD-0075
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Motion: Ms. Shelton moved to accept the proposed order. Ms. Bolden-Rivera seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Barowitz, Mr. Schachter, Ms. Shelton (7)

812-814 Broadway, LLC	812-814 Broadway	AD-0076
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Motion: Mr. Delaney moved to accept the proposed order. Chief Spadafora seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Barowitz, Mr. Schachter, Ms. Shelton (7)

Dom Ben Realty Corp.	135-139 Plymouth Street, Brooklyn	R-0341
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Motion: Ms. Shelton moved to accept the proposed order. Mr. Barowitz seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Barowitz, Mr. Schachter, Ms. Shelton (7)

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

Kathryn E. Smith	26-32 Tiffany Place 36-40 Tiffany Place, Brooklyn	TA-0202
Rachel Parriott	250 Moore Street, Brooklyn	TR-1016
Deborah Gorman & Andrei Pogany	151 Kent Avenue, Brooklyn	TR-1023
Tony Jones, Jeff Ottenbacher & Andy Pan	151 Kent Avenue, Brooklyn	TR-1171
Nadja Frank	83-91 Meserole Street, Brooklyn	TR-1188
Ryan Thompson, Meghan Petersen, Mark	151 Kent Avenue, Brooklyn	TR-1191

Krassner, Jose Castillo & Seth Syberg		
Betil Dagdalen	83-91 Meserole Street, Brooklyn	TR-1211

Motion: Chief Spadafora moved to accept the proposed orders. Ms. Shelton seconded the motion.

Members Concurring: Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Barowitz, Mr. Schachter, Ms. Shelton (7)

Chairperson Fisher concluded the July 16, 2015 Loft Board public meeting at 3:50 pm and thanked everyone for attending. The Loft Board will hold its next public meeting at Spector Hall, 22 Reade Street, on September 17, 2015 at 2 p.m.