

MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting

September 15, 2022

The meeting began at 2:15.

Attendees: Elliott Barowitz, Public Member; Charles DeLaney, Tenants' Representative; Christian Hylton, Owners' Representative; Heather Roslund, Public Member; Guillermo Patino, Chairperson Designee

INTRODUCTION:

Chairperson Patino welcomed those present to the September 15, 2022, public meeting of the New York City Loft Board. He briefly summarized Section 282 of the New York State Multiple Dwelling Law, which establishes the New York City Loft Board and described the general operation of the Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

VOTE ON MEETING MINUTES:

July 21, 2022, Meeting Minutes

Chairperson Patino asked if there were any comments on or corrections to the July 21, 2022, minutes. As there were none, he asked for a motion to accept the July 21, 2022, meeting minutes and for a second.

Mr. DeLaney moved to accept the July 21, 2022, meeting minutes, and **Mr. Barowitz** seconded.

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

EXECUTIVE DIRECTOR'S REPORT

Personnel

I would like to welcome James Madison Kim to the Loft Board's legal team. Mr. Kim comes to us from HPD, where he has worked for approximately two years. James, welcome to the team. I'd also like to add that James was instrumental in helping us with the IT work for today's meeting, and I want to thank him especially for that.

Loft Board Office Relocation

The Loft Board offices will be moving to the first floor of this building, 280 Broadway. The move will take place on September 23 and go into effect September 26. From that day on, the staff will be on the first floor of 280 Broadway, and all in-person transactions will take place there. In advance of the move, we've been archiving files, so for members of the public who submit FOIL requests, it may take longer because the files will no longer be on site. Please plan for the delay.

New Letter of No Objection

As you may know, the DOB requires a Letter of No Objection, also known as a LONO, from the Loft Board when an IMD owner wants to do work in non-IMD spaces. A LONO must be presented to the DOB to secure a permit. To improve processing time for a LONO, we have developed a form that can now be completed and submitted online. A special thank you goes to our summer intern, Lucy, who worked with Stephan and Renee to create the form. The form is live on the website today. We are in the process of updating the website to advise the public that the form is required, where to send it, and the supporting documentation that must be submitted with the request.

Annual Registration

The deadline for the Annual Registration was July 1. Approximately forty building owners have not complied, and we have started the process of notifying them. Our target date for the failure-to-register cases is the November Board meeting. To the building owners listening, if you receive a notice of proceeding from the Loft Board for failure to renew your registration, or for any reason for that matter, do not ignore it. You must file an answer. If you feel we have issued this notice in error, please call the Loft Board.

Other Enforcement

We have been discussing the Reasonable and Necessary Rule in § 2-01.1 of the Loft Board's rules. As I reported at the July meeting, we've issued ten notices under this rule. We've now issued nine administrative determinations imposing fines. Three owners have responded and called us; two owners have requested that the fine be mitigated, which I denied; and the third owner said they would be filing an appeal.

We've imposed more than \$150,000 in fines. We will continue our enforcement efforts under this rule. We've identified approximately fifty buildings for the next round of enforcement under this rule. As soon as we're settled on the first floor, we'll begin work on these notices of violation. The buildings we've identified fall into three major categories: building for which no Alt 1 application has been filed, meaning no legalization work is happening; buildings that have completed the Narrative Statement process but have not pulled a permit; and buildings that do not have current permits, meaning they had a permit previously but have not renewed it.

Specific Performance: As we discussed briefly in July, the authority to bring this type of case is found in MDL § 284(1)(x). Mr. DeLaney has requested that the Loft Board explore the possibility of bringing this type of litigation, so we had an initial conversation with the Law Department, and that conversation will continue.

Narrative Statement process

The staff would like the loft community to know that we are now scheduling Narrative Statement conferences for buildings that have not completed the Narrative Statement process. Historically, these

conferences were triggered by a filing, but we are no longer waiting for filing. If we have a building that does not have Loft Board certification, but has filed a Narrative Statement, we will schedule the Narrative Statement conference.

Owners who have not been in contact with their architects, I strongly encourage you to do so. The duty to legalize may not be delegated to your architect or anyone else. It is the owner's responsibility to oversee the professionals they have hired.

And tenants, be sure to check your mailboxes for these conference notices. We will continue to provide virtual participation for Narrative Statement conferences.

Finally, in August, staff met with loft architects. We received helpful comments and feedback about the Narrative Statement forms. We incorporated most of the comments and sent those forms to the Board. If Board members have any comments or suggestions about them, please email me. We intend to post these new forms very soon on our website.

Litigation

In June, I reported about a mandamus action filed by the owner of 163 North Sixth Street. In a decision dated August 3, the Court granted the owner's mandamus petition and ordered the Loft Board to issue certification for the Narrative Statement process immediately, despite the unresolved comments raised by the tenants about the owner's legalization plan. We have filed a notice of appeal.

Chairperson Patino asked if there were any questions for Ms. Cruz.

Mr. DeLaney congratulated Ms. Cruz and the staff on the enforcement efforts and asked if the addresses of the buildings that were fined were in the public record.

Ms. Cruz confirmed that they were.

Mr. DeLaney: So, 27 Murray Street in Manhattan, with the last TCO expiring in May of 2021. 252 Green Street in Brooklyn. 151 Spring Street received a notice of violation for not obtaining a temporary

certificate of occupancy. I could go on. 37 Grand Street, 336-38 West 20th Street. 93-99 Nassau, registered since January 13th, 1983.

I count seven that you sent. You mentioned nine; so there are a couple more?

Ms. Cruz said one was reissued due to a typo, and the other was a request for additional information, which was subsequently issued.

Mr. DeLaney asked if the number of other buildings identified was 50, and **Ms. Cruz** confirmed. He then thanked Ms. Cruz for looking into his request to discuss Specific Performance and asked: Regarding the authority you cited under §2-01.1 for Failure to Take Reasonable and Necessary Action, it does include monthly reports, and they came up once or twice in a couple of the Administrative Determinations. If I recall correctly, our proposed rule change would permit the monthly reports to be quarterly, is that correct?

Ms. Cruz: Yes

Mr. DeLaney: But currently, owners are expected to submit monthly reports. How is that going?

Mr. Clarke: I would say, for the most part, they are being submitted. But we've noticed that many of them are boilerplate. The same, month after month. Some of them are just not taking it seriously.

Mr. DeLaney: We agree. And we had this discussion maybe two or three years ago that monthly was probably too onerous and quarterly would be more reasonable. Then at the very end of § 2-01.1, section (e), Subsequent Enforcement Proceedings holds out that "Where an OATH ALJ or an ECB issues a decision finding the owner has failed to exercise all reasonable and necessary action to obtain a certificate of occupancy, such a decision does not bar the OATH ALJ or ECB hearing officer from subsequently issuing another such decision after three months." Have you thought about that? And would that apply to the actions that you've taken?

Ms. Cruz: Two types of enforcement can be brought under this rule. One requires a hearing, and the other does not. We can issue a notice of violation. If a building does not have an Alteration Application when one is required, the staff can issue a violation. We have been talking internally about whether we can do another round of the same type of enforcement with the same building. For now, we're limiting

the enforcement to at least one round of this type of enforcement then we will decide. The next group we will target will be those owners that seem to be doing some legalization work, but very little. They're doing 1% every month or .5% every month, and not detailing what work they've been doing on the monthly reports. That takes a little bit more investigation and more preparation before we can initiate the case.

Mr. DeLaney: Okay, thank you. Next, regarding the changes to the Narrative Statement forms. They seem to be very comprehensive, and I wonder if it would be possible to just get a brief summary of what those changes are.

Ms. Cruz: First, we created a new form for amended Narrative Statements. It has been a bit of a challenge for the staff to figure out the nature of the amendments, even though the architects are supposed to detail it for us. We want to see the changes they're proposing on the actual plan. The new form requires that they identify what page numbers have been changed and where on the plans those changes are reflected.

Next, an important item that came out of conversations with some of the tenants is that there should be some representation by the architect that he/she or a staff member has actually visited the building. A major complaint regarding this process is that plans are filed without architects conducting surveys. So, we're asking them to identify who went and when.

Mr. DeLaney asked if the form was live yet.

Ms. Cruz thought probably not, as it had just been sent to the Board for review.

Mr. DeLaney thought it was great, and felt the sooner it was finalized, the better. He thanked Ms. Cruz for her work on this and asked if the possible follow-up meeting for the architects would happen.

Mr. Clarke: I don't think we scheduled the date yet, but the staff wants to continue the discussion.

Ms. Cruz: It's been a good conversation. The staff has gotten feedback they've never heard before. It's nice to have a meeting where both sides are at the table to talk about the process in general and how it might be improved by the people who initiate it.

Mr. DeLaney reported that he had some problems receiving notices from the listserv. There was a brief discussion about that – what is sent out, how, and when, if there had been any complaints. But there had been none.

Mr. DeLaney noted that he would like to discuss the North Sixth Street decision (later, in executive session).

THE CASES

The Summary Calendar

Chairperson Patino: There are seventeen cases on the Summary Calendar today. Seven protected occupant applications were consolidated with the pending coverage cases filed by the same applicants. We will vote on sixteen as a block today, and then one case separately.

	Applicant(s)	Address	Docket No.
Case 1	KPG 480 Broadway Owner LLC	482 Broadway, Manhattan	LS-0289
<i>Owner withdrew the access application without prejudice. The Loft Board deemed the application withdrawn without prejudice.</i>			
Case 3	Babak Sadeghi	135 Plymouth Street, Brooklyn	TR-1085
<i>Owner registered the unit as an IMD unit. The applicant withdrew the application with prejudice. The Loft Board deemed the application withdrawn with prejudice.</i>			
Case 4	Michael Chico	100-108 Metropolitan Avenue aka 85-93 North 1 Street, Brooklyn	TR-1408 PO-0145
<i>Owner amended the registration to include the Unit as an IMD unit. Owner listed the applicant as the protected occupant. The Loft Board deemed the coverage and protected occupancy applications resolved.</i>			
Case 5	Ludis Mergins	100-108 Metropolitan Avenue aka 85-93 North 1 Street, Brooklyn	TR-1409 PO-0146
<i>Owner amended the registration to include the Unit as an IMD unit. Owner listed the applicant as the protected occupant. The Loft Board deemed the coverage and protected occupancy applications resolved.</i>			
Case 6	Tanya Gagne	100-108 Metropolitan Avenue aka 85-93 North 1 Street, Brooklyn	TR-1410 PO-0149
<i>Owner amended the registration to include the Unit as an IMD unit. Owner listed the applicant as the protected occupant. The Loft Board deemed the coverage and protected occupancy applications resolved.</i>			
Case 7	Jeff Seal and Elizabeth Beeby	100-108 Metropolitan Avenue aka 85-93 North 1 Street, Brooklyn	TR-1411 PO-0150

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Owner amended the registration to include the Unit as an IMD unit. Owner listed the applicants as protected occupants. The Loft Board deemed the coverage and protected occupancy applications resolved.

Case 8	Ming Chen Lin	100-108 Metropolitan Avenue aka 85-93 North 1 Street, Brooklyn	TR-1412 PO-0151
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Owner amended the registration to include the Unit as an IMD unit. Owner listed the applicant as the protected occupant. The Loft Board deemed the coverage and protected occupancy applications resolved.

Case 9	Stephania Kyrnyzky and Timothy Perzan, Kimberly Brooke Clifton, Zachary Gottesman, Dale Simmons, Peter Reveles, Graydon Leonard, Ashley Roby and Ryan De Franco, Eliza Pierson, Brian Emery and Julia Bracyzk and Nejc Poberaj and Mahala Gaylord Peter Reveles, Graydon Leonard and Eliza Pierson	70 Wyckoff Avenue, Brooklyn	TR-1416 PO-0156
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Owner registered the Building with the Loft Board and listed the applicants as protected occupants of their respective units. The Loft Board deemed withdrawn with prejudice.

Case 10	Alex Etling, Patrick Carrara, Katherine Vokes, Katharine Overgaard, Ido Fridman, Jennifer Falko, Craig Seeman, Gabriel Troy, Juan Dreyfus, Nathaniel "Tex" Jernigan, Zachary Dunn, Robert Hendrickson, Eric Whiteley, Kosuke Matsuo, Nadav Remez, Mabel Rodriguez and Ruben Rodriguez	70 Wyckoff Avenue, Brooklyn	TR-1427 PO-0168
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Owner registered the Building with the Loft Board and listed the applicants as protected occupants of their respective units. The Loft Board deemed withdrawn with prejudice.

Chairperson Patino asked if there were any comments on these cases (none). Then asked for a motion to accept these cases and for a second.

Mr. Barowitz moved to accept these cases, and **Mr. Hylton** seconded.

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

The Master Calendar

Chairperson Patino: We now turn to case number two, which is also on the Summary Calendar.

	Applicant(s)	Address	Docket No.
Case 2	Claudia Arevalo	100-108 Metropolitan Avenue	PO-0120
<i>Owner consented to Ms. Arevalo's protected occupancy. Ms. Arevalo withdrew the application with prejudice. The Loft Board deemed the application withdrawn with prejudice.</i>			

Are there any comments on this case?

Mr. DeLaney: Yes. I had asked that this case be taken up separately, and I had originally stated that I intended to vote against it, but given the fact there are only five board members present, I will vote in favor of the case. But I want to note that this is yet another one of those cases where the Loft Board acknowledges a stipulation but says it neither accepts nor rejects the other terms of the stipulation, other than withdrawing or whatever the case may be. In this case, the stipulation includes that, "Upon execution of the stipulation, Ms. Arevalo will provide a letter to the Loft Board stating that she consents to the owner's legalization extension application being granted," which seems a bit gratuitous. I believe a stipulation should address the issues and not a little extra something that wasn't part of the application to make one party's life easier.

Mr. Barowitz agreed that this has been a problem for a while now.

Chairperson Patino asked if there were any further comments (none); then for a motion to accept this case and for a second.

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

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Chairperson Patino announced a five-minute break to deal with some technical issues.

The Master Calendar

Chairperson Patino: Apologies for the technical difficulties. There are five cases on the Master Calendar. One protected occupant case has been consolidated with a pending coverage case. The first case is

	Applicant(s)	Address	Docket No.
11	225 East Realty Partners LLC	225 East 134 Street, Bronx	LS-0282
The Loft Board granted to the access application and imposed a \$1,000 fine against the tenant.			

Mr. Kim presented this case. Before starting he noted a correction to the Proposed Order: the citation of the law indicated as §2-11.1(b)(6)(v) should instead read as a (ii) at the very end. And so, the correct citation should be § 2-11.1(b)(6)(ii).

Chairperson Patino thanked Mr. Kim and asked if there were any comments on this case.

Mr. DeLaney: I'm going to vote in favor of this case. It appears that the tenant of record for this unit did not respond to the application; didn't respond to OATH; and, basically, has not been heard from at all. This is the 282nd access application, and I think it's the second or third time that we're fining someone for failure to grant access. When the Loft Law was originally contemplated, there was a great deal of skepticism that the tenants would cooperate with code compliance and wouldn't give access. And obviously, allowing owners and their professionals access to units is an essential part of making the Loft Law work and allowing it to achieve its goals. So, in a case like this, a fine is appropriate. I would note that, for whatever reason, the attorney of record asked for it in the affirmation filed with the access application. The OATH administrative law judge who rendered the Report and Recommendation was silent on the matter, and the Board has written it in its Proposed Order. I plan to vote yes.

Chairperson Patino thanked Mr. DeLaney and asked if there were any further comments (none); then for a motion to accept this case and for a second.

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

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Chairperson Patino introduced the next case on the Master Calendar

	Applicant(s)	Address	Docket No.
12	Opera House Tenants	11-27 Arion Place, Brooklyn	TR-1403, PO-0132
<i>The motion for this case did not pass.</i>			

Mr. Clarke presented this case.

Chairperson Patino: Thanked Mr. Clarke and asked if there were any comments on this case.

Mr. DeLaney: I'll just restate I plan to vote no for all the reasons that are in the minutes in the last few meetings.

Mr. Barowitz: I'm going to abstain from this case. I have voted no in the past, and I feel that we should have a greater number of Board members here to make a decision on this.

Chairperson Patino asked if there were any further comments (none); then for a motion to accept this case and for a second.

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

The vote

Members concurring: Mr. Hylton, Chairperson Patino

Members dissenting: Mr. DeLaney

Members abstaining: Mr. Barowitz, Ms. Roslund

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Chairperson Patino introduced the next case on the Master Calendar

	Applicant(s)	Address	Docket No.
13	Marceau Kollie, Charles and Oscar Burnett, Brook Bowers, Lucas Leggio, Tatum Regan, Scott Martin, Flavia Prado	255 McKibbin Street, Brooklyn	PO-0086
<i>The Loft Board dismissed the protected occupancy claims raised by the applicant for lack of standing.</i>			

Ms. Storey presented this case. Before starting, she noted a change to the Proposed Order on page two, in the paragraph beginning, "In the decision dated November 19, 2018," Owner, is changed to net lessee.

Chairperson Patino thanked Ms. Storey and asked if there were any comments on this case.

Mr. DeLaney: The number of units the owner claimed were not covered because of a kind of boilerplate document, where "The owner agrees to purchase and tenant or tenants agree to sell any and all tenant rights and improvements pursuant to MDL § 286(12).... In consideration of such sale, owner agrees to pay tenant or tenants the sum of \$10, the receipt of which is hereby acknowledged," is just another example of the abuse of MDL § 286(12) sales claims. And I know we addressed that to some degree in the proposed rules that are about to go into effect. But I think it's an enforcement issue that we really should look at more seriously, because as the years go on, and we keep going through protracted litigation, with owners saying, Oh, here, I've got a § 286(12) sales agreement. It's a waste of the Board's time and a waste of the litigant's time.

Chairperson Patino: Thanked Mr. DeLaney and asked for a motion to accept this case and for a second.

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

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Chairperson Patino introduced the last case on the Master Calendar, which is a Removal case, so no presentation was given.

	Applicant(s)	Address	Docket No.
14	Saab Associates LLC.	400 West 14 Street, Manhattan	LE-0731
<i>The Loft Board granted the removal application.</i>			

Chairperson Patino asked for a motion to accept this case and for a second.

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

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Rules

Mr. Clarke: Thank you, Chairperson. Martha and I have been working hard these past couple of months to clear all the issues that the Law Department had with our proposed rules. We did in fact, clear all the issues. However, in the process, we did catch two things that we wanted to bring to the Board's attention because they are significant changes. They're substantive changes, I should say. We wanted to bring this to your attention and get another vote from the Board members, so that we can take it back to the Law Department. So that they can give us preliminary approval. I do want to mention that the Law Department has already approved the changes that you see in this chart but they wanted a formal approval from the Board before issuing the preliminary approval. We anticipate getting the preliminary approval to publish the rules sometime next week.

Mr. DeLaney: I have a question regarding the language. It currently states "...is filed with the Loft Board, on or before, parenthesis, effective date of the rules, which is (9) nine months after the promulgation of all the rules necessary to implement the provisions of chapter 41 of the Laws of 2019." How do we calculate that to be nine months after the promulgation of the rules?

Ms. Cruz: The date is nine months after the effective date of the rule.

Mr. DeLaney: Let's say the effective date of the rules is January 1. Is the effective date September 1?

Ms. Cruz: Correct

Mr. DeLaney: Okay

Mr. Clarke: That language is added in two places. It's the same language. So, if the Board members are okay with that, we'll let the Law Department know and move to the second issue. Were there any further comments on that first issue?

The second issue relates to language that we removed from our proposal. This language, that we've removed, relates to the amendment dates of MDL § 281(5). The reason why we are removing this

language in these specific places is because we don't use the dates that MDL § 281(5) was amended. We use the effective date of MDL § 281(5), which is June 21, 2010. So, we removed the language for any other dates related to § 281(5) in these sections, and we're just keeping the effective date for § 281(5) as June 21, 2010. The rest of the chart basically replicates that removal. Are there any comments or questions?

Mr. DeLaney: I understand why you're doing this. I think it makes sense. I'm in favor of it. I just have a question. On page 5, maybe I'm reading wrong, but the final removal there for (D). Or reading (C)....

Mr. Clarke: Yes, I see.

Mr. DeLaney: Well it currently reads "June 25, 2019 for under 281(6)."

Mr. Clarke: Right. That wasn't supposed to be removed. You're right. That was just indicating the change in language. I apologize. That language is going to stay there as it is. So, it will say, "June 25, 2019, for a unit seeking coverage under the § MDL 281(6)." And it will end there. But it is a change from (F). In the previous language, we said, "...for units covered..." So, we're changing "June 25, 2019, for units covered" to "June 25, 2019, for units seeking coverage. So its not a removal. It is a change.

Mr. DeLaney: So, reading (C) and (D) together, (C) is June 21, 2010, for units covered under MDL 281(5), or June 25, 2019, for units covered under MDL 281(6).

Mr. Clarke: Correct. Do any other Board members have any comments regarding our two additions and two removals? If not, then we're going to take a vote, and take the rules back to the Law Department, and seek the preliminary approval to have the rules published.

Mr. DeLaney: Now we're back at the Law Department seeking preliminary approval, which, in little bits and pieces, we already have. Then does it have to come back to us again?

Mr. Clarke: No. We can publish.

Mr. DeLaney: So that means you'll be filling in the notice of public hearing part at the beginning of the draft rule, which proposes that the hearing will take place somewhere. And there's an option to join through the internet? Which is what's currently in the draft?

Ms. Cruz and Mr. Clarke: Yes

Mr. DeLaney: Okay. Do we have some projection when this would be?

Mr. DeLaney: I would think at this point, we can be pretty clear on what month it will be, so that Board members could be able to attend.

Mr. Clarke: As we anticipate getting the approval from the Law Department, we would just have to pick a date in which to publish. Then, we can schedule the public hearing.

Chairperson Patino: Maybe mid to late October?

Mr. Clarke: Yes. We would have a second meeting for that, right?

Ms. Cruz: Yes. Of course.

Mr. Clarke: So, we can have a separate meeting, as the Chairperson said, in mid to late October.

Mr. DeLaney: So, we anticipate a hearing in either late October or early November.

Ms. Cruz: Yes.

Mr. DeLaney: I'm just trying to figure out the timeframe, because it's been a long time getting these rules in place, and things as mundane as the monthly report becoming a quarterly report and as important as the new rules on § 286(12) and coverage cases are hanging out there. When do we think this could actually take effect?

Mr. Clarke: I would say it depends on the types of comments we receive during public comment period. Some of the comments might be very significant changes, in which case we'd have to come back to the Board to determine whether to incorporate them into the proposed rules. Then we have to send it back to the Law Department for their approval as well. So, it's a little bit hard to gauge, as it really depends on the type of comments we receive. But I can tell you that Martha and I and the entire staff are going to be working to move the process as quickly as possible. Any new language will have to go to the Law Department for approval.

Mr. DeLaney: In an effort to get a sense of timing, anyone can bring in new language. A tenants' group could propose mandatory air conditioning. But we've already discussed that we've identified other areas of the rules that need to be addressed and modified. So, I would assume that we would principally be looking for comments that relate to what's in the current proposed draft, rather than the mandatory air conditioning battle of 2024.

Mr. Clarke: I would think so. The Board members will determine what comments they want to accept.

Ms. Cruz: or defer to later rule making.

Mr. Barowitz: Can the Board reject outright any particular comments that might be made during the hearings? Or does it have to go back to the lawyers and come back to us again?

Ms. Cruz: The public hearing is for the Board to hear public comment on the proposed rules. The Board does not have to take any action on any of the comments it receives. It could decide to deal with the issue if it's important later.

Chairperson Patino: Thank you. Thank you, Mr. Clarke. Is there a motion to vote on the rules for publication? Thank you, Mr. Barowitz. Second, Mr. Hylton.

The vote

Members concurring: Mr. Barowitz, Mr. DeLaney, Mr. Hylton, Ms. Roslund, Chairperson Patino

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Roche, Ms. Oddo, Ms. Rajan

Members recused: 0

Chairperson Patino asked for a motion for the Board to move into Executive Session to discuss current litigation, and for a second.

Mr. DeLaney motioned to move into executive session, and **Ms. Roslund** seconded.

Ms. Cruz explained that the Board could either move to another room for the discussion, or the public could leave the current conference room. She also informed the public that the Board will return only to close the meeting; there are no additional agenda items.

The public left the conference room.

After Executive Session:

Close

Chairperson Patino: This will conclude our September 15, 2022, Loft Board meeting. Our next public meeting is scheduled to be held on October 20, 2022. Board members, please sign and email in your attendance sheets today.