

**MINUTES OF PUBLIC MEETING**  
**New York City Loft Board Public Meeting Held at**  
**22 Reade Street, 1<sup>st</sup> Floor**  
**Spector Hall**

**February 16, 2012**

The meeting began at 2:08 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative; Daniel Schachter, Public Member; Le Ann Shelton, Public Member; and Chairperson LiMandri.

**INTRODUCTION**

**Chairperson Robert LiMandri** introduced himself and welcomed those present to the February 16, 2012 public meeting of the New York City Loft Board

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**VOTE ON JANUARY 12, 2012 MINUTES**

**Motion:** Chief Spadafora moved to accept the January 12, 2012 minutes, Ms. Shelton seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Schachter, Chief Spadafora, Shelton (7)

Members absent: Foggin, Mayer (2)

Adopted by the Loft Board on February 16, 2012.

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**REPORT OF EXECUTIVE DIRECTOR**

**Ms. Alexander** reported that a paralegal position was posted.

**Ms. Alexander** reported that there had been a backlog in docketing applications, but the backlog has been cleared and the docketing of applications is up to date.

**Ms. Alexander** reported that the rule vetting process is progressing. She stated that because many of the proposed amendments to the rules cite to sections in other newly amended rules that are still in draft form and have not been finalized or published, the staff intended to publish interrelated rules together.

**Mr. DeLaney** repeatedly objected to publishing the related rules at the same time and stated that he believed the Loft Board staff underestimated the public's ability to read and understand the rules.

**Ms. Alexander** responded that legally, a rule that cites to another rule that does not yet exist (or in this case is substantially changed in form and substance) cannot be published. Accordingly, the interrelated rules must be published together.

**Ms. Alexander** stated that the staff believes the public is not only capable of reading and understanding the effects of a particular rule, but also of understanding the interrelation of provisions of one rule with provisions of another rule on which that particular rule relies. Rather, the concern is that where a proposed rule cites to another proposed rule that is not yet finalized, certified by the Law Department and the Mayor's Office of Operations, and published, the public would not have all the information needed to comment on that particular rule at the public

hearing. Finally, it would be a disservice to have the public rely on provisions of an existing rule where that rule is being amended. In sum, the staff believes that no one, no matter how sophisticated, can participate knowledgeably in a public hearing if the full implications of the rule under discussion are not known because the related rule is not yet finalized, certified, and published.

**Ms. Alexander** stated that she has color coded the rule-tracking chart to reflect the new order in which the rules will be published. The first group of rules will be rules 2-12, 2-06.2, 2-07, 2-09, 2-10, 2-02 and 2-01, and 2-01.2. The second group will be the remaining rules 1-07; 1-07.1; 2-11; 2-11.1, and the statute of limitations.

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## **DISCUSSION OF RULE 2-02 HARASSMENT**

The Board agreed to table the discussion and vote of Rule 2-02 Harassment upon the request of Board Member Charles DeLaney. A discussion and vote of Rule 2-02 Harassment will occur on March 1, 2012.

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## **DISCUSSION AND VOTE OF RULE 2-09 OCCUPANT QUALIFIED FOR ARTICLE 7-C PROTECTION, PRIVACY, SUBLETTING AND RECOVERY OF SUBDIVIDED UNIT**

Motion: Ms. Shelton moved to adopt the rule. Mr. Barowitz seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Schachter, Chief Spadafora, Shelton (7)

Members absent: Foggin, Mayer (2)

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## **DISCUSSION OF FINE SCHEDULE RULE 2-11.1**

The Loft Board held a discussion on the fine schedule Rule 2-11.1.

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**Chairperson LiMandri** concluded the February 16, 2012 Loft Board public at 3:30 pm. and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, March 1, 2012 at 2:00 p.m.