THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S.0114-660
Printed on paper containing 30% post-consumer material

VOLUME CXLIX NUMBER 212 THURSDAY, NOVEMBER 3, 2022 Price: $4.00

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THE CITY RECORD

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Published Monday through Friday except legal holidays by the New York City Department of Citywide Administrative Services under Authority of Section 1066 of the New York City Charter.

Subscription $500 a year, $4.00 daily ($5.00 by mail). Periodicals Postage Paid at New York, NY POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes: The City Record, 1 Centre Street, 17th Floor, New York, NY 10007-1602 (212) 386-0055

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BUILD NYC RESOURCE CORPORATION

■ PUBLIC HEARINGS

The Build NYC Resource Corporation (the "Corporation"), is a not-for-profit local development corporation organized under Sections 402 and 1411 of the Not-for-Profit Corporation Law of the State of New York. In accordance with the aforesaid law, and pursuant to its certificate of incorporation, the Corporation has the power to issue non-recourse revenue bonds or notes and to make the proceeds of those bonds or notes available for projects that promote community and economic development in The City of New York (the "City"), and to thereby create jobs in the non-profit and for-profit sectors of the City's economy. The Corporation has been requested to issue such bonds and notes for the financings listed below in the approximate dollar amounts respectively indicated. As used herein, "bonds" or "notes" are the bonds or notes of the Corporation, the interest on which may be exempt from local and/or state and/or federal income taxes; and, with reference, to the bond or note amounts provided herein below, "approximately" shall be deemed to mean up to such stated bond or note amount or a greater principal amount not to exceed 10% of such stated bond or note amount. All other amounts and square footage amounts and wage information shown below are approximate numbers.

Borrower Name: Friends of Ascend Charter Schools Inc., as borrower (the "Borrower"), a New York not-for-profit corporation and support organization formed to further the mission of Ascend Charter Schools, a New York not-for-profit education corporation, both of which are exempt from federal taxation, pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. **Financing Amount**: $25,000,000 of bonds (the "Bonds"), a portion to be issued as tax-exempt qualified 501(c)(3) bonds to finance educational facilities under Section 145 of the Code. **Project Description**: Proceeds of the Bonds will be used to refinance: (i) $10,698,808 outstanding balance of a taxable loan that was funded in the original amount of $12,500,000, proceeds of which were used to finance the cost of renovations, improvements and equipment in the amounts of (a) $3,575,907 with respect to a 38,146 square foot Canarsie Middle School building located, at 744 East 87th Street, Brooklyn, NY, and serving students from Grades 5 through 8, (b) $4,305,398 with respect to a 33,242 square foot Cypress Hills Elementary School building located, at 396 Grant Avenue, Brooklyn, NY, serving students from kindergarten through Grade 4 and (c) $4,168,285 with respect to a 30,816 square foot Central Brooklyn Middle School building, located at 1886 Nostrand Avenue, Brooklyn, NY, serving students from Grades 5 through 8, (ii) $10,080,081 outstanding balance of a taxable loan that was funded in the original amount of $10,177,406, proceeds of which were used to finance the cost of renovations, improvements and equipment in the amounts of (x) $4,152,643 with respect to a 23,765 square foot East Flatbush Elementary School located, at 870 Albany Avenue, Brooklyn, NY serving

students from kindergarten through Grade 4 and (y) $6,024,763 with respect to a 37,075 square foot East Brooklyn Elementary School, located at 206 Shepherd Avenue, Brooklyn, NY, serving students from kindergarten through Grade 3, (iii) $2,292,216 outstanding balance of a taxable loan that was funded in the original amount of $2,500,000, the proceeds of which were used to finance the cost of renovations, improvements and equipment for a 47,294 square foot Brooklyn High School building, located at 1501 Pitkin Avenue, Brooklyn, NY, and serving students from Grades 9 through 12, and (iv) to pay for certain costs of issuance of the Bonds. All of the facilities with the exception of the Brooklyn High School building (1501 Pitkin Avenue, Brooklyn, NY) are leased, to the Borrower and subleased from the Borrower to Ascend Charter Schools. The Brooklyn High School building is leased directly to Ascend Charter Schools. Ascend Charter Schools operates all six facilities as public charter schools, serving students from kindergarten through Grade 12. **Addresses:** 744 East 87th Street Brooklyn, NY 11236; 396 Grant Avenue Brooklyn, NY 11208; 1886 Nostrand Avenue, Brooklyn, NY, 11226; 870 Albany Avenue Brooklyn, NY, 11203; 260 Shepard Avenue Brooklyn, NY 11208; 1501 Pitkin Avenue, Brooklyn, NY 11212. **Type of Benefits**: Tax-exempt bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost**: $25,000,000. **Projected Jobs**: 402 full time equivalent retained. **Hourly Wage Average and Range**: $36.00/hour, estimated range of $35.00/hour to $47.00/hour.

Borrower Name: Highbridge Facilities, LLC ("Highbridge"), a Delaware limited liability company and a disregarded entity for federal income tax purposes whose sole member is HB Foundation, Inc., a New York not-for-profit corporation ("HB Foundation") exempt from federal taxation, pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which will finance construction or renovation of a facility for the benefit of Family Life Academy Charter Schools Corporation ("FLACS"), a New York not-for-profit education corporation exempt from federal taxation, pursuant to section 501(c)(3) of the Code, that operates public charter schools. **Financing Amount**: $15,000,000 in tax-exempt and/or taxable bonds (the "Bonds"). The tax-exempt bonds will be qualified 501(c)(3) bonds issued to finance educational facilities under Section 145 of the Code. **Project Description**: Proceeds from the Bonds will be used to finance additional costs of the construction, renovation, furnishing and equipping of a 68,000 square foot, five-floor (plus basement), facility (the "Facility") located on an 18,000 square foot parcel of land located, at 1400 Cromwell Avenue, Bronx, NY. The Bonds will also be used to pay for certain costs related, to the issuance of the Bonds, including capitalized interest and any debt service reserve fund. The Facility is owned by Highbridge and will be leased to FLACS. FLACS will operate the Facility as a public charter high school serving students in Grades 9 through 12. **Address**: 1400 Cromwell Avenue, Bronx, NY 10452. **Type of Benefits**: Tax-exempt and taxable bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost**: $15,000,000. **Projected Jobs**: 58 full time equivalent projected. **Hourly Wage Average and Range**: $33.65/hour, estimated range of $32.29/hour to $69.95/hour.

Borrower Name: QSAC, Inc., a New York not-for-profit corporation exempt from federal taxation, pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), as borrower (the "Borrower"). The Borrower provides educational and social services for individuals with autism and related developmental disabilities and their families. **Financing Amount**: $8,000,000 in tax-exempt qualified 501(c)(3) bonds to be issued, pursuant to section 145 of the Code and taxable bonds (collectively, the "Bonds"). **Project Description**: As part of a plan of financing, proceeds of the Bonds will be used to (i) finance the acquisition by the Borrower of a 12,300 square foot building located on a 59,677 square foot parcel of land located, at 245-37 60th Avenue, Douglaston, Queens, NY (the "Facility"), (ii) fund a debt service reserve fund and (iii) pay for certain costs related, to the issuance of the Bonds. The Facility is leased by the Borrower and, after acquisition, will continue to be operated as a pre-school for children with autism and related developmental disabilities. **Address**: 245-37 60th Avenue, Douglaston, Queens, NY 11362. **Type of Benefits**: Tax-exempt and taxable bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost**: $8,000,000. **Projected Jobs**: 86 full time equivalent retained; 13 full time equivalent projected. **Hourly Wage Average and Range**: $25.55/hour, estimated range of $15.80/hour to $41.38/hour.

Borrower Name: Yeshiva Har Torah, a New York not-for-profit corporation which is exempt from federal taxation, pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), as borrower (the "Borrower"). The Borrower operates a co-educational private school for students from pre-kindergarten through grade 8. **Financing Amount**: $17,850,000 in tax-exempt and/or taxable bonds (the "Bonds"). The tax-exempt bonds will be issued as qualified 501(c)(3) bonds for educational facilities under Section 145 of the Code. **Project Description**: Proceeds of the Bonds will be used, along with other funds of the Borrower, to: (i) finance the construction, furnishing, and equipping of a new 42,000 square foot building, to be located on a 75,000 square foot parcel of land owned by the Borrower, at 54-27 Little Neck Parkway, Queens, NY ("Facility 1"); (ii) current refund of the Build NYC Resource Corporation Revenue Refunding Bonds, Series 2012 (Yeshiva Har Torah Project) ("2012 Bonds"), outstanding in the aggregate principal amount of $1,400,000, which 2012 Bonds current refunded, along with other funds of the Borrower, the New York City Industrial Development Agency Adjustable Fixed Rate Civic Facility Revenue Bonds, Series 2006A (Yeshiva Har Torah Project) (the "2006 Bonds"), which 2006 Bonds financed the acquisition, construction, furnishing and equipping of a 66,200 square foot building, located on a 42,450 square foot parcel of land located, at 250-10 Grand Central Pkwy, Queens, NY ("Facility 2" and together with Facility 1, the "Facilities"), and (iii) to pay for certain costs related, to the issuance of the Bonds. The Facilities will be owned and operated by the Borrower as schools for students from pre-kindergarten through grade 8, with Facility 1, upon its completion, anticipated to serve students from pre-kindergarten through Grade 2, and Facility 2, upon its completion, anticipated to serve students in pre-kindergarten and from Grade 3 through Grade 8. **Addresses**: 54-27 Little Neck Parkway, Queens, NY 11362 and 250-10 Grand Central Parkway, Queens, NY 11426. **Type of Benefits**: Tax-exempt and taxable bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost**: $17,850,000. **Projected Jobs**: 130 full time equivalent retained; 8 full time equivalent projected. **Hourly Wage Average and Range**: $27.00/hour, estimated range of $16.00/hour to $108.00/hour.

For any updates to project information after the date of this notice, please visit the website of New York City Economic Development Corporation ("NYCEDC") at www.nycedc.com/buildnyc-project-info.

The Corporation is committed to ensuring meaningful access to its programs. If you require any accommodation for language access, including sign language, please contact NYCEDC's Equal Access Officer, at (212) 312-3602 or at EqualAccess@edc.nyc.

Pursuant to Internal Revenue Code 147(f), the Corporation will hold a hearing, at the offices of NYCEDC, 1 Liberty Plaza, 14th Floor, New York, NY 10006, on the proposed financings and transactions set forth above, commencing, at 10:00 A.M. on Thursday, November 17th, 2022. Interested members of the public are invited to attend.

Interested members of the public are invited to attend and will be given an opportunity to make a brief statement regarding the projects listed above. Please be advised that attendees should be prepared to wear a face covering and maintain social distance, if they are not willing, to provide proof of vaccination status upon entry.

The Corporation will present information, at such hearing on the proposed financings and transactions set forth above. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available at, https://edc.nyc/build-nyc-board-meetings-and-public-hearings, starting at 12:00 P.M. fourteen (14) days prior, to the hearing. Persons desiring to make a brief statement during the conference call regarding the proposed transactions should give prior notice, to the Corporation by sending an email to, ftufano@edc.nyc, no later than 5:00 P.M. the day before the hearing. Written comments may be submitted, to the Corporation, to the following email address: ftufano@edc.nyc. Please be advised that it is possible that certain of the aforementioned proposed transactions may be removed from the hearing agenda prior, to the hearing date. Information regarding such removals will be available on the Corporation's website at https://edc.nyc/build-nyc-board-meetings-and-public-hearings, on or about 12:00 P.M., on the Friday preceding the hearing.

Build NYC Resource Corporation
Attn: Ms. Frances Tufano
One Liberty Plaza, 13th Floor
New York, NY 10006
(212) 312-3598

Accessibility questions: NYCEDC's Equal Access Officer, (212) 312-3602 or EqualAccess@edc.nyc, by: Thursday, November 17, 2022, 10:00 A.M.

☛ **n3**

CITY PLANNING COMMISSION

■ **PUBLIC HEARINGS**

The City Planning Commission will hold a public hearing accessible both in-person and remotely, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, November 9, 2022, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate,

as well as materials relating to the meeting: https://www1.nyc.gov/site/nycengage/events/city-planning-public-meeting/413960/1.

Members of the public attending remotely should observe the meeting through DCP's website. Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free
888 788 0099 US Toll-free

253 215 8782 US Toll Number
213 338 8477 US Toll Number

Meeting ID: **618 237 7396**
[Press # to skip the Participation ID]
Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to *[AccessibilityInfo@planning.nyc.gov],* or made by calling *[212-720-3508].* Requests must be submitted at least five business days before the meeting.

BOROUGH OF THE BRONX
No. 1
BRUCKNER SITES REZONING CITY MAP CHANGE
CD 10 **C 210301 MMX**

IN THE MATTER OF an application submitted by Throggs Neck Associates LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq., of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance and closing of a portion of Meyers Street between East Tremont Avenue and Edison Avenue;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13146, dated June 24, 2022, and signed by the Borough President.

BOROUGH OF BROOKLYN
Nos. 2 & 3
446-448 PARK AVENUE REZONING
No. 2
CD 3 **C 210332 ZMK**

IN THE MATTER OF an application submitted by 446-448 Park Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; and
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only), dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.

No. 3
CD 3 **N 210333 ZRK**

IN THE MATTER OF an application submitted 446-448 Park Realty Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

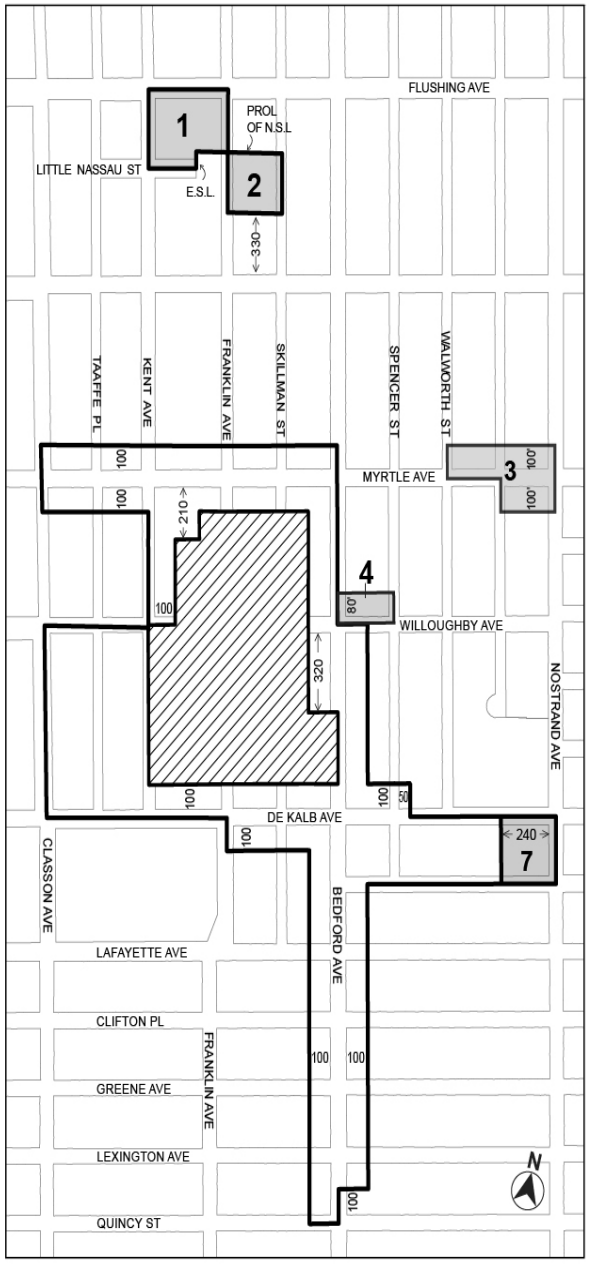
* * *

Brooklyn Community District 3

* * *

Map 3 – [<u>date of adoption</u>]

[EXISTING MAP]

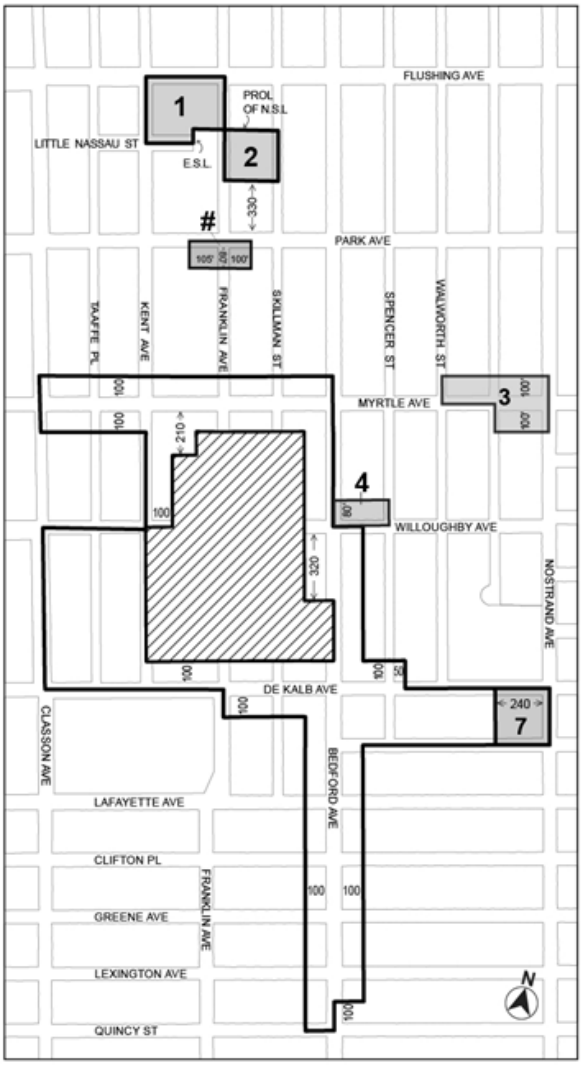


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
Area **2** – 5/10/17 MIH Program Option 1 and Option 2
Area **3** –11/30/17 MIH Program Option 1
Area **4** – 2/13/19 MIH Program Option 1 and Option 2
Area **7** – 11/10/21 MIH Program Option 2

Excluded Area

[PROPOSED MAP]



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
Area 2 – 5/10/17 MIH Program Option 1 and Option 2
Area 3 –11/30/17 MIH Program Option 1
Area 4 – 2/13/19 MIH Program Option 1 and Option 2
Area 7 – 11/10/21 MIH Program Option 2
Area # – [date of adoption] MIH Program Option 1 and Option 2

Excluded Area

Portion of Community District 3, Brooklyn

* * *

BOROUGH OF MANHATTAN
No. 4
ACS HQ 110 WILLIAM STREET

CD 1 **N 230084 PXM**

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services and the Administration for Children's Services, pursuant to Section 195 of the New York City Charter for the use of property, located at 110 William Street (Block 77, p/o Lot 8) (Administration for Children's Services office), Borough of Manhattan, Community District 1.

Sara Avila, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3366

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Wednesday, November 2, 2022, 5:00 P.M.

o25-n9

BOARD OF EDUCATION RETIREMENT SYSTEM

■ **MEETING**

The Board of Education Retirement System Board of Trustees Meeting, will be held, on Tuesday, November 15, 2022, from 4:00 P.M. - 6:00 P.M. via Webex. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@bers.nyc.gov

☛ **n3-15**

INDUSTRIAL DEVELOPMENT AGENCY

■ **PUBLIC HEARINGS**

The New York City Industrial Development Agency (the "Agency"), is empowered under the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law), and Chapter 1082 of the 1974 Laws of New York, as amended, to enter into straight-lease transactions for the benefit of qualified projects, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York (the "State") and to improve their prosperity and standard of living. The Agency has been requested to participate in straight-lease transactions and to issue bonds for the purposes and, at the addresses also identified below. As used herein, the "City" shall mean The City of New York. All dollar amounts (including bond issuance amounts), square footage amounts and wage information shown below are approximate numbers. As used herein, "bonds" are the bonds of the Agency, the interest on which may be exempt from local and/or state and/or federal income taxes. The references, to the bond amounts or project cost amounts provided herein below are approximate and shall be deemed to mean up to such stated amount or a greater principal amount not to exceed 10% of such stated amount.

Company Name(s): M & V Provisions Co., Inc., a New York corporation, is a wholesale food distributor (the "Company"). **Project Description**: The Company seeks financial assistance in connection with the renovation and energy efficient improvements of an approximately 40,000 square foot building located on a 43,370 square foot parcel of land located, at 1827 Flushing Avenue, Ridgewood, NY. The Facility is owned by Queens Ridgewood Realty LLC, an affiliate, and is leased to and operated by the Company as a wholesaler of deli products. **Address**: 1827 Flushing Avenue, Ridgewood, NY 11385. **Type of Benefits**: Payments in lieu of City real property taxes, partial exemption from City and State mortgage recording taxes, and exemption from City and State sales and use taxes. **Total Project Cost**: $1,557,000. **Projected Jobs**: 38 full time equivalent retained; 13 full time equivalent projected. **Hourly Wage Average and Range**: $34.92/hour, estimated range of $25.00/hour to $57.00/hour.

Company Name(s): TERZO of Jerome Avenue, LLC, a New York limited liability company, is a supermarket operator affiliated with Terzo of Garfield, LLC and owned by Inserra Supermarkets Inc., an owner and operator of supermarkets in New York and New Jersey (the "Company"). **Project Description**: The Company seeks financial assistance in connection with the furnishing and equipping of a to-be formed 30,000 square foot retail condominium unit (the "Facility") within a 15-story mixed-use development to be located on a 33,913 square foot parcel of land located, at 1941-1959 Jerome Avenue, Bronx New York. The Facility will be owned by 1941-1959 Jerome Avenue LLC and leased, to the Company. The Facility will be operated as a full-service supermarket under the PriceRite Marketplace banner. **Address**: 1941-1959 Jerome Avenue, Bronx, NY 10453. **Type of Benefits**: Payments in lieu of City real property taxes and exemption from City and State sales and use taxes. **Total Development Cost**: $6,735,000. Projected Jobs: 26.5 full time equivalent projected. **Hourly Wage Average and Range**: $17.29/hour, estimated range of $15/hour to $25/hour.

For any updates to project information after the date of this notice, please visit the website of New York City Economic Development Corporation ("NYCEDC") at www.nycedc.com/nycida-project-info.

The Agency is committed to ensuring meaningful access to its programs. If you require any accommodation for language access, including sign language, please contact NYCEDC's Equal Access Officer, at (212) 312-3602 or at EqualAccess@edc.nyc.

Pursuant to Section 859a of the General Municipal Law of the State of New York the Agency will hold a hearing, at the offices of NYCEDC,

1 Liberty Plaza, 14th Floor, New York, NY 10006 on the proposed financings and transactions set forth above, commencing, at 10:00 A.M. on Thursday, November 17th, 2022.

Interested members of the public are invited to attend and will be given an opportunity to make a brief statement regarding the projects listed above. Please be advised that attendees should be prepared to wear a face covering and maintain social distance, if they are not willing, to provide proof of vaccination status upon entry.

The Agency will present information, at such hearing on the proposed financings and transactions set forth above. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available at: https://edc.nyc/nycida-board-meetings-public-hearings, starting on or about 12:00 P.M. fourteen (14) days prior, to the hearing. Persons desiring to make a brief statement during the conference call regarding the proposed transactions should give prior notice, to the Agency by sending an email to, ftufano@edc.nyc, no later than 5:00 P.M. the day before the hearing. Written comments may be submitted, to the Agency, to the following email address: ftufano@edc.nyc. Please be advised that it is possible that certain of the aforementioned proposed transactions may be removed from the hearing agenda prior, to the hearing date. Information regarding such removals will be available on the Agency's website at, https://edc.nyc/nycida-board-meetings-public-hearings, on or about 12:00 P.M., on the Friday preceding the hearing.

New York City Industrial Development Agency
Attn: Ms. Frances Tufano
One Liberty Plaza, 13th Floor
New York, NY 10006
(212) 312-3598

Accessibility questions: NYCEDC's Equal Access Officer, (212) 312-3602 or EqualAccess@edc.nyc, by: Thursday, November 17, 2022, 10:00 A.M.

☛ **n3**

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ **PUBLIC HEARINGS**

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") REMOTE PUBLIC HEARING to be held on November 7, 2022, at 2:30 P.M., via Microsoft Teams Dial-in relative to the following:

1) a proposed transaction whereby ZenFi Networks, LLC, holder of an information services franchise agreement with the City of New York, would be sold in its entirety to BAI US HoldCo LLC; 2) a proposed transaction whereby ZenFi Networks, LLC, holder of a mobile telecommunications franchise agreement with the City of New York, would be sold in its entirety to BAI US HoldCo LLC. The New York City Office of Technology and Innovation has reviewed the proposed transaction and the franchise agreements and has determined that City approval is required.

The public may also participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically to, fcrc@mocs.nyc.gov. All written testimony must be received by November 4, 2022. In addition, the public may also testify during the hearing in person or by calling the dial-in number. The dial-in information is below:

Dial-in #: +1 646-893-7101
Access Code: 357 245 058#
Press # on further prompts

A draft copy of the proposed organizational charts may be obtained at no cost any of the following ways:

1) Submitting a written request to OTI, at franchiseopportunities@doitt.nyc.gov, from **October 17, 2022** through **November 7, 2022.**
2) Downloading from **October 17, 2022** through **November 7, 2022,** on OTI's website. To download a draft copy of the proposed before and after organizational charts, visit www1.nyc.gov/content/oti/pages/franchises.
3) by submitting a written request by mail to NYC Office of Technology & Innovation, 2 MetroTech Center, P-1 Level Mailroom. Written requests must be received by **October 24, 2022.** For mail-in request, please include your name, return address, and a request for a specific calendar item franchise agreement.

A transcript of the hearing will be posted on the FCRC website at: https://www1.nyc.gov/site/mocs/reporting/agendas.page.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email, at DisabilityAffairs@mocs.nyc.gov, or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: DisabilityAffairs@mocs.nyc.gov, (646) 872-0231, by: Monday, October 31, 2022, 5:00 P.M.

o17-n7

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") REMOTE PUBLIC HEARING to be held on November 7, 2022, at 2:30 P.M. via Microsoft Teams Dial-in relative to the following:

#1) a proposed information services franchise agreement between the City and Silicon Harlem, LLC; #2) a proposed information services franchise agreement between the City and United Federal Data of New York, LLC; #3) a proposed information services franchise agreement between the City and Annex Fiber Inc.; and #4) a proposed information services franchise agreement between the City and Virtue Media Visions Network, LLC.

The proposed franchise agreements would grant nonexclusive franchises to construct, install, use, operate and/or maintain wire, cable, and/or optical fiber and associated equipment on, over, and under the inalienable property of the City for the provision of Information Services, as defined in the proposed franchise agreements. The proposed franchise agreements have a term lasting until Jun. 26, 2032, with an option, at the New York City Office of Technology & Innovation's ("OTI")/DoITT's sole discretion, for the Parties to extend the Agreement for up to a further five-year period. The compensation includes the following: $0.19 per foot with an escalator, except that no fee shall be charged per foot of Installation Area of which construction was initiated and completed within the first five years of the term in one or more of the Boroughs of the Bronx, Brooklyn, Queens, Staten Island or Manhattan above 96th Street. There is a quarterly minimum fee due to the City.

The public may also participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically to, fcrc@mocs.nyc.gov. All written testimony must be received by November 4, 2022. In addition, the public may also testify by calling the dial-in number. The dial-in information is below:

Dial-in #: +1 646-893-7101
Access Code: 357 245 058#
Press # on further prompts

A draft copy of the proposed franchise agreements may be obtained at no cost any of the following ways:

1) Submitting a written request to OTI, at franchiseopportunities@doitt.nyc.gov, from **October 17, 2022** through **November 7, 2022.**
2) Downloading from **October 17, 2022** through **November 7, 2022,** on OTI's website. To download a draft copy of the proposed franchise agreements, visit www1.nyc.gov/content/oti/pages/franchises.
3) by submitting a written request by mail to NYC Office of Technology & Innovation, 2 MetroTech Center, P-1 Level Mailroom. Written requests must be received by **October 24, 2022.** For mail-in request, please include your name, return address, and a request for a specific calendar item franchise agreement.

A transcript of the hearing will be posted on the FCRC website at: https://www1.nyc.gov/site/mocs/reporting/agendas.page.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email, at DisabilityAffairs@mocs.nyc.gov, or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: DisabilityAffairs@mocs.nyc.gov, (646) 872-0231, by: Monday, October 31, 2022, 5:00 P.M.

o17-n7

LANDMARKS PRESERVATION COMMISSION

■ NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, November 15, 2022 at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency), will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live-streamed on the LPC's YouTube channel, www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, https://www1.nyc.gov/site/lpc/hearings/hearings.page, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov, or (212) 602-7254 at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

39-21 46th Street - Sunnyside Gardens Historic District
LPC-23-01743 - Block 149 - Lot 34 - **Zoning:** R4
CERTIFICATE OF APPROPRIATENESS
A Colonial Revival style rowhouse, designed by Clarence Stein and Henry Wright and, built in 1925. Application is to install skylights.

112-03 178th Street - Addisleigh Park Historic District
LPC-22-05842 - Block - Lot 28 - **Zoning:** R2
CERTIFICATE OF APPROPRIATENESS
A vacant lot. Application is to construct a freestanding house.

144 Greenpoint Avenue - Greenpoint Historic District
LPC-22-07187 - Block 2563 - Lot 37 - **Zoning:** C4-3A
CERTIFICATE OF APPROPRIATENESS
An altered commercial building originally, designed by Wilson & Dasau and, built in 1898. Application is to demolish the building and construct a new building.

158 Bergen Street - Boerum Hill Historic District
LPC-23-00726 - Block 386 - Lot 18 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
An Italianate style rowhouse, built in 1856-1861. Application is to construct a rear yard addition.

593A Vanderbilt Avenue - Prospect Heights Historic District
LPC-22-07418 - Block 1138 - Lot 5 - **Zoning:** R7A
CERTIFICATE OF APPROPRIATENESS
An Italianate style store and flats building, built in c. 1879. Application is to construct a freestanding restaurant pavilion in the rear yard.

86 Marlborough Road - Ditmas Park Historic District
LPC-22-10814 - Block 5095 - Lot 28 - **Zoning:** R1-2
CERTIFICATE OF APPROPRIATENESS
A Colonial Revival style freestanding house, designed by Bertram P. Wiltberger and, built in 1899. Application is to install solar panels.

10 South Street - Individual Landmark
LPC-23-02281 - Block 2 - Lot 2 - **Zoning:** C4-6, LM
BINDING REPORT
A Beaux-Arts style marine terminal building, designed by Walker & Morris and, built in 1906-09. Application is to legalize rooftop work, the construction of elevator bulkheads, and signage modifications performed in non-compliance with and/or without Landmarks Preservation Commission permit(s), and to construct pergolas and additional features at the roof.

565 Broadway - SoHo-Cast Iron Historic District
LPC-21-05595 - Block 498 - Lot 5 - **Zoning:** M1-5/R9X
CERTIFICATE OF APPROPRIATENESS
An Italianate style store and lofts building, designed by John Kellum and, built in 1859-60. Application is to replace marble units with a substitute material.

112 2nd Avenue - East Village/Lower East Side Historic District
LPC-23-02975 - Block 448 - Lot 5 - **Zoning:** R7A, R8B, C2-5
CERTIFICATE OF APPROPRIATENESS
A Gothic Revival style church building, designed by Samuel Burrage Reed and, built in 1891-1892. Application is to demolish the remaining façade and foundation after the building experienced a fire.

159 East 53rd Street - Individual Landmark
LPC-22-06894 - Block 1308 - Lot 7501 - **Zoning:**
CERTIFICATE OF APPROPRIATENESS
A late 20th century Modern style mixed use complex, designed by Hugh A. Stubbins and, built in 1973-78. Application is to install signage.

514 West End Avenue - Riverside - West End Historic District Extension I
LPC-23-00197 - Block 1232 - Lot 61 - **Zoning:** R10A
CERTIFICATE OF APPROPRIATENESS
A Renaissance Revival style apartment building, designed by Gaetan Ajello and, built in 1923-24. Application is to install a through-wall HVAC louver.

800 Park Avenue - Upper East Side Historic District
LPC-22-09485 - Block 1389 - Lot 36 - **Zoning:** R10, PI
CERTIFICATE OF APPROPRIATENESS
A Neo-Renaissance style apartment building, designed by Electus D. Litchfield & Pliny Rogers and, built in 1925. Application is to establish a master plan governing the future installation of windows.

o31-n15

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections, 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, November 15, 2022, at 9:30 A.M. the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live streamed on the LPC's YouTube channel, www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, https://www1.nyc.gov/site/lpc/hearings/hearings.page, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Gregory Cala, Community and Intergovernmental Affairs Associate, at gcala@lpc.nyc.gov, at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

155-159 West 10th Street (aka 186-188 Waverly Place) - Julius' Bar Building
LP-2663 - Block 611 - Lot 30
ITEM PROPOSED FOR PUBLIC HEARING
The proposed designation of a 19th-century former row house in Greenwich Village, which since 1930 has housed Julius' Bar, the scene of significant events in the history of the fight for LGBTQ+ rights.

455 Southern Boulevard (aka 462 Wales Avenue) - Samuel Gompers Industrial High School (now Mott Haven Community, Health
LP-2666 - Block 2576 - Lot 26
ITEM PROPOSED FOR PUBLIC HEARING
The proposed designation of a vocational high school, designed in the Medieval Revival style by William H. Gompert, with modifications by Walter C. Martin and built in 1931-32.

o31-n15

PUBLIC DESIGN COMMISSION

■ MEETING

Agenda
Monday, November 7, 2022

Meeting Location: Public Design Commission meetings are being held in-person at the Public Design Commission Board Room, on the 3rd Floor of City Hall. Members of the public can attend and give testimony either in-person or remotely. Masks are encouraged for in-person attendance.

To attend or testify remotely, the public can join the meeting via Zoom at https://us02web.zoom.us/j/81591532996 or by calling **1 (646) 558 8656** and using the meeting ID: **815 9153 2996**

Members of the public who wish to give testimony on public hearing items can sign-up in advance using this form: https://tinyurl.com/PDCmeetingform. Instructions for testifying remotely via Zoom or by

phone, can be found on our website here: https://tinyurl.com/PDC-testimony.

The meeting will be livestreamed on the Public Design Commission's YouTube channel at http://www.youtube.com/nycdesigncommission.

Committee Meeting
10:30 A.M. Construction of a headhouse as part of the Owls Head combined sewer overflow (CSO) facility, Gowanus Canal, 2nd Avenue and 6th Street, Brooklyn. (Conceptual) (CC 39, CB 6) DEP

https://www1.nyc.gov/assets/designcommission/downloads/pdf/11-07-2022-pres-DEP-c-OwlsHeadCSOGowanus.pdf

Public Meeting

11:00 A.M. Consent items

28266: Installation of electric vehicle chargers for the municipal fleet citywide. (Preliminary and Final) DCAS

28267: Installation of *Waves* by Andrea Belag, Engine Company 268/ Ladder Company 137, 116-11 Beach Channel Drive, Rockaway Park, Queens. (Preliminary) (CC 32, CB 14) DCLA%/DDC

28268: Construction of the Gelada and Nubian Ibex Breeding and Management Complex and adjacent site work, Bronx Zoo, 2300 Southern Boulevard, Bronx. (Preliminary and Final) (CC 15, CB 6) DCLA/DPR

28269: Reconstruction of Baisley Park Community Library, 117-11 Sutphin Boulevard, South Jamaica, Queens. (Preliminary) (CC 12, CB 14) DDC

28270: Renovation of the Borough Park Library, 1265 43rd Street, Brooklyn. (Preliminary) (CC 39, CB 12) DDC

28271: Construction of driveway, paths, and adjacent site work, Orchard Beach Maintenance and Operations facility, between Park Drive and the Promenade, Pelham Bay Park, Bronx. (Preliminary and Final) (CC 13, CB 10) DDC/DPR

28272: Construction of a connection chamber as part of the Kensico-Eastview Connection Project, Catskill-Delaware Ultraviolet Treatment Facility, 10 Walker Road, Town of Mount Pleasant, Westchester County. (Preliminary) DEP

28273: Installation of security bollards, Central UTA Satmar School for Boys, 762 Wythe Avenue, Rutledge Street and Penn Street, Brooklyn. (Preliminary and Final) (CC 33, CB 1) DOT

28274: Installation of security bollards, Walt Disney Project Galaxy, 310 Hudson Street, Vandam Street, Varick Street, and Spring Street, Manhattan. (Preliminary and Final) (CC 3, CB 2) DOT

28275: Removal of a distinctive sidewalk adjacent to Livonia Park, Powell Street, Livonia Avenue, and Junius Street, Brooklyn. (Preliminary and Final) (CC 42, CB 16) DOT/DPR

28276: Construction of a comfort station, Waters Edge Playground, Cross Island Park, Waters Edge Drive and 24th Avenue, Bayside, Queens. (Preliminary) (CC 19, CB 7) DPR

28277: Construction of a skate park and adjacent site work, Power Playground, Avenue N, Utica Avenue, Avenue O, and East 49th Street, Brooklyn. (Preliminary) (CC 46, CB 18) DPR

28278: Construction of stairs and a ramp, Bronx Park, Waring Avenue between Bronx River Parkway and Bronx Park East, Bronx. (Preliminary) (CC 15, CB 11) DPR

28279: Installation of a modular comfort station and adjacent site work, Discovery Playground, Fort Washington Park, Henry Hudson Parkway near West 163rd Street, Manhattan. (Preliminary) (CC 7, CB 12) DPR

28280: Reconstruction of a staircase, Ewen Park, Johnson Avenue and 231st Street, Bronx. (Preliminary) (CC 11, CB 8) DPR

28281: Reconstruction of Daniel Boone Playground, West Farms Road, Boone Avenue, and Sheridan Boulevard, Bronx. (Preliminary) (CC 17, CB 3) DPR

28282: Reconstruction of Josephine Caminiti Playground (formerly Corona playground), Corona Avenue, Alstyne Avenue, and 102nd Street, Corona, Queens. (Preliminary) (CC 28, CB 12) DPR

28283: Reconstruction of South Rochdale Playground, adjacent to P.S. 80, 134th Road and 173rd Street, Jamaica, Queens. (Preliminary) (CC 9, CB 10) DPR

28284: Reconstruction of the ballfields, Brigadier General Charles Young Playground, Lenox Avenue, West 145th Street, Harlem River Drive, and West 143rd Street, Manhattan. (Preliminary) (CC 15, CB 7) DPR

28285: Reconstruction of the plaza and pavilion, Poe Park, East 192nd Street and the Grand Concourse, Bronx. (Preliminary) (CC 15, CB 7) DPR

28286: Completed plaque installation as part of the loan of the *Theodore Roosevelt Monument* (1940) by James Earle Fraser to the Theodore Roosevelt Presidential Library, Medora, North Dakota. (Final) (CC 6, CB 7) DPR

28287: Inscription for Gate of the Exonerated, northern perimeter Central Park entrance at 110th Street between Central Park West and Fifth Avenue, Central Park, Manhattan. (Preliminary and Final) (CC 6, CB 5, 7, 8, 10 & 11) DPR/CPC

28288: Construction of the North Tower and reconstruction of open spaces, East River Science Park (Alexandria Center for Life Science), 500 East 30th Street between First Avenue, the FDR Drive, East 28th Street, and East 30th Street, Manhattan. (Final) (CC 4, CB 6) EDC

28289: Renovation of the Red Hook Library and adjacent site work, 7 Wolcott Street, Brooklyn. (Final) (CC 38, CB 6) EDC/BPL

Public Hearing

11:05 A.M.

28290: Construction of a maintenance and operations facility and adjacent site work, Orchard Beach, between Park Drive and the Promenade, Pelham Bay Park, Bronx. (Preliminary) (CC 13, CB 10) DDC/DPR

https://www1.nyc.gov/assets/designcommission/downloads/pdf/11-07-2022-pres-DDC-p-OrchardBeach.pdf

11:35 A.M.

28291: Construction of an environmental learning center (Solar 2), 24-20 FDR Drive at Peter Cooper Road, Manhattan. (Preliminary) (CC 4, CB 6) EDC

https://www1.nyc.gov/assets/designcommission/downloads/pdf/11-07-2022-pres-EDC-p-Solar2.pdf

All times are approximate and subject to change without notice, and those who are testifying remotely should follow along on the livestreamed meeting on the Design Commission's YouTube channel to know when to join the meeting. If testifying at City Hall, please plan to arrive early in the event the meeting is ahead of schedule.

Items on the consent agenda are not presented. If you wish to testify regarding a design-related issue of a project on the consent agenda, please notify staff as soon as possible.

Do you need assistance to participate in the meeting? If you need a reasonable accommodation of a disability, such as translation into a language other than English; American Sign Language Interpreting (ASL); Captioning in Real-Time (CART); or the meeting agenda in Braille, large print, or electronic format, please contact the Public Design Commission at least three business days before the meeting.

Public Design Commission
City Hall, Third Floor
Phone: (212) 788-3071
Fax: (212) 788-3086
www.nyc.gov/designcommission
designcommission@cityhall.nyc.gov

Large Print BrailleNo C-A-R-T

☛ **n3**

TRANSPORTATION

■ **PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held remotely commencing on Friday, November 18, 2022, at 2:00 P.M., via the WebEx platform and in person, on the following petitions for revocable consent.

WebEx: Meeting Number (access code): 2631 923 1670
Meeting Password: MiasJvZw643

The hearing will be held in person at 55 Water Street, Bid Room, in the Borough of Manhattan. Masks are required to be worn to enter the building and during the hearing.

#1 IN THE MATTER OF a proposed revocable consent authorizing 1 Madison Office Fee LLC and 11 Madison Avenue Owner LLC, to continue to maintain and use a tunnel, under and across East 24th Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2021 to June 30, 2031 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 174**

For the period July 1, 2021 to June 30, 2022 - $ 5,174
For the period July 1, 2022 to June 30, 2023 - $ 5,295
For the period July 1, 2023 to June 30, 2024 - $33,596
For the period July 1, 2024 to June 30, 2025 - $55,168
For the period July 1, 2025 to June 30, 2026 - $56.173
For the period July 1, 2026 to June 30, 2027 - $57,178
For the period July 1, 2027 to June 30, 2028 - $58,183
For the period July 1, 2028 to June 30, 2029 - $59,188
For the period July 1, 2029 to June 30, 2030 - $60,193
For the period July 1, 2030 to June 30, 2031 - $61,198

with the maintenance of a security deposit in the sum of $61,200 the insurance shall be in the amount of Five Million Dollars ($5,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Five Million Dollars ($5,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#2 IN THE MATTER OF a proposed revocable consent authorizing BOP 101 Lincoln Avenue LLC and BOP 2401 Third Avenue LLC, to construct, maintain and use a telecommunication conduit under, across and along 3rd Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2533**

From The Approval Date to June 30, 2023 - $3,057/per annum
For the period July 1, 2023 to June 30, 2024 - $3,114
For the period July 1, 2024 to June 30, 2025 - $3,171
For the period July 1, 2025 to June 30, 2026 - $3,228
For the period July 1, 2026 to June 30, 2027 - $3,285
For the period July 1, 2027 to June 30, 2028 - $3,342
For the period July 1, 2028 to June 30, 2029 - $3,399
For the period July 1, 2029 to June 30, 2030 - $3,456
For the period July 1, 2030 to June 30, 2031 - $3,513
For the period July 1, 2031 to June 30, 2032 - $3,570
For the period July 1, 2032 to June 30, 2033 - $3,627

with the maintenance of a security deposit in the sum of $10,000 the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#3 IN THE MATTER OF a proposed revocable consent authorizing Matthew Miller and Deirdre Miller, to continue to maintain and use a fenced-in area on the south sidewalk of West 85th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2021 to June 30, 2031 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1765**

For the period July 1, 2021 to June 30, 2031 - $25/per annum

with the maintenance of a security deposit in the sum of $2,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#4 IN THE MATTER OF a proposed revocable consent authorizing NHPF Harbor Hill Housing Development Fund Corporation and RAHF IV Harbor Hill LP, to continue to maintain and use fenced-in planted areas on the east sidewalk of Second Avenue, north of 57th Street and on the north sidewalk of 57th Street, east of Second Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1559**

From July 1, 2016 to June 30, 2026 - $1,870/per annum

with the maintenance of a security deposit in the sum of $4,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#5 IN THE MATTER OF a proposed revocable consent authorizing Selfhelp HPS North Housing Development Fund Company, INC and 52-03 Center LLC, to construct, maintain and use Flood Mitigation System under the south sidewalk of Borden Avenue, west of Second Street; and under the west sidewalk of Second Street, south of Borden Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2579**

In accordance with Title 34, Section 7-04(a)(37) of the Rules of the City of New York, the Grantee shall make one payment of $2,000 for the period of the Approval Date to June 30, 2033.

with the maintenance of a security deposit in the sum of $15,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#6 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York, to construct, maintain and use new telecommunication conduits on the west sidewalk of Claremont Avenue, between LaSalle Street and Tiemann Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2589**

From the Approval Date to June 30, 2023 - $6,055/per annum
For the period July 1, 2023 to June 30, 2024 - $ 6,167
For the period July 1, 2024 to June 30, 2025 - $ 6,279
For the period July 1, 2025 to June 30, 2026 - $ 6,392
For the period July 1, 2026 to June 30, 2027 - $ 6,504
For the period July 1, 2027 to June 30, 2028 - $ 6,616
For the period July 1, 2028 to June 30, 2029 - $ 6,728
For the period July 1, 2029 to June 30, 2030 - $ 6,841
For the period July 1, 2030 to June 30, 2031 - $ 6,953
For the period July 1, 2031 to June 30, 2032 - $ 7,065
For the period July 1, 2032 to June 30, 2033 - $ 7,178

with the maintenance of a security deposit in the sum of $7,500 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#7 IN THE MATTER OF a proposed revocable consent authorizing Caroline H. Van Scheltinga, to construct, maintain and use a fenced-in area, including planters and steps on the south sidewalk of West 83rd Street, between Columbus Avenue and Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2582**

From the Approval Date to June 30, 2032 - $25/per annum

with the maintenance of a security deposit in the sum of $6,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#8 IN THE MATTER OF a proposed revocable consent authorizing Lenox and Pennamon Housing Development Fund Corporation, to construct, maintain and use a stoop and fenced-in area, including accessible wheelchair lift on the east sidewalk of St. Nicholas Avenue, between West 120th Street and West 121st Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2599**

From the Approval Date to June 30, 2023 - $4,500/per annum
For the period July 1, 2023 to June 30, 2024 - $ 4,584
For the period July 1, 2024 to June 30, 2025 - $ 4,668
For the period July 1, 2025 to June 30, 2026 - $ 4,752
For the period July 1, 2026 to June 30, 2027 - $ 4,836
For the period July 1, 2027 to June 30, 2028 - $ 4,920
For the period July 1, 2028 to June 30, 2029 - $ 5,004
For the period July 1, 2029 to June 30, 2030 - $ 5,088
For the period July 1, 2030 to June 30, 2031 - $ 5,172
For the period July 1, 2032 to June 30, 2033 - $ 5,340

with the maintenance of a security deposit in the sum of $12,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars

($2,000,000) products/completed operations.

#9 IN THE MATTER OF a proposed revocable consent authorizing MKAP LLC, to construct, maintain and use a snowmelt system on the north sidewalk of East 70th Street, between 3rd Avenue and Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2598**

From the Approval Date to June 30, 2032 - $25/per annum

with the maintenance of a security deposit in the sum of $25,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#10 IN THE MATTER OF a proposed revocable consent authorizing Sophia Condominium, to construct, maintain and use a fenced-in area on the west sidewalk of Roebling Street, between North 8th Street and North 9th Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2596**

From the Approval Date to June 30, 2023 - $1,500/per annum
For the period July 1, 2023 to June 30, 2024 - $ 1,528
For the period July 1, 2024 to June 30, 2025 - $ 1,556
For the period July 1, 2025 to June 30, 2026 - $ 1,584
For the period July 1, 2026 to June 30, 2027 - $ 1,612
For the period July 1, 2027 to June 30, 2028 - $ 1,640
For the period July 1, 2028 to June 30, 2029 - $ 1,668
For the period July 1, 2029 to June 30, 2030 - $ 1,696
For the period July 1, 2030 to June 30, 2031 - $ 1,724
For the period July 1, 2031 to June 30, 2032 - $ 1,752
For the period July 1, 2032 to June 30, 2033 - $ 1,780

with the maintenance of a security deposit in the sum of $2,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#11 IN THE MATTER OF a proposed revocable consent authorizing West Farm Estates Company LP, to construct, maintain and use a new accessible ramp on the east sidewalk of West Farms Road, between Freeman Street and Boone Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2597**

From the Approval Date to June 30, 2032 - $25/per annum

with the maintenance of a security deposit in the sum of $10,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#12 IN THE MATTER OF a proposed revocable consent authorizing 1228 Madison Development Lessee LLC, to construct, maintain and use a snowmelt system in the west sidewalk of Madison Avenue, between East 88th Street and East 89th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2582**

From the Approval Date to June 30, 2023 - $2,865/per annum
For the period July 1, 2023 to June 30, 2024 - $2,918
For the period July 1, 2024 to June 30, 2025 - $2,971
For the period July 1, 2025 to June 30, 2026 - $3,024
For the period July 1, 2026 to June 30, 2027 - $3,077
For the period July 1, 2027 to June 30, 2028 - $3,130
For the period July 1, 2028 to June 30, 2029 - $3,183
For the period July 1, 2029 to June 30, 2030 - $3,236
For the period July 1, 2030 to June 30, 2031 - $3,289
For the period July 1, 2031 to June 30, 2032 - $3,342
For the period July 1, 2032 to June 30, 2033 - $3,395

with the maintenance of a security deposit in the sum of $3,500 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#13 IN THE MATTER OF a proposed revocable consent authorizing Chilmark Realty, Inc., to continue to maintain and use benches on the south sidewalk of Spring Street, west of Crosby Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1740**

For the period from July 1, 2020 – June 30, 2030 - $1,200/per annum.

with the maintenance of a security deposit in the sum of $1,200 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#14 IN THE MATTER OF a proposed revocable consent authorizing Second and 103 LLC, to construct, maintain and use Flood Mitigation System under the east sidewalk of Second Avenue between 102nd and 103rd Streets; and under the south sidewalk of 103rd Street, east of Second Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2578**

In accordance with Title 34, Section 7-04(a)(37) of the Rules of the City of New York, the Grantee shall make one payment of $2,000 for the period of the Approval Date to June 30, 2033.

with the maintenance of a security deposit in the sum of $9,198 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#15 IN THE MATTER OF a proposed revocable consent authorizing Tayseer Razik, to continue to maintain and use a retaining wall and a stoop on the east sidewalk of 193rd Street, north of 47th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2105**

For the period from July 1, 2019 to June 30, 2029 - $100/per annum.

with the maintenance of a security deposit in the sum of $1,500 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

#16 IN THE MATTER OF a proposed revocable consent authorizing The Frick Collection, to construct, maintain and use an accessibility ramp with stairs on the south sidewalk of East 71st Street east of Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2575**

From the Approval Date to June 30, 2033 – $25/per annum.

with the maintenance of a security deposit in the sum of $25,000 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence for bodily injury and property damage, One Million Dollars ($1,000,000) for personal and advertising injury, Two Million Dollars ($2,000,000) aggregate, and Two Million Dollars ($2,000,000) products/completed operations.

o27-n18

PROPERTY DISPOSITION

The City of New York in partnership with PublicSurplus.com posts online auctions. All auctions are open to the public.

Registration is free and new auctions are added daily. To review auctions or register visit https://publicsurplus.com

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with IAAI.com posts vehicle and heavy machinery auctions online every week at:

https://iaai.com/search?keyword=dcas+public
All auctions are open to the public and registration is free.

Vehicles can be viewed in person at:
Insurance Auto Auctions, Green Yard
137 Peconic Avenue, Medford, NY 11763
Phone: (631) 207-3477

No previous arrangements or phone calls are needed to preview.
Hours are Monday from 10:00 A.M. – 2:00 P.M.

jy29-j17

ENVIRONMENTAL PROTECTION

■ NOTICE

Forest Management Project # 5182
"Neversink Flats"

NOTICE OF PROJECT AVAILABILITY

Description: *Bid solicitation for the Sale of Timber and Firewood in the Town of Neversink, NY.* The City of New York will sell approximately 155,000 board feet (International ¼" Rule) of sawtimber and 191 cords of hardwood & softwood cordwood through Forest Management Project ID #5182. The products included in this sale are on NYCDEP land located below the Neversink Reservoir Dam in Neversink, NY.

Availability of Bid Information: Detailed bid solicitation information is available by contacting Jamie Overton, DEP Forester, at **845-334-7883** (office) **646-256-7037** (cell) or via email at **joverton@dep.nyc.gov.**

Show Dates: Prospective bidders should attend one of the public showings to receive the bid package, which is necessary to submit a valid bid. The bid package can also be obtained from the DEP Forester with prior arrangement. The showings will be held on **Monday, November 7, 2022 at 1:00 P.M.** and **Wednesday, November 9, 2022 at 9:00 A.M.** Please RSVP by phone or email if you plan to attend.

Directions: Showing attendees should park and gather at the gated entrance below the Neversink Reservoir Dam off BWS Road/Sullivan County Route 105A in Neversink, 41°48'57.9"N 74°38'11.1"W.

Required Contractor Qualification:

1. The Contractor must maintain the required Workers Compensation and Disability Benefits Coverage.
2. The Contractor shall furnish and maintain a Commercial General Liability Insurance Policy.
3. The Contractor must have demonstrated experience, ability, and equipment to assure removal of timber under the terms of the agreement.

Bid Due Date: All bid proposals must be received by Jamie Overton, **NO LATER THAN Tuesday, November 22, 2022, at 3:00 P.M., local time.**

- By Mail: Jamie Overton
  P.O. Box 358
  Grahamsville, NY 12740
- In-person: Jamie Overton
  16 Little Hollow Road
  Grahamsville, NY 12740

Opening of Bids: Sealed bids will be publicly opened at the DEP Office, 16 Little Hollow Road, Grahamsville, NY on Wednesday, November 23, 2022, at 9:00 A.M., local time. The projected date for awarding the bid is on or about Wednesday, December 14, 2022.

o26-n7

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property, appear in the Public Hearing Section.

j5-d30

PROCUREMENT

"Compete To Win" More Contracts!

Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and Women-Owned Businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

● ***Win More Contracts, at nyc.gov/competetowin***

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed, to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City's PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed at https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page.

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARD

Goods and Services

TOILET RENTALS, PORTABLE - Competitive Sealed Bids - PIN# 85722B0174001 - AMT: $1,048,800.00 - TO: CALL-A-HEAD Corp., 304 Cross Bay Boulevard, Broad Channel, NY 11693.

☛ **n3**

ADMINISTRATION

■ **SOLICITATION**

Goods

ROSCO MIRRORS & ACCESSORIES (BRAND SPECIFIC) - Competitive Sealed Bids - PIN# 85722B0107 - Due 12-13-22 at 10:30 A.M.

All bids are done on PASSPort. To review the details for this solicitation and participate, please use the following link below and use the keyword search fields to find the solicitation for ROSCO MIRRORS & ACCESSORIES (Brand Specific). You can search by PIN# 85722B0107 or search by keyword:

https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.
Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Anne-Sherley Almonor (212) 386-0419; aalmonor@dcas.nyc.gov

☛ **n3**

COMPTROLLER

ASSET MANAGEMENT

■ **INTENT TO AWARD**

Goods and Services

SECURITY CLASS ACTIONS CONSULTING SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 015-158-167-00-ZC - Due 11-18-22 at 3:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules, the New York City Comptroller Office (the "Comptroller's Office"), acting on behalf of the New York City Retirement Systems, is seeking to extend the existing Security Class Actions Consulting Services Agreement with Institutional Shareholder Services Inc. ("ISS"), from July 1, 2022 to June 30, 2024. The Consultant provides Security Class Action Services.

Vendors that are interested in expressing interest in similar procurements in the future, may contact Sheri Surujbali, at ssurujb@comptroller.nyc.gov.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Comptroller, 1 Centre Street, 8th Floor, New York, NY 10007. Bibi Sheri Surujbali (212) 669-3619; ssurujb@comptroller.nyc.gov

n1-7

EDUCATION

■ **AWARD**

Human Services / Client Services

R1395- UPK FOR ALL - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673168 - AMT: $4,567,944.00 - TO: Steps to Success III LLC, 1810 Voorhies Avenue, Brooklyn, NY 11235.

The New York City Department of Education ("DOE"), hereby requests authorization to release a Request for Proposals ("RFP"), on behalf of the Division of Early Childhood Education ("DECE"), to provide 3-K and Pre-K for All services commencing in the 2022-2023 school year.

This solicitation is being conducted as an RFP, because these services are administered directly to children and must be evaluated on qualitative criteria.

☛ **n3**

R 1395 - UPK FOR ALL - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673128 - AMT: $1,249,560.00 - TO: Kindercare Education at Work LLC, 5005 Meadows Road, Suite 200, Lake Oswego, OR 97035.

The New York City Department of Education ("DOE"), hereby requests authorization to release a Request for Proposals ("RFP"), on behalf of the Division of Early Childhood Education ("DECE"), to provide 3-K and Pre-K for All services commencing in the 2022-2023 school year.

This solicitation is being conducted as an RFP because these services are administered directly to children and must be evaluated on qualitative criteria.

☛ **n3**

ENVIRONMENTAL PROTECTION

■ **AWARD**

Services (other than human services)

TRAINING VOUCHERS FOR STAFF & MANAGEMENT DEVELOPMENT - Other - PIN# 82623U0007001 - AMT: $39,950.00 - TO: American Management Association International, 1601 Broadway, New York, NY 10019.

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2010582X 2D REGULAR AND B5 DIESEL FUEL - Intergovernmental Purchase - PIN# 82622O0005001 - AMT: $180,000.00 - TO: Mirabito Holdings Inc., P O Box 5306, The Metrocenter, 49 Court Street, Binghamton, NY 13902.

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FIRE DEPARTMENT

BUREAU OF HEALTH SERVICES

■ **SOLICITATION**

Services (other than human services)

05723P0001 ALTERNATE CARE - Competitive Sealed Proposals - Other - PIN# 05723P0001 - Due 12-6-22 at 2:00 P.M.

The Fire Department of the City of New York ("FDNY"), seeks the services of qualified vendors, to provide alternate medical care for callers who report lower-acuity physical health conditions to 9-1-1. This Competitive Sealed Proposal ("RFP"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFP should be submitted via PASSPort.

To access the solicitation, please visit the PASSPort Public Portal, at https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page and click on the "Search Funding Opportunities in PASSPort" button. To locate the RFP on the Public Portal, insert 05723P0001 into the Keywords search field. If you need assistance submitting a response, please submit an inquiry, to the MOCS Service Desk - mocssupport.atlassian.net/servicedesk/customer/portal/8. Agency Contact: Igor Lyutin, email: Igor.Lyutin@fdny.nyc.gov.

Pre-Bid Conference location -Virtual Pre-Proposal Meeting, https://nycfdny.webex.com/nycfdny/j.php?MTID=med19161e0370205884b196341a2313f3 NY Mandatory: no Date/Time - 2022-11-10 14:00:00.

This is a unique project and based on the feedback from Law Department we were advised that RFP, would be the best procurement option. The Agency has determined that it is in the best interest of the City to utilize the Competitive Sealed Proposal method to achieve the best overall value among other criteria specified in the RFP. The Agency Chief Contracting Officer, has determined that it is not practicable or advantageous, to the City to use Competitive Sealed Bidding, Competitive Sealed Proposal (RFP) is the recommended procurement route. This would accommodate what the Department is looking to achieve.

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HOUSING AUTHORITY

PROCUREMENT

■ **SOLICITATION**

Construction / Construction Services

ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICES FOR THIRTY (30) ELEVATORS AT AMSTERDAM HOUSES (EV PACKAGE) - Competitive Sealed Bids - PIN# 384900 - Due 12-1-22 at 11:00 A.M.

A Non-Mandatory virtual Proposers' Conference will be held, on November 9, 2022, at 11:00 A.M., via Microsoft Teams. Pre bid Teams Meeting information: (646) 838-1534 Conference ID: 462 146 542# Although attendance is not mandatory, it is strongly recommended that all interested vendors attend. In order to RSVP, to the Pre-Bid Conference and obtain the Teams Meeting link to view the virtual conference email, cpd.procurement@nycha.nyc.gov, with the RFQ number as the Subject line to confirm attendance.

All questions related to this RFQ are to be submitted via email, to the CPD Procurement Unit, at cpd.procurement@nycha.nyc.gov, with the RFQ number as the Subject line by no later than 2:00 P.M. on November 17, 2022. Proposers will be permitted to ask additional questions, at the Proposers' Conference. Responses to all submitted questions will be available for public viewing in Sourcing under the RFQ.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.
Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Shawntae Davis (212) 306-3127; shawntae.davis@nycha.nyc.gov

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HUMAN RESOURCES ADMINISTRATION

■ **INTENT TO AWARD**

Services (other than human services)

06923Y0156-EVERYACTION VPB CONNECT, SUPPORT AND COORDINATION SERVICES - Request for Information - PIN# 06923Y0156 - Due 11-7-22 at 3:00 P.M.

Department of Social Services Information Technology Services is requesting a Sole Source Contract with PruTech Solutions, Inc for the Purchase of EveryAction VPB Connect, Support & Coordination Services in the amount of $117,700.00 for the service period of 6/1/2021 to 5/31/22. The Mayor's Public Engagement Unit (PEU), need to procure EveryAction's new feature, Virtual Phone Bank Connect (VPB Connect), which would allow staff and volunteers to "click-to-dial" phone numbers from within their internet browser on a computer, phone or tablet, without having to manually dial them. In addition to increasing speed and reach, VPB Connect routes calls through a common caller ID number with a local area code, which helps centralize a system for call-backs as well as helps to authenticate our calls and allow us to better advise New Yorkers against scams. Contrary to VAN's predictive dialer feature VPB Connect can be used to dial cellphones, landlines and use the Open Virtual Phone Book interface which is best suited for PEU's phone outreach and familiar to PEU's staff and volunteers. This is a sole source because Prutech is the only authorized reseller of EveryAction VPB Connect, Support and Coordination Services. If you have any questions, please email "frazierjac@dss.nyc.gov" with the subject line " 06923Y0156-Prutech Solutions, Inc. - Purchase of EveryAction VPB Connect, Support and Coordination Services". Please indicate your interest by responding, to the RFI EPIN: 06923Y0156 in PASSPort.

o31-n4

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ **AWARD**

Services (other than human services)

CITYWIDE IT SECURITY SERVICES - CLASS 2 - Negotiated Acquisition - Other - PIN# 85822N0021001 - AMT: $1,500,000.00 - TO: Dyntek Services Inc., 5241 California Avenue, Suite 150, Irvine, CA 92617.

This procurement is an extension to the contract for IT Security Class 2: Assessment, Planning, Design & Implementation Services. Additional time required to ensure continuity of services. OTI is utilizing the Negotiated Acquisition Extension procurement method for selecting the incumbent vendor in order to continue to provide uninterrupted Citywide IT Security Class 2 services. This will allow the service to still be available to the agency while we work on the RFP (E-PIN # 85821P0004) for replacement services.

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MANAGEMENT AND BUDGET

■ **SOLICITATION**

Goods

RED HAT ENTERPRISE REHL LICENSE - Innovative Procurement - Testing or experimentation is required - PIN# 85823Y0393 - Due 11-25-22 at 2:00 P.M.

The City has implemented its M/WBE program in an effort to remedy the documented disparity in utilization of certain groups of vendors as compared to their willingness and ability to do business with the City. As an additional tool which will allow the City to utilize more M/WBEs in a more efficient way, this method will aid the City in its goal of decreasing and ultimately eliminating this documented disparity against such groups. The current PPB Rules only allow for MWBE noncompetitive small purchases to be made up to and including $500,000. This method operationalizes the recent New York State law (Chapter 569 of the Laws of 2022) that amended the NYC Charter § 311 and gives agencies the specific authority granted under such legislation to make such purchases up to and including $1,000,000. By removing competition for these procurements, it will allow agencies to provide a variety of important services to New Yorkers in a faster and more efficient way. Finally, this new noncompetitive small purchase will increase the number of procurements that are going to M/WBEs, especially those under-utilized M/WBEs, and further the effectiveness of the program.

The innovative procurement method to be used for these M/WBE purchases will vary in a number of respects from the procedure otherwise applicable pursuant to the PPB Rules, including but not limited to, PPB Rule § 3-08(c)(1)(iv). As with other noncompetitive purchases, changes to and/or renewals of purchases pursuant to this method must not bring the total value of the procurement to an amount greater than the M/WBE discretionary buying threshold amount. Key elements of the M/WBE purchase method include the following:

No competition will be required for the procurement of goods, services, and construction to City-certified M/WBEs within this limit, except that in making such purchases, agency contracting officers should obtain price or rate quotations from at least three City-certified M/WBE vendors capable of providing goods, services, or construction needed. If, after exercising reasonable efforts, the agency has not received three responses, they may proceed with the award. Documentation of such purchases must identify the vendor the item was purchased from, the item purchased, and the amount paid.

Determinations required, pursuant to PPB Rule § 2-01, presolicitation review including public notices of solicitation and the presolicitation review reports pursuant to PPB Rule § 2-02, and recommendations for awards pursuant to PPB Rule § 2-09 will not be required. Agencies should consider any issues that may affect the responsibility of a vendor before issuing an award pursuant to PPB Rule § 2-08.

After a vendor has been selected, the contracting officer must issue a contract, as appropriate, to the successful bidder or offeror. The procurement file must include at a minimum all of the requirements of PPB Rule § 3-08(e)(1)-(7), (12) and (14), in addition to the dollar amount of the contract. As with small purchases pursuant to PPB Rule § 3-08, vendor protests per PPB Rule § 2-10 will not be permitted. Performance evaluations pursuant to PPB Rule § 4-01 shall not be required except in cases of deficient performance.

Pursuant to PPB Rule § 3-12(e), a notice of award must be provided for each purchase made. Agencies may also utilize this innovative procurement method to amend M/WBE noncompetitive small purchases made pursuant to PPB Rule § 3-08(c)(1)(iv) to above $500,000 and up to and including $1,000,000.

The proposed method will be evaluated to determine whether it is in the City's best interest to be codified and used within the PPB rules. Under this proposed method, the agency will be soliciting for Red Hat Enterprise REHL Licenses. At this time, OTI would like to give this opportunity to accept comments and expressions of interest on this proposed method. Comments and expressions of interest may be emailed to, John Gioia at Jgioia@oti.nyc.gov.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Information Technology and Telecommunications, 15 MetroTech Center, 18th Floor, Brooklyn, NY 11201. John Gioia (718) 403-8503; Jgioia@oti.nyc.gov

o31-n4

PARKS AND RECREATION

■ **AWARD**

Construction / Construction Services

X016-118MA RECONSTRUCTION OF THE WINDOWS AND DOORS AT THE GOLDEN AGE CENTER IN OWEN F. DOLEN PARK - Competitive Sealed Bids - PIN# 84621B0059001 - AMT: $1,801,019.50 - TO: J.R. Group of New York, Inc., 2 Hudson Street, Hastings On Hudson, NY 10706.

Located at East Tremont and Westchester Avenues, Borough of Bronx.

☛ **n3**

B210-118M: THE CONSTRUCTION OF A SKATE PARK AT HAROLD ICKES PLAYGROUND, BROOKLYN - Competitive Sealed Bids - PIN# 84621B0151001 - AMT: $3,177,000.00 - TO: Doyle-Baldante Inc., 535 Broadhollow Road, Suite B-23, Melville, NY 11747-3713.

Located at the intersection of Hamilton Avenue and Van Brunt Street, Borough of Brooklyn.

☛ **n3**

B113A-119M: THE RECONSTRUCTION OF CADMAN PLAZA PARK OVAL - Competitive Sealed Bids - PIN# 84621B0018001 - AMT: $3,707,669.00 - TO: Perfetto Enterprises Company Inc., 2074 Richmond Terrace, Staten Island, NY 10302-1230.

Bounded by Cadman Plaza East and West, Brooklyn Bridge and the Brooklyn War Memorial.

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CAPITAL PROGRAM MANAGEMENT

■ **SOLICITATION**

Construction / Construction Services

84622B0209-CNYG-1217MA1: CITYWIDE RECREATION CENTER FIRE ALARM SYSTEM RECONSTRUCTION (CNYG-1217MA) - Competitive Sealed Bids - PIN# 84622B0209 - Due 11-29-22 at 10:30 A.M.

This procurement is subject to: -Participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013 -Project Labor Agreement Requirements Bidders are hereby advised, that this contract is subject to the Project Labor Agreement (PLA) Covering Specified Renovation and Rehabilitation of City Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York("BCTC") affiliated local unions. Please refer to the bid documents for further information. Bid Submission must be submitted in PASSPort and submitted by mail or drop box at Olmsted Center Annex, The Olmsted Center, 117-02 Roosevelt Avenue, Flushing Meadows-Corona Park, Corona, NY 11368 One tap mobile+19292056099,,2290435542#,,,,*763351# US (New York) +13017 158592,,2290435542#,,,,*763351# US (Washington DC).

The Cost Estimate Range is: $5,000,000.00 - $10,000,000.00.

Bid documents are available online for free through NYC PASSPort System https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page To download the bid solicitation documents (including drawings if any), you must have an NYC ID Account and Login.

☛ **n3**

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ **SOLICITATION**

Construction Related Services

NEW CAPABILITY PROJECT/DIGITAL EXPERIENCE PLATFORM - Request for Qualifications - PIN# 23-000XXRJT - Due 11-18-22 at 2:00 P.M.

The New York City School Construction Authority ("SCA"), has approximately 1300 staff, and 3,000 + external partners accessing our systems. The SCA is seeking a qualified developer/designer ("Consultant") to redesign the SCA's existing Digital Experience Platform (https://www.nycsca.org). The Digital Experience Platform must be designed and organized in a manner that follows modern web standards in design, security, ADA WCAG 2.0 AA, and functionality with a focus on providing information and services to the SCA's client users. The Digital Experience Platform must also have a user-friendly backend that can be easily operated by employees with non-technical backgrounds. The SCA aims to implement best practices and technologies, revise the information architecture, and improve content strategy and visual design.

This RFQEI seeks responses from consultants and associated products which would serve the needs of the SCA. We believe that there are many consultants that can satisfy our needs in regard to a platform. The ideal respondent has a proven track record on creating Business to Business and Government to Consultant websites.

The Consultant must have experience creating client-driven information architecture and graphic design that facilitates the SCA's engagement with its audience. The SCA website should be designed to meet the needs of companies seeking to do business with the SCA, vendors currently engaged with SCA contracts, and the general public. The Consultant must provide all labor, equipment, and expertise to efficiently review, evaluate, and produce multiple website designs for evaluation. The Consultant must have experience designing and/or redesigning websites, with special consideration for Consultants who have done so for public organizations or construction related firms.

The SCA also requires self-service portals for external users such as design firms, contractors, and the general public. The Consultant will guide the SCA through a needs/requirements analysis to identify and evaluate all possible design options and elements. Functional elements of the Digital Experience Platform must include:

1. Promotion of communication tools such as web posts, event calendars, and links to SCA social media (Twitter, Instagram, YouTube etc...) through robust integration.
2. Analytics integration that provides information on traffic analysis reporting capabilities and available metrics for user/system response times such as number of visitors, page views, and frequently visited pages
3. Security features to prevent website hacking or defacement
4. Third party integration

Other features that the Digital Experience Platform may require are listed in the Appendix at the end of the document.

Below are examples of the types of interactions customers currently have with our website. It is not comprehensive, and Consultants should explain how they would expand upon the user stories below to ensure our website serves all of our potential customers.

1. A design consultant, Construction Company, or other vendor is interested in potentially working with the SCA. The website should explain how to work with us, how to get prequalified, how to bid on our work, and what the benefits are to working with us.
2. A vendor has been awarded a contract and wants to know about the specifications and requirements to working with us and how to get paid.
3. A member of the public or elected official is interested in finding out about the work going on in their school district.
4. A member of the public is interested in becoming an SCA employee.
5. A member of the Minority-Owned Business, Women-Owned Business, or Locally Based Enterprise community wants to find out the benefits of being certified by the SCA and what special programs we run for them. The SCA has a variety of bespoke systems and COTS applications that will need to integrate with this solution. MS Active Directory integration - is our user access management tool, Vendor Access System, and APIs.

Submission: Please provide a written proposal with the following sections:

1. A letter of your interest in working with the School Construction Authority to provide a solution.
2. The firm's contact information
3. Please fill out the embedded spreadsheet with your answers to the queries.
4. All services, functions, and features the firm offers related to website design/redesign.
5. The firm's qualifications for the project including key personnel
6. A summary of firm's recent experience with similar projects including timeline, payment method (hourly rates, lump sum, etc.) and total cost
7. Examples of existing designs/redesigns e.g., web links, before and after shots, etc.
8. If awarded, please explain how this project will be integrated into the firm's present workload
9. Describe a government client engagement if any
10. Describe your experience partnering with Minority owned, Women owned or local New York City enterprises to deliver your product or services.
11. Described how your product and services are licensed

The SCA is implementing a two-step procurement process. Our initial step is asking prospective consultants to demonstrate certain qualifications in response to this RFQEI. Thereafter the SCA will evaluate procurement methods available and move towards consultant selection. The SCA may choose to short list respondents to this RFQEI to provide a live demonstration of your solution. Although proposing firms need not be pre-qualified by the SCA at the time of bid, each firm must be pre-qualified prior to contract award.

Interested firms should respond via email submitting their qualifications and expression of interest.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, June Thompson (718) 752-5229; jthompson@nycsca.org

n2-17

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 298-0734. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.

PARKS AND RECREATION

■ NOTICE

THIS PUBLIC HEARING IS CANCELLED

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on November 4, 2022, at 2 PM.

In order to access the public hearing and testify, please join the Zoom Virtual Meeting Link
https://us02web.zoom.us/j/2290435542?pwd=VFovbDl6UTVFNXl3ZGxPYUVsQU5kZz09

Meeting ID: 229 043 5542; Passcode: 763351
(929) 205-6099,,2290435542#,,,,*763351#

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Department of Parks and Recreation and D&G Elite Construction, for CNYG-922M Manhattan & Bronx Street Tree Planting FY22; EPIN: 84623W0009001. The amount of this Purchase Order/Contract is $500,000.00. The term shall be 365 consecutive calendar days from the Order to Work.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules.

A draft copy of the Contract will be available for public inspection at Department of Parks, 117-02 Roosevelt Ave, Corona, NY 11368, from October 21, 2022 through November 4, 2022, excluding weekends and Holidays, from 9am-3pm (EST).

Pursuant to section 2-11(c)(3) of the procurement policy board rules, if parks does not receive, by October 28, 2022, from any individual a written request to speak at this hearing, then parks need not conduct this hearing. Requests should be made to Ms. Annie Fu via email at annie.fu@parks.nyc.gov.

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AGENCY RULES

CIVIL SERVICE COMMISSION

■ NOTICE

Notice of Adoption of Amendments to Title 60 of the Rules of the City of New York

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the New York City Civil Service Commission ("CSC") by Section 813 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, of the adoption by the CSC of an amendment to Title 60 of the Rules of the City of New York, repealing Chapter 2 and replacing it with new Chapters 2 and 3 governing procedures for hearing and determining appeals filed with the CSC.

This rule was proposed and published on May 17, 2022. The required public hearing was held on June 16, 2022.

STATEMENT OF BASIS AND PURPOSE

The New York City Civil Service Commission ("CSC") is an independent, non-mayoral city agency, authorized by section 813 of the New York City Charter to hear and decide appeals from certain determinations made by other City agencies under the New York State Civil Service Law.

The CSC is made up of five Commissioners appointed by the Mayor to six-year terms upon approval by the City Council. The Mayor may designate one of the Commissioners as Chair and one as Vice Chair on a yearly basis. No more than three Commissioners may be affiliated with the same political party.

The majority of appeals that come before the CSC fall into two categories:

- Appeals by applicants or eligibles who have been disqualified for character, medical, psychological or other reasons affecting their eligibility for appointment in accordance with Section 50 of the Civil Service Law.
- Appeals by City employees who have been disciplined for misconduct or incompetence in accordance with sections 75 and 76 of the Civil Service Law.

These rules would repeal Chapter 2 of Title 60 of the Rules of the City of New York, which governs determinations of the CSC, and replace it with new Chapters 2 and 3, governing procedures for hearing and determining appeals filed with the CSC. These rules are intended to inform City agencies and the public as to the existing CSC procedures for appeals, including, but not limited to, motion practice, hearings, and the CSC's decision-making process.. They are also indented to clarify and expand upon, not to alter, the provisions of the current Chapter 2. Whereas the current form of the rules address the basics of CSC procedures and practice, the new rules are intended to provide a great deal more specificity and detail.

New material is underlined.
[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Proposed Rule Amendments

Section 1. Chapter 2 of Title 60 of the Rules of the City of New York, relating to determinations of the New York City Civil Service Commission, is REPEALED and a new Chapter 2 is added to read as follows:

CHAPTER 2

General Rules of Practice Applicable to Appeals Heard and Decided by the Commission

Subchapter A - General Matters

§ **2-01 Definitions.** As used in this title, the following terms have the following meanings:

Agency. "Agency" means a governmental agency established by or pursuant to law whose final action or determination may be appealed to the Commission pursuant to New York State and New York City laws and regulations. *See also*: Respondent.

Agency head. "Agency head" means the head of an agency.

Appeal. "Appeal" means a request to review the final action or determination of an agency head or designee made pursuant to Charter § 813(d).

Appellant. "Appellant" means a party who has filed an appeal with the Commission seeking review of final agency action or determination within the Commission's jurisdiction.

CAPA. "CAPA" means the City Administrative Procedure Act, §§ 1041-1047 of the Charter.

Commission. "Commission" means the New York City Civil Service Commission, authorized by Charter § 813.

Charter. "Charter" means the New York city charter.

Commission chair. "Commission chair" means the Commissioner designated by the Mayor to serve in the capacity as chair in accordance with the provisions of Charter § 813(a).

Commissioner. "Commissioner" means a member of the Commission duly appointed in accordance with the provisions of Charter § 813.

CSL. "CSL" means the New York State Civil Service Law.

Disqualification. "Disqualification" means a final determination by an agency head or designee under CSL § 50(4), and any applicable City

Personnel Rules promulgated thereunder, finding that an applicant fails to meet one or more of the requirements established for the position by law, rule, , executive order, or notice of examination.

Electronic means. "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions, and which allows the recipient to print the communication.

***Ex parte* communication.** "*Ex parte* communication" means any oral or written communication between a party and the Commission concerning the merits of a pending appeal that was not communicated to all parties.

Filing. "Filing" means submitting papers affecting an appeal to the Commission, whether in person, by mail, or by electronic means.

***In camera* review.** "*In camera* review" means the procedure whereby the Commissioners privately review confidential, sensitive, or private information to determine whether it may be used by a party or shared with the other party.

Interim order. "Interim order" means an order by the Commission directing a party to address issues identified by the Commission or to request additional information that is important to the final disposition of an appeal.

Mailing. "Mailing" means any communication with the Commission delivered by the United States Postal Service or a private delivery service.

Ministerial matter. "Ministerial matter" means any oral or written communication between a party and the Commission about procedural matters that do not concern the merits of a pending appeal.

Hearing. "Hearing" means an appearance in-person or by video or phone conference convened at the discretion of the Commission. *See* § 2-15 of these rules.

Respondent. "Respondent" means the agency that is the adverse party to the appellant.

§ 2-02 Jurisdiction.

(a) The Commission's jurisdiction is set forth in § 813 of the Charter, pursuant to which the Commission is responsible for hearing and deciding appeals from specific agency actions, including but not limited to appeals brought by disqualified candidates for competitive civil service positions or permanent civil service employees in competitive titles who have been subject to discipline. For the purposes of § 813(d) of the Charter, the Commission's power to hear and determine appeals is exercised when the Commission reviews the written submissions of both parties and renders a written determination. At its discretion, the Commission may call for a hearing prior to rendering a written determination.

(b) The Commission's jurisdiction includes the authority to reverse, modify or affirm a final action or determination of an agency, and to render any ruling or order necessary and appropriate under applicable law or agency rule for the just and efficient adjudication of appeals.

§ 2-03 Applicability.

This chapter applies to the conduct of all appeals, including submission of appeal documents, motions, and hearings, except to the extent that this chapter may be superseded by CAPA or other provisions of law.

§ 2-04 Construction and Waiver.

This chapter shall be liberally construed to promote just and efficient adjudication on the merits of appeals filed with the Commission. This chapter may be waived or modified on such terms and conditions as the Commission may determine to be appropriate in a particular appeal.

§ 2-05 Effective Date.

This chapter shall be effective on the first day permitted by CAPA § 1043(e) and shall apply to all appeals. However, for appeals initiated prior to the effective date of these rules, no act which was valid, timely or otherwise proper under the rules applicable at the time of the act will be rendered improper by the subsequent effectiveness of this chapter.

§ 2-06 Computation of Time.

Periods of days prescribed in this chapter shall be calculated in calendar days, except that when a period of days expires on a Saturday, Sunday or legal holiday, the period shall run until the next business day. Where this chapter prescribes different time periods for taking an action depending on whether service of papers is personal or by mail, service of papers by electronic means shall be deemed to be personal service.

§ 2-07 Filing of Papers.

(a) Generally. Papers may be filed at the Commission through the online portal or by e-mail. As an alternative, papers can be submitted in person or by mail.

(b) Means of service on adversary. After filing of the initial appeal request, all subsequent submissions must be contemporaneously submitted to the opposing party using the same or equivalent means of service. The Commission may deem submissions not served on all other parties via similar means to be *ex parte* communication. *See* § 2-13, *infra*.

§ 2-08 Extension Requests.

A party in an existing appeal may request an extension of time to file documents with the Commission. The Commission, in its discretion, may grant an extension request upon good cause shown.

§ 2-09 Interim Orders.

The Commission, in its discretion, may issue interim orders directing a party to address issues identified by the Commission or to submit additional information.

§ 2-10 Access to Facilities and Programs by People with Disabilities.

The Commission is committed to providing equal access to its facilities and programs to people with disabilities and the Commission will make reasonable accommodations requested by people with disabilities. A person requesting an accommodation for purposes of participation in an appeal at the Commission, including attendance as a member of the public, must request such accommodation sufficiently in advance of the proceeding in which the person wishes to participate to permit a reasonable time to evaluate the request. A request for accommodation must be submitted to the Commission at least five business days in advance of the proceeding.

Subchapter B - Rules of Conduct

§ 2-11 Representation and Appearances.

(a) A party may appear in-person, by an attorney, or by any representative of their choosing. A person appearing for a party, including by telephone or video conference, is required to file a notice of appearance with the Commission and must file a copy with the agency once representation has been established. An appeal request submitted by an attorney or representative of an appellant shall be deemed to constitute the filing of a notice of appearance by that person. The filing of any papers by an attorney or representative who has not previously appeared shall constitute the filing of a notice of appearance by that person and shall conform to the requirements of subdivision (c) of this section. All communication to the Commission and the agency must be made through appellant's attorney or representative.

(**b**) No application shall be made or argued by any attorney or other representative who has not filed a notice of appearance. Participation in a telephone or video conference call on behalf of a party by an attorney or representative of the party shall be deemed an appearance by the attorney or representative. Nonetheless, upon making such an appearance, the attorney or representative must file a notice of appearance in conformity with subdivision (c) of this section.

(c) A person may not file a notice of appearance on behalf of a party unless they have been authorized by that party to represent the party at the Commission. Filing a notice of appearance constitutes a representation that the person appearing has been so authorized. Filing a notice of appearance pursuant to § 2-11(a) of this subchapter constitutes a representation that the person appearing has read and is familiar with the rules of this subchapter.

§ 2-12 Conduct; Suspension from Practice at the Commission.

(a) All individuals interacting with the Commission, whether in person or in writing, must comply with the rules of this subchapter and must conduct themselves at all times in a dignified, orderly and decorous manner and must comply with the orders and directions of the Commission.

(b) In the context of a hearing, all parties, their attorneys or representatives, and witnesses must address themselves only to the sitting Commissioners, must avoid conversation and argument among themselves, and must cooperate with the orderly conduct of the proceeding.

(c) Attorneys or other representatives of the parties appearing before the Commission must be familiar with the rules of this subchapter.

(d) Attorneys appearing before the Commission must conduct themselves in accordance with the canons, ethical considerations, and disciplinary rules set forth in the New York Rules of Professional Conduct in all aspects of an appeal.

(e) If an attorney or other representative of a party persistently fails to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, the Chair may, in the Chair's discretion, upon notice to the attorney or representative and a reasonable opportunity to rebut the claims against them, suspend that attorney or representative from appearing at the Commission, either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the Chair that the basis for the suspension no longer exists.

§ 2-13 *Ex Parte* Communication.

Except for ministerial matters, by consent, in an emergency, or pursuant to an *in camera* review, communication with the Commission concerning any issue material to a pending appeal, whether written or oral, shall only occur with all parties present; or will be deemed an *ex parte* communication. If the Commission receives an *ex parte* communication, the Commission may require the offending party to cure it.

§ 2-14 Recusal of Civil Service Commissioners.

(a) A motion for recusal of any Commissioner to preside over any individual appeal must be addressed to that Commissioner and to the Chair and must be accompanied by a statement of the reasons for such application. The motion must be made as soon as practicable after a party has reasonable cause to believe that grounds for recusal exist.

(b) A Commissioner shall be recused for bias, prejudice, interest, or any other cause for which a judge may be recused in accordance with § 14 of the New York Judiciary Law. A Commissioner may, on motion of any party or on their own motion, withdraw from any individual appeal, where in the Commissioner's assessment, their ability to provide a fair and impartial review and disposition might reasonably be questioned.

Subchapter C – Hearings

§ 2-15 Hearings Generally.

In its discretion, the Commission may grant the parties to an appeal the opportunity to appear in person, via video- or telephone conference, or by other means, to address the issues presented on the appeal. Specific hearing procedures are set forth in § 3-01 and § 3-05 of these rules.

§ 2-16 Post-Hearing Submissions

At the request of a party and in the discretion of the Commission, a party may be granted leave to make a post-hearing submission. Such submission must be submitted in the time allotted by the Commission. The opposing party may have the opportunity to respond to the submission and then the hearing record will be closed.

§ 2-17 Public Access to Hearings

Public access shall be presumed at hearings conducted pursuant to § 76 of the CSL. At all other hearings, public access shall not be presumed but may be granted at the discretion of the Commission.

§ 2-18 Notice of Hearing.

Parties will be notified in advance of any scheduled conference or hearing with instructions on how to participate.

§ 2-19 Adjournments.

(a) Applications to adjourn a conference or hearing must be made to the Commission as soon as the need for the adjournment becomes apparent. Applications for adjournments are considered in the discretion of the Commission and shall be granted only if timely and for good cause. Although consent of all parties to a request for an adjournment shall be a factor in favor of granting the request, such consent shall not by itself constitute good cause for an adjournment.

(b) Approved adjournments, other than adjournments granted orally and in the presence of the parties on the record, shall be promptly confirmed in writing to all parties by the applicant.

§ 2-20 Pre-Hearing Conferences.

(a) Participants notified to attend a pre-hearing conference must be prompt and prepared to begin on time. No format for conducting the conference is required. The structure of the conference may be tailored to the circumstances of the appeal. In the Commission's discretion, conferences may be conducted in person, by telephone, or by videoconference.

(b) The parties must have an individual possessing authority to settle the matter either present at the conference or readily accessible.

(c) If the appeal is not settled at the conference, the parties may be required to appear for a hearing before the Commissioners.

(d) If the appeal is settled at the conference, the agency shall provide written notice to the Commission.

§ 2-21 Witnesses and Documents.

The parties to a hearing conducted pursuant to § 2-15 of these rules must have all of their witnesses available on the hearing date. A party intending to introduce documents into the record at a hearing must serve the other side via mail or electronic means prior to the hearing date.

§ 2-22 Interpreters.

The Commission will make reasonable efforts to provide language assistance services to a party or their witnesses who need an interpreter to communicate at a hearing or conference. Application for an interpreter must be made to the Commission at least five business days prior to the hearing.

§ 2-23 Failure to Appear.

An appellant's unexplained failure to appear for a scheduled conference or hearing either in person or by authorized representative may result in a dismissal of the appeal with prejudice.

§ 2-24 Official Notice.

(a) In reaching a decision, the Commission may take official notice before or after submission of the appeal for decision, on request of a party or without request but with notice to the parties, of any fact which is generally known or that can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. Matters of which official notice is taken shall be noted in the Commission's written disposition of the appeal.

(b) Official notice may be taken, without notice to the parties, of rules published in the Rules of the City of New York or in The City Record. In addition, all parties are deemed to have notice that official notice may be taken of other publicly available regulations, directives, guidelines, notices of examination, and similar documents that are lawfully applicable to the parties.

§ 2-25 The Hearing Recording.

(a) All hearings shall be recorded by the Commission; a copy of the audio and/or video may be made available to the parties upon payment of the applicable fee.

(b) No party or other person shall make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any hearing or other proceeding, except as provided in subdivision (a) of this section, whether such hearing or other proceeding is conducted in person, by telephone, or by videoconference.

(c) Audio and/or video recordings of hearings that are made pursuant to subdivision (a) of this section are made a part of the record and shall be the official record of proceedings before the Commission, notwithstanding the existence of any other transcript or recording.

§ 2-26 Decision.

(a) The Commission will issue a final decision after fully considering the arguments by the parties and the record on appeal.

(b) The Commission may dispose of an appeal by placing its decision on the record during a hearing or at the conclusion of a pre-hearing conference.

(c) Unless the Commission finds that legally recognized grounds exist to omit information from a decision, all decisions will be issued without redaction. In its own discretion, or on the motion of a party, the Commission may redact or omit certain information.

Subchapter D – Motions

§ 2-27 Motions.

(a) A party seeking relief from the Commission concerning an appeal may file a motion requesting such relief.

(b) Unless otherwise directed, all motions submitted to the Commission must be served on the other party by mail or electronic means.

(c) For all motions, the other party will have 30 days to respond, unless the relief sought by the motion warrants a shorter time.

(d) In its discretion, the Commission may deem any request for relief to be a motion and may cure any defects arising from non-compliance with this subchapter. The Commission will, in its discretion, liberally construe requests for relief by self-represented appellants.

CHAPTER 3

Additional Rules of Practice Applicable to Particular Types of Appeals Heard and Decided by the Commission

Subchapter A – Rules for Civil Service Law Section 76 Appeals

§ 3-01 Requirements to File an Appeal.

An appeal to the Commission by any person aggrieved by a final determination of guilt and/or a penalty of punishment imposed in a disciplinary proceeding conducted pursuant to CSL § 75, must be filed with the Commission by email or electronic means within twenty (20) days of the date of the notice of final disciplinary action. Such additional time in which to appeal as provided in CSL § 76 shall be allowed where service of the final determination was by mail. Appeals must include a copy of the agency head's final disciplinary action that was delivered to the appellant.

§ 3-02 Untimely Appeals.

If an appeal is untimely filed with the Commission, the agency may move to dismiss the appeal. Motions for dismissal on timeliness or jurisdictional grounds may be made prior to submission of the record of the disciplinary proceeding. The Commission may, in its discretion, deem an appeal to be timely and accept it for processing.

§ 3-03 Agency Submissions.

Upon receipt of a valid disciplinary appeal, the Commission will issue a notice of appeal to the agency. The agency will have thirty (30) days from the date of the notice of appeal to submit the complete record of the disciplinary proceeding as identified in the notice of appeal. Such submission shall be via electronic means, whenever practicable, or via mail. Any documents not previously provided to appellant or appellant's attorney or representative must be sent to appellant or appellant's attorney or representative when submitted to the Commission.

§ 3-04 Proceedings.

The Commission will review the record below and will afford the parties the opportunity to submit written arguments on the findings of fact, conclusions of law and penalty imposed. The Commission decides appeals based on the record of the disciplinary proceeding conducted by the agency or its designee. Should the Commission schedule a hearing, the parties may offer their arguments on the findings of fact, conclusions of law and the penalty imposed. Evidence that was not in the record of the disciplinary proceeding may not be presented to the Commission.

Subchapter B – Rules for Appeals from Determinations of the Commissioner of the Department of Citywide Administrative Services or Their Designee.

§ 3-05 Requirements to File an Appeal.

(a) An appeal to the Commission by any person aggrieved by an action or determination by the commissioner of citywide administrative services or their designee, shall lie only where the action or determination appealed from is made pursuant to the commissioner of citywide administrative services' powers and duties as enumerated in paragraphs 3, 4, 5, 6, 7, and 8 of Section 814(a) of the Charter or paragraph 5 of Section 814(b) of the Charter. Such appeal shall be made in writing to the Commission within thirty (30) days of the date of the notice of the action or determination. If notice of the action or determination is by mail, there shall be a rebuttable presumption that notice occurred as of five (5) calendar days after the date of the mailing of the notice of action or determination.

(b) The Commission's review of non-disciplinary appeals adopts the same default privacy considerations that governed during the agency process below.

§ 3-06 Untimely Appeals.

If an appeal is untimely filed with the Commission, the Commission will request an explanation from the appellant for the untimely appeal. Upon the submission of such explanation, the Commission may, in its discretion, deem an appeal to be timely and accept it for processing.

§ 3-07 Proceedings.

(a) The Commission will decide appeals from actions or determinations of the commissioner of citywide administrative services or their designee on the basis of written submissions by the parties. Such submissions must include the record in support of the determination by the commissioner of citywide administrative services or appropriate motions to dismiss the notice of appeal. The Commission, however, may hear oral argument to afford appellant an opportunity to make an explanation and to submit facts in opposition to the action or determination of the commissioner of citywide administrative services. At such proceedings, the commissioner of citywide administrative services will be permitted to defend their action or determination.

(b) Any new information that a party wishes to introduce must be submitted to the opposing party reasonably in advance of the hearing so that the opposing party may review the new information and respond to it at the hearing.

(c) Witnesses. Witnesses may testify in the discretion of the Commission. A party intending to offer a witness must so inform the Commission and the adverse party at least five (5) business days prior to the hearing. Character witnesses may be heard in the discretion of the Commission.

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LOFT BOARD

■ **NOTICE**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Loft Board (Loft Board) is proposing to amend its rules. The amendments will update the rules to comply with amendments to the Loft Law and will streamline and simplify the Loft Board's procedures.

When and where is the hearing? The Loft Board will hold a public hearing on the proposed rules at 22 Reade Street, Spector Hall, New York, New York 10007. The public hearing will take place from 2:00 pm to 5:00 pm on December 8, 2022

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Loft Board through the NYC rules website at http://rules.cityofnewyork.us.
- **Email.** You can email comments to nycloftboard@buildings.nyc.gov.
- **Mail.** You can mail comments to New York City Loft Board, 280 Broadway, 1st floor, New York, NY 10007.
- **Fax.** You can fax comments to New York City Loft Board at 646-500-6169.

Is there a deadline to submit comments? Yes, you must submit comments by December 8, 2022.

Speaking at the hearing. Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up by emailing nycloftboard@buildings.nyc.gov by December 1, 2022 and including your name and affiliation. While you will also be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

What if I need assistance to participate in the hearing? You must tell the Loft Board if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2616. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 1, 2022. Accessibility option(s) available: Simultaneous transcription and an ASL interpreter for people who are hearing impaired, and audio only access for those who are visually impaired.

Can I review comments that are made on the proposed rules? You can review comments on the proposed rules that are made online by going to the website at http://rules.cityofnewyork.us/.

What authorizes the Loft Board to make the proposed rules? Section 282 of the Multiple Dwelling Law and § 1043(a) of the City Charter authorize the Loft Board to make these proposed rules.

Where can I find the Loft Board's current rules? The Loft Board's current rules are in Title 29 of the Rules of the City of New York.

What laws govern the rulemaking process? The Loft Board must meet the requirements of § 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of § 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Background

In 1982, the New York State legislature passed Article 7-C of the Multiple Dwelling Law (MDL), also known as the Loft Law. The law created a new class of buildings in New York City called interim multiple dwellings (IMD). Initially, the Loft Law allowed the conversion to residential space of former commercial and manufacturing spaces that were used as residences by at least three or more families living independently from April 1, 1980, through December 1, 1981 in zoning districts that permitted residential use. The Loft Law has been subsequently amended to allow for the conversion of commercial or manufacturing space in additional districts and for spaces used as a residence during additional time periods.

The Loft Law also established the Loft Board to coordinate the legal conversion of these spaces to safe, rent-stabilized residential units. The Board is charged with overseeing the conversion of IMD buildings from commercial and manufacturing spaces to safe, rent-stabilized residences that comply with the minimum standards of safety and fire protection stated in Article 7-B of the MDL. The Board adjudicates and mediates disputes between owners and tenants, tracks the progress of each building undergoing legalization and prosecutes parties who violate the Loft Law and the Loft Board's rules.

In June 2019, the State Legislature amended the Loft Law to include units in a commercial or manufacturing building that lacks a residential certificate of occupancy, where three or more families lived independently for twelve consecutive months from January 1, 2015 through December 31, 2016.

In addition, the amended Loft Law requires that units:

- must be at least 400 square feet;
- must not be located in a cellar;
- must not be located in an Industrial Business Zone (other than the Greenpoint, Williamsburg, certain parts of North Brooklyn and certain parts of the Long Island City Industrial Business Zones);
- must not be located in a building that, on June 21, 2010 or June 25, 2019, and continuing through the time of the filing of the coverage application, contains a use in Use Group 18 that is inherently incompatible with residential use and cannot be reasonably mitigated.

Proposed Rule Amendments

The Loft Board is proposing to amend its rules to incorporate the changes to the Loft Law and to streamline its procedures. Specifically:

Section 1 of the proposed rule repeals and reenacts, with new numbering and modifications, Chapter 1 of the Loft Board's current rules. Among other things, the new Chapter 1 allows for electronic filing of documents in most cases, incorporates most of the definitions contained throughout the Loft Board's rules into a definition section, adds a provision making it a violation for filing a material false statement and clarifies these rules by using plain language. The section also adds a provision allowing the Executive Director to extend any filing deadline for a reasonable amount of time, upon demonstration of extraordinary circumstances and in order to avoid injustice.

Sections 2 through 22 of the proposed rule amend Chapter 2 of the Loft Board's rules. Many of these changes are ministerial, correcting cross-references to Chapter 1 and inconsistent formatting. However, some of the changes are substantive.

Section 2 adds code compliance deadlines based upon both the 2015 and 2019 amendments to the Loft Law.

Section 3 adds cross references to capture additions made to MDL § 284(1). Additionally, language discussing owners' opportunity to file for an extension for 60 days after the enactment of the 2013 language was removed because the referenced window of time has passed and such an opportunity for an extension no longer exists.

Section 4 of the proposed rule amends the Loft Board's process for occupant review of an owner's legalization plans, commonly known as the narrative statement process. Specifically, the section adds provisions:

- requiring owners to electronically send copies of plans to the occupants who provide email addresses;
- requiring an architect or engineer to certify that the narrative statement, which accompanies the plans, is complete and accurate;
- allowing owners to electronically serve and file the narrative statement to the occupants that provide email addresses; and
- requiring owners to provide copies of Department of Buildings objection sheets at the narrative statement conference.

The section also includes a sliding scale for the time allowed tenants to file alternate plans or comments opposing owner's legalization plan. The time frame is based on the number of IMD units contained in a building.

Section 9 changes the reporting requirement from monthly to quarterly for owners who have received Loft Board certification of their legalization plans. However, the Loft Board reserves the right to ask for additional reports if needed.

Section 12 amends the Loft Board's minimum housing maintenance standards with respect to heat to incorporate the stricter heat requirements created by Local Law 86 of 2017.

Section 13 amends the Loft Board's registration requirements to conform to the 2019 amendments. The section clarifies where and what type of notice owners need to post in their buildings, in order to make tenants aware that the building is covered under the Loft Law.

Section 16 adds new Interim Rent Guidelines for units covered under MDL § 281(6). The section mirrors section 29 RCNY § 2-06.2, the interim rent guidelines for units covered under § 281(5).

Section 18, which amends 29 RCNY § 2-08, contains the most significant changes, most of which are based on the 2019 amendments to the Loft Law. The section codifies the new criteria for Article 7-C coverage contained in § 281(6) of the Loft Law. The section eliminates the window requirement, eliminates the basement exclusion and limits the inherently incompatible use exclusion to uses in Use Group 18. To the extent exclusions still exist, only the unit seeking coverage must meet the requirements for coverage. Other units which were residentially occupied during the applicable window period do not have to be eligible for coverage in order for the Loft Board to cover an applicant's unit. In addition, the proposed rule limits coverage for buildings in the North Brooklyn Industrial Business Zone to buildings located outside M3 districts.

Most importantly, the section now incorporates and redefines the requirements to become a residential occupant qualified for protection under the Loft Law. These provisions were formerly contained in 29 RCNY § 2-09(b).

Prime lessees occupying a covered unit as a primary residence on the date they file for protection, and their spouses or domestic partners, are protected occupants to the exclusion of others while their leases are in effect. If the lease has expired or the prime lessee is not in occupancy, other occupants qualify for protection. Primary residency is required and the proposed rule contains factors for the Loft Board to consider in deciding questions of primary residency.

Section 20 amends the Loft Board's rule concerning sales of rights. The amended rule eliminates provisions that allowed owners to file sales documents without occupant signatures. It also requires owners to disclose the full consideration supporting the sale. Thus, redaction of monetary amounts would no longer be allowed. The proposed rule also clarifies that the refund of a security deposit is not acceptable consideration for a sale of rights.

Section 21 amends the Loft Board's penalty schedule, increasing maximum penalties to $25,000 pursuant to the 2019 amendments to the Loft Law. The section also increases penalties imposed on owners who fail to timely renew their registrations and adds penalties for violating a Loft Board order or filing a material false statement.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 29 of the Rules of the City of New York, relating to the Loft Board's practice and procedures, is REPEALED in its entirety and replaced by a new Chapter 1 to read as follows:

Chapter 1: Practice and Procedure

Subchapter A: General

§ 1-12 Definitions. As used in this Title, unless otherwise defined, the terms below have the following meanings:

Adjudicator means an Administrative Law Judge or hearing officer of the Office of Administrative Trials and Hearings for matters before that tribunal, or a Loft Board staff member assigned to conference or hear and decide an Application.

Administrative Determination means a written decision made by a Loft Board staff member pursuant to these rules, from which a party has a right to appeal to the Loft Board.

Affected Party means the Owner or Responsible Party and the Occupants necessary to decide a claim asserted in an Application or proceeding as further described in § 1-21(b) below.

Agent, as used in § 284(2) of the New York State Multiple Dwelling Law and this chapter, means the individual in control of and responsible for the maintenance and operation of the IMD building, which individual must be twenty-one (21) years of age or older, and must reside within New York City or customarily and regularly attend a business office located in New York City.

Alteration Application means a work application form filed with the DOB which describes work to be done in a Building that will result in obtaining a residential certificate of occupancy for an IMD unit.

Alteration Permit, also referred to as "building permit," means a document issued by DOB authorizing the Owner or Responsible Party to make the alterations stated in the approved Alteration Application which are necessary to obtain a residential certificate of occupancy for an IMD unit.

Alternate Plan Application means an Occupant's Alteration Application and associated Legalization Plan filed with DOB.

Application means the document used to start a proceeding before the Loft Board.

Art. 7-B means Article 7-B of the MDL.

Art. 7-C means Article 7-C of the MDL.

Building means any structure which is permanently affixed to the land, has one (1) or more floors and a roof and is bounded by either open area or the lot lines of a zoning lot. A Building may be a row of structures, and have one (1) or more structures on a single zoning lot.

Business Day means 9:00 am to 4:00 pm on Monday through Friday, except for federal, New York State or New York City holidays.

Business Hours means 9:00 am to 4:00 pm on Monday through Friday, except for federal, New York State or New York City holidays.

Chair means the Chairperson of the Loft Board or his or her designee.

Code Compliance Deadlines means the deadlines contained in the provisions of MDL § 284(1) and 29 RCNY § 2-01 of Chapter 2 of this Title.

DHCR means the New York State Homes and Community Renewal's Division of Housing and Community Renewal.

Dispute Resolution Proceeding means a proceeding to determine whether the Owner's or Responsible Party's Alteration Application and Legalization Plan would result in an unreasonable interference of the Occupant's use of the unit or a diminution of service.

DOB means the New York City Department of Buildings.

Escalators means additional charges agreed upon by the Occupant and Landlord or Responsible Party to be paid by the Occupant provided in a lease or rental agreement, including but not limited to charges based on real estate taxes, heating fuel, labor, water and sewer, insurance, vault tax and any cost-of-living formulas.

Executive Director means the Executive Director of the Loft Board or his or her designee.

Family means the same as set forth in MDL § 4(5).

Grandfathering means the administrative process by which the Department of City Planning or a successor agency determines that a Residential Unit, which is located where residential use is not permitted by the Zoning Resolution, is a legal Residential Use as of Right and therefore may be eligible for coverage under Art. 7-C.

Harassment means any course of conduct or single act engaged in by the Owner, Landlord or any other Person acting on such Owner's behalf that interferes with or disturbs the comfort, repose, peace or quiet of an Occupant in the Occupant's use or occupancy of its unit. Such conduct must be intended to cause the Occupant to vacate the Building or unit, or to surrender or waive any rights of such Occupant under the Occupant's written lease or other rental agreement or pursuant to Art. 7-C. Harassment may also include any act or course of conduct by a Prime Lessee or any Person acting on such Prime Lessee's behalf that would constitute Harassment if engaged in by the Owner or Landlord, against any of the Prime Lessee's current or former subtenants who are residential Occupants qualified for protection under Art. 7-C. Harassment includes, but is not limited to, the intentional interruption or discontinuance of or willful failure to provide or to restore services customarily provided in the Building or required by written lease or other rental agreement or, for residential Occupants qualified for the protections of Art. 7-C, by the Loft Board rules regarding minimum housing maintenance standards. Harassment does not include either the lawful termination of a tenancy or lawful refusal to renew or extend a written lease or other rental agreement, or acts performed in good faith and in a reasonable manner for the purposes of operating, maintaining or repairing any Building or part thereof. There is no requirement that the Landlord's actions or inactions be illegal to constitute Harassment. The Loft Board may find that a particular act constitutes Harassment whether it was directed toward one Tenant or multiple Tenants.

IMD means an Interim Multiple Dwelling as defined in MDL § 281 and § 2-08 of these rules.

IBZ means an industrial business zone as defined in Chapter 6-D of Title 22 of the New York City Administrative Code.

Landlord means the Owner of an IMD, the lessee of a whole Building all or part of which contains IMD units, or the agent, executor, assignee of rents, receiver, trustee, or other Person having direct or indirect control of such Building.

Legalization Plan means the construction documents, as defined in § 28-101.5 of the New York City Administrative Code, as may be amended, including but not limited to architectural, structural, detailed drawings, construction specifications, tenant protection plan and other required plans submitted to the DOB with the Alteration Application as defined above.

Legalization Process means the process of procuring a Certificate of Occupancy for the residential portions of the Building or the IMD units.

Letter of No Objection ("LONO") means a Loft Board certificate issued to a Responsible Party authorizing work in a non-IMD space.

Living Independently means having attributes of independent living by a Family in each Residential Unit, such as: (i) a separate entrance providing direct access to the Residential Unit from a street or common area, such as a hallway, elevator, or stairway within a Building; (ii) one (1) or more rooms such as a kitchen area, a bathroom, a sleeping area and a living room area arranged to be occupied exclusively by the members of a Family and their guests, which room or rooms are separated, and set apart from all other rooms within a Building; or (iii) such other indicators of independent living which demonstrate the Residential Unit's use as a residence of a Family Living Independently.

Loft Board means the body established pursuant to MDL § 282 or its staff.

MDL means the New York State Multiple Dwelling Law.

Month means thirty (30) calendar days.

Narrative Statement means a document that describes in plain language the proposed alterations for each unit, both residential and non-residential, all of the work the Owner or an authorized representative will perform in such unit and all of the work the Owner or an authorized representative will perform in common areas.

New Owner means any unrelated Person to whom title to the property is conveyed for a legitimate business purpose and not for the purpose of evading the Code Compliance Deadlines of the MDL or any other law.

OATH means the Office of Administrative Trials and Hearings.

Occupant, unless otherwise provided, means a residential occupant eligible for or qualified for the protections of Art. 7-C, any other residential Tenant, or any non-residential tenant.

Owner means the owner or owners of the freehold of the premises.

Person means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

Petition means a request or application for the Loft Board to adopt a rule.

Petitioner means the Person who files a Petition.

Prime Lessee, unless otherwise provided, means the party with whom the Owner or Landlord entered into a lease or rental agreement for use and occupancy of a portion of an IMD, which is being used residentially, while the lease remains in effect.

Private Delivery Service means a company whose business includes delivering documents and packages for a fee.

Privity means a direct contractual relationship between two (2) parties, which may be
established explicitly, implicitly or by operation of law.

Protected Occupant means an occupant qualified for protection under Art. 7-C.

Residential Unit means any space used for residential purposes within an IMD Building.

Residential Use as of Right means that the Zoning Resolution permits residential use in the zone in which the Building is located.

Responsible Party means the Owner or one who holds a lesser estate therein, including but not limited to a mortgagee or vendee in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, an Agent, or any other Person directly or indirectly in control of a dwelling.

RGB means the New York City Rent Guidelines Board.

Specific Interest Groups means the members of the Loft Board representing manufacturing interests, the real estate industry and loft residential Tenants.

Special Meeting means a meeting of the Loft Board, other than a regular meeting, held at the request of the Chair or by affirmative vote of at least five (5) members.

Special Permit means an approval granted pursuant to a Grandfathering procedure in the Zoning Resolution involving a discretionary determination and approval by the City Planning Commission or other entity having jurisdiction to approve rezoning for residential use.

Study Area means an area defined in § 42-02 of the Zoning Resolution, which, on the effective date of Art. 7-C, was zoned as manufacturing and under study by the City Planning Commission for a determination of the appropriateness of the zoning.

Sublessee means a Person who leases all or part of an IMD from a Prime Lessee or another Sublessee.

Sublessor means a Prime Lessee who leases all or a portion of an IMD to another tenant.

Tenant refers to a residential tenant and is interchangeable with the term Occupant in Art. 7-C and this Title.

Zoning Resolution means the Zoning Resolution of the City of New York.

§ 1-13 Loft Board Powers

(a) Pursuant to MDL § 282, the Loft Board has the power to:

(1) determine IMD status and other issues of coverage;

(2) resolve hardship appeals;

(3) determine any claim for rent adjustment under this article brought by an Owner, a Responsible Party or a Tenant;

(4) issue, after a public hearing, and enforce rules governing:

(i) minimum housing maintenance standards in IMDs (subject to the provisions of Art. 7-C and the New York City Building Code);

(ii) rent adjustments before legalization;

(iii) compliance with Art. 7-C; and

(iv) the hearing of complaints and Applications made to it;

(5) determine controversies arising over the fair market value of a Tenant's fixtures or reasonable moving expenses;

(6) appoint such personnel as necessary to carry out its functions.

(b) The violation of a Loft Board order or any rule promulgated by the Loft Board will be punishable by a civil penalty not to exceed $25,000.

(c) *Action by the Loft Board on its own initiative.* The Loft Board may, on its own initiative, commence proceedings or investigations pursuant to its powers or duties under Art. 7-C and the rules promulgated by the Loft Board. This includes, but is not limited to, findings, determinations or enforcement proceedings concerning coverage, hardship claims, rent adjustments, fixture fee disputes, exemptions, minimum housing maintenance standards and compliance with requirements of Art. 7-C. Before making a finding or determination pursuant to Art. 7-C, the Loft Board must allow the party against whom a proceeding is directed an opportunity to be heard on not less than fifteen (15) days' notice by regular mail.

(d) *Authority of the Executive Director and the Chair.* The Executive Director of the Loft Board has administrative authority, under the direction of the Chair. Official correspondence regarding administrative matters may be signed by the Executive Director.

(e) *Extension of filing deadlines.* Unless otherwise stated in these rules, the Executive Director may, upon demonstration of extraordinary circumstances and in order to avoid injustice, extend any filing deadline contained in these rules for a reasonable amount of time, taking into consideration the reason for the request.

§ 1-14 Language Assistance Services. Appropriate language assistance services will be provided to members of the public whose primary language is not English to assist such members of the public in communicating meaningfully with the Loft Board.

§ 1-15 Submissions to the Loft Board.

(a) Correspondence to the Loft Board may be addressed to the New York City Loft Board or to the attention of the Chair or the Executive Director at the New York City Loft Board.

(b) All documents submitted to the Loft Board must be submitted on official Loft Board forms. If a hard copy is required and if a form is not available, the Person submitting the document must use plain white, durable paper which must be eight and one-half by eleven (8.5 x 11) inches in size.

(c) Unless otherwise stated in these rules, all submissions must be legible, signed either by hand or electronically and verified or affirmed. The Loft Board may reject any submission that does not meet these requirements. Correspondence to the Loft Board does not have to be verified or affirmed.

(d) Any Person who files or causes to be filed a document with the Loft Board that contains a material false statement will be subject to a civil penalty. A Person may raise as an affirmative defense that the Person neither knew nor should have known that such statement was false.

§ 1-16 Computation of Time.

(a) In computing any period of time stated or allowed by this chapter, the day of the act or default from which the designated period of time begins to run will not be included, but the last day of the period will be included unless it is a Saturday, Sunday or legal holiday, in which case the period will be extended to the next day which is not a Saturday, Sunday or legal holiday. Unless otherwise specified in these rules, "days" means calendar days.

(b) Unless otherwise specified, whenever a Person has the right or is required to take an action within a prescribed period of time after the date of a Loft Board action, five (5) days will be added to such prescribed period of time if the decision is mailed to such Person.

(c) A submission is not considered filed with the Loft Board until it is actually received in the Loft Board's office. If these rules require that a document be filed with the Loft Board within a prescribed time period, that document must be received within the prescribed time period.

§ 1-17 Public Access to Records.

(a) A Person may file a request for inspection or for copies of records available under Article 6 of the New York State Public Officers Law (Freedom of Information Law), through the New York City Open Records Portal or by sending or delivering a request to the Loft Board's office addressed to: Public Information Officer, New York City Loft Board. Loft Board staff will make all records of the Loft Board available unless such records are exempt from disclosure by law. Loft Board staff may make records available by mail, electronically, or by inspection. Records may be inspected only by appointment upon prior written request at the offices of the New York City Loft Board on Business Days between the hours of 10 a.m. and 4 p.m. The public may obtain photocopies of non-exempt records at a charge of twenty-five (25) cents per page for pages no larger than nine by fourteen (9 x 14) inches. The public may obtain photocopies of non-exempt records which are larger than nine by fourteen (9 x 14) inches at a charge per page as listed in RCNY § 101-03. When the Public Information Officer denies access to records in whole or in part, such determination may be appealed within thirty (30) days by written application. The written application may be sent through the New York City Open Records Portal or by regular mail or hand delivery to: General Counsel, New York City Loft Board.

(b) *Confidentiality of lease information.*

(1) The Loft Board will keep confidential all personal information in leases submitted with a registration Application.

(2) The Loft Board may release personal information about a unit to the current Owner of a Building or to the current Occupant of a unit or other Responsible Party to the extent the Loft Board believes such release is necessary to decide an Application filed with the Loft Board or a case filed in a court.

(3) Personal information will not be disclosed pursuant to a Freedom of Information Law request except in accordance with or as required by such law.

Subchapter B: The Loft Board

§ 1-18 Organization and Voting.

(a) The Loft Board consists of no fewer than five (5) and no more than nine (9) members. These members include a representative from each of the Specific Interest Groups, the Commissioner of the Department of Buildings, serving ex officio as Chair, and the Fire Commissioner, serving ex officio as a member and representing the public (collectively, the "Designated Members"). All other members of the Loft Board represent the public ("Public Members").

(b) A quorum consists of a majority of the entire Loft Board (defined as the five Designated Members, including any current vacancies, plus any Public Members, excluding any vacancies). Loft Board action may be taken by affirmative vote of the majority of the entire Loft Board (as defined in the preceding sentence) when a quorum is present.

(c) Each member of the Loft Board has one (1) vote. The Commissioner of the Department of Buildings and the Fire Commissioner, serving ex officio, may each designate an employee of his or her department to serve on the Loft Board and vote in his or her absence. Representatives of the Specific Interest Groups may, in their absence, designate substitutes to participate in discussions at the Loft Board meetings, when the Loft Board, by majority vote, requests such participation. Such designated substitutes may participate only to the extent permitted by the Loft Board and will not have the right to vote.

(d) If the provisions of this section are inconsistent with the provisions of a mayoral executive order promulgated pursuant to MDL § 282 after the effective date of this subdivision, the provisions of such order will control.

§ 1-19 Rulemaking.

(a) The Loft Board will promulgate rules governing its procedures and the exercise of its powers under Art. 7-C and other applicable law.

(b) At the direction of the Chair or by vote of the Loft Board, Loft Board staff will draft rules, guidelines and procedures. In addition, Loft Board members may draft rules, guidelines and procedures and present them to the Loft Board for consideration. All draft rules must be submitted to the Loft Board for review and comment before they are published for public comment. Draft rules may be modified at the direction of the Chair or by vote of the Loft Board.

(c) As soon as practicable and in any event within a reasonable time, Loft Board staff will make readily available to the public all written comments and a summary of oral comments received from the public or any agency. Following consideration of comments received and public testimony, the Loft Board may modify or amend the proposed rules.

(d) Any Person may petition the Loft Board to consider the adoption of rules.

(1) The Petition must contain the following information:

(i) The proposed language for the rule to be adopted;

(ii) A statement of the Loft Board's authority to promulgate the rule and its purpose;

(iii) The Petitioner's argument in support of adopting the rule;

(iv) The period of time the rule should be in effect;

(v) The name, address and telephone number of the Petitioner;

(vi) The handwritten or electronic signature of the Petitioner.

(2) Petitioner must mail, email or deliver the Petition to the offices of the Loft Board marked to the attention of the Executive Director.

(3) Loft Board staff will present all Petitions for rules submitted in proper form to the Loft Board for consideration at the next regularly scheduled meeting. The Loft Board will either deny the Petition by written notice stating the reasons for denial or order the Loft Board staff to proceed with rulemaking. The Loft Board may amend or modify the Petitioner's proposed language at the Loft Board's discretion. The Loft Board's decision to deny or grant a Petition is final and will not be subject to judicial review.

§ 1-20 Meetings and Hearings.

(a) *Meetings.* The Loft Board will schedule regular meetings. It may also conduct Special Meetings at the request of the Chair or by affirmative vote of at least five (5) members.

(1) The Chair will determine the order of business at all meetings, but the Loft Board may, by vote, change such order. The Chair will place any matter on the agenda at the request of at least three (3) members. The Chair will place such matter on the agenda within a reasonable time. The Chair may table any matter on the agenda.

(2) The Chair will follow Robert's Rules of Order when conducting all meetings. If these rules conflict with Robert's Rules of Order, these rules control.

(3) All regular meetings and Special Meetings are open to the public. Meetings at which the Loft Board exercises its quasi-judicial functions are closed to the public as provided for in §108 of the New York State Public Officers Law.

(4) Loft Board staff will prepare draft minutes of every public meeting of the Loft Board and make those minutes available to the Loft Board members and the public no later than two (2) weeks from the date of a meeting.

(5) The Loft Board staff will record all public meetings in digital video format. The recordings will be archived and made available to the public on the Loft Board's website not more than seventy-two (72) hours after adjournment of the meeting. In addition, the Loft Board will make a back-up recording.

(b) *Hearings.* At the direction of the Chair or by vote of the Loft Board, the Loft Board may conduct public hearings on any matter within its purview under Art. 7-C, including rulemaking. At such hearings, any member of the public may speak or otherwise participate for up to three (3) minutes on the subject before the Loft Board. The time limit on any speaker may be modified or waived at the request of any Loft Board member.

Subchapter C: Applications to the Loft Board

§ 1-21 Service and Filing of Applications.

(a) Any Person may commence a proceeding before the Loft Board by serving and filing an Application.

(1) *Form of Application.* The applicant must use the forms provided by the Loft Board. The applicant may not alter or re-type the forms. Each Application may only contain one (1) claim.

(2) The Application must contain facts and arguments relevant to the claim raised in the Application. If requested in the Application form, the applicant must attach documents in support of material facts where such documents exist.

(3) The applicant must list on the Application, to the best of his or her knowledge, all Affected Parties. Failure of an applicant to list all of the Affected Parties may result in rejection of the Application or a delay in processing the Application.

(4) An Application for rent overcharges must be filed within six (6) years of such overcharge. The Loft Board will not award overcharges for the period before the date of filing of a coverage or registration Application. An award by the Loft Board for rent overcharges may only include overcharges within the six (6) years immediately preceding the date of the Application for rent overcharges.

(5) An Application for rent adjustments based on the cost of code compliance must be filed no later than nine (9) Months after the Owner or Responsible Party has obtained a residential certificate of occupancy. An Owner or Responsible Party who fails to timely file an Application for code compliance rent adjustments waives the right to seek such a rent adjustment.

(6) An Application for registration as an IMD or for coverage of Residential Units located within the North Brooklyn IBZ that meet the requirements under MDL § 281(5) or (6) and these rules must be filed with the Loft Board by {9 months after the promulgation of all the rules necessary to implement the provisions of Chapter 41 of the Laws of 2019}, which is nine (9) months after the promulgation of all the rules necessary to implement the provisions of Chapter 41 of the Laws of 2019. However, a Building located within such North Brooklyn IBZ that is in a district zoned M3, as such district is described in the Zoning Resolution in effect at the time the Application for registration as an IMD or for coverage of Residential Units is filed, is not eligible for coverage pursuant to MDL § 281(5) or (6).

(b) *Affected Parties.*

(1) For coverage, Harassment and hardship Applications, Affected Parties include:

(i) the Owner,

(ii) any Responsible Party, if applicable,

(iii) all Prime Lessees and Sublessees in the Building, including residential and commercial and manufacturing tenants, and

(iv) Any Person residing within or commercially utilizing any unit of the building, if different from the Prime Lessees and Sublessees.

Where a Harassment Application solely alleges that the Owner's or Responsible Party's challenge of a sale of improvements is frivolous, the applicant must serve only the Owner or Responsible Party as an Affected Party.

(2) For abandonment Applications, Affected Parties include:

(i) the Owner,

(ii) any Responsible Party, if applicable,

(iii) all Prime Lessees and Sublessees in the Building, including residential and commercial and manufacturing tenants,

(iv) all Occupants of the Building, if different from the Prime Lessees and Sublessees,

(v) the current Occupant of the alleged abandoned unit,

(vi) the previous Occupant alleged to have abandoned the unit and

(vi) the beneficiary of the previous Occupant's estate, if applicable.

(3) For Protected Occupancy Applications, Affected Parties include:

(i) the Owner,

(ii) any Responsible Party, if applicable,

(iii) all Prime Lessees and Sublessees of the unit in which the applicant resides, and

(iv) all Occupants of the unit in which the applicant resides, if different from the Prime Lessees and Sublessees.

(4) For reconsideration Applications, Affected Parties include:

(i) the Owner,

(ii) any Responsible Party, if applicable, and

(iii) all Affected Parties in the underlying proceeding.

(5) For all other types of Applications, Affected Parties include:

(i) the Owner,

(ii) any Responsible Party, if applicable, and

(iii) the Occupants needed to resolve the claim stated in the Application.

(c) *Service of the Application.* Before filing an Application with the Loft Board, the applicant must serve each Affected Party with a copy of the Application, supporting documents, if any and a blank answer form. The applicant may serve by:

(1) personal service. Proof of personal service consists of a sworn affidavit indicating the date, time, place, location, and mode of identification of such personal service; or

(2) email, if the Affected Party consents to such service and has provided the applicant with an email address for such purpose. Proof of service by email consists of a copy of a delivery receipt from an email server indicating the email was delivered to such email address; or

(3) fax, if the Affected Party consents to such service and has provided the applicant with a fax number for such purpose. Proof of service by fax consists of a fax machine receipt indicating the transmission was successfully delivered to such number; or

(4) first class mail. Proof of service by first class mail consists of a United States Post Office-stamped copy of the certificate of mailing indicating the mailing address of the Affected Party; or

(5) delivery by a Private Delivery Service. Proof of service by a Private Delivery Service consists of a copy of a receipt showing acceptance by the delivery service for delivery to the address of the Affected Party.

(d) *Service by Loft Board staff based on financial hardship.*

(1) The Loft Board staff may serve all Affected Parties if the applicant proves that the applicant does not have sufficient funds to complete service.

(2) To request service by the Loft Board, the applicant must submit a written request asking the Loft Board staff to serve each Affected Party. This written request must be attached to an electronic or hard copy of the Application that complies with 29 RCNY § 1-21(e). The applicant may file the hard copy of the Application by hand delivery during regular Business Hours, by first class mail or by Private Delivery Service. The applicant may file the electronic copy by email to an address provided by the Loft Board or by fax.

(3) The request must include an affidavit stating the amount and sources of all of the applicant's income, a list of real property owned by the applicant and the value of the property and any facts that would be helpful in determining whether to approve the request.

(4) The Loft Board staff will notify the applicant of its decision either electronically if an email address or fax number has been provided or by first class mail. If the Loft Board staff approves the request, it will serve a copy of the Application and blank answer form on each Affected Party. If the Loft Board staff denies the request, it will return the hard copy of the Application to the applicant so that the applicant can serve each Affected Party.

(e) *Filing the Application with the Loft Board.*

(1) The Loft Board will not process any Application unless the Application package is complete.

(2) A complete Application package includes:

(i) either one bound hard copy of the Application with original signature and one unbound and unstapled hard copy of the Application or one electronic copy of the Application in a format required for electronic copies as listed on the Loft Board's website (unless the Loft Board staff has waived this requirement);

(ii) proof of service on all Affected Parties (unless the Loft Board staff has waived this requirement);

(iii) all supporting documents requested in the Application form; and

(iv) the Application fee in the amount required by the Loft Board's rules.

(3) The applicant may file the hard copies of the Application and applicable fees by hand delivery during regular Business Hours, by regular mail or by Private Delivery Service. The applicant may file an electronic copy by email to an address provided by the Loft Board or by fax.

(4) The Loft Board will not process an Owner's or Responsible Party's Application unless, as of the date of filing such Application, the registration renewal Application is current and all applicable fees and penalties have been paid in full. An Application is not deemed filed until the Loft Board receives payment of all outstanding fees, fines and penalties.

(5) The Loft Board will not process an Application or consider an Application filed until the applicant pays the Application fee and files all required documents. The Loft Board will return incomplete Applications and the Application fee, if applicable, to the applicant without further notice.

(6) The filing date of a completed Application package is the date on which the applicant files the last document. Where these rules contain a filing deadline for an Application, the Loft Board must receive all documents and the Application fee, unless waived, before the filing deadline. The Loft Board may reject an untimely or incomplete Application.

§ 1-22 Service and Filing of Answers.

(a) Except for access and Harassment Applications, any Affected Party may serve and file an answer to an Application within thirty (30) days from when the applicant completed service of the Application. For access and Harassment Applications, any Affected Party may serve and file an answer to an Application within fifteen (15) days from when the applicant completed service of the Application.

(1) *Form of Answer.* The Affected Party must use forms provided by the Loft Board. The Affected Party may not alter or re-type the forms.

(2) The answer must contain facts and arguments relevant to the claim raised in the Application. The Affected Party must attach supporting documents where required by the application form.

(b) *Service of the Answer.* Before filing an answer with the Loft Board, the Affected Party must serve the applicant with a copy of the answer and supporting documents, if any. The Affected Party may serve by:

(1) personal service. Proof of personal service consists of a sworn affidavit indicating the date, time, place, location, and mode of identification of such personal service; or

(2) email, if the applicant consents to such service and has provided a current and valid email address for such purpose. Proof of service by email consists of a copy of a delivery receipt from an email server indicating the email was delivered to such email address; or

(3) fax, if the applicant consents to such service and has provided a fax number for such purpose. Proof of service by fax consists of a fax machine receipt indicating the transmission was successfully delivered to such number; or

(4) first class mail. Proof of service by first class mail consists of a United States Post Office-stamped copy of the certificate of mailing indicating the mailing address of the applicant; or

(5) delivery by a Private Delivery Service. Proof of service by a Private Delivery Service consists of a copy of a receipt showing acceptance by the delivery service for delivery to the address of the applicant.

(c) *Filing the Answer with the Loft Board.* The Affected Party must file either a hard copy of the answer with original signature, or an electronic copy of the answer in a format listed on the Loft Board's website, proof of service on the applicant, and all supporting documents, if any, with the Loft Board on or before close of business on the last day of the time period stated in subdivision (a) of this section. The Affected Party may file the hard copy by hand delivery during regular Business Hours, by regular mail or by delivery by a Private Delivery Service. The Affected Party may file the electronic copy by email to an address provided by the Loft Board or by fax.

(d) *Extensions of time to file an Answer.*

(1) An Affected Party who requires additional time to answer must file a written request with the Loft Board before the

end of the answer period. The request must explain the reason(s) the Affected Party needs the extension of time. The Affected Party must serve the request on the applicant by any manner allowed for service of an answer. After service, the Affected Party must file the request and proof of service with the Loft Board. The request and proof of service may be filed by hand delivery, email, fax, regular mail, or Private Delivery Service.

(2) An applicant who wishes to oppose the request for additional time to file an answer may file opposition papers with the Loft Board within three (3) days following service of the extension request. The opposition papers must include the reason(s) why the request should be denied and must describe how the applicant will be prejudiced if additional time is granted. No further submissions will be accepted.

(3) Once the time to oppose the extension request has passed, or after the applicant files opposition papers, the Loft Board staff will issue a written decision granting or denying the extension request. If the Loft Board staff denies the request, the Affected Party will have three (3) days to serve and file an answer. If the Loft Board staff grants the request, the written decision will specify the number of days in which the Affected Party must serve and file an answer.

§ 1-23 Defaults.

(a) An Affected Party who fails to timely file an answer or extension request is in default. The Adjudicator assigned to the case will advise the Affected Party in writing of the default and that the Adjudicator will not hear the Affected Party's defensive case. The Adjudicator will also inform the Affected Party that a hearing without the Affected Party's participation will be held unless the party moves to vacate the default as specified below.

(b) The defaulting party may serve and file a request to vacate the default within thirty (30) days from the mailing date of the default determination. The request must include a statement showing that good cause existed for failure to file an answer and contain supporting documents, if any. An Affected Party may establish good cause by providing a reasonable explanation for failure to file an answer and a summary of a non-frivolous defense it would present in the case. A reasonable explanation may include:

(1) Whether the Application was properly served;

(2) Whether circumstances that could not be reasonably foreseen prevented the Affected Party from filing an answer;

(3) Whether the Affected Party's inability to answer was due to facts that were beyond the Affected Party's control;

(4) Any other fact that the Adjudicator considers relevant to the motion to vacate.

(c) The Adjudicator assigned to the case may allow the applicant to file papers opposing the motion to vacate the default determination. After all papers have been filed, the Adjudicator will issue a written decision determining whether to stay the default and allow the Affected Party to appear.

(d) Where the Affected Party fails to file an answer or move to vacate the default, or where the Adjudicator denies the motion to vacate the default, the case will proceed without the participation of the Affected Party. An applicant must present its case demonstrating entitlement to the relief sought in the Application whether or not an answer has been filed.

§ 1-24 Loft Board Investigations.

(a) The Loft Board may investigate claims raised in Applications or any other documents filed with the Loft Board. As part of its investigation, the Loft Board may request that the parties furnish additional evidence or memoranda relevant to the Application. The Loft Board may also request appropriate ledgers, documents or other records relevant to the issues in dispute.

(b) The Loft Board may conduct informal conferences, upon fifteen (15) days' notice to the applicant and all Affected Parties who have filed an answer, to settle disputes or clarify issues.

§ 1-25 Amended Pleadings.

(a) An applicant or Affected Party may amend pleadings up to and including twenty-five days (25) before the date of the first scheduled conference. If a pleading is to be amended less than twenty-five days before the first scheduled conference, the amendment may be made only on consent of the parties or if permitted by the Adjudicator assigned to the case. On or after the date of the first scheduled conference, parties may submit amended pleadings only if permitted by the Adjudicator.

(b) If amended pleadings are permitted by the Adjudicator assigned to the case, the Adjudicator will afford the applicant or Affected Party an opportunity to respond to the amended pleadings.

(c) The applicant must use the Loft Board's approved form for amended Applications, serve the amended Application on all Affected Parties, and file the amended Application and proof of service with the Loft Board.

(d) An Affected Party must use the Loft Board's approved form for amended answers, serve the amended answer on the applicant, and file the amended answer and proof of service with the Loft Board.

§ 1-26 Communications on Pending Applications.

(a) Any Loft Board staff member assigned to conduct a conference or hearing on an Application, or make findings of fact and recommendations on an Application, must not communicate on any substantive matter involving the merits of the Application with a party to a dispute without notice and opportunity for all parties to participate.

(b) After an Application has been filed with the Loft Board, a Loft Board member must not communicate with any member of Loft Board staff concerning the Application until the matter is before the Loft Board for determination, except that the Chair, in his or her administrative capacity, may communicate with the Loft Board staff. Loft Board members must not attend hearings or conferences conducted by the Loft Board staff.

(c) When the Loft Board staff refers an Application to the Loft Board for determination, any member of the Loft Board who has communicated with a party to the Application without notice and opportunity for all parties to participate must disclose this fact to the other members of the Loft Board before the Loft Board's consideration of the matter.

Subchapter D: Procedures Governing Hearings

§ 1-27 Hearings.

(a) All parties will be afforded an opportunity for a hearing within a reasonable time. The Executive Director will determine whether an informal conference or a hearing will be conducted before a Loft Board staff member or before an Administrative Law Judge at the OATH Trials Division.

(b) The Loft Board will provide at least fifteen (15) days' notice of a scheduled hearing to the applicant and all Affected Parties who have filed an answer. The notice of hearing must include a statement of the nature of the proceeding and time and place where it will be held, the legal authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of law and rules involved, and a short and plain statement of the matters to be adjudicated.

(c) All hearings will be conducted in accordance with procedures stated in these rules. Formal rules of evidence do not apply to such hearings, except rules of privilege recognized by law. At the hearing, the parties may be represented by counsel or by a duly authorized representative, request that a subpoena be issued, call witnesses, cross-examine opposing witnesses and present oral and written arguments on the law and the facts.

(d) All hearings must be electronically recorded, and a duplication of the recording or transcript of the proceedings must be available to any party upon request and agreement to pay the fee assessed for the duplication.

(e) *OATH Hearings.* Where OATH conducts a hearing, and Loft Board rules conflict with OATH's procedural rules, OATH's procedural rules or practices will apply unless otherwise provided by state law. Where there is no OATH rule or practice regarding a procedural issue, the Loft Board's rules will apply. However, notices for scheduled hearings must be sent in accordance with 1-27(b).

(f) *Hearings conducted by Loft Board staff member*. Where a hearing is conducted by a Loft Board staff member, such staff member may take testimony under oath, consider affidavits and other evidence, submit recommended findings of fact and a recommended decision to the Loft Board, and perform such other duties appropriate or necessary to carry out his or her duties as an Adjudicator. While performing such adjudicative duties, such staff member must not perform any other duties for or on behalf of the Loft Board that could create a conflict of interest or impair his or her ability to impartially carry out his or her adjudicative duties.

§ 1-28 Burden of Proof.

(a) Unless otherwise stated in these rules, an applicant must present enough evidence at a hearing to prove that such applicant is entitled to the relief sought in the Application, whether or not an Affected Party is in default or has failed to appear at the hearing. The applicant must prove his or her case by a preponderance of the evidence. If an Affected Party files an answer, the Affected Party has the burden of proving an affirmative defense, if any, by a preponderance of the evidence.

(b) When a party fails to furnish documents requested by the Adjudicator, or fails to submit to examination or cross-examination, inferences adverse to his or her position may be drawn by the Adjudicator from such failure.

§ 1-29 Adjournments.

(a) Requests for adjournments must be made in writing to the Adjudicator assigned to the case, with notice to all Affected Parties or applicant, at least five (5) days before the date of the scheduled conference or hearing. Parties may consent in writing to adjourn conferences or hearings with the approval of the Adjudicator assigned to the case two (2) consecutive times. Any subsequent adjournment request must contain the reason for the adjournment request. The Adjudicator assigned to the case will decide whether or not to grant the adjournment request.

(b) Where an Adjudicator has granted two (2) consecutive adjournment requests to the same party, the Adjudicator may direct that the next scheduled hearing or conference be marked final against that party. Notice must be sent to all parties in writing.

(c) If an applicant fails to appear at a hearing on due notice which has not been marked final against the applicant, the Adjudicator assigned to the case may dismiss the Application with or without prejudice. In determining whether to dismiss with or without prejudice, the Adjudicator should consider, among other factors:

(1) The merits of the Application;

(2) Prejudice to the opposing party;

(3) The expenditure of public and private resources in bringing a case to trial; and

(4) Any other factor the Adjudicator deems relevant.

(d) If an Affected Party fails to appear for a hearing on due notice which has not been marked final against the Affected Party, the Adjudicator may conduct a hearing on the Application. All such hearings must be electronically recorded.

(e) If an applicant does not appear for a conference or hearing which has been marked final against the applicant, the Adjudicator will mark the case off the calendar. To restore the case to the calendar, the applicant must submit a written request for reinstatement within thirty (30) calendar days from the conference or hearing date. The written request for reinstatement must be served on all Affected Parties and must provide a showing that extraordinary circumstances prevented the applicant from attending the hearing or conference. If the applicant does not submit a written request for reinstatement within thirty (30) days from the conference or hearing date, the Adjudicator may recommend that the Loft Board dismiss the Application with prejudice for failure to prosecute.

(f) If an Affected Party fails to appear for a hearing or conference marked final against the Affected Party, the Affected Party's answer may be stricken and the Affected Party may be barred from presenting its case. The Affected Party may file a written request for reinstatement of its answer and the right to present its case within thirty (30) days from the conference or mailing date. The written request must be served on the applicant and must provide a showing that extraordinary circumstances prevented the Affected Party from attending the hearing or conference. If the Affected Party does not file a written request or the written request is denied, the applicant must still present its case to the Adjudicator.

§ 1-30 Settlements.

(a) Where informal conferences conducted by an Adjudicator result in the resolution of disputes to the mutual satisfaction of the parties, a stipulation of agreement must be entered into by the parties and reviewed by the Executive Director. A summary report of such matters including the type of Application, the issues presented and the resolution reached must be made to the Loft Board, which may direct that a particular matter be reopened and referred for further investigation. These cases will appear on the summary calendar of the Loft Board's agenda. Upon issuance of an order, such summary cases will be deemed closed.

(b) The Loft Board has the authority to reject a proposed settlement, in whole or in part, that includes terms that violate public policy or is void and unenforceable.

§ 1-31 Decisions.

(a) The administrative record is deemed closed at the conclusion of the hearing unless otherwise stated by the Adjudicator. For an Application seeking removal from the Loft Board's jurisdiction, the administrative record is deemed closed on the date the Loft Board issues its order in the case.

(b) After the record is closed, the Adjudicator will submit recommended findings of fact and a recommended decision to the Loft Board. The report and recommendation must be based on the administrative record of the case and relevant authority, including but not limited to Loft Board orders, decisions of courts of competent jurisdiction, statutes and rules. The administrative record includes all pre-trial motions, testimony, documentary evidence presented at a hearing, post-trial briefs and any other evidence accepted by the Adjudicator.

(c) The report and recommendation of the Loft Board Adjudicator must include:

(1) a description of the Application, and the names of the parties, their counsel and other Persons affected by the Application;

(2) a summary of the facts disputed, the facts found during any investigation, and of testimony and other proofs taken at the hearing;

(3) copies of the Application and of all affidavits, memoranda, and briefs submitted by the parties;

(4) a recommendation to the Loft Board regarding disposition of the Application, with a summary of the factual and legal bases for such recommendation.

(d) Unless otherwise stated in these rules, the Loft Board will make all final determinations on Applications filed with the Loft Board and brought to a hearing. The Loft Board may accept, reject, defer or modify the disposition recommended by the Adjudicator. Where the Loft Board determines that the record in the underlying proceeding has not, in whole or in part, been fully developed, the Loft Board may refer the matter back to the Adjudicator for development of a complete record. If the Loft Board refers a matter back to OATH, OATH will issue an amended recommended decision at the conclusion of the additional proceedings. If the Loft Board refers the matter back to the Loft Board staff, staff will issue an amended recommended decision at the conclusion of the additional proceedings. Pending its final determination, the Loft Board or the Chairperson may request from OATH or direct the Loft Board staff to provide it with additional information contained in the record regarding the application, copies of any relevant documents not included in the report, and a transcript of the hearing.

(e) Before consideration by the Loft Board, the Loft Board staff must post proposed orders on the Loft Board's website and, upon request, mail or electronically transmit a copy of a proposed order to any party. The Loft Board may redact personal information such as names, apartment numbers and rents from proposed orders that are posted on its website. A proposed order is not part of the record of the case.

(f) When the Loft Board issues a final order, a copy of the order, together with the report and recommendation, if any, will be delivered or mailed within a reasonable time following the issuance of the order, to the applicant and each of the Affected Parties.

(g) *Hearings by the Loft Board.* The Loft Board may, by a vote of a majority of the Loft Board members, conduct a new hearing on an Application. All such proceedings must be electronically recorded.

(h) Unless a timely Application for reconsideration is filed, a Loft Board order is considered a final agency determination pursuant to Article 78 of the Civil Practice Law and Rules.

Subchapter E: Reconsiderations and Appeals

§ 1-32 Reconsideration of Loft Board Orders.

(a) An Affected Party who filed an answer, and who disagrees with and may be aggrieved by an order of the Loft Board, may file an Application for reconsideration of the order. The Loft Board, may, in its sole discretion, reconsider its determination. The reconsideration Application must specify the questions presented for reconsideration and the facts and points of law relied upon as a basis for seeking reconsideration. The Loft Board may consider an Application for reconsideration only if the applicant establishes one or more of the following:

(1) a denial of due process or material fraud in the prior proceedings,

(2) an error of law,

(3) an erroneous determination based on a ground that was not argued by the parties at the time of the prior proceeding and that the parties could not have reasonably anticipated, or

(4) discovery of probative, relevant evidence which could not have been discovered at the time of the hearing despite the exercise of due diligence.

(b) *Service and filing of the reconsideration Application.* A complete reconsideration Application must be received by the Loft Board within thirty (30) calendar days after the mailing date of the order sought to be reconsidered. In addition to all other requirements, the reconsideration Application must include a copy of the determination sought to be reconsidered.

(c) *Issuance of orders.* The Loft Board will deliver or mail a copy of its order deciding the reconsideration Application, within a reasonable time from the date of the order, to:

(1) the party or parties who filed the reconsideration Application,

(2) the parties who filed an answer, and

(3) all Affected Parties in the underlying proceeding.

(d) *Judicial review.*

(1) The date of the order granting, denying, modifying or revoking the reconsideration Application is deemed the date of the final agency determination from which a party may seek judicial review.

(2) If the Loft Board refers the matter back to the Adjudicator, a party may not seek judicial review until the Loft Board issues a final agency determination following the referral.

§ 1-33 Appeals. This section applies to any matter that was not determined by the members of the Loft Board.

(a) *Appeal from a Loft Board staff determination.* An Affected Party who disagrees with a written Loft Board staff determination may appeal such determination to the Loft Board.

(b) *Appeal from a determination of a Loft Board staff member under § 2-04.* An Affected Party who disagrees with a written determination of a Loft Board staff member with respect to housing maintenance standard violations may appeal such determination to the Loft Board. For the purposes of this section, an Affected Party who disagrees with a written determination of the Loft Board staff member means the Owner or Responsible Party of the Building in question.

(c) *Service and filing of appeal Application.*

(1) The appealing party must serve and file the complete appeal Application within thirty (30) days of the date of mailing of the determination sought to be appealed.

(2) The appeal Application must specify the questions presented for appeal and the facts and points of law relied upon as a basis for seeking an appeal. Except where a member of the Loft Board staff is the appellant, the applicant must pay the appeal Application fee.

(d) *Answers.* A party supporting or opposing the appeal Application must serve and file an answer within thirty (30) days of service of the appeal Application. The answer must contain the facts and arguments on which the party is relying.

(e) *Extension of time to appeal or answer.* The Executive Director may, upon request, extend the time for filing an appeal or an answer to an appeal. The request for the extension must be received before the filing deadline for the appeal or the answer to the appeal. The extension request must be supported by evidence of impossibility or other explanation of inability to file timely. A copy of the request must be served on all Affected Parties, and proof of service filed with Loft Board Staff.

(f) *Standard of review.* In reviewing an appeal, the Loft Board must consider whether the facts found are supported by substantial evidence in the record, whether the law was correctly applied, and whether the penalty imposed is appropriate. The Loft Board may only consider evidence presented to the Loft Board staff unless good cause is shown as to why the evidence was not previously available.

(g) *Board authority.* The Loft Board may reverse, remand, or modify any determination appealed pursuant to this section and may reduce or increase the penalty imposed by the Loft Board staff. Upon determination of the appeal Application, the final order of the Loft Board will be mailed to:

(1) The party or parties who filed the appeal;

(2) The parties who filed an answer; and

(3) All Affected Parties in the underlying proceeding.

(h) *Judicial review.* The Loft Board's determination of the appeal is a final agency determination from which a party may seek judicial review.

(i) *Appeal from a determination of the OATH Hearings Division pursuant to the City Charter § 1049-a.* An appeal from a determination of an OATH Hearings Division hearing officer issued pursuant to a Loft Board rule must be brought before the OATH Hearings Division in accordance with the applicable rules and provisions established by OATH, as set forth in Chapters 3 and 6 of Title 48 of the Rules of the City of New York.

§ 2. Subdivision (a) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(a) *Code compliance timetable for* [*Interim Multiple Dwellings (IMD's).*] *IMDs.* The [owner] Owner or Responsible Party of any [building] Building, structure or portion thereof that meets the criteria for an IMD set forth in § 281 of [Article] Art. 7-C and Loft Board coverage regulations [shall] must comply with the [code compliance deadlines] Code Compliance Deadlines set forth below. Any [building] Building or unit that is not covered by [Article] Art. 7-C because of the denial of a [grandfathering] Grandfathering application or expiration of [study area] Study Area status is not required to be legalized pursuant to these regulations, unless either the area in which the [building] Building is located is rezoned to permit residential use or a unit or units at the [building] Building qualify for coverage pursuant to [M.D.L.] MDL § 281(4) [or], § 281(5) or § 281(6). However, the [building] Building must still comply with all other applicable laws and regulations.

[*Definitions.* When used in this section, the following definitions apply, unless context clearly dictates otherwise:

"Alteration application" means the work application form filed with the Department of Buildings of the City of New York ("DOB") which describes the work to be undertaken that will result in obtaining a final certificate of occupancy for an interim multiple dwelling ("IMD") unit, as defined in § 281 of the Multiple Dwelling Law and these rules, ("covered unit") for residential use or joint living-work quarters for artists usage.

"Alteration permit," also referred to as "building permit" or "work permit" means a document issued by DOB authorizing the owner to make the alterations set forth in the approved alteration application which are necessary to obtain a residential certificate of occupancy for a covered unit.

"Alternate plan application" means an occupant's alteration application and associated legalization plan filed with the DOB pursuant to 29 RCNY § 2-01(d)(2)(viii).

"Legalization plan" means the construction documents, as defined in § 28-101.5 of the Administrative Code, as may be amended, including but not limited to architectural, structural, detailed drawings, and other required plans submitted to the DOB with the alteration application as defined above.

"Month" means 30 calendar days.

"Narrative statement" means a document that describes in plain language the proposed alterations in the alteration application and legalization plan and meets the requirements provided in 29 RCNY § 2-01(d)(2)(v).

"Occupant," unless otherwise provided, means a residential occupant qualified for the protections of Article 7-C, any other residential tenant, or any nonresidential tenant.

Code Compliance Deadlines.] *Code Compliance Deadlines*. The failure of an [owner] Owner or Responsible Party to meet any of the [code compliance deadlines] Code Compliance Deadlines provided below does not relieve the [owner] Owner or Responsible Party of its obligations to comply with these requirements nor does it relieve the [owner] Owner or Responsible Party of its duty to exercise all reasonable and necessary action to so comply.

Paragraphs (1) through (4) of this subdivision implement the initial [code compliance deadlines] Code Compliance Deadlines that applied pursuant to § 284(1)(i) of [Article] Art. 7-C before the enactment of later amendments, and paragraphs (5) through (8) reflect those amendments, as set forth in § 284(1)(ii) through (v).

The deadlines set forth in paragraphs (1) through (8) of this subdivision do not apply to a [building] Building or a portion of a [building] Building subject to [Article] Art. 7-C pursuant to MDL § 281(5) or MDL § 281(6).

Paragraphs (9) [and], (10), (11) and (12) of this subdivision implement the current [code compliance deadlines] Code Compliance Deadlines set forth in MDL § 284(1)(vi) for [buildings] Buildings or portions of [buildings] Buildings subject to [Article] Art. 7-C pursuant to MDL § 281(5).

Paragraph (9) implements the current [code compliance deadlines] Code Compliance Deadlines for a [building] Building or portion of a [building] Building covered by [Article] Art. 7-C pursuant to [chapters] Chapters 135 or 147 of the [laws] Laws of 2010.

Paragraph (10) implements the current [code compliance deadlines] Code Compliance Deadlines for a [building] Building or portion of a [building] Building covered by [Article] Art. 7-C pursuant to [chapter] Chapter 4 of the [laws] Laws of 2013.

Paragraph (11) implements the current Code Compliance Deadlines for a Building or portion of a Building covered by Art. 7-C pursuant to Chapter 20 of the Laws of 2015.

Paragraph (12) implements the current Code Compliance Deadlines for a Building or portion of a Building covered by Art. 7-C pursuant to Chapter 41 of the Laws of 2019.

Paragraph (13) implements the current Code Compliance Deadlines set forth in MDL § 284(1)(vii) for Buildings or portions of Buildings subject to Art. 7-C pursuant to MDL § 281(6).

(1) *Deadlines for filing Alteration Applications.*

(i) Code compliance timetable for [buildings] Buildings in which all [residential units] Residential Units are as of right. The [owner] Owner or Responsible Party of an IMD that contains only [residential units] Residential Units in which residential use is permitted as of right under the Zoning Resolution [shall] must have filed an [alteration application] Alteration Application by March 21, 1983.

(ii) Buildings with [3] three (3) or more as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that, on December 1, 1981, contained [3] three (3) or more [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in subsection 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must have filed an [alteration application] Alteration Application for all covered as of right [residential units] Residential Units by March 21, 1983, and

(B) Following the [grandfathering] Grandfathering approval of any additional [residential units] Residential Units, the [owner] Owner or Responsible Party [shall] must amend the existing [alteration application] Alteration Application to reflect approval of the [grandfathering] Grandfathering application for the additional unit or units within a [month] Month from such approval or within a [month] Month of the effective date of these regulations, whichever is later.

(iii) Buildings with fewer than [3] three (3) as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that, on December 1, 1981, contained fewer than three (3) [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must file an [alteration application] Alteration Application for all covered [residential units] Residential Units within [9] nine (9) [months] Months after approval of the [grandfathering] Grandfathering application of the unit that becomes the third covered [residential unit] Residential Unit, and

(B) Following the [grandfathering] Grandfathering approval of the unit that becomes the third eligible [residential unit] Residential Unit, the [owner] Owner or Responsible Party of a [building] Building with additional units eligible for [grandfathering] Grandfathering [shall] must amend the existing [alteration application] Alteration Application to reflect approval of the [grandfathering] Grandfathering application for the additional unit or units within a [month] Month after such approval or within a [month] Month after the initial timely filing of the [alteration application] Alteration Application referred to in 29 RCNY § 2-01(a)(1)(iii)(A) above, whichever is later.

(iv) Buildings in [study areas] Study Areas rezoned to permit as of right residential use. The [owner] Owner or Responsible Party of an IMD located in an area designated by the Zoning Resolution as a [study area] Study Area that is rezoned to permit [residential use as of right shall] Residential Use as of Right must file an [alteration application] Alteration Application within [9] nine (9) [months] Months after the effective date of such rezoning.

(v) Buildings in [study areas] Study Areas rezoned to permit residential use with [3] three (3) or more as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that is located in an area designated by the Zoning Resolution as a [study area] Study Area and that, as a result of rezoning, contains [3] three (3) or more [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must file an [alteration application] Alteration Application for all covered as of right [residential units] Residential Units within [9] nine (9) [months] Months after the effective date of such rezoning, and

(B) Following the [grandfathering] Grandfathering approval of any additional [residential units] Residential Units, the [owner shall] Owner or Responsible Party must amend the existing [alteration application] Alteration Application to reflect approval of the [grandfathering] Grandfathering application for the additional unit or units within a [month] Month after such approval.

(vi) Buildings in [study areas] Study Areas rezoned to permit residential use with fewer than [3] three (3) as of right units and additional units eligible for [grandfathering] Grandfathering.

The [owner] Owner or Responsible Party of an IMD that is located in an area designated by the Zoning Resolution as a [study area] Study Area and that, as a result of rezoning, contains fewer than [3] three (3) [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must file an [alteration application] Alteration Application for all covered [residential units] Residential Units within [9] nine (9) [months] Months after approval of the [grandfathering] Grandfathering application of the unit that becomes the third covered [residential unit] Residential Unit, and

(B) Following the [grandfathering] Grandfathering approval of the unit that becomes the third eligible [residential unit] Residential Unit, the [owner] Owner or Responsible Party of a [building] Building with additional units eligible for [grandfathering] Grandfathering [shall] must amend the existing [alteration application] Alteration Application to reflect approval of the [grandfathering] Grandfathering application for the additional unit or units within a [month] Month after such approval or within a [month] Month after the initial timely filing of the [alteration application] Alteration Application referred to in 29 RCNY § 2-01(a)(1)(vi)(A) above, whichever is later.

(2) *Deadlines for obtaining permits.*

(i) Code compliance timetable for [buildings] Buildings in which all [residential units] Residential Units are as of right. The [owner] Owner or Responsible Party of an IMD that contains only [residential units] Residential Units in which residential use is permitted as of right under the Zoning Resolution [shall] must take all necessary and reasonable actions to obtain a building permit within [6] six (6) [months] Months after the effective date of these regulations.

(ii) Buildings with [3] three (3) or more as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that, on December 1, 1981, contained [3] three (3) or more [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must take all necessary and reasonable actions to obtain a building permit for all covered [residential units] Residential Units within [6] six (6) [months] Months after the effective date of these regulations, and

(B) Following the [grandfathering] Grandfathering approval of any additional [residential units] Residential Units, the [owner shall] Owner or Responsible Party must take all necessary and reasonable actions to obtain approval of the amended [alteration application] Alteration Application for the additional units within [6] six (6) [months] Months after such [grandfathering] Grandfathering approval or within [6] six (6) [months] Months after the effective date of these regulations, whichever is later.

(iii) Buildings with fewer than [3] three (3) as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that, on December 1, 1981, contained fewer than [3] three (3) [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must take all necessary and reasonable actions to obtain a building permit for all covered [residential units] Residential Units within [6] six (6) [months] Months after the effective date of these regulations or within [6] six (6) [months] Months after the timely filing of [the] an [alteration] Alteration [application] Application, whichever is later, and

(B) Following the [grandfathering] Grandfathering approval of the unit that becomes the third eligible [residential units] Residential Unit, the [owner] Owner or Responsible Party of a [building] Building with additional units eligible for [grandfathering] Grandfathering [shall] must take all necessary and reasonable actions to obtain approval of the amended [alteration application] Alteration Application for the additional units within [6] six (6) [months] Months after such [grandfathering] Grandfathering approval or within [6] six (6) [months] Months after the effective date of these regulations, whichever is later.

(iv) Buildings in [study areas] Study Areas rezoned to permit as of right residential use. The [owner] Owner or Responsible Party of an IMD located in an area designated by the Zoning Resolution as a [study area] Study Area that is rezoned to permit [residential use as of right shall] Residential Use as of Right must take all necessary and reasonable actions to obtain a building permit for all covered [residential units] Residential Units within [6] six (6) [months] Months after the effective date of these regulations or within [6] six (6) [months] Months after the timely filing of the [alteration application] Alteration Application, whichever is later.

(v) Buildings in [study areas] Study Areas rezoned to permit residential use with [3] three (3) or more as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that is located in an area designated by the Zoning Resolution as a [study area] Study Area and that, as a result of rezoning, contains [3] three (3) or more [residential units] Residential Units as of right and [1] one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must take all necessary and reasonable actions to obtain a building permit for all covered [residential units] Residential Units within [6] six (6) [months] Months after the effective date of these regulations or within [6] six (6) [months] Months after the timely filing of the [alteration application] Alteration Application, whichever is later, and

(B) Following the [grandfathering] Grandfathering approval of any additional [residential units] Residential Units, the [owner shall] Owner or Responsible Party must take all necessary and reasonable actions to obtain approval of the amended [alteration application] Alteration Application for the additional units within [6] six (6) [months] Months after such [grandfathering] Grandfathering approval.

(vi) Buildings in [study areas] Study Areas rezoned to permit residential use with fewer than [3] three (3) as of right units and additional units eligible for [grandfathering] Grandfathering. The [owner] Owner or Responsible Party of an IMD that is located in an area designated by the Zoning Resolution as a [study area] Study Area and that, as result of rezoning, contains fewer than three (3) [residential units] Residential Units as of right and one (1) or more units eligible for coverage by use of one of the [grandfathering] Grandfathering procedures set forth in § 281(2)(i) or (iv) of [Article] Art. 7-C[, as defined in 29 RCNY § 2-08(a) "Grandfathering" (i) and (ii)]:

(A) [Shall] Must take all necessary and reasonable actions to obtain a building permit for all covered [residential units] Residential Units within [6] six (6) [months] Months after the effective date of these regulations or within [6] six (6) [months] Months after the timely filing of the [alteration application] Alteration Application, whichever is later, and

(B) Following the [grandfathering] Grandfathering approval of the unit that becomes the third eligible [residential unit] Residential Unit, the [owner] Owner or Responsible Party of a [building] Building with additional units eligible for [grandfathering] Grandfathering [shall] must take all necessary and reasonable actions to obtain approval of the amended [alteration application] Alteration Application for the additional units within [6] six (6) [months] Months after such [grandfathering] Grandfathering approval.

(3) *Deadlines for* [Article] Art. 7-B *compliance.* The [owner] Owner or Responsible Party of an IMD [shall achieve compliance] must comply with the fire and safety standards of [Article] Art. 7-B of the [M.D.L.] MDL for all covered [residential units] Residential Units within [18] eighteen (18) [months] Months after a building permit has been obtained or within [18] eighteen (18) [months] Months after the effective date of these regulations, whichever is later. Or the [owner] Owner or Responsible Party may elect to comply with other local building codes or provisions of the [M.D.L.] MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B (pursuant to § 287 of [Article] Art. 7-C) within [18] eighteen (18) [months] Months after a building permit has been obtained or within [18] eighteen (18) [months] Months after the effective date of these regulations, whichever is later. Where an [owner] Owner or Responsible Party is required to amend the existing [alteration application] Alteration Application to reflect approval of [grandfathering] Grandfathering applications for additional units pursuant to 29 RCNY § 2-01(a)(1)(ii)(B), (iii)(B), (v)(B) or (vi)(B) above, the [owner shall achieve compliance] Owner or Responsible Party must comply with the fire and safety standards of [Article] Art. 7-B, or with alternative building codes or provisions of the [M.D.L.] MDL for the additional grandfathered unit or units within [18] eighteen (18) [months] Months after the timely approval of the amended [alteration application] Alteration Application or within [18] eighteen (18) [months] Months after the effective date of these regulations, whichever is later. Issuance of a temporary certificate of occupancy shall be considered the equivalent of [Article] Art. 7-B compliance or compliance with alternative building codes or provisions of the [M.D.L.] MDL.

(4) *Deadlines for obtaining a final certificate of occupancy.* The [owner] Owner or Responsible Party of an IMD [shall] must take all necessary and reasonable actions to obtain a final certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units within [6] six (6) [months] Months after compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes or provisions of the [M.D.L.] MDL has been achieved, or within [6] six (6) [months] Months after a temporary certificate of occupancy has been obtained. The [owner] Owner or Responsible Party of an IMD that contains additional units subject to 29 RCNY § 2-01(a)(1)(ii)(B), (iii)(B), (v)(B) or (vi)(B) above, [shall] must take all necessary and reasonable actions to obtain a final certificate of occupancy as a class A multiple dwelling for the additional unit or units within [6] six (6) [months] Months after the date such unit or units come into compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes, or provisions of the [M.D.L.] MDL, or within [6] six (6) [months] Months after the date such unit or units are covered by a temporary certificate of occupancy.

(5) Notwithstanding the provisions of [subdivisions] paragraphs (a)(1) through (4) of this section, the [owner] Owner or Responsible Party of an IMD who has not been issued a final certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units on or before June 21, 1992 [shall] must:

(i) File an [alteration application] Alteration Application by October 1, 1992; and

(ii) Take all reasonable and necessary action to obtain a building permit by October 1, 1993; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the [M.D.L.] MDL for all covered [residential units] Residential Units by April

1, 1995, or within [18] eighteen (18) [months] Months after an approved [alteration permit] Alteration Permit has been obtained, whichever is later. The [owner] Owner or Responsible Party may, alternatively, elect to comply with other building codes or provisions of the [M.D.L.] MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B (pursuant to [M.D.L.] MDL § 287) by April 1, 1995 or within [18] eighteen (18) [months] Months after an approved [alteration permit] Alteration Permit has been obtained, whichever is later; and

(iv) Take all reasonable and necessary actions to obtain a final certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units by October 1, 1995, or within [6] six (6) [months] Months after achieving compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes, or provisions of the [M.D.L.] MDL, whichever is later.

(6) Notwithstanding the provisions of [subdivisions] paragraphs (a)(1) through (a)(5) of this section, the [owner] Owner or Responsible Party of an IMD who has not complied with the requirements of [M.D.L] MDL § 284(1)(i) or (ii) by June 30, 1996 [shall] must:

(i) File an [alteration application] Alteration Application by October 1, 1996; and

(ii) Take all reasonable and necessary action to obtain an approved [alteration permit] Alteration Permit by October 1, 1997; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the [M.D.L.] MDL for all covered [residential units] Residential Units by April 1, 1999 or within [18] eighteen (18) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later; and

(iv) Take all reasonable and necessary action to obtain a certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units by June 30, 1999, or within [3] three (3) [months] Months after achieving compliance with the fire and safety standards of [Article] Art. 7-B of the [M.D.L.] MDL, whichever is later.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this [subdivision] paragraph, an [owner] Owner or Responsible Party may, pursuant to [M.D.L.] MDL § 287, elect to comply with other local building codes or provisions of the [M.D.L.] MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B by April 1, 1999 or within [18] eighteen (18) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later.

(7) Notwithstanding the provisions of [subdivisions] paragraphs (a)(1) through (a)(6) of this section, the [owner] Owner or Responsible Party of an IMD who has not complied with the requirements of [M.D.L] MDL. § 284(1)(i), (ii), or (iii) by June 30, 1999 [shall] must:

(i) File an [alteration application] Alteration Application by September 1, 1999; and

(ii) Take all reasonable and necessary actions to obtain an approved [alteration permit] Alteration Permit by March 1, 2000; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the M.D.L. for all covered [residential units] Residential Units by May 1, 2002, or within [12] twelve (12) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later; and

(iv) Take all reasonable and necessary action to obtain a certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units by May 31, 2002, or within [1] one (1) [month] Month after achieving compliance with the fire and safety standards of [Article] Art. 7-B of the [M.D.L.] MDL, whichever is later.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this [subdivision] paragraph, an [owner] Owner or Responsible Party may, pursuant to [M.D.L.] MDL § 287, elect to comply with other local building codes or provisions of the [M.D.L.] MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B by May 1, 2002 or within [12] twelve (12) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later.

(8) Notwithstanding the provisions of [subdivisions] paragraphs (a)(1) through (a)(7) of this section, the [owner] Owner or Responsible Party of an IMD who has not complied with the requirements of [M.D.L.] MDL § 284(1)(i), (ii), (iii) or (iv) by June 21, 2010 must:

(i) File an [alteration application] Alteration Application by September 1, 1999; and

(ii) Take all reasonable and necessary action to obtain an approved [alteration permit] Alteration Permit by March 1, 2000; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the MDL for all covered [residential units] Residential Units by June 1, 2012, or within [12] twelve (12) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later; and

(iv) Take all reasonable and necessary action to obtain a final certificate of occupancy as a class A multiple dwelling for all covered [residential units] Residential Units by July 2, 2012, or within [1] one (1) [month] Month after achieving compliance with the fire and safety standards of [Article] Art. 7-B of the MDL, whichever is later.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this paragraph (8), an [owner] Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B by June 1, 2012 or within [12] twelve (12) [months] Months after obtaining an approved [alteration permit] Alteration Permit, whichever is later.

(9) *2013 amended code compliance timetable for* [*buildings*] *Buildings subject to* [*Article*] *Art.* 7-C *pursuant to MDL § 281(5) as a result of the 2010 amendments to the Loft Law.* The [owner] Owner or Responsible Party of a [building] Building, structure or portion of a [building] Building or structure that is covered by MDL § 281(5) and became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 must:

(i) File an [alteration application] Alteration Application by March 21, 2011; and

(ii) Take all reasonable and necessary actions to obtain an approved [alteration permit] Alteration Permit by June 21, 2011; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the MDL for all covered [residential units] Residential Units within [18] eighteen (18) [months] Months after obtaining an approved [alteration permit] Alteration Permit; and

(iv) Take all reasonable and necessary action to obtain a final residential certificate of occupancy for all covered units by December 21, 2012.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this paragraph (9), an [owner] Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B by no later than [18] eighteen (18) [months] Months from the issuance of the [alteration permit] Alteration Permit.

(10) *2013 code compliance timetable for* [*buildings*] *Buildings subject to* [*Article*] *Art. 7-C pursuant to MDL § 281(5) as a result of the 2013 amendments to the Loft Law.* The [owner] Owner or Responsible Party of a [building] Building, structure or portion of a [building] Building or structure that is covered by MDL § 281(5) and became subject to [Article] Art. 7-C pursuant to Chapter 4 of the Laws of 2013 must:

(i) File an [alteration application] Alteration Application on or before June 11, 2014; and

(ii) Take all reasonable and necessary actions to obtain an approved [alteration permit] Alteration Permit on or before September 11, 2014; and

(iii) [Achieve compliance] Comply with the fire and safety standards of [Article] Art. 7-B of the MDL for all covered [residential units] Residential Units within [18]

eighteen (18) [months] Months after obtaining an approved [alteration permit] Alteration Permit; and

(iv) Take all reasonable and necessary action to obtain a final residential certificate of occupancy on or before March 11, 2016.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this paragraph (10), an [owner] Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B by no later than [18] eighteen (18) [months] Months after [the] obtaining an [alteration permit] Alteration Permit.

(11) *Code Compliance Deadlines for Buildings subject to Art. 7-C pursuant to MDL § 281(5) as a result of the 2015 amendments to the Loft Law.* The Owner or Responsible Party of a Building, structure or portion of a Building or structure that is covered by MDL § 281(5) and became subject to Art. 7-C pursuant to Chapter 20 of the Laws of 2015 must:

(i) File an Alteration Application within nine (9) Months of either the date of the initial coverage Application, or within nine (9) Months of the date of issuance of an IMD number or within nine (9) Months of the service date of a pleading in a court action, whichever is earlier, and

(ii) Take all reasonable and necessary action to obtain an approved Alteration Permit within twelve (12) Months of the date of the initial coverage Application or within twelve (12) Months of issuance of the date of an IMD number or within twelve (12) Months of the service date of a pleading in a court action, whichever is earliest, and

(iii) Comply with the fire and safety standards of Art. 7-B of the MDL for all covered Residential Units within eighteen (18) Months after obtaining an approved Alteration Permit. As an alternative to complying with the fire and safety standards of Art. 7-B of the MDL, an Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Art. 7-B by no later than eighteen (18) Months after obtaining an Alteration Permit, and

(iv) Take all reasonable and necessary action to obtain a final residential certificate of occupancy within thirty (30) Months of the date of the initial coverage Application or within thirty (30) Months of the date of issuance of an IMD number or within thirty (30) Months of the service date of a pleading in a court action, whichever is earlier.

(12) *Code Compliance Deadlines for Buildings subject to Art. 7-C pursuant to MDL § 281(5) as a result of the 2019 amendments to the Loft Law.* The Owner or Responsible Party of a Building, structure or portion of a Building or structure that is covered by MDL § 281(5) and became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019 must:

(i) File an Alteration Application by March 25, 2020, which is within nine (9) Months of June 25, 2019, the effective date of Chapter 41 of the Laws of 2019, and

(ii) Take all reasonable and necessary action to obtain an approved Alteration Permit by June 25, 2020, which is twelve (12) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of 2019 that amended MDL § 284(1)(vi), and

(iii) Comply with the fire and safety standards of Art. 7-B of the MDL for all covered Residential Units within eighteen (18) Months of obtaining an Alteration Permit pursuant to 29 RCNY § 2-01(a)(13)(ii) or December 25, 2020, which is eighteen (18) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of 2019 that amended MDL § 284(1)(vi), whichever is later. As an alternative to complying with the fire and safety standards of Art. 7-B of the MDL, an Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Art. 7-B by no later than eighteen (18) Months after obtaining an Alteration Permit, and

(iv) Take all reasonable and necessary action to obtain a final residential certificate of occupancy by June 25, 2022, which is thirty-six (36) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of 2019 that amended MDL § 284(vi).

(13) *Code Compliance Deadlines for Buildings subject to Art. 7-C pursuant to MDL § 281(6) as a result of the 2019 amendments to the Loft Law.* The Owner or Responsible Party of a Building, structure or portion of a Building or structure that is covered by MDL § 281(6) and became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019 must:

(i) File an Alteration Application by March 25, 2020, which is within nine (9) Months of June 25, 2019, the effective date of Chapter 41 of the Laws of 2019, and

(ii) Take all reasonable and necessary action to obtain an approved Alteration Permit by June 25, 2020, which is twelve (12) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of two thousand nineteen that amended MDL § 284(1)(vi), and

(iii) Comply with the fire and safety standards of Art. 7-B of the MDL for all covered Residential Units within eighteen (18) Months of obtaining an Alteration Permit pursuant to 29 RCNY § 2-01(a)(13)(ii) or December 25, 2020, which is eighteen (18) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of 2019 that amended MDL § 284(1)(vi), whichever is later. As an alternative to complying with the fire and safety standards of Art. 7-B of the MDL, an Owner or Responsible Party may, pursuant to MDL § 287, elect to comply with other local building codes or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Art. 7-B by no later than eighteen (18) Months after obtaining an Alteration Permit, and

(iv) Take all reasonable and necessary action to obtain a final residential certificate of occupancy by June 25, 2022, which is thirty-six (36) Months from June 25, 2019, the effective date of Chapter 41 of the Laws of 2019 that amended MDL § 284(vii).

§ 3. Subdivision (b) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(b) *Extensions of time to comply with the amended code compliance timetable.*

(1) *Extensions of current deadlines.* Pursuant to MDL § 284(1), an [owner] Owner of an IMD [building] Building may apply to the Loft Board for an extension of time to comply with the [code compliance deadlines] Code Compliance Deadlines provided in MDL § 284 in effect on the date of the filing of the extension [application] Application. An [application] Application for an extension must be filed before the deadline for which an extension is sought, except as provided in (i) through (iv) below:

(i) Where title to the IMD was conveyed to a ["new owner"] New Owner after the [code compliance deadline] Code Compliance Deadline has passed, the [new owner] New Owner may file an extension [application] Application for the passed deadline within [90] ninety (90) calendar days from acquiring title. [For the purposes of this paragraph, "new owner" is defined as an unrelated entity or unrelated natural person(s) to whom ownership interest is conveyed for a bona fide business purpose and not for the purpose of evading the code compliance deadlines of the MDL or any other law.] [Prior to] Before making a determination, the Executive Director may request additional information relevant to the extension [application] Application including, but not limited to, information regarding the applicant's claim to be a [new owner as defined in this paragraph] New Owner.

(ii) Where the IMD is found to be covered under [Article] Art. 7-C or registered as an IMD after the [code compliance deadline] Code Compliance Deadline has passed, the [owner] Owner may file an extension [application] Application for the passed [code compliance deadline] Code Compliance Deadline within [90] ninety (90) calendar days after either a finding of [Article] Art. 7-C coverage by the issuance of a Loft Board order, a court of competent jurisdiction or the issuance of an IMD registration number, whichever is first. If an [owner] Owner appeals a finding of [Article] Art. 7-C coverage, the [owner] Owner may file an extension [alteration application 90] Alteration Application within ninety (90) calendar days after the final determination of the appeal.

(iii) [Where the owner of an IMD covered under Article 7-C pursuant to MDL § 281(5) requires an extension of the code compliance deadline provided in MDL § 284(1)(vi)(D) and 29 RCNY § 2-01(a)(9)(iv) and was not able to file an extension application prior to the deadline because such deadline was shortened from June 21, 2013 to December 21, 2012 by Chapter 4 of the Laws of 2013, the owner may file an extension application within 60 days after the effective date of this amended rule.] Reserved.

(iv) The IMD [owner] Owner described in (i) and (ii) above may file an [application] Application for an extension of time of up to [1] one (1) year to comply with the most recently passed deadline.

(2) *Statutory standard.*

(i) The Executive Director will grant an extension of the [code compliance deadlines] Code Compliance Deadlines in MDL § 284(1)(ii), (iii), (iv), (v), [or] (vi) or (vii) only where an [owner] Owner has demonstrated that it has met the statutory standards for such an extension, namely, that the necessity for the extension arises from conditions or circumstances beyond the [owner's] Owner's control, and that the [owner] Owner has made good faith efforts to meet the code compliance timetable requirements. Examples of such conditions or circumstances beyond the [owner's] Owner's control include, but are not limited to, a requirement for a certificate of appropriateness for modification of a landmarked [building] Building, a need to obtain a variance from the Board of Standards and Appeals or the denial of reasonable access to an IMD unit.

In the case of an IMD [owner] Owner described in 29 RCNY §§ 2-01(b)(1)(i) and (b)(1)(ii) above, the Executive Director may consider any action the [owner] Owner has taken from the date that the title transferred to the [new owner] New Owner, or from the date of the determination of [Article] Art. 7-C coverage, up to the date the [owner] Owner filed the extension [application] Application when making a determination of whether the [owner] Owner has exercised good faith efforts to satisfy the requirements.

The existence of conditions or circumstances beyond the [owner's] Owner's control and good faith efforts must be demonstrated in the extension [application] Application by the submission of corroborating evidence. For example, copies of documents from the Landmarks Commission or the Board of Standards and Appeals, or an architect's statement, may be filed with the extension [application] Application to show the existence of conditions or circumstances beyond the [owner's] Owner's control and good faith efforts. Proof of the date that the title was transferred to the [owner] Owner or proof of when the [building] Building was deemed covered under [Article] Art. 7-C should be submitted with the [application] extension Application. Failure to include corroborating evidence in the [application] extension Application may be grounds for denial of the [application] extension Application without further consideration.

(ii) Pursuant to MDL §§ 284(1)(i), [and] 284(1)(vi), and 284(1)(vii), upon proof of compliance with [Article] Art. 7-B, the Executive Director may twice extend the deadline for obtaining a final certificate of occupancy issued pursuant to MDL § 301, for a period of up to [12] twelve (12) [months] Months each, upon proper showing of good cause.

(3) *Administrative Determination on the* [*Extension*] extension *Application.* The [owner] Owner of an IMD may apply to the Loft Board's Executive Director for an extension to comply with the amended code compliance timetable. The Loft Board's Executive Director will promptly decide each [application] Application for an extension. Where the Loft Board's Executive Director determines that the [owner] Owner has met the statutory standards for an extension, the Executive Director [shall] must grant the minimum extension required by the IMD [owner] Owner. Applications for extensions of [code compliance deadlines] Code Compliance Deadlines will be limited to one extension per deadline in the amended code compliance timetable.

The Executive Director's [administrative determination] Administrative Determination will be mailed to the [owner] Owner and to the [affected parties] Affected Parties identified in the extension [application] Application submitted pursuant to paragraph (4) of this subdivision below, and may be appealed to the Loft Board upon [application] Application by such [owner] Owner or [affected party] Affected Party.

An appeal of the [administrative determination] Administrative Determination must be filed in accordance with 29 RCNY § [1-07.1] 1-33.

(4) *Form of application, filing requirements and occupant responses.*

(i) An extension [application] Application filed pursuant to this subdivision (b) of 29 RCNY § 2-01 must be filed on the approved form and must meet the requirements of this subdivision, and 29 RCNY §§ [1-06] 1-21 and 2-11 except as provided in this paragraph. An [application] Application for an extension must include a list of all residential IMD units in the [building] Building and must specify a date to which the applicant seeks to have the deadline extended. Failure to so specify in the [application] extension Application shall be grounds for dismissal of the [application] extension Application without prejudice.

(ii) The original extension [application] Application and [2] two (2) copies must be filed with the Loft Board. [Prior to] Before filing an extension [application] Application with the Loft Board, an [owner] Owner [shall] must serve a copy of the extension [application] Application upon the [occupant] Occupant of each IMD unit in the [building] Building in the manner described in 29 RCNY § [1-06(b)] 1-21. Any [occupant] Occupant of an IMD unit may file an answer to such [application] Application with the Loft Board within [20] twenty (20) calendar days from the date service of the [application] extension Application is deemed complete, as determined below in subparagraph (iv).

(iii) The [occupant(s)] Occupant(s) of an IMD unit must serve a copy of the answer upon the [owner] Owner [prior to] before filing the answer with the Loft Board. Each answer filed with the Loft Board must include, at the time of filing, proof of service in the manner described in 29 RCNY § [1-06(d) and (e)] 1-22.

(iv) Service of the extension [application] Application by mail is deemed completed five (5) calendar days following mailing. While an [application] extension Application filed under this subdivision is pending, an [owner] Owner may amend the [application] extension Application one time to request a longer extension period than was originally sought in the [application] extension Application.

§ 4. Subdivision (d) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(d) *Procedure for* [*occupant*] *Occupant review of* [*narrative statement*] *Narrative Statement and* [*legalization plan*] *Legalization Plan, resolution of* [*occupant*] *Occupant objections, and certification of estimated future rent adjustments.*

(1) *Notice: form and time requirements.*

(i) [All] Except as otherwise stated in these rules, all notices, requests, responses and stipulations served by [owners] Owner or Responsible Party and [occupants] Occupants directly upon each other [shall] must be in writing, with a copy delivered or mailed to the Loft Board, accompanied by proof of service, within five [calendar] days of delivery, if service was made personally, or within five (5) [calendar] days of mailing if service was performed by mail. Service of a notice, request, response or stipulation by the parties [shall] must be effected either:

(A) By personal delivery or

(B) By certified or registered mail, return receipt requested, with an additional copy sent by regular mail.

Proof of service must be in the form of: a) a verified statement by the person who effected service, setting forth the time, place and other details of service, if service was made personally, or b) by copies of the return receipt or the certified or registered mail receipt stamped by the United States Post Office, and verified statement of mailing, if service was performed by mail. Communications by the Loft Board pursuant to these rules will be sent by regular mail.

Service is deemed effective on the date of personal delivery or five [calendar] (5) days following service by mail. Deadlines provided herein are to be calculated from the effective date of service.

(ii) Modifications on consent, change of address. Applications, notices, requests, responses and stipulations may be withdrawn and disputes may be resolved, by written agreement of the parties, subject to Loft Board approval. Parties may change their addresses upon service of written notice to the other parties and the Loft Board, and such notice is effective upon personal delivery or five (5) [calendar] days following service by mail.

(2) *Procedure for* [*occupant*] *Occupant review of the* [*narrative statement*] *Narrative Statement and* [*legalization plan*] *Legalization Plan and resolutions of* [*occupant*] *Occupant objections.*

(i) Buildings not covered under MDL § 281(5). This paragraph (2) shall apply to [IMD's] IMDs for which a building permit for achieving compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes or provisions of the [M.D.L.] MDL has not been issued as of October 23, 1985, the date of adoption

of these regulations. In the case of a building permit that has been issued as of October 23, 1985 and that remains in effect or is renewed, an [owner] Owner or Responsible Party who thereafter requests reinstatement of the underlying [alteration application] Alteration Application [shall be required to] must comply with all provisions of this paragraph (2) with respect to all work yet to be performed as of the date that reinstatement is requested.

This paragraph (2) shall apply where an [owner] Owner or Responsible Party is required to amend an [alteration application] Alteration Application to reflect [grandfathering] Grandfathering approval of additional units pursuant to 29 RCNY §§ 2-01(a)(1)(ii)(B), (iii)(B), (v)(B), or (vi)(B), or where an [owner] Owner or Responsible Party is required to amend an [alteration application] Alteration Application to reflect the coverage of additional units under [M.D.L.] MDL § 281(4); however, if the proposed work is to be performed solely within the additional unit(s), this paragraph (2) shall only apply to the [occupant(s)] Occupant(s) of such unit(s).

This paragraph (2) shall not apply to [IMD's] IMDs for which a building permit for achieving compliance with [Article] Art. 7-B, alternative building codes or provisions of the [M.D.L.] MDL has already been issued and is in effect as of the date of adoption of these regulations, and which remains in effect or is renewed without reinstatement of the underlying [alteration application] Alteration Application until such compliance is achieved. However, an [occupant] Occupant of such [an] IMD may file an application with the Loft Board based on the grounds that the scope of the work approved under the [alteration application] Alteration Application for which the permit was issued constitutes an unreasonable interference with the [occupant's] Occupant's use of its unit in accordance with the provisions of 29 RCNY § 2-01(h).

This paragraph (2) also shall not apply to those units in [IMD's] IMDs for which a temporary or final certificate of occupancy as a class A multiple dwelling has been issued and is in effect as of the date of adoption of these regulations.

(ii) *For [buildings] Buildings covered under MDL § 281(5) as a result of the 2010 a*mendments to the Loft Law. The requirements of 29 RCNY § 2-01(d)(2) ("paragraph (2)") apply to an IMD covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 as follows:

(A) Paragraph (2) does not apply to those units for which a building permit for achieving compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes, or provisions of the MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B has been issued on or before June 21, 2010, and which remains in effect or is renewed without reinstatement or amendment of the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan until the final certificate of occupancy is obtained.

(B) If a building permit has been issued [prior to] before June 21, 2010 and the [owner] Owner or Responsible Party thereafter files for reinstatement of the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan related to any part of the [building] Building or files for an amendment to the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan, the [owner] Owner or Responsible Party will be required to comply with all provisions of paragraph (2) with respect to all work in the [alteration application] Alteration Application and [legalization plan] Legalization Plan yet to be performed as of the date of the reinstatement or with respect to the proposed work in the amendment.

(C) If, [prior to] before June 21, 2010, the [building] Building was already registered as an IMD because other units in the [building] Building are covered by [Article] Art. 7-C pursuant to MDL §§ 281(1) or (4); the [building] Building had an [alteration permit] Alteration Permit in effect on June 21, 2010; and the proposed work is solely within the additional unit(s) covered under MDL § 281(5) ("additional unit(s)"), paragraph (2) only applies to the [occupant(s)] Occupant(s) of the additional unit(s).

(D) Paragraph (2) does not apply to those units for which a temporary certificate of occupancy is in effect as of June 21, 2010 and which remains in effect or is renewed without reinstatement or amendment of the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan until the final certificate of occupancy is obtained.

(iii) *For* [*buildings*] *Buildings covered under MDL § 281(5) as a result of the 2013 amendments to the Loft Law.* The requirements of 29 RCNY § 2-01(d)(2) ("paragraph (2)") apply to an IMD covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 4 of the Laws of 2013 as follows:

(A) Paragraph (2) does not apply to those units for which a building permit for achieving compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes, or provisions of the MDL that provide alternative means of meeting the fire and safety standards of [Article] Art. 7-B, has been issued on or before June 1, 2012, and which remains in effect or is renewed without reinstatement or amendment of the underlying alteration application and [legalization plan] Legalization Plan until the final certificate of occupancy is obtained.

(B) If a building permit has been issued [prior to] before June 1, 2012 and the [owner] Owner or Responsible Party thereafter files for reinstatement of the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan related to any part of the [building] Building or files for an amendment to the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan, the [owner will be required to] Owner or Responsible Party must comply with all provisions of this paragraph (2) with respect to all work in the [alteration application] Alteration Application and [legalization plan] Legalization Plan yet to be performed as of the date of the reinstatement or with respect to the proposed work in the amendment.

(C) If, [prior to] before June 1, 2012, the [building] Building was already registered as an IMD because other units in the [building] Building are covered by [Article] Art. 7-C pursuant to MDL §§ 281(1), 281(4) or 281(5); the [building] Building had an [alteration permit] Alteration Permit in effect on June 1, 2012; and the proposed work is solely within the additional unit(s) covered under MDL § 281(5) as a result of Chapter 4 of the Laws of 2013 ("additional unit(s)"), this paragraph (2) only applies to the [occupant(s)] Occupant(s) of the additional unit(s).

(D) Paragraph (2) does not apply to those units for which a temporary certificate of occupancy is in effect as of June 1, 2012 and which remains in effect or is renewed without reinstatement or amendment of the underlying [alteration application] Alteration Application and [legalization plan] Legalization Plan until the final certificate of occupancy is obtained.

(iv) An [occupant] Occupant of an IMD covered by [Article] Art. 7-C pursuant to MDL § 281(5), who did not participate in the [narrative statement] Narrative Statement process because 29 RCNY § 2-01(d)(2) did not apply to the unit as described in 29 RCNY § 2-01(d)(2)(ii)(A) or (d)(2)(iii)(A), may file an application with the Loft Board based on the grounds that the scope of the work approved in the underlying [alteration application] Alteration Application for which the permit was issued constitutes an unreasonable interference with the [occupant's] Occupant's use of its unit in accordance with the provisions of 29 RCNY § 2-01(h).

(v) *For Buildings covered under MDL § 281(5) as a result of the 2019 amendments to the Loft Law and § 281(6).* The requirements of 29 RCNY § 2-01(d)(2) ("paragraph (2)") apply to an IMD covered by MDL § 281(5) or 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019 as follows:

(A) Paragraph (2) does not apply to those units for which a building permit for achieving compliance with the fire and safety standards of Art. 7-B, alternative building codes, or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Art. 7-B, has been issued on or before June 25, 2019, and which remains in effect or is renewed without reinstatement or

amendment of the underlying Alteration Application and Legalization Plan until the final certificate of occupancy is obtained.

(B) If a building permit has been issued before June 25, 2019 and the Owner or Responsible Party thereafter files for reinstatement of the underlying Alteration Application and Legalization Plan related to any part of the Building or files for an amendment to the underlying Alteration Application and Legalization Plan, the Owner or Responsible Party must comply with all provisions of this paragraph (2) with respect to all work in the Alteration Application and Legalization Plan yet to be performed as of the date of the reinstatement or with respect to the proposed work in the amendment.

(C) If, before June 25, 2019, the Building was already registered as an IMD because other units in the Building are covered by Art. 7-C pursuant to MDL § 281(1), 281(4) or 281(5); the Building had an Alteration Permit in effect on June 25, 2019; and the proposed work is solely within the additional unit(s) covered under MDL § 281(5) as a result of the 2019 amendments to the Loft Law or § 281(6) ("additional unit(s)"), this paragraph (2) only applies to the Occupant(s) of the additional unit(s).

(D) Paragraph (2) does not apply to those units for which a temporary certificate of occupancy is in effect as of June 25, 2019 and which remains in effect or is renewed without reinstatement or amendment of the underlying Alteration Application and Legalization Plan until the final certificate of occupancy is obtained.

[(v)] (vi) *Narrative Statement.*

(A) Except as otherwise provided in this paragraph (2), [within 15 calendar days of the filing of its alteration application with DOB,] the [owner] Owner or Responsible Party of an IMD [shall] must serve all [occupants] Occupants with a [narrative statement] Narrative Statement, [upon] on the [approved] Loft Board approved form, within fifteen (15) days of the filing of its Alteration Application with the DOB. [describing separately for each unit, both residential and nonresidential,] The Narrative Statement must separately describe all the work [to be performed] the Owner or Responsible Party will perform in [such] each unit and all of the work to be performed in common areas. If the Occupant provides the Owner or Responsible Party with a current and valid email address, the Owner or Responsible Party must also supply the Occupant with an electronic copy of the plans referred to in the Narrative Statement. [The owner of an IMD covered by Article 7-C pursuant to MDL § 281(5) must provide occupants with the narrative statement within 15 calendar days of filing the alteration application with DOB or within 30 calendar days after the effective date of this amended rule, whichever is later.] The description of work to be performed must include:

(a) a listing of all noncompliant conditions[,];

(b) citation to the specific provisions of law or regulation that require their correction[,and];

(c) the work to be performed to correct them;

(d) an estimated time schedule for performance of the work; and

(e) a certification signed by an architect or engineer, licensed and registered to practice under the Education Law of the State of New York, stating that the [narrative statement] Narrative Statement is a complete and accurate statement reflecting all of the work proposed in the filed [alteration application] Alteration Application and the corresponding [legalization plan] Legalization Plan, as defined in subdivision (a) of this section.

[In accordance with the procedures set forth in 29 RCNY § 2-01(d)(1), following service of the narrative statement, the owner must file with the Loft Board the original narrative statement with proof of service, as required by 29 RCNY § 2-01(d)(1)(i), two copies of its filed alteration application along with the DOB's acknowledgment of filing, and two copies of the legalization plan submitted to DOB. The plan filed with the Loft Board must be no larger than 14 inches by 17 inches.

Occupants may examine the alteration application and legalization plan by appointment at the Loft Board. An occupant may request from the owner a reproducible copy of the alteration application and legalization plan, construction specifications, if any, and the tenant protection plan described in subparagraph (vi) below, and the owner must supply such copy within 7 calendar days of service of the request. The cost of the copies of the alteration application and legalization plan are payable by the occupants up to the amount listed in 1 RCNY § 101-03.]

(B) *Service of the Narrative Statement*. The Owner or Responsible Party must serve a copy of the Narrative Statement and Alteration Application on each Occupant. The Owner or Responsible Party may serve each Occupant by:

(a) personal service. Proof of personal service consists of a sworn affidavit indicating the date, time, place, location, and mode of identification of such personal service; or

(b) email, if the Occupant consents to such service and has provided the Owner or Responsible Party with an email address for such purpose. Proof of service by email consists of a copy of a delivery receipt from an email server indicating the email was delivered to such email address; or

(c) fax, if the Occupant consents to such service and has provided the Owner or Responsible Party with a fax number for such purpose. Proof of service by fax consists of a fax machine receipt indicating the transmission was successfully delivered to such number; or

(d) first class mail. Proof of service by first class mail consists of a United States Post Office-stamped copy of the certificate of mailing indicating the mailing address of the Occupant; or

(e) delivery by a Private Delivery Service. Proof of service by a Private Delivery Service consists of a copy of a receipt showing acceptance by the delivery service for delivery to the address of the Occupant.

(C) *Filing with the Loft Board.* Within five (5) days of service of the Narrative Statement on the first Person of all Persons required to be served, the Owner or Responsible Party must file one electronic copy or one hard copy of the following with the Loft Board:

(a) The original Narrative Statement with proof of service;

(b) The Alteration Application; and

(c) The Legalization Plan submitted to DOB. The hardcopy of the plan filed with the Loft Board must be no larger than fourteen by seventeen (14 x 17) inches.

(D) Occupants may examine the Alteration Application and Legalization Plan by appointment at the Loft Board.

(E) An Occupant may request from the Owner or Responsible Party a copy of the Alteration Application and Legalization Plan, including the tenant protection plan required by Administrative Code § 28-104.8.4. The Owner or Responsible Party must supply such copy within seven (7) days of the request. The Occupant making the request must pay all copying costs up to the amount listed in § 101-03 of Title 1 of the Rules of the City of New York. However, the Owner or Responsible Party must supply electronic copies of all requested documents free of charge.

[(vi)] (vii) The [owner] Owner or Responsible Party must certify to the DOB on the approved Loft Board form that it has complied with the provisions of subparagraph [(v)] (vi); that it will comply with all other requirements of this paragraph (2) and with the requirement for a tenant protection plan pursuant to New York City Administrative Code § 28-104.8.4; and that [prior to] before obtaining the building permit, the [owner] Owner or Responsible Party will submit to the DOB a letter from the Loft Board, certifying compliance with all requirements of 29 RCNY § 2-01(d)(2). The [owner's] Owner's or Responsible Party's certification must be filed with the DOB within [5 calendar] five (5) days after the [owner's] Owner's or Responsible Party's filing with

the Loft Board pursuant to the procedures described in the preceding subparagraph [(v)] (vi).

[(vii)] (viii) *Narrative Statement Conference.*

(A) Within [30 calendar] thirty (30) days after the [owner] Owner or Responsible Party has filed a complete [narrative statement] Narrative Statement, as required by 29 RCNY § 2-01(d)(2)[(v)] (vi), the Loft Board will notify the [owner] Owner or Responsible Party and all [occupants] Occupants that a conference has been scheduled. The conference may be scheduled in the evening. The notice from the Loft Board will be sent by regular mail. Upon the request of the Owner, the Responsible Party or the Occupant(s), the Loft Board may schedule a conference for any IMD unit for which 29 RCNY § 2-01(d)(2) does not apply.

(B) [This] A Narrative Statement conference is for informational and conciliatory purposes. The Loft Board representative assigned to conduct the conference may review the provisions of these code compliance rules, including 29 RCNY § 2-01(f), dealing with [occupant] Occupant participation and may address the participants' questions. Information or responses to questions provided by the Loft Board representative are advisory only and should not be relied upon as a substitute for professional advice of lawyers, architects or engineers retained by the participants.

(C) The [owner] Owner or Responsible Party or its representative will present its [alteration application] Alteration Application, [narrative statement] Narrative Statement, [legalization plan] Legalization Plan, Notice of Objections issued by the DOB plan examiners and the estimated time schedule for performance of the work. The [occupants] Occupants may raise any questions, comments or suggestions regarding the [alteration application] Alteration Application, [narrative statement] Narrative Statement and [legalization plan] Legalization Plan and the estimated schedule. The Loft Board representative will encourage the [owner] Owner or Responsible Party and [occupants] Occupants to discuss [fully] the [alteration application] Alteration Application, [narrative statement] Narrative Statement, [legalization plan] Legalization Plan, and the schedule, and to reach an agreement as to the performance of code compliance work.

(D) The Loft Board representative may authorize an additional period of time, not to exceed [21 calendar] thirty (30) days, for the parties to negotiate an agreement. If the parties are unable to come to an agreement within the authorized time period, the remaining provisions of this paragraph (2) shall apply. Any agreement reached by the parties, including any agreement reached after the above-mentioned [21 calendar] thirty (30) day period, must be in writing, signed by the parties, and filed with the Loft Board as provided in 29 RCNY § 2-01(f).

(E) With the exception of material contained in any written agreement(s) among the parties, the conference will not be electronically recorded, and the specifics or nature of communications made at the conference or in the course of negotiations during the authorized time period are not admissible as evidence in any Loft Board proceedings.

[Information or responses to questions provided by the Loft Board representative will be advisory only and should not be relied upon as a substitute for professional advice of lawyers, architects or engineers retained by the participants.

The conference may be scheduled in the evening. Upon the request of the owner and the occupant, the Loft Board may schedule a conference for any IMD unit for which 29 RCNY § 2-01(d)(2) does not apply.]

[(viii)] (ix)

(A) [Within 45 calendar days after due notice issued by the Loft Board or, if authorized, the additional period of time described in 29 RCNY § 2-01(d)(2)(vii),] Pursuant to the time periods stated in section (B) below, any [occupant] Occupant:

(a) May file with the DOB an [alternate plan application] Alternate Plan Application, including a [legalization plan] Legalization Plan, for work affecting the [occupant's] Occupant's use of its unit if the proposed work in the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan unreasonably interferes with the [occupant's] Occupant's use of the unit and the [occupant's] Occupant's alternate plan requires a review by DOB;

(b) May file with the DOB an [alternate plan application] Alternate Plan Application in support of a claim that the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan will diminish services to which the [occupant] Occupant is legally entitled; and

(c) [If authorized by the Loft Board staff, may] May file comments with the Loft Board opposing the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan on the ground that such plans unreasonably interfere with the [occupant's] Occupant's use of the unit or diminish services to which an [occupant] Occupant is legally entitled, provided that the [occupant's] Occupant's claim does not require DOB review in order for the Loft Board to resolve the dispute.

(B) (a) For Buildings containing one (1) to fifteen (15) registered IMD units, the Occupant must file an Alternate Plan Application or comments within forty-five (45) days after the Loft Board issues a notice.

(b) For Buildings containing sixteen (16) to thirty (30) registered IMD units, the Occupant must file an Alternate Plan Application or comments within sixty (60) days after the Loft Board issues a notice.

(c) For Buildings containing thirty-one (31) or more registered IMD units, the Occupant must file an Alternate Plan Application or comments within seventy-five (75) days after the Loft Board issues a notice.

(d) Upon request filed before the expiration of the time period stated in section (B)(a), (b) or (c), the Executive Director may extend the deadline for an additional thirty (30) days upon application by an Occupant if the Occupant demonstrates extraordinary circumstances prevented the Occupant from filing an Alternate Plan Application or comments.

(C) If the occupant's alternate plan proposed pursuant to this subparagraph [(viii)] (ix) is required to be filed with the DOB because it requires DOB review, [it shall be filed by] the Occupant must, at the Occupant's expense, hire a registered architect or professional engineer [retained by the occupant, who will be responsible for any required fees] who must file the alternate plan with the DOB. If the [alternate plan application] Alternate Plan Application includes an [alteration application] Alteration Application describing plumbing work, the [alteration application] Alteration Application must be filed with the DOB by a licensed plumber retained by the [occupant] Occupant, who is responsible for any required fees. Two (2) or more [occupants] Occupants may file a joint [alternate plan application describing their alternate plan] Alternate Plan Application.

(D) If an Occupant files an Alternate Plan Application with the DOB that does not affect any other units or common areas, the Occupant must, within seven (7) days after filing the Alternate Plan Application, serve the Owner, Landlord and Responsible Party with a narrative statement describing the Occupant's objections to, comments on, or criticisms of the Owner's or Responsible Party's plan.

(E) If an Occupant files an Alternate Plan Application with the DOB that affects any other units or common

areas, the Occupant must, within seven (7) days after filing the Alternate Plan Application, serve the Owner and all Affected Parties with a narrative statement describing the Occupant's objections to, comments on, or criticisms of the Owner's or Responsible Party's plan and any code compliance costs related to the Occupant's alternate plan.

(F) The Occupant must serve a copy of the narrative statement and Alternate Plan Application by:

(a) personal service. Proof of personal service consists of a sworn affidavit indicating the date, time, place, location, and mode of identification of such personal service; or

(b) email, if the Owner or Responsible Party or other Affected Parties consents to such service and has provided an email address for such purposes. Proof of service by email consists of a copy of a delivery receipt from an email server indicating the email was delivered to such email address; or

(c) fax, if the Owner or Responsible Party or other Affected Parties consents to such service and has provided a fax number for such purpose. Proof of service by fax consists of a fax machine receipt indicating the transmission was successfully delivered to such number; or

(d) first class mail. Proof of service by first class mail consists of a United States Post Office-stamped copy of the certificate of mailing indicating the mailing address of the Owner or Responsible Party or other Affected Parties; or

(e) delivery by a Private Delivery Service. Proof of service by a Private Delivery Service consists of a copy of a receipt showing acceptance by the delivery service for delivery to the address of the Owner or Responsible Party or other Affected Parties.

(G) *Filing with the Loft Board.* Within seven (7) days of service of the narrative statement and Alternate Plan Application, the Occupant must file one electronic copy or one hard copy of the following with the Loft Board:

(a) The original narrative statement with proof of service;

(b) The Alteration Application along with proof that an acceptable set of plans have been filed with DOB; and

(c) The Legalization Plan submitted to DOB. The hard copy of the plan filed with the Loft Board must be no larger than fourteen by seventeen (14 x 17) inches.

(H) Owners, Responsible Parties and other Occupants may examine and copy, at their own expense, the Alteration Application and Legalization Plan by appointment at the Loft Board.

(I) An Owner, Responsible Party or Occupant may request from the Occupant filing the alternate plan, a reproducible copy of the Alteration Application and Legalization Plan, including the tenant protection plan. The Occupant filing the alternate plan must supply such copy within seven (7) days of service of the request. The Owner, Responsible Party or Occupant making the request must pay all copying costs up to the amount listed in § 101-03 of Title 1 of the Rules of the City of New York.

(J) The failure of an [occupant] Occupant to file an [alternate plan application] Alternate Plan Application with the DOB and the Loft Board or comments with the Loft Board within the prescribed time period will constitute a waiver of an [occupant] Occupant's right to challenge the [owner's] Owner's or Responsible Party's submitted [legalization plan] Legalization Plan on the ground that it would unreasonably interfere with the [occupant's] Occupant's use of the unit or constitute a diminution of services[; however, late filing of an alternate plan application is permitted if, upon application, the Loft Board or its staff by order or administrative determination finds that good cause existed for the occupant's failure to file in a timely manner and if a building permit has not yet been issued]. However, the Loft Board may permit the late filing of an Alternate Plan Application if, upon application, the Loft Board, by order or by staff Administrative Determination, finds that good cause existed for the Occupant's failure to timely file and if a building permit has not yet been issued, or upon agreement of the Owner or Responsible Party and all Affected Parties.

[Within 5 calendar days after filing an alternate plan application with the DOB, the occupant shall provide the owner and all other occupants with a dated narrative statement describing the occupant's objections to, comments on, or criticisms of the owner's plan and any projected increase in code compliance costs resulting from the occupant's alternate plan. In accordance with the procedures provided in 29 RCNY § 2-01(d)(1), the occupant must file with the Loft Board: the original copy of the occupant's narrative statement with proof of service on the owner and all other occupants, two copies of the filed alternate plan application, including the DOB's acknowledgment of filing, and two copies of the occupant's alternate plan application and legalization plan. The owner and other occupants may review the alternate plan application, including the legalization plan, by appointment at the Loft Board's office. An owner or another occupant may request from the filing occupant a reproducible copy of the alternate plan application and legalization plan and shall be supplied with such copy within 7 calendar days after service of the request. The cost to the requesting party is the fee listed in 1 RCNY § 101-03.

(ix)] (x) If the DOB issues objections to an [alternate plan application] Alternate Plan Application submitted by [any] an [occupant] Occupant of the [building] Building, the [occupant] Occupant, through his or her architect or engineer, must take all necessary and reasonable actions to cure such objections within[45 calendar] forty-five (45) days of notice of objections from the DOB.

The [owner] Owner or Responsible Party, through its architect or engineer, must take all necessary and reasonable actions to cure the DOB objections within [60 calendar] sixty (60) days of notice of objections from the DOB for its [alteration application] Alteration Application and [legalization plan] Legalization Plan. The failure to take all necessary and reasonable actions to cure the objections within the prescribed time period may subject the [owner] Owner or Responsible Party to fines in accordance with 29 RCNY §§ 2-01.1 and 2-11.1 to be imposed by the Loft Board or the Environmental Control Board, if designated by the Loft Board, for failure to comply with these rules.

If the [occupant's] Occupant's opposition to the [owner's] Owner's or Responsible Party's plan does not require DOB review, the [occupant] Occupant must serve the [owner] Owner or Responsible Party and the other [occupants] Occupants with the comments describing how the [owner's] Owner's or Responsible Party's plan will unreasonably interfere with the [occupant's] Occupant's use of the unit or how it will result in a diminution of services to which the [occupant] Occupant is entitled. The [occupant's] Occupant's comments must be filed within the requisite time provided in § 2-01(d)(2)(ix)(B) [with the Loft Board within 45 days of the Loft Board's notice], unless extended pursuant to 29 RCNY § [2-01(d)(2)(vii)] 2-01(d)(2)(viii). Proof of service to the [owner] Owner or Responsible Party and the other [occupants] Occupants must be attached to the filing of the comments with the Loft Board.

[(x)] (xi) *Amendments to Legalization Plan* [*Prior to*] *Before Loft Board's Certification.* If the [owner] Owner or Responsible Party amends the [legalization plan] Legalization Plan initially submitted to the Loft Board after the issuance of the notice described in § 2-01(d)(2)(ix)(B) but before the Loft Board issues certification, the [owner] Owner or Responsible Party must file two copies of any amended plans with the Loft Board, along with a detailed amendment to the narrative statement listing the changes. Proof of service of the narrative statement on all of the [occupants] Occupants of the [building] Building and copies of the plans must be filed with the Loft Board in accordance with the procedures described in subparagraph [(v)] (vi) above.

Within [40 calendar] forty (40) days of the Loft Board's notice of the revised plan, any [occupant] Occupant who

has not previously done so, may file with the DOB an [alternate plan application] Alternate Plan Application for work affecting the [occupant's] Occupant's use of the unit, if DOB review is required or may file comments opposing the [owner's] Owner's or Responsible Party's revised plan with the Loft Board. The [occupant] Occupant must comply with all the requirements of subparagraph [(viii)] (ix) above. The [occupant] Occupant may object to only those items that represent a change from the [owner's] Owner's or Responsible Party's submissions previously received. The procedures for DOB review provided in subparagraph [(ix)] (x) above shall apply.

[(xi)] (xii) *Loft Board's Certification of the Legalization Plan.*

(A) (a) When the DOB has no further objections to the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan, and if no [alternate plan application] Alternate Plan Application has been filed by [any] an [occupant] Occupant of the [building] Building within the time period provided for filing in this rule, the Loft Board shall issue a letter certifying compliance with all requirements of 29 RCNY § 2-01(d)(2). To receive Loft Board certification, the [owner] Owner or Responsible Party must verify to the Loft Board that no revisions have been made to the [legalization plan] Legalization Plan since the [narrative statement conference or if the legalization plan has been revised, the owner must summarize any revisions which may have been made and include the date of the revised legalization plan] last filing of the Narrative Statement.

(b) If an [occupant's alternate plan application] Occupant's Alternate Plan Application has been filed and the [45 calendar] forty-five (45) day period provided in subparagraph [(ix)] (x) above for addressing objections to the [occupant's alternate plan application] Occupant's Alternate Plan Application has expired without all necessary and reasonable actions having been taken by the [occupant] Occupant to cure the objections, the Loft Board shall issue a letter certifying the [owner's] Owner's or Responsible Party's compliance with all requirements of 29 RCNY § 2-01(d)(2).

(B) (a) Where the [occupant] Occupant has submitted [an alternate plan application] an Alternate Plan Application and is unable to agree with the [owner] Owner or Responsible Party about [upon] the work to be performed, and the DOB has no objections to such alternate plan, or if the [occupant] Occupant has cured such objections, the [occupant] Occupant must advise the Loft Board and refer the [alternate plan application] Alternate Plan Application to the Loft Board for review and resolution of the dispute.

Such referral to the Loft Board will occur no sooner than [30 calendar] thirty (30) days after notification of the removal of the last objection or of the lack of objection.

In addition, the Loft Board staff may authorize such referral before all objections have been removed if the remaining objections do not need to be resolved in order for the Loft Board to resolve the dispute. If the [owner] Owner or Responsible Party and the [occupant] Occupant come to an agreement, they must immediately inform the DOB and the Loft Board of the agreement in writing and must provide the Loft Board with a copy of the agreement. In such case, the [owner] Owner or Responsible Party must amend the [legalization plan] Legalization Plan for the IMD [building] Building to include the changes agreed upon by the parties, if any.

(b) *Loft Board-Initiated* [*Alternate Plan*] *Dispute Resolution Proceeding.* If an [occupant's alternate plan application] Occupant's Alternate Plan Application is referred to the Loft Board, pursuant to 29 RCNY § [2-01(d)(2)(xi)(B)(a)] 2-01(d)(2)(xii)(B)(a) above, the Loft Board shall review the [plans] Alternative Plan Application and on its own initiative may commence a [proceeding] Dispute Resolution Proceeding to determine whether the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan would result in an unreasonable interference of the [occupant's] Occupant's use of the unit or a diminution of service. The [proceeding] Dispute Resolution Proceeding will be governed by the Loft Board's rules.

The [owner] Owner or Responsible Party and the [occupants] Occupants of the [building] Building will have an opportunity to submit an answer. In the case of an [occupant] Occupant challenging the [owner's legalization plan] Owner's or Responsible Party's Alteration Application and Legalization Plan, the answer must include an explanation of how the [owner's] Owner's or Responsible Party's proposed [legalization plan] Alteration Application and Legalization Plan would result in an unreasonable interference with the [occupant's] Occupant's use of the unit or a diminution of service.

If the Loft Board, after a fact-finding hearing, or the Executive Director, if a fact-finding hearing is not required, finds that the [owner's legalization plan] Owner's or Responsible Party's Alteration Application and Legalization Plan would result in an unreasonable interference, [it] the Loft Board or the Executive Director shall order the [owner] Owner or Responsible Party to amend its [alteration application] Alteration Application, [legalization plan] Legalization Plan and corresponding [narrative statement] Narrative Statement to incorporate the Occupant's Alternate Plan Application within [60 calendar] sixty (60) days or may certify the [alternate plan] Alternate Plan Application submitted by the [occupant] Occupant for the space involved.

A failure or refusal to comply with such an order or Administrative Determination may constitute a violation of the [owner's] Owner's or Responsible Party's obligation to take all reasonable and necessary action to obtain an [alteration permit] Alteration Permit under § 284 of [Article] Art. 7-C and these rules, and the [owner] Owner or Responsible Party may be subject to civil penalties in accordance with 29 RCNY § 2-11.1. The Loft Board may also initiate an action to compel specific performance, and seek all applicable penalties authorized by the Loft Board rules or [Article] Art. 7-C.

If the [owner] Owner or Responsible Party has cleared all DOB objections and if the Loft Board or its Executive Director finds that the [owner's] Owner's or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan would not unreasonably interfere with the [occupant's] Occupant's use of the unit, the Loft Board or its Executive Director shall issue an order or an [administrative determination] Administrative Determination certifying compliance with all requirements of 29 RCNY § 2-01(d)(2).

[(xii)] (xiii) Within [10 calendar] ten (10) days after the issuance of a building permit by the DOB, the [owner shall] Owner or Responsible Party must file a copy of the building permit with the Loft Board. In the case of an IMD subject to [Article] Art. 7-C pursuant to MDL § 281(5) which has an [alteration permit] Alteration Permit on September 11, 2013, the effective date of this rule, the [owner] Owner or Responsible Party must file a copy of the building permit with the Loft Board by October 11, 2013, 30 [calendar] days after the effective date of this rule.

[(xiii)] (xiv) *Amendments to Legalization Plan* [*After*] after *the Loft Board's* [*Certification*] *certification of* [*Compliance*] *compliance with 29 RCNY § 2-01(d)(2).*

(A) If the [owner] Owner or Responsible Party intends to amend the [legalization plan] Legalization Plan certified by the Loft Board, the [owner] Owner or Responsible Party must file with the Loft Board two copies of the amended narrative statement listing the changes and the amended [legalization plan] Legalization Plan within [10] ten (10) days after the filing of the amendment with the DOB in accordance with (B) below. The Legalization Plan must identify all of the amendments.

(B) The [owner] Owner or Responsible Party must follow the procedures for notice to the residential and [nonresidential] non-residential [occupants] Occupants set forth in 29 RCNY § 2-01(d)(1) above, except that notice of the amendment(s) is (are) only required to those units that are affected by the amendment(s). If an [owner] Owner or Responsible Party amends the [legalization plan] Legalization Plan and the proposed work is located within IMD space, or within the common areas of the [building] Building, the [owner] Owner or Responsible Party must serve an amended narrative statement on the [occupants] Occupants in accordance with the notice provisions provided in 29 RCNY § 2-01(d)(1) above. The [owner] Owner or Responsible Party must file proof of service and the amended narrative statement and [legalization plan] Legalization Plan with the Loft Board. In accordance with the requirements of 29 RCNY § [2-01(d)(2)(viii)] 2-01(d)(2)(ix) and within [40 calendar] forty (40) days from the Loft Board's notice of the [owner's] Owner's or Responsible Party's revised [legalization plan] Legalization Plan, any [occupant] Occupant: 1) may file with the DOB an [alternate plan application] Alternate Plan Application or 2) may file with the Loft Board comments opposing the work proposed in the amendment. The [occupant] Occupant may only object to those items that represent a change from the [legalization plan] Legalization Plan certified by the Loft Board. The [owner] Owner or Responsible Party must obtain a Loft Board certification described in 29 RCNY § [2-01(d)(2)(xi)] 2-01(d)(2)(xii) for any amended [legalization plan] Legalization Plan.

If the [occupant] Occupant and the [owner] Owner or Responsible Party are unable to agree to the proposed work in the amended narrative statement and [legalization plan] Legalization Plan, the Loft Board must follow the procedures in 29 RCNY § [2-01(d)(2)(xi)(B)] 2-01(d)(2)(xii)(B) regarding the Loft Board-initiated alternate plan dispute.

[(xiv)] (xv) Approval of an [owner] Owner or Responsible Party 's [legalization plan] Legalization Plan by the DOB pursuant to this subsection [shall not be construed as] does not constitute approval of the construction costs for the work proposed in the plan as necessary and reasonable costs of code compliance work for purposes of a rent adjustment based of code compliance costs [proceedings] under these rules.

(3) *Procedures for certification of estimated further rent adjustments.* Following the DOB's approval of an [owner] Owner or Responsible Party's [alteration application] Alteration Application and [legalization plan] Legalization Plan or an [occupant's alternate plan application] Occupant's Alternate Plan Application, an [owner] Owner or Responsible Party may apply to the Loft Board for certification of estimated future rent adjustments, based on the [legalization plan] Legalization Plan and the [Loft Board Schedule of Allowable] Loft Board's Chart of Necessary and Reasonable [Code Compliance] Costs. The filing of an [application] Application for estimated future rent adjustments is at the discretion of the [owner] Owner or Responsible Party and shall not be a basis for staying commencement or continuation of work under a valid building permit issued by the DOB.

All [applications] Applications for certification of estimated future rent adjustments will be processed in accordance with 29 RCNY § [1-06] 1-21, except as provided herein. The [owner] Owner or Responsible Party must file with the Loft Board an [application] Application on a Loft Board approved form. The [application] Application must describe separately: i) the work to be performed in each residential unit; ii) the work to be performed in common areas; and iii) the work to be performed in the [nonresidential units] non-residential Units. The [application] Application must include a calculation of the necessary and reasonable costs based on the Loft Board schedule and any other necessary and reasonable costs as permitted in the Loft Board's rules. If the [owner] Owner or Responsible Party anticipates the use of financing, the [application] Application must also include any statements, letters of intent or commitment, or other materials from institutional or non-institutional lenders regarding the terms or conditions of such financing. In addition, the [owner] Owner or Responsible Party must file with the Loft Board two copies of the approved [alteration application] Alteration Application and [legalization plan] Legalization Plan.

The [owner's application] Owner's or Responsible Party's Application must be served on all of the [building's occupants] Building's Occupants by the [owner] Owner or Responsible Party in accordance with the service requirements for [applications] Applications set forth in 29 RCNY § [1-06] 1-21. Occupants may review the [alteration application] Alteration Application and [legalization plan] Legalization Plan at the DOB in accordance with the DOB's procedures or by appointment at the Loft Board's office. An [occupant] Occupant may request from the [owner] Owner or Responsible Party a reproducible copy of the [alteration application] Alteration Application and [legalization plan] Legalization Plan, and the [owner] Owner or Responsible Party must supply such a copy within [7 calendar] seven (7) days after service of the request at a cost to the [occupant] Occupant of up to the amounts listed in 1 RCNY § 101-03. Occupants may submit an answer to the [owner's application] Owner's or Responsible Party's Application within [20 calendar] twenty (20) days after the date on which service of the [application] Application was completed. The answer may list any objections, comments or suggestions regarding the calculation of necessary and reasonable costs of approved work.

The Loft Board may schedule a conference to discuss objections, comments or suggestions raised by the [occupants] Occupants and responses by the [owner] Owner or Responsible Party. Following such a conference, the [application] Application will be processed, and the Loft Board will issue findings on the necessary and reasonable code compliance work and associated costs, and the estimated future rent adjustments. Such findings will be a reasonable estimate based on available information. However, actual rent adjustments will be determined by the Loft Board in accordance with 29 RCNY § 2-01(i) through (l).

(4) *Requirement of a Letter of No Objection ("LONO") for* [*Work*] *Alteration Permits in IMD Buildings.*

(i) *Proposed* [*Work*] *work in* [*Non-IMD Spaces*] *non-IMD spaces:* An [owner] Owner or Responsible Party of an IMD [building] Building who is applying to the DOB for an [alteration permit] Alteration Permit to perform work in the non-IMD spaces of such [building] Building, including any commercial space or residential space not covered by [Article] Art. 7-C of the MDL, must provide DOB with a [letter of no objection ("LONO")] LONO from the Loft Board [prior to] before issuance of an [alteration permit] Alteration Permit.

(ii) *Proposed* [*Work*] *work in* [*the*] *IMD* [*Spaces*] *spaces:* Any request for a LONO by or on behalf of the [owner] Owner or Responsible Party for work to be performed in the IMD units will be processed by the Loft Board as an amendment to the [owner's] Owner's or Responsible Party's [narrative statement and the legalization plan] Narrative Statement and Legalization Plan certified pursuant to 29 RCNY § 2-01(d)(2). The Loft Board will issue an amended certification for the revised narrative statement and [legalization plan] Legalization Plan.

(iii) *Requirements to* [*Obtain*] *obtain a Letter of No Objection:*

(A) Before a LONO may be granted, a [building owner] Building Owner or Responsible Party must demonstrate compliance with the annual registration requirements set forth in 29 RCNY § 2-11, and all outstanding fees and fines payable to the Loft Board for the [building] Building must be paid or an arrangement for payment must be made.

(B) The LONO request must include:

[a.] (a) a formal request, which must be submitted on the Loft Board approved form, if any, at the time of the request;

[b.] (b) a copy of the current [monthly] quarterly report relating to the legalization projects in the [building] Building, in accordance with the requirements of 29 RCNY § 2-01.1(a)(1)(ii);

[c.] (c) a copy of the [alteration application] Alteration Application filed with the DOB;

[d.] (d) a copy of the DOB objection sheet listing the only remaining DOB objection to be the requirement to obtain a LONO from the Loft Board[;], or proof that all DOB objections have been cleared and all required items have been submitted; and

[e.] (e) a copy of the corresponding drawings or plans with DOB bar code numbers filed

with the DOB, on paper no larger than [14] fourteen (14) inches wide by [17] seventeen (17) inches long.

(C) The Loft Board's staff will not consider an incomplete request or a request containing inaccurate information for a LONO.

(D) The Loft Board's staff may request additional information or documentation, as it deems necessary in its review of the LONO request. If the [owner] Owner or Responsible Party does not respond to the Loft Board staff's request within ten (10) [calendar] days of the request, the request for a LONO will be deemed to be withdrawn.

(E) The Loft Board's staff may deny a LONO request for the proposed work where:

[a.] (a) the [owner] Owner or Responsible Party does not have an [alteration application] Alteration Application filed with the DOB to perform the legalization work in the IMD spaces;

[b.] (b) the Loft Board issued a certification of the legalization work in the IMD spaces pursuant to 29 RCNY § 2-01(d)(2)(xi), and the [owner] Owner or Responsible Party does not have a current permit to perform the legalization work in such IMD units;

[c.] (c) the DOB had issued a temporary certificate of occupancy for the residential portion of the subject [building] Building before the [owner] Owner or Responsible Party applied for a LONO, and the temporary certificate of occupancy expired and has not been renewed;

[d.] (d) the [owner's] Owner's or Responsible Party's [monthly] quarterly reports as required in 29 RCNY § 2-01.1(a)(1)(ii) show no advancement of legalization projects in the [building] Building. The Loft Board's staff may supplement its review of the [owner's] Owner's or Responsible Party's [monthly] quarterly reports to consider any relevant information contained in the Loft Board's files;

[e.] (e) the IMD [building] Building already has a final certificate of occupancy, but the [owner] Owner or Responsible Party has not applied to the Loft Board for removal;

[f.] (f) the [owner] Owner or Responsible Party applied to the Loft Board for removal of the subject [building] Building [prior to] before filing the LONO request, but the [owner] Owner or Responsible Party has not exercised all diligent efforts to submit additional information that was requested by the Loft Board's staff for processing the removal [application] Application; or

[g.] (g) any other circumstance exists that indicates to the Loft Board's staff that the [owner] Owner or Responsible Party has failed to take all reasonable and necessary action to obtain a final certificate of occupancy for the residential portions of the IMD spaces to legalize the [subject building] Building or to remove the [building] Building from the Loft Board's jurisdiction.

(F) Granting of a LONO is not a finding by the Loft Board that the [owner] Owner or Responsible Party is exercising all reasonable and necessary action toward obtaining a final certificate of occupancy for the residential portions of the IMD units to legalize the [subject building] Building.

(iv) *Nature of the* [*Proposed Work*] *proposed work.* In granting a LONO request, the Loft Board's staff may consider the effect the proposed work may have on the IMD units and the [protected occupants] Protected Occupants of the [building] Building. If the proposed work would (1) result in a change in the use, egress, [buildings'] Buildings' systems, or occupancy of IMD space in the [building] Building, or (2) affect an Occupant of an IMD unit in which there is an active dispute or finding of [harassment] Harassment by the Loft Board, or (3) adversely affect any [protected occupants] Protected Occupants of the IMD units in the [building] Building, the Loft Board's staff may conduct an informal conference with the [protected occupants] Protected Occupants and the [owner] Owner or Responsible Party upon at least [15 calendar days'] fifteen (15) days' notice. Service of the conference notice by the Loft Board will be sent by regular mail.

(v) *Appeal of Decision.*

(A) If the Loft Board's staff denies a LONO request, the [owner] Owner or Responsible Party may appeal to the Executive Director for an [administrative determination] Administrative Determination.

(B) To be considered timely, the appeal to the Executive Director must be received by the Loft Board within [15 calendar] fifteen (15) days from the mailing date of the LONO's denial. An untimely appeal is subject to dismissal by the Executive Director. The appeal to the Executive Director must include:

[a.] (a) the basis for the appeal;

[b.] (b) a statement that requirements for the LONO set forth in subparagraph (iii) above are true, correct and complete as of the date of the appeal;

[c.] (c) a detailed report of the current status of the legalization projects; and

[d.] (d) a detailed schedule of the work to be performed in connection with achieving compliance with [Article] Art. 7-B of the MDL, and a projected compliance date, to the extent the [building] Building is not yet in compliance therewith.

(C) The Executive Director will issue a written determination within 30 [calendar] days of receipt of the request.

(D) The Executive Director will not consider any incomplete appeals. Failure to file a complete appeal may result in rejection of the appeal without consideration of the issues raised.

(E) Appeals from the written determination of the Executive Director shall be governed in accordance with 29 RCNY § [1-07.1] 1-33.

§ 5. Subdivision (g) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(g) *Notice to* [*occupants*] *Occupants of proposed work, repairs and inspections and* [*occupant's*] *Occupant's obligation to provide access.*

(1) Unless otherwise agreed by the parties, the [owner] Owner or Responsible Party must provide [all occupants] Occupants with written notice of the approximate commencement date, duration and scope of all work to be performed within their units and of all common area work that may interfere with access to their units or the provision of services to their units.

The notice need not provide an exact date for the work, but must provide a range of three consecutive working days during which work to be completed in one working day will take place and a range of five (5) consecutive working days during which work expected to require more than one (1) consecutive working day will begin.

The access notice must be served by personal service, first class mail, registered mail return receipt requested, or certified mail return receipt requested, such that service is deemed completed at least [5 calendar] five (5) days [prior to] before the first date in the range of days for work that may reasonably be expected to be completed within one (1) working day and at least [10 calendar] ten (10) days [prior to] before the first date in the range of days for all other work expected to require two (2) or more consecutive working days.

(2) No later than the day preceding the first day in the range of work days listed on the access notice referenced in paragraph (g)(1) above, the [owner] Owner or Responsible Party must provide written notice, either confirming a specific starting date from among those specified or cancelling the scheduled work for the day or days specified. In instances where scheduled work is cancelled, it must be rescheduled in accordance with the provisions of 29 RCNY § 2-01(g)(1) above.

The [owner] Owner or Responsible Party or Agent must deliver the second access notice personally to the [occupant] Occupant or, in the [occupant's] Occupant's absence, to a person of suitable age and discretion within the unit. If the [owner] Owner or Responsible Party or [agent] Agent cannot achieve delivery to a person as described, the [owner or agent] Owner or Responsible Party or Agent must deposit the notice under the main entrance of the unit or, if that is not possible, must affix such notice to the main entrance of the unit.

An [occupant] Occupant may designate in writing another [occupant] Occupant within the [building] Building to receive an access notice pursuant to this 29 RCNY § 2-01(g) provided that the designee is authorized to provide reasonable access to the [occupant's] Occupant's unit as required in such notice. Such designation must be served on the [owner] Owner or Responsible Party by (i) personal service or (ii) first class mail, and registered mail return receipt requested or certified mail return receipt requested.

(3) Upon appropriate notice, the [building] Building [occupants] Occupants must provide [the owner with] reasonable access to their units so that all requisite code compliance or repair work, inspections and surveys as may be required for the purpose of code compliance, may be performed.

(4) Upon the failure of an [occupant] Occupant to provide such access, the [owner] Owner or Responsible Party may apply to the Loft Board for an order affording the [owner] Owner or Responsible Party reasonable access to the unit. Recognizing the necessity of construction work proceeding without unnecessary delays caused by administrative processing, the Loft Board will process [applications] Applications for access under the following expedited procedures:

(i) The [owner] Owner or Responsible Party must serve the [occupant] Occupant with a copy of the [owner's] Owner's or Responsible Party's verified or affirmed [application] Application for access on the Loft Board's form. Service on the [occupant] Occupant must be [effected] either by:

(A) personal service or

(B) certified or registered mail, return receipt requested, with an additional copy sent by regular mail. The Owner or Responsible Party may, in addition, send a copy to the Occupant by email, if the Occupant has consented to such service and provided Owner or Responsible Party with a current and valid email address for such purpose.

Within [5 calendar] five (5) days after delivery or service by mail on the [occupant] Occupant, the [owner] Owner or Responsible Party must file [5] five (5) copies of the [application] Application at the offices of the Loft Board, along with proof of service of the [application] Application upon the [occupant] Occupant. Proof of service is required at the time of filing the access [application] Application with the Loft Board.

(ii) The [occupant] Occupant must file with the Loft Board [5] five (5) copies, including the original, of a written answer in response to the [application] Application within [15 calendar] fifteen (15) days after service of the [application] Application is deemed complete. Service is deemed complete on the date of personal service or [5 calendar] five (5) days after the [owner] Owner or Responsible Party mailed the [application] Application.

(iii) (A) Before the [occupant] Occupant files an answer with the Loft Board, the [occupant] Occupant must serve a copy of the answer on the [owner] Owner or Responsible Party by regular mail at the address designated on the [application] Application. Occupant may, in addition, send a copy to the Owner or Responsible Party by email, if the Owner or the Responsible Party has consented to such service and provided the Occupant with a current and valid email address for such purpose. Both [owner] Owner or Responsible Party and [occupant] Occupant will be notified of a hearing date, which will not be fewer than [8 calendar] eight (8) days or more than [15 calendar] fifteen (15) days from the mailing of the notice. There will be no more than one adjournment per party, limited to [7 calendar] seven (7) days, for good cause shown. Except as provided herein, the provisions of 29 RCNY § [1-06] 1-21 apply to an [application] Application for access under this subdivision.

(B) Even if the [occupant] Occupant fails to file an answer, the Loft Board may issue an order granting access.

(iv) A finding by the Loft Board of failure by the [owner] Owner or Responsible Party to comply with any of the notice provisions of 29 RCNY § 2-01(g) or a finding by the Loft Board that an [occupant] Occupant has unreasonably withheld access may be the basis for a civil penalty in accordance with 29 RCNY § 2-11.1 for each violation of the notice provisions, or the unreasonable denial of access to the unit.

The necessary and reasonable cost of bringing and pursuing a Loft Board access proceeding that results in a finding that a residential [occupant] Occupant has unreasonably withheld access, including the labor or other costs incurred by the [owner] Owner or Responsible Party because access was unreasonably denied, may be included in the owner's [application] Application for code compliance rent adjustment as an allowable cost to be allocated to such [occupant's residential unit] Occupant's Residential Unit, as provided for in 29 RCNY § 2-01(l)(1).

(v) The failure of an [occupant] Occupant to comply with a Loft Board order regarding access may be grounds for eviction of that [occupant] Occupant in a proceeding brought before a court of competent jurisdiction.

§ 6. Subdivision (h) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(h) *Unreasonable interference with use.*

(1) Whenever reasonably possible, work to achieve code compliance should be performed without any, including the temporary, dislocation of [occupants] Occupants from their units and with minimal disruption to the [occupants'] Occupants' use of their units. The [owner] Owner or Responsible Party must take all reasonable actions to ensure that code compliance work does not unreasonably interfere with the use of any occupied unit. Arrangements should be made for each day's work to be a full day's work, to the extent possible. Scheduling of work must be done, to the extent possible, in a fashion that minimizes disruptions in the provision of essential services. Regular maintenance must be performed within the [building] Building during the construction period, except when construction renders regular maintenance impossible.

(2) After the filing of an [alteration application] Alteration Application by the [owner] Owner or Responsible Party, but before the issuance of a building permit, [occupants] Occupants who object to the proposed work because it will unreasonably interfere with the use of their units must oppose the proposed plan as provided in 29 RCNY § [2-01(d)(2)(viii)(A)] 2-01(d)(2)(ix)(A). After a permit has been issued through the process described in 29 RCNY § 2-01(d)(2), in which the [occupants] Occupants have had an opportunity to participate, the [occupants] Occupants may raise no further objections to the scope of the work approved under the permit on the grounds that it constitutes an unreasonable interference with the use of their units.

(3) (i) In the case of an IMD for which a building permit for achieving code compliance with [Article] Art. 7-B, alternative building codes or provisions of the [M.D.L.] MDL has been issued and is in effect as of the date of adoption of these regulations, such that 29 RCNY § 2-01(d)(2) is not applicable, an [occupant] Occupant of such an IMD may file an [application] Application pursuant to this subdivision (h) on the grounds that the scope of the work approved under the permit constitutes an unreasonable interference with the [occupant's] Occupant's use of its unit. This subparagraph (i) is not applicable to IMD units subject to [Article] Art. 7-C pursuant to MDL § 281(5) or 281(6).

(ii) *IMD Units* [*Subject*] *subject to* [*Article*] *Art. 7-C pursuant to MDL § 281(5) as a result of the 2010 amendments to the Loft Law.* An [occupant] Occupant of an IMD unit subject to [Article] Art. 7-C pursuant to MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 may file an unreasonable interference [application] Application under this subdivision (h) if: (1) an [alteration permit] Alteration Permit was in effect on June 21, 2010; (2) the [occupant] Occupant was not able to participate in the [narrative statement] Narrative Statement process because 29 RCNY § 2-01(d)(2) was not applicable to the IMD at the time of the issuance of the [alteration permit] Alteration Permit; and (3) the scope of the work

approved under the [alteration permit] Alteration Permit constitutes an unreasonable interference with the [occupant's] Occupant's use of the unit.

(iii) *IMD Units* [*Subject*] *subject to* [*Article*] *Art. 7-C pursuant to MDL § 281(5) as a result of the 2013 amendments to the Loft Law.* An [occupant] Occupant of an IMD unit subject to [Article] Art. 7-C pursuant to MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 4 of the Laws of 2013 may file an unreasonable interference [application] Application under this subdivision (h) if: (1) an [alteration permit] Alteration Permit was in effect on June 1, 2012; (2) the [occupant] Occupant was not able to participate in the [narrative statement] Narrative Statement process because 29 RCNY § 2-01(d)(2) was not applicable to the IMD at the time of the issuance of the [alteration permit] Alteration Permit; and (3) the scope of the work approved under the [alteration permit] Alteration Permit constitutes an unreasonable interference with the [occupant's] Occupant's use of the unit.

(iv) *IMD Units subject to Art. 7-C pursuant to MDL § 281(5) as a result of the 2015 amendments to the Loft Law.* An Occupant of an IMD unit subject to Art. 7-C pursuant to MDL § 281(5) that became subject to Art. 7-C pursuant to Chapter 20 of the Laws of 2015 may file an unreasonable interference Application under this subdivision (h) if: (1) an Alteration Permit was in effect on June 15, 2015; (2) the Occupant was not able to participate in the Narrative Statement process because 29 RCNY § 2-01(d)(2) was not applicable to the IMD at the time of the issuance of the Alteration Permit; and (3) the scope of the work approved under the Alteration Permit constitutes an unreasonable interference with the Occupant's use of the unit. Upon the request of the Owner, Responsible Party or the Occupant(s), the Loft Board staff may schedule a conference for any IMD unit for which 29 RCNY § 2-01(d)(2) does not apply.

(v) *IMD Units subject to Art. 7-C pursuant to MDL §§ 281(5) and 281(6) as a result of the 2019 amendments to the Loft Law.* An Occupant of an IMD unit subject to Art. 7-C pursuant to MDL § § 281(5) and 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019 may file an unreasonable interference Application under this subdivision (h) if: (1) an Alteration Permit was in effect on June 25, 2019; (2) the Occupant was not able to participate in the Narrative Statement process because 29 RCNY § 2-01(d)(2) was not applicable to the IMD at the time of the issuance of the Alteration Permit; and (3) the scope of the work approved under the Alteration Permit constitutes an unreasonable interference with the Occupant's use of the unit. Upon the request of the Owner, Responsible Party or the Occupant(s), the Loft Board staff may schedule a conference for any IMD unit for which 29 RCNY § 2-01(d)(2) does not apply.

§ 7. Paragraph (2) of Subdivision (i) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(2) *Rent* [*Adjustments Based on the Cost of Code Compliance*] *adjustments based on the cost of code compliance.*

(i) (A) An [owner] Owner or Responsible Party may apply for rent adjustments based on the necessary and reasonable costs of compliance:

(a) once upon certification of compliance with [Article] Art. 7-B of the MDL, alternative local building codes or provisions of the MDL, by a registered architect or a professional engineer licensed in the State of New York or upon issuance of a temporary residential certificate of occupancy, or

(b) once upon issuance of a final residential certificate of occupancy, or both.

(B) Notwithstanding any other provision of this title and in addition to any rights afforded to [owner] Owners or Responsible Parties or [tenants] Tenants under this section, in accordance with MDL § 286(3), if an [owner] Owner or Responsible Party applies for a rent adjustment based on the code compliance costs for compliance with [Article] Art. 7-B of the MDL and the Loft Board approves of such compliance, the Loft Board shall set the initial legal regulated rent, and each residential [occupant] Occupant qualified for protection pursuant to [Article] Art. 7-C shall be offered a residential lease subject to the provisions regarding evictions and regulation of rent set forth in the Emergency Tenant Protection Act of 1974, except to the extent the provisions of [Article] Art. 7-C are inconsistent with such act. If the initial legal regulated rent has been set based upon [Article] Art. 7-B compliance only, a further adjustment may be obtained upon the obtaining of a residential certificate of occupancy.

(C) Except as set forth in this paragraph, the rent adjustment [application] Application based on code compliance costs filed with the Loft Board for IMD units covered under [Article] Art. 7-C pursuant to MDL § 281(1), may include those necessary and reasonable code compliance costs incurred [prior to] before June 21, 1982 for which the residential [occupants] Occupants have not either reimbursed or begun to reimburse the [owner] Owner or Responsible Party. A residential [occupant] Occupant who claims that reimbursement has been or is being made for such costs [shall be required to] must present satisfactory proof of such reimbursement to the Loft Board.

(D) Except as provided in this subparagraph, rent adjustments shall be allowed for necessary and reasonable code compliance costs incurred by an [owner] Owner or Responsible Party in obtaining the building permit under which code compliance work is performed and for necessary and reasonable costs incurred for code compliance work performed after the issuance of such a permit.

(a) *Limitations of* [*Rent Adjustments Based on Costs of Compliance*] *rent adjustments based on costs of compliance.*

1. An [owner] Owner or Responsible Party who has failed to register its [building] Building as an IMD:

(i) on or before December 1, 1985, in the case of a [building] Building covered by [Article] Art. 7-C pursuant to MDL § 281(1) or,

(ii) on or before February 11, 1993, in the case of a [building] Building which is covered by [Article] Art. 7-C solely pursuant to MDL § 281(4) or,

(iii) on or before September 11, 2013, the effective date of this rule, in the case of a [building] Building covered by [Article] Art. 7-C pursuant to MDL § 281(5), shall be allowed rent adjustments only for necessary and reasonable code compliance costs incurred after registration.

2. An [owner] Owner or Responsible Party who fails to register its [building] Building as an IMD:

(i) on or before March 1, 1986, in the case of a [building] Building covered by [Article] Art. 7-C pursuant to MDL § 281(1) or,

(ii) on or before May 11, 1993, in the case of a [building] Building which is covered by [Article] Art. 7-C solely pursuant to [M.D.L.] MDL § 281(4) or,

(iii) on or before December 10, 2013, 90 [calendar] days after the effective of this rule, in the case of a [building] Building covered by [Article] Art. 7-C pursuant to MDL § 281(5), shall be allowed only the necessary and reasonable code compliance costs incurred after registration, and such costs shall be based upon the schedule of costs referenced in subdivision (p) below, without indexing, regardless of when such costs were incurred.

(ii) An [application] Application filed pursuant to this paragraph (2) of 29 RCNY § 2-01(i) [shall] must be filed no later than nine (9) [months] Months after the [owner] Owner or Responsible Party has obtained a certificate of

occupancy or February 1, 2000, whichever date is later. An [owner] Owner or Responsible Party that fails to file an [application] Application for code compliance rent adjustments in a timely manner pursuant to this provision shall be deemed to have waived its right to seek such a rent adjustment. An [application] Application submitted pursuant to this paragraph [shall] must be submitted on a form prescribed by the Loft Board and [shall] must meet the requirements of this paragraph and 29 RCNY §§ [1-06] 1-21 and 2-11, except that for [applications] Applications filed pursuant to clause (A) of subparagraph (iii) of this paragraph, only two copies must be filed plus one for each [affected party] Affected Party, and for precertified [applications] Applications filed pursuant to clause (B) of subparagraph (iii) of this paragraph, only two copies of the [application] Application must be filed. As part of the [application] Application the applicant must submit an itemized statement of costs incurred, including paid bills, cancelled checks or receipts for work performed, any construction contracts, the certificate issued by the [Department of Buildings] DOB for the pertinent level of compliance, and such other information or materials as the Board requires. If the applicant seeks reimbursement for interest and service charges incurred in connection with compliance costs, the applicant must submit the information and materials required under paragraph (4) of 29 RCNY § 2-01(k). In accordance with the provision of 29 RCNY § [1-06(j)(1)] 1-24, the Board may require the applicant to furnish such reports and information as it may require concerning the code compliance work performed and may audit the books and records of the applicant with respect to such matters.

(iii) An [application] Application filed pursuant to this paragraph (2) of 29 RCNY § 2-01(i) may be submitted to the Loft Board for an audit or may be precertified pursuant to clause (B) of this subparagraph.

(A) If the [application] Application is not precertified, the Loft Board shall audit the [application] Application to ascertain whether the code compliance costs set forth in the [application] Application:

(a) are substantiated by invoices and copies of cancelled checks or other similarly reliable documentary evidence submitted as part of the [application] Application; and

(b) do not exceed the reasonable code compliance costs set forth in the schedule contained in these rules. Once the Loft Board's audit of an [application] Application is completed, the Executive Director shall, by first class mail, send the affected residential [occupants] Occupants a copy of the [owner's application] Owner's or Responsible Party's Application and send the affected residential [occupants] Occupants and the [owner] Owner or Responsible Party a copy of the auditor's report.

(B) An [owner] Owner or Responsible Party shall have the option to file a precertified [application] Application for code compliance rent adjustments pursuant to this clause (B). Costs attributable solely to the precertification of the [application] Application shall not be included as reimbursable code compliance costs. A precertified [application shall] Application must meet the requirements of subparagraph (ii) of this paragraph as to form and content, [shall] must be served on all affected residential [occupants] Occupants, and [shall] must be filed, together with:

[*(a)*] (a) certification by a certified public accountant ("CPA"), certifying that said CPA has audited the code compliance cost information contained in the [application] Application and that the code compliance costs set forth in the [application] Application (i) are substantiated by invoices and copies of cancelled checks or other similarly reliable documentary evidence; and (ii) do not exceed the reasonable code compliance costs set forth in the schedule contained in these rules;

[(b)] (b) certification by a registered architect that the code compliance work described in the [application] Application for which the [owner] Owner or Responsible Party seeks reimbursement has been performed, meets the requirements of MDL [Article] Art. 7-B, and is reimbursable pursuant to these rules; and

[*(c)*] (c) proof of service of the precertified [application] Application upon all affected residential [occupants] Occupants.

(C) Residential [occupants] Occupants may, no later than [45] forty-five (45) days following mailing by the Loft Board of the auditor's report pursuant to clause (A) of this subparagraph or service of a precertified [application] Application pursuant to clause (B) of this subparagraph, as the case may be, serve comments concerning the [application] Application upon the [owner] Owner or Responsible Party, and [shall] must file such comments with the Loft Board along with proof of such service. Comments may include, but are not limited to, such matters as the scope of work performed, its necessity and reasonableness, the quality of the workmanship, and the actual costs claimed by the [owner] Owner or Responsible Party. Such comments [shall] must specify the items in contention and the reasons therefor, and [shall] must be supported by corroborating evidence, e.g., contractors' estimates, invoices, [and/]or architects' statements. The Executive Director may extend the [45-day] forty-five (45) day period for a period of time not to exceed [21] twenty-one (21) days, upon a written request of a registered architect, contractor or CPA stating that he or she has been retained by an affected residential [occupant] Occupant for the purpose of reviewing the [owner's application] Owner's or Responsible Party's Application and the Loft Board audit, where an audit has been performed, and stating the reason an extension of time is needed to complete such review. Within the [45-day] forty-five (45) day period, or within the period of any extension granted by the Executive Director, an affected residential [occupant] Occupant may request that the Executive Director schedule a conference at the offices of the Loft Board with the owner or the owner's representative. The conference shall be scheduled expeditiously and shall be limited to the issues presented in the [owner's application] Owner's or Responsible Party's Application and in the Loft Board audit, where an audit has been performed.

(D) If the Executive Director determines that there are no genuine issues of material fact with regard to the [application] Application, the Executive Director shall recommend approval of the [application] Application. [In the event that] If the Executive Director finds that a genuine issue of material fact has been raised with regard to any item in the [application] Application, he or she shall proceed with respect to such item in accordance with clause (E) or (F) of this subparagraph, as appropriate, and at the same time shall recommend approval of the part of the [application] Application as to which he or she has determined there are no genuine issues of material fact. In considering the [application] Application under this clause (D), the Board shall review the [application] Application, the comments submitted, and the recommendation of the Executive Director, and shall determine whether to approve the [application] Application or any part thereof.

(E) Where the Executive Director finds that a genuine issue of material fact has been raised he or she may take appropriate action to obtain such relevant information as in his or her discretion is necessary to assist him or her in reaching a determination. Such action may include, but shall not be limited to, ordering an inspection of the premises, directing the parties to serve and file additional information or corroborating evidence in support of their positions, holding an informal conference with the parties, or directing that a hearing be scheduled pursuant to the provisions of clause (F) of this subparagraph. No later than [45] forty-five (45) days following the end of the period in which residential [occupants] Occupants may submit comments pursuant to clause (C) of this subparagraph, the Executive Director shall either

make findings of fact and a recommended determination to the Board, or shall direct that a hearing be scheduled pursuant to clause (F) of this subparagraph; provided, however, that the [45-day] forty-five (45) day period shall be extended an additional [30] thirty (30) days if, [prior to] before the expiration of the [45-day] forty-five(45) day period, the Executive Director has requested additional information or documentary evidence pursuant to item (2) of this clause (E) and the time to provide such additional information or documentary evidence, or to respond to such additional information or documentary evidence, has not yet passed. In making a recommended determination pursuant to this clause (E), the Executive Director shall consider, and shall make available to the Board, the [application] Application, any comments of the residential [occupants] Occupants, inspection results, information provided by the parties at an informal conference, additional comments, information or corroborating evidence submitted by the parties in writing, or other relevant information.

[*(a)*] (a) If the Executive Director orders an inspection of the premises, the results of the inspection shall be mailed to the parties within three [business days] (3) Business Days of completion of such inspection, and the parties may serve and file comments concerning the inspection results within eight [business days] (8) Business Days after the date of mailing of such results.

[*(b)*] (b) A party directed to serve and file additional information or documentary evidence [shall] must serve and file the additional information or evidence within fourteen (14) [business days] Business Days of such order. The party upon whom the additional information or evidence has been served [shall] must serve and file its response, if any, within five [business days] (5) Business Days after service of the information or evidence.

[*(c)*] (c) If the Executive Director obtains any other relevant information to assist [him] in making [his] a recommended determination under this clause (E), the Executive Director shall ensure the parties are provided with such information, shall provide the parties an opportunity to comment in writing on such information within up to [15 business days] fifteen (15) Business Days after service thereof, and shall provide the parties an opportunity to respond to each other's comments within five [business days] (5) Business Days after service of such comments.

(F) If the Executive Director determines that a genuine issue of material fact has been raised which may be resolved only by a hearing, the Executive Director may bifurcate the [application] Application into two parts:

[(1)] (a) the part that requires no hearing, which shall proceed pursuant to clause (D) or (E) of this subparagraph, as applicable, and

[(2)] (b) the part as to which a hearing is required, which shall proceed pursuant to this clause (F). Such hearing may be preceded by an informal conference, but in any case, shall be commenced not more than [30] thirty (30) days after the decision of the Executive Director to bifurcate the [application] Application, unless the parties stipulate in writing otherwise. Within [30] thirty (30) days after the conclusion of the hearing, the hearing officer shall make findings of fact and a recommended determination. In making the recommended determination the hearing officer shall consider, and shall make available to the Board, the [application] Application, any comments of the residential [occupants] Occupants, inspection results, information provided by the parties at an informal conference, additional comments, information or corroborating evidence submitted by the parties in writing, testimony given at any hearing, or other relevant information. The hearing officer shall submit his recommended determination with respect to the portion of the [application] Application proceeding pursuant to this clause (F) to the Board for its consideration.

(G) Nothing in this subparagraph (iii) of 29 RCNY § 2-01(i)(2) shall be construed to preclude partial approval of an [application] Application by the Board pursuant to clause (D) or (E) of this subparagraph [prior to] before a hearing pursuant to clause (F). If the Board issues an initial order determining the portion of the [application] Application that proceeded under clause (D) or (E) of this subparagraph and grants a rent adjustment to the [owner] Owner or Responsible Party pending the conclusion of a hearing pursuant to clause (F), the [owner] Owner or Responsible Party may continue to collect rents in the amounts stated in the initial order unless and until a supplementary order is issued.

(iv) In evaluating all [applications] Applications for code compliance rent adjustments, the Loft Board shall review the [owner's application] Owner's or Responsible Party's Application, the comments of residential [occupants] Occupants, the Loft Board schedule of costs described in 29 RCNY § 2-01(j), or alternative schedule described below, and any other information considered by the Executive Director and the hearing officer in making a recommended determination. The Board shall determine the necessary and reasonable code compliance costs incurred by the [owner] Owner or Responsible Party, which shall be charged to all affected residential [occupants] Occupants as rent adjustments. Owners or Responsible Parties shall be allowed to pass along no more than the costs recited in the current Loft Board schedule as of the date on which the construction contract(s) is (are) entered into for items included in the contract(s), except as provided in the first paragraph of this subdivision (i) and other necessary and reasonable costs not on the schedule pursuant to 29 RCNY § 2-01(j) below. For items not included in the construction contract(s), costs will be determined based upon the schedule in effect at the time work was performed and 29 RCNY § 2-01(j) below. Owners or Responsible Parties submitting [applications] Applications on or after June 1, 1989 shall be allowed to pass along no more than the costs recited in the revised schedule of costs promulgated by the Board on October 25, 1990. In all cases, if actual compliance costs are less than the amount recited in the Loft Board schedule, rent adjustments shall reflect the lesser actual costs.

(v) An [owner] Owner or Responsible Party may elect that the Loft Board shall deem the total cost of compliance to be the amounts certified by the Department of Housing Preservation and Development in any certificate of eligibility issued in connection with an application for tax exemption or tax abatement (such as "J-51") to the extent that such certificate reflects categories of costs approved by the Loft Board.

(vi) An [owner] Owner or Responsible Party may expressly waive its right to a rent adjustment based on the cost of compliance. To do so, it [shall] must indicate its waiver decision on the Notice of RGB Increase form described in 29 RCNY § 2-01(i)(1) and follow the procedures therein for notification of the affected [occupants] Occupants. In addition, an [owner] Owner or Responsible Party may be deemed to have waived its right to a rent adjustment based on the cost of compliance pursuant to 29 RCNY § 2-01(i)(2)(ii).

(vii) Whenever service upon parties is required in this 29 RCNY § 2-01(i)(2), service shall be made, and proof of service filed, in accordance with the requirements of 29 RCNY § 2-01(d)(1)(i).

(viii) If the Loft Board finds, following notice and an opportunity to be heard, that an architect or CPA has knowingly made a misleading material statement in the context of a certification issued pursuant to 29 RCNY § 2-01(i)(2)(iii)(B), the Loft Board may refuse to accept subsequent certifications from such architect or CPA, and shall refer its findings to the appropriate licensing agency.

§ 8. Clause (C) of Subparagraph (ii) of Paragraph (4) of Subdivision (k) of Section 2-01 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(C) Additional documentation required for a loan from a qualified noninstitutional lender that is related to the applicant by blood, marriage or ownership of stock, partnership interests or other ownership interests. In the case of a loan from any qualified noninstitutional lender that is related to the applicant by blood, marriage or ownership of stock, partnership interests or other ownership interests, an applicant must submit, in addition to the documents enumerated in § 2-01(k)(4)(ii)(A) and (B), [sentences (ii) and (iii) of subparagraph (b) of this paragraph], a statement from the lender's certified public accountant to the effect that the loan under consideration is a bona fide loan and that the interest payable thereunder has been included or is includable as income in the lender's federal income tax return or, alternatively, a true and correct copy (certified as such by the lender or the lender's certified public accountant) of the lender's federal income tax return(s) (or the applicable schedules thereto) showing that such interest has been included in the lender's income for federal income tax purposes for each year to date of such application that interest under the loan has been paid to an including the most recent year in which a federal income tax return has been filed; and copies (both sides) of canceled checks drawn on an account of the lender evidencing payment of the proceeds of the loan to or on behalf of the [owner] Owner or Responsible Party. The Loft Board shall approve a noninstitutional lender in determining rent adjustments pursuant to 29 RCNY § 2-01(k)(2); provided, however, in the case of a qualified noninstitutional lender that is related to the applicant by blood, marriage or ownership of stock, partnership interests or other ownership interests, that the applicant submits reliable evidence (in the form described above) that the loan under consideration is a bona fide loan. Service charges shall be reimbursable only to the extent that they have been paid on or [prior to] before the date of [application] the Application and only when supported by reliable evidence (in the form described above). Only that portion of interest charges on a noninstitutional loan that does not exceed 2 points over the Federal National Mortgage Association's yield on multi-family, 15-year fixed-rate loans shall be included in rent adjustments. The procedures for [applications] Applications to the Loft Board set forth in 29 RCNY § [1-06] 1-21 of these rules shall not apply to Applications for Non-Institutional Lender Approval. The [owner shall be required to] Owner or Responsible Party must submit two copies of the Application for Non-Institutional-Lender Approval. Such [application] Application will be approved provided such filing contains the information required by these rules. The portions of the preceding provisions of 29 RCNY § 2-01(k) pertaining to loans from qualified noninstitutional lenders (specifically, the reference to qualified noninstitutional lenders in 29 RCNY § 2-01(k)(2)(ii), and (k)(4)(i)(B), (k)(4)(ii)(B), (k)(4)(ii)(C), and the paragraph immediately following 29 RCNY § 2-01(k)(4)(ii)(C)) shall terminate on June 30, 1995 unless extended by the Loft Board.

§ 9. Subdivision (a) of Section 2-01.1 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(a) *Definition of Reasonable and Necessary Action.*

(1) Reasonable and necessary action to obtain a certificate of occupancy, as used in § 284(1) of the [Multiple Dwelling Law ("MDL")] MDL, means deliberate, diligent, and consistent action from the beginning of [Article] Art. 7-C coverage through the issuance of a final residential certificate of occupancy for the IMD [building] Building, or the issuance of a final certificate of occupancy for the residential portions of the IMD [building] Building. Failure to take reasonable and necessary action to obtain a residential certificate of occupancy issued pursuant to MDL § 301 is a violation of this section.

(i) *Factors to consider.* In deciding whether an [owner] Owner or Responsible Party has been taking all reasonable and necessary actions to obtain a certificate of occupancy pursuant to subdivision (a) above, the Loft Board or its staff may consider but not be limited to the following factors:

(A) Whether the [owner] Owner or Responsible Party has filed an [alteration application] Alteration Application with the [New York City Department of Buildings ("DOB")] DOB.

(B) Whether the [owner] Owner or Responsible Party has timely cleared all DOB objections to obtain the building permit for the alteration.

(C) Whether the [owner] Owner or Responsible Party timely obtained a building permit after issuance of the Loft Board certification pursuant to 29 RCNY § [2-01(d)(2)(xi)] 2-01(d)(2)(xii).

(D) Whether the building permit for the alteration that the Loft Board certified pursuant to 29 RCNY § [2-01(d)(2)(xi)] 2-01(d)(2)(xii) is in effect.

(E) Whether any other current permit to further the legalization of the residential spaces is in effect.

(F) Whether the [owner] Owner or Responsible Party has timely engaged a contractor to perform the work necessary to obtain a certificate of occupancy.

(G) Whether there has been any stoppage of work due to reasons within the [owner's] Owner's or Responsible Party's control.

(H) Whether the [owner] Owner or Responsible Party has timely cleared all DOB objections and violations as required for obtaining a certificate of occupancy.

(I) Whether the [owner] Owner or Responsible Party has timely scheduled all DOB inspections required for obtaining a certificate of occupancy.

(ii) [*Monthly*] *Quarterly* [*Reports about Legalization Projects*] *reports about legalization projects.*

(A) Any IMD [owner] Owner or Responsible Party who has not been issued a final residential certificate of occupancy issued pursuant to MDL § 301 for the IMD units must file with the Loft Board a [monthly] quarterly report relating to the legalization projects in the [building] Building on the approved Loft Board form, as available on the Loft Board's website or at the offices of the Loft Board. In the case of IMD [buildings] Buildings owned by a cooperative or a condominium, the cooperative or condominium board is responsible for the filing of the [monthly] quarterly report. The report is due on the first [business day] Business Day of [every month] January, April, July and October. The Loft Board or its staff may require the Owner or Responsible Party to file additional reports.

(B) The report must be signed by the [owner] Owner or Responsible Party of the IMD [building] Building and a registered architect or professional engineer.

(C) The information provided in the report may be used as evidence in connection with a Loft Board determination as to whether the [owner] Owner or Responsible Party has exercised all reasonable and necessary action to obtain a final residential certificate of occupancy.

(D) The Executive Director may issue a fine in accordance with 29 RCNY § 2-11.1 for failure to file the legalization report for each report not filed on the first [business day] Business Day of each [month] quarter.

(E) The filing of a false statement in [the monthly] a report may result in fines in accordance with 29 RCNY § 2-11.1 for each false statement in [the monthly] a report.

(2) An [owner] Owner may not delegate its obligation to exercise reasonable and necessary action to obtain a final residential certificate of occupancy for the IMD units.

§ 10. Section 2-02 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-02 Harassment.

(a) *Applicability.* These [harassment] Harassment rules apply to all [harassment applications] Harassment Applications filed with the Loft Board, after September 11, 2013[, the effective date of this amended rule]. Harassment [applications] Applications are subject to the [harassment] Harassment rule in effect on the date of the initial filing of the [application] Application.

All orders of [harassment] Harassment must be kept in the Loft Board's records and in the office of the City Register in accordance with the provisions of 29 RCNY § 2-02(d)(1)(iii).

(b) *Definitions.* For the purposes of this section, the following definitions apply:

Harassment means any course of conduct or single act engaged in by the Owner, Landlord or any other Person acting on such Owner's behalf that interferes with or disturbs the comfort, repose, peace or quiet of an Occupant in the Occupant's use or occupancy of its unit. Such conduct must be intended to cause the Occupant to vacate the Building or unit, or to surrender or waive any rights of such Occupant under the Occupant's written lease or other rental agreement or pursuant to Art. 7-C. Harassment may also include any act or course of conduct by a Prime Lessee or any Person acting on such Prime Lessee's behalf that would constitute Harassment if engaged in by the Owner or Landlord, against any of the Prime Lessee's current or former subtenants who are residential Occupants qualified for protection under Art. 7-C. Harassment includes, but is not limited to, the intentional interruption or discontinuance of or willful failure to provide or to restore services customarily provided in the Building or required by written lease or other rental agreement or, for residential Occupants qualified for the protections of Art. 7-C, by the Loft Board rules regarding minimum housing maintenance standards. Harassment does not include either the lawful termination of a tenancy or lawful refusal to renew or extend a written lease or other rental agreement, or acts performed in good faith and in a reasonable manner for the purposes of operating, maintaining or repairing any Building or part thereof. There is no requirement that the Landlord's actions or inactions be illegal to constitute Harassment. The Loft Board may find that a particular act constitutes Harassment whether it was directed toward one Tenant or multiple Tenants.

[**Harassment** means any course of conduct or single act engaged in by the landlord or any other person acting on its behalf that interferes with or disturbs the comfort, repose, peace or quiet of an occupant in the occupant's use or occupancy of its unit if such conduct is intended to cause the occupant to vacate the building or unit, or to surrender or waive any rights of such occupant under the occupant's written lease or other rental agreement or pursuant to Article 7-C. Harassment may also include any act or course of conduct by a prime lessee or any person acting on his or her behalf that would constitute "harassment" if engaged in by the landlord, against any of the prime lessee's current or former subtenants who are residential occupants qualified for the protection under Article 7-C.

Harassment includes, but is not limited to, the intentional interruption or discontinuance of or willful failure to provide or to restore services customarily provided in the building or required by written lease or other rental agreement or, for residential occupants qualified for the protections of Article 7-C, by the Loft Board rules regarding minimum housing maintenance standards. Harassment does not include either the lawful termination of a tenancy or lawful refusal to renew or extend a written lease or other rental agreement, or acts performed in good faith and in a reasonable manner for the purposes of operating, maintaining or repairing any building or part thereof.

There is no requirement that the landlord's actions or inactions be illegal to constitute harassment. The Loft Board may find that a particular act constitutes harassment whether it was directed toward one tenant or multiple tenants.

Landlord means the owner of an IMD, the lessee of a whole building all or part of which contains IMD units, or the agent, executor, assignee of rents, receiver, trustee, or other person having direct or indirect control of such building..

Occupant, unless otherwise provided, means a residential occupant qualified for the protections of Article 7-C, or any other residential tenant or nonresidential tenant of an IMD building.]

Ongoing Course of Conduct[, for purposes of this section,] means actions or inactions by or on behalf of the [landlord] Landlord, Owner or Responsible Party, that when considered together, show a [continuous pattern of behavior] Continuous Pattern of Behavior.

Continuous Pattern of Behavior, includes, but is not limited to, acts, at least one of which happened within [180 calendar] one hundred and eighty (180) days preceding the filing of the [harassment application] Harassment Application, that show a sequence of events that are similar in nature or a sequence of events that are reasonably related.

(c) *Procedures for considering* [*harassment applications*] *Harassment Applications.*

(1) It is unlawful for a [landlord] Landlord or any other [person] Person acting on its behalf to engage in conduct constituting [harassment] Harassment against any [occupant] Occupant of an IMD [building] Building. A [harassment application] Harassment Application may be filed with the Loft Board by [occupant(s)] Occupant(s) of an IMD [building] Building. The [application] Application must be filed on a form approved by the Loft Board and will be processed in accordance with 29 RCNY § [1-06] 1-21, and the specific requirements provided below.

(2) (i) The description of the conduct complained of must contain the actual or approximate date(s) on which such conduct occurred, the manner and location of each occurrence, and if the complaint is filed on behalf of more than one [occupant] Occupant, the [occupants] Occupants against whom the occurrence was directed. The [application] Application must be filed within [180 calendar] one hundred and eighty (180) days of the conduct complained of, or where an [ongoing course of conduct] Ongoing Course of Conduct is alleged, [as defined in subdivision (b),] the [application] Application must be filed within [180 calendar] one hundred and eighty (180) days of the last occurrence.

(ii) [[Reserved.]] Reserved.

(iii) If the Loft Board finds that an applicant has filed a [harassment application] Harassment Application in bad faith or in wanton disregard of the truth, the applicant may be subject to a civil penalty as determined by the Loft Board in 29 RCNY § 2-11.1.

(3) The applicant must serve all [affected parties] Affected Parties, as defined in 29 RCNY § [1-06(a)(2)] 1-21(b), with a copy of the [application] Harassment Application in accordance with the terms and procedures requiring service and proof of service of the [application] Application as described in 29 RCNY § [1-06(b)] 1-21.

Where a [harassment application] Harassment Application solely alleges that the [owner's] Owner's or Responsible Party's challenge of a sale of improvements is frivolous, the applicant must serve only the [owner] Owner or Responsible Party as an [affected party] Affected Party.

[Instructions for filing an answer ("Instruction Form") and an] An answer form must be enclosed with the copy of the [application] Application sent to the [affected parties.] Affected Parties. Instructions for filing an answer must advise the [owner] Owner or Responsible Party that a finding of [harassment] Harassment may affect the [owner's] Owner's or Responsible Party's ability to decontrol or to obtain market rentals for covered IMD units pursuant to MDL §§ 286(6) and 286(12) and the Loft Board's rules. Inclusion of [the Loft Board's approved Instruction Form] an answer form with the [application] Application at the time of service constitutes compliance with this paragraph.

(4) Parties have [15 calendar] fifteen (15) days after the date on which service of the [application] Application was completed, calculated from the mailing date shown on the certificate of mailing filed with the Loft Board, to file an answer with the Loft Board. [Five copies] Copies of the answer with proof of service of the answer on the applicant(s), as described in 29 RCNY § [1-06(e)] 1-22(c), must be filed at the offices of the Loft Board.

(5) (i) Following the expiration of the deadline for filing an answer, the Loft Board or the [Office of Administrative Trials and Hearings ("OATH")] Trials Division of OATH will send, by regular mail, a notice of conference to the [affected parties] Affected Parties. The notice of conference will schedule a date and time for an informal conference as soon as possible, but no sooner than [15 calendar] fifteen (15) days from the date of mailing the notice of conference. The notice of conference sent to the [owner] Owner or Responsible Party will advise the [owner] Owner or Responsible Party that a finding of [harassment] Harassment may affect the [owner's] Owner's or Responsible Party's ability to decontrol or to obtain market rentals for covered IMD units pursuant to MDL §§ 286(6) and 286(12) and the Loft Board's rules.

(ii) The informal conference may be conducted by the Loft Board staff or OATH with the [affected parties] Affected Parties in an effort to resolve and alleviate the conditions and events alleged. Where resolution to the mutual satisfaction of the parties is achieved, a stipulation containing the terms of the resolution and the penalties, if any, for its breach must be executed by

the parties and filed with the Loft Board for its approval on the Loft Board's summary calendar.

(6) Where charges of [harassment] Harassment remain unresolved following the informal conference, a hearing on the allegations in the [harassment application] Harassment Application will be held in accordance with the procedures of 29 RCNY § [1-06] 1-27 and the following:

(i) The hearing will be limited to the charges contained on the original [application] Application, as modified at the conference, and any additional charges of [harassment] Harassment arising as a result of conduct occurring after the conference.

(ii) The acts performed by an [occupant] Occupant in good faith and in a reasonable manner for the purposes of operating a [nonresidential] non-residential conforming use will be presumed not to constitute [harassment] Harassment. The presumption may be rebutted by a showing that the acts were performed on the [landlord's] Landlord's behalf and intended to cause another [occupant] Occupant to vacate the [building] Building, or its unit or to surrender or waive any rights of such [occupant] Occupant under the [occupant's] Occupant's written lease or other rental agreement or pursuant to [Article] Art. 7-C.

(iii) A finding by the Loft Board that the [owner] Owner or Responsible Party has willfully violated the code compliance timetable or has violated the code compliance timetable more than once may be considered as evidence of [harassment] Harassment. (See rules on Code Compliance – 29 RCNY § 2-01(c)(5)).

(iv) The issuance of a municipal vacate order for hazardous conditions as a consequence of the [owner's] Owner's or Responsible Party's unlawful failure to comply with the code compliance timetable will result in a rebuttable presumption of [harassment] Harassment. (See rules on Code Compliance – 29 RCNY § 2-01(c)(6)).

(v) A finding by the Loft Board of unreasonable and willful interference with an [occupant's] Occupant's use of its unit by the [landlord] Landlord or its agents may be considered as evidence of [harassment] Harassment. (See rules on Code Compliance – 29 RCNY § 2-01(h)).

(vi) A finding by the Loft Board of a willful violation of Minimum Housing Maintenance Standards may be considered as evidence of [harassment] Harassment of residential [tenants] Tenants. (See rules on Enforcement of Minimum Housing Maintenance Standards – 29 RCNY § 2-04(e)(6)).

(vii) A finding by the Loft Board that the filing of an [application] Application by the [owner] Owner or Responsible Party objecting to the sale of improvements was frivolous may be considered as evidence of [harassment] Harassment of residential [tenants] Tenants. An objection to the sale may be found to be frivolous on grounds including, but not limited to, the following:

(A) That it was filed without a good faith intention to purchase the improvements at fair market value or

(B) That the [owner's] Owner's or Responsible Party's 'valuation of the improvements has no reasonable relationship to the fair market value, as determined by the Loft Board. (See rules on Sales of Improvements – 29 RCNY § 2-07(g)(1)(ii)). At the [occupant's] Occupant's request, the Loft Board will issue its findings on a pending [harassment application] Harassment Application based upon the allegation that the [owner's] Owner's or Responsible Party's objection to the sale of improvements is frivolous, or any other pending [harassment application] Harassment Application in the [building] Building, concurrently with its determination of the [owner's] Owner's or Responsible Party's challenge.

(viii) A determination by a civil or criminal court of [landlord harassment] Landlord Harassment of an [occupant(s)] Occupant(s) may be considered as evidence of [harassment] Harassment.

(d) *Findings of* [*harassment*] *Harassment.*

(1) (i) *Effect of* [*harassment*] *Harassment finding.* A [landlord] Landlord that is found by the Loft Board to have harassed an [occupant] Occupant will not be entitled to the decontrol of or market rental for any IMD unit after a sale of improvements pursuant to MDL § 286(6) of [Article] Art. 7-C and these rules. This restriction applies to any sale of improvements that takes place on or after the date of the order containing the finding of [harassment] Harassment until the date the order is terminated in accordance with 29 RCNY § 2-02(d)(2). This restriction may also apply to any sale of rights pursuant to MDL § 286(12) and 29 RCNY § 2-10 that takes place on or after the date of the order containing the finding of [harassment] Harassment until the date the order is terminated in accordance with 29 RCNY §§ 2-02(d)(2).

(ii) *Civil penalty for a finding of* [*harassment*] *Harassment.* If the Loft Board finds that a [landlord] Landlord harassed an [occupant] Occupant, the [landlord] Landlord may be liable for a civil penalty as determined by the Loft Board in 29 RCNY § 2-11.1 for each occurrence that is found to constitute [harassment] Harassment. Registration as an IMD will not be issued or renewed for any [building] Building for which fines have been imposed for [landlord harassment] Landlord Harassment until all fines have been paid.

(iii) *Notice of a* [*harassment*] *Harassment finding.* The order containing the finding of [harassment] Harassment is binding on all individuals or parties who succeed to the [landlord's] Landlord's interest in the premises until the [harassment] Harassment order is terminated in accordance with 29 RCNY § 2-02(d)(2) below. A copy of the Loft Board's order containing the finding of [harassment] Harassment will be mailed to the applicant, the [owner] Owner or Responsible Party, and the [affected parties] Affected Parties to the proceeding. Notice of such order will be filed by the Loft Board in the office of the City Register.

(iv) *Effect on other relevant laws.* The procedure provided in this rule operates in addition to any procedures provided under other provisions of law and must not be construed to alter, affect or amend any right, remedy or procedure that may exist under any other provisions of law, including, but not limited to the following:

(A) An [occupant] Occupant may apply to the Supreme Court of the State of New York for an order enjoining a [landlord] Landlord from [harassment] Harassment pursuant to § 235-d(4) of the Real Property Law and may pursue all other remedies in relation to [harassment] Harassment including the award of damages before a court of competent jurisdiction.

(B) Upon the request of a residential [occupant] Occupant who either vacates, has been removed from or is otherwise prevented from occupying its unit as a result of [harassment] Harassment, a [landlord] Landlord must take all reasonable and necessary action to restore the [occupant] Occupant to its unit, provided that such request is made within [7 calendar] seven (7) days after removal, pursuant to § 26-521(b) of the New York City Administrative Code.

(C) Residential [occupants] Occupants of IMDs are afforded the protections available to residential [occupants] Occupants pursuant to the Real Property Law and the Real Property Actions and Proceedings Law, including § 223-b of the Real Property Law regarding retaliatory evictions, notwithstanding that such [occupants] Occupants may reside in an owner-occupied IMD having fewer than 4 [residential units] Residential Units.

(D) Special proceedings pursuant to Article 7-A of the Real Property Actions and Proceedings Law are available to all [occupants] Occupants of IMDs, notwithstanding that such IMDs may contain less than [3] three (3) [residential units] Residential Units.

(v) *Violation of 29 RCNY § 2-04.* If the OATH Administrative Law Judge assigned to the case finds that the acts alleged by the [occupant] Occupant do not constitute [harassment] Harassment, the Administrative Law Judge may, in the alternative and without the need for the applicant to amend his or her [application]

Application or pleadings, consider whether the facts alleged in the application describe an [owner's] Owner's or Responsible Party's failure to provide a service or an [owner's] Owner's or Responsible Party's unlawful diminution of services. If so, upon notice to the [owner] Owner or Responsible Party, the [application] Application may be processed pursuant to the Loft Board's rules regarding diminution of services as described in 29 RCNY § 2-04. Upon notice that the facts alleged will be processed as a diminution of services claim, the [owner] Owner or Responsible Party may seek permission from the Administrative Law Judge to file a response to the claim of diminution of services. The Administrative Law Judge may recommend a fine, in accordance with 29 RCNY § 2-11.1 for any finding of diminution of services.

(2) (i) *Termination of Harassment* [*Findings*] *findings*. Where the Loft Board has issued a finding of [harassment] Harassment, the [landlord] Landlord may apply to the Loft Board pursuant to 29 RCNY § [1-06] 1-21, for an order terminating the [harassment] Harassment finding following the expiration of the period of time specified in the [harassment] Harassment order. The order containing the finding of [harassment] Harassment must specify the period of time, within a range of [1 to 3] one (1) to three (3) years from the date of the order of [harassment] Harassment, during which the [landlord] Landlord is barred from applying for an order of termination. However, where a [landlord] Landlord has been convicted of a crime for conduct found by the Loft Board to constitute [harassment] Harassment, the [landlord] Landlord may apply for an order of termination only after at least [5] five (5) years have passed since the date of the order of [harassment] Harassment. After the period during which the [landlord] Landlord is barred from applying for termination of the [harassment] Harassment finding has expired, the Loft Board may terminate the [harassment] Harassment finding if it finds that:

(A) Since notification of the order, the [landlord] Landlord has not engaged in the prohibited conduct or any other conduct which constitutes [harassment] Harassment;

(B) The [landlord] Landlord has achieved compliance with the fire and safety standards of [Article] Art. 7-B, alternative building codes or provisions of the MDL, as provided in 29 RCNY § 2-01(a) governing Code Compliance Work and as may be exhibited by the issuance of a temporary certificate of occupancy, or [Article] Art. 7-B certification on the approved Loft Board form, or if [Article] Art. 7-B compliance was achieved [prior to] before the date of the order of [harassment] Harassment, has obtained a final residential certificate of occupancy for the IMD units;

(C) The [landlord] Landlord has paid all civil penalties assessed in the order of [harassment] Harassment, and there are no other orders of [harassment] Harassment outstanding for the IMD [building] Building; and

(D) The [landlord] Landlord is in compliance with 29 RCNY § 2-05 relating to registration of the IMD [building] Building.

(ii) *Orders* [*Terminating*] *terminating Harassment* [*Findings*] *findings*. An order terminating a prior Loft Board finding of [harassment] Harassment applies prospectively only, and the [owner] Landlord, Owner or Responsible Party is not entitled to the decontrol of or market rental for any [residential unit] Residential Unit for which a sale of improvements pursuant to MDL § 286(6) and these Rules has taken place in the period from the date of the order finding [harassment] Harassment to the date of the order terminating such finding.

(iii) *Suspension or* [*Revocation of Termination*] *revocation of termination of Harassment* [*Orders*] *orders*. If the Loft Board at a regularly scheduled meeting or at a special session called in accordance with 29 RCNY § [1-03(a)] 1-20 has reasonable cause to believe that [harassment] Harassment is occurring or has occurred at the IMD after the date of an order terminating a prior finding of [harassment] Harassment, the Loft Board shall suspend such order of termination immediately. Notice of such suspension shall be mailed to the [landlord] Landlord and to all [occupants] Occupants. Upon the [landlord's] Landlord's written request, the Loft Board shall schedule a hearing as soon as reasonably possible but not later than thirty days after the date of receipt of such request to determine whether the order of termination should be reinstated or revoked.

(iv) *Filing at the City Register*. The order of termination or suspension, reinstatement or revocation of termination must be included among the IMD registration material on file with the Loft Board. The Loft Board will file the notice of termination or notice of suspension, reinstatement or revocation of termination in the office of the City Register.

(e) *Harassment by prime lessees*.

(1) "Prime lessee." For the purposes of this [harassment] Harassment rule, the term "prime lessee" means the party with whom the [landlord] Landlord entered into a lease or rental agreement for use and occupancy of a portion of an IMD [building] Building, which is being used residentially, where the prime lessee is not the residential [occupant] Occupant qualified for protection of the unit, regardless of whether the lessee is currently in occupancy of any portion of the space the prime lessee has leased from the [landlord] Landlord or whether the lease remains in effect.

(2) It is unlawful for a prime lessee or any other [person] Person acting on his or her behalf to engage in conduct that would constitute ["harassment"] Harassment if engaged in by the [landlord] Landlord, [as defined in 29 RCNY § 2-02(b),] against any of the prime lessee's current or former subtenants who are residential [occupants] Occupants qualified for the protections of [Article] Art. 7-C. A [harassment application] Harassment Application may be filed with the Loft Board by a residential [occupant] Occupant qualified for the protections of [Article] Art. 7-C against the prime lessee. The [application] Application will be processed in accordance with the procedures described in 29 RCNY § 2-02(c). The deed [owner] Owner of the [building] Building must be listed as an [affected party] Affected Party in all [applications] Applications brought under this subdivision (e).

(3) (i) If the Loft Board finds that a prime lessee harassed an [occupant] Occupant qualified for Art. 7-C protection, the prime lessee may be liable for a civil penalty as determined by the Loft Board in accordance with 29 RCNY § 2-11.1 for each occurrence that is found to constitute [harassment] Harassment.

(ii) A prime lessee found by the Loft Board to have harassed an [occupant] Occupant qualified for Art. 7-C protection is not entitled to recover subdivided space pursuant to 29 RCNY § 2-09(c)(5)(i) and (c)(5)(v) relating to subletting and is not entitled to the rent adjustment provided for in 29 RCNY §§ 2-09(c)(6)(ii)(D)(b).

(4) (i) After the period of time barring the [owner] Landlord, Owner or Responsible Party from terminating a [harassment] Harassment finding provided in the Loft Board order, the prime lessee may apply to the Loft Board pursuant to 29 RCNY § [1-06] 1-21 for an order terminating such finding. The order containing the finding of [harassment] Harassment will specify the period of time, within a range of [1 to 3] one (1) to three (3) years from the date of the order of [harassment] Harassment, during which the prime lessee will be barred from applying for an order of termination. However, where a prime lessee has been convicted of a crime for conduct found by the Loft Board to constitute [harassment] Harassment, the prime lessee may apply for an order of termination only after at least [5] five (5) years have passed since the date of the order of [harassment] Harassment. The Loft Board may grant such relief if it finds that:

(A) Since notification of the order the prime lessee has not engaged in the prohibited conduct and has not engaged in any other conduct which constitutes [harassment] Harassment, and

(B) The prime lessee has paid all civil penalties assessed in the order of [harassment] Harassment, and there are no other orders of [harassment] Harassment outstanding for the prime lessee.

(ii) An order terminating a prior Loft Board finding of [harassment] Harassment by a prime lessee applies prospectively only.

§ 11. Subdivision (a) of Section 2-03 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(a) *Procedures.*

(1) *Who may file.*

(i) The [owner] Owner or Responsible Party of an [interim multiple dwelling] IMD registered with the Loft Board may file an [application] Application for exemption of a [building] Building or portion thereof from [Article] Art. 7-C of the [Multiple Dwelling Law] MDL on the basis that compliance in obtaining a residential certificate of occupancy would cause hardship for any of the reasons set forth in 29 RCNY § 2-03(b) below.

(ii) A lessee of a whole [building] Building, any portion of which is an [interim multiple dwelling] IMD registered with the Loft Board, may file an [application] Application for exemption from [Article] Art. 7-C, provided that no [application] Application filed by a lessee shall be considered by the Loft Board unless the [owner] Owner of the [building] Building consents in writing to the filing of such [application] Application.

(iii) A duly authorized agent (including the attorney) of the [owner] Owner of an [interim multiple dwelling] IMD registered with the Loft Board may file an [application] Application for exemption on behalf of the [owner] Owner.

(2) *Filing deadline.*

(i) Notices of [application] Application for exemption due to hardship for a [building] Building or portion thereof must be submitted to the Loft Board by no later than June 30, 1983 pursuant to § 285(2) of the [Multiple Dwelling Law] MDL. Such notices [shall] must be filed by letter from the [owner] Owner, lessee of the whole [building] Building or [agent] Agent and shall only be accepted for [buildings] Buildings registered or which by June 30, 1983 had applied to register as [interim multiple dwellings] IMDs with the Loft Board.

(ii) The applicant must perfect [his/her/its application] an Application by no later than October 31, 1983.

(iii) Notwithstanding any provisions of subparagraphs (i) and (ii) of this paragraph (2) to the contrary, the [owner] Owner, lessee of the whole [building] Building or [agent] Agent of a registered [interim multiple dwelling] IMD which is subject to coverage under [Article] Art. 7-C solely pursuant to MDL § 281(4) [shall] must file his [application] Application on or before April 27, 1988 pursuant to MDL § 285(2).

(iv) Notwithstanding any provisions of subparagraphs (i), (ii) and (iii) of this paragraph (2), [applications] Applications for a hardship exemption regarding [interim multiple dwellings] IMDs covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 must be filed on or before March 21, 2011, in accordance with MDL § 285(2).

(v) Notwithstanding any provisions of subparagraphs (i), (ii), (iii) and (iv) of this paragraph (2), [applications] Applications for a hardship exemption regarding [interim multiple dwellings] IMDs covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 4 of the Laws of 2013 must be filed before June 11, 2014, in accordance with MDL § 285(2).

(3) *Perfecting hardship* [*applications*] *Applications.*

(i) An [application] Application shall only be accepted for a [building] Building with a current [interim multiple dwelling] IMD registration.

(ii) (A) The [application shall] Application must be in a form acceptable to the Loft Board and [shall] must be consistent with the requirements of these regulations, the Board's regulations relating to [applications] Applications to the Board, 29 RCNY §[§ 1-06(a) to (j)] 1-21, and fees, 29 RCNY § 2-11. The applicant must: (a) indicate the basis for the [application] Application, (b) identify the [residential units] Residential Units for which exemption is sought, and (c) state the specific claims for exemption for the [building] Building or portion of the [building] Building.

(B) *Deadlines for* [*Interim Multiple Dwellings*] *IMDs Subject to* [*Article*] *Art. 7-C Pursuant to MDL § 281(1).* The applicant must provide all information necessary or appropriate by no later than October 31, 1983 in order for the [application] Application to be considered. An additional time period of no more than sixty (60) days for the submission of all required documentation in support of the completed [application] Application may be requested and will be granted if good cause is shown. Where an applicant is unable to file all necessary and appropriate information by October 31, 1983, due to the absence of legalization regulations, but has filed submissions and paid the filing fee such applicant may request additional time to provide all necessary and appropriate information within [30] thirty (30) days of the effective date or legalization regulations adopted by the Loft Board.

(C) *Deadlines for* [*Interim Multiple Dwellings*] *IMDs Subject to* [*Article*] *Art. 7-C Pursuant to MDL § 281(4).* Notwithstanding the foregoing, an applicant who timely filed his [application] Application on or before April 27, 1988 for a hardship exemption involving an [interim multiple dwelling] IMD subject to coverage under [Article] Art. 7-C pursuant to MDL § 281(4) must provide all additional information necessary or appropriate in support of such [application] Application on or before February 21, 1993.

(D) *Deadlines for* [*Interim Multiple Dwellings*] *IMDs Subject to* [*Article*] *Art. 7-C Pursuant to MDL § 281(5).* Notwithstanding the foregoing, an applicant who timely filed its hardship exemption [application] Application involving an [interim multiple dwelling] IMD subject to coverage under [Article] Art. 7-C pursuant to MDL § 281(5) must provide information to substantiate the hardship exemption claim at the time of filing, except as provided 29 RCNY § 2-03(a)(3)(iii).

(iii) In processing the [application] Application, the Loft Board may demand such additional information as it deems necessary or appropriate in making a determination. Failure of the applicant to provide any such information required by the Loft Board may result in the denial of the [application] Application.

(iv) Applications for exemption shall not be considered unless the [owner] Owner or Responsible Party has also filed an [alteration application] Alternation Application with the [Department of Buildings] DOB. A copy of such [alteration application] Alteration Application must accompany each hardship [application] Application including two (2) copies of the submitted plans and such additional copies of the plans as the Board may require. The Loft Board may vote to waive the requirement that an [alteration application] Alteration Application be filed and proceed with the consideration of the [application] Application [for exemption]. The approval of such a waiver shall apply only to the consideration of a hardship [application] Application and shall in no way affect the [owner's] Owner's or Responsible Party's obligation to file an [alteration application] Alteration Application for all other purposes as required by § 284 of the [Multiple Dwelling Law] MDL. In deciding whether to waive the requirement that an [alteration application] Alteration Application be filed, the [board] Board will consider the following criteria:

(A) whether the information that would be contained in the [alteration application] Alteration Application is already available in other records or could be made available in an alternate form in other records or could be made available in an alternate form acceptable to the Board; and

(B) whether hardship can be proved without the information contained in the [alteration application] Alteration Application.

(v) Processing of an [owner's] Owner's or Responsible Party's [application] Application [for exemption] shall be in accordance with the rules regarding [application] Applications to the Board [(Regulations for Internal Board Procedures] – 29 RCNY § [1-06(a) to (j)] 1-21, except as set forth below. These rules provide for the service of the [application] Application on all [affected parties] Affected Parties, opportunity to answer in writing, and the conducting of informal conferences and administrative hearings. [If a perfected application appears to the staff to be well rounded, there shall be conducted an administrative hearing following notice as provided pursuant to Internal Board Procedures at least sixty days in advance of the hearing date.] Affected parties must be given at least sixty (60) days notice of the hearing date on the Application.

§ 12. Subparagraphs (i) and (ii) of Paragraph (2) of Subdivision (b) of Section 2-04 of Chapter 2 of Title 29 of the Rules of the City of New York are amended to read as follows:

(i) Except as provided below, where there is a central heating system in an IMD [building] Building, the [landlord] Landlord, Owner of Responsible Party must provide every [residentially-occupied] residentially occupied IMD unit with heat from that system. As illustrated in the chart below, during the period from October 1 through May 31, centrally supplied heat [shall] must be provided so as to maintain every portion of the dwelling used or occupied for living purposes, between the hours of 6:00 AM and 10:00 PM at a temperature of at least 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees, and between the hours of 10:00 PM and 6:00 AM at a temperature of at least [55] 62 degrees Fahrenheit [whenever the outside temperature falls below 40 degrees Fahrenheit].

(ii) Where the [landlord] Landlord, Owner or Responsible Party provides a system of gas or electric heating for a [residentially-occupied] residentially occupied IMD unit, that system may be utilized instead of a central heating system in the instances where a central heating system is lacking, or may otherwise be used to supplement a central heating system. As illustrated in the chart below, during the period from October 1 through May 31, heat from individual systems of gas or electric heat where the [landlord] Landlord, Owner or Responsible Party pays for operation [shall] must be provided so as to maintain every portion of the [residentially-occupied] residentially occupied dwelling used or occupied for living purposes, between the hours of 6:00 AM and 10:00 PM, at a temperature of at least 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees Fahrenheit, and between the hours of 10:00 PM and 6:00 AM at a temperature of at least [55] 62 degrees Fahrenheit [whenever the outside temperature falls below 40 degrees Fahrenheit].

Between the hours	**If Temperature Outside**	**Landlord Must Provide Central Heat**
6:00 A.M. - 10:00 P.M.	Below 55°F	At least 68°F
10:00 P.M. - 6:00 A.M.	[Below 40°F] (any temperature)	At least [55°F] 62°F

§ 13. Subdivisions (b) and (c) of Section 2-05 of Chapter 2 of Title 29 of the Rules of the City of New York are amended to read as follows:

(b) *Procedure for* [*Filing Registration*] *filing a registration Application.* The following instructions constitute the procedures for registration of [buildings] Buildings, structures or portions thereof, pursuant to MDL § 284(2). Applications for registration [shall] must be certified by the [landlord] Landlord in a form prescribed by the Loft Board. [Instructions – Interim Multiple Dwelling Registration Application Form.]

(1) Print all information in completing the registration [application] Application form and return it and the required documents listed in 29 RCNY § 2-05(b)(8) to: "IMD REGISTRATION" at the Loft Board's office, together with a check covering the registration and code-compliance monitoring fees, in accordance with [subparagraph] paragraph (3) below. The [landlord] Landlord must serve a copy of the initial registration [application] Application form on all [occupants] Occupants of the [building] Building including residential, commercial and manufacturing [occupants] Occupants and [prime lessees] Prime Lessees, if different. Service [shall] must be made by regular mail delivered to each [occupant] Occupant at the [occupant's] Occupant's unit, or at a different address in accordance with the terms for delivery of the notice in the [occupant's] Occupant's lease. The registration [application] Application form must specify which [residential units] Residential Units are being registered as IMD units and include the unit designations and location in the [building] Building. Certification of such service to the [occupants] Occupants and [prime lessees] Prime Lessees [shall] must be attached to the registration [application] Application form filed with the Loft Board.

(2) The information requested on the registration [application] Application form is required pursuant to MDL §§ 284(2) and 325, and these rules. Additional information may be required pursuant to rules promulgated by the Loft Board.

(3) Pursuant to MDL § 282, the Loft Board may charge and collect reasonable fees. Registration and code compliance monitoring fees shall be payable to the Loft Board in accordance with 29 RCNY § 2-11.

(4) Completion and submission of a registration [application] Application form does not constitute a waiver of the applicant's right to contest before the Loft Board the coverage of the premises described therein as an IMD [building] Building under [Article] Art. 7-C of the MDL, nor shall the act of filing the registration [application] Application form constitute evidence before the Loft Board that the [building] Building described therein is an IMD [building] Building. Notwithstanding the foregoing, the failure of an [owner] Owner, a [building occupant] Occupant or [prime lessee] Prime Lessee to contest the registration [application] Application within [45 calendar] forty-five (45) days after service of the registration [application] Application or [45 calendar] forty-five (45) days after the filing date with the Loft Board, whichever is later, shall constitute a "waiver" to contest coverage of the units registered, and shall preclude the [landlord] Landlord from contesting such coverage status. [In the event] If the Loft Board or its staff subsequently discovers that a [building] Building, structure or portion thereof registered as an IMD does not qualify as an IMD subject to coverage under [Article] Art. 7-C, in whole or in part, then the Executive Director may revoke such IMD status for the individual unit, or the [building] Building in its entirety, as applicable, effective upon notice to the [owner] Owner, the [building occupants] Occupants and the [prime lessees] Prime Lessees, listed on the registration [application] Application form. Any and all [applications] Applications by a [landlord] Landlord, [building occupant] Occupant or the [prime lessee] Prime Lessee to challenge the denial of a registration [application] Application form or the revocation of IMD status of a [building] Building or a unit by the Executive Director shall be governed by the terms and provisions of 29 RCNY § [1-07.1] 1-33.

(5) *Procedure to* [*Contest a Registration*] *contest a registration Application.* Any and all [applications] Applications filed by a [landlord] Landlord, [building occupant(s)] Occupant(s) or [prime lessee] Prime Lessee, if applicable, to contest coverage of a [building] Building or individual unit under [Article] Art. 7-C must be received by the Loft Board within [45 calendar] forty-five (45) days after service of the registration [application] Application form on the [building occupants] Occupants and [prime lessee(s)] Prime Lessee(s) or within [45 calendar] forty-five (45) days after filing of the registration [application] Application form with the Loft Board, whichever is later. Such [applications] Applications must set forth the extent of coverage being contested, including the facts and rationale upon which coverage is being contested. A copy of the [application] Application must be served on [ALL] all residential, commercial and manufacturing [occupants] Occupants of the [building] Building and the [prime lessee(s)] Prime Lessee(s) in the manner described in 29 RCNY § [1-06(b)] 1-21 for service of Loft Board [applications] Applications, and the [application] Application filed with the Loft Board must include a certification that such service has been made.

(6) Any [occupant] Occupant in the [building] Building may apply for coverage under [Article] Art. 7-C. Such [applications shall] Applications must be filed in accordance with the procedures set forth in 29 RCNY § [1-06] 1-21, and shall be subject to the terms and provisions of the MDL and these rules[, including, without limitation, the deadline for filing coverage applications set forth in MDL § 282-a, 29 RCNY § 1-06.1, and the Loft Board's website].

(7) An [interim multiple dwelling] IMD registration number issued by the Loft Board will be effective until such time as determined by the Loft Board or its staff.

(8) *Required* [*Documents For A Registration*] *documents for a registration Application.* A registration must be completed in its entirety. Legible copies of the following must be attached:

(i) the current lease for each [residential unit] Residential Unit claimed to be covered under [Article] Art. 7-C, or, where there is no current lease, the most recent lease agreement, including all executed riders, amendments, modifications and extensions[,];

(ii) the lease in effect during the qualifying window period set forth in MDL § 281 for each [residential unit] Residential Unit claimed to be covered under [Article] Art. 7-C, and if no lease existed during the window period, an [owner] Owner or Responsible Party must file proof of residential occupancy during the window period with the registration [form] Application;

(iii) for registration Applications filed pursuant to MDL § 281(5), the lease in effect on June 21, 2010, if different,

and if no lease existed on June 21, 2010, the [owner] Owner or Responsible Party must attach a signed statement outlining the rental agreement in effect on June 21, 2010 - including party names, monthly rent, a description of the premises, use of the premises, and the services provided by the [landlord] Owner, Landlord, or Responsible Party, or for registration Applications filed pursuant to MDL § 281(6), the lease in effect on June 25, 2019, if different, and if no lease existed on June 25, 2019, the Owner or Responsible Party must attach a signed statement outlining the rental agreement in effect on June 25, 2019 - including party names, monthly rent, a description of the premises, use of the premises, and the services provided by the Landlord; and

(iv) any lease for a unit engaged in commercial, manufacturing, or industrial activity in the [building] Building on June 21, 2010, for registration Applications filed pursuant to MDL § 281(5) or June 25, 2019, for registration Applications filed pursuant to MDL § 281(6). If no lease existed for the commercial, manufacturing, or industrial unit on June 21, 2010, for registration Applications filed pursuant to MDL § 281(5) or June 25, 2019, for registration Applications filed pursuant to MDL § 281(6), the [owner] Owner, Landlord or Responsible Party must attach a signed statement outlining the rental agreement in effect on June 21, 2010, for registration Applications filed pursuant to MDL § 281(5) or June 25, 2019, for registration Applications filed pursuant to MDL § 281(6). For cooperatives, legible copies of the proprietary leases for all units, including the units engaged in commercial, manufacturing, or industrial activity, must be attached. If any units were rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4), or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), or June 25, 2019, for units seeking coverage pursuant to MDL § 281(6), copies of those leases and subleases or rental agreements must be attached. For condominiums, legible copies of all leases for units that were rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4) or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), or June 25, 2019, for units seeking coverage pursuant to MDL § 281(6), must be attached.

(v) Except for any unit eligible for coverage pursuant to MDL § 281(5) or 281(6) that is located in a Building registered as an IMD under MDL § 281(1) or (4), the Owner, Landlord or Responsible Party registering under MDL § 281(5) or 281(6) must, if there are any commercial, manufacturing, or industrial uses in the non-residential units in the Building as of June 21, 2010, for Buildings in which coverage is claimed under MDL § 281(5) or June 25, 2019, for Buildings in which coverage is claimed under MDL § 281(6) submit, along with its registration Application, a certification to the Loft Board, signed by a New York State licensed engineer or registered architect, that such commercial, manufacturing or industrial use is not an inherently incompatible use under subdivision (k). The certification must include whether the use:

(A) is in Use Group 18, as defined in the Zoning Resolution of the City of New York on June 21, 2010, and

(B) is in legal operation, and

(C) creates an actual risk of harm that cannot be reasonably mitigated, and

(D) is continuing at the time of the submission of an Application for coverage by any party.

(vi) A registration [application] Application [form] will not be accepted, and an IMD [Registration Number] registration number will not be issued, unless all questions set forth on the registration [application] Application [form] are answered in full, and all required leases or signed statements are attached. If a particular question or piece of information is inapplicable, the applicant [shall] must enter "Not Applicable," or if the information is unavailable, enter "Not Available", and attach a signed statement explaining the reasons such information is inapplicable or unavailable. The content of a registration [application] Application [form] will be reviewed [prior to] before issuance of an IMD [Registration Number] registration number. In the space provided on the registration [application] Application [form], an applicant must specify which units it seeks to register with the Loft Board for coverage under [Article] Art. 7-C. The applicant [shall] must enter the number of [residential units] Residential Units occupied for residential purposes by [families living independently] Families Living Independently from one another, the periods of such residential occupancy, and indicate the units' location in the [building] Building. ["Family" shall have the meaning provided in MDL § 4(5), and may consist of a person or persons, regardless of whether they are related by marriage or ancestry.]

(9) The acceptance of the registration [application] Application [form] in no way legalizes the residential occupancy. If the registration [application] Application [form] is accepted by the Loft Board staff, a copy of the form with the assigned IMD [Registration Number] registration number will be returned to the applicant. [That number] The IMD registration number must be included on all future correspondence with the Loft Board regarding the [building] Building. The Loft Board reserves the right to reject, revoke or amend an IMD [Registration Number] registration number for a [building] Building. The Loft Board also reserves the right to revoke, at any time, the [Article] Art. 7-C coverage for a unit in a [building] Building issued an IMD [Registration Number] registration number.

(10) For each [building] Building potentially subject to [Article] Art. 7-C, the [owner] Owner, the lessee of the whole [building] Building, if applicable, and the [agent] Agent must each sign the registration [application] Application [form] thereby certifying to the truth, accuracy and completeness of the information contained therein. If the [building] Building is known by more than one address, the applicant [shall] must list each address on the [application] Application [form].

If the [owner] Owner, Landlord, or Responsible Party [lessee of the whole building or agent] is a corporation, other than a corporation listed as exempt from the provisions of MDL § 325, the names, business, and residence addresses and phone numbers of each of its officers must be listed on the form.

Other officers, including treasurer or chief fiscal officer, and stockholders who own or control at least [10] ten (10) percent of the corporation's stock, must be listed on a separate attachment.

If the [owner] Owner, Landlord or Responsible Party [lessee of the whole building or agent] is other than an individual or a corporation, the names, business and residential addresses and phone numbers for each member, general partner or participant in a partnership, joint venture or limited liability company must be listed on a separate attachment.

At least one (1) of the phone numbers filed with the registration [application] Application [form] must be a confidential telephone number where a [responsible party] Responsible Party can reasonably be expected to be reached [24] twenty-four (24) hours a day, [7] seven (7) days a week for emergencies. Such number(s) must be within [50 miles] a fifty (50) mile radius of New York City limits, and must be indicated on a separate signed sheet of paper filed with the registration [application] Application [form]. Such [responsible party] Responsible Party [shall] must be twenty-one (21) years or older, and [shall] must reside within New York City or customarily and regularly attend a business office located in New York City. The emergency number shall be confidential. Any change in the emergency number, managing agent information, [owner's] Owner's address or ownership [shall] must be sent to the Loft Board within [5] five (5) days of the change. The failure to report such change is a violation of the Loft Board rules and the [owner] Owner may be subject to civil penalties in accordance with 29 RCNY § 2-11.1. If additional space is required to respond to any of the questions set forth on the registration [application] Application , the applicant shall attach a signed separate sheet of paper to complete the response.

(11) [All landlords] An Owner, Landlord or Responsible Party who file a registration [application] Application [form agree] agrees to provide the minimum housing maintenance standards established by 29 RCNY § 2-04, as it may be amended from time to time, to all residentially occupied units covered under [Article] Art. 7-C of the MDL.

(12) [[Reserved.]] Reserved.

(13) [A notice] One (1) or more notices, in [the] a form [prescribed by the Loft Board, as] designated on the Loft Board's website, [shall] must be conspicuously posted inside each entrance to

the IMD Building and in common areas of the IMD Building such as the resident mailbox area(s), in the lobby of every IMD [building] Building or in another public area in the Building routinely visited by Building residents. The Owner, Landlord or Responsible Party must post the notice(s) within five (5) [business days] Business Days after the issuance of the IMD [Registration Number] registration number. Notices must be framed or laminated. Failure to post such notice or update the notice within [5 calendar] five (5) days of a change in the information contained in such notice may subject the [landlord] Owner, Landlord or Responsible Party to civil penalties in accordance with 29 RCNY § 2-11.1. Such notice must contain:

(A) The [building's] Building's address;

(B) The IMD [Registration Number] registration number assigned by the Loft Board for the purpose of identifying the [building] Building;

(C) The contact information for the [owner] Owner and managing agent; and

(D) The Loft Board's phone number and email address.

[(14) If additional space is required to respond to any of the questions set forth on the registration application form, the applicant shall attach a signed separate sheet of paper to complete the response.]

(c) *Rent claims.* [A] An [landlord] Owner, Landlord or Responsible Party of a [building] Building for which an IMD [Registration Number] registration number has been issued shall be entitled to claim rents becoming due after the date of issuance of the IMD [Registration Number] registration number, in summary proceedings, pursuant to MDL § 285(1), provided that such [landlords] Landlords are in compliance with the terms and provisions of [Article] Art. 7-C and the Loft Board's rules. Finding that there are a significant number of ongoing disputes between [landlords] Owner, Landlord or Responsible Party and residential [occupants] Occupants in loft dwellings over payment of past due rents and that [Article] Art. 7-C did not intend to authorize [landlords] Owner, Landlord or Responsible Party to recover past due rents from residents occupying premises which may not qualify for coverage under [Article] Art. 7-C, the Loft Board believes that [landlords'] Owner's, Landlord's or Responsible Party's right to recover for past due rents pursuant to MDL § 285(1) should be stayed until the question of coverage of an IMD has been resolved. Landlords who waive their right to contest coverage by executing a written waiver in a form acceptable to the Loft Board, fail to contest coverage within [45 calendar] forty-five (45) days following the filing of the registration [application] Application with the Loft Board or following the service of the registration [application] Application on the [occupants] Occupants and the [prime lessees] Prime Lessees, or whose coverage dispute has been resolved by a determination that the premises in question are covered by [Article] Art. 7-C, and who have met the requirements of subdivision (b) of this section shall be deemed in full compliance with the registration provisions of [Article] Art. 7-C. An [owner] Owner, Landlord or Responsible Party must be in full compliance with all of the provisions of [Article] Art. 7-C and the Loft Board's rules, including and without limitation, the registration requirements, in order to recover rent.

§ 14. Paragraphs (f) and (g) of Section 2-05 of Chapter 2 of Title 29 of the Rules of the City of New York are amended to read as follows:

(f) *Deadlines for* [*Filing Initial Registration*] *filing initial registration Application [after June 21, 2010 in Chapters 135 and 147 of the Laws of 2010] for Buildings Covered Under MDL § 281(5) and § 281(6).*

(1)

(i) Pursuant to MDL § 284(2), the initial registration for [buildings] Buildings covered pursuant to MDL § 281(5) shall have been filed by August 21, 2010, which was sixty (60) days from the effective date of Chapter 135 of the Laws of 2010. The provisions of these rules, 29 RCNY § 2-05, shall be fully applicable to IMD [buildings] Buildings or additional covered units, which are subject to coverage under [Article] Art. 7-C pursuant to MDL §281(5). [Pursuant to MDL § 282-a, the initial registration application form must be filed for all buildings, structures, or portions thereof seeking Article 7-C coverage by the certain date listed in 29 RCNY § 1-06.1(a), and on the Loft Board's website. This date is 6 months after the date the Loft Board adopted all rules necessary to implement the provisions of Chapters 135 and 147 of the Laws of 2010, which added MDL § 281(5). Any initial registration application forms filed after the certain date listed in 29 RCNY § 1-06.1(a) will not be accepted, notwithstanding that such residential units may otherwise meet the qualifying criteria for an IMD unit pursuant to MDL § 281, unless the landlord is directed to file a registration form pursuant to a Loft Board order finding coverage or if the landlord is directed to file a registration application form by a court of competent jurisdiction pursuant to the claim of Article 7-C coverage raised in a pleading before the certain date listed in 29 RCNY § 1-06.1(a), and on the Loft Board's website.]

(ii) Pursuant to MDL § 284(2), the initial registration for Buildings covered pursuant to MDL § 281(6) must be filed by August 24, 2019, which is sixty (60) days from the effective date of Chapter 41 of the Laws of 2019. The provisions of these rules, 29 RCNY § 2-05, shall be fully applicable to IMD Buildings or additional covered units, which are subject to coverage under Art. 7-C pursuant to MDL § 281(6).

(2) *Registration* [*Renewals*] *renewals.* Renewal of registration pursuant to 29 RCNY § 2-11(b)(1)(i)(A) shall be required annually on or before July 1st. [Prior to] Before the processing of the registration renewal [application] Application, the [landlord] Landlord or the [agent] Responsible Party is required to pay all unpaid fines, late fees and registration and code compliance monitoring fees for prior registration periods at the rate set forth in 29 RCNY § 2-11(b)(9)(i), as may be amended from time to time. Failure to timely pay such registration and code compliance monitoring fees may result in the imposition of late fees, and other civil penalties, in accordance with the terms and provisions of these rules, including, without limitation, 29 RCNY § 2-11(b)(1)(i)(D) and 29 RCNY § 2-11.1.

(g) [No applications] The Loft Board must not process any Applications filed by or on behalf of a [landlord] Landlord or Responsible Party of an IMD [building] Building [shall be processed by the Loft Board] unless the registration renewal [application] Application is current and all applicable fees and penalties have been paid in full as of the date of filing such [application] Application. An [application] Application is not deemed filed until the Loft Board receives payment of all outstanding fees, fines and penalties [has been received by the Loft Board].

§ 15. Section 2-06 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-06 Interim Rent Guidelines.

[(For time limitations on filing applications for rent overcharges, see 29 RCNY § 1-06.1).]

(a) *Coverage.*

(1) These rent guidelines apply to units of [interim multiple dwellings ("IMDs")] an IMD, as defined in § 281 of [Article] Art. 7-C, with residential [occupants] Occupants qualified for protection pursuant to the article, who

(i) do not have a lease or rental agreement in effect on the date of this order, December 21, 1982 or

(ii) whose leases or rental agreements are in effect on December 21, 1982, but expire [prior to] before the IMD's compliance with the safety and fire protection standards of [Article] Art. 7-B of the [Multiple Dwelling Law] MDL. These guidelines apply only to IMD's which have registered with the Loft Board.

(2) "Lease or rental agreement in effect" [shall mean] means:

(i) a written lease or rental agreement;

(ii) an oral agreement for a rental period of one (1) year or less, provided that

(A) there has been a change from the previous rent, confirmed by rent checks tendered by the residential [occupant] Occupant and accepted by the [landlord] Owner, Landlord or Responsible Party within the year [prior to] before this order or

(B) there has been a substantial change in the level of services agreed to be provided within one year [prior to] before this order.

(3) For time limitations on filing Applications for rent overcharges, see 29 RCNY § 1-21(a)(4).

(b) *Effective date.* The effective date of these rent increases for a registered [IMD's] IMD will be the next regular rent payment date following December 21, 1982, or following the expiration of the lease or rental agreement, whichever is later. If [application] an Application for registration is received by the Loft Board on or before January 31, 1983, and written request for the increase is made of the residential [occupant] Occupant within [30] thirty (30) days of the issuance of an IMD registration number, such

increase shall be retroactive to the effective date of the increase. If [application] an Application for registration is received by the Loft Board after January 31, 1983, and written request for the increase is made of the residential [occupant] Occupant within [30] thirty (30) days of the issuance of an IMD registration number, and the lease or rental agreement has expired, such increase shall be retroactive to the first regular rent payment date following submission of the registration [application] Application. At the option of the residential [occupant] Occupant, such retroactive increases may be paid over the same number of [months] Months as they accrued. Except as indicated above, the rent increases shall apply prospectively only.

(c) *Amount of increases.* For purposes of these rent guidelines, the following percentages shall be calculated upon the total rent for the residential [occupant] Occupant, including both base rent and [escalators] Escalators, as that term is defined in 29 RCNY § 2-06.3. ["Escalators" are lease or rental agreement provisions which provide for a residential occupant's payment as rent or additional rent based on but not limited to: real estate taxes; heating fuel; labor; water and sewer; insurance; vault tax; and any cost-of-living increase formulas.] Such Escalator provisions [as] that relate to gas, electricity and steam charges are excluded from this definition of total rent. [and these] These utility [escalators] Escalators, when based on a fair calculation of the residential [occupant's] Occupant's usage, shall be the only [escalators] Escalators permitted following the effective date of the rent increase provided they were part of the lease or rental agreement in effect on December 21, 1982. Rent levels for units covered by this order shall reflect no more than the following maximum percentage increases, calculated as of the effective date of this order to such unit:

(1) For units where the last increase in total rent or a utility [escalator] Escalators pursuant to a lease or rental agreement tendered by the [tenant] Tenant and accepted by the [landlord] Owner, Landlord or Responsible Party was:

(i) Subsequent to December 31, 1979: the maximum permissible increase shall be 7 percent of the total rent as defined above.

(ii) Between January 1, 1977 and December 31, 1979: the maximum permissible increase shall be 22 percent of the total rent defined above.

(iii) Before January 1, 1977: the maximum permissible increase shall be 33 percent of the total rent as defined above.

(2) For units which have had no rent increases since the inception of the lease or rental agreement between the residential [occupant] Occupant and [landlord] Owner, Landlord, or Responsible Party the maximum percentage increases contained in category (i), (ii), and (iii) above shall be based upon the date of inception of the lease or rental agreement.

(3) For units where the current or most recent lease or rental agreement does not contain any [escalator] Escalator provisions and where the last rent increase was not an [escalator] Escalator adjustment, a surcharge of [2] two (2) percent for category (i), [4] four (4) percent for category (ii), and [6] six (6) percent for category (iii) may be added to the percentage increases. These rent increases shall be a permanent part of the rent.

(d) *Vacancy allowance.* The Loft Board reserves the right to address a vacancy allowance when it discusses fixture fee procedures.

(e) *Subtenancy allowance.* The Loft Board reserves the right to address a subtenancy allowance when it discusses coverage procedures.

§ 16. Chapter 2 of Title 29 of the Rules of the City of New York is amended by adding a new section 2-06.3 to read as follows:

§ 2-06.3 Interim Rent Guidelines and Rent Adjustments pursuant to MDL § 286(2)(i) for Units Subject to Art. 7-C pursuant to MDL § 281(6).

(a) *Coverage.* These rent guidelines apply to IMD units, which:

(1) are subject to Art. 7-C solely pursuant to MDL § 281(6);

(2) are registered with the Loft Board; and

(3) do not meet the safety and fire protection standards of Art. 7-B. of the MDL.

(b) *Definitions.* For the purposes of this section, the following definitions apply:

(1) **Lease or rental agreement** means:

(i) a written lease or rental agreement; or

(ii) an oral agreement for a rental period of one (1) year or less, provided that:

(A) There was a change in the rent for the IMD unit, confirmed by rent checks tendered by the residential Occupant and accepted by the Owner, Landlord or Responsible Party within the year before June 25, 2019; or

(B) There had been a substantial change in the level of services agreed to be provided within the year prior June 25, 2019.

(2) **Escalators** means additional charges agreed upon by the Occupant and Landlord or Responsible Party to be paid by the Occupant provided in a lease or rental agreement, including but not limited to charges based on real estate taxes, heating fuel, labor, water and sewer, insurance, vault tax and any cost-of-living formulas.

(3) **Use-Based Escalators** are means charges that are based on a verifiable calculation of the Occupant's usage and the cost to the Landlord or Responsible Party and were part of the last lease or rental agreement in effect on or before June 25, 2019, for units covered pursuant to MDL § 281(6). Use-Based Escalators may include charges related to gas, electricity and steam.

(4) **Garbage Escalators** means additional charges related to garbage collection service that were part of the last lease or rental agreement in effect on or before June 25, 2019, for units covered pursuant to MDL § 281(6). Garbage Escalators do not include services provided at no cost to the Owner or Responsible Party.

(5) **Total rent**

(i) *Lease in effect on June 25, 2019.* Except as provided in (iii), total rent is the rent, including Escalators, specified in the lease or rental agreement in effect on June 25, 2019, paid by the Tenant pursuant to said lease or rental agreement.

(ii) *No lease in effect on June 25, 2019.* Except as provided in (iii), where no lease or rental agreement was in effect on June 25, 2019, the total rent is the rent, including Escalators, paid by the Tenant to the Owner, Landlord, Responsible Party on or before June 25, 2019 pursuant to the last lease or rental agreement before June 25, 2019.

(iii) Total rent shall not include Use-Based Escalators or Garbage Escalators.

(c) *Rent adjustments pursuant to MDL § 286(2)(i).* For purposes of determining rent adjustments pursuant to MDL § 286(2)(i), there will be no increase permitted above the total rent as defined above for any unit subject to Art. 7-C pursuant to MDL § 281(6).

(d) *Permissible rent levels.* An Owner or Responsible Party of a unit subject to Art. 7-C pursuant to MDL § 281(6) may not charge a residential Occupant more than:

(1) Total rent, as defined above; plus

(2) Any other rent adjustments authorized pursuant to Art. 7-C and these rules, including allowable rent adjustments authorized pursuant to 29 RCNY § 2-12; plus

(3) Use-Based Escalators, if any; plus

(4) Garbage Escalators, if any.

(e) *Overcharges and penalties.* Rent payments made before {insert effective date of rule}, the effective date of this rule, in excess of the permissible rent levels as described above in subdivision (d) constitute an overcharge which may be paid, at the Owner's or Responsible Party's option, either in a lump sum to the Tenant or as a twenty (20) percent reduction of the legal rent permitted under this rule as of {insert effective date of rule}, the effective date of the rule, until payment of the full overcharge is completed. No treble damages may be imposed for a violation of this section.

§ 17. Section 2-07 of Title 29 of Chapter 2 of the Rules of the City of New York is amended to read as follows:

§ 2-07 Sales of Improvements.

(a) Definitions. [The following terms shall have the following definitions] For the purposes of this section, the following definitions apply unless context clearly indicates otherwise.

(1) **Fair market value[.** "Fair market value" is defined as follows] means:

(i) A bona fide offer by a prospective incoming [tenant] Tenant to purchase improvements made or purchased by an outgoing [tenant] Tenant qualified for protection under [Article] Art. 7-C is presumed to represent the fair market value of the improvements.

(ii) The presumption in (i) above may be rebutted if the [owner] Owner or Responsible Party challenges the value in accordance with 29 RCNY § 2-07(g), in which case the fair market value will be determined by the Loft Board in accordance with 29 RCNY § 2-07(g).

(iii) If no such offer is made or available, the value shall be established by agreement of the parties or pursuant to an [application] Application to the Loft Board, which shall determine the value in accordance with the criteria and procedures set forth in this [Rule] rule.

(2) **Improvements[.** "Improvements" are] means the fixtures, alterations and development of an [interim multiple dwelling ("IMD")] IMD unit which were made or purchased by a residential [tenant] Tenant who is qualified for protection under [Article] Art. 7-C.

(i) ["Fixtures"] Fixtures are [defined as that which is] appendages permanently fixed or attached to real property [permanently as an appendage], including, but not limited to, the following: kitchen installations, such as stoves, sinks, counters, and built-in cabinets; bathroom installations, such as sinks, toilets, bathtubs, and showers; other installations, such as partitions, ceilings, windows, and floors, including tiling; built-in shelves; plumbing and utility risers; electrical work; heating units; and hot water heaters.

(ii) ["Alterations and development"] Alterations and development include, but are not limited to the following: demolition work, such as debris removal; repair, other than normal recurring maintenance; renovation of ceiling, walls, windows, and floors; design, including professional fees paid to architects and designers in connection with the improvements; labor; equipment rental; and such removable personal property as is reasonable to establish residential use, such as a refrigerator and dishwasher.

Improvements do not include other removable household furnishings, such as rugs, tables, and chairs. A sale of improvements does not constitute a sale of rights pursuant to MDL § 286(12) [of the Multiple Dwelling Law ("MDL")].

(3) **Unit,** as referred to in this section, means:

(i) A [residential unit] Residential Unit in an IMD [building] Building, as defined by MDL § 281 and these [Rules] rules, which is registered with the Loft Board or granted coverage by the Loft Board or a court of competent jurisdiction; or

(ii) For the purposes of sales of improvements governed by this section only, a unit formerly registered as an IMD unit, but which has subsequently been legalized and removed from the Loft Board's jurisdiction.

(b) *Applicability.* This section applies to sales which occur on or after March 23, 1985, except that the definition of the term "fair market value," provided in subdivision (a) of this section, applies only to sales of improvements where a Disclosure Form has been filed with the Loft Board on or after February 16, 1996.

(1) *Right to sell.* The residential [occupant] Occupant of an IMD unit which is qualified for protection under [Article] Art. 7-C may sell the improvements of the unit to the [owner] Owner, Landlord or Responsible Party or to a prospective [tenant] Tenant, either before or after such unit has been legalized and registered with DHCR, subject to the procedures established in these [Rules] rules. This right to sell may be exercised only once for each IMD unit. The improvements must be offered to the [owner] Owner or Responsible Party for an amount equal to their fair market value, as defined in 29 RCNY § 2-07(a) above, [prior to] before their sale to a prospective incoming [tenant] Tenant.

(2) *Sales not subject, or partially subject, to these rules.*

(i) *Registration or a finding of coverage.* This section does not apply to units which have never been registered with the Loft Board, unless the unit was granted coverage pursuant to a Loft Board order or court of competent jurisdiction. Any sale of improvements which occurred [prior to] before registration of the unit with the Loft Board or [prior to] before a finding of coverage by the Loft Board or a court of competent jurisdiction does not constitute a sale pursuant to MDL § 286(6), and is not covered by this section. This section does not apply to units which the Loft Board or the Executive Director have found are not covered by [Article] Art. 7-C pursuant to 29 RCNY §§ 2-05 and 2-08, or which a court of competent jurisdiction has found do not qualify for [Article] Art. 7-C coverage.

(ii) *Sales between co-tenants.* This section does not apply to sales of improvements between co-tenants of an IMD unit, where at least [1] one (1) of the co-tenants will remain in occupancy after the sale and is [an] a residential [occupant] Occupant qualified for the protection of [Article] Art. 7-C.

(iii) *Compensation to* [*prime lessee*] *Prime Lessee or* [*sublessor*] *Sublessor.* Compensation to a [prime lessee] Prime Lessee or [sublessor] Sublessor by a residential [occupant] Occupant does not constitute a sale of improvements pursuant to MDL § 286(6), and is governed by 29 RCNY § 2-09(c) in matters regarding the [prime lessee's] Prime Lessee's or [sublessor's] Sublessor's right to compensation for costs incurred in developing a [residential unit] Residential Unit. After compensation has been made by the residential [occupant] Occupant to the [prime lessee] Prime Lessee or [sublessor] Sublessor, the residential [occupant] Occupant has the right to sell the improvements in the unit pursuant to MDL § 286(6) and this section.

(c) *Procedure for sales of improvements to prospective incoming tenant.*

(1) An outgoing [tenant] Tenant in an IMD unit proposing to sell improvements to a prospective incoming tenant must send the Loft Board approved Disclosure Form to the [owner] Owner or Responsible Party and prospective incoming tenant in accordance with the following procedures at least [30 calendar] thirty (30) days in advance of the date of closing of the proposed sale.

(i) The outgoing [tenant] Tenant must notify the [owner] Owner or Responsible Party of his or her intent to move and to sell the improvements, and the identity of the prospective incoming tenant, providing the following information to the [owner] Owner or Responsible Party:

[*(a)*] (A) A list and description of the improvements included in the proposed sale which were made or purchased by the outgoing [tenant] Tenant with accompanying proof of payment;

[*(b)*] (B) A written copy of the offer, verified by the prospective incoming tenant, to purchase the improvements, which includes all terms and conditions of the offer;

[*(c)*] (C) Identification of the prospective incoming tenant by name, current business and home addresses and any other address and telephone numbers elected for purposes of delivery of notices and communications;

[*(d)*] (D) An affidavit by the outgoing [tenant] Tenant that he or she made or purchased the improvements offered for sale; or an affidavit that he or she is authorized to sell the improvements on behalf of any other parties having ownership interest in such improvements, accompanied by appropriate evidence of such authorization;

[*(e)*] (E) An affidavit by the prospective incoming tenant that he or she has received and reviewed the Disclosure Form; and

[*(f)*] (F) Three (3) reasonable dates and times within [10 calendar] ten (10) days after service of the Disclosure Form upon the [owner] Owner or Responsible Party, when the [owner and/or the owner's designee] Owner or Responsible Party could inspect the improvements.

(ii) The Disclosure Form must also include the following advisories to the prospective incoming tenant:

[*(a)*] (A) The improvements included in the sale are limited to those items listed and described by the outgoing [tenant] Tenant;

[*(b)*] (B) The prospective incoming tenant is purchasing absolute title to the use and enjoyment for the duration of the prospective tenancy of all other property deemed improvements pursuant to these rules. The [owner] Owner or Responsible Party is responsible for maintenance of improvements deemed fixtures pursuant to these rules; however, the [owner] Owner or Responsible Party has the right to alter or remove the improvements pursuant to code compliance requirements, subject to the terms of this section;

[*(c)*] (C) The right to sell improvements may be exercised only once for the unit and an incoming tenant cannot re-sell such improvements to the [owner] Owner or Responsible Party or a prospective incoming tenant pursuant to MDL § 286(6);

[*(d)*] (D) Upon completion of the sale of improvements by the prospective incoming tenant pursuant to MDL § 286(6), the prospective incoming tenant assumes the rights and obligations of the outgoing [tenant] Tenant as an [occupant] Occupant qualified for protection under [Article] Art. 7-C;

[*(e)*] (E) The amount of the rent and a statement as to the types of further increases which may be applicable to the IMD unit pursuant to the terms of the Loft Board's rules or Rent Guidelines Board's orders;

[*(f)*] (F) If the [building] Building has not been issued a final residential certificate of occupancy for the IMD unit at the time of the offer to purchase, the unit remains subject to the requirements of [Article] Art. 7-C and the Loft Board's rules requiring that such units be brought into compliance;

[*(g)*] (G) MDL § 286(5) provides that the costs of legalization as determined by the Loft Board are passed through to the [tenants] Tenants and may result in rent adjustments owed by the [tenant] Tenant above the base rent, amortized over a [10] ten (10) or [15] fifteen (15) year period;

[*(h)*] (H) The offer is subject to the [owner's] Owner's or Responsible Party's right:

[1.] (a) To purchase the improvements for an amount equal to their fair market value;

[2.] (b) To challenge the offer as provided in 29 RCNY § 2-07(g) below; and

[3.] (c) To withhold consent to the prospective tenant, provided that consent may not be unreasonably withheld;

(i) If an [owner] Owner or Responsible Party purchases the improvements, the [owner] Owner or Responsible Party will not be entitled to the opportunity for decontrol of rent regulation or market rentals, as provided in 29 RCNY § 2-07(d)(4)(ii) below, if the [owner] Owner or Responsible Party is found to have harassed [tenants] Tenants, pursuant to 29 RCNY § 2-02, unless the [harassment] Harassment finding has been terminated pursuant to 29 RCNY § 2-02.

(2) The completed Disclosure Form with original signatures must be filed with the Loft Board, together with proof of service. Following receipt, the Loft Board staff will determine whether a sale for the unit in question has been previously filed with the Loft Board's office. If a sale was previously filed, the parties will be notified of the prior sale and the proposed sale will not be given any effect under MDL § 286(6).

(d) *Owner's or Responsible Party's response to offer and prospective incoming [tenant] Tenant.*

(1) *Procedures for [owner's] Owner's or Responsible Party's response.*

(i) Within [10 calendar] ten (10) days of service of the Disclosure Form, the [owner] Owner or Responsible Party may request any reasonable additional information from the outgoing and prospective incoming [tenants] Tenants that will enable the [owner] Owner or Responsible Party to decide whether to purchase the improvements, and to determine the suitability of the prospective incoming tenant.

(A) No request by the [owner] Owner or Responsible Party for additional information from the outgoing [tenant] Tenant may be unduly burdensome, and requests for additional information must be relevant to the criteria set forth in 29 RCNY § 2-07(g) below.

(B) If the Loft Board finds that the [owner's] Owner's or Responsible Party's request for additional information is unduly burdensome, it may reject the [owner's] Owner's or Responsible Party's request on [application] Application by the outgoing [tenant] Tenant.

(ii) In the [owner's] Owner's or Responsible Party's response to the Disclosure Form, the [owner] Owner or Responsible Party must affirm that the subject unit is currently registered with the Loft Board or DHCR, or any successor agency and was registered at the time of service of the Disclosure Form and that he or she either owns the premises or is authorized to act on behalf of the [owner] Owner or Responsible Party in this matter.

(iii) Within [20 calendar] twenty (20) days after service of the Disclosure Form, or delivery of the additional information reasonably requested by the [owner] Owner or Responsible Party, whichever is later, the [owner] Owner or Responsible Party must notify the outgoing and prospective incoming tenants of the [owner's] Owner's or Responsible Party's:

(A) Rejection of the offer based on one or more of the grounds for challenge listed in 29 RCNY § 2-07(g)(2), by following the procedures provided in 29 RCNY § 2-07(g);

(B) Consent to the prospective incoming tenant and consent to the sale of improvements to the prospective incoming tenant; or

(C) Acceptance and commitment to purchase the improvements at the offered price.

(iv) If the [owner's] Owner's or Responsible Party's challenge is based on the unsuitability of the prospective [tenant] Tenant, the [owner] Owner or Responsible Party may only initiate an action based on that ground in a court of competent jurisdiction. If an action is brought pursuant to this subparagraph, the [owner] Owner or Responsible Party must inform the Loft Board in writing within [20 calendar] twenty (20) days after service of the Disclosure Form or delivery of the additional information requested, if any.

(2) *Owner's or Responsible Party's rejection of the offer.*

(i) If the [owner] Owner or Responsible Party rejects the outgoing [tenant's] Tenant's offer to purchase the improvements, the [owner] Owner or Responsible Party must elaborate on the grounds for the rejection by filing a challenge [application] Application in accordance with the procedures provided in subdivision (g), except as provided in 29 RCNY § 2-07(d)(1)(iv). If the rejection is based on the claim that the offer exceeds the fair market value of the improvements, the rejection must include the [owner's] Owner's or Responsible Party's fair market valuation of the improvements and the [owner's] Owner's or Responsible Party's commitment to purchase if the fair market value is determined to be no greater than such valuation. If the rejection is based on the claim that the [owner] Owner or Responsible Party made or purchased the improvements, the rejection must indicate which improvements the [owner] Owner or Responsible Party alleges to have made or purchased and include proof.

(ii) Failure of the [owner] Owner or Responsible Party to file with the Loft Board a complete [application] Application, including payment of a fee of $800.00 to cover the full cost of an appraiser selected by the Board, with copies to the outgoing and prospective tenants, within the time provided in 29 RCNY § 2-07(d)(1)(iii) above, shall be deemed an acceptance of the proposed sale. However, if the [owner's] Owner's or Responsible Party's challenge is on the ground of the unsuitability of the prospective tenant, the [owner] Owner or Responsible Party may only initiate an action based on that ground in a court of competent jurisdiction and must inform the Loft Board in writing within the time period in 29 RCNY § 2-07(d)(1)(iv).

(3) *Owner's or Responsible Party's acceptance of sale and prospective tenant.*

(i) The [owner] Owner or Responsible Party may send a notice of approval of the proposed sale to the prospective incoming tenant, and acceptance of the prospective incoming tenant.

(ii) An [owner's] Owner's or Responsible Party's failure to: 1) send a complete notice of approval, as described in (i) above or 2) file a challenge [application] Application with the Loft Board within the time period provided in 29 RCNY § 2-07(d)(1)(iii) above, or by another deadline agreed upon in writing by the [owner] Owner or

Responsible Party and outgoing [tenant] Tenant, is deemed an acceptance of the proposed sale from the outgoing [tenant] Tenant to the incoming tenant and acceptance of the prospective incoming tenant, except as provided in 29 RCNY § 2-07(d)(1)(iv).

(iii) In the case of (i) or (ii) above, the proposed incoming tenant assumes the rights and obligations of the outgoing [tenant] Tenant as an [occupant] Occupant qualified for protection under [Article] Art. 7-C, upon the execution of the sale provisions and compliance with the other provisions of these [Rules] rules. The prospective incoming tenant is permitted to commence residency, despite the lack of a residential certificate of occupancy covering the unit. He or she must pay the rent previously charged to the outgoing [tenant] Tenant, including any applicable pass-throughs or increases permissible under [Article] Art. 7-C or the Loft Board's rules and orders, including but not limited to:

(A) Any increases permissible pursuant to 29 RCNY [§§] § 2-06, 2-06.1, [or] 2-06.2, or 2-06.3 if such increases have not already been imposed; or

(B) Any increases pursuant to the Rent Guidelines Board's orders, if applicable.

(4) *Owner's or Responsible Party's purchase of improvements.*

(i) If the [owner] Owner or Responsible Party elects to purchase the improvements in an IMD unit in accordance with the terms of the prospective incoming tenant's offer, the [owner] Owner or Responsible Party must notify the outgoing [tenant] Tenant and the prospective incoming tenant of the [owner's] Owner's or Responsible Party's acceptance in accordance with 29 RCNY § 2-07(d)(1)(iii), and must meet the terms of the offer within [30 calendar] thirty (30) days of service of [owner's] Owner's or Responsible Party's acceptance upon the outgoing [tenant] Tenant. If the [owner] Owner or Responsible Party fails to meet the terms of the offer within the [30 calendar] thirty (30) day period, the [owner] Owner or Responsible Party is deemed to have waived the right to purchase the improvements at an amount equal to their fair market value.

(ii) Upon completion of the purchase of improvements by the [owner] Owner or Responsible Party, an IMD unit subject to rent regulation solely by reason of [Article] Art. 7-C of the MDL, and not receiving any benefits of real estate tax exemption or tax abatement, will be exempted from the provisions of [Article] Art. 7-C requiring rent regulation,

(A) if such [building] Building had fewer than [6] six (6) [residential units] Residential Units: (a) on June 21, 1982 for a unit covered under MDL § 281(1); (b) on July 27, 1987 for a unit solely covered under MDL § 281(4); or (c) on June 21, 2010 for a unit covered by MDL § 281(5) [that became subject to Article 7-C pursuant to Chapters 135 or 147 of the Laws of 2010]; or (d) on June 25, 2019 for a unit covered by MDL 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019; or

(B) if the unit was purchased by the [owner] Owner or Responsible Party pursuant to these rules before July 27, 1987 and the [building] Building had fewer than [6] six (6) [residential units] Residential Units on June 21, 1982, but [6] six (6) or more [residential units] Residential Units on July 27, 1987.

(iii) Upon completion of the purchase by the [owner] Owner or Responsible Party, any unit subject to rent regulation solely by reason of [Article] Art. 7-C of the MDL, and not receiving any benefits of real estate tax exemption or tax abatement, will be subject to subsequent rent regulation after being rented at market value, if such [building] Building had [6] six (6) or more [residential units] Residential Units on: (a) June 21, 1982 for a unit covered under MDL § 281(1); (b) July 27, 1987 for a unit solely covered under MDL § 281(4); or (c) June 21, 2010 for a unit covered by MDL § 281(5) [that became subject to Article 7-C pursuant to Chapters 135 or 147 of the Laws of 2010]; or June 25, 2019 for a unit covered by MDL § 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019.

(iv) The exemption from rent regulation is not available in a [building] Building when any sale of improvements takes place on or after the date of a finding of [harassment] Harassment, and before the [harassment] Harassment order is terminated by the Loft Board in accordance with 29 RCNY § 2-02(d)(2).

(e) [[Reserved.]] Reserved.

(f) *Notice between parties: form and time requirements.*

(1) All notices, requests, responses and stipulations served by [owners] Owners or Responsible Parties and [tenants] Tenants pursuant to this section must be in writing, with a copy delivered or mailed to the Loft Board, accompanied by proof of service. Service by the parties will be [effected] either (1) by personal delivery or (2) by certified or registered mail, return receipt requested, with an additional copy sent by regular mail.

(2) Unless otherwise agreed in writing by the parties, with notice to the Loft Board, these communications must be sent to the outgoing [tenant] Tenant and to the prospective incoming tenant at the respective addresses specified on the Disclosure Form; and to the [owner] Owner or Responsible Party at the address indicated on the latest IMD registration form filed with the Loft Board immediately [prior to] before the filing of the Disclosure Form.

(3) If service was made personally, a verified statement of the person who effected service, setting forth the time, place and other details of service will constitute proof of service. If service was performed by mail, copies of the United States Post Office stamped return receipt and verified statement of mailing will constitute proof of service.

(4) The deadlines provided in this section are triggered by the effective date of service. Service is deemed effective upon personal delivery or [5 calendar] five (5) days following service by mail.

(5) Communications by the Loft Board pursuant to this section will be sent by regular mail to the addresses indicated in paragraph (2) above.

(g) *Applications challenging proposed sale of improvements.*

(1) *Procedures.*

(i) An [owner] Owner or Responsible Party of an IMD unit seeking to contest the proposed sale of improvements must apply to the Loft Board for a determination within [20 calendar] twenty (20) days of service upon the [owner] Owner or Responsible Party of the Disclosure Form, or within such additional period as provided pursuant to 29 RCNY § 2-07(d) above, and must pay the mandated filing fee of $800. Before the [owner] Owner or Responsible Party files a challenge [application] Application under this subdivision, the [owner's] Owner's or Responsible Party's registration with the Loft Board, including payment of applicable registration fees, must be current, or before filing a challenge [application] Application with respect to improvements in a unit that was formerly subject to [Article] Art. 7-C, the [owner's] Owner's or Responsible Party's registration with DHCR or any successor agency must be current. The [owner] Owner or Responsible Party must also state that he or she is the [owner] Owner or Responsible Party of the premises or is authorized to act on behalf of the [owner] Owner in this matter.

(ii) Filing of an [application] Application challenging the sale of improvements to a prospective incoming tenant which is found by the Loft Board to be frivolous may constitute [harassment] Harassment, pursuant to 29 RCNY § 2-02, with the consequences provided in 29 RCNY § 2-07(d)(4). An objection to the sale may be found to be frivolous on grounds including, but not limited to, the following: that it was filed without a good faith intention to purchase the improvements at fair market value or that the [owner's] Owner's or Responsible Party's valuation of the improvements has no reasonable relationship to the fair market value, as determined by the Loft Board.

(iii) The [owner] Owner or Responsible Party must serve the outgoing Tenant and prospective incoming [tenants] tenant with a copy of the [owner's] Owner's or Responsible Party's challenge [application] Application, and file within [5 calendar] five (5) days of service 2 copies of the [application] Application at the Loft Board and proof of service as described in 29 RCNY § [1-06(b)] 1-21.

(iv) The outgoing and prospective incoming tenants will have [7 calendar] seven (7) days from when service of the [application] Application is deemed complete to file with the Loft Board an answer to the challenge [application] Application. Two copies of the answer must be filed with the Loft Board. One copy of the answer must be served on the [owner] Owner or Responsible

Party and the other [affected parties] Affected Parties, if any, [prior to] before filing the answer with the Loft Board. Proof of service must be filed with the Loft Board in accordance with 29 RCNY § [1-06(e)] 1-21(c).

(v) The outgoing [tenant's] Tenant's answer must include [3] three (3) available dates and times during regular [business hours] Business Hours within [10 calendar] ten (10) days of the date of filing of the answer with the Loft Board during which the improvements will be available to be inspected by a Loft Board-appointed appraiser in accordance with subparagraph (vi).

(vi) The appraiser shall be appointed by the Loft Board, must be suitably qualified in valuing improvements and must be a Registered Architect, a Professional Engineer or a New York State Certified General Real Estate Appraiser.

(vii) The Board shall also notify the [owner] Owner or Responsible Party, outgoing [tenant] Tenant and prospective incoming tenant of an inspection date at one of the times designated by the outgoing [tenant] Tenant, or at another time fixed by the Board if none of the proposed dates is mutually convenient. Following the inspection, a copy of the appraiser's findings will be mailed to the three parties. A conference or hearing date must be scheduled no fewer than [8 calendar] eight (8) days nor more than [15 calendar] fifteen (15) days from the mailing of the notice of conference or hearing or, if applicable, the filing of the appraiser's report. There may be no more than one (1) adjournment per party, limited to [7 calendar] seven (7) days, for good cause shown. Except as provided in these rules, the requirements of the Loft Board's rules regarding [applications] Applications apply.

(viii) If a challenge [application] Application results in an order by the Loft Board determining that the offer constitutes fair market value, the [owner] Owner or Responsible Party may exercise the right to purchase improvements at that price. If the Loft Board determines that the offer does not constitute fair market value, in accordance with 29 RCNY § 2-07(g)(2), the [owner] Owner or Responsible Party may exercise the right to purchase the improvements at the price determined to constitute fair market value. The [owner] Owner or Responsible Party must notify the outgoing [tenant] Tenant within [10 calendar] ten (10) days of service of the Loft Board's order determining fair market value of the [owner's] Owner's or Responsible Party's intent to purchase at such price less half the cost of the appraisal and must consummate the purchase within [10 calendar] ten (10) days of the [owner's] Owner's or Responsible Party's notice to the outgoing [tenant] Tenant, except that where the fair market value determination is less than the price offered by the outgoing [tenant] Tenant, the outgoing [tenant] Tenant may decline to sell the improvements. The Loft Board's order determining fair market value constitutes the price at which the outgoing [tenant] Tenant must first offer to sell the previously offered improvements to the [owner] Owner or Responsible Party for a period of [2] two (2) years from the date of the Loft Board order.

(ix) If the [owner] Owner or Responsible Party elects not to purchase the improvements at the Loft Board-determined fair market value, the outgoing [tenant] Tenant may sell to the prospective incoming tenant, without challenge by the [owner] Owner or Responsible Party to the fair market value of the offer. The [owner's] Owner's or Responsible Party's failure to consummate a purchase, following notice of intent to purchase, within the period prescribed above, is deemed an election not to purchase.

(2) *Grounds for challenge.* An [owner] Owner or Responsible Party may challenge a proposed sale of improvements on the following grounds:

(i) The offer is not a bona fide, arms-length offer which discloses to the [owner] Owner or Responsible Party all its terms and conditions.

(ii) Some or all of the improvements offered for sale were made or purchased by the [owner] Owner or Responsible Party, not the outgoing [tenant] Tenant. Proof of ownership or payment is required.

(iii) The offer exceeds fair market value as determined in accordance with the following standards:

(A) A bona fide offer to purchase improvements made or purchased by the outgoing [tenant] Tenant is presumed to represent fair market value.

(B) The presumption may be rebutted if the [owner] Owner or Responsible Party establishes that:

(a) For such improvements as were purchased by the outgoing [tenant] Tenant, the offer exceeds the amount paid for the improvements minus depreciation for wear and tear and age; or

(b) For such improvements as were made by the outgoing [tenant] Tenant, the offer exceeds the replacement cost of the improvements minus depreciation for wear and tear and age.

(C) If any of the improvements offered for sale are out of compliance with the New York City Building Code or other applicable laws or regulations, the noncompliance may not be considered when calculating the amount paid for or the replacement costs of the improvements, for improvements made or purchased [prior to] before (a) March 23, 1985, or (b) September 11, 2013, [the effective date of this amended rule,] for a unit covered under [Article] Art. 7-C pursuant to MDL § 281(5), or {add effective date of this amended rule,} for a unit covered under Art. 7-C pursuant to MDL § 281(6).

(iv) On any other basis authorized under [Article] Art. 7-C.

(v) If a basis of a challenge is the unsuitability of the prospective incoming tenant, the [owner] Owner or Responsible Party may only initiate an action based on that ground in a court of competent jurisdiction; such challenge will not be entertained by the Loft Board.

(3) *Affected Parties.* [The term "'affected parties," when used] Affected Parties, in an [application] Application challenging an offer to purchase improvements, [is] are limited to the [owner] Owner or Responsible Party and the outgoing [tenant] Tenant, except that a prospective incoming tenant is an [affected party] Affected Party in cases involving an [owner's] Owner's or Responsible Party's challenge to the prospective incoming tenant's offer to purchase improvements.

(h) *Deadline Extensions on consent and change of address.* Deadlines set in this rule may be modified, [applications] Applications may be withdrawn, and disputes may be resolved, by written agreement of the parties, subject to Loft Board written approval. Parties may change their address upon service of written notice to the Loft Board and the other [affected parties] Affected Parties, as defined in 29 RCNY § 2-07(g)(3) above. Notice is effective upon personal delivery or [5 calendar] five (5) days following service by mail.

(i) *Tenant's* [*Right to Fair Market Value of Improvements in Cases of Hardship Exemptions, Vacate Orders*] *right to fair market value of improvements in cases of hardship exemptions, vacate orders and Owner* [*Occupancy*] *occupancy.*

(1) In the event that:

(i) The failure of an [owner] Owner or Responsible Party to comply with the legalization deadlines mandated by MDL § 284(1) results in a municipal vacate order pursuant to MDL § [284(1)(x)] 284(1)(xi);

(ii) The Loft Board grants a hardship exemption pursuant to MDL § 285(2); or

(iii) The [owner] Owner or Responsible Party successfully obtains the right to occupy former IMD units under the provisions of the Rent Stabilization Law and the Rent Stabilization Code §§ 2524.4(a) and 2525.6,

an [occupant] Occupant qualified for [Article] Art. 7-C protections may apply to the Loft Board for a determination of fair market value of improvements and reasonable moving expenses.

(2) As further provided in MDL § [284(1)(x)] 284(1)(xi), any vacate order pursuant to 29 RCNY § 2-07(i)(1)(i) above, is to be deemed an order to correct the non-compliant conditions, subject to the provisions of [Article] Art. 7-C, and the [occupant] Occupant has the right to reoccupy the unit when the condition has been corrected and is entitled to all applicable protections of [Article] Art. 7-C.

(3) The Loft Board shall determine the fair market value in accordance with this section except that the [tenant] Tenant shall be the applicant, [affected parties] Affected Parties shall be limited to the [owner] Owner or Responsible Party and [tenant] Tenant, and the [tenant] Tenant shall offer proof of reasonable moving expenses as well as both parties offering proof as to the value of the improvements.

(4) Upon a finding by the Loft Board of the fair market value of the improvements and of reasonable moving expenses, the [owner] Owner or Responsible Party will be required to pay such amounts to the [tenant] Tenant plus an amount equal to the [application] Application filing fee.

(j) *Effect of* [*Sale: Filing the Sale Record*] *sale: filling the sale record with the Loft Board.*

(1) Except as provided in paragraph (2) below, within [30 calendar] thirty (30) days of the sale of improvements to the [owner] Owner or Responsible Party, pursuant to MDL § 286(6), the [owner] Owner or Responsible Party must file a Loft Board-approved Sale Record, which provides the following information: address of IMD and location of unit; name and telephone number of incoming tenant; description of improvements conveyed; purchase price; and rent. Failure by the [owner] Owner or Responsible Party to file the required Sale Record within [30 calendar] thirty (30) days of the sale of improvements may subject the [owner] Owner or Responsible Party to a civil penalty, as determined by the Loft Board in accordance with 29 RCNY § 2-11.1.

(2) If a prospective incoming tenant purchases the improvements in the IMD unit, no further filing is required. Unless the Loft Board is otherwise informed, receipt by the Loft Board of a Disclosure Form is presumed to be notice that a sale to the prospective incoming tenant identified has taken place within [60 calendar] sixty (60) days following receipt of such Disclosure Form, or [60 calendar] sixty (60) days following the last deadline modification approved by the Loft Board.

If no sale has occurred, the outgoing [tenant] Tenant must inform the Loft Board within [60 calendar] sixty (60) days following the filing of the Disclosure Form, or [60 calendar] sixty (60) days from the last deadline. If the outgoing [tenant] Tenant fails to advise the Loft Board within the prescribed [60 calendar] sixty (60) days that no sale has taken place, such [tenant] Tenant may refute the presumption by: 1) filing a letter withdrawing the previously filed Disclosure Form, or 2) filing another Disclosure Form, with a new proposed sale along with an affidavit by the outgoing [tenant] Tenant stating that the prior proposed sale did not occur, that the [tenant] Tenant has remained in occupancy of the unit and that no sale of improvements in the unit has occurred.

§ 18. Section 2-08 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-08 Coverage, Occupants Qualified for Protection and Issues of Status. Registration as an [interim multiple dwelling (hereinafter "IMD")] IMD [with the New York City Loft Board (hereinafter "Loft Board")] shall be required when a [building] Building, structure or portion thereof meets the criteria for an IMD set forth in [§§] § 281[, 282-a] of [Article] Art. 7-C [of the Multiple Dwelling Law (hereinafter "MDL")] and these rules.

(a) Definitions. For the purposes of this section, the following definitions apply:

[(1.)] (1) **Building.**

(i) As defined in § 12-10 of the Zoning Resolution, a [building] Building is any structure which:

(A) is permanently affixed to the land;

(B) has one or more floors and a roof; and

(C) is bounded by either open area or the lot lines of a zoning lot.

(ii) A [building] Building may be a row of structures, and have one (1) or more structures on a single zoning lot.

(iii) In deciding whether a structure is a single [building] Building, as distinguished from more than one (1) [building] Building for purposes of IMD determination, the Loft Board shall employ the definition set forth above, and consider [inter alia], among other things, the following factors:

(A) whether the structure is under common ownership;

(B) whether contiguous portions of the structure within the same zoning lot are separated by individual load-bearing walls, without openings for the full length of their contiguity, as distinguished from non-loadbearing partitions;

(C) whether the structure has been operated as a single entity, having one (1) or more of the following:

(a) a common boiler;

(b) a common sprinkler system;

(c) internal passageways;

(d) common fire escapes; or

(e) other indicia of operation as a single entity.

(D) whether the [owner] Owner or Responsible Party or a predecessor has at any time represented in [applications] Applications or other official papers that the structure was a single [building] Building;

(E) whether a single certificate of occupancy has been requested or issued for the structure; and

(F) the pattern of usage of the [building] Building during the applicable qualifying window periods: (i) from April 1, 1980, to December 1, 1981, for [buildings] Buildings seeking coverage under [Article] Art. 7-C pursuant to MDL § 281(1), (ii) from April 1, 1980 to May 1, 1987, for [buildings] Buildings seeking coverage under [Article] Art. 7-C pursuant to MDL § 281(4), [or] (iii) [from] for twelve consecutive Months during the period commencing January 1, 2008 [to] and ending December 31, 2009, for [buildings] Buildings seeking coverage under [Article] Art. 7-C pursuant to MDL § 281(5), or (iv) for twelve consecutive Months during the period commencing January 1, 2015 and ending December 31, 2016, for Buildings seeking coverage under Art. 7-C pursuant to MDL § 281(6).

[(2.) **Grandfathering.** For purposes of these rules, "grandfathering" means the administrative process by which a residential unit, located where residential use is not otherwise permitted by the Zoning Resolution, is determined by the agency designated in the Zoning Resolution, to have been residentially occupied on a specified date, and is therefore a legal residential use as of right, eligible for Article. 7-C coverage.* The term "residential use as of right" as employed in MDL § 281(2) means that the New York City Zoning Resolution permits residential use in the area in which the building is located. Grandfathering may also be accomplished by a special permit process defined in subdivision (ii) below, which requires a further discretionary approval in addition to determination of occupancy on a specified date.

(i) *Minor modification and an administrative certification.* A "minor modification," and an "administrative certification" as found in MDL § 281(2)(i) are terms which refer to various procedures which may be specified in the Zoning Resolution in addition to the grandfathering determinations of occupancy concerning non-discretionary actions by the agency to which an application must be made.

(ii) *Special permit.* A "special permit" as found in MDL § 281(2)(iv) is a term referring to a grandfathering procedure specified in the Zoning Resolution which involves a discretionary determination, and approval by the City Planning Commission, to which the application must initially be made, and by the Board of Estimate or any entity which succeeds it in this function.**

(3.) **Living Independently.** For purposes of MDL § 281 and these rules, "living independently" means having attributes of `independent living' by a family in each residential unit, such as:

(i) a separate entrance providing direct access to the residential unit from a street or public area, such as a hallway, elevator, or stairway within a building;

(ii) one or more rooms such as a kitchen area, a bathroom, a sleeping area and a living room area arranged to be occupied exclusively by the members of a family and their guests, which room or rooms are separated, and set apart from all other rooms within a building; and (iii) such other indicia of independent living which demonstrate the residential unit's use as a residence of a family living independently.]

[(4.)] (2) **Residential Unit.**

(i) In order for a [residential unit] Residential Unit to be deemed an IMD unit qualifying for coverage under [Article] Art. 7-C, the unit must:

(A) be the residence or home of a ["family"] Family [as defined in MDL § 4(5)***] that is [living independently] Living Independently;

(B) be located in a [building] Building, a portion of which was occupied at any time for manufacturing, commercial or warehouse purposes;

(C) lack a residential certificate of occupancy issued pursuant to MDL § 301, as further delineated in 29 RCNY § 2-08(b);

(D) except as set forth below in 29 RCNY §§ [2-08(a)(4)(ii)] 2-08(a)(2)(ii), and (iii), be located in a geographical area in which the Zoning Resolution permits [residential use as of right] Residential Use as of Right or in which the residential use may become a use as of right as a result of approval of a [grandfathering] Grandfathering application, in accordance with MDL §§ 281(2)(i), or (iv); or is located in a [study area] Study Area designated by the Zoning Resolution for possible rezoning to permit residential use, in accordance with MDL § 281(2)(iii);

(E) be located in a [building] Building that is not municipally owned; and

(F) except as set forth below in 29 RCNY §§ [2-08(a)(4)(ii)] 2-08(a)(2)(ii), and (iii), be occupied by a [family living independently] Family Living Independently for residential purposes on December 1, 1981, since April 1, 1980 for coverage under § 281(1)[, and].

[(G)pursuant to MDL § 282-a, either (i) have been registered as part of an IMD building, structure or portion thereof by the landlord of such building, by that certain date which is 6 months after the date the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the Laws of 2010 (ii) have been included as part of a coverage application filed by a residential occupant of the building, structure or portion thereof by that certain date which is 6 months after the date the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the Laws of 2010 or (iii) if the landlord is directed to file a registration application form by a court of competent jurisdiction pursuant to a claim of Article 7-C coverage raised in a pleading before the certain date listed in 29 RCNY § 1-06.1(a), and on the Loft Board's website.]

(ii) In addition to the criteria set forth in subparagraph (i) of [this] 29 RCNY [§§2-08(a)(4)] § 2-08(a)(2), in order for a [residential unit] Residential Unit to qualify for coverage under [Article] Art. 7-C pursuant to MDL § 281(4), such residence or unit must have been occupied by a [family living independently] Family Living Independently for residential purposes on May 1, 1987, since December 1, 1981, and occupied for residential purposes since April 1, 1980, regardless of whether the [building] Building is located in a geographical area in which the Zoning Resolution permits [residential use as of right] Residential Use as of Right, or through [grandfathering] Grandfathering [as defined in 29 RCNY § 2-08(a)(2)], or because the [building] Building is located in a [study area] Study Area [as defined in 29 RCNY § 2-08(a)(5)].

(iii) [Notwithstanding the foregoing,] In addition to the criteria set forth in subparagraph (i) of this paragraph, in order for a [residential unit] Residential Unit to qualify for coverage under [Article] Art. 7-C pursuant to MDL § 281(5), [as set forth in these rules, a] such residence or [residential] unit [is not required to have been residentially occupied between April 1, 1980 through December 1, 1981, but is required to] must have been occupied by a [family living independently] Family Living Independently for residential purposes during a period of twelve consecutive [months] Months between January 1, 2008 through December 31, 2009, as further delineated in 29 RCNY §§ 2-08(c)(3) and (c)(4), regardless of whether the [building] Building is geographically located in an area in which the Zoning Resolution permits residential use. In addition to the criteria set forth in [subparagraph] clauses (A), (B), (C), and (E)[, and (G)] of 29 RCNY § [2-08(a)(4)(i)] 2-08(a)(2)(i), in order for a [residential unit] Residential Unit to qualify as an IMD unit for purposes of coverage under [Article] Art. 7-C pursuant to MDL § 281(5), such residence or home must:

(A) not be located in a ["cellar" or "basement," as such terms are defined in MDL §§ 4(37), and 4(38) respectively] cellar as defined in MDL § 4(37), as an enclosed space having more than one-half of its height below the curb level; except that where every part of the Building is set back more than twenty-five feet from a street line, the height is to be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of ten feet around the exterior walls of the Building. A cellar will not be counted as a story;

(B) have a means of access from a street or public area, such as a public hallway, elevator or public stairway, and the unit must not require passage through another residence, or unit to obtain access;

(C) [contain at least 1 window that opens onto a street, lawful yard or court;] Reserved;

(D) contain at least [400] four hundred (400) square feet in area;

(E) not be located in an [Industrial Business Zone] IBZ, as such term is defined in [chapter] Chapter 6-D of Title 22 of the New York City Administrative Code, except for [buildings] Buildings located in the:

[(i)] (a) Williamsburg/Greenpoint [Industrial Business Zone] IBZ;

[(ii)] (b) North Brooklyn [Industrial Business Zone] IBZ

(1) unless the Building is in a district zoned M3 as such district is described in the Zoning Resolution of the City of New York in effect at the time the Application for registration as an IMD or for coverage of Residential Units is filed; and

(2) if the application for registration as an IMD or for coverage of Residential Units which were occupied for residential purposes as the residence or home of any three or more families Living Independently pursuant to MDL § 281(5) is filed with the Loft Board on or before {9 months after effective date of the rules}, which is nine (9) months after the promulgation of all the rules necessary to implement the provisions of Chapter 41 of the Laws of 2019.

[(iii)] (c) Long Island City [Industrial Business Zone] IBZ, provided that the [residential units] Residential Units meet the qualifying criteria set forth above and the [buildings] Buildings are located in the following area of the Long Island City [Industrial Business Zone] IBZ:

[(a)] (1) have frontage on either side of 47th Avenue,[*]

[(b)] (2) be located north of 47th Avenue and south of Skillman Avenue, or

[(c)] (3) be located north of 44th Drive, south of Queens Plaza north, and west of 23rd Street; and

(F) not be located in the same [building] Building that contained, as of June 21, 2010, and continuing at the time of the submission of an [application] Application for coverage by any party, a use in legal operation actively and currently pursued that is determined by the Loft Board to be inherently incompatible with residential use by creating an actual risk of harm that cannot be reasonably mitigated, as defined in 29 RCNY § 2-08(k).

(iv) In addition to the criteria set forth in subparagraph (i) of this paragraph, in order for a Residential Unit to qualify for coverage under Art. 7-C pursuant to MDL § 281(6), such residence or unit must have been occupied by a Family Living Independently for residential purposes during a period of twelve consecutive Months between January 1, 2015 through December 31, 2016, as further delineated in 29 RCNY § 2-08(c)(5) and (c)(6), regardless of whether the Building is geographically located in an area in which the Zoning Resolution permits residential use. In addition to the criteria set forth in clauses (A), (B), (C), and (E) of this subparagraph, in order for a Residential Unit to qualify as an IMD unit for purposes of coverage under Art. 7-C

pursuant to MDL § 281(6), such residence or home must:

(A) not be located in a cellar, defined in MDL § 4(37) as an enclosed space having more than one-half of its height below the curb level; except that where every part of the Building is set back more than twenty-five feet from a street line, the height must be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of ten feet around the exterior walls of the Building. A cellar shall not be counted as a story;

(B) have a means of access from a street or public area, such as a public hallway, elevator or public stairway, and the unit must not require passage through another residential unit to obtain access;

(C) contain at least four hundred (400) square feet in area;

(D) not be located in an IBZ, as such term is defined in Chapter 6-D of Title 22 of the New York City Administrative Code, except for Buildings located in the:

(i) Williamsburg/Greenpoint IBZ;

(ii) North Brooklyn IBZ

(a) unless the Building is in a district zoned M3 as such district is described in the New York City Zoning Resolution in effect at the time the Application for registration as an IMD or for coverage of Residential Units is filed; and

(b) if the application for registration as an IMD or for coverage of Residential Units which were occupied for residential purposes as the residence or home of any three or more families Living Independently pursuant to MDL § 281(6) is filed with the Loft Board on or before {9 months after effective date of the rules}, which is nine (9) months after the promulgation of all the rules necessary to implement the provisions of Chapter 41 of the Laws of 2019.

(iii) Long Island City IBZ, provided that the Residential Units meet the qualifying criteria set forth above and the Building is located in the following area of the Long Island City IBZ:

(a) have frontage on either side of 47th Avenue,

(b) be located north of 47th Avenue and south of Skillman Avenue, or

(c) be located north of 44th Drive, south of Queens Plaza north, and west of 23rd Street; and

(E) not be located in the same Building that contained, as of June 25, 2019, and continuing at the time of the submission of an Application for coverage by any party, a use in legal operation actively and currently pursued that is determined by the Loft Board to be inherently incompatible with residential use by creating an actual risk of harm that cannot be reasonably mitigated, as defined in 29 RCNY § 2-08(k).

[(5.) **Study area.** A study area as found in MDL § 281(2)(iii) is a term referring to an area, defined in § 42-02 of the Zoning Resolution, which is currently zoned as manufacturing and under study by the City Planning Commission for a determination of the appropriateness of the zoning.]

(b) *Certificate of occupancy.*

(1) Registration as an IMD shall not be required of any [building] Building, structure or portion thereof for which a final residential certificate of occupancy was issued pursuant to MDL § 301 [prior to] before:

(i) June 21, 1982, for [buildings] Buildings, structures, or portions thereof seeking coverage under [Article] Art. 7-C solely pursuant to MDL § 281(1);

(ii) July 27, 1987, for [buildings] Buildings, structures or portions thereof seeking coverage under [Article] Art. 7-C solely pursuant to MDL § 281(4);

(iii) June 21, 2010, for [buildings] Buildings, structures or portions thereof seeking coverage under [Article] Art. 7-C pursuant to MDL § 281(5) [as enacted in Chapter 135 or as amended in Chapter 147 of the Laws of 2010; or]

[(iv)] [June 1, 2012, for buildings, structures, or portions of buildings seeking coverage under Article 7-C pursuant to § 281(5) as amended in Chapter 4 of the Laws of 2013]; or

(iv) June 25, 2019, for Buildings, structure or portions thereof seeking coverage under Art. 7-C pursuant to MDL § 281(6).

Such units shall be exempt from [Article] Art. 7-C coverage unless the residential certificate of occupancy is revoked.

(2) Registration as an IMD with the Loft Board shall be required of:

(i) Any [building] Building, structure, or portion thereof, which otherwise meets the criteria for an IMD set forth in:

(A) MDL § 281(1), and these rules, for all [residentially-occupied] residentially occupied units which lacked a final residential certificate of occupancy issued pursuant to § 301 of the MDL [prior to] before June 21, 1982[,];

(B) MDL § 281(4), and these rules, for all [residentially-occupied] residentially occupied units which lacked a final certificate of occupancy issued pursuant to § 301 of the MDL [prior to] before July 27, 1987[,];

(C) MDL § 281(5) [as enacted in Chapter 135 or as amended in Chapter 147 of the Laws of 2010], and these rules, for all [residentially-occupied] residentially occupied units which lacked a final certificate of occupancy issued pursuant to MDL § 301, [prior to] before June 21, 2010[, or];

[(D)] [MDL § 281(5) as amended in Chapter 4 of the Laws of 2013, and these rules, for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to MDL § 301, prior to June 1, 2012. Issuance of a certificate of occupancy pursuant to MDL § 301 for such units on or after June 21, 1982, July 27, 1987, June 21, 2010, or June 1, 2012, as applicable, will not be the basis for exemption from Article 7-C coverage]; or

(D) MDL § 281(6), and these rules, for all residentially occupied units which lacked a final certificate of occupancy issued pursuant to MDL § 301, before June 25, 2019.

Issuance of a certificate of occupancy pursuant to MDL § 301 for such units on or after June 21, 1982, July 27, 1987, June 21, 2010, or June 25, 2019 as applicable, will not be the basis for exemption from Art. 7-C coverage.

(ii) Any [building] Building, structure, or portion thereof which meets the criteria for an IMD set forth in MDL § 281, and these rules, for all residentially occupied units which obtained a temporary residential certificate of occupancy issued pursuant to MDL § 301 before:

(A) June 21, 1982 for units covered under MDL § 281(1) [,];

(B) July 27, 1987 for units covered under MDL § 281(4) [,];

(C) June 21, 2010 for units covered under MDL § 281(5); or [as enacted in Chapter 135 or as amended in Chapter 147 of the Laws of 2010,]

[(D)] [June 1, 2012 for units covered under MDL § 281(5) as amended in Chapter 4 of the Laws of 2013[Issuance of a temporary residential certificate of occupancy for such units prior to these dates will not be the basis for exemption from Article 7-C coverage if on or after these dates a period of time of any length existed for any reason during which a temporary or final certificate of occupancy issued pursuant to MDL § 301 was not in effect for such units]

(D) June 25, 2019, for units covered under MDL § 281(6).

Issuance of a temporary residential certificate of occupancy for such units before these dates will not be the basis for exemption from [Article] Art. 7-C coverage.

(iii) Any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281, and these rules, for all residentially occupied units for which a final certificate of occupancy

issued pursuant to MDL § 301 has been revoked. The prior issuance of a final certificate of occupancy which has been revoked will not be the basis for exemption from [Article] Art. 7-C coverage.

(iv) Any [building] Building, structure, or portion thereof that otherwise meets the criteria for an IMD set forth in MDL § 281, and these rules, and contains [residential units] Residential Units which were subsequently converted to non-residential use following the applicable time period required to qualify such unit for coverage under [Article] Art. 7-C. Current commercial use or commercial use after the qualifying window period shall not be the basis for exemption from [Article] Art. 7-C coverage.

(c) *Qualifying period of occupancy.*

(1) Registration with the Loft Board [shall] must be required of any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1), and these rules, and had at least three (3) units residentially occupied on December 1, 1981, since April 1, 1980. If the [building] Building, structure or portion thereof contained three (3) units so occupied on December 1, 1981, and on April 1, 1980, and if such residential use is permissible under the Zoning Resolution as of right, or through [grandfathering] Grandfathering, or the units are in a [study area] Study Area [as defined in 29 RCNY § 2-08(a)(5)], there shall be a presumption that the [building] Building is an IMD and that such units are covered under [Article] Art. 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981, such unit shall not be counted for purposes of determining whether the [building] Building qualifies for coverage as an IMD pursuant to MDL § 281(1). The [occupant] Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct, and independent of the [owner] Owner or Responsible Party of the [building] Building for the presumption of IMD coverage to be rebutted.

(2) Registration with the Loft Board shall also be required of any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(4), and these rules, that had one (1) or more units residentially occupied on May 1, 1987, since December 1, 1981, that was occupied for residential purposes since April 1, 1980, regardless of whether residential use is permitted under the Zoning Resolution as of right, or through [grandfathering] Grandfathering [as defined in 29 RCNY § 2-08(a)(2)], or because the [building] Building is located in a [study area] Study Area [as defined in 29 RCNY § 2-08(a)(5)]. Residential occupancy of one (1) or more units of the [building] Building, structure or portion thereof, as described in this paragraph, on May 1, 1987, on December 1, 1981, and on April 1, 1980, shall create a presumption that the [building] Building is an IMD or that such unit or units are covered under [Article] Art. 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981, or between December 1, 1981 and May 1, 1987, such unit shall not be counted for purposes of determining whether the [building] Building qualifies for coverage as an IMD pursuant to MDL § 281(4). The [occupant] Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the [owner] Owner or Responsible Party of the [building] Building for the presumption of IMD coverage to be rebutted.

(3) Registration with the Loft Board shall also be required of any [building] Building, structure or portion thereof which otherwise meets the criteria for an IMD set forth in MDL § 281(5) and these rules that contained at least three (3) units residentially occupied by families [living independently] Living Independently from one another for a period of twelve (12) consecutive [months] Months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive [month] Month window period, such unit shall not be counted for purposes of determining whether the [building] Building qualifies for coverage as an IMD pursuant to MDL § 281(5). The [occupant] Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the [owner] Owner, Landlord or Responsible Party of the [building] Building for the presumption of IMD coverage to be rebutted. It is not required that the units that seek coverage under MDL § 281(5) occupy their respective units during the same twelve (12) consecutive [month] Month period.

(4) Registration with the Loft Board shall also be required of any [building] Building, structure or portion thereof located in that certain area of Manhattan bounded on the south by West 24th Street, on the north by West 27th Street, on the east by Tenth Avenue and on the west by Eleventh Avenue, which contain at least two (2) units residentially occupied by families [living independently] Living Independently from one another for a period of twelve (12) consecutive [months] Months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive [month] Month window period, such unit shall not be counted for purposes of determining whether the [building] Building qualifies for coverage as an IMD pursuant to MDL § 281(5). The [occupant] Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the [owner] Owner, Landlord or Responsible Party of the [building] Building for the presumption of IMD coverage to be rebutted. It is not required that the units in the same [building] Building seeking coverage under MDL § 281(5) be occupied residentially during the same consecutive [twelve-month] (12) Month period.

(5) Registration with the Loft Board shall also be required of any Building, structure or portion thereof which otherwise meets the criteria for an IMD set forth in MDL § 281(6) and these rules that contained at least three (3) units residentially occupied by Families Living Independently from one another for a period of twelve (12) consecutive Months between January 1, 2015 through December 31, 2016, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve (12) consecutive Month period, such unit shall not be counted for purposes of determining whether the Building qualifies for coverage as an IMD pursuant to MDL § 281(6). The Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the Owner or Responsible Party of the Building for the presumption of IMD coverage to be rebutted. It is not required that the units seeking coverage under MDL § 281(6) be occupied residentially during the same consecutive twelve (12) Month period.

(6) Registration with the Loft Board shall also be required of any Building, structure or portion thereof located in that certain area of Manhattan bounded on the south by West 24th Street, on the north by West 27th Street, on the east by Tenth Avenue and on the west by Eleventh Avenue, which contain at least two (2) units residentially occupied by Families Living Independently from one another for a period of twelve (12) consecutive Months between January 1, 2015 through December 31, 2016, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve (12) consecutive Month period, such unit shall not be counted for purposes of determining whether the Building qualifies for coverage as an IMD pursuant to MDL § 281(6). The Occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the Owner or Responsible Party of the Building for the presumption of IMD coverage to be rebutted. It is not required that the units in the same Building seeking coverage under MDL § 281(6) be occupied residentially during the same consecutive twelve (12) Month period.

(7) [Neither] None of the following vacancies of any duration [for units residentially occupied on] will be the basis for exemption from Art. 7-C coverage:

(i) units residentially occupied on December 1, 1981, and on April 1, 1980 as set forth in 29 RCNY § 2-08(c)(1) above[,]; or

(ii) units residentially occupied on May 1, 1987, December 1, 1981, and April 1, 1980 as set forth in 29 RCNY § 2-08(c)(2) above[,]; or

(iii) units residentially occupied at any time [prior to] before or following the qualifying twelve (12) consecutive

[month] Month window period between January 1, 2008 through December 31, 2009, as set forth in 29 RCNY §§ 2-08(c)(3) or (c)(4) above, nor a change or changes of residential [occupants] Occupants in any such units during the intervening period(s) will be the basis for exemption from Article 7-C coverage; or

(iv) units residentially occupied at any time before or following the qualifying twelve (12) consecutive Month window period between January 1, 2015, through December 31, 2016, as set forth in 29 RCNY § 2-08(c)(5) or (c)(6) above, nor a change or changes of residential Occupants in any such units during the intervening period(s) will be the basis for exemption from Art. 7-C coverage.

(d) *Calculation of* [*residential units*] *Residential Units*.

(1) For purposes of counting [residential units] Residential Units to determine whether a [building] Building qualifies for coverage as an IMD [building] Building and must be registered, [each] the unit seeking coverage must meet the criteria set forth in MDL § 281 and these rules, including 29 RCNY § [2-08(a)(4)(i)(A),(B),(C) and (E)] 2-08(a)(2)(i)(A),(B),(C) and (E).

(i) The following types of units may qualify for [Article] Art. 7-C coverage, provided that each unit satisfies the applicable criteria for coverage set forth in 29 RCNY § [2-08(a)(4)] 2-08(a)(2), pursuant to MDL § 281(1), 281(4), [or] 281(5) or 281(6):

[*(a)*] (A) any [residential unit] Residential Unit designated as "Artist in Residence" (A.I.R.) pursuant to directives of the [Department of Buildings] DOB creating such status;

[*(b)*] (B) any [residential unit] Residential Unit designated as "joint living work quarters for artists" [pursuant to the Zoning Resolution] except as provided below in 29 RCNY § 2-08(d)(2)(ii);

[*(c)*] (C) any [residential unit] Residential Unit occupied by a subtenant or assignee of the prime [tenant] Tenant of such unit.

(ii) For a unit to qualify as a residential IMD unit, the [building] Building in which it is located must meet the criteria of MDL §§ 281 and 281(2)(ii) in that:

(A) a portion of the [building] Building or structure was occupied at any time for manufacturing, commercial or warehouse purposes;

(B) the [building] Building, structure or portion thereof lacked a residential certificate of occupancy pursuant to MDL § 301 as further delineated in 29 RCNY §§ 2-08(b)(1) and (2);

(C) except as otherwise set forth in MDL [§] §§ 281(5), 281(6) and these rules, it contained at least three (3) units residentially occupied on December 1, 1981, since April 1, 1980; and

(D) it is not municipally owned.

(2) For purposes of counting to determine whether a [building] Building qualifies as an IMD, and is covered under [Article] Art. 7-C, [residential units] Residential Units described as follows shall not be included:

(i) any units designated as residential on a final [certification] certificate of occupancy issued pursuant to MDL § 301 [prior to] before:

(A) June 21, 1982 for a unit seeking coverage under MDL § 281(1);

(B) July 27, 1987 for a unit seeking coverage under MDL § 281(4);

(C) June 21, 2010 for a unit seeking coverage under MDL § 281(5) [as enacted in Chapter 135 or as amended in Chapter 147 of the Laws of 2010] or

[(D)] [June 1, 2012 for a unit seeking coverage under MDL § 281(5) as amended in Chapter 4 of the Laws of 2013;]

(D) June 25, 2019, for a unit seeking coverage under MDL § 281(6).

(ii) any units designated as "joint living work quarters for artists" on a final certificate of occupancy issued [prior to] before:

(A) June 21, 1982 for a unit seeking coverage under MDL § 281(1);

(B) July 27, 1987 for a unit seeking coverage under MDL § 281(4);

(C) June 21, 2010 for a unit seeking coverage under MDL § 281(5) [as enacted in Chapter 135 or as amended in 147 of the Laws of 2010]; or

[(D)] [June 1, 2012 for a unit seeking coverage under MDL § 281(5) as amended in Chapter 4 of the Laws of 2013.]

(D) June 25, 2019, for a unit seeking coverage under MDL § 281(6); and

(iii) any units designated for a commercial use with an accessory residential use on a final certificate of occupancy issued [prior to] before:

(A) June 21, 1982 for a unit seeking coverage under MDL § 281(1);

(B) July 27, 1987 for a unit seeking coverage under MDL § 281(4);

(C) June 21, 2010 for a unit seeking coverage under MDL § 281(5) [as enacted in Chapter 135 or as amended in 147 of the Laws of 2010]; or

[(D)] [June 1, 2012 for a unit seeking coverage under MDL § 281(5) as amended in Chapter 4 of the Laws of 2013.]

(D) June 25, 2019, for a unit seeking coverage under MDL § 281(6).

(e) *Zoning regulations.*

(1) Registration as an IMD shall be required of any [building] Building, structure, or portion thereof, which meets the criteria for an IMD as set forth in MDL § 281(1), and these rules, including without limitation 29 RCNY § [2-08(a)(4)] 2-08(a)(2). Notwithstanding the foregoing, any [building] Building located in a zoning district designated as manufacturing in the Zoning Resolution, for which district there are no ["grandfathering"] Grandfathering provisions as defined in these rules shall not qualify as an IMD unless such [buildings] Buildings, structures or portions thereof otherwise meet the criteria of:

(i) MDL § 281(1), if such IMD [building] Building is located in a ["Study area"] Study Area [as defined in 29 RCNY § 2-08(a)(5)], and the registration of such [building] Building shall be required, or

(ii) MDL § 281(1), if such IMD [building] Building also meets the requirements of MDL § 281(4), and the rules issued pursuant thereto, or

(iii) MDL § 281(5), or MDL § 281(6) and these rules. Except for a [building] Building or structure or portion thereof which qualifies for coverage under [Article] Art. 7-C solely by reason of MDL [§§] § 281(4) [or], 281(5) or 281(6), the zoning regulations, and the [grandfathering] Grandfathering provisions for the district in which a [building] Building or structure is located determine whether and when the [owner] Owner or Responsible Party of such [building] Building, which otherwise meets the criteria for an IMD set forth in MDL § 281, and these rules issued pursuant thereto, is mandated to meet the compliance requirements for legalization set forth in MDL § 284(1).

(2) Any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) and these rules, and which is located in an area which permits [residential use as of right] Residential Use as of Right, shall be obligated to meet the compliance requirements for legalization by the dates designated in MDL § 284(1), except as provided in 29 RCNY §§ 2-08(e)(4)(i), and (iii) [infra], and as further delineated in 29 RCNY § 2-01(a).

(3) Any IMD unit designated as "joint living work quarters for artists" in a zoning district which does not otherwise permit [residential use as of right] Residential Use as of Right and which is currently occupied by a resident or residents who cannot qualify as certified artists, as defined in § 276 of [Article] Art. 7-B of the MDL, shall qualify for [Article] Art. 7-C coverage if the [building] Building in which such unit is contained otherwise meets the criteria for an IMD set forth in MDL § 281, and these rules. The non-artist status of the current [occupant] Occupant shall not be the basis for exemption from [Article] Art. 7-C coverage. At the time of issuance of the final certificate of occupancy, the [occupant] Occupant of such a unit must be in compliance with the Zoning Resolution, or the unit must be vacant.

(4) *Legalization compliance timetable.*

(i) For any [building] Building, structure or portion thereof, which contains fewer than three (3) [residential units] Residential Units as of right and one (1) or more [residential units] Residential Units eligible for coverage by employing one of the [grandfathering] Grandfathering procedures set forth in MDL §§ 281(2)(i) or (iv) [and defined in 29 RCNY § 2-08(a)(2)(i) and (ii)], the timing of the compliance requirements of MDL § 284(1) shall commence upon approval of the [grandfathering] Grandfathering application of the unit which becomes the third eligible [residential unit] Residential Unit for purposes of calculation of [residential units] Residential Units qualifying the [building] Building as an IMD.

(ii) For any registered [building] Building in the category described in 29 RCNY § 2-08(e)(4)(i), for which denial of a [grandfathering] Grandfathering application reduces the number of qualifying [residential units] Residential Units below three (3), IMD status for such [building] Building expires and the other [residential units] Residential Units in such [building] Building cease to be covered by [Article] Art. 7-C, unless the [building] Building qualifies for coverage under [Article] Art. 7-C pursuant to MDL §§§ 281(4), [or] (5) or (6) and these rules.

(iii) Any [building] Building, structure or portion thereof which contains three (3) or more [residential units] Residential Units as of right, and one (1) or more additional units eligible for coverage by employing one of the [grandfathering] Grandfathering provisions of MDL §§ 281(2)(i) or (iv), shall be obligated to meet the compliance requirements for legalization by the dates designated in MDL § 284(1), as further delineated in 29 RCNY § 2-01(a), for such as of right [residential units] Residential Units. The timing of the compliance requirements for the other eligible units shall commence as follows:

(A) Where an application for [grandfathering] Grandfathering for such unit is made pursuant to one of the procedures designated as a ["minor modification" or "administrative certification"] Minor Modification or Administrative Certification in MDL § 281(2)(i), upon a determination of residential occupancy on the date designated in the particular [grandfathering] Grandfathering provision of the Zoning Resolution;

(B) Where an application for [grandfathering] Grandfathering for such unit is made pursuant to a ["special permit application"] Special Permit Application as designated in MDL § 281(2)(iv), upon the granting of such [special permit] Special Permit.

(iv) For any unit eligible for coverage by employment of one of the [grandfathering] Grandfathering procedures set forth in MDL §§ 281(2)(i)[,] or (iv) [and defined in 29 RCNY §§ 2-08(a)(2)(i) and (ii)], the final denial of a [grandfathering] Grandfathering application or the failure to apply for [grandfathering] Grandfathering within the time period specified in the Zoning Resolution will terminate coverage for such unit unless such unit qualifies for coverage under [Article] Art. 7-C pursuant to MDL § 281(4) [or], MDL § 281(5), or MDL § 281(6).

(v) For any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) and these rules, but is located in an area designated by the Zoning Resolution as a [study area] Study Area, the timing of the compliance requirements of MDL § 284(1) shall commence upon rezoning of such [study area] Study Area to permit [residential use as of right] Residential Use as of Right. If the rezoning permits residential use only through [grandfathering] Grandfathering procedures, the timing of the compliance requirements of MDL § 284(1) and the rules issued pursuant thereto shall commence upon the approval of the [grandfathering] Grandfathering application of the unit which becomes the third eligible [residential unit] Residential Unit for purposes of calculation of units qualifying the [building] Building as an IMD. For any registered [building] Building in a [study area] Study Area [as described in 29 RCNY § 2-08(a)(5)], for which the City Planning Commission approved neither rezoning nor [grandfathering] Grandfathering by December 31, 1983, IMD status for such [building] Building expires and all of the units in such [building] Building cease to be covered by [Article] Art. 7-C, unless there is a recommended extension of such deadline by the City Planning Commission. If [the Board of Estimate, or its successor,] any authority having jurisdiction disapproves rezoning for residential use or [grandfathering] Grandfathering, or the extension of such deadline, IMD status for such [building] Building expires and all the units in such [building] Building cease to be covered by [Article] Art. 7-C. Notwithstanding the foregoing, any [building] Building, structure or portion thereof which ceased to be covered under [Article] Art. 7-C as a result of the failure to rezone the [study area] Study Area, permit [grandfathering] Grandfathering or to extend the deadlines as set forth in the foregoing paragraph shall be covered by [Article] Art. 7-C if it meets the criteria of MDL [§§] § 281(4) [or], MDL § 281(5), or MDL § 281(6).

(vi) For any [building] Building, structure or portion thereof that meets the criteria for an IMD set forth in MDL § 281(5) and these rules, the timing of the code-compliance deadlines are set forth in MDL § 284(1)(vi) and 29 RCNY §§ 2-01(a)(9) [and], (10), (11) and (12).

(vii) For any Building, structure or portion thereof that meets the criteria for an IMD set forth in MDL § 281(6) and these rules, the timing of the code-compliance deadlines are set forth in MDL § 284(1)(vii) and 29 RCNY § 2-01(a)(13).

(viii) For any [building] Building, structure or portion thereof registered pursuant to MDL § 281(5) or MDL § 281(6) for which there is a revocation of IMD status of one (1) or more units in the [building] Building by the Executive Director as a result of a determination that such unit(s) did not meet the qualifying criteria set forth in 29 RCNY § [2-08(a)(4)] 2-08(a)(2)(i)(A),(B),(C) and (E), and such revocation reduces the number of qualifying [residential units] Residential Units below three (3) or two (2), with respect to an IMD [building] Building located in the geographic area described in 29 RCNY § 2-08(c)(4) or (c)(6), the IMD status for the entire such [building] Building shall expire and each of the units in the [building] Building shall be deemed to be ["non-covered units".] "non-covered units." As set forth below, [occupants] Occupants of non-covered units are not entitled to the protections of [Article] Art. 7-C. Residential occupancy of a non-covered unit shall not be permitted in the [building] Building until a final certificate of occupancy that designates the non-covered unit as residential is obtained.

(f) *Municipally owned* [*buildings*] *Buildings.*

(1) Any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in MDL § 281 and these rules, but is municipally owned, shall be exempt from coverage under [Article] Art. 7-C.

(2) Any [building] Building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in MDL [§§] § 281(1), 281(4) [or], 281(5), or 281(6) and these rules, formerly municipally owned, but for which title passed to a private [owner] Owner, shall be required to register as an IMD and shall not be exempt from coverage under [Article] Art. 7-C. The former ownership by the municipality shall not be the basis for exemption from [Article] Art. 7-C coverage.

(g) *Accreted and additional units.*

(1) (i) In a [building] Building, structure or portion thereof which meets the criteria of MDL §§ 281(1) and 281(2), or MDL § 281(4), and these rules, thereby qualifying as an IMD [building] Building, the [occupant] Occupant or [occupants] Occupants of any additional unit residentially occupied for the first time after April 1, 1980 but [prior to] before April 1,1981 in such IMD [building] Building may also be covered under [Article] Art. 7-C pursuant to MDL § 281(3). In order to qualify for coverage pursuant to MDL § 281(3), the occupancy of such unit must be permissible under the Zoning Resolution. For purposes of 29 RCNY § [2-09(3)] 2-08(g), occupancy of such additional unit(s) shall be deemed permissible if:

[*(i)*] (A) the unit is located in a zoning district where [residential use as of right] Residential Use as of Right is permitted under the Zoning Resolution; or

[*(ii)*] (B) the unit is designated as "joint living work quarters for artist" in a zoning district which does not otherwise permit [residential use as of right] Residential Use as of Right, regardless of whether the [occupant] Occupant

or [occupants] Occupants qualify as "certified artists" as defined in § 12-10 of the Zoning Resolution; or

[*(iii)*] (C) the unit can qualify as having a legal residential use pursuant to one of the [grandfathering] Grandfathering provisions of the Zoning Resolution[, as defined in 29 RCNY § 2-08(a)]; or

[*(iv)*] (D) the unit is in a [study area] Study Area[, as defined in 29 RCNY § 2-08(a),] for which the City Planning Commission has approved either rezoning for residential use or [grandfathering] Grandfathering by December 31, 1983.

(ii) In a [building] Building, structure, or portion thereof that meets the criteria of MDL §§ 281(1)[,] and 281(2), or MDL § 281(4), and these rules, thereby qualifying as an IMD [building] Building, the [occupant] Occupant or [occupants] Occupants of any additional unit residentially occupied during a period of twelve consecutive [months] Months between January 1, 2008 through December 31, 2009, in the IMD [building] Building may also be covered under [Article] Art. 7-C provided that such additional unit meets the criteria set forth in MDL § 281(5) and as further delineated in these rules, including 29 RCNY § [2-08(a)(4)] 2-08(a)(2)(i)(A),(B),(C) and (E).

(iii) In a Building, structure, or portion thereof that meets the criteria of MDL §§ 281(1) and 281(2), or 281(4), or MDL § 281(5), and these rules, thereby qualifying as an IMD Building, the Occupant or Occupants of any additional unit residentially occupied during a period of twelve consecutive Months between January 1, 2015 through December 31, 2016, in the IMD Building may also be covered under Art. 7-C provided that such additional unit meets the criteria set forth in MDL § 281(6) and as further delineated in these rules, including 29 RCNY § 2-08(a)(2)(i)(A),(B),(C) and (E).

(2) Registration of such accreted and additional units as part of the IMD shall be required for all units that qualify for [Article] Art. 7-C coverage.

(3) Where a [building] Building, structure or portion thereof meets the criteria of MDL [§§ 281(1), and 281(2), 281(3), 281(4), or 281(5)] § 281, and these rules, it must be registered with the Loft Board. A decrease in the number of [residential units] Residential Units in a [building] Building that qualifies for coverage pursuant to MDL § 281 to fewer than three (3) or two (2), as permitted in accordance with the terms and provisions set forth in MDL § 281(5), or 281(6) and these rules, after the applicable time period required for residential occupancy pursuant to MDL § 281, will not be the basis for exemption from [Article] Art. 7-C coverage. In such instances, the [owner, landlord] Owner, Landlord, or [agent] Responsible Party of the [building] Building, structure or portion thereof shall be required to obtain a residential certificate of occupancy, unless the units are duly converted into a non-residential use in accordance with the terms and provisions of the MDL, these rules and all applicable law. However, the discontinuance of residential occupancy:

[1.)] (i) after December 1, 1981 but [prior to] before May 1, 1987 of a unit which qualifies for coverage under [Article] Art. 7-C solely by reason of MDL § 281(4), or

[2.)] (ii) during the twelve [month] (12) Month period required for coverage pursuant to MDL § 281(5), or

(iii) during the twelve (12) Month period required for coverage pursuant to MDL § 281(6)

will result in such unit being exempt from [Article] Art. 7-C coverage. Solely with respect to such instances, the remaining residentially occupied units, limited to units in existence during the qualifying period of occupancy, set forth in MDL §§ 281(1)(iii), 281(4), [or] 281(5) or 281(6), as further delineated in § 2-08(c), and accreted units as defined in MDL § 281(3) and 29 RCNY § 2-08(g)(1), shall be entitled to the protections of [Article] Art. 7-C, including the legalization requirements of MDL § 284(1)[, provided these units also meet the statute of limitations requirements for coverage in MDL § 282-a].

(h) *Non-covered [units] Units in an IMD.*

(1) Any unit that does not meet the statutory requirements for coverage set forth in MDL § 281, as further detailed in these rules, is not covered by [Article] Art. 7-C. Any space in an IMD which was not occupied residentially during a window period set forth in MDL § 281 and is subsequently converted to residential use, is not covered by [Article] Art. 7-C, and the [owner] Owner, Landlord or Responsible Party of such unit must obtain a residential certificate of occupancy before permitting the commencement of such occupancy.

(2) Notwithstanding the foregoing, if a [building] Building qualifies as an IMD, [(i)] any unit first occupied residentially on or after April 1, 1981, is not covered under [Article] Art. 7-C, unless such unit meets the criteria qualifying for an IMD pursuant to MDL § 281(5) or 281(6), as set forth in 29 RCNY § 2-08(a)(2)(iii).

[Any residential unit first occupied residentially on or after January 2, 2009 is not covered under Article 7-C pursuant to MDL § 281(5).

(ii) any building or unit that meets the criteria for coverage pursuant to MDL § 281 is not covered under Article 7-C if:

(a) the owner, lessee or agent failed to register the building or the unit as an IMD; or

(b) a residential occupant failed to file a coverage application in accordance with the terms and provisions of these rules; or

(c) a tenant failed to raise the claim of Article 7-C coverage in a court of competent jurisdiction in a pleading on or before the date listed in 29 RCNY § 1-06.1(a) and on the Loft Board website, which constitutes 6 months after the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the laws of 2010 which added MDL § 281(5). Occupants of any non-covered unit are not entitled to the protections of Article 7-C. Residential occupancy of such unit shall not be permitted unless a final residential certificate of occupancy is obtained for the unit.]

(i) *De facto multiple dwellings.* Registration as an IMD with the Loft Board shall be required of any [building] Building, structure or portion thereof judicially determined to be a *de facto* multiple dwelling, which otherwise meets the criteria for an IMD, as set forth in MDL § 281 and these rules. Such prior judicial determination will not be the basis for exemption from [Article] Art. 7-C coverage.

(j) The term ["Interim Multiple Dwelling" ("IMD")] IMD as used in [Multiple Dwelling Law] MDL § 281(5) or 281(6) shall not include any [building] Building in which an inherently incompatible use as described in subsection (k) of this section is in legal operation and being actively and currently pursued in any unit other than a [residential unit] Residential Unit of the [building] Building. [The] For Buildings in which coverage is claimed under MDL § 281(5), the term "actively and currently pursued" [shall] refers to commercial, manufacturing or industrial use being conducted in the [building] Building on June 21, 2010 and continuing at the time of the submission of an [application] Application for coverage by any party. For Buildings in which coverage is claimed under MDL § 281(6), the term "actively and currently pursued" refers to commercial, manufacturing or industrial use being conducted in the Building on June 25, 2019 and continuing at the time of the submission of an Application for coverage by any party. A unit eligible for coverage pursuant to MDL § 281(5) or 281(6), which is located in a [building] Building registered as an IMD under MDL §§ 281(1) or (4), shall not be excluded from [Article] Art. 7-C coverage on the basis that any prohibited activity in [use groups 15 through 18] Use Group eighteen (18) existed in the [building] Building.

(k) *Uses in Use Groups Inherently Incompatible With Residential Use.* Pursuant to MDL § 281(5) or 281(6), a use that falls within Use [Groups 15-18] Group eighteen (18), as defined in Article III Chapter 2 and Article IV Chapter 2 of the Zoning Resolution in effect on June 21, 2010 and continuing at the time of the submission of an [application] Application for coverage by any party, that is also set forth in the Appendix to these [Rules] rules, is inherently incompatible with residential use in the same [building] Building if it:

[(i)] (1) has or should have a [New York City or] New York State environmental rating of "A", or "B" [under Section 24-153 of the New York City Administrative Code] for any process equipment requiring a New York City Department of Environmental Protection operating certificate; or

[(ii)] (2) is or should be required under the Community Right-to-Know Law, at Chapter 7 of Title 24 of the Administrative Code of the City of New York, to file a Risk Management Plan for Extremely Hazardous Substances; or

[(iii)] (3) is or should be classified as High-Hazard Group H occupancy as set forth in Section 307 of the New York City Building Code.

(l) *Residential Unit*[:]. For the purposes of subsections (j) through (s), in addition to the definition of Residential Unit in 29 RCNY § [2-08(a)(4)] 2-08(a)(2) above, a [residential unit] Residential Unit may contain a non-residential use that:

(1) is clearly incidental to or secondary to the residential use of the [residential unit] Residential Unit;

(2) is carried on within the [residential unit] Residential Unit, by one or more [occupants] Occupants of such [residential unit] Residential Unit;

(3) does not use more than 49 percent of the total floor area of a dwelling unit for the non-residential purposes; and

(4) has up to three (3) non-residential employees.

(m) [*Owner's registration application.* For all applications for registration filed pursuant to 29 RCNY § 2-05, except for any unit eligible for coverage pursuant to MDL § 281(5) that is located in a building registered as an IMD under MDL §§ § 281(1) or (4), the owner seeking coverage under MDL § 281(5) must, if there are any commercial, manufacturing, or industrial uses in the non-residential units in the building as of June 21, 2010, and continuing at the time of the submission of an application for coverage by any party, submit § 2-05, a certification to the Loft Board, signed by a New York State licensed and registered architect or engineer, that such commercial, manufacturing or industrial use is not an inherently incompatible use under subdivision (k).] Reserved.

(n) [*Rejection of owner's registration application.* Where an owner files a registration application for coverage under MDL § 281(5) for a building that has or had a commercial, manufacturing or industrial tenant that was actively pursuing a use on June 21, 2010, and continuing at the time of the submission of an application for coverage by any party, that was inherently incompatible with residential use under subsection (k) above, the Executive Director shall determine that the building does not qualify for coverage and reject the registration application.] Reserved.

(o) *Revocation of IMD registration.* The Executive Director may, on written notice to the [owner] Owner and the Occupants, revoke the IMD registration at any time for failure to meet the requirements set forth in the provisions of MDL § 281(5) or 281(6), and this rule, where:

(1) previously undisclosed facts, or misrepresentations or false statements as to material facts in the registration [application] Application or submitted documents regarding the information which was the basis for the Loft Board issuance of an IMD registration number are discovered, or

(2) the Loft Board issued an IMD registration number in error and conditions are such that the IMD registration number should not have been [registered] assigned. Such notice will inform the [owner] Owner of the reasons for the revocation and that the [owner] Owner has the right to present to the Executive Director or his or her representative within [10 business days] ten (10) Business Days of delivery of the notice by hand or [15 calendar] fifteen (15) days of the posting of the notice by mail, information as to why the registration should not be revoked.

(p) *Use after June 21, 2010 or June 25, 2019.*

(1) A commercial, manufacturing or industrial tenant engaged in an inherently incompatible use as described in subdivision (k) after June 21, 2010 shall not disqualify a [building] Building from [Article 7-C] coverage under MDL § 281(5) that otherwise qualifies for coverage.

(2) A commercial, manufacturing or industrial tenant engaged in an inherently incompatible use as described in subdivision (k) after June 25, 2019 shall not disqualify a Building from coverage under MDL § 281(6) that otherwise qualifies for coverage.

(q) [*Tenant applications for coverage.*] *Burden of proof for inherently incompatible use.* For all [applications] Applications for coverage filed pursuant to 29 RCNY § [1-06] 1-21, except for any unit eligible for coverage pursuant to MDL § 281(5) or 281(6) that is located in a [building] Building registered as an IMD under MDL [§§] § 281(1) or (4), [the applicant seeking coverage] the party opposing coverage under [Article] Art. 7-C [of the MDL] based upon the existence of an inherently incompatible use, must establish by a preponderance of the evidence [that there are no] the following:

(1) one (1) or more commercial, manufacturing or industrial uses;

(2) in legal operation in the non-residential units;

(3) that are inherently incompatible with residential use as defined in subdivision (k) of section 2-08 of the Loft Board's rules;

(4) that create an actual risk of harm;

(5) that cannot be reasonably mitigated;

(6) in the [building] Building as of

(i) June 21, 2010 for Buildings in which coverage is sought under MDL § 281(5); or

(ii) June 25, 2019 for Buildings in which coverage is sought under MDL § 281(6); and

(7) continuing at the time of the submission of an [application] Application for coverage by any party.

(r) *Site visits.* The Executive Director may conduct, or designate a Loft Board staff member to conduct, a site visit to the [building] Building for which coverage under [Article] Art. 7-C of the MDL is being sought. The [building owner shall] Building Owner or Responsible Party must arrange for the Executive Director [and/] or the Loft Board's staff to have access to the non-residential spaces upon reasonable notice. The Executive Director, or [his/her] the Loft Board's staff, may also conduct informal conferences regarding the [owner's] Owner's or Responsible Party's registration [application] Application. The Executive Director may request additional information from the [owner] Owner or Responsible Party, [building tenants] Tenants or government agencies about the non-residential uses in the [building] Building on June 21, 2010 and continuing at the time of the submission of an [application] Application for coverage by any party.

(s) [*Appeal of Decision.* If the Executive Director rejects the registration or revokes the IMD registration number issued after the filing of the registration application because a use listed in subdivision[s] (k) of this section was actively and currently pursued in the unit on June 21, 2010, and continuing at the time of the submission of an application for coverage by any party, the applicant may appeal the Executive Director's determination to the Loft Board in accordance with, and subject to the terms of the provisions in 29 RCNY § 1-07.1]

Occupant qualified for possession of Residential Unit and protection under Art. 7-C.

(1) A Protected Occupant must be a natural person.

(2) A Prime Lessee with a lease in effect on the filing date of the Application for protected occupancy and the Prime Lessee's spouse or domestic partner is(are) the Protected Occupant(s) to the exclusion of other Occupants in the unit, regardless of when the other Occupants began occupancy.

(3) If the unit in which the individual resides is not an IMD unit at the time the individual files an Application for protected occupancy, the individual must file an Application for coverage of the unit before or simultaneously with the filing of the Application for protected occupancy.

(4) (i) If the individual used the unit as a primary residence on the effective date of the law, lack of consent of the Owner or Responsible Party does not affect the rights of the individual to protection.

(ii) If the individual became an Occupant of a unit after the effective date of the law, the Loft Board may find the individual to be a Protected Occupant only if the individual resided in the unit with the consent of the Owner or Responsible Party. Although no single factor is determinative, factors for the Loft Board to consider in determining consent include, but are not limited to:

(A) The Owner or Agent accepted rent from the Occupant;

(B) The Owner or Agent contacted the Occupant for access to the unit;

(C) The Owner or Agent listed the Occupant on Loft Board filings;

(D) Any other factor the Board deems relevant.

(5) (i) In addition to the requirements contained in paragraphs (1), (2), (3) and (4) of this subsection, the Loft Board may find an individual is a protected Occupant only if the individual uses the IMD unit as a primary residence on the filing date of the Application for protected occupancy.

(ii) In determining whether an individual uses the IMD unit as a primary residence, the Loft Board may refer to precedent from the Housing Part of the Civil Court for guidance as to the type of evidence commonly used to

prove primary residence. Although no single factor is determinative, factors for the Loft Board to consider in determining whether the individual uses the IMD unit as a primary residence include, but are not limited to:

(A) Whether the individual resides in the unit;

(B) Whether the individual keeps furniture, clothing and other personal effects in the IMD unit;

(C) Whether the individual listed the IMD unit as a residential address on official documents filed with government agencies. Such documents may include, but are not limited to, a tax return, a motor vehicle registration, a driver license, or a voter registration;

(D) Whether the individual subleased the unit to another in violation of law or the Loft Board's rules; and

(E) Any other factor the Board deems relevant.

§ 19. Section 2-09 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-09 [Occupant Qualified for Article 7-C Protection,] Privity, Subletting and Recovery of Subdivided Unit.

[(a) *Definitions.*

Prime lessee means the party with whom the landlord entered into a lease or rental

agreement for use and occupancy of a portion of an IMD, which is being used residentially, regardless of whether the lessee is currently in occupancy or whether the lease remains in effect.

Privity means a direct contractual relationship between two parties, which may be

established explicitly, implicitly or by operation of law. **Tenant** refers directly or implicitly to a residential tenant and is deemed interchangeable with the word "occupant" in Article 7-C and these rules.

(b) *Occupant qualified for possession of residential unit and protection under Article 7-C.*

(1) Except as otherwise provided herein, the occupant qualified for protection under Article 7-C is the residential occupant in possession of a residential unit, covered as part of an IMD.

(2) If the residential occupant in possession of a covered residential unit is not the prime lessee, the lack of consent of the landlord to a sublet, assignment or subdivision establishing such occupancy does not affect the rights of such occupant to protection under Article 7-C, provided that such occupant was in possession of such unit prior to:

(i) June 21, 1982, for an IMD unit subject to Article 7-C by reason of MDL § 281(1);

(ii) July 27, 1987, for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4); or

(iii) June 21, 2010, for an IMD unit covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010, and these rules.

(3) When a residential occupant took possession of a residential unit covered as part of an IMD, on or after:

(i) June 21, 1982, for an IMD unit subject to Article 7-C by reason of MDL § 281(1);

(ii) July 27, 1987, for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4); or

(iii) June 21, 2010, for an IMD unit covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010, and these rules, such occupant is qualified for the protection of Article 7-C if:

(i) The occupant is a prime lessee with a lease currently in effect or, if the occupant took possession of the IMD unit with the consent of the landlord, as a statutory tenant pursuant to Article 7-C, without the issuance of a new lease; or

(ii) The occupant is the assignee of a prime lessee and such assignment was consented to by the landlord; or

(iii) Prior to establishment of such occupancy, the landlord was offered the opportunity to purchase improvements in the unit pursuant to § 286(6) of the MDL and these rules.

(4) The prime lessee, or sublessor who is not the prime lessee, is deemed to be the residential occupant qualified for protection under Article 7-C, if the prime lessee or sublessor can prove that the residential unit covered as part of an IMD is his or her primary residence, even if another person is in possession. If the prime lessee or sublessor fails to prove that such unit is his or her primary residence, any rights of such person to recover the unit are extinguished.

(i) The prime lessee or sublessor must exercise, in a court of competent jurisdiction, his or her right to recover the unit upon the expiration or termination of the sublease under the terms of which the prime lessee or sublessor is the immediate overtenant, provided that the sublease was in effect on: September 25, 1983 for a unit covered under MDL § 281(1); November 22, 1992 for a unit covered under MDL § 281(4); or September 11, 2013, the effective date of this amended rule, for an IMD unit covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010.

(ii) Where the sublease was no longer in effect on the relevant date above, the prime lessee or sublessor must exercise, in a court of competent jurisdiction, his or her right to recover the unit on or before:

(A) December 24, 1983, for IMD units that are subject to Article 7-C by reason of MDL § 281(1); or

(B) February 21, 1993, for IMD units that are subject to Article 7-C solely by reason of MDL § 281(4).

(C) If the IMD unit became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010, and the sublease is no longer in effect, the prime lessee or sublessor must exercise the right to recover the unit on or before December 10, 2013, 90 days after the effective date of this amended rule, or if the unit is not subject to Article 7-C on September 11, 2013 the effective date of this amended rule, 90 days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or the issuance of an IMD registration number after filing of a registration application, whichever is earlier.

(5) Where a prime lessee is in possession of a portion of the space which he or she leased from the landlord, such prime lessee is entitled to remain in possession, and is qualified for protection under Article 7-C, only with respect to the portion of such space which he or she occupied as a residential unit, including any portion thereof used for home occupations or as the working portion of a joint-living-working quarters for artists. The prime lessee is not entitled to claim any of the remaining portion of the leased space as primary residence against the occupant of any other residential unit within such space, except to the extent provided for in 29 RCNY § 2-09(c)(5) below, and subject to the provisions of 29 RCNY §§ 2-09(b)(3) and (b)(4) above. The current residential occupants of the remaining unit(s) created through subdivision are qualified for protection under Article 7-C with regard to their respective residential units covered by Article 7-C, except as provided in 29 RCNY §§ 2-09(b)(3) and (b)(4).]

(a) *Prime Lessee or Sublessor not in residence.* The Loft Board may find a Prime Lessee or a Sublessor, either of whom does not residentially occupy an IMD unit, to be a Protected Occupant only if the individual proves that such unit is the individual's primary residence. If the individual fails to prove that such unit is a primary residence, any rights of such individual to recover the unit are extinguished.

(1) The Prime Lessee or Sublessor must exercise, in a court of competent jurisdiction, his or her right to recover the unit upon the expiration or termination of a sublease under the terms of which the Prime Lessee or Sublessor is the immediate overtenant, provided that the sublease was in effect on:

(i) September 25, 1983, for a unit covered under MDL § 281(1);

(ii) November 22, 1992, for a unit covered under MDL § 281(4); or

(iii) September 11, 2013, for an IMD unit covered by MDL § 281(5) that became subject to Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010.

(iv) June 25, 2019, for an IMD unit covered by MDL § 281(5) or 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019.

(2) Where the sublease was no longer in effect on the relevant date above, the Prime Lessee or Sublessor must exercise, in a court of competent jurisdiction, his or her right to recover the unit on or before:

(i) December 24, 1983, for IMD units that are subject to Art. 7-C by reason of MDL § 281(1); or

(ii) February 21, 1993, for IMD units that are subject to Art. 7-C solely by reason of MDL § 281(4).

(iii) If the IMD unit became subject to Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010, and the sublease is no longer in effect, the Prime Lessee or Sublessor must exercise the right to recover the unit on or before December 10, 2013, or if the unit is not subject to Art. 7-C on September 11, 2013, ninety (90) days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or the issuance of an IMD registration number after filing of a registration Application, whichever is earlier.

(iv) {insert three months from the effective date of rule} for an IMD unit covered by MDL § 281(5) or 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019.

(b) Where a Prime Lessee is in possession of a portion of the space which he or she leased from the Landlord, such Prime Lessee is entitled to remain in possession, and is qualified for protection under Art. 7-C, only with respect to the portion of such space which he or she occupied as a Residential Unit, including any portion thereof used for home occupations or as the working portion of a joint-living-working quarters for artists. The Prime Lessee is not entitled to claim any of the remaining portion of the leased space as primary residence against the Occupant of any other Residential Unit within such space, except to the extent provided for in 29 RCNY § 2-09(c)(5) below, and subject to the provisions of 29 RCNY §§ 2-08(s)(4) and 2-09(a). The current residential Occupants of the remaining unit(s) created through subdivision are qualified for protection under Art. 7-C with regard to their respective Residential Unit(s) covered by Art. 7-C, except as provided in 29 RCNY §§ 2-08(s)(4) and 2-09(a) of these rules.

(c) *Rights, obligations and legal relationships among the parties.*

(1) *Legalization and cost of legalization.* The [landlord] Owner of an IMD [building] Building is responsible for legalization of each residential IMD unit pursuant to MDL § 284, regardless of whether the [occupant] Occupant is the [prime lessee] Prime Lessee or a [person or persons] Person or Persons with whom the [prime lessee] Prime Lessee entered into an agreement permitting such [persons] Persons to occupy units in space covered by the prime lease. The costs of legalization, as reflected in rent adjustments made pursuant to MDL § 286(5), and apportioned among the covered [residential units] Residential Units, shall be borne directly by the residential [occupants] Occupants qualified for protection of such units.

(2) *Privity.*

(i) *Privity* [*Between Residential*] *between residential Occupant and Prime Lessee.* The residential [occupant] Occupant qualified for protection under [Article] Art. 7-C, if other than the [prime lessee] Prime Lessee, is deemed to be in [privity] Privity with the [prime lessee] Prime Lessee, if either:

(A) There is a lease or rental agreement in effect for the [residential unit] Residential Unit between the [prime lessee] Prime Lessee and the residential [occupant] Occupant; or

(B) There is a lease or rental agreement in effect for the [residential unit] Residential Unit or the space in which it is located, between the [landlord] Landlord and the [prime lessee] Prime Lessee. No lease or rental agreement between the [prime lessee] Prime Lessee and the residential [occupant] Occupant has any force or effect beyond the term of the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord, except as provided in 29 RCNY §§ 2-09(c)(6) or (c)(7).

(ii) *Privity* [*Between*] *between Landlord and Prime Lessee.* The [prime lessee] Prime Lessee and the [landlord] Landlord are deemed to be in [privity] Privity when there is a lease or rental agreement in effect between them.

(iii) *Privity* [*Between Residential*] *between residential Occupant and Landlord.* The residential [occupant] Occupant and the [landlord] Landlord are deemed to be in [privity] Privity when the residential [occupant] Occupant is the [prime lessee] Prime Lessee; or when the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord, covering the residential [occupant's] Occupant's unit or the space in which it is located, is no longer in effect. All leases or rental agreements, except subleases entered into pursuant to § 226-b of the Real Property Law ("RPL") and 29 RCNY § 2-09(c)(4), which have not expired will be deemed to be no longer in effect upon certification by the [Department of Buildings] DOB of the [landlord's] Landlord's compliance with the fire and safety protection standards of [Article] Art. 7-B. Upon such certification, a residential lease subject to the Emergency Tenant Protection Act of nineteen seventy-four must be offered to the residential [occupant] Occupant, pursuant to § 286(3) of the MDL.

(3) *Services.*

(i) When the [landlord] Landlord or Responsible Party and residential [occupant] Occupant are in [privity] Privity, the [landlord] Landlord is responsible for meeting the minimum housing maintenance standards established by the Loft Board in 29 RCNY § 2-04.

(ii) When the [prime lessee] Prime Lessee and the residential [occupant] Occupant are in [privity] Privity, there must not be any diminution of services provided by the [prime lessee] Prime Lessee to the residential [occupant] Occupant. The [prime lessee] Prime Lessee is responsible for meeting the minimum housing maintenance standards established by the Loft Board, to the extent such standards are required pursuant to the lease or rental agreement between the [prime lessee] Prime Lessee and the residential [occupant] Occupant, and to the extent those services are within the control of the [prime lessee] Prime Lessee. Otherwise, all services must be provided by the [landlord] Landlord or Responsible Party.

(4) *Subletting rights of* [*occupants*] *Occupants qualified for protection under* [*Article*] *Art. 7-C.*

(i) *Right to Sublet.* All [occupants] Occupants qualified for protection under [Article] Art. 7-C have the right to sublet their units pursuant to and in accordance with the procedures specified in § 226-b of the RPL, notwithstanding that such [occupants] Occupants may reside in an IMD [building] Building having fewer than [4] four (4) [residential units] Residential Units, and may not have a current lease or rental agreement in effect. The residential [occupant] Occupant of a unit located in a subdivided space, who is not in [privity] Privity with the [landlord] Landlord, must obtain the consent of both the [prime lessee] Prime Lessee of such space and the [landlord] Landlord to a proposed sublet of such unit, which may not be unreasonably withheld in accordance with § 226-b of the [RPL] New York State Real Property Law.

(ii) *Subletting* [*Provisions*] *provisions.* The right to sublet is subject to the following provisions:

(A) The rent charged to the subtenant may not exceed the legal rent, as established pursuant to [Article] Art. 7-C and these rules, plus a ten percent (10%) surcharge payable to the residential [occupant] Occupant if the unit sublet is furnished with the residential [occupant's] Occupant's furniture;

(B) The residential [occupant] Occupant must be able to establish that the [residential unit] Residential Unit is his or her primary residence;

(C) The residential [occupant] Occupant may not sublet the unit for more than a total of two (2) years, including the term of the proposed sublease, out of the [four-year] four (4) year period preceding the termination date of the proposed sublease;

(D) The term of the proposed sublease may extend beyond the term of the residential [occupant's] Occupant's lease, if such a lease is in effect, or beyond the date of the [Department of Buildings] DOB certification of the [landlord's] Landlord's compliance with [Article] Art. 7-B of the MDL. In such event, the sublease is subject to the residential [occupant's] Occupant's right to continued occupancy pursuant to [Article] Art. 7-C of the MDL, including the right of the residential [occupant] Occupant to issuance of a lease in accordance with the terms and provisions of MDL § 286(3) and these rules, upon [Article] Art. 7-B compliance. It is considered unreasonable for a [landlord] Landlord to refuse to consent to a sublease solely because the residential [occupant] Occupant has no lease or rental agreement in effect or because the sublease extends beyond the residential [occupant's] Occupant's lease or beyond the anticipated date of achieving [Article] Art. 7-B compliance.

(E) Where a residential [occupant] Occupant violates the provisions of this subparagraph (ii) of paragraph (4), the subtenant is entitled to damages of three (3) times the overcharge and may also be awarded attorney's fees and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to § 5004 of the Civil Practice Law and Rules.

(F) The provisions in clauses (A) through (E) of this 29 RCNY § 2-09(c)(4)(ii) apply to all subleases for IMD units which are subject to [Article] Art. 7-C by reason of MDL § 281(1), commencing on or after September 25, 1983, the original effective date of these rules. Subleases entered into on or after June 21, 1982, but [prior to] before September 25, 1983 are not subject to clauses (A), (C) and (E) of 29 RCNY § 2-09(c)(4)(ii), but are subject to clauses (B) and (D) of § 29 RCNY § 2-09(c)(4)(ii) and the provisions of § 226-b of the RPL, in effect at the time of the commencement of the sublease.

(G) Notwithstanding the provisions of clause (F) of this 29 RCNY § 2-09(c)(4)(ii), the provisions in clauses (A) through (E) of 29 RCNY § 2-09(c)(4)(ii) apply to all subleases for IMD units which are subject to [Article] Art. 7-C solely by reason of MDL § 281(4) commencing on or after November 23, 1992. Subleases for such units entered into on or after July 27, 1987, but before November 23, 1992, are not subject to clauses (A), (C) and (E), but are subject to clauses (B) and (D) of 29 RCNY § 2-09(c)(4)(ii) and the provisions of § 226-b of the RPL, in effect at the commencement of the sublease.

(H) Notwithstanding the provisions of clauses (F) and (G) of 29 RCNY § 2-09(c)(4)(ii), the provisions in clauses (A) through (E) of 29 RCNY § 2-09(c)(4)(ii) apply to all subleases for IMD units that are subject to [Article] Art. 7-C by reason of MDL § 281(5) commencing on or after September 11, 2013, the effective date of this amended rule. Subleases for such units entered into on or after June 21, 2010, but before September 11, 2013 are not subject to clauses (A), (C) and (E), but are subject to clauses (B) and (D) of 29 RCNY § 2-09(c)(4)(ii) and the provisions of § 226-b of the RPL, in effect at the commencement of the sublease.

(I) Notwithstanding the provisions of clauses (F), (G) and (H) of 29 RCNY § 2-09(c)(4)(ii), the provisions in clauses (A) through (E) of 29 RCNY § 2-09(c)(4)(ii) apply to all subleases for IMD units that are subject to Art. 7-C by reason of MDL § 281(6) commencing on or after {insert effective date of the rule}, the effective date of this amended rule. Subleases for such units entered into on or after June 25, 2019, but before {insert effective date of the rule} are not subject to clauses (A), (C) and (E), but are subject to clauses (B) and (D) of 29 RCNY § 2-09(c)(4)(ii) and the provisions of § 226-b of the RPL, in effect at the commencement of the sublease.

(iii) If any clause, sentence, paragraph, subdivision or part of this 29 RCNY § 2-09(c)(4) is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not render invalid this entire section on subletting rights of residential [occupants] Occupants.

(5) *Prime Lessee's* [*Right to Recover Subdivided Space*] *right to recover subdivided space.*

(i) *Lease* [*Between*] *between Prime Lessee and Landlord is in* [*Effect and Residential*] *effect and residential Occupant* [*Voluntarily Vocates*] *voluntarily vacates the* [*Subdivided Portion*] *subdivided portion.* Where the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of the space leased from the [landlord] Landlord and the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is in effect, the [prime lessee] Prime Lessee may recover for his or her own personal use, a [residential unit] Residential Unit located within the leased space voluntarily vacated by the residential [occupant] Occupant [prior to] before the establishment of [privity] Privity between such residential [occupant] Occupant and the [landlord] Landlord. The right to recover space pursuant to this rule is not available to a [prime lessee] Prime Lessee found by the Loft Board to have harassed any residential [occupant(s)] Occupant(s). The recovered space will be deemed part of the [prime lessee's] Prime Lessee's [residential unit] Residential Unit, and in no event may the [prime lessee] Prime Lessee relet such space for any purposes whatsoever, except that the [prime lessee] Prime Lessee retains the same rights to sublet the entire [residential unit] Residential Unit as provided in 29 RCNY § 2-09(c)(4).

(ii) *Prime Lessee's* [*Right to Compensation for Improvements When the Residential*] *right to compensation for improvements when the residential Occupant Voluntarily* [*Vocates*] *Vacates the Subdivided Portion.* Where a [prime lessee] Prime Lessee waives the right to recover a [residential unit] Residential Unit in space leased by a [prime lessee] Prime Lessee and vacated by the residential [occupant] Occupant, the [prime lessee] Prime Lessee may sell improvements to the unit made or purchased by the [prime lessee] Prime Lessee to an incoming tenant, provided that the [prime lessee] Prime Lessee first offers the improvements to the [landlord] Landlord for an amount equal to their fair market value pursuant to § 286(6) of the MDL and the Loft Board rules. If the incoming tenant purchases the improvements, the incoming tenant is deemed in [privity] Privity with the [landlord] Landlord, and the initial maximum rent is to be determined in accordance with 29 RCNY § 2-09(c)(6)(ii)(A). If the [landlord] Landlord purchases the improvements, the rent due shall be the initial market rental subject to subsequent rent regulation if the IMD has six (6) or more [residential units] Residential Units and if the sole basis for rent regulation is [Article] Art. 7-C.

(iii) *Lease* [*Between*] *between Prime Lessee and Landlord is in* [*Effect*] *effect and Prime Lessee* [*Wants to Recover the Subdivided Portion*] *wants to recover the subdivided portion.* Where the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of the space the [prime lessee] Prime Lessee has leased from the [landlord] Landlord and the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is in effect, the [prime lessee] Prime Lessee may recover for his or her own personal use, a [residential unit] Residential Unit located within the leased space, if the residential [occupant] Occupant of the unit agrees to the purchase by the [prime lessee] Prime Lessee of the [occupant's] Occupant's rights in the unit. The recovered space will be deemed part of the [prime lessee's] Prime Lessee's residential IMD unit, and in no event may the [prime lessee] Prime Lessee relet such space for any purpose whatsoever, except that the [prime lessee] Prime Lessee retains the same rights to sublet the entire residential IMD unit as provided in 29 RCNY § 2-09(c)(4).

(iv) *Lease* [*Between*] *between Prime Lessee and Landlord* [*No Longer In Effect*] *no longer in effect and Prime Lessee* [*Wants to Recover Subdivided Portion*] *wants to recover subdivided portion.* Where the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is no longer in effect, the [prime lessee's] Prime Lessee's right to recover space pursuant to this subsection expires on:

(A) July 5, 1988, for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1);

(B) January 22, 1993, for an IMD unit subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or

(C) November 12, 2013, [60 days after the effective date of this amended rule,] or if the unit is not subject to [Article] Art. 7-C on the effective date of this amended rule, [60] sixty (60) days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or issuance of an IMD registration number after the filing of a registration [application] Application by the [owner] Owner or Responsible Party, whichever is earlier, for IMD units subject to [Article] Art. 7-C by reason of MDL § 281(5)[.]; or

(D) {insert date}, sixty (60) days after the effective date of this amended rule, or if the unit is not subject to Art. 7-C on the effective date of this amended rule, sixty (60) days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or issuance of an IMD registration number after the filing of a registration Application by the Owner or Responsible Party, whichever is earlier, for IMD units subject to Art. 7-C by reason of MDL § 281(6).

(v) *Factors to* [*Consider When*] *consider when Prime Lessee* [*Seeks to Recover Subdivided Space*] *seeks to recover subdivided space.* Where the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of subdivided space that the [prime lessee] Prime Lessee uses as his or her primary residence, and which the [prime lessee] Prime Lessee has rented directly from the [landlord] Landlord, the [prime lessee] Prime Lessee is entitled to recover as part of his or her primary residence, a [residential unit] Residential Unit, located within the leased space, even if the space is occupied by another [person or persons] Person or Persons, if the [prime lessee] Prime Lessee can establish that:

(A) There was an express written agreement between the [prime lessee] Prime Lessee and the [occupant] Occupant of such space, other than the mere expiration of the lease, entitling the [prime lessee] Prime Lessee to recover such space, and that the [prime lessee] Prime Lessee has not taken actions inconsistent with exercising the option entitling the [prime lessee] Prime Lessee to recover such space;

(B) The [prime lessee] Prime Lessee has occupied the entire demised premises as his or her own primary residence for at least one year [prior to] before the subdivision and subletting of the unit;

(C) The [prime lessee] Prime Lessee has a compelling need to recover such space; and

(D) The [prime lessee] Prime Lessee has not been found to have harassed any residential [occupants] Occupants.

(vi) Space recovered pursuant to this [provision] paragraph (5) is deemed part of the [prime lessee's] Prime Lessee's residential IMD unit, and in no event may the [prime lessee] Prime Lessee relet any recovered space for any purpose whatsoever, except that the [prime lessee] Prime Lessee has the same rights to sublet the entire residential IMD unit as provided in 29 RCNY § 2-09(c)(4) above, provided, however, that no such sublet is permitted for the first [2] two (2) years after recovery. The [prime lessee] Prime Lessee retains the right to make a claim to recover space pursuant to this provision, before the Loft Board, where there is a lease or rental agreement in effect between the [prime lessee] Prime Lessee and the [landlord] Landlord, or, where a lease or rental agreement is no longer in effect, on or before:

[(a)](A) July 5, 1988 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1);

[(b)](B) January 22, 1993 for an IMD unit subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or

[(c)](C) November 12, 2013, [60 days from the effective date of this amended rule,] or if the unit is not subject to [Article] Art. 7-C on the effective date of this amended rule, [60] sixty (60) days after the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction or the issuance of an IMD registration number after the filing of registration [application] Application by the [owner] Owner or Responsible Party, whichever is earlier, for IMD units subject to [Article] Art. 7-C by reason of MDL § 281(5)[.]; or

(D) {insert date 60 days from the effective date of the rule}, sixty (60) days after the effective date of this amended rule, or if the unit is not subject to Art. 7-C on the effective date of this amended rule, sixty (60) days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or issuance of an IMD registration number after the filing of a registration Application by the Owner or Responsible Party, whichever is earlier, for IMD units subject to Art. 7-C by reason of MDL § 281(6).

(6) *Rent.*

(i) *Maximum* [*Permissible Rent When Residential*] *permissible rent when residential Occupant is in Privity* [*With*] *with Prime Lessee.* When the residential [occupant] Occupant is in [privity] Privity with the [prime lessee] Prime Lessee, the maximum permissible rent payable by the residential [occupant] Occupant to the [prime lessee] Prime Lessee shall be:

(A) The rent established in the residential [occupant's] Occupant's lease or rental agreement, subject to the limitations in the applicable Loft Board Interim Rent Guidelines; or

(B) If such lease or rental agreement is no longer in effect, the amount permissible in accordance with 29 RCNY § 2-06 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1); or in accordance with 29 RCNY § 2-06.1 for an IMD unit subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or in accordance with 29 RCNY § 2-06.2 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(5); or in accordance with 29 RCNY § 2-06.3 for an IMD unit subject to Art. 7-C by reason of MDL § 281(6); and subject to any other relevant orders or rules of the Loft Board.

(ii) *Maximum* [*Permissible Rent When Residential*] *permissible rent when residential Occupant is in Privity with Landlord.* When the residential [occupant] Occupant is in [privity] Privity with the [landlord] Landlord, the residential [occupant] Occupant must pay rent as follows:

(A) If the residential [occupant] Occupant is not the [prime lessee] Prime Lessee, the maximum permissible rent is the amount last regularly paid under the terms of the lease or rental agreement with the [prime lessee] Prime Lessee, or the [sublessor] Sublessor, if other than the [prime lessee] Prime Lessee, plus any increases permissible and subject to any limitations under 29 RCNY § 2-06 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1); or under 29 RCNY § 2-06.1 for an IMD unit subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or under § 2-06.2 for an IMD unit subject to [Article] Art. 7-C by reason of § 281(5); or in accordance with 29 RCNY § 2-06.3 for an IMD unit subject to Art. 7-C by reason of MDL § 281(6); and subject to any other relevant orders or rules of the Loft Board.

(B) *Maximum* [*Permissible Rent When*] *permissible rent when Prime Lessee is* [*Residential*] *residential Occupant of* [*Entire Leased Space*] *entire leased space.* If the [prime lessee] Prime Lessee is the residential [occupant] Occupant of the entire space leased from the [landlord] Landlord, the maximum permissible rent is:

(a) The amount specified in the lease or rental agreement, subject to any limitations in the applicable Loft Board Interim Rent Guidelines; or

(b) If the lease or rental agreement is no longer in effect, the amount permissible pursuant to 29 RCNY § 2-06 for an IMD unit subject to [Article] Art. 7-C by reason of § 281(1); or 29 RCNY § 2-06.1 for an IMD unit subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or 29 RCNY § 2-06.2 for an IMD unit subject to [Article] Art. 7-C by reason of § 281(5); or in accordance with 29 RCNY § 2-06.3 for an IMD unit subject to Art. 7-C by reason of MDL § 281(6); and subject to any other relevant orders or rules of the Loft Board.

(C) [*(a)*] (a) *Maximum* [*Permissible Rent When*] *permissible rent when Prime Lessee is* [*Residential*] *residential Occupant of a* [*Portion of Leased Space*] *portion of leased space and* [*Lease*] *lease is in* [*Effect*] *effect.* If the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of the space leased from the [landlord] Landlord and the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is in effect for the entire space, the maximum permissible rent is the amount specified in the lease or rental agreement for the entire space and any permissible increases pursuant to any relevant orders or rules of the Loft Board.

[*(b)*] (b) *Maximum* [*Permissible Rent When*] *permissible rent when the Prime Lessee is* [*Residential*] *residential Occupant of a* [*Portion of Leased Space*] *portion of leased space and* [*Lease Between*] *lease between the Prime Lessee and the Landlord is* [*Not in Effect*] *not in effect.* If the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of the space leased

from the [landlord] Landlord and the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is no longer in effect for a [residential unit] Residential Unit or unit located in a portion of such leased space, because [privity] Privity has been established between the residential [occupant(s)] Occupant(s) of the subdivided unit or unit(s) and the [landlord] Landlord pursuant to 29 RCNY § 2-09(c)(2)(iii), the maximum permissible rent shall be based on the rent paid by the [prime lessee] Prime Lessee to the [landlord] Landlord under the most recent rental agreement for the entire space, plus any increases permissible under 29 RCNY § 2-06 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1); or, under 29 RCNY § 2-06.1 for any IMD unit(s) subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or under 29 RCNY § 2-06.2 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(5); or in accordance with 29 RCNY § 2-06.3 for an IMD unit subject to Art. 7-C by reason of MDL § 281(6); and subject to any other relevant orders or rules of the Loft Board. The maximum permissible rent payable by the [prime lessee] Prime Lessee to the [landlord] Landlord is equal to the percentage of the rent so calculated, equivalent to a fraction:

(1) The numerator of which is the square footage of the leased space occupied by the [prime lessee's] Prime Lessee's unit, plus the square footage of any other unit regarding which the [prime lessee] Prime Lessee remains in [privity] Privity with the residential [occupant] Occupant, and

(2) The denominator of which is the entire square footage of the space leased from the [landlord] Landlord.

(D) [*(a)*] (a) *Maximum [Permissible Rent When] permissible rent when Prime Lessee is a [Residential] residential Occupant of a [Portion of Leased Space] portion of leased space and the [Lease Between] lease between the Prime Lessee and [Residential] residential Occupant is [Not in Effect] not in effect*. If the [prime lessee] Prime Lessee is the residential [occupant] Occupant of a portion of the space leased from the [landlord] Landlord, but the lease or rental agreement for all other units within the space is no longer in effect because the [occupants] Occupants of such units have entered into [privity] Privity with the [landlord] Landlord, the maximum permissible rent shall be based on the rent paid by the [prime lessee] Prime Lessee to the [landlord] Landlord under the most recent lease or rental agreement for the entire space, plus any increases permissible under 29 RCNY § 2-06 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(1); or, under 29 RCNY § 2-06.1 for any IMD unit(s) subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or under 29 RCNY § 2-06.2 for an IMD unit subject to [Article] Art. 7-C by reason of MDL § 281(5); or in accordance with 29 RCNY § 2-06.3 for an IMD unit subject to Art. 7-C by reason of MDL § 281(6); and subject to any other relevant orders or rules of the Loft Board. The maximum permissible rent payable by the [prime lessee] Prime Lessee to the [landlord] Landlord is equal to the percentage of the rent so calculated, equivalent to a fraction:

[*(1)*] (1) The numerator of which is the square footage of the leased space which the [prime lessee's] Prime Lessee's unit occupies, and

[*(2)*] (2) The denominator of which is the entire square footage of the space leased from the [landlord] Landlord.

[*(b)*] (b) *Maximum [Permissible Rent When] permissible rent when the [Rent Paid] rent paid by the [Residential] residential Occupant and Prime Lessee is [Greater than the Total Rent for the Unit] greater than the total rent for the unit*. Where the rent paid by the residential [occupant(s)] Occupant(s) of such space who were in [privity] Privity with the [prime lessee] Prime Lessee to the [prime lessee] Prime Lessee and the [prime lessee's] Prime Lessee's proportionate share of the rent as calculated under 29 RCNY § 2-09(c)(6)(ii)(D)(a) above, without inclusion of any increases permissible under the applicable Loft Board Interim Rent Guidelines or any other increase permitted in the Loft Board rules or [Article] Art. 7-C, is greater than the rent specified in the most recent lease or rental agreement for the entire space leased between the [prime lessee] Prime Lessee and the [landlord] Landlord or, if applicable, the rent as calculated under 29 RCNY § 2-09(c)(6)(ii)(C)(b), the [landlord] Landlord has the option to treat the excess amount as follows:

[*(1)*] (1) Reduce the monthly legal rent payable by the [prime lessee] Prime Lessee by one-half of the excess amount as calculated on a monthly basis, provided the monthly legal rent may not be less than $100; or

[*(2)*] (2) Make a single lump sum payment to the [prime lessee] Prime Lessee equal to one-half of the monthly excess amount multiplied by 36.

The [landlord] Landlord may exercise the option to make a single lump sum payment at any time. If the [landlord] Landlord chooses the option of a single lump sum payment, after the [prime lessee] Prime Lessee has commenced paying a rent calculated under item (1) above, the single lump sum payment due to the [prime lessee] Prime Lessee from the [landlord] Landlord may not be diminished by the amount of the prior reductions in rent. Upon payment of the single lump sum payment, the [landlord] Landlord may increase the [prime lessee's] Prime Lessee's monthly rent to the maximum permissible rent allowable under 29 RCNY § 2-09(c)(6)(ii)(D)(a) above. Any [prime lessee] Prime Lessee found to have harassed any residential [occupant] Occupant is not entitled to the rent reduction or single lump sum payment provided for in items (1) and (2) above, respectively.

[*(c)*] (c) *Effective [Date of Rent Adjustments] date of rent adjustments*. The rent adjustments provided in 29 RCNY § 2-09(c)(6)(ii)(A) and (c)(6)(ii)(D) apply to the next regular rent payment due on or after:

[(i)] (1) July 5, 1988, for IMD units subject to [Article] Art. 7-C pursuant to MDL § 281(1);

[(ii)] (2) January 22, 1993, for IMD units subject to [Article] Art. 7-C solely pursuant to MDL § 281(4); or

[(iii)] (3) November 12, 2013, [60 days from the effective date of the amended rule,] for IMD units subject to [Article] Art. 7-C by reason of MDL § 281(5), if the lease or rental agreement between the [prime lessee] Prime Lessee and the [landlord] Landlord is no longer in effect[.]; or

(4) {insert date 60 days from the effective date of the rule}, sixty (60) days after the effective date of this amended rule, or if the unit is not subject to Art. 7-C on the effective date of this amended

rule, sixty (60) days following the finding of coverage by a Loft Board order, a finding of coverage by a court of competent jurisdiction, or issuance of an IMD registration number after the filing of a registration Application by the Owner or Responsible Party, whichever is earlier, for IMD units subject to Art. 7-C by reason of MDL § 281(6).

(5) Otherwise, the rent adjustments apply to the next regular rent payment due after such lease or rental agreement, or portion thereof, is no longer in effect, but in no event earlier than:

(i) July 5, 1988, for IMD units subject to [Article] Art. 7-C pursuant to MDL § 281(1);

(ii) January 22, 1993, for IMD units subject to [Article] Art. 7-C solely by reason of MDL § 281(4); [or]

(iii) November 12, 2013, [60 days from the effective date of the amended rule,] for IMD units subject to [Article] Art. 7-C pursuant to MDL § 281(5)[.]; or

(iv) {insert date 60 days after the effective date of the rules}, sixty (60) days after the effective date of this amended rule, for IMD units subject to Art. 7-C by reason of MDL § 281(6).

(7) *Prime* [*lessee's*] *Lessee's or* [*sublessor's*] *Sublessor's right to compensation for costs incurred in developing* [*residential unit(s)*] *Residential Units*.

(i) *Right to Compensation.* Where a [prime lessee] Prime Lessee, or a [sublessor] Sublessor who is not the [prime lessee] Prime Lessee, has incurred costs for improvements made or purchased in developing [residential unit(s)] Residential Unit(s) in any space for which the [prime lessee] Prime Lessee or [sublessor] Sublessor had or has a lease or rental agreement and for which the [prime lessee] Prime Lessee or [sublessor] Sublessor is not the residential [occupant] Occupant qualified for protection under [Article] Art. 7-C, such [prime lessee] Prime Lessee or [sublessor] Sublessor is entitled to compensation from the residential [occupant(s)] Occupant(s), for the [prime lessee's] Prime Lessee's or [sublessor's] Sublessor's actual costs incurred in developing the [residential unit] Residential Unit in question.

(ii) *Agreements for* [*Compensation for Improvements*] *compensation for improvements.* The [prime lessee] Prime Lessee or [sublessor] Sublessor and the residential [occupant] Occupant may agree to payment of such compensation upon any terms that are mutually acceptable, at any time [prior to] before the deadline for the filing of an [application] Application as described in subparagraph (iii) below. All such agreements must be submitted to the Loft Board within [90 calendar] ninety (90) days following their execution.

(iii) *Limitation on* [*Right to Compensation*] *right to compensation.* If the parties are unable to agree upon the amount and terms of compensation [prior to] before the establishment of [privity] Privity between the residential [occupant] Occupant and the [landlord] Landlord, as defined in 29 RCNY § 2-09(c)(2), the [prime lessee, sublessor] Prime Lessee, Sublessor, or residential [occupant] Occupant, may apply to the Loft Board for resolution of the dispute over compensation of the [prime lessee] Prime Lessee or [sublessor] Sublessor. Such [application] Application may be brought after the [residential unit] Residential Unit has been registered with the Loft Board without timely contest of coverage or determined to be covered under [Article] Art. 7-C by Loft Board order or a court of competent jurisdiction, but no later than [180 calendar] one hundred and eighty (180) days after the later of:

(A) May 6, 1988, for IMD unit(s) subject to [Article] Art. 7-C by reason of § 281(1); or

(B) November 23, 1992, for any IMD unit(s) subject to [Article] Art. 7-C solely by reason of MDL § 281(4); or

(C) September 11, 2013 for an IMD unit covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010; or

(D) {insert effective date}, the effective date of this amended rule, for an IMD unit covered by MDL § 281(5) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019 or a unit covered by MDL § 281(6); or

(E) The establishment of [privity] Privity between the residential [occupant] Occupant and the [landlord] Landlord; or

[(E)] (F) The earlier of the date the [landlord's] Landlord's registration of the [residential unit] Residential Unit without timely contest of coverage or the date of the determination of coverage of the [residential unit] Residential Unit by the Loft Board or a court of competent jurisdiction.

The [application] Application must comply with the rules of the Loft Board governing [applications] Applications, including 29 RCNY § [1-06(a)] 1-21. The [affected parties] Affected Parties are limited to the [prime lessee] Prime Lessee or [sublessor] Sublessor, the residential [occupant] Occupant, and the [owner] Owner or Responsible Party. The [application] Application fee is due and payable at the time of filing the [application] Application.

(iv) *Factors to* [*Determine Whether Compensation is Due*] *determine whether compensation is due.* The Loft Board must first determine whether any compensation is due and payable to the [prime lessee] Prime Lessee or [sublessor] Sublessor, as applicable, based on consideration of the following factors:

(A) Whether the [prime lessee] Prime Lessee or [sublessor] Sublessor incurred any costs, as defined in clause (A) of subparagraph (v) below, allocable to the particular unit in question; and

(B) Whether the [prime lessee] Prime Lessee or [sublessor] Sublessor has already been compensated in accordance with the terms of a prior agreement. The amount of rent paid to the [prime lessee] Prime Lessee or [sublessor] Sublessor, in excess of a proportionate share of the rent paid by the [prime lessee] Prime Lessee to the [landlord] Landlord, based on the percentage of the total square footage of space occupied, will not be credited towards compensation of the [prime lessee] Prime Lessee or [sublessor] Sublessor, in the absence of a specific agreement.

(v) *Factors to* [*Determine the Amount Due for Improvements*] *determine the amount due for improvements.* If it is determined that the [prime lessee] Prime Lessee or [sublessor] Sublessor, as applicable, did incur costs for improvements for which he or she has not yet been compensated, the Loft Board will determine the amount due and payable in accordance with the following criteria:

(A) All improvements as defined in 29 RCNY § 2-07, are compensable;

(B) The Loft Board will establish the value of the improvements by determining the actual costs incurred for the improvements based on evidence presented;

(C) Compensation determined to be due and payable may be made in accordance with a payment schedule agreed to by the [prime lessee] Prime Lessee or [sublessor] Sublessor, as applicable, and the residential [occupant] Occupant, or, if no agreement is reached, a payment schedule not to exceed 6 [months] Months, set by the Loft Board, contained in the Loft Board's order.

(vi) Compensation made pursuant to this paragraph (7) provides residential [occupants] Occupants with an opportunity to purchase improvements but does not constitute a sale of improvements pursuant to § 286(6) of the MDL.

(vii) (A) *Compensation by the Owner or Responsible Party.* A residential [occupant] Occupant may offer the [landlord] Landlord an opportunity to compensate

the [prime lessee] Prime Lessee or [sublessor] Sublessor for costs incurred for improvements made or purchased in developing a residential IMD unit. The compensation to be paid by the [landlord] Landlord is the amount determined by agreement of the [prime lessee] Prime Lessee or [sublessor] Sublessor, as applicable, and the residential [occupant] Occupant, pursuant to subparagraph (7)(ii) above, or as determined by the Loft Board pursuant to subparagraph (7)(v) above. If the [landlord] Landlord chooses to pay this compensation to the [prime lessee] Prime Lessee or [sublessor] Sublessor, the residential [occupant] Occupant remains the [occupant] Occupant qualified for [Article] Art. 7-C protection, except that the residential [occupant] Occupant will have no right to sell such improvements purchased by the [landlord] Landlord pursuant to § 286(6) of the MDL. Compensation of the [prime lessee] Prime Lessee or [sublessor] Sublessor by the [landlord] Landlord does not affect the rent due from the residential [occupant] Occupant;

(B) if the [landlord] Landlord compensates the [prime lessee] Prime Lessee or [sublessor] Sublessor pursuant to (A) above, the [prime lessee] Prime Lessee or [sublessor] Sublessor will have no right to recover the unit for his or her own personal use pursuant to 29 RCNY §§ [2-09(b)(4)] 2-09(a) and (c)(5). When the residential [occupant] Occupant vacates the unit, the [landlord] Landlord is entitled to lease the unit at market rent, absent a finding by the Loft Board of [harassment] Harassment by the [landlord] Landlord of [occupants] Occupants;

(C) if the [landlord] Landlord declines the opportunity to compensate the [prime lessee] Prime Lessee or [sublessor] Sublessor, the residential [occupant] Occupant remains responsible for the compensation payment established pursuant to subparagraphs (ii) or (v) above.

(8) *Residential* [*occupant's*] *Occupant's right to sale of improvements pursuant to MDL § 286(6).* In accordance with MDL § 286(6) and the Loft Board rules, a residential [occupant] Occupant is entitled to sell all improvements to the unit made or purchased by the residential [occupant] Occupant:

(i) Upon filing an agreement with the Loft Board pursuant to 29 RCNY § 2-09(c)(7)(ii), or

(ii) Following a Loft Board determination of an [application] Application filed pursuant to 29 RCNY § 2-09(c)(7)(iii), or

(iii) Upon the expiration of the deadline for filing an [application] Application, if none has been filed.

§ 20. Subdivisions (a), (b) and (c) of Section 2-10 of Chapter 2 of Title 29 of the Rules of the City of New York are amended to read as follows:

(a) *Right to sell and the limitations on an* [*occupant's*] *Occupant's right to sell.*

(1) *The Right to Sell.* The residential [occupant] Occupant of an IMD unit may sell the rights afforded such [occupant] Occupant pursuant to [Article] Art. 7-C, to the [owner] Owner or Responsible Party of the IMD or the [owner's] Owner's authorized representative, including a net lessee, in accordance with the terms of MDL § 286(12) and these rules. A sale pursuant to MDL § 286(12), after the effective date of the relevant provision of MDL § 281, as provided in 29 RCNY § 2-10(a)(2) below, constitutes a sale to the [owner] Owner or Responsible Party of all of the [tenant's] Tenant's rights in the unit.

(2) *Limitations.*

(i) No sale or agreement made [prior to] before the following dates in which an Occupant purported to waive rights under the Art. 7-C will be given any force or effect:

(A) June 21, 1982 for units subject to [Article] Art. 7-C pursuant to MDL § 281(1),

(B) July 27, 1987 for units subject to [Article] Art. 7-C solely pursuant to MDL § 281(4), or

(C) June 21, 2010 for units covered under MDL § 281(5) [that became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 [in which an occupant purported to waive rights under the Article 7-C will be given any force or effect], or

(D) June 25, 2019 for units covered by MDL § 281(6) that became subject to Art. 7-C pursuant to Chapter 41 of the Laws of 2019.

(ii) For any sale made pursuant to MDL § 286(12), the unit subject to a sale of rights may not be the subject of another sale pursuant to MDL § 286(12); nor may such unit be the subject of a subsequent sale of improvements pursuant to MDL § 286(6).

(b) *Filing requirement for sales which occur on or after the effective date of these Rules.*

(1) For a sale of rights in [a] an IMD unit subject to [Article] Art. 7-C pursuant to

(i) MDL § 281(1), which occurs on or after March 16, 1990,

(ii) MDL § 281(4), which occurs on or after November 23, 1992, [or]

(iii) MDL § 281(5), which occurs on or after September 11, 2013 [the effective date of this amended rule], or

(iv) MDL § 281(6), which occurs on or after {insert effective date}, the effective date of this amended rule,

the [owner] Owner or [authorized representative] Responsible Party must file with the Loft Board a sales record on the Loft Board approved form ("sales record form") within [30] thirty (30) days of the sale[, together with the sales agreement, if any, or any other documentation substantiating the sale].

(2) The Owner or authorized representative must include documentation supporting the sale. Supporting documentation should include a fully executed sales agreement and proof of payment of the sales price (if applicable). The sales agreement must include a full description of the consideration, including the amount of monetary compensation, if any, supporting the sale. The Loft Board must reject any purported sale of rights that does not include a full statement of the consideration supporting the sale. The refund of a security deposit, or a portion thereof, is not acceptable consideration for a sale.

(3) The Loft Board's approved form must be signed by the [owner] Owner or its authorized representative and the [occupant and his or her] Occupant or an Occupant's authorized representative[, if any,] who sold rights to the unit. [If the occupant refuses to sign the form, the owner or its authorized representative must file with the form a sworn statement identifying the occupant, the reasons given by such occupant for refusing to execute the form and proof of the sale of rights, including supporting documentation. If the prior occupant could not be found, the owner or its representative must provide a description of the reasonable efforts used to locate the occupant and must file proof of the sale of rights including supporting documentation.] Except for sales between the Owner or its representative and a representative of a deceased Occupant's estate, the Occupant must be residing in the unit at the time of the sale. Sales occurring after an Occupant has vacated the unit are invalid.

(4) Except as provided in [paragraph] subdivision (c) below, failure by the [owner] Owner or [the owner's authorized representative] Responsible Party to file a sales record form within [30 calendar] thirty (30) days of the date of the sale may subject the [owner] Owner to a civil penalty as determined by the Loft Board in 29 RCNY § 2-11.1.

(c) *Filing requirement for sales which occurred* [*prior to*] *before the effective date of these rules.*

(1) Filing deadlines:

(i) For a unit subject to [Article] Art. 7-C pursuant to MDL § 281(1), if the sale of rights occurred after June 21, 1982, but before March 16, 1990, the [owner] Owner or [its authorized representative] Responsible Party must file the sales record form and the sales agreement with the Loft Board on or before June 14, 1990;

(ii) For a unit subject to [Article] Art. 7-C solely pursuant to MDL § 281(4), if the sale of rights occurred after July 27, 1987, but before November 23, 1992, the current [owner] Owner or [its authorized representative] Responsible Party must file the sales record form and the sales agreement with the Loft Board on or before February 21, 1993; [or]

(iii) For a unit covered by MDL § 281(5) that became subject to [Article] Art. 7-C pursuant to Chapter 135 or 147 of the Laws of 2010, if the sale of rights occurred after June 21, 2010, but before September 11, 2013 the effective date of this section, the current [owner] Owner

or [its authorized representative] Responsible Party must file the sales record form and the sales agreement with the Loft Board on or before December 10, 2013[, which is 90 calendar days following the effective date of this section.]; or if the unit was not registered on September 11, 2013, the Owner or Responsible Party must file the sales record form and the duly executed sales agreement with the Loft Board on or before {insert date 90 days from the effective date of the rules}, which is ninety days (90) days following the effective date of this amended section;

(iv) For a unit covered by MDL § 281(6) that became subject to Art. 7-C, if the sale of rights occurred after June 25, 2019, the current Owner or its authorized representative must file the sales record form and the sales agreement with the Loft Board on or before {insert date 90 days from the effective date of the rules}, which is ninety (90) days following the effective date of this rule.

(2) The sales record form must contain a sworn statement by the [owner] Owner or [its authorized representative] Responsible Party, on a form issued by the Loft Board, as to the current use and occupancy of the unit. If the [owner] Owner or Responsible Party intends to use the unit for non-residential purposes, the [owner] Owner or Responsible Party must: a) disclose its intention on the sales record form; and b) include a declaration of intent by the [owner] Owner or [its authorized representative] Responsible Party that the use is consistent with applicable provisions of the New York City Zoning Resolution and the New York City Administrative Code, and in conformity with any existing certificate of occupancy, and any other source of legal authorization for such use.

(3) If the [owner] Owner or Responsible Party indicates in the sales record an intention to use the unit for non-residential purposes, the unit will be subject to inspection to determine its compliance with the requirements set forth in 29 RCNY § 2-10(d)(1)(ii).

(4) Failure by the [owner] Owner or [the owner's authorized representative] Responsible Party to timely file a sales record form may subject the [owner] Owner to a civil penalty as determined by the Loft Board in 29 RCNY § 2-11.1. The Loft Board may inspect any unit for which a sale of rights has occurred [prior to] before the effective date of these rules. The Loft Board may also inspect any unit for which a sales record form was not timely filed to determine the current use of space.

§ 21. Subdivision (b) of Section 2-11.1 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

(b) *Range of fines.*

(1) *Code* [*Compliance Fines Pursuant*] *compliance fines pursuant to 29 RCNY § 2-01 and 29 RCNY § 2-01.1:* Where the [owner] Owner, Landlord or Responsible Party is found to have violated code compliances deadlines or failed to take all reasonable and necessary action to obtain a final certificate of occupancy, the [owner] Owner, Landlord or Responsible Party may be subject to a Class C civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE	PENALTY
Failure to Meet Code Compliance Deadlines: §§ 281(1) and (4) [buildings] Buildings	MDL § 284 (1); 29 RCNY § 2-01(a) (1) through (a)(7), (c)(2)	No	Up to $1,000 per missed deadline
Failure to Meet Code Compliance Deadlines: §§ 281(1) and (4) Buildings	MDL § 284(1); 29 RCNY § 2-01(a) (8), (c)(2)	No	Up to $5,000 per missed deadline
Failure to Meet Code Compliance Deadlines: § 281(5) Buildings	MDL § 284(1); 29 RCNY §§ 2-01(a) (9), (a)(10), (c)(2)	No	Up to $5,000 per missed deadline
Failure to Meet Code Compliance Deadlines: § 281(6) Buildings	MDL § 284(1); 29 RCNY §§ 2-01(a) (9), (a)(10), (c)(2)	No	Up to $5,000 per missed deadline
Failure to Take Reasonable and Necessary Action to Obtain a Final Certificate of Occupancy	29 RCNY § 2-01.1(a), (b)(2), (b)(3)	No	Up to $1,000 per day up to [$17,500] $25,000
Failure to Take Reasonable and Necessary Action: Failure to Timely Clear DOB objections for [Owner's] Alteration Application	29 RCNY § 2-01(d)(2)(ix)	Yes within 30 days	Up to $1,000 per day up to [$17,500] $25,000

(2) *Fines in* [*Connection*] *connection with Harassment Applications* [*Pursuant*] pursuant *to 29 RCNY § 2-02:* A finding by the Loft Board that:

(i) A [tenant] Tenant filed a [harassment] Harassment [application] Application in bad faith or in wanton disregard of the truth pursuant to 29 RCNY § 2-02(c)(2)(iii); or

(ii) An [owner] Owner, Landlord or Responsible Party or [prime lessee] Prime Lessee harassed an [occupant] Occupant pursuant to 29 RCNY § 2-02(d)(1)(ii) or (e)(3)(i), in a manner that impacts on the [tenant's] Tenant's safety including, but not limited to, refusing to make repairs, repeated housing maintenance violations intended to render the unit uninhabitable, assault, battery or threats of violence; or

(iii) An [owner] Owner or Responsible Party or [prime lessee] Prime Lessee harassed an [occupant] Occupant pursuant to 29 RCNY § 2-02(d)(1)(ii) or (e)(3)(i) of these [Rules] rules in a manner that impacts on the [tenant's] Tenant's quality of life, including, but not limited, to creating excessive noise or odors, threatening eviction, refusal to consent to sublet, [and/]or tampering with mail, [May] may subject the [tenant] Tenant, [owner] Owner, Responsible Party or [prime lessee] Prime Lessee to a Class C civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE	PENALTY	AGGRAVATED PENALTY
Harassment Application Filed in Bad Faith	29 RCNY § 2-02(c)(2)(iii)	No	Up to [$4,000] $5,000	A [tenant] Tenant found to have previously filed a [harassment application] Harassment Application in bad faith may be subject to an aggravated penalty of up to [$10,000] $25,000.
Finding of Harassment: Safety Violations e.g., Hazardous Conditions; Housing Maintenance Violations; Refusal to Make Repairs	29 RCNY § 2-02(d)(1)(ii), (e)(3)(i)	No	$3,000 to $6,000 for each occurrence found to constitute [harassment] Harassment	An [owner] Owner, Responsible Party or [prime lessee] Prime Lessee previously found to have harassed a [tenant] Tenant may be subject to an aggravated penalty of up to [$10,000] $25,000.
Finding of Harassment: Quality of Life Violations e.g., Noise; Odors; Threat of Eviction; Refusal to Consent to Sublet	29 RCNY § 2-02(d)(1)(ii), (e)(3)(i)	No	$2,000 to $5,000 for each occurrence found to constitute [harassment] Harassment	An [owner] Owner, Responsible Party or [prime lessee] Prime Lessee previously found to have harassed a [tenant] Tenant may be subject to an aggravated penalty of up to [$10,000] $25,000.

(3) *Failure to* [*Renew*] *renew IMD* [*Registration Pursuant*] *registration pursuant to 29 RCNY § 2-05:* Where an [owner] Owner, Landlord or Responsible Party fails to renew a [building's] Building's registration as required in 29 RCNY § 2-05(f)(2), the [owner] Owner, Landlord or Responsible Party may be subject to a Class C violation civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE	PENALTY
Failure to Timely Renew Registration	29 RCNY § 2-05(f)(2)	Yes	[$5,000] $7,500 for one year; [$10,000] $15,000 for two consecutive years; [$17,500] $25,000 for three consecutive years or more

(4) *Fines in* [*Connection*] *connection with* [*Unreasonable Interference Pursuant*] *unreasonable interference pursuant to 29 RCNY § 2-01(h):* A finding by the Loft Board that:

(i) An [owner] Owner or Responsible Party unreasonably interfered with the [tenant's] Tenant's use of an IMD unit; or

(ii) An [owner] Owner or Responsible Party unreasonably and willfully interfered with the [tenant's] Tenant's use of an IMD unit, [May] may subject the [owner] Owner or Responsible Party to a Class C civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE	PENALTY
Finding by the Loft Board of Unreasonable Interference with the Use of an IMD Unit	29 RCNY § 2-01(h)	No	$2,500
Finding by the Loft Board of Unreasonable and Willful Interference with the Use of an IMD Unit	29 RCNY § 2-01(h)	No	$5,000

(5) [*Monthly Reports*] *Quarterly and requested reports and* [*Failure to Take Reasonable and Necessary Action to Legalize] failure to take reasonable and necessary action to legalize Building* [*Pursuant*] *pursuant to 29 RCNY §§ 2-01.1(a)(1)(ii) and (b)(6):* An [owner] Owner or Responsible Party who is found:

(i) By the Loft Board's Executive Director to have violated the provisions of 29 RCNY § 2-01.1(b)(6) may be subject to a Class B civil penalty pursuant to 29 RCNY § 2-01.1(b)(7) as follows; or

(ii) To have failed to file [monthly] quarterly or requested reports or to have made false statements in the [monthly] reports filed pursuant to 29 RCNY § 2-01.1(a)(1)(ii), may be subject to a Class B civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE within 30 days	PENALTY PER VIOLATION, UP TO [$17,500] $25,000
Failure to Take Reasonable and Necessary Action: Failure to File an Alteration Application with DOB	29 RCNY § 2-01.1(b)(6)(i), (b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to Obtain a [Building] Alteration Permit	29 RCNY § 2-01.1(b)(6)(ii), (b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to Maintain a Current [Work] Alteration Permit	29 RCNY § 2-01.1(b)(6)(iii), (b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to Maintain a Temporary Certificate of Occupancy for the Residential Portion of the Building	29 RCNY § 2-01.1(b)(6)(iv), (b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to File [Monthly] Quarterly or Requested Reports	29 RCNY § 2-01.1(a)(1)(ii)(D)	Yes	Up to $1,000 per missing report
Failure to Take Reasonable and Necessary Action: Filing False Statements in [Monthly] Quarterly or Requested Report	29 RCNY § 2-01.1(a)(1)(ii)(E)	No	[$4,000] $5,000 per false statement

(6) *Fines in* [*Connection*] *connection with:*

(i) An [owner] Owner, Landlord or Responsible Party who fails to comply with the access notice provision of 29 RCNY § 2-01(g)(4)(iv);

(ii) An [occupant] Occupant who unreasonably withholds access pursuant to 29 RCNY § 2-01(g)(4)(iv);

(iii) An [owner] Owner, Landlord or Representative Party who fails to file a Sales Record form after a sale of improvements pursuant to 29 RCNY § 2-07(j) or a sale of rights pursuant to 29 RCNY §§ 2-10(b) or (c)(4) within [30] thirty (30) days of sale;

(iv) An [owner] Owner who fails to report a change in the emergency number, managing agent information, [owner's] Owner's address or ownership information pursuant to 29 RCNY § 2-05(b)(10); or

(v) An [owner] Owner, Landlord or Responsible Party who fails to post the IMD notice pursuant to 29 RCNY § 2-05(b)(13)[, May] may be subject to a Class A civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE within 30 days	PENALTY
Failure to Comply with Access Notice Provisions	29 RCNY §§ 2-01(g)(1), (g)(2), (g)(4)(iv)	Yes	$1,000
Occupant Unreasonably Withholds Access	29 RCNY § 2-01(g)(4)(iv)	Yes	$1,000
Failure to Timely File Sale of Improvements Form	29 RCNY § 2-07(j)	No	$4,000
Failure to Timely File Sale of Rights Form	29 RCNY § 2-10(b), (c)(4)	No	$4,000
Failure to Report a Change in Ownership Information	29 RCNY § 2-05(b)(10)	No	$4,000
Failure to Post IMD Notice	29 RCNY § 2-05(b)(13)	No	$1,000

(7) *Fines in connection with violating a Loft Board order pursuant to § 1-13(b) or filing a false statement with the Loft Board pursuant to § 1-15(d):* Any Person who is found to have violated a Loft Board order pursuant to § 1-13(b) or to have filed a document containing a material false statement pursuant to § 1-15(d) may be subject to a civil penalty as follows:

VIOLATION DESCRIPTION	SECTION OF LAW	CURE within 30 days	PENALTY
Violation of a Loft Board Order	29 RCNY § 1-13(b)	No	$5000 up to $7500 per violation
Filing a Material False Statement with the Loft Board	29 RCNY § 1-15(d)	No	$5000 per false statement

§ 22. Section 2-12 of Chapter 2 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-12 MDL § 286(2)(ii) Rent Adjustments.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

["Alteration application" means, for the purposes of these Rules, the work application form submitted for filing to the Department of Buildings of the City of New York ("DOB"), which describes the work to be undertaken that will result in obtaining a final certificate of occupancy for an interim multiple dwelling ("IMD") unit, as defined in MDL § 281 for residential use or joint living-work quarters for artists usage and these rules.
"Alteration permit" means a building permit issued by the DOB authorizing the owner to make the alterations set forth in the approved alteration application which are necessary to obtain a residential certificate of occupancy for an IMD unit.

"Article 7-B compliance"] **Art.7-B compliance** means compliance with the fire protection and safety standards of [Article] Art. 7-B of the MDL, or alternative building codes as authorized by MDL § 287. [Article] Art. 7-B compliance must be evidenced by:

[(i)] (1) DOB's issuance of a temporary residential certificate of occupancy;

[(ii)] (2) DOB's issuance of a final residential certificate of occupancy after June 21, 1992;

[(iii)] (3) DOB records demonstrating that the alterations necessary for issuance of a residential certificate of occupancy have been completed; or

[(iv)] (4) The filing with the Loft Board of a sworn statement by a registered architect or professional engineer licensed in the State of New York stating that the IMD has achieved [Article] Art. 7-B compliance and the date of such compliance on the Loft Board approved form.

["Maximum permissible rent,"] Maximum permissible rent or ["**maximum rent permissible,"**] **maximum rent permissible[,** for purposes of this rule,] means "total rent" plus any permissible rent adjustments, as provided in 29 RCNY § 2-06 for units subject to [Article] Art. 7-C pursuant to § 281(1), or 29 RCNY § 2-06.1 for units subject to [Article] Art. 7-C pursuant to § 281(4). For units subject to [Article] Art. 7-C pursuant to § 281(5), "maximum permissible rent" is defined in 29 RCNY § 2-06.2. If one (1) or more rent adjustments pursuant to this section have already been applied, "maximum permissible rent" includes such adjustments.

(b) *Eligibility requirements.* The owner of an IMD is eligible for [1] one (1) or more rent adjustments pursuant to MDL § 286(2)(ii) if all the following conditions are met:

(1) The [residential unit] Residential Unit for which the rent adjustment is sought is covered under [Article] Art. 7-C of the MDL;

(2) The IMD [building] Building in which the covered [residential unit] Residential Unit is located is registered with the Loft Board;

(3) A final certificate of occupancy permitting residential occupancy of the covered unit was not issued on or before June 21, 1992;

(4) The [residential unit] Residential Unit was not rented at market value between June 21, 1982 and June 21, 1992, unless the IMD unit is covered under [Article] Art. 7-C pursuant to MDL § 281(5) or MDL § 281(6); and

(5) The [owner] Owner or Responsible Party meets or has already met [1] one (1) or more of the code compliance obligations in MDL § 284(1) which requires that the [owner] Owner or Responsible Party file an [alteration application] Alteration Application, obtain an approved [alteration permit] Alteration Permit, and achieve [Article] Art. 7-B compliance. An eligible [owner] Owner or Responsible Party is entitled to [1] one (1) or more of the applicable rent adjustments in subdivisions (c) through (e) of 29 RCNY § 2-12.

(c) *Alteration* [*application*] *Application rent adjustment.*

(1) *Filing prior to June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who filed an [alteration application] Alteration Application with the DOB prior to June 21, 1992 is entitled to a six percent (6%) increase over the maximum rent permissible under Loft Board rules for the covered [residential unit] Residential Unit on June 21, 1992.

(2) *Filing on or after June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who files an [alteration application] Alteration Application with the DOB on or after June 21, 1992 is entitled to an increase over the maximum rent permissible as provided in MDL § 286(2)(ii)(A) for the covered [residential unit] Residential Unit on the date the [alteration application] Alteration Application is filed.

(d) *Alteration* [*permit*] *Permit rent adjustment.*

(1) *Issuance prior to June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who obtained an [alteration permit] Alteration Permit prior to June 21, 1992 is entitled to a fourteen percent (14%) increase over the maximum rent permissible under Loft Board rules for the covered [residential unit] Residential Unit on June 21, 1992.

(2) *Issuance on or after June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who obtains an [alteration permit] Alteration Permit from the DOB on or after June 21, 1992 is entitled to an increase over the maximum rent permissible as provided in MDL § 286(2)(ii)(B) for the covered [residential unit] Residential Unit on the date the [alteration permit] Alteration Permit is issued by the DOB.

(e) [*Article*] *Art. 7-B compliance rent adjustment.*

(1) *Compliance prior to June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who achieved [Article] Art. 7-B compliance prior to June 21, 1992 is entitled to a twenty percent (20%) increase over the maximum rent permissible under Loft Board rules for a covered [residential unit] Residential Unit on June 21, 1992.

(2) *Compliance on or after June 21, 1992.* An [owner] Owner or Responsible Party who otherwise meets the eligibility requirements of 29 RCNY § 2-12(b) and who achieves [Article] Art. 7-B compliance on or after June 21, 1992 is entitled to an increase over the maximum rent permissible as provided in MDL § 286(2)(ii)(C) for the covered [residential unit] Residential Unit on the date [Article] Art. 7-B compliance is achieved.

(f) *Payment of rent adjustments.* Payment of rent adjustments based on filing an [alteration application] Alteration Application, obtaining an [alteration permit] Alteration Permit or achieving [Article] Art. 7-B compliance shall commence:

[(i)] (1) the [month] Month immediately after the [month] Month the [alteration application] Alteration Application is filed, the [alteration permit] Alteration Permit is obtained or [Article] Art. 7-B compliance is achieved, or

[(ii)] (2) on July 1, 1992, whichever is later.

(g) *Effect on other rent increases.*

(1) Rent adjustments pursuant to this section will be applied in addition to any rent increases which an [owner] Owner or Responsible Party is entitled to pursuant to 29 RCNY [§§] § 2-06, 2-06.1, 2-06.2, or 2-06.3, or the Loft Board rules related to setting the initial legal regulated rent.

(2) Any allowable rent adjustments pursuant to this section will be included in the calculation of the initial legal regulated rent.

(3) Rent adjustments pursuant to this section shall be effective upon filing an [alteration application] Alteration Application, obtaining an [alteration permit] Alteration Permit or [Article] Art. 7-B compliance regardless of the subsequent expiration of said [alteration application] Alteration Application, [alteration permit] Alteration Permit or temporary certificate of occupancy, or the filing of a further qualifying [alteration application] Alteration Application for the building. If the Loft Board or a court of competent jurisdiction determines the sworn statement of [Article] Art. 7-B compliance was erroneous, all rent increases based on such statement shall be nullified.

NEW YORK CITY LAW DEPARTMENT
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100 CHURCH STREET
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212-356-4028

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Miscellaneous Rule Amendments
REFERENCE NUMBER: 2020 RG 023
RULEMAKING AGENCY: Loft Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

(i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

(ii) is not in conflict with other applicable rules;

(iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and

(iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: September 15, 2022
Acting Corporation Counsel

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Miscellaneous Rule Amendments
REFERENCE NUMBER: LOFT-21
RULEMAKING AGENCY: Loft Board

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

(i) Is understandable and written in plain language for the discrete regulated community or communities;

(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

(iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro *September 16, 2022*
Mayor's Office of Operations Date

☛ **n3**

SPECIAL MATERIALS

CITY PLANNING

■ **NOTICE**

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 22DCP184X
ULURP No. 220283ZMX; N22028ZRX
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description and Location of Proposal

2560 Boston Road Rezoning

The Applicant, Boston Road Associates, seeks approval of a zoning map amendment and a zoning text amendment in order to facilitate the development of 2560 Boston Road (Block 4440, Lots 16, 30, and 32 – the "Projected Development Site") with two mixed-use buildings, including residential, commercial, and community facility uses located in the Allerton section of Bronx Community District 11. In addition, the Applicant intends to seek public financing through the New York City Housing Development Corporation ("HDC")/Department of Housing Preservation and Development ("HPD"). These actions are collectively referred to as the "Proposed Actions."

The zoning map amendment would rezone Block 4440, Lots 16, 30, and 32 from an R6/C8-1 district to an R7-2/C2-4 district. The zoning text amendment would modify Appendix F of the Zoning Resolution to establish a new Mandatory Inclusionary Housing (MIH) Area coterminous with the Projected Development Site.

Approval of the proposed actions would facilitate the development of two buildings (10 and 11 stories, and 110' and 120' feet tall, respectively) containing a total of 360,577 gross square feet ("gsf"), including 277,990 gsf of residential space (333 affordable dwellings units), 19,281 gsf of commercial space, and 6,752 of community facility space, along with 117 parking spaces.

Absent approval of the proposed actions, the affected area would remain unchanged. The proposed project is anticipated to be completed by 2026.

To avoid any potential significant adverse impacts, an (E) designation (E-694) for hazardous materials, air quality, and noise would be placed on the applicant's property, Bronx Block 4440, Lots 16, 30, and 32.

The (E) designation text related to hazardous materials is as follows:

Task 1 – Sampling Protocol A Phase I Environmental Site Assessment must be submitted to the New York City Mayor's Office of Environmental Remediation (OER). If required based on Phase I ESA conclusions, a soil, groundwater and soil vapor testing protocol must also be submitted, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If subsurface sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2 – Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination will be made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is needed, a proposed remediation plan must be submitted to OER for review and approval. Such remediation must be completed as determined necessary by OER. Appropriate documentation indicating that the work has been satisfactorily completed must be provided.

A Construction Health and Safety Plan (CHASP) should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater, and/or soil vapor. This CHASP will be submitted to OER prior to implementation.

The (E) designation text related to air quality is as follows:

Block 4440, Lots 16, 30, and 32 (Projected Development Site)

Any new residential, commercial and/or community facility development on the above-referenced property must use natural gas as the type of fuel for the heating, ventilating, and air conditioning (HVAC) systems and hot water equipment and ensure the HVAC systems and hot water equipment stack is located at the highest tier and at least 120 feet above grade to avoid any potential significant adverse air quality impacts.

The (E) designation text related to noise is as follows:

Block 4440, Lots 16, 30, and 32 (Projected Development Site)

In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Boston Road and the facades facing Barnes Avenue within 50 feet of Boston Road and the facades facing Matthews Avenue within 50 feet of Boston Road in order to maintain an interior

noise level not greater than 45 dBA for residential and community facility or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated October 21, 2022, prepared in connection with the ULURP Application (Nos 220283ZMX and N220284ZRX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The Applicant agrees to enter into a Restrictive Declaration (RD) to ensure the implementation of Project Components Related to the Environment (PCREs) relating to transportation and construction noise that would avoid the potential for any significant adverse impacts. The PCREs are as follows:

1. The Applicant shall implement as part of its development of the Project Site, and at its sole cost and expense, the following construction noise PCREs:
    a. Source Controls listed below shall be implemented beyond existing New York regulations for construction of the proposed project:
        i. The applicant commits to achieving specific construction equipment noise levels identified in the EAS through the use of quieter equipment, better engine mufflers, refinements in fan design, and improved hydraulic systems.
        ii. Pile installation and foundation elements shall be constructed by drilling rather than impact pile driving.
        iii. Concrete pump and mixer trucks will not be used during superstructure construction.
    b. Path Controls listed below shall be implemented beyond existing New York regulations for the construction of the proposed project:
        i. Concrete operations, including pumps and trucks, would occur within a 12-foot plywood enclosure along Barnes and Matthews Avenues.
        ii. Path noise control measures (e.g., portable noise barriers, panels, enclosures, and acoustical tents) for generators would be implemented. The details to construct portable noise barriers, enclosures, tents, etc., are noted in DEP's Rules for Citywide Construction Noise Mitigation.
2. The Applicant shall implement, at its sole cost and expense, the following transportation measures:
    a. The applicant shall develop and submit a plan for review and approval by NYC DOT to re-stripe the northeast-bound Boston Road approach at Allerton Avenue to widen the left lane from 9'-6" to 11'. The two through lanes would be narrowed from 10'-6" to 10' and 12' to 11'. The 8'-wide parking lane would remain the same. The improvement would apply to all time periods.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The applicant will enter into a Restrictive Declaration to ensure the implementation of project components relating to transportation and construction noise which would avoid the potential for any significant adverse impacts related thereto.
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

☛ **n3**

DESIGN AND CONSTRUCTION

■ NOTICE

On behalf of all New York City agencies and entities subject to the New York City Procurement Policy Board (PPB) Rules, the New York City Department of Design and Construction ("DDC") hereby requests approval to use the Innovative Procurement method, pursuant to PPB Rule § 3-12, to procure the design and construction services, including any services incidental thereto, through the project delivery method commonly known as design-build for public work projects authorized pursuant to New York State law.

On July 2, 2018, the then-acting Chief Procurement Officer ("CCPO") approved DDC's request to use PPB Rule § 3-12 to procure design and construction services using the design-build project delivery methodology for project authorized under New York State law. Since the approval, and as of the date of this request, DDC has registered eight (8) design-build agreements ("DBAs") and is currently in the process of procuring approximately 11 more design-build projects.

For the reasons listed below, DDC is requesting a new approval for use of PPB Rule § 3-12 to procure design and construction services using the design-build project delivery methodology for additional projects, including any projects authorized under the expanded design-build authority granted by the New York City Public Works Investment Act. This innovative method expands upon the contract administration component of design-build.

1. The Nature and Requirements of the Procurement and Contract Administration Method being proposed

The innovative procurement method to be used for a design-build contract varies in a number of respects from the procedure otherwise applicable pursuant to the PPB Rules. The proposed innovative procurement process involves multiple steps and may result in multiple awards, including one award to the design-builder and additional awards, in the form of stipends agreements, to short-listed proposers.

Step (1): Request for Qualifications

The contracting agency develops a short list of qualified design-build entities through the issuance of a publicly advertised Request for Qualifications (RFQ). The RFQ includes a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the shortlist. The contracting agency evaluates and rates all responses to generate the short list of entities that may propose as outlined in Step (2).

Step (2): Request for Proposals

Once the short list is established, the contracting agency releases a Request for Proposals (RFP). The contracting agency may, at its discretion, solicit feedback from the short-listed entities to help finalize the scope or other language of the RFP. Only the short-listed entities will be permitted to submit a proposal in response to the RFP. The contracting agency will select the proposal that represents the best value to the City and may incorporate a quantitative factor to be used in evaluating bids or offers of firms that are certified as Minority-or Women-Owned Business Enterprises (M/WBEs) pursuant to Section 1304 of the New York City charter or article 15-A of the executive law.

The RFP sets forth the scope of work, and other requirements, as determined by the contracting agency, including separate goals for design and construction work under the DBA to be performed by M/WBEs. The RFP must specify the criteria to be used to evaluate the proposals and the relative weight of each evaluation factor. All proposals submitted shall be scored according to the criteria listed in the RFP and such final scores will be published on the contracting agency's website.

Award Phase

The RFP may result in multiple awards. There will be an award to the responsive and responsible design-builder that offers a proposal that is of the best value to the City for the design-build work. At the agency's discretion, there may be awards to the remaining short-listed proposers that are responsive and responsible. The amount for these additional awards will be based on a pre-determined percentage or dollar value as outlined in the RFP and serves as an incentive to submit a proposal and enable the contracting agency to purchase the ownership of ideas and intellectual property set forth in the proposal(s).

Contract Administration Phase

The awarded DBAs will include contract administration processes other than the standard City procedures, including, but not limited to, time extensions and the dispute resolution process.

Time Extensions

Time extensions under the DBAs are not subject to the Board of Time Extension approval as set forth in PPB Rule 4-03, but the DBA will provide that determinations with regard to time extensions are final and binding. The design-builders are entitled to time relief pursuant to specific relief events enumerated in the DBAs. There are specific events for which design-builder is only entitled to time extensions (Relief Events) and other events, referred to as Compensable Relief Events, where the design-builder may be entitled to compensation in addition to time. Subject to the requirements set forth in the DBA, the design-builder can seek a time extension due to a Relief Event and that request may be granted upon review by the agency of the design-builder's time impact analysis, among other documentation, showing how the specific Relief Event has delayed the project's critical path. The determination as to whether the design-builder is entitled to time relief is made by agency representative and must be approved by the ACCO. However, this decision is not subject to the Board of Time Extension. Furthermore, the decision as to whether the design-builder is entitled to an extension of time to the guaranteed substantial completion date, or another milestone date, can occur, at any time during the project duration, and not only at substantial completion, provided that the Relief Event that has caused the delay has ended.

Resolution of Disputes Arising Out of Contract Administration

Disputes under the DBA are subject to a different dispute resolution procedure than what is currently provided for in Section 4-09 of the PPB Rules. Each design-build project has its own Disputes Review Board ("DRB"), which is created at the beginning of a project. Depending on the size of the project, the DRB may consist of one or three members. All disputes, unless they are ineligible disputes, must go through the DRB process.

The DBA sets out specific timelines for each step of the DRB process, resulting in a DRB recommendation being issued as early as 60 days after the submission of the notice of dispute by either the agency or design-builder, provided no extensions are requested and agreed to by both parties. The recommendation of the DRB is non-binding and both the agency and the design-builder must respond within 15 business days of the DRB determination by either accepting or rejecting the DRB's recommendation. Except as noted below, if the agency and the design-builder cannot come to an agreement on a dispute following the DRB's recommendation, the design-builder may commence a plenary action on such dispute.

If the agency determines that the design-builder is in default, such decision also is subject to the DRB process (except in cases of criminal or ethical defaults). However, following the DRB's recommendation, the design-builder's only recourse is a proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules. Additionally, the agency's determination of design-builder defaults on ethical or criminal basis is not subject to the DRB process.

1. Why this method serves the City's interest better than the current Rules

The design-build project delivery method is an important tool for the City's procurement process and has seen increasing widespread adoption throughout the United States. The design-build method combines into a single contract both the design and construction services. Design-build projects allow a single entity to be responsible for all phases of the project, including design and construction, with the goal of reducing costs and expediting project delivery while maintaining the required quality and compliance. This innovative method enables the City to award such contracts on the basis of best value and also provides the City with the option to make multiple additional awards to a short-list of proposers, increasing the competition and quality of proposers. The method operationalizes the authority granted to certain City agencies pursuant to New York State law. The current PPB rules do not contemplate the necessary multi-step process to procure both design and construction services, as described above.

2. The time within which this method will be implemented and utilized

To date, DDC has awarded and registered eight (8) design-build contracts; however only one design-build project has been in the contract administration stage for more than a year; the NTPs for the remaining design-build projects have been issued in the last five to four months. So far, the design-build project delivery method has been successful for the City; however, due to the extensive and labor and time intensive procurement process, and the limited experience DDC has administering these contracts, DDC is requesting a new innovative procurement approval under PPB § 3-12 so that it can further examine and evaluate the design-build method before proposing rule changes to the PPB. In particular, the City needs more time to examine how design-build contracts are administered.

Finally, feedback from other City agencies, once they have their own experience in procuring, awarding, and administering design-build contracts should be taken into consideration before rule changes to the PPB, which will impact all City agencies using the design-build method, are implemented.

The method will be in use until there are codified PPB rules addressing these procedures, the time period to utilize such innovative procurement method elapses, or the authority granted pursuant to New York State law elapses, whichever occurs first.

3. Description of services to be procured and approximate dollar value of contract(s)

This method will be utilized by agencies to procure design-build services, and any services incidental thereto, in connection with certain public works as authorized by State Law. The value of the projects procured under the New York City Public Works Investment Act must be either 1) not less than $10 million, 2) not less than $1.2 million if the project primarily consists of a) pedestrian ramps and similar infrastructure to improve access to sidewalks in the City to improve access for people with disabilities, b) renovation and construction of cultural institutions located on publicly owned real property and of public libraries in the City; or c) security infrastructure, including bollards, planters and other physical structures, designed to protect life and property from acts of terror or mass violence, or 3) not less than $1.2 million if the project is a public work in connection with property within the jurisdiction of the New York City Department of Parks and Recreation or the New York City Housing Authority.

Based on the above, it is proposed that innovative method constitutes an appropriate procurement method under Section 3-12 of the Procurement Policy Board Rules.

NYC DDC would like to give this opportunity to accept comments and expressions of interest on this proposed method. Comments and expressions of interest may be emailed no later than November 30, 2022, to Michael Ransom, at Ransommi@ddc.nyc.gov.

The first planned procurement to the Design Build Project Delivery Method will be for Murphy Brother's Playground Comfort Station, EPIN: 85023I0009.

n1-9

OFFICE OF THE MAYOR

■ **NOTICE**

EMERGENCY EXECUTIVE ORDER NO. 91
May 8, 2022

WHEREAS, the public safety was imperiled by a flash flood emergency caused by the remnants of Hurricane Ida that flooded roads, impacted mass transit, stranded motorists, and caused widespread damage to residential and commercial buildings throughout the City, causing unsafe conditions in those buildings and imperiling health and safety; and

WHEREAS, the state of emergency to address the remnants of Hurricane Ida, first declared in Emergency Executive Order No. 230, issued on September 1, 2021, and last extended by Emergency Executive Order No. 85, issued on April 28, 2022, remains in effect;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York, pursuant to law, including Executive Law § 24:

Section 1. I hereby direct that section 1 of Emergency Executive Order No. 88, dated May 3, 2022, is extended for five (5) days.

§ 2. I hereby direct, in accordance with section 25 of the Executive Law, section 61(2) of the New York Civil Service Law, and subdivision 5.1.1 of section 1 of rule 5 of the Department of Citywide Administrative Services' Personnel Rules and Regulations of the City of New York, that the City Cleanup Corps and staff from any agency, as designated by their Agency Head, shall assist the Commissioner of Emergency Management to carry out the directives set forth in this Order. The Commissioner of Emergency Management is further directed to take all necessary steps required to carry out the directives set forth in this Order.

§ 3. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified, at an earlier date.

Eric Adams
Mayor

☛ **n3**

EMERGENCY EXECUTIVE ORDER NO. 92
May 13, 2022

WHEREAS, the COVID-19 pandemic has severely impacted New York City and its economy, and is addressed effectively only by joint action of the City, State, and Federal governments; and

WHEREAS, the state of emergency to address the threat and impacts of COVID-19 in the City of New York first declared in

Emergency Executive Order No. 98, issued on March 12, 2020, and extended most recently by Emergency Executive Order No. 83, issued on April 28, 2022, remains in effect; and

WHEREAS, this Order is given because of the propensity of the virus to spread person-to-person, and also because the actions taken to prevent such spread have led to property loss and damage;

NOW, THEREFORE, pursuant, to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited, to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby order that section 1 of Emergency Executive Order No. 89, dated May 8, 2022, is extended for five (5) days.

§ 2. I hereby direct the Fire and Police Departments, the Department of Buildings, the Sheriff, and other agencies as needed, to enforce the directives set forth in this Order in accordance with their lawful authorities, including Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the Fire Code. Violations of the directives set forth in this Order may be issued as if they were violations under Health Code sections 3.07 and 3.11, and enforced by the Department of Health and Mental Hygiene or any other agency.

§ 3. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified, at an earlier date.

Eric Adams
Mayor

☛ **n3**

CHANGES IN PERSONNEL

OFFICE OF LABOR RELATIONS
FOR PERIOD ENDING 08/19/22

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BROWN	AKIME	C	56057	$44083.0000	RESIGNED	YES	08/05/22	214
CARROLL	CARMEN		56057	$45811.0000	RESIGNED	YES	08/07/22	214
CRESPO	JOSE		40235	$58127.0000	APPOINTED	YES	07/31/22	214
CRIBBS	SANDRA		40235	$58127.0000	APPOINTED	YES	07/31/22	214
KASTNER	EMILY		56058	$65000.0000	RESIGNED	YES	08/04/22	214
RODRIGUEZ	ALISHA	M	40235	$58127.0000	APPOINTED	YES	08/03/22	214
RONG	YANA		40235	$58127.0000	APPOINTED	YES	08/03/22	214
SEALY	CLAUDINE	M	40235	$58127.0000	APPOINTED	YES	08/03/22	214
WELCH	NAIMAH	S	21744	$75504.0000	APPOINTED	YES	08/07/22	214
YOUNG	JOSEPH	T	40491	$41389.0000	INCREASE	YES	06/01/22	214
ZHENG	IVY		40235	$58127.0000	APPOINTED	YES	08/05/22	214

HUMAN RIGHTS COMMISSION
FOR PERIOD ENDING 08/19/22

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
PEREZ-PEDEMONTI	MARTHA		95005	$95000.0000	RESIGNED	YES	01/06/22	226

DEPT OF YOUTH & COMM DEV SRVS
FOR PERIOD ENDING 08/19/22

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
COMPAORE	ZELIKA	W	1005C	$108000.0000	APPOINTED	YES	08/07/22	261
DE PENA	MAYRA	B	56101	$17.6500	RESIGNED	YES	07/31/22	261
GYAN	NICKEL	G	56058	$54100.0000	INCREASE	YES	07/31/22	261
HUGHES	ALLIYAH		56101	$17.6500	APPOINTED	YES	08/08/22	261
ISAKOV	LUBOV		13632	$108135.0000	RETIRED	NO	08/02/22	261
LOWENBRAUN	SUSAN	B	13632	$105871.0000	RETIRED	NO	08/02/22	261
MELO GUERRERO	HECTOR	E	1020B	$16.0200	APPOINTED	YES	07/31/22	261
PERKINS	PAMELA		1002C	$104371.0000	APPOINTED	YES	07/31/22	261
ROBERTS	LAKEIMA	D	56058	$69300.0000	APPOINTED	YES	07/31/22	261

BOARD OF ELECTION POLL WORKERS
FOR PERIOD ENDING 08/19/22

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
A GREEN	CHERYL		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ABELSON	KATHERIN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ACOSTA	SAHIANA	R	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ADAMS	JARRETTI		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ADOLPHUS	AYANNA	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AFROSE	SANJIDA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AGOADO	ALEXANDE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AGU	SUNDAY		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AGUILAR	MARIA	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AHLSTROM	ALLYSON	B	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AHMADI	CATHERIN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AHMED	SHAHZADI		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AKINTOLA	TEMITOPE	O	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALACOQUE	MIKAILA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALAMEEN	DAWUD		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALBIZURES	CATUCA	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALCINDOR	BRIANA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALLEN	VAUGHAN	C	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALLY	SUZANNE	T	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ALMODOVAR	CHRISTOP	P	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AMATURO	WINIFEED	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANASTASIA	STELLA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANDERSON	JUDITH	M	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANDO	ALAN	D	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANGELET JR	WILLIAM	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANGELIS	RENATO	D	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANTHONY	JOSEPH		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANUNKOR	CHINONYE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ANZEL	D	F	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
APPLETON	LORA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARANA	MIRIAM	V	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARCARO	SHERRI	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARKOH	PHILLIP		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARLE	GENEVIEV		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARTILES	CAROLINE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ARTIS JR	DONNELL		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ASAMOAH	SHELDELY		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ASHLEY	COLIN	P	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ASTACIO	CARLOS	Z	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ATHANAS	STEPHANI		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
ATKINS	MALIK	S	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AVILA	MARIANA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AWAN	WAIEED	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AWORET	MAME	R	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AYALA	MARIANA	M	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AYTCH	SHANAYA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
AZIZ	KAREEM	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BACA ROMANO	TRISHA	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BAGAROZZA	SUSAN	M	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BAGAYOKO	WASSA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BAKER	BRIANNA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300

BOARD OF ELECTION POLL WORKERS
FOR PERIOD ENDING 08/19/22

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BAKER	MAKEYA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BALLAH	CHRISTIN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BANKOLE	DORCAS	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BARNES	ANDRE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BARSKY	LEONA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BASILIO	AJABIER		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BASSETT	LORRAINE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BAT-CHAVA	YAEL		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BATEMAN	JONATHAN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BAXTER	GARY		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BEDEAU	MARLON	M	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BEDSOLE	GRACE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BELL	JENN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BELTRE	NAKELIAS	A	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BENITEZ	KATHARIN	E	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BENNETT	COURTNEY		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BENZWICK	JERRY	H	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BERSON	ROBIN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BETANCES	JOSE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BHUIYAN	JUI		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BIART	ANTONIO		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BIBILARI	IYANNA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BIGZAD	NARGIS		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BLACKSTOCK III	CHARLES	D	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BLAIR	RASHIDA	R	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BLAIZE	AYANNA	R	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BLAKE	ANGELA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOGGIANO	AFTON	J	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOLLA	EMMA	B	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BORISON	REBECCA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOUGHTON	ROSS	B	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOWDEN	CLARENCE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOWERS	NYLA	S	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOWLER	ROBERT		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BOYCE	JUSTIN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRACERO	JOSHUA	L	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRADLEY	LAUREN	M	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRADLEY	MOISHE	H	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRADLEY	V		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRAXTON	ADRIENNE	C	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRIEFF	JOANNE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRITO	DENISE		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BRITTON JR	WINSTON		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROOKS	LYDIA	C	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	BRANDON	S	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	CHELSEA	K	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	LATANYA	D	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	LORNA	I	9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	MYNAYA		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWN	OWEN		9POLL	$1.0000	APPOINTED	YES	01/01/22	300
BROWNE	THEA	C	9POLL	$1.0000	APPOINTED	YES	01/01/22	300