

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

September 6, 2012

The meeting began at 2:05 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck Delaney, Tenants' Representative; Daniel Schachter, Public Member; Le Ann Shelton, Public Member; Mark Foggin, Manufacturing Representative and Chairperson LiMandri.

INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the September 6, 2012 public meeting of the New York City Loft Board.

VOTE ON AUGUST 2, 2012 MINUTES

Motion: Ms. Shelton moved to accept the August 2, 2012 minutes. Mr. Barowitz seconded the motion.

Members concurring: Barowitz, Delaney, LiMandri, Schachter, Shelton, Bolden-Rivera, Spadafora (7)

Members Abstained: Foggin (1)

Members Absent: Mayer (1)

Adopted by the Loft Board on September 6, 2012.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that 251 buildings have renewed their registrations thus far for this fiscal year for total renewal revenue of \$865,055. In addition, five new buildings registered this fiscal year for revenue of \$7,500. The total revenue for registrations to date is \$872,555. The renewal enforcement process will begin the week of 9/10/2012.

Ms. Alexander reported that there are 338 buildings in the Loft Board's jurisdiction.

- 44 buildings have a final C of O
 - 27 have filed for removal
 - 17 have not filed for removal
- 204 buildings have permits
 - 33 have obtained TCO's,
 - 67 are 7-B compliant,
 - 6 have 100% of the work completed
 - 95 only have permits
 - 3 that were issued permits are back in the Narrative Statement (NS) process
- 49 buildings are in the Narrative Statement process

- 18 have certification but no permit
- 31 have open Narrative Statements
- 35 D buildings have not yet entered the Narrative Statement Process
 - 13 have filed an Alteration Application (Alt 1) with the Department of Buildings
 - 28 have not filed an Alt 1.

Ms. Alexander reported that the staff is still working on changes to Rules § 2-01 and 2-01.2. An update of the case statistics will be given in October.

DISCUSSION OF RULES § 2-02, 2-06.2, 2-07, 2-09, 2-10, 2-12, AND 2-11.1

- **2-06.2 Interim Rent Guidelines**

The staff explained the meaning of use-based escalators. The Board discussed adding a use-based escalator for garbage to the list along with gas, electric and steam. The Chairman suggested that if Mr. Delaney wished to propose additional items to add to the list, he do so prior to the next meeting.

- **2-09 Subletting**

The staff recommended and the Board agreed to apply the subletting restrictions to leases that go into effect after the effective date of the rule instead of the effective date of coverage as originally proposed.

The staff recommended and the Board agreed that we should not add definitions for roommate and subtenant because all needed definitions are in our rules, case law, and in the Multiple Dwelling Law.

- **2-10 Sale of Rights**

The staff recommended and the Board agreed to prohibit the effect of a sale of rights for IMD units that were subject to a harassment finding instead of prohibiting the effect of the sale of rights for all the IMD units in the building.

Based upon Thorgeirsdottir v. New York City Loft Bd., 161 A.D.2d 337 (App. Div. 1990), aff'd, 77 N.Y.2d 951 (Ct. of App. 1991), the staff recommended and the Board agreed that it did not have the authority to deny an owner the effect of a sale of rights if the owner fails to timely file a sales record form.

- **2-11.1 Fines**

The Board will discuss clarifying fines for violations of the reasonable and necessary rule as well as raising harassment fines and fines for failure to file the sales record form.

Section 2-01(d)(ix) gives the Loft Board authority to direct an owner to amend the narrative statement and plans after an alternate plan case and provides for a penalty for the failure to do so. The staff will need to add a penalty for this.

- **2-12 Rent Adjustment**

MDL section 286(iv) states that payment of any rent adjustments pursuant to paragraph (ii) of this subdivision shall commence the month immediately following the month in which the act entitling the owner to the adjustment occurred. The staff explained that it was not possible to draft a rule that would make notice to tenants of an owner reaching a milestone a precondition for obtaining a milestone rent increase that would comport with this language in the statute. The staff informed the Board that section 2-01 of the rules already requires an owner to notify the Loft Board when it files an application with DOB and obtains a permit.

- **2-11.1 and 2-12**

The Board agreed that final discussion of these rules will be held until after publication of 2-01. **Mr. Delaney** suggested, and the Board agreed that it would give the public 60 days to review 2-01 and 2-01.2.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

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|----|--|---|---------|-------|
| 1. | Jeff Prybolsky | 573 Metropolitan Avenue Brooklyn, New York | TR-0823 | MC/MC |
| 2. | Daniel Miller, Cara Peloso and John Lin | 734 Broadway | TR-0815 | MC/MC |
| 3. | Debra J. Solomon | 17 Thompson Street | TR-0869 | MC/MC |

Motion: Ms. Bolden-Rivera moved to accept the proposed orders. Mr. Foggin seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, Delaney, Chairperson Pogoda, Schachter, Spadafora, Shelton, Foggin (8)

Members Absent: Mayer (1)

Adopted by the Loft Board on September 6, 2012.

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

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|----|--|----------------------------------|---------|-------|
| 4. | James MacDonell | 43 Mercer Street | LE-0590 | MC/MC |
| 5. | Loft Board Initiated Application for 135 West 14 th Street | 135 West 14 th Street | LE-0611 | MC/MC |

Motion: Ms. Shelton moved to accept the proposed orders. Mr. Delaney seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, Delaney, Chairperson Pogoda, Schachter, Spadafora, Shelton, Foggin (8)

Members Absent: Mayer (1)

Adopted by the Loft Board on September 6, 2012.

Chairperson Pogoda concluded the September 6, 2012 Loft Board public meeting at 4:05 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, October 4, 2012 at 2:00 p.m