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THE CITY RECORD **MICHAEL R. BLOOMBERG, *Mayor***

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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Editorial Office
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1 Centre Street, 17th Floor
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Telephone (212) 669-8252

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

■ **NOTICE OF MEETINGS**

City Planning Commission
Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

City Council
Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

Contract Awards Public Hearing
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Civilian Complaint Review Board
Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit http://www.nyc.gov/html/ccrb/html/meeting.html for additional information and scheduling changes.

Design Commission
Meets at 253 Broadway, 5th Floor, New York, New York 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education
Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections
32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board
Meets at 40 Rector Street, OATH Lecture Room, 18th Floor, New York, NY 10006 at 9:15 A.M., once a month at the call of the Chairman.

Board of Health
Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

Health Insurance Board
Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

Board of Higher Education
Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services
Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

Commission on Human Rights
Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise And Concession Review Committee
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, commencing 2:30 P.M., and other days, times and location as warranted.

Real Property Acquisition And Disposition
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission
Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System
Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority
Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at nyc.gov/nycha or contact the Office of the Secretary at (212) 306-6088. Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Disposition are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.
Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.
These meetings are open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.
Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five business days before the Board Meeting.
For additional information, please visit NYCHA's Website or contact (212) 306-6088.

Parole Commission
Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards
Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

Board of Standards and Appeals
Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additonal information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission
Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

CITY COUNCIL

■ **PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Monday, August 19, 2013:

PIER 15 MARITIME LEASE

MANHATTAN CB - 1 **20145031 PNM**
Application pursuant to §1301 (2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York, acting through the Department of Small Business Services, as landlord, and Hornblower New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.

☛ **a12-19**

CITY PLANNING COMMISSION

■ **PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, NY, on Wednesday, August 21, 2013 at 10:00 A.M.

BOROUGH OF BROOKLYN
No. 1
DISPOSITION OF CITY-OWNED PROPERTY
CD 10 **C 130266 PPK**
IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, pursuant to zoning.

BOROUGH OF QUEENS
No. 2
EAST ELMHURST REZONING
CD 3, 4 **C 130344 ZMQ**
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9c, 9d, 10a and 10b:

A. CD 3

1. eliminating from within an existing R3-2 District a C1-2 District bounded by:
   a. a line 150 feet northeasterly of Astoria Boulevard, 95th Street, Astoria Boulevard, 96th Street, a line 150 feet southwesterly of Astoria Boulevard, and 94th Street;
   b. a line 150 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 100th Street, a line 150 feet southwesterly of Astoria Boulevard, 98th Street, Astoria Boulevard, and 97th Street; and
   c. a line 150 feet northeasterly of Astoria Boulevard, Gillmore Street, Astoria Boulevard, 105th Street, a line 150 feet southwesterly of Astoria Boulevard, 103rd Street, Astoria Boulevard, and 29th Avenue;
2. eliminating from within an existing R4 District a C1-2 District bounded by a line 150feet northerly of 31st Avenue, 92nd Street, 31st Avenue, and 90th Street;
3. eliminating from within an existing R3-2 District a C2-2 District bounded by Astoria Boulevard, 88th Street, a line perpendicular to the easterly street line of 88th Street distant 140 feet northerly (as measured along the street line) from the easterly

street line of 88th Street and the northeasterly street line of Astoria Boulevard, 89th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 90th Place, a line 150 feet northerly of 25th Avenue, 92nd Street, 25th Avenue, and 87th Street;

4. eliminating from within an existing R4 District a C2-2 District bounded by:

   a. Astoria Boulevard, 24th Avenue, 85th Street, a line 150 feet southwesterly of Astoria Boulevard, and 82nd Street; and

   b. 25th Avenue, 92nd Street, a line 125 feet southwesterly of Astoria Boulevard, 91st Street, a line 150 feet southwesterly of Astoria Boulevard, 90th Street, Astoria Boulevard, the westerly boundary line of a park and its northerly prolongation, a line 150 feet southerly of 25th Avenue, and 88th Street;

5. changing from an R4 District to an R2A District property bounded by:

   a. 25th Avenue, 84th Street, 30th Avenue, and a line midway between 83rd Street and 84th Street; and

   b. a line 100 feet southwesterly of Astoria Boulevard, a line midway between 90th Street and 91st Street, 30th Avenue, and a line midway between 89th Street and 90th Street;

6. changing from an R3-2 District to an R3A District property bounded by:

   a. a line 100 feet southwesterly of Astoria Boulevard, a line midway between 94th Street and 95th Street, 30th Avenue, and 94th Street; and

   b. Ditmars Boulevard, 102nd Street, Ericsson Street, a line 87 feet southeasterly of 24th Avenue, Curtis Street, a line 100 feet northwesterly of 25th Avenue,

   c. Humphreys Street, 100th Street, 24th Avenue, and 101st Street and its northwesterly centerline prolongation;

7. changing from an R4 District to an R3A District property bounded by:

   a. a line 100 feet southwesterly of Astoria Boulevard, 94th Street, 30th Avenue, a line midway between 93rd Street and 94th Street, 31st Avenue, 93rd Street, 30th Avenue, 92nd Street, a line 100 feet northerly of 31st Avenue, and 91st Street; and

   b. 31st Avenue, 92nd Street, 32nd Avenue, and a line midway between 91st Street and 92nd Street;

8. changing from an R3-2 District to an R3X District property bounded by:

   a. Ditmars Boulevard, 100th Street, 23rd Avenue, a line midway between 99th Street and 100th Street, a line 100 feet northerly of 24th Avenue, 98th Street, 24th Avenue, a line 90 feet westerly of 95th Street, a line 400 feet northerly of 24th Avenue, 97th Street, 23rd Avenue, a line midway between 97th Street and 98th Street, a line 600 feet northerly of 23rd Avenue, and 97th Street and its northerly centerline prolongation;

   b. a line 100 feet northerly of 25th Avenue, a line midway between 92nd Street and 93rd Street, a line 340 feet northerly of 25th Avenue, 93rd Street, a line 160 feet southerly of 24th Avenue, 95th Street, a line 100 feet southerly of 24th Avenue, a line midway between 96th Street and 97th Street, a line 100 feet northerly of 25th Avenue, 96th Street, a line 200 feet southerly of 25th Avenue, a line midway between 96th Street and 97th Street, a line 100 feet northeasterly of Astoria Boulevard, 94th Street, 25th Avenue, and 92nd Street; and

   c. i 27th Avenue, Gilmore Street,

      ii 25th Avenue,

      iii Curtis Street,

      iv a line perpendicular to the northeasterly street line of Curtis Street distant 88 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Curtis Street and the northwesterly street line of 25th Avenue,

      v a line 95 feet northeasterly of Curtis Street,

      vi a line connecting two points: the first point on Course v distant 35 feet southeasterly (as measured along such course) from its intersection with Course iv, and the second point on the southwesterly street line of Ditmars Boulevard distant 106 feet northwesterly (as measured along the street line from its point of intersection with the northwesterly street line of 25th Avenue,

      vii Ditmars Boulevard,

      viii a line 125 feet northwesterly of 25th Avenue,

      ix Grand Central Parkway,

      x 31st Drive and its northeasterly centerline prolongation,

      xi Ditmars Boulevard,

      xii Astoria Boulevard, and

      xiii Kearney Street;

9. changing from an R4 District to an R3X District property bounded by 25th Avenue, 94th Street, a line 100 feet northeasterly of Astoria Boulevard, and 92nd Street;

10. changing from an R3-2 District to an R3-1 District property bounded by:

   a. Ditmars Boulevard, 97th Street and its northerly centerline prolongation, a line 600 feet northerly of 23rd Avenue, a line midway between 97th Street and 98th Street, 23rd Avenue, a line 100 feet westerly of 92nd Street, a line connecting two points: the first point on the last named course distant 504 feet northerly (as measured on such course) from its intersection with the northerly street line of 23rd Avenue, and the second point on a line perpendicular to the westerly street line of 92nd Street distant 155 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of 92nd Street and the southerly street line of Ditmars Boulevard, and 92nd Street distant 74.5 feet westerly from its intersection with the westerly street line of 92nd Street; and

   b. a line 100 feet northerly of 24th Avenue, a line midway between 99th Street and 100th Street, 23rd Avenue, 101st Street, 24th Avenue, 100th Street, Humphreys Street, a line 100 feet northwesterly of 25th Avenue, Curtis Street, 25th Avenue, Gillmore Street, 27th Avenue, a line midway between McIntosh Street and Humphreys Street, a line 425 feet northwesterly of 27th Avenue, McIntosh Street, 100th Street, a line 200 feet southerly of 25th Avenue, 99th Street, a line 100 feet southerly of 25th Avenue, and 98th Street;

11. changing from an R3-2 District to an R4 District property bounded by:

   a. Astoria Boulevard, 87th Street, 25th Avenue, and 85th Street; and

   b. a line 100 feet southwesterly of Astoria Boulevard, 100th Street, 31st Avenue, and a line midway between 94th Street and 95th Street;

12. changing from an R3-2 District to an R4B District property bounded by 30th Avenue, a line midway between 94th Street and 95th Street, 31st Avenue, a line midway between 95tth Street and 96th Street, Jackson Mill Road, and 94th Street;

13. changing from an R4 District to an R4B District property bounded by a line 100 feet southwesterly of Astoria Boulevard, 85th Street, 25th Avenue, 86th Street, a line 100 feet northerly of 30th Avenue, 88th Street, 25th Avenue, a line midway between 88th Street and 89th Street, a line 100 feet southerly of 25th Avenue, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 89th Street and 90th Street, 30th Avenue, a line midway between 90th Street and 91st Street, a line 100 feet southwesterly of Astoria Boulevard, 91st Street, a line 100 feet northerly of 31st Avenue, 92nd Street, 30th Avenue, 93rd Street, 31st Avenue, a line midway between 93rd Street and 94th Street, 30th Avenue, 94th Street, 32nd Avenue, 92nd Street, 31st Avenue, 86th Street, 30th Avenue, 84th Street, 25th Avenue, a line midway between 83rd Street and 84th Street, 30th Avenue, a line midway between 82nd Street and 83rd Street, 25th Avenue, and 82nd Street;

14. changing from an R3-2 District to an R4-1 District property bounded by 31st Avenue, 103rd Street, a line 100 feet southerly of 31st Avenue, a line 100 feet southwesterly of Astoria Boulevard, 108th Street, 32nd Avenue, 94th Street, Jackson Mill Road, and a line midway between 95th Street and 96th Street;

15. changing from an R3-2 District to an R6B District property bounded by:

   a. a line 100 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 108th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 31st Avenue, 103rd Street, 31st Avenue, 100th Street, a line 100 feet southwesterly of Astoria Boulevard, and 94th Street;

   b. Astoria Boulevard, 88th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 92nd Street, 25th Avenue, and 87th Street;

16. changing from an R4 District to an R6B District property bounded by 25th Avenue, 92nd Street, a line 100 feet northeasterly of Astoria Boulevard, 94th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 25th Avenue, and a line midway between 88th Street and 89th Street;

17. establishing within an existing R3-2 District a C1-3 District bounded by ;

   a. 24th Avenue, a line midway between 85th Street and 86th Street, Astoria Boulevard, and 85th Street;

   b. 23rd Avenue, 94th Street, a line 125 feet southerly of 23rd Avenue, and 93rd Street;

   c. 23rd Avenue, 97th Street, a line 125 feet southerly of 23rd Avenue, and 96th Street; and

   d. a line perpendicular to the southwesterly street line of Kearney Street distant 130 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Kearney Street and the northeasterly street line of Astoria Boulevard, Kearney Street, Astoria Boulevard, and 100th Street;

18. establishing within a proposed R4 District a C1-3 District bounded by 30th Avenue, 98th Street, 31st Avenue, and a line 125 feet westerly of 96th Street;

19. establishing within a proposed R4B District a C1-3 District bounded by:

   a. a line 100 feet northerly of 31st Avenue, 89th Street, 31st Avenue, and a line midway between 88th Street and 89th Street; and

   b. a line 100 feet northerly of 31st Avenue, 92nd Street, 31st Avenue, and 90th Street;

20. establishing within a proposed R6B District a C1-3 District bounded by Astoria Boulevard, 88th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 92nd Street, a line 100 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 31st Avenue, 100th Street, a line 100 feet southwesterly of Astoria Boulevard, 98th Street, Astoria Boulevard, 96th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 25th Avenue, a line midway between 88th Street and 89th Street, 25th Avenue, and 87th Street;

21. establishing within an existing R4 District a C2-3 District bounded by Astoria Boulevard, a westerly boundary line of a park and its southerly prolongation, a northerly boundary line of a park and its easterly prolongation, 83rd Street, 24th Avenue, 85th Street, a line 100 feet southwesterly of Astoria Boulevard, and 82nd Street;

22. establishing within a proposed R6B District a C2-3 District bounded by Astoria Boulevard, 108th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 31st Avenue, 103rd Street, and 31st Avenue;

B. CD 4

1. eliminating from within an existing R6B District a C1-2 District bounded by:

   a. Roosevelt Avenue, Junction Boulevard, 40th Road, and Warren Street; and

   b. Roosevelt Avenue, 104th Street, 41st Avenue, and National Street;

2. eliminating from within an existing R6 District a C1-3 District bounded by Roosevelt Avenue, Aske Street, Whitney Avenue, a line 100 feet southerly of Roosevelt Avenue, a line perpendicular to the northeasterly street line of Case Street distant 175 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Case Street and the southeasterly street line of Elmhurst Avenue, Case Street, and Elmhurst Avenue;

3. eliminating from within an existing R6B District a

C1-3 District bounded by Roosevelt Avenue, 98th Street, a line 100 feet southerly of Roosevelt Avenue, a line midway between Junction Boulevard and 97th Street, 40th Road, and Junction Boulevard;

4. eliminating from within an existing R5 District a C2-2 District bounded by Roosevelt Avenue, Warren Street, a line 100 feet southerly of Roosevelt Avenue, and 94th Street;

5. eliminating from within an existing R6 District a C2-2 District bounded by Roosevelt Avenue, 94th Street, a line 100 feet southerly of Roosevelt Avenue, and Aske Street;

6. eliminating from within an existing R6B District a C2-2 District bounded by:

   a. Roosevelt Avenue, National Street, 41st Avenue, and a line 150 feet westerly of National Street; and

   b. Roosevelt Avenue, 114th Street, a line midway between Roosevelt Avenue and 41st Avenue, and a line 100 feet southwesterly of 111th Street;

7. establishing within an existing R6B District a C1-4 District bounded by:

   a. Roosevelt Avenue, 98th Street, a line 100 feet southerly of Roosevelt Avenue, a line midway between Junction Boulevard and 97th Street, 40th Avenue, Junction Boulevard, 40th Road, and Warren Street; and

   b. Roosevelt Avenue, 111th Street, a line midway between Roosevelt Avenue and 41st Avenue, a line 100 feet northeasterly of 108th Street, 41st Avenue, 108th Street, a line midway between Roosevelt Avenue and 41st Avenue, a line 100 feet northeasterly of 104th Street, 41st Avenue, 104th Street, 41st Avenue, National Street, 41st Avenue, 102nd Street, a line 100 feet westerly of National Street, a line 100 feet southerly of Roosevelt Avenue, 102nd Street, Spruce Avenue, and 100th Street;

8. establishing within an existing R5 District a C2-4 District bounded by Roosevelt Avenue, Warren Street, a line 100 feet southerly of Roosevelt Avenue, and 94th Street;

9. establishing within an existing R6 District a C2-4 District bounded by Roosevelt Avenue, 94th Street, a line 100 feet southerly of Roosevelt Avenue, a line perpendicular to the northeasterly street line of Case Street distant 175 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Case Street and the southeasterly street line of Elmhurst Avenue, Case Street, and Elmhurst Avenue; and

10. establishing within an existing R6B District a C2-4 District bounded by Roosevelt Avenue, 114th Street, a line midway between Roosevelt Avenue and 41st Avenue, and 111th Street;

as shown on a diagram (for illustrative purposes only) dated June 3, 2013 and subject to the conditions of CEQR Declaration E-314.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

a8-21

COMMUNITY BOARDS

■ **PUBLIC HEARINGS**

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 1 - Tuesday, August 13, 2013 at 6:30 P.M., Automotive High School, 50 Bedford Avenue, Brooklyn, NY

#140019HAK
Greenpoint Landing
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, Urban Development Action Area Project (UDAAP) designation, project approval and disposition of city-owned property to facilitate the development of 431-units of affordable housing and 1.4 acres of new parkland.

a7-13

EQUAL EMPLOYMENT PRACTICES COMMISSION

■ **PUBLIC MEETING**

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 253 Broadway (Suite 602) on Thursday, August 15th, 2013 at 9:15 A.M.

a9-15

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ **MEETING**

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, August 14, 2013 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

a5-14

LANDMARKS PRESERVATION COMMISSION

■ **PUBLIC HEARINGS**

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 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 13, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-1293 - Block 2574, lot 39-
826 Manhattan Avenue-Greenpoint Historic District A one-story commercial building designed by Samuel Gardstein and built in 1938. Application is to install illuminated signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7437 - Block 1959, lot 13-
417 Clermont Avenue-Fort Greene Historic District An Italianate style rowhouse built c. 1866. Application is to replace windows and construct a rear yard addition. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4900 - Block 1977, lot 10-
473 Clinton Avenue-Clinton Hill Historic District A neo-Grec style rowhouse designed by John Mumford and built in 1878. Application is to install a rooftop deck and railings. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5474 - Block 196, lot 15-
208 Dean Street - Boerum Hill Historic District
An Italianate style house built in 1852-53. Application is to alter the front areaway. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4551 - Block 216, lot 13-
56 Middagh Street -Brooklyn Heights Historic District A Federal style frame house with Greek Revival style details built in 1829. Application is to legalize alterations to the rear facade completed in non-compliance with Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7503 - Block 1164, lot 42-
230 Park Place-Prospect Heights Historic District
An Art Deco style apartment building designed by Philip Birnbaum and built in 1937. Application is to establish a Master Plan governing the installation of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6425 - Block 51, lot 31-
86 Trinity Place aka 78-86 Trinity Place aka 113-23 Greenwich Street. -New York Curb Exchange, Later American Stock Exchange Building-Individual Landmark A through block exchange building built in two phases with a simplified neo-Renaissance style facade on Greenwich Street, built in 1920-21 and an Art-Deco style facade on Trinity Place, built in 1930-31 designed by Starrett and Van Vleck. Application is alter the facades at the first and second floors, and install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6038 -Block 174, lot 28-
71-73 Franklin Street-Tribeca East Historic District
An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and modify storefront infill. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14 -5361 - Block 229, lot 30-
29 Greene Street-SoHo-Cast Iron Historic District A store building designed by J. Webb & Son and built in 1877-78. Application is to construct a five-story addition, remove a loading dock, and install new storefront infill. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9570 - Block 522, lot 5-
158 Crosby Street-NoHo Historic District A neo-Grec style store and loft building built in 1880-1882. Application is to intall a canopy and doors. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5658 - Block 670, lot 70-
239 11th Avenue-West Chelsea Historic District
An Industrial neo-Classical style warehouse and freight terminal designed by Maurice Alvin Long, and built in 1912-13. Application is to alter the ground floor and install storefront infill and construct a steel stair and platform. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6054 - Block 1290, lot 7502-
699-703 Fifth Avenue, aka 2-12 East 55th Street-St. Regis Hotel-Individual Landmark A Beaux-Arts style hotel building designed by Trowbridge & Livingston and built in 1901-04, with an extension designed by Sloan & Robertson and built in 1927. Application is to replace storefront infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5757 - Block 1121, lot 6-
65 West 68th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Edward Kilpatrick and built in 1893-94. Application is to install a barrier-free access lift. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5523 - Block 1141, lot 126-
115 West 69th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse with Romanesque Revival style elements designed by Thom & Wilson and built in 1891. Application is to excavate the front areaway to create a light well and to alter the rear facade. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1817 - Block 1150, lot 48-
140 West 79th Street-Upper West Side/Central Park West Historic District
A neo-Tudor style apartment building designed by Rose & Goldstone and built in 1913-1914. Application is to construct a rooftop addition. Zoned R10-A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-0615 - Block 1251, lot 37-
186 Riverside Drive-Riverside /West End Historic District A neo-Renaissance style apartment building, designed by Emery Roth and built in 1927-28. Application is to alter the penthouse. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5860 - Block 1086, lot 83-
393 West End Avenue-West End-Collegiate Historic District Extension A Colonial Revival style apartment building designed by Goldner & Goldner and built in 1927. Application is to construct a rooftop bulkhead and elevator room. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4953 -Block 1506, lot 5-
1 East 94th Street-Carnegie Hill Historic District
A townhouse originally built in 1893-95, and altered in 1925 by Cas Gilbert. Application is to modify an existing rooftop addition. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6547 - Block 1392, lot 70-
965 Fifth Avenue - Upper East Side Historic District
A Classicizing Modern style apartment building designed by Irving Margon and built in 1937. Application is to alter window openings. Community Board 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 14-5502 - Block 5813, lot 80-
4503 Fieldston Road-Fieldston Historic District A Tudor Revival style house built in 1927-28 and designed by Leo J. Fernschild. Application is to alter an addition. Community District 8.

jy31-a13

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 at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, August 28, 2013. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 167 Lafayette LLC to construct, maintain and use a stoop, a fenced-in area and cornice on and above the north sidewalk of Lafayette Avenue, west of Adelphi Street, and on and above the west sidewalk of Adelphi Street, north of Lafayette Avenue, at 167 Lafayette Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - $25/annum.

the maintenance of a security deposit in the sum of $5,000 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and Two Million Dollars ($2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing 167 Lafayette LLC to construct, maintain and use a fenced-in area, together with part of a stoop, and a cornice on and above the west sidewalk of Adelphi Street, north of Lafayette Avenue, at 332 Adelphi 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 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - $25/annum.

the maintenance of a security deposit in the sum of $5,000 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and Five Million Dollars ($2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing 375 Lafayette Street Properties, LLC to construct, maintain and use planted areas on the north sidewalk of Great Jones Street, east of Lafayette Street and on the east sidewalk of Lafayette Street, north of Great Jones Street at 28 Great Jones 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 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - $433/annum.

the maintenance of a security deposit in the sum of $8,000 and the insurance shall be the amount of One Million Dollars (1,000,000) per occurrence, and Two Million Dollars ($2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing 375 Lafayette Street Properties, LLC to construct, maintain and use planted areas on the north sidewalk of Great Jones Street, between Lafayette Street and Bowery Street, at 32 Great Jones 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 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - $174/annum.

the maintenance of a security deposit in the sum of $2,000 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and Two Million Dollars ($2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing 1211 6th Avenue Property Owner LLC and 1221 Avenue Holdings LLC to continue to maintain and use a passageway under and across West 48th Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - $132,069
For the period July 1, 2014 to June 30, 2015 - $135,754
For the period July 1, 2015 to June 30, 2016 - $139,439
For the period July 1, 2015 to June 30, 2017 - $143,124
For the period July 1, 2017 to June 30, 2018 - $146,809
For the period July 1, 2018 to June 30, 2019 - $150,494
For the period July 1, 2019 to June 30, 2020 - $154,179
For the period July 1, 2020 to June 30, 2021 - $157,864
For the period July 1, 2021 to June 30, 2022 - $161,549
For the period July 1, 2022 to June 30, 2023 - $165,234

the maintenance of a security deposit in the sum of $59,834.28 and the insurance shall be the amount of One Million Two Hundred Fifty Thousand Dollars (1,250,000) per occurrence, and Five Million Dollars ($5,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing 1221 Avenue Holdings LLC to continue to maintain and use lampposts, together with electrical conduits, on and in the sidewalk areas of West 48th Street, West 49th Street and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - $3,000/annum.

the maintenance of a security deposit in the sum of $3,244.63 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and two Million Dollars ($2,000,000) aggregate.

#7 In the matter of a proposed revocable consent authorizing 1251 Americas Associates ll, L.P. to continue to maintain and use lampposts, together with electrical conduits, in and on the sidewalk areas of West 49th Street, West 50th Street and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - $3,000/annum.

the maintenance of a security deposit in the sum of $3,244.63 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and two Million Dollars ($2,000,000) aggregate.

#8 In the matter of a proposed revocable consent authorizing IMTT-Pipeline to continue to maintain and use a pipeline passing under Arthur Kill, Washington Avenue North, Washington Avenue South, Parcel "A", Western Avenue, Richmond Terrace and Newark Bay, all in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - $10,234
For the period July 1, 2014 to June 30, 2015 - $10,520
For the period July 1, 2015 to June 30, 2016 - $10,806
For the period July 1, 2016 to June 30, 2017 - $11,092
For the period July 1, 2017 to June 30, 2018 - $11,378
For the period July 1, 2018 to June 30, 2019 - $11,664
For the period July 1, 2019 to June 30, 2020 - $11,950
For the period July 1, 2020 to June 30, 2021 - $12,236
For the period July 1, 2021 to June 30, 2022 - $12,522
For the period July 1, 2022 to June 30, 2023 - $12,808

the maintenance of a security deposit in the sum of $12,900 and the insurance shall be in the amount of Two Million Dollars ($2,000,000) per occurrence, and Thirty Five Million Dollars ($35,000,000) aggregate.

#9 In the matter of a proposed revocable consent authorizing RCPl Landmark Properties, LLC to continue to maintain and use vehicular and pedestrian passageways under and across West 49th and West 50th Streets, between Fifth Avenue and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - $658,661
For the period July 1, 2014 to June 30, 2015 - $677,038
For the period July 1, 2015 to June 30, 2016 - $695,415
For the period July 1, 2015 to June 30, 2017 - $713,792
For the period July 1, 2017 to June 30, 2018 - $732,169
For the period July 1, 2018 to June 30, 2019 - $750,546
For the period July 1, 2019 to June 30, 2020 - $768,923
For the period July 1, 2020 to June 30, 2021 - $787,300
For the period July 1, 2021 to June 30, 2022 - $805,677
For the period July 1, 2022 to June 30, 2023 - $824,054

the maintenance of a security deposit in the sum of $23,000 and the insurance shall be in the amount of One Million Two Hundred Fifty Thousand Dollars ($1,250,000) per occurrence, and Five Million Dollars ($5,000,000) aggregate.

#10 In the matter of a proposed revocable consent authorizing SP Great Jones, LLC to construct, maintain and use planted areas on the north sidewalk of Great Jones Street, between Lafayette Street and Bowery Street, in front of the property located at 30 Great Jones 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 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - $78/annum.

the maintenance of a security deposit in the sum of $1,100 and the insurance shall be in the amount of One Million Dollars ($1,000,000) per occurrence, and Two Million Dollars ($2,000,000) aggregate.

a8-28

YOUTH AND COMMUNITY DEVELOPMENT

■ **PUBLIC HEARINGS**

NOTICE OF THE NEW YORK CITY INTERAGENCY COORDINATING COUNCIL ON YOUTH 2013

The Interagency Coordinating Council on Youth (ICC), in accordance with Section 735(c) of Chapter 30 of the New York City Charter, will hold its annual hearing to inform the public of its activities during the past year and to receive testimony on the status of youth services.

The PUBLIC HEARING will be held on August 22, 2013 from 9:00 A.M. to 11:00 A.M. at **New York Hall of Science,** 47-01 111th Street (Auditorium), Queens, New York 11368.

The location is easily accessible by public transportation via subway: Take the 7 train to 111th Street Station. Walk three blocks south.

It also can be accessed by taking the Q23 or Q58 bus to Corona Avenue and 108th Street, or Q48 to 111th Street and Roosevelt Avenue.

REGISTRATION: You can register in advance by reaching us at the below information or you may register the day of the hearing. Speakers will be called in the order in which they register. Testimony from all speakers is limited to three minutes.

Written Comments may also be submitted up until August 22, 2013 at 5:00 P.M. to:

Department of Youth and Community Development
Office of External Relations
156 William Street, 6th Floor
New York, New York 10038
(212) 676-0278 Phone
(212) 442-5894 Fax
icc@dycd.nyc.gov

a9-22

COURT NOTICE

SUPREME COURT

■ **NOTICE**

KINGS COUNTY
IA PART 89
NOTICE OF ACQUISITION
INDEX NUMBER 10744/13

In the Matter of the Application of the City of New York relative to acquiring title in fee simple absolute to certain real property where not heretofore acquired for

EMS BATTALION 39 at 265 Pennsylvania Avenue,

Located within an area generally bounded by Pitkin Avenue (a/k/a Industrial Park Road) on the north, Pennsylvania Avenue (a/k/a Granville Payne Avenue) on the east, Belmont Avenue on the south, and Sheffield Avenue on the west, in the Borough of Brooklyn, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Kings, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Kings on July 30, 2013, the application of the City of New York to acquire certain real property, for the continued use as a Fire Department Emergency Medical Service (EMS) Battalion 39, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on August 5, 2013. Title to the real property vested in the City of New York on August 5, 2013.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1	3738	7

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof, shall have a period of two calendar years from the date of service of the Notice of Acquisition of this proceeding, to file a written claim, demand or notice of appearance with the Clerk of the Court of Kings County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

(A) the name and post office address of the condemnee;
(B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
(C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
(D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York, 10007 on or before August 5, 2015 (which is two (2) calendar years from the title vesting date).

Dated: August 7, 2013, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007
Tel. (212) 356-2670

☛ **a12-23**

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ **NOTICE**

ASSET MANAGEMENT
PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY
PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Asset Management proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the New York City Charter, a public hearing will be held regarding the proposed leases on Wednesday, September 25, 2013, 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

These properties will be leased in accordance with the Standard Terms and Conditions and the Special Terms and Conditions printed below.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in *The City Record*.

Further information, including public inspection of the Terms and Conditions and the proposed leases, may be obtained at 1 Centre Street, 20th Floor North, New York, New York 10007.

To schedule an inspection, please contact Shelley Goldman at (212) 386-0608 or sgoldman@dcas.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

PREMISES ADDRESS: 127 East 105th Street
LOCATION: East 105th Street between Park Avenue and Lexington Avenue
BOROUGH: Manhattan
BLOCK: 1633
LOT: 13
PROPERTY TYPE: 3 Story Building
SQUARE FOOTAGE: Approximately 8,800
USE: Community Facility
ZONE: R7-2/C1-5
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM **ANNUAL** BID: $85,824

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: There is presently a boiler (the "boiler") in the cellar of 127 East 105th Street that can be accessed by way of an underground tunnel, which connects the cellars of 127 East 105th Street and 1680 Lexington Avenue. This boiler operates as a shared utility for both buildings. Pursuant to a Declaration of Restrictions dated April 27, 2011, which shall be made part of the proposed long term lease, the boiler shall be shall be maintained and repaired by the fee owner or agent of 1680 Lexington Avenue. The fee owner or agent of 1680 Lexington Avenue shall be permitted to enter through the underground tunnel to make necessary repairs and perform regular maintenance. If the boiler is replaced, it will be of a similar make model and performance, and shall stand upon the same location. In the event that either 1680 Lexington Avenue, or 127 East 105th Street, shall come under separate ownership, the cost of repair or replacement of the boiler shall be equally borne by the fee owners of each building. This special term and condition will continue in perpetuity or until such time that a separate boiler is installed in 1680 Lexington Avenue. A copy of the proposed long term lease and the Declaration of Restrictions is available at the offices of DCAS.

PREMISES ADDRESS: 8501 Fifth Avenue
LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street
BOROUGH: Brooklyn
BLOCK: 6036
LOT: Part of Lot 1
PROPERTY TYPE: Ground floor retail store and basement space
SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space
USE: As of Right
ZONE: C4-2A
LEASE TERM: Five (5) Years
RENEWAL TERMS: Two (2) five (5) year renewal terms
MINIMUM **ANNUAL** BID: $90,240

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars ($10.00) per month and shall not exceed sixty (60) calendar days. The day after the expiration of such License shall be the Commencement Date of the Lease.

PREMISES ADDRESS: 195-05 Linden Boulevard
LOCATION: Northeast Corner of Linden Boulevard and 195th Street
BOROUGH: Queens
BLOCK: 11067
LOT: 40
PROPERTY TYPE: 2 Story Building
SQUARE FOOTAGE: Approximately 17,400
USE: Community Facility
ZONE: R5B, C1-3
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM **ANNUAL** BID: $96,960

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement.

jy22-s25

CITYWIDE PURCHASING

■ **NOTICE**

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit http://www.publicsurplus.com/sms/nycdcas.ny/browse/home. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications e quipment, computers, and other miscellaneous articles.

INQUIRIES
Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES
(All Boroughs):
* **Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555**
* **Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030**

FOR ALL OTHER PROPERTY
* **Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.**
* **Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.**
* **Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.**
* **Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.**
* **Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.**

j1-d31

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."

AGING

■ **AWARDS**

Human / Client Services

HOMECARE SERVICES – Negotiated Acquisition – Available only from a single source. - These vendors have been awarded a contract by the Department for the Aging for the provisions of home care services comprised of Homemaker/Personal Care. Housekeeper and Emergency Home Care services to frail older adults residing in their homes. The contract will be from July 1, 2013 to June 30, 2014.

Richmond Home Need Services, Inc.
3155 Amboy Road, Staten Island, NY 10306
PIN#: 12514HC105H6 - $776,008

Personal Touch Home Care of NY, Inc.
222-15 Northern Blvd., Bayside, NY 11361
PIN#: 12514HC103HA - $908,569

Personal Touch Home Care of NY, Inc.
222-15 Northern Blvd., Bayside, NY 11361
PIN#: 12514HC101H6 - $1,760,909

Personal Touch Home Care of NY, Inc.
222-15 Northern Blvd., Bayside, NY 11361
PIN#: 12514HC101H5 - $915,141

Personal Touch Home Care of NY, Inc.
222-15 Northern Blvd., Bayside, NY 11361
PIN#: 12514HC102HB - $1,166,144

☛ **a12**

VARIOUS SENIOR SERVICES – Negotiated Acquisition – Available only from a single source - PIN# 12514VRNA505 – AMT: $718,812.00 – TO: Community Agency for Senior Citizens, 50 Bay Street, Staten Island, NY 10301.

This vendor has been awarded a contract by the Department for the Aging for the provisions of various senior services such as case assistance, transportation, information/referral, shopping assistance, health promotion and counseling. The contract will be from July 1, 2013 to June 30, 2014.

☛ **a12**

TRANSPORTATION SENIOR SERVICES – Negotiated Acquisition – Available only from a single source - PIN# 12514TRNA246 – AMT: $162,111.00 – TO: Jewish Community Council of Greater Coney Island, 3001 West 37th Street, Brooklyn, NY 11224.

This vendor has been awarded a contract by the Department for the Aging for the provisions of transportation services to older adults 60 years or older. The contract will be from July 1, 2013 to Juen 30, 2014.

☛ **a12**

SENIOR SERVICES – Negotiated Acquisition – Available only from a single source - PIN# 12514SCNA369 – AMT: $236,438.00 – TO: Central Harlem Senior Citizen's Centers, Inc., 34 West 134th Street, New York, NY 10037.

This vendor has been awarded a contract by the Department for the Aging for the provisions of senior services to older adults 60 years or older. The contract will be from July 1, 2013 to December 31, 2013.

☛ **a12**

NATURALLY OCCURRING RETIREMENT COMMUNITIES (NORC) SERVICES – Negotiated Acquisition – Available only from a single source. - These vendors have been awarded a contract by the Department for the Aging for the provisions of Naturally Occurring Retirement Communities (NORC) services targeting low and moderate-income residents age 60 or over living in the NORC. The contract will be from July 1, 2013 to June 30, 2014.

Stanley M Isaacs Neighborhood Center, Inc.
415 East 93rd Street, New York, NY 10128
PIN#: 12514NCNAN34 - $203,282

Morningside Retirement and Health Services, Inc.
100 La Salle Street, APT MC, New York, NY 10027
PIN#: 12514NCNAN32 - $183,718

☛ **a12**

NEIGHBORHOOD SENIOR CENTERS – Innovative Procurement – Available only from a single source. - The attached list of vendors have been awarded a contract by the Department for the Aging for the provisions of Neighborhood Senior Center programs (e.g. congregate lunch, case assistance, health management, etc.)The contract terms shall each be from July 1, 2013 to June 30, 2016, each with a renewal option from July 1, 2016 to June 30, 2019.

Presbyterian Senior Services
2095 Broadway, Suite 409, New York, NY 10023
PIN#: 12514NC2015D - $744,128

Convent Avenue Baptist Church
420 West 145th Street, New York, NY 10031
PIN#: 12514NC2035A - $1,590,000

American Italian Coalition of Organizations
5901 13th Avenue, Brooklyn, NY 11219
PIN#: 12514NC2028D - $1,440,000

ARC XVI Ft Washington, Inc.
4111 Broadway, New York, NY 10033
PIN#: 12514NC2035B - $1,239,672

☛ **a12**

CAREGIVER SENIOR SERVICES – Renewal – PIN# 12514CARE1K1 – AMT: $1,170,000.00 – TO: Presbyterian Senior Services, 2095 Broadway, Suite 409, New York, NY 10023.This vendor has been renewed a contract by the Department for the Aging for the provisions of caregiver services to seniors, 60 years of age and older.

The contract terms will be from July 1, 2013 to June 30, 2016.

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TEMPORARY PERSONNEL SERVICES – Renewal – PIN# 12514TEMP000 – AMT: $3,800,000.00 – TO: New York State Industries for the Diabled, Inc., 11 Columbia Circle Drive, Albany, NY 12203.

This vendor has been renewed a contract by the Department for the Aging for the provisions of temporary personnel services to seniors, 60 years of age and older. The contract terms will be from July 1, 2013 to June 30, 2015.

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BUILDINGS

PURCHASING UNIT

■ **INTENT TO AWARD**

Goods & Services

UNIVERSAL INVENTORY SOFTWARE – Sole Source – Available only from a single source - PIN# 81014ADM0113 – DUE 08-22-13 AT 12:00 P.M. – Any vendor/firm that believes it can provide the required goods and services may so indicate by mail or email to the contact person listed by the date and time indicated.

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.
Department of Buildings, 280 Broadway, 6th Floor, New York, NY 10007. Marie Gill (212) 393-2166; mgill@buildings.nyc.gov

a7-13

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARDS

Goods

FENCING: FURNISH, INSTALL AND REPAIR – Competitive Sealed Bids – PIN# 8571300001 – AMT: $3,107,807.90 – TO: Yaboo Fence Co., Inc., 95 West Nyack Way, West Nyack, NY 10994.

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CITYWIDE PURCHASING

■ SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

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.
Department of Citywide Administrative Services, 66-26 Metropolitan Avenue, Queens Village, NY 11379. Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dlepore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

A. Collection Truck Bodies
B. Collection Truck Cab Chassis
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

CULTURAL AFFAIRS

■ SOLICITATIONS

Goods

NATIONAL DANCE INSTITUTE STEINWAY PIANOS – Sole Source – Available only from a single source - PIN# 12614S0001 – DUE 08-29-13 AT 5:00 P.M. – Vendors may express their interests in providing similar goods, services, or construction in the future by contacting DCLA, 31 Chambers Street, 2nd Floor, NY, NY 10007. Attn: Louise Woehrle, ACCO, (212) 513-9310; lwoehrle@culture.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.
Department of Cultural Affairs, ACCO, 31 Chambers Street, 2nd Floor, New York, NY 10007.
Louise Woehrle (212) 513-9310; lwoehrle@culture.nyc.gov

a8-14

DESIGN & CONSTRUCTION

■ AWARDS

Construction / Construction Services

RECONSTRUCTION OF BOLLER AVENUE FROM STATION 10 PLUS 50 STATION 18 PLUS 00, NEEDHAM AVENUE FROM STATION 11 PLUS 09 TO STATION 14 PLUS 75, THE BRONX – Competitive Sealed Bids – PIN# 85013B0098001 – AMT: $7,899,480.42 – TO: MFM Contracting Corp., 335 Center Avenue, Mamaroneck, NY 10543. Project ID#: HWXP093B. DDC PIN#: 8502013HW0024C.

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SOUTH BRONX MARINE TRANSFER STATION DEMOLITION – Competitive Sealed Bids – PIN# 85013B007801 – AMT: $4,373,773.00 – TO: MPCC Corp., 81 Rockdale Avenue, New Rochelle, New York 10801. Project ID#: S216-421. DDC PIN#: 8502013TR0004C.

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CONTRACTS

■ SOLICITATIONS

Construction / Construction Services

OCEAN BREEZE INDOOR HORSE RIDING ARENA CONSTRUCTION, STATEN ISLAND – Competitive Sealed Bids – PIN# 85013B0119 – DUE 09-17-13 AT 2:00 P.M. – PROJECT NO.: P5SPKHORA/
DDC PIN: 8502013PV0022C.
There will be an optional Pre-Bid Walk-thru on Tuesday, September 3, 2013 at 10:00 A.M. at the Ocean Breeze Indoor Horse Riding Arena located at 621 Father Capodanno Boulevard, Staten Island, NY 10305.

Special Experience Requirements.
Bid Documents are available at: http://www.nyc.gov/buildnyc.

This bid solicitation includes M/WBE participation goal(s). For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." To find out more about M/WBE certification visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311. Vendor Source ID#: 84951.

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. Bid Document Deposit - $35.00 per set. Company check or Money order only. No cash accepted. Late bids will not be accepted.
Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

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ENVIRONMENTAL PROTECTION

■ SOLICITATIONS

Construction / Construction Services

SHOWER ROAD SEWER EXTENSION, GREEN COUNTY, UPSTATE NEW YORK – Competitive Sealed Bids – PIN# 82613WM00274 – DUE 09-17-13 AT 11:30 A.M. – CONTRACT CAT-349: Document Fee: $80.00. Project Manager, Ray Girgis (718) 595-4094. Please send all technical questions by email to RGirgis@dep.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.
Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Greg Hall (718) 595-3236; Fax: (718) 595-3208; ghall@dep.nyc.gov

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AGENCY CHIEF CONTRACTING OFFICER

■ INTENT TO AWARD

Services (Other Than Human Services)

ADMINISTRATION OF A PUBLIC EDUCATION PROGRAM - PHASE II – Sole Source – Available only from a single source - PIN# 82614S0001 – DUE 08-28-13 AT 4:00 P.M. – DEP intends to enter into a Sole Source Agreement with Catskill Watershed Corporation for CAT-436: Administration of a Public Education Program - Phase II. The Catskill Watershed Corporation is the locally-based and locally administered not-for-profit corporation established pursuant to the Watershed MOA to implement watershed protection and partnership programs in the West of Hudson Watershed. The Watershed MOA recognized that in order to gain the cooperation of the upstate watershed communities in the City's efforts to protect its water supply, local communities must have a meaningful role in the watershed protection programs. For that reason, the Watershed MOA provided that watershed protection programs be implemented and managed by a locally based, locally administered not-for-proft corporation. A locally based, locally administered entity representing the diverse interests of watershed communities is able to overcome many of the obstacles historically faced by DEP. Any firm which believes it can also provide the required service in the future is invited to so, indicated by letter which must be received no later than August 28, 2013, 4:00 P.M. at: Department of Environmental Protection, Agency Chief Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Attn: Ms. Debra Butlien, dbutlien@dep.nyc.gov; (718) 595-3423.

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.
Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Debra Butlien (718) 595-3423; Fax: (718) 595-3208; dbutlien@dep.nyc.gov.

a8-14

FINANCE

■ INTENT TO AWARD

Services (Other Than Human Services)

MISCELLANEOUS BANKING SERVICES – Negotiated Acquisition – PIN# 83614N0001 – DUE 08-23-13 AT 3:00 P.M. – This negotiation is between Capital One Bank and the New York City Department of Finance.

This notice is required as per the Procurement Policy Board Rules of the City of New York. This is not a solicitation for work. It is an announcement only regarding the business of the City of New York.

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.
Department of Finance, 1 Centre Street, Room 1040, New York, NY 10007. Adenike Bamgboye (212) 669-4264; bamgboyea@finance.nyc.gov

a8-14

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

CONTRACTS

■ SOLICITATIONS

Construction / Construction Services

CON EDISON VAULT WATERPROOFING 1.5M - 2M – Competitive Sealed Bids – PIN# CONED VAULT – DUE 09-06-13 AT 1:30 P.M. – Woodhull Hospital Center, Brooklyn, New York. Con Edison Vault Waterproofing. This is a Wicks Waiver Project. Trade is General Construction Work (includes: Plumbing, HVAC and Electrical). Bid Documents Fee: $30.00 per set check or money order payable to NYCHHC (non-refundable).

Mandatory Pre-Bid Meetings/site tours are scheduled for Monday, August 19, 2012 at 10:00 A.M. and Monday, August 19, 2013 at 12:30 P.M., 760 Broadway, Brooklyn, NY, Room 1A-300. As a requirement for bidding on this project. All Bidders must attend on one of these mandatory Pre-Bid Meetings.

Technical questions must be submitted in writing by email or fax, no later than five (5) Calendar days before Bid Opening to Clifton McLaughlin (212) 442-3851.

Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 17 percent and WBE 8 percent. Their goals apply to any bid submitted of $25,000 or more. Bidders not complying with these terms will have their bids declared non-responsive.

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.
Health and Hospitals Corporation, 346 Broadway, 12th Floor West, New York, NY 10013.
Clifton McLaughlin (212) 442-3658.

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HOUSING AUTHORITY

■ SOLICITATIONS

Construction / Construction Services

RESTORATION OF DAMAGED PLAY AREA SAFETY SURFACING DUE TO HURRICANE SANDY AT CAREY GARDENS PLAY AREA #3/O'DWYER GARDENS PLAY AREA #1, BROOKLYN – Competitive Sealed Bids – PIN# GD1319904 – DUE 09-04-13 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a $25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents.

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, New York, NY 10007. Vaughn Banks (212) 306-6727; Fax: (212) 306-5152; vaughn.banks@nycha.nyc.gov

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PURCHASING

■ SOLICITATIONS

Goods & Services

SMD_CARDBOARD BOXES – Competitive Sealed Bids – RFQ# 59817 SS – DUE 08-29-13 AT 10:39 A.M. – Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA.
Http://www.nyc.gov/html/nycha/html/business.shtml.
Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a $25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

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, Supply Management Dept., 90 Church Street, 6th Floor, New York, NY 10007.
Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Surinderpal Sabharwal (212) 306-4708; sabharws@nycha.nyc.gov

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HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

■ INTENT TO AWARD

Human / Client Services

FINANCIAL COUNSELING AND ADVOCACY FOR PLWA'S – Negotiated Acquisition – PIN# 06908X0005CNVN003 – DUE 08-13-13 AT 2:00 P.M. – *For informational Purposes Only*
HRA intends to extend the contract with "Gay Men's Health Crisis, Inc."

HRA is entering into a Negotiated Acquisition Extension with the current vendors to provide critically needed

financial advocacy, counseling and Rep payee services to Persons Living with AIDS (PLWA's).

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.
Human Resources Administration, 180 Water Street, 14th Floor, New York, NY 10038.
Barbara Beirne (929) 221-6348; beirneb@hra.nyc.gov

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CONTRACT MANAGEMENT

■ **AWARDS**

Services (Other Than Human Services)

OFFICE TEMPORARY SERVICES FOR HOME ENERGY ASSISTANCE PROGRAM (HEAP) – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06909B0005CNVN002 – AMT: $2,083,333.00 – TO: Prutech Solutions, Inc., 555 U.S. Highway 1 South, 2nd Floor, Iselin, NJ 08830. The Contract term shall be from 3/1/13 - 12/31/13 and the Internal PIN Number is 069133100027.

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PARKS AND RECREATION

■ **SOLICITATIONS**

Goods & Services

CENTRAL PARK MOBILE VENDING LOCATIONS – Public Bid – PIN# CWB2014A DPR – DUE 09-16-13 AT 11:00 A.M. – Sale of Food from mobile food units at various locations at Central Park, Manhattan.

Hard copies of the RFB can be obtained, at no cost, commencing on Wednesday, August 7, 2013 through Monday, September 16, 2013 between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065. All bids submitted in response to this RFB must be submitted no later than Monday, September 16, 2013 at 11:00 A.M.

The RFB is also available for download, commencing on Wednesday, August 7, 2013 through Monday, September 16, 2013, on Park's website. To download the RFB, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFB's description.

There will be a recommended bidder meeting on Monday, August 26, 2013 at 11:00 A.M. We will be meeting at The Arsenal, 830 Fifth Avenue, Gallery (third floor), New York, New York 10065. The Arsenal is located inside Central Park at Fifth Avenue and East 64th Street, Manhattan. If you are considering responding to this RFB, please make every effort to attend this recommended meeting.

For more information or to request to receive a copy of the RFB by mail, prospective bidders may contact Glenn Kaalund, Project Manager, at (212) 360-1397 or via email at glenn.kaalund@parks.nyc.gov

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

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.
Parks and Recreation, The Arsenal, 830 Fifth Avenue, Gallery, New York, NY 10065.
Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov

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CONTRACT ADMINISTRATION

■ **AWARDS**

Construction / Construction Services

CONSTRUCTION OF A COMFORT STATION – Competitive Sealed Bids – PIN# 8462012X118XC02 – AMT: $1,845,000.00 – TO: William A. Gross Const. Assoc. Inc., 117 South 4th St., New Hyde Park, NY 11040.

Located on Metcalf Avenue at Seward Avenue in Soundview Park, The Bronx, known as Contract #X118-511M PLaNYC.

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REVENUE AND CONCESSIONS

■ **SOLICITATIONS**

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF A HARBOR CRUISE AND TOUR CONCESSION – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M5-M-2013 – DUE 08-29-13 AT 3:00 P.M. – At Gangway 1 or Gangway 2 in Battery Park, Manhattan.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115

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.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Nate Grove (718) 478-0480; Fax: (212) 360-3434; nate.grove@parks.nyc.gov

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■ **AWARDS**

Services (Other Than Human Services)

DEVELOPMENT, OPERATION, AND MAINTENANCE OF AN INDOOR TENNIS FACILITY AT MCCARREN PARK, BROOKLYN, NEW YORK – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B58-IT – Solicitation No.: B58-IT. License Agreement No.: B58-IT.

The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to McCarren Tennis Center Partners, LLC ("Licensee" or "Concessionaire") of 3135 Johnson Avenue, 15-A Riverdale, NY 10463, for the development, operation, and maintenance of an indoor tennis facility at McCarren Park, Brooklyn, New York. The concession, which was solicited by a Request for Proposals, will operate pursuant to a license agreement for a fifteen (15) year term. Compensation to the City is as follows: for each operating year, licensee shall pay the City license fees consisting of the higher of a guaranteed minimum annual fee (Year 1: $48,000.00; Year 2: $54,000.00; Year 3: $66,000.00; Year 4: $69,000.00; Year 5: $72,765.00; Year 6: $76,403.25; Year 7: $80,223.41; Year 8: $84,234.58; Year 9: $88,446.31; Year 10: $92,868.63; Year 11: $97,512.06; Year 12: $102,387.66; Year 13: $107,507.05; Year 14: $112,882.40; Year 15: $118,526.52) versus a percentage of gross receipts (Year 1: $5 percent; Year 2: 6 percent; Year 3: 7 percent; Year 4: 10 percent; Year 5: 10 percent; Year 6: 10 percent; Year 7: 10 percent; Year 8: 10 percent; Year 9: 10 percent; Year 10: 10 percent; Year 11: 10 percent; Year 12: 10 percent; Year 13: 10 percent; Year 14: 10 percent; Year 15: 10 percent).

☛ **a12**

SANITATION

AGENCY CHIEF CONTRACTING OFFICER

■ **AWARDS**

Services (Other Than Human Services)

NEGOTIATED ACQUISITION EXTENSION – Negotiated Acquisition – PIN# 82703P0001CNVN001 – AMT: $14,000,000.00 – TO: Grey Global Group Inc., Third Avenue, NY, NY 10017. The Department of Sanitation intends to enter into negotiations to extend a current contract through a negotiated acquisition. The Department of Sanitation has determined that there is a compelling need to extend a contract for professional services beyond the cumulative 12-month limit to Grey Global Group Inc. The vendor has special expertise and extensive acquired knowledge developed over the contract term and via numerous projects. Pursuant to the original contract, this subject expertise and knowledge are required to support the Department's efforts to fulfill its operational goals via advertising and promotional services with the capability of doing targeted outreach and education. This Negotiated Acquisition Extension will be for a two-year period which will allow for the continuity of services until a replacement Request for Proposals is completed and awarded.

The vendor has special expertise and acquired knowledge.

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AGENCY RULES

LOFT BOARD

■ **NOTICE**

NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board amends section 1-06.1 of Title 29 of the Rules of the City of New York, to add the deadline for seeking coverage by owners and tenants under the Loft Law, which is six months from the date the Loft Board adopts the rules necessary to implement the 2010 amendments to its rules, in accordance with the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

A duly noticed public hearing was held on May 16, 2013, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through May 16, 2013.

Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law.

In the 2010 amendments to the Loft Law, the New York State Legislature specified that the deadline for seeking coverage by owners and tenants under the Loft Law would be six months from the date the Loft Board adopted the rules necessary to implement the 2010 amendments to its rules. This rule constitutes the final rule necessary to implement the 2010 amendments. Therefore, the deadline for coverage will be six months from the effective date of this rule.

Accordingly, the changes to Loft Board § 1-06.1 are as follows:

- A tenant coverage application or the initial registration application form for coverage by a building owner must be filed on or before March 11, 2014, the date 6 months following the effective date of this rule.

In 2013, the Legislature further amended the Loft Law to expand the definition of an interim multiple dwelling ("IMD") provided in MDL § 281(5) (effective June 1, 2012). The Legislature set new deadlines for this newest group of IMDs, including a new code compliance timetable. Many of these deadlines, which are covered in other Loft Board rules, are triggered by the effective date of this rule.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 1-06.1 of Title 29 of the Rules of the City of New York is amended by adding a new subdivision (a) to read as follows:

(a) *Filing deadline.*

In accordance with the terms and provisions of § 282-a of the MDL, a coverage application or an initial registration application form for coverage pursuant to Article 7-C must be filed with the Loft Board on or before March 11, 2014, which is 6 months following the effective date of this subdivision (a).

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board is amending Section 1-07 of Title 29 of the Rules of the City of New York to update and clarify requirements related to reconsideration applications brought before the Loft Board.

A duly noticed public hearing was held on August 2, 2012, affording the public opportunity to comment on the amendments as required by Section 1043 of the New York City Charter. Written comments were accepted through August 2, 2012.

Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Rules promulgated pursuant to Article 7-C of the Loft Law are set forth in Title 29 of the Rules of the City of New York ("Loft Board Rules").

The amendments to Section 1-07 of the Loft Board Rules update and clarify procedures related to reconsideration applications filed with the Loft Board to ensure consistency, where appropriate, with Section 1-06 of the Loft Board Rules. Section 1-06 relates to applications to the Loft Board generally. Specifically, the changes are as follows:

1. Describe the filing and service requirements for reconsideration applications and answers to such applications;

2. Clarify the circumstances under which reconsideration applications can be made; and

3. Add section headings, and make minor clarifying revisions and revisions to conform the language of Section 1-07 to that of Section 1-06.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the Loft Board Rules, unless otherwise specified or unless the context clearly indicates otherwise.

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 1-07 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 1-07 **Reconsideration of Loft Board Determination.**

(a) Reconsideration Application.

(1) General Requirements. The procedures and requirements set forth in § 1-06 of this title apply to reconsideration applications filed pursuant to this section, except as otherwise stated in this section.

(2) Basis of the Reconsideration Application. The Loft Board, upon the application of a party aggrieved by a determination of the Loft Board, may, in its sole discretion, reconsider [such] its determination. An application for reconsideration will be granted only under the following extraordinary circumstances: [allegations] (i) an allegation of denial of due process or material fraud in the prior proceedings, (ii) an error of law, (iii) 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 would be the basis for a determination, [and] or (iv) discovery of probative, relevant evidence which could not have been discovered at the time of the hearing despite the exercise of due diligence. In addition, pursuant to § 1-06(i) of this title, an affected party who has not moved for relief from a default determination and who is aggrieved by the default determination may move to reopen the proceeding by filing an application for reconsideration with the Loft Board within 30 calendar days following the mailing date of the order. Such reconsideration application will be granted only if the Loft Board finds that the affected party has established (i) extraordinary circumstances for the failure to file an answer and (ii) substantial likelihood of success on the merits.

(b) Service and Filing of the Reconsideration Application.

(1) Service and filing requirements set forth in § 1-06(b) of this title apply to reconsideration

applications filed pursuant to this section. These requirements include but are not limited to the following:

(i) An aggrieved party must file with the Loft Board: [12] (A) 5 copies of his or her reconsideration application, [along with] at least one of which must have an original signature, (B) one copy of the instruction sheet sent to each affected party to the prior proceeding, and (C) proof [that] of service of the reconsideration application [has been served on] to the affected parties [to] in the prior proceeding [and];

(ii) Payment of the application fee required by [section] § 2-11(b)(15)[.] must be made upon submission of the reconsideration application to the Loft Board; and

(iii) Service of the application [shall] must be made in accordance with the provisions of [section 2-01(d)(1)(i)] § 1-06(b)(1).

(2) To be considered timely, a complete reconsideration application must be received by the Loft Board within 30 calendar days [of] after the mailing date [of mailing by the Loft Board] of the determination sought to be reconsidered. The application must specify the questions presented for reconsideration and the facts and points of law relied upon as a basis for seeking reconsideration, and must include a copy of the determination sought to be reconsidered.

(c) (1) Service and Filing Requirement for Answers.

(i) Unless otherwise stated here, the service and filing requirements set forth in § 1-06(c)-(f) of this title apply to answers to reconsideration applications filed pursuant to this section. [Within 20 days of service of the reconsideration application,] In accordance with § 1-06(e), any affected party [supporting or opposing the application shall] submitting an answer to the reconsideration application must file [12] 5 copies of [an] the original [answering brief or memorandum] answer and any accompanying documents, and proof of service of the answer on the applicant for reconsideration, with the Loft Board[, with proof of service upon the applicant for reconsideration].

(ii) The answer period is 20 calendar days after service of the reconsideration application on the affected party is deemed complete pursuant to § 1-06(b)(3) of this title. [Such brief or memorandum] The answer must contain the facts and [argument on which such party is relying] arguments relevant to the issues raised in the reconsideration application.

(2) Issuance of Orders. Pursuant to § 1046(f) of the City Administrative Procedure Act, prior to the issuance of the final order, the Loft Board will mail a copy of its proposed 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. [Upon determination of the reconsideration application, the decision of the Board will be mailed] The Loft Board will mail a copy of its final order, within a reasonable time from the date of the order, to [all] 1) the party or parties who filed [an] the reconsideration application, [or] 2) the parties who filed an answer, [in the reconsideration proceeding] and 3) all affected parties in the underlying proceeding.

(d) Judicial Review. A Loft Board determination issued pursuant to [section] § 1-06 of [these rules shall be the] this title constitutes a final agency determination for [the purpose] purposes of [judicial review] commencement of the running of the statute of limitations for the filing of a petition pursuant to Article 78 of the Civil Practice Law and Rules challenging such determination and seeking judicial review, unless a timely application for reconsideration of the determination has been filed. [In such case,] If a reconsideration application was filed, and the Loft Board:

[(i) if the Loft Board modifies] (1) Modifies or revokes the underlying [order] determination, [such] the revocation or modification [shall be] is deemed the final agency determination [from which] for purposes of judicial review [may be sought];

[(ii) if the Loft Board denies] (2) Denies the reconsideration application, the underlying [order] determination [shall be] is deemed the final agency determination [from which] for purposes of judicial review [may be sought], and the date of the denial of the reconsideration application [shall be] is deemed the date of the final agency determination; [and] or

[(iii) if the Loft Board decides] (3) Decides the reconsideration application by remanding the matter to the assigned staff hearing [officer] examiner or Administrative Law Judge at the Office of Administrative Trials and Hearings (OATH) for further proceedings, neither the underlying order nor the remand order [shall constitute] constitutes a final agency determination for purposes of judicial review, and no judicial review may be sought until such time as the Loft Board issues a final agency determination following the remand.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board amends section 1-07.1 of Title 29 of the Rules of the City of New York to conform the Loft Board's rules regarding appeals of administrative determinations to the Loft Board in accordance with the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

A duly noticed public hearing was held on August 2, 2012, affording the public opportunity to comment on the proposed amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through August 2, 2012.

STATEMENT OF BASIS AND PURPOSE

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. In June 2010, the Legislature amended the Loft Law by enacting Chapter 147 of the Laws of 2010, which, among other things, amended § 282 of the Loft Law.

Section 282 authorizes the Loft Board to designate the Environmental Control Board ("ECB") to enforce violations of the Loft Law. In accordance with the terms of MDL § 282, this amendment to section 1-07.1 of Title 29 of the Rules of the City of New York clarifies that the procedures for appeal in § 1-07.1, relating to appeals from administrative determinations, do not apply to appeals from ECB determinations.

The amendments further clarify that the procedures in § 1-07.1 apply to: 1) appeals from determinations by Loft Board staff with respect to any matter that does not have to go to the full Board for a determination and 2) determinations by a Loft Board hearing officer with respect to housing maintenance standard violations under § 2-04 of these rules. Finally, the amendments include minor technical changes with respect to the procedures for filing an appeal.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 1-07.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 1-07.1 **Appeal from a Determination of the [Director] Loft Board Staff or the Environmental Control Board, or Determination of a Hearing Officer Under Section 2-04.**

(1) *Appeal from a Determination of the Loft Board Staff or Hearing Officer.*

(a) *Right to Appeal.*

(1) A person aggrieved by a written determination of the [Director] Loft Board staff, with respect to any matter that is not required by these rules to be determined by the full Loft Board, or by a determination of a Loft Board hearing officer with respect to housing maintenance standard violations under section 2-04 of these rules, may appeal [from] such determination to the [full] Loft Board. The determination of the Loft Board [deciding] pursuant to such appeal [shall constitute] constitutes the final agency determination from which judicial review may be sought.

(2) *Who has the Right to Appeal?* For the purposes of this section, a "person aggrieved" by a written determination of the [Director" shall be] Loft Board staff means the owner or any residential tenant of the building in question whose rights may be affected by the determination.

For the purposes of this section, a "person aggrieved by a determination of a hearing officer with respect to housing maintenance standard violations under section 2-04 of these rules" [shall be] means the owner of the building in question or [the Director of Enforcement of] the Loft Board staff, in his or her capacity as prosecutor of housing maintenance standard violations.

(b) *Filing Requirement.*

(1) A person aggrieved by a determination as set forth in [subdivision] paragraph (a) of this [section] subdivision must file with the Loft Board [12] 5 copies of an appeal application, along with proof of service of the appeal application upon the affected parties to the prior proceeding and, except where the [Director of Enforcement of the] Loft Board staff is the appellant, the application fee required by [section] § 2-11(b)(14). Service of the application [shall] must be made in accordance with the provisions of [section 2-01(d)(1)(i)] § 1-06(b). To be considered timely, an appeal application must be received by the Loft Board within 45 calendar days of the date of mailing of the determination sought to be appealed. The application must specify the questions presented for appeal and the facts and points of law relied upon as a basis for seeking appeal.

Who is an Affected Party in an Appeal? For the purposes of this section, an "affected party" in an appeal from a staff determination [of the Director shall be] means the owner or any residential tenant of the building in question whose rights may be affected by the determination.

For the purposes of this section, an "affected party" in an appeal from a determination of a hearing officer with respect to housing maintenance standard violations under section 2-04 of these rules [shall be] means the owner of the building in question or the [Director of Enforcement of the] Loft Board staff, in his or her capacity as prosecutor of housing maintenance standard violations.

(c) *Answer Period in an Appeal and Notice of the Final Order.*

Within 20 calendar days of service of the appeal application, any party supporting or opposing the application [shall] must file [12] 5 copies of an [answering brief or memorandum] answer with the Loft Board, with proof of service, in accordance with the provisions of [section 2-01(d)(1)(i)] § 1-06(e) of these rules, upon the applicant. [Such brief or memorandum] The answer must contain the facts and argument on which such party is relying. [Upon] Pursuant to § 1046(f) of the New York City Charter (City Administrative Procedure Act), upon determination of the appeal application, the [decision] final orders of the Loft Board will be mailed to all parties who filed an application or answer in the appeal proceeding. The proposed order will be mailed prior to the issuance of the final order.

(d) *Standard of Review.*

In [determining] reviewing an appeal from a determination [in] by the Loft Board staff or of a Loft Board hearing officer with respect to housing maintenance standard violations under § 2-04 of these rules, the Loft Board [shall review the determination with regard to] must consider whether the facts found [therein] are supported by substantial evidence in the record, whether the law was correctly applied, and whether the penalty imposed is appropriate, but [shall] may not consider any evidence not presented to the Loft Board staff or Loft Board hearing officer, unless good cause is shown as to why the evidence was not previously available.

(e) *Loft Board Authority.*

The Loft Board [shall have the power to] may reverse, remand, or modify any determination appealed from pursuant to this section and may reduce the penalty imposed by a hearing officer for housing maintenance standard violation, or the penalty imposed by the Loft Board staff.

(2) *Appeal from a Determination of the Environmental Control Board.*

An appeal from a determination of an Environmental Control Board ("ECB") hearing examiner issued pursuant to a Loft Board rule must be brought before the ECB in accordance with the applicable rules and provisions established by the ECB, as set forth in Chapter 3 of Title 48 of the Rules of the City of New York, and must be in a form prescribed by the ECB, which may be obtained at www.nyc.gov/ecb.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board amends sections 2-01, 2-03 and 2-08 of Title 29 of the Rules of the City of New York to conform these rules to the 2010 and 2013 amendments to the Loft Law and provide further clarification of existing rule requirements.

A duly noticed public hearing was held on May 16, 2013, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through May 16, 2013.

STATEMENT OF BASIS AND PURPOSE

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. In 2010 and 2013, the Legislature amended the Loft Law by enacting Chapters 135 and 147 of the Laws of

2010 and Chapter 4 of the Laws of 2013. The 2010 amendments to the Loft Law established a new category of interim multiple dwellings (IMDs) covered by the Loft Law by adding a new MDL § 281(5). In 2013, the Legislature further amended the definition of an IMD in MDL § 281(5).

As described more fully below, the rule amendments amend provisions of sections 2-01, 2-03 and 2-08 of Title 29 of the Rules of the City of New York to conform these rules to the 2010 and 2013 amendments to the Loft Law and provide further clarification of existing rule requirements. Section 1 of this rulemaking amends subdivisions (a) through (h) of 29 RCNY § 2-01. Sections 2 and 3 of this rulemaking amend subdivisions (i) and (m) of § 2-01. Sections 4 through 8 of this rulemaking amend subdivisions (a) and (b) of 29 RCNY § 2-03. Sections 9 through 13 of this rulemaking amend subdivisions (a), (b), (d), (e), (j), (k), (m), (n), (q), (r), and (s) of 29 RCNY § 2-08.

Amendments to § 2-01

The amendments to § 2-01 in Sections 1 through 3:

- Add code compliance deadlines for IMDs subject to the Loft Board's jurisdiction under MDL § 281(5) pursuant to the 2010 and 2013 amendments to the Loft Law;
- Update code compliance deadlines for IMDs subject to the Loft Board's jurisdiction pursuant to MDL §§ 281(1) and 281(4);
- Extend the time to apply for an extension of the final code compliance deadline (certificate of occupancy) for IMD owners subject to the Loft Law pursuant to the 2010 amendments to the Loft Law;
- Clarify the procedures for applying for rent adjustments based on code compliance costs and Rent Guidelines Board increases and explain how such procedures apply to IMDs subject to the Loft Board's jurisdiction pursuant to MDL § 281(5);
- Clarify the Loft Board's procedures for setting the initial legal regulated rent;
- Provide that an owner is subject to civil penalties in accordance with 29 RCNY § 2-11.1 for violations of 29 RCNY § 2-01; and
- Extend other existing requirements in 29 RCNY § 2-01 to the IMDs subject to the Loft Board's jurisdiction pursuant to MDL § 281(5).

Amendments to § 2-03

In Sections 4 through 8, the Loft Board is amending § 2-03, governing hardship exemption applications to the Loft Board. Pursuant to MDL § 285(2), owners may apply to the Loft Board for an exemption from Article 7-C coverage on the basis that the compliance with Article 7-C would cause an unjustifiable hardship as defined in § 285(2).

The amendments to § 2-03:

- Provide the filing deadlines for hardship applications as added in the 2010 and 2013 amendments to the Loft Law;
- Require that an applicant for a hardship exemption attach all supporting documentation to the hardship application form at the time of the initial filing; and
- Generally extend existing provisions in § 2-03 to IMD owners subject to the Loft Board's jurisdiction pursuant to MDL § 281(5).

Amendments to § 2-08

In Sections 9 through 13, the Loft Board is amending 29 RCNY § 2-08, which governs Article 7-C coverage for IMDs.

The amendments to § 2-08:

- Update the requirements for Article 7-C coverage with respect to IMDs covered under MDL § 281(5) in accordance with the 2013 amendments to the Loft Law; and
- Extend existing provisions of § 2-08 to IMDs subject to the Loft Board's jurisdiction pursuant to the 2013 amendments to the Loft Law.

In 2010, the New York State Legislature added restrictions for Article 7-C coverage pursuant to MDL § 281(5) based on, among other things, the size of the IMD and the other uses in the building existing on June 21, 2010. The 2010 amendments excluded from Article 7-C coverage buildings that contained uses that: 1) are listed in Use Groups 15 through 18 of the Zoning Resolution; 2) were currently and actively pursued in the building on June 21, 2010; and 3) the Loft Board determined to be inherently incompatible with residential use in the building. In May 2011, the Loft Board amended § 2-08 to reflect the 2010 amendments to the Loft Law by including the criteria for an IMD pursuant to MDL § 281(5) and by clarifying what uses in Use Groups 15 through 18 are "inherently incompatible" with residential use.

In 2013, the Legislature modified the criteria for Article 7-C coverage under § 281(5). The 2013 amendments reduced the minimum size of an IMD unit from 550 to 400 square feet and provided that an activity described in Use Groups 15 through 18 will only bar Article 7-C coverage if the activity existed on June 21, 2010 and continued until the date of the application for Article 7-C coverage. The amendments to § 2-08 reflect these 2013 changes to the Loft Law.

Matter underlined is new; matter [in brackets] is deleted.

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

Section 1. Subdivisions (a) through (h) of section 2-01 of Title 29 of the Rules of the City of New York are amended to read as follows:

§2-01 **Code Compliance Deadlines, the Narrative Statement Process, Code Compliance Work and Removal from the Loft Board's Jurisdiction.**

(a) ***Code compliance timetable for Interim Multiple Dwellings (IMD's).***

The owner of any building, structure or portion thereof that meets the criteria for an IMD set forth in § 281 of Article 7-C and Loft Board coverage regulations, shall comply with the code compliance deadlines set forth below. Any building or unit that is not covered by Article 7-C because of the denial of a grandfathering application or expiration of study area status is not required to be legalized pursuant to these regulations, unless either the area in which the building is located is rezoned to permit residential use or a unit or units at the building qualify for coverage pursuant to M.D.L. § 281(4) or § 281(5). However, the building must still comply with all other applicable laws and regulations.

[In these code compliance regulations, the term]

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 § 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" shall mean thirty days and] "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 § 2-01(d)(2)(v).

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

Code Compliance Deadlines. The failure of an owner to meet any of the code compliance deadlines [set forth] provided below does not relieve the owner of its obligations to comply with these requirements nor does it relieve the owner 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 that applied pursuant to §284(1)(i) of Article 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 or a portion of a building subject to Article 7-C pursuant to MDL § 281(5).

Paragraphs (9) and (10) of this subdivision implement the current code compliance deadlines set forth in MDL § 284(1)(vi) for buildings or portions of buildings subject to Article 7-C pursuant to MDL § 281(5). Paragraph (9) implements the current code compliance deadlines for a building or portion of a building covered by Article 7-C pursuant to chapters 135 or 147 of the laws of 2010. Paragraph (10) implements the current code compliance deadlines for a building or portion of a building covered by Article 7-C pursuant chapter 4 of the laws of 2013.

(1) *Deadlines for filing alteration applications.*

(i) Code compliance timetable for buildings in which all residential units are as of right.

The owner of an IMD that contains only residential units in which residential use is permitted as of right under the Zoning Resolution shall have filed an alteration application by March 21, 1983.

(ii) Buildings with 3 or more as of right units and additional units eligible for grandfathering.

The owner of an IMD that, on December 1, 1981, contained 3 or more residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in subsection 281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

(A) Shall have filed an alteration application for all covered as of right residential units by March 21, 1983, and

(B) Following the grandfathering approval of any additional residential units, the owner shall amend the existing alteration application to reflect approval of the grandfathering application for the additional unit or units within a month from such approval or within a month of the effective date of these regulations, whichever is later.

(iii) Buildings with fewer than 3 as of right units and additional units eligible for grandfathering.

The owner of an IMD that, on December 1, 1981, contained fewer than three residential units as of right and 1 or more units eligible for coverage by use of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

(A) Shall file an alteration application for all covered residential units within 9 months after approval of the grandfathering application of the unit that becomes the third covered residential unit, and

(B) Following the grandfathering approval of the unit that becomes the third eligible residential unit, the owner of a building with additional units eligible for grandfathering shall amend the existing alteration application to reflect approval of the grandfathering application for the additional unit or units within a month after such approval or within a month after the initial timely filing of the alteration application referred to in §2-01(a)(1)(iii)(A) above, whichever is later.

(iv) Buildings in study areas rezoned to permit as of right residential use.

The owner of an IMD located in an area designated by the Zoning Resolution as a study area that is rezoned to permit residential use as of right shall file an alteration application within 9 months after the effective date of such rezoning.

(v) Buildings in study areas rezoned to permit residential use with 3 or more as of right units and additional units eligible for grandfathering.

The owner of an IMD that is located in an area designated by the Zoning Resolution as a study area and that, as a result of rezoning, contains 3 or more residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08 "Grandfathering" (i) and (ii) of these Loft Board regulations:

(A) Shall file an alteration application for all covered as of right residential units within 9 months after the effective date of such rezoning, and

(B) Following the grandfathering approval of any additional residential units, the owner shall amend the existing alteration application to reflect approval of the grandfathering application for the additional unit or units within a month after such approval.

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

The owner of an IMD that is located in an area designated by the Zoning Resolution as a study area and that, as a result of rezoning, contains fewer than 3 residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

(A) Shall file an alteration application for all covered residential units within 9 months after approval of the grandfathering application of the unit that becomes the third covered residential unit, and

(B) Following the grandfathering approval of the unit that becomes the third eligible residential unit, the owner of a building with additional units eligible for grandfathering shall amend the existing alteration application to reflect approval of the grandfathering application for the additional unit or units within a month after such approval or within a month after the initial timely filing of the alteration application referred to in §2-01(a)(1)(vi)(A) above, whichever is later.

(2) *Deadlines for obtaining permits.*

(i) Code compliance timetable for buildings in which all residential units are as of right.

The owner of an IMD that contains only residential units in which residential use is permitted as of

right under the Zoning Resolution shall take all necessary and reasonable actions to obtain a building permit within 6 months after the effective date of these regulations.

(ii) Buildings with 3 or more as of right units and additional units eligible for grandfathering.

The owner of an IMD that, on December 1, 1981, contained 3 or more residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

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

(B) Following the grandfathering approval of any additional residential units, the owner shall take all necessary and reasonable actions to obtain approval of the amended alteration application for the additional units within 6 months after such grandfathering approval or within 6 months after the effective date of these regulations, whichever is later.

(iii) Buildings with fewer than 3 as of right units and additional units eligible for grandfathering.

The owner of an IMD that, on December 1, 1981, contained fewer than 3 residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

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

(B) Following the grandfathering approval of the unit that becomes the third eligible residential units, the owner of a building with additional units eligible for grandfathering shall take all necessary and reasonable actions to obtain approval of the amended alteration application for the additional units within 6 months after such grandfathering approval or within 6 months after the effective date of these regulations, whichever is later.

(iv) Buildings in study areas rezoned to permit as of right residential use.

The owner of an IMD located in an area designated by the Zoning Resolution as a study area that is rezoned to permit residential use as of right shall take all necessary and reasonable actions to obtain a building permit for all covered residential units within 6 months after the effective date of these regulations or within 6 months after the timely filing of the alteration application, whichever is later.

(v) Buildings in study areas rezoned to permit residential use with 3 or more as of right units and additional units eligible for grandfathering.

The owner of an IMD that is located in an area designated by the Zoning Resolution as a study area and that, as a result of rezoning, contains 3 or more residential units as of right and 1 or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

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

(B) Following the grandfathering approval of any additional residential units, the owner shall take all necessary and reasonable actions to obtain approval of the amended alteration application for the additional units within 6 months after such grandfathering approval.

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

The owner of an IMD that is located in an area designated by the Zoning Resolution as a study area and that, as result of rezoning, contains fewer than three residential units as of right and one or more units eligible for coverage by use of one of the grandfathering procedures set forth in §281(2)(i) or (iv) of Article 7-C, as defined in §2-08(a) "Grandfathering" (i) and (ii) of these Loft Board regulations:

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

(B) Following the grandfathering approval of the unit that becomes the third eligible residential unit, the owner of a building with additional units eligible for grandfathering shall take all necessary and reasonable actions to obtain approval of the amended alteration application for the additional units within 6 months after such grandfathering approval.

(3) *Deadlines for Article 7-B compliance.*

The owner of an IMD shall achieve compliance with the fire and safety standards of Article 7-B of the M.D.L. for all covered residential units within 18 months after a building permit has been obtained or within 18 months after the effective date of these regulations, whichever is later. Or the owner may elect to comply with other local building codes or provisions of the M.D.L. that provide alternative means of meeting the fire and safety standards of Article 7-B (pursuant to §287 of Article 7-C) within 18 months after a building permit has been obtained or within 18 months after the effective date of these regulations, whichever is later. Where an owner is required to amend the existing alteration application to reflect approval of grandfathering applications for additional units pursuant to §2-01(a)(1)(ii)(B), (iii)(B), (v)(B) or (vi)(B) above, the owner shall achieve compliance with the fire and safety standards of Article 7-B, or with alternative building codes or provisions of the M.D.L. for the additional grandfathered unit or units within 18 months after the timely approval of the amended alteration application or within 18 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 7-B compliance or compliance with alternative building codes or provisions of the M.D.L.

(4) *Deadlines for obtaining a final certificate of occupancy.*

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

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

(i) File an 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 with the fire and safety standards of Article 7-B of the M.D.L. for all covered residential units by April 1, 1995, or within 18 months after an approved alteration permit has been obtained, whichever is later. The owner may, alternatively, elect to comply with other building codes or provisions of the M.D.L. that provide alternative means of meeting the fire and safety standards of Article 7-B (pursuant to M.D.L. §287) by April 1, 1995 or within 18 months after an approved 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 by October 1, 1995, or within 6 months after achieving compliance with the fire and safety standards of Article 7-B, alternative building codes, or provisions of the M.D.L., whichever is later.

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

(i) File an alteration application by October 1, 1996; and

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

(iii) Achieve compliance with the fire and safety standards of Article 7-B of the M.D.L. for all covered residential units by April 1, 1999 or within 18 months after obtaining an approved 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 by June 30, 1999, or within 3 months after achieving compliance with the fire and safety standards of Article 7-B of the M.D.L., whichever is later.

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

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

(i) File an alteration application by September 1, 1999; and

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

(iii) Achieve compliance with the fire and safety standards of Article 7-B of the M.D.L. for all covered residential units by May 1, 2002, or within 12 months after obtaining an approved 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 by May 31, 2002, or within 1 month after achieving compliance with the fire and safety standards of Article 7-B of the M.D.L., whichever is later.

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

(8) Notwithstanding the provisions of subdivisions (a)(1) through (a)(7) of this section, the owner of an IMD who has not complied with the requirements of M.D.L. §284(1)(i), (ii), (iii) or (iv) by [May 31, 2002 shall:

(i) File an alteration application by September 1, 1999; and

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

(iii) Achieve compliance with the fire and safety standards of Article 7-B of the M.D.L. for all covered residential units by May 1, 2008, or within 12 months after obtaining an approved 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 by May 31, 2008, or within 1 month after achieving compliance with the fire and safety standards of Article 7-B of the M.D.L., whichever is later.

(v) As an alternative to complying with the requirements of subparagraph (iii) of this subdivision, an owner may, pursuant to M.D.L. §287, elect to comply with other local building codes or provisions of the M.D.L. that provide alternative means of meeting the fire and safety standards of Article 7-B by May 1, 2008 or within 12 months after obtaining an approved alteration permit, whichever is later.] <u>June 21, 2010 must:</u>

<u>(i) File an alteration application by September 1, 1999; and</u>

<u>(ii) Take all reasonable and necessary action to obtain an approved alteration permit by March 1, 2000; and</u>

<u>(iii) Achieve compliance with the fire and safety standards of Article 7-B of the MDL for all covered residential units by June 1, 2012, or within 12 months after obtaining an approved alteration permit, whichever is later; and</u>

<u>(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 by July 2, 2012, or within 1 month after achieving compliance with the fire and safety standards of Article 7-B of the MDL, whichever is later.</u>

<u>(v) As an alternative to complying with the requirements of subparagraph (iii) of this paragraph (8), an owner 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 7-B by June 1, 2012 or within 12 months after obtaining an approved alteration permit, whichever is later.</u>

<u>(9) *2013 amended code compliance timetable for buildings subject to Article 7-C pursuant to MDL § 281(5) as a result of*</u>

the 2010 amendments to the Loft Law.

The owner of a building, structure or portion of a building or structure that is covered by MDL § 281(5) and became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 must:

(i) File an alteration application by March 21, 2011; and

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

(iii) Achieve compliance with the fire and safety standards of Article 7-B of the MDL for all covered residential units within 18 months after obtaining an approved 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 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 7-B by no later than 18 months from the issuance of the alteration permit.

(10) *2013 code compliance timetable for buildings subject to Article 7-C pursuant to MDL § 281(5) as a result of the 2013 amendments to the Loft Law.*

The owner of a building, structure or portion of a building or structure that is covered by MDL § 281(5) and became subject to Article 7-C pursuant to Chapter 4 of the Laws of 2013 must:

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

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

(iii) Achieve compliance with the fire and safety standards of Article 7-B of the MDL for all covered residential units within 18 months after obtaining an approved 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 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 7-B by no later than 18 months after the obtaining an alteration permit.

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

(1) *Extensions of current deadlines.*

Pursuant to [M.D.L.] MDL § 284(1), an owner of an IMD building may apply to the Loft Board for an extension of time to comply with the code compliance deadlines [set forth] provided in MDL § 284 [of the Multiple Dwelling Law, as] in effect on the date of the filing of the extension application.

[An application for an extension shall not be filed after the deadline for which an extension is sought has passed, except that where title to the IMD was conveyed to a new owner, within 90 days after acquisition of title, such new owner may file an application for an extension of time of up to one (1) year to comply with the most recently passed deadline. "New Owner" shall be 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 code compliance deadlines of the Multiple Dwelling Law. The Executive Director shall make a determination of whether an applicant qualifies as a "new owner." The Executive Director may request documentation or other appropriate information to substantiate that an applicant is a "new owner."]

An 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" after the code compliance deadline has passed, the new owner may file an extension application for the passed deadline within 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 making a determination, the Executive Director may request additional information relevant to the extension application including, but not limited to, information regarding the applicant's claim to be a new owner as defined in this paragraph.

(ii) Where the IMD is found to be covered under Article 7-C or registered as an IMD after the code compliance deadline has passed, the owner may file an extension application for the passed code compliance deadline within 90 calendar days after either a finding of Article 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 appeals a finding of Article 7-C coverage, the owner may file an extension application 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 § 2-01(a)(9)(iv) of these Rules 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.

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

(2) *Statutory standard.*

(i) The [Loft Board] Executive Director will grant an extension of the code compliance deadlines in MDL § 284(1)(ii), (iii), (iv), (v) or (vi) [pursuant to this subdivision] only where an 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 control, and that the owner has made good faith efforts to meet the code compliance timetable requirements. Examples of such conditions or circumstances beyond the owner's control include, but are not limited to, a requirement for a certificate of appropriateness for modification of a landmarked 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 described in § 2-01(b)(1)(i) and § 2-01(b)(1)(ii) above, the Executive Director may consider any action the owner has taken from the date that the title transferred to the new owner, or from the date of the determination of Article 7-C coverage, up to the date the owner filed the extension application when making a determination of whether the owner has exercised good faith efforts to satisfy the requirements.

The existence of conditions or circumstances beyond the owner's control and good faith efforts must be demonstrated in the application by the submission of corroborating evidence[, for]. 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 to show the existence of conditions or circumstances beyond the owner's control and good faith efforts. Proof of the date that the title was transferred to the owner or proof of when the building was deemed covered under Article 7-C should be submitted with the application. Failure to include [such] corroborating evidence in the application [shall] may be grounds for denial of the application without further consideration.

(ii) Pursuant to MDL §§ 284(1)(i) and 284(1)(vi), upon proof of compliance with Article 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 months each, upon proper showing of good cause.

(3) *Administrative Determination on the Extension Application*

The 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 for an extension. Where the Loft Board's Executive Director determines that the owner has met the statutory standards for an extension, the Executive Director shall grant the minimum extension required by the IMD owner. Applications for extensions of code compliance deadlines will be limited to one extension per deadline in the amended code compliance timetable.

The Executive Director's administrative determination [shall] will be mailed to the owner and to the affected parties identified in the application submitted pursuant to paragraph (4) of this subdivision below, and [shall] may be [subject to review by] appealed to the Loft Board upon application by such owner or affected party.

[An application for review of such determination shall be timely if filed within 20 days after the date of mailing. Applications for extensions pursuant to this subparagraph shall be limited to one per deadline in the amended code compliance timetable.] An appeal of the administrative determination must be filed in accordance with § 1-07.1 of these rules.

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

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

[Applications filed pursuant to paragraph (3) of this subdivision must be filed with the Loft Board along with two copies.] (ii) The original extension application and 2 copies must be filed with the Loft Board. Prior to filing an extension application [pursuant to paragraph (3)] with the Loft Board, an owner shall serve a copy of [such] the extension application upon [each] the occupant of [an] each IMD unit in the building in the manner described in [Title 29 of the Rules of the City of New York] § 1-06(b) of these rules. Any occupant of an IMD unit [in the building] may file an answer to such application with the Loft Board within 20 calendar days from [completion of service by owner] the date service of the application is deemed complete, as determined below in subparagraph (iv).

(iii) The occupant(s) of an IMD unit [shall] must serve a copy of [such] the answer upon the owner prior to filing the answer with the Loft Board. [Service pursuant to this subdivision may be by first class mail, or by any method permitted by Article 3 of the New York Civil Practice Law and Rules.] Each [application and] answer filed with the Loft Board [shall] must include, at the time of filing, proof of [such] service in the manner described in § 1-06(d) and (e) of the Loft Board rules.

(iv) Service of the application by mail [shall be] is deemed completed five calendar days following mailing. [If service of the application is performed in any manner other than mailing, service shall be deemed completed on the date the application is served.] While an application filed under this subdivision is pending, an owner may amend [such] the application one time to request a longer extension period than was originally sought in the application.

(c) *Violations of the code compliance timetable.*

(1) The Loft Board, on its own initiative or in response to complaints, may commence a proceeding to determine whether an owner has violated the provisions of § 284(1) of the MDL or these code compliance rules. In addition, a residential occupant of an IMD building may [make] file with the Loft Board an application seeking a Loft Board determination on whether the owner of the occupant's building is in violation of the provisions of § 284(1) of the MDL or these code compliance rules.

(2) An owner who is found by the Loft Board to have violated the code compliance [timetable] timetables set forth in MDL § 284(1) or any provision of § 2-01(a) of these rules: (i) may be subject to a civil penalty [not to exceed $1,000 for each violation as prescribed by the Loft Board] in accordance with § 2-11.1 of the Loft Board rules for each missed deadline; (ii) may be subject to all penalties [set forth] provided in Article 8 of the [M.D.L.] MDL; [(iii) may be subject to the penalties set forth in Chapter 1 of Title 26 and Chapter 1 of Title 27 of the Administrative Code; and (iv)] and (iii) may be subject to a specific performance proceeding as [set forth] as provided in [subparagraph] paragraph (4) below.

(3) Upon demonstration by an owner of insufficient funds to proceed with code compliance, the Loft Board [shall] may consider the lack of sufficient funds in mitigation of any fine to be imposed against the owner upon a finding of noncompliance. To obtain the benefit of the defense of insufficient funds, an owner [shall] must supply the Loft Board with an income and expense statement for the building verified by an independent certified public accountant, a written estimate of the cost of compliance with the cited deadline or requirement from a registered architect[, and if the building does not provide sufficient funds for purposes of compliance then]. If the funds generated by the building are not sufficient to cover the costs of the necessary compliance work, the owner [shall] must also supply a letter from two separate banks or mortgage brokers refusing to offer sufficient funds to comply, accompanied by copies of the owner's applications for such funds, or if the lenders refuse to provide a written rejection, then the owner shall file an affidavit setting forth the basis for the owner's belief that the applications have been rejected.

(4) If the Loft Board finds an owner in violation of the code compliance timetable set forth in MDL § 284(1) and § 2-01(a) of these rules, the Loft Board or any three occupants of separate, covered residential units in the building may apply to a court of competent jurisdiction for an order of specific performance directing the owner to satisfy all code compliance requirements set forth in this section.

(5) The owner of an IMD who is found by the Loft Board to have [wilfully] willfully violated the code compliance timetable of these regulations or to have violated the code compliance timetable more than once may be found [guilty of harassment] to have harassed occupants with respect to such IMD in a harassment proceeding before the Loft Board.

(6) If any residential occupant of an IMD building is required to vacate its unit as a result of a municipal vacate order that has been issued for hazardous conditions as a consequence of an owner's unlawful failure to comply with the code compliance timetable:

(i) The occupant, at its option, [shall] will be entitled to recover from the owner the fair market value of any improvements made or purchased by the occupant and [shall] will be entitled to reasonable moving costs incurred in vacating the unit. All such transactions shall be fully in accordance with § 2-07 of the Loft Board rules [and regulations] regarding Sales of Improvements. These rights are in addition to any other remedies the occupant may have.

(ii) Any municipal vacate order shall be deemed an order to the owner to correct the noncompliant conditions, subject to the provisions of Article 7-C. The issuance of such an order as a result of the owner's unlawful failure to comply with the code compliance timetable shall result in a rebuttable presumption of harassment in a harassment proceeding brought by an occupant or occupants before the Loft Board.

(iii) When the owner has corrected the noncompliant conditions, the occupants [shall] will have the right to reoccupy the unit and [shall] will be entitled to all applicable [tenant] occupant protections of Article 7-C, including the right to reoccupy the unit at the same rent paid prior to the vacancy period plus any rental adjustments authorized by Article 7-C or the Loft Board [pursuant to its] rules [and regulations]. Furthermore, the occupant [shall] will be entitled to recover from the owner reasonable moving costs incurred in reoccupying the unit in accordance with § 2-07 of the Loft Board rules [and regulations] regarding Sales of Improvements.

(iv) At no time [shall] may rent for the unit be due or collectible for such period of vacancy.

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

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

(i) All notices, requests, responses and stipulations served by owners and occupants directly upon each other shall 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 calendar days of mailing if service was performed by mail. Service of a notice, request, response or stipulation by the parties shall be effected either:

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

Proof of service [shall] must be in the form of: a) a verified statement [of] 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 [regulations] rules will be sent by regular mail.

Service [shall be] is deemed effective [upon] on the date of personal delivery or five calendar 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 [shall be] is effective upon personal delivery or five calendar days following service by mail.

(2) *Procedure for occupant review of the* [*plans*] *narrative statement and legalization plan and resolutions of occupant objections.*

(i) Buildings not covered under MDL § 281(5). This paragraph (2) shall apply to IMD's for which a building permit for achieving compliance with the fire and safety standards of Article 7-B, alternative building codes or provisions of the M.D.L. 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 who thereafter requests reinstatement of the underlying alteration application [pursuant to Department of Buildings ("D.O.B.") Directive No. 17 of 1971] shall be required to 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 is required to amend an alteration application to reflect grandfathering approval of additional units pursuant to §§ 2-01(a)(1)(ii)(B), (iii)(B), (v)(B), or (vi)(B), or where an owner is required to amend an alteration application to reflect the coverage of additional units under M.D.L. §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) of such unit(s).

This paragraph (2) shall not apply to IMD's for which a building permit for achieving compliance with Article 7-B, alternative building codes or provisions of the M.D.L. 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 until such compliance is achieved. However, an 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 for which the permit was issued constitutes an unreasonable interference with the occupant's use of its unit in accordance with the provisions of § 2-01(h) of these regulations.

This paragraph (2) also shall not apply to those units in IMD's for which a temporary or final[/permanent] 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.

[(i) Within] (ii) *For buildings covered under MDL § 281(5) as a result of the 2010 amendments to the Loft Law.* The requirements of § 2-01(d)(2) ("paragraph (2)") apply to an IMD covered by MDL § 281(5) that became subject to Article 7-C pursuant 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 7-B, alternative building codes, or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Article 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 and legalization plan until the final certificate of occupancy is obtained.

(B) If a building permit has been issued prior to June 21, 2010 and the owner 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 will be required to comply with all provisions of 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, prior to June 21, 2010, the building was already registered as an IMD because other units in the building are covered by Article 7-C pursuant to MDL §§ 281(1) or (4); the building had an 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) 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 and legalization plan until the final certificate of occupancy is obtained.

(iii) *For buildings covered under MDL § 281(5) as a result of the 2013 amendments to the Loft Law.* The requirements of § 2-01(d)(2) ("paragraph (2)") apply to an IMD covered by MDL § 281(5) that became subject to Article 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 7-B, alternative building codes, or provisions of the MDL that provide alternative means of meeting the fire and safety standards of Article 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 until the final certificate of occupancy is obtained.

(B) If a building permit has been issued prior to June 1, 2012 and the owner 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 will be required to 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, prior to June 1, 2012, the building was already registered as an IMD because other units in the building are covered by Article 7-C pursuant to MDL §§ 281(1), 281(4) or 281(5); the building had an 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) 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 and legalization plan until the final certificate of occupancy is obtained.

(iv) An occupant of an IMD covered by Article 7-C pursuant to MDL § 281(5), who did not participate in the narrative statement process because § 2-01(d)(2) did not apply to the unit as described in § 2-01(d)(2)(ii)(A) or § 2-01(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 for which the permit was issued constitutes an unreasonable interference with the occupant's use of its unit in accordance with the provisions of § 2-01(h) of these rules.

(v) *Narrative Statement*. Except as otherwise provided in this paragraph (2), within 15 calendar days of the filing of its alteration application [or within 30 days after the effective date of this regulation, whichever is later] with DOB, the owner [shall] of an IMD must provide all occupants with a narrative [,]statement, upon [such] the approved Loft Board form [as is prescribed by the Loft Board], describing separately for each unit, both residential and nonresidential, all the work to be performed in such unit and all of the work to be performed in common areas. [This] 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 [shall] of work to be performed must include a listing of all noncompliant conditions, citation to the specific provisions of law or regulation that require their correction, and the work to be performed to correct them; an estimated time schedule for performance of the work; and a certification that the narrative statement is a complete and accurate statement reflecting all of the work proposed in the filed alteration application and the corresponding legalization plan, as defined in subdivision (a) of this section.

In accordance with the procedures set forth in § 2-01(d)(1), following service of [such] the narrative statement, the owner [shall] must file with the Loft Board the original narrative statement with proof of service, as required by § 2-01(d)(1)(i), two copies of its filed alteration application along with the [D.O.B's] DOB's acknowledgment of filing, and two copies of the [submitted plans] 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 [plans] legalization plan by appointment at the Loft Board [or at the D.O.B in accordance with the department's procedures]. An occupant may request from the owner a reproducible copy of the alteration application and [plans] legalization plan, construction specifications, if any, and the tenant [safety] protection plan described in subparagraph [(ii)] (vi) below, and the owner [shall] must supply such copy within 7 calendar days of service of the request. [Cost to the occupant shall be $5.00 per page for plans required by § 27-162 of the Administrative Code and $0.25 per page for all other documents] The cost of the copies of the alteration application and legalization plan are payable by the occupants up to the amount listed in § 101-03 of Title 1 of the Rules of the City of New York.

[(ii)] (vi) The owner [shall] must certify to the [D.O.B., upon such] DOB on the approved Loft Board form [as is prescribed by the Loft Board for this purpose,] that it has complied with the provisions of [the preceding] subparagraph [(i)] (v); that it [shall] will comply with all other requirements of this paragraph (2) [of the Loft Board's regulations] and with the requirement for a tenant [safety plan pursuant to D.O.B. Directive No. 2 of 1984] protection plan pursuant to New York City Administrative Code § 28-104.8.4; and that prior to obtaining the building permit, the owner [shall] will submit to the [department] DOB a letter from the Loft Board, certifying compliance with all requirements of § 2-01(d)(2).

[This] The owner's certification [shall] must be filed with the [D.O.B.] DOB within 5 calendar days after the owner's filing with the Loft Board pursuant to the procedures described in the preceding subparagraph [(i)] (v).

[(iii)] (vii) *Narrative Statement Conference*

Within 30 calendar days after the owner has filed [the] a complete narrative statement, as required by [§2-01(d)(2)(i)] § 2-01(d)(2)(v), the Loft Board will notify the owner and all occupants that a conference has been scheduled. [This notification shall be] The notice from the Loft Board will be sent by regular mail. This conference is for informational and conciliatory purposes. The Loft Board representative assigned to conduct the conference [shall outline the requirements of Article 7-B of the M.D.L., shall] may review the provisions of these code compliance [regulations] rules, including [the section] § 2-01(f), dealing with occupant participation [§2-01(f) and shall] and may address the participants' questions.

The owner or its representative will present its [proposed work plan] alteration application, narrative statement, legalization plan and the estimated time schedule for performance of the work. The occupants may raise any questions, comments or suggestions regarding the [proposed work plan] alteration application, narrative statement and legalization plan and the estimated schedule. The Loft Board representative [shall] will encourage the owner and occupants to discuss fully the [prepared plan] alteration application, narrative statement, legalization plan, and the schedule, and to reach an agreement as to the performance of code compliance work.

The Loft Board representative may authorize an additional period of time, not to exceed 21 calendar 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 day period, must be in writing, signed by the parties, and filed with the Loft Board as provided in § 2-01(f).

With the exception of material contained in any written agreement(s) among the parties, the conference [shall] 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 [shall] are not [be] 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(s), the Loft Board [shall] may schedule a conference for any IMD unit for which § 2-01(d)(2) does not apply.

[(iv) (A) Within 45 days after the conference or, if authorized, the additional period of time described in §2-01(d)(2)(iii), any occupant may file (a) with the D.O.B. an alternate plan for work affecting the occupant's use of its unit* when the owner's proposed plan may unreasonably interfere with the occupant's use of the unit or (b) with the Loft Board an application in support of any claim that the owner's proposed plan will diminish services to which an occupant is legally entitled. In addition, if authorized by the Loft Board representative, an alternate plan may be proposed by an occupant which is not required to be filed with the D.O.B. when the occupant's claim does not require a D.O.B. review of code issues in order for the Loft Board to resolve the dispute.

* As pursuant to§ 27-142 of the Administrative Code the Department of Buildings has agreed to accept such applications for filing without requiring the owner's authorization, which is an exception to its normal procedures.]

(viii) (A) Within 45 calendar days after due notice issued by the Loft Board or, if authorized, the additional period of time described in § 2-01(d)(2)(vii), any occupant:

(a) May file with the DOB an alternate plan application, including a legalization plan, for work affecting the occupant's use of its unit if the proposed work in the owner's alteration application and legalization plan unreasonably interferes with the occupant's use of the unit and the occupant's alternate plan requires a review by DOB;

(b) May file with the DOB an alternate plan application in support of a claim that the owner's alteration application and legalization plan will diminish services to which the occupant is legally entitled; and

(c) If authorized by the Loft Board staff, may file comments with the Loft Board opposing the owner's alteration application and legalization plan on the ground that such plans unreasonably interfere with the occupant's use of the unit or diminish services to which an occupant is legally entitled, provided that the occupant's claim does not require DOB review in order for the Loft Board to resolve the dispute.

(B) If the occupant's alternate plan proposed pursuant to this subparagraph (viii) is required to be filed with the [D.O.B.] DOB because it requires DOB review, it shall be filed by a registered architect or professional engineer retained by the occupant, who [shall be] will be responsible for any required fees. [An application concerning] If the alternate plan application includes an alteration application describing plumbing work, [shall] the alteration application must be filed with the [D.O.B.] DOB by a licensed plumber retained by the occupant, who [shall be] is responsible for any required fees. Two or more occupants may file a joint alternate plan application [setting forth] describing their alternate plan.

[Failure] The failure of an occupant to file an alternate [plans] 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's right to challenge the owner's submitted [work plan] legalization plan on the ground that it would unreasonably interfere with [such] the occupant's use of [its] the unit or constitute a diminution of services; however, late filing of an alternate [plans] plan application [shall be] is permitted if, upon application, the Loft Board or its staff by order or administrative [decision determines] determination finds that good cause existed for [such] the occupant's failure to file in a timely manner and if a building permit has not yet been issued.

Within 5 calendar days after filing an alternate [plans] plan application with the DOB, the [occupant(s)] occupant shall provide the owner and all other occupants with a dated narrative statement [setting forth] describing the [occupant's(s')] occupant's objections to, comments on, or criticisms of the owner's plan and any projected [increase(s)] increase in code compliance costs resulting from the [occupant's(s')] occupant's alternate plan. In accordance with the procedures [set forth] provided in § 2-01(d)(1), the [occupant(s) shall] occupant must file with the Loft Board: the original copy of [such] the occupant's narrative statement with proof of service on the owner and all other occupants, two copies of [its] the filed alternate [plans] plan application[with the D.O.B.'s], including the DOB's acknowledgment of filing, and two copies of the [submitted plans, if it is an alteration application] occupant's alternate plan application and legalization plan.

The owner and other occupants may review the alternate [plans] plan application[and plans], including the legalization plan, by appointment at the [Loft Board or at the D.O.B. in accordance with the department's procedures] Loft Board's office. An owner or another occupant may request from the filing [occupant(s)] occupant a reproducible copy of the alternate plan application and [plans] legalization plan and shall be supplied with such copy within 7 calendar days after service of the request. [Cost to the requesting party shall be $5.00 per page for plans required by §27-162 of the Administrative Code and $0.25 per page for all other documents.] The cost to the requesting party is the fee listed in § 101-03 of Title 1 of the Rules of the City of New York.

[(v) The D.O.B. shall review the owner's alteration application and plan and any alternate application(s) and plan(s) submitted by occupant(s) of the building. The D.O.B. may issue objections pursuant to its usual procedures. The occupant(s) through its (their) architect(s) or engineer(s), shall] (ix) If the DOB issues objections to an alternate plan application submitted by any occupant of the building, the occupant, through his or her architect or engineer, must take all necessary and reasonable actions to cure such objections within 45 calendar days of notice of objections from the [D.O.B.] DOB.

The owner, through its architect or engineer, [shall] must take all necessary and reasonable actions to cure [such] the DOB objections within 60 calendar days of notice of objections from the [D.O.B] DOB for its alteration application and legalization plan. [An applicant's] The failure to take all necessary and reasonable actions to cure [such] the objections within the prescribed time period may subject the [applicant] the owner to [civil penalties of up to $1,000] fines in accordance with §§ 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 [regulations] rules.

If the occupant's opposition to the owner's plan does not require DOB review, the occupant must serve the owner and the other occupants with the comments describing how the owner's plan will unreasonably interfere with the occupant's use of the unit or how it will result in a diminution of services to which the occupant is entitled. The occupant's comments must be filed with the Loft Board within 45 days of the Loft Board's notice, unless extended pursuant to § 2-01(d)(2)(vii). Proof of service to the owner and the other occupants must be attached to the filing of the comments with the Loft Board.

[(vi)] (x) *Amendments to Legalization Plan Prior to Loft Board's Certification.*

If [amendments to the plans] the owner amends the legalization plan initially submitted to the Loft Board[are made, the applicant shall], the owner 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 of the building and copies [shall] of the plans must be [supplied upon request] filed with the Loft Board in accordance with the procedures described in [paragraphs (2) and (4)] subparagraph (v) above.

Within 40 calendar days of [service by the Loft Board of] the Loft Board's notice of the revised [plans] plan, any [occupant(s)] occupant who has [(have)] not previously done so, may file with the [D.O.B.] DOB an alternate plan application for work affecting the [occupant's(s')] occupant's use of [its (their) unit(s)] the unit, if DOB review is required or may file comments opposing the owner's revised plan with the Loft Board. [Such occupant(s) shall] The occupant must comply with all the requirements of subparagraph [(iv)] (viii) above. The [occupant(s) is (are) limited in its (their) objections] occupant may object to only those items that represent a change from the owner's submissions previously received. The procedures for DOB review [set forth] provided in subparagraph [(v)] (ix) above shall apply.

[(vii)] (xi) *Loft Board's Certification of the Legalization Plan.*

(A) (a) When the DOB has no further objections to the owner's alteration application and legalization plan, and if no alternate plan application has been filed by any occupant of the [subject] building within the time period provided for [such] filing in this [regulation] rule, the Loft Board shall issue a letter certifying compliance with all requirements of § 2-01(d)(2). To receive [such] Loft Board certification, the owner [shall] must verify to the Loft Board that no revisions have been made to the [plans] 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.

(b) If an occupant's alternate plan application has been filed and the 45 calendar day period provided in subparagraph (ix) above for addressing objections to the occupant's alternate plan application has expired without all necessary and reasonable actions having been taken by the occupant to cure the objections, the Loft Board shall issue a letter certifying the owner's compliance with all requirements of § 2-01(d)(2). [Upon submission of such letter, the D.O.B may approve the owner's application and plan and issue a building permit.]

(B) *(a)* Where the [occupant(s) have] occupant has submitted an alternate [application(s) and plan(s)] plan application and [are] is unable to agree with the owner upon the work to be performed, and the [D.O.B.] DOB has no objections to such [applications and plans] alternate plan, or if the occupant has cured such objections, the [applicant shall] occupant must advise the Loft Board [and the owner of the DOB approval of the plans] and refer [them] the alternate plan application to the Loft Board for review and resolution of the dispute [as to which application(s) and plan(s) should be approved and the work for which a building permit should be issued].

Such referral to the Loft Board will occur no sooner than 30 calendar days after notification of the removal of the last objection or of the lack of objection.

In addition, [when authorized by the Loft Board representative,] the Loft Board staff may authorize such referral [may be made] 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 and the [occupant(s)] occupant come to an agreement, they [shall] must immediately inform the [D.O.B.] DOB and the Loft Board [and void the abandoned application(s) and plan(s)] of the agreement in writing and must provide the Loft Board with a copy of the agreement. In such case, the owner must amend the legalization plan for the IMD building to include the changes agreed upon by the parties, if any.

(b) Loft Board-Initiated Alternate Plan Dispute. If an occupant's alternate [approvable applications and plan are] plan application is referred to the Loft Board, pursuant to § 2-01(d)(2)(xi)(B)*(a)* above, the Loft Board shall review the plans and on its own initiative may commence a proceeding to determine whether the owner's alteration application and legalization plan would result in an unreasonable interference of the [occupant's(s')] occupant's use of [its (their) unit(s)] the unit or a diminution of service. The proceeding will be governed by the Loft Board's [regulations on Internal Board Procedures] rules.

[Parties shall] The owner and the occupants of the building will have an opportunity to submit [a written statement setting forth the basis for seeking disapproval of the alternate plan(s)] an answer. In the case of an occupant challenging the owner's legalization plan, [such a statement shall] the answer must include an explanation of how the owner's proposed legalization plan would result in an unreasonable interference with the occupant's use of [its] 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 would result in [such] an unreasonable interference, it shall order the owner to amend its alteration application,

legalization plan and corresponding narrative statement within 60 calendar days or [to authorize the final approval of plan(s)] may certify the alternate plan submitted by the [occupant(s)] occupant for the [space(s)] space involved.

A failure or refusal to comply with such an order may constitute a violation of [§§284(1)-(i)(B)] the owner's obligation to take all reasonable and necessary action to obtain an alteration permit under § 284 of Article 7-C and these [regulations] rules, and the owner may be subject to civil penalties [and actions initiated by the Loft Board to compel specific performance, and such other penalties as are outlined in § 2-01(c) of these regulations. If] in accordance with § 2-11.1 of these rules. 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 7-C.

If the owner has cleared all DOB objections and if the Loft Board or its Executive Director finds that the owner's [approvable] alteration application and legalization plan would not unreasonably interfere with the [occupant's(s')] occupant's use of [its (their) unit(s)] the unit, the Loft Board or its Executive Director shall issue an order [stating that the owner's plan may be approved by the D.O.B. and a building permit issued, and that the alternate application(s) and plan(s) be voided. Also such an order shall certify compliance with all requirements of § 2-01(d)(2)] or an administrative determination certifying compliance with all requirements of § 2-01(d)(2).

[(viii)] (xii) Within 10 calendar days after the issuance of a building permit by the [D.O.B., or within 30 days after the effective date of these regulations, whichever is later,] DOB, the owner shall file a copy of the building permit with the Loft Board. [Furthermore, the owner shall file two copies of any subsequent amendments, including plans, to the alteration application upon which the building permit is based, within 10 days after the filing of such amendment(s) with the D.O.B] In the case of an IMD subject to Article 7-C pursuant to MDL § 281(5) which has an alteration permit on September 11, 2013, the effective date of this rule, the owner 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.

[ix] (xiii) *Amendments to Legalization Plan After the Loft Board's Certification of Compliance with § 2-01(d)(2).*

(A) If the owner intends to amend the legalization plan certified by the Loft Board, the owner must file with the Loft Board two copies of the amended narrative statement listing the changes and the amended legalization plan within 10 days after the filing of the amendment with the DOB in accordance with (B) below.

(B) The owner must follow the procedures for notice to the residential and nonresidential occupants set forth in § 2-01(d)(1) above. If an owner amends the legalization plan and the proposed work is located within IMD space, or within the common areas of the building, the owner must serve an amended narrative statement on the occupants in accordance with the notice provisions provided in § 2-01(d)(1) above. The owner must file proof of service and the amended narrative statement and legalization plan with the Loft Board. In accordance with the requirements of § 2-01(d)(2)(viii) and within 40 calendar days from the Loft Board's notice of the owner's revised legalization plan, any occupant: 1) may file with the DOB an alternate plan application or 2) may file with the Loft Board comments opposing the work proposed in the amendment. The occupant may only object to those items that represent a change from the legalization plan certified by the Loft Board. The owner must obtain a Loft Board certification described in § 2-01(d)(2)(xi) for any amended legalization plan.

If the occupant and the owner are unable to agree to the proposed work in the amended narrative statement and legalization plan, the Loft Board must follow the procedures in § 2-01(d)(2)(xi)(B) regarding the Loft Board-initiated alternate plan dispute.

(xiv) Approval of [plans] an owner's legalization plan by the [D.O.B.] DOB pursuant to this subsection shall not be construed as approval of the construction costs [incident to construction in accordance with] for the work proposed in the [such plans] plan as necessary and reasonable costs of code compliance work for purposes of rent adjustment proceedings under [§§2-01(i) through 2-01(l) of these regulations] these rules.

(3) *Procedures for certification of estimated further rent adjustments.*

Following the DOB's approval of an owner's alteration application and legalization plan or an occupant's alternate [plans by the D.O.B.] plan application, an owner may apply to the Loft Board for certification of estimated future rent adjustments, based on the [owner's work plan] legalization plan and the Loft Board Schedule of Allowable Necessary and Reasonable Code Compliance Costs[, however, shall be totally] in the Loft Board's rules. The filing of [such] an application for estimated future rent adjustments is at the discretion of the owner and shall not be a basis for staying commencement or continuation of work under a valid building permit issued by the [D.O.B.] DOB.

All applications for certification of estimated future rent adjustments [shall] will be processed in accordance with [regulations governing Internal Board Procedures] § 1-06 of the Loft Board's rules, except as provided herein. The owner [shall] must file with the Loft Board an application on a Loft Board approved form[prescribed by the Board]. The application [shall] must describe separately[for each residential unit all of]: i) the work to be performed [and] in each residential unit; ii) the work to be performed in common areas; and iii) the work to be performed in the nonresidential units[; and]. The 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 [pursuant to §2-01(j) of these regulations] in the Loft Board's rules. If the owner anticipates the use of financing, the application [shall] must also include any statements, letters of intent or commitment, or other materials from institutional or noninstitutional lenders regarding the terms or conditions of such financing. In addition, the owner [shall] must file with the Loft Board two copies of the approved alteration application and [two copies of the approved plans] legalization plan.

The owner's application [shall] must be served on all of the building's occupants by the [Loft Board] owner in accordance with [its regulations on Internal Board Procedures] the service requirements for applications set forth in § 1-06 of the Loft Board rules. Occupants may review the alteration application and [plans] legalization plan at the [D.O.B.] DOB in accordance with the [Department's] DOB's procedures or by appointment at the Loft [Board] Board's office. An occupant may request from the owner a reproducible copy of the alteration application and [plans] legalization plan, and the owner [shall] must supply such a copy within 7 calendar days after service of the request at a cost to the occupant of [$5.00 per page for plans required by §27-162 of the Administrative Code and $0.25 per page for all other documents] up to the amounts listed in § 101-03 of Title 1 of the Rules of the City of New York. Occupants may submit an answer to the owner's application within 20 calendar days after the date on which service of the application was completed[(§ 1-06(c) of these regulations) in response to the owner's application, setting forth]. 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 and responses by the owner. Following such a conference, the application will be processed, and the Loft Board will [certify] issue findings on the necessary and reasonable code compliance work and [concomitant] associated costs, and the estimated future rent adjustments. [The certification is] Such findings will be a reasonable estimate based on available information. However, actual rent adjustments [shall] will be determined by the Loft Board in accordance with §§ 2-01(i) through 2-01(l) of these [regulations] rules.

(4) *Requirement of a Letter of No Objection for Work Permits in IMD Buildings*

[(A)] (i) *Proposed Work in Non-IMD Spaces*: An owner of an IMD building who is applying to the [New York City Department of Buildings "DOB")] DOB for [a] an alteration permit to perform work in the non-IMD spaces of such building, [(]including any commercial space or residential space not covered by Article 7-C of the MDL[)], must [first] provide DOB with a letter of no objection ("**LONO**") from the Loft Board prior to issuance of an alteration permit.

[(B)] (ii) *Proposed Work in the IMD Spaces*: Any request for a LONO by or on behalf of the owner for work to be performed in the IMD [spaces] units will be processed by the Loft Board as an amendment to the [building's] owner's narrative statement and the [Loft Board certified] legalization [plans] plan certified pursuant to [paragraph (2) of this subdivision] § 2-01(d)(2). The Loft Board will issue an amended certification for the revised narrative statement and legalization plan.

[(C)] (iii) *Requirements to Obtain a Letter of No Objection:*

[1. In order to be granted a LONO,] (A) Before a LONO may be granted, a building owner must demonstrate compliance with the annual registration requirements set forth in § 2-11, and all outstanding fees and fines payable to the Loft Board for the [subject] building must be paid or an arrangement for payment must be made.

[2.] (B) The LONO request [shall consist of] must include:

a. a formal request, which must be submitted on [such form as may be prescribed by] the Loft Board approved form, if any, at the time of the request;

b. a copy of the current [month's] monthly report relating to the legalization projects in the building, in accordance with [the terms set forth in § 2-01.1(a)(ii) herein] the requirements of § 2-01.1(a)(1)(ii) of the Loft Board rules;

c. a copy of the alteration application [(PW-1 form)] filed with the DOB;

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; and

e. a [stamped] copy of the corresponding drawings[/] or plans with DOB bar code numbers filed with the DOB, on paper no larger than [11] 14 inches wide by 17 inches long.

[3.] (C) The Loft Board's staff will not consider an incomplete request for a LONO.

[4.] (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 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.

[5.] (E) The Loft Board's staff may deny a LONO request for the proposed work where:

a. the owner does not have an [open] alteration application filed with the DOB to perform the legalization work [of] in the IMD spaces;

b. the Loft Board issued a certification of the legalization work in the IMD spaces pursuant to [subparagraph (vii) of paragraph (2) of this subdivision] § 2-01(d)(2)(xi), and the owner does not have a current permit to perform the legalization work in such IMD [spaces] units;

c. the DOB had issued a temporary certificate of occupancy for the residential portion of the subject building before the owner applied for a LONO, and the temporary certificate of occupancy expired and has not been renewed;

d. the owner's monthly reports as [set forth in § 2-01.1(a)(ii)] required in § 2-01.1(a)(1)(ii) show no advancement of legalization projects in the building. The Loft Board's staff may supplement its review of the owner's monthly reports to consider any relevant information contained in the Loft Board's files;

e. the [subject] IMD building already has a final certificate of occupancy, but the owner has not applied to the Loft Board for removal;

f. the owner applied to the Loft Board for removal of the subject building prior to filing the LONO request, but the owner has not exercised all diligent efforts to submit additional information that was requested by the Loft Board's staff for processing the removal application; or

g. any other circumstance exists that indicates to the Loft Board's staff that the owner 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 or to remove the building from the Loft Board's jurisdiction.

[6.] (F) Granting of a LONO is not a finding by the Loft Board that the owner is exercising all reasonable and necessary action toward obtaining a final certificate of occupancy for the residential portions of the IMD [spaces] units to legalize the subject building.

[(D)] (iv) *Nature of the Proposed Work.* In granting a LONO request, the Loft Board staff may consider the effect the proposed work may have on the IMD [spaces] units and the protected occupants of the building. If the proposed work would (1) result in a change in the use, egress, buildings' systems, or occupancy of IMD space in the building, or (2) affect an IMD unit in which there is an active dispute or finding of harassment by the Loft Board, or (3) adversely affect any protected occupants of the IMD [spaces] units in the building, the Loft Board's staff may [decide to] conduct an informal conference with the protected occupants and the owner upon [fifteen (15)] at least 15 calendar days' notice[to discuss the proposed work's effect on the occupants]. Service of the conference notice [shall] by the Loft Board will be sent by regular mail.

[(E)] (v) *Appeal of Decision.*

[1.] (A) If the Loft Board's staff denies a LONO request, the owner may appeal to the Executive Director for an administrative determination.

[2.] (B) To be considered timely, the appeal to the Executive Director must be received by the Loft Board within [fifteen (15)] 15 calendar 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 [state] include:

a. the basis for the appeal;

b. a statement that requirements for the LONO set forth in [subsection (C)]

subparagraph (iii) above are true, correct and complete as of the date of the appeal;

c. a detailed report of the current status of the legalization projects; and

d. a detailed schedule of the work to be performed in connection with achieving compliance with Article 7-B of the MDL, and a projected compliance date, to the extent the building is not yet in compliance therewith.

[3.] (C) The Executive Director [shall] will issue a written determination within [thirty (30)] 30 calendar days of [its] receipt of the request.

[4.] (D) The Executive Director will not consider any incomplete appeals. Failure to file a complete appeal [shall] may result in rejection of the appeal without consideration of the issues raised.

[5.] (E) Appeals from the written determination of the Executive Director shall be governed in accordance with § 1-07.1 [herein] of these rules.

(e) ***Code compliance for nonconforming units.***

If the [D.O.B.] DOB has issued an objection to the owner's alteration application because [a covered residential] an IMD unit cannot be brought into compliance under appropriate building codes, provisions of the [M.D.L.] MDL or the Zoning Resolution because of its size, design, or location within the building, the owner and affected occupant(s) should make every effort to reach accommodations that would permit every covered residential unit to be made code compliant.

If the owner and affected [occupant(s)] occupant are unable to reach a resolution about how to legalize the unit, either the owner or the residential occupant may apply to the Loft Board for a determination as to whether the unit can be made code compliant. In processing such an application the Loft Board may, following a hearing, or if a fact-finding hearing is not necessary, the Executive Director may:

(1) Order the owner to apply for a non-use related variance, special permit, minor modification, or administrative certification, where the granting of such an application would make compliance possible; or

(2) Order the owner to alter the unit, or to redesign residential units and common area space into a configuration that [can be legally converted] would allow the legal conversion of the unit to residential use; or

(3) [If these remedies are unavailing, remove a unit from Article 7-C Coverage if it cannot be legally converted to residential use] Revoke the unit's Article 7-C coverage, if these remedies are unavailing.

[Such orders also shall require compliance within a specified period of time and shall require occupant cooperation in achieving compliance.] If the Executive Director or the Loft Board orders (1) or (2) above, a specific date for compliance shall be provided and the occupants will be required to cooperate to achieve code compliance in accordance with the requirements of this section.

(f) ***Occupant participation in the code compliance process.***

(1) The Loft Board encourages the owners and occupants of [interim multiple dwellings] IMD buildings to work together to achieve code compliance. Such cooperation may include, but is not limited to, occupants' performance of code compliance work. Owners, occupants and their representatives should make good faith efforts to communicate and cooperate with each other throughout the process so as to reduce or eliminate potential disputes during the course of code compliance. Cooperation may result in benefits to all the parties insofar as:

(i) [costs] Costs incurred by the owner may be minimized, reducing the capital the owner would have to raise and reducing the rent adjustment increases that would have to be passed along to residential occupants;

(ii) [access] Access difficulties may be minimized;

(iii) [incidents] Incidents of harassment may be eliminated or reduced;

(iv) [losses] Losses incurred by nonresidential [tenants] occupants may be eliminated or minimized; and

(v) [code] Code compliance may be achieved in a timely fashion.

(2) While occupants have no right as a matter of law to perform code compliance work, the owner and the [occupants(s)] occupant may agree voluntarily to allow such [occupant(s)] occupant to perform code compliance work or any portion thereof, within the building, to the extent permitted by applicable laws and regulations.

The owner is required to obtain the appropriate [Department of Buildings] DOB approval for all work to be performed, but where the owner and [occupant(s)] the occupant have agreed that work will be performed by the [occupant(s)] the occupant, they may also agree that the [occupant(s) is (are) required to] occupant will obtain [all consents and approvals prior to filing with the D.O.B. pursuant to Administrative Code §§27-142, 27-151 and 27-220] the required DOB approvals, permits, and consents in accordance with all applicable laws, codes and rules on any work so permitted.

Should the owner and the [occupant(s)] occupant agree upon performance of the code compliance work or any portion thereof by such [occupant(s)] occupant, the owner and the [occupant(s) shall] occupant must file a written [Agreement] agreement with the Loft Board [pursuant to] in accordance with the procedures set forth in § 2-01(d)(1) of these [regulations] rules. Such [Agreement shall] agreement must include:

(i) an outline specification of all work to be performed and [by whom it is to be performed] who will perform it;

(ii) a time schedule for work to be performed as well as the identification of who is to supervise all construction work;

(iii) a certification that the parties [shall] will provide all information required in the processing of applications for rent [adjustment(s)] adjustments, if any, by the Loft Board;

(iv) a certification by the owner and [occupant(s)] occupant that all work [shall] will be performed in accordance with the code compliance timetable [set forth] provided in §2-01(a) of these [regulations] rules.

Such [Agreement] agreement by the owner and the [occupant(s) shall] occupant must be consistent with the [Alteration Application and any Building Notice(s) or Plumbing Repair Slip(s)] alteration application, corresponding legalization plan certified by the Loft Board, and any other job type alteration applications, limited alteration applications (LAA), electrical work applications, elevator application (EA) or Elevator Building Notice applications (EBN) filed with the [D.O.B.] DOB and the Loft Board.

(3) If at any time after execution of the [Agreement] agreement but prior to the completion of the code compliance work, the [occupant(s)] occupant or the owner [abrogate(s) the Agreement] rescinds the agreement, the [abrogation shall] rescission must be in writing, served upon all other parties to the [Agreement] agreement and filed with the Loft Board in accordance with the procedures provided in § 2-01(d)(1). [Such] Neither the agreement nor its abrogation [shall not] will relieve the owner of the obligation to comply with Article 7-C and these [regulations] rules. The owner and the [occupant(s)] occupant may also agree in writing, with a copy served on the Loft Board, to:

(i) [waive] Waive the procedure for occupant review of plans and resolution of occupant objections set forth in § 2-01(d)(2) of these [regulations] rules; or

(ii) [modify] Modify the procedure for notice to occupants of proposed work set forth in §§2-01(d)(2) and 2-01(g)(3) of these [regulations] rules.

(Any agreement to waive the procedure for occupant review of plans must be completed on the Loft Board's approved form and must identify the relevant plan and narrative statement by date. Any other [Agreement] agreement for waiver or modification of other provisions of these [regulations shall] rules must be submitted to the Loft Board for its approval. [No Agreement shall be approved that] The Loft Board will not give any effect to an agreement which proposes that code compliance will not be achieved or that it will be achieved after the deadlines prescribed in [§§2-01(a) and 2-01(b) of these regulations] § 2-01(a) and MDL § 284(1).

(4) If an owner who has agreed to allow an occupant to perform code compliance work applies to the Loft Board for an extension of time to obtain a final residential certificate of occupancy pursuant to § 2-01(b) of these [regulations] rules, the owner must exercise due diligence in monitoring the timely completion of such code compliance work in order to have grounds of good cause for its inability to meet the code compliance timetable.

(g) ***Notice to occupants of proposed work, repairs and inspections and occupant's obligation to provide access.***

(1) Unless otherwise agreed by the parties, the owner [shall] must provide all 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 consecutive working days during which work expected to require more than one consecutive working day will begin.

[Such] The access notice [shall] must be served by personal service, first class mail, registered mail [(]return receipt requested[)], or certified mail [(]return receipt requested[)], such that service is [effective] deemed completed at least [3] 5 calendar days prior to the first date in the range of days for work that may reasonably be expected to be completed within one working day and at least 10 calendar days prior to the first date in the range of days for all other work expected to require two or more consecutive working days.

(2) No later than the day preceding the first [scheduled] day [of work] in the range of work days listed on the access notice referenced in paragraph (g)(1) above, the owner [shall] 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 § 2-01(g)(1) above.

[Notice under this provision shall be accomplished by personal delivery of the written notice] The owner must deliver the second access notice personally to the occupant or, in the occupant's absence, to a person of suitable age and discretion within the unit. If the owner or agent cannot achieve delivery to a person [as prescribed herein cannot be achieved,] as described, the owner or agent [shall] must deposit the [written statement] notice under the main entrance of the unit or, if that is not possible, [shall] must affix such notice to the main entrance of the unit.

An occupant may designate in writing another occupant within the building to receive an access notice pursuant to this § 2-01(g) provided that [such] the designee is authorized to provide reasonable access to the occupant's unit as required in such notice. Such designation [shall] must be served on the owner 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 occupants [shall] must provide the owner with reasonable access to their units so that all requisite code compliance or repair work, [or] inspections and surveys as may be required for the purpose of code compliance, may be performed.

(4) Upon the failure of an occupant to provide such access, the owner may apply to the Loft Board for an order affording the owner 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 for access under the following expedited procedures:

(i) The owner [shall] must serve the occupant with a copy of the owner's verified or affirmed application for access on [such] the Loft Board's form[as prescribed by the Loft Board, and shall file twelve copies of the application at the offices of the Loft Board, along with proof that a copy of the application has been served upon the occupant]. Service on the occupant [shall] 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.

Within 5 calendar days after delivery or service by mail on the occupant, the owner must file 5 copies of the application at the offices of the Loft Board, along with proof of service of the application upon the occupant. Proof of service is required at the time of filing the access application with the Loft Board.

(ii) The occupant [shall] must file with the Loft Board [twelve] 5 copies, including the original, of a written answer in response to the application within [ten business] 15 calendar days [of] after service of the application is deemed complete. Service is deemed complete on the date of personal service or 5 calendar days after the owner mailed the application.

(iii) (A) [If] Before the occupant [answers,] files an answer with the Loft Board [shall], the occupant must serve a copy of the answer on the owner by regular mail at the address designated on the application[and shall notify both]. Both owner and occupant will be notified of a hearing date, which [shall be scheduled for a date no] will not be fewer than 8 calendar days [nor] or more than 15 calendar days from the mailing of the notice. There [shall] will be no more than one adjournment per party, limited to 7 calendar days, for good cause shown. Except as provided herein, the provisions of § 1-06 [shall] apply to an application for access under this subdivision.

(B) [If] Even if the 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 to comply with any of the notice provisions of [this section] § 2-01(g) or a finding by the Loft Board that an occupant has unreasonably withheld access [shall] may be the basis for a civil penalty [not to exceed $1,000 for each such a finding of violation.] in accordance with § 2-11.1 of the Loft Board rules 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 has unreasonably withheld access[as well as], including the labor or other costs incurred by the owner because access was unreasonably denied, may be included in the owner's application for code compliance rent adjustment as an allowable cost to be allocated to such occupant's residential unit, as provided for in §2-01(l)(1) of these rules.

(v) The failure of an occupant to comply with a Loft Board order regarding access [shall] may be grounds for eviction of that occupant in a proceeding brought before a court of competent jurisdiction.

(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 from their units and with minimal disruption to the occupants' use of their units. The owner [shall] 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 [shall] must be performed within the building during the construction period, except when construction renders regular maintenance impossible.

(2) After the filing of an alteration application by the owner, but before the issuance of a building permit, occupants who object to the proposed work because it will unreasonably interfere with [their] the use of their units must [bring their objections to the D.O.B.] oppose the proposed plan as provided in § 2-01(d)(2)(viii)(A). After a permit has been issued through the process described in § 2-01(d)(2), in which the occupants have had an opportunity to participate, the 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 [their] the use of their units.

(3)(i) In the case of an IMD for which a building permit for achieving code compliance with Article 7-B, alternative building codes or provisions of the M.D.L. has been issued and is in effect as of the date of adoption of these regulations, such that § 2-01(d)(2) is not applicable, an occupant of such an IMD may file an 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 use of its unit. This subparagraph (i) is not applicable to IMD units subject to Article 7-C pursuant to MDL § 281(5).

(ii) *IMD Units Subject to Article 7-C pursuant to MDL § 281(5) as a result of the 2010 amendments to the Loft Law.* An occupant of an IMD unit subject to Article 7-C pursuant to MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 135 or 147 of the Laws of 2010 may file an unreasonable interference application under this subdivision (h) if: (1) an alteration permit was in effect on June 21, 2010; (2) the occupant was not able to participate in the narrative statement process because § 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.

(iii) *IMD Units Subject to Article 7-C pursuant to MDL § 281(5) as a result of the 2013 amendments to the Loft Law.* An occupant of an IMD unit subject to Article 7-C pursuant to MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 4 of the Laws of 2013 may file an unreasonable interference application under this subdivision (h) if: (1) an alteration permit was in effect on June 1, 2012; (2) the occupant was not able to participate in the narrative statement process because § 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.

(4) In [granting such] considering an application pursuant to this subdivision, the Loft Board shall process the application in accordance with Loft Board [regulations on Internal Board Procedures and] rules. The Loft Board may order the owner to amend its alteration application or may recommend that the DOB revoke the permit if it finds that the proposed work unreasonably interferes with the occupant's use of the unit. If the permit is revoked by the [D.O.B.] DOB on these grounds, the occupants [shall] will have the opportunity to participate in the review of plans through the process described in § 2-01(d)(2).

[If, in the course of performing the work, the owner or its agents engage]

(5) *Unreasonable interference during the legalization process.* An aggrieved occupant may file an application with the Loft Board claiming an unreasonable interference with use of the unit, if, in the course of performing the code-compliance work, the owner or its agent:

(i) Engages in work [beyond that] that is outside of the scope authorized by the permit[, depart];

(ii) Departs significantly from the work described in the owner's narrative statement and legalization plan [or];

(iii) Departs significantly from the estimated time schedule for performance of the work as amended according to the requirements of § 2-01(d)(2)[, engage] of these rules;

(iv) Engages in repeated or substantial violations of the notice provisions [of] provided in § 2-0l(g)[,]; or [violate]

(v) Violates the provisions of the tenant [safety] protection plan[, an occupant aggrieved by such action(s) may file an application with the Loft Board setting forth] provided in § 2-01(d)(2)(vi).

Such application must provide the factual basis for [its] a claim that such unauthorized work, departure from the schedule, or violation of the tenant [safety] protection plan unreasonably interferes with the occupant's use of its unit.

A finding by the Loft Board [of] that the owner or its agents engaged in unreasonable interference with an occupant's use [by the owner or its agents] may result in civil penalties [of up to $1,000] in accordance with § 2-11.1 of the Loft Board rules for each violation. A finding by the Loft Board [of] that the owner or its agents engaged in unreasonable and willful interference with an occupant's use of its IMD unit [by the owner or its agents] may result in civil penalties [of up to $1,000] in accordance with § 2-11.1 for each violation[and], may constitute harassment of [tenants] occupants, and may subject the owner to penalties resulting from a finding of harassment. [The] As further provided in § 2-02 of these rules, the penalties may include, but are not limited to the denial of exemptions from rent [regulations] regulation provided to an owner pursuant to § 286(6) of the [M.D.L.] MDL and Loft Board [Regulations on Sales of Improvements may not be available in a building when an owner has been found guilty of harassment of tenants subject to regulations adopted by the Loft Board] rules.

§ 2. Paragraph (1) and subparagraphs (i) and (ii) of paragraph (2) of subdivision (i) of section 2-01 of Title 29 of the Rules of the City of New York are amended to read as follows:

(i) *Applications for* [*rent guidelines board*] *Rent Guidelines Board ("RGB") increases and for rent adjustments based on costs of compliance.*

(1) [*Rent guidelines board*] *RGB increases.*

(i) Upon issuance of a final certificate of occupancy, an owner shall be eligible for a rent adjustment based upon the percentage rent increases established by the [New York City Rent Guidelines Board (RGB)] RGB (hereinafter "**RGB Increases**"). The first [such rent increase] RGB Increase shall commence [as of] on the first day of the first month following the day an owner submits to the Loft Board a Notice of RGB [Increase[s] in the form prescribed by] Increase Filing form on the Loft Board[, and each such] approved form. Each subsequent rent increase shall be effective on each one[-] or two-year anniversary of such commencement date, as applicable. [(]This one or two-year period during which a particular RGB Increase is effective is referred to herein as the "**RGB Increase Period**." [)] The last RGB Increase prior to issuance of a final rent order by the Loft Board [of the final rent owner] setting the initial legal regulated rent, pursuant to § 2-01(m) of these rules, shall remain effective until expiration of the applicable RGB Increase Period.

The amount of each RGB increase shall be equal to the percentage increase applicable to one or two-year leases as established by the RGB on the date the Notice of RGB Increase Filing form is submitted to the Loft Board and on each one[-] or two-year anniversary [thereof] thereafter, as applicable, and shall be applied to the maximum rent permissible under Loft Board rules as of the date the Notice of RGB Increase filing is submitted to the Loft Board.

The RGB Increase shall apply to all covered residential units, except for those units that are exempt from rent regulation [as a result of the owner's purchase of improvements or rights pursuant to M.D.L. §286(6) or §286(12), and Loft Board rules promulgated pursuant thereto] under Article-7-C.

(ii) To obtain the [rent] RGB Increase, the owner shall submit [two] to the Loft Board:

(A) Two copies of [a] the Notice of RGB Rent Increase Filing form [on a form prescribed by the Loft Board.] and the required attachments. The [notice] Notice of RGB Increase Filing form shall contain the rent in effect, including escalations and increases [provided under M.D.L.] permitted in accordance with MDL § 286(2) or the Loft Board's rules, for each covered residential unit subject to rent regulation[, and shall be submitted with a];
(B) A copy of the final residential certificate of occupancy[, a];
(C) A copy of the individual notices as described in subparagraph (iii) of this paragraph[,];
(D) The "Tenant Response Form" sent by the owner to the affected occupants; and [an]
(E) An affidavit that such notices were sent by first class mail and certified or registered mail to each affected occupant.

(iii) The owner shall [send] mail to each affected occupant a [notice in the form prescribed by the Loft Board] an individual notice of RGB Increase form setting forth the maximum permissible rent under Loft Board rules for the unit [occupied by such occupant]. The [notice] mailing of the individual notice of RGB Increase shall also [request the occupant] include the "Tenant Response Form" with instructions for the tenant to elect RGB increases applicable to one-year or two-year leases. Such election shall be binding upon the occupant for the entire period prior to expiration of the last RGB Increase before issuance by the Loft Board of the final rent order setting the initial legal regulated rent. The failure of an occupant to make an election [and return a copy of same to the Loft Board] between RGB increases applicable to one-year or two-year leases within 45 calendar days of the mailing [thereof by the applicant] of the Notice of RGB Increase Filing shall be deemed to be an election to be governed by increases applicable to one year leases.

(iv) [If an] The occupant [disputes] may dispute the maximum permissible rent [under Loft Board rules as set forth in the aforementioned notice, such occupant shall, within the 45-day period described in subparagraph (iii) of this paragraph, notify the Loft Board and the owner, on the form provided pursuant to subparagraph (v) of this paragraph, of the amount in dispute.] set forth in the owner's Notice of RGB Increase Filing, by detailing the amount in dispute on the Tenant Response Form. The occupant must file the dispute with the Loft Board within 45 calendar days of the mailing date of the individual notice of RGB Increase, as indicated on the affidavit of service. Failure of such occupant to notify the Loft Board of a dispute within such 45-day period shall be deemed to be an acceptance by the occupant of the amount of rent claimed by the owner. The Notice of RGB Rent Increase Filing form, the individual notices and the Tenant Response Form may not be altered or re-typed. During the period prior to the resolution of the dispute, the occupant shall pay rent in [an] a sum equal to the amount [no less than the amount not] of the monthly base rent that is not in dispute plus the amount of RGB Increase [authorized by these rules (for] based on the undisputed amount. For example, if the owner claims the rent in effect is $450 and the occupant claims it is $400, the rent paid to the owner prior to resolution of the dispute shall be [no less than] equal to $400 plus the applicable RGB Increase[).] based on the undisputed amount of $400. The occupant shall pay any deficiency in one lump sum [at the time that the first rent payment is due following resolution of the dispute.] together with the first rent payment due following resolution of the dispute.

(v) [Responses from affected occupants to the Loft Board notifying the Loft Board of a dispute in the rent or of an election of the period of the RGB rent increase shall be in the form prescribed by the Loft Board, a copy of which form shall be included in the aforementioned notice from the owner to each affected occupant pursuant to subparagraph (iii) of this paragraph.]

RGB increases may also take effect in accordance with § 2-01(i)(2)(i)(B) where the Loft Board sets the initial legal regulated rent.

(2) [*Cost of compliance increases*] *Rent Adjustments Based on the Cost of Code Compliance*.

(i) (A) An owner may apply for rent adjustments based on the necessary and reasonable costs of [obtaining a residential certificate of occupancy] compliance:

(a) once upon certification of compliance with Article 7-B of the [M.D.L.] MDL, alternative local building codes or provisions of the [M.D.L.] 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. [The application]

(B) Notwithstanding any other provision of this title and in addition to any rights afforded to owners or tenants under this section, in accordance with MDL § 286(3), if an owner applies for a rent adjustment based on the code compliance costs for compliance with Article 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 qualified for protection pursuant to Article 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 7-C are inconsistent with such act. If the initial legal regulated rent has been set based upon Article 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 based on code compliance costs filed with the Loft Board for IMD units covered under Article 7-C pursuant to MDL § 281(1), may include those necessary and reasonable code compliance costs incurred prior to June 21, 1982 for which the residential occupants have not either reimbursed or [are not in the process of reimbursing] begun to reimburse the owner. [In the course of the processing of the application, the] A residential [occupant(s)] occupant who [claim(s)] claims that reimbursement has been or is being made for such costs shall be required to present satisfactory proof of such reimbursement to the Loft Board.

[Rent] (D) Except as provided in this subparagraph, rent adjustments shall be allowed [both] for necessary and reasonable code compliance costs incurred by an owner 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.*

1. An owner who has failed to register its building as an IMD:

(i) on or before December 1, 1985, in the case of a building covered by Article 7-C pursuant to MDL § 281(1) or, [in the case of a building which is an IMD solely pursuant to M.D.L. §281(4), an owner who has failed to register its building as an IMD]

(ii) on or before February 11, 1993, in the case of a building which is covered by Article 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 covered by Article 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 who fails to register its building as an IMD:

(i) on or before March 1, 1986, in the case of a building covered by Article 7-C pursuant to MDL § 281(1) or, [in the case of a building which is an IMD solely pursuant to M.D.L. §281(4), an owner who fails to register its building as an IMD]

(ii) on or before May 11, 1993, in the case of a building which is covered by Article 7-C solely pursuant to M.D.L. § 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 covered by Article 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 [in effect on the effective date of these regulations,] of costs referenced in subdivision (p) below, without indexing, regardless of when such costs were incurred.

(ii) An application filed pursuant to this paragraph (2) of §2-01(i) shall be filed [within] no later than nine months after the owner has obtained a certificate of occupancy or February 1, 2000, whichever date is later. An owner that fails to file an 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 submitted pursuant to this paragraph shall be submitted on a form prescribed by the Loft Board and shall meet the requirements of this paragraph and §§1-06 and 2-11 of these rules, except that for applications filed pursuant to clause (A) of subparagraph (iii) of this paragraph, only two copies must be filed plus one for each affected party, and for precertified applications filed pursuant to clause (B) of subparagraph (iii) of this paragraph, only two copies of the application must be filed. As part of the 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 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 §2-01(k) of these rules. In accordance with the provision of §1-06(j)(1), 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.

§ 3. Paragraph (1) of subdivision (m) of section 2-01 of Title 29 of the Rules of the City of New York is amended to read as follows:

(1) Following the calculation of code compliance rent adjustments [pursuant to §2-01(i)(2)(ii)] or the waiver of an owner's right to such rent adjustments pursuant to §2-01(i)(2)(ii), the Loft Board shall set the initial legal regulated rent for all covered residential units remaining subject to rent regulation under M.D.L. Article 7-C.

§ 4. Paragraph (2) of subdivision (a) of section 2-03 of the rules of the city of New York is amended by adding two subparagraphs (iv) and (v), respectively, to read as follows:

(iv) Notwithstanding any provisions of subparagraphs (i), (ii) and (iii) of this paragraph (2), applications for a hardship exemption regarding interim multiple dwellings covered by MDL § 281(5) that became subject to Article 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 for a hardship exemption regarding interim multiple dwellings covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 4 of the Laws of 2013 must be filed before June 11, 2014, in accordance with MDL § 285(2).

§ 5. Subparagraph (ii) of paragraph (3) of subdivision (a) of section 2-03 of the rules of the city of New York is amended to read as follows:

(ii) (A) The application shall be in a form acceptable to the Loft Board and shall be consistent with the requirements of these regulations, the Board's regulations relating to applications to the Board[(regulations for Internal Procedures—], §§1-06(a) to (j), and fees, §2-11. The applicant must: (a) indicate the basis for the application, (b) identify the residential units for which exemption is sought, and (c) state the specific claims for exemption for the building or portion of the building.

(B) *Deadlines for Interim Multiple Dwellings Subject to Article 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 to be considered. An additional time period of no more than sixty days for the submission of all required documentation in support of the completed application may be requested and will be granted if good cause is shown. [The applicant must indicate the basis for the application, the residential units for which exemption is being applied for, and the specific claims for exemption being made. In addition, supporting data must be provided with the application whenever necessary or appropriate to fully set forth to explain the basis for the application.] 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 days of the effective date or legalization regulations adopted by the Loft Board.

(C) *Deadlines for Interim Multiple Dwellings Subject to Article 7-C Pursuant to MDL § 281(4).* Notwithstanding the foregoing, an applicant who timely filed his application on or before April 27, 1988 for a hardship exemption involving an interim multiple dwelling subject to coverage under Article 7-C pursuant to MDL§281(4) must provide all additional information necessary or appropriate in support of such application on or before February 21, 1993.

(D) *Deadlines for Interim Multiple Dwellings Subject to Article 7-C Pursuant to MDL § 281(5).* Notwithstanding the foregoing, an applicant who timely filed its hardship exemption application involving an interim multiple dwelling subject to coverage under Article 7-C pursuant to MDL § 281(5) must provide information to substantiate the hardship exemption claim at the time of filing, except as provided § 2-03(a)(3)(iii).

§ 6. Subparagraph (i) of paragraph (1) of subdivision (b) of section 2-03 of the rules of the city of New York is amended to read as follows:

(i) *Adverse impact.* Compliance would cause an unreasonably adverse impact on a non-residential conforming use occupant existing on:

(A) June 21, 1982 [within the] for a building subject to coverage under Article 7-C pursuant to MDL § 281(1), [or compliance would cause an unreasonable adverse impact on a non-residential conforming use occupant existing on]

(B) July 27, 1987 for a building which is subject to coverage under Article 7-C pursuant to MDL §281(4)[.],

(C) June 21, 2010 for an IMD 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) June 1, 2012 for an IMD covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 4 of the Laws of 2013.

§ 7. The introductory language in subparagraph (i) of paragraph (2) of subdivision (b) section 2-03 of the rules of the City of New York is amended to read as follows:

(i) *Adverse impact.* The test for unreasonably adverse impact on a non-residential conforming use occupant existing on [June 21, 1982 or on July 27, 1987 for a building subject to coverage under Article 7-C pursuant to MDL §281(4),] the applicable date referenced in § 2-03(b)(1)(i) shall be whether legal residential conversion would necessitate displacement of such occupant. An owner making a claim on this basis will be required to produce as part of the application, evidence to substantiate the claim. Displacement of non-residential conforming use occupants may include instances where:

§ 8. Clause (D) of subparagraph (ii) of paragraph (2) of subdivision (b) section 2-03 of the rules of the City of New York is amended, and new clauses (F) and (G) are added, to read as follows:

(D) (a) No application shall be approved unless the owner's equity in such building exceeds five percent of:
(1) the arms length purchase price of the property;
(2) the cost of any capital improvements for which the owner has not collected or will not collect a surcharge;
(3) any repayment of principal of any mortgage or loan used to finance the purchase of the property or, any capital improvements for which the owner has not collected or will not collect a surcharge; and
(4) any increase in the equalized assessed value of the property which occurred subsequent to the first valuation of the property after purchase by the owner.
(b) For the purposes of this paragraph, owner's equity shall mean the sum of: (1) the purchase price of the property less the principal of any mortgage or loan used to finance the purchase of the property,
(2) the cost of any capital improvement for which the owner has not collected or will not collect a surcharge less the principal of any mortgage or loan used to finance said improvement,
(3) any repayment of the principal of any mortgage or loan used to finance the purchase of the property or any capital improvement for which the owner has not collected or will not collect a surcharge, and
(4) any increase in the equalized assessed value of the property which occurred subsequent to the first valuation of the property after purchase by the owner.

(E) An owner of a building subject to Article 7-C pursuant to MDL § 281(1) making a [claim on this basis] hardship exemption claim based on infeasibility will be required to produce, as part of the application, evidence, subject to audit, based on a representative consecutive 12 month period beginning no earlier than January 1, 1982, or, for a building subject to coverage under Article 7-C pursuant to MDL §281(4), no earlier than January 1, 1987, of the current net annual return for the building and the projected net annual return following legalization including, but not limited to, current and projected earned income, operating expenses and equity information.

(F) In order to bring a hardship exemption claim based on infeasibility, the owner of an interim multiple dwelling covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapters 135 or 147 of the Laws of 2010 must include in the application evidence, subject to audit, of the current net annual return for the building and the projected net annual return following legalization including, but not limited to, current and projected earned income, operating expenses and equity information. Such evidence must be based on a consecutive 12 month period beginning no earlier than January 1, 2010.

(G) In order to bring a hardship exemption claim based on infeasibility, the owner of an interim multiple dwelling covered by MDL § 281(5) that became subject to Article 7-C pursuant to Chapter 4 of the Laws of 2013 must include in the application evidence, subject to audit, of the current net annual return for the building and the projected net annual return following legalization including, but not limited to, current and projected earned income, operating expenses and equity information. Such evidence must be based on a consecutive 12 month period beginning no earlier than January 1, 2012.

(H) Inability to make a reasonable return on investment may include situations where the necessary and reasonable costs of compliance will cause residential units to rent at above prevailing market levels.

§ 9. Clauses (D) and (F) of subparagraph (iii) of paragraph (4) of subdivision (a) of section 2-08 of title 29 of the rules of the city of New York are amended to read as follows:

(D) contain at least [550] 400 square feet in area;
(F) not be located in the same building that contained, as of June 21, 2010, and continuing at the time of the submission of an application for coverage by any party, a use actively and currently pursued that is determined by the Loft Board to be inherently incompatible with residential use, as defined in § 2-08(k) of these rules.

§ 10. Paragraph (1) and subparagraphs (i) and (ii) of paragraph (2) of subdivision (b) of section 2-08 of title 29 of the rules of the city of New York are amended to read as follows:

(b) Certificate of occupancy.

(1) Registration as an IMD shall not be required of any building, structure or portion thereof for which a final residential certificate of occupancy was issued pursuant to MDL § 301 prior to: (i) June 21, 1982, for buildings, structures, or portions thereof seeking coverage under Article 7-C solely pursuant to MDL § 281(1); (ii) July 27, 1987, for buildings, structures or portions thereof seeking coverage under Article 7-C solely pursuant to MDL § 281(4); [or] (iii) June 21, 2010, for buildings, structures or portions thereof seeking coverage under Article 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. Such units shall be exempt from Article 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, 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 units which lacked a final residential certificate of occupancy issued pursuant to § 301 of the MDL prior to June 21, 1982, (B) MDL § 281(4), and these rules for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to § 301 of the MDL prior to July 27, 1987, [or] (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 units which lacked a final certificate of occupancy issued pursuant to MDL § 301, prior to 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, [or] June 21, 2010, or June 1, 2012, as applicable, will not be the basis for exemption from Article 7-C coverage;

(ii) Any 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 prior to: (A) June 21, 1982 for units covered under MDL § 281(1), (B) July 27, 1987 for units covered under MDL § 281(4), [and] (C) June 21, 2010 for units covered under MDL § 281(5) as enacted in Chapter 135 or as amended in Chapter 147 of the Laws of 2010, and (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[.];

§ 11. Paragraph (2) of subdivision (d) of section 2-08 of title 29 of the rules of the city of New York is amended to read as follows:

(2) For purposes of counting to determine whether a building qualifies as an IMD, and is covered under Article 7-C, residential units described as follows shall not be included:

(i) any units designated as residential on a final certification of occupancy issued pursuant to MDL § 301 prior to: (A) June 21, 1982 for a unit seeking coverage under MDL § 281(1); [prior to] (B) July 27, 1987 for a unit seeking coverage under MDL § 281(4); [or prior to] (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.

(ii) any units designated as "joint living work quarters for artists" on a final certificate of occupancy issued prior to: (A) June 21, 1982 for a unit seeking coverage under MDL § 281(1); [prior to] (B) July 27, 1987 for unit seeking coverage under MDL § 281(4); [or prior to] (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; and

(iii) any units designated for a commercial use with an accessory residential use on a final certificate of occupancy issued prior to: (A) June 21, 1982 for a unit seeking coverage under MDL § 281(1); [prior to] (B) July 27, 1987 for a unit seeking coverage under MDL § 281(4); [or prior to] (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.

§ 12. Subparagraph (vi) of paragraph (4) of subdivision (e) of section 2-08 of title 29 of the rules of the city of New York is amended to read as follows:

(vi) For any 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) is triggered by the effective date of Chapter 135 of the Laws of 2010, which is June 21, 2010] § 284(1)(vi) and §§ 2-01(a)(9) and (10).

§ 13. Subdivisions (j), (k), (m), (n), (q), (r), and (s) of section 2-08 of title 29 of the rules of the city of New York are amended to read as follows:

(j) The term "Interim Multiple Dwelling" ("IMD") as used in Multiple Dwelling Law § 281(5) shall not include any building in which an inherently incompatible use as described in subsection (k) of this section is being actively and currently pursued in any unit other than a residential unit of the building. The term "actively and currently pursued" shall refer to commercial, manufacturing or industrial use being conducted in the building on June 21, 2010 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), which is located in a building registered as an IMD under MDL §§ 281(1) or (4), shall not be excluded from Article 7-C coverage on the basis that any prohibited activity in use groups 15 through 18 existed in the building[on June 21, 2010].

(k) Uses in Use Groups Inherently Incompatible With Residential Use. Pursuant to MDL § 281(5), a use that falls within Use Groups 15-18, 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 for coverage by any party, that is also set forth in the Appendix to these Rules, is inherently incompatible with residential use in the same building if it:

(i) 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) 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) is or should be classified as High-Hazard Group H occupancy as set forth in Section 307 of the New York City Building Code.

(m) Owner's registration application. For all applications for registration filed pursuant to § 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 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).

(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.

(q) Tenant applications for coverage. For all applications for coverage filed pursuant to § 1-06, 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 applicant seeking coverage under Article 7-C of the MDL must establish by a preponderance of the evidence that there are no commercial, manufacturing or industrial uses in the non-residential units that are inherently incompatible with residential use as defined in subdivision (k) in the building as of June 21, 2010 and continuing at the time of the submission of an 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 for which coverage under Article 7-C of the [MD L] MDL is being sought. The building owner shall 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 staff, may also conduct informal conferences regarding the owner's registration application. The Executive Director may request additional information from the owner, building tenants or government agencies about the non-residential uses in the building on June 21, 2010 and continuing at the time of the submission of an 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 subdivisions (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 § 1-07.1.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board amends section 2-02 of Title 29 of the Rules of the City of New York (RCNY) to streamline the processing of harassment applications and conform the rule to the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

A duly noticed public hearing was held on July 19, 2012, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through July 19, 2012.

Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law (MDL), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the New York State Legislature amended the Loft Law. In order to be consistent with the changes to the Loft Law and to streamline the processing of harassment applications, the Loft Board is amending section 2-02 of Title 29 of the Rules of the City of New York.

The 2010 amendment to Section 282 increased the maximum civil penalties punishable for violations of the Loft Law from $1,000 to $17,500 per violation**.** Because the Loft Board is establishing a separate fine schedule for civil penalties in a separate rulemaking, this amended rule directs readers to 29 RCNY § 2-11.1 for the maximum civil penalties that the Loft Board may impose against owners and prime lessees who engage in an act or acts of harassment against occupants.

Under the existing rule, tenants are required to file harassment applications within 180 days from the allegedly harassing behavior. However, acts committed outside of this filing period may be considered if they represent an "ongoing course of conduct." The amended rule provides a standard for determining what acts constitute an "ongoing course of conduct" and therefore may be considered even if such acts occurred outside of the 180-day filing period for the harassment application.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 2-02 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 [regulations shall] rules apply to all [future complaints of] harassment applications filed with the Loft Board [after the effective date of these regulations (April 20, 1987). Pending cases in which the Loft Board has not yet rendered a final determination as of the effective date of these regulations (April 20, 1987) shall be subject to all sections of these regulations except §§2-02(c)(i) through 2-02(c)(6)(i); the processing of these pending cases shall be in accordance with the Board's Regulations for Internal Board Procedures—§§ l-06(a) to (j)], after September 11, 2013, the effective date of this amended rule. Harassment applications are subject to the harassment rule in effect on the date of the initial filing of the application.

All orders of harassment [issued prior to the effective date of these regulations (April 20, 1987) shall be noted] must be kept in the Loft [Board] Board's records and in the office of the City Register in accordance with the provisions of § 2-02(d)(l)(iii) of these [regulations. Landlords affected by previous orders may apply to the Loft Board in accordance with § 2-02(d)(2) for an order terminating the finding of harassment no sooner than one year and 180 days from the effective date of these regulations] rules.

(b) *Definitions.*

Harassment [**.** The term "harassment"* shall mean] 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 [shall include] 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 [regulations] rules regarding minimum housing maintenance standards. Harassment [shall] 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 [**.** The term "landlord" shall mean] means the owner of an IMD, the lessee of a whole building all or part of which [is an IMD] contains IMD units, or the agent, executor, assignee of rents, receiver, trustee, or other person having direct or indirect control of such [a] building.

Occupant[**.** The term "occupant"]**,** unless otherwise provided, [shall mean] means a residential occupant qualified for the protections of Article 7-C, or any other residential tenant or [a] 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 that when considered together, show a continuous pattern of behavior.

Continuous Pattern of Behavior, includes, but is not limited to, acts, at least one of which happened within 180 calendar days preceding the filing of the 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.*

(1) It is unlawful for a landlord or any other person acting on its behalf to engage in conduct constituting harassment against any occupant of an IMD building. A [complaint of] harassment application may be filed with the Loft Board by [an occupant or occupants] occupant(s) of an [interim multiple dwelling] IMD building. The [complaint shall] application must be filed on a form [prescribed] approved by the Loft Board and [shall be] will be processed in accordance with [the Board's Regulations for Internal Board Procedures—§§1-06(a) to (j), except as provided herein] § 1-06 of these Rules, and the specific requirements provided below.

2. (i) [The complaint shall allege in separately numbered paragraphs each type of conduct claimed to constitute harassment of occupants of the IMD by the landlord. Each paragraph shall contain a complete] The description of the conduct complained of [, including] 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, the [occupant(s)] occupants against whom the occurrence was directed. [Except for a complaint alleging conduct that has occurred prior to the effective date of these regulations (April 20, 1987), the complaint shall] The application must be filed within 180 calendar days of the conduct complained of[;], or where an ongoing course of conduct is alleged, as defined in subdivision (b), the [complaint shall] application must be filed within 180 calendar days of the last occurrence. [A complaint alleging conduct that has occurred prior to the effective date of these regulations (April 20, 1987) shall be filed within 180 days of the effective date of these regulations.]

(ii) [If a complaint fails to set forth a claim of harassment as defined in §2-02(b) "Harassment", the Loft Board shall notify the complainant(s) in writing of the deficiency and of the opportunity to file an amended complaint with the Loft Board within 15 days after the date of notification. Following such period if the complaint does not allege conduct constituting harassment, it shall not be processed further. If appropriate, it shall be deemed a complaint of failure to provide service and shall be processed pursuant to the Loft Board's rules and regulations relating to enforcement of minimum housing maintenance standards. Staff's decision not to process a harassment complaint may be reviewed by the Loft Board, upon application by a complainant.]

(iii) [Once the Loft Board staff has decided to accept a harassment complaint for further processing as described in §2-02(c)(2)(ii), a complainant found by the Loft Board to have filed such a complaint] If the Loft Board finds that an applicant has filed a harassment application in bad faith or in wanton disregard of the truth, the applicant may be subject to a civil penalty [not to exceed $1,000 each such violation] as determined by the Loft Board in § 2-11.1 of the Loft Board rules.

(3) The [staff of the Loft Board shall] applicant must serve all affected parties, [including the owner] as defined in § 1-06(a)(2), with a copy of the [complaint by regular mail, retaining records attesting to such service] application in accordance with the terms and procedures requiring service and proof of service of the application as described in § 1-06(b) of the Loft Board rules.

[However, where a complaint of] Where a harassment application solely alleges that the owner's challenge of a sale of improvements is frivolous, the [Loft Board staff shall] applicant must serve only the owner as an affected party.

Instructions for filing an answer ("Instruction Form") and [a notice scheduling a conference on the complaint shall be enclosed in each mailing. Where the landlord against whom a complaint of harassment has been filed is not the owner of the IMD, the mailing to the owner shall] an answer form must be enclosed with the copy of the application sent to the affected parties. Instructions for filing an answer must advise the owner that a finding of harassment may affect the owner's ability to decontrol or to obtain market rentals for covered IMD units pursuant to MDL §§ 286(6) and 286(12) [of Article 7-C] and the Loft Board's [regulations] rules. Inclusion of the Loft Board's approved Instruction Form with the application at the time of service constitutes compliance with this paragraph.

(4) Parties [shall] have 15 calendar days after the date on which service of the [complaint] 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. [Twelve] Five copies of the answer with proof of service of the answer on the [complainant(s)] applicant(s), as described in § 1-06(e) of these rules, 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") will send, by regular mail, a notice of conference to the affected parties. The notice of conference will schedule a date and time for an informal conferenceas soon as possible [following the time period for filing an answer], but no sooner than 15 calendardays from the date of mailing the notice of conference. The notice of conference sent to the owner will advise the owner that a finding of harassment may affect the owner'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) [Such conferences shall] The informal conference may be conducted by the Loft Board staff or OATH with the 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 [shall] must be executed by the parties and [shall be] filed with the Loft Board for its approval on [a] the Loft Board's summary calendar.

(6) Where charges of harassment remain unresolved following the informal conference, a hearing on [the complaint] the allegations in the harassment application will be held in accordance with the procedures of [§§l-06(e)and (f) of the regulations for internal Board Procedures] § 1-06 of these rules and the following:

(i) [the] The hearing will be limited to the charges contained on the original [complaint] application, as modified at the conference, and any additional charges of harassment arising as a result of conduct occurring after the conference.

(ii) [the] The acts performed by an occupant in good faith and in a reasonable manner for the purposes of operating a nonresidential conforming use [shall] will be presumed not to constitute harassment. The presumption may be rebutted by a showing that [such] the acts were performed on the landlord's behalf and intended [by the landlord] to cause another occupant to vacate the building, or its 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.

(iii) [a] A finding by the Loft Board that the owner has willfully violated the code compliance timetable or has violated the code compliance timetable more than once may be considered as evidence of harassment. (See [regulations] rules on Code Compliance—[§ 2-01(c)(3)] § 2-01(c)(5)).

(iv) [the] The issuance of a municipal vacate order for hazardous conditions as a consequence of the owner's unlawful failure to comply with the code compliance timetable [shall] will result in a rebuttable presumption of harassment. (See [regulations] rules on Code Compliance—[§ 2-01(c)(4)] § 2-01(c)(6)).

(v) [a] A finding by the Loft Board of unreasonable and willful interference with an occupant's use of its unit by the [owner] landlord or its agents may be considered as evidence of harassment. (See [Regulations] rules on Code Compliance—§ 2-01(h)).

(vi) [a] A finding by the Loft Board of a willful violation of Minimum Housing Maintenance Standards may be considered as evidence of harassment of residential tenants. (See [regulations] rules on Enforcement of Minimum Housing Maintenance Standards—§ 2-04(e)(6)).

(vii) [a] A finding by the Loft Board that the filing of an application by the owner objecting to the sale of improvements was frivolous may be considered as evidence of harassment of residential tenants. An objection to the sale may be found to be frivolous on grounds including, but not limited to, the following:

(A) [that] That it was filed without a good faith intention to purchase the improvements at fair market value or

(B) [that] That the owner's valuation of the improvements has no reasonable relationship to the fair market value, as determined by the Loft Board. (See [regulations] rules on Sales of Improvements—[§ 2-07(g)(1)(i)] § 2-07(g)(1)(ii)). At the occupant's request the Loft Board [shall] will issue its findings on [an outstanding complaint of] a pending harassment application based upon the allegation that the owner's objection to the sale of improvements is frivolous, or any other pending [complaint of] harassment application in the building, concurrently with its determination of the owner's challenge.

(viii) [a] A determination by a civil or criminal court of landlord harassment of an [occupant or occupants] occupant(s) may be considered as evidence of harassment.

(d) *Findings of harassment.*

(1) (i) [An owner found guilty of harassment shall] *Effect of harassment finding*. A landlord that is found by the Loft Board to have harassed an occupant will not be entitled to the decontrol of or market rental for any IMD unit [for which] after a sale of improvements pursuant to MDL § 286(6) of Article 7-C and these rules [regulations promulgated pursuant thereto takes place in the IMD where the harassment occurred]. This restriction [shall apply] applies to any sale of improvements that takes place on or after the date of the order containing the finding of harassment until [such time as] the date the order [may be] is terminated in accordance with § 2-02(d)(2). This restriction may also apply to any sale of rights pursuant to MDL § 286(12) and § 2-10 of these Rules that takes place on or after the date of the order containing the finding of harassment until the date the order is terminated in accordance with §§ 2-02(d)(2).

(ii) [A] *Civil penalty for a finding of harassment*. If the Loft Board finds that a landlord harassed an occupant, the landlord [found guilty of harassment by the Loft Board] may be liable for a civil penalty [not to exceed $1,000] as determined by the Loft Board in § 2-11.1 of the Loft Board rules for each occurrence that is found to constitute harassment. Registration as an IMD [shall] will not be issued or renewed for any building for which fines have been imposed for landlord harassment until [such] all fines have been paid.

(iii) [The order containing the finding of harassment shall be attached to and noted upon the current and all subsequent IMD registration applications on file for the IMD affected by such finding until such time as the order may be terminated in accordance with § 2-02(d)(2).] *Notice of a harassment finding*. The order containing the finding of harassment [shall be] is binding [upon all persons] on all individuals or parties who succeed to the landlord's interest in the premises until the harassment order is terminated in accordance with § 2-02(d)(2) below. A copy of the Loft Board's order containing the finding of harassment [shall] will be mailed to the [complainant] applicant, the owner, [all occupants of the building, and any other] and the affected parties to the proceeding. Notice of such order [shall] will be filed by the Loft Board in the office of the City Register.

(iv) *Effect on other relevant laws*. The procedure provided [for herein shall be] in this rule operates in addition to any procedures provided under other provisions of law and [shall] must not be construed to alter, affect or amend any right, remedy or procedure that may exist under any other provisions of law, [such as] including, but not limited to the following:

(A) [an] An occupant may apply to the Supreme Court of the State of New York for an order enjoining [the landlords] a landlord from harassment pursuant to § 235-d(4) of the Real Property Law and may pursue all other remedies in relation to harassment including the award of damages before a court of competent jurisdiction.

(B) [upon] Upon the request of a residential occupant who either vacates, has been removed from or is otherwise prevented from occupying its unit as a result of harassment, a landlord [shall] must take all reasonable and necessary action to restore the occupant to its unit, provided that such request is made within [seven] 7 calendar days after removal, pursuant to § 26-521(b) of the New York City Administrative Code.

(C) [residential] Residential occupants of IMDs are afforded the protections available to residential [tenants] occupants pursuant to the Real Property Law and the Real Property Actions and Proceedings Law, including § 223-b of the [RPL] Real Property Law regarding retaliatory evictions, notwithstanding that such occupants may reside in an owner-occupied IMD having fewer than 4 residential units.

(D) [special] Special proceedings pursuant to [RPAPL] Article 7-A of the Real Property Actions and Proceedings Law are available to all occupants of IMDs, notwithstanding that such IMDs may contain less than [three] 3 residential units.

(v) *Violation of § 2-04.* If the OATH Administrative Law Judge assigned to the case finds that the acts alleged by the occupant do not constitute harassment, the Administrative Law Judge may, in the alternative and without the need for the applicant to amend his or her application or pleadings, consider whether the facts alleged in the application describe an owner's failure to provide a service or an owner's unlawful diminution of services. If so, upon notice to the owner, the application may be processed pursuant to the Loft Board's rules regarding diminution of services as described in § 2-04.

Upon notice that the facts alleged will be processed as a diminution of services claim, the owner 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 § 2-11.1 for any finding of diminution of services.

(2) (i) *Termination of Harassment Findings.* Where [a landlord has been found guilty of harassment by the Loft Board, the current] the Loft Board has issued a finding of harassment, the landlord may apply to the Loft Board pursuant to [the regulations for Internal Board Procedures,] § 1-06 of these rules, for an order terminating the harassment finding following the expiration of the period of time specified in the harassment order [containing the finding of harassment, for an order terminating such finding]. The order containing the finding of harassment [shall] must specify the period of time, within a range of [one to three] 1 to 3 years from the date of the order of harassment, during which the landlord [shall be] is barred from applying for an order of termination. However, where a landlord has been convicted of a crime for conduct found by the Loft Board to constitute harassment, the [current] landlord may apply for an order of termination only after at least [five] 5 years have passed since the date of the order of harassment.

[The] After the period during which the landlord is barred from applying for termination of the harassment finding has expired, the Loft Board may [grant such relief] terminate the harassment finding if it finds that:

(A) [since] Since notification of the order, the landlord has not engaged in the [proscribed] prohibited conduct [and has not engaged in] or any other conduct which constitutes harassment; [and]

(B) [the] The landlord has achieved compliance with the fire and safety standards of Article 7-B, alternative building codes or provisions of the [M.D.L.] MDL, as provided in [§ 2-01(a)(3)] § 2-01(a) of the rules governing Code Compliance [Regulations] Work and as may be exhibited by the issuance of a temporary certificate of occupancy, or Article 7-B certification on the approved Loft Board form, or if Article 7-B compliance was achieved prior to the date of the order of harassment, has obtained a final residential certificate of occupancy [as a class A multiple dwelling] for the IMD units; [and]

(C) [the] The landlord has paid all civil penalties assessed in the order of harassment, and there are no other orders of harassment outstanding for the IMD building; and

(D) [the] The landlord is in compliance with [the regulations] § 2-05 of these rules relating to registration of the [IMDs] IMD building.

(ii) *Orders Terminating Harassment Findings.* An order terminating a prior Loft Board finding of harassment [shall apply] applies prospectively only, and the owner [shall not be] is not entitled to the decontrol of or market rental for any residential unit for which a sale of improvements pursuant to MDL § 286(6) [of Article 7-C and the regulations promulgated pursuant thereto] and these Rules has taken place in the period from the date of the order finding harassment to the date of the order terminating such finding.

(iii) *Suspension or Revocation of Termination of Harassment Orders.* If the Loft Board at a regularly scheduled meeting or at a special session called in accordance with § 1-03(a) of the [regulations for Internal Board Procedures] Loft Board rules has reasonable cause to believe that harassment is occurring or has occurred at the IMD after the date of an order terminating a prior finding of harassment, the Loft Board shall suspend such order of termination immediately. Notice of such suspension shall be mailed to the landlord and to all occupants. Upon the 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 [of] suspension, reinstatement or revocation of termination [shall] must be included among the IMD registration material on file[, and] with the Loft Board. The Loft Board will file the notice of termination or notice of suspension, reinstatement or revocation of termination [shall be filed by the Loft Board] in the office of the City Register.

(e) *Harassment by prime lessees.*

(1) *"Prime lessee."* For the purposes of [these] this harassment [regulations] rule, the term "prime lessee" [shall mean] means the party with whom the landlord entered into a lease or rental agreement for use and occupancy of a portion of an IMD building, which is being used residentially, where [s/he] the prime lessee is not the residential occupant qualified for protection of the unit, regardless of whether [such] the lessee is currently in occupancy of any portion of the space [s/he] the prime lessee has leased from the landlord or whether [such] the lease remains in effect.

(2) It is unlawful for a prime lessee or any other person acting on his or her behalf to engage in conduct that would constitute "harassment" if engaged in by the landlord, as defined in § 2-02(b)["Harassment"], against any of [its] the prime lessee's current or former subtenants who are residential occupants qualified for the protections of Article 7-C. A [complaint of harassment] harassment application may be filed with the Loft Board by a residential occupant qualified for the protections of Article 7-C against [its] the prime lessee. The [complaint shall] application will be processed in accordance with the procedures described in § 2-02(c). The deed owner of the building must be listed as an affected party in all applications brought under this subdivision (e).

(3) (i) [A] If the Loft Board finds that a prime lessee harassed an occupant, the prime lessee [found guilty of harassment by the Loft Board] may be liable for a civil penalty [not to exceed $1,000] as determined by the Loft Board in accordance with § 2-11.1 of the Loft Board rules for each occurrence that is found to constitute harassment.

(ii) A prime lessee found [guilty of harassment] by the Loft Board [shall not be] to have harassed an occupant is not entitled to recover subdivided space pursuant to § 2-09(c)(5)(i) and [§ 2-09(c)(5)(iii) of these rules and regulations Relating to Subletting and Similar Matters and shall not be] § 2-09(c)(5)(v) of these Rules relating to subletting and is not entitled to the rent adjustment provided for in § 2-09(c)(6)(ii)(D)(b) of [those regulations] these rules.

(4) (i) [A] After the period of time barring the owner from terminating a harassment finding provided in the Loft Board order, the prime lessee [found guilty of harassment by the Loft Board] may apply to the Loft Board pursuant to [the Regulations for Internal Board Procedures, following the period of time specified in the order containing the finding of harassment,] § 1-06 of these rules for an order terminating such finding. The order containing the finding of harassment [shall] will specify the period of time, within a range of [one to three] 1 to 3 years from the date of the order of harassment, during which the prime lessee [shall] 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, the prime lessee may apply for an order of termination only after at least [five] 5 years have passed since the date of the order of harassment. The Loft Board may grant such relief if it finds that:

(A) [since] Since notification of the order the prime lessee has not engaged in the [proscribed] prohibited conduct and has not engaged in any other conduct which constitutes harassment, and

(B) [the] The prime lessee has paid all civil penalties assessed in the order of harassment, and there are no other orders of harassment outstanding for the prime lessee.

(ii) An order terminating a prior Loft Board finding of harassment by a prime lessee [shall apply] applies prospectively only.

[* Real Property Law cf. §235-d.]

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that New York City Loft Board is amending Title 29 of the Rules of the City of New York by adding a new Section 2-06.2 to update and clarify requirements related to interim rent adjustments.

A duly noticed public hearing was held on July 27, 2012, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through July 27, 2012.

Statement of Basis and Purpose

On June 21, 2010, the New York State Legislature enacted Section 281(5) of Article 7-C which expanded the criteria for coverage under the Loft Law. Multiple Dwelling Law (MDL) section 286(2)(i) directs the Loft Board to establish rent adjustments prior to Article 7-B compliance, also known as interim rent adjustments for interim multiple dwelling (IMD) units covered under MDL § 281(5).

On November 17, 2011, the Loft Board heard testimony from owner and tenant representatives, the Met Council on Housing and the Rent Stabilization Association, among others, about factors the Loft Board should consider in determining the rent adjustments pursuant to MDL section 286(2)(i). In addition, the Loft Board considered over 30 letters received from tenants and advocates for tenants and owners. The information provided was insightful and helpful in understanding the potential impact of these increases on the artist community, current trends in loft housing, and the effect of rent regulation on the housing market.

The following list represents a summary of the reoccurring points presented to the Loft Board in the oral and written comments:

- Tenants report that they are already paying market rent;
- Tenants report that most of them have had a recent increase in rent;
- A further increase in addition to the legalization milestone increases will result in the unit being over market rent and price-out the artist community;
- An increase prior to Article 7-B compliance after a lease expires may encourage an owner not to finish the Article 7-B work until after the lease expires to collect the increase;
- Tenants report that the buildings are in a state of disrepair and the owners fail to do proper maintenance; and
- Tenants have invested considerable sums of money by making improvements to make the loft spaces livable and owners should not reap the benefits of their financial investment prior to Article 7-B compliance.

After consideration of the comments received to date, the Loft Board determined that there should be no rent adjustment prior to Article 7-B compliance pursuant to MDL § 286(2)(i). The rule sets forth this determination in the interim rent adjustments required in MDL § 286(2)(i) for interim multiple dwelling (IMD) units covered under MDL § 281(5). In addition, the rule provides that garbage escalators will not include services provided by the New York City Department of Sanitation.

New matter in the following rule is underlined, and deleted material is in [brackets].

Title 29 of the Rules of the City of New York is amended by adding a new section 2-06.2 to read as follows:

§ 2-06.2 Interim Rent Guidelines and Rent Adjustments pursuant to MDL § 286(2)(i).

(a) *Coverage.*

(1) These rent guidelines apply to interim multiple dwelling ("IMD") units, as defined in § 281 of Article 7-C of the Multiple Dwelling Law ("MDL"), which (i) are subject to Article 7-C solely pursuant to MDL § 281(5); (ii) are registered with the Loft Board; and (iii) do not meet the safety and fire protection standards of Article 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 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 landlord within the year prior to June 21, 2010; or

(B) There had been a substantial change in the level of services agreed to be provided within the year prior to June 21, 2010.

(2) **"Escalators"** are additional charges agreed upon by the occupant and landlord 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; or any cost-of-living increase formulas.

(3) (i) "**Use-Based Escalators"** are escalators that: 1) are based on a verifiable calculation of the occupant's usage and the cost to the owner; and 2) were part of the last lease or rental agreement in effect on or before June 21, 2010. Use-based escalators may include charges related to gas, electricity and steam.

(ii) **Garbage Escalators** are escalators related to garbage collection services that were part of the last lease or rental agreement in effect on or before June 21, 2010. Garbage escalators will not include charges for services provided by the New York City Department of Sanitation or a succeeding government agency at no cost to the owner.

(4) "**Total rent**"

(i) *Lease in effect on June 21, 2010.* Except as provided in (iii), **total rent** is the rent, including escalators, specified in the lease or rental agreement in effect on June 21, 2010, paid by the tenant pursuant to said lease or rental agreement.

(ii) *No lease in effect on June 21, 2010.* Except as provided in (iii), where no lease or rental agreement was in effect on June 21, 2010, the **total rent** is the rent, including escalators, paid by the tenant to the landlord on or before June 21, 2010 pursuant to the last lease or rental agreement prior to June 21, 2010.

(iii) **Total rent** shall not include use-based escalators or garbage escalators.

(c) *Rent Adjustments Pursuant to § 286(2)(i).* For purposes of determining rent adjustments pursuant § 286(2)(i), there will be no increase permitted above the total rent as defined above for any unit subject to Article 7-C pursuant to MDL § 281(5).

(d) *Permissible Rent Levels.* An owner of a unit subject to Article 7-C pursuant to MDL § 281(5) may not charge a residential occupant more than:

(1) Total rent, as defined above; plus
(2) Any other rent adjustments authorized pursuant to Article 7-C and these Rules, including allowable rent adjustments authorized pursuant to § 2-12 of these Rules; plus
(3) Use-based escalators, if any; plus
(4) Garbage escalators, if any.

(e) *Overcharges and Penalties.* Rent payments made prior to September 11, 2013, 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 option, either in a lump sum to the tenant or as a 20 percent reduction of the legal rent permitted under this rule as of September 11, 2013, 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.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board is amending section 2-07 of Title 29 of the Rules of the City of New York, regarding sales of improvements pursuant to Multiple Dwelling Law § 286(6). The amended rule conforms section 2-07 to the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

A duly noticed public hearing was held on July 19, 2012, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through July 19, 2012.

Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the Legislature enacted Chapters 135 and 147 of the Laws of 2010, which amended the Loft Law.

To ensure the Loft Board rules are aligned with the recent amendments to the Loft Law, the amended rule:

- Adds provisions addressing when units covered by the Loft Law pursuant to MDL § 281(5) may be exempted from rent regulation after a sale of improvements.
- Amends the service and proof of service requirements for an application challenging a proposed sale of improvements.
- Directs the reader to the Loft Board's new fine schedule for penalties that may be imposed for an owner's failure to file a sales record form with the Loft Board.
- Removes provisions governing sales of improvements that occurred prior to March 23, 1985.

Adds headings and re-orders the subdivisions of the rule into a more coherent section.

NEW YORK CITY LOFT BOARD REORGANIZATION OF SECTION 2-07, SALE OF IMPROVEMENTS

Old Subdivision Designation	Description	New Subdivision Designation
§ 2-07(a)	Definitions	No Change
§ 2-07(b)	Notice: Form and Time Requirements	§ 2-07(f)
§ 2-07(c)	Modifications on Consent, Change of Address	§ 2-07(h) (renamed Deadline Extensions on Consent and Change of Address)
§ 2-07(d)	Parties	§ 2-07(g)(3)
§ 2-07(e)	Sales not Subject or Partially Subject to These Regulations	§ 2-07(b)(2)
§ 2-07(f)(1)	Right to Sell §	2-07(b)(1)
§ 2-07(f)(2)	Offers to Sell to Prospective Tenant	§ 2-07(c)
§ 2-07(f)(3)	Owner's Response to Offer & Proposed Tenant	§ 2-07(d)
§ 2-07(f)(4)	Acceptance of Prospective Tenant through Owner's Consent to Tenant's Purchase or Owner's Failure to Respond	§ 2-07(d)(3)
§ 2-07(f)(5)	Owner's Purchase of Improvements	§ 2-07(d)(4)
§ 2-07(g)(1)	Challenges to Proposed Sales of Improvements – Procedures	No Change
§ 2-07(g)(2)	Grounds for Challenge	No Change
§ 2-07(h)	Sales which Occurred Prior to Effective Date of these Regulations	DELETED
§ 2-07(i)	Fair Market Value of Improvements; Hard Exemptions, Vacate Orders, Owner Occupancy	No Change
§ 2-07(j)	Filing the Record	No Change in location but renamed to "Filing the Sales Record with the Loft Board"

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 2-07 of Title 29 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 unless context clearly indicates otherwise.

(1) **Fair market value.** "Fair [Market Value] market value" is [the value established by a] defined as follows:

(i) A bona fide offer by a prospective incoming tenant to purchase improvements [from a prospective tenant, unless the Loft Board finds, upon application of an owner challenging such offer as not representing fair market value, that the offer does not represent the value of the improvements as determined after the Board's consideration, as further set forth in §2-07(g) herein,

(i) for such improvements as were purchased by the outgoing tenant, of the amount paid by the outgoing tenant, less depreciation for wear and tear and age, to the prior tenant or to the owner, or to both, for purchase of improvements, and

(ii) for such improvements, as were made by the outgoing tenant, of the replacement cost of such improvements less depreciation for wear and tear and age] made or purchased by an outgoing tenant qualified for protection under Article 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 challenges the value in accordance with § 2-07(g), in which case the fair market value will be determined by the Loft Board in accordance with § 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 to the Loft Board, which shall determine the value in accordance with the criteria and procedures set forth [herein] in this Rule.

(2) **Improvements.** "Improvements" are the fixtures, alterations and development of [a unit in] an interim multiple dwelling ("IMD") unit which were made or purchased by a residential tenant who is qualified for protection under Article 7-C.

(i) "Fixtures" are defined as that which is fixed or attached to real property permanently as an appendage[and shall include], including, but not [be] limited to, the following: kitchen installations, [including] such as stoves, sinks, counters, and built-in cabinets; bathroom installations, [including] such as sinks, toilets, bathtubs, and showers; other installations, [including] 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" [shall] include, but [not be] are not limited to the following: demolition work, [including] such as debris removal; repair[(], other than normal recurring maintenance[) and]; renovation of ceiling, walls, windows, and floors; design, including professional fees paid to architects and designers in connection with the improvements; labor; equipment rental; [design including professional fees paid to architects and designers in connection with the improvements;] and such removable personal property as [was] is reasonable to establish residential use, such as a refrigerator and dishwasher.

Improvements [shall] do not include other removable household furnishings, such as rugs, tables, and chairs[, nor statutory rights]. A sale of improvements does not constitute a sale of rights pursuant to [Article 7-C, neither of which may be the subject of a sale pursuant to § 286(6) of the Multiple Dwelling Law ("MDL")] § 286(12) of the Multiple Dwelling Law ("MDL").

(3) [**Multiple dwelling unit.** A multiple dwelling unit, (also "IMD unit" or "unit,") is a] **Unit,** as referred to in this Rule, means:

(i) A residential unit in an [interim multiple dwelling] IMD building, as defined by MDL § 281 and [Loft Board Coverage regulations] these Rules, which [unit] is registered with the Loft Board [as required by regulations relating to registration of interim multiple dwellings at the time of service on the owner of the Improvement Sales Disclosure Form as required herein. Included are units in multiple dwellings which were] 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 [IMD's and have] an IMD unit, but which has subsequently been legalized and removed from the Loft Board's jurisdiction.

(b) [*Notice: form and time requirements*. All notices, requests, responses and stipulations served by owners and tenants pursuant to these regulations shall be in writing, with a copy delivered or mailed to the Loft Board, accompanied by proof of service. Service by the parties shall 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. Unless otherwise agreed in writing by the parties, with notice to the Loft Board, these communications shall be delivered or sent to the outgoing tenant and to the prospective tenant at the respective addresses specified on the Improvements Sale Disclosure Form, described herein; and to the owner via the registrant of the IMD unit at the address indicated on the IMD registration form unless the owner informs the Loft Board, in writing, of an alternate party or address, or both, to be contacted regarding a sale of improvements. Proof of service shall be in the form of a verified statement of the person who effected service, setting forth the time, place and other details of service, if service was made personally, or by copies of the return receipt and verified statement of mailing, if service was performed by mail. Communications by the Loft Board pursuant to these regulations will be sent by regular mail to the addresses indicated above.

Service shall be deemed effective upon personal delivery or five days following service by mail. Deadlines provided herein are established pursuant to the effective date of service.]

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 of an IMD unit which is qualified for protection under Article 7-C may sell the improvements of the unit to the owner or to a prospective tenant, either before or after such unit has been legalized and registered with DHCR, subject to the procedures established in these Rules. This right to sell may be exercised only once for each IMD unit. The improvements must be offered to the owner for an amount equal to their fair market value, as defined in § 2-07(a) above, prior to their sale to a prospective incoming 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 registration of the unit with the Loft Board or prior to 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 7-C pursuant to §§ 2-05 and 2-08 of these rules, or which a court of competent jurisdiction has found do not qualify for Article 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 of the co-tenants will remain in occupancy after the sale and is an occupant qualified for the protection of Article 7-C.

(iii) *Compensation to prime lessee or sublessor.* Compensation to a prime lessee or sublessor by a residential occupant does not constitute a sale of improvements pursuant to MDL § 286(6), and is governed by § 2-09(c) of these rules in matters regarding the prime lessee's or sublessor's right to compensation for costs incurred in developing a residential unit. After compensation has been made by the residential occupant to the prime lessee or sublessor, the residential occupant has the right to sell the improvements in the unit pursuant to MDL § 286(6) and this section.

(c) [*Modifications on consent, change of address.* Deadlines, herein may be modified, applications may be withdrawn, and disputes may be resolved, by written agreement of the parties, subject to Loft Board approval. Parties may change their address upon service of written notice to the other parties and the Loft Board and such notice shall be effective upon personal delivery or five days following service by mail.]

Procedure for sales of improvements to prospective incoming tenant.

(1) An outgoing 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 and prospective incoming tenant in accordance with the following procedures at least 30 calendar days in advance of the date of closing of the proposed sale.

(i) The outgoing tenant must notify the owner 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:

(a) A list and description of the improvements included in the proposed

sale which were made or purchased by the outgoing tenant with accompanying proof of payment;

(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) 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) An affidavit by the outgoing 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) An affidavit by the prospective incoming tenant that he or she has received and reviewed the Disclosure Form; and

(f) Three reasonable dates and times within 10 calendar days after service of the Disclosure Form upon the owner, when the owner and/or the owner's designee could inspect the improvements.

(ii) The Disclosure Form must also include the following advisories to the prospective incoming tenant:

(a) The improvements included in the sale are limited to those items listed and described by the outgoing tenant;

(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 is responsible for maintenance of improvements deemed fixtures pursuant to these rules; however, the owner has the right to alter or remove the improvements pursuant to code compliance requirements, subject to the terms of this section;

(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 or a prospective incoming tenant pursuant to MDL § 286(6);

(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 as an occupant qualified for protection under Article 7-C;

(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) If the 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 7-C and the Loft Board's rules requiring that such units be brought into compliance;

(g) MDL § 286(5) provides that the costs of legalization as determined by the Loft Board are passed through to the tenants and may result in rent adjustments owed by the tenant above the base rent, amortized over a 10 or 15 year period;

(h) The offer is subject to the owner's right:

1. To purchase the improvements for an amount equal to their fair market value;

2. To challenge the offer as provided in § 2-07(g) below; and

3. To withhold consent to the prospective tenant, provided that consent may not be unreasonably withheld;

(i) If an owner purchases the improvements, the owner will not be entitled to the opportunity for decontrol of rent regulation or market rentals, as provided in § 2-07(d)(4)(ii) below, if the owner is found to have harassed tenants, pursuant to § 2-02 of these rules, unless the harassment finding has been terminated pursuant to § 2-02 of these rules.

(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) [*Parties*. Unless otherwise indicated herein, in cases involving an offer to purchase improvements, parties shall be limited to the owner and the outgoing tenant, except that a prospective tenant tendering an offer to purchase improvements shall be a party to cases involving issues of the *bona fides* of an offer.]

Owner's response to offer and prospective incoming tenant.

(1) ***Procedures for owner's response.***

(i) Within 10 calendar days of service of the Disclosure Form, the owner may request any reasonable additional information from the outgoing and prospective incoming tenants that will enable the owner to decide whether to purchase the improvements, and to determine the suitability of the prospective incoming tenant.

(A) No request by the owner for additional information from the outgoing tenant may be unduly burdensome, and requests for additional information must be relevant to the criteria set forth in § 2-07(g) below.

(B) If the Loft Board finds that the owner's request for additional information is unduly burdensome, it may reject the owner's request on application by the outgoing tenant.

(ii) In the owner's response to the Disclosure Form, the owner 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 in this matter.

(iii) Within 20 calendar days after service of the Disclosure Form, or delivery of the additional information reasonably requested by the owner, whichever is later, the owner must notify the outgoing and prospective incoming tenants of the owner's:

(A) Rejection of the offer based on one or more of the grounds for challenge listed in § 2-07(g)(2), by following the procedures provided in § 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 challenge is based on the unsuitability of the prospective tenant, the owner 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 must inform the Loft Board in writing within 20 calendar days after service of the Disclosure Form or delivery of the additional information requested, if any.

(2) *Owner's rejection of the offer.*

(i) If the owner rejects the outgoing tenant's offer to purchase the improvements, the owner must elaborate on the grounds for the rejection by filing a challenge application in accordance with the procedures provided in subdivision (g), except as provided in § 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 fair market valuation of the improvements and the owner'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 made or purchased the improvements, the rejection must indicate which improvements the owner alleges to have made or purchased and include proof.

(ii) Failure of the owner to file with the Loft Board a complete 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 § 2-07(d)(1)(iii) above, shall be deemed an acceptance of the proposed sale. However, if the owner's challenge is on the ground of the unsuitability of the prospective tenant, the owner 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 § 2-07(d)(1)(iv).

(3) *Owner's acceptance of sale and prospective tenant.*

(i) The owner 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 failure to: 1) send a complete notice of approval, as described in (i) above or 2) file a challenge application with the Loft Board within the time period provided in § 2-07(d)(1)(iii) above, or by another deadline agreed upon in writing by the owner and outgoing tenant, is deemed an acceptance of the proposed sale from the outgoing tenant to the incoming tenant and acceptance of the prospective incoming tenant, except as provided in § 2-07(d)(1)(iv).

(iii) In the case of (i) or (ii) above, the tenant assumes the rights and obligations of the outgoing tenant as an occupant qualified for protection under Article 7-C, upon the execution of the sale provisions and compliance with the other provisions of these 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, including any applicable pass-throughs or increases permissible under Article 7-C or the Loft Board's rules and orders, including but not limited to:

(A) Any increases permissible pursuant to §§ 2-06, 2-06.1, or 2-06.2, 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 purchase of improvements.*

(i) If the owner elects to purchase the improvements in an IMD unit in accordance with the terms of the prospective incoming tenant's offer, the owner must notify the outgoing tenant and the prospective incoming tenant of the owner's acceptance in accordance with § 2-07(d)(1)(iii), and must meet the terms of the offer within 30 calendar days of service of owner's acceptance upon the outgoing tenant. If the owner fails to meet the terms of the offer within the 30 calendar day period, the owner 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, an IMD unit subject to rent regulation solely by reason of Article 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 7-C requiring rent regulation,

(A) if such building had fewer than 6 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

(B) if the unit was purchased by the owner pursuant to these rules before July 27, 1987 and the building had fewer than 6 residential units on June 21, 1982, but 6 or more residential units on July 27, 1987.

(iii) Upon completion of the purchase by the owner, any unit subject to rent regulation solely by reason of Article 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 had 6 or more 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.

(iv) The exemption from rent regulation is not available in a building when any sale of improvements takes place on or after the date of a finding of harassment, and before the harassment order is terminated by the Loft Board in accordance with § 2-02(d)(2) of these Rules.

(e) [*Sales not subject, or partially subject, to these regulations*. These regulations do not apply to IMD units which have never been registered with the Loft Board. Any sales of improvements which take place in such units prior to registration do not constitute sales pursuant to §285(6) of the MDL.

These regulations do not apply to units which the Board has determined not to be covered by Article 7-C of the MDL.

These regulations also do not apply to sales of improvements between co-tenants of an IMD unit, where at least one of the co-tenants is remaining in occupancy and is an occupant qualified for the protection of Article 7-C. Also, compensation to prime lessees by subtenants or assignees who are residential occupants, pursuant to the section of the regulations on Subletting and Similar Matters regarding the prime lessee's right to compensation for costs incurred in developing residential unit(s), shall not constitute sales pursuant to §286(6). After such compensation has been made, where required under such section, the residential occupant shall have the right to sell the improvements in the unit pursuant to §286(6) and these Regulations. (See the section of Subletting and Similar Matters regulations regarding residential occupant's rights to sale of improvements pursuant to §286(6) of the MDL).

In a unit which has been determined by the Loft Board to be covered by Article 7-C, or has previously been registered with the Loft Board, but which is not registered in accordance with §2-07(a) "Interim Multiple Dwelling Unit" above, or with the New York State Division of Housing and Community Renewal (DHCR), a sale of improvements shall constitute the one-time-only sale as provided by §286(6) but it shall not be subject to the owner's right to challenge except on grounds of suitability of the prospective tenant which challenge must take place in a court of competent jurisdiction.]

(f) [*Applicability.* These rules shall apply to sales which occur on or after March 23, 1985, except as provided in §2-07(e), and except that the definition of the term "fair market value" set forth in subdivision (a) of this section, as amended effective on February 16, 1996, shall apply only to sales of improvements with respect to which a Disclosure of Sale Form was filed with the Loft Board on or after February 16, 1996. For the rules applicable to sales which occurred prior to March 23, 1985, see §2-07(h).

(1) *Right to sell*. The residential occupant of an IMD unit which is qualified for protection under Article 7-C, including such unit which has been legalized and is registered with DHCR, may sell the improvements of the unit to the owner or to a prospective tenant, subject to the procedures established herein. This right to sell may be exercised only once for each IMD unit. Such improvements must be offered to the owner for an amount equal to their fair market value as defined in §2-07(a) "Fair Market Value" above, prior to their sale to a prospective tenant, as provided herein.

(2) *Offers to sell to prospective tenant*. An outgoing tenant in an IMD unit, proposing to sell improvements to a prospective tenant, shall comply with the following procedures at least 30 days in advance of the date of closing or consummation of the proposed sale: (i) (A) The outgoing tenant shall notify the owner of his or her intent to move and to sell improvements, and the identity of the prospective tenant on an Improvements Sale Disclosure Form ("Disclosure Form"), as prescribed by the Loft Board, providing the following information to the owner:

(a) a list and description of the improvements

(1) installed and

(2) purchased by the outgoing tenant, with accompanying proof of payment;

(b) a written copy of the offer, verified by the prospective tenant, to purchase such improvements, which includes all terms and conditions of the offer;

(c) identification of such prospective tenant by name, current business and home addresses and such other address, if any, as such prospective tenant elects for purposes of delivery of notices and communications, and telephone numbers;

(d) an affirmation by the outgoing tenant that he or she installed or purchased the improvements offered for sale, or if not, 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) an affirmation by the prospective tenant that he or she has received and reviewed the Disclosure Form;

(f) provision of three reasonable dates and times at which inspection of the improvements by the owner or the owner's designee, or both, would be available, within 10 days of service of the Disclosure Form

(B) The Disclosure Form shall also include the following advisories to the prospective tenant:

(a) the improvements for sale are limited to those items listed and described by the outgoing tenant;

(b) the prospective tenant is purchasing absolute title to all removable personal property and the use and enjoyment for the duration of the prospective tenancy of all other property deemed improvements pursuant to these regulations; the owner shall be responsible for maintenance of improvements deemed fixtures pursuant to these regulations except that some improvements may be altered or removed pursuant to code compliance and requirements;

(c) the right to sell improvements may be exercised only once for the unit and an incoming tenant cannot re-sell them except for removable personal property;

(d) the prospective tenant, upon consummation of the sale of improvements, assumes the right and obligations of the outgoing tenant as an occupant qualified for protection under Article 7-C;

(e) the amount of the rent and a statement as to the types of further increases which may be applicable to IMD units pursuant to terms of the Loft Board's interim rent guidelines, pass-throughs of costs determined pursuant to Code Compliance regulations, or rent increases pursuant to the Rent Guidelines Board's orders;

(f) if the building has not been issued a residential certificate of occupancy for its IMD units at the time of the offer to purchase, it remains subject to the requirement of Article 7-C and Loft Board Compliance regulations that such units be brought into compliance;

(g) Article 7-C provides that the costs of legalization as determined by the Loft Board are passed through to the tenants and may result in increased rent above the base rent over a 10 or 15 year period;

(h) the offer is subject to the owner's right to purchase the improvements for an amount equal to their fair market value, to challenge the offer as provided in §2-07(g) of these regulations, and to consent to the prospective tenant, provided that consent may not be unreasonably withheld;

(i) rent regulation as provided for in Article 7-C is scheduled to expire on May 31, 2006, pursuant to section 3 of part T of chapter 61 of the Laws of 2005, and may or may not be renewed or amended by the legislature of the State of New York;

(j) the opportunity for decontrol or market rentals, if an owner purchases improvements, may not be available in a building when an owner has been found guilty by the Loft Board of harassment of tenants subject to regulations to be adopted by the Loft Board.

(ii) The original of the Disclosure Form, completed and executed, shall be filed with the Loft Board, together with proof of service. Within 10 days of receipt of such form, the Loft Board staff shall determine whether a sale for the unit in question has been previously recorded at the Board's offices. If such a sale has been recorded, the parties will be so notified and the proposed sale will not be permitted to proceed.

(3) *Owner's response to offer and proposed tenant*. Within 10 days of service of the Disclosure Form, the owner may request of the outgoing and prospective tenants such additional information as will enable the owner to decide whether or not to purchase the improvements, and to determine the suitability of the prospective tenant. In such response the owner must affirm that the subject unit is currently registered with the Loft Board or DHCR 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 in this matter. Any request by the owner for additional information from the outgoing tenant shall not be unduly burdensome. Requests for additional information regarding a decision whether to purchase the improvements must be relevant to the criteria set forth for making such determination in §2-07(g) below. If the owner submits further requests for information regarding the purchase of improvements, determined by the Loft Board to be unduly burdensome, such owner may forfeit his/her right to purchase the improvements in question.

Within 20 days of service of the Disclosure Form, or of the additional information reasonably requested by the owner, whichever is later, the owner shall notify the outgoing and prospective tenant, of the owner's

(i) acceptance and commitment to purchase at the offered price,

(ii) consent to the proposed tenant and sale or

(iii) rejection of the offer based on one or more of the grounds for challenge enumerated in §2-07(g)(2) herein by service upon the outgoing and prospective tenants of a challenge application and by filing with the Loft Board a copy of said challenge. If one of the grounds for challenge is the unsuitability of the prospective tenant, the owner must initiate any action based on that ground in a court of competent jurisdiction, and shall so inform the Loft Board in writing.

If the owner rejects the offer, the notice shall elaborate the grounds therefor. If the rejection is based on the claim that the offer exceeds the fair market value of these improvements, the rejection shall include the owner's fair market valuation of the improvements and the owner'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 owner's claim that (s)he made or purchased the improvements, the rejection shall indicate which improvements are so claimed and include proof thereof.

Failure of the owner to file a complete application, including payment of a fee of $800.00 to cover the full cost of an appraiser selected by the Board, with the Loft Board, with copies to the outgoing and prospective tenants, within the time for response prescribed in §2-07(f)(3) above, shall be deemed an acceptance of the proposed sale except if the owner's challenge is on the ground of the unsuitability of the prospective tenant, the owner must initiate any action based on that ground in a court of competent jurisdiction and shall so inform the Loft Board in writing within the time period for response prescribed in §2-07(f)(3).

(4) *Acceptance of prospective tenant through owner's consent to tenant's purchase or through owner's failure to respond*. An owner's failure to send a complete notice of acceptance or rejection within the time provided above, or such other time as mutually agreed upon, shall be deemed an acceptance of the proposed sale and tenant. In such a case, or when the owner consents to the proposed tenant, said tenant shall assume the rights and obligations of the outgoing tenant as an occupant qualified for protection under Article 7-C, upon the consummation of the sale and compliance with the other provisions of these regulations. Such tenant shall be permitted to commence residency, notwithstanding the lack of a residential certificate of occupancy covering the unit. He or she shall pay the rent previously charged to the outgoing tenant, including any applicable pass-throughs determined pursuant to Code Compliance regulations plus:

(i) any increases permissible pursuant to the Loft Board's interim rent guidelines if such increases have not already been imposed; or

(ii) any increases pursuant to the Rent Guidelines Board's orders, if applicable.

(5) *Owner's purchase of improvements*. If the owner elects to purchase the improvements in an IMD unit in accordance with the terms of the offer, the owner shall notify the outgoing tenant and the prospective tenant of such commitment as required in §2-07(f)(3) above, and shall meet the terms of the offer within 30 days of service of such commitment upon the outgoing tenant. Failure by the owner to consummate such a commitment within such 30-day period shall be deemed a waiver of the owner's right to purchase the improvements at an amount equal to their fair market value.

Upon consummation of the purchase by the owner and compliance with the filing provisions of these regulations, any unit subject to rent regulation solely by reason of Article 7-C of the MDL, and not receiving any benefits of real estate tax exemption or tax abatement, shall be exempted from the provisions of Article 7-C requiring rent regu- lation,

(i) if such building had fewer than six residential units on June 21, 1982, and on July 27, 1987; or

(ii) if the unit was purchased by the owner pursuant to these rules before July 27, 1987 and the building had fewer than six residential units on June 21, 1982, but six or more residential units on July 27, 1987.

Otherwise, upon consummation of the purchase by the owner any unit subject to rent regulation solely by reason of Article 7-C of the MDL, and not receiving any benefits of real estate tax exemption or tax abatement, shall be subject to subsequent rent regulation after being rented at market value, if such building had six or more residential units on June 21, 1982 or on July 27, 1987.

These exemptions from rent regulation shall not be available in a building when an owner has been found guilty by the Loft Board of harassment of tenants pursuant to §2-02. This restriction shall apply to any sale of improvements that takes place on or after the date of the order containing the finding of harassment until such time as the order may be terminated by the Loft Board in accordance with §2-02(d)(2).]

Notice between parties: form and time requirements.

(1) All notices, requests, responses and stipulations served by owners and 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 and to the prospective incoming tenant at the respective addresses specified on the Disclosure Form; and to the owner at the address indicated on the latest IMD registration form filed with the Loft Board immediately prior to 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 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) [*Challenges to*] *Applications challenging proposed [sales] sale of improvements.*

(1) *Procedures.*

(i) An owner of an IMD unit [who is contesting] seeking to contest the proposed sale of improvements [shall] must apply to the Loft Board for a determination within 20 calendar days of service upon the owner of the Disclosure Form, or within such additional period as provided pursuant to [§2-07(f)(3)] § 2-07(d) above, and [at such time shall] must pay the mandated filing fee of $800. Before the owner files a challenge application under this subdivision, the owner's registration with the Loft Board, including payment of applicable registration fees, must be current, or before filing a challenge application with respect to improvements in a unit that was formerly subject to Article 7-C, the owner's registration with DHCR or any successor agency must be current. The owner must also state that he or she is the owner of the premises or is authorized to act on behalf of the owner in this matter.

(ii) Filing of an application challenging the sale of improvements to a prospective incoming tenant which is found by the Loft Board to be frivolous may constitute harassment, pursuant to § 2-02 of these Rules, with the consequences provided in [§2-07(f)(5) herein] § 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 valuation of the improvements has no reasonable relationship to the fair market value, as determined by the Loft Board.

[(ii) Recognizing the necessity that sales of improvements occur without undue delays, the Loft Board will process challenges to such sales pursuant to the following expedited procedures:

(A)] (iii) The owner [shall] must serve the outgoing [tenant and prospective tenant] and prospective incoming tenants with a copy of the owner's challenge application, [upon such forms as are established by the Loft Board, and shall] and file [two] within 5 calendar days of service 2 copies of the application at the Loft Board and proof of service as described in § 1-06(b).

[(B) Three copies of any written answers from the outgoing and prospective tenants in response to the challenge application must be served on the Loft Board at its offices within five business days of receipt of such challenge application] (iv) The outgoing and prospective incoming tenants will have 7 calendar days from when service of the application is deemed complete to file with the Loft Board an answer to the challenge application. Two copies of the answer must be filed with the Loft Board. One copy of the answer must be served on

the owner and the other affected parties, if any, prior to filing the answer with the Loft Board. Proof of service must be filed with the Loft Board in accordance with § 1-06(e) of these Rules.

(v) The outgoing tenant's answer [shall] must include [three] 3 available dates and times during regular business hours within 10 calendar 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).

[Appraisers] (vi) The appraiser shall be appointed by the Loft Board[and shall], must be suitably qualified in valuing improvements and [shall] must be a Registered Architect, a Professional Engineer or a New York State Certified General Real Estate Appraiser. [Appraisers shall sign a written statement agreeing to adhere to the appraisal standards and procedures adopted by the Board. The Loft Board shall serve a copy of the answer on the owner and on the prospective tenant.]

(vii) The Board shall also notify the owner, outgoing tenant and prospective incoming tenant of an inspection date at one of the times designated by the outgoing tenant, or at another time fixed by the Board if none of the proposed dates is mutually convenient. Following [such an] the inspection, a copy of the appraiser's findings [shall] will be mailed to the three parties. A conference or hearing date must be scheduled no fewer than [eight] 8 calendar days nor more than [fifteen] 15 calendar days from the mailing [by the Loft Board of the answer] of the notice of conference or hearing or, if applicable, the filing of the appraiser's report[, whichever is later]. There [shall] may be no more than one adjournment per party, limited to [seven] 7 calendar days, for good cause shown. Except as provided [herein] in these rules, the requirements of the Loft Board's rules [and regulations for Internal Board Procedures shall] regarding applications apply.

(viii) If a challenge application results in an order by the Loft Board determining that the offer constitutes fair market value, the owner may exercise the right to purchase improvements at that price [or, if]. If the [determination is] Loft Board determines that the offer does not constitute fair market value, in accordance with § 2-07(g)(2), the owner may exercise the right to purchase the improvements at the price determined to constitute fair market value. The owner [shall] must notify the outgoing tenant within 10 calendar days of service of the Loft Board's order determining fair market value of the owner's intent to purchase at such price less half the cost of the appraisal and [shall] must consummate the purchase within 10 calendar days of [such] the owner's notice to the outgoing tenant, except that where the fair market value determination is less than the [received] price offered by the outgoing tenant, the outgoing tenant may decline to sell the improvements. The Loft Board's order determining fair market value [shall constitute] constitutes the price at which the outgoing tenant must first offer to sell the previously offered improvements to the owner for a period of [two] 2 years from the [issuance] date of the Loft Board order.

[(iii)] (ix) If the owner elects not to purchase the improvements at the Loft Board-determined fair market value, the outgoing tenant may sell to [a] the prospective incoming tenant, without challenge by the owner to the fair market value of the offer. The owner's failure to consummate a purchase, following notice of intent to purchase, within the period prescribed above, [shall be] is deemed an election not to purchase.

(2) *Grounds for challenge.*

[A challenge fully setting forth the owner's claims may be filed] An owner 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 all its terms and conditions.

(ii) Some or all of the improvements offered for sale were made or purchased by the owner, not the outgoing tenant[, with the specificity required in § 2-07(f)(3) above]. 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 [shall be] is presumed to represent fair market value.

(B) The presumption may be rebutted if the owner establishes that:

(a) [for] For such improvements as were purchased by the outgoing tenant, the offer exceeds the amount paid [to the owner or to the former tenant, or both,] for [such] the improvements minus depreciation for wear and tear and age; or

(b) [for] For such improvements as were made by the outgoing tenant, the offer exceeds the replacement cost of the improvements [less] minus depreciation for wear and tear and age.

(C) [Noncompliance of the improvements with the building code or other applicable laws or regulations shall not be considered in diminution of the amount paid or the replacement costs for improvements made or purchased prior to] 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 (a) March 23, 1985, or (b) September 11, 2013, the effective date of this amended rule, for a unit covered under Article 7-C pursuant to MDL § 281(5).

(iv) On any other basis authorized under Article 7-C.

(v) If a basis of a challenge is the unsuitability of the prospective incoming tenant, the owner [must] may only initiate [any] 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 in an application challenging an offer to purchase improvements, is limited to the owner and the outgoing tenant, except that a prospective incoming tenant is an affected party in cases involving an owner's challenge to the prospective incoming tenant's offer to purchase improvements.

(h) [*Sales which occurred prior to the effective date of these regulations.* (1) For sales which occurred prior to March 23, 1985, the provisions of this section shall apply as follows:

(i) Where application for registration as an IMD was received on or before January 31, 1983, sales of improvements consummated on or after June 21, 1982 shall be subject to the rights and obligations set forth in paragraphs (2) and (3) of this subdivision (h).

(ii) Where application for registration as an IMD was received after January 31, 1983, sales of improvements consummated after receipt of such application, but prior to March 23, 1985, shall be subject to the rights and obligations set forth in paragraphs (2) and (3) of this subdivision (h).

(iii) Where sales of improvements were consummated for IMD units, prior to application for registration and prior to March 23, 1985, these regulations do not apply and such sales do not constitute the one-time only sales permitted pursuant to §286(6) of the MDL.

(2) *Prior sales without offer to owner or without acceptance.* If the sale of improvements in an IMD unit to an incoming tenant has occurred prior to March 23, 1985, and is subject to the provisions of this subsection (see subparagraphs (1)(i) and (1)(ii) of this subdivision (h)), either without their first having been offered for purchase to the owner, or with the owner having contested the sale in writing, the owner must be afforded the opportunity to purchase the improvements at an amount equal to their fair market value, except that if the owner has accepted rent from the incoming tenant who purchased the improvements, such owner may purchase the improvements at the price paid by such incoming tenant, which shall be deemed to constitute fair market value, and may not challenge that price as in excess of fair market value.

(i) Where the owner has retained his/her right to purchase pursuant to this paragraph (2), and may wish to purchase the improvements, and the unit is registered with the Loft Board or with DHCR the owner must serve the purchasing tenant with a notice of his/her interest in purchasing the improvements no later than 90 days from the effective date of this regulation. The tenant must serve the owner with a notice describing the improvements purchased together with proof of payment of the amount paid to the outgoing tenant, within 15 days of service of notice by the owner. Within 30 days of receipt of this information, the owner shall send a notice to the tenant of the owner's

(A) commitment to purchase at such price,

(B) challenge to the fair market value of the improvements, unless such challenge is barred by the owner's acceptance of rent from the incoming tenant, or

(C) acceptance of the sale and tenancy, and such notice or failure to respond shall be of the same form, effect and consequences as if provided pursuant to §§2-07(f)(3)-(5) above.

(ii) Where the owner consummates a purchase of improvements pursuant to this section,

(A) the tenant shall have the right to remain in occupancy at the rent previously paid and accepted by the owner for 120 days, commencing on the first rent payment date following owner purchase, after which such tenant must either vacate the premises or agree to pay the rent set by the owner, with subsequent rent regulation, if applicable; or

(B) if the owner has not been accepting rent from such tenants, the tenant shall have the right to remain for 60 days commencing on the first rent payment date following owner purchase, provided that use and occupancy is tendered by the tenant in the amount of rent paid by the last tenant, after which such tenant must vacate the premises or agree to pay the rent set by the owner, with subsequent rent regulation, if applicable.

(3) *Prior sales of improvements with offer to owner.* (i) If the sale of improvements in an IMD unit has occurred prior to March 23, 1985, and is subject to the provisions of this section (see §§2-07(h)(1)(i) and (ii) above), either

(A) to the owner, or

(B) to a prospective tenant where the owner has declined to purchase but did not claim in writing that the purchase price was in excess of the fair market value, a Loft-Board-approved Sales Record shall be filed with the Loft Board within 30 days of the effective date of this regulation. Any transaction which is the subject of a Record filed in compliance with this section shall be deemed valid and shall constitute the one-time-only sale authorized by §286(6) of the Multiple Dwelling Law, regardless of whether it was conducted in accordance with the procedures for sales of improvements described herein.

(ii) If a tenant claims that a sale of improvements prior to March 23, 1985 did not yield fair market value and that tenant was denied rights under the statute, such a challenge must be brought in a court of competent jurisdiction and will not be entertained by the Loft Board except that if such tenant claims harassment the Loft Board may entertain such claim pursuant to Loft Board regulations on harassment].

Deadline Extensions on consent and change of address.

Deadlines set in this rule may be modified, 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, as defined in § 2-07(g)(3) above. Notice is effective upon personal delivery or 5 calendar days following service by mail.

(i) [*Fair market value of improvements; hardship exemptions, vacate orders, owner occupancy*] *Tenant's Right to Fair Market Value of Improvements in Cases of Hardship Exemptions, Vacate Orders and Owner Occupancy.*

(1) In the event that [the]:

(i) The failure of an owner to comply with the legalization deadlines mandated by [MDL §284(1)(i) or MDL §284(1)(ii)] MDL § 284(1) results in a municipal vacate order pursuant to [MDL §284(1)(iv), or in the event of the granting by the] MDL § 284(1)(x);

(ii) The Loft Board [of] grants a hardship exemption pursuant to MDL § 285(2)[, or in the event that the]; or

(iii) The owner 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 qualified for Article 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)(iv)] § 284(1)(x), any [such] vacate order pursuant to § 2-07(i)(1)(i) above, is to be deemed an order to correct the non-compliant conditions, subject to the provisions of Article 7-C, and the occupant [shall have] has the right to reoccupy the unit when the condition has been corrected and [shall be] is entitled to all applicable protections of Article 7-C.

(3) The Loft Board shall determine the fair market value in accordance with this section except that the tenant shall be the applicant, affected parties shall be limited to the owner and tenant, and the 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, [it shall order the owner] the owner will be required to pay such amounts to the tenant plus an amount equal to the application filing fee.

(j) [*Filing of sale record*] *Effect of Sale: Filing the Sale Record with the Loft Board.*

(1) Except as provided in paragraph (2) below, within 30 calendar days of the sale of improvements [in a unit] to the owner, pursuant to [Multiple Dwelling Law] MDL § 286(6)[or of March 23, 1985, whichever is later, the owner, if such owner purchased the improvements shall], the owner 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 purchaser]; and rent. Failure by the owner to file the required Sale Record within 30 calendar days of the sale of improvements [will] may subject the owner to a civil penalty[up to $1,000], as determined by the Loft Board in accordance with § 2-11.1 of these Rules.

(2) If a prospective incoming tenant purchases the improvements [subsequent to March 23, 1985] 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 [shall be] is presumed to be notice that a sale to the prospective incoming tenant identified [therein] has taken place[,] within 60 calendar days following receipt of such Disclosure Form, or 60 calendar days following the last deadline modification approved by the Loft Board.

If no sale has occurred, the outgoing tenant [shall so] must inform the Loft Board within 60 calendar days [of such time] following the filing of the Disclosure Form, or 60 calendar days from the last deadline. If the outgoing tenant fails to advise the Loft Board within the prescribed 60 calendar days that no sale has taken place, such tenant may [nevertheless rebut] refute the presumption by: 1) filing [an application for improvement sales consisting of] a letter withdrawing the previously filed Disclosure Form, or 2) filing another Disclosure Form, [the filing fee for a sale of improvements application of $800.00, and] with a new proposed sale along

with an [affirmation] affidavit by the outgoing tenant stating that the prior proposed sale did not occur, that the tenant has remained in occupancy of the unit and that no sale of improvements in the unit has occurred.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board is amending section 2-09 of Title 29 of the Rules of the City of New York to conform the Loft Board's rule to the amended Loft Law, by extending the rule's requirements to buildings covered pursuant to the newly added MDL § 281(5), and clarifying the existing provisions regarding subletting rights, privity with the owner, the right to recover subdivided space, and sale of improvements.

A duly noticed public hearing was held on July 12, 2012, affording the public opportunity to comment on the amendments as required by Section 1043 of the New York City Charter. Written comments were accepted through July 12, 2012.

STATEMENT OF BASIS AND PURPOSE

Pursuant to § 282 of Article 7-C of the Multiple Dwellings Law (MDL), also known as the "Loft Law," the Loft Board may promulgate rules to ensure compliance with the Loft Law.

Effective as of June 21, 2010, the New York State Legislature amended the Loft Law and enacted Chapters 135 and 147 of the Laws of 2010, which among other things, added MDL § 281(5). When it added § 281(5), the New York State Legislature expanded the criteria for coverage under the Loft Law.

The changes conform § 2-09 of the Loft Board's rules to the amended Loft Law, by extending the rule's requirements to buildings covered pursuant to the newly added MDL § 281(5), and clarifying the existing provisions regarding subletting rights, privity with the owner, the right to recover subdivided space, and sale of improvements.

To summarize, the amended rule:

(a) Updates the definition of an occupant qualified for possession of a residential unit and protection under Article 7-C;

(b) Clarifies the conditions necessary for privity between the subtenant and owner or prime lessee;

(c) Describes when a prime lessee may recapture the IMD unit or subdivided space if the prime lessee still occupies a portion of the IMD unit; and

(d) Clarifies the procedure for a prime lessee to be compensated for the improvements made by the prime lessee.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 2-09 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 [Similar Matters] Recovery of Subdivided Unit.**

(a) Definitions.

Prime lessee[**.** As used in these regulations, the term "prime lessee" shall mean] 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 [such] the lessee is currently in occupancy or whether [such] the lease remains in effect.

Privity[**.** As used in these regulations, the term "privity" shall mean] means a direct contractual relationship between two parties, which may be established explicitly, implicitly or by operation of law.

Tenant[**.** Where the term "tenant" is used in Article 7-C of the Multiple Dwelling Law to refer] refers directly or implicitly to a residential tenant [, it] and is deemed interchangeable with [the use of] the word "occupant" in Article 7-C and these rules.

(b) *Occupant qualified for possession of residential unit and protection* [*of*] *under Article 7-C.*

(1) Except as otherwise provided herein, the occupant qualified for protection under Article 7-C [shall be] 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 [shall] does not affect the rights of such occupant to [the protections of] protection under Article 7-C, provided that such occupant was in possession of such unit prior to: (i) June 21, 1982, [or prior to] 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 [the] these rules[issued pursuant thereto].

(3) When a residential occupant took possession of a residential unit covered as part of an IMD, on or after: (i) June 21, 1982, [or on or after] 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 [the] these rules [issued pursuant thereto], such occupant [shall be] is qualified for the protection of Article 7-C if:

(i) [he/she] The occupant is a prime lessee with a lease currently in effect or, if [he/she] 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) [he/she] The occupant is the assignee of a prime lessee and such assignment was consented to by the landlord; or

(iii) [prior] 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 [regulations promulgated pursuant thereto] these rules.

(4) The prime lessee, or sublessor who is not the prime lessee, [shall be] is deemed to be the residential occupant qualified for [the] protection [of] under Article 7-C, if [he/she] 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, [the] any rights of such person to recover [such a] the unit are extinguished.

(i) The prime lessee or sublessor must exercise, in a court of competent jurisdiction, his[/] or her right to recover [such] the unit upon the expiration or termination of the sublease under the terms of which [he/she] the prime lessee or sublessor is the immediate overtenant [or where such], 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 [is] 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, [whichever is later, except that, for IMD units that are subject to Article 7-C solely by reason of MDL §281(4) and the rules issued pursuant thereto, the primary lessee or sublessor must exercise his/her right upon expiration or termination of the sublease or where such sublease is no longer in effect, on or before February 21, 1993, whichever is later] 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) [In an IMD where] Where a prime lessee is in possession of a portion of the space which he or she leased from the landlord, such prime lessee [shall be] is entitled to remain in possession, and [be] is qualified for [the protections of] 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[), and shall not be]. 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 § 2-09(c)(5) [of these regulations,] below, [of these regulations] and [not withstanding] subject to the provisions of §§ 2-09(b)(3) and (b)(4) above. The current residential occupants of the remaining [units] unit(s) created through subdivision [shall be] are qualified for protection under Article 7-C with regard to their respective residential units covered by Article 7-C, except as provided in §§ 2-09(b)(3) and (b)(4)[, above,] of these [regulations] rules.

(c) *Rights, obligations and legal relationships among the parties.*

(1) *Legalization and cost of legalization.* The landlord of an IMD building is responsible for legalization of each residential IMD unit pursuant to MDL § 284 [of the MDL, for all covered residential units], regardless of whether the occupant is the prime lessee or a person or persons with whom the prime lessee entered into an agreement permitting such 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) [of the MDL], and apportioned among the covered residential units, shall be borne directly by the residential occupants qualified for protection of such units.

(2) *Privity.*

(i) *Privity Between Residential Occupant and Prime Lessee.* The residential occupant qualified for protection under Article 7-C, if other than the prime lessee, [shall be] is deemed to be in privity with the prime lessee, if either:

(A) [the] There is a lease or rental agreement in effect [regarding] for the residential unit between the prime lessee and the residential occupant; or

(B) [the] There is a lease or rental agreement in effect [regarding] for the residential unit or the space in which it is located, between the landlord and the prime lessee. No lease or rental agreement between the prime lessee and the residential occupant[, shall have] has any force or effect beyond the term of the lease or rental agreement between the prime lessee and the landlord, except as provided in §§ 2-09(c)(6) or (c)(7) [herein] of these [regulations] rules.

(ii) *Privity Between Landlord and Prime Lessee.* The prime lessee and the landlord [shall be] are deemed to be in privity when there is a lease or rental agreement in effect between them.

(iii) *Privity Between Residential Occupant and Landlord.* The residential occupant and the landlord [shall be] are deemed to be in privity when the residential occupant is the prime lessee; or when the lease or rental agreement between the prime lessee and the landlord, covering the residential 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 § 2-09(c)(4)[, below,] of these [regulations promulgated pursuant thereto)] rules, which have not expired [shall] will be deemed to be no longer in effect upon certification by the Department of Buildings of the landlord's compliance with the fire and safety protection standards of Article 7-B[, and at that time]. Upon such certification, a residential lease subject to the [emergency tenant protection act] Emergency Tenant Protection Act of nineteen seventy-four must be offered to the residential occupant, pursuant to § 286(3) of the MDL.

(3) *Services.*

(i) When the landlord and residential occupant are in privity, the landlord [shall be] is responsible for meeting the minimum housing maintenance standards established by the Loft Board in § 2-04 of these rules.

(ii) When the prime lessee and the residential occupant are in privity, there [shall be no] must not be any diminution of services [from] provided by the prime lessee to the residential occupant. The prime lessee [shall be] 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 and the residential occupant, and to the extent [such] those services are within the control of the prime lessee. Otherwise, [such] all services [shall] must be provided by the landlord.

(4) *Subletting rights of occupants qualified for protection under Article 7-C.*

(i) *Right to Sublet.* All occupants qualified for protection under Article 7-C [shall] have the right to sublet their units pursuant to and in accordance with the procedures specified in § 226-b of the [Real Property Law] RPL, notwithstanding that such occupants may reside in an [interim multiple dwelling (] IMD[)] building having fewer than 4 residential units, and [that such occupants] may not have a current lease or rental agreement in effect. The residential occupant of a unit located in a subdivided space, who is not in privity with the landlord, must obtain the consent of both the prime lessee of such space and the landlord to a proposed sublet of such unit, which may not be unreasonably withheld in accordance with § 226-b of the [Real Property Law] RPL.

(ii) *Subletting Provisions.* [In addition, the] The

right to sublet [shall be] is subject to the following provisions:

(A) The [rental] rent charged to the subtenant may not exceed the legal rent, as established pursuant to Article 7-C and these [regulations] rules, plus a ten percent surcharge payable to the residential occupant if the unit sublet is furnished with the residential occupant's furniture;

(B) The residential occupant must be able to establish that the residential unit is his[/] or her primary residence;

(C) The residential occupant may not sublet the unit for more than a total of two years, including the term of the proposed sublease, out of the four-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 lease, if such a lease is in effect, or beyond the date of the Department of Buildings certification of the landlord's compliance with Article 7-B of the [Multiple Dwelling Law] MDL. In such event, [such] the sublease [shall be] is subject to the residential occupant's right to continued occupancy pursuant to Article 7-C of the [Multiple Dwelling Law or] MDL, including the right of [such] the residential occupant to issuance of a lease in accordance with the terms and provisions of MDL § 286(3) and these rules, upon Article 7-B compliance. It [shall be] is considered unreasonable for a landlord to refuse to consent to a sublease solely because the residential occupant has no lease or rental agreement in effect or because [such] the sublease extends beyond the residential occupant's lease or beyond the anticipated date of achieving Article 7-B compliance.

(E) Where a residential occupant violates the provisions of this subparagraph [(i)] (ii) of [this] paragraph (4), the subtenant [shall be] is entitled to damages of three 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 [CPLR] Civil Practice Law and Rules.

(F) The provisions in [subparagraphs (ii)] clauses (A) through (E) of this [paragraph (4) shall] § 2-09(c)(4)(ii) apply to all subleases for IMD units which are subject to Article 7-C by reason of MDL § 281(1), commencing on or after September 25, 1983, the original effective date of these [regulations] rules. Subleases entered into on or after June 21, 1982, but prior to [the effective date of these regulations, shall] September 25, 1983 are not [be] subject to [subparagraphs (ii)] clauses (A), (C) and (E) of [this paragraph (4)] § 2-09(c)(4)(ii), but [shall be] are subject to [subparagraphs (ii)] clauses (B) and (D) of [this paragraph (4)] § 2-09(c)(4)(ii) and the provisions of [Section] § 226-b of the [Real Property Law] RPL, in effect at the time of the commencement of the sublease.

(G) Notwithstanding the provisions of [subparagraph (ii)] clause (F) of this [paragraph (4)] § 2-09(c)(4)(ii), the provisions in [subparagraphs (ii)] clauses (A) through (E) of [this paragraph (4) shall] § 2-09(c)(4)(ii) apply to all subleases for IMD units which are subject to Article 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, [shall] are not [be] subject to [subparagraphs (ii)] clauses (A), (C) and (E) [of this paragraph (4)], but [shall be] are subject to [subparagraphs (ii)] clauses (B) and (D) of [this paragraph (4)] § 2-09(c)(4)(ii) and the provisions of § 226-b of the [Real Property Law] RPL, in effect at the commencement of the sublease.

(H) Notwithstanding the provisions of clauses (F) and (G) of § 2-09(c)(4)(ii), the provisions in clauses (A) through (E) of § 2-09(c)(4)(ii) apply to all subleases for IMD units that are subject to Article 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 § 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 § 2-09(c)(4) of these [regulations shall be] rules is adjudged by any court of competent jurisdiction to be invalid, [such] the judgment shall not render invalid this entire section on subletting rights of residential occupants.

(5) *Prime* [*lessee's right to recover subdivided space*] *Lessee's Right to Recover Subdivided Space*.

(i) *Lease Between Prime Lessee and Landlord is in Effect and Residential Occupant Voluntarily Vacates the Subdivided Portion.* Where the prime lessee is the residential occupant of a portion of the space [he/she has] leased from the landlord and the lease or rental agreement between the prime lessee and the landlord is in effect, the prime lessee may recover for his[/] or her own personal use, a residential unit located within [such] the leased space voluntarily vacated by the residential occupant prior to the establishment of privity between such residential occupant and the landlord. The right to recover space pursuant to this [regulation shall not be] rule is not available to a prime lessee found by the Loft Board to [be guilty of harassment of] have harassed any residential occupant(s). The recovered space [shall] will be deemed part of the prime lessee's residential unit, and in no event [shall] may the prime lessee relet such space for any purposes whatsoever, except that [he/she shall have] the prime lessee retains the same rights to sublet [his/her] the entire residential unit as provided in § 2-09(c)(4) of these [regulations] rules.

(ii) *Prime Lessee's Right to Compensation For Improvements When the Residential Occupant Voluntarily Vacates the Subdivided Portion.* Where a prime lessee waives [his/her] the right to recover a residential unit in space leased by a prime lessee and vacated by the residential occupant, the prime lessee may sell improvements to the unit made or purchased by [him/her] the prime lessee to an incoming tenant, provided that the prime lessee [shall] first [offer] offers the improvements to the landlord for an amount equal to their fair market value pursuant to § 286(6) of the MDL and [regulations promulgated pursuant thereto. The] the Loft Board rules. If the incoming tenant purchases the improvements, the incoming tenant [shall be] is deemed in privity with the landlord, and the initial maximum rent [shall be] is to be determined in accordance with § 2-09(c)(6)(ii)(A) of these [regulations, if the incoming tenant purchases the improvements; or] rules. If the landlord purchases the improvements, the rent due shall be the initial market rental [(]subject to subsequent rent regulation if the IMD has six or more residential units [) if the landlord purchases the improvements] and if the sole basis for rent regulation is Article 7-C.

[(ii)] (iii) *Lease Between Prime Lessee and Landlord is in Effect and Prime Lessee Wants to Recover the Subdivided Portion.* Where the prime lessee is the residential occupant of a portion of the space [he/she] the prime lessee has leased from the landlord and the lease or rental agreement between the prime lessee and the landlord is in effect, the prime lessee may recover for his[/] or her own personal use, a residential unit located within [such] the leased space, if the residential occupant of [such] the unit agrees to the purchase by the prime lessee of [such] the occupant's rights in the unit. The recovered space [shall] will be deemed part of the prime lessee's residential IMD unit, and in no event [shall] may the prime lessee relet such space for any purpose whatsoever, except that [he/she shall have] the prime lessee retains the same rights to sublet [his/her] the entire residential IMD unit as provided in § 2-09(c)(4) of these [regulations] rules.

(iv) *Lease Between Prime Lessee and Landlord No Longer In Effect and Prime Lessee Wants to Recover Subdivided Portion.* Where the lease or rental agreement between the prime lessee and the landlord is no longer in effect, the prime lessee's right to recover space pursuant to this subsection [shall expire] expires on:

(A) July 5, 1988[or], for an IMD unit subject to Article 7-C by reason of MDL § 281(1);

(B) January 22, 1993, for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4), [on January 22, 1993]; or

(C) November 12, 2013, 60 days after the effective date of this amended rule, or if the unit is not subject to Article 7-C on the effective date of this amended rule, 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, whichever is earlier, for IMD units subject to Article 7-C by reason of MDL § 281(5).

[(iii)] (v) *Factors to Consider When Prime Lessee Seeks to Recover Subdivided Space.* Where the prime lessee is the residential occupant of a portion of subdivided space that the prime lessee uses as his[/] or her primary residence, and which [he/she] the prime lessee has rented directly from the landlord, the prime lessee [shall be] is entitled to recover as part of his[/] or her primary residence, a residential unit, located within the leased space, even if the space is occupied by another person or persons, if [such] the prime lessee can establish that:

(A) [there] There was an express written agreement between the prime lessee and the occupant of such space, other than the mere expiration of the lease, entitling the prime lessee to recover such space, and that the prime lessee has not taken actions inconsistent with exercising the option entitling [him/her] the prime lessee to recover such space;

(B) [the] The prime lessee has occupied the entire demised premises as his[/] or her own primary residence for at least one year prior to the subdivision and subletting of the unit;

(C) [the] The prime lessee has a compelling need to recover such space; and

(D) [the] The prime lessee has not been [guilty of harassment of] found to have harassed any residential occupants.

Space recovered pursuant to this provision [shall be] is deemed part of the prime lessee's residential IMD unit, and in no event [shall] may the prime lessee relet [such] any recovered space for any purpose whatsoever, except that [he/she shall have] the prime lessee has the same rights to sublet [his/her] the entire residential IMD unit as provided in § 2-09(c)(4) above, [of these regulations,] provided, however, that no such sublet [shall be] is permitted for the first [two] 2 years after recovery. The prime lessee [shall have] 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 [him/her] the prime lessee and the landlord, or, where [such an] a lease or rental agreement is no longer in effect, on or before:

(a) July 5, 1988 [or,] for an IMD unit subject to Article 7-C by reason of MDL § 281(1);

(b) January 22, 1993 for an IMD unit subject to Article 7-C solely by reason of MDL §281(4)[, on or before January 22, 1993]; or

(c) November 12, 2013, 60 days from the effective date of this amended rule, or if the unit is not subject to Article 7-C on the effective date of this amended rule, 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 by the owner, whichever is earlier, for IMD units subject to Article 7-C by reason of MDL § 281(5).

(6) *Rent.*

(i) *Maximum Permissible Rent When Residential Occupant is in Privity With Prime Lessee.* When the residential occupant is in privity with the prime lessee, the maximum permissible rent payable by [such] the residential occupant to the prime lessee shall be[the]:

(A) The rent established in [such] the residential occupant's lease or rental agreement, subject to the limitations in the applicable Loft Board Interim Rent Guidelines; or[, if]

(B) If such lease or rental agreement is no longer in effect, the amount permissible in accordance with § 2-06 for an IMD unit subject to Article 7-C by reason of MDL § 281(1); or[,] in accordance with § 2-06.1 for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4)[, in accordance with §2-06.1]; or in accordance with § 2-06.2 for an IMD unit subject to Article 7-C by reason of MDL § 281(5); and subject to any other relevant orders or rules of the Loft Board.

(ii) *Maximum Permissible Rent When Residential Occupant is in Privity with Landlord.* When the residential occupant is in privity with the landlord, [such] the residential occupant [shall] must pay rent as follows:

(A) [if] If the residential occupant is [other than] not the prime lessee, the maximum permissible rent [shall be] is the amount last regularly paid under the terms of the lease or rental agreement with the prime lessee, or the sublessor, if other than the prime lessee, plus any increases permissible and subject to any limitations under § 2-06 for an IMD unit subject to Article 7-C by reason of MDL § 281(1);

or[,] under § 2-06.1 for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4); [under § 2-06.1 and any other relevant orders of the Loft Board] or under § 2-06.2 for an IMD unit subject to Article 7-C by reason of § 281(5); and subject to any other relevant orders or rules of the Loft Board.

(B) [if] *Maximum Permissible Rent When Prime Lessee is Residential Occupant of Entire Leased Space.* If the prime lessee is the residential occupant of the entire space leased from the landlord, the maximum permissible rent [shall be the] is:

(a) The amount specified in the lease or rental agreement, subject to any limitations in the applicable Loft Board Interim Rent Guidelines; or [if]

(b) If the lease or rental agreement is no longer in effect, the amount permissible pursuant to § 2-06 for an IMD unit subject to Article 7-C by reason of § 281(1); or[,] §2-06.1 for an IMD unit subject to Article 7-C solely by reason of MDL § 281(4)[, the amount permissible pursuant to §2-06.1, and any other relevant orders of the Loft Board]; or § 2-06.2 for an IMD unit subject to Article 7-C by reason of § 281(5); and subject to any other relevant orders or rules of the Loft Board.

(C) *(a)* [if] *Maximum Permissible Rent When Prime Lessee is Residential Occupant of a Portion of Leased Space and Lease is in Effect.* If the prime lessee is the residential occupant of a portion of the space leased from the landlord and the lease or rental agreement between the prime lessee and the landlord is in effect for the entire space, the maximum permissible rent [shall be] 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) [if] *Maximum Permissible Rent When the Prime Lessee is Residential Occupant of a Portion of Leased Space and the Lease Between the Prime Lessee and the Landlord is Not in Effect.* If the prime lessee is the residential occupant of a portion of the space leased from the landlord and the lease or rental agreement between the prime lessee and the landlord is no longer in effect for a residential unit or unit located in a portion of such leased space, because privity has been established between the residential occupant(s) of [such] the subdivided unit or unit(s) and the landlord pursuant to [§ 2-09(c)(5)(i), above,] § 2-09(c)(2)(iii) of these [regulations, the rent due] rules, the maximum permissible rent shall be based on the rent paid by the prime lessee to the landlord under the most recent rental agreement for the entire space, plus any increases permissible under § 2-06 for an IMD unit subject to Article 7-C by reason of MDL § 281(1); or, under §2-06.1 for any IMD unit(s) subject to Article 7-C solely by reason of MDL §281(4)[, under §2-06.1,]; or under § 2-06.2 for an IMD unit subject to Article 7-C by reason of MDL § 281(5); and subject to any other relevant orders or rules of the Loft Board. The maximum permissible rent [from] payable by the prime lessee to the landlord [shall be an amount] is equal to the percentage of the rent so calculated, equivalent to a fraction[, the numerator of which is the square footage of]:

(1) [the] The numerator of which is the square footage of the leased space occupied by the prime lessee's unit, plus [(2)] the square footage of any other unit regarding which [he/she] the prime lessee remains in privity with the residential occupant, and [the]

(2) The denominator of which is the entire square footage of the space leased from the landlord.

(D) *(a)* [if] *Maximum Permissible Rent When Prime Lessee is a Residential Occupant of a Portion of Leased Space and the Lease Between the Prime Lessee and Residential Occupant is Not in Effect.* If the prime lessee is the residential occupant of a portion of the space leased from the landlord, but the lease or rental agreement for all other units within the space is no longer in effect because the occupants of such units have entered into privity with the landlord, the maximum permissible rent shall be based on the rent paid by the prime lessee to the landlord under the most recent lease or rental agreement for the entire space, plus any increases permissible under § 2-06 for an IMD unit subject to Article 7-C by reason of MDL § 281(1); or, under § 2-06.1 for any IMD unit(s) subject to Article 7-C solely by reason of MDL § 281(4)[, under §2-06.1,]; or under § 2-06.2 for an IMD unit subject to Article 7-C by reason of MDL § 281(5); and subject to any other relevant orders or rules of the Loft Board. The maximum [legal] permissible rent [from] payable by the prime lessee to the landlord [shall be an amount] is equal to the percentage of the rent so calculated, equivalent to a fraction[, the]:

(1) The numerator of which is the square footage of the leased space which [his or her] the prime lessee's unit occupies, and [the]

(2) The denominator of which is the entire square footage of the space leased from the landlord.

(b) [where] *Maximum Permissible Rent When the Rent Paid by the Residential Occupant and Prime Lessee is Greater than the Total Rent for the Unit.* Where the rent paid by the residential occupant(s) of such space who were in privity with the prime lessee to the prime lessee and the prime lessee's proportionate share of the rent as calculated under § 2-09(c)(6)(ii)(D)(*a*) above[(], without inclusion of any increases permissible under the applicable Loft Board Interim Rent Guidelines [or other relevant orders of the Loft Board), are] or any other increase permitted in the Loft Board rules or Article 7-C, is greater than the [amount of] rent specified in the most recent lease or rental agreement for the entire space leased between the prime lessee and the landlord or, if applicable, the [amount of] rent as calculated under § 2-09(c)(6)(ii)(C)(*b*), the landlord has the option to treat the excess amount [shall be treated] as follows:

[It shall be the landlord's option to either:]

(1) [reduce] Reduce the monthly legal rent payable by [due from] the prime lessee by one-half of [such] the excess amount as calculated on a monthly basis, [but in no event shall] provided the monthly legal rent may not be less than $100; or

(2) [make] Make a single lump sum payment to the prime lessee equal to one-half of the monthly excess amount multiplied by 36.

The landlord may exercise [his/her] the option to make a single[,] lump sum payment at any [point] time. If the landlord chooses the option of a single lump sum payment, [at a point] after the prime lessee has commenced paying a rent calculated under [subparagraph] item (*1*) above, the single lump sum payment due to the prime lessee from the landlord [shall] may not be diminished by the amount of the prior reductions in rent. Upon payment of the single lump sum payment, the landlord may increase the prime lessee's monthly rent to the maximum [amount] permissible rent allowable under § 2-09(c)(6)(ii) (D)(*a*)[,] above. Any prime lessee found [guilty of harassment of] to have harassed any residential occupant [shall not be] is not entitled to the rent reduction or single lump sum payment provided for in [subparagraphs] items (*1*) and (*2*) above, respectively.

[3] *(c) Effective Date of Rent Adjustments.* The rent adjustments [of this subparagraph (D) and subparagraph (A) shall] provided in § 2-09(c)(6)(ii)(A) and § 2-09(c)(6)(ii)(D) apply to the next regular rent payment due on or after: (i) July 5, 1988, [or the next regular rent payment due on or after] for IMD units subject to Article 7-C pursuant to MDL § 281(1); (ii) January 22, 1993, for IMD units subject to Article 7-C solely pursuant to MDL § 281(4); or (iii) November 12, 2013, 60 days from the effective date of the amended rule, for IMD units subject to Article 7-C by reason of MDL § 281(5), if the lease or rental agreement between the prime lessee and the landlord is no longer in effect. Otherwise, the rent adjustments [shall] 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[, or], for IMD units subject to Article 7-C pursuant to MDL § 281(1); (ii) January 22, 1993, for IMD units subject to Article 7-C solely by reason of MDL §281(4)[, no earlier than January 22, 1993]; or (iii) November 12, 2013, 60 days from the effective date of the amended rule, for IMD units subject to Article 7-C pursuant to MDL § 281(5).

(7) *Prime lessee's or sublessor's right to compensation for costs incurred in developing residential unit(s).*

(i) *Right to Compensation.* Where a prime lessee, or a sublessor who is not the prime lessee, has incurred costs for improvements made or purchased in developing residential unit(s) in any space for which [he/she] the prime lessee or sublessor had or has a lease or rental agreement and for which [he/she] the prime lessee or sublessor is not the residential occupant qualified for protection under Article 7-C, such prime lessee or sublessor [shall be] is entitled to [recover] compensation from the residential occupant(s)[compensation], for the prime lessee's or sublessor's actual costs incurred in developing the residential unit in question.

(ii) *Agreements for Compensation for Improvements.* The prime lessee or sublessor and the residential occupant may agree to payment of such compensation upon any terms that are mutually acceptable, at any time prior to the deadline for the filing of an application as described in [subdivision] subparagraph (iii) below. All such agreements [shall] must be submitted to the Loft Board within 90 calendar days [of] following their execution.

(iii) *Limitation on Right to Compensation.* If the parties are unable to agree upon the amount and terms of compensation prior to the establishment of privity between the residential occupant and the landlord, as defined in § 2-09(c)(2) of these [regulations] rules, the prime lessee, [or] sublessor, or [the] residential occupant, may apply to the Loft Board for resolution of [any] the dispute over compensation of the prime lessee or sublessor[any time]. Such application may be brought after the residential unit has been registered with the Loft Board without timely contest of coverage or determined to be covered under Article 7-C by [the] Loft Board order or a court of competent jurisdiction, but no later than 180 calendar days after the later of:

(A) [the establishment of privity between the residential occupant and the landlord, or

(B)] May 6, 1988, for IMD unit(s) subject to Article 7-C by reason of § 281(1); or

[(C)] (B) November 23, 1992, for any IMD unit(s) subject to Article 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 7-C pursuant to Chapter 135 or 147 of the Laws of 2010; or

(D) The establishment of privity between the residential occupant and the landlord; or

(E) The earlier of the date the landlord's registration of the residential unit without timely contest of coverage or the date of the determination of coverage of the residential unit by the Loft Board or a court of competent jurisdiction[, or (D) for any IMD unit(s) subject to Article 7-C solely by reason of MDL § 281(4), November 23, 1992, whichever is the latest].

The application [shall] must comply with the [regulations] rules of the Loft Board governing applications, [except that, for purposes of §l-06(a) of such regulations, the] including § l-06(a) of these rules. The affected parties [shall be] are limited to the prime lessee or sublessor, the residential occupant, and the owner. The application [shall also comply with the regulations of the Board governing fees] fee is due and payable at the time of filing the application.

(iv) *Factors to Determine Whether Compensation is Due.* The Loft Board [shall] must first determine whether any compensation is due and payable to the prime lessee or sublessor, as applicable, based on consideration of the following factors:

(A) [whether] Whether the prime lessee or sublessor incurred any costs, as defined [below in subdivision (v)(A)] in clause (A) of subparagraph (v) below, allocable to the particular unit in question; and

(B) [whether] Whether the prime lessee or sublessor has already been compensated in accordance with the terms of a prior agreement. The amount of rent paid to

the prime lessee or sublessor, in excess of [the amount which would represent] a proportionate share of the rent paid by the prime lessee to the landlord, based on the percentage of the total [floor] square footage of space occupied, [shall] will not be credited towards [such] compensation of the prime lessee or sublessor, in the absence of a specific agreement.

(v) *Factors to Determine the Amount Due for Improvements.* If it is determined that the prime lessee or sublessor, as applicable, did incur costs for improvements for which he or she has not yet been compensated, the Loft Board [shall] will determine the amount due and payable in accordance with the following criteria:

(A) [all] All improvements as defined in [the Board's regulations on Sales of Improvements shall be] § 2-07 of these rules, are compensable;

(B) [the] The Loft Board [shall] will establish the value of [such] the improvements by determining the actual costs incurred for the improvements based on evidence presented;

(C) [compensation] Compensation determined to be due [shall] and payable may be made in accordance with a payment schedule agreed to by the prime lessee or sublessor, as applicable, and the residential occupant, or, if no agreement is reached, a payment schedule not to exceed 6 months, set by the Loft Board, contained in the Loft Board's order.

(vi) Compensation made pursuant to this paragraph (7) [shall provide] provides residential occupants [the] with an opportunity to purchase improvements but [shall] does not constitute a sale of improvements pursuant to § 286(6) of the MDL.

(vii) (A) *Compensation by the Owner.* A residential occupant may offer the landlord [the] an opportunity to compensate the prime lessee or sublessor for costs incurred for improvements made or purchased in developing a residential IMD unit. The compensation to be paid by the landlord is the amount determined by agreement of the prime lessee or sublessor, as applicable, and the residential occupant, pursuant to subparagraph (7)(ii) above, or as determined by the Loft Board pursuant to subparagraph (7)(v) above. If the landlord chooses to pay this compensation to the prime lessee or sublessor, the residential occupant remains the occupant qualified for Article 7-C protection, except that [he/she forfeits the] the residential occupant will have no right to sell such improvements purchased by the landlord pursuant to § 286(6) of the MDL. Compensation of the prime lessee or sublessor by the landlord [shall] does not affect the rent due from the residential occupant;

(B) if the landlord compensates the prime lessee or sublessor pursuant to [this subdivision] (A) above, the prime lessee or sublessor [shall have no] will have no right to recover the unit for his[/] or her own personal use pursuant to §§ 2-09(b)(4) and (c)(5) of these [regulations] rules. When the residential occupant vacates the unit, the landlord [shall be] is entitled to lease the unit at market rent, absent a finding by the Loft Board of harassment by the landlord of occupants;

(C) if the landlord declines the opportunity to compensate the prime lessee or sublessor, the residential occupant remains responsible for the compensation payment established [by agreement of the prime lessee or sublessor and the residential occupant] pursuant to [subparagraph (7)(ii) above or as determined by the Loft Board pursuant to subparagraph (7)(v) above] subparagraphs (ii) or (v) above.

(8) *Residential occupant's right to sale of improvements pursuant to MDL § 286(6)* [*of the MDL*].

[The] In accordance with MDL § 286(6) and the Loft Board rules, a residential occupant [shall be] is entitled to sell [pursuant to §286(6) of the MDL and Loft Board regulations on Sales of Improvements] all improvements to [his/her] the unit made or purchased by [him/her] the residential occupant:

(i) [upon the] Upon filing [of] an agreement with the Loft Board pursuant to § 2-09(c)(7)(ii), or

(ii) [following] Following a Loft Board determination of an application filed pursuant to § 2-09(c)(7)(iii), or

(iii) [upon] Upon the expiration of the deadline for filing [such] an application, if none has been filed.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board is amending section 2-10 of Title 29 of the Rules of the City of New York to conform the Loft Board's rule regarding sales of rights by residential occupants pursuant to MDL § 286(12), to the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

A duly noticed public hearing was held on July 19, 2012, affording the public opportunity to comment on the amendments, as required by Section 1043 of the New York City Charter. Written Comments were accepted through July 19, 2012.

Statement of Basis and Purpose

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. On June 21, 2010, the Legislature amended the Loft Law. Chapters 135 and 147 of the Laws of 2010, among other things, added MDL § 281(5), and increased the civil penalties that may be imposed for violations of Loft Board rules.

MDL § 286(12) allows a residential occupant to sell his or her Loft Law rights to the owner. These rule amendments address the procedures for a sale of rights, as applied to residential occupants of units covered under the Loft Law including occupants covered pursuant to MDL § 281(5).

The rule changes:

- Direct the reader to the Loft Board's fine schedule in § 2-11.1 for civil penalties that may be imposed for failure to timely file a Sales Record form.
- that a purported sale of rights pursuant to MDL § 286(12) made prior to June 21, 2010 for units subject to coverage pursuant to MDL § 281(5) will not be given any effect by the Loft Board.
- Provide that the estate of a residential occupant entitled to protection will be an affected party in an abandonment application.
- Include minor edits to promote clarity and organization of the rule.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 1. Subdivisions (a) through (f) of Section 2-10 of Title 29 of the Rules of the City of New York are amended to read as follows:

§2-10 **Sales of Rights.**

(a) *Right to sell and the limitations on an occupant's right to sell.*

(1) *The Right to Sell.* The residential occupant of an IMD unit may sell the rights afforded such occupant pursuant to Article 7-C, to the owner of the IMD or the owner's authorized representative, [which shall include] including a net lessee[provided that, with respect to sales which occur on or after March 16, 1990, or with respect to sales in units subject to Article 7-C solely pursuant to MDL §281(4), which occur on or after November 23, 1992, the authorized representative files with the Loft Board written proof of authorization from the owner for such sale on a form issued by the Loft Board. Except as provided in § 2-10(c) and (d) herein, a sale pursuant to §286(12) of Article 7-C of the Multiple Dwelling Law shall constitute a sale of all rights in the unit.], 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 § 2-10(a)(2) below, constitutes a sale to the owner of all of the tenant's rights in the unit.

(2) *Limitations.*

(i) No sale or agreement made prior to:

(A) June 21, 1982 for units subject to Article 7-C pursuant to MDL § 281(1),

(B) July 27, 1987 for units subject to Article 7-C solely pursuant to MDL § 281(4), or

(A) 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.

(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* [*regulations*] *Rules.*

[For sales which occur on or after the effective date of these regulations, the owner or its authorized representative must file with the Loft Board a record of such sale, on a form issued by the Loft Board, and executed by the owner or its authorized representative and the occupant or the occupant's attorney. Failure]

For a sale of rights in a unit subject to Article 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, the owner or authorized representative must file with the Loft Board a sales record on the Loft Board approved form ("sales record form") within 30 days of the sale, together with the sales agreement, if any, or any other documentation substantiating the sale.

The Loft Board's approved form must be signed by the owner or its authorized representative and the occupant and his or her 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 as provided in paragraph (c) below, failure by the owner or the owner's authorized representative to file a sales record [of sale] form within 30 calendar days of the date of the sale may subject the owner to a civil penalty [up to $1,000] as determined by the Loft Board in § 2-11.1 of the Loft Board Rules.

(c) [*Effect of sales. (1) Non-Residential use.*

(i) If the unit to be used for non-residential purposes, the owner is relieved of its obligations to comply with the requirements of Article 7-C of the Multiple Dwelling Law regarding such unit. The non-residential use must conform with applicable provisions of the Zoning Resolution and the Administrative Code, and with any existing Certificate of Occupancy for the unit, or other source of legal authorization for such use. The unit may not be converted to non-residential use if there is a harassment finding by the Loft Board as to any occupant(s) of the unit which the Board has not terminated pursuant to §2-02(d)(2) of the Board's Harassment Regulations.

(ii) Prior to such change of use, the owner or its authorized representative must file with the Loft Board a declaration of intent on a form issued by the Loft Board stating that the unit will only be occupied for a conforming non-residential use. Within 30 days of the Board's receipt of such filing, the Loft Board shall conduct or cause to be conducted an inspection of the premises to verify that all fixtures, as defined in §2-06(a) "Improvements" of the Board's Sales of Improvements Regulations, which were constructed or installed without necessary approvals by appropriate government agencies and for which such approvals have not been secured, or which are intended primarily for residential occupancy, have been removed or approved. The results of this inspection shall be reported to the owner or its authorized representative within 30 days of the inspection, and approval of the non-residential conversion shall be granted promptly when the removal of these fixtures has been verified. Disputes shall be resolved by application to the Loft Board.

(iii) Prior to approval by the Loft Board, as set forth in §2-10(c)(1)(i), the owner remains subject to all the requirements of Article 7-C, and regulations and orders of the Board, including the legalization requirements of Multiple Dwelling Law §284, as set forth in §2-10(c)(2) herein.

(iv) When the conversion of such unit to a non-residential conforming use reduces the number of IMD units below three, the IMD status for such building and for the remaining IMD units in such building, and the protections afforded protected occupants thereof, shall not be eliminated.

(v) Notwithstanding the provisions of §2-01(l) of the Board's Code Compliance Regulations, if conversion of such a unit to a non-residential conforming use increases the costs of legalization under Multiple Dwelling Law §284 for the remaining IMD units, such increased costs shall be borne by the owner and may not be passed through remaining residential occupants pursuant to Article 7-C and the Board's Code Compliance Regulations.

(2) Residential use. If the unit is to remain residential, the owner remains subject to all the requirements of Article 7-C, and regulations and orders of the Board, including the legalization requirements of Multiple Dwelling Law §284, except that the unit is no longer subject to rent regulation where coverage under Article 7-C was the sole basis for such rent regulation, provided that there is no finding by the Loft Board of harassment as to any occupant(s) of the unit which has not been terminated pursuant to §2-02(d)(2) of the Board's Harassment Regulations. During the period of its IMD status, the IMD unit may be converted to non-residential use, as set forth in §2-10(c)(1) of these regulations, except that a harassment finding made after a sale shall not bar conversion of the unit to non-residential use.

(3) Terminations of harassment. As provided in §2-02(d)(2)(ii) of the Board's Harassment Regulations for sales of

improvements, an order terminating a Loft Board finding of harassment shall apply prospectively only. The owner shall not be relieved of the requirements of Article 7-C, including rent regulation, nor may the owner convert the unit to non-residential use, when a sale of rights pursuant to §286(12) for the unit has taken place during the period from the date of the order finding harassment as to any occupant(s) of the unit to the date of the order terminating such finding.]

Filing requirement for sales which occurred prior to the effective date of these rules.

(1) Filing deadlines:

(i) For a unit subject to Article 7-C pursuant to MDL § 281(1), if the sale of rights occurred after June 21, 1982, but before March 16, 1990, the owner or its authorized representative 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 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 or its authorized representative 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 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 or its authorized representative 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.

(2) The sales record form must contain a sworn statement by the owner or its authorized representative, on a form issued by the Loft Board, as to the current use and occupancy of the unit. If the owner intends to use the unit for non-residential purposes, the owner must: a) disclose its intention on the sales record form; and b) include a declaration of intent by the owner or its authorized representative 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 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 § 2-10(d)(1)(ii) of these rules.

(4) Failure by the owner or the owner's authorized representative to timely file a sales record form may subject the owner to a civil penalty as determined by the Loft Board in § 2-11.1 of the Loft Board rules. The Loft Board may inspect any unit for which a sale of rights has occurred prior to 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.

(d) [*Sales which occurred prior to the effective date of these regulations.*

(1) No sale or agreement made prior to June 21, 1982, or prior to July 27, 1987 for units subject to Article 7-C solely pursuant to MDL §281(4), in which an occupant purported to waive rights under the statute shall be accorded any force or effect.

(2) By June 14, 1990, the current owner or its authorized representative shall file with the Loft Board a record of any sale pursuant to §286(12) which occurred prior to March 16, 1990 and after June 21, 1982, on a form issued by the Loft Board. Except that for sales pursuant to MDL §286(12) of units subject to Article 7-C solely pursuant to MDL §281(4) which occurred after July 27, 1987, but before November 23, 1992, the current owner or its authorized representative shall file a record of such sale with the Loft Board on the prescribed form on or before February 21, 1993. Such form shall be executed by the current owner or its authorized representative and the occupant who sold such rights. If the occupant fails or refuses to execute such form, the owner or its authorized representative shall file such form and submit a sworn statement identifying the occupant, describing the efforts to locate the occupant or the reasons given by such occupant for refusal to execute the form. Such record of sale shall also contain a sworn statement by the owner or its authorized representative, on a form issued by the Loft Board, as to the current use and occupancy of the unit, and if such record discloses that a unit is being used non-residentially, it shall also contain a sworn declaration by the owner or its authorized representative that the current use is consistent with applicable provisions of the Zoning Resolution and the Administrative Code, and in conformity with any existing Certificate of Occupancy, or other source of legal authorization for such use. Any unit identified in such record as being used non-residentially is subject to inspection to determine its compliance with the requirements set forth in §2-10(c)(1)(ii) of these regulations, except that such inspection shall take place within 90 days of the Loft Board's receipt of such filing.

(3) Failure by the owner or the owner's authorized representative to file a record of sale by June 14, 1990, or by February 21, 1993 for sales of units subject to Article 7-C solely pursuant to MDL §281(4), may subject the owner to a civil penalty up to $1,000, as determined by the Board. The Loft Board shall also cause units to be inspected for which a sale of rights has occurred prior to the effective date of these regulations and a Board-issued record of sale has not been timely filed to determine the current space.

(4) During the period of IMD status units used residentially may be converted to non-residential use, as set forth in §2-10(c)(1) of these regulations, except that a harassment finding made after a sale shall not bar conversion of the unit to non-residential use. Prior to such conversion, the owner remains subject to all the requirements of Article 7-C, and regulations and orders of the Board, including the legalization requirements of Multiple Dwelling Law §284, except that the unit is no longer subject to rent regulation where coverage under Article 7-C was the sole basis for such rent regulation. Units used non-residentially must conform with applicable provisions of the Zoning Resolution and the Administrative Code, and with any existing Certificate of Occupancy for the unit, or other source of legal authorization for such use.]

Effect of sales.

(1) *Non-Residential use.*

(i) If the unit is to be used for non-residential purposes after a sale of rights pursuant to MDL § 286(12), upon approval by the Loft Board, the owner will be relieved of its obligations to comply with the requirements of Article 7-C of the MDL regarding such unit. The non-residential use must comply with applicable provisions of the New York City Zoning Resolution and the New York City Administrative Code, and with any existing certificate of occupancy for the unit, and any other source of legal authorization for such use. The unit may not be converted to non-residential use if there is a harassment finding by the Loft Board as to any occupants of the unit that the Loft Board has not terminated pursuant to § 2-02(d)(2) of these rules. If the Loft Board issues a harassment finding after the sale of rights, the owner is permitted to convert the IMD unit to non-residential use, provided that all other applicable requirements in this section are met.

(ii) Prior to conversion to a non-residential use, the owner or its authorized representative must file with the Loft Board a declaration of intent on a form issued by the Loft Board stating that the unit will only be occupied for a conforming non-residential use. Following the Loft Board's receipt of the filing, the Loft Board must conduct or require an inspection of the premises to verify that the following fixtures, as defined in § 2-07(a) of these rules, have been removed or approved: (1) fixtures that were constructed or installed without necessary approvals by the appropriate government agencies and for which approvals have not been secured, and (2) fixtures that are intended primarily for residential occupancy.

The results of this inspection will be reported to the owner or its authorized representative. A determination on the request for non-residential conversion will be issued after the removal or approval of these fixtures has been verified. Any disputes will be resolved by application to the Loft Board.

(iii) Prior to approval by the Loft Board, in accordance with § 2-10(d)(1)(ii), the owner remains subject to all the requirements of Article 7-C, these rules, and orders of the Loft Board, including the legalization requirements of MDL § 284.

(iv) When the conversion of a unit to a non-residential conforming use reduces the number of IMD units below three or two, as provided by MDL § 281(5), the IMD status for the building and for the remaining IMD units in the building, and the protections provided in Article 7-C to the protected occupants will not be eliminated.

(v) Notwithstanding the provisions of § 2-01(l) of these Rules, if conversion of a unit to a non-residential conforming use increases the costs of legalization under MDL § 284 for the remaining IMD units, the additional increased costs must be paid by the owner and may not be passed through to the remaining residential occupants pursuant to Article 7-C and these Rules.

(2) *Residential use.*

If the unit is to remain residential after a sale of rights pursuant to MDL § 286(12), the owner remains subject to all of the requirements of Article 7-C, these rules and orders of the Loft Board, including the legalization requirements of MDL § 284, except that the unit is no longer subject to rent regulation where coverage under Article 7-C was the sole basis for such rent regulation. The exemption from rent regulation will not be permitted if there is a finding by the Loft Board of harassment as to any occupant(s) in the IMD unit which has not been terminated pursuant to § 2-02(d)(2) of these rules.

(3) *Termination of harassment.*

If a sale of rights pursuant to MDL § 286(12) occurs during the period between the date of the order finding harassment and the date of the order terminating the harassment finding, the sale of rights does not relieve the owner of the requirements of Article 7-C, including rent regulation, and the owner may not convert the unit to non-residential use. The effect of a termination of harassment finding applies prospectively only.

(e) [*No right to sale of improvements or rights after a sale pursuant to §286(12) has occurred.* For any sale pursuant to §286(12), the unit subject to such sale may not be the subject of another sale pursuant to §286(12); nor may such unit be the subject of a subsequent sale of improvements pursuant to §286(6) of the MDL.]

(f) *Abandonment of IMD unit.*

(1) An owner or its authorized representative may apply to the Loft Board for a determination that the occupant of an IMD unit has abandoned the unit and no sale of rights pursuant to [Multiple Dwelling Law] MDL § 286(12) or sale of [fixtures] improvements pursuant to [Multiple Dwelling Law] MDL § 286(6) has been executed, provided there has been no finding of harassment as to any occupant(s) of the unit which has not been terminated pursuant to § 2-02(d)(2) of [the Board's Harassment Regulations] these Rules.

(2) Abandonment [shall be defined as] means the relinquishment of possession of a unit and all rights relating to a unit either; (i) voluntarily, with the intention of never resuming possession or reclaiming the rights surrendered, or (ii) by the death of the IMD tenant, provided no family member, as defined in 29 RCNY § 2-08.1(c)(3), is denied the benefits of succession rights in accordance with 29 RCNY § 2-08.1.

(3) To be considered timely, an owner's application alleging abandonment must be filed with the Loft Board within [one] 1 year of the date the owner knew or should have known that the IMD tenant vacated the unit.

(4) In deciding whether a unit has been abandoned voluntarily pursuant to subparagraph (i) of paragraph (2) above, the factors the Loft Board may consider[, inter alia] include, but are not limited to, the following [factors]:

(i) [the] The length of time since the occupant allegedly abandoned the unit;

(ii) [whether] Whether the occupant owed rent as of the time the occupant allegedly abandoned the unit and whether court proceedings to attempt to collect this rent have been [installed] initiated;

(iii) [whether] Whether the occupant's lease for the unit has expired;

(iv) [whether] Whether the occupant provided notice of an intent to vacate or requested permission to sublet the unit for a specific period of time;

(v) [whether] Whether the unit contained improvements which were made or purchased by the occupant and whether the occupant was reimbursed for those improvements;

(vi) [whether] Whether any prior harassment findings have been made by the Loft Board concerning the occupant(s) of the unit or whether any harassment application remains pending;

(vii) [whether] Whether any [violations] notices of violation or notices to appear pursuant to the Loft Board's Minimum Housing Maintenance Standards have been issued;

(viii) [whether] Whether the owner has made affirmative efforts to locate the occupant to attempt to purchase rights

pursuant to [Multiple Dwelling Law] MDL § 286(12) or improvements pursuant to [Multiple Dwelling Law] MDL § 286(6); and

(ix) [whether] Whether an inspection of the unit by the Loft Board staff indicates that the unit is presently vacant.

(5) In determining whether abandonment has occurred as a result of the death of an IMD [tenant] occupant as set forth in subparagraph (ii) of paragraph (2) above, proof of the occupant's death [of such tenant of an IMD unit shall] must be made by the presentation of a death certificate, [the testimony of a relative of the occupant alleged to be dead,] or any other trustworthy evidence. The heir, beneficiary, administrator, or executor of the occupant's estate, as applicable, is an affected party in a case where an owner seeks an abandonment finding based on the death of an IMD occupant.

(6) If the owner's application alleging abandonment is granted by the Loft Board and if the unit is to be used for non-residential purposes, the owner or its authorized representative must comply with [§2-10(c)(1)] § 2-10(d)(1) of these [regulations] Rules.

(7) (i) Upon compliance with these specified provisions of [§2-10(c)(1)] § 2-10(d)(1) with regard to units [to be] determined to be abandoned and used for non-residential purposes, the legal effect of the Loft Board's determination of abandonment [shall be] is the same as that of a sale of rights as provided in [§2-10(c)] § 2-10(d) of these [regulations] Rules.

(ii) Upon the Loft Board's granting of the owner's application alleging abandonment with regard to units to remain residential, the legal effect of the Loft Board's determination of abandonment [shall be] is the same as that of a sale of rights as provided in [§2-10(c)] § 2-10(d) of these [regulations] Rules, but only if [and when]:

(A) [on] On or prior to the date of the Loft Board's granting of the owner's application alleging abandonment, the owner has obtained a certificate of occupancy for the affected building and filed an application seeking a final rent order and/or removal from the Loft Board's jurisdiction; or

(B) [within] Within one year after the date of the Loft Board's granting of the owner's application alleging abandonment, or prior to the expiration of the code compliance deadline for obtaining a certificate of occupancy in effect on the date of the Loft Board's granting of such application[(], as such code compliance deadline may be extended pursuant to 29 RCNY §2-01(b)[)], whichever is earlier, the owner has obtained a certificate of occupancy for the affected building and has filed an application seeking a final rent order and/or removal from the Loft Board's jurisdiction.

(8) If [, whenever] an IMD unit becomes vacant without a prior sale of rights or improvements and subparagraph (i) of paragraph (7) does not apply, [an] and the owner fails to meet either the criteria set forth in § 2-10(f)(7)(ii)(A) or the criteria set forth in § 2-10(f)(7)(ii)(B), the unit [shall] must remain residential and the owner [shall] is not [be] permitted to re-rent the unit at a market rate to the incoming tenant. Additionally, the owner [shall] must provide any incoming tenant(s) with written notice that the rent for the IMD unit may increase to a market rate if and when the owner complies with the criteria set forth in § 2-10(f)(7)(ii)(A) or § 2-10(f)(7)(ii)(B).

[Such] The written notice to an incoming tenant or tenants [shall] must include a copy of this subdivision (f) and a copy of the Loft Board order granting the abandonment application, [(]if any[)]. If an owner re-rents the unit at a market rate in violation of this provision, the in[-]coming tenant(s) may challenge such rent by filing an application alleging a rent overcharge with the Loft Board.

(9) [New paragraphs] Paragraphs (3) and (8), and the amendments to paragraph (7) of this subdivision (f), made [by the rulemaking that added this paragraph, shall] effective on October 8, 2006 apply only to those IMD units for which applications alleging abandonment are filed [more than six (6) months after the effective date of this paragraph] after April 8, 2007.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board is amending section 2-11 of Title 29 of the Rules of the City of New York.

A duly noticed public hearing was held on August 2, 2012, affording the public opportunity to comment on the amendments as required by Section 1043 of the New York City Charter. Written comments were accepted through August 2, 2012.

STATEMENT OF BASIS AND PURPOSE

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Section 282 of the Multiple Dwelling Law ("MDL") also states that the Loft Board may charge and collect reasonable fees in the execution of its responsibilities.

Effective as of June 21, 2010, the Legislature amended the Loft Law. To improve clarity and organization, the Loft Board is amending § 2-11 of the Rules of City of New York to:

- Update the fee for filing a challenge to a proposed sale of improvements to conform to the existing fee provided in §2-07;
- Amend the deadline for the application filing fee and the deadline for the request for a waiver of the filing fee. Both the application filing fee and the request for a waiver are now due upon filing the application;
- Provide that the Loft Board may request additional or supporting documentation related to an applicant's request for a waiver of the application fee; and
- Add headings to subsections.

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

New matter in the following rule is underlined, and deleted material is in [brackets].

Section 2-11 of Title 29 of the Rules of the City of New York is amended to read as follows:

§ 2-11 **Fees.**

(a) *Collection of fees.* The Loft Board [shall] may charge and collect reasonable fees in the execution of its responsibilities. The Loft Board may, by amending these [regulations] rules, add to, delete from or modify the types of applications for which fees are charged and/or revise the amount of the fee imposed.

(b) *Schedule of reasonable fees.*

(1) *Registration and* [*Code Compliance Monitoring*] *code compliance monitoring fee.*

(i) *Fee amount.* The filing fee for registration and code compliance monitoring [shall be] is $500.00 per [residentially occupied] residential unit.

(A) *Annual registration.* Registration of a building or [a part thereof] portion of the building as an interim multiple dwelling ("IMD") by the owner, lessee of a whole building, and the agent is required annually. The annual registration period [shall begin] begins on July 1st of each year and [end] ends on June 30th of the following year. If more than [one] 1 registration [application] form is filed for a building, the filing fee for the [residentially occupied units therein shall] residential IMD units in the building will be charged only once during any annual period.

(B) *Fee required.* Landlords filing annual renewal registration [applications, which become effective on July 1, 1983 and annually thereafter, shall be] forms are required to pay the registration [filing] and code compliance monitoring fee prior to the processing of the [application] registration form.

(C) [Registration as an IMD shall not be issued to or renewed for an owner of a building against whom a fine has been imposed for any violation of these rules or against whom any late-filing fee has been imposed pursuant to §2-11(b)(1)(i)(D), unless or until such fine and late-filing fee has been paid,] *Limitation on registration renewal.* Registration as an IMD may be renewed only when all prior registration fees, all outstanding fines and all late filing fees pursuant to § 2-11(b)(1)(i)(D) have been paid, or such owner has entered into, and is in compliance with, an installment agreement, payment plan or other similar arrangement for the payment [of such fine. Registration as an IMD shall not be issued to or renewed for an owner of a building unless and until all prior unpaid registration fees and late-filing fees (if any) have been paid] of all outstanding monies due to the Loft Board.

(D) *Late filing fees.* If the annual renewal registration [application] form and fee are not submitted by July 31st of each year in which they are required to be submitted, the [Loft Board shall assess the] owner must pay a late filing fee of $25.00 for the month of July for each [residentially occupied] residential IMD unit. Thereafter, the [Loft Board shall assess the] owner must pay an additional late filing fee of $5.00 per [residentially occupied] residential IMD unit for each month or portion of a month until the date when the [application] completed registration form is submitted and the registration fee is paid.

(2) *Code compliance applications.*

(i) The filing fee for an application for rent adjustments based upon the costs of compliance with Article 7-B of the [Multiple Dwelling Law] MDL, or of obtaining a final residential certificate of occupancy, or both [shall be] is $100.00 for each [residentially occupied] residential unit [listed in] that is the subject of the application.

(ii) The filing fee for an application for certification of estimated future rent adjustments [shall be] is $75.00 for each [residentially occupied] residential unit [listed in] that is the subject of the application.

(3) *Article 7-C coverage applications.*

(i) The filing fee for an application, filed by either the landlord or by the tenant, for coverage of any building or [part thereof] portion of the building, pursuant to Article 7-C of the [Multiple Dwelling Law shall be] MDL is $25.00 for each unit [listed in] that is the subject of the application.

(4) *Rent dispute applications.*

(i) The filing fee for an application, filed by either the landlord or tenant, disputing base rent or rent increases, not including rent adjustments based on costs of code compliance [which are governed by § 2-11(b)(3) of these regulations, shall be], is $50.00.

(5) [*Sales*] *Challenge to proposed sale of improvements applications.*

(i) *Filing fees* [*for landlords*].

(A) The filing fee for a [sales] challenge to a proposed sale of improvements [application] to a prospective incoming tenant filed with the Loft Board [before the effective date of these rules by a landlord or tenant shall be $300.00] is $800.

[(B) The filing fee for any such application filed by the landlord with the Loft Board on or after the effective date of these rules shall be $500.00.]

(ii) There is no fee for filing a Disclosure Form or Sales Record.

(6) [*Housing maintenance*] *Diminution of service*

applications.

(i) The filing fee for an application filed by a tenant for [violation of the minimum housing maintenance standards] diminution of a service or by a landlord disputing its responsibility for providing any such service is $50.00.

(7) *Article 7-C compliance applications.*

(i) The filing fee for an application filed by a tenant or landlord concerning the landlord's compliance with Article 7-C is $50.00.

(8) *Tenant harassment applications*

(i) *Harassment applications.* The filing fee for an application filed by a tenant complaining of harassment is $100.00.

(9) [*Tenant code compliance work plan*] *Application for late filing of the tenant's alternate plan application.*

(i) The filing fee for [an alternate code compliance work plan or for a waiver to allow] an application to allow late filing of an alternate [code compliance work plan] plan application by a tenant is $50.00.

(ii) There is no filing fee for [code compliance work] legalization plans filed by the landlord.

(10) [*Interference*] *Unreasonable interference with use applications.*

(i) The filing fee for an application filed by a tenant for unreasonable interference with use of the IMD unit by the landlord [in] during code compliance work is $50.00.

(11) *Landlord access applications.*

(i) The filing fee for an application filed by the landlord for an [access] order by the Board to permit access to tenants' units to perform code compliance work following tenants' refusal of such access is $50.00.

(12) *Landlord hardship applications.*

(i) The filing fee for an application filed by the landlord for a hardship exemption from Article 7-C is $1,000.00.

(13) *Decoverage applications.*

(i) The filing fee for an application filed by the landlord for an exemption from legalizing nonconforming units (decoverage) is $200.00.

(14) *Appeals to the Loft Board of* [*Administrative Decisions*] *administrative determinations.*

(i) The filing fee for an application to appeal the [Board's] Loft Board staff's administrative [decisions] determination, such as a request for an extension [denied by the staff,] of a code compliance deadline, is $100.00.

(15) *Reconsideration applications.*

(i) The filing fee for an application for reconsideration of a Loft Board order is $100.00.

(16) *Abandonment applications.*

(i) The filing fee for an application for a determination that the occupant of an IMD unit has abandoned the unit is $100.00.

(17) [*Sublessee*] *Sublessor—prime lessee compensation applications.*

(i) The filing fee for an application to determine the value of improvements [installed in a unit for which] made or purchased by the prime lessee or a sublessor who is not the residential occupant qualified for protection pursuant to § 2-09 is $500.00.

(18) *Extension applications.*

(i) The filing fee for an extension of a code compliance deadline application is $50.00.

(19) *Other applications.*

(i) The filing fee for all other types of applications filed with the Loft Board is $50.00.

(c) [*Procedures for collection of fees.* The procedure for collection is as follows:] *Payment of application fees.*

(1) The application fee is due and payable upon the [filing] applicant's submission of the application to the Loft Board. If an application fee is not paid at the time the application is submitted, the application will be deemed incomplete, and will not be considered filed or processed until such payment is made, unless a request for a waiver of the application fee is submitted at the time the application is filed, pursuant to subdivision (e) below. Payment may be made in person or by mail, by certified check, teller check or money order made payable to the City Collector, at the offices of the Loft Board. [Upon receipt of payment, the Loft Board will send proof of payment to the applicant.

(2) The application will not be processed until the fee is received. Applications received without the fee will not be considered final until payment is received. Applications will be administratively dismissed if proper payment is not received on due notice within one month.]

(d) *Applicability.* [This] The fee schedule [will apply] listed in subdivision (b) above applies to all applications received in person or postmarked on or after January 1, 1991.

(e) *Waiver of application fees* [*for indigent persons*] *for financial hardship.*

(1) [A party may apply to the Loft Board for a full waiver of fees for applications required by these rules] An applicant may request a waiver of the fees provided in this section on the basis of [indigency. There shall be no] financial hardship. No waiver of fees [required] will be permitted for registration applications set forth in [§2-11(b)(i)] § 2-11(b)(1)(i) of these rules.

(2) *Procedure for* [*applying for*] *requesting a waiver of application fees.*

(i) [The application for waiver of fees shall be on a form prescribed by the Loft Board. In the absence of such form, application shall] The request for a waiver of fees pursuant to this section must be received by the Loft Board at the time the application is filed. The request must be made by letter setting forth all pertinent information[(], including the applicant's name, address, building address, IMD registration number, if applicable, [kind] and type of application for which waiver is requested[) and shall]. The request must be accompanied by the affidavit required by § 2-11(e)(2)(ii) [of these regulations] below.

(ii) The [application] request for a waiver of application fees [shall] must be [accompanied by] filed with an affidavit setting forth: (1) the amount and all sources of applicant's income, (2) any property owned and the value thereof, (3) a statement stating why a waiver of fees is requested, and (4) any other facts that will be helpful to the Loft Board in [determining whether such application should be granted.] making a determination. The Loft Board may demand additional information prior to making the determination on the waiver request. The applicant must file the additional information with the Loft Board within 25 calendar days following the mailing date of the Loft Board's demand for additional information.

[(iii) The application for waiver of fees shall also be accompanied by a proof of service of said application for waiver of fees and accompanying affidavit all affected parties.]

(3) [The application for waiver of fees must be received by the Loft Board no later than thirty days after the filing of an application.]

The Loft Board will notify the applicant in writing of its determination regarding the waiver request. If the Loft Board denies the waiver request, it will provide a new deadline for the application fee. Failure to file the application fee by the new deadline may result in return of the application.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board adds a new § 2-11.1, establishing a fine schedule for violations of §§ 2-01 (Code Compliance), § 2-01.1 (Reasonable and Necessary Action), § 2-02 (Harassment), § 2-05 (Registration), § 2-07 (Sale of Improvements), and § 2-10 (Sale of Rights) of Title 29 of the Rules of the City of New York. Sections 2-01.1 and 2-05 are also being amended to conform to the fine amounts in § 2-11.1.

A duly noticed public hearing was held on May 16, 2013, affording the public opportunity to comment on the amendments as required by Section 1043 of the New York City Charter. Written comments were accepted through May 16, 2013.

Statement of Basis and Purpose

On June 21, 2010, the New York State Legislature amended § 282 of the Multiple Dwelling Law to increase the maximum fine amount that the Loft Board may impose for violations of its rules from $1,000 to $17,500 per violation. The Loft Board is now proposing to amend its penalties for violations of its rules in accordance with § 282 by adding a new § 2-11.1 to Title 29 of the Rules of the City of New York.

The rule establishes a fine schedule for violations of the Loft Board rules under § 2-01 (Code Compliance), § 2-01.1 (Reasonable and Necessary Action), § 2-02 (Harassment), § 2-05 (Registration), § 2-07 (Sale of Improvements), and § 2-10 (Sale of Rights) of Title 29 of the Rules of the City of New York, including fines for subsequent violations. Sections 2-01.1 and 2-05 are also being amended to conform to the new fine amounts in § 2-11.1.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this Board, unless otherwise specified or unless the context clearly indicates otherwise. "Civil penalty" and "fine" are also used interchangeably in these rules, unless otherwise specified or unless the context clearly indicates otherwise.

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

Section 1. Title 29 of the Rules of the City of New York is amended by adding a new section 2-11.1 to read as follows:

§ 2-11.1 Fine Schedule.

(a) *Collection of fines.* The Loft Board may charge and collect fines for violation of its rules. The Loft Board may, by amending these rules, modify the types of violations for which fines are assessed and/or revise the amount of the fine imposed.

(b) *Range of fines.*

(1) *Code Compliance Fines Pursuant to § 2-01 and § 2-01.1:*

Where the owner 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 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	MDL § 284 (1); 29 RCNY §§ 2-01(a)(1) through 2-01(a)(7); 2-01 (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); § 2-01 (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) or (a)(10); 2-01(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) and (3)	No	Up to $1,000 per day up to $17,500
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

(2) *Fines in Connection with Harassment Applications Pursuant to § 2-02:*

A finding by the Loft Board that:

(i) A tenant filed a harassment application in bad faith or in wanton disregard of the truth pursuant to § 2-02(c)(2)(iii) of these Rules; or

(ii) An owner or prime lessee harassed an occupant pursuant to § 2-02(d)(1)(ii) or § 2-02(e)(3)(i) of these Rules, in a manner that impacts on the 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 or prime lessee harassed an occupant pursuant to § 2-02(d)(1)(ii) or § 2-02(e)(3)(i) of these Rules in a manner that impacts on the 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 subject the tenant, owner or 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	A tenant found to have previously filed a harassment application in bad faith may be subject to an aggravated penalty of up to $10,000.
Finding of Harassment: Safety Violations e.g., Hazardous Conditions; Housing Maintenance Violations; Refusal to Make Repairs	29 RCNY §§ 2-02(d)(1)(ii); 2-02(e)(3)(i)	No	$3,000 to $6,000 for each occurrence found to constitute harassment	An owner or prime lessee previously found to have harassed a tenant may be subject to an aggravated penalty of up to $10,000.
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); 2-02(e)(3)(i)	No	$2,000 to $5,000 for each occurrence found to constitute harassment	An owner or prime lessee previously found to have harassed a tenant may be subject to an aggravated penalty of up to $10,000.

(3) *Failure to Renew IMD Registration Pursuant to § 2-05:*

Where an owner fails to renew a building's registration as required in § 2-05(f)(2), the owner 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 for one year; $10,000 for two years; $17,500 for three years or more

(4) Fines in Connection with Unreasonable Interference Pursuant to § 2-01(h):

A finding by the Loft Board that:

(i) An owner unreasonably interfered with the tenant's use of an IMD unit; or

(ii) An owner unreasonably and willfully interfered with the tenant's use of an IMD unit,

May subject the owner 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 and Failure to Take Reasonable and Necessary Action to Legalize Building Pursuant to §§ 2-01.1(a)(1)(ii) and 2-01.1(b)(6):

An owner who is found:

(i) By the Loft Board's Executive Director to have violated the provisions of § 2-01.1(b)(6) of these Rules may be subject to a Class B civil penalty pursuant to § 2-01.1(b)(7) as follows; or

(ii) To have failed to file monthly reports or to have made false statements in the monthly reports filed pursuant to § 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
Failure to Take Reasonable and Necessary Action: Failure to File an Application with DOB	29 RCNY §§ 2-01.1(b)(6)(i); 2-01.1(b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to Obtain a Building Permit	29 RCNY §§ 2-01.1(b)(6)(ii); 2-01.1(b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to Maintain a Current Work Permit	29 RCNY §§ 2-01.1(b)(6)(iii); 2-01.1(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); 2-01.1(b)(7)	Yes	Up to $1,000 per day
Failure to Take Reasonable and Necessary Action: Failure to File Monthly 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 Report	29 RCNY§ 2-01.1(a)(1)(ii)(E)	No	$4,000 per false statement

(6) Fines in Connection with:

(i) An owner who fails to comply with the access notice provision of § 2-01(g)(4)(iv);

(ii) An occupant who unreasonably withholds access pursuant to § 2-01(g)(4)(iv);

(iii) An owner who fails to file a Sales Record form after a sale of improvements pursuant to § 2-07(j) or a sale of rights pursuant to §§ 2-10(b) or 2-10(c)(4) within 30 days of sale;

(iv) An owner who fails to report a change in the emergency number, managing agent information, owner's address or ownership information pursuant to § 2-05(b)(10); or

(v) An owner who fails to post the IMD notice pursuant to 29 RCNY § 2-05(b)(13),

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); 2-01(g)(2); 2-01(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) or 2-10(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

§ 2. Clauses (C) and (D) of subparagraph (i) of paragraph (1) of subdivision (a) of section 2-01.1 of Title 29 of the Rules of the City of New York are amended to read as follows:

(C) Whether the owner timely obtained a building permit after issuance of the Loft Board certification pursuant to [§ 2-01(d)(2)(ix)] § 2-01(d)(2)(xi).

(D) Whether the building permit for the alteration that the Loft Board certified pursuant to [§2-01(d)(2)(ix)] § 2-01(d)(2)(xi) is in effect.

§ 3. Subparagraph (ii) of paragraph (1) of subdivision (a) of section 2-01.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

(ii) Monthly Reports about Legalization Projects.

(A) Any IMD owner 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 report relating to the legalization projects in the 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 owned by a cooperative or a condominium, the cooperative or condominium board is responsible for the filing of the monthly report. The report is due on the first business day of every month.

(B) The report must be signed by the owner of the IMD 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 has exercised all reasonable and necessary action to obtain a final residential certificate of occupancy.

(D) The Executive Director may issue a fine [of up to $17,500] in accordance with § 2-11.1 of these Rules for failure to file the legalization report for each report not filed on the first business day of each month.

(E) The filing of a false statement in the monthly report may result in fines [of up to $17,500] in accordance with § 2-11.1 of these Rules for each false statement in the monthly report.

§ 4. Paragraph (3) of subdivision (b) of section 2-01.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

(3) *Hearings.* Hearings will be conducted by OATH Administrative Law Judges or ECB hearing officers, who will determine whether the owner has made a diligent, consistent and good faith effort to obtain a residential certificate of occupancy for the IMD [building] as required by Article 7-C of the MDL. Hearings conducted by OATH must be conducted in accordance with the rules and procedures governing OATH so long as they do not conflict with the Loft Board rules. Hearings conducted by an ECB hearing officer must be conducted following the procedures of ECB hearings.

When the OATH Administrative Law Judge or ECB hearing officer issues a [decision] finding that the owner has not exercised all reasonable and necessary action to obtain a final residential certificate of occupancy, he or she shall also recommend a fine [of up to $17,500 for every day that the owner did not exercise all reasonable and necessary action to obtain a certificate of occupancy] in accordance with § 2-11.1 of these Rules. Such fine accrues 30 calendar days from the date of delivery by hand or 35 calendar days from posting by mail of the notice of an enforcement proceeding, and may continue to accrue until the owner demonstrates compliance with this section.

§ 5. Subparagraph (ii) of paragraph (6) subdivision (b) of section 2-01.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

(ii) Where the Loft Board has issued certification pursuant to [§2-01(d)(2)(ix)] § 2-01(d)(2)(xi) of these rules, and an owner has failed to obtain an alteration permit within 3 months from the date of such certification or from the effective date of this rule, whichever is later, such failure to obtain the permit constitutes a rebuttable presumption that the owner is not engaged in taking reasonable and necessary action to obtain a residential certificate of occupancy or a certificate of occupancy for the residential portions of the building.

§ 6. Paragraph (7) of subdivision (b) of section 2-01.1 of Title 29 of the Rules of the City of New York is amended to read as follows:

(7) Upon finding a violation pursuant to paragraph (6) of this subdivision, the Loft Board's Executive Director may issue a notice to the owner stating an intent to find the owner in violation of its obligation to exercise all reasonable and necessary action. The Loft Board's Executive Director may issue a fine [of up to $17,500 for every day that the owner does not exercise all reasonable and necessary action to obtain a certificate of occupancy] in accordance with § 2-11.1 of these Rules.

The owner has the right to present to the Loft Board's Executive Director or his or her representative within 30 calendar days of delivery of the notice by hand, or 35 calendar days of the posting of the notice by mail, a response that includes information as to why the notice should be withdrawn and/or information regarding mitigating factors pursuant to paragraph (5) of this subdivision the owner wishes to be considered in connection with Executive Director's determination of the amount of the fine to be imposed.

Following the receipt of a timely response from the owner, the Executive Director may either withdraw the notice, or may impose a fine [of up to $17,500 for every day that the owner has not exercised all reasonable and necessary action to obtain a certificate of occupancy] in accordance with § 2-11.1 of these Rules. Unless the owner first demonstrates compliance with this section, such fine begins to accrue 30 calendar days after delivery by hand or 35 calendar days after the posting of the notice by mail and continues to accrue until the owner demonstrates compliance with this section. If necessary, the owner may file an application for an extension of the code compliance deadlines, pursuant to § 2-01(b).

§ 7. Paragraph (2) of subdivision (f) of section 2-05 of Title 29 of the Rules of the City of New York is amended to read as follows:

(2) *Registration Renewals.* Renewal of registration pursuant to §2-11(b)(1)(i)(A) of these rules shall be required annually on or before July 1st. Prior to the processing of the registration renewal application, the landlord or the agent 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 §2-11(b)(9)(i) of these rules, 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, §2-11(b)(1)(i)(D) and § 2-11.1.

§ 8. Paragraph (10) of subdivision (b) of section 2-05 of Title 29 of the Rules of the City of New York is amended to read as follows:

(10) For each building potentially subject to Article 7-C, the owner, the lessee of the whole building, if applicable, and the agent must each sign the registration application form thereby certifying to the truth, accuracy and completeness of the information contained therein. If the building is known by more than one address, the applicant shall list each address on the application form.

If the owner, 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 percent of the corporation's stock, must be listed on a separate attachment.

If the owner, 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 of the phone numbers filed with the registration application form must be a confidential telephone number where a responsible party can reasonably be expected to be reached 24 hours a day, 7 days a week for emergencies. Such number(s) must be within 50 miles radius of New York City limits, and must be indicated on a separate signed sheet of paper filed with the registration application form. Such responsible party shall be twenty-one years or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City. The emergency number shall be confidential [pursuant to the Freedom of Information Law (Public Officers Law § 84, et. seq.) as amended from time to time]. Any change in the emergency number, managing agent information, owner's address or ownership shall be sent to the Loft Board within 5 days of the change. The failure to report such change is a violation of the Loft Board rules and the owner may be subject to civil penalties [to civil penalties up to $17,500.00.] in accordance with § 2-11.1 of the Loft Board Rules.

§ 9. Paragraph (13) of subdivision (b) of section 2-05 of

Title 29 of the Rules of the City of New York is amended to read as follows:

(13) A notice, in the form prescribed by the Loft Board, as designated on the Loft Board's website, shall be posted in the lobby of every IMD building within five (5) business days after the issuance of the IMD Registration Number. Failure to post such notice or update the notice within 5 calendar days of a change in the information contained in such notice may subject the landlord to civil penalties [of up to $17,500 per day.] in accordance with § 2-11.1 of the Loft Board Rules. Such notice must contain:

(A) [the building] The building's address;
(B) [the] The IMD Registration Number assigned by the Loft Board for the purpose of identifying the building;
(C) [the] The contact information for the owner and managing agent; and
(D) [the] The Loft Board's phone number.

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NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter.

The New York City Loft Board amends section 2-12 of Title 29 of the Rules of the City of New York to describe the procedure for obtaining the rent adjustments in MDL § 286(2)(ii) for units subject to the Loft Law pursuant to MDL § 281(5) and to conform the rule to the 2010 and 2013 amendments made to Article 7-C of the Multiple Dwelling Law.

A duly noticed public hearing was held on May 16, 2013, affording the public opportunity to comment on the amendments as required by Section 1043 of the New York City Charter. Written Comments were accepted through May 16, 2013.

STATEMENT OF BASIS AND PURPOSE

On June 21, 2010, the New York State Legislature amended Article 7-C of the Multiple Dwelling Law ("Loft Law") to add, among other things, MDL § 281(5) which expanded the criteria for Article 7-C coverage. In Chapter 4 of the Laws of 2013, the New York State Legislature further amended MDL § 281(5) and, among other things, modified the amount of rent adjustments that owners may receive pursuant to MDL § 286(2)(ii), commonly referred to as "milestone increases."

Pursuant to MDL § 286(2)(ii), owners of interim multiple dwelling ("IMD") buildings, including those owners of the buildings covered pursuant to MDL § 281(5), may seek rent adjustments upon achieving three legalization milestones. The legalization milestones are: 1) the filing of an alteration application with the Department of Buildings for conversion of the building from commercial to residential use; 2) the issuance of a permit for the alteration application; and 3) achieving Article 7-B compliance. An IMD owner may collect the rent adjustment for achieving one or more milestones the month immediately following compliance.

The amended rule describes the procedure for obtaining the rent adjustments in MDL § 286(2)(ii) for units subject to the Loft Law pursuant to MDL § 281(5) and refers to MDL § 286(2)(ii) for the rent adjustment percentages for achieving each legalization milestone. The amended rule also includes new section headings and minor clarifying revisions.

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

New matter in the following rule is underlined, and deleted material is in [brackets.]

Section 2-12 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.*

[**Alteration application.**] "**Alteration application**" [shall mean an application accepted for filing by the Department of Buildings of the City of New York ("DOB") specifying the work to be undertaken to obtain a] 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 [of the Multiple Dwelling Law, ("covered unit")] for residential use or joint living-work quarters for artists usage [("residential certificate of occupancy")] and these rules.

[**Alteration permit.**] "**Alteration permit**" [shall mean] 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 [a covered] an IMD unit.

[**Article 7-B compliance.**] "**Article 7-B compliance**" [shall mean] means compliance with the fire protection and safety standards of Article 7-B of the [Multiple Dwelling Law] MDL, or alternative building codes as authorized by MDL § 287. Article 7-B compliance [shall] must be evidenced by:

(i) DOB's issuance of a [final] temporary residential certificate of occupancy;

(ii) DOB's issuance of a final residential certificate of occupancy after June 21, 1992;

(iii) DOB records demonstrating that the alterations necessary for issuance of a residential certificate of occupancy have been completed; or [the]

(iv) 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 7-B compliance and the date of such compliance on the Loft Board approved form.

"Maximum permissible rent," or **"maximum rent permissible,"** for purposes of this rule, means "total rent" plus any permissible rent adjustments, as provided in § 2-06 for units subject to Article 7-C pursuant to § 281(1), or § 2-06.1 for units subject to Article 7-C pursuant to § 281(4). For units subject to Article 7-C pursuant to § 281(5), "maximum permissible rent" is defined in § 2-06.2 of these Rules. If one 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 [one] 1 or more rent adjustments pursuant to MDL § 286(2)(ii) if all the following conditions are met:

(1) The residential unit for which the rent adjustment is sought is covered under Article 7-C of the [Multiple Dwelling Law] MDL;

(2) The IMD building in which the covered 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 was not rented at market value between June 21, 1982 and June 21, 1992 [as a result of a sale of improvements pursuant to MDL §286(6) or sale of rights pursuant to MDL §286(12) and Loft Board rules issued pursuant thereto], unless the IMD unit is covered under Article 7-C pursuant to MDL § 281(5); and

(5) The owner meets or has already met [one] 1 or more of the code compliance obligations [set forth] in MDL § 284(1) which requires that the owner file an alteration application[;], obtain an approved alteration permit[;], and achieve Article 7-B compliance.

An eligible owner is entitled to [one] 1 or more of the applicable rent adjustments [as set forth] in subdivisions (c) through (e) of § 2-12 of these rules.

(c) *Alteration application rent adjustment.*

(1) *Filing prior to June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who filed an 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 on June 21, 1992.

(2) *Filing on or after June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who files an alteration application with the DOB on or after June 21, 1992 is entitled to [a six percent (6%)] an increase over the maximum rent permissible [under Loft Board rules] as provided in MDL § 286(2)(ii)(A) for the covered residential unit on the date the alteration application is filed.

(d) *Alteration permit rent adjustment.*

(1) *Issuance prior to June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who obtained an 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 on June 21, 1992.

(2) *Issuance on or after June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who obtains an alteration permit from the DOB on or after June 21, 1992 is entitled to an [eight percent (8%)] increase over the maximum rent permissible [under Loft Board rules] as provided in MDL § 286(2)(ii)(B) for the covered residential unit on the date the alteration permit is issued by the DOB.

(e) *Article 7-B compliance rent adjustment.*

(1) *Compliance prior to June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who achieved Article 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 on June 21, 1992.

(2) *Compliance on or after June 21, 1992.* An owner who otherwise meets the eligibility requirements of § 2-12(b) of these rules and who achieves [article] Article 7-B compliance on or after June 21, 1992 is entitled to [a six percent (6%)] an increase over the maximum rent permissible [under Loft Board rules] as provided in MDL § 286(2)(ii)(C) for the covered residential unit on the date Article 7-B compliance is achieved.

(f) *Payment of rent adjustments.*

Payment of rent adjustments based on filing an alteration application, obtaining an alteration permit or achieving Article [7-b] 7-B compliance shall commence: (i) the month immediately after the month the alteration application is filed, the alteration permit is obtained or Article 7-B compliance is achieved, or (ii) on July 1, 1992, whichever is later.

(g) *Effect on other rent increases* [*and base rent*].

(1) Rent adjustments pursuant to this section [shall be] will be applied in addition to any rent increases which an owner is entitled to pursuant to §§ 2-06, [or §] 2-06.1[(Interim Rent Guidelines), or § 2-01(m) (Code Compliance Work-Initial legal regulated rents) of these rules], 2-06.2, or the Loft Board rules related to setting the initial legal regulated rent.

(2) [The base rent for covered units shall be the amount of rent after rent adjustments pursuant to this section are implemented.] 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, obtaining an alteration permit or Article 7-B compliance regardless of the subsequent expiration of said alteration application, alteration permit or temporary certificate of occupancy, or the filing of a further qualifying alteration application for the building. If the Loft Board or a court of competent jurisdiction determines the sworn statement of Article 7-B compliance was erroneous, all rent increases based on such statement shall be nullified.

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SPECIAL MATERIALS

CITY PLANNING

■ NOTICE

THE DEPARTMENT OF CITY PLANNING
THE DEPARTMENT OF HOMELESS SERVICES THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
NOTICE OF PROPOSED SUBSTANTIAL AMENDMENT
TO THE 2013 CONSOLIDATED PLAN

TO ALL INTERESTED AGENCIES, COMMUNITY BOARDS, GROUPS, AND PERSONS:

In accordance with 24 CFR 91.505 of the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan regulations regarding amendments, the City of New York announces the public comment period for the substantial amendment to the City's 2013 Consolidated Plan Emergency Solutions Grant (ESG), and HOME Investment Partnership (HOME) programmatic activities, respectively.

The public comment period will begin on August 9, 2013 and extend thirty (30) days to September 9, 2013.

The substantial amendment to New York City's Emergency Solutions Grant Program (ESG) (formerly the Emergency Shelter Grant) is necessitated by the significant decrease in the City's ESG entitlement grant allocation from the grant amount originally requested (approximately $14.146 million) to the amount actually awarded (approximately $10.921 million) as a result of the Federal Fiscal Year 2013 (FFY13) appropriations and sequestration (a 22% reduction in program funds). The amendment also includes incorporation of the existing Shelter Operations and Street Outreach programs' activities into the Emergency Shelter program. The amendment revises the proposed accomplishments for the existing ESG-funded programs, reflective of the decrease and reallocation of funds.

The amendment to New York City's HOME-funded activities entails the deletion two (2) programs that will not be allocated federal entitlement funds: the Neighborhood Entrepreneurs Program (NEP); and the Multifamily Homeownership Program (formerly the Cornerstone Program). The amendment also entails the reallocation of the FFY13 HOME Program grant funds expected to be received among the remaining programs previously approved for the 2013 One-Year Action Plan.

Lastly, the amended 2013 Consolidated Plan also incorporates the amended Calendar Year 2013 Community Development Block Grant (CDBG) Program, as adopted by the City Council.

Copies of the amended 2013 Consolidated Plan will be made available on August 9, 2013 and can be obtained at the Department of City Planning Bookstore, 22 Reade Street, New York, New York 10007 (Monday - Friday; 10:00 A.M. to 4:00 P.M.). In addition, the amended Plan can be downloaded through the internet via the Department's website at www.nyc.gov/planning.

Written comments should be sent by close of business September 9, 2013 to: Charles V. Sorrentino, Consolidated Plan Coordinator, 22 Reade Street 4N, New York, N.Y. 10007 email: amended2013ConPlan@planning.nyc.gov.

City of New York:
Amanda M. Burden, FAICP, Director
Department of City Planning
Michele Ovesey, Commissioner
Department of Homeless Services
Mathew M. Wambua, Commissioner
Department of Housing Preservation and Development

Date: July 30, 2013

a2-15

COMPTROLLER

■ **NOTICE**

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on October 27, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
88	15838	74
90	15969	71
91	15969	69
92	15969	68
95	15969	64
96	15969	63
97	15969	61
100	15969	58
102	15969	56

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

jy31-a14

OFFICE OF THE MAYOR

OFFICE OF CONTRACT SERVICES

■ **NOTICE**

Notice of Revised FY 2014 Annual Contracting Plans

NOTICE IS HRERBY GIVEN that the Mayor has revised and reposted the Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312 (a) for the following agencies: Civilian Complaint Review Board, Department of Citywide Administrative Services, Department of Correction, Department of Finance, Department of Transportation, and Office of Emergency Management. The revised Plans can be found at http://www.nyc.gov/html/mocs/html/research/local_law_63_plan.shtml

☛ **a12**

CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN
FOR PERIOD ENDING 07/05/13

NAME			TITLE NUM	SALARY	ACTION	PROV	EFF DATE
ABAD-SANCHEZ	ANNALEE		50910	$52.7800	APPOINTED	YES	06/27/13
ABADI	AMY	L	06217	$53.3300	APPOINTED	YES	06/27/13
ABAYEV	YELENA		06219	$56.8700	APPOINTED	YES	06/27/13
ABBAZIO	RAYMOND		06217	$54.8800	APPOINTED	YES	06/27/13
ABDEL RAHMAN	ADEL		06219	$55.8300	APPOINTED	YES	06/27/13
ABDULLAH	MOHAMED		06219	$55.1800	APPOINTED	YES	06/27/13
ABRAHAM	GRACE	C	50910	$53.9000	APPOINTED	YES	06/27/13
ABRAHAM	LENI		06219	$54.9400	APPOINTED	YES	06/27/13
ABRAHAM	SHINY		50910	$47.7800	APPOINTED	YES	06/27/13
ABRAHAM	SUJITH		06217	$53.3300	APPOINTED	YES	06/27/13
ABRAMOVICH	CRISTINA		06217	$55.8300	APPOINTED	YES	06/27/13
ACEVEDO	NANCY		06217	$51.6900	APPOINTED	YES	06/27/13
ACHTZIGER	MARY		06217	$54.9400	APPOINTED	YES	06/27/13
ADELABU	MURAINA	A	06165	$64.8600	APPOINTED	YES	06/27/13
ADETOLA	ADENIYI	O	50910	$47.8700	APPOINTED	YES	06/27/13
ADIKA	YONA	S	06217	$55.9200	APPOINTED	YES	06/27/13
ADJEWODA	VICTOR	E	50910	$51.6700	APPOINTED	YES	06/27/13
ADLER	CHAVA	N	06217	$53.9100	APPOINTED	YES	06/27/13
ADRIANO	SARAH JA	H	06217	$52.8700	APPOINTED	YES	06/27/13
ADRIEN	MAGALIE	L	06217	$53.4600	APPOINTED	YES	06/27/13
AGUILAR	JOCELYN		06219	$53.1700	APPOINTED	YES	06/27/13
AHAMADALLY	SHABEENA		50910	$46.8800	APPOINTED	YES	06/27/13
AHMED-MAHMOUD	AYMAN		06219	$54.5000	APPOINTED	YES	06/27/13
AIELLO	SUSANNE		50910	$52.7800	APPOINTED	YES	06/27/13
AITKEN DOUYON	KAREN		06219	$55.9200	APPOINTED	YES	06/27/13
AJALA	ADEOLU		06218	$46.2400	APPOINTED	YES	06/27/13
AJISOGUN	FESTUS	F	50910	$48.8500	APPOINTED	YES	06/27/13
ALAGOR	MARGARET		06219	$55.8300	APPOINTED	YES	06/27/13
ALAMANDY	OLIVER		06219	$54.1900	APPOINTED	YES	06/27/13
ALBENDA	AMY		06217	$53.9100	APPOINTED	YES	06/27/13
ALBINSON	GRACE	E	B0087	$85000.0000	APPOINTED	YES	06/23/13
ALCY	MYRNA		06217	$54.9400	APPOINTED	YES	06/27/13
ALEJANDRO	YESEMIA		06217	$56.8700	APPOINTED	YES	06/27/13
ALEXANDER	ASHLEY		06217	$50.0700	APPOINTED	YES	06/27/13
ALFONSO GUTIERR	MARIFE		06219	$54.8800	APPOINTED	YES	06/27/13
ALKUBADI	AMIN	A	06786	$39474.0000	RESIGNED	YES	03/22/13
ALONZO	DONNY		06219	$53.9000	APPOINTED	YES	06/27/13
ALPERN	BETTY		06217	$55.9200	APPOINTED	YES	06/27/13
ALTMARK	STEPHEN	R	06217	$58.8400	APPOINTED	YES	06/27/13
AMAR	LEAH		06219	$55.9200	APPOINTED	YES	06/27/13
ANDERSON	DAVID	F	06219	$59.8800	APPOINTED	YES	06/27/13
ANDERSON	KATHERIN		06217	$56.8700	APPOINTED	YES	06/27/13
ANDERSON	VIVIENE	M	06217	$51.2400	APPOINTED	YES	06/27/13
ANDRIES	KAMMAR		06219	$55.9200	APPOINTED	YES	06/27/13
ANDRULEVICH	MARYANN	B	50910	$50.8700	APPOINTED	YES	06/27/13
ANG	MARIA TH	Y	06219	$55.1800	APPOINTED	YES	06/27/13
ANGLO	MARIA		06217	$52.3500	APPOINTED	YES	06/27/13
ANGWIN	KATHERIN	A	06217	$53.3300	APPOINTED	YES	06/27/13
ANTOINE	MARIE	G	06219	$54.9400	APPOINTED	YES	06/27/13
ANTOINE	YVES MAR		06217	$53.3300	APPOINTED	YES	06/27/13
APARICIO	KATHLEEN	D	06219	$54.8800	APPOINTED	YES	06/27/13
APON	ALFRED		06219	$55.9200	APPOINTED	YES	06/27/13
ARANBAYEVA	KRISTINA		06216	$47.2800	APPOINTED	YES	06/27/13
ARCANGEL	AMY		06217	$59.8800	APPOINTED	YES	06/27/13
ARCHER	PENDA	A	06219	$52.2200	APPOINTED	YES	06/27/13
ARES	ERFEL		06219	$52.8700	APPOINTED	YES	06/27/13
ARIDAS	CYNTHIA		5124A	$62.5700	APPOINTED	YES	06/27/13
ARISTORENAS	JENNIE		06219	$53.1700	APPOINTED	YES	06/27/13
ARNOLD	ELKA	B	06217	$54.8800	APPOINTED	YES	06/27/13
ARROYO	SHIRI		06217	$54.9400	APPOINTED	YES	06/27/13
ARTES	ROMMEL		06219	$55.8300	APPOINTED	YES	06/27/13
ASANTE	EMMANUEL		06219	$55.9200	APPOINTED	YES	06/27/13
ASHBY	JANINE		06217	$52.2200	APPOINTED	YES	06/27/13
ASHCRAFT	GRAHAM		56058	$55000.0000	RESIGNED	YES	06/06/13
ASHKENAS	RANDI		06217	$56.8700	APPOINTED	YES	06/27/13
ASHLEY	AQUAPAY	E	50910	$47.3900	APPOINTED	YES	06/27/13
ASPIR	NORA		06217	$53.3300	APPOINTED	YES	06/27/13
ASPURU-ROVNER	MELISSA		06219	$56.8700	APPOINTED	YES	06/27/13
ASUNTO	CRISTOPH	M	06217	$53.1700	APPOINTED	YES	06/27/13
ATAALLA	AYMAN	E	06219	$56.2200	APPOINTED	YES	06/27/13
ATTERBURY	KAMANTHA		06216	$48.4000	APPOINTED	YES	06/27/13
ATTIAS	LETTIE		50910	$52.7800	APPOINTED	YES	06/27/13
AUSFRESSER	MORRIS		10080	$89350.0000	INCREASE	YES	06/09/13
AVELINO	EDSEL	R	06219	$52.8700	APPOINTED	YES	06/27/13
AVELLINO	RALPH		06217	$55.9200	APPOINTED	YES	06/27/13
AVILA	MEGAN		06217	$53.9100	APPOINTED	YES	06/27/13
AVITABILE	JUDITH		06219	$56.8700	APPOINTED	YES	06/27/13
AYROVAINEN	THOMAS		06217	$56.8700	APPOINTED	YES	06/27/13
AYYAD	ADEL		06219	$52.2800	APPOINTED	YES	06/27/13
BACUS	JANETH		06219	$53.9000	APPOINTED	YES	06/27/13
BAHR	ROBIN	M	06219	$58.8400	APPOINTED	YES	06/27/13
BAILEY	SHARONDA	C	06217	$54.8800	APPOINTED	YES	06/27/13
BAIN	GLENDA		50910	$53.8200	APPOINTED	YES	06/27/13
BALDOVINO	ELOISA		06219	$55.1800	APPOINTED	YES	06/27/13
BALDOVINO	RICHE		06219	$55.1800	APPOINTED	YES	06/27/13
BANATTE	CLAUDE	M	50910	$51.7000	APPOINTED	YES	06/27/13
BANDEALY	ZEHRA		06216	$47.2800	APPOINTED	YES	06/27/13
BANNER	JESSICA		06217	$55.6900	APPOINTED	YES	06/27/13
BARANGAN	VICTOR		06219	$58.8400	APPOINTED	YES	06/27/13
BARGAMENTO	ALMA		06219	$54.8800	APPOINTED	YES	06/27/13
BARKER	LYDIA		50910	$45.8500	APPOINTED	YES	06/27/13
BARON	EVELYN		06219	$55.1800	APPOINTED	YES	06/27/13
BARRETO	ALEXANDE		34196	$59378.0000	DECEASED	YES	05/17/13
BARRETT	THERESA		50910	$49.7100	APPOINTED	YES	06/27/13
BARRY	JAMES	P	06217	$56.8700	APPOINTED	YES	06/27/13
BASKETT	JEREMY	J	1263A	$57744.0000	INCREASE	YES	06/16/13
BATALLA	MELISSA	A	06219	$54.8800	APPOINTED	YES	06/27/13
BATTINELLI	MATTHEW		06219	$55.8300	APPOINTED	YES	06/27/13
BEAUCHEMIN	DIANE	A	06217	$55.8300	APPOINTED	YES	06/27/13
BEAUDRY	LILIANA	L	06217	$53.9100	APPOINTED	YES	06/27/13
BECERRA	ESPERANZ		06165	$65.3200	APPOINTED	YES	06/27/13
BECKER	DENISE		06217	$54.5000	APPOINTED	YES	06/27/13
BECKER III	JOHN	J	06219	$54.2100	APPOINTED	YES	06/27/13
BECKFORD	DEBBIE	R	06219	$51.1800	APPOINTED	YES	06/27/13
BECKMANN	KATHRYN	A	06217	$52.2200	APPOINTED	YES	06/27/13
BECKOFF	ALANA		06216	$47.2800	APPOINTED	YES	06/27/13
BEER	JEFFREY		06217	$53.9000	APPOINTED	YES	06/27/13
BEHAN	NICOLE	A	06216	$48.4000	APPOINTED	YES	06/27/13
BELINFANTI	DESLIN		06217	$51.6900	APPOINTED	YES	06/27/13
BELKIN	ADAM		06219	$56.8700	APPOINTED	YES	06/27/13
BELLAFLOR	MARIE		06219	$54.8800	APPOINTED	YES	06/27/13
BELLEH	LEWIS	D	06219	$56.8700	APPOINTED	YES	06/27/13
BELZAGUY	VALERIE		06217	$55.8300	APPOINTED	YES	06/27/13
BENJAMIN	AUDREY		50910	$43.7200	APPOINTED	YES	06/27/13
BENNETT	CYNTHIA		50910	$52.5200	APPOINTED	YES	06/27/13
BENONS	DAMIAN		06219	$54.1900	APPOINTED	YES	06/27/13
BERGER	YEVGENIY		06219	$54.9400	APPOINTED	YES	06/27/13
BERKOVITS	SHAINDEL	M	06217	$53.3300	APPOINTED	YES	06/27/13
BERKOWITZ	ROBERT		50910	$54.7700	APPOINTED	YES	06/27/13
BERMAN	SERENA	B	06217	$51.1100	APPOINTED	YES	06/27/13
BETT	KHADIM	H	06219	$54.8800	APPOINTED	YES	06/27/13
BEYTELMAN	INNA		06219	$56.8700	APPOINTED	YES	06/27/13
BILITY	RASHEED	S	56057	$37072.0000	RESIGNED	YES	06/16/13
BIMKA	KOOMLEE		50910	$46.8800	APPOINTED	YES	06/27/13
BIRNBAUM	LISA		06216	$48.4000	APPOINTED	YES	06/27/13
BISCEGLIE	VINCENZA		50910	$52.7800	APPOINTED	YES	06/27/13
BISCOTTI	BARBARA	J	1262D	$75828.0000	RETIRED	NO	06/21/13
BISHAY	GEORGE		06219	$55.5300	APPOINTED	YES	06/27/13
BLACKETT- MUNIR	KAMARIA	A	06219	$53.9100	APPOINTED	YES	06/27/13
BLAMAH	ZUBA		50910	$47.8700	APPOINTED	YES	06/27/13
BLANK	WENDY		06217	$56.8700	APPOINTED	YES	06/27/13
BLEICH	JAMIE		06217	$54.9400	APPOINTED	YES	06/27/13
BLONDER	SARI		06217	$55.9200	APPOINTED	YES	06/27/13
BOATENG	KALEMA	A	56058	$52322.0000	APPOINTED	YES	06/19/13
BOLLINGER	IDA MARI	U	06219	$55.1800	APPOINTED	YES	06/27/13
BONNER	CAROL	A	50910	$50.8200	APPOINTED	YES	06/27/13
BONO	LEA		06217	$53.9100	APPOINTED	YES	06/27/13
BORGEN ROVITZ	INGER	M	06217	$53.4600	APPOINTED	YES	06/27/13
BORRI	MARY	C	50910	$55.4700	APPOINTED	YES	06/27/13
BOURNE	LAWTON		10026	$81000.0000	INCREASE	YES	02/21/13
BOYD	VANESSA	B	06217	$55.1800	APPOINTED	YES	06/27/13
BOYEA	BARBARA		50910	$50.4200	APPOINTED	YES	06/27/13
BRAND	JOSETTE	I	06216	$50.0500	APPOINTED	YES	06/27/13
BRATHWAITE	AYANNA		06217	$51.9900	APPOINTED	YES	06/27/13
BRATHWAITE	PATRICIA		06217	$55.8300	APPOINTED	YES	06/27/13
BRATHWAITE	SARA	M	06217	$55.9200	APPOINTED	YES	06/27/13
BRENNER	TRACEY	M	06217	$51.1100	APPOINTED	YES	06/27/13
BREUER	MEIR		06217	$54.8800	APPOINTED	YES	06/27/13
BRIGGS	BEVERLY		50910	$50.0400	APPOINTED	YES	06/27/13
BRIODY	KATHRION		06217	$55.9200	APPOINTED	YES	06/27/13
BRIONES	JOSEPH	R	06219	$53.1700	APPOINTED	YES	06/27/13
BROCK	LYNDA		06217	$51.1100	APPOINTED	YES	06/27/13
BRONS	ZULLY		50910	$54.0900	APPOINTED	YES	06/27/13
BRONSKY	JONATHAN		06219	$56.8700	APPOINTED	YES	06/27/13
BROOKS	YVETTE	M	50910	$54.7700	APPOINTED	YES	06/27/13
BROUS	MAUREEN	E	06217	$53.4600	APPOINTED	YES	06/27/13
BROWN	CHANA		06217	$54.9400	APPOINTED	YES	06/27/13
BROWN	CLAUDETT		06217	$55.8300	APPOINTED	YES	06/27/13
BROWN	JANIS		50910	$54.7700	APPOINTED	YES	06/27/13
BROWN	LEAH	A	50910	$51.5400	APPOINTED	YES	06/27/13
BROWN	ROBERTA		06217	$53.9000	APPOINTED	YES	06/27/13
BROWNSTEIN	WENDY		5124A	$60.8700	APPOINTED	YES	06/27/13
BRUKNER	LAUREN		06217	$53.9100	APPOINTED	YES	06/27/13
BRUN	MARIA	F	06219	$53.4600	APPOINTED	YES	06/27/13
BUCHANAN	KAMAL		06217	$53.9100	APPOINTED	YES	06/27/13
BUCHINGER	ESTHER		06218	$47.2800	APPOINTED	YES	06/27/13
BUDHU	PRYA	M	50910	$51.5400	APPOINTED	YES	06/27/13
BULLOCK	STEPHANI		06219	$54.8800	APPOINTED	YES	06/27/13
BURDO	MARGARET	M	06217	$53.9100	APPOINTED	YES	06/27/13
BUREK	SUSAN		50910	$54.3600	APPOINTED	YES	06/27/13
BURKETT FUNG	PATRICIA		06217	$55.8300	APPOINTED	YES	06/27/13
BURSTEIN	MICHAL		06217	$55.9200	APPOINTED	YES	06/27/13
BUTLER	IFEAKANW		50910	$45.7700	APPOINTED	YES	06/27/13
CABAN SIMAAN	GRISEL		06217	$56.8700	APPOINTED	YES	06/27/13
CABILDO	GLENN		06219	$54.8800	APPOINTED	YES	06/27/13
CACACE	ARLENE		06217	$56.8700	APPOINTED	YES	06/27/13
CALBITAZA	RODOLFO		06219	$55.8300	APPOINTED	YES	06/27/13
CAMACHO	MARIA	D	10124	$68204.0000	RETIRED	NO	09/01/12
CAMIGUEL	JAIMEE		06217	$53.9000	APPOINTED	YES	06/27/13
CAMPBELL	DILLARD	T	82976	$94181.0000	INCREASE	YES	06/09/13
CAMPBELL THOMAS	MICHELLE	A	50910	$46.3700	APPOINTED	YES	06/27/13
CAMPO	JOHANNA		06217	$53.3300	APPOINTED	YES	06/27/13
CAMPOLI	PENELOPE	M	B0087	$87828.0000	RESIGNED	YES	06/23/13
CANNY	SUSAN		06217	$50.0700	APPOINTED	YES	06/27/13
CANTARA	MICHAEL	J	06219	$59.8800	APPOINTED	YES	06/27/13
CANTWELL	LAURA		06217	$53.4600	APPOINTED	YES	06/27/13
CAQUIAS	WALESKA		54513	$35564.0000	INCREASE	YES	06/11/13
CARAIG	VOLTAIRE		06217	$54.8800	APPOINTED	YES	06/27/13
CARDAMONE	FRANCIS	J	06219	$56.8700	APPOINTED	YES	06/27/13
CARDELLO	MARY LOU		50910	$51.6700	APPOINTED	YES	06/27/13
CARDONA	CARMEN	M	50910	$48.9800	APPOINTED	YES	06/27/13
CARLOS	MAUREEN	B	06219	$52.0600	APPOINTED	YES	06/27/13
CARO	DALIA	R	06217	$55.6300	APPOINTED	YES	06/27/13
CARROCA	DAVID		06217	$54.8800	APPOINTED	YES	06/27/13
CARROTT	AUDREY		50910	$50.0800	APPOINTED	YES	06/27/13
CARTER	JERRY	L	56056	$17973.0000	RESIGNED	YES	06/29/13
CARTER LOVELL	MECHELLE		06217	$53.1700	APPOINTED	YES	06/27/13
CARUSELLE	JANICE	A	50910	$46.7900	APPOINTED	YES	06/27/13
CASIMIR	GENET		50910	$48.6000	APPOINTED	YES	06/27/13
CASTANO	SHIRLEY		06217	$53.9100	APPOINTED	YES	06/27/13
CATLI	JAY		06219	$55.8300	APPOINTED	YES	06/27/13
CERULLO	ANDREW		06218	$47.2800	APPOINTED	YES	06/27/13
CESPEDES	CLAUDIA		06217	$54.1900	APPOINTED	YES	06/27/13
CHA OS	CHITA		50910	$52.7800	APPOINTED	YES	06/27/13
CHACKO	GLORY		06219	$53.1700	APPOINTED	YES	06/27/13
CHAN	LILY		06217	$52.2200	APPOINTED	YES	06/27/13
CHAN	TZU HUI		06217	$56.8700	APPOINTED	YES	06/27/13
CHANG	VEBIAN		50910	$51.6700	APPOINTED	YES	06/27/13
CHANG	XIAN		06219	$55.9200	APPOINTED	YES	06/27/13
CHARACH	JUDY		06218	$47.2800	APPOINTED	YES	06/27/13
CHARLES	ESSENCE		50910	$51.1600	APPOINTED	YES	06/27/13
CHARLES	ROCHELE		06216	$47.2800	APPOINTED	YES	06/27/13
CHARNY	CAROLYN		06219	$55.1800	APPOINTED	YES	06/27/13
CHEN	WEN LING		06219	$55.9200	APPOINTED	YES	06/27/13
CHENG	LIEN LIN		06219	$56.8700	APPOINTED	YES	06/27/13
CHERIAN	ABRAHAM		06217	$54.9400	APPOINTED	YES	06/27/13
CHEUNG	MIU PING	Y	50910	$50.8700	APPOINTED	YES	06/27/13
CHEUNG	WAIMING		06217	$53.9100	APPOINTED	YES	06/27/13
CHIMA	ANTHONY		50910	$49.7100	APPOINTED	YES	06/27/13
CHIN	MAUREEN		06217	$53.9000	APPOINTED	YES	06/27/13
CHISM	HARVEY	V	10062	$120000.0000	APPOINTED	YES	06/11/13
CHOW	ELAINE	C	06219	$54.9400	APPOINTED	YES	06/27/13
CHRISTI	JIMMY	J	06217	$54.8800	APPOINTED	YES	06/27/13
CHRISTIAN	CARMEN	R	50910	$51.5400	APPOINTED	YES	06/27/13
CHRISTIAN	GILLIAN		06219	$53.9100	APPOINTED	YES	06/27/13
CHU	CHINGWEN		06219	$54.1900	APPOINTED	YES	06/27/13
CHU	JULIET		06216	$47.2800	APPOINTED	YES	06/27/13
CIRILLO	CATHERIN		5124A	$65.5200	APPOINTED	YES	06/27/13
CLARKE	DAVID		06217	$55.8300	APPOINTED	YES	06/27/13
CLEOPHAT	MARIE	C	06217	$53.4600	APPOINTED	YES	06/27/13
CLIFFORD	JUSTINE		06218	$47.2800	APPOINTED	YES	06/27/13
COCHRANE	JEANETTE	M	06217	$55.0400	APPOINTED	YES	06/27/13

CODDINGTON	STEWART	50910	$49.7400	APPOINTED	YES	06/27/13
COHEN	DIANE J	50910	$54.7700	APPOINTED	YES	06/27/13
COHEN	JANET	06217	$56.8700	APPOINTED	YES	06/27/13
COHEN	JON	06217	$56.8700	APPOINTED	YES	06/27/13
COHEN	MICHELLE	06217	$54.9400	APPOINTED	YES	06/27/13
COLLINS	MARY J	50910	$52.7800	APPOINTED	YES	06/27/13
COLON	CATHERIN	50910	$53.2500	APPOINTED	YES	06/27/13
COLON	MARIA	54503	$29927.0000	APPOINTED	YES	05/12/13
COMO	CRISTINA	06216	$47.2800	APPOINTED	YES	06/27/13
COMODO	NANCY	06219	$51.2400	APPOINTED	YES	06/27/13
CONANAN	AMADO	06219	$55.9200	APPOINTED	YES	06/27/13
CONCEPCION	CARLOS	10050	$88000.0000	INCREASE	YES	06/09/13
CONNOLLY	CATHERIN T	50910	$54.3600	APPOINTED	YES	06/27/13
CONNOR	NANCY B	06217	$59.8800	APPOINTED	YES	06/27/13
CONROY	LORETTA A	06217	$55.1800	APPOINTED	YES	06/27/13
COOK	CLARE	06219	$56.8700	APPOINTED	YES	06/27/13
COOK	PATRICIA	06219	$55.8300	APPOINTED	YES	06/27/13
COOPER	DANIELLE S	06217	$54.9400	APPOINTED	YES	06/27/13
COOPERSMITH	AMY	06217	$56.8700	APPOINTED	YES	06/27/13
CORAL	YENNY R	06217	$53.9100	APPOINTED	YES	06/27/13
CORRADO-LODI	CATHERIN	06217	$53.3300	APPOINTED	YES	06/27/13
CORSO	SHERINE	06217	$56.8700	APPOINTED	YES	06/27/13
CORTES	ROSEMARI R	06219	$54.8800	APPOINTED	YES	06/27/13
CORTORREAL	MICHELLE K	06217	$51.9900	APPOINTED	YES	06/27/13
COSENTINO	ANDREA B	06219	$59.8800	APPOINTED	YES	06/27/13
COSENTINO	CHARLA	06217	$55.9200	APPOINTED	YES	06/27/13
COUTARD	JUNELAND	06217	$54.9400	APPOINTED	YES	06/27/13
COVINO	FRANK	06219	$56.8700	APPOINTED	YES	06/27/13
CRESPI	PAUL	06216	$48.4000	APPOINTED	YES	06/27/13
CRISTINI	ANDREA	06217	$55.9200	APPOINTED	YES	06/27/13
CRISTOBAL	BELINDA	06219	$55.1800	APPOINTED	YES	06/27/13
CROMER	SHARON E	50910	$53.2500	APPOINTED	YES	06/27/13
CRUZ	CECILIA	06217	$54.1900	APPOINTED	YES	06/27/13
CRUZ	JOSE	06219	$53.1700	APPOINTED	YES	06/27/13
CRUZ	YAMARIS	06217	$53.9000	APPOINTED	YES	06/27/13
CSONKA	JAMES P	06217	$53.4600	APPOINTED	YES	06/27/13
CUDJOE	CYNTHIA	50910	$50.8700	APPOINTED	YES	06/27/13
CUEVAS	MARYBEL	06216	$46.2400	APPOINTED	YES	06/27/13
CUMAYAO	TERESITA T	50910	$54.3600	APPOINTED	YES	06/27/13
CUMMINGS	PATRICIA	50910	$51.6700	APPOINTED	YES	06/27/13
CUNDARI	CAROL	10251	$45678.0000	RETIRED	NO	06/26/13
CUSUMANO	BARBARA	50910	$48.9300	APPOINTED	YES	06/27/13
DAAR	MINDY	06219	$53.9100	APPOINTED	YES	06/27/13
DAMORE	DIANNA M	06219	$53.9100	APPOINTED	YES	06/27/13
DANAHER	GERALD M	06217	$54.5000	APPOINTED	YES	06/27/13
DANIEL	WILSON J	06217	$55.9200	APPOINTED	YES	06/27/13
DANSO AYESU	ESTHER	50910	$51.9800	APPOINTED	YES	06/27/13
DANTE	REX DANT	06218	$50.0100	APPOINTED	YES	06/27/13
DANY	RIVKAH	06216	$47.2800	APPOINTED	YES	06/27/13
DAOMILAS	LUDIVINA	06219	$53.9000	APPOINTED	YES	06/27/13
DARRELL	JANET	54483	$48383.0000	DECEASED	NO	05/29/13
DAULO	MARIA	50910	$53.2500	APPOINTED	YES	06/27/13
DAVIDOVICH	ARIELLA M	06217	$53.3300	APPOINTED	YES	06/27/13
DAVIES	ASHLEY E	12634	$65120.0000	INCREASE	YES	05/29/13
DAVIS	LAUREN A	06216	$50.0500	APPOINTED	YES	06/27/13
DAVIS	LISA M	06216	$47.2800	APPOINTED	YES	06/27/13
DE SADOW	MARIA	06217	$51.2400	APPOINTED	YES	06/27/13
DEAN	MONICA V	50910	$54.3600	APPOINTED	YES	06/27/13
DEANGELIS	ROSALIA	50910	$51.6700	APPOINTED	YES	06/27/13
DEARMAN	JILL S	60816	$55000.0000	APPOINTED	YES	06/16/13
DEBENEDETTO DAN	DONNA M	50910	$49.7900	APPOINTED	YES	06/27/13
DECARLO	JAMES	06217	$56.8700	APPOINTED	YES	06/27/13
DECKER	CATHERIN	50910	$50.3200	APPOINTED	YES	06/27/13
DEJESUS	MARIA	50910	$49.7400	APPOINTED	YES	06/27/13
DELEON	EMILY Y	06217	$53.9100	APPOINTED	YES	06/27/13
DELLAVALLE	MARYLEAH	50910	$50.8200	APPOINTED	YES	06/27/13
DEMELO	BRENDA A	50910	$54.3600	APPOINTED	YES	06/27/13
DEMOSS	SHANNON	06216	$48.4000	APPOINTED	YES	06/27/13
DENKER	HEIDI	06219	$56.8700	APPOINTED	YES	06/27/13
DENNY	DANIKA	06217	$58.8400	APPOINTED	YES	06/27/13
DENZA	GRACE R	1262D	$76882.0000	RETIRED	NO	06/25/13
DEPROSPO	JUDITH	06217	$51.0900	APPOINTED	YES	06/27/13
DEREK	NINA	06217	$51.1100	APPOINTED	YES	06/27/13
DESAGUN	LYONEL	06219	$54.8800	APPOINTED	YES	06/27/13
DESKOVICH	MARY	50910	$50.8700	APPOINTED	YES	06/27/13
DESSOUKY	IBRAHIM	06219	$55.1800	APPOINTED	YES	06/27/13
DEVEREAUX	THERESA	06219	$56.8700	APPOINTED	YES	06/27/13
DI FALCO	MARIA	06217	$53.4600	APPOINTED	YES	06/27/13
DIAMOND	ROCHELLE	06217	$56.8700	APPOINTED	YES	06/27/13
DIAZ	LUZ LEID	06217	$51.2400	APPOINTED	YES	06/27/13
DIESTRO	ESTENILY	50910	$49.7100	APPOINTED	YES	06/27/13
DIIORIO	ANNETTE M	06217	$54.5000	APPOINTED	YES	06/27/13
DILWORTH	DONNA C	50910	$54.7700	APPOINTED	YES	06/27/13
DIMILIA	VIRGINIA B	50910	$53.2500	APPOINTED	YES	06/27/13
DINSAY	GENEVIEV O	06219	$52.2900	APPOINTED	YES	06/27/13
DISILVIO KULP	PAULA	06219	$56.2800	APPOINTED	YES	06/27/13
DISLA	RAQUEL	06217	$52.2200	APPOINTED	YES	06/27/13
DIXON	MARCIA	50910	$51.4100	APPOINTED	YES	06/27/13
DOBOSZ	JEANNETT M	06216	$46.2400	APPOINTED	YES	06/27/13
DOCTOR	SHIRLEY	06219	$55.8300	APPOINTED	YES	06/27/13
DOCTOR	VINCENT	06219	$54.1900	APPOINTED	YES	06/27/13
DOLAN	MOLLY	06217	$51.1100	APPOINTED	YES	06/27/13
DOMINGUEZ JR	SERGIO	06217	$54.9400	APPOINTED	YES	06/27/13
DORSAINVIL	SUZIE	06217	$54.1900	APPOINTED	YES	06/27/13
DORSEY	RACHEL	06218	$48.4000	APPOINTED	YES	06/27/13
DOWD	MARY	50910	$48.6000	APPOINTED	YES	06/27/13
DOWNES	CAROLYN J	06217	$54.5000	APPOINTED	YES	06/27/13
DOYLE	MAURA	06219	$56.8700	APPOINTED	YES	06/27/13
DRAPKIN	ELENA	06217	$55.9200	APPOINTED	YES	06/27/13
DUBOIS	JOYCELYN D	50910	$55.4700	APPOINTED	YES	06/27/13
DUENAS	DEBORAH S	06217	$54.2100	APPOINTED	YES	06/27/13
DUMALAOS	GIL	06219	$53.9000	APPOINTED	YES	06/27/13
DUMAS	MARC	06217	$55.8300	APPOINTED	YES	06/27/13
DUMITRESCU	LORETO	06217	$55.8300	APPOINTED	YES	06/27/13
DUNCAN	CELESTE J	06217	$53.3300	APPOINTED	YES	06/27/13
DUNCAN	DENISE	50910	$47.0500	APPOINTED	YES	06/27/13
DUNGAN	MARGARIT	06219	$55.8300	APPOINTED	YES	06/27/13
DUNGOG	WILMA	06219	$54.8800	APPOINTED	YES	06/27/13
DUPREE	THERESA	06217	$55.1800	APPOINTED	YES	06/27/13
DUVERNE	MARCIA	06217	$54.9400	APPOINTED	YES	06/27/13
DWYER	LORI P	06217	$53.9000	APPOINTED	YES	06/27/13
EATMAN	MIKIA	56058	$62322.0000	RESIGNED	YES	06/14/13
EBERT	MARY BET	06217	$50.0700	APPOINTED	YES	06/27/13
EBOLI	JOHN	06217	$55.9200	APPOINTED	YES	06/27/13
EDAKULAM	STEPHEN G	06216	$47.2800	APPOINTED	YES	06/27/13
EDOUARD	MARTINE	06217	$55.9200	APPOINTED	YES	06/27/13
EFRON	TINA H	06217	$59.8800	APPOINTED	YES	06/27/13
EHRENBERG	DEBRA	06217	$54.9400	APPOINTED	YES	06/27/13
EISENZOPF	LAURA	06219	$55.9200	APPOINTED	YES	06/27/13
ELASMAR	KHALED	06219	$56.8700	APPOINTED	YES	06/27/13
ELMORE	DREW	06217	$54.5000	APPOINTED	YES	06/27/13
ELPERIN	INNA	06217	$53.9100	APPOINTED	YES	06/27/13
ELZAYAT	WALEED	06219	$56.2200	APPOINTED	YES	06/27/13
ENRIQUEZ	MARISOL	06219	$54.8800	APPOINTED	YES	06/27/13
ENRIQUEZ	PILAR T	50910	$54.3600	APPOINTED	YES	06/27/13
ESCUDERO	DAVID N	06217	$53.3300	APPOINTED	YES	06/27/13
ESGUERRA	SANDRA M	06217	$56.8700	APPOINTED	YES	06/27/13
ESKAROUS	ARMIA	06219	$54.8800	APPOINTED	YES	06/27/13
ESPINOSA	BENJAMIN A	56058	$56336.0000	APPOINTED	YES	06/16/13
ESTREN	ROBERT	50910	$52.5200	APPOINTED	YES	06/27/13
EUSTACHE	LESLY	06217	$53.9100	APPOINTED	YES	06/27/13
EVANS	TISHEEKA	06219	$54.9400	APPOINTED	YES	06/27/13
EVANS-JOHNSON	MARGARET A	50910	$54.3600	APPOINTED	YES	06/27/13
EVENSEN SALISKI	RUTH	06219	$55.1800	APPOINTED	YES	06/27/13
FABIAN	LEAH	06216	$48.4000	APPOINTED	YES	06/27/13
FAGBEMI	BOSEDE	06219	$51.9900	APPOINTED	YES	06/27/13
FALTISCHEK	ELIZABET R	06217	$54.2100	APPOINTED	YES	06/27/13
FAROOQ	BIBI	06217	$53.9100	APPOINTED	YES	06/27/13
FARRELL	KRISTEN	06217	$54.9400	APPOINTED	YES	06/27/13
FASH	NANCY	06217	$51.2400	APPOINTED	YES	06/27/13
FAUSTIN	GUERDA	06217	$55.9200	APPOINTED	YES	06/27/13
FAUSTIN	MARIE	50910	$48.3300	APPOINTED	YES	06/27/13
FEARON	MARCIA	50910	$52.2400	APPOINTED	YES	06/27/13
FEHER	NANCY	06217	$54.9400	APPOINTED	YES	06/27/13
FELICIANO MACA	LUDY ANN	06219	$54.8800	APPOINTED	YES	06/27/13
FERIL	KHRISTIN	06219	$54.5000	APPOINTED	YES	06/27/13
FERRARA	CHRISTIN	06217	$54.8800	APPOINTED	YES	06/27/13
FERRARA	JOANN M	50910	$46.5000	APPOINTED	YES	06/27/13
FERRER	IRENE	06219	$54.8800	APPOINTED	YES	06/27/13
FICO	HEA JUNG	06219	$54.9400	APPOINTED	YES	06/27/13
FIELDS	DORIS	50910	$48.9300	APPOINTED	YES	06/27/13
FIER	ALISSA	06219	$55.9200	APPOINTED	YES	06/27/13
FIGUEROA	PETER P	06219	$52.2800	APPOINTED	YES	06/27/13
FINK	JANET	06217	$55.2300	APPOINTED	YES	06/27/13
FINKEL	SANDRA	06217	$55.2300	APPOINTED	YES	06/27/13
FIORAVANTI	SUSAN M	06165	$63.7500	APPOINTED	YES	06/27/13
FISCHER	TAWANA	06217	$55.9200	APPOINTED	YES	06/27/13
FISHER	MARY	06217	$53.9000	APPOINTED	YES	06/27/13
FISHER	RENA	06217	$56.2200	APPOINTED	YES	06/27/13
FISHER	TRACEY L	06217	$52.2900	APPOINTED	YES	06/27/13
FISHER	YELENA	06219	$56.2200	APPOINTED	YES	06/27/13
FISHWEICHER	DANA P	06216	$47.2800	APPOINTED	YES	06/27/13
FITZGERALD	MARY BET	06217	$53.9100	APPOINTED	YES	06/27/13
FLEMMING	DHEEMATT	50910	$54.3600	APPOINTED	YES	06/27/13
FLORES	MARY JAN	50910	$51.6700	APPOINTED	YES	06/27/13
FLYNN	SUSAN	06217	$56.8700	APPOINTED	YES	06/27/13
FOERSTER	EZRA	50910	$51.9800	APPOINTED	YES	06/27/13
FORDYCE	TRICELY	50910	$46.6700	APPOINTED	YES	06/27/13
FORMOSO SANTOS	MARICRIS	06219	$53.9000	APPOINTED	YES	06/27/13
FORSHAW	JACQUELI E	06217	$53.9100	APPOINTED	YES	06/27/13
FORTE	MICHELE	06217	$55.2300	APPOINTED	YES	06/27/13
FOSTER	AMANDA B	06216	$47.2800	APPOINTED	YES	06/27/13
FOSTER BARRETT	EUGENE	50910	$51.9800	APPOINTED	YES	06/27/13
FOX	ANGELA M	06165	$64.8600	APPOINTED	YES	06/27/13
FRANCOIS	KATIANA	06216	$47.2800	APPOINTED	YES	06/27/13
FRANCOIS	ROSIE	50910	$46.6700	APPOINTED	YES	06/27/13
FRANCOIS DUNCOM	KAREN	06217	$55.8300	APPOINTED	YES	06/27/13
FREIFELD	BRUCE	06219	$56.8700	APPOINTED	YES	06/27/13
FRIAS	ROCIO I	06217	$53.3300	APPOINTED	YES	06/27/13
FRIDMAN	KARINA	06216	$47.2800	APPOINTED	YES	06/27/13
FRIEDMAN	EDWIN	06217	$55.9200	APPOINTED	YES	06/27/13
FRIEDMAN	LLOYD	06219	$55.8300	APPOINTED	YES	06/27/13
GAFNI	NINA	06218	$47.2800	APPOINTED	YES	06/27/13
GALATI	CAROLYN	50910	$51.6700	APPOINTED	YES	06/27/13
GALL	ALBERT	1262C	$57774.0000	TERMINATED	NO	06/02/13
GALLARO	GILDA D	06217	$55.0400	APPOINTED	YES	06/27/13
GAMATERO	JAIME	06219	$52.8700	APPOINTED	YES	06/27/13
GAMBLE	DEBORAH	50910	$54.7700	APPOINTED	YES	06/27/13
GANGADIN	PAMELA D	50910	$48.9800	APPOINTED	YES	06/27/13
GARCIA	MARK M	56073	$48259.0000	RESIGNED	YES	06/02/13
GAROFALO	SHARON	06217	$52.3500	APPOINTED	YES	06/27/13
GARRICK	JONATHAN	34221	$65698.0000	APPOINTED	YES	06/12/13
GATELY	AGATA D	06217	$56.8700	APPOINTED	YES	06/27/13
GATTUSO	GIACOMA R	06165	$62.6100	APPOINTED	YES	06/27/13
GAVIN	DIANA L	50910	$53.2500	APPOINTED	YES	06/27/13
GELBSTEIN	ADEL	06217	$54.8800	APPOINTED	YES	06/27/13
GENDI	YOSRI A	06219	$56.8700	APPOINTED	YES	06/27/13

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LATE NOTICE

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ **SOLICITATIONS**

Goods & Services

RECONSTRUCTION OF SOUTH STREET – Public Bid – PIN# 1706-19 – DUE 09-19-13 AT 11:00 A.M. – Between Old Slip and Fulton Street in the Borough of Manhattan (the "Project").

Project includes demolition and excavation, new concrete road base and asphalt top course, tinted concrete sidewalk, new granite and steel-faced curb, related drainage and utility work, street trees and other related as more specifically described in the Contract Documents. Detailed submission guidelines are outlined in the bid package. The cost of the bid package is $100.00. The only form of payment accepted will be certified check or money order payable to NYCEDC.

The Project is being funded with Federal Highway Administration ("FHWA") funds through the New York State Department of Transportation. Therefore, this project has a Disadvantaged Business Enterprise ("DBE") participation goal and 13 percent and all respondents will be required to submit a DBE Utilization Plan with their bids. Minority and Women Owned Business Enterprises are also encouraged to apply. A list of companies who have been certified as DBEs can be found at http://biznet.nysucp.net.

NYCEDC, in accordance with Title VI of the Civil Rights Act of 1064, 78 Stat. 252. 42 U.S.C., 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to this NYCEDC IFB that it will affirmatively insure that in any contract entered into pursuant to this advertisement, DBE's will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.

The contract will be awarded, if at all, to the lowest responsible and responsive bidder whose bid meets the requirements and criteria of the IFB as determined by NYCEDC in accordance with all the terms and condition set forth in the IFB.

Bidders may submit questions and/or request clarifications, with regards to the subject matter of the project, to NYCEDC no later than 5:00 P.M. on Thursday, September 5, 2013. Any questions or requests for clarifications received after this date and time will not be answered. All answers to questions received will be posted on Friday, September 13, 2013 at www.nycedc.com/RFP, so as to be available to all respondents, if NYCEDC determines that such answers provide material clarification to the Bid.

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. *Economic Development Corporation, 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969; Fax: (212) 312-3918; SouthStreetIFB@nycedc.com*

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READER'S GUIDE

The City Record (CR) is published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above $100,000 for information technology and for construction and construction related services, above $50,000 for other services, and above $25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in The City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at www.comptroller.nyc.gov, and click on Prevailing Wage Schedules to view rates.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

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.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately $17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit www.nyc.gov/sbs and click on M/WBE Certification and Access.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step
	Special Case Solicitations/Summary of Circumstances:
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
DP	Demonstration Project
SS	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition
	For ongoing construction project only:
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors
NA/11	Immediate successor contractor required due to termination/default
	For Legal services only:
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances *(Client Services/CSB or CSP only)*
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only):
	An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price
	Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only)
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ **SOLICITATIONS**

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

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.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ **m27-30**

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
Services (Other Than Human Services)	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.	Paragraph at the end of Agency Division listing providing Agency contact information
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in The City Record