

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

March 17, 2011

The meeting began at 2:10 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Elena Ferrera, designee of Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative, Matthew Mayer, Owners' Representative and Chairperson Robert LiMandri.

INTRODUCTION

Chairperson Robert LiMandri introduced himself and welcomed those present to the March 17, 2011 public meeting of the New York City Loft Board.

VOTE ON MARCH 10, 2011 MINUTES

Mr. Delaney requested additional language regarding his decision not to support the "Use Group" rule, and asked that the minutes reflect that a final residential certificate had to have been issued by June 21, 2010 for a unit to be excluded from the minimum coverage criteria under section 2-08(a) through (i).

Motion: Mr. Mayer moved to accept the March 10, 2011 minutes with the additions. Mr. Delaney seconded the motion.

Members concurring: Barowitz, DeLaney, Chairperson LiMandri, Mayer, Elena Ferrera, for Chief Spadafora (5)
Members absent: Bolden-Rivera, Shelton (2)

Adopted by the Loft Board on March 17, 2011.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander summarized the status of the interim multiple dwellings in the Loft Board's jurisdiction. She reported the following:

- There are 309 buildings in the Loft Board's jurisdiction, comprised of 29 "A" buildings, 214 "B", 47 "C" and 19 "D" buildings.
- There are 84 pending coverage applications, 80 of which have applied under MDL § 281(5).
- 65 of the coverage applications are in new buildings and 14 applications are in existing IMD buildings.
- 203 units are represented in these coverage applications.
- 14 registration applications have been accepted to the Loft Board's jurisdiction.
- 5 registration applications have not been processed because they were incomplete.
- There are 24 pending removal applications.

Ms. Alexander reported that after today's meeting there will be 78 coverage applications under pending under § 281(5). In addition there are 24 pending removal applications; 7 cases that are post hearing post settlement; 3 cases are in conference; 2 pending extension applications; 6 cases are on the agenda; 2 cases are waiting for an answer (non-coverage); and 4 cases are at OATH.

Ms. Alexander also reported the additional rules that require amending to implement the amended Loft Law are: §§ 1-06.1, 2-01, 2-01.1, 2-01.2, 2-11 and 2-12. **Mr. Delaney** suggested that § 2-09 (regarding subletting), and § 2-03 (regarding hardship applications) should be considered rules that are “necessary to implement the amended Loft Law”. **Ms. Alexander** confirmed that the deadline for filing hardship applications is March 21, 2011, and to date, the Loft Board has not received any inquiries or applications for hardship.

DISCUSSION ON DRAFT RULE § 1-06

Ms. Cruz summarized the recommended substantive changes made to § 1-06, which included the following:

- Reduction in the number of applications filed with the Loft Board
- Applicant’s requirement to serve affected parties directly;
- Previous tenant’s estate is deemed an “affected party” in an abandonment case;
- Definition of “proof of service”;
- Procedure for requesting an extension to file an answer;
- Clarification regarding the applicant’s burden of proof and legal standard for each claim;
- Definition of the “administrative record”

DISCUSSION ON DRAFT RULE § 2-04

Ms. Cruz summarized § 2-04 and the recommended substantive changes made, which included:

- Designating the New York City Environmental Control Board (“ECB”) with the authority to conduct hearings for violations of minimum housing maintenance standards;
- Increasing the range of recommended fines for violations of minimum housing maintenance standards.

Mr. Delaney requested that where possible, a “hard” date be inserted into the rules, rather than references to “the rule’s effective date” to avoid confusion.

VOTE ON PROPOSED SUMMARY CASES (LB-0179, LS-0207, TR-0782, TR-0788, TR-0811 & TR-0846)

The following cases were voted on as a group:

Case #1.	148-150 East 28 th Street LLC	148-150 East 28 th Street	LB-0179	MC/MC
Case #2.	L&B 59 Realty Co, LLC	59 Crosby Street	LS-0207	MC/MC
Case #3.	Tenants of 280 Bowery	276-280 Bowery/ 87 Houston	TR-0782	MC/MC
Case #4.	Walter Scott Mason and Anne Mason	385 Broome Street	TR-0788	MC/MC
Case #5.	Jennifer Sultan	540 Sixth Avenue	TR-0811	MC/MC
Case #6.	Hollister Lowe, Drew Roth, Laura Smith, Daniel Pelavin, David Webber	80 Varick Street	TR-0846	MC/MC

Motion: Mr. Mayer moved to accept the Orders. Ms. Bolden-Rivera seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Elena Ferrera, as power of attorney for Chief Spadafora (5)

Members absent: Shelton (1)

Adopted by the Loft Board on March 17, 2011.

Chairman LiMandri discussed the possibility meeting prior to April 21, 2011 and instructed the Executive Director to inform board if a date became available.

Chairperson LiMandri concluded the March 17, 2011 Loft Board public meeting at 3:35 p.m. and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, April 21, 2011 at 2:00 p.m.