

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

May 5, 2011

The meeting began at 2:00 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative, Matthew Mayer, Owners' Representative, Leann Shelton, Public Member, and Chairperson Robert LiMandri.

INTRODUCTION

Chairperson Robert LiMandri introduced himself and welcomed those present to the May 5, 2011 public meeting of the New York City Loft Board.

VOTE ON APRIL 21, 2011 MINUTES

There were no comments or questions regarding the minutes.

Motion: Ms. Bolden-Rivera moved to accept the April 21, 2011 minutes. Ms. Shelton seconded the motion.

Members concurring: Barowitz, DeLaney, Chairperson LiMandri, Mayer, Chief Spadafora, Bolden-Rivera: (7)
Members abstain: (0)

Adopted by the Loft Board on May 5, 2011.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander summarized the status of coverage applications and registration applications. She reported the following:

- There are 97 coverage applications resulting in 245 units under new law in 65 different buildings.
- There are 17 buildings new buildings that were accepted for registration, which brings the total amount of units registered to 398.

Ms. Alexander reported that she and Donald Ranshte attended a meeting on Tuesday May 3, 2011 with Assemblyman Vito Lopez and Councilman Steve Levin in the Brooklyn Borough Office. More than a hundred people attended, the majority of which had already applied for coverage.

Ms. Alexander distributed the adjusted Rule Tracking Chart.

DISCUSSION ON SUBSTANTIVE CHANGES TO RULE § 2-01 (a)-(h) OF TITLE 29

Ms. Cruz summarized the proposed changes to the rule as follows:

- Section 2-01(a) adds the statute's new compliance deadlines for buildings covered under MDL § 281 (1), (4) and 281(5);
- Section 2-01(b) adds an exception for owners coming into the Loft Board's jurisdiction to request an extension of the recently passed code compliance deadlines;
- Section 2-01(d) adds an exemption of the Narrative Statement Process for a building or unit covered under § 281 (5) if the owner has a current active alteration application on the active date of the rule or files a no work permit with DOB.

- Section 2-01(e) adds the coverage limitations of § 281 (5) exempting units in basement/cellars; units without windows; and units under 550 square feet;
- Section 2-01(g) adds that tenants must be served with notice of access at least 3 calendar days before access is required;
- Section 2-01 (h) permits the maximum fines under statute for unreasonable interference or denial of access.

After a brief general discussion, the Board requested a change to the language in 2-01(b) concerning extensions to compliance deadlines. The Board agreed to change language in section § 2-01 (g) to reflect 5 calendar days.

DISCUSSION AND VOTE ON SUBSTANTIVE CHANGES TO RULE § 2-01.1

Ms. Cruz summarized the proposed changes to the rule as follows:

- Adds that the Executive Director may consider other legalization projects in the building in addition to the application certified by the Loft Board;
- Tracks language in 2-04 related to inspection reports being prima facie proof of facts contained therein;
- Adds options for hearings to be conducted at ECB; and
- Adjusts the fine amount.

The Board agreed to a preliminary vote on the draft rule with the understanding that upon certification by the Law Department and the Mayor's Office of Operations, the rule could be published for public hearing if the Law Department and the Mayor's Office of Operation make no substantive changes otherwise the Board would reconsider the Rule.

Motion: Ms. Bolden-Rivera moved to accept Rule § 2-01.1 Ms. Shelton seconded the motion.

Members concurring: Barowitz, Delaney, Chairperson LiMandri, Mayer, Chief Spadafora,
 Bolden-Rivera: (7)
 Members abstain: (0)

Adopted by the Loft Board on May 5, 2011.

DISCUSSION AND VOTE ON SUBSTANTIAL CHANGES TO RULE § 2-04

Ms. Cruz summarized the proposed changes to the rule as follows:

- Adds changes to the cure period to 24 hours for subsequent findings;
- Adds accrual date for fines to occur immediately following the cure period;
- Keeps the lower end of range on fines, and raises the higher end of fines; and
- Increases the amount of 2nd and 3rd findings.

The Board also requested additional information on the guidelines for issuing violations

The Board agreed to a preliminary vote on the draft rule with the understanding that upon certification by the Law Department and the Mayor's Office of Operations, the rule could be published for public hearing if the Law Department and the Mayor's Office of Operation make no substantive changes otherwise the Board would reconsider the Rule.

Motion: Mr. Barowitz moved to accept Rule § 2-04 Ms. Shelton seconded the motion.

Members concurring: Delaney, Chairperson LiMandri, Mayer, Chief Spadafora, Bolden-Rivera:
Barowitz (7)
Members abstain: (0)

Adopted by the Loft Board on May 5, 2011.

PRELIMINARY DISCUSSION OF RULE 2-06; 2-02 AND 2-10

Ms. Cruz summarized rule 2-06 and 2-06.1 regarding interim rent guideline raises on IMD covered units. Currently, the increases apply to units with residential occupants who do not have a lease or rental agreement in effect on the date the Loft Law was enacted and then amended or whose leases or rental agreements were in effect on that date but expired prior to the IMD safety and Fire Protection standards compliance with Article 7-B of the Multiple Dwelling Law.

In discussing whether it should provide increases to the buildings coming into the Loft Board's jurisdiction under MDL 281(5), the Board members agreed that the issues needing further review were:

- Does the Board want to provide interim rent increases?
- Is the Board required to provide interim rent increases?
- If the Board must provide interim rent increases, how should they be calculated?
- The Board requested background information on how increases were determined in the past.

Deputy Commissioner Pogoda on Chairperson LiMandri's behalf concluded the May 5, 2011 Loft Board public meeting at 4:30 p.m. and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, May 19, 2011 at 2:00 p.m.

Ms. Pogoda reminded the Board that Loft Board meetings were scheduled for June 2 and 16, 2011, and July 7 and 21, 2011.