THE CITY OF NEW YORK
LAW DEPARTMENT
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MEMORANDUM

TO: LANNY ALEXANDER
Executive Director
New York City Loft Board

FROM: STEVEN GOULDEN
Division of Legal Counsel

RE: Amendment of Filing Fee for Registration of Loft Buildings

No.: 2008 RG 005

I have reviewed the above-referenced proposed rule and am returning it having given it preliminary approval.

This memorandum does not constitute Law Department approval of the rule pursuant to City Charter § 1043, subd. c. The Law Department will issue such approval after we receive and review the text of the final rule. If you have made revisions to the text of the final rule please submit two copies of the final rule and note on one copy the changes adopted.

Amendment to § 2-01(a) to comport with change in code compliance deadlines.

NEW YORK CITY LOFT BOARD

NOTICE OF OPPORRTUNITY TO COMMENT ON PROPOSED RULES

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. 66, dated September 30, 1982, 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 intends to amend section 2-01(a) of Title 29 of the Rules of the City of New York, relating to code compliance legalization deadlines and the expiration of the Loft Law. The text added to the rules is underlined, and deleted text is bracketed.

Written comments regarding these proposed rules may be sent to the New York City Loft Board, 100 Gold Street, 2nd Floor, New York, New York 10038 to the attention of Edith Nicolas on or before DATE, 2008. A public hearing will be held on, _____ at 22 Reade Street, First Floor, New York, New York, commencing at _____. Persons seeking to testify are requested to notify Ms. Nicolas at the foregoing address or by telephone at (212) 788-7610. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Ms. Nicolas by DATE , 2008. Written comments and an audiotape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 10:00 a.m. to 4:00 at the offices of the Loft Board.

These rules were not published in the regulatory agenda because they were not anticipated.

Subparagraphs (iii), (iv), and (v) of paragraph 8 of subdivision (a) section 2-01 of Title 29 of the Rules of the City of New York are amended to read as follows:

(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, 200[7] 8, 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, 200[7] 8, or within one 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, 200[7] 8 or within 12 months after obtaining an approved alteration permit, whichever is later.

Statement of Basis and Purpose:

The Legislature recently amended Article 7-C of the Multiple Dwelling Law (the "Loft Law") to extend the code compliance deadlines that IMD owners are required to meet in legalizing their buildings and to extend the deadline for the Loft Law itself. See Laws of 2007, chapter 62. The compliance extensions are set forth in section 284 of the Multiple Dwelling Law. As a result, it is necessary to amend the Loft Board rules to conform to these legislative changes.

Dated: DATE, 2008

Marc Rauch
Chairperson