

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

August 2, 2012

The meeting began at 2:13 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck Delaney, Tenants' Representative; Daniel Schachter; Public Member; Le Ann Shelton, Public Member; Matthew Mayer, Owners' Representative; and Chairperson LiMandri.

INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the August 2, 2012 public meeting of the New York City Loft Board.

VOTE ON JULY 12, 2012 MINUTES

Motion: Ms. Shelton moved to accept the July 12, 2012 minutes. Mr. Mayer seconded the motion.

Members concurring: Barowitz, Delaney, Chairperson LiMandri, Schachter, Shelton, Mayer, Spadafora, (7)

Members Absent: Foggin, Bolden-Rivera (2)

Adopted by the Loft Board on August 2, 2012.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that there are 332 buildings in the Loft Board's jurisdiction. Of the 332 buildings, 45 buildings have obtained a Certificate of Occupancy, 29 have pending removal applications and 16 do not. There are 204 buildings in the B category, 33 have obtained TCO's, 67 are 7-B compliant, 7 have 100% of the work done, 94 buildings have obtained permits but have not gotten into any of the higher categories, and 3 buildings are back in the narrative statement process because they have amended their applications.

Ms. Alexander reported that there are 48 buildings in the narrative statement process. Of these, 16 have obtained Loft Board Certification but have not obtained a permit and 32 have not completed the narrative statement process. Thirty-five buildings have not yet begun the narrative statement process. Of these, 11 buildings have filed alteration applications, and 24 have not. Thirty-three of the buildings in this group have recently

registered under MDL Section 281.5 buildings.

Ms. Alexander added two new categories to the spreadsheet in anticipation of beginning enforcement actions in the Fall: Monthly Reports and Percentage of Work Completed. **Ms. Alexander** reported that the Loft Board received 106 monthly reports. Of these, 80 reports were filed during 2012, 26 were filed in previous years.

Ms. Alexander introduced a new case comparison chart, which compares the current month's case count with the previous month's case count. For the month of July, the total number of pending cases was 280, 20 fewer than in June. Breaking this down, in July there were 130 cases at OATH up from 124 the previous month. There are 38 cases ready for transfer to OATH down from 52 in June. In the Post Settlement category, there were 52 cases in June and 29 cases in July, In the Post Hearing category there were 17 in July, up three from June. The total number of Non-OATH cases pending in July was 66 down one from June.

Ms. Alexander reported that the Board will hold a discussion of Rules 2-02, 2-06.2, 2-07, 2-10, 2-09, 2-12, 2-11.1, 1-07, 1-07.1 and 2-11 at the September 6, 2012 Board meeting. If there are no changes, the rules would be published in final form on September 14, 2012 and would become effective on October 14, 2012. The staff is working to complete Rules 2-01 (code compliance) and 2-01.2 (removal). **Ms. Alexander** reported that Rule 1-06.1 (Statute of Limitations) will be published once all of the other rules have been published, discussed, voted on, published in final form, and have been made effective.

Mr. Delaney requested that the Loft Board extend the public review period for Rules 2-01 and 2-12 to 60 days. **Mr. Delaney** also requested that the Board hold off publishing the final rule for 2-11.1 and 2-12 until Rule 2-01 is published.

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

The Board held a discussion on Rules § 2-02, 2-06.2, 2-07, 2-09, 2-10, 2-12, and 2-11.1. After the discussion and consideration of comments presented during the public hearings for the rules listed the Board asked the staff to revisit the following items for further discussion:

- 2-06.2(Interim Rent Guidelines)
The staff will clarify the term "use based escalator."
- 2-09 (Subletting)
The staff will review Section 2-09(c)4(ii) and recommend whether the effective date for the subletting restrictions to leases should be the effective date of the rule or the date the unit is registered with the Loft Board. The staff will also review and recommend whether a definition for roommate or subtenant should be added, and if so, propose a criteria or

standard for the definition. The staff will recommend whether to set a criteria/standard regarding the necessity of having a written agreement.

- 2-10 (Sale of Rights)
The staff will review and recommend whether to retain the language that bars the owner from deregulating all IMD units that are the subject of a sale of rights even if they are not a party to a harassment finding, or whether to bar only the units that were the subject of the harassment finding.
- 2-11.1 (Fines)
The staff will clarify the fines and decide whether to recommend increasing them for violation of rule 2-01.1 (Reasonable and Necessary Action), 2-02 (Harassment), and rule 2-10 (Sale of Rights - failure to file a sales record form.)
- 2-12 (Rent Adjustments)
The staff will review the Multiple Dwelling Law and the rules to determine whether the Board has the authority to add a notice requirement for the milestone increases.

Mr. Delaney asked whether tenants who had not yet obtained Loft Law coverage could be held responsible for recent raises in rent. **Ms. Alexander** responded that the Loft Board does not have jurisdiction over tenants who reside in non-IMD units.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	Gary Breckheimer	64 -68 Wooster Street	TR-0790	MC/MC
2.	John and Melanie Bradford, Ben Neill, Amy Lipton, Bill Jones, Joy Garnett	53 Mercer Street	TR-0796	MC/MC
3.	Aric Carroll and John Wagner	20 Grand Avenue, Brooklyn	TR-0821	MC/MC
4.	Tenants of 105 Bowery	105 Bowery	TA-0187 TR-0831	MC/MC
5.	Marc DeBernadis	20 Grand Avenue, Brooklyn	TR-0986	MC/MC
6.	John R. Larson and Fran Holstrom	20 Grand Avenue, Brooklyn	TR-0992	MC/MC

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

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

Members Absent: Foggin (1)

Adopted by the Loft Board on August 2, 2012.

Chairperson Pogoda concluded the August 2, 2012 Loft Board public meeting at 4:10 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, September 6, 2012 at 2:00 p.m. **A public hearing was held immediately after the Board Meeting at Spector Hall, 22 Reade Street on Rules 1-07 (Reconsideration) 1-07.1 (Appeals) and 2-11 (Fees).**