

New York City Loft Board: Minutes of Public Hearing: July 18, 2024

MINUTES OF PUBLIC HEARING

July 18, 2024

The hearing began at 2:07 PM

**Attendees:** Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Samira Rajan, Public Member; Richard Roche, Fire Department's *ex officio*; Guillermo Patino Chairperson Designee.

**I. Introduction**

My name is Guillermo Patino. I am the chairperson designee of the New York City Loft Board. I welcome you to our July 18, 2024 Public Hearing on the proposed amendments to Loft Board rules in Title 29 of the Rules of the City of New York. The proposed rules amend § 2-04 - the Loft Board's rules on housing maintenance, § 2-05 – the Loft Board's rules on registration and § 2-11.1 – the Loft Board's fine schedule.

These proposed rule amendments would expand the requirements for basic housing maintenance services set forth in section 2-04 of Title 29 of the Rules of the City of New York to include requirements to maintain the existing fire egress systems and add provisions for enforcement of these requirements. The objective of these proposed rule amendments is to promote public safety in IMD buildings.

The proposed amendments would amend:

1. 29 RCNY § 2-04(a) to add definitions of fire escape and fire stairway;
2. 29 RCNY § 2-04(b) to require that fire egress components and pathways be maintained;
3. 29 RCNY § 2-04(e)(8) to include an enforcement provision and penalty schedule against owners who fail to comply with the obligations regarding maintenance of fire egress components and pathways;
4. 29 RCNY § 2-04(e)(2) to authorize additional violations if conditions related to fire egress are not corrected within fifteen (15) days after the mailing date of a violation.
5. 29 RCNY § 2-05 to include a requirement that owners file a certification that fire escapes and/or fire stairways have been inspected for defects within the fourteen (14) days prior to annual registration; and
6. 29 RCNY § 2-11.1 to include a penalty for the failure to file an annual certification for fire escapes and/or fire stairways.

**II. Rules for the Public Hearing**

In accordance with the New York City Administrative Procedures Act, the text of these proposed rule changes were submitted to the New York City Department of Law for review and circulated to other city agencies that may be affected by these proposed changes.

The text of the proposed amendments and notice of this public hearing were published in the City Record on June 3, 2024. A link to the text of the proposed changes was posted on the Loft Board's website and NYC RULES.

The rules for presenting oral comments are:

1. Each speaker must sign in with the Secretary of the Board. A number will be provided when you sign-in with the Secretary.
2. Each speaker will be called to the podium in the order of the sign-in sheet. Please pay attention to the number you have been provided. The numbers will be called two at a time. If there is no response, the Secretary will go on to the next number.
3. To ensure that everyone who wishes to speak is provided an opportunity to do so, each speaker will be limited to a maximum of three minutes to testify. Any speaker attempting to exceed this time limit will be interrupted and stopped.

Written comments regarding these proposed rule changes may be submitted to the Secretary of the Board today, emailed to NYCLOFTBOARD@buildings.nyc.gov or mailed to the New York City Loft Board at 280 Broadway, 5th floor, New York, New York 10007.

All written comments submitted by July 25, 2022, together with a memo summarizing the oral public comments received at today's hearing will be on file at the Loft Board's office and available for public review.

### **III. Hearing**

#### **Speaker No. 1:**

Good afternoon. Gabriel Block. I work at Borah, Goldstein, Altschuler, Nahins & Goidel, P.C we represent IMD owners, and I just have a few comments and I will try to be quick as I know we only have three (3) minutes to speak.

First, all the issues raised by the proposed rules are covered by FDNY and DOB regulations. We want to ensure that owners are not going to be double penalized or double assessed for violations that could already be assessed by the Fire Department or by the Department of Buildings.

Second, the new proposed rule in 2-04(i)(E) deals with obstruction to the fire escape from the inside of the unit. Additionally, to comply with the proposed law and fix the fire escape may require access to occupied units. Under the current access laws and regulations regime, an access application may take six months or more. We're suggesting either a modification to that requirement, or maybe a separate access regime for fire, life safety issues where the Loft Board can require the tenant to provide access.

Third, removal of personal property may create conflict between the parties. We are proposing more clarity with this provision.

Fourth and last, as far as the certification, we just think that the 14-day window will be hard for IMD Owners to meet even if it is annually because there is a shortage of architects who are familiar with IMDs. Obtaining an inspection report and providing certification within 14 days may be burdensome on the Owner. We'd ask that the requirement be changed to 30 days. Thank you.

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**Speaker 2:**

Chairperson Patino, Executive Director Cruz, Loft Board members and staff thank you for the opportunity to speak here. My name's McDavid Moore. I'm an IMD tenant and member of the New York City Loft Tenants Association. I want to applaud you all for these regulations. I think that they're great. It really gets to the heart of what the loft law is all about creating fire safe spaces in former manufacturing units.

The only comment is that the fine amount may not be enough to create a change.

Again, I want to thank you for all your hard work. I just want to remind you that each case you are working on represents someone's home. I just do not want that fact to get lost when you are making your determination. Thank you for all the hard work you do and for letting me speak.

**Ms. Cruz:** If that's it, let's allow Mr. Block the opportunity to finish his comments.

**Gabriel Block:**

I would further comment on personal property. Removing a tenant's personal property may create a problem between the tenant and owner, for example, storage of personal property or disposal of personal property after 60 days. I do not think the conflict that can ensue from either party will be a good result for either side.

Owner's attorneys routinely send notices to the tenants that are not complied with. Since the notice will be involving important fire safety issues and we want to have the issue resolved quickly, is it possible that the notice concerning personal property come from the Loft Board? We believe this will avoid conflict in the future and improve the chances of compliance.

Additionally, the language is unclear as to service. The language of the rule states the owner may remove items from the pathway 10 days after service is deemed complete and may discard any remaining items after 60 days. Is it 60 days from service or is it 60 days from the initial service which is 35 days after service is deemed complete?

Is it possible that the notice come from the Loft Board? The Owner will inform the Loft Board that there is an issue, and the Loft Board can issue an order or violation to the tenant? Thank you.

**Charles DeLaney:**

This would apply to anyone who testifies. You have a week to submit written comments. You still have time to speak with your colleagues and collaborate on suggestions for this proposed rule.

#### **IV. Conclusion**

**Chairperson Patino:** As a reminder, written comments will be accepted until July 25<sup>th</sup>. The comments can be submitted directly to the Loft Board at [nycloftboard@buildings.nyc.gov](mailto:nycloftboard@buildings.nyc.gov) or mailed to the offices of the New York City Loft Board. Comments can also be submitted through the New York City Rules website.

The July 18, 2024 public hearing ended at 2:37pm.