



DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, N.Y. 10013  
RUDOLPH J. RINALDI, COMMISSIONER

CAROLE S. SLATER  
General Counsel & Director  
Office of Legal Affairs  
(212) 312-8130

ISSUANCE #354

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LEGAL  
POLICY AND PROCEDURE NOTICE # 2/92

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TO: DISTRIBUTION

FROM: CAROLE S. SLATER *CS*  
General Counsel and Director  
Office of Legal Affairs

RE: Legalization of Residential Lofts  
Multiple Dwelling Law Amendments of 1987

DATE: June 29, 1992

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This PPN supplements Departmental Memo dated July 13, 1981.

**PURPOSE:** To clarify procedures with regard to the legalization of residential lofts covered as interim multiple dwellings ("IMD") under the 1987 amendment to the Multiple Dwelling Law ("MDL") Article 7C and not covered by ZR §15-00 et seq.

**EFFECTIVE DATE:** Immediately

**SPECIFICS:** In 1987, the New York State Legislature amended Multiple Dwelling Law §281 by adding a new subdivision 4, which extended IMD coverage to buildings, structures or portions thereof that were occupied residentially during the window period of April 1, 1980 through December 1, 1981 and on May 1, 1987 regardless of whether such residential use is permitted by the New York City Zoning Resolution.

An alteration application to legalize an IMD, which includes units covered by MDL §281 (4) must include evidence of the right to maintain a residential use in such district in the form of a current IMD Registration

Statement issued by the New York City Loft Board, together with a Loft Board Statement or Certification (currently under development) specifying which residential units are permitted under the Zoning Resolution and which are permitted only by operation of MDL §281(4) and otherwise not permitted in the particular zoning district. If these Loft Board documents are not submitted, the Plan Examiner will issue a zoning objection stating that the proposed residential use is not permitted in that particular manufacturing zoning district, with a direction to submit proof of lawful residential use. The submitted application and plans should indicate the floors and/or area of a building or other structure being legalized under MDL§281(4). Upon submission of the aforementioned proof, the objection shall be removed.

#### Nonconforming Use Status

MDL §281 (4) allows residential uses to be legalized in manufacturing districts contrary to the Zoning Resolution. As such, the residential uses are nonconforming uses subject to the provisions of Article 5 of the Zoning Resolution.

#### Certificate of Occupancy

Any and all Certificates of Occupancy issued to any manufacturing building containing such residential use shall include a note specifying the above-mentioned nonconforming floors, units or spaces and indicate that such floors, units or spaces are nonconforming uses pursuant to MDL §281(4).