

SERVICE NOTICE

COVID-19 Response: Loft Board

Summary of Service Notice

Initiating Loft Board Proceedings and Applications

Pursuant to the Governor’s Executive Orders 202.8, 202.14, 202.28, 202.38, 202.48, 202.55, and 202.60, all initiatory filings with the Loft Board are tolled until October 4, 2020.

Responding to Loft Board Proceedings and Applications

The tolling of deadlines for responsive pleadings and papers ended on June 19, 2020.

For any Loft Board applications filed on or after March 20, 2020, the answer period begins on June 19, 2020.

For any Loft Board applications filed before March 20, 2020, for which the answer period was tolled by preceding service notices, the running of the answer period was paused from March 20, 2020 through and including June 19, 2020. The running of the answer period resumes June 19, 2020.

Parties who wish to request a further extension of time for filing an answer may do so in accordance with 29 RCNY § 1-06(i).

Explanation of Service Notice

Revised Policy on Tolling of Filing Deadlines

Due to the ongoing state of emergency, including but not limited to the prior ban on non-essential construction in New York City, the Loft Board staff previously tolled the deadlines for filing all documents with the Loft Board until June 6, 2020.

Starting June 8, 2020, New York City has entered “Phase One Reopening” which provides for the restarting of construction activity. Therefore, the Loft Board lifted the tolling of deadlines for responsive pleadings. The Loft Board staff will also begin issuing 45 and 40 day notices pursuant to 29 RCNY §§ 2-01(d)(2)(viii), (x) and (xiii). However,

as a result of Executive Orders 202.38, 202.48, and 202.55, which further tolls the statute of limitations and other initiatory deadlines to September 4, 2020, the Loft Board's tolling of the time in which to commence new matters is extended to September 4, 2020.

How to Determine the Deadline for Filing Your Answer

The deadline for filing an answer was previously tolled starting on March 20, 2020. This toll ended on June 19, 2020.

The answer period for each Loft Board application may be found in the answer instruction sheet served upon each respondent. The instruction sheet is also available online at https://www1.nyc.gov/assets/loftboard/downloads/pdf/instruc_answerapp.pdf.

If a Loft Board application was filed after March 20, 2020, the deadline for filing an answer started running on June 19, 2020.

Example: A Loft Board application for reconsideration was mailed on March 21, 2020, which has an answer period of 25 calendar days after the application's mailing date. The application will be treated as if it was mailed on 06/19/2020. Therefore, the answer periods end on 07/14/2020.

If a Loft Board application was filed before March 20, 2020, the deadline for filing an answer was tolled starting on March 20, 2020 through and including June 19, 2020, and the respondent's time to answer is extended accordingly.

Example: A Loft Board application for reconsideration was mailed on March 1, 2020, which has an answer period of 25 calendar days after the application's mailing date, or March 26, 2020. Due to the tolling of filing that went into effect on March 20, 2020, the applicant would have an additional seven (7) days for filing counting from the lifting of the toll. As the toll for filing answers ends on 06/19/2020 the applicant has until 06/26/2020 to file an answer.

The Emergency Rule on Electronic Service and Filing Has Expired

On April 30, 2020, the Loft Board passed an emergency rule allowing for electronic service of documents with the consent of the opposing party, allowing for electronic filing of documents with the Loft Board, waiving requirements for original signature and temporarily suspending the requirement to schedule a narrative statement conference within thirty days of receipt of the narrative statement. That rule was in effect for 60 days pursuant to section 1043(i)(2) of the Charter and expired on June 29, 2020.

After June 29, 2020, the service and filing of documents with the Loft Board are governed by the preexisting Loft Board rules that were in effect prior to April 30, 2020.

Customers may mail or drop-off their documents in the designated drop-off box located in the lobby of 280 Broadway, New York, NY. Drop-offs are accepted on Monday - Friday from 9:00 am to 2:00 pm.

For questions contact 212-393-2616 or nycloftboard@buildings.nyc.gov.