

**DRAFT**

MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting

June 18, 2020

**The meeting began at:** 2:10PM

**Attendees:** Elliott Barowitz, Public Member; Richard Roche, Fire Department's *ex officio*; Robinson Hernandez, Manufacturers' Representative; Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Julie Torres-Moskovitz, Public Member; Renaldo Hylton, Chairperson Designee; and Helaine Balsam, Loft Board, Executive Director.

**INTRODUCTION:**

**Chairperson Hylton** welcomed those present to the June 18, 2020, public meeting of the New York City Loft Board, and explained that the meeting was being held via teleconference due to the coronavirus emergency, pursuant to the Governor Executive Order 202.1. He then briefly summarized Section 282 of the New York State Multiple Dwelling Law, which establishes the New York City Loft Board; and described the general operation of the Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

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**VOTE ON MEETING MINUTES:**

**May 21, 2020, Meeting Minutes**

**Mr. Hylton** asked if there were any corrections or comments on the minutes.

**Mr. DeLaney** had a few questions, following up on items that had been discussed at the May 21, 2020, Board meeting, as noted in the minutes: At the last meeting, we discussed the narrative statement conferences, and Elliott asked how many conferences we anticipated before December. Executive Director Balsam offered to report back on that next month. Will we be getting a report on that?

**Ms. Balsam** said she had not prepared a report, but after consulting with Mr. Clarke, she stated that eight were currently waiting to be held and that more could arise as the year progresses.

**Mr. DeLaney:** Thank you. And we touched briefly on self-certification. I just wonder, Renaldo, if you've had a chance to make any headway with that?

**Mr. Hylton** responded that he had not, yet.

**Mr. DeLaney's** next question was, is non-essential construction permitted in New York City now, in Phase 1?

**Mr. Hylton** replied that it was.

**Mr. DeLaney** then noted that June 7<sup>th</sup> was the end of the mayor's current Emergency Order, and asked if that has been extended?

**Mr. Hylton:** The Emergency Order is now extended until, I believe, July 6<sup>th</sup>. The current emergency is through July 6<sup>th</sup>. That I know, and it may be extended. It can only be done every thirty days.

**Mr. Delaney:** And lastly, on page 21, I made a comment in the third paragraph, "...the building can be registered..." the minutes read ACR, and I think that should read, DHCR (Department of Housing and Community Renewal).

**Mr. Hylton and Ms. Balsam** noted it for correction.

**Mr. Hylton** asked if there were any other comments or corrections to the minutes. (None). He then asked for a motion to accept the May 21, 2020, meeting minutes, and for a second.

**Mr. DeLaney** moved to accept the April 13, 2020, meeting minutes; and **Mr. Roche** seconded.

**The vote:**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Roslund, Ms. Torres-Moskovitz, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**Mr. Hylton:** And Chuck, I didn't mean to be so abrupt regarding the self-certification issue. We just have not been able to get that item back on the list of priorities with those who would address it. We did have a

commitment to a meeting about this prior to the emergency, so it's just a matter of reviving it with our First Deputy and Deputy Commissioner for Development. And we will do that.

**PRESENTATION OF CERTIFICATE OF APPRECIATION TO EXECUTIVE DIRECTOR BALSAM:**

**Mr. Hylton** introduced the official Chair of the Loft Board, Commissioner Melanie La Rocca, who would present the certificate.

**Commissioner La Rocca:** Good afternoon everybody. I have the supposed honor, or privilege, or most unfortunate task, of actually acknowledging the fact that I refuse to acknowledge, that I'm not actually going to acknowledge -- that Helaine is leaving us. But according to this certificate of appreciation, she is, in fact, leaving us -- which again, for the record, I'm stating I'm not acknowledging. But that's life, and so we're forced to acknowledge sometimes the unfortunate truth, which is good people leave us for better things; namely, life. And sometimes life happens, even though we refuse to believe it. So, in this case, life has happened. You are, in fact, allowed to go.

**Ms. Balsam:** Thank you.

**Commissioner La Rocca:** Not that you needed my permission, but you've gotten it anyway. And I suppose it's very sad, but this is our little nod that we appreciate you gave us your time, which, frankly, is the most valuable thing any one person has. So, we really appreciate that you gave us the most valuable thing you could give us, which is your time.

**Ms. Balsam:** Thank you so much.

(Applause)

**Mr. Hylton:** That was a complete surprise for Helaine, and I appreciate the Commissioner's taking the time.

**Commissioner La Rocca:** Thank you.

**Mr. Hylton:** Thank you, Commissioner.

**Commissioner La Rocca:** Now you folks must get back to work.

**Ms. Balsam:** I've got one more meeting.

**Mr. Hylton:** Ladies and gentlemen, Helaine will have her chance to say her final words at the end, as will any of the Board members who would like to say something, but we needed to have the Commissioner here at this time to make that presentation, due to the constraints of her schedule.

So, as I was saying before, Chuck, on the self-certification issue, we did have a commitment prior to the COVID19 emergency for this meeting, but that had to be cancelled due to with the shift in focus and demands created by the emergency the city was going through. Prior to that, we did have a commitment to meet from two high level individuals in the department. Now that we're coming out of this, yes, my fault, for not yet reviving that request; but after this meeting, I'll do that. And now that we're starting to come out of things....Ms. Torres, I know you're the one who requested that, and I think no more than four people can attend the meeting.

**Ms. Balsam:** It can't be more than four people. Otherwise it would have to be a public hearing.

**Mr. Hylton:** I believe it was Mr. Roche, Mr. DeLaney, and Ms. Roslund who wanted to attend. So, this is on my radar, and I apologize for the delay.

**Mr. DeLaney:** Thank you, Renaldo. It's perfectly understandable. I'm just keeping the topic on my list.

**Mr. Hylton:** Right. Thank you. Now we'll turn to Helaine's Executive Director Report. It will be her last.

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## EXECUTIVE DIRECTOR'S REPORT

### Personnel

**Ms. Balsam:** In terms of the new Board members, we've made some progress, but we're still waiting for the final sign-off and hope to have them here in July. I'm not promising, but that's the plan at this point.

### Enforcement

**Ms. Balsam:** Two violations were issued in May, at 13-15 Thames Street, for failure to provide hot water and failure to maintain a wholesome water supply; and our understanding is that those violations have been cured.

Revenue

**Ms. Balsam:** The unofficial Loft Board revenue for May was \$31,875.00.

Litigation

**New Cases:**

**Ms. Balsam:** In litigation, we still have no new cases, because the governor's Order prohibits filing new cases.

**Decisions:**

**Ms. Balsam:** We've had no decisions either, but we did have a stipulation of discontinuance. There was a mandamus action brought, asking us to decide a reconsideration application for 47 Thames Street. We decided that application, so the Law Department signed a stipulation of discontinuance.

And that's all I have for right now.

**Mr. Hylton:** Thank you, Ms. Balsam. Is there a motion to accept her resignation?

(Laughter)

**Mr. DeLaney:** Excuse me, I did have one question. The two violations were both 13-15 Thames Street?

**Ms. Balsam:** Yes, there was a hot water heater that was leaking very badly, and my understanding is that it was leaking very badly into the unit below. The person in the unit that had the hot water heater couldn't keep the hot water on. Whenever she needed hot water, she had to tell the person below she was turning it on, so they could put buckets in place. Then she would use the hot water for whatever she wanted, and then turn it off again. But my understanding is that the owner did provide a new hot water heater, and that it has been fixed.

**Mr. DeLaney:** Thank you.

**Mr. Hylton:** Thank you, Ms. Balsam. Next on the agenda: Ms. Lin will lead a discussion on code compliance deadlines for buildings covered under the 2019 amendments to the Loft Law, and she will also be discussing the rulemaking petition under 1-11 of the Loft Board rules.

**Ms. Lin:** Thank you, Chairperson. At the last Board meeting, I raised the issue of the concern expressed to us by owners' attorneys that owners would not be able to meet their code compliance deadlines, due to the on-

going COVID19 situation. After the meeting, I circulated a memo laying out for the Board members what those issues are. So, I hope everyone has had a chance to review that, and we can discuss it in more detail now, if you'd like. But first, let me go over the petition for rulemaking, which I transmitted late last night. I apologize for the short notice, but we only received the petition on the sixteenth.

The petition for rulemaking is meant to address the situation, and the proposal includes extending time for owners to file the extension application; allowing owners to file for more than one extension per deadline -- currently our rules have the provision that they can only have one extension per deadline -- and includes COVID19 as a circumstance beyond the owner's control. The Chairperson rejected the petition yesterday according to rule 1-11.6, which I'll clarify for the public.

The first reason is, it's not necessary for the Board to pass a rule granting an extension of time to file extension applications, because the governor's Executive Orders already tolled initiatory filings with administrative agencies. So, the owner still has time to file for an extension application. Second, while our rule currently states there is only one extension allowed per deadline, this limitation is being modified by our proposed rules, which we're currently working on passing; so any concerns about the one-extension-per-deadline issue will be addressed by the proposed rules when they're passed. And lastly, our rule provides that the Executive Director has the authority and discretion to consider what constitutes a circumstance beyond control, so it's not necessary to go through the rulemaking process to specifically add COVID19 as a ground. That's the summary of the letter. If there are any questions or comments from the Board members...

**Mr. Hylton:** Thank you Tina. So, how about on the code compliance deadlines involving the 2019 amendments? Do Board members have anything on that? Any questions on what was sent to you? No. Excellent. Thank you. You did a good job.

**Mr. DeLaney:** I do have a question about the Order we adopted back in April, that will expire on June 29<sup>th</sup>.

**Ms. Balsam:** Are you talking about the Emergency Rule?

**Mr. DeLaney:** Yes.

**Ms. Balsam:** I intend to go over that when we get to rulemaking. Can you hold off on that for now?

**Mr. DeLaney:** OK, sure.

**Ms. Balsam:** Thanks.

**Mr. Hylton:** Moving now to item number 5: Removal of Buildings and Owner Registration with HPD (Housing Preservation and Development) and DHCR (Division of Housing and Community Renewal).

**Mr. DeLaney:** I'm sorry. Before we leave item number 4, I would like to register the fact that it has been previously stated that the tenant position is that the proposed change to the rule on extensions for owners strikes the tenants as overly broad and runs the risk of rewarding people who have already shown bad faith. We had proposed alternate language in an attempt to tighten that. So, to the extent that the explanation to the petition for rulemaking, submitted by attorney Frosch, seems to anticipate that the revised rules will somehow ease that situation, I am not comfortable with the language as it's currently written.

**Ms. Balsam:** Obviously, that will have to be discussed by the Board once we get the final edits from the Law Department. But my understanding of the tenants' position is that the tenants were not against having more than one extension application; the tenants were against allowing owners who were bad actors to file an extension application. That was my reading of what had been submitted. Am I wrong about that?

**Mr. DeLaney:** I think in terms of the submission, that's correct.

**Ms. Balsam:** OK.

**Mr. DeLaney:** I would just point out that I don't know that the language submitted is necessarily something on which tenants universally agree. Probably some; but perhaps others would question whether additional extensions are warranted. So, I don't want to over-simplify the tenant position.

**Ms. Balsam:** OK.

**Mr. Hylton:** The Board's rules don't blankly bestow extensions. It just gives owners the ability to ask for an extension. The Executive Director and the Board then must decide whether to grant an extension.

**Mr. DeLaney:** First, the rule has to be adopted. And prior to that, the public will have an opportunity to express their....

**Mr. Hylton:** Absolutely. I'm just saying, it's never an automatic extension, is it? But we'll get there in the rulemaking.

**Mr. DeLaney:** Yes.

**Mr. Hylton:** Alright. So, moving on to number 5: Removal of Buildings and Owner Registration with HPD and DHCR.

**Ms. Lin:** At the last Board meeting, Mr. Delaney brought up the issue of possibly delaying removal of legalized units until the owner had registered with HPD and the DHCR. But that's not a power given to the Loft Board under the MDL. That's not something we can do. What we did do, however, is reach out to the HPD and the DHCR with their contact information. DHCR responded very positively, so we have a contact person at DHCR to whom we can forward information regarding removed buildings, and their enforcement unit will deal with it through their normal process. In terms of HPD, our HPD inspector is going to coordinate with their registration unit, and it'll be the same process. So now, every time we remove a building, we're going to forward a copy of the final Order to HPD and DHCR and advise them that this building is coming out of our jurisdiction and so should be registered with them.

**Mr. Barowitz:** Ms. Lin, I didn't catch the last sentence. Can you say it again?

**Mr. Barowitz:** Yes, somehow, I just didn't hear the very end of what you said.

**Ms. Lin:** Sure. Basically, what we're going to do is, whenever a building is removed from our jurisdiction, we're going to forward the final Order to DHCR and HPD and let them know which buildings are removed from our jurisdiction and should be registered with them, respectively.

**Mr. Barowitz:** OK, thank you.

**Ms. Torres-Moskovitz:** That's great. Tina, did you also say there's a point person there?

**Ms. Lin:** At DHCR we have a point person in the public engagement unit who will coordinate forwarding the Order to their enforcement unit. We don't have a specific person at HPD yet, but the Loft Board's HPD inspector, Curtis Lewis, is going to coordinate with their registration unit and work something out.

**Ms. Torres-Moskovitz:** That sounds great to me.

**Mr. Hylton:** Thanks, Julie. Yes, obviously, we take it seriously, too. It's just that we have to act within our authority. The good thing is that we have good cooperation, and we have an HPD representative right here at the Loft Board, who can do that part of it.

**Mr. DeLaney:** I'm sorry. I have a couple of questions.

**Mr. Hylton:** Sure.

**Mr. DeLaney:** So, forwarding a copy of the Removal Order, the LE case, to DHCR and HPD seems like a very logical step. In the past, we haven't done that. Is that correct?

**Ms. Balsam:** I'm not one hundred percent sure, but under my watch, it has not been done.

**Mr. DeLaney:** OK. And secondly, what happens now? Part of the reason I asked this question last month is because my concern is for the tenant whose building is no longer an IMD, who has, say, a service delivery or minimum-housing-maintenance-standard issue. If they call 311, how is that handled? Are we aware of when they do? What do we say if they call us?

**Ms. Lin:** I'm not aware of what HPD does on their end. To my knowledge, we haven't received any inquiries from removed buildings, although I could be wrong about that. But for tenants who've been removed, they could call the HPD registration unit to file a complaint. And with DHCR, they can call the Tenant Protection Unit on their own if they want to file a complaint about the landlord not registering. In the meantime, I am going to go back through our list of removed buildings and see what has been registered with HPD. It is going to take some time but that's something that's on the radar as a longer-term project.

**Ms. Balsam:** And, Chuck, I think, in terms of housing maintenance, once the loft flag is removed – I don't work for 311, so I'm not sure – but I believe they would forward it to HPD. Because that's their normal course, and HPD would process it. And if there was a problem, and they called us, we would forward it to HPD.

**Mr. DeLaney:** So, HPD gets a call, or 311 forwards to HPD, and HPD says, we don't know anything about this building. Because the owner hasn't....

**Ms. Balsam:** I don't think they care.

**Mr. Hylton:** Chuck, I don't know about law, but as a member of the Department of Buildings, I've seen where a tenant may call HPD, even in a one-family -- an illegally rented-out one- or two-family home -- and HPD does respond.

**Mr. DeLaney:** OK, good. That's good to know.

**Mr. Hylton:** And those buildings would not have been registered with HPD.

**Ms. Balsam:** Well, if they're rentals...

**Mr. Hylton:** I'm talking about illegally.

**Ms. Balsam:** Oh, yes. If they're illegally occupied, yes.

**Mr. Hylton:** So, if they're legally occupied and not registered, I know HPD responds. I've seen it. I've seen the violations. So, if it was happening with us, here, we would have seen it, obviously. But Tina will do some research on it.

**Mr. DeLaney:** OK, thank you. That's helpful. And Tina, you somewhat anticipated my last question, which is keeping track of buildings that were IMDs and should, in a perfect world, register with DHCR and HPD, but also, somehow, be identified as a former IMD units that arrived in rent stabilization via that status and the Loft Board. Presently, when you look up a building that's reached legalization in DOB BIS (Department of Buildings, Building Information Search) the entry for the Loft Law, instead of saying yes, is blank or says no, whichever it is, I forget. I think we talked about this maybe six months ago – the need for the Board to be able to confirm that building X was an IMD and entered rent- stabilization via that route.

**Mr. Hylton:** It seems like we would know. If you're saying you want to have it transparent and fixed...

**Mr. DeLaney:** It would be helpful.

**Mr. Hylton:** Alright, we'll look into it. Do you want it to say something like removed from Loft (Board jurisdiction)? Something like that? Instead of being blank, say removed? Is that what you're saying?

**Mr. DeLaney:** Or former IMD. Something that leaves trace or footprint.

**Mr. Hylton:** OK, we can work on the language. Ms. Rivera will spearhead that.

**Ms. Balsam:** Theoretically, the Certificate of Occupancy (C of O) should have a reference to Article 7-C on it, and we have been trying very hard to crack down on that. To make sure that (happens) before the Buildings Department comes to us and asks, is there any reason we shouldn't issue this Certificate of Occupancy? So, we have been pushing back on that, saying it doesn't say, legalized under Article 7-C. Theoretically, the Certificates of Occupancy should say that it was legalized under Article 7-C. That would put somebody on notice, but it wouldn't on that first screen in BIS.

**Mr. Hylton:** But it wouldn't it say it was an IMD?

**Ms. Balsam:** Not on the C of O. The C of O just says it's a Class A apartment.

**Mr. Hylton:** No, sometimes it says IMD.

**Ms. Balsam:** Sometimes there's a restricted declaration on the bottom that says former IMD, or...

**Mr. Hylton:** The problem with Cs of O is that it's completed by the applicant. The Department of Buildings does not fill out a C of O. It's completed by the applicant, so they have leeway to put whatever words they want to put on it. I guess what we should be doing in the Loft Board is what Helaine was just saying-- before we even give our approval to a C of O, we should have it say what we want it to say. We'll try to follow through with that. Tina, let's talk about that off-line. How we're going to move forward.

**Ms. Lin:** OK.

**Mr. DeLaney:** I think that would be an excellent step. I've looked at Cs of O of former IMDs, and I've never seen that -- legalized under Article 7-C. Obviously, if the building's in SOHO or NOHO, and the final residential C of O says joint living and work quarters, then we would suspect it might have been an IMD. Although it wouldn't necessarily be proof positive.

**Mr. Hylton:** OK. But even more transparent would be a BIS flag that says, former, or something similar.

**Mr. DeLaney:** Yes, I agree. I think this discussion has been very helpful, and maybe we can come back and touch on it again next month to see what other progress you've been able to make in addressing some of the questions that have come up today.

**Mr. Hylton:** Sure. OK, we move on.

**Ms. Roslund:** We actually have a Certificate of Occupancy on one of the cases today, that in the backup says what Helaine just mentioned about 7C legalization.

**Mr. Hylton:** Oh wow. That's great. Which building?

**Ms. Balsam:** It's probably the removal, right? Is it the removal? I hope it's the removal, because if it's not, then we're really in trouble.

(Laughter)

**Ms. Roslund:** 595 Broadway.

**THE CASES:**

**Appeal and Reconsideration Calendar**

**Mr. Hylton:** OK. We now turn to a vote on the cases. The Appeals and Reconsideration Calendar. There are three (sic) cases on the Appeals and Reconsideration Calendar. The first case is

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
1	151 Kent Avenue Owner LLC	151 Kent Avenue, Brooklyn	AD-0100

**Ms. Lin** presented this case.

**Mr. Hylton thanked Ms. Lin**, then asked for a motion to accept this case, and for a second.

**Mr. Barowitz** moved to accept this case, and **Mr. Hernandez** seconded.

**Mr. Hylton:** Are there any comments on this case? (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Chairperson Hylton

**Members dissenting:** Ms. Roslund

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**Mr. Hylton** introduced the next case on the Appeal and Reconsideration Calendar.

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
2	Board of Managers of 583-587 Broadway Condominium and 158 Mercer Street Associates 4M LLC	583 Broadway, Manhattan	R-0369 R-0372

**Ms. Lin** presented this case.

**Mr. Hylton** thanked Ms. Lin, then asked for a motion to accept this case, and for a second.

**Mr. Hernandez** moved to accept this case, and **Ms. Roslund** seconded.

**Mr. Hylton:** Are there any comments on this case? (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**The Summary Calendar**

**Mr. Hylton:** We now turn our attention to the Summary Calendar. There are three cases on the Summary Calendar, and they're voted on as a group. These cases are

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
3	475 Kent Owner LLC	473-493 Kent Avenue, Brooklyn	LS-0254
4	Sarah Corning	112-114 West 14 <sup>th</sup> Street, Manhattan	PO-0053
5	Maryna Myshyna-Dillon	43-49 Bleecker Street, Manhattan	TR-1385

**Mr. Hylton** asked for a motion to accept these cases, and for a second.

**Ms. Roslund** moved to accept this case, and **Mr. Hernandez** seconded.

**Mr. Hylton:** Are there any comments on this case?

**Ms. Torres-Moskovitz:** Yes. I was wondering, if it's allowed, if someone from the staff, could read a summary of case number 4. It's an interesting case.

**Mr. Hylton:** Yes. Whose case is that?

**Ms. Balsam:** Amy's.

**Mr. Hylton:** Amy, could you summarize the case for the Board?

**Ms. Lee:** Yes. Basically, we have two units: unit 3W and unit 3E. And the applicant, Ms. Corning, is the residential tenant of unit 3W. Ms. Corning and the owner had executed a settlement agreement in 2018, wherein, among other things, Ms. Corning agreed to withdraw her protected occupancy application upon the application of a settlement agreement. The owner had acknowledged that Ms. Corning would be – or is – the protected occupant of unit 3W and that Ms. Corning would sell her rights to 3W in exchange for moving into another unit in the same building: unit 3E. The parties having executed the settlement agreement, Ms. Corning withdrew her protected occupancy application.

**Mr. Hylton:** Thank you, Amy. Any comments on these cases?

**Ms. Roslund:** Should it be noted that then she becomes the protected occupant of 3E?

**Ms. Balsam:** That's what the stipulation of settlement says.

**Mr. Hylton** asked if there any further comments on these cases. (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**The Master Calendar**

**Mr. Hylton:** There are three Proposed Orders on the Master Calendar. The first is

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
6	Julian Bozeman	473-493 Kent Avenue, Brooklyn	PO-0075

**Ms. Lin** presented this case.

**Ms. Lin:** Case number 6, in the matter of Julian Bozeman, is a protected occupancy application filed by the tenant of unit 905 at 475 Kent Avenue, Brooklyn, New York. The owner opposed the tenant's application on the grounds that the unit had been deregulated by a sale of rights by the prior tenant, Lisa Mordhurst. The Proposed Order finds Ms. Mordhurst's sale of rights to be invalid and finds Mr. Bozeman to be the protected occupant of the unit.

Prior tenant Mordhurst had a lease for the unit from December 2008, to November 2009, but she permanently vacated the unit in the summer of 2009, and sublet the unit to various individuals, including Mr. Bozeman, starting in the summer of 2011. The building was registered as an IMD in November 2012, and Ms. Mordhurst was listed as the protected occupant, even though she had not lived there for over three years. In September 2014, the owner served Ms. Mordhurst with a notice of termination for non-primary residency.

The Proposed Order finds Ms. Mordhurst's sale of rights invalid, because although she was the unit's prime lessee, she did not qualify as a protected occupant. For a prime lessee to qualify as a protected occupant, the prime lessee must use the unit as her primary residence. By the time Ms. Mordhurst was registered as a protected occupant, Mr. Bozeman had been living at the unit for a year. Ms. Mordhurst had not lived at the unit for over three years and was no longer eligible for the rights and protections of Article 7-C. But at the time Ms. Mordhurst had not been at the unit for over three years by the time she was registered as a protected occupant. Further, even if Ms. Mordhurst was considered a protected occupant, her sale of rights would, nevertheless, be invalid, because she was not the residential occupant of the unit at the time of sale. The Loft Law and rules are clear that a sale of rights must be effectuated by the residential occupant.

The Proposed Order further finds that the purported waiver of rent regulation in Mr. Bozeman's lease is invalid, as the Loft Law does not contain a broad exception, and there is no indication of a sale of rights by Mr. Bozeman. Mr. Bozeman has also produced sufficient documentation to establish the unit as his primary residence. Therefore, we find that Mr. Bozeman is the protected occupant of the unit.

**Mr. Hylton** thanked Ms. Lin and asked for a motion to accept this case, and for a second.

**Mr. DeLaney** moved to accept this case, and **Mr. Barowitz** seconded.

**Mr. Hylton** asked if there any comments on this case.

**Ms. Torres-Moskovitz** asked for clarification on the summary just read – that it meant that the Loft Board had overturned the OATH decision.

**Ms. Balsam** confirmed that.

**Ms. Torres-Moskovitz:** I think that’s really interesting, and I agree. But I’m wondering if there’s a way to share information with OATH, so they understand.

**Ms. Balsam:** We send the information over to OATH.

**Ms. Torres-Moskovitz:** OK.

**Mr. Barowitz:** That’s a very good question. Does this go back to the OATH judge every time we overrule?

**Ms. Lin:** The OATH judges get a copy of the decisions. Of the Orders.

**Mr. Barowitz:** They do?

**Ms. Balsam:** I would also like to add that we’re not overruling them. We’re deciding the case. We’re not an appellate court. They’re making a recommendation, right? All the Orders on the cases go back to OATH, and they’re distributed to the judges. And I can tell you from my days at OATH, yes, they read them, and yes, they talk about them.

**Ms. Torres-Moskovitz:** OK. Good. Thank you.

**Mr. Hylton** asked if there were any further comments on this case? (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**Mr. Hylton** introduced the next case on the Master Calendar.

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
7	Yaniv Toledano	43-49 Bleecker Street, Manhattan	TR-1327

**Ms. Lee** presented this case.

**Mr. Hylton** thanked Ms. Lee and asked for a motion to accept this case, and for a second.

**Mr. Barowitz** moved to accept this case, and **Ms. Roslund** seconded.

**Mr. Hylton:** Are there any comments on this case? (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**Mr. Hylton** introduced the next case on the Master Calendar

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
8	595 Broadway Associates, LLC	595 Broadway, Manhattan	LE-0699, RA-0014

**Mr. Hylton continued:** There were eight units originally. Three sales; five rent-regulated. Before we move to accept this case, Mr. Clarke will innumerate some corrections to the Order.

**Mr. Clarke:** Thank you, Chairperson Hylton. The corrections fall under the last paragraph for each of the rent calculations, and the code-compliance calculations for the units. The last paragraph speaks to the perspective adjustments. The perspective amounts are thirty-five months, and the last sentence should read, thirty-five

months from August 1<sup>st</sup>, 2020, and ending on June 30<sup>th</sup>, 2023. So that's the thirty-five-month period. Again, that's from August 1<sup>st</sup>, 2020, to June 30<sup>th</sup>, 2023.

**Mr. Hylton:** Thanked Mr. Clarke and asked for a motion to accept this case, and for a second.

**Mr. Hernandez** moved to accept this case, and **Ms. DeLaney** seconded.

**Mr. Hylton:** Are there any comments on this case? (None).

### **The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

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### **RULEMAKING:**

**Mr. Hylton:** Ms. Balsam will now lead the discussion on rulemaking.

**Ms. Balsam:** The first issue I wanted to bring to the Board's attention is the Emergency Rule, which, as Mr. DeLaney already pointed out, will expire on June 29<sup>th</sup>. We had a lot of discussion in the office as to whether or not we should extend the rule; and we don't think that it's necessary at this point, since the city actually went to Phase 1 last week for construction and is supposedly going to Phase 2 next week. So, we think that by the time we would pass a rule, after a public hearing, which we'd be required to hold to extend the Emergency Rule, the city will likely be re-opened. And our proposed rules also talk about filing electronically, which we'll get to in another minute. The proposed rule does require filing a hard copy right now. That copy could be filed in person, or by mail, or by a private delivery service, and we hope to get some feedback from the Law Department.

But we did have one round of discussions with the Law Department attorney on the proposed rules. A lot of his comments were regarding formatting. He had one comment of substance, but before I move onto that, does anybody have any questions or comments on the Emergency Rule?

**Mr. DeLaney:** With regard to the anticipation that the city is, in fact, moving toward Phase 2, can you comment on what we know about the potential timing for re-opening of OATH; reopening of Housing Court; and is there any idea as to when the Board might resume in-person meetings? Obviously, this is all tentative, but I'm just curious what staff knows or is privy to.

**Ms. Balsam:** I don't know about re-opening OATH. I did speak to the OATH general counsel this week about the proposed rules, but she did not mention anything to me about re-opening for live hearings. They are actually conducting remote hearings. And as far as the Board meeting again together in person, I think we already talked about that, and we're hoping that will be in September. Did I address everything you asked?

**Mr. DeLaney:** We did talk about potentially resuming in September, but that was in the private meeting, so, of course, the public was unaware of this.

**Ms. Balsam:** Oh, OK. Sorry, yes. September. We believe it will be... we are very hopeful that it will be September. Unless there's another outbreak again. We seem to be on track for moving toward September.

**Mr. DeLaney:** My other question was about Housing Court.

**Ms. Balsam:** I have no idea.

**Mr. Hylton** asked Ms. Lin if she knew anything about that.

**Ms. Lin:** I can look into it, but what I know right now is that there's no firm plans to open. There's speculation that it might happen in July, but the moratorium is still in place. They are doing teleconferences of existing cases where parties consent to it, but as of right now, the staff isn't fully back.

**Mr. Hylton:** So, if Tina finds out anything, she'll email the Board members.

**Mr. DeLaney:** And do we have any idea what the timeframe might be for getting final material from the Law Department and the mayor's plain-English police? What do you think might be the schedule for that?

**Ms. Balsam:** I had been told I would get a second round of edits by the end of this week. Depending upon how substantive they are – and I don't think they'll be that substantive – we should be able to get you

something for the July meeting. After which we would have to publish. You need thirty-five days before you can have a public hearing. So that puts us at the end of August. Then we would have to have the public hearing. That would probably be sometime in September. And then, assuming that the Board doesn't make a lot of changes -- which may or may not happen, based on the public comments -- it has to go back to the Law Department for final approval. So, I would say probably around the end of October.

**Mr. DeLaney:** And does that assume that the public hearing would be conducted in person, rather than in some sort of online venue?

**Ms. Balsam:** If the city's open. The only reason we can meet by teleconference now is because the governor has suspended that portion of the Open Meetings Law that requires in-person meetings. But once that expires -- he keeps extending it -- yes, we'll have to meet in public, and it would be much easier for everybody if the public hearing was held face-to-face. But if not, then it'll have to be a teleconference session.

**Mr. Hylton:** And of course, it would be with appropriate social distancing. There are rooms that we have available for public hearings -- outside of 22 Reade Street for example -- that the city uses for public hearings. They're much larger and spread out. So, if we get back that public meeting forum, it won't be a problem,

**Mr. DeLaney:** The Department of Health has a nice big hearing room.

**Mr. Hylton:** That's where I was thinking, Chuck. You're on top of it.

**Mr. DeLaney:** It's right there at the Department of Health.

**Mr. Hylton:** Right. Exactly. They could police everything. Make sure there's social distancing.

**Mr. DeLaney:** OK, thank you.

**Ms. Balsam:** OK, the next rulemaking item I have is this. Mr. DeLaney had a question last month about the reconsideration rule. We had a discussion as to whether the proposed rule pertaining to filing for reconsideration includes the requirement that a copy of the underlying Order needs to be included with the reconsideration application. I doubled-checked that, and the current proposal does still have that provision in it. So, if the Board wants to delete it, we can do that. But I wanted to raise that for you. If we could decide now, that would be great, because then I could go back to the Law Department, as we're going back and forth on the proposal, and say, oh, by the way, we want to take out this line. So, if I could get some feedback....

**Ms. Torres-Moskovitz:** Do we have to vote on that right now?

**Ms. Balsam:** Somebody would have to make a motion, but yes.

**Ms. Torres-Moskovitz:** Oh, OK. Anyone want to?

(Various Board members speaking together)

**Mr. Hylton:** Before you speak, I just want to make sure what we're doing now. We're making a motion to open a discussion of the rules, or...?

**Ms. Balsam:** It would be a motion to remove that line from the proposed rule 1-32. And then there would be a discussion.

**Mr. Hylton** asked for a motion to remove the line from rule 1-32 that requires a copy of the underlying Order be included with the reconsideration application.

**Ms. Torres-Moskovitz:** I can make a motion for that. I make a motion that we remove that from the rule...

**Mr. Hylton:** That's fine. We've got the words, and we can put it together. Ms. Torres is going to make a motion. Is there a second?

**Mr. Barowitz:** I second.

**Mr. Hylton:** Mr. Barowitz. Ok, let's discuss this. Are there questions?

**Mr. DeLaney:** I had originally questioned it at the last meeting in the case that was discontinued because of it. And I guess the question I had is, is there any beneficial reason for it? (For requiring a submission of a hard copy of the underlying Order with the reconsideration application)

**Ms. Balsam:** The only thing I can think of is if the application isn't clear as to what Order the application is requesting reconsideration on. And if they have to include a copy of the underlying Order, then we know that. I think for attorneys it won't matter; they'll be very clear. But for pro se litigants, they could just say, I didn't like my decision, and I think it should be reconsidered, because the Board was wrong because of X, Y, and Z. And then we'd have to piece that together. So, having that requirement firms up what it is we're dealing with. But I think we could probably figure it out. Or at least go back to them and say, which Order are you talking about?

**Mr. Hylton** asked if there were any additional questions or comments. (None).

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

**Mr. Hylton:** The motion has carried. So Helaine, would you...

**Ms. Balsam:** I will tell the Law Department, and we'll remove that line. OK, so that brings us to ESRA, the Electronic Signatures and Records Act. This was a substantive comment from the Law Department. I'm not going to ask you to look at it in the abstract, but I did circulate a memo that explained the Act and provided some excerpts from it. Basically, what it says is that any governmental entity that uses electronic records can't refuse to accept hard copies or require the submission or filing of a record electronically, unless it's provided by law. Now, the Loft Law does not give us that authority one way or the other. So, since the law doesn't provide for it, we can't require electronic submissions or refuse hard copies.

Refusing hard copies was never an issue, because the proposed rules contemplated that. But we did have some rules, some proposals, where we required electronic submissions. The first one was 1-21, which required the filing of an electronic copy of an application and a hard copy. I think, based on ESRA, we're going to have to change that. We can allow for an electronic copy and say, may file electronically. In terms of the hard copies, it can remain one unbound copy and one bound copy of the application. I think we have to make the filing of the electronic one optional, based on this Electronic Signatures and Records Act.

The other place where we require filing with us is 2-01(d)(2)(vi)(C) and (G), which concerns the filing of an alternate plan by an owner or tenant. In those rules, we're requiring an owner or a tenant filing an alternate plan to file one electronic copy and one hard copy of a narrative statement, alteration application, proof of DOB acceptance, and legalization plans. So, I think we'll have to change that to require either a hard copy or

an electronic copy, at the owner's option. DOB has shifted to only electronic filings at this point, so my guess is we're not going to get a lot of hard copies, and we'll get everything electronically. But the fact is that the law says we can't require it.

The other place in the rules where we talk about requiring electronic copies is 2-01(d)(2)(vi)(A), which requires an owner to supply occupants with an electronic copy of plans referred to in the narrative statement. I don't think that's problematic, because the law is talking about people filing with the government, not people exchanging things among themselves. So, I think we are OK on that front. But I wanted to raise this to the Board and find out if you had any questions, comments, or ideas about it. You will, obviously, get to reconsider this once the Law Department sends more material back, but I wanted you to be aware that the issue is on the horizon.

**Mr. Hylton:** So, Helaine, from my understanding, it seems that we don't have a choice, right? The Law Department is saying we cannot require electronic filing, based on ESRA, correct?

**Ms. Balsam:** Yes. ESRA is a state law, and yes, we have to follow it.

**Mr. Hylton:** So, are you just notifying the Board, or are you asking them to contemplate? Because there's nothing to contemplate.

**Ms. Balsam:** Well, to the extent that we're going to have to change the language in the rules, and it's the Board's rules, I think they should be aware of it.

**Mr. Hylton:** Aware of it. But there's nothing we can do to require electronic. We can just say, you may file it.

**Ms. Balsam:** Right.

**Mr. Hylton:** But do we say, you must file a hard copy?

**Ms. Balsam:** Well, right now we say that you must file an electronic copy and a hard copy.

**Mr. Hylton:** Right. And, basically, we're forced to go back and change our proposed rule to may file it electronically, but must file a hard copy?

**Ms. Balsam:** Yes.

**Mr. Hylton:** Is it one or the other?

**Ms. Balsam:** Right now, it doesn't say one or the other. Right now, it says both.

**Mr. Hylton:** But will it be?

**Ms. Balsam:** Does the Board want it to be one or the other?

**Mr. Hylton:** OK, so that's a question, right?

**Ms. Balsam:** Yes.

**Mr. Hylton:** OK. I hope you all followed that. The question is whether you want to go with or, or and. Hard copy is what you must do. And you may file an electronic copy with that.

**Ms. Balsam:** I think it would be OK to say they may file electronically, or they may file hard copies. I think that's OK. Because it's may for the electronic part. So, we could eliminate the hard copy of the application, which, for the most part, is what we're doing now, because of the Emergency Rule. So...

**Mr. Hylton:** Eliminating hard copies, meaning we're not requiring...

**Ms. Balsam:** We're not getting hard copies now (during the emergency), right? But I did want to make the Board aware of that issue.

**Mr. Hylton:** OK.

**Ms. Torres-Moskovitz** asked why the Department of Buildings can go totally electronic, but the Loft Board can't.

**Mr. Hylton:** It's in the administrative code.

**Ms. Balsam:** If you look at ESRA, the language says, except as otherwise provided by law. So, the city can pass a law that says everybody at DOB has to file their plans electronically. But the Council has no authority over the Loft Board, and the legislature hasn't given the Loft Board the authority to mandate electronic filings. So, we're not in the same position as DOB, because we don't have the Council to do stuff like that for us.

**Ms. Torres-Moskovitz:** Do you know if this affects a lot of agencies?

**Ms. Balsam:** The Law Department did not mention that to me. I wouldn't be surprised if a legislator in Albany did make a proposal to change ESRA and modify it in some way. But as far as I know, there's nothing outstanding now.

**Ms. Roslund:** How has electronic filing been going at the Loft Board? Does it make it easier, or does it make it harder?

**Ms. Balsam:** I don't know if it makes it easier or harder. It's just different. It's certainly great not to have all that paper, that's for sure, because we have virtually no filing space. We have not had any issues, and I know Ms. Torres-Moskovitz had asked about this last month. In terms of the checks coming in with the electronic papers, we've gotten the payments on every application that's been filed. Everything's been matched up; we have nothing outstanding as far as payments for electronically filed applications. Did I answer your questions?

**Ms. Roslund:** Yes. And then it goes to the larger question of what Renaldo brought up: should the hard copy be a requirement, or could it be another option, right?

**Ms. Balsam:** Yes.

**Ms. Roslund:** So, it is possible to do one hundred percent electronic and have no hard copies?

**Ms. Balsam:** Yes. ESRA does not prohibit us from accepting electronic submissions; it just says that we can't require it.

**Ms. Roslund:** The rule that we're discussing right now says that it must be paper, and in addition, it could be electronic. But we could change that to be optional.

**Ms. Balsam:** The proposed rule says it must be electronic; one electronic and one hard copy. That's the proposal now. So, we need to change that, because we can't require the electronic. And since we've had this experience with electronic filing, and it seems to be working, a good thing to do might be to say that somebody may file electronically, or they can file hard copies. It seems to make sense, because the system is working, and we would have less paper, which is always be a good idea. Save trees.

**Mr. Hylton:** The answer to whether it makes it easier is, of course eliminating paper makes it easier. It's an easier procedure, not having to pack boxes...

**Ms. Balsam:** Oh yes. It would save a lot of time in terms of archiving, that's for sure.

**Mr. Hylton:** Everything is safe in the cloud, isn't it?

**Ms. Balsam:** I don't know..... OK, I don't know that we need to do anything further on this. I just wanted you to know it's coming, and I'll have more back-and-forth with the Law Department about it.

**Ms. Balsam:** Does the Board want to go with the or? May file electronically or file hard copies?

**Ms. Torres-Moskovitz:** Yes, I like the way you put that in the affirmative. Electronically first, and then, alternatively, you could file a hard copy.

**Mr. Hylton:** Yes. Putting those words first encourages it. Correct.

**Ms. Balsam:** Yes.

**Ms. Torres-Moskovitz:** OK. Do we have to vote on that, together?

**Ms. Balsam:** Yes.

**Mr. Hylton:** Yes. Can I have a motion, then, to change the language in the proposed rules to require electronic filing or hard copy....

**Ms. Balsam:** The first change would be in 1-21. It would be, may file an electronic copy of the application, or one bound and one unbound hard copy of the application. And then in the narrative statement rule, 2-01(d)(2)(vi)(C) and (G): may file the narrative statement and all accompanying documents electronically, or a hard copy. So, that's what we're talking about.

**Mr. Hylton:** The hard copy must be bound and unbound also?

**Ms. Balsam:** For the application, yes, the hard copy would be two copies. One bound and one unbound.

**Mr. Hylton:** But not for the narrative statement?

**Ms. Balsam:** No.

**Mr. Hylton:** Everybody got that?

**Ms. Balsam:** We could do them one at a time if you want. That might be easier.

**Mr. Hylton:** No, that's fine. Does everyone have an idea of the motion? Would someone make a motion for us to accept one electronic copy of the applications or one bound and unbound copy. And for the narrative

statements, an electronic copy of the narrative statement and accompanying documents or a hard copy. Do I have a motion?

**Ms. Torres-Moskovitz** moved to make the changes articulated by Mr. Hylton (above), and **Mr. DeLaney** seconded.

**The vote**

**Members concurring:** Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** 0

**Members recused:** 0

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**MS. BALSAM'S FAREWELL**

**Mr. Hylton:** So, this is the hard part of the meeting. I'm glad it was left till last. As was announced last month, this was Ms. Balsam's last Board meeting. She's asked if she could say a few words; I'm going to allow her to do that at this time; and then I'll come back to say a few words myself.

**Ms. Balsam:** Although this speech starts out with when I was a child, I promise you that it's short. I have often said that I was born with a curse over my head, which I describe as a need to contribute to the fundamental fairness in the world. As a young child, I would constantly say to my mother that this thing or that thing was unfair. And my mother very wisely responded, life isn't fair, so you need to get used to it. But I never have gotten used to it.

When I graduated law school, I began working in plaintiffs' personal injury, in various jobs, but those jobs were not a good fit, because those that were neediest were the hardest to help. And let's face it, some clients were just trying to game the system. And it wasn't fair; and I couldn't get used to it. So, I started looking for a job that would be a better fit.

Fortunately for me, I answered a blind want ad in the NY Times — and yes, I am old enough to have looked at want ads in the newspaper instead of job postings online. The ad didn't say much, but the company was looking for someone with three years of administrative law experience. I had just under three years of administrative law experience at the time, but I figured, why not take a chance? And because I took that chance, I landed a job as a hearing officer in the Brooklyn office of what was then the Environmental Control Board. Now it's the OATH Hearings Unit. Being a decision maker on cases involving multiple areas of law was a much better fit. I got to be "fair," at least most of the time. Then I got promoted to OATH's Deputy General Counsel, and it was a great job. New challenges. I really enjoyed it, but it wasn't exactly a good fit, because I wasn't feeding my need for fairness. So, I once again looked for another job. And that is how I got to the Loft Board.

This job has really been a great fit. Here I got to practice fairness, not only working on decisions, but also in mediating disputes. Again, not everything is fair. Sometimes legalization needs cause painful problems, but at the Loft Board we get the opportunity to come up with creative solutions that can ease the burdens on both sides. And that is incredibly rewarding.

To the members of the Loft community, I want to say that no matter how much animosity has passed between owners and tenants in a given building, this system works best when everyone works together and shows mutual respect. Tenants need to understand that the law may require them to give up portions of their units, like bedrooms, in order to live in safe housing. And owners need to understand that these spaces are homes, into which tenants have poured their sweat and their dollars. But if you grant each other mutual respect, you can all achieve the Loft Law's goals and make these units great and safe places to live.

To the members of the Loft Board, and especially to Renaldo, to whom I am forever grateful, I have learned so much from you, and I thank you for sharing your knowledge, your tenacity, and best of all, your war stories. It's been an honor and a pleasure to serve you. Even when you've pushed back, it's been fun, and no one can ask for more, professionally, than to have fun in their job.

As to the Board's future, I can assure you that you needn't worry, because I am leaving you in the hands of a the most fantastic staff that exists in the City of New York. All of them are extremely bright, and they, too, have my cursed sense of fundamental fairness. So, let them guide you, because they will serve you well.

I've often said that working at the Loft Board is a roller coaster ride, but hey, I grew up in Coney Island, and I love roller coasters. So, the job was a great fit. Thank you again for the opportunity to serve you, and the people of the City of New York.

(Applause)

**Mr. Hylton:** Thank you, Helaine. Before I say something, I would like to read the certificate of appreciation the Commissioner had presented to Helaine earlier: This certificate of appreciation, presented upon retirement, to Helaine Balsam, Esquire, Executive Director and General Counsel of the New York City Loft Board – and it's dated for next week, Friday, when she officially leaves, the 26<sup>th</sup> day of June – In appreciation of your thirty-four years of outstanding service to the City of New York, including almost four years – which is three and three-quarter years – with the New York City Loft Board and the Department of Buildings – your commitment, professionalism, and distinguished level of performance brought great credit to the Loft Board; to New York Legal and Regulatory Affairs; and the Department of Buildings and City of New York. Signed by the commissioner, Melanie E. La Rocco, and myself.

Now, personally. First, congratulations on a most distinguished career in public service and to the people of New York City. I appreciate it. I bring you best wishes, also, on your retirement, from Deputy Commissioner, Alex Fisher, who could not be here at this moment, but she sends her wishes and will speak to you before you go. I'm extremely grateful for the opportunity we've had together, including those times at ECB (Environmental Control Board). You have, without exception, treated everyone, including myself, with much respect. But above all, you have always been meticulous in your work, and your work ethic is second-to-none. In short, you work hard, and you work efficiently.

I will never forget the telephone conversation we had in 2016, when I received a call from you asking for information on a then-posted position for Executive Director position at the New York City Loft Board. You had no clue that the vacancy was under my purview; you simply wanted to know more about it. I immediately ran to see my boss, Alex Fisher, and told her that I think I found my pick. It was only when she asked me, where is the application? -- that I realized she had not yet applied. The rest is history.

So, Helaine came to the Loft Board and did a tremendous job in improving the its efficiency and professionalism. She earned much respect within this agency and in the loft community for the job that she has done. I want to especially thank her for her untiring efforts drafting the rules and on the Loft Law, in particular her efforts with the mayor's office and the state leg (legislative) folks, also with the legislators. We Helaine's input and assistance in guiding senators and state assembly people was tremendous. I'm only sorry that the unfortunate events of the last few months will not allow her to see all her work on the rules come to fruition. But the heavy lift was done, and the Loft Board and its rules will be much better as a result of the work that she has put in over almost four years.

So, Helaine, thank you again, and I sincerely wish you well in your retirement. We're here for you, and you have one week to change your mind (laughter). But I do really want to say thank you, and personally, for me, it's a great loss, but I know that it's well-deserved. And I want to say thank you to your husband, also, because I know he's put up with us quite a bit. You have no idea how often we speak on the phone at night, especially when the Loft Law was being revamped. We were on the phone at eleven o'clock at night, discussing various issues; and me getting much needed input from her. And she never, at any time said no. So, I really appreciate everything, and good luck in your retirement.

I'm going to leave it open now to any member of the Loft Board, members, who may want to say anything before I close the meeting.

**Mr. Barowitz:** I'll make it short. I just would just like to second actually what's already been said. In my fifty some-odd years -- or however long I've been involved with the Loft Board; as long as Chuck, I guess -- you've been extraordinarily fair, and an absolute pleasure to work with. I'm really sad that you're leaving, but on the other hand, I wish you well. I cannot think of anybody that I would have more respect for in the years I've been sitting on this Board than you. Be well. Sorry to see you go. I'm sure you'll find something else to put your good mind to use in the coming years.

**Ms. Balsam:** Thank you.

**Mr. Delaney:** Renaldo, your comments reminded me of the fact that, in addition to the work that Helaine has done as Executive Director of the Loft Board, I had really allowed to slip from my memory how much work

both of you put in last summer, when the 2019 amendment to the Loft Law was hanging fire up in Albany. And I know that without the two of you overseeing the process, it might not have succeeded there. Particularly some of the more controversial provisions that were adopted. So, I'm glad, Renaldo, that you recognized that. And Helaine, we will all miss you.

**Ms. Balsam:** Thank you. I'll miss you, too.

**Mr. Hernandez:** This is Robinson. I just want to say thank you so much. I really appreciate your leadership, getting everyone together, moving things along. And so, it has been fantastic working with you, and as someone who's worked in city government, I really respect your dedication to your office. It's been truly admirable. We're going to miss you, but good luck with enjoying life.

**Ms. Balsam:** Thank you.

**Mr. Hylton:** Anyone else? Ok, so...

**Ms. Roslund:** I...

**Mr. Barowitz:** Renaldo, one more thing I'd like to say publicly. I'll make it short. Over the last year and a half, I've attended at least a half a dozen meetings of the rezoning of SOHO and NOHO. At the first meeting I attended, the residents were terribly upset about a possible rezoning of this area. Later, I discovered that the Department of Planning had no idea how many people were living in SOHO and NOHO. And as I got into this more and more, I realized that the Department of Planning doesn't know what the Loft Board does, has done, and will do; and that the residents there have no idea what the Loft Board has done and will do. So, what I'm saying is that I think -- this is not the right time to do such a thing -- but I think that in the coming months or years there has to be some kind of out-reach to the general public about the Loft Board and what it does, because there is total ignorance out there. So, I'd just like to put that on the record, and to somehow get this into the mayor's office, so he understands that this is an essential service of the City of New York, that's helped thousands and thousands of people, and they ought to be more aware of it than they are now. Thank you.

**Mr. Hylton:** Thank you, Mr. Barowitz. Helaine, correct me if I'm wrong, but I believe the mayor's office is working on a brochure for the Department of Buildings...

**Ms. Balsam:** Yes, the mayor's office and the Department of Buildings are working on an informational brochure.

**Mr. Barowitz:** Ok, that's good.

**Mr. Hylton:** Of course, we'll run it by the Board members before it goes out, I'm sure. But it's the mayor's office, so I'm sure they'll have input from the community also before it goes out. But yes, thank you very much, and I appreciate those comments; and I know for a fact what you're saying is true, because it is not easy to grasp -- to understand -- the Loft Law and the Loft Board rules, and so on. So, I understand what you're saying. Ms. Roslund, you had something to say?

**Ms. Roslund:** Oh, I was going to say a very short thank you, and we'll miss you, and we said it in our card.

**Ms. Balsam:** Thank you again.

**Ms. Torres-Moskovitz:** I would just add to that. I wrote you an email, and we sent you the flowers and the card today, but it's been really great working with you, and as everyone else has mentioned, I love that you're extraordinarily fair and that you committed yourself to public service. It's been great working with you, and it gives me hope. This is my first time working in public service, on a board, and I appreciate that things functioned relatively well. I like the way people refer to it as a loft community. We've got to resolve problems together, and I think you've done a great job overseeing that, so...thank you.

**Ms. Balsam:** Thank you very much.

**Mr. Hylton:** Thank you. Alright. This will conclude our June 18th, 2020, Loft Board meeting. Our next public meeting will be held on Thursday, July 16<sup>th</sup>, again by teleconference, at 2PM. And Board members, please remember to sign and email in your attendance sheets. Thank you very much, and have a great month, I guess. It's not summer yet.

The End