



## Loft Board

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## INSTRUCTIONS FOR COMPLETING AN APPLICATION

Below are instructions for completing an application. When you complete the application **you must serve a copy on all affected parties** and file the original and four copies with the Loft Board. The failure to complete the application, serve it on each affected party and file it with the Loft Board, may result in a delay in processing, or rejection of the application. Please review the checklist on the bottom of this sheet. For more information on serving and filing the application, please refer to the separate instruction sheet, titled **"Instructions on Serving and Filing an Application"** or telephone the Loft Board's Public Information Officer at 212-393-2616.

- 1. Clearly indicate the type of claim raised in the application.** The Loft Board's website contains a number of application forms. There are specific forms for coverage, access, reconsideration, and compliance deadline extension applications. You should use the Loft Board's general application form for all other types of applications and check off the appropriate box on page 2 under "Nature of Application."
- 2. Clearly print the applicant's contact information.** The applicant must include a mailing address and phone number. Unless otherwise indicated, if 2 or more individuals are applying jointly, the Loft Board will use the first phone number or mailing address listed on the application to contact the applicants or to return the application if it is defective.
- 3. Indicate the type of relationship the applicant has to the building.** You must indicate on the application if you are an owner, residential tenant, residential subtenant, or manufacturing/commercial tenant on page 1 of the application.
- 4. List the names of the affected parties, their mailing addresses, and their relationships to the building.** Every party whose rights may be affected by the claim alleged in the application is an affected party and must be provided with notice. The applicant does not need to be served with a copy of the application. For example, if a group of tenants file an application jointly, none of the tenants in the group need to be served with a copy of the application.

**For coverage or harassment applications:** affected parties include owner, each residential, commercial and manufacturing tenant of record in the building, and each occupant and subtenant of the building, if different.

**For abandonment applications:** affected parties include the current occupant of the unit alleged to be abandoned, the occupant alleged to have abandoned the unit or, if applicable, the estate of the occupant alleged to have abandoned the unit, each residential, commercial and manufacturing tenant of record in the building, and each occupant and subtenant of the building, if different.

**For all other categories of applications:** affected parties include owner and all occupants necessary for a final resolution of the claim asserted in the application.

- 5. State the basis for the claim raised in the application. PLEASE NOTE THAT each application may list only 1 claim.** You are not required to submit evidence supporting your claim until the hearing. However, your application must detail the facts and arguments relevant to the claim raised in the application.
- 6. Sign the application.** The applicant or the applicant's attorney must sign the application form.
- 7. Make a check or money order payable to the NYC Loft Board for the application filing fee.** Please review § 2-11 of the Loft Board's rules to verify the applicable fee. The application fee must be paid when the application is filed with the Loft Board. Any application that does not include the applicable fee will be returned without being processed unless an applicant requests a waiver of the application fee based on indigence.

## CHECKLIST FOR COMPLETING AN APPLICATION

1. Did I download the correct application form from the Loft Board's website?
2. Did I list my name, mailing address and contact phone number as the "applicant"?
3. Did I identify the type of application that is being filed on page 2?
4. Did I list all of the affected parties on page 2 of the application or on an attached sheet?
5. Did I state a basis for the claim I am alleging in the application?
6. Did I sign the application form?
7. Did I include a check or money order made payable to the NYC Loft Board for the application fee?



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(212) 393-2616 • Fax: (646) 500-6169

**RECONSIDERATION APPLICATION**

**FOR OFFICE USE ONLY**

DOCKET #: \_\_\_\_\_

1. To be considered timely, a reconsideration application must be submitted to the Loft Board within 30 days of the mailing of a final order. The original application must be filed together with the application fee and five copies of the application.
2. The application fee for a reconsideration application is \$100.00. Make check or money order payable to "City Collector/Loft Board."
3. Applicant must attach proof of service of the reconsideration application to all affected parties in the underlying proceeding.

**1. BUILDING INFORMATION**

Address of IMD: _____	IMD #: _____
Zip Code: _____	

**APPLICANT INFORMATION**

NAME: _____	APPLICANT IS:
MAILING ADDRESS: _____ _____	<input type="checkbox"/> OWNER
UNIT: _____	<input type="checkbox"/> RESIDENTIAL TENANT
CITY, STATE: _____	<input type="checkbox"/> COMMERCIAL/MANUFACTURING TENANT
ZIP CODE: _____	<input type="checkbox"/> OTHER: (Specify) _____
DAYTIME PHONE: ( ) _____	_____
BUSINESS PHONE: ( ) _____	_____
FAX NUMBER: ( ) _____	
EMAIL ADDRESS: ( ) _____	

**UNDERLYING ORDER INFORMATION**

This application seeks reconsideration of Loft Board Order No. \_\_\_\_\_ in Loft Board Docket No. \_\_\_\_\_. Please attach a copy of the underlying Order and the Report and Recommendation to this application.

**AFFECTED PARTIES**

Affected parties include the owner and such occupants as are necessary for a final resolution of the claims asserted in the application. In a reconsideration application, affected parties include all of the parties listed on the underlying application, which may include owners; tenants of record, including residential, commercial and manufacturing tenants and all occupants. Indicate type of affected party in the third column (e.g., owner, residential tenant, etc). See, 29 RCNY §1-06 for more information.

<b><u>NAME</u></b>	<b><u>MAILING ADDRESS</u></b>	<b><u>TYPE OF AFFECTED PARTY</u></b>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____

If there are more than eight affected parties, attach a separate sheet listing the affected parties' name, mailing address and type of affected party.

**BASIS OF RECONSIDERATION APPLICATION**

At least one option below MUST be checked off and discuss fully in the FACTS section.

Due Process Denial

Material Fraud in the Prior Proceeding

Error of Law

Erroneous Determination based on a ground that was not argued by the parties at the time of the prior proceeding and that the parties could have not reasonably anticipated would be the basis for a determination and discovery of probative, relevant evidence which could not have been discovered at the time of the hearings despite exercise of due diligence.

**FACTS:** (If additional space is needed, please attach a separate sheet.)

I certify that all statements made herein are true and correct except for those statements which I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Relationship to Applicant  
(If same, write same)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

FIVE COPIES OF THIS APPLICATION AND ATTACHMENTS MUST BE FILED WITH THIS APPLICATION. FALSE STATEMENTS MAY SUBJECT YOU TO THE PENALTIES PROVIDED BY LAW, INCLUDING FINES AND/OR IMPRISONMENT.

**AFFECTED PARTIES:** You may file an answer to this application within 20 days from the date that service is completed. Service by mail shall be deemed completed after five days following the mailing by the applicant. Service by any other means shall be deemed completed on the date the application is served. A copy of the answer must be served on the applicant prior to submitting the answer to the Loft Board. Proof of service to the applicant is required at the time the answer is submitted to the Loft Board.



## INSTRUCTIONS FOR FILING AN ANSWER TO AN APPLICATION

**Thomas Fariello**  
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280 Broadway, 3<sup>rd</sup> Fl  
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Dear Affected Party:

Enclosed is a copy of an application that will be filed with the New York City Loft Board. You have been served with this application because you were identified as an affected party on the application. This means that your interests in the building may be affected by the claim raised in the application. Along with the application and this instruction letter, you should have received a blank answer form.

If you want to respond to the claim raised in the application, you must complete the enclosed answer form, and follow the instructions listed in paragraphs (a) through (c) below. The answer must contain facts and arguments relevant to the issues raised in the application. If you do not want to file an answer, but wish to be kept informed of developments in this matter, please indicate this by checking the box on page 2 of the answer form.

(a) **DEADLINE FOR FILING AN ANSWER:** The deadline for filing an answer with the Loft Board depends on the type of application filed by the applicant. The nature of the application should be clearly marked on page 2 of the general application form, or otherwise will be specified as the title on page 1 of the application. If you do not file an answer by the deadline listed in the table below, you may be barred from filing an answer or offering any evidence in defense of the claim made in the application.

TYPE OF APPLICATION AND DOCKET PREFIX	ANSWER PERIOD
Appeal of Administrative Determination (AD)	25 calendar days after the application's mailing date
Access (LS)	20 calendar days after the application's mailing date
Challenge to Sale of Improvements (LF)	7 calendar days after the application's mailing date
Extension of Code Compliance Deadline (EX)	25 calendar days after the application's mailing date
Harassment Applications (TH)	20 calendar days after the application's mailing date
Reconsideration (R)	25 calendar days after the application's mailing date
Rent Adjustment (LE)	45 calendar days after the application's mailing date
RGB Notice (RGB)	45 calendar days after the application's mailing date
Tenant Compensation Dispute (TC)	25 calendar days after the application's mailing date
All Other Types of Applications	35 calendar days after the application's mailing date

(b) **SERVICE OF AN ANSWER UPON APPLICANT AND PROOF OF SERVICE:** If you wish to file an answer, you must serve a copy of your answer upon the applicant before filing the answer with the Loft Board, as follows:

1. By mail, at the address of the applicant specified on the application; or
2. By facsimile transmission, at the fax number specified in the application, provided that a 2<sup>nd</sup> copy must be sent, within 3 calendar days of the fax, by mail to the applicant's address specified on the application. If the answer is served upon the applicant by fax and by mail within 3 calendar days of the fax, then service of the answer is complete on the day of the fax.

(c) **FILING AN ANSWER WITH THE LOFT BOARD:** You must file 5 copies of the answer (including 1 original), any accompanying documents, and proof of service made upon the applicant, with the Loft Board by the answer period deadline set forth in paragraph (a) above. Proof of service of an answer must be in the form of an affidavit of service on the Loft Board's approved form, if served by mail, or a facsimile receipt, if served by fax.

The answer must be filed with the Loft Board as follows:

1. By hand delivery to the Loft Board's offices between 9:00 am – 4:00 pm on Mondays through Fridays, except holidays.
2. By mail; or
3. By facsimile transmission. If the answer is submitted by fax, the original answer, accompanying documents, and proof of service, must also be submitted: (i) by hand delivery within 3 calendar days of the fax, or (ii) by mail, postmarked within 3 calendar days of the fax.

(d) **OWNERS:** PLEASE NOTE:

1. In an application seeking a finding of harassment, the Loft Board reserves the right to impose civil penalties against an owner found to have engaged in harassing behavior whether or not the tenant requests the imposition of fines. A finding of harassment may affect the owner's ability to decontrol or maintain market rent for covered IMD units.
2. In applications seeking a finding of noncompliance with the legalization deadlines, the Loft Board reserves the right to impose a civil penalty of up to \$17,500 for every missed compliance deadline whether or not the tenant requests the imposition of fines.

If you have any questions regarding this letter, please review 29 RCNY § 1-06, visit the Loft Board's website at [www.nyc.gov/loftboard](http://www.nyc.gov/loftboard), or call the Loft Board's Public Information Officer at 212-393-2616.

Very truly yours,

**NEW YORK CITY LOFT BOARD**