



NEW YORK STATE SENATOR

Martin Malavé Dilan

Legislation Sponsored by Senator Dilan to Protect Loft Tenants Permanently, Passes Senate

MARTIN MALAVÉ DILAN June 9, 2010

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Legislation sponsored by Senator Martin Malavé Dilan (D-Brooklyn) passed in the Senate extending basic protections to those calling commercial loft space home.

S.7178A, amends the “Loft Law,” ensuring that residential lofts will be brought into compliance with laws regarding housing maintenance, health, safety and fire protection standards. This legislation marks the second time in 28 years that the legislature has extended loft tenant protections. Senator Dilan’s bill would make permanent loft tenant protections to buildings containing two or more units.

“Thousands of people living in the city call these lofts home. Many of these units have escaped most of the tenant protections offered to traditional rentals. This legislation will bring these properties up to code, protecting tenants and landlords’ investments,” said Senator Dilan.

S.7178A will extend Loft Law protections to approximately 300 buildings, or about 3600 additional units that were converted after 1987 for residential purposes. These units are primarily in Brooklyn and lower Manhattan. This legislation protects tenants who lived in a

loft for at least 12 consecutive months between the dates of January 1, 2008 and December 31, 2009.

The Loft Law was originally enacted in 1982 following an increase in the number of non-residential buildings that were being converted wholly or partially to residential use. These buildings all lacked compliance with laws governing zoning, housing maintenance, health, safety and fire protection standards applicable to residential occupants. Tenants were also subject to arbitrary evictions and unfair rent increases.

In 1987, the Loft Law was amended to cover additional buildings that had been occupied residentially by three or more families since passage of the 1982 law. About 900 buildings were registered upon passage of the original Loft Law. Of that group, approximately 600 buildings have been legalized for residential occupancy.

“Lofts offer a unique opportunity to convert defunct manufacturing space into livable, revenue generating space. Tenants who have moved into these older, vacant buildings, have sparked new life in what were at one time bustling commercial hubs. In doing so, they have rebuilt communities and in some instances built new ones,” said Senator Dilan.

Under the legislation, building owners have to file their rented loft space with the New York City Loft Board within nine months of the effective date of this legislation. To begin conversion from commercial to residential, they must obtain a work permit within a year of the effective date. They also have 18 months to comply with city fire and safety standards. Owners must also seek a certificate of occupancy for converted lofts within 36 months of the effective date.

The Loft Board can twice extend the compliance deadline for up to 12 months if an owner is

unable to meet the requirements for reasons beyond his or her control.

This legislation is sponsored in the Assembly by Assemblyman Vito J. Lopez. The bill has passed both houses and awaits the Governor's approval.