



INSTRUCTIONS FOR FILING AN ANSWER TO AN APPLICATION

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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 2nd 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, or call the Loft Board's Public Information Officer at 212-393-2616.

Very truly yours,

NEW YORK CITY 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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INSTRUCTIONS FOR SERVING AND FILING AN APPLICATION

After completing an application, **the applicant(s) must serve the application upon all affected parties** and file it with the Loft Board. Failure to do so may result in a delay in processing or rejection of the application. Please review the checklist on the bottom of this page before serving and filing the application. For information on completing an application, please refer to the separate sheet titled **“Instructions on Completing an Application,”** available on the Loft Board’s website, or call the Loft Board’s Public Information Officer at 212-393-2616.

- 1. Who must be served with a copy of the application?** All the affected parties listed in the application must be served. For more information on who is an affected party, please refer to the instruction sheet for completing an application.
- 2. How is the application served to each affected party?** You should serve the application by regular mail prior to filing the application with the Loft Board.
- 3. How do I show the Loft Board that I served each application upon the affected parties?** A certificate of mailing stamped by the US Post Office for each party to whom you mailed an application must be included in the application package filed with the Loft Board as proof of service.
- 4. What if I do not have the financial resources to serve all of the affected parties?** Section 1-06(b)(4) of the Loft Board rules provides that where service by the applicant is a financial hardship, the applicant may request a waiver of the service requirement based on indigence.
- 5. What needs to be included with the application sent to each affected party?** You must include the following:
 - The application.
 - An instruction sheet to affected parties explaining how to file an answer.
 - A blank answer form
- 6. How is the application filed with the Loft Board?** You may file the application with the Loft Board by either: (1) regular mail or (2) hand delivery. The application is considered filed on the day it is received between the hours of 9am until 4pm on Mondays through Fridays, except for holidays.
- 7. What needs to be included with the application filed with the Loft Board?**
 - 5 copies of the application (at least 1 of which includes an original applicant’s signature).
 - 1 copy of the instruction sheet for filing an answer.
 - A check or money order in the amount of the application fee.
 - Proof of service made upon each affected party.

CHECKLIST FOR SERVING AND FILING AN APPLICATION

- 8. Did I include the following documents with the application that I mailed to each affected party?**
 - The complete application.
 - The blank answer form.
 - The instruction sheet explaining how an affected party must file an answer.
- 9. Did I mail a copy of the application package to each affected party listed on the application?**
- 10. Did I obtain a certificate of mailing from the US Post Office, showing proof that I mailed a copy of the application to each affected party?**
- 11. Did I file the application with the Loft Board?**
- 12. Did I include the following in my filing to the Loft Board?**
 - 5 copies of the application (1 of which includes applicant’s original signature).
 - 1 copy of the instruction sheet for filing an answer.
 - A check or money order in the amount of the application fee.
 - A United States Post Office stamped copy of the certificate of mailing of the application package to each of the affected parties.



ANSWER TO RENT ADJUSTMENT APPLICATION

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Chairperson

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(212) 393-2616 • Fax: (646) 500-6169

DOCKET #: _____

1. RESPONDENT INFORMATION

Mailing Address

Address of IMD	IMD #
Zip Code	Check if none was issued <input type="checkbox"/>
Daytime Telephone Numbers	Email Address

2. Please check one: Respondent's interest in the above premise:

- Owner
 Net Lessee
 Managing Agent
 ¹Other
- Residential Tenant
 Commercial Tenant

BASIS OF THE ANSWER

Title 29 of the Rules of the City of New York ("29 RCNY") §1-06(c) requires that an answer to an application contain facts and arguments relevant to the application. For a rent adjustment application, the facts and arguments include, but are not limited to, such matters as the scope of work performed, its necessity and reasonableness, the quality of the workmanship and the actual costs claimed by the owner. In the space provided on the following page, please specify the items in contention and explain the reasons for the dispute.

Extra sheets of paper may be attached, if necessary. **ALL SUPPORTING DOCUMENTS (e.g., contractors' estimates, invoices, and/or architects' statements) MUST BE ATTACHED TO THIS ANSWER FORM, OR AN EXPLANATION MUST BE PROVIDED FOR NOT ATTACHING THE SUPPORTING DOCUMENTS.**

¹ Please specify if other.

ANSWER

CERTIFICATION

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

Print Your Name

Your Signature

Your Relationship to Respondent
(If same, write "same")

Date

CERTIFICATION OF SERVICE

(Failure to complete this section requires rejection of the answer.)

On _____, I served a true copy of the ANSWER *(please check all that apply):*
(date of service)

By mailing to owner (or owner's rep) in a stamped, sealed envelope, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the applicant(s) as indicated below.

By facsimile transmission to owner (or owner's rep) at last known fax/address as indicated below.

Name of person served with the Answer

Address of person served with the Answer
(including floor or unit number)

City, State and Zip Code

Fax Number

Print Your Name

Your Signature

Date: _____

IT IS NOT NECESSARY THAT THE FOREGOING BE SWORN TO BUT FALSE STATEMENTS MAY SUBJECT YOU TO THE PENALTIES PROVIDED BY LAW, INCLUDING FINES AND/OR IMPRISONMENT.
