



Legislation Text

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Res. No 1782

Resolution calling upon the New York State legislature to reauthorize the "Loft Law" and to extend similar benefits to other buildings that are safe for residential use by promulgating a new and more recent window period.

By Council Members Fisher, Berman, Carrion, Clarke, DiBrienza, Eisland, Espada, Freed, Marshall, Quinn and Reed; also Council Members Foster, Harrison, Leffler, Michels, Nelson, Robles, Rodriguez and Warden

Whereas, An uproar arose on December 15 when city inspectors, citing fire hazards, suddenly evicted 60 people from an illegally converted factory building in Brooklyn and officials confirmed there were and additional 120 sites in Brooklyn being investigated; and

Whereas, Mr. Rhine, an attorney who specializes in loft cases is quoted by The Daily News, as saying "the 121 listed buildings were truly the tip of the iceberg...there are probably a thousand buildings ...and 10,000 tenants" when referring to buildings in Brooklyn, and he estimates a few hundred buildings in the other boroughs including 200 in Manhattan; and

Whereas, On March 31, 2001 the state law that legalized lofts existing in 1980-81, most of which are in SoHo, TriBeCa and Chelsea, will expire thus providing a great opportunity to both renew the current protections and to extend these significant rights and responsibilities to others; and

Whereas, Artists who sustain the City's cultural life need studios which have become increasingly expensive, forcing New York City's creative community into manufacturing buildings outside Manhattan where they can afford rent on spaces that are large enough to both produce their art and to live; and

Whereas, If the legislature does not modify the loft law to include lofts that have been illegally converted outside of Manhattan, thus providing a mechanism that encourages landlords to make necessary repairs for safety, we will either see the continued unsafe use of these buildings, or mass evictions by the Fire Department and Buildings Department as there will be no incentives for owners to repair their buildings; and

Whereas, If the Legislature does not extend to loft residents in these up and coming communities the residential protections offered under the statewide Municipal Dwellings Law, we will see more tenants pushed out by landlords who will raise rents after the tenants have, using their own money and time, improved these buildings, thus allowing landlords to use artists to gentrify neighborhoods, without protecting these tenant artists; and

Whereas, In order for New York City to retain its important status as a world capital for art, we need living and working spaces in New York City at costs that are reasonable to keep our creative community and to attract new talent; and

Whereas, Article 7-B of the Multiple Dwelling Law was enacted in 1964 to encourage artists to remain in New York City by letting building owners alter their underutilized industrial and commercial buildings to make them suitable for artists' living and working spaces; and

Whereas, This law permitted artists to live and work in otherwise non-residential buildings, thus providing artists with spaces they could rent and landlords with a legal way of renting out vacant space in industrial and commercial buildings as long as the space met certain minimal residential housing and safety requirements designed to protect residents in a mixed use setting; and

Whereas, In 1982 the Legislature enacted Article 7-C of the Multiple Dwelling Law, "the Loft Law" entitled "Legalization of Interim Multiple Dwelling," which allowed manufacturing, commercial or warehouse buildings that had been used residentially by more than three families between April 1980 and December 1981, in areas which were either residentially zoned or able to receive an administrative zoning variance, to be used for residential purposes as long as they complied with certain minimal residential housing and safety requirements, and provided rent protection to tenants; and

Whereas, In 1985 the State Legislature, noting a severe housing shortage that was adversely affecting moderate and middle income families, revised Article 7-B to permit a class of residential lofts existing prior to 1977 to rent either to general residential tenants or artist residents and imposed higher residential, zoning, housing and safety standards on these buildings; and

Whereas, Because Article 7-C requires that the buildings have housed three families between 1980 and 1981, most of the buildings that are able to benefit from Article 7-C are in Manhattan, with the result being that comparable lofts in old non-residential districts along the waterfront in Brooklyn and Queens are illegally occupied, making today's creative communities in underutilized manufacturing and commercial buildings in Brooklyn and Queens unable to be legally converted; and

Whereas, There still remains a housing shortage -- and an affordable housing shortage --in New York City and some studies have estimated the total housing needs in New York City to be over 200,000 units; and

Whereas, There is a continued affordability gap between housing cost and household income forcing an estimated 24% of rental households in New York City to spend more than half of their income on rent; and

Whereas, The Loft Law has shown itself to be a good model for how underutilized manufacturing and industrial space and be used for much needed housing and living/working space for the creative community by establishing minimal residential housing and safety requirements so that the landlord can bring the building up to code within a reasonable time frame, and offering the tenants basic protections; now, therefore be it

Resolved, That the Council calls upon the New York State legislature to reauthorize the "Loft Law" and to extend similar benefits to other buildings that are safe for residential use by promulgating a new and more recent window period.

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