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TOM FINKELPEARL
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NOTICE TO APPLICANTS RE: ARTIST CERTIFICATION

The following information may be of help to you in understanding the procedures to be followed in obtaining artist certification and in preparing your application.

Under applicable state legislation and the City's Zoning Resolution, certification as a working artist is necessary in order for an individual to qualify for joint living-working space in the M1-MA and M1-MB zoning districts (SoHo NoHo). Under Sections 275-6 of Article 7-B of the Multiple Dwelling Law, an "artist" is defined--for the purpose of qualifying for joint living-working quarters in cities with populations of over one million--as "a person who is regularly engaged in the fine arts, such as painting and sculpture, or in the performing or creative arts, including choreography and filmmaking, or in the composition of music, on a professional basis and is so certified by the city department of cultural affairs and/or state council on the arts."

Pursuant to the City's Zoning Resolution, this Department has been designated as the certifying agency for purposes of the foregoing statute. The procedure followed by the Department in determining applications for artist certification is as follows: Applications for certification by this Department are reviewed by an advisory committee of professional artists, art educators, and administrators representing a variety of fine arts disciplines, who then make a recommendation to the Commissioner of Cultural Affairs. Based on Section 276 of Article 7-B of the Multiple Dwelling Law and the Rules of the City of New York, each applicant must demonstrate that he or she meets the following criteria to be granted certification:

1. *Regularly engaged.* The individual is currently engaged in and demonstrates a serious, consistent commitment to his or her art form or art occupation;
2. *Fine arts.* The individual is engaged in an art form or art occupation that can be considered and is pursued by the individual as a "fine art", evidenced by a substantial element of independent esthetic judgment and self-directed work. The production of work solely on a commercial, industrial or work-for-hire basis without evidence of the foregoing elements is not sufficient to demonstrate pursuit as a "fine art";
3. *Professional basis.* The individual is committed to the art form or art occupation as his/her primary vocation and others in the field recognize the individual as a professional with regard to the art form or occupation; and
4. *Intent to use joint living-work quarters.* The individual demonstrates the intent to use joint living-work quarters for the purpose of carrying out his/her art form or art form or occupation.

It should be noted that the word "professional" refers to the nature of the commitment of the artist to his or her art form as his or her primary vocation rather than the amount of financial remuneration earned from his or her creative endeavor.

The Artist Certification Committee meets once a month from September through June. If the Commissioner approves the application, a letter of certification will be sent to the applicant. Should the application be denied, the applicant is given the opportunity to submit additional information for reconsideration of the application, request an appeal of the decision, or withdraw the application. Artists must apply for and be granted certification prior to occupancy; DCA cannot assume responsibility for costs if individuals move in before receiving certification.

Once granted by the Department, the artist's certification is valid for as long as the individual certified resides in the loft unit in which he or she resided at the time of certification. Under the Department's current regulations governing artist certification, if the artist moves within one year following the date of certification, he or she can request a change of address in his or her certification. If more than one year has elapsed, the individual must apply for recertification, but need only submit information relevant to the period of time, which has elapsed since the date of the original certification.

The application form for artist certification, a copy of which is enclosed, is designed to give the Department as complete a picture as possible of the applicant's qualifications and need for joint living-working space. No one question is the determining factor for certification. The purpose of the application is not to have the Department make an aesthetic judgement as to the applicant's work, but to enable the Department to evaluate the applicant's degree of commitment to his or her work and the need for a large space in which to carry out such work.

The only legal significance that a letter of certification by this Department has is to evidence that an individual is qualified as an artist to live in a joint living-working space, where such use is permitted by law. Certification applies to the individual and not the space, i.e., the Department does not make the determination that joint living-working space in a particular building is legal under applicable zoning regulations; nor does the Department determine whether a particular loft meets the relevant specifications of the Buildings Department Code, or is eligible for coverage under the Loft Law.

The applicant should be aware that the submission of any information in connection with the application that the applicant knows to be false will result in the denial of the application or the revocation of any artist's certification set forth in a particular letter of certification based on such applications. It should also be noted that the artist certification set forth therein named and may not be transferred. Any person who alters or fraudulently uses a letter of certification will be subject to prosecution to the fullest extent of the law.

In applying for artist certification, please read the attached application carefully. Fill out the certification form (notarized signature), attach all documentation and return to:

**Director of Artist Certification
NYC Department of Cultural Affairs
31 Chambers Street
New York, New York 10007**

If you have any further questions regarding artist certification, you may call Artist Certification, Department of Cultural Affairs at (212) 513-9300.

ANSWERS TO COMMONLY ASKED QUESTIONS ABOUT ARTIST CERTIFICATION

What is Artist Certification?

The SoHo Zoning Resolution permits fine artists working on a professional level who demonstrate a need for a live/work loft to reside in specific lofts zoned for manufacturing. Artist certification provides the document that equates the person named therein with a light manufacturer.

Who is eligible for Artist Certification?

Any person who is regularly engaged in the fine arts, such as painting and sculpture, or in the performing or creative arts, including choreography and filmmaking, or in the composition of music, on a professional basis is eligible for certification. Students and others who do not yet have a professional body of work covering five years prior to their application are generally ineligible. Commercial artists, hobbyists, and others for whom fine arts are not a primary vocation are generally ineligible.

Do I have to make my living as an artist?

The Department recognizes that the majority of artists do not earn their living through sales of their artwork. "Professional" refers to the nature of the artist's commitment to his or her vocation.

Isn't artist Certification a pro-forma process?

Artist Certification exists to protect the artist community. The Artist Certification Committee, who is arts professionals representing a variety of fine arts disciplines, carefully considers applications.

Can I move in and then apply for Artist Certification?

Any person who rents, subleases, or purchases a loft in SoHo, NoHo, and/or AIR space elsewhere should be certified by the Department of Cultural Affairs PRIOR TO OCCUPANCY. The Department of Cultural Affairs cannot be responsible for any costs incurred if an applicant moves in before certification is granted.

How often does the Artist Certification Committee meet?

The Committee meets once each month from September through June. Over the summer months, emergency requests may occasionally be considered.

Is there a fee for Artist Certification?

There is no fee for Artist Certification.

Can an outside agent present my application?

The Department prefers to be in contact solely with the applicant.

Will the Department return my support material?

The Department returns support material provided the application includes a self-addressed return mailer with correct postage.

APPLICATION FOR ARTIST CERTIFICATION

NAME _____ HOME PHONE () _____

ADDRESS _____ APT./FL. _____ ZIP _____

ADDRESS ON CERTIFICATE _____

BUS. PHONE () _____ SOCIAL SECURITY NUMBER ____ / ____ / ____

PROFESSIONAL NAME (if different) _____

FINE ARTS DISCIPLINE _____

1. Do you now reside in a (check one) Loft? * _____ Apartment with Workspace? _____ Apartment with separate Workspace? _____ Other (please specify) _____

*attach copy of lease.

2. What is your present amount of LIVING space in sq. ft.? _____. What is your present amount of WORK space in sq. ft.? _____.

3. Are you planning to move into a loft?* _____ If located, what is the address? _____ What is the total sq. ft. of the loft? _____

How much WORK space will you need in sq. ft. of the loft? _____

*attach copy of lease. Full address to appear on certificate.

4. Have you been certified before? _____ If YES, at what date and for what address?

DATE: _____ ADDRESS: _____

ON A SEPARATE SHEET, PLEASE PROVIDE THE FOLLOWING INFORMATION:

5. Describe your particular art form and explain why a large space is imperative for its creation.

6. Include a professional fine arts resume pertinent to your work. Include educational background, professional training, public exhibitions and/or performances, critical reviews, grants, awards or fellowships. Be sure to include dates.

7. Submit documentation appropriate to your particular art form. Your documentation should reflect a body of work over the last 5 years, up to and including recent work. Student work, in and of itself, will not meet the criteria for certification. Below is a general guideline for some fine arts fields, and the kinds of support materials that should accompany your application:

- **Visual artists:** 15-20 labeled slides and/or photographs of work, exhibition announcements, catalogues, reviews, etc.
- **Music composition:** scores, tapes (including works-in-progress), reviews, performance announcements, etc.

- **Choreography:** videos, written notations, reviews, performance announcements, etc.
- **Fiction/Poetry:** published and unpublished works and drafts, reviews, announcements of readings/staging, etc.
- **Film/Video/Performance Art:** examples of work, reviews, and announcements

All documentation should include, where appropriate, the date of creation, medium, size, and title of the work. All support materials must be submitted in an envelope or folder not larger than 9" X 12". Do not submit original work. PLEASE INCLUDE A STAMPED, SELF-ADDRESSED ENVELOPE, IF YOU WISH MATERIALS TO BE RETURNED FOLLOWING THE CERTIFICATION COMMITTEE MEETING. *

8. If you are already residing in a loft, include a scale drawing or photographs showing your living and working space. If you are planning to move into a loft, provide a scale drawing showing your intended living and working space.

9. Submit letters of recommendation on letterhead from two people, known in your field, regarding your professional involvement as an artist and your need for live/work space.

The undersigned hereby certifies that the statements and information set forth above and/or annexed to this application are true to the best of his or her knowledge and that the materials submitted in support of this application represent the applicant's own work. It is understood and agreed to by the undersigned that the Department of Cultural Affairs may rely thereon in determining this application for certification, and that the making of any knowingly false statement or fraudulent submission in connection with this application will result, in either the denial thereof or in the revocation of any artist's certification based on such application.

Notarized Signature Date

STATE
ss.:COUNTY OF NEW YORK)

On this day of , 20 , before me personally came , to me known and known to me to be the person described in and which executed the foregoing instrument; and (s)he acknowledged to me that (s)he executed the foregoing instrument; and (s)he acknowledged to me that (s)he executed the same for the purposes therein mentioned

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