

FAQ

1. What is the Loft Law?

A state law designed to protect thousands of tenants in NYC who have moved into commercial loft buildings. It has two goals: to bring those buildings up to residential safety and fire codes, and to give rights and rent protection to the tenants who live there.

More info about the Loft Law [here](#).

2. Why should I care?

If you are living in a converted factory building or if your lease is not a standard-looking residential lease, you might be living in an illegally-converted building. As an illegal resident, your landlord can raise your rent as much as he wants, or kick you out for living there — only to replace you with someone who will pay more.

If you are covered by the Loft Law, your landlord must follow the rules and guidelines required by the [New York City Loft Board](#) to bring your building and space up to Article 7-B [fire and life safety standards](#) and will only be allowed to raise your rent in specific regulated increments. Forever. Yes, that's "forever," otherwise known as [rent stabilization](#).

3. Am I qualified for coverage under the 2010 Loft Law?

You may qualify for the 2010 Loft Law MDL § 281 (5) loft law if:

1. You live in a building without a residential [certificate of occupancy](#) that was formerly used for manufacturing or commercial purposes,
2. Your building had at least three units that were occupied residentially for 12 consecutive months during the [window period](#) of 2008 and 2009,
3. You lived in your space on June 21, 2010, or your landlord accepted your tenancy by giving you a lease or taking rent directly from, and
4. You can enter your unit without going through someone else's space, your unit is at least 550 square feet, and has at least one window.

Only the [Loft Board](#) can determine your coverage. Please see our [Do I Qualify?](#) page for more help.

4. How do I apply?

You can get a copy of the coverage application on the Loft Board's website [here](#) — follow the "Coverage Application" link for a PDF. You can apply any time up until the expiration of the

application period, which will be 6 months after the Loft Board finishes making all its rules. At this point, it looks like that ~~won't happen before March 2012~~ happened September 11, 2013, so the deadline for applications ~~would be sometime in September 2012~~ will be March 11, 2014.

An application can include as many tenant-applicants on it as you want. Making and serving one set of copies is a lot easier and cheaper, and you can share the work of collecting information, etc.

Check out our [application](#) page for more help on how to apply.

5. Can I continue my at-home business under the Loft Law?

Definitely! That's part of the purpose of the law: to keep working artists and other live/work people in place.

However, the unit must be primarily residential and tenants must show that the commercial purpose

- is clearly incidental to the residential use,
- does not take up more than 49% of the space,
- has no more than 3 employees,
- and has to be carried on by a residential occupant of the unit.

All businesses must follow city, state, and federal business regulations. To learn more about living and working in a loft unit refer to our [Loft Live/Work](#) page.

6. How can I do this by myself?

You shouldn't have to. Get to know your neighbors and get organized about it — the more people you get involved, the better. Part of going through the Loft Law process is negotiating with your landlord: organized tenants have more muscle. Also, there might be lawyers and architects involved at some point and spreading the cost and responsibility around helps a lot.

7. Can I expect my landlord to fix stuff in my building?

The Loft Board will hold your landlord responsible for basic services in your building and unit, including: water supply and drainage, heat, hot water, electricity, gas, smoke detectors, public lighting, entrance door security, elevator service (if applicable), and window guards. Your landlord may also be responsible to maintain other services outlined in your lease or guaranteed under the [Warrant of Habitability](#). Your landlord is responsible for maintaining livable standards, and you can exercise your right to these in court.

The [Loft Board's](#) rules are posted online under Title 29 of the [Rules of the City of New York](#). § 2-04 Minimum Housing Maintenance Standards.

8. What will be changed in my unit and my building?

Compliance with residential loft fire and safety standards must be achieved to allow your landlord to get a residential certificate of occupancy. Loft Law tenants will get an opportunity through the [Narrative Statement Process](#) to participate in the decisions about what upgrades and renovations are made in their building and unit and how they are made.

9. Is my landlord allowed to raise my rent?

Yes, your landlord is entitled to increases along the way—some when he reaches certain code compliance milestones. Only the [Loft Board](#) dictates when these increases are allowed and how much. Do not accept any increases from your landlord. Call the NYC Loft Board to check if the increase your landlord is asking for is one he is entitled to. For more information refer our [Rent Rules](#) page.

10. How does the Loft Law coverage process work?

There are two ways to obtain coverage:

1. [Apply](#) for coverage with the NYC [Loft Board](#) by filling out an application for yourself in your unit. The Loft Board will then contact you to present your case for coverage at [OATH](#) and will determine your coverage.
2. The landlord registers your unit as an [Interim Multiple Dwelling](#) and the Loft Board determines you are the protected occupant.

11. What are some of the costs and responsibilities associated with Loft Law coverage?

The application fee is only \$25 per unit! However, you may decide to hire an attorney and/or an architect to help you through the Loft Law process.

Also, Loft Law tenants share in cost of code compliance, but you can read more about that on our [Code Compliance](#) and [Rent Rules](#) pages.

12. If a child has been born since the original application was submitted do we need to add him/her or does the child inherit protection through rent stabilization succession rights?

Right of succession is governed by DHCR rent stabilization laws, not the Loft Board or Loft Law. The short answer is that your child should be protected, but it might take some legal wrangling to secure those rights.

There are a lot of good resources about rent stabilization on the Web; for instance, look at [tenant.net](#) or the [Rent Guidelines Board](#) websites.

13. I recently moved into a building which is already covered by the Loft Law (an IMD.) Do I have rights? How do I find out if my unit is covered and how do I get myself covered?

If the unit is covered, you will inherit the rights from the last tenant, unless there was a sale of rights or abandonment claim. In particular, your rent should be based on whatever the June 2010 tenant

was paying, plus any **milestone increases**. (This is if the building applied under the new Loft Law; if the building applied under the old Loft Law, the rent is based on what a 1980's tenant was paying.)

However, it does take action on your part to get those rights. Here is how to do this:

1. First verify that your unit is covered. **Contact the Loft Board** to find out whether the unit was registered, and whether there has been a sale of rights on the unit. If there was a sale of rights (or abandonment claim), then you still have the right to have a say in how the unit is brought up to code, but you don't have the rent stabilization rights.
2. Either get your landlord to amend the registration, or file an application at the Loft Board to have yourself listed as the tenant of record. If the landlord challenges this, you will have to show that you have their consent for living there – your lease and rent checks show this, or any correspondence.
3. Once you are covered, you can challenge your rent and (someday) get overcharges returned.

14. I moved in after June 2010 and I'm paying way more rent than the last tenant – or – I accepted an illegal rent increase since June 2010. How do I challenge my rent?

Although there is a rent dispute process at the Loft Board, we find that most tenants are able to challenge their legal rent without going through a court proceeding.

We suggest writing a letter to your landlord explaining the law and rules and what your rent should be. If that doesn't work, getting a lawyer to write a letter explaining rent, is often effective.

It's tricky because the rules governing legal rent during the IMD process for 2010 Loft Law tenants – Rules 2-06.2 and 2-12 – have not been published yet. But your legal rent is clear in the Loft Law.

>>> STILL HAVE QUESTIONS?

[Contact Us](#), [Visit a Housing Clinic](#) or [Join the NYCLT Google Group](#) to learn more.

3 THOUGHTS ON “FAQ”



JS

on **October 10, 2011 at 12:18 pm** said:

Regarding LB time frame, we filed almost a year ago, have a docket # and are still in process (have not been called for a hearing) when we call the LB they cannot tell is anything – meanwhile our LL trying to raise rent etc. Has anyone had experience of how long it takes to actually get their status approved? It's very frustrating especially as they seem to be trying to change the rules as they go along...



gordon

on **October 10, 2011 at 1:36 pm** said:

I don't know how long it takes on average but it does take a long time. Don't accept those increases! You might have to educate your LL on that point.



JS

on **October 11, 2011 at 5:22 am** said:

thanks Gordon – we won't!

Comments are closed.