



**THE COUNCIL OF
THE CITY OF NEW YORK
OFFICE OF COUNCIL MEMBER HELEN ROSENTHAL
DISTRICT 6
563 Columbus Avenue
New York, NY 10024**

**Testimony of Council Member Helen Rosenthal
Before the Board of Standards and Appeals
Regarding BSA Cal. No. 164-13-A
February 4, 2014**

Thank you Chairwoman Meenakshi Srinivasan and Commissioners for this opportunity to speak before you regarding the Grand Imperial LLC appeal. I am here today to ask that the Board reject the applicant's request to reverse the New York City Department of Building's refusal to grant a Letter of No Objection. The primary reason to reject this request is simply the building's classification as a Class "A" Dwelling which requires permanent residency.

The Imperial Court located at 307 West 79th Street currently is home to no less than 64 rent-stabilized tenants, constituents that have consider this location their primary full-time residence and are protected by the rights vested to them by the New York City Rent Stabilization Law. Such permanent residence occupancy is what the building's Class "A" Certificate of Occupancy (CO) was always intended for.

As the New York City Department of Buildings details in their response to the Board regarding this appeal, the 2010 amendment to New York State's Multiple Dwelling Law did not create space for the applicant's transient rental activity to continue under the designation of a Class "A" Dwelling but instead explicitly does the opposite. The amendment further clarified, and then bolstered, the City's interpretation that any such activity remains an illegal use in buildings with a Class "A" CO, a use that is defined under specific parameters as permanent tenancy of periods no less than 30 days or more.

The City's position, and the position of many who stand in opposition to this appeal today, rests on both the legislative history and unambiguous language embedded within the Multiple Dwelling Law and argues that the applicant's CO never allowed for weekly stays and therefore cannot seek relief in asking for a prospective use of the amendment.

In addition, the applicant's effort to legitimize this activity as a nonconforming use has no standing when the use in question is nullified by the building's original CO.

Finally the illegal activity the applicant seeks to legalize based on a decades-old operation has been a fact that is refuted by tenants and housing advocates in our community. They argue that this activity began only as recently as 2006. This last position is expanded on during a 2012 Office of Administrative Trials and Hearings proceeding brought on by the NYC Department of Housing Preservation and Development against the applicant opposing their effort to seek a Certificate of No Harassment. The permanent rent-stabilized tenants of the Imperial Court provided ample testimony, later found to be factual by Administrative Law Judge Casey, to support that the nonconforming transient activity began only a few years ago.

Thank you again for your time and please do not hesitate to reach out to me or my Director of Housing Policy, Ahmed Tigani, with any questions or concerns.

Best

Helen Rosenthal