



Christopher Marte

紐約市市議員馬泰 Council Member, District 1

district1@council.nyc.gov
(212) 587-3159

65 East Broadway
New York, NY 10002

February 17, 2023

Kazimir Vilenchik, P.E.
Acting Commissioner, New York City Department of Buildings
280 Broadway
New York, NY 10007

Subject: JLWQA Conversion Code Compliance

Dear Commissioner Vilenchik,

I write to request that the Department of Buildings (DOB) fulfill their commitment to the SoHo and NoHo communities and provide an official bulletin detailing interpretations of code compliance upon conversion of a Joint Living-Work Quarters for Artists (JLWQA) unit to Use Group 2. There has been too much confusion and debate over how code compliance will change for these units, and the recent guidance posted online by DOB lacks the accountability and enforceability needed in this process. An official bulletin would demonstrate DOB's commitment to interpret and enforce code in a consistent and predictable manner, as is their obligation.

On December 9, 2021, then-Deputy Mayor for Housing and Economic Development Vicki Been wrote to City Council Speaker Corey Johnson and Council Members Margaret Chin and Carlina Rivera a formal Points of Agreement (POA) outlining every commitment from the City attached to the rezoning proposal for SoHo and NoHo. In addition to numerous other binding obligations that are still in the process of being carried out, Deputy Mayor Been stated the following:

“DOB will issue a formal Buildings Bulletin clarifying the process for future applicants and enforcement provisions.”

In late December, 2023, DOB published a page on the New York City website outlining the JLWQA conversion process titled “Converting from JLWQA to Residential Use.” While informative on certain elements of this conversion process, the online guidance does not constitute a formal DOB bulletin. A bulletin, meant to provide official interpretation of building or zoning code by DOB, follows a specific format that is binding, unchanging, and signed by the DOB Commissioner at the time of publication. These are often pivotal resources for enforcement in situations where interpretation of code can be contentious or subjective, as is the case with

JLWQA conversion. Not only would this be a practical application of a DOB bulletin, but it was explicitly committed to by Deputy Mayor Been.

Throughout the rezoning process and since, DOB has signaled certain implications of JLWQA conversion related to code compliance. JLWQA units fall under the jurisdiction of Multiple Dwelling Law Article 7-B, while Use Group 2 units follow other sections of the Multiple Dwelling Law and the New York City Building Code. DOB has assured through testimony, the recently published web page, and through a letter from then-Commissioner Melanie E. La Rocca dated December 3, 2021, that these two codes are similar enough to not require an overly-burdensome compliance process outside of perhaps new accessibility requirements. Light and air access, fire safety, and other requirements are allegedly enforced already under Article 7-B, and are similar enough to Use Group 2 as to not pose a significant barrier for JLWQA units to comply.

However, some experts and those affected have raised concern with DOB's assurances, pointing to specific discrepancies in code that may lead to required alteration work that would be either financially or physically infeasible. A binding commitment to interpretation and subsequent enforcement of this conversion procedure, with clear guidance as to projected alterations that reflects an official and detailed interpretation of these code discrepancies, will put this debate to rest. However, the posted website does not achieve this.

I ask that DOB fulfill the original commitment by providing a bulletin that outlines how the agency will interpret and enforce code compliance upon conversion from JLWQA to Use Group 2. This will fulfill the commitment in the POA, as well as the promises of clarity and feasibility in the conversion process outlined in the goals of the SoHo NoHo rezoning. Please follow up with Conor Allerton in my office at callerton@council.nyc.gov with your response and to schedule any necessary meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Marte', with a stylized flourish extending to the right.

Christopher Marte
New York City Council Member