

### NY State Legislators Introduce Legislation to Protect SoHo/NoHo Residents

New York State Senator Brian Kavanagh and New York State Assemblymember Deborah Glick have each introduced state legislation to amend the New York Multiple Dwelling Law in relation to joint live-work quarters for artists (JLWQA) in the SoHo and NoHo neighborhoods in Manhattan. If approved, S.8793 / A.9675 would permit residents who lived in JLWQA units prior to December 31, 2021, to continue occupying such units regardless of their status as a certified artist.

The legislation was introduced in response to the SoHo/NoHo Neighborhood Rezoning Plan. The New York City Council approved the rezoning plan on December 21, 2021, but on January 14, 2022, newly sworn-in Mayor Eric Adams vetoed a proposed local law that called for an aggressive increase in fines for non-certified artists occupying JLWQA units while leaving the rest of the rezoning and related actions intact. Currently, the Department of Buildings can issue fines and even, in certain circumstances, order a non-certified artist to vacate a JLWQA unit. The proposed state legislation would protect residents from this enforcement.

In the early 1970s, as manufacturing in SoHo/NoHo declined and artists moved in, the city created the JLWQA program to legalize residential use by artists in certain manufacturing buildings in the two neighborhoods. The JLWQA program required residents to be certified as artists, as specifically defined by the city. However, the bill sponsors' memoranda noted that "there are several reasons why a resident may lack certification as an artist, including overly stringent city requirements for what constitutes 'fine art,' lack of responsiveness from [the Department of Cultural Affairs], and ongoing occupancy of a family home by a non-certified artist after a family member who was a certified artist has died." For these reasons, among others, many residents have occupied JLWQA units without certification for years and, in some cases, decades.

The Special SoHo/NoHo Mixed-Use District now allows residential use on an as-of-right basis, in addition to the continuation of existing JLWQA. The new zoning regulations allow for a voluntary conversion of a JLWQA unit to residential use by making a one-time contribution to the SoHo/NoHo Arts Fund of \$100 per square foot of converted floor area. However, the plan did not modify existing enforcement and fines for non-certified artist residents.

In both sponsors' memorandums of support for their bills, Senator Kavanagh and Assemblymember Glick noted that, under the new SoHo/NoHo zoning regulations, longstanding non-certified artist residents of JLWQA units do not have a path to legalize their units without being subjected to heavy fines. Senator Kavanagh and Assemblymember Glick's legislation seeks to ensure that these residents cannot be displaced from their homes as a result of the new zoning regulations. Instead, the proposed legislation would have the effect of requiring the payment of the JLWQA-to-residential conversion fee only by future purchasers of JLWQA units, who would be aware of the fee at the time of purchase, and existing non-certified artist residents of JLWQA units would be protected from Department of Buildings fines.

Earlier this year, the Coalition for Fairness in SoHo and NoHo filed an Article 78 action challenging the land use actions that formed the SoHo/NoHo Neighborhood Rezoning Plan, as adopted. The challenge claims, in part, that the JLWQA-to-residential conversion costs constitute an unconstitutional taking because they would be prohibitively high for residents. The Article 78 action is ongoing, and no decision has been issued.

The legislation is currently in the Assembly Housing Committee, chaired by Assemblymember Cymbrowitz, and in the Senate Housing Committee, chaired by the bill sponsor, Senator Kavanagh. The Senate bill has been placed on the May 9, 2022, Senate calendar, and the legislature has until June 2, 2022, to consider this legislation for a final vote before the legislative session comes to an



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end for the year.

We will continue to keep a close watch on the proposed state legislation and Article 78 action as they advance, and we welcome any requests for additional information.

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