FRIED FRANK

To Our Clients and Friends

# Memorandum

April 30, 2020

## *Update on City Land Use Agency Activity During COVID-19 Pandemic (April)*

New York City agencies involved in the land use and development process continue to operate remotely, and a number have begun virtual public hearings. As such, we continue to monitor changes in the activities of those agencies. Below is a list of agencies and their current operational status as of April 30, 2020, at 10am. Should you have any questions relating to ongoing land use applications, building permit approvals, or any other matter, feel free to contact one of us listed below.

City Planning Commission: On Monday, March 16, 2020, by executive order, Mayor Bill de Blasio suspended public review timeframes for projects that have begun the statutory Uniform Land Use Review Procedure Process (ULURP). That executive order was valid for five days, but has been continuously renewed. As of today, it is in effect through May 4, 2020. All City Planning Commission (CPC) meetings, including public hearings, continue to be suspended until further notice. Any land use approvals requiring a vote of the CPC, including ULURP applications, as well as other applications, such as authorizations, modifications, and/or renewals of prior special permits, will not receive final approval until the suspension on CPC meetings is lifted. This may not occur until Community Boards can either resume their public hearings or start meeting virtually. The Department of City Planning's press release regarding the executive order is available here.

Department of City Planning: Staff members have continued to work remotely during normal business hours. The Department of City Planning (DCP) is continuing to process draft applications and to meet by phone with applicants regarding new and ongoing projects.

DCP has temporarily revised filing protocols and is currently allowing only electronic filing. Application fees must be paid by e-check or credit card using an electronic payment system. To arrange for an electronic filing, applicants can either call (212) 720-3366 and leave a voicemail, or e-mail savila@planning.nyc.gov to submit new applications.

Department of Buildings: In order to limit the amount of walk-in traffic to the Department of Buildings (DOB) offices, DOB is providing drop-off boxes for application processing. Certain applications, such as permit renewals, must be processed online via DOB's eFiling system. DOB remains open from 8:30am to 2:00pm for the following in-person services: licensing, payments, plan pick-up, and records.

In accordance with Governor Andrew Cuomo's executive order, DOB is implementing the ban on non-essential construction. Guidance on what is considered essential versus non-essential can be found here, and an FAQ sheet can be found here. On April 26, 2020, Governor Cuomo outlined a phased plan to re-open New York after the current stay-at-home order expires on May 15, 2020. The first phase of this plan

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will allow low-risk construction to resume in upstate New York, with plans for downstate New York to be announced later.

Temporary Certificate of Occupancy payments and Certificate of Correction documents must be submitted online at http://www.nyc.gov/dobnow. Permits that would have expired during the state of emergency have been extended for the duration of the state of the emergency.

More information regarding DOB's response to the COIVD-19 pandemic can be found here.

Board of Standards and Appeals: The Board of Standards and Appeals (BSA) has begun to hold review sessions and public hearings via Zoom, with future dates available here. This format will allow for testimony and public participation via telephone call-in. However, BSA encourages the public to submit written testimony to submit@bsa.nyc.gov, as live testimony will be limited by time and technological constraints. In order to testify live, a member of the public must watch the hearing live on BSA's Youtube channel and call (646) 558-8656 when the calendar number of the topic the caller wants to testify about is announced. The caller will then be placed in a waiting room and will be told when it is their turn to testify.

BSA continues to review applications digitally and by phone. New applications can be submitted electronically to BSAfilings@bsa.nyc.gov, and follow-up submissions for active applications must be sent to submit@bsa.nyc.gov. Questions can be directed to the Board's office at (212) 386-0009.

Landmarks Preservation Commission: The Landmarks Preservation Commission (LPC) has resumed their weekly public hearings and meetings as of April 21, 2020 using Zoom, with future dates available here. The hearings are broadcast live on LPC's YouTube page. The format allows testimony and public participation. Those who wish to testify live must fill out a speaker form on the LPC website by 5:00pm on the Monday prior to the hearing. Live testimony can be provided via the Zoom application or via telephone, with detailed instructions found here.[1] Additionally, those who wish to testify may send written testimony to testimony@lpc.nyc.gov.

LPC continues to accept electronic filings by e-mail at applications@lpc.nyc.gov. LPC's instructions for electronic filing are available here.

City Council: After a suspension of its public hearings, the City Council has resumed meetings and hearings over Zoom, streamed on its website. Its first hearing and committee meeting was held on April 22, and future dates can be found here. The City Council is offering the opportunity to provide live testimony by web or by phone to those who register at least three days in advance online.[2] Additionally, members of the public can submit online written testimony up to 72 hours after the hearing has adjourned.

New York City Economic Development Corporation: Most staff members are working remotely, and we understand that the agency is devoting internal resources to the City's COVID-19 response, which may affect the timing of other matters.

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1 Questions regarding access to and/or participating in LPC virtual hearings should be directed to Rich Stein at richstein@lpc.nyc.gov or (646) 248-0220.

2 Those with questions regarding accessibility or who need additional accommodations should e-mail swerts@council.nyc.gov or nbenjamin@council.nyc.gov or call (212) 788-6936 at least three business days before the hearing.

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This memorandum is not intended to provide legal advice, and no legal or business decision should be based on its contents. If you have any questions about the contents of this memorandum, please call your regular Fried Frank contact or an attorney listed below:

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