FRIED FRANK

To Our Clients and Friends

Memorandum

March 19, 2020

Update on City Land Use Agency Activity During COVID-19 Pandemic

New York City's response to the COVID-19 pandemic continues to evolve, and we are closely monitoring the changes in the activities of certain agencies involved in the development process. Below is a list of these agencies and their current operational status as of March 19, 2020, at 12pm. Should you have any questions relating to ongoing land use applications, building permit approvals, or any other matter, feel free to reach out to someone from our team.

City Planning Commission: On Monday, March 16, 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 is valid for a maximum of five days, and must be renewed in order to remain in effect. In addition, all City Planning Commission meetings, including public hearings, are suspended until further notice. Any land use approvals requiring a vote of the Commission, 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 Commission meetings is lifted. The Department of City Planning's press release regarding the executive order is available here.

Department of City Planning: Many staff members are working remotely, and, as of today, the Department of City Planning is continuing to process draft applications and to meet by phone with applicants regarding new and ongoing projects.

The Department is continuing to require hardcopy filings of application materials, but is accepting filings by certified mail to its Central Intake office at 120 Broadway.

Department of Buildings: While the Department of Buildings (DOB) continues to review and process applications, efforts are being made to limit walk-in traffic at DOB offices.

For permit applications, the use of electronic filing is strongly encouraged where possible, and for transactions that cannot be processed on DOB's eFiling or DOB NOW systems, materials are to be delivered by mail.

In addition, materials in connection with enforcement actions and licensing are required to be submitted by mail, and there will be no in-person review of Certificates of Correction. DOB's current service notices regarding its COVID-19 response are available here and here.

Board of Standards and Appeals: The Board of Standards and Appeals has temporarily modified its application submission requirements in light of COVID-19. For new applications and follow-up

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submissions, electronic filing is strongly encouraged, with two hard copies of each submission to be mailed to the Board's offices at 250 Broadway.

Until further notice, in-person review of case files and archival materials is strongly discouraged, and Board staff will work to accommodate requests for such materials either electronically or by mail.

For public hearings, the Board is strongly encouraging the submission of written testimony rather than oral testimony, and the Board held its most recent hearing, on March 17, 2020, by live teleconference, with a reduced calendar. The Board's current notices regarding its COVID-19 response are available here and here.

Landmarks Preservation Commission: The Landmarks Preservation Commission (LPC) has canceled its public hearings for the remainder of March. For applications, LPC has temporarily modified its submission requirements to accept filings by email at applications@lpc.nyc.gov. Due to a reduced in-office workforce, electronic filings are being given priority for the duration of the City's COVID-19 response, and hardcopy submissions are expected to experience significant delays in processing. LPC's instructions for electronic filing are available here.

City Council: The City Council has suspended its public hearings and closed its offices at 250 Broadway until further notice.

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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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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