MEMORANDUM ADDRESSING REVIEW OF LAND MANAGEMENT DOCUMENTS AND OTHER MATERIALS AND DEEMED APPROVALS IN CONNECTION WITH THE COVID-19 EMERGENCY

On March 16, 2020, as part of a series of emergency declarations and orders, the Mayor and Health Commissioner issued an Emergency Order Temporarily Prohibiting Operation of Non-essential Businesses to Prevent the Spread of COVID-19 ("Emergency Order"). As of March 18, 2020, the City of Philadelphia ("City") has also shut down non-essential operations during this time of crisis.

The Philadelphia Housing Development Corporation ("PHDC"), the Philadelphia Redevelopment Authority ("PRA") and the Philadelphia Land Bank ("PLB") (PHDC, PRA and PLB, each, a "Land Management Agency", and together, the "Land Management Agencies"), recognize that the COVID-19 Pandemic is unprecedented. Along with the City, the Land Management Agencies' top priority is maintaining public health and the safety of all Philadelphians and those who work and invest in the City; by taking proactive steps we can help mitigate potential community spread.

Consistent with the Emergency Order and the City's general plan of operations during the emergency, certain activities of the Land Management Agencies have been suspended and our offices have been closed to all non-essential matters. Such closure has affected review and processing of Expressions of Interest ("EOIs"), property applications, competitive sale submissions, non-competitive sale submissions, side-yard/rear-yard applications, sale and/or development agreements, garden license
agreement requests, license agreement requests, City Council approval submission requests, Notices to Proceed (along with pre-construction meetings), Certificate of Completion requests, release/satisfaction requests, reservation letter requests, plan review requests, appraisal reviews and other land management documents (collectively, the "Land Management Documents") previously submitted, intended to be submitted or otherwise received or obtained by any Land Management Agency. Certain provisions of law and/or the City’s Land Disposition Policy may (i) provide for "deemed approvals" or "deemed denials" based on inaction of the applicable Land Management Agencies after the Land Management Documents have been submitted to or received by the applicable Land Management Agencies, and/or (ii) impose certain deadlines upon the Land Management Agencies. Therefore, the following emergency measures are required:

1. The non-performance of review by any of the Land Management Agencies, or their respective boards, committees or staff, in connection with any Land Management Documents during the Affected Review Period (defined below) will not constitute a "deemed approval" or "deemed denial" of any such Land Management Documents subject to review. "Affected Review Period" means the period from March 19, 2020, through sixty (60) days after the termination of the Emergency Order, as it may be extended.

2. All deadlines imposed by law and/or the City’s Land Disposition Policy are hereby tolled until expiration of the Affected Review Period.

3. The submission of EOIs after March 19, 2020, is hereby suspended indefinitely. EOIs, regardless of when submitted, will not be reviewed by any Land Management Agency unless and until otherwise directed.
4. Competitive sale submissions will be addressed on a case-by-case basis and applicants should review the applicable bid request on the PHDC website for further direction.

5. All other Land Management Documents may be submitted and will be reviewed by the appropriate Land Management Agency as and when time permits.

6. Any settlement deadlines contained in sale agreements, redevelopment agreements, development agreements and/or property development agreements are hereby tolled until the expiration of the Affected Review Period.

7. Any current individual garden agreement that has a term set to expire during the Affected Review Period shall automatically be extended for twelve (12) additional months under the same terms and conditions of the current individual garden agreement.

8. Unless specifically addressed in this Emergency Memorandum, all other terms, conditions and obligations set forth in any agreement with any of the Land Management Agencies shall continue in full force and effect.

9. This Emergency Memorandum is effective as of May 29, 2020.