

PHILADELPHIA LICENSE AND INSPECTION REVIEW BOARD

EMERGENCY REGULATION REESTABLISHING APPEAL FILING DEADLINES

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”).

On March 17, 2020, Board of License and Inspection Review (“Board”) issued an Emergency Regulation extending deadlines for filing appeals to the Board where such deadlines would have fallen between March 13, 2020 and March 31, 2020 and also provided authority to the Chairperson to extend such deadlines further, if warranted.

On March 22, 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”), which was approved as a regulation of the Board of Health on March 26, 2020 (effective March 27, 2020).

Subsequently the Chairman of the Board further extended all time limitation periods set forth in the March 17, 2020 Emergency Regulation, providing that all affected deadlines would be extended for the duration of the Mayor’s Emergency Orders, as amended.

On April 20, 2020, the Governor and the Secretary of Health of the Commonwealth issued amendments to their March 19, 2020 orders concerning the closure of business that are not life sustaining to authorize, inter alia, “limited construction activity” that would be authorized to commence in-person operations beginning on May 8, 2020.

On April 23, 2020, the Governor issued a document entitled “Guidance for Businesses in the Construction Industry Permitted to Operate During the COVID-19 Disaster Emergency,” which stated that, absent the establishment or maintenance of more stringent requirement by local governments, such limited construction activity could begin on May 1, 2020, which provided additional detail regarding safety and mitigation measures required to be followed in connection with such construction activity.

On April 29, 2020, the Mayor and Health Commissioner issued an Order lifting certain restrictions pertaining to projects for which building permits had been issued on or before March 20, 2020, which Order was adopted as a regulation of the Board of Health, effective April 30, 2020.

Because the resumption of certain limited activities, including the resumption of much construction activity, has been approved by the Mayor and Health Commissioner’s April 29, 2020 Order and subsequent Orders, and may be expanded further, the following regulations are adopted:

1. This Board’s Emergency Regulation of March 17, 2020 is hereby repealed and is replaced along with the Chairperson’s further extensions of appeal deadlines as follows.

2. Any appeal of an action for which the appeal deadline would have fallen on or after March 13, 2020, notwithstanding the extension of deadlines in the March 17, 2020 Emergency Regulation, as further extended by

the Chairman, shall be deemed timely filed if said appeal is filed by either June 8, 2020, or the deadline applicable to the action under the Philadelphia Code, whichever is later.

3. Hearings will be scheduled at the Board's discretion.

4. Anyone requesting an emergency hearing must fill out the Emergency Hearing Appeal Form attached to this emergency regulation. It can also be accessed for free at

<https://www.phila.gov/media/20200319164030/Emergency-BLIR-Hearing-Form.pdf>.

5. An emergency appeal will be deemed filed by sending an electronic copy to the following e-mail addresses: Michelle.Rand@phila.gov, suletazba@gmail.com, kristin.bray@phila.gov, and joanna.klein@phila.gov.

6. Upon the filing of an Emergency Hearing Appeal Form, the Board will seek the City's position on whether the matter should be heard at an emergency session.

7. After reviewing the Emergency Hearing Appeal Form and the City's position, the Board, in an Executive Session, will either set a date for an emergency hearing to take place telephonically or the Board will deny the request for the emergency hearing. The Board will announce its Executive Session decision via e-mail.

8. Based on the Mayor's March 11, 2020, Declaration of Extraordinary Circumstance that allows regulations related to addressing the pandemic to become effective immediately upon transmission to the Department of Records, this emergency regulation shall be effective immediately.

**The City of Philadelphia Board of License and
Inspection Review**