

## **Home Builders Association of Connecticut, Inc.**

### **Expiration Dates for Local Land Use Permits Extended To Allow Markets to Catch-Up to Existing Approvals**

**Senate Bill 859 (PA 11-5):** An early victory for the HBA, this bill does the following:

- extends permit expiration deadlines for subdivision, site plan and wetland permits by four years. These permits under current law expire after 5 years; In 2009, they were temporarily extended by one year; this bill extends to 9 years (with an additional discretionary 5 years up to a total of 14 years);
- The bill applies to all approvals in place on May 9, 2011 (i.e., the date the Governor signed the legislation) and for all approvals obtained up to July 1, 2011.

Note: An inadvertent oversight of this legislation is that while a subdivision of 400 or more lots was extended, the statute section dealing with 400 or more units in a site plan was not amended. This mistake should be corrected in the next session. Actual language of Public Act 11-5:

#### ***Public Act No. 11-5***

##### ***AN ACT EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (m) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) Notwithstanding the provisions of this section, any site plan approval made under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive] 2011, that has not expired prior to the effective date of this section, except an approval made under subsection (j) of this section, shall expire not less than [six] nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than [eleven] fourteen years from the date the site plan was approved.

Sec. 2. Subsection (e) of section 8-26c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of this section, any subdivision approval made under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive]

2011, that has not expired prior to the effective date of this section, shall expire not less than [six] ~~nine~~ years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided [the time for all extensions under this subsection shall not exceed eleven] ~~no subdivision approval, including all extensions, shall be valid for more than fourteen~~ years from the date the subdivision was approved.

Sec. 3. Subsection (c) of section 8-26g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of this section, [any approval of a subdivision of land for a project of four hundred or more dwelling units made during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than eleven years after the date of such approval] for any subdivision of land for a project consisting of four hundred or more dwelling units and approved prior to July 1, 2011, that has not expired prior to the effective date of this section, any person, firm or corporation making such subdivision shall complete all work in connection with such subdivision not later than the date fourteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such fourteen-year period expires.

Sec. 4. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive] 2011, that has not expired prior to the effective date of this section, shall expire not less than [six] ~~nine~~ years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than [eleven] ~~fourteen~~ years.

Approved May 9, 2011