



House of Representatives

General Assembly

File No. 439

January Session, 2009

Substitute House Bill No. 5254

House of Representatives, April 2, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 8-3 of the general statutes is amended by adding
2 subsection (m) as follows (*Effective July 1, 2009*):

3 (NEW) (m) Notwithstanding the provisions of this section, any site
4 plan approval made under this section on or before July 1, 2009, except
5 an approval made under subsection (j) of this section, shall expire not
6 less than eight years after the date of such approval and the
7 commission may grant one or more extensions of time to complete all
8 or part of the work in connection with such site plan, provided no
9 approval, including all extensions, shall be valid for more than thirteen
10 years from the date the site plan was approved.

11 Sec. 2. Section 8-26c of the general statutes is amended by adding
12 subsection (e) as follows (*Effective July 1, 2009*):

13 (NEW) (e) Notwithstanding the provisions of this section, any
 14 subdivision approval made under this section on or before July 1, 2009,
 15 shall expire not less than eight years after the date of such approval
 16 and the commission may grant one or more extensions of time to
 17 complete all or part of the work in connection with such subdivision,
 18 provided the time for all extensions under this subsection shall not
 19 exceed thirteen years from the date the subdivision was approved.

20 Sec. 3. Section 22a-42a of the general statutes is amended by adding
 21 subsection (g) as follows (*Effective July 1, 2009*):

22 (NEW) (g) Notwithstanding the provisions of subdivision (2) of
 23 subsection (d) of this section, any permit issued under this section on
 24 or before July 1, 2009, shall expire not less than eight years after the
 25 date of such approval. Any such permit shall be renewed upon request
 26 of the permit holder unless the agency finds that there has been a
 27 substantial change in circumstances that requires a new permit
 28 application or an enforcement action has been undertaken with regard
 29 to the regulated activity for which the permit was issued, provided no
 30 such permit shall be valid for more than thirteen years.

31 Sec. 4. Section 8-26g of the general statutes is amended by adding
 32 subsection (c) as follows (*Effective July 1, 2009*):

33 (NEW) (c) Notwithstanding the provisions of this section, any
 34 approval of a subdivision of land for a project of four hundred or more
 35 dwelling units made on or before July 1, 2009, shall expire not less than
 36 thirteen years after the date of such approval.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	8-3
Sec. 2	<i>July 1, 2009</i>	8-26c
Sec. 3	<i>July 1, 2009</i>	22a-42a
Sec. 4	<i>July 1, 2009</i>	8-26g

Statement of Legislative Commissioners:

In section 2, after the words "provided the time for all extensions" the word "subdivision" was changed to "subsection" for technical accuracy. In section 3, "any permit issued under this section before July 1, 2009" was changed to "any permit issued under this section on or before July 1, 2009" for internal consistency.

PD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill extends the time frame for certain land use approvals and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5254*****AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.*****SUMMARY:**

This bill gives developers more time to complete ongoing projects. It does so by resetting the statutory deadlines planning and zoning commissions and inland wetland agencies may impose on projects they approve on or before July 1, 2009. The deadlines currently range from within two to five years for projects in wetlands to 10 years for large-scale residential and commercial projects. In some cases, current law allows the commissions to extend the deadlines for up to 10 years from a project's approval date.

The bill resets these deadlines for projects that were approved on or before July 1, 2009, except large-scale residential and commercial projects approved under a site plan review. The new deadlines range from eight to 13 years after a project's approval date. In some cases, the bill allows zoning and planning commissions to extend eight-year deadlines to 13 years after the project's approval. The extensions do not apply for large-scale housing and business development projects approved under a site plan review.

EFFECTIVE DATE: July 1, 2009

PROJECT COMPLETION DEADLINES

The bill resets the initial and extended deadlines that apply to subdivisions, wetlands permits, and relatively small-scale site plans that were approved on or before July 1, 2009. The table below highlights this change.

Deadlines and Extensions Under Current Law and the Bill

Deadlines		
Land Use Approval	Current Law	Bill
Residential site plans for projects with 400 or more units (CGS § 8-3 (j))	Within 10 years of approval	No change
Business site plans for projects with at least 400,000 square feet (CGS § 8-3 (j))	Between five and 10 years after approval	No change
Other site plans (CGS § 8-3 (i))	Within five years of approval	Not less than eight years after approval
Subdivisions plans for 400 or more dwelling units (CGS § 8-26g)	Within 10 years of approval	13 years after approval
Other subdivisions (CGS § 8-26c (a))	Within five years of approval	Within eight years of approval
Wetlands permits for site plans and subdivisions (CGS § 22a-42a (d)(2))	Permit expires five years after approval	Permits expire within eight years of approval
Other wetlands permits (CGS § 22a-42a (d)(2))	Permit expires between two and five years after approval	
Extensions		
Land Use Approval	Current Law	Bill
Residential site plans for projects with 400 or more units (CGS § 8-3 (j))	No extensions	No change
Business site plans for projects with at least 400,000 square feet (CGS § 8-3 (j))	Up to 10 years of approval if the initial deadline was less than 10 years	No change
Other site plans (CGS § 8-3 (i))	Up to 10 years from approval	Up to 13 years from approval
Subdivision plans for 400 or more dwelling units (CGS § 8-26g)	No extensions	No change
Other subdivisions (CGS § 8-26c (b))	Up to 10 years from approval	Up to 13 years from approval
Wetlands permits for site plans and subdivisions (CGS § 22a-42a (d)(2))	Permit expiration date may be extended up to 10 years from approval	Permit expiration date may be extended up to 13 years from approval
Other wetlands permits (CGS § 22a-42a (d)(2))		

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/13/2009)