



# House of Representatives

**File No. 976**

General Assembly

January Session, 2009

**(Reprint of File No. 439)**

Substitute House Bill No. 5254  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 18, 2009

**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 from passage*):

3 (NEW) (m) Notwithstanding the provisions of this section, any site  
4 plan approval made under this section during the period from July 1,  
5 2006, to July 1, 2009, inclusive, except an approval made under  
6 subsection (j) of this section, shall expire not less than six years after  
7 the date of such approval and the commission may grant one or more  
8 extensions of time to complete all or part of the work in connection  
9 with such site plan, provided no approval, including all extensions,  
10 shall be valid for more than eleven years from the date the site plan  
11 was approved.

12 Sec. 2. Section 8-26c of the general statutes is amended by adding  
13 subsection (e) as follows (*Effective from passage*):

14 (NEW) (e) Notwithstanding the provisions of this section, any  
 15 subdivision approval made under this section during the period from  
 16 July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six  
 17 years after the date of such approval and the commission may grant  
 18 one or more extensions of time to complete all or part of the work in  
 19 connection with such subdivision, provided the time for all extensions  
 20 under this subsection shall not exceed eleven years from the date the  
 21 subdivision was approved.

22 Sec. 3. Section 22a-42a of the general statutes is amended by adding  
 23 subsection (g) as follows (*Effective from passage*):

24 (NEW) (g) Notwithstanding the provisions of subdivision (2) of  
 25 subsection (d) of this section, any permit issued under this section  
 26 during the period from July 1, 2006, to July 1, 2009, inclusive, shall  
 27 expire not less than six years after the date of such approval. Any such  
 28 permit shall be renewed upon request of the permit holder unless the  
 29 agency finds that there has been a substantial change in circumstances  
 30 that requires a new permit application or an enforcement action has  
 31 been undertaken with regard to the regulated activity for which the  
 32 permit was issued, provided no such permit shall be valid for more  
 33 than eleven years.

34 Sec. 4. Section 8-26g of the general statutes is amended by adding  
 35 subsection (c) as follows (*Effective from passage*):

36 (NEW) (c) Notwithstanding the provisions of this section, any  
 37 approval of a subdivision of land for a project of four hundred or more  
 38 dwelling units made during the period from July 1, 2006, to July 1,  
 39 2009, inclusive, shall expire not less than eleven years after the date of  
 40 such approval.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3
Sec. 2	<i>from passage</i>	8-26c

Sec. 3	<i>from passage</i>	22a-42a
Sec. 4	<i>from passage</i>	8-26g

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***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.

House "A" alters the underlying bill by changing various dates of the bill's provisions and is also not anticipated to result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5254 (as amended by House "A")\******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 approved between July 1, 2006, and July 1, 2009, inclusive. The deadlines currently range from within two to five years for wetlands projects to 10 years for large-scale residential and commercial projects. In some cases, current law allows the commissions and agencies to extend the deadlines for up to 10 years from a project's approval date.

The bill's deadlines apply to all projects except large-scale residential and commercial projects approved under a site plan review. The new deadlines range from six to 11 years after a project's approval date. In some cases, the bill allows zoning and planning commissions to extend six-year deadlines to 11 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. The bill also allows wetlands agencies to extend a permit's expiration date for up to 11 years.

\*House Amendment "A" narrows the range of projects subject to the bill's deadlines to those approved between July 1, 2006 and July 1, 2009. Under the original version of the bill, the deadlines applied to projects approved on or before July 1, 2009.

EFFECTIVE DATE: Upon passage

## 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 between July 1, 2006, and July 1, 2009, inclusive. It does not affect projects with approval dates outside this timeframe. The table below highlights this change.

### ***Deadlines and Extensions under Current Law and the Bill for Projects Approved between July 1, 2006 and July 1, 2009***

<b>Deadlines</b>		
<b><i>Land Use Approval</i></b>	<b><i>Current Law (CGS §)</i></b>	<b><i>Bill (§)</i></b>
Residential site plans for projects with 400 or more units	Within 10 years after approval (CGS § 8-3 (j))	No change
Business site plans for projects with at least 400,000 square feet	Between five and 10 years after approval (CGS § 8-3 (j))	No change
Other site plans	Within five years of approval (CGS § 8-3 (i))	Not less than six years after approval (§ 1)
Subdivisions plans for 400 or more dwelling units	Within 10 years of approval (CGS § 8-26g)	11 years after approval (§ 4)
Other subdivisions	Within five years of approval (CGS § 8-26c (a))	Within six years of approval (§ 2)
Wetlands permits for site plans and subdivisions	Permit expires five years after approval (CGS § 22a-42a (d)(2))	Permits expire within six years of approval (§ 4)
Other wetlands	Permit expires between two and five years after approval permits (CGS § 22a-42a (d)(2))	
<b>Extensions</b>		
<b><i>Land Use Approval</i></b>	<b><i>Current Law</i></b>	<b><i>Bill</i></b>
Residential site plans for projects with 400 or more units	No extensions (CGS § 8-3 (j))	No change
Business site plans for projects with at least 400,000 square feet	Up to 10 years from approval if the initial deadline was less than 10 years (CGS § 8-3 (j))	No change
Other site plans	Up to 10 years from approval	Up to 11 years from

	(CGS § 8-3 (i))	approval (§ 1)
Subdivision plans for 400 or more dwelling units	No extensions (CGS § 8-26g)	No change
Other subdivisions	Up to 10 years from approval (CGS § 8-26c (b))	Up to 11 years from approval (§ 2)
Wetlands permits for site plans and subdivisions	Permit expiration date may be extended up to 10 years from approval (CGS § 22a-42a (d)(2))	Permit expiration date may be extended up to 11 years from approval (§ 3)
Other wetlands permits		

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/13/2009)

Environment Committee

Joint Favorable

Yea 21 Nay 4 (04/14/2009)