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## OLR Bill Analysis

**sHB 6541 (as amended by House "A")\***

### ***AN ACT CONCERNING THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS.***

#### **SUMMARY**

This bill gives developers more time to complete certain ongoing projects without seeking reapproval from local land use boards, commissions, or agencies. It applies only to approvals and permits that were (1) approved before July 1, 2011, and (2) unexpired when the bill takes effect.

Specifically, the bill extends the initial and extended statutory deadlines for completing projects that require certain subdivision, wetlands, or site plan approval. Generally, under the bill, these approvals are valid for at least 14 years and up to 19 years.

The bill's 14- and 19-year completion timeframes also apply to site plan and subdivision approvals and other permits (other than special permits or exceptions) granted by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals, or inland wetlands agency exercising land use powers under a special act.

The bill establishes a minimum amount of time, 19 years, a developer has to complete work related to a special permit or special exception, regardless of a locally set deadline. This 19-year minimum applies to approvals granted by municipalities exercising land use powers under the statutes or a special act.

Executive Order (EO) 7JJ, § 3, issued on May 6, 2020, and subsequently extended, generally tolls the expiration dates for various land use approvals that were valid on March 10, 2020 (including site plan, wetlands, and subdivision approvals), thus pausing these

approvals so they will not expire during the declared emergencies.

\*House Amendment "A" eliminates the provision in the underlying bill concerning the effective date of inland wetlands permits and adds the provisions concerning local land use approvals granted before July 1, 2011.

EFFECTIVE DATE: Upon passage, and applicable to approvals made before July 1, 2011.

### **SPECIAL PERMIT OR EXCEPTION PROJECT COMPLETION DEADLINES**

The bill establishes a minimum validity period for unexpired special permit or exception approvals that (1) were granted before July 1, 2011, and (2) specified a deadline by which all work in connection with the approval must be completed. Under the bill, these approvals are valid for at least 19 years after the approval is granted. Existing statutes do not impose any minimum validity periods for these approvals (see BACKGROUND).

The bill specifies that (1) the applicable land use board, commission, or agency may extend these approvals beyond 19 years and (2) this minimum 19-year validity period applies to special permits or exceptions approved by a municipality exercising land use powers under the statutes or a special act.

### **OTHER PROJECT COMPLETION DEADLINES**

#### ***Municipalities Exercising Authority Under the Statutes***

The bill extends the initial and extended deadlines for completing projects approved before July 1, 2011, that require certain subdivision, wetlands, or site plan approvals. (These deadlines were previously extended by legislation in 2009 and 2011.)

The bill extends, from 14 to 19 years, the duration of subdivision approvals for projects with at least 400 dwelling units.

The bill also extends by five years the minimum initial approval period for the following approvals:

1. site plan approvals (except for projects containing at least 400 dwelling units or having an area of 400,000 square feet or more);
2. subdivision approvals for projects with fewer than 400 dwelling units; and
3. wetlands permits.

Under the bill, these initial approvals must be valid for at least 14 years, rather than at least nine years, as under current law. The bill correspondingly extends the extended deadlines for these approvals from 14 to 19 years.

### ***Municipalities Exercising Authority Under a Special Act***

The bill sets a minimum approval duration of 14 years for site plan and subdivision approvals and other permits (except special permits or exceptions, see above) granted by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals, or inland wetlands agency exercising land use powers under a special act.

The bill specifies that local boards or agencies may approve extensions, but caps the total duration of an approval, including extensions, at 19 years (except special permits or exceptions, see above). The 14- and 19-year timeframes are calculated based on the initial approval date and apply regardless of conflicting special acts or approval conditions.

## **BACKGROUND**

### ***Related Executive Order***

Under EO 7JJ, the expiration date of various land use approvals is tolled during the declared emergencies (§ 3, issued on May 6, 2020, and subsequently extended through June 30, 2021). The tolling provision applies only if the approval-holder was not in violation of the approval's conditions on March 10, 2020, and did not violate them during the declared emergencies. (A waiver of this requirement is available.)

**Related Bills**

SB 970 (File 321, as amended by Senate "A" and passed by the Senate) gives developers more time to complete an ongoing project that was approved on or after July 1, 2011.

sSB 6531 (File 685, as amended by Senate "A" and passed by both chambers), (1) generally delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals and (2) gives developers more time to complete an ongoing project approved on or after July 1, 2011.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2021)