



House of Representatives

File No. 685

General Assembly

January Session, 2021 **(Reprint of File No. 172)**

Substitute House Bill No. 6531
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 13, 2021

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS, THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS, AND 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. (NEW) (*Effective July 1, 2021*) (a) As used in this section:
- 2 (1) "Covered individual" means any party to a covered matter who is
3 an income-eligible tenant, lessee or occupant, for residential purposes,
4 of any land or building, any apartment in any building, any dwelling
5 unit, any trailer or mobile manufactured home or any land upon which
6 a trailer or mobile manufactured home is used or stands;
- 7 (2) "Covered matter" means any notice to quit delivered to, or any
8 summary process action instituted against, a covered individual
9 pursuant to chapter 832 or chapter 412 of the general statutes or any
10 administrative proceeding against a covered individual necessary to

11 preserve a state or federal housing subsidy or to prevent a proposed
12 termination of the lease;

13 (3) "Designated organization" means any not-for-profit legal services
14 organization that provides legal representation in a covered matter to a
15 covered individual;

16 (4) "Administering entity" means the organization contracted by or
17 party to a memorandum of agreement with the Judicial Branch to
18 administer the right to counsel program in accordance with subsection
19 (b) of this section;

20 (5) "Legal representation" means representation in a covered matter
21 provided by a designated organization to a covered individual, and all
22 legal advice, advocacy and assistance associated with such
23 representation, subject to and in accordance with the Rules of
24 Professional Conduct;

25 (6) "Income-eligible" means (A) having household income at or below
26 eighty per cent of the state median income adjusted for family size, as
27 determined by the United States Department of Housing and Urban
28 Development, at the time of the request for representation; or (B)
29 receiving one of the following types of public assistance: (i) Temporary
30 Assistance for Needy Families, (ii) Supplemental Nutrition Assistance
31 Program benefits, (iii) Medicaid, (iv) Supplemental Security Income, (v)
32 refugee resettlement benefits, (vi) rental assistance under chapter 138a
33 of the general statutes, or (vii) the federal Housing Choice Voucher
34 Program, 42 USC 1437f(o);

35 (7) "Tenant", "landlord", "owner" and "dwelling unit" have the same
36 meanings as provided in section 47a-1 of the general statutes;

37 (8) "Notice to quit" means any notice to quit possession or occupancy
38 delivered pursuant to chapter 832 or chapter 412 of the general statutes
39 to a lessee or occupant;

40 (9) "Lessee or occupant" means any tenant, lessee or occupant, for

41 residential purposes, of any land or building, apartment in any building,
42 dwelling unit, trailer or mobile manufactured home, or land upon
43 which a trailer or mobile manufactured home is used or stands;

44 (10) "Extremely low-income household" means a household whose
45 income does not exceed thirty per cent of the state median income, as
46 adjusted for the size of the household, as determined by the United
47 States Department of Housing and Urban Development;

48 (11) "Right to counsel program" means the state-wide right to counsel
49 program to provide legal representation to a covered individual in a
50 covered matter established under this section.

51 (b) There is established a right to counsel program for the purpose of
52 providing any covered individual with legal representation at no cost in
53 a covered matter initiated on or after July 1, 2021. The Judicial Branch
54 shall, using available federal funds, contract with or enter a
55 memorandum of agreement with an administering entity to administer
56 the right to counsel program. The administering entity, within the
57 funding available to it for the right to counsel program, shall contract
58 with designated organizations to provide legal representation under
59 this section. A designated organization may subcontract with a
60 nonprofit or community organization to provide legal representation to
61 a covered individual, and to provide tenant outreach and education. A
62 designated organization shall, at a minimum: (1) Have substantial
63 expertise in housing law and landlord tenant law and substantial
64 experience furnishing free legal assistance to eligible individuals; (2)
65 have a demonstrated history of serving the low-income community; (3)
66 identify the geographic area in which such organization provides legal
67 representation; (4) have a plan to reach and provide legal representation
68 to income-eligible persons with limited English proficiency; and (5)
69 provide appropriate supervision and training.

70 (c) The administering entity may receive funds or services from the
71 state or federal government, corporations, associations or individuals to
72 pay the cost of: (1) Providing legal representation to covered individuals

73 in covered matters; (2) administering the right to counsel program for
74 the administering entity and designated organizations; and (3)
75 providing tenant outreach and education.

76 (d) The Judicial Branch may receive state or federal funds pursuant
77 to this section for the purpose of appointing additional housing
78 mediators under section 47a-69 of the general statutes to facilitate the
79 resolution of summary process actions.

80 (e) (1) There is established a working group to advise on matters and
81 policies affecting the right to counsel program, to effectuate the right to
82 counsel. The working group shall consist of the following members:

83 (A) Two appointed by the speaker of the House of Representatives;

84 (B) Two appointed by the president pro tempore of the Senate;

85 (C) One appointed by the majority leader of the House of
86 Representatives;

87 (D) One appointed by the majority leader of the Senate;

88 (E) One appointed by the minority leader of the House of
89 Representatives;

90 (F) One appointed by the minority leader of the Senate;

91 (G) The Commissioner of Housing, or the commissioner's designee;

92 (H) A representative of the administering entity; and

93 (I) A representative of the Judicial Branch.

94 (2) All initial appointments to the working group shall be made not
95 later than thirty days after the effective date of this section. Members
96 shall serve for a term of four years and may be reappointed or continue
97 to serve until such member's successor is appointed. Any vacancy shall
98 be filled by the appointing authority.

99 (3) The Commissioner of Housing, or the commissioner's designee,
100 shall serve as chairperson of the working group. Such chairperson shall
101 schedule the first meeting of the working group, which shall be held not
102 later than sixty days after the effective date of this section. The
103 chairperson shall convene the working group on a regular basis, but not
104 less than three times per year.

105 (4) The Department of Housing shall provide administrative support
106 to the working group.

107 (f) (1) The Judicial Branch, in consultation with the administering
108 entity, working group and designated organizations, shall approve a
109 one-page plain-language notice to inform a tenant of the rights under
110 the right to counsel program. Such notice shall be made available on the
111 Judicial Branch's Internet web site and available to the public. Such
112 notice shall include a phone number for accessing information and
113 applying for assistance.

114 (2) On or after July 1, 2021, an owner, lessor, landlord, legal
115 representative or agent of an owner, lessor or landlord, a housing
116 authority or a housing subsidy program administrator, as applicable,
117 shall attach a copy of the notice described under subdivision (1) of this
118 subsection, to (A) a notice to quit delivered to a covered individual
119 pursuant to chapter 832 or chapter 412 of the general statutes; (B) a
120 summons and complaint for a summary process action pursuant to
121 chapter 832 or chapter 412 of the general statutes; (C) a lease termination
122 notice for a public or subsidized housing unit; and (D) a notice to
123 terminate a state or federal housing subsidy.

124 (3) Any court notice scheduling a mediation or hearing that is sent to
125 a self-represented party in a covered matter shall include plain language
126 information about the availability of legal representation through the
127 right to counsel program and a phone number for accessing information
128 and applying for assistance.

129 (g) The administering entity, in consultation with the working group
130 and designated organizations, shall determine how to phase in the

131 provision of legal representation to covered individuals in covered
132 matters under the right to counsel program based on all relevant factors,
133 including, but not limited to: (1) The prioritization of certain groups of
134 individuals by income, zip codes, census tracts or other priority criteria
135 developed in consultation with the designated organizations and the
136 working group; (2) the availability of program funding; (3) the number
137 of trained legal services attorneys available to provide legal
138 representation; and (4) the scope of the need for legal representation.

139 (h) Nothing in this section shall be construed to establish any right
140 enforceable by a covered individual against a designated organization
141 or the administering entity.

142 (i) Not later than January 1, 2023, and annually thereafter, the
143 administering entity shall submit a report, in accordance with the
144 provisions of section 11-4a of the general statutes, to the joint standing
145 committees of the General Assembly having cognizance of matters
146 relating to housing and the Judicial Department. Such report shall
147 include the following information: (1) The number of covered
148 individuals provided legal representation pursuant to this section; (2)
149 the extent of legal representation provided; (3) any outcomes achieved,
150 such as the rates of tenant representation, tenant retention of housing or
151 other appropriate outcome measures; and (4) the engagement and
152 education of tenants.

153 Sec. 2. Subsection (d) of section 22a-42a of the general statutes is
154 repealed and the following is substituted in lieu thereof (*Effective July 1,*
155 *2021, and applicable to permits issued on or after July 1, 2021*):

156 (d) (1) In granting, denying or limiting any permit for a regulated
157 activity the inland wetlands agency, or its agent, shall consider the
158 factors set forth in section 22a-41, and such agency, or its agent, shall
159 state upon the record the reason for its decision. In granting a permit the
160 inland wetlands agency, or its agent, may grant the application as filed
161 or grant it upon other terms, conditions, limitations or modifications of
162 the regulated activity which are designed to carry out the policy of

163 sections 22a-36 to 22a-45, inclusive. Such terms may include any
164 reasonable measures which would mitigate the impacts of the regulated
165 activity and which would (A) prevent or minimize pollution or other
166 environmental damage, (B) maintain or enhance existing environmental
167 quality, or (C) in the following order of priority: Restore, enhance and
168 create productive wetland or watercourse resources. Such terms may
169 include restrictions as to the time of year in which a regulated activity
170 may be conducted, provided the inland wetlands agency, or its agent,
171 determines that such restrictions are necessary to carry out the policy of
172 sections 22a-36 to 22a-45, inclusive. No person shall conduct any
173 regulated activity within an inland wetland or watercourse which
174 requires zoning or subdivision approval without first having obtained
175 a valid certificate of zoning or subdivision approval, special permit,
176 special exception or variance or other documentation establishing that
177 the proposal complies with the zoning or subdivision requirements
178 adopted by the municipality pursuant to chapters 124 to 126, inclusive,
179 or any special act. The agency may suspend or revoke a permit if it finds
180 after giving notice to the permittee of the facts or conduct which warrant
181 the intended action and after a hearing at which the permittee is given
182 an opportunity to show compliance with the requirements for retention
183 of the permit, that the applicant has not complied with the conditions or
184 limitations set forth in the permit or has exceeded the scope of the work
185 as set forth in the application. The applicant shall be notified of the
186 agency's decision by certified mail within fifteen days of the date of the
187 decision and the agency shall cause notice of their order in issuance,
188 denial, revocation or suspension of a permit to be published in a
189 newspaper having a general circulation in the town wherein the
190 wetland or watercourse lies. In any case in which such notice is not
191 published within such fifteen-day period, the applicant may provide for
192 the publication of such notice within ten days thereafter.

193 (2) (A) Any permit issued under this section for the development of
194 property for which an approval is required under chapter 124, 124b, 126
195 or 126a shall (i) not take effect until each such approval, as applicable,
196 granted under such chapter has taken effect, and (ii) be valid until the

197 approval granted under such chapter expires or for ten years, whichever
198 is earlier.

199 (B) Any permit issued under this section for any activity for which an
200 approval is not required under chapter 124, 124b, 126 or 126a shall be
201 valid for not less than two years and not more than five years. Any such
202 permit shall be renewed upon request of the permit holder unless the
203 agency finds that there has been a substantial change in circumstances
204 which requires a new permit application or an enforcement action has
205 been undertaken with regard to the regulated activity for which the
206 permit was issued, provided no permit may be valid for more than ten
207 years.

208 Sec. 3. Subsection (m) of section 8-3 of the general statutes is repealed
209 and the following is substituted in lieu thereof (*Effective July 1, 2021, and*
210 *applicable to permits issued on or after July 1, 2021*):

211 (m) Notwithstanding the provisions of this section, any site plan
212 approval made under this section prior to July 1, 2011, that has not
213 expired prior to May 9, 2011, except an approval made under subsection
214 (j) of this section, shall expire not less than [nine] fourteen years after the
215 date of such approval and the commission may grant one or more
216 extensions of time to complete all or part of the work in connection with
217 such site plan, provided no approval, including all extensions, shall be
218 valid for more than [fourteen] nineteen years from the date the site plan
219 was approved.

220 Sec. 4. Subsection (e) of section 8-26c of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective July 1,*
222 *2021, and applicable to permits issued on or after July 1, 2021*):

223 (e) Notwithstanding the provisions of this section, any subdivision
224 approval made under this section prior to July 1, 2011, that has not
225 expired prior to May 9, 2011, shall expire not less than [nine] fourteen
226 years after the date of such approval and the commission may grant one
227 or more extensions of time to complete all or part of the work in
228 connection with such subdivision, provided no subdivision approval,

229 including all extensions, shall be valid for more than [fourteen] nineteen
230 years from the date the subdivision was approved.

231 Sec. 5. Subsection (c) of section 8-26g of the general statutes is
232 repealed and the following is substituted in lieu thereof (*Effective July 1,*
233 *2021, and applicable to permits issued on or after July 1, 2021*):

234 (c) Notwithstanding the provisions of this section, for any
235 subdivision of land for a project consisting of four hundred or more
236 dwelling units and approved prior to July 1, 2011, that has not expired
237 prior to May 9, 2011, any person, firm or corporation making such
238 subdivision shall complete all work in connection with such subdivision
239 not later than the date [fourteen] nineteen years after the date of
240 approval of the plan for such subdivision. The commission's
241 endorsement of approval on the plan shall state the date on which such
242 [fourteen-year] nineteen-year period expires.

243 Sec. 6. Subsection (g) of section 22a-42a of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective July 1,*
245 *2021, and applicable to permits issued on or after July 1, 2021*):

246 (g) Notwithstanding the provisions of subdivision (2) of subsection
247 (d) of this section, any permit issued under this section prior to July 1,
248 2011, that has not expired prior to May 9, 2011, shall expire not less than
249 [nine] fourteen years after the date of such approval. Any such permit
250 shall be renewed upon request of the permit holder unless the agency
251 finds that there has been a substantial change in circumstances that
252 requires a new permit application or an enforcement action has been
253 undertaken with regard to the regulated activity for which the permit
254 was issued, provided no such permit shall be valid for more than
255 [fourteen] nineteen years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021(Effective July 1, 2021</i>	New section

Sec. 2	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	22a-42a(d)
Sec. 3	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-3(m)
Sec. 4	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-26c(e)
Sec. 5	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-26g(c)
Sec. 6	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	22a-42a(g)

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.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill establishes a right to counsel in eviction proceedings, to be administered by an entity contracted by the Judicial Department, and does not result in a fiscal impact to the state or municipalities. The funding mechanism for the program, which is unchanged by the amendment, includes funds or services from the government, corporations, associations, or individuals to pay for the cost of administering the program and providing legal representation.

In addition, the bill creates a working group to advise on matters and policies affecting the right to counsel program. These changes are not anticipated to result in a fiscal impact.

The bill also stipulates that certain permits issued by inland wetlands agencies will not take effect until planning or zoning commissions approve land use applications. This is not anticipated to result in a fiscal impact as it does not alter permit fees or when permits are issued.

House "A" removes the Connecticut Bar Foundation from the administering entity and adds the inland wetlands permit language.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6531 (as amended by House "A")******AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.*****SUMMARY**

This bill makes unrelated changes regarding (1) certain individuals' right to counsel in eviction proceedings and (2) local land use approvals.

The bill establishes a state-wide "right to counsel program" to provide free legal representation to income-eligible tenants, lessees, or occupants of any residential building or land (i.e., "covered individuals") in a covered matter initiated on or after July 1, 2021. Under the bill, a "covered matter" is an eviction proceeding or administrative proceeding necessary to preserve a state or federal housing subsidy or prevent a proposed lease termination.

It requires the Judicial Branch to use available federal funds to either contract with, or enter a memorandum of agreement with, an entity to administer the program (i.e., "administering entity"). It also establishes an 11-member working group to advise on matters and policies affecting the right to counsel program.

The bill requires the administering entity, within available funding, to contract with designated organizations (i.e., not-for-profit legal services organizations) to provide legal representation under the program. Additionally, it requires the administering entity to (1) determine, in consultation with the working group and designated organizations, how to phase in the program based on certain relevant factors and (2) starting by January 1, 2023, annually report to the Housing Committee and Judicial Department on the number of individuals represented under the program, the extent of the representation, case outcomes, and tenant engagement and education.

It also requires the Judicial Branch to (1) in consultation with the administering entity, working group, and designated organizations, approve a one-page plain-language notice for landlords and certain others, starting July 1, 2021, to inform individuals of their rights under the program and (2) make the notice available publicly and on its website.

The bill also specifies that it does not establish any right enforceable by a covered individual against a designated organization or the administering entity.

Regarding local land use approvals, the bill generally delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals (e.g., special permits, zoning variances, site plans, subdivision plans) (§ 501). The bill also extends the initial and extended deadlines for completing projects approved before July 1, 2011, that require certain subdivision, wetlands, or site plan approval. However, these extensions do not appear to have any legal effect, as they conflict with the provisions' effective date. The effective date specifies that the extensions apply only to permits issued on or after July 1, 2021 (§§ 502-505).

*House Amendment "A" (1) changes the effective date of the right to counsel program to July 1, 2021, and specifies that the program applies to covered matters initiated on or after that date; (2) requires the judicial branch to procure the program's administering entity, instead of requiring that a private organization be the entity; (3) replaces the 15-member advisory council in the underlying bill with an 11-member working group to advise on the program; (4) eliminates a provision that makes people eligible for the program if they are unable to timely secure legal representation due to certain factors; (5) requires the judicial branch, instead of the administering entity, to develop the plain language notice; (6) eliminates the requirement for designated organizations to incorporate certain paralegals, legal interns, or law students to provide services; (7) eliminates the administering entity's express authorization to use the funds it receives to pay the cost of

attorney training; (8) allows the judicial branch to use the state and federal funds it receives under the bill to appoint additional housing mediators; (9) adds the provisions concerning local land use approvals (§§ 501-505); and (10) makes other minor changes.

EFFECTIVE DATE: July 1, 2021, and the land use approval provisions are applicable to permits issued on or after July 1, 2021.

RIGHT TO COUNSEL PROGRAM

Program Eligibility

Under the bill, the right to counsel program is available to income-eligible residential tenants, lessees, or occupants who are parties in an eviction or certain administrative proceedings as described above. The bill specifies that it applies to any residential land or building, apartment, or dwelling unit, including trailers or mobile manufactured homes and associated lots.

Under the bill, an individual is “income-eligible” if he or she:

1. has household income at or below 80% of the state median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD), at the time of the request for representation; or
2. receives one of the following types of public assistance: (a) Temporary Assistance for Needy Families, (b) Supplemental Nutrition Assistance Program benefits, (c) Medicaid, (d) Supplemental Security Income, (e) refugee resettlement benefits, (f) state rental assistance, or (g) federal Housing Choice Voucher Program assistance.

Designated Organization’s Minimum Standards

The administering entity, within available funding, must contract with designated organizations to provide legal representation under the program. Under the bill “legal representation” in the program means representation in a covered matter provided by a designated organization to a covered individual, and all legal advice, advocacy, and

assistance associated with the representation, subject to and in accordance with the Rules of Professional Conduct.

A designated organization is a nonprofit legal services organization that must:

1. have substantial expertise in (a) housing and landlord tenant law and (b) furnishing free legal assistance to eligible individuals;
2. have a demonstrated history of serving the low-income community;
3. identify the geographic area in which the organization provides legal representation;
4. have a plan to reach and provide legal representation to income-eligible individuals with limited English proficiency; and
5. provide appropriate supervision and training.

A designated organization may subcontract with a nonprofit or community organization to provide legal representation and tenant outreach and education under the program.

Working Group

The bill establishes an 11-member working group to advise on matters and policies affecting the right to counsel program, to effectuate the right to counsel.

Members and Appointments. The working group consists of the following members:

1. two each appointed by the Senate President and the House Speaker;
2. one each appointed by the Senate and House majority and minority leaders;
3. the Housing commissioner, or her designee;

4. a representative of the administering entity; and
5. a Judicial Branch representative.

All initial appointments must be made within 30 days after the bill's effective date. Members serve a four-year term and may be reappointed or continue to serve until a successor is appointed. Appointing authorities fill vacancies.

Meetings and Staff. The Housing commissioner, or her designee, must serve as the working group's chairperson and schedule the first meeting, which must be held within 60 days after the bill's effective date. The chairperson must convene the working group on a regular basis, but not less than three times per year.

The Department of Housing must provide administrative support to the working group.

Relevant Factors to Phase in the Program

The bill requires the administering entity, in consultation with the working group and designated organizations, to determine how to phase in the program based on all relevant factors, including the:

1. prioritization of certain groups of individuals by income, zip codes, census tracts, or other priority criteria they develop;
2. availability of program funding;
3. number of available trained legal services attorneys; and
4. scope of the need for legal representation.

Funding

The bill allows the administering entity to receive funds or services from the government, corporations, associations, or individuals to pay the cost of: (1) administering the program and (2) providing legal representation and tenant outreach and education.

The bill also allows the judicial branch to receive state or federal funds to appoint additional housing mediators to resolve summary process actions. Under existing law, within available appropriations, Superior Court judges or a committee they authorize, may appoint housing mediators as they deem necessary (CGS § 47a-69).

PLAIN-LANGUAGE NOTICE OF TENANTS' RIGHTS

The bill requires the judicial branch, in consultation with the administering entity, working group, and designated organizations, to approve a one-page plain-language notice to inform tenants of their rights under the program. The notice must be on the judicial branch's website, publicly available, and include a phone number for information and applying for assistance.

Starting July 1, 2021, the bill requires an owner, lessor, or landlord; their agent or legal representative; a housing authority; or a housing subsidy program administrator, as applicable, to attach a copy of the plain-language notice to a (1) notice to quit delivered to a covered individual pursuant to an eviction proceeding, (2) summons and complaint for a summary process eviction action, (3) lease termination notice for a public or subsidized housing unit, and (4) notice to terminate a state or federal housing subsidy.

Under the bill, the court must include similar plain language information in any notice scheduling a mediation or hearing that is sent to a self-represented party in an eviction proceeding.

EFFECTIVE DATE OF INLAND WETLANDS PERMITS (§ 501)

The bill delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals. Under the bill, if the inland wetlands permit is just one of the local land use approvals required to develop a property, the wetlands permit does not take effect until the other local approvals are effective.

Inland wetlands permits are generally valid for the same length of time as the other land use approvals issued for the development, up to

a maximum of 10 years.

LAND USE APPROVAL EXTENSIONS (§§ 502-505)

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 provisions concern land use approvals issued before July 1, 2011, that were unexpired on May 9, 2011. However, the provisions take effect on July 1, 2021, and apply only to permits (presumably approvals) issued on or after that date. Consequently, these provisions appear to have no legal effect.

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.

Project Completion Deadlines

The bill extends, from 14 to 19 years, the duration of subdivision approvals for projects with at least 400 dwelling units, if the initial approval was granted before July 1, 2011, and was not expired on May 9, 2011 (§ 504).

The bill also extends by five years the minimum initial approval period for the following approvals granted before July 1, 2011, that were unexpired on May 9, 2011:

1. site plan approvals (except for projects containing at least 400 dwelling units or having an area of 400,000 square feet or more) (§ 502);
2. subdivision approvals for projects with fewer than 400 dwelling units (§ 503); and
3. wetlands permits (§ 505).

Under the bill, these initial approvals must be valid for at least 14

years, rather than at least 9 years, as under current law. The bill correspondingly extends the extended deadlines for these approvals from 14 to 19 years.

BACKGROUND

Related Bills

SB 970 (File 321), favorably reported by the Planning and Development Committee, gives developers more time to complete an ongoing project that was approved on or after July 1, 2011, but before the bill’s passage by extending the initial and extended deadlines for completing projects that require certain subdivision, wetlands, or site plan approval.

sSB 6541 (File 304), favorably reported by the Planning and Development Committee, is identical to the provision concerning the effective date of inland wetlands permits (§ 501).

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 10 Nay 5 (03/11/2021)