



House of Representatives

File No. 788

General Assembly

January Session, 2021

(Reprint of File No. 304)

Substitute House Bill No. 6541
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 4, 2021

***AN ACT CONCERNING AN EXTENSION OF TIME FOR THE
EXPIRATION OF CERTAIN LAND USE APPROVALS.***

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

1 Section 1. Subsection (m) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage and applicable to approvals made prior to July 1, 2011*):

4 (m) Notwithstanding the provisions of this section, any site plan
5 approval made under this section prior to July 1, 2011, that has not
6 expired prior to [May 9, 2011] the effective date of this section, except an
7 approval made under subsection (j) of this section, shall expire not less
8 than [nine] fourteen years after the date of such approval and the
9 commission may grant one or more extensions of time to complete all or
10 part of the work in connection with such site plan, provided no
11 approval, including all extensions, shall be valid for more than
12 [fourteen] nineteen years from the date the site plan was approved.

13 Sec. 2. Subsection (e) of section 8-26c of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage and applicable to approvals made prior to July 1, 2011*):

16 (e) Notwithstanding the provisions of this section, any subdivision
17 approval made under this section prior to July 1, 2011, that has not
18 expired prior to [May 9, 2011] the effective date of this section, shall
19 expire not less than [nine] fourteen years after the date of such approval
20 and the commission may grant one or more extensions of time to
21 complete all or part of the work in connection with such subdivision,
22 provided no subdivision approval, including all extensions, shall be
23 valid for more than [fourteen] nineteen years from the date the
24 subdivision was approved.

25 Sec. 3. Subsection (c) of section 8-26g of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective from*
27 *passage and applicable to approvals made prior to July 1, 2011*):

28 (c) Notwithstanding the provisions of this section, for any
29 subdivision of land for a project consisting of four hundred or more
30 dwelling units and approved prior to July 1, 2011, that has not expired
31 prior to [May 9, 2011] the effective date of this section, any person, firm
32 or corporation making such subdivision shall complete all work in
33 connection with such subdivision not later than the date [fourteen]
34 nineteen years after the date of approval of the plan for such
35 subdivision. The commission's endorsement of approval on the plan
36 shall state the date on which such [fourteen-year] nineteen-year period
37 expires.

38 Sec. 4. Subsection (g) of section 22a-42a of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage and applicable to approvals made prior to July 1, 2011*):

41 (g) Notwithstanding the provisions of subdivision (2) of subsection
42 (d) of this section, any permit issued under this section prior to July 1,
43 2011, that has not expired prior to [May 9, 2011] the effective date of this
44 section, shall expire not less than [nine] fourteen years after the date of

45 such approval. Any such permit shall be renewed upon request of the
46 permit holder unless the agency finds that there has been a substantial
47 change in circumstances that requires a new permit application or an
48 enforcement action has been undertaken with regard to the regulated
49 activity for which the permit was issued, provided no such permit shall
50 be valid for more than [fourteen] nineteen years.

51 Sec. 5. Section 8-3c of the general statutes, as amended by section 7 of
52 public act 21-34, is repealed and the following is substituted in lieu
53 thereof (*Effective from passage and applicable to approvals made prior to July*
54 *1, 2011*):

55 (a) If an application for a special permit or special exception involves
56 an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, the
57 applicant shall submit an application to the agency responsible for
58 administration of the inland wetlands regulations no later than the day
59 the application is filed for a special permit or special exception.

60 (b) The zoning commission or combined planning and zoning
61 commission of any municipality shall hold a public hearing on an
62 application or request for a special permit or special exception, as
63 provided in section 8-2, and on an application for a special exemption
64 under section 8-2g. Such hearing shall be held in accordance with the
65 provisions of section 8-7d. The commission shall not render a decision
66 on the application until the inland wetlands agency has submitted a
67 report with its final decision to such commission. In making its decision
68 the zoning commission shall give due consideration to the report of the
69 inland wetlands agency. Such commission shall decide upon such
70 application or request within the period of time permitted under section
71 8-7d. Whenever a commission grants or denies a special permit or
72 special exception, it shall state upon its records the reason for its
73 decision. Notice of the decision of the commission shall be published in
74 a newspaper having a substantial circulation in the municipality and
75 addressed by certified mail to the person who requested or applied for
76 a special permit or special exception, by its secretary or clerk, under his
77 signature in any written, printed, typewritten or stamped form, within

78 fifteen days after such decision has been rendered. In any case in which
79 such notice is not published within such fifteen-day period, the person
80 who requested or applied for such special permit or special exception
81 may provide for the publication of such notice within ten days
82 thereafter. Such permit or exception shall become effective upon the
83 filing of a copy thereof (1) in the office of the town, city or borough clerk,
84 as the case may be, but, in the case of a district, in the offices of both the
85 district clerk and the town clerk of the town in which such district is
86 located, and (2) in the land records of the town in which the affected
87 premises are located, in accordance with the provisions of section 8-3d.

88 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of
89 this section, any special permit or special exception approval made
90 under this section prior to July 1, 2011, that has not expired prior to the
91 effective date of this section, and that specified a deadline by which all
92 work in connection with such approval is required to be completed,
93 shall expire not less than nineteen years after the date of such approval
94 and the commission may grant one or more extensions of time to
95 complete all or part of the work in connection with such special permit
96 or special exception.

97 ~~[(c)]~~ (2) Notwithstanding the provisions of subsections (a) and (b) of
98 this section, any special permit or special exception approval made
99 under this section on or after July 1, 2011, but prior to the effective date
100 of this section, that did not expire prior to March 10, 2020, and that
101 specified a deadline by which all work in connection with such approval
102 is required to be completed, shall expire not less than nineteen years
103 after the date of such approval and the commission may grant one or
104 more extensions of time to complete all or part of the work in connection
105 with such special permit or special exception.

106 Sec. 6. Section 8-26e of the general statutes, as amended by section 8
107 of public act 21-34, is repealed and the following is substituted in lieu
108 thereof (*Effective from passage and applicable to approvals made prior to July*
109 *1, 2011*):

110 (a) The planning commission of any municipality shall hold a public
111 hearing on an application or request for a special permit or special
112 exception, as provided in section 8-2. Any such public hearing shall be
113 held in accordance with the provisions of section 8-7d. Such commission
114 shall decide upon such application or request within the period of time
115 permitted under section 8-26d. Whenever a commission grants or denies
116 a special permit or special exception, it shall state upon its records the
117 reason for its decision. Notice of the decision of the commission shall be
118 published in a newspaper having a substantial circulation in the
119 municipality and addressed by certified mail to the person who
120 requested or applied for a special permit or special exception, by its
121 secretary or clerk, under his signature in any written, printed,
122 typewritten or stamped form, within fifteen days after such decision has
123 been rendered. In any case in which such notice is not published within
124 such fifteen-day period, the person who requested or applied for such a
125 special permit or special exception may provide for the publication of
126 such notice within ten days thereafter. Such permit or exception shall
127 become effective upon the filing of a copy thereof (1) in the office of the
128 town, city or borough clerk, as the case may be, but, in the case of a
129 district, in the offices of both the district clerk and the town clerk of the
130 town in which such district is located, and (2) in the land records of the
131 town in which the affected premises are located, in accordance with the
132 provisions of section 8-3d.

133 (b) (1) Notwithstanding the provisions of subsection (a) of this
134 section, any special permit or special exception approval made under
135 this section prior to July 1, 2011, that has not expired prior to the
136 effective date of this section, and that specified a deadline by which all
137 work in connection with such approval is required to be completed,
138 shall expire not less than nineteen years after the date of such approval
139 and the commission may grant one or more extensions of time to
140 complete all or part of the work in connection with such special permit
141 or special exception.

142 ~~[(b)]~~ (2) Notwithstanding the provisions of subsection (a) of this
143 section, any special permit or special exception approval made under

144 this section on or after July 1, 2011, but prior to the effective date of this
145 section, that did not expire prior to March 10, 2020, and that specified a
146 deadline by which all work in connection with such approval is required
147 to be completed, shall expire not less than nineteen years after the date
148 of such approval and the commission may grant one or more extensions
149 of time to complete all or part of the work in connection with such
150 special permit or special exception.

151 Sec. 7. Section 9 of public act 21-34 is repealed and the following is
152 substituted in lieu thereof (*Effective from passage and applicable to approvals*
153 *made prior to July 1, 2011*):

154 (a) (1) Notwithstanding the provisions of any special act, any site
155 plan, subdivision or permit approval by a zoning commission, planning
156 commission, combined planning and zoning commission, zoning board
157 of appeals or inland wetlands agency pursuant to the provisions of any
158 such special act that occurred prior to July 1, 2011, and that has not
159 expired prior to the effective date of this section, shall expire not less
160 than fourteen years after the date of such approval and such
161 commission, board or agency, as applicable, may grant one or more
162 extensions of time to complete all or part of the work in connection with
163 such approval, provided no approval, including all extensions, shall be
164 valid for more than nineteen years from the date the site plan,
165 subdivision or permit was initially approved.

166 [(a)] (2) Notwithstanding the provisions of any special act, [or] any
167 site plan, subdivision or permit approval by a zoning commission,
168 planning commission, combined planning and zoning commission,
169 zoning board of appeals or inland wetlands agency pursuant to the
170 provisions of any such special act that occurred on or after July 1, 2011,
171 but prior to the effective date of this section, and that did not expire prior
172 to March 10, 2020, [such approval] shall expire not less than fourteen
173 years after the date of such approval and such commission, board or
174 agency, as applicable, may grant one or more extensions of time to
175 complete all or part of the work in connection with such approval,
176 provided no approval, including all extensions, shall be valid for more

177 than nineteen years from the date the site plan, subdivision or permit
 178 was initially approved.

179 (b) (1) Notwithstanding the provisions of any special act, any special
 180 permit or special exception approval by a zoning commission, planning
 181 commission, combined planning and zoning commission, zoning board
 182 of appeals or inland wetlands agency pursuant to the provisions of any
 183 such special act that occurred prior to July 1, 2011, that has not expired
 184 prior to the effective date of this section, and that specified a deadline
 185 by which all work in connection with such approval is required to be
 186 completed, shall expire not less than nineteen years after the date of such
 187 approval and such commission, board or agency, as applicable, may
 188 grant one or more extensions of time to complete all or part of the work
 189 in connection with such special permit or special exception approval.

190 [(b)] (2) Notwithstanding the provisions of any special act, [or] any
 191 special permit or special exception approval by a zoning commission,
 192 planning commission, combined planning and zoning commission,
 193 zoning board of appeals or inland wetlands agency pursuant to the
 194 provisions of any such special act that occurred on or after July 1, 2011,
 195 but prior to the effective date of this section, that did not expire prior to
 196 March 10, 2020, and that specified a deadline by which all work in
 197 connection with such approval is required to be completed, [such
 198 approval] shall expire not less than nineteen years after the date of such
 199 approval and such commission, board or agency, as applicable, may
 200 grant one or more extensions of time to complete all or part of the work
 201 in connection with such special permit or special exception approval.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-3(m)
Sec. 2	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26c(e)

Sec. 3	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26g(c)
Sec. 4	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	22a-42a(g)
Sec. 5	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-3c
Sec. 6	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26e
Sec. 7	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	PA 21-34, Sec. 9

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

The bill 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" gives developers more time to complete certain ongoing projects without seeking reapproval from local land use boards. This has no fiscal impact on the state or municipalities as it does not alter permit fees or the timing of their issuance.

The Out Years

State Impact: None

Municipal Impact: None

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does 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.

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)