

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-163—sHB 6541

Planning and Development Committee

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

SUMMARY: This act 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 on July 12, 2021.

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

The act'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 act gives developers a minimum amount of time, 19 years, 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.

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

SPECIAL PERMIT OR EXCEPTION PROJECT COMPLETION DEADLINES

The act 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 act, these approvals are valid for at least 19 years after the approval is granted. Prior law did not impose any minimum validity periods for these approvals (see **BACKGROUND**).

The act 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

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

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

Municipalities Exercising Authority Under a Special Act

The act 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 act specifies that local boards or agencies may approve extensions, but it caps the total duration of an approval, including extensions, at 19 years (except for 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 Act

PA 21-34 gives developers more time to complete an ongoing project that was approved on or after July 1, 2011.