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## **OLR Bill Analysis**

### **SB 970**

#### ***AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.***

#### **SUMMARY**

This bill gives developers more time to complete an ongoing project without seeking reapproval. It does so by extending the initial and extended deadlines for completing projects that require certain subdivision, wetlands, or site plan approval. The bill applies to approvals that were (1) granted on or after July 1, 2011, but before the bill's passage, and (2) unexpired on March 10, 2020. The bill does not apply to site plan approvals for large-scale housing or business development projects.

When a planning or zoning commission, combined planning and zoning commission, or an inland wetlands agency approves a project, it must set an expiration date that falls within the timeframes the law specifies. Consequently, a developer must complete the project before that date or resubmit it to the local commission or agency for approval. Generally, under current law, the maximum timeframe, including extensions if permitted, is 10 years from the date of approval. Under the bill, it is 11 years.

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. It is unclear what impact the bill has on approvals that are tolled by the EO.

EFFECTIVE DATE: Upon passage

#### **PROJECT COMPLETION DEADLINES**

The bill generally extends the initial and extended expiration deadlines that apply to subdivision, wetlands, and relatively small-scale site plans approvals that were (1) granted on or after July 1, 2011, but before the bill's passage and (2) unexpired on March 10, 2020. Table 1, below, shows these changes.

**Table 1: Deadlines and Extensions Under Current Law and the Bill**

<b><i>Land Use Approval (CGS §)</i></b>	<b><i>Current Law</i></b>	<b><i>Bill</i></b>
<b>Residential site plans for projects with 400 or more units</b> (§ 8-3(j))	Deadline: 10 years after approval	No change
	No extensions	
<b>Business site plans for projects with at least 400,000 square feet</b> (§ 8-3(j))	Deadline: 5-10 years after approval (set locally)	No change
	Extension: up to 10 years from approval	
<b>Other site plans</b> (§ 8-3(i))	Deadline: 5 years after approval	At least 6 years after approval
	Extension: up to 10 years from approval	Up to 11 years from approval
<b>Subdivisions plans for 400 or more dwelling units</b> (§ 8-26g)	Deadline: 10 years after approval	11 years after approval
	No extensions	No change
<b>Other subdivisions</b> (§ 8-26c(a)&(b))	Deadline: 5 years after approval	At least 6 years after approval
	Extension: up to 10 years from approval	Up to 11 years from approval

<b>Wetlands permits associated with another approval (e.g., site plans and subdivisions)</b> (§ 22a-42a(d)(2))	Deadline: 10 years after approval or the date the associated land use approval expires (whichever is earlier)	At least 6 years from approval
	Extension: up to 10 years from approval	Up to 11 years from approval
<b>Other wetlands</b> (§ 22a-42a(d)(2))	Deadline: 2-5 years after approval (set locally)	At least 6 years after approval
	Extension: up to 10 years from approval	Up to 11 years from approval

## **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). The tolling provision applies only if the approval-holder was not in violation of the approval's conditions on March 10, 2020, and does not violate them during the declared emergencies (a waiver of this requirement is available).

### ***Related Bill***

sHB 6541, favorably reported by the Planning and Development Committee, for permits issued on or after July 1, 2021, 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).

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/21/2021)