



# Senate

General Assembly

**File No. 321**

January Session, 2021

Senate Bill No. 970

*Senate, April 7, 2021*

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING 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. 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2 repealed and the following is substituted in lieu thereof (*Effective from*  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*):

4 (m) (1) 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, except an approval made under subsection  
7 (j) of this section, shall expire not less than nine years after the date of  
8 such approval and the commission may grant one or more extensions of  
9 time to complete all or part of the work in connection with such site  
10 plan, provided no approval, including all extensions, shall be valid for  
11 more than fourteen years from the date the site plan was approved.

12 (2) Notwithstanding the provisions of this section, any site plan  
13 approval made under this section on or after July 1, 2011, but prior to

14 the effective date of this section, that did not expire prior to March 10,  
15 2020, except an approval made under subsection (j) of this section, shall  
16 expire not less than six years after the date of such approval and the  
17 commission may grant one or more extensions of time to complete all or  
18 part of the work in connection with such site plan, provided no  
19 approval, including all extensions, shall be valid for more than eleven  
20 years from the date the site plan was approved.

21 Sec. 2. Subsection (e) of section 8-26c of the general statutes is  
22 repealed and the following is substituted in lieu thereof (*Effective from*  
23 *passage*):

24 (e) (1) Notwithstanding the provisions of this section, any  
25 subdivision approval made under this section prior to July 1, 2011, that  
26 has not expired prior to May 9, 2011, shall expire not less than nine years  
27 after the date of such approval and the commission may grant one or  
28 more extensions of time to complete all or part of the work in connection  
29 with such subdivision, provided no subdivision approval, including all  
30 extensions, shall be valid for more than fourteen years from the date the  
31 subdivision was approved.

32 (2) Notwithstanding the provisions of this section, any subdivision  
33 approval made under this section on or after July 1, 2011, but prior to  
34 the effective date of this section, that did not expire prior to March 10,  
35 2020, shall expire not less than six years after the date of such approval  
36 and the commission may grant one or more extensions of time to  
37 complete all or part of the work in connection with such subdivision,  
38 provided no subdivision approval, including all extensions, shall be  
39 valid for more than eleven years from the date the subdivision was  
40 approved.

41 Sec. 3. Subsection (c) of section 8-26g of the general statutes is  
42 repealed and the following is substituted in lieu thereof (*Effective from*  
43 *passage*):

44 (c) (1) Notwithstanding the provisions of this section, for any  
45 subdivision of land for a project consisting of four hundred or more

46 dwelling units and approved prior to July 1, 2011, that has not expired  
47 prior to May 9, 2011, any person, firm or corporation making such  
48 subdivision shall complete all work in connection with such subdivision  
49 not later than the date fourteen years after the date of approval of the  
50 plan for such subdivision. The commission's endorsement of approval  
51 on the plan shall state the date on which such fourteen-year period  
52 expires.

53 (2) Notwithstanding the provisions of this section, for any  
54 subdivision of land for a project consisting of four hundred or more  
55 dwelling units and approved on or after July 1, 2011, but prior to the  
56 effective date of this section, that did not expire prior to March 10, 2020,  
57 any person, firm or corporation making such subdivision shall complete  
58 all work in connection with such subdivision not later than the date  
59 eleven years after the date of approval of the plan for such subdivision.  
60 The commission's endorsement of approval on the plan shall state the  
61 date on which such eleven-year period expires.

62 Sec. 4. Subsection (g) of section 22a-42a of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective from*  
64 *passage*):

65 (g) (1) Notwithstanding the provisions of subdivision (2) of  
66 subsection (d) of this section, any permit issued under this section prior  
67 to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not  
68 less than nine years after the date of such approval. Any such permit  
69 shall be renewed upon request of the permit holder unless the agency  
70 finds that there has been a substantial change in circumstances that  
71 requires a new permit application or an enforcement action has been  
72 undertaken with regard to the regulated activity for which the permit  
73 was issued, provided no such permit shall be valid for more than  
74 fourteen years.

75 (2) Notwithstanding the provisions of subdivision (2) of subsection  
76 (d) of this section, any permit issued under this section on or after July  
77 1, 2011, but prior to the effective date of this section, that did not expire  
78 prior to March 10, 2020, shall expire not less than six years after the date

79 of such approval. Any such permit shall be renewed upon request of the  
80 permit holder unless the agency finds that there has been a substantial  
81 change in circumstances that requires a new permit application or an  
82 enforcement action has been undertaken with regard to the regulated  
83 activity for which the permit was issued, provided no such permit shall  
84 be valid for more than eleven years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3(m)
Sec. 2	<i>from passage</i>	8-26c(e)
Sec. 3	<i>from passage</i>	8-26g(c)
Sec. 4	<i>from passage</i>	22a-42a(g)

**PD**      *Joint Favorable*

*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.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill extends the expiration period of certain land use permits. This has no fiscal impact, as it is not anticipated to change the number of permits sought in any municipality.

**The Out Years****State Impact:** None**Municipal Impact:** None

**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**

<i>Land Use Approval (CGS §)</i>	<i>Current Law</i>	<i>Bill</i>
<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)