

New Law Allows Extensions of Land Use Approvals

Public Act No. 11-5, signed into law by Governor Malloy on May 9th, provides that site plan, subdivision and wetlands approvals that have not expired prior to May 9, 2011, are entitled to extensions so that the total time period for all extensions for the approval shall not exceed fourteen years. Prior to this new law, such approvals could be extended for up to ten, and in some cases eleven, years.

The purpose of this new legislation is to provide relief for developments that are stalled due to financial difficulty and where the approved permits are about to expire and work is not completed or has not commenced. In these instances, the owner may seek an extension from the local land use boards.

With the enactment of Public Act No. 11-5:

- any site plan, subdivision and wetlands approval;
- that has *not expired before May 9, 2011*;
- is *entitled* to extensions not to exceed a **total of fourteen years**.

To obtain an extension of an approval under Public Act No. 11-5:

- you *must* submit a request for such extension with the applicable municipal land use board and comply with all municipal filing requirements;
- the request must be submitted prior to the expiration of the approval; and
- the enactment of Public Act No. 11-5 does *not*, by itself, *automatically extend* approvals; the permit holder must apply.

Public Act No. 11-5 does *not necessarily extend time periods for conditions associated with an approval such as:*

- recording plans and permits
- posting bonds;

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- commencing or completing public improvements;
- start of construction requirements, especially for a wetlands permit;
- complying with phasing provisions;
- recording maps / permits; and
- granting or recording conveyances such as open space or easements.

When requesting the allowable four-year extension as provided by Public Act No. 11-5, be sure to request modifications of all related conditions.

Questions or Assistance?

If you have questions about the new law or how it applies in your case, please contact Christopher J. Smith, Partner, at (860) 251-5606 or cjsmith@goodwin.com

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