



## NEW LEGISLATION ROLLS BACK PREVIOUSLY EXTENDED MUNICIPAL PERMITTING DEADLINES

Supplemental budget legislation signed into law on November 12, 2020 ([Chapter 201 of the Acts of 2020](#)) includes a non-budget provision highly significant to conservation commissions. Sections 33-38 of the budget legislation amend Section 17 of [Chapter 53 of the Acts of 2020](#), which had extended deadlines for municipal permitting authorities to act. Deadlines that had previously been extended to “45 days from the termination of the state of emergency” are now extended only to December 1, 2020. Specifically:

- Where a statute, ordinance, bylaw, rule or regulation requires that a hearing commence within a specific period of time after the filing of a permit application, the applicable period, which was suspended as of March 10, 2020 by Chapter 53 of the Acts of 2020, shall resume as of December 1, 2020.
- When a statute, ordinance, bylaw, rule or regulation provides that a permit shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within a specified time period, the time within which the permit granting authority must act shall be deemed tolled from March 10, 2020 to December 1, 2020.
- The authority conferred by Chapter 53 of the Acts of 2020 for the chair of a permitting board to schedule or reschedule the hearing or decision deadlines on a permit application may now be used to reschedule only to a date not later than December 1, 2020.
- A hearing on a pending application for a permit opened by a permit granting authority before March 10, 2020 (for which a permit has not yet been granted) is tolled and continued to a date selected by the permitting granting authority that is no later than December 1, 2020.
- Permit granting authorities that are: (i) unable to conduct meetings and public hearings remotely due to lack of access to broadband or other technical limitations; and (ii) unable to conduct such meetings or hearings in person in accordance with applicable public health orders regulating gatherings during the state of emergency, may apply to the secretary of housing and economic development for relief from the above deadlines.

The full changes made by the recent legislation to Section 17 of Chapter 53 of the Acts of 2020 are shown in redline/strikeout in the attached document.

*Prepared November 13, 2020*