

August 6, 2010

DEVELOPMENT PERMITS GET AUTOMATIC TWO YEAR EXTENSION

State and local permits for the use or development of real property issued within the last two years just got a second wind. Under legislation signed by Governor Patrick on August 5, 2010, such permits will be automatically extended for a period of two years.

At the end of the formal legislative session on July 31, the Massachusetts legislature passed a significant economic development bill intended to promote job growth and long-term economic recovery. Among its provisions is the permit extension section, which states that an approval in effect or existence in the period beginning August 15, 2008 and continuing through August 15, 2010 shall be extended for a period of two years, in addition to the lawful term of the approval. The legislation defines "approval" to include any permit, license, variance, waiver, or other approval from any municipal, regional or state governmental entity, concerning the use or development of real property. It further specifies the applicable statutes under which such approvals will be extended; they include the Massachusetts Environmental Policy Act, the Zoning Act, and the Wetlands Protection Act, among others. Interestingly, the Solid Waste Act is not among the statutes listed. The legislation specifies that the extension does not apply to Comprehensive Permits issued under Chapter 40B. Approvals under a local by-law or ordinance will receive the automatic extension.

There are a number of other provisions in the economic development bill that are designed to support additional job creation, address the needs of small businesses, and improve infrastructure in the Commonwealth. The legislation contains a \$50 million recapitalization of the Growth District Initiative and the creation and \$35 million capitalization of the Massachusetts Growth Capital Corporation, which will serve as a one stop resource for small businesses seeking capital and advice. The legislation also authorizes a sales tax holiday weekend on August 14 and 15.

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