

SENATE No. 2065

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act extending the lifespan of permits held at the start of the COVID-19 pandemic.

PETITION OF:

NAME:

Adam G. Hinds

DISTRICT/ADDRESS:

Berkshire, Hampshire, Franklin and Hampden

SENATE No. 2065

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 2065) of Adam G. Hinds for legislation to extend the lifespan of permits held at the start of the COVID-19 pandemic. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act extending the lifespan of permits held at the start of the COVID-19 pandemic.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any general or special law to the contrary, certain regulatory approvals
2 are hereby extended as provided in this section.

3 (a) For purposes of this section, the following words shall have the following meanings
4 unless the context clearly requires otherwise:

5 “Approval”, except as otherwise provided in subsection (b), any permit, certificate, order,
6 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,
7 building permit or other approval or determination of rights from any municipal, regional or state
8 governmental entity, including any agency, department, commission or other instrumentality
9 thereof, concerning the use or development of real property, including certificates, licenses,
10 certifications, determinations, exemptions, variances, waivers, building permits or other
11 approvals or determinations of rights issued or made under chapter 21, chapter 21A except
12 section 16 of said chapter 21A, chapter 21D, sections 61 to 62I, inclusive, of chapter 30, chapters

13 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81, chapters 91, 131, 131A,
14 143, sections 4 and 5 of chapter 249 or chapter 258 of the General Laws or chapter 665 of the
15 acts of 1956 or any local by-law or ordinance.

16 “Development”, division of a parcel of land into 2 or more parcels, the construction,
17 reconstruction, conversion, structural alteration, relocation or enlargement of a building or other
18 structure or facility or any grading, soil removal or relocation, excavation or landfill or any use
19 or change in the use of any building or other structure or land or extension of the use of land.

20 “Tolling period”, the period from March 10, 2020 to March 10, 2021, inclusive.

21 (b) (1) Notwithstanding any general or special law to the contrary, an approval in effect
22 or existence during the tolling period shall be extended for a period of 2 years in addition to the
23 lawful term of the approval.

24 (2) Nothing in this section shall extend or purport to extend: (i) a permit or approval
25 issued by the federal government or an agency or instrumentality thereof or a permit or approval
26 of which the duration of effect or the date or terms of its expiration are specified or determined
27 under a law or regulation of the federal government or an agency or instrumentality thereof; (ii) a
28 permit, license, privilege or approval issued by the division of fisheries and wildlife under
29 chapter 131 of the General Laws; (iii) an approval, determination, exemption, certification,
30 statement of qualification or any other administrative action by the department of energy
31 resources under 225 CMR 20.00, subsection (c) of section 17 of chapter 25A of the General
32 Laws or corresponding regulations at 225 CMR 21.00; or (iv) any agreement entered into by the
33 Massachusetts Department of Transportation or the Massachusetts Bay Transportation Authority
34 or any permit, license or approval issued by the department or authority relating to the sale,

35 acquisition or lease or development of real property owned in whole or in part by the department
36 or authority or the sale, acquisition, lease or development of any interest therein related to such
37 real property pursuant to chapter 6C or chapter 161A of the General Laws.

38 (3) Nothing in this section shall affect the ability of a municipal, regional or state
39 governmental entity, including an agency, department, commission or other instrumentality
40 thereof, to revoke or modify a specific permit or approval, or extension of a specific permit or
41 approval under this section, when that specific permit or approval or the law or regulation under
42 which the permit or approval was issued contains language authorizing the modification or
43 revocation of the permit or approval.

44 (4) If an approval tolled under this section is based upon the connection to a sanitary
45 sewer system, the approval's extension shall be contingent upon the availability of sufficient
46 capacity, on the part of the treatment facility, to accommodate the development whose approval
47 has been extended. If sufficient capacity is not available, those permit holders whose approvals
48 have been extended shall have priority with regard to the further allocation of gallonage over
49 those permit holders who have not received approval of a hookup prior to the effective date of
50 this section. Priority regarding the distribution of further gallonage to a permit holder who has
51 received the extension of an approval under this section shall be allocated in order of the granting
52 of the original approval of the connection.

53 (5) If an owner or petitioner sells or otherwise transfers a property or project in order for
54 an approval to receive an extension all commitments made by the original owner or petitioner
55 under the terms of the permit must be assigned to and assumed by the new owner or petitioner. If

56 the new owner or petitioner does not meet or abide by such commitments, then the approval shall
57 not be extended under this section.

58 (6) Nothing in this section shall be construed or implemented in such a way as to modify
59 a requirement of law that is necessary to retain federal delegation to or assumption by the
60 commonwealth of the authority to implement a federal law or program.