

**HOUSE . . . . . No. 3647**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act [Title].

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

1 SECTION 1. The General Laws are hereby amended by inserting after Chapter 43D the  
2 following new Chapter 43E:-

3 CHAPTER 43E

4 Permit Extension Act of 2009.

5 Section 1. This Act shall be known and may be cited as the “Permit Extension Act of  
6 2009.”

7 Section 2. Definitions.

8 “Approval” means, except as otherwise provided in section 3 of this Act, any permit,  
9 order, certificate, license, certification, permission, determination, interpretation, exemption,  
10 variance, waiver, building permit, or other approval or determination of rights from any  
11 municipal, regional or state governmental entity, including any agency, department, commission,  
12 or other instrumentality thereof, concerning the use or development of real property, including  
13 without limitation permits, orders, certificates, licenses, certifications, permissions,

14 determinations, interpretations, exemptions, variances, waivers, building permits, or other  
15 approvals or determination of rights arising under or based on or relating to chapter 21, chapter  
16 21A, chapter 21D, sections 61 to 62H, inclusive, of chapter 30, chapters 30A, 40A to 40C,  
17 inclusive, 40R, 41, 43D, section 21 of chapter 81, chapters 91, 131, 131A, sections 4 and 5 of  
18 chapter 249, chapter 258, or chapter 665 of the acts of 1956; or any local bylaw or ordinance.  
19 Approval shall also mean the subdivision zoning freeze provisions of section 6 of chapter 40A.

20 “Development” means the division of a parcel of land into two or more parcels, the  
21 construction, reconstruction, conversion, structural alteration, relocation or enlargement of any  
22 building or other structure or facility, or of any grading, soil removal or relocation, excavation or  
23 landfill or any use or change in the use of any building or other structure or land or extension of  
24 the use of land.

25 “Tolling Period” means the period beginning January 1, 2008 and continuing through  
26 January 1, 2010.

27 Section 3. Suspension of Permit Term.

28 a. For any Approval in effect or existence during the Tolling Period, in addition to  
29 the lawful term of the Permit, said Approval shall be extended for a period of two years.

30 b. Nothing in this Act shall be deemed to extend or purport to extend:

31 1. any permit or approval issued by the government of the United States or any  
32 agency or instrumentality thereof, or to any permit or approval by whatever authority issued of  
33 which the duration of effect or the date or terms of its expiration are specified or determined by

34 or pursuant to law or regulation of the federal government or any of its agencies or  
35 instrumentalities.

36 2. any administrative consent order issued by the Massachusetts Department of  
37 Environmental Protection in effect or issued during the extension period.

38 c. Nothing in this Act shall affect the ability of the Massachusetts Department of  
39 Environmental Protection to revoke or modify a specific permit or approval, or extension thereof  
40 pursuant to this Act, when that specific permit or approval contains language authorizing the  
41 modification or revocation of the permit or approval by the department.

42 d. In the event that any Approval tolled pursuant to this Act is based upon the connection  
43 to a sanitary sewer system, the Approval's extension shall be contingent upon the availability of  
44 sufficient capacity, on the part of the treatment facility, to accommodate the development whose  
45 approval has been extended. If sufficient capacity is not available, those permit holders whose  
46 approvals have been extended shall have priority with regard to the further allocation of  
47 gallonage over those approval holders who have not received approval of a hookup prior to the  
48 date of enactment of this Act. Priority regarding the distribution of further gallonage to any  
49 permit holder who has received the extension of an approval pursuant to this Act shall be  
50 allocated in order of the granting of the original approval of the connection.

51 e. Nothing in this Act shall be construed or implemented in such a way as to modify any  
52 requirement of law that is necessary to retain federal delegation to, or assumption by, the State of  
53 the authority to implement a federal law or program.

54 Section 4. Effective Date.

This Act shall take effect immediately.