

Client Alert: Governor Signs Bill to Provide Permitting Relief for Communities and Applicants

By Michael Rosen on April 3, 2020



On April 3, 2020, Governor Charlie Baker signed an emergency bill into law which covers a comprehensive set of topics to address challenges facing municipalities and state agencies. Section 17 of **House No. 4617** specifically addresses extending certain deadlines applicable to municipalities as well as applicants with respect to the permitting and approval process.

Key provisions in Section 17 of the bill provide for the following:

Electronic Filing

- May be filed through a website established by municipality or as attachment to email sent to clerk, secretary or other municipal official
- Certification of electronic receipt must be provided by municipality if requested by applicant

Commencement of Hearing

- Applicable period suspended until later of 45 days after state of emergency is lifted or such other date prescribed by law

Existing Permits

- All permits issued as of March 10, 2020 shall toll as to deadlines, conditions or expiration for the duration of the state of emergency

No Constructive Grants

- Provided that the authority acts within 45 days of the end of the state or emergency (or such later date as is prescribed by law or agreed upon in writing), no constructive approvals shall result from failure to act

Chair to determine Hearing and Extension Dates

- Chair may reschedule on one or more occasions any hearing or decision deadlines (whether or not a quorum is present) to a date no more than 45 days after lifting of state of emergency (or such later date as prescribed by law or agreed upon in writing)
- Chair must provide notice to applicant and must post electronically to general

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Recording Delayed

- The time limitations to record shall be tolled during any time where the Registry is closed or its rules restrict in person access
- Notwithstanding failure to record, applicants may apply for and obtain construction permits

Tolling of Pending Hearings

- All pending hearings commenced prior to March 10, 2020 shall be tolled to a date which is no later than 45 days after the end of the state or emergency (or such later date as is prescribed by law or agreed upon in writing).
- Nothing in this Section prohibits a municipality from conducting hearings (in accordance with the Open Meeting Law Order referenced below) or from issuing decisions or permits on applications for which meetings have been held
- Nothing in the bill extends any existing violations of pre-existing permits, unless caused by the state of emergency

The full bill can be found [here](#).

In addition, applicants should consider policies and procedures being adopted by each local community to deal with open meeting laws (see "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, found [here](#)), electronic submission of applications, hearings and inspection procedures.

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