

Chapter 238 of the Acts of 2024, An Act relative to strengthening Massachusetts' economic leadership

Section 171, Section 280

SECTION 171. Section 6 of chapter 40A of the General Laws is hereby amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph:-

A zoning ordinance or by-law shall provide that construction or operations under a building permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Construction or operations under a special permit issued pursuant to section 9 or site plan approval pursuant to the local ordinance or by-law shall conform to any subsequent amendment of the zoning ordinance or by-law or of any other local land use regulations unless the use or construction is commenced within a period of 3 years after the issuance of the special permit or site plan approval and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. For the purpose of the prior sentence, construction involving the redevelopment of previously disturbed land shall be deemed to have commenced upon substantial investment in site preparation or infrastructure construction, and construction of developments intended to proceed in phases shall proceed expeditiously, but not continuously, among phases.

SECTION 280. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Approval”, except as otherwise provided in subsection (b), any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit or other approval or determination of rights from any municipal, regional or state governmental entity, including any agency, department, commission or other instrumentality thereof, concerning the use or development of real property, and any environmental permit, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits or other approvals or determinations of rights issued or made under chapter 21 of the General Laws, chapter 21A of the General Laws except section 16 of said chapter 21A, chapter 21D of the General Laws, section 3B of chapter 21E of the General Laws, sections 61 to 62L, inclusive, of chapter 30 of the General Laws, chapter 30A of the General Laws, chapter 40 of the General Laws, chapters 40A to 40C, inclusive, of the General Laws, chapter 40R of the General Laws, chapter 40Y of the General Laws, chapter 41 of the General Laws, chapter 43D of the General Laws, section 21 of chapter 81 of the General Laws, chapter 91 of the General Laws, chapter 131 of the General Laws, chapter 131A of the General Laws, chapter 143 of the General Laws, sections 4 and 5 of chapter 249 of the General Laws, chapter 258 of the General Laws or chapter 665 of the acts of 1956 or any local by-law or ordinance.

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

“Tolling period”, the period from January 1, 2023 to January 1, 2025, inclusive.

(b)(1) Notwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of 2 years in addition to the lawful term of the approval; provided, however, that nothing in this section shall extend or purport to extend: (i) a permit or approval issued by the United States government or an agency or instrumentality thereof or a permit or approval of which the duration of effect or the date or terms of its expiration are specified or determined under a law or regulation of the United States government or an agency or instrumentality thereof; (ii) a permit, license, privilege or approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws; (iii) an approval, determination, exemption, certification, statement of qualification or any other administrative action by the department of energy resources under 225 CMR 20.00, subsection

(c) of section 17 of chapter 25A of the General Laws or corresponding regulations under 225 CMR 21.00; (iv) any agreement entered into by the Massachusetts Department of Transportation or the Massachusetts Bay Transportation Authority or any permit, license or approval issued by the department or authority relating to the sale, acquisition or lease or development of real property owned in whole or in part by the department or authority or the sale, acquisition, lease 284 of 319 or development of any interest therein related to such real property pursuant to chapter 6C or chapter 161A of the General Laws; or (v) any enforcement order, consent decree or settlement agreement.

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

(3) If an approval tolled under this section is based upon the connection to a sanitary sewer system, the extension of the approval shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development for whose approval has been extended. If sufficient capacity is not available, then the permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallorage over the permit holders who have not received approval of a hookup prior to the effective date of this section. Priority regarding the distribution of further gallorage to a permit holder who has received the extension of an approval under this section shall be allocated in order of the granting of the original approval of the connection.

(4) If an owner or petitioner sells or otherwise transfers a property or project in order for an approval to receive an extension, all commitments made by the original owner or petitioner under the terms of the permit shall be assigned to and assumed by the new owner or petitioner. If the new owner or petitioner does not meet or abide by such commitments, then the approval shall not be extended under this section.

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

(6) Any project covered by approval in effect during the tolling period shall be governed by the applicable provisions of any local ordinance or by-law, if any, in effect at the time of the granting of the approval, unless the owner or petitioner of such project elects to waive the provisions of this section.

Approved November 20, 2024