

March 24, 2009

S 831. EXTEND PERMITS REGARDING LAND DEVELOPMENT. Filed 3/24/09. *TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Clodfelter.

UNCODIFIED

March 25, 2009

S 831. EXTEND PERMITS REGARDING LAND DEVELOPMENT. Filed 3/24/09. *TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY.*

Citing the stagnation in the financial, real estate, and construction sectors of the state's economy, the bill notes that many projects for which government-issued permits and approvals have already been obtained have been suspended and the permits and approvals are, by virtue of the passage of time, lapsing or expiring. To prevent the abandonment of these projects, the bill provides that for permits or approvals in place between January 1, 2007, and December 31, 2010, the running of the approval period is automatically suspended until December 31, 2010. This suspension of the period does not extend an approval or permit beyond June 30, 2011.

Applies to environmental impact statements under the Environmental Policy Act (Article 1 of GS Chapter 113), erosion and sedimentation plans and development and other permits under the Coastal Area Management Act (Article 7 of that chapter), permits under the Building Code (Article 9 of GS Chapter 143), discharge permits, stream origination permits, and water quality certifications under Article 21 of GS Chapter 143, air quality permits of the Environmental Management Commission under Article 21B of GS Chapter 143, subdivision and building approvals by counties under Article 18 of GS Chapter 153A and by cities under Article 19 of GS Chapter 160A, and certificates of appropriateness by city preservation commissions, so long as these permits or approvals concern land development.

Does not apply (1) if the ownership of the project has changed or if there is a change to a permit that increases by 10% the population of the area to be served by the development project, (2) to permits issued by the federal government, (3) to area designed by the Coastal Resources Commission as area of environmental concern under GS 113A-113, and (4) to any Department of Transportation permit other than a right-of-way permit. Provides that the Department of Environment and Natural Resources and the Environmental Management Commission may revoke or modify a specific permit or approval if the permit or approval so provides. Contains limitations where approval is based on connection to a sanitary sewer system.

Intro. by Clodfelter.

UNCODIFIED

May 11, 2009

S 831. EXTEND PERMITS REGARDING LAND DEVELOPMENT. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Adds to the definition of *approval*. (1) any water or wastewater permit issued under Article 10 or Article 11 of GS Chapter 130A and (2) any discharge, nondischarge, or extension permit issued under Part 1 of Article 21 of GS Chapter 143.

May 26, 2009

S 831. EXTEND PERMITS REGARDING LAND DEVELOPMENT. Filed 3/24/09. House committee substitute makes the following changes to 2nd edition. Deletes the proposed definition for *substantially altered*. Deletes the provision stating that nothing in the act is to be deemed to extend or purport to extend any permit or approval issued within an area of environmental concern.

July 15, 2009

S 831. EXTEND CERTAIN DEVELOPMENT APPROVALS (NEW). Filed 3/24/09. House committee substitute makes the following changes to 3rd edition. Deletes the statement from the General Assembly findings that obtaining extensions of approvals granted by state government is frequently impossible, always difficult, and always expensive, and no policy reason is served by the expiration of these permits, which were approved only after thorough review of the application. Provides a definition for *development approval* (was, *approval*) and clarifies that the definition includes any of the listed approvals issued by the state, any agency or subdivision of the state, or any unit of local government, regardless of the form of approval, that are for the development of land or provision of water or wastewater services by a government entity (was, listed the specific forms of approval that allow the development or provision of services to proceed). Deletes from that definition any discharge permit issued under Part 1 of Article 21 of GS Chapter 143. Deletes the definitions for *area of environmental concern*, *extension period*, and *government*.

Provides that any development approval that is current and valid at any point during the period beginning January 1, 2008, and ending December 31, 2010 [was, any government approval in existence during the extension period (January 1, 2007 through December 31, 2010)], the running of the period of the development approval *and any associated vested right under GS 153A-344.1 or GS 160A-385.1* is suspended during the period beginning January 1, 2008, and ending December 31, 2010 (was, automatically suspended during the extension period). Deletes that the tolling period must not extend the government approval more than six months beyond the conclusion of the extension period.

Adds that nothing in the act is to be construed or implemented to affect the ability of a government entity to revoke or modify a development approval pursuant to law. Clarifies that the act is not to be construed or implemented to affect any administrative consent order issued by the Department of Environment and Natural Resources in effect or issued at any time from the effective date of this act to December 31, 2010 (was, during the extension period). Deletes that nothing in the act is to be deemed to extend or purport to extend (1) any permit or approval that for a development project that has been substantially altered since the permit or approval was granted and (2) any Department of Transportation permit other than a right-of-way permit. Also deletes that nothing in the act affects the ability of the Environmental Management Commission to revoke, modify, or extend a specific permit or approval if the permit or approval contained language authorizing the modification or revocation.

Provides that, if development approvals are tolled pursuant to this act that are contingent upon connection to a *water supply system* or a sanitary system and there is not sufficient supply or treatment capacity for additional requests, each development approval holder dependent on such a connection must submit a construction schedule for approval (was, created priority for permit holders with extended permits over approval holders who have not received approval of a hookup prior to the effective date of the act). Requires that construction begin within 30 days of the notification that new supply or treatment capacity allocation has been requested by other parties who are ready to proceed with construction or the reserved capacity will revert for reallocation.

Specifies that the requirement that state agencies and subdivisions place notice in the NC Register listing the types of development approvals that are issued and extensions provided in this act within 30 days of the act's effective date does not apply to units of local government.

Also makes technical, conforming, and organizational changes.

Changes the title to *AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE*.

July 28, 2009

S 831. EXTEND CERTAIN DEVELOPMENT APPROVALS. Filed 3/24/09. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Deletes the provision that provided that if development approvals are tolled pursuant to this act that are contingent upon connection to a water supply system or a sanitary system and there is not

sufficient supply or treatment capacity for additional requests, each development approval holder dependent on such a connection must submit a construction schedule for approval and begin construction within 30 days of the notification that new supply or treatment capacity allocation has been requested by other parties or the reserved capacity would revert for reallocation.

August 5, 2009

SL 2009-406 (S 831). EXTEND CERTAIN DEVELOPMENT APPROVALS. AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE. Summarized in *Daily Bulletin* 3/25/09, 5/11/09, 5/26/09, 7/15/09, and 7/28/09. Enacted August 5, 2009. Effective August 5, 2009.