

**REAL ESTATE E-ALERT
AUGUST 2010**

PERMIT EXTENSION ACT

On July 31, the legislature passed the Permit Extension Act. The Act generally extends the life of most real estate-related permits and approvals in effect in the last two years for an additional two years. The Act is intended to have the salutary effect of enabling the construction of "shovel-ready" projects that were approved prior to or during the recent economic downturn, but could not get financing to proceed to construction and were in danger of expiring before they could be built.

With only a few specific exceptions, the Act extends the life of real estate permits or approvals issued by a Massachusetts state or municipal government or agency for two years from the date the permit or approval would otherwise expire, provided that the permit or approval was in effect at any time from August 15, 2008 through August 15, 2010. For example, a permit issued on February 1, 2009, which would have expired on February 1, 2011, will now expire on February 1, 2013.

The Act applies to all land use related permits and approvals, including variances, special permits, orders of conditions under the Wetlands Protection Act, and subdivision approvals. The Act does NOT apply to comprehensive permits issued pursuant to Chapter 40B, nor does it extend compliance dates under enforcement orders.

If you have any questions about this alert, please contact the author, [Howard P. Speicher](mailto:hspeicher@davismalm.com), at (617) 589-3829 or hspeicher@davismalm.com.

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