

Massachusetts Takes Action to Ease Permitting Process for Municipalities and State Authorities During COVID-19 State of Emergency

Hinckley Allen Real Estate

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On April 3, 2020, Governor Baker signed legislation titled “An Act To Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19” (the “Act”). The Act, among other things, makes a number of changes to the local permitting process to address challenges faced by municipalities during the COVID-19 pandemic. The Act defines “Permit” to include permits, variances, special permits, licenses, amendments, extensions and other approvals issued by municipal, county or regional permit granting authorities.

Some of the key changes – most of which are effective from the March 10, 2020 declaration of a state of emergency until 45 days after the termination of the state of emergency – include the following:

- Any valid Permit, including any conditions or deadlines in the Permit, will not lapse or expire during the state of emergency and any expiration date or deadline for performance shall be tolled during the state of emergency. Likewise, Permits may not be revoked for failure of the permit holder to commence or continue work if attributable to the state of emergency.
- Applications for Permits may be filed electronically, either through an electronic submission website established by the permit granting authority or by submitting application materials by email.
- No Permit is automatically granted, approved, or denied because a permit granting authority fails to act within a period of time required by law.
- Suspension of any requirement to hold a hearing within a certain period of time after submittal of a complete Permit application.
- Any hearing on a pending application for a Permit opened prior to March 10, 2020 which has not been concluded shall be automatically tolled and continued.
- Permit granting authorities may hold remote meetings and public hearings.
- In the event a Permit must be recorded with the Registry of Deeds, the period of time for recording the Permit would be suspended and the failure to record the Permit shall not preclude the permit holder from obtaining building permits and commencing construction.

The Act does not apply to permits issued by state authorities. Instead, Governor Baker issued an executive order on March 26, 2020 extending deadlines relating to state permitting similar to the extensions described above.

We are here to help answer specific questions and offer advice on your options. Feel free to contact any member of our Real Estate Group.

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