



## **Proposed Massachusetts Bill Could Ease Permitting Process for Municipalities**

*Hinckley Allen Real Estate*

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On March 24, 2020 Governor Baker filed a proposed bill with the Massachusetts Senate and House of Representatives titled “An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19.” The proposed bill, among other things<sup>[1]</sup>, would make a number of important changes to the local permitting process to address challenges faced by municipalities during the COVID-19 pandemic. The bill 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 would be 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.
- During and up to 5 days following the termination of a public health emergency, Town moderator may continue the town meeting for a period of up to 30 days at a time, but not more than 30 days following the date of rescission of a state of emergency declared by the governor.
- Within 10 days of the initial declaration or recess and continuance of a town meeting, a local public safety or health official shall submit a report to the attorney general providing the justification for the declaration.
- Provides procedures in the event a declared emergency prevents the adoption of an annual budget by a town or district by June 30<sup>th</sup> and outlines the permitted allocation of expenditures and funds during the period of delay.

As drafted the bill does not apply to Permits issued by state entities, including Permits issued by the Massachusetts Department of Environmental Protection, the Massachusetts Department of Transportation, the Massachusetts Historical Commission and the Executive Office of Energy and Environmental Affairs.

[1] The proposed bill also includes a number of measures designed to give municipalities greater flexibility to manage schools and municipal finance during the COVID-19 pandemic. It also proposes to allow restaurants licensed to sell alcohol on-premises to sell beer and wine for takeout and delivery.

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