



**NORTH CAROLINA ASSOCIATION
OF COUNTY COMMISSIONERS
LEGISLATIVE BULLETIN**

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Bulletin #09-27

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BILL TO EXTEND DEVELOPMENT PERMITS GAINS APPROVAL

S831 (Extend Certain Development Approvals) was ratified Thursday. The bill would extend the life of certain state development permits and approvals for builders who may have put projects on hold due to the economic situation. The bill affects any permit that was current and valid at any point between Jan. 1, 2008, and Dec. 31, 2010. For such permits, the "running of the period of the development approval" is suspended through Dec. 31, 2010. This means that any permit that was active on Jan. 1, 2008, is automatically extended for however many months were left on the permit as of Jan. 1, 2008 – but not more than 36 months – beginning Jan. 1, 2011. In other words, if a permit was active Jan. 1, 2008, and expired June 30, 2009, the permit would remain valid through June 30, 2012. The final version of the bill stripped out language supported by the NCACC that, in the case of development approvals that "are contingent upon connection to a water supply system or a sanitary sewer system" and "sufficient supply or treatment capacity to accommodate requests for additional allocation" does not exist, would have required the permit holder to "submit a construction schedule for approval and begin construction within 30 days of 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 shall revert for reallocation."

Example: A permit was issued 12-20-2003, it would originally expire 12-20-2008 (5yrs)

Calculation on extension= 12-20-2008 back to Jan 2008 =12 months 20 days (time left on permit after Jan 2008) this time would be added to Jan-1-2011 = 12-20-2011 (the date the permit would be extended to)

Example: A permit was issued 10-10-2005 It would originally expire 10-10-2010

Calculation 10-10-2010 back to Jan 2008 = 2yrs 10 months 10 days

This time would be added to Jan 1 2011 + 2yrs 10 months 10 days = 10-10-2013

Maximum time extended will be 36 months past Jan 1 2011

S 831 Summary:

Add 3 years to the original expiration date to anything permitted prior to Jan 1 2006 (original expiration Jan 1 2011) that is still active on Jan 1 2008 (within original 5yr expiration date).

Anything permitted after Jan 1 2006 (original expiration after Jan 1 2011) you must calculate because the extension cannot be more than 3 years after Jan 1 2011.

Example: A permit was permitted 10-20-2006, it would originally expire 10-20-2011.

The time left on the permit after Jan 1 2008 = 3yrs 10 months 20 days (would exceed 3yrs on extension)
so the extended expiration date would be Jan 1 2014 (Jan 1 2011 + 3 yrs max extension)