



2019-2020 General Assembly

# SENATE BILL 704: COVID-19 Recovery Act , Sec. 4.40: Extend Certain Local Government Approvals Affecting the Development of Real Property within the State

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<b>Committee:</b>		<b>Date:</b>	October 19, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Jonathan Zator
<b>Analysis of:</b>	Sec. 4.40 of S.L. 2020-3		Staff Attorney

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**OVERVIEW:** Section 4.40 of S.L. 2020-3 provided that for any development approval that was current and valid at any point during the period beginning March 10, 2020 and ending April 28, 2020, the development approval period expiration date and any associated vested rights were extended for five months.

The section became effective May 4, 2020 and expired September 28, 2020. However, Section 3.21 of S.L. 2020-97 reextends certain development approvals. See Section 3.21 of S.L. 2020-97 or its summary for more information.

**CURRENT LAW:** Cities and counties have authority to issue certain land development approvals and establish certain vested rights. Land development approvals include erosion and sedimentation control plans granted by a local government; building permits; county or municipal sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit; and certificates of appropriateness issued by a city's preservation commission.

**BILL ANALYSIS:** Sec. 4.40 of S.L. 2020-3 extended the expiration date by five months for certain land development approvals and any associated vested rights that were current and valid during the period beginning March 10, 2020 and ending April 28, 2020. The section only applied to erosion and sedimentation control plans granted by a local government; building permits; county or municipal sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, a development agreement, or a building permit; and certificates of appropriateness issued by a city's preservation commission.

For any development approval that was extended, the holder of the development approval must have done the following:

- Complied with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
- Maintained all performance guarantees that were imposed as a condition of the initial development approval for the duration of the period the development approval was extended or until affirmatively released from that obligation by the issuing governmental entity.
- Completed any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

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If the extension of the development approval was terminated, the issuing governmental entity must have provided written notice and the reason for the termination to the last known address of the original holder of the development approval. Termination of a development approval extension could have been appealed to the Board of Adjustment if the development approval was issued by a unit of local government with planning authority.

**EFFECTIVE DATE:** This section became effective May 4, 2020 and expired September 28, 2020. However, Sec. 3.21 of S.L. 2020-97 reextends certain development approvals. See Sec. 3.21 of S.L. 2020-97 or its summary for more information.