2025-2026 General Assembly

SENATE BILL 445: Regulatory Reform Act of 2026, Sec. 42: Toll Discontinuance Period for Vested Rights During Emergency Declarations.

Analysis of:	S.L. 2026-59, Sec. 42	**Date:**	August 20, 2026
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A vested right to complete a project granted by the issuance of a development permit expires for an uncompleted development project if the development work is intentionally and voluntarily discontinued for 24 months. The discontinuance period is tolled during (i) the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period, and (ii) the pendency of any litigation involving the development project or property that is the subject of the vesting.

Section 42 of S.L. 2026-59 (Senate Bill 445) also tolls the discontinuance period for the duration of an emergency declaration for which the defined emergency includes some or all of the property under development.

This section became effective August 11, 2026.

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