

Permit Extension Act of 2008
Examples of Applying the Act to UCC Permits

The Permit Extension Act extends all permits that were open and valid as of January 1, 2007. Under the UCC rules, a construction permit lapses if (1) no work is done for a year or (2) work, having been started, is discontinued for six months. (See N.J.A.C. 5:23-2.16(b)) The following are some examples of how certain scenarios would be affected by the Permit Extension Act:

Examples:

1. Construction permit was obtained prior to January 1, 2006 and no work was done. The permit has lapsed and is not revived by the Permit Extension Act because it was not a valid, open permit on January 1, 2007.

2. Construction permit was obtained on April 1, 2006 and no work was done. The permit was deemed to have lapsed as of April 1, 2007. However, the permit is now deemed to have been revived by the passage of the Permit Extension Act. Since it had been valid for three more months as of January 1, 2007, it will continue to be valid for three more months as of July 1, 2010, and its new expiration date, if it is not acted upon, will be October 1, 2010.

3. Construction permit was obtained on October 1, 2006 and no work was done. The permit was valid for nine more months as of January 1, 2007 and is now deemed to have been revived, and to continue to be valid as of July 1, 2010. However, since a permit that is only valid because it was extended by the Permit Extension Act can only remain valid for six months following the end of the extension period, the permit would only be valid for six more months, and would expire on January 1, 2011, if not used by then.

4. Construction permit is obtained between January 1, 2007 and January 1, 2010. Though the time would not begin to run until July 1, 2010, the permit would expire on January 1, 2011, since the Permit Extension Act does not allow any extensions beyond January 1, 2011 unless the permit would have continued in existence beyond that date had the Permit Extension Act not been adopted.

5. Construction permit is obtained after January 1, 2010. Since the permit is valid for a year, it is unaffected by the January 1, 2011 cut-off date and expires one year from the date of issuance, just as it would if the Permit Extension Act had not been adopted.