

Amendment to SB 557-FN

1 Amend RSA 679:7 as inserted by section 1 of the bill by replacing it with the following:

2  
3 679:7 Jurisdiction; Court Appeals.

4 I. In matters within its authority the board shall have concurrent, appellate jurisdiction  
5 with the superior court. An election by an applicant to bring an action before the board shall be  
6 deemed a waiver of any right to bring an action in the superior court; as such, the board shall retain  
7 jurisdiction of any matter originally brought before it.

8 II. In an appeal of a local decision on housing or housing development, any claim that is  
9 within the board's authority under RSA 679:5 and that has previously been or is subsequently  
10 included in an appeal in superior court by abutters or any other aggrieved or injured party who can  
11 demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be  
12 stayed by the court to provide the party with standing the opportunity to intervene in the matter  
13 before the board. If intervenor status is granted, the stay of the court action regarding those claims  
14 shall continue during the pendency of the appeal to the board. After the board has decided the  
15 appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the  
16 board. Any claim included in an appeal to superior court that is not within the board's authority  
17 shall not be subject to automatic stay by the court.

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19 Amend the bill by replacing section 2 with the following:

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21 2 Effective Date. This act shall take effect July 1, 2019.