

HB 1602-FN - AS INTRODUCED

2024 SESSION

24-2353

12/08

HOUSE BILL

1602-FN

AN ACT

relative to the authority of the housing appeals board.

SPONSORS:

Rep. Alexander Jr., Hills. 29; Rep. Baroody, Hills. 39; Rep. Read, Rock. 10; Rep. Damon, Sull. 8; Rep. Yokela, Rock. 32; Rep. T. Walsh, Merr. 10; Rep. Wallace, Rock. 8

COMMITTEE:

Judiciary

ANALYSIS

This bill expands the scope of the review of the housing appeals board.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the authority of the housing appeals board.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Authority to Review. Amend the introductory paragraph of RSA 679:5, I to read as follows:

2 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
3 reverse, or modify, in whole or in part, appeals of final decisions of **a state agency**, municipal
4 boards, committees, and commissions regarding questions of housing and housing development.
5 This includes, but is not limited to:

6 2 Authority to Review. Amend RSA 679:5, I(f) to read as follows:

7 (f) Other **state agency and or** municipal permits, ~~and~~ fees, **and licenses** applicable to
8 housing and housing developments.

9 3 Appeals. Amend RSA 679:5, IV to read as follows:

10 IV. ~~[After local remedies have been exhausted, appeals]~~ **Appeals** may be brought before the
11 board by an applicant to the **state agency**, municipal board, committee, or commission, or by any
12 other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA
13 677:4 or RSA 677:15. The municipality shall be a party to the action[-] **if a municipal decision is**
14 **being appealed**. If the applicant is not the party initiating the action before the board, then the
15 applicant shall automatically be an intervenor. The board shall grant intervenor status to abutters
16 and to any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant
17 to RSA 677:4 or RSA 677:15. **Appeals of municipal decisions may be brought before the board**
18 **after local remedies have been exhausted**.

19 4 Effective Date. This act shall take effect 60 days after its passage.

HB 1602-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the authority of the housing appeals board.

FISCAL IMPACT: ☒ **State** ☐ **County** ☐ **Local** ☐ **None**

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	General Fund Judicial Branch Information Technology Fund, Escrow Fund for Judicial Branch Facility Improvements			
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill expands the scope of the review of the housing appeals board.

The New Hampshire Housing Appeals Board notes the bill does not specify which state permits or licenses might be appealed to the Board. The Board does not have information on the number of such appeals that are currently filed. It is also unclear what percentage of appellants would file with the Board versus filing with existing appellate bodies. In light of the above, the number of additional appeals that would be filed with the Board is indeterminable as is the fiscal impact. The fee to an applicant for an appeal before the Housing Appeals Board is \$250. The Board states it would be difficult to determine an average cost per case as some cases are straight forward and others are complex with boxes of documents to be reviewed. Cases typically include pre and merit in-person hearings after reviewing the parties findings of facts, deliberation, and a written decision to memorialize the facts, analysis and decision on the case.

The Judicial Branch states it is not possible to estimate the impact of the bill on the number of filings in the Superior Court. The Branch provided the following information on the average cost of civil cases and common civil case fees.

Average Cost of Civil Cases in the Superior Court	FY 2024	FY 2025
Complex Civil Case	\$1,321	\$1,347
Routine Civil Case	\$494	\$504
Superior Court Fees		
Original Entry Fee	\$280	
Third-Party Claim	\$280	
Motion to Reopen	\$160	

RSA 490:24 provides that 6 percent of each entry fee shall be deposited into the escrow fund for judicial branch facility improvements, and 30 percent of each entry fee shall be deposited into the judicial branch information technology fund. The remainder is deposited in the State general fund.

The Branch assumes the term "state" as used in the bill would not include state court decisions.

It is assumed any fiscal impact will not occur until after FY 2024.

AGENCIES CONTACTED:

New Hampshire Housing Appeals Board and Judicial Branch