

MA SJC Limits Court Options for Major Development Permit Appeals

LinkedIn Pulse

02.12.16

The Massachusetts high court has just issued a decision holding that permit appeals for certain development projects can be brought only in the Permit Session of the Land Court or in Superior Court, and not in Housing Court or District Court. The decision applies to appeals from the grant or denial of permits for the use or development of real property where the underlying project involves either 25 or more dwelling units or the construction of 25,000 square feet or more of gross floor area. The SJC referred to these as "major development permit appeals."

The Permit Session of the Land Court was designed reduce the costs and delays of the permitting process for major development projects. Among other things, the Permit Session calls for an expedited litigation track which aims for trial in 6-12 months and quick turnaround times for summary judgment decisions. The MA SJC concluded that in creating the Permit Session, the Legislature intended that major development permit appeals be adjudicated primarily in the Permit Session, or alternatively (i.e., if a jury trial is claimed), in the Superior Court.