

2018 -- S 2866

LC005489

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO TOWNS AND CITIES -- CONTINUING EDUCATION FOR LOCAL
PLANNING AND ZONING BOARDS

Introduced By: Senators Euer, and McCaffrey

Date Introduced: May 03, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 69

4 CONTINUING EDUCATION FOR LOCAL PLANNING AND ZONING BOARDS

5 **45-69-1. Purpose.**

6 The purpose of this chapter is to establish requirements and standards for initial and
7 continuing education programs for current members, prospective members and alternate members
8 of local planning and zoning boards or commissions or any combined boards or commissions
9 performing land planning or zoning functions as authorized pursuant to the general laws.

10 **45-69-2. Applicability.**

11 This chapter shall apply to the following:

12 (1) All current, future or alternate members of any local planning board or commission
13 authorized pursuant to chapter 22 of title 45.

14 (2) All current, future or alternate members of any zoning board authorized pursuant to
15 chapter 24 of title 45.

16 (3) All current, future or alternate members of any combined board or commission
17 authorized pursuant to the general laws to have a role in local land use and planning.

18 **45-69-3. Exemptions.**

1 The following persons shall be exempt from the educational requirements established
2 pursuant to this chapter:

3 (1) The chief municipal officer of the city or town or person designated to serve on a
4 planning board in the absence of the chief executive officer.

5 (2) Any person who, within twelve (12) months of the compliance date of this chapter,
6 offers satisfactory proof of having completed a course of study in land use law and planning that,
7 in the determination of the director of the department of administration "director" in consultation
8 with the division of statewide planning, is equivalent to or more extensive than the course offered
9 pursuant to the requirements of this chapter.

10 **45-69-4. Land use law and planning – Required education for local planning and**
11 **zoning board members.**

12 (a) Every current and prospective member and/or alternate member of a local planning
13 and zoning board or commission and/or combined board or commission performing land planning
14 or zoning functions shall be required to have satisfactorily completed an education program in
15 land use law and planning to be prepared by the director of the department of administration. The
16 director shall prepare the course of study in conjunction with the Rhode Island division of
17 statewide planning and the department of business regulation in establishing the education
18 programs standards, curriculum, and administration.

19 (b) The education program pursuant to this chapter shall be prepared and offered within
20 six (6) months of the enactment of this chapter and shall include an introductory program offered
21 for new or prospective board members and continuing education courses offered for existing
22 board members. Furthermore, the education program shall be sufficient in design and duration to
23 adequately and reasonably address the topic areas related to land use and planning including all
24 topics determined relevant by the director, and shall consist of no less than three (3) hours of
25 scheduled instruction for the introductory course or courses and no less than one hour of
26 scheduled instruction for any subsequent annual continuing education requirements. Reasonable
27 efforts shall be made by the director to have said course of study structured in such a manner that
28 a member may satisfy these requirements through a variety of instructional means including, but
29 not limited to, traditional style classroom and seminar training, distance learning, webinars, on-
30 site presentations, and by other means as deemed appropriate by the director. Education program
31 topics to be considered may include, but not be limited to, the following:

32 (1) History and purposes of planning and zoning;

33 (2) What state laws and local ordinances, rules and regulations are applicable to the work
34 planning and zoning members do;

1 (3) Overview of the functions of the boards, statutory requirements, and the main tools of
2 planning, zoning, and subdivision review;

3 (4) Role of others in the planning and zoning process (citizens, applicants, planning and
4 zoning staff, and elected officials);

5 (5) Understanding and interpreting local comprehensive plans in helping to make land
6 use decisions;

7 (6) Understanding basic property rights;

8 (7) Legal context for the decision-making process and making legal, defensible decisions;

9 (8) Basics of "findings of fact", making the record, and the legal context for planning;

10 (9) Public hearings, voting requirements and other key procedural requirements;

11 (10) How to review site plans and subdivisions;

12 (11) Types of conditions boards may impose when approving special permit or variance
13 application;

14 (12) Open meetings/ethics requirements/avoiding ethical dilemmas;

15 (13) Proper ways to manage public meetings including quorums, recusals, and rules of
16 order.

17 (c) On or after the first date on which the education program in land use law and planning
18 is offered, except as otherwise provided in this chapter, a person shall not be seated as a first-term
19 or re-appointed member or alternate member of a local planning or zoning board or commission
20 or a combined board as authorized pursuant to this title, unless the person successfully completes
21 the introductory education program required herein within six (6) months of assuming board
22 membership and complete the required annual continuing education requirements as may be
23 required in order to retain board membership.

24 (d) Except as otherwise provided in this chapter, any person who is serving as a member
25 or alternate member of a planning board or zoning board or commission and/or combined board
26 or commission performing land use and planning pursuant to general laws, shall be required to
27 complete the introductory education program within six (6) months of the date upon which the
28 course is first offered and complete the required annual continuing education requirements as
29 may be required in order to retain membership on that board or commission.

30 **45-69-5. Advisory committee.**

31 The director shall appoint an advisory committee to assist in the development of the
32 education program that shall include representatives from American Planning Association (R.I.
33 Chapter), American Council of Engineering Companies - Rhode Island, Grow Smart Rhode
34 Island, Rhode Island League of Cities and Towns, the Rhode Island Builders Association and the

1 [Rhode Island department of administration, division of planning.](#)

2 **45-69-6. Rules and regulations.**

3 [The director of the department of administration is hereby authorized and empowered to](#)
4 [promulgate rules and regulations necessary to carry out the provision of this chapter.](#)

5 SECTION 2. This act shall take effect on July 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- CONTINUING EDUCATION FOR LOCAL
PLANNING AND ZONING BOARDS

- 1 This act would require initial and continuing education in land use law and planning for
- 2 local planning and/or zoning board and commission members.
- 3 This act would take effect on July 1, 2019.

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