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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS

Introduced By: Senators Lombardo, Ciccone, Lombardi, Lawson, and McCaffrey

Date Introduced: March 14, 2019

Referred To: Senate Housing & Municipal Government

(Dept. of Administration)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-6-2 of the General Laws in Chapter 37-6 entitled "Acquisition of
2 Land" is hereby amended to read as follows:

3 **37-6-2. Rules, regulations, and procedures of committee.**

4 (a) The state properties committee is hereby authorized and empowered to adopt and
5 prescribe rules of procedure and regulations, and from time to time amend, change, and eliminate
6 rules and regulations, and make such orders and perform such actions as it may deem necessary
7 to the proper administration of this chapter and §§ 37-7-1 -- 37-7-9. In the performance of the
8 commission's duties hereunder, the commission may in any particular case prescribe a variation
9 in procedure or regulation when it shall deem it necessary in view of the exigencies of the case
10 and the importance of speedy action in order to carry out the intent and purpose of this chapter
11 and §§ 37-7-1 -- 37-7-9. The commission shall file written notice thereof in the office of the
12 secretary of state. All filings shall be available for public inspection.

13 (b) The following siting criteria shall be utilized whenever current existing leases expire
14 or additional office space is needed:

15 (1) A preference shall be given to sites designated as enterprise zone census tracts
16 pursuant to chapter 64.3 of title 42, or in blighted and/or substandard areas pursuant to § 45-31-8,
17 or in downtown commercial areas where it can be shown the facilities would make a significant
18 impact on the economic vitality of the community's central business district;

19 (2) Consideration should be given to adequate access via public transportation for both

1 employees as well as the public being served, and, where appropriate, adequate parking; and

2 (3) A site must be consistent with the respective community's local comprehensive plan;
3 and.

4 (4) ~~The division of planning within the department of administration shall be included in~~
5 ~~the evaluation of all future lease proposals.~~

6 (c) The state properties committee shall explain, in writing, how each site selected by the
7 committee for a state facility meets the criteria described in subsection (b) of this section.

8 (d) For any lease, rental agreement or extension of an existing rental agreement for leased
9 office and operating space which carries a term of five (5) years or longer, including any options
10 or extensions that bring the total term to five (5) years or longer, where the state is the tenant and
11 the aggregate rent of the terms exceeds five hundred thousand dollars (\$500,000) the state
12 properties committee shall request approval of the general assembly prior to entering into any
13 new agreements or signing any extensions with existing landlords. The state properties
14 committee, in the form of a resolution, shall provide information relating to the purpose of the
15 lease or rental agreement, the agency's current lease or rental costs, the expiration date of any
16 present lease or rental agreement, the range of costs of a new lease or rental agreement, the
17 proposed term of a new agreement, and the location and owner of the desired property.

18 SECTION 2. Sections 45-23-53 and 45-23-54 of the General Laws in Chapter 45-23
19 entitled "Subdivision of Land" are hereby amended to read as follows:

20 **45-23-53. Local regulations -- Public hearing and notice requirements.**

21 (a) No local regulations shall be adopted, repealed, or amended until after a public
22 hearing has been held upon the question before the city or town planning board. The city or town
23 planning board shall first give notice of the public hearing by publication of notice in a newspaper
24 of general circulation within the municipality at least once each week for three (3) successive
25 weeks prior to the date of the hearing, which may include the week in which the hearing is to be
26 held. At this hearing, opportunity shall be given to all persons interested on being heard upon the
27 matter of the proposed regulations. ~~Written notice, which may be a copy of the newspaper notice,~~
28 ~~shall be mailed to the statewide planning program of the Rhode Island department of~~
29 ~~administration at least two (2) weeks prior to the hearing.~~ The newspaper notice shall be
30 published as a display advertisement, using a type size at least as large as the normal type size
31 used by the newspaper in its news articles, and shall:

32 (1) Specify the place of the hearing and the date and time of its commencement;

33 (2) Indicate that adoption, amendment, or repeal of local regulations is under
34 consideration;

1 (3) Contain a statement of the proposed amendments to the regulations that may be
2 printed once in its entirety, or may summarize or describe the matter under consideration as long
3 as the intent and effect of the proposed regulation is expressly written in that notice;

4 (4) Advise those interested where and when a copy of the matter under consideration may
5 be obtained or examined and copied; and

6 (5) State that the proposals shown on the notice may be altered or amended prior to the
7 close of the public hearing without further advertising as a result of further study or because of
8 the views expressed at the public hearing. Any alteration or amendment must be presented for
9 comment in the course of the hearing.

10 (b) Notice of the public hearing shall be sent by first class mail to the city or town
11 planning board of any municipality where there is a public or quasi-public water source, or
12 private water source that is used, or is suitable for use as a public water source, located within two
13 thousand feet (2,000') of the municipal boundaries.

14 (c) Notice of a public hearing shall be sent to the governing body of any state or
15 municipal water department or agency, special water district, or private water company that has
16 riparian rights to a surface water resource and/or surface watershed that is used or is suitable for
17 use as a public water source located within either the municipality or two thousand feet (2,000')
18 of the municipal boundaries; provided, that a map survey has been filed with the building
19 inspector as specified in § 45-24-53(f).

20 (d) Notwithstanding any of the requirements set forth in subsections (a) through (c)
21 above, each municipality shall establish and maintain a public notice registry allowing any person
22 or entity to register for electronic notice of any changes to the local regulations. Municipalities
23 shall annually provide public notice of existence of said registry by a publication of notice in a
24 newspaper of general circulation within the municipality. In addition, each municipality is hereby
25 encouraged to provide public notice of the existence of the public notice registry in all of its
26 current and future communications with the public, including, but not limited to, governmental
27 websites, electronic newsletters, public bulletins, press releases, and all other means the
28 municipality may use to impart information to the local community.

29 (1) Provided, however, notice pursuant to a public notice registry as per this section does
30 not alone qualify a person or entity on the public notice registry as an "aggrieved party" under §
31 45-24-31(4).

32 (e) No defect in the form of any notice under this section renders any regulations invalid,
33 unless the defect is found to be intentional or misleading.

34 (f) The requirements in this section are to be construed as minimum requirements.

1 **45-23-54. Local regulations -- Publication and availability.**

2 (a) Printed copies of the local regulations are available to the general public and shall be
3 revised to include all amendments. Any appendices are also available. A reasonable charge may
4 be made for copies.

5 (b) Upon publication of local regulations and any amendments to the local regulations,
6 the municipality shall send a copy ~~to the department of administration's statewide planning~~
7 ~~program and~~ to the state law library.

8 SECTION 3. Sections 45-24-45 and 45-24-53 of the General Laws in Chapter 45-24
9 entitled "Zoning Ordinances" are hereby amended to read as follows:

10 **45-24-45. General provisions -- Publication and availability of zoning ordinances.**

11 (a) Printed copies of the zoning ordinance and map(s) of a city or town shall be available
12 to the general public and revised to include all amendments. A reasonable charge may be made
13 for copies to reflect printing and distribution costs.

14 (b) Upon publication of a zoning ordinance and map, and any amendments to them, the
15 city or town clerk shall send a copy, without charge, ~~to the statewide planning program of the~~
16 ~~department of administration and~~ to the state law library.

17 **45-24-53. Adoption -- Notice and hearing requirements.**

18 (a) No zoning ordinance shall be adopted, repealed, or amended until after a public
19 hearing has been held upon the question before the city or town council. The city or town council
20 shall first give notice of the public hearing by publication of notice in a newspaper of general
21 circulation within the city or town at least once each week for three (3) successive weeks prior to
22 the date of the hearing, which may include the week in which the hearing is to be held, at which
23 hearing opportunity shall be given to all persons interested to be heard upon the matter of the
24 proposed ordinance. Written notice, which may be a copy of the newspaper notice, shall be
25 mailed ~~to the statewide planning program of the department of administration, and, where~~
26 ~~applicable,~~ to the parties specified in subsections (b), (c), (d), (e), and (f) of this section, at least
27 two (2) weeks prior to the hearing. The newspaper notice shall be published as a display
28 advertisement, using a type size at least as large as the normal type size used by the newspaper in
29 its news articles, and shall:

30 (1) Specify the place of the hearing and the date and time of its commencement;

31 (2) Indicate that adoption, amendment, or repeal of a zoning ordinance is under
32 consideration;

33 (3) Contain a statement of the proposed amendments to the ordinance that may be printed
34 once in its entirety, or summarize and describe the matter under consideration as long as the

1 intent and effect of the proposed ordinance is expressly written in that notice;

2 (4) Advise those interested where and when a copy of the matter under consideration may
3 be obtained or examined and copied; and

4 (5) State that the proposals shown on the ordinance may be altered or amended prior to
5 the close of the public hearing without further advertising, as a result of further study or because
6 of the views expressed at the public hearing. Any alteration or amendment must be presented for
7 comment in the course of the hearing.

8 (b) Where a proposed general amendment to an existing zoning ordinance includes
9 changes in an existing zoning map, public notice shall be given as required by subsection (a) of
10 this section.

11 (c) Where a proposed text amendment to an existing zoning ordinance would cause a
12 conforming lot of record to become nonconforming by lot area or frontage, written notice shall be
13 given to all owners of the real property as shown on the current real estate tax assessment records
14 of the city or town. The notice shall be given at least two (2) weeks prior to the hearing at which
15 the text amendment is to be considered, with the content required by subsection (a). If the city or
16 town zoning ordinance contains an existing merger clause to which the nonconforming lots would
17 be subject, the notice shall include reference to the merger clause and the impacts of common
18 ownership of nonconforming lots. The sender of the notice shall utilize and obtain a United States
19 Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be
20 retained to demonstrate proof of the mailing.

21 (d) Where a proposed amendment to an existing ordinance includes a specific change in a
22 zoning district map, but does not affect districts generally, public notice shall be given as required
23 by subsection (a) of this section, with the additional requirements that:

24 (1) Notice shall include a map showing the existing and proposed boundaries, zoning
25 district boundaries, existing streets and roads and their names, and city and town boundaries
26 where appropriate; and

27 (2) Written notice of the date, time, and place of the public hearing and the nature and
28 purpose of the hearing shall be sent to all owners of real property whose property is located in or
29 within not less than two hundred feet (200') of the perimeter of the area proposed for change,
30 whether within the city or town or within an adjacent city or town. Notice shall also be sent to any
31 individual or entity holding a recorded conservation or preservation restriction on the property
32 that is the subject of the amendment. The notice shall be sent by registered, certified, or first-class
33 mail to the last known address of the owners, as shown on the current real estate tax assessment
34 records of the city or town in which the property is located; provided, for any notice sent by first-

1 class mail, the sender of the notice shall utilize and obtain a United States Postal Service
2 certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of
3 such mailing.

4 (e) Notice of a public hearing shall be sent by first-class mail to the city or town council
5 of any city or town to which one or more of the following pertain:

6 (1) That is located in or within not less than two hundred feet (200') of the boundary of
7 the area proposed for change; or

8 (2) Where there is a public or quasi-public water source, or private water source that is
9 used, or is suitable for use, as a public water source, within two thousand feet (2,000') of any real
10 property that is the subject of a proposed zoning change, regardless of municipal boundaries.

11 (f) Notice of a public hearing shall be sent to the governing body of any state or
12 municipal water department or agency, special water district, or private water company that has
13 riparian rights to a surface water resource or surface watershed that is used, or is suitable for use,
14 as a public water source and that is within two thousand feet (2,000') of any real property that is
15 the subject of a proposed zoning change; provided, that the governing body of any state or
16 municipal water department or agency, special water district, or private water company has filed
17 with the building inspector in the city or town a map survey, that shall be kept as a public record,
18 showing areas of surface water resources and/or watersheds and parcels of land within two
19 thousand feet (2,000') thereof.

20 (g) Notwithstanding any of the requirements set forth in subsections (a) through (e), each
21 municipality shall establish and maintain a public notice registry allowing any person or entity to
22 register for electronic notice of any changes to the zoning ordinance. The city or town shall
23 provide public notice annually of the existence of the electronic registry by publication of notice
24 in a newspaper of general circulation within the city or town. In addition, each municipality is
25 hereby encouraged to provide public notice of the existence of the public notice registry in all of
26 its current and future communications with the public, including, but not limited to, governmental
27 websites, electronic newsletters, public bulletins, press releases, and all other means the
28 municipality may use to impart information to the local community.

29 (1) Provided, however, notice pursuant to a public notice registry as per this section does
30 not alone qualify a person or entity on the public notice registry as an "aggrieved party" under §
31 45-24-31(4).

32 (h) No defect in the form of any notice under this section shall render any ordinance or
33 amendment invalid, unless the defect is found to be intentional or misleading.

34 (i) Costs of any notice required under this section shall be borne by the applicant.

1 (j) In granting a zoning ordinance amendment, notwithstanding the provisions of § 45-24-
2 37, the town or city council may limit the change to one of the permitted uses in the zone to
3 which the subject land is rezoned and impose limitations, conditions, and restrictions, including,
4 without limitation: (1) Requiring the petitioner to obtain a permit or approval from any and all
5 state or local governmental agencies or instrumentalities having jurisdiction over the land and use
6 that are the subject of the zoning change; (2) Those relating to the effectiveness or continued
7 effectiveness of the zoning change; and/or (3) Those relating to the use of the land as it deems
8 necessary. The responsible town or city official shall cause the limitations and conditions so
9 imposed to be clearly noted on the zoning map and recorded in the land evidence records;
10 provided, that in the case of a conditional zone change, the limitations, restrictions, and
11 conditions shall not be noted on the zoning map until the zone change has become effective. If the
12 permitted use for which the land has been rezoned is abandoned or if the land is not used for the
13 requested purpose for a period of two (2) years or more after the zone change becomes effective,
14 the town or city council may, after a public hearing, change the land to its original zoning use
15 before the petition was filed. If any limitation, condition, or restriction in an ordinance is held to
16 be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to
17 be invalid.

18 (k) The above requirements are to be construed as minimum requirements.

19 SECTION 4. Section 46-23-17 of the General Laws in Chapter 46-23 entitled "Coastal
20 Resources Management Council" is hereby repealed.

21 ~~**46-23-17. Annual progress report on rights-of-way.**~~

22 ~~Within ninety (90) days after the end of each fiscal year, the council shall submit a~~
23 ~~written progress report on the development of public rights-of-way to the tidal water areas of the~~
24 ~~state, to the state planning council, the department of environmental management, and the joint~~
25 ~~committee on the environment, for review, evaluation, and recommendation of the program's~~
26 ~~suitability, relevance to the recreation element of the state guide plan, and impact on the natural~~
27 ~~resources of the state. The report shall also provide detailed records of expenditures and a~~
28 ~~proposed schedule of future projects.~~

29 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS

1 This act would eliminate the division of planning from the evaluation process of future
2 lease proposals for state properties. The act would also eliminate the requirement that a copy of
3 the notice for local planning board hearings and any zoning amendments be provided to the
4 statewide planning program of the department of administration, and repeal the requirement for
5 written progress reports on development of public rights-of-way to tidal water areas.

6 This act would take effect upon passage.

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