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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Senators Raptakis, Rogers, and Burke

Date Introduced: May 15, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-46 of the General Laws in Chapter 45-23 entitled "Subdivision
2 of Land" is hereby amended to read as follows:

3 **45-23-46. General provisions — Construction and/or improvement guarantees.**

4 (a) The local regulations shall require approval of the permitting authority of agreements
5 for the completion of all required public improvements prior to final plan approval in the form of:
6 (1) Completion of actual construction of all improvements; (2) Improvement guarantees; or (3)
7 Combination thereof.

8 (b) Where improvements are constructed without a financial guarantee, the work is to be
9 completed prior to final approval. All construction shall be inspected by the appropriate town staff
10 or agents in a timely manner and approved under the direction of the administrative officer and
11 according to local regulations.

12 (c) Improvement guarantees shall be in an amount and with all necessary conditions to
13 secure for the municipality the actual construction and complete installation of all the required
14 improvements, within the period specified by the permitting authority. The amount shall be based
15 on actual cost estimates for all required public improvements and these estimates shall be reviewed
16 and approved by the permitting authority. The permitting authority may fix the guarantee in a
17 reasonable amount in excess of the estimated costs to anticipate for economic or construction
18 conditions. Local regulations may include provisions for the review and/or upgrade of guarantees.

19 (d) The security shall be in the forms of financial instruments set forth in local regulations

1 and shall enable the municipality to gain timely access to the secured funds, for cause. The local
2 regulations shall provide at least three (3) acceptable forms of financial security and the approving
3 authority shall not limit the security to one specific form of the acceptable forms set forth in the
4 local regulations.

5 (e) The local regulations shall establish procedures for the setting of improvement
6 guarantee amounts; for inspections of improvements; for acceptance of improvements by the
7 municipality; and for the release of the improvement guarantees to the applicant. Procedures may
8 include provisions for partial releases of the guarantees as stages of the improvements are
9 completed, inspected, and approved under the coordination of the administrative officer and
10 reported to the permitting authority.

11 (f) In the cases of developments and subdivisions that are being approved and constructed
12 in phases, the permitting authority shall specify improvement guarantee requirements related to
13 each particular phase.

14 (g) The permitting authority may also require maintenance guarantees to be provided for a
15 ~~one-year~~ period of up to two (2) years subsequent to completion, inspection, and acceptance of the
16 improvement(s) unless there are extenuating circumstances. Such maintenance guarantee shall not
17 exceed ten percent (10%) of the original guarantee amount, or the original cost of the public
18 improvements if no guarantee was required.

19 (h) Procedures for the acceptance of required improvements shall stipulate that all
20 improvements, once inspected and approved, shall be accepted by the municipality or other
21 appropriate municipal agency for maintenance and/or part of the municipal system.

22 (i) The municipality is granted the power to enforce the guarantees by all appropriate legal
23 and equitable remedies.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

1 This act would authorize permitting authorities to require maintenance guarantees for a
2 period of up to two (2) years following completion, inspection, and acceptance of public
3 improvement projects.

4 This act would take effect upon passage.

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