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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING  
AND LAND USE ACT

Introduced By: Senator Jacob Bissaillon

Date Introduced: May 15, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-22.2-10 of the General Laws in Chapter 45-22.2 entitled "Rhode  
2   Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:

3           **45-22.2-10. Coordination of state agencies.**

4           (a) State agencies shall develop their respective programs and conduct their respective  
5   activities in a manner consistent with the findings, intent, and goals established under this chapter.

6           (b) The chief shall develop standards to assist municipalities in the incorporation of the  
7   state goals and policies into comprehensive plans, and to guide the chief's review of comprehensive  
8   plans and state agency activities.

9           (c) The state planning council shall adopt and maintain all rules and regulations necessary  
10   to implement the standards established by this chapter.

11          (d) The chief shall develop and make readily available to all municipalities statewide data  
12   and technical information for use in the preparation of comprehensive plans. Data specific to each  
13   municipality shall be provided by that municipality. The chief shall make maximum use of existing  
14   information available from other agencies.

15          (e) The chief may contract with any person, firm, or corporation to develop the necessary  
16   planning information and coordinate with other state agencies as necessary to provide support and  
17   technical assistance for local planning efforts.

18          (f) The chief shall notify appropriate state agencies of the approval of a comprehensive

1 plan or amendment to a comprehensive plan.

2 (g) Once a municipality's comprehensive plan is approved [and remains valid under § 45-](#)  
3 [22.2-12\(b\)](#), programs and projects of state agencies, excluding the state guide plan as provided for  
4 by § 42-11-10 [and adaptive reuse projects, which, at the time of the submission of any permitting](#)  
5 [applications, are located on state-owned property, meeting the requirements of § 45-24-37\(h\)](#), shall  
6 conform to that plan. In the event that a state agency wishes to undertake a program, project, or to  
7 develop a facility which is not in conformance with the comprehensive plan, the state planning  
8 council shall hold a public hearing on the proposal at which the state agency must demonstrate:

9 (1) That the program, project, or facility conforms to the stated goals, findings, and intent  
10 of this chapter; and

11 (2) That the program, project, or facility is needed to promote or protect the health, safety,  
12 and welfare of the people of Rhode Island; and

13 (3) That the program, project, or facility is in conformance with the relevant sections of the  
14 state guide plan; and

15 (4) That the program implementation, project, or size, scope, and design of the facility will  
16 vary as little as possible from the comprehensive plan of the municipality.

17 SECTION 2. Sections 45-23-27, 45-23-32, 45-23-50 and 45-23-60 of the General Laws in  
18 Chapter 45-23 entitled "Subdivision of Land" are hereby amended to read as follows:

19 **45-23-27. Applicability.**

20 (a) Sections 45-23-25 — 45-23-74 and all local regulations are applicable to all  
21 applications under this chapter, [except as specifically set forth or superseded herein](#).

22 (b) **Plats required.**

23 (1) All activity defined as a subdivision requires a new plat, drawn to the specifications of  
24 the local regulations, and reviewed and approved by the planning board or its agents as provided in  
25 this chapter; and

26 (2) Prior to recording, the approved plat shall be submitted for signature and recording as  
27 specified in § 45-23-64.

28 **45-23-32. Definitions.**

29 Where words or phrases used in this chapter are defined in the definitions section of either  
30 the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode  
31 Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.  
32 Additional words and phrases may be defined in local ordinances, regulations, and rules under this  
33 act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island  
34 Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning

1 Enabling Act of 1991. The words and phrases defined in this section, however, shall be controlling  
2 in all local ordinances, regulations, and rules created under this chapter. In addition, the following  
3 words and phrases have the following meanings:

4 (1) **Administrative officer.** The municipal official(s) designated by the local regulations  
5 to administer the land development and subdivision regulations to review and approve qualified  
6 applications and/or coordinate with local boards and commissions, municipal staff, and state  
7 agencies as set forth herein. The administrative officer may be a member, or the chair, of the  
8 planning board, an employee of the municipal planning or zoning departments, or an appointed  
9 official of the municipality. See § 45-23-55.

10 (2) **Board of appeal.** The local review authority for appeals of actions of the administrative  
11 officer, which shall be the local zoning board of review constituted as the board of appeal. See §  
12 45-23-57.

13 (3) **Bond.** See improvement guarantee.

14 (4) **Buildable lot.** A lot where construction for the use(s) permitted on the site under the  
15 local zoning ordinance is considered practicable by the planning board, considering the physical  
16 constraints to development of the site as well as the requirements of the pertinent federal, state, and  
17 local regulations. See § 45-23-60(a)(4).

18 (5) **Certificate of completeness.** A notice issued by the administrative officer informing  
19 an applicant that the application is complete and meets the requirements of the municipality's  
20 regulations, and that the applicant may proceed with the review process.

21 (6) **Concept plan.** A drawing with accompanying information showing the basic elements  
22 of a proposed land development plan or subdivision as used for pre-application meetings and early  
23 discussions, and classification of the project within the approval process.

24 (7) **Consistency with the comprehensive plan.** A requirement of all local land use  
25 regulations which means that all these regulations and subsequent actions are in accordance with  
26 the public policies arrived at through detailed study and analysis and adopted by the municipality  
27 as the comprehensive community plan as specified in § 45-22.2-3.

28 (8) **Dedication, fee-in-lieu-of.** Payments of cash that are authorized in the local regulations  
29 when requirements for mandatory dedication of land are not met because of physical conditions of  
30 the site or other reasons. The conditions under which the payments will be allowed and all formulas  
31 for calculating the amount shall be specified in advance in the local regulations. See § 45-23-47.

32 (9) **Development plan review.** Design or site plan review of a development of a permitted  
33 use. A municipality may utilize development plan review under limited circumstances to encourage  
34 development to comply with design and/or performance standards of the community under specific

1 and objective guidelines, for the following categories of developments:

2 (i) A change in use at the property where no extensive construction of improvements is  
3 sought;

4 (ii) An adaptive reuse project located in a commercial zone where no extensive exterior  
5 construction of improvements is sought;

6 (iii) An adaptive reuse project located in a residential zone that results in less than nine (9)  
7 residential units;

8 (iv) Development in a designated urban or growth center; or

9 (v) Institutional development for educational or hospital facilities.

10 (vi) [Deleted by P.L. 2024, ch. 292, § 1 and P.L. 2024, ch. 293, § 1.]

11 [\(vii\) An adaptive reuse project, which at the time of the first application for permitting](#)  
12 [approval, is located on state-owned property meeting the requirements of § 45-24-37\(h\).](#)

13 (10) **Development regulation.** Zoning, subdivision, land development plan, development  
14 plan review, historic district, official map, flood plain regulation, soil erosion control, or any other  
15 governmental regulation of the use and development of land.

16 (11) **Division of land.** A subdivision.

17 (12) **Environmental constraints.** Natural features, resources, or land characteristics that  
18 are sensitive to change and may require conservation measures or the application of special  
19 development techniques to prevent degradation of the site, or may require limited development, or  
20 in certain instances, may preclude development. See also physical constraints to development.

21 (13) **Final plan.** The final stage of land development and subdivision review or a formal  
22 development plan review application. See §§ 45-23-38, 45-23-39, and 45-23-50.

23 (14) **Final plat.** The final drawing(s) of all or a portion of a subdivision to be recorded after  
24 approval by the planning board and any accompanying material as described in the community's  
25 regulations and/or required by the planning board.

26 (15) **Floor area, gross.** See R.I. State Building Code.

27 (16) **Governing body.** The body of the local government, generally the city or town  
28 council, having the power to adopt ordinances, accept public dedications, release public  
29 improvement guarantees, and collect fees.

30 (17) **Improvement.** Any natural or built item that becomes part of, is placed upon, or is  
31 affixed to, real estate.

32 (18) **Improvement guarantee.** A security instrument accepted by a municipality to ensure  
33 that all improvements, facilities, or work required by the land development and subdivision  
34 regulations, or required by the municipality as a condition of approval, will be completed in

1 compliance with the approved plans and specifications of a development. See § 45-23-46.

2 (19) **Land development project.** A project in which one or more lots, tracts, or parcels of  
3 land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,  
4 units, or structures, including but not limited to, planned development or cluster development for  
5 residential, commercial, institutional, recreational, open space, or mixed uses. The local regulations  
6 shall include all requirements, procedures, and standards necessary for proper review and approval  
7 of land development projects to ensure consistency with this chapter and the Rhode Island zoning  
8 enabling act.

9 (i) **Minor land development project.** A land development project involving any one of  
10 the following categories which has not otherwise been specifically designated by local ordinance  
11 as development plan review:

12 (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,  
13 manufacturing, or industrial development, or less; or

14 (B) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand  
15 (10,000) square feet for commercial, manufacturing, or industrial structures; or

16 (C) Mixed-use development consisting of up to six (6) dwelling units and two thousand  
17 five hundred (2,500) gross square feet of commercial space or less; or

18 (D) Multi-family residential or residential condominium development of nine (9) units or  
19 less; or

20 (E) Change in use at the property where no extensive construction of improvements is  
21 sought; or

22 (F) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross  
23 floor area located in a commercial zone where no extensive exterior construction of improvements  
24 is sought; or

25 (G) An adaptive reuse project located in a residential zone that results in less than nine (9)  
26 residential units; or

27 (H) An adaptive reuse project, which at the time of the first application for permitting  
28 approval, is located on state-owned property meeting the requirements of § 45-24-37(h).

29 A community can increase but not decrease the thresholds for minor land development set  
30 forth above if specifically set forth in the local ordinance and/or regulations. The process by which  
31 minor land development projects are reviewed by the local planning board, commission, technical  
32 review committee, and/or administrative officer is set forth in § 45-23-38.

33 (ii) **Major land development project.** A land development project that exceeds the  
34 thresholds for a minor land development project as set forth in this section and local ordinance or

1 regulation. The process by which major land development projects are reviewed by the local  
2 planning board, commission, technical review committee, or administrative officer is set forth in §  
3 45-23-39.

4 (20) **Local regulations.** The land development and subdivision review regulations adopted  
5 under the provisions of this act. For purposes of clarification, throughout this act, where reference  
6 is made to local regulations, it is to be understood as the land development and subdivision review  
7 regulations and all related ordinances and rules properly adopted pursuant to this chapter.

8 (21) **Maintenance guarantee.** Any security instrument that may be required and accepted  
9 by a municipality to ensure that necessary improvements will function as required for a specific  
10 period of time. See improvement guarantee.

11 (22) **Master plan.** An overall plan for a proposed project site outlining general, rather than  
12 detailed, development intentions. It describes the basic parameters of a major development  
13 proposal, rather than giving full engineering details. Required in major land development or major  
14 subdivision review only. It is the first formal review step of the major land development or major  
15 subdivision process and the step in the process in which the public hearing is held. See § 45-23-39.

16 (23) **Modification of requirements.** See § 45-23-62.

17 (24) **Parcel.** A lot, or contiguous group of lots in single ownership or under single control,  
18 and usually considered a unit for purposes of development. Also referred to as a tract.

19 (25) **Parking area or lot.** All that portion of a development that is used by vehicles, the  
20 total area used for vehicular access, circulation, parking, loading, and unloading.

21 (26) **Permitting authority.** The local agency of government, meaning any board,  
22 commission, or administrative officer specifically empowered by state enabling law and local  
23 regulation or ordinance to hear and decide on specific matters pertaining to local land use.

24 (27) **Phased development.** Development, usually for large-scale projects, where  
25 construction of public and/or private improvements proceeds by sections subsequent to approval  
26 of a master plan for the entire site. See § 45-23-48.

27 (28) **Physical constraints to development.** Characteristics of a site or area, either natural  
28 or man-made, which present significant difficulties to construction of the uses permitted on that  
29 site, or would require extraordinary construction methods. See also environmental constraints.

30 (29) **Planning board.** The official planning agency of a municipality, whether designated  
31 as the plan commission, planning commission, plan board, or as otherwise known.

32 (30) **Plat.** A drawing or drawings of a land development or subdivision plan showing the  
33 location, boundaries, and lot lines of individual properties, as well as other necessary information  
34 as specified in the local regulations.

1           (31) **Pre-application conference.** An initial meeting between developers and municipal  
2 representatives that affords developers the opportunity to present their proposals informally and to  
3 receive comments and directions from the municipal officials and others. See § 45-23-35.

4           (32) **Preliminary plan.** A required stage of land development and subdivision review that  
5 generally requires detailed engineered drawings. See § 45-23-39.

6           (33) **Public hearing.** A hearing before the planning board that is duly noticed in accordance  
7 with § 45-23-42 and that allows public comment. A public hearing is not required for an application  
8 or stage of approval unless otherwise stated in this chapter.

9           (34) **Public improvement.** Any street or other roadway, sidewalk, pedestrian way, tree,  
10 lawn, off-street parking area, drainage feature, or other facility for which the local government or  
11 other governmental entity either is presently responsible, or will ultimately assume the  
12 responsibility for maintenance and operation upon municipal acceptance.

13           (35) **Slope of land.** The grade, pitch, rise, or incline of the topographic landform or surface  
14 of the ground.

15           (36) **Storm water detention.** A provision for storage of storm water runoff and the  
16 controlled release of the runoff during and after a flood or storm.

17           (37) **Storm water retention.** A provision for storage of storm water runoff.

18           (38) **Street.** A public or private thoroughfare used, or intended to be used, for passage or  
19 travel by motor vehicles. Streets are further classified by the functions they perform. See street  
20 classification.

21           (39) **Street, access to.** An adequate and permanent way of entering a lot. All lots of record  
22 shall have access to a public street for all vehicles normally associated with the uses permitted for  
23 that lot.

24           (40) **Street, alley.** A public or private thoroughfare primarily designed to serve as  
25 secondary access to the side or rear of those properties whose principal frontage is on some other  
26 street.

27           (41) **Street, cul-de-sac.** A local street with only one outlet and having an appropriate  
28 vehicular turnaround, either temporary or permanent, at the closed end.

29           (42) **Street, limited access highway.** A freeway or expressway providing for through  
30 traffic. Owners or occupants of abutting property on lands and other persons have no legal right to  
31 access, except at the points and in the manner as may be determined by the public authority having  
32 jurisdiction over the highway.

33           (43) **Street, private.** A thoroughfare established as a separate tract for the benefit of  
34 multiple, adjacent properties and meeting specific, municipal improvement standards. This

1 definition does not apply to driveways.

2 (44) **Street, public.** All public property reserved or dedicated for street traffic.

3 (45) **Street, stub.** A portion of a street reserved to provide access to future development,  
4 which may provide for utility connections.

5 (46) **Street classification.** A method of roadway organization that identifies a street  
6 hierarchy according to function within a road system, that is, types of vehicles served and  
7 anticipated volumes, for the purposes of promoting safety, efficient land use, and the design  
8 character of neighborhoods and districts. Local classifications use the following as major  
9 categories:

10 (i) **Arterial.** A major street that serves as an avenue for the circulation of traffic into, out  
11 of, or around the municipality and carries high volumes of traffic.

12 (ii) **Collector.** A street whose principal function is to carry traffic between local streets and  
13 arterial streets but that may also provide direct access to abutting properties.

14 (iii) **Local.** Streets whose primary function is to provide access to abutting properties.

15 (47) **Subdivider.** Any person who: (i) Having an interest in land, causes it, directly or  
16 indirectly, to be divided into a subdivision; or who (ii) Directly or indirectly sells, leases, or  
17 develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest,  
18 lot, parcel, site, unit, or plat in a subdivision; or who (iii) Engages directly or through an agent in  
19 the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision  
20 or any interest, lot, parcel, site, unit, or plat in a subdivision.

21 (48) **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts,  
22 or parcels or any adjustment to existing lot lines is considered a subdivision.

23 (i) **Administrative subdivision.** Subdivision of existing lots that yields no additional lots  
24 for development, and involves no creation or extension of streets. This subdivision only involves  
25 division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process  
26 by which an administrative officer or municipal planning board or commission reviews any  
27 subdivision qualifying for this review is set forth in § 45-23-37.

28 (ii) **Minor subdivision.** A subdivision creating nine (9) or fewer buildable lots and a  
29 subdivision creating ten (10) or more buildable lots on an existing improved public street. The  
30 process by which a municipal planning board, commission, technical review committee, and/or  
31 administrative officer reviews a minor subdivision is set forth in § 45-23-38. Minor subdivisions  
32 shall include oversized lot subdivisions. Oversized lot subdivision — Subdivision of an existing  
33 lot:

34 (A) Which results in the creation of a vacant lot or lots for residential use; and

1 (B) Which resulting vacant residential lots are equal to or greater in lot area than the lot  
2 area of at least fifty percent (50%) of the developed residential lots within two hundred feet (200')  
3 of the lot proposed for subdivision, as confirmed by a professional land surveyor based on a  
4 compilation plan, as such term is defined by the rules and regulations for professional land  
5 surveying; and

6 (C) Which resulting residential lots have access to available sewer and water, or have  
7 demonstrated the ability to drill a private well meeting state standards if no public water is available  
8 and/or the suitability and setbacks required for an on-site wastewater treatment system, where no  
9 public sewer is available; and

10 (D) The resulting lots are not less than three thousand square feet (3,000 ft<sup>2</sup>) in lot size for  
11 each.

12 A lot, qualifying for this type of subdivision shall be reviewed under the requirements and  
13 procedures set forth in § 45-23-38, but shall not require zoning relief solely based on the resulting  
14 reduced lot area of the newly created lots. The resulting subdivided lots shall have the benefit of  
15 reduced requirements as set forth in § 45-24-38, and/or are eligible for the processes set forth in §  
16 45-24-46, as applicable.

17 (iii) **Major subdivision.** A subdivision creating ten (10) or more buildable lots where a  
18 street extension or street creation is required. The process by which a municipal planning board or  
19 commission reviews any subdivision qualifying for this review under § 45-23-39.

20 (49) **Technical review committee.** A committee or committees appointed by the  
21 municipality for the purpose of reviewing, commenting, approving, and/or making  
22 recommendations to the planning board or administrative officer, as set forth in this chapter.

23 (50) **Temporary improvement.** Improvements built and maintained by a developer during  
24 construction of a development project and prior to release of the improvement guarantee, but not  
25 intended to be permanent.

26 (51) **Vested rights.** The right to initiate or continue the development of an approved project  
27 for a specified period of time, under the regulations that were in effect at the time of approval, even  
28 if, after the approval, the regulations change prior to the completion of the project.

29 (52) **Waiver of requirements.** See § 45-23-62.

30 **45-23-50. Special provisions — Development plan review.**

31 (a) Municipalities may provide for development plan review, as defined in §§ 45-23-32  
32 and 45-24-49 of the Rhode Island Zoning Enabling Act of 1991, as part of the local regulations. In  
33 these instances, local regulations must include all requirements, **and** procedures, ~~and standards~~  
34 necessary for proper review and recommendations of projects subject to development plan review

1 to ensure consistency with the intent and purposes of this chapter and with § 45-24-49 of the Rhode  
2 Island Zoning Enabling Act of 1991. In addition, the required findings set forth in § 45-23-60 shall  
3 apply. The local regulations and/or ordinances shall identify the permitting authority with the  
4 responsibility to review and approve applications for development plan review, which shall be  
5 designated as the planning board, technical review committee, or administrative officer. ~~The~~ In  
6 municipalities which utilize development plan review the local regulations and/or ordinances shall  
7 provide for specific categories of projects that may review and approve an application  
8 administratively as well as categories that are required to be heard by the designated planning board,  
9 or authorized permitting authority. Unless the review process is waived as set forth below, all  
10 adaptive reuse projects meeting the requirement of § 45-24-37(h), which at the time of submission  
11 of the development plan review application, are located on state-owned property shall be reviewed  
12 administratively.

13 (b) The authorized permitting authority may waive requirements for development plan  
14 approval where there is a change in use or occupancy and no extensive construction of  
15 improvements is sought. The waiver may be granted only by a decision by the permitting authority  
16 finding that the use will not affect existing drainage, circulation, relationship of buildings to each  
17 other, landscaping, buffering, lighting, and other considerations of development plan approval, and  
18 that the existing facilities do not require upgraded or additional site improvements. The application  
19 for a waiver of development plan approval review shall include documentation, as required by the  
20 permitting authority, on prior use of the site, the proposed use, and its impact.

21 (c) The authorized permitting authority may grant waivers of design standards as set forth  
22 in the local regulations and zoning ordinance. The local regulations shall specifically list what  
23 limited waivers an administrative officer is authorized to grant as part of their review.

24 (d) **Review stages.** Administrative development plan review consists of one stage of  
25 review, while formal development plan review consists of two (2) stages of review, preliminary  
26 and final. The administrative officer may combine the approval stages, providing requirements for  
27 both stages are met by the applicant to the satisfaction of the administrative officer.

28 (1) **Application requesting relief from the zoning ordinance.**

29 (i) Applications under this chapter that require relief that qualifies only as a modification  
30 under § 45-24-46 and local ordinances may proceed by filing an application under this chapter and  
31 a request for a modification to the zoning enforcement officer. If such modification is granted the  
32 application shall then proceed to be reviewed by the administrative officer as to completeness  
33 pursuant to the applicable requirements of this section. If the modification is denied or an objection  
34 is received as set forth in § 45-24-46, such application shall proceed under unified development

1 review pursuant to § 45-23-50.1.

2 (ii) Applications under this section that require relief from the literal provisions of the  
3 zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning  
4 board under unified development review pursuant to § 45-23-50.1, and a request for review shall  
5 accompany the preliminary plan application.

6 (e) **Submission requirements.** Any applicant requesting approval of a proposed  
7 development under this chapter, shall submit to the administrative officer the items required by the  
8 local regulations. Requests for relief from the literal requirements of the zoning ordinance and/or  
9 for the issuance of special-use permits or use variances related to projects qualifying for  
10 development plan review shall be submitted and reviewed under unified development review  
11 pursuant to § 45-23-50.1.

12 (f) **Certification.** The application shall be certified, in writing, complete or incomplete by  
13 the administrative officer within twenty-five (25) days or within fifteen (15) days if no street  
14 creation or extension is required, and/or unified development review is not required, according to  
15 the provisions of § 45-23-36(c). If an applicant also submits for a modification to the zoning  
16 enforcement officer, the running of the time period set forth herein will not begin until the decision  
17 on the modification is made as set forth in § 45-24-46. The running of the time period set forth in  
18 this section will be deemed stopped upon the issuance of a written certificate of incompleteness of  
19 the application by the administrative officer and will recommence upon the resubmission of a  
20 corrected application by the applicant. However, in no event will the administrative officer be  
21 required to certify a corrected submission as complete or incomplete less than ten (10) days after  
22 its resubmission. If the administrative officer certifies the application as incomplete, the officer  
23 shall set forth in writing with specificity the missing or incomplete items.

24 (g) **Timeframes for decision.**

25 (1) **Administrative development plan approval.** An application shall be approved,  
26 denied, or approved with conditions within twenty-five (25) days of the certificate of completeness  
27 or within any further time that is agreed to in writing by the applicant and administrative officer.

28 (2) **Formal development plan approval.**

29 (i) **Preliminary plan.** Unless the application is reviewed under unified development  
30 review, the permitting authority will approve, deny, or approve with conditions, the preliminary  
31 plan within sixty-five (65) days of certification of completeness, or within any further time that is  
32 agreed to by the applicant and the permitting authority.

33 (ii) **Final plan.** For formal development plan approval, the permitting authority shall  
34 delegate final plan review and approval to the administrative officer. The officer will report its

1 actions in writing to the permitting authority at its next regular meeting, to be made part of the  
2 record. The final plan shall be approved or denied within forty-five (45) days after the certification  
3 of completeness, or within a further amount of time that may be consented to by the applicant, in  
4 writing.

5 (h) **Failure to act.** Failure of the administrative officer or the permitting authority to act  
6 within the period prescribed constitutes approval of the preliminary plan, and a certificate of the  
7 administrative officer as to the failure to act within the required time and the resulting approval  
8 shall be issued on request of the application.

9 (i) **Vested rights.** Approval of development plan review shall expire two (2) years from  
10 the date of approval unless, within that period, a plat or plan, in conformity with approval, and as  
11 defined in this act, is submitted for signature and recording as specified in § 45-23-64. Validity  
12 may be extended for an additional period upon application to the administrative officer or  
13 permitting authority, whichever entity approved the application, upon a showing of good cause.

14 (j) **Modifications and changes to plans.**

15 (1) Minor changes, as defined in the local regulations, to the plans approved at any stage  
16 may be approved administratively, by the administrative officer. The changes may be authorized  
17 without an additional planning board meeting. All changes shall be made part of the permanent  
18 record of the project application. This provision does not prohibit the administrative officer from  
19 requesting recommendation from either the technical review committee or the permitting authority  
20 if the permitting authority is not the administrative officer. Denial of the proposed change(s) shall  
21 be referred to the permitting authority for review as a major change.

22 (2) Major changes, as defined in the local regulations, to the plans approved at any stage  
23 may be approved only by the permitting authority and must follow the same review and hearing  
24 process required for approval of preliminary plans, which shall include a public hearing, if  
25 originally required as part of the project's approvals.

26 (3) The administrative officer shall notify the applicant in writing within fourteen (14) days  
27 of submission of the written request for a change if the administrative officer determines that there  
28 has been a major change to the approved plans.

29 (k) **Appeal.** A decision under this section shall be considered an appealable decision  
30 pursuant to § 45-23-71.

31 **45-23-60. Procedure — Required findings.**

32 (a) Except as set forth in this section, all local regulations shall require that for all  
33 administrative, [development plan review](#), minor, and major [subdivision and](#) development  
34 applications the ~~approving authorities responsible for land development and subdivision review~~

1 ~~and approval~~ [permitting authority](#) shall make positive findings on the following standard  
2 provisions, as part of the proposed project's record prior to approval:

3 (1) The proposed development is consistent with the comprehensive community plan  
4 and/or has satisfactorily addressed the issues where there may be inconsistencies;

5 (2) The proposed development is in compliance with the standards and provisions of the  
6 municipality's zoning ordinance or has obtained relief from the same, or another provision of this  
7 chapter that exempts compliance with a specific provision or standard;

8 (3) There will be no significant negative environmental impacts from the proposed  
9 development as shown on the final plan, with all required conditions for approval;

10 (4) The subdivision, as proposed, will not result in the creation of individual lots with any  
11 physical constraints to development that building on those lots according to pertinent regulations  
12 and building standards would be impracticable. (See definition of Buildable lot). Lots with physical  
13 constraints to development may be created only if identified as permanent open space or  
14 permanently reserved for a public purpose on the approved, recorded plans; and

15 (5) All proposed ~~land~~ developments ~~and all subdivision lots~~ have adequate physical and  
16 permanent physical access to a public street unless there are local zoning ordinance provisions  
17 allowing exceptions to this requirement or the applicant has obtained the required relief from this  
18 provision.

19 (b) Except for administrative subdivisions, findings of fact must be supported by legally  
20 competent evidence on the record which discloses the nature and character of the observations upon  
21 which the fact finders acted.

22 (c) Minor subdivisions subject to administrative review and approval only, as set forth in  
23 § 45-23-38(a)(2) shall only be subject to the standard provisions set forth in subsections (a)(1),  
24 (a)(2), and (a)(5) of this section.

25 [\(d\) Adaptive reuse projects which meet the requirements of § 45-24-37\(h\) shall only be](#)  
26 [subject to the standard provision set forth in subsection \(a\)\(3\) of this section.](#)

27 SECTION 3. Section 45-24-28 of the General Laws in Chapter 45-24 entitled "Zoning  
28 Ordinances" is hereby amended to read as follows:

29 **45-24-28. Continuation of ordinances — Supercession — Relation to other statutes.**

30 (a) Any zoning ordinance or amendment of the ordinance enacted after January 1, 1992,  
31 shall conform to the provisions of this chapter. All lawfully adopted zoning ordinances shall be  
32 brought into conformance with this chapter by December 31, 1994. Each city and town shall review  
33 its zoning ordinance and make amendments or revisions that are necessary to bring it into  
34 conformance with this chapter.

1 (b) All zoning ordinances adopted under authority of §§ 45-24-1 through 45-24-26 or any  
2 special zoning enabling act that is in effect on June 17, 1991, shall remain in full force and effect  
3 until December 31, 1994, unless earlier amended so as to conform to the provisions of this chapter,  
4 except that § 45-24-37 and § 45-24-44 shall become effective on January 1, 1992.

5 (c) Former §§ 45-24-1 through 45-24-26 and all special zoning enabling acts, including,  
6 but not limited to, chapter 2299 of the public laws of 1922, as amended (town of Westerly); chapter  
7 1277 of the public laws of 1926, as amended (town of Narragansett); chapter 2065 of the public  
8 laws of 1933, as amended (town of West Warwick); chapter 2233 of the public laws of 1935, as  
9 amended (town of Johnston); chapter 2079 of the public laws of 1948, as amended (town of North  
10 Kingstown); chapter 3125 of the public laws of 1953, as amended (town of New Shoreham);  
11 chapter 101 of the public laws of 1973, as amended (town of South Kingstown); are repealed  
12 effective December 31, 1994. All provisions of zoning ordinances adopted under authority of the  
13 provisions of former §§ 45-24-1 through 45-24-26 or of any special act are repealed and are null  
14 and void as of December 31, 1994, unless amended so as to conform to the provisions of this  
15 chapter.

16 (d) Chapter 24.1 of this title, entitled “Historical Area Zoning”, and chapter 3 of title 1,  
17 entitled “Airport Zoning”, are not superseded by this chapter; provided, that any appeal to the  
18 superior court pursuant to chapter 24.1 of this title, entitled “Historical Area Zoning”, or pursuant  
19 to chapter 3 of title 1, entitled “Airport Zoning”, is taken in the manner provided in § 45-24-69.

20 (e) Nothing in this chapter shall be construed to limit the authority of agencies of state  
21 government to perform any regulatory responsibilities, so long as the same are in accordance with  
22 the provisions of this chapter.

23 SECTION 4. Section 45-53-10 of the General Laws in Chapter 45-53 entitled "Low and  
24 Moderate Income Housing" is hereby amended to read as follows:

25 ~~**45-53-10. Repurposing of vacant schools for affordable housing program**~~  
26 **Repurposing of vacant schools for housing program.**

27 (a) There is hereby established the repurposing of school buildings for an affordable  
28 housing program (the “program”). The program shall be administered by the secretary executive  
29 office of housing as set forth herein.

30 (b) The purpose of the program shall be to provide guidance and assistance in the  
31 repurposing of vacant and unused school buildings as identified and existing as of July 1 of each  
32 year, commencing October 1, 2022.

33 (c) The department of elementary and secondary education (the “department”) shall,  
34 commencing on October 1, 2022, on an annual basis, provide to the speaker of the house, the

1 president of the senate, and the secretary of housing a list of all school buildings that have been  
2 abandoned or are no longer being used by a school district, including buildings formerly used for  
3 educational instruction, administration and ancillary uses.

4 (d)(1) Each municipality shall provide the department with a complete list of buildings  
5 abandoned or no longer being used by the school district for the purposes of conducting a feasibility  
6 assessment to repurpose the building as **affordable** housing, including at least twenty-five percent  
7 (25%) of the units designated as affordable housing. The department shall also include and identify  
8 in the list those school buildings that the department anticipates will become abandoned or no  
9 longer used by a school district within the next six (6) months following the issuance of the list.

10 (2) The secretary of housing shall convene a task force comprised of the Rhode Island  
11 housing and mortgage finance corporation, the department of environmental management, the  
12 department of health, and a fire marshal to develop assessment criteria to conduct preliminary  
13 assessments to determine if a building may be repurposed into **affordable** housing, including at  
14 least twenty-five percent (25%) of the units designated as affordable housing. Once the preliminary  
15 assessment criteria are established, the executive office of housing shall conduct the assessments  
16 for each school on the vacant schools list.

17 (3) If the executive office of housing finds that the assessed building meets the preliminary  
18 assessment criteria, the office may, contingent upon program funding, facilitate a feasibility study  
19 to determine the anticipated costs to repurpose the building for **affordable** housing, including at  
20 least twenty-five percent (25%) of the units designated as affordable housing. This feasibility study  
21 shall be completed within one hundred eighty (180) days after the executive office of housing has  
22 been notified of the availability of a vacant building pursuant to this section.

23 (4) Once a building is determined by the executive office of housing to be appropriate for  
24 repurposing as affordable housing, through a completed feasibility study, if completed, the  
25 executive office of housing, in collaboration with the respective municipality, may invite  
26 prospective developers to submit proposals for redevelopment of the site through a competitive  
27 process, with the goal of repurposing the building into **affordable** housing, including at least twenty-  
28 five percent (25%) of the units designated as affordable housing.

29 (e) The executive office of housing shall maintain on its website a separate page related to  
30 the repurposing of buildings for the **affordable** housing program. This website shall contain a listing  
31 of all buildings for which a feasibility assessment was conducted and the outcome of the  
32 assessment, including a general statement of the condition of the property, an estimate of the types  
33 of renovations, if any, that must be performed to the property, a copy of the feasibility study, and  
34 an estimate of the costs thereof. Provided, it shall be made clear on the website that these are

1 estimates to repurpose used buildings, and that neither the state, the corporation, the division, the  
2 commission, or any instrumentality of the state or of a municipality or school district shall be liable  
3 for any estimates that are incorrect.

4 (f) The executive office of housing may seek to assist and facilitate persons and developers  
5 who or that want to repurpose former buildings as **affordable** housing. This assistance may include,  
6 but need not be limited to, technical and financial assistance, all to assist in the repurposing of the  
7 school building.

8 (g) The Rhode Island executive office of housing shall promulgate rules and regulations  
9 for the implementation and enforcement of this section.

10 (h) The secretary of housing shall provide an annual report on or before December 31,  
11 commencing with calendar year 2023, including, but not limited to, the number of schools that are  
12 vacant and include a status report of any development and/or feasibility to repurpose a vacant  
13 building.

14 (i) As used herein, the term “affordable housing” means housing that meets the definition  
15 for low- or moderate-income housing in § 45-53-3.

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

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LC006373  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING  
AND LAND USE ACT

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- 1           This act would amend various provisions relative to adaptive reuse projects on state-owned
- 2 property and certain conditions applied thereto.
- 3           This act would take effect upon passage.

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