

2023 -- S 0706

LC002399

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL  
OF PROPERTY

Introduced By: Senators DiPalma, Ciccone, and Miller

Date Introduced: March 22, 2023

Referred To: Senate Finance

(Dept. of BHDDH)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-7-5 of the General Laws in Chapter 37-7 entitled "Management  
2 and Disposal of Property" is hereby amended to read as follows:

3 **37-7-5. Lease or sale of land acquired by purchase, devise or gift — Permitting use by**  
4 **others.**

5 (a) The acquiring authority, with the approval of the state properties committee, is  
6 authorized and empowered to rent or lease for a period not exceeding ten (10) years with an option  
7 for one renewal for a further period of ten (10) years any land or other real property acquired by  
8 purchase, devise, or gift as may not for the time be required for public use in such manner and upon  
9 such terms and conditions as may, in the judgment of the state purchasing agent, be most  
10 advantageous to the public interest. Provided, however, that with the approval of the state properties  
11 committee, the Rhode Island board of governors for higher education may enter into ground leases  
12 for real property owned by the board for a period not exceeding ninety-nine (99) years with four  
13 (4) options for renewal for a further period of ninety-nine (99) years each for educational and other  
14 purposes consistent with the mission of the institution. The acquiring authority, with the approval  
15 of the state properties committee, is hereby authorized and empowered to sell land or property in  
16 whole, or in part, in such manner and upon such terms and conditions as may in the judgment of  
17 the state purchasing agent be most advantageous to the public interest, and convey the land or  
18 property by proper deed or instrument; provided, however, that the acquiring authority shall first

1 offer the land or property for sale to the city or town wherein the land or property is situated at the  
2 fair market value of the property. A first right to purchase the land or property shall be conclusively  
3 presumed to have been waived in the event a written offer to sell the land or property, containing  
4 the terms of the offer, shall have been sent by registered or certified mail to the city or town clerk,  
5 as the case may be, wherein the land and property are situated and the offer shall not have been  
6 accepted within thirty (30) days from the date of the mailing. In the event that the city or town  
7 wherein the land or property is situated shall refuse to buy the property or land or waive its right to  
8 the first option to purchase, then, in that event the acquiring authority shall be at liberty to sell the  
9 land or property to the highest bidder at public sale after advertising the time, place, and conditions  
10 of the sale at least once a week for at least three (3) weeks preceding the sale in at least one  
11 newspaper published in the county in which the land or property is situated. The acquiring authority  
12 may at any time, with the approval of the governor, after notice to the state properties committee,  
13 permit the use of any land or property to the government of the United States or to any town or city  
14 within the state of Rhode Island, and may, if the governor declares the necessity therefor by reason  
15 of any emergency, allow the temporary use of the land or property to any person, persons,  
16 association, or corporation.

17 (b) The acquiring authority shall first offer to a lessee of a group home that is licensed by  
18 the department of behavioral healthcare, developmental disabilities and hospitals a first right to  
19 purchase the land or property it currently leases at fair market value of the land or property before  
20 it is offered for sale to the city or town in which the land or property is situated. The term “group  
21 home” means any home or other living arrangement that is established, offered, maintained,  
22 conducted, managed, or operated by any person for a period of at least twenty-four (24) hours,  
23 where, on a twenty-four (24) hour basis, direct supervision is provided for the purpose of providing  
24 rehabilitative treatment, habilitation, psychological support, and/or social guidance for three (3) or  
25 more persons with mental illness, addiction/substance use disorders, or who are persons with  
26 developmental disabilities or cognitive disabilities such as brain injury. The facilities shall include,  
27 but not be limited to, group homes and fully supervised apartment programs. Semi-independent  
28 living programs, foster care, halfway houses, and parent deinstitutionalization subsidy aid programs  
29 shall not be considered group homes for the purposes of this chapter. The right to purchase the land  
30 or property shall be conclusively presumed to have been waived in the event a written offer to sell  
31 the land or property, containing the terms of the offer, shall have been sent by registered or certified  
32 mail to the registered agent of the lessee for service of process, and the offer shall not have been  
33 accepted within thirty (30) days from the date of the mailing. If the lessee shall waive the first right  
34 to purchase the land or property, the acquiring authority is hereby authorized to act in accordance

1 [with the provisions specified in subsection \(a\) of this section.](#)

2 ~~(b)~~(c) The acquiring authority is hereby authorized to execute proper deeds and other  
3 instruments of conveyance and demise for land or other real property sold or leased which deeds  
4 and instruments shall in each case be approved as to substance by the director of administration  
5 and as to form by the attorney general.

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

=====  
LC002399  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL  
OF PROPERTY

\*\*\*

- 1           This act would provide that occupants of state-owned group homes be given the right of
- 2 first refusal to purchase the property subject to their lease.
- 3           This act would take effect upon passage.

=====  
LC002399  
=====