

2023 -- S 1053

LC002506

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- SUPERIOR COURT

Introduced By: Senators McKenney, and LaMountain

Date Introduced: May 19, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-2 of the General Laws entitled "Superior Court" is hereby amended
2 by adding thereto the following section:

3 **8-2-40. Land use calendar -- Effective January 1, 2024.**

4 (a) Findings and declarations. The general assembly finds and declares that:

5 (1) There are significant delays in the development permitting process in the State of Rhode
6 Island which results in lost opportunity for the needed development of housing units and
7 commercial development to neighboring states.

8 (2) Contributing to the delay were lengthy administrative appeals to local and state boards
9 prior to appeals to superior court.

10 (3) Previous legislation amended the appeal process in most cases to provide a direct right
11 of appeal to superior court.

12 (4) Landowners, applicants, municipalities and abutters are entitled to decisions with
13 respect to ordinances, regulations, decisions regarding property rights and interests which do not
14 require years of costly appeals and litigation.

15 (4) There is a need for uniform treatment of such matters, and related matters which are
16 statutorily provided with priority on the judicial calendar and expedited for decision.

17 (b) Establishment. To accomplish this purpose in an effort to minimize delay in the
18 processing of land use matters in superior court, effective January 1, 2024, there shall be established
19 a separate calendar for the administration and determination of all land use matters.

1 (c) Land use calendar. The presiding judge of the superior court shall create a land use
2 calendar in superior court and shall assign personnel to the extent warranted to exclusively hear
3 and decide all eligible land use matters, and the calendar shall be referred to as the “land use
4 calendar.” Cases eligible for the land use calendar shall include appeals under §§ 45-22.2-9.1, 45-
5 23-71, 45-23-72, 45-24-69, 45-24-71; 45-24.4-16, 45-24.6-9, 45-53-5; and 45-53-5.1. Any party
6 may request a conference to seek assignment to the land use calendar, and acceptance of any matter
7 in addition to the sections listed above shall be at the discretion of the judge(s) assigned to the
8 calendar.

9 (d) Use of section. Under no circumstances shall any party be permitted to utilize this
10 section as a basis for dismissal of an action, as this section is enacted for the benefit and
11 convenience of the superior court.

12 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- SUPERIOR COURT

1 This act would, effective January 1, 2024, establish a land use court within the superior
2 court.

3 This act would take effect on January 1, 2024.

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