

2024 -- S 2988 SUBSTITUTE A

LC005871/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Senator F. Lombardi

Date Introduced: April 16, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-22.2-13 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 **45-22.2-13. Compliance and implementation. [Effective March 1, 2024.]**

4 (a) The municipality is responsible for the administration and enforcement of the plan.

5 (b) All municipal land use decisions shall be in conformance with the locally adopted
6 municipal comprehensive plan subject to § 45-22.2-12(b).

7 (c) Each municipality shall amend its zoning ordinance and map to conform to the
8 comprehensive plan in accordance with the implementation program as required by § 45-22.2-
9 6(b)(11) and § 45-22.2-6(b)(12)(iv). The zoning ordinance and map in effect at the time of plan
10 adoption shall remain in force until amended. Except with respect to comprehensive plans that have
11 failed to be updated within twelve (12) years, as set forth in § 45-22.2-6(b)(11), in instances where
12 the zoning ordinance is in conflict with an adopted comprehensive plan, the zoning ordinance in
13 effect at the time of the comprehensive plan adoption shall direct municipal land use decisions until
14 such time as the zoning ordinance is amended to achieve consistency with the comprehensive plan
15 and its implementation schedule. In instances of uncertainty in the internal construction or
16 application of any section of the zoning ordinance or map, the ordinance or map shall be construed
17 in a manner that will further the implementation of, and not be contrary to, the goals and policies
18 and applicable content of the adopted comprehensive plan.

1 (d) Limitations on land use applications, review, and approvals may be imposed according
2 to only the following provisions ~~in addition to any other provision that may be required by law.:~~

3 (1) Nothing in the chapter shall be deemed to preclude municipalities from imposing
4 reasonable limitations on the number of building permits or other land use approvals to be issued
5 at any time, provided such limitations are consistent with the municipality's comprehensive plan
6 in accordance with this chapter and are based on a reasonable, rational assessment of the
7 municipality's sustainable capacity for growth. If such limitation is applied to residential building
8 permits, the limitation must be vital to protecting public health and welfare and it must be
9 demonstrated that there is no other means available to protect public health and welfare given the
10 need for additional housing units in the community. No such limitation shall be applicable to
11 applications submitted as part of a comprehensive permit project under § 45-53-4 or units to be
12 developed under inclusionary zoning.

13 (2) In the event of a dire emergency not reasonably foreseeable as part of the
14 comprehensive planning process, a municipality may impose a limitation on the number of building
15 permits or other land use approvals to be issued at any time, provided that such limitation is
16 reasonably necessary to alleviate the emergency and is limited to the time reasonably necessary to
17 alleviate the emergency, but in no event shall such limitation be in place longer than one hundred
18 twenty (120) days.

19 (e) A one-time moratorium, for the purpose of providing interim protection for a planned
20 future land use or uses, may be imposed during the twelve (12) months subsequent to the adoption
21 of the local comprehensive plan provided that a change to the zoning ordinance and map has been
22 identified and scheduled for implementation within twelve (12) months of plan adoption. The
23 moratorium shall be enacted as an ordinance and may regulate, restrict, or prohibit any use,
24 development, or subdivisions under the following provisions:

25 (1) The moratorium is restricted to those areas identified on the map or maps as required
26 by § 45-22.2-6(b)(2)(iii).

27 (2) A notice of the moratorium must be provided by first class mail to property owners
28 affected by said moratorium at least fourteen (14) days in advance of the public hearing.

29 (3) The ordinance shall specify:

- 30 (i) The purpose of the moratorium;
- 31 (ii) The date it shall take effect and the date it shall end;
- 32 (iii) The area covered by the moratorium; and
- 33 (iv) The regulations, restrictions, or prohibitions established by the moratorium.

34 (4) The moratorium may be extended up to an additional ninety (90) days if necessary to

1 complete a zoning ordinance and map change provided that: (i) The public hearing as required by
2 § 45-24-53 has commenced; and (ii) The chief approves the extension based on a demonstration of
3 good cause. Said extension shall not be deemed as non-conformance to the implementation
4 schedule.

5 (f) A moratorium enacted under the provisions of subsection (e) [of this section](#) shall not
6 apply to state agencies until such time that the municipal comprehensive plan receives approval
7 from the chief or superior court.

8 (g) ~~For a moratorium enacted under the provisions of subsection (e) of this section, in~~
9 the event a municipality fails to amend its zoning ordinance and map to conform to the
10 comprehensive plan within the implementation schedule, or by the expiration of the moratorium
11 period, a municipality must amend either their implementation schedule or, if the future land use is
12 no longer desirable or feasible, amend the future land use map.

13 (1) Failure to comply with this provision within one hundred twenty (120) days of the date
14 of the implementation schedule or the expiration of the moratorium period shall result in the denial
15 or rescission, in whole or in part, of state approval of the comprehensive plan and of all benefits
16 and incentives conditioned on state approval.

17 (2) An implementation schedule amended under this provision shall not be eligible for an
18 additional moratorium as provided for in subsection (e) [of this section](#).

19 [\(h\) For any moratorium related to the submission, review or approval of any land use](#)
20 [application for residential housing development, other than that covered by subsection \(e\) of this](#)
21 [section, such moratorium must be vital to protecting public health and welfare and it must be](#)
22 [demonstrated that there is no other means available to protect public health and welfare given the](#)
23 [need for additional housing units in the community. No such limitation shall be applicable to](#)
24 [applications submitted as part of a comprehensive permit project under § 45-53-4, or units to be](#)
25 [developed under inclusionary zoning. The proposal for such moratorium shall be advertised in a](#)
26 [newspaper of local circulation at least fourteen \(14\) days in advance of the hearing and shall be](#)
27 [posted on the municipal website for the fourteen \(14\) days in advance of the hearing on the same.](#)
28 [A moratorium under this provision shall not last for longer than one hundred twenty \(120\) days. A](#)
29 [moratorium under this provision must include a vesting provision which vests all applications](#)
30 [which are substantially complete at the time of the enactment of the moratorium.](#)

31 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 -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT

1 This act would provide amendments relative to the compliance and implementation of the
2 comprehensive planning and use act including the conditions upon which limitations may be placed
3 on land use applications by municipalities.

4 This act would take effect upon passage.

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