

2025 -- H 5802 SUBSTITUTE A AS AMENDED

=====
LC002162/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Noret, Slater, Tanzi, Casey, Speakman, Cotter, Dawson,
Stewart, Finkelman, and Hull
Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

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) Programs and projects of state agencies excluding those residential projects to which
3 the process in subsection (h)(1) of this section applies. Once a municipality's comprehensive plan
4 is approved, programs and projects of state-agencies, excluding the state guide plan as provided for
5 by § 42-11-10, shall conform to that plan. In the event that a state agency wishes to undertake a
6 program, project, or to develop a facility which is not in conformance with the comprehensive plan,
7 the state planning council shall hold a public hearing on the proposal at which the state agency must
8 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 (h)(1) Notwithstanding any other provisions of this chapter, in the event a state agency
18 wishes to undertake a program, project or to develop a facility on state-owned vacant land, state-
19 owned abandoned property, or state-owned underutilized or excess land, for housing purposes,
20 which is not in conformance with an approved and updated local comprehensive plan, and/or local
21 zoning ordinance provisions, then the state planning council shall hold a public hearing on the
22 proposal within sixty (60) days of receipt of the proposal, providing at least fourteen (14) days'
23 notice of the hearing to the municipality in which the property is located, where the state agency
24 must demonstrate:

25 (i) That the program, project, or facility conforms to relevant sections of the state guide
26 plan prepared and adopted pursuant to § 42-11-10; and

27 (ii) That the program, project, or facility is needed to promote or protect the health, safety,
28 and welfare of the people of Rhode Island including, but not limited to, the need for housing,
29 including low- and moderate-income housing; and

30 (iii) That the program, project, or facility has attempted to utilize design standards and
31 recommendations of the relevant municipality to the extent feasible; and

32 (iv) That the agency has obtained reports from experts which conclude that there will not
33 be a detrimental impact on traffic, stormwater, wetlands, sewer capacity, potable water availability,
34 or historic features; and

1 (v) That the agency has obtained feedback from the planning, zoning, and/or engineering
2 staff of the municipality in which the property is located.

3 (2) Nothing in this section shall prevent the respective state agency from partnering with,
4 or transferring, leasing or selling the property upon completion of the project, to any nonprofit, or
5 privately-owned entity or person under any approved and lawful process.

6 SECTION 2. Section 45-23-27 of the General Laws in Chapter 45-23 entitled "Subdivision
7 of Land" is hereby amended to read as follows:

8 **45-23-27. Applicability.**

9 (a) §§ 45-23-25 — 45-23-74 and all local regulations are applicable to all applications
10 under this chapter, except that the local regulations and processes adopted pursuant to this chapter
11 are not applicable to any program, project or to develop a facility on state-owned vacant land, state-
12 owned abandoned property, or state-owned underutilized or excess land, for housing purposes, so
13 long as the proposal has completed a public hearing pursuant to § 45-22.2-10(h).

14 **(b) Plats required.**

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

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

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

22 **45-24-28. Continuation of ordinances — Supercession — Relation to other statutes.**

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

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

32 (c) Former §§ 45-24-1 through 45-24-26 and all special zoning enabling acts, including,
33 but not limited to, chapter 2299 of the public laws of 1922, as amended (town of Westerly); chapter
34 1277 of the public laws of 1926, as amended (town of Narragansett); chapter 2065 of the public

1 laws of 1933, as amended (town of West Warwick); chapter 2233 of the public laws of 1935, as
2 amended (town of Johnston); chapter 2079 of the public laws of 1948, as amended (town of North
3 Kingstown); chapter 3125 of the public laws of 1953, as amended (town of New Shoreham);
4 chapter 101 of the public laws of 1973, as amended (town of South Kingstown); are repealed
5 effective December 31, 1994. All provisions of zoning ordinances adopted under authority of the
6 provisions of former §§ 45-24-1 through 45-24-26 or of any special act are repealed and are null
7 and void as of December 31, 1994, unless amended so as to conform to the provisions of this
8 chapter.

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

13 (e) Nothing in this chapter shall be construed to limit the authority of agencies of state
14 government to perform any regulatory responsibilities. [The local zoning ordinance adopted](#)
15 [pursuant to this chapter is not applicable to any program, project or to develop a facility on state-](#)
16 [owned vacant land, state-owned abandoned property, or state-owned underutilized or excess land,](#)
17 [for housing purposes, so long as the proposal has completed a public hearing pursuant to § 45-22.2-](#)
18 [10\(h\).](#)

19 SECTION 4. This act shall take effect January 1, 2026.

=====
LC002162/SUB A
=====

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 to enable the development of state-owned vacant,
- 2 abandoned or underutilized land for housing and the process therefor.
- 3 This act would take effect January 1, 2026.

=====
LC002162/SUB A
=====