

2025 -- H 6112

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LC002391
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

Introduced By: Representatives Sanchez, Morales, Cruz, and Speakman

Date Introduced: March 19, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-64.12-6 and 42-64.12-7 of the General Laws in Chapter 42-64.12
2 entitled "Eminent Domain" are hereby amended to read as follows:

3 **42-64.12-6. Permissible uses of eminent domain powers.**

4 (a) All entities delegated eminent domain powers under the laws of this state may exercise
5 such powers consistent with other restrictions and limitations established by law, rule, regulation,
6 or ordinance, to acquire property for the following purposes:

7 (1) Providing for public ownership and use;

8 (2) Providing for transportation infrastructure including, but not limited to, roads,
9 highways, bridges, and associated ramps;

10 (3) Providing for public utilities, including telecommunications, and for common carriers;

11 (4) Eliminating an identifiable public harm and/or correcting conditions adversely affecting
12 public health, safety, morals, or welfare, including, but not limited to, the elimination and
13 prevention of blighted and substandard areas, as defined by chapter 31 of title 45, and correcting
14 conditions of environmental contamination that pose a significant risk to the public health,
15 correcting and repairing facilities, and correcting conditions from damages that result from a
16 declared disaster;

17 (5) Providing good and marketable title that is free and clear of liens and encumbrances
18 when property is to be acquired or is to be conveyed for any of the purposes set forth in subsections

19 (1) — (4) of this section.

1 [\(b\) The provisions of this section shall be subject to the provisions of § 42-64.12-7.](#)

2 **42-64.12-7. Restricted use of eminent domain powers. Prerequisite for use of eminent**
3 **domain powers.**

4 (a) No entity subject to the provisions of the chapter shall exercise eminent powers to
5 acquire any property ~~for economic development purposes~~ [pursuant to this section](#) unless it has
6 explicit authority to do so and unless it conforms to the provisions of this section.

7 (b) Plan. The entity shall have a plan for the proposed development, which shall be
8 approved by the governing body of the entity prior to the initiation of any eminent domain
9 proceeding, which plan shall set forth the purposes of the development, the intended benefits to the
10 community, the necessary infrastructure improvements, the presence and correction of any
11 substandard conditions and/or environmental hazards, and the parcels which will be acquired in
12 order to effectuate the plan. In addition, the plan shall include provisions and/or analyses which
13 can support a rational-basis determination that potential takings by eminent domain inure a
14 preponderance of benefits, to the public with only incidental, benefits to a private party or parties.
15 The plan shall only be adopted after public notice of not less than fourteen (14) days, a public
16 hearing and a period for public comment of not less than thirty (30) days. Where other applicable
17 planning requirements are established by law, those planning requirements shall not be deemed to
18 be superceded by the requirements of this subsection, provided, that the plan prepared pursuant to
19 such planning requirements substantially address the matter specified in this subsection and the
20 opportunity for public review and comment is no less than that provided for by this subsection.

21 (c) Notice. The entity shall give the owner(s) of property that may be acquired by eminent
22 domain advanced notice of the potential taking and shall provide the opportunity to ~~sell the property~~
23 ~~for a negotiated,~~ [negotiate a](#) mutually agreed upon price.

24 (d) Except for taking of temporary easements and partial takings subject to the provisions
25 of § 42-64.12-10, no local government entity shall implement any eminent domain proceeding for
26 economic development purposes unless the acquisition of the property by eminent domain has been
27 approved by the city or town council, and no state government entity shall implement any eminent
28 domain proceeding for economic development purposes unless the acquisition of the property by
29 eminent domain has been approved by an act of the general assembly.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require all entities delegated eminent domain powers under this section to
2 adopt a plan and approval prior to exercising such power for a public purpose and remove the
3 restriction that the provisions related to an entity acquiring property by eminent domain apply only
4 for economic development purposes.

5 This act would take effect upon passage.

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