

**2019 -- H 5697 SUBSTITUTE A**

LC001758/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

**A N A C T**

**RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND**

Introduced By: Representatives Shekarchi, Ucci, Solomon, and Lima

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-63 of the General Laws in Chapter 45-23 entitled  
2 "Subdivision of Land" is hereby amended to read as follows:

3 **45-23-63. Procedure -- Meetings -- Votes -- Decisions and records.**

4 (a) All records of the planning board proceedings and decisions shall be written and kept  
5 permanently available for public review. Completed applications for proposed land development  
6 and subdivisions projects under review by the planning board shall be available for public review.

7 (b) Participation in a planning board meeting or other proceedings by any party is not a  
8 cause for civil action or liability except for acts not in good faith, intentional misconduct,  
9 knowing violation of law, transactions where there is an improper personal benefit, or malicious,  
10 wanton, or willful misconduct.

11 (c) All final written comments to the planning board from the administrative officer,  
12 municipal departments, the technical review committee, state and federal agencies, and local  
13 commissions are part of the permanent record of the development application.

14 (d) Votes. All votes of the planning board shall be made part of the permanent record and  
15 show the members present and their votes. A decision by the planning board to approve any land  
16 development or subdivision application requires a vote for approval by a majority of ~~the current~~  
17 ~~planning board membership~~ planning board members present at the time of the vote. A decision  
18 by the planning board to approve a variance or special-use permit pursuant to any adopted unified  
19 development review regulations requires a vote for approval by a majority of the planning board

1 members that were present at the public hearing at which the request was heard.

2 (e) All written decisions of the planning board shall be recorded in the land evidence  
3 records within twenty (20) days after the planning board vote. A copy of the recorded decision  
4 shall be mailed within one business day of recording, by any method that provides confirmation  
5 of receipt, to the applicant and to any objector who has filed a written request for notice with the  
6 administrative officer.

7 SECTION 2. This act shall take effect on January 1, 2020 and shall be prospective and  
8 not applicable to any current zoning or planning hearing or appeal.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would provide that planning board votes for approval requires a majority vote of  
2 the members present at the time of the vote.

3           This act would take effect on January 1, 2020 and shall be prospective and not applicable  
4 to any current zoning or planning hearing or appeal.

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