

2025 -- H 5955 SUBSTITUTE A

LC002033/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING LAND BANK PROGRAM

Introduced By: Representatives Speakman, Giraldo, Voas, and Alzate

Date Introduced: February 28, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 55.2

HOUSING LAND BANK PROGRAM

42-55.2-1. Establishment of housing land bank program.

(a) As used herein:

(1) "Housing land bank" or "land bank" means the housing land bank program operated by the Rhode Island housing and mortgage finance corporation ("corporation"), and established pursuant to this chapter.

(b) There is hereby established a program to be operated by the corporation called the "housing land bank" in furtherance of the goal to create affordable housing in the State of Rhode Island. The housing land bank is intended for the purpose of buying, receiving, and holding real property for the development of housing. Real estate assets held by the land bank shall be donated or sold for housing to be developed and owned by an affordable housing developer including a public housing authority or an organization that qualifies under section 501(c)(3) of the Internal Revenue Code (the "code"), in accordance with guidelines developed by the corporation in collaboration with the department of housing.

(c) In the event that no eligible entity can be identified to redevelop any property in the

1 land bank as affordable housing, the corporation reserves the right to sell the property without
2 restriction to the buyer or on the use of the property so long as any net proceeds from the sale of
3 the property are reinvested in the land bank.

4 **42-55.2-2. Designation of subsidiary organization.**

5 The corporation shall hold title to real estate assets held for disposal according to the
6 purposes described in § 42-55.2-1. Title to such real estate shall be held in the name of a subsidiary
7 of the corporation designated for such purposes.

8 **42-55.2-3. Acquisition of property and deposit into the land bank.**

9 (a) The corporation may acquire real property or interests in real property by gift, transfer,
10 exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the
11 corporation considers proper and deposit such property into the land bank.

12 (b) The corporation may use its own funds or funds that it controls to acquire real property
13 by purchase contracts, lease purchase agreements, installment sales contracts, and/or land contracts,
14 and may accept donations and transfers from municipalities, other quasi-public entities, nonprofit
15 entities, or the state upon such terms and conditions as agreed to by the corporation and the
16 respective municipality, entity or state. Nothing herein shall prevent the corporation from accepting
17 donations from private entities.

18 (c) Notwithstanding any other law to the contrary, any municipality may freely transfer to
19 the land bank real property and interests in real property of the municipality on such terms and
20 conditions and according to such procedures as determined jointly by the municipality in which the
21 property is located and the corporation.

22 **42-55.2-4. Public inspection of records.**

23 (a) The corporation shall maintain and make available for public review and inspection a
24 complete inventory of all property received by the corporation for deposit into the land bank. Such
25 inventory shall include:

26 (1) The location of the parcel; the purchase price, if any, for each parcel received;

27 (2) The identity of the transferor; and

28 (3) Any conditions or restrictions applicable to the property.

29 (b) All parcels received by the corporation and deposited into the land bank shall be listed
30 on the received inventory established pursuant to subsection (a) of this section within ten (10)
31 business days of the acquisition and shall remain in such inventory for at least five (5) business
32 days prior to disposition. Such inventory shall be listed on a website for the corporation accessible
33 to the public, including at least the street where the property is located, the size and type of any
34 structure upon it, within twenty (20) business days of acquisition into the land bank.

1 **42-55.2-5. Corporation's authority to reject proposed transfers of property.**

2 The corporation is hereby allowed to reject any proposed transfer of any real estate asset
3 in control of the land bank for any reason including, but not limited to, polluted, contaminated or
4 problematic parcels which would, in the judgment of the corporation, create a harm to the finances,
5 operations or interests for the land bank, the corporation or the state.

6 **42-55.2-6. Property in the land bank exempt from legal process.**

7 (a) Any land deposited into the land bank inventory shall not be subject to attachment,
8 execution or any judicial or administrative process during the period it is held by the corporation,
9 unless that parcel or asset is pledged as security for any loan agreement related to that parcel in
10 which case any available legal process shall be available against that parcel, but no liens, fines,
11 penalties, assessments or other charges shall be made against the land bank, the corporation or the
12 state for any reason during the period the property is held in the land bank.

13 (b) In the event there is a division in the freehold interest where only a portion of the rights
14 related to the property is located in the land bank, the remainder may be made subject to legal
15 process as long as such process does not act to divest the land bank of any of its attributes of
16 ownership or ability to develop the property.

17 (c) In the event of a divided ownership where a portion of the fee or property interest is
18 held by the land bank or any other conflict in ownership which may arise under this section, the
19 corporation may petition the superior court for partition in which after the required notice and
20 service of process is completed upon confirmatory motion, the land bank shall be awarded and
21 receive the whole fee simple interest by way of an interim order or a final judgment. An interim
22 order or a final judgment constitutes a recordable order which shall be considered binding in the
23 chain of title and any of the remainder portion claimed by another owner or creditor shall be subject
24 to owelty under the law or in equity based on the value of the interest transferred to the land bank.
25 Neither the corporation nor any land subject to such a partition action shall be restrained nor
26 enjoined and no equitable order shall issue to prevent the development of the property by the
27 corporation or its applicant or assignee.

28 **42-55.2-7. Required review of surplus land by municipal entities.**

29 (a) Required property review. Each municipality shall conduct a review of real estate assets
30 owned by or under the control of the municipality and determine which real estate assets are not
31 under current use or planned use as of July 1, 2027. Every municipality shall provide that inventory
32 to the corporation and the department of housing by October 1, 2027. Every year thereafter each
33 municipality shall provide to the corporation and the department of housing by October 1 an
34 inventory of any additional municipal real estate assets which are not under current or planned use

1 [as of July 1 of that year.](#)

2 [\(b\) The department of housing and the corporation will work with municipalities to](#)
3 [determine if properties reported under subsection \(a\) of this section are appropriate for](#)
4 [redevelopment as affordable housing, and if so, how to facilitate that process.](#)

5 SECTION 2. Section 37-7-6 of the General Laws in Chapter 37-7 entitled "Management
6 and Disposal of Property" is hereby amended to read as follows:

7 **37-7-6. Transfer of land between departments and agencies.**

8 The governor, upon the request in writing of any interested general officer or the head of
9 any department, board, bureau, commission, or agency of the state government, may execute a
10 certificate transferring custody, control, and supervision over any land, and all buildings and
11 improvements thereon and other real property, title to which is vested in the state of Rhode Island,
12 or the title to which will be vested in the state upon completion of any condemnation or other
13 proceeding then pending, from the department, board, bureau, commission, or agency exercising
14 custody, control, or supervision to another department, board, bureau, commission, or agency of
15 the state government. [Such transfer may also be made to the Rhode Island housing and mortgage](#)
16 [finance corporation \(as established in chapter 55 of title 42\) or any of its subsidiaries for the](#)
17 [purposes of developing or redeveloping the property as affordable or mixed-income housing. The](#)
18 [corporation shall offer reasonable compensation, as informed by an appraisal or other independent](#)
19 [valuation, for the transfer of state-owned group homes as defined in § 40.1-24-1\(6\).](#)

20 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING LAND BANK
PROGRAM

- 1 This act would create the housing land bank program to allow for the deposit of title to real
- 2 estate assets for the purpose of developing residential housing.
- 3 This act would take effect upon passage.

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