

# SUMMARY OF THE 2013 LEGISLATIVE SESSION

## Legislation that Affects Local, Regional and Statewide Planning

Several bills were enacted during the 2013 Legislative Session that will have an impact on local, regional and statewide planning. Below is a brief synopsis of bills identified by the Statewide Planning Program that may need your attention, accompanied by links to the associated bills, 2013 Public Law chapters and Rhode Island General Laws. If you should have any questions regarding the enactments listed below, please contact Kevin Flynn, Associate Director of the Division of Planning at [kevin.flynn@doa.ri.gov](mailto:kevin.flynn@doa.ri.gov) or 222-6496, Jared Rhodes, Chief of the Statewide Planning Program at [jared.rhodes@doa.ri.gov](mailto:jared.rhodes@doa.ri.gov) or 222-5772 or Chelsea Siefert, Principal Planner, at [chelsea.siefert@doa.ri.gov](mailto:chelsea.siefert@doa.ri.gov) or 222-4721.

### USE OF EMINENT DOMAIN ON CONSERVATION LANDS

*Bills:* [S-214 Sub A](#) and [H-5386 Sub A](#)  
*2013 Public Law Chapter:* [533](#)  
*Rhode Island General Law Created:* [34-39-6](#)

Any state or local agency that is exercising a right of eminent domain over any land which is protected with a conservation restriction or preservation restriction must now notify the agency or organization that holds the conservation or preservation restriction and the Rhode Island Department of Environmental Management of their intentions to condemn the properties. Such notification must include an explanation of the public purpose for which the land protected by the conservation or preservation restriction is being condemned.

### PUBLIC NOTICE REQUIREMENTS

*Bills:* [S-0320 Sub A](#) and [H-5393 Sub B](#)  
*2013 Public Law Chapter:* [235](#)  
*Rhode Island General Laws Affected:* [45-24-53](#) and [45-23-53](#)

Two changes were made to the notice requirements for public hearings on amendments to local zoning ordinances and land development and subdivision regulations.

1. Municipalities are now required to establish and maintain public notice registries allowing any person or entity to register for electronic notice of proposed amendments the zoning ordinance and/or the land development and subdivision regulations. Municipalities must also provide public notice of the existence of the registry annually, by publication of notice in a newspaper of general circulation within the municipality
2. Clarity has been given as to what must be included within newspaper notice. Rhode Island General Law now states that newspaper notice must “(3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration as long as the intent and effect of the proposed ordinance is expressly written in that notice;” (the underlined portion being the new text).

### TOLLING OF EXPIRATION PERIODS

*Bills:* [S-323 Sub A](#) and [H-5265 Sub A](#)  
*2013 Public Law Chapter:* [137](#)  
*Rhode Island General Laws Affected:* [42-17.1-2.5](#), [45-23-63.1](#), [45-24-61.1](#) and [46-23-6.3](#)

The expiration of approvals or permits pertaining to the development of property issued by the Department of Environmental Management, the Coastal Resources Management Council, and approvals given pursuant to local zoning ordinances and/or land development and subdivision regulations have been tolled until June 30, 2015. Tolling shall only apply to approvals or permits in effect on November 9, 2009 and those issued between November 9, 2009 and June 30, 2015.

## **SLOPE OF LAND**

Bills: [S-544 Sub A](#) and [H-5703 Sub A](#)

2013 Public Law Chapter: [467](#)

Rhode Island General Laws Affected: [45-23-32](#), [45-23-44](#), [45-24-31](#) and [45-24-33](#)

The Zoning Enabling and Land Deveopment and Subdivision Review Enabling Acts have been amended to require that the slope of land not be excluded from the calculation of buildable lot area or minimum lot size, or in the calculation of the number of buildable lots or units. New definitions have been given for slope of land - "The grade, pitch, rise or incline of the topographic landform or surface of the ground"- and lot area, minimum - "The smallest land area established by the local zoning ordinance upon which a use, building or structure may be located in a particular zoning district."

*If your municipality currently excludes sloped land from buildable land calculations, revisions will need to be made to the local zoning ordinance and/or land development and subdivision regulations.*

## **COMMISSION TO DETERMINE THE FUTURE OF SOLID WASTE MANAGEMENT IN RHODE ISLAND**

Bill: [S-602 Sub A](#)

A commission was created to study all technical, environmental, policy, and financial issues concerning the future of solid waste management in the state of Rhode Island. The commission shall issue a report that evaluates and recommends solid waste disposal options for the economically sound disposal of the state's solid waste once the central landfill's capacity is exhausted. The report must also set forth an action plan and establish the timeline necessary to implement the recommended options. The report must be submitted to the General Assembly on or before December 31, 2014, and the commission shall expire on June 15, 2015.

*This work will be undertaken in conjunction with the work already underway by the Division of Planning and the Rhode Island Resource Recovery Corporation to develop a State Guide Plan element that specifically addresses solid waste.*

## **RHODE ISLAND CLIMATE CHANGE COMMISSION**

Bills: [S-671 Sub B](#) and [H-6296](#)

2013 Public Law Chapter: [163](#)

Rhode Island General Law Affected: [23-84-3](#)

The Rhode Island Climate Change Commission shall now have as its chair, the Director of the Department of Administration or his or her designee.

## **WETLANDS AND ON-SITE WASTEWATER TREATMENT SYSTEM TASK FORCE**

Bills: [S-672 Sub A](#) and [H-5425 Sub A](#)

2013 Public Law Chapter: [136](#)

Rhode Island General Law Created: [42-64.13-10](#)

The Division of Planning is to convene a task force that will undertake a study and compile a report regarding onsite waste water treatment system (OWTS) regulation, and watershed planning. Membership of the task force is to include: the Director of the Department of Environmental Management, or designee; the Director of the Office of Regulatory Reform, or designee; the Executive Director of the Coastal Resources Management Council, or designee; one representative each from an environmental entity and a builders' trade association; at least two (2) municipal representatives; at least two (2) representatives from the business community; and at least one civil engineer, or one environmental engineer with experience in OWTS and wetlands regulation, and one wetlands biologist.

The report is to include an assessment of the adequacy of protection afforded to wetlands and/or waters of the state under current regulations, identify gaps in protection for septic disposal and various wetlands; and recommend statutory and/or regulatory changes that are required to protect wetlands statewide. The report must be submitted to the Governor and the General Assembly no later than December 31, 2014.

## **STATE PLANNING COUNCIL**

Bills: [S-760 Sub A](#) and [H-6285](#); and [S-907 Sub A](#) and [H-5549 Sub A](#)

2013 Public Law Chapter: [253](#) and [304](#)

Rhode Island General Law Affected: [42-11-10](#)

Two sets of bills were passed that amend the

composition of the State Planning Council. Two additional public members were added to the Council, bringing the total number of public members to six, with the stipulation that one of the public members be an employer with fewer than 50 employees, and the other be an employer with greater than 50 employees. Also added to the Council were the Commissioner of the Rhode Island Office of Energy Resources; the Chief Executive Officer of the Rhode Island Public Transit Authority; and the Executive Director of Rhode Island Housing.

In addition, language was that clarifies the role of the State Planning Council as the state's single Metropolitan Planning Organization for transportation planning purposes.

## **CODE CONSISTENCY COUNCIL**

*Bills:* [S-761](#) and [H-6323](#)

*2013 Public Law Chapter:* [195](#)

*Rhode Island General Laws Created:* 23-88

A Code Consistency Council has been established to examine areas within the building code, fire code, elevator code, and any other codes that overlap, conflict or may be inconsistent. The council will make recommendations that may resolve the conflict or inconsistency by selecting the "lead" code on a particular issue, by making all the codes consistent or by allowing the inconsistencies that serve a specific purpose.

## **MUNICIPAL STREETLIGHT OPTIONS**

*Bills:* [S-836 Sub A](#) and [H-5935 Sub A](#)

*2013 Public Law Chapter:* [245](#)

*Rhode Island General Laws Created:* 39-29

A "Municipal Streetlight Investment Act" has been established that provides additional options for municipalities in utilizing street lights, including the purchase of all of the public street and area lighting equipment.

## **ADA ACCESSIBILITY STRUCTURES AND ZONING RELIEF**

*Bills:* [S-838](#) and [H-5347](#)

*2013 Public Law Chapter:* [324](#)

*Rhode Island General Law Affected:* [23-27.3-118.2](#)

Ramps, lifts and other accommodation alternatives necessary for compliance with the provisions of the Americans with Disabilities Act (ADA) relating to accessibility are now allowed as needed in the front, side or rear yards of existing structures, including those which have been built-out or converted to commercial uses, without the need to acquire a dimensional variance.

## **HOUSING IMPLEMENTATION OVERSIGHT COMMISSION**

*Bills:* [S-975](#) and [H-5960](#)

*2013 Public Law Chapter:* [273](#)

*Rhode Island General Laws Affected:* [45-53-9](#)

The timeframe for the Housing Oversight Commission established through the 2004 Low and Moderate Income Housing Act has been extended. The purposes of the Commission remain the same as found in the original bill - (1) to monitor and evaluate the implementation of the act including the preparation and review, by statewide planning, of local plans; (2) to monitor the development and adoption of the state strategic housing plan by the housing resources commission and statewide planning; (3) to review the progress reports submitted by the housing resources commission; (4) to recommend any changes that may be needed in the law; and (5) to assess the need for resources to accomplish housing objectives and to make recommendations. The Commission is to submit a report to the General Assembly no later than March 1, 2017 and shall expire March 31, 2020.

## **HISTORIC TAX CREDIT**

*Bills:* [H-5127 Sub A as amended](#)

*2013 Public Law Chapter:* [144](#)

*Rhode Island General Laws Created:* 44-33.6

Rhode Island's Historic Tax Credit has been reinstated as part of the approved budget for the fiscal year ending June 30, 2014. As with the previous iteration of the historic tax credit, applications will be accepted from any person, firm, partnership, trust, estate, limited liability company, corporation (whether for profit or nonprofit) or other business entity that incurs qualified rehabilitation expenditures for the substantial rehabilitation of a certified historic structure, provided the rehabilitation meets certain standards, for a credit against the taxes imposed.

## MUNICIPAL ROAD AND BRIDGE REVOLVING LOAN FUND

*Bills:* [H-5127 Sub A as amended](#)

*2013 Public Law Chapter:* [144](#)

*Rhode Island General Laws Created:* 24-18

Included as part of the approved budget for the fiscal year ending June 30, 2014 was the creation and allocation of \$7 million in funds to the Municipal Road and Bridge Revolving Loan Fund. By September 1, 2013, the RI Department of Transportation must establish the process and criteria for evaluating transportation projects. The RI Clean Water Finance Agency will administer the program and has been tasked with developing loan terms and conditions by December 31, 2013.

To receive a loan, municipalities may submit infrastructure plans to the RI Department of Transportation, who will develop a project priority list. The project submittal period will run from September 15th to October 15th annually, with determination of funded projects by the end of the calendar year.

## STORMWATER REGULATIONS LEGISLATIVE STUDY COMMISSION

*Bill:* [H-6049](#)

A special legislative study commission was created to study Rhode Island's stormwater regulations and requirements and their impact on our waters, including surface water, groundwater, and coastal areas, as well as development and redevelopment implications and practices, with the intent of making recommendations on additional statutory and policy needs. The commission shall report its findings and results to the General Assembly on or before April 15, 2014, and the commission shall expire on June 15, 2014.

## ECONOMIC DEVELOPMENT EFFORTS

Several pieces of legislation were passed with the intent of developing an integrated system of economic development activities, promoting the economic viability of the Rhode Island economy, ensuring the efficient use of all available resources by the departments/divisions responsible for the regulation of growth within the state and the provision of labor and training programs serving all Rhode Islanders,

and providing, promoting and encouraging the preservation, expansion and sound development of new and existing industry, business, commerce, agriculture, tourism, recreational, and renewable energy facilities. In summary:

1. The Rhode Island Division of Planning and the Rhode Island Economic Development Corporation have been tasked with developing a written long-term economic development vision and policy for the state of Rhode Island and a strategic plan for implementing this policy and submitting this policy to the Governor and General Assembly by October 31, 2014. Beginning January 1, 2015, and during the first year of each new or re-elected gubernatorial administration thereafter, the governor shall convene an Economic Development Planning Council to develop a new or revised economic development vision, policy and strategic plan.

*Bill:* [H-6069 Sub B](#) and [S-712 Sub A](#)

*2013 Public Law Chapter:* [208](#)

*Rhode Island General Law Created:* 42-64.15

*The RhodeMap RI process, currently underway, includes the creation of a long-term economic development vision and policy for the state. For more information, see [www.rhodemapri.org](http://www.rhodemapri.org).*

2. Effective February 1, 2015, the Executive Office of Commerce will be established to serve as the principal agency of the executive branch of state government for managing the promotion of commerce and the economy within the state. The Executive Office of Commerce will be led by a Secretary of Commerce and is to include the existing Department of Business Regulation, the existing Office of Regulatory Reform, and the existing Office of Housing and Community Development. The Executive Office of Commerce and the Secretary of Commerce have been tasked with multiple powers and duties related to the state's economic development.

*Bill:* [H-6063 Sub B](#)

*2013 Public Law Chapter:* [492](#)

*Rhode Island General Law Created: 42-64.18*

3. The Rhode Island Economic Development Corporation has been renamed the Rhode Island Commerce Corporation, and the Secretary of Commerce will become the Commerce Corporation's Executive Officer.

*Bill: [H-6071 Sub A](#)*

*2013 Public Law Chapter: [490](#)*

*Rhode Island General Law Affected: [42-64](#)*

4. A Council of Economic Advisors has been established, with the purpose of advising the Governor on economic policy; preparing economic policy analysis on specific issues such as tax credits, tax expenditures and other related matters; publishing reports and analyses as it sees fit to inform the state of the effect of economic activity and policy; establishing a central repository of economic information in the state; preparing an annual report on the economy of Rhode Island; and reviewing and advising on the strategic economic development plan (described under #1, above).

*Bill: [H-6070 Sub B](#)*

*2013 Public Law Chapter: [491](#)*

*Rhode Island General Law Created: 42-64.15*

5. The Governor's Commerce and Workforce Coordination Cabinet was established within the executive branch of state government to provide for the integration and coordination of the activities of the various agencies and departments that are involved in the development of the Rhode Island economy and its workforce and ensure the consistent implementation of the economic development policy and strategic plan. The Cabinet is composed of existing department directors.

*Bill: [H-6063 Sub B](#)*

*2013 Public Law Chapter: [492](#)*

*Rhode Island General Law Created: 42-6.1*

## **ZONING ENABLING ACT AND LAND DEVELOPMENT AND SUBDIVISION REVIEW ENABLING ACT LEGISLATIVE STUDY COMMISSION**

*Bill: [H-6167](#)*

A special legislative study commission was created to assess the impact of Rhode Island's Zoning Enabling Act (RIGL § 45-24) and Subdivision and Land Development Review Enabling Act (RIGL § 45-23) on the economic development of the state and the procedural practices of local Boards and Commissions, with the intent of making recommendations on additional statutory and policy needs. The commission shall report its findings and results to the General Assembly on or before January 15, 2014, and the commission shall expire on February 1, 2014.

*Brought to you by the Local Planning Assistance team*

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