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LC02809/SUB A/2  
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## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL  
OF PROPERTY

Introduced By: Representative Thomas C. Slater

Date Introduced: May 01, 2008

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 45-32-4 and 45-32-5 of the General Laws in Chapter 45-32  
2 entitled "Redevelopment Projects" are hereby amended to read as follows:

3           **45-32-4. Resolution or ordinance designating redevelopment area -- Public hearing.**

4 -- The legislative body of the community must designate by resolution or ordinance one or more  
5 areas within the community as a redevelopment area or areas. (Whenever the word "resolution" is  
6 used, it means "resolution or ordinance.") Each resolution shall include a description of the  
7 boundaries of the area or areas designated as a redevelopment area. Before passing a resolution,  
8 the legislative body or the committee thereof, to which the proposed resolution has been referred,  
9 shall give notice of the date, time, place, and purpose of a public hearing or hearings with  
10 reference to the resolution at which the recommendations of the planning commission developed  
11 in accordance with the provisions of section 45-32-3 shall be considered. The notice shall be  
12 published not less than once a week for three (3) successive weeks prior to the hearing in a  
13 newspaper of general circulation published in the community, or if no newspaper is published in  
14 the community, then in a newspaper of general circulation in the community. At the public  
15 hearing all interested persons or agencies shall have an opportunity to be heard and to submit  
16 communications in writing. The public hearing required by this section may be held jointly with  
17 the hearing upon a redevelopment plan for a project area, as provided in section 45-32-11, if the  
18 legislative body so directs. Any person, group, association, or corporation may, in writing,

1 petition the legislative body to designate one or more areas within the community as  
2 redevelopment areas, and may submit, with their petition, plans, showing the proposed  
3 redevelopment of those areas or any part or parts of the areas.

4 [The enactment of any city or town ordinance or the passing of a resolution designating](#)  
5 [redevelopment areas shall constitute a finding by the legislative body that the areas designated as](#)  
6 [redevelopment areas meet the definitions set forth in section 45-31-8 related to redevelopment](#)  
7 [areas.](#)

8 **45-32-5. Corporate powers of agencies.** -- (a) Each redevelopment agency constitutes a  
9 public body, corporate and politic, exercising public and essential governmental functions, and  
10 has all the powers necessary and convenient to carry out and effectuate the purposes and  
11 provisions of chapters 31 -- 33 of this title, including the powers enumerated in this section in  
12 addition to others granted by these chapters:

13 (1) To sue and be sued; to borrow money; to compromise and settle claims; to have a  
14 seal; and to make and execute contracts and other instruments necessary or convenient to the  
15 exercise of its powers.

16 (2) To make, and, from time to time, amend and repeal bylaws, rules, and regulations,  
17 consistent with chapters 31 -- 33 of this title, to carry into effect the powers and purposes of these  
18 chapters.

19 (3) To select and appoint officers, agents, counsel, and employees, permanent and  
20 temporary, as it may require, and determine their qualifications, duties, and compensation.

21 (4) Within the redevelopment area or for purposes of redevelopment: to purchase, lease,  
22 obtain an option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal  
23 property, or any estate or interest in it, together with any improvements on it; to acquire by the  
24 exercise of the power of eminent domain any real property or any estate or interest in it, although  
25 temporarily not required to achieve the purposes of chapters 31 -- 33 of this title; to clear,  
26 demolish, or remove any and all buildings, structures, or other improvements from any real  
27 property so acquired; to rehabilitate or otherwise improve any or all substandard buildings,  
28 structures, or other improvements; to insure or provide for the insurance of any real or personal  
29 property or operations of the agency against risk or hazard; and to rent, maintain, rehabilitate,  
30 improve, manage, operate, repair, and clear the property.

31 (5) To develop as a building site or sites any real property owned or acquired by it.

32 (6) To cause streets and highways to be laid out and graded, and pavements or other road  
33 surfacing, sidewalks, and curbs, public utilities of every kind, parks, playgrounds, and other  
34 recreational areas, off street parking areas and other public improvements to be constructed and

1 installed.

2 (7) To prepare or have prepared all plans necessary for the redevelopment of blighted  
3 and substandard areas; with the consent and approval of the community planning commission, to  
4 carry on and perform, for and on behalf of the commission, all or any part of the planning  
5 activities and functions within the community; to undertake and perform, for the community,  
6 industrial, commercial, and family relocation services; to obtain appraisals and title searches; to  
7 make investigations, studies, and surveys of physical, economic, and social conditions and trends  
8 pertaining to a community; to develop, test, and report methods and techniques and carry out  
9 research and other activities for the prevention and the elimination of blighted and substandard  
10 conditions and to apply for, accept, and utilize grants of funds from the federal government and  
11 other sources for those purposes; and to enter upon any building or property in any  
12 redevelopment area in order to make investigations, studies, and surveys, and, in the event entry  
13 is denied or resisted, an agency may petition the superior court in and for the county in which the  
14 land lies for an order for this purpose. Upon the filing of a petition, due notice of it shall be served  
15 on the person denying or resisting entry, and after a hearing on the petition, the court shall enter  
16 an order granting or denying the petition.

17 (8) To undertake technical assistance to property owners and other private persons to  
18 encourage, implement, and facilitate voluntary improvement of real property.

19 (9) To undertake and carry out code enforcement projects pursuant to the provisions of  
20 appropriate federal legislation.

21 (10) To invest any funds held in reserves or sinking funds or any funds not required for  
22 immediate disbursement, in property or securities in which savings banks may legally invest  
23 funds subject to their control; and to purchase its bonds at a price not more than the principal  
24 amount and accrued interest, all bonds so purchased to be cancelled.

25 (11) To lend money, and to sell, lease, exchange, subdivide, transfer, assign, pledge,  
26 encumber (by mortgage, deed of trust, or otherwise), or otherwise dispose of any real or personal  
27 property or any estate or interest in it acquired under the provisions of chapters 31 -- 33 of this  
28 title, to the United States, the state government, any state public body, or any private corporation,  
29 firm, or individual at its fair value for uses in accordance with the redevelopment plan,  
30 irrespective of the cost of acquiring and preparing the property for redevelopment. In determining  
31 the fair value of the property for uses in accordance with the redevelopment plan, the agency shall  
32 take into account, and give consideration to, the uses and purposes required by the plan, the  
33 restrictions upon, and the obligations assumed by the purchaser or lessee of the property, and the  
34 objectives of the redevelopment plan for the prevention of the recurrence of blighted and

1 substandard conditions. Any lease or sale of the property may be made without public bidding  
2 provided, that no sale or lease is made until at least ten (10) days after the legislative body of the  
3 community has received from the agency a report concerning the proposed sale or lease.

4 (12) To obligate the purchaser or lessee of any real or personal property or any estate or  
5 interest in it to:

6 (i) Use the property only for the purpose and in the manner stated in the redevelopment  
7 plan;

8 (ii) Begin and complete the construction or rehabilitation of any structure or  
9 improvement within a period of time which the agency fixes as reasonable; and

10 (iii) Comply with other conditions that in the opinion of the agency are necessary to  
11 prevent the recurrence of blighted and substandard conditions and otherwise to carry out the  
12 purposes of chapters 31 -- 33 of this title. The agency, by contractual provisions, may make any  
13 of the purchasers' or lessees' obligations, covenants, or conditions running with the land, and may  
14 provide that, upon breach thereof, the fee reverts to the agency.

15 (13) To act as agent for a city or town in any real estate transaction, including, but not  
16 limited to, the exercise of municipal rights pursuant to section 37-7-3, and the exercise of all  
17 rights related to tax titles held by a city or town as provided in section 44-9-18.2. In this agency  
18 capacity, relating to or arising out of actions pursuant to sections 37-7-3 and 44-9-18.2, the  
19 redevelopment agency shall be deemed to have, in addition to all powers granted pursuant to this  
20 title, any and all powers of the municipality as principal.

21 ~~(13)~~ (14) To exercise all or any part or combination of the powers granted in this chapter.

22 (b) Nothing contained in this chapter authorizes an agency to construct any new  
23 buildings for residential, commercial, or industrial uses contemplated by the redevelopment plan.

24 (c) Nothing contained in this chapter authorizes an agency to retain for a period in excess  
25 of five (5) years from the date of acquisition, or within another additional period of time that the  
26 legislative body fixes as reasonable, the fee or any estate or interest in it to any building,  
27 structure, or other improvement, not demolished or otherwise removed, which has been acquired  
28 by the agency in accordance with the redevelopment plan.

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

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would amend certain sections of the general laws relating to the management and
- 2 disposal of property and redevelopment projects relative thereto.
- 3           This act would take effect upon passage.

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