

2010 -- H 7583

LC01791

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO TOWNS AND CITIES

Introduced By: Representatives San Bento, and Petrarca

Date Introduced: February 24, 2010

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly hereby finds that the current
2 economic conditions in the real estate market demonstrate that there is little or no demand for
3 new construction. In addition, the banking crisis has made it extremely difficult for real estate
4 developers to obtain financing for new real estate construction. Currently, there are real estate
5 developers who have expended substantial amounts of money to obtain permits and approvals
6 from various local and state agencies. Many of the permits and approvals will expire prior to an
7 improvement in the economy and the financial and banking industries. Therefore, the best long-
8 term solution is to extend the time by which such permits and approvals will expire until the
9 marketing and financing conditions improve as to provide an opportunity for such real estate
10 developers to obtain the financing necessary to complete the projects for which the permits and
11 approvals were obtained.

12 SECTION 2. Chapter 45-23 of the General Laws entitled "Subdivision of Land" is hereby
13 amended by adding thereto the following section:

14 **45-23-63.2. Procedure -- Tolling of expiration periods. -- (a) Notwithstanding any other**
15 **provision set forth in this chapter, all periods pertaining to the expiration of any approval issued**
16 **pursuant to the local regulations promulgated under this chapter shall be tolled until June 30,**
17 **2011.**

18 **(b) Said tolling need not be recorded in the land evidence records to be valid, however, a**
19 **notice of the tolling must be posted in both the municipal planning department, the municipal**

1 clerk's office, or near the land evidence records.

2 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009,
3 and those granted between November 9, 2009 and June 30, 2011, and shall not revive expired
4 approvals. For purposes of this section, "tolling" shall mean the suspension or temporary
5 stopping of the running of any applicable periods so that revised expiration dates for all permits
6 and approvals will be recalculated as of July 1, 2011 by adding thereto beyond July 1, 2011 the
7 number of days of suspension between November 9, 2009 and the day on which the approval or
8 permit would have otherwise expired. For example, an approval that would have expired on
9 December 7, 2009 (twenty-eight (28) days after November 9, 2009) would have the revised
10 expiration date of July 28, 2011 (twenty-eight (28) days after the tolling period end).

11 SECTION 3. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby
12 amended by adding thereto the following section:

13 **45-24-61.2. Procedure -- Tolling of expiration periods. --** (a) Notwithstanding any
14 other provision set forth in this chapter, all periods pertaining to the expiration of any approval
15 issued pursuant to the local ordinances promulgated under this chapter shall be tolled until June
16 30, 2011.

17 (b) Said tolling need not be recorded in the land evidence records to be valid, however, a
18 notice of the tolling must be posted in the municipal planning department, the municipal clerk's
19 office, or near the land evidence records.

20 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009,
21 and those granted between November 9, 2009 and June 30, 2011, and shall not revive expired
22 approvals. For purposes of this section, "tolling" shall mean the suspension or temporary
23 stopping of the running of any applicable periods so that revised expiration dates for all permits
24 and approvals will be recalculated as of July 1, 2011 by adding thereto beyond July 1, 2011 the
25 number of days of suspension between November 9, 2009 and the day on which the approval or
26 permit would have otherwise expired. For example, an approval that would have expired on
27 December 7, 2009 (twenty-eight (28) days after November 9, 2009) would have the revised
28 expiration date of July 28, 2011 (twenty-eight (28) days after the tolling period end).

29 SECTION 4. Chapter 42-17.1 of the General Laws entitled "Department of
30 Environmental Management" is hereby amended by adding thereto the following section:

31 **42-17.1-2.6. Tolling of expiration periods. --** (a) Notwithstanding any other provision
32 set forth in this chapter, all periods pertaining to the expiration of any approval or permit issued
33 pursuant to any state statute or any regulation promulgated thereto pertaining to the development
34 of property shall be tolled until June 30, 2011.

1 (b) Said tolling need not be recorded in the land evidence records to be valid, however, a
2 notice of the tolling must be posted in the municipal planning department, the municipal clerk's
3 office, or near the land evidence records.

4 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009,
5 and those granted between November 9, 2009 and June 30, 2011, and shall not revive expired
6 approvals. For purposes of this section, "tolling" shall mean the suspension or temporary
7 stopping of the running of any applicable periods so that revised expiration dates for all permits
8 and approvals will be recalculated as of July 1, 2011 by adding thereto beyond July 1, 2011 the
9 number of days of suspension between November 9, 2009 and the day on which the approval or
10 permit would have otherwise expired. For example, an approval that would have expired on
11 December 7, 2009 (twenty-eight (28) days after November 9, 2009) would have the revised
12 expiration date of July 28, 2011 (twenty-eight (28) days after the tolling period end).

13 SECTION 5. Chapter 46-23 of the General Laws entitled "Coastal Resources
14 Management Council" is hereby amended by adding thereto the following section:

15 **46-23-6.4. Tolling of expiration periods.** – (a) Notwithstanding any other provision set
16 forth in this chapter, all periods pertaining to the expiration of any approval or permit issued
17 pursuant to any state statute or any regulation promulgated thereto pertaining to the development
18 of property shall be tolled until June 30, 2011.

19 (b) Said tolling need not be recorded in the land evidence records to be valid, however, a
20 notice of the tolling must be posted in the municipal planning department, the municipal clerk's
21 office, or near the land evidence records.

22 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009,
23 and those granted between November 9, 2009 and June 30, 2011, and shall not revive expired
24 approvals. For purposes of this section, "tolling" shall mean the suspension or temporary
25 stopping of the running of any applicable periods so that revised expiration dates for all permits
26 and approvals will be recalculated as of July 1, 2011 by adding thereto beyond July 1, 2011 the
27 number of days of suspension between November 9, 2009 and the day on which the approval or
28 permit would have otherwise expired. For example, an approval that would have expired on
29 December 7, 2009 (twenty-eight (28) days after November 9, 2009) would have the revised
30 expiration date of July 28, 2011 (twenty-eight (28) days after the tolling period end).

31 SECTION 6. This act shall take effect upon passage and shall apply only to approvals
32 and permits in effect at the time of passage and shall not revive any expired approval or permit.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES

1 This act would address expiration periods pertaining to any approval or permit issued
2 pursuant to any state statute.

3 This act would take effect upon passage and would apply only to approvals and permits
4 in effect at the time of passage and would not revive any expired approval or permit.

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