



# nerej

## **Lawmakers prove sympathetic to some RIBA-backed initiatives - by Paul Eno**

August 09, 2011 - Rhode Island

The shelter industry received some much appreciated support during the 2011 session of the R.I. General Assembly, which wrapped up at 1:15 a.m. on July 1st.

As reported in last month's R.I. Builder Report, the important "tolling" bills (550/5389) were passed. These bills "stop the clock" on all approvals and permits in effect as of Nov. 9, 2009, and for those issued since then and still in effect, until June 30, 2013. The measure extends the expiration dates for all approvals by the Dept. of Environmental Management (DEM), the Coastal Resources Management Council (CRMC), and all local planning and zoning authorities.

RIBA-supported "permit" bills (536/5984) also passed. The 60-day review period for one- to three-family applications has been changed to 45 days. RIBA had asked for 30 days. However, the same 45-day review period has been established for light commercial projects under 50,000 s/f.

The R.I. Builder Report last month reported on the state Supreme Court decision on the West v. MacDonald case, wherein the court upheld the lower court decision that provisions of a given Comprehensive Plan would prevail in resolving conflicts between it and the zoning ordinance.

As the 2011 legislative session drew to a close, however, the legislature amended the state's Comprehensive Planning and Land Use Act (21/5380) to specify that in instances of conflict, the zoning ordinance would direct municipal land-use decisions. It also establishes a procedure to ensure that local zoning ordinances are changed to be consistent with comprehensive plans, and it allows a community to establish a 12-month moratorium to provide interim protection for a planned future land use.

Lawmakers made a number of changes to the Act that are intended to streamline the planning process. Revisions extend the minimum time between required comprehensive plan updates from five to 10 years, require a preliminary review of plans by the state Division of Planning before a municipality's initial public hearing, and clarify provisions for municipal appeals to decisions by the Division of Planning. The Act also specifies current planning priorities in Rhode Island.

Lawmakers also amended that Zoning Enabling Act (306/5553) to allow standards and requirements for overlay districts to be more restrictive or less restrictive than underlying zoning. This could prove useful for communities in any effort to revitalize certain areas through mixed-use zoning or higher densities in urban or village centers.

Unfortunately, a measure to restore the Historic Tax Credit (6098) was held for further study by the House Finance Committee.

Legislation that RIBA did not support either failed or was modified.

As passed, the Omnibus Fair Contracting Standards Act requires that contractors on public works jobsites, where the primary contract is greater than \$1 million, post a daily log of employees. As originally drafted, this bill would have imposed onerous requirements and penalties to

wage-and-hour, independent-contractor and other labor-related statutes. Union-backed "card check" legislation for public employees also did not pass this year.

Outgoing RIBA executive director Roger Warren praised the cooperative effort that led to this year's legislative accomplishments.

"While the results of this session are attributable to the collective efforts of our committees, members and staff, we owe a huge 'thank you' to lobbyists Joseph Walsh and Gayle Wolf for the results they achieve for RIBA year in and year out. I am repeatedly reminded by senators, representatives, staffers and other lobbyists that they are the best. These reminders are unnecessary, because Joe and Gayle clearly are the best," Warren said.

Paul Eno is the owner and editor-in-chief of New River Press, Woonsocket and is the editor of the monthly RIBA newsletter, The Rhode Island Builder Report.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540