

2013 -- S 0992 AS AMENDED

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LC02762
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES -- REDEVELOPMENT PROJECTS

Introduced By: Senator Maryellen Goodwin

Date Introduced: June 06, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **45-32-5. Corporate powers of agencies.** -- (a) Each redevelopment agency constitutes a
4 public body, corporate and politic, exercising public and essential governmental functions, and
5 has all the powers necessary and convenient to carry out and effectuate the purposes and
6 provisions of chapters 31 -- 33 of this title, including the powers enumerated in this section in
7 addition to others granted by these chapters:

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

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

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

16 (4) Within the redevelopment area or for purposes of redevelopment: to purchase, lease,
17 obtain an option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal
18 property, or any estate or interest in it, together with any improvements on it; to acquire by the
19 exercise of the power of eminent domain any real property or any estate or interest in it, although

1 temporarily not required to achieve the purposes of chapters 31 -- 33 of this title; to clear,
2 demolish, or remove any and all buildings, structures, or other improvements from any real
3 property so acquired; to rehabilitate or otherwise improve any or all substandard buildings,
4 structures, or other improvements; to insure or provide for the insurance of any real or personal
5 property or operations of the agency against risk or hazard; and to rent, maintain, rehabilitate,
6 improve, manage, operate, repair, and clear the property.

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

8 (6) To cause streets and highways to be laid out and graded, and pavements or other road
9 surfacing, sidewalks, and curbs, public utilities of every kind, parks, playgrounds, and other
10 recreational areas, off street parking areas and other public improvements to be constructed and
11 installed.

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

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

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

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

1 (11) To lend money, and to sell, lease, exchange, subdivide, transfer, assign, pledge,
2 encumber (by mortgage, deed of trust, or otherwise), or otherwise dispose of any real or personal
3 property or any estate or interest in it acquired under the provisions of chapters 31 -- 33 of this
4 title, to the United States, the state government, any state public body, or any private corporation,
5 firm, or individual at its fair value for uses in accordance with the redevelopment plan,
6 irrespective of the cost of acquiring and preparing the property for redevelopment. In determining
7 the fair value of the property for uses in accordance with the redevelopment plan, the agency shall
8 take into account, and give consideration to, the uses and purposes required by the plan, the
9 restrictions upon, and the obligations assumed by the purchaser or lessee of the property, and the
10 objectives of the redevelopment plan for the prevention of the recurrence of blighted and
11 substandard conditions. Any lease or sale of the property may be made without public bidding
12 provided, that no sale or lease is made until at least ten (10) days after the legislative body of the
13 community has received from the agency a report concerning the proposed sale or lease.

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

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

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

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

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

26 (b) Nothing contained in this chapter authorizes an agency to construct any new
27 buildings for residential, commercial, or industrial uses contemplated by the redevelopment plan
28 ; provided, however, that notwithstanding the foregoing, redevelopment agency of any city or
29 town with more than one hundred thousand (100,000) residents, and its successors and assigns,
30 shall be permitted to construct new buildings for commercial or industrial uses contemplated by
31 its redevelopment plan.

32 (c) Nothing contained in this chapter authorizes an agency to retain for a period in excess
33 of five (5) years from the date of acquisition, or within another additional period of time that the
34 legislative body fixes as reasonable, the fee or any estate or interest in it to any building,

1 structure, or other improvement, not demolished or otherwise removed, which has been acquired
2 by the agency in accordance with the redevelopment plan.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- REDEVELOPMENT PROJECTS

- 1 This act would allow the Providence redevelopment agency to construct new buildings
- 2 for commercial or industrial uses contemplated by its redevelopment plan.
- 3 This act would take effect upon passage.

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