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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 7610, AN ACT RELATING TO LAND SURVEYORS March 7, 2024

This bill would give land surveyors the right to enter another person's property, without their consent, in order to perform surveying services. Assuming the General Assembly has authority to sanction this type of entry by a third party onto a person's property, we wish to raise concerns with implementation of a law like this and to urge the adoption of amendments to limit its scope.

First, the bill gives broad power to any "landowner" to authorize this intrusion. There are no restrictions on who that person is or what their particular interest in the property might be. Under the bill, a landowner who is simply curious about the boundaries of another person's land could hire a surveyor to have them check it out over the property owner's objections.

This power could easily be used for harassing purposes. In that regard, committee members may recall a high-profile alleged "hate crime" assault incident that took place between neighbors in Barrington a few years ago. It is worth noting that the assault emanated from a property boundary dispute. Through that lens, one can easily see how this bill could unintentionally give a "weapon" to a person with bad motives, if he or she so chose, to harass a neighbor by having surveyors brought onto their property without consent, potentially further escalating disputes.

In addition, while the bill requires that advance notice be given to the landowner, we question its adequacy. The bill requires only 24-hour notice if delivered by hand (and 5 days' notice by first class mail). In most instances, that will be insufficient time for a landowner to go to court to stop the surveying if she has a reasonable objection to the surveyor's presence.

The ACLU urges review of these issues in considering the bill. Thank you for your consideration.