



May 5, 2026

Honorable Chairperson McEntee
House Judiciary Committee
Rhode Island State House
Providence, RI 02903

RE: H 8004A – An Act Relating to Courts and Civil Procedure – Courts – Superior Court

Chairperson McEntee and Committee Members:

Please accept the following comments from our organization, the RI Chapter of the American Planning Association, regarding this bill, which amends Superior Court procedures, the Comprehensive Planning and Land Use Act, and Subdivision Enabling and Zoning Enabling Acts.

Land use law is very complex in Rhode Island, made only more so by amendments in recent legislative sessions. If there are any Judiciary Committee or House members that have questions about land use law or are unsure what the implications of this bill are, ***please reach out to your local planners and they can help you understand what these amendments would mean for your community.*** We all want the best for the communities that we serve, and we encourage you to contact us with any questions that you may have. While this bill has been amended twice since introduction, many of the issues identified in our prior testimony remain in this latest version of the bill, which are briefly described below.

1. The changes being proposed to the definition of, “buildable lot”, distort the purpose of the term. The amendments erode the definition to require compliance solely with zoning requirements, but the purpose of the “buildable lot” standard is to ensure that there are not any physical constraints to building a structure on a proposed lot. Physical constraints are things like outcroppings of ledge, steep slopes, or wetlands. Planning Boards, generally, would not approve subdivisions where physical constraints make proposed lots unbuildable. This proposed amendment erodes the quality of land use decisions made at the local level in exchange for no discernable benefit. Deleting the term entirely, as the original version of this bill proposed, would have made more sense than relegating the term to only being allowed to consider zoning requirements.
2. The entirety of the changes proposed to § 45-23-37, projects called, “administrative subdivisions”, are baffling. It remains unclear to planners to this day why this section of law is even proposed to be amended. Administrative subdivisions, by definition, cannot include any additional lots for development; they are used to adjust lot lines for existing lots and to merge existing lots. The proposed changes amend the process by which these applications are administered, but housing production is not going to be accelerated by amending 45-23-37. Changing the findings of fact required to approve a lot merger isn’t going to create any additional lots for development, it’s just going to force communities to re-write their regulations (again).

3. If approved, this bill would erode the quality of land evidence records in the future by prohibiting Class 1 surveys from being required for lot merges, even in cases where insufficient land evidence exists. Class 1 surveys are the existing standard for subdivisions in many communities. Rhode Island Professional Land Surveying regulations state that subdivisions of land require the accuracy of a Class 1 survey. The degradation of accuracy in municipal land evidence records will negatively affect entire communities, while the proposed language would benefit just a single party: the person who no longer would need to pay the surveyor for their services. Tinkering with this section of law will not address housing supply or production issues, so the changes do not make sense to local planners, who are the very people who would be performing the work described by § 45-23-37.
4. Last year, the General Assembly changed the procedural standards for Preliminary and Final Plan stages of review, moving the requirements for state and federal permits and legal documents from Preliminary to Final Plan. This change has had unintended consequences on the flow of applications, inflating the Final Plan review stage, and has created a great deal of uncertainty at Preliminary Plan, as boards no longer have information at that stage of development that has been required of applicants until last year. We reiterate our support for returning permits to Preliminary Plan for both minor and major subdivision applications. This change has not hastened development as perhaps was intended, since developers are still waiting for those permits to be granted before commencing construction.

When the General Assembly amends zoning enabling law and subdivision enabling law, municipalities are required to amend their ordinances to reflect those changes. There are thirty-nine communities across Rhode Island. If this bill were to pass, it would require at least seventy-eight public hearings be held: one per community at the City or Town Council for the zoning ordinance amendments, and another at Planning Board to amend the subdivision regulations, per community. If you add the zoning advisory from Planning Boards required by 45-24-51, which is technically not a public hearing, that's at least one hundred and seventeen local meetings that would be mandated by the passage of this bill. Every legislator needs to be aware of the amount of work proposed to be created here, time that could otherwise be more productively spent on these and other issues, in order to produce outcomes that remain dubious to the practitioners within the field. APA-RI supports the safe and sustainable expansion of housing opportunities for all Rhode Islanders, however we feel that the race to "produce units" should not come at the expense of the health and safety of the existing *and* future residents of Rhode Island's communities.

Thank you for your time and consideration.

Sincerely,

Sean Henry & Gregory Guertin
Legislative Committee Co-Chairs