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February 25, 2021

Chair Hull and Members  
House Committee on Municipal Government & Housing  
State House  
Providence, RI 02903

**Re: House Bill 5259 – Towns and Cities – Enabling Municipal Public Trust Dedication**

Dear Chair Hull and members of the House Committee on Municipal Government & Housing:

**The RI Land Trust Council supports H 5259 and respectfully requests your approval.**

Rhode Island has 19 municipal land trusts created by town charter or state legislation with a mission of protecting open space properties and the special places in their community for future generations. When municipal land trusts and municipalities conserve a property or create a park with funding from state bonds or federal agencies, a conservation easement is recorded on those properties to ensure that they are permanently protected. However, when a property is donated to a municipal land trust or municipality for conservation and when a municipality acquires a property for conservation without state or federal funding, there is often no conservation easement and no assurance to citizens that those properties will remain protected.

Citizens rely on their parks and other public open spaces for outdoor recreation, relaxation and rejuvenation. This has been more conspicuous than ever during this COVID pandemic which has led to soaring use of conservation areas and trails across Rhode Island. People make decisions about where to live, work and establish a business based on the proximity of these places. Residents assume that these places are permanently protected and will always be there for them and for future generations. This expectation is supported by the Rhode Island Constitution.

House Bill 5259 is enabling legislation that gives municipalities another tool for assuring citizens that a protected open space property that is owned by the municipality will remain protected by dedicating it as public trust land. This legislation builds on the language in Rhode Island's Constitution. Authorizing the town to dedicate a property as public trust land is an alternative to the town recording a conservation easement on that property. This may be a preferred option if the municipality does not want to give some authority to a third party who holds the conservation easement. It also may be necessary if no organization is willing to take the responsibility of holding a conservation easement on a property.

The need for this legislation became more conspicuous in recent years. In fact, the Town of Narragansett has adopted a resolution dedicating conservation properties that weren't permanently protected with a conservation easement as properties held in public trust. House Bill 5259 codifies municipal authority to make such dedications.

This legislation is modeled after legislation that has been on the books in Pennsylvania since the 1950s. Public trust dedication is also used in Maine and California. This is enabling legislation and it authorizes a voluntary process.

We respectfully ask the Committee to approve this legislation.

Sincerely,

A handwritten signature in blue ink that reads "Rupert Friday". The signature is written in a cursive, flowing style.

Rupert Friday  
Director

**Rhode Island Land Trust Council** is a coalition of over 45 land trusts throughout the state that are working to protect the open spaces and special places that define the character of our communities.