

2009 -- H 5707

LC01949

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO TOWNS AND CITIES -- UNIFORM RELOCATION PAYMENTS

Introduced By: Representative Joseph S. Almeida

Date Introduced: February 26, 2009

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-31.2-3 of the General Laws in Chapter 45-31.2 entitled  
2 "Uniform Relocation Payments" is hereby amended to read as follows:

3 **45-31.2-3. Moving and related expenses.** -- (a) If a relocation agency acquires real  
4 property for public use, it shall make fair and reasonable relocation payments to displaced  
5 persons and businesses as required by this chapter, for:

6 (1) Actual reasonable expenses in moving him or herself, his or her family, business,  
7 farm operation, or other personal property;

8 (2) Actual direct losses of tangible personal property as a result of moving or  
9 discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable  
10 expenses required to relocate the property, as determined by the relocation agency; and

11 (3) Actual reasonable expenses in searching for a replacement business or farm.

12 (b) Any displaced person eligible for payments under subsection (a), who is displaced  
13 from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the  
14 payments authorized by subsection (a), may receive a moving expense allowance, determined  
15 according to a schedule established by the relocation agency, not to exceed the amount  
16 established by the federal law; and a dislocation allowance of an amount established by federal  
17 law.

18 (c) Any displaced person eligible for payments under subsection (a), who is displaced  
19 from his or her place of business or from his or her farm operation and who elects to accept the

1 payment authorized by this subsection in lieu of the payment authorized by subsection (a), may  
2 receive a fixed payment in an amount equal to the average annual net earnings of the business or  
3 farm operation, except that the payment shall not be less than an amount established by the  
4 federal law nor more than an amount established by the federal law. In the case of a business, no  
5 payment shall be made under this subsection unless the relocation agency is satisfied that the  
6 business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not  
7 a part of a commercial enterprise having at least one other establishment not being acquired by  
8 the state, which is engaged in the same or similar business. For purposes of this subsection, the  
9 term "average annual net earnings" means one-half (1/2) of any net earnings of the business or  
10 farm operation, before federal, state, and local income taxes, during the two (2) taxable years  
11 immediately preceding the taxable year in which the business or farm operation moves from the  
12 real property acquired for the project, or during another period that the agency determines to be  
13 more equitable for establishing the earnings, and includes any compensation paid by the business  
14 or farm operation to the owner, the owner's spouse, or the owner's dependents during that period.

15 (d) If an agency seeks to acquire a water-dependent use for a public use, it shall first  
16 provide, in addition to the requirements under subsection (a), an alternative water-dependent site  
17 which shall have equal acreage to the acquired site, an equal or deeper berth draft, an equal or  
18 deeper marine channel draft, all federal, state and local site permits necessary to legally operate a  
19 water-dependent marine terminal, approved zoning necessary to operate a water-dependent  
20 marine terminal, and approved heavy truck access routes to public and interstate highways.  
21 "Water-dependent uses" shall mean those uses and facilities which require direct access to, or  
22 location in, marine or tidal waters and which therefore cannot be located inland, including, but  
23 not limited to: marinas, recreational uses, navigational and commercial fishing and boating  
24 facilities, water-based recreational uses, navigational aids, basins, and channels, industrial uses  
25 dependent upon waterborne transportation or requiring large volumes of cooling or process water  
26 which cannot reasonably be located or operated at an inland site.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would add to the provision for moving and related expenses a requirement that a
- 2 "water-dependent use" be replaced in kind.
- 3           This act would take effect upon passage.

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