

Rhode Island Statutes

Title 45. Towns and cities

Chapter 45-24.1. Historical Area Zoning

Current through Public Law 58 of the 2020 Legislative Session

§ 45-24.1-1. Declaration of purpose

The preservation of structures of historic and architectural value and historic cemeteries, wherever located within a city or town, are declared to be a public purpose, and any city or town council has the power by ordinance to regulate the construction, alteration, repair, moving, and demolition of these structures within the limits of the city or town. It is recognized that the purpose of the ordinance is to:

- (1) Safeguard the heritage of the city or town by preserving a district in a city or town which reflects elements of its cultural, social, economic, political, and architectural history;
- (2) Stabilize and improve property values in that district;
- (3) Foster civic beauty;
- (4) Strengthen the local economy;
- (5) Promote the use of the historic districts for the education, pleasure, and welfare of the citizens of the city or town; and
- (6) Provide, where feasible, that in these historic districts housing, including, but not limited to, limited equity cooperative housing, be made available to low and/or moderate income residents.

History. P.L. 1959, ch. 131, § 1; P.L. 1986, ch. 256, § 5; P.L. 1989, ch. 311, § 1.

§ 45-24.1-1.1. Definitions

The following terms have the following respective meanings unless a different meaning clearly appears from the context:

- (1) "Alteration" means an act that changes one or more of the exterior architectural features of a structure or its appurtenances, including, but not limited to, the erection, construction, reconstruction, or removal of any structure or appurtenance.
- (2) "Appurtenances" means features other than primary or secondary structures which contribute to the exterior historic appearance of a property, including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and historic landscape features.
- (3) "Certificate of appropriateness" means a certificate issued by a historic district commission established under this chapter indicating approval of plans for alteration, construction, repair, removal, or demolition of a structure or appurtenances of a structure within a historic district. Appropriate for the purposes of passing upon an application for a certificate of appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the commission has determined to be historically or architecturally significant.
- (4) "Construction" means the act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including, but not limited to, buildings, extensions, outbuildings, fire escapes, and retaining walls.
- (5) "Demolition" means an act or process that destroys a structure or its appurtenances in part or in whole.
- (6) "Historic district" means a specific division of a city or town as designated by ordinance of the city or town pursuant to this chapter. A historic district may include one or more structures.
- (7) "Removal" means a relocation of a structure on its site or to another site.

- (8) "Repair" means a change meant to remedy damage or deterioration of a structure or its appurtenances.
- (9) "Structure" means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to, buildings, gazebos, billboards, outbuildings, decorative and retaining walls, and swimming pools.

History. P.L. 1988, ch. 373, § 1.

§ 45-24.1-2. Historic district zoning authorized

In order to carry out the purposes of this chapter, each city and town has the authority to establish, change, lay out, and define districts, which are deemed to be of historical or architectural value, in the same manner as those cities and towns are presently empowered to establish or change areas and classifications of zoning.

History. P.L. 1959, ch. 131, § 2.

§ 45-24.1-3. Creation of commission authorized - Membership appointment - Term of office

- (a) In order to carry out the purposes of this chapter any city or town council shall have the authority to create a commission called the historic district commission. The membership of a commission in a city shall consist of seven (7) qualified members, and in a town shall consist of not less than three (3) nor more than seven (7) qualified members, whose residence is located in the city or town; and provided, that the historic district commission of the city of Providence shall consist of eleven (11) qualified members, two (2) of whom shall be members of the city council elected by the city council from its council members to serve for a term of four (4) years. In a city the members shall be appointed by the mayor, except as provided in the case of the historic district commission of the city of Providence, and in a town, by the president of the town council. Members of an historic district commission shall be residents of the city or town.
- (b) The appointed members of the commission shall be appointed for three (3) year terms, except the initial appointments of some of the members shall be for less than three (3) years so that the initial appointments are staggered and so that subsequent appointments do not reoccur at the same time.
- (c) Any city or town has the right to name an auxiliary member of the commission appointed in addition to the regular members of the commission; provided, that the city of Newport shall have the right to appoint two (2) auxiliary members to its historic district commission. An auxiliary member shall sit as an active member, upon the request of the chair, when and if a regular member of the commission is unable to serve at any meeting of the commission.
- (d) Appointed members of the commission are eligible for reappointment, and, upon the expiration of their term, shall continue to serve until replaced unless otherwise provided for in local law.
- (e) In the event of a vacancy on the commission, interim appointments of appointed members may be made by the appointing authority to complete the unexpired term of the position.
- (f) Organized and existing preservation societies may present to the appointing authority of a city or town a list of qualified citizens, from which list the appointing authority may select members of the commission for his or her respective city or town.
- (g) Members of a commission shall serve without compensation.

History. P.L. 1959, ch. 131, § 3; P.L. 1972, ch. 221, § 1; P.L. 1976, ch. 142, § 1; P.L. 1983, ch. 312, § 1;

P.L. 1984, ch. 400, § 1; P.L. 1988, ch. 84, § 105; P.L. 1988, ch. 373, § 2; [P.L. 2001, ch. 180, §144](#); [P.L. 2005, ch. 228, §5](#); [P.L. 2005, ch. 315, §5](#); [P.L. 2009, ch. 267, §1](#); [P.L. 2009, ch. 268, §1](#); [P.L. 2009, ch. 310, §20](#).

§ 45-24.1-3.1. Present appointments unaffected

Nothing contained in § [45-24.1-3](#), in any way alters any other part or provision of this title, chapter, or section, or any appointments made thereunder, all of which remain in full force and effect.

History. P.L. 1972, ch. 221, § 2.

§ 45-24.1-3.2. Legislative findings

The general assembly hereby recognizes that gas regulators or gas meters located anywhere on the exterior of historic buildings or buildings located in a historic district may create a visual intrusion to the property and to the surrounding historic district, and it is the intent of this chapter to provide procedures for any public utility proposing to locate or relocate such devices on residential historic buildings.

History. [P.L. 2009, ch. 110, §2](#); [P.L. 2009, ch. 184, §2](#).

§ 45-24.1-4. Permit required to construct, alter, or demolish structure - Application - Written decisions of commission - Powers of commission

- (a) The commission shall, within twelve (12) months of the date the local historic district zoning ordinance takes effect:
- (1) Adopt and publish all rules and regulations necessary to carry out its functions under the provisions of this chapter; and
 - (2) Publish standards as necessary to inform historic district residents, property owners, and the general public of those criteria by which the commission determines whether to issue a certificate of appropriateness. The commission may amend these standards as reasonably necessary, and it shall publish all amendments.
- (b) Before a property owner or public utility as defined in subdivision [39-1-2\(20\)](#) that is installing a gas regulator or gas meter may authorize or commence construction, alteration, repair, removal, or demolition affecting the exterior appearance of a structure or its appurtenances within a historic district or affecting a historic cemetery wherever located within a city or town, the owner or public utility must apply for and receive a certificate of appropriateness from the commission. In applying, the owner or public utility must comply with application procedures established by the commission pursuant to this chapter and the applicable local ordinance. The commission shall require the owner or public utility to submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal, or demolition, including, but not limited to, plans, drawings, photographs, or other information. The owner of the property or the public utility must obtain a certificate of appropriateness for the project whether or not state law requires that he, she or it also obtain a permit from the local building official. The building official shall not issue a permit until the commission has granted a certificate of appropriateness.
- (c) In the case of a historic cemetery, the owner must comply with all provisions of law and make suitable and appropriate provisions for the reinterment of any human remains in an established cemetery. Original or existing headstones and markers shall be preserved and installed at the site of the reinterment.

- (d) In reviewing plans, the commission shall give consideration to:
 - (1) The historic and architectural significance of the structure and its appurtenances;
 - (2) The way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and
 - (3) The appropriateness of the general design, arrangement, texture, materials, and siting proposed in the plans. The commission shall pass only on exterior features of a structure and its appurtenances and shall not consider interior arrangements.
- (e) All decisions of the commission shall be in writing. The commission shall articulate and explain the reasons and bases of each decision on a record, and, in the case of a decision not to issue a certificate of appropriateness, the commission shall include in the bases for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenances, or the district which the commission has determined to be historically or architecturally significant. The commission shall send a copy of the decision to the applicant.
- (f) In the case of an application for construction, repair, alteration, removal, or demolition affecting the exterior appearance of a structure, or its appurtenances, which the commission deems so valuable to the city, town, state, or nation, that the loss of that structure will be a great loss to the city, town, state, or nation, the commission shall endeavor to work out with the owner an economically feasible plan for the preservation of that structure. Unless the commission is satisfied that the retention of the structure constitutes a hazard to public safety, which hazard cannot be eliminated by economic means available to the owner, including the sale of the structure to any purchaser willing to preserve the structure, or unless the commission votes to issue a certificate of appropriateness for the proposed construction, alteration, repair, removal, or demolition, the commission shall file with the building official or duly delegated authority its rejection of the application. In the absence of a change in the structure arising from casualty, no new application for the same or similar work shall be filed within one year after the rejection.
- (g) In the case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the commission may file with the building official, or other duly delegated authority its certificate of appropriateness for an application if any of the circumstances under which a certificate of appropriateness might have been given under subsection (6) are in existence or if:
 - (1) Preservation of the structure is a deterrent to a major improvement program which will be of substantial benefit to the community;
 - (2) Preservation of the structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner, including the sale of the structure to any purchaser willing to preserve the structure; or
 - (3) The preservation of the structure would not be in the interest of the majority of the community.
- (h) When considering an application to demolish or remove a structure of historic or architectural value, the commission shall assist the owner in identifying and evaluating alternatives to demolition, including the sale of the structure and its present site. In addition to any other criteria, the commission also shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move, and preserve the structure, and whether the owner has made continuing, bona fide, and reasonable efforts to sell the structure to any purchaser willing to move and preserve the structure.
- (i) No less than fifteen (15) days after receiving an application to demolish or to remove an historic cemetery, the commission shall forward the application to the commission to study historic cemeteries.

The commission shall also immediately forward to the commission to study historic cemeteries its finding of fact, if any, together with its action on the application.

History. P.L. 1959, ch. 131, § 4; P.L. 1988, ch. 373, § 2; P.L. 1989, ch. 311, § 2; [P.L. 2009, ch. 110, §3](#); [P.L. 2009, ch. 184, §3](#).

§ 45-24.1-5. Avoiding demolition through owner neglect

A city or town may by ordinance empower city or town councils in consultation with the historic district commission to identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of the structure or its appurtenances. The council shall publish standards for maintenance of properties within historic districts. Upon the petition of the historic district commission that a historic structure is so deteriorated that its preservation is endangered, the council may establish a reasonable time not less than thirty (30) days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the council shall hold a hearing at which the owner may appear and state his or her reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the council's orders, the council may cause the required repairs to be made at the expense of the city or town and cause a lien to be placed against the property for repayment.

History. P.L. 1959, ch. 131, § 5; P.L. 1963, ch. 152, § 1; P.L. 1988, ch. 373, § 2.

§ 45-24.1-6. Public meetings

All meetings of the commission are open to the public, and any person or his or her duly constituted representative is entitled to appear and be heard on any matter before the commission before it reaches its decision. The commission shall keep a record, open to public view, of its resolutions, proceedings, findings, decisions, and actions. The commission shall provide notice of its meetings and comply in all respects with the requirements of the open meetings law.

History. P.L. 1959, ch. 131, § 6; P.L. 1988, ch. 373, § 2.

§ 45-24.1-7. Certificate of appropriateness or rejection of plans - Period within which commission to act

The commission shall file with the building official or other duly delegated authority its certificate of appropriateness or rejection of all plans submitted to it for review. No work shall begin until the certificate has been filed, but, in the case of rejection the certificate is binding upon the building official or other duly delegated authority and no permit shall be issued in such a case. The failure of the commission to act within forty-five (45) days from the date of an application filed with it, unless an extension is agreed upon mutually by the applicant and the commission, is deemed to constitute approval. In the event, however, that the historic district commission makes a finding of fact that the circumstances of a particular application require further time for additional study and information than can be obtained within the period of forty-five (45) days, then the commission has a period of up to ninety (90) days within which to act upon the application.

History. P.L. 1959, ch. 131, § 7; P.L. 1988, ch. 373, § 2; P.L. 1989, ch. 408, § 2.

§ 45-24.1-7.1. Right of appeal

Any person, or persons jointly or severally, aggrieved by a decision of the historic district commission has the right of appeal, concerning the decision, to the zoning board, and a further right of appeal from the zoning board to the superior court, in the same manner provided in § [45-24-69](#) and from the superior court to the supreme court by writ of certiorari.

History. P.L. 1959, ch. 131, § 7; P.L. 1988, ch. 549, § 2; P.L. 1989, ch. 408, § 3.

§ 45-24.1-7.2. Scope of review by zoning board

When hearing appeals from commission decisions, the zoning board of review shall not substitute its own judgment for that of the commission, but must consider the issue upon the findings and record of the commission. The zoning board of review shall not reverse a commission decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The zoning board of review shall put all decisions on appeal in writing. The zoning board of review shall articulate and explain the reasons and bases of each decision on the record, and the zoning board of review shall send a copy of the decision to the applicant and to the historic district commission.

History. P.L. 1965, ch. 239, § 1; P.L. 1988, ch. 373, § 2; G.L. 1956, § [45-24.1-9](#); P.L. 1989, ch. 408, § 4.

§ 45-24.1-8. Exceptions to applicability of chapter

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; provided, that any maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances. Nothing in this chapter shall be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the building official prior to the passage of an ordinance.

History. P.L. 1964, ch. 220, § 1; P.L. 1988, ch. 373, § 2.

§ 45-24.1-9. Appeals

A person or persons jointly or severally aggrieved by a decision of a historic district commission has the right to appeal the decision to the zoning board of review. When hearing appeals from commission decisions, the zoning board of review shall not substitute its own judgment for that of the commission, but must consider the issue upon the findings and record of the commission. The zoning board of review shall not reverse a commission decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The zoning board of review shall put all decisions on appeal in writing. The zoning board of review shall articulate and explain the reasons and bases of each decision on the record, and the zoning board of review shall send a copy of the decision to the applicant and to the historic district commission.

History. P.L. 1965, ch. 239, § 1; P.L. 1988, ch. 373, § 2.

§ 45-24.1-10. Enforcement

- (a) Any authorized local official or any local building official may bring an action against any property owner who fails to comply with the requirements of § [45-24.1-4](#). Actions shall be brought in the superior court having jurisdiction where the violation occurred or is likely to occur; provided, that where the violation has occurred, or is likely to occur in the city of Providence, the action shall be brought in the municipal housing court in the city. Plaintiffs may seek restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of this chapter.
- (b) Provided, further, that every person who shall have any historical building, or portion of a historical building demolished without the requisite permits as required by chapter 45-24.1 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) and/or imprisonment of up to one year.

History. P.L. 1969, ch. 191, § 1; P.L. 1988, ch. 373, § 2; P.L. 1990, ch. 486, § 1; [P.L. 2008, ch. 372, §1](#).

§ 45-24.1-11 - 45-24.1-19. Repealed
Cite as R.I. Gen. Laws § 45-24.1-11 - 45-24.1-19

§ 45-24.1-20. Preservation of historic structures in Pawtucket

In addition to all other powers granted by the provisions of this chapter, the city of Pawtucket is authorized by ordinance to establish, upon recommendation of its historic district commission, a list of specified buildings or structures which are deemed to be of historic or architectural value, and, from time to time, to add or delete from the list in the same manner as it is presently empowered, to establish or change areas of classification of zoning, and to regulate the construction, alteration, repair, moving, and demolition of buildings and structures.

History. P.L. 1988, ch. 49, § 1.

§ 45-24.1-21. Preservation of historical structures in Narragansett

In addition to all other powers granted by the provisions of this chapter, the town of Narragansett is authorized by ordinance to establish, upon recommendation of its historic districts commission, a list of specified buildings or structures which are deemed to be of historic or architectural value, and, from time to time, to add to or delete from the list in the same manner as it is presently empowered; to establish or change areas of classification of zoning; and to regulate the construction, alteration, repair, moving, and demolition of buildings and structures.

History. P.L. 1988, ch. 49, § 1.

§ 45-24.1-22. Preservation of historical structures in New Shoreham

In addition to all other powers granted by provisions of this chapter, the town of New Shoreham is authorized by ordinance to establish, upon recommendation of its historic district commission, a list of specified buildings or structures which are deemed to be of historic or architectural value, and, from time to time, to add to or delete from the list in the same manner as it is presently empowered, to establish or change areas of classification of zoning, and to regulate the construction, alteration, repair, moving, and demolition of buildings and structures.

History. [P.L. 2011, ch. 33, §1](#); [P.L. 2011, ch. 38, §1](#).

§ 45-24.1-23. Preservation of historic structures in Cumberland

In addition to all other powers granted by the provisions of this chapter, the town of Cumberland is authorized by ordinance to establish, upon recommendation of its historic district commission, a list of specified buildings or structures that are deemed to be of historic or architectural value, and, from time to time, to add or delete from the list by ordinance, and to require that demolition of properties on the list be delayed for a period of time as authorized by ordinance to provide time to evaluate prescribed alternatives to demolition.

History. Added by [2020 Pub. Laws, ch. 56, §2](#), eff. 6/26/2020.
Added by [2020 Pub. Laws, ch. 45, §1](#), eff. 6/27/2020.