March 13, 2007

Representative Donald J. Lally Jr.
Chairperson
House Committee on Judiciary
State House, Room 135
Providence, RI 02903

RE: H 5505

Dear Representative Lally:

Grow Smart Rhode Island strongly supports H 5505, an Act Relating to Property – Property by Possession and Prescription.

Grow Smart Rhode Island is a statewide coalition of business, labor and institutional leaders and social and environmental advocates that have come together to address the issue of suburban sprawl in Rhode Island. Our purpose is to make Rhode Islanders aware of the environmental, economic and social impacts of sprawl and to promote policies and practices that direct future growth toward urban and town centers while at the same time preserving the "greenfields” and open spaces that contribute so much to Rhode Island’s distinct character and quality of life.

Land conservation, via direct land acquisition or conservation easements, is one key strategy for preserving open spaces, and Rhode Island has forged a strong and effective public-private partnership to pursue that strategy. The General Assembly has supported land conservation by placing bond issues on the ballot, and Rhode Islanders have voted in large numbers for passage of both state conservation bond issues and local bond issues. Non-profit entities including The Nature Conservancy, the Audubon Society, and the numerous land trusts in Rhode Island have also contributed large sums to land conservation efforts. And many property owners have donated land or conservation easements, or sold land or easements at less than market rate, to ensure open space protection.

This broad public support for open space conservation is based on the public’s trust that land, once protected, will remain protected. Regular inspection of the boundaries of large conservation parcels to ensure that neighboring property owners do not infringe on the boundaries, and thereby potentially establish a case for adverse possession, is an enormous job for non-profit entities that operate with limited staff resources and sometimes rely solely on volunteers. By stipulating that land held by a nonprofit corporation for purposes of conservation or open space protection is not subject to adverse possession or prescription, H5505 will ensure the permanence of conservation land boundaries.

We urge the House Judiciary Committee to send this bill forward for passage.

Sincerely yours,

Scott Wolf
Executive Director

cc: Deming Sherman, Chairman of the Board, Grow Smart Rhode Island