

RESOLUTION OF THE CITY COUNCIL

No. 61

Approved February 14, 2025

WHEREAS, Rhode Island saw its highest levels of homelessness on record in the 2024 point-in-time count mandated by the United States Department of Housing and Urban Development and awaits the tabulation of the 2025 count fearfully; and

WHEREAS, Providence is among the cities with the highest concentration of unhoused residents in the state; and

WHEREAS, Members and staff of the Providence City Council acted in the interest of human life and beyond their remit on January 7, 2025 to protect unhoused constituents amid extraordinarily frigid weather; and

WHEREAS, Supportive and versatile emergency, or SAVE, units for the temporary occupancy of the unhoused are lifesaving shelters; and

WHEREAS, The use of SAVE units in programmatic fashion has been interminably delayed by the inflexibility of the presently enacted state building, fire, and housing maintenance codes at the costs of dignity, of health, and of lives; and

WHEREAS, The state building, fire, and housing maintenance codes as well as the Rhode Island Zoning Enabling Act are enacted through the Rhode Island General Laws; and

WHEREAS, The Providence City Council believes that is well within the authority of the General Assembly to make appropriate amendments to the state fire, building, and maintenance codes while neither subverting nor eliding necessary and sound safety requirements; and

WHEREAS, The amendments to the state building, fire, and housing maintenance codes and the Zoning Enabling Act under found in the recently introduced H-5100 would define the necessary features, materials, and dimensions needed for SAVE units and associated accessory units to be deemed compliant with the state building, fire, and housing maintenance codes as well as the zoning allowances and circumstances for the erection of SAVE units in municipalities; and

WHEREAS, The aforesaid amendments would allow for the erection of SAVE units without needless encumbrance; and

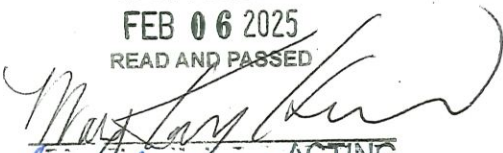
WHEREAS, These amendments are necessary for the safety of the unhoused and to remedy the abject dereliction of duty of the executive branch of the State of Rhode Island; and

WHEREAS, The Providence City Council wishes to convey its gratitude for the introduction of vital legislation amid a tragic and shameful crisis.

NOW, THEREFORE, IT BE RESOLVED, That the Providence City Council hereby supports the passage of H-5100 and strongly urges the Rhode Island General Assembly and the Governor of Rhode Island to enact this legislation and to protect all Rhode Islanders; and

BE IT FURTHER RESOLVED, That this resolution be sent to the members of the Rhode Island House of Representatives, the Rhode Island Senate, and the Governor of Rhode Island to express the strong support of the Providence City Council for H-5100.

IN CITY COUNCIL
FEB 06 2025
READ AND PASSED


ACTING
CLERK

I HEREBY APPROVE.


Mayor

Date: 2/14/25

Councilman Espinal, Councilor AnderBois, Councilman Goncalves, Councilwomen Harris, Peterson, Councilor Roias and Councilwoman Vargas

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE --
ADMINISTRATION AND ENFORCEMENT

Introduced By: Representatives Shekarchi, Blazejewski, Kazarian, Ackerman, Alzate,
Morales, Serpa, Kennedy, Giraldo, and Voas
Date Introduced: January 22, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
2 amended by adding thereto the following section:
- 3 **23-27.3-101.2. Matters not covered.**
- 4 SAVE Units, as defined in § 45-24-31, are exempt from provisions of this code, except as
5 to those requirements set forth in § 23-27.3-111.0.
- 6 SECTION 2. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
7 amended by adding thereto the following section:
- 8 **23-27.3-111.0. SAVE Units -- Requirements.**
- 9 (a) SAVE Units as defined in § 45-24-31, that are provided as a permitted use pursuant to
10 § 45-24-37, or as part of a municipality's exercise of limited emergency authority pursuant to § 45-
11 24-78, shall be allowed under this code; provided that, the unit:
- 12 (1) Is confirmed by the state fire marshal and/or a state building official or both, to comply
13 with the following:
- 14 (i) Standard requirements to qualify as a SAVE Unit shall include:
- 15 (A) Climate control;
- 16 (B) A locking door;
- 17 (C) Hardwired smoke and carbon-monoxide detectors;
- 18 (D) A fire extinguisher;

- 1 (E) An egress window or secondary emergency egress door;
- 2 (F) The unit meets at least class C fire rating of the International Building Code; and
- 3 (2) Size requirement. Each unit shall have an interior floor area of not less than seventy
- 4 square feet (70 sq. ft.) for one occupant; when more than one person occupies the unit, the required
- 5 floor area shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess
- 6 of one; and the total interior floor area shall not exceed four hundred square feet (400 sq. ft.); and
- 7 (3) Live loads requirement. SAVE Units shall be designed to resist intrusion of wind, rain,
- 8 and snow and to support the following live loads:
- 9 (i) Floor live loads of not less than forty pounds (40 lbs.) per square foot of floor area;
- 10 (ii) Horizontal live loads of not less than fifteen pounds (15 lbs.) per square foot of vertical
- 11 wall and roof area;
- 12 (iii) Roof live loads of not less than twenty pounds (20 lbs.) per square foot of horizontal
- 13 roof area;
- 14 (iv) In areas where snow loads are greater than twenty pounds (20 lbs.) per square foot, the
- 15 roof shall be designed and constructed to resist these additional loads; and
- 16 (4) Ceiling height requirement. Habitable space shall have a ceiling height of not less than
- 17 eighty inches (80") and obstructions shall not extend below these minimum ceiling heights; and
- 18 (5) Egress window requirement. The egress window shall:
- 19 (i) Not be more than forty-four inches (44") above the floor;
- 20 (ii) Have a minimum net clear opening height of twenty-four inches (24");
- 21 (iii) Have a minimum net clear opening width of twenty inches (20"); and
- 22 (iv) Have a minimum net clear opening area of five square feet (5 sq. ft.); and
- 23 (6) Plumbing and gas service requirement. If a SAVE Unit contains plumbing or gas
- 24 service it shall comply with all applicable requirements of the building and fire codes for plumbing
- 25 and gas service; and
- 26 (7) Electrical requirement. SAVE Units shall be provided with all of the following installed
- 27 in compliance with the applicable provisions of the electrical code:
- 28 (i) A continuous source of electricity, except that the source may be an emergency
- 29 generator or renewable source of power;
- 30 (ii) A minimum of one interior light fixture;
- 31 (iii) Electrical heating equipment listed for residential use and a dedicated receptacle outlet
- 32 for the electrical heating equipment, unless a nonelectrical source of heating is provided; and
- 33 (iv) At least one GFCI-protected receptacle outlet for use by the occupant(s); and
- 34 (8) Ventilation requirement. SAVE Units shall be provided with means of ventilation

1 (natural or mechanical) allowing for adequate air replacement; and
2 (9) Accessory units such as bathrooms shall comply with the applicable code provisions
3 for electrical, mechanical, plumbing, and gas service and shall contain climate control, a locking
4 door, hardwired smoke and carbon monoxide detectors, a fire extinguisher, an egress window or
5 secondary emergency egress door, adequate ventilation, meets at least class-C fire rating of the
6 International Building Code; shall have a minimum height of not less than seventy-six inches (76")
7 and obstructions shall not extend below these minimum ceiling heights; and
8 (10) Separation requirement. The SAVE Unit, when part of a community of SAVE Units,
9 has a minimum separation between other SAVE Units of at least ten feet (10').

10 SECTION 3. Section 23-28.1-6 of the General Laws in Chapter 23-28.1 entitled
11 "Comprehensive Fire Safety Act" is hereby amended to read as follows:

12 **23-28.1-6. Applicability to new or existing structures.**

13 (a) All regulations contained in this code apply to all structures unless specifically
14 exempted. Prior to a building permit, other than a foundation permit, being issued, all plans for
15 buildings regulated under this code shall be submitted to the authority having jurisdiction. The
16 authority having jurisdiction shall approve or disapprove the completed set of plans within a
17 reasonable time not to exceed fifteen (15) days for fire alarm, smoke detection and/or carbon
18 monoxide detector plans. The authority having jurisdiction shall further approve or disapprove a
19 completed set of plans, covering any other project, within the specific time lines recommended by
20 the state fire marshal, and established on or before October 15, 2010 within the rules and regulations
21 of the state fire safety code board. In no case shall the authority having jurisdictional review of a
22 completed set of plans exceed ninety (90) days to complete that review without the express written
23 approval of the state fire marshal. The failure of an authority having jurisdiction to comply within
24 the timelines established pursuant to this section, may result in the issuance of a building permit.
25 The above examination of plans may be waived by the authority having jurisdiction when the plans
26 for the erection or alteration of a building are prepared by a professional engineer or architect,
27 licensed and/or registered by the State of Rhode Island, and the professional engineer or architect
28 has stated in a written, signed and stamped document, that he or she has supervised the preparation
29 of the applicable architectural, structural, electrical, mechanical, fire alarm and/or sprinkler design
30 contract documents, and that he or she will review and approve all working drawings for
31 construction, conduct on-site supervision of the construction process throughout the project, and
32 that the project shall, to the best of his or her knowledge conform to all provisions of the fire safety
33 code, and all rules and regulations, formal interpretations and blanket variances adopted under its
34 provisions. When a change of use or type of occupancy is made in an existing building, the building

1 shall conform to the requirements established by the rehabilitation building and fire code for
2 existing buildings and structures, or if the rehabilitation building and fire code for existing
3 structures is not applicable, to the requirements for new structures as related to the proposed use or
4 type of occupancy.

5 (b) In existing structures, since it is not always practical or efficient to strictly apply all of
6 the provisions of the code, the authority having jurisdiction shall have the power to implement and
7 enforce the provisions of the code as provided for in the Uniform Fire Code (NFPA 1) and the Life
8 Safety Code (NFPA 101) with annexes, as applicable to existing structures, consistent with such
9 rules and regulations as may be adopted and such decisions as may be rendered by the Fire Safety
10 Code Board of Appeal and Review.

11 (c) Application of the code to new and existing structures shall be consistent with such
12 blanket variances, variances, and rules, as may be approved by the Fire Safety Code Board of
13 Appeal and Review, and such modifications as may be issued in writing by the authority having
14 jurisdiction, in accordance with NFPA 101, with annexes.

15 (d) Specific exemptions. SAVE Units as defined in § 45-24-31 and permitted pursuant to
16 § 23-27.3-111.0, whether currently available or to be provided in the future, that are allowed
17 pursuant to § 45-24-37, or on an emergency basis as set forth in § 45-24-78, are exempt from the
18 provisions of this chapter as well as related codes and regulations promulgated and enforced under
19 this chapter.

20 SECTION 4. Sections 45-24-31 and 45-24-37 of the General Laws in Chapter 45-24
21 entitled "Zoning Ordinances" are hereby amended to read as follows:

22 **45-24-31. Definitions.**

23 Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they
24 have the meanings stated in that section. In addition, the following words have the following
25 meanings. Additional words and phrases may be used in developing local ordinances under this
26 chapter; however, the words and phrases defined in this section are controlling in all local
27 ordinances created under this chapter:

28 (1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with
29 no intervening land.

30 (2) Accessory dwelling unit (ADU). A residential living unit on the same lot where the
31 principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An
32 ADU provides complete independent living facilities for one or more persons. It may take various
33 forms including, but not limited to: a detached unit; a unit that is part of an accessory structure,
34 such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

1 (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental
2 and subordinate to the principal use of the land or building. An accessory use may be restricted to
3 the same lot as the principal use. An accessory use shall not be permitted without the principal use
4 to which it is related.

5 (4) Adaptive reuse. "Adaptive reuse," as defined in § 42-64.22-2.

6 (5) Aggrieved party. An aggrieved party, for purposes of this chapter, shall be:

7 (i) Any person, or persons, or entity, or entities, who or that can demonstrate that his, her,
8 or its property will be injured by a decision of any officer or agency responsible for administering
9 the zoning ordinance of a city or town; or

10 (ii) Anyone requiring notice pursuant to this chapter.

11 (6) Agricultural land. "Agricultural land," as defined in § 45-22.2-4.

12 (7) Airport hazard area. "Airport hazard area," as defined in § 1-3-2.

13 (8) Applicant. An owner, or authorized agent of the owner, submitting an application or
14 appealing an action of any official, board, or agency.

15 (9) Application. The completed form, or forms, and all accompanying documents, exhibits,
16 and fees required of an applicant by an approving authority for development review, approval, or
17 permitting purposes.

18 (10) Buffer. Land that is maintained in either a natural or landscaped state, and is used to
19 screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

20 (11) Building. Any structure used or intended for supporting or sheltering any use or
21 occupancy.

22 (12) Building envelope. The three-dimensional space within which a structure is permitted
23 to be built on a lot and that is defined by regulations governing building setbacks, maximum height,
24 and bulk; by other regulations; or by any combination thereof.

25 (13) Building height. For a vacant parcel of land, building height shall be measured from
26 the average, existing-grade elevation where the foundation of the structure is proposed. For an
27 existing structure, building height shall be measured from average grade taken from the outermost
28 four (4) corners of the existing foundation. In all cases, building height shall be measured to the top
29 of the highest point of the existing or proposed roof or structure. This distance shall exclude spires,
30 chimneys, flag poles, and the like. For any property or structure located in a special flood hazard
31 area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the
32 Rhode Island coastal resources management council (CRMC) suggested design elevation three foot
33 (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100)
34 storm, the greater of the following amounts, expressed in feet, shall be excluded from the building

1 height calculation:

2 (i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or
3 proposed freeboard, less the average existing grade elevation; or

4 (ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a
5 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate
6 the appropriate suggested design elevation map for the exclusion every ten (10) years, or as
7 otherwise necessary.

8 (14) Cluster. A site-planning technique that concentrates buildings in specific areas on the
9 site to allow the remaining land to be used for recreation, common open space, and/or preservation
10 of environmentally, historically, culturally, or other sensitive features and/or structures. The
11 techniques used to concentrate buildings shall be specified in the ordinance and may include, but
12 are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the
13 resultant open land being devoted by deed restrictions for one or more uses. Under cluster
14 development, there is no increase in the number of lots that would be permitted under conventional
15 development except where ordinance provisions include incentive bonuses for certain types or
16 conditions of development.

17 (15) Common ownership. Either:

18 (i) Ownership by one or more individuals or entities in any form of ownership of two (2)
19 or more contiguous lots; or

20 (ii) Ownership by any association (ownership may also include a municipality) of one or
21 more lots under specific development techniques.

22 (16) Community residence. A home or residential facility where children and/or adults
23 reside in a family setting and may or may not receive supervised care. This does not include halfway
24 houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the
25 following:

26 (i) Whenever six (6) or fewer children or adults with intellectual and/or developmental
27 disability reside in any type of residence in the community, as licensed by the state pursuant to
28 chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community
29 residences;

30 (ii) A group home providing care or supervision, or both, to not more than eight (8) persons
31 with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

32 (iii) A residence for children providing care or supervision, or both, to not more than eight
33 (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of
34 title 42;

1 (iv) A community transitional residence providing care or assistance, or both, to no more
2 than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8)
3 persons, requiring temporary financial assistance, and/or to persons who are victims of crimes,
4 abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor
5 more than two (2) years. Residents will have access to, and use of, all common areas, including
6 eating areas and living rooms, and will receive appropriate social services for the purpose of
7 fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

8 (17) Comprehensive plan. The comprehensive plan adopted and approved pursuant to
9 chapter 22.2 of this title and to which any zoning adopted pursuant to this chapter shall be in
10 compliance.

11 (18) Day care — Daycare center. Any other daycare center that is not a family daycare
12 home.

13 (19) Day care — Family daycare home. Any home, other than the individual's home, in
14 which day care in lieu of parental care or supervision is offered at the same time to six (6) or less
15 individuals who are not relatives of the caregiver, but may not contain more than a total of eight
16 (8) individuals receiving day care.

17 (20) Density, residential. The number of dwelling units per unit of land.

18 (21) Development. The construction, reconstruction, conversion, structural alteration,
19 relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance;
20 or any change in use, or alteration or extension of the use, of land.

21 (22) Development plan review. See §§ 45-23-32 and 45-23-50.

22 (23) District. See "zoning use district."

23 (24) Drainage system. A system for the removal of water from land by drains, grading, or
24 other appropriate means. These techniques may include runoff controls to minimize erosion and
25 sedimentation during and after construction or development; the means for preserving surface and
26 groundwaters; and the prevention and/or alleviation of flooding.

27 (25) Dwelling unit. A structure, or portion of a structure, providing complete, independent
28 living facilities for one or more persons, including permanent provisions for living, sleeping, eating,
29 cooking, and sanitation, and containing a separate means of ingress and egress.

30 (26) Extractive industry. The extraction of minerals, including: solids, such as coal and
31 ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes
32 quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other
33 preparation customarily done at the extraction site or as a part of the extractive activity.

34 (27) Family member. A person, or persons, related by blood, marriage, or other legal

1 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,
2 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

3 (28) Floating zone. An unmapped zoning district adopted within the ordinance that is
4 established on the zoning map only when an application for development, meeting the zone
5 requirements, is approved.

6 (29) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

7 (30) Freeboard. A factor of safety expressed in feet above the base flood elevation of a
8 flood hazard area for purposes of floodplain management. Freeboard compensates for the many
9 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and
10 the hydrological effect of urbanization of the watershed.

11 (31) Groundwater. "Groundwater" and associated terms, as defined in § 46-13.1-3.

12 (32) Halfway house. A residential facility for adults or children who have been
13 institutionalized for criminal conduct and who require a group setting to facilitate the transition to
14 a functional member of society.

15 (33) Hardship. See § 45-24-41.

16 (34) Historic district or historic site. As defined in § 45-22.2-4.

17 (35) Home occupation. Any activity customarily carried out for gain by a resident,
18 conducted as an accessory use in the resident's dwelling unit.

19 (36) Household. One or more persons living together in a single-dwelling unit, with
20 common access to, and common use of, all living and eating areas and all areas and facilities for
21 the preparation and storage of food within the dwelling unit. The term "household unit" is
22 synonymous with the term "dwelling unit" for determining the number of units allowed within any
23 structure on any lot in a zoning district. An individual household shall consist of any one of the
24 following:

25 (i) A family, which may also include servants and employees living with the family; or

26 (ii) A person or group of unrelated persons living together. The maximum number may be
27 set by local ordinance, but this maximum shall not be less than one person per bedroom and shall
28 not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to
29 NARR-certified recovery residences.

30 (37) Incentive zoning. The process whereby the local authority may grant additional
31 development capacity in exchange for the developer's provision of a public benefit or amenity as
32 specified in local ordinances.

33 (38) Infrastructure. Facilities and services needed to sustain residential, commercial,
34 industrial, institutional, and other activities.

1 (39) Land development project. As defined in § 45-23-32.

2 (40) Lot. Either:

3 (i) The basic development unit for determination of lot area, depth, and other dimensional

4 regulations; or

5 (ii) A parcel of land whose boundaries have been established by some legal instrument,

6 such as a recorded deed or recorded map, and that is recognized as a separate legal entity for

7 purposes of transfer of title.

8 (41) Lot area. The total area within the boundaries of a lot, excluding any street right-of-

9 way, usually reported in acres or square feet.

10 (42) Lot area, minimum. The smallest land area established by the local zoning ordinance

11 upon which a use, building, or structure may be located in a particular zoning district.

12 (43) Lot building coverage. That portion of the lot that is, or may be, covered by buildings

13 and accessory buildings.

14 (44) Lot depth. The distance measured from the front lot line to the rear lot line. For lots

15 where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

16 (45) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall specify

17 how noncontiguous frontage will be considered with regard to minimum frontage requirements.

18 (46) Lot line. A line of record, bounding a lot, that divides one lot from another lot or from

19 a public or private street or any other public or private space and shall include:

20 (i) Front: the lot line separating a lot from a street right-of-way. A zoning ordinance shall

21 specify the method to be used to determine the front lot line on lots fronting on more than one

22 street, for example, corner and through lots;

23 (ii) Rear: the lot line opposite and most distant from the front lot line, or in the case of

24 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length

25 entirely within the lot, parallel to and at a maximum distance from, the front lot line; and

26 (iii) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may

27 be a street lot line, depending on requirements of the local zoning ordinance.

28 (47) Lot size, minimum. Shall have the same meaning as "minimum lot area" defined

29 herein.

30 (48) Lot, though. A lot that fronts upon two (2) parallel streets, or that fronts upon two (2)

31 streets that do not intersect at the boundaries of the lot.

32 (49) Lot width. The horizontal distance between the side lines of a lot measured at right

33 angles to its depth along a straight line parallel to the front lot line at the minimum front setback

34 line.

1 (50) Manufactured home. As used in this section, a manufactured home shall have the same
2 definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections, which,
3 in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in
4 length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is
5 built on a permanent chassis and designed to be used as a dwelling with a permanent foundation
6 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and
7 electrical systems contained therein; except that such term shall include any structure that meets all
8 the requirements of this definition except the size requirements and with respect to which the
9 manufacturer voluntarily files a certification required by the United States Secretary of Housing
10 and Urban Development and complies with the standards established under chapter 70 of Title 42
11 of the United States Code; and except that such term shall not include any self-propelled
12 recreational vehicle.

13 (51) Mere inconvenience. See § 45-24-41.

14 (52) Mixed use. A mixture of land uses within a single development, building, or tract.

15 (53) Modification. Permission granted and administered by the zoning enforcement officer
16 of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance
17 other than lot area requirements from the zoning ordinance to a limited degree as determined by
18 the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of
19 the applicable dimensional requirements.

20 (54) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully
21 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with
22 the provisions of that ordinance or amendment. Nonconformance is of only two (2) types:

23 (i) Nonconforming by use: a lawfully established use of land, building, or structure that is
24 not a permitted use in that zoning district. A building or structure containing more dwelling units
25 than are permitted by the use regulations of a zoning ordinance is nonconformity by use; or

26 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance
27 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all
28 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building
29 or structure containing more dwelling units than are permitted by the use regulations of a zoning
30 ordinance is nonconforming by use; a building or structure containing a permitted number of
31 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per
32 dwelling unit regulations, is nonconforming by dimension.

33 (55) Overlay district. A district established in a zoning ordinance that is superimposed on
34 one or more districts or parts of districts. The standards and requirements associated with an overlay

1 district may be more or less restrictive than those in the underlying districts consistent with other
2 applicable state and federal laws.

3 (56) Performance standards. A set of criteria or limits relating to elements that a particular
4 use or process must either meet or may not exceed.

5 (57) Permitted use. A use by right that is specifically authorized in a particular zoning
6 district.

7 (58) Planned development. A "land development project," as defined in subsection (39),
8 and developed according to plan as a single entity and containing one or more structures or uses
9 with appurtenant common areas.

10 (59) Plant agriculture. The growing of plants for food or fiber, to sell or consume.

11 (60) Preapplication conference. A review meeting of a proposed development held between
12 applicants and reviewing agencies as permitted by law and municipal ordinance, before formal
13 submission of an application for a permit or for development approval.

14 (61) Setback line or lines. A line, or lines, parallel to a lot line at the minimum distance of
15 the required setback for the zoning district in which the lot is located that establishes the area within
16 which the principal structure must be erected or placed.

17 (62) Site plan. The development plan for one or more lots on which is shown the existing
18 and/or the proposed conditions of the lot.

19 (63) Slope of land. The grade, pitch, rise, or incline of the topographic landform or surface
20 of the ground.

21 (64) Special use. A regulated use that is permitted pursuant to the special-use permit issued
22 by the authorized governmental entity, pursuant to § 45-24-42. Formerly referred to as a special
23 exception.

24 (65) Structure. A combination of materials to form a construction for use, occupancy, or
25 ornamentation, whether installed on, above, or below the surface of land or water.

26 (66) Substandard lot of record. Any lot lawfully existing at the time of adoption or
27 amendment of a zoning ordinance and not in conformance with the dimensional or area provisions
28 of that ordinance.

29 (67) Supportive and versatile emergency units ("SAVE Units"). A structure intended for
30 temporary and transitional residential occupancy which complies with § 23-27.3-111.0. A SAVE
31 Unit is intended to provide temporary safety and privacy for people experiencing homelessness and
32 to enable occupants to transition to permanent housing.

33 ~~(67)~~(68) Use. The purpose or activity for which land or buildings are designed, arranged,
34 or intended, or for which land or buildings are occupied or maintained.

1 ~~(68)~~~~(69)~~ Variance. Permission to depart from the literal requirements of a zoning
2 ordinance. An authorization for the construction or maintenance of a building or structure, or for
3 the establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There
4 are only two (2) categories of variance, a use variance or a dimensional variance.

5 (i) Use variance. Permission to depart from the use requirements of a zoning ordinance
6 where the applicant for the requested variance has shown by evidence upon the record that the
7 subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the
8 zoning ordinance.

9 (ii) Dimensional variance. Permission to depart from the dimensional requirements of a
10 zoning ordinance under the applicable standards set forth in § 45-24-41.

11 ~~(69)~~~~(70)~~ Waters. As defined in § 46-12-1(23).

12 ~~(70)~~~~(71)~~ Wetland, coastal. As defined in § 45-22.2-4.

13 ~~(71)~~~~(72)~~ Wetland, freshwater. As defined in § 2-1-20.

14 ~~(72)~~~~(73)~~ Zoning certificate. A document signed by the zoning enforcement officer, as
15 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either
16 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or
17 is an authorized variance or modification therefrom.

18 ~~(73)~~~~(74)~~ Zoning map. The map, or maps, that are a part of the zoning ordinance and that
19 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
20 town.

21 ~~(74)~~~~(75)~~ Zoning ordinance. An ordinance enacted by the legislative body of the city or
22 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city
23 or town's legislative or home rule charter, if any, that establish regulations and standards relating
24 to the nature and extent of uses of land and structures; that is consistent with the comprehensive
25 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that
26 complies with the provisions of this chapter.

27 ~~(75)~~~~(76)~~ Zoning use district. The basic unit in zoning, either mapped or unmapped, to
28 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.
29 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,
30 institutional, open space, and residential. Each district may include sub-districts. Districts may be
31 combined.

32 **45-24-37. General provisions — Permitted uses.**

33 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
34 standards for uses that are permitted within the zoning use districts of the municipality. The

1 ordinance may provide for a procedure under which a proposed land use that is not specifically
2 listed may be presented by the property owner to the zoning board of review or to a local official
3 or agency charged with administration and enforcement of the ordinance for an evaluation and
4 determination of whether the proposed use is of a similar type, character, and intensity as a listed
5 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

6 (b) Notwithstanding any other provision of this chapter, the following uses are permitted
7 uses within all residential zoning use districts of a municipality and all industrial and commercial
8 zoning use districts except where residential use is prohibited for public health or safety reasons:

9 (1) Households;

10 (2) Community residences; and

11 (3) Family daycare homes.

12 (c) Any time a building or other structure used for residential purposes, or a portion of a
13 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire
14 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,
15 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former
16 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated
17 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the
18 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain
19 temporarily upon the land by making timely application to the local building official for the
20 purposes of obtaining the necessary permits to repair or rebuild the structure.

21 (d) Notwithstanding any other provision of this chapter, appropriate access for people with
22 disabilities to residential structures is allowed as a reasonable accommodation for any person(s)
23 residing, or intending to reside, in the residential structure.

24 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit
25 ("ADU") that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in
26 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-
27 73(a) shall be permitted through an administrative building permit process only.

28 (f) When used in this section the terms "people with disabilities" or "member, or members,
29 with disabilities" means a person(s) who has a physical or mental impairment that substantially
30 limits one or more major life activities, as defined in 42-87-1(5).

31 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted
32 use within all zoning districts of a municipality, including all industrial and commercial zoning
33 districts, except where prohibited for public health or safety reasons or the protection of wildlife
34 habitat.

1 (h) Adaptive reuse. Notwithstanding any other provisions of this chapter, adaptive reuse
2 for the conversion of any commercial building, including offices, schools, religious facilities,
3 medical buildings, and malls into residential units or mixed-use developments which include the
4 development of at least fifty percent (50%) of the existing gross floor area into residential units,
5 shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance,
6 except where such is prohibited by environmental land use restrictions recorded on the property by
7 the state of Rhode Island department of environmental management or the United States
8 Environmental Protection Agency preventing the conversion to residential use.

9 (1) The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive reuse
10 developments from off-street parking requirements of over one space per dwelling unit.

11 (2) **Density.**

12 (i) For projects that meet the following criteria, zoning ordinances shall allow for high
13 density development and shall not limit the density to less than fifteen (15) dwelling units per acre:

14 (A) Where the project is limited to the existing footprint, except that the footprint is allowed
15 to be expanded to accommodate upgrades related to the building and fire codes and utilities; and

16 (B) The development includes at least twenty percent (20%) low- and moderate-income
17 housing; and

18 (C) The development has access to public sewer and water service or has access to adequate
19 private water, such as a well and and/or wastewater treatment system(s) approved by the relevant
20 state agency for the entire development as applicable.

21 (ii) For all other adaptive reuse projects, the residential density permitted in the converted
22 structure shall be the maximum allowed that otherwise meets all standards of minimum housing
23 and has access to public sewer and water service or has access to adequate private water, such as a
24 well, and wastewater treatment system(s) approved by the relevant state agency for the entire
25 development, as applicable. The density proposed shall be determined to meet all public health and
26 safety standards.

27 (3) Notwithstanding any other provisions of this chapter, for adaptive reuse projects,
28 existing building setbacks shall remain and shall be considered legal nonconforming, but no
29 additional encroachments shall be permitted into any nonconforming setback, unless otherwise
30 allowed by zoning ordinance or relief is granted by the applicable authority.

31 (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
32 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain
33 and shall be considered legal nonconforming, and any rooftop construction shall be included within
34 the height exemption.

1 (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow
2 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any
3 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a
4 single-family home in the district or seek relief for the same under the provisions of this chapter.

5 (j) SAVE Units. Notwithstanding any other provision of this chapter, SAVE Units, as
6 defined in § 45-24-31, and their accessory units, such as bathrooms, if compliant with § 23-27.3-
7 111.0, shall be allowed by right in municipalities that have either allowed such by and through
8 zoning ordinance provisions or in municipalities that have exercised emergency authority pursuant
9 to § 45-24-78.

10 SECTION 5. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby
11 amended by adding thereto the following section:

12 **45-24-78. Limited emergency authority.**

13 (a) Notwithstanding any general or special law to the contrary or any ordinance, rule or
14 regulation to the contrary, a municipality, upon a declaration of emergency introduced by the
15 mayor, town administrator, or other equivalent chief executive officer, and approved by the
16 municipal council, which may be in the form of a resolution, may suspend application and
17 compliance with all planning and zoning procedures and the procedures set forth in §§ 45-24-47
18 through 45-24-55 and local building approval procedures in order to allow the construction of
19 SAVE Units, and their accessory units, which comply with the provisions of § 23-27.3-111.0.

20 (b) Such a declaration of an emergency shall only be for purposes of allowing for the
21 construction and temporary occupancy of SAVE Units during periods of severe weather or during
22 the aftermath of a natural or man-made disaster.

23 (c) Such a declaration of emergency shall only be valid for thirty (30) days, with the right
24 to renew the déclaration, by vote of the municipal council, for another thirty (30) day period. The
25 total period for the emergency declaration shall not exceed one hundred and eighty (180) days per
26 year.

27 (d) Upon a declaration of an emergency pursuant to this section, the mayor, town
28 administrator, or other equivalent chief-executive officer of the municipality shall, within thirty
29 (30) days of the declaration, and within every sixty days (60) thereafter, file a report with the
30 governor, the speaker of the house, and the president of the senate, with a copy to the municipal
31 council and the secretary of housing, providing information on the nature and extent of the
32 emergency, the actions taken by the municipality to address the emergency and the total number of
33 individuals being served by the SAVE Units.

34 (e) Nothing contained in this chapter shall prevent a municipality from allowing, on a non-

1 emergency basis, SAVE Units, provided the units comply with all applicable state building and fire
2 code sections by right through the passage of a zoning ordinance amendment in accordance with
3 the provisions of §§ 45-24-50 through 45-24-53 and are permitted pursuant to § 23-27.3-111.0.

4 SECTION 6. Section 45-24.3-4 of the General Laws in Chapter 45-24.3 entitled "Housing
5 Maintenance and Occupancy Code" is hereby amended to read as follows:

6 **45-24.3-4. Applicability.**

7 (a) Every portion of a building or its premises used or intended to be used for the purpose
8 of dwelling, living, eating, sleeping, or cooking, or occupancy, comply with the provisions of this
9 chapter and with the rules and regulations adopted pursuant to this chapter irrespective of when the
10 building was constructed, altered, or repaired, and irrespective of any permits or licenses issued for
11 the use or occupancy of the dwelling and dwelling premises or structure, for the construction or
12 repair of the dwelling or structure, or for the installation or repair of dwelling equipment prior to
13 January 1, 1971. This chapter establishes minimum standards for the initial and continued
14 occupancy of all dwellings and structures, and does not replace or modify standards otherwise
15 established by the state or a corporate unit for the construction, repair, or use of a building or the
16 installation of building equipment except as they may be in conflict with the provisions of this
17 chapter as provided by § 45-24.3-19.

18 (b) Matters governed by and conforming to the provisions of the State Building Code (§
19 23-27.3-100.0 et seq.) shall prevail for all structures, dwellings, and dwelling units constructed,
20 altered or repaired since July 1, 1977, providing the structure, dwelling or dwelling units conform
21 in their entirety to the prevailing edition of the building codes in effect at the time of construction
22 or occupancy, as evidenced by the date of issuance of a building permit issuance or date of issuance
23 of a certificate of occupancy.

24 (c) Except as specifically provided, the provisions of this chapter shall not apply to SAVE
25 Units as defined in § 45-24-31 that are permitted pursuant to § 45-24-37 or § 45-24-78 and which
26 comply with § 23-27.3-111.0.

27 SECTION 7. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE --
ADMINISTRATION AND ENFORCEMENT

- 1 This act would authorize municipalities to make an emergency declaration under limited
2 circumstances to allow for the construction and use of SAVE Units on a temporary basis which
3 have specialized requirements and exemptions from the state fire and building codes. This act
4 would also include a provision for reports to be provided to the governor, the speaker of the house
5 and the president of the senate regarding the nature of the emergency and the number of individuals
6 served by SAVE Units.
7 This act would take effect upon passage.

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