

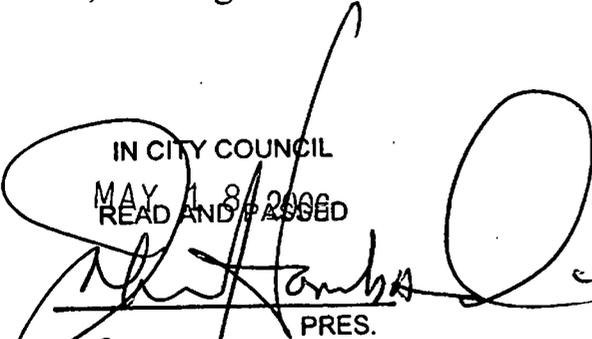
**THE CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

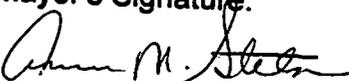
No. 237

EFFECTIVE ~~Approved~~ May 28, 2006

RESOLVED, That the Members of the Providence City Council hereby Endorses and Urges Passage by the General Assembly of Senate Bill 2006-S 2079, Relating to Town and Cities – Low & Moderate Income Housing.

IN CITY COUNCIL  
MAY 18 2006  
READ AND PASSED  
  
PRES.  
  
CLERK

Effective without the  
Mayor's Signature:

  
Anna M. Stetson  
City Clerk

IN CITY COUNCIL  
APR 6 2006  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION  
*Ann M. Stutz* CLERK

THE COMMITTEE ON  
STATE LEGISLATION  
Recommends Approval  
*Claire P. Best*  
*May 2, 2006* CLERK

*Council President Lombardi, By Request*

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

**A N A C T**

**RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING**

Introduced By: Senators Blais, and Raptakis

Date Introduced: January 17, 2006

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and  
2 Moderate Income Housing" is hereby amended to read as follows:

3           **45-53-3. Definitions.** -- The following words, wherever used in this chapter, unless a  
4 different meaning clearly appears from the context, have the following meanings:

5           (1) "Comprehensive plan" means a comprehensive plan adopted and approved by a city  
6 or town pursuant to chapters 22.2 and 22.3 of this title.

7           (2) "Consistent with local needs" means reasonable in view of the state need for low and  
8 moderate income housing, considered with the number of low income persons in the city or town  
9 affected and the need to protect the health and safety of the occupants of the proposed housing or  
10 of the residence of the city or town, to promote better site and building design in relation to the  
11 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,  
12 requirements, and regulations are applied as equally as possible to both subsidized and  
13 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are  
14 consistent with local needs when imposed by a city or town council after comprehensive hearing  
15 in a city or town where:

16           (i) Low or moderate income housing exists which is: (A) in the case of an urban city or  
17 town which has at least 5,000 occupied year-round rental units and the units, as reported in the  
18 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the  
19 year-round housing units, is in excess of fifteen percent (15%) of the total occupied year-round

1 rental units; or (B) in the case of all other cities or towns, is in excess of ten percent (10%) of the  
2 year-round housing units reported in the census.

3 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and  
4 regulations to implement a comprehensive plan which has been adopted and approved pursuant to  
5 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides  
6 for low and moderate income housing in excess of either ten percent (10%) of the year-round  
7 housing units or fifteen percent (15%) of the occupied year-round rental housing units as  
8 provided in subdivision (2)(i). For purposes of this section, year-round housing units shall include  
9 year-round mobile homes and year-round rental housing units shall include rented year-round  
10 mobile homes.

11 (3) "Infeasible" means any condition brought about by any single factor or combination  
12 of factors, as a result of limitations imposed on the development by conditions attached to the  
13 approval of the comprehensive permit, to the extent that it makes it impossible for a public  
14 agency, nonprofit organization, or limited equity housing cooperative to proceed in building or  
15 operating low or moderate income housing without financial loss, within the limitations set by the  
16 subsidizing agency of government, on the size or character of the development, on the amount or  
17 nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially  
18 changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or  
19 limited equity housing cooperative.

20 (4) "Local board" means any town or city official, zoning board of review, planning  
21 board or commission, board of appeal or zoning enforcement officer, local conservation  
22 commission, historic district commission, or other municipal board having supervision of the  
23 construction of buildings or the power of enforcing land use regulations, such as subdivision, or  
24 zoning laws.

25 (5) "Low or moderate income housing" means any housing whether built or operated by  
26 any public agency or any nonprofit organization or by any limited equity housing cooperative or  
27 any private developer, that is subsidized by a federal, state, or municipal government subsidy  
28 under any program to assist the construction or rehabilitation of housing affordable to low or  
29 moderate income households, as defined in the applicable federal or state statute, or local  
30 ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-  
31 nine (99) years or such other period that is either agreed to by the applicant and town or  
32 prescribed by the federal, state, or municipal government subsidy program but that is not less than  
33 thirty (30) years from initial occupancy.

34 (6) "Affordable housing plan" means a component of a housing element, as defined in

1 section 45-22.2-4(33), to meet housing needs in a city or town that is prepared in accordance with  
2 guidelines adopted by the state planning council, and/or to meet the provisions of section 45-53-  
3 4(b)(1) and (c).

4 (7) "Approved affordable housing plan" means an affordable housing plan that has been  
5 approved by the director of administration as meeting the guidelines for the local comprehensive  
6 plan as promulgated by the state planning council; provided, however, that state review and  
7 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town  
8 having completed, adopted, or amended its comprehensive plan as provided for in sections 45-  
9 22.2-8, 45-22.2-9, or 45-22.2-12.

10 (8) "Letter of eligibility" means a letter issued by the Rhode Island Housing and  
11 Mortgage Finance Corporation in accordance with section 42-55-5.3(a).

12 (9) "Local review board" means the planning board as defined by section 45-22.2-4(24),  
13 or if designated by ordinance as the board to act on comprehensive permits for the town, the  
14 zoning board of review established pursuant to section 45-24-56.

15 (10) "Meeting housing needs" means adoption of the implementation program of an  
16 approved affordable housing plan and the absence of unreasonable denial of applications that are  
17 made pursuant to an approved affordable housing plan in order to accomplish the purposes and  
18 expectations of the approved affordable housing plan.

19 (11) "Municipal government subsidy" means assistance that is made available through a  
20 city or town program sufficient to make housing affordable, as affordable housing is defined in  
21 section 42-128-8.1(d)(1); such assistance may include, but is not limited to, direct financial  
22 support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or  
23 internal subsidies, and any combination of forms of assistance.

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

=====  
LC00280  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

\*\*\*

1           This act would require that year-round mobile homes be included in year-round housing  
2 units and rented year-round mobile homes be included in year-round rental housing units for  
3 purposes of determining the need for low and moderate income housing units.

4           This act would take effect upon passage.

=====  
LC00280  
=====



## TOWN OF GLOUCESTER

OFFICE OF TOWN CLERK

1145 Putnam Pike, P.O. Box B  
Chepachet, Rhode Island 02814-0702  
(401) 568-6206 - Fax (401) 568-5850  
TTY (Relay RI) 1-800-745-5555

JEAN M. FECTEAU  
TOWN CLERK/PROBATE CLERK

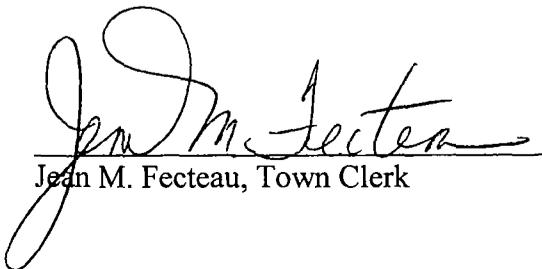
March 6, 2006

TO: All City & Town Halls

FROM: Jean M. Fecteau, Town Clerk

RE: Senate Bill S 2079 Low & Moderate Income Housing  
Senate Bill 2006 S - 2135 An Act Relating to Education

Please be advised that the enclosed Resolutions were passed at the March 2, 2006 Gloucester Town Council Meeting showing our support for Senate Bill 2006 S - 2135 "An Act Relating to Education" and Senate Bill S 2079, "Low and Moderate Income Housing".



Jean M. Fecteau, Town Clerk

/bjp  
enc.

The State of Rhode Island and Providence Plantations

Town of Gloucester

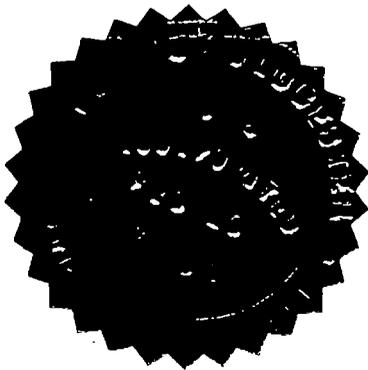
RESOLUTION

WHEREAS, the Town of Gloucester has been working toward obtaining their goal of affordable housing as required by R.I.G.L. 45-53; and towards that effort the Town has submitted a plan that was adopted by the Town Council and approved by the Rhode Island Department of Administration in September of 2005; and

WHEREAS, small rural communities, such as Gloucester, may struggle to obtain their goal as currently outlined and the proposed amendment to R.I.G.L. 45-53-3 Definitions would allow Gloucester to consider year round mobile homes towards the mandated requirement of low and moderate income housing units; and

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to give their support to Senate Bill S 2079, Low and Moderate Income Housing; and will forward this Resolution to our 38 other cities & towns and to our local legislators requesting their support;

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk seek enactment by the General Assembly.



A handwritten signature in black ink, appearing to read "Steven A. Sette".

Steven A. Sette, President  
Gloucester Town Council

A handwritten signature in black ink, appearing to read "Jean M. Fecteau".

Jean M. Fecteau, Town Clerk

Approved at the March 2, 2006 Town Council Meeting.

**Jodi P. LaCroix, CMC**  
Town Clerk  
Clerk of Probate Court  
Clerk to the Board of Canvassers



4540 SO. COUNTY TRAIL  
CHARLESTOWN,  
RHODE ISLAND 02813  
Tel (401) 364-1200  
Fax (401) 364-1238  
e-mail: clerk@charlestownri.org

**TOWN OF CHARLESTOWN**

**To:** All City and Town Clerks  
**From:** Jodi P. LaCroix, CMC Town Clerk  
**Date:** April 11, 2006  
**Re:** Resolutions

---

Enclosed please find resolutions regarding Senate Bill S2079 - Low and Moderate Income Housing, Senate Bill S2049 - Elimination of MTBE as a gasoline additive, and House Bill H6806 - Foundation Level School Support as adopted by the Charlestown Town Council at their April 10, 2006 meeting. The Town Council asks that all cities and towns be sent a copy of these resolutions, seeking their support.

**RESOLUTION**

**Low and Moderate Income Housing**

**SENATE BILL S-2079,**

**WHEREAS**, the Town of Charlestown has been working toward obtaining their goal of affordable housing as required by RIGL 45-53,

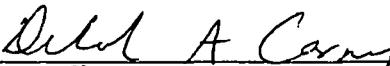
**WHEREAS**, small rural communities such as Charlestown may struggle to obtain their goal as currently outlined in the town's affordable housing plan, and

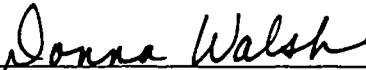
**WHEREAS**, a proposed amendment to RIGL 45-53-3, would require year-round mobile homes be included in year-round housing units and rented year-round mobile homes be included in year-round rental housing units, and

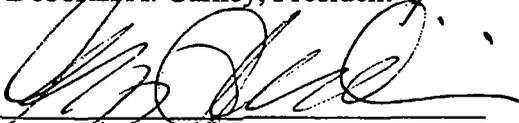
**WHEREAS**, the Town Council of the Town of Charlestown is, by this Resolution, supporting Senate Bill S2079, Low and Moderate Income Housing.

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Charlestown hereby requests that the General Assembly enact Senate Bill S2079.

Taken under our hands this 10<sup>th</sup> day of April, 2006

  
Deborah A. Carney, President

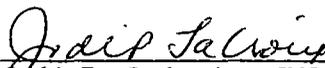
  
Donna Walsh, Vice President

  
Gregory J. Avedisian

  
Forrester C. Safford

  
Katharine H. Waterman

ATTEST:

  
Lodi P. LaCroix, CMC  
Town Clerk

**RESOLUTION  
TOWN OF CHARLESTOWN**

**WHEREAS**, a pure consumable drinking water supply is a fundamental requirement for all citizens and the lack thereof produces the potential for serious physical and economic impact on residents and businesses; and

**WHEREAS**, even minor concentrations of MTBE in drinking water can result in a foul taste and odor, rendering the water undrinkable; and in higher concentrations leads to serious concerns for possible short and long term effects; and

**WHEREAS**, the public water supply of many communities nationwide and more particularly in the Northeast, have been compromised by the intrusion of MTBE into the drinking water, with the surety that the problem will increase as long as MTBE is allowed to be used as a gasoline additive; and

**WHEREAS**, the overwhelming costs involved in the cleanup of spills of MTBE laden fuel can only increase as the situation is allowed to continue; and

**WHEREAS**, it is the policy of the Coalition of Northeastern Governors (CONEG) to support energy programs that strengthen the nation's economy and protect the environment.

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Charlestown respectfully petition the State Legislature and the Governor's Office to support Senate Bill S2049, an Act Relating to State Affairs and Government – Department of Environmental Management – elimination of MTBE as a gasoline additive.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this Resolution to all Rhode Island Cities and Towns and local representatives and senators seeking their consideration and support of this proposal.

Taken under our hands this 10<sup>th</sup> day of April, 2006.

Abstain

Deborah A. Carney, President

Donna Walsh  
Donna Walsh, Vice President

Gregory J. Avedisian

Forrester C. Safford

Katharine H. Waterman

ATTEST:

Godi P. LaCroix  
Godi P. LaCroix, CMC  
Town Clerk

**RESOLUTION  
TOWN OF CHARLESTOWN**

**WHEREAS**, current provisions of §16-7-44, school housing project costs which require that interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation limits the ability of some communities in securing financing for school projects; and

**WHEREAS**, the requirement that the bonds be issued through the Rhode Island Health, Education and Building Corporation negatively impacts the timeframe for issuance of bonds and acquisition of funds; and

**WHEREAS**, those communities with a strong financial standing may secure more favorable rates by directly financing projects; and

**WHEREAS**, communities should be encouraged to finance at the best possible rates; and

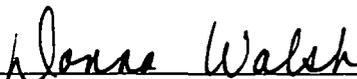
**WHEREAS**, interest payments should be included in school housing project costs for projects in communities that have secured favorable financing due to their strong financial standing.

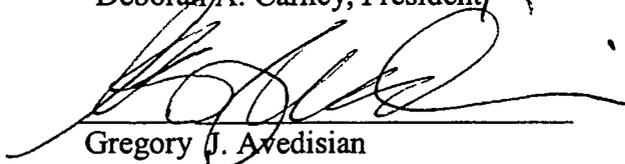
**NOW THEREFORE BE IT RESOLVED**, the Charlestown Town Council respectfully requests the State Legislature and the Governor's Office to support House Bill H6806, an Act Relating to Education – Foundation Level School Support that would provide that for housing projects approved after June 30, 2003, interest payments may be included for communities with a stand alone investment grade rating of at least A as established by Moody's Investor Service. Inc.

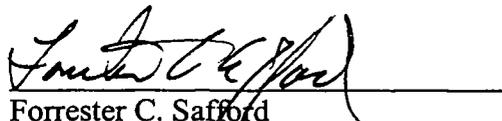
**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this resolution to all Rhode Island Cities and Towns and local representatives and senators seeking their consideration and support of this proposal.

Taken under our hands this 10<sup>th</sup> day of April, 2006.

  
Deborah A. Carney, President

  
Donna Walsh, Vice President

  
Gregory J. Avedisian

  
Forrester C. Safford

  
Katharine H. Waterman

ATTEST:   
Godi P. LaCroix, CMC  
Town Clerk