

RESOLUTION OF THE CITY COUNCIL

No. 213

Approved April 23, 2025

WHEREAS, Rhode Islanders are contending with unconscionable home prices and rents amid insufficient increases in housing production; and

WHEREAS, The Rhode Island General Assembly has previously passed legislation to remove significant administrative, technical, and legal barriers to housing production; and

WHEREAS, Despite the remarkable progress being made under these new laws, more can and must be done to ensure every Rhode Islander has a home; and

WHEREAS, The installation of the state building code commissioner under the office of the state fire marshal, a reduction in quorum size, and an effective date 90 days following modification by the building code committee will enable timely changes in regulations; and

WHEREAS, The expansion of a unified electronic permitting system for state and municipal permitting, especially for zoning, building, and planning, will integrate systems to increase uniformity and ease administration; and

WHEREAS, Among other measures, the elimination of barriers to lot subdivisions on existing streets, the elimination of density limits commensurate with the extant affordable housing stock, and the prohibition of adaptive reuse on contaminated sites will allow the housing stock expand safely and efficiently; and

WHEREAS, The amendment of the definitions and approval process for low and moderate income housing to allow presubmission optional master plans, mandate comparable quality and scale, and enable density bonuses statewide will elucidate affordable housing development; and

WHEREAS, Public hearings and the consideration of municipal capacities in the redevelopment of state-owned properties and land for housing will encourage diligent review of state-led housing developments while not restricting their advancement; and

WHEREAS, The three-year exemption of newly built housing meeting a minimum affordable unit requirement from the property tax levy increase limit will incentivize municipalities to support new housing broadly and affordable housing particularly; and

WHEREAS, These bills will expedite the growth of the housing stock both in Providence and elsewhere in Rhode Island if enacted; and

WHEREAS, Providence homebuyers and renters will benefit from an increase in suitable and affordable homes; and

WHEREAS, The Providence City Council wishes to convey its gratitude for these important bills intended to improve housing availability and affordability.

NOW, THEREFORE, IT BE RESOLVED, That the Providence City Council strongly supports the introductions of H-5804, H-5803, H-5801, H-5802, and H-5793 and calls upon the Rhode Island General Assembly and the Governor of Rhode Island to enact them with all due urgency; and

BE IT FURTHER RESOLVED, That upon passage, copies of this resolution be transmitted to the Speaker of the House K. Joseph Shekarchi, President of the Rhode Island Senate Dominick Ruggerio, the Providence delegation to the General Assembly, and the lead sponsors of H-5804, H-5803, H-5801, H-5802, and H-5793.

IN CITY COUNCIL

APR 17 2025
READ AND PASSED


RACHEL M. MILLER, PRESIDENT

CLERK

I HEREBY APPROVE.



Mayor

Date: 4/23/25

2025 -- H 5804

LC002164

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEATH AND SAFETY -- STATE BUILDING CODE

Introduced By: Representatives Shekarchi, Casey, Tanzi, Blazejewski, Speakman,
Cotter, Dawson, Stewart, Finkelman, and Hull

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-100.1.4, 23-27.3-100.1.5, 23-27.3-107.0, 23-27.3-107.4
2 and 23-27.3-108.2 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are
3 hereby amended to read as follows:

4 **23-27.3-100.1.4. Appointment and qualifications of the committee.**

5 (a) The building code standards committee shall be composed of twenty-five (25)
6 members, residents of the state who shall be appointed by the governor with the advice and consent
7 of the senate. Eight (8) members are to be appointed for terms of one year each, seven (7) for a
8 term of two (2) years each, and ten (10) for terms of three (3) years each. Annually, thereafter, the
9 governor, with the advice and consent of the senate, shall appoint members to the committee to
10 succeed those whose terms expired; the members to serve for terms of three (3) years each and until
11 their successors are appointed and qualified. Two (2) members shall be architects registered in the
12 state; three (3) shall be professional engineers registered in the state, one specializing in
13 mechanical, one specializing in structural, and one specializing in electrical engineering; one
14 landscape architect, registered in the state; one full-time certified electrical inspector; two (2) shall
15 be builders or superintendents of building construction; one shall be a public health official; one
16 shall be a qualified fire code official; two (2) shall be from the Rhode Island building trades council;
17 two (2) shall be from the Rhode Island Builders Association; one shall be a holder of Class "A"
18 electrician's license; one shall be a master plumber; two (2) shall be from the general public; three
19 (3) shall be building officials in office, one from a municipality with a population of sixty thousand

1 (60,000) persons or more, one from a municipality with a population of over twenty thousand
2 (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a
3 population of less than twenty thousand (20,000) persons; one shall be a minimum housing official
4 in office from one of the local municipalities; and two (2) residents of the state who shall be persons
5 with disabilities as defined in § 42-87-1.

6 (b) All members shall have no less than five (5) years practical experience in their
7 profession or business. The committee shall elect its own chairperson and may elect from among
8 its members such other officers as it deems necessary. ~~Thirteen (13)~~ Ten (10) members of the board
9 shall constitute a quorum and the vote of a majority vote of those present shall be required for
10 action or decision. The committee shall adopt rules and regulations for procedure. The state
11 building commissioner shall serve as the executive secretary to the committee. The committee shall
12 have the power, within the limits of appropriations provided therefor, to employ such assistance as
13 may be necessary to conduct business.

14 (c) Members of the committee shall be removable by the governor pursuant to § 36-1-7
15 and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or
16 fitness for the office shall be unlawful.

17 (d) The state housing and property maintenance code subcommittee shall be composed of
18 nine (9) members, residents of the state. Five (5) of these members are to be current members of
19 the state building code standards committee and are to be appointed by that committee. The four
20 (4) remaining members are to be appointed by the governor, with the advice and consent of the
21 senate. The four (4) appointed by the governor, with the advice and consent of the senate, shall
22 initially be appointed on a staggered term basis, one for one year, one for two (2) years, and two
23 (2) for three (3) years. Annually thereafter, the building code standards committee, and the
24 governor, with the advice and consent of the senate, shall appoint the subcommittee members, for
25 which they are respectively responsible, to succeed those whose terms have expired; the members
26 to serve for terms of three (3) years each and until their successors are appointed and qualified. Of
27 the members appointed by the committee, one shall be a full-time certified electrical inspector; one
28 shall be a master plumber and mechanical equipment expert; one shall be a builder or
29 superintendent of building construction; one member shall be a qualified state fire code official;
30 one shall be a property manager; and one shall be a current minimum housing official from a local
31 municipality. The four (4) members to be appointed by the governor, with the advice and consent
32 of the senate, shall all be current minimum housing officials from local municipalities. One shall
33 be from a municipality with a population of sixty thousand (60,000) persons or more, two (2) from
34 municipalities with a population of over twenty thousand (20,000) persons but less than sixty

1 thousand (60,000), and one from a municipality with a population of less than twenty thousand
2 (20,000) persons.

3 **23-27.3-100.1.5. Building code — Adoption and promulgation by committee.**

4 (a) The state building standards committee has the authority to adopt, promulgate, and
5 administer a state building code, which shall include:

6 ~~(a)~~(1) Provisions and amendments as necessary to resolve conflicts between fire safety
7 codes and building codes, as provided for in § 23-28.01-6; and

8 ~~(b)~~(2) A rehabilitation building and fire code for existing buildings and structures.

9 (b) The building code may be promulgated in several sections, with a section applicable to
10 one- and two-family (2) dwellings; to multiple dwellings and hotels and motels; to general building
11 construction; to plumbing; and to electrical.

12 (c) The building code shall incorporate minimum standards for the location, design,
13 construction, and installation of wells that are appurtenances to a building in applicable sections.
14 For purposes of this chapter, “appurtenance” includes the installation, alteration, or repair of wells
15 connected to a structure consistent with chapter 13.2 of title 46.

16 (d) The building code and the sections thereof shall be reasonably consistent with
17 recognized and accepted standards adopted by national model code organizations and recognized
18 authorities. To the extent that any state or local building codes, statutes, or ordinances are
19 inconsistent with the Americans with Disabilities Act, Title III, Public Accommodations and
20 Services Operated by Private Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards,
21 they are hereby repealed. The state building code standards committee is hereby directed to adopt
22 rules and regulations consistent with the Americans with Disabilities Act, Title II and III (28 C.F.R.
23 35 and 28 C.F.R. 36, as amended), as soon as possible, but no later than February 15, 2012, to take
24 effect on or before March 15, 2012. The state building code standards committee is hereby
25 authorized and directed to update those rules and regulations consistent with the future revisions of
26 the Americans with Disabilities Act Accessibility Standards.

27 (e) All electrical work done in the state shall be in accordance with the latest edition of the
28 National Electrical Code (NEC). The state building commission shall adopt the latest edition of the
29 NEC, including any amendments to the NEC by the commission. The adoption of the NEC by the
30 commission shall be completed so that it will take effect on the first day of July of the year the
31 edition is dated.

32 (f) Notwithstanding any provisions of this title to the contrary, the building code, and any
33 amendments adopted by the building code standards committee, shall be adopted by the state and
34 fully enforceable within ninety (90) days of the approval of the provisions by the building code

1 [standards committee under this chapter.](#)

2 **23-27.3-107.0. State building code office. [Effective January 1, 2025.]**

3 There exists ~~within the department of business regulation a state building code office a~~
4 [state building code office within the office of the state fire marshal](#). The office is comprised of the
5 state building code commissioner ~~and~~, the commissioner's staff, the contractors' registration and
6 licensing board, the building code commission, the design professionals unit, ~~and~~ the building code
7 standards committee and all other applicable subcommittees.

8 **23-27.3-107.4. Qualifications of the state building commissioner. [Effective January**
9 **1, 2025.]**

10 The state building commissioner shall be a member of the classified service, and for
11 administrative purposes shall be assigned a position in the department of business ~~regulation~~
12 [regulations division of building, design and fire professionals](#). Qualifications for the position of the
13 state building commissioner shall be established in accordance with provisions of the classified
14 service of the state, and shall include the provision that the qualifications include at least ten (10)
15 years' experience in building or building regulations generally, and that the commissioner be an
16 architect or professional engineer licensed in the state or a certified building official presently or
17 previously employed by a municipality and having at least ten (10) years' experience in the building
18 construction or inspection field.

19 **23-27.3-108.2. Duties of the state building code commissioner. [Effective January 1,**
20 **2025.]**

21 (a) The state building code commissioner shall have the authority to enforce and perform
22 the duties required by the state building code, chapter 27.3 of this title, and all codes referenced
23 therein and adopted thereunder, and all other provisions of the general laws and public laws insofar
24 as such powers and duties relate to building codes and building inspection; provided, however, that
25 for the purposes of this section structures constituting tents and/or membrane frame structures as
26 defined in this state building code and any regulations promulgated hereunder shall be subject to
27 an annual certification process to be established by the state building commissioner in conjunction
28 with the state fire marshal and shall not be subject to recurring permit and fee requirements as
29 otherwise required by this code.

30 (b) The state building code commissioner shall work to standardize building code
31 interpretations across the state with input from the Rhode Island League of Cities and Towns and
32 ensure consistent enforcement of the code throughout the state.

33 (c) Permit fees for the projects shall be established by the committee. The fees shall be
34 deposited as general revenues.

1 (d)(1) The local cities and towns shall charge each permit applicant an additional one-tenth
2 percent (0.1%) levy of the total construction cost for each commercial permit issued, and two-tenths
3 percent (0.2%) levy of the total construction cost for each residential permit issued. The levy shall
4 be limited to a maximum of one hundred dollars (\$100) for each of the permits issued for one- and
5 two-family (2) dwellings. This additional levy shall be transmitted monthly to the state building
6 [code](#) office ~~at the department of business regulation~~; and

7 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred
8 percent (100%) of this additional levy on commercial permits shall be used to staff and support the
9 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state
10 and municipalities for uniform, statewide electronic plan review, permit management, and
11 inspection system and other programs described in this chapter. This portion of the fee levy shall
12 be deposited as general revenues.

13 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to
14 the department of labor and training and shall be deposited into the contractor training restricted
15 receipt account, which shall be exempt from the indirect cost recovery provisions of § 35-4-27.
16 Subject to appropriation by the general assembly, these funds shall be used to provide contractor
17 training grants for programs that shall include, but are not limited to, minority business enterprises
18 and state local building officials.

19 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
20 process for electronic plan review, permit management, and inspection. The process shall include,
21 but not be limited to: applications; submission of building plans and plans for developments and
22 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation
23 and collections; and workflow and report management.

24 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
25 office of regulatory reform, shall implement the standard statewide process for electronic plan
26 review, permit management, and inspection. In addition, the building commissioner, [through the](#)
27 [department of business regulation](#) shall develop a technology and implementation plan for a
28 standard web-accessible service or system to be utilized by the state and municipalities for uniform,
29 statewide electronic plan review, permit management, and inspection. The plan shall include, but
30 not be limited to: applications; submission of building plans and plans for developments and plots;
31 plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation and
32 collections; and workflow and report management.

33 (e) [All electronic permitting fees collected by the state building code office shall be](#)
34 [remitted to the department of business regulation, which funds shall be used to staff and support](#)

1 [the purchase or lease and operation of a web-accessible service or system to be utilized by the state](#)
2 [and municipalities for electronic permitting.](#)

3 (f) The building commissioner shall, upon request by any state contractor described in §
4 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
5 controller that the payment conditions contained in § 37-2-38.1 have been met.

6 (g) The building commissioner shall coordinate the development and implementation of
7 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before
8 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
9 the provisions of this section and § 23-27.3-115.6.

10 (h) The building commissioner shall submit, in coordination with the state fire marshal,
11 a report to the governor and general assembly on or before April 1, 2013, and each April 1
12 thereafter, providing the status of the web-accessible service and/or system implementation and
13 any recommendations for process or system improvement. In every report submitted on or after
14 April, 2024, the building commissioner shall provide the following information:

15 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
16 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

17 (2) The identity of every municipality failing to fully implement and comply with the
18 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the
19 provisions of this section, and the nature, extent, and basis or reason for the failure or
20 noncompliance; and

21 (3) Recommendations to achieve compliance by all municipalities with the provisions of §
22 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

23 (i) The building commissioner shall assist with facilitating the goals and objectives set
24 forth in § 28-42-84(a)(9).

25 (j) The state building code commissioner shall serve as the executive secretary to the
26 state building code standards committee.

27 (k) In addition to the state building code commissioner's other duties as set forth in this
28 chapter, and notwithstanding the same, the state building code commissioner and the
29 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the
30 state building code in a municipality where there is no local building official or alternate as detailed
31 in § 23-27.3-107.2, or where there are no local building inspectors.

32 SECTION 2. Section 23-28.2-1 of the General Laws in Chapter 23-28.2 entitled "Office of
33 State Fire Marshal" is hereby amended to read as follows:

34 **23-28.2-1. Establishment of office of the state fire marshal.**

1 (a) There shall be an office of the state fire marshal within the department of business
2 regulation's division of building, design and fire professionals, the head of which office shall be
3 the state fire marshal. The state fire marshal shall be appointed by the governor with the advice and
4 consent of the senate and shall serve for a period of five (5) years. During the term the state fire
5 marshal may be removed from office by the governor for just cause. All authority, powers, duties
6 and responsibilities previously vested in the division of fire safety are hereby transferred to the
7 office of the state fire marshal.

8 (b) There exists, a state building code office within the office of the state fire marshal. The
9 office is comprised of the state building code commissioner, the commissioner's staff, the
10 contractors' registration and licensing board, the building code commission, the design
11 professionals' unit, the building code standards committee and all other applicable subcommittees.

12 SECTION 3. This act shall take effect upon passage.

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LC002164
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEATH AND SAFETY -- STATE BUILDING CODE

1 This act would amend the corporation of the building code standards committee and would
2 make several technical amendments relative to the building code office and would establish a state
3 building code office within the office of state fire marshal.

4 This act would take effect upon passage.

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LC002164
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2025 -- H 5803

LC002163

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

Introduced By: Representatives Shekarchi, Casey, Tanzi, Blazejewski, Speakman,
Cotter, Dawson, Stewart, Finkelman, and Hull

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-100, 23-27.3-100.1 and 23-27.3-108.2 of the General Laws
2 in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

3 **23-27.3-100.0. Scope.**

4 This chapter governs the state building code and the establishment, operation and
5 maintenance of electronic permitting platforms for state and local permitting.

6 **23-27.3-100.1. Short title — Applicability.**

7 This act shall be known as the "Rhode Island state building code" referred to throughout
8 this chapter as "this code", which includes a rehabilitation building and fire code for existing
9 buildings and structures. In accordance with this chapter, this act controls:

10 (1) The construction, reconstruction, alteration, repair, demolition, removal, inspection,
11 issuance, and revocation of permits or licenses, installation of equipment, classification, and
12 definition of any building or structure, and use or occupancy of all buildings and structure and parts
13 of them;

14 (2) The rehabilitation and maintenance of existing buildings;

15 (3) The standards or requirements for materials to be used in connection with buildings and
16 structures, including but not limited for safety, ingress and egress, energy conservation, and sanitary
17 conditions;

18 (4) The establishment of reasonable fees for the issuance of licenses and permits in
19 connection with buildings and structures;

1 (5) The establishment and maintenance of an electronic permitting platform and regulations
2 related to the use of the platform for use in all matters related to the applications and review for
3 state and local building permits, municipal zoning applications, municipal planning applications,
4 applications and permits for the department of environmental management, applications and
5 permits for the department of transportation and applications and permits for the coastal resources
6 management council.

7 Except as those matters are otherwise provided for in the general laws or in the rules and
8 regulations authorized for promulgation under the provisions of this code.

9 **23-27.3-108.2. Duties of the state building code commissioner. [Effective January 1,**
10 **2025.]**

11 (a) The state building code commissioner shall have the authority to enforce and perform
12 the duties required by the state building code, chapter 27.3 of this title, and all codes referenced
13 therein and adopted thereunder, and all other provisions of the general laws and public laws insofar
14 as such powers and duties relate to building codes and building inspection; provided, however, that
15 for the purposes of this section structures constituting tents and/or membrane frame structures as
16 defined in this state building code and any regulations promulgated hereunder shall be subject to
17 an annual certification process to be established by the state building commissioner in conjunction
18 with the state fire marshal and shall not be subject to recurring permit and fee requirements as
19 otherwise required by this code.

20 (b) The state building code commissioner shall work to standardize building code
21 interpretations across the state with input from the Rhode Island League of Cities and Towns and
22 ensure consistent enforcement of the code throughout the state.

23 (c) Permit fees. Permit fees for the ~~projects~~ construction under this chapter shall be
24 established by the committee. The fees shall be deposited as general revenues.

25 ~~(d)~~(1) Building permit fees. The state building official or the local cities and towns, as
26 applicable, shall charge each permit applicant an additional one-tenth percent (0.1%) levy of the
27 total construction cost for each commercial permit issued, and two-tenths percent (0.2%) levy of
28 the total construction cost for each residential permit issued. The levy shall be limited to a
29 maximum of one hundred dollars (\$100) for each of the permits issued for one- and two-family (2)
30 dwellings. This additional levy shall be transmitted monthly to the state building office at the
31 department of business regulation; and

32 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred
33 percent (100%) of this additional levy on commercial permits shall be used to staff and support the
34 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state

1 and municipalities for uniform, statewide electronic plan review, permit management, and
2 inspection system and other programs described in this chapter. This portion of the fee levy shall
3 be deposited as general revenues.

4 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to
5 the department of labor and training and shall be deposited into the contractor training restricted
6 receipt account, which shall be exempt from the indirect cost recovery provisions of § 35-4-27.
7 Subject to appropriation by the general assembly, these funds shall be used to provide contractor
8 training grants for programs that shall include, but are not limited to, minority business enterprises
9 and state local building officials.

10 (2) Fees for electronic permitting from other state agencies and cities and towns. The local
11 cities and towns and any state agency utilizing the electronic permitting platform, except as set
12 forth in this section, shall charge each applicant in accordance with §§ 42-13-10, 42-17.1-46, 45-
13 23-36.1, 45-24-58.1, 45-53-16 and 46-23-47 as applicable.

14 (d) Electronic permitting.

15 (1) For purposes of this section, "electronic permitting" means the use of computer-based
16 tools and services through a platform which automates and streamlines the application and permit
17 process to include, but not be limited to, task-specific tools for applications, submission of plans,
18 checklists, reports and other documents, reviews, permitting, scheduling, review and project
19 tracking, comments from staff and committees, fee calculation and collection; and workflow and
20 report management

21 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
22 process for electronic plan review, permit management, and inspection. The process shall include,
23 but not be limited to: applications; submission of building plans and plans for developments and
24 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation
25 and collections; and workflow and report management.

26 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
27 office of regulatory reform, shall implement the standard statewide process for electronic plan
28 review, permit management, and inspection. In addition, the building commissioner shall develop
29 a technology and implementation plan for a standard web-accessible service or system to be utilized
30 by the state and municipalities for uniform, statewide electronic plan review, permit management,
31 and inspection for building permits. The plan shall include, but not be limited to: applications;
32 submission of building plans and plans for developments and plots; plan review; permitting;
33 inspections; inspection scheduling; project tracking; fee calculation and collections; and workflow
34 and report management.

1 (4) The building commissioner, with the assistance of the office of regulatory reform, shall
2 implement the standard statewide process for electronic permitting to be utilized pursuant to this
3 section and §§ 23-27.3-115.6, 42-13-10, 42-17.1-46, 45-23-36.1, 45-24-58.1, 45-53-16 and 46-23-
4 27. In addition, the building commissioner shall develop a technology and implementation plan for
5 one standard web-accessible service or system to be utilized by the state and municipalities for
6 these purposes and shall cause the purchase or lease and operation of one web-accessible service
7 and/or system to be utilized by the state and municipalities for electronic permitting (“electronic
8 permitting platform”).

9 ~~(2) On or before July 1, 2013, the building commissioner shall develop a standard statewide~~
10 ~~process for electronic plan review, permit management, and inspection. The process shall include,~~
11 ~~but not be limited to: applications; submission of building plans and plans for developments and~~
12 ~~plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation~~
13 ~~and collections; and workflow and report management.~~

14 ~~(3) On or before December 1, 2013, the building commissioner, with the assistance of the~~
15 ~~office of regulatory reform, shall implement the standard statewide process for electronic plan~~
16 ~~review, permit management, and inspection. In addition, the building commissioner shall develop~~
17 ~~a technology and implementation plan for a standard web-accessible service or system to be utilized~~
18 ~~by the state and municipalities for uniform, statewide electronic plan review, permit management,~~
19 ~~and inspection. The plan shall include, but not be limited to: applications; submission of building~~
20 ~~plans and plans for developments and plots; plan review; permitting; inspections; inspection~~
21 ~~scheduling; project tracking; fee calculation and collections; and workflow and report management.~~

22 (e) The building commissioner shall, upon request by any state contractor described in §
23 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
24 controller that the payment conditions contained in § 37-2-38.1 have been met.

25 (f) The building commissioner shall coordinate the development and implementation of this
26 section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before
27 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
28 the provisions of this section and §§ 23-27.3-115.6, 42-13-10, 42-17.1-46, 45-23-36.1, 45-24-58.1,
29 45-53-16, and 46-23-27.

30 (g) The building commissioner shall submit, in coordination with the state fire marshal, a
31 report to the governor and general assembly on or before April 1, 2013, and each April 1 thereafter,
32 providing the status of the web-accessible service and/or system implementation and any
33 recommendations for process or system improvement. In every report submitted on or after April,
34 2024, the building commissioner shall provide the following information:

1 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
2 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

3 (2) The identity of every municipality failing to fully implement and comply with the
4 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the
5 provisions of this section, and the nature, extent, and basis or reason for the failure or
6 noncompliance; and

7 (3) Recommendations to achieve compliance by all municipalities with the provisions of §
8 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

9 (h)The building commissioner shall assist with facilitating the goals and objectives set forth
10 in § 28-42-84(a)(9).

11 (i) The state building code commissioner shall serve as the executive secretary to the state
12 building code standards committee.

13 (j) In addition to the state building code commissioner's other duties as set forth in this
14 chapter, and notwithstanding the same, the state building code commissioner and the
15 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the
16 state building code in a municipality where there is no local building official or alternate as detailed
17 in § 23-27.3-107.2, or where there are no local building inspectors.

18 SECTION 2. Section 45-23-36.1 of the General Laws in Chapter 45-23 entitled
19 "Subdivision of Land" is hereby amended to read as follows:

20 **45-23-36.1. Electronic permitting.**

21 (a) On or before October 1, 2025, every municipality in the state shall adopt and implement
22 [the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize](#) for all
23 development applications filed under this chapter. For purposes of this section, "electronic
24 permitting" means use of computer-based tools and services that automate and streamline the
25 application process to include, but not be limited to, task-specific tools for: applications; submission
26 of plans; completed checklists and checklist documents; reports; plan review; permitting;
27 scheduling; certificates of completeness and incompleteness; supplemental submissions; project
28 tracking; staff and technical review committee comments; fee calculation and collection.

29 (b) The state building commissioner, with the assistance of the office of regulatory reform
30 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
31 promulgate rules and regulations to implement the provisions of this section.

32 (c) The local towns and cities shall charge each applicant an additional one-tenth of one
33 percent (.001%) of the total application fee for each application submitted. This additional amount
34 shall be transmitted monthly to the state building office at the department of business regulation,

1 and shall be used to staff and support the purchase or lease and operation of one web-accessible
2 service and/or system to be utilized by the state and municipalities for the uniform, statewide
3 electronic submission, review and processing of development applications as set forth in this
4 section.

5 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
6 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
7 process shall be conducted by means of electronic permitting.

8 (e) The department of business regulation shall reimburse annual fees and costs associated
9 with compliance with this program in accordance with procedures established by the department.

10 SECTION 3. Section 45-24-58.1 of the General Laws in Chapter 45-24 entitled "Zoning
11 Ordinances" is hereby amended to read as follows:

12 **45-24-58.1. Electronic permitting.**

13 (a) On or before October 1, 2025, every municipality in the state shall adopt and implement
14 [the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize](#) for all
15 development applications under this chapter. For purposes of this section, "electronic permitting"
16 means use of computer-based tools and services that automate and streamline the application
17 process to include, but not be limited to, task-specific tools for: applications; submission of plans;
18 completed checklists and checklist documents; reports; plan review; permitting; scheduling; project
19 tracking; staff and technical review committee comments; fee calculation and collection.

20 (b) The state building commissioner, with the assistance of the office of regulatory reform
21 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
22 promulgate rules and regulations to implement the provisions of this section.

23 (c) The local towns and cities shall charge each applicant an additional one-tenth of one
24 percent (.001%) of the total application fee for each application submitted. This additional amount
25 shall be transmitted monthly to the state building office at the department of business regulation,
26 and shall be used to staff and support the purchase or lease and operation of one web-accessible
27 service and/or system to be utilized by the state and municipalities for the uniform, statewide
28 electronic submission, review and processing of development applications as set forth in this
29 section.

30 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
31 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
32 process shall be conducted by means of electronic permitting.

33 (e) The department of business regulation shall reimburse annual fees and costs associated
34 with compliance with this program in accordance with procedures established by the department.

1 SECTION 4. Section 45-53-16 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby amended to read as follows:

3 **45-53-16. Electronic permitting.**

4 (a) On or before October 1, 2025, every municipality in the state shall adopt and implement
5 the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize for all
6 development applications under this chapter. For purposes of this section, "electronic permitting"
7 means use of computer-based tools and services that automate and streamline the application
8 process to include, but not be limited to, task-specific tools for: applications; submission of plans;
9 completed checklists and checklist documents; reports; plan review; permitting; scheduling; project
10 tracking; staff and technical review committee comments; fee calculation and collection.

11 (b) The state building commissioner, with the assistance of the office of regulatory reform
12 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
13 promulgate rules and regulations to implement the provisions of this section.

14 (c) The local towns and cities shall charge each applicant an additional one-tenth of one
15 percent (.001%) of the total application fee for each application submitted. This additional amount
16 shall be transmitted monthly to the state building office at the department of business regulation,
17 and shall be used to staff and support the purchase or lease and operation of one web-accessible
18 service and/or system to be utilized by the state and municipalities for the uniform, statewide
19 electronic submission, review and processing of development applications as set forth in this
20 section.

21 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
22 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
23 process shall be conducted by means of electronic permitting.

24 (e) The department of business regulation shall reimburse annual fees and costs associated
25 with compliance with this program in accordance with procedures established by the department.

26 SECTION 5. Section 23-27.3-100.1.1 of the General Laws in Chapter 23-27.3 entitled
27 "State Building Code" is hereby repealed.

28 ~~**23-27.3-100.1.1. Chapter title — Applicability.**~~

29 ~~This chapter shall be known as the Rhode Island State Building Code hereinafter referred~~
30 ~~to as this code. This chapter shall control:~~

31 ~~(1) The construction, reconstruction, alteration, repair, demolition, removal, inspection,~~
32 ~~issuance, and revocation of permits or licenses, installation of equipment, classification and~~
33 ~~definition of any building or structure, and use or occupancy of all buildings and structure and parts~~
34 ~~thereof;~~

- 1 ~~(2) The rehabilitation and maintenance of existing buildings;~~
- 2 ~~(3) The standards or requirements for materials to be used in connection therewith,~~
3 ~~including, but not limited, for safety, ingress and egress, energy conservation, and sanitary~~
4 ~~conditions;~~
- 5 ~~(4) The establishment of reasonable fees for the issuance of licenses and permits in~~
6 ~~connection therewith;~~
- 7 ~~except as such matters are otherwise provided for in the general laws, or in the rules and~~
8 ~~regulations authorized for promulgation under the provisions of this code.~~

9 SECTION 6. Chapter 42-13 of the General Laws entitled "Department of Transportation"
10 is hereby amended by adding thereto the following section:

11 **42-13-10. Electronic Permitting.**

12 (a) On or before October 1, 2026, the department of transportation shall adopt and
13 implement the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize for
14 all applications filed under this chapter. For purposes of this section, "electronic permitting" means
15 use of computer-based tools and services that automate and streamline the application process to
16 include, but not be limited to, task-specific tools for: applications; submission of plans; documents;
17 reports; plan review; permitting; scheduling; supplemental submissions; project tracking; staff and
18 committee comments; fee calculation and collection.

19 (b) The state building commissioner, with the assistance of the office of regulatory reform
20 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
21 promulgate rules and regulations to implement the provisions of this section.

22 (c) The department of transportation shall charge each applicant an additional one-tenth of
23 one percent (.001%) of the total application fee for each application submitted. This additional
24 amount shall be transmitted monthly to the state building office and shall be used to staff and
25 support the purchase or lease and operation of one web-accessible service and/or system to be
26 utilized for the uniform, statewide electronic submission, review and processing of applications for
27 permits and approvals.

28 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
29 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
30 process shall be conducted by means of electronic permitting.

31 SECTION 7. Chapter 42-17.1 of the General Laws entitled "Department of Environmental
32 Management" is hereby amended by adding thereto the following section:

33 **42-17.1-46. Electronic Permitting.**

34 (a) On or before October 1, 2026, the department of environmental management shall adopt

1 and implement the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize
2 for all applications filed under this chapter. For purposes of this section, “electronic permitting”
3 means use of computer-based tools and services that automate and streamline the application
4 process to include, but not be limited to, task-specific tools for: applications; submission of plans;
5 documents; reports; plan review; permitting; scheduling; supplemental submissions; project
6 tracking; staff and committee comments; fee calculation and collection.

7 (b) The state building commissioner, with the assistance of the office of regulatory reform
8 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
9 promulgate rules and regulations to implement the provisions of this section.

10 (c) The department of environmental management shall charge each applicant an additional
11 one-tenth of one percent (.001%) of the total application fee for each application submitted. This
12 additional amount shall be transmitted monthly to the state building office and shall be used to staff
13 and support the purchase or lease and operation of one web-accessible service and/or system to be
14 utilized for the uniform, statewide electronic submission, review and processing of applications for
15 permits and approvals.

16 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
17 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
18 process shall be conducted by means of electronic permitting.

19 SECTION 8. Chapter 46-23 of the General Laws entitled "Coastal Resources Management
20 Council" is hereby amended by adding thereto the following section:

21 **46-23-27. Electronic Permitting.**

22 (a) On or before October 1, 2026, the coastal resources management council shall adopt
23 and implement the electronic permitting platform established pursuant to § 23-27.3-108.2 to utilize
24 for all applications filed under this chapter. For purposes of this section, “electronic permitting”
25 means use of computer-based tools and services that automate and streamline the application
26 process to include, but not be limited to, task-specific tools for: applications; submission of plans;
27 documents; reports; plan review; permitting; scheduling; supplemental submissions; project
28 tracking; staff and committee comments; fee calculation and collection.

29 (b) The state building commissioner, with the assistance of the office of regulatory reform
30 and the division of statewide planning, pursuant to the provisions of § 23-27.3-108.2 may
31 promulgate rules and regulations to implement the provisions of this section.

32 (c) The coastal resources management council shall charge each applicant an additional
33 one-tenth of one percent (.001%) of the total application fee for each application submitted. This
34 additional amount shall be transmitted monthly to the state building office and shall be used to staff

1 and support the purchase or lease and operation of one web-accessible service and/or system to be
2 utilized for the uniform, statewide electronic submission, review and processing of applications for
3 permits and approvals.

4 (d) On or before October 1, 2025, notwithstanding any other provision of this chapter to
5 the contrary, all acts, requirements, filings, and documents necessary to comply with the application
6 process shall be conducted by means of electronic permitting.

7 (e) The department of business regulation shall reimburse annual fees and costs associated
8 with compliance with this program in accordance with procedures established by the department.

9 SECTION 9. This act shall take effect upon passage.

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LC002163
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

- 1 This act would provide for the establishment and operation of an electronic permitting
- 2 platform for all state and local permitting.
- 3 This act would take effect upon passage.

=====
LC002163
=====

2025 -- H 5801

LC002161

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Speakman, Tanzi, Alzate, Kislak, Spears, Dawson, Furtado, Casey, Boylan, and Donovan

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-53-3 and 45-53-4 of the General Laws in Chapter 45-53 entitled
2 "Low and Moderate Income Housing" are hereby amended to read as follows:

3 **45-53-3. Definitions.**

4 The following words, wherever used in this chapter, unless a different meaning clearly
5 appears from the context, have the following meanings:

6 (1) "Adjustment(s)" means a request or requests by the applicant to seek relief from the
7 literal use and dimensional requirements of the municipal zoning ordinance and/or the design
8 standards or requirements of the municipal land development and subdivision regulations. The
9 standard for the local review board's consideration of adjustments is set forth in § 45-53-
10 4(d)(2)(iii)(E)(II).

11 (2) "Affordable housing plan" means a component of a housing element, as defined in §
12 45-22.2-4(1), that addresses low- and moderate-income housing needs in a city or town that is
13 prepared in accordance with guidelines adopted by the state planning council, and/or to meet the
14 provisions of § 45-53-4(e)(1) and (f).

15 (3) "Approved affordable housing plan" means an affordable housing plan that ~~has been~~
16 ~~approved by the director of administration as meeting the guidelines for the~~ is part of an approved
17 ~~local comprehensive plan as promulgated by the state planning council; provided, however, that~~
18 ~~state review and approval, for plans submitted by December 31, 2004, shall not be contingent on~~
19 ~~the city or town having completed, adopted, or amended its comprehensive plan~~ as provided for in

1 § 45-22.2-8, § 45-22.2-9, or § 45-22.2-12.

2 (4) “Comprehensive plan” means a comprehensive plan adopted and approved by a city or
3 town pursuant to ~~chapters~~ chapter 22.2 ~~and 22.3~~ of this title.

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

13 (i) Low- or moderate-income housing exists which is: (A) In the case of an urban city or
14 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
15 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-
16 round housing units, and is in excess of fifteen percent (15%) of the total occupied year-round
17 rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the
18 year-round housing units reported in the census.

19 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
20 regulations to implement a comprehensive plan that has been adopted and approved pursuant to
21 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides
22 for low- and moderate-income housing in excess of either ten percent (10%) of the year-round
23 housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided
24 in subsection (5)(i).

25 (iii) Multi-family rental units built under a comprehensive permit may be calculated
26 towards meeting the requirements of a municipality’s low- or moderate-income housing inventory,
27 as long as the units meet and are in compliance with the provisions of § 45-53-3.1.

28 (6) “Infeasible” means any condition brought about by any single factor or combination of
29 factors, as a result of limitations imposed on the development by conditions attached to the approval
30 of the comprehensive permit, to the extent that it makes it financially or logistically impracticable
31 for any applicant to proceed in building or operating low- or moderate-income housing within the
32 limitations set by the subsidizing agency of government or local review board, on the size or
33 character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and
34 income permissible, and without substantially changing the rent levels and unit sizes proposed by

1 the applicant.

2 (7) “Letter of eligibility” means a letter issued by the Rhode Island housing and mortgage
3 finance corporation in accordance with § 42-55-5.3(a).

4 (8) “Local review board” means the [local](#) planning board [or commission](#) as defined by §
5 45-22.2-4.

6 (9) “Low- or moderate-income housing” shall be synonymous with “affordable housing”
7 as defined in § 42-128-8.1, and further means any type of housing whether built or operated by any
8 public agency or any nonprofit organization or by any limited equity housing cooperative or any
9 private developer, that is subsidized by a federal, state, or municipal government subsidy under any
10 program to assist the construction or rehabilitation of affordable housing and that will remain
11 affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other
12 period that is either agreed to by the applicant and town or prescribed by the federal, state, or
13 municipal government subsidy program but that is not less than thirty (30) years from initial
14 occupancy.

15 (i) Any housing unit that qualifies under this subsection (9) and under § 42-128-8.1 shall
16 be counted as one whole unit toward the municipality’s requirement for low- or moderate-income
17 housing.

18 (ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-
19 8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do
20 not have a deed restriction or land lease as described in this subsection (9), shall count as one-half
21 (½) of one unit for the purpose of the calculation of the total of low- or moderate-income year-
22 round housing within a city or town, as long as a municipality contracts with a monitoring agent to
23 verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not
24 be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent
25 shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as
26 to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker
27 of the house of representatives, senate president, and secretary of housing on an annual basis,
28 beginning on or before December 31, 2025.

29 (iii) Low- or moderate-income housing also includes rental property located within a
30 municipality that is secured with a federal government rental assistance voucher.

31 (iv) For the period beginning on or after July 1, 2024, any housing unit that qualifies as
32 low- or moderate-income housing under this subsection (9) and under § 42-128-8.1 and any rental
33 property secured with a federal government rental assistance voucher that does not otherwise meet
34 the other requirements to qualify as low- or moderate-income housing under this section shall be

1 counted as one whole unit toward the municipality's requirement for low- or moderate-income
2 housing, as long as a municipality confirms with the issuing authority that the voucher is in good
3 standing and active.

4 (10) "Meeting local housing needs" means as a result of the adoption of the implementation
5 program of an approved affordable housing plan, the absence of unreasonable denial of applications
6 that are made pursuant to an approved affordable housing plan in order to accomplish the purposes
7 and expectations of the approved affordable housing plan, and a showing that at least twenty percent
8 (20%) of the total residential units approved by a local review board or any other municipal board
9 in a calendar year are for low- and moderate-income housing as defined in § 42-128-8.1.

10 (11) "Monitoring agents" means those monitoring agents appointed by the Rhode Island
11 housing resources commission pursuant to § 45-53-3.2 and to provide the monitoring and oversight
12 set forth in this chapter, including, but not limited to, §§ 45-53-3.2 and 45-53-4.

13 (12) "Municipal government subsidy" means assistance that is made available through a
14 city or town program sufficient to make housing affordable, as affordable housing is defined in §
15 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct
16 financial support, abatement of taxes, waiver of fees and charges, and ~~approval of~~ density bonuses
17 and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any
18 combination of forms of assistance.

19 **45-53-4. Procedure for approval of construction of low- or moderate-income housing.**

20 (a) Any applicant proposing to build low- or moderate-income housing may submit to the
21 local review board a single application for a comprehensive permit to build that housing in lieu of
22 separate applications to the applicable local boards. This procedure is only available for proposals
23 in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing.

24 (b) Municipal government subsidies, including density bonuses, adjustments and zoning
25 incentives, are to be made available to applications under this chapter to offset the differential costs
26 of the low- or moderate-income housing units in a development under this chapter. At a
27 minimum, the following zoning incentives shall be allowed for projects submitted under this
28 chapter:

29 (1) **Density bonus.** A municipality shall provide an applicant with more dwelling units
30 than allowed by right under its zoning ordinance in the form of a density bonus to allow an increase
31 in the allowed dwelling units per acre (DU/A), as well as other incentives and municipal
32 government subsidies as defined in § 45-53-3.

33 Furthermore, a municipality shall provide, at a minimum, the following density bonuses
34 for projects submitted under this chapter, provided that the total land utilized in the density

1 calculation shall exclude wetlands; ~~wetland buffers~~; area devoted to roadway infrastructure
2 necessary for development; and easements or rights of way of record:

3 (i) For properties connected to public sewer and water, or eligible to be connected to public
4 sewer and water based on written confirmation from each respective service provider, the density
5 bonus for a project that provides at least twenty-five percent (25%) low- and moderate-income
6 housing shall be at least five (5) units per acre;

7 (ii) For properties connected to public sewer and water, or eligible to be connected to public
8 sewer and water based on written confirmation from each respective service provider, the density
9 bonus for a project that provides at least fifty percent (50%) low- and moderate-income housing
10 shall be at least nine (9) units per acre;

11 (iii) For properties connected to public sewer and water, or eligible to be connected to
12 public sewer and water based on written confirmation from each respective service provider, the
13 density bonus for a project that provides one hundred percent (100%) low- and moderate-income
14 housing shall be at least twelve (12) units per acre;

15 (iv) For properties not connected to either public water or sewer or both, but which provide
16 competent evidence as to the availability of water to service the development and/or a permit for
17 on-site wastewater treatment facilities to service the dwelling units from the applicable state
18 agency, the density bonus for a project that provides at least twenty-five percent (25%) low- and
19 moderate-income housing shall be at least three (3) units per acre;

20 (v) For properties not connected to either public water or sewer or both, but which provide
21 competent evidence as to the availability of water to service the development and/or a permit for
22 on-site wastewater treatment facilities to service the dwelling units from the applicable state
23 agency, the density bonus for a project that provides at least fifty percent (50%) low- and moderate-
24 income housing shall be at least five (5) units per acre;

25 (vi) For properties not connected to either public water or sewer or both, but which provide
26 competent evidence as to the availability of water to service the development and/or a permit for
27 on-site wastewater treatment facilities to service the dwelling units from the applicable state
28 agency, the density bonus for a project that provides one hundred percent (100%) low- and
29 moderate-income housing shall be at least eight (8) units per acre;

30 (2) **Parking.** A municipality shall not require more than one off-street parking space per
31 dwelling unit for units up to and including two (2) bedrooms in applications submitted under this
32 chapter;

33 (3) **Bedrooms.** A municipality shall not limit the number of bedrooms for applications
34 submitted under this chapter to anything less than three (3) bedrooms per dwelling unit for single-

1 family dwelling units;

2 (4) **Floor area.** A municipality shall not utilize floor area requirements to limit any
3 application, except as provided by § 45-24.3-11.

4 (c) A municipality shall not restrict comprehensive permit applications and permits by any
5 locally adopted ordinance or policy that places a limit or moratorium on the development of
6 residential units.

7 (d) The application and review process for a comprehensive permit shall be as follows:

8 (1) **Pre-application conference.** A municipality may require an applicant proposing a
9 project under this chapter, who is not electing to have master plan review, to complete, or the
10 applicant proposing a project under this chapter may request a pre-application conference with the
11 local review board, the technical review committee established pursuant to § 45-23-56, or with the
12 administrative officer for the local review board as appropriate. In advance of a pre-application
13 conference, the applicant shall be required to submit only a short description of the project in
14 writing including the number of units, type of housing, density analysis, preliminary list of
15 adjustments needed, as well as a location map, and conceptual site plan. The purpose of the pre-
16 application conference shall be to review a concept plan of the proposed development and to elicit
17 feedback from the reviewing person or board. Upon receipt of a request by an applicant for a pre-
18 application conference, the municipality shall have thirty (30) days to schedule and hold the pre-
19 application conference, unless a different timeframe is agreed to by the applicant in writing. If thirty
20 (30) days has elapsed from the filing of the pre-application submission and no pre-application
21 conference has taken place, nothing shall be deemed to preclude an applicant from thereafter filing
22 and proceeding with an application for preliminary plan review for a comprehensive permit.

23 (2) Optional master plan. An applicant may elect to apply for and be heard on master plan
24 review prior to preliminary plan submission. If a master plan review is elected by the applicant the
25 following shall apply:

26 (i) Submission requirements. Submission requirements for master plan review shall be
27 limited to the following:

28 (A) An application form and fee;

29 (B) A short description of the project in writing including the number of units, type of
30 housing, density analysis, list of adjustments needed, as well as a location map, and preliminary
31 determinations as to site constraints;

32 (C) Conceptual site plans showing infrastructure locations for roadways, preliminary
33 locations and design of conceptual stormwater facilities, location of sewer and water lines and/or
34 wells and on-site wastewater treatment systems, locations of housing units, estimated locations of

1 site constraints and wetlands;

2 (D) A preliminary traffic opinion for projects of over thirty (30) dwelling units;

3 (E) If the applicant submits any requests for adjustments at master plan, a public hearing
4 shall be held in the same manner as during preliminary plan review as set forth in this section and
5 the applicant shall be responsible for providing the list of abutters and all advertising costs.

6 (ii) Certification of completeness. The master plan application must be certified complete
7 or incomplete by the administrative officer according to the provisions of § 45-23-36; provided,
8 however, that the certificate shall be granted within twenty-five (25) days of submission of the
9 application. The running of the time period set forth herein will be deemed stopped upon the
10 issuance of a written certificate of incompleteness of the application by the administrative officer
11 and will recommence upon the resubmission of a corrected application by the applicant. However,
12 in no event will the administrative officer be required to certify a corrected submission as complete
13 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
14 the application as incomplete, the officer shall set forth in writing with specificity the missing or
15 incomplete items.

16 (iii) Review of applications. A master plan application filed in accordance with this chapter
17 shall be reviewed in accordance with the following provisions:

18 (A) Timeframe for review. The local review board shall render a decision on the master
19 plan application within sixty (60) days of the date the application is certified complete, or within a
20 further amount of time that may be consented to by the applicant through the submission of a
21 written consent.

22 (B) Failure to act. Failure of the local review board to act within the prescribed period
23 constitutes approval of the master plan, and a certificate of the administrative officer as to the failure
24 of the local review board to act within the required time and the resulting approval shall be issued
25 on request of the applicant.

26 (C) Required findings. In voting on an application, the local review board shall make
27 findings, supported by legally competent evidence on the record that discloses the nature and
28 character of the observations upon which the fact finders acted, on the standards required for
29 preliminary plan review in this section, to the extent applicable at the master plan. The failure to
30 provide information which is required later at preliminary plan review shall not form a basis for
31 denial. If the board votes to defer a finding to preliminary plan it shall do so on the record during
32 the proceedings and in the written decision and specify what items are necessary for review at the
33 preliminary plan stage in order to address that finding.

34 (iv) Vesting. The approved master plan is vested for a period of two (2) years with the right

1 to extend for two (2), one-year extensions upon written request by the applicant, who must appear
2 before the planning board for each annual review. Thereafter, vesting may be extended for a longer
3 period, for good cause shown, if requested, in writing by the applicant, and approved by the local
4 review board. The vesting for the master plan approval includes all ordinance provisions and
5 regulations at the time of the approval, general and specific conditions shown on the approved
6 preliminary plan drawings and supporting material.

7 ~~(2)~~(3) **Preliminary plan review.**

8 (i) **Submission requirements.** Applications for preliminary plan review under this chapter
9 shall include:

10 (A) A letter of eligibility issued by the Rhode Island housing and mortgage finance
11 corporation, or in the case of projects primarily funded by the U.S. Department of Housing and
12 Urban Development or other state or federal agencies, an award letter indicating the subsidy, or
13 application in such form as may be prescribed for a municipal government subsidy; and

14 (B) A letter signed by the authorized representative of the applicant, setting forth the
15 specific sections and provisions of applicable local ordinances and regulations from which the
16 applicant is seeking adjustments; and

17 (C) A proposed timetable for the commencement of construction and completion of the
18 project; and

19 (D) Those items required by local regulations promulgated pursuant to applicable state law,
20 with the exception of evidence of state or federal permits; and for comprehensive permit
21 applications included in the checklist for the preliminary plan review in the local regulations
22 promulgated pursuant to chapter 23 of this title; and

23 (E) Notwithstanding the submission requirements set forth above, the local review board
24 may request additional, reasonable documentation throughout the public hearing, including, but not
25 limited to, opinions of experts, credible evidence of application for necessary federal and/or state
26 permits, statements and advice from other local boards and officials.

27 (ii) **Certification of completeness.** The preliminary plan application must be certified
28 complete or incomplete by the administrative officer according to the provisions of § 45-23-36;
29 provided, however, that the certificate shall be granted within twenty-five (25) days of submission
30 of the application. The running of the time period set forth herein will be deemed stopped upon the
31 issuance of a written certificate of incompleteness of the application by the administrative officer
32 and will recommence upon the resubmission of a corrected application by the applicant. However,
33 in no event will the administrative officer be required to certify a corrected submission as complete
34 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies

1 the application as incomplete, the officer shall set forth in writing with specificity the missing or
2 incomplete items.

3 (iii) **Review of applications.** An application filed in accordance with this chapter shall be
4 reviewed in accordance with the following provisions:

5 (A) **Public hearing.** A public hearing shall be noticed and held as soon as practicable after
6 the issuance of a certificate of completeness.

7 (B) **Notice.** Public notice for the public hearing will be the same notice required under local
8 regulations for a public hearing for a preliminary plan promulgated in accordance with § 45-23-42.
9 The cost of notice shall be paid by the applicant.

10 (C) **Timeframe for review.** The local review board shall render a decision on the
11 preliminary plan application within ninety (90) days of the date the application is certified
12 complete, or within a further amount of time that may be consented to by the applicant through the
13 submission of a written consent.

14 (D) **Failure to act.** Failure of the local review board to act within the prescribed period
15 constitutes approval of the preliminary plan, and a certificate of the administrative officer as to the
16 failure of the local review board to act within the required time and the resulting approval shall be
17 issued on request of the applicant. Further, if the public hearing is not convened or a decision is not
18 rendered within the time allowed in subsections (d)(2)(iii)(A) and (d)(2)(iii)(C) of this section, the
19 application is deemed to have been allowed and the preliminary plan approval shall be issued
20 immediately.

21 (E) **Required findings ~~for approval.~~** In ~~approving~~ voting on an application, the local
22 review board shall make ~~positive~~ findings, supported by legally competent evidence on the record
23 that discloses the nature and character of the observations upon which the fact finders acted, on
24 each of the following ~~standard-provisions~~ standards, where applicable:

25 (I) Whether the ~~The~~ proposed development is consistent with local needs as identified in
26 the ~~local comprehensive community plan with particular emphasis on the~~ community's affordable
27 housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies. If
28 the board makes a negative finding on this standard, it must also find that the municipality has made
29 significant progress in implementing that housing plan.

30 (II) Whether the ~~The~~ proposed development is in compliance with the standards and
31 provisions of the municipality's zoning ordinance and subdivision regulations, and/or where
32 adjustments are requested by the applicant, ~~that~~ whether local concerns that have been affected by
33 the relief granted do not outweigh the state and local need for low- and moderate-income housing.

34 (III) Whether the ~~All~~ low- and moderate-income housing units proposed are integrated

1 throughout the development; are compatible in scale ~~and~~ , meaning that the footprint and height of
2 the low- and moderate- units shall not be less than twenty-five percent (25%) of the footprint and
3 height of the market rate units are of similar architectural style to the market rate units within the
4 project so that the exterior of the units looks like an integrated neighborhood with similar rooflines,
5 window patterns, materials and colors; and will be built and occupied prior to, or simultaneous with
6 the construction and occupancy of any market rate units. Except that for housing units that are
7 intended to be occupied by persons fifty-five (55) years of age or older, or sixty-two (62) years of
8 age or older, as permitted by the federal Fair Housing Act pursuant to 42 U.S.C.A. § 3607(b) and
9 24 CFR § 100.300-308 and the Rhode Island fair housing practices act pursuant to § 34-37-4.1,
10 need not be integrated in any building or phase within the development that contains housing units
11 that are not age-restricted, and neither age-restricted housing units nor any building or phase
12 containing age-restricted housing units must be compatible in scale and architectural style to other
13 housing unit types to the extent the age-restricted housing units are designed to meet the physical
14 or social needs of older persons or necessary to provide housing opportunities for older persons.

15 (IV) Whether there ~~There~~ will be ~~no~~ significant negative impacts on the health and safety
16 of current or future residents of the community, in areas including, but not limited to, safe
17 circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal,
18 availability of potable water, adequate surface water run-off, and the preservation of natural,
19 historical, or cultural features ~~that contribute to the attractiveness of the community.~~

20 (V) Whether the ~~All~~ proposed land developments ~~and all~~ or subdivisions lots will have
21 adequate and permanent physical access to a public street in accordance with the requirements of
22 § 45-23-60(a)(5), or the local review board has approved other access, such as a private road.

23 (VI) Whether the ~~The~~ proposed development will ~~not~~ result in the creation of individual
24 lots with any physical constraints to development that building on those lots according to pertinent
25 regulations and building standards would be impracticable, unless created only as permanent open
26 space or permanently reserved for a public purpose on the approved, recorded plans.

27 ~~(F) Required findings for denial. In reviewing the comprehensive permit request, the~~
28 ~~local review board may deny the request for any of the following reasons: (I) If the city or town~~
29 ~~has an approved affordable housing plan and is meeting housing needs, and the proposal is~~
30 ~~inconsistent with the affordable housing plan; provided that, the local review board also finds that~~
31 ~~the municipality has made significant progress in implementing that housing plan; (II) The proposal~~
32 ~~is not consistent with local needs, including, but not limited to, the needs identified in an approved~~
33 ~~comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance~~
34 ~~with the comprehensive plan; (III) The proposal is not in conformance with the comprehensive~~

~~plan; (IV) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in § 45-53-3(5)(i) being low and moderate income housing; provided that, the local review board also finds that the community has achieved or has made significant progress towards meeting the goals required by this section; or (V) Concerns for the environment and the health and safety of current residents have not been adequately addressed.~~

(iv) **Vesting.** The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the local review board. The vesting for the preliminary plan approval includes all ordinance provisions and regulations at the time of the approval, general and specific conditions shown on the approved preliminary plan drawings and supporting material.

~~(3)~~(4) **Final plan review.** The second and final stage of review for the comprehensive permit project shall be done administratively, unless an applicant has requested and been granted any waivers from the submission of checklist items for preliminary plan review, and then, at the local review board's discretion, it may vote to require the applicant to return for final plan review and approval.

(i) **Submission requirements.** Applications for final plan review under this chapter shall include:

(A) All required state and federal permits must be obtained prior to the final plan approval or the issuance of a building permit; and

(B) A draft monitoring agreement which identifies an approved entity that will monitor the long-term affordability of the low- and moderate-income units pursuant to § 45-53-3.2; and

(C) A sample land lease or deed restriction with affordability liens that will restrict use as low- and moderate-income housing in conformance with the guidelines of the agency providing the subsidy for the low- and moderate-income housing, but for a period of not less than thirty (30) years; and

(D) Those items required by local regulations promulgated pursuant to applicable state law included in the checklist for final plan review in the local regulations promulgated pursuant to chapter 23 of this title, including, but not limited to:

(I) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees; and

1 (II) Certification by the tax collector that all property taxes are current; and

2 (III) For phased projects, the final plan for phases following the first phase, shall be
3 accompanied by copies of as-built drawings not previously submitted of all existing public
4 improvements for prior phases.

5 (ii) **Certification of completeness.** The final plan application must be certified complete
6 or incomplete by the administrative officer according to the provisions of § 45-23-36; provided
7 however, that the certificate shall be granted within twenty-five (25) days of submission of the
8 application. The running of the time period set forth herein will be deemed stopped upon the
9 issuance of a written certificate of incompleteness of the application by the administrative officer
10 and will recommence upon the resubmission of a corrected application by the applicant. However,
11 in no event will the administrative officer be required to certify a corrected submission as complete
12 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
13 the application as incomplete, the officer shall set forth in writing with specificity the missing or
14 incomplete items.

15 (iii) **Review of applications.**

16 (A) **Timeframe for review.** The reviewing authority shall render a decision on the final
17 plan application within forty-five (45) days of the date the application is certified complete.

18 (B) **Modifications and changes to plans:**

19 (I) Minor changes, as defined in the local regulations, to the approved plans approved ~~at~~
20 ~~preliminary plan~~ may be approved administratively, by the administrative officer, ~~whereupon final~~
21 ~~plan approval may be issued.~~ The changes may be authorized without additional public hearings,
22 at the discretion of the administrative officer. All changes shall be made part of the permanent
23 record of the project application. This provision does not prohibit the administrative officer from
24 requesting a recommendation from either the technical review committee or the local review board.
25 Denial of the proposed change(s) shall be referred to the local review board for review as a major
26 change.

27 (II) Major changes, as defined in the local regulations, to the plans ~~approved at preliminary~~
28 ~~plan~~ may be approved only by the local review board and must follow the same review and public
29 hearing process required for approval of preliminary plans as described in subsection (d)(2)(iii) of
30 this section.

31 (III) The administrative officer shall notify the applicant in writing within fourteen (14)
32 days of submission of the final plan application if the administrative officer is referring the
33 application to the local review board under this subsection.

34 (C) **Decision on final plan.** An application filed in accordance with this chapter shall be

1 approved by the administrative officer unless such application does not satisfy conditions set forth
2 in the preliminary plan approval decision or such application does not have the requisite state and/or
3 federal approvals or other required submissions, does not post the required improvement bonds, or
4 such application is a major modification of the plans approved at preliminary plan.

5 (D) **Failure to act.** Failure of the reviewing authority to act within the prescribed period
6 constitutes approval of the final plan, and a certificate of the administrative officer as to the failure
7 to act within the required time and the resulting approval shall be issued on request of the applicant.

8 (iv) **Vesting.** The approved final plan is vested for a period of two (2) years with the right
9 to extend for one one-year extension upon written request by the applicant, who must appear before
10 the planning board for the extension request. Thereafter, vesting may be extended for a longer
11 period, for good cause shown, if requested, in writing by the applicant, and approved by the local
12 review board.

13 ~~(4)~~(5) **Infeasibility of conditions of approval.** The burden is on the applicant to show, by
14 competent evidence before the local review board, that proposed conditions of approval are
15 infeasible, as defined in § 45-53-3. Upon request, the applicant shall be provided a reasonable
16 opportunity to respond to such proposed conditions prior to a final vote on the application.

17 ~~(5)~~(6) **Fees.** Municipalities may impose fees on comprehensive permit applications that are
18 consistent with but do not exceed fees that would otherwise be assessed for a project of the same
19 scope and type, but not proceeding under this chapter; provided, however, the imposition of such
20 fees shall not preclude a showing by an applicant that the fees make the project financially
21 infeasible.

22 ~~(6)~~(7) **Recording of written decisions.** All written decisions on applications under this
23 chapter shall be recorded in the land evidence records within twenty (20) days after the local review
24 board's vote or the administrative officer's decision, as applicable. A copy of the recorded decision
25 shall be mailed within one business day of recording, by any method that provides confirmation of
26 receipt, to the applicant and to any objector who has filed a written request for notice with the
27 administrative officer.

28 ~~(7)~~(8) **Local review board powers.** The local review board has the same power to issue
29 permits or approvals that any local board or official who would otherwise act with respect to the
30 application, including, but not limited to, the power to attach to the permit or approval, conditions,
31 and requirements with respect to height, site plan, size or shape, or building materials, as are
32 consistent with the terms of this section.

33 ~~(8)~~(9) **Majority vote required.** All local review board decisions on comprehensive permits
34 shall be by majority vote of the members present at the proceeding.

1 ~~(9)~~**(10) Construction timetable.** A comprehensive permit shall expire unless construction
2 is started within twelve (12) months and completed within sixty (60) months of the recording of
3 the final plan unless a longer and/or phased period for development is agreed to by the local review
4 board and the applicant. Low- and moderate-income housing units shall be built and occupied prior
5 to, or simultaneous with the construction and occupancy of market rate units.

6 ~~(10)~~**(11) For-profit developers — Limits.** A town or city with an approved affordable
7 housing plan and that is meeting local housing needs, as defined in this chapter, may by council
8 action limit the annual total number of dwelling units in comprehensive permit applications from
9 for-profit developers to an aggregate of one percent (1%) of the total number of year-round housing
10 units in the town or city, as recognized in the affordable housing plan and notwithstanding the
11 timetables set forth elsewhere in this section, the local review board shall have the authority to
12 consider comprehensive permit applications from for-profit developers, which are made pursuant
13 to this paragraph, sequentially in the order in which they are submitted.

14 ~~(11)~~**(12) Report.** The local review board of a town with an approved affordable housing
15 plan shall report the status of implementation to the housing resources commission, including the
16 disposition of any applications made under the plan, as of June 30, 2006, by September 1, 2006,
17 and for each June 30 thereafter by September 1 through 2010. The housing resources commission
18 shall prepare by October 15 and adopt by December 31, a report on the status of implementation,
19 which shall be submitted to the governor, the speaker and the president of the senate, and shall find
20 which towns are not in compliance with implementation requirements.

21 ~~(12)~~**(13) Remanded applications.** Notwithstanding the provisions of § 45-53-4 in effect
22 on February 13, 2004, a local review board shall commence hearings within thirty (30) days of
23 receiving an application remanded pursuant to § 45-53-5 or, effective January 1, 2024, § 45-53-
24 5.1. In any town with more than one remanded application, applications may be scheduled for
25 hearing in the order in which they were received, and may be taken up sequentially, with the thirty-
26 day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier
27 filed application.

28 (e)(1) The general assembly finds and declares that in January 2004 towns throughout
29 Rhode Island have been confronted by an unprecedented volume and complexity of development
30 applications as a result of private for-profit developers using the provisions of this chapter and that
31 in order to protect the public health and welfare in communities and to provide sufficient time to
32 establish a reasonable and orderly process for the consideration of applications made under the
33 provisions of this chapter, and to have communities prepare plans to meet low- and moderate-
34 income housing goals, that it is necessary to impose a moratorium on the use of comprehensive

1 permit applications as herein provided by private for-profit developers; a moratorium is hereby
2 imposed on the use of the provisions of this chapter by private for-profit developers, which
3 moratorium shall be effective on passage and shall expire on January 31, 2005, and may be revisited
4 prior to expiration and extended to such other date as may be established by law. Notwithstanding
5 the provisions of subsection (a) of this section, private for-profit developers may not utilize the
6 procedure of this chapter until the expiration of the moratorium.

7 (2) No for-profit developer shall submit a new application for comprehensive permits until
8 July 1, 2005, except by mutual agreement with the local review board.

9 (3) Notwithstanding the provisions of subsection (e)(2) of this section, a local review board
10 in a town which has submitted a plan in accordance with subsection (f) of this section, shall not be
11 required to accept an application for a new comprehensive permit from a for-profit developer until
12 October 1, 2005.

13 (f) Towns and cities that are not in conformity with the provisions of § 45-53-3(5)(i) shall
14 prepare by December 31, 2004, a comprehensive plan housing element for low- and moderate-
15 income housing as specified by § 45-53-3(5)(ii), consistent with applicable law and regulation.
16 That the secretary of the planning board or commission of each city or town subject to the
17 requirements of this paragraph shall report in writing the status of the preparation of the housing
18 element for low- and moderate-income housing on or before June 30, 2004, and on or before
19 December 31, 2004, to the secretary of the state planning council, to the chair of the house
20 committee on corporations and to the chair of the senate committee on commerce, housing and
21 municipal government.

22 (g) If any provision of this section or the application thereof shall for any reason be judged
23 invalid, the judgment shall not affect, impair, or invalidate the remainder of this section or of any
24 other provision of this chapter, but shall be confined in its effect to the provision or application
25 directly involved in the controversy giving rise to the judgment, and a moratorium on the
26 applications of for-profit developers pursuant to this chapter shall remain and continue to be in
27 effect for the period commencing on the day this section becomes law [February 13, 2004] and
28 continue until it shall expire on January 31, 2005, or until amended further.

29 (h) In planning for, awarding, and otherwise administering programs and funds for housing
30 and for community development, state departments, agencies, boards and commissions, and public
31 corporations, as defined in chapter 18 of title 35, shall among the towns subject to the provision of
32 § 45-53-3(5)(ii), give priority to the maximum extent allowable by law to towns with an approved
33 affordable housing plan. The director of administration shall adopt not later than January 31, 2005,
34 regulations to implement the provisions of this section.

1 (i) Multi-family rental units built under a comprehensive permit may be calculated towards
2 meeting the requirements of a municipality’s low- or moderate-income housing inventory, as long
3 as the units meet and are in compliance with the provisions of § 45-53-3.1.

4 SECTION 2. Sections 45-53-3 and 45-53-4 of the General Laws in Chapter 45-53 entitled
5 "Low and Moderate Income Housing" are hereby amended to read as follows:

6 **45-53-3. Definitions. [Effective January 1, 2026, inclusive of existing language in § 45-**
7 **53-3.]**

8 The following words, wherever used in this chapter, unless a different meaning clearly
9 appears from the context, have the following meanings:

10 (1) “Adjustment(s)” means a request or requests by the applicant to seek relief from the
11 literal use and dimensional requirements of the municipal zoning ordinance and/or the design
12 standards or requirements of the municipal land development and subdivision regulations. The
13 standard for the local review board’s consideration of adjustments is set forth in § 45-53-
14 4(d)(2)(iii)(E)(II).

15 (2) “Affordable housing plan” means a component of a housing element, as defined in §
16 45-22.2-4(1), that addresses low- and moderate-income housing needs in a city or town that is
17 prepared in accordance with guidelines adopted by the state planning council, and/or to meet the
18 provisions of § 45-53-4(e)(1) and (f).

19 (3) “Approved affordable housing plan” means an affordable housing plan that has been
20 approved by the director of administration as meeting the guidelines for the local comprehensive
21 plan as promulgated by the state planning council; provided, however, that state review and
22 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
23 having completed, adopted, or amended its comprehensive plan as provided for in § 45-22.2-8, §
24 45-22.2-9, or § 45-22.2-12.

25 (4) “Comprehensive plan” means a comprehensive plan adopted and approved by a city or
26 town pursuant to chapters 22.2 and 22.3 of this title.

27 (5) “Consistent with local needs” means reasonable in view of the state need for low- and
28 moderate-income housing, considered with the number of low-income persons in the city or town
29 affected and the need to protect the health and safety of the occupants of the proposed housing or
30 of the residents of the city or town, to promote better site and building design in relation to the
31 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
32 requirements, and regulations are applied as equally as possible to both subsidized and
33 unsubsidized housing. ~~Local zoning and land use ordinances, requirements, or regulations are~~
34 ~~consistent with local needs when imposed by a city or town council after a comprehensive hearing~~

1 ~~in a city or town where:~~

2 ~~(i) Low- or moderate- income housing exists which is: (A) In the case of an urban city or~~
3 ~~town which has at least 5,000 occupied year-round rental units and the units, as reported in the~~
4 ~~latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-~~
5 ~~round housing units, and is in excess of fifteen percent (15%) of the total occupied year-round~~
6 ~~rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the~~
7 ~~year-round housing units reported in the census.~~

8 ~~(ii) The city or town has promulgated zoning or land use ordinances, requirements, and~~
9 ~~regulations to implement a comprehensive plan that has been adopted and approved pursuant to~~
10 ~~chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides~~
11 ~~for low- and moderate- income housing in excess of either ten percent (10%) of the year-round~~
12 ~~housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided~~
13 ~~in subsection (5)(i).~~

14 ~~(iii) Multi-family rental units built under a comprehensive permit may be calculated~~
15 ~~towards meeting the requirements of a municipality's low- or moderate- income housing inventory,~~
16 ~~as long as the units meet and are in compliance with the provisions of § 45-53-3.1.~~

17 (6) "Infeasible" means any condition brought about by any single factor or combination of
18 factors, as a result of limitations imposed on the development by conditions attached to the approval
19 of the comprehensive permit, to the extent that it makes it financially or logistically impracticable
20 for any applicant to proceed in building or operating low- or moderate-income housing within the
21 limitations set by the subsidizing agency of government or local review board, on the size or
22 character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and
23 income permissible, and without substantially changing the rent levels and unit sizes proposed by
24 the applicant.

25 (7) "Letter of eligibility" means a letter issued by the Rhode Island housing and mortgage
26 finance corporation in accordance with § 42-55-5.3(a).

27 (8) "Local review board" means the planning board as defined by § 45-22.2-4.

28 (9) "Low- or moderate-income housing" shall be synonymous with "affordable housing"
29 as defined in § 42-128-8.1, and further means any type of housing whether built or operated by any
30 public agency or any nonprofit organization or by any limited equity housing cooperative or any
31 private developer, that is subsidized by a federal, state, or municipal government subsidy under any
32 program to assist the construction or rehabilitation of affordable housing and that will remain
33 affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other
34 period that is either agreed to by the applicant and town or prescribed by the federal, state, or

1 municipal government subsidy program but that is not less than thirty (30) years from initial
2 occupancy.

3 (i) Any housing unit that qualifies under this subsection (9) and under § 42-128-8.1 shall
4 be counted as one whole unit toward the municipality's requirement for low- or moderate-income
5 housing.

6 (ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-
7 8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do
8 not have a deed restriction or land lease as described in this subsection (9), shall count as one-half
9 (½) of one unit for the purpose of the calculation of the total of low- or moderate-income year-
10 round housing within a city or town, as long as a municipality contracts with a monitoring agent to
11 verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not
12 be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent
13 shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as
14 to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker
15 of the house of representatives, senate president, and secretary of housing on an annual basis,
16 beginning on or before December 31, 2025.

17 (iii) Low- or moderate-income housing also includes rental property located within a
18 municipality that is secured with a federal government rental assistance voucher.

19 (iv) For the period beginning on or after July 1, 2024, any housing unit that qualifies as
20 low- or moderate-income housing under this subsection (9) and under § 42-128-8.1 and any rental
21 property secured with a federal government rental assistance voucher that does not otherwise meet
22 the other requirements to qualify as low- or moderate-income housing under this section shall be
23 counted as one whole unit toward the municipality's requirement for low- or moderate-income
24 housing, as long as a municipality confirms with the issuing authority that the voucher is in good
25 standing and active.

26 ~~(10) "Meeting local housing needs" means as a result of the adoption of the implementation~~
27 ~~program of an approved affordable housing plan, the absence of unreasonable denial of applications~~
28 ~~that are made pursuant to an approved affordable housing plan in order to accomplish the purposes~~
29 ~~and expectations of the approved affordable housing plan, and a showing that at least twenty percent~~
30 ~~(20%) of the total residential units approved by a local review board or any other municipal board~~
31 ~~in a calendar year are for low- and moderate-income housing as defined in § 42-128-8.1.~~

32 ~~(11)~~(10) "Monitoring agents" means those monitoring agents appointed by the Rhode
33 Island housing resources commission pursuant to § 45-53-3.2 and to provide the monitoring and
34 oversight set forth in this chapter, including, but not limited to, §§ 45-53-3.2 and 45-53-4.

1 ~~(12)~~(11) “Municipal government subsidy” means assistance that is made available through
2 a city or town program sufficient to make housing affordable, as affordable housing is defined in §
3 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct
4 financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses
5 and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any
6 combination of forms of assistance.

7 **45-53-4. Procedure for approval of construction of low- or moderate-income housing.**

8 **[Effective January 1, 2026, inclusive of existing language in § 45-53-4.]**

9 (a) Any applicant proposing to build low- or moderate-income housing may submit to the
10 local review board a single application for a comprehensive permit to build that housing in lieu of
11 separate applications to the applicable local boards. This procedure is only available for proposals
12 in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing.

13 (b) Municipal government subsidies, including adjustments and zoning incentives, are to
14 be made available to applications under this chapter to offset the differential costs of the low- or
15 moderate-income housing units in a development under this chapter. At a minimum, the
16 following zoning incentives shall be allowed for projects submitted under this chapter:

17 (1) **Density bonus.** ~~A municipality shall provide an applicant with more dwelling units~~
18 ~~than allowed by right under its zoning ordinance in the form of a density bonus to allow an increase~~
19 ~~in the allowed dwelling units per acre (DU/A), as well as other incentives and municipal~~
20 ~~government subsidies as defined in § 45-53-3. (i) Cities and towns that have low- or moderate-~~

21 ~~income housing in excess of ten percent (10%) of its year-round housing units in the respective city~~
22 ~~or town shall provide an applicant with more dwelling units than allowed by right under its zoning~~
23 ~~ordinance in the form of a density bonus to allow an increase in the allowed dwelling units per acre~~
24 ~~(DU/A), as well as other incentives and municipal government subsidies as defined in § 45-53-3;~~

25 (ii) ~~Cities and towns that do not have low- or moderate-income housing in excess of ten~~
26 ~~percent (10%) of its year-round housing units shall provide an applicant with more dwelling units~~
27 ~~than allowed by right under its zoning ordinances in the form of a density bonus to allow an increase~~
28 ~~in the allowed dwelling units per acre (DU/A), as well as other incentives and municipal~~

29 ~~government subsidies as defined in § 45-53-3. Furthermore, a municipality these municipalities~~
30 shall provide, at a minimum, the following density bonuses for projects submitted under this
31 chapter, provided that the total land utilized in the density calculation shall exclude wetlands;
32 wetland buffers; area devoted to infrastructure necessary for development; and easements or rights
33 of way of record:

34 ~~(A)~~(A) For properties connected to public sewer and water, or eligible to be connected to

1 public sewer and water based on written confirmation from each respective service provider, the
2 density bonus for a project that provides at least twenty-five percent (25%) low- and moderate-
3 income housing shall be at least five (5) units per acre;

4 ~~(ii)~~(B) For properties connected to public sewer and water, or eligible to be connected to
5 public sewer and water based on written confirmation from each respective service provider, the
6 density bonus for a project that provides at least fifty percent (50%) low- and moderate-income
7 housing shall be at least nine (9) units per acre;

8 ~~(iii)~~(C) For properties connected to public sewer and water, or eligible to be connected to
9 public sewer and water based on written confirmation from each respective service provider, the
10 density bonus for a project that provides one hundred percent (100%) low- and moderate-income
11 housing shall be at least twelve (12) units per acre;

12 ~~(iv)~~(D) For properties not connected to either public water or sewer or both, but which
13 provide competent evidence as to the availability of water to service the development and/or a
14 permit for on-site wastewater treatment facilities to service the dwelling units from the applicable
15 state agency, the density bonus for a project that provides at least twenty-five percent (25%) low-
16 and moderate-income housing shall be at least three (3) units per acre;

17 ~~(v)~~(E) For properties not connected to either public water or sewer or both, but which
18 provide competent evidence as to the availability of water to service the development and/or a
19 permit for on-site wastewater treatment facilities to service the dwelling units from the applicable
20 state agency, the density bonus for a project that provides at least fifty percent (50%) low- and
21 moderate-income housing shall be at least five (5) units per acre;

22 ~~(vi)~~(F) For properties not connected to either public water or sewer or both, but which
23 provide competent evidence as to the availability of water to service the development and/or a
24 permit for on-site wastewater treatment facilities to service the dwelling units from the applicable
25 state agency, the density bonus for a project that provides one hundred percent (100%) low- and
26 moderate-income housing shall be at least eight (8) units per acre;

27 (2) **Parking.** A municipality shall not require more than one off-street parking space per
28 dwelling unit for units up to and including two (2) bedrooms in applications submitted under this
29 chapter;

30 (3) **Bedrooms.** A municipality shall not limit the number of bedrooms for applications
31 submitted under this chapter to anything less than three (3) bedrooms per dwelling unit for single-
32 family dwelling units;

33 (4) **Floor area.** A municipality shall not utilize floor area requirements to limit any
34 application, except as provided by § 45-24.3-11.

1 (c) A municipality shall not restrict comprehensive permit applications and permits by any
2 locally adopted ordinance or policy that places a limit or moratorium on the development of
3 residential units.

4 (d) The application and review process for a comprehensive permit shall be as follows:

5 (1) **Pre-application conference.** A municipality may require an applicant proposing a
6 project under this chapter to complete, or the applicant proposing a project under this chapter may
7 request a pre-application conference with the local review board, the technical review committee
8 established pursuant to § 45-23-56, or with the administrative officer for the local review board as
9 appropriate. In advance of a pre-application conference, the applicant shall be required to submit
10 only a short description of the project in writing including the number of units, type of housing,
11 density analysis, preliminary list of adjustments needed, as well as a location map, and conceptual
12 site plan. The purpose of the pre-application conference shall be to review a concept plan of the
13 proposed development and to elicit feedback from the reviewing person or board. Upon receipt of
14 a request by an applicant for a pre-application conference, the municipality shall have thirty (30)
15 days to schedule and hold the pre-application conference, unless a different timeframe is agreed to
16 by the applicant in writing. If thirty (30) days has elapsed from the filing of the pre-application
17 submission and no pre-application conference has taken place, nothing shall be deemed to preclude
18 an applicant from thereafter filing and proceeding with an application for preliminary plan review
19 for a comprehensive permit.

20 (2) **Preliminary plan review.**

21 (i) **Submission requirements.** Applications for preliminary plan review under this chapter
22 shall include:

23 (A) A letter of eligibility issued by the Rhode Island housing and mortgage finance
24 corporation, or in the case of projects primarily funded by the U.S. Department of Housing and
25 Urban Development or other state or federal agencies, an award letter indicating the subsidy, or
26 application in such form as may be prescribed for a municipal government subsidy; and

27 (B) A letter signed by the authorized representative of the applicant, setting forth the
28 specific sections and provisions of applicable local ordinances and regulations from which the
29 applicant is seeking adjustments; and

30 (C) A proposed timetable for the commencement of construction and completion of the
31 project; and

32 (D) Those items required by local regulations promulgated pursuant to applicable state law,
33 with the exception of evidence of state or federal permits; and for comprehensive permit
34 applications included in the checklist for the preliminary plan review in the local regulations

1 promulgated pursuant to chapter 23 of this title; and

2 (E) Notwithstanding the submission requirements set forth above, the local review board
3 may request additional, reasonable documentation throughout the public hearing, including, but not
4 limited to, opinions of experts, credible evidence of application for necessary federal and/or state
5 permits, statements and advice from other local boards and officials.

6 (ii) **Certification of completeness.** The preliminary plan application must be certified
7 complete or incomplete by the administrative officer according to the provisions of § 45-23-36;
8 provided, however, that the certificate shall be granted within twenty-five (25) days of submission
9 of the application. The running of the time period set forth herein will be deemed stopped upon the
10 issuance of a written certificate of incompleteness of the application by the administrative officer
11 and will recommence upon the resubmission of a corrected application by the applicant. However,
12 in no event will the administrative officer be required to certify a corrected submission as complete
13 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
14 the application as incomplete, the officer shall set forth in writing with specificity the missing or
15 incomplete items.

16 (iii) **Review of applications.** An application filed in accordance with this chapter shall be
17 reviewed in accordance with the following provisions:

18 (A) **Public hearing.** A public hearing shall be noticed and held as soon as practicable after
19 the issuance of a certificate of completeness.

20 (B) **Notice.** Public notice for the public hearing will be the same notice required under local
21 regulations for a public hearing for a preliminary plan promulgated in accordance with § 45-23-42.
22 The cost of notice shall be paid by the applicant.

23 (C) **Timeframe for review.** The local review board shall render a decision on the
24 preliminary plan application within ninety (90) days of the date the application is certified
25 complete, or within a further amount of time that may be consented to by the applicant through the
26 submission of a written consent.

27 (D) **Failure to act.** Failure of the local review board to act within the prescribed period
28 constitutes approval of the preliminary plan, and a certificate of the administrative officer as to the
29 failure of the local review board to act within the required time and the resulting approval shall be
30 issued on request of the applicant. Further, if the public hearing is not convened or a decision is not
31 rendered within the time allowed in subsections (d)(2)(iii)(A) and (d)(2)(iii)(C) of this section, the
32 application is deemed to have been allowed and the preliminary plan approval shall be issued
33 immediately.

34 (E) **Required findings for approval.** In approving an application, the local review board

1 shall make positive findings, supported by legally competent evidence on the record that discloses
2 the nature and character of the observations upon which the fact finders acted, on each of the
3 following standard provisions, where applicable:

4 (I) The proposed development is consistent with local needs as identified in the local
5 comprehensive community plan with particular emphasis on the community's affordable housing
6 plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

7 (II) The proposed development is in compliance with the standards and provisions of the
8 municipality's zoning ordinance and subdivision regulations, and/or where adjustments are
9 requested by the applicant, that local concerns that have been affected by the relief granted do not
10 outweigh the state and local need for low- and moderate-income housing.

11 (III) All low- and moderate-income housing units proposed are integrated throughout the
12 development; are compatible in scale and architectural style to the market rate units within the
13 project; and will be built and occupied prior to, or simultaneous with the construction and
14 occupancy of any market rate units.

15 (IV) There will be no significant negative impacts on the health and safety of current or
16 future residents of the community, in areas including, but not limited to, safe circulation of
17 pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability
18 of potable water, adequate surface water run-off, and the preservation of natural, historical, or
19 cultural features that contribute to the attractiveness of the community.

20 (V) All proposed land developments and all subdivisions lots will have adequate and
21 permanent physical access to a public street in accordance with the requirements of § 45-23-
22 60(a)(5).

23 (VI) The proposed development will not result in the creation of individual lots with any
24 physical constraints to development that building on those lots according to pertinent regulations
25 and building standards would be impracticable, unless created only as permanent open space or
26 permanently reserved for a public purpose on the approved, recorded plans.

27 (F) **Required findings for denial.** In reviewing the comprehensive permit request, the
28 local review board may deny the request for any of the following reasons: (I) If the city or town
29 has an approved affordable housing plan and is meeting housing needs, and the proposal is
30 inconsistent with the affordable housing plan; provided that, the local review board also finds that
31 the municipality has made significant progress in implementing that housing plan; (II) The proposal
32 is not consistent with local needs, including, but not limited to, the needs identified in an approved
33 comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance
34 with the comprehensive plan; (III) The proposal is not in conformance with the comprehensive

1 plan; (IV) The community has met or has plans to meet the goal of ten percent (10%) of the year-
2 round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental
3 housing units as defined in § 45-53-3(5)(i) being low- and moderate-income housing; provided
4 that, the local review board also finds that the community has achieved or has made significant
5 progress towards meeting the goals required by this section; or (V) Concerns for the environment
6 and the health and safety of current residents have not been adequately addressed.

7 (iv) **Vesting.** The approved preliminary plan is vested for a period of two (2) years with
8 the right to extend for two (2), one-year extensions upon written request by the applicant, who must
9 appear before the planning board for each annual review and provide proof of valid state or federal
10 permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause
11 shown, if requested, in writing by the applicant, and approved by the local review board. The
12 vesting for the preliminary plan approval includes all ordinance provisions and regulations at the
13 time of the approval, general and specific conditions shown on the approved preliminary plan
14 drawings and supporting material.

15 (3) **Final plan review.** The second and final stage of review for the comprehensive permit
16 project shall be done administratively, unless an applicant has requested and been granted any
17 waivers from the submission of checklist items for preliminary plan review, and then, at the local
18 review board's discretion, it may vote to require the applicant to return for final plan review and
19 approval.

20 (i) **Submission requirements.** Applications for final plan review under this chapter shall
21 include:

22 (A) All required state and federal permits must be obtained prior to the final plan approval
23 or the issuance of a building permit; and

24 (B) A draft monitoring agreement which identifies an approved entity that will monitor the
25 long-term affordability of the low- and moderate-income units pursuant to § 45-53-3.2; and

26 (C) A sample land lease or deed restriction with affordability liens that will restrict use as
27 low- and moderate-income housing in conformance with the guidelines of the agency providing
28 the subsidy for the low- and moderate-income housing, but for a period of not less than thirty (30)
29 years; and

30 (D) Those items required by local regulations promulgated pursuant to applicable state law
31 included in the checklist for final plan review in the local regulations promulgated pursuant to
32 chapter 23 of this title, including, but not limited to:

33 (I) Arrangements for completion of the required public improvements, including
34 construction schedule and/or financial guarantees; and

1 (II) Certification by the tax collector that all property taxes are current; and

2 (III) For phased projects, the final plan for phases following the first phase, shall be
3 accompanied by copies of as-built drawings not previously submitted of all existing public
4 improvements for prior phases.

5 (ii) **Certification of completeness.** The final plan application must be certified complete
6 or incomplete by the administrative officer according to the provisions of § 45-23-36; provided
7 however, that the certificate shall be granted within twenty-five (25) days of submission of the
8 application. The running of the time period set forth herein will be deemed stopped upon the
9 issuance of a written certificate of incompleteness of the application by the administrative officer
10 and will recommence upon the resubmission of a corrected application by the applicant. However,
11 in no event will the administrative officer be required to certify a corrected submission as complete
12 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
13 the application as incomplete, the officer shall set forth in writing with specificity the missing or
14 incomplete items.

15 (iii) **Review of applications.**

16 (A) **Timeframe for review.** The reviewing authority shall render a decision on the final
17 plan application within forty-five (45) days of the date the application is certified complete.

18 (B) **Modifications and changes to plans:**

19 (I) Minor changes, as defined in the local regulations, to the plans approved at preliminary
20 plan may be approved administratively, by the administrative officer, whereupon final plan
21 approval may be issued. The changes may be authorized without additional public hearings, at the
22 discretion of the administrative officer. All changes shall be made part of the permanent record of
23 the project application. This provision does not prohibit the administrative officer from requesting
24 a recommendation from either the technical review committee or the local review board. Denial of
25 the proposed change(s) shall be referred to the local review board for review as a major change.

26 (II) Major changes, as defined in the local regulations, to the plans approved at preliminary
27 plan may be approved only by the local review board and must follow the same review and public
28 hearing process required for approval of preliminary plans as described in subsection (d)(2)(iii) of
29 this section.

30 (III) The administrative officer shall notify the applicant in writing within fourteen (14)
31 days of submission of the final plan application if the administrative officer is referring the
32 application to the local review board under this subsection.

33 (C) **Decision on final plan.** An application filed in accordance with this chapter shall be
34 approved by the administrative officer unless such application does not satisfy conditions set forth

1 in the preliminary plan approval decision or such application does not have the requisite state and/or
2 federal approvals or other required submissions, does not post the required improvement bonds, or
3 such application is a major modification of the plans approved at preliminary plan.

4 (D) **Failure to act.** Failure of the reviewing authority to act within the prescribed period
5 constitutes approval of the final plan, and a certificate of the administrative officer as to the failure
6 to act within the required time and the resulting approval shall be issued on request of the applicant.

7 (iv) **Vesting.** The approved final plan is vested for a period of two (2) years with the right
8 to extend for one one-year extension upon written request by the applicant, who must appear before
9 the planning board for the extension request. Thereafter, vesting may be extended for a longer
10 period, for good cause shown, if requested, in writing by the applicant, and approved by the local
11 review board.

12 (4) **Infeasibility of conditions of approval.** The burden is on the applicant to show, by
13 competent evidence before the local review board, that proposed conditions of approval are
14 infeasible, as defined in § 45-53-3. Upon request, the applicant shall be provided a reasonable
15 opportunity to respond to such proposed conditions prior to a final vote on the application.

16 (5) **Fees.** Municipalities may impose fees on comprehensive permit applications that are
17 consistent with but do not exceed fees that would otherwise be assessed for a project of the same
18 scope and type, but not proceeding under this chapter; provided, however, the imposition of such
19 fees shall not preclude a showing by an applicant that the fees make the project financially
20 infeasible.

21 (6) **Recording of written decisions.** All written decisions on applications under this
22 chapter shall be recorded in the land evidence records within twenty (20) days after the local review
23 board's vote or the administrative officer's decision, as applicable. A copy of the recorded decision
24 shall be mailed within one business day of recording, by any method that provides confirmation of
25 receipt, to the applicant and to any objector who has filed a written request for notice with the
26 administrative officer.

27 (7) **Local review board powers.** The local review board has the same power to issue
28 permits or approvals that any local board or official who would otherwise act with respect to the
29 application, including, but not limited to, the power to attach to the permit or approval, conditions,
30 and requirements with respect to height, site plan, size or shape, or building materials, as are
31 consistent with the terms of this section.

32 (8) **Majority vote required.** All local review board decisions on comprehensive permits
33 shall be by majority vote of the members present at the proceeding.

34 (9) **Construction timetable.** A comprehensive permit shall expire unless construction is

1 started within twelve (12) months and completed within sixty (60) months of the recording of the
2 final plan unless a longer and/or phased period for development is agreed to by the local review
3 board and the applicant. Low- and moderate-income housing units shall be built and occupied prior
4 to, or simultaneous with the construction and occupancy of market rate units.

5 (10) **For-profit developers — Limits.** A town ~~with an approved affordable housing plan~~
6 ~~and that is meeting local housing needs, as defined in this chapter~~ or city in which ten percent (10%)
7 of the year-round housing units are low-or moderate-income housing, may by council action limit
8 the annual total number of dwelling units in comprehensive permit applications from for-profit
9 developers to an aggregate of one percent (1%) of the total number of year-round housing units in
10 the town, ~~as recognized in the affordable housing plan~~ and notwithstanding the timetables set forth
11 elsewhere in this section, the local review board shall have the authority to consider comprehensive
12 permit applications from for-profit developers, which are made pursuant to this paragraph,
13 sequentially in the order in which they are submitted.

14 (11) **Report.** The local review board of a town with an approved affordable housing plan
15 shall report the status of implementation to the housing resources commission, including the
16 disposition of any applications made under the plan, as of June 30, 2006, by September 1, 2006,
17 and for each June 30 thereafter by September 1 through 2010. The housing resources commission
18 shall prepare by October 15 and adopt by December 31, a report on the status of implementation,
19 which shall be submitted to the governor, the speaker and the president of the senate, and shall find
20 which towns are not in compliance with implementation requirements.

21 (12) **Remanded applications.** Notwithstanding the provisions of § 45-53-4 in effect on
22 February 13, 2004, a local review board shall commence hearings within thirty (30) days of
23 receiving an application remanded pursuant to § 45-53-5 or, effective January 1, 2024, § 45-53-
24 5.1. In any town with more than one remanded application, applications may be scheduled for
25 hearing in the order in which they were received, and may be taken up sequentially, with the thirty-
26 day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier
27 filed application.

28 (e)(1) The general assembly finds and declares that in January 2004 towns throughout
29 Rhode Island have been confronted by an unprecedented volume and complexity of development
30 applications as a result of private for-profit developers using the provisions of this chapter and that
31 in order to protect the public health and welfare in communities and to provide sufficient time to
32 establish a reasonable and orderly process for the consideration of applications made under the
33 provisions of this chapter, and to have communities prepare plans to meet low- and moderate-
34 income housing goals, that it is necessary to impose a moratorium on the use of comprehensive

1 permit applications as herein provided by private for-profit developers; a moratorium is hereby
2 imposed on the use of the provisions of this chapter by private for-profit developers, which
3 moratorium shall be effective on passage and shall expire on January 31, 2005, and may be revisited
4 prior to expiration and extended to such other date as may be established by law. Notwithstanding
5 the provisions of subsection (a) of this section, private for-profit developers may not utilize the
6 procedure of this chapter until the expiration of the moratorium.

7 (2) No for-profit developer shall submit a new application for comprehensive permits until
8 July 1, 2005, except by mutual agreement with the local review board.

9 (3) Notwithstanding the provisions of subsection (e)(2) of this section, a local review board
10 in a town which has submitted a plan in accordance with subsection (f) of this section, shall not be
11 required to accept an application for a new comprehensive permit from a for-profit developer until
12 October 1, 2005.

13 (f) Towns and cities that are not in conformity with the provisions of § 45-53-3(5)(i) shall
14 prepare by December 31, 2004, a comprehensive plan housing element for low- and moderate-
15 income housing as specified by § 45-53-3(5)(ii), consistent with applicable law and regulation.
16 That the secretary of the planning board or commission of each city or town subject to the
17 requirements of this paragraph shall report in writing the status of the preparation of the housing
18 element for low- and moderate-income housing on or before June 30, 2004, and on or before
19 December 31, 2004, to the secretary of the state planning council, to the chair of the house
20 committee on corporations and to the chair of the senate committee on commerce, housing and
21 municipal government.

22 (g) If any provision of this section or the application thereof shall for any reason be judged
23 invalid, the judgment shall not affect, impair, or invalidate the remainder of this section or of any
24 other provision of this chapter, but shall be confined in its effect to the provision or application
25 directly involved in the controversy giving rise to the judgment, and a moratorium on the
26 applications of for-profit developers pursuant to this chapter shall remain and continue to be in
27 effect for the period commencing on the day this section becomes law [February 13, 2004] and
28 continue until it shall expire on January 31, 2005, or until amended further.

29 (h) In planning for, awarding, and otherwise administering programs and funds for housing
30 and for community development, state departments, agencies, boards and commissions, and public
31 corporations, as defined in chapter 18 of title 35, shall among the towns subject to the provision of
32 § 45-53-3(5)(ii), give priority to the maximum extent allowable by law to towns with an approved
33 affordable housing plan. The director of administration shall adopt not later than January 31, 2005,
34 regulations to implement the provisions of this section.

1 (i) Multi-family rental units built under a comprehensive permit may be calculated towards
2 meeting the requirements of a municipality's low- or moderate-income housing inventory, as long
3 as the units meet and are in compliance with the provisions of § 45-53-3.1.

4 SECTION 3. Section 1 of this act shall take effect upon passage and section 2 of this act
5 shall take effect on January 1, 2026.

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LC002161
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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 amend several definitions relating to low- or moderate-income housing as
2 well as the procedure for the approval of low- or moderate-income housing.

3 Section 1 of this act would take effect upon passage and section 2 of this act would take
4 effect on January 1, 2026.

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

—————
A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT

Introduced By: Representatives Noret, Slater, Tanzi, Casey, Speakman, Cotter, Dawson,
Stewart, Finkelman, and Hull

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-22.2-10 of the General Laws in Chapter 45-22.2 entitled "Rhode
2 Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:

3 **45-22.2-10. Coordination of state agencies.**

4 (a) State agencies shall develop their respective programs and conduct their respective
5 activities in a manner consistent with the findings, intent, and goals established under this chapter.

6 (b) The chief shall develop standards to assist municipalities in the incorporation of the
7 state goals and policies into comprehensive plans, and to guide the chief's review of comprehensive
8 plans and state agency activities.

9 (c) The state planning council shall adopt and maintain all rules and regulations necessary
10 to implement the standards established by this chapter.

11 (d) The chief shall develop and make readily available to all municipalities statewide data
12 and technical information for use in the preparation of comprehensive plans. Data specific to each
13 municipality shall be provided by that municipality. The chief shall make maximum use of existing
14 information available from other agencies.

15 (e) The chief may contract with any person, firm, or corporation to develop the necessary
16 planning information and coordinate with other state agencies as necessary to provide support and
17 technical assistance for local planning efforts.

18 (f) The chief shall notify appropriate state agencies of the approval of a comprehensive

1 plan or amendment to a comprehensive plan.

2 (g) Once a municipality's comprehensive plan is approved, programs and projects of state
3 agencies, excluding the state guide plan as provided for by § 42-11-10, shall conform to that plan.
4 In the event that a state agency wishes to undertake a program, project, or to develop a facility
5 which is not in conformance with the comprehensive plan, the state planning council shall hold a
6 public hearing on the proposal at which the state agency must demonstrate:

7 (1) That the program, project, or facility conforms to the stated goals, findings, and intent
8 of this chapter; and

9 (2) That the program, project, or facility is needed to promote or protect the health, safety,
10 and welfare of the people of Rhode Island; and

11 (3) That the program, project, or facility is in conformance with the relevant sections of the
12 state guide plan; and

13 (4) That the program implementation, project, or size, scope, and design of the facility will
14 vary as little as possible from the comprehensive plan of the municipality.

15 (h)(1) Notwithstanding any other provisions of this chapter, in the event a state agency
16 wishes to undertake a program, project or to develop a facility on state-owned vacant land, state-
17 owned abandoned property, or state-owned underutilized or excess land, for housing purposes,
18 which is not in conformance with an approved and updated local comprehensive plan, and/or local
19 zoning ordinance provisions, then the state planning council shall hold a public hearing on the
20 proposal within thirty (30) days of receipt of the proposal, where the state agency must
21 demonstrate:

22 (i) That the program, project, or facility conforms to relevant sections of the state guide
23 plan prepared and adopted pursuant to § 42-11-10; and

24 (ii) That the program, project, or facility is needed to promote or protect the health, safety,
25 and welfare of the people of Rhode Island including, but not limited to, the need for low- and
26 moderate-income housing; and

27 (iii) That the program, project, or facility has attempted to utilize design standards and
28 recommendations of the relevant municipality to the extent feasible; and

29 (iv) That the agency has obtained reports from experts which conclude that there will not
30 be a detrimental impact on traffic, stormwater, wetlands, sewer capacity, potable water availability,
31 or historic features.

32 (2) Nothing in this section shall prevent the respective state agency from partnering with,
33 or transferring, leasing or selling the property upon completion of the project, to any nonprofit, or
34 privately-owned entity or person under any approved and lawful process.

1 SECTION 2. Section 45-23-27 of the General Laws in Chapter 45-23 entitled "Subdivision
2 of Land" is hereby amended to read as follows:

3 **45-23-27. Applicability.**

4 (a) §§ 45-23-25 — 45-23-74 and all local regulations are applicable to all applications
5 under this chapter, except that the local regulations and processes adopted pursuant to this chapter
6 are not applicable to any program, project or to develop a facility on state-owned vacant land, state-
7 owned abandoned property, or state-owned underutilized or excess land, for housing purposes, so
8 long as the proposal has completed a public hearing pursuant to § 45-22.2-10(h).

9 (b) **Plats required.**

10 (1) All activity defined as a subdivision requires a new plat, drawn to the specifications of
11 the local regulations, and reviewed and approved by the planning board or its agents as provided in
12 this chapter; and

13 (2) Prior to recording, the approved plat shall be submitted for signature and recording as
14 specified in § 45-23-64.

15 SECTION 3. Section 45-24-28 of the General Laws in Chapter 45-24 entitled "Zoning
16 Ordinances" is hereby amended to read as follows:

17 **45-24-28. Continuation of ordinances — Supersession — Relation to other statutes.**

18 (a) Any zoning ordinance or amendment of the ordinance enacted after January 1, 1992,
19 shall conform to the provisions of this chapter. All lawfully adopted zoning ordinances shall be
20 brought into conformance with this chapter by December 31, 1994. Each city and town shall review
21 its zoning ordinance and make amendments or revisions that are necessary to bring it into
22 conformance with this chapter.

23 (b) All zoning ordinances adopted under authority of §§ 45-24-1 through 45-24-26 or any
24 special zoning enabling act that is in effect on June 17, 1991, shall remain in full force and effect
25 until December 31, 1994, unless earlier amended so as to conform to the provisions of this chapter,
26 except that § 45-24-37 and § 45-24-44 shall become effective on January 1, 1992.

27 (c) Former §§ 45-24-1 through 45-24-26 and all special zoning enabling acts, including,
28 but not limited to, chapter 2299 of the public laws of 1922, as amended (town of Westerly); chapter
29 1277 of the public laws of 1926, as amended (town of Narragansett); chapter 2065 of the public
30 laws of 1933, as amended (town of West Warwick); chapter 2233 of the public laws of 1935, as
31 amended (town of Johnston); chapter 2079 of the public laws of 1948, as amended (town of North
32 Kingstown); chapter 3125 of the public laws of 1953, as amended (town of New Shoreham);
33 chapter 101 of the public laws of 1973, as amended (town of South Kingstown); are repealed
34 effective December 31, 1994. All provisions of zoning ordinances adopted under authority of the

1 provisions of former §§ 45-24-1 through 45-24-26 or of any special act are repealed and are null
2 and void as of December 31, 1994, unless amended so as to conform to the provisions of this
3 chapter.

4 (d) Chapter 24.1 of this title, entitled “Historical Area Zoning”, and chapter 3 of title 1,
5 entitled “Airport Zoning”, are not superseded by this chapter; provided, that any appeal to the
6 superior court pursuant to chapter 24.1 of this title, entitled “Historical Area Zoning”, or pursuant
7 to chapter 3 of title 1, entitled “Airport Zoning”, is taken in the manner provided in § 45-24-69.

8 (e) Nothing in this chapter shall be construed to limit the authority of agencies of state
9 government to perform any regulatory responsibilities. The local zoning ordinance adopted
10 pursuant to this chapter is not applicable to any program, project or to develop a facility on state-
11 owned vacant land, state-owned abandoned property, or state-owned underutilized or excess land,
12 for housing purposes, so long as the proposal has completed a public hearing pursuant to § 45-22.2-
13 10(h).

14 SECTION 4. This act shall take effect January 1, 2026.

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LC002162
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT

- 1 This act would provide amendments to enable the development of state-owned vacant,
2 abandoned or underutilized land for housing and the process therefor.
3 This act would take effect January 1, 2026.

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LC002162
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2025 -- H 5793

LC002153

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Representatives Corvese, and Kislak

Date Introduced: February 27, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-2 of the General Laws in Chapter 44-5 entitled "Levy and
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-2. Maximum levy.**

4 (a) Through and including its fiscal year 2007, a city or town may levy a tax in an amount
5 not more than five and one-half percent (5.5%) in excess of the amount levied and certified by that
6 city or town for the prior year. Through and including its fiscal year 2007, but in no fiscal year
7 thereafter, the amount levied by a city or town is deemed to be consistent with the five and one-
8 half percent (5.5%) levy growth cap if the tax rate is not more than one hundred and five and one-
9 half percent (105.5%) of the prior year's tax rate and the budget resolution or ordinance, as
10 applicable, specifies that the tax rate is not increasing by more than five and one-half percent (5.5%)
11 except as specified in subsection (c) of this section. In all years when a revaluation or update is not
12 being implemented, a tax rate is deemed to be one hundred five and one-half percent (105.5%) or
13 less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged
14 for purpose of taxation, is no more than one hundred five and one-half percent (105.5%) of the
15 prior year's tax on the same parcel of real property. In any year through and including fiscal year
16 2007 when a revaluation or update is being implemented, the tax rate is deemed to be one hundred
17 five and one-half percent (105.5%) of the prior year's tax rate as certified by the division of property
18 valuation and municipal finance in the department of revenue.

19 (b) In its fiscal year 2008, a city or town may levy a tax in an amount not more than five

1 and one-quarter percent (5.25%) in excess of the total amount levied and certified by that city or
2 town for its fiscal year 2007. In its fiscal year 2009, a city or town may levy a tax in an amount not
3 more than five percent (5%) in excess of the total amount levied and certified by that city or town
4 for its fiscal year 2008. In its fiscal year 2010, a city or town may levy a tax in an amount not more
5 than four and three-quarters percent (4.75%) in excess of the total amount levied and certified by
6 that city or town in its fiscal year 2009. In its fiscal year 2011, a city or town may levy a tax in an
7 amount not more than four and one-half percent (4.5%) in excess of the total amount levied and
8 certified by that city or town in its fiscal year 2010. In its fiscal year 2012, a city or town may levy
9 a tax in an amount not more than four and one-quarter percent (4.25%) in excess of the total amount
10 levied and certified by that city or town in its fiscal year 2011. In its fiscal year 2013 and in each
11 fiscal year thereafter, a city or town may levy a tax in an amount not more than four percent (4%)
12 in excess of the total amount levied and certified by that city or town for its previous fiscal year.
13 For purposes of this levy calculation, taxes levied pursuant to chapters 34 and 34.1 of this title shall
14 not be included. For FY 2018, in the event that a city or town, solely as a result of the exclusion of
15 the motor vehicle tax in the new levy calculation, exceeds the property tax cap when compared to
16 FY 2017 after taking into account that there was a motor vehicle tax in FY 2017, said city or town
17 shall be permitted to exceed the property tax cap for the FY 2018 transition year, but in no event
18 shall it exceed the four percent (4%) levy cap growth with the car tax portion included; provided,
19 however, nothing herein shall prohibit a city or town from exceeding the property tax cap if
20 otherwise permitted pursuant to subsection (d) of this section.

21 (c) The division of property valuation in the department of revenue shall monitor city and
22 town compliance with this levy cap, issue periodic reports to the general assembly on compliance,
23 and make recommendations on the continuation or modification of the levy cap on or before
24 December 31, 1987, December 31, 1990, and December 31, every third year thereafter. The chief
25 elected official in each city and town shall provide to the division of property and municipal finance
26 within thirty (30) days of final action, in the form required, the adopted tax levy and rate and other
27 pertinent information.

28 (d) The amount levied by a city or town may exceed the percentage increase as specified
29 in subsection (a) or (b) of this section if the city or town qualifies under one or more of the following
30 provisions:

31 (1) The city or town forecasts or experiences a loss in total non-property tax revenues and
32 the loss is certified by the department of revenue.

33 (2) The city or town experiences or anticipates an emergency situation, which causes or
34 will cause the levy to exceed the percentage increase as specified in subsection (a) or (b) of this

1 section. In the event of an emergency or an anticipated emergency, the city or town shall notify the
2 auditor general who shall certify the existence or anticipated existence of the emergency. Without
3 limiting the generality of the foregoing, an emergency shall be deemed to exist when the city or
4 town experiences or anticipates health insurance costs, retirement contributions, or utility
5 expenditures that exceed the prior fiscal year's health insurance costs, retirement contributions, or
6 utility expenditures by a percentage greater than three (3) times the percentage increase as specified
7 in subsection (a) or (b) of this section.

8 (3) A city or town forecasts or experiences debt services expenditures that exceed the prior
9 year's debt service expenditures by an amount greater than the percentage increase as specified in
10 subsection (a) or (b) of this section and that are the result of bonded debt issued in a manner
11 consistent with general law or a special act. In the event of the debt service increase, the city or
12 town shall notify the department of revenue which shall certify the debt service increase above the
13 percentage increase as specified in subsection (a) or (b) of this section the prior year's debt service.
14 No action approving or disapproving exceeding a levy cap under the provisions of this section
15 affects the requirement to pay obligations as described in subsection (d) of this section.

16 (4) The city or town experiences substantial growth in its tax base as the result of major
17 new construction that necessitates either significant infrastructure or school housing expenditures
18 by the city or town or a significant increase in the need for essential municipal services and such
19 increase in expenditures or demand for services is certified by the department of revenue.

20 (5) The assessed value of new housing units added to the municipal tax base. For the
21 purposes of this subsection, new housing units shall include newly constructed residential
22 properties, including single-family homes, multi-family dwellings, and mixed-use developments
23 where residential units constitute at least fifty percent (50%) of the building's total square footage
24 as well as existing buildings converted into residential housing units qualifying under adaptive
25 reuse in § 45-24-37; provided such conversions meet all applicable zoning and building code
26 requirements and increase the municipality's total housing stock. New construction shall also
27 include modular and manufactured homes. This exemption shall apply provided that:

28 (i) A city or town has issued over ten (10) certificates of occupancy during the tax year for
29 new residential units; and

30 (ii) Such units are part of a development that includes at least ten percent (10%) of the units
31 designated as low- or moderate-income housing as defined in §§ 45-53-3 and 42-128-8.1; and

32 (iii) Such units are assessed utilizing the same valuation methods and rates as similar units
33 in the respective city or town; and

34 (iv) The exemption shall apply for a period of three (3) years following the issuance of a

1 [certificate of occupancy for the new housing unit.](#)

2 (e) Any levy pursuant to subsection (d) of this section in excess of the percentage increase
3 specified in subsection (a) or (b) of this section shall be approved by the affirmative vote of at least
4 four-fifths (4/5) of the full membership of the governing body of the city or town, or in the case of a
5 city or town having a financial town meeting, the majority of the electors present and voting at the
6 town financial meeting shall also approve the excess levy. [A municipality approving the exemption
7 in subsection \(d\)\(5\) of this section shall prepare a report of the number of housing units exempt
8 from the maximum levy, the date of the certificate of occupancy for each and the taxes levied on
9 each. A copy of such report shall be provided to the division of property valuation in the department
10 of revenue.](#)

11 (f) Nothing contained in this section constrains the payment of present or future obligations
12 as prescribed by § 45-12-1, and all taxable property in each city or town is subject to taxation
13 without limitation as to rate or amount to pay general obligation bonds or notes of the city or town
14 except as otherwise specifically provided by law or charter.

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

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LC002153
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would amend the provisions under which a city or town may exceed the maximum
- 2 levy for the assessment of local taxes.
- 3 This act would take effect upon passage.

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LC002153
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