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LC005175
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Senators Gu, Euer, DiMario, Murray, and Burke

Date Introduced: February 27, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

3 **45-53-4. Procedure for approval of construction of low- or moderate-income housing.**
4 **[Effective January 1, 2026, inclusive of existing language in § 45-53-4.]**

5 (a) Any applicant proposing to build low- or moderate-income housing may submit to the
6 local review board a single application for a comprehensive permit to build that housing in lieu of
7 separate applications to the applicable local boards. This procedure is only available for proposals
8 in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing.
9 This procedure is not available in cities and towns that have low- or moderate-income housing in
10 excess of ten percent (10%) of its year-round housing units which also have an inclusionary zoning
11 ordinance which complies with § 45-24-46.1.

12 (b) Cities and towns that have low- or moderate-income housing in excess of ten percent
13 (10%) of its year-round housing units:

14 (1) May provide an applicant with more dwelling units than allowed by right under its
15 zoning ordinance in the form of a density bonus to allow an increase in the allowed dwelling units
16 per acre (DU/A), as well as other incentives and municipal government subsidies as defined in §
17 45-53-3;

18 (2) May, by council action, limit the annual total number of dwelling units in
19 comprehensive permit applications from for-profit developers to an aggregate of one percent (1%)

1 of the total number of year-round housing units in the town, and notwithstanding the timetables set
2 forth elsewhere in this section, the local review board shall have the authority to consider
3 comprehensive permit applications from for-profit developers, which are made pursuant to this
4 subsection, sequentially in the order in which they are submitted.

5 (c) Cities and towns that do not have low- or moderate-income housing in excess of ten
6 percent (10%) of its year-round housing units:

7 (1) Shall make available to applications under this chapter municipal government
8 subsidies, including adjustments and zoning incentives, to offset the differential costs of the low-
9 or moderate-incoming housing units. At a minimum, the following zoning incentives shall be
10 allowed for in these cities or towns for projects submitted under this chapter:

11 (A) Density bonuses. These cities and towns shall provide an applicant with more dwelling
12 units than allowed by right under its zoning ordinances in the form of a density bonus to allow an
13 increase in the allowed dwelling units per acre (DU/A). At a minimum, the following density
14 bonuses for projects submitted under this chapter, provided that the total land utilized in the density
15 calculation shall exclude wetlands; area devoted to roadway infrastructure necessary for
16 development; and easements or rights of way of record. Lands within the following areas that are
17 used for drinking water are not eligible for density bonuses under this chapter: public drinking
18 water supply watersheds and ground water classified as GAA, as defined in the Rhode Island
19 ground water regulations (250-RICR-150-05-3) are not eligible for density bonuses under this
20 chapter.

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

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

30 (iii) For properties connected to public sewer and water, or eligible to be connected to
31 public sewer and water based on written confirmation from each respective service provider that
32 capacity is available to support the proposed density, the density bonus for a project that provides
33 one hundred percent, the density bonus for a project that provides one hundred percent (100%) low-
34 and moderate-income housing shall be at least twelve (12) units per acre;

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

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

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

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

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

22 (D) Floor area. A municipality shall not utilize floor area requirements to limit any
23 application, except as provided by § 45-24.3-11.

24 (d) A municipality shall not restrict comprehensive permit applications and permits by any
25 locally adopted ordinance or policy that places a limit or moratorium on the development of
26 residential units.

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

28 (1) Pre-application conference. A municipality may require an applicant proposing a
29 project under this chapter, who is not electing to have master plan review, to complete, or the
30 applicant proposing a project under this chapter may request a pre-application conference with the
31 local review board, the technical review committee established pursuant to § 45-23-56, or with the
32 administrative officer for the local review board as appropriate. In advance of a pre-application
33 conference, the applicant shall be required to submit only a short description of the project in
34 writing including the number of units, type of housing, density analysis, preliminary list of

1 adjustments needed, as well as a location map, and conceptual site plan. The purpose of the pre-
2 application conference shall be to review a concept plan of the proposed development and to elicit
3 feedback from the reviewing person or board. Upon receipt of a request by an applicant for a pre-
4 application conference, the municipality shall have thirty (30) days to schedule and hold the pre-
5 application conference, unless a different timeframe is agreed to by the applicant in writing. If thirty
6 (30) days has elapsed from the filing of the pre-application submission and no pre-application
7 conference has taken place, nothing shall be deemed to preclude an applicant from thereafter filing
8 and proceeding with an application for preliminary plan review for a comprehensive permit.

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

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

14 (A) An application form and fee;

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

18 (C) Conceptual site plans showing infrastructure locations for roadways, preliminary
19 locations and design of conceptual stormwater facilities, location of sewer and water lines and/or
20 wells and on-site wastewater treatment systems, locations of housing units, estimated locations of
21 site constraints and wetlands;

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

23 (E) 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;

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

30 (ii) Certification of completeness. The master plan application must be certified complete
31 or incomplete by the administrative officer according to the provisions of § 45-23-36; provided,
32 however, that the certificate shall be granted within twenty-five (25) days of submission of the
33 application. The running of the time period set forth herein will be deemed stopped upon the
34 issuance of a written certificate of incompleteness of the application by the administrative officer

1 and will recommence upon the resubmission of a corrected application by the applicant. However,
2 in no event will the administrative officer be required to certify a corrected submission as complete
3 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
4 the application as incomplete, the officer shall set forth in writing with specificity the missing or
5 incomplete items.

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

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

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

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

24 (iv) Vesting. The approved master plan is vested for a period of two (2) years with the
25 right to extend for two (2), one-year extensions upon written request by the applicant, who must
26 appear before the planning board for each annual review. Thereafter, vesting may be extended for
27 a longer period, for good cause shown, if requested, in writing by the applicant, and approved by
28 the local review board. The vesting for the master plan approval includes all ordinance provisions
29 and regulations at the time of the approval, general and specific conditions shown on the approved
30 master plan drawings and supporting material.

31 **(3) Preliminary plan review.**

32 (i) Submission requirements. Applications for preliminary plan review under this chapter
33 shall include:

34 (A) Unless already submitted at a master plan stage, a letter of eligibility issued by the

1 Rhode Island housing and mortgage finance corporation, or in the case of projects primarily funded
2 by the U.S. Department of Housing and Urban Development or other state or federal agencies, an
3 award letter indicating the subsidy, or application in such form as may be prescribed for a municipal
4 government subsidy; and

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

8 (C) A proposed timetable for the commencement of construction and completion of the
9 project; and

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

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

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

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

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

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

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

5 (D) Failure to act. Failure of the local review board to act within the prescribed period
6 constitutes approval of the preliminary plan, and a certificate of the administrative officer as to the
7 failure of the local review board to act within the required time and the resulting approval shall be
8 issued on request of the applicant. Further, if the public hearing is not convened or a decision is not
9 rendered within the time allowed in subsections (e)(3)(iii)(A) and (e)(3)(iii)(C) of this section, the
10 application is deemed to have been allowed and the preliminary plan approval shall be issued
11 immediately.

12 (E) Required findings. In voting on an application, the local review board shall make
13 findings, supported by legally competent evidence on the record that discloses the nature and
14 character of the observations upon which the fact finders acted, on each of the following standards,
15 where applicable:

16 (I) Whether the proposed development is consistent with local needs as identified in the
17 community's affordable housing plan and/or has satisfactorily addressed the issues where there
18 may be inconsistencies. If the local board finds that the proposed development is inconsistent with
19 the community's affordable housing plan, it must also find that the municipality has made
20 significant progress in implementing its housing plan.

21 (II) Whether the proposed development is in compliance with the standards and provisions
22 of the municipality's zoning ordinance and subdivision regulations, and/or where adjustments are
23 requested by the applicant, whether local concerns that have been affected by the relief granted do
24 not outweigh the state and local need for low- and moderate-income housing. For cities and towns
25 that have low- or moderate-income housing in excess of ten percent (10%) of its year-round housing
26 units, where adjustments are requested, in addition to the above-showing, the proposed
27 development must show it has mitigated any impact of the proposed development on the general
28 character of the surrounding area.

29 (III) Whether the low- and moderate-income housing units proposed are integrated
30 throughout the development; are compatible in scale, meaning that: (1) The size of the low- and
31 moderate-income units shall not be less than seventy-five percent (75%) of the size of the market
32 rate units, unless otherwise allowed by the local board; (2) The affordable units are of similar
33 architectural style to the market rate units within the project so that the exterior of the units look
34 like an integrated neighborhood with similar rooflines, window patterns, materials and colors; and

1 (3) The affordable units will be built and occupied in a proportional manner with the construction
2 and occupancy of the market rate units. Except that for housing units that are intended to be
3 occupied by persons fifty-five (55) years of age or older, or sixty-two (62) years of age or older, as
4 permitted by the federal Fair Housing Act pursuant to 42 U.S.C. § 3607(b) and 24 C.F.R. §§
5 100.300-308 and the Rhode Island fair housing practices act pursuant to § 34-37-4.1, such units
6 need not be integrated in any building or phase within the development that contains housing units
7 that are not age-restricted, and neither age-restricted housing units nor any building or phase
8 containing age-restricted housing units must be compatible in scale and architectural style to other
9 housing unit types to the extent the age-restricted housing units are designed to meet the physical
10 or social needs of older persons or necessary to provide housing opportunities for older persons.

11 (IV) Whether there will be significant negative impacts on the health and safety of current
12 or future residents of the community, in areas including, but not limited to, safe circulation of
13 pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability
14 of potable water, adequate surface water run-off, and the preservation of natural, historical, or
15 cultural features.

16 (V) Whether the proposed land developments or subdivisions lots will have adequate and
17 permanent physical access to a public street in accordance with the requirements of § 45-23-
18 60(a)(5), or the local review board has approved other access, such as a private road.

19 (VI) Whether the proposed development will result in the creation of individual lots with
20 any physical constraints to development that building on those lots according to pertinent
21 regulations and building standards would be impracticable, unless created only as permanent open
22 space or permanently reserved for a public purpose on the approved, recorded plans.

23 (F) [Deleted by P.L. 2025, ch. 363, § 1 and P.L. 2025, ch. 364, § 1.]

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

32 (4) Final plan review. The second and final stage of review for the comprehensive permit
33 project shall be done administratively, unless an applicant has requested and been granted any
34 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

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

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

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

(iii) Review of applications.

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

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

2 (I) Minor changes, as defined in the local regulations, to the approved plans may be
3 approved administratively, by the administrative officer. The changes may be authorized without
4 additional public hearings, at the discretion of the administrative officer. All changes shall be made
5 part of the permanent record of the project application. This provision does not prohibit the
6 administrative officer from requesting a recommendation from either the technical review
7 committee or the local review board. Denial of the proposed change(s) shall be referred to the local
8 review board for review as a major change.

9 (II) Major changes, as defined in the local regulations, to the plans may be approved only
10 by the local review board and must follow the same review and public hearing process required for
11 approval of preliminary plans as described in subsection (e)(3)(iii) of this section.

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

15 (C) Decision on final plan. An application filed in accordance with this chapter shall be
16 approved by the administrative officer unless such application does not satisfy conditions set forth
17 in the preliminary plan approval decision or such application does not have the requisite state and/or
18 federal approvals or other required submissions, does not post the required improvement bonds, or
19 such application is a major modification of the plans approved at preliminary plan.

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

23 (iv) Vesting. The approved final plan decision is vested for a period of two (2) years with
24 the right to extend for one one-year extension upon written request by the applicant, who must
25 appear before the planning board for the extension request, unless, within that period, the plat or
26 plan has been submitted for signature and recording as specified in § 45-23-64. Thereafter, vesting
27 may be extended for a longer period, for good cause shown, if requested, in writing by the applicant,
28 and approved by the local review board.

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

33 (6) Fees. Municipalities may impose fees on comprehensive permit applications that are
34 consistent with but do not exceed fees that would otherwise be assessed for a project of the same

1 scope and type, but not proceeding under this chapter; provided, however, the imposition of such
2 fees shall not preclude a showing by an applicant that the fees make the project financially
3 infeasible.

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

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

15 (9) Majority vote required. All local review board decisions on comprehensive permits
16 shall be by majority vote of the members present at the proceeding.

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

22 (11) [Deleted by P.L. 2025, ch. 363, § 2 and P.L. 2025, ch. 364, § 2.]

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

30 (13) Remanded applications. Notwithstanding the provisions of § 45-53-4 in effect on
31 February 13, 2004, a local review board shall commence hearings within thirty (30) days of
32 receiving an application remanded pursuant to § 45-53-5 or, effective January 1, 2024, § 45-53-
33 5.1. In any town with more than one remanded application, applications may be scheduled for
34 hearing in the order in which they were received, and may be taken up sequentially, with the thirty-

1 day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier
2 filed application.

3 (f)(1) The general assembly finds and declares that in January 2004 towns throughout
4 Rhode Island have been confronted by an unprecedented volume and complexity of development
5 applications as a result of private for-profit developers using the provisions of this chapter and that
6 in order to protect the public health and welfare in communities and to provide sufficient time to
7 establish a reasonable and orderly process for the consideration of applications made under the
8 provisions of this chapter, and to have communities prepare plans to meet low- and moderate-
9 income housing goals, that it is necessary to impose a moratorium on the use of comprehensive
10 permit applications as herein provided by private for-profit developers; a moratorium is hereby
11 imposed on the use of the provisions of this chapter by private for-profit developers, which
12 moratorium shall be effective on passage and shall expire on January 31, 2005, and may be revisited
13 prior to expiration and extended to such other date as may be established by law. Notwithstanding
14 the provisions of subsection (a) of this section, private for-profit developers may not utilize the
15 procedure of this chapter until the expiration of the moratorium.

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

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

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

31 (h) If any provision of this section or the application thereof shall for any reason be judged
32 invalid, the judgment shall not affect, impair, or invalidate the remainder of this section or of any
33 other provision of this chapter, but shall be confined in its effect to the provision or application
34 directly involved in the controversy giving rise to the judgment, and a moratorium on the

1 applications of for-profit developers pursuant to this chapter shall remain and continue to be in
2 effect for the period commencing on the day this section becomes law [February 13, 2004] and
3 continue until it shall expire on January 31, 2005, or until amended further.

4 (i) In planning for, awarding, and otherwise administering programs and funds for housing
5 and for community development, state departments, agencies, boards and commissions, and public
6 corporations, as defined in chapter 18 of title 35, shall among the towns subject to the provision of
7 § 45-53-3(5)(ii), give priority to the maximum extent allowable by law to towns with an approved
8 affordable housing plan. The director of administration shall adopt not later than January 31, 2005,
9 regulations to implement the provisions of this section.

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

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

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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 eliminate existing mandated housing densities for lands used for drinking
2 water as well as density bonuses for public drinking water supply watersheds and ground water
3 classified as GAA, as defined in ground water regulations. The act would also require that the
4 housing densities not exceed the availability of onsite drinking water supplies, introduce pollution
5 making drinking water unsuitable for use, and stay within the capacity limits of any public water
6 or sewer system.

7 This act would take effect upon passage.

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