

2025 -- H 5100 SUBSTITUTE A

LC000705/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

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

Date Introduced: January 22, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
2 amended by adding thereto the following section:

3 **23-27.3-101.2. Matters not covered.**

4 SAVE Units, as defined in § 45-24-31, are exempt from provisions of this code, except as
5 to those requirements set forth in § 23-27.3-111.0.

6 SECTION 2. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
7 amended by adding thereto the following section:

8 **23-27.3-111.0. SAVE Units -- Requirements.**

9 (a) SAVE Units as defined in § 45-24-31, that are provided as a permitted use pursuant to
10 § 45-24-37, or as part of a municipality's exercise of limited emergency authority pursuant to § 45-
11 24-78, shall be allowed under this code; provided that, the unit:

12 (1) Is confirmed by the state fire marshal, where applicable, or local fire marshal, and a
13 state building official, to comply with the following:

14 (i) Standard requirements to qualify as a SAVE Unit shall include:

15 (A) Climate control;

16 (B) A locking door;

17 (C) Hardwired smoke detectors or sealed battery-operated smoke alarm(s) and hardwired
18 carbon monoxide detectors or sealed battery-operated carbon monoxide alarm(s), as such terms are

1 defined by the National Fire Protection Association (“NFPA”) 72;
2 (D) A two- and one-half pound (2.5 lb.) ABC fire extinguisher;
3 (E) An egress window or secondary emergency egress door;
4 (F) The unit meets at least class C fire rating of the International Building Code; and
5 (2) Size requirement. Each unit shall have an interior floor area of not less than seventy
6 square feet (70 sq. ft.) for one occupant; when more than one person occupies the unit, the required
7 floor area shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess
8 of one; and the total interior floor area shall not exceed four hundred square feet (400 sq. ft.); and
9 (3) Live loads requirement. SAVE Units shall be designed to resist intrusion of wind, rain,
10 and snow and to support the following live loads:
11 (i) Floor live loads of not less than forty pounds (40 lbs.) per square foot of floor area;
12 (ii) Horizontal live loads of not less than fifteen pounds (15 lbs.) per square foot of vertical
13 wall and roof area;
14 (iii) Roof live loads of not less than twenty pounds (20 lbs.) per square foot of horizontal
15 roof area;
16 (iv) In areas where snow loads are greater than twenty pounds (20 lbs.) per square foot, the
17 roof shall be designed and constructed to resist these additional loads;
18 (v) The units shall have adequate anchorage to address these loads; and
19 (4) Ceiling height requirement. Habitable space shall have a ceiling height of not less than
20 eighty inches (80") and obstructions shall not extend below these minimum ceiling heights; and
21 (5) Egress window requirement. The egress window shall:
22 (i) Not be more than forty-four inches (44") above the floor;
23 (ii) Have a minimum net clear opening height of twenty-four inches (24");
24 (iii) Have a minimum net clear opening width of twenty inches (20"); and
25 (iv) Have a minimum net clear opening area of five square feet (5 sq. ft.); and
26 (6) Plumbing and gas service requirement. If a SAVE Unit contains plumbing or gas
27 service it shall comply with all applicable requirements of the building and fire codes for plumbing
28 and gas service; and
29 (7) Electrical requirement. SAVE Units shall be provided with all of the following installed
30 in compliance with the applicable provisions of the electrical code:
31 (i) A continuous source of electricity, except that the source may be an emergency
32 generator or renewable source of power;
33 (ii) A minimum of one interior light fixture with a battery backup;
34 (iii) Electrical heating equipment listed for residential use and a dedicated receptacle outlet

1 for the electrical heating equipment, unless a nonelectrical source of heating is provided; and

2 (iv) At least one GFCI-protected receptacle outlet for use by the occupant(s); and

3 (8) Ventilation requirement. SAVE Units shall be provided with means of ventilation
4 (natural or mechanical) allowing for air replacement; and

5 (9) Accessory units such as bathrooms shall comply with the construction requirements for
6 a SAVE Unit or shall be considered a self-contained facility; and

7 (10) Separation requirement. The SAVE Unit, when part of a community of SAVE Units,
8 has a minimum separation between other SAVE Units of greater than ten feet (10').

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

11 **23-28.1-6. Applicability to new or existing structures.**

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

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

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

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

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

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

21 **45-24-31. Definitions.**

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

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

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

34 (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental

1 and subordinate to the principal use of the land or building. An accessory use may be restricted to
2 the same lot as the principal use. An accessory use shall not be permitted without the principal use
3 to which it is related.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (15) Common ownership. Either:

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

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

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

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

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

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

34 (iv) A community transitional residence providing care or assistance, or both, to no more

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

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

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

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

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

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

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

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

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

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

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

33 (27) Family member. A person, or persons, related by blood, marriage, or other legal
34 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,

1 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

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

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

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

10 (31) Groundwater. “Groundwater” and associated terms, as defined in § 46-13.1-3.

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

14 (33) Hardship. See § 45-24-41.

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

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

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

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

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

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

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

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

- 1 (40) Lot. Either:
- 2 (i) The basic development unit for determination of lot area, depth, and other dimensional
- 3 regulations; or
- 4 (ii) A parcel of land whose boundaries have been established by some legal instrument,
- 5 such as a recorded deed or recorded map, and that is recognized as a separate legal entity for
- 6 purposes of transfer of title.
- 7 (41) Lot area. The total area within the boundaries of a lot, excluding any street right-of-
- 8 way, usually reported in acres or square feet.
- 9 (42) Lot area, minimum. The smallest land area established by the local zoning ordinance
- 10 upon which a use, building, or structure may be located in a particular zoning district.
- 11 (43) Lot building coverage. That portion of the lot that is, or may be, covered by buildings
- 12 and accessory buildings.
- 13 (44) Lot depth. The distance measured from the front lot line to the rear lot line. For lots
- 14 where the front and rear lot lines are not parallel, the lot depth is an average of the depth.
- 15 (45) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall specify
- 16 how noncontiguous frontage will be considered with regard to minimum frontage requirements.
- 17 (46) Lot line. A line of record, bounding a lot, that divides one lot from another lot or from
- 18 a public or private street or any other public or private space and shall include:
- 19 (i) Front: the lot line separating a lot from a street right-of-way. A zoning ordinance shall
- 20 specify the method to be used to determine the front lot line on lots fronting on more than one
- 21 street, for example, corner and through lots;
- 22 (ii) Rear: the lot line opposite and most distant from the front lot line, or in the case of
- 23 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length
- 24 entirely within the lot, parallel to and at a maximum distance from, the front lot line; and
- 25 (iii) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may
- 26 be a street lot line, depending on requirements of the local zoning ordinance.
- 27 (47) Lot size, minimum. Shall have the same meaning as "minimum lot area" defined
- 28 herein.
- 29 (48) Lot, though. A lot that fronts upon two (2) parallel streets, or that fronts upon two (2)
- 30 streets that do not intersect at the boundaries of the lot.
- 31 (49) Lot width. The horizontal distance between the side lines of a lot measured at right
- 32 angles to its depth along a straight line parallel to the front lot line at the minimum front setback
- 33 line.
- 34 (50) Manufactured home. As used in this section, a manufactured home shall have the same

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

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

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

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

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

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

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

32 (55) Overlay district. A district established in a zoning ordinance that is superimposed on
33 one or more districts or parts of districts. The standards and requirements associated with an overlay
34 district may be more or less restrictive than those in the underlying districts consistent with other

1 applicable state and federal laws.

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

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

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

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

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

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

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

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

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

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

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

28 [\(67\) Supportive and versatile emergency units \("SAVE Units"\). A structure intended for](#)
29 [temporary and transitional residential occupancy which complies with § 23-27.3-111.0. A SAVE](#)
30 [Unit is intended to provide temporary safety and privacy for people experiencing homelessness and](#)
31 [to enable occupants to transition to permanent housing.](#)

32 ~~(67)~~(68) Use. The purpose or activity for which land or buildings are designed, arranged,
33 or intended, or for which land or buildings are occupied or maintained.

34 ~~(68)~~(69) Variance. Permission to depart from the literal requirements of a zoning

1 ordinance. An authorization for the construction or maintenance of a building or structure, or for
2 the establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There
3 are only two (2) categories of variance, a use variance or a dimensional variance.

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

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

10 ~~(69)~~(70) Waters. As defined in § 46-12-1(23).

11 ~~(70)~~(71) Wetland, coastal. As defined in § 45-22.2-4.

12 ~~(71)~~(72) Wetland, freshwater. As defined in § 2-1-20.

13 ~~(72)~~(73) Zoning certificate. A document signed by the zoning enforcement officer, as
14 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either
15 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or
16 is an authorized variance or modification therefrom.

17 ~~(73)~~(74) Zoning map. The map, or maps, that are a part of the zoning ordinance and that
18 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
19 town.

20 ~~(74)~~(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or
21 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city
22 or town's legislative or home rule charter, if any, that establish regulations and standards relating
23 to the nature and extent of uses of land and structures; that is consistent with the comprehensive
24 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that
25 complies with the provisions of this chapter.

26 ~~(75)~~(76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to
27 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.
28 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,
29 institutional, open space, and residential. Each district may include sub-districts. Districts may be
30 combined.

31 **45-24-37. General provisions — Permitted uses.**

32 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
33 standards for uses that are permitted within the zoning use districts of the municipality. The
34 ordinance may provide for a procedure under which a proposed land use that is not specifically

1 listed may be presented by the property owner to the zoning board of review or to a local official
2 or agency charged with administration and enforcement of the ordinance for an evaluation and
3 determination of whether the proposed use is of a similar type, character, and intensity as a listed
4 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

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

- 8 (1) Households;
- 9 (2) Community residences; and
- 10 (3) Family daycare homes.

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

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

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

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

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

34 (h) Adaptive reuse. Notwithstanding any other provisions of this chapter, adaptive reuse

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

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

10 (2) **Density.**

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

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

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

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

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

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

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

34 (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow

1 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any
2 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a
3 single-family home in the district or seek relief for the same under the provisions of this chapter.

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

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

11 **45-24-78. Limited emergency authority.**

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

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

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

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

33 (e) Nothing contained in this chapter shall prevent a municipality from allowing, on a non-
34 emergency basis, SAVE Units, provided the units comply with all applicable state building and fire

1 [code sections by right through the passage of a zoning ordinance amendment in accordance with](#)
2 [the provisions of §§ 45-24-50 through 45-24-53 and are permitted pursuant to § 23-27.3-111.0.](#)

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

5 **45-24.3-4. Applicability.**

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

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

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

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

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LC000705/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

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

7 This act would take effect upon passage.

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LC000705/SUB A
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