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ARTICLE 9

RELATING TO HOUSING

SECTION 1. Sections 23-24.6-6, 23-24.6-15 and 23-24.6-20 of the General Laws in Chapter 23-24.6 entitled "Lead Poisoning Prevention Act" are hereby amended to read as follows:

23-24.6-6. Interagency coordinating council on environmental lead.

(a) There is established an interagency coordinating council on environmental lead within the department of health consisting of six (6) five (5) members.

(b) The purpose of the council shall be as follows:

(1) To coordinate the activities of its member agencies with respect to: (i) environmental lead policy; (ii) the development of educational materials; (iii) drafting regulations which have as their purpose reducing or preventing lead poisoning; and (iv) enforcement of laws, regulations, and ordinances pertaining to lead poisoning and lead poisoning prevention.

(2) To recommend the adoption of policies with regard to the detection and elimination of the hazards to the public posed by exposure to lead in the environment;

(3) To recommend the adoption of policies with regard to the screening and treatment of individuals suffering from elevated exposures to environmental lead; and

(4) To report on or before March 1 of each year to the governor, speaker of the house and the president of the senate on both the progress of the comprehensive environmental lead program and recommendations for any needed changes in legislation, which report shall at a minimum: (i) provide by city and town, the incidence and levels of lead poisoning; (ii) describe educational programs; (iii) summarize regulations adopted pursuant to the provisions of this chapter and chapter 128.1 of title 42, and state the number of enforcement actions pursuant to this chapter initiated, the number completed or closed due to successful remediation of lead hazards, the number completed or closed for other reasons (which reasons shall be explained), and the number that remain open (including information on how long such actions have been open and the reasons they have not been completed).

(c) The members of the council shall be as follows:

(1) There shall be five (5) four (4) ex officio members: the director, the director of environmental management, the director of human services, and the attorney general, and the executive director of the housing resources commission or their designees.

1 (2) There shall be one local government official, who shall have knowledge of lead hazard
2 reduction programs at the local level, appointed by the president of the Rhode Island League of
3 Cities and Towns.

4 (3) [Deleted by P.L. 2002, ch. 187, § 2 and by P.L. 2002, ch. 188, § 2.]

5 (d) The members shall elect from among their members a chairperson, a vice chairperson,
6 and secretary.

7 (e) The council shall meet at the call of the chairperson, but not less than quarterly. The
8 director shall provide any meeting and hearing rooms and secretarial staff that the council may
9 require.

10 **23-24.6-15. Inspections of rental property.**

11 (a) The director shall, ~~in conjunction with the housing resources commission,~~ promulgate
12 regulations permitting state inspectors to conduct such lead inspections as may be appropriate in
13 response to any complaint to the department ~~or the housing resources commission,~~ by an occupant
14 or the parent or guardian of any child under the age of six (6) years who is an occupant renting or
15 leasing a dwelling, dwelling unit, or premises of the existence of a lead exposure hazard for a child
16 under the age of six (6) years in that dwelling, dwelling unit, or premises. These regulations will
17 allow for response to the complaints to be prioritized based upon the age of the structure and the
18 nature and degree of hazard present.

19 (b) Whenever a comprehensive environmental lead inspection has been performed either
20 pursuant to a complaint or otherwise, the owner and/or any real estate agent or property manager
21 involved in renting or leasing the dwelling, dwelling unit, or premises shall provide the results of
22 the inspection to occupants pursuant to regulations promulgated by the department, as follows:

23 (1) Those persons occupying the dwelling, dwelling unit, or premises at the time the
24 inspection is performed shall be notified of the results within five (5) business days after the owner
25 receives the results;

26 (2) All persons who are prospective occupants shall be notified of the inspection results if
27 a significant lead hazard exists, before any lease is signed or before occupancy begins in cases
28 where no lease is signed;

29 (3) This notice provision terminates with the performance of the necessary lead reduction
30 actions required to reach at least the "lead safe" level. The department shall provide the owner with
31 a certification of lead reduction for the dwelling.

32 (c) Failure to provide inspection results and/or educational materials pursuant to this
33 chapter shall subject the lessor or his or her agent to a civil penalty of not less than one hundred
34 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

1 **23-24.6-20. Licensure of environmental lead inspectors and lead contractors,**
2 **supervisors, and workers.**

3 (a) The department shall provide for the certification of training programs for
4 environmental lead inspectors and for lead contractors, supervisors, workers, and other persons
5 engaged in environmental lead-hazard reduction pursuant to the provisions of this chapter. The
6 department shall establish standards and specifications for training courses including, at a
7 minimum, the required length of different training programs, mandatory topics of instruction, and
8 required qualifications for training programs and instructors. Hands on instruction shall be a
9 component of the required training.

10 (b) The department shall establish procedures and issue regulations requiring the licensure
11 of environmental lead inspectors, lead contractors, supervisors, workers, and other persons engaged
12 in environmental lead inspection and/or hazard reduction pursuant to the provisions of this chapter.
13 These regulations:

14 (1) Shall prescribe the requirements for licensure and the conditions and restrictions
15 governing the renewal, revocation, and suspension of licenses. Requirements for licensure and for
16 renewal of licensure shall include, but not be limited to, the following:

17 (i) Compliance with the lead-hazard reduction regulations in § 23-24.6-17; and

18 (ii) Required training of environmental lead inspectors and of lead contractors, supervisors,
19 workers, and other persons engaged in environmental lead-hazard reduction in subjects including,
20 but not limited to, safe work practices, instruction in health risks, precautionary measures,
21 protective equipment, and other practices, including practices to prevent contamination of the
22 residential premises, ambient discharges and ground contamination, respiratory protection, new
23 lead-hazard reduction techniques and technologies, applicable federal and state regulation, and
24 hands-on instruction for equipment and techniques to be used; a minimum of twenty (20) hours of
25 training shall be required as a condition of licensure for workers; additional hours of training shall
26 be required for supervisors and contractors; a refresher training course shall also be required;

27 (2) May provide for Rhode Island to reciprocally license persons certified and/or licensed
28 by other states with comparable requirements.

29 (c) No person shall enter into, engage in, or conduct comprehensive environmental lead
30 inspections or environmental lead-hazard reduction activities covered by department regulations
31 without having successfully completed a certified training program and without having been
32 licensed by the department. Each trained and licensed person shall be issued a photo identity card.

33 (d) The department shall, ~~in conjunction with the housing resources commission,~~ develop
34 and periodically update lists of all licensed inspectors, contractors, supervisors, workers', and other

1 persons who perform environmental lead-hazard reduction in Rhode Island and make those lists
2 available to interested parties and the public.

3 (e)(1) The department shall enforce the provisions of this section as appropriate and shall
4 have all necessary powers for enforcement.

5 (2) The department may revoke, suspend, cancel, or deny any license, at any time, in
6 accordance with chapter 35 of title 42 if it believes that the terms or conditions of these are being
7 violated, or that the holder of, or applicant for, license has violated any regulation of the department
8 or any other state law or regulation. Any person aggrieved by a determination by the department to
9 issue, deny, revoke, or suspend any license may request an adjudicatory hearing.

10 (3) When any person violates the terms or conditions of any license issued under this
11 section or any state law or regulation, the director shall have the power by written notice to order
12 the violator to cease and desist immediately. The department may file a written complaint with the
13 district court in the jurisdiction in which the violation occurred. Punishment by an administrative
14 fine pursuant to § 23-24.6-27 may be in addition to the suspension of any license.

15 (4) Any state inspector may issue an immediate cease-work order to any person who
16 violates the terms or conditions of any license issued under this section, or any provision of this
17 chapter, or any regulation or order issued under this chapter, if the violation will endanger or
18 materially impair the health or well-being of any occupant, any environmental lead inspector, or
19 any contractor, supervisor, worker, or other person engaged in environmental lead-hazard
20 reduction.

21 (f) Nothing in this section shall be construed to limit the authority of the department of
22 health, the department of labor and training, or the department of environmental management under
23 the provisions of any other law.

24 SECTION 2. Chapter 40-17 of the General Laws entitled "Support of Homeless" is hereby
25 repealed in its entirety.

26 **CHAPTER 40-17**

27 **Support of Homeless**

28 **40-17-1. Legislative findings.**

29 ~~The general assembly hereby finds that there exists in this state undetermined numbers of~~
30 ~~homeless persons, many of whom suffer from chronic mental illness and disability, and that this~~
31 ~~condition exists among families and among individuals of all age groups without regard to ethnic~~
32 ~~or racial heritage or sex. The existence of this condition is declared to be detrimental to the health,~~
33 ~~safety, and welfare of the homeless individuals themselves and to the state.~~

34 **40-17-2. Agency established.**

1 ~~(a) There is hereby created a permanent council to be called the "interagency council on~~
2 ~~homelessness" consisting of eighteen (18) members and two (2) ex-officio members:~~
3 ~~(1) One of whom shall be the chief of the office of housing and community development,~~
4 ~~or his or her designee, who shall chair the interagency council on homelessness;~~
5 ~~(2) One of whom shall be the director of the department of administration, or his or her~~
6 ~~designee;~~
7 ~~(3) One of whom shall be the chair of the housing resources commission, or his or her~~
8 ~~designee;~~
9 ~~(4) One of whom shall be the director of the department of human services, or his or her~~
10 ~~designee;~~
11 ~~(5) One of whom shall be the director of the department of health, or his or her designee;~~
12 ~~(6) One of whom shall be the director of the department of children, youth and families, or~~
13 ~~his or her designee;~~
14 ~~(7) One of whom shall be the director of the office of healthy aging, or his or her designee;~~
15 ~~(8) One of whom shall be the director of behavioral healthcare, developmental disabilities~~
16 ~~and hospitals, or his or her designee;~~
17 ~~(9) One of whom shall be director of the department of labor and training, or his or her~~
18 ~~designee;~~
19 ~~(10) One of whom shall be the director of the department of corrections, or his or her~~
20 ~~designee;~~
21 ~~(11) One of whom shall be the commissioner of the department of elementary and~~
22 ~~secondary education, or his or her designee;~~
23 ~~(12) One of whom shall be the director of the Rhode Island housing and mortgage finance~~
24 ~~corporation, or his or her designee;~~
25 ~~(13) One of whom shall be the director of the emergency management agency, or his or~~
26 ~~her designee;~~
27 ~~(14) One of whom shall be a representative from the Rhode Island office of veterans~~
28 ~~services, or his or her designee;~~
29 ~~(15) One of whom shall be the public defender, or his or her designee;~~
30 ~~(16) One of whom shall be the Medicaid director within the department of human services,~~
31 ~~or his or her designee;~~
32 ~~(17) One of whom shall be the secretary of the executive office of health and human~~
33 ~~services, or his or her designee;~~
34 ~~(18) One of whom shall be the lieutenant governor, or his or her designee;~~

1 ~~(19) One of whom shall be an ex-officio member who shall be from the Providence~~
2 ~~Veterans Administration Medical Center who specializes in health care for homeless veterans; and~~

3 ~~(20) One of whom shall be an ex-officio member who shall be the chair, or his or her~~
4 ~~designee, of the interagency council on homelessness advisory council as described in this chapter~~
5 ~~herein.~~

6 ~~(b) Forthwith upon the effective date of this chapter, the members of the commission shall~~
7 ~~meet at the call of the chair and organize. Vacancies in the commission shall be filled in like manner~~
8 ~~as the original appointment.~~

9 ~~(c) The department of administration is hereby directed to provide suitable quarters and~~
10 ~~staff for the commission.~~

11 ~~(d) All departments and agencies of the state shall furnish advice and information,~~
12 ~~documentary, and otherwise to the commission and its agents as is deemed necessary or desirable~~
13 ~~by the commission to facilitate the purposes of this chapter.~~

14 **40-17-3. Duties and responsibilities of council.**

15 The duties and responsibilities of the council shall be:

16 ~~(1) To participate in the process of developing a strategic plan to end homelessness aligned~~
17 ~~with the federal strategic plan to end homelessness that will serve to reduce the number of homeless~~
18 ~~individuals and families in Rhode Island;~~

19 ~~(2) To coordinate services for the homeless among state agencies and instrumentalities,~~
20 ~~community based organizations, faith based organizations, volunteer organizations, advocacy~~
21 ~~groups, and businesses;~~

22 ~~(3) To coordinate services not specifically for the homeless, but from which the homeless~~
23 ~~may benefit, among state agencies and instrumentalities, community based organizations, faith-~~
24 ~~based organizations, volunteer organizations, advocacy groups, and businesses; and~~

25 ~~(4) To identify and seek to remedy gaps in services, specifically in the area of making~~
26 ~~provisions for the availability, use, and permanent funding stream for permanent supportive~~
27 ~~housing.~~

28 **40-17-4. Meeting and reporting requirements.**

29 Meeting and reporting requirements are as follows:

30 ~~(1) The council shall meet regularly;~~

31 ~~(2) The council, in conjunction with the housing resources commission, shall provide the~~
32 ~~strategic plan and specific recommendations to prevent and end homelessness to the governor,~~
33 ~~senate president, speaker of the house, the senate committee on housing and municipal government,~~
34 ~~and the house corporations committee by February 1, 2012;~~

1 ~~(3) The council shall provide a report on funding available during calendar year 2011 for~~
2 ~~services, facilities, programs, or otherwise for people who are homeless. Said report shall be~~
3 ~~provided to the senate president, speaker of the house, senate fiscal advisor, and house fiscal advisor~~
4 ~~by January 31, 2012;~~

5 ~~(4) The council shall report annually to the governor and the general assembly, no later~~
6 ~~than March 2013, and annually thereafter, on the progress made in achieving the goals and~~
7 ~~objectives set forth in the strategic plan; on the current number of homeless individuals, families,~~
8 ~~and children; and any other pertinent information.~~

9 **40-17-5. Advisory council established.**

10 ~~(a) There is hereby created a permanent advisory council to the interagency council on~~
11 ~~homelessness containing representation of advocates; service providers; members of the veteran~~
12 ~~community, including housing providers and a current or former homeless veteran; current and/or~~
13 ~~former members of the homeless community; as well as representatives specifically affiliated with~~
14 ~~youth homelessness. All new members shall be chosen and approved by majority vote of the~~
15 ~~members present at an official meeting. At no time shall there be less than three (3) representatives~~
16 ~~of the homeless community, current or former. The chair shall be elected by a majority of the~~
17 ~~members.~~

18 ~~(b) The purpose of the council is to inform the interagency council on homelessness on the~~
19 ~~current status and issues facing the homeless throughout Rhode Island.~~

20 SECTION 3. Sections 42-55-4, 42-55-5.4 and 42-55-24.1 of the General Laws in Chapter
21 42-55 entitled "Rhode Island Housing and Mortgage Finance Corporation" are hereby amended to
22 read as follows:

23 **42-55-4. Creation of corporation — Composition — Personnel — Compensation.**

24 (a) There is authorized the creation and establishment of a public corporation of the state,
25 having a distinct legal existence from the state and not constituting a department of the state
26 government, with the politic and corporate powers as are set forth in this chapter to be known as
27 the "Rhode Island housing and mortgage finance corporation" to carry out the provisions of this
28 chapter. The corporation is constituted a public instrumentality exercising public and essential
29 governmental functions, and the exercise by the corporation of the powers conferred by this chapter
30 shall be deemed and held to be the performance of an essential governmental function of the state.
31 It is the intent of the general assembly by the passage of this chapter to authorize the incorporation
32 of a public corporation and instrumentality and agency of the state for the purpose of carrying on
33 the activities authorized by this chapter, and to vest the corporation with all of the powers, authority,
34 rights, privileges, and titles that may be necessary to enable it to accomplish these purposes. This

1 chapter shall be liberally construed in conformity with the purpose expressed.

2 (b) The powers of the corporation shall be vested in seven (7) commissioners consisting of
3 the secretary of housing, who shall serve as chair of the corporation, or the secretary's designee; the
4 director of administration, or the director's designee; the general treasurer, or the general treasurer's
5 designee; ~~the director of business regulation, or the director's designee;~~ and four (4) members to be
6 appointed by the governor with the advice and consent of the senate who shall among them be
7 experienced in all aspects of housing design, development, finance, management, and state and
8 municipal finance. On or before July 1, 1973, the governor shall appoint one member to serve until
9 the first day of July, 1974, and until his or her successor is appointed and qualified, one member to
10 serve until the first day of July, 1975, and until his or her successor is appointed and qualified, one
11 member to serve until the first day of July, 1976, and until his or her successor is appointed and
12 qualified, one member to serve until the first day of July, 1977, and until his or her successor is
13 appointed and qualified. During the month of June, 1974, and during the month of June annually
14 thereafter, the governor shall appoint a member to succeed the member whose term will then next
15 expire to serve for a term of four (4) years commencing on the first day of July then next following
16 and until his or her successor is appointed and qualified. A vacancy in the office of a commissioner,
17 other than by expiration, shall be filled in like manner as an original appointment, but only for the
18 unexpired portion of the term. If a vacancy occurs when the senate is not in session, the governor
19 shall appoint a person to fill the vacancy, but only until the senate shall next convene and give its
20 advice and consent to a new appointment. A member shall be eligible to succeed him or herself.
21 ~~The governor shall designate a member of the corporation to serve as chairperson.~~ Any member of
22 the corporation may be removed by the governor for misfeasance, malfeasance, or willful neglect
23 of duty.

24 (c) The commissioners shall elect from among their number a vice-chairperson annually
25 and those other officers as they may determine. Meetings shall be held at the call of the chairperson
26 or whenever two (2) commissioners so request. Four (4) commissioners of the corporation shall
27 constitute a quorum and any action taken by the corporation under the provisions of this chapter
28 may be authorized by resolution approved by a majority but not less than three (3) of the
29 commissioners present at any regular or special meeting. No vacancy in the membership of the
30 corporation shall impair the right of a quorum to exercise all of the rights and perform all of the
31 duties of the corporation.

32 (d) Commissioners shall receive no compensation for the performance of their duties, but
33 each commissioner shall be reimbursed for the commissioner's reasonable expenses incurred in
34 carrying out the commissioner's duties under this chapter.

1 (e) Notwithstanding the provisions of any other law, no officer or employee of the state
2 shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his
3 or her acceptance of membership of the corporation or his or her service to the corporation.

4 (f) The commissioners shall employ an executive director who shall also be the secretary
5 and who shall administer, manage, and direct the affairs and business of the corporation, subject to
6 the policies, control, and direction of the commissioners. The commissioners may employ technical
7 experts and other officers, agents, and employees, permanent and temporary, and fix their
8 qualifications, duties, and compensation. These employed persons shall not be subject to the
9 provisions of the classified service. The commissioners may delegate to one or more of their agents
10 or employees those administrative duties they may deem proper.

11 (g) The secretary shall keep a record of the proceedings of the corporation and shall be
12 custodian of all books, documents, and papers filed with the corporation and of its minute book and
13 seal. The secretary, or the secretary's designee, or the designee of the board of commissioners, shall
14 have authority to cause to be made copies of all minutes and other records and documents of the
15 corporation and to give certificates under the seal of the corporation to the effect that the copies are
16 true copies and all persons dealing with the corporation may rely upon the certificates.

17 (h) Before entering into his or her duties, each commissioner of the corporation shall
18 execute a surety bond in the penal sum of fifty thousand dollars (\$50,000) and the executive director
19 shall execute a surety bond in the penal sum of one hundred thousand dollars (\$100,000) or, in lieu
20 of this, the chairperson of the corporation shall execute a blanket bond covering each commissioner,
21 the executive director and the employees or other officers of the corporation, each surety bond to
22 be conditioned upon the faithful performance of the duties of the office or offices covered, to be
23 executed by a surety company authorized to transact business in this state as surety and to be
24 approved by the attorney general and filed in the office of the secretary of state. The cost of each
25 bond shall be paid by the corporation.

26 (i) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of
27 interest for a director, officer, or employee of any financial institution, investment banking firm,
28 brokerage firm, commercial bank or trust company, architecture firm, insurance company, or any
29 other firm, person, or corporation to serve as a member of the corporation. If any commissioner,
30 officer, or employee of the corporation shall be interested either directly or indirectly, or shall be a
31 director, officer, or employee of or have an ownership interest in any firm or corporation interested
32 directly or indirectly in any contract with the corporation, including any loan to any housing
33 sponsor or healthcare sponsor, that interest shall be disclosed to the corporation and shall be set
34 forth in the minutes of the corporation and the commissioner, officer, or employee having an

1 interest therein shall not participate on behalf of the corporation in the authorization of this contract.

2 **42-55-5.4. Renewable energy in housing developments.**

3 On or before July 1, 2009, the corporation shall establish, in appropriate housing
4 development programs it administers, criteria for priority consideration of housing development
5 proposals which include renewable energy features which are demonstrated to be cost-effective
6 and can be implemented in a reasonable period of time. [Effective January 1 2026, the executive
7 office of housing, in collaboration with the corporation, shall develop criteria.](#)

8 **42-55-24.1. Allocation of tax credits.**

9 The corporation shall be the sole and exclusive agent for the allocation of all federal tax
10 credits for low-income housing under 26 U.S.C. § 42. The corporation shall have all of the powers
11 necessary to effectuate those allocations, including without limitation, the power to adopt rules,
12 regulations, and policies regarding those allocations. [Notwithstanding the foregoing and any other
13 provision of law, effective January 1, 2026, the qualified allocation plan required by 26 U.S.C. §
14 42 shall be developed by the executive office of housing in consultation with the corporation.](#)

15 SECTION 4. Section 42-55-22.3 of the General Laws in Chapter 42-55 entitled "Rhode
16 Island Housing and Mortgage Finance Corporation" is hereby repealed.

17 **~~42-55-22.3. Emergency housing assistance.~~**

18 ~~The department of human services shall administer the emergency housing assistance~~
19 ~~program in accordance with the Rhode Island housing and mortgage finance corporation rules and~~
20 ~~regulations and contracts with community action program agencies, as those rules and regulations~~
21 ~~may be currently in force and effect. In so far as the board of directors may authorize funds for the~~
22 ~~support of this program, the receipt of those funds shall be deposited as general revenues and~~
23 ~~appropriated to the department of human services for the support of the program.~~

24 SECTION 5. Chapter 42-64.34 of the General Laws entitled "The Department of Housing"
25 is hereby repealed in its entirety.

26 **~~CHAPTER 42-64.34~~**

27 **~~The Department of Housing~~**

28 **~~42-64.34-1. Department established.~~**

29 ~~Effective January 1, 2023, there is hereby established within the executive branch of the~~
30 ~~state government a department of housing. The head of the department shall be the secretary of~~
31 ~~housing, who shall be appointed by the governor with the advice and consent of the senate. The~~
32 ~~position of secretary is hereby created in the unclassified service. The secretary shall hold office at~~
33 ~~the pleasure of the governor. Before entering upon the discharge of duties, the secretary shall take~~
34 ~~an oath to faithfully execute the duties of the office. The secretary of housing shall:~~

1 ~~(i) Prior to hiring, have completed and earned a minimum of a master's graduate degree in~~
2 ~~the field of urban planning, economics, or a related field of study or possess a juris doctor law~~
3 ~~degree. Preference shall be provided to candidates having earned an advanced degree consisting of~~
4 ~~an L.L.M. law degree or Ph.D. in urban planning or economics. Qualified candidates must have~~
5 ~~documented five (5) years' full time experience employed in the administration of housing policy~~
6 ~~and/or development;~~

7 ~~(ii) Be responsible for overseeing all housing initiatives in the state of Rhode Island and~~
8 ~~developing a housing plan, including, but not limited to, the development of affordable housing~~
9 ~~opportunities to assist in building strong community efforts and revitalizing neighborhoods;~~

10 ~~(iii) Coordinate with all agencies directly related to any housing initiatives and participate~~
11 ~~in the promulgation of any regulation having an impact on housing including, but not limited to,~~
12 ~~the Rhode Island housing and mortgage finance corporation, the coastal resources management~~
13 ~~council (CRMC), and state departments including, but not limited to: the department of~~
14 ~~environmental management (DEM), the department of business regulation (DBR), the department~~
15 ~~of transportation (DOT) and statewide planning, and the Rhode Island housing resources~~
16 ~~commission;~~

17 ~~(iv) Coordinate with the housing resources commission to formulate an integrated housing~~
18 ~~report to include findings and recommendations to the governor, speaker of the house, senate~~
19 ~~president, each chamber's finance committee, and any committee whose purview is reasonably~~
20 ~~related to, including, but not limited to, issues of housing, municipal government, and health on or~~
21 ~~before April 15, 2025, and annually thereafter. This report shall include, but not be limited to, the~~
22 ~~following:~~

23 ~~(A) The total number of housing units in the state with per community counts;~~

24 ~~(B) Every three (3) years, beginning in 2026 and contingent upon funding for data~~
25 ~~collection, an assessment of the suitability of existing housing stock in meeting accessibility needs~~
26 ~~of residents;~~

27 ~~(C) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(iv)(A);~~

28 ~~(D) The change in the number of units referenced in subsection (a)(4)(iv)(A), for each of~~
29 ~~the prior three (3) years in figures and as a percentage;~~

30 ~~(E) The number of net new units in development and number of units completed in the~~
31 ~~previous calendar year;~~

32 ~~(F) For each municipality the number of single family, two family (2), and three family~~
33 ~~(3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful~~
34 ~~description of current conditions, including a statewide sum of each unit type;~~

1 ~~(G) Every three (3) years, beginning in 2026, a projection of the number of units required~~
2 ~~to meet estimated population growth and based upon household formation rates;~~

3 ~~(H) A comparison of regional and other similarly situated state funding sources that support~~
4 ~~housing development including a percentage of private, federal, and public support;~~

5 ~~(I) A reporting of unit types by number of bedrooms for rental properties including an~~
6 ~~accounting of all:~~

7 ~~(I) Single family units;~~

8 ~~(II) Accessory dwelling units;~~

9 ~~(III) Two family (2) units;~~

10 ~~(IV) Three family (3) units;~~

11 ~~(V) Multi-unit sufficiently delineated units;~~

12 ~~(VI) Mixed use sufficiently delineated units; and~~

13 ~~(VII) Occupancy and vacancy rates for the prior three (3) years;~~

14 ~~(J) A reporting of unit types by ownership including an accounting of all:~~

15 ~~(I) Single family units;~~

16 ~~(II) Accessory dwelling units;~~

17 ~~(III) Two family (2) units;~~

18 ~~(IV) Three family (3) units;~~

19 ~~(V) Multi-unit sufficiently delineated units;~~

20 ~~(VI) Mixed use sufficiently delineated units; and~~

21 ~~(VII) Occupancy and vacancy rates for the prior three (3) years;~~

22 ~~(K) A reporting of the number of applications submitted or filed for each community~~
23 ~~according to unit type and an accounting of action taken with respect to each application to include,~~
24 ~~approved, denied, appealed, approved upon appeal, and if approved, the justification for each~~
25 ~~appeal approval;~~

26 ~~(L) A reporting of permits for each community according to affordability level that were~~
27 ~~sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for~~
28 ~~each approval;~~

29 ~~(M) A reporting of affordability that shall include the following:~~

30 ~~(I) The percent and number of units of extremely low , very low , low , moderate , fair-~~
31 ~~market rate, and above moderate income; including the average and median costs of those units;~~

32 ~~(II) The percent and number of units of extremely low , very low , low , and moderate-~~
33 ~~income housing units by municipality required to satisfy the ten percent (10%) requirement~~
34 ~~pursuant to chapter 24 of title 45; including the average and median costs of those units;~~

1 ~~(III) The percent and number of units for the affordability levels above moderate income~~
2 ~~housing, including a comparison to fair market rent; including the average and median costs of~~
3 ~~those units;~~
4 ~~(IV) The percentage of cost burden by municipality with population equivalent;~~
5 ~~(V) The percentage and number of home financing sources, including all private, federal,~~
6 ~~state, or other public support;~~
7 ~~(VI) The disparities in mortgage loan financing by race and ethnicity based on Home~~
8 ~~Mortgage Disclosure Act data by available geographies;~~
9 ~~(VII) The annual median gross rent growth for each of the previous five (5) years by~~
10 ~~municipality; and~~
11 ~~(VIII) The annual growth in median owner-occupied home values for each of the previous~~
12 ~~five (5) years by municipality;~~
13 ~~(N) A reporting of municipal healthy housing stock by unit type and number of bedrooms~~
14 ~~and providing an assessment of the state's existing housing stock and enumerating any risks to the~~
15 ~~public health from that housing stock, including, but not limited to: the presence of lead, mold, safe~~
16 ~~drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable~~
17 ~~health detriment. Additionally, the report shall provide the percentage of the prevalence of health~~
18 ~~risks by age of the stock for each community by unit type and number of bedrooms; and~~
19 ~~(O) A recommendation shall be included with the report required under this section that~~
20 ~~shall provide consideration to any and all populations, ethnicities, income levels, and other relevant~~
21 ~~demographic criteria determined by the secretary, and with regard to any and all of the criteria~~
22 ~~enumerated elsewhere in the report separately or in combination, provide recommendations to~~
23 ~~resolve any issues that provide an impediment to the development of housing, including specific~~
24 ~~data and evidence in support of the recommendation. All data and methodologies used to present~~
25 ~~evidence are subject to review and approval of the chief of revenue analysis, and that approval shall~~
26 ~~include an attestation of approval by the chief to be included in the report;~~
27 ~~(P) Municipal governments shall provide the department of housing's requested data~~
28 ~~relevant to this report on or before February 15, 2025, and annually thereafter;~~
29 ~~(v) Have direct oversight over the office of housing and community development (OHCD);~~
30 ~~(vi) On or before November 1, 2022, and on or before December 31, 2024, develop a~~
31 ~~housing organizational plan to be provided to the general assembly that includes a review, analysis,~~
32 ~~and assessment of functions related to housing of all state departments, quasi-public agencies,~~
33 ~~boards, and commissions. Provided, further, the secretary, with the input from each department,~~
34 ~~agency, board, and commission, shall include in the plan comprehensive options, including the~~

~~advantages and disadvantages of each option and recommendations relating to the functions and structure of the department of housing, including suggested statutory revisions;~~

~~(vii) Establish rules and regulations as set forth in § 45-24-77.~~

~~**42-64.34-2. Powers and duties.**~~

~~(a) The department of housing shall be the state's lead agency for housing, homelessness, and community development in the state of Rhode Island.~~

~~(b) The secretary of housing shall have the following powers and duties:~~

~~(1) All powers and duties pursuant to this chapter;~~

~~(2) To supervise the work of the department of housing and to act as its chief administrative officer;~~

~~(3) To coordinate the administration and financing of various departments or offices within the department of housing;~~

~~(4) To serve as the governor's chief advisor and liaison to federal policymakers on housing, homelessness, and community development as well as the principal point of contact on any such related matters;~~

~~(5) To coordinate the housing, homelessness, and community development programs of the state of Rhode Island and its departments, agencies, commissions, corporations, and subdivisions;~~

~~(6) To employ such personnel and contracts for such consulting services as may be required to perform the powers and duties conferred upon the secretary of housing;~~

~~(7) To oversee and direct the administration of funds that may be appropriated from time to time to the department of housing; and~~

~~(8) Creation of a written guide for consumers relating to the rights and duties of landlords and tenants pursuant to chapter 18 of title 34, which the secretary shall update at minimum on an biennial basis. The guide shall be posted on the website of the department of housing and shall be published in both English and Spanish.~~

~~(c) In addition to such other powers as may otherwise be delegated elsewhere to the department of housing, the department is hereby expressly authorized, by and through the secretary of housing:~~

~~(1) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest in real or personal property, wherever situated;~~

~~(2) To accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality of the federal government,~~

1 ~~or from the state or any agency or instrumentality of the state, or from any other source and to~~
2 ~~comply, subject to the provisions of this chapter, with the terms and conditions of the gifts, grants,~~
3 ~~or loans;~~

4 ~~(3) Subject to the provisions of § 37-2-1 et seq., to negotiate and to enter into contracts,~~
5 ~~agreements, and cooperative agreements with agencies and political subdivisions of the state, not~~
6 ~~for profit corporations, for profit corporations, and other partnerships, associations, and persons~~
7 ~~for any lawful purpose necessary and desirable to effectuate the purposes of the department of~~
8 ~~housing; and~~

9 ~~(4) To carry out this chapter and perform the duties of the general laws and public laws~~
10 ~~insofar as those provisions relate to any regulatory areas within the jurisdiction of the department~~
11 ~~of housing.~~

12 **42-64.34-3. Rules and regulations.**

13 ~~The secretary of housing may promulgate such rules and regulations in accordance with~~
14 ~~the provisions of chapter 35 of this title as are necessary and proper to carry out the duties assigned~~
15 ~~to the secretary or to the department of housing by this title or any other provision of law.~~

16 **42-64.34-4. Severability.**

17 ~~If any provision of this chapter or the application thereof to any person or circumstance is~~
18 ~~held invalid, such invalidity shall not affect other provisions or applications of the chapter; which~~
19 ~~can be given effect without the invalid provision or application, and to this end the provisions of~~
20 ~~this chapter are declared to be severable.~~

21 SECTION 6. Sections 42-128-1, 42-128-2, 42-128-2.1, 42-128-3, 42-128-6, 42-128-7, 42-
22 128-8.1, 42-128-11, 42-128-13, 42-128-14 and 42-128-17 of the General Laws in Chapter 42-128
23 entitled "Rhode Island Housing Resources Act of 1998" are hereby amended to read as follows:

24 **42-128-1. Findings.**

25 (a) Rhode Island has an older housing stock that contributes invaluablely to community
26 character, and in order to maintain the stability of neighborhoods and to sustain health communities,
27 it is necessary to have programs for housing and community development and revitalization.

28 (b) Rhode Island has an active private sector that is engaged in supplying housing.

29 (c) Rhode Island has an active nonprofit housing sector, which can, if provided adequate
30 support, assist low and moderate income persons and works to improve conditions in
31 neighborhoods and communities.

32 (d) Housing that is not adequately maintained is a source of blight in communities and a
33 cause of public health problems. Public health and safety are impaired by poor housing conditions;
34 poisoning from lead paint and respiratory disease (asthma) are significant housing-related health

1 problems in Rhode Island.

2 (e) There is an increasing need for supported living arrangements for the elderly and a
3 continuing need for supported living arrangements for persons who are disabled and/or homeless.

4 (f) Fair housing, and the potential of unequal treatment of individuals based on race,
5 ethnicity, age, disability, and family, must be given continuing attention.

6 (g) Housing costs consume a disproportionate share of income for many Rhode Islanders;
7 housing affordability is a continuing problem, especially for first-time home buyers and lower and
8 moderate income renters; the high cost of housing adversely affects the expansion of Rhode Island's
9 economy. Housing affordability and availability affect conditions of homelessness. The high cost
10 of housing and the lack of affordable, decent housing for low income households is a source of
11 hardship for very low income persons and families in Rhode Island.

12 ~~(h) The Rhode Island housing and mortgage finance corporation, which has provided more~~
13 ~~than two decades of assistance in addressing issues of both the affordability of home ownership~~
14 ~~and rental housing and the preservation of the housing stock for low and moderate income persons,~~
15 ~~is facing future funding shortfalls and must either increase revenues or reduce programs in order to~~
16 ~~remain viable.~~

17 ~~(h)~~(h) The federal government has been reducing its commitment to housing since 1981,
18 and there is no indication that earlier levels of federal support for housing will be restored.

19 ~~(i)~~(i) Public housing authorities, which rely on federal support that is being reconsidered,
20 have been and continue to be an important housing resource for low income families and the
21 elderly.

22 ~~(k) Rhode Island, unlike most other states, does not have an agency or department of state~~
23 ~~government with comprehensive responsibility for housing.~~

24 ~~(j)~~(j) It is necessary and desirable in order to protect that public health and to promote the
25 public welfare, to establish ~~a housing resources agency and a housing resources commission~~ an
26 executive office of housing and an advisory council on housing and homelessness for the purposes
27 of advising the executive office of housing on improving housing conditions, promoting housing
28 affordability, engaging in community development activities, preventing and ending homelessness,
29 and assisting the urban, suburban, and rural communities of the state.

30 ~~42-128-2. Rhode Island housing resources agency created~~ Rhode Island housing
31 resources and homelessness restricted receipt account created.

32 ~~There is created within the executive department a housing resources agency with the~~
33 ~~following purposes, organization, and powers:~~

34 ~~(1) Purposes.~~

1 ~~(i) To provide coherence to the housing programs of the state of Rhode Island and its~~
2 ~~departments, agencies, commissions, corporations, and subdivisions.~~

3 ~~(ii) To provide for the integration and coordination of the activities of the Rhode Island~~
4 ~~housing and mortgage finance corporation and the Rhode Island housing resources commission.~~

5 ~~**(2) Coordinating committee — Created — Purposes and powers.**~~

6 ~~(i) The coordinating committee of the housing resources agency shall be comprised of the~~
7 ~~chairperson of the Rhode Island housing and mortgage finance corporation; the chairperson of the~~
8 ~~Rhode Island housing resources commission; the director of the department of administration, or~~
9 ~~the designee of the director; and the executive director of the Rhode Island housing and mortgage~~
10 ~~finance corporation. The chairperson of the Rhode Island housing resources commission shall be~~
11 ~~chairperson of the coordinating committee.~~

12 ~~(ii) The coordinating committee:~~

13 ~~(A) Shall develop and implement, with the approval of the Rhode Island housing and~~
14 ~~mortgage finance corporation and the Rhode Island housing resources commission, a memorandum~~
15 ~~of agreement describing the fiscal and operational relationship between the Rhode Island housing~~
16 ~~and mortgage finance corporation and the Rhode Island housing resources commission and shall~~
17 ~~define which programs of federal assistance will be applied for on behalf of the state by the Rhode~~
18 ~~Island housing and mortgage finance corporation and the Rhode Island housing resources~~
19 ~~commission.~~

20 ~~(B) Is authorized and empowered to negotiate and to enter into contracts and cooperative~~
21 ~~agreements with agencies and political subdivisions of the state, not for profit corporations, for-~~
22 ~~profit corporations, and other partnerships, associations, and persons for any lawful purpose~~
23 ~~necessary and desirable to effect the purposes of this chapter, subject to the provisions of chapter 2~~
24 ~~of title 37 as applicable.~~

25 ~~(3)~~ There is hereby established a restricted receipt account within the general fund of the
26 state known as the Housing Resources and Homelessness restricted receipt account. Funds from
27 this account shall be administered by the ~~department~~ executive office of housing ~~through the~~
28 ~~housing resources commission until such time as subsection (4) of this section takes effect~~ and shall
29 be used to provide for housing and homelessness initiatives including housing production, lead
30 hazard abatement, housing rental subsidy, housing retention assistance, and homelessness services
31 and prevention assistance with priority to veterans. The executive office of housing will consider
32 input from the advisory council on housing and homelessness on the use of the restricted receipt
33 funds.

34 ~~(4) Effective December 31, 2024, or after fulfillment of the reporting requirements~~

1 ~~established under § 42-64.34-1(vi), whichever is later, the restricted receipt account established~~
2 ~~under subsection (3) of this section shall be administered by the department of housing in~~
3 ~~consultation with the housing resources commission. Funds in this account will be used in~~
4 ~~accordance with the uses established in subsection (3) of this section.~~

5 **42-128-2.1. Housing Production Fund.**

6 (a) There is hereby established a restricted receipt account within the general fund of the
7 state, to be known as the housing production fund. Funds from this account shall be administered
8 by the ~~Rhode Island housing and mortgage finance corporation, subject to~~ executive office of
9 housing. The executive office of housing will adopt program and reporting guidelines, and consider
10 the input of the advisory council on housing and homelessness, ~~adopted by the coordinating~~
11 ~~committee of the Rhode Island housing resources commission~~ for housing production initiatives,
12 including:

13 (1) Financial assistance by loan, grant, or otherwise, for the planning, production, or
14 preservation of affordable housing in Rhode Island for households earning not more than eighty
15 percent (80%) of area median income; and

16 (2) Technical and financial assistance for cities and towns to support increased local
17 housing production, including by reducing regulatory barriers and through the housing incentives
18 for municipalities program.

19 (b) In administering the housing production fund, the ~~Rhode Island housing and mortgage~~
20 ~~finance corporation~~ executive office of housing shall give priority to households either exiting
21 homelessness or earning not more than thirty percent (30%) of area median income.

22 **42-128-3. Rhode Island Housing and Mortgage Finance Corporation.**

23 The Rhode Island housing and mortgage finance corporation established by chapter 55 of
24 this title shall remain an independent corporation and shall serve as the housing finance and
25 development ~~division of the Rhode Island housing resources agency~~ entity for the state.

26 ~~**42-128-6. Commission Membership and terms Officers Expenses**~~
27 ~~**Meetings Rhode Island advisory council on housing and homelessness -- Membership and**~~
28 ~~**terms -- Officers -- Meetings.**~~

29 (a) There hereby is created the advisory council on housing and homelessness which shall
30 have the powers and duties set forth in this chapter.

31 ~~(a)(1)~~(b) Membership. The ~~commission~~ advisory council on housing and homelessness
32 shall have ~~twenty-eight (28)~~ up to twenty (20) members ~~as follows: the directors of the departments~~
33 ~~of administration, business regulation, healthy aging, health, human services, behavioral~~
34 ~~healthcare, developmental disabilities and hospitals, the chairperson of the Rhode Island housing~~

1 ~~and mortgage finance corporation, and the attorney general, shall be ex officio members; the~~
2 ~~president of the Rhode Island Bankers Association, or the designee of the president; the president~~
3 ~~of the Rhode Island Mortgage Banker's Association, or the designee of the president; the president~~
4 ~~of the Rhode Island Realtors Association, or the designee of the president; the executive director~~
5 ~~of the Rhode Island Housing Network; the executive director of the Rhode Island Coalition for the~~
6 ~~Homeless; the president of the Rhode Island Association of Executive Directors for Housing, or~~
7 ~~the designee of the president; the executive director of operation stand down; and thirteen (13)~~
8 ~~members~~ appointed by the governor who have knowledge of, and have a demonstrated interest in,
9 housing issues as they affect low- and moderate-income people, ~~appointed by the governor with~~
10 ~~the advice and consent of the senate; one of whom shall be the chairperson, one of whom shall be~~
11 ~~the representative of the homeless; one of whom shall be a representative of a community~~
12 ~~development corporation; one of whom shall be the representative of an agency addressing lead~~
13 ~~poisoning issues; one of whom shall be a local planner; one of whom shall be a local building~~
14 ~~official; one of whom shall be a representative of fair housing interests; one of whom shall be~~
15 ~~representative of an agency advocating the interest of racial minorities; one of whom shall be a~~
16 ~~representative of the Rhode Island Builders Association; one of whom shall be a representative of~~
17 ~~a Rhode Island city or town with a population below twenty-five thousand (25,000) people~~
18 ~~according to data from the United States Census Bureau; one of whom shall be a representative of~~
19 ~~a community development intermediary that provides financing and technical assistance to housing~~
20 ~~nonprofits; one of whom shall be a nonprofit developer; and one of whom shall be a senior housing~~
21 ~~advocate~~ and people experiencing homelessness. The members will collectively represent a broad
22 and diverse range of perspectives including, but not limited to, people with lived experience of
23 homelessness, tenants, landlords, nonprofit developers, for-profit developers, homelessness
24 services providers, public housing authorities, representatives of municipalities, builders, building
25 officials, fair housing interests, and community development intermediaries.

26 ~~(2)(1)~~ (1) The terms of appointed members shall be three (3) years, ~~except for the original~~
27 ~~appointments, the term of four (4) of whom shall be one year and the term of four (4) of whom~~
28 ~~shall be two (2) years; no~~ No member may serve more than two (2) successive terms.

29 ~~(b)(c)~~ (c) Officers. The governor shall appoint the chairperson of the ~~commission, who shall~~
30 ~~not be an ex officio member, with the advice and consent of the senate~~ council. The ~~commission~~
31 council shall elect annually a vice-chairperson, who shall be empowered to preside at meetings in
32 the absence of the chairperson, ~~and a secretary.~~

33 ~~(e)(d)~~ (d) Expenses. The members of the commission shall serve without compensation, but
34 shall be reimbursed for their reasonable actual expenses necessarily incurred in the performance of

1 their duties.

2 ~~(d)~~(e) Meetings. Meetings of the ~~commission~~ council shall be held ~~upon the call of the~~
3 ~~chairperson, or five (5) members of the commission, or according to a schedule that may be~~
4 ~~annually established by the commission; provided, however, that the commission shall meet at least~~
5 ~~once quarterly~~ at least quarterly, or more frequently upon the request of the secretary of housing.

6 A majority of members of the ~~commission~~ council, not including vacancies, shall constitute a
7 quorum, and no vacancy in the membership of the ~~commission~~ council shall impair the right of a
8 quorum to exercise all the rights and perform all of the duties of the ~~commission~~ council.

9 **42-128-7. General powers Powers and duties of the advisory council on housing and**
10 **homelessness.**

11 ~~The commission shall have the following powers, together with all powers incidental to or~~
12 ~~necessary for the performance of those set forth in this chapter:~~

13 ~~(1) To sue and be sued.~~

14 ~~(2) To negotiate and to enter into contracts, agreements, and cooperative agreements with~~
15 ~~agencies and political subdivisions of the state, not for profit corporations, for profit corporations,~~
16 ~~and other partnerships, associations, and persons for any lawful purpose necessary and desirable to~~
17 ~~effect the purposes of this chapter.~~

18 ~~(3) To adopt bylaws and rules for the management of its affairs and for the exercise of its~~
19 ~~powers and duties, and to establish the committees, workgroups, and advisory bodies that from~~
20 ~~time to time may be deemed necessary.~~

21 ~~(4) To receive and accept grants or loans as may be made by the federal government, and~~
22 ~~grants, donations, contributions, and payments from other public and private sources.~~

23 ~~(5) To grant or loan funds to agencies and political subdivisions of the state or to private~~
24 ~~groups to effect the purposes of this chapter; provided that, in each funding round, there must be a~~
25 ~~material award that benefits a Rhode Island city or town with a population below twenty five~~
26 ~~thousand (25,000) people according to data from the United States Census Bureau.~~

27 ~~(6) To secure the cooperation and assistance of the United States and any of its agencies,~~
28 ~~and of the agencies and political subdivisions of this state in the work of the commission.~~

29 ~~(7) To establish, charge, and collect fees and payments for its services.~~

30 (a) The advisory council on housing and homelessness shall have the power and duty:

31 (1) To consider and make recommendations on all matters submitted to the council by the
32 executive office of housing, the interagency council on housing production and preservation, or the
33 interagency council on homelessness.

34 (2) To advise and make recommendations to the executive office of housing on the

1 preparation and promulgation of guidelines, rules and regulations.

2 (3) To advise on the development of state housing and homelessness strategic plans and
3 review updates on progress in achieving the goals of the strategic plans.

4 (4) To assemble subcommittees or task forces, at the request of the secretary of the
5 executive office of housing, to review emerging or priority needs and make relevant
6 recommendations to the executive office of housing, the interagency council on housing production
7 and preservation, or the interagency council on homelessness.

8 **42-128-8.1. Housing production and rehabilitation.**

9 (a) **Short title.** This section shall be known and may be cited as the "Comprehensive
10 Housing Production and Rehabilitation Act of 2004."

11 (b) **Findings.** The general assembly finds and declares that:

12 (1) The state must maintain a comprehensive housing strategy applicable to all cities and
13 towns that addresses the housing needs of different populations including, but not limited to,
14 workers and their families who earn less than one hundred twenty percent (120%) of median
15 income, older citizens, students attending institutions of higher education, low- and very-low
16 income individuals and families, and vulnerable populations including, but not limited to, persons
17 with disabilities, homeless individuals and families, and individuals released from correctional
18 institutions.

19 (2) Efforts and programs to increase the production of housing must be sensitive to the
20 distinctive characteristics of cities and towns, neighborhoods, and areas and the need to manage
21 growth and to pace and phase development, especially in high-growth areas.

22 (3) The state in partnership with local communities must remove barriers to housing
23 development and update and maintain zoning and building regulations to facilitate the construction,
24 rehabilitation of properties and retrofitting of buildings for use as safe affordable housing.

25 (4) Creative funding mechanisms are needed at the local and state levels that provide
26 additional resources for housing development, because there is an inadequate amount of federal
27 and state subsidies to support the affordable housing needs of Rhode Island's current and projected
28 population.

29 (5) Innovative community planning tools, including, but not limited to, density bonuses
30 and permitted accessory dwelling units, are needed to offset escalating land costs and project
31 financing costs that contribute to the overall cost of housing and tend to restrict the development
32 and preservation of housing affordable to very-low income, low-income, and moderate-income
33 persons.

34 (6) The gap between the annual increase in personal income and the annual increase in the

1 median sales price of a single-family home is growing, therefore, the construction, rehabilitation
2 and maintenance of affordable, multi-family housing needs to increase to provide more rental
3 housing options to individuals and families, especially those who are unable to afford
4 homeownership of a single-family home.

5 (7) The state needs to foster the formation of cooperative partnerships between
6 communities and institutions of higher education to significantly increase the amount of residential
7 housing options for students.

8 (8) The production of housing for older citizens as well as urban populations must keep
9 pace with the next twenty-year (20) projected increases in those populations of the state.

10 (9) Efforts must be made to balance the needs of Rhode Island residents with the ability of
11 the residents of surrounding states to enter into Rhode Island's housing market with much higher
12 annual incomes at their disposal.

13 (c) **Strategic plan.** The ~~commission~~ executive office of housing, in conjunction with the
14 statewide planning program, shall develop by ~~July 1, 2006~~ every five (5) years, a five-year (5)
15 strategic plan for housing, which plan shall be adopted as an element of the state guide plan, and
16 which shall include quantified goals, measurable intermediate steps toward the accomplishment of
17 the goals, implementation activities, and standards for the production and/or rehabilitation of year-
18 round housing to meet the housing needs including, but not limited to, the following:

19 (1) Older Rhode Islanders, including senior citizens, appropriate, affordable housing
20 options;

21 (2) Workers, housing affordable at their income level;

22 (3) Students, dormitory, student housing and other residential options;

23 (4) Low-income and very-low income households, rental housing;

24 (5) Persons with disabilities, appropriate housing; and

25 (6) Vulnerable individuals and families, permanent housing, single-room occupancy units,
26 transitional housing and shelters.

27 (d) As used in this section and for the purposes of the preparation of affordable housing
28 plans as specified in chapter 22.2 of title 45, words and terms shall have the meaning set forth in
29 chapter 22.2 of title 45, chapter 53 of title 45, and/or § 42-11-10, unless this section provides a
30 different meaning or unless the context indicates a different meaning or intent.

31 (1) "Affordable housing" means residential housing that has a sales price or rental amount
32 that is within the means of a household that is of moderate income or less. In the case of dwelling
33 units for sale, housing that is affordable means housing in which principal, interest, taxes, which
34 may be adjusted by state and local programs for property tax relief, and insurance constitute no

1 more than thirty percent (30%) of the gross household income for a household with less than one
2 hundred and twenty percent (120%) of area median income, adjusted for family size. Provided,
3 however, that exclusively for the residents of New Shoreham, their affordable housing eligibility
4 standards shall include households whose adjusted gross income is less than one hundred forty
5 percent (140%) of their residents' median income, adjusted for family size. In the case of dwelling
6 units for rent, housing that is affordable means housing for which the rent, heat, and utilities other
7 than telephone constitute no more than thirty percent (30%) of the gross annual household income
8 for a household with eighty percent (80%) or less of area median income, adjusted for family size.

9 (i) Affordable housing shall include all types of year-round housing, including, but not
10 limited to: manufactured housing; housing originally constructed for workers and their families;
11 accessory dwelling units; housing ~~accepting~~ utilizing rental vouchers and/or tenant-based
12 certificates under Section 8 of the United States Housing Act of 1937, as amended; and assisted
13 living housing, where the sales or rental amount of such housing, adjusted for any federal, state, or
14 municipal government subsidy, is less than or equal to thirty percent (30%) of the gross household
15 income of the low and/or moderate income occupants of the housing.

16 (ii) Mobile and manufactured homes shall be included as affordable housing if such home
17 constitutes a primary residence of the occupant or occupants; and such home is located within a
18 community owned by the residents or the land containing the home is owned by the occupant or
19 occupants; and such home was constructed after June 15, 1976; and such home complies with the
20 Manufactured Home Construction and Safety Standards of the United States Department of
21 Housing and Urban Development.

22 (iii) In that New Shoreham has reached its ten percent (10%) low- and moderate-income
23 housing goal, and for so long as they maintain at least ten percent (10%) of their year-round housing
24 stock as low- and moderate-income housing as defined in § 45-53-3(5)(ii), and inasmuch as there
25 are provable economic impacts related to the municipalities' substantial offshore location,
26 residential housing units produced for sale in which principal, interest, taxes, which may be
27 adjusted by state and local programs for property tax relief, and insurance constitute no more than
28 thirty percent (30%) of the gross household income for a household with less than one hundred
29 forty percent (140%) of the area median income, adjusted for family size, shall be counted towards
30 the municipalities' low- and moderate-income housing inventory as defined in § 45-53-3(9).

31 (2) "Affordable housing plan" means a plan prepared and adopted by a town or city either
32 to meet the requirements of chapter 53 of title 45 or to meet the requirements of § 45-22.2-10(f),
33 which require that comprehensive plans and the elements thereof be revised to conform with
34 amendments to the state guide plan.

1 (3) "Approved affordable housing plan" means an affordable housing plan that has been
2 reviewed and approved in accordance with § 45-22.2-9.

3 (4) "Moderate-income household" means a single person, family, or unrelated persons
4 living together whose adjusted gross income is more than eighty percent (80%) but less than one
5 hundred twenty percent (120%) of the area median income, adjusted for family size.

6 (5) "Seasonal housing" means housing that is intended to be occupied during limited
7 portions of the year.

8 (6) "Year-round housing" means housing that is intended to be occupied by people as their
9 usual residence and/or vacant units that are intended by their owner for occupancy at all times of
10 the year; occupied rooms or suites of rooms in hotels are year-round housing only when occupied
11 by permanent residents as their usual place of residence.

12 (e) The strategic plan shall be updated and/or amended as necessary, but not less than once
13 every five (5) years.

14 (f) Upon the adoption of the strategic plan as an element of the state guide plan, towns and
15 cities shall bring their comprehensive plans into conformity with its requirements, in accordance
16 with the timetable set forth in § 45-22.2-10(f); provided, however, that any town that has adopted
17 an affordable housing plan in order to comply with the provisions of chapter 53 of title 45, which
18 has been approved for consistency pursuant to § 45-22.2-9, shall be deemed to satisfy the
19 requirements of the strategic plan for low- and moderate-income housing until such time as the
20 town must complete its next required comprehensive community plan update.

21 (g) **Guidelines.** The ~~commission~~ executive office of housing shall advise the state planning
22 council and the state planning council, with the approval of the secretary of housing, shall
23 promulgate and adopt ~~not later~~ no less than ~~July 1, 2006~~ every five (5) years, guidelines for higher
24 density development, including, but not limited to: (1) Inclusionary zoning provisions for low- and
25 moderate-income housing with appropriate density bonuses and other subsidies that make the
26 development financially feasible; and (2) Mixed-use development that includes residential
27 development, which guidelines shall take into account infrastructure availability; soil type and land
28 capacity; environmental protection; water supply protection; and agricultural, open space, historical
29 preservation, and community development pattern constraints.

30 (h) The statewide planning program shall maintain a geographic information system map
31 that identifies, to the extent feasible, areas throughout the state suitable for higher density
32 residential development consistent with the guidelines adopted pursuant to subsection (g).

33 **42-128-11. ~~Executive director~~ — ~~Employees~~ Administrative support.**

34 The ~~governor shall appoint from qualified candidates, with the advice of the coordinating~~

1 ~~committee, an executive director, who shall not be subject to the provisions of chapter 4 of title 36,~~
2 ~~and who shall serve as the state housing commissioner and may also serve in the executive office~~
3 ~~of commerce as the deputy secretary of housing. The commission shall also cause to be employed~~
4 ~~staff and technical and professional consultants as may be required to carry out the powers and~~
5 ~~duties set forth in this chapter. All staff, including the executive director, may be secured through~~
6 ~~a memorandum of agreement with the Rhode Island housing and mortgage finance corporation, or~~
7 ~~any other agency or political subdivision of the state with the approval of the relevant agency or~~
8 ~~political subdivision, as provided for in § 42-128-2(2)(ii). Any person who is in the civil service~~
9 ~~and is transferred to the commission may retain civil service status~~ executive office of housing shall
10 provide administrative support and staffing for the advisory council on housing and homelessness
11 to carry out its responsibilities.

12 **42-128-13. Open meetings law.**

13 The ~~housing resources agency, the coordinating committee, and the housing resources~~
14 ~~commission~~ advisory council on housing homelessness and any committee, council, or advisory
15 body created by the ~~commission~~ council shall conform to the provisions of chapter 46 of this title.

16 **42-128-14. Public records law.**

17 The ~~housing resources agency, the coordinating committee, and the housing resources~~
18 ~~commission~~ advisory council on housing homelessness and any committee, council, or advisory
19 body created by the ~~commission~~ council shall conform to the provisions of chapter 2 of title 38.

20 **42-128-17. Severability and liberal construction.**

21 If any provision of this chapter or the application of any provision to any person or
22 circumstance is held invalid, the invalidity shall not affect other provisions or applications of the
23 chapter, which can be given effect without the invalid provision or application, and to this end the
24 provisions of this chapter are declared to be severable. The provisions of this chapter shall be
25 construed liberally in order to accomplish the purposes of the chapter, and where any specific power
26 is given to the ~~commission~~ executive office of housing or the advisory council on housing and
27 homelessness, the statement shall not be deemed to exclude or impair any power otherwise in this
28 chapter conferred upon the ~~commission~~ executive office of housing or the advisory council on
29 housing and homelessness.

30 SECTION 7. Sections 42-128-4, 42-128-5, 42-128-8, 42-128-9, 42-128-10, 42-128-12, 42-
31 128-15 and 42-128-16 of the General Laws in Chapter 42-128 entitled "Rhode Island Housing
32 Resources Act of 1998" are hereby repealed.

33 **~~42-128-4. Rhode Island housing resources commission.~~**

34 ~~The Rhode Island housing resources commission shall be an agency within the executive~~

~~department with responsibility for developing plans, policies, standards, and programs and providing technical assistance for housing.~~

42-128-5. Purposes.

The purposes of the commission shall be:

~~(1) To develop and promulgate state policies, and plans, for housing and housing production and performance measures for housing programs established pursuant to state law.~~

~~(2) To coordinate activities among state agencies and political subdivisions pertaining to housing.~~

~~(3) To promote the stability of and quality of life in communities and neighborhoods.~~

~~(4) To provide opportunities for safe, sanitary, decent, adequate, and affordable housing in Rhode Island.~~

~~(5) To encourage public private partnerships that foster the production, rehabilitation, development, maintenance, and improvement of housing and housing conditions, especially for low and moderate income people.~~

~~(6) To foster and support nonprofit organizations, including community development corporations, and their associations and intermediaries, that are engaged in providing housing related services.~~

~~(7) To encourage and support partnerships between institutions of higher education and neighborhoods to develop and retain quality, healthy housing and sustainable communities.~~

~~(8) To facilitate private for profit production and rehabilitation of housing for diverse populations and income groups.~~

~~(9) To provide, facilitate, and/or support the provisions of technical assistance.~~

42-128-8. Powers and duties.

~~In order to provide housing opportunities for all Rhode Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make effective the housing responsibilities of the agencies and subdivisions of the state, the commission shall have the following powers and duties:~~

~~(1) Policy, planning, and coordination of state housing functions. The commission shall have the power and duty:~~

~~(i) To prepare and adopt the state's plans for housing; provided, however, that this provision shall not be interpreted to contravene the prerogative of the state planning council to adopt a state guide plan for housing.~~

~~(ii) To prepare, adopt, and issue the state's housing policy.~~

~~(iii) To conduct research on and make reports regarding housing issues in the state.~~

1 ~~(iv) To advise the governor and general assembly on housing issues and to coordinate~~
2 ~~housing activities among government agencies and agencies created by state law or providing~~
3 ~~housing services under government programs.~~

4 ~~(2) Establish, implement, and monitor state performance measures and guidelines for~~
5 ~~housing programs. The commission shall have the power and the duty:~~

6 ~~(i) To promulgate performance measures and guidelines for housing programs conducted~~
7 ~~under state law.~~

8 ~~(ii) To monitor and evaluate housing responsibilities established by state law, and to~~
9 ~~establish a process for annual reporting on the outcomes of the programs and investments of the~~
10 ~~state in housing for low and moderate income people.~~

11 ~~(iii) To hear and resolve disputes pertaining to housing issues.~~

12 ~~(3) Administer the programs pertaining to housing resources that may be assigned by state~~
13 ~~law. The commission shall have the power and duty to administer programs for housing, housing~~
14 ~~services, and community development, including, but not limited to, programs pertaining to:~~

15 ~~(i) Abandoned properties and the remediation of blighting conditions.~~

16 ~~(ii) Lead abatement and to manage a lead hazard abatement program in cooperation with~~
17 ~~the Rhode Island housing and mortgage finance corporation.~~

18 ~~(iii) Services for the homeless.~~

19 ~~(iv) Rental assistance.~~

20 ~~(v) Community development.~~

21 ~~(vi) Outreach, education and technical assistance services.~~

22 ~~(vii) Assistance, including financial support, to nonprofit organizations and community~~
23 ~~development corporations.~~

24 ~~(viii) Tax credits that assist in the provision of housing or foster community development~~
25 ~~or that result in support to nonprofit organizations performing functions to accomplish the purposes~~
26 ~~of this chapter.~~

27 ~~(ix) The Supportive Services Program, the purpose of which is to help prevent and end~~
28 ~~homelessness among those who have experienced long term homelessness and for whom certain~~
29 ~~services in addition to housing are essential. State funding for this program may leverage other~~
30 ~~resources for the purpose of providing supportive services. Services provided pursuant to this~~
31 ~~subsection may include, but not be limited to: assistance with budgeting and paying rent; access to~~
32 ~~employment; encouraging tenant involvement in facility management and policies; medication~~
33 ~~monitoring and management; daily living skills related to food, housekeeping, and socialization;~~
34 ~~counseling to support self identified goals; referrals to mainstream health, mental health, and~~

1 ~~treatment programs; and conflict resolution.~~

2 ~~In the administration of the programs in this subsection, the commission shall award, in~~
3 ~~each funding round, a material award that benefits a Rhode Island city or town with a population~~
4 ~~below twenty five thousand (25,000) people according to data from the United States Census~~
5 ~~Bureau.~~

6 **42-128-9. Offices within the commission.**

7 ~~There shall be, as a minimum, the following offices within the commission: the office of~~
8 ~~policy and planning, the office of housing program performance and evaluation, the office of~~
9 ~~homelessness services and emergency assistance, and the office of community development,~~
10 ~~programs and technical assistance. The commission may establish by rule such other offices,~~
11 ~~operating entities, and committees as it may deem appropriate.~~

12 **42-128-10. Appropriations.**

13 ~~The general assembly shall annually appropriate any sums it may deem necessary to enable~~
14 ~~the commission to carry out its assigned purposes; and the state controller is authorized and directed~~
15 ~~to draw his or her orders upon the general treasurer for the payment of any sums appropriated or so~~
16 ~~much as may be from time to time required, upon receipt by him or her of proper vouchers approved~~
17 ~~by the chairperson or the executive director.~~

18 **42-128-12. Coordination with other state agencies.**

19 ~~State agencies, departments, authorities, corporations, boards, commissions, and political~~
20 ~~subdivisions shall cooperate with the commission in the conduct of its activities, and specifically:~~
21 ~~the Rhode Island historical preservation and heritage commission shall advise the commission on~~
22 ~~issues of historical preservation standards as they pertain to housing and the use of historical~~
23 ~~preservation programs to improve housing and to enhance community character; the statewide~~
24 ~~planning program, created pursuant to § 42-11-10, shall advise the commission on issues of~~
25 ~~planning in general and land use controls and shall revise the state guide plan, as necessary, to~~
26 ~~achieve consistency with official state plans and policies for housing adopted by the commission,~~
27 ~~and the department of business regulation shall advise the commission on issues of business~~
28 ~~regulation affecting housing, shall review its regulations and practices to determine any~~
29 ~~amendments, changes, or additions that might be appropriate to advance the purposes of this~~
30 ~~chapter, and shall designate an official within the department to serve as liaison to, and the contact~~
31 ~~person for, the commission on issues related to housing.~~

32 **42-128-15. Administrative procedures act.**

33 ~~The commission may adopt any rules, including measurable standards, in accordance with~~
34 ~~the provisions of chapter 35 of this title that may be necessary to the purposes of this chapter.~~

1 ~~42-128-16. Annual report.~~

2 ~~The commission shall submit for each calendar year by March 1 of the next year a report~~
3 ~~to the governor and the general assembly on its activities and its findings and recommendations~~
4 ~~regarding housing issues, which report by census tract, shall include the number and dollar amount~~
5 ~~of its programs and an assessment of health related housing issues, including the incidence of lead~~
6 ~~poisoning.~~

7 SECTION 8. Sections 42-128.1-4, 42-128.1-5, 42-128.1-6, 42-128.1-7, 42-128.1-8, 42-
8 128.1-9 and 42-128.1-13 of the General Laws in Chapter 42-128.1 entitled "Lead Hazard
9 Mitigation" are hereby amended to read as follows:

10 **42-128.1-4. Definitions.**

11 The following definitions shall apply in the interpretation and enforcement of this chapter:

12 (1) "At-risk occupant" means a person under six (6) years of age, or a pregnant woman,
13 who has been a legal inhabitant in a dwelling unit for at least thirty (30) days; provided, however,
14 that a guest of any age shall not be considered an occupant for the purposes of this chapter.

15 (2) "Designated person" means either: (i) A property owner, or the agent of the property
16 owner, who has completed a ~~housing resources commission~~ department of health approved
17 awareness seminar on lead hazards and their control; or (ii) A person trained and certified as either
18 a lead hazard mitigation inspector, an environmental lead inspector, or a lead hazard inspection
19 technician.

20 (3) "Dwelling" or "dwelling unit" means an enclosed space used for living and sleeping by
21 human occupants as a place of residence, including, but not limited to: a house, an apartment, or
22 condominium, but, for the purpose of this chapter, shall not include hotels or "temporary housing."

23 (4) "Elderly housing" means a federal, state, or local program that is specifically designed
24 and operated to assist elderly persons, sixty-two (62) years of age, or older, as set forth in a
25 regulatory agreement or zoning ordinance.

26 (5) "Environmental lead-poisoning level" means a confirmed, venous blood lead level as
27 defined pursuant to § 23-24.6-4.

28 (6) "Lead abated" means a dwelling and premises that are lead free or lead safe, as those
29 terms are defined in chapter 24.6 of title 23.

30 (7) "Lead free" means that a dwelling, dwelling unit, or premises contains no lead, or
31 contains lead in amounts less than the maximum-acceptable environmental lead levels established
32 by regulation by the Rhode Island department of health.

33 (8) "Lead hazard mitigation compliance" means an independent clearance inspection and
34 certificate, as specified in this subsection (8), undertaken to determine whether the lead hazard

1 mitigation measures have been completed. Said inspection shall be valid for two (2) years, or until
2 the next turnover of the dwelling unit, whichever period is longer. The requirements for a clearance
3 review inspection shall be met either by an independent clearance inspection or a visual inspection
4 as set forth in this subsection (8):

5 (i) An "independent clearance inspection" means an inspection performed by a person who
6 is not the property owner or an employee of the property owner and who is authorized by the
7 ~~housing resources commission~~ department of health to conduct independent clearance inspections,
8 which shall include: (A) A visual inspection to determine that the lead hazard controls have been
9 met, and (B) Dust testing in accordance with rules established by the department of health and
10 consistent with federal standards. A certificate of conformance shall be issued by the person who
11 conducted the inspection on the passage of the visual inspection and the required dust testing. An
12 independent clearance inspection shall be required at unit turnover or once in a twenty-four-month
13 (24) period, whichever period is the longer. If the tenancy of an occupant is two (2) years or greater,
14 the certificate of conformance shall be maintained by a visual inspection as set forth in subsection
15 (8)(ii) of this section.

16 (ii) A "visual inspection" means a visual inspection by a property owner or designated
17 person to determine that the lead hazard controls have been met. If the designated person concluded
18 that the lead hazard controls specified in this chapter have been met, the designated person may
19 complete an Affidavit of Completion of Visual Inspection. The affidavit shall be valid upon its
20 being notarized within thirty (30) days after the completion of the visual inspection and shall set
21 forth:

22 (A) The date and location that the designated person took the lead-hazard-control
23 awareness seminar;

24 (B) The date and findings of the lead hazard evaluation;

25 (C) The date and description of the lead hazard control measures undertaken;

26 (D) The date of the visual inspection; and

27 (E) The name and signature of the designated person and date of the Affidavit of
28 Completion of Visual Inspection.

29 An Affidavit of Completion of Visual Inspection shall be valid for two (2) years after the
30 date it was notarized, or until unit turnover, whichever time period is the longer, and shall be kept
31 by the property owner for a minimum of five (5) years.

32 (iii) Presumptive compliance. A property owner of ten (10) or more dwelling units shall be
33 eligible to obtain a certificate of presumptive compliance from the ~~housing resources commission~~
34 department of health provided that the following conditions are met: (A) The dwelling units were

1 constructed after 1960 or after 1950 on federally owned or leased lands; (B) There are no major,
2 outstanding minimum-housing violations on the premises; (C) The property owner has no history
3 of repeated lead poisonings; and (D) Independent clearance inspections have been conducted on at
4 least five percent (5%) of the dwelling units, not less than two (2) dwelling units and at least ninety
5 percent (90%) of the independent clearance inspections were passed. "Repeated lead poisoning,"
6 for purposes of this paragraph, shall mean a lead poisoning rate of less than one-half percent (.5%)
7 per dwelling-unit year, with dwelling-unit years being calculated by multiplying the number of
8 dwelling units owned by the property owner by the number of years of ownership since 1992. Major
9 minimum housing violations shall be defined by rule by the ~~housing-resources-commission~~
10 department of health. The ~~housing-resources-commission~~ department of health shall not arbitrarily
11 withhold its approval of applications for presumptive compliance. A certificate of presumptive
12 compliance shall be deemed to be satisfactory for purposes of demonstrating compliance with the
13 requirements of this chapter. If a unit qualifies for a presumptive compliance certificate, by itself
14 having passed an independent clearance inspection at least once, that unit's compliance may be
15 maintained by a visual inspection as set forth in this chapter.

16 (9) "Lead hazard mitigation inspector" means either a person approved by the ~~housing~~
17 ~~resources-commission~~ department of health to perform independent clearance inspections under
18 this chapter or inspections required by 24 C.F.R., Part 35, Subpart M [24 C.F.R. § 35.1200 et seq.],
19 or approved by the department of health to conduct inspections pursuant to chapter 24.6 of title 23.

20 Lead hazard mitigation inspectors performing independent clearance inspections shall not
21 have any interest, financial or otherwise, direct or indirect, or engage in any business or
22 employment with regards to:

- 23 (i) The dwelling unit that is the subject of an independent clearance inspection; or
24 (ii) The contractor performing lead hazard control work in the dwelling unit; or
25 (iii) The laboratory that is used to analyze environmental lead samples for the independent
26 clearance inspection unless the lead hazard mitigation inspector discloses the inspector's
27 relationship with the laboratory to the person requesting the inspection and on the inspection report.

28 Employees of public agencies and quasi-public agencies that hold a financial interest in the
29 property may perform independent clearance inspections.

30 (10) "Lead hazard mitigation standards" means standards adopted by the ~~housing-resources~~
31 ~~commission~~ department of health for a dwelling unit and associated common areas that provide
32 for:

- 33 (i) A continuing and ongoing responsibility for lead hazard control that includes: (A)
34 Repair of deteriorated paint; (B) Correction of dust-generating conditions, such as friction or impact

1 areas; (C) Provision of cleanable surfaces to eliminate harmful dust loading; (D) Correction of soil
2 lead hazards; (E) Safe work practices;

3 (ii) At unit turnover: (A) The provision of information on lead hazards and their avoidance
4 and control to tenants; (B) Documentation of lead hazard mitigation compliance; (C) An explicit
5 process for notification by tenants to property owners of instances of deterioration in conditions
6 effecting lead hazards; and

7 (iii) Maintenance of "lead hazard control." "Lead hazard control" means those portions of
8 the lead hazard mitigation standard pertaining to repair of deteriorating paint; correction of dust-
9 generating conditions; provision of cleanable surfaces; and correction of soil lead hazards that can
10 be identified by visual inspection as provided for in subsection (8)(ii) or through inspections
11 conducted in accordance with chapter 24.2 of title 45, "Minimum Housing Standards," and chapter
12 24.3 of title 45, "Housing Maintenance and Occupancy Code."

13 (11) "Lead poisoned" means a confirmed venous blood lead level established by the
14 department of health pursuant to § 23-24.6-4(3).

15 (12) "Lead safe" means that a dwelling, dwelling unit, or premises has undergone
16 sufficient, lead-hazard reduction to ensure that no significant, environment lead hazard is present
17 and includes, but is not limited to, covering and encapsulation and is evidenced by a lead-safe
18 certificate issued by the department of health.

19 (13) "Property owner" means any person who, alone or jointly or severally with others:

20 (i) Shall have legal title to any dwelling, dwelling unit, or structure, with or without
21 accompanying actual possession of it; or

22 (ii) Shall have charge, care, or control of any dwelling, dwelling unit, or structure as owner
23 or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.
24 Any person representing the actual owner shall be bound to comply with the provisions of this
25 chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if that
26 person were the owner.

27 (iii) Notwithstanding the foregoing, no holder of a mortgage or other lien holder who, in
28 enforcing a security interest, acquires title by foreclosure or deed in lieu of foreclosure shall be
29 considered a property owner for purposes of this chapter, if the holder transfers the title within one
30 year after the date the title is acquired; provided, however, if the mortgagee or lien holder,
31 subsequent to acquiring title, is notified of a lead hazard under chapter 24.6 of title 23 or § 42-
32 128.1-8(a)(5), then and in that event, the mortgagee or lien holder shall take any steps to reduce the
33 lead hazard that shall be required under the provisions of chapter 24.6 of title 23 or this chapter, as
34 applicable.

1 (14) "Temporary housing" means any seasonal place of residence that is rented for no more
2 than one hundred (100) days per calendar year to the same tenant, where no lease renewal or
3 extension can occur, and any emergency shelter intended for night-to-night accommodation.

4 (15) "Tenant turnover" means the time at which all existing occupants vacate a unit and all
5 new occupants move into the unit.

6 ~~42-128.1-5. Housing resources commission — Powers and duties with respect to lead~~
7 ~~hazard mitigation~~ Department of health -- Powers and duties with respect to lead hazard
8 mitigation.

9 (a) General powers and duties. The ~~housing resources commission~~ department of health
10 shall implement and put into full force and effect the powers, duties, and responsibilities assigned
11 to it by this chapter, and shall serve as the lead state agency for lead hazard mitigation, planning,
12 education, technical assistance, and coordination of state projects and state financial assistance to
13 property owners for lead hazard mitigation.

14 (b) Regulatory guidelines. In developing and promulgating rules and regulations as
15 provided for in this chapter, the ~~housing resources commission~~ department of health shall consider,
16 among other things: (1) the effect on efforts to reduce the incidence of lead poisoning, (2) the ease
17 and cost of implementation, (3) the impact on the ability to conduct real estate transactions fairly
18 and expeditiously, (4) consistency with federal standards, such that the differences between basic
19 federal standards and Rhode Island standards for lead hazard mitigation are, to the extent
20 practicable, minimized, and (5) the direction of effort to locations and housing types, which due to
21 age, condition, and prior history of lead poisoning are more likely to be the location of lead
22 poisoning. Said regulations shall include a definition of "turnover" of a dwelling unit and a means
23 for tenants to voluntarily notify property owners of the legal tenancy of an "at-risk" occupant.

24 (c) Comprehensive strategic plan. In order to establish clear goals for increasing the
25 availability of housing in which lead hazards have been mitigated, to provide performance
26 measures by which to assess progress toward achieving the purposes of this chapter, and to facilitate
27 coordination among state agencies and political subdivisions with responsibilities for housing and
28 housing quality for lead poisoning reduction and for the availability of insurance coverage
29 described in this chapter, the housing resources commission ~~established by chapter 128 of this title~~
30 shall adopt by April 1, 2003, a four-year (4), comprehensive strategic plan for reducing the
31 incidence of childhood lead poisoning, for increasing the supply of lead-safe housing, and for
32 assuring that pre-1978 in rental housing throughout the state lead hazards have been mitigated.

33 Effective July 1, 2025, the department of health will assume responsibility for the comprehensive
34 strategic plan.

1 (1) Plan elements. The plan as a minimum shall include elements pertaining to:

2 (i) Educating people with regard to lead hazards and how they can be avoided, mitigated,

3 and/or abated;

4 (ii) Programs to assist low and moderate income owners of property to eliminate lead

5 hazards and to achieve lead-safe conditions;

6 (iii) Coordination of the enforcement of laws pertaining to lead hazard control, mitigation,

7 and abatement including the Lead Poisoning Prevention Act, chapter 24.6 of title 23, and minimum

8 housing codes and standards;

9 (iv) Coordination of efforts with local governments and other agencies to improve housing

10 conditions;

11 (v) Financing lead abatement efforts in Rhode Island, including, but not limited to,

12 assistance to low and moderate income property owners, education and outreach, and enforcement

13 by state and local officials;

14 (vi) An assessment of the availability of insurance for lead hazard liability, which shall be

15 designed and implemented in cooperation with the department of business regulation.

16 (2) Implementation program. The comprehensive strategic plan shall include an

17 implementation program, which shall include performance measurers and a program of specific

18 activities that are proposed to be undertaken to accomplish the purposes of this chapter and to

19 achieve goals and elements set forth by the plan. The implementation program shall be updated

20 annually according to a schedule set forth in the plan.

21 (3) Reporting. The ~~commission~~ department of health shall report annually to the governor

22 and the general assembly, no later than March of each year, on the progress made in achieving the

23 goals and objectives set forth in the plan, which report may be integrated with or issued in

24 conjunction with the report of the council on environmental lead submitted pursuant to § 23-24.6-

25 6.

26 **42-128.1-6. Education.**

27 (a) In order to achieve the purposes of this chapter, a statewide, multifaceted, ongoing

28 educational program designed to meet the needs of tenants, property owners, realtors and real estate

29 agents, insurers and insurance agents, local building officials, and health providers and caregivers

30 is hereby established.

31 (b) The governor, in conjunction with the department of health ~~and the housing resources~~

32 ~~commission~~, shall sponsor a series of public service announcements on radio, television, and print

33 media about the nature of lead hazards, the importance of lead hazard control and mitigation, and

34 the purposes and responsibilities set forth in this chapter. In developing and coordinating this public

1 information initiative the sponsors shall seek the participation and involvement of private industry
2 organizations, including those involved in real estate, insurance, mortgage banking, and pediatrics.

3 (c) ~~Within sixty (60) days after the regulations set forth in § 42-128.1-7 for lead hazard~~
4 ~~control and mitigation go into effect, the housing resources commission in conjunction with the~~
5 The department of health shall:

6 (1) Create culturally and linguistically appropriate material outlining the rights and
7 responsibilities of parties affected by this chapter;

8 (2) Establish guidelines and a trainer's manual for a not more than three (3) hours lead
9 hazard control awareness seminar for rental property owners or designated persons, which shall be
10 forwarded to all public and private colleges and universities in Rhode Island, to other professional
11 training facilities, and to professional associations and community organizations with a training
12 capacity, with the stipulation this seminar be offered for a maximum fee of fifty dollars (\$50.00)
13 per participant. The ~~housing resources commission~~ department of health shall approve the
14 proposals to offer the seminar from institutions, provided those proposals are consistent with the
15 guidelines. An electronic version of this awareness seminar shall be created and approved by the
16 ~~housing resources commission~~ department of health for computer internet access. Said awareness
17 seminar shall also be produced and made available in both VHS and DVD format for rental or
18 purchase at a reasonable cost not to exceed five dollars (\$5.00) for the rental version and fifteen
19 dollars (\$15.00) for the purchased version. Said seminar shall be available to tenants, property
20 owners, and other interested parties.

21 (3) Adopt rules for the dissemination of information about the requirements of this chapter
22 to all prospective owners of pre-1978 dwellings during the real estate transaction, settlement, or
23 closing;

24 (4) Solicit requests, to the extent that these partnerships are not already established, to enter
25 into ongoing, funded partnerships, to provide specific counseling information services to tenants
26 and affected parties on their rights and responsibilities with regard to lead hazards and lead
27 poisoning.

28 (d) The department of business regulation shall, with regard to its responsibilities for the
29 profession of real estate brokers and salespersons, adopt rules, with the concurrence of ~~the housing~~
30 ~~resources commission and~~ the department of health which shall be effective not later than June 30,
31 2004: (1) requiring proof of reasonable familiarity with the knowledge of duties and responsibilities
32 under the provisions of the Lead Poisoning Prevention Act, chapter 24.6 of title 23, and this chapter,
33 for the licensure or renewal of licenses of real estate brokers and salespersons in accordance with
34 § 5-20.5-6 after July 1, 2004; and (2) providing, pursuant to § 5-20.5-18, an educational program

1 for real estate brokers and salespersons regarding such duties and responsibilities.

2 (e) The ~~housing resources commission, in conjunction with the department of health,~~
3 [department of health](#) is hereby authorized to develop, offer, engage in, contract for, and/or provide
4 any other educational or informational programs that they may deem necessary to accomplish the
5 purposes of this chapter, including, but not limited to: programs to assist families to find housing
6 that is lead free, lead safe, or lead hazard mitigated or abated; and to train lead hazard mitigation
7 inspectors and local building officials and persons engaged in renovating and/or improving housing
8 about controlling or mitigating lead hazards in pre-1978 housing. Said programs shall provide
9 information about lead hazard mitigation requirements at retail hardware and paint stores and
10 home-improvement centers, including, as a minimum, signs of sufficient size with large enough
11 lettering to be easily seen and read, which contains the following language:

12 WARNING

13 Use of abrasive material (sandpaper, steel wool, drill disks and pads, etc.) in your home to
14 remove paint may increase the risk of childhood lead poisoning. For more information please
15 contact the Rhode Island ~~housing resources commission or~~ department of health.

16 **42-128.1-7. Lead hazard mitigation rules.**

17 The housing resources commission shall adopt, no later than April 1, 2003, rules:

18 (1) For housing constructed prior to 1978, which require property owners to certify at the
19 time of transfer that the dwelling and/or premises meet the requirements for lead hazard mitigation
20 or lead hazard abatement, or that the party or parties acquiring the property are notified of the
21 potential lead hazards, and at the time of rental of units that the requirements for meeting the
22 appropriate standards have been met;

23 (2) For a lead hazard mitigation standard;

24 (3) For any training, certification, or licensing necessary to carry out the provisions of this
25 chapter;

26 (4) For a process to receive, investigate, and decide whether the correction of a lead hazard,
27 pursuant to § 42-128.1-8(a)(3) and (d) was satisfactory. These rules shall establish an expeditious
28 procedure to determine whether the allegation of unsatisfactory correction has merit. The process
29 may be integrated with or make use of the technical assistance service provided for in § 42-128.1-
30 13; ~~and~~

31 (5) For a process to grant a variance to § 42-128.1-8(a)(3), (a)(5), and (b), where there
32 exists a hardship as to financing lead hazard mitigation, or where materials, personnel, or weather
33 delays the mitigation completion; [and](#)

34 [\(6\) Effective July 1, 2025, the department of health will assume responsibility for § 42-](#)

1 [128.1-7.](#)

2 **42-128.1-8. Duties of property owners of pre-1978 rental dwellings.**

3 (a) Property owners of pre-1978 rental dwellings, which have not been made lead safe or
4 have not been lead hazard abated shall comply with all the following requirements:

5 (1) Learn about lead hazards by taking a lead hazard awareness seminar, himself or herself
6 or through a designated person;

7 (2) Evaluate the dwelling unit and premises for lead hazards consistent with the
8 requirements for a lead hazard control evaluation;

9 (3) Correct identified lead hazards by meeting and maintaining the lead hazard mitigation
10 standard;

11 (4) Provide tenants: (i) Basic information about lead hazard control; (ii) A copy of the
12 independent clearance inspection; and (iii) Information about how to give notice of deteriorating
13 conditions;

14 (5) Correct lead hazards within thirty (30) days after notification from the tenant of a
15 dwelling unit with an at-risk occupant, or as provided for by § 34-18-22.

16 (b) New property owners of a pre-1978 rental dwelling that is occupied by an at-risk
17 occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those
18 requirements were not met by the previous owner at the time of transfer, provided that the new
19 property owner has the property visually inspected within thirty (30) business days after assuming
20 ownership to determine conformity with the lead hazard control standard.

21 (c) The requirements for lead hazard mitigation shall apply to the first change in ownership
22 or tenancy after November 1, 2005; provided further, that unless requested and agreed to by an at-
23 risk occupant, meeting the lead hazard mitigation standard shall not be construed to authorize a
24 property owner to compel or cause a person, who is in tenancy on January 1, 2004, and remains in
25 tenancy continuously thereafter, to vacate a rental unit temporarily or otherwise.

26 (d) If the tenant receives no response to the notification to the property owner of
27 deteriorating conditions affecting lead hazards, if the response is in the tenant's opinion
28 unsatisfactory, or if the remedy performed is in the tenant's opinion unsatisfactory, the tenant may
29 request a review of the matter by the ~~housing resources commission~~ [department of health](#). After its
30 review of the matter, the ~~housing resources commission~~ [department of health](#) shall either send
31 notice to the property owner in which notice shall be issued in a manner substantially similar to a
32 notice of violation issued by the director pursuant to the Housing Maintenance Code, chapter 24.3
33 of title 45, or promptly inform the tenant of the reasons why the notice is not being issued.

34 (e) Notwithstanding the foregoing, the provisions of this chapter shall not apply to common

1 areas in condominium complexes that are owned and operated by condominium associations, or to
2 pre-1978 rental dwelling units that are:

3 (1) Lead-safe or lead free;

4 (2) Temporary housing; or

5 (3) Elderly housing.

6 (4) [Deleted by P.L. 2023, ch. 103, § 1 and P.L. 2023, ch. 104, § 1.]

7 (f) The department of health shall report to the legislature annually on the number of
8 children who are lead poisoned in any of the exempted dwelling units as referred to in subsection
9 (e) of this section.

10 (g) Nothing contained herein shall be construed to prevent an owner who is seeking to
11 obtain lead liability insurance coverage in the policy from complying with the provisions of this
12 chapter, by securing and maintaining a valid and in force letter of compliance or conformance in
13 force.

14 **42-128.1-9. Insurance coverage.**

15 (a) The department of business regulation shall, by January 1, 2003, establish a uniform
16 policy with regard to exclusion for lead poisoning and shall adopt any rules and requirements that
17 may be necessary to assure the availability of insurance coverage for losses and damages caused
18 by lead poisoning, in accordance with the provisions of this chapter, which policy and rules shall
19 apply to liability coverage available to property owners. The department of business regulation
20 shall have the authority and is empowered, consistent with the requirements of chapter 35 of this
21 title, to promulgate rules and regulations, which shall enable it to compile and analyze data and to
22 make determinations with regard to the availability of and rates for lead liability coverage.

23 (b) Except as otherwise provided by this chapter, no insurance company licensed or
24 permitted by the department of business regulation to provide liability coverage to rental property
25 owners shall exclude, after October 31, 2005, coverage for losses or damages caused by lead
26 poisoning. The department of business regulation shall not permit, authorize, or approve any
27 exclusion for lead poisoning, except as specifically provided for by this chapter, that was not in
28 effect as of January 1, 2000, and all previously approved exclusions shall terminate October 31,
29 2005. As of November 1, 2005, coverage for lead poisoning shall be included in the policy or
30 offered by endorsement, as set forth in this section.

31 (c) All insurers issuing commercial lines insurance policies and personal lines insurance
32 policies covering pre-1978 rental housing in compliance with: (i) the requirements of this chapter
33 for lead hazard mitigation; (ii) with the requirements of chapter 24.6 of title 23 for lead safe
34 housing, within the state of Rhode Island; or (iii) relying on a valid certificate of compliance or

1 conformance shall, effective November 1, 2005, include in the policy coverage for liability for
2 injury, damage, or death resulting from occurrences of lead poisoning in an amount equal to and
3 no less than the underlying policy limits for personal injury/bodily injury coverage provided under
4 the policy so issued to a residential rental property owner. The property owner shall, if requested
5 by the insurer, present to the insurance company, either: (1) proof of certificate of compliance of
6 an independent clearance inspection and of any affidavit of visual inspection required to maintain
7 the validity of the independent clearance inspection; (2) proof of meeting the mitigation standard
8 in the form of a clearance exam showing that lead hazards are mitigated; or (3) proof of abatement.
9 This proof shall be prima facie evidence of compliance with the requirements of this chapter. In
10 any subsequent renewal, the insurer may require any continuing proof whenever the certificate is
11 expiring, has expired, or is otherwise invalidated.

12 (d) For residential rental properties that have not been brought into compliance with the
13 requirements for lead hazard mitigation pursuant to this chapter or for lead hazard reduction
14 pursuant to chapter 24.6 of title 23 or that do not have a valid certificate of compliance or
15 conformance, effective November 1, 2005, for residential rental property owners who own or
16 owned a substantial legal or equitable interest in one property and have had no more than one un-
17 remediated dwelling unit at which a child was poisoned prior to November 1, 2005, and for
18 residential property owners who own or owned more than one property and have had no more than
19 two (2) un-remediated dwelling units at which a child was poisoned prior to November 1, 2005, an
20 insurance company, which provides liability insurance to a residential rental property owner, shall
21 either offer lead liability coverage for bodily injury, which shall be equal to the underlying limits
22 of liability coverage for the property, by endorsement, or shall assist the insured in placing lead
23 liability coverage through the program commonly known as the Rhode Island FAIR Plan either
24 directly or through one of the insurance company's agents or brokers, and the Rhode Island FAIR
25 Plan shall make available liability coverage for damages caused by lead poisoning to the class of
26 property owners described in this subsection. If the insured seeks lead liability coverage with the
27 FAIR Plan, the FAIR Plan may use reasonable underwriting guidelines, as approved by the
28 department of business regulation, to underwrite the property. Any property owner who fails to
29 remediate a property, after a notice of violation subsequent to October 31, 2005, and any property
30 that is not remediated after notice of a violation subsequent to October 31, 2005, shall not be eligible
31 to receive an offer of coverage and shall be subject to cancellation and nonrenewal of that coverage
32 if the property is not found to be in compliance with the lead law within ninety (90) days of the
33 date of issuance of the notice by the director, ~~or the housing resources commission,~~ as applicable.

34 (e) Rates for lead poisoning liability coverage, as specified in subsections (c) and (d) of

1 this section, shall be approved by the department of business regulation, notwithstanding any limits
2 on rate approval authority established by the provisions of chapter 65 of title 27 and subject to the
3 provisions of §§ 27-44-6 and 27-44-7, using the following standards:

- 4 (1) That they are not excessive, inadequate, or unfairly discriminatory;
- 5 (2) That consideration is given to:
 - 6 (i) Past and prospective loss experience within the state of Rhode Island;
 - 7 (ii) A reasonable margin for profits and contingencies;
 - 8 (iii) Past and prospective expenses specifically applicable to the state of Rhode Island;
 - 9 (iv) Any other data, including data compiled in other states, especially regarding
10 experience data for lead liability coverage, that the department may deem necessary; and
 - 11 (v) Past history of the owner with regard to lead poisoning or any associated violations.
- 12 (f) The department of business regulation shall have the authority and is empowered,
13 consistent with the requirements of chapter 35 of this title, to promulgate rules and regulations to
14 enable it to compile and analyze data and to make determinations with regard to the availability of
15 and rates for lead liability coverage. In order to effect the purposes of this section insurers shall file,
16 on or before October 1, 2004, the proposed language of endorsements for lead liability coverage
17 and the proposed rates for that coverage with the department.
- 18 (g) All endorsements, rates, forms, and rules for lead liability coverage approved by the
19 department of business regulation to be effective on or after July 1, 2004, are hereby extended to
20 be effective November 1, 2005. Prior to November 1, 2005, insurers and advisory organizations
21 shall continue to utilize all endorsements, rates, forms, and rules in effect on June 30, 2004, for lead
22 liability coverage. The department shall not approve any new endorsements, rates, forms, or rules
23 for lead liability coverage in pre-1978 residential rental properties unless the filings are submitted
24 in accordance with the provisions of this act. The department is hereby authorized to promulgate
25 reasonable rules and regulations to carry out the provisions of this section.

26 **42-128.1-13. Rhode Island lead hazard technical assistance service.**

- 27 (a) Establishment and purposes.
 - 28 (1) The Rhode Island ~~housing resources commission~~ department of health shall establish a
29 "Rhode Island lead hazard technical assistance service" program for the purposes of providing
30 technical assistance to property owners to achieve compliance with this chapter and the Lead
31 Poisoning Prevention Act, chapter 24.6 of title 23.
 - 32 (2) The services of the program shall subject to appropriation, include, but shall not be
33 limited to: evaluation of the need for lead hazard mitigation in a dwelling; review of independent
34 inspection results; identification of and arranging funding for conducting lead hazard abatement

1 and mitigation, and supplying any materials, assistance, and services that may be needed by
2 property owners to achieve compliance with this chapter and the Lead Poisoning Prevention Act in
3 an affordable manner.

4 (b) Historic properties. ~~On or before November 1, 2005, the housing resources commission~~
5 [The department of health](#), in conjunction with the historical preservation and heritage commission,
6 shall initiate the following activities to assist owners of historic properties to comply with the
7 provisions of this chapter: (i) provide technical assistance; (ii) identify financial resources available
8 for compliance; and (iii) seek additional resources for this purpose.

9 (c) Cooperation with Rhode Island housing and mortgage finance corporation. The ~~housing~~
10 ~~resources commission~~ [department of health](#) is hereby authorized to cooperate with the Rhode Island
11 housing and mortgage finance corporation in putting the provisions of this section into effect, and
12 the Rhode Island housing and mortgage finance corporation is hereby authorized to exercise its
13 powers under § 42-55-5.1 to provide for the implementation of this section.

14 ~~(d) Exercise of powers. The housing resources commission is hereby expressly authorized~~
15 ~~to exercise any or all of its general powers set forth in § 42-128-7 to accomplish the purpose of this~~
16 ~~section.~~

17 SECTION 9. Sections 42-128.2-1, 42-128.2-3, 42-128.2-4, 42-128.2-6 and 42-128.2-8 of
18 the General Laws in Chapter 42-128.2 entitled "Expedited Permitting for Affordable Housing" are
19 hereby amended to read as follows:

20 **42-128.2-1. Findings.**

21 The general assembly finds and declares that:

22 (1) The availability of affordable housing is a critical concern to the current well-being and
23 the future prosperity of the people of Rhode Island;

24 (2) All towns in Rhode Island, with an obligation to do so, have adopted affordable housing
25 plans as required by P.L. 2004, ch. 286 and 324; [and](#)

26 ~~(3) The housing resources commission in conjunction with the statewide planning program~~
27 ~~has adopted a strategic plan for affordable housing as required by "The Comprehensive Housing~~
28 ~~Production and Rehabilitation Act of 2004";~~

29 ~~(4) The people of Rhode Island in 2006 approved a bond issue to support the development~~
30 ~~of affordable housing in the state; and~~

31 ~~(5)~~[\(3\)](#) The slowness and uncertainty of securing permits and regulatory approval from state
32 agencies can impair the viability of affordable housing development, make such development more
33 expensive, and can jeopardize federal and other monies.

34 **42-128.2-3. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) "Affordable housing plan" means a component of a housing element, as defined in subsection 45-22.2-4(33), to meet housing needs in a city or town that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(e)(1) and (f).

(2) "Associate director" means the associate director of the department of administration for planning.

~~(3) "Chairperson" means the chairperson of the housing resources commission.~~

~~(4)~~(3) "Comprehensive plan" means a comprehensive plan adopted and approved by a city or town pursuant to chapters 22.2 and 22.3 of title 45.

~~(5)~~(4) "Determination of probable consistency" means a determination by the associate director that an eligible affordable housing project appears to be consistent with applicable provisions of state plans pertaining to affordable housing development; a determination of probable consistency shall not be deemed to be a conclusive, final, or binding determination of conformity with such plans or with any specific requirements adopted pursuant to such plans.

~~(6)~~(5) "Eligible affordable housing project" means low or moderate income housing or housing development in which at least twenty-five percent (25%) of the dwelling units are low or moderate income housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low or moderate income households, as defined in the applicable federal or state statute, or local ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy.

(6) "Executive office of housing" means the executive office of housing established by chapter 167 of this title.

(7) "Housing project of critical concern" means an eligible affordable housing project designated by the ~~housing resources commission~~ executive office of housing to be significant, in its operational stage, by its ability to advance affordable goals set forth in duly approved plans for affordable housing and to help alleviate affordable housing shortages in Rhode Island.

~~(8) "Housing resources commission" means the housing resources commission established by chapter 128 of this title.~~

1 ~~(9)~~(8) "Person" means any natural person, company, corporation, partnership, or any type
2 of business entity.

3 (9) "Secretary" means the secretary of housing established by chapter 167 of this title.

4 (10) "State agency" means any office, department, board, commission, bureau, division,
5 authority, public corporation, agency, or instrumentality of the state; the term "state agency" shall
6 not be deemed to include any department, office, or agency of a city or town.

7 (11) "Statewide planning" means the statewide planning program established by § 42-11-
8 10.

9 **42-128.2-4. Request for status as a housing project of critical concern.**

10 A person may apply to the ~~Rhode Island housing resources commission~~ executive office
11 of housing and request that a project be classified as a project of critical housing concern. Said
12 request shall contain a description of how the project is consistent with applicable provisions of
13 state plans pertaining to affordable housing developments. Not more than five (5) days after the
14 receipt of such request, the ~~chairperson, or the executive director acting on behalf of the~~
15 ~~chairperson;~~ secretary shall refer the request to statewide planning for review of the probable
16 consistency of the project with the applicable provisions of the state guide plan. The associate
17 director shall issue a determination of probable consistency to the ~~chairperson~~ secretary within
18 twenty (20) days. If the associate director has made a determination of probable consistency, the
19 ~~Rhode Island housing resources commission~~ executive office of housing shall render a written
20 decision on the request within sixty (60) days of the filing and receipt of the request. If the project
21 is found to be a housing project of critical concern, the ~~Rhode Island housing resources commission~~
22 executive office of housing may issue a certificate of critical housing concern. A certificate of
23 critical housing concern shall expire two (2) years from the date of issuance.

24 **42-128.2-6. Action by state agency.**

25 (a) Within three (3) months of the submission of a substantially complete application, the
26 state agency must render a written report on the status of the application. The report shall contain
27 information, which will enable the person to make a sound business decision as to whether or not
28 to pursue the application. The report shall be sent to the applicant.

29 (b) If the application is not granted, then the state agency shall on the fourth (4th), fifth
30 (5th), and sixth (6th) months of the anniversary of submission render a written report on the status
31 of the application. If at the end of the sixth (6th) month, a decision has not been rendered on the
32 application, then, in addition to the applicant, a copy of the written report shall be rendered monthly
33 thereafter to the associate director of the department of administration for planning and the ~~Rhode~~
34 ~~Island housing resources commission~~ secretary until a decision to accept or reject the application

1 has been made.

2 **42-128.2-8. Rulemaking.**

3 The ~~housing resources commission, at a regular quarterly meeting~~ executive office of
4 housing shall promulgate rules and regulations in accordance with chapter 35 of this title to
5 implement this chapter, including, but not limited to, provisions to define an application and criteria
6 to determine the significance of any application in meeting the purposes of this act.

7 SECTION 10. Sections 42-128.3-3, 42-128.3-4, 42-128.3-5, 42-128.3-6, 42-128.3-7, 42-
8 128.3-8 and 42-128.3-9 of the General Laws in Chapter 42-128.3 entitled "Housing Incentives for
9 Municipalities" are hereby amended to read as follows:

10 **42-128.3-3. Purposes.**

11 The ~~coordinating committee~~ executive office of housing is authorized and empowered to
12 carry out the program for the following purposes:

13 (1) To foster and maintain strong collaborations with municipalities in the state.

14 (2) To support and assist municipalities in promoting housing production that adequately
15 meets the needs of Rhode Island's current and future residents.

16 (3) To make diverse, high-quality, and accessible housing options readily available to
17 residents within their local communities.

18 (4) To enable residents to live near convenient public transit and other commercial and
19 cultural resources.

20 (5) To make development decisions fair, predictable, and cost-effective.

21 (6) To foster distinctive, attractive, and resilient communities, while preserving the state's
22 open space, farmland, and natural beauty.

23 **42-128.3-4. Definitions.**

24 As used in this chapter:

25 ~~(1) "Coordinating committee" means the Rhode Island housing resources coordinating~~
26 ~~committee established pursuant to § 42-128-2(2).~~

27 ~~(2)~~(1) "Eligible locations" means an area designated by the ~~coordinating committee~~
28 executive office of housing as a suitable site for a housing incentive district by virtue of its
29 infrastructure, existing underutilized facilities, or other advantageous qualities, including (i)
30 Proximity to public transit centers, including commuter rail, bus, and ferry terminals; or (ii)
31 Proximity to areas of concentrated development, including town and city centers or other existing
32 commercial districts.

33 ~~(3)~~(2) "Eligible student" means an individual who (i) Lives in a newly constructed dwelling
34 unit within a housing incentive district, to the extent that the unit could not have been realized under

the underlying zoning; and (ii) Attends a school in the city or town.

(3) ["Executive office of housing" means the executive office of housing established pursuant to § 42-167-1.](#)

(4) "Housing incentive district" means an overlay district adopted by a city or town pursuant to this chapter. A housing incentive district is intended to encourage residential development and must permit minimum residential uses. A housing incentive district may accommodate uses complementary to the primary residential uses, as deemed appropriate by the adopting city or town; however, the majority of development on lots within a housing incentive district must be residential. Land development plans within a housing incentive district shall be treated as minor land development plans, as defined by § 45-23-32, unless otherwise specified by ordinance.

(5) "School impact offset payments" means a payment to a city or town to help offset increased municipal costs of educating eligible students.

42-128.3-5. Adoption of housing incentive districts.

(a) In its zoning ordinance, a city or town may adopt a housing incentive district in any eligible location.

(b) The adoption, amendment, or repeal of such ordinance shall be in accordance with the provisions of chapter 24 of title 45.

(c) A housing incentive district shall comply with this chapter and any minimum requirements established by the ~~coordinating committee~~ [executive office of housing](#).

(d) The zoning ordinance for each housing incentive district shall specify the procedure for land development and subdivision review within the district in accordance with this chapter and the regulations of the ~~coordinating committee~~ [executive office of housing](#).

(e) Nothing in this chapter shall affect a city or town's authority to amend its zoning ordinances under chapter 24 of title 45.

42-128.3-6. Assistance to municipalities.

The ~~coordinating committee~~ [executive office of housing](#) is authorized and empowered, at its discretion, to provide all manner of support and assistance to municipalities in connection with fostering local housing production, including, but not limited to:

(1) Providing technical assistance for the preparation, adoption, or implementation of laws, regulations, or processes related to residential development; ~~and~~

(2) Authorizing the Rhode Island housing and mortgage finance corporation to issue school impact offset payments to participating municipalities; ~~and~~

[\(3\) Coordinating state provided technical assistance and supports for municipalities for all](#)

[matters related to housing development and housing preservation.](#)

42-128.3-7. Rules and regulations — Reports.

(a) The ~~coordinating committee~~ [executive office of housing](#) is hereby authorized to promulgate rules and regulations as are necessary to fulfill the purposes of this chapter, including, but not limited to, provisions relating to: application criteria; eligible locations for housing incentive districts; minimum requirements for housing incentive districts; eligible students for the calculation of school impact offset payments; and the amount and method of payment to cities and towns for school impact offset payments.

(b) The ~~coordinating committee~~ [executive office of housing](#) shall include in its annual report information on the commitment and disbursement of funds allocated under the program. The report shall be provided to the governor, ~~the secretary of commerce~~, speaker of the house of representatives, and the president of the senate.

42-128.3-8. Program integrity.

Program integrity being of paramount importance, the ~~coordinating committee~~ [executive office of housing](#) shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the purposes of the program.

42-128.3-9. Cooperation.

Any department, agency, council, board, or other public instrumentality of the state shall cooperate with the ~~coordinating committee~~ [executive office of housing](#) in relation to the implementation, execution, and administration of the program created under this chapter.

SECTION 11. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 167

EXECUTIVE OFFICE OF HOUSING

42-167-1. Executive office of housing established.

[Effective January 1, 2023, there is hereby established within the executive branch of the state government an executive office of housing with the responsibility for developing plans, policies, standards, programs, interagency coordination, and providing technical assistance for housing and homelessness. The executive office of housing shall be the state's lead agency for addressing issues related to housing, homelessness, and community development in the state of Rhode Island.](#)

42-167-2. Purposes.

[\(a\) The purposes of the executive office of housing shall be:](#)

- 1 (1) To develop and promulgate state policies, and plans, for housing and housing
2 production and performance measures for housing programs established pursuant to state law.
- 3 (2) To coordinate activities among state agencies and political subdivisions pertaining to
4 housing.
- 5 (3) To promote the stability of and quality of life in communities and neighborhoods.
- 6 (4) To provide opportunities for safe, sanitary, decent, adequate, and affordable housing in
7 Rhode Island.
- 8 (5) To encourage public-private partnerships that foster the production, rehabilitation,
9 development, maintenance, and improvement of housing and housing conditions, especially for
10 low- and moderate-income people.
- 11 (6) To foster and support nonprofit organizations, including community development
12 corporations, and their associations and intermediaries, that are engaged in providing housing-
13 related services.
- 14 (7) To encourage and support partnerships between institutions of higher education and
15 neighborhoods to develop and retain quality, healthy housing and sustainable communities.
- 16 (8) To facilitate private for-profit production and rehabilitation of housing for diverse
17 populations and income groups.
- 18 (9) To provide, facilitate, and/or support the provisions of technical assistance.
- 19 **42-167-3. Powers and duties of the executive office of housing.**
- 20 In order to provide housing opportunities for all Rhode Islanders, to maintain the quality
21 of housing in Rhode Island, and to coordinate and make effective the housing responsibilities of
22 the agencies and subdivisions of the state, the executive office of housing shall have the following
23 powers and duties:
- 24 (1) Policy, planning, and coordination of state housing functions:
- 25 (i) To prepare and adopt the state's plans for housing, including but not limited to, any
26 statewide housing and homelessness plan; provided, however, that this provision shall not be
27 interpreted to contravene the prerogative of the state planning council to adopt a state guide plan
28 for housing;
- 29 (ii) To prepare, adopt, and issue the state's housing and homelessness policy;
- 30 (iii) To conduct research on and make reports regarding housing issues in the state; and
- 31 (iv) To advise the governor and general assembly on housing issues and to coordinate
32 housing activities among government agencies and agencies created by state law or providing
33 housing services under government programs;
- 34 (2) Establish, implement, and monitor state performance measures and guidelines for

1 housing programs:

2 (i) To promulgate performance measures and guidelines for housing programs conducted

3 under state law;

4 (ii) To monitor and evaluate housing responsibilities established by state law, and to

5 establish a process for annual reporting on the outcomes of the programs and investments of the

6 state in housing for low- and moderate-income people; and

7 (iii) To hear and resolve disputes pertaining to housing issues;

8 (3) Administer the programs pertaining to housing resources that may be assigned by state

9 law. The executive office of housing shall have the power and duty to administer programs for

10 housing, housing services, and community development including, but not limited to, programs

11 pertaining to:

12 (i) Abandoned properties and the remediation of blighting conditions;

13 (ii) Services for the homeless;

14 (iii) Rental assistance;

15 (iv) Community development;

16 (v) Outreach, education and technical assistance services;

17 (vi) Assistance, including financial support, to nonprofit organizations and community

18 development corporations;

19 (vii) Tax credits that assist in the provision of housing or foster community development

20 or that result in support to nonprofit organizations performing functions to accomplish the purposes

21 of this chapter; and

22 (viii) The supportive services program, the purpose of which is to help prevent and end

23 homelessness among those who have experienced long-term homelessness and for whom certain

24 services in addition to housing are essential. State funding for this program may leverage other

25 resources for the purpose of providing supportive services. Services provided pursuant to this

26 subsection may include, but not be limited to: assistance with budgeting and paying rent; access to

27 employment; encouraging tenant involvement in facility management and policies; medication

28 monitoring and management; daily living skills related to food, housekeeping, and socialization;

29 counseling to support self-identified goals; referrals to mainstream health, mental health, and

30 treatment programs; and conflict resolution;

31 (4) Lead abatement and management. The executive office of housing will provide funding

32 to support the administration of a lead hazard abatement program managed by the Rhode Island

33 department of health in cooperation with the Rhode Island housing and mortgage finance

34 corporation.

1 **42-167-4. Secretary of housing.**

2 The head of the executive office of housing shall be the secretary of housing, who shall be
3 appointed by the governor with the advice and consent of the senate. The position of secretary of
4 housing is hereby created in the unclassified service. The secretary of housing shall hold office at
5 the pleasure of the governor. Before entering upon the discharge of duties, the secretary shall take
6 an oath to faithfully execute the duties of the office. The secretary of housing shall:

7 (1) Prior to hiring, have completed and earned a minimum of a master's graduate degree in
8 the field of urban planning, economics, or a related field of study or possess a juris doctor law
9 degree. Preference shall be provided to candidates having earned an advanced degree consisting of
10 an L.L.M. law degree or Ph.D. in urban planning or economics. Qualified candidates must have
11 documented five (5) years' full-time experience employed in the administration of housing policy
12 and/or development;

13 (2) Be responsible for overseeing all housing and homelessness policy and planning
14 initiatives in the state of Rhode Island and developing a housing plan, including, but not limited to,
15 the development of affordable housing opportunities to assist in building strong community efforts
16 and revitalizing neighborhoods;

17 (3) Coordinate with all agencies directly related to any housing and homelessness
18 initiatives and participate in the promulgation of any regulation having an impact on housing and
19 homelessness including, but not limited to, the Rhode Island housing and mortgage finance
20 corporation, the coastal resources management council (CRMC), and state departments including,
21 but not limited to: the department of environmental management (DEM), the department of
22 business regulation (DBR), the department of transportation (DOT) and statewide planning;

23 (4) Formulate an integrated housing report to include findings and recommendations to the
24 governor, speaker of the house, senate president, each chamber's finance committee, and any
25 committee whose purview is reasonably related to, including, but not limited to, issues of housing,
26 municipal government, and health on or before April 15th annually. This report shall include, but
27 not be limited to, the following:

28 (i) The total number of housing units in the state with per community counts;

29 (ii) Every three (3) years, beginning in 2026 and contingent upon funding for data
30 collection, an assessment of the suitability of existing housing stock in meeting accessibility needs
31 of residents;

32 (iii) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(i);

33 (iv) The change in the number of units referenced in subsection (a)(4)(i), for each of the
34 prior three (3) years in figures and as a percentage;

1 (v) The number of net new units in development and number of units completed in the
2 previous calendar year;

3 (vi) For each municipality the number of single-family, two-family (2), and three-family
4 (3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful
5 description of current conditions, including a statewide sum of each unit type;

6 (vii) Every three (3) years, beginning in 2026, a projection of the number of units required
7 to meet estimated population growth and based upon household formation rates;

8 (viii) A comparison of regional and other similarly situated state funding sources that
9 support housing development including a percentage of private, federal, and public support;

10 (ix) A reporting of unit types by number of bedrooms for rental properties including an
11 accounting of all:

12 (I) Single-family units;

13 (II) Accessory dwelling units;

14 (III) Two-family (2) units;

15 (IV) Three-family (3) units;

16 (V) Multi-unit sufficiently delineated units;

17 (VI) Mixed use sufficiently delineated units; and

18 (VII) Occupancy and vacancy rates for the prior three (3) years;

19 (x) A reporting of unit types by ownership including an accounting of all:

20 (I) Single-family units;

21 (II) Accessory dwelling units;

22 (III) Two-family (2) units;

23 (IV) Three-family (3) units;

24 (V) Multi-unit sufficiently delineated units;

25 (VI) Mixed use sufficiently delineated units; and

26 (VII) Occupancy and vacancy rates for the prior three (3) years;

27 (xi) A reporting of the number of applications submitted or filed for each community
28 according to unit type and an accounting of action taken with respect to each application to include,
29 approved, denied, appealed, approved upon appeal, and if approved, the justification for each
30 appeal approval;

31 (xii) A reporting of permits for each community according to affordability level that were
32 sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for
33 each approval;

34 (xiii) A reporting of affordability that shall include the following:

1 (I) The percent and number of units of extremely low-, very low-, low-, moderate-, fair-
2 market rate, and above moderate-income; including the average and median costs of those units;
3 (II) The percent and number of units of extremely low-, very low-, low-, and moderate-
4 income housing units by municipality required to satisfy the ten percent (10%) requirement
5 pursuant to chapter 24 of title 45; including the average and median costs of those units;
6 (III) The percent and number of units for the affordability levels above moderate-income
7 housing, including a comparison to fair-market rent; including the average and median costs of
8 those units;
9 (IV) The percentage of cost burden by municipality with population equivalent;
10 (V) The percentage and number of home financing sources, including all private, federal,
11 state, or other public support;
12 (VI) The disparities in mortgage loan financing by race and ethnicity based on Home
13 Mortgage Disclosure Act data by available geographies;
14 (VII) The annual median gross rent growth for each of the previous five (5) years by
15 municipality; and
16 (VIII) The annual growth in median owner-occupied home values for each of the previous
17 five (5) years by municipality;
18 (xiv) A reporting of municipal healthy housing stock by unit type and number of bedrooms
19 and providing an assessment of the state's existing housing stock and enumerating any risks to the
20 public health from that housing stock, including, but not limited to: the presence of lead, mold, safe
21 drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable
22 health detriment. Additionally, the report shall provide the percentage of the prevalence of health
23 risks by age of the stock for each community by unit type and number of bedrooms;
24 (xv) A recommendation shall be included with the report required under this section that
25 shall provide consideration to any and all populations, ethnicities, income levels, and other relevant
26 demographic criteria determined by the secretary, and with regard to any and all of the criteria
27 enumerated elsewhere in the report separately or in combination, provide recommendations to
28 resolve any issues that provide an impediment to the development of housing, including specific
29 data and evidence in support of the recommendation. All data and methodologies used to present
30 evidence are subject to review and approval of the chief of revenue analysis, and that approval shall
31 include an attestation of approval by the chief to be included in the report; and
32 (xvi) Municipal governments shall provide the executive office of housing's requested data
33 relevant to this report on or before February 15th annually;
34 (5) Establish rules and regulations as set forth in § 45-24-77;

1 (6) On or before July 1, 2026 and every three years thereafter, create a statewide strategic
2 plan to prevent, address, and end homelessness, considering input from the advisory council on
3 housing and homelessness, the interagency council on homelessness, and the Rhode Island
4 continuum of care created pursuant to Part 578 of Subchapter C of Chapter V of Subtitle B of Title
5 24 of the Code of Federal Regulations;

6 (7) Coordinate with the Rhode Island continuum of care on funding and programming to
7 address homelessness; and

8 (8) On or before January 1, 2027, and annually thereafter, develop a calculation of the
9 percentage of low and moderate income housing units, for each city and town to accurately reflect
10 the percentage of low and moderate income housing units in each city and town, and publish a chart
11 showing the number of eligible units for each city and town, the basis for the determination of each
12 type of unit and any other information the secretary of the executive office of housing deems
13 relevant. The chart shall then be forwarded to the respective city or town, which shall have thirty
14 (30) days to suggest modifications or revisions. Thereafter, and after review of any proposed
15 modifications, the secretary of housing shall, in writing, certify the chart for that year. The chart,
16 together with supporting documentation, shall be kept in the possession of the executive office of
17 housing, and shall be available for public inspection and copying.

18 **42-167-5. Powers and duties of the secretary of housing.**

19 (a) The secretary of housing shall have the following powers and duties:

20 (1) All powers and duties pursuant to § 42-167-3 and § 42-167-4;

21 (2) To supervise the work of the executive office of housing and to act as its chief
22 administrative officer;

23 (3) To coordinate the administration and financing of various departments or offices within
24 the executive office of housing

25 (4) To serve as the governor's chief advisor and liaison to federal policymakers on housing,
26 homelessness, and community development as well as the principal point of contact on any such
27 related matters;

28 (5) To coordinate the housing, homelessness, and community development programs of
29 the state of Rhode Island and its departments, agencies, commissions, corporations, and
30 subdivisions. All departments, agencies, commissions, corporations, and subdivisions shall
31 cooperate with the executive office of housing to facilitate the purposes of this chapter.

32 (6) To employ such personnel and contracts for such consulting services as may be required
33 to perform the powers and duties conferred upon the secretary of the executive office of housing;

34 (7) To oversee and direct the administration of funds that may be appropriated from time

1 to time to the executive office of housing; and

2 (8) Creation of a written guide for consumers relating to the rights and duties of landlords
3 and tenants pursuant to chapter 18 of title 34, which the secretary shall update at minimum on a
4 biennial basis. The guide shall be posted on the website of the executive office of housing and shall
5 be published in both English and Spanish.

6 (9) To chair the Rhode Island housing mortgage and finance corporation; to chair the
7 interagency council on homelessness; and to chair the interagency council on housing production
8 and preservation.

9 (b) In addition to such other powers as may otherwise be delegated elsewhere to the
10 executive office of housing, the executive office of housing is hereby expressly authorized, by and
11 through the secretary of housing:

12 (1) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use, and
13 otherwise deal in and with, real or personal property, or any interest in real or personal property,
14 wherever situated;

15 (2) To accept any gifts or grants or loans of funds or property or financial or other aid in
16 any form from the federal government or any agency or instrumentality of the federal government,
17 or from the state or any agency or instrumentality of the state, or from any other source and to
18 comply, subject to the provisions of this chapter, with the terms and conditions of the gifts, grants,
19 or loans;

20 (3) Subject to the provisions of § 37-2-1 et seq., to negotiate and to enter into contracts,
21 agreements, and cooperative agreements with agencies and political subdivisions of the state, not-
22 for-profit corporations, for-profit corporations, and other partnerships, associations, and persons
23 for any lawful purpose necessary and desirable to effectuate the purposes of the executive office of
24 housing; and

25 (4) To carry out this chapter and perform the duties of the general laws and public laws
26 insofar as those provisions relate to any regulatory areas within the jurisdiction of the executive
27 office of housing.

28 **42-167-6. Rules and regulations.**

29 The secretary of the executive office of housing may promulgate such rules and regulations
30 in accordance with the provisions of chapter 35 of this title as are necessary and proper to carry out
31 the duties assigned to the secretary of the executive office of housing or to the executive office of
32 housing by this title or any other provision of law.

33 **42-167-7. Coordination with other state agencies.**

34 State agencies, departments, authorities, corporations, boards, commissions, and political

1 subdivisions shall cooperate with the executive office of housing in the conduct of its activities,
2 and specifically: the Rhode Island historical preservation and heritage commission shall advise the
3 executive office of housing on issues of historical preservation standards as they pertain to housing
4 and the use of historical preservation programs to improve housing and to enhance community
5 character; the statewide planning program, created pursuant to § 42-11-10, shall advise the
6 executive office of housing on issues of planning in general and land use controls and shall revise
7 the state guide plan, as necessary, to achieve consistency with official state plans and policies for
8 housing adopted by the executive office on housing, and the department of business regulation shall
9 advise the executive office of housing on issues of business regulation affecting housing, shall
10 review its regulations and practices to determine any amendments, changes, or additions that might
11 be appropriate to advance the purposes of this chapter.

12 **42-167-8. Severability.**

13 If any provision of this chapter or the application thereof to any person or circumstance is
14 held invalid, such invalidity shall not affect other provisions or applications of the chapter; which
15 can be given effect without the invalid provision or application, and to this end the provisions of
16 this chapter are declared to be severable.

17 **42-167-9. Renaming.**

18 Wherever in the general or public laws, or any rule or regulation, any reference to the
19 "office of housing and community development" or "department of housing" shall appear, it shall
20 mean the executive office of housing created pursuant to this chapter.

21 SECTION 12. Title 42 of the General Laws entitled "STATE AFFAIRS AND
22 GOVERNMENT" is hereby amended by adding thereto the following chapter:

23 **CHAPTER 167.1**

24 **INTERAGENCY COUNCIL ON HOMELESSNESS**

25 **42-167.1-1. Legislative findings.**

26 The general assembly hereby finds that there exists in this state undetermined numbers of
27 homeless persons, many of whom suffer from chronic mental illness and disability, and that this
28 condition exists among families and among individuals of all age groups without regard to ethnic
29 or racial heritage or sex. The existence of this condition is declared to be detrimental to the health,
30 safety, and welfare of the homeless individuals themselves and to the state.

31 **42-167.1-2. Establishment of Council.**

32 (a) There is hereby created a permanent council to be called the "Interagency Council on
33 Homelessness" consisting of seventeen (17) members:

34 (1) One of whom shall be the secretary of housing, or his or her designee, who shall chair

1 the council;

2 (2) One of whom shall be the director of the department of human services, or his or her

3 designee;

4 (3) One of whom shall be the director of the department of health, or his or her designee;

5 (4) One of whom shall be the director of the department of children, youth and families, or

6 his or her designee;

7 (5) One of whom shall be the director of the office of healthy aging, or his or her designee;

8 (6) One of whom shall be the director of behavioral healthcare, developmental disabilities

9 and hospitals, or his or her designee;

10 (7) One of whom shall be director of the department of labor and training, or his or her

11 designee;

12 (8) One of whom shall be the director of the department of corrections, or his or her

13 designee;

14 (9) One of whom shall be the commissioner of the department of elementary and secondary

15 education, or his or her designee;

16 (10) One of whom shall be the director of the Rhode Island housing and mortgage finance

17 corporation, or his or her designee;

18 (11) One of whom shall be the director of the emergency management agency, or his or

19 her designee;

20 (12) One of whom shall be a representative from the office of veterans' affairs, or his or

21 her designee;

22 (13) One of whom shall be the public defender, or his or her designee;

23 (14) One of whom shall be the Medicaid director within the executive office of health and

24 human services, or his or her designee;

25 (15) One of whom shall be the secretary of the executive office of health and human

26 services, or his or her designee;

27 (16) One of whom shall be the chair of the continuum of care created pursuant to Part 578

28 of Subchapter C of Chapter V of Subtitle B of Title 24 of the Code of Federal Regulations, or his

29 or her designee; and

30 (17) One of whom shall be the lieutenant governor, or his or her designee.

31 (b) Forthwith upon the effective date of this chapter, the members of the council shall meet

32 at the call of the chair and organize. Vacancies in the council shall be filled in like manner as the

33 original appointment. A majority of seats filled shall constitute a quorum.

34 (c) The executive office of housing is hereby directed to provide administrative support for

1 the council.

2 (d) All departments and agencies of the state shall furnish advice and information,
3 documentary, and otherwise to the council and its agents as is deemed necessary or desirable by
4 the council to facilitate the purposes of this chapter.

5 **42-167.1-3. Duties and responsibilities of council.**

6 The duties and responsibilities of the council shall include, but not be limited to:

7 (1) Advise on and participate in the process led by the executive office of housing pursuant
8 to § 42-167-1 to develop a strategic plan to end homelessness that will serve to reduce the number
9 of homeless individuals and families in Rhode Island;

10 (2) Coordinate services for the homeless among state agencies and instrumentalities,
11 community-based organizations, faith-based organizations, volunteer organizations, advocacy
12 groups, and businesses;

13 (3) Coordinate services not specifically for the homeless, but from which the homeless may
14 benefit, among state agencies and instrumentalities, community-based organizations, faith-based
15 organizations, volunteer organizations, advocacy groups, and businesses;

16 (4) Identify and seek to remedy gaps in services, specifically in the area of making
17 provisions for the availability, use, and permanent funding stream for permanent supportive
18 housing;

19 (5) Identify gaps in services that contribute to the occurrence and persistence of
20 homelessness, with the aim of addressing such gaps in a timely and effective manner;

21 (6) Work to reduce the inflow of individuals and families into the homeless emergency
22 response system through proactive, preventative measures;

23 (7) Align policies and programs across governmental agencies to maximize available
24 resources, remove barriers to accessing supports, and improve the effectiveness of homelessness
25 prevention and response systems; and

26 (8) Provide recommendations for addressing the unique needs of homeless individuals
27 during emergency situations, including but not limited to, extreme winter weather, pandemics, or
28 natural disasters, ensuring timely and appropriate responses to such events.

29 **42-167.1-4. Meeting and reporting requirements.**

30 Meeting and reporting requirements are as follows:

31 (1) The council shall meet at least quarterly upon the call of the chair to fulfill its duties
32 and responsibilities. The frequency of meetings may be adjusted based on the needs of the council;

33 (2) The council shall report annually to the governor and the general assembly, no later
34 than March of each year, on the progress made in achieving the goals and objectives set forth in

1 the strategic plan; on the current number of homeless individuals, families, and children; and any
2 other pertinent information; and

3 (3) The council shall conform to the provisions of chapter 46 of this title.

4 **42-167.1-5. Advisory council.**

5 The Interagency Council on Homelessness will be advised by the Advisory Council on
6 Housing and Homelessness.

7 SECTION 13. Title 42 of the General Laws entitled "STATE AFFAIRS AND
8 GOVERNMENT" is hereby amended by adding thereto the following chapter:

9 **CHAPTER 167.2**

10 **INTERAGENCY COUNCIL ON HOUSING PRODUCTION AND PRESERVATION**

11 **42-167.2-1. Establishment of the interagency council on housing production and**
12 **preservation.**

13 (a) There is hereby created a permanent council to be called the "Interagency Council on
14 Housing Production and Preservation" consisting of twelve (12) members:

15 (1) One of whom shall be the director of the Rhode Island housing and mortgage finance
16 corporation, or his or her designee;

17 (2) One of whom shall be the director of the department of business regulation, or his or
18 her designee;

19 (3) One of whom shall be the director of the department of environmental management, or
20 his or her designee;

21 (4) One of whom shall be the secretary of the executive office of commerce, or his or her
22 designee;

23 (5) One of whom shall be the director of the department of labor and training, or his or her
24 designee;

25 (6) One of whom shall be the director of the department of health, or his or her designee;

26 (7) One of whom shall be the director of the office of healthy aging; or his or her designee;

27 (8) One of whom shall be the director of the office of veterans services, or his or her
28 designee;

29 (9) One of whom shall be the director of the department of behavioral health,
30 developmental disabilities, and hospitals, or his or her designee;

31 (10) One of whom shall be the executive director of the Rhode Island infrastructure bank,
32 or his or her designee;

33 (11) One of whom shall be the director of the department of administration, or his or her
34 designee; and

1 (12) One of whom shall be the secretary of the executive office of housing, or his or her
2 designee, who shall be the chair of the council.

3 (b) The council may invite additional entities to participate as necessary in meetings in a
4 non-voting capacity, including but not limited to:

5 (1) The public finance management board;

6 (2) The historical preservation and heritage commission; and

7 (3) The office of postsecondary commissioner.

8 (c) The executive office of housing will provide administrative support to the council.

9 **42-167.2-2. Purpose.**

10 The purpose of the council is to work collaboratively across state departments and agencies
11 to promote the development and preservation of housing across affordability levels, including low
12 and moderate income (LMI) and market-rate housing, and tenure, including rental and
13 homeownership opportunities.

14 **42-167.2-3. Duties and responsibilities.**

15 (a) The council's responsibilities shall include, but are not limited to:

16 (1) Reducing barriers to the development of housing and streamlining the process to
17 facilitate housing production;

18 (2) Aligning state policies and programs to address the short- and long-term housing needs
19 of all Rhode Islanders, and ensuring that actions taken support the state housing plan's goals;

20 (3) Addressing housing preservation efforts by identifying and implementing strategies to
21 maintain and rehabilitate existing housing stock, particularly affordable housing;

22 (4) Collaborating on initiatives related to healthy homes, ensuring that housing production
23 and preservation efforts contribute to safe and healthy living environments;

24 (5) Projecting future housing needs within the state, with a particular focus on identifying
25 and prioritizing the types of housing required to meet the needs of priority populations, including
26 but not limited to low-income families, seniors, veterans, and individuals with disabilities;

27 (6) Strategizing on how to support economic development, job creation, and community
28 development through housing opportunities;

29 (7) Identifying opportunities to promote homeownership, particularly for first-generation
30 homebuyers.

31 **42-167.2-4. Advisory recommendations.**

32 The council will be advised by the Advisory Council on Housing and Homelessness.

33 **42-167.2-5. Meeting requirements.**

34 (a) The council shall meet at least quarterly to fulfill its duties and responsibilities. The

1 frequency of meetings may be adjusted based on the needs of the council.

2 (b) Forthwith upon the effective date of this chapter, the members of the council shall meet
3 at the call of the chair and organize. A majority of seats filled shall constitute a quorum.

4 (c) The council shall conform to the provisions of chapter 46 of this title.

5 SECTION 14. Section 44-5.1-3 of the General Laws in Chapter 44-5.1 entitled "Real Estate
6 Nonutilization Tax" is hereby amended to read as follows:

7 **44-5.1-3. Imposition of tax.**

8 (a) Providence. The city of Providence is empowered to impose a tax upon the privilege of
9 utilizing property as vacant and abandoned property within the city during any privilege year
10 commencing with the privilege year beginning January 1, 1984, and every privilege year thereafter.
11 The tax shall be in addition to any other taxes authorized by the general or public laws.

12 (b) Pawtucket. The city of Pawtucket is empowered to impose a tax upon the privilege of
13 utilizing property as vacant and abandoned property within the city during any privilege year
14 commencing with the privilege year beginning January 1, 1997, and every privilege year thereafter.
15 The tax shall be in addition to any other taxes authorized by the general or public laws.

16 (c) Cranston. The city of Cranston is empowered to impose a tax upon the privilege of
17 utilizing property as vacant and abandoned property within the city during any privilege year
18 commencing with the privilege year beginning January 1, 1997, and every privilege year thereafter.
19 The tax shall be in addition to any other taxes authorized by the general or public laws.

20 (d) North Providence. The town of North Providence is empowered to impose a tax upon
21 the privilege of utilizing property as vacant and abandoned property within the town during any
22 privilege year commencing with the privilege year beginning January 1, 2001, and every privilege
23 year thereafter. The tax shall be in addition to any other taxes authorized by the general or public
24 laws.

25 (e) East Providence. The city of East Providence is empowered to impose a tax upon the
26 privilege of utilizing property as vacant and abandoned property within the city during any privilege
27 year commencing with the privilege year beginning January 1, 2000, and every privilege year
28 thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

29 (f) Woonsocket. The city of Woonsocket is empowered to impose a tax upon the privilege
30 of utilizing property as vacant and abandoned property within the city during any privilege year
31 commencing with the privilege year beginning January 1, 2000, and every privilege year thereafter.
32 The tax shall be in addition to any other taxes authorized by the general or public laws.

33 (g) Cities and towns. Any city or town not previously empowered is empowered to impose
34 a tax upon the privilege of utilizing vacant and abandoned property within the city or town during

1 any privilege year commencing with the privilege year beginning January 1, 2002, and every
2 privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general
3 or public laws.

4 (h) Implementing ordinance. Cities and towns that are empowered to impose this tax and
5 who choose to impose this tax shall adopt an implementing ordinance. The ordinance shall:

6 (1) Designate a municipal entity responsible for determining which properties are vacant
7 and abandoned;

8 (2) Establish the mechanism by which the tax is imposed and how the tax is removed from
9 the property once the property has been rehabilitated;

10 (3) Designate a reviewing entity to review and approve a development plan submitted by
11 a nonprofit housing organization or an abutter;

12 (4) Empower the tax assessor to abate the tax if it is imposed in error or if a nonprofit
13 housing organization or an abutter acquires the property for rehabilitation and submits a
14 development plan that complies with the provisions of subdivision (i)(2) of this section;

15 (i) Exemptions.

16 (1) The non-utilization tax authorized by this chapter shall not be imposed on property
17 owned by an abutter or a nonprofit housing organization if:

18 (i) The abutter or nonprofit housing organization submits a proposed development plan
19 which has been approved by the ~~Rhode Island housing resources commission~~ [executive office of](#)
20 [housing](#) or Rhode Island housing and mortgage finance corporation to the reviewing entity;

21 (ii) The proposed development plan contains a reasonable timetable for the development
22 or reuse of the property; and

23 (iii) The reviewing entity determines that the proposed development plan is in accordance
24 with the approved comprehensive plan of the city or town and approves it.

25 (2) The reviewing entity shall deliver a copy of the approved development plan to the tax
26 assessor who shall certify the property as exempt from the non-utilization tax.

27 (3) Failure of the nonprofit housing organization or abutter, without good cause, to carry
28 out the development or reuse of the property in accordance with the timetable set forth in the
29 approved development plan shall result in the property being subject to the non-utilization tax as
30 of the first date of assessment following the expiration of the timetable in the approved development
31 plan.

32 (4) The decision of the reviewing entity denying approval of a development plan may be
33 appealed as provided in § 44-5.1-6.

34 SECTION 15. Section 44-30.3-1 of the General Laws in Chapter 44-30.3 entitled

1 "Residential Lead Abatement Income Tax Credit" is hereby amended to read as follows:

2 **44-30.3-1. Residential lead abatement tax relief — Limitation.**

3 (a) Appropriations from the general fund for property tax relief provided by this chapter
4 are in the amount of two hundred and fifty thousand dollars (\$250,000) for the year commencing
5 on July 1, 2004, and for each subsequent fiscal year.

6 (b) A claimant shall be entitled to tax relief for residential lead removal or lead hazard
7 reduction when he or she: (1) obtains a ~~housing resources commission~~ [department of health](#)
8 regulated certificate of conformance for mitigation, pursuant to chapter 24.6 of title 23; or (2)
9 obtains a department of health regulated lead safe certificate for abatement, pursuant to chapter
10 24.6 of title 23. The lead paint tax relief shall only apply to residential premises. Residential
11 premises shall include single-family homes, individual condominiums, and individual units in
12 either apartment buildings or multi-family homes.

13 (c) The tax relief shall be equal to the amount actually paid for the required lead abatement
14 or lead hazard mitigation up to a maximum of one thousand five hundred dollars (\$1,500) per
15 dwelling unit for mitigation and up to five thousand dollars (\$5,000) per dwelling unit for
16 abatement, as specified under subsection (b) above. In the event that: (1) multiple owners of the
17 dwelling unit; or (2) owner(s) along with the renter(s)/lessee(s) of the dwelling unit have jointly
18 incurred costs and paid for the lead abatement/lead hazard mitigation, each individual must apply
19 for relief as a separate claimant, and must include all required proof of payment and certifications,
20 based on their respective contributions to the cost of lead abatement/lead hazard mitigation.

21 SECTION 16. Section 45-24-46.1 of the General Laws in Chapter 45-24 entitled "Zoning
22 Ordinances" is hereby amended to read as follows:

23 **45-24-46.1. Inclusionary zoning. [Effective January 1, 2025.]**

24 (a) A zoning ordinance requiring the inclusion of affordable housing as part of a
25 development shall provide that the housing will be affordable housing, as defined in § 42-128-
26 8.1(d)(1); that the affordable housing will constitute not less than fifteen percent (15%) of the total
27 units proposed for the development; and that the units will remain affordable for a period of not
28 less than thirty (30) years from initial occupancy enforced through a land lease and/or deed
29 restriction enforceable by the municipality and the state of Rhode Island. A zoning ordinance that
30 requires the inclusion of affordable housing as part of a development shall specify the threshold in
31 which the inclusion of affordable housing is required, but in no event shall a minimum threshold
32 triggering the inclusion of affordable housing be higher than ten (10) dwelling units. The total
33 number of units for the development may include less than fifteen percent (15%) affordable units
34 after the density bonus described in subsection (c) of this section is determined.

1 (b) A zoning ordinance that includes inclusionary zoning may provide that the affordable
2 housing must be built on-site or it may allow for one or more alternative methods of production,
3 including, but not limited to: off-site construction or rehabilitation; donation of land suitable for
4 development of the required affordable units; and/or the payment of a fee in lieu of the construction
5 or provision of affordable housing units.

6 (c) **Density bonus, zoning incentives, and municipal subsidies.** For all projects subject
7 to inclusionary zoning, subject to applicable setback, lot width, or frontage requirements or the
8 granting of relief from the same, a municipality shall allow the addition of one market rate unit for
9 each affordable unit required and the minimum lot area per dwelling unit normally required in the
10 applicable zoning district shall be reduced by that amount necessary to accommodate the
11 development. Larger density bonuses for the provision of an increased percentage of affordable
12 housing in a development may be provided by a municipality in the zoning ordinance. The total
13 number of units for the development shall equal the number originally proposed, including the
14 required affordable units, plus the additional units that constitute the density bonus. Local
15 regulations shall provide for reasonable relief from dimensional requirements to accommodate the
16 bonus density under this section. A municipality shall provide, and an applicant may request,
17 additional zoning incentives and/or municipal government subsidies as defined in § 45-53-3 to
18 offset differential costs of affordable units. Available zoning incentives and municipal government
19 subsidies may be listed in the zoning ordinance, but shall not be an exclusive list.

20 (d) **Fee-in-lieu.** To the extent a municipality provides an option for the payment of a fee-
21 in-lieu of the construction or provision of affordable housing, and an application seeks to utilize
22 fee-in-lieu, the use of such fee shall be the choice of the developer or builder applied on a per-unit
23 basis and may be used for new developments, purchasing property and/or homes, rehabilitating
24 properties, or any other manner that creates additional low- or moderate-income housing as defined
25 in § 45-53-3(9).

26 (1) Eligibility for density bonus. Notwithstanding any other provisions of this chapter, an
27 application that utilizes a fee-in-lieu, off-site construction or rehabilitation, or donation of land
28 suitable for development of the required affordable units shall not be eligible for the density bonus
29 outlined in this section.

30 (2) An application that seeks to utilize a fee-in-lieu of the construction or provision of
31 affordable housing must be reviewed by the planning board or commission and is not eligible for
32 administrative review under the Rhode Island Land Development and Subdivision Review
33 Enabling Act of 1992, codified at §§ 45-23-25 — 45-23-74.

34 (3) Amount of fee-in-lieu. For affordable single-family homes and condominium units, the

1 per-unit fee shall be the difference between the maximum affordable sales price for a family of four
2 (4) earning eighty percent (80%) of the area median income as determined annually by the U.S.
3 Department of Housing and Urban Development and the average cost of developing a single unit
4 of affordable housing. The average cost of developing a single unit of affordable housing shall be
5 determined annually based on the average, per-unit development cost of affordable homes financed
6 by Rhode Island housing and mortgage finance corporation (RIHMFC) over the previous three (3)
7 years, excluding existing units that received preservation financing.

8 (i) Notwithstanding subsection (d)(3) of this section, in no case shall the per-unit fee for
9 affordable single family homes and condominium units be less than forty thousand dollars
10 (\$40,000).

11 (4) Use of fee-in-lieu. The municipality shall deposit all in-lieu payments into restricted
12 accounts that shall be allocated and spent only for the creation and development of affordable
13 housing within the municipality serving individuals or families at or below eighty percent (80%)
14 of the area median income. The municipality shall maintain a local affordable housing board to
15 oversee the funds in the restricted accounts and shall allocate the funds within three (3) years of
16 collection. The municipality shall include in the housing element of their local comprehensive plan
17 and shall pass by ordinance, the process it will use to allocate the funds.

18 (e) As an alternative to the provisions of subsection (d), the municipality may elect to
19 transfer in-lieu payments promptly upon receipt or within the three-year (3) period after receipt. A
20 municipality shall transfer all fee-in-lieu payments that are not allocated within three (3) years of
21 collection, including funds held as of July 1, ~~2024~~ 2025, to ~~RIHMFC~~ the executive office of housing
22 for the purpose of developing affordable housing within that community. Funds shall be deposited
23 into the Housing Production Fund established pursuant to § 42-128-2.1.

24 ~~(f) Both the municipalities and RIHMFC shall report annually with the first report due~~
25 ~~December 31, 2024, to the general assembly, the secretary of housing, and the housing resources~~
26 ~~commission the amount of fees in lieu collected by community, the projects that were provided~~
27 ~~funding with the fees, the dollar amounts allocated to the projects, and the number of units created.~~

28 SECTION 17. Sections 45-53-3, 45-53-3.2, 45-53-11, 45-53-12 and 45-53-15 of the
29 General Laws in Chapter 45-53 entitled "Low and Moderate Income Housing" are hereby amended
30 to read as follows:

31 **45-53-3. Definitions.**

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

34 (1) "Adjustment(s)" means a request or requests by the applicant to seek relief from the

1 literal use and dimensional requirements of the municipal zoning ordinance and/or the design
2 standards or requirements of the municipal land development and subdivision regulations. The
3 standard for the local review board's consideration of adjustments is set forth in § 45-53-
4 4(d)(2)(iii)(E)(II).

5 (2) "Affordable housing plan" means a component of a housing element, as defined in §
6 45-22.2-4(1), that addresses housing needs in a city or town that is prepared in accordance with
7 guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(e)(1)
8 and (f).

9 (3) "Approved affordable housing plan" means an affordable housing plan that has been
10 approved by the director of administration as meeting the guidelines for the local comprehensive
11 plan as promulgated by the state planning council; provided, however, that state review and
12 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
13 having completed, adopted, or amended its comprehensive plan as provided for in § 45-22.2-8, §
14 45-22.2-9, or § 45-22.2-12.

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

17 (5) "Consistent with local needs" means reasonable in view of the state need for low- and
18 moderate-income housing, considered with the number of low-income persons in the city or town
19 affected and the need to protect the health and safety of the occupants of the proposed housing or
20 of the residents of the city or town, to promote better site and building design in relation to the
21 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
22 requirements, and regulations are applied as equally as possible to both subsidized and
23 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are
24 consistent with local needs when imposed by a city or town council after a comprehensive hearing
25 in a city or town where:

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

32 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
33 regulations to implement a comprehensive plan that has been adopted and approved pursuant to
34 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides

1 for low- and moderate-income housing in excess of either ten percent (10%) of the year-round
2 housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided
3 in subsection (5)(i).

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

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

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

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

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

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

30 (ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-
31 8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do
32 not have a deed restriction or land lease as described in this subsection (9), shall count as one-half
33 (½) of one unit for the purpose of the calculation of the total of low- or moderate-income year-
34 round housing within a city or town, as long as a municipality contracts with a monitoring agent to

1 verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not
2 be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent
3 shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as
4 to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker
5 of the house of representatives, senate president, and secretary of housing on an annual basis,
6 beginning on or before December 31, 2025.

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

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

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

22 (11) "Monitoring agents" means those monitoring agents appointed by the ~~Rhode Island~~
23 ~~housing resources commission~~ [executive office of housing](#) pursuant to § 45-53-3.2 and to provide
24 the monitoring and oversight set forth in this chapter, including, but not limited to, §§ 45-53-3.2
25 and 45-53-4.

26 (12) "Municipal government subsidy" means assistance that is made available through a
27 city or town program sufficient to make housing affordable, as affordable housing is defined in §
28 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct
29 financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses
30 and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any
31 combination of forms of assistance.

32 **45-53-3.2. Approved monitoring agent program.**

33 (a) There is hereby established an approved monitoring agent program (the "program").
34 Effective July 1, 2022, the Rhode Island housing resources commission (the "commission")

1 established pursuant to chapter 128 of title 42 shall appoint and oversee approved monitoring agents
2 as part of this program.

3 (b) On or before July 1, 2023, the commission shall promulgate rules and regulations
4 pursuant to chapter 35 of title 42 ("administrative procedures") for the implementation of the
5 program, which shall include a process for the selection and approval of monitoring agents. These
6 rules and regulations shall be prepared to ensure the selection and appointment of organizations
7 that shall be capable of monitoring and ensuring that municipally subsidized housing developments
8 remain affordable, and that income-eligible buyers and tenants are occupying these units. The
9 commission shall appoint these monitoring agents, who shall serve for terms of not more than five
10 (5) consecutive years; provided that, the term of an approved monitoring agent may be renewed by
11 the commission.

12 (c) As used in this section, the term "LMI" means low- and moderate-income housing and
13 includes area median-income levels as established by the U.S. Department of Housing and Urban
14 Development ("HUD").

15 (d) Specific duties of approved monitoring agents shall include, but not be limited to, the
16 following:

17 (1) To oversee, monitor, and ensure that tenants in LMI rental units meet income limits
18 annually and that monthly rental rates are consistent with the low- and moderate-income guidelines
19 and the recorded deed restrictions;

20 (2) To oversee, monitor, and ensure that LMI homeownership units continue to serve as
21 the owners' year-round principal residences; monitor and ensure that any proposed refinance of a
22 LMI unit during the period in which a deed restriction is in effect is in compliance with program
23 requirements: in the case of the resale of any LMI unit during the period in which a deed restriction
24 is in effect, the maximum sales price is consistent with the recorded deed restriction and that the
25 proposed buyer of the LMI unit meets the income limits as defined within the recorded deed
26 restriction;

27 (3) To oversee, monitor and ensure any LMI accessory dwelling unit being counted is in
28 compliance with the following requirements:

29 (i) An annual lease; and

30 (ii) The accessory dwelling unit is occupied by a household whose income does not exceed
31 eighty percent (80%) of the area median income (AMI), adjusted for family size; and

32 (iii) The cost of rent, heat, and utilities other than telephone, cable, and internet, based on
33 the number of the bedrooms in the unit does not exceed thirty percent (30%) of the gross annual
34 household income for a household with eighty percent (80%) or less of area median income,

1 adjusted for family size as certified by the selected approved monitoring agent;

2 (4) Any other provision contained in chapter 24 of this title that reasonably relates to
3 affordable housing compliance and enforcement; and

4 (5) Such other duties as the commission sets forth in its rules and regulations for the
5 monitoring agents.

6 (e) The commission shall also promulgate rules and regulations providing for the terms of
7 engagement of the approved monitoring agents, standards for approval and recertification of the
8 approved monitoring agents, and establish reporting requirements for the approved monitoring
9 agents to the commission.

10 (f) ~~Commencing on or before January 1, 2023, and on or before January 1 thereafter, the~~
11 ~~commission shall prepare a report on the approved monitoring agent program to the governor, the~~
12 ~~speaker of the house, the president of the senate, and the secretary of housing.~~ Effective July 1,
13 2025, all responsibilities of the commission related to the program shall be transferred to the
14 executive office of housing.

15 **45-53-11. Annual comprehensive permit report.**

16 (a) The ~~department~~ executive office of housing ("executive office") shall maintain records
17 and shall prepare a report ("report") on an annual basis to be submitted to the speaker of the house;
18 and the president of the senate, ~~and the housing resources commission~~. The report shall also be
19 made available on the ~~department's~~ executive office's website for a period of at least three (3) years,
20 and shall also be deemed to be a public record. The report shall be due on or before March 15, of
21 each year, ~~commencing in calendar year 2023~~.

22 (b) The report required by this section shall contain the following for the preceding twelve-
23 month (12) calendar period covered by the report:

24 (1) The number of letters of eligibility issued for low- and moderate-income housing for
25 applications made pursuant to this chapter and § 42-55-5.3, the federal, state, and municipal subsidy
26 programs under which they were eligible, and the number of proposed subsidized units involved,
27 by city and town, during the preceding calendar year, as provided by the Rhode Island housing
28 corporation.

29 (2) The status of each comprehensive permit application for which a letter of eligibility
30 was issued disaggregated by municipality.

31 (3) The number of comprehensive permit applications that have had building permits
32 issued, including the number of market rate housing units, the number of low- and moderate-
33 income housing units, and the AMI restrictions associated both pursuant to § 45-53-4, aggregated
34 by the total number of such applications in the state and disaggregated by each municipality in the

1 state.

2 (4) The number of comprehensive permit applications that have had certificates of
3 occupancy issued, aggregated by the total number of such applications in the state and
4 disaggregated by each municipality in the state.

5 (c) Each municipality shall annually provide to the ~~department~~ executive office the
6 information on comprehensive permit activity described in subsection (b) of this section by
7 February 1.

8 **45-53-12. Annual report.**

9 ~~(a) The Rhode Island housing corporation established pursuant to chapter 55 of title 42 (the~~
10 ~~"corporation") shall collect data on the number of Section 8 Housing Choice Vouchers, as~~
11 ~~authorized by 42 U.S.C. § 1437(f) ("vouchers"), that are received and utilized by the public housing~~
12 ~~authorities (PHA) and agencies.~~

13 ~~(b)(a)~~ The ~~office of housing and community development (OHCD)~~ executive office of
14 housing shall prepare a report ("report") on an annual basis to the general assembly, ~~the housing~~
15 ~~resources commission,~~ the Rhode Island housing and mortgage finance corporation, and the
16 division of statewide planning, ~~and the secretary of housing~~. The report required by this section
17 shall be made available on the ~~OHCD~~ executive office of housing website for a period of at least
18 three (3) years, and shall be deemed to be a public record. The report shall be due on or before
19 ~~March 1~~ April 15 of each year, ~~commencing in the calendar year 2023.~~

20 ~~(c)(b)~~ The annual report required by this section shall contain the following information
21 for the twelve-month (12) calendar period covered by the report commencing January 1, 2022,
22 through December 31, 2022, and annually thereafter on an aggregated and disaggregated basis by
23 each public housing authority:

24 (1) The ~~total~~ amount of fees in lieu collected by each municipality from developers in lieu
25 of development of low- and moderate-income housing as defined in § 45-24-46.1, the projects that
26 were provided funding by the fees, the amounts allocated to the projects, and the number of units
27 created. The information required by this subsection shall be provided by all municipalities directly
28 to the executive office of housing.

29 (2) The ~~number of unfunded vouchers that result either due to cost of rent or due to an~~
30 ~~unavailability of housing units~~ amount of "leasing potential" as defined by the United States
31 Department of Housing and Urban Development. The information required by this subsection shall
32 be provided by all public housing authorities or agencies directly to the ~~office of housing and~~
33 ~~community development (OHCD)~~ executive office of housing.

34 (3) The total number of vouchers received and utilized by all public housing authorities in

1 the state during the preceding calendar year.

2 (4) The administrative fees received and utilized by the public housing authorities to
3 administer the vouchers.

4 ~~(d)~~(c) As used herein, the term "public housing authority and agency" means and includes
5 any public housing authority or agency established under chapter 25 of this title or chapter 26 of
6 this title.

7 **45-53-15. Annual reports.**

8 (a) The Rhode Island housing [and mortgage finance](#) corporation established pursuant to §
9 42-55-4 (the "corporation") shall provide the annual reports pursuant to subsections (b) and (c) of
10 this section to the speaker of the house, the president of the senate, ~~the housing resources~~
11 ~~commission~~, the division of statewide planning, and the secretary of housing. Reports shall be made
12 available on the corporation's website for a period of at least three (3) years, and shall be deemed
13 to be a public record. Reports shall be due on or before March 15, of each year, commencing in the
14 calendar year 2023.

15 (b) Report on Rhode Island housing [and mortgage finance](#) corporation housing
16 development and preservation activity. This report shall include the following information:

17 (1) The identity of projects that have been provided funding by the corporation for housing
18 development or preservation and that closed on that financing by December 31 of the previous
19 calendar year;

20 (2) The total aggregate of funds, in dollar amounts, that have been provided to projects by
21 the corporation for housing development or preservation and that closed on that financing by
22 December 31, of the previous calendar year, as well as those amounts disaggregated by each
23 project; and

24 (3) The number of housing units that received funding from the corporation for housing
25 development or preservation that received a certificate of occupancy in the previous calendar year,
26 both in total and disaggregated by project.

27 (c) Report on tax payments made by affordable housing developments to municipalities
28 pursuant to § 44-5-13.11. This report shall include data aggregated by all the municipalities and
29 disaggregated by each individual municipality on the total amount of fees collected in the previous
30 calendar year by municipalities on any assessment and taxation made pursuant to § 44-5-13.11.

31 (d) With regard to the report in subsection (c) of this section, all municipalities in the state
32 shall annually submit to the corporation by January 15, of each year, the total amount of fees
33 collected in the previous calendar year by the municipality on any assessment and taxation made
34 pursuant to § 44-5-13.11 disaggregated by individual development.

1 SECTION 18. Section 45-53-13 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby repealed.

3 ~~**45-53-13. Annual status report on appeals.**~~

4 ~~(a) The Rhode Island housing resources commission established pursuant to chapter 128~~
5 ~~of title 42 (the "commission") shall maintain accurate records and shall prepare an annual status~~
6 ~~report ("status report") on all active cases and appeals pending before the state housing appeals~~
7 ~~board (the "board"). The status report shall be forwarded to the secretary of housing, the speaker of~~
8 ~~the house, and the president of the senate. Each report shall also be made available on the~~
9 ~~commission's website for a period of at least three (3) years, and shall also be deemed to be a public~~
10 ~~record. The report shall be due on or before March 15 of each year, commencing in the calendar~~
11 ~~year 2023.~~

12 ~~(b) The report required by this section shall contain the following information for the~~
13 ~~twelve month (12) calendar period covered by the report:~~

14 ~~(1) The total number of appeals pending before the board;~~

15 ~~(2) The number of appeals for which a decision has been rendered, have been settled by~~
16 ~~agreement, or have otherwise been disposed of during the previous calendar year;~~

17 ~~(3) The number of board decisions which were appealed in the previous calendar year and~~
18 ~~the status of those cases; and~~

19 ~~(4) The length of time for the board to decide appeals in the previous calendar year~~
20 ~~aggregated by:~~

21 ~~(i) Appeals decided by the board within six (6) months;~~

22 ~~(ii) Appeals decided by the board within six (6) to nine (9) months; and~~

23 ~~(iii) Appeals decided by the board in more than nine (9) months.~~

24 SECTION 19. This article shall take effect upon passage.