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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO TOWNS AND CITIES -- HOME-FIT DWELLING UNITS

Introduced By: Representatives Spears, Cotter, Noret, Fogarty, Stewart, Boylan,
Speakman, McNamara, Tanzi, and Kislak

Date Introduced: January 31, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 24.8

4 HOME-FIT DWELLING UNITS

5 **45-24.8-1. Short title.**

6 This chapter shall be known and may be cited as "Home-Fit Dwelling Units".

7 **45-24.8-2. Definitions.**

8 As used in this chapter, the following terms shall have the following meanings:

9 (1) "Accessibility" means and refers to architectural designs that promote ease of entry and
10 increased ease of movement within a residential dwelling for residents and visitors with physical
11 disabilities, primarily those who use mobility equipment.

12 (2) "Authorized agency" means and includes the Rhode Island department of housing and
13 any city or town agency or official authorized to issue building permits or building certificates of
14 occupancy.

15 (3) "Covered dwelling unit" means any dwelling unit that is subject to the provisions of
16 this chapter.

17 (4) "Design provisions" means Type A Units as defined in § 1103 of ANSI 2017 (standard
18 for accessible and usable buildings and facilities).

19 (5) "Director" means the director of the department of housing which is authorized to

1 implement the provisions of this chapter.

2 (6) "Dwelling unit" means a detached or semi-detached multi-family home, or any
3 individual unit in a building (whether detached or attached to other buildings or structures) which
4 is designed, or intended for occupancy, as a residence.

5 (7) "Home-fit" means and refers to a residential dwelling that is designed and constructed
6 in compliance with the requirements of this chapter to incorporate design features that provide safe
7 and convenient use to the greatest extent feasible, regardless of age or physical ability.

8 (8) "Local public financial assistance" means funding or financial assistance from a city or
9 town adopting an ordinance pursuant to this chapter, or any agent thereof, through any of the
10 following means:

11 (i) Receipt of a building contract or similar contractual agreement involving a city or town
12 program or fund;

13 (ii) Real estate purchased, leased or donated by the city or town, or any agency thereof;

14 (iii) Receipt of preferential tax treatment, bond assistance, mortgage assistance, or similar
15 financial advantages derived from the city or town, or any agency thereof;

16 (iv) Disbursement under city or town, auspices of any federal or state construction funds,
17 including community development block grant and neighborhood stabilization program funds; and

18 (v) Receipt of any other funding or financial benefit from the city or town, or any agency
19 thereof.

20 (9) "Multi-story" means a dwelling unit with finished living space located on the ground
21 or entrance level and on the floor or floors immediately above and below it.

22 (10) "Person" means any individual, group of individuals, business firm, corporation,
23 partnership, nonprofit organization or other entity that is the owner or contractor of a covered
24 dwelling unit, or otherwise responsible for the design, development or construction of a covered
25 dwelling unit.

26 (11) "Public financial assistance" means and includes one or more of the following state,
27 federal, or local development subsidies used in connection with the design, development, financing
28 or construction of a covered dwelling unit:

29 (i) A building contract or similar contractual agreement with any state agency;

30 (ii) Any real estate received by the owner or developer through a donation by any state
31 agency;

32 (iii) Any state tax credits or tax abatement;

33 (iv) A grant, loan, loan guarantee or other assistance provided by the department of housing
34 or other state agency;

1 (v) A loan, loan guarantee, rental subsidy or other assistance provided by the housing
2 finance agency;

3 (vi) A grant, loan, rental subsidy or other assistance provided by the housing trust fund; or

4 (vii) Any federal funds administered by the state or any state agency or department in
5 connection with;

6 (A) The federal low-income housing tax credit program (26 U.S.C. § 42(a));

7 (B) The HOME investments partnership act (42 U.S.C. § 12721 et seq.);

8 (C) The national housing trust fund (12 U.S.C. § 4568);

9 (D) Self-help homeownership opportunity program (SHOP) (42 U.S.C. § 12805);

10 (E) USDA Rural Development § 502 Direct Loan Program (7 CFR, Part 3550);

11 (F) USDA Rural Development § 502 Guaranteed Loan Program (7 CFR, Part 3555);

12 (G) HUD § 202, supportive housing for the elderly program (24 CFR Part 891);

13 (H) HUD § 811, Supportive Housing for Persons with Disabilities (24 CFR Part 891); or

14 (I) 24 CFR Part 100.

15 **45-24.8-3. Requirements.**

16 (a) Except as otherwise provided, the provisions of this chapter shall apply to all new
17 construction, of covered dwelling units, including those receiving public financial assistance,
18 whether intended for sale or rent, or which application for a building permit is submitted to an
19 authorized agency after the effective date of this chapter. At a minimum, twenty-five percent (25%)
20 of these units shall follow Type A standards.

21 (b) For purposes of this chapter, the first-floor dwelling unit of a multi-story building that
22 qualifies as a covered dwelling unit shall be required to comply with the dwelling unit design
23 provisions completely while second and higher floors must be Type B adaptable units. Custom-
24 built homes shall be exempt from these requirements.

25 (c) All dwelling units which comply with the standards adopted under this chapter may be
26 identified as "home-fit dwelling units".

27 (d) Nothing contained in this chapter shall require any change in design or construction of
28 a residential dwelling unit for which a building permit had been issued prior to the effective date
29 of this chapter, or where renewal of such building permit is approved after such effective date,
30 provided that construction of the dwelling unit is commenced.

31 (e) The standards set forth in this section are intended to supplement and not replace any
32 comparable standards in existing state electrical, fire and safety codes, as well as minimum
33 standards of the Americans with Disabilities Act and § 504 of the Rehabilitation Act. Where
34 specific requirements or design criteria in this section differ from, or conflict with, comparable

1 requirements or criteria in such existing standards, the design criteria of this standard shall apply.

2 (f) Nothing in this chapter is intended to prevent the use of designs, clearances,
3 specifications or products as alternatives to those prescribed in this section, provided they result in
4 equivalent or greater accessibility or ease of use for potential residents, and such equivalency has
5 been confirmed and approved by the department of housing or the applicable authorized agency.

6 **45-24.8-4. Seller disclosure.**

7 Prior to the sale of a residential new construction home-fit dwelling unit, a seller shall
8 provide written disclosure to a prospective buyer detailing whether the residential construction is
9 in compliance with the standards described in § 45-24.8-3. Disclosure shall be made on a form and
10 in a manner prescribed by the department of housing.

11 **45-24.8-5. Exceptions.**

12 (a) Granting an exception based on a showing that full compliance with one or more design
13 standards in § 45-24.8-3 is impractical or technically infeasible does not lessen or remove the
14 obligation to provide for increased accessibility or other intended purposes of such standard to the
15 greatest extent practical or feasible, nor does it remove the obligation to comply fully with all other
16 design standards required by this chapter.

17 (b) Any person seeking an exception from any requirement of § 45-24.8-3 shall submit a
18 request with their building permit application, or immediately thereafter upon encountering
19 topographic or structural difficulties that may necessitate such exception, that shall include:

20 (1) A statement describing the exception or exceptions requested;

21 (2) An explanation of the problems encountered that warrant each exception; and

22 (3) Such additional information regarding topographic conditions, local codes and
23 ordinances, construction constraints, and any other factors as may be necessary to show the need
24 for each exception.

25 (c) The burden of proving impracticality, infeasibility, or other justification for an
26 exception is on the person or persons requesting such exception.

27 **45-24.8-6. State responsibilities.**

28 (a) The director shall consult with interested parties, including home builders, lending
29 institutions, real estate brokers, and representatives of organizations representing older persons,
30 persons with disabilities, and consumers generally, and shall adopt such rules and regulations as
31 necessary to implement the provisions of this chapter.

32 (b) The director shall create an incentive program by January 1, 2026.

33 **45-24.8-7. Implementation.**

34 (a) In connection with any application for a permit to construct a covered dwelling unit,

1 the authorized agency shall:

2 (1) Take such actions as appropriate to inform potential applicants, and the public
3 generally, of the circumstances requiring inclusion of the design features required by § 45-24.8-3,
4 in the design and construction of residential dwellings, and a description of all forms of public
5 financial assistance that require compliance with this chapter:

6 (2) Require that applicants include as part of any such application the following:

7 (i) A statement acknowledging that the applicant has received information regarding the
8 special design features required by this chapter and the types of public financial assistance requiring
9 compliance with this chapter;

10 (ii) A statement certifying whether any person involved in the design, commission,
11 development, or construction of the dwelling unit has received, applied for, or will receive any
12 public financial assistance described in § 45-24.8-2, that requires compliance with the requirements
13 of this chapter;

14 (iii) Where an applicant acknowledges receipt of public financial assistance, a building
15 plan that incorporates the design features required by § 45-24.8-3; and

16 (iv) If applicable, a request for exception in accordance with § 45-24.8-5, from one or
17 more required design standards, as required by § 45-24.8-3.

18 (3) Not approve an application for a permit to construct a covered dwelling unit where the
19 proposed building plan does not comply with all required design standards of § 45-24.8-3, and
20 where no showing for an exception has been made in compliance with § 45-24.8-5.

21 (4) Withhold issuance of a final inspection report or certificate of occupancy upon
22 completion of construction of a covered dwelling unit if, upon inspection, the dwelling unit is
23 determined out of compliance with one or more design standard(s) as required by this chapter, and
24 the owner or contractor of such dwelling unit fails to correct any deficiency necessary to bring the
25 dwelling unit into compliance.

26 (b) Exceptions to this section may be approved by the director if the following
27 impracticability standards are met:

28 (1) Compliance with the requirements of § 45-24.8-3 would be technologically unfeasible;
29 or

30 (2) Compliance with the requirements of § 45-24.8-3 would result in excessive and
31 unreasonable costs without any substantial benefit to persons with disabilities.

32 (c) In connection with an application for public financial assistance to construct a covered
33 dwelling unit, the director, shall:

34 (1) Make available to potential applicants, and the public generally, information concerning

1 the requirements of this chapter as part of any notice or educational material regarding the
2 availability of such financial assistance;

3 (2) Require that applicants include as part of any such application the following:

4 (i) A signed affidavit that acknowledges receipt and understanding of the design and
5 construction requirements of § 45-24.8-3, and certifies intent to comply with such requirements;

6 (ii) A building plan that incorporates the design features required by § 45-24.8-3; and

7 (iii) If applicable, a request for exception from one or more required design standards, as
8 required by § 45-24.8-5;

9 (3) Withhold approval for an application where the building plan does not comply with the
10 required design standards of § 45-24.8-3, and no showing for an exception(s) has been made as
11 provided in § 45-24.8-5; and

12 (4) Take such measures as are necessary to ensure compliance with the requirements of
13 this chapter, including requiring appropriate city or town inspectors to inspect a covered dwelling
14 unit under construction and, if such dwelling unit is determined to be out of compliance, seeking
15 an injunction against issuance of a certification of occupancy upon completion of construction of
16 the dwelling unit; except that, the owner, contractor or builder of such covered dwelling unit may
17 be provided appropriate opportunity, not to exceed sixty (60) days from the date of inspection, to
18 correct any deficiency or incorporate any design features necessary to bring the covered dwelling
19 unit into compliance.

20 (d) Any person that is the owner or contractor of a covered dwelling unit, or is otherwise
21 responsible for the design and construction of such unit, shall be deemed to have violated the
22 requirements of this chapter if such person:

23 (1) Provides false or inaccurate information regarding the receipt of public financial
24 assistance, or omits other material facts or information, in an application for a building permit with
25 an authorized agency;

26 (2) Fails to incorporate all required design features in the construction of a covered
27 dwelling unit, to comply with the terms of any exception to a required design feature, or to correct
28 any deficiency to bring the covered dwelling unit into compliance;

29 (3) Places a covered dwelling unit on the market for sale or rent without an approved
30 certificate of occupancy; or

31 (4) Engages in the sale or rental of a covered dwelling unit in which further construction
32 or renovation has occurred subsequent to final inspection and issuance of a certificate of occupancy
33 which alters or removes any design features required by § 45-24.8-3 so that the covered dwelling
34 unit no longer complies with the requirements of this chapter.

1 (e) A violation of this chapter shall be enforced by the department of housing, or other
2 appropriate state agency or by private right of action by any person or organization harmed by such
3 a violation.

4 (f) A cause of action to enforce this chapter shall accrue upon discovery of noncompliance
5 by any person or organization, and shall be brought within three (3) years of the discovery by such
6 person or organization of such noncompliance.

7 (g) A court may award compensatory, actual or punitive damages, equitable relief, and
8 reasonable costs and attorneys' fees to a person or organization that prevails in enforcing the
9 provisions of this chapter.

10 (h) In addition to the award of any remedy provided in subsection (g) of this section, the
11 court shall require the violating party to bring the covered dwelling unit into compliance with the
12 requirements of § 45-24.8-3; and may also grant the person or organization seeking to enforce this
13 chapter the option of selecting an independent qualified contractor to perform the necessary work
14 to bring the dwelling unit into compliance at the expense of the violating party.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- HOME-FIT DWELLING UNITS

1 This act would create the home-fit dwelling units act to apply to all new construction of
2 covered dwelling units to incorporate design features that provide safe and convenient use of to the
3 greatest extent feasible, regardless of age or physical ability.

4 This act would take effect upon passage.

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