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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Quattrocchi, Nardone, Place, Hopkins, Paplauskas,  
Santucci, Fascia, and Chippendale

Date Introduced: February 26, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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2 Housing" is hereby repealed in its entirety.

3 ~~CHAPTER 45-53~~

4 ~~Low and Moderate Income Housing~~

5 ~~45-53-1. Short title.~~

6 ~~This chapter shall be known as the "Rhode Island Low and Moderate Income Housing~~  
7 ~~Act".~~

8 ~~45-53-2. Legislative findings and intent.~~

9 ~~The general assembly finds and declares that there exists an acute shortage of affordable,~~  
10 ~~accessible, safe, and sanitary housing for its citizens of low and moderate income, both individuals~~  
11 ~~and families; that it is imperative that action is taken immediately to assure the availability of~~  
12 ~~affordable, accessible, safe, and sanitary housing for these persons; that it is necessary that each~~  
13 ~~city and town provide opportunities for the establishment of low and moderate income housing;~~  
14 ~~and that the provisions of this chapter are necessary to assure the health, safety, and welfare of all~~  
15 ~~citizens of this state, and that each citizen enjoys the right to affordable, accessible, safe, and~~  
16 ~~sanitary housing. It is further declared to be the purpose of this chapter to provide for housing~~  
17 ~~opportunities for low and moderate income individuals and families in each city and town of the~~  
18 ~~state and that an equal consideration shall be given to the retrofitting and rehabilitation of existing~~  
19 ~~dwellings for low and moderate income housing and assimilating low and moderate income~~

1 ~~housing into existing and future developments and neighborhoods.~~

2 **45-53-3. Definitions.**

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

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

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

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

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

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

31 (i) ~~Low or moderate income housing exists which is: (A) In the case of an urban city or~~  
32 ~~town which has at least 5,000 occupied year round rental units and the units, as reported in the~~  
33 ~~latest decennial census of the city or town, comprise twenty five percent (25%) or more of the year-~~  
34 ~~round housing units, and is in excess of fifteen percent (15%) of the total occupied year round~~

1 ~~rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the~~  
2 ~~year round housing units reported in the census.~~

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

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

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

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

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

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

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

1           ~~(ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-~~  
2 ~~8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do~~  
3 ~~not have a deed restriction or land lease as described in this subsection (9), shall count as one half~~  
4 ~~(1/2) of one unit for the purpose of the calculation of the total of low or moderate income year-~~  
5 ~~round housing within a city or town, as long as a municipality contracts with a monitoring agent to~~  
6 ~~verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not~~  
7 ~~be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent~~  
8 ~~shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as~~  
9 ~~to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker~~  
10 ~~of the house of representatives, senate president, and secretary of housing on an annual basis,~~  
11 ~~beginning on or before December 31, 2025.~~

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

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

21           ~~(10) "Meeting local housing needs" means as a result of the adoption of the implementation~~  
22 ~~program of an approved affordable housing plan, the absence of unreasonable denial of applications~~  
23 ~~that are made pursuant to an approved affordable housing plan in order to accomplish the purposes~~  
24 ~~and expectations of the approved affordable housing plan, and a showing that at least twenty percent~~  
25 ~~(20%) of the total residential units approved by a local review board or any other municipal board~~  
26 ~~in a calendar year are for low and moderate income housing as defined in § 42-128-8.1.~~

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

30           ~~(12) "Municipal government subsidy" means assistance that is made available through a~~  
31 ~~city or town program sufficient to make housing affordable, as affordable housing is defined in §~~  
32 ~~42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct~~  
33 ~~financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses~~  
34 ~~and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any~~

1 combination of forms of assistance.

2 ~~**45-53-3.1. Formula to include non-income restricted multi-family rental units as low-**~~  
3 ~~**and moderate-income housing.**~~

4 (a) In calculating the number of year-round housing units towards meeting the goals of an  
5 excess of ten percent (10%) of the year-round housing units consistent with local needs required  
6 pursuant to § 45-53-4, rental units in multi-family housing built after June 30, 2022, may be  
7 included as low- or moderate-income housing, in accordance with the following conditions:

8 (1) At least thirty percent (30%) of the units created are deed-restricted for households  
9 earning not more than sixty percent (60%) of the area median income, adjusted for household size;

10 or

11 (2) At least fifty percent (50%) of the units created are deed-restricted for households  
12 earning not more than eighty percent (80%) of the area median income, adjusted for household  
13 size; and

14 (3) The proposed affordable units meet all other requirements of this chapter to be  
15 calculated as low- or moderate-income housing; and

16 (4) All non-deed-restricted units developed under the same comprehensive permit shall be  
17 included in the low- and moderate-income housing inventory as one-half (0.5) units each.

18 (b) As used in this section and as applied to this chapter:

19 (1) "Area median income (AMI)" means area median household income as defined by the  
20 U.S. Department of Housing and Urban Development, adjusted for household size.

21 (2) "Multi-family housing" means a building with three (3) or more residential dwelling  
22 units or two (2) or more buildings on the same lot with more than one residential dwelling unit in  
23 each building.

24 ~~**45-53-3.2. Approved monitoring agent program.**~~

25 (a) There is hereby established an approved monitoring agent program (the "program").  
26 Effective July 1, 2022, the Rhode Island housing resources commission (the "commission")  
27 established pursuant to chapter 128 of title 42 shall appoint and oversee approved monitoring agents  
28 as part of this program.

29 (b) On or before July 1, 2023, the commission shall promulgate rules and regulations  
30 pursuant to chapter 35 of title 42 ("administrative procedures") for the implementation of the  
31 program, which shall include a process for the selection and approval of monitoring agents. These  
32 rules and regulations shall be prepared to ensure the selection and appointment of organizations  
33 that shall be capable of monitoring and ensuring that municipally-subsidized housing developments  
34 remain affordable, and that income-eligible buyers and tenants are occupying these units. The

1 ~~commission shall appoint these monitoring agents, who shall serve for terms of not more than five~~  
2 ~~(5) consecutive years; provided that, the term of an approved monitoring agent may be renewed by~~  
3 ~~the commission.~~

4 ~~(c) As used in this section, the term “LMI” means low and moderate income housing and~~  
5 ~~includes area median income levels as established by the U.S. Department of Housing and Urban~~  
6 ~~Development (“HUD”).~~

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

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

12 ~~(2) To oversee, monitor, and ensure that LMI homeownership units continue to serve as~~  
13 ~~the owners’ year round principal residences; monitor and ensure that any proposed refinance of a~~  
14 ~~LMI unit during the period in which a deed restriction is in effect is in compliance with program~~  
15 ~~requirements; in the case of the resale of any LMI unit during the period in which a deed restriction~~  
16 ~~is in effect, the maximum sales price is consistent with the recorded deed restriction and that the~~  
17 ~~proposed buyer of the LMI unit meets the income limits as defined within the recorded deed~~  
18 ~~restriction;~~

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

21 ~~(i) An annual lease; and~~

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

24 ~~(iii) The cost of rent, heat, and utilities other than telephone, cable, and internet, based on~~  
25 ~~the number of the bedrooms in the unit does not exceed thirty percent (30%) of the gross annual~~  
26 ~~household income for a household with eighty percent (80%) or less of area median income,~~  
27 ~~adjusted for family size as certified by the selected approved monitoring agent;~~

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

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

32 ~~(e) The commission shall also promulgate rules and regulations providing for the terms of~~  
33 ~~engagement of the approved monitoring agents, standards for approval and recertification of the~~  
34 ~~approved monitoring agents, and establish reporting requirements for the approved monitoring~~

1 ~~agents to the commission.~~

2 ~~(f) Commencing on or before January 1, 2023, and on or before January 1 thereafter, the~~  
3 ~~commission shall prepare a report on the approved monitoring agent program to the governor, the~~  
4 ~~speaker of the house, the president of the senate, and the secretary of housing.~~

5 ~~**45-53-4. Procedure for approval of construction of low- or moderate-income housing.**~~

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

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

14 ~~(1) **Density bonus.** A municipality shall provide an applicant with more dwelling units~~  
15 ~~than allowed by right under its zoning ordinance in the form of a density bonus to allow an increase~~  
16 ~~in the allowed dwelling units per acre (DU/A), as well as other incentives and municipal~~  
17 ~~government subsidies as defined in § 45-53-3. Furthermore, a municipality shall provide, at a~~  
18 ~~minimum, the following density bonuses for projects submitted under this chapter, provided that~~  
19 ~~the total land utilized in the density calculation shall exclude wetlands; wetland buffers; area~~  
20 ~~devoted to infrastructure necessary for development; and easements or rights of way of record:~~

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

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

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

33 ~~(iv) For properties not connected to either public water or sewer or both, but which provide~~  
34 ~~competent evidence as to the availability of water to service the development and/or a permit for~~

1 ~~on-site wastewater treatment facilities to service the dwelling units from the applicable state~~  
2 ~~agency, the density bonus for a project that provides at least twenty five percent (25%) low and~~  
3 ~~moderate income housing shall be at least three (3) units per acre;~~

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

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

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

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

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

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

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

26 (1) ~~**Pre-application conference.** A municipality may require an applicant proposing a~~  
27 ~~project under this chapter to complete, or the applicant proposing a project under this chapter may~~  
28 ~~request a pre-application conference with the local review board, the technical review committee~~  
29 ~~established pursuant to § 45-23-56, or with the administrative officer for the local review board as~~  
30 ~~appropriate. In advance of a pre-application conference, the applicant shall be required to submit~~  
31 ~~only a short description of the project in writing including the number of units, type of housing,~~  
32 ~~density analysis, preliminary list of adjustments needed, as well as a location map, and conceptual~~  
33 ~~site plan. The purpose of the pre-application conference shall be to review a concept plan of the~~  
34 ~~proposed development and to elicit feedback from the reviewing person or board. Upon receipt of~~

1 ~~a request by an applicant for a pre-application conference, the municipality shall have thirty (30)~~  
2 ~~days to schedule and hold the pre-application conference, unless a different timeframe is agreed to~~  
3 ~~by the applicant in writing. If thirty (30) days has elapsed from the filing of the pre-application~~  
4 ~~submission and no pre-application conference has taken place, nothing shall be deemed to preclude~~  
5 ~~an applicant from thereafter filing and proceeding with an application for preliminary plan review~~  
6 ~~for a comprehensive permit.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 ~~(III) All low- and moderate-income housing units proposed are integrated throughout the~~  
33 ~~development; are compatible in scale and architectural style to the market-rate units within the~~  
34 ~~project; and will be built and occupied prior to, or simultaneous with the construction and~~

1 ~~occupancy of any market rate units.~~

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

7 ~~(V) All proposed land developments and all subdivisions lots will have adequate and~~  
8 ~~permanent physical access to a public street in accordance with the requirements of § 45-23-~~  
9 ~~60(a)(5).~~

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

14 ~~(F) **Required findings for denial.** In reviewing the comprehensive permit request, the~~  
15 ~~local review board may deny the request for any of the following reasons: (I) If the city or town~~  
16 ~~has an approved affordable housing plan and is meeting housing needs, and the proposal is~~  
17 ~~inconsistent with the affordable housing plan; provided that, the local review board also finds that~~  
18 ~~the municipality has made significant progress in implementing that housing plan; (II) The proposal~~  
19 ~~is not consistent with local needs, including, but not limited to, the needs identified in an approved~~  
20 ~~comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance~~  
21 ~~with the comprehensive plan; (III) The proposal is not in conformance with the comprehensive~~  
22 ~~plan; (IV) The community has met or has plans to meet the goal of ten percent (10%) of the year-~~  
23 ~~round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental~~  
24 ~~housing units as defined in § 45-53-3(5)(i) being low and moderate income housing; provided~~  
25 ~~that, the local review board also finds that the community has achieved or has made significant~~  
26 ~~progress towards meeting the goals required by this section; or (V) Concerns for the environment~~  
27 ~~and the health and safety of current residents have not been adequately addressed.~~

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

1 ~~drawings and supporting material.~~

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

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

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

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

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

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

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

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

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

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

1 ~~incomplete items.~~

2 ~~(iii) **Review of applications.**~~

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

5 ~~(B) **Modifications and changes to plans:**~~

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

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

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

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

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

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

33 ~~(4) **Infeasibility of conditions of approval.** The burden is on the applicant to show, by~~  
34 ~~competent evidence before the local review board, that proposed conditions of approval are~~

1 ~~infeasible, as defined in § 45-53-3. Upon request, the applicant shall be provided a reasonable~~  
2 ~~opportunity to respond to such proposed conditions prior to a final vote on the application.~~

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

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

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

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

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

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

34 ~~(11) Report. The local review board of a town with an approved affordable housing plan~~

1 ~~shall report the status of implementation to the housing resources commission, including the~~  
2 ~~disposition of any applications made under the plan, as of June 30, 2006, by September 1, 2006,~~  
3 ~~and for each June 30 thereafter by September 1 through 2010. The housing resources commission~~  
4 ~~shall prepare by October 15 and adopt by December 31, a report on the status of implementation,~~  
5 ~~which shall be submitted to the governor, the speaker and the president of the senate, and shall find~~  
6 ~~which towns are not in compliance with implementation requirements.~~

7 ~~(12) **Remanded applications.** Notwithstanding the provisions of § 45-53-4 in effect on~~  
8 ~~February 13, 2004, a local review board shall commence hearings within thirty (30) days of~~  
9 ~~receiving an application remanded pursuant to § 45-53-5 or, effective January 1, 2024, § 45-53-~~  
10 ~~5.1. In any town with more than one remanded application, applications may be scheduled for~~  
11 ~~hearing in the order in which they were received, and may be taken up sequentially, with the thirty-~~  
12 ~~day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier~~  
13 ~~filed application.~~

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

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

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

33 ~~(f) Towns and cities that are not in conformity with the provisions of § 45-53-3(5)(i) shall~~  
34 ~~prepare by December 31, 2004, a comprehensive plan housing element for low and moderate-~~

1 ~~income housing as specified by § 45-53-3(5)(ii), consistent with applicable law and regulation.~~  
2 ~~That the secretary of the planning board or commission of each city or town subject to the~~  
3 ~~requirements of this paragraph shall report in writing the status of the preparation of the housing~~  
4 ~~element for low and moderate income housing on or before June 30, 2004, and on or before~~  
5 ~~December 31, 2004, to the secretary of the state planning council, to the chair of the house~~  
6 ~~committee on corporations and to the chair of the senate committee on commerce, housing and~~  
7 ~~municipal government.~~

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

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

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

24 **45-53-5.1. Appeals — Judicial review.**

25 (a) ~~Effective January 1, 2024, as a replacement to § 45-53-5. A decision of a local review~~  
26 ~~board may be appealed by the applicant or an aggrieved party, as defined by § 45-24-31, to the~~  
27 ~~superior court for the county in which the property is situated. The appeal shall be taken within~~  
28 ~~twenty (20) days after the date of the recording and posting of the decision by the local review~~  
29 ~~board, by filing with the superior court a complaint that contains a statement of the prior~~  
30 ~~proceedings and the reasons upon which the appeal is based. The complaint shall name the local~~  
31 ~~review board as the appellee and serve the local review board with the appeal within twenty (20)~~  
32 ~~days of filing of the appeal. If an aggrieved party who or that is not the applicant files an appeal,~~  
33 ~~the original applicant shall be named as a party and served in the same manner as the local review~~  
34 ~~board.~~

1           ~~(b) The local review board shall not be required to answer the complaint, but it shall submit~~  
2 ~~the complete local review board record to superior court within thirty (30) days of receiving service~~  
3 ~~of the complaint. Should the local review board fail to file the record within thirty (30) days, the~~  
4 ~~applicant may move for default.~~

5           ~~(c) The appeal shall be expedited and given priority on the court calendar as soon as proof~~  
6 ~~of service of the complaint on the local review board is filed. The appeal shall be decided as soon~~  
7 ~~as possible by the superior court, without delay.~~

8           ~~(d) The review shall be conducted by the superior court without a jury. The court shall~~  
9 ~~consider the record of the hearing before the local review board and, if it appears to the court that~~  
10 ~~additional evidence is necessary for the proper disposition of the matter, it may allow any party to~~  
11 ~~the appeal to present that evidence in open court, which evidence, along with the record, constitutes~~  
12 ~~the record upon which the determination of the court is made.~~

13           ~~(e) The superior court shall review the appeal under the following standards:~~

14           ~~(1) Whether the decision was arbitrary and capricious or clearly erroneous in light of~~  
15 ~~considerations regarding:~~

16           ~~(i) The consistency of the decision to deny or condition the permit with the approved~~  
17 ~~affordable housing plan;~~

18           ~~(ii) The extent to which the community meets or plans to meet housing needs, as defined~~  
19 ~~in an affordable housing plan, including, but not limited to, the ten percent (10%) goal for existing~~  
20 ~~low and moderate income housing units as a proportion of year round housing;~~

21           ~~(iii) The consideration of environmental protection;~~

22           ~~(iv) The state's need for low and moderate income housing;~~

23           ~~(v) The need to protect the health and safety of the occupants of the proposed housing or~~  
24 ~~the residents of the city or town;~~

25           ~~(vi) The need to promote better site and building design in relation to the surroundings or~~  
26 ~~to preserve open space; and~~

27           ~~(vii) Whether the reasons for denial, local zoning or land use ordinances, requirements and~~  
28 ~~regulations are applied as equally as possible to both subsidized and unsubsidized housing.~~

29           ~~(f) If the appeal is by an applicant for a decision approving an application with conditions,~~  
30 ~~the superior court shall, in addition to reviewing the standards and considerations set forth in~~  
31 ~~subsection (e) of this section, determine whether such conditions and requirements imposed make~~  
32 ~~the construction or operation of the housing infeasible.~~

33           ~~(g) The court shall not substitute its judgment for that of the local review board as to the~~  
34 ~~weight of the evidence on questions of fact. The court may affirm the decision of the local review~~

1 ~~board or remand the case for further proceedings, or may reverse or modify the decision if~~  
2 ~~substantial rights of the appellant have been prejudiced because of findings, inferences,~~  
3 ~~conclusions, or decisions that were arbitrary, capricious or unreasonable.~~

4 (h) ~~An aggrieved party may, within twenty (20) days from the date of entry of the judgment~~  
5 ~~of superior court, petition the supreme court of the state of Rhode Island for a writ of certiorari to~~  
6 ~~review any questions of law involved. The petition for a writ of certiorari shall set forth the errors~~  
7 ~~claimed. Upon the filing of such a petition with the clerk of the supreme court, the supreme court~~  
8 ~~may, if it sees fit, issue its writ of certiorari to the superior court to certify to the supreme court the~~  
9 ~~record of the record under review, or so much thereof as was submitted to the superior court by the~~  
10 ~~parties, together with any additional record of the proceedings in the superior court.~~

11 (i) ~~Effective January 1, 2024, all matters pending before the state housing appeals board~~  
12 ~~shall be transferred to superior court for the county in which the property is situated by the applicant~~  
13 ~~filing a complaint in superior court and providing a copy of the complaint to the attorney~~  
14 ~~representing the local review board within ten (10) days of filing. An applicant with an appeal~~  
15 ~~pending before the state housing appeals board shall have until March 1, 2024, to file the complaint~~  
16 ~~transferring the matter to superior court for the county in which the property is situated. The parties~~  
17 ~~shall be required to file the entire record before the state housing appeals board with superior court~~  
18 ~~within forty five (45) days of the filing of the complaint.~~

19 (j) ~~Effective January 1, 2024, this section shall replace the provisions of § 45-53-5 and any~~  
20 ~~reference in the general laws to § 45-53-5 shall mean § 45-53-5.1.~~

21 **45-53-6. Powers of state housing appeals board. [Expires January 1, 2024.]**

22 (a) ~~Effective until January 1, 2024, the state housing appeals board shall have the powers~~  
23 ~~to: (i) Adopt, amend, and repeal rules and regulations that are consistent with this chapter and are~~  
24 ~~necessary to implement the requirements of §§ 45-53-5, 45-53-6, and 45-53-7; (ii) Receive and~~  
25 ~~expend state appropriations; and (iii) Establish a reasonable fee schedule, which may be waived, to~~  
26 ~~carry out its duties.~~

27 (b) ~~In hearing the appeal, the state housing appeals board shall determine whether: (i) In~~  
28 ~~the case of the denial of an application, the decision of the local review board was consistent with~~  
29 ~~an approved affordable housing plan, or if the town does not have an approved affordable housing~~  
30 ~~plan, was reasonable and consistent with local needs; and (ii) In the case of an approval of an~~  
31 ~~application with conditions and requirements imposed, whether those conditions and requirements~~  
32 ~~make the construction or operation of the housing infeasible and whether those conditions and~~  
33 ~~requirements are consistent with an approved affordable housing plan, or if the town does not have~~  
34 ~~an approved affordable housing plan, are consistent with local needs.~~

1           ~~(c) In making a determination, the standards for reviewing the appeal include, but are not~~  
2 ~~limited to:~~

3           ~~(1) The consistency of the decision to deny or condition the permit with the approved~~  
4 ~~affordable housing plan and/or approved comprehensive plan;~~

5           ~~(2) The extent to which the community meets or plans to meet housing needs, as defined~~  
6 ~~in an affordable housing plan, including, but not limited to, the ten percent (10%) goal for existing~~  
7 ~~low and moderate income housing units as a proportion of year round housing;~~

8           ~~(3) The consideration of the health and safety of existing residents;~~

9           ~~(4) The consideration of environmental protection; and~~

10          ~~(5) The extent to which the community applies local zoning ordinances and review~~  
11 ~~procedures evenly on subsidized and unsubsidized housing applications alike.~~

12          ~~(d) If the appeals board finds, in the case of a denial, that the decision of the local review~~  
13 ~~board was not consistent with an approved affordable housing plan, or if the town does not have an~~  
14 ~~approved affordable housing plan, was not reasonable and consistent with local needs, it shall~~  
15 ~~vacate the decision and issue a decision and order approving the application, denying the~~  
16 ~~application, or approving with various conditions consistent with local needs. If the appeals board~~  
17 ~~finds, in the case of an approval with conditions and requirements imposed, that the decision of the~~  
18 ~~local review board makes the building or operation of the housing infeasible, and/or the conditions~~  
19 ~~and requirements are not consistent with an approved affordable housing plan, or if the town does~~  
20 ~~not have an approved affordable housing plan, are not consistent with local needs, it shall issue a~~  
21 ~~decision and order, modifying or removing any condition or requirement so as to make the proposal~~  
22 ~~no longer infeasible and/or consistent, and approving the application; provided, that the appeals~~  
23 ~~board shall not issue any decision and order that would permit the building or operation of the~~  
24 ~~housing in accordance with standards less safe than the applicable building and site plan~~  
25 ~~requirements of the federal Department of Housing and Urban Development or the Rhode Island~~  
26 ~~housing and mortgage finance corporation, whichever agency is financially assisting the housing.~~  
27 ~~Decisions or conditions and requirements imposed by a local review board that are consistent with~~  
28 ~~approved affordable housing plans and/or with local needs shall not be vacated, modified, or~~  
29 ~~removed by the appeals board notwithstanding that the decision or conditions and requirements~~  
30 ~~have the effect of denying or making the applicant's proposal infeasible.~~

31          ~~(e) The appeals board or the applicant has the power to enforce the orders of the appeals~~  
32 ~~board by an action brought in the superior court. The local review board shall carry out the decision~~  
33 ~~and order of the appeals board within thirty (30) days of its entry and, upon failure to do so, the~~  
34 ~~decision and order of the appeals board is, for all purposes, deemed to be the action of the local~~

1 ~~review board, unless the applicant consents to a different decision or order by the local review~~  
2 ~~board. The decision and order of the appeals board is binding on the city or town, which shall~~  
3 ~~immediately issue any and all necessary permits and approvals to allow the construction and~~  
4 ~~operation of the housing as approved by the appeals board.~~

5 ~~(f) The state housing appeals board shall:~~

6 ~~(1) Upon an appeal of the applicant prior to August 1, 2004, rule on December 1, 2004, on~~  
7 ~~the substantial completeness of applications as of February 13, 2004, that were affected by the~~  
8 ~~moratorium established by § 45-53-4(b):~~

9 ~~(i) The determination of substantial completeness shall be based on whether there was on~~  
10 ~~or before February 13, 2004, substantial completeness of substantially all of the following:~~

11 ~~(A) A written request to the zoning board of review to submit a single application to build~~  
12 ~~or rehabilitate low or moderate income housing in lieu of separate applications to the application~~  
13 ~~local boards;~~

14 ~~(B) A written list of variances, special use permits and waivers requested to local~~  
15 ~~requirements and regulations, including local codes, ordinances, bylaws or regulations, including~~  
16 ~~any requested waivers from the land development or subdivisions regulations, and a proposed~~  
17 ~~timetable for completion of the project;~~

18 ~~(C) Evidence of site control;~~

19 ~~(D) Evidence of eligibility for a state or federal government subsidy, including a letter from~~  
20 ~~the funding agency indicating the applicant and the project;~~

21 ~~(E) Site development plans showing the locations and outlines of proposed buildings; the~~  
22 ~~proposed location, general dimensions, and materials for street, drives, parking areas, walks, and~~  
23 ~~paved areas; proposed landscaping improvements and open areas within the site; and the proposed~~  
24 ~~location and types of sewage, drainage, and water facilities;~~

25 ~~(F) A report on existing site conditions and a summary of conditions in the surrounding~~  
26 ~~areas, showing the location and nature of existing buildings, existing street elevations, traffic~~  
27 ~~patterns and character of open areas, including wetlands and flood plains, in the neighborhood;~~

28 ~~(G) A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and~~  
29 ~~ground coverage and a summary showing the percentage of the tract to be occupied by buildings,~~  
30 ~~by parking and other paved vehicular areas and by open spaces;~~

31 ~~(H) A master plan, if the development proposal is for a major or minor land development~~  
32 ~~plan or a major or minor subdivision;~~

33 ~~(I) A sample land lease or deed restrictions with affordability liens that will restrict use as~~  
34 ~~low and moderate income housing units for a period of not less than thirty (30) years; and~~

1 ~~(j) The list of all persons entitled to notice in accordance with § 45-24-53.~~

2 ~~(ii) Notwithstanding the provisions of subsection (f)(1) of this section, if the zoning board~~  
3 ~~of review determined the application to be substantially complete and/or acted in a manner~~  
4 ~~demonstrating that it considered the application substantially complete for the purposes of~~  
5 ~~reviewing the application, the state housing appeals board shall consider the application~~  
6 ~~substantially complete.~~

7 ~~(2) Remand for hearing in accordance with the provisions of § 45-53-4 applications that~~  
8 ~~are determined to be substantially complete, which hearings may be conducted (or resume) under~~  
9 ~~the provisions in effect on February 13, 2004, unless the applicant and the board shall mutually~~  
10 ~~agree that the hearing shall proceed under the provisions in effect on December 1, 2004, which~~  
11 ~~hearings may commence on or after January 1, 2005, but shall commence not later than January~~  
12 ~~31, 2005, on applications in the order in which they were received by the town, unless a different~~  
13 ~~commencement date is mutually agreed to by the applicant and the local board hearing the~~  
14 ~~applications; the local review board shall not be obligated to hear, and may deny, any application~~  
15 ~~affected by the moratorium unless it was determined to be substantially complete in accordance~~  
16 ~~with the provisions of subsection (f)(1) of this section, and the local review board may require such~~  
17 ~~additional submissions as may be specified by the town or necessary for the review of the~~  
18 ~~application.~~

19 ~~(3) Hear and decide appeals, other than those covered by subsection (f)(1) of this section,~~  
20 ~~for which it took jurisdiction on or before May 1, 2004.~~

21 ~~(4) Continue to hear and decide appeals filed by nonprofit organizations.~~

22 ~~(5) Conduct such other business as may be reasonable and appropriate in order to facilitate~~  
23 ~~an orderly transfer of activities to the state housing appeals board as it shall be constituted after~~  
24 ~~January 1, 2005.~~

25 ~~(g) This section shall sunset on January 1, 2024.~~

26 **45-53-7. Housing appeals board. [Expires January 1, 2024.]**

27 ~~(a)(1) Effective until January 1, 2024, there shall be within the state a housing appeals~~  
28 ~~board consisting of nine (9) voting members and three (3) alternates as follows: one voting member~~  
29 ~~who shall be from the Center for Justice Rhode Island; one voting member who shall be from Direct~~  
30 ~~Action for Rights and Equality (DARE); and seven (7) voting members to be appointed by the~~  
31 ~~governor, who shall include four (4) local officials, who shall not be from the same city or town;~~  
32 ~~two (2) of whom shall be from a city or town with a population of less than twenty five thousand~~  
33 ~~(25,000); and two (2) of whom shall be from a city or town with a population of twenty five~~  
34 ~~thousand (25,000) or greater, and shall include one local zoning board member, one local planning~~

1 ~~board member, one city council member and one town council member, one of the local official~~  
2 ~~members shall be designated by the governor as the alternative local official member who shall be~~  
3 ~~a voting member of the board only in the event that one or more of the other three (3) local officials~~  
4 ~~is unable to serve at a hearing; one affordable housing developer; one affordable housing advocate;~~  
5 ~~one representative of the business community; and one attorney knowledgeable in land use~~  
6 ~~regulation, who should be chairperson of the board. There shall be two (2) additional alternates~~  
7 ~~appointed by the governor chosen from candidates submitted by realtors or developers doing~~  
8 ~~business in the state and the alternates shall rotate service as a voting member at the discretion of~~  
9 ~~the chairperson.~~

10 ~~(2) Those members of the board as of July 2, 2004, who were appointed to the board by~~  
11 ~~members of the general assembly shall cease to be members of the board on July 2, 2004, and the~~  
12 ~~governor shall thereupon nominate four (4) new members each of whom shall serve for the balance~~  
13 ~~of the current term of his or her predecessor.~~

14 ~~(3) All other members of the commission as of July 2, 2004, shall continue to serve for the~~  
15 ~~duration of their current terms.~~

16 ~~(4) All gubernatorial appointments made under this section after July 2, 2004, shall be~~  
17 ~~subject to the advice and consent of the senate.~~

18 ~~(b)(1) All appointments are for two year (2) terms; except as otherwise provided in~~  
19 ~~subsection (a)(2) of this section, the terms of members appointed after December 31, 2004, shall~~  
20 ~~be for three (3) years. Each member who is duly appointed or continued in office after January 1,~~  
21 ~~2005, shall hold office for the term for which the member is appointed and until the member's~~  
22 ~~successor shall have been appointed and qualified, or until the member's earlier death, resignation,~~  
23 ~~or removal. A member shall receive no compensation for his or her services, but shall be reimbursed~~  
24 ~~by the state for all reasonable expenses actually and necessarily incurred in the performance of his~~  
25 ~~or her official duties. The board shall hear all petitions for review filed under § 45-53-5, and shall~~  
26 ~~conduct all hearings in accordance with the rules and regulations established by the chair. Rhode~~  
27 ~~Island housing shall provide space, and clerical and other assistance, as the board may require.~~

28 ~~(2) Provided, effective January 1, 2023, the Rhode Island housing resources commission~~  
29 ~~(the "commission") established pursuant to chapter 128 of title 42 shall provide all space, and~~  
30 ~~clerical and other assistance, as the board may require. All duties and responsibilities of Rhode~~  
31 ~~Island housing resources commission as to providing space, clerical and other assistance to the~~  
32 ~~board pursuant to subsection (b)(1) of this section shall be transferred to the commission effective~~  
33 ~~January 1, 2023.~~

34 ~~(c) This section shall sunset on January 1, 2024.~~

1 **45-53-8. Severability.**

2 If any provision of this chapter or of any rule, regulation, or determination made under this  
3 chapter, or its application to any person, agency, or circumstances, is held invalid by a court of  
4 competent jurisdiction, the remainder of the chapter, rule, regulation, or determination, and the  
5 application of the provision to other persons, agencies, or circumstances, shall not be affected  
6 thereby. The invalidity of any section or sections, or part of any section or sections, of this chapter  
7 shall not affect the validity of the remainder of the chapter.

8 **45-53-9. Oversight commission.**

9 (a) There is hereby created an oversight commission to be known as “The Housing Act of  
10 2013 Implementation Oversight Commission” to consist of fifteen (15) members: chair of house  
11 corporations or designee; chair of senate housing and municipal government or designee; two (2)  
12 members of the house appointed by the speaker, one of whom shall be from the minority party; two  
13 (2) members of the senate appointed by the senate president, one of whom shall be from the  
14 minority party; four (4) designees of the president of the League of Cities and Towns, two (2) of  
15 whom shall be from a municipality under twenty five thousand (25,000) population, and two (2)  
16 of whom shall be from a municipality of twenty five thousand (25,000) population or over; and  
17 one representative each from the Rhode Island Builders Association, Rhode Island Housing,  
18 Housing Action Coalition, Grow Smart Rhode Island and Housing Network.

19 (b) The purposes of the commission shall be: (1) to monitor and evaluate the  
20 implementation of the act including the preparation and review, by statewide planning, of local  
21 plans; (2) to monitor the development and adoption of the state strategic housing plan by the  
22 housing resources commission and statewide planning; (3) to review the progress reports submitted  
23 by the housing resources commission; (4) to recommend any changes that may be needed in the  
24 law; and (5) to assess the need for resources to accomplish housing objectives and to make  
25 recommendations.

26 (c) Forthwith upon the passage of this act, the members shall meet at the call of the speaker,  
27 and shall elect from among themselves co-chairs, who shall be legislators. Vacancies in said  
28 commission shall be filled in the manner as the original appointment.

29 (d) The commission is empowered to appoint committees, which may include persons who  
30 are not members of the commission. Five (5) members of the commission shall constitute a quorum.  
31 All departments and agencies of the state shall furnish such advice and information, documentary  
32 and otherwise, to said commission and its agents as necessary or desirable to accomplish the  
33 purpose set forth in this section. The speaker is hereby authorized and directed to provide quarters  
34 for the commission. The commission shall report findings and recommendations to the general

1 ~~assembly on or before March 1, 2017. The commission shall expire on March 31, 2020.~~

2 ~~**45-53-10. Repurposing of vacant schools for affordable housing program.**~~

3 ~~(a) There is hereby established the repurposing of school buildings for an affordable~~  
4 ~~housing program (the “program”). The program shall be administered by the secretary of housing~~  
5 ~~as set forth herein.~~

6 ~~(b) The purpose of the program shall be to provide guidance and assistance in the~~  
7 ~~repurposing of vacant and unused school buildings as identified and existing as of July 1 of each~~  
8 ~~year, commencing October 1, 2022.~~

9 ~~(c) The department of elementary and secondary education (the “department”) shall,~~  
10 ~~commencing on October 1, 2022, on an annual basis, provide to the speaker of the house, the~~  
11 ~~president of the senate, and the secretary of housing a list of all school buildings that have been~~  
12 ~~abandoned or are no longer being used by a school district.~~

13 ~~(d)(1) In the case of a municipality that has less than ten percent (10%) low or moderate-~~  
14 ~~income housing as defined in § 45-53-3, the municipality shall provide the department with a~~  
15 ~~complete list of buildings abandoned or no longer being used by the school district for the purposes~~  
16 ~~of conducting a feasibility assessment to repurpose the building as affordable housing. In the case~~  
17 ~~of a municipality that has greater than ten percent (10%) low and moderate income housing as~~  
18 ~~defined in § 45-53-3, the municipality may offer to the department a list of buildings abandoned or~~  
19 ~~no longer being utilized by the school district by an affirmative vote of a majority of both the~~  
20 ~~governing body of the school board and the municipality, and have voted to be willing to offer the~~  
21 ~~former school building for a feasibility assessment for use by the program. In the case of buildings~~  
22 ~~being abandoned or no longer used by a charter school that owns the school building in question,~~  
23 ~~an affirmative vote of the governing body of the charter school and/or mayoral academy shall be~~  
24 ~~required. The department shall also include and identify in the list those school buildings that the~~  
25 ~~department anticipates will become abandoned or no longer used by a school district within the~~  
26 ~~next six (6) months following the issuance of the list.~~

27 ~~(2) The secretary of housing shall conduct an assessment, in conjunction with a task force~~  
28 ~~comprised of the Rhode Island housing and mortgage finance corporation, the department of~~  
29 ~~environmental management, the department of health, a fire marshal, the local building inspector,~~  
30 ~~and the local planning office, into its feasibility to be repurposed as affordable housing, and the~~  
31 ~~anticipated costs of renovating the building for that intended purpose. This assessment shall be~~  
32 ~~completed within one hundred and fifty (150) days after being notified by the task force of the~~  
33 ~~availability of a vacant building available pursuant to this section.~~

34 ~~(3) Once a building is determined by the task force to be appropriate for repurposing as~~

1 ~~affordable housing, the office of housing and community development shall actively identify and~~  
2 ~~invite prospective developers to submit an application to the program, with the goal of repurposing~~  
3 ~~the building into affordable housing.~~

4 ~~(e) The office of housing and community development shall maintain on its website a~~  
5 ~~separate page related to the repurposing of buildings for the affordable housing program. This~~  
6 ~~website shall contain a listing of all buildings for which a feasibility assessment was conducted and~~  
7 ~~the outcome of the assessment, including a general statement of the condition of the property, an~~  
8 ~~estimate of the types of renovations, if any, that must be performed to the property, a copy of the~~  
9 ~~feasibility assessment, and an estimate of the costs thereof. Provided, it shall be made clear on the~~  
10 ~~website that these are estimates to repurpose used buildings, and that neither the state, the~~  
11 ~~corporation, the division, the commission, or any instrumentality of the state or of a municipality~~  
12 ~~or school district shall be liable for any estimates that are incorrect.~~

13 ~~(f) The office of housing and community development shall seek to assist and facilitate~~  
14 ~~persons and developers who or that want to repurpose former buildings as affordable housing. This~~  
15 ~~assistance may include, but need not be limited to, technical and financial assistance, all to assist~~  
16 ~~in the repurposing of the school building.~~

17 ~~(g) The Rhode Island department of education shall promulgate rules and regulations for~~  
18 ~~the implementation and enforcement of this section.~~

19 ~~(h) The secretary of housing shall provide an annual report on or before December 31,~~  
20 ~~commencing with calendar year 2023, including, but not limited to, the number of schools that are~~  
21 ~~vacant and include a status report of any development and/or feasibility to repurpose a vacant~~  
22 ~~building.~~

23 ~~(i) As used herein, the term “affordable housing” means housing that meets the definition~~  
24 ~~for low or moderate income housing in § 45-53-3.~~

25 **45-53-11. Annual comprehensive permit report.**

26 ~~(a) The department of housing shall maintain records and shall prepare a report (“report”)~~  
27 ~~on an annual basis to be submitted to the speaker of the house, the president of the senate, and the~~  
28 ~~housing resources commission. The report shall also be made available on the department’s website~~  
29 ~~for a period of at least three (3) years, and shall also be deemed to be a public record. The report~~  
30 ~~shall be due on or before March 15, of each year, commencing in calendar year 2023.~~

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

33 ~~(1) The number of letters of eligibility issued for low and moderate income housing for~~  
34 ~~applications made pursuant to this chapter and § 42-55-5.3, the federal, state, and municipal subsidy~~

1 ~~programs under which they were eligible, and the number of proposed subsidized units involved,~~  
2 ~~by city and town, during the preceding calendar year, as provided by the Rhode Island housing~~  
3 ~~corporation.~~

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

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

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

14 ~~(e) Each municipality shall annually provide to the department the information on~~  
15 ~~comprehensive permit activity described in subsection (b) of this section by February 1.~~

16 **45-53-12. Annual report.**

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

21 ~~(b) The office of housing and community development (OHCD) shall prepare a report~~  
22 ~~(“report”) on an annual basis to the general assembly, the housing resources commission, the Rhode~~  
23 ~~Island housing corporation, the division of statewide planning, and the secretary of housing. The~~  
24 ~~report required by this section shall be made available on the OHCD website for a period of at least~~  
25 ~~three (3) years, and shall be deemed to be a public record. The report shall be due on or before~~  
26 ~~March 1 of each year, commencing in the calendar year 2023.~~

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

31 ~~(1) The total fees collected by each municipality from developers in lieu of development~~  
32 ~~of low and moderate income housing as defined in § 45-24-46.1.~~

33 ~~(2) The number of unfunded vouchers that result either due to cost of rent or due to an~~  
34 ~~unavailability of housing units. The information required by this subsection shall be provided by~~

1 ~~all public housing authorities or agencies directly to the office of housing and community~~  
2 ~~development (OHCD).~~

3 ~~(3) The total number of vouchers received and utilized by all public housing authorities in~~  
4 ~~the state during the preceding calendar year.~~

5 ~~(4) The administrative fees received and utilized by the public housing authorities to~~  
6 ~~administer the vouchers.~~

7 ~~(d) As used herein, the term “public housing authority and agency” means and includes~~  
8 ~~any public housing authority or agency established under chapter 25 of this title or chapter 26 of~~  
9 ~~this title.~~

10 ~~**45-53-13. Annual status report on appeals.**~~

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

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

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

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

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

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

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

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

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

31 ~~**45-53-14. Database of low-income rental units.**~~

32 ~~(a) The Rhode Island housing and mortgage finance corporation established pursuant to §~~  
33 ~~42-55-4 (the “corporation”) shall maintain an online database (“database”) of low-income housing~~  
34 ~~tax credit developments that are designated only for households at or below sixty percent (60%) of~~

1 ~~area median income, adjusted for household size and subsidized housing developments, as~~  
2 ~~referenced in the corporation's Rhode Island resource guide, which are designated only for~~  
3 ~~households at or below eighty percent (80%) of area median income, adjusted for household size~~  
4 ~~(collectively "low income rental units") in the state on the corporation's website. The corporation~~  
5 ~~shall place an emphasis on the database containing the following:~~

6 ~~(1) Current, updated information on the existing inventory of low income rental units in~~  
7 ~~the state;~~

8 ~~(2) The contact person or entity and contact information pertaining to individual~~  
9 ~~developments;~~

10 ~~(3) To the extent the information is available, a copy of the application to apply for housing~~  
11 ~~in individual developments; and~~

12 ~~(4) Information pertaining to any special populations, including, but not limited to, elderly,~~  
13 ~~disabled, homeless individuals, and victims of domestic violence, served by individual~~  
14 ~~developments.~~

15 ~~(b) This database shall be accessible to the public by July 1, 2023.~~

16 ~~**45-53-15. Annual reports.**~~

17 ~~(a) The Rhode Island housing corporation established pursuant to § 42-55-4 (the~~  
18 ~~"corporation") shall provide the annual reports pursuant to subsections (b) and (c) of this section to~~  
19 ~~the speaker of the house, the president of the senate, the housing resources commission, the division~~  
20 ~~of statewide planning, and the secretary of housing. Reports shall be made available on the~~  
21 ~~corporation's website for a period of at least three (3) years, and shall be deemed to be a public~~  
22 ~~record. Reports shall be due on or before March 15, of each year, commencing in the calendar year~~  
23 ~~2023.~~

24 ~~(b) Report on Rhode Island housing corporation housing development and preservation~~  
25 ~~activity. This report shall include the following information:~~

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

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

33 ~~(3) The number of housing units that received funding from the corporation for housing~~  
34 ~~development or preservation that received a certificate of occupancy in the previous calendar year,~~

1 ~~both in total and disaggregated by project.~~

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

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

10 ~~**45-53-16. Electronic permitting.**~~

11 ~~(a) On or before October 1, 2025, every municipality in the state shall adopt and implement~~  
12 ~~electronic permitting for all development applications under this chapter. For purposes of this~~  
13 ~~section, “electronic permitting” means use of computer based tools and services that automate and~~  
14 ~~streamline the application process to include, but not be limited to, task specific tools for:~~  
15 ~~applications; submission of plans; completed checklists and checklist documents; reports; plan~~  
16 ~~review; permitting; scheduling; project tracking; staff and technical review committee comments;~~  
17 ~~fee calculation and collection.~~

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

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

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

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

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

=====  
LC001042  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

\*\*\*

- 1 This act would repeal the chapter entitled "Low and Moderate Income Housing".
- 2 This act would take effect upon passage.

=====  
LC001042  
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