

2025 -- S 0502

=====
LC001871
=====

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: Senators Tikoian, Patalano, LaMountain, Ciccone, Burke, Felag, Urso,
Dimitri, Rogers, and Thompson

Date Introduced: February 26, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby amended to read as follows:

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

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

6 (1) "Adjustment(s)" means a request or requests by the applicant to seek relief from the
7 literal use and dimensional requirements of the municipal zoning ordinance and/or the design
8 standards or requirements of the municipal land development and subdivision regulations. The
9 standard for the local review board's consideration of adjustments is set forth in § 45-53-
10 4(d)(2)(iii)(E)(II).

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

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

1 45-22.2-9, or § 45-22.2-12.

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

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

13 (i) Low- or moderate-income housing exists which is: (A) In the case of an urban city or
14 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
15 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-
16 round housing units, and is in excess of fifteen percent (15%) of the total occupied year-round
17 rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the
18 year-round housing units reported in the census, [or the city or town has adopted an inclusionary
19 zoning ordinance requiring that all housing developments include at least fifty percent \(50%\) low-
20 or moderate-income housing units.](#)

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

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

30 (6) “Infeasible” means any condition brought about by any single factor or combination of
31 factors, as a result of limitations imposed on the development by conditions attached to the approval
32 of the comprehensive permit, to the extent that it makes it financially or logistically impracticable
33 for any applicant to proceed in building or operating low- or moderate-income housing within the
34 limitations set by the subsidizing agency of government or local review board, on the size or

1 character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and
2 income permissible, and without substantially changing the rent levels and unit sizes proposed by
3 the applicant.

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

6 (8) “Local review board” means the planning board as defined by § 45-22.2-4.

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

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

19 (ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-
20 8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do
21 not have a deed restriction or land lease as described in this subsection (9), shall count as one-half
22 (½) of one unit for the purpose of the calculation of the total of low- or moderate-income year-
23 round housing within a city or town, as long as a municipality contracts with a monitoring agent to
24 verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not
25 be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent
26 shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as
27 to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker
28 of the house of representatives, senate president, and secretary of housing on an annual basis,
29 beginning on or before December 31, 2025.

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

32 (iv) For the period beginning on or after July 1, 2024, any housing unit that qualifies as
33 low- or moderate-income housing under this subsection (9) and under § 42-128-8.1 and any rental
34 property secured with a federal government rental assistance voucher that does not otherwise meet

1 the other requirements to qualify as low- or moderate-income housing under this section shall be
2 counted as one whole unit toward the municipality's requirement for low- or moderate-income
3 housing, as long as a municipality confirms with the issuing authority that the voucher is in good
4 standing and active.

5 (10) "Meeting local housing needs" means as a result of the adoption of the implementation
6 program of an approved affordable housing plan, the absence of unreasonable denial of applications
7 that are made pursuant to an approved affordable housing plan in order to accomplish the purposes
8 and expectations of the approved affordable housing plan, and a showing that at least twenty percent
9 (20%) of the total residential units approved by a local review board or any other municipal board
10 in a calendar year are for low- and moderate-income housing as defined in § 42-128-8.1.

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

14 (12) "Municipal government subsidy" means assistance that is made available through a
15 city or town program sufficient to make housing affordable, as affordable housing is defined in §
16 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct
17 financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses
18 and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any
19 combination of forms of assistance.

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

=====
LC001871
=====

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 redefine the term “consistent with local needs” relative to low- and
2 moderate-income housing and specify that low- and moderate-income housing exists when a city
3 or town has adopted an inclusionary zoning ordinance requiring that all housing developments
4 include at least fifty percent (50%) low- or moderate-income housing units.

5 This act would take effect upon passage.

=====
LC001871
=====