

2026 -- H 7659

LC004882

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Representatives Santucci, Chippendale, Newberry, Nardone, Roberts,
Hopkins, Place, Costantino, and Fascia
Date Introduced: February 11, 2026

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

SECTION 1. Section 45-53-4 of the General Laws in Chapter 45-53 entitled "Low and Moderate Income Housing" is hereby amended to read as follows:

45-53-4. Procedure for approval of construction of low- or moderate-income housing.
[Effective January 1, 2026, inclusive of existing language in § 45-53-4.]

(a) Any applicant proposing to build low- or moderate-income housing may submit to the local review board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards.

(1) This procedure is only available for proposals in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing. This procedure is not available in cities and towns that have low- or moderate-income housing in excess of ten percent (10%) of its year-round housing units which also have an inclusionary zoning ordinance which complies with § 45-24-46.1.

(2) This procedure is not available in cities and towns that do not have low- or moderate-income housing in excess of ten percent (10%) of its year-round housing units, but have an inclusionary zoning ordinance which complies with § 45-24-46.1 and requires that all housing developments include at least fifty percent (50%) low- or moderate-income housing units.

(b) Cities and towns that have low- or moderate-income housing in excess of ten percent (10%) of its year-round housing units:

(1) May provide an applicant with more dwelling units than allowed by right under its

1 zoning ordinance in the form of a density bonus to allow an increase in the allowed dwelling units
2 per acre (DU/A), as well as other incentives and municipal government subsidies as defined in §
3 45-53-3;

4 (2) May, by council action, limit the annual total number of dwelling units in
5 comprehensive permit applications from for-profit developers to an aggregate of one percent (1%)
6 of the total number of year-round housing units in the town, and notwithstanding the timetables set
7 forth elsewhere in this section, the local review board shall have the authority to consider
8 comprehensive permit applications from for-profit developers, which are made pursuant to this
9 subsection, sequentially in the order in which they are submitted.

10 (c) Cities and towns that do not have low- or moderate-income housing in excess of ten
11 percent (10%) of its year-round housing units:

12 (1) Shall make available to applications under this chapter municipal government
13 subsidies, including adjustments and zoning incentives, to offset the differential costs of the low-
14 or moderate-incoming housing units. At a minimum, the following zoning incentives shall be
15 allowed for in these cities or towns for projects submitted under this chapter:

16 (A) Density bonuses. These cities and towns shall provide an applicant with more dwelling
17 units than allowed by right under its zoning ordinances in the form of a density bonus to allow an
18 increase in the allowed dwelling units per acre (DU/A). At a minimum, the following density
19 bonuses for projects submitted under this chapter, provided that the total land utilized in the density
20 calculation shall exclude wetlands; area devoted to roadway infrastructure necessary for
21 development; and easements or rights of way of record:

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

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

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

34 (iv) For properties not connected to either public water or sewer or both, but which provide

1 competent evidence as to the availability of water to service the development and/or a permit for
2 on-site wastewater treatment facilities to service the dwelling units from the applicable state
3 agency, the density bonus for a project that provides at least twenty-five percent (25%) low- and
4 moderate-income housing shall be at least three (3) units per acre;

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

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

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

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

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

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

26 (e) The application and review process for a comprehensive permit shall be as follows:

27 (1) Pre-application conference. A municipality may require an applicant proposing a
28 project under this chapter, who is not electing to have master plan review, to complete, or the
29 applicant proposing a project under this chapter may request a pre-application conference with the
30 local review board, the technical review committee established pursuant to § 45-23-56, or with the
31 administrative officer for the local review board as appropriate. In advance of a pre-application
32 conference, the applicant shall be required to submit only a short description of the project in
33 writing including the number of units, type of housing, density analysis, preliminary list of
34 adjustments needed, as well as a location map, and conceptual site plan. The purpose of the pre-

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

8 (2) Optional master plan. An applicant may elect to apply for and be heard on master plan
9 review prior to preliminary plan submission. If a master plan review is elected by the applicant the
10 following shall apply:

11 (i) Submission requirements. Submission requirements for master plan review shall be
12 limited to the following:

13 (A) An application form and fee;

14 (B) A short description of the project in writing including the number of units, type of
15 housing, density analysis, list of adjustments needed, as well as a location map, and preliminary
16 determinations as to site constraints;

17 (C) Conceptual site plans showing infrastructure locations for roadways, preliminary
18 locations and design of conceptual stormwater facilities, location of sewer and water lines and/or
19 wells and on-site wastewater treatment systems, locations of housing units, estimated locations of
20 site constraints and wetlands;

21 (D) A preliminary traffic opinion for projects of over thirty (30) dwelling units;

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

26 (F) If the applicant submits any requests for adjustments at master plan, a public hearing
27 shall be held in the same manner as during preliminary plan review as set forth in this section and
28 the applicant shall be responsible for providing the list of abutters and all advertising costs.

29 (ii) Certification of completeness. The master plan application must be certified complete
30 or incomplete by the administrative officer according to the provisions of § 45-23-36; provided,
31 however, that the certificate shall be granted within twenty-five (25) days of submission of the
32 application. The running of the time period set forth herein will be deemed stopped upon the
33 issuance of a written certificate of incompleteness of the application by the administrative officer
34 and will recommence upon the resubmission of a corrected application by the applicant. However,

1 in no event will the administrative officer be required to certify a corrected submission as complete
2 or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies
3 the application as incomplete, the officer shall set forth in writing with specificity the missing or
4 incomplete items.

5 (iii) Review of applications. A master plan application filed in accordance with this chapter
6 shall be reviewed in accordance with the following provisions:

7 (A) Timeframe for review. The local review board shall render a decision on the master
8 plan application within sixty (60) days of the date the application is certified complete, or within a
9 further amount of time that may be consented to by the applicant through the submission of a
10 written consent.

11 (B) Failure to act. Failure of the local review board to act within the prescribed period
12 constitutes approval of the master plan, and a certificate of the administrative officer as to the failure
13 of the local review board to act within the required time and the resulting approval shall be issued
14 on request of the applicant.

15 (C) Required findings. In voting on an application, the local review board shall make
16 findings, supported by legally competent evidence on the record that discloses the nature and
17 character of the observations upon which the fact finders acted, on the standards required for
18 preliminary plan review in this section, to the extent applicable at the master plan. The failure to
19 provide information which is required later at preliminary plan review shall not form a basis for
20 denial. If the board votes to defer a finding to preliminary plan it shall do so on the record during
21 the proceedings and in the written decision and specify what items are necessary for review at the
22 preliminary plan stage in order to address that finding.

23 (iv) Vesting. The approved master plan is vested for a period of two (2) years with the
24 right to extend for two (2), one-year extensions upon written request by the applicant, who must
25 appear before the planning board for each annual review. Thereafter, vesting may be extended for
26 a longer period, for good cause shown, if requested, in writing by the applicant, and approved by
27 the local review board. The vesting for the master plan approval includes all ordinance provisions
28 and regulations at the time of the approval, general and specific conditions shown on the approved
29 master plan drawings and supporting material.

30 **(3) Preliminary plan review.**

31 (i) Submission requirements. Applications for preliminary plan review under this chapter
32 shall include:

33 (A) Unless already submitted at a master plan stage, a letter of eligibility issued by the
34 Rhode Island housing and mortgage finance corporation, or in the case of projects primarily funded

1 by the U.S. Department of Housing and Urban Development or other state or federal agencies, an
2 award letter indicating the subsidy, or application in such form as may be prescribed for a municipal
3 government subsidy; and

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

7 (C) A proposed timetable for the commencement of construction and completion of the
8 project; and

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

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

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

27 (iii) Review of applications. An application filed in accordance with this chapter shall be
28 reviewed in accordance with the following provisions:

29 (A) Public hearing. A public hearing shall be noticed and held as soon as practicable after
30 the issuance of a certificate of completeness.

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

34 (C) Timeframe for review. The local review board shall render a decision on the

1 preliminary plan application within ninety (90) days of the date the application is certified
2 complete, or within a further amount of time that may be consented to by the applicant through the
3 submission of a written consent.

4 (D) Failure to act. Failure of the local review board to act within the prescribed period
5 constitutes approval of the preliminary plan, and a certificate of the administrative officer as to the
6 failure of the local review board to act within the required time and the resulting approval shall be
7 issued on request of the applicant. Further, if the public hearing is not convened or a decision is not
8 rendered within the time allowed in subsections (e)(3)(iii)(A) and (e)(3)(iii)(C) of this section, the
9 application is deemed to have been allowed and the preliminary plan approval shall be issued
10 immediately.

11 (E) Required findings. In voting on an application, the local review board shall make
12 findings, supported by legally competent evidence on the record that discloses the nature and
13 character of the observations upon which the fact finders acted, on each of the following standards,
14 where applicable:

15 (I) Whether the proposed development is consistent with local needs as identified in the
16 community's affordable housing plan and/or has satisfactorily addressed the issues where there
17 may be inconsistencies. If the local board finds that the proposed development is inconsistent with
18 the community's affordable housing plan, it must also find that the municipality has made
19 significant progress in implementing its housing plan.

20 (II) Whether the proposed development is in compliance with the standards and provisions
21 of the municipality's zoning ordinance and subdivision regulations, and/or where adjustments are
22 requested by the applicant, whether local concerns that have been affected by the relief granted do
23 not outweigh the state and local need for low- and moderate-income housing. For cities and towns
24 that have low- or moderate-income housing in excess of ten percent (10%) of its year-round housing
25 units, where adjustments are requested, in addition to the above-showing, the proposed
26 development must show it has mitigated any impact of the proposed development on the general
27 character of the surrounding area.

28 (III) Whether the low- and moderate-income housing units proposed are integrated
29 throughout the development; are compatible in scale, meaning that: (1) The size of the low- and
30 moderate-income units shall not be less than seventy-five percent (75%) of the size of the market
31 rate units, unless otherwise allowed by the local board; (2) The affordable units are of similar
32 architectural style to the market rate units within the project so that the exterior of the units look
33 like an integrated neighborhood with similar rooflines, window patterns, materials and colors; and
34 (3) The affordable units will be built and occupied in a proportional manner with the construction

1 and occupancy of the market rate units. Except that for housing units that are intended to be
2 occupied by persons fifty-five (55) years of age or older, or sixty-two (62) years of age or older, as
3 permitted by the federal Fair Housing Act pursuant to 42 U.S.C. § 3607(b) and 24 C.F.R. §§
4 100.300-308 and the Rhode Island fair housing practices act pursuant to § 34-37-4.1, such units
5 need not be integrated in any building or phase within the development that contains housing units
6 that are not age-restricted, and neither age-restricted housing units nor any building or phase
7 containing age-restricted housing units must be compatible in scale and architectural style to other
8 housing unit types to the extent the age-restricted housing units are designed to meet the physical
9 or social needs of older persons or necessary to provide housing opportunities for older persons.

10 (IV) Whether there will be significant negative impacts on the health and safety of current
11 or future residents of the community, in areas including, but not limited to, safe circulation of
12 pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability
13 of potable water, adequate surface water run-off, and the preservation of natural, historical, or
14 cultural features.

15 (V) Whether the proposed land developments or subdivisions lots will have adequate and
16 permanent physical access to a public street in accordance with the requirements of § 45-23-
17 60(a)(5), or the local review board has approved other access, such as a private road.

18 (VI) Whether the proposed development will result in the creation of individual lots with
19 any physical constraints to development that building on those lots according to pertinent
20 regulations and building standards would be impracticable, unless created only as permanent open
21 space or permanently reserved for a public purpose on the approved, recorded plans.

22 (F) [Deleted by P.L. 2025, ch. 363, § 1 and P.L. 2025, ch. 364, § 1.]

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

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

1 approval.

2 (i) Submission requirements. Applications for final plan review under this chapter shall
3 include:

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

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

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

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

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

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

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

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

31 (iii) **Review of applications.**

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

34 (B) **Modifications and changes to plans:**

1 (I) Minor changes, as defined in the local regulations, to the approved plans may be
2 approved administratively, by the administrative officer. The changes may be authorized without
3 additional public hearings, at the discretion of the administrative officer. All changes shall be made
4 part of the permanent record of the project application. This provision does not prohibit the
5 administrative officer from requesting a recommendation from either the technical review
6 committee or the local review board. Denial of the proposed change(s) shall be referred to the local
7 review board for review as a major change.

8 (II) Major changes, as defined in the local regulations, to the plans may be approved only
9 by the local review board and must follow the same review and public hearing process required for
10 approval of preliminary plans as described in subsection (e)(3)(iii) of this section.

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

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

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

22 (iv) Vesting. The approved final plan decision is vested for a period of two (2) years with
23 the right to extend for one one-year extension upon written request by the applicant, who must
24 appear before the planning board for the extension request, unless, within that period, the plat or
25 plan has been submitted for signature and recording as specified in § 45-23-64. Thereafter, vesting
26 may be extended for a longer period, for good cause shown, if requested, in writing by the applicant,
27 and approved by the local review board.

28 (5) Infeasibility of conditions of approval. The burden is on the applicant to show, by
29 competent evidence before the local review board, that proposed conditions of approval are
30 infeasible, as defined in § 45-53-3. Upon request, the applicant shall be provided a reasonable
31 opportunity to respond to such proposed conditions prior to a final vote on the application.

32 (6) Fees. Municipalities may impose fees on comprehensive permit applications that are
33 consistent with but do not exceed fees that would otherwise be assessed for a project of the same
34 scope and type, but not proceeding under this chapter; provided, however, the imposition of such

1 fees shall not preclude a showing by an applicant that the fees make the project financially
2 infeasible.

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

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

14 (9) Majority vote required. All local review board decisions on comprehensive permits
15 shall be by majority vote of the members present at the proceeding.

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

21 (11) [Deleted by P.L. 2025, ch. 363, § 2 and P.L. 2025, ch. 364, § 2.]

22 (12) Report. The local review board of a town with an approved affordable housing plan
23 shall report the status of implementation to the housing resources commission, including the
24 disposition of any applications made under the plan, as of June 30, 2006, by September 1, 2006,
25 and for each June 30 thereafter by September 1 through 2010. The housing resources commission
26 shall prepare by October 15 and adopt by December 31, a report on the status of implementation,
27 which shall be submitted to the governor, the speaker and the president of the senate, and shall find
28 which towns are not in compliance with implementation requirements.

29 (13) Remanded applications. Notwithstanding the provisions of § 45-53-4 in effect on
30 February 13, 2004, a local review board shall commence hearings within thirty (30) days of
31 receiving an application remanded pursuant to § 45-53-5 or, effective January 1, 2024, § 45-53-
32 5.1. In any town with more than one remanded application, applications may be scheduled for
33 hearing in the order in which they were received, and may be taken up sequentially, with the thirty-
34 day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier

1 filed application.

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

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

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

21 (g) Towns and cities that are not in conformity with the provisions of § 45-53-3(5)(i) shall
22 prepare by December 31, 2004, a comprehensive plan housing element for low- and moderate-
23 income housing as specified by § 45-53-3(5)(ii), consistent with applicable law and regulation.
24 That the secretary of the planning board or commission of each city or town subject to the
25 requirements of this paragraph shall report in writing the status of the preparation of the housing
26 element for low- and moderate-income housing on or before June 30, 2004, and on or before
27 December 31, 2004, to the secretary of the state planning council, to the chair of the house
28 committee on corporations and to the chair of the senate committee on commerce, housing and
29 municipal government.

30 (h) If any provision of this section or the application thereof shall for any reason be judged
31 invalid, the judgment shall not affect, impair, or invalidate the remainder of this section or of any
32 other provision of this chapter, but shall be confined in its effect to the provision or application
33 directly involved in the controversy giving rise to the judgment, and a moratorium on the
34 applications of for-profit developers pursuant to this chapter shall remain and continue to be in

1 effect for the period commencing on the day this section becomes law [February 13, 2004] and
2 continue until it shall expire on January 31, 2005, or until amended further.

3 (i) In planning for, awarding, and otherwise administering programs and funds for housing
4 and for community development, state departments, agencies, boards and commissions, and public
5 corporations, as defined in chapter 18 of title 35, shall among the towns subject to the provision of
6 § 45-53-3(5)(ii), give priority to the maximum extent allowable by law to towns with an approved
7 affordable housing plan. The director of administration shall adopt not later than January 31, 2005,
8 regulations to implement the provisions of this section.

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

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

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LC004882
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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 prohibit a contractor’s submission of a single application to the local review
2 board for a comprehensive permit to build low- or moderate- income housing in cities or towns that
3 have an inclusionary zoning ordinance in compliance with § 45-24-46.1 and requires that all
4 housing developments include at least fifty percent (50%) low- or moderate- income housing units.
5 This act would take effect upon passage.

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