

LC004244

IN GENERAL ASSEMBLY

RELATING TO PROPERTY -- FAITH-BASED AFFORDABLE HOUSING DEVELOPMENT ACT

Referred To: Senate Housing & Municipal Government

18 **34-51-1. Title.**

1 This chapter shall be known and may be cited as the "Faith-based Affordable Housing
2 Development Act."

3 **34-51-2. Definitions.**

4 For the purposes of this chapter, the following words and terms shall have the following
5 meanings:

6 (1) "Active ground floor" means a portion of the ground floor dedicated to public-facing
7 or commercial uses, including retail, restaurants, community centers, or similar uses.

8 (2) "Affordable housing" means housing units restricted to households earning no more
9 than eighty percent (80%) of the area median income, as determined by the United States
10 Department of Housing and Urban Development (HUD), with affordability restrictions maintained
11 for a period consistent with state low-income housing tax credit eligibility requirements.

12 (3) "Ancillary uses" means uses that support and complement the mission of a faith-based
13 organization, including child care, social services, educational uses, and small-scale commercial
14 uses not exceeding three thousand square feet (3,000 ft²) per establishment.

15 (4) "Development site" means land owned, leased, or otherwise controlled by a faith-based
16 organization and eligible for residential, commercial, or mixed-use development, excluding light
17 and heavy industrial zones unless residential uses are expressly permitted.

18 (5) "Faith-based organization" means a religious institution, including churches, temples,
19 mosques, synagogues, and religious higher education institutions, that owns or leases the
20 development site.

21 (6) "Housing unit" means a self-contained residential dwelling unit designed for occupancy
22 by one household.

23 (7) "Ministerial review" means a non-discretionary approval process based solely on
24 objective standards without public hearings or subjective judgment.

25 (8) "Mixed-use development" means a development containing both residential uses and
26 ancillary uses.

27 (9) "Net habitable square feet" means finished, heated, and enclosed floor area, excluding
28 parking, garages, and unfinished spaces.

29 (10) "Project" means development, construction, or renovation undertaken by a faith-based
30 organization on a development site.

31 (11) "Public benefit incentive" means additional development allowances granted in
32 exchange for providing affordable housing, community services, or environmental preservation.

33 (12) "Serviced lot" means a parcel connected to municipal water and sewer systems.

34 (13) "Steep slope" means land with a rise of ten feet (10') over twenty-five feet (25') or a

slope of forty percent (40%) or greater.

34-51-3. Project eligibility.

(a) Projects shall be owned or controlled by a faith-based organization through fee ownership or a lease of not less than fifty-five (55) years.

(b) Development sites shall be located in zones permitting residential, commercial, institutional, civic, single-family, duplex, or multifamily uses.

(c) Industrial zones are excluded unless residential uses are expressly permitted.

(d) Mixed-use developments shall dedicate at least sixty percent (60%) of net habitable square feet to residential use.

(e) Projects shall comply with applicable building, fire, health, life safety codes, and the federal Fair Housing Act, 42 U.S.C. 3601 et seq.

34-51-4. State preemption.

(a) This chapter shall preempt any local ordinance or regulation that conflicts with its provisions.

(b) Municipalities shall not impose discretionary review, special permits, additional fees, or conditions beyond those applicable to comparable by-right developments.

(c) Targeted regulations singling out faith-based organization projects are prohibited and void.

34-51-5. Affordable housing standards.

(a) Municipalities may adopt generally applicable affordability ordinances consistent with this chapter.

(b) Affordability requirements shall not exceed state low-income housing tax credit affordability periods and shall rely on HUD income limits and rent schedules.

34-51-6. Base development incentives.

(a) Projects shall be permitted a base density of thirty (30) dwelling units per acre.

(b) Where greater density or height is allowed on the site or adjoining sites, the project shall be entitled to the greater allowance.

(c) Projects may exceed existing height limits by one story or fifteen feet (15'), with a base floor area ratio ("FAR") of 2:1.

(d) No minimum parking requirements shall apply to residential or ancillary uses.

34-51-7. Bonus incentives.

(a) Active ground floor ancillary uses qualify for an additional FAR bonus of 0.5.

(b) Projects with forty percent (40%) or more two (2) bedroom units qualify for increased density up to fifty (50) units per acre and additional height bonuses.

- 1 (c) Preservation of mature trees qualifies for height bonuses.
- 2 (d) Maximum FAR under incentives shall be 3:1 and maximum height forty-five feet (45'),
- 3 unless underlying zoning allows more.

4 **34-51-8. Development standards.**

- 5 (a) Existing setback requirements shall apply unless waived.
- 6 (b) Municipalities shall not impose minimum unit sizes, lot coverage limits, or mandatory
- 7 open space requirements.

8 **34-51-9. Review and approval.**

- 9 (a) Eligible projects shall be approved through ministerial review.
- 10 (b) Decisions shall be issued within fifteen (15) days of a complete application.
- 11 (c) Permitting and inspections shall be conducted concurrently, with final approvals issued
- 12 within sixty (60) business days.

13 **34-51-10. Environmental and safety requirements.**

- 14 (a) Floodplain projects shall comply with Federal Emergency Management Agency
- 15 (FEMA) and state flood standards.
- 16 (b) Projects on steep slopes shall submit geotechnical analyses and mitigation measures.

17 **34-51-11. Exemptions.**

- 18 (a) Sites within one thousand six hundred feet (1,600') of industrial uses within the meaning
- 19 of Title V of the federal Clean Air Act, 42 U.S.C. §§ 7661-7661f, implemented pursuant to 40 CFR
- 20 Part 70 shall be excluded.
- 21 (b) Environmentally protected lands and wetlands are exempt.
- 22 (c) Additional setbacks may be required near critical infrastructure.

23 **34-51-12. Enforcement and oversight.**

- 24 The Rhode Island housing and mortgage finance corporation shall monitor compliance and
- 25 may refer violations to the attorney general for enforcement.

26 **34-51-13. Severability.**

- 27 If any provision of this chapter is held invalid, the remaining provisions shall remain in
- 28 effect.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- FAITH-BASED AFFORDABLE HOUSING DEVELOPMENT
ACT

- 1 This act would allow faith-based organizations to develop affordable and mixed-use
- 2 housing on land they own as a by-right use, set statewide development standards, limit local
- 3 barriers, and streamline approvals to expand housing supply.
- 4 This act would take effect upon passage.

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