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# STATE OF RHODE ISLAND

## IN GENERAL ASSEMBLY

## **JANUARY SESSION, A.D. 2026**

## AN ACT

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

Introduced By: Senators Kallman, Bissaillon, DiMario, Gu, Mack, DiPalma, Rogers, McKenney, and Zurier  
Date Introduced: January 23, 2026

[www.ijerph.com](http://www.ijerph.com) [dx.doi.org/10.3390/ijerph12040875](http://dx.doi.org/10.3390/ijerph12040875)

It is enacted by the General Assembly as follows:

## 1 SECTION 1. Legislative findings.

2 The General Assembly finds and declares:

3 (1) That the State of Rhode Island is experiencing a shortage of housing that threatens  
4 affordability, economic stability, and community well-being. The general assembly further finds  
5 that faith-based organizations often own or control underutilized land that may be suitable for  
6 residential development.

10 (3) Chapter 51 of title 34 is intended to increase housing access, reduce unnecessary  
11 regulatory barriers, and encourage mixed-use, community-focused development. Project approvals  
12 shall be based on objective and transparent standards to ensure operational flexibility for faith-  
13 based organizations while remaining responsive to local housing needs.

14 SECTION 2. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by  
15 adding thereto the following chapter:

16 CHAPTER 51

17 FAITH-BASED AFFORDABLE HOUSING DEVELOPMENT ACT

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 ft<sup>2</sup>) 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

1      slope of forty percent (40%) or greater.

2      **34-51-3. Project eligibility.**

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

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

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

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

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

12     **34-51-4. State preemption.**

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

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

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

19     **34-51-5. Affordable housing standards.**

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

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

24     **34-51-6. Base development incentives.**

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

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

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

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

31     **34-51-7. Bonus incentives.**

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

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

(c) Preservation of mature trees qualifies for height bonuses.

(d) Maximum FAR under incentives shall be 3:1 and maximum height forty-five feet (45').

unless underlying zoning allows more.

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

(a) Existing setback requirements shall apply unless waived.

open space requirements.

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

(a) Eligible projects shall be approved through ministerial review.

(b) Decisions shall be issued within fifteen (15) days of a complete application.

within sixty (60) business days.

### 34.51.10 Environmental and safety requirements

(a) Floodplain projects shall comply with Federal Emergency Management Agency

(FEMA) and state flood standards.

(b) Projects on steep slopes shall submit geotechnical analyses and mitigation measures.

### **34-51-11. Exemptions.**

(a) Sites within one thousand six hundred feet (1,600') of industrial uses within the meaning

## of Title V of the federal C

shall be excluded.

**(b) Environmentally protected lands and wetlands are exempt.**

### (c) Additional sets

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

The Rhode Island housing and mortgage finance corporation shall m

fer violations to the attorney general for en-

### **34-51-13. Severability.**

If any provision of this chapter is held invalid, the

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

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- 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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