

AFFORDABLE HOUSING

The following information on specific legislative initiatives was gathered directly from the Civic Participation and Public Information section of the Rhode Island Secretary of State's website. Additional information can be found by clicking [HERE](#)

What Passed ...

Although not a specific piece of legislation, the Carcieri Administration included \$5 million for the Neighborhood Opportunities Program in the FY 2004 state budget and the appropriation was maintained by the General Assembly.

What Didn't ...

Detail information for: 03 H6615

[\[fulltext\]](#)

An Act Relating To Towns And Cities -- Low And Moderate Income Housing

Explanation:

This act would allow the Rhode Island Housing and Mortgage Finance Corporation to issue to housing sponsors certificates of eligibility for subsidy pursuant to specific criteria. This act would further encourage the development of low and moderate income housing through the local comprehensive planning process and would establish a procedure for the submission and review of applications for low and moderate income housing. This act would take effect upon passage.

Sponsors: **Representative Kennedy, Brian Patrick**

Representative Menard, Rene R.

Representative Fox, Gordon D.

Representative Winfield, Thomas

Representative San Bento, William

Action: 2003-07-02: Passed House Floor House Floor Action

Meetings: There have been no recorded meetings on this bill

Details: **subject:** HOUSING
citation(s): 42-55-8.1

Detail information for: 03 S0300

[\[fulltext\]](#)

An Act Relating To Towns And Cities -- Low And Moderate Income Housing

Explanation:

This act would specifically exclude private developers from the provisions of this section which would allow a single application process for the construction of low or moderate income housing. This act would take effect upon passage and would be applied retroactively to June 28, 2002.

Sponsors: **Senator Celona, John A.**
Senator Connors, Daniel P.
Senator Montalbano, Joseph A.

Action: 2003-07-01: Passed as Sub A as Amended Senate Floor Senate Floor Action
2003-02-06: Introduced and Referred To Senate Commerce, Housing and Municipal Government Senate Floor Action

Meetings: 2003-02-27: Rise of the Senate Room 212
2003-06-25: Rise of the Senate PLEASE NOTE THIS IS AN ADDITION TO THE PREVIOUSLY POSTED AGENDA I, II & III. Room 212

Details: **subject:** HOUSING
citation(s): 45-53-4

Detail information for: 03 H5012

[\[fulltext\]](#)

An Act Relating To Towns And Cities -- Rhode Island Development Impact Fee Act

Explanation:

This act would provide that impact fees not be imposed on low and moderate income housing. This act would take effect upon passage.

Sponsors: **Representative Anderson, Stephen J.**

Action: 2003-01-09: Introduced and Referred To House Corporations House Floor Action

Meetings: 2003-02-25: Rise of the House THIS MEETING WAS ORIGINALLY SCHEDULED FOR TUESDAY, FEB. 25TH AND HAS BEEN CANCELLED AND WILL BE HELD ON THURSDAY FEB. 27TH 2003. Room 203

Details: **subject:** HOUSING
citation(s): 45-22.4-3

Detail information for: 03 S0752

[\[fulltext\]](#)

An Act Relating To Towns And Cities -- Rhode Island Development Impact Fees

Explanation:

This act would allow cities and towns to assess an impact fee for the impact on education resulting from low and moderate income housing construction. This act would take effect upon passage.

Sponsors: **Senator Raptakis, Leonidas P.**

Senator Blais, Leo R.

Senator Sosnowski, V. Susan

Senator Caprio, Frank T.

Action: 2003-02-26: Introduced and Referred To Senate Finance Senate Floor Action

Meetings: 2003-04-03: Rise of the Senate Room 211

Details: **subject:** CITIES AND TOWNS--TAXATION
citation(s): 45-22.4-3

Detail information for: 03 S0760

[\[fulltext\]](#)

An Act Relating To The Rhode Island Housing And Mortgage Finance Corporation

Explanation:

This act would create the community development corporation capacity building fund for purposes of strengthening the developmental capacity of community development corporations. This act would take effect upon passage.

Sponsors: **Senator Perry, Rhoda E.**

Senator Cote, Marc A.

Senator Roberts, Elizabeth H.

Senator Paiva-Weed, M. Teresa

Senator Connors, Daniel P.

Action: 2003-02-26: Introduced and Referred To Senate Finance Senate Floor Action

Meetings: There have been no recorded meetings on this bill

Details: **subject:** HOUSING
citation(s): 42-55-31

Detail information for: 03 H5561

[fulltext]

An Act Relating To Affordable Housing -- Establishing A Fund To Support Nonprofit Corporations Who Provide Or Develop Affordable Housing

Explanation:

This act would establish a community development corporation fund in order to supplement funding for community based nonprofit corporations whose purpose is to provide affordable housing. This act would take effect upon passage.

Sponsors: **Representative Anquilla, Fausto C.**

Representative Moura, Paul E.

Representative Slater, Thomas C.

Representative Landroche, Norman L.

Representative Laroche, David E.

Action: 2003-02-11: Introduced and Referred To House Finance House Floor Action

Meetings: There have been no recorded meetings on this bill

Details: **subject:** HOUSING
citation(s): 34-45.1-1

Detail information for: 03 H6057

[fulltext]

An Act Relating To Affordable Housing -- Establishing A Fund To Support Nonprofit Corporations Who Provide Or Develop Affordable Housing

Explanation:

This act would establish a community development corporation fund in order to supplement funding for community based nonprofit corporations whose purpose is to provide affordable housing. This act would take effect upon passage.

Sponsors: **Representative Dennigan, Elizabeth M.**

Representative Kilmartin, Peter F.

Representative Tejada, Leon F.

Representative Long, Bruce J.

Representative Slater, Thomas C.

Action: 2003-02-12: Introduced and Referred To House Finance House Floor Action

Meetings: 2003-03-14: 1:00 PM Room 35
2003-05-14: 1:00 P.M. Scheduled for Hearing and/or Consideration Room 35

Details: **subject:** PROPERTY

citation(s): 34-45.1-1

Detail information for: 03 S0759

[\[fulltext\]](#)

An Act Relating To Affordable Housing -- Establishing A Fund To Support Nonprofit Corporations Who Provide Or Develop Affordable Housing

Explanation:

This act would establish a community development corporation fund in order to supplement funding for community based nonprofit corporations whose purpose is to provide affordable housing. This act would take effect upon passage.

Sponsors:

Senator Perry, Rhoda E.
Senator Roberts, Elizabeth H.
Senator Parella, Mary A.
Senator Gibbs, June N.
Representative Fox, Gordon D.

Action: 2003-02-26: Introduced and Referred To Senate Finance Senate Floor Action

Meetings: There have been no recorded meetings on this bill

Details: **subject:** HOUSING
citation(s): 34-45.1-1

2003 -- H 6615

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LC03641

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STATE OF RHODE ISLAND**IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2003**

A N A C T

**RELATING TO TOWNS AND CITIES -- LOW AND MODERATE
INCOME HOUSING****Introduced By:** Representatives Kennedy, Menard, Fox, Winfield, and San Bento_**Date Introduced:** July 02, 2003_**Referred To:** House read and passed_

It is enacted by the General Assembly as follows:

1-1 SECTION 1. Chapter 42-55 of the General Laws entitled "Rhode Island Housing and

1-2 Mortgage Finance Corporation" is hereby amended by adding thereto the following section:

1-3 **42-55-8.1. Certificates of eligibility for subsidy.** – The corporation shall issue to1-4 housing sponsors certificates of eligibility for subsidy as herein provided.

1-5 (a) Within thirty (30) days after: (1) the enactment of the state budget for the fiscal year;
1-6 and (2) the enactment of the federal budget for the fiscal year, the corporation shall, following a
1-7 public hearing for which at least ten (10) days' public notice has been provided, estimate the level
1-8 of subsidies available for low and moderate income housing by type of subsidy and housing.
1-9 This estimate shall be reduced by the total number of commitments outstanding for low and
1-10 moderate housing, the balance shall be multiplied by two (2), and the product shall be the total
1-11 number of certificates of eligibility for subsidy available; provided, however, that in no event
1-12 shall the total number of certificates of eligibility exceed the total available subsidies by a factor
1-13 greater than two (2).

1-14 (b) Not less than ten (10) days following the calculation of the total number of certificates
1-15 of eligibility for subsidy available, the corporation shall give notice of the availability of
1-16 certificates of eligibility for subsidy, and shall provide forty-five (45) days for housing sponsors
1-17 to apply for such certificates. Within twenty-one (21) days following the close of the application
1-18 period, the corporation shall issue certificates of eligibility to housing sponsors, with one (1)
1-19 certificate for each dwelling unit eligible for subsidy, provided that no housing sponsor shall
2-1 receive more than ten percent (10%) of the total certificates of eligibility available for any project.
2-2 Certificates of eligibility shall be valid for three (3) years and shall be deemed to have expired
2-3 unless a building permit for the construction of dwellings within the project has been issued.

2-4 (c) In the event that the total number of applications for certificates of eligibility for
2-5 subsidy exceeds the total number of certificates available, the corporation shall issue certificates

2-6 on the following basis: the ratio of subsidized units in the project to the total number of units in
2-7 the project multiplied by the ratio of the average zoning density for the project area to the
2-8 proposed density of the project, which shall be computed as a decimal; certificates shall be issued
2-9 for applications with the highest decimal scores until there are no more certificates available to be
2-10 issued.

2-11 (d) The corporation shall issue a letter to a housing sponsor for each project for which
2-12 certificates of eligibility for subsidy have been issued, which letter shall state the location of the
2-13 project, the number and the type, if appropriate, of certificates issued and the date of the issuance.

2-14 SECTION 2. Sections 45-53-2, 45-53-4 and 45-53-6 of the General Laws in Chapter 45-
2-15 53 entitled "Low and Moderate Income Housing" are hereby amended to read as follows:

2-16 **45-53-2. Legislative findings and intent.** – (a) The general assembly finds and declares
2-17 that there exists an acute shortage of affordable, accessible, safe, and sanitary housing for its
2-18 citizens of low and moderate income, both individuals and families;

2-19 (b) that it is imperative that action is taken immediately to assure the availability of
2-20 affordable, accessible, safe, and sanitary housing for these persons;

2-21 (c) that it is necessary that each city and town provide opportunities for the establishment
2-22 of low and moderate income housing; ~~and~~

2-23 (d) that the provisions of this chapter are necessary to assure the health, safety, and
2-24 welfare of all citizens of this state, and that each citizen enjoys the right to affordable, accessible,
2-25 safe, and sanitary housing.

(e) ~~It~~ it is further declared to be the purpose of this chapter to:

(i) provide for housing opportunities for low and moderate income individuals and

families in each city and town of the state and that an equal consideration shall be on retrofitting

existing dwellings and assimilating low and moderate income housing into existing developments

and neighborhoods; and

(ii) encourage the development of plans by each city and town to meet the objectives of

this chapter through the local comprehensive planning process, and to provide for local control to

evaluate applications for comprehensive permits to build low or moderate income housing under

this chapter based on whether the community has met the objectives set forth in this chapter or

has plans to do so; based on whether the proposed housing is consistent with local needs, is in

conformance with the comprehensive plan or based on whether concerns for the environment or

for the health and safety of current residents have been adequately addressed.

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

Procedure for submission and review of applications for construction of low or moderate

income housing— (a)(1) Any public agency, nonprofit organization, for-profit developer, or

limited equity housing cooperative proposing to build low or moderate income housing may

submit to the zoning board of review, established under section 45-24-56, a single application for

a comprehensive permit to build that housing in lieu of separate applications to the applicable

local boards except as specified in subsection (b)(iii) below. ~~In the case of a private developer,~~

~~this procedure is only available for low or moderate income housing proposals which remain as~~

3-12 low or moderate income housing for a period of not less than thirty (30) years from initial
3-13 occupancy. The zoning board of review shall immediately notify each local board, as applicable,
3-14 of the filing of the application, by sending a copy to the local boards and to other parties entitled
3-15 to notice of hearings on applications under the zoning ordinance and shall, within thirty (30) days
3-16 of the receipt of the application, hold a public hearing on the application. The chair of the state
3-17 housing appeals board shall, by regulation, provide for review by planning boards in cases of
3-18 applications involving land development projects or subdivisions. The zoning board of review has
3-19 the same power to issue permits or approvals that any local board or official who would otherwise
3-20 act with respect to the application, including, but not limited to, the power to attach to the permit
3-21 or approval, conditions, and requirements with respect to height, site plan, size, or shape, or
3-22 building materials, as are consistent with the terms of this section. In reviewing the
3-23 comprehensive permit request, the zoning board may deny the request for any of the following
3-24 reasons: if the proposal is inconsistent with local needs, including, but not limited to, the needs
3-25 identified in an approved comprehensive plan, and local zoning ordinances and procedures
3-26 promulgated in conformance with the comprehensive plan; if the proposal is not in conformance
3-27 with the comprehensive plan; if the community has met or has plans to meet the standard of ten
3-28 percent (10%) of the units or, in the case of an urban town or city, fifteen percent (15%) of the
3-29 occupied rental housing units as defined in section 45-53-3(2)(i) being low and moderate income
3-30 housing; or if concerns for the environment and the health and safety of current residents have not
3-31 been adequately addressed. The zoning board shall render a decision, based upon a majority vote

3-32 of the board, within forty (40) days after the termination of the public hearing and, if favorable to
3-33 the applicant, shall immediately issue a decision approving the application. If the hearing is not
3-34 convened or a decision is not rendered within the time allowed, unless the time has been extended
4-1 by mutual agreement between the zoning board and the applicant, the application is deemed to
4-2 have been allowed and the approval shall issue immediately. Any person aggrieved by the
4-3 issuance of an approval may appeal to the supreme court.

4-4 (2) If a private for-profit developer, intending to create low or moderate income housing
4-5 units, submits a comprehensive permit application for a major or minor land development project
4-6 or a major or minor subdivision, pursuant to chapter 23 of title 45, in which the low or moderate
4-7 income units will be offered for sale or rental, those units must remain low and moderate income
4-8 housing permanently, unless the zoning board directs otherwise for reasons, or on condition, the
4-9 zoning board in its sole discretion deems appropriate; in no case, however, shall that period be for
4-10 less than thirty (30) years.

4-11 (b) The following shall apply to all applications for a comprehensive permit:

4-12 (i) The application shall include: (A) effective November 1, 2003, a letter of eligibility
4-13 for subsidy issued by the Rhode Island Housing Mortgage Finance Corporation; and (B) a
4-14 proposed agreement to assure the continuing affordability of the low and moderate income units;

4-15 (ii) The zoning enforcement officer or the administrative officer for the planning board,
4-16 as appropriate, in the case of either a land development project or subdivision shall issue a written
4-17 Certificate of Completeness as defined in section 45-23-30 within seven (7) days of the receipt of

4-18 an application for a comprehensive permit. If the zoning enforcement officer or the
4-19 administrative officer for the planning board, as appropriate, deems the application to be
4-20 incomplete, a Certificate of Incompleteness shall be issued in writing within seven (7) days of
4-21 receipt of the application. The time period as required by this subsection shall be deemed stopped
4-22 upon the issuance of a certificate of incompleteness and the applicant shall be required to
4-23 resubmit the application in order to start the process. In the event the certification of the
4-24 application is not made within the time specified, the application shall be deemed complete for
4-25 purposes of commencing the review period for the application;

4-26 (iii) Where it would otherwise be required by the municipality, each entity proposing to
4-27 build low or moderate income housing shall present as part of their application an analysis and
4-28 study with supporting evidence as to how the proposed development will impact the city or town
4-29 municipal infrastructure and how the entity proposes to address any such impacts; and

4-30 (iv) An administrative filing fee may be assessed on an application for a comprehensive
4-31 permit under this chapter. Any fee shall be an amount not to exceed the actual costs incurred, to
4-32 be paid by the applicant for the adequate review and hearing of the application, the issuance of
4-33 permits, and the issuance and recording of the decision. Such fees shall be set in the local
4-34 ordinance or regulations regarding fees. In the absence of a specific fee for a comprehensive
5-1 permit, the fee shall be the most analogous fee the applicant would otherwise be assessed for a
5-2 project of the same scope and type but not proceeding under this chapter. Reasonable
5-3 construction and/or improvement guarantees and inspection fees may be assessed, as per

5-4 ordinance or regulation, in a manner similar to that for any other project. Building permits,
5-5 inspections, and certificates of occupancy shall be handled in the normal manner by the building
5-6 inspector or other local officials.

5-7 (c) The following shall apply only to comprehensive permit applications for major or
5-8 minor land development projects or major or minor subdivision projects:

5-9 (i) Pre-application: In order to assist the applicant in ensuring that all application
5-10 requirements, including eligibility, will be met, where the comprehensive permit application
5-11 proposal is a major or minor land development project or a major or minor subdivision pursuant
5-12 to chapter 23 of title 45 a municipality may require an applicant proposing a project under this
5-13 chapter to first schedule a pre-application meeting with the municipal zoning enforcement officer,
5-14 administrative officer for the planning board and other local officials, as appropriate. To request
5-15 a pre-application meeting, the applicant shall submit a short description of the project in writing
5-16 including the number of units, type of housing, as well as a location map. The purpose of the pre-
5-17 application meeting shall be to review a concept plan of the proposed development. The pre-
5-18 application meeting shall aim to encourage information sharing and discussion of project
5-19 concepts among the participants and to review the submission requirements. Upon receipt of a
5-20 request by an applicant for a pre-application meeting, the municipality has fifteen (15) days to
5-21 schedule the pre-application meeting and the meeting must take place within twenty-one (21)
5-22 days of receipt of the pre-application. If no pre- application meeting has been scheduled within
5-23 the fifteen (15) days or twenty-one (21) days has elapsed from the filing of the pre-application

5-24 submission and no pre-application meeting has taken place, nothing shall be deemed to preclude
5-25 an applicant from thereafter filing and proceeding with an application for a comprehensive
5-26 permit;

5-27 (ii) The entity applying for the comprehensive permit shall submit a copy of the
5-28 comprehensive permit application directly to the administrative officer of the planning board (as
5-29 defined in section 45-23-32(1)) at the same time the comprehensive permit application is filed
5-30 with the zoning board of review;

5-31 (iii) The comprehensive permit application must include a master plan in the case of a
5-32 major land development plan or major subdivision, or a preliminary plan in the case of a minor
5-33 land development plan or subdivision and identify all waivers from local land use regulations or
5-34 ordinances that are being requested by the applicant; and

6-1 (iv) The planning board may present its preliminary review of the proposal at any time
6-2 before or after any presentation by the applicant, and may have the opportunity at its discretion to
6-3 fully participate in the proceedings including, without limitation, attending all hearings on the
6-4 application, examining witnesses and requesting relevant information from the applicant and
6-5 making recommendations. The planning board shall make its final recommendations on the
6-6 proposal to the zoning board before the official termination of the public hearing. The final
6-7 authority to grant or deny any comprehensive permit or regulatory waivers remains with the
6-8 zoning board of review.

6-9 (d) Review of comprehensive permit applications:

6-10 (i) The zoning board of review shall immediately notify each local board, as applicable,
6-11 of the filing of the application, by sending a copy to the local boards and to other parties entitled
6-12 to notice of hearings on applications under the zoning ordinance and shall not later than sixty (60)
6-13 days of the receipt of the application, or within such further time as is agreed to by the applicant
6-14 and the board, hold a public hearing on the application and conclude said hearing within a
6-15 reasonable time. In the case of the rehabilitation of existing housing stock or new construction of
6-16 individual housing units for low or moderate income housing, not within a major or minor
6-17 subdivision or major or minor land development proposal, the zoning board of review shall
6-18 within thirty (30) days from receipt of the application, hold a public hearing on the application,
6-19 and conclude said hearing within a reasonable time frame.

6-20 (ii) The zoning board of review has the same power to issue permits or approvals that any
6-21 local board or official who would otherwise act with respect to the application, including, but not
6-22 limited to, the power to attach to the permit or approval, conditions, and requirements with
6-23 respect to height, site plan, size, or shape, or building materials, as are consistent with the terms
6-24 of this section.

6-25 (iii) In reviewing the comprehensive permit request, the zoning board may deny the
6-26 request for any of the following reasons: if the proposal is inconsistent with local needs,
6-27 including, but not limited to, the needs identified in an approved comprehensive plan, and local
6-28 zoning ordinances and procedures promulgated in conformance with the comprehensive plan; if
6-29 the proposal is not in conformance with the comprehensive plan; if the community has met or has

6-30 plans to meet the standard of ten percent (10%) of the units or, in the case of an urban town or
6-31 city, fifteen percent (15%) of the occupied rental housing units as defined in section 45-53-3(2)(i)
6-32 being low and moderate income housing; or if concerns for the environment and the health and
6-33 safety of current residents have not been adequately addressed. The zoning board shall render a
6-34 decision, based upon a majority vote of the board, within forty (40) days after the termination of
7-1 the public hearing and, if favorable to the applicant, shall immediately issue a decision approving
7-2 the application. If the hearing is not convened or a decision is not rendered within the time
7-3 allowed, unless the time has been extended by mutual agreement between the zoning board and
7-4 the applicant, the application is deemed to have been allowed and the approval shall issue
7-5 immediately. Any person aggrieved by the issuance of an approval may appeal to the supreme
7-6 court.

7-7 (iv) In addition to the rule making authority granted by section 45-53-7, the chair of the
7-8 state housing appeals board may adopt reasonable procedural regulations in general to effectuate
7-9 the purposes of this section, to provide for review by planning boards in cases involving land
7-10 development projects or subdivisions.

7-11 **45-53-6. Power of state housing appeals board.** -- (a) In hearing the appeal, the state
7-12 housing appeals board shall determine whether, in the case of the denial of an application, the
7-13 decision of the zoning board of review was reasonable and consistent with local needs and, in the
7-14 case of an approval of an application with conditions and requirements imposed, whether those
7-15 conditions and requirements make the construction or operation of the housing infeasible and

7-16 whether they are consistent with local needs.

7-17 (b) The standards for reviewing the appeal include, but are not limited to:

7-18 (1) The consistency of the decision to deny or condition the permit with the approved
7-19 comprehensive plan;

7-20 (2) The extent to which the community meets or plans to meet the ten percent (10%)
7-21 standard for existing low and moderate income housing units;

7-22 (3) The consideration of the health and safety of existing residents;

7-23 (4) The consideration of environmental protection; and

7-24 (5) The extent to which the community applies local zoning ordinances and special
7-25 exception procedures evenly on subsidized and unsubsidized housing applications alike.;

7-26 (6) In the case of an appeal from a for-profit developer for a major or minor land
7-27 development project or a major or minor subdivision, the extent to which the application is
7-28 consistent with the community's ability to provide and maintain public services, with the
7-29 maximum allowable units for an order approving any one (1) project that the project cannot
7-30 provide for the construction of more housing units in one (1) year than one-third (1/3) of the
7-31 annual average of building permits issued by the community for housing units during the
7-32 proceeding three (3) calendar years, which annual average shall exclude permits issued for
7-33 applications approved under under this section.

7-34 (c) If the appeals board finds, in the case of a denial, that the decision of the zoning board
8-1 of review was unreasonable and not consistent with local needs, it shall vacate the decision and

8-2 issue a decision and order approving the application. If the appeals board finds, in the case of an
8-3 approval with conditions and requirements imposed, that the decision of the zoning board of
8-4 review makes the building or operation of the housing infeasible, and is not consistent with local
8-5 needs, it shall issue a decision and order, modifying or removing any condition or requirement so
8-6 as to make the proposal no longer infeasible, and approving the application; provided, that the
8-7 appeals board shall not issue any decision and order that would permit the building or operation
8-8 of the housing in accordance with standards less safe than the applicable building and site plan
8-9 requirements of the federal department of housing and urban development or the Rhode Island
8-10 housing and mortgage finance corporation, whichever agency is financially assisting the housing.
8-11 Decisions or conditions and requirements imposed by a zoning board of review that are consistent
8-12 with local needs shall not be vacated, modified, or removed by the appeals board notwithstanding
8-13 that the decision or conditions and requirements have the effect of denying or making the
8-14 applicant's proposal infeasible.

8-15 (d) The appeals board or the applicant has the power to enforce the orders of the appeals
8-16 board by an action brought in the supreme court. The zoning board of review shall carry out the
8-17 decision and order of the appeals board within thirty (30) days of its entry and, upon failure to do
8-18 so, the decision and order of the appeals board is, for all purposes, deemed to be the action of the
8-19 zoning board of review, unless the applicant consents to a different decision or order by the
8-20 zoning board of review. The decision and order of the appeals board is binding on the city or
8-21 town, which shall immediately issue any and all necessary permits and approvals to allow the

8-22 construction and operation of the housing as approved by the appeals board.

8-23 SECTION 3. Chapter 45-53 of the General Laws entitled "Low and Moderate Income
8-24 Housing" is hereby amended by adding thereto the following section:

8-25 45-53-9. Building permits. – No building permit for any unit or phase of an application
8-26 approved under any provision of this chapter shall be issued unless the ratio for low and moderate
8-27 income housing units provided for in approved application shall be met or exceeded by the
8-28 issuance of the permit and unless there is a binding agreement in place assuring the continuing
8-29 affordability of such units as specified in the approval.

8-30 SECTION 4. This act shall take effect upon passage.

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LC03641

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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**

- 9-1 This act would allow the Rhode Island Housing and Mortgage Finance Corporation to
- 9-2 issue to housing sponsors certificates of eligibility for subsidy pursuant to specific criteria. This
- 9-3 act would further encourage the development of low and moderate income housing through the
- 9-4 local comprehensive planning process and would establish a procedure for the submission and
- 9-5 review of applications for low and moderate income housing.
- 9-6 This act would take effect upon passage.

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LC03641

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2003 -- S 0759

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LC02162

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STATE OF RHODE ISLAND**IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2003**

A N A C T

**RELATING TO AFFORDABLE HOUSING -- ESTABLISHING A FUND
TO SUPPORT
NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP
AFFORDABLE HOUSING****Introduced By:** Senators Perry, Roberts, Parella, Gibbs, and P Fogarty_**Date Introduced:** February 26, 2003_**Referred To:** Senate Finance_

It is enacted by the General Assembly as follows:

SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by

adding thereto the following chapter:

CHAPTER 45.1

1-4

CREATION OF A COMMUNITY DEVELOPMENT CORPORATION BUILDING FUND

1-5 34-45.1-1. Short title. – This chapter shall be known and may be cited as the

1-6 “Community Development Corporation Fund Act of 2003.”

1-7 34-45.1-2. Creation of fund. – In order to strengthen the development capacity of
1-8 eligible community development corporations there is hereby created the Community
1-9 Development Corporation Capacity Building Fund.

1-10 34-45.1-3. Definition of a community development corporation. – A community
1-11 development corporation is a private, nonprofit organization whose primary purpose is to provide
1-12 and develop affordable housing for the community it services and is certified as a community
1-13 development corporation by the Rhode Island housing and financing mortgage corporation.

1-14 34-45.1-4. Use of fund. – Grants from said funds shall be made to eligible development
1-15 corporations to match corporate and other private contributions. Grants shall be used to promote
1-16 collaboration between eligible community development corporations. Fifteen percent (15%) of all
1-17 such grants shall support training programs for staff and the board of directors of qualified
1-18 community development corporations. Said grants shall not represent more than twenty-five
2-1 percent (25%) of the annual operating budget of eligible community development corporations.
2-2 No more than fifty percent (50%) of the fund shall be allocated to community development
2-3 corporations located in any single city or town.

2-4 **34-45.1-5. Eligibility of qualified community development corporations. –**

2-5 Community development corporations shall be eligible to receive grants from the fund if they
2-6 meet all of the following criteria:

2-7 (a) The community development corporation complies with the criteria established for
2-8 neighborhood development funds established by the Rhode Island housing and mortgage finance
2-9 corporation.

2-10 (b) The community development corporation has a current strategic plan that is no more
2-11 than three (3) years old and which is reviewed at least every eighteen (18) months.

2-12 (c) The community development corporation's business priority is affordable housing
2-13 development.

2-14 (d) The community development corporation's nonhousing development programs relate
2-15 to its affordable housing activities.

2-16 (e) Community development corporation is a community controlled organization, (with at
2-17 least fifty-one percent (51%) of the board of directors for said corporation consisting of residents
2-18 of low-income neighborhoods, or elected representatives of low-income neighborhood
2-19 organizations served by the community development corporation).

2-20 (f) The community development corporation conducts annual audits through an
2-21 independent certified accountant.

2-22 (g) The community development corporation has a geographically defined service area.

2-23 (h) The community development corporation has paid full-time staff.

2-24 (i) The community development corporation is a 501C3 nonprofit which has been
 2-25 incorporated in the state of Rhode Island for not less than three (3) years.

2-26 **34-45.1-6. Administration of the fund.** – Proceeds from the fund shall be appropriated
 2-27 to the Rhode Island housing and mortgage finance corporation who shall distribute the
 2-28 appropriation to the local initiative support corporation (LISC) for the purpose of making grants
 2-29 to the community development corporation. Appropriations from this fund shall not be used to
 2-30 supplement other grants made by the Rhode Island housing and mortgage finance corporation to
 2-31 LISC's that fund the neighborhood development fund. The Rhode Island housing and mortgage
 2-32 finance corporation shall make an annual report to the governor and general assembly on the
 2-33 performance of the community development corporation that receive community development
 2-34 corporation capacity building funds.

3-1 SECTION 2. This act shall take effect upon passage.

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LC02162

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

**RELATING TO AFFORDABLE HOUSING -- ESTABLISHING A FUND
TO SUPPORT
NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP
AFFORDABLE HOUSING**

4-1 This act would establish a community development corporation fund in order to
4-2 supplement funding for community based nonprofit corporations whose purpose is
to provide
4-3 affordable housing.

4-4 This act would take effect upon passage.

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LC02162

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2003 -- S 0300

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LC01824

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STATE OF RHODE ISLAND**IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2003**

A N A C T**RELATING TO TOWNS AND CITIES -- LOW AND MODERATE
INCOME HOUSING****Introduced By:** Senators Celona, Connors, and J Montalbano_**Date Introduced:** February 06, 2003_**Referred To:** Senate Commerce, Housing & Municipal Government_

It is enacted by the General Assembly as follows:

1-1 SECTION 1. Section 45-53-4 of the General Laws in Chapter 45-53 entitled "Low and

1-2 Moderate Income Housing" is hereby amended to read as follows:

1-3 **45-53-4. Procedure for approval of construction of low or moderate income housing.**1-4 = (a) Any public agency, nonprofit organization, or limited equity housing cooperative proposing

1-5 to build low or moderate income housing may submit to the zoning board of review, established
1-6 under section 45-24-56, a single application for a comprehensive permit to build that housing in
1-7 lieu of separate applications to the applicable local boards. In the case of a private developer, this
1-8 procedure is only available for low or moderate income housing proposals which remain as low
1-9 or moderate income housing for a period of not less than thirty (30) years from initial occupancy.
1-10 The zoning board of review shall immediately notify each local board, as applicable, of the filing
1-11 of the application, by sending a copy to the local boards and to other parties entitled to notice of
1-12 hearings on applications under the zoning ordinance and shall, within thirty (30) days of the
1-13 receipt of the application, hold a public hearing on the application. The chair of the state housing
1-14 appeals board shall, by regulation, provide for review by planning boards in cases of applications
1-15 involving land development projects or subdivisions. The zoning board of review has the same
1-16 power to issue permits or approvals that any local board or official who would otherwise act with
1-17 respect to the application, including, but not limited to, the power to attach to the permit or
1-18 approval, conditions, and requirements with respect to height, site plan, size, or shape, or building
1-19 materials, as are consistent with the terms of this section. In reviewing the comprehensive permit
2-1 request, the zoning board may deny the request for any of the following reasons: if the proposal is
2-2 inconsistent with local needs, including, but not limited to, the needs identified in an approved
2-3 comprehensive plan, and local zoning ordinances and procedures promulgated in conformance
2-4 with the comprehensive plan; if the proposal is not in conformance with the comprehensive plan;
2-5 if the community has met or has plans to meet the standard of ten percent (10%) of the units or, in

2-6 the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as
2-7 defined in section 45-53-3(2)(i) being low and moderate income housing; or if concerns for the
2-8 environment and the health and safety of current residents have not been adequately addressed.
2-9 The zoning board shall render a decision, based upon a majority vote of the board, within forty
2-10 (40) days after the termination of the public hearing and, if favorable to the applicant, shall
2-11 immediately issue a decision approving the application. If the hearing is not convened or a
2-12 decision is not rendered within the time allowed, unless the time has been extended by mutual
2-13 agreement between the zoning board and the applicant, the application is deemed to have been
2-14 allowed and the approval shall issue immediately. Any person aggrieved by the issuance of an
2-15 approval may appeal to the supreme court.

2-16 (b) The provisions of this section shall be available only to those agencies specified in
2-17 subsection (a) and shall not be available to any private developer.

2-18 SECTION 2. This act shall take effect upon passage and shall be applied retroactively to
2-19 June 28, 2002.

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LC01824

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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**

3-1 This act would specifically exclude private developers from the provisions of
this section

3-2 which would allow a single application process for the construction of low or
moderate income

3-3 housing.

3-4 This act would take effect upon passage and would be applied retroactively to
June 28,

3-5 2002.

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LC01824

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