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## MEMORANDUM

**TO:** The Honorable Bristol Town Council

**CC:** Steve Contente, Town Administrator

**FROM:** Michael Ursillo, Town Solicitor; Peter Skwirz, Asst. Solicitor

**DATE:** May 1, 2024

**SUBJECT:** Legislation Promoting the Repurposing of Abandoned School Buildings for Affordable Housing

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On June 30, 2022, the Governor signed into law P.L. 2022, ch. 384 (codified as RIGL 45-53-10), which was passed by the General Assembly as part of a legislative package aimed at streamlining development, providing more complete and timely information about housing, and helping municipalities meet their affordable housing goals. Further, according to subsection (b) of the statute, the stated purpose is “to provide guidance and assistance in the repurposing of vacant and unused school buildings” for use as affordable housing. In order to serve that purpose, it requires that every municipality that hasn’t met the state mandated ten percent (10%) affordable housing stock (including Bristol) to annually provide the Rhode Island Department of Education (RIDE) with a “with a complete list of buildings abandoned or no longer being used by the school district” for school purposes. RIDE, in turn, is required to annually provide the Speaker of the House, the President of the Senate, and the Secretary of Housing with a list of all such buildings statewide.

In addition to compiling and distributing this list, P.L. 2022, ch. 384, requires a task force to study each building on the list to determine if the building could feasibly be repurposed as affordable housing. The task force is to consist of the Secretary of Housing, a representative of the RI Housing & Mortgage Finance Corp., RIDEM, the Department of Health, along with the local fire marshal, the local building inspector, and the local planning department where the building is located. The task force is required to make a feasibility determination within 150 days. If the task force determines that repurposing the building is feasible, “the office of housing and community development [OHCD] shall actively identify and invite prospective developers to submit an application” to repurpose the building for affordable housing. The OHCD shall also “assist and facilitate” applications from developers, which may include “technical and financial assistance.” The statute does not specifically spell out the types of financial assistance available, but it would most likely come in the form of grants from OHCD.

While this law provides for the gathering of information about the feasibility of repurposing vacant school buildings for affordable housing, and encourages developers to explore the same, it is important to note that the law still allows for local municipal control over whether a vacant school building is ultimately repurposed in two aspects. First, the task force designated to determine whether repurposing the vacant school building is feasible shall contain representatives of the local municipality. Second, and most importantly, this statute does nothing to transfer title of vacant school buildings from the local municipality to any other entity for development purposes. As stated above, the purpose of the law is to provide guidance and assistance to municipalities with respect to repurposing unused school buildings. So long as the municipality retains title to the building, the municipality will have discretion to decide whether to allow a vacant school building to be repurposed or not. Further, if the municipality were to sell the building, it could do so with restrictions limiting the allowed uses to uses other than affordable housing.