

Town of Bristol, Rhode Island

Department of Community Development

10 Court Street Bristol, RI 02809 bristolri.gov 401-253-7000

April 3, 2025

TO:

Planning Board

FROM:

Diane M. Williamson, Director

RE:

2025 Legislative Agenda and Housing Element Update/Affordable

Housing Trust Fund

Joint Workshop with the Town Council And Local Legislators

As requested by the Planning Board, the Town Council has scheduled a joint workshop with the Board and the Local Legislators to discuss the 2025 Legislative Agenda, specifically those State Laws regarding Land Use and Housing. The joint workshop will also provide the Planning Board the opportunity to discuss the Draft Update to the Housing Element of the Comprehensive Plan and the Affordable Housing Trust Fund with the Town Council. That meeting will be held on April 14, 2025 at 7:15 p.m. in the Town Hall. The agenda is attached.

The Planning Board Solicitor, Amy Goins, is providing a memo on the proposed legislation for your review at the April 10 Planning Board meeting.

We have also been requested to forward any questions ahead of time to give the Legislators time to get answers prior to the joint workshop. Therefore, at the Planning Board meeting, we will be compiling any questions from the Board members to forward.

Thank you.

TOWN OF BRISTOL, RHODE ISLAND

TOWN COUNCIL

Nathan T. Calouro, *Chairman*Mary A. Parella, *Vice Chairwoman*Antonio A. Teixeira
Timothy E. Sweeney
Aaron J. Ley



PUBLIC NOTICE

IN ACCORDANCE WITH THE CHARTER OF THE TOWN OF BRISTOL ARTICLE 2, TOWN COUNCIL: SECTION 205-MEETINGS,
UPON INSTRUCTION OF THE TOWN COUNCIL
BE ADVISED OF THE FOLLOWING:

A SPECIAL TOWN COUNCIL MEETING HAS BEEN SCHEDULED FOR MONDAY, APRIL 14, 2025

BEGINNING AT 7:15 PM
TOWN HALL - COUNCIL CHAMBERS
10 COURT STREET, BRISTOL, RI

PLEASE BE ADVISED THAT THE COUNCIL INTENDS TO DISCUSS AND/OR ACT UPON EACH AND EVERY ITEM APPEARING ON THIS AGENDA

AGENDA *AMENDED

- 1. Proclamation Earth Day
- 2. Joint Workshop Town Council, Planning Board & Local Legislators Re: Discussion of the 2025 Legislative Agenda *Draft Update to the Housing Element of the Comprehensive Plan and the Affordable Housing Trust Fund
- 3. Adjournment

Per Order of the Town Council

Melissa Cordeiro Council Clerk

Posted: April 2, 2025 AMENDED: April 4, 2025

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MEMORANDUM

TO:

Diane Williamson, Director of Community Development

FROM:

Amy H. Goins, Esq., Assistant Town Solicitor

Andrew M. Teitz, Esq., AICP, Assistant Town Solicitor

DATE:

April 3, 2025

SUBJECT:

Proposed Legislation Affecting Land Use

As you know, in February, Speaker Shekarchi announced a package of legislation aimed to encouraging the production of new housing units in Rhode Island. The legislation, known as the 'housing package,' represents the latest in an annual effort to streamline and standardize the process of local land use review and approval. Copies of these bills are attached for your review and summarized in this memorandum. As in previous years, we would expect some if not all of these bills to gain passage, but the legislation may change before it is enacted. Our office will monitor the status of this legislation and provide an update to this memorandum at the end of the legislative session. Please let us know if you have any questions in the meantime.

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H 5794: Zoning Enabling Act (ZEA) & Development Review Act (DRA)

→ Key Takeaway: For the third year in a row, this legislation would amend certain portions of the Zoning Enabling Act (ZEA) and Development Review Act (DRA), which govern municipal land use. Some of these proposed amendments are in the nature of housekeeping or incremental changes and some of these amendments are more significant (noted below).

→ Effective Date: Upon Passage

This legislation would make the following changes to the Zoning Enabling Act and Development Review Act:

- Definition of major and minor subdivision: The definition of a "major subdivision" would be revised as follows (new language underlined): "A subdivision creating ten (10) or more buildable lots where a street extension or street creation is required." The definition of a "minor subdivision" would be revised as follows: "A subdivision creating nine (9) or fewer buildable lots where a street extension or creation is required. A subdivision of an unlimited number of lots on an existing improved public street also qualifies as a minor subdivision."
- Pre-application meetings: Would be optional (at the applicant's request) rather than mandatory. Currently, pre-application meetings are required for major land development projects and major subdivisions.
- Certification of completeness: Would clarify the purpose of the administrative officer's initial review of applications for completeness by adding the following language: "An application shall initially be reviewed by the administrative officer solely for the purpose to determine whether the application lacks information required for the respective applications [sic] type as specified in the local checklist. . . . An application shall not be deemed incomplete for reasons other than the failure to supply an item or items listed on the applicable checklist."
- Preliminary plan review for major projects: Would remove the existing requirement that, prior to approval of the preliminary plan, the applicant submit (1) copies of all legal documents describing the property, proposed easements, and rights of way; and (2) required state and federal permits. Legal documents and permits would now be required prior to approval of the final plan. For permits issued by RIDOT, a letter evidencing the issuance of such a permit upon submission of a bond and insurance would suffice for final approval, but the actual permit would be required before a building permit would issue.
 - O This would represent a significant change in procedure because the final plan stage is administrative, meaning that neither the Planning Board nor the public

can't be created through this process, but this amendment would extend modifications to all other dimensional requirements. Also, one of the standards for granting a zoning modification would be changed to reflect the revised standard (from previous legislation) for dimensional variances.

- Inclusionary zoning: This remains an optional tool for municipalities to encourage production of LMI Housing. This provision of the ZEA was amended in 2023 and revised again in 2024. This legislation would add the following two provisions to this portion of the ZEA: (1) "A municipality shall not limit the number of bedrooms for applications submitted under this section to anything less than three (3) bedrooms per dwelling unit for single-family dwelling units." (2) "Inclusionary zoning requirements shall not be applied where there is a limitation on development density at the subject property under the regulations of a state agency, such as the [CRMC or DEM] that prevents the use of the density bonus set forth in this section."
- Unified development review: Made mandatory in 2023, this procedure allows the Planning Board to grant zoning relief in connection with development projects. This amendment would clarify how those standards should be applied for projects involving subdivisions.
- Transit-oriented development pilot program: This portion of the amendments relate to legislation enacted in 2023 that aims to encourage development near transit centers.
 Regulations for this program have not yet been promulgated by the Department of Housing. These amendments would tweak the criteria for this program.

H 5795: Zoning Certificates

 \rightarrow Key Takeaway: This legislation would attempt to change the nature of zoning certificates, which are currently for informational purposes only.

→ Effective Date: Upon Passage

The description of this legislation in the press release seems to say a bit more than the legislation itself, which calls into question its actual legal effect. The intent of the legislation, as described in the press release, is to "allow purchases [of real property] to reasonably rely on zoning opinions issued by local officials. Presently, when a current property owner obtains a zoning certificate, the certificate is for instructive purposes only and not binding; this amendment would remove the non-binding nature of zoning certificates to allow property owners to rely on the municipal determination of the legality of the present use." However, in our view, this legislation may not affect the well-established principle in Rhode Island caselaw that if a municipal official makes a mistake where zoning compliance is concerned, a property owner is not entitled to rely upon that mistaken opinion. So while the text of this legislation appears somewhat innocuous, the intent may be to use this legislation in future litigation against municipalities for property owners seeking damages based on mistaken advice/information from zoning officials.

H 5798A: Attached single-family dwelling units

 \rightarrow Key Takeaway: This legislation would amend the ZEA by providing that the construction of attached single-family dwellings shall be allowed in designated zoning districts.

→ Effective Date: 1/1/2026

This type of dwelling is defined as "a dwelling unit constructed side by side or horizontally and separated by a party wall and lot line." Such dwellings shall be allowed in certain zoning districts, subject to the following requirements:

- "(i) The unit(s) have access to public water and sewer, or have adequate access to private water and/or wastewater systems approved by the relevant state agency; and
- (ii) The zoning ordinance shall allow each single-family unit to be located on its own lot, without increased requirements for minimum lot size, lot width, lot frontage or lot depth and shall allow for a zero-lot line setback along the common property line to accommodate the subdivision for these units; provided that, the unit(s) comply with requirements for building and fire codes; and
- (iii) Other dimensional requirements of the base zoning district shall apply to the outside
 perimeter property lines of the end-units of the development; however, there shall not be
 increased dimensional requirements solely applicable to attached single-family structures
 and not applicable to other residential structures containing the same density in the same
 zoning district; and
- (iv) Cities and towns may establish additional standards for such units; provided that, such standards do not restrict a dwelling to less than three (3) stories, restrict its floor area ratio to less than one, limit the bedrooms to less than three (3), or require more than one off street parking space for up to two (2) bedrooms, and two (2) off-street parking spaces for up to three (3) bedrooms."

The law would further provide that such dwelling units shall be allowed "in residential districts which allow for the construction of two (2) or more units. The number of attached single family units allowed shall be the same as the corresponding residential density for the property and zoning district."

H 5799A: Infill/oversized lot subdivisions

→ Key Takeaway: This legislation would add a new category of development known as "oversized lot subdivisions." Additionally, the legislation would expand the scope of zoning modifications, which allow limited relief from certain dimensional requirements through an administrative process, to modifications that are based on the existing built environment around the subject property.

→ Effective Date: 1/1/2026

of the existing built environment around the property. For example, if most of the structures in the surrounding area are located within the front yard setback, a modification could be allowed to permit an encroachment into the front yard setback, even if that modification represents a 30% (or greater) deviation from the minimum setback requirement.

H 5800: Village/mixed-use zoning

- \rightarrow Key Takeaway: This legislation would require municipalities to provide for "residential development in all or some of the areas encompassing commercial district(s)" within the municipality.
- → Effective Date: 1/1/2026

Municipalities would be required to adopt "objective standards and criteria addressing the following: (i) standards to ensure that residential uses are allowed and integrated with commercial uses in a mixed use or village development; (ii) provisions that allow residential uses above commercial uses on the ground floor or first floor of a structure(s); (iii) provisions to permit medium to high density residential development in the commercial zones allowing residential use; and (iv) flexible and reasonable dimensional standards that promote and allow for the mixed use or village development." These requirements would be added to the section of the ZEA that sets forth the general purposes of zoning ordinances.

The House passed this legislation on April 1.

H 5801: LMI Housing Act

- \rightarrow Key Takeaway: This legislation would restore the master plan stage for comprehensive permit applications, but only as an option to be elected by the developer.
- → Effective Date: Upon Passage [Section 1] & 1/1/26 [Section 2]

Section 1: In addition to some changes in the nature of housekeeping, this section of the legislation would allow developers to request review and approval of the master plan for the project. In 2023, the master plan stage was eliminated for comprehensive permits, leaving only a single public hearing to be held at the preliminary plan stage of review. This would restore master plan as an optional stage of review, at the choice of the developer. A public hearing would be held only if the developer submitted requests for adjustments (relief from the requirements of the zoning ordinance and/or local regulations).

Additionally, this section of the legislation would revise the required findings for comprehensive permits. Currently, the law sets forth a list of required findings for approval and a separate list of required findings for denial. This legislation would instead set forth a single list of required findings, all of which would need to be satisfied for approval. Notable changes to the criteria for approval include the following:

H 5802: State-owned vacant properties

 \rightarrow Key Takeaway: This legislation would facilitate the development of housing on state-owned property, with certain requirements and limitations.

→ Effective Date: 1/1/2026

This act would amend the Comprehensive Planning and Land Use Act by adding requirements for the State when it seeks to develop housing on property that is owned by the State and is vacant, abandoned property, or underutilized/excess land. When housing on such property would not comply with an approved and updated municipal comprehensive plan, and/or local zoning ordinance provisions, the state planning council must hold a public hearing on the proposal. At the public hearing, the state agency proposing such a project (presumably, the Department of Housing) must demonstrate the following: (1) that the project complies with the state guide plan; (2) hat the project is needed for statewide health, safety and public welfare, including the need for affordable housing; (3) that the project has attempted to utilize design standards and recommendations of the municipality in which the property is located "to the extent feasible;" and (4) that expert reports "conclude that there will not be a detrimental impact on traffic, stormwater, wetlands, sewer capacity, potable water availability, or historic features." Provided that this public hearing has been completed, the municipality has no authority to require that the proposed development be reviewed as a land development project and/or subdivision; further, the zoning ordinance will not apply to the project. The legislation provides that state agencies may partner with a non-public individual or entity and may transfer the property after completion of the project.

In our opinion, this does not represent a drastic change to the existing state of the law regarding the relationship of municipal comprehensive plans and zoning ordinances to State-initiated development.

H 5803: Electronic permitting expansion

- \rightarrow Key Takeaway: This legislation would expand mandatory electronic permitting for land use applications to state agencies.
- \rightarrow Effective Date: Upon passage, with compliance date of 10/1/26 [upcoming municipal compliance date of 10/1/25 in existing law]

This act would provide for the "establishment and maintenance of an electronic permitting platform and regulations related to the use of the platform for use in all matters related to the applications and review for state and local building permits, municipal zoning applications, municipal planning applications, applications and permits for the department of environmental management, applications and permits for the department of transportation and applications and permits for the coastal resources management council." This legislation expands upon a law enacted last year that set a deadline of October 1, 2025, for municipalities to go live with an e-

House Senate Sills & Laws News

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2/27/2025

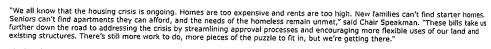
Speaker Shekarchi announces 2025 housing legislation

STATE HOUSE – House Speaker K. Joseph Shekarchi today announced a 12-bill package of legislation regarding housing issues, his fifth comprehensive suite of housing bills since becoming Speaker in 2021.

"When I announced my commitment to tackling Rhode Island's housing crisis, I commented that our housing shortage had been decades in the making and would take a sustained effort, over the course of years, to address. Four years and almost 50 new housing laws later, we are still chipping away at the barriers that have made development in Rhode Island more costly and more cumbersome than necessary," said Speaker Shekarchi. "The workers who are the backbone of our state – teachers, nurses, first responders, and other working families – deserve to be able to comfortably reside within the communities they serve.

"Furthermore, our housing shortage and homelessness crisis are very much intertwined. As home prices and rents increase, it's not just working families who are getting priced out of the housing market: people on the lower end of the income spectrum are disproportionately affected, and the data shows that homelessness increases in correlation with the cost of housing. I am so appreciative of all of the partners who continue to work with me to address our housing shortage," said Speaker Shekarchi. Speaker Shekarchi.

Speaker Shekarchi was joined by Rep. June S. Speakman (D-Dist. 6B, Warren,
Bristol), chair of the Special Legislative Commission to Affordable Housing; Thomas E,
Deller, chair of the Special Legislative Commission to Study Land Use; Randy Rossi,
Executive Director, and East Providence Mayor Bob DaSilva, President of Rhode Island League of Cities and Towns; John Marcantonio, Chief
Executive Officer, Rhode Island Builders Association; members of both commissions; legislators; housing and homelessness advocates;
builders: and developers



The legislation announced today is a continuation of Speaker Shekarchi's efforts to address Rhode Island's housing crisis. In his previous legislative packages, Speaker Shekarchi has implemented significant reforms to make the development process in Rhode Island more consistent, concise, and equitable. The legislation has also been influenced by two housing commissions established by Speaker Shekarchi. His legislation is intended to be responsive to feedback from all stakeholders, and in that spirit, some of the legislation announced today would amend existing laws. would amend existing housing laws.

Much of the legislation stems from testimony and discussions of both commissions, which have been meeting regularly since July 2022 to address ways Rhode Island can meet its affordable housing needs in a manner that is sustainable and equitable.

"On the most complex of issues, the leadership and collaboration shown by Speaker Shekarchi on the housing issue is exemplary. From workforce training, permitting, land use and all the other variables involved, the Speaker continues to create a national example on how to bring people together to solve problems," said John V. Marcantonio, Chief Executive Officer, Rhode Island Builders Association.

"Speaker Shekarchi's announcement of his housing package is a critical step in addressing the housing challenges our state faces, and I am grateful for the Speaker's dedication to addressing this crisis," said Secretary of Housing Deborah Goddard. "We are excited to build on this momentum and expand accessible, affordable housing options in Rhode Island, which has been a top priority of the McKee Administration. We look forward to reviewing the details and continuing to collaborate with the Speaker's Office to make progress."

- Building code: 2025-H 5804, sponsored by Speaker Shekarchi would build upon legislation introduced in last year's housing package (2024-H 7983B, 2024-S 2990A), which codified the structure of the State Building Code Office and clarified the role of the State Building Code Commissioner. This legislation would provide additional clarity and centralize roles and quorums in order to further streamline the process and centralize the duties of the state officials, employees, commissions, and boards related to building and fire
- Building Code Commissioner. This legislation would provide additional clarity and centralize roles and quorums in order to further streamline the process and centralize the duties of the state officials, employees, commissions, and boards related to building and fire codes and permitting.

 Expansion of electronic permitting: 2025-H 5803, sponsored by Speaker Shekarchi would build upon legislation introduced in last year's housing package (H-2024 7978A, 2024-S 3036A) to expand the use of electronic permitting for building permits, which is mandated for planning and zoning applications by October of this year. This legislation requires that applications for the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, and the Rhode Island Department of Transportation utilize the e-permitting system by October 2026.

 Technical amendments to Zoning Enabling Act and Subdivision Act: 2025-H 5794, sponsored by House Judiciary Committee Chairman Robert E. Craven (D-Dist. 32, North Kingstown) is based on feedback received from the Land Use Commission and various stakeholders, including local cities and towns, developers, advocates, planners and developers. The legislation seeks to clarify the processes set forth in the Zoning Enabling Act and Subdivision Act and to correct issues that are creating unnecessary delays and/or red tape. Additionally, Rhode Island's Adaptive Reuse law (2023-H 6509A, 2023-S 1035A) is further clarified to encourage projects to continue to convert underutilized or vacant commercial buildings.

 Low and Moderate Housing Act amendments: 2025-H 5801, sponsored by House Commission on Housing Affordability Chairwoman June S. Speakman (D-Dist. 68, Warren, Bristol) furthers the work of the Affordable Housing Commission and implements feedback received by and from the commission. The legislation builds upon substantial amendments made to Rhode Island's Low and Moderate Housing Act via legislation sponsored by Chair Speakman (2022-H 7949Aaa, 2022-S 3046A)

- process to be used for such properties.

 Temporary exemptions from the tax levy cap to accommodate new housing: 2025-H 5793, sponsored by House Labor Committee Chairman Arthur J. Corvese (D-Dist. 55, North Providence) was requested by the Rhode Island League of Cities and Towns; it would allow an exemption from the local annual maximum tax levy for new construction of housing under certain conditions. The exemption would be contingent upon approval by the municipality and is only allowed where the new housing includes a portion of affordable units, among other criteria.

 Reliance on zoning certificates: 2025-H 5795, sponsored by Rep. Tina Spears (D-Dist. 36, Charlestown, New Shoreham, South Kingstown, Westerly) would allow purchasers to reasonably rely on zoning opinions issued by local officials. Presently, when a current or prospective property owner obtains a zoning certificate, the certificate is for instructive purposes only and not binding; this amendment would remove the non-binding nature of zoning certificates to allow property owners to rely on the municipal determination of the legality of the present use.

 Village/mixed-use zoning requirements: 2025-H 5800, sponsored by Chairman Craven would require municipalities to provide for village or mixed-use zoning to allow residential use in some or all areas of their commercial zoning districts.

 Higher density development in areas within the urban services boundary: 2025-H 5796, sponsored by Rep. Jason Knight (D-Dist. 67, Barrington, Warren) is designed to encourage higher density development in areas within the urban services boundary. The



2025 -- H 5797 SUBSTITUTE A

LC002157/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY JANUARY SESSION, A.D. 2025

AN ACT

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

<u>Introduced By:</u> Representatives McEntee, Caldwell, Phillips, DeSimone, Fogarty, Shallcross Smith, Spears, O'Brien, Morales, and Bennett <u>Date Introduced:</u> February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1	SECTION 1. Sections 45-24-31, 45-24-33 and 45-24-37 of the General Laws in Chapter
2	45-24 entitled "Zoning Ordinances" are hereby amended to read as follows:
3	45-24-31. Definitions.
4	Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they
5	have the meanings stated in that section. In addition, the following words have the following
6	meanings. Additional words and phrases may be used in developing local ordinances under this
7	chapter; however, the words and phrases defined in this section are controlling in all local
8	ordinances created under this chapter:
9	(1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with
10	no intervening land.
11	(2) Accessory dwelling unit (ADU). A residential living unit on the same lot where the
12	principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An
13	ADU provides complete independent living facilities for one or more persons. It may take various
14	forms including, but not limited to: a detached unit; a unit that is part of an accessory structure,
15	such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
16	(3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental
17	and subordinate to the principal use of the land or building. An accessory use may be restricted to
18	the same lot as the principal use. An accessory use shall not be permitted without the principal use
19	to which it is related.

1	one-nundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate
2	the appropriate suggested design elevation map for the exclusion every ten (10) years, or as
3	otherwise necessary.
4	(14) Cluster. A site-planning technique that concentrates buildings in specific areas on the
5	site to allow the remaining land to be used for recreation, common open space, and/or preservation
6	of environmentally, historically, culturally, or other sensitive features and/or structures. The
7	techniques used to concentrate buildings shall be specified in the ordinance and may include, but
8	are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the
9	resultant open land being devoted by deed restrictions for one or more uses. Under cluster
10	development, there is no increase in the number of lots that would be permitted under conventional
11	development except where ordinance provisions include incentive bonuses for certain types or
12	conditions of development.
13	(15) Co-living housing. A specific residential development with units which provide living
14	and sleeping space which are independently rented and lockable for the exclusive use of an
15	occupant, but require the occupant to share sanitary and/or food preparation facilities with the other
16	units in the occupancy. This section shall not be read to allow the conversion of existing dwelling
17	units into co-living housing unless authorized by a local zoning ordinance.
18	(45)(16) Common ownership. Either:
19	(i) Ownership by one or more individuals or entities in any form of ownership of two (2)
20	or more contiguous lots; or
21	(ii) Ownership by any association (ownership may also include a municipality) of one or
22	more lots under specific development techniques.
23	(4.6)(17) Community residence. A home or residential facility where children and/or adults
24	reside in a family setting and may or may not receive supervised care. This does not include halfway
25	houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the
26	following:
27	(i) Whenever six (6) or fewer children or adults with intellectual and/or developmental
28	disability reside in any type of residence in the community, as licensed by the state pursuant to
29	chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community
30	residences;
31	(ii) A group home providing care or supervision, or both, to not more than eight (8) persons
32	with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;
33	(iii) A residence for children providing care or supervision, or both, to not more than eight
34	(8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of

1	[28] Family member. A person, or persons, related by blood, marriage, or other legal
2	means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,
3	grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.
4	(29) Floating zone. An unmapped zoning district adopted within the ordinance that is
5	established on the zoning map only when an application for development, meeting the zone
6	requirements, is approved.
7	(20)4(30) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.
8	(31) Freeboard. A factor of safety expressed in feet above the base flood elevation of
9	a flood hazard area for purposes of floodplain management. Freeboard compensates for the many
10	unknown factors that could contribute to flood heights, such as wave action, bridge openings, and
11	the hydrological effect of urbanization of the watershed.
12	(32) Groundwater. "Groundwater" and associated terms, as defined in § 46-13.1-3.
13	(32)(33) Halfway house. A residential facility for adults or children who have been
14	institutionalized for criminal conduct and who require a group setting to facilitate the transition to
15	a functional member of society.
16	(34) Hardship. See § 45-24-41.
17	(34)(35) Historic district or historic site. As defined in § 45-22.2-4.
18	(36) Home occupation. Any activity customarily carried out for gain by a resident,
19	conducted as an accessory use in the resident's dwelling unit.
20	(34)(37) Household. One or more persons living together in a single-dwelling unit, with
21	common access to, and common use of, all living and eating areas and all areas and facilities for
22	the preparation and storage of food within the dwelling unit. The term "household unit" is
23	synonymous with the term "dwelling unit" for determining the number of units allowed within any
24	structure on any lot in a zoning district. An individual household shall consist of any one of the
25	following:
26	(i) A family, which may also include servants and employees living with the family; or
27	(ii) A person or group of unrelated persons living together. The maximum number may be
28	set by local ordinance, but this maximum shall not be less than one person per bedroom and shall
29	not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to
30	NARR-certified recovery residences.
31	(33) Incentive zoning. The process whereby the local authority may grant additional
32	development capacity in exchange for the developer's provision of a public benefit or amenity as
33	specified in local ordinances.

(48)(39) Infrastructure. Facilities and services needed to sustain residential, commercial,

angles to its depth along a straight line parallel to the front lot line at the minimum front setback 2 line. 3 (51) Manufactured home. As used in this section, a manufactured home shall have the same definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections, 4 5 which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more 6 in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation 7 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and 8 electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the 10 manufacturer voluntarily files a certification required by the United States Secretary of Housing 11 12 and Urban Development and complies with the standards established under chapter 70 of Title 42 13 of the United States Code; and except that such term shall not include any self-propelled 14 recreational vehicle. 15 (54)(52) Mere inconvenience. See § 45-24-41. 16 (52)(53) Mixed use. A mixture of land uses within a single development, building, or tract. 17 4534(54) Modification. Permission granted and administered by the zoning enforcement 18 officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional 19 variance other than lot area requirements from the zoning ordinance to a limited degree as 20 determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) 21 of each of the applicable dimensional requirements. 22 (54)(55) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with the provisions of that ordinance or amendment. Nonconformance is of only two (2) types: (i) Nonconforming by use: a lawfully established use of land, building, or structure that is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance is nonconformity by use; or (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance is nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per

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dwelling unit regulations, is nonconforming by dimension.

establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There are 1 only two (2) categories of variance, a use variance or a dimensional variance. 2 3 (i) Use variance. Permission to depart from the use requirements of a zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the 4 5 subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the 6 zoning ordinance. (ii) Dimensional variance. Permission to depart from the dimensional requirements of a 7 8 zoning ordinance under the applicable standards set forth in § 45-24-41. 9 (69)(70) Waters. As defined in § 46-12-1(23). 10 (74)(71) Wetland, coastal. As defined in § 45-22.2-4. 11 (74)(72) Wetland, freshwater. As defined in § 2-1-20. 12 (73) Zoning certificate. A document signed by the zoning enforcement officer, as 13 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or 14 15 is an authorized variance or modification therefrom. 16 (74) Zoning map. The map, or maps, that are a part of the zoning ordinance and that 17 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or 18 town. 19 (74)(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or 20 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city 21 or town's legislative or home rule charter, if any, that establish regulations and standards relating to the nature and extent of uses of land and structures; that is consistent with the comprehensive 22 23 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that 24 complies with the provisions of this chapter. 25 (76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. 26 27 Zoning use districts include, but are not limited to: agricultural, commercial, industrial, 28 institutional, open space, and residential. Each district may include sub-districts. Districts may be 29 combined. 30 45-24-33. Standard provisions. 31 (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall 32 address, through reasonable objective standards and criteria, the following general provisions which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-33

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30(c), or § 45-24-30(d):

1	(9) Providing for the preservation and enhancement of the recreational resources of the city
2	or town;
3	(10) Promoting an economic climate that increases quality job opportunities and the overall
4	economic well-being of the city or town and the state;
5	(11) Providing for pedestrian access to and between public and private facilities, including,
6	but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;
7	(12) Providing standards for, and requiring the provision of, adequate and properly
8	designed physical improvements, including plantings, and the proper maintenance of property;
9	(13) Permitting, prohibiting, limiting, and restricting land use in areas where development
10	is deemed to create a hazard to the public health or safety;
11	(14) Permitting, prohibiting, limiting, and restricting extractive industries and earth
12	removal and requiring restoration of land after these activities;
13	(15) Regulating sanitary landfill, except as otherwise provided by state statute;
14	(16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor
15	advertising devices;
16	(17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and
17	enforcement of airport hazard area zoning regulations under the provisions established in that
18	chapter;
19	(18) Designating areas of historic, cultural, and/or archaeological value and regulating
20	development in those areas under the provisions of chapter 24.1 of this title;
21	(19) Providing standards and requirements for the regulation, review, and approval of any
22	proposed development in connection with those uses of land, buildings, or structures specifically
23	designated as subject to development plan review in a zoning ordinance;
24	(20) Designating special protection areas for water supply and limiting or prohibiting
25	development in these areas, except as otherwise provided by state statute;
26	(21) Specifying requirements for safe road access to developments from existing streets,
27	including limiting the number, design, and location of curb cuts, and provisions for internal
28	circulation systems for new developments, and provisions for pedestrian and bicycle ways;
29	(22) Reducing unnecessary delay in approving or disapproving development applications
30	through provisions for preapplication conferences and other means;
31	(23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
32	37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
33	Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with
34	Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

- 1 ordinance may provide for a procedure under which a proposed land use that is not specifically 2 listed may be presented by the property owner to the zoning board of review or to a local official 3 or agency charged with administration and enforcement of the ordinance for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed 4 5 permitted use. Upon such determination, the proposed use may be considered to be a permitted use. 6 (b) Notwithstanding any other provision of this chapter, the following uses are permitted 7 uses within all residential zoning use districts of a municipality and all industrial and commercial zoning use districts except where residential use is prohibited for public health or safety reasons: 8 9 (1) Households; 10 (2) Community residences; and 11 (3) Family daycare homes. 12 (c) Any time a building or other structure used for residential purposes, or a portion of a 13 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home, 14 15 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former 16 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated 17 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the owner, is only allowed to cause the mobile and manufactured home, or homes, to remain 18 temporarily upon the land by making timely application to the local building official for the purposes of obtaining the necessary permits to repair or rebuild the structure. (d) Notwithstanding any other provision of this chapter, appropriate access for people with
 - disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.

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- (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit ("ADU") that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be permitted through an administrative building permit process only.
- (f) When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in 42-87-1(5).
- (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted use within all zoning districts of a municipality, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat.

- and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.
- 3 (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow
 4 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any
 5 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a
 6 single-family home in the district or seek relief for the same under the provisions of this chapter.
 - SECTION 2. This act shall take effect on January 1, 2026.

LC002157/SUB A

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2025 -- H 5798 SUBSTITUTE A

LC002158/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY JANUARY SESSION, A.D. 2025

$A\;N\;\;A\;C\;T$

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Speakman, Tanzi, Alzate, Kislak, Spears, Dawson, Furtado, Casey, Boylan, and Donovan Date Introduced: February 27, 2025

Referred To. House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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1	SECTION 1. Sections 45-24-33 and 45-24-37 of the General Laws in Chapter 45-2-
2	entitled "Zoning Ordinances" are hereby amended to read as follows:
3	45-24-33. Standard provisions.
4	(a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall
5	address, through reasonable objective standards and criteria, the following general provisions
6	which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-
7	30(c), or § 45-24-30(d):
8	(1) Permitting, prohibiting, limiting, and restricting the development of land and structures
9	in zoning districts, and regulating those land and structures according to their type and the nature
10	and extent of their use;
11	(2) Regulating the nature and extent of the use of land for residential, commercial,
12	industrial, institutional, recreational, agricultural, open space, or other use or combination of uses,
13	as the need for land for those purposes is determined by the city or town's comprehensive plan;
14	(3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and
15	other development by performance standards, or other requirements, related to air and water and
16	groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or
17	the availability and capacity of existing and planned public or private services;
18	(4) Regulating within each district and designating requirements for:
19	(i) The height, number of stories, and size of buildings:

(i) The height, number of stories, and size of buildings;

1	(13) Regulating sanitary landfill, except as otherwise provided by state statute;
2	(16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor
3	advertising devices;
4	(17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and
5	enforcement of airport hazard area zoning regulations under the provisions established in that
6	chapter;
7	(18) Designating areas of historic, cultural, and/or archaeological value and regulating
8	development in those areas under the provisions of chapter 24.1 of this title;
9	(19) Providing standards and requirements for the regulation, review, and approval of any
10	proposed development in connection with those uses of land, buildings, or structures specifically
11	designated as subject to development plan review in a zoning ordinance;
12	(20) Designating special protection areas for water supply and limiting or prohibiting
13	development in these areas, except as otherwise provided by state statute;
14	(21) Specifying requirements for safe road access to developments from existing streets,
15	including limiting the number, design, and location of curb cuts, and provisions for internal
16	circulation systems for new developments, and provisions for pedestrian and bicycle ways;
17	(22) Reducing unnecessary delay in approving or disapproving development applications
18	through provisions for preapplication conferences and other means;
19	(23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
20	37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
21	Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with
22	Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and
23	(24) Regulating drive-through windows of varied intensity of use when associated with
24	land-use activities and providing standards and requirements for the regulation, review, and
25	approval of the drive-through windows, including, but not limited to:
26	(i) Identifying within which zoning districts drive-through windows may be permitted,
27	prohibited, or permitted by special-use permit;
28	(ii) Specifying requirements for adequate traffic circulation; and
29	(iii) Providing for adequate pedestrian safety and access, including issues concerning safety
30	and access for those with disabilities.
31	(25) Allowing the construction of attached single-family dwellings in designated zoning
32	districts. For purposes of this chapter, "attached single-family dwelling" means a dwelling unit
33	constructed side by side or horizontally and separated by a party wall and lot line. Such units shall
34	be allowed in designated zoning districts of the city or town, provided that:

1 and local regulations, to establish its own minimum lot size per zoning district in its town or city. 2 45-24-37. General provisions — Permitted uses. 3 (a) The zoning ordinance shall provide a listing of all land uses and/or performance standards for uses that are permitted within the zoning use districts of the municipality. The 4 ordinance may provide for a procedure under which a proposed land use that is not specifically 5 6 listed may be presented by the property owner to the zoning board of review or to a local official 7 or agency charged with administration and enforcement of the ordinance for an evaluation and 8 determination of whether the proposed use is of a similar type, character, and intensity as a listed 9 permitted use. Upon such determination, the proposed use may be considered to be a permitted use. 10 (b) Notwithstanding any other provision of this chapter, the following uses are permitted uses within all residential zoning use districts of a municipality and all industrial and commercial 11 12 zoning use districts except where residential use is prohibited for public health or safety reasons: 13 (1) Households; 14 (2) Community residences; and 15 (3) Family daycare homes. 16 (c) Any time a building or other structure used for residential purposes, or a portion of a 17 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home, 18 19 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former 20 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated 21 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the owner, is only allowed to cause the mobile and manufactured home, or homes, to remain 22 23 temporarily upon the land by making timely application to the local building official for the 24 purposes of obtaining the necessary permits to repair or rebuild the structure. 25 (d) Notwithstanding any other provision of this chapter, appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) 26 27 residing, or intending to reside, in the residential structure. 28 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit ("ADU") that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in 30 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be permitted through an administrative building permit process only. (f) When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially

limits one or more major life activities, as defined in 42-87-1(5).

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1	(4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
2	height of the existing structure, if it exceeds the maximum height of the zoning district, may remain
3	and shall be considered legal nonconforming, and any rooftop construction shall be included within
4	the height exemption.
5	(i) Notwithstanding any other provisions of this chapter, all towns and cities may allow
6	manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any
7	lot zoned for single-family use. Such home shall comply with all dimensional requirements of a
8	single-family home in the district or seek relief for the same under the provisions of this chapter.
9	(j) Attached single family dwellings. Notwithstanding any other provision of this chapter.
10	all towns and cities shall allow attached single-family units, as defined in § 45-24-33, in residential
11	districts which allow for the construction of two (2) or more units. The number of attached single-
12	family units allowed shall be the same as the corresponding residential density for the property and
13	zoning district.
14	SECTION 2. This act shall take effect on January 1, 2026.

LC002158/SUB A

2025 -- H 5799 SUBSTITUTE A

LC002159/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY JANUARY SESSION, A.D. 2025

AN ACT

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

<u>Introduced By:</u> Representatives Cruz, Shekarchi, Potter, Kislak, Stewart, Cotter, Solomon, Slater, Casimiro, and Alzate
<u>Date Introduced:</u> February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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1	SECTION 1. Section 45-23-32 of the General Laws in Chapter 45-23 entitled "Subdivision
2	of Land ⁿ is hereby amended to read as follows:
3	45-23-32. Definitions.
4	Where words or phrases used in this chapter are defined in the definitions section of either
5	the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode
6	Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.
7	Additional words and phrases may be defined in local ordinances, regulations, and rules under this
8	act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island
9	Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning
10	Enabling Act of 1991. The words and phrases defined in this section, however, shall be controlling
11	in all local ordinances, regulations, and rules created under this chapter. In addition, the following
12	words and phrases have the following meanings:
13	(1) Administrative officer. The municipal official(s) designated by the local regulations
14	to administer the land development and subdivision regulations to review and approve qualified
15	applications and/or coordinate with local boards and commissions, municipal staff, and state
16	agencies as set forth herein. The administrative officer may be a member, or the chair, of the
17	planning board, an employee of the municipal planning or zoning departments, or an appointed
18	official of the municipality. See § 45-23-55.

(2) Board of appeal. The local review authority for appeals of actions of the administrative

1	(10) Development regulation. Zoning, subdivision, land development plan, development
2	plan review, historic district, official map, flood plain regulation, soil erosion control, or any other
3	governmental regulation of the use and development of land.
4	(11) Division of land. A subdivision.
5	(12) Environmental constraints. Natural features, resources, or land characteristics that
6	are sensitive to change and may require conservation measures or the application of special
7	development techniques to prevent degradation of the site, or may require limited development, or
8	in certain instances, may preclude development. See also physical constraints to development.
9	(13) Final plan. The final stage of land development and subdivision review or a formal
10	development plan review application. See §§ 45-23-38, 45-23-39, and 45-23-50.
11	(14) Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded after
12	approval by the planning board and any accompanying material as described in the community's
13	regulations and/or required by the planning board.
14	(15) Floor area, gross. See R.I. State Building Code.
15	(16) Governing body. The body of the local government, generally the city or town
16	council, having the power to adopt ordinances, accept public dedications, release public
17	improvement guarantees, and collect fees.
18	(17) Improvement. Any natural or built item that becomes part of, is placed upon, or is
19	affixed to, real estate.
20	(18) Improvement guarantee. A security instrument accepted by a municipality to ensure
21	that all improvements, facilities, or work required by the land development and subdivision
22	regulations, or required by the municipality as a condition of approval, will be completed in
23	compliance with the approved plans and specifications of a development. See § 45-23-46.
24	(19) Land development project. A project in which one or more lots, tracts, or parcels of
25	land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,
26	units, or structures, including but not limited to, planned development or cluster development for
27	residential, commercial, institutional, recreational, open space, or mixed uses. The local regulations
28	shall include all requirements, procedures, and standards necessary for proper review and approval
29	of land development projects to ensure consistency with this chapter and the Rhode Island zoning
30	enabling act.
31	(i) Minor land development project. A land development project involving any one of
32	the following categories which has not otherwise been specifically designated by local ordinance
2.2	as development plan review

(A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,

1	subdivision process and the step in the process in which the public hearing is held. See § 45-23-39.
2	(23) Modification of requirements. See § 45-23-62.
3	(24) Parcel. A lot, or contiguous group of lots in single ownership or under single control,
4	and usually considered a unit for purposes of development. Also referred to as a tract.
5	(25) Parking area or lot. All that portion of a development that is used by vehicles, the
6	total area used for vehicular access, circulation, parking, loading, and unloading.
7	(26) Permitting authority. The local agency of government, meaning any board,
8	commission, or administrative officer specifically empowered by state enabling law and local
9	regulation or ordinance to hear and decide on specific matters pertaining to local land use.
10	(27) Phased development. Development, usually for large-scale projects, where
11	construction of public and/or private improvements proceeds by sections subsequent to approval
12	of a master plan for the entire site. See § 45-23-48.
13	(28) Physical constraints to development. Characteristics of a site or area, either natural
14	or man-made, which present significant difficulties to construction of the uses permitted on that
15	site, or would require extraordinary construction methods. See also environmental constraints.
16	(29) Planning board. The official planning agency of a municipality, whether designated
17	as the plan commission, planning commission, plan board, or as otherwise known.
18	(30) Plat. A drawing or drawings of a land development or subdivision plan showing the
19	location, boundaries, and lot lines of individual properties, as well as other necessary information
20	as specified in the local regulations.
21	(31) Pre-application conference. An initial meeting between developers and municipal
22	representatives that affords developers the opportunity to present their proposals informally and to
23	receive comments and directions from the municipal officials and others. See § 45-23-35.
24	(32) Preliminary plan. A required stage of land development and subdivision review that
25	generally requires detailed engineered drawings. See § 45-23-39.
26	(33) Public hearing. A hearing before the planning board that is duly noticed in accordance
27	with § 45-23-42 and that allows public comment. A public hearing is not required for an application
28	or stage of approval unless otherwise stated in this chapter.
29	(34) Public improvement. Any street or other roadway, sidewalk, pedestrian way, tree,
30	lawn, off-street parking area, drainage feature, or other facility for which the local government or
31	other governmental entity either is presently responsible, or will ultimately assume the
32	responsibility for maintenance and operation upon municipal acceptance.
33	(35) Slope of land. The grade, pitch, rise, or incline of the topographic landform or surface
34	of the ground.

1	(47) Subdivider. Any person who: (i) Having an interest in land, causes it, directly or
2	indirectly, to be divided into a subdivision; or who (ii) Directly or indirectly sells, leases, or
3	develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest,
4	lot, parcel, site, unit, or plat in a subdivision; or who (iii) Engages directly or through an agent in
5	the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision
6	or any interest, lot, parcel, site, unit, or plat in a subdivision.
7	(48) Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts,
8	or parcels or any adjustment to existing lot lines is considered a subdivision.
9	(i) Administrative subdivision. Subdivision of existing lots that yields no additional lots
10	for development, and involves no creation or extension of streets. This subdivision only involves
11	division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process
12	by which an administrative officer or municipal planning board or commission reviews any
13	subdivision qualifying for this review is set forth in § 45-23-37.
14	(ii) Minor subdivision. A subdivision creating nine (9) or fewer buildable lots. The process
15	by which a municipal planning board, commission, technical review committee, and/or
16	administrative officer reviews a minor subdivision is set forth in § 45-23-38. Minor subdivisions
17	shall include oversized lot subdivisions.
18	Oversized lot subdivision. Subdivision of an existing lot, including a lot which was legally
19	merged or replatted, which result in the creation of a vacant lot or lots for residential use which are
20	equal to or greater in lot area than the area of fifty percent (50%) of the residential lots within two
21	hundred feet (200') of the lot proposed for subdivision, as confirmed by a registered professional
22	engineer, surveyor or certified planner based on city or town records including geographic
23	information system and/or tax assessor data. A lot, qualifying for this type of subdivision shall be
24	allowed to subdivide even if the resulting lots fail to meet minimum lot size requirements of the
25	district in which such lot is located, subject to the applicable requirements in § 45-24-38. The
.6	resulting subdivided lots shall have the benefit of reduced requirements as set forth in § 45-24-38.
.7	and/or are eligible for the processes set forth in § 45-24-46, as applicable.
8	(iii) Major subdivision. A subdivision creating ten (10) or more buildable lots. The
9	process by which a municipal planning board or commission reviews any subdivision qualifying
0	for this review under § 45-23-39.
1	(49) Technical review committee. A committee or committees appointed by the
2	municipality for the purpose of reviewing, commenting, approving, and/or making
3	recommendations to the planning board or administrative officer, as set forth in this chapter.

(50) Temporary improvement. Improvements built and maintained by a developer during

All proposals exceeding such reduced requirement shall proceed with a modification request under § 45-24-46 or a dimensional variance request under § 45-24-41, whichever is applicable. (c) Provisions Except as set forth otherwise in this chapter and in chapter 23 of title 45. provisions may be made for the merger of contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. The ordinance shall specify the standards, on a

7 8 district by district basis, which determine the mergers. The standards shall include, but are not to 9 be limited to, the availability of infrastructure, the character of the neighborhood, and the 10 consistency with the comprehensive plan. The merger of lots shall not be required when the 11 substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the

lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement 13 officer.

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45-24-46. Special provisions — Modification.

- (a) A zoning ordinance shall provide for the issuance of modifications from the literal dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record. The zoning enforcement officer is authorized to grant modification permits. The zoning ordinance shall permit modifications that are fifteen percent (15%) or less of the dimensional requirements specified in the zoning ordinance but may permit modification up to twenty-five percent (25%). A modification does not permit moving of lot lines. Within ten (10) days of the receipt of a request for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:
- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (3) The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
- 30 (4) The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
 - (b) Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than

1	or building code analysis of the legality of the existing dimensions of the comparable existing
2	parcels.
3	(4) Within ten (10) days of the receipt of a request for NCBM, the zoning enforcement
4	officer shall make a decision as to the suitability of the requested modification based on the
5	following determinations:
6	(i) The modification requested does not require a variance of a flood hazard requirement.
7	unless the building is built in accordance with applicable regulations; and
8	(ii) The modification requested does not violate any rules or regulations with respect to
9	freshwater or coastal wetlands; and
10	(iii) The NCBM does not violate any provisions regarding separation included in the state
11	building or fire code:
12	(5) Upon an affirmative determination, in the case of an NCBM modification of equal to
13	or less than thirty percent (30%) of the requirements of the zoning district, the zoning enforcement
14	officer shall have the authority to issue a permit approving the modification, without any public
15	notice requirements. In the case of an NCBM modification of greater than thirty percent (30%), the
16	zoning enforcement officer shall notify, by first class mail, all property owners abutting the
17	property which is the subject of the NCBM modification request, and shall indicate the street
18	address of the subject property in the notice, and shall publish in a newspaper of local circulation
19	within the city or town that the modification will be granted unless written objection is received
20	within fourteen (14) days of the public notice. If written objection is received from any party
21	entitled to notice under this section within fourteen (14) days, the request for a modification shall
22	be scheduled for the next available hearing before the zoning board of review on application for a
23	dimensional variance following the standard procedures for such variances, including notice
24	requirements provided for under this chapter. If no written objections are received within fourteen
25	(14) days, the zoning enforcement officer shall grant the modification. The zoning enforcement
26	officer may apply any special conditions to the permit as may, in the opinion of the officer, be
27	required to conform to the intent and purposes of the zoning ordinance. The zoning enforcement
28	officer shall keep public records of all requests for modifications, and of findings, determinations.
29	special conditions, and any objections received. Costs of any notice required under this subsection
30	shall be borne by the applicant requesting the modification.
31	SECTION 3. This act shall take effect on January 1, 2026.

LC002159/SUB A

LC001943

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

AN ACT

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

<u>Introduced By:</u> Representatives Santucci, Quattrocchi, Nardone, Fascia, Place, and Chippendale

<u>Date Introduced:</u> February 28, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and 2 Moderate Income Housing" is hereby amended to read as follows:

45-53-3. Definitions.

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- The following words, wherever used in this chapter, unless a different meaning clearly appears from the context, have the following meanings:
 - (1) "Adjustment(s)" means a request or requests by the applicant to seek relief from the literal use and dimensional requirements of the municipal zoning ordinance and/or the design standards or requirements of the municipal land development and subdivision regulations. The standard for the local review board's consideration of adjustments is set forth in § 45-53-4(d)(2)(iii)(E)(II).
 - (2) "Affordable housing plan" means a component of a housing element, as defined in § 45-22.2-4(1), that addresses housing needs in a city or town that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(e)(1) and (f).
 - (3) "Approved affordable housing plan" means an affordable housing plan that has been approved by the director of administration as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council; provided, however, that state review and approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town having completed, adopted, or amended its comprehensive plan as provided for in § 45-22.2-8, §

- (4) "Comprehensive plan" means a comprehensive plan adopted and approved by a city or town pursuant to chapters 22.2 and 22.3 of this title.
- (5) "Consistent with local needs" means reasonable in view of the state need for low- and moderate-income housing, considered with the number of low-income persons in the city or town affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the local zoning or land use ordinances, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by a city or town council after a comprehensive hearing in a city or town where:
- (i) Low- or moderate-income housing exists which is: (A) In the case of an urban city or town which has at least 5,000 occupied year-round rental units and the units, as reported in the latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-round housing units, and is in excess of fifteen percent (15%) of the total occupied year-round rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the year-round housing units reported in the census, or the city or town has adopted an inclusionary zoning ordinance requiring that all housing developments include at least fifty percent (50%) low-or moderate-income housing units.
- (ii) The city or town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan that has been adopted and approved pursuant to chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides for low- and moderate-income housing in excess of either ten percent (10%) of the year-round housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided in subsection (5)(i).
- (iii) Multi-family rental units built under a comprehensive permit may be calculated towards meeting the requirements of a municipality's low- or moderate-income housing inventory, as long as the units meet and are in compliance with the provisions of § 45-53-3.1.
- (6) "Infeasible" means any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for any applicant to proceed in building or operating low- or moderate-income housing within the limitations set by the subsidizing agency of government or local review board, on the size or

character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and 1 income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

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- 4 (7) "Letter of eligibility" means a letter issued by the Rhode Island housing and mortgage 5 finance corporation in accordance with § 42-55-5.3(a).
 - (8) "Local review board" means the planning board as defined by § 45-22.2-4.
 - (9) "Low- or moderate-income housing" shall be synonymous with "affordable housing" as defined in § 42-128-8.1, and further means any type of housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of affordable housing and that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy.
 - (i) Any housing unit that qualifies under this subsection (9) and under § 42-128-8.1 shall be counted as one whole unit toward the municipality's requirement for low- or moderate-income housing.
 - (ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do not have a deed restriction or land lease as described in this subsection (9), shall count as one-half (½) of one unit for the purpose of the calculation of the total of low- or moderate-income yearround housing within a city or town, as long as a municipality contracts with a monitoring agent to verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker of the house of representatives, senate president, and secretary of housing on an annual basis, beginning on or before December 31, 2025.
 - (iii) Low- or moderate-income housing also includes rental property located within a municipality that is secured with a federal government rental assistance voucher.
 - (iv) For the period beginning on or after July 1, 2024, any housing unit that qualifies as low- or moderate-income housing under this subsection (9) and under § 42-128-8.1 and any rental property secured with a federal government rental assistance voucher that does not otherwise meet

the other requirements to qualify as low- or moderate-income housing under this section shall be counted as one whole unit toward the municipality's requirement for low- or moderate-income housing, as long as a municipality confirms with the issuing authority that the voucher is in good standing and active.

(10) "Meeting local housing needs" means as a result of the adoption of the implementation program of an approved affordable housing plan, the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty percent (20%) of the total residential units approved by a local review board or any other municipal board in a calendar year are for low- and moderate-income housing as defined in § 42-128-8.1.

(11) "Monitoring agents" means those monitoring agents appointed by the Rhode Island housing resources commission pursuant to § 45-53-3.2 and to provide the monitoring and oversight set forth in this chapter, including, but not limited to, §§ 45-53-3.2 and 45-53-4.

(12) "Municipal government subsidy" means assistance that is made available through a city or town program sufficient to make housing affordable, as affordable housing is defined in § 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any combination of forms of assistance.

SECTION 2. This act shall take effect upon passage.

LC001943

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

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

í	This act would redefine the term "consistent with local needs" relative to low- and
2	moderate-income housing and specify that low- and moderate-income housing exists when a city
3	or town has adopted an inclusionary zoning ordinance requiring that all housing developments
4	include at least fifty percent (50%) low- or moderate-income housing units.
5	This act would take effect upon passage.

LC001943