



**TO:** League Members  
**FROM:** Jordan Day, Associate Director  
**CC:** Ernie Almonte, Executive Director  
**DATE:** March 6, 2022  
**RE:** Analysis of Housing & Land Use Commissions Legislative Package

Through the Low- and Moderate-Income Housing and Land Use Commissions, Speaker Shekarchi and several members of the House have proposed several measures to help increase housing stock in RI and support municipalities in achieving their 10% affordable housing goal. While this is not all legislation related directly to housing, these bills are the result of conversations that have occurred with both commissions, the Speaker and other legislators.

**Legislative Analysis**

Bill #	Sponsor	Legislative Description	League Analysis	Position
<a href="#">H6058</a>	Abney	Increases the allowable units per acre for all inclusionary zoning projects; requires municipal reporting on fee-in-lieu of payments; requires funds to be returned to state fund at RIHMFC	Funds go to state fund for housing development; would prefer money stays with municipalities for housing development and related needs. Seek exemption for municipalities with housing trusts/land banks/redevelopment agencies.	Support w/ Amendments
<a href="#">H6059</a>	Craven	Amend zoning standards and make changes to dimensional variance standards; clarifies that each special use permit is required to have specific criteria for each allowed use; clarifies and adjusts the process for the application and granting of administrative zoning approvals; retains the local ability to establish by ordinance the requirements for each type of special use permit.	Enables municipalities to create ordinances regarding specific special use criteria to increase predictability, Minor changes regarding substandard lot size (pg. 9/15) or modification provisions (pg. 13/15); large shift to administrative approvals.	Support w/ Amendments
<a href="#">H6060</a>	Shekarchi	The legislation allows the presiding judge of Superior Court to establish a housing and land use calendar to streamline eligible matters and establish administrative orders for their processing. All planning board appeals are being altered to go straight to Superior Court.	With the elimination of the SHAB proposed in H6083, this legislation proposes the creation of a specific land use calendar to ensure matters are heard and processed in a timely fashion.	Support
<a href="#">H6061</a>	Craven	Amend the subdivision and land development permits and processes. It provides clarity on which projects are in each category of application across the state, as well as the permitting process for each.	Established Unified Development Review for all communities – no longer optional – and shifted minor development/subdivision review to the administrative level. Clarifies process for major subdivisions and major land development.	Support

<a href="#">H6081</a>	Shekarchi	Streamlines the process of permitting from three steps to two steps, not including pre-application, to follow the purpose of the comprehensive permit process, and sets forth necessary submission items at each stage of the permitting process- retains current standards, but provides greater clarity for review of approvals and denials to make clearer standards for the review of applications.	Creates density bonuses (pg. 4/16) which doesn't go far enough – should be on a sliding scale to incentivize affordable housing development rather than an outright award for meeting minimum standards. Modifies the pre-application conference standards. Creates a period of time that approvals are authorized for. Will need clarification regarding the recording of decisions of who is the responsible party (pg. 12/16)	Support w/ Amendments
<a href="#">H6082</a>	Speakman	Clarifies what ADUs are allowed by right and how they are considered in the local permitting process; only allows two categories by right; cannot be used for short-term/transient use. The legislation would be effective immediately.	Clarifies definitions: Authorized by right= 1 ADU, lots bigger than 20,000 sq. ft, and limited to 900 sq. ft in size; Municipalities cannot restrict based on familial relationship, required demolition of ADUs, charge fees for ADU construction more than for single-family dwelling unit, require infrastructure improvements, impose “unreasonable” dimensional reqs. or development standards, require larger min. lot size than properties without ADUs, require more than one additional off-street parking, limit ADUs to pre-existing lots, limit bedrooms, improve floor area requirements, require LMIH, revoke or demolish ADUs after current occupant vacates. Prohibits ADUs to be used for short-term rentals. Should seek amendments on infrastructure language if not on a public water system.	Support w/ Amendments
<a href="#">H6083</a>	Batista	Repeals Rhode Island's State Housing Appeals Board (SHAB) as of January 1, 2024, and allow for a direct appeal process to Superior Court; allows for a more streamlined appeal process under the same standards for all parties; retains the current SHAB standards for review on appeal.	Modifies some definitions, should be shifted to H6060; the burden of proof remains the same and would likely improve timelines for appeals. Currently, SHAB's average review is 586 days.	Support
<a href="#">H6084</a>	Felix	Creates a transit-oriented development pilot program to encourage growth centers along transit corridors identified by state transit plans; developed by the Dept. of Housing.	Pilot program for specific communities that meet required standards, not a mandate.	Support
<a href="#">H6085</a>	Casey	Requires all municipal land use approvals to be consistent with future land use maps so long as the municipality's comprehensive plan is updated; specifies that comp. plans must be updated at least every 10 years and plans not updated within 12 years will not be able to be utilized as the basis for local denials; specifies that the municipality must review goals/progress annually.	Prohibits communities from utilizing comp. plans that have expired after 12 years since it's initial approval (i.e. approved in 2002, expires 2012, has until 2014 to get approval) in land use denials; requires zoning map to be in compliance with future land use map; must review plan annually for 5-year implementation program; would like to add language to allow for any currently expired comp. plans to come into compliance by July 1, 2026.	Support w/ Amendments
<a href="#">H6086</a>	Corvese	Standardizes the notice and advertisements required for all land use permitting; no alteration of the persons or properties receiving notification and does not change the	Changes from certified mail to first class mail; requires posting on municipal home pages – would look for minor amendments regarding website posting.	Support w/ Amendments

		ability for anyone to request notice under the registry provision.		
<a href="#">H6087</a>	Cruz	Eliminates the rental application fee. The legislation would be effective January 1, 2024.	May apply to public housing authorities- would flag for local counterparts	No Position
<a href="#">H6088</a>	Speakman	Extends the LMIH Commission from 2023 to 2025; purpose expanded to include “housing affordability.”	Would like to get in front of the commission as they continue their work.	Support
<a href="#">H6089</a>	Giraldo	Extend the Land Use Commission from 2023 to 2025.	Doesn’t expand positions, would like to see APA-RI represented.	Support
<a href="#">H6090</a>	Alzate	Would allow, as a permitted use, the adaptive reuse of commercial structures (such as factories, hospitals, offices, malls, religious facilities, and schools) into high-density residential developments; sets forth zoning incentives for development, including parking not required to be over one space per unit and minimum lot size per dwelling unit not to determine density.	Adaptive reuse of pre-existing facilities; requires 50% of the property must be housing; maintains existing setbacks and considered legally nonconforming; height can be maintained but not increased. Would like to see language regarding sewer/water capacity addressed but may be covered under the definition of adaptive reuse: “means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.”	Support

### **Recommendations**

Based on the current analysis, it would be important that the League and its members maintain a coordinated approach to this legislative package. Housing and land remain our [top priority](#) this session and we have been engaged in discussions with state leaders to ensure our concerns are heard. We recommend the following actions to continue presenting as a united front on these issues:

- All members pass an additional resolution in support of the specific legislation outlined above that the League will draft; identify areas for improvement.
- The Executive Director and Associate Director will meet with legislators to review high-level policy concerns and work to come to an agreement on potential amendments.
- Members will testify at hearings on the legislation outlined above to emphasize our support of this legislative package with some amendments.
- The Executive Director and Associate Director will meet the Housing Secretary and advocates to identify opportunities to partner in our advocacy.