

2022 -- H 7947 SUBSTITUTE A

LC005363/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representative Brandon C. Potter

Date Introduced: March 07, 2022

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-53 of the General Laws entitled "Low and Moderate Income  
2 Housing" is hereby amended by adding thereto the following section:

3 **45-53-10. Annual comprehensive permit report.**

4 (a) The division of statewide planning (the "division") established pursuant to chapter 11  
5 of title 42 shall maintain records and shall prepare a report ("report") on an annual basis to be  
6 submitted to the speaker of the house, the president of the senate, the housing resources  
7 commission, and the secretary of housing. The report shall also be made available on the division's  
8 website for a period of at least three (3) years, and shall also be deemed to be a public record. The  
9 report shall be due on or before March 15, of each year, commencing in calendar year 2023.

10 (b) The report required by this section shall contain the following for the preceding twelve  
11 (12) month calendar period covered by the report:

12 (1) The number of letters of eligibility issued for low and moderate income housing for  
13 applications made pursuant to chapter 53 of title 45 and § 42-55-5.3, the federal, state and municipal  
14 subsidy programs under which they were eligible, and the number of proposed subsidized units  
15 involved, by city and town, during the preceding calendar year, as provided by the Rhode Island  
16 housing corporation.

17 (2) The status of each comprehensive permit application for which a letter of eligibility  
18 was issued disaggregated by municipality.

19 (3) The number of comprehensive permit applications which have had building permits

1 issued, including the number of market rate housing units, the number of low and moderate-income  
2 housing units, and the AMI restrictions associated both pursuant to § 45-53-4, aggregated by the  
3 total number of such applications in the state and disaggregated by each municipality in the state.

4 (4) The number of comprehensive permit applications which have had certificates of  
5 occupancy issued, aggregated by the total number of such applications in the state and  
6 disaggregated by each municipality in the state.

7 (c) Each municipality shall annually provide to the division the information on  
8 comprehensive permit activity described in subsection (b) of this section by February 1.

9 SECTION 2. Section 42-55-5.3 of the General Laws in Chapter 42-55 entitled "Rhode  
10 Island Housing and Mortgage Finance Corporation" is hereby amended to read as follows:

11 **42-55-5.3. Letters of eligibility.**

12 The corporation shall issue all letters of eligibility for low and moderate income housing  
13 for applications made pursuant to chapter 53 of title 45.

14 (a) Evaluation of requests for letters of eligibility:

15 (1) The corporation shall establish for each application:

16 (i) The name and address of the applicant;

17 (ii) The address of the site and site description;

18 (iii) The number and type (homeownership or rental) of housing units proposed;

19 (iv) The name of the housing program under which project eligibility is sought;

20 (v) Relevant details of the particular project if not mandated by the housing program  
21 (including percentage of units for low or moderate income households, income eligibility standards,  
22 the duration of restrictions requiring low or moderate income housing); and

23 (2) The corporation shall determine:

24 (i) That the proposed project appears generally eligible under the requirements of the  
25 housing program, subject to final review of eligibility and to final approval;

26 (ii) That the subsidizing agency, or the corporation, has performed an on-site inspection of  
27 the site and has reviewed pertinent information submitted by the applicant;

28 (iii) That an initial pro forma has been reviewed and the project appears financially feasible  
29 on the basis of estimated development costs;

30 (iv) That the developer meets the general eligibility standards of the housing program; and

31 (v) That the applicant controls the site.

32 (b) The corporation shall provide a copy of the letter of eligibility to the administrative  
33 officer of the local review board of the city or town in which the project would be located.

34 ~~(c) The corporation shall annually report to the governor, the speaker of the house and the~~

1 ~~president of the senate, and the secretary of the state planning council, by February 15:~~

2 ~~(1) The number of letters of eligibility issued, the federal and state subsidy programs under~~  
3 ~~which they were eligible, and the number of proposed subsidized units involved, by city and town,~~  
4 ~~during the preceding calendar year;~~

5 ~~(2) The number of units of low and moderate income housing constructed under federal~~  
6 ~~and state subsidy programs, during the preceding calendar year;~~

7 ~~(3) The average annual number of units of low and moderate income housing constructed~~  
8 ~~under federal and state subsidy programs for the three (3) preceding calendar years; and~~

9 ~~(4) The number of units of low and moderate income housing likely to be constructed in~~  
10 ~~the current calendar year based on the three (3) year average of units constructed, adjusted for any~~  
11 ~~changes in law that either increased or decreased funding available for subsidizing the construction~~  
12 ~~of low and moderate income housing. The average annual number of units of subsidized low and~~  
13 ~~moderate income housing, adjusted for any changes in law, shall be a basis for assessing whether~~  
14 ~~low and moderate income housing goals within affordable housing plans are being implemented.~~

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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1           This act would direct the division of statewide planning to maintain records and prepare an  
2 annual status report on low and moderate income housing applications.

3           This act would take effect upon passage.

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