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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Senators Kallman, and Mack

Date Introduced: June 20, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-53-7 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby amended to read as follows:

3 **45-53-7. Housing appeals board.**

4 (a)(1) There shall be within the state a housing appeals board consisting of nine (9) voting
5 members and three (3) alternates as follows: one voting member who shall be from the Center for
6 Justice Rhode Island; one voting member who shall be from Direct Action for Rights and Equality
7 (DARE); and seven (7) voting members to be appointed by the governor, who shall include four
8 (4) local officials, who shall not be from the same city or town; two (2) of whom shall be from a
9 city or town with a population of less than twenty-five thousand (25,000); and two (2) of whom
10 shall be from a city or town with a population of twenty-five thousand (25,000) or greater, and shall
11 include one local zoning board member, one local planning board member, one city council
12 member and one town council member, one of the local official members shall be designated by
13 the governor as the alternative local official member who shall be a voting member of the board
14 only in the event that one or more of the other three (3) local officials is unable to serve at a hearing;
15 one affordable housing developer; one affordable housing advocate; one representative of the
16 business community; and one attorney knowledgeable in land use regulation, who should be
17 chairperson of the board. There shall be (2) additional alternates appointed by the governor chosen
18 from candidates submitted by realtors or developers doing business in the state and the alternates
19 shall rotate service as a voting member at the discretion of the chairperson.

1 (2) Those members of the board as of July 2, 2004 who were appointed to the board by
2 members of the general assembly shall cease to be members of the board on July 2, 2004, and the
3 governor shall thereupon nominate four (4) new members each of whom shall serve for the balance
4 of the current term of his or her predecessor.

5 (3) All other members of the commission as of July 2, 2004 shall continue to serve for the
6 duration of their current terms.

7 (4) All gubernatorial appointments made under this section after July 2, 2004 shall be
8 subject to the advice and consent of the senate.

9 (b) All appointments are for two (2) year terms; except as otherwise provided in subsection
10 (a)(2) of this section, the terms of members appointed after December 31, 2004, shall be for three
11 (3) years. Each member who is duly appointed or continued in office after January 1, 2005, shall
12 hold office for the term for which the member is appointed and until the member's successor shall
13 have been appointed and qualified, or until the member's earlier death, resignation, or removal. A
14 member shall receive no compensation for his or her services, but shall be reimbursed by the state
15 for all reasonable expenses actually and necessarily incurred in the performance of his or her
16 official duties. The board shall hear all petitions for review filed under § 45-53-5, and shall conduct
17 all hearings in accordance with the rules and regulations established by the chair. Rhode Island
18 housing shall provide space, and clerical and other assistance, as the board may require.

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

21 **45-53-10. Annual status report on appeals.**

22 (a) The Rhode Island housing resources commission established pursuant to chapter 128
23 of title 42 (the "commission") shall maintain accurate records and shall prepare, an annual status
24 report ("status report") on all active cases and appeals pending before the state housing appeals
25 board (the "board"). The status report shall be forwarded to the secretary of housing, the speaker
26 of the house, and the president of the senate. Each report shall also be made available on the
27 commission's website for a period of at least three (3) years, and shall also be deemed to be a public
28 record. The report shall be due on or before March 15 of each year, commencing in the calendar
29 year 2023.

30 (b) The report required by this section shall contain the following information for the
31 twelve (12) month calendar period covered by the report:

32 (1) The total number of appeals pending before the board;

33 (2) The number of appeals for which a decision has been rendered, have been settled by
34 agreement, or have otherwise been disposed of during the previous calendar year;

1 (3) The number of board decisions which were appealed in the previous calendar year and
2 the status of those cases; and

3 (4) The length of time for the board to decide appeals in the previous calendar year
4 aggregated by:

5 (i) Appeals decided by the board within six (6) months;

6 (ii) Appeals decided by the board within six (6) to nine (9) months; and

7 (iii) Appeals decided by the board in more than nine (9) months.

8 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

1 This act would amend the composition of the state housing appeals board by adding one
2 member from the Center for Justice and one member from Direct Action for Rights and Equality,
3 as well as two (2) alternates appointed by the governor from candidates submitted by realtors and
4 developers doing business in the state. The act would also provide for an annual report to be issued
5 on the status of appeals before the state housing appeals board.

6 This act would take effect upon passage.

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