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MEMORANDUM

To: The Honorable Marvin L. Abney, Chairman, House Finance Committee
The Honorable Louis P. DiPalma, Chairman, Senate Finance Committee

From: Joseph Codega Jr., Budget Officer *Joseph M. Codega Jr.*

Date: April 16, 2025

Subject: Amendments to the FY 2026 Appropriations Act (25-H-5076)

Governor's Budget Amendment #12

The Governor requests amendments to the FY 2026 Appropriations Act within a new Article X, Relating to Housing Organization. The provisions and policy goals underlying this amendment are set forth below.

This new article amends various sections of R.I. General Law to effectuate the recommendations of the 2024 Housing Organizational Report, including consolidating the programmatic and policy functions of the Housing Resources Commission into the Executive Office of Housing, establishing the Secretary of Housing as the statutory chair of the RI Housing and Mortgage Finance Corporation, transferring the oversight and administration of the Housing Production Fund to the Executive Office of Housing, and establishing two interagency councils to advance policies, programs, and coordination for addressing housing and homelessness. The article also transfers the Housing Resources Commission's responsibilities for lead hazard mitigation to the RI Department of Health.

Please feel free to contact me with any questions about these requested changes.

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Brian Daniels, Director, Office of Management and Budget
Jonathan Womer, Director of Administration

25-H-5076: RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2026

ARTICLE X: RELATING TO HOUSING

SECTION 1. Sections 23-24.6-6, 23-24.6-15, 23-24.6-20 of the General Laws in Chapter 23-24.6 entitled "Lead Poisoning Prevention Act" are hereby amended to read as follows:

23-24.6-6. Interagency coordinating council on environmental lead.

(a) There is established an interagency coordinating council on environmental lead within the department of health consisting of ~~six (6)~~ five (5) members.

(b) The purpose of the council shall be as follows:

(1) To coordinate the activities of its member agencies with respect to: (i) environmental lead policy; (ii) the development of educational materials; (iii) drafting regulations which have as their purpose reducing or preventing lead poisoning; and (iv) enforcement of laws, regulations, and ordinances pertaining to lead poisoning and lead poisoning prevention.

(2) To recommend the adoption of policies with regard to the detection and elimination of the hazards to the public posed by exposure to lead in the environment;

(3) To recommend the adoption of policies with regard to the screening and treatment of individuals suffering from elevated exposures to environmental lead; and

(4) To report on or before March 1 of each year to the governor, speaker of the house and the president of the senate on both the progress of the comprehensive environmental lead program and recommendations for any needed changes in legislation, which report shall at a minimum: (i) provide by city and town, the incidence and levels of lead poisoning; (ii) describe educational programs; (iii) summarize regulations adopted pursuant to the provisions of this chapter and chapter 128.1 of title 42, and state the number of enforcement actions pursuant to this chapter initiated, the number completed or closed due to successful remediation of lead hazards, the number completed or closed for other reasons (which reasons shall be explained), and the number that remain open (including information on how long such actions have been open and the reasons they have not been completed).

(c) The members of the council shall be as follows:

(1) There shall be five (~~4~~5) ex officio members: the director, the director of environmental management, the director of human services, and the attorney general, ~~and the executive director of the housing resources commission or their designees.~~

(2) There shall be one local government official, who shall have knowledge of lead hazard reduction programs at the local level, appointed by the president of the Rhode Island League of Cities and Towns.

(3) [Deleted by P.L. 2002, ch. 187, § 2 and by P.L. 2002, ch. 188, § 2.]

(d) The members shall elect from among their members a chairperson, a vice chairperson, and secretary.

(e) The council shall meet at the call of the chairperson, but not less than quarterly. The director shall provide any meeting and hearing rooms and secretarial staff that the council may require.

23-24.6-15. Inspections of rental property.

(a) The director shall, ~~in conjunction with the housing resources commission,~~ promulgate regulations permitting state inspectors to conduct such lead inspections as may be appropriate in response to any complaint to the department ~~or the housing resources commission,~~ by an occupant or the parent or guardian of any child under the age of six (6) years who is an occupant renting or leasing a dwelling, dwelling unit, or premises of the existence of a lead exposure hazard for a child under the age of six (6) years in that dwelling, dwelling unit, or premises. These regulations will allow for response to the complaints to be prioritized based upon the age of the structure and the nature and degree of hazard present.

(b) Whenever a comprehensive environmental lead inspection has been performed either pursuant to a complaint or otherwise, the owner and/or any real estate agent or property manager involved in renting or leasing the dwelling, dwelling unit, or premises shall provide the results of the inspection to occupants pursuant to regulations promulgated by the department, as follows:

(1) Those persons occupying the dwelling, dwelling unit, or premises at the time the inspection is performed shall be notified of the results within five (5) business days after the owner receives the results;

(2) All persons who are prospective occupants shall be notified of the inspection results if a significant lead hazard exists, before any lease is signed or before occupancy begins in cases where no lease is signed;

(3) This notice provision terminates with the performance of the necessary lead reduction actions required to reach at least the “lead safe” level. The department shall provide the owner with a certification of lead reduction for the dwelling.

(c) Failure to provide inspection results and/or educational materials pursuant to this chapter shall subject the lessor or his or her agent to a civil penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

23-24.6-20. Licensure of environmental lead inspectors and lead contractors, supervisors, and workers.

(a) The department shall provide for the certification of training programs for environmental lead inspectors and for lead contractors, supervisors, workers, and other persons engaged in environmental lead-hazard reduction pursuant to the provisions of this chapter. The department shall establish standards and specifications for training courses including, at a minimum, the required length of different training programs, mandatory topics of instruction, and required qualifications for training programs and instructors. Hands on instruction shall be a component of the required training.

(b) The department shall establish procedures and issue regulations requiring the licensure of environmental lead inspectors, lead contractors, supervisors, workers, and other persons engaged in environmental lead inspection and/or hazard reduction pursuant to the provisions of this chapter. These regulations:

(1) Shall prescribe the requirements for licensure and the conditions and restrictions governing the renewal, revocation, and suspension of licenses. Requirements for licensure and for renewal of licensure shall include, but not be limited to, the following:

(i) Compliance with the lead-hazard reduction regulations in § 23-24.6-17; and

(ii) Required training of environmental lead inspectors and of lead contractors, supervisors, workers, and other persons engaged in environmental lead-hazard reduction in subjects including, but not limited to, safe work practices, instruction in health risks, precautionary measures, protective equipment, and other practices, including practices to prevent contamination of the residential premises, ambient discharges and ground contamination, respiratory protection, new lead-hazard reduction techniques and technologies, applicable federal and state regulation, and hands-on instruction for equipment and techniques to be used; a minimum of twenty (20) hours of training shall be required as a condition of licensure for workers; additional hours of training shall be required for supervisors and contractors; a refresher training course shall also be required;

(2) May provide for Rhode Island to reciprocally license persons certified and/or licensed by other states with comparable requirements.

(c) No person shall enter into, engage in, or conduct comprehensive environmental lead inspections or environmental lead-hazard reduction activities covered by department regulations without having successfully completed a certified training program and without having been licensed by the department. Each trained and licensed person shall be issued a photo identity card.

(d) The department shall, ~~in conjunction with the housing resources commission,~~ develop and periodically update lists of all licensed inspectors, contractors, supervisors, workers', and other persons who perform environmental lead-hazard reduction in Rhode Island and make those lists available to interested parties and the public.

(e)(1) The department shall enforce the provisions of this section as appropriate and shall have all necessary powers for enforcement.

(2) The department may revoke, suspend, cancel, or deny any license, at any time, in accordance with chapter 35 of title 42 if it believes that the terms or conditions of these are being violated, or that the holder of, or applicant for, license has violated any regulation of the department or any other state law or regulation. Any person aggrieved by a determination by the department to issue, deny, revoke, or suspend any license may request an adjudicatory hearing.

(3) When any person violates the terms or conditions of any license issued under this section or any state law or regulation, the director shall have the power by written notice to order the violator to cease and desist immediately. The department may file a written complaint with the district court in the jurisdiction in which the violation occurred. Punishment by an administrative fine pursuant to § 23-24.6-27 may be in addition to the suspension of any license.

(4) Any state inspector may issue an immediate cease-work order to any person who violates the terms or conditions of any license issued under this section, or any provision of this chapter, or any regulation or order issued under this chapter, if the violation will endanger or materially impair the health or well-being of any occupant, any environmental lead inspector, or any contractor, supervisor, worker, or other person engaged in environmental lead-hazard reduction.

(f) Nothing in this section shall be construed to limit the authority of the department of health, the department of labor and training, or the department of environmental management under the provisions of any other law.

SECTION 2. Chapter 40-17 of the General Laws entitled "Support of Homeless" is hereby repealed.

~~40-17-1. Legislative findings.~~

~~The general assembly hereby finds that there exists in this state undetermined numbers of homeless persons, many of whom suffer from chronic mental illness and disability, and that this condition exists among families and among individuals of all age groups without regard to ethnic or racial heritage or sex. The existence of this condition is declared to be detrimental to the health, safety, and welfare of the homeless individuals themselves and to the state.~~

~~40-17-2. Agency established.~~

~~(a) There is hereby created a permanent council to be called the "interagency council on homelessness" consisting of eighteen (18) members and two (2) ex officio members:~~

~~(1) One of whom shall be the chief of the office of housing and community development, or his or her designee, who shall chair the interagency council on homelessness;~~

- ~~(2) One of whom shall be the director of the department of administration, or his or her designee;~~
- ~~(3) One of whom shall be the chair of the housing resources commission, or his or her designee;~~
- ~~(4) One of whom shall be the director of the department of human services, or his or her designee;~~
- ~~(5) One of whom shall be the director of the department of health, or his or her designee;~~
- ~~(6) One of whom shall be the director of the department of children, youth and families, or his or her designee;~~
- ~~(7) One of whom shall be the director of the office of healthy aging, or his or her designee;~~
- ~~(8) One of whom shall be the director of behavioral healthcare, developmental disabilities and hospitals, or his or her designee;~~
- ~~(9) One of whom shall be director of the department of labor and training, or his or her designee;~~
- ~~(10) One of whom shall be the director of the department of corrections, or his or her designee;~~
- ~~(11) One of whom shall be the commissioner of the department of elementary and secondary education, or his or her designee;~~
- ~~(12) One of whom shall be the director of the Rhode Island housing and mortgage finance corporation, or his or her designee;~~
- ~~(13) One of whom shall be the director of the emergency management agency, or his or her designee;~~
- ~~(14) One of whom shall be a representative from the Rhode Island office of veterans services, or his or her designee;~~
- ~~(15) One of whom shall be the public defender, or his or her designee;~~
- ~~(16) One of whom shall be the Medicaid director within the department of human services, or his or her designee;~~
- ~~(17) One of whom shall be the secretary of the executive office of health and human services, or his or her designee;~~
- ~~(18) One of whom shall be the lieutenant governor, or his or her designee;~~

~~(19) One of whom shall be an ex officio member who shall be from the Providence Veterans Administration Medical Center who specializes in health care for homeless veterans; and~~

~~(20) One of whom shall be an ex officio member who shall be the chair, or his or her designee, of the interagency council on homelessness advisory council as described in this chapter herein.~~

~~(b) Forthwith upon the effective date of this chapter, the members of the commission shall meet at the call of the chair and organize. Vacancies in the commission shall be filled in like manner as the original appointment.~~

~~(c) The department of administration is hereby directed to provide suitable quarters and staff for the commission.~~

~~(d) All departments and agencies of the state shall furnish advice and information, documentary, and otherwise to the commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this chapter.~~

~~40-17-3. Duties and responsibilities of council.~~

~~The duties and responsibilities of the council shall be:~~

~~(1) To participate in the process of developing a strategic plan to end homelessness aligned with the federal strategic plan to end homelessness that will serve to reduce the number of homeless individuals and families in Rhode Island;~~

~~(2) To coordinate services for the homeless among state agencies and instrumentalities, community based organizations, faith based organizations, volunteer organizations, advocacy groups, and businesses;~~

~~(3) To coordinate services not specifically for the homeless, but from which the homeless may benefit, among state agencies and instrumentalities, community based organizations, faith based organizations, volunteer organizations, advocacy groups, and businesses; and~~

~~(4) To identify and seek to remedy gaps in services, specifically in the area of making provisions for the availability, use, and permanent funding stream for permanent supportive housing.~~

~~40-17-4. Meeting and reporting requirements.~~

~~Meeting and reporting requirements are as follows:~~

~~(1) The council shall meet regularly;~~

~~(2) The council, in conjunction with the housing resources commission, shall provide the strategic plan and specific recommendations to prevent and end homelessness to the governor, senate president, speaker of the house, the senate committee on housing and municipal government, and the house corporations committee by February 1, 2012;~~

~~(3) The council shall provide a report on funding available during calendar year 2011 for services, facilities, programs, or otherwise for people who are homeless. Said report shall be provided to the senate president, speaker of the house, senate fiscal advisor, and house fiscal advisor by January 31, 2012;~~

~~(4) The council shall report annually to the governor and the general assembly, no later than March 2013, and annually thereafter, on the progress made in achieving the goals and objectives set forth in the strategic plan; on the current number of homeless individuals, families, and children; and any other pertinent information.~~

~~40-17-5. Advisory council established.~~

~~(a) There is hereby created a permanent advisory council to the interagency council on homelessness containing representation of advocates; service providers; members of the veteran community, including housing providers and a current or former homeless veteran; current and/or former members of the homeless community; as well as representatives specifically affiliated with youth homelessness. All new members shall be chosen and approved by majority vote of the members present at an official meeting. At no time shall there be less than three (3) representatives of the homeless community, current or former. The chair shall be elected by a majority of the members.~~

~~(b) The purpose of the council is to inform the interagency council on homelessness on the current status and issues facing the homeless throughout Rhode Island.~~

SECTION 3. Sections 42-55-4, 42-55-5.4, 42-55-22.3, 42-55-24.1 of the General Laws in Chapter 42-55 entitled "Rhode Island Housing and Mortgage Finance Corporation" are hereby amended to read as follows:

42-55-4. Creation of corporation — Composition — Personnel — Compensation.

(a) There is authorized the creation and establishment of a public corporation of the state, having a distinct legal existence from the state and not constituting a department of the state government, with the politic and corporate powers as are set forth in this chapter to be known as the “Rhode Island housing and mortgage finance corporation” to carry out the provisions of this chapter. The corporation is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state. It is the intent of the general assembly by the passage of this chapter to authorize the incorporation of a public corporation and instrumentality and agency of the state for the purpose of carrying on the activities authorized by this chapter, and to vest the corporation with all of the powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish these purposes. This chapter shall be liberally construed in conformity with the purpose expressed.

(b) The powers of the corporation shall be vested in seven (7) commissioners consisting of the secretary of housing, who shall serve as chair of the corporation, or the secretary’s designee; the director of administration, or the director’s designee; the general treasurer, or the general treasurer’s designee; ~~the director of business regulation, or the director’s designee;~~ and four (4) members to be appointed by the governor with the advice and consent of the senate who shall among them be experienced in all aspects of housing design, development, finance, management, and state and municipal finance. On or before July 1, 1973, the governor shall appoint one member to serve until the first day of July, 1974, and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1975, and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1976, and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1977, and until his or her successor is appointed and qualified. During the month of June, 1974, and during the month of June annually thereafter, the governor shall appoint a member to succeed the member whose term will then next expire to serve for a term of four (4) years commencing on the first day of July then next following and until his or her successor is appointed and qualified. A vacancy in the office of a commissioner, other

than by expiration, shall be filled in like manner as an original appointment, but only for the unexpired portion of the term. If a vacancy occurs when the senate is not in session, the governor shall appoint a person to fill the vacancy, but only until the senate shall next convene and give its advice and consent to a new appointment. A member shall be eligible to succeed him or herself. ~~The governor shall designate a member of the corporation to serve as chairperson.~~ Any member of the corporation may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty.

(c) The commissioners shall elect from among their number a vice-chairperson annually and those other officers as they may determine. Meetings shall be held at the call of the chairperson or whenever two (2) commissioners so request. Four (4) commissioners of the corporation shall constitute a quorum and any action taken by the corporation under the provisions of this chapter may be authorized by resolution approved by a majority but not less than three (3) of the commissioners present at any regular or special meeting. No vacancy in the membership of the corporation shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the corporation.

(d) Commissioners shall receive no compensation for the performance of their duties, but each commissioner shall be reimbursed for the commissioner's reasonable expenses incurred in carrying out the commissioner's duties under this chapter.

(e) Notwithstanding the provisions of any other law, no officer or employee of the state shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his or her acceptance of membership of the corporation or his or her service to the corporation.

(f) The commissioners shall employ an executive director who shall also be the secretary and who shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the commissioners. The commissioners may employ technical experts and other officers, agents, and employees, permanent and temporary, and fix their qualifications, duties, and compensation. These employed persons shall not be subject to the provisions of the classified service. The commissioners may delegate to one or more of their agents or employees those administrative duties they may deem proper.

(g) The secretary shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation and of its minute book and seal. The secretary, or the secretary's designee, or the designee of the board of commissioners, shall have authority to cause to be made copies of all minutes and other records and documents of the corporation and to give certificates under the seal of the corporation to the effect that the copies are true copies and all persons dealing with the corporation may rely upon the certificates.

(h) Before entering into his or her duties, each commissioner of the corporation shall execute a surety bond in the penal sum of fifty thousand dollars (\$50,000) and the executive director shall execute a surety bond in the penal sum of one hundred thousand dollars (\$100,000) or, in lieu of this, the chairperson of the corporation shall execute a blanket bond covering each commissioner, the executive director and the employees or other officers of the corporation, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in this state as surety and to be approved by the attorney general and filed in the office of the secretary of state. The cost of each bond shall be paid by the corporation.

(i) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank or trust company, architecture firm, insurance company, or any other firm, person, or corporation to serve as a member of the corporation. If any commissioner, officer, or employee of the corporation shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract with the corporation, including any loan to any housing sponsor or healthcare sponsor, that interest shall be disclosed to the corporation and shall be set forth in the minutes of the corporation and the commissioner, officer, or employee having an interest therein shall not participate on behalf of the corporation in the authorization of this contract.

42-55-5.4. Renewable energy in housing developments.

On or before July 1, 2009, the corporation shall establish, in appropriate housing development programs it administers, criteria for priority consideration of housing development proposals which include renewable energy features which are demonstrated to be cost-effective and can be implemented in a reasonable period of time. Effective January 1, 2026, the executive office of housing, in collaboration with the corporation, shall develop criteria.

42-55-22.3. Emergency housing assistance.

The ~~department of human services~~ executive office of housing shall administer the emergency housing assistance program effective October 1, 2025. ~~in accordance with the Rhode Island housing and mortgage finance corporation rules and regulations and contracts with community action program agencies, as those rules and regulations may be currently in force and effect.~~ In so far as the board of directors may authorize funds for the support of this program, the receipt of those funds shall be deposited as general revenues and appropriated to the ~~department of human services~~ executive office of housing for the support of the program.

42-55-24.1. Allocation of tax credits.

The corporation shall be the sole and exclusive agent for the allocation of all federal tax credits for low-income housing under 26 U.S.C. § 42. The corporation shall have all of the powers necessary to effectuate those allocations, including without limitation, the power to adopt rules, regulations, and policies regarding those allocations. Notwithstanding the foregoing and any other provision of law, effective January 1, 2026, the qualified allocation plan required by 26 U.S.C. § 42 shall be developed by the executive office of housing in consultation with the corporation.

SECTION 4. Chapter 42-64.34 of the General Laws entitled “The Department of Housing” is hereby repealed.

~~42-64.34-1. Department established.~~

~~Effective January 1, 2023, there is hereby established within the executive branch of the state government a department of housing. The head of the department shall be the secretary of housing, who shall be appointed by the governor with the advice and consent of the senate. The~~

~~position of secretary is hereby created in the unclassified service. The secretary shall hold office at the pleasure of the governor. Before entering upon the discharge of duties, the secretary shall take an oath to faithfully execute the duties of the office. The secretary of housing shall:~~

~~(i) Prior to hiring, have completed and earned a minimum of a master's graduate degree in the field of urban planning, economics, or a related field of study or possess a juris doctor law degree. Preference shall be provided to candidates having earned an advanced degree consisting of an L.L.M. law degree or Ph.D. in urban planning or economics. Qualified candidates must have documented five (5) years' full-time experience employed in the administration of housing policy and/or development;~~

~~(ii) Be responsible for overseeing all housing initiatives in the state of Rhode Island and developing a housing plan, including, but not limited to, the development of affordable housing opportunities to assist in building strong community efforts and revitalizing neighborhoods;~~

~~(iii) Coordinate with all agencies directly related to any housing initiatives and participate in the promulgation of any regulation having an impact on housing including, but not limited to, the Rhode Island housing and mortgage finance corporation, the coastal resources management council (CRMC), and state departments including, but not limited to: the department of environmental management (DEM), the department of business regulation (DBR), the department of transportation (DOT) and statewide planning, and the Rhode Island housing resources commission;~~

~~(iv) Coordinate with the housing resources commission to formulate an integrated housing report to include findings and recommendations to the governor, speaker of the house, senate president, each chamber's finance committee, and any committee whose purview is reasonably related to, including, but not limited to, issues of housing, municipal government, and health on or before April 15, 2025, and annually thereafter. This report shall include, but not be limited to, the following:~~

~~(A) The total number of housing units in the state with per community counts;~~

~~(B) Every three (3) years, beginning in 2026 and contingent upon funding for data collection, an assessment of the suitability of existing housing stock in meeting accessibility needs of residents;~~

- ~~(C) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(iv)(A);~~
- ~~(D) The change in the number of units referenced in subsection (a)(4)(iv)(A), for each of the prior three (3) years in figures and as a percentage;~~
- ~~(E) The number of net new units in development and number of units completed in the previous calendar year;~~
- ~~(F) For each municipality the number of single family, two family (2), and three family (3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful description of current conditions, including a statewide sum of each unit type;~~
- ~~(G) Every three (3) years, beginning in 2026, a projection of the number of units required to meet estimated population growth and based upon household formation rates;~~
- ~~(H) A comparison of regional and other similarly situated state funding sources that support housing development including a percentage of private, federal, and public support;~~
- ~~(I) A reporting of unit types by number of bedrooms for rental properties including an accounting of all:
 - ~~(I) Single family units;~~
 - ~~(II) Accessory dwelling units;~~
 - ~~(III) Two family (2) units;~~
 - ~~(IV) Three family (3) units;~~
 - ~~(V) Multi-unit sufficiently delineated units;~~
 - ~~(VI) Mixed use sufficiently delineated units; and~~
 - ~~(VII) Occupancy and vacancy rates for the prior three (3) years;~~~~
- ~~(J) A reporting of unit types by ownership including an accounting of all:
 - ~~(I) Single family units;~~
 - ~~(II) Accessory dwelling units;~~
 - ~~(III) Two family (2) units;~~
 - ~~(IV) Three family (3) units;~~~~

- ~~(V) Multi-unit sufficiently delineated units;~~
- ~~(VI) Mixed use sufficiently delineated units; and~~
- ~~(VII) Occupancy and vacancy rates for the prior three (3) years;~~
- ~~(K) A reporting of the number of applications submitted or filed for each community according to unit type and an accounting of action taken with respect to each application to include, approved, denied, appealed, approved upon appeal, and if approved, the justification for each appeal approval;~~
- ~~(L) A reporting of permits for each community according to affordability level that were sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for each approval;~~
- ~~(M) A reporting of affordability that shall include the following:~~
 - ~~(I) The percent and number of units of extremely low, very low, low, moderate, fair market rate, and above moderate income; including the average and median costs of those units;~~
 - ~~(II) The percent and number of units of extremely low, very low, low, and moderate income housing units by municipality required to satisfy the ten percent (10%) requirement pursuant to chapter 24 of title 45; including the average and median costs of those units;~~
 - ~~(III) The percent and number of units for the affordability levels above moderate income housing, including a comparison to fair market rent; including the average and median costs of those units;~~
 - ~~(IV) The percentage of cost burden by municipality with population equivalent;~~
 - ~~(V) The percentage and number of home financing sources, including all private, federal, state, or other public support;~~
 - ~~(VI) The disparities in mortgage loan financing by race and ethnicity based on Home Mortgage Disclosure Act data by available geographies;~~
 - ~~(VII) The annual median gross rent growth for each of the previous five (5) years by municipality;~~
and
 - ~~(VIII) The annual growth in median owner-occupied home values for each of the previous five (5) years by municipality;~~

~~(N) A reporting of municipal healthy housing stock by unit type and number of bedrooms and providing an assessment of the state's existing housing stock and enumerating any risks to the public health from that housing stock, including, but not limited to: the presence of lead, mold, safe drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable health detriment. Additionally, the report shall provide the percentage of the prevalence of health risks by age of the stock for each community by unit type and number of bedrooms; and~~

~~(O) A recommendation shall be included with the report required under this section that shall provide consideration to any and all populations, ethnicities, income levels, and other relevant demographic criteria determined by the secretary, and with regard to any and all of the criteria enumerated elsewhere in the report separately or in combination, provide recommendations to resolve any issues that provide an impediment to the development of housing, including specific data and evidence in support of the recommendation. All data and methodologies used to present evidence are subject to review and approval of the chief of revenue analysis, and that approval shall include an attestation of approval by the chief to be included in the report;~~

~~(P) Municipal governments shall provide the department of housing's requested data relevant to this report on or before February 15, 2025, and annually thereafter;~~

~~(v) Have direct oversight over the office of housing and community development (OHCD);~~

~~(vi) On or before November 1, 2022, and on or before December 31, 2024, develop a housing organizational plan to be provided to the general assembly that includes a review, analysis, and assessment of functions related to housing of all state departments, quasi-public agencies, boards, and commissions. Provided, further, the secretary, with the input from each department, agency, board, and commission, shall include in the plan comprehensive options, including the advantages and disadvantages of each option and recommendations relating to the functions and structure of the department of housing, including suggested statutory revisions;~~

~~(vii) Establish rules and regulations as set forth in § 45-24-77.~~

42-64.34-2. Powers and duties.

~~(a) The department of housing shall be the state's lead agency for housing, homelessness, and community development in the state of Rhode Island.~~

~~(b) The secretary of housing shall have the following powers and duties:~~

~~(1) All powers and duties pursuant to this chapter;~~

~~(2) To supervise the work of the department of housing and to act as its chief administrative officer;~~

~~(3) To coordinate the administration and financing of various departments or offices within the department of housing;~~

~~(4) To serve as the governor's chief advisor and liaison to federal policymakers on housing, homelessness, and community development as well as the principal point of contact on any such related matters;~~

~~(5) To coordinate the housing, homelessness, and community development programs of the state of Rhode Island and its departments, agencies, commissions, corporations, and subdivisions;~~

~~(6) To employ such personnel and contracts for such consulting services as may be required to perform the powers and duties conferred upon the secretary of housing;~~

~~(7) To oversee and direct the administration of funds that may be appropriated from time to time to the department of housing; and~~

~~(8) Creation of a written guide for consumers relating to the rights and duties of landlords and tenants pursuant to chapter 18 of title 34, which the secretary shall update at minimum on an biennial basis. The guide shall be posted on the website of the department of housing and shall be published in both English and Spanish.~~

~~(c) In addition to such other powers as may otherwise be delegated elsewhere to the department of housing, the department is hereby expressly authorized, by and through the secretary of housing:~~

~~(1) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest in real or personal property, wherever situated;~~

~~(2) To accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality of the federal government, or from the state~~

~~or any agency or instrumentality of the state, or from any other source and to comply, subject to the provisions of this chapter, with the terms and conditions of the gifts, grants, or loans;~~

~~(3) Subject to the provisions of § 37-2-1 et seq., to negotiate and to enter into contracts, agreements, and cooperative agreements with agencies and political subdivisions of the state, not for profit corporations, for profit corporations, and other partnerships, associations, and persons for any lawful purpose necessary and desirable to effectuate the purposes of the department of housing; and~~

~~(4) To carry out this chapter and perform the duties of the general laws and public laws insofar as those provisions relate to any regulatory areas within the jurisdiction of the department of housing.~~

~~**42-64.34-3. Rules and regulations.**~~

~~The secretary of housing may promulgate such rules and regulations in accordance with the provisions of chapter 35 of this title as are necessary and proper to carry out the duties assigned to the secretary or to the department of housing by this title or any other provision of law.~~

~~**42-64.34-4. Severability.**~~

~~If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.~~

SECTION 5. Sections 42-128-1, 42-128-2, 42-128-2.1, 42-128-3, 42-128-6, 42-128-7, 42-128-8.1, 42-128-11, 42-128-13, 42-128-14, 42-128-17 of the General Laws in Chapter 128 entitled “Rhode Island Housing Resources Act of 1998” are hereby amended to read as follows:

42-128-1. Findings.

(a) Rhode Island has an older housing stock that contributes invaluablely to community character, and in order to maintain the stability of neighborhoods and to sustain health communities, it is necessary to have programs for housing and community development and revitalization.

(b) Rhode Island has an active private sector that is engaged in supplying housing.

(c) Rhode Island has an active nonprofit housing sector, which can, if provided adequate support, assist low and moderate income persons and works to improve conditions in neighborhoods and communities.

(d) Housing that is not adequately maintained is a source of blight in communities and a cause of public health problems. Public health and safety are impaired by poor housing conditions; poisoning from lead paint and respiratory disease (asthma) are significant housing-related health problems in Rhode Island.

(e) There is an increasing need for supported living arrangements for the elderly and a continuing need for supported living arrangements for persons who are disabled and/or homeless.

(f) Fair housing, and the potential of unequal treatment of individuals based on race, ethnicity, age, disability, and family, must be given continuing attention.

(g) Housing costs consume a disproportionate share of income for many Rhode Islanders; housing affordability is a continuing problem, especially for first-time home buyers and lower and moderate income renters; the high cost of housing adversely affects the expansion of Rhode Island's economy. Housing affordability and availability affect conditions of homelessness. The high cost of housing and the lack of affordable, decent housing for low income households is a source of hardship for very low income persons and families in Rhode Island.

~~(h) The Rhode Island housing and mortgage finance corporation, which has provided more than two decades of assistance in addressing issues of both the affordability of home ownership and rental housing and the preservation of the housing stock for low and moderate income persons, is facing future funding shortfalls and must either increase revenues or reduce programs in order to remain viable.~~

~~(hi) The federal government has been reducing its commitment to housing since 1981, and there is no indication that earlier levels of federal support for housing will be restored.~~

~~(ij) Public housing authorities, which rely on federal support that is being reconsidered, have been and continue to be an important housing resource for low income families and the elderly.~~

~~(k) Rhode Island, unlike most other states, does not have an agency or department of state government with comprehensive responsibility for housing.~~

(j) It is necessary and desirable in order to protect that public health and to promote the public welfare, to establish an executive office of housing and an advisory council on housing and homelessness ~~housing resources agency and a housing resources commission~~ for the purposes of advising the executive office of housing on improving housing conditions, promoting housing affordability, engaging in community development activities, preventing and ending homelessness, and assisting the urban, suburban, and rural communities of the state.

42-128-2. Rhode Island ~~housing resources agency~~ housing resources and homelessness restricted receipt account created.

~~There is created within the executive department a housing resources agency with the following purposes, organization, and powers:~~

~~(1) Purposes:~~

~~(i) To provide coherence to the housing programs of the state of Rhode Island and its departments, agencies, commissions, corporations, and subdivisions.~~

~~(ii) To provide for the integration and coordination of the activities of the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission.~~

~~(2) Coordinating committee — Created — Purposes and powers.~~

~~(i) The coordinating committee of the housing resources agency shall be comprised of the chairperson of the Rhode Island housing and mortgage finance corporation; the chairperson of the Rhode Island housing resources commission; the director of the department of administration, or the designee of the director; and the executive director of the Rhode Island housing and mortgage finance corporation. The chairperson of the Rhode Island housing resources commission shall be chairperson of the coordinating committee.~~

~~(ii) The coordinating committee:~~

~~(A) Shall develop and implement, with the approval of the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission, a memorandum of agreement describing the fiscal and operational relationship between the Rhode Island housing and mortgage finance~~

~~corporation and the Rhode Island housing resources commission and shall define which programs of federal assistance will be applied for on behalf of the state by the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission.~~

~~(B) Is authorized and empowered to negotiate and to enter into contracts and cooperative agreements with agencies and political subdivisions of the state, not for profit corporations, for profit corporations, and other partnerships, associations, and persons for any lawful purpose necessary and desirable to effect the purposes of this chapter, subject to the provisions of chapter 2 of title 37 as applicable.~~

~~(4) There is hereby established a restricted receipt account within the general fund of the state known as the housing resources and homelessness restricted receipt account. Funds from this account shall be administered by the executive office department of housing through the housing resources commission until such time as subsection (4) of this section takes effect and shall be used to provide for housing and homelessness initiatives including housing production, lead hazard abatement, housing rental subsidy, housing retention assistance, and homelessness services and prevention assistance with priority to veterans. The executive office of housing will consider input from the advisory council on housing and homelessness on the use of the restricted receipt funds.~~

~~(4) Effective December 31, 2024, or after fulfillment of the reporting requirements established under § 42-64.34-1(vi), whichever is later, the restricted receipt account established under subsection (3) of this section shall be administered by the department of housing in consultation with the housing resources commission. Funds in this account will be used in accordance with the uses established in subsection (3) of this section.~~

42-128-2.1. Housing Production Fund.

(a) There is hereby established a restricted receipt account within the general fund of the state, to be known as the housing production fund. Funds from this account shall be administered by the executive office of housing ~~Rhode Island housing and mortgage finance corporation~~. The executive office of housing will adopt subject to program and reporting guidelines, and consider the input of the advisory council on

housing and homelessness, for housing production initiatives ~~adopted by the coordinating committee of the Rhode Island housing resources commission for housing production initiatives~~, including:

(1) Financial assistance by loan, grant, or otherwise, for the planning, production, or preservation of affordable housing in Rhode Island for households earning not more than eighty percent (80%) of area median income; and

(2) Technical and financial assistance for cities and towns to support increased local housing production, including by reducing regulatory barriers and through the housing incentives for municipalities program.

(b) In administering the housing production fund, the ~~Rhode Island housing and mortgage finance corporation~~ executive office of housing shall give priority to households either exiting homelessness or earning not more than thirty percent (30%) of area median income.

42-128-3. Rhode Island Housing and Mortgage Finance Corporation.

The Rhode Island housing and mortgage finance corporation established by chapter 55 of this title shall remain an independent corporation and shall serve as the housing finance and development entity for the state. ~~division of the Rhode Island housing resources agency~~

42-128-6. Rhode Island advisory council on housing and homelessness ~~Commission~~

Membership and terms — Officers — Expenses — Meetings.

(a) There hereby is created the advisory council on housing and homelessness which shall have the powers and duties set forth in this chapter.

(a)(1) (b) Membership. The advisory council on housing and homelessness ~~commission~~ shall have up to twenty-eight (2028) members appointed by the governor as follows: ~~the directors of the departments of administration, business regulation, healthy aging, health, human services, behavioral healthcare, developmental disabilities and hospitals, the chairperson of the Rhode Island housing and mortgage finance corporation, and the attorney general, shall be ex officio members; the president of the Rhode Island Bankers Association, or the designee of the president; the president of the Rhode Island Mortgage Banker's Association, or the designee of the president; the president of the Rhode Island Realtors Association, or the~~

~~designee of the president; the executive director of the Rhode Island Housing Network; the executive director of the Rhode Island Coalition for the Homeless; the president of the Rhode Island Association of Executive Directors for Housing, or the designee of the president; the executive director of operation stand down; and thirteen (13) members who have knowledge of, and have a demonstrated interest in, housing issues as they affect low- and moderate-income people and people experiencing homelessness, appointed by the governor with the advice and consent of the senate. The members will collectively represent a broad and diverse range of perspectives, including but not limited to, people with lived experience of homelessness, tenants, landlords, non-profit developers, for-profit developers, homelessness services providers, public housing authorities, representatives of municipalities, builders, building officials, fair housing interests, and community development intermediaries. :- one of whom shall be the chairperson; one of whom shall be the representative of the homeless; one of whom shall be a representative of a community development corporation; one of whom shall be the representative of an agency addressing lead poisoning issues; one of whom shall be a local planner; one of whom shall be a local building official; one of whom shall be a representative of fair housing interests; one of whom shall be representative of an agency advocating the interest of racial minorities; one of whom shall be a representative of the Rhode Island Builders Association; one of whom shall be a representative of a Rhode Island city or town with a population below twenty five thousand (25,000) people according to data from the United States Census Bureau; one of whom shall be a representative of a community development intermediary that provides financing and technical assistance to housing nonprofits; one of whom shall be a nonprofit developer; and one of whom shall be a senior housing advocate.~~

~~(12) The terms of appointed members shall be three (3) years, except for the original appointments, the term of four (4) of whom shall be one year and the term of four (4) of whom shall be two (2) years; No member may serve more than two (2) successive terms.~~

~~(cb) Officers. The governor shall appoint the chairperson of the council ~~commission, who shall not be an ex officio member with the advice and consent of the senate. The council ~~commission~~ shall elect~~~~

annually a vice-chairperson, who shall be empowered to preside at meetings in the absence of the chairperson, ~~and a secretary.~~

(~~d~~e) Expenses. The members of the commission shall serve without compensation, but shall be reimbursed for their reasonable actual expenses necessarily incurred in the performance of their duties.

(~~c~~d) Meetings. Meetings of the council ~~commission~~ shall be held at least quarterly, or more frequently upon the request of the secretary of housing. ~~upon the call of the chairperson, or five (5) members of the commission, or according to a schedule that may be annually established by the commission; provided, however, that the commission shall meet at least once quarterly.~~ A majority of members of the council ~~commission~~, not including vacancies, shall constitute a quorum, and no vacancy in the membership of the council ~~commission~~ shall impair the right of a quorum to exercise all the rights and perform all of the duties of the council ~~commission~~.

42-128-7. General powers.

~~The commission shall have the following powers, together with all powers incidental to or necessary for the performance of those set forth in this chapter:~~

(1) ~~To sue and be sued.~~

(2) ~~To negotiate and to enter into contracts, agreements, and cooperative agreements with agencies and political subdivisions of the state, not for profit corporations, for profit corporations, and other partnerships, associations, and persons for any lawful purpose necessary and desirable to effect the purposes of this chapter.~~

(3) ~~To adopt bylaws and rules for the management of its affairs and for the exercise of its powers and duties, and to establish the committees, workgroups, and advisory bodies that from time to time may be deemed necessary.~~

(4) ~~To receive and accept grants or loans as may be made by the federal government, and grants, donations, contributions, and payments from other public and private sources.~~

(5) ~~To grant or loan funds to agencies and political subdivisions of the state or to private groups to effect the purposes of this chapter; provided that, in each funding round, there must be a material award~~

~~that benefits a Rhode Island city or town with a population below twenty five thousand (25,000) people according to data from the United States Census Bureau.~~

~~(6) To secure the cooperation and assistance of the United States and any of its agencies, and of the agencies and political subdivisions of this state in the work of the commission.~~

~~(7) To establish, charge, and collect fees and payments for its services.~~

Powers and duties of the Advisory Council on Housing and Homelessness.

(a) The Advisory Council on Housing and Homelessness shall have the power and duty:

(1) To consider and make recommendations on all matters submitted to the council by the executive office of housing, the interagency council on housing production and preservation, or the interagency council on homelessness.

(2) To advise and make recommendations to the executive office of housing on the preparation and promulgation of guidelines, rules and regulations.

(3) To advise on the development of state housing and homelessness strategic plans and reviewing updates on progress in achieving the goals of the strategic plans.

(4) To assemble subcommittees or task forces, at the request of the secretary of the executive office of housing, to review emerging or priority needs and make relevant recommendations to the executive office of housing, the interagency council on housing production and preservation, or the interagency council on homelessness.

42-128-8.1. Housing production and rehabilitation.

(a) Short title. This section shall be known and may be cited as the “Comprehensive Housing Production and Rehabilitation Act of 2004.”

(b) Findings. The general assembly finds and declares that:

(1) The state must maintain a comprehensive housing strategy applicable to all cities and towns that addresses the housing needs of different populations including, but not limited to, workers and their families who earn less than one hundred twenty percent (120%) of median income, older citizens, students attending institutions of higher education, low- and very-low income individuals and families, and

vulnerable populations including, but not limited to, persons with disabilities, homeless individuals and families, and individuals released from correctional institutions.

(2) Efforts and programs to increase the production of housing must be sensitive to the distinctive characteristics of cities and towns, neighborhoods, and areas and the need to manage growth and to pace and phase development, especially in high-growth areas.

(3) The state in partnership with local communities must remove barriers to housing development and update and maintain zoning and building regulations to facilitate the construction, rehabilitation of properties and retrofitting of buildings for use as safe affordable housing.

(4) Creative funding mechanisms are needed at the local and state levels that provide additional resources for housing development, because there is an inadequate amount of federal and state subsidies to support the affordable housing needs of Rhode Island's current and projected population.

(5) Innovative community planning tools, including, but not limited to, density bonuses and permitted accessory dwelling units, are needed to offset escalating land costs and project financing costs that contribute to the overall cost of housing and tend to restrict the development and preservation of housing affordable to very-low income, low-income, and moderate-income persons.

(6) The gap between the annual increase in personal income and the annual increase in the median sales price of a single-family home is growing, therefore, the construction, rehabilitation and maintenance of affordable, multi-family housing needs to increase to provide more rental housing options to individuals and families, especially those who are unable to afford homeownership of a single-family home.

(7) The state needs to foster the formation of cooperative partnerships between communities and institutions of higher education to significantly increase the amount of residential housing options for students.

(8) The production of housing for older citizens as well as urban populations must keep pace with the next twenty-year (20) projected increases in those populations of the state.

(9) Efforts must be made to balance the needs of Rhode Island residents with the ability of the residents of surrounding states to enter into Rhode Island's housing market with much higher annual incomes at their disposal.

(c) Strategic plan. The ~~commission~~ executive office of housing, in conjunction with the statewide planning program, shall develop ~~by July 1, 2006~~ every five (5) years, a five-year (5) strategic plan for housing, which plan shall be adopted as an element of the state guide plan, and which shall include quantified goals, measurable intermediate steps toward the accomplishment of the goals, implementation activities, and standards for the production and/or rehabilitation of year-round housing to meet the housing needs including, but not limited to, the following:

- (1) Older Rhode Islanders, including senior citizens, appropriate, affordable housing options;
- (2) Workers, housing affordable at their income level;
- (3) Students, dormitory, student housing and other residential options;
- (4) Low-income and very-low income households, rental housing;
- (5) Persons with disabilities, appropriate housing; and
- (6) Vulnerable individuals and families, permanent housing, single-room occupancy units, transitional housing and shelters.

(d) As used in this section and for the purposes of the preparation of affordable housing plans as specified in chapter 22.2 of title 45, words and terms shall have the meaning set forth in chapter 22.2 of title 45, chapter 53 of title 45, and/or § 42-11-10, unless this section provides a different meaning or unless the context indicates a different meaning or intent.

(1) "Affordable housing" means residential housing that has a sales price or rental amount that is within the means of a household that is of moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which principal, interest, taxes, which may be adjusted by state and local programs for property tax relief, and insurance constitute no more than thirty percent (30%) of the gross household income for a household with less than one hundred and twenty percent (120%) of area median income, adjusted for family size. Provided, however, that exclusively for the residents of New

Shoreham, their affordable housing eligibility standards shall include households whose adjusted gross income is less than one hundred forty percent (140%) of their residents' median income, adjusted for family size. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat, and utilities other than telephone constitute no more than thirty percent (30%) of the gross annual household income for a household with eighty percent (80%) or less of area median income, adjusted for family size.

(i) Affordable housing shall include all types of year-round housing, including, but not limited to: manufactured housing; housing originally constructed for workers and their families; accessory dwelling units; housing ~~accepting~~ utilizing rental vouchers and/or tenant-based certificates under Section 8 of the United States Housing Act of 1937, as amended; and assisted living housing, where the sales or rental amount of such housing, adjusted for any federal, state, or municipal government subsidy, is less than or equal to thirty percent (30%) of the gross household income of the low and/or moderate income occupants of the housing.

(ii) Mobile and manufactured homes shall be included as affordable housing if such home constitutes a primary residence of the occupant or occupants; and such home is located within a community owned by the residents or the land containing the home is owned by the occupant or occupants; and such home was constructed after June 15, 1976; and such home complies with the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development.

(iii) In that New Shoreham has reached its ten percent (10%) low- and moderate-income housing goal, and for so long as they maintain at least ten percent (10%) of their year-round housing stock as low- and moderate-income housing as defined in § 45-53-3(5)(ii), and inasmuch as there are provable economic impacts related to the municipalities' substantial offshore location, residential housing units produced for sale in which principal, interest, taxes, which may be adjusted by state and local programs for property tax relief, and insurance constitute no more than thirty percent (30%) of the gross household income for a household with less than one hundred forty percent (140%) of the area median income, adjusted for family size, shall be counted towards the municipalities' low- and moderate-income housing inventory as defined in § 45-53-3(9).

(2) “Affordable housing plan” means a plan prepared and adopted by a town or city either to meet the requirements of chapter 53 of title 45 or to meet the requirements of § 45-22.2-10(f), which require that comprehensive plans and the elements thereof be revised to conform with amendments to the state guide plan.

(3) “Approved affordable housing plan” means an affordable housing plan that has been reviewed and approved in accordance with § 45-22.2-9.

(4) “Moderate-income household” means a single person, family, or unrelated persons living together whose adjusted gross income is more than eighty percent (80%) but less than one hundred twenty percent (120%) of the area median income, adjusted for family size.

(5) “Seasonal housing” means housing that is intended to be occupied during limited portions of the year.

(6) “Year-round housing” means housing that is intended to be occupied by people as their usual residence and/or vacant units that are intended by their owner for occupancy at all times of the year; occupied rooms or suites of rooms in hotels are year-round housing only when occupied by permanent residents as their usual place of residence.

(e) The strategic plan shall be updated and/or amended as necessary, but not less than once every five (5) years.

(f) Upon the adoption of the strategic plan as an element of the state guide plan, towns and cities shall bring their comprehensive plans into conformity with its requirements, in accordance with the timetable set forth in § 45-22.2-10(f); provided, however, that any town that has adopted an affordable housing plan in order to comply with the provisions of chapter 53 of title 45, which has been approved for consistency pursuant to § 45-22.2-9, shall be deemed to satisfy the requirements of the strategic plan for low- and moderate-income housing until such time as the town must complete its net required comprehensive community plan update.

(g) Guidelines. The ~~commission~~ executive office of housing shall advise the state planning council and the state planning council, with the approval of the secretary of housing, shall promulgate and adopt

~~not later than July 1, 2006~~ no less than July 1, 2006 every five (5) years, guidelines for higher density development, including, but not limited to: (1) Inclusionary zoning provisions for low- and moderate-income housing with appropriate density bonuses and other subsidies that make the development financially feasible; and (2) Mixed-use development that includes residential development, which guidelines shall take into account infrastructure availability; soil type and land capacity; environmental protection; water supply protection; and agricultural, open space, historical preservation, and community development pattern constraints.

(h) The statewide planning program shall maintain a geographic information system map that identifies, to the extent feasible, areas throughout the state suitable for higher density residential development consistent with the guidelines adopted pursuant to subsection (g).

42-128-11. ~~Executive director~~ — ~~Employees~~ Administrative support.

~~The governor executive office of housing shall provide administrative support and staffing for the advisory council on housing and homelessness to carry out its responsibilities. appoint from qualified candidates, with the advice of the coordinating committee, an executive director, who shall not be subject to the provisions of chapter 4 of title 36, and who shall serve as the state housing commissioner and may also serve in the executive office of commerce as the deputy secretary of housing. The commission shall also cause to be employed staff and technical and professional consultants as may be required to carry out the powers and duties set forth in this chapter. All staff, including the executive director, may be secured through a memorandum of agreement with the Rhode Island housing and mortgage finance corporation, or any other agency or political subdivision of the state with the approval of the relevant agency or political subdivision, as provided for in § 42-128-2(2)(ii). Any person who is in the civil service and is transferred to the commission may retain civil service status.~~

42-128-13. Open meetings law.

~~The advisory council on housing and homelessness housing resources agency, the coordinating committee, and the housing resources commission and any committee, council, or advisory body created by the commission~~ council shall conform to the provisions of chapter 46 of this title.

42-128-14. Public records law.

The advisory council on housing and homelessness ~~housing resources agency, the coordinating committee, and the housing resources commission~~ and any committee, council, or advisory body created by the ~~commission~~ council shall conform to the provisions of chapter 2 of title 38.

42-128-17. Severability and liberal construction.

If any provision of this chapter or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. The provisions of this chapter shall be construed liberally in order to accomplish the purposes of the chapter, and where any specific power is given to the ~~commission~~ executive office of housing or the advisory council on housing and homelessness, the statement shall not be deemed to exclude or impair any power otherwise in this chapter conferred upon the ~~commission~~ executive office of housing or the advisory council on housing and homelessness.

SECTION 6. Sections 42-128-4, 42-128-5, 42-128-8, 42-128-9, 42-128-10, 42-128-12, 42-128-15, 42-128-16 of the General Laws in Chapter 42-128 are hereby repealed.

~~42-128-4. Rhode Island housing resources commission.~~

~~The Rhode Island housing resources commission shall be an agency within the executive department with responsibility for developing plans, policies, standards, and programs and providing technical assistance for housing.~~

~~42-128-5. Purposes.~~

~~The purposes of the commission shall be:~~

~~(1) To develop and promulgate state policies, and plans, for housing and housing production and performance measures for housing programs established pursuant to state law.~~

~~(2) To coordinate activities among state agencies and political subdivisions pertaining to housing.~~

~~(3) To promote the stability of and quality of life in communities and neighborhoods.~~

~~(4) To provide opportunities for safe, sanitary, decent, adequate, and affordable housing in Rhode Island.~~

~~(5) To encourage public private partnerships that foster the production, rehabilitation, development, maintenance, and improvement of housing and housing conditions, especially for low and moderate income people.~~

~~(6) To foster and support nonprofit organizations, including community development corporations, and their associations and intermediaries, that are engaged in providing housing related services.~~

~~(7) To encourage and support partnerships between institutions of higher education and neighborhoods to develop and retain quality, healthy housing and sustainable communities.~~

~~(8) To facilitate private for profit production and rehabilitation of housing for diverse populations and income groups.~~

~~(9) To provide, facilitate, and/or support the provisions of technical assistance.~~

~~42-128-8. Powers and duties~~

~~In order to provide housing opportunities for all Rhode Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make effective the housing responsibilities of the agencies and subdivisions of the state, the commission shall have the following powers and duties:~~

~~(1) Policy, planning, and coordination of state housing functions. The commission shall have the power and duty:~~

~~(i) To prepare and adopt the state's plans for housing; provided, however, that this provision shall not be interpreted to contravene the prerogative of the state planning council to adopt a state guide plan for housing.~~

~~(ii) To prepare, adopt, and issue the state's housing policy.~~

~~(iii) To conduct research on and make reports regarding housing issues in the state.~~

~~(iv) To advise the governor and general assembly on housing issues and to coordinate housing activities among government agencies and agencies created by state law or providing housing services under government programs.~~

~~(2) Establish, implement, and monitor state performance measures and guidelines for housing programs. The commission shall have the power and the duty:~~

~~(i) To promulgate performance measures and guidelines for housing programs conducted under state law.~~

~~(ii) To monitor and evaluate housing responsibilities established by state law, and to establish a process for annual reporting on the outcomes of the programs and investments of the state in housing for low and moderate income people.~~

~~(iii) To hear and resolve disputes pertaining to housing issues.~~

~~(3) Administer the programs pertaining to housing resources that may be assigned by state law.~~

~~The commission shall have the power and duty to administer programs for housing, housing services, and community development, including, but not limited to, programs pertaining to:~~

~~(i) Abandoned properties and the remediation of blighting conditions.~~

~~(ii) Lead abatement and to manage a lead hazard abatement program in cooperation with the Rhode Island housing and mortgage finance corporation.~~

~~(iii) Services for the homeless.~~

~~(iv) Rental assistance.~~

~~(v) Community development.~~

~~(vi) Outreach, education and technical assistance services.~~

~~(vii) Assistance, including financial support, to nonprofit organizations and community development corporations.~~

~~(viii) Tax credits that assist in the provision of housing or foster community development or that result in support to nonprofit organizations performing functions to accomplish the purposes of this chapter.~~

~~(ix) The Supportive Services Program, the purpose of which is to help prevent and end homelessness among those who have experienced long term homelessness and for whom certain services in addition to housing are essential. State funding for this program may leverage other resources for the purpose of providing supportive services. Services provided pursuant to this subsection may include, but not be limited to: assistance with budgeting and paying rent; access to employment; encouraging tenant involvement in facility management and policies; medication monitoring and management; daily living~~

~~skills related to food, housekeeping, and socialization; counseling to support self-identified goals; referrals to mainstream health, mental health, and treatment programs; and conflict resolution. In the administration of the programs in this subsection, the commission shall award, in each funding round, a material award that benefits a Rhode Island city or town with a population below twenty-five thousand (25,000) people according to data from the United States Census Bureau.~~

~~**42-128-9. Offices within the commission.**~~

~~There shall be, as a minimum, the following offices within the commission: the office of policy and planning, the office of housing program performance and evaluation, the office of homelessness services and emergency assistance, and the office of community development, programs and technical assistance. The commission may establish by rule such other offices, operating entities, and committees as it may deem appropriate.~~

~~**42-128-10. Appropriations.**~~

~~The general assembly shall annually appropriate any sums it may deem necessary to enable the commission to carry out its assigned purposes; and the state controller is authorized and directed to draw his or her orders upon the general treasurer for the payment of any sums appropriated or so much as may be from time to time required, upon receipt by him or her of proper vouchers approved by the chairperson or the executive director.~~

~~**42-128-12. Coordination with other state agencies.**~~

~~State agencies, departments, authorities, corporations, boards, commissions, and political subdivisions shall cooperate with the commission in the conduct of its activities, and specifically: the Rhode Island historical preservation and heritage commission shall advise the commission on issues of historical preservation standards as they pertain to housing and the use of historical preservation programs to improve housing and to enhance community character; the statewide planning program, created pursuant to § 42-11-10, shall advise the commission on issues of planning in general and land use controls and shall revise the state guide plan, as necessary, to achieve consistency with official state plans and policies for housing adopted by the commission, and the department of business regulation shall advise the commission on~~

~~issues of business regulation affecting housing, shall review its regulations and practices to determine any amendments, changes, or additions that might be appropriate to advance the purposes of this chapter, and shall designate an official within the department to serve as liaison to, and the contact person for, the commission on issues related to housing.~~

~~**42-128-15. Administrative procedures act.**~~

~~The commission may adopt any rules, including measurable standards, in accordance with the provisions of chapter 35 of this title that may be necessary to the purposes of this chapter.~~

~~**42-128-16. Annual report.**~~

~~The commission shall submit for each calendar year by March 1 of the next year a report to the governor and the general assembly on its activities and its findings and recommendations regarding housing issues, which report by census tract, shall include the number and dollar amount of its programs and an assessment of health-related housing issues, including the incidence of lead poisoning.~~

SECTION 7. Sections 42-128.1-4, 42-128.1-5, 42-128.1-6, 42-128.1-7, 42-128.1-8, 42-128.1-13 of the General Laws in Chapter 42-128.1 entitled "Lead Hazard Mitigation Act" are hereby amended to read as follows:

42-128.1-4. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "At-risk occupant" means a person under six (6) years of age, or a pregnant woman, who has been a legal inhabitant in a dwelling unit for at least thirty (30) days; provided, however, that a guest of any age shall not be considered an occupant for the purposes of this chapter.

(2) "Designated person" means either: (i) A property owner, or the agent of the property owner, who has completed a department of health ~~housing resources commission~~ approved awareness seminar on lead hazards and their control; or (ii) A person trained and certified as either a lead hazard mitigation inspector, an environmental lead inspector, or a lead hazard inspection technician.

(3) “Dwelling” or “dwelling unit” means an enclosed space used for living and sleeping by human occupants as a place of residence, including, but not limited to: a house, an apartment, or condominium, but, for the purpose of this chapter, shall not include hotels or “temporary housing.”

(4) “Elderly housing” means a federal, state, or local program that is specifically designed and operated to assist elderly persons, sixty-two (62) years of age, or older, as set forth in a regulatory agreement or zoning ordinance.

(5) “Environmental lead-poisoning level” means a confirmed, venous blood lead level as defined pursuant to § 23-24.6-4.

(6) “Lead abated” means a dwelling and premises that are lead free or lead safe, as those terms are defined in chapter 24.6 of title 23.

(7) “Lead free” means that a dwelling, dwelling unit, or premises contains no lead, or contains lead in amounts less than the maximum-acceptable environmental lead levels established by regulation by the Rhode Island department of health.

(8) “Lead hazard mitigation compliance” means an independent clearance inspection and certificate, as specified in this subsection (8), undertaken to determine whether the lead hazard mitigation measures have been completed. Said inspection shall be valid for two (2) years, or until the next turnover of the dwelling unit, whichever period is longer. The requirements for a clearance review inspection shall be met either by an independent clearance inspection or a visual inspection as set forth in this subsection (8):

(i) An “independent clearance inspection” means an inspection performed by a person who is not the property owner or an employee of the property owner and who is authorized by the department of health housing resources commission to conduct independent clearance inspections, which shall include: (A) A visual inspection to determine that the lead hazard controls have been met, and (B) Dust testing in accordance with rules established by the department of health and consistent with federal standards. A certificate of conformance shall be issued by the person who conducted the inspection on the passage of the visual inspection and the required dust testing. An independent clearance inspection shall be required

at unit turnover or once in a twenty-four-month (24) period, whichever period is the longer. If the tenancy of an occupant is two (2) years or greater, the certificate of conformance shall be maintained by a visual inspection as set forth in subsection (8)(ii) of this section.

(ii) A “visual inspection” means a visual inspection by a property owner or designated person to determine that the lead hazard controls have been met. If the designated person concluded that the lead hazard controls specified in this chapter have been met, the designated person may complete an Affidavit of Completion of Visual Inspection. The affidavit shall be valid upon its being notarized within thirty (30) days after the completion of the visual inspection and shall set forth:

(A) The date and location that the designated person took the lead-hazard-control awareness seminar;

(B) The date and findings of the lead hazard evaluation;

(C) The date and description of the lead hazard control measures undertaken;

(D) The date of the visual inspection; and

(E) The name and signature of the designated person and date of the Affidavit of Completion of Visual Inspection.

An Affidavit of Completion of Visual Inspection shall be valid for two (2) years after the date it was notarized, or until unit turnover, whichever time period is the longer, and shall be kept by the property owner for a minimum of five (5) years.

(iii) Presumptive compliance. A property owner of ten (10) or more dwelling units shall be eligible to obtain a certificate of presumptive compliance from the department of health housing resources commission provided that the following conditions are met: (A) The dwelling units were constructed after 1960 or after 1950 on federally owned or leased lands; (B) There are no major, outstanding minimum-housing violations on the premises; (C) The property owner has no history of repeated lead poisonings; and (D) Independent clearance inspections have been conducted on at least five percent (5%) of the dwelling units, not less than two (2) dwelling units and at least ninety percent (90%) of the independent clearance inspections were passed. “Repeated lead poisoning,” for purposes of this paragraph, shall mean a lead

poisoning rate of less than one-half percent (.5%) per dwelling-unit year, with dwelling-unit years being calculated by multiplying the number of dwelling units owned by the property owner by the number of years of ownership since 1992. Major minimum housing violations shall be defined by rule by the department of health housing resources commission. The department of health housing resources commission shall not arbitrarily withhold its approval of applications for presumptive compliance. A certificate of presumptive compliance shall be deemed to be satisfactory for purposes of demonstrating compliance with the requirements of this chapter. If a unit qualifies for a presumptive compliance certificate, by itself having passed an independent clearance inspection at least once, that unit's compliance may be maintained by a visual inspection as set forth in this chapter.

(9) "Lead hazard mitigation inspector" means either a person approved by the department of health housing resources commission to perform independent clearance inspections under this chapter or inspections required by 24 C.F.R., Part 35, Subpart M [24 C.F.R. § 35.1200 et seq.], or approved by the department of health to conduct inspections pursuant to chapter 24.6 of title 23.

Lead hazard mitigation inspectors performing independent clearance inspections shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or employment with regards to:

- (i) The dwelling unit that is the subject of an independent clearance inspection; or
- (ii) The contractor performing lead hazard control work in the dwelling unit; or
- (iii) The laboratory that is used to analyze environmental lead samples for the independent

clearance inspection unless the lead hazard mitigation inspector discloses the inspector's relationship with the laboratory to the person requesting the inspection and on the inspection report.

Employees of public agencies and quasi-public agencies that hold a financial interest in the property may perform independent clearance inspections.

(10) "Lead hazard mitigation standards" means standards adopted by the department of health housing resources commission for a dwelling unit and associated common areas that provide for:

- (i) A continuing and ongoing responsibility for lead hazard control that includes: (A) Repair of deteriorated paint; (B) Correction of dust-generating conditions, such as friction or impact areas;

(C) Provision of cleanable surfaces to eliminate harmful dust loading; (D) Correction of soil lead hazards; (E) Safe work practices;

(ii) At unit turnover: (A) The provision of information on lead hazards and their avoidance and control to tenants; (B) Documentation of lead hazard mitigation compliance; (C) An explicit process for notification by tenants to property owners of instances of deterioration in conditions effecting lead hazards; and

(iii) Maintenance of “lead hazard control.” “Lead hazard control” means those portions of the lead hazard mitigation standard pertaining to repair of deteriorating paint; correction of dust-generating conditions; provision of cleanable surfaces; and correction of soil lead hazards that can be identified by visual inspection as provided for in subsection (8)(ii) or through inspections conducted in accordance with chapter 24.2 of title 45, “Minimum Housing Standards,” and chapter 24.3 of title 45, “Housing Maintenance and Occupancy Code.”

(11) “Lead poisoned” means a confirmed venous blood lead level established by the department of health pursuant to § 23-24.6-4(3).

(12) “Lead safe” means that a dwelling, dwelling unit, or premises has undergone sufficient, lead-hazard reduction to ensure that no significant, environment lead hazard is present and includes, but is not limited to, covering and encapsulation and is evidenced by a lead-safe certificate issued by the department of health.

(13) “Property owner” means any person who, alone or jointly or severally with others:

(i) Shall have legal title to any dwelling, dwelling unit, or structure, with or without accompanying actual possession of it; or

(ii) Shall have charge, care, or control of any dwelling, dwelling unit, or structure as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if that person were the owner.

(iii) Notwithstanding the foregoing, no holder of a mortgage or other lien holder who, in enforcing a security interest, acquires title by foreclosure or deed in lieu of foreclosure shall be considered a property owner for purposes of this chapter, if the holder transfers the title within one year after the date the title is acquired; provided, however, if the mortgagee or lien holder, subsequent to acquiring title, is notified of a lead hazard under chapter 24.6 of title 23 or § 42-128.1-8(a)(5), then and in that event, the mortgagee or lien holder shall take any steps to reduce the lead hazard that shall be required under the provisions of chapter 24.6 of title 23 or this chapter, as applicable.

(14) “Temporary housing” means any seasonal place of residence that is rented for no more than one hundred (100) days per calendar year to the same tenant, where no lease renewal or extension can occur, and any emergency shelter intended for night-to-night accommodation.

(15) “Tenant turnover” means the time at which all existing occupants vacate a unit and all new occupants move into the unit.

42-128.1-5. Department of Health Housing resources commission — Powers and duties with respect to lead hazard mitigation.

(a) General powers and duties. The department of health housing resources commission shall implement and put into full force and effect the powers, duties, and responsibilities assigned to it by this chapter, and shall serve as the lead state agency for lead hazard mitigation, planning, education, technical assistance, and coordination of state projects and state financial assistance to property owners for lead hazard mitigation.

(b) Regulatory guidelines. In developing and promulgating rules and regulations as provided for in this chapter, the department of health housing resources commission shall consider, among other things:

- (1) the effect on efforts to reduce the incidence of lead poisoning,
- (2) the ease and cost of implementation,
- (3) the impact on the ability to conduct real estate transactions fairly and expeditiously,
- (4) consistency with federal standards, such that the differences between basic federal standards and Rhode Island standards for lead hazard mitigation are, to the extent practicable, minimized, and
- (5) the direction of effort to locations and housing types, which due to age, condition, and prior history of lead poisoning are more likely to be

the location of lead poisoning. Said regulations shall include a definition of “turnover” of a dwelling unit and a means for tenants to voluntarily notify property owners of the legal tenancy of an “at-risk” occupant.

(c) Comprehensive strategic plan. In order to establish clear goals for increasing the availability of housing in which lead hazards have been mitigated, to provide performance measures by which to assess progress toward achieving the purposes of this chapter, and to facilitate coordination among state agencies and political subdivisions with responsibilities for housing and housing quality for lead poisoning reduction and for the availability of insurance coverage described in this chapter, the housing resources commission ~~established by chapter 128 of this title~~ shall adopt by April 1, 2003, a four-year (4), comprehensive strategic plan for reducing the incidence of childhood lead poisoning, for increasing the supply of lead-safe housing, and for assuring that pre-1978 in rental housing throughout the state lead hazards have been mitigated. Effective July 1, 2025, the department of health will assume responsibility for the comprehensive strategic plan.

(1) Plan elements. The plan as a minimum shall include elements pertaining to:

(i) Educating people with regard to lead hazards and how they can be avoided, mitigated, and/or abated;

(ii) Programs to assist low and moderate income owners of property to eliminate lead hazards and to achieve lead-safe conditions;

(iii) Coordination of the enforcement of laws pertaining to lead hazard control, mitigation, and abatement including the Lead Poisoning Prevention Act, chapter 24.6 of title 23, and minimum housing codes and standards;

(iv) Coordination of efforts with local governments and other agencies to improve housing conditions;

(v) Financing lead abatement efforts in Rhode Island, including, but not limited to, assistance to low and moderate income property owners, education and outreach, and enforcement by state and local officials;

(vi) An assessment of the availability of insurance for lead hazard liability, which shall be designed and implemented in cooperation with the department of business regulation.

(2) Implementation program. The comprehensive strategic plan shall include an implementation program, which shall include performance measurers and a program of specific activities that are proposed to be undertaken to accomplish the purposes of this chapter and to achieve goals and elements set forth by the plan. The implementation program shall be updated annually according to a schedule set forth in the plan.

(3) Reporting. The ~~commission~~ department of health shall report annually to the governor and the general assembly, no later than March of each year, on the progress made in achieving the goals and objectives set forth in the plan, which report may be integrated with or issued in conjunction with the report of the council on environmental lead submitted pursuant to § 23-24.6-6.

42-128.1-6. Education.

(a) In order to achieve the purposes of this chapter, a statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, local building officials, and health providers and caregivers is hereby established.

(b) The governor, in conjunction with the department of health ~~and the housing resources commission~~, shall sponsor a series of public service announcements on radio, television, and print media about the nature of lead hazards, the importance of lead hazard control and mitigation, and the purposes and responsibilities set forth in this chapter. In developing and coordinating this public information initiative the sponsors shall seek the participation and involvement of private industry organizations, including those involved in real estate, insurance, mortgage banking, and pediatrics.

(c) ~~Within sixty (60) days after the regulations set forth in § 42-128.1-7 for lead hazard control and mitigation go into effect, the housing resources commission in conjunction with~~ The department of health shall:

(1) Create culturally and linguistically appropriate material outlining the rights and responsibilities of parties affected by this chapter;

(2) Establish guidelines and a trainer's manual for a not more than three (3) hours lead hazard control awareness seminar for rental property owners or designated persons, which shall be forwarded to all public and private colleges and universities in Rhode Island, to other professional training facilities, and to professional associations and community organizations with a training capacity, with the stipulation this seminar be offered for a maximum fee of fifty dollars (\$50.00) per participant. The department of health housing resources commission shall approve the proposals to offer the seminar from institutions, provided those proposals are consistent with the guidelines. An electronic version of this awareness seminar shall be created and approved by the department of health housing resources commission for computer internet access. Said awareness seminar shall also be produced and made available in both VHS and DVD format for rental or purchase at a reasonable cost not to exceed five dollars (\$5.00) for the rental version and fifteen dollars (\$15.00) for the purchased version. Said seminar shall be available to tenants, property owners, and other interested parties.

(3) Adopt rules for the dissemination of information about the requirements of this chapter to all prospective owners of pre-1978 dwellings during the real estate transaction, settlement, or closing;

(4) Solicit requests, to the extent that these partnerships are not already established, to enter into ongoing, funded partnerships, to provide specific counseling information services to tenants and affected parties on their rights and responsibilities with regard to lead hazards and lead poisoning.

(d) The department of business regulation shall, with regard to its responsibilities for the profession of real estate brokers and salespersons, adopt rules, with the concurrence of ~~the housing resources commission and~~ the department of health which shall be effective not later than June 30, 2004: (1) requiring proof of reasonable familiarity with the knowledge of duties and responsibilities under the provisions of the Lead Poisoning Prevention Act, chapter 24.6 of title 23, and this chapter, for the licensure or renewal of licenses of real estate brokers and salespersons in accordance with § 5-20.5-6 after July 1, 2004; and (2) providing, pursuant to § 5-20.5-18, an educational program for real estate brokers and salespersons regarding such duties and responsibilities.

(e) The ~~department of health housing resources commission, in conjunction with the department of health,~~ is hereby authorized to develop, offer, engage in, contract for, and/or provide any other educational or informational programs that they may deem necessary to accomplish the purposes of this chapter, including, but not limited to: programs to assist families to find housing that is lead free, lead safe, or lead hazard mitigated or abated; and to train lead hazard mitigation inspectors and local building officials and persons engaged in renovating and/or improving housing about controlling or mitigating lead hazards in pre-1978 housing. Said programs shall provide information about lead hazard mitigation requirements at retail hardware and paint stores and home-improvement centers, including, as a minimum, signs of sufficient size with large enough lettering to be easily seen and read, which contains the following language:

WARNING

Use of abrasive material (sandpaper, steel wool, drill disks and pads, etc.) in your home to remove paint may increase the risk of childhood lead poisoning. For more information please contact the Rhode Island ~~housing resources commission or~~ department of health.

42-128.1-7. Lead hazard mitigation rules.

The housing resources commission shall adopt, no later than April 1, 2003, rules:

(1) For housing constructed prior to 1978, which require property owners to certify at the time of transfer that the dwelling and/or premises meet the requirements for lead hazard mitigation or lead hazard abatement, or that the party or parties acquiring the property are notified of the potential lead hazards, and at the time of rental of units that the requirements for meeting the appropriate standards have been met;

(2) For a lead hazard mitigation standard;

(3) For any training, certification, or licensing necessary to carry out the provisions of this chapter;

(4) For a process to receive, investigate, and decide whether the correction of a lead hazard, pursuant to § 42-128.1-8(a)(3) and (d) was satisfactory. These rules shall establish an expeditious procedure to determine whether the allegation of unsatisfactory correction has merit. The process may be integrated with or make use of the technical assistance service provided for in § 42-128.1-13; and

(5) For a process to grant a variance to § 42-128.1-8(a)(3), (a)(5), and (b), where there exists a hardship as to financing lead hazard mitigation, or where materials, personnel, or weather delays the mitigation completion.

(6) Effective July 1, 2025, the department of health will assume responsibility for 42-128.1-7.

42-128.1-8. Duties of property owners of pre-1978 rental dwellings.

(a) Property owners of pre-1978 rental dwellings, which have not been made lead safe or have not been lead hazard abated shall comply with all the following requirements:

(1) Learn about lead hazards by taking a lead hazard awareness seminar, himself or herself or through a designated person;

(2) Evaluate the dwelling unit and premises for lead hazards consistent with the requirements for a lead hazard control evaluation;

(3) Correct identified lead hazards by meeting and maintaining the lead hazard mitigation standard;

(4) Provide tenants: (i) Basic information about lead hazard control; (ii) A copy of the independent clearance inspection; and (iii) Information about how to give notice of deteriorating conditions;

(5) Correct lead hazards within thirty (30) days after notification from the tenant of a dwelling unit with an at-risk occupant, or as provided for by § 34-18-22.

(b) New property owners of a pre-1978 rental dwelling that is occupied by an at-risk occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those requirements were not met by the previous owner at the time of transfer, provided that the new property owner has the property visually inspected within thirty (30) business days after assuming ownership to determine conformity with the lead hazard control standard.

(c) The requirements for lead hazard mitigation shall apply to the first change in ownership or tenancy after November 1, 2005; provided further, that unless requested and agreed to by an at-risk occupant, meeting the lead hazard mitigation standard shall not be construed to authorize a property owner to compel or cause a person, who is in tenancy on January 1, 2004, and remains in tenancy continuously thereafter, to vacate a rental unit temporarily or otherwise.

(d) If the tenant receives no response to the notification to the property owner of deteriorating conditions affecting lead hazards, if the response is in the tenant's opinion unsatisfactory, or if the remedy performed is in the tenant's opinion unsatisfactory, the tenant may request a review of the matter by the department of health housing resources commission. After its review of the matter, the department of health housing resources commission shall either send notice to the property owner in which notice shall be issued in a manner substantially similar to a notice of violation issued by the director pursuant to the Housing Maintenance Code, chapter 24.3 of title 45, or promptly inform the tenant of the reasons why the notice is not being issued.

(e) Notwithstanding the foregoing, the provisions of this chapter shall not apply to common areas in condominium complexes that are owned and operated by condominium associations, or to pre-1978 rental dwelling units that are:

- (1) Lead-safe or lead free;
- (2) Temporary housing; or
- (3) Elderly housing.
- (4) [Deleted by P.L. 2023, ch. 103, § 1 and P.L. 2023, ch. 104, § 1.]

(f) The department of health shall report to the legislature annually on the number of children who are lead poisoned in any of the exempted dwelling units as referred to in subsection (e) of this section.

(g) Nothing contained herein shall be construed to prevent an owner who is seeking to obtain lead liability insurance coverage in the policy from complying with the provisions of this chapter, by securing and maintaining a valid and in force letter of compliance or conformance in force.

42-128.1-9. Insurance coverage.

(a) The department of business regulation shall, by January 1, 2003, establish a uniform policy with regard to exclusion for lead poisoning and shall adopt any rules and requirements that may be necessary to assure the availability of insurance coverage for losses and damages caused by lead poisoning, in accordance with the provisions of this chapter, which policy and rules shall apply to liability coverage available to property owners. The department of business regulation shall have the authority and is

empowered, consistent with the requirements of chapter 35 of this title, to promulgate rules and regulations, which shall enable it to compile and analyze data and to make determinations with regard to the availability of and rates for lead liability coverage.

(b) Except as otherwise provided by this chapter, no insurance company licensed or permitted by the department of business regulation to provide liability coverage to rental property owners shall exclude, after October 31, 2005, coverage for losses or damages caused by lead poisoning. The department of business regulation shall not permit, authorize, or approve any exclusion for lead poisoning, except as specifically provided for by this chapter, that was not in effect as of January 1, 2000, and all previously approved exclusions shall terminate October 31, 2005. As of November 1, 2005, coverage for lead poisoning shall be included in the policy or offered by endorsement, as set forth in this section.

(c) All insurers issuing commercial lines insurance policies and personal lines insurance policies covering pre-1978 rental housing in compliance with: (i) the requirements of this chapter for lead hazard mitigation; (ii) with the requirements of chapter 24.6 of title 23 for lead safe housing, within the state of Rhode Island; or (iii) relying on a valid certificate of compliance or conformance shall, effective November 1, 2005, include in the policy coverage for liability for injury, damage, or death resulting from occurrences of lead poisoning in an amount equal to and no less than the underlying policy limits for personal injury/bodily injury coverage provided under the policy so issued to a residential rental property owner. The property owner shall, if requested by the insurer, present to the insurance company, either: (1) proof of certificate of compliance of an independent clearance inspection and of any affidavit of visual inspection required to maintain the validity of the independent clearance inspection; (2) proof of meeting the mitigation standard in the form of a clearance exam showing that lead hazards are mitigated; or (3) proof of abatement. This proof shall be prima facie evidence of compliance with the requirements of this chapter. In any subsequent renewal, the insurer may require any continuing proof whenever the certificate is expiring, has expired, or is otherwise invalidated.

(d) For residential rental properties that have not been brought into compliance with the requirements for lead hazard mitigation pursuant to this chapter or for lead hazard reduction pursuant to

chapter 24.6 of title 23 or that do not have a valid certificate of compliance or conformance, effective November 1, 2005, for residential rental property owners who own or owned a substantial legal or equitable interest in one property and have had no more than one un-remediated dwelling unit at which a child was poisoned prior to November 1, 2005, and for residential property owners who own or owned more than one property and have had no more than two (2) un-remediated dwelling units at which a child was poisoned prior to November 1, 2005, an insurance company, which provides liability insurance to a residential rental property owner, shall either offer lead liability coverage for bodily injury, which shall be equal to the underlying limits of liability coverage for the property, by endorsement, or shall assist the insured in placing lead liability coverage through the program commonly known as the Rhode Island FAIR Plan either directly or through one of the insurance company's agents or brokers, and the Rhode Island FAIR Plan shall make available liability coverage for damages caused by lead poisoning to the class of property owners described in this subsection. If the insured seeks lead liability coverage with the FAIR Plan, the FAIR Plan may use reasonable underwriting guidelines, as approved by the department of business regulation, to underwrite the property. Any property owner who fails to remediate a property, after a notice of violation subsequent to October 31, 2005, and any property that is not remediated after notice of a violation subsequent to October 31, 2005, shall not be eligible to receive an offer of coverage and shall be subject to cancellation and nonrenewal of that coverage if the property is not found to be in compliance with the lead law within ninety (90) days of the date of issuance of the notice by the director, ~~or the housing resources commission,~~ as applicable.

(e) Rates for lead poisoning liability coverage, as specified in subsections (c) and (d) of this section, shall be approved by the department of business regulation, notwithstanding any limits on rate approval authority established by the provisions of chapter 65 of title 27 and subject to the provisions of §§ 27-44-6 and 27-44-7, using the following standards:

- (1) That they are not excessive, inadequate, or unfairly discriminatory;
- (2) That consideration is given to:
 - (i) Past and prospective loss experience within the state of Rhode Island;

- (ii) A reasonable margin for profits and contingencies;
 - (iii) Past and prospective expenses specifically applicable to the state of Rhode Island;
 - (iv) Any other data, including data compiled in other states, especially regarding experience data for lead liability coverage, that the department may deem necessary; and
 - (v) Past history of the owner with regard to lead poisoning or any associated violations.
- (f) The department of business regulation shall have the authority and is empowered, consistent with the requirements of chapter 35 of this title, to promulgate rules and regulations to enable it to compile and analyze data and to make determinations with regard to the availability of and rates for lead liability coverage. In order to effect the purposes of this section insurers shall file, on or before October 1, 2004, the proposed language of endorsements for lead liability coverage and the proposed rates for that coverage with the department.
- (g) All endorsements, rates, forms, and rules for lead liability coverage approved by the department of business regulation to be effective on or after July 1, 2004, are hereby extended to be effective November 1, 2005. Prior to November 1, 2005, insurers and advisory organizations shall continue to utilize all endorsements, rates, forms, and rules in effect on June 30, 2004, for lead liability coverage. The department shall not approve any new endorsements, rates, forms, or rules for lead liability coverage in pre-1978 residential rental properties unless the filings are submitted in accordance with the provisions of this act. The department is hereby authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

42-128.1-13. Rhode Island lead hazard technical assistance service.

- (a) Establishment and purposes.
 - (1) The Rhode Island ~~department of health housing resources commission~~ shall establish a “Rhode Island lead hazard technical assistance service” program for the purposes of providing technical assistance to property owners to achieve compliance with this chapter and the Lead Poisoning Prevention Act, chapter 24.6 of title 23.

(2) The services of the program shall subject to appropriation, include, but shall not be limited to: evaluation of the need for lead hazard mitigation in a dwelling; review of independent inspection results; identification of and arranging funding for conducting lead hazard abatement and mitigation, and supplying any materials, assistance, and services that may be needed by property owners to achieve compliance with this chapter and the Lead Poisoning Prevention Act in an affordable manner.

(b) Historic properties. ~~On or before November 1, 2005, The department of health housing resources commission, in conjunction with the historical preservation and heritage commission, shall initiate the following activities to assist owners of historic properties to comply with the provisions of this chapter: (i) provide technical assistance; (ii) identify financial resources available for compliance; and (iii) seek additional resources for this purpose.~~

(c) Cooperation with Rhode Island housing and mortgage finance corporation. The department of health housing resources commission is hereby authorized to cooperate with the Rhode Island housing and mortgage finance corporation in putting the provisions of this section into effect, and the Rhode Island housing and mortgage finance corporation is hereby authorized to exercise its powers under § 42-55-5.1 to provide for the implementation of this section.

~~(d) Exercise of powers. The housing resources commission is hereby expressly authorized to exercise any or all of its general powers set forth in § 42-128-7 to accomplish the purpose of this section.~~

SECTION 8. Sections 42-128.2-1, 42-128.2-3, 42-128.2-4, 42-128.2-6, and 42-128.2-8 of the General Laws in Chapter 42-128.2 entitled “Expedited Permitting for Affordable Housing” are hereby amended to read as follows:

42-128.2-1. Findings.

The general assembly finds and declares that:

(1) The availability of affordable housing is a critical concern to the current well-being and the future prosperity of the people of Rhode Island;

(2) All towns in Rhode Island, with an obligation to do so, have adopted affordable housing plans as required by P.L. 2004, ch. 286 and 324;

~~(3) The housing resources commission in conjunction with the statewide planning program has adopted a strategic plan for affordable housing as required by “The Comprehensive Housing Production and Rehabilitation Act of 2004”;~~

~~(4) The people of Rhode Island in 2006 approved a bond issue to support the development of affordable housing in the state; and~~

~~(5) The slowness and uncertainty of securing permits and regulatory approval from state agencies can impair the viability of affordable housing development, make such development more expensive, and can jeopardize federal and other monies.~~

42-128.2-3. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) “Affordable housing plan” means a component of a housing element, as defined in subsection 45-22.2-4(33), to meet 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).

(2) “Associate director” means the associate director of the department of administration for planning.

~~(3) “Chairperson” means the chairperson of the housing resources commission.~~

~~(4) “Comprehensive plan” means a comprehensive plan adopted and approved by a city or town pursuant to chapters 22.2 and 22.3 of title 45.~~

~~(5) “Determination of probable consistency” means a determination by the associate director that an eligible affordable housing project appears to be consistent with applicable provisions of state plans pertaining to affordable housing development; a determination of probable consistency shall not be deemed to be a conclusive, final, or binding determination of conformity with such plans or with any specific requirements adopted pursuant to such plans.~~

~~(6) “Eligible affordable housing project” means low or moderate income housing or housing development in which at least twenty-five percent (25%) of the dwelling units are low or moderate income~~

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 housing affordable to low or moderate income households, as defined in the applicable federal or state statute, or local ordinance 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.

(6) “Executive office of housing” means the executive office of housing established by chapter 167 of this title.

(7) “Housing project of critical concern” means an eligible affordable housing project designated by the ~~executive office of housing~~ ~~housing resources commission~~ to be significant, in its operational stage, by its ability to advance affordable goals set forth in duly approved plans for affordable housing and to help alleviate affordable housing shortages in Rhode Island.

~~(8) “Housing resources commission” means the housing resources commission established by chapter 128 of this title.~~

~~(89) “Person” means any natural person, company, corporation, partnership, or any type of business entity.~~

(9) “Secretary” means the secretary of housing established by chapter 167 of this title.

(10) “State agency” means any office, department, board, commission, bureau, division, authority, public corporation, agency, or instrumentality of the state; the term “state agency” shall not be deemed to include any department, office, or agency of a city or town.

(11) “Statewide planning” means the statewide planning program established by § 42-11-10.

42-128.2-4. Request for status as a housing project of critical concern.

A person may apply to the executive office of housing ~~Rhode Island housing resources commission~~ and request that a project be classified as a project of critical housing concern. Said request shall contain a description of how the project is consistent with applicable provisions of state plans pertaining to affordable

housing developments. Not more than five (5) days after the receipt of such request, the Secretary chairperson, ~~the executive director acting on behalf of the chairperson~~, shall refer the request to statewide planning for review of the probable consistency of the project with the applicable provisions of the state guide plan. The associate director shall issue a determination of probable consistency to the ~~chairperson~~ secretary within twenty (20) days. If the associate director has made a determination of probable consistency, the executive office of housing ~~Rhode Island housing resources commission~~ shall render a written decision on the request within sixty (60) days of the filing and receipt of the request. If the project is found to be a housing project of critical concern, the executive office of housing ~~Rhode Island housing resources commission~~ may issue a certificate of critical housing concern. A certificate of critical housing concern shall expire two (2) years from the date of issuance.

42-128.2-6. Action by state agency.

(a) Within three (3) months of the submission of a substantially complete application, the state agency must render a written report on the status of the application. The report shall contain information, which will enable the person to make a sound business decision as to whether or not to pursue the application. The report shall be sent to the applicant.

(b) If the application is not granted, then the state agency shall on the fourth (4th), fifth (5th), and sixth (6th) months of the anniversary of submission render a written report on the status of the application. If at the end of the sixth (6th) month, a decision has not been rendered on the application, then, in addition to the applicant, a copy of the written report shall be rendered monthly thereafter to the associate director of the department of administration for planning and the secretary ~~Rhode Island housing resources commission~~ until a decision to accept or reject the application has been made.

42-128.2-8. Rulemaking.

The executive office of housing ~~housing resources commission~~, ~~at a regular quarterly meeting~~ shall promulgate rules and regulations in accordance with chapter 35 of this title to implement this chapter, including, but not limited to, provisions to define an application and criteria to determine the significance of any application in meeting the purposes of this act.

SECTION 9. Sections 42-128.3-3, 42-128.3-4, 42-128.3-6, 42-128.3-7, 42-128.3-8, and 42-128.3-9 of the General Laws in Chapter 128.3 entitled "Housing Incentives for Municipalities" are hereby amended to read as follows:

42-128.3-3. Purposes.

The ~~coordinating committee~~ executive office of housing is authorized and empowered to carry out the program for the following purposes:

- (1) To foster and maintain strong collaborations with municipalities in the state.
- (2) To support and assist municipalities in promoting housing production that adequately meets the needs of Rhode Island's current and future residents.
- (3) To make diverse, high-quality, and accessible housing options readily available to residents within their local communities.
- (4) To enable residents to live near convenient public transit and other commercial and cultural resources.
- (5) To make development decisions fair, predictable, and cost effective.
- (6) To foster distinctive, attractive, and resilient communities, while preserving the state's open space, farmland, and natural beauty.

42-128.3-4. Definitions.

As used in this chapter:

(1) ~~"Coordinating committee" means the Rhode Island housing resources coordinating committee established pursuant to § 42-128-2(2).~~

(12) "Eligible locations" means an area designated by the ~~coordinating committee~~ executive office of housing as a suitable site for a housing incentive district by virtue of its infrastructure, existing underutilized facilities, or other advantageous qualities, including (i) Proximity to public transit centers, including commuter rail, bus, and ferry terminals; or (ii) Proximity to areas of concentrated development, including town and city centers or other existing commercial districts.

(23) "Eligible student" means an individual who (i) Lives in a newly constructed dwelling unit within a housing incentive district, to the extent that the unit could not have been realized under the underlying zoning; and (ii) Attends a school in the city or town.

(3) "Executive office of housing" means the executive office of housing established pursuant to § 42-167-1.

(4) "Housing incentive district" means an overlay district adopted by a city or town pursuant to this chapter. A housing incentive district is intended to encourage residential development and must permit minimum residential uses. A housing incentive district may accommodate uses complementary to the primary residential uses, as deemed appropriate by the adopting city or town; however, the majority of development on lots within a housing incentive district must be residential. Land development plans within a housing incentive district shall be treated as minor land development plans, as defined by § 45-23-32, unless otherwise specified by ordinance.

(5) "School impact offset payments" means a payment to a city or town to help offset increased municipal costs of educating eligible students.

42-128.3-5. Adoption of housing incentive districts.

(a) In its zoning ordinance, a city or town may adopt a housing incentive district in any eligible location.

(b) The adoption, amendment, or repeal of such ordinance shall be in accordance with the provisions of chapter 24 of title 45.

(c) A housing incentive district shall comply with this chapter and any minimum requirements established by the ~~coordinating committee~~ executive office of housing.

(d) The zoning ordinance for each housing incentive district shall specify the procedure for land development and subdivision review within the district in accordance with this chapter and the regulations of the ~~coordinating committee~~ executive office of housing.

(e) Nothing in this chapter shall affect a city or town's authority to amend its zoning ordinances under chapter 24 of title 45.

42-128.3-6. Assistance to municipalities.

(a) The ~~coordinating committee~~ executive office of housing is authorized and empowered, at its discretion, to provide all manner of support and assistance to municipalities in connection with fostering local housing production, including, but not limited to:

(1) Providing technical assistance for the preparation, adoption, or implementation of laws, regulations, or processes related to residential development; ~~and~~

(2) Authorizing the Rhode Island housing and mortgage finance corporation to issue school impact offset payments to participating municipalities; and

(3) Coordinating state provided technical assistance and supports for municipalities for all matters related to housing development and housing preservation.

42-128.3-7. Rules and regulations — Reports.

(a) The ~~coordinating committee~~ executive office of housing is hereby authorized to promulgate rules and regulations as are necessary to fulfill the purposes of this chapter, including, but not limited to, provisions relating to: application criteria; eligible locations for housing incentive districts; minimum requirements for housing incentive districts; eligible students for the calculation of school impact offset payments; and the amount and method of payment to cities and towns for school impact offset payments.

(b) The ~~coordinating committee~~ executive office of housing shall include in its annual report information on the commitment and disbursement of funds allocated under the program. The report shall be provided to the governor, ~~the secretary of commerce~~ speaker of the house of representatives and the president of the senate.

42-128.3-8. Program integrity.

Program integrity being of paramount importance, the ~~coordinating committee~~ executive office of housing shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the purposes of the program.

42-128.3-9. Cooperation.

Any department, agency, council, board, or other public instrumentality of the state shall cooperate with the ~~coordinating committee~~ executive office of housing in relation to the implementation, execution, and administration of the program created under this chapter.

SECTION 10. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 42-167

EXECUTIVE OFFICE OF HOUSING

42-167-1. Executive office of housing established.

Effective January 1, 2023, there is hereby established within the executive branch of the state government an executive office of housing with the responsibility for developing plans, policies, standards, programs, interagency coordination, and providing technical assistance for housing and homelessness. The executive office of housing shall be the state’s lead agency for addressing issues related to housing, homelessness, and community development in the state of Rhode Island.

42-167-2. Purposes.

(a) The purposes of the executive office of housing shall be:

(1) To develop and promulgate state policies, and plans, for housing and housing production and performance measures for housing programs established pursuant to state law.

(2) To coordinate activities among state agencies and political subdivisions pertaining to housing.

(3) To promote the stability of and quality of life in communities and neighborhoods.

(4) To provide opportunities for safe, sanitary, decent, adequate, and affordable housing in Rhode Island.

(5) To encourage public-private partnerships that foster the production, rehabilitation, development, maintenance, and improvement of housing and housing conditions, especially for low and moderate income people.

(6) To foster and support nonprofit organizations, including community development corporations, and their associations and intermediaries, that are engaged in providing housing-related services.

(7) To encourage and support partnerships between institutions of higher education and neighborhoods to develop and retain quality, healthy housing and sustainable communities.

(8) To facilitate private for-profit production and rehabilitation of housing for diverse populations and income groups.

(9) To provide, facilitate, and/or support the provisions of technical assistance.

42-167-3. Powers and duties of the executive office of housing.

(a) In order to provide housing opportunities for all Rhode Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make effective the housing responsibilities of the agencies and subdivisions of the state, the executive office of housing shall have the following powers and duties:

(1) Policy, planning, and coordination of state housing functions.

(i) To prepare and adopt the state's plans for housing, including but not limited to, any statewide housing and homelessness plan; provided, however, that this provision shall not be interpreted to contravene the prerogative of the state planning council to adopt a state guide plan for housing.

(ii) To prepare, adopt, and issue the state's housing and homelessness policy.

(iii) To conduct research on and make reports regarding housing issues in the state.

(iv) To advise the governor and general assembly on housing issues and to coordinate housing activities among government agencies and agencies created by state law or providing housing services under government programs.

(2) Establish, implement, and monitor state performance measures and guidelines for housing programs.

(i) To promulgate performance measures and guidelines for housing programs conducted under state law.

(ii) To monitor and evaluate housing responsibilities established by state law, and to establish a process for annual reporting on the outcomes of the programs and investments of the state in housing for low- and moderate-income people.

(iii) To hear and resolve disputes pertaining to housing issues.

(3) Administer the programs pertaining to housing resources that may be assigned by state law.

The executive office of housing shall have the power and duty to administer programs for housing, housing services, and community development, including, but not limited to, programs pertaining to:

(i) Abandoned properties and the remediation of blighting conditions.

(ii) Services for the homeless.

(iii) Rental assistance.

(iv) Community development.

(v) Outreach, education and technical assistance services.

(vi) Assistance, including financial support, to nonprofit organizations and community development corporations.

(vii) Tax credits that assist in the provision of housing or foster community development or that result in support to nonprofit organizations performing functions to accomplish the purposes of this chapter.

(viii) The Supportive Services Program, the purpose of which is to help prevent and end homelessness among those who have experienced long-term homelessness and for whom certain services in addition to housing are essential. State funding for this program may leverage other resources for the purpose of providing supportive services. Services provided pursuant to this subsection may include, but not be limited to: assistance with budgeting and paying rent; access to employment; encouraging tenant involvement in facility management and policies; medication monitoring and management; daily living skills related to food, housekeeping, and socialization; counseling to support self-identified goals; referrals to mainstream health, mental health, and treatment programs; and conflict resolution.

(4) Lead Abatement and Management. The executive office of housing will provide funding to support the administration of a lead hazard abatement program managed by the Rhode Island department of health in cooperation with the Rhode Island housing and mortgage finance corporation.

42-167-4. Secretary of housing.

(a) The head of the executive office of housing shall be the secretary of housing, who shall be appointed by the governor with the advice and consent of the senate. The position of secretary of housing

is hereby created in the unclassified service. The secretary of housing shall hold office at the pleasure of the governor. Before entering upon the discharge of duties, the secretary shall take an oath to faithfully execute the duties of the office. The secretary of housing shall:

(1) Prior to hiring, have completed and earned a minimum of a master's graduate degree in the field of urban planning, economics, or a related field of study or possess a juris doctor law degree. Preference shall be provided to candidates having earned an advanced degree consisting of an L.L.M. law degree or Ph.D. in urban planning or economics. Qualified candidates must have documented five (5) years' full-time experience employed in the administration of housing policy and/or development;

(2) Be responsible for overseeing all housing and homelessness policy and planning initiatives in the state of Rhode Island and developing a housing plan, including, but not limited to, the development of affordable housing opportunities to assist in building strong community efforts and revitalizing neighborhoods;

(3) Coordinate with all agencies directly related to any housing and homelessness initiatives and participate in the promulgation of any regulation having an impact on housing and homelessness including, but not limited to, the Rhode Island housing and mortgage finance corporation, the coastal resources management council (CRMC), and state departments including, but not limited to: the department of environmental management (DEM), the department of business regulation (DBR), the department of transportation (DOT) and statewide planning;

(4) Formulate an integrated housing report to include findings and recommendations to the governor, speaker of the house, senate president, each chamber's finance committee, and any committee whose purview is reasonably related to, including, but not limited to, issues of housing, municipal government, and health on or before April 15th annually. This report shall include, but not be limited to, the following:

(i) The total number of housing units in the state with per community counts;

(ii) Every three (3) years, beginning in 2026 and contingent upon funding for data collection, an assessment of the suitability of existing housing stock in meeting accessibility needs of residents;

(iii) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(i);

(iv) The change in the number of units referenced in subsection (a)(4)(i), for each of the prior three (3) years in figures and as a percentage;

(v) The number of net new units in development and number of units completed in the previous calendar year;

(vi) For each municipality the number of single-family, two-family (2), and three-family (3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful description of current conditions, including a statewide sum of each unit type;

(vii) Every three (3) years, beginning in 2026, a projection of the number of units required to meet estimated population growth and based upon household formation rates;

(viii) A comparison of regional and other similarly situated state funding sources that support housing development including a percentage of private, federal, and public support;

(ix) A reporting of unit types by number of bedrooms for rental properties including an accounting of all:

(I) Single-family units;

(II) Accessory dwelling units;

(III) Two-family (2) units;

(IV) Three-family (3) units;

(V) Multi-unit sufficiently delineated units;

(VI) Mixed use sufficiently delineated units; and

(VII) Occupancy and vacancy rates for the prior three (3) years;

(x) A reporting of unit types by ownership including an accounting of all:

(I) Single-family units;

(II) Accessory dwelling units;

(III) Two-family (2) units;

(IV) Three-family (3) units;

(V) Multi-unit sufficiently delineated units;

(VI) Mixed use sufficiently delineated units; and

(VII) Occupancy and vacancy rates for the prior three (3) years;

(xi) A reporting of the number of applications submitted or filed for each community according to unit type and an accounting of action taken with respect to each application to include, approved, denied, appealed, approved upon appeal, and if approved, the justification for each appeal approval;

(xii) A reporting of permits for each community according to affordability level that were sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for each approval;

(xiii) A reporting of affordability that shall include the following:

(I) The percent and number of units of extremely low-, very low-, low-, moderate-, fair-market rate, and above moderate-income; including the average and median costs of those units;

(II) The percent and number of units of extremely low-, very low-, low-, and moderate-income housing units by municipality required to satisfy the ten percent (10%) requirement pursuant to chapter 24 of title 45; including the average and median costs of those units;

(III) The percent and number of units for the affordability levels above moderate-income housing, including a comparison to fair-market rent; including the average and median costs of those units;

(IV) The percentage of cost burden by municipality with population equivalent;

(V) The percentage and number of home financing sources, including all private, federal, state, or other public support;

(VI) The disparities in mortgage loan financing by race and ethnicity based on Home Mortgage Disclosure Act data by available geographies;

(VII) The annual median gross rent growth for each of the previous five (5) years by municipality;
and

(VIII) The annual growth in median owner-occupied home values for each of the previous five (5) years by municipality;

(xiv) A reporting of municipal healthy housing stock by unit type and number of bedrooms and providing an assessment of the state's existing housing stock and enumerating any risks to the public health from that housing stock, including, but not limited to: the presence of lead, mold, safe drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable health detriment. Additionally, the report shall provide the percentage of the prevalence of health risks by age of the stock for each community by unit type and number of bedrooms; and

(xv) A recommendation shall be included with the report required under this section that shall provide consideration to any and all populations, ethnicities, income levels, and other relevant demographic criteria determined by the secretary, and with regard to any and all of the criteria enumerated elsewhere in the report separately or in combination, provide recommendations to resolve any issues that provide an impediment to the development of housing, including specific data and evidence in support of the recommendation. All data and methodologies used to present evidence are subject to review and approval of the chief of revenue analysis, and that approval shall include an attestation of approval by the chief to be included in the report;

(xvi) Municipal governments shall provide the executive office of housing's requested data relevant to this report on or before February 15th annually;

(5) Establish rules and regulations as set forth in § 45-24-77;

(6) On or before July 1, 2026 and every three years thereafter, create a statewide strategic plan to prevent, address, and end homelessness, considering input from the advisory council on housing and homelessness, the interagency council on homelessness, and the Rhode Island continuum of care created pursuant to Part 578 of Subchapter C of Chapter V of Subtitle B of Title 24 of the Code of Federal Regulations;

(7) Coordinate with the Rhode Island continuum of care on funding and programming to address homelessness; and

(8) On or before January 1, 2027, and annually thereafter, develop a calculation of the percentage of low and moderate income housing units, for each city and town to accurately reflect the percentage of

low and moderate income housing units in each city and town, and publish a chart showing the number of eligible units for each city and town, the basis for the determination of each type of unit and any other information the secretary of the executive office of housing deems relevant. The chart shall then be forwarded to the respective city or town, which shall have thirty days to suggest modifications or revisions. Thereafter, and after review of any proposed modifications, the secretary of of housing shall, in writing, certify the chart for that year. The chart, together with supporting documentation, shall be kept in the possession of the executive office of housing, and shall be available for public inspection and copying.

42-167-5. Powers and duties of the secretary of housing.

(a) The secretary of housing shall have the following powers and duties:

(1) All powers and duties pursuant to § 42-167-3 and § 42-167-4;

(2) To supervise the work of the executive office of housing and to act as its chief administrative officer;

(3) To coordinate the administration and financing of various departments or offices within the executive office of housing

(4) To serve as the governor's chief advisor and liaison to federal policymakers on housing, homelessness, and community development as well as the principal point of contact on any such related matters;

(5) To coordinate the housing, homelessness, and community development programs of the state of Rhode Island and its departments, agencies, commissions, corporations, and subdivisions. All departments, agencies, commissions, corporations, and subdivisions shall cooperate with the executive office of housing to facilitate the purposes of this chapter.

(6) To employ such personnel and contracts for such consulting services as may be required to perform the powers and duties conferred upon the secretary of the executive office of housing;

(7) To oversee and direct the administration of funds that may be appropriated from time to time to the executive office of housing; and

(8) Creation of a written guide for consumers relating to the rights and duties of landlords and tenants pursuant to chapter 18 of title 34, which the secretary shall update at minimum on a biennial basis. The guide shall be posted on the website of the executive office of housing and shall be published in both English and Spanish.

(9) To chair the Rhode Island housing mortgage and finance corporation; to chair the interagency council on homelessness; and to chair the interagency council on housing production and preservation.

(b) In addition to such other powers as may otherwise be delegated elsewhere to the executive office of housing, the executive office of housing is hereby expressly authorized, by and through the secretary of housing:

(1) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest in real or personal property, wherever situated;

(2) To accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality of the federal government, or from the state or any agency or instrumentality of the state, or from any other source and to comply, subject to the provisions of this chapter, with the terms and conditions of the gifts, grants, or loans;

(3) Subject to the provisions of § 37-2-1 et seq., to negotiate and to enter into contracts, agreements, and cooperative agreements with agencies and political subdivisions of the state, not-for-profit corporations, for-profit corporations, and other partnerships, associations, and persons for any lawful purpose necessary and desirable to effectuate the purposes of the executive office of housing; and

(4) To carry out this chapter and perform the duties of the general laws and public laws insofar as those provisions relate to any regulatory areas within the jurisdiction of the executive office of housing.

42-167-6. Rules and regulations.

The secretary of the executive office of housing may promulgate such rules and regulations in accordance with the provisions of chapter 35 of this title as are necessary and proper to carry out the duties assigned to the secretary of the executive office of housing or to the executive office of housing by this title or any other provision of law.

42-167-7. Coordination with other state agencies.

State agencies, departments, authorities, corporations, boards, commissions, and political subdivisions shall cooperate with the executive office of housing in the conduct of its activities, and specifically: the Rhode Island historical preservation and heritage commission shall advise the executive office of housing on issues of historical preservation standards as they pertain to housing and the use of historical preservation programs to improve housing and to enhance community character; the statewide planning program, created pursuant to § 42-11-10, shall advise the executive office of housing on issues of planning in general and land use controls and shall revise the state guide plan, as necessary, to achieve consistency with official state plans and policies for housing adopted by the executive office on housing, and the department of business regulation shall advise the executive office of housing on issues of business regulation affecting housing, shall review its regulations and practices to determine any amendments, changes, or additions that might be appropriate to advance the purposes of this chapter.

42-167-8. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter; which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

42-167-9. Renaming.

Wherever in the general or public laws, or any rule or regulation, any reference to the “office of housing and community development” or “department of housing” shall appear, it shall mean the executive office of housing created pursuant to this chapter.

SECTION 11. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 42-167.1

INTERAGENCY COUNCIL ON HOMELESSNESS

42-167.1-1. Legislative findings.

The general assembly hereby finds that there exists in this state undetermined numbers of homeless persons, many of whom suffer from chronic mental illness and disability, and that this condition exists among families and among individuals of all age groups without regard to ethnic or racial heritage or sex. The existence of this condition is declared to be detrimental to the health, safety, and welfare of the homeless individuals themselves and to the state.

42-167.1-2. Establishment of Council.

(a) There is hereby created a permanent council to be called the “Interagency Council on Homelessness” consisting of seventeen (17) members:

(1) One of whom shall be the secretary of housing, or his or her designee, who shall chair the council;

(2) One of whom shall be the director of the department of human services, or his or her designee;

(3) One of whom shall be the director of the department of health, or his or her designee;

(4) One of whom shall be the director of the department of children, youth and families, or his or her designee;

(5) One of whom shall be the director of the office of healthy aging, or his or her designee;

(6) One of whom shall be the director of behavioral healthcare, developmental disabilities and hospitals, or his or her designee;

(7) One of whom shall be director of the department of labor and training, or his or her designee;

(8) One of whom shall be the director of the department of corrections, or his or her designee;

(9) One of whom shall be the commissioner of the department of elementary and secondary education, or his or her designee;

(10) One of whom shall be the director of the Rhode Island housing and mortgage finance corporation, or his or her designee;

(11) One of whom shall be the director of the emergency management agency, or his or her designee;

(12) One of whom shall be a representative from the office of veterans' affairs, or his or her designee;

(13) One of whom shall be the public defender, or his or her designee;

(14) One of whom shall be the Medicaid director within the executive office of health and human services, or his or her designee;

(15) One of whom shall be the secretary of the executive office of health and human services, or his or her designee;

(16) One of whom shall be the chair of the continuum of care created pursuant to Part 578 of Subchapter C of Chapter V of Subtitle B of Title 24 of the Code of Federal Regulations, or his or her designee; and

(17) One of whom shall be the lieutenant governor, or his or her designee;

(b) Forthwith upon the effective date of this chapter, the members of the council shall meet at the call of the chair and organize. Vacancies in the council shall be filled in like manner as the original appointment. A majority of seats filled shall constitute a quorum.

(c) The executive office of housing is hereby directed to provide administrative support for the council.

(d) All departments and agencies of the state shall furnish advice and information, documentary, and otherwise to the council and its agents as is deemed necessary or desirable by the council to facilitate the purposes of this chapter.

42-167.1-3. Duties and responsibilities of Council.

The duties and responsibilities of the council shall include, but not be limited to:

(1) Advise on and participate in the process led by the executive office of housing pursuant to § 42-167-1 to develop a strategic plan to end homelessness that will serve to reduce the number of homeless individuals and families in Rhode Island;

(2) Coordinate services for the homeless among state agencies and instrumentalities, community-based organizations, faith-based organizations, volunteer organizations, advocacy groups, and businesses;

(3) Coordinate services not specifically for the homeless, but from which the homeless may benefit, among state agencies and instrumentalities, community-based organizations, faith-based organizations, volunteer organizations, advocacy groups, and businesses;

(4) Identify and seek to remedy gaps in services, specifically in the area of making provisions for the availability, use, and permanent funding stream for permanent supportive housing;

(5) Identify gaps in services that contribute to the occurrence and persistence of homelessness, with the aim of addressing such gaps in a timely and effective manner;

(6) Work to reduce the inflow of individuals and families into the homeless emergency response system through proactive, preventative measures;

(7) Align policies and programs across governmental agencies to maximize available resources, remove barriers to accessing supports, and improve the effectiveness of homelessness prevention and response systems;

(8) Provide recommendations for addressing the unique needs of homeless individuals during emergency situations, including but not limited to, extreme winter weather, pandemics, or natural disasters, ensuring timely and appropriate responses to such events.

42-167.1-4. Meeting and reporting requirements.

Meeting and reporting requirements are as follows:

(1) The council shall meet at least quarterly upon the call of the chair to fulfill its duties and responsibilities. The frequency of meetings may be adjusted based on the needs of the council;

(2) The council shall report annually to the governor and the general assembly, no later than March of each year, on the progress made in achieving the goals and objectives set forth in the strategic plan; on the current number of homeless individuals, families, and children; and any other pertinent information.

(3) The council shall conform to the provisions of chapter 46 of this title.

42-167.1-5. Advisory Council.

The Interagency Council on Homelessness will be advised by the Advisory Council on Housing and Homelessness.

SECTION 12. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 42-167.2

INTERAGENCY COUNCIL ON HOUSING PRODUCTION AND PRESERVATION

42-167.2-1. Establishment of the Interagency Council on Housing Production and Preservation

(a) There is hereby created a permanent council to be called the “Interagency Council on Housing Production and Preservation” consisting of twelve (12) members:

(1) One of whom shall be the director of the Rhode Island housing and mortgage finance corporation, or his or her designee;

(2) One of whom shall be the director of the department of business regulation, or his or her designee;

(3) One of whom shall be the director of the department of environmental management, or his or her designee;

(4) One of whom shall be the secretary of the executive office of commerce, or his or her designee;

(5) One of whom shall be the director of the department of labor and training, or his or her designee;

(6) One of whom shall be the director of the department of health, or his or her designee;

(7) One of whom shall be the director of the office of healthy aging; or his or her designee;

(8) One of whom shall be the director of the office of veterans services, or his or her designee;

(9) One of whom shall be the director of the department of behavioral health, developmental disabilities, and hospitals, or his or her designee;

(10) One of whom shall be the executive director of the Rhode Island infrastructure bank, or his or her designee;

(11) One of whom shall be the director of the department of administration, or his or her designee;
and

(12) One of whom shall be the secretary of the executive office of housing, or his or her designee, who shall be the chair of the council.

(b) The council may invite additional entities to participate as necessary in meetings in a non-voting capacity, including but not limited to:

(1) The public finance management board;

(2) The historical preservation and heritage commission; and

(3) The office of postsecondary commissioner.

(c) The executive office of housing will provide administrative support to the council.

42-167.2-2. Purpose.

The purpose of the council is to work collaboratively across state departments and agencies to promote the development and preservation of housing across affordability levels, including low and moderate income (LMI) and market-rate housing, and tenure, including rental and homeownership opportunities.

42-167.2-3. Duties and responsibilities.

(a) The council's responsibilities shall include, but are not limited to:

(1) Reducing barriers to the development of housing and streamlining the process to facilitate housing production;

(2) Aligning state policies and programs to meet address the short- and long-term housing needs of all Rhode Islanders, and ensuring that actions taken support the state housing plan's goals;

(3) Addressing housing preservation efforts by identifying and implementing strategies to maintain and rehabilitate existing housing stock, particularly affordable housing;

(4) Collaborating on initiatives related to healthy homes, ensuring that housing production and preservation efforts contribute to safe and healthy living environments;

(5) Projecting future housing needs within the state, with a particular focus on identifying and prioritizing the types of housing required to meet the needs of priority populations, including but not limited to low-income families, seniors, veterans, and individuals with disabilities;

(6) Strategizing on how to support economic development, job creation, and community development through housing opportunities;

(7) Identifying opportunities to promote homeownership, particularly for first-generation homebuyers;

42-167.2-4. Advisory Recommendations.

The council will be advised by the Advisory Council on Housing and Homelessness.

42-167.2-5. Meeting requirements.

(a) The council shall meet at least quarterly to fulfill its duties and responsibilities. The frequency of meetings may be adjusted based on the needs of the council.

(b) Forthwith upon the effective date of this chapter, the members of the council shall meet at the call of the chair and organize. A majority of seats filled shall constitute a quorum.

(c) The council shall conform to the provisions of chapter 46 of this title.

SECTION 13. Section 44-5.1-3 of the General Laws in Chapter 44-5.1 entitled “Real Estate Nonutilization Tax” is hereby amended to read as follows:

44-5.1-3. Imposition of tax.

(a) Providence. The city of Providence is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 1984, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(b) Pawtucket. The city of Pawtucket is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 1997, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(c) Cranston. The city of Cranston is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 1997, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(d) North Providence. The town of North Providence is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the town during any privilege year commencing with the privilege year beginning January 1, 2001, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(e) East Providence. The city of East Providence is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 2000, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(f) Woonsocket. The city of Woonsocket is empowered to impose a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 2000, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(g) Cities and towns. Any city or town not previously empowered is empowered to impose a tax upon the privilege of utilizing vacant and abandoned property within the city or town during any privilege year commencing with the privilege year beginning January 1, 2002, and every privilege year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.

(h) Implementing ordinance. Cities and towns that are empowered to impose this tax and who choose to impose this tax shall adopt an implementing ordinance. The ordinance shall:

(1) Designate a municipal entity responsible for determining which properties are vacant and abandoned;

(2) Establish the mechanism by which the tax is imposed and how the tax is removed from the property once the property has been rehabilitated;

(3) Designate a reviewing entity to review and approve a development plan submitted by a nonprofit housing organization or an abutter;

(4) Empower the tax assessor to abate the tax if it is imposed in error or if a nonprofit housing organization or an abutter acquires the property for rehabilitation and submits a development plan that complies with the provisions of subdivision (i)(2) of this section;

(i) Exemptions.

(1) The non-utilization tax authorized by this chapter shall not be imposed on property owned by an abutter or a nonprofit housing organization if:

(i) The abutter or nonprofit housing organization submits a proposed development plan which has been approved by the executive office of housing ~~Rhode Island housing resources commission~~ or Rhode Island housing and mortgage finance corporation to the reviewing entity;

(ii) The proposed development plan contains a reasonable timetable for the development or reuse of the property; and

(iii) The reviewing entity determines that the proposed development plan is in accordance with the approved comprehensive plan of the city or town and approves it.

(2) The reviewing entity shall deliver a copy of the approved development plan to the tax assessor who shall certify the property as exempt from the non-utilization tax.

(3) Failure of the nonprofit housing organization or abutter, without good cause, to carry out the development or reuse of the property in accordance with the timetable set forth in the approved development plan shall result in the property being subject to the non-utilization tax as of the first date of assessment following the expiration of the timetable in the approved development plan.

(4) The decision of the reviewing entity denying approval of a development plan may be appealed as provided in § 44-5.1-6.

SECTION 14. Section 44-30.3-1 of the General Laws in Chapter 44-30.3 entitled “Residential Lead Abatement Tax Credit” is hereby amended to read as follows:

44-30.3-1. Residential lead abatement tax relief — Limitation.

(a) Appropriations from the general fund for property tax relief provided by this chapter are in the amount of two hundred and fifty thousand dollars (\$250,000) for the year commencing on July 1, 2004, and for each subsequent fiscal year.

(b) A claimant shall be entitled to tax relief for residential lead removal or lead hazard reduction when he or she: (1) obtains a department of health housing resources commission regulated certificate of conformance for mitigation, pursuant to chapter 24.6 of title 23; or (2) obtains a department of health regulated lead safe certificate for abatement, pursuant to chapter 24.6 of title 23. The lead paint tax relief shall only apply to residential premises. Residential premises shall include single-family homes, individual condominiums, and individual units in either apartment buildings or multi-family homes.

(c) The tax relief shall be equal to the amount actually paid for the required lead abatement or lead hazard mitigation up to a maximum of one thousand five hundred dollars (\$1,500) per dwelling unit for mitigation and up to five thousand dollars (\$5,000) per dwelling unit for abatement, as specified under subsection (b) above. In the event that: (1) multiple owners of the dwelling unit; or (2) owner(s) along with the renter(s)/lessee(s) of the dwelling unit have jointly incurred costs and paid for the lead abatement/lead hazard mitigation, each individual must apply for relief as a separate claimant, and must include all required proof of payment and certifications, based on their respective contributions to the cost of lead abatement/lead hazard mitigation.

SECTION 15. Section 45-24-46.1 of the General Laws in Chapter 45-24 entitled "Zoning Ordinances" is hereby amended to read as follows:

45-24-46.1. Inclusionary zoning. [Effective January 1, 2025.]

(a) A zoning ordinance requiring the inclusion of affordable housing as part of a development shall provide that the housing will be affordable housing, as defined in § 42-128-8.1(d)(1); that the affordable housing will constitute not less than fifteen percent (15%) of the total units proposed for the development; and that the units will remain affordable for a period of not less than thirty (30) years from initial occupancy enforced through a land lease and/or deed restriction enforceable by the municipality and the state of Rhode Island. A zoning ordinance that requires the inclusion of affordable housing as part of a development shall

specify the threshold in which the inclusion of affordable housing is required, but in no event shall a minimum threshold triggering the inclusion of affordable housing be higher than ten (10) dwelling units. The total number of units for the development may include less than fifteen percent (15%) affordable units after the density bonus described in subsection (c) of this section is determined.

(b) A zoning ordinance that includes inclusionary zoning may provide that the affordable housing must be built on-site or it may allow for one or more alternative methods of production, including, but not limited to: off-site construction or rehabilitation; donation of land suitable for development of the required affordable units; and/or the payment of a fee in lieu of the construction or provision of affordable housing units.

(c) Density bonus, zoning incentives, and municipal subsidies. For all projects subject to inclusionary zoning, subject to applicable setback, lot width, or frontage requirements or the granting of relief from the same, a municipality shall allow the addition of one market rate unit for each affordable unit required and the minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to accommodate the development. Larger density bonuses for the provision of an increased percentage of affordable housing in a development may be provided by a municipality in the zoning ordinance. The total number of units for the development shall equal the number originally proposed, including the required affordable units, plus the additional units that constitute the density bonus. Local regulations shall provide for reasonable relief from dimensional requirements to accommodate the bonus density under this section. A municipality shall provide, and an applicant may request, additional zoning incentives and/or municipal government subsidies as defined in § 45-53-3 to offset differential costs of affordable units. Available zoning incentives and municipal government subsidies may be listed in the zoning ordinance, but shall not be an exclusive list.

(d) Fee-in-lieu. To the extent a municipality provides an option for the payment of a fee-in-lieu of the construction or provision of affordable housing, and an application seeks to utilize fee-in-lieu, the use of such fee shall be the choice of the developer or builder applied on a per-unit basis and may be used for

new developments, purchasing property and/or homes, rehabilitating properties, or any other manner that creates additional low- or moderate-income housing as defined in § 45-53-3(9).

(1) Eligibility for density bonus. Notwithstanding any other provisions of this chapter, an application that utilizes a fee-in-lieu, off-site construction or rehabilitation, or donation of land suitable for development of the required affordable units shall not be eligible for the density bonus outlined in this section.

(2) An application that seeks to utilize a fee-in-lieu of the construction or provision of affordable housing must be reviewed by the planning board or commission and is not eligible for administrative review under the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, codified at §§ 45-23-25 — 45-23-74.

(3) Amount of fee-in-lieu. For affordable single-family homes and condominium units, the per-unit fee shall be the difference between the maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing and Urban Development and the average cost of developing a single unit of affordable housing. The average cost of developing a single unit of affordable housing shall be determined annually based on the average, per-unit development cost of affordable homes financed by Rhode Island housing and mortgage finance corporation (RIHMFC) over the previous three (3) years, excluding existing units that received preservation financing.

(i) Notwithstanding subsection (d)(3) of this section, in no case shall the per-unit fee for affordable single family homes and condominium units be less than forty thousand dollars (\$40,000).

(4) Use of fee-in-lieu. The municipality shall deposit all in-lieu payments into restricted accounts that shall be allocated and spent only for the creation and development of affordable housing within the municipality serving individuals or families at or below eighty percent (80%) of the area median income. The municipality shall maintain a local affordable housing board to oversee the funds in the restricted accounts and shall allocate the funds within three (3) years of collection. The municipality shall include in

the housing element of their local comprehensive plan and shall pass by ordinance, the process it will use to allocate the funds.

(e) As an alternative to the provisions of subsection (d), the municipality may elect to transfer in-lieu payments promptly upon receipt or within the three-year (3) period after receipt. A municipality shall transfer all fee-in-lieu payments that are not allocated within three (3) years of collection, including funds held as of July 1, 2025⁴, to ~~RIHMFC~~ the executive office of housing for the purpose of developing affordable housing within that community. Funds shall be deposited into the Housing Production Fund.

~~(f) Both the municipalities and RIHMFC shall report annually with the first report due December 31, 2024, to the general assembly, the secretary of housing, and the housing resources commission the amount of fees in lieu collected by community, the projects that were provided funding with the fees, the dollar amounts allocated to the projects, and the number of units created.~~

SECTION 16. Sections 45-53-3, 45-53-3.2, 45-53-11, 45-53-12, 45-53-15 of the General Laws in Chapter 45-53 entitled “Low and Moderate Income Housing” is hereby amended to read as follows:

45-53-3. Definitions.

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, § 45-22.2-9, or § 45-22.2-12.

(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.

(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 income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

(7) “Letter of eligibility” means a letter issued by the Rhode Island housing and mortgage 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 ($\frac{1}{2}$) of one unit for the purpose of the calculation of the total of low- or moderate-income year-round 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 executive office of housing 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.

45-53-3.2. Approved monitoring agent program.

(a) There is hereby established an approved monitoring agent program (the “program”). Effective July 1, 2022, the Rhode Island housing resources commission (the “commission”) established pursuant to chapter 128 of title 42 shall appoint and oversee approved monitoring agents as part of this program.

(b) On or before July 1, 2023, the commission shall promulgate rules and regulations pursuant to chapter 35 of title 42 (“administrative procedures”) for the implementation of the program, which shall include a process for the selection and approval of monitoring agents. These rules and regulations shall be prepared to ensure the selection and appointment of organizations that shall be capable of monitoring and ensuring that municipally subsidized housing developments remain affordable, and that income-eligible buyers and tenants are occupying these units. The commission shall appoint these monitoring agents, who shall serve for terms of not more than five (5) consecutive years; provided that, the term of an approved monitoring agent may be renewed by the commission.

(c) As used in this section, the term “LMI” means low- and moderate-income housing and includes area median-income levels as established by the U.S. Department of Housing and Urban Development (“HUD”).

(d) Specific duties of approved monitoring agents shall include, but not be limited to, the following:

(1) To oversee, monitor, and ensure that tenants in LMI rental units meet income limits annually and that monthly rental rates are consistent with the low- and moderate-income guidelines and the recorded deed restrictions;

(2) To oversee, monitor, and ensure that LMI homeownership units continue to serve as the owners’ year-round principal residences; monitor and ensure that any proposed refinance of a LMI unit during the period in which a deed restriction is in effect is in compliance with program requirements: in the case of the resale of any LMI unit during the period in which a deed restriction is in effect, the maximum sales price is consistent with the recorded deed restriction and that the proposed buyer of the LMI unit meets the income limits as defined within the recorded deed restriction;

(3) To oversee, monitor and ensure any LMI accessory dwelling unit being counted is in compliance with the following requirements:

(i) An annual lease; and

(ii) The accessory dwelling unit is occupied by a household whose income does not exceed eighty percent (80%) of the area median income (AMI), adjusted for family size; and

(iii) The cost of rent, heat, and utilities other than telephone, cable, and internet, based on the number of the bedrooms in the unit does not exceed thirty percent (30%) of the gross annual household income for a household with eighty percent (80%) or less of area median income, adjusted for family size as certified by the selected approved monitoring agent;

(4) Any other provision contained in chapter 24 of this title that reasonably relates to affordable housing compliance and enforcement; and

(5) Such other duties as the commission sets forth in its rules and regulations for the monitoring agents.

(e) The commission shall also promulgate rules and regulations providing for the terms of engagement of the approved monitoring agents, standards for approval and recertification of the approved monitoring agents, and establish reporting requirements for the approved monitoring agents to the commission.

~~(f) Commencing on or before January 1, 2023, and on or before January 1 thereafter, the commission shall prepare a report on the approved monitoring agent program to the governor, the speaker of the house, the president of the senate, and the secretary of housing.~~

(f) Effective July 1, 2025, all responsibilities of the commission related to the program shall be transferred to the executive office of housing.

45-53-11. Annual comprehensive permit report.

(a) The ~~department~~ executive office of housing (“executive office”) shall maintain records and shall prepare a report (“report”) on an annual basis to be submitted to the speaker of the house and the president of the senate, ~~and the housing resources commission~~. The report shall also be made available on the

~~department executive office's~~ website for a period of at least three (3) years, and shall also be deemed to be a public record. The report shall be due on or before March 15, of each year ~~commencing in calendar year 2023~~.

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

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

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

(3) The number of comprehensive permit applications that have had building permits issued, including the number of market rate housing units, the number of low- and moderate-income housing units, and the AMI restrictions associated both pursuant to § 45-53-4, aggregated by the total number of such applications in the state and disaggregated by each municipality in the state.

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

(c) Each municipality shall annually provide to the ~~department executive office~~ the information on comprehensive permit activity described in subsection (b) of this section by February 1.

45-53-12. Annual report.

~~(a) The Rhode Island housing corporation established pursuant to chapter 55 of title 42 (the "corporation") shall collect data on the number of Section 8 Housing Choice Vouchers, as authorized by 42 U.S.C. § 1437(f) ("vouchers"), that are received and utilized by the public housing authorities (PHA) and agencies.~~

(~~ab~~) ~~The office of housing and community development (OHCD)~~executive office of housing shall prepare a report (“report”) on an annual basis to the general assembly, ~~the housing resources commission,~~ the Rhode Island housing and mortgage finance corporation, and the division of statewide planning, ~~and~~ ~~the secretary of housing~~. The report required by this section shall be made available on the ~~OHCD~~ executive office of housing website for a period of at least three (3) years, and shall be deemed to be a public record. The report shall be due on or before ~~March 1~~ April 15 of each year, ~~commencing in the calendar year 2023~~.

(~~be~~) The annual report required by this section shall contain the following information for the twelve-month (12) calendar period covered by the report commencing January 1, 2022, through December 31, 2022, and annually thereafter on an aggregated and disaggregated basis by each public housing authority:

(1) The ~~total amount of fees in lieu~~ collected by each municipality from developers in lieu of development of low- and moderate-income housing as defined in § 45-24-46.1, the projects that were provided funding by the fees, the amounts allocated to the projects, and the number of units created. The information required by this subsection shall be provided by all municipalities directly to the executive office of housing.

(2) The ~~number of unfunded vouchers that result either due to cost of rent or due to an unavailability of housing units~~ amount of “leasing potential” as defined by the United States Department of Housing and Urban Development. The information required by this subsection shall be provided by all public housing authorities or agencies directly to the ~~office of housing and community development (OHCD)~~ executive office of housing.

(3) The total number of vouchers received and utilized by all public housing authorities in the state during the preceding calendar year.

(4) The administrative fees received and utilized by the public housing authorities to administer the vouchers.

(c) As used herein, the term “public housing authority and agency” means and includes any public housing authority or agency established under chapter 25 of this title or chapter 26 of this title.

45-53-15. Annual reports.

(a) The Rhode Island housing and mortgage finance corporation established pursuant to § 42-55-4 (the “corporation”) shall provide the annual reports pursuant to subsections (b) and (c) of this section to the speaker of the house, the president of the senate, ~~the housing resources commission~~, the division of statewide planning, and the secretary of housing. Reports shall be made available on the corporation’s website for a period of at least three (3) years, and shall be deemed to be a public record. Reports shall be due on or before March 15, of each year, commencing in the calendar year 2023.

(b) Report on Rhode Island housing and mortgage finance corporation housing development and preservation activity. This report shall include the following information:

(1) The identity of projects that have been provided funding by the corporation for housing development or preservation and that closed on that financing by December 31 of the previous calendar year;

(2) The total aggregate of funds, in dollar amounts, that have been provided to projects by the corporation for housing development or preservation and that closed on that financing by December 31, of the previous calendar year, as well as those amounts disaggregated by each project; and

(3) The number of housing units that received funding from the corporation for housing development or preservation that received a certificate of occupancy in the previous calendar year, both in total and disaggregated by project.

(c) Report on tax payments made by affordable housing developments to municipalities pursuant to § 44-5-13.11. This report shall include data aggregated by all the municipalities and disaggregated by each individual municipality on the total amount of fees collected in the previous calendar year by municipalities on any assessment and taxation made pursuant to § 44-5-13.11.

(d) With regard to the report in subsection (c) of this section, all municipalities in the state shall annually submit to the corporation by January 15, of each year, the total amount of fees collected in the previous calendar year by the municipality on any assessment and taxation made pursuant to § 44-5-13.11 disaggregated by individual development.

SECTION 17. Section 45-53-13 of the General Laws in Chapter 45-53 entitled “Low and Moderate Income Housing” is hereby repealed:

~~**45-53-13. Annual status report on appeals.**~~

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

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

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

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

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

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

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

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

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

SECTION 18. All section shall take effective upon passage.