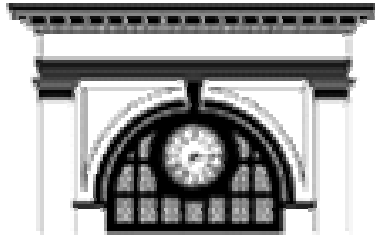


What Municipalities Need to Know About The 2004 Rhode Island Housing Act and Affordable Housing Plans

Sponsored by



THE RHODE ISLAND FOUNDATION



United Way of Rhode Island

Cooperating Agencies and Organizations

**Grow Smart Rhode Island
Housing Network of Rhode Island
RI Chapter, American Planning Assoc.
RI Coastal Resources Management Council
RI Dept. of Environmental Management
RI Department of Health**

**RI Housing & Mortgage Finance Corp.
RI Housing Resources Commission
RI League of Cities & Towns
RI Statewide Planning Program
Ursillo Teitz & Ritch Ltd.**

Workshop Agenda

- ❑ **Welcome and introductions**
- ❑ **Overview of 2004 Housing Act**
- ❑ **Developing Local Affordable Housing Plans**
- ❑ **Supper**
- ❑ **Areas of particular interest**
 - **Housing Works**
 - **zoning techniques**
 - **infrastructure issues**
 - **community land trusts**

RHODE ISLAND'S 2004 HOUSING ACT

**An Overview for Municipalities
prepared by Grow Smart Rhode Island**

For text of Act

RI Public Laws, Chapter 286

<http://www.rilin.state.ri.us/PublicLaws/law04/law04286.htm>

Amends different laws

- 42-11 Statewide Planning Program**
- 42-55 R.I. Housing & Mortgage Finance Corp.**
- 42-113 R.I. Housing & Conservation Trust Fund Act**
- 42-128 R.I. Housing Resources Act**
- 45-22 R.I. Comprehensive Planning & Land Use Act**
- 45-24 R.I. Zoning Enabling Act**
- 45-53 Low and Moderate Income Housing Act**

Addresses 5 main areas

1. **LOCAL AFFORDABLE HOUSING PLANS**
2. **COMPREHENSIVE PERMITTING PROCEDURES**
3. **FOR-PROFIT APPLICATIONS AFFECTED BY MORATORIUM**
4. **STATE STRATEGIC PLAN FOR HOUSING PRODUCTION**
5. **TWO COMMISSIONS**

LOCAL AFFORDABLE HOUSING PLANS

- Local comp plan housing element must include an affordable housing plan
- Municipality must submit plans by Dec. 31, 2004 if it has not reached goal of 10%
- State must review plans by June 30, 2005
- Beginning in 2006, annual municipal reports on implementation status

COMPREHENSIVE PERMITTING PROCEDURES

Moratorium on for-profit applications
using comprehensive permitting
procedure extended to July 1, 2005

COMPREHENSIVE PERMITTING PROCEDURES

Eligibility to Use

- **Proposed project must contain at least 25% low/mod income housing units**

COMPREHENSIVE PERMITTING PROCEDURES

Applications

A municipality with a state-approved affordable housing plan, may limit annual total number of units in for-profit comp permit applications to aggregate of 1% of total year-round units in the municipality

COMPREHENSIVE PERMITTING PROCEDURES

Application Process

- For applications involving major land development or subdivision, municipality may require pre-application conference (ordinance)

Required Application Contents

- Letter of eligibility
- Written request to submit single application
- Proposed timetable
- Sample land lease or deed restriction
- Monitoring entity
- Financial pro-forma

COMPREHENSIVE PERMITTING PROCEDURES

Required Application Contents (cont)

- **Minor Projects: all local regulation/ordinance requirements except federal/state permits**
- **Major Projects: conventional master plan checklist found in local regulations**

COMPREHENSIVE PERMITTING PROCEDURES

Application Process

- **May charge application fee – must be consistent with but not exceed fee that would be assessed for a conventional project of same scope and type**
- **Certification of completeness required**

COMPREHENSIVE PERMITTING PROCEDURES

Review Procedures

- **Local Review Board for comp permit applications is Planning Board or municipality may by ordinance designate Zoning Board**
- **Municipality can review applications from for-profits sequentially in order received**

Review Process

For Minor Projects

- Minor land developments and subdivisions:

Public hearing must be held within 95 days of certificate of completeness

Public notice requirements for hearing

- All other minor project applications:

Follow local zoning ordinance, including public hearing and notice requirements

Review Process

For Major Projects

- **Master Plan**
 - **Decision within 120 days following certificate of completeness**
 - **Public hearing (notice requirements same as for preliminary plan hearing)**
- **Preliminary Plan**
 - **According to local regulations for conventional application (except for federal/state permit requirement)**
- **Final Plan**
 - **According to local regulations**

COMPREHENSIVE PERMITTING PROCEDURES

Required Findings

1. **Consistency with local needs identified in local comp plan, with emphasis on affordable housing plan**
2. **Compliance with zoning ordinance and subdivision regulations. Where relief is granted, local concerns related to relief do not outweigh state and local need for low and moderate income housing.**

COMPREHENSIVE PERMITTING PROCEDURES

Required Findings

3. **Low and moderate income units are**
 - **integrated throughout development**
 - **similar in scale and architectural style**
 - **built and occupied before or simultaneously with market rate units**

COMPREHENSIVE PERMITTING PROCEDURES

Required Findings

4. **No significant negative environmental impacts**
5. **No significant negative impacts on health and safety of residents**

COMPREHENSIVE PERMITTING PROCEDURES

Required Findings

6. **Permanent physical access to public streets**
7. **No creation of lots with physical constraints that make development impractical**

COMPREHENSIVE PERMITTING PROCEDURES

Approval with Conditions

- **Review Board may attach conditions and requirements**

COMPREHENSIVE PERMITTING PROCEDURES

Grounds for denial

1. **Municipality has a state-approved affordable housing plan and proposal is inconsistent with plan**
2. **Proposal not consistent with local needs**
3. **Proposal not in conformance with the comprehensive plan**
4. **Community has met or has plans to meet 10% goal**

COMPREHENSIVE PERMITTING PROCEDURES

Grounds for Denial

5. **Concerns for environment and health and safety not addressed**

COMPREHENSIVE PERMITTING PROCEDURES

Vote required for decision

- Majority vote of the membership of the board

COMPREHENSIVE PERMITTING PROCEDURES

Appeals

- Applicant may appeal denial or an approval with conditions/requirements that make project infeasible to state housing appeals board.
- Any person aggrieved by issuance of approval may appeal to supreme court.

Appeals

- **SHAB Standards for Review**
 - **Consistency with approved affordable housing plan**
 - **Extent community is meeting housing needs, as defined in affordable housing plan**
 - **Health and safety**
 - **Environmental protection**
 - **Even-handedness in applying ordinances**

COMPREHENSIVE PERMITTING PROCEDURES

State Housing Appeals Board Membership

- All members appointed by governor
- 3-year terms
- Board reduced from 9 to 7 members

SHAB Membership

Old Law

- 4 local officials
- alternate local official
- 1 affordable housing developer
- 1 affordable housing advocate
- director of statewide planning or designee
- Director of RI Housing or designee
- 1 district court judge (chair)

New Law

- 4 local officials – one designated as alternate
 - 2 from towns of less than 25,000;
 - 2 from towns of more than 25,000
- 1 affordable housing developer
- 1 affordable housing advocate
- 1 representative of business community
- 1 attorney knowledgeable in land use regulations (chair)

FOR-PROFIT APPLICATIONS AFFECTED BY MORATORIUM

- **Applicant must have appealed by 8/1/2004**
- **State Housing Appeals Board to render decisions on all appeals by December 1, 2004**
- **State Housing Appeals Board will determine if “substantial completeness” existed by 2/13/04.**

FOR-PROFIT APPLICATIONS AFFECTED BY MORATORIUM

Determination of Completeness

**By February 13, 2004, application contained
required information**

OR

**Zoning Board of Review determined
application to be substantially complete or
acted in manner demonstrating it considered
application substantially complete for
purposes of review**

If complete

- **Remanded for hearing**
- **Old hearing provisions apply, but applicant and board may agree to use new provisions**
- **Hearing must commence by January 31, 2005**
- **Applications to be heard in order in which they were received**

FOR-PROFIT APPLICATIONS AFFECTED BY MORATORIUM

If not complete

- Local review board does not have to hear application

SHAB will also hear

- **Appeals from for-profits for which SHAB has accepted jurisdiction**
- **Appeals filed by nonprofit organizations**

STATE STRATEGIC PLAN FOR HOUSING PRODUCTION

- **5-year plan**
- **Developed by Housing Resources Commission and Statewide Planning Program**
- **Deadline for adoption: July 1, 2006**
- **Will include state guidelines for higher density development**
- **Applicable to all cities and towns**
- **Municipalities must bring local comprehensive plans into conformance**

COMMISSIONS

- **Housing and Conservation Trust Study Commission**
 - Land trust mechanisms
 - Structure and financing of land trusts
 - Housing and Conservation Trust Fund
- **Housing Act Implementation Oversight Commission**

Why is it important to adopt an affordable housing plan by Dec. 31st?

- Community control re siting
- Can limit aggregate comp permit units from for-profits in any one year
- Municipal and SHAB standards for review look to consistency with state-approved affordable housing plan
- Municipalities with affordable housing plan get funding priority for housing and community development grants
- We can't afford as a state to delay