

RHODE ISLAND  
GENERAL LAWS  
CHAPTER 45-53

LOW AND  
MODERATE  
INCOME  
HOUSING

[rilegislature.gov//Statutes/TITLE45/45-53/INDEX.HTM](http://rilegislature.gov//Statutes/TITLE45/45-53/INDEX.HTM)



["Kitchen after | Three Rivers Community Action"](#) by [CERTs](#) is licensed under [CC BY-NC 2.0](#)

HOW DID WE GET HERE?

WHAT IS THE COMMISSION'S  
PURPOSE?

# This is the Special Legislative Commission to Study the Low and Moderate Income Housing Act.

## **Established by**

### **House Resolution 140**

- Seventeen members.
- Three from the RI House of Representatives.
- The other members representing various stakeholders in the area of housing.

## **Full Text of the Resolution:**

- Can be found at this link:
- <http://webserver.rilin.state.ri.us/PublicLaws/law21/res21/res21140.htm>

# Your primary purpose or charge:

- To make a comprehensive study of the RI Low and Moderate Income Housing Act (Chapter 45 of Title 53).
- Includes (but not limited to) review of:
  - State-wide data for low and moderate income housing by city and town;
  - Municipal strategic economic and housing plans;
  - Relevant data and reports on affordable housing;
  - Municipality compliance; and
  - Barriers to implementation.

# BROAD PURPOSE, POTENTIAL FOR INNOVATION.



"2018 Innovation in Affordable Housing Student Design and Planning Competition" by U.S. Dept. of Housing and Urban Development (HUD) is marked with [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)

# THIS IS A BRIEF OVERVIEW OF CHAPTER 45-53

- CONSISTS OF NINE SECTIONS.
- Section 45-53-3, which contains definitions, was amended in 2021.
- Section 45-53-9, which created a study commission, was amended in 2013. This commission has since expired.
- No other sections have been amended since 2009.
- Thus most of the substance of the act has not been revised in over a decade.
- As will be noted later – Article 14 AS Amended of the 2021 State Budget did include provisions outside the Chapter BUT this Commission may wish to look at them as part of your [Charge](#).

## § 45-53-1. Short title.

This chapter shall be known as the "Rhode Island Low and Moderate Income Housing Act".<sup>1</sup>



[https://rihousing.com/wp-content/uploads/2019/05/061\\_NewportHeights\\_061\\_small.jpg](https://rihousing.com/wp-content/uploads/2019/05/061_NewportHeights_061_small.jpg)

**This provides the chapter title.**

A link to the entire chapter page on the General Assembly's Website is here:

[Chapter 45-53 - Index of Sections \(rilegislature.gov\)](https://rilegislature.gov/Chapter-45-53-Index-of-Sections)

1. [rilegislature.gov/Statutes/TITLE45/45-53/45-53-1.HTM](https://rilegislature.gov/Statutes/TITLE45/45-53/45-53-1.HTM)

## § 45-53-2. Legislative findings and intent.

The "Rhode Island Low and Moderate Income Housing Act".<sup>2</sup> It states in part:

- The general assembly finds there exists a shortage of affordable, accessible, safe, and sanitary housing for both individuals and families of low and moderate income in Rhode Island;
- It is imperative to take action to assure availability of safe and affordable housing;
- The purpose of the chapter is to provide low and moderate housing opportunities in each city and town of the state, and to consider:
  1. The retrofitting and rehabilitation of existing dwellings; and
  2. Assimilating low and moderate income housing into existing and future developments and neighborhoods.
- <http://webserver.rilegislature.gov//Statutes/TITLE45/45-53/45-53-2.HTM>





RIGL 45-53-3. Definitions. See below. Note changes that are effective July of 2021.

<http://webserver.rilin.state.ri.us/PublicLaws/Law21/law21395.htm>

## § 45-53-4. Procedure for approval of construction of low or moderate income housing.

The "Rhode Island Low and Moderate Income Housing Act".<sup>3</sup>



[https://www.housingworksri.org/Portals/0/Uploads/Images/Newport\\_Heights.jpg](https://www.housingworksri.org/Portals/0/Uploads/Images/Newport_Heights.jpg)

- Applicants proposing to build low or moderate income housing submit an application for a comprehensive permit to build housing in lieu of separate applications to the local boards.
- This is usually the local planning board or zoning board of review.
- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-53/45-53-4.HTM>

3. [rilegislature.gov/Statutes/TITLE45/45-53/45-53-3.HTM](http://webserver.rilegislature.gov/Statutes/TITLE45/45-53/45-53-3.HTM)

# Zoning Boards and Planning Boards

## Defined at:

- Planning Board: See RIGL 45-22.2-4(20). Link is below.
- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-22.2/45-22.2-4.HTM>
- Zoning Board: Link is below.
- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-24/45-24-56.HTM>

**These sections are outside of the Affordable Housing Chapter.**



# 45-53-5. Appeals to State Housing Appeals Board – Judicial Review.

**This refers to the State Housing Appeals Board (“SHAB”) established by 45-53-7.**

- Appeal by applicant within 20 days after date of notice of decision of local review board.
- File with SHAB a statement of proceedings and reasons upon which appeal is based.
- Appeal is heard within 20 days after receipt of applicant’s statement.

**Next level of appeal – Superior Court.**

- From there – need a Writ of Certiorari to get to Supreme Court.
- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-53/45-53-5.HTM>

## 45-53-6. Power of State Housing Appeals Board.

- <http://webserver.rilegislature.gov//Statutes/TITLE45/45-53/45-53-6.HTM>
- Besides hearing appeals, SHAB can adopt rules and regulations, receive and expend state appropriations, and establish a reasonable fee schedule to carry out its duties.
- Much of statute, starting with subsection ( c ), sets forth the standards for reviewing the appeal.

§ 45-53-7. Housing Appeals Board. Also known as “SHAB”.  
The "Rhode Island Low and Moderate Income Housing Act".<sup>4</sup>

**What is it? Seven Members as set forth in the statute.**

- Link to Housing Appeals Board Membership is here:
- [Secretary of State \(ri.gov\)](#)
- Reviews appeals from decisions of local review boards.
- Link to section is here:
- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-53/45-53-7.HTM>

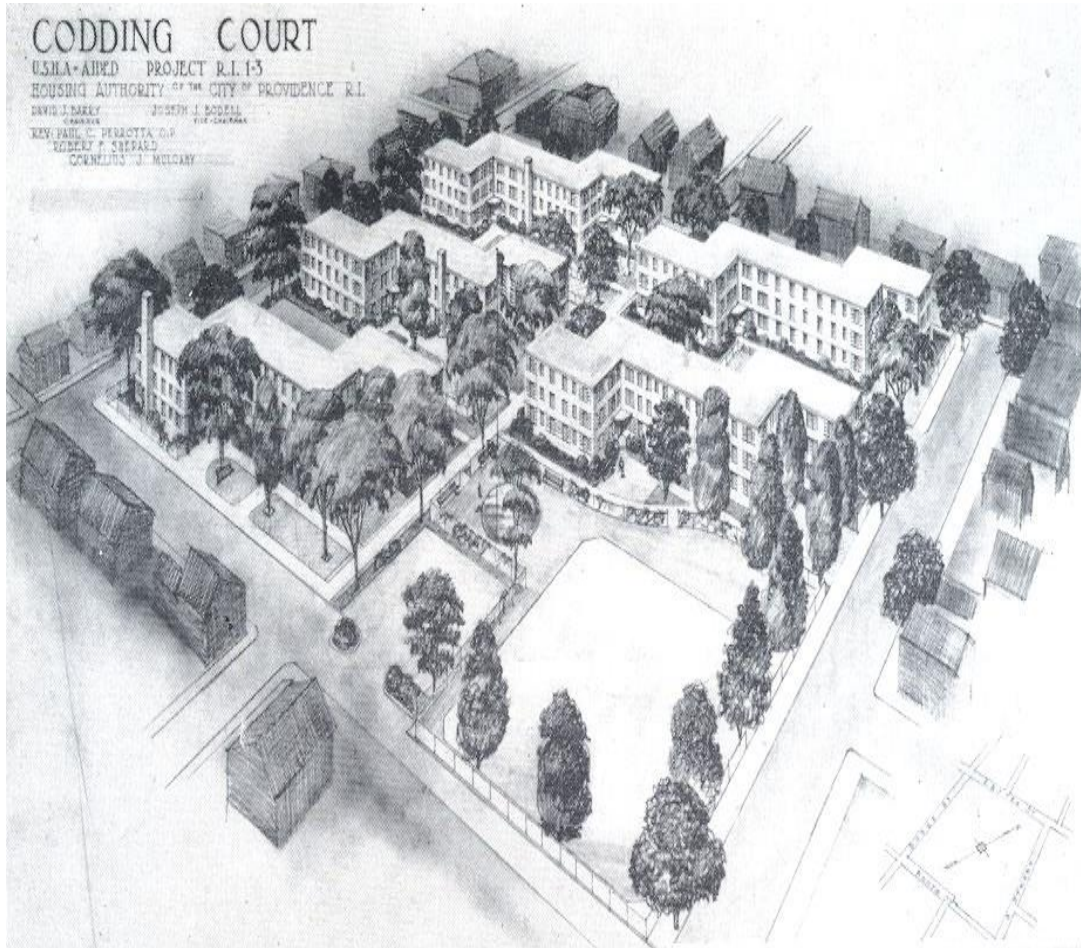


4. [rilegislature.gov/Statutes/TITLE45/45-53/45-53-4.HTM](http://webserver.rilegislature.gov/Statutes/TITLE45/45-53/45-53-4.HTM)

<https://www.rihousing.com/project/60-king-street-olneyville-providence/>

## § 45-53-8. Severability.

The "Rhode Island Low and Moderate Income Housing Act".<sup>5</sup>



<https://provhousing.org/about-pha/history/timeline/>

**This is a general severability clause.**

- If any provisions of the chapter or its application is held invalid by a court of competent jurisdiction, this does not affect the validity of the remainder of the chapter.

## § 45-53-9. Oversight commission.

The "Rhode Island Low and Moderate Income Housing Act".<sup>6</sup>

**This was a 15 member oversight commission.**

- It consisted of 15 members including House and Senate members.
- Also included designees from the league of Cities and Towns, and members from municipalities, both cities and towns.

**Expired by its terms on March 31, 2020**

- This leads into the present commission.



Ancillary provisions of the G.L. – **OUTSIDE** of Chapter 45-53 but perhaps relevant to commission include:

**1. RIGL 45-24-46.1. Inclusionary Zoning.**

- <http://webserver.rilegislature.gov/Statutes/TITLE45/45-24/45-24-46.1.HTM>
- **2. RIGL 42-128-8.1. Housing Production and Rehabilitation.**
- <http://webserver.rilegislature.gov/Statutes/TITLE42/42-128/42-128-8.1.HTM>



"Secretary Carson at the Emerging Strategies in Affordable Housing Expo in Atlanta" by U.S. Dept. of Housing and Urban Development (HUD) is marked

## Article 14 as Amended of the 2021 Budget – RELATING TO HOUSING

- Contains several laws this Commission may wish to consider, including:
- 42-64.19-3. Provides for the hiring of a **Deputy Secretary of Commerce and Housing**, responsible for overseeing all housing initiatives in the state.
- 42-128-2.1. Establishes the “Housing Production Fund,” a new restricted receipt account to support R. I. Housing to support affordable housing.
- Amends 42-128-11, the Executive Director of Housing Resources who may also be the **Deputy Secretary of Housing**.
- Creates Chapter 42-128.4. **Housing Incentives for Municipalities.**
- Creates Chapter 42-160. **Rhode Island Pay for Success Act.**
- **AND MORE.** Simply put – a lot to look at.
- **Link:** <http://webserver.rilin.state.ri.us/PublicLaws/law21/law21162-14.htm>

# Recent Document of Interest (Perhaps) for your consideration:

- Rhode Island State Planning Council/Metropolitan Planning Organization Overview and Handbook.
- Dated October, 2021.
- Focus is on Statewide Planning, not exclusively on Affordable Housing, BUT it contains information/updates the Commission may find useful.
- Link to Handbook is below:
- [http://www.planning.ri.gov/documents/spcdocs/SPC\\_Handbook-%20Oct\\_2021\\_Final.pdf](http://www.planning.ri.gov/documents/spcdocs/SPC_Handbook-%20Oct_2021_Final.pdf)

Questions?

