

- I. Goal of the Housing Working Group:** propose changes to the enabling legislation that will address the shortage of housing units statewide; create more tools to enable housing development; improve existing processes of development review
- II. Enabling Legislation:**  
[Comprehensive Planning and Land Use Act](#) RIGL 45-22.2  
[Subdivision of Land](#) RIGL 45-23  
[Zoning Ordinances](#) RIGL 45-24
- III. Issues & Potential Solutions:**
- a. *Issue:*** Restricting density by right diminishes the number of units that can be built and increases the cost per unit
- i. Solutions:**
1. Reform statewide minimum lot sizes – discussion around lot sizes standardized at the state level with different % or mix of lot sizes mandated for municipalities
  2. Amend ADU legislation for ease of use – strike the language that requires ADUs to be removed after family member leaves
    - a. Need more information on what impacts ADUs have on resale, lending, and appraisal regulations
    - b. Need more clarity on how realtors define multifamily v. single family in sale process in relationship to ADUs
  3. Allow for ease of redevelopment of single family stock to two family or small multifamily by right
  4. Enable the ability to convert large residential buildings to smaller units where feasible regardless of zoning limitations
  5. Encourage/mandate in the urban and dense suburban areas zero lot line development, town house (row houses) development, other creative development tools that would increase density
- b. *Issue:*** Inability to develop multifamily housing throughout the state limits housing options in each municipality, impacts aging residents ability to downsize, and skews development to large, luxury single family development
- i. Solutions:**
1. Establish/mandate areas throughout the state that allow multifamily development “by right”
    - a. These requirements should vary for areas in an urban growth boundary and outside the boundary
  2. Enable/mandate mixed use multifamily development in commercial zones
  3. Enable/mandate mixed use/multifamily development along state highways or transit corridors
    - a. These requirements should vary for areas in an urban growth boundary and outside the boundary
  4. Identify “transition zones” (areas between commercial/industrial and single family) statewide, where different types of housing development could be sited
  5. Enable/mandate zoning within village centers to allow for infill or redevelopment that matches the existing fabric (make the existing building type legal to build)
    - a. These requirements should vary for areas in an urban growth boundary and outside the boundary

- c. **Issue:** Short Term rental and student housing – Short term rental (Airbnb, vrbo, etc) has become a business and as a result, housing units are lost from the market. Additionally in college towns, student rentals, another form of short term rental, take housing out of the market.
  - i. Solution:
    - 1. Enable communities to regulate short term rental
    - 2. Limit ADUs to long term rental. Ban the use of ADUs for short term rental
    - 3. Enable communities to regulate the conversion of housing to student housing
  
- d. **Issue:** Excessive parking requirements add cost to residential development, impact storm water runoff, and diminish number of units that could be built in some cases
  - i. Solutions:
    - 1. Identify areas where future residential development could benefit by reducing or removing parking requirements
    - 2. Establish metrics that allow for different parking requirements for different projects – taking into consideration siting near transit, senior development, etc.
    - 3. Look to model language from other states
  
- e. **Issue:** Drawn out development review process makes residential development more costly to build
  - i. Solutions:
    - 1. Streamline approval processes for development, especially residential development
      - a. Eliminate public hearing for development that conforms to zoning and is not seeking variances or waivers
      - b. Minor subdivision approval by administrative officer
      - c. Bring development plan review into the land development process
      - d. Revise outdated legal standards that discourage any development or change (“least zoning relief possible”)
      - e. Enable municipalities to transfer costs for third-party professional review and certification
      - f. Standardize the ability to appoint local board alternates; make it easier to achieve quorums
      - g. Standardize the definitions of zoning districts
      - h. Make zoning ordinances easier to amend for more agile regulation
    - 2. Amend Unified Development Review to be a mandated part of land development review which would expedite all development
    - 3. Establish a committee like the State Building Board which would be responsible for updating the statewide land development regulations creating a universal template of development
    - 4. Address the variations of development review processes across the 39 municipalities
      - a. Create a standard process with reasonable timelines and transparent expectations as was the intent in the 1992 law
  
- f. **Issue:** Lack of incentives at the municipal level to encourage or accept growth
  - i. Solutions:
    - 1. Seek greater allocation of state dollars for the Housing Incentives to Municipalities program, RI Infrastructure Bank
    - 2. Use state funding to incentivize development projects that incorporate affordable housing and act on climate goals
      - a. Establish statewide technical assistance on IIJA/IRA opportunities for municipalities that could be access to assist in sustainable development

3. Increase support to municipal planning staff for communities who want to address housing shortage
    - a. Build municipal technical assistance & support for developing growth plans, potentially through a regional planner or statewide assistance team
    - b. Housing planning technical assistance could be overseen by the Department of Housing
      - i. Funding – implications for state budget if regional technical assistance is administered by DOH
  4. Address municipal funding formula for public schools
  5. Incentives to create tie-ins for water and sewer or expansion/upgrades to existing water and sewer infrastructure
  6. Create municipal tax benefits for communities making progress towards growth
  7. Mandate that non-compliance with the 10% AH law is grounds for a use and/or special use permit
- g. Issue:** Lack of enforcement or accountability for planning and zoning boards and/or municipalities who perpetually deny development
- i. Solution:**
    1. If municipalities do not meet expectations – 10% AH or other housing benchmarks – should the state step in similar to the school takeover processes
      - a. Instead of a 10% target, establishing a growth rate metric or target for residential growth in each municipality
        - i. Department of Housing could set growth rates for municipalities with legislation that outlines how often rates should be reviewed and adjusted
    2. Create a “builders’ remedy” (Schuetz, P.8), a mechanism for developers to override local zoning to build housing under certain conditions
    3. Establish exclusionary test, if municipalities continue to use zoning and land use law to exclude certain types of development
      - a. Example: If local ordinances restrict or limit ADUs, property owners attempting to build ADUs could apply for approval from the State Department of Housing or an entity such as a State Development Committee
    4. Establish consequences and monitoring mechanisms for municipalities that have not met the statutory 10% (ex. [Utah’s Municipal Planning Requirements](#))
      - a. Utah requires municipalities not meeting housing goals to create a housing plan that includes implementation of three approaches to growth out of a menu of 12
    5. Require developments that receive TSAs to include affordable units within the development
    6. Amend the Fee-in-lieu regulations [RIGL 45-24-46.1](#)
      - a. Inclusionary Zoning/Fee-in-lieu needs to be reviewed to not be detrimental to building and if payments are made, fund needs to be monitored to ensure payments are used towards affordable units
      - b. Remove the Fee-in-lieu mandate completely - Fee-in-lieu does not work here because we are not growing at a rate that makes the payment acceptable
- h. Issue:** Development appeals process circles back to the same board which rejected the development proposal
- i. Solution:**
    1. Establish a hearing officer process or Development Building Court responsible for hearing development appeals

2. Eliminate counterproductive remand mechanisms (decisions can either be upheld or modified on appeal)
- i. **Issue:** The Comprehensive Plan is not used as a meaningful guide for housing development
    - i. Solutions:
      1. Housing goals/growth benchmarks set by Department of Housing, incorporated into the State Guide Plan produced by Statewide Planning
        - a. Outlines the framework that local community must incorporate into their Comprehensive Plans
      2. Comp Plans should establish meaningful action steps to achieve their housing growth rate goal
      3. Progress towards the growth rate benchmark should be monitored/action plans should be adjusted *every x number of years* (set by DOH or Statewide Planning)
      4. Increase capacity at the state level, either DOH or Statewide Planning for housing specific planning assistance and monitoring
    - j. **Issue:** There is a persistent conflict between state level desire for growth and municipal resistance to growth
      - i. Solutions:
        1. Is there a tax reform to incentivize municipal growth – i.e. give municipalities a percentage of the tax increase associated with the growth in their community (income tax share)
          - a. Share the wealth created by growth, establish a mutual benefit
    - k. **Issue:** Comprehensive Permit has not been an effective tool at expediting affordable housing development
      - i. Solutions:
        1. Address procedural pain points (e.g., SHAB quorums)
        2. Create a predictable, concrete grounds for approving/denying an application
    - l. **Issue:** Urban Growth Boundary and sea level rise restrict where residential growth is feasible
      - i. Solutions:
        1. Need better understanding of this problem to develop solutions
          - a. What % of land within each municipality is currently zoned for residential development?
          - b. What % of the developable land allows multifamily housing?
          - c. As municipalities lose developed/developable land to sea level rise, how will they create equivalent unit capacity elsewhere? (And without significantly impacting forests/farms/open space.)
        2. Enable tools for development inland, specifically infill, redevelopment, and appropriately scaled density
    - m. **Issue:** To maintain a well-functioning housing market, the shortfall in labor and skill development of the residential construction sector needs to be addressed
      - i. Solution:
        1. Dedicated investment in workforce programs targeted to the building trades and contractors