

Primary Goals

1. **Public Broker** – Conceptually derived from the “Public Developer” concept, a public broker would be empowered to receive grants and clear title on otherwise abandoned real estate such as tax/treasury deeds. The goal would be to transform dormant and unmarketable land that is presently a nuisance into property that can accommodate housing.
2. **Appeals** – The land use calendar made appeals pragmatic and justifiable while requiring appeals to move quickly. As a result, there are many appeals and municipalities are shouldering heavy burdens in terms of the number of cases and the pace of cases. The goal is to protect municipalities from frivolous appeals in a way that also mitigates the caseload burden on the Court system.
3. **Comprehensive Plan** – In the same way that there was insufficient planning to address future housing needs, any review of local planning would identify a similar risk related to the needs for heavy industrial space. This would identify heavy industrial areas, protecting residences from noxious industrial uses and better allow the public to track the state’s available industrial development. Comprehensive plans would be required to plan for growth.
4. **Land Development and Subdivision Act Clarity** – It has been almost a year and a half since the large update to the land development procedures, and continued refinement based on those responses is important. Based on municipal feedback, the combination of review processes in one chapter has long been confusing. The goal of this bill is to provide greater clarity between development review processes and distinct subdivision review processes.
5. **Historic Districts** – Rhode Island’s historic districts are critical to our identity. Protecting historic districts in modern times requires adapting to present day realities. This bill will follow the leadership of the United States Federal Advisory Council on Historic Preservation and its efforts to establish new compliance methods for the National Historic Preservation Act, the goal of this bill would be to protect Historic Districts from frivolous litigation, empower professional staff, empower HDCs over limitations in the zoning code, as well as improve regulatory clarity so property owners understand what it means to be in a Historic District.
6. **Village Development Patterning** – Rhode Island is a state of historic villages, but almost all of our favorite places would be illegal to build today. This bill would reestablish the right to build in the manner of our heritage and recreate opportunities for neighborhood centers and villages.
7. **Single Family Attached** – That path to new home ownership and economically sensible downsizing is currently very limited in Rhode Island. Single family attached development is an efficient form of housing permitted throughout the world that is in line with Rhode Island’s historic small-scale character. It is also particularly valuable because it is an efficient form of construction that would allow for the missing starter homes and downsizing options that are financeable through traditional single-family mortgages supported by the Federal Housing Authority and other purchasing subsidies. The purpose of this bill would be to permit single family attached housing on its own lot in fee simple ownership in the same manner as permissible today. For example, if it is permissible to build a duplex on a lot, that would mean there are side-by-side townhomes each on their own lot. If you could build a three-family home, the lot would allow three single-family attached rowhouses.

8. **Owner Occupied Deed Restrictions** – Home ownership is a critical component of the American Dream, and not only are homes getting more expensive, but single-family homes are being bought up for second homes and short-term rentals and as well as mega-corporations. This bill would require a deed restriction for owner-occupancy and prohibit short term rentals in exchange for reductions in dimensional restrictions.
9. **Responsive Refinement** – One of the biggest burdens on planning staff is the fact that a lot of the present laws that seem clear in intent are vague and undefined in practice causing needless complexity and review burdens that do not address the merits of proposals. This also lends itself to litigation, as boards comprised of laypeople are trying to interpret and enforce complex law that lacks clarity on its face. There are some areas of state law that have clear definitions that are usually followed by municipalities, but in other instances there is an awkward interplay between local definitions and state law. There is a need for clarity in the Zoning Enabling Act to correct for ambiguities caused by awkward state/local definitional interactions. The purpose of this bill would be to continue to improve standardizations, clarity, and focus review processes on the merits. Examples of areas for improvement:
 - a. Use Variance, nonsensical standard – Use Variance standard is practically impossible to meet, but it is a valuable tool that is regularly used even though the standards are not often met.
 - b. Dimensional Variance, Clumsy Standards - Dimensional variance standards are the same for a 5-story apartment building and a residential shed.
 - c. Lack of Timelines - There are no enforceable timelines for things like variances, they should be brought into conformity with the other land use deadlines.
 - d. Municipal Staff Empowerment - Municipalities do not currently have a tool to improve site proposals by deviating from zoning limitations, this causes scenarios where a property owner is seeking relief for an item because the municipal staff recommends it.
 - e. Neighborhood Scale Dimensions - In order to protect the character of existing neighborhoods and decrease the number of variances municipalities have to deal with, this bill would create administrative review for dimensional modifications of infill projects to allow for dimensions that most neighbors already enjoy themselves.
 - f. Nonconformity Improvements - Nonconformities need a process other than a special use permit as a means for alteration because special use permits now require specific and objective criteria which is impossible to define relative to nonconformity.
 - g. Consent Agenda - Consent agenda is something routinely used by City Councils and Courts often rely on formal entries, this expedites *de minimis* matters in a way that allows more time and focus on larger issues and this would mitigate municipal staffing time and board hearing workload. Regular meetings will allow more efficient application processing.
 - h. Lot Merger Confusion - This would clarify the lot merger provisions enacted by the Legislature in 2023.
 - i. Subdivisions, Inapplicable Standards - This bill also streamlines review requirements for subdivisions as over 20 burdens of proof are arguably applicable to by-right administrative subdivisions.

- j. Enhanced Parking Regulation Authority - Conform minimum parking requirements to national best practices, increasing innovation making better use of the state's limited developable land.
 - k. Fixing Odd Lots - Prioritizing dimensions like lot size over width and frontage because infill lots are the awkward leftovers of real estate.
 - l. Improve Zoning Code Cohesion with Building and Engineering Standards - Recognizing and making use of measurement standards that align with the building code and transportation engineering best practices
 - m. Promotion of the Existing Character of a Neighborhood - Recognition of the built environment as appreciable standards for development that matches the character of the neighborhood
 - n. Enhancing Design Review Capacity - This bill standardizes haphazard processes for the establishment and administration of design standards. Design standards present great opportunity for municipalities to reinforce their historic development patterns, but require clear processes for administration and enforcement to ensure equitable application.
10. **Transition Zones** – In order to balance the need for more housing while protecting neighborhood character, we have to find the right places for gentle increases in density. The least disruptive way to increase density is to locate it where density and intense uses already exist. The purpose of this bill would be to identify areas where two different zones meet each other and allow for an average of the zones to exist to create a residential buffer between more dense areas and less dense areas. For example, imagine a situation where a high-density zone that allows for 4 story apartment buildings directly abuts an area that only allows for 2 story duplexes; the parcel that abuts the high-density commercial area could sustain a 3 story Fourplex. Slightly more permissive than the zone it is in, but a buffer from the intense uses in the high-density location.
11. **Transferable Development Rights** – The demand for housing is increasing pressure on agriculture and green spaces, and because of the housing crisis, communities that are more rural in nature could fall victim to development sprawl. The purpose of this bill would be to allow farmers and conservations to put a deed restriction on their real estate effectively selling their right to build housing on property to someone else who can take those rights to build more units elsewhere. For example, if a farmer could sell his land to a developer to build 20 single family homes, instead of doing that, he could sell the rights -not his land- to the developer and the developer could build those homes in some higher density area. The homes get built, the farmer gets paid, the land is preserved.
12. **Voluntary Inclusionary Zoning** – It will be impossible to meet the affordable housing needs if we only rely on government financially subsidizing the affordable units. A free, alternative method is to allow for dimensional bonuses in exchange for deed restricting affordable units.
- a. ADA unit bonus – a bonus for building a housing unit that meets universal design requirements.
 - b. Middle class housing incentives – development incentives for housing created that is limited in occupancy to 120% of area median income
 - c. Affordable housing incentives – development incentives for housing created that is limited in occupancy to 80% of area median income
 - d. Park homes – funding incentives to maintain enhance parks

13. **Municipal Levy** - Rhode Island's levy cap is designed to protect homeowners from large property tax increase, but an inadvertent secondary effect is that municipalities do not see much benefit from increasing their tax base. The recent inflationary environment has increased municipal costs and had a harsh impact on local budgets. Without ARPA funds, municipalities may have been forced into draconian cuts to services and local investments.

There needs to be a way to protect homeowners from tax payment increases while allowing for municipalities to realize revenue benefits by expanding the tax base. If not, when we fail to expand the tax base, the only way to raise revenue is through increases in tax rates and assessments, which homeowners are not protected from.

Moreover, without any financial incentive to support growing the tax base, there is no municipal policy counterbalance to rampant NIMBYism. In effect, a policy designed to protect homeowners is hampering municipal incentives to grow their tax base, which in turn requires municipalities to consistently increase real estate tax assessment and tax rates on property owners. For example, it is common for people to see a tax rate decrease but still pay more in taxes even though they did not add on to their home. The levy is limiting municipal revenue growth without necessarily protecting homeowners from large tax increases or establishing long term budgetary stability. Over time, what has occurred in practice, is that the levy has acted like an artificial cap on municipal GDP. The purpose of the levy is to protect homeowners, but NIMBYism has turned it into an artificial limit on prosperity. It is time to tweak the system to realize the original goals of the levy without the unintended consequences.