

AFFORDABLE HOUSING COMPREHENSIVE PERMITS AND CURRENT STATUS

Tiverton Planning Board



February 17, 2025

PRESENTATION OBJECTIVES

- 1 Provide key Town stakeholders with an update as it relates to affordable housing in Tiverton.
- 2 Ensure a clear understanding of the Rhode Island General Laws driving unprecedented development in Tiverton under the auspices of solving for the affordable housing crisis.
- 3 Present an aggregate view of all current and proposed major land use developments before the Tiverton Planning Board that could have an impact on matters of affordable housing and overall operational and environmental impacts to the Town.



STATE LAW: “COMPREHENSIVE PERMITTING”

- State Mandated Program set forth in R.I. General Laws, Chapter 45-53
 - Each municipality required to meet minimum 10% of housing stock designated affordable
 - Incentivize developers to build affordable housing by allowing additional market rate “bonus” units in return for offering minimum 25% of the units as deed restricted affordable
 - Expedited review process for approval
- 2024 “Speaker’s Package of Housing Bills” passed into law
 - Significantly increased developer’s incentives to build affordable housing
 - Allows for proposed developments regardless of municipal zoning or use ordinances
 - Limited/restricted municipal grounds for denial
 - Appeals go directly to Superior Court



DEEPER DIVE: 2024 COMPREHENSIVE PERMIT LAWS

- May be proposed in any zone including commercial/industrial
- May propose multi-family in any zone regardless of existing use requirements
- Market rate “Bonus” units now set by state law formula
- May not restrict bedrooms to less than three
- May not require more than one parking space per two-bedroom unit
- **Five limited reasons for denial**
 - Extremely limited if municipality is at less than 10% affordable units
 - Impact to police, fire, schools, property taxes are NOT reasons for denial
 - Municipalities stripped of many of their powers and discretion when reviewing comprehensive permit applications

“BONUS” UNITS

- Formula factors:
 - Public water or sewer vs. well water or OWTS
 - Percentage of units designated affordable (25%, 50%, 100%)
- Density bonuses are per acre regardless of underlying zoning



EXAMPLE YIELDS OF COMPREHENSIVE PERMIT APPLICATION

EXAMPLE: 40-acre parcel in R-40 zone with no wetlands

	Conventional Sub-Division Yield	Comp. Permit (No Public Water / 25% Affordable)	Comp. Permit (With Public Water/Sewer 25% Affordable)	Comp. Permit (With Public Water/Sewer 100% Affordable)
Total # of Market Rate Units	40 Single-Family Lots	120	200	0
# of Affordable Units	n/a	40	60	520
Total # of Units	40	160	260	520
% Increase Over Zoning Allowance	0%	300%	550%	1,200%



THE STATUS OF AFFORDABLE UNITS IN TIVERTON

10%

Target Volume
Required by State of RI

4.26%

Current Volume (319
out of of 7,482 units)
as determined by
Rhode Island Housing

- Calculated once per year
- Units approved but not built do not count
- Timeframe to building
 - Final Plan has two-year vesting period with automatic right to one year extension
 - Construction period up to 60 months (5 years)
- Until a municipality reaches 10% - limited control and discretion
- Some additional options for including units



OTHER UNITS THAT MAY BE INCLUDED IN COMMUNITY COUNT

- Manufactured (mobile) homes that meet certain criteria for ½ unit credit
 - No requirement for deed restriction
 - Does require municipality to hire monitoring agent
 - Land must be owned as individual lots or HOA (CountryView excluded)
- ½ credit for non-deed restricted rental units in multi-family where:
 - 30% restricted to lowest income level (60% of area median income)
 - 50% restricted to second lowest income level (80% of area median income)

AGGREGATE VIEW: APPROVED & IN-PROCESS COMP PERMITS

Development	Location	Zoning District	# of Units	% of Affordable Units	Stage of Approval
Pocasset Reserve	787 Fish Rd	R-60	275	69	Preliminary Plan Approved
Sunset Ridge	439 Main	NB	8	2	Preliminary Plan Approved
Vital @ Tiverton Commons	Souza Road (south side)	R-40	256	64	Master Plan Submitted
Friendship Farm	Stafford Rd (east side)	R-120	155	39	Preliminary Plan Submitted
Souza Road Condominiums	Souza Road (north side)	PFD & GC	43	11	Master Plan Approved
Totals			737	185	

WHAT IS DRIVING COMPREHENSIVE PERMITS IN TIVERTON?

- Last East Bay community with available land
- Only RI Community that borders an out of state urban population center with its own housing problems
 - No RI residency requirement for buyers/renters
- MBTA Commuter train to Boston
- Bonus units + override of local zoning + expedited review = profit margins that drive development towards Comprehensive permits versus traditional subdivision



YOU CAN'T GET THERE FROM HERE

- Getting to 10% is very difficult under current laws
- Can't force a developer to build more than 25% affordable (sweet spot)
 - Bonus market rate units generate significant profit
 - Bonus market rate units drive up the denominator exponentially
- Current need to reach 10% (as counted by RI Housing) = 429 additional affordable units
- **Under current Comprehensive Permit Laws to get to 10%**
 - Buildout of many more Comprehensive Permit Developments that are only 25% affordable in scope. This path would require 3,000 new CP units with 1,069 of them restricted as affordable to reach 10% provided no other market rate units built anywhere in Tiverton.

Build More Housing Bills wrapped in an “Affordable Housing” Package



ONE SIZE DOES NOT FIT ALL 39 RHODE ISLAND MUNICIPALITIES

- Current density bonuses are unrealistic for a community with limited public water and sewer infrastructure, poor soils for septic systems, and no aquifer for private wells
- Density bonuses and profit margins on market rate units drive developers to Comprehensive Permit developments vs conventional subdivision
- No consideration for impact to community
 - Infrastructure, environmental, ability to manage growth, comprehensive plan

Tiverton needs help and support from our state legislators