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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING CONSTRUCTION

Introduced By: Senators Acosta, Mack, Calkin, Anderson, Kallman, Bell, and Mendes

Date Introduced: February 10, 2021

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

SECTION 1. Section 42-6-1 of the General Laws in Chapter 42-6 entitled "Departments of State Government" is hereby amended to read as follows:

42-6-1. Enumeration of departments.

All the administrative powers and duties heretofore vested by law in the several state departments, boards, divisions, bureaus, commissions, and other agencies shall be vested in the following departments and other agencies that are specified in this title:

(a) Executive department (chapter 7 of this title);

(b) Department of state (chapter 8 of this title);

(c) Department of the attorney general (chapter 9 of this title);

(d) Treasury department (chapter 10 of this title);

(e) Department of administration (chapter 11 of this title);

(f) Department of business regulation (chapter 14 of this title);

(g) Department of children, youth and families (chapter 72 of this title);

(h) Department of corrections (chapter 56 of this title);

(i) [Deleted by P.L. 2019, ch. 88, art. 4, § 12];

(j) Department of elementary and secondary education (chapter 60 of title 16);

(k) Department of environmental management (chapter 17.1 of this title);

(l) Department of health (chapter 18 of this title);

(m) Board of governors for higher education (chapter 59 of title 16);

(n) Department of labor and training (chapter 16.1 of this title);

(o) Department of behavioral healthcare, developmental disabilities and hospitals (chapter 12.1 of this title);

(p) Department of human services (chapter 12 of this title);

(q) Department of transportation (chapter 13 of this title);

(r) Public utilities commission (chapter 14.3 of this title);

(s) Department of revenue (chapter 142 of this title);

(t) Department of public safety (chapter 7.3 of this title).

(u) Housing jobs department (chapter 160 of this title).

SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 160

THE HOUSING JOBS DEPARTMENT ACT

42-160-1. Short title.

This act shall be known and may be cited as "The Housing Jobs Department Act."

42-160-2. Legislative findings.

(a) Rhode Island currently suffers from a mass unemployment crisis, including in the building industry.

(b) Rhode Island has a severe shortage of affordable housing units.

(c) Climate change poses a severe threat to every Rhode Island resident. Climate change is drastically accelerated by human activity, particularly activities that emit greenhouse gases.

(d) Installing distributed generation, such as solar panels, on homes will dramatically reduce Rhode Island's greenhouse gas emissions.

(e) In order to address the mass unemployment crisis, the severe shortage of affordable housing units in Rhode Island, and the climate crisis, Rhode Island must build thousands of energy efficient affordable housing units and install photovoltaic solar panels on tens of thousands of affordable homes in Rhode Island.

42-160-3. Definitions.

As used in this chapter:

(1) "Department" means the housing jobs department.

(2) "Director" means the director of the housing jobs department.

(3) "Housing construction program" means the housing construction program established in § 42-160.1-4.

(4) "Housing construction program unit" means a unit of housing which was created by the

Housing construction program, as provided in § 42-160.1-4.

(5) "Housing maintenance program" means the housing construction program established in § 42-160.2.

(6) "Solar jobs program" means the solar jobs program established in § 42-160.3.

42-160-4. Creation of the housing jobs department and the office of director.

(a) There is hereby authorized, created and established the housing jobs department.

(b) There is hereby authorized, created and established the office of director of the housing jobs department.

42-160-5. Purposes of the housing jobs department.

(a) The purposes of the housing jobs department are to:

(1) Implement and enforce the provisions of the Housing Construction Program, as set forth in; § 42-160.1-4.

(2) Implement and enforce the provisions of the Housing Maintenance Program, as set forth in chapter 160.2 of title 42;

(3) Implement and enforce the provisions of the Solar Jobs Program, as set forth in chapter 160.3 of title 42;

(4) Safeguard the labor rights of workers who are contributing to the Housing Construction Program or the Solar Jobs Program;

(5) Implement and enforce the provisions and rules governing evictions, set forth in § 34-18-58; and

(6) Implement and enforce the energy efficiency requirements for large buildings owners, set forth in chapter 50 of title 34.

42-160-6. Appointment of director.

The director of the housing jobs department shall be appointed by the governor, with the advice and consent of the senate.

42-160-7. Powers and duties.

(a) All functions, services, and duties of the housing jobs department shall be organized by the director, including with regard to:

(1) The construction of housing construction program units;

(2) The protection of the labor rights of workers building new housing construction program units;

(3) The maintenance and upkeep of housing construction program units;

(4) The retrofitting, renovation, and modification of existing housing construction program units, including with regard to photovoltaic solar panel installations;

(5) The training of workers to equip them with the skills necessary to construct new housing construction program units and to retrofit, renovate, or modify existing housing construction program units;

(6) Building partnerships with youth pre-apprenticeship programs and job placement programs;

(7) The enforcement of the provisions governing evictions, set forth in § 34-18-58; and

(8) The enforcement of the energy efficiency requirements for large building owners set forth in chapter 50 of title 34.

(b) The director may enter contracts, hire employees, hire contractors, promulgate rules and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order to achieve any purpose of the housing jobs department as enumerated in § 42-160-5.

(c) The director shall be the appointing authority for all employees of the department.

(d) The director shall make all feasible, lawful, and appropriate efforts to ensure diversity among the employees of the housing jobs department, including with regard to race, color, national origin, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, service member in the armed forces, country of ancestral origin, disability, age, housing status, familial status, or immigration status.

(e) The director shall have the authority to promulgate rules or regulations to enable the department to investigate evictions and enforce the provisions of § 34-18-58. The director shall have the power to enforce the rules governing evictions, set forth in § 34-18-58, to investigate evictions to determine whether they violated the provisions set forth in § 34-18-58. The director shall have the power to levy a fine not greater than twenty-five thousand ($25,000) dollars against a landlord who violates the rules governing evictions, set forth in § 34-18-58. Each individual eviction that violates the provisions set forth in § 34-18-58 shall constitute a separate and distinct violation.

(f) The director shall have the authority to levy a fine against a large building owner who is in violation of the energy efficiency requirements set forth in chapter 50 of title 34, according to the provisions of chapter 50 of title 34.

(g) The director may assign or delegate any power to subordinate officers and employees at any time and for any reason.

42-160-8. Offices of department.

The department of administration shall furnish the housing jobs department with offices in which to transact its business and keep its records. The offices shall be open for business each day

of the year, except Sundays and legal holidays, during such hours as may be prescribed by the director.

42-160-9. Receipt and use of funds.

The housing jobs department shall have the authority to receive and expend monies from any sources, public or private, including, but not limited to, legislative enactments, bond issues, gifts, devises, grants, bequests, or donations. The housing jobs department is authorized to enter into any contracts necessary to obtain and expend those funds.

42-160-10. Severability.

(a) If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

(b) If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 160.1

THE HOUSING CONSTRUCTION ACT

42-160.1-1. Short title.

This act shall be known and may be cited as "The Housing Construction Act."

42-160.1-2. Legislative findings.

(a) Rhode Island suffers from a mass unemployment crisis, including in the building industry.

(b) Housing is a human right. It is the responsibility of the government of Rhode Island to ensure that every state resident has housing.

(c) Under chapter 53 of title 45, Rhode Island has set a goal to make at least ten (10) percent of the year-round housing stock in each municipality affordable for low- and moderate-income households. Rhode Island has not achieved this goal.

(d) There is currently an enormous shortage of affordable homes in Rhode Island. To address this crisis, Rhode Island must build thousands of new, affordable homes and ensure that they remain affordable.

(e) Project labor agreements help protect workers by ensuring fair wages, working conditions, and salaries.

(f) Properly designed project labor agreements help the state meet workforce diversity goals.

(g) Project labor agreements are necessary for building new homes due to the complexity of the work.

(h) Project labor agreements provide the state with a guarantee that projects will be completed with highly skilled and safely trained workers.

(i) Project labor agreements provide for peaceful, orderly, and mutually binding procedures for resolving labor disputes, preventing significant lost-time on construction projects.

(j) Project labor agreements allow public agencies to predict more accurately the actual cost of projects.

(k) Climate change poses a severe threat to every Rhode Island resident. Climate change is drastically accelerated by human activity, particularly activities that emit greenhouse gases.

(l) In order to address the mass unemployment crisis, the severe shortage of affordable housing units in Rhode Island, and the climate crisis, Rhode Island must build thousands of energy efficient affordable housing units which are equipped with rooftop photovoltaic solar panels.

42-160.1-3. Definitions.

As used in this chapter:

(1) "Census tract" means a geographic region identified as and referred to as a "Census tract" by the U.S. Census Bureau.

(2) "Cumulative adjusted gross household income" means the cumulative adjusted gross income of every person in a single household, as reflected on federal income tax returns of the most recent year.

(3) "Fiscal quarter" means the fiscal quarter of the state of Rhode Island.

(4) "Fiscal year" means the fiscal year of the state of Rhode Island.

(5) "Housing construction program" means the cumulative entirety of any and all rules, regulations, contracts, plans, projects, expenditures, and activities completed by the housing jobs department to create one or more housing construction program units.

(6) "Housing construction program building" means any building, which is owned by the department that contains one or more housing construction program units.

(7) "Housing construction program project" means any individual project or enterprise intended to create one or more housing construction program units.

(8) "Housing construction program unit" means:

(i) A unit of housing which was created, in whole or in any part, by the housing jobs department;

(ii) A unit of housing which was created, in whole or in any part, by a corporation, firm, partnership or other entity or person under contract with the housing jobs department, or a

subcontractor thereof; or

(iii) A unit of housing which was created, in whole or in any part, with money from the housing jobs department.

(9) "Housing construction program worker" means any worker who directly contributes to the construction of any housing construction program project. A worker shall be considered a "Housing construction program worker" only for the duration of their work on a housing construction program project. Housing construction program workers include employees of the housing jobs department, contractors, and subcontractors. This term includes, but is not limited to, construction workers, electricians, roofers, plumbers, pipefitters, bricklayers, carpenters, heat and frost insulators, painters, structural engineers, cement masons, sheet metal workers, sprinkler fitters, delivery drivers who transport tools or materials to the construction site, and any individual hired to clean debris from the construction site.

(10) "Inspector" means a person qualified to:

(i) Inspect a housing construction program building, to accurately assess whether a rooftop photovoltaic solar panel system could be safely installed on that housing construction program building, including by taking into account:

(A) Whether the roof can safely support the weight of a photovoltaic solar system;

(B) Whether installation workers can safely access the roof and install the solar panels without undue hazard; and

(C) Any other safety considerations that ought to be considered when determining whether a photovoltaic solar panel system can be safely installed on a housing unit.

(ii) Accurately assess the most appropriate location for a photovoltaic solar panel system on a housing construction program building, taking into account safety considerations and the relative exposure to sunlight of different possible locations on the housing unit.

(iii) Accurately assess the highest nameplate generation capacity that could be safely installed on a housing construction program building.

(iv) Accurately assess the most appropriate type of solar panel system to install on the roof of a housing construction program building, including with respect to size, shape, manufacturer, nameplate generation capacity, wiring, and any other relevant solar panel features.

(11) "LEED Gold" means a Gold rating in the LEED green building certification program.

(12) "LEED" means the Leadership in Energy and Environmental Design green building certification program developed by the U.S. Green Building Council.

(13) "Modeled energy performance" means the projected or anticipated energy efficiency of a building, expressed as energy use intensity.

(14) "Multi-family residence" means a building or residential complex that contains multiple, separate housing units.

(15) "Open meetings act" means the open meetings act of Rhode Island, chapter 46 of title 42.

(16) "Project labor agreement" means a pre-negotiated, pre-hire collective bargaining agreement which governs all working conditions and standards related to employment on a specific project.

(17) "Residential complex" means a related group of buildings which share common areas, services, or facilities which the tenants of each building are able to use.

42-160.1-4. Establishment of the housing construction program.

(a) The housing jobs department shall establish the housing construction program.

(b) The purpose of the housing construction program is to facilitate the construction of new housing construction program units.

42-160.1-5. Project labor agreements required.

(a) Housing construction program workers shall be paid not less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which shall include a:

(1) Mutually agreeable, lawful, and uniform grievance and arbitration procedure for the resolution of work-related disputes involving housing construction program projects;

(2) Mutually agreeable, lawful work rules, working conditions, and working schedules for housing construction program projects;

(3) Mutually agreeable, lawful terms regarding the benefits provided for workers working on a housing construction program project;

(4) Mutually agreeable, lawful terms regarding the use of apprenticeship programs and pre-apprenticeship programs on housing construction program projects;

(5) Mutually agreeable, lawful goals or requirements to promote workforce diversity for housing construction program projects, including, but not limited to, with regard to race and gender;

(6) Mutually agreeable, lawful goals or requirements to hire local residents who live near the work site for housing construction program projects; and

(7) Mutually agreeable, lawful goals or requirements to hire enrollees or former enrollees of the Just Transition Program established by the department of labor and training, pursuant to § 42-16.1-21, to work on housing construction program projects.

42-160.1-6. Housing jobs department transparency requirements.

(a) No later than the thirtieth day of each fiscal quarter, the housing jobs department shall

publish a comprehensive report of all the housing construction program projects which were completed during the previous fiscal quarter. This report shall include:

(1) The location of each of the housing units built during the previous fiscal quarter;

(2) The total money spent constructing each individual housing unit that was built during the previous fiscal quarter, including a detailed accounting of the money spent on each type of construction material for that individual housing unit, and the total labor costs spent on each profession of worker who participated in constructing that individual housing unit;

(3) The modeled energy performance of each housing unit completed during the previous fiscal quarter;

(4) The nameplate generation capacity of any and all photovoltaic solar panels installed on or around the premises of each individual housing unit;

(5) A detailed description of the affirmative action measures the department took to lawfully ensure diversity within the collective group of housing construction program workers; and

(6) An evaluation of the success of the affirmative action measures they took to ensure diversity among employees.

42-160.1-7. Multi-family residence requirements.

All housing construction program units must be located within multifamily residence buildings.

42-160.1-8. Energy efficiency and rooftop solar requirements.

(a) The housing jobs department shall ensure that every housing construction program building is designed to:

(1) Comply with the requirements necessary to achieve a LEED Gold rating; and

(2) Qualify for sixty (60) percent of the available credits in the Energy and Atmosphere category of the LEED rating system. This subsection shall not be interpreted to require the housing jobs department to receive an official LEED certification.

(b) The housing jobs department shall ensure that every housing construction program building is equipped with photovoltaic rooftop solar with the largest feasible generation capacity appropriately sized for that building, as determined by an Inspector.

42-160.1-9. Rooftop sunlight exposure.

When siting and designing housing construction program buildings, the housing jobs department shall make all feasible, lawful, and appropriate efforts to build housing construction program buildings in such a way as to maximize their roofs' exposure to sunlight.

42-160.1-10. Just transition and diversity requirements.

(a) When hiring employees, hiring contractors, awarding contracts, designing project labor

agreements, promulgating rules and regulations, and enforcing rules and regulations, the housing jobs department shall:

(1) Maximize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the director, the number of housing construction program workers who are enrolled in or who have completed the Just Transition Program administered by the department of labor and training, pursuant to § 42-16.1-21; and

(2) Maximize, to the greatest extent feasible, lawful, and appropriate, racial and gender equity within the hiring processes for housing construction program workers.

(b) Contractors, subcontractors, firms, corporations, partnerships, and all other entities working on housing construction program projects shall, at all times, make good faith efforts to promote workforce diversity for housing construction program projects, including with regard to race and gender. If the director determines that a contractor, subcontractor, firm, corporation, partnership, or other entity is not making good faith efforts to achieve workforce diversity, the director may prohibit that entity from bidding on contracts or being awarded contracts for housing construction program projects for two (2) years.

42-160.1-11. Severability.

(a) If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

(b) If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 4. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 160.2

THE HOUSING CONSTRUCTION PROGRAM UNITS MANAGEMENT ACT

42-160.2-1. Short title.

This act shall be known as and may be cited as "The Housing Construction Program Units Management Act."

42-160.2-2. Legislative findings.

(a) Housing is a human right. It is the responsibility of the government of Rhode Island to ensure that every state resident has housing.

(b) There is currently an enormous shortage of affordable rental homes in Rhode Island. To address this crisis, Rhode Island must build thousands of new, affordable homes and ensure that they remain affordable.

42-160.2-3. Definitions.

As used in this chapter:

(1) "Area median income" means the area median income of the HUD metro area in which the housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development, using the family size adjustments calculated by the U.S. Department of Housing and Urban Development.

(2) "Cumulative adjusted gross household income" means the cumulative adjusted gross income of every person in a single household, as reflected on federal income tax returns of the most recent year.

(3) "Department" means the housing jobs department.

(4) "Director" means the director of the housing jobs department.

(5) "Division" means the housing maintenance division.

(6) "Eight person household area median income" means the area median income of an eight (8) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(7) "Fair market monthly rental value" means the monthly rental fee at which a housing construction program unit would be likely to be rented on the open market in Rhode Island, as determined by the director, taking into account contemporary market conditions including, but not limited to, the relative availability and price of alternative housing options, the size of the housing construction program unit, and the geographic location of the Housing Construction Program Unit.

(8) "Five person household area median income" means the area median income of a five (5) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(9) "Four person household area median income" means the area median income of a four (4) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(10) "Housing construction program" means the housing construction program described in § 42-160.1-4.

(11) "Housing construction program building" means any building, which is owned by the department that contains one or more housing construction program units.

(12) "Housing construction program unit" means:

(i) A unit of housing which was created, in whole or in any part, by the housing jobs department;

(ii) A unit of housing which was created, in whole or in any part, by a corporation, firm,

partnership or other entity or person under contract with the housing jobs department, or a subcontractor thereof; or

(iii) A unit of housing which was created, in whole or in any part, with money from the housing jobs department.

(13) "Housing construction program unit tenant" means a person who rents a housing construction program unit.

(14) "Housing maintenance program" means the cumulative entirety of any and all rules, regulations, contracts, plans, projects, expenditures, and activities completed by the housing jobs department to maintain, improve, rent, use, or manage any and all housing construction program units.

(15) "One person household area median income" means the area median income of a single person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(16) "Property upkeep and improvement fund" means a separate, restricted funds account owned and established by the division, into which the division may deposit money and from which the division may withdraw money.

(17) "Seven person household area median income" means the area median income of a seven (7) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(18) "Six person household area median income" means the area median income of a six (6) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(19) "Three person household area median income" means the area median income of a three (3) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

(20) "Two person household area median income" means the area median income of a two (2) person family in the HUD metro area in which a housing construction program unit is located, as calculated by the U.S. Department of Housing and Urban Development.

42-160.2-4. The housing maintenance division.

(a) The department shall establish the housing maintenance division.

(b) The housing maintenance division shall establish the housing maintenance program.

(c) The purposes of the housing maintenance program shall be to:

(1) Lease housing construction program units to housing construction program unit tenants;

(2) Collect monthly rental payments from housing construction program unit tenants;

(3) Make appropriate repairs, adjustments, and improvements to housing construction program units;

(4) Address and seek to resolve complaints and concerns raised by housing construction program unit tenants, pertaining to the conditions, habitability, safety, state of repair, and comfort of housing construction program units.

(d) When a housing construction program unit is fully constructed and completed, the department shall transfer full legal ownership of it to the division.

(e) When a housing construction program building is fully constructed and completed, the department shall transfer full legal ownership of it to the division.

(f) The division shall indefinitely retain legal ownership of every completed housing construction program unit and every completed housing construction program building. The division may not sell or transfer legal or equitable title of any housing construction program unit or any housing construction program building.

(g) The division shall establish an application process through which Rhode Island residents may apply to live in a housing construction program unit.

(h) The division shall collect rental payments from housing construction program unit tenants, ensure that appropriate repairs, adjustments, and improvements are made to housing construction program units, and address tenant complaints pertaining to the conditions, habitability, and comfort of housing construction program units.

(i) The rental payments made by housing construction program unit tenants shall be collected directly by employees of the division, not by other individuals, groups, contractors, subcontractors, or corporations.

(j) Repairs, adjustments, and improvements to the housing construction program units may be made by employees of the division or by other individuals, groups, contractors, subcontractors, or corporations under contract with the division.

(k) The division shall develop and implement an affirmative action plan to lawfully ensure diversity among the collective group of employees of the division, including with regard to race, color, national origin, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, service member in the armed forces, country of ancestral origin, disability, age, housing status, familial status, or immigration status.

42-160.2-5. Mixed-income bifurcation.

(a) All housing construction program units shall be divided into two (2) categories:

(1) Set rate units; and

(2) Market rate units. Every housing construction program unit must be in one of the two (2) categories at all times. A housing construction program unit may, at different times, be in different categories and may switch back and forth at the discretion of the director, provided that each housing construction program unit may only be in one category at any given time.

(b) At all times, no fewer than fifty five (55%) percent, and no more than sixty (60%) percent, of the total housing construction program units in each housing construction program building shall be set rate units.

42-160.2-6. Value of housing construction program units.

(a) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for a single occupant is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of one person household area median income, at the time that housing construction program unit is completed.

(b) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for two (2) occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of two (2) person household area median income, at the time that housing construction program unit is completed.

(c) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for three (3) occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of three (3) person household area median income, at the time that housing construction program unit is completed.

(d) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for four (4)occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of four (4) person household area median income, at the time that housing construction program unit is completed.

(e) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for five (5) occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of five (5) person household area median income, at the time that housing construction program unit is completed.

(f) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for six (6) occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of six (6) person household area median income, at the time that housing construction program unit is completed.

(g) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for seven (7) occupants is between two and one half (2.5%)

percent of one person household area median income and three (3%) percent of seven (7) person household area median income, at the time that housing construction program unit is completed.

(h) The director shall ensure that the fair market monthly rental value of each housing construction program unit intended for eight (8) occupants is between two and one half (2.5%) percent of one person household area median income and three (3%) percent of eight (8) person household area median income, at the time that housing construction program unit is completed.

42-160.2-7. Eligibility to live in a set rate unit.

(a) Persons who are part of a single person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the one person household area median income are eligible to become tenants of set rate units.

(b) Persons who are part of a two (2) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the two (2) person household area median income are eligible to become tenants of set rate units.

(c) Persons who are part of a three (3) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the three (3) person household area median income are eligible to become tenants of set rate units.

(d) Persons who are part of a four (4) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the four (4) person household area median income are eligible to become tenants of set rate units.

(e) Persons who are part of a five (5) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the five (5) person household area median income are eligible to become tenants of set rate units.

(f) Persons who are part of a six (6) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the six (6) person household area median income are eligible to become tenants of set rate units.

(g) Persons who are part of a seven (7) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the seven (7) person household area median income are eligible to become tenants of set rate units.

(h) Persons who are part of an eight (8) person household and whose cumulative adjusted gross household income does not exceed seventy (70%) percent of the eight (8) person household area median income are eligible to become tenants of set rate units.

42-160.2-8. Applying to live in a set rate unit.

(a) The division shall create a set rate unit application for applicants to use to apply to rent a set rate unit.

(b) The set rate unit application shall be easily accessible on the website of the housing jobs department. Applicants shall be given the option of submitting their Set rate unit application electronically on the website of the housing jobs department. Visitors to the website of the housing jobs department shall be able to download and print as many copies of the set rate unit application as they wish. The housing jobs department shall also establish a system through which applicants can easily and conveniently submit non-electronic, paper versions of the set rate unit application.

(c) The set rate unit application shall be available in English and in any other language spoken by at least ten (10) percent of the population of the state of Rhode Island, as determined by the U.S. Census Bureau.

(d) The division shall develop an equitable and fair system through which to offer available set rate units to eligible applicants.

(e) If the number of eligible applicants exceeds the number of available housing construction program units, the division shall establish a waiting list for the remaining applicants who have not yet received set rate units. Applicants on the waiting list shall be kept regularly apprised of their position on the waiting list, no less frequently than once every two (2) months.

42-160.2-9. Set rate unit affordability.

(a) The director shall determine the monthly rental fee for any set rate unit.

(b) The monthly rental fee for any set rate unit shall not exceed one-twelfth (1/12) of twenty percent (20%) of the occupants' cumulative household adjusted gross income, except that the monthly rental fee for any set rate unit shall not be less than three hundred thirty-three dollars ($333). The monthly rental fee shall include the cost of utilities.

42-160.2-10. Market rate units.

(a) The director shall determine the monthly rental fee for any market rate unit.

(b) The director shall set the monthly rental fee for any market rate unit at the fair market monthly rental value of that unit, except that the director may adjust the monthly rental fee when the director deems doing so is appropriate.

42-160.2-11. Property upkeep and improvement fund.

(a) The division shall establish a restricted funds account which shall be known as the property upkeep and improvement fund.

(b) The rental fees collected from the housing construction program unit tenants shall be deposited directly into the property upkeep and improvement fund.

(c) Money in the property upkeep and improvement fund shall only be used to:

(1) Maintain housing construction program units, housing construction program buildings, or the adjacent land;

(2) Make repairs to housing construction program units or housing construction program buildings; or

(3) Make improvements to housing construction program units, housing construction program buildings, or the adjacent land.

(d) The director shall determine how to spend the money in the property upkeep and improvement fund, in accordance with the provisions of this chapter. The director may delegate this authority to an employee or employees of the division.

42-160.2-12. Severability.

(a) If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

(b) If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 160.3

THE SOLAR JOBS ACT

42-160.3-1. Short title.

This act shall be known and shall be cited as "The Solar Jobs Act."

42-160.3-2. Legislative findings.

(a) Thousands of low-income Rhode Island residents lose access to electricity each year because they cannot afford to pay their utility bills.

(b) Distributed generation, such as rooftop photovoltaic solar panels, obviates the need to build new, expensive electricity distribution infrastructure, such as transmission lines, substations, and transformers. Once built, the cost of new electricity distribution infrastructure is passed onto rate-payers. Installing distributed generation on some homes, therefore, reduces electricity rates for all utility rate-payers in the state.

(c) Climate change poses a severe threat to every Rhode Island resident. Climate change is drastically accelerated by human activity, particularly activities that emit greenhouse gases.

(d) Installing distributed generation, such as solar panels, on homes will dramatically reduce Rhode Island's greenhouse gas emissions.

(e) Project labor agreements help protect workers by ensuring fair wages, working conditions, and salaries.

(f) Properly designed project labor agreements help the state meet workforce diversity

goals.

(g) Project labor agreements are necessary for installing solar panels due to the complexity of the work.

(h) Project labor agreements provide the state with a guarantee that public works projects will be completed with highly skilled and safely trained workers.

(i) Project labor agreements provide for peaceful, orderly, and mutually binding procedures for resolving labor issues, preventing significant lost-time on construction projects.

(j) Project labor agreements allow public agencies to predict more accurately the actual cost of the projects.

(k) To address the climate crisis, and to reduce utility bills, Rhode Island must install photovoltaic solar panels on the roofs of tens of thousands of homes in Rhode Island using project labor agreements.

42-160.3-3. Definitions.

(a) As used in this chapter:

(1) "Census tract" means a census tract as identified by the U.S. Census Bureau.

(2) "Cumulative adjusted gross household income" means the cumulative adjusted gross income of every

(3) "Department" means the housing jobs department.

(4) "Director" means the director of the housing jobs department.

(5) "Free solar power applicant" means an individual who has submitted a free solar power application.

(6) "Free solar power application" means a free solar power application, as provided in § 42-160.3-5.

(7) "Free solar power multi-family residence application" means a free solar power application for a selected housing unit building which is a multifamily residence.

(8) "Free solar power single family residence application" means a free solar power application for a selected housing unit building which is a single family residence.

(9) "Housing construction program building" means any building, which is owned by the department that contains one or more housing construction program units.

(10) "Housing construction program unit" means:

(i) A unit of housing which was created, in whole or in any part, by the housing jobs department;

(ii) A unit of housing which was created, in whole or in any part, by a corporation, firm, partnership or other entity or person under contract with the housing jobs department, or a

subcontractor thereof; or

(iii) A unit of housing which was created, in whole or in any part, with money from the housing jobs department.

(11) "Housing unit building" means the physical structure of a single family residence or a multifamily residence, and the land on which a single family residence or multifamily residence is located.

(12) "Inspector" means a person qualified to:

(i) Inspect housing units to accurately assess whether a rooftop photovoltaic solar panel system could be safely installed on a housing unit, including by taking into account:

(A) Whether the roof can safely support the weight of a photovoltaic solar panel system;

(B) Whether installation workers can safely access the roof and install the solar panels without undue hazard; and

(C) Any other safety considerations that, in the judgment of the director, ought to be considered when determining whether a photovoltaic solar panel system can be safely installed on a housing unit.

(D) Accurately assess the most appropriate location of a photovoltaic solar panel system on a housing unit, taking into account both safety considerations and the relative exposure to sunlight of different possible locations on the housing unit.

(ii) Accurately assess the highest nameplate generation capacity that could be safely installed on a housing unit.

(iii) Accurately assess the most appropriate type of solar panel system to install on the roof of a housing unit or on any other part of the property owned or rented by the housing unit's occupant, including with respect to size, shape, manufacturer, nameplate generation capacity, wiring, and any other relevant solar panel features.

(13) "Multi-family residence building" means a building or residential complex that contains multiple, separate housing units.

(14) "Project labor agreement" means a pre-negotiated, pre-hire collective bargaining agreement which governs all working conditions and standards related to employment on a specific project.

(15) "Routine maintenance, upkeep, and repairs" refers to maintenance, upkeep, and repairs that:

(i) Are ordinarily expected to be necessary or foreseeable in the standard life cycle of a solar panel system; and

(ii) Were not caused by the fault, sabotage, or negligence of the housing unit owner.

(16) "Safety and feasibility certification" means the safety and feasibility certification issued by an inspector, as provided in § 42-160.3-6.

(17) "Selected housing unit building" means the housing unit building on which a free solar power applicant has applied to have a photovoltaic rooftop solar panel system installed.

(18) "Single family residence" means a house that is intended to be occupied by a single household.

(19) "Solar installation contract" means the solar installation contract provided in § 42-160.3-7.

(20) "Solar jobs program" means the cumulative entirety of any and all rules, regulations, contracts, plans, projects, expenditures, and activities completed by the housing jobs department to install photovoltaic solar panel systems on housing units which are not Housing Construction Program Units.

(21) "Solar jobs program project" means an installation of a photovoltaic solar panel system on a housing unit under the solar jobs program, or a series of such installations.

(22) "Solar jobs program worker" means any worker, including employees, contractors, and subcontractors who perform work as part of the solar jobs program, under contract with the housing jobs department.

42-160.3-4. Solar jobs program.

(a) The housing jobs department shall establish the solar jobs program.

(b) The purpose of the solar jobs program is to install photovoltaic solar panel systems on housing unit buildings.

42-160.3-5. Solar panel installation application process.

(a) The housing jobs department shall create a simple and convenient free solar power application, with which individuals can apply to receive a rooftop photovoltaic solar panel system installed on a housing unit building which they own.

(b) The free solar power application shall be named and called the "free solar power application" in all official, public communications made by the housing jobs department and its employees and agents.

(c) Free solar power applicants whose selected housing unit building is a single family residence shall provide the following information in their free solar power application:

(1) Their name;

(2) The address of their selected housing unit building;

(3) Their cumulative adjusted gross household income;

(4) The number of individuals in their household;

(5) Whether they would prefer to have a solar panel system installed on the roof, or whether they would prefer to have a solar panel system installed on another part of the property, or whether they have no preference;

(6) Whether they have the legal right to allow a photovoltaic solar panel system to be installed on the selected housing unit building; and

(7) Any other question that the director deems appropriate to include on the application.

(d) Free solar power applicants whose selected housing unit building is a multifamily residence, shall provide the following information in their free solar power application:

(1) Their name;

(2) The address of their selected housing unit building;

(3) Whether they would prefer to have a solar panel system installed on the roof, or whether they would prefer to have a solar panel system installed on another part of the property, or whether they have no preference;

(4) Whether they have the legal right to allow a photovoltaic solar panel system to be installed on the selected housing unit building; and

(5) Any other question that the director deems appropriate to include on the application.

(e) The free solar power application shall be easily accessible on the website of the housing jobs department. Applicants shall be given the option of submitting their free solar power application electronically on the website of the housing jobs department. Visitors to the website of the housing jobs department shall be able to download and print as many copies of the free solar power application as they wish. The housing jobs department shall also establish a program through which applicants can easily and conveniently submit non-electronic, paper versions of the free solar installation application.

(f) The free solar power application shall be available in English and in any other language spoken by at least ten (10) percent of the state of Rhode Island, as determined by the U.S. Census Bureau.

(g) Individuals shall be ineligible to submit a free solar power application if they lack the legal right to permit a photovoltaic solar panel system to be installed on their housing unit.

42-160.3-6. Inspection and certification.

(a) The housing jobs department shall send an Inspector to the selected housing unit building of any individual who has submitted a free solar power application, provided that the individual is eligible to submit a free solar power application and their application, in the determination of the director, is reasonably likely to be approved. The inspector shall arrive at the selected housing unit building at a time to which the free solar power applicant has agreed. The

inspector shall inspect the selected housing unit building to assess whether a photovoltaic solar panel system could be safely installed on the selected housing unit building. In order to determine whether a photovoltaic solar panel system could safely be installed on the selected housing unit building, the inspector shall consider:

(1) Whether the roof or another area of the property can safely support the weight of a photovoltaic solar panel system;

(2) Whether installation workers can safely access the roof or another area of the property to install solar panels without undue hazard;

(3) Any other safety considerations that the Inspector deems appropriate; and

(4) Any other safety considerations that the director has instructed the Inspector to consider.

(b) After completing the inspection of a free solar power applicant's selected housing unit building, the inspector shall issue a safety and feasibility certification of the selected housing unit building if the inspector determines that:

(1) A photovoltaic solar panel system could be safely installed on the applicant's selected housing unit building; and

(2) The photovoltaic solar panel system, once installed on the applicant's selected housing unit building, would not have significantly impaired exposure to sunlight.

(c) A safety and feasibility certification shall include:

(1) The inspector's recommendation as to the most appropriate location for the photovoltaic solar panel system on the selected housing unit building. The inspector shall make every reasonable effort to honor to the applicant's preference as to the location of the photovoltaic solar panel system, as long as the applicant's preferred location would not compromise the safety of the selected housing unit building's occupants or the structural integrity of the selected housing unit Building, and would not significantly impair the solar panel system's exposure to sunlight.

(2) The inspector's recommendation as to the most appropriate type of photovoltaic solar panel system to install on the applicant's selected housing unit building, including with respect to size, shape, manufacturer, nameplate generation capacity, wiring, and any other relevant solar panel features.

(i) When recommending a photovoltaic solar panel system for a single family residence, the inspector shall recommend the installation of the photovoltaic solar panel system with the highest nameplate generation capacity as is feasible without compromising the safety of the housing unit's occupants or the structural integrity of the housing unit and without significantly impairing the photovoltaic solar panel system's exposure to sunlight, except that the inspector shall not

recommend a photovoltaic solar panel system with greater than four thousand watts (4,000 W) of nameplate generation capacity.

(ii) When recommending a photovoltaic solar panel system for a multifamily residence, the Inspector shall recommend the installation of the photovoltaic solar panel system with the highest nameplate generation capacity as is feasible without compromising the safety of the housing unit's occupants or the structural integrity of the housing unit and without significantly impairing the photovoltaic solar panel system's exposure to sunlight.

42-160.3-7. Solar installation contract.

(a) After an inspector has issued a safety and feasibility certification and determined the most appropriate type of solar panel system to install on the applicant's selected housing unit building, the housing jobs department shall send the applicant a solar installation contract describing the proposed solar installation. The proposed solar installation shall include a description of:

(1) The most appropriate location for the photovoltaic solar panel system on the selected housing unit building, according to the inspector's recommendation provided in the safety and feasibility certification; and

(2) The type of solar panel system that would be most appropriate to be installed on the applicant's selected housing unit building, including with respect to size, shape, manufacturer, nameplate generation capacity, wiring, and any other relevant solar panel features, according to the inspector's recommendation in the safety and feasibility certification. The document shall also provide prominently displayed estimates of approximately how much electricity the proposed solar installation will produce in an average year, as well as an estimate of how much money the applicant will save on their annual electricity bill if the proposed solar installation were installed.

(b) The bottom of the solar installation contract shall include a space for the applicant's signature and date of signature, as well as clear and accessible language indicating that the applicant is, under no circumstances, required to sign the solar installation contract. The solar installation contract shall also indicate that, if the applicant signs the solar installation contract, they are consenting to the installation of the proposed solar installation.

(c) The solar installation contract may include any additional provisions that the director deems appropriate, provided such provisions are consistent with the requirements of this chapter.

42-160.3-8. Free solar power application approval.

(a) The housing jobs department shall review free solar power applications promptly, and shall approve them according to the requirements of this subsection.

(b) The housing jobs department shall only approve a free solar power application if:

(1) An Inspector has issued a safety and feasibility certification of the applicant's selected housing unit building;

(2) The applicant has signed the solar installation contract;

(3) The department intends to install photovoltaic solar panels on the applicant's selected housing unit building within three (3) months; and

(4) When the housing jobs department is certain that it has the resources to finance the entire cost of the installation, including, but not limited to:

(i) The cost of the photovoltaic solar panel system;

(ii) The costs related to the shipment and transportation of the photovoltaic solar panel system;

(iii) The labor costs to compensate the solar jobs program workers who will install the photovoltaic solar panel system;

(iv) The administrative costs to coordinate the installation;

(v) Any reasonably foreseeable routine maintenance, upkeep, and repairs that are the legal and financial responsibility of the department, pursuant to § 42-160.3-13; and

(vi) Any other costs which the director deems appropriate for the department to pay for.

(c) After approving a free solar power application, an employee of the housing jobs department shall:

(1) Promptly notify the applicant that their application has been approved; and

(2) Determine a mutually convenient time for both the department and the applicant to install the proposed solar installation on the selected housing unit building.

(d) If an applicant has had their free solar power application approved, the housing jobs department shall pay the full and complete cost of installing a photovoltaic rooftop solar panel system on the applicant's selected housing unit building.

42-160.3-9. Solar panel installation prioritization order.

(a) The housing jobs department shall divide all free solar power applications into two (2) categories:

(1) Free solar power single family residence applications; and

(2) Free solar power multifamily residence applications.

(b) When considering multiple free solar power single family residence applications, the housing jobs department shall, at all times, prioritize a free solar power single family residence application submitted by an individual with a lower cumulative adjusted gross household income over a free solar power single family residence application submitted by an individual with a higher cumulative adjusted gross household income.

(c) When considering multiple free solar power multifamily residence applications, the housing jobs department shall, at all times, prioritize a free solar power multifamily residence application for a selected housing unit in a census Tract with a lower median household income, as calculated by the U.S. Census Bureau, over a free solar power multifamily residence application for a selected housing unit in a census tract with a higher median household income, as calculated by the U.S. Census Bureau.

42-160.3-10. Advertising in low-income communities.

The housing jobs department shall make substantial and sustained efforts to advertise the solar jobs program in low-income communities across Rhode Island, including the availability of free solar panel installations.

42-160.3-11. Project labor agreements required.

(a) Solar jobs program workers shall be paid not less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which shall include a:

(1) Mutually agreeable, lawful, and uniform grievance and arbitration procedure for the resolution of work-related disputes involving solar jobs program projects;

(2) Mutually agreeable, lawful work rules, working conditions, and working schedules for solar jobs program projects;

(3) Mutually agreeable, lawful terms regarding the benefits provided for workers working on solar jobs program projects;

(4) Mutually agreeable, lawful terms regarding the use of apprenticeship programs and pre-apprenticeship programs on solar jobs program projects;

(5) Mutually agreeable, lawful goals or requirements to promote workforce diversity for solar jobs program projects, including, but not limited to, with regard to race and gender;

(6) Mutually agreeable, lawful goals or requirements to hire local residents who live near the work site for solar jobs program projects; and

(7) Mutually agreeable, lawful goals or requirements to hire enrollees or former enrollees of the just transition program established by the department of labor and training, pursuant to § 42-16.1-21, to work on solar jobs program projects.

42-160.3-12. Solar panel maintenance.

(a) The department shall assume legal and financial responsibility for all routine maintenance, upkeep, and repairs of the photovoltaic solar panel systems installed through the solar jobs program.

(b) The department is prohibited from transferring legal or financial responsibility for any

routine maintenance, upkeep, and repairs to any other entity.

(c) The department shall establish a convenient way for recipients of photovoltaic solar panel systems which were installed by the department under the solar jobs act to file requests with the department for the department to perform routine maintenance, upkeep, and repairs. The department shall investigate credible and reasonable requests for routine maintenance, upkeep, and repairs promptly. If, upon investigation, the department determines that a photovoltaic solar panel system is in need of routine maintenance, upkeep, and repairs, the department shall perform the necessary routine maintenance, upkeep, and repairs promptly. The department is released from the obligation to perform routine maintenance, upkeep, and repairs if the recipient of the solar panel installation makes it unreasonably difficult to perform the routine maintenance, upkeep, and repairs, including by refusing to allow agents, contractors, or employees of the department on the premises or by failing to agree to a time during which the routine maintenance, upkeep, and repairs shall take place.

42-160.3-13. Legal ownership of the photovoltaic solar panel systems.

(a) Once a photovoltaic solar panel system is installed on an applicant's housing unit, the photovoltaic solar panel system is the property of the department.

(b) The department shall include in the solar installation contract:

(1) A provision prohibiting the applicant from selling, removing, deliberately damaging, sabotaging, or dismantling the proposed solar installation; and

(2) Any additional restrictions on the ways in which the applicant may use or affect the proposed solar installation that the director deems appropriate.

(c) If legal or equitable ownership of a housing unit building is transferred after a photovoltaic solar panel system is already installed on it, pursuant to the solar jobs program, the transferee automatically assumes all legal rights and duties with respect to the photovoltaic solar panel system that were previously attached to the transferor.

42-160.3-14. Net metering requirement.

(a) The owner of a multifamily residence building which receives a photovoltaic solar panel system installation, pursuant to the solar jobs program, shall enroll in the community net metering program under chapter 26.4 of title 39. The electric distribution company providing electricity to the multifamily residence building must install a net meter, and may not charge the owner of the multifamily residence building, or any residents of said building, for either the net meter or any installation costs.

(b) If the owner of a multifamily residence building receives a photovoltaic solar panel system installation, pursuant to the solar jobs program, the full financial benefit of the electricity

thereby produced shall be awarded to the tenants of the multifamily residence building in the form of reduced utility bills. The utility company shall offset the utility bills paid by the tenants of the multifamily residence building on an equal basis by housing unit.

(c) The owner of a single family residence which receives a photovoltaic solar panel system installation, pursuant to the solar jobs program, shall enroll in the net metering program under chapter 26.4 of title 39. The electric distribution company providing electricity to the single family residence must install a net meter, and may not charge the owner of the multifamily residence building, or any residents of said residence, for either the net meter or any installation costs.

42-160.3-15. Just transition and diversity.

(a) When hiring employees, hiring contractors, awarding contracts, designing project labor agreements, promulgating rules and regulations, and enforcing rules and regulations, the housing jobs department shall:

(1) Maximize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the director, the number of solar jobs program workers who are enrolled in or who have completed the just transition program administered by the department of labor and training, pursuant to § 42-16.1-21.

(2) Maximize, to the greatest extent feasible, lawful, and appropriate, racial and gender equity within the hiring processes for solar jobs program workers.

(b) Contractors, subcontractors, firms, corporations, partnerships, and all other entities working on solar jobs program projects shall, at all times, make good faith efforts to promote workforce diversity for housing construction program projects, including with regard to race and gender. If the director determines that a contractor, subcontractor, firm, corporation, partnership, or other entity is not making good faith efforts to achieve workforce diversity, the director may prohibit that entity from bidding on contracts or being awarded contracts for solar jobs program projects for two (2) years.

42-160.3-16. Severability.

(a) If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

(b) If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Sections 34-37-3 and 34-37-4 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

34-37-3. Definitions.

When used in this chapter:

(1) "Age" means anyone over the age of eighteen (18).

(2) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard, Merchant Marines, or Air Force of the United States and the Rhode Island National Guard.

(3) "Commission" means the Rhode Island commission for human rights created by § 28-5-8.

(4) "Disability" means a disability as defined in § 42-87-1.

Provided, further, that the term "disability" does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. § 802.

(5) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, housing status, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, housing status, or familial status of any person with whom they are, or may wish to be, associated.

(6) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(7)(i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person, provided that, if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(8) The terms, as used regarding persons with disabilities, "auxiliary aids and services", "reasonable accommodation", and "reasonable modifications" have the same meaning as those terms are defined in § 42-87-1.1.

(9) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

(10) "Housing accommodation" includes any building or structure, or portion of any building or structure, or any parcel of land, developed or undeveloped, that is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.

(11) "Otherwise qualified" includes any person with a disability who, with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in § 34-18-24.

(12) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(13) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

(14) "Senior citizen" means a person sixty-two (62) years of age or older.

(15) "Source of lawful income" means any and all income derived or obtained from legal sources, including, but is not limited to, any financial housing assistance such as financial assistance provided under Section 8 of the federal Fair Housing Act.

~~(15)~~(16) The term "sexual orientation" means having, or being perceived as having, an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to ensure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

~~(16)~~(17) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in § 12-29-2.

~~(17)~~(18) The term "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

34-37-4. Unlawful housing practices.

(a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, shall, directly or indirectly, make, or cause to be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status nor make any written or oral inquiry concerning whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a

restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

(b) No person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or any express written or oral inquiry into whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the housing accommodation; nor shall any person to whom the application is made in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant or of

the existing or prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

(c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for, or offering financial assistance in, the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, immigration status, source of lawful income used for rental or mortgage payments, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

(d) An owner may not refuse to allow a person with a disability to make, at his or her expense, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in the account shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will be subject to § 34-18-19(b) -- (f).

(e)(1) An owner may not refuse to make reasonable accommodations in rules, policies, practices, or services when those accommodations may be necessary to afford an occupant with a disability equal opportunity to use and enjoy a dwelling.

(2) Every person with a disability who has a guide dog or other personal assistive animal, or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal access to all housing accommodations provided for in this section and shall not be required to pay extra compensation for the guide dog or other personal assistive animal but shall be liable for any damage done to the premises by a guide dog or other personal assistive animal. For the purposes of this subsection, a "personal assistive animal" is an animal specifically trained by a certified animal training program to assist a person with a disability to perform independent living tasks.

(f) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991, shall be designed and constructed in such a manner that:

(1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

(2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

(3) All premises within the dwellings contain the following features of adaptive design:

(i) Accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver

about the space. To the extent that any state or local building codes, statutes, or ordinances are inconsistent with this section, they are hereby repealed. The state building code standards committee is hereby directed to adopt rules and regulations consistent with this section as soon as possible, but no later than September 30, 1990.

(g) Compliance with the appropriate requirements of the state building code 14 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the requirements of subsection (f).

(h) As used in subsection (f), the term "housing accommodation of four (4) units or more" means:

(1) Buildings consisting of four (4) or more units if those buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units;

(i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation that requires a greater degree of accessibility to persons with disabilities.

(j) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee, sublessee, or assignee from advertising or selecting a person of the same or opposite gender to rent, lease, or share the housing unit that the owner, lessee, sublessee, or assignee will occupy with the person selected.

(l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful housing practice; or obstruct or prevent any person from complying with the provisions of this chapter or any order issued thereunder; or attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(m) No owner; person defined in § 34-37-3(13); person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured; no financial organization governed by the provisions of title 19 or any other credit-granting commercial institution; or respondent under this chapter; or any agent of these shall discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

(n) Nothing in this section shall prevent a landlord from proceeding with eviction action

against a tenant who fails to comply with § 34-18-24(7).

SECTION 7. Sections 34-18-11 and 34-18-35 of the General Laws in Chapter 34-18 entitled "Residential Landlord and Tenant Act" are hereby amended to read as follows:

34-18-11. Definitions.

Subject to additional definitions contained in subsequent sections of this chapter which apply to specific sections thereof, and unless the context otherwise requires, in this chapter:

(1) "Abandonment" means the tenant has vacated the premises without notice to the landlord and has no intention of returning, as evidenced by nonpayment of rent for more than fifteen (15) days and removal of substantially all possessions from the premises;

(2) "Action" includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined, including an action for possession;

(3) "Building and housing codes" include any law, ordinance, or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use, or appearance of any premises of dwelling unit;

(4) "Dwelling unit" means a structure or part of a structure that is designed or intended to be used as a home, residence, or sleeping place by one or more persons;

(5) "Evict" means to terminate a residential tenancy or to attempt to do so. "Evict" includes, but is not limited to, terminating a tenancy by:

(i) Refusing to renew an expiring lease;

(ii) Issuing a notice to vacate the premises;

(iii) Issuing a notice to vacate the premises;

(iv) Filing or causing to be filed any lawsuit seeking possession of the premises; or

(v) Making any statement or taking any act to deter, exclude, or otherwise prevent a tenant from remaining in occupancy of leased premises.

~~(5)~~(6) "Fair rental value" means rent which is of comparable value with that of other rental properties of similar size and condition within the contiguous neighborhood;

~~(6)~~(7) "Good faith" means honesty in fact in the conduct of the transaction concerned;

(8) "Just cause' means any of the following reasons for eviction, and no others:

(i) The tenant has failed to pay rent, as long as the owner notified the tenant in writing of the amount of rent that was to be paid and to whom it was to be paid no less than sixty (60) days before evicting the tenant;

(ii) the tenant has materially violated either an express or legally required obligation or covenant of the tenancy or occupancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation within sixty (60) days after having received written

notice thereof from the owner;

(iii) The tenant is committing a nuisance in the unit; is permitting a nuisance to exist in the unit; is causing substantial damage to the unit; or is creating a substantial interference with the quiet enjoyment of other occupants or other tenants of the building;

(iv) The tenant is using, or permitting the unit to be used, for any illegal purpose;

(v) The tenant, who had a written bona fide lease or other rental agreement that has terminated, has refused, after written request or demand by the owner, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not inconsistent with this chapter;

(vi) the tenant has refused the owner reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the United States, the state of Rhode Island or any subdivision thereof;

(vii) The owner seeks:

(A) To permanently board up or demolish the premises because the premises have been cited by a state or local minimum housing code enforcement agency for substantial violations affecting the health and safety of tenants and it is economically not feasible for the owner to eliminate the violations;

(B) To comply with a state or local minimum housing code enforcement agency that has cited the premises for substantial violations affecting the health and safety of tenants and it is not feasible to so comply without removing the tenant; or

(C) To correct an illegal occupancy because the premises have been cited by a state or local minimum housing code enforcement agency or zoning official and it is not feasible to correct such illegal occupancy without removing the tenant.

~~(7)~~(9) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to disclose as required by § 34-18-20;

~~(8)~~(10) "Ordinary wear and tear" means deterioration of the premises which is the result of the tenant's normal nonabusive living and includes, but is not limited to, deterioration caused by the landlord's failure to prepare for expected conditions or by the landlord's failure to comply with his or her obligations;

~~(9)~~(11) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership of association, two (2) or more persons having a joint or common interest, and any other legal or commercial entity;

~~(10)~~(12) "Owner" shall mean any person who, alone or jointly or severally with others:

(i) Has legal title or tax title (pursuant to §§ 44-9-40 -- 44-9-46, inclusive, of the general laws) to any dwelling, dwelling unit or structure with or without accompanying actual possession thereof; or

(ii) Has charge, care, or control of any dwelling, dwelling unit or structure as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner in this way shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

~~(11)~~(13) "Person" includes an individual or organization;

~~(12)~~(14) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities held out for the use of tenants generally, or the use of which is promised to the tenant;

~~(13)~~(15) "Rent" means the payment or consideration that a tenant pays to a landlord for the use of the premises, whether money, services, property, or produce of the land;

~~(14)~~(16) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 34-18-25 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises, and also includes any terms required by law;

~~(15)~~(17) "Roomer" means a tenant occupying a dwelling unit which consists of any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes;

~~(16)~~(18) "Security deposit" means a sum of money given by a tenant to a landlord at the outset of the tenancy or shortly thereafter, as a deposit against physical damages to the tenant's dwelling unit during said tenancy;

~~(17)~~(19) "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others;

~~(18)~~(20) "Transitional housing facility" means a facility which, for a period not to exceed two (2) years, provides its residents with appropriate social services for the purpose of fostering independence, self sufficiency, and eventual transition to a permanent living arrangement;

~~(19)~~(21) "Willful" means that the act was performed intentionally, knowingly and purposely, not accidentally or inadvertently and without justifiable excuse.

34-18-35. Eviction for nonpayment of rent.

(a) If any part of the stipulated rent is due and in arrears for ~~fifteen (15)~~ thirty (30) days, the landlord shall send a written notice, in a form substantially similar to that provided in § 34-18-56(a), specifying the amount of the rent which is ~~fifteen (15)~~ thirty (30) days in arrears, making

demand for the rent, and notifying the tenant that unless he or she cures the breach within ~~five (5)~~ sixty (60) days of the date of mailing of the notice, the rental agreement shall terminate, and the landlord shall commence an eviction action in the appropriate district court or housing court.

(b) If the tenant fails to cure his or her breach by paying the stipulated rent in arrears within five (5) days of the date of mailing of the notice, the landlord may commence an eviction action against the tenant, which shall be filed no earlier than the sixth (6th) day after mailing of the written demand notice. The action shall be commenced by filing a "Complaint for Eviction for Nonpayment of Rent" in the appropriate court in the form provided in § 34-18-56(d).

(c) The summons for eviction for nonpayment of rent shall specify the date for hearing and be in the form provided in § 34-18-56(g). The summons shall specify that the defendant may file and serve his or her answer prior to or at the time of hearing, and that if he or she fails to answer or appear at the hearing, he or she shall be defaulted.

(d) If the defendant files his or her answer and commences discovery prior to the hearing, and it appears, for good cause shown, that the defendant will not be able to conduct his or her defense without the benefit of discovery, the court may continue the hearing to allow a reasonable time for the completion of discovery. In the case of such a continuance, the court may, in its discretion, order interim rent, or other remedy, to be paid to preserve the status quo pending hearing. Except as provided in this chapter, the landlord may recover possession and actual damages. In cases where the tenant had received a demand notice pursuant to subsection (a) within the six (6) months immediately preceding the filing of the action, and the tenant's nonpayment was willful, the landlord may also recover a reasonable attorney's fee.

(e) The tenant shall have the right to cure his or her failure to pay rent by tendering the full amount of rent prior to commencement of suit. If the tenant has not received a notice pursuant to subsection (a) of this section within the six (6) months immediately preceding the filing of the action, the tenant shall have the right to cure his or her failure to pay rent after commencement of suit by tendering the full amount of rent in arrears, together with court costs, at the time of hearing.

SECTION 8. Chapter 34-18 of the General Laws entitled "Residential Landlord and Tenant Act" is hereby amended by adding thereto the following section:

34-18-58. Just cause needed for all evictions.

(a) No landlord in Rhode Island may evict any tenant without just cause.

(b) Before terminating, attempting to terminate, or refusing to renew a residential tenancy, the landlord must provide written notice to the tenant stating the grounds for eviction which amount to just cause. The landlord must provide this written notice to the tenant no less than sixty (60) days before terminating, attempting to terminate, or refusing to renew a residential tenancy. In any legal

action or arbitration proceeding, the landlord shall bear the burden of proof to demonstrate that:

(1) The grounds for termination or non-renewal are true; and

(2) That those grounds amount to just cause.

(c) The requirement for just cause shall be waived if the tenant poses an immediate and serious threat to the physical wellbeing of the landlord or of any other resident. In any legal action or arbitration proceeding, the landlord shall bear the burden of proof to demonstrate that the evicted tenant posed an immediate and serious threat to the physical wellbeing of either the landlord themselves or another resident.

(d) If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

(e) If the application of any provision of this section to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by adding thereto the following chapter:

CHAPTER 50

LARGE BUILDING ENERGY EFFICIENCY ACT

34-50-1. Short title.

This act shall be known and may be cited as "Large Building Energy Efficiency Act."

34-50-2. Findings.

(a) Climate change poses a severe threat to every Rhode Island resident. Climate change is drastically accelerated by human activity, particularly activities that emit greenhouse gases.

(b) Increasing the energy efficiency of large buildings in Rhode Island is essential to reducing the state's greenhouse gas emissions.

34-50-3. Definitions.

As used in this chapter:

(1) "HERS" means the RESNET Home Energy Rating System.

(2) "Large building" means a single family residential building that is over seven thousand (7,000) square feet, except for:

(i) Buildings owned by the federal government;

(ii) Buildings owned by the state government of Rhode Island; and

(iii) Buildings owned by any subdivision of the state government of Rhode Island including municipalities and counties.

(3) "RESNET" means the Residential Energy Services Network.

(4) "RESNET Home Energy Rater" means an individual who is officially certified by an organization that appears in the National Registry of Accredited Ratings Providers to inspect and test residential housing units in order to assess the unit's energy efficiency and provide a Home Energy Rating according to RESNET standards.

(5) "Violation" means a violation of the large building Energy Efficiency Act.

34-50-4. Energy efficiency requirement for large buildings.

By September 1, 2023, every large building must have received a RESNET HERS score no greater than sixty-five (65) from a RESNET Home Energy Rater.

34-50-5. Enforcement.

(a) Each day after September 1, 2023, in which a large building is not in compliance with the requirements set forth in § 34-50-4 is a separate and distinct violation committed by the owner of that large building.

(b) The director of the housing jobs department shall fine every large building owner not more than one thousand dollars ($1,000) for each and every violation that they have committed, not less than ten (10) days after the violation occurred.

(c) Any fine for any violation must be collected, in full, by the housing jobs department within ten (10) days of when the fine was levied.

(d) Any fine for any violation shall be placed into a restricted funds account which may be used exclusively to finance:

(1) The housing construction program, pursuant to § 42-160.1-4;

(2) The housing maintenance program, pursuant to chapter 160.2 of title 4; or

(3) The solar jobs program, pursuant to chapter 160.3 of title 4;.

34-50-6. Severability.

If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 10. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 141.1

THE PERCENTAGE OF INCOME HOME ENERGY AFFORDABILITY ACT

42-141.1-1. Short title.

This act shall be known and may be cited as "The Percentage of Income Home Energy

Affordability Act."

42-141.1-2. Findings.

(a) In recent years the federal government has reduced home energy assistance to low-income households.

(b) Thousands of low-income Rhode Islanders lose access to heat or electricity, or both, every year due to lack of affordable energy.

(c) Previous efforts to help low-income payers manage their arrears, while helpful, fail to address the burgeoning need for greater energy assistance.

(d) Many other states have passed legislation to establish some form of rate-payer assistance program to address rising demand for energy assistance.

42-141.1-3. Definitions.

As used in this chapter:

(1) "Commission" means the public utilities commission.

(2) "Cumulative Adjusted Gross Household Income" means the cumulative adjusted gross income of every person in a single household, as reflected on federal income tax returns of the most recent year.

(3) "DHS" means the department of human services.

(4) "Home energy" means retail electric and natural gas service provided for end-use consumption by residential consumers.

(5) "Home energy burden" means the percentage of a consumer's household income, including any grant of LIHEAP assistance, that is paid toward the cost of a consumer's home energy electric and gas usage.

(6) "LIHEAP" means the federal Low Income Household Energy Assistance Program.

(7) "Participating agency" includes any community action program or other agency which determines eligibility for LIHEAP benefits.

(8) "Percentage of income home energy affordability program" is an income-sensitive tiered subsidy program that makes utility service affordable for low-income households. This type of program is also known as a percentage of income payment plan (PIPP).

(9) "Residential customer" includes all private residences, whether occupied or vacant, owned or rented, including single-family homes, multi-family housing units and mobile homes, but not including school dormitories, hospitals, and military barracks.

(10) "Utility" means:

(i) An electric distribution company that distributes electricity to retail customers;

(ii) A gas distribution company that distributes natural gas to retail customers; or

(iii) A company that distributes both electricity and natural gas to retail customers.

42-141.1-4. Program creation.

As soon as practicable, and no later than December 31, 2021, the department of human services shall create a program to be known as the "Percentage of Income Home Energy Affordability Program" for the purpose of ensuring that utilities are affordable for low-income households.

42-141.1-5. Eligibility.

Customers with a household income at or below three hundred percent (300%) of the federal poverty level shall be eligible for the affordability subsidy program under this section.

42-141.1-6. Program subsidy credits.

(a) The DHS shall inform each utility of the subsidy credit for which each eligible household is qualified.

(b) The amount of subsidy credit shall be that amount necessary to reduce the household's home energy burden to an affordable percentage of income as defined in this section.

(c) The affordable home energy burden for each eligible household shall be determined as follows:

(1) Each household that uses electricity as its primary source of heating shall pay not more than two percent (2%) of its cumulative adjusted gross household income for the cost of electricity;

(2) Each household that uses gas for its primary source of heating shall pay not more than one percent (1%) of its cumulative adjusted gross household income for the cost of gas;

(3) Each household that does not use electricity as its primary source of heating shall pay not more than one percent (1%) of its cumulative adjusted gross household income for the cost of electricity.

(d) The DHS may allocate additional subsidy credits as it deems appropriate for crisis intervention.

(e) The DHS may allocate additional subsidy credits to reduce arrearages when needed to bring home energy burdens to an affordable level.

(f) Utility companies shall provide a subsidy credit to customers' accounts, such that eligible households pay only the amount of the affordable home energy burden as defined by § 42-141.1-6. The DHS shall designate to utility companies the qualifying customer accounts and the amounts to be credited to those customer accounts.

42-141.1-7. Obligations of participants.

Participating households shall report, within sixty (60) days, changes in income or financial condition that affect the household's eligibility or need for energy assistance to a responsible

administrator in the DHS or in a participating agency.

42-141.1-8. Arrearage.

A household establishing one year of regular monthly payments under this chapter shall not be required to pay any preexisting arrearage at the end of the one year period and that arrearage shall be forgiven.

42-141.1-9. Usage limit.

(a) The DHS shall establish maximum usage limits for utility customers eligible for the subsidy program based on such factors as household size, thermal integrity of the household dwelling unit, and average household energy expenditure of a median income household.

(b) Under no circumstances may a maximum usage limit be set lower than two hundred percent (200%) of the median Rhode Island household energy use.

(c) Energy usage exceeding the limits shall be billed at the prevailing consumer rate for low-income consumers.

(d) Conservation may be rewarded with a reduction in the payment percentage required.

42-141.1-10. Administration.

(a) The DHS shall administer the program, including informing utility companies of applicable subsidy credits, answering consumer inquiries, and keeping appropriate records.

(b) The DHS shall annually evaluate the impact of the percentage of income home energy affordability act, including, but not limited to, an assessment of the number of eligible low-income customers who participated in the percentage of income home energy affordability program.

42-141.1-11. Severability.

(a) If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected thereby.

(b) If the application of any provision of this chapter to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 11. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING CONSTRUCTION

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This act creates the housing jobs department and a series of other initiatives designed to create jobs in housing construction, specifically affordable and low income housing, green and solar energy jobs and programs for low income individuals.

This act would take effect upon passage.

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LC001178
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