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MEMORANDUM

TO: Joseph C. Duarte, Acting Town Manager
Leigh A. Carney, Town Clerk (for distribution to Town Council)

FROM: Amy H. Goins, Assistant Town Solicitor

DATE: March 20, 2019

SUBJECT: Vacancy on State Housing Appeals Board

Please be advised that a vacancy exists on the State Housing Appeals Board (“SHAB”) for a municipal alternate member. SHAB was constituted under the Low and Moderate Income Housing Act, Title 45, Chapter 53 of the Rhode Island General Laws (the “Act”). SHAB’s duty under the Act is to hear and decide appeals stemming from comprehensive permit applications, which are applications for residential development in which at least 25 percent of the units are deed-restricted as affordable housing. SHAB is empowered to hear appeals stemming from denials of comprehensive permit applications as well as appeals stemming from approvals of comprehensive permit applications with conditions that are objectionable to the developer. (SHAB does not hear appeals filed by parties aggrieved over the granting of a comprehensive permit application; those appeals go directly to the Superior Court.)

SHAB is a seven-member board whose composition is dictated by § 45-53-7(a)(1), as follows:

“There shall be within the state a housing appeals board consisting of seven (7) voting members to be appointed by the governor, who shall include four (4) local officials, who shall not be from the same city or town; two (2) of whom shall be from a city or town with a population of less than twenty-five thousand (25,000); and two (2) of whom shall be from a city or town with a population of twenty-five thousand (25,000) or greater, and shall include one local zoning board member, one local planning board member, one city council member and one town council member, one of the local official members shall be designated by the governor as

the alternative local official member who shall be a voting member of the board only in the event that one or more of the other three (3) local officials is unable to serve at a hearing; one affordable housing developer; one affordable housing advocate; one representative of the business community; and one attorney knowledgeable in land use regulation, who should be chairperson of the board.”

The current municipal members of SHAB are as follows:

- Robert Cuttle: Zoning Board member – under 25,000 in population (Richmond)
- Meghan Kallman: City Council member – over 25,000 in population (Pawtucket)
- James Grundy: Planning board member – over 25,000 in population (North Kingstown)
- Municipal alternate: vacant

The municipal alternate position exists to serve in the event that one or more of the three other local officials is unable to serve at a hearing. Based on SHAB’s current composition, the municipal alternate position should be filled by a Town Council member from a municipality with a population under 25,000. Accordingly, we wanted to bring this to your attention in the event that any of you may be interested in this position.

The Governor has the power to appoint members of SHAB, with the advice and consent of the state Senate. It is our understanding that the previous municipal alternate member (Meghan Kallman, who is now a full member) was appointed to a term expiring on January 1, 2020. Therefore, the initial appointment would be to serve for the remainder of Ms. Kallman’s term, with three-year terms thereafter.

Please let us know if you have any questions.

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