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TITLE 310 – EXECUTIVE OFFICE OF HOUSING

CHAPTER 30 - VACANT SCHOOLS

SUBCHAPTER 20 – REPURPOSING OF VACANT SCHOOLS FOR AFFORDABLE HOUSING PROGRAM

PART 1 - Rules and Regulations for the Establishment of the Repurposing of Vacant Schools for Affordable Housing Program

1.1 Purpose

A. These rules and regulations (“Rules”) are promulgated to set forth the principles, policies, and practices of the Executive Office of Housing - in implementing and administering the Repurposing of Vacant Schools for Affordable Housing Program, created under R.I. Gen. Laws § 45-53-10.

1.2 Authority

A. These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws § 45-53-10(g). These Rules have been prepared in accordance with the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq.

1.3 Scope

A. These Rules shall apply to the municipal reporting of vacant schools within the municipality’s school district and the process of determining whether the vacant school building is viable for adaptive reuse for creating affordable housing. Notwithstanding anything contained in these Rules to the contrary, EOH shall have and may exercise all general powers set forth in the Program, and these Rules shall be liberally construed so as to permit EOH to effectuate the purposes of the Program.

1.4 Severability

A. If a court of competent jurisdiction invalidates any provision of these rules and regulations, or their application to any local government unit or circumstance, the remaining rules and regulations will not be affected. The invalidity of any section or sections, or parts of any section or sections, shall not affect the validity of the remainder of these rules and regulations.

1.5 Definitions

- A. “Adaptive reuse” refers to the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.
- B. "All appropriate inquiries" or "AAI" means the process of conducting due diligence or an ASTM Phase I Environmental Site Assessment to determine prior uses and ownership of a property and assess conditions at the property that may be indicative of Releases or threatened Releases of hazardous substances at, on, in, or to the property as defined by 40 C.F.R. § 312 (2024), incorporated herein by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these Regulations.
- C. “Developer” means a person, firm, business, partnership, association, political subdivision, or other entity that proposes to build or builds a qualified Rhode Island project, regardless of tax-exempt status.
- D. “District” means a Local Education Agency (LEA) as defined by RI Department of Education regulations 200-RICR-20-05-1.
- E. “EOH” means the Executive Office of Housing.
- F. “Feasibility study” and “Feasibility Assessment” are interchangeable and mean a written analysis of the practicality and viability of a proposed adaptive reuse project that assesses costs, benefits, risks, and resources necessary to repurpose a vacant school building for residential use.
- G. “Preliminary assessment” means the initial analysis conducted by EOH to determine if a vacant school building may be eligible for further analysis for adaptive reuse.
- H. “Program” means the Repurposing of Vacant Schools for Affordable Housing Program created under R.I. Gen. Laws § 45-53-10.
- I. “RIDE” means the RI Department of Education.
- J. “RIDEM” means the RI Department of Environmental Management
- K. “Secretary” means the Secretary of Housing.

1.6 Vacant School Building List

- A. Municipalities shall compile a list of buildings abandoned or no longer being used by their local District(s). Municipalities shall also include and identify in the list any other school buildings that the municipalities anticipate will become

abandoned or no longer used by a school district within the next six (6) months following the creation of the list.

- B. The municipalities shall, by July 15th of each year, provide the list to RIDE, and RIDE, no later than October 1st of each year, shall forward the list of the vacant school buildings to EOH for review of the buildings' potential for adaptive reuse.
- C. Local Education Agencies (LEAs) that are not run by a municipal body, including regional districts and charter school LEAs, shall also report to RIDE on the same information in this section as it relates to buildings in their school district.

1.7 Preliminary Assessments for Possible Feasibility Study

- A. Upon receipt of the list forwarded from RIDE regarding any vacant school building, EOH shall conduct preliminary assessments to determine whether any of the potential vacant buildings should be eligible for a feasibility study.
- B. A preliminary assessment may include, but not be limited to, the following:
1. Building specifics, including, but not limited to, building condition, size and potential number of units, classroom/unit size, year constructed, and any previous renovations to the building, if applicable;
 2. When the building became/will become vacant;
 3. Study of the site by EOH or a contractor working on its behalf to determine if any part of the structure or areas within the structure or subject property are damaged or may contain hazardous conditions and/or materials that would prohibit the viability or financial feasibility for adaptive reuse;
 4. Location of the building within the municipality in relation to businesses, institutions, public transportation, and emergency services including police, fire, and rescue;
 5. Site conditions, including, but not limited to, utility connections, parking areas, vehicular ingress/egress, landscaping, and stormwater facilities.
 6. Whether the municipality, and/or other municipal agencies, as applicable, has plans to redevelop the vacant school building for housing or non-housing purposes;
 7. Whether the municipality has initiated demolition of the vacant school site;
 8. Whether land evidence records within the municipality show the existence of an easement or restriction on the property that limits the ability for residential use; and

9. Any other relevant and/or pertinent information that would make it infeasible for the vacant school building to be considered for adaptive reuse as housing.

C. If the answers/determinations of the above referenced criteria do not include any information making a project clearly infeasible, then the property of the vacant school shall be eligible for a feasibility study.

1.8 Feasibility Study of Vacant School Buildings

A. Pursuant to R.I. Gen. Laws § 45-53-10(d)(3), contingent upon Program funding, EOH may facilitate a feasibility study if all preliminary assessment criteria have been met for the vacant school building to determine the building's viability and anticipated costs for adaptive reuse as affordable housing.

B. The feasibility study shall be completed within one hundred eighty (180) days after EOH receives the information regarding the available vacant school building from RIDE.

C. The feasibility study may include, but not be limited to, the following:

1. Building and site information, including, but not limited to, assessor's plat map/lot number, square footage, lot size, and approach to gathering the data contained within the study;

2. All Appropriate Inquiries or consideration of existing environmental documentation of the property, completed by an environmental professional working to identify prior uses and ownership of the property, and assess conditions at the property that may be indicative of Releases or threatened Releases of hazardous substances at, on, in, or to the property that may impact the viability or financial feasibility for adaptive reuse. Results of any environmental site assessment(s), resulting recommended actions, and/or RIDEM records for the property may also be included and/or referenced;

3. Zoning analysis;

4. Proposed unit count with a breakdown of number of bedrooms and bathrooms.

5. Conceptual diagrams, including floor plans and/or blueprints;

6. Cost estimate and information as to how the cost estimate was determined;

7. Analysis of site conditions and recommended actions to implement adaptive reuse of the site;

8. Project timeline, including any reasonably foreseeable time constraints; and

9. Conclusion and any appendices for consideration.

1.9 Determination of Adaptive Reuse

A. After completion of the feasibility study, EOH shall send a report to the municipality for the municipality's determination as to whether to proceed with a project of repurposing the vacant school building for affordable housing.

B. If the municipality wants to proceed with the project, EOH, in collaboration with the municipality, may invite prospective developers to submit proposals for redevelopment of the site with the goal of repurposing the building into affordable housing; a municipality may also proceed at its discretion to seek redevelopment proposals for municipally-owned property.

1.10 Public Information

A. EOH shall maintain on its website a separate page related to the repurposing of vacant school buildings for the affordable housing program. This page shall contain a listing of all buildings for which a feasibility study was conducted and the outcome of said study, a general statement of the condition of the property, an estimate of the types of renovations, if any, that must be performed on and/or to the property, a copy of the feasibility study, and an estimate of the costs thereof.

B. The Secretary shall provide an annual report by December 31st of each year, to be published on EOH's website, which shall include, but not be limited to, the number of schools that are vacant and include a status report of any development and/or feasibility assessment or study to repurpose a vacant building.