



BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
Percent “set aside” 45-24-46.1(a) “income targets” (not mentioned in IZ Law)	Organizational website	<i>Local Housing Solutions: Inclusionary Zoning</i> https://localhousingsolutions.org/housing-policy-library/inclusionary-zoning/	Website guide on specific aspects of an IZ ordinance and additional materials.	<ul style="list-style-type: none"> Many cities, towns and counties establish set-aside levels in the range of 10 to 20 percent of total units, but give developers several ways to meet this target. For example, some communities require a lower set-aside if the affordable units provide “deeper” affordability. In general, most IZ policies that apply to rental housing target households at 60 to 80 percent of AMI, although some require deeper affordability and others include moderate-income housing. Levels for homeownership units are commonly set between 80 and 120 percent of AMI, with resale provisions that ensure homes remain affordable at this level.
Percent “set aside” 45-24-46.1(a)	Organizational website	<i>The Set-Aside Requirement</i> https://inclusionaryhousing.org/designing-a-policy/onsite-development/the-set-aside-requirement/	Reviews the range of “set aside” of IZ programs nationally. About 1/3 of programs have set aside of 20% or more. NOTE: RI law sets 25% as a minimum.	<ul style="list-style-type: none"> The baseline performance option sets the economic bar against the other evaluated alternatives, so it must be appropriate for local market conditions.
Development Size Threshold 45-24-46.1(a)	RI SPP Handbook (2006)	<i>Handbook On: Developing Inclusionary Zoning</i> https://planning.ri.gov/sites/g/files/xkgbur826/files/documents/comp/Handbook-on-Developing-Inclusionary-Zoning.pdf	Rhode Island’s Division of Statewide Planning’s compilation of concepts to be considered for an IZ ordinance, including national and more local case studies from Massachusetts and RI municipalities. NOTE: RI law establishes that minimum development threshold cannot be higher than 10.	The threshold size describes how the size of a development will trigger an affordability requirement. In the examples that follow in Part 5, there is a low of 3 units to a high of 50. In the Burlington example, a redevelopment of project of 10 acres or 50 or more units or a development using more than 10 acres or 50 or more units will trigger an affordability requirement.
Development Size Threshold 45-24-46.1(a)	RAND Corp, 2012	<i>Is Inclusionary Zoning Inclusionary? A Guide for Practitioners</i> https://www.rand.org/pubs/technical_reports/TR1231.html	Examines inclusionary zoning (IZ) programs across the United States to determine the extent to which the policies serve lower-income families by: <ul style="list-style-type: none"> Providing IZ recipients with access to low-poverty neighborhoods and residentially assign them to high-performing schools, thereby promoting the 	The IZ policies we studied applied to developments with as few as five homes or as many as 50 homes. A few programs required developments with fewer than five or ten homes to either provide one affordable unit or make an in-lieu payment.

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
			<p>academic achievement and educational attainment of their children.</p> <ul style="list-style-type: none"> Also considers effects of different design features on the social inclusiveness of IZ programs for recipients. <p>NOTE: RI law establishes that <u>minimum development threshold cannot be higher than 10.</u></p>	
Density Bonuses 45-24-46.1(c)	Organizational website	<i>Local Housing Solutions: Density Bonuses</i> https://localhousingolutions.org/housing-policy-library/density-bonuses/	Website guide on specific aspects of an IZ ordinance and additional materials.	<ul style="list-style-type: none"> Density bonuses are most likely to yield affordable housing in neighborhoods with a robust level of market-rate construction or redevelopment activity, where residential development types include moderate- or high-density development, and where the bonus is carefully calibrated to make it financially advantageous to developers. Density bonuses are less likely to result in development in soft housing markets or markets where construction costs exceed market rents. Local jurisdictions should be cognizant of factors that may limit developers' ability to make full use of density bonuses and, as a result, reduce the value of density bonuses as an incentive to create affordable housing. For example, land use regulations such as minimum lot size requirements or setback requirements may make it difficult or impossible to take full advantage of a density bonus. Waivers or relaxation of these requirements can help to improve their usability. Arlington County, VA allows developers to build at higher densities than would otherwise be allowed for projects, including increases in building height (up to six stories or 60 feet above the height ordinarily permitted) and in residential density. Density bonuses are determined on the basis of the share of low- or moderate-income units to be provided, the location and size of those units, the amenities to be provided for low- and moderate-income residents, and other factors.
Fees-in-lieu 45-24-46.1(d)	CHAPA, February 2012	<i>Overcoming Restrictive Zoning for Affordable Housing</i> (237 pages) https://www.chapa.org/sites/default/files/Br	Academic comparative study by Tufts Professor Rachel Bratt commissioned by CHAPA to examine three states and one county that implemented some	Geographies: <ul style="list-style-type: none"> State programs: <ul style="list-style-type: none"> Rhode Island New Jersey California

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
		attOvercomingRestrictiveZoning112012_0.pdf <i>Overcoming Restrictive Zoning -Executive Summary (42 pages)</i> https://www.chapa.org/sites/default/files/Bratt-OvercomingRestrictiveZoningExecutiveSummary.pdf	form of “anti-exclusionary zoning strategies” to compare to MA 40B. The major strategies include: <ul style="list-style-type: none"> • General city/town goal with state zoning override • Mandatory inclusionary zoning • Fair share mandate • Mandated housing element as part of planning requirement 	<ul style="list-style-type: none"> • County-wide program: <ul style="list-style-type: none"> ○ Montgomery County, Maryland. Rhode Island has created a program similar to Massachusetts Chapter 40B, but with some important differences. Montgomery County, Maryland, New Jersey and California were also selected, in large part because they are widely viewed as the pre-eminent examples of inclusionary zoning, fair share mandates, and housing elements as part of a planning requirement, respectively. <i>In-lieu payments and other arrangements for off-site housing should, in general, be discouraged.</i> --From Executive Summary, p. xlii
Fees-in-lieu 45-24-46.1(d)	Urban Institute, May 2020	<i>Determining In-Lieu Fees in Inclusionary Zoning Policies</i> https://www.urban.org/sites/default/files/publication/102230/determining-in-lieu-fees-in-inclusionary-zoning-policies.pdf	This brief has two goals: <ul style="list-style-type: none"> • To help local decision-makers determine whether to include an in-lieu fee option in their inclusionary zoning ordinances • To help local decision-makers understand what variations of in-lieu fees exist and how to structure in-lieu fees. 	Geographies: <ul style="list-style-type: none"> • City of San Diego <ul style="list-style-type: none"> ○ Sets rate at \$10.82 per square foot for developments with more than 10 units, and that rate is multiplied by the gross floor area of a project. • Arlington County, Virginia <ul style="list-style-type: none"> ○ Has a similar formula, but the rates vary based on the density of the project (denser projects trigger higher in-lieu fees). In-lieu fee perspectives: <ul style="list-style-type: none"> • Affordability Gap Method (market dev’s perspective): subtracts the maximum housing expense of an affordable unit from the market rent of an equivalent unit • Production Cost Method (CDC perspective): difference between the cost of developing a comparable affordable unit and the income generated by an affordable unit. • Indexed Fees based on project characteristics: Other jurisdictions set fees based on the density of the project, location of the project, or whether the project meets other local priorities. With these formulas, the in-lieu fee is the product of a square foot charge and the gross floor area. This method uses a per project calculation. Recommendations for jurisdictions: <ul style="list-style-type: none"> • Testing what level of affordability (i.e., both percentage of units and level of AMI affordability for each unit) is feasible for the market to support and in which neighborhoods is important. • Identify a jurisdiction’s priorities: <ul style="list-style-type: none"> ○ Build more affordable housing generally?

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
				<ul style="list-style-type: none"> ○ Create flexible funding for affordable housing? ○ Create mixed-income developments? • Government staff members and elected officials should collaborate with community members to shape inclusionary zoning policies. • Jurisdictions without much available land might prefer on-site units because they have relatively few opportunities to use in-lieu fees to build elsewhere. • Some jurisdictions have created inclusionary zoning policies as they rezoned neighborhoods. The logic behind this is that higher densities enable the production of more affordable units.
Fees-in-lieu 45-24-46.1(d)	Organizational website	<i>Local Housing Solutions: Density Bonuses</i> https://localhousingolutions.org/housing-policy-library/density-bonuses/#:~:text=Density%20bonuses%20are%20most%20likely%20to%20yield%20affordable,calibrated%20to%20make%20it%20financially%20advantageous%20to%20develop	Website guide on specific aspects of an IZ ordinance and additional materials.	Anaheim, CA does not have the option for developers to pay a fee in lieu of setting aside affordable housing. However, the city offers an “Equivalent Financial Incentive” in lieu of granting a density bonus or other zoning incentive. The value is equal to the cost savings of land per dwelling unit that result from the density bonus or additional incentives.
Overview	Organizational website	https://inclusionaryhousing.org/ https://inclusionaryhousing.org/map/	Organization dedicated to inclusionary housing policies, as noted above. Map offers quick geographic look and downloadable database.	Nationwide examples in searchable database.
Overview	Shelterforce Magazine, March 10, 2021	<i>Inclusionary Housing: Secrets to Success</i> https://shelterforce.org/2021/03/10/inclusionary-housing-secrets-to-success/	Synopsis of survey done by Grounded Solutions Network of IZ programs across 1,019 jurisdictions located in 31 states and the District of Columbia.	<ul style="list-style-type: none"> • If state law permits, programs should apply inclusionary requirements to both rental and for-sale housing. • Inclusionary housing tends to produce the most units in places that have mid-to-high levels of development activity and relatively high housing costs. Communities should pursue inclusionary housing if they currently have a lot of

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
				<p>development, <i>or</i> anticipate significant development in the coming years, and they want to ensure future development is inclusive.</p> <ul style="list-style-type: none"> The most productive programs share certain features: they are mandatory, offer incentives, allow developers flexibility with multiple options for compliance, and require long-term affordability.
Overview	Grounded Solutions, 2019	<i>Inclusionary Housing in the United States</i> https://groundedsolutions.org/tools-for-success/resource-library/inclusionary-housing-united-states	Collection of resources including reports and map visualization.	
Overview	Urban Institute, Jan 2019	<i>Inclusionary Zoning: What Does the Research Tell Us about the Effectiveness of Local Action?</i> https://www.urban.org/sites/default/files/publication/99647/inclusionary-zoning-what-does-the-research-tell-us-about-the-effectiveness-of-local-action-2.pdf	In this brief, researchers synthesize the evidence on the effectiveness of local IZ laws and suggest areas in which further research could help policymakers, advocates, and the public improve state and local laws regarding IZ.	<p>The evidence on IZ's effects on the private market is mixed, and a consensus has not been reached on whether these policies restrict development or raise prices. Some evidence suggests that IZ is effective at increasing the affordable housing supply and encouraging economic opportunity, but overall research findings remain mixed. This indicates that the effects of IZ policies may be particularly sensitive to policy design considerations and market characteristics</p> <p>Market type also plays a large role in the development of IZ: profitable housing markets can make it easier for developers to set aside below-market units. However, slower housing markets may face barriers in implementing IZ policies because of the potential loss of profit.</p>
Overview	Lincoln Institute of Land Policy, Sept. 2017	<i>Inclusionary Housing in the United States</i> https://www.lincolnlins.edu/publications/working-papers/inclusionary-housing-in-united-states	Through the most comprehensive investigation on inclusionary housing conducted to date, this study identifies 886 jurisdictions with inclusionary housing programs located in 25 states and the District of Columbia at the end of 2016.	<p>The most common IZ program type was mandatory, and policies applied to both rental and for-sale development in 61 percent of programs. Approximately, 90 percent of all programs reported affordability terms of at least 30 years.</p> <p>The most common ways that developers could provide affordable housing was through on-site development in 90 percent of programs or through paying in-lieu fees or providing off-site affordable housing in roughly half of all programs.</p> <p>The most common incentives offered to developers were density bonuses (78 percent), other zoning variances (44 percent), or fee reductions or waivers (37 percent). This study supports that inclusionary housing programs are an increasingly prevalent tool for producing affordable housing.</p> <p>Additionally, local inclusionary housing programs are:</p>

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
				<ul style="list-style-type: none"> • Prioritizing on-site affordable housing development, which may be an effective strategy to place affordable housing in neighborhoods of opportunity • Ensuring long-term affordability, which is an effective way to maintain community assets and the affordable housing stock.
Overview/ Technical Guide	Urban Land Institute, 2016	<i>The Economics of Inclusionary Development</i> http://uli.org/wp-content/uploads/ULI-Documents/Economics-of-Inclusionary-Zoning.pdf	This study provides such advice on what incentives work best in which development scenarios. The study's purpose is to enable policy makers to better understand how an IZ policy affects real estate development and how to use the necessary development incentives for IZ to be most effective.	<ul style="list-style-type: none"> • The principal factors that intersect to determine development feasibility: public policy (allowable density, required use mix), market feasibility (achievable pricing relative to production cost), capital (cost and availability), and land (cost and availability). IZ principally intersects with land and market feasibility. • IZ policies depend on market-rate development. • IZ policies must be carefully crafted to avoid adverse effects. • Tax Abatements Can Incentivize Development in Otherwise Infeasible Locations • Density Bonuses Can Enhance Feasibility Where Development Is Already Occurring • Reduced Parking Requirements Can Enhance Feasibility in Certain Scenarios • Opt-Out Options Payments Can Provide Flexibility but Come with Tradeoffs
Overview	National Housing Center, May 2016 (based latest examples)	<i>Common Incentives and Offsets in Inclusionary Housing Policies</i> https://nhc.org/policy-guide/inclusionary-housing-the-basics/common-incentives-and-offsets-in-inclusionary-housing-policies/	Three-part policy guide offering overview of common incentives, challenges, and examples from 15 communities, including North Kingstown's 2007 ordinance.	Covers density bonuses, set-backs, and lot sizes; reduced parking requirements; and flexible zoning and design standards.
Overview	Center for Housing Policy, July 2014	<i>Inclusionary Upzoning: Tying Growth to Affordability</i> http://docs.wixstatic.com/ugd/19cfbe_4c2a9adc5ccd4ca181f8b434b2a5b8f6.pdf	This paper profiles six localities that have adopted inclusionary housing policies tied to upzoning, referred to here as "inclusionary upzoning." Each profile provides a sketch of how the policy is structured and how effective it has been. Drawing on these examples, the paper explores how	Examples from: <ul style="list-style-type: none"> • Arlington County, VA • Boston, MA • Fairfax County, VA • New York City • Redmond, WA • Santa Monica, CA

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
			neighborhood context, market context, and policy design may affect the success of inclusionary upzoning policies and their potential for adoption in new areas of the country where inclusionary housing has not yet been implemented.	
Overview	HUD Evidence Matters article, Spring 2013	<i>Evidence Matters: Inclusionary Zoning and Mixed-Income Communities</i> https://www.huduser.gov/portal/periodicals/em/spring13/highlight3.html	Inclusionary zoning has emerged as a proven strategy to address the shortage of affordable housing with the potential for creating socially and economically integrated communities. Hundreds of jurisdictions have adopted IZ policies that vary broadly in how they are structured, and these differences can influence outcomes related to housing production and integration. The examples discussed in this article, while not representative of most localities with IZ policies, show that inclusionary zoning is more effective in markets where housing demand is high.	<ul style="list-style-type: none"> • IZ is most effective in high-demand markets. • Examples provided for very large cities (NYC and Chicago).
Lit review	HUD PDR report, Dec 2012	<i>Expanding Housing Opportunity Through Inclusionary Zoning: Lessons From Two Counties</i> https://www.huduser.gov/portal/publications/hud-496_new.pdf	At least two themes emerge from those research gaps highlighted previously related to ordinance adoption and implementation— change over time and IZ in practice	<ul style="list-style-type: none"> • Research should provide adoption and practice over time. • Lessons from Two Counties: Fairfax, VA & Montgomery, MD
Overview	RI SPP Handbook (2006)	<i>Handbook On: Developing Inclusionary Zoning</i> https://planning.ri.gov/sites/g/files/xkgbur826/files/documents/comp/Handbook-on-Developing-	Rhode Island’s Division of Statewide Planning’s compilation of concepts to be considered for an IZ ordinance, including national and more local case studies from Massachusetts and RI municipalities.	Every community must realize that inclusionary zoning is not a cure-all for Rhode Island’s housing problems; it is one of many tools available to local agencies to develop affordable housing units in their communities.

BEST PRACTICES AND EXAMPLES
INCLUSIONARY ZONING ([H 6058 A](#) / [S 1051 A](#))
RIGL §45-24-46. 1

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
Overview Technical Manual	CA Affordable Housing Law Project & Western Center on Law & Poverty, Dec 2002	Inclusionary-Zoning.pdf <i>Inclusionary Zoning: Policy Considerations and Best Practices</i> https://uploads-ssl.webflow.com/63d82febb450e64e1fb3eb47/6449cf86496d0a88aeeb080b_Inclusionary%20Zoning-Policy%20Considerations%20and%20Best%20Practices%20(2002-12).pdf	This report reviews some of the key features of a successful inclusionary ordinance, discusses several of the policy considerations and issues that need to be addressed in establishing the policy, and offers some recommendations based on a review of many of the “Best in the Bay” inclusionary program.	Conclusions from review of CA programs in Bay Area: <ul style="list-style-type: none"> • Strive to achieve inclusionary requirements of at least 20% of new developments. • Target very low income and extremely low income households. • Extend the inclusionary obligation to all new residential developments and apply it equally. • Require inclusionary units to be produced before or concurrently with market rate units.