

2015 -- H 6123

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Introduced By: Representatives Morin, Carson, Phillips, Maldonado, and Casey

Date Introduced: April 29, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-53 of the General Laws entitled "Low and Moderate Income
2 Housing" is hereby amended by adding thereto the following section:

3 **45-53-10. Education aid to be indexed to achieving low and moderate income**
4 **housing levels.** – (a) Effective January 1, 2016, a community's receipt of permanent foundation
5 education aid pursuant to chapter 7.2 of title 16 shall be indexed to a municipality's ability to
6 successfully meet its low and moderate income housing goals as provided for in this chapter, in
7 the following manner:

8 (1) For purposes of this section, commencing on January 1, 2016, and for each successive
9 year thereafter, every community shall have a five (5) year period to meet the goal of ten percent
10 (10%) of the year-round units or, in the case of certain urban towns or cities, fifteen percent
11 (15%) of the occupied rental housing units as being low and moderate income housing, as
12 provided for in § 45-53-3. If a community's minimum percentage requirements of low or
13 moderate income housing are adjusted by statute, then the provisions of this section shall be
14 indexed and tied to those adjustments such that whether a community's education aid is increased
15 or decreased will be dependent upon the adjusted minimum amount of low and moderate income
16 housing that is required;

17 (2) After the five (5) year period provided for in subsection (a)(1) of this section, and for
18 each year thereafter, any community that exceeds the required minimum goals identified in
19 subsection (a)(1) of this section for low and moderate income housing shall have its education aid

1 increased in a percentage amount equal to the percentage by which the community exceeds its
2 required minimum goals of ten percent (10%) or fifteen percent (15%) whichever is applicable.
3 Any community which receives an increase in education aid pursuant to the provisions of this
4 section shall be eligible to receive increases so long as the community maintains an amount of
5 low and moderate income housing in excess of the community's statutory minimum
6 requirements.

7 (3) The division of planning of the department of administration shall certify to the
8 general assembly on or before April 1 of each year as to the percentage and amount of low
9 income housing in a municipality as of the previous year, for purposes of implementing this
10 section.

11 (b) As used herein:

12 (1) The term "community" means the municipality or municipalities serviced by, a part
13 of, or in a given school district; and

14 (2) The term "education aid" means the permanent foundation education aid received by
15 each school district established pursuant to the provisions of chapter 7.2 of title 16, "The
16 Education Equity and Property Tax Relief Act."

17 SECTION 2. Section 16-7.2-3 of the General Laws in Chapter 16-7.2 entitled "The
18 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

19 **16-7.2-3. Permanent foundation education aid established.** -- (a) Beginning in the
20 2012 fiscal year, the following foundation education aid formula shall take effect. The foundation
21 education aid for each district shall be the sum of the core instruction amount in (a)(1) and the
22 amount to support high need students in (a)(2), which shall be multiplied by the district state
23 share ratio calculated pursuant to § 16-7.2-4 to determine the foundation aid.

24 (1) The core instruction amount shall be an amount equal to a statewide per pupil core
25 instruction amount as established by the department of elementary and secondary education,
26 derived from the average of northeast regional expenditure data for the states of Rhode Island,
27 Massachusetts, Connecticut, and New Hampshire from the National Center for Education
28 Statistics (NCES) that will adequately fund the student instructional needs as described in the
29 basic education program and multiplied by the district average daily membership as defined in §
30 16-7-22. Expenditure data in the following categories: instruction and support services for
31 students, instruction, general administration, school administration and other support services
32 from the National Public Education Financial Survey as published by NCES and enrollment data
33 from the Common Core of Data also published by NCES will be used when determining the core
34 instruction amount. The core instruction amount will be updated annually. For the purpose of

1 calculating this formula, school districts' resident average daily membership shall exclude charter
2 school and state-operated school students.

3 (2) The amount to support high need students beyond the core instruction amount shall
4 be determined by multiplying a student success factor of forty percent (40%) by the core
5 instruction per pupil amount described in § 16-7.2-3(1) and applying that amount to all resident
6 children eligible for USDA reimbursable school meals.

7 (b) LEAs may set aside a portion of funds received under subsection (a) to expand
8 learning opportunities such as after school and summer programs, full day kindergarten and/or
9 multiple pathway programs provided that the basic education program and all other approved
10 programs required in law are funded.

11 [\(c\) The provisions of § 45-33-10 shall be applied after the yearly amount of education aid](#)
12 [provided for under subsection \(a\) of this section is calculated.](#)

13 SECTION 3. This act shall take effect on January 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would provide for increases in the amount of foundation level school support
2 that a community would receive, based upon a community's ability to meet and surpass its
3 minimum low and moderate income housing requirements.

4 This act would take effect on January 1, 2016.

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