

POLITICS

House Speaker Shekarchi is a land-use lawyer. Is his housing push a conflict?



Patrick Anderson

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House Speaker **K. Joseph Shekarchi** knows first-hand the slow, confusing, maybe even Kafkaesque world of local housing regulation he's trying to overhaul.

A land-use lawyer in his day job, Shekarchi is a regular before local planning boards, zoning boards and city councils, requesting a variance and special permit here or a zoning change there, especially in his home city of Warwick.

Now as he pushes to stop cities and towns from blocking new housing, Shekarchi's work representing property owners looking to build in Rhode Island has become a political issue.

The state Republican Party last week argued that at least one piece of Shekarchi's 14-bill housing affordability package might benefit his clients.

Shekarchi says none of the bills benefit any of his clients and his experience wrangling local zoning codes just means he knows better than most lawmakers what changes are needed.

Far from any financial benefit, he says, if the legislative package works as intended it should actually reduce demand for lawyers in his field who specialize in navigating projects through thickets of red tape.

Questions about lawmakers who are also lawyers is nothing new to Rhode Island

Questions about the intersection of legal work and lawmaking in Rhode Island's part-time legislature, where the last five House speakers have been lawyers, are customary at the State House.

Lawmakers are not required to disclose their law clients to the Ethics Commission as they are their other business relationships. And in some ways the public knows more about Shekarchi's clients than those of other lawyer-lawmakers because they appear before public boards in the city he represents.

Role of the Ethics Commission: Are RI's guardians of ethics such insiders they can't rule on the conflicts of others?

Other practicing attorneys in the House include Majority Leader **Chris Blazewski** (complex commercial litigation, legal malpractice defense and business disputes,) Judiciary Committee Chairman **Robert Craven** (personal injury), Elections Committee Chairman **Evan Shanley** (workers compensation), Small Business Committee Chairwoman **Carol McEntee** (general practice) and former Republican leader **Brian Newberry** (commercial and construction litigation).

Still, for those curious whether any projects Shekarchi worked for recently are likely to spring back to life if the housing package passes, Political Scene reviewed the past two years of Warwick land-use decisions and a handful from other communities he's worked in.

There were no major red flags of the kind that have popped up with prior speakers, but here are some of the highlights.

What's holding back more housing? As RI pushes to add affordable housing, is prevailing wage law putting brakes on projects?

Most of Shekarchi's clients are commercial and residential

Many if not most of Shekarchi's clients are not working on housing at all, but commercial developments such as a U-Haul truck rental at the former Warwick Ann & Hope store or a convenience store on Division Street.

One very Rhode Island example: Last June, former state representative and candidate for governor **Joe Trillo** challenged the city approval of a proposed car wash at a Cumberland Farms next to one of his commercial properties on West Natick Road.

Shekarchi represented the car wash, and former House Majority Leader **John DeSimone** represented Trillo.

Trillo argued that the owners of the proposed car wash had failed to notify neighbors — and won.

Of the residential clients Shekarchi represents, the majority of them proposed single-family homes that don't conform to lot-size or parking-space minimums. Almost all were eventually approved.

Of the roughly two dozen projects Shekarchi represented at the Warwick Zoning Board of Review last year, for example, more than half were commercial and most of the residential applications were for single-family homes.

That means the bills in the housing package with incentives for subsidized affordable housing and the development of larger apartment building shouldn't have much of an impact on his existing Warwick clients.

However, a few of the bills in the package stretch across all development types, including one introduced by Craven that would streamline the process for getting dimensional variances.

The Save Sand Pond case illustrates need for reform

Shekarchi is adamant that no single development case illustrates the need to reform local land-use permitting.

But it would have been natural if he'd been frustrated with the fight over a proposed self-storage facility on Post Road in Warwick that dragged on for five years before floundering in Superior Court.

The self-storage units would have been built at an existing strip mall in front of Sand Pond, a 12-acre kettle pond popular with neighborhood residents who said the three-story building would be out of scale with the area and could lead to environmental damage to the pond.

The weeds of the case are deep, but the property owner Shekarchi represented needed a special permit to have self-storage there and a variance to have fewer than the required number of parking spaces.

After the Planning Board recommended against it, the Zoning Board of Review approved the project and neighbors under the banner Save Sand Pond appealed the decision to Superior Court.

In March, 2021, Judge **Jeffrey Lanphear** ruled for Save Sand Pond and remanded the case back to the Zoning Board.

His 29-page decision found that there was no evidence the property owner was requesting "the least relief necessary" from the existing zoning code.

Perhaps more frustrating, Lanphear ruled that the Zoning Board, in its attempts to protect Sand Pond as the neighbors had wanted, had ordered more parking spaces be replaced with green space than the developer had even asked for, or than it was allowed to give.

The property owner has apparently decided to abandon the project rather than go through the permitting process again.

Craven's bill 6059, part of the House housing package, would remove from state law the provision that applicants for zoning variances seek "the least relief necessary" and a hardship cannot "result primarily from the desire of the applicant to realize greater financial gain."

Shekarchi did not represent the property owner once the case went to Superior Court and does not now, he said Wednesday.

"That project is three years old. It was before COVID and it's dead," he said. "It's not happening ... the property's been sold to somebody else who's keeping it as is."

If the language in Craven's bill had been in place when the Post Road development had been proposed, the development still would have needed to go through the special permit and parking variance process. And the housing bills wouldn't go into effect until next January, so any projects in the pipeline would have to wait until then.

Stepping back, Shekarchi said if the housing bills have any impact on the business of land-use law, it would likely be a negative one.

After all, if property owners can get permission to build in a simple, straightforward way without a five-year regulatory battle, they won't spend nearly as much on legal fees.

"You can ask developers and you can ask builders: it reduces the need for lawyers," Shekarchi said. "It cuts down the number of hearings. It's less work for land-use attorneys. I won't tell you the names, but I got two calls from friends of mine who practice. They go: 'What are you doing here? Putting me out of business?' I said I'm trying to make it easier to build more housing."

On top of that, Shekarchi said, he has "dramatically" scaled back his law practice since becoming speaker, in part because of the time demands that come with the office's power.

Money? Allies? Volunteers? What will it take to win CD1, and can an unknown pull it off?

Republicans say Sheraton by T.F. Green a conflict

The case raised by the Rhode Island Republican Party last week as a potential conflict with the House-passed bill to allow residential conversions did involve housing and the conversion of the former Sheraton hotel by T.F. Green Airport into more than 200 apartments.

Shekarchi said the "political hit" by the state GOP got it all wrong because the conversion of the hotel to apartments was already allowed by the city without any law change. And the city had no objection to the two different requests for parking requirement relief.

He notes that despite the state party putting out a statement denouncing it, seven of nine House Republicans voted for the commercial-to-residential conversion bill.

The hotel building remains vacant behind fencing with no conversion started yet, and Shekarchi said he doesn't know where it stands, as he no longer represents the owner.

Elizabeth Tufts, spokeswoman for Warwick Mayor **Frank Picozzi**, said the owner submitted revised plans to the city earlier this month and is awaiting review from the building department.

GOP response

Shekarchi attributes the flap about his law work to Rhode Island Republican National Committeeman, Cranston Planning Board member and two-time House candidate **Steve Frias**, who has been one of the few public critics of the housing package so far. (Frias is also a lawyer specializing in utilities and his wife is a lawyer who works for the Public Utilities Commission. Shekarchi's former clients include solar developer Revity, whose farms produce electricity regulated by the PUC.)

Frias: "The Speaker claims that his bills are only about promoting housing, but the truth is that his bills do more than that. They boost other types of development and should grow his law practice.... The more projects that are proposed, the more projects a land-use attorney like the Speaker can work on and make money from."