



January 25, 2024

Honorable Chairman Stephen Casey
House Committee on Municipal Government and Housing
Rhode Island State House
Providence, RI 02903

RE: H-7062 – An Act Relating to Towns and Cities – Zoning Ordinances (Accessory Dwelling Units)

Dear Chairman Casey and Committee Members:

Thank you for this opportunity to comment on H-7062 which amends sections of the Zoning Enabling Act regarding accessory dwelling units (ADUs) as a follow up to amendments made to state law in 2022. Our organization, the RI Chapter of the American Planning Association (APA-RI), remains supportive of expanding ADUs as a means to provide much needed rental housing in Rhode Island.

We support amendments to the state law to remove inconsistencies in the current language, to require all communities to allow ADUs under specific circumstances, and to build in the flexibility that each community needs that will result in the generation of these units beyond those permitted by-right.

From the municipal perspective, which ranges from those of the urban communities with public water and sewer and higher density zoning to those of the rural communities that depend on wells and onsite wastewater treatment, as well as having limited public services, the amendments to the enabling act should include the following:

1. Provisions to ensure that the accessory dwelling units that are generated serve the housing needs of the residents of the communities where they are developed.
2. Clear standards for ADUs permitted by-right that account for infrastructure capacity and environmental concerns, particularly those affecting public health.
3. Flexibility for ADUs that are not permitted by right so that local ordinances can be tailored to the community's specific needs and unique characteristics.

To achieve the first point, APA-RI supports:

- Owner-occupancy for by-right units with year-round leases required
- Signed affidavits from the property owner that they will occupy either dwelling as their principal residence
- Specific restrictions against separating the ownership of the ADU from the principal dwelling through a subdivision or a condo association.

To achieve the second point, we support allowing by-right ADUs on residential lots as follows:

- Within the existing building (footprint and height) of any residential structure
- On conforming lots as small as 6,000 SF, as long as there are no constraints to development
- On non-conforming lots that are at least 40,000 SF, as long as there is 40,000 SF on the parcel free from constraints to development

Lots that are defined and mapped by the RI CRMC within their Special Area Management Plans as “lands beyond carrying capacity” would not be included as parcels available for by-right ADUs.

To achieve the third point, we support allowing each community to apply local standards for optional ADUs as follows:

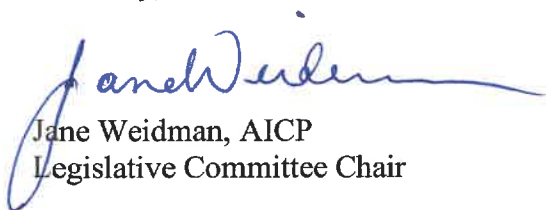
- By zoning district and/or with lot size requirements
- Size of units, and number of units per property
- Owner occupancy
- Units set aside as low and moderate income

In general, it is important that municipalities not make the requirements for ADUs unnecessarily burdensome, but that they be allowed to regulate them as they would any other accessory structure. While this includes administrative review and approval, it also includes the ability to regulate the dimensional standards in terms of setbacks, height and building coverages when construction outside of an existing building footprint or height is proposed.

Finally, APA-RI understands that there are likely to be questions regarding the monitoring of ADUs to ensure that they remain available for year-round occupancy. This is an issue to be addressed through an enforcement mechanism that is enabled by the state. Municipalities should be supported with methods to track and monitor their ADUs, along with enforcement, to prevent short term or vacation rental use.

At the request of Speaker Shekarchi’s office and Representative Speakman, we have prepared an amended H-7062 which incorporates our suggested language changes. Thank you for your consideration. I will attend the hearing to answer any questions.

Sincerely,



Jane Weidman, AICP
Legislative Committee Chair

Attachment: H7062 RIAPA Final Edits 1-25