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## ACLU OF RI POSITION: AMEND

### TESTIMONY ON 24-H 7382, RELATING TO TOWNS AND CITIES – ZONING ORDINANCES March 7, 2024

This bill addresses a municipality's ability to limit the maximum number of unrelated persons who can live together in a dwelling. Current law allows municipalities to set such a limit, but of no less than three people. This bill would require the limit to allow at least one person per bedroom but no more than five unrelated people in a dwelling. The ACLU supports the move to increase the authorized limit from three to five, but we also believe this legislation provides the committee the opportunity to consider whether the authorization for towns to limit this number *at all* should continue.

Restrictions of this kind have long been of concern to the ACLU. We have been involved for decades, both in judicial and lobbying arenas, in raising concerns about limiting the number of people who can reside together based solely on whether they are related by blood or marriage, and not for health, safety or other relevant reasons. We believe those concerns are only heightened in light of this state's current dire housing crisis. A house that can otherwise lawfully accommodate four or six people should be authorized to do so. Otherwise, that fourth or sixth person must look for and find separate housing space at a time when such space is exceedingly rare and exorbitant.

To the extent the current law, and the amendment proposed by this bill, is designed to give communities like Narragansett, which house many college students, the ability to address quality-of-life issues that students may generate, there are many other tools at a town's proposal to address them. We cannot summarize the issue better than a R.I. Superior Court decision did in 1994 in addressing a Narragansett ordinance that limited to three the number of unrelated people who could live together: "It is a strange . . . ordinance indeed that would permit the Hatfields and the McCoys to live in a residential zone while barring four scholars from the University of Rhode Island from sharing an apartment on the same street." *DiStefano v. Haxton*, 1994 WL 931006.<sup>1</sup>

In sum, a focus on the kinship status of renters is unfair and only exacerbates the state's housing crisis. The ACLU therefore supports limiting when municipalities can bar the use of housing based on this arbitrary standard. Under the current circumstances, however, we encourage the committee to take a further step and consider amending this zoning statute to instead bar municipalities from imposing any numerical limitations based solely on this irrelevant criterion. Thank you for considering our views.

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<sup>1</sup> The court's ruling in that case was implicitly overruled more than two decades later by the R.I. Supreme Court in *Federal Hill Capital v. City of Providence*, 227 A.3d 980, 989 (R.I. 2020)