

113 Montauk Road
Narragansett, RI 02882

January 25, 2024

Chair Casey and Members
House Municipal Government and Housing Committee
State House
Providence, Rhode Island

Re: Support House Bill 7062 with Amendments – Accessory Dwelling Units

Dear Chair Casey and Committee Members:

I support House Bill 7062 with amendments to ensure ADUs are built and used for year round housing as envisioned. I thank Representative Speakman for sponsoring this legislation. I propose several amendments to prevent unintended consequences.

There is a long tradition of building accessory dwelling units (ADUs) so that communities and families can provide affordable housing for parents, children, family care-givers and workers in the community. ADUs can be a valuable community resource. However, over the years experience around the country has demonstrated that it is challenging for states and municipalities to manage the construction and use of accessory dwellings to prevent unintended consequences and abuse of ADU zoning provisions. And the dynamics of managing ADUs have changed dramatically with the explosion of Air B&B and the resulting real estate speculation. This is especially true in communities with extensive tourism and vacation attractions.

Suggested Amendments:

1. House Bill 7062 needs to be amended so that it is clearly broad enabling legislation. Municipalities may choose to authorize ADUs beyond those required “by right” in this legislation. Broad enabling legislation will allow municipalities to permit ADUs that are tailored to meet local housing needs and fit seamlessly into the character of neighborhoods.
2. Because we want municipalities to authorize ADUs beyond those required “by right,” House Bill 7062 should be amended to remove mandatory standards that are disincentives for local governments to do that. Specifically:
 - a. § 45-24-73 (b) (1)(ii) requires approval of “two 2 bedroom ADUs of 1,200 sq. ft. or 60% of the floor area of the principal dwelling whichever is less.” This standard is so large that, in essence, it makes most houses with an ADU of that size a duplex. This requirement will be a disincentive for municipalities to authorize ADUs beyond what is mandated “by right”.
 - b. § 45-24-73 (b) (2)(x) also requires approval of 2 bedroom ADUs. This requirement will be a disincentive for municipalities to authorize ADUs beyond what is mandated “by right.”

In both of these situations, with broad enabling legislation, municipalities may permit 2 bedroom ADUs in situations that best meet local housing needs and fit into their neighborhoods. If these provisions are mandated as currently drafted, municipalities will be very reluctant to authorize ADUs beyond what are required by right.

3. House Bill 7062 should only permit by right ADUs on owner occupied properties. Without this requirement, real estate speculators will add ADUs to houses that increase their cost and reduce housing affordability. Specifically:
 - a. § 45-24-37 (e) (page 10, line 3) - should be amended to reinsert “in an owner occupied residence”
4. If the goal of H7062 is to create year round-housing in our municipalities and state, rental of ADUs (or the primary dwelling attached to the ADU if the ADU is occupied by the owner) should have year-long leases. To accomplish this goal the provision in H 7062 that prohibits short-term rentals of ADUs § 45-24-73(b) (8) (page13, lines 27-28) should be expanded to also require leases of at least 1 year in length. This requirement addresses a common problem found with accessory dwellings in other states. As drafted, it will help to prevent real estate speculation for very short term rentals (less than 30 days) but leaves the door open for seasonal rentals. There are some communities that do want to accommodate housing needs for less than one year. Broad enabling legislation will authorize those communities to tailor their ADU regulations to accommodate their local housing need.
5. Add a provision to H7062 prohibiting the subdivision or otherwise separation of the ownership of an ADU from the primary dwelling. This will ensure that ADUs remain ADUs and remain affordable and prevent this legislation from being used as a legal loophole for real estate speculation.

With these amendments, this legislation will provide a solid foundation for creation of ADUs that enhance the state’s housing stock and provide year round housing for family members, caretakers and community workforce.

Sincerely,

A handwritten signature in blue ink that reads "Rupert Friday". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Rupert Friday

Rupert Friday has a master’s degree in planning and over 30 years professional planning experience including work leading the Maryland Department of Planning’s “Local Government Assistance Program.” He currently is a member of the Narragansett Planning Board and a member of a joint committee of Planning Board with the Narragansett Affordable Housing Collaborative.