



# Church Community Housing Corporation

*Working for decent housing for families of low  
And moderate income in Newport County*

The Honorable Stephen Casey  
Chair, House Committee on Municipal Government & Housing  
Rhode Island State House  
Providence, RI 02903

## **Re: Opposition to House bill H5268, Act Relating to Towns and Cities – Home-Fit Dwelling Units**

Dear Chair Casey and Esteemed Members of the Committee:

Church Community Housing Corporation respectfully writes in **opposition to House Bill 5268 – Home-Fit Dwelling Units**, which would require that all new construction of “covered dwellings” comply with certain design provisions aimed to enhance accessibility in residential dwelling units. While we acknowledge the bill’s intent, we must respectfully oppose this legislation due to concerns regarding its broad language, misalignment to current federal and state accessibility standards, potential to delay construction timelines and increase costs, and highly punitive measures.

Church Community Housing Corporation is a 501 c(3) nonprofit corporation that has developed over 1,000 homes for low and moderate-income Rhode Islanders since its incorporation in 1969. Our developments include a homeless shelter, housing for the disabled, housing for the elderly, an assisted living facility, and hundreds of family rental and homeownership units. We always make accessibility a high priority in our developments. Our most recent development, West House II, a 54-unit Senior Affordable Housing development in Middletown, includes full ADA units, adaptable units, and units designed for aging in place. In the design phase, we asked our property management company how many ADA units we should include. They responded that there is no need for a higher percentage than the 5% currently required by law because they don’t see the demand for it. They indicated that most of the ADA units in the hundreds of elderly and disabled units they manage for us are occupied by persons without ADA accessibility needs. They address this lack of demand by renting to tenants with no disability but who agree to move if a person with a disability applies for an apartment. The Senior Project Manager we spoke to said they couldn’t remember an instance where someone needed to move out of an ADA unit because a person with a disability applied.

Below, we have outlined more specifically some of the concerns about the unintended consequences of this legislation:

- **Design standards**

- The bill refers to “design provisions” as Type A Units as defined in §1103 of ANSI 2017 standards. In 45-24.8-3(a) it sets the requirement that a minimum of twenty-five percent (25%) of units shall follow Type A standards, in (b), it requires that the first floor of a “multi-story building” (which could be interpreted as a two-or three story single family home) must comply with Type A and requires that second and higher-floor units must be Type B adaptable units. It is not clear which standard is superior.



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- The requirements represent a significant shift from existing federal and state building code standards without consideration for timeline to implementation (requirements are effective upon passage) and significant cost increases to produce these units which could lead to a reduction of units produced.

- **Implementation and enforcement**

- There are important questions regarding applicability, implementation and enforcement that require clarification.

- How do the requirements of the bill align to current building code and the process for review and approval? The legislation establishes a different process for review and approval, without making clear how a developer would be expected to interface with multiple distinct processes - at a time when it's clear the state should be moving to streamline production.

- The implementation and compliance are likely to lead to delays in construction and drive up costs.

- **Punitive measures**

- There is a broad definition of "person" responsible for design and construction that could lead to 1) lack of clarity about the responsible party, and 2) could involve multiple people or entities, including those involved with original design/construction or subsequent renovations, including individual homeowners and private contractors.

- A person or organization who is "harmed" by noncompliance can bring a cause of action up to three years after the discovery of noncompliance. This means it could be years after the unit is constructed, during which time a developer and potentially anyone else involved with the unit's design and construction are vulnerable to a lawsuit, and if found in violation, liable for damages *and* to bring the unit to compliance. Because the statute also applies to renovations, it has the potential to impact individual property owners of existing units.

- **Overly broad language and applicability**

- Specifically, the bill makes a circular reference to what is a "covered dwelling unit," referencing units that are subject to the provisions of the bill.

- The bill includes very broad definitions of "public financial assistance" which could be applied to almost any housing project, but will especially impact affordable housing development.

For these reasons, I respectfully oppose H5236.

Sincerely,

Christian Belden, Executive Director  
Church Community Housing Corporation