

04/10/2025

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:

South County Habitat for Humanity 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. 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.

Habitat for Humanity prioritizes accessibility and adaptability in all of our new home construction and will work with our end buyers to make all reasonable accommodations that we can. This has been a priority for many years and we have a long track record of building fully ADA compliant homes. We also work to ensure our buyers can age in their homes comfortably by adding Universal and Adaptive design principles.

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

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.
- This bill refers to specific lending types (such as USDA 502 loans), this could lead to steering in mortgage products and be a violation of fair housing laws
- **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.

- 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.
 - No two projects or lots are the same, such restrictive and rigid design standards will lead to some projects not going forward due to site conditions.
- **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, or prevent projects from going forward entirely.
 - **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.

For these reasons, I respectfully oppose H5236.

Sincerely,

Colin Penney

Colin Penney
Executive Director

Submitted via: Email Only