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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-H 7657, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – TOURISM AND DEVELOPMENT March 31, 2026

This bill would differentiate for tax purposes between short-term rental properties depending on whether the property is the owner's primary residence. The ACLU of Rhode Island urges an amendment to this bill.

Our concern with the bill as presently written is that in order to qualify as residential rather than commercial property, the property owner must not only live there for at least seven months of the year, but also must be registered to vote. We believe this latter requirement is inappropriate and should be eliminated.

Cities and towns certainly have a legitimate interest in obtaining proof that an applicant obtaining a property tax advantage is a bona fide resident of the municipality. But there is nothing magical about voter registration, as opposed to many other forms of documentation such as bank statements and drivers' licenses, in determining a person's residency.

There are many reasons why a person, for reasons of political or religious conscience, might not want to register to vote. Registering to vote, like voting itself, is a political statement, just as the decision not to register or vote can be. Yet this bill would require an individual to register to vote in order to obtain a benefit totally unrelated to voting. We do not believe that such a condition can withstand constitutional scrutiny, as it is a totally irrelevant criterion for determining whether a person should qualify for a tax benefit.

Earlier this year, this committee considered and voted on a bill, H-7047, authorizing the Little Compton Town Council to establish a homestead exemption for residential dwellings. Residents who lived on the property and were registered to vote from there automatically qualified for the exemption. But the bill, appropriately, also allowed non-registered voters to qualify by demonstrating residency in other ways. The same should apply in this bill's context.

We would therefore urge that the bill be amended to eliminate the voter registration requirement as a condition for qualifying as "residential" property. Thank you for considering our views.