



INSTITUTE FOR JUSTICE

March 31, 2026

House Committee on Municipal Government and Housing
Room 101
Rhode Island State House
82 Smith Street
Providence, Rhode Island 02903

Re: Institute for Justice testimony in support of H 8039

Chair Casey, Vice Chairs Fogarty and Speakman, and Members of the Committee:

My name is Samuel Hooper. I am Legislative Counsel at the Institute for Justice (IJ), a nonprofit law firm that works nationwide to defend property rights and remove barriers to housing opportunity. Through strategic litigation in courthouses and advocacy in statehouses, IJ's Zoning Justice Project seeks to reform restrictive zoning and land-use regulations that limit housing supply at a time of shortage.¹

H 8039 makes targeted but important improvements to Rhode Island's land use framework by allowing homeowners to subdivide lots that already contain multiple homes and by strengthening the ability to build and use accessory dwelling units (ADUs) without unnecessary procedural barriers. In doing so, the bill helps bring existing housing into legal conformity while making it easier to modestly expand housing options within established neighborhoods.

A significant portion of Rhode Island's housing stock reflects earlier development patterns that are no longer fully aligned with current, more restrictive, zoning rules. It is not uncommon to find multiple homes on a single lot that, while long-standing and functional, exist in a kind of legal gray area. By allowing administrative subdivision of these properties, H 8039 provides a practical path to clarity and stability for homeowners. This is a sensible reform that respects existing uses while improving the coherence of local land records.

The bill also strengthens Rhode Island's approach to ADUs, one of the most widely accepted and least disruptive ways to add housing. ADUs allow homeowners to create small, independent living spaces for family members, caregivers, or renters, often at a lower cost than new standalone housing. By ensuring that ADUs can be developed without excessive fees, lot size requirements, or discretionary approvals, H 8039 helps ensure that this option is meaningfully available in practice, not just in theory.

Importantly, the bill maintains appropriate guardrails. It does not eliminate local oversight, nor does it override legitimate health and safety regulations. Municipalities retain the ability to apply generally applicable standards and to ensure that these homes are

¹ Institute for Justice – Zoning Justice Project: <https://ij.org/issues/zoning-justice/>



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used for residential purposes. What the bill does is prevent unnecessary or inconsistent barriers that can make small-scale housing creation difficult or infeasible.

Housing challenges are often discussed in terms of large developments or major policy overhauls, but incremental reforms like those in H 8039 are an essential part of the solution. By making it easier to legalize existing homes and add modest new ones, Rhode Island can expand housing opportunity in a way that is gradual, practical, and responsive to real world conditions.

For these reasons, the Institute for Justice respectfully urges the committee to support H 8039. Thank you for your consideration.

Sincerely,

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