

House Municipal Government and Housing Committee
Rhode Island General Assembly
82 Smith Street
Providence, RI 02903
RE: Support H 7446 Low and Moderate Income Housing

April 7, 2026

Dear Chairman Casey and Members of the Committee:

I support the need for more low and moderate income housing in RI. However, I respectfully urge the Committee to adopt H 7446. I commend the sponsor of this important legislation, Representative Megan Cotter and the co-sponsors for their leadership in recognizing the need to reform Rhode Island's Low and Moderate Income (LMI) Housing Act to **strike a balance between the need for more housing and drinking water protection.**

I've worked in water quality management for over 40 years. During that time I learned some important lessons as follows:

- There are real limits to growth and constraints to development that cannot be ignored.
- As density increases water quality becomes more polluted.
- Polluted waters are very expensive and time consuming to restore. Therefore, it is critical to prevent water quality pollution from happening, particularly for drinking water.
- **State regulations** to protect water quality are good but they **are not perfect**. Moreover, they can't control every pollution source and the regulations don't consider the cumulative impacts of development. These regulations are also less effective with high density development. Moreover, enforcement over the long-term is challenging. **There are no State regulations to insure there will be an adequate supply of drinking water from on- site wells.**
- Municipal land use is needed to establish appropriate densities to protect water quality and insure an adequate supply of drinking water is available to support development.
- The bonus densities currently allowed in the LMI act are too high to protect the quality and quantity of public drinking water supplies.

The Scituate Reservoir watershed is a good example of these lessons learned. The Scituate reservoir provides drinking water to approximately 50% of RI's population and is one of the least developed areas in RI. A good way to assess the water quality impacts from development is to use impervious cover as an indicator of development density. Impervious cover represents all hard surfaces such as roads, parking lots, homes and businesses. Well established research has determined when impervious cover exceeds 10% there will be impacts to water quality. When impervious cover is greater than 25% water quality will not support a drinking water use.

The impervious cover for the entire Scituate Reservoir Watershed is about 4% according to Providence Water. That's good. However the eastern portion of the Scituate Reservoir Watershed, western Johnston, has a 9% impervious cover. As a result Providence Water has documented water quality impairments in tributary streams in this area.

The smallest bonus density allowed by the LMI Act would create impervious cover of 38% well above the 25% level where severe water quality impacts would be expected.

The Scituate Reservoir Watershed Management Plan, an element of the State Guide Plan, was a very comprehensive study to determine what needed to be done to protect the surface and groundwater quality within the Scituate Reservoir Watershed. The recommendations were germane to protect drinking water quality throughout RI. A key recommendation was that housing density stay below the 10% impervious cover threshold and minimum lot sizes remain low density or approximately 3 acres per lot and greater.

I was extremely alarmed to learn that the current LMI act allows a density bonus up to 8 housing units per acre in areas that support drinking water. **That's an increase from one house in a three acre zone to 24 houses or a 2,300% increase in density.** If a development had 25 two acre lots the density skyrockets from 25 houses to 600. That doesn't include the potential for each lot to also have an accessory dwelling unit or the units to be duplexes. That's an extremely excessive density bonus that will cause unintended consequences to drinking water.

The bonus densities in the LMI act also don't respect the limits to growth or constraints to development. The bonus densities are allowed in random and haphazard locations that do not comply with municipal housing plans that are required by State law. As you know, all municipalities are required by law to establish areas and specific strategies that are appropriate to support LMI. **The proposed bill does not eliminate the requirement for all municipalities to implement LMI housing.** This bill provides **common sense amendments to accommodate low and moderate income housing without negatively impacting the quantity or quality of RI's precious and irreplaceable drinking water supplies.** The bill also adds important language that the **capacity** of public water or sewer systems be documented to support the proposed increase in housing density before a development can be approved. The current law only requires developers to cite that public water or sewer systems are available. It is irresponsible to build more housing in areas that would exceed the capacity of either drinking water or sewer systems to serve that development. There has already been a housing development in the town of West Greenwich that ran out of water from an onsite well.

I support the need for more low and moderate income housing in RI. However, housing must be developed that doesn't pollute drinking water or over extend limited ground water drinking supplies. RI must have clean, safe and sustainable drinking water supplies to support existing and encourage future growth and economic development. The future prosperity of Rhode Island depends on it. I urge the committee to adopt this bill.

Thank you for the opportunity to comment

Sincerely,

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