

Testimony from Jordan Day, Associate Director
H 5264 – Relating to Towns and Cities – Small Business – Zoning Ordinances
House Committee on Small Business – February 8, 2023

Thank you, Madam Chair and members of the committee, for the opportunity to share our thoughts on H 5264. As you all know, Chairwoman McEntee has been a fierce advocate to support the economic recovery of the hospitality industry and our members are hopeful that we can work together to continue that work.

Throughout the pandemic, cities and towns worked hard to support local businesses, especially restaurants and bars. They passed emergency orders and ordinances to allow greater flexibility in outdoor dining, modified hours, reduced parking requirements and other accommodations. Local officials recognize that vibrant small businesses are key to a thriving economy and have approached shared challenges with flexibility, creativity and collaboratively. All five Rhode Island counties, according to the CDC, have a medium COVID-19 community level, indicating that additional precautions should be taken for those who are high-risk or know someone who is high-risk. Approximately 88% of Rhode Islanders have received their primary vaccination series and COVID-19 precautions have been relaxed, city and town leaders have continued to work with their local businesses to promote economic recovery.

We recognize that there is still more to do to support our small businesses, especially those in the hospitality industry, but we also need to ensure that the safety of patrons is a top priority. The legislation that is before the committee today presents several challenges for our members. Our members are largely concerned about the following:

- language added in §45-24-46.5(a) on line 5 adds state statutes and regulations to the list of things that cannot be enforced during the moratorium, which appears to suspend state building and fire codes.
- The addition of §45-24.7-4(a) references public safety but is not specific enough to state building and fire codes.
- The addition of §45-24.7-4(b) seems to imply that if a modification is made during the moratorium must be grandfathered in, even if it doesn't comply with state building and fire codes.

We ask that the legislation be amended to be clear and specific that all businesses must comply with the state building and fire codes. Further, we ask that all modifications made during the moratorium must be brought into conformance. The League has already spoken with the Chairwoman and is looking forward to determining the best solution for all parties. Thank you for your consideration of our views.