



March 26, 2021

Representative Carol Hagan McEntee
Chair, House Committee on Small Business
State House
Providence, RI 02903

Re: H-6119 – An act relating to towns and cities -- small businesses--zoning ordinances

Chairman McEntee and Members of the Committee:

On behalf of the Rhode Island Chapter of the American Planning Association (APA RI), including over 150 municipal planners, private sector planners, planning board members, citizen planners, and more, we thank you for the opportunity to share our feedback on H-6119, which imposes a one year moratorium on enforcement of municipal ordinance or zoning requirement that penalizes owners of food service establishments/bars for modifications/alternations to their premises in response to an emergency declaration.

Many small businesses, restaurants in particular, have been hit hard by the COVID pandemic. In response, some emergency measures have been put in place to relax certain requirements related to local zoning, in an effort to take steps to assist these businesses during what has been a very difficult year. APA RI supports the concept of extending these measures for a year after the Governor suspends the emergency orders.

The proposed statute also asks that communities evaluate those measures, once the crisis has passed, to determine if some or all aspects of those emergency measures can continue in a post pandemic world. Communities may determine that certain 'emergency' measures have worked well, and that they should be continued. Or they may determine that such measures are no longer necessary or desirable.

The pandemic has forced all of us to try new ways of doing things - public meetings being an obvious example. In many arenas, we may determine that we've learned new ways of doing business during this crisis.

Communities should give careful consideration to what has worked well, and what has not, as they evaluate local regulatory tools. By our read, this legislation proposes exactly that, in recognition of the role of each municipality in determining what works best for their unique circumstances. So long as it is clear that it is up to each municipality to determine what constitutes a public safety concern, and to make the ultimate decision as to whether or not to amend its zoning ordinance in response to any evaluation, such an initiative has the support of APA RI. We ask that this clarification be made explicit in the draft legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff C. Davis'.

Jeff C. Davis, AICP
President, APA RI

cc RI League of Cities and Towns