



INSTITUTE FOR JUSTICE

April 2, 2026

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

Re: Institute for Justice testimony in support of S 2665

Chair Bissaillon, Vice Chair DiMario, 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

This bill addresses one of the most significant barriers to housing: excessive minimum lot size requirements. These rules artificially restrict how much housing can be built, even where infrastructure already exists. By mandating large parcels for each home, they drive up land and building costs, limit the number of homes that can be constructed in desirable areas, and effectively exclude many Rhode Islanders from accessing those communities.

This bill would place reasonable statewide limits on mandatory minimum lot sizes, allowing homes on lots as small as 2,500 square feet near transit, 5,000 square feet where water and sewer are available, and one acre elsewhere, while preserving environmental protections. It does not eliminate local zoning, nor does it override important health, safety, or environmental protections. Rather, it sets reasonable outer bounds, ensuring that zoning cannot be used to require unnecessarily large lots that function primarily as a barrier to entry.

From a property rights perspective, minimum lot size mandates are a particularly blunt tool. They prevent landowners from using their property to meet market demand, even when doing so would be entirely compatible with surrounding development and existing infrastructure. S 2265 restores a degree of flexibility, allowing property owners to build modest homes on modest lots, which has long been a traditional and important pathway to homeownership.

This reform is also consistent with successful efforts in other states to expand housing opportunity by right, particularly in areas where infrastructure can already support it. By allowing smaller lots near transit and in serviced areas, the bill helps ensure that new housing is built where it makes the most sense, rather than pushing development outward in a sprawling fashion that increases costs and strains infrastructure.

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



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S 2265 does not mandate any particular housing or development type. It simply removes an unnecessary constraint and allows the market to respond, whether that means starter homes, smaller single-family homes, or other modest housing options that are increasingly difficult to build under current rules.

At a time when Rhode Island faces serious housing affordability challenges, reforms like this are essential. They expand opportunity without subsidies, respect environmental and infrastructure constraints, and restore the ability of property owners to provide the kinds of housing that many Rhode Islanders are actively seeking.

For these reasons, the Institute for Justice respectfully urges the committee to support S 2665. Thank you for your consideration.

Sincerely,

Samuel Hooper
Legislative Counsel
Institute for Justice
Telephone: (512) 569-6343
shooper@ij.org | www.ij.org