

March 27, 2024

Re: House Bill 7951

Dear Committee Members

I am a member of the Cranston City Plan Commission, and I am writing to express my opposition to House Bill 7951, which imposes limitations on municipalities' ability to have moratoriums even when there is an emergency. It interferes with local control over land use and zoning issues.

This legislation appears to create an absolute prohibition on the ability of a municipality to have even a temporary moratorium on applications involving low to moderate income housing. This prohibition ignores the possibility that a municipality may have legitimate reasons for a temporary moratorium on high density housing. For example, a municipality may lack water, sewer or educational facilities to serve such housing.

This legislation also limits the length of time that a municipality can have a moratorium to only sixty days, even in cases of emergency. The need for a moratorium may extend beyond sixty days, especially if there is an emergency. In other circumstances, state law recognizes that emergencies may last 180 days. See R.I.G.L. §30-15-9; R.I.G.L. §42-35-2.10. Also, sixty days may be insufficient time for a local municipality to draft, review and enact an ordinance to address the issue that gave rise for the need to adopt a moratorium. In 2019, Cranston adopted a moratorium on solar farms. Due to the complexities of the issue and the need for public input, the moratorium lasted about a year before a new solar farm ordinance was adopted. While moratoriums, and the use of emergency powers can be misused, it is still prudent to grant local officials the latitude to address situations where a moratorium may be needed.

Furthermore, the sixty-day limit on moratoriums in this legislation goes beyond just land use applications involving residential issues. It applies to any type of land use including commercial and industrial. This legislation could lead to unforeseen negative consequences.

In the end, local officials, not state officials, are in the best position to determine what is in the best interest of their communities and neighborhoods when it comes to land use and zoning issues.

Steve Frias

Cranston Planning Commissioner