



March 6, 2024

Honorable Chairman Stephen Casey
Municipal Government and Housing Committee
Rhode Island State House
Providence, RI 02903

RE: H-7382 – An Act Relating to Towns and Cities – Definition of Household

Dear Chairman Casey and Committee Members:

Please accept these comments from the RI Chapter of the American Planning Association (APA-RI) regarding H-7382, a bill that amends the definition of “household” in the Zoning Enabling Act.

The proposed change preempts local governments from setting the maximum number of unrelated persons living together in a dwelling at three people. That standard is replaced with “one person per bedroom” up to five persons per dwelling. By replacing the “not be less than three” with “shall not exceed five”, the amendment prevents local governments from setting the number of unrelated persons living together in a dwelling at the level that best suits their community’s housing stock and housing demand due to demographics.

The result would be to enable any house in Rhode Island to potentially be used as a rooming house with up to five unrelated residents. This could result in increased rental of single-family houses on a room-by-room basis. If the house is not owner occupied, it would increase the total rental income that landlords will receive. This could result in driving up the total rental rates for houses, particularly in certain areas, which in turn could accelerate real estate investment purchases of single-family houses to create rental businesses. This pattern of real estate investment has become a national problem because it drives up the cost of houses and decreases affordable housing. National experience in communities where houses are rented on a bedroom-by-bedroom basis shows that this practice increases transient occupancy and declines neighborhood stability. The proposed definition change would facilitate this trend.

This definition change would impact nearly every municipality. Currently more than half of Rhode Island’s municipalities have a zoning standard that limits the number of unrelated people living in a dwelling to three. Some of the municipalities that have this standard include Providence, Charlestown, Cranston, Cumberland, South Kingstown, Warren, and Westerly. Several other communities (including Bristol) have established a standard of four unrelated people.

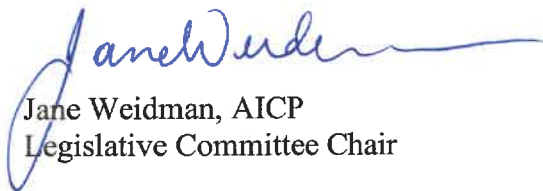
The wording in H-7382 “not less than one (1) person per bedroom” could also have unintended consequences; local governments could conceivably limit the number of people living in a one-bedroom house to one person. In effect, this would prevent an unrelated couple from living in a one-

bedroom house. Further, the number of unrelated people living in a two-bedroom house could be limited to two people. Both of these standards are lower than the current statewide standard of not less than three unrelated people permitted in both one and two-bedroom dwellings.

The current definition of household gives local governments the authority to establish the limit for the number of unrelated people living in a dwelling that best suits their municipality. Local governments are best positioned to make this decision based on local demographics and housing stock. The current definition with a minimum standard of three unrelated people per dwelling is well established and widely used in states across the nation. The US Supreme Court has found that it is constitutional for local governments to limit the number of unrelated people living in a household. The current definition for household should be retained.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jane Weidman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jane Weidman, AICP
Legislative Committee Chair

cc RI League of Cities and Towns