

Representative Stephen M. Casey, Chair
House Committee on Municipal Government and Housing
State House
Providence, RI 02903

RE: H-5797

Dear Chairman Casey:

I am writing to express my concerns about the proposed amendments to the Zoning Enabling Law encompassed in House Bill 5797. As a retired local town planner of 38 years I have reviewed the text with an eye toward the real possibility of clear and accurate implementation. As it stands I am opposed to certain language and cannot support it as-is, but do believe the bill can be corrected.

H5797 is well-intended and is patterned after similar laws in other states. It would install the allowance of co-living units as an option for municipalities to exercise at their discretion. It is not required which is appropriate and I applaud Rep McEntee for that provision. Each community should decide for itself if such a regulation is appropriate for their use.

Unfortunately, the language referencing "4 units" is vague and I have concern that there is no definitive language prohibiting application of this concept from single family dwellings. It also, does not restrict the application of co-living units to year-round tenancy. This is a non-starter.

As drafted, I cannot be certain that it refers to buildings with 4 existing units or any residential structure with 4 bedrooms or more. In the absence of more clear language (presumably restricting to the 4-unit buildings and/or adaptive re-uses) it could be possible for a landlord to turn his/her 4+ bedroom single family house into a co-living boarding house with nightly, weekly or monthly rentals.

I believe the bill should be amended to prohibit application to existing single family dwellings and to require 12 month or more lease.

My final concern is with the open-ended allowance for density to be determined by building and fire code which seems to mean that it would supersede local zoning density requirements. It is possible that a structure could be rehabilitated into more co-living units than the local infrastructure can accommodate. There should be a caveat in this bill to ensure sufficient water and wastewater capacity be present or provided at the developer's expense, as is propose din H5796 and H5798.

Many thanks for your consideration of my comments. I am available for assistance in drafting text revisions at your request.

Sincerely,



Michael J. DeLuca

cc: Representative Carol McEntee