

**2026 -- S 2038**

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LC003410

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**S T A T E   O F   R H O D E   I S L A N D**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N   A C T**

**RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES**

Introduced By: Senators Pearson, and Thompson

Date Introduced: January 09, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1        SECTION 1. Section 45-24-73 of the General Laws in Chapter 45-24 entitled "Zoning  
2        Ordinances" is hereby amended to read as follows:

3        **45-24-73. Design standards required for accessory dwelling units — Consistent**  
4        **statewide treatment of accessory dwelling units required.**

5        (a) Pursuant to § 45-24-37, one accessory dwelling unit (ADU) per lot shall be allowed by  
6        right under the following circumstances:

7            (1) On an owner-occupied property as a reasonable accommodation for family members  
8        with disabilities; or

9            (2) On a lot with a total lot area of twenty thousand square feet (20,000 sq. ft.) or more for  
10        which the primary use is residential; or

11            (3) Where the proposed ADU is located within the existing footprint of the primary  
12        structure or existing accessory attached or detached structure and does not expand the footprint of  
13        the structure.

14        (b) **Uniform standards.**

15        (1) A municipality may establish a maximum unit size for an ADU but such limitation must  
16        allow, subject to applicable dimensional requirements:

17            (i) A studio or one bedroom ADU ~~of at least up to~~ nine hundred square feet (900 sq. ft.);  
18        ~~or sixty percent (60%) of the floor area of the principal dwelling, whichever is less;~~ and

19            (ii) A two-bedroom (2) ADU of ~~at least twelve hundred up to one thousand~~ square feet

1        ~~(1,200 sq. ft.) (1,000 sq. ft.) or sixty percent (60%) of the floor area of the principal dwelling,~~  
2        ~~whichever is less.~~

3                (2) For all ADU applications, a municipality shall not:

4                        (i) Restrict tenants based on familial relationships or age unless such restriction is necessary  
5                                to comply with the terms of the federal subsidy related to affordability;

6                        (ii) Charge application or permitting fees for the creation of an ADU that exceed those that  
7                                would be charged for a new single-family dwelling;

8                        (iii) Require infrastructure improvements in connection with the ADU, including, but not  
9                                limited to, separate water or sewer service lines or expanded septic system capacity unless such  
10                                improvements and/or modifications are required by an applicable state agency for compliance  
11                                under state law or regulation, or to comply with building code requirements, or to address capacity  
12                                or upgrades necessary to accommodate the ADU;

13                        (iv) Discriminate against populations protected under state and federal fair housing laws;

14                        (v) Impose dimensional requirements or other development standards on ADUs that in any  
15                                instance exceed the requirements for an accessory structure in the same zoning district;

16                        (vi) Require additional lot area, lot frontage, or lot width for conforming lots or legal  
17                                nonconforming lots of record solely to accommodate an ADU;

18                        (vii) Require zoning relief for ADU applications proposed within an existing footprint of  
19                                the primary or accessory structure which is a legal nonconforming structure in order to address the  
20                                existing dimensional nonconformity;

21                        (viii) Require more than one off-street parking space per bedroom of the ADU;

22                        (ix) Limit ADUs to lots with preexisting dwellings, or otherwise prohibit ADUs as part of  
23                                applications for new primary dwelling units or subdivisions;

24                        (x) Prohibit an ADU that otherwise complies with this chapter and applicable dimensional  
25                                regulations from having up to two (2) bedrooms;

26                        (xi) Require an ADU to be exclusively occupied by a household that is low- or moderate-  
27                                income or less as defined by § 42-128-8.1, unless such ADU is part of an inclusionary zoning or  
28                                comprehensive permit application; or

29                        (xii) Revoke the permitted status or otherwise require the disassembly of a legally  
30                                established ADU upon transfer of title or occupancy.

31                (3) An application for an ADU that is not allowed by right under this section, shall not, by  
32                        itself, be reviewed as a minor land development or major land development project.

33                (4) A municipality shall allow ADUs as part of applications for new primary dwelling units  
34                        or subdivisions. For proposed ADUs that are part of a larger development proposal, a municipality

1 shall not count such ADUs toward density of the proposal for purposes of limiting the number of  
2 dwelling units allowed in such development proposal.

3 (i) Municipalities may utilize a unified development review process for any application  
4 that includes ADUs, regardless of whether a city or town has opted into the current unified  
5 development review statute.

6 (5) As part of the approval process, municipalities may exempt ADUs from all or part of  
7 utility assessment and/or tie in fees.

8 (6) Private restrictions on ADUs imposed by condominium associations, homeowner  
9 associations, or similar residential property governing bodies, which conflict with the provisions  
10 of this section or the definition of an ADU as set forth in § 45-24-31, shall be void as against public  
11 policy. Provided, however, if ADUs are allowed by condominium association covenants,  
12 homeowner association covenants, or similar residential property governing bodies, they shall be  
13 deemed in compliance with this subsection.

14 (7) The development of ADUs shall not be restricted by any locally adopted ordinance or  
15 policy that places a limit or moratorium on the development of residential units in land zoned for  
16 residential use.

17 (8) ADUs shall not be offered or rented for tourist or transient use or through a hosting  
18 platform, as such terms are defined in § 42-63.1-2.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

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- 1        This act would cap the size of accessory dwelling units to nine hundred square feet (900
- 2        sq. ft.) for one bedroom units and one thousand square feet (1,000 sq. ft.) for two (2) bedroom units.
- 3        This act would take effect upon passage.

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