2023 -- H 5599

========
LC001341
========

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

_____

A N   A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

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. Consistent statewide treatment of accessory dwelling units required.**

4   (a) Any municipality that chooses to permit accessory dwelling units (ADUs) within the

5   municipality, shall not impose any excessive restrictions on accessory dwelling units (ADUs).

6   More specifically, a municipality that permits ADUs shall not:

7   (1) Restrict tenants based on familial relationship or age unless such restriction is necessary

8   to comply with the terms of the federal subsidy related to affordability;

9   (2) Charge unique or unreasonable application fees for the creation of an ADU;

10   (3) Require infrastructure improvements, including, but not limited to, separate water or

11 sewer service lines or expanded septic system capacity; provided, however, municipalities may

12 require modification required for compliance under state law or regulation;

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

14   (5) Impose unreasonable dimensional requirements on ADUs that effectively preclude their

15 development or utilization;

16   (6) Require a larger minimum lot size for a property with an ADU over that required for a

17 property without an ADU in the same zone;

18   (7) Require more than one parking space beyond what is already required for the primary

19 use; or

1   (8) Limit ADUs to lots with preexisting homes; provided, a municipality shall allow ADUs

2   as part of applications for new primary dwelling units or subdivisions.

3   (b) To further enable the use of ADUs and to remove barriers to utilization, municipalities

4   may allow ADUs in primary or accessory structures that are lawfully established preexisting non-

5   conforming through a special use permit and not require a variance, notwithstanding any provision

6   of this chapter to the contrary that would require a variance.

7   (c) Private restrictions on ADUs imposed by condominium associations, homeowner

8   associations, or similar residential property governing bodies, which conflict with the provisions

9   of this section or the definition of an ADU as set forth in § 45-24-31, shall be void as against public

10   policy. Provided, however, if ADUs are allowed by condominium association covenants,

11   homeowner association covenants, or similar residential property governing bodies, they shall be

12   deemed in compliance with this subsection.

13   (d) The development of ADUs shall not be restricted by any locally adopted ordinance or

14   policy that places a limit or moratorium on the development of residential units in land zoned for

15   residential use.

16   (e) Notwithstanding any provision of law to the contrary, accessory dwelling units (ADUs)

17   shall not be offered or rented for tourist or transient use or through a hosting platform, as defined

18   in § 42-63.1-2. Any town or city may adopt an ordinance to enforce the provisions of this

19   subsection; provided that, a property owner and/or a hosting platform shall not be penalized in

20   excess of five hundred dollars ($500) per day for each violation.

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

========
LC001341
========

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

***

1   This act would prohibit the offering or renting of accessory dwelling units for tourist or

2   transient use or through a hosting platform, and enables municipalities to fine property owners and

3   hosting platforms a fine not to exceed five hundred dollars ($500) per day for each violation.

4   This act would take effect upon passage.

========
LC001341
========