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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Senators Pearson, Thompson, DiMario, Sosnowski, and Euer

Date Introduced: February 26, 2025

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 nine hundred square feet (900 sq. ft), or sixty
18 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 square feet (1,200 sq. ft.), or sixty

1 percent (60%) of the floor area of the principal dwelling, whichever is less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (4) A municipality shall allow ADUs as part of applications for new primary dwelling units
33 or subdivisions. For proposed ADUs that are part of a larger development proposal, a municipality
34 shall not count such ADUs toward density of the proposal for purposes of limiting the number of

1 dwelling units allowed in such development proposal.

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

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

7 (6) 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 (7) 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 (8) ADUs shall not be offered or rented for tourist or transient use or through a hosting
17 platform, as such terms are defined in § 42-63.1-2.

18 (c)(1) Notwithstanding any provisions in subsections (a) or (b) of this section, or in §§ 45-
19 24-31 or 45-24-37, to the contrary, effective July 1, 2025, a municipality may, through regulation
20 or ordinance, provide for any and all of the following with respect to ADUs:

21 (i) Require that primary residences with ADUs shall be owner-occupied;

22 (ii) Require that ADUs shall be occupied by family members and caretakers; and

23 (iii) Limit the size of ADUs to eight hundred square feet (800 sq. ft.), without the ability to
24 seek a variance for a larger size unit.

25 (2) The provisions of this subsection (c) shall be enabling and not mandatory.

26 SECTION 2. This act shall take effect on July 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

1 This act would permit but not mandate, a municipality to allow certain requirements as
2 exceptions to consistent statewide treatment of accessory dwelling units (ADUs) relating to owner-
3 occupation, family member and care takers occupation, and a maximum of eight hundred square
4 feet (800 sq. ft.) without availability of a variance for a larger size unit.

5 This act would take effect on July 1, 2025.

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