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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 3161, RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES May 7, 2026

The ACLU of Rhode Island opposes this bill, which would allow municipalities to require property owners to obtain a license to rent exclusively to students. There can be little question that the effect, if not the intent, of the authority this bill gives municipalities would be the imposition of onerous burdens and restraints on these property owners, whether through overly aggressive inspection requirements or harassing enforcement procedures.

Housing restrictions that single out students for discriminatory treatment have long been of concern to the ACLU. We have been involved for decades, both in judicial and lobbying arenas, in raising concerns about limiting the number of people who can reside together based solely on whether they are related by blood or marriage, and not for health, safety or other relevant reasons. We believe those concerns are only heightened in light of this state's current dire housing crisis. Setting more stringent standards for student housing is inequitable and ultimately counter-productive.

To the extent the bill is designed to give communities that house many college students the ability to address quality-of-life issues that students may generate, there are many other tools at a town's proposal to address them. We cannot summarize the issue better than a R.I. Superior Court decision did in 1994 in addressing a Narragansett ordinance that limited to three the number of unrelated people who could live together: "It is a strange . . . ordinance indeed that would permit the Hatfields and the McCoys to live in a residential zone while barring four scholars from the University of Rhode Island from sharing an apartment on the same street." *DiStefano v. Haxton*, 1994 WL 931006.¹

In sum, a statutory enforcement focus on the schooling status of renters is unfair and likely to encourage discriminatory treatment against landlords who rent to students and make housing options for students more expensive and less available. We therefore urge the committee's opposition to this legislation.

Thank you for considering our views.

¹ The court's ruling in that case was implicitly overruled more than two decades later by the R.I. Supreme Court in *Federal Hill Capital v. City of Providence*, 227 A.3d 980, 989 (R.I. 2020).