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May 1, 2023

Providence Ordinance Committee
Providence City Council
City Hall
Providence, RI 02903

VIA EMAIL

Dear Ordinance Committee Members:

I write to express the ACLU of Rhode Island's continued opposition to the proposed ordinance you will be considering on Wednesday that would significantly limit the ability of college and university students to live together in Providence.

We submitted both written and verbal testimony this past October at the Committee's last hearing on this proposal. Rather than repeat in detail all of the arguments we raised back then, I have attached the written comments we submitted to the committee at that time.

I would simply note that nothing has changed in the past six months to alleviate the concerns we raised then: this ordinance will not be effective in addressing the problem it is purportedly designed to address; it will have a particularly adverse impact on lower-income students; it radiates an antagonism towards a cohort of residents that make up a vibrant and vital part of the City's environment and character; it ignores the plight that some students will face in light of the city's well-recognized and severe housing shortage; and it adds insult to injury by requiring establishment of a paternalistic violation notification procedure to be followed by higher education institutions.

We understand that there may be attempts at a compromise by reducing the number of designated zoning districts to which these residency restrictions against students would apply. While that may partially alleviate the breadth of the harm that the ordinance will cause, it does not fix the faulty premises underlying the proposal or help the myriad number of students who will continue to be adversely affected by its implementation. We therefore once again urge the committee to reject this proposal or any similar iteration of it.

Thank you in advance for considering our views.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive, with a long horizontal flourish at the end.

Steven Brown
Executive Director

cc: The Hon. Brett Smiley
Enclosure



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October 19, 2022

Providence Ordinance Committee
Providence City Council
City Hall
Providence, RI 02903

Dear Ordinance Committee Members:

The ACLU of Rhode Island wishes to express our deep concerns about the ordinance the committee is considering today to significantly limit the ability of college and university students to live together in Providence. We find it hard to believe that a city that thrives because of its college community would propose such a surprisingly disturbing anti-student ordinance, especially in light of the City's acknowledged serious housing shortage.

This ordinance would essentially ban any non-owner-occupied unit - whether single or multi-family - from housing more than three students anywhere in the city. As we noted when the current ordinance that already limits student housing was enacted, the City has numerous laws in place to address noise, parties, traffic, and other possible nuisances at rental locations. The proposed expansion of the ordinance merely punishes students for being students. More practically, it will especially harm low-income young people trying to afford to live in a city that is already facing a severe housing affordability crisis.

A proposal like this one, which restricts a landlord's use of his or her property based on an ultimately irrelevant standard, and which assumes that four students cannot live together without engaging in misconduct, only unnecessarily heightens the cleavage between the City and its large, vibrant and productive student population and is doomed to have little meaningful impact on any problem it is designed to address.

To the extent this expansion of the current ordinance seeks to prevent the inappropriate conduct that sometimes arises from the conduct of guests at parties that take place at students' residences, three students, as easily as four, can organize a party that gets out of control. As a result, this expanded ordinance is a very poor tool to deal with concerns of illegal tenant or guest conduct. On the other side, however, limiting the use of property in this way can have a significant and adverse financial impact on innocent, hard-working students by making rental housing more difficult and much more expensive for them to obtain.

We are also deeply troubled by the proposal's paternalistic requirement that colleges and universities submit procedures for being notified any time a student violates a city ordinance and for disciplining students for such off-campus conduct. As a general rule, a young adult's arrest for

disorderly conduct based on their participation in a rally against police brutality, for example, should not form the basis for notifying their university, much less encouraging school disciplinary proceedings against them for their off-campus activities.

Having brought the lawsuit in which the R.I. Supreme Court upheld the city's current ordinance against a constitutional challenge, the ACLU will be analyzing the significantly increased scope of this proposal to determine if it provides any grounds for a new challenge. Whether it does or not, though, we remain hopeful that the Ordinance Committee will reject this unwarranted expansion of the current ordinance from becoming law due to its inevitably harmful and ineffective impact.

In sum, we believe that the proposal's focus on the collegiate status of renters is unfair and unlikely to resolve any of the concerns prompting it. We therefore respectfully urge the committee to defeat this proposal, and to instead have the City rely on enforcing the laws already on the books and continue its informal collaboration with school officials in addressing problems of unruly students.

We do not suggest that those approaches will completely eliminate problems that can occur in a city with a large college community. But neither will this ordinance, which when it fails to have its hoped-for impact, will likely only lead to even more draconian and ineffective efforts.

Thank you in advance for considering our views.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive, with the first name "Steven" and last name "Brown" clearly distinguishable.

Steven Brown
Executive Director

cc: The Hon. Jorge Elorza