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March 21, 2016

Narragansett Town Council
25 Fifth Avenue
Narragansett, RI 02882

BY EMAIL

Dear Town Council Members:

We are writing to express the ACLU of Rhode Island's opposition to the proposed zoning amendment on tonight's Town Council hearing agenda to bar more than four unrelated persons from living together in a household.

As Council members know, restrictions of this kind have long been of concern to the ACLU. It was an ACLU lawsuit that, back in 1994, led to a court ruling, *DiStefano v. Haxton*, striking down the Town's ordinance banning three unrelated people from living together. Just a few months ago, we filed a lawsuit against the City of Providence after it adopted a similar prohibition, and that suit is pending.

It is our understanding that the Town believes that slight changes to the ordinance as well as revisions to the state's zoning regulations since 1994 make the *DiStefano* decision irrelevant. However, we believe the principles underlying that ruling remain just as apt today. In the court's famous words, "It is a strange—and unconstitutional—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.

Leaving aside legal issues, we firmly believe this proposal is not productive from a public policy standpoint and simply will not solve the problem it is aimed at. Rather than help reduce town-university divisions, we believe it only exacerbates them. In saying this, we wish to emphasize that we fully recognize and appreciate the legitimate concerns of many town residents involving quality of life issues that arise with loud parties, noise, public drinking and other instances of disorderly conduct by students. But as the decades-long war between the Town and URI students demonstrates, legislative solutions go only so far.

Over the years, the Town has, among other punitive ventures, heightened penalties for various disorderly conduct offenses; adopted a questionable "orange sticker" ordinance to embarrass landlords; and tightened up parking restrictions even so far as to require ACLU intervention on behalf of students who once got ticketed for having valid parking permits. Yet the problems persist. 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 five URI students

cannot live together without acting out as “party animals,” only heightens the cleavage between the Town and the University.

After all, the disorderly conduct this proposed ordinance is aimed to unroot often arises from out-of-control parties that take place at students’ residences, and from conduct emanating from guests at those parties. Yet four students, as much as five, can easily organize a party that gets out of control. As a result, this ordinance strikes us as a very poor way to deal with concerns of illegal tenant or guest conduct. 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 consequently more expensive, for them to obtain.

In sum, we believe that the proposal’s focus on the kinship status of renters is unfair and extremely unlikely to help resolve any of the legitimate concerns prompting calls for action in the first place. We therefore respectfully urge the Town Council to reject this proposal, and to instead continue in its efforts to more vigorously enforce laws already on the books and to continue its collaboration with University officials and students in addressing these problems.

We do not suggest that those approaches will completely eliminate the problems that affect the community due to the presence of a major university near the Town. 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,

Steven Brown
Executive Director

H. Jefferson Melish
Volunteer Attorney

cc: Jeffrey Ceasrine, Acting Town Manager
Dawson Hodgson, Town Solicitor
Anne Irons, Town Clerk