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BY EMAIL AND MAIL

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Dear City Council Members:

I am writing to express our organization's concerns about the City Council's first passage last week of an ordinance that would generally restrict certain residential housing from including more than three students. We urge you to reject its second passage at the Council's next meeting.

The ACLU of Rhode Island first presented concerns about this ordinance to the Ordinance Committee in July. Since then, there have been significant changes to the proposal, but the one that remains – limiting the number of students in single-family dwellings – is, in our view, still quite problematic.

It is first worth noting the broad definition of “college student” established by the ordinance. It would include full-time undergraduate students, PhD students, working professionals taking part-time courses, and any individual taking just one class at a community college. As Councilman Yurdin pointed out at last week's meeting, two married couples attending graduate school would be prohibited from renting together under the ordinance.

When, many years ago, a Superior Court decision struck down a Narragansett ordinance that barred more than three unrelated people from residing in a single-family dwelling, the judge aptly noted: “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.

This proposed ordinance is admittedly different – it is both narrower and broader than the one at issue in that case. Either way, it does not appear to be properly tailored to the problems it is designed to prevent. The ordinance is broader in that it applies to people who are related to each other, but who happen to be students, as Councilman Yurdin's example illustrates, and this hardly seems appropriate. It is narrower in that it applies only to students, but even with that more limited scope, we fail to see how the proposal addresses the problems it seeks to solve.

There appear to have been two major arguments offered in support of the ordinance. First, concerns have been expressed that some investors, by buying single-family homes and renting them to students rather than families, are undermining the goal of the city's residential zoning provision. But limiting the prohibition to only students, whether related or not, shows that the ordinance is a poor fit to address that issue. After all, if a house has six bedrooms and it is rented out to six people, it matters little – for purposes of that specific objective – what the

educational status of the tenants happens to be. Nor have we heard any claims that the houses are being used to violate any occupancy limits themselves.

The more substantive concern, of course, involves quality of life issues that have arisen with loud parties, noise, public drinking and other instances of disorderly conduct in certain college neighborhoods. We certainly can appreciate neighbors' concerns about that, and do not seek in any way to minimize them. As far as we can tell, though, all of the activity complained of is already illegal. Further, the disorderly conduct appears to arise from out-of-control parties that take place at students' residences and from conduct emanating from guests at those parties. Three students, as much as four, can easily organize a party that gets out of control. This ordinance strikes us as a poor way to deal with concerns of illegal tenant, or guest, conduct.

Tenants who do not adhere to reasonable state and city laws regarding housing requirements and residency should be held accountable, but this ordinance unfairly singles out individuals solely because they are attending school. As a result, housing will undoubtedly become more difficult for some students to obtain, not because they are poor or risky tenants, but because of arbitrary housing limits imposed by this ordinance. (The fact that the ordinance takes effect upon passage further means that many students will be pushed to scramble for new housing in the very near future, probably to the neglect of their studies.)

The ordinance's undue stigmatization of Providence's students is contrary to the City's reputation as a robust host to the local colleges and universities. The focus on this one criterion is unfair and extremely unlikely to help resolve any of the legitimate concerns prompting calls for action in the first place.

We therefore respectfully encourage the committee to reject this proposal, and to instead look at more vigorously enforcing laws already on the books that prohibit the types of clearly illegal conduct that is taking place. We believe that approach, along with increased collaboration with the colleges and universities, will serve as a more appropriate and productive method to deal with the legitimate problems that neighborhood residents have raised.

Sincerely,

Steven Brown
Executive Director

cc: The Hon. Jorge Elorza