



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

November 6, 2024

Wayne Pimental, Building Official  
Narragansett Town Hall  
25 Fifth Avenue  
Narragansett, RI 02882

BY EMAIL AND MAIL

Dear Mr. Pimental:

In July, the ACLU of Rhode Island sent a letter to the Town Council, on which you were copied, pointing out the General Assembly's approval in June of an amendment to the state's zoning law that addressed a municipality's ability to limit the maximum number of unrelated persons who can live together in a dwelling. Previously, the law allowed municipalities to set a limit of no less than three people. The amendment, which took effect upon passage, continues to provide authority for a city or town to limit the maximum number of unrelated persons in a dwelling unit, but now requires any such limit to not be less than one person per bedroom and up to *five* unrelated people in a dwelling. R.I.G.L. §45-24-31(36)(ii). In light of that change, we urged the Council to repeal two ordinances that were now in direct conflict with that new statutory definition of a "household," including one prohibiting more than three college students from residing in a non-owner-occupied dwelling.

We were therefore deeply troubled to learn that, in the past few weeks, you have instead issued municipal code violation citations to a number of landlords, relying on that now-unenforceable ordinance. That the ordinance can no longer be enforced should be beyond question, as the state law, which sets the new municipal limitations, is written in clear mandatory terms. We cite the language of the new law immediately below:

(36) Household. One or more persons living together in a single-dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (i) A family, which may also include servants and employees living with the family; or
  - (ii) A person or group of unrelated persons living together. **The maximum number may be set by local ordinance, but this maximum shall be not less than one person per bedroom and shall not exceed five (5) unrelated persons per dwelling.** The maximum number shall not apply to NARR-certified recovery residences. (emphasis added)
- P.L. 2024, ch. 242, §1.

Thus, under the 2024 amendment to R.I.G.L. §45-24-31(36)(ii), as set out above, the Town's authority to enact or enforce an ordinance limiting the number of unrelated persons who

can live together in a dwelling unit is set in two ways. The Town's preexisting ordinance which you are enforcing conflicts with both options.

First, a municipality can now limit the number of unrelated people living together to no more than five. The Town ordinance restricting more than *three* college students from living together is therefore superseded and unenforceable.

Second, a municipality could provide that the maximum number of unrelated persons in a dwelling cannot exceed the number of bedrooms in the dwelling unit. The Town ordinance limiting the number of college students to three, regardless of the number of bedrooms, similarly conflicts directly with the 2024 amendment and is therefore also unenforceable.

The Town's determination to cite property owners for violation of an unlawful ordinance – exposing them to court proceedings, significant daily fines, and interference with their property rights – raises serious state and federal claims, including deprivation of their civil rights, malicious prosecution and abuse of process. We believe these claims would be attributable against both the municipality and any government officials knowingly or recklessly enforcing the ordinance. We therefore ask you to immediately rescind any violation notices that you have issued under Zoning Section 2.2 relating to college students.

I look forward to your prompt attention to this matter and to hearing back from you about it. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown  
Executive Director

cc: Narragansett Town Council  
James Tierney, Town Manager  
Sarah Masson, Town Clerk  
Mark Davis, Town Solicitor