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August 17, 2021

Narragansett Town Council  
25 Fifth Avenue  
Narragansett, RI 02882

BY EMAIL

Dear Town Council Members:

As we have done on a number of past occasions, I am writing to express the ACLU of Rhode Island's strong opposition to the proposed zoning amendment on tomorrow's Town Council agenda to generally bar more than three college students from living together. We also vigorously object to the timing of the hearing on the amendment, designed to avoid comment from the individuals who will be most impacted by the proposal.

Judge Taft-Carter's ruling earlier this year addressing the procedural irregularities in the Council's approval of this amendment last year provides you an opportunity to do the right thing and reject this proposal, as the Town's Planning Board did when it considered the proposal then.

As Council members know, restrictions of this kind have long been of concern to the ACLU. Even assuming that the legal issues surrounding such a prohibition have been resolved by the R.I. Supreme Court's opinion last year in the *Federal Hill Capital* case, we cannot say it better than did the court in the 1994 decision that struck down a predecessor to this proposal: "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.

Leaving aside the 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. While we recognize and appreciate the concerns of some town residents over quality of life issues that arise with loud parties, public drinking and other instances of disorderly conduct by students, the decades-long war between the Town and URI students convincingly demonstrates that legislative solutions can go only so far.

Over the years, the Town has, among other punitive ventures, heightened penalties for various disorderly conduct offenses; adopted an "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. 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 URI students cannot live together without engaging in misconduct, only heightens unnecessarily the cleavage between the Town and the University and is doomed to have little meaningful impact on the problem it purports to address.

After all, the disorderly conduct this proposed ordinance aims to unroot often arises from the conduct of guests at parties that take place at students' residences. Yet three students, as easily as four, can organize a party that gets out of control. As a result, this 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.

Finally, we also strongly condemn the timing of the Council's consideration of this amendment. As the Council did last year, it is holding this hearing in the summer, at a time when URI classes are not in session and the overwhelming majority of students affected by the ordinance's passage are not around to express their views.

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

We do not suggest that those approaches will completely eliminate the issues 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,

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

Steven Brown  
Executive Director

cc: James Tierney, Town Manager  
Janet Tarro, Town Clerk