

MEMORANDUM

TO: The Honorable Bristol Town Council
Steven Contente, Town Administrator
Diane Williamson, Director of Community Development
Edward M. Tanner, Principal Planner
Matt Cabral, Building Official
Planning Board
Zoning Board

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DATE: July 20, 2026

SUBJECT: Enacted Legislation Affecting Land Use Law

This year's legislative session was notable because it was the first year in several years that a majority of the legislation included in the annual housing package, championed by former Speaker Shekarchi, failed to gain passage. This memorandum reviews enacted legislation, copies of which are attached for your reference (except for the resolution relating to the condominium law study commission, which has not yet been published in resolution form by the Law Revision Office). All of these new laws are now effective except for the law relating to the affordable housing database. As usual, we will assist the Town in confirming its ordinances and regulations to these new laws. Please let us know if you have any questions.

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Legislation NOT Enacted

The following bills were introduced as part of former Speaker Shekarchi’s housing package and were ultimately not enacted:

- H 8000, amending the ‘Homeless Bill of Rights’ regarding removal of homeless encampments on public property
- H 8002, permitting the construction of residential buildings that are up to four (4) stories and sixteen (16) dwelling units with a single staircase under certain conditions
- H 8003, pertaining to adaptive reuse projects on state-owned property
- H 8006, pertaining to local taxation of affordable housing
- H 8007, pertaining to infill subdivisions

The remainder of this memo legislation that was enacted into law, including both laws introduced as part of the housing package and other legislation.

H 7371: Family Daycare [P.L. 2026, chapters 243 & 245]

→ Key Takeaway: This legislation prohibits municipalities from limiting the number of children provided services and care by licensed family childcare providers to less than 12 children at a time.

→ Effective Date: June 19, 2026

This legislation amends the “general purposes” section of the Zoning Enabling Act by prohibiting municipalities from limiting the number of children who may be provided services and care by licensed family childcare providers to less than 12 children at a time. However, this law did not amend the definition of a “day care – Family daycare home” within the Enabling Act, which reads as follows: “Any home, other than the individual’s home, in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less individuals who are not relatives of the caregiver, but may not contain more than a total of eight (8) individuals receiving day care.” A different section of the Enabling Act, also not amended, provides that family daycare homes shall be allowed by right in all residential zones. The new legislation would appear to conflict with the old definition, leaving us to rely upon the principle of legislative construction that where two laws appear to conflict, the newer legislation should prevail.

H 7778: Database of Low and Moderate Income Housing [P.L. 2026, chapters 163 & 164]

→ **Key Takeaway:** This legislation requires owners of LMI housing to list those units on a statewide database.

→ **Effective Date:** January 1, 2027

This legislation amends the Low and Moderate Income Housing Act (“LMI Housing Act”) and authorizes the Executive Office of Housing to establish a statewide database of LMI housing. The law previously vested Rhode Island Housing with such authority. For developments completed after the effective date of the law, owners of qualifying property are required to list the property on the database “prior to or concurrently with the opening of the property for lease-up, accepting applications or, in the case of homeownership units, listing units for sale.” This law does not place any new requirements on municipalities or make substantive changes to the LMI Housing Act, although another bill discussed below does make substantive changes to the Act.

H 8001A: SAFE Units [P.L. 2026, chapters 327 & 328]

→ **Key Takeaway:** This legislation authorizes municipalities to allow supportive and functional emergency units (“SAFE Units”), which have specialized requirements and exemptions from the state fire and building codes.

→ **Effective Date:** June 23, 2026

This law defines a new type of dwelling unit known as a SAFE unit and amends certain provisions of the Building Code, Fire Code, and Housing Maintenance and Occupancy Code relative to such units. As defined by the Zoning Enabling Act, a “Supportive and Functional Emergency Unit” (SAFE Unit) is defined as “a structure intended for temporary and transitional residential occupancy which complies with § 23-27.3-101.5. A SAFE Unit is intended to provide temporary safety and privacy for people experiencing homelessness and to enable occupants to transition to permanent housing.” The Zoning Enabling Act now provides that such units “shall be allowed by right in municipalities that have either allowed such by and through zoning ordinance provisions or in municipalities that have exercised emergency authority pursuant to § 45-24-78.” That new section of the Enabling Act authorizes city and town councils to “suspend application [requirements] and compliance with all planning and zoning procedures . . . in order to allow the construction of SAFE Units, and their accessory units.” This emergency declaration “shall only be for purposes of allowing for the construction and temporary occupancy of SAFE Units during periods of severe weather or during the aftermath of a natural or man-made disaster.” The law additionally states that municipalities may allow SAFE units on a non-emergency basis by right “through the passage of a zoning ordinance amendment.” The law does not require municipalities to allow the construction of SAFE units, whether in emergency circumstances or otherwise.

H 8004A: Omnibus land use bill [P.L. 2026, chapters 406 & 407]

→ **Key Takeaway:** This is the latest in an annual ‘potpourri’ bill containing a number of significant changes to the various land use enabling acts.

→ **Effective Date:** June 23, 2026

This bill amends several laws and enabling acts pertaining to land use, as set forth below:

Superior Court Land Use Calendar, § 8-2-40

- Amends the law establishing procedures for the Superior Court’s Land Use Calendar. The law previously required briefs from the appellant and appellee to be submitted simultaneously within 60 days of the filing of the certified record. The amendment permits some flexibility with this deadline and also provides that the appellant shall submit an initial brief, to which the appellee may respond, followed by a reply brief from the appellant.

Comprehensive Planning & Land Use Act, Title 45, Section 22.2

- Provides that municipal comprehensive plans shall be consistent with the provisions of the Comprehensive Planning and Land Use Act as well as the provisions of the Zoning Enabling Act and Development Review Act.

Development Review Act, Title 45, Chapter 23

- Amends the definition of a “buildable lot” in the Development Review Act, as follows:
 - Old definition: “A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practicable by the planning board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state, and local regulations. See § 45-23-60(a)(4).”
 - New definition: “A lot meeting the requirements under the local zoning ordinance, or having obtained relief therefrom, as well as the requirements of the applicable federal, state, and local regulations. See § 45-23-60(a)(4).”
- Amending the definition of a “minor subdivision,” now defined as follows:
 - “The following categories of subdivisions are minor subdivisions:
 - A subdivision creating nine (9) or fewer lots with or without a street extension or creation;
 - A subdivision of any number of lots on an existing improved public street; and
 - Oversized lot subdivisions. The process by which a municipal planning board, commission, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38. Oversized lot subdivisions are subdivisions of an existing lot:
 - Which results in the creation of a vacant lot or lot for residential use; and

- Which resulting vacant residential lots are equal to or greater in lot area than the lot area of at least fifty percent (50%) of the developed residential lots within two hundred feet (200') of the lot proposed for subdivision, as confirmed by a professional land surveyor based on a compilation plan, as such term is defined by the rules and regulations for professional land surveying; and
- Which resulting residential lots have access to available sewer and water, or have demonstrated the ability to drill a private well meeting state standards if no public water is available and/or the suitability and setbacks required for an on-site wastewater treatment system, where no public sewer is available; provided that:
 - For lots serviced by public water and sewer, the resulting lots are not less than three thousand square feet (3,000 ft²) in lot size for each;
 - For lots serviced by private wells or on-site wastewater treatment systems, the resulting lots are not less than ten thousand square feet (10,000 ft²);
 - For lots serviced by both private wells and on-site wastewater treatment systems, the resulting lots are not less than twenty thousand square feet (20,000 ft²).
 - Notwithstanding the lot sizes set forth above or as determined by the compilation plan, lot area requirements or limitations established by state regulations or state permit requirements remain applicable and not superseded by this provision. A lot, qualifying for this type of oversized lot subdivision shall be reviewed under the requirements and procedures set forth in § 45-23-38, but shall not require zoning relief solely based on the resulting reduced lot area of the newly created lots. The subdivision itself and the resulting subdivided lots shall have the benefit of reduced requirements set forth in in § 45-24-38, and/or are eligible for the processes set forth in in § 45-24-46, as applicable.”
- Pre-applications are no longer required for major land development projects. This was partially accomplished in prior legislation and these amendments now make it crystal clear.
- The review and approval process for administrative subdivisions has been revamped. This section of the enabling act had previously been left largely unchanged and it has now been significantly amended.
- Minor subdivision and land development project review: provides that legal documents and state permits must be submitted at the final plan stage. The enabling act had already been amended to this effect for major applications, so this puts minor applications on par in this regard. Also, if a planning board is reviewing a minor project, it can no longer assign such project to major review if the applicable findings cannot be met.

- Unified development review: This section has now been amended to include administrative subdivisions.
- Required findings for approval of subdivisions and land development projects; Amended to provide that lots with physical constraints to development may be created as open space or reserved for a public purpose only if allowed by local ordinance and/or regulation. Also, specific findings are set forth for administrative subdivisions.
- Appeals: Provides that appeals may be taken to Superior Court from decisions on administrative subdivisions.

Zoning Enabling Act, Title 45, Chapter 24

- Amended definition of “co-living housing” in the Zoning Enabling Act, now defined as follows:
 - A specific residential development with units which provide living and sleeping space which are independently rented and lockable for the exclusive use of an occupant, but require the occupant to share sanitary and/or food preparation facilities with the other units in the occupancy. This section shall not be read to allow the conversion of existing dwelling units into co-living housing unless authorized by a local zoning ordinance or allowed pursuant to § 45-24-37.” The referenced section of the Enabling Act pertains to adaptive reuse projects.
- Amended definition of a “substandard lot of record,” which now includes not only lots that were lawfully existing when the zoning ordinance was adopted or amended to render it nonconforming, but also lots that were lawful when created. This change has the effect of making more lots qualify for reduced setbacks and increased lot coverage (the “building bonus” for substandard lots). Further advice from our office on this specific change will be forthcoming.
- Amended rules for when lots shall be subject to merger. The following language from the Zoning Enabling Act now governs:
 - “Contiguous substandard lots of record in the same ownership may be required to merge only to the extent necessary to create a lot that conforms to the dimensional requirements of the applicable zoning district. Once a conforming lot has been created through such merger, any remaining lot or lots shall not be deemed merged and shall retain their status as separate substandard lots of record, and shall be entitled to the protections set forth in subsection (b) of this section. No ordinance, regulation, or administrative practice shall require the merge of additional lots beyond that which is necessary to achieve conformity. An ordinance shall specify the standards, on a district by district basis, which determine the mergers, consistent with this section. The standards shall include, but are not to be limited to, the availability of infrastructure, the character of the neighborhood, and the consistency with the comprehensive plan. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots of record located within two hundred feet (200’) of the subject lot, unless such lots have been formally and legally merged by way of a recorded plan or plat, as confirmed by a compilation

plan signed by a professional land surveyor as such term is defined by the rules and regulations for professional land surveying.”

- Special conditions of zoning relief: Limits the conditions that zoning boards may impose upon relief granted. Previously, a zoning board could impose conditions intended to “minimize[e] the adverse impact of the development upon other land, including the type, intensity, design, and performance of activities.” This is now allowed only when granting a use variance, which is an impactful change as there are typically many more applications for special use permits than for use variances. Also, zoning boards no longer can impose conditions “designating the exact location and nature of development.” Many conditions are imposed with the consent of the applicant, so the impact of these changes may be limited to cases when an applicant receives relief but wishes to challenge conditions they find unacceptable.
- Housekeeping type changes to the section on zoning modifications.
- Zoning certificates: Allowed upon written request “from the record owner of a lot or other person with a bona fide legal or equitable interest in a lot.” This seems intended to prevent objectors or would-be objectors from requesting zoning certificates.

Low and Moderate Income Housing Act, Title 45, Chapter 53

- Comprehensive permits: The LMI Housing Act was previously amended to provide that comprehensive permits are not available in municipalities that have hit the 10% goal for affordable housing and have inclusionary zoning in place. This year’s amendment would allow municipalities in this category to allow comprehensive permits. Another amendment would create a new category of municipalities, known as “achieving communities,” for cities/towns that have sufficient building permits in the approved pipeline to hit the 10% goal. ‘Achieving communities’ would be permitted, upon state review and approval, to refuse to accept new comprehensive permit applications, for a total of two (2) one-year periods.
- Other amendments relate to vesting of approved plans, including an automatic tolling of the vesting period upon the filing of an appeal, and clarifying what constitutes good cause for an extension of a vested approval.
- For developments proposed to be serviced by septic systems, evidence of soil suitability would be required at the preliminary plan stage of review.
- Certain language added in 2025 that provides flexibility with regard to the design and location of age-restricted dwelling units has been clarified.
- The section of the law that governs appeals to the Superior Court has been amended, mostly in the nature of housekeeping. Notably, the Court is no longer directed to consider “the need to promote better site and building design in relation to the surroundings or to preserve open space.”

H 8005A: Residential parking requirements [P.L. 2026, chapters 329 & 330]

→ **Key Takeaway:** This law limits municipal authority to establish parking requirements for attached single-family dwelling units and for certain multi-family structures located near key transit stops.

→ **Effective Date:** June 23, 2026

One part of this law builds on legislation passed in recent years that pertains to “attached single-family dwellings,” as defined in the Zoning Enabling Act. This legislation provides that municipalities may not require more than two off-street parking spaces per dwelling unit, and that tandem parking is allowed. The second part of this law is more far-reaching and adds a new section to the enabling act that limits municipal authority to specify parking requirements for various uses. The critical language provides that “there shall be no ordinance which mandates more than one off-street parking space per dwelling unit in a multi-family structure or development, where the property is located in a transit oriented area within a one-quarter (1/4) mile radius of an existing regional mobility hub or a one-eighth (1/8) mile radius of an existing frequent transit stop as such terms are defined in the 2020 Rhode Island transit master plan or its successor document.”

H 8008A: Condo Law Study Commission [Resolution 429]

→ **Key Takeaway:** This legislation creates a study commission regarding condominium law, with a reporting deadline of December 31, 2027.

→ **Effective Date:** 6/19/2026

This joint resolution creates a special legislative commission to study condominium law. The study commission must report its findings to the General Assembly by the end of 2027 and will expire on March 15, 2028. The Commission is directed to provide recommendations for improvements to transparency, accountability, and ongoing affordability of condo units in Rhode Island. The Rhode Island Condominium Act, codified at Title 34, Chapter 36.1 of the General Laws, was enacted in 1982, before the land use enabling acts which have been substantially amended in recent years. This study commission would likely not affect municipal land use regulation, as a separate law provides that local ordinances and regulations may not discriminate against the condominium form of ownership. See R.I. Gen. Laws § 34-36-38.

H 8040Aaa: Recovery Houses [P.L. 2026, chapters 242 & 244]

→ **Key Takeaway:** This legislation constrains municipal authority to regulate recovery residences.

→ **Effective Date:** 6/19/2026

This legislation defines a recovery house, also known as a sober house, as “a residential structure that provides recovery support services for those people recovering from substance use addiction and that complies with standards established by the National Alliance for Recovery Residences

(NARR).” The law, which creates a new section of the Zoning Enabling Act, provides that municipalities must treat a recovery house “as a residential use of property which shall have all the rights and responsibilities afforded to a residential use of property.” Further, municipalities “shall not subject the recovery residence to any restrictions, prohibitions, or other provisions, including provisions related to the state building or fire codes[,] that are not contained in the Rhode Island life safety code § 26.1.1.1.8.3. At no time shall a recovery residence house under this chapter be given the designation of a commercial structure for fire and/or building codes.”

This legislation is somewhat ambiguous and appears to be missing a comma (in brackets above). The prohibitions mentioned above apply to “any law, regulation, or ordinance regulating the zoning and use of a residential NARR-certified recovery residence” – which suggests that municipalities may lawfully enact such zoning regulations. Notably, this law does not amend the permitted uses section of the Enabling Act, which sets forth certain uses that must be permitted in all zoning districts, such as community residences (commonly referred to as group homes). Finally, this law relates to the definition of a “household,” which was amended in 2024 to exclude NARR-certified recovery residences from the maximum number of unrelated persons. (As a reminder, a Superior Court decision from 2024 found the unrelated persons limit authorized by state law to be impermissibly vague and therefore unenforceable.) Further advice from our office on this new law will be forthcoming.