

RESOLUTION OF THE TOWN OF TIVERTON

RESOLUTION IN SUPPORT OF MUNICIPALITIES COLLABORATING IN REVIEWING, ANALYZING, AND RESPONDING TO THE 2025 AFFORDABLE HOUSING LAWS

RESOLUTION 2026-0002

WHEREAS, Article XIII of the Rhode Island Constitution and the Home Rule Charter of the Town of Tiverton reserve to municipalities the authority to govern local affairs, including land use, zoning, and comprehensive planning, except where expressly limited by state law; and

WHEREAS, Rhode Island General Laws §§ 45-22.2, 45-23, and 45-24 establish a comprehensive statutory framework affirming municipal authority over land development, subdivision review, zoning, and the adoption and implementation of locally approved comprehensive plans; and

WHEREAS, recent legislative changes were made to those General Laws (the “2025 Affordable Housing Laws”), including but not limited to those pertaining to:

- Mandated permitting of accessory dwelling units (2024 7062A/2998A); and
- Positioning abandoned properties for redevelopment (2024-7986Aaa/2992A); and
- Removing controls on procedures for approvals from permitting authorities (7949Aaa/3001A); and
- Limiting local zoning laws regulating affordable housing developments (2024-7948A/2999A); and
- Restricting wetlands zoning regulations as applied to housing development (2024-7982/2994); and
- Limiting local control of applications for home construction (2024-7951A/2988A); and
- Undercounting mobile homes that serve as affordable housing (2024-7984Aaa/2993aa); and

WHEREAS, the Town of Tiverton recognizes the statewide need for increased housing affordability and supports policies that promote housing opportunities while remaining consistent with constitutional home rule principles and municipal planning authority; and

WHEREAS, the 2025 State Affordable Housing Laws impose uniform standards and procedural requirements that may conflict with locally adopted comprehensive plans, zoning ordinances, infrastructure capacity, environmental constraints, and fiscal conditions unique to individual municipalities; and

WHEREAS, a one-size-fits-all approach to housing development risks undermining the statutory role of municipal planning boards and zoning authorities, weakening local democratic decision-making, and creating adverse impacts that are inconsistent with sound land-use planning; and

WHEREAS, the Town of Tiverton has several residential areas at risk of excessive development, threatening the Town’s services including, but not limited to, water resources, roads, and schools; and

WHEREAS, a significant portion of the Town of Tiverton is without water or sewer infrastructure, and expansion of sewer or water services to critical areas with the Town should be completed only with coordination and approvals from the Town Council to protect and conform to the approved comprehensive plan; and

WHEREAS, the Town of Tiverton currently has five Comprehensive Permit Application major land development projects already pending; and

WHEREAS, municipalities throughout Rhode Island share common concerns regarding the scope, interpretation, and application of the 2025 Affordable Housing Laws and their consistency with home rule authority and established planning law; and

WHEREAS, the coordinated action of municipalities is necessary to ensure that statewide housing objectives are pursued in a manner that is lawful, balanced, and respectful of local governance.

NOW, THEREFORE, BE IT RESOLVED that the Town of Tiverton affirms its constitutional and statutory home rule authority over local land use, zoning, and planning, and asserts that state housing law(s) must be implemented in a manner consistent with these principles.

BE IT FURTHER RESOLVED that the Town of Tiverton calls upon other Rhode Island municipalities to collaborate in reviewing, analyzing, and responding to the 2025 Affordable Housing Laws and their impacts on municipal authority and local planning processes, and specifically supports coordinated municipal efforts to seek judicial review or other appropriate legal remedies, including joint legal action where appropriate, to clarify the extent to which the law may preempt or impair municipal home rule powers.

BE IT FURTHER RESOLVED that in furtherance of a collaborative approach the Town of Tiverton directs its Town Solicitor, in cooperation with the Solicitor or Solicitors of any other interested Rhode Island municipality willing to work cooperatively towards these goals, to explore legal options to:

- a) Enjoin the enforcement of those portions of the 2025 Affordable Housing laws which are in conflict with State and Local Home Rule Charter provisions;
- b) Enjoin the enforcement of those portions of the 2025 Affordable Housing laws which are in conflict with local comprehensive planning documents and goals;
- c) Seek guidance from the courts as to the rights of local planning and zoning authorities to impose reasonable limits on development projects in their cities and towns;
- d) Determine a reasonable timeframe to assess the impacts of accelerated and unchecked low/moderate income housing developments on the infrastructure of a municipality, including sewer and water capacity, traffic congestion and safety, public safety service capacity, and their schools;
- e) Allow a reasonable and workable timeframe to allow modification of comprehensive community plans in order to permit them to be amended to conform with the 2025 Affordable Housing Laws;

f) Allow a reasonable and workable timeframe to allow assessment of the immediate impacts already felt by cities and towns since the adoption of the 2025 Affordable Housing Laws, to allow those findings to be communicated to the Rhode Island General Assembly, and to propose legislative changes that would serve to mitigate the most damaging impacts of the 2025 Affordable Housing Laws.

BE IT FURTHER RESOLVED that, pending legal clarification and inter-municipal coordination, the Town of Tiverton urges municipal planning boards and zoning authorities, including its own, to exercise caution and heightened scrutiny in reviewing applications submitted pursuant to or under the 2025 Affordable Housing Laws, consistent with existing statutes, local ordinances, and the advice of municipal legal counsel.

BE IT FURTHER RESOLVED that the Town of Tiverton calls upon the General Assembly and relevant state agencies to work collaboratively with municipalities to amend or interpret the law in a manner that preserves local planning authority, is consistent with the guidance of local comprehensive plans, recognizes the need for infrastructure integrity and environmental protections, and reflects and respects the character of each individual community.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to transmit this resolution to the governing bodies of all Rhode Island municipalities, the Governor, members of the General Assembly.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Town's Legislative Delegation requesting that they introduce the appropriate legislation and work for its passage in the 2026 session of the General Assembly

Passed as a Resolution of the Tiverton Town Council this 9th of February, 2026

ATTEST: Joan Chabot Town Clerk

INTRODUCED BY: Council President John Edwards