



## Director's Office

One Capitol Hill | Providence, RI 02908 | (401) 222-2280  
James E. Thorsen, Director

February 27, 2023

The Honorable Dominick J. Ruggiero  
President, Rhode Island Senate  
State House, Room 318  
Providence, RI 02903

The Honorable Joseph K. Shekarchi  
Speaker, Rhode Island House of Representatives  
State House, Room 323  
Providence, RI 02903

Stefan Pryor  
Secretary, Department of Housing  
One Capitol Hill  
Providence, RI 02908

Re: New Accessory Dwelling Unit (ADU) Reporting Requirement to the Legislature

Dear President Ruggiero, Speaker Shekarchi, and Secretary Pryor:

In June 2022, the General Assembly passed a bill that made several changes to Sections 45-24-31 and 45-24-37 of the Rhode Island General Laws (RIGL) of Chapter 45-24 2 entitled "Zoning Ordinances" that changed the definition of and standards for an accessory dwelling unit (ADU). An accessory dwelling unit is now defined under law as:

A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

An ADU may be now counted towards a municipality's affordable housing goals after meeting certain conditions relating to income and tax status. An eligible ADU to be counted will count as one-half a unit for every year for which documentation of eligibility is provided to Rhode Island Housing and Mortgage Finance Corporation by the approved monitoring agent. Communities still have full discretion in the permitting of ADUs. Approvals for ADUs are either by review of an administrative officer or through the development plan review process.

Additionally, municipalities now must provide annually to the Division of Statewide Planning (by February 1<sup>st</sup>) the following data:

1. Any municipal ordinances enacted related to ADU in the previous calendar year
2. All ADU permitted during the two previous calendar years
3. All ADU issued a certificate of occupancy during the two previous calendar years

The Division of Statewide Planning must then provide a copy of the results in a report to the Speaker of the House, the President of the Senate and the Secretary of Housing by March 1.

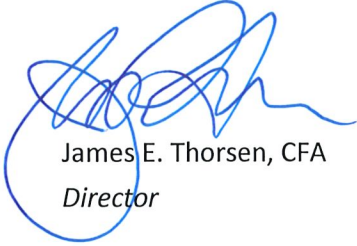
Pursuant to these requirements, the staff of the Division of Statewide Planning recently distributed several email notifications to municipal planners and followed up with phone calls to all thirty-nine communities to remind them to submit this newly required ADU information. As we spoke to the community planners regarding this request for information on ADUs, we received some notable feedback. In recent years, many municipalities have adopted e-permitting for municipal building permits that allow for several categories of work that a builder or homeowner may submit for permitting such as deck replacement, roof construction, sheds, windows, etc. However, the new e-permitting systems do not allow for an applicant to submit for a standalone "accessory dwelling unit" permit. Therefore, the town planner or building official who searches for information on a particular ADU must export a spreadsheet of all the building permits for the year and review the work descriptions and addresses to determine which ones were approved for an ADU construction project. This makes the tracking of ADUs at the municipal level for this new reporting requirement to the State haphazard.

In addition to this feedback, two communities informed us that they do not issue any certificates of occupancy (COs) for accessory dwelling units, as they just "assume" that the built structure will be occupied once completed. We do not have a CO number reported to us for an ADU for these communities, but the towns report that they will assume the CO number will be the same as the number of permitted ADUs for the particular year, which is what we have shown in our report.

Attached to this letter is a spreadsheet with the results of the municipal ADU reporting for February 2023. The ADU results are shown for the years 2021-2022 by each municipality as required by RIGL §45-24-76. I wish to thank the staff at the Division of Statewide Planning for compilation of this report. We will make

ourselves available to answer any questions that may arise for this new reporting requirement to the legislature.

Yours truly,



James E. Thorsen, CFA  
*Director*

cc: Nancy Hess, Interdepartmental Project Manager, Division of Statewide Planning  
Vincent Flood, Data Analyst II, Division of Statewide Planning  
Roberta Groch, AICP- Assistant Chief, Division of Statewide Planning  
Joshua O'Neill, AICP- Supervising Planner, Division of Statewide Planning

Attachment: Municipal ADU Reporting Results Spreadsheet



## Rhode Island Division of Statewide Planning

Municipal Accessory Dwelling Unit Annual Reporting For State Legislature				
Municipality	ADU Ordinance Enacted in Prior Calendar Year ?	# of ADU's Permitted During Previous two (2021-2022) Calendar Years	# of CO's Approved During Previous two (2021-2022) Calendar Years	# of CO's Approved During Previous two (2021-2022) Calendar Years
Barrington	No	3	2	2
Bristol	No	5	2	2
Burrillville	No	10	0 - Town Does Not Issue Co's for ADUs	0
Central Falls	No	0		0
Charlestown	No	3		2
Coventry	No	9		9
Cranston	No	0		0
Cumberland	Yes	2		1
East Greenwich	No	0		0
East Providence	No	0		0
Exeter	No	1		0
Foster	No	0		0
Glocester	No	7		6
Hopkinton	Yes	0		1
Jamestown	No	7		7
Johnston	No	6		6
Lincoln	No	12		12
Little Compton	No	0		0
Middletown	No	3		3
Narragansett	No	6		2

	Yes			
New Shoreham			0	0
Newport	No		0	0
North Kingstown	No		10	8
North Providence	No		1	0
North Smithfield	No		0	0
Pawtucket	No		0	0
Portsmouth	No		4	4
Providence	No		1	1
Richmond	No		1	1
Scituate	No		1	0
Smithfield	No		0	0
South Kingstown	No		12	5
Tiverton	No		0	0 - Town Does Not Issue Co's for ADUs
Warren	No		4	3
Warwick	No		2	0
West Greenwich				
West Warwick	No		1	1
Westerly	No		4	0
Woonsocket	No		0	0

**Total ADUs Permitted and Total COs issued for  
2021-2022**

**115**

**76**