

**TOWN OF PORTSMOUTH, RI
RESOLUTION #2026-01-27-A**

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

WHEREAS, Article XIII of the Rhode Island Constitution and the Home Rule Charter of the Town of Portsmouth 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](#))
- Positioning abandoned properties for redevelopment (2024-[7986Aaa/2992A](#));
- Removing controls on procedures for approvals from permitting authorities ([7949Aaa/3001A](#));
- Limiting local zoning laws regulating affordable housing developments (2024-[7948A/2999A](#));
- Restricting wetlands zoning regulations as applied to housing development (2024-[7982/2994](#));
- Limiting local control of applications for home construction (2024-[7951A/2988A](#)); and
- Undercounting mobile homes that serve as affordable housing (2024-[7984Aaa/2993aa](#)).

WHEREAS, the Town of Portsmouth 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, 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 AS FOLLOWS:

1. **RESOLVED**, that the Town of Portsmouth 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;
2. **RESOLVED**, that the Town of Portsmouth 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;
3. **RESOLVED**, that in furtherance of a collaborative approach the Town of Portsmouth directs it Town

Solicitors, 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.
4. **RESOLVED**, that, pending legal clarification and inter-municipal coordination, the Town of Portsmouth 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;
5. **RESOLVED**, that the Town of Portsmouth 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.

Adopted this 27th day of January 2026.



Keith E. Hamilton
Portsmouth Town Council President

ATTEST:



Jennifer M. West, CMC, Town Clerk

JOINT MUNICIPAL STATEMENT

Rhode Island Municipalities on the 2025 State Affordable Housing Laws

We, the undersigned Rhode Island municipalities, recognize the urgent and legitimate need to expand access to affordable housing throughout the State of Rhode Island. We share a commitment to solutions that are equitable, sustainable, and responsive to the diverse housing needs of our residents.

At the same time, we affirm that Rhode Island municipalities are constitutionally and statutorily vested with **home rule authority** over local land use, zoning, and comprehensive planning, as set forth in **Article XIII of the Rhode Island Constitution** and the Rhode Island General Laws governing municipal planning and zoning.

Rhode Island's cities and towns vary significantly in geography, infrastructure capacity, environmental constraints, fiscal resources, and existing housing stock. Accordingly, a **uniform, one-size-fits-all approach** to affordable housing policy risks producing unintended and inequitable outcomes that may conflict with locally adopted comprehensive plans, strain municipal infrastructure, and undermine long-established planning processes.

We are collectively concerned that aspects of the **2025 State Affordable Housing Laws**, as currently written or applied, may impair municipal home rule authority and disrupt the balance between statewide housing goals and local governance. These concerns warrant careful review, legal clarity, and constructive intergovernmental dialogue.

Therefore, we jointly state the following:

1. **We affirm municipal home rule authority** over land use, zoning, and planning, and assert that state housing mandates must be implemented in a manner consistent with constitutional and statutory protections of local governance.
2. **We call for collaboration among Rhode Island municipalities** to evaluate the impacts of the 2025 State Affordable Housing Laws and to share legal, planning, and policy analysis.
3. **We support coordinated municipal efforts to seek clarification or judicial review**, including joint or class-based legal action where appropriate, to resolve questions regarding the scope, interpretation, and lawful application of the law.

4. **We urge state leaders and agencies to engage directly with municipalities** to amend, interpret, or implement the law in a manner that allows flexibility based on local conditions, infrastructure capacity, environmental considerations, and community planning goals.
5. **We support responsible, lawful administration of local land-use review processes** during this period of uncertainty, including careful scrutiny of applications submitted pursuant to the 2025 State Affordable Housing Law, consistent with existing statutes and upon advice of municipal legal counsel.

Signature Page

Joint Municipal Statement of Rhode Island Municipalities Regarding the 2025 State Affordable Housing Laws

By signing below, the undersigned municipality affirms its support for the principles and positions set forth in the *Joint Municipal Statement of Rhode Island Municipalities Regarding the 2025 State Affordable Housing Laws*, as approved in accordance with local municipal procedures.

This signature signifies endorsement of the Statement's shared concerns and call for collaboration and does not constitute independent legal action by the undersigned municipality.

Municipality Information

Municipality Name: Portsmouth

Governing Body (check one):

☒ Town Council ☐ City Council ☐ Other: _____

Date of Local Authorization (if applicable): 1-27-2026

Authorized Signatory

Name (Print): Keith Hamilton

Title:

☒ Council President

☐ Mayor

☐ Town/City Manager

☐ Other Authorized Official: _____

Signature: Keith Hamilton

Date: 1-29-2026

Attestation

Town/City Clerk Name (Print): Jennifer M. West, CMC

Clerk Signature: Jennifer M. West

Date: 1/29/2020

Contact Information (for coordination purposes)

Primary Contact Name: Jennifer M. West, CMC

Title/Department: Town Clerk

Email: jwest@portsmouthri.gov

Phone: 401-864-2388