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Should Government Control the Cost of Overnight Accommodations Along the Coast?

Robert Thompson, Department of Marine Affairs, University of Rhode Island

Overnight accommodations along our nation's coasts are becoming unaffordable for an ever increasing number of Americans. This paper argues that state, regional, or local governments need to take steps to ensure that, along our coasts, overnight accommodations are available to as many Americans as possible and not just to the more affluent. Protecting affordability is a necessary part of protecting access to the full array of experiential values that coastlines offer. This paper makes a three-part argument as to why the government should intervene in the market to protect or promote affordable overnight accommodations. The first part deals with the government's obligation to promote the general welfare and uses recent work on the biophilia hypothesis to show how twenty-four hour coastal access promotes the public good. The second part of this argument shows how the value of coastal property is actually attributable to positive externalities that emanate from a public resource, that is, the ocean. The third part argues that government should regulate coastal property in a manner that redirects the benefits of these positive externalities to the broader public. Even if one believes that the government should regulate property to preserve affordable overnight accommodations, one must determine whether attempts by the government to preserve affordability can withstand legal challenges. This paper looks at how the law concerning rent control, eviction controls, price controls, and takings would apply to state statutes or local ordinances that use these legal tools to attempt to protect or promote affordable coastal accommodations.

Robert Thompson
Department of Marine Affairs
University of Rhode Island
303 Washburn Hall
Kingston, RI 02881
rob@uri.edu