

2015 -- H 6146

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LC002360  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO PROPERTY - ABANDONED PROPERTY

Introduced By: Representatives Diaz, Almeida, Carnevale, and McKiernan

Date Introduced: April 30, 2015

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-44-2 of the General Laws in Chapter 34-44 entitled "Abandoned  
2 Property" is hereby amended to read as follows:

3 **34-44-2. Definitions.** -- As used in this chapter:

4 (1) "Abandon" or "abandonment" means a situation where the owner of a building has  
5 intended to abandon the building, and has manifested the intent with some act or failure to act. In  
6 determining whether an owner has abandoned his or her building, a court shall infer the intent of  
7 the owner from the existence of serious code violations which pose a health and/or safety hazard  
8 to the community and which have gone unrepaired for an unreasonable amount of time and from  
9 any of the surrounding facts and circumstances including, but not limited to the following:

10 (i) Whether or not the building is vacant;

11 (ii) Whether or not the grounds are maintained;

12 (iii) Whether or not the building's interior is sound;

13 (iv) Whether or not any vandalism on the building has gone unrepaired;

14 (v) Whether or not rents have been collected from the building's tenants by the owner;

15 (vi) The length of time any of the above conditions have existed.

16 (2) "Abate" or "abatement" in connection with any property means the removal or  
17 correction of any hazardous conditions deemed to constitute a public nuisance and the making of  
18 such other improvements as are needed to effect a rehabilitation of the property that is consistent  
19 with maintaining safe and habitable conditions over the remaining useful life of the property.

1 However, the closing or boarding up of any building that is found to be a public nuisance is not  
2 an abatement of the nuisance.

3 (3) "Building" means any building or structure ~~used or intended to be~~ used for residential  
4 purposes ~~and includes or a building or structure in which any floor may be~~ used for retail stores,  
5 shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration  
6 activities, professional services, or similar business or civic uses, ~~and the other floor or floors are~~  
7 ~~used or designed and intended to be used for residential purposes.~~

8 (4) "Interested party" means any owner, mortgagee, lienholder, or other person that  
9 possesses an interest of record in any property that becomes subject to the jurisdiction of the court  
10 pursuant to this chapter and any applicant for the appointment of a receiver pursuant to this  
11 chapter.

12 (5) "Neighboring landowner" means any owner of property, including any person who is  
13 purchasing property by land installment contract or under a duly executed purchase contract, that  
14 is located within two hundred feet of any property that becomes subject to the jurisdiction of the  
15 court pursuant to this chapter.

16 (6) "Public nuisance" means a building that is a menace to the public health, welfare, or  
17 safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that  
18 constitutes a fire hazard, or is otherwise dangerous to human life, or is otherwise no longer fit and  
19 habitable, or that in relation to existing use constitutes a hazard to the public health, welfare, or  
20 safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PROPERTY - ABANDONED PROPERTY

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- 1           This act would amend and clarify the definition of the word "building" for purposes of
- 2 chapter 44 of title 34 relating to abandoned property.
- 3           This act would take effect upon passage.

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