

2020 -- S 2392

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LC004379
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO TOWN AND CITIES – MINIMUM HOUSING STANDARDS

Introduced By: Senator Dennis L. Algiere

Date Introduced: February 13, 2020

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24.2-5 of the General Laws in Chapter 45-24.2 entitled
2 "Minimum Housing Standards" is hereby amended to read as follows:

3 **45-24.2-5. Housing board of review.**

4 (a) The city and town councils authorized to adopt standards relating to minimum
5 housing may provide for the selection and organization of a housing board of review consisting of
6 five (5) members; provided, that in the case of the housing board of review of the city of
7 Providence, there shall be seven (7) members, five (5) of whom shall be appointed by the mayor
8 and two (2) of whom shall be members of the city council elected by the city council from its
9 members to serve for a term ending the first Monday in January, 1975, and, thereafter, to be
10 elected for a term of four (4) years; ~~and provided, further, that in the case of the housing board of~~
11 ~~review of the town of Westerly there shall be three (3) members, with two (2) members~~
12 ~~constituting a quorum.~~ The city and town councils are authorized to designate the board of
13 appeals as the housing board of review in the cities and towns where these boards of appeal now
14 exist or may be authorized by law. The chairperson or, in the chairperson's absence, the acting
15 chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the
16 board are open to the public.

17 (b) Any housing board of review established pursuant to this chapter is governed by the
18 following procedure:

19 (1) The board shall keep minutes of its proceedings, showing the vote upon each

1 question, and shall keep records of its decisions and findings and the reasons therefor, and of its
2 examinations and other official actions, all of which shall be filed immediately in the office of the
3 board and are a public record.

4 (2) Appeals to the board may be taken by any person upon whom a compliance order has
5 been issued by the enforcing officer. The period in which the appeal may be taken shall be
6 prescribed by ordinance or by the rules of the board. The appeals shall be filed with the board and
7 shall specify the grounds of the appeal. The board shall immediately transmit a copy of the appeal
8 to the enforcing officer. Upon receipt by the enforcing officer of the appeal, he or she shall
9 immediately transmit to the board all the papers constituting the record upon which the
10 compliance order was based.

11 (3) An appeal shall stay all proceedings in furtherance of the action appealed from unless
12 the enforcing officer from whom the appeal is taken certifies to the board, after notice of the
13 appeal has been transmitted to the officer, that, by reason of facts stated in the certificate, a stay
14 would, in his or her opinion, cause a serious hazard or immediate peril to the health or safety of
15 the occupants of a dwelling or of the public. In that case proceedings shall not be stayed except
16 by a restraining order which may be granted by a court of competent jurisdiction on application
17 and upon notice of the enforcing officer from whose order the appeal is taken and on due cause
18 shown.

19 (4) The board shall fix a reasonable time for the hearing of the appeal, give due notice to
20 the party making the appeal and the enforcing officer, and decide the appeal within a reasonable
21 time. At the hearing any party may appear in person or by agent or attorney.

22 (c) The housing board of review has the following powers:

23 (1) The housing board of review has the power to hear and decide appeals where it is
24 alleged that there is error in any order, requirement, decision, or determination made by an
25 enforcing officer in the enforcement of this chapter or any ordinance, rule, or regulation adopted
26 pursuant to the authority of this chapter.

27 (2) Where, by reason of an extraordinary and exceptional condition or situation unique to
28 the property involved, the strict application of any ordinance, rule, or regulation adopted pursuant
29 to the authority of this chapter would result in peculiar and exceptional difficulties to, or
30 exceptional and undue hardship upon, the person upon whom a compliance order has been issued,
31 the housing board of review has the power to vary from this strict application to the least extent
32 necessary to relieve difficulties or hardship; provided, that relief may be granted without
33 substantial detriment to public health, safety, morals, and general welfare, and without substantial
34 impairment of the intent and purpose of the ordinance, rule, or regulation.

1 (3) In exercising the powers established by this section, the board may, in conformity
2 with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any order,
3 requirement, decision, or determination of the enforcing officer, and may make an order,
4 requirement, decision, or determination that ought to be made, and to that end has all the powers
5 of the enforcing officer from whom the appeal was taken.

6 (4) In order to hear an appeal, a quorum of three (3) members of the board must be
7 present. A concurring vote of a majority of the members of the board present at the hearing is
8 necessary to reverse or modify any order or decision of the enforcing officer and to authorize a
9 variance or modification in the application of any provisions of any ordinance, rule, or regulation
10 adopted pursuant to the authority of this chapter. In the event of a tie vote, the order of the
11 enforcing officer is deemed to be sustained. Except as provided in § 45-24.2-6 of this chapter, the
12 findings of the board are conclusive with respect to questions of fact and may be reviewed only as
13 to questions of law.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO TOWN AND CITIES – MINIMUM HOUSING STANDARDS

- 1 This act would repeal the selection and organization of a housing board of review for the
- 2 Town of Westerly.
- 3 This act would take effect upon passage.

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