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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY  
CODE

Introduced By: Representatives Kislak, Walsh, Slater, Ajello, and Williams

Date Introduced: March 27, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24.3-19 of the General Laws in Chapter 45-24.3 entitled  
2 "Housing Maintenance and Occupancy Code" is hereby amended to read as follows:

3 **45-24.3-19. Repairs and other corrective action -- Demolition -- Revolving fund.**

4 (a) Repairs and other corrective action.

5 (1) Whenever ~~an owner, operator, or agent~~ a responsible party of a ~~dwelling, dwelling~~  
6 ~~unit, rooming unit, or structure~~ domicile fails, neglects, or refuses to make repairs or other  
7 corrective action called for by a notice of violation or second order ~~or notice of violation~~ issued  
8 pursuant to § 45-24.3-17, the enforcing officer may undertake the repairs or action, when in his or  
9 her judgment a failure to make them will endanger the public health, safety, or welfare, and the  
10 cost of the repairs and action will not exceed fifty percent (50%) of the fair market value of the  
11 structure to be repaired.

12 (2) Notice of the intention to make repairs or take other corrective action shall be served  
13 upon the ~~owner, operator, or agent~~ responsible party pursuant to § 45-24.3-17.

14 (3) Every ~~owner, operator, or agent~~ responsible party of a ~~dwelling, dwelling unit,~~  
15 ~~rooming unit, or structure~~ domicile, who receives notice of the intention of the enforcing officer  
16 to make repairs or take other corrective action, shall give entry and free access to ~~the agent of the~~  
17 enforcing officer or the enforcing officer's agent for the purpose of making repairs.

18 (4) Any ~~owner, operator, agent, or occupant~~ responsible party of a ~~dwelling, dwelling~~

1 ~~unit, rooming unit, or structure~~ domicile, who refuses, impedes, interferes with, hinders, or  
2 obstructs entry by the ~~agent~~ enforcing officer or his or her agent pursuant to a notice of intention  
3 to make repairs or take other corrective action, is subject to ~~a civil~~ an obstruction of work penalty  
4 of ~~twenty-five dollars (\$25.00)~~ five hundred dollars (\$500) for each ~~failure to comply with this~~  
5 ~~section~~ act of obstruction.

6 (5) When repairs are made or other corrective action taken at the direction of the  
7 enforcing officer, ~~cost of the repairs and corrective action constitutes a debt in favor of the~~  
8 ~~corporate unit against the owner of the repaired structure. In the event the owner fails, neglects, or~~  
9 ~~refuses to pay the corporate unit the amount of this debt, it is recoverable in a civil action against~~  
10 ~~the owner or his or her successor, brought in a court of competent jurisdiction by the corporate~~  
11 ~~unit which possesses all rights of a private creditor.~~ costs incurred by the enforcing officer in the  
12 action, as well as any other penalties, costs, or fees incurred under this section, shall be a lien  
13 against the real property. The lien shall be recorded with the records of land evidence of the  
14 municipality, and the lien shall incur legal interest from the date of recording. The cost incurred  
15 by the enforcing officer, plus the interest thereon, in the repairs or other corrective action, shall be  
16 added to the amount of taxes due on the real estate where the domicile was located. The tax  
17 collector of the city or town shall have the same powers and shall be subject to the same duties  
18 with respect to such claim as in the case of the annual taxes upon real estate, and the provisions of  
19 law relative to the collection of annual taxes, the sale or taking of land for the nonpayment thereof  
20 and the redemption of land so sold or taken shall apply to such a claim.

21 (b) Designation of unfit ~~dwellings, dwelling units, rooming units, and structures~~  
22 domiciles.

23 (1) Any ~~dwelling, dwelling unit, rooming unit, or structure~~ domicile shall be designated  
24 as unfit for human habitation when any of the following defects or conditions are found, and  
25 when, in the opinion of the enforcing officer, these defects create a hazard to the health, safety, or  
26 welfare of the occupants or of the public:

27 (i) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested.

28 (ii) The structure lacks illumination, ventilation, or required thermal and sanitation  
29 facilities.

30 (iii) The general condition of location is unsanitary, unsafe, or unhealthful.

31 (2) ~~Whenever any dwelling, dwelling unit, rooming unit, or structure has been designated~~  
32 ~~as~~ Notwithstanding any provisions to the contrary in subsection (b)(1) of this section, if, in the  
33 enforcing officer's opinion, the domicile is deemed unfit for human habitation due to defects  
34 enumerated in subsections (b)(i), (b)(ii) and (b)(iii) of this section, the enforcing officer shall

1 placard the ~~dwelling, dwelling unit, or rooming unit, or structure~~ domicile, indicating that it is  
2 unfit for human habitation, and, if occupied, shall order the ~~dwelling, dwelling unit, rooming unit,~~  
3 ~~or structure~~ domicile vacated within a reasonable time, that time to be not more than thirty (30)  
4 calendar days.

5 (3) No ~~dwelling, dwelling unit, rooming unit, or structure~~ domicile, designated as unfit  
6 for human habitation as set forth in subsection (b)(2) of this section, and which has been  
7 placarded and vacated, shall be used again for human habitation until the domicile is inspected by  
8 the enforcing officer or his or her agent and deemed as a safe, sanitary, and fit place for human  
9 habitation, written approval is secured from the enforcing officer and the placard is removed by  
10 the enforcing officer.

11 (4) The enforcing officer shall rescind the designation and remove the placard when the  
12 defect or condition upon which the designation and the placarding was based has been removed  
13 or eliminated as to cause the ~~dwelling, dwelling unit, rooming unit, or structure~~ domicile to be  
14 deemed by the enforcing officer as a safe, sanitary, and fit place or unit for human habitation.

15 (5) No person shall deface or remove the placard from any ~~dwelling, dwelling unit,~~  
16 ~~rooming unit, or structure~~ domicile which has been designated as unfit for human habitation and  
17 has been placarded, except as provided in this section. Defacing or removing the placard shall be  
18 subject to criminal penalties as provided in § 45-24.3-8(b).

19 (6) Any person affected by any decision of the enforcing officer or by any designation of  
20 unfit for human habitation or placarding of a ~~dwelling, dwelling unit, rooming unit, or structure~~  
21 domicile as unfit for human habitation, shall be granted a hearing on the matter before the  
22 ~~enforcing officer~~ housing board of review under the procedure established in § 45-24.3-21.

23 (7) The enforcing officer may order the ~~owner~~ responsible party of any building, which  
24 has been in the past and/or is vacant and open, to comply with the following specifications: all  
25 openings (including doors and windows) from cellar to second floor and all windows above the  
26 second floor leading to fire escapes, porches, or structural appurtenances, on all floors, must be  
27 covered from the exterior with three-eighths inch (3/8") thick exterior plywood or one-half inch  
28 (1/2") notched boards firmly secured and with protective coating. All other windows must be so  
29 secured by either one-quarter inch (1/4") thick exterior plywood or one-half inch (1/2") notched  
30 boards.

31 (c) Demolition of ~~dwellings, dwelling units, or rooming units~~ domiciles designated as  
32 unfit for human habitation. (1) The enforcing officer shall order a ~~dwelling, dwelling unit, or~~  
33 ~~rooming unit~~ domicile to be demolished if it has been designated as unfit for human habitation,  
34 has been placarded, has been vacated, and has not been put into proper repair as to rescind the

1 designation as unfit for human habitation and to cause the placard to be removed, and is  
2 determined by the enforcing officer not to warrant repair under this section.

3 (2) The ~~owner~~ responsible party of any ~~dwelling, dwelling unit, or rooming unit~~ domicile,  
4 ordered demolished, shall be given notice of this order in the manner provided for service of  
5 notice in § 45-24.3-17, and given a reasonable time, not to exceed ninety (90) days, to demolish  
6 the structure.

7 (3) Any ~~owner~~ responsible party aggrieved by the notice to demolish may, within ten (10)  
8 days, seek a reconsideration of the matter in the manner provided, and may seek a formal hearing  
9 before the housing board of review in the manner provided in § 45-24.3-21.

10 (4) When the ~~owner~~ responsible party fails, neglects, or refuses to demolish an unfit,  
11 unsafe, or unsanitary ~~dwelling, dwelling unit, or rooming unit~~ domicile within the requisite time,  
12 the enforcing officer may ~~apply to a court of competent jurisdiction for a demolition order to~~  
13 ~~undertake the demolition~~ immediately cause the domicile to be demolished. ~~The court may grant~~  
14 ~~the order when no reconsideration or hearing on the matter is pending~~. The cost of the demolition  
15 shall ~~create a debt in favor of this corporate unit against the owner, and is recoverable in a civil~~  
16 ~~action brought by the corporate unit which possesses all the rights of a private creditor~~. be a lien  
17 against the real property. The lien shall be recorded with the records of land evidence of the  
18 municipality, and the lien shall incur legal interest from the date of recording. The cost incurred  
19 by the enforcing officer, plus the interest thereon, in the repairs or other corrective action, shall be  
20 added to the amount of taxes due on the real estate where the domicile was located. The tax  
21 collector of the city or town shall have the same powers and shall be subject to the same duties  
22 with respect to such claim as in the case of the annual taxes upon real estate, and the provisions of  
23 law relative to the collection of annual taxes, the sale or taking of land for the nonpayment thereof  
24 and the redemption of land so sold or taken shall apply to such a claim.

25 (5) Whenever a ~~dwelling~~ domicile is demolished, whether carried out by the ~~owner~~  
26 responsible party or by the enforcing officer, the demolition shall include the filling in of the  
27 excavation remaining on the property on which the demolished dwelling was located, in a manner  
28 that eliminates all potential danger to the public health, safety, or welfare arising from the  
29 excavation.

30 (6) All demolition shall be preceded by an inspection of the premises by the appropriate  
31 authority as provided for by the laws of this state or any political subdivision thereof.

32 (d) Relocation of occupants. Notwithstanding the other provisions of this section, ~~no~~  
33 ~~dwelling shall be vacated or demolished by the enforcing officer~~ once an order to vacate or  
34 demolish has been issued by the enforcing officer, under the powers granted to him or her by the

1 provisions of this chapter, ~~until~~ the persons occupying the dwelling at the time the ~~compliance~~  
2 order of demolition is issued ~~have been~~ shall be offered housing accommodations by the  
3 responsible party of the domicile in a decent, safe, and sanitary dwelling which meets the  
4 requirements of this chapter.

5 (e) Revolving fund. There is created a revolving fund for the purpose of supporting the  
6 cost of repairs and other corrective action or demolition made by the enforcing officer pursuant to  
7 this section, and for any other purpose necessary to create safe, sanitary and fit places for human  
8 habitation, including the formation of a revolving loan fund for property owners to make repairs  
9 on their property, to be administered by the corporate unit in a manner they deem fit. Into ~~this~~ the  
10 revolving fund shall be paid:

11 (1) All civil penalties collected for violations of this chapter pursuant to § 45-24.3-18.

12 (2) All ~~license~~ permit fees collected pursuant to this chapter.

13 (3) All ~~judgments~~ monies collected in actions to recover the costs of repair and other  
14 corrective action and demolition, pursuant to this section.

15 (4) Any other revenues that the corporate unit may from time to time authorize to be paid  
16 into this fund.

17 (5) All donations and grants designed to promote the purposes of this chapter from public  
18 or private sources. The enforcing officer is declared to be the authorized agency of the corporate  
19 unit to apply for and receive all grants, loans, and gifts of funds to promote the purposes of this  
20 chapter.

21 (6) Any and all monies charged and collected under this section, including monies  
22 collected on liens placed on real property pursuant to this section and monies collected as  
23 repayment for loans made from the fund.

24 (f) Rent payments. Notwithstanding any lease or other agreement, if the enforcing officer  
25 of any corporate unit has ordered the repair, alteration, or improvement of a ~~dwelling~~ domicile in  
26 that the officer designates the ~~dwelling~~ domicile to be ~~an~~ unfit ~~dwelling~~ for human habitation, as  
27 provided for in this section, then the obligation of rent to the landlord is suspended and the rent  
28 paid into the revolving fund as established in subsection (e) by the enforcing officer, to be paid  
29 thereafter to the landlord or any other party authorized to make repairs (including the enforcing  
30 officer) to defray the cost of correcting the conditions, and no action shall be maintained by the  
31 landlord against the tenant for rent or for possession. Sums paid into the revolving fund in excess  
32 of those necessary to make repairs shall be paid to the landlord on completion. If the tenant fails  
33 to make payments to the enforcing officer then an action for rent or possession may be  
34 maintained, subject to defenses that the tenant may have under the lease or agreement.

1           (g) Definitions. For the purposes of this section, the following words shall have the  
2 following meanings:

3           (1) "Domicile" means a dwelling, dwelling unit, rooming unit, building, structure or  
4 house.

5           (2) "Responsible party" means the owner, operator or agent of a domicile.

6           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 TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY  
CODE

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1           This act would place the responsibility on landlords to house tenants if they are evicted  
2 due to the neglect of the landlords; would give the municipality flexibility with the revolving fund  
3 account; and would allow the municipality the ability to place a lien in the form of property taxes  
4 when it takes action against the real property.

5           This act would take effect upon passage.

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