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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Senator Tiara T. Mack

Date Introduced: March 11, 2021

Referred To: Senate Judiciary

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

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

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

17 (4) Any ~~owner, operator, agent, or occupant~~ responsible party of a ~~dwelling, dwelling unit,~~
18 ~~rooming unit, or structure~~ domicile, who refuses, impedes, interferes with, hinders, or obstructs

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

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

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

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

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

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

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

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

1 ~~unit, or structure~~ domicile vacated within a reasonable time, that time to be not more than thirty
2 (30) calendar days.

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

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

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

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

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

27 (c) Demolition of ~~dwellings, dwelling units, or rooming units~~ domiciles designated as unfit
28 for human habitation. (1) The enforcing officer shall order a ~~dwelling, dwelling unit, or rooming~~
29 ~~unit~~ domicile to be demolished if it has been designated as unfit for human habitation, has been
30 placarded, has been vacated, and has not been put into proper repair as to rescind the designation
31 as unfit for human habitation and to cause the placard to be removed, and is determined by the
32 enforcing officer not to warrant repair under this section.

33 (2) The ~~owner~~ responsible party of any ~~dwelling, dwelling unit, or rooming unit~~ domicile,
34 ordered demolished, shall be given notice of this order in the manner provided for service of notice

1 in § 45-24.3-17, and given a reasonable time, not to exceed ninety (90) days, to demolish the
2 structure.

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

6 (4) When the ~~owner~~ responsible party fails, neglects, or refuses to demolish an unfit,
7 unsafe, or unsanitary ~~dwelling, dwelling unit, or rooming unit~~ domicile within the requisite time,
8 the enforcing officer may ~~apply to a court of competent jurisdiction for a demolition order to~~
9 ~~undertake the demolition~~ immediately cause the domicile to be demolished. ~~The court may grant~~
10 ~~the order when no reconsideration or hearing on the matter is pending~~. The cost of the demolition
11 shall ~~create a debt in favor of this corporate unit against the owner, and is recoverable in a civil~~
12 ~~action brought by the corporate unit which possesses all the rights of a private creditor~~. 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 by
15 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 collector
17 of the city or town shall have the same powers and shall be subject to the same duties with respect
18 to such claim as in the case of the annual taxes upon real estate, and the provisions of law relative
19 to the collection of annual taxes, the sale or taking of land for the nonpayment thereof and the
20 redemption of land so sold or taken shall apply to such a claim.

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

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

28 (d) Relocation of occupants. Notwithstanding the other provisions of this section, ~~no~~
29 ~~dwelling shall be vacated or demolished by the enforcing officer~~ once an order to vacate or
30 demolish has been issued by the enforcing officer, under the powers granted to him or her by the
31 provisions of this chapter, ~~until~~ the persons occupying the dwelling at the time the ~~compliance~~
32 of demolition is issued ~~have been~~ shall be offered housing accommodations by the responsible
33 party of the domicile in a decent, safe, and sanitary dwelling which meets the requirements of this
34 chapter.

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

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

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

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

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

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

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

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

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

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

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

1 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

1 This act would place the responsibility on landlords to house tenants if they are evicted due
2 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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