

2022 -- H 8121

LC005691

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representatives Slater, Diaz, and Felix

Date Introduced: April 08, 2022

Referred To: House Municipal Government & Housing

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

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

17 (4) Any owner, operator, agent, or occupant of a dwelling, dwelling unit, rooming unit, or
18 structure, who refuses, impedes, interferes with, hinders, or obstructs entry by the agent pursuant

1 to a notice of intention to make repairs or take other corrective action, is subject to a civil penalty
2 of twenty-five dollars (\$25.00) for each failure to comply with this section.

3 (5) When repairs are made or other corrective action taken at the direction of the enforcing
4 officer, reasonable cost of the repairs and corrective action incurred by the enforcing officer in the
5 action shall be a lien against the real property. The lien shall be recorded with the records of land
6 evidence of the municipality, and the lien shall incur legal interest from the date of recording. The
7 cost incurred by the enforcing officer, plus the interest thereon, in the repairs and corrective action,
8 shall be added to the amount of taxes due on the real estate. The tax collector of the city or town
9 shall have the same powers and shall be subject to the same duties with respect to such claim
10 ~~constitutes a debt in favor of the corporate unit against the owner of the repaired structure. In the~~
11 ~~event the owner fails, neglects, or refuses to pay the corporate unit the amount of this debt, it is~~
12 ~~recoverable in a civil action against the owner or his or her successor, brought in a court of~~
13 ~~competent jurisdiction by the corporate unit which possesses all rights of a private creditor.~~

14 (b) Designation of unfit dwellings, dwelling units, rooming units, and structures.

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

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

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

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

23 (2) Whenever any dwelling, dwelling unit, rooming unit, or structure has been designated
24 as unfit for human habitation, the enforcing officer shall placard the dwelling, dwelling unit, or
25 rooming unit, or structure, indicating that it is unfit for human habitation, and, if occupied, shall
26 order the dwelling, dwelling unit, rooming unit, or structure vacated within a reasonable time, that
27 time to be not more than thirty (30) days.

28 (3) No dwelling, dwelling unit, rooming unit, or structure, designated as unfit for human
29 habitation, and which has been placarded and vacated, shall be used again for human habitation
30 until written approval is secured from the enforcing officer and the placard removed by the
31 enforcing officer.

32 (4) The enforcing officer shall rescind the designation and remove the placard when the
33 defect or condition upon which the designation and the placarding was based has been removed or
34 eliminated as to cause the dwelling, dwelling unit, rooming unit, or structure to be deemed by the

1 enforcing officer as a safe, sanitary, and fit place or unit for human habitation.

2 (5) No person shall deface or remove the placard from any dwelling, dwelling unit,
3 rooming unit, or structure which has been designated as unfit for human habitation and has been
4 placarded, except as provided in this section.

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

9 (7) The enforcing officer may order the owner of any building, which has been in the past
10 and/or is vacant and open, to comply with the following specifications: all openings (including
11 doors and windows) from cellar to second floor and all windows above the second floor leading to
12 fire escapes, porches, or structural appurtenances, on all floors, must be covered from the exterior
13 with three-eighths inch ($\frac{3}{8}$ ") thick exterior plywood or one-half inch ($\frac{1}{2}$ ") notched boards firmly
14 secured and with protective coating. All other windows must be so secured by either one-quarter
15 inch ($\frac{1}{4}$ ") thick exterior plywood or one-half inch ($\frac{1}{2}$ ") notched boards.

16 (c) Demolition of dwellings, dwelling units, or rooming units designated as unfit for human
17 habitation. (1) The enforcing officer shall order a dwelling, dwelling unit, or rooming unit to be
18 demolished if it has been designated as unfit for human habitation, has been placarded, has been
19 vacated, and has not been put into proper repair as to rescind the designation as unfit for human
20 habitation and to cause the placard to be removed, and is determined by the enforcing officer not
21 to warrant repair under this section.

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

25 (3) Any owner aggrieved by the notice to demolish may, within ten (10) days, seek a
26 reconsideration of the matter in the manner provided, and may seek a formal hearing in the manner
27 provided in § 45-24.3-21.

28 (4) When the owner fails, neglects, or refuses to demolish an unfit, unsafe, or unsanitary
29 dwelling, dwelling unit, or rooming unit within the requisite time, the enforcing officer may
30 immediately demolish at the expense of the owner. Reasonable costs incurred by the enforcing
31 officer in the action shall be a lien against the real property. The lien shall be recorded with the
32 records of land evidence of the municipality, and the lien shall incur legal interest from the date of
33 recording. The cost incurred by the enforcing officer, plus the interest thereon, in the demolishing
34 action, shall be added to the amount of taxes due on the real estate. The tax collector of the city or

1 town shall have the same powers and shall be subject to the same duties with respect to such claim
2 as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection
3 of annual taxes, the sale of taking of land for the nonpayment thereof and the redemption of land
4 so sold or taken shall apply to such a claim. ~~apply to a court of competent jurisdiction for a~~
5 ~~demolition order to undertake the demolition. The court may grant the order when no~~
6 ~~reconsideration or hearing on the matter is pending. The cost of the demolition shall create a debt~~
7 ~~in favor of this corporate unit against the owner, and is recoverable in a civil action brought by the~~
8 ~~corporate unit which possesses all the rights of a private creditor.~~

9 (5) Whenever a dwelling is demolished, whether carried out by the owner or by the
10 enforcing officer, the demolition shall include the filling in of the excavation remaining on the
11 property on which the demolished dwelling was located, in a manner that eliminates all potential
12 danger to the public health, safety, or welfare arising from the excavation.

13 (6) All demolition shall be preceded by an inspection of the premises by the appropriate
14 authority as provided for by the laws of this state.

15 (d) Relocation of occupants. Notwithstanding the other provisions of this section, no
16 dwelling shall be vacated or demolished by the enforcing officer, under the powers granted to him
17 or her by the provisions of this chapter, until persons occupying the dwelling at the time the
18 compliance order is issued have been offered housing accommodations, at the expense of the
19 owner, operator, or agent, in a decent, safe, and sanitary dwelling which meets the requirements of
20 this chapter.

21 (e) Revolving fund. There is created a revolving fund for the purpose of supporting the cost
22 of repairs and other corrective action or demolition made by the enforcing officer pursuant to this
23 section. Into this fund shall be paid:

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

25 (2) All license fees collected pursuant to this chapter.

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

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

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

34 (6) Notwithstanding anything to the contrary above, the corporate unit is hereby authorized

1 to select from a wide array of vendors, contractors and subcontractors, and third-party
2 administrators to administer a loan program or loan programs utilizing the revolving fund to assist
3 qualifying owners, operators, and agents with the cost of repairs and other corrective action or
4 demolition. If the plan includes the purchase of professional assistance, an appropriate contract
5 must be prepared and local purchasing policies must be followed.

6 (f) Rent payments. Notwithstanding any lease or other agreement, if the enforcing officer
7 of any corporate unit has ordered the repair, alteration, or improvement of a dwelling in that the
8 officer designates the dwelling to be an unfit dwelling, as provided for in this section, then the
9 obligation of rent to the landlord is suspended and the rent paid into the revolving fund as
10 established in subsection (e) by the enforcing officer, to be paid thereafter to the landlord or any
11 other party authorized to make repairs (including the enforcing officer) to defray the cost of
12 correcting the conditions, and no action shall be maintained by the landlord against the tenant for
13 rent or for possession. Sums paid into the revolving fund in excess of those necessary to make
14 repairs shall be paid to the landlord on completion. If the tenant fails to make payments to the
15 enforcing officer then an action for rent or possession may be maintained, subject to defenses that
16 the tenant may have under the lease or agreement.

17 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 amend the Housing Maintenance and Occupancy Code to allow the
2 enforcing officer to undertake repairs and corrective actions against certain properties. This act
3 would also allow the enforcing officer to demolish an unfit or unsafe dwelling or unit, and the costs
4 for this demolition would constitute a lien on the property.

5 This act would take effect upon passage.

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