

2023 -- S 0729

LC002542

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION

Introduced By: Senators Mack, Acosta, Euer, McKenney, Bell, Britto, Lawson, DiMario,
Kallman, and Gu

Date Introduced: March 22, 2023

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-128.1 of the General Laws entitled "Lead Hazard Mitigation" is
2 hereby amended by adding thereto the following section:

3 **42-128.1-14. Escrow account.**

4 (a) Notwithstanding any general law, public law, special law or any agreement, whether
5 written or oral, a tenant may file a petition in any court of competent jurisdiction to deposit their
6 rent in an escrow account whenever the leased property is not compliant with the risk reduction
7 provisions of chapter 128.1 of title 42, including, but not limited to, the requirement for a valid
8 certificate of conformance, any rules or regulations derived therefrom, or upon any licensed
9 inspector's finding of the existence of lead hazards in the property. Upon the petition to the court,
10 the tenant may deposit the tenant's rent in an escrow account with the clerk of the court.

11 (b) Other rights or remedies. The right of a tenant to deposit rent in an escrow account does
12 not preclude the tenant from pursuing any other right or remedy available to the tenant at law or
13 equity.

14 (c) Release of escrow account funds. Money deposited in an escrow account shall be
15 released to the property owner, or designee, upon the court's determination of compliance by the
16 property owner with the applicable risk reduction standard and state lead poisoning prevention
17 laws.

18 (d) Notwithstanding subsection (c) of this section, the court shall release money deposited
19 in an escrow account to the tenant, or designee, if they have incurred costs to comply with the

1 applicable risk reduction standard and state lead poisoning prevention laws on presentation of a bill
2 of the reasonable costs of complying with the applicable risk reduction standard. Any money to be
3 released under this subsection shall be subtracted from the money to be released under subsection
4 (c) of this section.

5 (e) Retaliatory actions prohibited. A lessee may not be evicted, the tenancy may not be
6 terminated, the rent may not be raised, or any services reduced, because a lessee in good faith elects
7 to seek the remedies under this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would establish an escrow account for tenants to deposit their rent whenever
2 the leased property is not compliant with the lead hazard mitigation law and which rent would
3 be released to the property owner upon compliance with the lead hazard mitigation law.

4 This act would take effect upon passage.

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