

2023 -- S 0729 AS AMENDED

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LC002542
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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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 to deposit their rent in an escrow account in the district
6 court with jurisdiction of the leased property, whenever the leased property is not compliant with
7 the risk reduction provisions of chapter 128.1 of title 42, including, but not limited to, the
8 requirement for a valid certificate of conformance, any rules or regulations derived therefrom, or
9 upon any licensed inspector's finding of the existence of lead hazards in the property. Upon the
10 petition to the district court, and after notice to the owner of the premises and a hearing thereon,
11 the district court shall order the deposit of the tenant's rent within the registry of the court, consistent
12 with district court rules of procedure, upon a determination that the leased property is not compliant
13 with the risk reduction provisions of chapter 128.1 of title 42, or upon any licensed inspector's
14 finding of the existence of lead hazards in the property.

15 (b) Other rights or remedies. The right of a tenant to deposit rent in the registry of the court
16 does not preclude the tenant from pursuing any other right or remedy available to the tenant at law
17 or equity.

18 (c) Release of funds within the registry of the court. Money deposited within the registry
19 of the court shall be released to the property owner, or designee, upon the court's determination of

1 compliance by the property owner with the applicable risk reduction standard and state lead
2 poisoning prevention laws.

3 (d) Notwithstanding subsection (c) of this section, the court shall release money from the
4 registry of the court to the tenant, or designee, if the tenant has incurred costs to comply with the
5 applicable risk reduction standard and state lead poisoning prevention laws on presentation of a bill
6 of the reasonable costs of complying with the applicable risk reduction standard or other state lead
7 poisoning prevention laws. Any money to be released under this subsection shall be subtracted
8 from the money to be released under subsection (c) of this section.

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

12 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 STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION

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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