

2023 -- S 0739

LC002543

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 Lawson, Euer, Cano, McKenney, Murray, Lauria, Miller, Britto,  
and Mack

Date Introduced: March 22, 2023

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-128.1-11 of the General Laws in Chapter 42-128.1 entitled "Lead  
2 Hazard Mitigation" is hereby amended to read as follows:

3 **42-128.1-11. Enforcement.**

4 (a) The standards for lead hazard control and for lead hazard mitigation in pre-1978  
5 housing shall be considered basic housing standards and shall be enforceable through the provisions  
6 of this chapter and through procedures established in chapter 24.2 of title 45 and chapter 24.3 of  
7 title 45.

8 (b) Minimum Housing Standards and Housing Maintenance and Occupancy Code. In order  
9 to establish consistency between state and local programs pertaining to enforcement of standards  
10 for housing and housing occupancy and to provide for broadly available, multiple means of  
11 identifying instances of noncompliance with this chapter and enforcing the requirements of this  
12 chapter, the following provisions regarding Minimum Housing Standards and Housing  
13 Maintenance and Occupancy Code shall be effective:

14 (1) The ordinances, rules, and regulations for "Minimum Housing Standards" adopted  
15 pursuant to § 45-24.2-3 shall, on or before November 1, 2005, include provisions for lead hazard  
16 control.

17 (2) The Housing Maintenance and Occupancy Code, established by chapter 24.3 of title  
18 23, shall, effective November 1, 2005, include provisions consistent with a continuing and ongoing  
19 responsibility for lead hazard mitigation as required by the department of health standards.

1           (c) In any private action where a property owner is found to have violated § 42-128.1-1 et  
2 seq., or any rules or regulations derived therefrom, the property owner is subject to damages, which  
3 may include double or treble the actual damages found, as well as reasonable attorneys' fees.  
4 Nothing herein should be construed as excluding other remedies in law or equity.

5           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 allow for a property owner who fails to comply with lead hazard mitigation
- 2 provisions to be subject to damages and reasonable attorneys' fees.
- 3 This act would take effect upon passage.

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