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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY
CODE -- NOTICE OF VIOLATIONS

Introduced By: Senators Mack, and Kallman

Date Introduced: March 27, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24.3-17 of the General Laws in Chapter 45-24.3 entitled "Housing
2 Maintenance and Occupancy Code" is hereby amended to read as follows:

3 **45-24.3-17. Notice of violation.**

4 (a) Whenever the enforcing officer determines that any dwelling, dwelling unit, rooming
5 unit, or structure, or the premises surrounding any of these, fails to meet the requirements
6 established in this chapter or in applicable rules and regulations issued pursuant to this chapter, he
7 or she shall issue a notice stating the alleged failures and advising the owner, occupant, operator,
8 or agent that the failures must be corrected. This notice shall:

9 (1) Be in writing;

10 (2) State the alleged violations of the chapter or of applicable rules and regulations issued
11 pursuant to it;

12 (3) Describe the dwelling, dwelling unit, rooming unit, or structure where the violations
13 are alleged to exist or to have been committed;

14 (4) Provide a reasonable time, not to exceed thirty (30) days, for the correction of any
15 alleged violation; and

16 (5) Be served upon the owner, occupant, operator, or agent of the dwelling, dwelling unit,
17 rooming unit, or structure personally, or by certified or registered mail, return receipt requested,
18 addressed to the last known place of residence of the owner, occupant, operator, or agent.

1 (6) Be served to the residents affected by said violations of the dwelling, in person, or by
2 certified or registered mail, return receipt requested, and made available for copy and review upon
3 request by a tenant at a local municipal code enforcement office.

4 (b) The owner of any dwelling, dwelling unit, rooming unit or structure who is a
5 nonresident of the state of Rhode Island shall have and continuously maintain with the city or town
6 clerk where the property is located a registered agent, which agent may be either an individual who
7 resides in this state or corporation authorized to do business in this state. The landlord's designation
8 shall be in writing, shall include the name and address of the agent, and shall include the street
9 address of each property designated to the agent. The agent so appointed shall be the agent of the
10 owner upon whom any notice process or demand required or permitted by law to be served may be
11 served. Any person who fails to maintain a registered agent shall be subject to a fine of one hundred
12 dollars (\$100).

13 (c) If one or more persons to whom the notice is addressed cannot be found after diligent
14 effort to do so, service may be made upon the person or persons by posting a notice in or about the
15 dwelling, dwelling unit, rooming unit, or structure described in the notice, or by causing the notice
16 to be published in a newspaper of general circulation, for a period of three (3) consecutive days.

17 (d) At the end of the period of time allowed for the correction of any alleged violation, the
18 enforcing officer shall reinspect the dwelling, dwelling unit, rooming unit, or structure described
19 in the notice.

20 (e) If upon reinspection the alleged violations are determined by the enforcing officer not
21 to have been corrected, he or she shall issue a second notice of violation on which constitutes an
22 order requiring that the then existing failures to meet the requirements of this chapter, or of
23 applicable existing rules or regulations issued pursuant to it, shall be corrected within a reasonable
24 time allowed, but not to exceed thirty (30) days after the date of the reinspection, if the person
25 served with the notice does not petition for a hearing on the matter in the manner provided by this
26 chapter.

27 (f) The enforcing officer shall cause a copy of the second notice to be posted in a
28 conspicuous place in or about the dwelling, dwelling unit, rooming unit, or structure where the
29 violations are alleged to exist, and shall serve it in the manner provided in this section.

30 (g) The enforcing officer, after the expiration of time granted the person served with the
31 second notice shall summon the owner, occupant, operator, or agent to a hearing by the housing
32 board of review or by a court of competent jurisdiction. If the dwelling or dwelling unit is leased,
33 the enforcing officer shall notify the tenant-occupant of any and all hearings pertaining to alleged
34 violations in and around such tenant-occupant's dwelling or dwelling unit, either by certified mail

1 or by causing a copy of the summons to be posted in a conspicuous place in or about the dwelling,
2 dwelling unit, rooming unit, or structure where the violations are alleged to exist. ~~to seek a hearing~~
3 ~~in the manner provided by this chapter, or after final~~ A final decision by the housing board of review
4 or by a court of competent jurisdiction to which an appeal has been taken, shall cause the second
5 notice to be recorded in the land registry of the corporate unit.

6 (h) The notice shall state that a cumulative civil penalty has been imposed. Except as
7 otherwise provided in this section, no notice and lien recorded under this chapter shall be released
8 until the violation has been abated and the penalty imposed, as provided for in § 45-24.3-18, has
9 been paid.

10 (i) All subsequent transferees of the dwelling, dwelling unit, rooming unit, or structure in
11 connection with which a second notice has been so recorded, are deemed to have notice of the
12 continuing existence of the alleged violations, and are liable to all penalties and procedures
13 provided by this chapter and by applicable rules and regulations issued pursuant to it to the same
14 degree as was their transferor.

15 (j) It is unlawful for the owner of any residential or non-residential building upon whom a
16 notice of violation or order has been served to sell, transfer, mortgage, lease, or dispose of the
17 building to another until the provisions of the notice or order have been complied with or until the
18 owner first furnishes to the grantee, lessee, or mortgagee prior to the transfer, lease, or mortgage, a
19 true copy of any notice or order issued by the enforcing officer, and, at the same time, notify the
20 enforcing officer, in writing, of the intent to transfer, lease, or mortgage either by delivering the
21 notice of intent to the enforcing officer and receiving a receipt for the notice, or by registered or
22 certified mail, return receipt requested, giving the name and address of the person to whom the
23 transfer, lease, or mortgage is proposed. A transferee, lessee, or mortgagee who has received actual
24 or constructive notice of the existence of a notice or order is bound by the notice or order as of the
25 date of the transfer, mortgage, or lease without service of further notice upon him or her.

26 (k) The notice, once recorded in the land registry, is effective for a period of three (3) years
27 from the date of recording, and, in the absence of an intervening renewal by the enforcing officer
28 or by the enforcing officer for the corporate unit taking other action as provided by this chapter,
29 shall cease to be a notice of violation at the expiration of the three-year term. Notices already of
30 record as of June 18, 1985 will, in the absence of an intervening renewal by the enforcing officer
31 or by other action taken by the enforcing officer for the corporate unit under this chapter, cease to
32 be a notice of violation at the expiration of three (3) years.

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 -- NOTICE OF VIOLATIONS

1 This act would require a housing code enforcement officer to give a copy of any housing
2 code violation notice to all tenants of the building affected by a housing code violation along with
3 any hearing dates scheduled for the violation.

4 This act would take effect upon passage.

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