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: Representatives Dawson, and O’Brien

Date Introduced: March 24, 2023

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

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


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

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

1. The ordinances, rules, and regulations for “Minimum Housing Standards” adopted pursuant to § 45-24.2-3 shall, on or before November 1, 2005, include provisions for lead hazard control.

2. The Housing Maintenance and Occupancy Code, established by chapter 24.3 of title 23, shall, effective November 1, 2005, include provisions consistent with a continuing and ongoing responsibility for lead hazard mitigation as required by the department of health standards.
(c) In any private action where a property owner is found to have violated § 42-128.1-1 et seq., or any rules or regulations derived therefrom, the property owner is subject to damages, which may include double or treble the actual damages found, as well as reasonable attorneys' fees. Nothing herein should be construed as excluding other remedies in law or equity.

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

This act would take effect upon passage.