

2025 -- H 5921

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY
CODE

Introduced By: Representatives Cruz, Morales, Potter, Kislak, Alzate, and Furtado

Date Introduced: February 28, 2025

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

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

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

17 (e)(1) If upon reinspection the alleged violations are determined by the enforcing officer
18 not to have been corrected, he or she shall issue a second notice of violation on which constitutes
19 an order requiring that the then existing failures to meet the requirements of this chapter, or of
20 applicable existing rules or regulations issued pursuant to it, shall be corrected within a reasonable
21 time allowed, but not to exceed thirty (30) days after the date of the reinspection, if the person
22 served with the notice does not petition for a hearing on the matter in the manner provided by this
23 chapter.

24 (2) Upon issuance of a second notice of violation by the enforcing officer, the tenant shall
25 pay all or part of the rent accrued and thereafter accruing, into an escrow bearing account, until the
26 alleged violations have been corrected. The amount shall be equal to the rent the tenant may be due
27 as an abatement of rent for the owner's failure to correct the alleged violations in a timely manner.

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

31 (g) The enforcing officer, after the expiration of time granted the person served with the
32 second notice to seek a hearing in the manner provided by this chapter, or after final decision by
33 the housing board of review or by a court of competent jurisdiction to which an appeal has been
34 taken, shall cause the second notice to be recorded in the land registry of the corporate unit.

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

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

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

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

28 SECTION 2. Sections 34-18-22.1 and 34-18-32 of the General Laws in Chapter 34-18
29 entitled "Residential Landlord and Tenant Act" are hereby amended to read as follows:

30 **34-18-22.1. Landlord's duty to notify tenant of violation.**

31 (a) A landlord, when cited by a state or local minimum housing code enforcement agency
32 for a housing code violation, shall, within thirty (30) days of receipt of the notice, deliver a copy of
33 the notice of violation to each residential tenant of the building affected by said violation, unless
34 within said thirty (30) day period the landlord has corrected all violations set forth in the notice of

1 violation to the satisfaction of the state or local minimum housing code enforcement agency which
2 issued the notice of violation.

3 (b) A landlord, prior to entering into any residential rental agreement, shall inform a
4 prospective tenant of any outstanding minimum housing code violations which exist on the building
5 that is the subject of the rental agreement.

6 (c) Upon issuance of a second notice of violation in accordance with § 45-24.3-17(e), the
7 tenant shall pay all or part of the rent accrued and thereafter accruing, into an escrow bearing
8 account, until the alleged violations have been corrected by the landlord and approved by the
9 enforcing officer of the state or local minimum housing code enforcement agency. The amount
10 shall be equal to the rent the tenant may be due as an abatement of rent for the landlord's failure to
11 correct the alleged violations in a timely manner.

12 **34-18-32. Landlord's noncompliance as defense to action for possession or rent.**

13 (a) In an action for possession based upon nonpayment of rent or in an action for rent when
14 the tenant is in possession, the tenant may counterclaim for any amount he or she may recover
15 under the rental agreement, ~~or~~ this chapter, or § 45-24.3-17. In that event, the court, from time to
16 time, may order the tenant to pay into court all or part of the rent accrued and thereafter accruing,
17 and shall determine the amount due to each party. The party to whom a net amount is owed shall
18 be paid first from the money paid into court, and the balance by the other party. If no rent remains
19 due after application of this section, judgment shall be entered for the tenant in the action for
20 possession. If the defense or counterclaim by the tenant is frivolous or without any basis in fact,
21 the landlord may recover reasonable attorney's fees.

22 (b) In an action for rent when the tenant is not in possession, he or she may counterclaim
23 as provided in subsection (a) of this section, but is not required to pay any rent into court.

24 SECTION 3. 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

1 This act would allow for a tenant to withhold payment of rent, and deposit the rent accruing
2 into an escrow bearing account, upon the issuance of a second notice of violation by an enforcing
3 officer for any state or local minimum housing code enforcement agency. The amount shall be
4 equal to the rent the tenant was entitled to as an abatement of rent.

5 This act would take effect upon passage.

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