

2013 -- H 5897

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PROPERTY -- ABANDONED PROPERTY

Introduced By: Representatives E Coderre, O'Neill, Messier, San Bento, and Johnston

Date Introduced: March 19, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-44-3 of the General Laws in Chapter 34-44 entitled "Abandoned
2 Property" is hereby amended to read as follows:
3 **34-44-3. Injunctive relief and other relief.** -- In any proceeding, brought under ~~chapter~~
4 chapters 24.3 of title 45, 27.3 of title 23 entitled the Rhode Island state building code, and any
5 violation of the provisions of those regulations promulgated by the state building code standards
6 committee entitled SBC-1 Rhode Island state building code, SBC-2 Rhode Island state one and
7 two family dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4 Rhode Island state
8 mechanical code, SBC-5 Rhode Island state electrical code, SBC-6 state property maintenance
9 code, SBC-19 state fuel gas code or any municipal ordinance or regulation concerning minimum
10 building or housing standards, that is before a state court, municipal court, housing division of a
11 state or municipal court, or in any proceeding upon a verified petition for abatement filed in the
12 state court by the municipal corporation in which the property involved is located, by any
13 neighboring landowner, or by a nonprofit corporation that is duly organized and has as one of its
14 goals the improvement of housing conditions for low and moderate income persons in the
15 municipality in which the property in question is located, if a building is alleged to be abandoned
16 and either to be in a dangerous or unsafe condition or to be otherwise in violation of chapter ~~24.3~~
17 ~~of title 45~~ 27.3 of title 23 entitled the Rhode Island state building code, and any violation of the
18 provisions of those regulations promulgated by the state building code standards committee
19 entitled SBC-1 Rhode Island state building code, SBC-2 Rhode Island state one and two family

1 [dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4 Rhode Island state mechanical](#)
2 [code, SBC-5 Rhode Island state electrical code, SBC-6 state property maintenance code, SBC-19](#)
3 [state fuel gas code](#) or any municipal ordinance or regulation concerning building or housing, the
4 municipal corporation, neighboring landowner, or nonprofit corporation may apply for an
5 injunction requiring the owner of the building to correct the condition or to eliminate the
6 violation. There shall be a hearing at least twenty (20) days after a summons for an injunction,
7 indicating the date and time of the hearing is served upon the owner of the building. The
8 summons shall be served by personal service, residence service, or service by certified mail
9 pursuant to Rule 4 of the Superior Court Rules of Civil Procedure. If service cannot be made in
10 one of these ways, the notice shall be served by posting it in a conspicuous place on the building
11 and by publication in a newspaper of general circulation in the municipality in which the building
12 is located. If the court finds at the hearing that the building is abandoned and either is in a
13 dangerous or unsafe condition or is otherwise in violation of any ordinance or regulation
14 concerning minimum housing standards, it shall issue an injunction requiring the owner to correct
15 the condition or to eliminate the violation, or any other order that it considers necessary or
16 appropriate to correct the condition or to eliminate the violation.

17 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 clarify the types of proceeding in which injunctive or other relief may be
- 2 granted in matters involving minimum building or housing standards.
- 3 This act would take effect upon passage.

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