

2013 -- H 5897 AS AMENDED

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LC02097
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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 ~~24.3 of title 45~~, [27.3 of title 23 entitled the Rhode Island state building code, and any violation of](#)
5 [the provisions of those regulations promulgated by the state building code standards committee](#)
6 [entitled SBC-1 Rhode Island state building code, SBC-2 Rhode Island state one and two family](#)
7 [dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4 Rhode Island state mechanical](#)
8 [code, SBC-5 Rhode Island state electrical code, SBC-6 state property maintenance code, SBC-19](#)
9 [state fuel gas code](#) or any municipal ordinance or regulation concerning minimum [building or](#)
10 housing standards, that is before a state court, municipal court, housing division of a state or
11 municipal court, or in any proceeding upon a verified petition for abatement filed in the state
12 court by the municipal corporation in which the property involved is located, by any neighboring
13 landowner, or by a nonprofit corporation that is duly organized and has as one of its goals the
14 improvement of housing conditions for low and moderate income persons in the municipality in
15 which the property in question is located, if a building is alleged to be abandoned and either to be
16 in a dangerous or unsafe condition or to be otherwise in violation of chapter ~~24.3 of title 45~~ [27.3](#)
17 [of title 23 entitled the Rhode Island state building code, and any violation of the provisions of](#)
18 [those regulations promulgated by the state building code standards committee entitled SBC-1](#)
19 [Rhode Island state building code, SBC-2 Rhode Island state one and two family dwelling code,](#)

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