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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - MULTI-UNIT RESIDENCE SAFETY ACT

Introduced By: Representatives Shanley, McNamara, Vella-Wilkinson, Bennett, and Serpa

Date Introduced: February 15, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 20.13

4 MULTI-UNIT RESIDENCE SAFETY ACT

5 **23-20.13-1. Short title.**

6 This chapter shall be known and may be cited as the "Multi-Unit Residence Safety Act".

7 **23-20.13-2. Legislative findings.**

8 The general assembly hereby finds and declares that:

9 (1) The health, safety, and welfare of citizens of the state of Rhode Island are matters of  
10 paramount importance to the Rhode Island general assembly; and

11 (2) Tobacco use causes death and disease and continues to be an urgent public health  
12 threat, as evidenced by the following:

13 (i) Four hundred and eighty thousand (480,000) people die prematurely in the United  
14 States from smoking-related diseases ever year, making tobacco use the nation's leading cause of  
15 preventable death; and

16 (ii) Tobacco use can cause disease in nearly all organ systems and is responsible for  
17 eighty-seven percent (87%) of lung cancer deaths, seventy-nine percent (79%) of all chronic  
18 obstructive pulmonary disease deaths, and thirty-two percent (32%) of coronary heart disease  
19 deaths; and

- 1           (iii) Over one hundred and sixty seven billion dollars in annual health related economic  
2 losses is spent on smoking; and
- 3           (iv) The United States Surgeon General has stated that there is no risk-free level of  
4 exposure to secondhand smoke; and
- 5           (v) Many studies also show that there are harmful health effects of secondhand smoke;  
6 and
- 7           (vi) Nonsmoking pregnant women and their fetuses are exposed to environmental  
8 tobacco smoke as a result of living in multi-unit housing; and
- 9           (vii) A study conducted by Brown University released on December 26, 2016, found that  
10 metropolitan areas that recently enacted indoor smoking bans in public areas are associated with a  
11 seventeen percent (17%) overall reduction in the number of children visiting emergency  
12 departments with asthma complaints; and
- 13           (viii) Exposure to secondhand smoke is estimated to kill approximately fifty thousand  
14 (50,000) nonsmokers in the United States each year; and
- 15           (ix) Smoking-related fires are the leading cause of fire deaths, and account for seventeen  
16 percent (17%) of fire deaths in residential buildings and three hundred three million dollars  
17 (\$303,000,000) in property loss each year; and
- 18           (x) Studies show smoke free air laws decrease secondhand smoke exposure among  
19 nonsmokers, reduce heart attack and asthma hospitalizations, and encourage smokers to quit; and
- 20           (xi) In a multi-unit rental housing setting, secondhand smoke does drift from neighboring  
21 housing units, neighboring patios and balconies and from outdoor common areas into  
22 nonsmokers' units through open windows, open doors and shared ventilation systems; and
- 23           (xii) Studies have shown that secondhand smoke can also enter neighboring housing units  
24 under doorways and through wall cracks and opening for electrical wiring, light fixtures,  
25 plumbing, baseboards and ductwork; and
- 26           (xiii) The surgeon general has concluded that eliminating smoking in indoor spaces is the  
27 only way to fully protect nonsmokers from secondhand smoke exposure and that separating  
28 smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent  
29 secondhand smoke exposure; and
- 30           (xiv) Several studies have confirmed that smoke free multi-unit housing policies are the  
31 most effective method to fully reduce secondhand smoke exposure in multi-unit housing; and
- 32           (xv) The significant health issues related to secondhand smoke necessitate action on a  
33 statewide basis to classify multi-unit rental housing developments as nonsmoking areas.

34           **23-20.13-3. Definitions.**

1 For the purposes of this chapter the following definitions shall govern unless the context  
2 clearly requires otherwise:

3 (1) "Adjacent unenclosed property" means any unenclosed area of property, publicly or  
4 privately owned, that abuts a multi-unit residence, but shall not include property containing  
5 detached single-family homes.

6 (2) "Electronic smoking device" means an electronic device that can be used to deliver an  
7 inhaled dose of nicotine, or other substances, including any component, part, or accessory of such  
8 a device, whether or not sold separately. "Electronic smoking device" includes any such device,  
9 whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic  
10 cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name  
11 or descriptor.

12 (3) "Enclosed area" means an area in which outside air cannot circulate freely to all parts  
13 of the area, and includes an area that has:

14 (i) Any type of overhead cover, whether or not that cover includes vents or other  
15 openings and at least three (3) walls or other physical boundaries of any height, whether or not  
16 those boundaries include vents or other openings; or

17 (ii) Four (4) walls or other vertical boundaries that exceed six feet (6') in height, whether  
18 or not those boundaries include vents or other openings.

19 (4) "Landlord" means any person or agent of a person who owns, manages, or is  
20 otherwise legally responsible for a unit in a multi-unit residence that is leased to a residential  
21 tenant, except that "Landlord" shall not include a tenant who sublets a unit.

22 (5) "Multi-unit residence" means property containing two (2) or more units, including,  
23 but not limited to, apartment buildings, condominium complexes, senior and assisted living  
24 facilities, and long-term health care facilities. Multi-unit residences shall not include the  
25 following:

26 (i) A hotel or motel that meets the requirements set forth in §5-14-3;

27 (ii) A mobile home park;

28 (iii) A campground;

29 (iv) A marina or port;

30 (v) A single-family home, except if used as a child care or health care facility subject to  
31 licensing requirements; and

32 (vi) A single-family home with a detached or attached in-law or second unit permitted  
33 pursuant to applicable Rhode Island general laws, except if the single-family home or in-  
34 law/second unit is used as a childcare or health care facility subject to applicable licensing

1 requirements.

2 (6) "New unit" means a unit that is issued a certificate of occupancy and/or final  
3 inspection after the effective date of this chapter and shall also mean a unit that is let for  
4 residential use for the first time after the effective date of this chapter.

5 (7) "Nonsmoking area" means any enclosed area or unenclosed area in which smoking is  
6 prohibited by:

7 (i) This chapter or other applicable local law or ordinance;

8 (ii) A binding agreement relating to the ownership, occupancy, or use of real property; or

9 (iii) The designation of a person with legal control over the area.

10 (8) "Person" means any natural person, partnership, cooperative association, corporation,  
11 personal representative, receiver, trustee, assignee, or any other legal entity, including  
12 government agencies.

13 (9) "Smoke" means the gases, particles, or vapors released into the air as a result of  
14 combustion, electrical ignition, or vaporization when the apparent or usual purpose of the  
15 combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except  
16 when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of  
17 inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke"  
18 includes, but is not limited to, tobacco smoke, electronic smoking device vapors, marijuana  
19 smoke, and crack cocaine smoke.

20 (10) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or  
21 ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product  
22 intended for human inhalation.

23 (11) "Unenclosed area" means any area that is not an enclosed area.

24 (12) "Unit" means a personal dwelling space, even where lacking cooking facilities or  
25 private plumbing facilities, and includes any associated exclusive-use enclosed area or  
26 unenclosed area, including, but not limited to, a private balcony, porch, deck, or patio. "Unit"  
27 includes, without limitation, an apartment; a condominium; a townhouse; a room in a senior  
28 facility; a room in a long-term health care facility, assisted living facility, or hospital; a room in a  
29 hotel or motel; a dormitory room; a room in a single room occupancy ("SRO") facility; a room in  
30 a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law  
31 or second unit. Unit includes, without limitation, a new unit.

32 **23-20.13-4. Required and implied lease terms for all new and existing units in multi-**  
33 **unit residences.**

34 (a) Every lease or other rental agreement for the occupancy of a unit in a multi-unit

1 residence, entered into, renewed or continued month-to-month, shall include a provision:

2 (1) Indicating that secondhand smoke shall be considered a nuisance which shall be  
3 grounds for termination of the lease or rental agreement:

4 (i) Upon written notice provided to the landlord that the nuisance of secondhand smoke is  
5 interfering with the enjoyment of the premises by the tenant; and

6 (ii) If not corrected by the landlord within thirty (30) days of notice.

7 (b) It shall be the responsibility of the landlord or property owner to provide evidence to  
8 the director or their designee that the multi-unit rental unit is in compliance with this section.

9 SECTION 2. This act shall take effect upon passage and shall apply to all leases entered  
10 into or renewed on or after the effective date of this act.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would permit tenants of multi-unit residences to terminate their lease agreements  
2 if no action is taken to remedy the presence of secondhand smoke.

3           This act would take effect upon passage and would apply to all leases entered into or  
4 renewed on or after the effective date of this act.

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