

2022 -- S 2984

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Senators Goodwin, and Bell

Date Introduced: May 24, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24.3-19 of the General Laws in Chapter 45-24.3 entitled "Housing  
2 Maintenance and Occupancy Code" is hereby amended to read as follows:

3 **45-24.3-19. Repairs and other corrective action -- Demolition -- Revolving fund.**

4 (a) Repairs and other corrective action.

5 (1) Whenever an owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or  
6 structure fails, neglects, or refuses to make repairs or other corrective action called for by a second  
7 order or notice of violation issued pursuant to § 45-24.3-17, the enforcing officer may undertake  
8 the repairs or action, when in his or her judgment a failure to make them will endanger the public  
9 health, safety, or welfare, and the cost of the repairs and action will not exceed fifty percent (50%)  
10 of the fair market value of the structure to be repaired.

11 (2) Notice of the intention to make repairs or take other corrective action shall be served  
12 upon the owner, operator, or agent pursuant to § 45-24.3-17.

13 (3) Every owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure,  
14 who receives notice of the intention of the enforcing officer to make repairs or take other corrective  
15 action, shall give entry and free access to the agent of the enforcing officer for the purpose of  
16 making repairs.

17 (4) Any owner, operator, agent, or occupant of a dwelling, dwelling unit, rooming unit, or  
18 structure, who refuses, impedes, interferes with, hinders, or obstructs entry by the agent pursuant

1 to a notice of intention to make repairs or take other corrective action, is subject to a civil penalty  
2 of twenty-five dollars (\$25.00) for each failure to comply with this section.

3 (5) When repairs are made or other corrective action taken at the direction of the enforcing  
4 officer, cost of the repairs and corrective action constitutes a debt in favor of the corporate unit  
5 against the owner of the repaired structure. In the event the owner fails, neglects, or refuses to pay  
6 the corporate unit the amount of this debt, it is recoverable in a civil action against the owner or his  
7 or her successor, brought in a court of competent jurisdiction by the corporate unit which possesses  
8 all rights of a private creditor.

9 (b) Designation of unfit dwellings, dwelling units, rooming units, and structures.

10 (1) Any dwelling, dwelling unit, rooming unit, or structure shall be designated as unfit for  
11 human habitation when any of the following defects or conditions are found, and when, in the  
12 opinion of the enforcing officer, these defects create a hazard to the health, safety, or welfare of the  
13 occupants or of the public:

14 (i) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested.

15 (ii) The structure lacks illumination, ventilation, or required thermal and sanitation  
16 facilities.

17 (iii) The general condition of location is unsanitary, unsafe, or unhealthful.

18 (2) Whenever any dwelling, dwelling unit, rooming unit, or structure has been designated  
19 as unfit for human habitation, the enforcing officer shall placard the dwelling, dwelling unit, or  
20 rooming unit, or structure, indicating that it is unfit for human habitation, and, if occupied, shall  
21 order the dwelling, dwelling unit, rooming unit, or structure vacated within a reasonable time, that  
22 time to be not more than thirty (30) days.

23 (3) No dwelling, dwelling unit, rooming unit, or structure, designated as unfit for human  
24 habitation, and which has been placarded and vacated, shall be used again for human habitation  
25 until written approval is secured from the enforcing officer and the placard removed by the  
26 enforcing officer.

27 (4) The enforcing officer shall rescind the designation and remove the placard when the  
28 defect or condition upon which the designation and the placarding was based has been removed or  
29 eliminated as to cause the dwelling, dwelling unit, rooming unit, or structure to be deemed by the  
30 enforcing officer as a safe, sanitary, and fit place or unit for human habitation.

31 (5) No person shall deface or remove the placard from any dwelling, dwelling unit,  
32 rooming unit, or structure which has been designated as unfit for human habitation and has been  
33 placarded, except as provided in this section.

34 (6) Any person affected by any decision of the enforcing officer or by any designation or

1 placarding of a dwelling, dwelling unit, rooming unit, or structure as unfit for human habitation,  
2 shall be granted a hearing on the matter before the enforcing officer under the procedure established  
3 in § 45-24.3-21.

4 (7) The enforcing officer may order the owner of any building, which has been in the past  
5 and/or is vacant and open, to comply with the following specifications: all openings (including  
6 doors and windows) from cellar to second floor and all windows above the second floor leading to  
7 fire escapes, porches, or structural appurtenances, on all floors, must be covered from the exterior  
8 with three-eighths inch ( $\frac{3}{8}$ " ) thick exterior plywood or one-half inch ( $\frac{1}{2}$ " ) notched boards firmly  
9 secured and with protective coating. All other windows must be so secured by either one-quarter  
10 inch ( $\frac{1}{4}$ " ) thick exterior plywood or one-half inch ( $\frac{1}{2}$ " ) notched boards.

11 (c) Demolition of dwellings, dwelling units, or rooming units designated as unfit for human  
12 habitation. (1) The enforcing officer shall order a dwelling, dwelling unit, or rooming unit to be  
13 demolished if it has been designated as unfit for human habitation, has been placarded, has been  
14 vacated, and has not been put into proper repair as to rescind the designation as unfit for human  
15 habitation and to cause the placard to be removed, and is determined by the enforcing officer not  
16 to warrant repair under this section.

17 (2) The owner of any dwelling, dwelling unit, or rooming unit, ordered demolished, shall  
18 be given notice of this order in the manner provided for service of notice in § 45-24.3-17, and given  
19 a reasonable time, not to exceed ninety (90) days, to demolish the structure.

20 (3) Any owner aggrieved by the notice to demolish may, within ten (10) days, seek a  
21 reconsideration of the matter in the manner provided, and may seek a formal hearing in the manner  
22 provided in § 45-24.3-21.

23 (4) When the owner fails, neglects, or refuses to demolish an unfit, unsafe, or unsanitary  
24 dwelling, dwelling unit, or rooming unit within the requisite time, the enforcing officer may apply  
25 to a court of competent jurisdiction for a demolition order to undertake the demolition. The court  
26 may grant the order when no reconsideration or hearing on the matter is pending. The cost of the  
27 demolition shall create a debt in favor of this corporate unit against the owner, and is recoverable  
28 in a civil action brought by the corporate unit which possesses all the rights of a private creditor.

29 (5) Whenever a dwelling is demolished, whether carried out by the owner or by the  
30 enforcing officer, the demolition shall include the filling in of the excavation remaining on the  
31 property on which the demolished dwelling was located, in a manner that eliminates all potential  
32 danger to the public health, safety, or welfare arising from the excavation.

33 (6) All demolition shall be preceded by an inspection of the premises by the appropriate  
34 authority as provided for by the laws of this state.

1 (d) Relocation of occupants. Notwithstanding the other provisions of this section, no  
2 dwelling shall be vacated or demolished by the enforcing officer, under the powers granted to him  
3 or her by the provisions of this chapter, until persons occupying the dwelling at the time the  
4 compliance order is issued have been offered housing accommodations in a decent, safe, and  
5 sanitary dwelling which meets the requirements of this chapter. Should a municipality relocate  
6 occupants, the cost of relocation shall constitute a debt in favor of the corporate unit against the  
7 owner, and is recoverable in a civil action brought by the corporate unit which possesses all the  
8 rights of a private creditor.

9 (e) Revolving fund. (1) There is created a revolving fund for the purpose of supporting the  
10 cost of repairs and other corrective action or demolition made by the enforcing officer pursuant to  
11 this section. Into this fund shall be paid:

12 ~~(+)~~(i) All civil penalties collected for violations of this chapter pursuant to § 45-24.3-18.

13 ~~(+)~~(ii) All license fees collected pursuant to this chapter.

14 ~~(+)~~(iii) All judgments collected in actions to recover the costs of repair and other corrective  
15 action and demolition, pursuant to this section.

16 ~~(+)~~(iv) Any other revenues that the corporate unit may from time to time authorize to be  
17 paid into this fund.

18 ~~(+)~~(v) All donations and grants designed to promote the purposes of this chapter from  
19 public or private sources. The enforcing officer is declared to be the authorized agency of the  
20 corporate unit to apply for and receive all grants, loans, and gifts of funds to promote the purposes  
21 of this chapter.

22 (2) Notwithstanding anything to the contrary in this subsection, the corporate unit is hereby  
23 authorized to select from a wide array of vendors, contractors and subcontractors, and third-party  
24 administrators to administer a loan program or loan programs utilizing the revolving fund to assist  
25 qualifying owners, operators, and agents with the cost of repairs and other corrective action or  
26 demolition. If the plan includes the purchase of professional assistance, an appropriate contract  
27 shall be prepared and local purchasing policies shall be followed.

28 (f) Rent payments. Notwithstanding any lease or other agreement, if the enforcing officer  
29 of any corporate unit has ordered the repair, alteration, or improvement of a dwelling in that the  
30 officer designates the dwelling to be an unfit dwelling, as provided for in this section, then the  
31 obligation of rent to the landlord is suspended and the rent shall be paid into the revolving fund as  
32 established in subsection (e) of this section. ~~by the enforcing officer, to be paid thereafter to the~~  
33 ~~landlord or any other party authorized to make repairs (including the enforcing officer) to defray~~  
34 ~~the cost of correcting the conditions, and no action shall be maintained by the landlord against the~~

1 ~~tenant for rent or for possession. Sums paid into the revolving fund in excess of those necessary to~~  
2 ~~make repairs shall be paid to the landlord on completion. If the tenant fails to make payments to~~  
3 ~~the enforcing officer then an action for rent or possession may be maintained, subject to defenses~~  
4 ~~that the tenant may have under the lease or agreement.~~

5 SECTION 2. 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

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1           This act would allow a municipality to impose a debt in favor of the corporate unit against  
2 the owner when the municipality relocates the occupant and would authorize the corporate unit to  
3 choose the vendors to assist qualifying homeowners with repair costs.

4           This act would take effect upon passage.

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