

2023 -- H 5119

LC000183

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMERGENCY SHELTERS

Introduced By: Representatives J Lombardi, Hull, Ajello, Tanzi, Felix, and Sanchez

Date Introduced: January 12, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 128.4

4 EMERGENCY SHELTERS

5 **42-128.4-1. Definitions.**

6 As used in this chapter, the term:

7 (1) "Emergency shelter" means a facility with overnight sleeping accommodations, the  
8 primary purpose of which is to provide temporary shelter for the homeless in general or for specific  
9 populations of the homeless.

10 (2) "Housing resources commission" or "commission" means the Rhode Island housing  
11 resources commission established pursuant to § 42-128-4.

12 (3) "Licensing agency" means the secretary of housing established pursuant to § 42-64.19-  
13 3(a)(4), or designee.

14 **42-128.4-2. Licensing and exemption.**

15 (a) The housing resources commission shall establish an application for an emergency  
16 shelter license no later than January 1, 2024. Upon receipt of an application for a license, the  
17 licensing agency shall issue a license if the applicant meets the requirements established pursuant  
18 to this chapter. A license issued under the provisions of this section shall be the property of the  
19 state and loaned to the licensee, and it shall be posted in a conspicuous place on the licensed

1 premises. Each license shall be issued only for the premises and persons named in the application,  
2 and shall not be transferable or assignable except with the written approval of the commission. No  
3 fee shall be charged for the license.

4 (b) Any emergency shelter established due to a natural disaster, impending dangerous  
5 storm, or other event, including, but not limited to, fires, hurricanes or blizzards, shall be exempt  
6 from this chapter.

7 **42-128.4-3. Minimum shelter standards.**

8 (a) All emergency shelters that are required to be licensed shall:

9 (1) Provide a safe place for a person to temporarily reside. Safety of residents and staff  
10 shall be the shelters' top priority;

11 (2) Make drinking water available to residents and proper bathroom facilities as required  
12 by the state building code in chapter 27.3 of title 23;

13 (3) Develop a written policy regarding the privacy and confidentiality of its residents as  
14 required by state and federal law; and

15 (4) Establish an approved procedure for the safe transfer of a person seeking shelter or  
16 having been sheltered at the licensed premises, who can no longer reside in the shelter at the  
17 licensed premises in question. The established procedure shall be posted in a conspicuous place on  
18 the licensed premises that is in an area accessed frequently by residents.

19 (b) The housing resources commission shall promulgate additional minimum shelter  
20 standards that shall apply to emergency shelters that are at least partially funded by the state, no  
21 later than December 1, 2023.

22 **42-128.4-4. Grievance procedure.**

23 The housing resource commission shall promulgate a grievance procedure designed to  
24 address complaints of persons who have resided or attempted to reside in any emergency shelter  
25 within this state. Grievance procedures shall be posted in the licensed premises in a conspicuous  
26 place accessed frequently by residents.

27 **42-128.4-5. Fees prohibited.**

28 Any fees or payments of money for the purposes of providing shelter and personal care  
29 items, including, but not limited to, linens, toiletries and diapers shall be prohibited unless  
30 otherwise allowable by state or federal law. Resident funds provided to a shelter for the purposes  
31 of teaching financial literacy or creating a "savings account" are permitted if the funds are returned  
32 to the resident at the appropriate time or upon request.

1 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 STATE AFFAIRS AND GOVERNMENT -- EMERGENCY SHELTERS

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- 1           This act would establish rules and procedures for licensing emergency shelters, including
- 2 setting minimum standards and prohibiting the charging of fees to the residents.
- 3           This act would take effect upon passage.

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