

CHAPTER₂₀₁₂₋₆₄

No. 640

AN ORDINANCE IN AMENDMENT OF CHAPTER 13 TO ADD ARTICLE XIV, "FORECLOSED AND ABANDONED PROPERTY REGISTRATION, SECURITY AND MAINTENANCE," AS FOLLOWS:

Approved November 28, 2012

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence is hereby amended to add an article, "Abandoned Property Registration, Security, and Maintenance," as follows:

Sec. 1 – Purpose.

The purpose of this ordinance is to protect residential neighborhoods from becoming blighted as a result of inadequate maintenance and lack of security at abandoned and vacant properties and to strengthen the City's ability to respond to nuisance and/or hazardous properties in order to protect the health, safety, welfare and property of City residents.

Sec. 2 – Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

1. *Abandoned Property* means any residential property lacking lawful occupancy that the owner has manifested intent to abandon through some act or omission. The intent of the owner to abandon the property can be inferred from the surrounding facts and circumstances that include but are not limited to:
 - a. The existence of serious code violations that pose a health or safety hazard to the community and that have gone unrepaired for an unreasonable amount of time;
 - b. Whether or not the grounds have been maintained;
 - c. Whether or not the interior of the property has been maintained;
 - d. Whether or not any vandalism to the property has gone unrepaired;
 - e. Whether or not any rents have been collected by the owner for the use of the building;
 - f. The length of time that any of the above conditions have existed.
2. *Actively marketed* means the good faith efforts by the owner of the property to obtain one or more occupants of the property. These good faith efforts may include, without limitation, one or more of the following:
 - a. Making substantial financial expenditures in comparison with the value of the property;
 - b. Listing the property for sale, lease or both, with one or more real estate brokers, for a price and on terms that are realistic considering the fair market value or fair market rental value of the property; or
 - c. Advertising, through physical signs on the property and/or other mediums, the availability of the property for sale or rental for a price and on terms that are realistic considering the fair market value or fair rental value of the property.
3. *City* means the City of Providence, Rhode Island.
4. *Days* means consecutive calendar days.
5. *Development Plan* means a plan to rehabilitate a vacant and abandoned property within a set time frame for a use in conformance with the City's comprehensive plan and zoning ordinance.

6. *Local Agent* means a person, firm, or corporation designated by the trustee, beneficiary, or owner of a property as responsible for the security and maintenance of said property. The local agent shall reside or be otherwise located within the State of Rhode Island.
7. *New Owner* means any person who has purchased a property during the period subsequent to the notice of designation as Abandoned.
8. *Owner* means the person, firm, or corporation holding the legal or recorded title to the property, provided that holders of tax title shall not be considered an owner until the right of redemption has been foreclosed.

Sec. 3 – Registration of Properties

- (a) Any owner of an abandoned property, as defined herein, shall annually register the property with the Department of Inspections and Standards in a database heretofore referred to as the Vacant & Abandoned Property Database (“the Database”).
- (b) Registration shall consist of the following information:
 1. Property owner;
 2. Street and mailing address of property owner;
 - i. The mailing address may not be a P.O. Box. If such person or persons reside outside of the State of Rhode Island, such person or persons shall also provide the contact information, including street address, telephone number, and email address, of an individual or company within the State of Rhode Island, herein referred to as a “local agent,” that will be responsible for its security and maintenance. Any change to the information contained in the registration must be reported within ten (10) days of such change.
 3. Telephone number of property owner;
 4. Email address of property owner;
- (c) The owner is not obligated to register the property as abandoned if:
 - i. the building is occupied on a seasonal basis but is otherwise secure and meets the maintenance standards described herein; or
 - ii. a building permit has been issued for the purpose of substantial construction, renovation, or rehabilitation of the property.
- (d) The Director of Inspection and Standards (“Director”) and/or his/her designee may add a property to the abandoned property database if he/she determines that it is an Abandoned Property. The Director and/or his/her designee will make a good faith effort to verify the property is an Abandoned Property. This effort will include sending notice to the last known address of the owner of record 30 days prior to registration and posting notice in at least two visible public places on the property
- (e) Upon registration in the Database, the City and/or its designee may inspect the property to assess its condition and ensure that it has been properly secured. Thereafter, the City and/or its designee may inspect abandoned properties for compliance and to issue citations for any violations as it sees fit, but on a schedule not less than four times yearly. The owner and/or local agent shall have the duty to provide access to the exterior and interior portions of the property as required for inspection purposes, upon reasonable notice. The City and/or its designee shall have the discretion to determine when and how such inspections are to be made, provided that such policies are reasonably calculated to ensure that this section is enforced.
- (f) The owner and/or local agent shall post signage on the front of the property, made of durable, weather resistant material, not less than twenty-five (25) square inches in size and affixed to the building in a secure manner designed to withstand normal weather conditions, containing:
 - i. The name and 24-hour contact phone number of the owner and, if applicable, the local agent responsible for the maintenance and security of the property,
 - ii. Contact information for the Providence Police Department, and
 - iii. Contact information for the Mayor’s Office of Neighborhood Services.

- (a) Upon registration, the owner of any property in the Database will immediately forego any and all property tax exemptions, waivers or abatements for that property unless the owner is a tax exempt entity under State Law.
- (b) A registration fee of one hundred dollars (\$100) per property shall be charged to the owner and/or local agent upon initial registration.
- (c) A fee of two hundred dollars (\$200) shall be charged to the owner and/or local agent upon the first annual renewal of registration.
- (d) A fee of three hundred dollars (\$300) shall be charged to the owner and/or local agent upon the second annual renewal of registration and each annual renewal of registration thereafter.
- (e) Failure to register an abandoned property in the process described in this article and pursuant to the rules and regulations promulgated by the Director shall result in the Director and/or his/her designee issuing a two hundred and fifty dollar (\$250.00) fine to the owner or agent responsible for registering the property. . Non-compliance shall be deemed to begin on the day immediately following the ninety (90) day period that a non-actively marketed property has lacked lawful occupancy.

Sec. 5 – Maintenance

- (a) Abandoned properties shall be maintained in accordance with the following standards regarding exterior maintenance:
 - 1. **Landscaping.** The property's yards shall be maintained by watering, cutting, pruning, and mowing all lawns and vegetation. Grass shall be kept below eight (8) inches in height, and all dead or broken tree limbs or shrubbery shall be cut and removed from the premises. Yards and lawns shall be kept free of weeds.
 - 2. **Trash, Debris and Graffiti.** The property shall be kept free of trash and debris. Mail or flyers that have been delivered to the building shall not be permitted to accumulate on any portion of the exterior lot of the building. Graffiti shall be removed within forty-eight (48) hours of placement on property.
 - 3. **Vermin.** No portion of the lot nor any structure, vehicle, receptacle or object thereon shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage.
 - 4. **Snow and Ice.** The property shall be kept free of snow and ice in compliance with Sec. 23-13 of the Code of Ordinances.
 - 5. **Lighting.** Entrances to the property, including doors, windows and other entry points, shall maintain exterior, motion activated lighting from dusk to dawn.
- (b) Abandoned properties shall be maintained in accordance with the following standards regarding interior maintenance:
 - 1. **Security.** The property shall be secured against unauthorized entry and every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the Director of Inspections and Standards and/or his/her designee and every such exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge. All windows and any other entry points that would allow access to the interior of the structure shall be secured. Boarding of doors and windows shall be permissible only if they may not be secured by other means.
 - 2. **Structural supports.** Foundations, roofs, walls, ceilings and other structural support shall be safe and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and in good repair; floors and stairs shall be free of holes, grooves and cracks that could be potentially dangerous.
 - 3. **Winterization.** During winter months, plumbing fixtures shall be winterized by completely draining all plumbing and heating systems, or be heated to resist being frozen.
 - 4. **Vermin.** The property shall be kept free of insects, rodents or other vermin.
 - 5. **Trash, Debris and Graffiti.** The interior of the property shall be kept free of trash and debris, boxes, lumber, scrap metal, junk, vehicles or any other materials in such a manner that may produce any health, fire, or safety hazard or provide harborage for rodents or other animals on the premises.
- (c) Abandoned properties shall adhere to all relevant sanitary codes, building codes, and other applicable regulations concerning maintenance, security, and upkeep of dwellings.

- (a) The property owner or designated local agent shall:
 - i. Provide a trespass authorization upon request of local law enforcement authorities if the property is unlawfully occupied,
 - ii. Conduct monthly inspections of the property to ensure it is properly secured and maintained in accordance with all the requirements of this article, and
- (b) If the Director and/or his/her designee determines that a property is not in compliance with the requirements of this Article, the Director and/or his/her designee will notify the owner and/or local agent of the violation(s), including potential penalties associated with non-compliance as described below. It shall be the burden of the owner and/or local agent to bring the property into compliance and inform the Department of Inspections and Standards that the required changes and/or repairs were made no more than thirty (30) days after notification. If the specific code violation is determined not to have been brought into compliance at this re-inspection, the owner and/or local agent shall have five (5) additional days to bring the property into compliance. If, after this time, the owner and/or local agent has not rectified the violations in question, fines of up to five hundred dollars (\$500.00) per violation will be imposed on the owner and/or local agent.
- (c) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this chapter or any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the director after such person shall file in the office of the director a written request for such hearing, setting forth a brief statement of the grounds thereof, designating the person and his address upon whom any notices and orders may be served, and why such enforcement or compliance should not be effected. If this request is filed within ten (10) days after the service of the notice of violation, compliance with the notice shall not be required while the hearing is pending. On receipt of such request, the director shall set a time and place for such hearing, and shall give the applicant at least five (5) days' written notice thereof. At such hearing the applicant shall be given an opportunity to show cause why such notice of violation shall be modified or withdrawn.

Sec. 7 – Removal from the Vacant & Abandoned Property Database

- (a) The property owner and/or local agent may remove abandoned property from the Database by providing documentation to the Director and/or his/her designee showing that the property is neither vacant nor abandoned. Acceptable documentation shall include, but not be limited to, the following:
 - i. A signed affidavit affirming owner occupancy;
 - ii. A bill of sale showing that the property has transferred ownership to a new owner, or;
 - iii. A copy of a signed lease, showing that a new permanent tenant is moving into the property.
- (b) The Director and/or his/her designee shall inspect the property and assess its condition prior to, and as a condition of, removal from the Database. Properties shall not be removed from the Database until the Director and/or his/her designee has verified that the property is in compliance with the maintenance and security requirements of this chapter and meets all relevant city and state building codes and regulations.

Sec. 8 – Reporting

- (a) The Database shall be publicly accessible on the City's website.
- (b) The Department of Inspections and Standards shall, in coordination with the Department of Planning and Development and other relevant offices and agencies, issue an annual report, informed by the information collected through the registration process outlined in this Article, on the status of the City's housing stock, including but not limited to:
 - i. Indicators of new residential construction, including the number of new building permits issued, new certificates of occupancy issued, and
 - ii. Indicators of the scope of property abandonment and home foreclosure in the city, and
 - iii. Indicators of code compliance, including total code violations, disaggregated by category, neighborhood, referrals to Housing Court and outcome, and
 - iv. Indicators of environmental hazards such as lead paint and the city's progress in limiting exposure to them, and
 - v. Other relevant indicators of the health and status of the City's housing stock as determined by the Director of Inspections and Standards.

- (a) Monies collected through the provisions of this article shall be expended for purposes related to improving the physical condition of the City's housing stock, including but not limited to expanding the availability of affordable housing units, abating nuisance properties or other related purposes as determined by the Director.

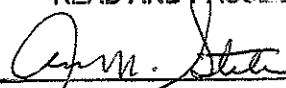
Sec. 10 – Rules & Regulations

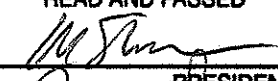

- (a) The Director and/or his/her designee shall promulgate rules and regulations to implement the provisions of this Article.

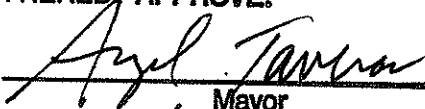
Sec. 11 – Severance Provision

- (a) If any section or portion of this ordinance is determined invalid or unconstitutional, that section or portion shall be deemed severable and all remaining sections or portions of this ordinance shall remain in full force and effect.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 01 2012
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
NOV 19 2012
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

I HEREBY APPROVE.

Mayor
Date: 11/28/12