

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 249

Approved May 7, 1981

WHEREAS, House Bill 81-H 5359 provides that City and Town Solicitors shall seek the penalties provided for violators of the Housing Maintenance and Occupancy Code,

NOW, THEREFORE, BE IT RESOLVED, That the Members of the City Council hereby endorse House Bill 81-H 5359, presently pending before the House Committee on Judiciary, relating to the House Maintenance and Occupancy Code.

IN CITY COUNCIL  
MAY 7 1981

READ AND PASSED

Ralph Fagnoli PRES.  
Donna Mendenhall CLERK

*Vincent A. Carina*  
Approved  
May 7-81

Councilman Easton

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1981

A N A C T

RELATING TO THE HOUSING  
MAINTENANCE AND OCCUPANCY  
CODE

Introduced By: Representative Cardente

Date Introduced: February 3, 1981

Referred To: House Committee on Judiciary

It is enacted by the General Assembly as follows:

1       SECTION 1. Section 45-24.3-18 of the General Laws in Chap-  
2       ter 45-24.3 entitled "The Rhode Island Housing Maintenance and  
3       Occupancy Code" is hereby amended to read as follows:  
4       45-24.3-18. Penalties-----District--court--jurisdiction----  
5       Review--by--Supreme-Court----Penalties - District Court Jurisdic-  
6       tion - Review by Supreme Court - Duties of Prosecutor. --  
7       (a) Civil penalty -- Any owner, occupant, operator or agent, of  
8       dwelling, dwelling unit, rooming unit, or structure who has  
9       received the second order or notice of a violation of this chap-  
10      ter shall be subject to a cumulative civil penalty of three  
11      dollars (\$3.00) per day for each day each violation continues  
12      after expiration of the specified reasonable consideration  
13      period; provided that no such penalty shall be applicable while a  
14      reconsideration, hearing or appeal to a court of competent juris-

1 diction is pending in the matter. In such instances where Emer-  
2 gencies exist pursuant to 45-24.3-21, any owner, operator, occu-  
3 pant or agent of a dwelling, dwelling unit, rooming unit, or  
4 structure shall be subject to a cumulative civil penalty of one  
5 hundred dollars (\$100.00) per day for each day emergency viola-  
6 tion continue.

7 (b) Criminal penalties. -- Willful or reckless violations;  
8 False statements. -- Any person who:

9 (1) willfully or recklessly violates any provision of this  
10 chapter; or

11 (2) wilfully or recklessly violates, or fails to comply  
12 with, any requirement of an order of the enforcing officer; or

13 (3) makes, or causes any other to make, any false or mis-  
14 leading statement on any registration statement, notice or other  
15 document required to be filed pursuant to this chapter, or on any  
16 application, or any accompanying document, for the granting of  
17 any permit or any other action by the appropriate authority pur-  
18 suant to this chapter, shall be guilty of a violation, as defined  
19 in 11-1-2, punishable by a fine of not less than ten dollars  
20 (\$10.00) nor more than five hundred dollars (\$500) for each such  
21 violation, and each day's failure to comply with any such provi-  
22 sion shall constitute a separate violation.

23 A person commits a willful violation when he intentionally  
24 acts or intentionally fails to act, to cause a condition that  
25 violates this chapter. A person commits a reckless violation when  
26 he acts, or fails to act, with a conscious disregard of a sub-  
27 stantial risk that the act or failure to act will result in a  
28 condition, constituting a violation of this chapter, which will  
29 endanger the life, health, or safety of another person. The dis-  
30 trict court shall have exclusive original jurisdiction of all  
31 such violations as provided in 12-3-1. A party aggrieved by any  
32 judgment of the district court imposing such fine may seek review  
33 by the Supreme Court in accordance with 12-22-1.1.

1        (c) The solicitor for a city or town shall immediately seek  
2        civil and criminal penalties as defined in subsections (a) and  
3        (b) hereof against an owner of premises subject to this chapter  
4        who does not reside on the premises.

5        SECTION 2. This act shall take effect upon passage.

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EH671  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO THE HOUSING  
MAINTENANCE AND OCCUPANCY  
CODE

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- 1        This act provides that city and town solicitors shall seek
- 2        the penalties provided for violators of the Housing Maintenance
- 3        and Occupancy Code.
- 4        The act would take effect upon passage.

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EH671  
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