



Providence Housing Court

Providence, R.I.

Susan E. McGuirl
Chief Justice

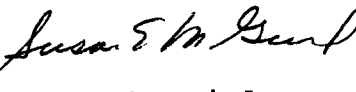
October 26, 1988

Rose M. Mendonca
City Clerk
City of Providence
348 Academy Avenue
Providence, RI 02903

Dear Ms. Mendonca:

Enclosed please find the first Annual Report of the Providence Housing Court for official filing with the Providence City Council.

Sincerely,

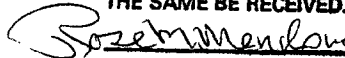

Susan E. McGuirl

SEM:lm
Enclosure

IN CITY COUNCIL

NOV 3 1988

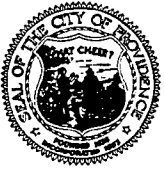
READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

 CLERK

FILED

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DEPT. OF CORR. CLERK
PROVIDENCE, R.I.



City of Providence
PROVIDENCE HOUSING COURT

209 FOUNTAIN STREET
PROVIDENCE, R.I. 02903
(401) 272-6555

Susan E. McGuirl
Chief Justice

Beverly E. Ledbetter
Associate Justice

PROVIDENCE HOUSING COURT

FIRST ANNUAL REPORT

The first annual report of the Providence Housing Court covers the period of time from October 6, 1987 to September 29, 1988. This report is prepared in compliance with the Providence City Ordinance which established a Housing Court for the City of Providence.

COURT SESSIONS

The Providence Housing Court scheduled four sessions a week. The Tuesday morning sessions were confined to formal matters, reviews and progress reports. Tuesday, Thursday afternoon and Wednesday nights were reserved for hearings. The Court held a total of 200 regular sessions during its first year. There were 9 special sessions held and 5 emergency sessions. A total of 4,234 matters were scheduled on the Court's calendars during the past year. The Court's Sessions lasted approximately three hours and 45 minutes each.

STATISTICS

The Providence Housing Court began with a back log of 1,101 cases that were transferred from the Rhode Island District Court and the Municipal Court. The Court reviewed each of the cases that were transferred from District Court and disposed of 981 of them. Forty of those cases are still presently active and 80 are pending inactive.

From October 1, 1987, through December 31, 1987, 168 new cases were filed. All of those were Housing Code cases. From January 1, 1988, through October 1, 1988, 725 new cases were filed with the Court. Six hundred seventy-four were Housing Code complaints, 48 complaints related to the Building Code and 3 resulting from violations of the Zoning Law. A total of 893 cases were filed with the Court in its first year. The Court had a total case load of 1,994 cases in its first year.

As of October 1, 1988, there were 499 active cases pending in the Providence Housing Court. Of those, 466 are Housing Code cases, 31 are Building Code cases and 2 are Zoning Law cases.

The 499 cases that were in an active status as of October 1, 1988, represent 25% of the Providence Housing Court's first year total caseload of 1,994 cases.

The Court completely resolved and dismissed 1,270 cases or 64% of its total caseload for 1987.

Each case once filed in the Providence Housing Court appears on the Court Calendar on at least two occasions and an average of 3.5 times (this results in the higher number of matters scheduled). Many appear more than twice if they enter the contempt stage or if the Court continues to monitor the progress of the work being done. Each case is scheduled for a proof of violation hearing after the complaint is filed with the Court. In 326 cases a hearing was held before the Court and an order entered by the Judge. In 281 cases, the city and property owner agreed on the work that was necessary to be done and the time needed to do it. The Court approved those consent orders. There were 402 cases scheduled for Progress Reports or reviews by the Court in order to monitor progress of work done.

There were 169 findings of contempt entered by the Court after hearing. The Court assessed \$12,525 in fines as result of its contempt findings. The Court also assessed costs on all cases filed for a total amount of 3,996.50. The Court has collected all but \$6,450.00 in fines and \$1,434.00 in costs. These 117 cases are considered Pending Inactive Cases as all the work has been completed and the violation have been abated. The case will not be dismissed until all monies are paid. The Court and the City have called \$17,905.00 in fines and costs in its first year.

There are 28 Body Attachments outstanding as of October 1, 1987. These are Body Attachments that were issued since the Court was established in October 1, 1987. There were 108 Body Attachments issued but all except 28 individuals have voluntarily appeared before the Court or have been brought in by the Providence Police. Only 3% of new cases filed, resulted in Body Attachments that are presently active.

There are a total of 225 cases in an inactive status in the Court files. There are 80 cases from those that were filed before October 1, 1987 and that are in this status due to pending Body Attachments or costs and fines.

There are 145 inactive cases from those filed after October 1, 1987. Of those, 28 have Body Attachments outstanding. In 117 cases the work is complete and violations abated but the Defendant owes costs or fines. These cases are being acted upon by the Providence Police on a priority basis assigned by the city attorneys.

There has been no appeals from any decision by this Court. One case was previously tried in the Rhode Island District Court and appealed to the Rhode Island Supreme Court and has been remanded to the Providence Housing Court.

One Defendant has been incarcerated as a result of contempt of the Court. The fines assessed by the Court range from \$5.00 to \$3,000.00.

COURT CONFERENCES

In order to review and evaluate the Court's first year, the Court held several conferences. Chief Justice Susan E. McGuirl and Associate Justice Beverly E. Ledbetter of the Providence Housing Court met with the Chief Judge and Judges of the Rhode Island District Court, attorneys who have appeared before the Court, property owners, neighborhood groups and city officials, in July, August and September of 1988.

MANAGEMENT

The court has adopted a computerized case management system. Each case, when filed in the Providence Housing Court is entered onto a computer system. All entries made onto the Court docket are also entered in the computer. Court calendars are now prepared one week in advance and are available for review.

The Court has also adopted a continuance calendar system. From the time the case is filed in the Providence Housing Court, the case continually and automatically appears on either the daily calendar or the status calendar to determine its progress as it moves through the court process.

In the next year the Court expects to be able to retrieve records on individual Defendant's and or particular property through the data that the Court has been complying since April when the Court adopted this computerized case management system.

The Court prepared some pre-printed forms for use in Court. Due to the success of these forms, especially for pro se Defendants, the Court will adopt a Form Practice with preprinted forms available for each of the Court proceedings.

COURTS PLANS FOR SECOND YEAR

The Court has adopted informal policies this past year concerning continuances of cases; the monitoring of Court cases; the payment of costs and fines; the issuance and execution of body attachments, and the transfer of property between property owners. Due to the success of these policies, the Court will adopt Formal Rules of Practice.

The Court will add at least one more session each week to handle the increasing number of Building and Zoning cases which will come before the Court.

The Court will appoint a committee to be headed by the Clerk of the Court to assist the Court in preparing a brochure that will explain the Providence Housing Court and its procedures. This brochure will serve as a guide to the Providence Housing Court and be available to members of the public and teachers in the Providence school system.

The Court will be making its calendar and the action taken on these cases available to local Providence newspapers. The

Providence Housing Court is a Court of public record and the Court believes that increased public awareness of the actions of the Court will act as an incentive to property owners to maintain their properties within city standards.

RECOMMENDATIONS

I. The Providence Housing Court is recommending that the Mayor appoint the Providence Partnership for Housing. One year ago the City set the standards for maintaining housing by the establishment of the Providence Housing Court. The new Court has addressed the City's concern about the condition of its housing and compliance with the Housing, Building, and Zoning Codes. The record of this first years shows proven success not only in the statistics generated, but in the neighborhood groups' recognition of the differences the Court has made and in the apparent change of attitude of property owners in the city. While these results are only a beginning, they are at least that - a beginning.

However, it would be irresponsible for us to ignore many other problems that we have seen and as a Court are not really able to resolve alone, without the efforts of other branches of government and those outside of governments with the same interest and abilities.

The housing stock in Providence is old and need of repair. There are many people especially among the city's elderly, that are not able to do the work necessary on their property. There are many property owners who are attempting to maintain and repair their property but need assistance to do so. While efforts are being made to try to address these problems, they are not able to successfully address the concerns of rehabilitating the city's housing stock, and at the same time maintain it affordability. We need to assist those responsible tenants and individuals that want to buy property and manage it responsibly.

Many of these people are not able to help themselves or do not know how to get help that may be available. Certainly, there are some programs available but it is difficult to find them. The Court has spent this summer attempting to determine what is available and we have not done so yet.

It is essential to get the people together who have knowledge of these problems and the ability to do something about them.

The Partnership must include government officials from all levels. We need to involve representatives from the neighborhood groups and housing advocacy groups. And it is crucial, due to financial limitations of government, that we involve those in the private sector who have the same interest in housing and building. (Banking and Insurance industry, builders, developers, realtors, and union officials). This group of people, who have

the same interest to maintain, improve and add to housing in Providence, has the ability to (1) determine what is now being done, (2) assess what needs to be done, and (3) decide what can be done and how it can be done.

The Partnership would begin work by December 1, 1988 and should complete its work in 6 months.

The Mayor and City Council in Providence, through the establishment of the Providence Housing Court have done more than any other city in the State of Rhode Island to address this crisis. Hopefully, in establishing this Partnership, we will present a model not only for the state, but for others elsewhere seeking answers.

II.

The Court is recommending that the City officials and attorneys research and consider the following changes to the City ordinances, regulations and State laws.

A. Require property owners in the city to present a home address, telephone number and some other form of permanent identification, such as a drivers license to city officials when purchasing property in the city.

B. Require property owners of residential rental property to supply the same information to city officials that the owner must give to tenants under the Rhode Island Residential Landlord Tenant Law.

C. Require all general partnerships to list the name and addresses of its partners and to name an agent for service when property is purchased by the general partnership.

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