

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1987 - 29

No. 573 **AN ORDINANCE** ESTABLISHING A HOUSING COURT
FOR THE CITY OF PROVIDENCE, AS AMENDED.

Approved September 17, 1987

Be it ordained by the City of Providence:

SECTION 1. Chapter 8.1 is hereby added to the Code of Ordinances of the City of Providence and reads as follows:

"CHAPTER 8.1 HOUSING COURT"

8.1-1. Short Title. This chapter shall be known and may be cited as "The housing court act."

8.1-2. Purpose of chapter. This chapter shall be liberally construed to the end that all the people be housed in dwellings that are safe, sanitary and fit for human habitation; and that levels of residential environmental quality be achieved and maintained as will protect and promote the health, safety and general welfare of the people of the City of Providence.

8.1-3. Establishment of court - jurisdiction - seal - oaths. There is hereby established a housing court, consisting of a chief judge and one (1) associate justice to hear and determine all actions brought before it by the enforcing officer concerning violations of state and local housing laws and ordinances and all actions brought for the prevention thereof, and to hear and determine any other action brought to promote, protect or enhance the residential environmental quality of the people.

The Housing Court shall commence October 1, 1987. Upon commencement the Housing Court shall assume jurisdiction over all matters then pending in District Court, or remanded to District Court pursuant to Court Order.

No.

CHAPTER

AN ORDINANCE

The housing court shall be a court of record and shall have a seal which shall contain such words and devices as the court shall adopt.

The judges, housing court administrator and clerks of the housing court will have the power to administer oaths and affirmations.

8.1-4. Powers of housing court. The housing court shall be a court of citywide jurisdiction; and no order, decree, judgment, sentence, warrant, writ or process made, issued or pronounced by it need set out any adjudication or circumstances with greater particularity than would be required in courts of superior and general jurisdiction. The writs, subpoenas, citations, orders, notices, executions and all other processes issued by the housing court shall be under the seal of the housing court, signed by the housing court administrator, or an assistant clerk and bear the signature of the judge or a justice of the housing court and shall run throughout the state.

In all matters within its jurisdiction, the housing court shall have equity powers, including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require and including the power to order a dwelling into receivership pursuant to Section 34-44-3.

8.1-5. Sessions. The housing court shall conduct business in Providence Monday through Friday and shall be in session at least three times per week at such times and under such conditions as the chief judge of the housing court may from time to time direct. This court shall meet not less than twice per month for evening sessions.

8.1-6. Housing court registry. Within the housing court there shall be a registry, to be administered by the housing court administrator, which shall receive and disburse all payments made by direction of the court, voluntary payments, and those made pursuant to the minimum standards housing ordinances; which shall be regularly promptly paid over to the City Treasurer.

8.1-7. Tenure of justice - filling of vacancy. The justices of the housing court shall be appointed by the Mayor with approval of the City Council and upon the Oath of Office administered by the Mayor for a term of three (3) years and shall hold office during good behavior as provided for by Section 1206 of the Providence Home Rule Charter. The initial appointments, however, shall expire on the first Monday of January, 1989 for the associate justice and the first Monday of January, 1990 for the chief justice.

8.1-8. Administration of operation of housing court. The chief judge of the housing court shall be administrative judge of said court and shall be the head of said court and have supervision and control of the calendars and the assignment of justices. All court stenographers and secretaries shall be under the supervision of the chief judge whose duty it shall be to gather such statistics as shall reflect accurately the work of the court, for the information of the court and such other use as may be deemed expedient. The chief judge shall also be charged with general responsibility for any recommendations that may be important for the work of said court or any officers in any way connected therewith.

8.1-9. Rules of practice and procedure. The housing court, through its chief justice may from time to time, make and promulgate rules for regulating practice and conducting business therein. In all matters wherein the housing court is authorized or directed to make or promulgate rules, said court shall have the authority, until such time as such rules may be promulgated, to provide by order in special cases.

8.1-10. Housing Court Administrator. There shall be a Housing Court Administrator for the City of Providence, who shall be appointed by the Mayor and upon the Oath of Office administered by the Mayor for a term not to exceed four (4) years and shall hold office during good behavior as provided for by Section 1206 of the Providence Home Rule Charter.

8.1-11. Vacancy in office of Housing Court Administrator. In case of a vacancy in the office of Housing Court Administrator, from any cause, the Mayor shall appoint some person to fill such vacancy for the unexpired term, and until their successor is appointed and qualified.

8.1-12. Bond of Housing Court Administrator and Clerk. The clerks of the housing court shall, before entering upon the duties of their office, give bond to the treasurer in a sum to be fixed by said treasurer, not less than Two Thousand (\$2,000.00) Dollars, nor more than Ten Thousand (\$10,000.00) Dollars, with surety satisfactory to them in form approved by the City Solicitor, conditioned faithfully to discharge the duties of their office according to law.

8.1-13. Authority and duties of clerks. In addition to any other authority or duties provided by this chapter, the housing court administrator and clerk shall have the authority and carry out the duties with respect to the housing court that are exercised or performed by the clerks of the district courts in housing matters.

8-1.14. Report of trials - transcripts. A court stenographer, except where a tape recording device is employed, shall report stenographically the proceedings in the trial of every action or proceeding in the housing court. If ordered to do so by the judge, the stenographer shall transcribe the report and file same with the papers in the case. The stenographer shall also make a transcript of the whole or any part of such report upon the written request filed with the clerk, by either party to such action or proceeding; and when completed and within the time limited by the court for filing the same, shall immediately deliver the same to the party ordering it, to the attorney of record of such party and for such service shall be paid a reasonable compensation to be allowed by the court; and in case the transcript is used in subsequent proceedings in the cause, the cost of the same may be allowed as part of the costs.

8.1-15. Appeal. Any party aggrieved by a final judgment, decree, or order of the court, may within twenty (20) days, petition the supreme court of Rhode Island for a writ of certiorari to review any errors of law involved. The petition for a writ of certiorari shall set forth the errors of law claimed by the petitioner.

Upon the filing of a petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue a writ of certiorari to the housing court to certify to the supreme court the record of the proceedings in the case together with any transcript of the proceeding furnished by the petitioner at their expense.

8.1-16. Annual appropriations. The City Council shall annually appropriate such sums as shall be necessary to carry out the purposes of this chapter; and the city controller is hereby authorized and directed to draw their order on the treasurer for the payment of such sum, or so much thereof as may be required from time to time, upon receipt by them of duly authenticated vouchers approved by the chief judge of the housing court.

SECTION 2. SEVERABILITY. If any provision of this chapter, or the application thereof to any person or circumstance, is held unconstitutional or otherwise held invalid by a court of competent jurisdiction, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby. The invalidity of any section or sections or any part of any section or sections of this chapter shall not affect the validity of the remainder of this chapter.

SECTION 3. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
SEP 3 1987
FIRST READING
READ AND PASSED, *as amended*

Rose M. Mendonca CLERK

IN CITY COUNCIL
SEP 17 1987
FINAL READING
READ AND PASSED

Richard W. Easton
PRESIDENT
Rose M. Mendonca
CLERK

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance

, as amended

Rose M. Mendenhall
Clerk **Chairman**

September 31, 1987

APPROVED
SEP 1 1987
[Signature]
MAYOR

[Signature] 8:43 PM

Y110 MI
CONCIT
IN CITY

READ AND SIGN
YOUR RECORD