

CHAPTER 2021-201

No. 241 AN ORDINANCE AMENDING CHAPTER 13, OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "HOUSING" TO ADD ARTICLE VII - "SECURITY IN HOUSING DEVELOPMENT FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES"

Approved June 1, 2021

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 13, "Housing," is hereby amended by adding an article, to be numbered VIII, which reads as follows:

ARTICLE VIII. - SECURITY HOUSING DEVELOPMENTS FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES

Sec. 13-57. - Definitions.

Building entrance shall mean an entrance providing access from outside the building or from an entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.

Building permit shall mean a permit granted by the Department of Inspection and Standards for the construction of any building or for any substantial alteration or addition thereto, as provided under the Rhode Island Building Code.

Dwelling unit means a structure or part of a structure that is designed or intended to be used as a home, residence, or sleeping place by one or more persons.

Elderly person shall mean any person who is at least sixty-two (62) years of age.

Elderly/disabled multi-family housing development shall mean any building, structure, development, or complex of ten (10) or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Providence, which is specifically designed or designated for rental by elderly or disabled persons.

Landlord shall mean the individual who holds title to any elderly/disabled multi-family housing development including, without limitation, a partnership, corporation, or trust. For purposes of this section, the rights and duties of the landlord hereunder shall be the obligation of anyone who manages, controls, or customarily accepts rent on behalf of the landlord.

Person with a disability shall mean any person with any condition or characteristic whether physical or mental which renders them disabled as defined by 42 U.S.C. § 12102, commonly referred to as the "Americans with Disabilities Act of 1990."

Safety officer shall mean a police officer of the City of Providence, or a special police officer appointed pursuant to applicable law to protect persons or property in public or subsidized housing, or a person employed as a guard or investigator by a duly licensed watch, guard, or patrol agency.

Security plan shall mean a plan for providing security for the tenants of an elderly/disabled multi-family housing development, based upon a crime prevention survey, which meets the criteria set forth in section.

Tenant shall mean a tenant, subtenant, lessee, sublessee, or other person, entitled under the terms of a rental housing agreement to the use and occupancy of any dwelling unit in an elderly/disabled multi-family housing development.

Sec. 13-58. - Security Requirements for Elderly/Disabled Multi-family Housing Developments.

Every landlord of an elderly/disabled multi-family housing development shall maintain and implement a security plan for such housing development. Said security plan shall utilize best practices to provide security for the tenants of the development through the implementation of existing and/or new security measures including, but not limited to, lighting, locks on resident's doors (whether keyed or keyless), safety officers, security stations, security systems, or other equipment, personnel, or programs. The security plans for elderly/disabled multi-family housing developments shall be reviewed and updated by the landlord at least once every three (3) years. All such plans shall comply with the Rhode Island State Building Code, as amended from time to time.

A copy of the security plan for each elderly/disabled multi-family housing development shall be maintained at each development so as to be made available for inspection by the Providence Police Department to ensure compliance with the provisions of this Article. In addition, a copy of the security plan for each development shall be filed with the Department of Public Safety.

Sec. 13-59. - Protection from Rent Increases.

Additional costs incurred by landlords in complying with the requirements of this Article and implementing security measures additional to those already provided or required in such developments shall not be passed on to tenants of elderly/disabled multi-family housing developments unless the landlord has exhausted all reasonable alternatives to the passing on of such costs. In pursuing such alternatives, the landlord shall use best efforts to seek and obtain such funding, grants, or donations of funds, equipment, or services, as may lessen or eliminate. The costs incurred in complying with the requirements of this section and implementing security measures additional to those already provided or required may be considered to be reasonable or necessary operating or capital expenses in any application for additional subsidy or financing from the United States, the State of Rhode Island, or any authority created under the laws thereof.

Sec. 13-60. - Enforcement.

The Providence Police Department may perform inspection audits of the security plan and/or the elderly/disabled multi-family housing development at any time.

The Providence Police Department shall annually perform random inspections for security plan compliance of no less than fifty (50) percent of the elderly/disabled multi-family housing developments located in the City of Providence.

If, upon inspection, the Providence Police Department determines that a landlord has failed to comply with the provisions of this Article by reason of:

- a. Failure to maintain a security plan for inspection;
- b. Non-compliance with the security plan requirements for the development; or
- c. Deficiency in the level of security provided by said plan;

The Providence Police Department shall issue a written notice to the landlord outlining the basis for the finding of noncompliance along with an order mandating full compliance with this Article within thirty (30) days. In the event a landlord wishes to appeal a determination of noncompliance by the Providence Police Department, the landlord may file such an appeal with Providence Housing Court.

Upon the expiration of the thirty (30) day compliance period, the landlord of a housing development still in violation of the order shall be subject to a fine of one hundred fifty (\$150.00) dollars per day, effective from the date of issuance of the notice of noncompliance. Tenants and/or tenant organizations of elderly/disabled multi-family housing developments shall have the right to request investigation by the Providence Police Department if they believe that their landlords have failed to comply with the provisions of this Article.

Sec. 13-61. - Non-liability of the City of Providence.

The provisions of this section shall not be construed to establish any duty on the part of the City of Providence and/or the Providence Police Department and its members greater than the City's general public duty to protect its citizens' health, safety, security, and well-being. No determination by the Providence Police Department as to the adequacy of a landlord's security measures shall be construed as a warranty or guarantee of such security, and the sole responsibility for insuring that security measures are adequate to protect tenants from foreseeable harm or risk shall rest and remain with the owner of such property.

Sec. 13-62. - Severability.

Nothing herein shall be deemed to supersede federal law or rules and regulations concerning federally subsidized housing. The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions which shall remain in full force and effect.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
MAY 6 2021
FIRST READING
READ AND PASSED

Shan Keller CLERK

IN CITY COUNCIL
MAY 20 2021
FINAL READING
READ AND PASSED

John J. Iglizzi AS Amended
JOHN J. IGLIOZZI, PRESIDENT
Shan Keller CLERK

I HEREBY APPROVE.

[Signature]
Mayor

Date: 6/1/21